

立法會
Legislative Council

LC Paper No. CB(3) 318/08-09

Ref : CB(3)/M/MM

Tel : 2869 9205

Date : 30 January 2009

From : Clerk to the Legislative Council

To : All Members of the Legislative Council

Council meeting of 11 February 2009

**Motion on
“Relaxing the eligibility criteria for legal aid”**

Dr Hon Priscilla LEUNG Mei-fun has given notice to move the attached motion on “Relaxing the eligibility criteria for legal aid” at the Council meeting of 11 February 2009. The President has directed that “it be printed in the terms in which it was handed in” on the Agenda of the Council.

(Mrs Justina LAM)
for Clerk to the Legislative Council

Encl.

(Translation)

**Motion on “Relaxing the eligibility criteria for legal aid”
to be moved by Dr Hon Priscilla LEUNG Mei-fun
at the Legislative Council meeting
of Wednesday, 11 February 2009**

Wording of the Motion

That, as the high litigation fees in Hong Kong are beyond the means of the middle class in general, in particular cases for which appeals may be lodged to the Court of Final Appeal where the litigation fees incurred are often astronomical, it is not uncommon that middle-class people go bankrupt because of their involvement in legal proceedings, hence the provision of appropriate legal aid services to such middle-class people is very important; however, under section 5 of the existing Legal Aid Ordinance (Cap. 91), the asset limit for legal aid applicants is \$165,700, which is far below the actual need, rendering the majority of the middle class being excluded from the protection net of legal aid; if involved in litigation, the middle-class people are neither able to pay the high lawyer fees on their own nor eligible to apply for legal aid, they are therefore deprived of judiciary justice; on the other hand, the existing legal aid services only cover litigation cases in Hong Kong, and over the past two decades, a large number of Hong Kong permanent residents have been working and living in the Mainland, and it is very likely that they may get involved in legal proceedings in their daily lives, business operation or work, but they have nowhere to turn to for any legal assistance; in this connection, this Council urges the Government to:

- (a) conduct a comprehensive review on the existing legal aid system;
- (b) relax the asset limit for legal aid applicants (including that for the Supplementary Legal Aid Scheme) to a reasonable level so that more people in need are eligible to apply for legal aid; and
- (c) extend the scope of the existing legal aid services to cover litigation cases in the Mainland involving Hong Kong permanent residents who are in the Mainland.