

For information

**Panel on Administration of Justice and Legal Services
Legal Aid in Criminal Cases Rules**

This paper sets out the Administration's preliminary response to the proposal from the Hong Kong Human Rights Monitor (HKHRM) for amending the Legal Aid in Criminal Cases Rules (Cap. 221D) to allow for legal aid to be granted in cases considered by the Court of Final Appeal (CFA) which do not involve a conviction.

Background

2. Rule 4 of Cap. 221D sets out the categories of cases for which legal aid may be granted, subject to an applicant's eligibility on means and merits. Under Rule 4(1)(h), legal aid can only be granted to a person convicted of any offence for appeal to, or application for leave to, the CFA and any proceedings preliminary or incidental thereto.

3. In a letter addressed to the Legal Aid Services Council (LASC) on 14 April 2009, the HKHRM proposes that legal aid should be made available for CFA cases even though they do not involve conviction.

The Administration's Preliminary Response

4. We note the proposal of the HKHRM, and will examine it carefully taking into account the views of the LASC in considering the way forward. The matter warrants a thorough examination of implications arising from such proposed amendment of the existing legislation.

Home Affairs Bureau
Legal Aid Department
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