



THE
LAW SOCIETY
OF HONG KONG
香港律師會

3/F WING ON HOUSE · 71 DES VOEUX ROAD
CENTRAL · HONG KONG DX-009100 Central 1
香港中環德輔道中71號
永安集團大廈3字樓

TELEPHONE (電話): (852) 2846 0500
FACSIMILE (傳真): (852) 2845 0387
E-MAIL (電子郵件): sg@hklawsoc.org.hk
WEBSITE (網頁): www.hklawsoc.org.hk

Our Ref : LA
Your Ref : CB4/SS/1/12
Direct Line :

31 October 2012

BY FAX (28400716) AND BY POST

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Ms. Mary So
Clerk to Subcommittee
Legislative Council Complex
1 Legislative Council Road
Central
Hong Kong

Dear Ms. So,

**Subcommittee Meeting 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**

The Law Society's Legal Aid Committee ("Committee") welcomes in principle the implementation of the expanded scope of Ordinary Legal Aid Scheme ("OLAS") and Supplementary Legal Aid Scheme ("SLAS") passed by the Legislative Council by way of resolution on 17 July 2012 under Section 7(b) of the Legal Aid Ordinance and the proposed passage of the above subsidiary regulations to facilitate such implementation as a step in the right direction to widen the scope of the existing legal aid scheme.

However, Section 5(16) of the Legal Aid (Assessment of Resources and Contributions) (Amendment) Regulation 2012 provides for, inter alia, the rates of final contribution for all new type of proceedings (except employees claims on appeals from Labour Tribunal) as well as proceedings relating to claims for medical, dental and legal professional negligence (collectively "Claims") at 15% and 20% whereas the rates for other types of proceedings remain at 6% and 10%. The Administration should explain the basis and justification for the much higher rates for the Claims.

Moreover, notwithstanding such expansion, the scope of SLAS still remains restrictive and falls short of the expectation of the public.

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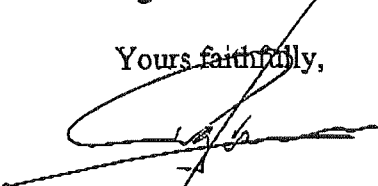
The Law Society of Hong Kong

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After implementation of the aforesaid, the Committee considers that review of the existing legal aid scheme should continue for further expansion in both the scope of services and coverage. Access to justice and equality before the law can be achieved only if the scope and coverage under the existing scheme have been sufficiently widened to meet the unmet needs of the public.

The Committee hereby urges the Administration to continue their review of the legal aid scheme including but not limited to its scope and coverage.

Yours faithfully,



Edwin Lee
Assistant Director of Practitioners Affairs

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