

24 November 2017

Mr. Lemuel WOO
Clerk to Panel
Panel on Administration of Justice and Legal Services
Legislative Council Complex
1 Legislative Council Road, Central
Hong Kong.


Dear Mr. Woo,

**Re: Panel on Administration of Justice and Legal Services
(Meeting on 27 November 2017)
Transfer of Legal Aid Portfolio**

1. We refer to your letter of 22nd November 2017 enclosing the Revised Agenda of this meeting. Again we regret the very short notice given for this meeting, some 3 days only. Mr Azan Marwah will probably attend on our behalf.
2. The Committee notes the inordinate delay in implementing this transfer which apparently was accepted 3 years ago.
3. We have no objection to the transfer. We look forward to an explanation how operational independence will be enhanced by reverting to the position of 10 years ago. We look forward to achieving some progress now by constructively working with the Chief Secretary on Legal Aid in the future.
4. We suggest a specific AJLS Panel Hearing either before Christmas or early in the new year in January 2018 on reforms to the Legal Aid system. Some topics noted in previous submissions and correspondence include the following.
5. Substantive informed discussion is needed on better adjusting the Financial Eligibility Limits, especially the underlying principle and inflation adjustments. Lowering the Old Age Exemption to 55 was proposed by LASC and needs to be implemented.
6. Consideration of the statistics showing unacceptably high levels of unrepresented cases and the obstacles to access to justice in the system.
7. The expansion of Legal Aid to new areas such as the following:

8. SLAS for Occupiers' Liability claims against Incorporated Owners for failing to maintain common parts of the building under Section 16, 34 H & I of the Building Management Ordinance; Cap 344
9. SLAS, for representation in the Lands Tribunal for claims under the Land (Compulsory Sale for Redevelopment) Ordinance Cap 545; Certificates have been given for this already.
10. SLAS, for Minority Shareholders actions.
11. OLAS - Competition Law Cases under Cap 619 both criminal cases and civil claims
12. OLAS - the compulsory offer of Legal Aid in Criminal Cases for Appellants in the Court of Appeal, to increase the efficient handling of cases by the Judiciary as the levels of unrepresented cases thereat have been as high as 60 % plus in some of the past 5 years.
13. OLAS for Contempt of Court; Certificate are now being given for this.
14. Revocation of the recent and ill considered ban on assigning a case to counsel because he has given a Section 9 opinion which is favourable to the Applicant.
15. Thus HKBA would be obliged if the Chairman of the AJLS Panel could set a date for the discussion of these items.

Yours sincerely,


Francisco das Caldas
P.P. Ruy Barretto SC

Chairman Standing Committee on Legal Aid Reform of HK Bar Association

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