

立法會
Legislative Council

LC Paper No. LS73/14-15

**Paper for the House Committee Meeting
on 26 June 2015**

**Legal Service Division Report on
Proposed Resolution under section 7(a) of
the Legal Aid Ordinance (Cap. 91)**

The Secretary for Home Affairs has given notice to move a motion at the Legislative Council (LegCo) meeting of 8 July 2015 under section 7(a) of the Legal Aid Ordinance (Cap. 91) to seek LegCo's approval for raising the financial eligibility limits of legal aid applicants by 7.7%.

2. The proposed resolution is to amend the limits of financial resources of legal aid applicants specified in sections 5 and 5A of Cap. 91 for the Ordinary Legal Aid Scheme (OLAS) and Supplementary Legal Aid Scheme (SLAS) respectively as follows:-

	<i>Existing limit</i>	<i>Proposed limit</i>
OLAS	not exceeding \$269,620	not exceeding \$290,380
SLAS	exceeding \$269,620 but not exceeding \$1,348,100	exceeding \$290,380 but not exceeding \$1,451,900

3. Under OLAS and SLAS, persons whose financial resources do not exceed the specified limits are financially eligible for the granting of legal aid in certain civil proceedings. The two schemes differ in the types of cases covered¹ and the scales of contribution from the aided persons. The financial eligibility limit for OLAS also applies to criminal legal aid under rule 4(1) of the Legal Aid in Criminal Cases Rules (Cap. 221D). Section 7(a) of Cap. 91 provides that LegCo may by resolution amend the amounts of financial resources specified in sections 5 and 5A of Cap. 91. The existing amounts of financial resources were specified in June 2013 (L.N. 117 of 2013)².

¹ Civil proceedings which are covered by OLAS and SLAS are respectively set out in Part 1 of Schedule 2 and Part 1 of Schedule 3 to Cap. 91.

² According to paragraph 4 of the LegCo Brief (File Ref: HAB/CR 19/1/49), the previous upward adjustment of financial eligibility limits for OLAS and SLAS by 3.7% in June 2013 was to reflect the Consumer Price Index (C) changes between July 2011 and July 2012.

4. According to the Administration, the proposed upward adjustment of the financial eligibility limits for OLAS and SLAS by 7.7% (the proposed adjustment) is to reflect the accumulated change in the Consumer Price Index (C) recorded between July 2012 and July 2014. Members may refer to the LegCo Brief (File Ref: HAB/CR 19/1/49) issued by the Home Affairs Bureau in June 2015 for further information.

5. As advised by the Clerk to the Panel on Administration of Justice and Legal Services, at the meeting held on 16 February 2015, members of the Panel were briefed by the Administration on the proposed adjustment and were informed that the proposed adjustment would be made by the Administration by way of a resolution after the making of the legislative amendments to revise the bandwidths of assessed financial resources of aided persons in relation to the contribution payable under OLAS³. Members of the Panel generally supported the proposed adjustment.

6. The proposed resolution, if approved, will come into operation on the date of publication in the Gazette.

7. No difficulties relating to the legal and drafting aspects of the proposed resolution have been identified.

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³ The Legal Aid (Assessment of Resources and Contributions) Regulations (Cap. 91B) has been amended by the Legal Aid (Assessment of Resources and Contributions) (Amendment) Regulation 2015 (L.N. 78 of 2015) to revise the bandwidths of assessed financial resources of aided persons in relation to the contribution payable under OLAS. L.N. 78 of 2015 came into operation on 17 June 2015.