

**LETTERHEAD OF Hong Kong Bar Association**

20 August, 1998

Your Ref:CB2/PL/AJLS

Mrs Percy Ma  
Clerk to Panel  
LegCo Panel on Administration of Justice & Legal Services  
Legislative Council  
SAR

Dear Mrs Ma

**LegCo Panel on Administration of Justice & Legal Services**

I refer to your letter dated 15 July inviting us to send a paper on the topics in the agenda for the meeting on 15 September.

In relation to item V on the agenda, I enclose herewith a letter we wrote to the Working Group on the Legal Aid Policy Review dated 20 March 1988. We do not appear to have received any reply thereto.

One other matter related to the means test is that the assessment of disposable income or disposable capital is defined as the gross income less personal allowances. This does not take into account the applicant's accrued or potential liabilities or indebtedness of the applicant (other than mortgage payments or tax) for which he is liable.

Yours sincerely

Audrey Eu, S.C.  
Chairman

Encl.

## LETTERHEAD OF Hong Kong Bar Association

20th March 1998

Secretary  
Working Group on Legal Aid Policy Review 1997  
c/o Administration Wing  
Chief Secretary for Administration's Office  
12/F Central Government Offices (West Wing)  
Lower Albert Road  
Central  
Hong Kong

Dear Sirs,

### **Legal Aid Policy Review**

Our attention has been drawn to the above review which has been completed by the Administration without any apparent consultation with the Bar.

The Bar Council's attention has been specially drawn to paragraphs 61 and 62 in the Review.

In paragraph 61, it is said that there have been instances in the past that the assigned counsel have failed to protect the first charge of the DLA under section 18A of the Legal Aid Ordinance. The sentences that follow do not refer to counsel's involvement and we cannot envisage any such situation involving acts or defaults of counsel. We would be grateful if you could inform us under what circumstances an assigned counsel, what is it that he may do or fail to do, which may not protect the first charge.

/2. ....

As to paragraph 62, we would be grateful if you can inform us of the incidents in the past where counsel's failure to comply with Regulation 21 or any other specific provision of the Legal Aid Ordinance has led to a loss of the legal aid fund.

We are happy to see a general relaxation of the eligibility criteria for legal aid but we believe the proposals do not go far enough.

Yours sincerely,

Audrey Eu, S.C.  
Chairman

cc Angela Cheung  
Legal Aid Services Council