

运作的回应

OPERATIONAL FEEDBACK

政府当局

法律援助服务局（下称「法援局」）经常与政府当局这个重要的法律援助持份者保持密切联系。

在2011年4月，民政事务局送交本局两份当局于同月提交给立法会司法及法律事务委员会（下称「事务委员会」）的文件副本，一份是有关刑事法律援助费用制度的法例修订进度，此修订是落实包括刑事法律援助费用的调整建议；另一份是当局向事务委员会成员简介已执行和打算推行的措施，以改善为公众提供的法律资讯和免费法律咨询。在2011年8月，本局跟进当局就评定法律援助申请人财务资格准则每五年进行一次检讨后所作的改善建议，主席致函民政事务局（下称「民政局」）表达本局的意见，在普通法律援助计划（下称「普通计划」）下计算年长法援申请人的财务资格限额时，获豁免计算其储蓄的年龄规定应进一步下调至55岁，并促请当局在下次检讨时予以积极考虑。在2011年12月，民政局通知本局，行政当局已向事务委员会提交文件，通知事务委员会委员就扩大普通计划和法律援助辅助计划（下称「辅助计划」）修订法律援助条例和规例的进度，以及报告当

THE GOVERNMENT

The Council maintains regular contact with the Administration, an important stakeholder of legal aid.

In April 2011, the Home Affairs Bureau provided the Council with copies of two papers the Administration submitted to the AJLS Panel in the same month. One is about the progress of legislative amendments on the criminal legal aid fees system in which, among other things, the proposed adjustment to criminal legal aid fees was incorporated. The other one is a paper briefing Panel members on the measures the Administration has implemented and intends to implement to improve the provision of legal information and free legal advice to members of the public. In August 2011, as a follow up to the views of the Council in respect of the improvements proposed by the Administration following the five-yearly review of the criteria for assessing the financial eligibility of legal aid applicants, the Chairman wrote to the Home Affairs Bureau expressing the Council's views that the age requirement proposed for elderly legal aid applicants to be entitled to a disregard in their savings in calculating the financial eligibility limit of OLAS should be further lowered to 55 and urging the Administration to take this into account in future review. In December 2011, the Bureau informed the Council that the Administration had submitted a paper to the AJLS Panel informing Panel members of the progress of amendments to the Legal Aid Ordinance and Regulations in respect of the OLAS and expansion of the SLAS, and

局对扩大辅助计划的其他建议的看法。民政局亦通知本局为无律师代表诉讼人提供法律咨询服务的试验计划的运作架构。在2012年3月，本局收到一份给予事务委员会委员简介试验计划的修订运作架构的文件，同月，民政局通知本局，他们已向立法会发出预告，表示会动议一项决议项，以实施有关扩大普通计划和辅助计划的法例修订。

兴趣小组

持份者对法援局运作表达意见，将有助推行高素质和高效率的法律援助服务。本局自1996年9月成立以来，一直与名册律师就不同层面的法律援助服务交换意见，在2002-03年间，本局设立一个正式架构，以便名册律师可更广泛参与本局的工作，本局亦邀请非政府机构加入各兴趣小组，在2004年，邀请扩展至区议会成员和学者。在2011年，本局再招募兴趣小组成员，本局广发邀请，吸纳更多不同界别的人士加入，推动兴趣小组的工作。兴趣小组成员人数因而有



reporting the Administration's views on other proposals to expand SLAS. The Bureau also informed the Council of the operational framework of a pilot scheme to provide legal advice for litigants in person. The paper briefing Panel members on the revised operational framework of the proposed scheme was provided to the Council in March 2012. In the same month, the Bureau informed the Council that they had given LegCo notice to move a resolution to implement the amendments to the Legal Aid Ordinance for the expansion of OLAS and SLAS.

INTEREST GROUPS

Operational feedback from stakeholders will assist in the delivery of high quality and effective legal aid services. Since its establishment in September 1996, Council has held meetings with legal aid panel lawyers to exchange views on different area of legal aid issues. During 2002-03, a formal structure was set up for broad participation by panel lawyers. Council also invited non-governmental organisations to join the Interest Groups. In 2004, District Council members and academics were also invited. In 2011, a membership drive was launched. Invitation to attract more new members was issued with a view to casting a wider net and to keep up the momentum of interest. As a result, the Interest Groups grew in membership with broadened composition. Members includes academics (in the legal as well as social studies fields), accountants, architects, barristers, a doctor, a dentist, engineers, an environmental consultant, an information technology consultant, a landscape architect, various members of the social services field, solicitors, and surveyors. In October 2011, a briefing cum cocktail reception was held to let the new Interest Group members have a better understanding of the work of the Council and Legal Aid Department, and to enable them to get a grasp with

所增加，组成愈趋广泛，包括学者（来自法律和社会研究领域）、会计师、建筑师、大律师、医生、牙医、工程师、环境顾问、资讯科技顾问、园境师、不同社会服务范畴的工作者、律师和测量师。在2011年10月，本局举行了一个简介会暨酒会款待所有兴趣小组成员，借此增加新成员对本局和法律援助署工作的认识，协助他们更快掌握有关议题和其他相关课题。在接着的几个月里，新加入「法律援助范围兴趣小组」的成员，已获邀出席讨论有关为被拘留人士提供法律援助服务的会议。在2011年9月至2012年2月间，该兴趣小组一共举行了四次会议。

法律援助持份者

在讨论有关为被拘留人士提供法律援助服务，主要的持份者，包括法律援助署、当值律师服务、香港警务处、香港海关、入境处、廉政公署、香港大律师公会和香港律师会，均获邀参与。兴趣小组成员不单可了解现行处理有关情况的运作程序和安排，亦能听取相关政府部门对执行兴趣小组建议的法律援助服务的顾虑及可能遇到的困难，从而确保兴趣小组向本局提交建议前，可深入考虑有关事宜。

在研究社区法律服务时，为增加认识非政府组织和社区团体现时提供的服务，以及了解社区对法律服务的需求，工作小组曾于2011年9月和2012年2月分别造访保良局和与部份区议会成员会面。

the subjects and related issues of concern. In the following months, those who have joined the Interest Group on Scope of Legal Aid were invited to attend meetings for discussion on the issue of provision of legal aid for legal assistance to detainees. Altogether four meetings were held between September 2011 and February 2012.

STAKEHOLDERS OF LEGAL AID

For the discussion on the issue of provision of legal aid for legal assistance to detainees, key stakeholders of the issue including the Legal Aid Department, Duty Lawyer Service, Hong Kong Police Force, Customs and Excise Department, Immigration Department, Independent Commission Against Corruption, Hong Kong Bar Association and the Law Society of Hong Kong were also invited to participate in the discussion. Apart from understanding the existing operational procedures and arrangement to handle the matter, the Interest Group members were also briefed on the concerns and difficulties that may be encountered by the relevant government departments if the legal aid service proposed by the Interest Group is implemented thus enabling the Interest Group to consider in more details of the matter before making recommendations to the Council.

On the study of community legal services, in order to enrich the information on the services currently provided by non-governmental organisations and community groups and the need of legal services in the community, the Working Party visited the Po Leung Kuk in September 2011 and met some District Council members in February 2012.



与台湾海峡两岸法律扶助协会会面

MEETING WITH THE LEGAL AID SOCIETY, TAIWAN

在2012年4月3日，台湾海峡两岸法律扶助协会（下称「协会」）访问团到访本局，在双方有兴趣的议题上交换意见。协会是一个在台湾的民间组织，旨在提供必要的法律援助予中国内地、香港、澳门和台湾四地的人士，以保障他们在四地的合法权益，协会成员包括法官、检察官、律师等人士，以义务性质参与协会的工作。他们通过访问和交流，促进四地的法律援助服务。到访本局的访问团成员包括协会主席、秘书长和其他七名成员，而本局主席和成员洪为民博士代表本局接待，法律援助署助理署长（政策及发展）陈爱容女士亦有出席。在会面中，大家就法律援助申请资格、法律援助申请人所需的费用和申请程序等课题交换意见。

A delegation from the Legal Aid Society, Taiwan visited the Council on 3 April 2012 to exchange views on issues of interest. The Legal Aid Society (LAS) is a civil organisation in Taiwan. It aims at providing necessary legal assistance to people of Mainland China, Hong Kong, Macau and Taiwan in the hope that their legal right in the four places could be protected. Its members include judges, prosecutors and solicitors. Their participation in the work of LAS is completely voluntary. They promote legal aid services in the four places through visits and exchange of views. The delegation that visited the Council included Chairman of the Society, its Secretary and seven other members. Representatives from the Council included the Chairman and Council Member, Dr Witman HUNG. The Assistant Director of Legal Aid (Policy & Development), Ms Juliana OY CHAN was also present. At the meeting, matters concerning the eligibility criteria for legal aid, costs of legal aid applicant and the application procedures were discussed.

两岸四地法律援助研讨会

在2011年5月27日，本局举办了首个两岸四地法律援助研讨会（下称「研讨会」）。

研讨会的主题为「探讨四地的法律援助服务」，旨在为中国内地、台湾、澳门和香港提供一个分享和学习四地法律援助制度的平台。

本局非常荣幸能邀得国际法援组织主席 Alan Paterson 教授和终审法院首席法官马道立首席法官担任主讲嘉宾，Paterson 教授在研讨会上介绍了法律援助的发展和趋势、不同司法地区法援计划的长处和不足，以及法援服务和公义伸张在廿一世纪所遇到的挑战和未来发展。马道立首席法官则发表了以「通往公义的质素」（Access to the Quality of Justice）为题的演讲。本局亦很荣幸邀得高等法院原讼法庭法官林文瀚法官发表以「香港调解服务的发展」（Development of Mediation in Hong Kong）为题的午餐演讲。

研讨会的其他讲者包括国家司法部法律援助工作司司长、台湾法律扶助基金会董事长、澳门法务局局长、香港法律援助署助理署长和本局成员等。



CROSS-STRAIT LEGAL AID CONFERENCE

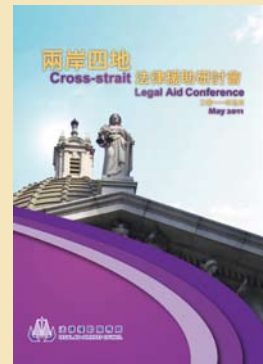
The Legal Aid Services Council held its first Cross-strait Legal Aid Conference on Friday, 27 May 2011.

The theme of the Conference was “Legal Aid Services in Four Places”. The Conference aimed at providing a unique forum for sharing and learning about legal aid practices in Mainland China, Taiwan, Macau and Hong Kong.

The Council was honoured to have Professor Alan Paterson, Chairperson of the International Legal Aid Group, and the Honourable Chief Justice Geoffrey MA Tao-li, Chief Justice of the Court of Final Appeal as keynote speakers. Professor Paterson introduced to the Conference the trend and development of legal aid, the pros and cons of different legal aid programmes and models adopted by various jurisdictions, the challenges for legal aid and access to justice for the 21st century and the way forward. The Honourable Chief Justice Geoffrey Ma delivered a speech on “Access to the Quality of Justice”. The Council was also honoured to have the Honourable Mr Justice Johnson LAM Man-hon, Judge of the Court of First Instance of the High Court to make a luncheon speech. He delivered a speech on “Development of Mediation in Hong Kong”.

Other speakers of the Conference included the Minister of Department of Legal Aid of Ministry of Justice, Mainland China; the Chairperson of Legal Aid Foundation, Taiwan; Director of Legal Affairs Bureau, Macau; Assistant Director of Legal Aid Department, Hong Kong and members of the Council; etc.

The Conference was well received. It received a total of 130 registrations comprising officials of legal aid authorities, legal aid practitioners, academics, and representatives of non-



研讨会广受欢迎，共130名来自中国内地、台湾、澳门和香港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登记参加。为记载这个有意义的活动，本局特别印制一本名为「两岸四地法律援助研讨会」的书刊。

国际法援组织研讨会2011

本局成员林家礼博士代表本局出席了在六月于芬兰赫尔辛基举行的国际法援组织研讨会2011。

国际法援组织在1992年由苏格兰斯特莱斯克莱德大学的Alan Paterson教授成立，是一个由来自超过二十四个国家的法律援助专家，包括法律援助委员会的行政总裁和经理、政府主要官员和著名学者组成的网络，其使命是通过就国际间为贫困人士提供法律服务的政策和研究发展进行讨论和对话，以改善以实例为证的政策制定。国际法援组织主要集中在讨论由已高度发展法援服务的司法地区提出的特有议题，现在正扩展至发展较落后但接近研讨会举行地点的司法地区。

国际法援组织每两年举行一次研讨会，为易于管理，研讨会只让获邀人士参与。本局曾参加2005、2007和2009年的研讨会，2011年赫尔辛基研讨会是本局第四次获得国际法援组织邀请参与。该研讨会来自26个国家共86名代表，包括政策制定官员及法律援助研究员出席。除了简介各司法地区的法援工作，研讨会上亦讨论了日益重要的仲裁和调解法援服务，以及法援服务质素保证的重要性。

governmental organizations of Mainland China, Taiwan, Macau and Hong Kong. To record the meaningful event, a booklet entitled "Cross-strait Legal Aid Conference May 2011" was produced.

INTERNATIONAL LEGAL AID GROUP CONFERENCE 2011

Council Member Dr Lee George LAM, on behalf of the Council, attended the International Legal Aid Group (ILAG) Conference 2011 held in Helsinki, Finland in June.

ILAG was established in 1992 by Professor Alan Paterson of Strathclyde University, Scotland. It is a network of legal aid specialists including chief executives and managers from legal aid commissions, high ranking civil servants and leading academics in over 24 countries. Its mission is to improve evidence-based policy-making in the field of poverty legal services through discussion and dialogue relating to international developments in policy and research. ILAG focuses primarily on the particular issues raised in jurisdictions which have established highly developed systems of legal aid. It is now expanding its brief to include jurisdictions with less developed systems, particularly in jurisdictions close to its conference sites.

ILAG holds conference biennially. For reasons of manageability, the conferences are open only by invitation. The Council participated in the 2005, 2007 and 2009 conferences. The Helsinki Conference 2011 is the fourth ILAG conference to which the Council was invited. Such conference brought together 86 representatives including policy makers and researchers in the legal aid field from 26 countries. Apart from the introduction of legal aid work in different jurisdictions, there was discussion on the increasing prominence of legal aid in arbitration and mediation, as well as the importance of quality assurance in legal aid services.