

**Replies to supplementary questions raised by
Finance Committee Members in examining the Estimates of Expenditure 2012-13**

**Director of Bureau : Secretary for Home Affairs
Session No. : 20**

Reply Serial No.	Question Serial No.	Name of Member	Head	Programme
S-HAB01	SV040	Hon. CHAN Tanya	63	Licensing
S-HAB02	SV042	Hon. PAN Pey-chyou	63	Community Building
S-HAB03	SV041	Hon. NG Margaret	94	Processing of Legal Aid Applications

**CONTROLLING OFFICER'S REPLY TO
SUPPLEMENTARY QUESTION**

Reply Serial No.

S-HAB01

Question Serial No.

SV040

Head: 63 – Home Affairs Department

Subhead (No. & title):

Programme: (4) Licensing

Controlling Officer: Director of Home Affairs

Director of Bureau: Secretary for Home Affairs

Question:

The Administration is requested:

in respect of the 696 complaints or reports against unlicensed guesthouses received in 2011 as mentioned in Reply Serial No. HAB247, to provide the number of unlicensed guesthouses involved and the nature of such complaints.

Asked by: Hon. CHAN Tanya

Reply:

The nature of the 696 complaints or reports received in 2011 mentioned in Reply Serial No. HAB247 was about suspected unlicensed guesthouse operation. The number of suspected premises involved was 402.

Signature: _____ Signed _____

Name in block letters: _____ Mrs PAMELA TAN _____

Post Title: _____ Director of Home Affairs _____

Date: _____ 19 March 2012 _____

**CONTROLLING OFFICER'S REPLY TO
SUPPLEMENTARY QUESTION**

S-HAB02

Question Serial No.

SV042

Head: 63 – Home Affairs Department

Subhead (No. & title):

Programme: (2) Community Building

Controlling Officer: Director of Home Affairs

Director of Bureau: Secretary for Home Affairs

Question:

The Administration is requested:

in respect of the Enhancing Self-Reliance Through District Partnership Programme, to provide the number of social enterprises (“SEs”) ceasing operation after the funding period had ended for one year or more, and figures showing if there has been an increase in the number of SEs ceasing operation after the Minimum Wage Ordinance (Cap. 608) came into operation.

Asked by: Hon. PAN Pey-chyou

Reply:

While no social enterprises (SEs) under the Enhancing Self-Reliance Through District Partnership (ESR) Programme had ceased operation during the funding period since the launch of the ESR Programme in 2006, 11 SEs closed their business within one year after the expiry of the funding period. Another nine SEs closed after more than one year since the expiry of the funding period.

There is no evidence to show that the number of ESR SEs which ceased operation has increased after the Minimum Wage Ordinance (Cap. 608) (MWO) came into operation in May 2011. We have all along been advising SEs under the ESR Programme to take precautionary measures against possible surge in wages and salaries after the implementation of MWO. Indeed, as SEs under the ESR Programme are required to remunerate their staff at a level not less than the average monthly wages of relevant industry as published in the latest Census and Statistics Department’s Quarterly Report of Wage and Payroll Statistics, which are normally higher than the minimum wage, the implementation of MWO should not have much adverse impact on those SEs.

Signature: _____ Signed _____

Name in block letters: _____ Mrs PAMELA TAN _____

Post Title: _____ Director of Home Affairs _____

Date: _____ 19 March 2012 _____

**CONTROLLING OFFICER'S REPLY TO
SUPPLEMENTARY QUESTION**

S-HAB03

Question Serial No.

SV041

Head: 94 - Legal Aid Department

Subhead (No. & title):

Programme: (1) Processing of Legal Aid Applications

Controlling Officer: Director of Legal Aid

Director of Bureau: Secretary for Home Affairs

Question:

In respect of the legal aid schemes, to provide the total, maximum and minimum amounts of legal aid contributions received in each of the past five years.

Asked by: Hon. NG Margaret

Reply:

Under the Ordinary Legal Aid Scheme (OLAS), applicants with financial resources assessed to be between HK\$20,001 and HK\$260,000, which is the current eligibility limit, are required to pay a contribution upon acceptance of the offer of legal aid as specified in the Legal Aid (Assessment of Resources and Contributions) Regulations (Cap. 91B). Depending on the applicant's financial resources, the amount of contribution ranges from a minimum of \$1,000 to a maximum of \$65,000, i.e. 25% of the eligibility limit for OLAS. Applicants whose financial resources are at \$20,000 or below are not required to pay any contribution.

For applicants with financial resources exceeding the eligibility limit, the Director of Legal Aid (DLA) has the discretion to waive the limit for applicants in civil cases in which a breach of the Hong Kong Bill of Rights Ordinance (Cap. 383) or an inconsistency with the International Covenant on Civil and Political Rights as applied to Hong Kong is an issue. The limit for applicants in criminal cases could also be waived if DLA is satisfied that it is desirable in the interests of justice to do so. The rates of contribution in such circumstances range from 30% to 67% of the assessed financial resources of the applicant.

In 2011, 73% of all the persons granted legal aid under OLAS did not have to pay any contribution upon acceptance of the offer of legal aid. The table below sets out the highest and the total amounts of contribution paid by successful applicants under OLAS in the past five financial years:

Year	The highest amounts of contribution paid by persons granted legal aid in each financial year (Note) \$		Total amounts of contribution paid \$ million
	Civil	Criminal	
2007-08	41,331	621,335	13.87
2008-09	79,620	505,000	15.36
2009-10	223,533	249,757	18.28
2010-11	156,690	279,503	18.79
2011-12 (up to 31 January)	64,976	350,000	19.71

Note: An applicant may be asked to pay a lesser sum than the maximum amounts of contribution having regard to the probable costs of the proceedings. If it transpires that the costs of the proceedings are less than the amount of contribution paid, any excess will be refunded to the aided person at the conclusion of the case.

As for the Supplementary Legal Aid Scheme (SLAS), upon acceptance of legal aid, successful applicants are required to pay a contribution at a flat rate of 25% of the financial eligibility limit for OLAS, i.e. \$65,000. The total amounts of contribution received under SLAS in the past five years are as follows:

Year (from 1 October to 30 September next year)	Total amount of contribution paid \$ million
2007-08	2.30
2008-09	3.51
2009-10	3.29
2010-11	3.62
2011-12 (up to 31 January)	1.85

As regards payment of contributions, DLA may allow, in appropriate circumstances, payment by installments (normally not more than six monthly installments). Relevant factors for consideration include the likely duration of the aided proceedings; the actual monthly income of the applicant after deduction of basic and essential expenditure; and the amount of available assets which includes savings and readily realisable assets.

Signature: _____ Signed _____

Name in block letters: _____ William CHAN _____

Post Title: _____ Director of Legal Aid _____

Date: _____ 20 March 2012 _____