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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 30 September 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 ("the Panel") on various issues relating to the current five-yearly review of the criteria for assessing the financial eligibility of legal aid applicants ("five-yearly review"), 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. 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 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 ("FELs"), 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 FELs for legal aid had been realistically set. Members expressed the view that the Administration should review its existing broad-brush approach of setting a FEL 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 FELs 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 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. As a result of the review, 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 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 proposals arising from the review at the meeting on 29 March 2010. Subsequently, the Panel further discussed the Administration's proposals with relevant organizations at its meetings on 24 May and 21 July 2010. Relevant discussions recently held by the Panel are summarized in the following paragraphs.

FELs

14. Members had long held the view that the existing FELs under OLAS and SLAS were too low and should be reviewed. Members also expressed the view that the appropriateness of having a one-line FEL 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 FEL 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 FEL of OLAS to somewhere between \$500,000 and \$1 million, and that for SLAS to \$1 million to \$3 million. Members requested the Administration to explain the basis for arriving at the proposed FELs, as well as the reasons for not adopting LASC's proposal of raising the FEL for SLAS to \$1.3 million which was put forward on the basis that the average legal costs of a SLAS case that actually went to trial was \$1.297 million. Members noted the Hong Kong Bar Association's ("Bar Association") view that the FEL for OLAS should be raised by at least 100% to \$350,000 in line with the proposed 100% increase for SLAS, and that for SLAS to the region of \$3 million to reflect the full costs of legal proceedings which might include liability to pay for the opponent's costs should the action fail. Both the Bar Association and the Law Society of Hong Kong ("Law Society") also took the view that the underlying principle in determining financial eligibility for legal aid should be that as laid down in the Scott Report of 1986^{*}, i.e. a person should have access to legal representation without suffering undue financial hardship having regard to the costs of litigation and his total financial resources.*

16. *On the basis for setting the proposed FEL, the Administration explained that when FELs were first introduced in 1992, no formula was used to arrive at the figures and there was no quantitative elaboration behind them. The setting of FELs was based on the principle that when a person faced legal proceedings, he was expected to draw on both his income and capital to meet the legal costs to the extent that he could do so without suffering undue hardship. In considering the revised FELs, the Administration had taken into account various factors including the percentage of cases with litigation costs below the revised FELs, the levels of financial resources of the prospective applicants eligible for legal aid and the financial implications arising from the adjustments. The Administration also advised that it did not consider it appropriate to pitch the FEL for SLAS at a level equivalent to the full litigation costs of \$1.3 million as suggested by LASC, as some 80% of the legal aid cases were settled through mediation or negotiation. Neither did the Administration see any compelling reason for raising the FEL for SLAS to \$3 million as suggested by some stakeholders,*

* The Scott Report was issued in 1986 by the Legal Aid Working Party which was appointed by the Administration to conduct a thorough examination of legal aid policy

as applicants with resources of \$3 million should be able to fund the costs of private litigation. The Administration stressed that the revised FELs already represented substantial increases over the existing limits and could benefit many needy applicants. Members were dissatisfied with the Administration's explanation and noted the Bar Association's view that it was important to adopt a principled approach in determining the appropriate level of FELs as the benchmarks for future reviews.

17. *On members' proposal of setting different eligibility limits for different types of cases, the Administration advised the Panel that an "across-the-board" FEL would facilitate upholding of a more simplified legal aid application vetting process, save administrative costs, be clear to understand and more user-friendly for 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 FEL is eligible for legal aid. For the current five-yearly review, 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 ("LT") 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.*

Assistance to employees in wage claims

20. *At the meeting on 24 May 2010, the Hong Kong Federation of Trade Unions reiterated to the Panel its proposal for the provision of special assistance to employees in obtaining legal aid for recovery of wages. The Federation pointed out that as the costs for individual employees to engage lawyers to assist in their wage claims from insolvent employers often exceeded the amount of the claim, employees concerned who were not able to pass the means test for legal aid were practically forced to give up their right to recover wages. The Federation suggested that the means test should be*

waived for employees for filing petitions for bankruptcy or winding up against their employers who had failed to effect payment of LT awards and for employees who had to face further litigation when their employers appealed against the LT awards. The Panel was generally supportive of the proposal and requested the Administration to come up with measures to ensure effective enforcement of LT awards. The Federation pointed out that in the past, there was a special team in LAD to provide assistance to employees in enforcing LT awards. However, such service had ceased after 1995. Members requested the Administration to consider providing such service again. Hon LEUNG Kwok-hung suggested that consideration be given to setting up a fund financed by employers, along the lines of the Protection of Wages on Insolvency Fund which was funded by a levy on business registration certificate, to provide financial assistance to employees in recovering wages when LT awards were not enforced. Dr Hon Margaret NG opined that a review should be conducted on the procedures for applications to the Protection of Wages on Insolvency Fund for ex-gratia payments.

21. *The Administration advised the Panel that with the proposed increases in FELs, it was envisaged that more cases for recovery of wages would be covered by legal aid. The Administration also stressed that in considering whether the means test should be waived for wage claims, it was necessary to consider where the line should be drawn and whether such exemption should also apply to cases involving enforcement of rulings of other courts/tribunals or to cases involving other disadvantaged groups. The Administration considered that by raising FELs, all disadvantaged groups could benefit equally from the extended ambit of legal aid services. The Administration also advised that for cases where the insolvent employer employed less than 20 employees, and there was sufficient evidence to support the presentation of a winding up/bankruptcy petition but it was unreasonable or uneconomical to do so, LAD would make a recommendation to the Commissioner for Labour to make ex-gratia payment to the employees concerned who were not required to apply for legal aid nor to undergo a means test. Members, however, noted from deputations that the Labour Department seldom exercised such discretion, and in any event, such discretion was not applicable to cases where the insolvent employer employed more than 20 employees.*

22. *Members considered that the raising of FELs could not provide a practical solution to the difficulties faced by employees in wage claims and maintained their view that the Administration should come up with specific measures to assist employees in recovering their wage claims, for instance, through certain Government funds or changes to the relevant legal procedure. Hon LI Fung-ying considered that in cases where employers appealed against an LT award on a point of law, the party being challenged was in fact LT rather than the employees concerned, hence the litigation costs incurred should be borne by the Government. Dr Hon Margaret NG opined that if an LT award was challenged by way of judicial review rather than appeal to the High Court, the respondent would be LT rather than the employee concerned. This would then obviate the need to relax the financial eligibility for the employees concerned. The Administration undertook to consult the relevant parties, including the Department of Justice, the Judiciary, the Labour and Welfare Bureau and LAD, on the views and suggestions raised by Members regarding measures to assist employees in wage claims and revert to the Panel.*

Methods of computing disposable income and disposable capital

23. 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.

24. 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.

25. 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.

26. *For the current five-yearly review, the Administration advised the Panel 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; and*
- (b) *disregarding part of the savings of 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 FEL for OLAS.*

27. *The Panel generally welcomed the Administration's proposal of replacing the 35-percentile household expenditure with the median household expenditure as the deductible allowance in calculating disposable income. Members also noted the Bar Association's view that, on the basis of the expert advice from Dr WONG Hung obtained by LASC in 2003, the deductible personal allowance for OLAS and SLAS should be set at 66-percentile and 75-percentile of monthly household expenditure respectively which was considered more fair and consistent with the Administration's declared policy objectives that OLAS was intended for lower middle class and below, and SLAS for the middle class.*

28. *While supporting in principle the Administration's proposal of exempting part of the savings of elderly applicants when calculating their disposable capital, members and deputations were of the view that the age requirement should be relaxed, as many people in their 50's had built some retirement assets and it would cause them undue hardship to risk their retirement savings on litigation, bearing in mind that it might be difficult for them to rebuild their retirement assets once the assets were lost. Members noted the Bar Association's view that the age requirement should be lowered to 50. Dr Hon Margaret NG and Hon TAM Yiu-chung considered that the age requirement should be relaxed to at least age 60, which was the general retirement age. Hon TAM Yiu-chung also suggested that the proposed exemption be extended to cover those who were chronically ill.*

29. *The Administration explained that the age requirement was set at 65 as it was a generally accepted definition of "elderly". In deciding where to draw the line for the age requirement, it was important to strike a proper balance between public affordability and provision of services to those in genuine need of assistance. If legal aid was granted to applicants who had certain savings but were unwilling to deploy them for undertaking litigation, the costs incurred would ultimately be borne by the public purse. On the suggestion of extending the special provision to cover the chronically ill, the Administration advised that putting in place too many and different exemptions would render the legal aid application vetting process more complicated and difficult to understand for legal aid applicants. Nevertheless, the Administration undertook to consider members' views on relaxing the age requirement and extending the proposal to cover the chronically ill.*

Scope of SLAS

30. 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 Bar Association and the Law Society were also supportive of the proposed expansion.

31. 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 SLAS 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**.

32. 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 FEL 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. The research report and relevant supplementary information papers are listed in **Appendix II**.

33. 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 FEL 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 ("CLAF"), together with a new body to administer the Fund and 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, CLAF should have a generously set upper FEL but no minimum FEL should be set. Private lawyers would be engaged on a conditional fee basis while clients would be charged on a contingency fee basis.

34. *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. According to the Administration, 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 FEL of SLAS to \$1 million at the same time.*

35. *Members did not subscribe to the Administration's view 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-related minibonds) and appeals relating to judgments delivered by various tribunals. The Panel also requested LASC to look into the issue of expansion of SLAS and revert to the Panel on its recommendations, including the outcome of the study by its Interest Group on Scope of Legal Aid on the feasibility of setting up a second-tier SLAS to further improve legal aid services.*

36. *At the meeting on 28 June 2010, the Administration informed the Panel that it did not propose to take forward the recommendation in the LRC Report for the setting up of CLAF. Members noted that both the Bar Association and the Law Society had expressed opposition to the establishment of CLAF and considered that the expansion of SLAS was a more practicable means of widening access to justice. As the proposal of expanding the scope of SLAS had also been rejected by the Administration in the context of the current five-yearly review, members expressed grave concern about the lack of substantial progress in enhancing access to justice notwithstanding the repeated demands of the Panel over the past decade. Members were in general supportive of expanding the scope of SLAS and allocating more resources to the SLAS Fund and agreed that the Administration should be strongly requested to reconsider expanding SLAS.*

37. *Members also suggested to explore in the context of enhancing access to justice the feasibility of capping the costs recoverable from opponents for litigations where there was significant imbalance in bargaining power between the parties, with a view to giving litigants concerned certainty as to their exposure to litigation costs if unsuccessful. A notable example of this was cases where employees who had been granted an award by LT had to face further litigation when their employers appealed against the award. It was also suggested that the Administration should explore whether there was room for saving the legal costs incurred in legal aid cases so that more people could be assisted under the limited legal aid funding. The Administration was requested to provide relevant information and its views on the suggestions raised by members.*

Scope of legal aid

38. 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.

39. 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-related 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; and
- (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.

40. *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.*

41. *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, pointed out that relevant case law could assist LAD in assessing the merits of and damages for such cases and considered that legal aid should be made available at least to the defendants. On the other hand, Hon Paul TSE was concerned that extending the ambit of legal aid to defendants in defamation cases would have the effect of encouraging irresponsible comments. 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.

42. *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. The Administration also undertook to revert to the Panel on its recommendations for enhancing the provision of free legal advice service by the end of the current financial year.*

LATEST POSITION

43. *When the current five-yearly review was further discussed at the meeting on 21 July 2010, members noted the proposals put forward by the Bar Association for expanding the scope of SLAS. The Bar Association set out in its submission (LC Paper No. CB(2)2105/09-10(01)) various types of cases which were already covered by insurance either as a matter of law or practice, including mis-selling of financial and insurance products, claims against other types of professional negligence presently not covered by SLAS (such as services provided by accountants, estate agents, surveyors and engineers) and disputes relating to trusts. The Bar Association proposed that SLAS should be expanded to cover these areas for which recoverability of damages should not be an issue, thereby addressing the Administration's concern that expanding the coverage of SLAS would undermine the financial viability of the Scheme. The Bar Association also set out in its submission details of its proposed amendments to LAO to raise FELs for OLAS and SLAS to \$350,000 and \$3 million respectively, expand the scope of SLAS and disregard part of the savings of persons aged 50 and above in calculating their financial resources. Members generally agreed that the Administration should study the Bar Association's proposals for amending LAO. The Panel passed a motion requesting the Administration to, based on the Bar Association's proposals, conduct a study as soon as possible on the implementation of measures to expand and improve legal aid services. Some Members also expressed the view that the Administration should inject money into the SLAS Fund if it was concerned that the expansion of SLAS would undermine its financial viability.*

44. *The Administration advised the Panel that it did not rule out the expansion of the scope of SLAS, but stressed the need to exercise great prudence in considering the types of cases to be covered under SLAS to ensure that the SLAS Fund would not in any way be exposed to financial risk. The Administration undertook to consider the Bar Association's proposals and revert to the Panel on its consideration.*

45. On the timetable for the legislative amendments for implementing the proposals arising from the current five-yearly review, the Panel was advised at the meeting on 21 July 2010 that it was the Administration's plan to submit at the beginning of the 2010-2011 legislative session the legislative amendments for effecting the proposals for adjusting FELs for OLAS and SLAS, raising the level of deductible allowance in calculating disposable income and disregarding part of the savings of the elderly in assessing their financial eligibility for legal aid. As regards the proposals raised by Members and deputations for assisting employees in their wage claims and extending the scope of SLAS, the Administration advised that it needed more time to examine the proposals and considered it advisable to deal with these proposals at a later stage so as not to delay the implementation of other improvement measures.

46. The Panel considered it vitally important to grasp the opportunity of the current five-yearly review to make substantial improvements to the legal aid system to enhance access to justice. The Panel will continue discussion with the Administration and relevant organizations on the five-yearly review at the upcoming special meeting on 30 September 2010. The Administration has been requested to revert to the Panel at the special meeting on its consideration of the proposals put forward by the Bar Association for expanding the scope of SLAS and its proposed amendments to LAO as set out in its submission, as well as specific measures to assist employees in the filing of winding-up/bankruptcy petitions against insolvent employers and appeals lodged by their employers against LT awards.

RELEVANT PAPERS

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

Council Business Division 2
Legislative Council Secretariat
27 September 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 |

Appendix III

Relevant documents on five-yearly review of the criteria for assessing the financial eligibility of legal aid applicants

| Meeting | Date of meeting | Paper |
|---|-----------------|--|
| Legislative Council | 7 November 2001 | <p>Official Record of Proceedings of the Council on the motion moved by Hon Audrey EU on "Upholding the Rule of Law"</p> <p>http://www.legco.gov.hk/yr01-02/english/counmtg/hansard/cm1107ti-translate-e.pdf</p> |
| | 9 January 2002 | <p>Official Record of Proceedings of the Council on a written question raised by Hon Audrey EU on "Unrepresented litigants in civil cases"</p> <p>http://www.legco.gov.hk/yr01-02/english/counmtg/hansard/cm0109ti-translate-e.pdf</p> |
| | 30 January 2002 | <p>Official Record of Proceedings of the Council on a written question raised by Hon Abraham SHEK on "Statistics of legal aid cases"</p> <p>http://www.legco.gov.hk/yr01-02/english/counmtg/hansard/cm0130ti-translate-e.pdf</p> |
| Panel on Administration of Justice and Legal Services | 25 April 2002 | <p>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</p> <p>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</p> <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> |

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| | | <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> <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> |

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| 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-translate-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-translate-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> <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> |

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| | | <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> <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> |

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| | 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> <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> |

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| | | <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> <p>Minutes of meeting [LC Paper No. CB(2)1741/03-04] http://www.legco.gov.hk/yr03-04/english/panels/ajls/minutes/aj040129.pdf</p> |
| Legislative Council | 5 May 2004 | <p>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.pdf</p> |
| Panel on Administration of Justice and Legal Services | 14 December 2004 | <p>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</p> <p>Minutes of meeting [LC Paper No. CB(2)710/04-05] http://www.legco.gov.hk/yr04-05/english/panels/ajls/minutes/aj041214.pdf</p> |

| Meeting | Date of meeting | Paper |
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| Legislative Council | 11 May 2005 | <p>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"</p> <p>http://www.legco.gov.hk/yr04-05/english/counmtg/hansard/cm0511ti-translate-e.pdf</p> |
| Panel on Administration of Justice and Legal Services | -- | <p>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</p> <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> |

| Meeting | Date of meeting | Paper |
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| | | <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> |
| | 23 January 2006 | <p>Background brief on "Provision of legal aid services" prepared by the Legislative Council ("LegCo") Secretariat [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> |

| Meeting | Date of meeting | Paper |
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| 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"</p> <p>http://www.legco.gov.hk/yr05-06/english/counmtg/hansard/cm0503ti-translate-e.pdf</p> |
| Panel on Administration of Justice and Legal Services | 27 November 2006 | <p>Administration's paper on "Annual and Biennial Review of Financial Eligibility Limits of Legal Aid Applicants"</p> <p>[LC Paper No. CB(2)431/06-07(04)]</p> <p>http://www.legco.gov.hk/yr06-07/english/panels/ajls/papers/aj1127cb2-431-4-e.pdf</p> <p>Minutes of meeting</p> <p>[LC Paper No. CB(2)887/06-07]</p> <p>http://www.legco.gov.hk/yr06-07/english/panels/ajls/minutes/aj061127.pdf</p> |
| | 26 March 2007 | <p>Background brief on "Provision of legal aid services" prepared by the LegCo Secretariat</p> <p>[LC Paper No. CB(2)1395/06-07(01)]</p> <p>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"</p> <p>[LC Paper No. CB(2)1395/06-07(02)]</p> <p>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</p> <p>[LC Paper No. CB(2)1472/06-07(01)]</p> <p><i>(Chinese version only)</i></p> <p>Submission dated 26 March 2007 from the 1st Step Association</p> <p>[LC Paper No. CB(2)1472/06-07(02)]</p> <p><i>(Chinese version only)</i></p> <p>Information note from the LegCo Office of Hon Margaret NG</p> <p>[LC Paper No. CB(2)1472/06-07(03)]</p> <p><i>(Chinese version only)</i></p> |

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| | | <p>Minutes of meeting [LC Paper No. CB(2)1966/06-07] http://www.legco.gov.hk/yr06-07/english/p/anel/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/p/anel/ajls/papers/aj1126cb2-367-1-e.pdf</p> |
| | 26 May 2008 | <p>Background Brief on "Five-yearly review of the criteria for assessing the financial eligibility of legal aid applicants" prepared by the LegCo Secretariat [LC Paper No. CB(2)2010/07-08(01)] http://www.legco.gov.hk/yr07-08/english/p/anel/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/p/anel/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/p/anel/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/p/anel/ajls/minutes/aj080526.pdf</p> |
| 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" http://www.legco.gov.hk/yr07-08/english/counmtg/hansard/cm0702-translate-e.pdf</p> |

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| <p>Panel on Administration of Justice and Legal Services</p> | <p>24 November 2008</p> | <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 on "Review of the provision of legal aid services" prepared by the LegCo Secretariat [LC Paper No. CB(2)309/08-09(07)] http://www.legco.gov.hk/yr08-09/english/p/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/p/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/p/panels/ajls/minutes/aj20081124.pdf</p> <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/p/panels/ajls/papers/aj1124cb2-2011-1-e.pdf</p> |

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| 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" [LC Paper No. CB(2)1152/08-09(04)]</p> <p>http://www.legco.gov.hk/yr08-09/english/panels/ajls/papers/aj0330cb2-1152-4-e.pdf</p> <p>Background brief on "Five-yearly review of the criteria for assessing the financial eligibility of legal aid applicants" prepared by the LegCo Secretariat [LC Paper No. CB(2)1152/08-09(05)]</p> <p>http://www.legco.gov.hk/yr08-09/english/panels/ajls/papers/aj0330cb2-1152-5-e.pdf</p> <p>Law Society of Hong Kong's letter dated 27 March 2009 [LC Paper No. CB(2)1215/08-09(01)] (<i>English version only</i>)</p> <p>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]</p> <p>http://www.legco.gov.hk/yr08-09/english/panels/ajls/minutes/aj20090330.pdf</p> |

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| Subcommittee on Proposed Resolution under Section 7(a) of the Legal Aid Ordinance (Cap. 91) | 4 May 2009 | 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 |
| Panel on Administration of Justice and Legal Services | 22 October 2009 | Minutes of meeting [LC Paper No. CB(2)506/09-10] http://www.legco.gov.hk/yr09-10/english/panels/ajls/minutes/aj20091022.pdf |
| Legislative Council | 6 January 2010 | Official Record of Proceedings of the Council on a written question raised by Dr Hon Priscilla LEUNG Mei-fun on "Five-yearly Review of Criteria for Assessing Financial Eligibility of Legal Aid Applicants" http://www.legco.gov.hk/yr09-10/english/counmtg/hansard/cm0106-translate-e.pdf |
| Panel on Administration of Justice and Legal Services | 29 March 2010 | 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 Updated background brief on "Five-yearly review of the criteria for assessing the financial eligibility of legal aid applicants" prepared by the LegCo Secretariat [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 Minutes of meeting [LC Paper No. CB(2)1581/09-10] http://www.legco.gov.hk/yr09-10/english/panels/ajls/minutes/aj20100329.pdf |

| Meeting | Date of meeting | Paper |
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| | | <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/p/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/p/panels/ajls/papers/aj0329cb2-1364-1-e.pdf</p> |
| | 24 May 2010 | <p>Updated background brief on "Five-yearly review of the criteria for assessing the financial eligibility of legal aid applicants" prepared by the LegCo Secretariat [LC Paper No. CB(2)1583/09-10(04)] http://www.legco.gov.hk/yr09-10/english/p/panels/ajls/papers/aj0524cb2-1583-4-e.pdf</p> <p>Submission from the Hong Kong Bar Association [LC Paper No. CB(2)1601/09-10(01)] (<i>English version only</i>) http://www.legco.gov.hk/yr09-10/chinese/p/panels/ajls/papers/aj0524cb2-1601-1-ec.pdf</p> |

| Meeting | Date of meeting | Paper |
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| | | <p>Submission from the Hong Kong Federation of Trade Unions Rights & Benefits Committee [LC Paper No. CB(2)1600/09-10(01)] <i>(Chinese version only)</i> http://www.legco.gov.hk/yr09-10/chinese/p/panels/ajls/papers/aj0524cb2-1600-1-ec.pdf</p> <p>Submission from Hong Kong Human Rights Monitor [LC Paper No. CB(2)1654/09-10(01)] <i>(English version only)</i> http://www.legco.gov.hk/yr09-10/chinese/p/panels/ajls/papers/aj0524cb2-1654-1-ec.pdf</p> <p>Minutes of meeting [LC Paper No. CB(2)2134/09-10] http://www.legco.gov.hk/yr09-10/english/p/panels/ajls/minutes/aj20100524.pdf</p> |
| | 21 July 2010 | <p>Paper provided by the Administration in response to issues raised by members at the meeting on 24 May 2010 concerning the five-yearly review of the criteria for assessing the financial eligibility of legal aid applicants [LC Paper No. CB(2)2076/09-10(01)] http://www.legco.gov.hk/yr09-10/english/p/panels/ajls/papers/aj0721cb2-2076-1-e.pdf</p> <p>Updated background brief on "Five-yearly review of the criteria for assessing the financial eligibility of legal aid applicants" prepared by the LegCo Secretariat [LC Paper No. CB(2)2081/09-10(01)] http://www.legco.gov.hk/yr09-10/english/p/panels/ajls/papers/aj0721cb2-2081-1-e.pdf</p> <p>Submission from the Hong Kong Bar Association [LC Paper No. CB(2)2105/09-10(01)] <i>(English version only)</i> http://www.legco.gov.hk/yr09-10/chinese/p/panels/ajls/papers/aj0721cb2-2105-1-ec.pdf</p> |

| Meeting | Date of meeting | Paper |
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| | | <p>Submission from the Law Society of Hong Kong [LC Paper No. CB(2)2103/09-10(01)] <i>(English version only)</i> http://www.legco.gov.hk/yr09-10/chinese/panels/ajls/papers/aj0721cb2-2103-1-ec.pdf</p> <p>Submission from the Hong Kong Federation of Trade Unions Rights & Benefits Committee [LC Paper No. CB(2)2105/09-10(02)] <i>(Chinese version only)</i> http://www.legco.gov.hk/yr09-10/chinese/panels/ajls/papers/aj0721cb2-2105-2-ec.pdf</p> <p>Submission from the Federation of Hong Kong and Kowloon Labour Unions [LC Paper No. CB(2)2099/09-10(01)] <i>(Chinese version only)</i> http://www.legco.gov.hk/yr09-10/chinese/panels/ajls/papers/aj0721cb2-2099-1-ec.pdf</p> |

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