

**立法會**  
**Legislative Council**

Ref : CB2/PL/AJLS

LC Paper No. CB(2)848/10-11  
(These minutes have been seen  
by the Administration)

**Panel on Administration of Justice and Legal Services**

**Minutes of meeting**  
**held on Monday, 22 November 2010, at 4:30 pm**  
**in Conference Room A of the Legislative Council Building**

- Members present** : Dr Hon Margaret NG (Chairman)  
Dr Hon Priscilla LEUNG Mei-fun (Deputy Chairman)  
Hon Albert HO Chun-yan  
Hon James TO Kun-sun  
Hon LAU Kong-wah, JP  
Hon TAM Yiu-chung, GBS, JP  
Hon Audrey EU Yuet-mee, SC, JP  
Hon Paul TSE Wai-chun  
Hon LEUNG Kwok-hung
- Member attending** : Hon IP Wai-ming, MH
- Members absent** : Dr Hon Philip WONG Yu-hong, GBS  
Hon Miriam LAU Kin-ye, GBS, JP  
Hon Emily LAU Wai-hing, JP  
Hon Timothy FOK Tsun-ting, GBS, JP
- Public Officers attending** : Item IV  
Department of Justice  
Miss Susie HO  
Director of Administration and Development  
Mr Kevin Zervos, SC  
Deputy Director of Public Prosecutions

Ms Christina CHEUNG  
Deputy Law Officer

Item V

Ms Grace LUI Kit-yuk  
Deputy Secretary for Home Affairs

Ms Christine CHOW Kam-yuk  
Principal Assistant Secretary for Home Affairs

Mr KWONG Thomas Edward  
Deputy Director of Legal Aid/Applications and  
Processing

Ms Alice CHUNG Yee-ling  
Deputy Director of Legal Aid/Administration

**Attendance by : Item V  
invitation**

Legal Aid Services Council

Hon Paul M P CHAN  
Chairman

Mr Michael Delaney  
Member

Mr Witman W M HUNG  
Member

Ms Sherrie Y F SIU  
Executive Officer

Hong Kong Bar Association

Mr Kumar Ramanathan, SC  
Vice-Chairman

Mr Ruy Barretto, SC  
Chairman of the Special Committee on Legal Aid Reform

Mr Nicholas Pirie

Mr Valentine YIM

The Law Society of Hong Kong

Mr Patrick Burke  
Member of the Legal Aid Committee

Mr Leslie YEUNG  
Member of the Legal Aid Committee

**Clerk in attendance** : Miss Flora TAI  
Chief Council Secretary (2)3

**Staff in attendance** : Mr KAU Kin-wah  
Assistant Legal Adviser 6

Ms Amy YU  
Senior Council Secretary (2)3

Mrs Fonny TSANG  
Legislative Assistant (2)3

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Action

**I. Confirmation of minutes of meeting**  
[LC Paper No. CB(2)312/10-11]

The minutes of the meeting held on 14 October 2010 were confirmed.

**II. Information papers issued since last meeting**

2. Members noted that no information paper had been issued since the last meeting.

**III. Items for discussion at the next meeting**  
[LC Paper Nos. CB(2)315/10-11(01) - (03)]

Work plan of the Panel

3. The Chairman informed members that she and the Deputy Chairman had met with the Administration to discuss the work plan of the Panel for the 2010-2011 session on 2 November 2010. Based on the discussion, the

Action

Secretariat had prepared a "List of items tentatively scheduled for discussion at the Panel meetings in the 2010-2011 session" [LC Paper No. CB(2)315/10-11(01)].

Research on legal aid

4. The Chairman said that a research report on "Legal aid systems in selected places" [RP01/08-09] ("Research Report") had been completed in June 2009 covering various areas of the legal aid systems in selected places. To facilitate the Panel's consideration of the various legal aid related issues, the Chairman suggested that the Research Division be requested to undertake further studies on the various areas covered in the Research Report, particularly in respect of scope of legal aid services and provision of legal advice service. Members agreed.

Clerk/RD  
of LegCo  
Secretariat

Discussion items for the regular meeting in December 2010

5. Members agreed to discuss the following items at the next regular meeting to be held on Tuesday, 21 December 2010:

- (a) Report on the study conducted by the Legal Aid Services Council's ("LASC") Interest Group on Scope of Legal Aid on expansion of the Supplementary Legal Aid Scheme ("SLAS");
- (b) Implementation of Civil Justice Reform; and
- (c) Proposed amendment to the Enduring Powers of Attorney Ordinance (Cap. 501).

**IV. Proposed creation of a new rank of Assistant Principal Government Counsel (Directorate (Legal) 1) and creation of posts in the Department of Justice**

[LC Paper No. CB(2)315/10-11(04)]

Briefing by the Administration

6. Director of Administration and Development ("DAD"), Department of Justice ("DoJ") introduced the Administration's paper on the proposed creation of a new rank of Assistant Principal Government Counsel ("APGC") at DL1 on the Directorate (Legal) Pay Scale and the creation of 15 APGC posts in DoJ which would be offset by the deletion of 15 Senior Government Counsel

Action

("SGC") posts. The additional notional annual salary cost of the proposal at mid-point was \$4,030,200. Subject to the Panel's views, the Administration would seek the endorsement of the Establishment Subcommittee ("ESC") on 5 January 2011 for the approval of the Finance Committee ("FC") to create the posts with effect from 1 March 2011.

Discussion

7. Noting from paragraph 11 of the Administration's paper that one of the justifications for the proposed creation of five APGC posts in Sub-division II (Advocacy) of the Prosecutions Division ("PD") was the need to develop in-house advocacy skills and expertise to deal with difficult and sensitive cases in the District Court ("DC"), the Chairman expressed concern that complex and difficult cases were heard before DC rather than the High Court ("HC"). Also noting from the same paragraph that in 2009, about 23.2% of the overall court days in DC were undertaken by the Government's in-house counsel, she sought information on the percentage of trial cases in HC briefed out to private counsel. In her view, instead of the proposed creation of APGC posts to enhance in-house advocacy skills in handling complicated trials, consideration could be given to briefing out more prosecution work in higher court levels to private counsel.

8. Deputy Director of Public Prosecutions ("DDPP") responded that as a rule of thumb, the venue for trial was determined having regard to the sentence which was likely to be imposed upon an accused after trial. In the case of DC, the maximum term of imprisonment that could be imposed was seven years. The Administration noted that in recent years, increasing number of complex cases, particularly those relating to white collar crime, were heard before DC. DC was the proper forum for such cases as the likely sentence upon conviction was not more than seven years of imprisonment. DDPP further said that one of the major long term objectives of the re-organization of PD was to place greater emphasis on developing and enhancing the advocacy skills within the Division. Apart from furthering such objective, the proposed new APGC posts would give proper recognition to SGCs who had been undertaking complicated trials at higher levels of courts. DDPP added that while DoJ hoped to be able to gradually increase its presence in DC and above in order to prosecute the court cases that warranted experienced in-house counsel, it recognized the importance of maintaining close working partnership with the private bar in sharing the prosecution work and would continue to brief out a large number of cases to private counsel.

Action

9. While appreciating the need to give proper recognition to SGCs for discharging higher levels of responsibilities, the Chairman found it hard to accept the Administration's reasoning that the proposed APGC posts in Sub-division II (Advocacy) of PD arose from the need to enhance the advocacy skills of in-house counsel to deal with difficult and complex cases. She further said that the sentence likely to be imposed was not the only consideration in determining whether a case should go before DC or HC; the gravity of what was alleged and the complexity of the issues involved were also important factors to be taken into account. She added that the legal profession had raised concern that many complex cases were heard before DC rather than HC and considered it necessary for the Administration to address such concern.

10. Noting that the proposed APGC post in the Legal Policy Division would be responsible for advising on appeals by torture claimants, among others, the Chairman said that the Administration had already sought funding from the Legislative Council ("LegCo") earlier this year for the creation of a Deputy Principal Government Counsel ("DPGC") post in DoJ in relation to the workload arising from torture claims and sought clarification on why another Directorate post was proposed to be created for torture claims related work.

11. DAD responded that the Administration had indeed obtained funding approval of LegCo earlier in the year for the creation of a DPGC post to head a dedicated legal team in the Civil Division to cope with the increasing workload arising from torture claim cases. She explained that while the majority of torture claims cases were handled by the Civil Division, appeals by torture claimants had to be dealt with by another Division (i.e. the Legal Policy Division) in order to act as a firewall. She added that aside from appeals by torture claimants, the proposed APGC in the Legal Policy Division would also be responsible for advising on other types of petitions and statutory appeals, including statutory appeals to the Chief Executive ("CE")/CE in Council made by members of the public; petitions to the CE under Article 48(13) of the Basic Law and statutory appeals/representations under section 20 of the Public Service (Administration) Order from civil servants. She reiterated that the proposal to create one APGC post in the Legal Policy Division was made having regard to the increasing workload and complexity of cases handled by the Division and the need to give due recognition to the higher level of responsibilities undertaken by the staff concerned. At the request of the Chairman, she undertook to explain in the Administration's paper to be submitted to ESC the need to create the APGC post to handle appeals by torture claimants following its earlier funding request for the creation of another Directorate post to deal with workload arising from torture claims.

Action

DoJ

12. In response to Ms Audrey EU's enquiry, DAD said that should ESC and FC support the proposed creation of the rank and posts with effect from 1 March 2011, DoJ had sufficient provisions in the 2010-2011 Estimates to meet the cost of the proposal. At the request of Ms EU, DAD agreed to provide a breakdown on the cost of the proposal.

13. Ms Audrey EU further said that according to her experience, the provision of legal advice by DoJ to other Government bureaux/departments/law enforcement agencies often required a long lead time. She sought clarification on whether there was any performance pledge in this regard. She further enquired whether the staffing proposal would bring about any improvement in efficiency in the provision of legal advice by DoJ, and if so, whether such improvement was quantifiable.

14. DAD responded that as the proposal was to upgrade 15 SGC posts to the level of APGC and there would not be any net increase in manpower, it was not expected that there would be conspicuous improvement in the operational efficiency of DoJ. She reiterated that the main purpose of the proposal was to accord proper recognition to SGCs who had undertaken higher levels of responsibilities and boost staff morale. In respect of performance pledges, DAD said that DoJ would strive to provide legal advice for cases within 14 working days upon receipt of instruction or request for advice. Complex cases would, however, require longer time and the client department concerned would be advised of the estimated time within which the advice would be provided.

15. Ms Audrey EU said that according to her experience as a member of the Operations Review Committee of the Independent Commission Against Corruption, there were hardly any cases where legal advice from DoJ could be made available within 14 days. She said that it would be disappointing if the proposed upgrading of positions would only serve to boost staff morale and address the staff retention problem without bringing about any improvement in the delivery of DoJ's advisory service. For the sake of public interest, she considered it necessary to review and improve the efficiency in the provision of legal advice by DoJ.

16. DDPP explained that due to such factors as workload and complexity of issues involved, DoJ might not always be able to tender legal advice as timely as it had hoped. Nevertheless, he assured members that it was DoJ's objective to enhance the efficiency of and effectiveness of its services and the proposed upgrading of certain SGC posts was a measure geared towards that objective. He stressed that the proposal would provide proper recognition to SGCs who had undertaken higher levels of responsibilities and a better career path for the

Action

Government Counsel ("GC") grade, boost staff morale as well as enhance operational effectiveness and efficiency. DAD also assured members that DoJ was committed to enhancing its efficiency in provision of legal advice, but it would be difficult to quantify such improvement. She added that following the recent re-organisation of PD, the procedure for the provision of advice for simple cases had been further streamlined and DoJ would continue to strive for improvement in this regard.

17. Mr TAM Yiu-chung shared the view that it was difficult to measure in quantifiable terms improvement in efficiency in provision of legal advice by DoJ, as cases might vary in their complexity. He hoped that the proposed creation of the APGC rank and upgrading of SGC posts would rationalise the structure of the GC grade and improve staff morale, thereby boosting staff performance. As the cost involved was modest, he considered the proposal worthy of support.

18. Noting that the GC grade had an establishment of 378 posts, of which 71 were in directorate ranks and 307 in non-directorate ranks and that among the non-directorate staff, there were substantially more SGCs (173) than GCs (87), the Chairman agreed that there was scope for rationalising the structure of the GC grade to enhance staff morale. She, however, noted with concern from the Administration's paper the increasingly pressing demand for DoJ's services. She was concerned whether DoJ could cope with such a heavy workload and sought information on the workload statistics in the past years. She also sought clarification on whether, as a matter of policy, DoJ was responsible for providing legal advice and legal services to all government bureaux and departments as well as the various law enforcement agencies.

19. DAD replied that it was indeed the function of DoJ to provide legal advice and legal services to individual government bureaux and departments including the various law enforcement agencies. She further said that the workload of DoJ had increased in breadth and depth in recent years. With the support of LegCo, DoJ had been given additional resources in the past few years to cope with the increasing volume of work. She explained that the current proposal in respect of the APGC posts was not based on the increase in DoJ's workload. In terms of the increase in complexity of DoJ's work, it was noted that some of the functions being carried out by SGCs had gone beyond the level of complexity and diversity which commensurate with the SGC level. This mismatch was not conducive to the healthy development of the GC grade and the proposal sought to rationalise the structure of the GC grade by creating a new rank of APGC and upgrading certain posts at SGC level to APGC posts. She undertook to provide the workload statistics as requested by the Chairman.

Action

**V. Progress of review of the Supplementary Legal Aid Scheme**

[LC Paper Nos. CB(2)1601/09-10(01), CB(2)2103/09-10(01),  
CB(2)2105/09-10(01), CB(2)2298/09-10(01), CB(2)2327/09-10(01),  
CB(2)2329/09-10(01) CB(2)315/10-11(05) to (06) and  
CB(2)357/10-11(01)]

Briefing by the Administration

20. Deputy Secretary for Home Affairs ("DSHA") briefed members on the progress of the review of SLAS as detailed in the Administration's paper [LC Paper No. CB(2)315/10-11(05)]. Members noted that the Legal Aid Department ("LAD") had examined the Hong Kong Bar Association's ("Bar Association") proposed categories of cases to be included in the expanded scope of SLAS on the basis of cases dealt with under the Ordinary Legal Aid Scheme ("OLAS") and had prepared a statistical analysis as well as a preliminary analysis of some of the relevant factors to consider in assessing whether certain categories of cases were appropriate for inclusion under SLAS, as set out respectively in Annexes 1 and 2 to the Administration's paper. DSHA stressed that the Administration had not yet formed an opinion based on these analyses, and reiterated that the Administration had not ruled out any types for cases for inclusion under SLAS so long as the financial viability of the scheme would not be affected. She also stressed that as LASC was the statutory body charged with the responsibility for advising CE on legal aid policy, the Administration should consider the recommendations of LASC before coming to its view on the feasibility of expanding the scope of SLAS.

21. The Chairman said that there were comments in the newspapers that of the 11 types of cases listed in Annex 2, the Administration had responded favourably to only one type of case, namely assistance to employees for recovery of wages and appeals relating to Labour Tribunal ("LT") awards. DSHA reiterated that Annex 2 represented LAD's preliminary analysis only and the Administration had not formed any views on the analysis.

22. Members noted the background brief prepared by the LegCo Secretariat on the subject [LC Paper No. CB(2)315/10-11(06)].

Views of deputations

*LASC*

23. Mr Paul CHAN, in his capacity as Chairman of LASC, said that LASC's Interest Group on Scope of Legal Aid ("Interest Group") had completed its

Action

study on expansion of the scope of SLAS at the end of October 2010 and had submitted the report on its study ("the Report") to LASC. LASC had held two meetings in November and had completed its deliberations on the Report. On the basis of the Report, LASC had formulated some recommendations on the expansion of SLAS. It was expected that the recommendations would be submitted to CE in around end of November 2010, and they would also be provided to the Panel at the same time. The Report of the Interest Group would also be made public.

*Bar Association*

24. Members noted that following its submission dated 17 November 2010 [LC Paper No. CB(2)357/10-11(01)], the Bar Association had provided a further submission dated 22 November 2010 which was tabled at the meeting.

*(Post-meeting note: The Bar Association's further submission was issued to members vide LC Paper No. CB(2)375/10-11(01) on 23 November 2010.)*

25. Mr Ruy Barretto said that the Bar Association had put forward in July 2010 concrete proposals for expanding the scope of SLAS which were built upon years of work done by LASC, and there was consensus among Panel members that the Administration should consider seriously the proposals. With the commitment from CE in his 2010-2011 Policy Address on the injection of \$100 million into the SLAS Fund, the Bar Association was looking forward to substantive progress on expansion of scope of SLAS.

26. Mr Kumar Ramanathan said that while the Bar Association was pleased to note that the Administration had put forward in its paper a working timetable on expansion of scope of SLAS, it was of the view that the Administration should not take a further six months to draw up the relevant legislative proposals and urged the Administration to advance the timetable and submit the legislative amendments to LegCo as early as possible.

27. Referring to Annex 2 to the Administration' paper, Mr Nicholas Pirie pointed out that there were flaws with LAD's preliminary analysis on the categories of cases proposed by the Bar Association for inclusion under SLAS. By way of illustration, Mr Pirie elaborated that in respect of cases concerning mis-selling of insurance products (item 2 of Annex 2), the Insurance Claims Complaints Bureau ("ICCB") referred to by the Administration dealt only with claim-related complaints; however, in cases where the mis-selling of insurance products had rendered a party ineligible to make a claim, the mechanism under

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ICCB would not come into play. He further said that for cases concerning damages and accidents in buildings of multi-storey ownership (item 3 of Annex 2), while claims involving personal injuries were covered under OLAS and SLAS, those involving damages to properties currently fell outside the scope of legal aid. At the request of the Chairman, Mr Pirie agreed to provide in writing details of his comments on LAD's preliminary analysis as set out in Annex 2 before the next Panel meeting.

*The Law Society of Hong Kong ("Law Society")*

28. Mr Patrick Burke said that the Law Society supported raising the financial eligibility limits ("FELs") of OLAS and SLAS and expanding the scope of SLAS to cover appropriate categories of cases. The Law Society considered that a study into the true cost of legal proceedings should be conducted to provide the proper basis for determining the appropriate levels of FELs. The Law Society was frustrated with the Administration's delay in taking the matter forward and called on the Administration to implement the proposals on the revised FELs as soon as practicable. Mr Burke added that the legislative amendments for implementing the revised FELs should be fairly simple and could take effect as early as 1 January 2011. He requested the Administration to provide a firm timetable for introducing the legislative amendments on FELs.

Discussion

*Injection into the SLAS Fund*

29. Noting from paragraph 2 of the Administration's paper that the Government had earmarked \$100 million for injection into the SLAS Fund when necessary to expand the scope of the scheme, Ms Audrey EU was worried about the use of the phrase "when necessary" and sought clarification on whether the proposed injection into the SLAS Fund was a firm undertaking on the part of the Administration.

30. DSHA assured members that the Administration was committed to injecting money into the SLAS Fund to complement the SLAS review to be completed by LASC. She explained that the phrase "when necessary" was used as LASC had yet to submit its recommendations and the Administration had yet to come to its views on the expansion of SLAS. Furthermore, the proposed injection of funding also required the approval of FC. In seeking the approval of FC, the Administration had to provide justifications on the amount to be injected into the SLAS Fund.

Action

31. Mr Paul CHAN informed the meeting that in its recommendations to be submitted to the Administration, LASC had recommended that the whole sum of \$100 million should be injected into the SLAS Fund in one go. Mr TAM Yiu-chung expressed support for the proposed injection of \$100 million into the SLAS Fund to increase its reserve for use as necessary.

32. Ms Audrey EU remained concerned that there were strings attached to the proposed injection of funding into the SLAS Fund. She was worried that in the event that the Administration decided against any expansion of the scope of SLAS, no funding would then be injected into the SLAS Fund. Mr LEUNG Kwok-hung asked whether the Administration would inject more money into the SLAS Fund if the proposed \$100 million was found to be insufficient after decision had been made on the expanded scope of SLAS.

33. DSHA responded that when the scope of SLAS was last expanded in 1995, the Administration had obtained the approval of FC for injecting \$27 million into the SLAS Fund to support the expansion of the scheme. The proposal to inject \$100 million into the SLAS Fund was made after taking account of the previous injection of funds made in 1995. She added that having regard to the self-financing nature of SLAS, and given that the proposed injection was to provide a reserve to the Fund to support the expansion of the scheme, the Administration was of the view that the proposed sum of \$100 million should presumably be sufficient.

*Appeals relating to LT awards*

34. Mr IP Wai-ming urged that special assistance be given to employees to obtain legal aid in cases where employees had been granted an award by LT but their employers appealed against the award on a point of law. He further said that consideration should also be given to charging a lower contribution rate for such cases. Referring to paragraph 7 of the Administration's paper setting out the three principles for considering the proposed scope for expansion of SLAS, Mr IP sought elaboration on the meaning of "socially deserving" cases. DSHA responded that cases cited by Mr IP, where employees had been granted LT awards but the employers appealed against the awards and the employees lacked the means to seek legal representation in the appeals, would be one example.

35. Mr LEUNG Kwok-hung said that in his view, socially deserving cases meant cases where a person had reasonable grounds for taking or defending legal actions but lacked the means to do so.

Action

*Payment of contribution by aided persons*

36. Mr TAM Yiu-chung expressed concern about the apparent increase in the number of unrepresented litigants which added burden to the operation of the courts. He elaborated that he had recently handled some complaints where the complainants who were involved in criminal litigations had to represent themselves in court as they could not afford the contribution required to be paid under legal aid. He suggested that the Panel should write to the Judiciary Administration to request information on the number and percentage of criminal cases involving unrepresented litigants in the past three years. Members agreed that apart from criminal cases, information should also be sought on the number and percentage of civil cases as well as the number of cases of appeal against LT awards involving unrepresented litigants. The Chairman also requested LAD to provide information on the number of cases where applicants for legal aid had turned down the grant of legal aid due to the amount contributions required to be paid and the amount of contributions involved in such cases.

Clerk

LAD

37. Mr TAM Yiu-chung further said that under OLAS, the maximum contribution rate was 25% of the financial resources possessed by an aided person, with the maximum amount of contribution capped at \$43,950. He asked whether the maximum contribution under OLAS would be increased proportionally to some \$60,000 after FEL for OLAS was increased from \$175,800 to \$260,000.

38. Deputy Director of Legal Aid/Applications and Processing responded that the Administration was studying the impact of the proposed increases of FELs on contribution payable under OLAS and SLAS and had not yet decided whether any adjustments should be made to the rates of contribution. He added that under the existing law, the Director of Legal Aid ("DLA") did not have the discretion to waive the payment of contribution. Aided persons with financial difficulties could, however have their contributions paid in instalments.

39. Mr IP Wai-ming considered that DLA should be given the discretion to waive the payment of contribution in cases where the legally aided applicants had financial difficulties in making such payment.

40. The Chairman said that in its submission, the Bar Association had expressed the view that there was scope for setting higher contribution rates for the new types of cases to be covered under the expanded scope of SLAS. She

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agreed that consideration could be given to setting different contribution rates for different types of cases. For instance, a lower contribution rate could apply in appeals relating to LT awards. She added that she had come across cases where the contribution payable amounted to hundreds of thousands of dollars and questioned whether such a huge amount of contribution would render legal aid meaningless. At the request of the Chairman, DSHA agreed to revert to the Panel at the next meeting on the Administration's consideration on the various issues relating to contribution raised by members at this meeting.

*Legislative timetables*

41. Ms Audrey EU enquired about the time frame for introducing the subsidiary legislation to implement the revised FELs and the effective date of the revised FELs. DSHA advised that it was the Administration's plan to introduce the subsidiary legislation on the revised FELs into LegCo by June 2011. Upon obtaining the approval of LegCo, the revised FELs would come into immediate effect. Pointing out that LegCo's legislative scrutiny work usually reached its peak in June/July, Ms EU urged the Administration to expedite the introduction of the legislative amendments.

42. Mr Kumar Ramanathan said that at the meeting held on 30 September 2010, the Administration had informed the Panel that it planned to submit the legislative amendments for adjusting FELs at the beginning of the 2010-2011 session. He expressed concern that the schedule had been delayed to June 2011. DSHA clarified that it was the Administration's plan to brief the Panel on the draft legislative amendments on FELs in early 2011 before formally submitting the relevant subsidiary legislation to LegCo by June 2011. She added that DoJ had not indicated that there were any difficulties with the drafting of the legislative amendments which might delay the legislative timetable.

43. Mr LEUNG Kwok-hung opined that the Administration should implement as soon as practicable the improvement measures relating to legal aid to which the Panel had agreed, while the other issues such as expansion of the scope of legal aid could be dealt with at the next stage, so that the public could benefit from the improved measures as early as possible.

44. DSHA responded that the Administration was preparing the legislative amendments for effecting the proposals of adjusting FELs of OLAS and SLAS, raising the level of deductible allowance in calculating disposable income and disregarding part of the savings of the elderly in assessing their financial eligibility for legal aid, and would strive to expedite the introduction of the

Action

legislative amendments as far as practicable. As regards the expansion of the scope of SLAS, the Administration would come to its decision as soon as possible after considering the recommendations of LASC according to the working timetable as set out in paragraph 13 of the Administration's paper.

45. The Chairman sought clarification on the timetables for the legislative amendments relating to FELs, the criminal legal aid fee system and expansion of the scope of SLAS. In response, DSHA advised that these legislative amendments would be introduced in three separate batches. The proposals for adjusting FELs, raising the level of deductible allowance and disregarding part of the savings of the elderly in assessing their financial eligibility involved relatively simple legislative amendments which would be submitted to the Panel for consideration in early 2011. The drafting of the legislative amendments for implementing the new structure and rates of the criminal legal aid fee system, which involved more complex issues, was in full gear. Upon their completion, the draft amendments would be considered by the relevant committee in the Judiciary. It was expected that the relevant legislation would be introduced into LegCo in around mid-2011. As regards the legislative amendments for expanding the scope of SLAS, the timetable for which was set out in paragraph 13 of the Administration's paper, they would be submitted to LegCo in June 2011.

46. The Chairman said that as LASC had already indicated earlier at the meeting that it would complete its SLAS review by the end of November 2010, she considered that the Administration could advance its schedule for submitting to LegCo the legislative amendments on expansion of scope of SLAS. Responding to the Chairman's enquiry, Mr Ruy Barretto indicated that the Bar Association would need about two weeks to consider the recommendations of LASC while Mr Leslie YEUNG said that the Law Society would need about one month. In response to members' request, DSHA agreed to advance the relevant timetable by about one month and submit the legislative proposals to LegCo in May 2011 instead of June 2011. She added that FC's approval also had to be sought for the injection of funding into SLAS before the proposals for expanding the scope of SLAS could come into effect. At the request of the Chairman, DSHA agreed to critically review the timetables for the three sets of legislative proposals to see whether there was room for advancing the timetables and revert to members in writing on the concrete timetables before the next meeting.

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**VI. Any other business**

47. There being no other business, the meeting ended at 6:34 pm.

Council Business Division 2  
Legislative Council Secretariat  
19 January 2011