

政府總部
民政事務局

香港灣仔
軒尼詩道一百三十號
修頓中心三十一樓



**GOVERNMENT SECRETARIAT
HOME AFFAIRS BUREAU**

31ST FLOOR, SOUTHERN CENTRE,
130 HENNESSY ROAD,
WAN CHAI,
HONG KONG.

Your Ref.: CB2/PL/MP
Our Ref.: HAB/CR 19/1/53

Tel No.: 2835 1233
Fax No.: 2591 6002

18 July 2008

Mrs Sharon Tong
Clerk to the Panel on Manpower
Legislative Council Building
8 Jackson Road
Hong Kong

By Fax: 2509 0775

Dear Mrs Tong,

Panel on Manpower

Thank you for your letter dated 11 July 2008 which conveyed Members' wish to know the reasons for granting the power to the Director of Legal Aid ("DLA") to waive the upper limit of the means test in cases of a breach of human rights obligations.

In Hong Kong, human rights are fully protected by law. The legislative safeguards are enshrined in the Basic Law, the Hong Kong Bill of Rights Ordinance ("HKBORO"), and other relevant ordinances. They are buttressed by the rule of law and an independent judiciary.

Under Section 5AA of the Legal Aid Ordinance, DLA is granted the power to waive the upper limit of the means test in meritorious applications where a breach of the HKBORO or an inconsistency with the International Covenant on Civil and Political Rights as applied to Hong Kong is an issue. Such power is granted as a matter of human rights consideration.

Yours sincerely,

A handwritten signature in cursive script, appearing to read "Christine".

(Miss Christine Chow)
for Secretary for Home Affairs

c.c. SLW
SCMA
DLA
C for Labour
DoJ