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主席回顾 Chairman's Review



如上一份报告所预告，2014-15年的工作是跟进有关法律援助独立性的建议，以及检讨法律援助辅助计划的涵盖范围。

在2013年4月30日，本局就在香港设立独立的法律援助管理局的可行性和可取性向行政长官提交建议。行政当局在2014年6月24日举行的立法会司法及法律事务委员会会议上，向委员会成员简介了其跟进本局建议的立场。本局欣悉行政当局决定原则上接受本局所提出的建议，赞同制定法援政策和管理法律援助署的责任应归属政务司司长办公室，以及法律援助署署长应直接向政务司司长汇报工作。除此之外，行政当局亦同意在维持《法律援助服务局条例》（《法援局条例》）（第489章）赋予本局监察职能的现有法律框架及法援署现有拨款安排的前提下，跟进本局有关法律援助管治及运作透明度的建议。

As foreshadowed in the last report, the major events in 2014-15 were the follow-up of the recommendations on the independence of legal aid and the review of the scope of Supplementary Legal Aid Scheme.

On 30 April 2013, the Council submitted to the Chief Executive its recommendations on the feasibility and desirability of the establishment of an independent legal aid authority in Hong Kong. At the meeting of the Panel of Administration of Justice and Legal Services (AJLS) of Legislative Council (LegCo) held on 24 June 2014, the Administration briefed Panel members on its position in taking forward the Council's recommendations. It was heartening to know that the Administration decided to accept in principle the Council's recommendation that the responsibilities for formulating legal aid policy and "housekeeping" the Legal Aid Department (LAD) should be vested in the Chief Secretary for Administration's Office and the Director of Legal Aid should report directly to the Chief Secretary for Administration. Besides, the Administration also agreed to follow up on the Council's recommendations regarding LAD's governance and operational transparency while maintaining the existing

在法律援助政策责任的移交时间尚待落实期间，本局成立了一个关于法律援助资讯传递的专责小组，以提高法援署运作的透明度。这个小组由本人带领，负责审视有关法援署所提供法援服务的批评；确切点出资讯存在的差距，尤其在统计数据方面；向本局建议是否需要要求法援署提供其他统计数据或表现指标，以及如何进一步妥善整理及发放这些资讯。我相信恰当传递这些资讯可提升法援署工作的透明度，从而增加公众对香港法治的信心。

专责小组的工作仔细缜密及需要不同范畴的专业知识，本局难以独力承担，因此除了本局成员，本人亦邀请了不同专业的专家加入专责小组。工作小组于2014年6月首先与法援署商讨有关法援外判个案的问题。专责小组召开了5次会议，并向法援署提出公布外判个案资讯的改善措施，以提高透明度。本人很高兴得知法援署原则上同意整理相关外判个案的统计数据，并刊于法援署年报内。年报将上载到法援署的网页。

近年，普通法律援助计划（「普通计划」）及法律援助辅助计划（「辅助计划」）的财务资格限额已大幅提升，其援助范围亦有所扩大。行政当局现正不断吸收新增援助诉讼类别的经验，并已邀请本局就「辅助计划」的援助范围作进一

legal framework governing the Council's oversight role under the Legal Aid Services Council Ordinance (Cap. 489) and legal aid funding support for LAD.

Pending the implementation timetable of the transfer of policy responsibility of legal aid, to achieve the purpose of enhancing the operational transparency of LAD, a task force was formed under the Council on the dissemination of legal aid information. The Task Force, which is taken charge by me, is tasked to look at the criticisms against the legal aid service provided by LAD; to identify the information gaps existed particularly in respect of the statistical information; and to advise the Council whether additional statistics or performance indicators are required from LAD and how the information could be better coordinated for dissemination. I believe that with appropriate dissemination of information, the level of transparency of the work of LAD would be raised and consequently it would enable public confidence in the rule of law in Hong Kong.

Given the Task Force's work is meticulous and requires certain expertise that could not be supported by the Council alone, apart from Council members, I have invited experts from different professions to join the Task Force. The Task Force started the discussion with LAD in June 2014 with the assignment of legal aid cases being the first issue to be studied. The Task Force met on 5 occasions and has suggested some improvement measures to LAD on publicising the information on distribution of assignments to promote transparency. I was pleased to know that LAD in principle agreed to compile the relevant statistics on assignment and publish the same in LAD's Annual Report, which will be uploaded onto LAD's website.

步检讨。为此，本局成立了一个工作小组以跟进是次检讨。

尽管本局2014年9月的成员更替延迟了工作小组的工作进度，工作小组已就扩大「辅助计划」涵盖范围提出初步报告，并转送至两个法律专业团体，以了解他们的看法及建议。

法律援助服务由公帑支持运作。受助人依照其经评定的财务资源水平，必须缴付与其经济状况相称的分担费用。民政事务局在2015年2月向司法及法律事务委员会作出简介前，已向法律援助局简介其就调整经评定财务资源组别而提出修订规例的建议。在新建议下，无需缴付分担费用的受助人比率将会提升，而大部分经评定财务资源超出「普通计划」财务资格限额的



In recent years, the financial eligibility limits (FELs) of the Ordinary Legal Aid Scheme (OLAS) and the Supplementary Legal Aid Scheme (SLAS) have increased substantially, and the scope of OLAS and SLAS has also been expanded. Whilst the Administration is still gaining experience on the newly added proceedings, the Council was invited to conduct a further review on the scope of SLAS. Towards this end, the Council has formed a working group to follow up on the review.

Despite that there has been some delay in the work of the working group due to changes of some Council members in September 2014, the working group has provided its preliminary findings on the expansion of SLAS. Such findings have been shared with the two legal bodies to see if they have any views and submissions to make to the Council for consideration.

Legal aid services are supported by public funds. Aided persons, depending on the level of their assessed financial resources, are required to pay a contribution proportionate to their means. Before its briefing to the AJLS Panel in February 2015, the Home Affairs Bureau (HAB) briefed the Council on its plan to introduce the amendment regulations for the revised set of bandwidths of assessed financial resources. Under the proposal, the percentage of aided persons who do not need to pay any contribution will be increased and most of the aided persons with assessed financial resources exceeding 12.5% of the OLAS FEL will need to pay less contribution than before. On the same occasion, the Council was also given to note that upon making the amendment regulations, the Administration would adjust the FELs of OLAS and SLAS by 7.7% to \$290,380 and \$1,451,900 respectively to reflect the accumulated change in Consumer Price Index

12.5%的受助人，须缴付的分担费用将会较以前减少。与此同时，法援局获悉在修订规例后，行政当局将把「普通计划」和「辅助计划」的财务资格限额上调7.7%至290,380元和1,451,900元，以反映丙类消费物价指数在2012年7月至2014年7月期间录得的累积变动。本局欢迎有关修订及调整。

在2014年8月底，蔡惠琴女士、洪为民博士、梁伟权先生和马华润先生离任本局成员，由叶毓强先生、梁宏正先生、王惠贞女士及彭韵僊女士接任。本人衷心感激离任的成员在任内对本局作出的莫大贡献，尤其是服务本局长达6年的蔡女士和洪博士。虽然我们失去了经验丰富的成员，但我确信来自不同专业界别的新成员将为本局带来新思维及动力，不断改善法律援助服务水平，以回应社会日益提高的期望。

过去一年，法律界及其他法律援助持分者给予本局大力支持，我对他们每一位都深表感谢。我亦希望在此衷心感谢法援署署长及其团队克尽职守，并在检讨该署所提供的法律援助服务的讨论中，提供积极正面的协助。本人非常欣赏法援署的贡献，期望未来继续紧密合作。我亦对本局成员表示谢意，我深信在他们坚定的支持下，本局将继续兴盛发展，积极为维护及改善香港法治作出贡献。

(C) (CPI(C)) recorded between July 2012 and July 2014. The Council welcomed the proposed amendment and adjustment.

In the end of August 2014, we saw the departure of Ms Virginia CHOI, Dr Witman HUNG, Mr Edward LEUNG and Mr Billy MA. In their place are Mr Albert IP, Mr Clarence LEUNG, Ms Connie WONG and Ms Melissa PANG. I am indebted to these retired members who have made tremendous contributions to the Council during their tenure, particularly Ms CHOI and Dr HUNG who have served the Council for six years. Notwithstanding the loss of experience of retired members, I am confident that new members, with their expertise in different professions, will bring fresh ideas and momentum to the Council in further improving the legal aid service to meet the rising expectations of our community.

Throughout the year the legal profession and other legal aid stakeholders have given us a great deal of support. To every one of them I am indeed very grateful. I would also like to express my gratitude to the Director and members of LAD for their dedication to duty and hard work, as well as their positive assistance and forthrightness in the discussion and review of the legal aid service provided by the Department. I very much appreciate LAD's contribution and look forward to working closely with them in the years to come. My heartfelt appreciation also goes to members of the Council. With their unfaltering support, I am sure that the Council will continue to flourish and actively contribute to upholding and enhancing the rule of law in Hong Kong.