

LC Paper No. CB(2)929/07-08(05)

Chapter One

Summary of Recommendations

1.1 The Legal Aid Services Council (LASC) recommends that:-

- in the long term, legal aid services should be as independent as possible;
- ultimately all forms of legal aid service should be delivered by one single institution; and
- to achieve these objectives, a phased approach is desirable.

Specifically, the Council recommends that:

1.2 An independent statutory legal aid authority (LAA) should be established, with a board to reflect relevant interests, including a member nominated by Duty Lawyer Service (DLS). LAA would advise the Government on legal aid policies and be accountable for the delivery of legal aid services currently under the Legal Aid Department (LAD). [Paras 6.1 - 6.4]

1.3 The Director of Legal Aid (DLA), the Deputy Directors and Assistant Directors should be seconded to LAA upon its establishment. By the end of the first year, they will need to decide whether to apply to join LAA or to remain as civil servants and be redeployed elsewhere. [Paras 6.5 - 6.6]

1.4 At the same time, the rest of the staff in LAD should also be seconded to LAA upon its establishment to ensure sustained delivery of legal aid services. By the end of the second year, staff will need to decide whether to apply to join LAA or to remain as civil servants and be redeployed elsewhere. [Paras 6.7]

1.5 Upon establishment of LAA, all new staff should be employed by LAA itself. [Para 6.8]

1.6 The operation of LAA should be financed from public revenue and current funding arrangements, with no ceiling on LAD's expenditure on legal services, should continue so as to ensure that operational independence will not be compromised by financial constraints. [Para 6.11]

1.7 An independent Official Solicitor's (OS) Office should be established, with a dedicated OS. [Para 6.12]

1.8 With regard to DLS, the lay membership of DLS Council should be increased to the same number as members of the legal profession, i.e. 8 for each type. Also, one of the lay members should be nominated from LAA's board. At the end of the third year of LAA's establishment, LAA should review the feasibility of DLS merging with it. [Paras 6.13 - 6.14]