

立法會
Legislative Council

LC Paper No. LS18/07-08

**Paper for the House Committee Meeting
on 30 November 2007**

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

The Secretary for Home Affairs (the SHA) has given notice to move a motion at the Legislative Council's meeting to be held on 12 December 2007 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 (Cap. 91) (the Ordinance), a person whose financial resources do not exceed \$162,300 is eligible for legal aid under the Ordinary Legal Aid Scheme (OLAS). The limit for the OLAS also applies to criminal legal aid under rule 4(1) of the Legal Aid in Criminal Cases Rules (Cap. 221 sub. leg. D). Under section 5A of the Ordinance, a person whose financial resources exceed \$162,300 but do not exceed \$450,800 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 May 2007 (L.N. 77 of 2007).

3. According to the draft speech by the SHA, the cumulative increase in Consumer Price Index (C) (CPI(C)) for the period from July 2005 to July 2007 is 2.1%. To maintain the real values of the financial eligibility limits, the Administration proposes to adjust upwards the limit for OLAS from \$162,300 to \$165,700 and that for SLAS from \$450,800 to \$460,300 in accordance with the cumulative increase in consumer prices.

4. The Administration's letter on the outcome of the regular annual review of the financial eligibility limits of legal aid applicants was issued to the Panel on Administration of Justice and Legal Services vide LC Paper No. CB(2)367/07-08 on 15 November 2007. Members agreed that it was not necessary for the Panel to discuss the Administration's proposal to increase the limits as it was a regular routine exercise to take account of CPI(C) changes.

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

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