

**For Information  
20 October 2008**

**LegCo Panel on Administration of Justice and Legal Services  
Policy Initiatives of Home Affairs Bureau**

**Introduction**

This note highlights policy initiatives concerning legal aid under the portfolio of Home Affairs Bureau (HAB) and our plan to brief the Panel in this legislative session.

**Five-yearly Review of the Criteria for Assessing the Financial Eligibility of Legal Aid Applicants**

2. The legal aid policy objective is to ensure that no one with reasonable grounds for taking or defending legal action in the Hong Kong court is prevented from doing so because of a lack of means. The two cardinal criteria for granting legal aid are namely the means test and the merits test. Since 1997, the Administration conducted a number of reviews on the overall approach towards assessing the financial eligibility of legal aid applicants.

3. The Administration briefed the Panel on the progress of the present five-yearly review on 26 May 2008. HAB and the Legal Aid Department are formulating concrete proposals on the possible options, with a view to consulting the Legal Aid Services Council and the Panel in the first quarter of 2009.

**Review of the Criminal Legal Aid Fee System**

4. With a view to achieving general compatibility of the criminal legal aid fee system with the prosecution fees regime adopted by the Department of Justice and at the same time providing reasonable and effective remuneration for the assigned lawyers within the remits of public affordability, the Administration is reviewing the system with the Hong Kong Bar Association, the Law Society of Hong Kong (the Law Society) and the Judiciary.

5. In February this year, we reported to this Panel that a broad consensus had been reached with the two legal professional bodies on the proposed fee structure.

6. As regards the issue of rates, we invited the Law Society to continue to discuss the issue with the Administration last year, and the Law Society responded in December 2007 reiterating its concern over the current rates, and it made a proposal on adjusting the level of the rates at the Panel meeting in February this year.

7. We are considering the possible financial and other implications of the proposal of the Law Society. We will give further response to the Law Society in respect of the rates proposed before the end of this year. Depending on the progress of our negotiation with the Law Society, we will revert to the Panel as soon as practicable.

#### **Extension of Legal Aid to cover Mediation in Legally-Aided Matrimonial Cases**

8. We briefed the Panel on the proposal to extend legal aid to cover mediation in legally aided matrimonial cases on 23 June 2008. The Panel supported the Administration's proposal. We aim to introduce a bill to the Legislative Council in mid-2009 to amend the Legal Aid Ordinance.

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