



Supplementary Legal Aid Fund

Annual Report 2019



1. Overview

The provision of legal aid is an integral part of Hong Kong's legal system. Our policy objective is to ensure that no one with reasonable grounds for pursuing or defending a legal action is denied access to justice because of a lack of means. The Legal Aid Ordinance (Cap.91) (LAO), enacted in 1967, sets out the legal framework for the administration of legal aid. The Legal Aid Department (LAD) provides legal aid for civil proceedings under the Ordinary Legal Aid Scheme (OLAS) and Supplementary Legal Aid Scheme (SLAS), as well as for criminal proceedings under OLAS. To qualify for legal aid, a person is required by law to satisfy both the means and merits tests as provided by the LAO.

2. Supplementary Legal Aid Scheme

SLAS came into operation in 1984 and aimed at providing legal assistance to people whose financial resources exceeded the statutory limit allowed under OLAS, but was below the amount specified for SLAS. SLAS is a self-financing scheme. SLAS by design aimed at cases which involved monetary claims of a reasonable size, with a high success rate and a reasonably good chance of recovering costs and damages to ensure its financial viability. It was funded by an initial seed money of \$1 million from the Lotteries Fund and an injection of \$27 million and a further injection of \$100 million by the Government in 1995 and 2012 respectively to support the operation of the expanded SLAS. Its income sources also include the application fees payable by applicants, the interim contributions from aided persons and the final contributions from a percentage deduction of the damages recovered in successful cases.

3. Financial Eligibility Limit of SLAS

At present, SLAS is available to applicants whose financial resources exceed the statutory limit of \$307,130 for OLAS but is below \$1,535,650. The costs of SLAS are met from the Supplementary Legal Aid Fund (SLAF), which is financed by the applicants' contributions and damages or compensation recovered. In making an application, an

applicant has to pay a non-refundable application fee of \$1,000 for Type I Proceedings or \$5,000 for Type II Proceedings (see section 4 below on the types of proceedings). Upon approval of the application, the aided person is required to pay an interim contribution. For Type I Proceedings, the interim contribution is calculated at 25% of the financial eligibility limit for OLAS, which is currently \$76,783. For Type II proceedings, the interim contribution is equivalent to 10% of the financial resources of the aided person, or the maximum amount paid under OLAS currently at \$76,783, whichever is the higher. On successful conclusion of the case, the aided person is also required to pay a final contribution from any damages recovered to the SLAF. The rates of final contribution for personal injuries and employees' compensation claims and the provision of legal representation to employees for appeals against awards made by the Labour Tribunal range from 6% to 10%. For the remaining types of proceedings, the contribution rates range from 15% to 20%.

4. Scope of SLAS

The scope of SLAS initially covered claims for damages for personal and fatal injuries. It was subsequently extended to cover employees' compensation claims in 1992 and medical, dental as well as legal professional negligence in 1995. It was significantly expanded in November 2012 and currently covers the following types of cases –

Type I Proceedings

- claims brought under the Employees' Compensation Ordinance (Cap. 282) irrespective of the amount of the claim;
- representation for employees in appeals against awards made by the Labour Tribunal irrespective of the amount in dispute; and
- fatal and non-fatal personal injuries claims where the claim is likely to exceed \$60,000.

Type II Proceedings (where the claim is likely to exceed \$60,000)

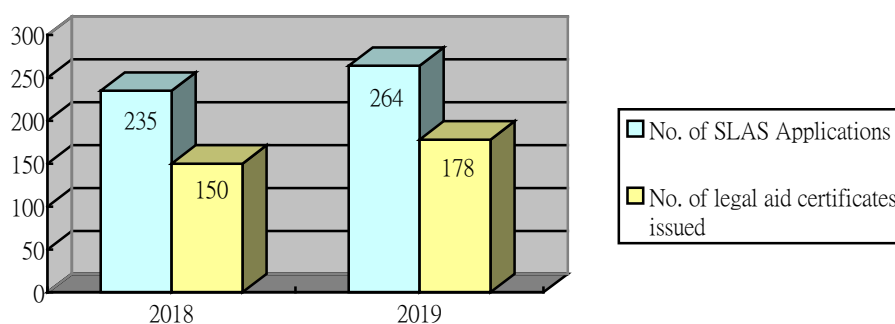
- medical and dental negligence claims;
- professional negligence claims against lawyers, certified public accountants (practising), registered architects, registered professional

engineers, registered professional surveyors, registered professional planners, authorized land surveyors, registered landscape architects and estate agents;

- negligence claims against insurers or their intermediaries in respect of the taking out of the personal insurance products; and
- monetary claims against vendors in the sale of completed or uncompleted first-hand residential properties.

5. Applications and Legal Aid Certificates granted

In 2019, there were 264 SLAS applications and 178 legal aid certificates were issued under SLAS.



Note: Certificates may not be granted in the same year as the applications were received.

6. Finance

The financial year of the SLAF runs from 1 October of one year to 30 September of the following year. For the year ended on 30 September 2019, a surplus of \$7,681,011 in the SLAF was recorded as compared with a surplus of \$4,954,625 in the year ended on 30 September 2018. As at 30 September 2019, the SLAF had a balance of \$205 million. The Report of the Director of Audit is at **Appendix**.

31 December 2019



Supplementary Legal Aid Fund

Annual Report 2019



Supplementary Legal Aid Fund

Financial statements for the year ended 30 September 2019

Report of the Director of Audit



Audit Commission

The Government of the Hong Kong Special Administrative Region

Independent Auditor's Report

Opinion

I have audited the financial statements of the Supplementary Legal Aid Fund set out on pages 4 to 16, which comprise the balance sheet as at 30 September 2019, and the income and expenditure account, statement of changes in equity and statement of cash flows for the year then ended, and notes to the financial statements, including a summary of significant accounting policies.

In my opinion, the financial statements give a true and fair view of the financial position of the Supplementary Legal Aid Fund as at 30 September 2019, and of its financial performance and cash flows for the year then ended in accordance with Hong Kong Financial Reporting Standards (“HKFRSs”) issued by the Hong Kong Institute of Certified Public Accountants (“HKICPA”) and have been properly prepared in accordance with section 31(1) of the Legal Aid Ordinance (Cap. 91).

Basis for opinion

I conducted my audit in accordance with section 31(2) of the Legal Aid Ordinance and the Audit Commission auditing standards. My responsibilities under those standards are further described in the *Auditor's responsibilities for the audit of the financial statements* section of my report. I am independent of the Supplementary Legal Aid Fund in accordance with those standards, and I have fulfilled my other ethical responsibilities in accordance with those standards. I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my opinion.

Responsibilities of the Director of Legal Aid for the financial statements

The Director of Legal Aid is responsible for the preparation of the financial statements that give a true and fair view in accordance with HKFRSs issued by the HKICPA and section 31(1) of the Legal Aid Ordinance, and for such internal control as the Director of Legal Aid determines is necessary to enable the preparation of financial statements that are

free from material misstatement, whether due to fraud or error.

In preparing the financial statements, the Director of Legal Aid is responsible for assessing the Supplementary Legal Aid Fund's ability to continue as a going concern, disclosing, as applicable, matters related to going concern and using the going concern basis of accounting.

Auditor's responsibilities for the audit of the financial statements

My objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes my opinion. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with the Audit Commission auditing standards will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of these financial statements.

As part of an audit in accordance with the Audit Commission auditing standards, I exercise professional judgment and maintain professional skepticism throughout the audit. I also:

- identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for my opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control;
- obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Supplementary Legal Aid Fund's internal control;
- evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by the Director of Legal Aid;
- conclude on the appropriateness of the Director of Legal Aid's use of the going concern basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the Supplementary Legal Aid Fund's ability to continue as a going concern. If I conclude that a material uncertainty exists, I am required to draw attention in my auditor's report to the related disclosures in the financial statements or, if such disclosures are inadequate, to modify my opinion. My conclusions are based on the audit evidence obtained up to the date of my auditor's report. However, future events or conditions may cause the Supplementary Legal Aid

Fund to cease to continue as a going concern; and

- evaluate the overall presentation, structure and content of the financial statements, including the disclosures, and whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation.

S. M. CHOI
Principal Auditor
for Director of Audit

18 November 2020

Audit Commission
26th Floor
Immigration Tower
7 Gloucester Road
Wanchai, Hong Kong

SUPPLEMENTARY LEGAL AID FUND
BALANCE SHEET AS AT 30 SEPTEMBER 2019

	Note	2019 HK\$	2018 HK\$
NON-CURRENT ASSETS			
Accounts receivable pending finalisation of accounts of litigation cases	3	27,403,357	22,272,508
Placement with the Exchange Fund	4	55,204,140	52,776,425
		82,607,497	75,048,933
CURRENT ASSETS			
Accounts receivable pending finalisation of accounts of litigation cases	3	6,559,127	7,994,976
Interest receivable		3,494,027	3,244,674
Time deposits with original maturities over three months		214,867,090	199,415,935
Cash and cash equivalents	5	5,917,463	8,165,923
		230,837,707	218,821,508
CURRENT LIABILITIES			
Accounts payable pending finalisation of accounts of litigation cases	6	(35,838,060)	(50,567,167)
Administration fee payable to the Government of the Hong Kong Special Administrative Region		(5,215,292)	(3,980,137)
		(41,053,352)	(54,547,304)
NET CURRENT ASSETS		189,784,355	164,274,204
TOTAL ASSETS LESS CURRENT LIABILITIES		272,391,852	239,323,137
NON-CURRENT LIABILITIES			
Accounts payable pending finalisation of accounts of litigation cases	6	(67,383,583)	(41,995,879)
NET ASSETS		205,008,269	197,327,258
ACCUMULATED FUND			
Capital		127,000,000	127,000,000
Accumulated surplus		78,008,269	70,327,258
		205,008,269	197,327,258

The accompanying notes 1 to 14 form part of these financial statements.

SUPPLEMENTARY LEGAL AID FUND
INCOME AND EXPENDITURE ACCOUNT
FOR THE YEAR ENDED 30 SEPTEMBER 2019

	Note	2019 HK\$	2018 HK\$
INCOME			
Application fees	7	122,000	124,580
Percentage contributions	8	9,784,756	3,966,135
Interest income		<u>6,489,765</u>	<u>5,010,242</u>
		<u>16,396,521</u>	<u>9,100,957</u>
EXPENDITURE			
Legal costs and expenses for finalised cases	9		
Successful litigation			
- costs to opposite parties		-	-
- other disbursements		-	-
		-	-
Unsuccessful applications		(360,458)	(120,307)
Unsuccessful litigation			
- costs to opposite parties		(1,272,420)	-
- other disbursements		(1,833,175)	(11,250)
		<u>(3,105,595)</u>	<u>(11,250)</u>
		(3,466,053)	(131,557)
Administration fee		(5,215,292)	(3,980,137)
Cash transportation services charges		(33,020)	(34,190)
Bank charges		(390)	(345)
Electronic payment services charges		(113)	(103)
Expenses for interpretation services		(642)	-
		<u>(8,715,510)</u>	<u>(4,146,332)</u>
SURPLUS FOR THE YEAR		7,681,011	4,954,625
OTHER COMPREHENSIVE INCOME		-	-
TOTAL COMPREHENSIVE INCOME FOR THE YEAR		<u>7,681,011</u>	<u>4,954,625</u>

The accompanying notes 1 to 14 form part of these financial statements.

SUPPLEMENTARY LEGAL AID FUND
STATEMENT OF CHANGES IN EQUITY
FOR THE YEAR ENDED 30 SEPTEMBER 2019

	CAPITAL HK\$	ACCUMULATED SURPLUS HK\$	TOTAL HK\$
Balance at 1 October 2017	127,000,000	65,372,633	192,372,633
Total comprehensive income for 2017-18	-	4,954,625	4,954,625
Balance at 30 September 2018	127,000,000	70,327,258	197,327,258
Total comprehensive income for 2018-19	-	7,681,011	7,681,011
Balance at 30 September 2019	<u>127,000,000</u>	<u>78,008,269</u>	<u>205,008,269</u>

The accompanying notes 1 to 14 form part of these financial statements.

SUPPLEMENTARY LEGAL AID FUND
STATEMENT OF CASH FLOWS
FOR THE YEAR ENDED 30 SEPTEMBER 2019

	Note	2019 HK\$	2018 HK\$
Cash flows from operating activities			
Surplus for the year		7,681,011	4,954,625
Adjustments for:			
Interest income		(6,489,765)	(5,010,242)
Increase in accounts receivable			
pending finalisation of accounts of litigation cases		(3,695,000)	(6,018,453)
Increase in accounts payable			
pending finalisation of accounts of litigation cases		10,658,597	25,925,018
Increase / (Decrease) in administration fee payable to the Government of the Hong Kong Special Administrative Region		1,235,155	(1,267,804)
Net cash from operating activities		<u>9,389,998</u>	<u>18,583,144</u>
Cash flows from investing activities			
Increase in placement with the Exchange Fund		(2,427,715)	(1,437,491)
Increase in time deposits with original maturities over three months		(15,451,155)	(21,158,604)
Interest received		6,240,412	4,008,207
Net cash used in investing activities		<u>(11,638,458)</u>	<u>(18,587,888)</u>
Net decrease in cash and cash equivalents		(2,248,460)	(4,744)
Cash and cash equivalents at beginning of year		<u>8,165,923</u>	<u>8,170,667</u>
Cash and cash equivalents at end of year	5	<u><u>5,917,463</u></u>	<u><u>8,165,923</u></u>

The accompanying notes 1 to 14 form part of these financial statements.

SUPPLEMENTARY LEGAL AID FUND
NOTES TO THE FINANCIAL STATEMENTS

1. GENERAL

The Supplementary Legal Aid Fund (the Fund) was established under section 29 of the Legal Aid Ordinance (Cap. 91) for financing the Supplementary Legal Aid Scheme, which provides legal aid to any person whose financial resources exceed HK\$420,400 (before 23 November 2018: HK\$302,000, from 23 November 2018 to 25 June 2020: HK\$307,130) but do not exceed HK\$2,102,000 (before 23 November 2018: HK\$1,509,980, from 23 November 2018 to 25 June 2020: HK\$1,535,650), for the civil proceedings mentioned in Part 1 of Schedule 3, except proceedings mentioned in Part 2 of that Schedule, in accordance with section 5A of the Ordinance.

The address of the Fund's principal place of business is 24th - 27th Floors, Queensway Government Offices, 66 Queensway, Hong Kong.

2. SIGNIFICANT ACCOUNTING POLICIES

(a) Statement of compliance

The financial statements have been prepared in accordance with section 31(1) of the Legal Aid Ordinance and all applicable Hong Kong Financial Reporting Standards (HKFRSs) issued by the Hong Kong Institute of Certified Public Accountants (HKICPA).

The HKICPA has issued certain new and revised HKFRSs that are first effective or available for early adoption for the current accounting period of the Fund. Note 2(c) provides information on any changes in accounting policies resulting from initial application of these developments to the extent that they are relevant to the Fund for the current and prior accounting periods reflected in these financial statements.

(b) Basis of preparation of the financial statements

The financial statements have been prepared on an accrual basis and under the historical cost convention.

The preparation of financial statements in conformity with HKFRSs requires management to make judgements, estimates and assumptions that affect the application of policies and reported amounts of assets, liabilities, income and expenditure. The estimates and associated assumptions are based on experience and various other factors that are believed to be reasonable under the circumstances, the results of which form the basis for making judgements about the carrying values of assets and liabilities that are not readily apparent from other sources. Actual results may differ from these estimates.

The estimates and underlying assumptions are reviewed on an ongoing basis. Revisions to accounting estimates are recognised in the period in which the estimate is revised if the revision affects only that period, or in the period of the revision and future periods if the revision affects both current and future periods.

There are no critical accounting judgements involved in the application of the Fund's accounting policies. There are neither key assumptions concerning the future nor other key sources of estimation uncertainty at the reporting date that have a significant risk of causing a material adjustment to the carrying amounts of assets and liabilities in the next year.

(c) Changes in accounting policies

The HKICPA has issued a number of new HKFRSs and amendments to HKFRSs that are first effective for the current accounting period of the Fund. Of these, the Fund has adopted the requirements of HKFRS 9 "Financial Instruments" from 1 October 2018.

HKFRS 9 replaces Hong Kong Accounting Standard (HKAS) 39 "Financial Instruments: Recognition and Measurement". It sets out the requirements for recognising and measuring financial assets, financial liabilities and some contracts to buy or sell non-financial items.

The Fund has applied HKFRS 9 retrospectively to items that existed at 1 October 2018 in accordance with the transition requirements without restating comparative information (i.e. the comparative information continues to be reported under HKAS 39). The carrying amounts of the items at 1 October 2018 have not been impacted by the initial application of HKFRS 9. Further details of the nature and effect of the changes to previous accounting policies are set out below:

(i) Classification of financial assets and financial liabilities

HKFRS 9 categorises financial assets into three principal classification categories: measured at amortised cost, at fair value through other comprehensive income and at fair value through profit or loss. These supersede HKAS 39's categories of held-to-maturity investments, loans and receivables, available-for-sale financial assets and financial assets at fair value through profit or loss. The classification of financial assets under HKFRS 9 is based on the business model under which the financial asset is managed and its contractual cash flow characteristics.

The Fund's financial assets, comprising placement with the Exchange Fund, interest receivable, time deposits with original maturities over three months and cash and cash equivalents, were previously classified as loans and receivables carried at amortised cost under HKAS 39. They were reclassified to financial assets measured at amortised cost under HKFRS 9. The carrying amounts at 1 October 2018 were the same as those at 30 September 2018.

The measurement categories for all financial liabilities remain the same. At 1 October 2018, the carrying amount for the financial liability, which comprises administration fee payable to the Government of the Hong Kong Special Administrative Region, has not been impacted by the initial application of HKFRS 9.

(ii) Credit losses and impairment

HKFRS 9 replaces the “incurred loss” model in HKAS 39 with the “expected credit loss” model. The expected credit loss model requires an ongoing measurement of credit risk associated with a financial asset and therefore recognises expected credit losses earlier than under the “incurred loss” accounting model in HKAS 39. The Fund applies the new expected credit loss model to the financial assets measured at amortised cost. The initial application of the new impairment requirements had no impact on the carrying amounts of the financial assets at 1 October 2018.

(d) Financial assets and financial liabilities

(i) Initial recognition

Financial assets and financial liabilities are recognised on the date the Fund becomes a party to the contractual provisions of the financial instrument. They are initially stated at fair value plus or minus transaction costs that are directly attributable to the acquisition of financial assets or issue of financial liabilities.

(ii) Categorisation and subsequent measurement from 1 October 2018

Financial assets measured at amortised cost

These comprise placement with the Exchange Fund, interest receivable, time deposits with original maturities over three months and cash and cash equivalents. They are held for the collection of contractual cash flows which represent solely payments of principal and interest. They are subsequently measured at amortised cost, net of loss allowance, if any (see Note 2(d)(v)).

Financial liabilities measured at amortised cost

These comprise administration fee payable to the Government of the Hong Kong Special Administrative Region. They are subsequently measured at amortised cost.

(iii) Categorisation and subsequent measurement before 1 October 2018

The Fund’s financial assets and financial liabilities included placement with the Exchange Fund, interest receivable, time deposits with original maturities over three months, cash and cash equivalents and administration fee payable to the Government of the Hong Kong Special Administrative Region. Subsequent to initial recognition, financial assets were measured at amortised cost, net of allowance for impairment loss, if any (see Note 2(d)(vi)). Financial liabilities were subsequently measured at amortised cost using the effective interest method.

(iv) Derecognition

A financial asset is derecognised when the contractual rights to receive the cash flows from the financial asset expire, or where the financial asset together with substantially all the risks and rewards of ownership have been transferred.

A financial liability is derecognised when the obligation specified in the contract is discharged, is cancelled or expires.

(v) Impairment of financial assets from 1 October 2018

For placement with the Exchange Fund, interest receivable, time deposits with original maturities over three months and cash and cash equivalents, the Fund measures the expected credit losses to determine the loss allowance required to be recognised.

Expected credit losses are a probability-weighted estimate of credit losses. They are based on the difference between the contractual cash flows due in accordance with the contract and the cash flows that the Fund expects to receive, discounted at the effective interest rates. They are measured on either of the following bases:

- 12-month expected credit losses (for financial instruments for which there has not been a significant increase in credit risk since initial recognition): these are losses that are expected to result from possible default events within the 12 months after the reporting date; or
- lifetime expected credit losses (for financial instruments for which there has been a significant increase in credit risk since initial recognition): these are losses that are expected to result from all possible default events over the expected life of the financial instrument.

In assessing whether the credit risk of a financial instrument has increased significantly since initial recognition, the Fund compares the risk of default occurring on the financial instrument assessed at the reporting date with that assessed at the date of initial recognition. In making this assessment, the Fund considers that a default event occurs when (i) the borrower is unlikely to pay its credit obligations to the Fund in full; or (ii) the financial asset is 90 days past due. The Fund considers both quantitative and qualitative information that is reasonable and supportable, including historical experience and forward-looking information that is available without undue cost or effort. A financial asset is written off when there is no reasonable expectation of recovering the contractual cash flows.

(vi) Impairment of financial assets before 1 October 2018

The Fund assessed at each reporting date whether there was objective evidence that a financial asset was impaired. The impairment loss was recognised in the income and expenditure account.

(e) Recognition of revenue and expenditure

- (i) Revenue (application fees and percentage contribution) and expenditure (legal costs and expenses) are recognised in the income and expenditure account in the year in which litigation and accounts of the cases are finalised.
- (ii) The amount of accounts receivable (Note 3) that cannot be fully recovered from the payments to the Fund for respective cases are taken up as legal costs and expenses in the income and expenditure account in the year in which litigation and accounts of the cases are finalised. The legal costs and expenses that can be recovered are deducted from the accounts payable (Note 6) of the corresponding cases and are not recognised as expenditure in the income and expenditure account.

(f) Interest income from bank deposits and the placement with the Exchange Fund is recognised as it accrues using the effective interest method.

(g) Cash and cash equivalents

Cash and cash equivalents comprise cash in hand and cash at bank.

3. ACCOUNTS RECEIVABLE PENDING FINALISATION OF ACCOUNTS OF LITIGATION CASES

These are the legal costs and disbursements paid by the Fund for cases not yet finalised.

	2019	2018
	HK\$	HK\$
Accounts receivable expected to be realised		
- within 12 months after the reporting date	6,559,127	7,994,976
- over 12 months after the reporting date	27,403,357	22,272,508
	<u>33,962,484</u>	<u>30,267,484</u>

4. PLACEMENT WITH THE EXCHANGE FUND

On 10 March 2016, an amount of HK\$50 million was placed with the Exchange Fund. The term of the placement is six years from the date of placement, during which the amount of the principal sum cannot be withdrawn. Interest on the placement is at a rate determined annually in January and shall be paid annually in arrears on 31 December of each year. The rate is the average annual rate of return of the Exchange Fund's Investment Portfolio for the past six years or the average annual yield of three-year government bond for the previous year subject to a minimum of zero percent, whichever is the higher. The interest rate has been fixed at 2.9% per annum for January to December 2019 (4.6% per annum for January to December 2018).

Placement with the Exchange Fund is analysed as follows:

	2019 HK\$	2018 HK\$
Principal sum and interest received	55,204,140	52,776,425
Interest receivable	1,197,400	1,815,798
Balance as at end of year	<u>56,401,540</u>	<u>54,592,223</u>
Classified as:		
Non-current assets	55,204,140	52,776,425
Current assets	1,197,400	1,815,798
	<u>56,401,540</u>	<u>54,592,223</u>

5. CASH AND CASH EQUIVALENTS

	2019 HK\$	2018 HK\$
Cash at bank	5,916,843	8,165,185
Cash in hand	620	738
	<u>5,917,463</u>	<u>8,165,923</u>

6. ACCOUNTS PAYABLE PENDING FINALISATION OF ACCOUNTS OF LITIGATION CASES

These are the application fees and contributions paid by the aided persons and damages, costs and disbursements recovered from the opposite parties for cases not yet finalised.

	2019 HK\$	2018 HK\$
Accounts payable expected to be settled		
- within 12 months after the reporting date	35,838,060	50,567,167
- over 12 months after the reporting date	67,383,583	41,995,879
	<u>103,221,643</u>	<u>92,563,046</u>

7. APPLICATION FEES

These are the application fees from cases finalised in the year less the amounts used to set off percentage contributions in accordance with regulation 14(1)(b)(iii) and 14(2)(b)(iii) of the Legal Aid (Assessment of Resources and Contributions) Regulations (Cap. 91 sub. leg. B).

8. PERCENTAGE CONTRIBUTIONS

These are the percentage contributions payable to the Fund under section 32 of the Legal Aid Ordinance by those aided persons who are successful in the proceedings.

9. LEGAL COSTS AND EXPENSES

These are the costs and disbursements paid by the Fund that cannot be recovered either from the aided persons and/or the opposite parties upon finalisation of a case.

10. FINANCIAL RISK MANAGEMENT

The Fund's major financial instruments include the placement with the Exchange Fund, interest receivable, time deposits with original maturities over three months, cash and cash equivalents and administration fee payable to the Government of the Hong Kong Special Administrative Region. The risks associated with these financial instruments are set out below.

(a) Credit risk

Credit risk is the risk that one party to a financial instrument will fail to discharge an obligation and cause the other party to incur a financial loss.

The Fund's maximum exposure to credit risk at the reporting date in relation to each class of financial assets is the carrying amount of the assets as stated in the balance sheet. For the placement with the Exchange Fund, the credit risk is considered to be low. For bank deposits, the Fund limits its exposure to credit risk by transacting with reputable licensed banks in Hong Kong.

The credit quality of time deposits and cash at bank, analysed by the ratings designated by Moody's or their equivalents, at the reporting date is shown below:

	2019	2018
	HK\$	HK\$
Time deposits and cash at bank, by credit rating		
- Aa1 to Aa3	40,928,093	46,446,109
- A1 to A3	135,895,603	125,184,354
- Baa1 to Baa3	43,960,237	35,950,657
	<u>220,783,933</u>	<u>207,581,120</u>

As such, the credit risk on these financial instruments is assessed as not having increased significantly since initial recognition and the Fund determines the loss allowance required to be recognised on 12-month expected credit losses. The Fund has estimated that 12-month expected credit losses on these financial instruments are immaterial and considers that no loss allowance is required.

(b) Interest rate risk

Interest rate risk is the risk of loss arising from changes in market interest rates. This can be further classified into fair value interest rate risk and cash flow interest rate risk.

Fair value interest rate risk is the risk that the fair value of a financial instrument will fluctuate because of changes in market interest rates. Since the Fund's bank deposits bear interest at fixed rates, their fair values will fall when market interest rates increase. However, as they are stated at amortised cost, changes in market interest rates will not affect their carrying amounts and the Fund's surplus and equity.

Cash flow interest rate risk is the risk that future cash flows of a financial instrument will fluctuate because of changes in market interest rates. The Fund is not exposed to material cash flow interest rate risk as it has no major financial instruments bearing interest at a floating rate.

(c) Liquidity risk

Liquidity risk is the risk that an entity will encounter difficulty in meeting obligations associated with financial liabilities.

In the management of liquidity risk, the Fund maintains a level of cash and cash equivalents that is considered adequate to finance its operations and mitigate the effect of fluctuations in cash flows. Hence, the Fund does not have significant exposure to liquidity risk.

As at 30 September 2019, the financial liability is payable within one year (2018: one year).

(d) Other financial risk

The Fund is exposed to financial risk arising from the placement with the Exchange Fund due to changes in the interest rate which is determined every January (Note 4). It was estimated that, as at 30 September 2019, a 50 basis point increase / decrease in the interest rates for 2019 (2018: 50 basis point), with all other variables held constant, would increase / decrease the surplus and the equity by HK\$276,000 (2018: HK\$264,000).

11. CAPITAL MANAGEMENT

The capital structure of the Fund consists of capital and accumulated surplus. The Fund's objectives when managing capital are:

- (a) to comply with the Legal Aid Ordinance; and
- (b) to maintain a strong capital base for carrying out the purpose of the Fund as stated in Note 1 above.

The Fund manages capital to ensure that its level is sufficient to fund future payments, taking into account the projected cash flow requirements, future financial obligations and commitments.

12. CONTINGENT LIABILITIES

As at 30 September 2019, the contingent liabilities of the Fund amounted to HK\$12.1 million for six litigations (2018: HK\$7.0 million for seven litigations).

13. FAIR VALUES OF FINANCIAL ASSETS AND FINANCIAL LIABILITIES

All financial assets and financial liabilities are stated in the balance sheet at amounts equal to or not materially different from their fair values.

14. POSSIBLE IMPACT OF AMENDMENTS, NEW STANDARDS AND INTERPRETATIONS ISSUED BUT NOT YET EFFECTIVE FOR THE YEAR ENDED 30 SEPTEMBER 2019

Up to the date of issue of the financial statements, the HKICPA has issued a number of amendments, new standards and interpretations which are not yet effective for the year ended 30 September 2019 and which have not been early adopted in the financial statements. The Fund is in the process of making an assessment of the impact expected of these amendments, new standards and interpretations in the period of initial application. So far, it has concluded that the adoption of them is unlikely to have significant impact on the Fund's financial performance and financial position.