

**Paper for LegCo Panel on
Administration of Justice and Legal Services**

**Follow-up to meeting on 26 February 2007
Legal aid in Coroners' Inquest**

I. Background of the Case

1. On 2.2.2007, the mother of Tsui Po Ko, deceased ('the mother') applied for legal aid for legal representation at the Coroners' Inquest into the death of the deceased and three other persons. The Inquest was scheduled to take place between 26.2.2007 and 20.4.2007.
2. In accordance with Section 10 of the Legal Aid Ordinance, to be eligible for legal aid, the mother had to satisfy both the merits and the means tests.

II. Grounds on which the mother's legal aid was refused

3. Based on the information provided, the mother was assessed to be over on means. Her legal aid application was refused on 6.2.2007.

III. Criteria and purpose of granting legal aid for proceedings in Coroners' Court

4. Part I of Schedule 2 of the Legal Aid Ordinance Cap. 91 provides that legal aid may be granted for the following proceedings:

“3. Inquests into deaths under the Coroners Ordinance (Cap. 504) where, following a request for legal aid in that behalf by the family of the deceased person concerned, the Director is of the opinion that the interests of public justice require that legal aid be given.”
5. Regulation 15A of the Legal Aid Regulations Cap. 91A provides that legal aid may be granted to the surviving spouse, child, father, mother, brother or sister of the deceased. Furthermore, if the Director is satisfied that there is no person from the above category to whom legal aid can be granted, he may grant legal aid to any other person who may reasonably be regarded as a surviving close relative of the deceased if it is appropriate to do so.

6. The purpose of granting legal aid for proceedings in Coroners' Court is to render legal assistance to the next of kin of the deceased involving cases of great public concern, regardless of whether claims for damages are involved. For instance, the Department has in the past granted legal aid to the next of kin of deceased in inquests involving death in custody, a deceased who had contracted rabies aboard and sought treatment from public hospital in Hong Kong.
7. The Director was satisfied that in Tsui's case the interests of public justice require that legal aid be given to any of the qualified persons under Regulation 15A and that includes the mother provided she passes the means test. After she was assessed to be over on means, the Department explained to her that in order for the family of the deceased to be legally represented at the inquest, fresh application could be made by any of the qualified persons stipulated in Regulation 15A of the Legal Aid Regulations. The Department received an application for legal aid from another person on 14.2.2007. The applicant later withdrew the application before the Department could carry out a means test.
8. The Department received no further applications for legal aid from other persons.

Legal Aid Department

Date : 15 March 2007

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