



法律援助服务局
LEGAL AID SERVICES COUNCIL



2011-12 年报
ANNUAL REPORT



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LEGAL AID SERVICES COUNCIL

年报

2011-2012

ANNUAL REPORT

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GOVERNING LEGISLATION

Legal Aid Services Council Ordinance (Cap. 489)

成立日期

一九九六年九月一日

DATE ESTABLISHED

1 September 1996

法援局成员

陈茂波太平绅士, MBA, FCPA, MH (主席)

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(当然成员)

MEMBERSHIP OF THE COUNCIL

Mr Paul CHAN Mo Po, MBA, FCPA, MH, JP (Chairman)

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Dr Witman HUNG Wai Man, PhD, MBA, MA, LL.M., FHKIoD,
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Dr Lee George LAM

Mr Edward LEUNG Wai Kuen, JP

Ms Corinne Marie D'ALMADA REMEDIOS

Mrs Cecilia WONG NG Kit Wah

Mr William CHAN, JP, Director of Legal Aid (ex-officio)

秘书

彭海伦女士

COUNCIL SECRETARY

Ms Helen PANG

预算

港币五百七十四万四千零九十七元

BUDGET

HK\$5,744,097

往来银行

香港上海汇丰银行

BANKERS

Hongkong & Shanghai Banking Corporation

会计师

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核数师

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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.

抱负、使命及信念

VISION, MISSION AND VALUES

抱负

竭力确保在法律面前人人平等，即使是缺乏经济能力的人，也能寻求正义伸张；借以维护和巩固香港社会的法治精神。

使命

1. 确保提供质优、快捷、妥当的法援服务；并为此争取足够的经费。
2. 争取改善关于或影响法律援助服务的法律和行政制度。
3. 促助加强公众对法援服务的认识。
4. 按时检讨成立独立法援机构的问题。

信念

1. **全力以赴**：本局忠于职责，恪守抱负、使命及信念宣言的宗旨，因为本局相信法律援助对于维持法治方面极具价值，本局亦积极开展法律援助服务。在遵守《法律援助服务局条例》〔本局条例〕的同时，本局致力于完善条例规定，发扬抱负、使命及信念宣言的精神。
2. **公正独立**：提高法律援助管理的独立性是1996年成立本局的原因之

VISION

The Council actively contributes to upholding and enhancing the rule of law by striving to ensure access to justice and equality before the law to people of limited means.

MISSION

1. To ensure provision of high quality, efficient and effective legal aid services and to secure adequate funding therefor.
2. To seek to improve continually the legal and administrative systems concerning and affecting the provision of legal aid.
3. To help increase public awareness of legal aid.
4. To keep under review the establishment of an independent legal aid authority.

VALUES

1. **Committed** : The Council is committed to its work and upholds its VMV because it believes that legal aid is essential to the rule of law and the Council contributes positively to legal aid services. While adhering to the provisions of the Legal Aid Services Council Ordinance, the Council endeavours to improve the provisions of the Ordinance in pursuit of its VMV.
2. **Independent and Fair** : A greater degree of independence in legal aid administration was one of the reasons for establishing the Council in 1996, and independence is therefore one of its core values. Thus,

一，因此，独立性是本局核心价值之一。在确认不同利益团体的利益或观点的同时，本局将采取大公无私的立场处理事务，为建立法治社会及法律面前人人平等精神而努力。本局不会忽视在会议上可能提出的任何事实或观点。

3. **通众近民**：成立本局的一个原因是扩大公众对法援管理的参与。本局将作出适当安排，方便公众获取本局的公开资料，或与本局就特定事项沟通，或在不影响本局履行职责的情况下，主动或被动地参与本局的工作。本局将设立与公众、利益团体及本港或海外对法援有兴趣的人士的沟通渠道。
4. **开诚布公**：加深公众了解本局将会加强公众对本局及法援服务的信任，此亦是公众积极参与本局工作的先决条件。因此，在不违反特定事宜或特定场合须保密的情况下，本局将向公众公开本身的工作。
5. **敏于众望**：基于两种原因，本局须敏锐回应。首先，法律援助是在扩阔的社会环境中提供服务。为了对法援政策提供完善的意见，有效监督法援署提供的法援服务，本局须对社会、经济及政治状况，法律惯例及技术革新的变化十分敏感，并积极应对。其次，对公众投诉或咨询作出及时全面的回应，将能建立更为有效与公众沟通渠道，因此有助公众透过本局更积极参与法律援助管理。本局随时准备聆听公众意见，跟进讨论研究，并及时采取行动。

while acknowledging the interest or view of different stakeholders, the Council will take a disinterested position and pursue a course of action that is most appropriate in contributing to the rule of law and equality before the law. The Council will not ignore any fact or view that may be presented to it.

3. **Accessible** : One of the reasons for establishing the Council was to broaden public participation in legal aid administration. The Council will make such arrangements as to facilitate members of the public to obtain open information regarding the Council, or communicate with the Council on specific issues, or take part actively or passively in its work without prejudicing the discharge of its responsibilities. The Council will be accessible to the public, to stakeholders, and to interested parties locally or overseas.
4. **Transparent** : A better understanding of the Council will enhance trust in the Council and legal aid services being provided. It is a pre-requisite for active public participation in the Council's work. Therefore, the Council will make known to the public its work without breaching confidentiality in respect of specific issues or on specific occasions.
5. **Responsive** : the Council has to be responsive for two reasons. Firstly, legal aid service is provided within a wider environment. In order to provide sound advice on legal aid policy and to supervise effectively legal aid services provided by LAD, the Council has to be sensitive and proactive in respect of changes in social, economic and political conditions, legal practices and technological innovation. Secondly, timely and comprehensive response to public complaints or enquiries will build a more effective channel of communication with members of the public, and will contribute to greater public participation in legal aid administration through the Council. The Council is ready to listen, to follow up with research, to deliberate and to act promptly.

法律援助服务局成员 MEMBERS OF COUNCIL

陈茂波先生是香港特别行政区立法会议员，为专业会计师，曾任香港会计师公会及特许公认会计师公会香港分会会长，现为华德匡成会计师事务所有限公司主席。陈先生服务多个政府及公共团体之董事局和委员会，包括西九文化区管理局和策略发展委员会。陈先生持有香港中文大学工商管理硕士学位，曾就读哈佛商业学院，并经常以客席身分，为多间大学、商会、报章及专业团体讲学。

Mr Paul Chan is a member of the Legislative Council of the Hong Kong Special Administrative Region. He is an accountant by profession and is a former President of the Hong Kong Institute of Certified Public Accountants and the Association of Chartered Certified Accountants – Hong Kong. He is the Chairman of Crowe Horwath (HK) CPA Limited. Mr Chan has served on many boards and committees of governmental and public bodies such as the West Kowloon Cultural District Authority and the Strategic Development Commission. Mr Chan holds an MBA degree from the Chinese University of Hong Kong and has also studied at the Harvard Business School. He has frequently lectured, on a visiting basis, for universities, chambers of commerce, newspapers and professional institutions.



主席陈茂波太平绅士

Paul CHAN Mo-po

MBA, FCPA, MH, JP,
Chairman

蔡惠琴女士现于泰田、麦基尔国际顾问有限公司担任主任顾问及亚太区总经理。蔡女士拥有超过25年丰富人力资源管理经验，尤其在培训及发展方面。蔡女士在2001至2005年期间担任香港人力资源管理学会会长，是学会自1977年创会以来首位女性会长，现为学会理事会成员以及学习及发展委员会顾问。

于2004年6月，蔡女士以学会会长身分当选持续专业发展联盟主席，及持续担任至今，并曾以联盟主席身分出任前教育统筹局属下人力发展委员会的成员。蔡女士亦活跃于多个由政府及公营机构管辖的委员会，其中包括特区政府的薪酬趋势调查委员会、公务员薪俸及服务条件常务委员会、香港公开大学、中央政策组、平等机会委员会、雇员再培训局、个人资料（私隐）咨询委员会及法律援助服务局等。

Virginia Choi J.P. is Managing Consultant and Country Manager of Tamty McGill Consultants International Ltd. She has over 25 years of experience in HR management, especially in training and development.

Virginia was President of the HKIHRM from 2001 to 2005, HKIHRM's first female President since its inception in 1977. She is now Executive Council Member of the HKIHRM and advisor to its Learning and Development Committee.

Virginia was elected Chairperson of the Continuing Professional Development Alliance in June 2004 in her capacity as President of the HKIHRM. She has been Chairperson of the Alliance since then, and in this capacity, had served on the Manpower Development Committee of the then Education and Manpower Bureau. Virginia actively participates in various boards, committees and councils including the government's Pay Trend Survey Committee, Standing Commission on Civil Service Salaries and Conditions of Service, Open University of Hong Kong, Central Policy Unit, Equal Opportunities Commission, Employees Retraining Board, Personal Data (Privacy) Advisory Committee, and Legal Aid Services Council.



蔡惠琴太平绅士

Virginia CHOI

FIHRM, JP

狄朗尼大律师毕业于英国诺丁咸大学，并于1981年在英国取得事务律师资格。他自1985年起在本港执业，并于1991年获得大律师资格。狄朗尼先生为当值律师计划提供免费法律咨询超过15年，并不时为大律师公会举办的法律专业进修课程讲学。

Mr Michael Delaney is a graduate of the Nottingham University and qualified as a solicitor in the United Kingdom in 1981. He came to Hong Kong in 1985 and practiced as a solicitor until 1991 and then was called to the Bar. Mr Delaney has been on the Duty Lawyers free legal advice panel for over 15 years and gives lectures on behalf of the Bar Advanced Education.



狄朗尼大律师
Michael DELANEY

洪为民博士为特许资讯科技专业人士，现为昊新有限公司联合创办人和执行副总裁，业务包括为来自中国的客户制订专业财务和行政共用的环球服务方案。洪博士是互联网专业协会现任主席，从事资讯科技工作二十四年，为行内著名领袖。洪博士热心社会服务，包括香港交通安全队、互联网专业协会及菁英会。洪博士于2007年获颁香港特别行政区政府民政事务局局长嘉许状，并获选为2008年香港十大杰出青年、40+典范2011和2012年度资本企业家。

Dr Witman Hung is a Chartered Information Technology Professional and currently the Executive Vice President and Co-founder of Next Horizon Company Ltd., a company that provides finance and administration share services for multiple clients on a global basis from China. He is also currently the President of the Internet Professional Association. Dr Hung has worked in the computer industry for 24 years and is a renowned industry leader. He is also very active in community services including serving on Road Safety Patrol, Internet Professional Association and the Y Elites Association. In 2007, Dr Hung was awarded the Secretary for Home Affairs Commendation by the HKSAR Government. He was awarded Ten Outstanding Young Persons of Hong Kong in 2008, 40+ distinguished fellow in 2011 and Capital Entrepreneur of the year in 2012.



洪为民博士

Dr Witman HUNG Wai-man

PhD MBA MA LLM FHKIoD FBCS
CITP

熊运信律师现任香港律师会副会长，并出任会内审查及纪律常务委员会、刑事法及程序委员会和法学教育委员会主席。

熊律师以香港律师会代表的身份，加入当值律师服务理事会、香港中文大学和香港城市大学法律专业证书课程学术委员会。熊律师以个人身分服务于较高级法院出庭发言权评核委员会和香港法律改革委员会导致或任由儿童死亡个案小组。

熊律师亦是树仁大学客座教授。

熊律师于1995年在香港取得事务律师资格，现为彭温蔡律师行合伙人。

Mr Stephen Hung is the Vice-President of the Law Society of Hong Kong. He is currently the Chairman of the Standing committee on Compliance, Criminal Law and Procedure Committee, and Legal Education Committee.

As a representative of the Law Society of Hong Kong, Mr Hung serves on the Council of the Duty Lawyer Service; PCLL Academic Board of the Chinese University of Hong Kong; and PCLL Academic Board of the City University of Hong Kong. In his own capacity, Mr Hung serves on the Higher Rights Assessment Board; and Law Reform Commission, Subcommittee on Causing or Allowing the Death of a Child.

Mr Hung is also an Adjunct Professor of Law of Hong Kong Shue Yan University.

Mr Hung was admitted as a solicitor in Hong Kong 1995. He is currently a Partner of Messrs. Pang, Wan & Choi.



熊运信律师
Stephen HUNG Wan-shun

林家礼博士持有加拿大渥太华大学之科学及数学学士、系统科学硕士及工商管理硕士学位、加拿大加尔顿大学之国家行政研究院文凭、英国曼彻斯特城市大学之英国及香港法律深造文凭及法律荣誉学士学位、英国胡佛汉顿大学之法律硕士学位、香港城市大学法学专业证书，香港中文大学专业进修学院专业会计证书，以及香港大学之哲学博士学位。林博士在企业管理、管理顾问、公司管治、投资银行及基金管理，拥有超过30年的国际经验。林博士现为香港玉山科技协会理事长，并担任亚太区数家上市公司之独立或非执行董事职务。林博士曾两任香港特别行政区政府中央政策组非全职成员，现为法律援助服务局成员，亦是中国政协吉林省委员会委员（及前浙江省委员会特邀委员）、香港银行协会会员、东方-西方中心基金会董事、青年总裁协会会员、Chief Executives Organization会员、香港董事学会资深会员、香港仲裁司学会资深会员、香港上市公司商会常务委员会委员及公司管治委员会委员、香港房地产建筑业协进会副会长、香港-越南商会创会董事及名誉司库、香港澳洲商会董事会成员、香港教育城董事会成员及北京清华大学经济管理学院之客座教授（公司管治及投资银行方面）。



林家礼博士
Dr Lee George LAM

Dr Lee George Lam holds a BSc in Mathematics and Sciences, an MSc in Systems Science, and an MBA, all from the University of Ottawa in Canada, a Post-graduate Diploma in Public Administration from Carleton University in Canada, a Post-graduate Diploma in English and Hong Kong Law and an LLB (Hons) in law from Manchester Metropolitan University in the UK, an LLM in law from the University of Wolverhampton in the UK, a PCLL in law from the City University of Hong Kong, a Certificate in Professional Accountancy from the Chinese University of Hong Kong SCS, and a PhD from the University of Hong Kong. Dr Lam has over 30 years of international experience in general management, management consulting, corporate governance, investment banking and fund management. Dr Lam is Chairman of Monte Jade Science and Technology Association of Hong Kong, and serves as an independent or non-executive director of several publicly-listed companies in the Asia Pacific region. Having served as a Part-time Member of the Central Policy Unit of the Government of the Hong Kong Special Administrative Region for two terms and as a Member of the Legal Aid Services Council of Hong Kong, Dr Lam is a Member of the Jilin Province Committee (and formerly a Specially-invited Member of the Zhejiang Province Committee) of the Chinese People's Political Consultative Conference, a Member of the Hong Kong Institute of Bankers, a Board Member of the East-West Center Foundation, a Member of the Young Presidents' Organization, a Member of the Chief Executives Organization, a Fellow of the Hong Kong Institute of Directors, a Fellow of the Hong Kong Institute of Arbitrators, a Member of the General Council and the Corporate Governance Committee of the Chamber of Hong Kong Listed Companies, a Vice President of the Hong Kong Real Estate Association, a founding Board Member and the Honorary Treasurer of the Hong Kong-Vietnam Chamber of Commerce, a Board Member of the Australian Chamber of Commerce in Hong Kong, a Board Member of Hong Kong Education City Limited, and a visiting professor (in the fields of corporate governance and investment banking) at the School of Economics & Management of Tsinghua University in Beijing.

梁伟权先生是区议会议员、注册社工及香港游乐场协会总干事。梁先生热心社会服务，为油尖旺区议会2004至2011年间的副主席，曾任香港青少年发展联合会副主席、西九新动力副主席、睦邻力量主席、油尖旺区公民教育运动统筹委员会主席、油尖旺区健康城市委员会主席和环境及自然保育基金委员会小组主席，梁先生亦曾同时出任多个委员会委员，包括市区重建局地区咨询委员会、中华电力地区客户咨询委员会、油尖旺区扑灭罪行委员会、油尖旺区地区管理委员会、油尖旺东分区委员会。现时梁先生为市政事务上诉委员会委员。

Mr Edward Leung is a District Council Member, a registered social worker and the Executive Director of Hong Kong Playground Association. Mr Leung is very active in community services. He was the Vice-chairman of Yau Tsim Mong District Council from 2004 to 2011, Hong Kong Association of Youth Development and West Kowloon New Dynamic, the Chairman of Union Power for Neighbourhood and Yau Tsim Mong District Civic Education Campaign Co-ordinating Committee, and the Subcommittee Chairman of Yau Tsim Mong District Healthy City Committee and the Environment & Conservation Fund Committee. He has sat on various committees including the District Advisory Committee of Urban Redevelopment Authority, the District Customer Advisory Committee of China Light & Power Company, Yau Tsim Mong District Fight Crime Committee, Yau Tsim Mong District Management Committee and Yau Tsim Mong East Area Committee. He is now a member of the Municipal Services Appeal Board.



梁伟权太平绅士
Edward LEUNG Wai-kuen

JP

李嘉莲大律师在香港出生及接受教育，于1978年取得香港大律师执业资格。她办理民事及刑事案件，熟悉法律援助衍生事宜。自当值律师计划设立以来，李嘉莲女士一直为该计划担任义务律师，曾出任多个委员会成员，包括大律师公会之人身伤亡赔偿委员会及家事法律委员会、附属济助程序改革试验计划工作小组及督导委员会、以及香港儿童权利委员会等。

Born and educated in Hong Kong, Ms Corinne Remedios was admitted to the Hong Kong Bar in 1978. She is familiar with issues that arise over legal aid as she has a practice which includes both civil and criminal cases. She has been a volunteer lawyer for the Duty Lawyer Service since the scheme was established. She has sat on various committees including the Bar Association's Special Committee on Personal Injuries and Special Committee on Family Law, the Working Group and the Steering Committee on the Pilot Scheme for the Reform of Ancillary Relief Procedure, and the Hong Kong Committee on Children's Rights, etc.



李嘉莲大律师
Corinne REMEDIOS

黄吴洁华律师现为香港律师会理事会和当值律师服务执行委员会成员。黄律师为吴建华律师行合伙人，主要处理婚姻诉讼、刑事及民事诉讼、调解及仲裁、遗产认证、商业和公司事务。

黄律师拥有极丰富的调解经验，并为家事法庭、香港律师会、香港和解中心和香港国际仲裁中心调解员和家事调解督导员。目前，黄律师是香港终审法院首席法官调解工作小组，以及香港律政司调解工作小组之草拟香港调解法组员。黄律师亦是以下三本重要调解著作的合著作者：

1. The Book on Mediation (调解通鉴), Institute of International Experts 2012 ;
2. Hong Kong Civil Procedure, Special Release on Mediation (香港民事程序), Sweet & Maxwell 2011 ; 及
3. Hong Kong Mediation Handbook (香港调解手册), Sweet & Maxwell 2009 。

黄律师一向积极推广香港的调解服务，同时参与政府、法律业界和社区举办的各种公益活动。

于2010、2011和2012年，黄律师获香港律师会颁发「公益义务社区工作金奖」以表扬她对法律专业及社区的莫大贡献。

Mrs Cecilia Wong is currently a council member of the Law Society of Hong Kong and the Duty Lawyer Service Council. She is a partner of Kevin Ng & Co., Solicitors. Her practice area includes matrimonial law, criminal and civil litigation, mediation and arbitration, probate, commercial and corporate law.

Mrs Wong has enormous experience in mediation for various matters. She is a panel mediator and family mediation supervisor of the Family Court, the Law Society of Hong Kong, Hong Kong Mediation Centre, and the Hong Kong International Arbitration Centre. At present, she is member of the Chief Justice's Working Party on Mediation and member of Secretary for Justice's Task Force on Mediation, Mediation Ordinance subgroup. She was co-author of 3 important books on mediation:

1. "The Book on Mediation", Institute of International Experts 2012;
2. Hong Kong Civil Procedure, Special Release on Mediation, Sweet & Maxwell 2011;
3. Hong Kong Mediation Handbook, Sweet & Maxwell 2009.

Mrs Wong has consistently taken an active role in the promotion of mediation in Hong Kong, as well as in various pro-bono government, professional and community services.

In 2010, 2011 and 2012, Mrs Wong received the Gold award in pro-bono and community work of the Law Society of Hong Kong in recognition of her enormous contribution to the profession and the community.



黄吴洁华律师
Cecilia WONG NG Kit-wah

陈香屏先生于2010年1月获委任为法律援助署署长。他自1987年4月离开英国利物浦私人执业行列后，便加入法律援助署担任法律援助律师。陈先生于1989年12月获晋升为高级法律援助律师，1994年12月为助理首席法律援助律师，1997年10月为副首席法律援助律师，2004年12月为法律援助署副署长。

Mr William Chan was appointed Director of Legal Aid in January 2010. He joined the Legal Aid Department as a Legal Aid Counsel in April 1987 after leaving private practice in Liverpool, England. He was promoted to Senior Legal Aid Counsel in December 1989, to Assistant Principal Legal Aid Counsel in December 1994, to Deputy Principal Legal Aid Counsel in October 1997, and to Deputy Director of Legal Aid in December 2004.



陈香屏太平绅士
William CHAN Heung-ping

JP

法援局、委员会及其职能

COUNCIL, COMMITTEES AND FUNCTIONS

法援局

法援局负责监督由法律援助署(法援署)提供的法律援助服务的管理。法援署就该等服务的提供，向法援局负责。

法援局可：

- a. 制定政策以管限由法援署提供的服务，并就法援署的政策方向提供意见；
- b. 不时检讨法援署的工作，并作出有利和适当的安排，以确保法援署能有效率地并符合经济原则地履行其职能和提供法律援助服务；
- c. 检讨由法援署提供的服务及其发展计划；及
- d. 就法援署的开支预算作出考虑及提供意见。

法援局无权就职员事宜及法援署对个别案件的处理向法援署作出指示。

法援局是行政长官在关于获公帑资助并由法援署提供的法律援助服务的政府政策上的咨询组织，并须就下列事宜作出建议：

COUNCIL

The Legal Aid Services Council is responsible for overseeing the administration of the legal aid services provided by the Legal Aid Department and the Department is accountable to the Council for the provision of such services.

The Council may —

- a. formulate policies governing the provision of services by the Department and give advice on the policy direction of the Department;
- b. review the work of the Department from time to time and make such arrangements as are expedient and proper to ensure the efficient and economical discharge of the functions and provision of legal aid services by the Department;
- c. keep under review the services provided by the Department and the plans for development of the Department; and
- d. consider and advise on the estimates of expenditure of the Department.

The Council shall not have the power to direct the Department on staff matters and the handling of individual cases by the Department.

The Council is the Chief Executive's advisory body on the policy of the Government concerning publicly-funded legal aid services provided by the Department and shall advise on -

法援局、委员会及其职能

COUNCIL, COMMITTEES AND FUNCTIONS



前排左至右：法援署副署长（政务）钟绮玲女士、李嘉莲女士、主席陈茂波先生、蔡惠琴女士、黄吴洁华女士
后排左至右：法援署署长陈香屏先生、熊运信先生、洪为民博士、林家礼博士、狄朗尼先生、梁伟权先生、法援局秘书彭海伦女士
Front left to right: Ms Alice CHUNG (Deputy Director of Legal Aid/ Administration), Ms Corinne REMEDIOS, Mr Paul CHAN (Council Chairman), Ms Virginia CHOI, Mrs Cecilia WONG
Back left to right: Mr William CHAN (Director of Legal Aid), Mr Stephen HUNG, Dr Witman HUNG, Dr L G LAM, Mr Michael DELANEY, Mr Edward LEUNG, Ms Helen PANG (Council Secretary)

- a. 资格准则、服务范围、提供服务的方式、未来的改善计划、以及法律援助政策的未来发展和资金需要；
- b. 建立一个独立的法律援助管理局的可行性及可取性；及
- c. 由行政长官不时转交法援局的任何其他法律援助事项。

兴趣小组

法援局的职能，是就法援政策向行政长官提出意见，并监察法律援助署提供法律援助服务。本局明白各持份者对有关制度和运作的回应，将有助本港推行高素质及高效率的法援服务。因此，本局自1996年成立以来，一直与名册律师就不同层面的法律援助服务和工作交换意见。于2002年，本局设立一个正式架构，成立了不同的兴趣小组，以便名册

- a. the eligibility criteria, scope of services, mode of service delivery, future plans for improvements, funding requirements and future development of legal aid policy;
- b. the feasibility and desirability of the establishment of an independent legal aid authority; and
- c. any other aspect of legal aid which the Chief Executive may from time to time refer to the Council.

INTEREST GROUPS

The Legal Aid Services Council was established to advise the Chief Executive on legal aid policy and to supervise the provision of legal aid services provided by the Legal Aid Department. In discharging these functions, the Council recognizes that obtaining operational feedback from stakeholders will assist in the delivery of high quality and effective legal aid services. Hence, since its establishment in September 1996, the Council has held meetings with legal

律师可更广泛参与本局的工作。在2003年，本局邀请非政府机构加入兴趣小组，其后邀请扩展至区议会成员及学者。每个兴趣小组皆由本局成员担任主席，并欢迎其他法律援助局成员参与。

一般而言，兴趣小组的职权范围大致如下：

- a. 就兴趣小组职权范围内的事宜，向法律援助局建议有关改善的方法及途径；
- b. 就兴趣小组职权范围内的事宜向法律援助局汇报有关意见及 / 或评论；及
- c. 审议由法律援助局或其他方面转介的任何有关兴趣小组相关职权范围内的事宜。

在2008年9月以前，本局共成立3个兴趣小组：

- a. 「外判制度及监察法律援助外判个案兴趣小组」；
- b. 「法律援助申请及程序兴趣小组」；及
- c. 「法律援助范围兴趣小组」。

在2008年9月，本局认为整合相关议题的兴趣小组会令讨论更有效率，遂决定将「外判制度及监察法律援助外判个案兴趣小组」和「法律援助申请及程序兴趣小组」合并，本局成员熊运信律师获委任为合并后易名为「法援申请程序及监察外判制度兴趣小组」的主席，同时，本局成员李嘉莲大律师则获委任为「法律援助范围兴趣小组」主席。

aid panel lawyers to exchange views on different areas of legal aid work / services. In 2002, a formal structure known as Interest Group was set up for broad participation by panel lawyers in reviewing specific areas of legal aid work. In 2003, the Council invited non-governmental organizations to join the Interest Groups. Later in the year, District Council members and academics were also invited. Each Interest Group is chaired by a Council member. Other Council members are also welcome to join.

Generally, the terms of reference of an Interest Group are –

- a. to make recommendations to the Council on ways and means to improve the subject under the purview of the Interest Group;
- b. to report back to the Council feedback and/or comments in respect of the subject under the purview of the Interest Group; and
- c. to consider any issue relating to the subject under the purview of the Interest Group referred by the Council or other interested parties.

Prior to September 2008, there were three Interest Groups, namely:

- a. Interest Group on Assignment System and Monitoring of Assigned-out Cases;
- b. Interest Group on Processing of Legal Aid Applications; and
- c. Interest Group on Scope of Legal Aid.

In September 2008, the Council considered more efficient to discuss the related issues under the purview of different interest groups under one roof. The Interest Group on Assignment System and Monitoring of Assigned-out Cases therefore merged with the Interest Group on Processing of

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新成员，以推动兴趣小组的工作。兴趣小组成员人数因而有所增加，成员背景更趋广泛，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。两个兴趣小组将继续探讨其负责的相关课题，并向本局提出建议。

工作小组

本局也会视乎需要成立工作小组，为一些特别课题进行研究。这些工作小组会向本局提出建议，或为本局计划与筹办活动。在此年报年度内，四个名为「社区法律服务工作小组」、「法律援助独立性工作小组」、「两岸四地法律援助研讨会工作小组」和「法律援助研讨会筹备小组」已展开工作。

兴趣小组和工作小组成员名单刊于附录。

Legal Aid Applications. Council member Mr Stephen HUNG was appointed Chairman of the merged interest group which was renamed as the Interest Group on Processing, Assignment and Monitoring of Assigned-out Cases. At the same time, Council member Ms Corinne REMEDIOS was appointed Chairman of the Interest Group on Scope of Legal Aid.

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 include 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. The two interest groups will continue to advise the Council on subject matters under their purview.

WORKING PARTIES

The Council also forms working parties as necessary to study specific issues and make recommendations to the Council or to plan and organize activities of the Council. During the year under review, four working parties were in operation. They were the Working Party on Community Legal Services, the Working Party on Independence of Legal Aid, the Working Party on Cross-strait Legal Aid Conference and the Organizing Committee for Seminar on Legal Aid.

Membership of the Interest Groups and the Working Parties is at the Appendix.

政策及策略 POLICY AND STRATEGY

法律援助辅助计划的检讨

在讨论行政当局所提交「就评定法律援助申请人财务资格的准则每五年进行一次的检讨」建议的过程中，本局要求「法律援助范围兴趣小组」检视「法律援助辅助计划」（下称「辅助计划」）的涵盖范围。经过详细商议兴趣小组的研究报告后，本局在2010年12月将其建议提交行政长官。行政当局在研究本局的意见和建议，以及相关持份者的见解后，在2011年3月通知本局其对扩大「辅助计划」的立场，亦于立法会司法及法律事务委员会（下称「事务委员会」）在2012年3月28日的会议上，提交了具体的建议。行政当局建议：

- (a) 扩大「辅助计划」以涵盖下列类别的申索，其申索金额应超过港币\$60,000，以及申请人须缴付较高的申请费和分担费：
 - i. 涉及有关执业会计师、建筑师、注册专业工程师、注册专业测量师、认可土地测量师、注册专业规划师、园境师，以及地产代理专业疏忽的申索；

REVIEW OF THE SUPPLEMENTARY LEGAL AID SCHEME

In the course of the discussion of the Administration's recommendations from the five-yearly review, the Council requested the Interest Group on Scope of Legal Aid to also examine the scope of Supplementary Legal Aid Scheme (SLAS). After careful deliberation of the report of the Interest Group, the Council forwarded its recommendations 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, informed the Council of their position on the expansion of SLAS and submitted a proposal to the Panel on Administration of Justice and Legal Services of the Legislative Council (LegCo) for consideration at its meeting on 28 March 2011. The Administration proposed that:

- (a) The scope of SLAS be expanded to cover claims of the following categories, with claim amounts exceeding \$60,000, using an enhanced rate of application fee and contribution:
 - i. professional negligence claims against Certified Public Accountants, Architects, Registered Professional Engineers, Registered Professional Surveyors, Authorized Land Surveyors, Registered Professional Planners, Landscape Architects and Estate Agents;

- ii. 因销售保险产品而引起的申索；以及
 - iii. 就销售一手住宅物业向发展商提出的申索；
- (b) 上文(a)分段所述新涵盖个案的法律援助申请费及分担费比率修订如下：
- i. 申请费增至港币\$5,000；
 - ii. 中期分担费比率订为受助人经评估财务资源的百分之十，但在任何情况下，均不得少于香港法例第91B章《法律援助（评定资源及分担费用）规例》第14(a)条所订明在「辅助计划」下受助人现行须缴付的中期分担费；以及
 - iii. 最终分担费比率增加至讨回财产价值的百分之二十，如案件在委聘大律师出庭前获得和解，则分担费比率为百分之十五；
- (c) 上文(b)分段所述增加申请费和分担费比率的安排，亦适用于现时有关医疗、牙科或法律这三种专业疏忽的申索；
- ii. claims arising from sale of insurance products; and
 - iii. claims against developers in the sale of first-hand residential properties;
- (b) The application fee and rates of contribution for the new types of cases in item (a) above be revised as follows:
- i. the application fee be increased to \$5,000;
 - ii. the interim contribution rate be set at 10% of the assessed financial resources of the aided person, but in any event not less than the current interim contribution payable by the aided persons under SLAS as set out in Regulation 14(a) of the Legal Aid (Assessment of Resources and Contributions) Regulations (Cap. 91B); and
 - iii. the final contribution rate be increased to 20% of the value of property recovered, and to 15% where a claim is settled prior to delivery of a brief for attendance at trial to counsel;
- (c) The enhanced application fee and rates of contribution as set out in item (b) above be also applied to the existing three types of professional negligence claims against the medical, dental or legal professions;
- (d) Employees' claims on appeals from the Labour Tribunal, regardless of claim amounts, be covered under the expanded SLAS using the existing rates of application fee and contribution;
- (e) A study be conducted on amending the Legal Aid Ordinance (Cap. 91) with a view to enabling money claims in derivatives of securities, currency futures or other futures contracts be covered under the Ordinary Legal Aid Scheme (OLAS) when fraud,



- (d) 不论申索金额多少，扩大「辅助计划」以纳入就劳资审裁处对雇员申索所作裁决提出的上诉，并采用现行申请费及分担费水平；
- (e) 研究修订《法律援助条例》第91章，以期将在销售证券衍生工具、货币期货或其他期货合约时因涉及欺诈、失实陈述 / 欺骗情况而引起的金钱申索纳入普通法律援助计划（下称「普通计划」）的涵盖范围；及
- (f) 提请立法会财务委员会批准，注资1亿元予「辅助计划」基金，以便扩大「辅助计划」的涵盖范围。

在2011年12月，本局亦获知会当局对扩大「辅助计划」涵盖范围的其他建议的意见，该意见详列如下：

(a) 与衍生工具有关的申索

鉴于结构性金融产品在本港日益流行，当局同意将销售证券衍生工具、货币期货或其他期货合约时因涉及欺诈、失实陈述 / 欺骗情况而引起的金钱申索纳入「普通计划」的涵盖范围。

(b) 少数份数拥有对物业发展商就强制售卖大厦单位的申索

当局认为不应扩展「辅助计划」涵盖这类申索，理由如下：

- i. 观乎土地审裁处过往作出的裁决，批出强制售卖令的机会甚高。假若这个趋势持续，获批法律援助的少数份数拥有人败诉并

misrepresentation/deception is involved at the time of purchase; and

- (f) The approval of Finance Committee be sought to inject \$100 million into the SLAS Fund to facilitate the expansion of the scope of SLAS.

The Council was also informed of the Administration's views on other proposals to expand SLAS in December 2011. Their views were:

(a) Derivatives Claims

Noting that structured financial products were increasingly commonplace in Hong Kong, the Administration agreed to include money claims in derivatives of securities, currency futures or other futures contracts to be covered under the OLAS when fraud, misrepresentation or deception was involved at the time of purchase.

(b) Claims against Property Developers by Minority Owners in respect of Compulsory Sales of Building Units

The Administration did not agree expanding SLAS to cover this type of claims for the following reasons:

- i. As evidenced in the past rulings of the Lands Tribunal (Tribunal), the chance of granting a compulsory sale order was very high. Assuming that this trend would continue, the chance of a minority owner granted with legal aid losing the case and having to bear all the costs was very high. This would be inconsistent with the self-financing principle of SLAS.
- ii. Very often, a minority owner who appeared before the Tribunal sought to resist the majority owner's application for compulsory sale or, if the application was to be granted, the terms

须承担全数讼费的机会亦甚高。这有违「辅助计划」自负盈亏的原则。

- ii. 很多时候，少数份数拥有人反对多数份数拥有人的强制售卖申请，或如其强制售卖申请已获批准，则反对售卖的条件和条款，所争议的事项多数与估值而非法律事宜有关，并且不涉及金钱的赔偿。

无论如何，当局将会继续提供行政支援予这些因重建发展而可能受强制售卖影响的旧楼业主，例如调解服务、以年长业主为对象的外展支援服务，及加强公众教育。

(c) 对销售商品及提供服务的申索

当局不同意把对销售商品及提供服务的申索纳入「辅助计划」，因为这类申索所涉赔偿金额一般不大，而所涉讼费却往往远超赔偿额。如案件败诉，辅助计划基金便须承担双方的讼费，对基金的影响甚大。此外，消费者委员会辖下有消费者诉讼基金，会为涉及重大消费者利益或对消费者影响深远的特选个案，提供援助。因此，我们相信相关的消费者权益已获充分照顾。

当局于2012年3月向立法会发出预告，表示会动议一项决议项，落实修订《法律援助条例》的建议，以扩大「普通计划」和「辅助计划」涵盖范围。

and conditions for the sale. The issues in debate were often related more to valuation rather than legal matters, and no monetary damages were involved.

Nevertheless, the Administration agreed to continue to provide administrative support to owners of old buildings who might be involved in compulsory sale for redevelopment cases, such as mediation service, outreach support service for elderly owners and enhanced public education

(c) Claims against Sale of Goods and Provision of Services

The Administration did not agree to expand SLAS to this type of claims because not much contribution was expected to be generated from successful cases since such claims generally involved small amounts of money. On the other hand, the litigation costs involved usually far exceeded the value of the damages. One lost case could have a significant impact on the SLAS Fund which had to bear the costs of both sides. Furthermore, the Consumer Council had the Consumer Legal Action Fund to provide assistance in selected cases where significant consumer interests or issues of a substantial impact on consumers were involved. It was believed that consumer interests in that regard had been taken care of.

To implement the proposed amendments to Legal Aid Ordinance for the expansion of OLAS and SLAS, the Administration gave notice in March 2012 to move a proposed resolution at LegCo.

法律援助的独立性

除了向政府建议法援政策外，本局亦须就「建立一个独立的法律援助管理局的可行性及可取性」向行政长官提出建议。

如去年年报所载，本局辖下成立了「法律援助独立性工作小组」（下称「工作小组」），以便计划和督导顾问研究。「工作小组」由林家礼博士任主席，成员包括洪为民博士、狄朗尼大律师和黄吴洁华律师。在2011年3月，递交了顾问研究意向书的顾问公司/机构/大学均获邀提交建议书；在审议各建议书后，德勤企业管理咨询(香港)有限公司（下称「德勤」）获委任负责研究在香港建立一个独立的法律援助管理局的可行性及可取性。

与「德勤」的顾问研究合约在2011年10月31日签订，此后，「工作小组」定期与顾问会面，讨论应采纳的研究方法和研究结果。

为量度法律援助的独立性程度，顾问将从四方面研究，分别是制度、财政、运作和管治。研究将涵盖成立一个独立的法援管理局的考虑因素及下列事项：

- (a) 法律援助署的独立性；
- (b) 海外司法管辖区内法律援助工作的独立性；及
- (c) 持份者的观感。

通过文献回顾、新闻研究，以及与法援

INDEPENDENCE OF LEGAL AID

Apart from advising the Government on legal aid policy, the Council is also tasked to advise the Chief Executive on "the feasibility and desirability of the establishment of an independent legal aid authority".

As mentioned in the last report, the Working Party on Independence of Legal Aid [Working Party] was formed under the Council to plan and steer the consultancy study. The Working Party was led by Dr L G LAM and comprised members Dr Witman HUNG, Mr Michael DELANEY and Mrs Cecilia WONG. In March 2011, the consulting firms/institutions/ universities that had expressed interest in undertaking the study were invited to submit proposal. After considering the proposals, Deloitte Consulting (Hong Kong) Limited was commissioned to undertake the study on the feasibility and desirability of establishing an independent legal aid authority in Hong Kong.

The consultancy agreement with Deloitte was made on 31 October 2011. Since then the Working Party met with the consultants on a regular basis to discuss the approach and methodology adopted as well as findings of the study.

To measure the degree of independence, four dimensions of legal aid independence have been defined. They are institutional, financial, operational and governance. The study will cover the findings on the following areas and the considerations for establishing an independent legal aid authority:

- (a) Independence of the Legal Aid Department (LAD);
- (b) Independence of legal aid practices in overseas jurisdictions; and
- (c) Stakeholders' perceptions.



业界的主要持份者 – 包括法律业界人士、立法会议员、社区团体、政府部门和公共团体的代表、工会、区议会成员、记者、学者、政党、法律援助署员工和法援局成员等的直接对话，顾问公司确立以实例为证的研究方法，去检视现时法援行政独立性的水平，以及了解持份者对法援独立性的期望。

为比较和对比香港法援行政的强项和弱点，以及详细考虑如何改善个别情况，顾问亦研究其他海外法援制度，包括奉行普通法的司法管辖区 – 英格兰和威尔斯、苏格兰、北爱尔兰、爱尔兰、新西兰、加拿大、安大略和澳洲新南威尔斯省，以及大陆法系管辖区 – 荷兰和芬兰。

鉴于市民大众为主要的法援服务使用者，顾问公司通过大规模电话调查，以收集他们的意见。从未使用过法援服务的市民的意见，会与现时或过去曾使用法援服务人士（即法援申请人）的意见互相比较和分析，法援申请人的意见则

Through literature review, news research and direct conversations with key stakeholders in the legal aid administration – including legal practitioners, legislators, community groups, representatives of Government departments and public bodies, trade unions, district council members, reporters, academics, political parties, LAD staff and Legal Aid Services Council (LASC) members – the consultants have developed an evidence-based approach to examine the current level of independence in legal aid administration, as well as to map stakeholders' expectations of legal aid independence.

To compare and contrast the identified strengths and weaknesses in Hong Kong's legal aid administration and to consider how particular areas can be improved, the consultants have looked into overseas legal aid practices, including common law jurisdictions - England & Wales, Scotland, Northern Ireland, Ireland, New Zealand, Ontario, and New South Wales, as well as civil law jurisdictions - the Netherlands and Finland.

Given that it is members of the general public who will be the key users of legal aid services, the consultants have solicited their views through a large-scale telephone survey.

通过问卷调查方式收集。两种调查方法均以随机抽样方式选出调查对象。

顾问公司已于2012年1月和3月分别提交初期和中期报告，并将在完成研究后提交最终报告给本局。

为被警方拘留人士提供法律咨询服务

目前，几乎所有被拘留人士在被拘留后至被带上裁判法院前这段期间，都会遭到有关执法机构的查问，还会被记录口供，该份口供会在审讯时被用作呈堂证供，但被拘留人士在这段时间并不得到法律援助。

有鉴于此，本局要求「法律援助范围兴趣小组」（下称「兴趣小组」）研究法律援助服务应否扩大涵盖为被香港执法机构拘留的人士提供法律咨询服务，包括未正式被拘捕但获邀协助调查的「被拘留人士」。

「兴趣小组」由李嘉莲大律师任主席，本局成员狄朗尼大律师及洪为民博士亦



Opinions from the general public who have never used the LAD's service have been analysed and compared with the views from existing or previous legal aid service users i.e. legal aid applicants. Views of legal aid applicants have been collected through a paper-based survey. Respondents for both surveys were selected at random.

The consultants submitted the report on preliminary findings in January 2012 and the interim report in March 2012. The consultants will prepare the final report after completing the study.

LEGAL ADVICE TO DETAINEES AT POLICE STATION

At present, there is no legal aid provided to cover the period after detention but prior to the detainee being brought before a Magistrate. Almost invariably, a detainee would be interviewed by the law enforcement agency concerned during this period and frequently a statement would be recorded and tendered as evidence at trial.

In view of these circumstances, the Council invited the Interest Group on the Scope of Legal Aid (IG) to study whether legal aid should be extended to cover legal assistance for persons detained by the law enforcement agencies in Hong Kong ("the Detainee Issue"). The study included "detainees" not formally arrested but invited to assist in enquiries.

The IG was chaired by Ms Corinne REMEDIOS. Council members Mr Michael DELANEY and Dr Witman HUNG also participated in the discussion on the Detainee Issue. The IG met on a total of five occasions: 17 November 2009, 6 September 2011, 11 October 2011, 6 December 2011 and 21 February 2012. The IG members participated in the Study came from a wide spectrum including academics (in the

参与有关该咨询服务的讨论。「兴趣小组」分别在2009年11月17日、2011年9月6日、2011年10月11日、2011年12月6日和2012年2月21日举行了五次会议，参与该研究的「兴趣小组」成员背景广泛，包括学者（在法律专业和社会研究领域）、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。为推动资讯交流和鼓励全面咨询，「兴趣小组」邀请了有关持份者，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参与讨论，各机构均有派出代表出席一次或以上会议。

在讨论过程中，「兴趣小组」成员获悉苏格兰在其最高法院（上议院）于2010年10月25日判决 *Cadder 诉 HM Advocate* 一案后所取得的经验。在 *Cadder* 一案，最高法院认为检察部门是依赖在问话期间得到的认罪证供提出检控，但该份证供是被拘留人士在未获法律意见前提供的，这点与被拘留者应得到公平审讯的权利互不相容。*Cadder* 一案凸显苏格兰在此段期间有提供法援的需要，随后其法律援助服务亦因此相应扩展。国际法援组织主席 Alan Paterson 教授在本局于2011年5月举办的「两岸四地法律援助研讨会」的演说中曾提及这个判决，尽管苏格兰和香港在拘捕程序上有所不同，但 *Cadder* 一案为「兴趣小组」详细研究香港的情况，提供了足够的推动力。

「兴趣小组」同时获悉，香港虽然保留了普通法沉默权，但一个「获邀」到警局及 / 或「协助警方调查」的人士，可

legal as well as social studies fields), accountants, an architect, 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. To promote the exchange of information and to encourage proper consultation, the IG invited the attendance of stakeholders, 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, all of whom sent representatives to attend one or more meetings.

During the discussion, IG members were briefed on the experience in Scotland following the decision of Supreme Court (the House of Lords) in *Cadder v HM Advocate* on 25 October 2010. In *Cadder*, the Supreme Court held inter alia that the prosecution's reliance on admissions made by a detainee who had been interviewed by the police, without access to legal advice before the interview began, could be incompatible with the detainee's right to a fair trial. *Cadder* highlighted the need for legal aid in Scotland to cover this period and subsequently legal aid was extended accordingly. Such decision was also highlighted in the speech made by Professor Alan Paterson, who is the Chairperson of the International Legal Aid Group, at the Cross-Strait Legal Aid Conference organised by the Council in May 2011. Although there are differences in the Scottish and the Hong Kong procedure upon arrest, *Cadder* provided sufficient impetus for the IG to critically examine the Hong Kong Position.

The IG was given to know that although Hong Kong has retained the common law right of silence, a person may be "invited" to attend a police station and/or asked to "assist the police in enquiries" without being informed of his right to silence. A caution may not be administered from the outset of questioning and by the time the law enforcement officer is required to administer the caution. The person may

能没有被告知其保持沉默的权利；在查问开始前，执法人员未有作出或未能适时作出有关警诫，该人士可能在不知情的情况下自证其罪，因此，在很多刑事案件中，辩方会挑战在审问期间取得的口供的自愿性，审讯时间因而延长，成本亦相应增加。

为了深入考虑为被扣留人士提供法律咨询服务的可行性、范畴和提供服务的方法，「兴趣小组」进行了一个研究，比较在五个司法管辖区－英格兰和威尔斯、苏格兰、台湾、新西兰和加拿大安大略省，对被拘留者所提供的法律援助服务。

在考虑所有相关事宜后，「兴趣小组」总结认为有必要向被拘留人士提供法律援助服务，以保障拘留人士的权利，他们认为应同样提供法律援助予那些「获邀」协助调查但未正式被拘捕的人士。虽然小组成员未能就有关法律援助的程度达成共识（尤其在提供法律咨询外，法援应否扩展至在查问期间提供律师代表被拘留人士），「兴趣小组」成员一致赞成建立一个试验计划，以扩大有关的法律援助服务。鉴于执法机构的顾虑和在运作时可能遇到的困难，「兴趣小组」认为渐进引入试验计划会是一个实际的解决办法。

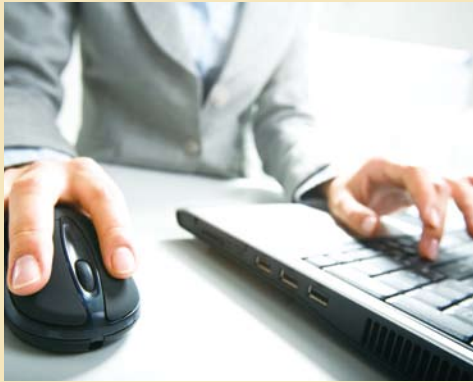
「兴趣小组」在收集成员对有关建议的意见后，将会提交报告。本局在审阅报告后，会于适当时间向行政长官提交建议。

unwittingly have incriminated himself. Hence there are many criminal cases where defendants challenge the voluntariness of a statement taken upon interrogation, thus prolonging the trial and increasing costs.

To enable an in depth consideration as to feasibility, scope and delivery of legal advice to detainees, a comparative study of the provision of legal aid for legal assistance to detainees in five overseas jurisdictions namely England and Wales, Scotland, Taiwan, New Zealand and Ontario, Canada was commissioned by the IG.

Having taken into account all relevant issues, the IG concluded that legal aid for legal assistance was necessary to protect the rights of detainees. They considered that the provision for legal assistance should equally apply to those persons “invited” to assist in investigations without formal arrest. Although a consensus was not reached on the extent of such assistance, (particularly whether aid should extend not only to legal advice but also to representation of the detainee during the interview), IG members were unanimously in favour of setting up a pilot scheme to extend legal aid accordingly. In view of the concerns expressed by the law enforcement agencies and the possible operational difficulties, the IG considered that an incremental introduction would be a practical solution to be adopted by the pilot scheme.

A report will be prepared by the IG after soliciting views from its members on the proposals. The Council will consider the report and make recommendations to the Chief Executive as appropriate.



本局2011至2012年度工作计划

本局2011至2012年的工作计划内容如下：

a. 法援范畴

「法律援助范围兴趣小组」（下称「兴趣小组」）完成了「法律援助辅助计划的检讨」研究，而当局亦已在2011年3月将其建议提交立法会。「兴趣小组」会研究其他建议，包括为被警方拘留人士提供法律咨询服务的可行性和可取性，以保障其法律权利。

b. 法律援助的独立性

本局为建立一个独立的法律援助管理局的可行性及可取性进行顾问研究，由林家礼博士担任主席的「法律援助的独立性」工作小组已邀请有兴趣的机构提交计划书。研究预期会在2011年年底开始，本局会监察此计划的进度，并在必要时提供协助。

COUNCIL'S WORK PLAN FOR 2011/2012

The Council's work plan for 2011/2012 included the following activities:

a. Scope of Legal Aid

The Interest Group on Scope of Legal Aid finished its study on the Review of the Supplementary Legal Aid Scheme (SLAS) and the Administration has put forth its recommendations to the Legislative Council in March 2011. The Interest Group will look into other outstanding propositions, including the possibility and desirability in providing legal advice to arrested persons at Police stations to help protect their legal right.

b. Independence of Legal Aid

The Council will conduct a Consultancy Study on the Feasibility and Desirability of establishing an Independent Legal Aid Authority, and the Working Party on Consultancy Study on Independence of Legal Aid, chaired by Dr L G LAM, has invited interested parties to submit proposals. The study will commence by the end of 2011. The Council will monitor the progress of this project and provide assistance, where necessary.

c. Community Legal Services Centre

The Working Party led by Dr L G LAM has laid down the study approach for Community Legal Services. After gathering information about the needs in the community and the current services provided by various non-governmental organisations (NGOs), it would analyze the current spectrum of services, identify the gap between the provision and the requirement and make recommendations on how to enhance the service to fill the gap.

c. 社区法律服务中心

一个由林家礼博士担任主席的工作小组，已制定研究社区法律服务的方法。在搜集社区对法律服务的需求，以及现时由不同非政府组织提供的服务等资料后，工作小组会分析现时服务的范畴，并确定现有服务和需求间的差距，从而建议如何改善服务，以填补落差的部份。

d. 无律师代表诉讼人

在法庭，无律师代表诉讼人的数目日益增加，令人关注正义是否能得到伸张。本局会研究此课题，并考虑作出适当的回应。

e. 协助涉及劳资纠纷的雇员

不少的职工会和立法会议员分别就低收入雇员在劳资纠纷中所遇到的困难表示关注，本局会研究此课题，并制定合适的回应。

f. 调解研讨会

本局曾举办两个主题为「法援与民生」的法援研讨会，第一个在2006年11月举行，而第二个则在2008年3月举行。第三个以「调解」为主题的研讨会在2010年4月举行。该等研讨会为参加者提供平台就香港的法援服务交流意见，尤其可以增加服务使用者和从业员对特定范畴的关注。所有研讨会均得到热烈回应。有见及此，本局决定在2012年举办另一个研讨会。

d. Unrepresented litigants

The rising number of unrepresented individuals in court has given rise to a concern about access to justice. The Council will look into the matter and consider what response would be appropriate.

e. Assistance to employees in labour dispute

Concerns have been expressed by various trade unions and legislators about the difficulties faced by low income employees in labour dispute. The Council will study the issue and formulate an appropriate response.

f. Seminar on Mediation

The Council has held two seminars on legal aid entitled "Legal Aid and Livelihood". The first was held in November 2006 and a second one in March 2008. A third seminar on "Mediation" was held in April 2010. The seminar provides a platform for exchange of views on provision of legal aid services in Hong Kong and in particular, to raise the awareness of users or practitioners in certain specific area. All seminars were very well received. In view of the favourable response, the Council will hold another seminar in 2012.

g. Cross-strait Legal Aid Conference

It is generally recognised that international conference on legal aid provides a very useful platform for legal aid policy makers, administrators and practitioners to review and reflect on their legal aid policy and administration. Such occasion will also provide an opportunity to network with other legal aid authorities and researchers. The Council will host a cross-strait four-region legal aid conference in Hong Kong on 27 May 2011 with the participation of Mainland China, Taiwan and Macau. The objective of the conference

g. 两岸四地法律援助研讨会

一般人皆认同国际法援会议为法援决策者、法援机构的管理人员和从业员，提供了一个非常有用的平台，检讨和比较彼此的法援政策和管理方法，同时亦提供机会让不同的法援机构和研究人员建立网络。本局在2011年5月27日举办了一个两岸四地法援研讨会，邀请了中国内地、台湾、澳门和香港的代表参加，旨在透过研讨会促进四地法援决策者、从业员和研究人员相互交流，为有需要人士提供优质的法援服务。

h. 兴趣小组

本局成立了两个兴趣小组－「法律援助范围兴趣小组」和「法援申请程序及监察外判制度兴趣小组」，成员由法律专业人士、非政府组织代表、区议会成员、学者、社工和其他专业人士组成。在2011年2月，本局再招募兴趣小组成员，吸纳更多不同界别的人士加入，以推动兴趣小组的工作。本局会与兴趣小组成员保持密切联系，在适当时候寻求他们对法律援助和相关课题的意见。

i. 国际法律援助组织研讨会

本局曾参与2005年、2007年和2009年国际法律援助组织双年研讨会。这些研讨会提供了一个有用的平台，去讨论法律援助的基本原则、比较不同的法援制度和交流经验。本局会参加在2011年6月于芬兰举行的国际法律援助组织研讨会。

is to promote dialogue and foster exchange amongst legal aid policy makers, practitioners and researchers in the four places with a view to providing quality legal aid services to those in need.

h. Interest Groups

The Council has formed two Interest Groups (i) Scope of Legal Aid and (ii) Processing, Assignment and Monitoring of Assigned-out Cases to assist in its work. Members were drawn from the legal profession, representatives of non-governmental organizations, members of District Councils, academics, social workers and other professionals. In February 2011, a membership drive has been launched. Invitation to attract more new members will be issued with a view to casting a wider net and to keep up the momentum of interest. The Council will continue to maintain dialogue with members of the Interest Groups to seek their views on legal aid and related matters as and when appropriate.

i. International Legal Aid Group Conference

The Council participated in the biennial International Legal Aid Group Conference in 2005, 2007 and 2009. These conferences provide a useful forum in discussing the fundamentals of legal aid, in comparing legal aid systems and in sharing experience. The Council will participate in the International Legal Aid Group Conference to be held in Finland in June 2011.

运作的政策和程序

OPERATIONAL POLICY AND PROCEDURES

刑事法律援助费用制度

CRIMINAL LEGAL AID FEES SYSTEM

法律援助署（下称「法援署」）聘用私人执业的大律师和律师担任刑事诉讼法律援助案件的辩方律师，《刑事诉讼程序条例》第221章下的《刑事案件法律援助规则》第221D章第21条，已订明支付该等律师的费用表和费用的评估机制。

The Legal Aid Department ("LAD") engages counsel and solicitors in private practice as defence lawyers in criminal legal aid cases. The scale of fees payable to these lawyers as well as the fee assessment mechanism are prescribed in Rule 21 of the Legal Aid in Criminal Cases Rules (Cap. 221D) under the Criminal Procedure Ordinance (Cap. 221).

根据立法会财务委员会（下称「财委会」）在1992年10月的决议，当局每两年检讨有关费用一次。财委会在2003年6月，把日后批准调整费用的权力转授行政署长，惟费用的调整幅度不得超逾参照期内按丙类消费物价指数计算的物价变动幅度。在进行每两年一次的检讨时，当局主要考虑参照期内通胀/通缩的情况，以及聘用大律师和律师是否存在困难。

Pursuant to the decision of the Legislative Council Finance Committee in October 1992, the fees are subject to review by the Administration on a biennial basis. The Finance Committee also delegated in June 2003 the authority to approve future adjustments to any of the fees to the Administration, provided that the extent of adjustment is no greater than the movement of the Consumer Price Index (C) (CPI(C)) during the reference period. In conducting the biennial reviews, the Administration takes into account mainly inflation/deflation during the reference period and whether there has been difficulty in engaging the services of counsel and solicitors.

从2010年的两年检讨中，我们得悉在参照期内（即2008年7月至2010年7月期间），丙类消费物价指数上升了1.6%。因此，当局建议参照期内通胀的升幅，把费用调升1.6%。而2010年7月后经济变动的影响，将于下次两年检讨中反映。

From the 2010 biennial review, it is noted that the CPI(C) for the reference period (i.e. July 2008 to July 2010) has increased by 1.6%. The Administration has therefore proposed to adjust the fees upward by 1.6% in accordance with the level of inflation during the reference period. The impact of economic changes after July 2010 will be reflected in the next biennial review.

在2011年4月，民政事务局（下称「民

政局」)通知本局,当局正草拟刑事案件法律援助(修订)规则,以修改《刑事案件法律援助规则》第4条和第21条,刑事案件法律援助费用增加1.6%的建议将于是次修订中落实。这些规则修订由刑事诉讼程序规则委员会制定,再提交立法会议决,并在2012年3月生效。第4条和第21条的修订内容如下:

第4条的修订

《刑事案件法律援助规则》第4条列明刑事案件可获得法律援助的情况,惟申请人须通过经济审查和案情审查。过去,第4(1)条并无明文涵盖在裁定无罪或获得释放、订定保留条件、获得转介或向上诉法庭或终审法院提出上诉后的法律程序。随着第4条之修订,任何人涉及由上诉法庭或终审法院审理的上诉案件,不论定罪与否,也可获给予法律援助。

第21条的修订

在检讨刑事法律援助费用的过程中,当局与两个法律专业团体就经修订的费用架构及处理刑事法律援助案件的外委律师的收费达成协议。修订第21条的目的,就是要改善刑事法律援助费用制度的费用架构。重点如下:

(a) 准备工作

在修订前,不论用了多少时间作审讯前或上诉前的准备工作,律师和大律师的收费是「划一」的。在经修订的费用架构下,准备工作的薪酬将会按所需时间计算。

In April 2011, the Home Affairs Bureau informed the Council that the Administration was in the course of drafting the Legal Aid in Criminal Cases (Amendment) Rules to amend Rule 4 and Rule 21 of the Legal Aid in Criminal Cases Rules (LACCR). The proposed +1.6% adjustment to the criminal legal aid fees would be incorporated in the Amendment Rules. Such Amendment Rules were subsequently made by the Criminal Procedure Rules Committee with the approval of the Legislative Council and came into operation in March 2012. Details of the amendment to Rules 4 and 21 are as follows:

Amendments to Rule 4

Rule 4 of the LACCR sets out the list of circumstances in which legal aid in criminal cases may be granted, subject to the applicant's eligibility on means and merits. In the past, Rule 4(1) did not expressly cover proceedings where after an acquittal or discharge, a reservation, reference or an appeal is made to the Court of Appeal (CA) and the Court of Final Appeal (CFA). With the amendments to Rule 4, legal aid can be granted to a person regardless of whether he/she has been convicted of an offence in an appeal case heard in the CA and the CFA.

Amendments to Rule 21

In the course of reviewing the criminal legal aid fees, the Administration has reached an agreement with the two legal professional bodies on the revised fee structure and the fees payable to assigned solicitors handling criminal legal aid cases. The purpose of the amendments to Rule 21 is to improve the payment structure of the criminal legal aid fee system. The main features are set out below –

(a) Preparatory work

Before the revision, solicitors and counsel were paid a fee for preparation of the case for trial or appeal, irrespective of the time spent up to the first day of trial

(b) 合理调整收费项目

过去，只有大律师获支付与受法律援助人士的「会议费用」。在经修订的架构下，律师也可收取按小时计算的会议费用。

(c) 提高厘定费用和重新厘定费用基础的透明度

在修订前，缴付外委律师的费用是待其工作完成及案件完结后评定的。在经修订的架构下，个别案件的分类和相关费用，以及所需准备时间，会经事先评估，并在委派案件时，在委聘书内注明。外委律师可在承办案件前参阅文件册，以决定是否同意有关费用，并可在有充分理由下，要求重新厘定所议定的费用。这些措施旨在提高收费架构的透明度。

(d) 取消现时有关费用的法定上限或限额

在经修订的费用架构下，付予发出指示律师的费用的法定上限或限额已被取消。

or appeal. Under the revised fee structure, preparation work will be remunerated according to the time required.

(b) Rationalization of fee items

In the past, only counsel was paid a “conference fee” with the legally aided person(s). Under the revised structure, a conference fee will also be payable to solicitors on an hourly basis.

(c) Enhanced transparency for the fee setting and re-determination basis

Before the revision, the fee payable to an assigned lawyer was assessed after the work was done and the case concluded. Under the revised structure, the classification of a particular case and hence the rates, as well as the required preparation time will be assessed beforehand and marked on the brief when making the assignment. Assigned lawyers will be allowed to view the bundle(s) before accepting assignments with a view to agreeing the fees to be paid. They can also seek a re-determination of the agreed fees if circumstances warrant this. These measures are designed to enhance the transparency of the fee structure.

(d) Abolition of existing statutory cap or limit on fees

Under the revised fee structure, the statutory cap or limit on fees payable to instructing solicitors have been abolished.

为期两年为无律师代表诉讼人提供法律咨询服务的试验计划

近年，日益增加的无律师代表诉讼人对香港民事司法制度带来挑战。由于只有少数无律师代表诉讼人知悉法庭规则和

TWO-YEAR PILOT SCHEME TO PROVIDE LEGAL ADVICE FOR LITIGANTS IN PERSON

In recent years, the increasing number of litigants in person (LIPs) has posed a challenge to the Hong Kong civil justice

程序，以致这类诉讼人、法庭以及其他诉讼各方，在推进个案及审理的过程中，遇到不少困难。无律师代表诉讼人一般面对的困难包括：

- (a) 对程序规则及实质法律缺乏认识；
- (b) 不懂得在非正审阶段及审讯期间陈述案情；
- (c) 如对讼一方聘有法律代表，感到不公平和处于下风；以及
- (d) 在部分个案中，无律师代表诉讼人可能会感到不安，以为有关的司法人员会因他们不熟悉法律及法庭程序而感到不耐烦。

立法会议员、香港大律师公会、香港律师会、司法机构和其他持份者，一致建议为无律师代表诉讼人提供法律咨询服务。

在2011年4月，当局通报本局，他们正筹划一个新的两年期试验计划，为无律师代表诉讼人提供免费的法律咨询服务。在2011年11月和2012年2月，当局向立法会司法及法律事务委员会（下称「事务委员会」）提交文件，简介试验计划的运作架构。当局计划伙同两个法律专业团体，并争取其他专业和有兴趣的律师行/大律师事务所支持，以推行试验计划。计划的目的是为那些未能负担私人法律服务，亦不认识本身权利和责任的无律师代表诉讼人，提供有关程序方面的法律意见。具体来说，计划将会：

- (a) 提供给已在区域法院、高等法院原讼法庭及上诉法庭，以及终审法院提出诉讼或是诉讼一方的人士；

system. Few LIPs know the court rules and procedures. This causes them, the court and other parties in the proceedings difficulties in progressing and trying the case. The difficulties generally faced by LIPs include -

- (a) Lack of knowledge of the rules of procedural and substantive law;
- (b) Lack of knowledge as to how to present their case at the interlocutory stages and at the trial;
- (c) A sense of inequality and being disadvantaged where the other party has legal representation; and
- (d) In some cases a sense of grievance induced by perceived judicial irritation at having to deal with an unrepresented litigant unfamiliar with the law and court procedures.

Members of the Legislative Council, the Hong Kong Bar Association ("Bar Association"), the Law Society of Hong Kong ("Law Society"), the Judiciary and other stakeholders have proposed that legal advice be given to LIPs.

In April 2011, the Administration informed the Council that they planned to provide free legal advice to LIPs by means of a new scheme running on a two-year pilot basis. In November 2011 and February 2012, the Administration submitted papers to the AJLS Panel briefing them on the operational framework of the pilot scheme. The Administration aims to launch the scheme in partnership with the two legal professional bodies and with support from members of other profession and the interested law firms/chambers. The objective of the scheme is to provide legal advice on procedural matters to assist LIPs who cannot afford private legal services and who lack knowledge of their rights and responsibilities. Specifically, the Scheme will be -

- (a) available to those who have commenced or are parties to legal proceedings in the District Court, Court of First Instance and Court of Appeal of the High Court, and Court of Final Appeal;

- (b) 提供给未能获得法律援助的人士； (b) available to those who have not been granted legal aid;
- (c) 以先到先得的形式提供；以及 (c) served on a first-come-first-served basis; and
- (d) 只为民事诉讼中不同阶段的法律程序事宜提供意见。 (d) providing advice on civil procedural matters only for different stages of the proceedings.

该计划的办事处将由一名中心主任掌管，并有一名全职或两名兼职常驻律师以及社区律师。社区律师须具备取得专业资格后两年或以上的经验，可以个人名义或律师行的身份（即用律师行名义）以义务性质参与工作。办事处尚有一名法律辅助人员及一名文书助理，支援秘书和行政工作。

当局通知本局这计划经过事务委员会在其2012年2月27日的会议商讨后，得到支持。

The LIPs office will be headed by a Centre-in-charge and supported by one full-time or two part-time resident lawyer(s) and community lawyers, who should have at least two years' post-qualification experience and join the Scheme in their personal capacity or in the capacity of a law firm (i.e. in the firm's name) providing service on a pro bono basis. The office is also supported by a para-legal and a clerical assistant providing secretarial and administrative support.

The Administration informed the Council that the proposed scheme was supported by the AJLS Panel after deliberation at its meeting on 27 February 2012.

大律师证明书

本局自2002年4月起实施一项援助计划，提供免费大律师证明书予已通过经济审查的法律援助上诉人。若无此证明书，上诉人无法根据《法律援助条例》第26A条寻求复核法律援助署署长拒绝批出法援的决定。有关计划的详情和运作情况已载述于过往的年度报告内。

截至2012年3月31日，援助计划的律师名册上有78名大律师（46名民事大律师及32名刑事大律师）及48名律师（37名民事律师及11名刑事律师）。就年内获批的申请，本局共将37宗个案外判予大律师和律师处理，详情如下：

CERTIFICATE BY COUNSEL

In April 2002, the Council implemented an assistance scheme to provide a legal aid appellant who has passed the means test with a free certificate by counsel without which he cannot seek a review of DLA's refusal to grant legal aid under Section 26A of the Legal Aid Ordinance. Details of the scheme and its operation have always been set out in annual reports of the Council.

As at 31 March 2012, the Scheme had 78 counsel (46 civil and 32 criminal) and 48 solicitors (37 civil and 11 criminal) on the panel. In respect of the applications approved during the year, the Council made a total of 37 assignments. Details are as follows -

刑事案件 Criminal Cases

	大律师 Counsel	律师 Solicitors
(a) 委派予申请人提名的名册律师 Assignment to panel lawyers according to applicants' nomination	31	31
(b) 委派予申请人提名的非名册律师（其曾于上诉庭代表申请人） Assignment to non-panel lawyers (who have represented the applicants in the appeal court) according to applicants' nomination	0	0
(c) 以轮流方式委派予名册律师 Assignment to panel lawyers by rotation	0	0
委派案件总数 Total assignment	31	31

民事案件 Civil Cases

	大律师 Counsel	律师 Solicitors
(a) 委派予申请人提名的名册律师 Assignment to panel lawyers according to applicants' nomination	6	6
(b) 委派予申请人提名的非名册律师（其曾于上诉庭代表申请人） Assignment to non-panel lawyers (who have represented the applicants in the appeal court) according to applicants' nomination	0	0
(c) 以轮流方式委派予名册律师 Assignment to panel lawyers by rotation	0	0
委派案件总数 Total assignment	6	6

在2011年4月1日至2012年3月31日期间，共接获53宗（41宗刑事案件及12宗民事案件）申请。当中，37宗（31宗刑事案件及6宗民事案件）申请获批，16宗（10宗刑事案件及6宗民事案件）申请被拒。

就该37宗获批的申请，已签发6份（刑事案件）大律师证明书陈述申请人有合理机会上诉得直，以及31份（25宗刑事案件及6宗民事案件）陈述申请人拟向终审法院提出的上诉并无合理机会成功。

至于该6宗获大律师证明书陈述有合理机

From 1 April 2011 to 31 March 2012, there were 53 (41 criminal and 12 civil) applications. Of these, 37 (31 criminal and 6 civil) applications were approved and 16 (10 criminal and 6 civil) applications were rejected.

In respect of the 37 approved applications, 6 (criminal) certificates by counsel stating that the applicants had reasonable prospect of success and 31 certificates by counsel (25 criminal and 6 civil) stating that the applicants did not have reasonable prospect of success in their intended appeals to the Court of Final Appeal were issued.

For the 6 criminal cases which were certified by counsel to have reasonable prospect of success, the Legal Aid

第七章 CHAPTER 7

会上诉得直的刑事案件，法援署已决定为该批案件提供法律援助。

Department (LAD) had decided to grant legal aid in all of the cases.

2010至11年度及2011至12年度的统计列表如下：

A table showing the statistics in 2010/11 and 2011/12 is appended below –

	2010年4月1日至 2011年3月31日接获的申请 Applications Received from 1.4.2010 to 31.3.2011			2011年4月1日至 2012年3月31日接获的申请 Applications Received from 1.4.2011 to 31.3.2012		
	刑事 Criminal	民事 Civil	总计 Total	刑事 Criminal	民事 Civil	总计 Total
1. 申请 Applications						
(a) 批准 approved	44	7	51	31	6	37
(b) 拒绝 rejected	13	11	24	10	6	16
(c) 中止 aborted	1	0	1	0	0	0
总计 Total	58	18	76	41	12	53
2. 大律师证明书 Certificate by Counsel						
(a) 有合理机会上诉得直 has reasonable prospect of success	5	0	5	6	0	6
(b) 无合理机会上诉得直 has no reasonable prospect of success	39	7	46	25	6	31
总计 Total	44	7	51	31	6	37
3. 有合理机会上诉得直的案件 Cases with reasonable prospect of success						
(a) 经法援署署长复核后获提供法律援助 legal aid granted upon review by Director of Legal Aid (DLA)	4	0	4	6*	0	6
(b) 经法援署署长复核后拒绝提供法律援助 legal aid not granted upon review by DLA	0	0	0	0	0	0
(c) 申请人撤回申请 withdrawn by applicant	1	0	1	0	0	0
总计 Total	5	0	5	6	0	6

* 包括一宗案件原获批法律援助，但其后被法援署署长取消。
including one case originally granted with legal aid but discharged by DLA afterwards

运作的政策和程序

OPERATIONAL POLICY AND PROCEDURES

两年的统计数据显示：

- (a) 总申请数目减少了30.3%（由2010/11年度的76宗下降至2011/12年度的53宗）；当中刑事案件下降了29.3%（由2010/11年度的58宗减少至2011/12年度的41宗）；民事案件则减少了33.3%（由2010/11年度的18宗下降至2011/12年度的12宗）；
- (b) 获大律师确认有合理机会上诉得直的案件的百分比，由2010/11年度的9.8%上升至2011/12年度的16.2%；上升主要来自刑事案件；在2010/11年度和2011/12年度并无民事案件获大律师证明有合理机会上诉得直；及
- (c) 法援署因应大律师证明书提供法律援助案件的百分比，2010/11年度和2011/12年度均为100%。

就2011/12年度接获的申请，共拨出\$1,104,000港元作为支付大律师及律师提供证明书的费用，详情如下：

The statistics for the two years reveal that -

- (a) the total number of applications has decreased by 30.3% (from 76 in 2010/11 to 53 in 2011/12), with a decrease of 29.3% in criminal cases (from 58 in 2010/11 to 41 in 2011/12) and 33.3% in civil cases (from 18 in 2010/11 to 12 in 2011/12);
- (b) the percentage of cases certified by counsel to have reasonable prospect of success has increased from 9.8% in 2010/11 to 16.2% in 2011/12, with increase mainly came from criminal cases as there were no civil cases certified by counsel to have reasonable prospect of success in 2010/11 and 2011/12; and
- (c) the percentage of cases where legal aid was granted by LAD in the light of the counsel certificates is 100% in both 2010/11 and 2011/12.

In respect of applications received in 2011/12, HK\$1.104 million was committed as fees for counsel and solicitors for providing the certificates. Details are as follows -

	获批案件数目 Number of Cases Approved	每宗案件的大律师费用 Counsel Fee/Case	大律师费用 总计 Total Counsel Fee	每宗案件的 律师费用 Solicitor Fee/Case	律师费用 总计 Total Solicitor Fee	费用 总数 Total Fee
刑事 Criminal	31	\$15,000	\$465,000	\$9,000	\$279,000	\$744,000
民事 Civil	6	\$40,000	\$240,000	\$20,000	\$120,000	\$360,000
总数 Total	37		\$705,000		\$399,000	\$1,104,000

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服务的。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

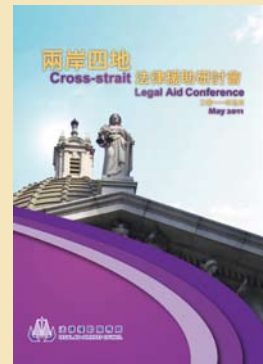
The Legal Aid Services Council held its first Cross-strait Legal Aid Conference on Friday, 27 May 2011.

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.

行政 ADMINISTRATION

本局会议出席纪录

ATTENDANCE AT COUNCIL MEETINGS

在2011至12年度，本局共召开了9次会议，各成员出席率列表如下：

The Council has held 9 meetings in the year 2011/2012. Attendance rates of members are set out in the table below:

姓名 Name	出席会议次数 Meetings Attended	出席率 Attendance Rate
陈茂波先生 Mr Paul CHAN	9	100%
蔡惠琴女士 Ms Virginia CHOI	7	78%
狄朗尼先生 Mr Michael DELANEY	7	78%
熊运信先生 Mr Stephen HUNG	4	44%
洪为民博士 Dr Witman HUNG	9	100%
林家礼博士 Dr Lee George LAM	5	56%
梁伟权先生 Mr Edward LEUNG	5	56%
李嘉莲女士 Ms Corinne REMEDIOS	6	67%
黄吴洁华女士 Mrs Cecilia WONG	3	33%
法律援助署署长 Director of Legal Aid	9	100%



BRIEFING CUM COCKTAIL RECEPTION

Members of Council's Interest Groups (IG) have, over the years, contributed selflessly their invaluable time and effort to assist the Council in supervising the provision of legal aid services and advising the Chief Executive on legal aid policy. To express our gratitude to the IG members for their contributions and to welcome the new comers who joined the IGs during the membership drive launched in 2011 as well as to help them to have a better understanding of the work of the Council and Legal Aid Department and to get a grasp with the subject and other related issues quicker, the Council held a briefing cum cocktail reception on 13 October 2011.

简介会暨酒会

在过去多年来，本局兴趣小组成员一直为协助本局履行监督法律援助服务，并就法律援助政策向行政长官提出建议的职责，无私地付出宝贵的时间和精力。本局在2011年10月13日，举行了一个简介会暨酒会款待所有兴趣小组成员，除了感谢他们作出的贡献，以及欢迎于2011年新招募的兴趣小组成员外，更借此增加他们对本局和法律援助署工作的认识，及协助他们更快掌握有关议题和其他相关课题。

本局期望与两个兴趣小组紧密合作，继续改善香港的法援服务。



The Council looks forward to working more closely with the two Interest Groups to further improve services.

社区关系

为加强公众对法律援助服务的认知，以及推广本局第一次举办的两岸四地法律援助研讨会，法援局特于2011年5月会见传媒代表，向他们简介研讨会的目的和有关资料。

为回应政府要求咨询及法定团体需要更公开和增加透明度，本局已将非机密的会议记录和相关文件、年报、本局向行政长官提交的文件，以及有关本局对一些咨询议题的回应，一并上载至本局网站。在2011年5月举行的两岸四地法律援助研讨会的简报内容亦已上载至本局网站，供公众及业界人士浏览。

COMMUNITY RELATIONS

To enhance public awareness of legal aid services and promote the Council's first Cross-strait Legal Aid Conference, the Council met media representations in May 2011 and briefed them on the objective and details of the Conference.

In response to government's call for openness and transparency of advisory and statutory bodies, the Council continues to upload unclassified minutes and papers of Council meetings, and annual reports of the Council onto the Council's website. The Council's submissions to the Chief Executive and responses to matters on which the Council is consulted have also been uploaded. The presentation materials of the Cross-strait Legal Aid Conference held in May 2011 were also placed on the Council's website for access by the public and legal aid practitioners.



员工及财政

政府当局于2005年3月9日将《2005年成文法规(杂项规定)条例草案》提交立法会，当中包括修订《法律援助服务局条例》，赋予法援局自行聘请员工以及签署合约（包括租约）的权力。

截至2012年3月31日，秘书处有两个文书职位由本局合约员工担任，四个职位由政府借调公务员担任。

于2011至12年度本局从政府收取的补助为港币5,744,097元。全年总支出为港币4,779,311元。

STAFF AND FINANCE

The Administration introduced the Statute Law (Miscellaneous Provisions) Bill 2005 to the Legislative Council on 9 March 2005 to, among other things, amend the Legal Aid Services Council Ordinance to confer power on the Council to employ staff and to enter into contracts, including leases.

At 31 March 2012, two clerical posts were filled by the Council's own staff and four posts were filled by civil servants seconded from the Government.

The subvention received from the Government for 2011-12 was \$5,744,097. Total expenditure of the year was \$4,779,311.

审计署署长报告

REPORT OF THE DIRECTOR OF AUDIT

独立审计报告

我已审计法律援助服务局的财务报表，该等财务报表包括于2012年3月31日的资产负债表与截至该日止年度的收支帐目、权益变动表和现金流量表，以及主要会计政策概要及其他附注解释。

法律援助服务局就财务报表须承担的责任

法律援助服务局须负责按照《法律援助服务局条例》(第489章)及香港财务报告准则，编制及真实而公平地列报该等财务报表，同时负责相关的内部控制，以使财务报表不存有由于欺诈或错误而导致的重大错误陈述。

审计师的责任

我的责任是根据我的审计对该等财务报表作出意见。我已按照《法律援助服务局条例》第13(1)条及审计署的审计准则进行审计。这些准则要求我遵守道德规范，并规划及执行审计，以合理确定财务报表是否不存有任何重大错误陈述。

审计涉及执行程序以获取有关财务报表所载金额及披露资料的审计凭证。所选定的程序取决于审计师的判断，包括评估由于欺诈或错误而导致财务报表存有重大错误陈述的风险。在评估该等风险

INDEPENDENT AUDIT REPORT

I have audited the financial statements of the Legal Aid Services Council set out on pages X to XX, which comprise the balance sheet as at 31 March 2012, and the income and expenditure account, statement of changes in equity and statement of cash flows for the year then ended, and a summary of significant accounting policies and other explanatory information.

Legal Aid Services Council's Responsibility for the Financial Statements

The Legal Aid Services Council is responsible for the preparation of financial statements that give a true and fair view in accordance with the Legal Aid Services Council Ordinance (Cap. 489) and Hong Kong Financial Reporting Standards, and for such internal control as the Legal Aid Services Council determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditor's Responsibility

My responsibility is to express an opinion on these financial statements based on my audit. I conducted my audit in accordance with section 13(1) of the Legal Aid Services Council Ordinance and the Audit Commission auditing standards. Those standards require that I comply with ethical requirements and plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

审计署署长报告

REPORT OF THE DIRECTOR OF AUDIT

时，审计师考虑与该局编制及真实而公平地列报财务报表有关的内部控制，以设计适当的审计程序，但并非为对该局的内部控制的效能发表意见。审计亦包括评价法律援助服务局所采用的会计政策的合适性及所作出的会计估计的合理性，以及评价财务报表的整体列报方式。

我相信，我所获得的审计凭证是充足和适当地为我的审计意见提供基础。

意见

我认为，该等财务报表已按照香港财务报告准则和《法律援助服务局条例》真实而公平地反映法律援助服务局于2012年3月31日的财务状况及截至该日止年度的财务表现及现金流量。

审计署署长
(审计署首席审计师黄达昌代行)

2012年9月20日

审计署
香港湾仔
告士打道7号
入境事务大楼26楼

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation of financial statements that give a true and fair view 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 entity's internal control. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by the Legal Aid Services Council, as well as evaluating the overall presentation of the financial statements.

I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my audit opinion.

Opinion

In my opinion, the financial statements give a true and fair view of the financial position of the Legal Aid Services Council as at 31 March 2012, and of its financial performance and cash flows for the year then ended in accordance with Hong Kong Financial Reporting Standards and have been properly prepared in accordance with the Legal Aid Services Council Ordinance.



Frederick T C WONG
Principal Auditor for Director of Audit

20 September 2012

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

第十一章 CHAPTER 11

资产负债表截至2012年3月31日止 BALANCE SHEET AS AT 31 MARCH 2012

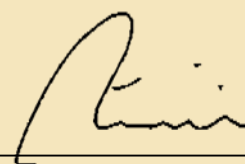
		注释 Note	2012 港币 HK\$	2011 港币 HK\$
非流动资产	NON-CURRENT ASSETS			
物业、厂房及设备	Property, plant and equipment	5	<u>43,412</u>	<u>50,835</u>
流动资产	CURRENT ASSETS			
银行存款及库存现金	Cash at bank and in hand		4,933,976	831,943
应收利息	Interest receivable		28	6
按金	Deposit		<u>2,200</u>	<u>2,200</u>
			<u>4,936,204</u>	<u>834,149</u>
流动负债	CURRENT LIABILITIES			
应付帐项及应计费用	Accounts payable and accrued charges		-	(257,579)
未支付约满酬金	Provision for gratuities		(7,150)	(7,186)
未放取假期拨备	Provision for untaken leave		(6,207)	(5,738)
递延收入	Deferred income	7	<u>(3,991,384)</u>	<u>-</u>
			<u>(4,004,741)</u>	<u>(270,503)</u>
净流动资产	NET CURRENT ASSETS		<u>931,463</u>	<u>563,646</u>
净资产	NET ASSETS		<u>974,875</u>	<u>614,481</u>
上列项目代表	Representing:			
政府基金	GOVERNMENT FUNDS			
经常性补助	Recurrent subvention		<u>974,875</u>	<u>614,481</u>

随附注释1至12亦为上述财务报表的一部份。

此等财务报表已于2012年9月20日经法律援助服务局核实及批准发行。

The accompanying notes 1 to 12 form part of these financial statements.

Approved and authorised for issue by the Legal Aid Services Council on 20 September 2012.



李家祥博士 Dr Eric Li Ka Cheung
主席 Chairman

财务报告书及帐目

FINANCIAL REPORTS AND ACCOUNTS

收支报表截至2012年3月31日止

INCOME AND EXPENDITURE ACCOUNT FOR THE YEAR ENDED 31 MARCH 2012

		注释 Note	2012 港币 HK\$	2011 港币 HK\$
收入	INCOME			
政府补助	Government subventions	7	5,744,097	5,225,921
利息收入	Interest Income		89	23
			5,744,186	5,225,944
其他收入	OTHER INCOME			
可追回讼费	Recovery of legal costs	8	10,000	424,239
			5,754,186	5,650,183
支出	EXPENDITURE			
职员薪金	Staff emoluments	9	(2,935,069)	(3,030,448)
租金及差饷	Rent and rates		(1,421,766)	(1,440,865)
其他开支	Other expenses	10	(422,476)	(564,389)
			(4,779,311)	(5,035,702)
本年度盈余	SURPLUS FOR THE YEAR		974,875	614,481
其他全面收入	Other comprehensive income		-	-
本年度全面收益总额	TOTAL COMPREHENSIVE INCOME FOR THE YEAR		974,875	614,481

随附注释1至12亦为上述财务报表的一部份。
The accompanying notes 1 to 12 form part of these financial statements.

权益变动表截至2012年3月31日止 STATEMENT OF CHANGES IN EQUITY FOR THE YEAR ENDED 31 MARCH 2012

		港币 HK\$
经常性补助基金	RECURRENT SUBVENTION FUND	
于2010年4月1日结余	Balance as at 1 April 2010	506,921
退还政府款项	Refunded to Government	(506,921)
本年度全面收益总额	Total comprehensive income for the year	<u>614,481</u>
于2011年3月31日结余	Balance as at 31 March 2011	614,481
退还政府款项	Refunded to Government	(614,481)
本年度全面收益总额	Total comprehensive income for the year	<u>974,875</u>
于2012年3月31日结余	Balance as at 31 March 2012	<u>974,875</u>

随附注释1至12亦为上述财务报表的一部份。
The accompanying notes 1 to 12 form part of these financial statements.

财务报告书及帐目

FINANCIAL REPORTS AND ACCOUNTS

现金流量表截至2012年3月31日止

STATEMENT OF CASH FLOWS FOR THE YEAR ENDED 31 MARCH 2012

		2012 港币 HK\$	2011 港币 HK\$
经营活动的现金流量	CASH FLOWS FROM OPERATING ACTIVITIES		
本年度盈余	Surplus for the year	974,875	614,481
折旧	Depreciation	22,181	15,149
利息收入	Interest income	(89)	(23)
其他应收款项减少	Decrease in other receivable	-	1
应付帐项及应计费用(减少)/ 增加	(Decrease)/Increase in accounts payable and accrued charges	(257,579)	221,469
未支付约满酬金(减少)/增加	(Decrease)/Increase in provision for gratuities	(36)	4,548
未放取假期拨备增加	Increase in provision for untaken leave	469	1,089
经营活动所得的经营盈余	NET CASH FROM OPERATING ACTIVITIES	739,821	856,714
投资活动所得的现金流量	CASH FLOWS FROM INVESTING ACTIVITIES		
购入物业、厂房及设备	Acquisition of property, plant and equipment	(14,758)	(20,720)
已收利息	Interest received	67	21
投资活动所得的现金净额	NET CASH USED IN INVESTING ACTIVITIES	(14,691)	(20,699)
融资活动的现金流量	CASH FLOWS FROM FINANCING ACTIVITIES		
递延收入增加	Increase in deferred income	3,991,384	-
退还政府款项	Amount refunded to Government	(614,481)	(506,921)
融资活动所得/(所用)的 现金流量	NET CASH FROM/(USED IN) FINANCING ACTIVITIES	3,376,903	(506,921)
现金及现金等值项目增加 净额	NET INCREASE IN CASH AND CASH EQUIVALENTS	4,102,033	329,094
年初的现金及现金等值项目	Cash and cash equivalents at beginning of year	831,943	502,849
年末的现金及现金等值项目	Cash and cash equivalents at end of year	4,933,976	831,943
现金及现金等值项目的 结余分析	ANALYSIS OF THE BALANCES OF CASH AND CASH EQUIVALENTS		
银行存款及库存现金	Cash at bank and in hand	4,933,976	831,943

随附注释1至12亦为上述财务报表的一部份。
The accompanying notes 1 to 12 form part of these financial statements.

帐目附注

1. 一般资料

法律援助服务局（本局）于1996年9月1日根据《法律援助服务局条例》（第489章）注册成立。

本局乃为一家非牟利组织，旨在监管在香港由法律援助署提供的法律援助服务，并就法律援助政策向政府提供意见。

本局注册办事处的地址为香港铜锣湾告士打道262号鹏利中心16楼1601室。

2. 主要会计政策

2.1 符合准则声明

此等财务报表乃根据香港会计师公会颁布香港财务报告准则（香港财务报告准则）的所有适用规定，以及《法律援助服务局条例》的有关规定编制。

2.2 编制基准

财务报表按应计记帐方式及历史成本法编制。

2.3 采纳新订 / 经修订香港财务报告准则

本局已采纳所有新订 / 经修订香港财务报告准则，该等准则于现行会计期间有效并与本局相关。

NOTES TO THE FINANCIAL STATEMENTS

1. General Information

The Legal Aid Services Council (“the Council”) was incorporated on 1 September 1996 under the Legal Aid Services Council Ordinance (Cap. 489).

The Council is a non-profit-making organisation formed for the objective of supervising the provision of legal aid services in Hong Kong provided by the Legal Aid Department and advising the Government on legal aid policy.

The address of its registered office is Room 1601, 16/F, Top Glory Tower, 262 Gloucester Road, Causeway Bay, Hong Kong.

2. Significant Accounting Policies

2.1 Statement of compliance

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

2.2 Basis of preparation

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

2.3 Adoption of new / revised HKFRSs

The Council has adopted all new/revised HKFRSs which are effective and relevant to the Council for the current accounting period.

本局并无采用任何于本会计期间尚未生效的修订、新准则及诠释，本局正就该等修订、新准则及诠释在首次采用期间预期会产生影响进行评估。直至目前为止，所得结论是采纳该等修订、新准则及诠释不大可能对本局的运作成果及财务状况构成重大影响。

下列财务报告准则修订及新准则可能会引致日后的财务报表须作出新的或经修订的资料披露：

The Council has not early adopted any amendments, new standards and interpretations which are not yet effective for the current accounting period. The Council is in the process of making an assessment of what the impact of these amendments, new standards and interpretations is expected to be in the period of initial adoption. So far, it has concluded that the adoption of them is unlikely to have a significant impact on the Council's result of operations and financial position.

The following developments may result in new or amended disclosures in future financial statements:

于下列日期或之后开始的会计期间生效
Effective for accounting periods beginning on or after

香港会计准则第1号（经修订）：「财务报表的呈报－其他全面收益项目的呈报」 Amendments to HKAS 1 (Revised) Presentation of Financial Statements – Presentation of Items of Other Comprehensive Income	2012年7月1日 1 July 2012
香港财务报告准则第13号：「公允价值计量」 HKFRS 13 Fair Value Measurement	2013年1月1日 1 January 2013
香港会计准则第19号（2011）：「雇员福利」 HKAS 19(2011) Employee Benefits	2013年1月1日 1 January 2013
香港财务报告准则第9号：「金融工具」 HKFRS 9 Financial Instruments	2015年1月1日 1 January 2015

2.4 收益确认

当可以合理地确定本局会履行政府补助的附带条件并收到补助时，该政府补助便会在收支账目内确认为收入。

与收入有关的政府补助会递延至与相关支出产生时，才在收

2.4 Revenue recognition

A government subvention is recognised when there is a reasonable assurance that the Council will comply with the conditions attaching to it and that the subvention will be received.

Government subventions relating to income are deferred and recognised in the income and expenditure account over the period necessary to

支报表内确认为有关期间的收入。

利息收入是按照本金及适用利率以时间比例计算而确认入帐。

2.5 物业、厂房及设备

物业、厂房及设备包括价值为5,000元以上的家俬、装置、办公室及电脑设备，估计可使用年限超过一年。

物业、厂房及设备以成本减累计折旧及任何减值亏损后列帐。折旧乃按物业、厂房及设备的成本减除其估计剩余价值后，以直线法按以下估计可使用期计算：

家俬及装置	10年
办公室设备	5年
电脑设备	3年

出售物业、厂房及设备产生的收益或亏损乃按出售收入净值与资产的帐面值的差额决定，并于出售日于收支帐确认。

2.6 雇员福利

合约酬金、薪金及年假均于员工提供相关服务的年度内累计并确认为支出。员工相关成本包括政府提供予员工的退休及住房福利，于提供服务的年度内列作支出。

match them with the costs they are intended to compensate.

Interest income is recognised on a time proportion basis, taking into account the principal outstanding and the interest rates applicable.

2.5 Property, plant and equipment

Property, plant and equipment include furniture and fixtures and office and computer equipment costing HK\$5,000 or more with estimated useful lives longer than one year.

Property, plant and equipment are stated in the balance sheet at cost less accumulated depreciation and any impairment losses. Depreciation is calculated to write off the cost of property, plant and equipment, less their estimated residual values, on a straight-line basis over the estimated useful lives as follows:

Furniture and fixtures	10 years
Office equipment	5 years
Computer equipment	3 years

Gains or losses arising from the disposal of property, plant and equipment are determined as the difference between the net disposal proceeds and the carrying amount of the asset, and are recognised in the income and expenditure account at the date of disposal.

2.6 Employee benefits

Contract gratuities, salaries and annual leave entitlements are accrued and recognised as expenditure in the year in which associated services are rendered by the staff. Staff on-costs, including pension and housing benefits provided to the staff by the Government, are charged as expenditure in the year in which the services are rendered.

2.7 经营租赁

凡所有权的绝大部分风险和回报由出租人保留的租赁，均列作经营租赁。根据经营租赁（扣除出租人给予的任何优惠）作出的租赁付款按相关租赁期以直线法于收支帐中扣除。

2.8 现金及现金等值项目

现金及现金等值项目包括库存现金、活期存款，及其他短期高度流动投资项目，短期高度流动投资是指可随时转换为已知数额的现金，其涉及的价值改变风险不大于购入时于三个月内期满的投资。

3. 财务风险管理目标及政策

本局以银行存款及应付帐项为主要财务工具，而由该等财务工具引起的风险主要是信贷风险和流动资金风险。

信贷风险

信贷风险是指某一方未能偿还债务而导致另一方招致财政损失。为减低信贷风险，本局的现金存于香港一间主要持牌银行。

流动资金风险

流动资金风险是指机构在支付财务负债时遇到困难。本局已制定一项流动资金政策，由本局成员定期检讨。此政策规定本局的流动资金每月维持在一个稳健水平，确保有足够流动资金支付债务。

2.7 Operating lease

Leases in which a significant portion of the risks and rewards of ownership is retained by the lessors are classified as operating leases. Rental payments made under operating leases (net of any incentives received from the lessors) are charged to the income and expenditure account on a straight-line basis over the period of the relevant leases.

2.8 Cash and cash equivalents

Cash and cash equivalents comprise cash on hand, demand deposits and other short-term highly liquid investments that are readily convertible to a known amount of cash and are subject to an insignificant risk of changes in value, having been within three months of maturity when acquired.

3. Financial Risk Management Objectives and Policies

The Council's major financial instruments are cash at bank and accounts payable. The main risks associated with these financial instruments are credit risk and liquidity risk.

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. In order to minimise the credit risk, the Council's cash at bank is placed with a major licensed bank in Hong Kong.

Liquidity risk

Liquidity risk is the risk that an entity will encounter difficulty in meeting obligations associated with financial liabilities. The Council has laid down a liquidity policy which is reviewed regularly by the Council members. This policy requires the Council to maintain a

4. 资本管理

本局的资本来源是政府的经常性补助，本局管理资本的目标为：

- 符合法律援助服务局条例；及
- 依第一点所述的目标，维持资本水平以资助本局的营运。

本局管理资本的目标，是确保本局有足够资本水平去支付未来支出，包括现金流量的预计需要及未来财务负债及承担。

conservative level of liquid funds on a monthly basis to ensure the availability of adequate liquid funds to meet all obligations.

4. Capital Management

The capital of the Council consists solely of funds from the recurrent government subvention. The Council's objectives when managing capital are:

- to comply with the Legal Aid Services Council Ordinance; and
- to maintain a capital base to fund the operation of the Council for the objective stated in Note 1 above.

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

5. 物业、厂房及设备

5. Property, Plant and Equipment

		电脑设备 Computer equipment 港币 HK\$	办公室设备 Office equipment 港币 HK\$	总数 Total 港币 HK\$
成本	Cost			
于2010年4月1日	At 1 April 2010	37,129	51,774	88,903
当年购入	Addition during the year	20,720	-	20,720
于2011年4月1日	At 1 April 2011	57,849	51,774	109,623
当年购入	Addition during the year	14,758	-	14,758
于2012年3月31日	At 31 March 2012	72,607	51,774	124,381
累积折旧	Accumulated depreciation			
于2010年4月1日	At 1 April 2010	32,910	10,729	43,639
当年撇除	Charge for the year	4,794	10,355	15,149
于2011年4月1日	At 1 April 2011	37,704	21,084	58,788
当年撇除	Charge for the year	11,826	10,355	22,181
于2012年3月31日	At 31 March 2012	49,530	31,439	50,969
净值	Net book value			
于2012年3月31日	At 31 March 2012	23,077	20,335	43,412
于2011年3月31日	At 31 March 2011	20,145	30,690	50,835

6. 或然储备

经行政署长在1996年6月9日的函件批准，本局可保留一项或然储备。储备的最大金额为以下金额总额：

- (a) 上一年度所获得银行利息；及
- (b) 本局在上一年度的经常性补助（不包括银行利息）除却开支所得盈余的5%。

任何或然储备的运用须征求民政事务局局长的批准。

7. 递延收入 / 政府补助

从香港特别行政区政府收取的补助为9,735,481港元(2011年：5,225,921港元)。

6. Contingency Reserve

As agreed in the Director of Administration's letter of 9 June 1999, the Council can carry a contingency reserve. The maximum amount of reserve is the sum of

- (a) bank interests earned in the preceding year; and
- (b) 5% of the surplus of the Council's recurrent subvention (excluding bank interests) over expenditure in the preceding year.

The approval of the Secretary for Home Affairs must be sought for any proposed use of the contingency reserve.

7. Deferred Income/Government Subvention

Subvention received from the Government of the Hong Kong Special Administrative Region amounted to HK\$9,735,481 (2011: HK\$5,225,921).

		2012 港币 HK\$	2011 港币 HK\$
资助法律援助独立性 顾问研究的非经常性 性补助	Non-recurrent grant for the commissioning of a consultancy study of the independence of legal aid	4,000,000	-
顾问研究相关开支	Consultancy study related expenses	(8,616)	-
递延收入	Deferred income	3,991,384	-
每年经常性资助	Annual recurrent grant	5,704,735	5,200,533
由递延收入转入	Transfer from deferred income	8,616	-
或然储备	Contingency reserve	30,746	25,388
政府补助	Subventions from the Government	5,744,097	5,225,921
总补助所得	Total subventions received	9,735,481	5,225,921

用作顾问研究的非经常性补助会在相关支出产生时，才在收支报表内确认为有关期间的收入。

The non-recurrent grant for the consultancy study is recognised in the income and expenditure account over the period necessary to match the grant with the related costs of the consultancy study.

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8. 可追回讼费

根据区域法院在2011年11月12日发出的命令，向本局提出诉讼的一方应负责缴付本局的诉讼费用，款额为港币\$10,000。在2012年3月，本局鉴于所涉金额不高和讨回的成数不大，批准撇除该笔判定债项。

8. Recovery of Legal Costs

Pursuant to the District Court Order of 12 November 2011, the party taking the Council to court was liable to pay the Council costs of proceeding in the sum of HK\$10,000. In March 2012, the Council approved the write-off of the judgement debt taking into account the facts that the amount involved was small and the possibility of recovering the amount was remote.

9. 员工酬金

9. Staff Emoluments

		2012 港币 HK\$	2011 港币 HK\$
薪金	Salaries		
· 公务员员工	· Civil service staff	2,690,194	2,814,782
· 非公务员合约员工	· Non-civil-service contract staff	215,525	194,886
约满酬金	Gratuities	11,503	7,186
强积金	Provident fund	11,640	10,002
未放取假期拨备	Provision for untaken leave for non civil service contract staff	6,207	3,592
		<u>2,935,069</u>	<u>3,030,448</u>

10. 其他支出

10. Other Expenses

		注释 Note	2012 港币 HK\$	2011 港币 HK\$
编制年报 / 通讯	Production of annual report/newsletter		57,695	56,790
常规出版物、期刊及杂志	General publications, periodicals and journals		43,411	45,709
			40,500	40,500
会计费用	Accountancy fee	8	10,000	-
注销可追回讼费	Recoverable legal costs written off		107,729	258,079
研讨会支出	Conferences expenses		140,960	148,162
其他行政支出	Other administration expenses		22,181	15,149
折旧	Depreciation		<u>422,476</u>	<u>564,389</u>

11. 承担

根据不可撤销经营租赁，未来须支付的最低租赁付款总额如下：

11. Commitments

The future aggregate minimum lease payments under non-cancellable operating leases are as follows:

		2012 港币 HK\$	2011 港币 HK\$
一年内	Not later than 1 year	1,336,152	1,243,261
第二到五年内	Later than 1 year and not later than 5 years	<u>2,054,513</u>	<u>3,390,665</u>
		<u>3,390,665</u>	<u>4,633,926</u>

12. 财务资产及财务负债的公平值

于结算日，财务资产及财务负债的公平值，与帐面值相约。

12. Fair Values of Financial Assets and Liabilities

The fair values of the Fund's financial assets and liabilities approximate their carrying amounts at the balance sheet date.

兴趣小组成员名单

MEMBERSHIP OF THE INTEREST GROUPS

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 何国钧 HO K K Thomas
 何民杰 HO Man Kit, Raymond*
 何少亮 HO Siu Leung, Nelson
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外判制度及监察法援外判个案兴趣小组

Interest Group on Processing, Assignment & Monitoring of Assigned-out Cases

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熊运信 HUNG Stephen

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李咏文	LI W M Amanda	余广文	YU Kwong Man

* 同时加入两个兴趣小组的成员 members who jointed both Interest Groups

工作小组成员名单

MEMBERSHIP OF THE WORKING PARTIES

社区法律服务工作小组 Working Party on Community Legal Services

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增选成员 Co-opted Member

陈爱容（法援署）CHAN OY Juliana, LAD

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联合筹委 Co-organiser

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