

LCQ7: Legal aid

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Following is a question by Dr Hon Priscilla Leung and a written reply by the Secretary for Home Affairs, Mr Tsang Tak-sing, in the Legislative Council today (January 6):

Question:

At present, the Government conducts a review of the criteria for assessing the financial eligibility of legal aid applicants every five years. The Home Affairs Bureau (HAB) indicated at the meeting of the Panel on Administration of Justice and Legal Services of this Council on March 30, 2009 that it was unable to report its recommendations from the latest review and it has still not reported the relevant recommendations to this Council to date. Moreover, during the debate at the meeting of this Council in February 2009 on the Member's motion on "Relaxing the eligibility criteria for legal aid", the Government stated that it would not extend legal aid service to the Mainland. In this connection, will the Government inform this Council:

(a) of the latest progress of the aforesaid review; when the review results will be announced;

(b) whether it will reconsider the proposal to extend the scope of legal aid service to cover litigation cases on the Mainland involving Hong Kong people, as well as discuss the matter with the relevant mainland authorities; if it will, of the details; if not, the reasons for that; and

(c) whether it will study setting up other mechanisms to provide legal aid service to Hong Kong people against whom criminal charges have been laid on the Mainland?

Reply:

President,

The Administration's response to Hon Priscilla Leung Mei-fun's question is as follows -

(a) On part one of the question, the Home Affairs Bureau and the Legal Aid Department are in the process of formulating proposals for the five-yearly review of

the criteria of assessing the financial eligibility of legal aid applicants. We will consult the Legal Aid Services Council and the Legislative Council Panel on Administration of Justice and Legal Services by mid-2010.

(b) On parts two and three of the question, the legal aid system is an integral part of Hong Kong's justice system. The coverage of legal aid is limited to proceedings in Hong Kong courts but not litigation outside Hong Kong's jurisdiction. The HKSAR Government will not extend the scope of legal aid to the Mainland.

(c) The HKSAR Government endeavors to assist Hong Kong residents when they are in distress overseas. Depending on the nature of the case, the Mainland Offices of the HKSAR Government will provide appropriate assistance to Hong Kong residents who are in distress in the Mainland. For example, in respect of Hong Kong residents involved in criminal litigations or proceedings, the Beijing Office or the Guangdong Economic and Trade Office of the HKSAR Government will, usually through relatives and friends, inquire about the situation and explain the relevant criminal procedures in the Mainland. Subject officers will also remind the assistance seekers to consider engaging lawyers in the Mainland to act as their legal representatives, and if necessary, provide information on the lawyers' associations in the Mainland. Besides, at the request of the concerned parties, the relevant Mainland Offices will also assist them in conveying their views and requests to the relevant authorities in the Mainland as appropriate.

Ends/Wednesday, January 6, 2010