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香港律師會

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21 December 2010

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Ms. Flora Tai,
Clerk to Administration of Justice and
Legal Services Panel,
Legislative Council Building,
8 Jackson Road,
Central, Hong Kong.

Dear Ms. Tai,

**Meeting of the LegCo Panel on Administration of Justice and Legal Services
on 21 December 2010 - Agenda Item IV – Report on the study conducted by
the Legal Aid Services Council’s Interest Group on Scope of Legal Aid on
expansion of the Supplementary Legal Aid Scheme**

The Law Society’s Legal Aid Committee has considered the recommendations of the Legal Aid Services Council on the above subject as put forward in its letter dated 13 December 2010 to the Chief Executive. We understand that the Government would consider the LASC’s recommendations and put forward its own proposals for consultation. Pending sight of the Government’s proposals, the Committee would like to make the following preliminary observations:

SLAS Part II

The Committee noted the proposal for SLAS Part II to “cover monetary claims with a *good* prospect of success and recovery which would permit the scheme to be self-financing” and suggested that the new scheme should cover claims with a “reasonable” instead of “good” prospect of success and recovery.

Fees and Contributions

Will the proposed “10% of the assessed financial resources of the aided person” for calculating the interim contribution be based on the OLAS or SLAS FEL figure?

As SLAS contribution is different from OLAS contribution in that it is an one-off payment and not recoverable, the Committee queries whether reference should be made to OLAS in calculating the interim contribution for SLAS Part II.

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Are the proposed contribution rates for SLAS Part II at 20% and 15% of the awarded damages too high? Under the presently proposed FEL for SLAS Part II (i.e. HK\$1.3 million), the amount of contribution could go up to HK\$260,000 with the proposed rates. This could be too onerous a financial burden to the sandwich class and turn them to engage recovery agents. Considering that the contribution rates for SLAS Part I are set at 6% and 10%, the Committee submits that it will be more appropriate to set the contribution rates for SLAS Part II at 10% and 15% of the awarded damages.

Independence of Legal Aid

Independence of Legal Aid has long been advocated by the 2 professional bodies and the LASC. Given LASC's present proposal to set up SLAS Part II as a separate and parallel scheme to run alongside with SLAS Part I, the Committee submits that as a transitional measure to lead to the full independence of legal aid services, consideration should be given for LASC to have a greater supervisory and monitoring role over SLAS Part II.

We shall be looking forward to receiving the Government's proposals on the review of SLAS and reserve our right to make further comments on the Government's proposals.

Yours sincerely,



Christine W. S. Chu
Assistant Director of Practitioners Affairs