

**For information
On 28 May 2007**

Panel on Administration of Justice and Legal Services

**Re-organisation of the Government Secretariat:
Proposed transfer of the legal aid portfolio to the Home Affairs Bureau**

PURPOSE

This paper elaborates on the implications of the proposed transfer of the legal aid portfolio from the Administration Wing of the Chief Secretary for Administration's Office (the Administration Wing) to the Home Affairs Bureau (HAB).

THE PROPOSED TRANSFER

2. At present, the responsibilities of formulating legal aid policy and overseeing the implementation of various legal aid schemes by the Legal Aid Department (LAD) rest with the Administration Wing. In meeting those responsibilities, the Director of Administration (AOSGA) (D6) is underpinned by the Deputy Director of Administration (2) (AOSGB) (D3), who is in turn supported by Assistant Director of Administration (2) (AOSGC) (D2) and Assistant Secretary of Administration (2) (AO).

3. Legal aid is a stand-alone policy subject that is getting increasingly detailed and complex. Accordingly, the Administration considers it appropriate to place the subject on par with other equally important policies, viz. under a Director of Bureau. Taking into account the fact that legal aid involves the provision of services to the community, the Administration intends to place the portfolio within the purview of HAB.

4. Led by the Secretary for Home Affairs and underpinned by the Permanent Secretary (AOSGA1) (D8), who is in turn supported by Deputy Secretary for Home Affairs (1) (AOSGB1) (D4), the HAB would be able to offer enhanced policy support to legal aid issues compared with the current set-up in the Administration Wing. To ensure continuity, both the AOSGC (D2) and the AO posts, as well as the incumbents, will

be transferred along with the re-organisation to the HAB on 1 July 2007. Prior to the transfer of the portfolio, the Administration Wing will continue its best efforts to take forward the various reviews under way, including the review on criminal legal aid fees and the five-yearly review on the criteria for assessing the legal aid financial eligibility limits, etc.

5. The proposed transfer of the portfolio reflects a re-distribution of responsibilities within the Government Secretariat. Policy responsibility for LAD will be transferred to HAB from Administration Wing, both under the charge of the Chief Secretary for Administration. The transfer will not affect LAD's discharge of its statutory duties and its operation. The transfer will also not affect the statutory role of the Legal Aid Services Council, which is to advise the Chief Executive on legal aid policy and to supervise the provision of legal aid services provided by LAD.

Administration Wing
Chief Secretary for Administration's Office

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