

**For discussion on  
28 January 2014**

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

**Policy Initiatives of the Home Affairs Bureau**

**INTRODUCTION**

This paper briefs members on details of the policy commitments in respect of legal aid and legal advice services in the Chief Executive's 2014 Policy Address.

**OUR VISION**

2. The provision of legal aid services is an integral part of the administration of justice. We strive to enhance the accessibility of legal aid and free legal advice services to the public which consummates the value of everyone being equal before the law.

**ON-GOING INITIATIVES**

**Free legal advice services**

*(a) Free Legal Advice Scheme*

3. 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 nine District Offices<sup>1</sup> of the Home Affairs Department ("HAD"). 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.

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<sup>1</sup> The nine District Offices are (a) Central and Western, (b) Wan Chai, (c) Eastern, (d) Kwun Tong, (e) Wong Tai Sin, (f) Yau Tsim Mong, (g) Shatin, (h) Tsuen Wan and (i) Islands District Offices.

(b) *Community Legal Information Centre*

4. The Community Legal Information Centre (“CLIC”) is a platform developed and run by the University of Hong Kong (“HKU”) since 2007 to provide bilingual free legal information through its website (<http://clic.org.hk>). To enhance the CLIC, the Home Affairs Bureau (“HAB”) has provided sponsorship to HKU to cover special topics relevant to the youth, elderly and families.

*Youth CLIC*

5. The Youth CLIC website (<http://youth.clic.org.hk>) has been launched since April 2012 to provide information and videos on more than 60 offences and legal issues concerning youngsters. Leaflets and posters have been distributed to all secondary schools and tertiary institutions in Hong Kong, Centres of Hong Kong Federation of Youth Groups and HAD Districts Offices for promoting Youth CLIC. A friendly link button is also included in the HAB official website, the Family Council and Commission on Youth’s websites to boost the hit rates.

6. The CLIC Steering Committee<sup>2</sup>, together with the Faculty of Education of HKU, are developing teaching packages on legal issues for secondary schools by converting the contents of the Youth CLIC website. The project aims to enhance students’ legal knowledge and enrich the database of teaching materials in Liberal Studies.

*Senior CLIC*

7. The Senior CLIC website (<http://senior.clic.org.hk>) has been launched since April 2013 to provide basic information on legal issues tailored for the elderly. Leaflets and posters have been sent to elderly centres, care and nursing homes, libraries, sports centres, HAD District Offices and District Social Welfare Offices to promote the website. A friendly link button has been included in the HAB official website, the Family Council and the Elderly Commission’s websites. We will continue publicizing the website and legal information to the elderly community.

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<sup>2</sup> The CLIC Steering Committee is co-chaired by Dr Kevin Pun of the Department of Science and Prof Anne Cheung of the Faculty of Law, and comprised other faculty members of HKU.

## Family CLIC

8. The Family CLIC will be the last topic to be covered in the enhancement of CLIC project, which will be launched in April 2014. Upon completion of the Family CLIC, we will arrange workshops, seminars and publicity events, in collaboration with non-government organizations, on thematic topics to increase the public's legal knowledge and enhance their awareness of legal services available at the community level.

### *(c) Pilot Scheme to Provide Legal Advice for Litigants in Person*

9. With the support of the Legislative Council Panel on Administration of Justice and Legal Services ("AJLS Panel"), the Administration launched the Two-year Pilot Scheme to Provide Legal Advice for Litigants in Person ("the LIPs Scheme") on 18 March 2013. A Steering Committee chaired by the former High Court Judge Mr Pang Kin-kee, with representatives from the Judiciary, the Legal Aid Department ("LAD"), Hong Kong Bar Association, the Law Society of Hong Kong, as well as members from different backgrounds including the social welfare, professional and academic fields has been set up to oversee and advise on the operation of the LIPs Scheme. As at end 2013, 514 LIPs had been assisted and some 1 150 advice sessions had been conducted under the Scheme. We will continue to monitor and review the operation of the Scheme.

## **Legal aid services**

### *(a) Financial Eligibility Limits of the Ordinary Legal Aid Scheme and the Supplementary Legal Aid Scheme*

10. 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. To qualify for legal aid, a person is required by law to satisfy the means and merits tests as provided by the Legal Aid Ordinance (Cap. 91).

11. In May 2011, the financial eligibility limits ("FELs") of the Ordinary Legal Aid Scheme ("OLAS") and the Supplementary Legal Aid Scheme ("SLAS") were increased substantially (i.e. from \$175,800 to \$260,000 for OLAS, and from \$488,400 to \$1,300,000 for SLAS). In June 2013, the FELs of OLAS and SLAS were further increased to \$269,620 and \$1,348,100 respectively to take into account changes in the Consumer Price Index (C). Notwithstanding the substantial increases in recent years, the Administration is conducting preparatory work for a further comprehensive review of the FELs

and will consult the AJLS Panel and the Legal Aid Services Council (LASC) once we have formulated the proposals.

(b) *Scope of SLAS*

12. With LegCo's support, the scope of SLAS was significantly expanded in November 2012<sup>3</sup>. Whilst we are still gaining experience on the newly added proceedings and assessing their impact on the Supplementary Legal Aid Fund<sup>4</sup>, we will engage the LASC to conduct a further review on the scope of SLAS with a view to presenting a new round of recommendations to the Administration.

(c) *Review of Criminal Legal Aid Fees*

13. With LegCo's support and the collaborative efforts of the Administration and the two legal professional bodies, the Legal Aid in Criminal Cases (Amendment) Rules 2012 ("Amendment Rules") commenced operation in March 2012 with a view to, inter alia, improving the payment structure of the criminal legal aid fees system and ensuring the general compatibility of the fees system between the Department of Justice and LAD. In November 2013, the criminal legal aid fees payable to lawyers in private practice were further increased by 9.3% to reflect the changes in the Consumer Price Index (C).

14. Notwithstanding the above, the Administration has undertaken to review the revised rates of the criminal legal aid fees system two years after the implementation of the Amendment Rules, i.e. in March 2014. Against this background, the LAD has been collecting data to assess the effectiveness of the revised system, including the actual increment of remuneration for lawyers engaged in criminal cases, so as to pave the way for a constructive review to be conducted this year. The Administration will form a working group and invite representatives from the Hong Kong Bar Association and the Law Society of Hong Kong to commence the review in March 2014.

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<sup>3</sup> In addition to the pre-existing claims relating to personal injuries, employees compensation and medical, dental and legal professional negligence, the scope of SLAS was significantly expanded in November 2012 to cover a wider range of professional negligence claims, negligence claims against insurers or their intermediaries in respect of the taking out of personal insurance products, monetary claims against the vendors in the sale of completed or uncompleted first-hand residential properties, and representation for employees in appeals against awards made by the Labour Tribunal.

<sup>4</sup> The LegCo Finance Committee's funding approval of \$100 million was obtained in December 2012 to support the operation of the expanded SLAS. As at end 2013, the balance of the Supplementary Legal Aid Fund was \$186.9 million.

## **Independence of legal aid**

15. On 30 April 2013, the LASC submitted its recommendations on the feasibility and desirability of the establishment of an independent legal aid authority, together with the consultancy report of the study, to the Chief Executive. In essence, having examined the institutional, financial, operational and governance dimensions of LAD, LASC considered that there is no immediate need to establish an independent legal aid authority as the degree of independence upheld and exercised by LAD is considered sufficient. To address the perception issue about the lack of independence, LASC recommended that LAD should be re-positioned and placed directly accountable to the Chief Secretary for Administration, which was the arrangement prior to the reorganisation of the Government Secretariat in July 2007. LASC also considered that its function to oversee the delivery of quality legal aid services should be enhanced to strengthen the governance of LAD with a view to enhancing public confidence in the rule of law in Hong Kong.

16. At the AJLS Panel meeting on 25 June 2013, LASC and deputations were invited to brief Members on its recommendations and present their views respectively. As per the Panel's request, the Administration has submitted an information paper on the principles and spending of legal aid services in September 2013. Subject to the Administration's assessment of LASC's recommendations and stakeholders' views, we will report to the AJLS Panel once we have formulated the Administration's position on the way forward.

## **ADVICE SOUGHT**

17. Members are invited to note the initiatives in respect of legal aid and legal advice services as set out above.

**Home Affairs Bureau  
January 2014**