

# 運作的回應

## OPERATIONAL FEEDBACK

### 政府當局

法律援助服務局（下稱「法援局」）經常與政府當局這個重要的法律援助持份者保持密切聯繫。

在2011年4月，民政事務局送交本局兩份當局於同月提交給立法會司法及法律事務委員會（下稱「事務委員會」）的文件副本，一份是有關刑事法律援助費用制度的法例修訂進度，此修訂是落實包括刑事法律援助費用的調整建議；另一份是當局向事務委員會成員簡介已執行和打算推行的措施，以改善為公眾提供的法律資訊和免費法律諮詢服務。在2011年8月，本局跟進當局就評定法律援助申請人財務資格準則每五年進行一次檢討後所作的改善建議，主席致函民政事務局（下稱「民政局」）表達本局的意見，在普通法律援助計劃（下稱「普通計劃」）下計算年長法援申請人的財務資格限額時，獲豁免計算其儲蓄的年齡規定應進一步下調至55歲，並促請當局在下次檢討時予以積極考慮。在2011年12月，民政局通知本局，行政當局已向事務委員會提交文件，通知事務委員會委員就擴大普通計劃和法律援助輔助計劃（下稱「輔助計劃」）修訂法律援助條例和規例的進度，以及報告當

### 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

局對擴大輔助計劃的其他建議的看法。民政局亦通知本局為無律師代表訴訟人提供法律諮詢服務的試驗計劃的運作架構。在2012年3月，本局收到一份給予事務委員會委員簡介試驗計劃的修訂運作架構的文件，同月，民政局通知本局，他們已向立法會發出預告，表示會動議一項決議項，以實施有關擴大普通計劃和輔助計劃的法例修訂。

### 興趣小組

持份者對法援局運作表達意見，將有助推行高素質和高效率的法律援助服務。本局自1996年9月成立以來，一直與名冊律師就不同層面的法律援助服務交換意見，在2002-03年間，本局設立一個正式架構，以便名冊律師可更廣泛參與本局的工作，本局亦邀請非政府機構加入各興趣小組，在2004年，邀請擴展至區議會成員和學者。在2011年，本局再招募興趣小組成員，本局廣發邀請，吸納更多不同界別的人士加入，推動興趣小組的工作。興趣小組成員人數因而有



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，組成愈趨廣泛，包括學者（來自法律和社會研究領域）、會計師、建築師、大律師、醫生、牙醫、工程師、環境顧問、資訊科技顧問、園境師、不同社會服務範疇的工作者、律師和測量師。在2011年10月，本局舉行了一個簡介會暨酒會款待所有興趣小組成員，藉此增加新成員對本局和法律援助署工作的認識，協助他們更快掌握有關議題和其他相關課題。在接著的幾個月裡，新加入「法律援助範圍興趣小組」的成員，已獲邀出席討論有關為被拘留人士提供法律援助服務的會議。在2011年9月至2012年2月間，該興趣小組一共舉行了四次會議。

### 法律援助持份者

在討論有關為被拘留人士提供法律援助服務，主要的持份者，包括法律援助署、當值律師服務、香港警務處、香港海關、入境處、廉政公署、香港大律師公會和香港律師會，均獲邀參與。興趣小組成員不單可了解現行處理有關情況的運作程序和安排，亦能聽取相關政府部門對執行興趣小組建議的法律援助服務的顧慮及可能遇到的困難，從而確保興趣小組向本局提交建議前，可深入考慮有關事宜。

在研究社區法律服務時，為增加認識非政府組織和社區團體現時提供的服務，以及了解社區對法律服務的需求，工作小組曾於2011年9月和2012年2月分別造訪保良局和與部份區議會成員會面。

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.



### 與台灣海峽兩岸法律扶助協會會面

### MEETING WITH THE LEGAL AID SOCIETY, TAIWAN

在2012年4月3日，台灣海峽兩岸法律扶助協會（下稱「協會」）訪問團到訪本局，在雙方有興趣的議題上交換意見。協會是一個在台灣的民間組織，旨在提供必要的法律援助予中國內地、香港、澳門和台灣四地的人士，以保障他們在四地的合法權益，協會成員包括法官、檢察官、律師等人士，以義務性質參與協會的工作。他們通過訪問和交流，促進四地的法律援助服務。到訪本局的訪問團成員包括協會主席、秘書長和其他七名成員，而本局主席和成員洪為民博士代表本局接待，法律援助署助理署長（政策及發展）陳愛容女士亦有出席。在會面中，大家就法律援助申請資格、法律援助申請人所需的費用和申請程序等課題交換意見。

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.

### 兩岸四地法律援助研討會

在2011年5月27日，本局舉辦了首個兩岸四地法律援助研討會（下稱「研討會」）。

研討會的主題為「探討四地的法律援助服務」，旨在為中國內地、台灣、澳門和香港提供一個分享和學習四地法律援助制度的平台。

本局非常榮幸能邀得國際法援組織主席 Alan Paterson 教授和終審法院首席法官馬道立首席法官擔任主講嘉賓，Paterson 教授在研討會上介紹了法律援助的發展和趨勢、不同司法地區法援計劃的長處和不足，以及法援服務和公義伸張在廿一世紀所遇到的挑戰和未來發展。馬道立首席法官則發表了以「通往公義的質素」（Access to the Quality of Justice）為題的演講。本局亦很榮幸邀得高等法院原訟法庭法官林文瀚法官發表以「香港調解服務的發展」（Development of Mediation in Hong Kong）為題的午餐演講。

研討會的其他講者包括國家司法部法律援助工作司司長、台灣法律扶助基金會董事長、澳門法務局局長、香港法律援助署助理署長和本局成員等。



### CROSS-STRAIT LEGAL AID CONFERENCE

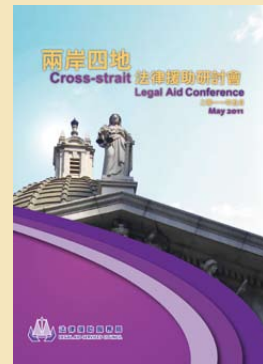
The Legal Aid Services Council held its first Cross-strait Legal Aid Conference on Friday, 27 May 2011.

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-



研討會廣受歡迎，共130名來自中國內地、台灣、澳門和香港的法律援助當局代表、法律援助工作者、學者和非政府機構代表登記參加。為記載這個有意義的活動，本局特別印製一本名為「兩岸四地法律援助研討會」的書刊。

### 國際法援組織研討會2011

本局成員林家禮博士代表本局出席了在六月於芬蘭赫爾辛基舉行的國際法援組織研討會2011。

國際法援組織在1992年由蘇格蘭斯特萊斯克萊德大學的Alan Paterson教授成立，是一個由來自超過二十四個國家的法律援助專家，包括法律援助委員會的行政總裁和經理、政府主要官員和著名學者組成的網絡，其使命是通過就國際間為貧困人士提供法律服務的政策和研究發展進行討論和對話，以改善以實例為證的政策制定。國際法援組織主要集中討論由已高度發展法援服務的司法地區提出的特有議題，現在正擴展至發展較落後但接近研討會舉行地點的司法地區。

國際法援組織每兩年舉行一次研討會，為易於管理，研討會只讓獲邀人士參與。本局曾參加2005、2007和2009年的研討會，2011年赫爾辛基研討會是本局第四次獲得國際法援組織邀請參與。該研討會有來自26個國家共86名代表，包括政策制定官員及法律援助研究員出席。除了簡介各司法地區的法援工作，研討會上亦討論了日益重要的仲裁和調解法援服務，以及法援服務質素保證的重要性。

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.