

Legal Aid Ordinance

Resolution

(Under section 7(b) of the Legal Aid Ordinance (Cap. 91))

Resolved that—

- (a) the Legal Aid Ordinance (Cap. 91) be amended as set out in the Schedule; and
- (b) this Resolution is to come into operation on a day to be appointed by the Chief Secretary for Administration by notice published in the Gazette.

Schedule

Amendments to Legal Aid Ordinance

1. **Schedule 2 amended (proceedings for which legal aid may be given under section 5)**
 - (1) Schedule 2, Part 2, paragraph 5—
Repeal
“Court of First Instance or District Court”
Substitute
“District Court or Court of First Instance”.
 - (2) Schedule 2, Part 2, paragraph 11—
Repeal everything after subparagraph (e)
Substitute
“In this paragraph—
derivatives of securities (證券衍生工具) means—
 - (a) options to buy or sell interests in;
 - (b) certificates of interest or participation in;
 - (c) warrants to subscribe to; or
 - (d) rights (other than shares) in, the capital of, or an instrument issued by, a company, government authority or other body;*futures contract* (期貨合約) has the meaning given by section 1 of Part 1 of Schedule 1 to the Securities and Futures Ordinance (Cap. 571).”.

2. **Schedule 3 amended (proceedings for which legal aid may be given under section 5A)**
- (1) Schedule 3, Part 1—
Repeal paragraph 2
Substitute
- “2. For a claim for damages arising from personal injuries to, or the death of, a person that, in the opinion of the Director, is likely to exceed the specified amount—
- (a) civil proceedings brought in the District Court for the claim by the person seeking legal aid (*claimant*), including proceedings for the defence to a counterclaim against the claimant and other proceedings incidental to the civil proceedings; and
- (b) proceedings in a higher court that are related to the claim.”
- (2) Schedule 3, Part 1—
Repeal paragraph 4
Substitute
- “4. For a claim for damages for medical, dental or legal professional negligence that, in the opinion of the Director, is likely to exceed the specified amount—
- (a) civil proceedings brought in the District Court, Court of First Instance or Court of Appeal for the claim by the person seeking legal aid, including proceedings for the defence to a counterclaim against the person and other proceedings incidental to the civil proceedings; and
- (b) proceedings in a higher court that are related to the claim.”

- (3) Schedule 3, Part 1, paragraph 5—
Repeal
“Court of First Instance, Court of Appeal or District Court”
Substitute
“District Court, Court of First Instance or Court of Appeal”.
- (4) Schedule 3, Part 1, paragraph 5(a)(viii)—
Repeal
“and”.
- (5) Schedule 3, Part 1, after paragraph 5(a)(viii)—
Add
“(ix) a licensed person (as defined by section 1 of Part 1 of Schedule 1 to the Securities and Futures Ordinance (Cap. 571)) who is licensed for Type 1, Type 2 or Type 8 regulated activity within the meaning of that Ordinance;
- (x) a registered institution (as defined by section 1 of Part 1 of Schedule 1 to the Securities and Futures Ordinance (Cap. 571)) that is registered for Type 1 or Type 2 regulated activity within the meaning of that Ordinance; and”.
- (6) Schedule 3, Part 1, paragraph 5(b)—
Repeal
“\$60,000”
Substitute
“the specified amount”.
- (7) Schedule 3, Part 1, paragraph 6—
Repeal
“Court of First Instance, Court of Appeal or District Court”

- Substitute**
“District Court, Court of First Instance or Court of Appeal”.
- (8) Schedule 3, Part 1, paragraph 6(b)—
- Repeal**
“\$60,000”
- Substitute**
“the specified amount”.
- (9) Schedule 3, Part 1, paragraph 7—
- Repeal**
“Court of First Instance, Court of Appeal or District Court”
- Substitute**
“District Court, Court of First Instance or Court of Appeal”.
- (10) Schedule 3, Part 1, paragraph 7(c)—
- Repeal**
“\$60,000”
- Substitute**
“the specified amount”.
- (11) Schedule 3, Part 1, after paragraph 8—
- Add**
- “9. Civil proceedings in the District Court, Court of First Instance or Court of Appeal that are brought, by the person seeking legal aid, in respect of a claim for damages that falls within the following descriptions (including proceedings for the defence to a counterclaim against the person and other proceedings incidental to the civil proceedings), and proceedings in a higher court that are related to the claim—

- (a) the claim is made by the person in respect of derivatives of securities, currency futures or other futures contracts, on the basis that the person was induced to deal in those derivatives, futures or contracts by fraud, deception or misrepresentation; and
- (b) the claim is, in the opinion of the Director, likely to exceed the specified amount.”.
- (12) Schedule 3, Part 2, paragraph 2—
- Repeal**
“Court of First Instance or District Court”
- Substitute**
“District Court or Court of First Instance”.
- (13) Schedule 3, Chinese text, Part 3, paragraph 1, definition of 控權公司—
- Repeal the full stop**
- Substitute a semicolon.**
- (14) Schedule 3, Part 3, paragraph 1—
- Add in alphabetical order**
- “*derivatives of securities* (證券衍生工具) means—
- (a) options to buy or sell interests in;
- (b) certificates of interest or participation in;
- (c) warrants to subscribe to; or
- (d) rights (other than shares) in,
- the capital of, or an instrument issued by, a company, government authority or other body;

futures contract (期貨合約) has the meaning given by section 1 of Part 1 of Schedule 1 to the Securities and Futures Ordinance (Cap. 571);

specified amount (指明款額) means the monetary limit specified in paragraph 1 of the Schedule to the Small Claims Tribunal Ordinance (Cap. 338);”.