

**立法會**  
**Legislative Council**

LC Paper No. LS53/12-13

**Paper for the House Committee Meeting  
on 10 May 2013**

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

The Secretary for Home Affairs has given notice to move a motion at the Legislative Council meeting on 22 May 2013 under section 7(a) of the Legal Aid Ordinance (Cap. 91) (the Ordinance) to seek the Council's approval for raising the financial eligibility limits of legal aid applicants.

2. The proposed resolution is to amend the limits of financial resources of legal aid applicants specified in sections 5 and 5A of the Ordinance for the Ordinary Legal Aid Scheme (OLAS) and Supplementary Legal Aid Scheme (SLAS) respectively as follows -

	<i>Existing limit</i>	<i>Proposed limit</i>
OLAS	not exceeding \$260,000	not exceeding \$269,620
SLAS	exceeding \$260,000 but not exceeding \$1,300,000	exceeding \$269,620 but not exceeding \$1,348,100

3. Under OLAS and SLAS, persons whose financial resources do not exceed the specified limits are financially eligible for the granting of legal aid in civil actions. The two schemes differ in the types of cases covered and the scales of contribution from the aided persons. The financial eligibility limit for OLAS also applies to criminal legal aid under rule 4(1) of the Legal Aid in Criminal Cases Rules (Cap. 221 sub. leg. D). Section 7(a) of the Ordinance provides that the Legislative Council may by resolution amend the amounts of financial resources specified in sections 5 and 5A of the Ordinance. The existing amounts of financial resources were specified in May 2011 (L.N. 51 of 2011).

4. According to the Administration, the proposed adjustment of the financial eligibility limits is to reflect the result of the 2012 annual review which recorded a cumulative increase of 3.7% in Consumer Price Index (C) from July 2011 to July 2012. The proposal seeks to maintain the real values of the financial eligibility limits. Members may refer to LegCo Brief (File Ref: HAB/CR 19/1/49) issued by Home Affairs Bureau in May 2013 for further information.

5. As advised by the Clerk to the Panel on Administration of Justice and Legal Services, the Administration issued to the Panel an information paper on the 2012 annual review of financial eligibility limits of legal aid applicants and the proposed adjustment on 2 April 2013 (LC Paper No. CB(4)534/12-13(01)). At the Panel meeting on 23 April 2013, members noted the paper and did not raise any query on the proposal.

6. The proposed resolution, if approved, will come into operation on the date of publication in the Gazette.

7. No difficulties relating to the legal and drafting aspects of the proposed resolution have been identified.

Prepared by

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