

L.N. 35 of 2011

**Legal Aid (Assessment of Resources and Contributions)
(Amendment) Regulation 2011**

(Made by the Chief Executive in Council under section 28 of the Legal Aid Ordinance (Cap. 91))

1. Commencement

This Regulation comes into operation on a day to be appointed by the Secretary for Home Affairs by notice published in the Gazette.

2. Legal Aid (Assessment of Resources and Contributions) Regulations amended

The Legal Aid (Assessment of Resources and Contributions) Regulations (Cap. 91 sub. leg. B) are amended as set out in sections 3 and 4.

3. Schedule 1 amended

(1) Schedule 1, Part II, rule 8(1)—

Repeal

“35-percentile”

Substitute

“50-percentile”.

(2) Schedule 1, Part II, rule 8(2)—

Repeal subparagraph (a)

Substitute

“(a) the expression *50-percentile household expenditure* (住戶開支第 50 個百分值) means the level of expenditure of households of a particular size, excluding expenditure for rent, as obtained in the 5-yearly Household Expenditure Survey conducted by the Census and Statistics Department, so that 50% of the households of that size have household expenditure below that level and 50% of the households have household expenditure above that level;”.

(3) Schedule 1, Part II, rule 8(2)—

Repeal subparagraph (b).

(4) Schedule 1, Part II, rule 8(2)(c)(i)—

Repeal

“35-percentile”

Substitute

“50-percentile”.

(5) Schedule 1, Part II, rule 9(2)—

Repeal

“35-percentile”

Substitute

“50-percentile”.

(6) Schedule 1, Part II, rule 9(4)(b)—

Repeal

“35-percentile”

Substitute

“50-percentile”.

(7) Schedule 1, Part II, rule 9(5)—

Repeal

everything after “this rule,” and before “(calculated in accordance with rule 8(2))”

Substitute

“50-percentile household expenditure differential (住戶開支第 50 個百分值差額) means the difference in amount between the 50-percentile household expenditure”.

4. Schedule 2 amended (Rules for computing disposable capital)

(1) Schedule 2, rule 12(b), Chinese text—

Repeal

“著”

Substitute

“着”.

(2) Schedule 2, after rule 13—

Add

“14. If the person concerned is of or over 60 years of age, in computing the amount of the disposable capital of the person, an amount equivalent to that specified in section 5(1) of the Ordinance in respect of financial resources is to be disregarded.”.

Manda CHAN
Clerk to the Executive Council

COUNCIL CHAMBER

15 February 2011

Explanatory Note

This Regulation amends the rules for computing the disposable income and disposable capital of a person applying for legal aid. The rules are set out in the Legal Aid (Assessment of Resources and Contributions) Regulations (Cap. 91 sub. leg. B).

2. In computing the disposable income of a person, there is an existing rule which allows a deduction for household expenditure with reference to the periodic Household Expenditure Survey conducted by the Census and Statistics Department. Under this rule, an amount equivalent to the 35-percentile household expenditure is not to be taken into account in relation to the person and the person's dependants (if any). The Regulation increases the amount of allowable deduction by adjusting the existing reference level (i.e. 35-percentile) to a higher one (i.e. 50-percentile).
3. The Regulation also adds a new rule in computing the disposable capital of a person. The new rule provides a concession to a person who is of or over 60 years of age. Under the new rule, an amount is to be deducted that is equivalent to the limit of financial resources for a person to be eligible for ordinary legal aid when calculating the disposable capital.