

**立法會**  
**Legislative Council**

LC Paper No. CB(4)189/12-13  
(These minutes have been seen  
the Administration)

Ref : CB4/SS/1/12

**Subcommittee on Legal Aid (Amendment) Regulation 2012,  
Legal Aid (Assessment of Resources and Contributions)  
(Amendment) Regulation 2012 and  
Legal Aid Ordinance – Resolution of the Legislative Council  
(Commencement) Notice**

**Minutes of the second meeting  
held on Wednesday, 7 November 2012, at 8:15 am  
in Conference Room 2A of the Legislative Council Complex**

**Members present** : Hon Dennis KWOK (Chairman)  
Hon Albert HO Chun-yan  
Hon LEE Cheuk-yan  
Hon TANG Ka-piu

**Member attending** : Hon Christopher CHUNG Shu-kun, BBS, MH, JP

**Members absent** : Hon Cyd HO Sau-lan  
Hon WU Chi-wai, MH

**Public Officers attending** : Agenda item I

Home Affairs Bureau

Ms Gracie FOO Siu-wai, JP  
Deputy Secretary for Home Affairs (1)

Mr Michael KWAN Ke-lin  
Acting Principal Assistant Secretary for Home  
Affairs (Civic Affairs) 2

Legal Aid Department

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

Mr Thomas Edward KWONG  
Deputy Director of Legal Aid (Application &  
Processing)

Department of Justice

Ms Frances HUI Hang-ka  
Senior Government Counsel

**Attendance by  
invitation** : Agenda Item I

Hong Kong Bar Association

Mr Raymond LEUNG

The Law Society of Hong Kong

Mr Dennis HO Chi-kuen  
Member of The Law Society of Hong Kong's Legal  
Aid Committee

Mr Edwin LEE Kar-yum  
Assistant Director of Practitioners Affairs

**Clerk in  
attendance** : Miss Mary SO  
Chief Council Secretary (4)2

**Staff in  
attendance** : Mr Bonny LOO  
Assistant Legal Adviser 3

Ms Cindy CHAN  
Senior Council Secretary (4)2

Ms Mandy WAN  
Administrative Assistant(4)1

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Action

**I. Meeting with the Administration and representatives of the Hong Kong Bar Association and The Law Society of Hong Kong**

- |                                 |    |  |
|---------------------------------|----|--|
| File Ref: HAB HAB/CR 19/1/2     | -- | Legislative Council ("LegCo") Brief  |
| LC Paper No. LS3/12-13          | -- | Legal Service Division Report on Subsidiary Legislation Gazetted on 5 October 2012   |
| LC Paper No. CB(4)64/12-13(01)  |    | Marked-up copy of the Resolution under the Legal Aid Ordinance prepared by the Legal Service Division (The Resolution was passed by LegCo on 17 July 2012 and published in the Gazette as Legal Notice No. 112 of 2012.) |
| LC Paper No. CB(4)64/12-13(02)  | -- | Marked-up copy of the Legal Aid (Amendment) Regulation 2012 prepared by the Legal Service Division   |
| LC Paper No. CB(4)64/12-13(03)  | -- | Marked-up copy of the Legal Aid (Assessment of Resources and Contributions) (Amendment) Regulation 2012 prepared by the Legal Service Division   |
| LC Paper No. CB(4)64/12-13(04)  | -- | Background brief prepared by the LegCo Secretariat   |
| LC Paper No. CB(4)97/12-13(01)  |    | Submission from The Law Society of Hong Kong (English version only)  |
| LC Paper No. CB(4)117/12-13(01) |    | Submission from the Hong Kong Bar Association (English version only)   |
| LC Paper No. CB(4)117/12-13(02) |    | Submission from the Hong Kong Bar Association on the need to establish an independent legal aid authority (English version only)   |

Action

The Chairman said that he received a letter dated 5 November 2012 from Mr Alan LEONG informing his withdrawal from the Subcommittee.

2. The Subcommittee deliberated (index of proceedings attached at **Annex**).

3. Members shared the views of the two legal professional bodies that the rates of final contribution for Type II proceedings under the Supplementary Legal Aid Scheme ("SLAS") (i.e. the new types of civil proceedings apart from those relating to Labour Tribunal appeals and existing types of civil proceedings for professional negligence claims) at 20% or 15% where a claim was settled prior to the commencement of the trial or delivery of a brief for attendance to counsel were too high, having regard to the fact that the rates of final contribution under the existing SLAS were 10% and 6%.

Admin

4. At the request of members, the Administration agreed to review the final contribution rates for Type II proceedings under the SLAS and adjust the rates, where appropriate, in light of operational experience. The Administration added that it did not rule out reducing the rates, as had been done in the past, if the Supplementary Legal Aid Fund could be maintained at a level sufficient to provide legal services to people who were financially in need.

5. Members were of the view that the scope of the SLAS should be further expanded to cover more new types of cases, such as but not limited to class actions, as set out in the submission of the Hong Kong Bar Association. Members agreed to refer the issues raised to the Panel on Administration of Justice and Legal Services for follow up.

## **II. Any other business**

6. The Subcommittee supported the two Amendment Regulations and the Commencement Notice. A written report on the deliberations of the Subcommittee would be submitted for the meeting of the House Committee on 16 November 2012.

7. There being no other business, the meeting ended at 9:25 am.

**Subcommittee on Legal Aid (Amendment) Regulation 2012,  
Legal Aid (Assessment of Resources and Contributions) (Amendment)  
Regulation 2012 and Legal Aid Ordinance – Resolution of the  
Legislative Council (Commencement) Notice**

**Proceedings of the second meeting  
on Wednesday, 7 November 2012, at 8:15 am  
in Conference Room 2A of the Legislative Council Complex**

<b>Time Marker</b>	<b>Speaker(s)</b>	<b>Subject(s)</b>	<b>Action required</b>
000115 - 000350	Chairman	Opening remarks by the Chairman  The Subcommittee noted Mr Alan LEONG's withdrawal of membership with effect from 5 November 2012	
000351 - 000514	Chairman The Law Society	The Law Society's views as set out in its submission [LC Paper No. CB(4)97/12-13(01)]	
000515 - 001206	Chairman The Bar Association	The Bar Association's views as set out in its submission [LC Paper No. CB(4)117/12-13(01)]	
001207 - 001956	Chairman The Administration	The Administration's responses to the views expressed by the two legal professional bodies	
001957 - 003518	Chairman Mr Albert HO Mr TANG Ka-piu The Bar Association The Administration	Members shared the views of the two legal professional bodies that the enhanced rates of final contribution under the Supplementary Legal Aid Scheme ("SLAS") were too high  The Administration's explanation on the determination of the enhanced rates of final contribution under the SLAS	
003519 - 003550	Chairman Mr LEE Cheuk-yan The Administration	Mr LEE Cheuk-yan's view on expanding the SLAS to include class actions proceedings  The Administration's consideration on reviewing the scope of SLAS	
003551 - 010316	Chairman Mr LEE Cheuk-yan Mr Christopher CHUNG The Administration The Bar Association	Members and the Bar Association's views on the overly prudent approach adopted by the Administration in setting the final contribution rates under the expanded SLAS	

<b>Time Marker</b>	<b>Speaker(s)</b>	<b>Subject(s)</b>	<b>Action required</b>
010317 - 010712	Chairman Mr LEE Cheuk-yan Mr TANG Ka-piu The Administration The Bar Association The Law Society	Members' request for a timetable for the review of the enhanced rates of final contribution under the SLAS  The Administration agreed to review the final contribution rates under the SLAS and adjust the rates, where appropriate, in light of operational experience	Admin
010713 - 011008	Chairman ALA3 Members	Clause-by-clause examination of the Amendment Regulations  ----- Members did not raise any question on the Amendment Regulations	
011009 - 011100	Chairman Members	The Subcommittee agreed that a written report would be submitted to the House Committee on 16 November 2012  The Subcommittee further agreed that the issues raised by members with regard to the further expansion of the scope of the SLAS should be referred to the Panel on Administration of Justice and Legal Services for follow-up	

Council Business Division 4  
Legislative Council Secretariat  
29 November 2012