

**For information on
22 January 2013**

**2013 Policy Address
Policy Initiatives of
Home Affairs Bureau**

Our Vision

The policy objective of legal aid is to ensure that no one with reasonable grounds for pursuing or defending a legal action is denied access to justice because of a lack of means. This paper highlights the policy initiatives concerning legal aid under the Home Affairs Bureau.

On-going Initiatives

Free Legal Advice Service

2. The Government currently provides subvention for the Duty Lawyer Service (“DLS”) to implement the “Free Legal Advice Scheme” (“FLAS”) to provide free preliminary legal advice to members of the public. At present, there are over 900 lawyers participating in the FLAS, handling about 6 600 cases per year. The Government will continue to work with the DLS and the two legal professional bodies to step up promotion work and recruitment drive in order to encourage more lawyers to participate in the FLAS.

3. As an initiative to encourage more members of the legal profession to volunteer to provide more free legal services to the public, we have organised the debut Home Affairs Bureau’s Recognition Scheme for Provision of Pro Bono Legal Services (“the Recognition Scheme”). Legal professionals who have provided pro bono legal services for at least 25 hours within the recognition period from 1 July 2011 to 30 June 2012, and law firms¹ that have made significant efforts in providing pro bono legal services, are commended. The Recognition Scheme is well-received. 254 individual legal professionals and 31 law firms are recognised under the Scheme, and an award presentation ceremony was held on 13 December 2012.

¹ Companies’ Awards recognise qualified law firms that have made significant efforts in providing pro bono legal services in respect of their company policies, visions or missions; and the aggregate hours of pro bono legal services performed by the legal professionals within the recognition period should exceed 25 hours x 10% of the total number of the legal professionals of the firm.

Pilot Scheme to Provide Legal Advice for Litigants in Person

4. At its meetings on 28 November 2011 and 27 February 2012, we briefed the Legislative Council (“LegCo”) Panel on Administration of Justice and Legal Services (“AJLS Panel”) on our proposed Two-year Pilot Scheme to Provide Legal Advice for Litigants in Person (“the LIPs Scheme”). With the in-principle support of the AJLS Panel, we are working towards launching the LIPs Scheme in early 2013. The Scheme aims to assist LIPs in the form of procedural advice relating to court proceedings.

5. A Steering Committee on the Provision of Legal Advice for LIPs (“Steering Committee”) has been set up to oversee and advise on the operation of the Scheme. The Steering Committee is chaired by the Honourable Mr Justice Pang Kin-kee, and comprised representatives from the two legal professional bodies as well as members from different backgrounds, including the social welfare, professional and academic fields. Upon finalisation of the operational details of the LIPs Scheme, we will provide information to the AJLS Panel accordingly.

Supplementary Legal Aid Scheme

6. On 17 July 2012, LegCo passed a resolution under the Legal Aid Ordinance (“LAO”) (Cap. 91) to expand the scope of the Ordinary Legal Aid Scheme (“OLAS”) and the Supplementary Legal Aid Scheme (“SLAS”) to cover more types of civil proceedings².

7. On 25 September 2012, the Chief Executive-in-Council made the Legal Aid (Amendment) Regulation 2012 and the Legal Aid (Assessment of Resources

² The legislative amendments include –

- (a) expanding the scope of OLAS to cover monetary claims in derivatives of securities, currency futures or other futures contracts when fraud, misrepresentation or deception is involved in respect of the sale;
- (b) expanding the scope of SLAS to cover claims of the following categories with claim amounts exceeding \$60,000 –
 - (i) professional negligence claims against certified public accountants (practicing), registered architects, registered professional engineers, registered professional surveyors, registered professional planners, authorised land surveyors, estate agents, and registered landscape architects;
 - (ii) negligence claims against insurers or their intermediaries in respect of the taking out of personal insurance products; and
 - (iii) monetary claims against the vendors in the sale of completed or uncompleted first-hand residential properties; and
- (c) expanding the scope of SLAS to cover representation for employees in appeals brought by either the employer or the employee against awards made by the Labour Tribunal, regardless of the amount in dispute.

and Contributions) (Amendment) Regulation 2012 (“the Amendment Regulations”) under LAO to provide for the application fees and rates of contribution applicable to the newly added legal proceedings under the expanded SLAS. The Resolution and the Amendment Regulations commenced operation on 30 November 2012.

8. On 7 December 2012, we obtained the LegCo Finance Committee’s approval to inject \$100 million into the Supplementary Legal Aid Fund to support the operation of the expanded SLAS.

9. With the implementation of the expanded SLAS, we will monitor the applications for the newly added proceedings and their impact on the SLAS Fund, and invite the Legal Aid Services Council to conduct a further review on the scope of SLAS in the light of the experience gained. We will keep the AJLS Panel informed of the progress.

Home Affairs Bureau
January 2013