

**For discussion on  
25 January 2016**

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

**2016 Policy Address  
Policy Initiatives of the Home Affairs Bureau**

**INTRODUCTION**

This paper briefs Members on the new and on-going policy initiatives in respect of legal aid and legal advice services in the Chief Executive's 2016 Policy Address and Policy Agenda.

**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.

**NEW INITIATIVES**

*Regularisation of the Pilot Scheme to Provide Legal Advice for Litigants in Person*

3. The Pilot Scheme to Provide Legal Advice for Litigants in Person ("LIPs Scheme") was launched on 18 March 2013 to provide legal advice on procedural matters to LIPs who have commenced or are parties to civil legal proceedings at the District Court level or above. During the two-year pilot period, the LIPs Scheme had conducted some 3 600 advice sessions, assisting a total of 1 236 individual LIPs. Feedback from clients is positive as over 90% of them are satisfied with the services provided. The Judiciary also considers that the LIPs Scheme has rendered a useful and constructive service to LIPs who are in need of assistance on procedural matters in respect of civil cases that are covered by the Pilot Scheme.

4. In the light of the positive feedback from LIPs clients and the Judiciary, the Steering Committee on the Provision of Legal Advice for Litigants in

Person<sup>1</sup> (“Steering Committee”) has recommended that the LIPs Scheme be included as a regular Government programme and the scope of service be expanded to cover (a) proceedings in the Lands Tribunal; and (b) the commencement of proceedings in the Lands Tribunal, the District Court and higher courts (including applications to join a proceeding).

5. The Government has accepted in full the above recommendations of the Steering Committee. As a first step, we have expanded the scope of the Scheme in accordance with the Steering Committee’s recommendations with effect from 21 September 2015. We will also include the Scheme as a regular Government programme starting from 2016-17 and retitle it as the Legal Advice Scheme for Unrepresented Litigants on Civil Procedures.

6. Upon completion of the two-year pilot scheme in March 2015 and pending deliberations on the Steering Committee’s recommendations, the Home Affairs Bureau (“HAB”) has redeployed resources to support the continued operation of the Scheme in 2015-16. As at end December 2015, a total of 1 766 LIPs had benefited from the Scheme involving 5 296 advice sessions; 56 lawyers and 61 law students had enrolled as community lawyers and student volunteers respectively. We will continue to promote the Scheme and monitor its operation after it is turned into a regular Government programme in 2016-17.

#### *Increase in Criminal Legal Aid Fees*

7. HAB formed a working group in March 2014 to review the rates of criminal legal aid fees payable to lawyers in private practice engaged to undertake litigation work on behalf of the Legal Aid Department (“LAD”). The working group comprised representatives from the Hong Kong Bar Association and the Law Society of Hong Kong, as well as government representatives from LAD and the Department of Justice. It has completed the review and recommended a package of increases in the criminal legal aid fees, with the aim of attracting more legal professionals to provide legal representation for criminal legal aid cases and enhancing the quality of criminal law professionals in Hong Kong in the longer term. HAB will brief Members on the outcome of the review and the detailed proposals at the Panel meeting in February 2016. We aim to introduce legislative amendments to implement the proposals in the second quarter of 2016.

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<sup>1</sup> The Steering Committee was chaired by the former judge of the Court of First Instance of the High Court, Mr Pang Kin-kee, and included representatives from the Judiciary, Home Affairs Bureau, Legal Aid Department, the Hong Kong Bar Association, the Law Society of Hong Kong, as well as members from different backgrounds to oversee and advise on the operation of the LIPs Scheme.

## ON-GOING INITIATIVES

### Free legal advice services

#### *Free Legal Advice Scheme*

8. The Government 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>2</sup> of the Home Affairs Department. At present, there are more than 1 000 lawyers participating in FLAS, handling over 6 500 cases per year. The Government will continue to work with DLS and the two legal professional bodies to promote the Scheme and encourage more lawyers to participate in FLAS.

#### *Recognition Scheme for Provision of Pro Bono Legal Services*

9. As an initiative to encourage more members of the legal profession to volunteer to provide free legal services to the public, HAB organised the second Recognition Scheme for Provision of Pro Bono Legal Services (“Pro Bono Scheme”) to recognise pro bono services provided during the period from 1 October 2014 to 30 September 2015. The Pro Bono Scheme has an “Individuals” category, commending legal professionals who have provided pro bono legal services for at least 25 hours within the recognition period, and a “Companies” category, commending law firms that have made significant efforts in providing pro bono legal services<sup>3</sup>. The Pro Bono Scheme was well received, with a total of 298 legal professionals and 22 law firms recognised at the award presentation ceremony held on 5 January 2016.

### Legal aid services

#### *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 (“LAO”) (Cap. 91).

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<sup>2</sup> The nine District Offices are: Central and Western, Wan Chai, Eastern, Kwun Tong, Wong Tai Sin, Yau Tsim Mong, Shatin, Tsuen Wan, and Islands District Offices.

<sup>3</sup> 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.

11. In June 2015, the Legislative Council (“LegCo”) approved the Government’s proposal to implement a revised set of bandwidths of assessed financial resources<sup>4</sup> for determining contribution payable under the Legal Aid (Assessment of Resources and Contributions) Regulations (Cap. 91B), so that the bandwidths are more evenly distributed. The revised set of bandwidths has come into operation since June 2015. In July 2015, with LegCo’s approval, we have adjusted the financial eligibility limit (“FEL”) of the Ordinary Legal Aid Scheme (“OLAS”) and Supplementary Legal Aid Scheme (“SLAS”) to take into account changes in the Consumer Price Index (C) subsequent to the previous adjustments in June 2013<sup>5</sup>.

12. Subsequent to the substantial expansion of the scope of SLAS in November 2012 following the previous review<sup>6</sup>, the Legal Aid Services Council (“LASC”) has been invited to conduct a further review on the scope of SLAS with a view to presenting a new round of recommendations to the Government. LASC has formed a Working Group on Expansion of SLAS to follow up and the review is in progress. LASC will consider comments expressed by stakeholders including the two legal professional bodies before finalising its recommendations. We will study LASC’s recommendations on receipt and report to the LegCo Panel on Administration of Justice and Legal Services in due course.

## **ADVICE SOUGHT**

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

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<sup>4</sup> “Financial resources” means the aggregate of an applicant’s disposable income within a 12-month period and disposable capital. A person’s disposable income is his gross income minus deductible items as allowed under the LAO. 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 LAO.

<sup>5</sup> The FEL for OLAS was increased from \$269,620 to \$290,380, and that for SLAS from \$1,348,100 to \$1,451,900.

<sup>6</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 substantially 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.

**Home Affairs Bureau**  
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