

**立法會**  
**Legislative Council**

LC Paper No. LS17/18-19

**Paper for the House Committee Meeting  
on 16 November 2018**

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

The Chief Secretary for Administration has given notice to move a motion at the Legislative Council ("LegCo") meeting of 21 November 2018 under section 7(a) of the Legal Aid Ordinance (Cap. 91) to seek LegCo's approval to raise the financial eligibility limits of legal aid applicants by 1.7%.

2. The proposed resolution seeks to amend the limits of financial resources<sup>1</sup> of legal aid applicants specified in sections 5 and 5A of Cap. 91 for the Ordinary Legal Aid Scheme ("OLAS") and Supplementary Legal Aid Scheme ("SLAS") respectively as follows:

<i>Scheme</i>	<i>Existing limit</i>	<i>Proposed limit</i>
OLAS	not exceeding \$302,000	not exceeding \$307,130
SLAS	exceeding \$302,000 but not exceeding \$1,509,980	exceeding \$307,130 but not exceeding \$1,535,650

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 certain civil proceedings. The two schemes differ in the types of cases covered<sup>2</sup> 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. 221D). Section 7(a) of Cap. 91

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<sup>1</sup> Under section 2A of the Legal Aid (Assessment of Resources and Contributions) Regulations (Cap. 91B), the "financial resources" of an applicant for legal aid means the aggregate of the applicant's yearly disposable income and disposable capital as determined or to be determined by the Director of Legal Aid in accordance with the provisions in Part 2 of and Schedules 1 and 2 to Cap. 91B.

<sup>2</sup> Civil proceedings covered by OLAS and SLAS are respectively set out in Part 1 of Schedule 2 and Part 1 of Schedule 3 to Cap. 91.

provides that LegCo may by resolution amend the amounts of financial resources specified in sections 5 and 5A of Cap. 91. The existing amounts of financial resources were specified in February 2018 (L.N. 24 of 2018).<sup>3</sup>

4. According to the Administration, the proposed upward adjustment of the financial eligibility limits of legal aid applicants under OLAS and SLAS by 1.7% is to reflect the accumulated change in the Consumer Price Index (C) recorded between July 2016 and July 2017. Members may refer to the LegCo Brief (File Ref: CSO/ADM CR 3/3230/05(17)) issued by the Chief Secretary for Administration's Office and the Legal Aid Department ("LAD") in November 2018 for further information.

5. As advised by the Clerk to the Panel on Administration of Justice and Legal Services, the Panel noted at its meeting held on 30 April 2018 an information paper entitled "Annual Review of Financial Eligibility Limits of Legal Aid Applicants" provided by the Home Affairs Bureau and LAD (LC Paper No. CB(4)964/17-18(01)). The paper was circulated to Panel members on 23 April 2018 for reference. The Panel did not raise any issues on the paper at the meeting.

6. The proposed resolution, if passed by LegCo, would 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.

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<sup>3</sup> According to paragraph 4 of the LegCo Brief (File Ref: CSO/ADM CR 3/3230/05(17)), the previous adjustment of the financial eligibility limits for OLAS and SLAS by an increase of 4.0% which came into effect on 9 February 2018 was to reflect the Consumer Price Index (C) changes between July 2014 and July 2016.