

L.N. 78 of 2015

**Legal Aid (Assessment of Resources and Contributions)
(Amendment) Regulation 2015**

(Made by the Chief Executive in Council under section 28 of the Legal Aid Ordinance (Cap. 91))

1. Commencement

This Regulation comes into operation on 17 June 2015.

**2. Legal Aid (Assessment of Resources and Contributions)
Regulations amended**

The Legal Aid (Assessment of Resources and Contributions) Regulations (Cap. 91 sub. leg. B) are amended as set out in sections 3 to 7.

3. Regulation 2 amended (interpretation)

Regulation 2(1)—

Add in alphabetical order

“*financial eligibility limit* (財務資格限額) means the amount of financial resources specified in section 5(1) of the Ordinance;”.

**4. Regulation 8A amended (resources of persons receiving
Comprehensive Social Security Assistance)**

Regulation 8A—

Repeal

everything after “exceed” and before “unless”

Substitute

“12.5% of the financial eligibility limit”.

5. Regulation 14 amended (contributions under the Supplementary Legal Aid Scheme)

(1) Regulation 14(1)(a)—

Repeal

“limit prescribed in section 5 of the Ordinance”

Substitute

“financial eligibility limit”.

(2) Regulation 14(2)(a)—

Repeal

“limit prescribed in section 5 of the Ordinance”

Substitute

“financial eligibility limit”.

6. Schedule 2 amended (rules for computing disposable capital)

Schedule 2, rule 14—

Repeal

“that specified in section 5(1) of the Ordinance”

Substitute

“the financial eligibility limit”.

7. Schedule 3 amended (contributions)

(1) Schedule 3—

Repeal

“[regs. 8A, 13, 14 & 16]”

Substitute

“[regs. 13, 14 & 16]”.

- (2) Schedule 3, Part 1, subparagraph (a)—

Repeal

“\$20,000”

Substitute

“12.5% of the financial eligibility limit”.

- (3) Schedule 3, Part 1, subparagraph (b)—

Repeal

everything after “an aided person”

Substitute

“, when expressed as a percentage of the financial eligibility limit, fall within a range of percentages specified in column 1 of Table 1, then the maximum contribution of the person is the percentage of the person’s financial resources specified in column 2 of that Table opposite the range; and

Table 1

Column 1	Column 2
Financial resources of an aided person (percentage of the financial eligibility limit)	Maximum contribution (percentage of the financial resources of the aided person)
1. Exceed 12.5% but do not exceed 25%	2%

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Column 1	Column 2
Financial resources of an aided person (percentage of the financial eligibility limit)	Maximum contribution (percentage of the financial resources of the aided person)
2. Exceed 25% but do not exceed 37.5%	2.5%
3. Exceed 37.5% but do not exceed 50%	5%
4. Exceed 50% but do not exceed 62.5%	10%
5. Exceed 62.5% but do not exceed 75%	15%
6. Exceed 75% but do not exceed 87.5%	20%
7. Exceed 87.5% but do not exceed 100%	25%”.
(4) Schedule 3, Part 1—	
Repeal subparagraph (c)	
Substitute	
“(c) for an aided person whose legal aid certificate is for proceedings in which a breach of the Hong Kong Bill of Rights Ordinance (Cap. 383), or an inconsistency with the International Covenant on Civil and Political Rights as applied to Hong Kong, is an issue—	

- (i) if the person's financial resources, when expressed as a percentage of the financial eligibility limit, fall within a range of percentages specified in column 1 of Table 2, then the maximum contribution of the person is the percentage of the person's financial resources specified in column 2 of that Table opposite the range; or
- (ii) if the person's financial resources exceed 500% of the financial eligibility limit, the maximum contribution of the person is 67% of the person's financial resources.

Table 2

Column 1	Column 2
Financial resources of an aided person (percentage of the financial eligibility limit)	Maximum contribution (percentage of the financial resources of the aided person)
1. Exceed 12.5% but do not exceed 25%	2%
2. Exceed 25% but do not exceed 37.5%	2.5%
3. Exceed 37.5% but do not exceed 50%	5%
4. Exceed 50% but do not exceed 62.5%	10%

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Section 7

	Column 1	Column 2
	Financial resources of an aided person (percentage of the financial eligibility limit)	Maximum contribution (percentage of the financial resources of the aided person)
5.	Exceed 62.5% but do not exceed 75%	15%
6.	Exceed 75% but do not exceed 87.5%	20%
7.	Exceed 87.5% but do not exceed 100%	25%
8.	Exceed 100% but do not exceed 150%	30%
9.	Exceed 150% but do not exceed 200%	35%
10.	Exceed 200% but do not exceed 250%	40%
11.	Exceed 250% but do not exceed 300%	45%
12.	Exceed 300% but do not exceed 350%	50%
13.	Exceed 350% but do not exceed 400%	55%
14.	Exceed 400% but do not exceed 450%	60%
15.	Exceed 450% but do not exceed 500%	65%".

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Kinnie WONG
Clerk to the Executive Council

COUNCIL CHAMBER

14 April 2015

Explanatory Note

Under Schedule 3 to the Legal Aid (Assessment of Resources and Contributions) Regulations (Cap. 91 sub. leg. B) (*principal Regulations*), the maximum contribution of an aided person under the ordinary legal aid scheme is specified with reference to various ranges of financial resources. Both the maximum contribution and the ranges of financial resources are expressed in absolute amounts.

2. The main purpose of this Regulation is to amend the principal Regulations so that—
 - (a) the ranges of financial resources are expressed as percentages of the amount of financial resources that is specified in section 5(1) of the Legal Aid Ordinance (Cap. 91); and
 - (b) the maximum contribution of an aided person is expressed as percentages of the person's financial resources.