



年报 Annual Report  
**2014 - 2015**



**法律援助服务局**  
LEGAL AID SERVICES COUNCIL



# 目录

## Contents

抱负、使命及信念	2	<b>Vision, Mission and Values</b>
关于法援局	6	<b>About the LASC</b>
主席回顾	22	<b>Chairman's Review</b>
法律援助的独立性	26	<b>Independence of Legal Aid</b>
法律援助资讯的传递	30	<b>Dissemination of Legal Aid Information</b>
法律援助的政策及策略	40	<b>Legal Aid Policy &amp; Strategy</b>



与持分者的联系	52	<b>Liaison With Stakeholders</b>
大律师证明书计划	54	<b>Certificate by Counsel Scheme</b>
行政	60	<b>Administration</b>
审计署署长报告	64	<b>Report of the Director of Audit</b>
财务报告书及帐目	66	<b>Financial Reports and Accounts</b>
附录	78	<b>Appendix</b>

# 1

## 抱负、使命及信念 Vision, Mission and Values

### 抱负

法律援助服务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。

### 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 by people of limited means.

### 使命

本局的使命是确保提供优质、快捷、妥当的法援服务，并为此争取足够的经费；争取改善关于或影响法律援助服务的法律和行政制度；协助加强公众对法援服务的认识；以及按时检讨成立独立法援机构的问题。

### Mission

The mission of the Council is to ensure provision of high quality, efficient and effective legal aid services and to secure adequate funding therefor; to seek to improve continually the legal and administrative systems concerning and affecting the provision of legal aid; to help increase public awareness of legal aid; and to keep under review the establishment of an independent legal aid authority.



本局的信念是：

全力以赴、公正独立、通众近民、开诚布公及敏于众望。

The Council's values are:

Committed, Independent and Fair, Accessible,  
Transparent and Responsive.

## 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。本局亦积极推展法律援助服务。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，独立性是本局其中一项核心价值。在确认不同持分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。

## Values

### Committed

The Council is committed to its work and upholds its vision, mission and values (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.

## 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，或与本局就特定事宜沟通，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、持分者及本港或海外对法援有兴趣人士的沟通渠道。

## 开诚布公

加深公众对本局的了解可加强公众对本局及法援服务的信任，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局的工作。

## 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.

## Transparent

A better understanding of the Council will enhance trust in the Council and legal aid services being provided. It is a prerequisite 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.



## 敏于众望

基于两种原因，本局须敏锐回应。首先，法律援助服务与整个社会的各个范畴息息相关。为了对法援政策提供完善的意见，及有效监督法援署提供的法援服务，本局须紧贴社会、经济及政治状况、法律惯例及技术革新的变化，并积极应对。此外，对公众投诉或咨询作出及时全面的回应，将能建立更有效与公众沟通的渠道，有助公众透过本局积极参与法律援助服务的管理。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。

## 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

# 关于法律援助 About the LASC

## 成立

法律援助局根据《法律援助服务局条例》（第489章）在1996年9月1日成立，是一个法人团体，负责监督由法律援助署（「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。

自成立以来，本局对香港的法援服务作出多方面的建议。在法援政策方面，本局向政府就政策范畴事宜提供意见，并提出措施加强法援的独立性；至于法援服务的管理，本局就改善法援申请和审批的程序、分派案件予私人执业律师的制度及安排、外判案件的监察、被拒法援申请的上诉机制，以及法援署的资讯系统策略等提出建议。本局亦举办了会议和研讨会等外展活动，提高市民对法援的认识。

## 法律援助局的成员

法律援助局的组成包括主席一名，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或律师行业没有其他直接关系；持有根据《法律执业者条例》（第159章）发出的执业证书的大律师及律师各两名；以及四名行政长官认为他们与大律师或律师行业无任何关系的人士。所有成员均由行政长官委任。法律援助署署长是本局的当然成员。

## The Establishment

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

Since its establishment, the Council has made recommendations on various aspects of the legal aid services in Hong Kong. On legal aid policy, the Council has provided the Government with advice on issues covered in the policy, and has proposed measures to enhance the independence of legal aid. On the administration of legal aid services, the Council has made suggestions on ways to improve the application and processing procedures, system and arrangement for assigning cases to private lawyers, monitoring of assigned out cases, appeal procedures against legal aid refusal and the information system strategy of LAD, etc. The Council has also conducted outreach activities such as conference and seminars to promote public awareness of legal aid.

## Membership of the Council

The Council consists of: 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; 2 barristers and 2 solicitors, each holding a practising certificate issued under the Legal Practitioners Ordinance (Cap. 159); and 4 persons who, in the opinion of the Chief Executive, are not connected in any way with the practice of law. All members are appointed by the Chief Executive. The Director of Legal Aid sits on the Council as an ex-officio member.



在2014年4月1日至2015年3月31日止的年度内，法援局成员包括：

李家祥博士, GBS, JP (主席)

周凯灵女士

叶毓强先生 (由2014年9月1日起)

邝心怡女士, FHKIA, MH

梁宏正先生 (由2014年9月1日起)

李超华先生, LLB, LLM, 公证人

彭韵禧女士, MH, JP

(由2014年9月1日起)

潘素安女士

王惠贞女士, SBS, JP

(由2014年9月1日起)

蔡惠琴女士, BSW, FIHRM(HK), JP

(至2014年8月31日止)

洪为民博士, PhD, LLM, CITP

(至2014年8月31日止)

梁伟权先生, JP

(至2014年8月31日止)

马华润先生 (至2014年8月31日止)

法律援助署署长邝宝昌先生, JP

(当然成员)

The membership of the Council during the period from 1 April 2014 to 31 March 2015 is as follows:

Dr Eric LI Ka-cheung, GBS, JP (Chairman)

Ms Juliana CHOW Hoi-ling

Mr Albert IP Yuk-keung (from 1 September 2014)

Ms Anna KWONG Sum-ye, FHKIA, MH

Mr Clarence LEUNG Wang-ching (from 1 September 2014)

Mr Joseph LI Chiu-wah, LLB, LLM, Notary Public

Ms Melissa Kaye PANG, MH, JP (from 1 September 2014)

Ms Josephine Antonetta PINTO

Ms WONG Wai-ching, SBS, JP (from 1 September 2014)

Ms Virginia CHOI Wai-kam, BSW, FIHRM(HK), JP

(up to 31 August 2014)

Dr Witman HUNG Wai-man, PhD, LLM, CITP

(up to 31 August 2014)

Mr Edward LEUNG Wai-kuen, JP (up to 31 August 2014)

Mr Billy MA Wah-yan (up to 31 August 2014)

Mr Thomas Edward KWONG, JP, Director of Legal Aid

(ex-officio)



## 法援局成员简历

## Members of the Council



主席李家祥博士 GBS, JP  
Dr Eric LI Ka-cheung GBS, JP, Chairman



- 资深执业会计师
- 多间主要公营机构和上市公司的核数委员会主席
- 1994年任香港会计师公会主席
- 担任立法会议员（会计界功能组别）13年，直至2004年
- 于立法会议员任期内，连续9年被选为立法会政府帐目委员会主席
- 1993年当选首位香港杰出会计师
- 荣获国际会计师大奖2002
- 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

- A senior practising accountant by profession
- Chairman of audit committees of major public bodies and listed companies
- President of the Hong Kong Society of Accountants in 1994
- Legislative Council Member (Accountancy Functional Constituency) for 13 years, up to 2004
- Chairman of the Public Accounts Committee of the Legislative Council for 9 consecutive years during his tenure as Legislative Council Member
- Awarded the first Accountant of the Year of Hong Kong in 1993
- Received the International Accountant Award in 2002
- 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



周凯灵女士  
Juliana CHOW Hoi-ling



- 持有香港大学法学专业证书
- 1986年取得大律师资格
- 入境事务审裁处法律顾问
- 发展局上诉审裁团（建筑物）主席
- 香港大律师公会会员福利委员会及大律师资格考试委员会委员
- 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及废物处置上诉委员会小组成员
- 1998至2007年为当值律师服务的义务律师，并曾是大律师公会管理委员会和法律援助检讨委员会委员
- Holder of a PCLL of Laws from the University of Hong Kong
- Called to the Bar in 1986
- Legal Advisor to the Immigration Tribunal
- Chairman of Appeal Tribunal, Buildings Ordinance of Development Bureau
- Member of the Bar Association's Special Committees on Welfare and Barristers Qualification Examinations
- Member of Noise Control Appeal Board Panel, Water Pollution Control Appeal Board Panel and Waste Disposal Appeal Board Panel of Environmental Protection Department
- Previously served as lawyer of the Duty Lawyer Service from 1998 to 2007 and sat on the Bar Chambers Management Committee and Legal Aid Review Committee



叶毓强先生  
Albert IP Yuk-keung



- 朗廷酒店投资的执行董事及行政总裁
- 多家上市公司的独立非执行董事，包括AEON信贷财务（亚洲）有限公司、合和公路基建有限公司、合和实业有限公司、利福国际集团有限公司、新世界中国地产有限公司、电能实业有限公司及TOM集团有限公司
- 冠君产业信托之信託管理人鹰君资产管理（冠君）有限公司的非执行董事
- 岭南大学客席教授
- 香港城市大学商学院客席教授及国际咨询委员会成员
- 澳门大学客席教授及国际顾问委员会委员
- 拥有圣路易斯市华盛顿大学理学学士学位及康乃尔大学和卡内基梅隆大学理学硕士学位
- 美国圣路易斯市华盛顿大学行政院士及亚洲国际咨询委员会成员
- 美国圣路易斯市华盛顿大学荣誉校友
- 新加坡管理大学金融经济研究所研究院士
- 职业训练局荣誉院士
- 世界绿色组织董事会成员
- 教育局校长资格认证委员会委员
- Executive Director and Chief Executive Officer of Langham Hospitality Investments
- Independent Non-Executive Director of publicly listed companies – Aeon Credit Services (Asia), Hopewell Highway Infrastructure, Hopewell Holdings, Lifestyle International Holdings, New World China Land, Power Assets and TOM Group
- Non-Executive Director of Eagle Asset Management, Manager of Champion Real Estate Investment Trust
- Adjunct Professor, Lingnan University
- Adjunct Professor and International Advisory Committee, College of Business, City University of Hong Kong
- Adjunct Professor and member of the International Advisory Committee, University of Macau
- B.S. degree at Washington University in St. Louis, and M.S. degrees at Cornell University & Carnegie-Mellon University
- Member of International Advisory Council for Asia, and Executive Fellow of Washington University in St. Louis
- Alumni Hall of Fame, Washington University in St. Louis
- Research Fellow of Institute for Financial Economics, Singapore Management University
- Honorary Fellow of Vocational Training Council
- Board of Governor of World Green Organisation
- Member of Committee of Certification for Principalship, Education Bureau



邝心怡女士 FHKIA, MH  
Anna KWONG Sum-yee FHKIA, MH



- 认可人士 – 注册建筑师，曾任职于私营和公营企业及天主教香港教区，于2006年开始私人执业
- 香港建筑师学会2009-2010年度会长
- 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
- 义务工作发展局「紫荆领袖义工奖」得主
- 为非政府机构和发展商进行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，另一个获香港建筑师学会社区建筑奖
- 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
- 香港特别行政区行政长官选举委员会委员（2006及2011年）
- 全国人民代表大会香港地区代表选举委员会委员（2007及2012年）
- 在2013年获委任为一间上市公司的独立非执行董事
- Authorized Person – Registered Architect and worked in both private, public and Catholic Diocese of Hong Kong before she commenced her practice in 2006
- President of the Hong Kong Institute of Architects (HKIA) (biennium 2009-2010)
- 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
- A recipient of the Bauhinia Leadership Award organised by the HK Agency for Volunteer Service
- Two of her Conservation Projects for church/new buildings for NGOs/developers she carried out won the United Nations Educational, Scientific and Cultural Organisation Asia-Pacific Office “Culture Heritage & Conservation Award” and another Community Building Award from the HKIA
- Appointed by the HKSAR Government to the Town Planning Board, Council and Court of the Lingnan University, Trade Development Council – Infrastructure Development Advisory Committee
- Election Committee Member for the HKSAR Chief Executive (2006 & 2011)
- Election Committee Member for the National People's Congress Hong Kong Deputies (2007 & 2012)
- Appointed by a listed company to serve as a Non-Executive Independent Director in 2013





梁宏正先生  
Clarence LEUNG Wang-ching



- 新兴织造厂有限公司董事
- 香港菁英会荣誉主席
- 工业贸易咨询委员会成员
- 城市规划委员会成员
- 扶贫委员会委员
- 旅游业策略小组委员
- 香港精神大使董事及创办人之一
- 「源」慈善基金董事
- 曾任香港特别行政区政府中小型  
企业委员会委员
- 曾任中央政策组非全职顾问
- 剑桥大学经济学荣誉学士及硕士
- Director of Sun Hing Knitting Factory Limited
- Honorary Chairman of the Y. Elites Association
- Member of the Trade and Industry Advisory Board
- Member of the Town Planning Board
- Member of the Commission on Poverty
- Member of the Tourism Strategy Group
- One of the founders and directors of Hong Kong Spirit  
Ambassadors
- Director of the Origin Charity Foundation (Charity  
Association)
- Previously served as member of HKSAR SME Committee
- Previously served as a Part-time Member of the Central  
Policy Unit
- Awarded BA and MA honours in Economics by the  
University of Cambridge





李超华先生 LLB, LLM, 公证人  
Joseph Li Chiu-wah LLB, LLM, Notary Public



- 李超华律师行高级合伙人
- 1986年于英国获认许为律师
- 私人执业前，曾任当时律政司署高级检察官
- 香港律师会理事会理事
- 香港律师会国际法律事务委员会及有限法律责任合伙工作小组主席
- 当值律师服务执委会主席
- Senior Partner of Joseph Li & Co
- First admitted in England in 1986
- Served as a Senior Crown Counsel of the then Attorney General's Chambers before entering private practice
- Council Member of the Law Society of Hong Kong
- Chairman of the International Legal Affairs Committee and the Working Party on Limited Liability Partnership of the Law Society
- Chairman of the Duty Lawyer Service Council



彭韵僖女士 MH, JP  
Melissa Kaye PANG MH, JP



- 执业律师
- 中国委托公证人
- 国际公证人
- 婚姻监礼人
- 认可调解员
- 彭耀樟律师事务所合伙人
- 香港律师会副会长
- 公民教育委员会主席
- 建造业议会委员
- 社会企业咨询委员会委员
- 香港房屋委员会投标小组委员会委员
- Practising Solicitor
- China – Appointed Attesting Officer
- Notary Public
- Civil Celebrant
- Accredited General Mediator
- Managing Partner of Pang & Associates
- Vice President of the Law Society of Hong Kong
- Chairman of Committee on the Promotion of Civic Education
- Member of Construction Industry Council
- Member of Social Enterprise Advisory Committee
- Member of Tender Committee of Hong Kong Housing Authority



潘素安女士  
Josephine Antonetta PINTO



- 执业大律师
- 1982年取得香港大律师资格
- 1983-1993年为当值律师服务的义务律师
- 自1983年起为免费法律咨询计划的义务律师
- 香港大律师公会执行委员会委员 (1987-1989)
- 香港大律师公会小组委员会委员
  - (1) 人身伤亡赔偿委员会 (2002-2006)
  - (2) 海外大律师资格认许委员会 (1987-1988)
  - (3) 基本法起草小组委员会 (1988)
  - (4) 越南难民小组委员会 (1988)
- 1997年精神健康(修订)条例委员会委员 (1998-1999)
- 与律师会联合组成的法律持续进修委员会委员 (1988)
- 《精神健康条例》下的监护委员会委员 (1999-2002)
- 皇家特许仲裁员协会认可仲裁师 (1993-1995)
- 「香港法律汇报与摘录」的顾问编辑 (2005年至今)
- Practising Barrister
- Admitted to the Hong Kong Bar in 1982
- Acted for the Duty Lawyer Service (1983-1993)
- Acting on Duty Lawyer Service Free Legal Advice Panel since 1983
- Member of the Committee of the Hong Kong Bar Association (1987-1989)
- Member of the Hong Kong Bar Association's Sub-Committees
  - (1) Special Committee on Personal Injuries (2002-2006)
  - (2) Sub-Committee on Admission of Overseas Counsel (1987-1988)
  - (3) Sub-Committee on Draft Basic Law (1988)
  - (4) Sub-Committee on Vietnamese Refugees (1988)
- Member of Committee on Mental Health (Amendment) Ordinance 1997 (1998-1999)
- Member of Joint Committee with Law Society on Continuing Legal Education (1988)
- Member of Guardianship Board under Mental Health Ordinance (1999-2002)
- Fellow of The Chartered Institute of Arbitrators (1993-1995)
- Consultant Editor of the Hong Kong Law Reports and Digest (2005 to date)



王惠贞女士 SBS, JP  
Connie WONG Wai-ching SBS, JP



- 香港浸会大学荣誉院士
- 英国曼彻斯特大学管理学硕士
- 自1993年起出任王新兴有限公司董事总经理、万菱实业（广东）有限公司执行董事及广州市万菱置业有限公司董事总经理
- 2009年至今为九龙社团联合会理事长
- 自2012年起为香港广西社团总会永远会长及香港中华总商会常务会董
- 2008年起担任港区省级政协委员联谊会基金会副主席
- 2014年起担任香港义工联盟常务副主席
- 2008年起担任九龙城区议员，并为九龙城区地区推广国民教育工作小组主席
- 获委任为上诉委员会（游戏机中心）委员（2010年至今）、奖券基金咨询委员会委员（2011年至今）及独立监察警方处理投诉委员会观察员（2014年至今）
- 曾任九龙城区公民教育运动统筹委员会主席、九龙城市区更新地区咨询平台及九龙城区议会房屋及基础建设委员会委员
- Honorary University Fellow of Hong Kong Baptist University
- Master of Management Studies, University of Manchester, England
- Managing Director of Wong Sun Hing Limited, Executive Director of Onelink Industrial (Guangdong) Co Ltd and Managing Director of Guangzhou WanLing Real Estate Co Ltd since 1993
- President of the Kowloon Federation of Associations from 2009 to present
- Life President of the Federation of Hong Kong Guangxi Community Organisations Ltd and Standing Committee Member of The Chinese General Chamber of Commerce since 2012
- Vice Chairperson of HKCPPCC since 2008
- Standing Vice Chairperson of the Hong Kong Volunteers Federation since 2014
- Member of Kowloon City District Council since 2008 and served as the Chairperson of Kowloon City District Working Group on District Promotion of National Education
- Appointed as member of the Appeal Board (Amusement Game Centres) (2010 to present) and the Lotteries Fund Advisory Committee (2011 to present), as well as observer of the Independent Police Complaints Council (2014 to present)
- Served as Chairperson of Kowloon City District Civic Education Campaign Organising Committee, and sat on Kowloon City District Urban Renewal Forum and Kowloon City District Council Housing and Infrastructure Committee



法律援助署署长邝宝昌先生 JP

Thomas Edward KWONG JP, Director of Legal Aid



- 拥政治科学及法律学学士学位
- 取得澳洲新南威尔斯最高法院、英格兰及威尔斯最高法院和香港特别行政区高等法院的律师资格
- 1987年10月加入法律援助署，担任法律援助律师
- 2013年9月获委任为法律援助署署长
- 现为民事司法制度改革监察委员会、律政司司长辖下调解督导委员会和规管架构小组委员会、香港调解资历评审协会有限公司调解资历评审委员会的委员
- 2014年担任第3届亚洲调解协会会议筹备委员会荣誉委员
- 曾任首席法官辖下调解工作小组、民事法庭使用者委员会、刑事法庭使用者委员会、刑事诉讼程序委员会、家事调解督导委员会、律政司司长辖下调解工作小组和调解专责小组、香港法律改革委员会集体诉讼小组委员会、雇员补偿援助基金管理局、交通意外伤亡援助咨询委员会、香港国际仲裁中心调解员认可委员会的委员
- Graduated with Bachelor of Political Science and Bachelor of Laws
- Admitted as a Solicitor of the Supreme Courts of New South Wales, England and Wales and the High Court of Hong Kong
- Joined the Legal Aid Department in October 1987 as a Legal Aid Counsel
- Appointed Director of Legal Aid in September 2013
- Member of the Civil Justice Reform Monitoring Committee, SJ's Steering Committee on Mediation and Regulatory Framework Sub-Committee and HKMAAL Mediation Accreditation Committee
- Honorable member of the Organising Committee of the 3rd Asian Mediation Association Conference (2014)
- Previously served as member of the CJ's Working Party on Mediation, Civil Court Users' Committee, Criminal Court Users' Committee, Criminal Procedure Rules Committee, Steering Committee on Family Mediation, SJ's Working Group on Mediation, SJ's Mediation Task Force, Law Reform Commission Sub-Committee on Class Actions, Employees' Compensation Assistance Fund Board, Traffic Accident Victims Assistance Advisory Committee and HKIAC Mediator Accreditation Committee

## 法援局的职能

法援局负责监督法援署管理其提供的法律援助服务。法援署就该等服务的提供，向法援局负责。

法援局为履行职责，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，并作出妥善和适当的安排，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。



## Functions of the Council

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

In discharging its responsibility, 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.



法援局无权就法援署的职员事宜及其对个别案件的处理向法援署作出指示。

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

- (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) 设立一个独立的法律援助管理局的可行性及可取性；及
- (c) 由行政长官不时转交法援局的任何其他法律援助事项。

## 兴趣小组

为使公众能参与法援服务的管理，及听取各持分者对法援运作的回应，本局成立兴趣小组，以建立一个有系统的沟通渠道，让法律专业人士和业外人士就法援未来的发展互相交流意见，并确立重要的法援议题，以便制订法援政策及监督提供法援服务的情况。

每个兴趣小组均由本局成员出任主席。除本局成员外，兴趣小组吸纳了来自不同界别的成员，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、

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 also serves as 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.

## Interest Group

As a means to invite public participation in legal aid administration and obtain operational feedback from stakeholders, the Council established interest groups which serve as a structured communication channel where the legal profession and lay members of the community may exchange views on the further development of legal aid, and identify legal aid issues of significance to the objective of policy formulation and overseeing of the provision of legal aid services.

Each interest group is led by a Council member. Apart from Council members, the interest groups comprise members from other spectrum, including academics (in the legal as well as social studies fields), accountants, architects, barristers, doctors, dentists, engineers, an environmental consultant, a landscape architect, various members of the



不同社会服务范畴的工作者、律师和测量师。现时，兴趣小组共有69名成员。一般而言，兴趣小组的职权范围包括就其处理的议题向法律援助局汇报意见及 / 或评论，并提出建议，同时审议任何由法律援助局转介的事项。

目前，本局共设两个兴趣小组——「法律援助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」，分别由彭韵僖女士和周凯灵女士担任主席。

social services field, solicitors, and surveyors. Up to date, there are 69 members in the interest groups. Generally, the terms of reference of the interest groups are to report back to the Council feedback and/or comments and to make recommendations in respect of the subject under the purview of the interest groups; and to consider any issues referred by the Council.

At present, there are two interest groups set up under the Council, namely the Interest Group on Processing, Assignment and Monitoring of Assigned-out Cases and the Interest Group on Scope of Legal Aid. Council members Ms Melissa PANG and Ms Juliana CHOW are the respective chairpersons of the two Interest Groups.

## 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。现时本局设有两个工作小组，其中一个是为研究扩大法律援助辅助计划的涵盖范围，而另一个是为改善法律援助资讯的传递，以提高法援署运作的透明度。

兴趣小组和工作小组成员名单刊于附录。

## Working Group

The Council also forms working groups as necessary to study specific issues in depth and make recommendations based on its findings to the Council. At present, there are two working groups. One of the working groups is to review the scope of Supplementary Legal Aid Scheme and the other one is to study the dissemination of legal aid information. The set-up of the latter aims at enhancing the operational transparency of LAD.

Membership of the Interest Groups and the Working Group / Task Force is at the Appendix.

### 3

## 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，已向法援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.

## 4

# 法律援助的独立性

## Independence of Legal Aid

### 行政当局对本局建议的立场

行政当局在2014年6月24日立法会司法及法律事务委员会的会议上，向委员会成员简介了其跟进本局有关法律援助独立性建议的立场。

经审慎评估本局的建议、持分者的意见，以及有关长远督导法律援助范畴的政策考虑因素，行政当局决定：a) 原则上接受本局提出的建议，即制定法援政策及管理法律援助署（「法援署」）的责任应归属政务司司长办公室，以及法援署署长应直接向政务司司长汇报工作，并视乎政务司司长办公室于现届政府的各项工作承诺及民政事务局（「民政局」）目前进行的多项检讨的进度，研究落实建议的时间表；b) 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，跟进本局有关法援署管治及运作透明度的建议。

就本局提出的其他建议，行政当局的决定如下：

### The Administration's position in taking forward the Council's recommendations

At the meeting of the Panel of Administration of Justice and Legal Services of Legislative Council held on 24 June 2014, the Administration briefed Panel members on its position in taking forward the Council's recommendations on the independence of legal aid.

After careful assessment of the Council's recommendations, views from stakeholders, as well as policy considerations on the continuity in overseeing the legal aid portfolio, the Administration decided: a) 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 (CSO) and the Director of Legal Aid (DLA) should report directly to the Chief Secretary for Administration (CS), with the implementation timetable be reviewed in the light of various commitments of CSO in this term of Government and the progress of various on-going reviews which the Home Affairs Bureau (HAB) is undertaking; and b) to follow-up on the Council's recommendations regarding LAD's governance and operational transparency while maintaining the existing legal framework governing the Council's oversight role under the LASC Ordinance (Cap. 489) and legal aid funding support for LAD.

As regards LASC's other recommendations, the Administration's decision is as follows –

## 法援署署长及副署长的工作表现评核与提名

行政当局不赞成顾问提出有关本局应参与任命及评核法援署署长及副署长工作表现的建议，当局认为有关建议从根本上偏离现行公务员制度。现行公务员制度的基本原则是透过公开、公平及具竞争性的程序，任命最适合有关工作的人选。在任命晋升职级人员方面，现时已设有行之有效而透明的机制处理晋升遴选工作，当中包括召开及组成晋升遴选委员会、制订晋升遴选准则、公开晋升遴选程序等，而有关机制适用于整个公务员体系。此外，由本局提名署长及副署长人选亦未必符合现行法例的规定。然而，当局认为在评核署长及副署长的工作表现时，可纳入本局主席的意见。

## 法援局对法定代表律师办事处的监督角色

法定代表律师是根据《法定代表律师条例》委任的公职人员，在诉讼中代表由于年龄或精神原因在法律上无行为能力的人士。法定代表律师办事处设有独立的办事处，并有专属职员，职能与提供法援并无关系。由于本局的职能限于监督法援署提供的法援服务，行政当局认为并无充分理据把本局的角色延伸至法援服务以外，把法定代表律师办事处纳入本局监督范围。

## Performance evaluations and nominations of DLA and DDLAs

The Administration did not agree to the consultant's recommendation on the Council's involvement in the appointment and performance appraisal of DLA and the Deputy Directors of Legal Aid (DDLAs), which would represent a fundamental deviation from the prevailing civil service mechanism that has been devised to uphold the fundamental principle of appointing the most suitable person for the job through an open, fair and competitive process. For appointment to an office at a promotion rank, there is a well-established and transparent mechanism for conducting a promotion exercise, including convening of promotion boards and their composition, formulation of selection criteria for promotion, openness of the promotion exercise, etc. Such a mechanism is applicable service-wide. The Administration also considered it not legally in order for the Council to nominate candidates for the posts of DLA and DDLAs under the existing legislation. That said, the Administration found there should be scope for the views of the Chairman of LASC be reflected in performance evaluations of DLA and DDLAs.

## LASC's oversight role to cover Official Solicitor's Office

The Official Solicitor is appointed under the Official Solicitor Ordinance and is a public officer who represents the interest of persons under disability of age or mental capacity in proceedings. The Official Solicitor's Office (OSO) is housed under a separate office with its own dedicated staff performing functions that do not relate to the provision of legal aid. As the Council's function is confined to overseeing the legal aid services provided by LAD, the Administration did not see any strong justifications for

## 法律援助局监督法律援助署根据第9条要求外委律师提供意见的权力

根据《法律援助条例》（《法律援助条例》）（第91章）第9(d)条，法律援助署署长可把法律援助申请转介予名列适当名册的大律师或律师调查有关事实，并就该等事实提供报告或意见，或就该项法律援助申请所引起的任何法律问题提供意见。因应法律援助署按《法律援助条例》第9条寻求意见时会偏好选用律师名册中倾向赞同法律援助署署长决定的律师的观感问题，行政当局会继续与本局及法律援助署研究，能否在符合《法律援助条例》第4(3)条所订明本局不得就个别案件的处理作出指示的规定下，加强本局监督法律援助署根据《法律援助条例》第9(d)条外委律师的角色。

## 法律援助局监管法律援助署拒批民事及刑事法律援助申请的权力

由于本局的主要法定职责为监督法律援助署管理其所提供的法律援助服务，行政当局将与本局研究能否在法律援助署整体处理个案方面强化本局的监督角色。

expanding the role of the Council beyond legal aid to cover OSO.

## LASC's power to oversee LAD's case assignment for obtaining Section 9 opinions

Under Section 9(d) of the Legal Aid Ordinance (Cap. 91) (LAO), DLA may refer an application to a counsel or solicitor, whose name is on the appropriate panel, to investigate the facts and make a report thereon or to give any opinion thereon or on any question of law arising out of the application. To address the perception problem that LAD has a "preferred panel" of lawyers which provides "Section 9" opinions that favor DLA's interpretation of the legal merit of the case, the Administration would work with the Council and LAD to see if there is any room to enhance the Council's oversight on LAD's case assignments under Section 9(d) of LAO without interfering with the handling of individual cases as prescribed under Section 4(3) of the LASC Ordinance.

## LASC's power to oversee LAD's decisions on refusals of civil and criminal legal aid applications

As the Council's primary statutory responsibility is to oversee the administration of legal aid services provided by LAD, the Administration will work with the Council to see if there is any room to enhance its role in overseeing LAD's overall handling of cases.





民政局在本局2015年1月27日的会议上，向本局成员简介行政长官在2015年《施政报告》有关法律援助及法律咨询服务政策措施。当中，民政局重申行政当局会在维持《法律援助服务局条例》（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，跟进本局有关法援署管治及运作透明度的建议。民政局同时提到行政当局知悉本局已成立专责小组检视法律援助资讯的传递，从而就提高法援署的运作透明度提出建议。民政局表示行政当局将继续支持本局的工作。

## 提高法援署的运作透明度

如去年年报所载，本局已成立一个由本局主席带领，并由三名本局成员和来自不同专业范畴的专家组成的专责小组，以研究改善法律援助资讯的传递，从而提高法援署的运作透明度。

过去一年，专责小组分别于2014年6月16日、8月15日、10月10日及12月22日召开了共4次会议。详细工作进度将在下一章中阐释。

At the Council meeting held on 27 January 2015, HAB briefed Council members on details of the policy commitments in respect of legal aid and legal advice services in the Chief Executive's 2015 Policy Address. Among other things, HAB recapped that the Administration had undertaken to follow-up on the Council's major recommendations on the independence of legal aid regarding LAD's governance and operational transparency while maintaining the existing legal framework governing the Council's oversight role under the LASC Ordinance (Cap. 489) and legal aid funding support for LAD. HAB also said that the Administration noted the Council's setting up of a task force to review the dissemination of legal aid information with a view to making recommendations on the enhancement of LAD's operational transparency. HAB assured that the Administration would continue to support the Council's work.

## Enhancing the operational transparency of LAD

As reported in the last annual report, a task force chaired by the Council chairman and supported by 3 other Council members as well as experts of different professions was set up to review the dissemination of legal aid information with a view to enhancing the operational transparency of LAD.

During the year, the task force met on a total of 4 occasions i.e. 16 June, 15 August, 10 October, 22 December 2014. Details of the progress of the work done by the task force are given in the next chapter.

# 5

## 法律援助资讯的传递

### Dissemination of Legal Aid Information

#### 专责小组的成立

本局于2014年中成立了一个关于改善法律援助资讯传递的专责小组，其工作目标是检视持分者对法律援助署（「法援署」）所提供的法援服务的关注；找出引发这些关注的资讯差距，尤其在统计数据方面；以及向本局建议是否需要发放其他统计数据或工作表现指标，以提高法援署的运作透明度。专责小组的职权范围如下：

- (a) 检视持分者对法援署所提供的法援服务的关注；
- (b) 审视目前向公众发放的法援资讯是否足够，包括但不限于法援申请数字、外委法援案件数字、法援开支统计数据等；
- (c) 明确指出资讯差距所在和需要改进的地方；及
- (d) 建议如何改善不足之处

专责小组由法援局主席带领。由于小组的工作严谨仔细，亦需要不同范畴的专业知识，本局难以独力承担。因此，小组的成员应包括：

- (i) 两名分别由大律师公会及香港律师会提名加入本局的成员，从业内人士的角度提供意见；
- (ii) 两名熟悉财务资讯传递及数据处理的人员，协助准备需要传递的资讯；
- (iii) 两名资讯科技专家，就如何从法援署的电脑系统整合所需资料，以及所需的电脑系统配备作出建议；及

#### Establishment of a Task Force

A task force on the dissemination of legal aid information was established under the Council in mid 2014. It was tasked to look at the concerns of stakeholders on the legal aid services provided by the Legal Aid Department (LAD); to identify the information gaps leading to the concerns particularly in respect of the statistical information; and to make recommendations to the Council on the statistics or performance indicators required to increase the transparency of the operation of LAD. The Task Force's terms of reference are as follows:

- (a) to look at the concerns of stakeholders on the legal aid services provided by LAD;
- (b) to examine whether or not the legal aid information currently disseminated to the public, including but not limited to application data, assignment data, and statistics on legal aid costs, is adequate;
- (c) to identify the information gaps that need to be addressed, and the possible areas of improvement; and
- (d) to make recommendations to address the deficiencies.

The Task Force is led by the Council chairman. As its work is meticulous and requires certain expertise that could not be supported by the Council alone, it was agreed that the composition of the Task Force should include:

- i) two members from the Council with one each from the Bar Association and the Law Society to advise on the requirements of statistical information from the user point of view;
- ii) two members who are trained with figures and are familiar with financial information dissemination to assist in the preparation of the information to be disseminated;



- (iv) 一名统计师，负责就法援署的统计数据提供意见。

除了应本局主席邀请加入外，亦欢迎有兴趣的本局成员加入专责小组。目前，小组成员包括本局成员叶毓强先生、梁宏正先生及潘素安女士，前本局成员洪为民博士、马华润先生，以及非本局成员叶超然先生、龚永德先生、李荣光先生及伍尚匡先生。法援署副署长(政务)亦应邀代表法援署加入专责小组，使有关法援署公布统计资讯的讨论更切实有效。

## 法援署资讯传递的检讨

专责小组于2014年6月16日的第一次会议中指出，有些对法援署的法援服务所作出的批评可以透过改善资讯传递来解决。相关议题包括：

- a) 法援案件的外判情况；
- b) 法援的财政预算；以及
- c) 审批法援申请的独立性，尤其涉及向政府提出索偿的申请个案

直至目前为止，专责小组已完成研究首两项议题的统计数据。专责小组将继续研究，并与法援署商讨是否需要为其主要工作表现指标加入新项目，以便更确切反映其实际表现。

- iii) two IT experts to advise on how the required information, if not yet readily available, could be generated from LAD's computer system and the system requirements to achieve the purpose if necessary; and
- iv) one statistician to give advice on the statistical data produced by LAD.

Apart from invitation by the Council chairman, Council members who have interest in the subject may also join the Task Force. At present, members of the Task Force comprise Council members Mr Albert IP, Mr Clarence LEUNG and Ms Josephine PINTO, ex-Council members Dr Witman HUNG and Mr Billy MA, as well as non-Council members Mr Eddie IP, Mr Peter KUNG, Mr Alvin LI and Mr Jason WU. To enable an effective discussion of the statistical information disseminated by LAD, upon invitation, the Deputy Director of Legal Aid (Policy and Administration) sits on the Task Force as representative of LAD.

## Review of the Information Disseminated by LAD

At its first meeting held on 16 June 2014, the Task Force identified the criticisms against the legal aid services provided by LAD that could be addressed by improving the dissemination of information. The issues concerned include:

- a) the assignment of legal aid cases;
- b) the legal aid budget; and
- c) the independence of granting legal aid particularly to applicants who pursue claims against the Government

## 法援案件的外判情况

### 持分者的关注及相关跟进工作

早前法庭就两宗广为人知的司法复核案件作出裁决后，法援署按照受助人的提名委派律师处理案件的安排一直备受关注。在立法会司法及法律事务委员会于2012年1月举行的会议中，谭耀宗议员曾建议法援署推行一个申报制度，在委派律师前，要求申请人申报其提名律师的决定并非受到兜揽生意活动或其他不当行为所影响。同年，谭议员亦再次在特别财务委员会的提问中带出这个议题。

在2012年4月，交通事务委员会和财经事务委员会辖下联合小组委员会的会议中讨论到，《法律援助条例》赋予法援申请人选择其代表律师的权利，可能是导致承保的士和公共小巴的保险公司因作出大额赔偿而出现亏损的其中一个因素。法援署获邀回应小组委员会对法援案件可能涉及包揽诉讼的关注。

法援署明白有关忧虑。为确保受助人有胜任的律师代表，而选择该名律师是出自其意愿，并非受该名大律师或律师的不当行为所影响，在考虑两个法律专业团体的意见后，「申报制度」于2013年9月正式推行。在新制度下，如获提名律师未能确认自己并不涉及任何不当兜揽生意行为，便不得接受相关委派，

Up till now, the Task Force has completed studying the statistics relating to the first two issues. It would continue the study and discuss with LAD on its key performance indicators (KPIs) to see whether new items could be added to better demonstrate its actual performance.

## Assignment of Legal Aid Cases

### Concerns of Stakeholders and Follow-up Actions Taken

There have been concerns over the assignment of lawyers by LAD in judicial review cases based on the aided persons' nomination following the court's rulings in two high profile judicial review cases. At the meeting of the Administration of Justice and Legal Services (AJLS) Panel of the Legislative Council (LegCo) held in January 2012, the Honourable Tam Yiu Chung suggested LAD considering the implementation of a declaration system requiring the applicant, before case assignment, to declare that his/her choice of lawyers had not been affected by touting or other improper conduct on the part of the lawyers nominated. The issue was brought up again in the form of a Special Finance Committee question raised by Mr Tam in the same year.

In a joint sub-committee meeting of the Panel on Transport and on Financial Affairs in April 2012, there was also discussion that the right of an applicant for legal aid to select his/her own solicitor under the Legal Aid Ordinance (LAO) might be a contributing factor to the losses in underwriting insurance for taxi and public light bus as a result of substantial claims being made. LAD was invited to address the sub-committee's concern over possible champerty in some legal aid cases.

并须把个案文件交还法援署。此外，自2013年年底起，法援署严格根据外判案件数量的准则来委派律师跟进人身伤害申索及相关案件。在2015年2月，法援署进一步加紧对外判案件安排的监管，除司法复核案件外，所有类别案件的外判安排均须严格按照上述准则处理。

除上述之外，法援署也采取了不少措施，以打击律师妨碍受助人自由选择律师的不当兜揽生意活动。法援署在法援通讯刊登有关索偿代理的文章、在其办事处内展示宣传海报，以及制作短片提醒公众在进行金钱申索时切勿向索偿代理寻求协助。法援署亦禁止律师行代理在署方办事处派名片，此外，该署于17间公立医院的急症室内张贴海报，提醒公众小心提防索偿代理。法援署将加强力度，物色更多合适的场所宣传提防索偿代理的讯息。

### 外判法援案件的统计数据

目前，法援署透过其网站和年报或通过政府的开支预算案来发放资讯/统计数据，并向本局提交季度报告。

为了解目前发放的资讯是否足以展示法援案件委派的实际情况，以及外判案件没有受不当兜揽生意活动所影响，专责小组研究了以下的统计数据：



LAD noted the concerns. To ensure that aided persons will be represented by competent lawyers and their choice of lawyer is entirely out of their own free will and is not the result of any improper conduct on the part of the solicitor or counsel nominated, a “Declaration System” was put in place in September 2013 after taking into account the views of the two legal professional bodies. Under the new system, the nominated lawyers are required to return the case papers to LAD if they are unable to confirm that they are not involved in any improper touting activities. Besides, since late 2013, strict adherence to the assignment criteria on the number of cases has been adopted for personal injury and related cases. In February 2015, LAD further extended the strict adherence to assignment criteria to cover all types of cases except judicial review cases.

Apart from the above, LAD has taken a number of measures to combat improper touting activities by solicitors designed to curb the freedom of aided persons over their choice of lawyer. LAD has published articles on recovery agent in LAD News, displayed posters at its office premises and produced video documentary warning the public against seeking help from recovery agents to assist them in their monetary claims. LAD has also chased away



- i) 外判案件予大律师的分布情况；
- ii) 外判案件予律师的分布情况；
- iii) 拥有超过10年执业经验及处理外判案件数量达16至30宗或5至15宗的大律师；
- iv) 获委派最多民事案件的20位律师；
- v) 外判给指定律师的民事案件统计数据；
- vi) 2013-14年度获委派最多案件的20位律师于该年度及2009年至2014年期间获委派的民事案件数目；
- vii) 2009-10年度至2013-14年度期间获委派最多案件的20位律师于该年度获委派的民事案件数目

agents of law firms giving out name cards at its office. In addition, LAD has arranged displaying posters at the Accident & Emergency Department of 17 public hospitals warning the public against recovery agents. They will step up the effort by identifying more places at which they could alert the public about the recovery agents.

### ***Statistics on Assignment of Legal Aid Cases***

Currently, LAD disseminates its information/statistics through its website and annual departmental report or via the Government's estimates of expenditure. It was also provided in a quarterly report to the Council.

To understand whether the information currently disseminated is adequate to demonstrate the actual situation of legal aid cases allocation and that the assignment of legal aid cases has not been affected by improper touting activities, the Task Force has studied the following statistics:

- i) distribution of assignments to counsel;
- ii) distribution of assignments to solicitors;
- iii) counsel with over 10 years of experience in assignment categories 16 - 30 and 5 - 15;
- iv) top 20 solicitors in terms of number of assignments for civil cases;
- v) statistics on assignments to selected solicitors in civil cases;
- vi) number of civil cases assigned to top 20 solicitors in 2013-14 and their respective assignments from 2009 to 2014; and
- vii) number of civil cases assigned to each of the top 20 solicitors, 2009-10 to 2013-14.



## 总结及建议

在检讨法援署提供的统计数据及补充资料后，专责小组认为总体来说，外判予律师的案件数量属合理水平，而一些例外情况的解释亦可接纳。专责小组相信，若此等统计数据可定期发放的话，应可以减少外界对法援案件外判安排的不必要批评或怀疑，因为这些数据不但展示了外判案件的分布情况，也可显示个别律师获委派的案件数量是否超出上限。长远来说，该等统计数据可作为一个追查记录，同时对利用外判制度而得益的律师起了显著的阻吓作用，进而协助打击不当兜揽生意活动。另一方面，法律专业团体亦可以根据这些统计数据来监察其会员获委派法援工作的情况。因此，专责小组建议法援署于其网站及/或年报列出获委派最多外判案件的律师所处理的案件详细分项。

## 法援署的回应

为提升其运作透明度，法援署原则上同意改善电脑系统，以便整理外判案件的统计数据，及把相关数据在年报内刊出，而年报亦会上载至网站。

## Conclusion and Recommendations

Having reviewed the statistics and the supplementary information provided by LAD, the Task Force considered that on the whole the number of assignments to lawyers was at a reasonable level and the explanations given to the exceptions were acceptable. The Task Force believed that if the statistics were provided on a regular basis, it could help reduce the unnecessary criticism/suspicion on the allocation of legal aid work. It was because the statistics not only demonstrated the distribution of assignments but also showed if the number of assignments to a particular lawyer had exceeded the assignment limit. In the long run, the statistics could form a track record and serve as a strong deterrent for the lawyers who took advantage of the assignment system which consequently could help combating the improper touting activities. On the other hand, the legal professional bodies could base on the statistics to monitor the assignment of legal aid work to their members. Therefore, the Task Force suggested LAD publishing the breakdown of assignments to the top lawyers through its website and/or annual report.

## Response of LAD

LAD in principle agreed to compile the relevant statistics on assignment to promote transparency by enhancing their computer system and publishing the same in LAD's Annual Report, which will be uploaded to LAD's website.



## 法律援助财政预算

### 持分者的关注及相关跟进工作

在司法及法律事务委员会于2013年6月25日举行的会议中，大律师公会在讨论成立独立的法律援助管理局时，提出其对法律援助财政预算的意见。大律师公会认为「法援预算不设上限」只是虚言，因为法援署从未申请追加拨款，而且每年的相关开支亦一直保持平稳。因此，大律师公会认为法援预算实际上设有上限。因应这个议题，行政当局在同一会议上向委员会委员简介了香港法律援助拨款制度。为回应委员会的要求，行政当局在2013年9月提交了文件，说明法律援助经费预算的厘定，并确认政府为法援服务一直提供足够的拨款。

### 法律援助经费预算的厘定

如行政当局所解释，法援申请由需求主导，法定的经济审查和案情审查是审批法援申请的唯一准则。因此，任何已通过经济审查及案情审查的法援申请，均不会因法援拨款不足而被拒。换言之，法援署的财政状况不会影响任何寻求司法公义的人士。

如其他政府部门，法援署每年的法援经费预算均经过全面考虑过去的实际开支和来年的预计开支而厘定。基于行政理由，行政当局会在

## Legal Aid Budget

### *Concerns of Stakeholders and Follow-up Actions Taken*

At the meeting of the AJLS Panel held on 25 June 2013, the Bar Association made a comment on the budget of legal aid in the discussion of the issue of the establishment of an independent legal aid authority. It opined that the “uncapped budget” was a myth in that LAD had never sought supplementary provision and had maintained a stable trend in expenditure. The Bar Association considered that there was a de facto capped budget for LAD. On this matter, the Administration briefed Panel members on Hong Kong’s legal aid funding mechanism at the same meeting. In response to the Panel’s request, the Administration also made a submission in September 2013 explaining the budgeting of legal aid costs and confirming that the Government had been making sufficient provision in the Estimates of Expenditure for the legal aid services all along.

### *Budgeting of Legal Aid Costs*

As explained by the Administration, legal aid applications are demand-driven. The statutory means and merits tests are the only criteria in assessing legal aid applications. Therefore, an application for legal aid that has passed both the means and merits tests will not be refused due to insufficient legal aid funding. In other words, a person’s access to justice will not be hindered by LAD’s fiscal position.

LAD’s annual estimates on legal aid costs, like other government expenditure, are drawn up holistically taking into account the past actual expenditure and



每个财政年度开始时为部门设定一个核准拨款额。在特殊情况下，若财政年度内的法援服务开支超出核准拨款，行政当局便会寻求增拨款项，以确保合格的法援申请不会因缺乏经费而被拒。

### 法律援助经费的统计数据

目前，法援署透过其网站和年报，以及通过政府的开支预算案来发放有关法律援助经费的资讯/统计数据。有关资讯/统计数据亦载于法援署向本局提交的季度报告内。

为了对过去5年的法援经费的变动有更全面的掌握，并检视每年的核准拨款额是否追得上经费的变动，专责小组研究了法援经费的统计数据。

the estimated expenses for the coming year. For administrative purpose, an approved funding amount is set at the beginning of each financial year. In exceptional circumstances where the legal aid costs exceed the approved provision within a financial year, supplementary provision will be sought to ensure that no eligible legal aid applications will be turned down owing to a lack of funds.

### Statistics on Legal Aid Costs

Currently, LAD disseminates information/statistics on legal aid costs through its website and annual departmental report, as well as the Government's Estimates of Expenditure. It also included such information/statistics in its quarterly report to the Council.

To have a clearer picture on the changes in legal aid costs throughout the past 5 years and whether the approved estimates had fallen behind, the Task Force has studied the statistics on legal aid costs.

### Conclusion and Recommendations

Against the budgeting of legal aid costs, the Task Force considered that there was no undue limitation for the legal aid budget and the budgeting system was transparent and administered in a fair way. As the indices on approved estimates and actual expenditure of LAD were good indicators, to enhance the Department's operational transparency, the Task Force suggested LAD publishing the indices in its website and/or annual report.

In the course of discussion, the Task Force was given to note that how much LAD would spend on legal aid

## 总结及建议

对于法援经费的财政预算，专责小组认为有关预算并没有受到不适当的限制，而制定财政预算的制度亦公开公正。由于法援署的核准预算和实际开支指数是良好的监察指标，专责小组建议法援署在其网站及/或年报刊载这些指数，以提高其运作透明度。

在讨论的过程中，专责小组知悉，律师提交帐单的时间是其中一个影响法援署法援开支的因素，而这个因素并非法援署所能控制。而且，由接获法援申请至案件索偿金额得到裁决所需的时间，会因应个别案件而有所不同，甚至可能长达两年或以上。由于处理每宗法援个案都需要一定的时间，专责小组赞同法援署不可能控制法援的开支，加上法援署已制定处理申请的服务指标，相信法援署不会故意拖延处理申请的过程，以减少某特定时期内的法援经费，因为公众可于相关网站浏览法援署年报及政府的开支预算案，从而知悉其实际服务表现。

## 法援署的回应


法援署同意以2009-10年作为基准年份，于部门年报内刊载核准预算和实际开支指数，并上载至部门网站。法援署同时确认其法援经费受多个因素所影响，包括律师提交帐单的时间、帐单的金额等。律师可



costs was subject to, among other things, the timing of submission of the lawyers' bills, which was not within the Department's control. Also, from the date of receiving an application to the date of concluding the case when costs matters were resolved, the time required for completing the whole process varied from case to case and might take about 2 or more years. The Task Force agreed with LAD that given the considerable length of the life span of legal aid cases, it was not possible to have any manipulation on the expenditure. In addition, LAD has set performance targets on the processing of applications. It was believed that LAD would not intentionally prolong the processing time with a view to reducing the legal aid costs within a specified period as its actual performance could be accessed by members of the public via LAD's annual report and the Government's Estimates of Expenditure uploaded onto the respective websites.

## Response of LAD

LAD agreed to publish indices on approved estimates and actual expenditure with 2009-10 as the base year in the Department's annual report and upload the same to LAD's website. LAD also confirmed that the amount of legal



在法律援助证书发出后于任何时间提交分期或总计帐单，而提交帐单的时间并非法律援助署可以控制。因此，延长法律援助申请处理时间并不能阻止律师提交帐单，亦无助于减少案件所引致的法律费用。再者，法律援助署已就处理民事及刑事法律援助申请订立服务承诺，而统计数据亦显示法律援助署处理申请的表现超越服务指标。相关的数据已刊登于法律援助署年报并上载至其网站，公众透过互联网便可轻易取得有关资讯。因此，有关署方拖延申请处理时间以减低法律援助经费的说法只是一个误解。

aid costs spent by LAD was affected by various factors, including the timing of submission of bills by lawyers, the amount claimed in those bills, etc. Lawyers might at any time after the granting of legal aid certificates tender their interim or final bills, of which LAD did not have control. Therefore, lengthening the processing time for legal aid applications would not stop lawyers from submitting their bills or help to reduce the amount of legal costs incurred for the cases. Furthermore, LAD had in place performance pledges for processing civil and criminal legal aid applications. Statistics showed that LAD's performance of processing applications exceeded the performance targets. The related statistics were published in the Department's annual reports which were uploaded onto LAD's website and could easily be accessed by the public through the internet. Hence, the assertion of reducing the legal aid costs by lengthening the processing time was but a misconceived perception.



## 法律援助的政策及策略

### Legal Aid Policy & Strategy

#### 法律援助辅助计划的检讨

#### Review of Supplementary Legal Aid Scheme

法律援助的目标是确保所有具合理理据提出诉讼或抗辩的人士，不会因缺乏经济能力而无法寻求公义。任何人士如欲获得法援，必须通过《法律援助条例》规定的经济审查及案情审查。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」的援助范围作进一步检讨及提出新一轮的建议。为此，本局成立了一个工作小组以跟进是次检讨。

工作小组分别于2014年3月18日、2014年5月26日及2014年6月27日开会讨论，其后透过电邮交流关于进一步扩大「辅助计划」的援助范围的必要性及可行性，以及如需扩大援助范围，应新增哪类个案。

在检讨过程中，工作小组研究了持分者的书面意见及看法，包括立法会司法及法律事务委员会以及两个法律专业团体，尤其是香港大律师公会于2010年7月20日及2012年11月5日发出有关议题的立场书。工作小组亦检视了法律援助署（「法援署」）提供的相关统计数字以及其他资料。

The purpose of legal aid is to ensure that no one with reasonable grounds for pursuing or defending a legal action is denied access to justice because of a lack of means. To qualify for legal aid, a person is required to satisfy the means and merits tests as provided by the Legal Aid Ordinance. 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 with a view to presenting a new round of recommendations to the Administration. Towards this end, the Council has formed a working group to follow up on the review.

The working group met on a total of 3 occasions i.e. 18 March 2014, 26 May 2014 and 27 June 2014, and exchanged emails thereafter to consider whether it was necessary and feasible to further expand the scope of SLAS and, if so, which type(s) of cases should be included.

In the course of the review, the working group studied the written comments and views already expressed by stakeholders including the Panel of Administration of Justice and Legal Services (AJLS) of Legislative Council (LegCo) and the two legal professional bodies, in particular the Hong Kong Bar Association's position papers on this topic dated 20 July 2010 and 5 November 2012. The working group also examined relevant statistics provided by the Legal Aid Department (LAD) and reviewed other materials.



工作小组于2015年1月在本局会议上提交了初步检讨报告。为了促进进一步讨论，本局向民政事务局（「民政局」）索取补充资料，并于2015年3月收到回复。本局会在调整报告后继续讨论。

The working group submitted its report on the preliminary findings of the review to the full Council for consideration at its meeting held in January 2015. To facilitate further discussion, supplementary information was sought from the Home Affairs Bureau (HAB). Its return was received in March 2015 and is being considered by the working group. The Council will continue the discussion after the report has been fine tuned.

## 在《法律援助(评定资源及分担费用)规例》下用作厘定受助人应缴分担费用比率的经评定财务资源组别 Bandwidths of Assessed Financial Resources for Determining Contribution Payable under the Legal Aid (Assessment of Resources and Contributions) Regulations

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。《法律援助规例》（《规例》）中附表3第I部订明「普通计划」下相关分担费用的比率。

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. The scales of contribution rates under the OLAS are prescribed in Part I of Schedule 3 to the Legal Aid Regulations (LAR).

《规例》附表3第I部(a)及(b)段列出「普通计划」下受助人一般须缴付的分担费用比率，而(c)段则列出人权案件中受助人的财务资源如超过「普通计划」财务资格限额时应缴付的分担费用比率。现有《规例》的组别列表中，除了「普通计划」的财务资格限额是以「《法律援助条例》第5(1)条指明的财务资源款额」作文字表述外，其余各财务资源组别均以实际金额数字列出。

Paragraphs (a) and (b) of Part I of Schedule 3 to the LAR set out the contribution rates for OLAS aided persons in general, while paragraph (c) sets out the contribution rates for aided persons of human rights cases whose financial resources may exceed the OLAS FEL. Except for the references to the OLAS FEL as prescribed under Section 5(1) of the LAO, the rest of the bandwidths are set out in absolute dollar figures in the bandwidth tables of the current LAR.

鉴于现时的资源组别均以实际金额数字列出，随着「普通计划」的财务资格限额近年大幅调高，「普通计划」财务资格限额因而如下表(i)列所示已几乎达到高一级别的资源组别上限（269,700元）：

With the current resources bandwidths set out in absolute dollar figures and the significant increase in the OLAS FEL in recent years, the OLAS FEL has now almost caught up to the ceiling of the next higher resources band (\$269,700) as shown in row (i) in the table below-

	经评定财务资源 Assessed financial resources		应缴分担费用 - 金额 / 经评定财务资源百分比 Payable contribution – amount / percentage of assessed financial resources
	超出 Exceeding	不超过 Not exceeding	
(a)	≤ \$20,000		\$0
(b)	\$20,000	\$40,000	\$1,000
(c)	\$40,000	\$60,000	\$2,000
(d)	\$60,000	\$80,000	5%
(e)	\$80,000	\$100,000	10%
(f)	\$100,000	\$120,000	15%
(g)	\$120,000	\$144,000	20%
(h)	\$144,000	「普通计划」 财务资格限额 OLAS FEL [\$269,620]	25%
(i)	「普通计划」 财务资格限额 OLAS FEL [\$269,620]	\$269,700	30%
(j)	\$269,700	\$369,700	35%
(k)	\$369,700	\$469,700	40%
(l)	\$469,700	\$569,700	45%
(m)	\$569,700	\$669,700	50%
(n)	\$669,700	\$769,700	55%
(o)	\$769,700	\$869,700	60%
(p)	\$869,700	\$1,200,000	65%
(q)	\$1,200,000	-	67%



行政当局认为直至修订资源组别前，「普通计划」的财务资格限额将无法进一步上调，否则便会出现有关资源组别「下限」（即(i)列左栏）高于同一资源组别「上限」（即(i)列中间一栏）的异常情况。

为彻底解决问题，行政当局建议修订组别列表，使资源组别改以相对「普通计划」财务资格限额的百分率显示，取代目前以实际金额数字显示的做法。如日后「普通计划」财务资格限额有所改动，有关组别亦会自动作出相应调整。

除此以外，由于资源组别中近年只有「普通计划」财务资格限额曾作上调，以致现时的组别分布不均，部分组别涵盖的经评定财务资源幅度很大，但有些组别涵盖的幅度则相当小。

The Administration found it unable to further adjust the OLAS FEL upward until the bandwidths are amended, since otherwise, there will be an anomaly where the “lower end” of the band (i.e. left column) in row (i) will be higher than the “upper end” of that band (i.e. middle column).

To resolve the problem once and for all, the Administration proposed to amend the bandwidth tables so that the resources bandwidths will be represented as percentages of the OLAS FEL rather than absolute dollar figures. The bandwidths would then automatically be adjusted upon any future OLAS FEL adjustments.

Besides, since only the OLAS FEL has been adjusted upward in the amendment exercises in recent years, the resources bandwidths are now unevenly distributed, with some bands covering a very wide range of assessed financial resources while some other covering a very narrow range.

As such, the Administration also proposed to take the opportunity to adjust the distribution of resources bandwidths so as to maintain a more even distribution. To maintain the real value of the first two tiers of contribution payable in relation to the OLAS FEL, the Administration also proposed to amend the current fixed contribution amounts of \$1,000 and \$2,000 to 2% and 2.5% of the aided persons’ assessed financial resources respectively.

The threshold of assessed financial resources exceeding which contributions begin to be payable is currently set at \$20,000, and the Administration proposed to change it to 12.5% of the OLAS FEL (i.e. \$33,702.5 by applying the current OLAS FEL). In 2013, 7 195 out of 10 024 aided persons (or 72%) need not pay any contribution at all as their financial resources were assessed to be

因此，行政当局建议借此机会调整资源组别，以维持较平均的分布。为维持首两级应缴分担费用相对「普通计划」财务资格限额的实际价值，当局亦建议把现行1,000元和2,000元的定额分担费用分别修订为受助人经评定财务资源的2%和2.5%。

目前受助人的经评定财务资源如超过20,000元便须缴付分担费用。行政当局建议把有关门槛改为「普通计划」财务资格限额的12.5%（按现有「普通计划」财务资格限额计算即为33,702.5元）。2013年，在10 024名受助人当中，共有7 195名受助人（即72%）因其经评定财务资源低于20,000元而无须缴付分担费用。在此建议下，按2013年的数字计算，无须缴付任何分担费用的受助人的百分比将上升9%至7 847人。经评定财务资源超出「普通计划」财务资格限额的12.5%的受助人，因应其经评定的财务资源水平，则须缴付由674元（即269,620元 $\times$ 12.5% $\times$ 2%）至67,405元（即269,620元 $\times$ 25%）不等的分担费用。另一方面，人权案件中财务资源超出「普通计划」财务资格限额的受助人，其分担费用将介乎80,886元（即269,620元 $\times$ 30%）至其经评定财务资源的67%不等。

民政局在2015年2月向司法及法律事务委员会简介上述建议前，已向

below \$20,000. Under the proposal, the percentage of aided persons who do not need to pay any contribution will increase by 9% to 7 847 based on the statistics in 2013. Aided persons with assessed financial resources exceeding 12.5% of the OLAS FEL will need to pay a contribution ranging from \$674 (i.e. \$269,620  $\times$  12.5%  $\times$  2%) to \$67,405 (i.e. \$269,620  $\times$  25%), depending on the level of their assessed financial resources. Further, for the aided persons of human rights cases whose financial resources exceed the OLAS FEL, their contribution amount would range from \$80,886 (i.e. \$269,620  $\times$  30%) to 67% of his/her assessed financial resources.

The Council was briefed by HAB on the above proposal before its briefing to the AJLS Panel in February 2015 on





法援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。与此同时，法援局获悉行政当局在修订《法律援助规例》后，亦将透过立法会决议案方式上调「普通计划」及「辅助计划」的财务资格限额，以反映丙类消费物价指数的变动。上次于2013年6月实施的调整，已计及丙类消费物价指数在2011年7月至2012年7月期间录得的3.7%升幅。在今次的调整中，行政当局建议把「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。行政当局将于2015年第二季动议立法会决议案以调整「普通计划」及「辅助计划」的财务资格限额。

its plan to introduce the amendment regulations for the revised set of bandwidths of assessed financial resources. On the same occasion, the Council was also given to note that upon making the amendments to the LAR as set out above, the Administration would adjust the OLAS FEL, together with the SLAS FEL, upward to reflect the CPI(C) changes by way of a LegCo resolution. The last adjustment implemented in June 2013 had taken into account the CPI(C) change of +3.7% between July 2011 and July 2012. For the coming adjustment, the Administration proposed to increase the OLAS and SLAS FELs by 7.7% to \$290,380 and \$1,451,900 respectively to reflect the accumulated change in CPI(C) recorded between July 2012 and July 2014. The Administration would move the LegCo resolution to adjust the FELs of OLAS and SLAS in the second quarter of 2015.

## 刑事法律援助费用的检讨

### Review of Criminal Legal Aid Fees

法援署聘用私人执业大律师和律师处理刑事诉讼法律援助案件。《刑事诉讼程序条例》(第221章)的附属法例《刑事案件法律援助规则》第21条订明支付该等律师的费用表和费用的评估机制。该费用表在法律上只对法援署具约束力，但律政司在行政上采纳同一费用表聘用私人执业大律师代表政府在刑事案件中进行起诉，以确保法援署或律政司

LAD engages counsel and solicitors in private practice to undertake litigation work in respect of criminal legal aid cases. The scale of fees payable to these lawyers as well as the fee assessment mechanism are prescribed in Rule 21 of the Legal Aid in Criminal Cases Rules under the Criminal Procedure Ordinance (Cap. 221). While legally the scale of fees only binds LAD, the Department of Justice (DoJ) adopts the same fee scale on an administrative basis in engaging counsel in private practice to prosecute in criminal cases on behalf of the Government, with a view



在聘用律师时均不会较对方占优。同样地，当值律师根据当值律师计划担任法律代表的费用，亦参照律政司聘用大律师在裁判法院担任控方律师所支付的费用计算。

政府当局自1992年起，每两年检讨该等费用一次，当中会考虑期内消费物价的变动、聘用私人执业大律师及律师服务的实际或预计困难以及其他因素，如整体经济状况和办公室租金等。上一次的两年检讨是在2012年进行。

如去年年报所述，行政当局计划于2014年进行一次全面检讨。民政局已于2014年3月成立一个由香港大律师公会、香港律师会、以及法律援助署和律政司的代表组成的工作小组，检讨刑事法律援助费用款额。民政局在本局2015年3月17日的会议上透露，两个法律专业团体已经就检讨刑事法律援助费用制度提交意见书，而工作小组亦于2015年3月2日的第二次会议中检视有关文件。行政当局会研究该意见书并在两至三个月内召开下一次工作小组会议。行政当局会视乎工作小组的商议工作和讨论进度而提交法例修订，以落实检讨建议。民政局会继续向本局通报有关进度。

to ensuring that neither LAD nor DoJ would have any advantage in competing for lawyers. For the same reason, fees for duty lawyers providing legal representation under the Duty Lawyer Scheme are also based on the brief fee payable by DoJ to engage counsel to appear in the Magistrates' Courts as prosecuting counsel.

Since 1992, the Administration has been reviewing these fees on a biennial basis, having regard to changes in consumer prices during the reference period, actual or anticipated difficulties in engaging the services of private counsel and solicitors, and other factors such as the state of the economy and office rentals. The last biennial review was conducted in 2012.

As stated in the last annual report, the Administration initiated a comprehensive review in 2014. In March 2014, HAB formed a working group comprising representatives from the Hong Kong Bar Association and the Law Society of Hong Kong, as well as government representatives from LAD and DoJ to review the rates of criminal legal aid fees. At the Council meeting held on 17 March 2015, HAB briefed the Council that the two legal professional bodies had made submissions on the review of criminal legal aid fees system and the working group held its second meeting on 2 March 2015 to go over the submissions. The Administration would study the submissions and aim at convening the next working group meeting in two to three months' time. Subject to the deliberations and progress of discussions at the working group, the Administration would introduce legislative amendments to implement the recommendations of the review. HAB would continue to keep the Council informed of the progress.



## 已除名的律师申请再次加入法律援助律师名册 Lawyers Removed from Panel Applying to Re-join the Legal Aid Panel

法律援助证书签发后，法律援助署署长（署长）便可委派法援署律师代表受助人。如果署长不代表受助人行事，他或受助人可从该署管理的法律援助律师名册中选择一名大律师或律师作为受助人的代表。

持有有效执业证书的大律师或律师均可申请加入法律援助律师名册，署长必须有足够理由相信该律师曾处理案件失当或专业操守欠佳，才可拒绝他们加入名册的申请。现时，名册上有逾800名大律师及2 200名律师。大律师或律师在以下

Where a legal aid certificate is granted, the Director of Legal Aid may act for the aided person through lawyers employed in LAD. If the Director does not act for the aided person, he or the aided person may select a solicitor or counsel to act for him from the panels of counsel and solicitors maintained by the Department.

Counsel or solicitors holding current practising certificates may apply to join the Legal Aid Panel, unless the Director is satisfied that there is good reason to exclude them by reason of their conduct in any particular case or their professional conduct generally. Currently, there are more than 800 counsel and 2 200 solicitors on the Panel. Counsel or solicitors on the Legal Aid Panel may be

情况可能会被除名：(a)他们主动要求除名；或(b)他们不再持有有效的执业证书；或(c)由于他们表现严重失职而被法援署监察外判个案委员会决议除名。

因(a)或(b)原因而除名的律师，只要他们持有有效执业证书，均可以申请重新加入名册。至于因(c)原因而除名的律师，在法援署于2014年底实施新程序前，一直没有处理其重新加入名册申请的指引。在新程序实施后，因(c)原因除名的律师在被除名当天起计最少三年后，可申请再次加入名册。他们申请重新加入名册时，须提交以下文件：

- a) 法律援助律师名册参加表格；
- b) 所有证明他/她适宜获重新纳入名册及处理法律援助个案的相关文件；以及
- c) 两名资深业界人士的推荐信，其中一名必须与申请人来自不同的大律师或律师事务所，以确认申请人适合处理法律援助个案。「资深业界人士」是指取得专业资格后执业满20年或以上的律师。

处理重新加入名册的申请时，监察外判个案委员会将考虑该名律师所提交的资料，并按每宗申请的个别情况，审核其是否处理法律援助个案的合适人选。考虑因素包括该名律师的经验、对法律援助要求的认识、过往处理法律援助个案的表现、被除名原因、被除名后处理个

removed if: (a) they request to be removed from the Panel; or (b) they cease to hold a current practising certificate; or (c) their unsatisfactory performance is of a serious nature that they are removed from the Panel by the decision of the Departmental Committee on Monitoring Assignments to Counsel and Solicitors (DMC).

Lawyers removed under (a) and (b) may apply to re-join the Panel if they hold a current practising certificate. For (c), there is no guideline on how to deal with applications from those lawyers to re-join the Panel until LAD implemented new procedures in late 2014. With the new procedures, lawyers removed under (c) can only apply to re-join the Panel at least 3 years since the date of their removal from the Panel. When applying to re-join the Panel, the lawyer is required to submit the following:

- a) the Panel Entry Form;
- b) all relevant information in support that he/she is suitable for readmission to the Panel and handling legal aid cases; and
- c) two references from two senior members of the profession, one of whom must be from a different firm or chamber from that of the lawyer, confirming that the lawyer is a fit and proper person to handle legal aid cases. "Senior members of the profession" refer to those lawyers who have had at least 20 years' post qualification experience.

In considering the application for re-joining the panel, the DMC will take into account the information provided by the lawyer and consider on a case by case basis whether the lawyer is a "fit and proper person" to handle legal aid cases. Factors to be considered include the lawyer's experience, knowledge of legal aid requirements, history of performance in handling legal aid cases, reasons for removal from the Panel, the lawyer's performance in

案的表现，以及其他相关资料，例如是否曾被纪律惩处或刑事检控。

如果申请被拒绝，该名律师有一次机会向监察外判个案委员会提出申诉。委员会经评估后所作的决定为最终决议，并将以书面通知申请重新加入名册的大律师和律师有关决定。

法援署已于本局2014年12月的会议中简介上述有关律师申请再次加入名册的新指引。有关指引亦已上载至法援署网页。

handling cases since removal and any other relevant matters such as whether professional disciplinary or criminal proceedings have been found substantiated against that lawyer.

If the application is rejected, the lawyer will be given an opportunity to make representations which will be evaluated by the DMC. The decision made by DMC after evaluating the representations is final. Counsel and solicitor applying to re-join the panel will be informed of the decision of the DMC in writing.

The above-said new guidelines for lawyers removed from the Panel applying to re-join the Legal Aid Panel were briefed by LAD at the Council meeting held in December 2014. The same could also be obtained from the website of LAD.

## 法援个案委托对应不正当兜揽生意活动 Assignment of Legal Aid Cases vis-a-vis Improper Touting Activities

在2014年3月，民政局向本局转述了保险、的士及公共小巴业界对《法律援助条例》第13条有关法援署的律师提名制度可能引致律师/索偿代理作出不正当的兜揽生意活动的关注，并简介了行政当局到目前为止的跟进行动。

本局在当月召开的会议上讨论上述议题。在会议中，本局成员注意

In March 2014, HAB informed the Council of the concerns expressed by the insurance / taxi / minibus trades about possible touting activities by certain solicitors / recovery agents vis-a-vis the LAD's lawyer nomination system under Section 13 of the Legal Aid Ordinance (LAO), and the Administration's follow-up actions taken so far.

The above-said matter was discussed at the Council meeting held in the same month. From the meeting, Council members noted that under Section 13 of LAO,



到，根据《法律援助条例》第13条，受助人有权提名其代表律师。由于个别律师可能因为擅于处理某类个案而广为受助人所认识，因此，即使被提名的律师曾处理的法援个案数量最多，亦不应因而假定该名律师与索偿代理或兜揽生意活动有任何连系。法援署欢迎业界提出具体个案及证据指证被提名的律师操守不当，例如故意拖延法律诉讼程序以收取更多律师费或与索偿代理有关连。贯彻法援署处理有关第三方或对讼一方反对法援署向受助人批出法援而提交陈述的做法，法援署随时准备彻底调查事件，并展开跟进工作。

本局亦知悉法援署正与两个法律专业团体联手打击不当兜揽生意活动，有关工作将继续进行。为了改善外委律师程序，在本局同意下，法援署于2013年9月推出「申报制度」。在该制度下，受助人须声明提名是完全出自其个人意愿，而且不会与任何人摊分诉讼申索所得的赔偿 / 业权 / 讼费，包括被提名的律师。上述条件亦将列明于律师委任信中，如被提名的律师不愿接受该等条件，便不得接受相关委派，并需向法援署交回所有个案文件。

本局亦于2014年10月在与香港律师会的会议上讨论到有关不当兜揽生意活动所产生的问题，双方就解决方法交换了意见。本局亦得悉香港律师会成立了一个小组委员会研究

aided persons has a right to nominate their own lawyers. The nominated lawyers who handled the most number of cases could not be presumed to have connection with recovery agents or be related to improper touting activities. They might be well-known in a particular field for their good service and known to the aided persons by words of mouth. LAD welcomed members of the trades to provide the Department with details of the cases or evidence of the improper conduct on the part of the nominated lawyers such as deliberately lengthening the litigation process so as to generate more legal costs or being connected to recovery agents. LAD would stand ready to conduct thorough investigation and take follow-up action as in the way in which representations against the grant of legal aid from the third party or the opposing party were handled.

The Council was also given to know that LAD had been working with the two legal professional bodies to combat improper touting activities, and the work would continue. As a measure to improve the assignment system, with the endorsement of the Council, LAD introduced a "declaration system" in September 2013. Under the system, each aided person will be asked to declare that the nomination, if any, is made entirely out of his/her own free will and he/she has not agreed to share any damages, property or costs which he/she will recover from the proceedings with any person(s) including the solicitor nominated. The nominated lawyer, if unable to accept the above condition incorporated in the assignment letter, will be obliged to return the case papers to LAD.

The issues relating to improper touting activities were also discussed at a meeting between the Council and the Law Society in October 2014. Both parties exchanged views on the ways to address the problems arising from the issues.

有关问题，并已邀请法律援助署署长加入委员会。

要证明法律援助个案外判工作是否被不当兜揽生意活动所影响，本局认为最好的方法是提高法律援助的运作透明度，公布相关统计数字。为此，本局已透过其研究改善法律援助资讯传递的专责小组，检视法律援助的外判个案统计数字并作出建议。

It was also understood that the Law Society had set up a sub-committee to look into the issues and the Director of Legal Aid was invited to sit on the sub-committee.

To demonstrate if the assignment of legal aid work has been affected by improper touting activities or not, the Council considered that the best way was to increase the operational transparency of LAD by publicising the related statistical data. To this end, the Council through its task force on the dissemination of legal aid information has reviewed the LAD's statistics on case assignment and made recommendations on the matter.

# 7

## 与持分者的联系 Liaison with Stakeholders

### 行政当局

法援局一直与行政当局这个重要的法律援助持分者保持密切联系。

过去一年，民政事务局（「民政局」）就不同的法援议题向本局提供资料文件，包括2014年5月的「行政当局对本局有关法律援助独立性的建议的立场」及「海外司法管辖区就选举呈请及诽谤个案提供的法律援助涵盖范围」、以及2015年1月的「民政事务局的政策措施」、「《法律援助(评定资源及分担费用)规例》(第91B章)的建议修订及普通法律援助计划和法律援助辅助计划财务资格限额的调整」。民政局代表亦应邀出席本局会议，向本局成员简介前述的资料文件并交流意见。

### 其他法律援助持分者

本局明白收集持分者的回应将有助本局就法援政策向行政长官提供意见。2014年10月30日，本局与香港律师会（「律师会」）人身伤亡诉讼事务委员会和法律援助委员会就不正当兜揽生意活动的相关问题举行了一次会议，并于2014年12月的法援局会议上就律师会所提出的建议进行讨论。除了开会讨论法援事宜，本局主席亦应律师会的邀请，为2014年11月29日举行的

### The Administration

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

During the past year, the Home Affairs Bureau (HAB) has provided the Council with information on different legal aid issues, including the "Administration's Position on the Council's Recommendations on the Independence of Legal Aid" and "Legal Aid Coverage of Election Petition and Defamation in Overseas Jurisdictions" in May 2014, the "Policy Initiatives of the Home Affairs Bureau" and the "Proposed Amendment of the Legal Aid (Assessment of Resources and Contributions) Regulations (Cap. 91B) and Adjustment of the Financial Eligibility Limits of the Ordinary and Supplementary Legal Aid Schemes" in January 2015. For the aforesaid submissions, the representatives of HAB were invited to attend the Council meetings to brief and exchange views with Council members.

### Other Stakeholders of Legal Aid

The Council recognises the importance of obtaining stakeholders' feedback in discharging its function to give advice to the Chief Executive on legal aid policy. On the issues relating to improper touting activities, the Council had a meeting with the Personal Injuries Committee and the Legal Aid Committee of the Law Society of Hong Kong on 30 October 2014. The suggestions made by the Law Society were subsequently discussed at the Council meeting held in December 2014. Apart from meetings on legal aid issues, the Council chairman was invited by the Law Society as an officiating guest at the opening ceremony of the Law Week 2014 held on 29 November





「法律周2014」开幕典礼担任主礼嘉宾。香港大律师公会亦邀请本局主席及成员参加于2014年9月8日举行的「法律援助改革与质量保证计划研讨会」。

## 国际法援组织

国际法援组织由法律援助及法律服务政策制定者和学者，以及苏格兰法律援助委员会的研究顾问所组成，主席为苏格兰斯特莱斯克莱德大学的Alan Paterson教授。国际法援组织由一个国际督导委员会指导，旨在透过就国际间的政策及研究发展进行讨论及对话，以改善为贫困人士提供的、实证为本的法律服务政策制定模式。国际法援组织每两年举行一次研讨会，本局成员周凯灵女士获邀代表本局赴苏格兰爱丁堡出席于2015年6月10至12日举行的「国际法援组织研讨会2015」。

2014. The Bar Association also invited the Council chairman and members to attend the Seminar on Legal Aid Reform and Quality Assurance Scheme held on 8 September 2014.

## International Legal Aid Group

International Legal Aid Group (ILAG) is a grouping of legal aid and legal services policy makers and scholars as well as a research adviser to the Scottish Legal Aid Board. It is guided by an international steering committee with Professor Alan Paterson, Professor of Law of University of Strathclyde, as its Chair. Its mission is to improve evidence-based policy-making in the field of poverty legal services through discussion and dialogue relating to international developments in policy and research. ILAG conferences take place every two years. On the invitation of ILAG, Council member Ms Juliana CHOW has, on behalf of the Council, attended its Conference 2015 held in Edinburgh, Scotland from 10 to 12 June 2015.



# 8

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

### 概况

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，说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。

上述申请人如非因经济审查而被拒批出法援，可向本局在相关的援助计划下申请免费提供一张大律师证明书。在民事案件方面，本局只会考虑为已在上诉法庭进行聆讯，并就实质裁决颁布了判决、判定或命令而有意向终审法院提出上诉的案件，安排签发大律师证明书，至于非正审的判决、判定或命令，本局将不会作出以上的安排。

本局自2002年4月起实施该项援助计划，并一直有在本局年报中载述计划的详情和其运作情况。

在2014年4月1日至2015年3月31日期间，本局共接获89宗（76宗刑事案件及13宗民事案件）要求提供大律师证明书的申请。在76宗刑事案件申请中，法援上诉人最常涉及的案件类别是「贩卖危险药物」，占总刑事案件申请的32.9%。至于13宗民事案件申请，法援上诉人主

### The Overview

Under section 26A of the Legal Aid Ordinance, a person who has been refused legal aid in respect of his/her 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.

If the above-said person has been refused legal aid other than on ground of means, he/she may apply to the Council for the provision of a certificate by counsel free of charge under an assistance scheme. In respect of civil cases, a certificate by counsel will only be provided if the case has been heard by the Court of Appeal and the intended appeal to the CFA is related to a judgment or decision or order on the substantive merits of the case as opposed to an interlocutory decision or order by the Court of Appeal.

The assistance scheme administered by the Council has been implemented since April 2002. Details of the scheme and its operation have all along been set out in the Council's annual reports.

From 1 April 2014 to 31 March 2015, the Council received 89 (76 criminal and 13 civil) applications for the provision of a certificate by counsel. For the 76 criminal applications, the commonest type of case the legal aid appellants were involved was "trafficking in a dangerous drug", which accounted for 32.9% of the total number of criminal applications. For the 13 civil applications, the majority types of cases the legal aid appellants were involved were

要涉及案件包括司法复核及土地纠纷，占总民事案件的53.8%。在89宗申请中，67宗（55宗刑事案件及12宗民事案件）申请获批，17宗刑事案件申请被拒，3宗刑事案件申请被申请人撤回，两宗（1宗刑事案件及1宗民事案件）申请被本局中止。

本局把该67宗获批的申请外委予律师签发大律师证明书，详情如下：

judicial review and land disputes, which accounted for 53.8% of the total number of civil applications. Of the 89 applications, 67 (55 criminal and 12 civil) applications were approved, 17 criminal applications were refused, 3 criminal applications were withdrawn, 2 (1 criminal and 1 civil) applications were aborted by the Council.

In respect of the 67 approved applications, the Council made the following assignments for the provision of counsel certificate-

刑事案件 Criminal Case	大律师 Counsel	律师 Solicitor
(a) 委派予法律援助上诉人提名的名册律师 Assignment to panel lawyers according to legal aid appellants' nomination	53	51
(b) 委派予法律援助上诉人提名的非名册律师（该律师曾于上诉庭代表法律援助上诉人） Assignment to non-panel lawyers (who have represented the legal aid appellants in the appeal court) according to legal aid appellants' nomination	2	4
委派案件总数 Total assignment	55	55

民事案件 Civil Case	大律师 Counsel	律师 Solicitor
(a) 委派予法律援助上诉人提名的名册律师 Assignment to panel lawyers according to legal aid appellants' nomination	12	7
(b) 委派予法律援助上诉人提名的非名册律师（该律师曾于上诉庭代表法律援助上诉人） Assignment to non-panel lawyers (who have represented the legal aid appellants in the appeal court) according to legal aid appellants' nomination	0	5
委派案件总数 Total assignment	12	12



在已签发的67份大律师证明书当中，9份（6宗刑事案件及3宗民事案件）证明法律援助上诉人有合理机会向终审法院上诉得直，另外58份（49宗刑事案件及9宗民事案件）则说明法律援助上诉人提出的上诉并无合理机会成功。

至于该9宗（6宗刑事案件及3宗民事案件）获大律师证明书陈述法律援助上诉人有合理机会上诉得直的案件，法律援助署（「法援署」）经复核后，决定为其中6宗案件（3宗刑事案件及3宗民事案件）提供法律援助。

2013至2014年度及2014至2015年度的统计列表如下：

Of the 67 certificates issued, 9 (6 criminal and 3 civil) certificates by counsel stated that the legal aid appellants have reasonable prospect of success in their intended appeal to the CFA and 58 (49 criminal and 9 civil) certificates by counsel stating that the legal aid appellants do not have reasonable prospect of success.

For the 9 (6 criminal and 3 civil) 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 (3 criminal and 3 civil) of the cases.

A table showing the statistics in 2013-2014 and 2014-2015 is appended below –

	2013年4月1日至 2014年3月31日接获的申请 For Applications Received from 1.4.2013 to 31.3.2014			2014年4月1日至 2015年3月31日接获的申请 For Applications Received from 1.4.2014 to 31.3.2015		
	刑事 Criminal	民事 Civil	总计 Total	刑事 Criminal	民事 Civil	总计 Total
<b>1. 申请 Applications</b>						
(a) 获批 approved	59	5	64	55	12	67
(b) 被拒 refused	7	4	11	17	0	17
(c) 中止 aborted	3	0	3	1	1	2
(c) 撤回 withdrawn	0	0	0	3	0	3
总计 Total	69	9	78	76	13	89
<b>2. 大律师证明书 Certificate by Counsel</b>						
(a) 有合理机会上诉得直 has reasonable prospect of success	6	1	7	6	3	9
(b) 无合理机会上诉得直 has no reasonable prospect of success	53	4	57	49	9	58
总计 Total	59	5	64	55	12	67
<b>3. 有合理机会上诉得直的案件 Cases with reasonable prospect of success</b>						
(a) 经法律援助审核后获提供 法律援助 legal aid granted upon review by LAD	6	1	7	3	3	6
(b) 经法律援助审核后被拒绝 提供法律援助 legal aid not granted upon review by LAD	0	0	0	3	0	3
总计 Total	6	1	7	6	3	9



两年的统计数据显示：

- a) 2014-2015年度总申请数目增加了14.1%（由2013-2014年度的78宗上升至2014-2015年度的89宗）；当中刑事案件上升了10.1%（由2013-2014年度的69宗上升至2014-2015年度的76宗）；民事案件亦上升了44.4%（由2013-2014年度的9宗上升至2014-2015年度的13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2013-2014年度的10.9%上升至2014-2015年度的13.4%，上升主要来自民事案件；及
- c) 法援署因应大律师证明书提供法律援助案件的百分比，则由2013-2014年度的100%下降至2014-2015年度的66.7%。

就2014-2015年度接获并成功获批的申请，合共拨出2,040,000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 in 2014-2015 has increased by 14.1% (from 78 in 2013-2014 to 89 in 2014-2015), with increases of 10.1% in criminal cases (from 69 in 2013-2014 to 76 in 2014-2015) and 44.4% in civil cases (from 9 in 2013-2014 to 13 in 2014-2015);
- b) the percentage of cases certified by counsel to have reasonable prospect of success has increased from 10.9% in 2013-2014 to 13.4% in 2014-2015, with increase mainly comes from civil cases; and
- c) the percentage of cases where legal aid was granted by LAD in the light of the counsel certificates has decreased from 100% in 2013-2014 to 66.7% in 2014-2015.

In respect of the applications received in 2014-2015, \$2.04 million was committed as fees for counsel and solicitors for providing the certificates. Details are as follows –

	获批申请 数目 Number of Applications Approved	每宗案件的大 律师费用 Counsel Fee/Case	大律师费用 总计 Total Counsel Fee	每宗案件的大 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	55	\$15,000	\$825,000	\$9,000	\$495,000	\$1,320,000
民事 Civil	12	\$40,000	\$480,000	\$20,000	\$240,000	\$720,000
总数 Total	67		\$1,305,000		\$735,000	\$2,040,000

援助计划自2002年4月实施以来，合共拨出25,320,000元支付提供大律师证明书的费用。

Since the implementation of the assistance scheme in April 2002, a total of \$25.32 million was committed for the provision of certificate by counsel.

## 大律师和律师名册

本局设有大律师和律师名册，名册内的律师为本局管理的援助计划提供服务。要登记成为名册律师，大律师须具备最少十年执业经验，而律师则须具备七年执业经验。此外，大律师和律师均须于过去三年内，曾处理最少三宗上诉法庭或终审法院的案件。资深大律师则获豁免最低经验要求。现时，名册上共有67名大律师和45名律师。

## Panel of Counsel and Solicitors

In providing the service under the assistance scheme administered by the Council, the Council maintains a panel of counsel and solicitors. To join the panel, counsel must have at least 10 years' practising experience and for solicitors, 7 years. In addition, both the counsel and solicitors must have handled at least 3 Court of Appeal (CA) or Court of Final Appeal (CFA) cases in the past three years. Senior counsel are exempted from the minimum experience requirements. At present, there are 67 counsel and 45 solicitors on the panel.

### 委任法律援助服务局主席及成员

政府在2014年8月29日宣布委任法律援助服务局主席及成员。

行政长官再度委任李家祥博士为本局主席，以及周凯灵女士、邝心怡女士、李超华先生及潘素安女士为本局成员。

行政长官同时委任叶毓强先生、梁宏正先生、彭韵僖女士及王惠贞女士为本局成员。

所有任期为2014年9月1日至2016年8月31日。

本局非常感谢上一任成员蔡惠琴女士、洪为民博士、梁伟权先生及马华润先生对本局作出的贡献。本局衷心希望他们未来一切顺利，并期望他们继续支持本局的工作。

### 本局会议出席纪录

本局在2014至2015年度召开了7次会议，各成员出席率列表如下：

### Appointment of Chairman and Members to Legal Aid Services Council

On 29 August 2014, the Government announced the appointment of the chairman and members of the Legal Aid Services Council.

The Chief Executive has re-appointed Dr Eric LI Ka Cheung as chairman of the Council, and Ms Juliana CHOW Hoi Ling, Ms Anna KWONG Sum Yee, Mr Joseph LI Chiu Wah and Ms Josephine Antonetta PINTO as members of the Council.

The Chief Executive has also appointed Mr Albert IP Yuk Keung, Mr Clarence LEUNG Wang Ching, Ms Melissa Kaye PANG and Ms WONG Wai Ching as members of the Council.

The terms of appointment of all members are from 1 September 2014 to 31 August 2016.

The Council is very grateful for the tremendous contributions of former members Ms Virginia CHOI Wai Kam, Dr Witman HUNG Wai Man, Mr Edward LEUNG Wai Kuen and Mr Billy MA Wah Yan. The Council wishes them all the best in their future endeavours and looks forward to their continued support outside the Council.

### Attendance at Council Meetings

The Council has scheduled seven meetings for the year 2014/2015. Attendance rates of Council members are set out in the table below:

姓名 Name of Council Member	出席会议次数** No. of Meetings Attended **	出席率 Attendance Rate
李家祥博士 Dr Eric LI Ka Cheung	7	100%
蔡惠琴女士# Ms Virginia CHOI #	0	0%
周凯灵女士 Ms Juliana CHOW	6	86%
洪为民博士# Dr Witman HUNG #	2	100%
叶毓强先生* Mr Albert IP *	5	100%
邝心怡女士 Ms Anna KWONG	3	43%
梁宏正先生* Mr Clarence LEUNG *	3	60%
梁伟权先生# Mr Edward LEUNG #	1	50%
李超华先生 Mr Joseph LI	5	71%
马华润先生# Mr Billy MA #	2	100%
彭韵僖女士* Ms Melissa PANG *	5	100%
潘素安女士 Ms Josephine PINTO	5	71%
王惠贞女士* Ms WONG Wai Ching *	3	60%
法援署署长 Director of Legal Aid	7	100%

\*\* 其中一次会议在不足法定人数下召开，所有待批文件其后转送予当日缺席的成员批阅。

One of the meetings was convened even though there were not enough members to make a quorum. Papers requiring approval were subsequently circulated to members who were not at the meeting.

\* 新成员在2014年9月1日上任。在2014年9月至2015年3月期间，本局共举行了5次会议。

New members joined the Council on 1 September 2014. During the period from September 2014 to March 2015, five meetings were held.

# 上一任成员在2014年9月1日卸任。在2014年4月至2014年8月期间，本局共举行了两次会议。

Former members left the Council on 1 September 2014. During the period from April to August 2014, two meetings were held.





## Green Management

The Council continues its efforts to minimize energy consumption and to enhance paper savings in the Council office by switching off lights, air-conditioners, office equipment and other electrical appliances when they are not in use; using two instead of three fluorescent light tubes in a light plate of some office areas; re-using envelopes; collecting used paper materials for recycling; printing on both sides of paper; using electronic means for communication and circulation of papers to Council members when it is practicable. In 2015, the Council has started maintaining the temperature of air-conditioning at 25.5°C in most of the office areas and avoids using products that contain volatile organic compounds (VOCs).

## 绿色管理

本局一向致力减低办公室的能源消耗和纸张使用量，于不需使用时关上电灯、空调系统、办公室仪器和其他电器用品，把部份天花灯盘的光管由原来的三支减至两支，并会重复使用信封、收集并回收废纸、双面列印文件、使用电子媒介作通讯及在可行时传送文件予本局成员传阅。在2015年，本局开始把办公室大部分地方的温度保持在摄氏25.5度，并避免使用含有挥发性有机化合物的产品。

## 员工及财政

截至2015年3月31日，秘书处有两个职位由本局聘请的合约员工担任，另外四个职位则由政府借调公务员担任。

于2014至2015年度，本局从政府收取的补助为5,553,901元。全年总支出为5,461,101元。

## Staff and Finance

As at 31 March 2015, two posts in the secretariat were filled by contract staff recruited by the Council while four other posts were filled by civil servants seconded from the Government.

The subvention received from the Government for 2014-2015 was \$5,553,901. Total expenditure of the year was \$5,461,101.

# 10 审计署署长报告

## Report of the Director of Audit

### 独立审计报告

我已审计载列于第66页至第77页的法律援助服务局财务报表，包括于2015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

### Independent Audit Report

I have audited the financial statements of the Legal Aid Services Council set out on pages 66 to 77, which comprise the balance sheet as at 31 March 2015, 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.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on

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2015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  
(审计署首席审计师张永安代行)

2015年8月18日

审计署  
香港湾仔告士打道7号  
入境事务大楼26楼

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 2015, 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.



TEO Wing-on  
Principal Auditor  
For Director of Audit

18 August 2015

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



# 11 财务报告书及帐目

## Financial Reports and Accounts

### 资产负债表

#### Balance Sheet

截至2015年3月31日止 AS AT 31 MARCH 2015

		注释 Note	2015 港币 HK\$	2014 港币 HK\$
<b>非流动资产</b>	<b>NON-CURRENT ASSETS</b>			
物业、厂房及设备	Property, plant and equipment	5	<b>28,604</b>	13,693
<b>流动资产</b>	<b>CURRENT ASSETS</b>			
银行存款及库存现金	Cash at bank and in hand		<b>87,185</b>	218,983
预付款项	Prepayment		-	128,502
应收利息	Interest receivable		<b>3</b>	4
按金	Deposit		<b>2,200</b>	2,200
			<b>89,388</b>	349,689
<b>流动负债</b>	<b>CURRENT LIABILITIES</b>			
应付帐项及应计费用	Accounts payable and accrued charges		-	(8,270)
未支付约满酬金	Provision for gratuities		<b>(11,605)</b>	(10,901)
未放取假期拨备	Provision for untaken leave		<b>(7,543)</b>	(6,661)
			<b>(19,148)</b>	(25,832)
<b>净流动资产</b>	<b>NET CURRENT ASSETS</b>		<b>70,240</b>	323,857
<b>净资产</b>	<b>NET ASSETS</b>		<b>98,844</b>	337,550
上列项目代表：	Representing:			
<b>政府基金</b>	<b>GOVERNMENT FUNDS</b>			
经常性补助基金	Recurrent subvention fund		<b>98,844</b>	337,550

随附注释1至11亦为上述财务报表的一部分。

此等财务报表已于2015年8月18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 18 August 2015.



李家祥博士 Dr Eric Li Ka Cheung  
主席 Chairman

# 收支报表

## Income And Expenditure Account

截至2015年3月31日止 FOR THE YEAR ENDED 31 MARCH 2015

		注释 Note	2015 港币 HK\$	2014 港币 HK\$
<b>收入</b>	<b>INCOME</b>			
政府补助	Government subventions	7	<b>5,553,901</b>	5,346,257
利息收入	Interest income		<b>16</b>	25
			<b>5,553,917</b>	5,346,282
<b>支出</b>	<b>EXPENDITURE</b>			
职员薪金	Staff emoluments	8	<b>(3,487,373)</b>	(3,149,963)
租金及管理费	Rent and management fees		<b>(1,706,710)</b>	(1,515,211)
其他开支	Other expenses	9	<b>(260,990)</b>	(343,558)
			<b>(5,455,073)</b>	(5,008,732)
<b>本年度盈余</b>	<b>SURPLUS FOR THE YEAR</b>		<b>98,844</b>	337,550
其他全面收入	Other Comprehensive Income		-	-
<b>本年度全面收益总额</b>	<b>TOTAL COMPREHENSIVE INCOME FOR THE YEAR</b>		<b>98,844</b>	337,550

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

## 权益变动表

### Statement of Changes In Equity

截至2015年3月31日止 FOR THE YEAR ENDED 31 MARCH 2015

		港币 HK\$
<b>经常性补助基金</b>	<b>RECURRENT SUBVENTION FUND</b>	
于2013年4月1日结余	Balance as at 1 April 2013	403,100
退还政府款项	Refunded to Government	(403,100)
当年全面收益总额	Total comprehensive income for the year	<u>337,550</u>
于2014年3月31日结余	Balance as at 31 March 2014	337,550
退还政府款项	Refunded to Government	(337,550)
当年全面收益总额	Total comprehensive income for the year	<u>98,844</u>
于2015年3月31日结余	Balance as at 31 March 2015	<u><u>98,844</u></u>

随附注释1至11亦为上述财务报表的一部分。

The accompanying notes 1 to 11 form part of these financial statements.

# 现金流量表

## Statement of Cash Flows

截至2015年3月31日止 FOR THE YEAR ENDED 31 MARCH 2015

		2015 港币 HK\$	2014 港币 HK\$
<b>经营活动的现金流量</b>	<b>Cash flows from operating activities</b>		
本年度盈余	Surplus for the year	<b>98,844</b>	337,550
折旧	Depreciation	<b>7,939</b>	24,511
利息收入	Interest income	<b>(16)</b>	(25)
预付款项减少/(增加)	Decrease/ (Increase) in prepayment	<b>128,502</b>	(128,502)
应付帐项及应计费用 减少	Decrease in accounts payable and accrued charges	<b>(8,270)</b>	(1,551,200)
未支付约满酬金增加	Increase in provision for gratuities	<b>704</b>	7,853
未放取假期拨备增加	Increase in provision for untaken leave	<b>882</b>	2,143
<b>经营活动所得/(所用) 的现金净额</b>	<b>Net cash generated from / (used in) operating activities</b>	<b>228,585</b>	(1,307,670)
<b>投资活动所得的 现金流量</b>	<b>Cash flows from investing activities</b>		
购入物业、厂房及设备	Acquisition of property, plant and equipment	<b>(22,850)</b>	(11,100)
已收利息	Interest received	<b>17</b>	32
<b>投资活动所用的 现金净额</b>	<b>Net cash used in investing activities</b>	<b>(22,833)</b>	(11,068)
<b>融资活动的现金流量</b>	<b>Cash flows from financing activities</b>		
退还政府款项	Amount refunded to Government	<b>(337,550)</b>	(403,100)
<b>融资活动所用的 现金净额</b>	<b>Net cash used in financing activities</b>	<b>(337,550)</b>	(403,100)
<b>现金及现金等值项目 减少净额</b>	<b>Net decrease in cash and cash equivalents</b>	<b>(131,798)</b>	(1,721,838)
年初的现金及现金等值 项目	Cash and cash equivalents at beginning of year	<b>218,983</b>	1,940,821
年末的现金及现金等值 项目	Cash and cash equivalents at end of year	<b>87,185</b>	218,983

随附注释1至11亦为上述财务报表的一部分。

The accompanying notes 1 to 11 form part of these financial statements.



## 帐目附注

### 1. 一般资料

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

本局是一个非牟利组织，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

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。

## NOTES TO THE FINANCIAL STATEMENTS

### 1. GENERAL INFORMATION

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

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

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

### 2. SIGNIFICANT ACCOUNTING POLICIES

#### 2.1 Statement of compliance

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

#### 2.2 Basis of preparation

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

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

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。

### 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。

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. 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 Revenue recognition

A government subvention is recognised when there is a reasonable assurance that the Council will

与收入有关的政府补助会递延至相关支产生时，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应计基础确认入帐。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。实际利率是指把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。

## 2.5 物业、厂房及设备

物业、厂房及设备包括价值5,000元或以上的办公室及电脑设备，其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：

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

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 as it accrues 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 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:

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.



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。

## 3. 财务风险管理

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

### 2.6 Employee benefits

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

### 2.7 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. FINANCIAL RISK MANAGEMENT

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.



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

本局的唯一资本来源是政府的经常性补助。本局管理资本的目标为：

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

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

#### 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\$	办公设备 Office equipment 港币 HK\$	总数 Total 港币 HK\$
<b>成本</b>	<b>Cost</b>			
于2013年4月1日	At 1 April 2013	80,157	51,774	131,931
当年购入	Addition during the year	11,100	-	11,100
当年注销	Disposal during the year	(15,555)	-	(15,555)
于2014年4月1日	At 1 April 2014	75,702	51,774	127,476
当年购入	Addition during the year	22,850	-	22,850
于2015年3月31日	At 31 March 2015	98,552	51,774	150,326
<b>累积折旧</b>	<b>Accumulated depreciation</b>			
于2013年4月1日	At 1 April 2013	63,034	41,793	104,827
当年撇除	Charge for the year	15,617	8,894	24,511
当年注销回拨	Written back on disposal	(15,555)	-	(15,555)
于2014年4月1日	At 1 April 2014	63,096	50,687	113,783
当年撇除	Charge for the year	6,852	1,087	7,939
于2015年3月31日	At 31 March 2015	69,948	51,774	121,722
<b>净值</b>	<b>Net book value</b>			
于2015年3月31日	At 31 March 2015	28,604	-	28,604
于2014年3月31日	At 31 March 2014	12,606	1,087	13,693

## 6. 或然储备

经行政署长在1999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：

- 在上一年度所获得的银行利息；及
- 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

- bank interests earned in the preceding year; and
- 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. 政府补助

从香港特别行政区政府收取的补助为5,553,901港元（2014年：5,346,257港元）：

## 7. GOVERNMENT SUBVENTIONS

Subventions received from the Government of the Hong Kong Special Administrative Region amounted to HK\$5,553,901 (2014: HK\$5,346,257):

		2015 港币 HK\$	2014 港币 HK\$
每年经常性资助	Annual recurrent grant	<b>5,537,000</b>	5,326,000
或然资助	Contingency grant	<b>16,901</b>	20,257
政府补助	Subventions from the Government	<b>5,553,901</b>	5,346,257

## 8. 员工薪金

## 8. STAFF EMOLUMENTS

		2015 港币 HK\$	2014 港币 HK\$
公务员员工：	Civil service staff:		
薪金	Staff cost	<b>3,188,580</b>	2,900,772
非公务员合约员工：	Non-civil-service contract staff:		
薪金	Staff salaries	<b>264,619</b>	215,975
约满酬金	Gratuities	<b>12,434</b>	15,135
强积金	Provident fund	<b>14,198</b>	11,420
未放取假期拨备	Provision for untaken leave	<b>7,542</b>	6,661
		<b>298,793</b>	249,191
		<b>3,487,373</b>	3,149,963

## 9. 其他支出

## 9. OTHER EXPENSES

		2015 港币 HK\$	2014 港币 HK\$
编制年报 / 通讯	Production of annual report/newsletter	<b>57,870</b>	70,768
常规出版物、期刊 及杂志	General publications, periodicals and journals	<b>44,612</b>	44,545
会计费用	Accountancy fee	<b>40,500</b>	40,500
研讨会支出	Conference expenses	-	37,653
其他行政支出	Other administration expenses	<b>110,069</b>	125,581
折旧	Depreciation	<b>7,939</b>	24,511
		<b>260,990</b>	<b>343,558</b>

## 10. 承担

## 10. COMMITMENTS

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：

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

		2015 港币 HK\$	2014 港币 HK\$
一年内	Within 1 year	1,691,112	718,361
第二到五年内	After 1 year but within 5 years	<u>2,600,312</u>	<u>-</u>
		<u>4,291,424</u>	<u>718,361</u>

## 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.



# 附录

## Appendix

### 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 彭韵僖 (法援局成员) PANG Melissa (Council member)



#### 委员 Members

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

\* 同时加入两个兴趣小组的委员  
Members who joined both Interest Groups

# 法律援助范围兴趣小组

## Interest Group on Scope of Legal Aid

**主席**  
**Chairperson** 周凯灵 (法援局成员) CHOW Juliana (Council member)



**委员**  
**Members**

邝心怡 (法援局成员)	KWONG Anna (Council member)	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*
郭启彬*	KWOK K B Benny*	吴杰华*	NG Ray*
郭威*	KWOK William*	彭庆东医生*	Dr PANG Hing Tung, Pierre*
黎世康	LAI Sai Hong	邓佩颐	TANG Pui Yee, Phoebe
林长志	LAM Cheung Chi	蔡耀昌*	TSOI Yiu Cheong, Richard*
林健培*	LAM Kin Pui*	王智源*	WONG Chi Yuen*
林国荣博士*	Dr LAM Kwok Wing*	黄剑文	WONG Kim Man
林炜彬*	LAM Wai Pan, Wilson*	黄宏泰*	WONG Wang Tai, Ivan*
李健	LEE Arthur	许英教授	Prof XU Ying
李福基医生*	Dr LEE Fook Kay, Aaron*	杨超发医生*	Dr YEUNG Chiu Fat, Henry*
李伟雄医生*	Dr LEE Wai Hung, Danny*	叶健强*	YIP Kin Keung*
梁伟文	LEUNG Wai Man, Raymond		

\* 同时加入两个兴趣小组的委员  
Members who joined both Interest Groups

## 工作小组

## Working Group

年度内，本局共有两个工作小组，分别研究：

During the year, there were two working groups conducting review respectively on:

### 扩大法律援助辅助计划的涵盖范围

### Expansion of Supplementary Legal Aid Scheme



工作小组成员名单如下 -

The membership of the working group is as follows -

**主席** 周凯灵 (法律援助局成员)  
**委员** 邝心怡\* (法律援助局成员)  
李超华 (法律援助局成员)  
蔡惠琴# (前法律援助局成员)  
洪为民博士# (前法律援助局成员)

**Chairperson** CHOW Hoi Ling, Juliana (Council member)  
**Members** KWONG Sum Yee, Anna\* (Council member)  
LI Chiu Wah, Joseph (Council member)  
CHOI Wai Kam, Virginia# (ex-Council member)  
Dr HUNG Wai Man, Witman# (ex-Council member)

### 改善法律援助资讯的传递

### Dissemination of Legal Aid Information



专责小组成员名单如下 -

The membership of the task force is as follows -

**主席** 李家祥博士 (法律援助局主席)  
**委员** 叶毓强\* (法律援助局成员)  
梁宏正\* (法律援助局成员)  
潘素安 (法律援助局成员)  
洪为民博士## (前法律援助局成员)  
马华润## (前法律援助局成员)  
钟绮玲 (法律援助署副署长)  
叶超然  
龚永德  
李荣光  
伍尚匡

**Chairperson** Dr LI Ka Cheung, Eric (Council chairman)  
**Members** IP Yuk Keung, Albert\* (Council member)  
LEUNG Wang Ching, Clarence\* (Council member)  
PINTO Josephine Antonetta (Council member)  
Dr HUNG Wai Man, Witman## (ex-Council member)  
MA Wah Yan, Billy## (ex-Council member)  
CHUNG Yee Ling, Alice (Deputy Director of Legal Aid)  
IP Chiu Yin, Eddie  
KUNG Peter  
LI Wing Kong, Alvin  
WU Shang Hong, Jason

\* 于2014年10月14日加入工作小组/专责小组的法律援助局成员  
Council member who joined the working group / task force on 14 October 2014

# 于2014年9月1日离任法律援助局及工作小组的前法律援助局成员  
Ex-Council member who left the Council and the working group on 1 September 2014

## 于2014年9月1日离任法律援助局的前法律援助局成员  
Ex-Council member who left the Council on 1 September 2014

