

立法會
Legislative Council

LC Paper No. LS86/19-20

**Paper for the House Committee Meeting
on 29 May 2020**

**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 10 June 2020 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 36.9%.

2. The proposed resolution seeks to amend the limits of financial resources¹ 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:

Scheme	Existing limit	Proposed limit
OLAS	not exceeding \$307,130	not exceeding \$420,400
SLAS	exceeding \$307,130 but not exceeding \$1,535,650	exceeding \$420,400 but not exceeding \$2,102,000

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 covered² 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 provides that LegCo may by resolution amend the amounts of financial

¹ 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 Schedules 1 and 2 to Cap. 91B.

² 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.

resources specified in sections 5 and 5A of Cap. 91. The existing amounts of financial resources were specified in November 2018 (L.N. 230 of 2018).

4. As announced in the 2019 Policy Address Supplement, the Administration proposes to increase the financial eligibility limits of OLAS and SLAS by about 30%.³ According to paragraph 7 of 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 in May 2020, an upward adjustment of the financial eligibility limits of legal aid applicants under OLAS and SLAS by 5.1%, on top of the above 30% increase, is proposed to reflect the cumulative change in the Consumer Price Index (C) recorded from July 2017 to July 2018 (2.3% increase) and from July 2018 to July 2019 (2.8% increase). Members may refer to the LegCo Brief for further information.

5. As advised by the Clerk to the Panel on Administration of Justice and Legal Services, the Administration briefed the Panel at its meeting on 27 April 2020 on the policy initiatives of the Chief Secretary for Administration's Office in relation to the Judiciary and legal aid in the Chief Executive's 2019 Policy Address. Among other things, members were briefed on the proposed increase in the financial eligibility limits of legal aid applicants as set out in the Administration's paper (LC Paper No. CB(4)318/19-20(03)) and did not raise any issues.

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.

Prepared by

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³ Page 14 of Chapter 2 of the 2019 Policy Address Supplement.