



回顾 REVIEW

我欣然发表2011-12年年报，这是我担任法律援助服务局主席以来，第六份及最后一份的年报。

2011年是值得纪念的一年。在2011年5月27日，本局首次举办两岸四地法律援助研讨会。这个研讨会为中国内地、台湾、澳门和香港提供一个平台，分享法律援助制度的资讯和经验，并为四地的法律援助从业员和制定政策的官员，创造建立网络的机会。本局非常荣幸，能邀得终审法院法官马道立首席法官和从苏格兰远道而来的国际法援组织主席Alan Paterson教授担任主讲嘉宾，高等法院原讼法庭法官林文翰法官发表午餐演讲，其他讲者包括国家司法部法律援助工作司司长和副处长、台湾法律扶助基金会董事长及代表、澳门法务局局长、香港法律援助署助理署长（申请及审查）和本局成员。研讨会广受欢迎，逾110名来自四地的法律援助当局代表、法律援助工作者、学者和非政府机构代表参加。

在去年年报中，我提及本局在2010年12月向行政长官提交了有关法律援助辅

I am pleased to present the 2011-2012 Annual Report, the sixth and the last during my tenure as Chairman of the Legal Aid Services Council.

2011 was a year worth remembering. On 27 May 2011, the Council held its first Cross-strait Legal Aid Conference. The purpose of the conference was to provide a forum for sharing information and experience about legal aid practices in the Mainland, Taiwan, Macau and Hong Kong. It also provided networking opportunities for legal aid practitioners and policy formulation personnel of the four places. The Council was honoured to have the Chief Justice, the Honourable Geoffrey Ma, and Chairperson of the International Legal Aid Group, Professor Alan Paterson from Scotland, as keynote speakers. The Honourable Mr Justice Johnson Lam, Judge of the Court of First Instance of the High Court, also spoke at the conference luncheon. Other speakers included the Director and the Deputy Section Chief of the Department of Legal Aid of the Ministry of Justice, the People's Republic of China; the Chairperson and a representative of the Legal Aid Foundation, Taiwan; the Director of Legal Affairs Bureau, Macau; Assistant Director of Legal Aid (Application & Processing) of Legal Aid Department, Hong Kong; and members of our Council. The conference was very well-received. More than 110 attendees including officials of

助计划（下称「辅助计划」）涵盖范畴的建议。在2011年3月，行政当局在参考本局意见和建议，以及相关持份者的观点后，向立法会司法及法律事务委员会提交建议书。关于行政当局的立场，详述于第六章内的「法律援助辅助计划的检讨」。本局喜见法律援助条例及规例现正进行修订，以落实扩大普通法律援助计划及辅助计划的建议，并有望在2011-12立法年度完结前通过。

根据《法律援助服务局条例》（第489章）第4(5)条，本局是行政长官在关于获公帑资助并由法律援助署提供的法律援助服务的政府政策上的咨询组织，并须就建立一个独立的法律援助管理局的可行性和可取性提出建议。如去年年报所述，本局已邀请所有递交了顾问研究意向书的公司/机构/大学提交建议书。在仔细审议收到的六份建议书后，法律援助独



legal aid authorities, legal aid practitioners, academics, and representatives of non-governmental organizations from the four places participated in the conference.

In the previous report, I mentioned that the Council submitted its recommendations on the scope of Supplementary Legal Aid Scheme (SLAS) to the Chief Executive in December 2010. In March 2011, the Administration, after taking into account the Council's advice and recommendations as well as views from relevant stakeholders, presented its proposal to the Panel on Administration of Justice and Legal Services (AJLS Panel) of the Legislative Council. Details of the Administration's views are given in the "Review of Supplementary Legal Aid Scheme" in Chapter 6. The Council is pleased to know that legislative amendments to the Legal Aid Ordinance and Regulations to give effect to the expansion of the Ordinary Legal Aid Scheme (OLAS) as well as the SLAS are in progress and will hopefully be passed before the end of the 2011/12 legislative year.

Pursuant to Section 4(5) of the Legal Aid Services Council Ordinance (Cap.489), the Council is the Chief Executive's advisory body on Government policy concerning publicly funded legal aid services provided by the Legal Aid Department. The Council shall advise on, among other things, the feasibility and desirability of the establishment of an independent legal aid authority. As mentioned in the last report, the Council had invited all the firms/ institutions/ universities that had submitted their Expression of Interest (Eoi) to undertake a consultancy study on the matter to submit their proposal. Out of the six proposals received, the Working Party on Independence of Legal Aid, after detailed examination of the proposals, recommended to the Council to appoint Deloitte Consulting (Hong Kong) limited to undertake the study. The objectives of the consultancy study are:



立性工作小组建议本局委任德勤企业管理咨询(香港)有限公司负责此项研究。而顾问研究的目标是：

- (a) 研究在香港建立一个独立的法律援助管理局的整体可行性和可取性；
- (b) 比较各种管理香港法援服务的运作模式，以了解其优点、缺点、成本和效益；
- (c) 建议最适合管理香港法援服务的模式；以及
- (d) 如研究结果认为应成立一个独立管理机构，则建议一个设立独立法律援助局的执行计划。

本局通过有关建议，而顾问研究亦于2011年年底展开。顾问公司已完成海外制度研究和咨询持份者两部份工作，现正着手草拟工作报告，可惜落后原定工

- (a) to examine the overall feasibility and desirability of establishing an independent legal aid authority in Hong Kong;
- (b) to compare various operational models for administering legal aid services in Hong Kong to examine their merits, demerits, costs and benefits;
- (c) to recommend the best model for administering legal aid services in Hong Kong; and
- (d) to propose an implementation plan for setting up an independent legal aid authority, if an independent authority is recommended.

The Council approved the recommendation and the consultancy study commenced in late 2011. The Consultant has completed both the study of overseas practices and consultation with stakeholders and is working on the report, which is unfortunately behind the Council's planned schedule. The Council will make recommendations to the Chief Executive after considering the report of the study.

作进程。本局在参考研究报告后，会向行政长官提出建议。

为加强社区法律援助服务，本局要求「法律援助范围兴趣小组」研究为被执法机构，特别是警察和廉政公署，拘留的人士提供法律意见的可取性和可行性。目前，有很多这类人士当首次被拘留时，他们没有获得即时的法律意见，亦未必懂得在被拘留期间接受有关执法机构审问时的法律权利和利益，此情况并不理想。兴趣小组的成员来自社区广泛层面，他们正研究推行一个试验计划，政府部门、两个法律专业团体等持份者亦被邀请参与讨论，同时为了引起关注和征求不同的意见，本局在2012年5月举办了一个研讨会，期望在未来数月可完成制定这个试验计划，提交行政当局考虑，这个将会是刑事法律援助一个重要的里程碑。

服务本局接近六年，我将于不久后离任。本人衷心感谢本局成员在我出任主席期间所作出的宝贵贡献和支持，他们非常慷慨地付出时间、知识和经验，令本港法援服务精益求精，我很高兴和荣幸能与他们共事。同时，我感谢法援局秘书处的专业支援，亦要多谢法援署职员、法律业界人士和其他的持份者，他们在不同的层面，帮助本局的工作。法治是本港成功的其中一个最重要的基石，我有信心本局会坚守岗位，维护法治精神，确保缺乏经济能力的人士，可以在法律面前人人平等，寻求正义伸张。

In an effort to enhance the scope of legal aid services to the community, the Council has asked the Interest Group (IG) on Scope of Legal Aid to study the desirability and viability of providing legal advice to people detained by law enforcement agencies, notably the police and the Independent Commission against Corruption. At present, many of these individuals do not have any ready legal advice when they are first detained and they may not be aware of their legal rights and privileges when they are interrogated by the law enforcement agency concerned during the period of their detention. This situation is unsatisfactory. The IG, with members coming from a wide spectrum of the community, is studying a possible pilot scheme. Stakeholders including relevant government departments and the two legal professional bodies have been invited to participate in the deliberation. To bring focus to the issue and to solicit views from a wider spectrum, the Council organised a seminar on this subject in May 2012. It is hopeful that a pilot scheme will be worked out for submission to the Administration for consideration in the coming months. It will be an important step in the area of criminal legal aid.

I shall soon retire from the Council after nearly six years of service. My heartfelt appreciation goes to the members of the Council for their invaluable contributions and support during my tenure as Chairman. They have been very generous in volunteering their time, knowledge and experience for the betterment of legal aid services in Hong Kong. It has been a pleasure and my privilege working with them. I am also very grateful to the Council Secretariat for their dedication and professionalism. I would also like to thank staff of the Legal Aid Department, the legal profession and the many stakeholders who have contributed to the work of Council in different ways. Rule of Law is one of the most important cornerstones underpinning the success of Hong Kong. I am confident that the Council will continue to work towards upholding the rule of law by ensuring access to justice and equality before the law for people of limited means.