

Proposals to relax eligibility of legal aid applicants

The Government submitted a paper to the Legislative Council (LegCo) Panel on Administration of Justice and Legal Services (AJLS) today (March 23), proposing to raise the financial eligibility limit (FEL) of legal aid applicants.

Currently, persons with financial resources below \$175,800 may apply for legal aid to undertake litigation under the Ordinary Legal Aid Scheme (OLAS). Those whose financial resources are above \$175,800 but below \$488,400 may apply for legal aid under the Supplementary Legal Aid Scheme (SLAS), which was set up to meet the needs of the "sandwiched class", and operates on a self-financing basis to deal with specific categories of cases. The Home Affairs Bureau (HAB) has completed the five-yearly review on the criteria for assessing the financial eligibility of legal aid applicants, and proposes to raise the FEL for OLAS by about 50% to \$260,000 and that for SLAS by about 100% to \$1 million.

The financial resources of a legal aid applicant are derived by aggregating his annual disposable income and disposable capital, minus certain deductibles (such as income tax payment) and disregards (such as value of his main residential dwelling). The personal allowance which reflects household expenditure is one of the deductibles. The personal allowance is set at a level equivalent to the "35-percentile household expenditure" derived from the household expenditure survey conducted by Census and Statistics Department. It is proposed that the personal allowance should be set at a higher level equivalent to the median household expenditure. For example, an applicant from a four-person household will have his personal allowance raised from \$133,440 to \$164,520 per year (increased by about 23%).

Furthermore, the Government also proposes to provide more disregard for legal aid applicants reaching the age of 65 by disregarding an amount of his or her savings which is equivalent to the level of the FEL for OLAS (i.e. \$260,000).

"We hope that more people in need can benefit from the new FELs when implemented," said the spokesman from the HAB.

The HAB will consult the LegCo AJLS Panel on the above proposals on March 29.

Ends/Tuesday, March 23, 2010

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