

立法會
Legislative Council

LC Paper No. LS59/05-06

**Paper for the House Committee Meeting
on 21 April 2006**

**Legal Service Division Report on
Proposed Resolution under section 7(a) of the Legal Aid Ordinance (Cap. 91)**

The Chief Secretary for Administration (“the Chief Secretary”) has given notice to move a motion at the Legislative Council meeting to be held on 3 May 2006 to seek the Legislative Council’s approval of the upward adjustment of the financial eligibility limits of legal aid applicants.

2. Under section 5 of the Legal Aid Ordinance (“the Ordinance”), a person whose financial resources do not exceed \$155,800 is eligible for legal aid under the Ordinary Legal Aid Scheme (“OLAS”). Under section 5A of the Ordinance, a person whose financial resources exceed \$155,800 but do not exceed \$432,900 is eligible for legal aid under the Supplementary Legal Aid Scheme (“SLAS”). Section 7 of the Ordinance provides that the Legislative Council may by resolution amend the amounts of financial resources specified in these two sections and the existing amounts of financial resources were specified in January 2004.

3. According to the draft speech by the Chief Secretary, the cumulative increase in Consumer Price Index (“CPI”) for the period from July 2004 to July 2005 is 1.6%. To maintain the real values of the financial eligibility limits, the Administration proposes to adjust upwards the limit for OLAS from \$155,800 to \$158,300 and that for SLAS from \$432,900 to \$439,800 in accordance with the cumulative increase in consumer prices.

4. The Panel on Administration of Justice and Legal Services was briefed on the outcome of the 2005 annual review of the financial eligibility limits of legal aid applicants at its meeting on 23 January 2006. The Administration proposed to adjust the limit for OLAS from \$155,800 to \$158,300, and that for SLAS from \$432,900 to \$439,800. The Panel had no objection to the proposed increases.

5. In the light of the comments made by the Hong Kong Bar Association, the Panel had discussed three different methodologies for calculating the revised limits and the Administration undertook to give further consideration to the methodologies used. The Administration had subsequently advised the Panel in writing that having carefully considered the three methodologies, it proposed to maintain the status quo, i.e. to

continue to adjust the limits to reflect CPI changes over the two-year period from July 2003 to July 2005. The Administration's response was circulated to the Panel for reference on 20 March 2006 (LC Paper No. CB(2)1471/05-06(01)).

6. This resolution, if passed by the Legislative Council, shall come into operation on a day to be appointed by the Director of Administration by notice published in the Gazette.

7. No difficulties in relation to the legal and drafting aspects of the resolution have been identified.

Prepared by

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