

Legal Aid Services Council

2020 Policy Address

Policy Initiatives of the Chief Secretary for Administration's Office

INTRODUCTION

This paper briefs and updates Members on the ongoing policy initiatives of the Chief Secretary for Administration's Office and Legal Aid Department ("LAD") in relation to legal aid, including those in the 2020 Policy Address and the Policy Address Supplement.

OUR VISION

2. Legal aid services form an integral part of the legal system in Hong Kong. We strive to ensure reasonable accessibility of legal aid and free legal advice services to the public which is conducive to upholding the principle of equality before the law.

ONGOING INITIATIVES

Review of Financial Eligibility Limits for Legal Aid Applicants

3. The Government reviews the financial eligibility limits ("FELs") under the Ordinary Legal Aid Scheme and Supplementary Legal Aid Scheme annually to take into account general price movement as reflected by the Consumer Price Index (C) ("CPI(C)"). On 26 June 2020, an upward adjustment of FELs by 5.1% was made effective to reflect the accumulated changes in CPI(C) from July 2017 to July 2019. In addition, a one-off upward adjustment of FELs by about 30%¹ was also made effective on the same date having regard to the higher increase in legal costs than that of general price movement since the last one-off adjustment in 2011, as well as the affordability of private litigation services to legal aid applicants. The Government is now conducting the next round of annual review covering the reference period of July 2019 to July 2020, and will report the outcome to the Legislative Council

¹ The increase of about 30% in the FELs was announced in the 2019 Policy Address Supplement. In the absence of any representative data on private litigation costs, we made reference to the average cumulative change of a series of indices relevant to legal professionals' expenses, including civil litigation costs of legally aided cases, nominal wage indices and rental indices for private offices for comparison with that of CPI(C) for the purpose.

Panel on Administrative Justice and Legal Services (“the LegCo Panel”) in due course.

Review of Director of Legal Aid’s First Charge

4. The Government reviews the amounts specified in sections 18A(5) and 19B(1)(a) of the Legal Aid Ordinance (Cap. 91) relating to the Director of Legal Aid’s first charge annually to reflect the changes in CPI(C). Following a one-off review, the two specified amounts were adjusted upwards by 89.6% with effect from 26 June 2020. The Government is now conducting the next round of annual review covering the reference period of July 2019 to July 2020, and will report the outcome to the LegCo Panel in due course.

Review of Criminal Legal Aid Fees

5. The Government reviews the criminal legal aid fees², prosecution fees³ and duty lawyer fees⁴ (“the Fees”) on a biennial basis to take into account changes in CPI(C) during the reference period. The adjustment to the Fees with respect to the last biennial review covering the reference period of July 2016 to July 2018 came into effect on 20 July 2020. We are now conducting the next round of biennial review covering the reference period of July 2018 to July 2020, and will report the outcome to the LegCo Panel in due course.

ADVICE SOUGHT

6. LASC members are invited to note the policy initiatives in relation to legal aid as set out above. We will inform LASC, the Law Society of Hong Kong and the Hong Kong Bar Association of the outcome of the above reviews in due course.

**Administration Wing,
Chief Secretary for Administration’s Office
November 2020**

² Fees payable to lawyers in private practice who undertake litigation work in respect of criminal cases by the LAD.

³ Fees payable to lawyers in private practice engaged by the Department of Justice on a standard briefing-out basis to prosecute criminal cases on fiat.

⁴ Fees payable to duty lawyers engaged under the Duty Lawyer Scheme, which provides legal representation to eligible defendants appearing in all Magistrates’ Courts.