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Panel on Administration of Justice and Legal Services

**Updated background brief prepared by the Legislative Council Secretariat
for the meeting on 24 May 2010**

**Five-yearly review of the criteria for assessing
the financial eligibility of legal aid applicants**

PURPOSE

This paper provides background information and summarizes the discussions of the Panel on Administration of Justice and Legal Services on various issues relating to the current five-yearly review of criteria for assessing the financial eligibility of legal aid applicants, including the most recent development and Panel discussions as highlighted in italics.

GOVERNMENT'S POLICY OBJECTIVE

2. According to Article 35 of the Basic Law, Hong Kong residents shall have the right to confidential legal advice, access to the courts, choice of lawyers for timely protection of their lawful rights and interests or for representation in the courts, and to judicial remedies. Article 14(1) of the International Covenant on Civil and Political Rights ("ICCPR") guarantees all individuals the right to a fair hearing in both criminal and civil proceedings (which involves the determination of an individual's civil rights and obligations). Article 14(3) further provides that a person charged with criminal offence shall be entitled to "have legal assistance assigned to him, in any case where the interests of justice so require, and without payment by him if he does not have sufficient means to pay for it." The Hong Kong Bill of Rights Ordinance (Cap. 383) ("HKBORO") incorporates into Hong Kong law the provisions of ICCPR as applied to Hong Kong.

3. The Government's policy objective on legal aid is to ensure that no one with reasonable grounds for taking legal action in the Hong Kong courts is prevented from doing so because of a lack of means.

THE LEGAL AID SYSTEM

Legal aid framework

4. The Legal Aid Ordinance (Cap. 91) ("LAO"), enacted in 1967, sets out the legal framework for the administration of legal aid. Legal aid is provided by the Legal Aid Department ("LAD") under the Ordinary Legal Aid Scheme ("OLAS") and the Supplementary Legal Aid Scheme ("SLAS"). Legal aid will be granted to applicants who satisfy the means test and the merits test.

5. The Legal Aid Services Council ("LASC") was set up on 1 September 1996 under the Legal Aid Services Council Ordinance (Cap. 489) to supervise the provision of legal aid services in Hong Kong provided by LAD and to advise the Government on legal aid policy.

OLAS

6. To qualify for legal aid for civil proceedings under OLAS, an applicant's financial resources must not exceed \$175,800. An aided person may be required to make a contribution towards the cost of legal representation if, on a determination of his financial resources, he should be able to do so. The Director of Legal Aid ("DLA") may waive the limit in meritorious cases involving a possible breach of HKBORO or an inconsistency with ICCPR.

7. To qualify for legal aid in criminal cases, an applicant's financial resources should not exceed \$175,800. An applicant charged with murder, treason or piracy with violence may apply to a judge for exemption of means test and of payment of contribution. DLA has the discretion to grant legal aid in criminal cases to an applicant whose financial resources exceed \$175,800 if he is satisfied that it is desirable in the interests of justice to do so subject to payment of a contribution, if required.

SLAS

8. SLAS is a self-financing scheme introduced in 1984. The scheme was limited initially to cover claims for damages for personal and fatal injuries. It was subsequently extended to cover employees' compensation claims in 1992 and medical, dental as well as legal professional negligence in 1995. Its current scope covers cases of personal injury or death, medical, dental and legal professional negligence where the claim is likely to exceed \$60,000. It also covers claims under the Employees' Compensation Ordinance (Cap. 282) irrespective of the amount of claim. The scheme is available to those whose financial resources exceed \$175,800 but do not exceed \$488,400. The costs of the scheme are met from the Supplementary Legal Aid Fund, which is financed by the applicants' contributions and damages or compensation recovered.

PANEL DISCUSSIONS RELEVANT TO THE CURRENT FIVE-YEARLY REVIEW

Need for a fundamental review

9. After its review of the provision of legal services in 2001, the Panel requested the Administration to conduct a fundamental review on the objective, adequacy and effectiveness of the existing legal aid system with a view to enhancing the accessibility of legal aid services for those in need. Members expressed concern that under the then existing financial eligibility limits, many applicants who had been refused legal aid on ground of means had a meritorious case to pursue and they were unable to do so due to the high costs of private litigation. They questioned whether the financial eligibility limits for legal aid had been realistically set. Members expressed the view that the Administration should review its existing broad-brush approach of setting a financial eligibility limit for applications across the board, and undertake a fundamental review on the criteria used for determining eligibility for legal aid, taking into account all relevant factors including the nature of the case and the seriousness of the offence.

10. The Administration's view at that time was that a comprehensive mechanism was already in place to review the financial eligibility limits for legal aid services. It comprised three levels of reviews -

- (a) an annual review to take account of inflation so as to maintain the real value of the limits;
- (b) a biennial review to reflect other relevant factors, including the changes in litigation costs; and
- (c) a review once every five years of the criteria used to assess financial eligibility of legal aid applicants to examine the continual propriety.

11. In the light of the implementation of the Civil Justice Reform, the Panel all along held the view that there was an urgent need for the Administration to conduct an overall review of the legal aid system, instead of making merely piece-meal adjustments to the system.

12. The last five-yearly review of the criteria for assessing financial eligibility of legal aid applicants was conducted in May 2003. During the review, the Administration had revisited the rationale for the existing approach for assessing financial capacity and compared its approach with practices of some overseas legal aid regimes. The Administration stressed that its policy intention was not to review the overall approach in such a way as to make legal aid commonly available to even the better-off litigants in Hong Kong. The Administration had introduced in 2006 a number of deductible items in computing the disposable income and disposable capital.

Current five-yearly review

13. The Panel was consulted on the proposed scope of the current five-yearly review for assessing the financial eligibility of legal aid applicants at its meeting on 26 March 2007 and further received progress reports on the review at its meetings on 26 May 2008 and 30 March 2009. The Administration has recently completed the review and reported to the Panel on its recommendations arising from the review at its meeting on 29 March 2010. Relevant discussions recently held by the Panel are summarized in the following paragraphs.

Financial eligibility limits

14. Members had long held the view that the existing financial eligibility limits under OLAS and SLAS were too low and should be reviewed. Members also expressed the view that the appropriateness of having a one-line financial eligibility limit for all types of cases should be reviewed, having regard to the policy objective that no one with reasonable grounds for taking or defending legal action in court was prevented from doing so because of a lack of means. They considered that the Administration should adopt a more flexible and holistic approach in reviewing the legal aid system to ensure access to justice.

15. *At the meeting on 29 March 2010, the Administration advised the Panel of its proposal of raising the financial eligibility limit for OLAS from \$175,800 to \$260,000 and that for SLAS from \$488,400 to \$1 million. While members generally welcomed the proposal, they considered the extent of the proposed increase inadequate. Members had previously proposed raising the financial eligibility limits of OLAS to somewhere between \$500,000 and \$1 million, and that for SLAS to \$1 million to \$3 million. Members had requested the Administration to explain the basis for arriving at the proposed financial eligibility limits for the two legal aid schemes. Members also considered that the Administration should explain the reasons for not adopting LASC's proposal of raising the financial eligibility limit of SLAS to \$1.3 million.*

16. In response to the request of the Panel, the Administration had provided a copy of LASC's letter to the Administration setting out LASC's views on the Administration's proposals arising from the current five-yearly review (LC Paper No. CB(2)1200/09-10(01)), and a supplementary paper to explain how the proposed financial eligibility limits were arrived at (LC Paper No. CB(2)1364/09-10(01)). *The Administration advised that when the financial eligibility limits were first introduced, no formula was used to arrive at the figures and there was no quantitative elaboration behind them. In considering the revised financial eligibility limits, the Administration had taken into account various factors including percentages of cases with litigation costs below the revised financial eligibility limits, the levels of financial resources of the prospective applicants eligible for legal aid and the financial implications arising from the adjustments. The Administration considered it inappropriate to pitch the financial eligibility limits at a level*

equivalent to the costs levels of cases at the highest end, as legal aid was not meant to be a "universal service" available to all irrespective of means. As regards LASC's suggestion of raising the financial eligibility limits of SLAS to \$1.3 million, the Administration advised that the proposed financial eligibility limit of \$1 million for SLAS was already more than double the current one. The Administration stressed that with the proposed increase, more people who were not eligible under the existing financial eligibility limit would become eligible for legal aid.

17. *On members' proposal of setting different eligibility limits for different types of cases, the Administration advised the Panel that an "across-the-board" financial eligibility limit would facilitate upholding of a more simplified legal aid application vetting process, save administrative costs, be clear to understand and more user-friendly for the legal aid applicants. The Administration considered that such an approach was preferable to setting different limits for different types of cases/clients which would not only be discriminatory but would also render the means testing process more complicated and burdensome for all concerned.*

Financial capacity approach in assessing the financial eligibility of legal aid applicants

18. LAD currently adopts a "financial capacity" approach in assessing the means of legal aid applicants. Under this approach, an applicant's financial capacity is determined by reference to the aggregate of his yearly disposable income and disposable capital. A person whose financial capacity does not exceed the financial eligibility limits is eligible for legal aid. For the current five-yearly review of the criteria for assessing financial eligibility of legal aid applicants, the Administration advised the Panel that the financial capacity approach had been working satisfactorily and was not so complex as to be confusing for an applicant.

19. Deputations put to the Panel that means test should be waived for (a) meritorious cases involving the fundamental rights of residents as stipulated in Chapter III of the Basic Law, and (b) certain applicants, e.g. applicants making employees' compensation claims, applicants who had been granted an award by the Labour Tribunal in connection with employment-related debts, applicants who had become totally incapacitated as a result of personal injury by accident in the course of the employment, or applicants who had reached retirement age. *In this regard, the Administration advised the Panel that it considered the existing arrangements regarding waiving of means testing by DLA appropriate. The Administration stressed that DLA's exemption power should be restrictive, in the light of the fundamental legal aid policy that legal aid should only be granted to those who lacked the means to take or defend legal action.*

Methods of computing disposable income and disposable capital

20. According to the Legal Aid (Assessment of Resources and Contributions) Regulations (Cap. 91B), a person's disposable income is the income that person may reasonably expect to receive during the period of computation. It is calculated by

his income minus a number of statutory deductible items, such as payment of salaries tax and maintenance payments. One deductible item is an allowance equivalent to the 35-percentile household expenditure excluding rent. According to the Administration, the allowance reflects the general expenditure of a household in maintaining an acceptable standard of living.

21. In accordance with the statutory requirements, a person's disposable capital is the value of his/her resource of a capital nature, disregarding a number of items including the value of any interest in the only or main dwelling, and insurance money received in respect of the injuries to which the person's personal injury claim relates, to cover his/her future medical needs.

22. Members and deputations expressed the following views relating to the computation of disposable income and capital -

- (a) the 35-percentile household expenditure in calculating disposable income of applicants should be increased; and
- (b) relevant factors such as age, health and earning power should be taken into account in assessing the financial eligibility of a legal aid applicant. For example, the savings, the property and rental income arising therefrom of legal aid applicants who were very old, about to retire or those with severe disability should be disregarded in computing their disposable capital and disposable income respectively. Asset which was the only means of livelihood of a legal aid applicant should also be disregarded.

23. *For the current five-yearly review, the Administration advised the Panel at its meeting on 29 March 2010 that it would implement the following improvement measures -*

- (a) *raising the level of personal allowance by replacing the present 35-percentile household expenditure with the median household expenditure. Under such a proposal, an applicant from a four-person household would have his personal allowance raised from \$11,120 to \$13,710 per month (an increase of about 23%); and*
- (b) *disregarding part of the savings of the elderly applicants who had reached the age of 65 in calculating their disposable capital. The amount of savings recommended to be disregarded was an amount equivalent to the financial eligibility limit of OLAS.*

Scope of SLAS

24. The Panel all along held the view that given the success of SLAS in widening access to justice, there was a strong case for expanding the scope of SLAS.

Members pointed out that SLAS started off as a small self-financing scheme with limited funding, and hence legal assistance could only be provided for restricted types of proceedings in order to maintain its financial viability. With the successful operation of SLAS over the years, it was time for the Administration to consider expanding the scope of SLAS. The Hong Kong Bar Association, the Law Society of Hong Kong and LASC were also supportive of the proposed expansion.

25. Members reiterated their concern that the current legal aid system was increasingly being restricted to those with little or no means at all, while a vast majority of middle-class people had no access to legal aid services. They considered that the expansion of SLAS would not have any adverse impact on the financial viability of the scheme, given that only applicants whose case or defence had been assessed to have a reasonable chance of success would be granted assistance under the scheme, and a percentage of damages or compensation would be recovered from successful SLAS cases and paid into the Supplementary Legal Aid Fund. Information provided by the Administration on the number of successful and unsuccessful SLAS cases in recent years, together with the net gain arising from recovery of damages/compensation in successful cases as well as the costs for unsuccessful ones is in **Appendix I**.

26. When the Panel was briefed on an information note prepared by the Research and Library Services Division of the Legislative Council ("LegCo") Secretariat ("RLSD") on the scope and expenditure of legal aid services in England and Wales of the United Kingdom ("UK"), the Province of Ontario of Canada and the State of New South Wales of Australia (IN03/08-09), members were informed that an applicant's income and his capital were separately assessed in these three places when determining his financial eligibility for legal aid. For instance, in Ontario, the upper financial eligibility limit in respect of annual income for a two-person family was CAN\$12,900 (about HK\$85,000). In UK, a person with gross income of less than £2,530 (about HK\$29,300) per month was eligible for civil legal aid. In UK, eligibility for civil legal aid was assessed on the basis of monthly income, while that for criminal legal aid weekly income. Members considered that judging from the data, it would appear that in some overseas jurisdictions like UK, the middle class were better provided for in legal aid than was the case in Hong Kong. Members requested the Administration to provide information on how Hong Kong compared to other jurisdictions in terms of accessibility of the middle class to legal aid. It had also been suggested that to provide the middle class with greater access to justice, the Administration could consider setting up a fund to provide loans to litigants subject to the passing of a merits test. Members may wish to note that detailed information on the eligibility limits for legal aid in the selected places are available in the research report on "Legal aid systems in selected places" (RP01/08-09) prepared by RLSD.

27. In its Report on Conditional Fees published in July 2007, the Law Reform Commission ("LRC") has recommended the expansion of SLAS on a gradual and incremental basis in two ways. The first is to raise the financial eligibility limits to

bring a higher proportion of households within the Scheme's ambit. The second way is to increase the types of cases covered. LRC has further recommended in the Report the setting up of a Conditional Legal Aid Fund ("the proposed Fund") to screen applications for the use of conditional fees, brief out cases to private lawyers, finance the litigation, and pay the opponent's legal costs should the litigation prove unsuccessful. According to the recommendation, the proposed Fund should have a generously set upper financial eligibility limit but no minimum financial eligibility limit should be set. The proposed Fund would engage the private lawyers on a conditional fee basis while the clients would be charged on a contingency fee basis. A feasibility study should be carried out to establish the proposed Fund as a statutory body under the governance of an independent board.

28. *At the meeting on 29 March 2010, the Administration advised the Panel of its recommendation not to expand the scope of SLAS to cover other categories of cases. Members had expressed disappointment with the Administration's recommendation and urged the Administration to consider seriously expanding the scope of SLAS with a view to enhancing the middle class' access to justice. It had also been suggested that the scope of SLAS should be expanded to cover monetary claims arising from systemic financial disputes (such as those relating to Lehman Brothers' minibonds) and appeals relating to judgments delivered by various tribunals.*

29. *The Administration advised the Panel that any proposal for extending the scope of SLAS must not undermine or jeopardize its financial viability, given its self-financing nature. SLAS was by design aimed at cases which involved monetary claims of a reasonable size, with a high success rate and a reasonably good chance of recovering damages. The Administration also advised that if the scope of SLAS was to be extended to cover cases which did not fulfill such criteria, the Administration would not be able to raise the financial eligibility limit of SLAS to \$1 million at the same time. Having considered and balanced the pros and cons of various proposals for the expansion of SLAS, the Administration recommended raising its financial eligibility limit to \$1 million but not the expansion of its scope to cover other categories of cases.*

Scope of legal aid

30. When receiving the progress reports of the current five-yearly review, members requested the Administration to consider in the review expanding the scope of legal aid from litigation to legal advice. During their past discussions on legal aid, members had also suggested that the Administration should consider restructuring the legal aid regime to provide "unbundled legal assistance", i.e. with private lawyers providing advice and assistance at key points in the proceedings. They considered that it would not only extend the scope of legal aid but would also assist LAD in assessing the merits of a case at difference stages of the proceedings and accordingly decide whether legal aid should continue to be granted.

31. Members had also expressed the following views on the scope of legal aid services -

- (a) many types of proceedings, such as those relating to defamation, disputes over partnerships and money claims in financial derivative products, were not covered under the existing legal aid system. The incident relating to the Lehman Brothers' minibonds pointed to the need to review the exclusion of cases involving money claims in respect of financial derivative products. The Administration should review critically the present scope of cases covered by legal aid;
- (b) with the increasing number of Hong Kong people working and living on the Mainland, the scope of legal aid should be extended to cover litigation cases on the Mainland involving Hong Kong people; and
- (c) more assistance should be provided to employees in obtaining legal aid in employees' compensation cases and employer insolvency cases.

32. *When the Administration reported its recommendations on the current five-yearly review at the meeting on 29 March 2010, the Administration advised the Panel that acceding to the requests for expansion of the coverage of legal aid referred to in the preceding paragraph would erode the fundamentals of the legal aid regime and open the flood gate with substantial financial and other implications.*

33. *Hon Albert HO expressed disagreement with the Administration's reasoning for excluding defamation cases and disputes relating to financial derivative products from legal aid, and urged the Administration to further consider extending the scope of legal aid to cover such cases. According to the Administration, defamation cases were excluded in view of the inherent difficulties in assessing the merits of this type of cases and quantifying in monetary terms the damages for loss of reputation. Mr HO, however, considered that relevant case law could assist LAD in assessing the merits of and damages for such cases. As regards the Administration's view that it would not be a reasonable use of limited public funds to grant legal aid for disputes arising from investment in high-risk financial products, Mr HO pointed out that many disputes in derivative products involved misselling, misrepresentation or even fraud and it would be unfair if consumer investors who had been misled into purchasing such products did not have access to legal aid to seek redress through the Court.*

34. *Some members had reiterated their view that the Administration should consider providing at least legal advice service to Hong Kong people involved in litigations on the Mainland and enhancing the dissemination of basic information on Mainland laws in the community. The Administration advised the Panel that it had all along made clear its position that it would not extend legal aid services to cover litigations on the Mainland. The Administration was not aware of any jurisdiction which had extended legal aid services to litigation matters of nationals outside their*

territories. Nevertheless, the Administration would consider the proposal raised by some Members for providing legal information and advice to Hong Kong people on Mainland legal issues.

LATEST POSITION

35. The Panel will receive views from relevant organizations on the Administration's recommendations arising from the current five-yearly review at the upcoming meeting on 24 May 2010.

RESEARCH REPORT

36. To facilitate members to consider the various issues relating to legal aid, RLSD has undertaken a research on the legal aid systems in UK, the Province of Ontario of Canada and the State of New South Wales of Australia in respect of the following areas: scope of legal aid services, eligibility for legal aid, legal aid expenditure per capita, legal aid services at the community, legal aid fees for lawyers and authority responsible for providing legal aid services. The research report and relevant supplementary information papers are listed in **Appendix II**.

RELEVANT PAPERS

37. A list of the relevant papers which are available on the LegCo website is in **Appendix III**.

Council Business Division 2
Legislative Council Secretariat
19 May 2010

Appendix I

Information on Supplementary Legal Aid Scheme cases

	No. of successful cases	No. of unsuccessful cases	Net gain arising from recovery of damages/compensation in successful cases (\$)	Costs of unsuccessful cases (\$)
2005-06	76	4	5,320,583	384,558
2006-07	86	9	2,479,251	4,269,106
2007-08	94	14	2,999,017	18,992,031

Notes : The above information is based on cases the accounts of which were finalised during the relevant financial year which runs from 1 October to 30 September the following year.

**Research report on "Legal aid systems in selected places" and
relevant supplementary information papers
prepared by the Research and Library Services Division**

Paper No.	Relevant Document
RP01/08-09	Research report on "Legal aid systems in selected places"
IN01/09-10	Supplementary information on income level, number of legal aid applications received and granted, and updated figures of legal aid expenditure in Hong Kong and the selected places (as at 22 March 2010)
FS05/09-10	Supplementary table on client contributions, costs received and legal aid expenditure in Hong Kong and the selected places

**Five-yearly review of the criteria for assessing
the financial eligibility of legal aid applicants**

Relevant documents

<u>Meeting</u>	<u>Meeting Date</u>	<u>Paper/Motion/Question</u>
Legislative Council	7 November 2001	Official Record of Proceedings of the Council on the motion moved by Hon Audrey EU on "Upholding the Rule of Law" http://www.legco.gov.hk/yr01-02/english/counmtg/hansard/cm1107ti-translat-e-e.pdf
	9 January 2002	Official Record of Proceedings of the Council on a written question raised by Hon Audrey EU on "Unrepresented litigants in civil cases" http://www.legco.gov.hk/yr01-02/english/counmtg/hansard/cm0109ti-translat-e-e.pdf
	30 January 2002	Official Record of Proceedings of the Council on a written question raised by Hon Abraham SHEK on "Statistics of legal aid cases" http://www.legco.gov.hk/yr01-02/english/counmtg/hansard/cm0130ti-translat-e-e.pdf
Panel on Administration of Justice and Legal Services	25 April 2002	Submission from the Hong Kong Bar Association [LC Paper No. CB(2)1692/01-02(01)] (<i>English version only</i>) http://www.legco.gov.hk/yr01-02/english/panels/ajls/papers/aj0425cb2-1692-1e.pdf
		Submission from Hong Kong Family Welfare Society [LC Paper No. CB(2)1692/01-02(02)] (<i>English version only</i>) http://www.legco.gov.hk/yr01-02/english/panels/ajls/papers/aj0425-1692-2e-scan.pdf

<u>Meeting</u>	<u>Meeting Date</u>	<u>Paper/Motion/Question</u>
		<p>Submission from Hong Kong Press Council [LC Paper No. CB(2)1692/01-02(03)] <i>(English version only)</i> http://www.legco.gov.hk/yr01-02/english/panels/ajls/papers/aj0425-1692-3e-scan.pdf</p> <p>Submission from Hong Kong Council of Social Service [LC Paper No. CB(2)1692/01-02(04)] <i>(Chinese version only)</i></p> <p>Submissions from 1st Step Association [LC Paper No. CB(2)1692/01-02(05) LC Paper No. CB(2)1741/01-02(01)] <i>(Chinese version only)</i></p> <p>Submission from the Law Society of Hong Kong [LC Paper No. CB(2)1692/01-02(06)] <i>(English version only)</i> http://www.legco.gov.hk/yr01-02/english/panels/ajls/papers/aj0425-1692-6e-scan.pdf</p> <p>Submission from Hong Kong Journalists Association [LC Paper No. CB(2)1692/01-02(07)] <i>(English version only)</i> http://www.legco.gov.hk/yr01-02/english/panels/ajls/papers/aj0425-1692-7e-scan.pdf</p> <p>Submission from Mr YEUNG Wai-sing, Eastern District Council [LC Paper No. CB(2)1726/01-02(01)] <i>(Chinese version only)</i></p> <p>Submission from Association of the Rights of Industrial Accident Victims [LC Paper No. CB(2)1741/01-02(02)] <i>(Chinese version only)</i></p>

<u>Meeting</u>	<u>Meeting Date</u>	<u>Paper/Motion/Question</u>
		<p>Submission from Hong Kong Confederation of Trade Unions [LC Paper No. CB(2)1741/01-02(03)] (<i>Chinese version only</i>)</p> <p>Minutes of meeting [LC Paper No. CB(2)2615/01-02] http://www.legco.gov.hk/yr01-02/english/panels/ajls/minutes/aj020425.pdf</p>
Legislative Council	9 April 2003	<p>Official Record of Proceedings of the Council on a written question raised by Hon Cyd HO on "Legal aid applications in respect of litigations concerning human rights" http://www.legco.gov.hk/yr02-03/english/counmtg/hansard/cm0409ti-translation-e-e.pdf</p> <p>Official Record of Proceedings of the Council on a written question raised by Hon Cyd HO on "Legal aid applications in respect of litigations concerning anti-discrimination legislation" http://www.legco.gov.hk/yr02-03/english/counmtg/hansard/cm0409ti-translation-e-e.pdf</p>
Panel on Administration of Justice and Legal Services	23 June 2003	<p>List of Issues for Review prepared by the Panel in July 2002 [LC Paper No. CB(2)2646/01-02(01)] http://www.legco.gov.hk/yr02-03/english/panels/ajls/papers/aj0623cb2-2646-1e.pdf</p> <p>Bar Association's letter dated 11 September 2002 responding to the List of Issues for Review [LC Paper No. CB(2)2784/01-02(01)] (<i>English version only</i>) http://www.legco.gov.hk/yr02-03/english/panels/ajls/papers/aj0623-2784-1e-scan.pdf</p>

<u>Meeting</u>	<u>Meeting Date</u>	<u>Paper/Motion/Question</u>
		<p>Judgment in Shem Yiu Fun, HCAL183/2002 [LC Paper No. CB(2)1542/02-03(01)] http://www.legco.gov.hk/yr02-03/english/panels/ajls/papers/aj0623-1542-1e-scan.pdf</p> <p>Administration's paper on "Annual and Biennial Review of Financial Eligibility Limits of Legal Aid Applicants" [LC Paper No. CB(2)2581/02-03(01)] http://www.legco.gov.hk/yr02-03/english/panels/ajls/papers/aj0623cb2-2581-1e.pdf</p> <p>Administration's paper on "Five-yearly Review of the Criteria for Assessing Financial Eligibility of Legal Aid Applicants" [LC Paper No. CB(2)2581/02-03(02)] http://www.legco.gov.hk/yr02-03/english/panels/ajls/papers/aj0623cb2-2581-2e.pdf</p> <p>Administration's response on the List of Issues for Review [LC Paper No. CB(2)2581/02-03(03)] http://www.legco.gov.hk/yr02-03/english/panels/ajls/papers/aj0623cb2-2581-3e.pdf</p> <p>Minutes of meeting [LC Paper No. CB(2)3051/02-03] http://www.legco.gov.hk/yr02-03/english/panels/ajls/minutes/aj030623.pdf</p>
	29 July 2003	<p>Submission from the Hong Kong Bar Association [LC Paper No. CB(2)2639/02-03(01)] <i>(English version only)</i> http://www.legco.gov.hk/yr02-03/english/panels/ajls/papers/aj0623cb2-2639-1e-scan.pdf</p>

<u>Meeting</u>	<u>Meeting Date</u>	<u>Paper/Motion/Question</u>
		<p>Extract of letter dated 16 July 2003 from the Director of Administration to the Clerk to Panel concerning the submission from the Hong Kong Bar Association [LC Paper No. CB(2)2888/02-03(01)] http://www.legco.gov.hk/yr02-03/english/panels/ajls/papers/aj0728cb2-2888-1e.pdf</p> <p>Submission from the Law Society of Hong Kong on "Review of the Legal Aid in Criminal Case Rules" [LC Paper No. CB(2)2908/02-03(01)] http://www.legco.gov.hk/yr02-03/english/panels/ajls/papers/aj0729cb2-2908-1-e.pdf</p> <p>Minutes of meeting [LC Paper No. CB(2)37/03-04] http://www.legco.gov.hk/yr02-03/english/panels/ajls/minutes/aj030729.pdf</p>
	27 October 2003	<p>Director of Administration's letter dated 20 October 2003 responding to the issues raised by the Panel at the meetings on 23 June and 29 July 2003 [LC Paper No. CB(2)159/03-04(03)] http://www.legco.gov.hk/yr03-04/english/panels/ajls/papers/aj1027cb2-159-3e.pdf</p> <p>Minutes of meeting [LC Paper No. CB(2)387/03-04] http://www.legco.gov.hk/yr03-04/english/panels/ajls/minutes/aj031027.pdf</p>
	29 January 2004	<p>Administration's reply dated 14 November 2003 on "Court of Appeal Case CACC 365 of 2000" [LC Paper No. CB(2)370/03-04(01)] http://www.legco.gov.hk/yr03-04/english/panels/ajls/papers/aj1124cb2-370-1e.pdf</p>

<u>Meeting</u>	<u>Meeting Date</u>	<u>Paper/Motion/Question</u>
		<p>Submission from the Hong Kong Bar Association [LC Paper No. CB(2)644/03-04(01)] <i>(English version only)</i> http://www.legco.gov.hk/yr03-04/english/panels/ajls/papers/ajls1218cb2-644-1e-scan.pdf</p> <p>Administration's letter dated 15 January 2004 responding to the Hong Kong Bar Association's submission of 28 November 2003 [LC Paper No. CB(2)1094/03-04(01)] http://www.legco.gov.hk/yr03-04/english/panels/ajls/papers/aj0129cb2-1094-1e-scan.pdf</p> <p>Submission from the Law Society of Hong Kong [LC Paper No. CB(2)1094/03-04(02)] <i>(English version only)</i> http://www.legco.gov.hk/yr03-04/english/panels/ajls/papers/aj0129cb2-1094-2e-scan.pdf</p> <p>Submission dated 12 December 2003 from the Legal Aid Services Council (LASC) on "Five-yearly Review of the Criteria for Assessing Financial Eligibility of Legal Aid Applicants" [LC Paper No. CB(2)1094/03-04(03)] <i>(English version only)</i> http://www.legco.gov.hk/yr03-04/english/panels/ajls/papers/aj0129cb2-1094-3e-scan.pdf</p> <p>Response from the LASC on the Court of Appeal's judgment in a criminal appeal cases [LC Paper No. CB(2)3166/03-04(01)] <i>(English version only)</i> http://www.legco.gov.hk/yr03-04/english/panels/ajls/papers/aj0129cb2-3166-1e-scan.pdf</p>

<u>Meeting</u>	<u>Meeting Date</u>	<u>Paper/Motion/Question</u>
		Minutes of meeting [LC Paper No. CB(2)1741/03-04] http://www.legco.gov.hk/yr03-04/english/panels/ajls/minutes/aj040129.pdf
Legislative Council	5 May 2004	Official Record of Proceedings of the Council on a written question raised by Dr Hon LO Wing-lok on "Legal aid applications relating to claims of medical negligence" http://www.legco.gov.hk/yr03-04/english/counmtg/hansard/cm0505ti-translate-e-e.pdf
Panel on Administration of Justice and Legal Services	14 December 2004	Administration's paper on "Annual and biennial review of financial eligibility limits of legal aid applicants" [LC Paper No. CB(2)367/04-05(01)] http://www.legco.gov.hk/yr04-05/english/panels/ajls/papers/aj1214cb2-367-1e.pdf Minutes of meeting [LC Paper No. CB(2)710/04-05] http://www.legco.gov.hk/yr04-05/english/panels/ajls/minutes/aj041214.pdf
Legislative Council	11 May 2005	Official Record of Proceedings of the Council on an oral question raised by Hon Margaret NG on "Payment of fee to the defence counsel in criminal legal aid cases in respect of preparation work" http://www.legco.gov.hk/yr04-05/english/counmtg/hansard/cm0511ti-translate-e-e.pdf
Panel on Administration of Justice and Legal Services	--	Administration's responses to the submissions from LASC and the Law Society of Hong Kong [LC Paper No. CB(2)58/04-05(01) LC Paper No. CB(2)58/04-05(02)] http://www.legco.gov.hk/yr04-05/english/panels/ajls/papers/aj1109cb2-58-1e.pdf

<u>Meeting</u>	<u>Meeting Date</u>	<u>Paper/Motion/Question</u>
		<p>http://www.legco.gov.hk/yr04-05/english/panels/ajls/papers/aj1109cb2-58-2e.pdf</p> <p>Administration's paper on "Pilot Scheme on Mediation of Legally Aided Matrimonial Cases" [LC Paper No. CB(2)507/04-05(01)] http://www.legco.gov.hk/yr04-05/english/panels/ajls/papers/aj0124cb2-507-1e.pdf</p> <p>Administration's letter dated 4 April 2005 on "Pilot Scheme on Mediation of Legally Aided Matrimonial Cases" [LC Paper No. CB(2)1212/04-05(01)] http://www.legco.gov.hk/yr04-05/english/panels/ajls/papers/aj0425cb2-1212e-scan.pdf</p> <p>Administration's letter dated 8 July 2005 to the Law Society of Hong Kong on "2004 Biennial Review of Criminal Legal Aid Fees, Prosecution Fees and Duty Lawyer Fees" [LC Paper No. CB(2)2268/04-05(02)] (<i>English version only</i>) http://www.legco.gov.hk/yr04-05/english/panels/ajls/papers/ajcb2-2268-2e-scan.pdf</p> <p>Administration's letter dated 11 July 2005 on "Criminal Legal Aid Fees and Five-yearly Review of the Criteria for Assessing Financial Eligibility of Legal Aid Applicants" [LC Paper No. CB(2)2319/04-05(01)] http://www.legco.gov.hk/yr04-05/english/panels/ajls/papers/ajcb2-2319-1e-scan.pdf</p>

<u>Meeting</u>	<u>Meeting Date</u>	<u>Paper/Motion/Question</u>
	23 January 2006	<p>Background brief prepared by the LegCo Secretariat on "Provision of legal aid services" [LC Paper No. CB(2)904/05-06(01)] http://www.legco.gov.hk/yr05-06/english/panels/ajls/papers/aj0123cb2-904-1e.pdf</p> <p>Administration's paper on "Annual review of financial eligibility limits of legal aid applicants" [LC Paper No. CB(2)904/05-06(02)] http://www.legco.gov.hk/yr05-06/english/panels/ajls/papers/aj0123cb2-904-2e.pdf</p> <p>Submission from Mr Valentine S T YIM on "Annual review of financial eligibility limits of legal aid applicants" [LC Paper No. CB(2)963/05-06(01)] <i>(English version only)</i> http://www.legco.gov.hk/yr05-06/english/panels/ajls/papers/aj0123cb2-963-1e-scan.pdf</p> <p>Minutes of meeting [LC Paper No. CB(2)1491/05-06] http://www.legco.gov.hk/yr05-06/english/panels/ajls/minutes/aj060123.pdf</p>
	--	<p>Administration's letter dated 17 March 2006 on "2005 annual review of financial limits of legal aid applicants" [LC Paper No. CB(2)1471/05-06(01)] http://www.legco.gov.hk/yr05-06/english/panels/ajls/papers/aj0123cb2-1471-1e.pdf</p>
Legislative Council	3 May 2006	<p>Official Record of Proceedings of the Council on the motion moved by the Chief Secretary for Administration on "Proposed resolution under the Legal Aid Ordinance" http://www.legco.gov.hk/yr05-06/english/counmtg/hansard/cm0503ti-translate-e-e.pdf</p>

<u>Meeting</u>	<u>Meeting Date</u>	<u>Paper/Motion/Question</u>
<p>Panel on Administration of Justice and Legal Services</p>	<p>27 November 2006</p>	<p>Administration's paper on "Annual and Biennial Review of Financial Eligibility Limits of Legal Aid Applicants" [LC Paper No. CB(2)431/06-07(04)] http://www.legco.gov.hk/yr06-07/english/panels/ajls/papers/aj1127cb2-431-4-e.pdf</p> <p>Minutes of meeting [LC Paper No. CB(2)887/06-07] http://www.legco.gov.hk/yr06-07/english/panels/ajls/minutes/aj061127.pdf</p>
	<p>26 March 2007</p>	<p>Background brief prepared by the LegCo Secretariat on "Provision of legal aid services" [LC Paper No. CB(2)1395/06-07(01)] http://www.legco.gov.hk/yr06-07/english/panels/ajls/papers/aj0326cb2-1395-1-e.pdf</p> <p>Administration's paper on "Five-yearly review of the criteria for assessing the financial eligibility of legal aid applicants" [LC Paper No. CB(2)1395/06-07(02)] http://www.legco.gov.hk/yr06-07/english/panels/ajls/papers/aj0326cb2-1395-2-e.pdf</p> <p>The Legal Aid Services Council's letter dated 26 March 2007 [LC Paper No. CB(2)1472/06-07(01)] (<i>Chinese version only</i>)</p> <p>Submission dated 26 March 2007 from the 1st Step Association [LC Paper No. CB(2)1472/06-07(02)] (<i>Chinese version only</i>)</p> <p>Information note from the LegCo Office of Hon Margaret NG [LC Paper No. CB(2)1472/06-07(03)] (<i>Chinese version only</i>)</p>

<u>Meeting</u>	<u>Meeting Date</u>	<u>Paper/Motion/Question</u>
		<p>Minutes of meeting [LC Paper No. CB(2)1966/06-07] http://www.legco.gov.hk/yr06-07/english/panels/ajls/minutes/aj070326.pdf</p>
	--	<p>Administration's letter dated 15 November 2007 on "2007 Annual Review of Financial Eligibility Limits of Legal Aid Applicants" [LC Paper No. CB(2)367/07-08(01)] http://www.legco.gov.hk/yr07-08/english/panels/ajls/papers/aj1126cb2-367-1-e.pdf</p>
	26 May 2008	<p>Background Brief prepared by the Legislative Council Secretariat on "Five-yearly review of the criteria for assessing the financial eligibility of legal aid applicants" [LC Paper No. CB(2)2010/07-08(01)] http://www.legco.gov.hk/yr07-08/english/panels/ajls/papers/aj0526cb2-2010-1-e.pdf</p> <p>Administration's paper on "Five-yearly review of the criteria for assessing the financial eligibility of legal aid applicants" [LC Paper No. CB(2)2011/07-08(04)] http://www.legco.gov.hk/yr07-08/english/panels/ajls/papers/aj0526cb2-2011-4-e.pdf</p> <p>Submission dated 26 May 2008 from Law Society of Hong Kong [LC Paper No. CB(2)2090/07-08(01)] <i>(English version only)</i> http://www.legco.gov.hk/yr07-08/english/panels/ajls/papers/aj0623cb2-2090-1-e.pdf</p> <p>Minutes of meeting [LC Paper No. CB(2)2818/07-08] http://www.legco.gov.hk/yr07-08/english/panels/ajls/minutes/aj080526.pdf</p>

<u>Meeting</u>	<u>Meeting Date</u>	<u>Paper/Motion/Question</u>
Legislative Council	2 July 2008	<p>Official Record of Proceedings of the Council on a written question raised by Hon James TO on "Inclusion of cash values of insurance policies in the calculation of capital assets in assets tests"</p> <p>http://www.legco.gov.hk/yr07-08/english/counmtg/hansard/cm0702-translate-e.pdf</p>
Panel on Administration of Justice and Legal Services	24 November 2008	<p>Information Note prepared by the Research and Library Services Division on "Scope and expenditure of legal aid services in selected places" [IN03/08-09] http://www.legco.gov.hk/yr08-09/english/sec/library/0809in03-e.pdf</p> <p>Background Brief prepared by the Legislative Council Secretariat on "Review of the provision of legal aid services" [LC Paper No. CB(2)309/08-09(07)] http://www.legco.gov.hk/yr08-09/english/panels/ajls/papers/aj1124cb2-309-7-e.pdf</p> <p>Administration's paper on "Provision of legal aid services" [LC Paper No. CB(2)309/08-09(08)] http://www.legco.gov.hk/yr08-09/english/panels/ajls/papers/aj1124cb2-309-8-e.pdf</p> <p>Submission from the Society for Community Organization on "Review of the provision of legal aid services" [LC Paper No. CB(2)335/08-09(01)] <i>(Chinese version only)</i></p> <p>Minutes of meeting [LC Paper No. CB(2)584/08-09] http://www.legco.gov.hk/yr08-09/english/panels/ajls/minutes/aj20081124.pdf</p>

<u>Meeting</u>	<u>Meeting Date</u>	<u>Paper/Motion/Question</u>
		<p><u>Follow-up paper</u></p> <p>Administration's response on review of the provision of legal aid services [LC Paper No. CB(2)2011/08-09(01)] http://www.legco.gov.hk/yr08-09/english/panels/ajls/papers/aj1124cb2-2011-1-e.pdf</p>
Legislative Council	17 December 2008	<p>Official Record of Proceedings of the Council on an oral question raised by Dr Hon Margaret NG on "Free Legal Advice Scheme and Duty Lawyer Service"</p> <p>http://www.legco.gov.hk/yr08-09/english/counmtg/hansard/cm1217-translate-e.pdf</p>
	11 February 2009	<p>Official Record of Proceedings of the Council on the motion moved by Dr Hon Priscilla LEUNG Mei-fun on "Relaxing the eligibility criteria for legal aid"</p> <p>http://www.legco.gov.hk/yr08-09/english/counmtg/hansard/cm0211-translate-e.pdf</p>
Panel on Administration of Justice and Legal Services	30 March 2009	<p>Administration's paper on "Five-yearly review of the criteria for assessing the financial eligibility of legal aid applicants"</p> <p>[LC Paper No. CB(2)1152/08-09(04)] http://www.legco.gov.hk/yr08-09/english/panels/ajls/papers/aj0330cb2-1152-4-e.pdf</p> <p>Background brief prepared by the Legislative Council Secretariat on "Five-yearly review of the criteria for assessing the financial eligibility of legal aid applicants"</p> <p>[LC Paper No. CB(2)1152/08-09(05)] http://www.legco.gov.hk/yr08-09/english/panels/ajls/papers/aj0330cb2-1152-5-e.pdf</p>

<u>Meeting</u>	<u>Meeting Date</u>	<u>Paper/Motion/Question</u>
		<p>Law Society of Hong Kong's letter dated 27 March 2009 [LC Paper No. CB(2)1215/08-09(01)] (English version only) http://www.legco.gov.hk/yr08-09/english/panels/ajls/papers/aj0330cb2-1215-1-e.pdf</p> <p>Minutes of meeting [LC Paper No. CB(2)1603/08-09] http://www.legco.gov.hk/yr08-09/english/panels/ajls/minutes/aj20090330.pdf</p>
Subcommittee on Proposed Resolution under Section 7(a) of the Legal Aid Ordinance (Cap. 91)	4 May 2009	<p>Minutes of meeting [LC Paper No. CB(2)2124/08-09] http://www.legco.gov.hk/yr08-09/english/hc/sub_leg/sc60/minutes/sc6020090504.pdf</p>
Panel on Administration of Justice and Legal Services	22 October 2009	<p>Minutes of meeting [LC Paper No. CB(2)506/09-10] http://www.legco.gov.hk/yr09-10/english/panels/ajls/minutes/aj20091022.pdf</p>
	29 March 2010	<p>Administration's paper on "Five-yearly review of the criteria for assessing the financial eligibility of legal aid applicants" [LC Paper No. CB(2)1148/09-10(01)] http://www.legco.gov.hk/yr09-10/english/panels/ajls/papers/aj0329cb2-1148-1-e.pdf</p> <p>Updated background brief prepared by the Legislative Council Secretariat on "Five-yearly review of the criteria for assessing the financial eligibility of legal aid applicants" [LC Paper No. CB(2)1156/09-10(06)] http://www.legco.gov.hk/yr09-10/english/panels/ajls/papers/aj0329cb2-1156-6-e.pdf</p> <p>Minutes of meeting [LC Paper No. CB(2)1581/09-10]</p>

<u>Meeting</u>	<u>Meeting Date</u>	<u>Paper/Motion/Question</u>
		<p><u>Follow-up papers</u></p> <p>Submission from the Society for Community Organization [LC Paper No. CB(2)1192/09-10(01)] (<i>Chinese version only</i>)</p> <p>Letter from the Chairman of the Legal Aid Services Council to the Administration which sets out the Council's views on the Administration's proposals arising from the recently completed Five-yearly Review of the Criteria for Assessing the Financial Eligibility of Legal Aid Applicants [LC Paper No. CB(2)1200/09-10(01)] (<i>English version only</i>) http://www.legco.gov.hk/yr09-10/chinese/panels/ajls/papers/aj0329cb2-1200-1-ec.pdf</p> <p>Administration's paper on the basis for arriving at the proposed financial eligibility limits for the two legal aid schemes [LC Paper No. CB(2)1364/09-10(01)] http://www.legco.gov.hk/yr09-10/english/panels/ajls/papers/aj0329cb2-1364-1-e.pdf</p>