

立法會
Legislative Council

LC Paper No. LS58/06-07

**Paper for the House Committee Meeting
on 20 April 2007**

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

The Chief Secretary for Administration ("the Chief Secretary") has given notice to move a motion at the Legislative Council meeting to be held on 2 May 2007 to seek the Legislative Council's approval of the upward adjustment of the financial eligibility limits of legal aid applicants.

2. Under section 5 of the Legal Aid Ordinance ("the Ordinance"), a person whose financial resources do not exceed \$158,300 is eligible for legal aid under the Ordinary Legal Aid Scheme ("OLAS"). Under section 5A of the Ordinance, a person whose financial resources exceed \$158,300 but do not exceed \$439,800 is eligible for legal aid under the Supplementary Legal Aid Scheme ("SLAS"). Section 7 of the Ordinance provides that the Legislative Council may by resolution amend the amounts of financial resources specified in these two sections and the existing amounts of financial resources were specified in June 2006 (L.N. 143 of 2006).

3. According to the draft speech by the Chief Secretary, the cumulative increase in Consumer Price Index ("CPI") for the period from July 2005 to July 2006 is 2.5%. To maintain the real values of the financial eligibility limits, the Administration proposes to adjust upwards the limit for OLAS from \$158,300 to \$162,300 and that for SLAS from \$439,800 to \$450,800 in accordance with the cumulative increase in consumer prices.

4. The Administration briefed the Panel on Administration of Justice and Legal Services on the outcome of the 2006 annual and biennial reviews of the financial eligibility limits of legal aid applicants (the limits) at its meeting on 27 November 2006. It is the Government's policy to review the limits annually to take account of movements in CPI, and biennially to take account of changes in private litigation costs.

5. The Panel was advised that as the change in CPI during July 2005 and July 2006 was +2.5%, the limits for the OLAS and the SLAS were proposed to be increased by 2.5% to \$162,300 and \$450,800 respectively.

6. As regards the biennial review, the Administration had sought information from the two legal professional bodies, the Judiciary and the Legal Aid Department. The Hong Kong Bar Association advised that it did not have cost information on civil cases, and the Law Society of Hong Kong had not replied. The Judiciary could only provide cost statistics of less than 1% of non-legal aid cases that were taxed in January to July 2006 in respect of three major categories of civil cases covered by legal aid. The Legal Aid Department advised that the median litigation costs of civil legal aid cases handled in January to July 2006 had dropped by 1.9% over the comparable costs in January to July 2004. The Administration advised that it could not safely assume that the change in costs of legal aid cases reflected precisely that of the change in private litigation costs. The Administration therefore considered that the findings were not conclusive to justify a change in the limits on account of litigation costs during the reference period.

7. While the Panel did not raise any queries on the proposed increase in the limits, members requested the Administration to consider expanding the scope of the SLAS to cover other types of cases and agreed to follow up the issue as a separate item.

8. This resolution, if passed by the Legislative Council, shall come into operation on a day to be appointed by the Director of Administration by notice published in the Gazette.

9. No difficulties in relation to the legal and drafting aspects of the resolution have been identified.

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