2012·13

年报 Annual Report

法律援助服务局

LEGAL AID SERVICES COUNCIL

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2012•13

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抱负、使命及信念
Vision, Mission and Values

抱负

法律援助服务局（法援局）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。

Vision

The Legal Aid Services 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.

信念

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。

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一，因此，独立性是本局核心价值之一。在确认不同持份者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。

通众近民

成立本局的其中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、持份者及本港或海外对法援有兴趣的人士的沟通渠道。

Values

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.

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, 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.

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.

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。

敏于众望

基于两种原因，本局须敏锐回应。首先，法律援助是在广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，对公众投诉或谘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。

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.

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 the legal aid services provided by Legal Aid Department, 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.

2 关于法援局
About the LASC

成立

法援局是一个法人团体，根据《法律援助服务局条例》（第489章）在1996年9月1日成立，负责监管在香港由法律援助署（法援署）提供的法律援助服务，并就法律援助政策向行政长官提供意见。

The Establishment

The Legal Aid Services Council is a body corporate established on 1 September 1996 under the Legal Aid Services Council Ordinance (Cap. 489) to supervise the provision of legal aid services in Hong Kong provided by the Legal Aid Department and to advise the Chief Executive on legal aid policy.

法援局的成员

法援局由下列成员组成 -

(a) 主席一名，他须不属公职人员、大律师或律师，而行政长官认为他与大律师行业或律师行业没有其他直接关系；

(b) 持有根据<法律执业者条例>(第159章)发出的执业证书的两名大律师及两名律师；

(c) 4名行政长官认为与大律师行业或律师行业无任何关系的人士；及

(d) 法律援助署署长。

在年度内的法援局成员包括：

Membership of the Council

The Council consists of the following members -

(a) a Chairman who is not a public officer and who is not a barrister or solicitor or, in the opinion of the Chief Executive, who is not connected in any other way directly with the practice of law;

(b) 2 barristers and 2 solicitors, each holding a practicing certificate issued under the Legal Practitioners Ordinance (Cap. 159);

(c) 4 persons who, in the opinion of the Chief Executive, are not connected in any way with the practice of law; and

(d) The Director of Legal Aid.

The membership of the Council during the reporting period is as follows:

李家祥博士太平绅士, GBS (主席)
(由2012年9月1日起)
陈茂波太平绅士, MBA, FCPA, MH
(主席) (至2012年7月27日止)
蔡惠琴太平绅士, FIHRM
周凯灵女士
(由2012年9月1日起)
狄朗尼先生
(至2013年2月28日止)
洪为民博士, PhD, MBA, MA, LLM, FHKIoD, FBCS, CITP
熊运信先生
(至2012年8月31日止)
邝心怡女士, MH
(由2012年9月1日起)
林家礼博士
(至2012年8月31日止)
梁伟权太平绅士
马华润先生
(由2012年9月1日起)
潘素安女士
(由2013年3月1日起)
李嘉莲女士
(至2012年8月31日止)
黄吴洁华女士
法律援助署署长**陈香屏太平绅士**, SBS
(当然成员)

Dr Eric LI Ka-cheung, GBS, JP (Chairman)
(from 1 September 2012 onward)
Mr Paul CHAN Mo-po, MBA, FCPA, MH, JP (Chairman)
(up to 27 July 2012)
Ms Virginia CHOI Wai-kam, FIHRM, JP
Ms Juliana CHOW Hoi-ling
(from 1 September 2012 onward)
Mr Michael DELANEY
(up to 28 February 2013)
Dr Witman HUNG Wai-man, PhD, MBA, MA, LLM, FHKIoD, FBCS, CITP
Mr Stephen HUNG Wan-shun
(up to 31 August 2012)
Ms Anna KWONG Sum-yee, MH
(from 1 September 2012 onward)
Dr Lee George LAM
(up to 31 August 2012)
Mr Edward LEUNG Wai-kuen, JP
Mr Billy MA Wah-yan
(from 1 September 2012 onward)
Ms Josephine Antonetta PINTO
(from 1 March 2013 onward)
Ms Corinne Marie D'ALMADA REMEDIOS
(up to 31 August 2012)
Mrs Cecilia WONG NG Kit-wah
Mr William CHAN Heung-ping, SBS, JP, Director of Legal Aid (ex-officio)

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法援局成员简历

Members of the Council

主席
李家祥博士
太平绅士

Dr Eric LI Ka-cheung

GBS, JP

Chairman

李家祥博士是资深执业会计师，拥有逾三十年的公共服务经验。他在1994年为香港会计师公会主席，积极服务业界，被业界选为代表加入立法会达十三年。李博士在2004年决定不竞选连任后，继续代表香港会计界，推动其在国内及国际间的发展。李博士就任立法会议员期间，曾连续九年被选为立法会政府帐目委员会主席，现正担任多间公共机构及上市公司的核数委员会主席，并曾于1993年当选首位香港杰出会计师，以及荣获国际会计师大奖2002。李博士亦获颁英国曼彻斯特大学荣誉法学博士、香港浸会大学荣誉社会科学博士、英国伦敦商学院荣誉校友、香港中文大学及香港理工大学荣誉院士。

Dr Eric Li is a senior practising accountant by profession who has an extensive record in public services for over thirty years. He was the President of the Hong Kong Society of Accountants in 1994 and had served his profession as its representative in the Legislative Council for 13 years. After ceasing to stand for re-election in 2004, he continues to represent the Hong Kong accounting profession and promote its development at various international and China forums. During his tenure as Legislative Council Member, Dr Li was elected to chair the Public Accounts Committee of the Legislative Council for 9 consecutive years. He is currently Chairman of audit committees of major public bodies and listed companies. Dr Li was named the first Accountant of the Year of Hong Kong in 1993 and received the International Accountant Award in 2002. He is also awarded Honorary Doctorate in Law by the University of Manchester, Honorary Doctor of Social Science by the Hong Kong Baptist University, Honorary Alumnus of the London Business School and Honorary Fellow of the Chinese University of Hong Kong and the Hong Kong Polytechnic University.

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）谘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 Wai-kam

FIHRM, JP

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周凯灵女士
Juliana CHOW Hoi-ling

周凯灵女士持有香港大学法学专业证书，并于1986年取得律师资格。她自2007年便担任房屋及规划地政局上诉审裁团(建筑物)主席，现时亦是入境事务审裁处法律顾问。周女士服务于香港大律师公会会员福利特别委员会，亦为环保署噪音管制上诉委员会小组、水污染管制上诉委员会备选委员小组、废物处置上诉委员会小组、以及大律师资格考试委员会的成员。周女士于1998年至2007年间是当值律师服务的义务律师，亦是大律师公会的管理委员会和法律援助检讨委员会的委员。

Ms Juliana CHOW holds a PCLL of Laws from the University of Hong Kong and was called to the Bar in 1986. She has been the Chairman of Appeal Tribunal (Buildings) of Housing, Planning and Lands Bureau since 2007 and is currently the Legal Advisor to the Immigration Tribunal. She serves in the Bar's Special Committee on Welfare and is also a member of Noise Control Appeal Board Panel, Water Pollution Control Appeal Board Panel and Waste Disposal Appeal Board Panel of Environmental Protection Department and Barristers Qualification Examinations. She has been a lawyer of the Duty Lawyer Service from 1998 to 2007 and sat on the Bar Chambers Management Committee and Legal Aid Review Committee.

洪为民博士为特许资讯科技专业人士及昊新有限公司联合创办人，该公司的业务主要为来自中国的环球客户提供后台支援服务。洪博士是互联网专业协会现任主席，并从事资讯科技工作二十四年，为行内着名领袖。洪博士亦热心社会服务，包括香港交通安全队、互联网专业协会及菁英会。在2007年，洪博士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 the Co-founder of Next Horizon Company Ltd., a company that provides back office support services for global clients 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

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邝心怡女士是香港建筑师学会2009-2010年度的会长，亦为该会自1956年创会以来，首位女性获选担任该职位。邝女士拥认可人士资格，于2006年开始私人执业，曾为非政府机构和发展商进行多项保育教堂和新建筑项目，其中两个获得「联合国教育科学及文化组织」亚太区文物古迹保护奖，另一个则荣获香港建筑师学会的奖项。

拥有替公营机构和天主教香港教区工作超过三十年专业经验，邝女士获香港特别行政区政府委任加入香港城市规划委员会、岭南大学校董会及谘议会、香港贸易发展局基建发展服务谘询委员会等。她亦参与环球和本地的义务工作，曾任国际崇德社国际监督、第17区总监及区域监督、九龙崇德社会长、香港各界妇女联合协进会理事会兼执行委员会委员等，并获义务工作发展局颁发「紫荆领袖义工奖」。

邝女士为香港特别行政区行政长官选举委员会委员（2006及2011年），亦为全国人民代表大会香港地区代表（2007及2012年）。在2013年，她获委任为一间上市公司董事局的独立非执行董事。

邝心怡女士
Anna KWONG Sum-yee
FHKIA, MH

Ms Anna KWONG was the President of the Hong Kong Institute of Architects (HKIA) (biennium 2009-2010) and the first female elected to that position since the HKIA was founded in 1956. An Authorized Person herself, Ms KWONG commenced her practice in 2006. She carries out conservation for many church buildings/new projects for NGOs and developers: among them two have won the United Nations Educational, Scientific and Cultural Organisation Asia-Pacific Culture Heritage & Conservation Award ("UNESCO A-P Heritage Award") and another from The HKIA.

With over thirty years of professional experience working in the public sector and the Catholic Diocese of Hong Kong, she has been appointed by the HKSAR Government to the Town Planning Board, Council and Court of the Lingnan University, Trade Development Council-Infrastructure Development Advisory Committee and so on. Her voluntary service to the global and local community includes the elected posts of International Director, District 17 Governor and Area Director of Zonta International, president of Zonta Club of Kowloon; Council and Executive Committee Member of Hong Kong Federation of Women and a recipient of the Bauhinia Leadership Award organized by the HK Agency for Volunteer Service.

Ms KWONG is an Election Committee Member for the HKSAR Chief Executive (2006 & 2011) and the National People's Congress Hong Kong Deputies (2007 & 2012). In 2013, she was appointed by a listed company to serve as a Non-Executive Independent Directors at its Board.

梁伟权先生是区议会议员、注册社工及香港遊乐场协会总干事。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谘询委员会、中华电力地区客户谘询委员会、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

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马华润先生
Billy MA Wah-yan

马华润先生为何柏生马华润律师行之首席合伙人，以及香港律师会理事会理事。他亦为国际公证人、香港特别行政区高等法院律师、英格兰及威尔斯最高法院律师、新加坡最高法院律师及澳洲首府最高法院律师。

Mr Billy Ma is the Precedent Partner of Messrs. Hobson & Ma, Solicitors & Notaries and Council Member of the Law Society of Hong Kong. He is also a Notary Public, a solicitor of the High Court of Hong Kong Special Administrative Region, the Supreme Court of England and Wales, the Supreme Court of the Republic of Singapore and the Supreme Court of the Australian Capital Territory.

潘素安女士在香港出生及接受教育，并在1982年取得香港大律师执业资格。她办理不少获法律援助的案件，因而非常熟悉与法律援助相关的事宜。潘女士自1983年起一直是当值律师服务及其免费法律谘询计划的义务律师，她同时出任多个委员会成员，包括香港大律师公会委员会及公会内的小组委员会，研究有关遗嘱、未留遗嘱情况下的继承，以及死者家属和受供养人士的供养问题的法律改革。她亦是「香港法律汇报与摘录」的顾问编辑。

Born and educated in Hong Kong, Ms Josephine Pinto was admitted to the Hong Kong Bar in 1982. She is familiar with issues that arise over legal aid as she has a practice which includes such cases. She has been a lawyer for the Duty Lawyer Service and has been on its free legal advice panel since 1983. She has sat on various committees including the Bar Committee and the Bar's sub-Committee on the Reform of the Law of Wills, Interstate Succession and Provision for Deceased Persons' Families and Dependents. She is a Consultant Editor of the Hong Kong Law Reports and Digest.

潘素安女士
Josephine Antonetta PINTO

2

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着作的合着作者：

1. The Book on Mediation (调解通鉴), Institute of International Experts 2012；
2. Hong Kong Civil Procedure, Special Release on Mediation (香港民事法程序), 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。

黄吴洁华女士
Cecilia WONG NG Kit-wah

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.

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
SBS, JP

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法援局的职能

法援局负责监督由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合符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谘询组织，并须就下列事宜作出建议：

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。

Functions of the Council

The Legal Aid Services Council is responsible for overseeing the administration of 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 -

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.

兴趣小组

为履行职责，法援局明白掌握各持份者对运作的回应，将有助推行高素质及高效率的法援服务。因此，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和工作交换意见。于2002年，本局设立「兴趣小组」这个正式架构，以便名册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不同的兴趣小组，在2004年更把邀请扩展至区议会成员及学者。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新成员，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、园境师、不同社会服务范畴的工作者、律师和测量师。为推

Interest Groups

In discharging the 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 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 2003, the Council invited non-governmental organizations 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. As a result, the Interest Groups grew in membership with broadened composition. Members included academics (in the legal as well as social studies fields), accountants, architects, barristers, doctors, dentists, engineers, an environmental

动兴趣小组的工作，新一轮的成员招募在2013年2月展开。每个兴趣小组均由本局成员担任主席，并欢迎其他本局成员参与。

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，向法援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援局汇报有关意见及／或评论；及
c. 审议由法援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。

目前，本局共设两个兴趣小组－「法援申请程序及监察外判制度兴趣小组」和「法律援助范围兴趣小组」，分别由熊运信先生和李嘉莲女士担任主席，直至2012年8月31日两位的法援局任期届满为止。本局很荣幸由马华润先生和周凯灵女士接任兴趣小组主席。

consultant, a landscape architect, various members of the social services field, solicitors, and surveyors. To keep up the momentum of interest, another membership drive was launched in February 2013. 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.

At present, there are two Interest Groups, namely the Interest Group on Processing, Assignment and Monitoring of Assigned-out Cases and the Interest Group on Scope of Legal Aid. During the year, Mr Stephen HUNG and Ms Corrine REMEDIOS had respectively chaired the two Interest Groups before they concluded their term as members of the Council on 31 August 2012. After their retirement from the Council, it is honoured to have Mr Billy MA and Ms Juliana CHOW to chair the Interest Groups instead.

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并向本局提出建议，或为本局计划与筹办活动。在年度内，本局设立的三个工作小组已开展有关工作，小组包括「社区法律服务工作小组」、「法律援助独立性工作小组」和「法律援助研讨会筹备小组」。

兴趣小组和工作小组成员名单刊于附录。

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, three working parties were in operation. They were the Working Party on Community Legal Services, the Working Party on Independence of Legal Aid and the Organizing Committee on Seminar on Legal Aid.

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

主席回顾
Chairman's Review

我很荣幸首次以法律援助服务局主席的身份，向各持份者汇报过去一年本局的工作。

我于2012年9月1日上任。在刚过去的年度，本局完成了「建立一个独立的法律援助管理局的可行性及可取性」的研究。根据《法律援助服务局条例》第4(5)(b)条，本局有责任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。本局于1998年第一次研究有关议题，并在2008年进行检讨。如在检讨报告中向行政长官承诺，本局于2011年年底聘请顾问，即德勤企业管理谘询(香港)有限公司，就该议题开展新一轮的研究。

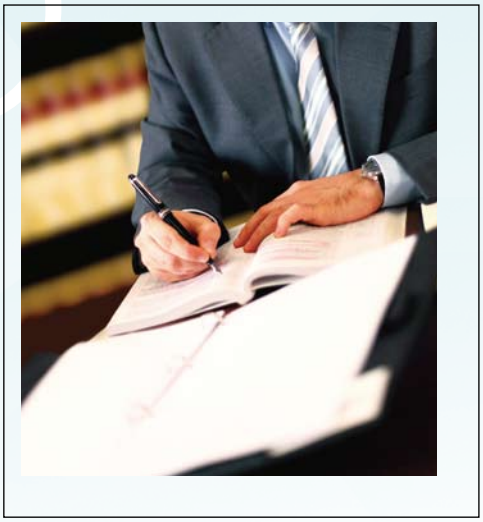
It is indeed my pleasure and privilege to address, for the first time, our stakeholders in the capacity as Chairman of the Legal Aid Services Council.

I took office on 1 September 2012. During the year under review, the Council completed the Study on the Feasibility and Desirability of Establishing an Independent Legal Aid Authority. In accordance with Section 4(5)(b) of the Legal Aid Services Council (LASC) Ordinance, it is the responsibility of the Council to advise the Chief Executive on the feasibility and desirability of the establishment of an independent legal aid authority. The Council first studied the issue in 1998 and conducted a review in 2008. As committed in the report to the Chief Executive after the 2008 review, the Council engaged a consultant, Deloitte Consulting (Hong Kong) Limited, in late 2011 to carry out a fresh study on the matter.

The draft report of the study prepared by the consultant was first reviewed by the Working Party on Independence of Legal Aid which was formed under the Council to plan and steer the consultancy study. Given the importance of the independence issue, the revised draft report was submitted to the full Council for consideration in June 2012. Since then the issue has been an item on the agenda of the Council meetings until its report was submitted. With the help of the

顾问所草拟的研究报告初稿先由本局为计划及督导顾问研究而成立的「法律援助独立性工作小组」评议。鉴于研究的问题非常重要，经修订的报告初稿于2012年6月提交本局审议，其后便一直为本局会议的其中一项议题，直至本局向行政长官提交报告为止。本局曾两度邀请顾问参与本局的会议，以简介报告初稿的内容和阐释所提出的建议。在顾问和工作小组的协助下，本局经过仔细商议后，同意顾问的意见，认为香港没有迫切需要去建立一个独立法律援助管理机构，以及本局应加强监督法律援助署(法援署)提供优质法律援助服务的职能，透过提高对法援署的管治，增加公众对香港法治的信心。尽管有前述的结论，本局仍认为值得不时检讨法援的独立性，以回应不断转变的社会期望和政治制度。在2013年4月，本局向行政长官提交了法律援助独立性研究的建议及调查结果，本局相信所提出的建议如获接纳，将对法援服务在管理问责和运作透明度方面带来好处，甚至可显出本港法援服务的质素和运作的独立性，最终可加强公众对法援服务的信心。因此本局期望得到政府正面的回应，继而与相关政府政策局和法援署展开有建设性的对话，制订落实细则。

Working Party and the consultant who has been invited twice to join the discussion to brief the Council of the draft report and explain on the recommendations they made, the Council, after deliberation, agreed with the consultant that there is no immediate need to establish an independent legal aid authority and the Council's function to oversee the delivery of quality legal aid services should be enhanced to strengthen the governance of the Legal Aid Department (LAD) with a view to enabling public confidence in the rule of law in Hong Kong. Notwithstanding the aforementioned conclusions, the Council maintains the view that it would be worthwhile to revisit the independence issue from time to time as the expectations of our society and our political system continue to evolve in stride. The Council submitted its recommendations / findings on the independence of legal aid to the Chief Executive in April 2013. The Council believes that the recommendations given, if accepted, will bring about benefits in terms of management accountability, operational transparency and ultimately demonstrable quality and characters of operational independence of our legal aid services. These will in turn enhance public confidence in the service. The Council therefore looks forward to receiving the Government's favorable reply and having further productive dialogues with relevant government policy bureau and the LAD in order to work out the necessary implementation details.



本局在去年亦完成了另一项有关提供社区法律服务的研究。研究的目的，是检视社区法律服务的现况和需求，以确定有否存在差距，如有，又如何增补落差的部份。经参考海外司法管辖区的社区法律服务，并与相关非政府组织，社区团体和对提供社区法律服务有兴趣的区议会成员磋谈，加上分析香港社区法律服务的最新发展，本局认为现有的服务有扩展的空间，尤其在教育和推广方面，有需要增加公众的法律知识，提高他们对现有社区法律服务的认识，以及如何从中得到帮助。研究亦建议发展一套网上资讯系统，协助公众处理法律事务。本局在2012年10月向行政长官提交以上建议，并很高兴在2013年5月得到回复，政府会考虑本局的意见。

在扩大法律援助辅助计划（辅助计划）方面，本局欢迎行政当局在考虑本局的意见和建议，以及相关持份者的见解后，向立法会司法及法律事务委员会提交建议，而获接纳的扩大服务范畴亦于2012年11月生效。至于在该阶段未获支持的其他建议，本局得行政当局知

Another study completed by the Council during the year was the provision of legal services at community level. The purpose of the study is to examine the existing provision and requirement of legal services at community level with a view to finding out whether there is any gap and, if yes, how the gap could be filled. Having considered the community legal services available in overseas jurisdictions, discussed with relevant non-governmental organisations, community groups and District Council members that have interest in / concern over the provision of legal services at community level, and examined the latest development of community legal services in Hong Kong, it was concluded that there was room for expansion of the existing service, particularly in the areas of education and promotion to increase the public's legal knowledge as well as their awareness of what legal services are available at the community level and how the services could help them. It was also recommended developing an e-information system to help the public to handle the legal matters. The Council submitted its recommendations to the Chief Executive in October 2012 and was glad to receive notice in May 2013 that the Council's views would be taken into consideration.

On the expansion of the scope of Supplementary Legal Aid Scheme (SLAS), the Council is pleased to know that the Administration, after taking into account the Council's advice and recommendations as well as views from relevant stakeholders, has presented its proposal to the Panel on Administration of Justice and Legal Services (AJLS Panel) of the Legislative Council, and the agreed expansion subsequently came into operation in November 2012. For other proposals not supported for inclusion in SLAS at that stage, the Council was given to know that upon commencement of the expanded SLAS, the Administration would monitor the applications for the newly added proceedings and their impact on the SLAS Fund, and invite the Legal Aid

会，当扩大辅助计划展开以后，当局会监察新服务范畴的申请情况和对辅助计划的财政影响，在积累一定经验后，会邀请法援局进一步检讨辅助计划的服务范畴。以上所述的其他建议包括提议涵盖少数份数业主就强制售卖楼宇单位向物业发展商提出的申索，及对销售商品及提供服务的申索。本局欢迎行政当局任何进一步研究此议题的要求，亦会跟进有关发展，于适当时间提出意见。

在2012-2013年，本局面对不少挑战。而自2006年领导本局、备受尊重的前主席陈茂波先生亦于这年度离任。本局同时要向于2012年8月任满的熊运信先生、林家礼博士、李嘉莲女士和于2013年2月辞任的狄朗尼先生告别。他们在任内对本局贡献良多，本局衷心希望他们未来发展顺利，并期望他们在局外继续支持本局的工作。建基于以往取得的成就，本局将秉持坚定不移的信念，继续为向公众提供优质、高效益和具透明度的法律援助服务而努力。未来的工作充满挑战，我期待与你携手，共同维护和巩固法援这个法治的基石，成就更美好的香港。

Services Council to conduct a further review on the scope of SLAS in the light of the experience gained. The proposals in question included the proposed inclusion of claims against property developers by minority owners in respect of compulsory sales of building units and claims against sale of goods and provision of services. The Council welcomed any request from the Administration for further study on the matter and will keep in view the development and give comment as appropriate.

The year under review was challenging for the Council. It was also this year that the Council saw the departure of our respected former chairman, Mr Paul CHAN Mo Po, who led the Council since 2006. The council also bade farewell to Mr Stephen HUNG, Dr Lee George LAM, and Ms Corinne REMEDIOS whose term of office expired in August 2012, as well as Mr Michael DELANEY who resigned in February 2013. They have made tremendous contributions to the Council during their tenure. The Council wishes them the best in their future endeavours and look forward to their continued support outside the Council. Building on past successes, the Council will continue to take every measured step into the future with firm conviction in what we do, and will charge ahead with our mission in providing quality, efficient, effective and transparent legal aid services to members of our community. There is a lot to be done, and I look forward to working with you to further strengthen this important pillar underpinning the success of Hong Kong.

4 法律援助的独立性
Independence of Legal Aid

根据《法律援助服务局条例》第4(5)(b)条，法援局负责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作出建议。本局于1998年首次研究有关议题，并在2008年进行检讨。如在检讨报告中，向行政长官承诺，本局于2011年年底，聘请顾问，即德勤企业管理谘询（香港）有限公司，就该议题进行新一轮的研究。

顾问于2012年完成研究，与本局多次讨论后，最终完成了研究报告。本局经小心分析调查结果，仔细审议报告内所载建议后，同意香港没有迫切需要去建立一个独立法律援助管理机构，以及认同本局应加强监督法援署提供高质素的法律援助服务的职能，透过提高对法援署的管治，增加公众对香港法治的信心。尽管有前述的结论，本局仍认为值得不时检讨法援的独立性，以回应不断转变的社会期望和政治制度。具体而言，本局主要的建议详列下文。

制度安排

如顾问所建议，法援处应保留为政府部门，因为该署已有足够的自主权去处理问题。在研究进行期间，没有发现政府干预法援管理的实证例子，相反，有不

In accordance with Section 4(5)(b) of the Legal Aid Services Council (LASC) Ordinance, the Council is charged to advise the Chief Executive on the feasibility and desirability of the establishment of an independent legal aid authority. The Council first studied the issue in 1998 and conducted a review in 2008. As committed in the report to the Chief Executive after the 2008 review, the Council engaged Deloitte Consulting (Hong Kong) Limited in late 2011 to carry out a fresh study on the matter.

The consultant completed the study in 2012. The report of the study was finalised after various discussions with the Council. Having carefully examined the findings and deliberated the recommendations contained in the report, the Council agrees that there is no immediate need to establish an independent legal aid authority and the Council's function to oversee the delivery of quality legal aid services should be enhanced to strengthen the governance of the Legal Aid Department (LAD) with a view to enabling public confidence in the rule of law in Hong Kong. Notwithstanding the aforementioned conclusions, the Council also maintains the view that it would be worthwhile to revisit the independence issue from time to time as the expectations of our society and our political system continue to evolve in stride. Specifically, the Council's major recommendations are given in the ensuing paragraphs.

少例子证明只要案件有合理理由，向香港政府提出申索的申请人都能获批法律援助，例如港珠澳大桥和外佣居留权等案件。本局同意顾问指不同持份者都存有法援署缺乏独立性的观感，但解决该问题只需要引入改善措施而无需从根本上改变法援署的体制结构。

本局同意顾问的建议，法援署应一如2007年以前的安排，直接由政务司司长管辖。

政务司司长办公室在2007年以前一直负责制定法律援助政策和监督由法援署实施的各项法援计划，其后这职责被转移至民政事务局。这决定引来立法会司法及法律事务委员会、香港大律师公会、香港律师会和其他法援持份者的批评。这些重要持份者对这政策职责的地位遭明显降级，及对法援署的独立运作所带来的负面影响表示关注。本局相信建议将法援署重新编制入政务司司长的工作范围，会让这些重要持份者和社会人士明白，法援署的地位和独立性将得以完全恢复。

本局认为上述的建议较将法援署置于行政长官辖下可取，因为法援署的工作较接近政务司司长现时的工作范畴，例如司法服务，此举亦较能减少引起另一轮对本局回复法援署在被调入民政局以前的原来地位的简单目的，而作出不必要的揣测。

至于法定代表律师办事处方面，虽然在大部分被纳入研究的司法管辖区的法定代表律师办事处是与其法援组织分开，但顾问认为法定代表律师办事处的运作应维持现况，没有需要另设一个办事

Institutional Arrangement

As recommended by the consultant, the LAD should be retained as a government department because it is considered that the degree of independence upheld and exercised by LAD is sufficient. No substantiated example of the Government's interference on legal aid administration has been identified during the study. On the contrary, there are ample examples of legal aid being granted to applicants to pursue claims against the Hong Kong Government as long as the cases have reasonable grounds e.g. the case of Hong Kong-Zhuhai-Macao Bridge and the domestic helpers' right of abode in Hong Kong. The Council agrees with the consultant that the problem of lack of perceived independence, which is more of an issue among different stakeholder groups, exists and it could be addressed by introducing measures of improvement without having to fundamentally change the LAD's institutional structure.

The Council concurs with the recommendation that LAD should be re-positioned and placed directly accountable to the Chief Secretary for Administration (CS), which was its former position before 2007.

The responsibility of formulating legal aid policy and overseeing the implementation of various legal aid schemes by LAD was indeed undertaken by the Office of the CS until 2007. The move then to transfer this responsibility to the Home Affairs Bureau (HAB) has attracted much criticism from the Panel on Administration of Justice and Legal Services of the Legislative Council, the Hong Kong Bar Association, the Law Society of Hong Kong and other legal aid stakeholders. These important stakeholders have expressed concern on the apparently "demoted" status of this policy portfolio and the consequential negative impacts on operational independence of LAD. The Council believes that the proposal to revert LAD back to the purview of CS will

处，因为现时法定代表律师办事处的规模很小，留在法援署编制内会更具成本效益。目前，法定代表律师办事处处理案件的数量不多，其中部份是无可争辩或非诉讼性的，加上与获得法援的对讼人进行诉讼的案件很少，而在该情况下，受助人通常是由私人执业律师代表，由于已有机制处理可能产生的潜在利益冲突，因此由法援署署长兼任法定代表律师并无问题。不过，为加强对法定代表律师办事处的管治，顾问建议法定代表律师办事处应由法援局监察。本局接纳顾问上述的建议。

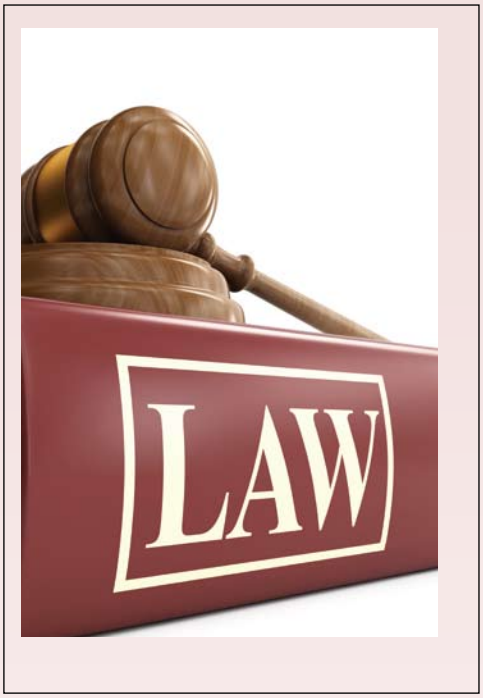
在法援署职员编制方面，顾问建议法援署署长和副署长应继续为公务员，以防止由于人事更替而影响法援服务。为了加强法援署署长和副署长任命的独立性，顾问建议法援局获授予提名的权力，以清晰和透明的甄选准则，提名符合要求的候选人名单给政务司司长作最后决定。顾问同时认为，法援署署长和副署长的工作表现应由法援局评核，其他法援署职员则按现有安排，由其上司评核。本局欢迎给予机会，可以向行政当局在高级管理人员的任命和工作表现方面，提供意见和建议，但认为实际运作模式则仍需与行政当局再作磋商，以免令这些人员比同级公务员，陷于过份不利的境地。

leave these important stakeholders and the community in no doubt that the status and independence of LAD has been hitherto fully restored.

The Council prefers the above option of the consultant to the alternative of placing LAD under the Chief Executive as LAD would sit more closely related with the existing areas of the CS responsibilities such as Judiciary Services and the move is less likely to provoke another round of unnecessary speculation on the Council's simple aim to restore LAD back to its status before being placed under HAB.

As to the Official Solicitor's Office (OSO), although the office of the Official Solicitor (OS) in most of the jurisdictions examined in the study is separate from the jurisdiction's legal aid body, the consultant considered that the operation of OSO should remain status quo and there is no need to set up a separate office. It is because the current setup of OSO is small and it will be more cost effective for OSO to stay within the LAD. The number of cases handled by OSO is not high and some of the cases are non-contentious or non-litigious. The number of litigious cases with the opposite parties being legally aided is few and there is standing arrangement that aided persons in those cases are all represented by private legal practitioners. As measures are in place to mitigate the potential conflicts of interest that may arise, there should not be a problem in having Director of Legal Aid (DLA) serve also as the OS. Nevertheless, to strengthen the governance of OSO, the consultant recommended that the OSO should be monitored by the LASC. The Council accepts the above conclusions of the consultant.

Regarding the staffing of LAD, the consultant recommended that the DLA and Deputy Directors of Legal Aid (DDLAs) should be retained as civil servants



财政安排

法援署虽由政府拨款，但在运用设定限额以内的拨款时，它仍享有相对较高的自主权。香港的法律援助不设援助金额上限，而法律援助辅助计划更是财政自给，此等皆被誉为全球先进的法律援助资助机制之一。因此，为了维护现在和将来的法援申请者的最佳利益，有关安排应予保留。

运作安排

为了应对研究报告内提出有关法援署根据<法律援助条例>第9条寻求意见时，会选用「优先的律师名册」中那些倾向赞同法援署署长决定的大律师的观感问题，顾问建议本局应监督法援署外委律师为根据第9条提供意见。本局接受顾问的意见。

to prevent disruption to legal aid service provision due to changes in personnel. In order to enhance the independence of the appointment of DLA and DDLAs, the consultant recommended LASC be given the power to nominate, on the basis of clear and transparent selection criteria, a pool of candidates eligible for the positions to the CS who will make the final decision. The consultant also considered that the performance of DLA and DDLAs should be evaluated by the LASC while other LAD staff will be assessed by their respective supervisors as at present. Whilst the Council welcomes the opportunity to provide useful input and advice to the Administration on the appointment and performance of these senior officials, the exact mode of operation will need to be further discussed with the Administration in order not to place these officers in an unduly disadvantaged position relative to their equivalent counterparts in civil service.

Financial Arrangement

The LAD, though funded by the Government, enjoys a relatively high level of autonomy in allocating its fund within the given limits. Hong Kong's legal aid funding mechanism is recognized as one of the leading practices in the world with its uncapped legal aid fund and self-financing scheme i.e. Supplementary Legal Aid Scheme. Therefore, such arrangements should be maintained for the best interest of existing and future legal aid applicants.

Operational Arrangement

To address the perception problem identified in the study that LAD has a "preferred panel" for providing Section 9 opinions which tend to be in line with DLA's decisions, the consultant recommended that the Council should provide an oversight to the case assignment for obtaining Section 9 opinions. The Council accepts the views of the consultant.

机构管治

根据现行安排，被法援署署长拒批的民事案件和刑事案件的法援申请，可分别由高等法院司法常务官和法官复核。顾问建议应在法援署内加设一个健全的上诉机制，审视被拒的民事及刑事案件的法援申请，并提议授权法援局监督法援署的复核决定。本局大致认同顾问的意见，会与法援署探讨落实有关建议的最佳方法。

法律援助服务局

根据《法律援助服务局条例》第4条的规定，本局在指定范畴，负责监督由法援署提供的法律援助服务。本局认为授权法援局在提名担任法援署署长和副署长的人选，为政务司司长提供意见；协助评核法援署署长和副署长的工作表现；监督外委律师根据<法律援助条例>第9条提供意见和复核法援被拒的案件，以至监察法定代表律师办事处，都是加强法援局监督的角色。虽然顾问未有详列如何落实细则和哪些事宜需要本局进一步讨论，本局意识到或有必要增加额外的财政和人力资源，但需要与否将取决于行政当局期望本局新增职能所达到的成效。本局亦不排除在适当和有需要时，寻求更改《法律援助服务局条例》的现行条例，以更恰当厘定法援局监察的角色。

本局相信以上的建议如获接纳，将对法援服务在管理问责和运作透明度方面带来好处，甚至可显出本港法援服务的质素和运作的独立性，最终可加强公众对法援服务的信心。

Governance

Under the existing arrangement, the DLA's decision to refuse legal aid could be reviewed by the Registrar of the High Court in civil cases and the Judge in criminal cases. The consultant recommended that a robust review mechanism should be introduced within LAD for refusals of civil and criminal legal aid applications, and the LASC was recommended to be given the power to oversee the LAD's decisions. The Council is in general agreement with the consultant and would explore with LAD the best way forward to conduct such reviews.

Legal Aid Services Council

Under Section 4 of the LASC Ordinance, the Council is responsible for overseeing the administration of the legal aid services provided by the LAD within certain limits. The Council considers that the proposals of empowering LASC to provide input on DLA and DDLA candidates to CS for appointment; to assist in the evaluation of DLA and DDLAs' performance, to oversee the assignment of Section 9 cases and the review of refusals of legal aid as well as to monitor the operation of OSO are measures to strengthen the Council's oversight role. Although the consultant has not provided much detail on how it should work and which the Council has to further discuss, the Council is well aware of the fact that depending how these enhanced functions are expected to be performed, there may well be implications on additional financial and staffing resources. The Council has also not ruled out the possibility to seeking legislative amendment to the current LASC Ordinance to better define the oversight role of LASC as and when necessary.

The Council believes that the above recommendations, if accepted, will bring about benefits in terms of management accountability, operational transparency and ultimately demonstrable quality and characters

有一点要记录在案，在本局对建议达成结论后的一次法援局会议上，有一位于2013年3月由香港大律师公会提名加入本局的成员，对建议提出不同的意见。

本局已于2013年4月提交上述建议给行政长官，并会视乎行政当局的回应，在适当时机给予意见。如果这些建议获得支持，本局会与相关政府政策局和法援署商讨，以制订执行细则。

of operational independence of our legal aid services. These will in turn enhance public confidence in the service.

It has to be recorded that at a Council meeting held after the Council had already drawn a conclusion on the recommendations, one member, who was nominated by the Hong Kong Bar Association to join the Council in March 2013, provided different opinions on the recommendations.

The Council submitted the recommendations to the Chief Executive in April 2013. It will keep in view the responses of the Administration and give comment as and when appropriate. If the proposals are endorsed, the Council will discuss with the relevant government policy bureau and the LAD to work out the implementation details.

5 法律援助政策和策略 Legal Aid Policy & Strategy

社区法律服务 Community Legal Services

法援局除了监督由法援署提供的法律援助服务外，也负责向行政长官在法援政策上提供建议。本局一直致力改善为公众提供的法律服务，因此，本局成立了一个工作小组，负责研究可在社区提供的法律服务。

该研究的目的是检视社区法律服务的现况和需求，以确定有否存在差距，如有，又如何增补落差的部份。为参考海外有关服务的情况，工作小组亦研究选定地区现时提供的法援服务，包括加拿大安大略省、英国英格兰和威尔斯、澳洲新南威尔斯、荷兰、新加坡及台湾。

考量到不同司法管辖区提供的社区法律服务，加上与相关非政府组织、社区团体和对提供社区法律服务有兴趣的区议会成员磋谈，同时分析香港社区法律服务的最新发展，本局认为现有服务有扩展的空间，尤其在教育和推广方面，有需要增加公众的法律知识，提高他们对现有社区法律服务的认识，以及如何可从中得到帮助。研究亦建议发展一套网上资讯系统，协助公众处理法律事务。下文将阐释有关细则。

The Council, apart from supervising the provision of legal aid services provided by the Legal Aid Department, is also responsible for advising the Chief Executive on legal aid policy. The Council has all along been keen to improve the legal services provided to the community. A working party was therefore formed under the Council to conduct a study on the provision of legal services at community level.

The purpose of the study is to examine the existing provision and requirement of legal services at community level with a view to finding out whether there is any gap and, if yes, how the gap could be filled. To make reference to the provision overseas, the working party also studied the legal aid services currently provided in selected places, namely the province of Ontario of Canada, England and Wales of the United Kingdom, New South Wales of Australia, the Netherlands, Singapore and Taiwan.

Having considered the community legal services available in different jurisdictions, discussed with relevant non-governmental organisations, community groups and District Council members that have interest in / concern over the provision of legal services at community level, and examined the latest development of community legal services in Hong Kong, it was concluded that

教育和推广

为协助公众认识法律付予的权利、权力、特权和责任，及传播规则和条例的一般资讯以及关于民事、行政和刑事法的法律程序，本局建议多举办工作坊、研讨会和推广活动，以增强公众的法律知识和权利概念。本局认为这是一项长期的工作，需要持续推行。活动涵盖的内容不应局限于现时在「社区法网」上提供的资讯。「社区法网」是一个免费的双语法律资讯网站，自2007年起由香港大学发展和营运，网站的最近更新是由政府资助。社区法律服务推广活动，亦应包括介绍社区现有的法律服务类别、申请资格、申请手续、申请所需文件等。除此之外，还可邀请律师作专题讲座，题目包括离婚、大厦保养、子女抚养权、雇员补偿、破产、公司清盘等。活动对象可以是公众人士、社工、职责涉及为有需要人士提供法律支援或服务的相关政府部门和非政府机构人员、以及在非牟利组织工作并对此议题感兴趣的人士。

there was room for expansion of the existing service, particularly in the areas of education and promotion to increase the public's legal knowledge as well as their awareness of what legal services are available at the community level and how the services could help them. It was also recommended developing an e-information system to help the public to handle the legal matters. More details are given in the ensuing paragraphs.

Education and Promotion

Workshops, seminars and publicity events were suggested to be arranged to help promote public understanding of rights, powers, privileges and duties under the laws, and to disseminate general information on rules and regulations as well as legal procedures concerning civil, administrative and criminal law with a view to enhancing the concept on legal rights and legal knowledge of members of the public. The Council considers it as a continuous process. The coverage was recommended not to be limited to the information now maintained by the Community Legal Information Centre, which is a platform developed and run by the University of Hong Kong (HKU) since 2007 to provide bilingual free legal information through its website, and whose recent enhancement is sponsored by the government. The legal services available in the community should also be promoted during the said activities covering the categories, eligibility to apply, application procedures, documents required for application, etc. Lawyers may be invited to give speech on thematic topics such as divorce, maintenance, custody of children, employee's compensation, bankruptcy, winding-up, etc. Target of the proposed activities could be members of the public, social workers, staff of relevant government departments and non-governmental organisations which need to provide support or services to those in need of legal services in discharging their normal duties, and those working in non-profit making organisations interested in the issue.

法律事务的网上资讯

随着电脑的使用日益普及，公众人士期望服务变得更加方便，让他们可在网上得到所需法律资讯。本局因此建议发展一套互动的电子应用系统，容许使用者在网上取得法律资讯，并帮助他们自行解决纠纷／法律冲突。使用者可按指示逐步了解所面对的纠纷／法律冲突，从而认清最适当的解决方法，包括调解。这套电脑应用系统可安装在被指派提供此建议服务的机构网站内，内容可涵盖最为公众关心的事项，例如婚姻问题和雇员补偿。

本局相信以上所述的建议都是公平和合理的，并已在2012年12月向行政长官提交。在2013年5月，行政当局通知本局，当「社区法网」进行更新时，将会考虑本局对社区法律服务的意见。本局更获悉民政事务局已向香港大学了解，与非政府机构合作举办专题工作坊、研讨会和推广活动的可能性，以增加公众的法律知识，提升他们对社区法律服务的认识。本局乐见有关发展。

E-Information on Legal Matters

With the increasing use of computer, members of the public are expecting a more user-friendly service to enable them to obtain the legal information they require electronically. It was recommended that an interactive online application be developed to allow users to gain access to the legal information and to help them to resolve disputes / legal conflicts themselves. Users should be guided step by step along all the aspects of the dispute / legal conflict at hand and be helped identify the most suitable solution including mediation. Such computer application may be made available at the website of the organisation designated for provision of the proposed service. The issues to be covered may include matters that are most concerned such as those relating to matrimonial and employee's compensation.

The Council believes the foregoing recommendations are fair and reasonable. The recommendations were submitted to the Chief Executive in December 2012 In May 2013, the Administration informed the Council that the Council's views on community legal services would be taken into consideration when enhancing the Community Legal Information Centre. The Council was also given to know that the Home Affairs Bureau (HAB) was also exploring with the HKU the possibility in arranging workshops, seminars and publicity events, in collaboration with non-governmental organisations, on thematic topics to increase the public's legal knowledge and enhance their awareness of legal services available at the community level. The Council is glad to see the developments.

为期两年的「为无律师代表诉讼人提供法律谘询服务试验计划」
Two-year Pilot Scheme to Provide Legal Advice for Litigants in Person

在2011-2012年年报中提到行政当局向立法会司法及法律事务委员会（事务委员会）提交文件，简介一个为期两年的「为无律师代表诉讼人提供法律谘询服务试验计划」（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，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。当局通知本局该计划经事务委员会在其2012年2月27日的会议商讨后，原则上得到支持。

政府于2012年9月宣布，新成立了「为无律师代表诉讼人提供法律意见督导委员会」（督导委员会），并为督导委员会委任主席及成员。督导委员会主席彭键基法官是退休高等法院原讼法庭法官，其他成员包括香港大律师公会、香港律师会、民政事务局和法援署的代表，以及来自社会福利、专业及学术界别的人士。督导委员会负责就试验计划的政策及运作，以及为无律师代表诉讼人提供法律意见的未来路向，向民政事务局局长提供意见。

作为行政长官在获公帑资助的法律援助服务方面的法定谘询机构，本局曾于局方会议上讨论试验计划。虽然行政当局已就两个法律专业团体的意见，修改试

In the Annual Report 2011-2012, it was reported that the Administration had submitted papers to the LegCo AJLS Panel briefing them on the operational framework of the Two-year Pilot Scheme to Provide Legal Advice for Litigants in Person. 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 litigants in person who cannot afford private legal services and who lack knowledge of their rights and responsibilities. The Council was informed that after deliberation by the AJLS Panel at its meeting on 27 February 2012, the proposed scheme was in-principle supported by the Panel.

The Government announced in September 2012 the newly set up Steering Committee on the Provision of Legal Advice for Litigants in Person and the appointment of the chairman and members of the Steering Committee. The chairman of the Steering Committee, Mr Justice Pang Kin-kee, is a retiring Judge of the Court of First Instance of the High Court. Other members include representatives of the Hong Kong Bar Association, Law Society of Hong Kong, Home Affairs Bureau and the Legal Aid Department as well as those coming from social welfare, professional and academic fields. The Steering Committee is responsible for advising the Secretary for Home Affairs on the policy and operation of the Two-year Pilot Scheme to Provide Legal Advice for Litigants in Person, and the future arrangements with regard to the provision of legal advice for litigants in person.

验计划的运作架构，部份本局成员因以下可能出现的问题，对该计划的成效仍表示关注：

a. 试验计划的办事处的办公时间为星期一至五上午八时三十分至下午五时三十分，与律师行的正常办公时间相撞，而且试验计划是依赖律师的义务参与，但参与计划的社区律师，只获发每四小时一千元的酬金，这或会导致人手不足，影响该试验计划的运作。

b. 试验计划局限于就民事诉讼法律程序提供意见，但实际上，要分辨程序意见和实质法律意见是颇困难的。

c. 每节只有四十五分钟，时间不足以为无律师代表诉讼人提供合适的意见。

d. 如果律师不能清楚解释法律理念和原则，以及有关个案的成功机会，诉讼人或会感到失望。

本局已于2012年10月去信督导委员会表达以上的关注。在2013年3月，行政当局提供试验计划的运作详情。本局已注意到有关资料，并将跟进试验计划的发展，适时提供意见。

Being a statutory body providing advice to the Chief Executive on the publicly funded legal aid services, the provision of legal advice for litigants in person has been discussed by the Council at its meeting. Although the Administration, having regard to the views of the two legal professional bodies, has revised the operational framework of the pilot scheme, some members of the Council still had concerns on its effectiveness given the following difficulties envisaged:

a. There may not be sufficient manpower to run the pilot scheme as the operating hours of the proposed LIPs office, which would be from 8:30 a.m. to 5:30 p.m. Monday to Friday, clashes with the normal business hours of law firms; and the scheme relies on pro bono services of the legal professions and only a honorarium of $1,000 per four-hour shift would be given to the community lawyers under the scheme.

b. The scheme is limited to civil procedural matters only but, in practice, it was quite difficult to differentiate between procedural advice and advice on substantive law.

c. a 45-minute-session is considered not adequate for providing proper advice to LIPs.

d. The litigants would be disappointed if the lawyers could not explain the legal concepts and principles as well as the merits of the case to them.

The Council wrote to the Steering Committee in October 2012 expressing the above concerns. In March 2013, the Administration provided the operational details of the pilot scheme. The Council noted the information. It will keep in view of the development and give comments as and when appropriate.

法律援助辅助计划的检讨
Review of the Supplementary Legal Aid Scheme

因应民政事务局局长动议修订《法律援助条例》（第91章）附表2和3，立法会已于2012年7月17日通过扩大普通法律援助计划（普通计划）和法律援助辅助计划（辅助计划）涵盖范围的决议，包括 -

a. 扩大普通计划的涵盖范围，以纳入在销售证券衍生工具、货币期货或其他期货合约时涉及诈骗、失实陈述或欺骗情况的金钱申索；
b. 扩大辅助计划的涵盖范围，以纳入下列申索金额超过60,000元的申索类别：
   (i) 关于执业会计师、注册建筑师、注册专业工程师、注册专业测量师、注册专业规划师、认可土地测量师、地产代理及注册园境师的专业疏忽的申索；
   (ii) 关于保险人或其中介人在销售个人保险产品时涉及疏忽的申索；及
   (iii) 就售卖已落成或未落成的一手住宅物业向卖方提出的金钱申索；以及
c. 扩大辅助计划的涵盖范围，在由雇主或雇员就劳资审裁处所作裁决提出的上诉中，为雇员提供法律代表，不论争议金额为何。

已获同意扩大的法援涵盖范围在2012年11月30日开始生效。行政当局被要求在取得经验后， 检讨在经扩大辅助计划下的最终分担费比率。立法会财务委员会已在2012年12月批准拨款，注资

The Resolution to expand the scope of Ordinary Legal Aid Scheme (OLAS) and Supplementary Legal Aid Scheme (SLAS) was passed by the Legislative Council (LegCo) on 17 July 2012 pursuant to a motion moved by the Secretary for Home Affairs to amend Schedules 2 and 3 to the Legal Aid Ordinance (Cap. 91) to –

a. expand the scope of OLAS to cover monetary claims in derivatives of securities, currency futures or other futures contracts when fraud, misrepresentation or deception is involved in respect of the sale;
b. expand the scope of SLAS to cover claims of the following categories with claim amounts exceeding $60,000 –
   (i) professional negligence claims against certified public accountants (practicing), registered architects, registered professional engineers, registered professional surveyors, registered professional planners, authorised land surveyors, estate agents, and registered landscape architects;
   (ii) negligence claims against insurers or their intermediaries in respect of the taking out of personal insurance products; and
   (iii) monetary claims against the vendors in the sale of completed or uncompleted first-hand residential properties; and
c. expand the scope of SLAS to cover representation for employees in appeals brought by either the employer or the employee against awards made by the Labour Tribunal, regardless of the amount in dispute.

The agreed expansion came into operation on 30 November 2012. The Administration was requested to

一亿元予辅助计划基金，以支持经扩大的辅助计划。

至于在现阶段未获支持纳入辅助计划的其他建议，行政当局在2012年7月10日向立法会司法及法律事务委员会汇报，待经扩大的辅助计划实施后，当局会监察就新增法律程序提出的申请及有关个案对辅助计划基金的影响，并会邀请法律援助服务局根据有关经验，进一步检讨辅助计划的涵盖范围。未获支持纳入辅助计划的建议，包括建议纳入少数分数业主就强制售卖楼宇单位向物业发展商提出的申索及有关销售商品及提供服务的申索，本局会跟进发展及适时发表意见。

review the rates of final contribution under the expanded SLAS after acquiring experience. Approval was also obtained from the LegCo Finance Committee to inject $100 million into the Supplementary Legal Aid Fund in December 2012 to support the expansion of SLAS.

For other proposals not supported for inclusion in SLAS at that stage, the Administration reported to the LegCo Panel on Administration of Justice and Legal Services meeting on 10 July 2012 that upon commencement of the expanded SLAS, they would monitor the applications for the newly added proceedings and their impact on the SLAS Fund, and invite the Legal Aid Services Council to conduct a further review on the scope of SLAS in the light of the experience gained. The proposals in question included the proposed inclusion of claims against property developers by minority owners in respect of compulsory sales of building units and claims against sale of goods and provision of services. The Council will keep in view the development and give comment as appropriate.

法律援助申请人财务资格限额的周年检讨
Annual Review of Financial Eligibility Limits of Legal Aid Applicants

由2011年5月起，任何人凡其财务资源不超过260,000元，在经济上均符合资格申请普通法律援助计划（普通计划），该计划涵盖在区域法院或以上级别法院展开的民事诉讼。按《刑事诉讼程序条例》内的《刑事案件法律援助规则》，财务资格限额亦适用于刑事案件法律援助。法律援助辅助计划（辅助计划）的财务资格限额为1,300,000 元。

With effect from May 2011, a person whose financial resources do not exceed $260,000 is financially eligible for legal aid under the Ordinary Legal Aid Scheme (OLAS), which covers civil proceedings in the District Court or higher courts. The eligibility limit also applies to criminal legal aid under the Legal Aid in Criminal Cases Rules of the Criminal Procedure Ordinance. The corresponding limit for the Supplementary Legal Aid Scheme (SLAS) is $1,300,000.

财务资源指申请人每年可动用收入及可动用资产的总和。可动用收入是指个人的总收入在扣除《法律援助条例》规定的豁免项目后的余额。可动用资产则指个人的银行户口结余、其他人须付予该人士的款项、非金钱资源的市值、及其业务或在公司的业务中所占份额的价值的总和，在扣除《法律援助条例》规定的豁免项目后的余额。

行政当局会对法律援助申请人的财务资格限额进行检讨，包括周年检讨。周年检讨的目的，是计及丙类消费物价指数（物价指数）的变动，以维持财务资格限额的实际价值。

在2012年2月，本局获悉尽管2011年检讨（即2010年7月至2011年7月期间）的结果为物价指数增加5.4%，行政当局不会调整财务资格限额，因为当局曾于2011年5月分别大幅调高普通计划及辅助计划的财务资格限额至260,000元（调高48%）及1,300,000元（调高166%）。

至于2012年的周年检讨，物价指数在2011年7月至2012年7月期间录得3.7%的升幅。为反映检讨结果，本局知悉行政当局会在立法会提出决议案，建议调高财务资格限额3.7%，即将普通计划和刑事案件法律援助的财务资格限额由260,000元调高至269,620元，以及将辅助计划的财务资格限额由1,300,000元调高至1,348,100元。本局欢迎有关调整。

Financial Resources means the aggregate of a legal aid applicant's yearly disposable income and disposable capital. A person's disposable income is his gross income minus deductible items as allowed under the Legal Aid Ordinance. A person's disposable capital is the sum of his credit balance, money due to him, the market value of non-monetary resources and the value of business or share in a company, minus deductible items as allowed under the Legal Aid Ordinance.

The financial eligibility limits (FELs) of legal aid applicants are subject to reviews including the annual review. The purpose of the annual review is to take into account changes in the Consumer Price Index (C) (CPI(C)) so as to maintain the real values of FELs.

In February 2012, the Council was informed that notwithstanding the +5.4% change during the 2011 review period (i.e. from July 2010 to July 2011), the Administration would not make further adjustments as the FELs for OLAS and SLAS had already been substantially increased to $260,000 (i.e. +48%) and $1,300,000 (i.e. +166%) respectively in May 2011.

In the 2012 annual review, the change in CPI(C) recorded during the review period from July 2011 to July 2012 was +3.7%. To reflect the findings of the review, the Council was informed that the Administration would give notice for moving a resolution in the Legislative Council to adjust upward the FELs by 3.7%, i.e. from $260,000 to $269,620 for OLAS and criminal legal aid, and from $1,300,000 to $1,348,100 for SLAS. The Council welcomes the adjustment.

6 与持份者的联系
Liaison with Stakeholders

政府当局

法援局经常与行政当局这个重要的法律援助持份者保持密切联系。

在为被拘留人士提供法律支援的议题上，本局的「法律援助范围兴趣小组」邀请了执法部门，包括香港警务处、香港海关、入境事务处和廉政公署参与讨论，以了解部门运作及交流彼此的看法。香港警务处更分别在2012年6月和9月来函本局，表达他们对此事宜的进一步意见。

在2013年3月，民政事务局通知本局就法律援助申请人财务资格限额进行的周年检讨已有结果。周年检讨的目的是要根据丙类消费物价指数的变动，调整申请法律援助人士的财务资格限额，以维持限额的实际价值。同月，本局亦获悉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的运作细则。

The Government

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

On the issue of the provision of legal assistance to detainees, the Interest Group on Scope of Legal Aid formed under the Council has invited the law enforcement agencies including the Hong Kong Police Force, Customs and Excise Department, Immigration Department and the Independent Commission Against Corruption to participate in the discussion with a view to understanding their operation and exchanging views on the issue. The Hong Kong Police Force also wrote to the Council in June and September 2012 providing further views on the matter.

In March 2013, the Home Affairs Bureau informed the Council of the outcome of the Annual Review of Financial Eligibility Limits of Legal Aid Applicants. The purpose of the annual review is to take into account changes in the Consumer Price Index (C) so as to maintain the real value of financial eligibility limits. In the same month, the Council was also informed of the operational details of the Two-year Pilot Scheme to Provide Legal Advice for Litigants in Person.

其他法援持份者

本局明白得到持份者的回应，对履行向行政长官提供法援政策意见的职责是非常重要。在研究建立一个独立的法律援助管理局的可行性及可取性时，本局所聘请的顾问曾接触香港大律师公会和香港律师会。该两个法律专业团体就法援的独立性所提交的意见书，已列载入在2013年4月呈交行政长官的研究报告内。除此之外，顾问亦透过访问、问卷和电话调查收集其他持份者的意见。有关持份者包括学者、法援申请人、执业律师、来自立法会、区议会、社区团体、公营机构、商会和政党等的成员、法援署和其他政府部门的员工，以及公众人士。

Other Stakeholders of Legal Aid

The Council recognizes the importance of obtaining stakeholders' feedback in discharging its function to give advice to the Chief Executive on legal aid policy. In the study of the feasibility and desirability of the establishment of an independent legal aid authority, the Hong Kong Bar Association and the Law Society of Hong Kong have been approached. Their submissions on the independence of legal aid were captured in the report of the study which was submitted to the Chief Executive in April 2013. Apart from the two legal professional bodies, views of other stakeholders including the academics, legal aid applicants, legal practitioners, members of the Legislative Council, district councils, community groups, public bodies, trade unions and political parties, as well as staff of the Legal Aid Department and other government departments and the general public were also collected through interviews, paper and telephone surveys during the study.

外展联系

本局主席获香港律师会的邀请，为于2012年10月27日举行的法律周2012开幕礼担任主礼嘉宾。在法律周期间，香港律师会特别设立一条热线，向公众人士在四个法律范畴提供法律意见，包括：(1)个人伤亡；(2)家事法；(3)与中小企业有关的法律事务；及(4)一般法律谘询。

Reaching Out

The Council Chairman was invited by the Law Society of Hong Kong as an officiating guest at the Opening Ceremony of the Law Week 2012 held on 27 October 2012. During the Law Week, the Law Society set up a designated helpline providing legal advices to general public on four areas of law, namely: (1) personal injuries; (2) family law; (3) legal matters related to small and medium enterprises; and (4) general legal advices.

法援研讨会

作为外展联系计划的一部份，本局于2012年5月19日举办法援研讨会，主题为「为被警方拘留人士提供法律谘询服务」。

四位讲者获邀就议题的不同方面作出简报，他们分别是：(1)香港律师会刑事法律及程序委员会委员李孟华先生；(2)香港社区组织协会社区组织干事蔡耀昌先生；(3)基督教香港信义会社会服务部天朗中心主任刘宏章先生；及(4)本局前委员狄朗尼先生。本局借此机会再次感谢他们对本局的支持。

Seminar on Legal Aid

As part of the reaching out program, a seminar on legal aid – Legal Advice to Detainees at Police Station was held by the Council on 19 May 2012.

Four speakers were invited to make presentations on different aspects of the subject. They are 1) Mr Paul LI, Member of Criminal Law and Procedure Committee, Law Society of Hong Kong; 2) Mr Richard TSOI, Community Organizer, Society for Community Organisation; 3) Mr LAU Wang-cheung, Centre-in-charge, Enlighten Centre, Evangelical Lutheran Church of Hong Kong; and 4) Mr Michael DELANEY, ex-member of the Council. Opportunity is taken to thank the speakers for their support given to the Council.

研讨会旨在为持份者建构一个平台，就为被警方拘留人士提供法律谘询服务这议题作出讨论和交流意见，以增加他们对议题的认识，并帮助本局收集持份者的看法。

为达到以上的目的，本局邀请了执业律师、其他专业人士、非政府机构、社工、学者、法律系学生、区议会 / 立法会成员及其助理、本局辖下兴趣小组成员和政府官员参与研讨会。

研讨会备受欢迎，本局共接获逾300个报名查询。

The seminar aimed at providing a forum for stakeholders to discuss and exchange views on the provision of legal advice to detainees at police station with a view to enhancing their understanding of the subject and at the same time enabling the Council to gauge the views of stakeholders towards the matter.

To achieve the above purpose, invitation was extended to legal professions, other professionals, non-governmental organisations, social workers, academics, law students, District Council / Legislative Council members and their assistants, Interest Group members of the Council and government officials.

The seminar was well received. More than 300 requests to participate in the seminar were received.

7 大律师证明书计划
Certificate by Counsel Scheme

根据《法律援助条例》第26A条的规定，凡向终审法院提出上诉而不获批法援的人士，可以在接获法律援助署署长作出拒绝批出法援的决定后28天内申请复核。寻求复核的申请必须附有由在香港执业的大律师发出的证明书，述明该申请人有合理机会向终审法院上诉得直，以及提出该项意见的理由。法律援助服务局自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，本局一直有在年报中载述计划的详情和其运作情况。

截至2013年3月31日，援助计划的律师名册上有72名大律师及48名律师。就于2012年4月1日至2013年3月31日期间接获的申请，本局共将48宗个案外委予大律师和律师处理，详情如下：

Under section 26A of Legal Aid Ordinance, a person who has been refused legal aid in respect of his appeal to the Court of Final Appeal (CFA) may seek a review of the Director of Legal Aid's refusal within 28 days of the decision. The application for review must be accompanied by a certificate by counsel stating that the person has a reasonable prospect of success in the appeal to the CFA and the grounds for that opinion. In April 2002, an assistance scheme was implemented by the Legal Aid Services Council. A legal aid appellant who has passed the means test may apply to the Council for the provision of a counsel's certificate free of charge. Details of the scheme and its operation have all along been set out in annual reports of the Council.

As at 31 March 2013, the Scheme had 72 counsel and 48 solicitors on the panel. In respect of the applications received during the period from 1 April 2012 to 31 March 2013, the Council made a total of 48 assignments. Details are as follows –

刑事案件 Criminal Cases

		大律师 Counsel	律师 Solicitors
(a)	委派予法援上诉人提名的名册律师 Assignment to panel lawyers according to legal aid appellants' nomination	43	43
(b)	委派予法援上诉人提名的非名册律师（其曾于上诉庭代表法援上诉人） Assignment to non-panel lawyers (who have represented the legal aid appellants in the appeal court) according to legal aid appellants' nomination	2	2
委派案件总数 Total assignment		**45**	**45**

民事案件 Civil Cases

		大律师 Counsel	律师 Solicitors
(a)	委派予法援上诉人提名的名册律师 Assignment to panel lawyers according to legal aid appellants' nomination	3	3
(b)	委派予法援上诉人提名的非名册律师（其曾于上诉庭代表法援上诉人） Assignment to non-panel lawyers (who have represented the legal aid appellants in the appeal court) according to legal aid appellants' nomination	0	0
委派案件总数 Total assignment		**3**	**3**

在2012年4月1日至2013年3月31日期间，本局共接获60宗（53宗刑事案件及7宗民事案件）申请。当中，48宗（45宗刑事案件及3宗民事案件）申请获批，12宗（8宗刑事案件及4宗民事案件）申请被拒。

就该48宗获批的申请，已签发7份（刑事案件）大律师证明书陈述法援上诉人有合理机会上诉得直，以及41份（38宗刑事案件及3宗民事案件）陈述法援上诉人拟向终审法院提出的上诉并无合理机会成功。

From 1 April 2012 to 31 March 2013, the Council received 60 (53 criminal and 7 civil) applications. Of these, 48 (45 criminal and 3 civil) applications were approved and 12 (8 criminal and 4 civil) applications were rejected.

In respect of the 48 approved applications, 7 (criminal) certificates by counsel stating that the legal aid appellants had reasonable prospect of success and 41 certificates by counsel (38 criminal and 3 civil) stating that the legal aid appellants did not have reasonable prospect of success in their intended appeals to the Court of Final Appeal were issued.

至于该7宗获大律师证明书陈述法援上诉人有合理机会上诉得直的刑事案件，法援署经复核后，决定为其中6宗案件提供法律援助，但拒绝提供法援予其中1宗案件。

For the 7 criminal cases which were certified by counsel to have reasonable prospect of success, after review the Legal Aid Department (LAD) decided to grant legal aid in 6 of the cases, but not to grant legal aid in one case notwithstanding the counsel certificate.

2011至2012年度及2012至2013年度的统计列表如下：

A table showing the statistics in 2011-2012 and 2012-2013 is appended below –

		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			2012年4月1日至2013年3月31日接获的申请 Applications Received from 1.4.2012 to 31.3.2013		
		刑事 Criminal	民事 Civil	总计 Total	刑事 Criminal	民事 Civil	总计 Total
1.	申请 Applications						
(a)	获批 approved	31	6	37	45	3	48
(b)	被拒 rejected	10	6	16	8	4	12
总计	Total	41	12	53	53	7	60
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	6	0	6	7	0	7
(b)	无合理机会上诉得直 has no reasonable prospect of success	25	6	31	38	3	41
总计	Total	31	6	37	45	3	48
3.	有合理机会上诉得直的案件 Cases with reasonable prospect of success						
(a)	经法援署复核后获提供法律援助 legal aid granted upon review by LAD	6*	0	6	6	0	6
(b)	经法援署复核后被拒绝提供法律援助 legal aid not granted upon review by LAD	0	0	0	1	0	1
总计	Total	6*	0	6	7	0	7

* 包括一宗原本获批但其后被法援署撤消法律援助的案件
including one case originally granted with legal aid but discharged by LAD afterwards.

两年的统计数据显示：

a. 总申请数目增加了13.2%（由2011-2012年度的53宗上升至2012-2013年度的60宗）；当中刑事案件上升了29.3%（由2011-2012年度的41宗上升至2012-2013年度的53宗）；民事案件则减少了41.7%（由2011-2012年度的12宗下降至2012-2013年度的7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2011-2012年度的16.2%下降至2012-2013年度的14.6%；下降主要来自刑事案件；在2011-2012年度和2012-2013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. 撇除1宗原本获法援署批准但其后被撤消法律援助的案件外，法援署因应大律师证明书提供法律援助案件的百分比，在2011-2012年度(83.3%)及2012-2013年度(85.7%)相约。

就2012-2013年度接获的申请，共拨出$1,260,000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 increased by 13.2% (from 53 in 2011-2012 to 60 in 2012-2013), with an increase of 29.3% in criminal cases (from 41 in 2011-2012 to 53 in 2012-2013) and a decrease of 41.7% in civil cases (from 12 in 2011-2012 to 7 in 2012-2013);

b. the percentage of cases certified by counsel to have reasonable prospect of success has decreased from 16.2% in 2011-2012 to 14.6% in 2012-2013, with decrease mainly comes from criminal cases as there were no civil cases certified by counsel to have reasonable prospect of success in both 2011-2012 and 2012-2013; and

c. excluding the case originally granted with legal aid but discharged by LAD afterwards, the percentage of cases where legal aid was granted by LAD in the light of the counsel certificates are more or less the same in 2011-2012 (83.3%) and 2012-2013 (85.7%).

In respect of the applications received in 2012-2013, HK$1.26 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	45	$15,000	$675,000	$9,000	$405,000	$1,080,000
民事 Civil	3	$40,000	$120,000	$20,000	$60,000	$180,000
总数 Total	**48**		**$795,000**		**$465,000**	**$1,260,000**

8 行政 Administration

委任法律援助服务局主席及成员
Appointments of Chairman and Members to Legal Aid Services Council

在2012年8月31日，政府公布委任法律援助服务局主席及成员。

行政长官委任李家祥博士为本局新任主席，以及周凯灵女士、邝心怡女士和马华润先生为本局的新成员，任期由2012年9月1日开始，为期两年。

在2013年3月1日，政府宣布委任大律师潘素安女士接替在任内请辞的狄朗尼先生为本局的成员，任期由2013年3月1日起至2014年8月31日止。

本局相信这支由新旧成员组成的团队，借着他们在不同界别的专业知识和背景，将会为本局的工作带来新的动力和作出宝贵的贡献。本局亦很感激前任主席陈茂波先生，以及前任成员狄朗尼先生、熊运信先生、林家礼博士和李嘉莲女士为本局所作的重大贡献，我们希望他们未来一切顺利，并期望他们继续支持本局的工作。

On 31 August 2012, the Government announced the appointment of the chairman and members of the Legal Aid Services Council.

The Chief Executive has appointed Dr Eric LI Ka Cheung as new chairman of the Council, and Ms Juliana CHOW Hoi Ling, Ms Anna KWONG Sum Yee and Mr Billy MA Wah Yan as new members of the Council. Their terms of appointment are two years, starting from 1 September 2012.

On 1 March 2013, the Government announced the appointment of Ms Josephine Antonetta PINTO, a barrister, as a member of the Council for the period from 1 March 2013 to 31 August 2014, in place of Mr Antony Michael DELANEY who has resigned during his term of appointment.

The Council is confident that the team of new and serving members, with their expertise and background in different sectors, will provide fresh impetus and valuable contributions to the work of the Council. The Council is also very grateful for the enormous contributions that former chairman Mr Paul CHAN, former members Mr Michael DELANEY, Mr Stephen HUNG, Dr Lee George LAM and Ms Corinne REMEDIOS have made. We wish them every success in their future undertakings and look forward to their continued support to the work of the Council.

8

本局会议出席纪录
Attendance at Council Meetings

在2012至2013年度，本局共召开了8次会议，各成员出席率列表如下：

The Council has held eight meetings in the year 2012/2013. 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
李家祥博士 Dr Eric LI Ka Cheung*	5	100%
陈茂波先生 Mr Paul CHAN Mo Po#	3	100%
蔡惠琴女士 Ms Virginia CHOI	7	88%
周凯灵女士 Ms Juliana CHOW*	3	60%
狄朗尼先生 Mr Michael DELANEY##	6	86%
熊运信先生 Mr Stephen HUNG#	2	67%
洪为民博士 Dr Witman HUNG	6	75%
邝心怡女士 Ms Anna KWONG*	3	60%
林家礼博士 Dr Lee George LAM#	2	67%
梁伟权先生 Mr Edward LEUNG	4	50%
马华润先生 Mr Billy MA*	4	80%
潘素安女士 Ms Josephine PINTO##	1	100%
李嘉莲女士 Ms Corinne REMEDIOS#	3	100%
黄吴洁华女士 Mrs Cecilia WONG	6	75%
法律援助署署长 Director of Legal Aid	8	100%

* 新任主席及新任成员于2012年9月1日加入本局。在2012年9月至2013年3月期间，本局共举行了5次会议。
New chairman and members joined the Council on 1 September 2012. During the period from September 2012 to March 2013, five meetings were held.

\# 前任主席及前任成员分别在2012年7月及8月离开本局。在2012年4月至8月期间，本局共举行了3次会议。
Former chairman and members left the Council in July/August 2012. During the period from April to August 2012, three meetings were held.

\## 潘素安女士于2013年3月1日加入本局，代替辞任的狄朗尼先生。在2013年3月只举行了1次会议。
Ms Josephine PINTO joined the Council on 1 March 2013 in place of Mr Michael DELANEY who has resigned. One meeting was held in the month of March 2013.

8

法律援助服务局网站
Council Website

为回应政府要求谘询及法定团体需要更公开和增加透明度，本局继续将非机密的会议记录和相关文件及历年年报上载至本局网站。本局向行政长官提交的意见书，以及本局对一些谘询议题的回应都已一并上载。在2012年5月举行的法援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。为令本局网站所载资讯更丰富、网站设计更具吸引力、及浏览更便捷，本局曾更新网站，并于2013年4月推出使用。

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 was consulted have also been uploaded. The presentation materials of the seminar on legal aid held in May 2012 were also placed on the Council's website for easy access by the public and legal practitioners. To make it more informative and appealing to the public as well as to enhance its accessibility, the Council's homepage was revamped and launched in April 2013.

8

员工及财政
Staff and Finance

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2013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2012至2013年度本局从政府收取的补助为港币8,445,828元。全年总支出为港币8,042,836元。

The Administration introduced the Statue 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.

As at 31 March 2013, there were two posts filled by the Council's own staff and four other posts filled by civil servants seconded from the Government.

The subvention received from the Government for 2012-2013 was $8,445,828. Total expenditure of the year was $8,042,836.

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2013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

按照《法律援助服务局条例》(第489章)及香港财务报告准则，法律援助服务局须编制真实而公平的财务报表，及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

Independent Audit Report

I have audited the financial statements of the Legal Aid Services Council which comprise the balance sheet as at 31 March 2013, 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.

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。在评估该等风险时，审计师会考虑该局与编制真实而公平的财务报表有关的内部控制，以设计适当的审计程序，但不会对该局的内部控制效能发表意见。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2013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）

2013年8月27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 2013, 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

27 August 2013

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

10

财务报告书及帐目
Financial Reports And Accounts

资产负债表
BALANCE SHEET

截至2013年3月31日止 AS AT 31 MARCH 2013

		注释 Note	2013 港币 HK$	2012 港币 HK$
非流动资产	**NON-CURRENT ASSETS**			
物业、厂房及设备	Property, plant and equipment	5	27,104	43,412
流动资产	**CURRENT ASSETS**			
银行存款及库存现金	Cash at bank and in hand		1,940,821	4,933,976
应收利息	Interest receivable		11	28
按金	Deposit		2,200	2,200
			1,943,032	4,936,204
流动负债	**CURRENT LIABILITIES**			
应付帐项及应计费用	Accounts payable and accrued charges		(1,559,470)	-
未支付约满酬金	Provision for gratuities		(3,048)	(7,150)
未放取假期拨备	Provision for untaken leave		(4,518)	(6,207)
递延收入	Deferred income	7	-	(3,991,384)
			(1,567,036)	(4,004,741)
净流动资产	**NET CURRENT ASSETS**		375,996	931,463
净资产	**NET ASSETS**		403,100	974,875
上列项目代表	Representing:			
政府基金	**GOVERNMENT FUNDS**			
经常性补助基金	Recurrent subvention fund		403,100	974,875

随附注释1至11亦为上述财务报表的一部份。
此等财务表已于2013年8月27日经法律援助服务局核实及批准发行。
The accompanying notes 1 to 11 form part of these financial statements.
Approved and authorised for issue by the Legal Aid Services Council on 27 August 2013.

李家祥博士 Dr Eric Li Ka Cheung
主席 Chairman

收支报表
INCOME AND EXPENDITURE ACCOUNT

截至2013年3月31日止 FOR THE YEAR ENDED 31 MARCH 2013

		注释 Note	2013 港币 HK$	2012 港币 HK$
收入	**INCOME**			
政府补助	Government subventions	7	**8,445,828**	5,744,097
利息收入	Interest income		**108**	89
			8,445,936	5,744,186
其他收入	**OTHER INCOME**			
可追回讼费	Recovery of legal costs		**-**	10,000
			8,445,936	5,754,186
支出	**EXPENDITURE**			
职员酬金	Staff emoluments	8	**(3,215,723)**	(2,935,069)
租金及管理费	Rent and management fees		**(1,512,417)**	(1,421,766)
其他开支	Other expenses	9	**(3,314,696)**	(422,476)
			(8,042,836)	(4,779,311)
本年度盈余	**SURPLUS FOR THE YEAR**		**403,100**	974,875
其他全面收入	Other Comprehensive Income		**-**	-
本年度全面收益总额	**TOTAL COMPREHENSIVE INCOME FOR THE YEAR**		**403,100**	974,875

随附注释1至11亦为上述财务报表的一部份。
The accompanying notes 1 to 11 form part of these financial statements.

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权益变动表
STATEMENT OF CHANGES IN EQUITY

截至2013年3月31日止 FOR THE YEAR ENDED 31 MARCH 2013

		港币 HK$
经常性补助基金	**RECURRENT SUBVENTION FUND**	
于2011年4月1日结余	**Balance as at 1 April 2011**	614,481
退还政府款项	Refunded to Government	(614,481)
当年全面收益总额	Total comprehensive income for the year	974,875
于2012年3月31日结余	**Balance as at 31 March 2012**	974,875
退还政府款项	Refunded to Government	(974,875)
当年全面收益总额	Total comprehensive income for the year	403,100
于2013年3月31日结余	**Balance as at 31 March 2013**	403,100

随附注释1至11亦为上述财务报表的一部份。
The accompanying notes 1 to 11 form part of these financial statements.

10

现金流量表
STATEMENT OF CASH FLOWS

截至2013年3月31日止 FOR THE YEAR ENDED 31 MARCH 2013

		2013 港币 HK$	2012 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	**403,100**	974,875
折旧	Depreciation	**23,858**	22,181
利息收入	Interest income	**(108)**	(89)
应付帐项及应计费用增加/（减少）	Increase/ (Decrease) in accounts payable and accrued charges	**1,559,470**	(257,579)
未支付约满酬金减少	Decrease in provision for gratuities	**(4,102)**	(36)
未放取假期拨备(减少) /增加	(Decrease)/ Increase in provision for untaken leave	**(1,689)**	469
经营活动所得的经营盈余	**Net cash from operating activities**	**1,980,529**	739,821
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	**(7,550)**	(14,758)
已收利息	Interest received	**125**	67
投资活动所得的现金净额	**Net cash used in investing activities**	**(7,425)**	(14,691)
融资活动的现金流量	**Cash flows from financing activities**		
递延收入(减少) /增加	(Decrease)/ Increase in deferred income	**(3,991,384)**	3,991,384
退还政府款项	Amount refunded to Government	**(974,875)**	(614,481)
融资活动(所用)/所得的现金净额	**Net cash (used in) / from financing activities**	**(4,966,259)**	3,376,903
现金及现金等值项目（减少）/增加净额	**Net (decrease) / increase in cash and cash equivalents**	**(2,993,155)**	4,102,033
年初的现金及现金等值项目	Cash and cash equivalents at beginning of year	**4,933,976**	831,943
年末的现金及现金等值项目	Cash and cash equivalents at end of year	**1,940,821**	4,933,976
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	**1,940,821**	4,933,976

随附注释1至11亦为上述财务报表的一部份。
The accompanying notes 1 to 11 form part of these financial statements.

帐目附注
NOTES TO THE FINANCIAL STATEMENTS

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。

本局乃为一个非牟利组织，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的香港财务报告准则（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。

编制符合香港财务报告准则的财务报表需要管理层作出会影响会计政策的实施、以及资产与负债和收入与支出的呈报款额的判断、估计及假设。该等估计及相关的假

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.

The preparation of financial statements in conformity with HKFRSs requires management to make judgements, estimates and assumptions that affect the application of policies and

设，均按经验及其他在有关情况下被认为合理的因素而制订。倘若没有其他现成数据可供参考，则会采用该等估计及假设作为判断有关资产及负债的帐面值的基础。估计结果或会与实际价值有所不同。

该等估计及相关假设会被不断检讨修订。如修订只影响本会计期，会在作出修订的期内确认，但如影响本期及未来的会计期，有关修订便会在该期及未来的会计期内确认。

本局在实施会计政策时并不涉及任何关键的会计判断。在结算日亦无任何对未来作出的主要假设或估计有其他重要的不明朗因素会构成重大风险，导致资产和负债的帐面值在来年大幅修订。

2.3 采纳新订 / 经修订香港财务报告准则

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

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的影响进行评估。直至目前为止，所得结论是采纳该等修订、新

reported amounts of assets, liabilities, income and expenditure. The estimates and associated assumptions are based on experience and various other factors that are believed to be reasonable under the circumstances, the results of which form the basis for making judgements about the carrying values of assets and liabilities that are not readily apparent from other sources. Actual results may differ from these estimates.

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

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

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.

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.

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。

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.

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延递至与相关支出产生时，才在收支报表内确认为有关期间的收入。

利息收入采用实际利息法以时间比例计算确认入帐。实际利息法是计算金融资产的摊销成本值，以及摊分在有关期间的利息收入的方法。实际利率是指可将金融资产在预计有效期间(或适用的较短期间)内的预计现金收入，折现成该金融资产的帐面净值所适用的贴现率。

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 match them with the costs they are intended to compensate.

Interest income is recognised on a time-proportion basis using the effective interest method. The effective interest method is a method of calculating the amortised cost of a financial asset and of allocating the interest income over the relevant period. The effective interest rate is the rate that exactly discounts estimated future cash receipts through the expected life of the financial asset or, when appropriate, a shorter period to the net carrying amount of the financial asset.

2.5 物业、厂房及设备

物业、厂房及设备包括价值5,000元以上的办公室及电脑设备，估计可使用期超过一年。

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：

2.5 Property, plant and equipment

Property, plant and equipment include 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 their estimated useful lives as follows:

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记帐并确认为支出。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。

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

就现金流量表而言，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。

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 y 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 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

For the purpose of the statement of cash flows, 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. 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。

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：

- 合符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。

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 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4月1日	At 1 April 2012	72,607	51,774	124,381
当年购入	Addition during the year	7,550	-	7,550
于2013年3月31日	At 31 March 2013	80,157	51,774	131,931
累积折旧	Accumulated depreciation			
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4月1日	At 1 April 2012	49,530	31,439	80,969
当年撇除	Charge for the year	13,504	10,354	23,858
于2013年3月31日	At 31 March 2013	63,034	41,793	104,827
净值	Net book value			
于2013年3月31日	At 31 March 2013	17,123	9,981	27,104
于2012年3月31日	At 31 March 2012	23,077	20,335	43,412

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) 在上一年度所获得的银行利息；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。

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. 递延收入 / 政府补助

从香港特别行政区政府收取的补助为8,445,828港元(2012年：9,735,481港元)。

7. Deferred Income / Government Subventions

Subventions received from the Government of the Hong Kong Special Administrative Region amounted to HK$8,445,828 (2012: HK$9,735,481):

		2013 港币 HK$	2012 港币 HK$
年初结余	Balance at beginning of year	3,991,384	-
资助法律援助独立性顾问研究的非经常性补助	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)
退还政府款项	Amount refunded to Government	(3,991,384)	-
递延收入	Deferred income	-	3,991,384
每年经常性资助	Annual recurrent grant	5,405,000	5,704,735
资助法律援助独立性顾问研究的非经常性补助	Non-recurrent grant for the commissioning of a consultancy study of the independence of legal aid	2,992,000	8,616
或然资助	Contingency grant	48,828	30,746
政府补助	Subventions from the Government	8,445,828	5,744,097
总补助所得	Total subventions received	8,445,828	9,735,481

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。由去年结转的非经常性补助余额已于年内退还政府。

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. The balance of the non-recurrent grant brought forward from last year has been refunded to the Government during the year.

8. 员工酬金 8. Staff Emoluments

		2013 港币 HK$	2012 港币 HK$
薪金	Salaries		
• 公务员员工	• Civil service staff	**2,970,033**	2,690,194
• 非公务员合约员工	• Non-civil-service contract staff	**219,247**	215,525
约满酬金	Gratuities	**7,900**	11,503
强积金	Provident fund	**11,989**	11,640
未放取假期拨备	Provision for untaken leave for non-civil-service contract staff	**6,554**	6,207
		3,215,723	2,935,069

9. 其他支出 9. Other Expenses

		2013 港币 HK$	2012 港币 HK$
顾问费用	Consultancy fee	**2,995,475**	-
编制年报 / 通讯	Production of annual report/newsletter	**58,970**	57,695
常规出版物、期刊及杂志	General publications, periodicals and journals	**43,670**	43,411
会计费用	Accountancy fee	**40,500**	40,500
注销可追回讼费	Recoverable legal costs written off	**-**	10,000
研讨会支出	Conference expenses	**48,843**	107,729
其他行政支出	Other administration expenses	**103,380**	140,960
折旧	Depreciation	**23,858**	22,181
		3,314,696	422,476

10. 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：

10. Commitments

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

		2013 港币 HK$	2012 港币 HK$
一年内	Within 1 year	1,336,152	1,336,152
第二到五年内	After 1 year but within 5 years	718,361	2,054,513
		2,054,513	3,390,665

11. 财务资产及财务负债的公平值

所有财务资产及财务负债均以与其公平值相同或相差不大的金额在资产负债表内列帐。

11. Fair Values Of Financial Assets And Liabilities

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

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兴趣小组成员名单
Membership of the Interest Groups

法援申请程序及监察外判制度兴趣小组
Interest Group on Processing, Assignment and Monitoring of Assigned-out Cases

主席 Chairperson :

熊运信（至2012年8月31日止）	HUNG Stephen (up to 31 August 2012)
马华润（由2012年11月8日起）	MA Billy (from 8 November 2012 onward)

成员 Members :

邝心怡	KWONG Anna
彭思杰*	BARNES H C Peter*
毕保麒*	BURKE Patrick Michael*
陈少康*	CHAN Honby*
陈健乐*	CHAN Kin Lok, Paul*
陈元敬	CHAN Yuen King, Paul
郑嘉聪*	CHANG Ka Chung*
庄　严	CHUANG Yim, Chris
帝理迈	DALY Mark Douglas
何　显*	HO Frankie*
何文楷	HO Man Kai
何颖恩*	HO Veng Ian, Rebecca*
叶永玉医生*	Dr IP Wing Yuk, Josephine*
顾增海	KOO Tsang Hoi
郭启彬*	KWOK K B Benny*
郭伟强	KWOK Wai Keung
郭　威*	KWOK William*
林健培*	LAM Kin Pui*
林国荣博士*	Dr LAM Kwok Wing*
林炜彬*	LAM Wai Pan, Wilson*
李福基医生*	Dr LEE Fook Kay, Aaron*
李伟雄医生*	Dr LEE Wai Hung, Danny*
李家峰	LI Ka Fung, Alan
李孟华*	LI Mang Wah, Paul*
梁素娟*	LIANG PUI Saw Kian, Susan*
练安妮*	LIN Annie*
廖保珠	LIU Po Chu
廖颖康医生*	Dr LIU Wing Hong*
麦乐嫦*	MAK L S Mabel*
麦振才*	MAK Simon*
-	McGOWAN H M James*
吴建华	NG Kin Wah
吴杰华*	NG Ray*
吴恩儿*	NG Yan Yee*
彭庆东*	PANG Hing Tung, Pierre*
金伟民	SADHWANI Kamlesh Arjan
邓赐强	TANG Chi Keung, Paul
杜伟强	TO Wai Keung
曾嘉丽	TSANG K L Kitty
蔡耀昌*	TSOI Yiu Cheong, Richard*
韦智达	VIDLER Michael John
温锦泉	WAN Kam Chuen
黄陈子英	WONG CHAN Tsz Ying, Ruth
王智源*	WONG Chi Yuen*
王金典	WONG Kim Tin
黄伟贤	WONG Wai Yin, Zachary
黄宏泰*	WONG Wang Tai, Ivan*
黄贵生	WONG Kwai Sang, Kays
汪耀诚	WONG Yiu Shing
吴德龙	WU Bernard
丘水榕	YAU Shui Yung, Lousana
杨超发医生*	Dr YEUNG Chiu Fat, Henry*
杨浩然	YEUNG Sui Yin, Victor
叶健强*	YIP Kin Keung*
余广文	YU Kwong Man

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

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法律援助范围兴趣小组
Interest Group on Scope of Legal Aid

主席 Chairperson :

李嘉莲（至2012年8月31日止）	REMEDIOS Corinne (up to 31 August 2012)
周凯灵（由2012年11月8日起）	CHOW Juliana (from 8 November 2012 onward)

成员 Members :

蔡惠琴	CHOI Virginia	李伟雄医生*	Dr LEE Wai Hung, Danny*
洪为民博士	Dr HUNG Witman	梁伟文	LEUNG Wai Man, Raymond
彭思杰*	BARNES H C Peter*	李芝兰教授	Prof LI Che Lan, Linda
毕保麒*	BURKE Patrick Michael*	李孟华*	LI Mang Wah, Paul*
陈少康*	CHAN Honby*	利炳辉	LI Ping Fai, Tommy
陈健乐*	CHAN Kin Lok, Paul*	梁素娟*	LIANG PUI Saw Kian, Susan*
郑嘉聪*	CHANG Ka Chung*	练安妮*	LIN Annie *
赵文宗博士	Dr CHIU Man Chung, Andy	廖颖康医生*	Dr LIU Wing Hong*
庄耀勤	CHONG Y K Sherman	卢炯宇	LO Kwing Yu
何　显*	HO Frankie*	麦海华	MAK Hoi Wah
何国钧	HO K K Thomas	麦乐嫦*	MAK L S Mabel*
何少亮	HO Siu Leung, Nelson	麦振才*	MAK Simon*
何颖恩*	HO Veng Ian, Rebecca*	-	McGOWAN H M James*
叶永玉医生*	Dr IP Wing Yuk, Josephine*	吴恩儿*	NG Yan Yee*
江淑华	KONG Florence	吴杰华*	NG Ray*
郭启彬*	KWOK K B Benny*	彭庆东*	PANG Hing Tung, Pierre*
郭　威*	KWOK William*	邓佩颐	TANG Pui Yee, Phoebe
黎世康	LAI Sai Hong	蔡耀昌*	TSOI Yiu Cheong, Richard*
林长志	LAM Cheung Chi	王智源*	WONG Chi Yuen*
林健培*	LAM Kin Pui*	黄剑文	WONG Kim Man
林国荣博士*	Dr LAM Kwok Wing*	黄宏泰*	WONG Wang Tai, Ivan*
林炜彬*	LAM Wai Pan, Wilson*	许　英教授	Prof XU Ying
李　健	LEE Arthur	杨超发医生*	Dr YEUNG Chiu Fat, Henry*
李福基医生*	Dr LEE Fook Kay, Aaron*	叶健强*	YIP Kin Keung*

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

工作小組成員名單
Membership of the Working Parties

A

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

主席 Chairperson :	
林家礼博士 (至2012年8月31日止)	Dr LAM Lee George (up to 31 August 2012)
蔡惠琴 (由2012年9月20日起)	CHOI Virginia (from 20 September 2012 onward)
成员 Members :	
熊运信 (至2012年8月31日止)	HUNG Stephen (up to 31 August 2012)
洪为民博士	Dr HUNG Witman
马华润 (由2012年9月20日起)	MA Billy (from 20 September 2012 onward)
增选成员 Co-opted Member :	
陈爱容 (法援署)	CHAN O Y Juliana, LAD

法律援助独立性工作小组
Working Party on Independence of Legal Aid

主席 Chairperson :	
林家礼博士 (至2012年8月31日止)	Dr LAM Lee George (up to 31 August 2012)
洪为民博士 (由2012年11月8日起)	Dr HUNG Witman (from 8 November 2012 onward)
成员 Members :	
狄朗尼 (至2013年2月28日止)	DELANEY Michael(up to 28 February 2013)
洪为民博士 (至2012年11月7日止)	Dr HUNG Witman (up to 7 November 2013)
黄吴洁华	WONG Cecilia

A

法律援助研讨会筹备委员会
Organizing Committee on Seminar on Legal Aid

联合筹委 Co-organiser :	
蔡惠琴	CHOI Virginia
黃吳潔華	WONG Cecilia

法律援助服务局
LEGAL AID SERVICES COUNCIL

香港铜锣湾告士打道262号鹏利中心1601室
Rm 1601, 16th Floor, Top Glory Tower,
262 Gloucester Road, Causeway Bay, Hong Kong

电话 Tel: (852) 2838 5378
传真 Fax: (852) 2838 5053
电邮 Email: enquiry@lasc.hk
网址 Website: http://www.lasc.hk