

For information

**Legislative Council Panel on
Administration of Justice and Legal Services**

**Annual Review of Financial Eligibility Limits
of Legal Aid Applicants**

PURPOSE

The 2012 annual review of the financial eligibility limits (FELs) of legal aid applicants has been completed. This paper informs Members of the outcome of the review.

BACKGROUND

2. At present, a person whose financial resources¹ do not exceed \$260,000 is financially eligible for legal aid under the Ordinary Legal Aid Scheme (OLAS), which covers civil proceedings in the District Court or higher courts. The eligibility limit also applies to criminal legal aid under the Legal Aid in Criminal Cases Rules of the Criminal Procedure Ordinance. The corresponding limit for the Supplementary Legal Aid Scheme (SLAS) is \$1,300,000.

3. The purpose of the annual review is to take into account changes in the Consumer Price Index (C) (CPI(C)) to maintain the real values of FELs. In February 2012, we informed Members that notwithstanding the +5.4% change during the 2011 review period (i.e. from July 2010 to July 2011), the Administration would not make further adjustments as the FELs for OLAS and SLAS had already been substantially increased to \$260,000 (i.e. +48%) and \$1,300,000 (i.e. +166%) respectively in May 2011 (vide LC Paper No. CB(2)1112/11-12(01)).

THE 2012 ANNUAL REVIEW

4. The change in CPI(C) recorded during the 2012 review

¹ Financial Resources means the aggregate of an applicant's yearly disposable income and disposable capital. A person's disposable income is his gross income minus deductible items as allowed under the Legal Aid Ordinance. A person's disposable capital is the sum of his credit balance, money due to him, the market value of non-money resources and the value of business or share in a company, minus deductible items as allowed under the Legal Aid Ordinance.

period (i.e. from July 2011 to July 2012) was +3.7%. Accordingly, the FELs will be adjusted upward by 3.7%, i.e. from \$260,000 to \$269,620 for OLAS and criminal legal aid, and from \$1,300,000 to \$1,348,100 for SLAS.

WAY FORWARD

5. The Legal Aid Services Council noted the outcome of the review. To reflect the findings of the review, we will move a Resolution in the Legislative Council within the 2012/13 legislative session to raise the FELs as per paragraph 4 above under section 7(a) of the Legal Aid Ordinance.

ADVICE SOUGHT

6. Members are invited to note the outcome of the review and the proposed legislative amendments.

**Home Affairs Bureau
Legal Aid Department
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