

立法會
Legislative Council

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Tel : 2869 9205

Date : 7 May 2009

From : Clerk to the Legislative Council

To : All Members of the Legislative Council

Council meeting of 27 May 2009

**Proposed resolution under
the Legal Aid Ordinance**

Further to LC Paper No. CB(3) 508/08-09 issued on 23 April 2009, the Secretary for Home Affairs has given notice to move a proposed resolution at the Council meeting of 27 May 2009 under the Legal Aid Ordinance. The President has directed that “it be printed in the terms in which it was handed in” on the Agenda of the Council.

2. The proposed resolution is attached for Members’ consideration. The speech, in both English and Chinese versions, which the Secretary for Home Affairs will deliver when moving the proposed resolution, is also attached.

(Mrs Justina LAM)
for Clerk to the Legislative Council

Encl.

LEGAL AID ORDINANCE

RESOLUTION

(Under section 7(a) of the Legal Aid Ordinance (Cap. 91))

RESOLVED that the Legal Aid Ordinance (Cap. 91) be amended –

- (a) in section 5(1), by repealing “\$165,700” and substituting “\$175,800”;
- (b) in section 5A(b) –
 - (i) by repealing “\$165,700” and substituting “\$175,800”;
 - (ii) by repealing “\$460,300” and substituting “\$488,400”.

(Translation)

**Speech by the Secretary for Home Affairs
in the Legislative Council on 27 May 2009**

**Resolution under section 7(a)
of the Legal Aid Ordinance (Cap. 91)
Financial Eligibility Limits of the Legal Aid Applicants**

President,

I move the Resolution standing in my name on the agenda.

In accordance with section 5 and 5A of the Legal Aid Ordinance, a person whose disposable financial resources do not exceed \$165,700 is financially eligible for legal aid under the Ordinary Legal Aid Scheme. The corresponding limit for the Supplementary Legal Aid Scheme is \$460,300. The above-mentioned limit for the Ordinary Scheme also applies to criminal legal aid. The Administration reviews the limits annually to take into account movements in consumer prices, so as to maintain the real value of the limits.

We last increased the limits by 2.1% in 2007 to reflect the change in Consumer Price Index (C) recorded during the reference period of the 2007 annual review.

We have recently completed the 2008 annual review. The increase in Consumer Price Index (C) between July 2007 and July 2008 is 6.1%. We now propose the Resolution to adjust upward the limit for the Ordinary Scheme from \$165,700 to \$175,800, which will also apply to criminal legal aid and that for the Supplementary Scheme from \$460,300 to \$488,400, in accordance with the 6.1% increase in consumer price index.

The Legislative Council House Committee had set up a subcommittee to scrutinize the proposed amendments. We note that some members had other views on the financially eligible limits of legal aid applicants, however, members agreed that we should proceed to

amend the legislation to adjust the limits in accordance with inflation. I will like to thank subcommittee members for their view on the matters.

I invite Members to support the Resolution.