



法律援助服務局
LEGAL AID SERVICES COUNCIL

年報 ANNUAL REPORT
2015/2016





目錄 Contents

- 3** 抱負、使命及信念
Vision, Mission and Values
- 6** 關於法援局
About the LASC
- 18** 主席回顧
Chairman's Review
- 24** 為被扣留在警署人士提供法律方面的援助
Legal Assistance to Detainees at Police Stations
- 31** 擴大法律援助輔助計劃
Expansion of Supplementary Legal Aid Scheme
- 44** 法律援助的政策及策略
Legal Aid Policy & Strategy
- 52** 與持分者的聯繫
Liaison With Stakeholders
- 56** 大律師證明書計劃
Certificate by Counsel Scheme
- 62** 行政
Administration
- 65** 審計署署長報告
Report of the Director of Audit
- 68** 財務報告書及帳目
Financial Reports and Accounts
- 81** 附錄
Appendix

抱負、使命及信念

Vision, Mission and Values



法律援助服務局
LEGAL AID SERVICES COUNCIL

全力以赴、公正獨立、通眾近民、
開誠佈公及敏於眾望

Committed, Independent and Fair,
Accessible, Transparent and Responsive

抱負 Vision

法律援助服務局竭力確保在法律面前人人平等，即使是缺乏經濟能力的人，也能尋求正義伸張，藉以維護和鞏固香港社會的法治精神。

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

使命 Mission

本局的使命是確保提供優質、快捷及妥當的法援服務，並為此爭取足夠的經費；爭取改善關於或影響法律援助服務的法律和行政制度；協助加強公眾對法援服務的認識；以及按時檢討成立一個獨立的法援機構的可行性及可取性。

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.

信念 Values

全力以赴

本局忠於職責，恪守抱負、使命及信念宣言的宗旨，因為本局相信法律援助對於維持法治方面極具價值。本局亦積極推展法律援助服務。在遵守《法律援助服務局條例》的同時，本局致力於完善條例規定，發揚抱負、使命及信念宣言的精神。

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.

公正獨立

提高法律援助管理的獨立性是1996年成立本局的原因之一，因此，獨立性亦成為本局其中一項核心價值。在確認不同持分者的權益或觀點的同時，本局

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

將採取大公無私的立場處理事務，為建立法治社會及確保在法律面前人人平等而努力。本局不會忽視任何向本局提出的事實或觀點。

通眾近民

成立本局的其中一個原因是擴大公眾對法援管理的參與。本局將作出適當安排，方便公眾獲取本局的公開資料，或與本局就特定事宜溝通，或在不影響本局履行職責的情況下，主動或被動地參與本局的工作。本局將設立與公眾、持分者及本港或海外對法援有興趣人士的溝通渠道。

開誠佈公

加深公眾對本局的瞭解可加強公眾對本局及法援服務的信任，亦是公眾積極參與本局工作的先決條件。因此，在不違反特定事宜或特定場合須保密的情況下，本局將向公眾公開本局的工作。

敏於眾望

基於兩種原因，本局須敏銳回應。首先，法律援助服務與整個社會的各個範疇息息相關。為了對法援政策提供完善的意見，及有效監督由法援署提供的法援服務，本局須緊貼社會、經濟及政治狀況的變化、法律慣例及技術革新，並積極應對。此外，對公眾投訴或諮詢作出及時全面的回應，將能建立更有效與公眾溝通的渠道，及有助公眾透過本局積極參與法律援助服務的管理。本局隨時準備聆聽公眾意見，跟進討論研究，並及時採取行動。

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

Accessible

One of the reasons for establishing the Council was to broaden public participation in legal aid administration. The Council will make such arrangements as to facilitate members of the public to obtain open information regarding the Council, or communicate with the Council on specific issues, or take part actively or passively in its work without prejudicing the discharge of its responsibilities. The Council will be accessible to the public, to stakeholders, and to interested parties locally or overseas.

Transparent

A better understanding of the Council will enhance trust in the Council and legal aid services being provided. It is a pre-requisite for active public participation in the Council's work. Therefore, the Council will make known to the public its work without breaching confidentiality in respect of specific issues or on specific occasions.

Responsive

The Council has to be responsive for two reasons. Firstly, legal aid service is provided within a wider environment. In order to provide sound advice on legal aid policy and to supervise effectively the legal aid services provided by Legal Aid Department, the Council has to be sensitive and proactive in respect of changes in social, economic and political conditions, legal practices and technological innovation. Secondly, timely and comprehensive response to public complaints or enquiries will build a more effective channel of communication with members of the public, and will contribute to greater public participation in legal aid administration through the Council. The Council is ready to listen, to follow up with research, to deliberate and to act promptly.

關於法援局

About the LASC



法援局是一個法人團體，負責監管由法律援助署提供的法律援助服務，並就法律援助政策向行政長官提供意見。

The Legal Aid Services Council is a body corporate to supervise the provision of legal aid services provided by the Legal Aid Department and to advise the Chief Executive on legal aid policy.

成立 The Establishment

法援局根據《法律援助服務局條例》（第489章）在1996年9月1日成立，是一個法人團體，負責監管由法律援助署（「法援署」）提供的法律援助服務，並就法律援助政策向行政長官提供意見。

自成立以來，本局對香港的法援服務作出多方面的建議。在法援政策方面，本局向政府就政策範疇事宜提供意見，並提出措施加強法援的獨立性；至於法援服務的管理，本局就法援申請和審批的程序、分派案件予私人執業律師的制度及安排、外判案件的監察、被拒法援申請的上訴機制，以及法援署的資訊系統策略等提出改善建議。本局亦舉辦了會議和研討會等外展活動，提高市民對法援的認識。

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.

法援局的成員 Membership of the Council

法援局的組成包括主席一名，他須不屬公職人員、大律師或律師，而行政長官認為他與大律師或律師行業沒有其他直接關係；持有根據《法律執業者條例》（第159章）發出的執業證書的大律師及律師各兩名；以及四名行政長官認為他們與大律師或律師行業無任何關係的人士。所有成員均由行政長官委任。法律援助署署長是本局的當然成員。

在2015年4月1日至2016年3月31日止的年度內，法援局成員包括：

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.

The membership of the Council during the period from 1 April 2015 to 31 March 2016 is as follows:



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



周凱靈女士
Juliana CHOW Hoi-ling

葉毓強先生
Albert IP Yuk-keung



鄭心怡女士 FHKIA, MH
Anna KWONG Sum-ye
FHKIA, MH

梁宏正先生 JP
Clarence LEUNG Wang-ching
JP



李超華先生
LLB, LL.M., 公證人
Joseph LI Chiu-wah
LLB, LL.M., Notary Public

彭韻僖女士 MH, JP
Melissa Kaye PANG
MH, JP



潘素安女士
Josephine Antonetta
PINTO



王惠貞女士 SBS, JP
Connie WONG Wai-ching
SBS, JP

法律援助署署長
鄭寶昌先生 JP (當然成員)
Thomas Edward KWONG
JP, Director of Legal Aid (ex-officio)



法援局成員簡歷

Members of the Council

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

- 資深執業會計師
- 多間主要公營機構和上市公司的核數委員會主席
- 1994年任香港會計師公會主席
- 擔任立法會議員（會計界功能組別）13年，直至2004年
- 於立法會議員任期內，連續9年被選為立法會政府帳目委員會主席
- 1993年當選首位香港傑出會計師
- 榮獲國際會計師大獎2002
- 獲頒英國曼徹斯特大學榮譽法學博士、香港浸會大學榮譽社會科學博士、香港教育大學社會科學榮譽博士、英國倫敦商學院榮譽校友、香港中文大學及香港理工大學榮譽院士
- 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 Doctor of Social Science by The Education University of Hong Kong, Honorary Alumnus of the London Business School and Honorary Fellow of the Chinese University of Hong Kong and the Hong Kong Polytechnic University.

周凱靈女士 Juliana CHOW Hoi-ling

- 持有香港大學法學專業證書
- 1986年取得大律師資格
- 入境事務審裁處法律顧問
- 發展局上訴審裁團（建築物）主席
- 香港大律師公會會員福利委員會及大律師資格考試委員會委員
- 環保署噪音管制上訴委員會小組、水污染管制上訴委員會備選委員小組及廢物處置上訴委員會小組成員
- 1998至2007年為當值律師服務的義務律師，並曾是大律師公會管理委員會和法律援助檢討委員會委員
- 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

葉毓強先生

Albert IP Yuk-keung

- 朗廷酒店投資的執行董事及行政總裁
- 多家上市公司的獨立非執行董事，包括AEON信貸財務（亞洲）有限公司、合和公路基建有限公司、合和實業有限公司、利福國際集團有限公司、新世界中國地產有限公司、電能實業有限公司及TOM集團有限公司
- 冠君產業信託之信託管理人，鷹君資產管理（冠君）有限公司的非執行董事
- 嶺南大學榮譽教授，於2016年6月1日獲委任為理學碩士財務委員會主席，並為商學院及會計系的諮詢委員會委員
- 香港城市大學商學院客席教授及國際諮詢委員會成員
- 澳門大學客席教授及國際顧問委員會委員
- 擁有聖路易市華盛頓大學理學士學位及康乃爾大學和卡內基梅隆大學理學碩士學位
- 美國聖路易市華盛頓大學行政院士及亞洲國際諮詢委員會成員
- 美國聖路易市華盛頓大學榮譽校友
- 新加坡管理大學金融經濟研究所研究院士
- 職業訓練局榮譽院士
- 世界綠色組織董事會成員
- 教育局校長資格認證委員會委員
- 於2016年4月1日獲委任為香港科技大學校董會成員
- 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
- Honorary Professor, appointed as Chairman of MSc Finance Board on 1 June 2016 and Advisory Board Member, Faculty of Business & Department of Accountancy, Lingnan University
- Adjunct Professor and member of the 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
- Appointed as a Council Member of Hong Kong University of Science and Technology on 1 April 2016

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

- 認可人士－註冊建築師，曾任職於私營和公營企業及天主教香港教區，於2006年開始私人執業
- 香港建築師學會2009-2010年度會長
- 國際崇德社國際監督、第17區總監及區域監督，九龍崇德社會長
- 香港各界婦女聯合協進會理事會兼執行委員會委員
- 義務工作發展局「紫荊領袖義工獎」得主
- 曾為非政府機構和發展商進行保育教堂和新建築項目，其中兩個獲得「聯合國教育科學及文化組織」亞太區文物古蹟保護獎，另一個獲香港建築師學會社區建築獎
- 獲香港特別行政區政府委任加入香港城市規劃委員會、嶺南大學校董會及諮議會、香港貿易發展局基建發展服務諮詢委員會
- 香港特別行政區行政長官選舉委員會委員（2006及2011年）
- 全國人民代表大會香港地區代表選舉委員會委員（2007及2012年）
- 在2013年獲委任為一間上市公司的獨立非執行董事
- 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 JP
Clarence LEUNG Wang-ching JP

- 新興織造廠有限公司董事
- 香港菁英會榮譽主席
- 工業貿易諮詢委員會成員
- 扶貧委員會委員
- 旅遊業策略小組委員
- 曾任城市規劃委員會成員
- 曾任香港特別行政區政府中小型企業委員會委員
- 曾任中央政策組非全職顧問
- 劍橋大學經濟學榮譽學士及碩士
- 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 Commission on Poverty
- Member of the Tourism Strategy Group
- Previously served as member of the Town Planning Board
- 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

李超華先生 LLB, LLM, 公證人
Joseph Li Chiu-wah LLB, LLM, Notary Public

- 李超華律師行高級合夥人
- 1986年於英國獲認許為律師
- 私人執業前，曾任當時律政司署高級檢察官
- 香港律師會理事會理事
- 香港律師會有限法律責任合夥工作小組主席
- 當值律師服務執委會主席
- 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 Working Party on Limited Liability Partnership of the Law Society
- Chairman of the Duty Lawyer Service Council

彭韻僖女士 MH, JP
Melissa Kaye PANG MH, JP

- 執業律師
- 中國委托公証人
- 國際公證人
- 婚姻監禮人
- 認可調解員
- 彭耀樟律師事務所合夥人
- 香港律師會副會長
- 公民教育委員會主席
- 建造業議會委員
- 社會企業諮詢委員會委員
- 香港房屋委員會投標小組委員會委員
- 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

- 執業大律師
- 1982年取得香港大律師資格
- 1983-1993年為當值律師服務的義務律師
- 自1983年起為免費法律諮詢計劃的義務律師
- 香港大律師公會執行委員會委員(1987-1989)
- 香港大律師公會小組委員會委員
 - (1) 人身傷亡賠償委員會 (2002-2006)
 - (2) 海外大律師資格認許委員會(1987-1988)
 - (3) 基本法起草小組委員會 (1988)
 - (4) 越南難民小組委員會 (1988)
- 1997年精神健康(修訂)條例委員會委員 (1998-1999)
- 與律師會聯合組成的法律持續進修委員會委員 (1988)
- 《精神健康條例》下的監護委員會委員 (1999-2002)
- 皇家特許仲裁員協會認可仲裁師 (1993-1995)
- 「香港法律匯報與摘錄」的顧問編輯 (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)

王惠貞女士 SBS, JP Connie WONG Wai-ching SBS, JP

- 香港浸會大學榮譽院士
- 英國曼徹斯特大學管理學碩士
- 自1993年起出任王新興有限公司董事總經理、萬菱實業（廣東）有限公司執行董事及廣州市萬菱置業有限公司董事總經理
- 2009年至今為九龍社團聯會理事長
- 自2012年起為香港廣西社團總會永遠會長及香港中華總商會常務會董
- 2008年起擔任港區省級政協委員聯誼會基金會副主席
- 2014年起擔任香港義工聯盟常務副主席
- 2008年起擔任九龍城區議員，並為九龍城區地區推廣國民教育工作小組主席
- 獲委任為上訴委員會（遊戲機中心）委員（2010年至今）、獎券基金諮詢委員會委員（2011年至今）及獨立監察警方處理投訴委員會觀察員（2014年至今）
- 曾任九龍城區公民教育運動統籌委員會主席、九龍城區更新地區諮詢平台及九龍城區議會房屋及基礎建設委員會委員
- 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
- 2014年擔任第3屆亞洲調解協會會議籌備委員會榮譽委員
- 曾任首席法官轄下調解工作小組、民事法庭使用者委員會、刑事法庭使用者委員會、刑事訴訟程序委員會、家事調解督導委員會、律政司司長轄下調解工作小組和調解專責小組、香港法律改革委員會集體訴訟小組委員會、僱員補償援助基金管理局、交通意外傷亡援助諮詢委員會、香港國際仲裁中心調解員認可委員會的委員
- 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

法律援助署署長鄺寶昌先生 JP Thomas Edward KWONG

JP, Director of Legal Aid

- 擁政治科學及法律學學士學位
- 取得澳洲新南威爾斯最高法院、英格蘭及威爾斯最高法院和香港特別行政區高等法院的律師資格
- 1987年10月加入法律援助署，擔任法律援助律師
- 2013年9月獲委任為法律援助署署長
- 現為民事司法制度改革監察委員會、律政司司長轄下調解督導委員會和規管架構小組委員會、香港調解資歷評審協會有限公司調解資歷評審委員會的委員

法律援助局的職能 Functions of the Council



法律援助局負責監督法律援助署管理其提供的法律援助服務。法律援助署就該等服務的提供向法律援助局負責。

法律援助局為履行職責，可：

- (a) 制定政策以管限由法律援助署提供的服務，並就法律援助署的政策方向提供意見；
- (b) 不時檢討法律援助署的工作，並作出妥善和適當的安排，以確保法律援助署能有效率地並符合經濟原則地履行其職能和提供法律援助服務；
- (c) 檢討由法律援助署提供的服務及其發展計劃；及
- (d) 就法律援助署的開支預算作出考慮及提供意見。

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.

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.

法援局無權就法援署的職員事宜及其對個別案件的處理向法援署作出指示。

法援局是行政長官在關於獲公帑資助並由法援署提供的法律援助服務的政府政策上的諮詢組織，並須就下列事宜作出建議：

- (a) 資格準則、服務範圍、提供服務的方式、未來的改善計劃、以及法律援助政策的未來發展和資金需要；
- (b) 設立一個獨立的法律援助管理局的可行性及可取性；及
- (c) 由行政長官不時轉交法援局的任何其他法律援助事項。



興趣小組 Interest Group

為使公眾能參與法援服務的管理，及聽取各持分者對法援服務的意見，本局成立興趣小組，以建立一個有系統的溝通渠道，讓法律專業人員和業外人士就法援未來的發展互相交流意見，並就制訂法援政策及監督法援服務確立議題。

每個興趣小組均由本局成員出任主席。除本局成員外，興趣小組吸納了來自不同界別的人士，包括學者（來自法律和社會研究領域）、會計師、建築師、大律師、醫生、牙醫、工程師、環境顧問、園境師、不同社會服務範疇的工作者、律師和測量師。現時，興趣小組共有69名成員。一般而言，興趣小組的職權範圍包括就其處理的議題向法援局匯報意見及／或評論，並提出建議，同時審議任何由法援局轉介的事項。

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 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 subjects under the purview of the interest groups; and to consider any issues referred to the interest groups by the Council.

目前，本局共設兩個興趣小組——「法律援助申請程序及監察外判制度興趣小組」和「法律援助範圍興趣小組」，分別由彭韻僖女士和周凱靈女士擔任主席。

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.

工作小組 Working Group

本局也會視乎需要成立工作小組，為一些特別課題進行研究並向本局提出建議。現時本局設有兩個工作小組，其中一個是研究擴大法律援助輔助計劃的涵蓋範圍，而另一個是改善法律援助資訊的傳遞，以提高法律援助署運作的透明度。

興趣小組和工作小組成員名單刊於附錄。

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 groups is at the Appendix.



3



主席回顧 Chairman's Review

過去一年，我們完成了為被扣留在警署人士提供法律方面的援助及擴大法律援助輔助計劃的研究。

Over the year, we have completed the study on the provision of legal assistance to detainees at police stations and the expansion of Supplementary Legal Aid Scheme.

2015-16年是令人興奮的一年，法律援助服務局完成研究為被扣留在警署的人士提供法律方面的援助及進一步檢討法律援助輔助計劃。

2015-16 was an exciting year in which the Council has completed the study of the provision of legal assistance to detainees at police stations and the further review of the Supplementary Legal Aid Scheme.

為被扣留在警署的人士提供法律方面的援助 Legal Assistance to Detainees at Police Stations



在香港的刑事法例下，人人在法律面前，悉屬平等。所有人均被假定無罪，而舉證責任在檢控一方。每個人都有權得到公平公開審訊的權利，亦不會被迫作出對自己不利的證供或認罪。為確保基本人權受到保障，每個人都應有權得到保密而及時的法律意見，以及由律師代表上庭的機會。

但是，一個被扣留人士在受到審問前，他的權益能否得到適當保障備受關注。因為由其個人自由受到限制至在裁判法院出庭期間，目前並無任何公共計劃協助該等人士。香港保留普通法中保持緘默的權利。根據保安局發出的程序規則規定，一個人只有在有合理理由被懷疑干犯了罪行的情況下，才會被進行警誡。這警誡是提醒每個人均有權保持緘默的第一個知會，可是一個正被執法

Under the Criminal Law in Hong Kong, all persons should be equal before the courts and tribunals. One is presumed innocent and the burden of proving guilt is on the prosecution. Everyone shall be entitled to a fair and public hearing, and not be compelled to testify against one's own interest or to confess guilt. The rights to confidential legal advice, access to timely advice by lawyers and legal representations in court are means to ensure that the basic rights are protected.

However, there are concerns whether a detainee's rights could be properly protected before he is interrogated because, at present, there is no public scheme intended to cover the period where a person's liberty is restricted and before he is brought before a Magistrate. Hong Kong has retained the common law right of silence. Only a person who is reasonably suspected to have committed an offence will be cautioned as prescribed in the procedural rules issued by the Security Bureau. The caution is the first notice to a person of his rights to silence. The exercise of that right may not be most clear to a person who is detained at a law enforcement facility.

The Council has therefore invited its Interest Group on Scope of Legal Aid to conduct a study on the provision of legal assistance to detainees who have been detained by law enforcement agencies in Hong Kong. After careful consideration of all relevant issues, the Council considers that publicly funded legal assistance should be made available to protect the legal rights of detainees.

機關扣留的人士卻未必清楚可以行使這個權利。

因此，本局邀請轄下的「法律援助範圍興趣小組」，研究為被扣留在香港執法機構的人士提供法律方面的援助。在審視所有相關議題後，本局認同有需要提供一個由公帑資助的法律方面的援助予被扣留人士以保障其法律權益。

在2016年2月2日，本局向行政長官建議設立一個行政計劃，提供法律方面的援助給被扣留人士，有關服務包括用電話為被扣留人士提供初步的法律意見，及/或視乎情況，律師親到警署作面對面的諮詢。本局提議先在四個有代表性的警署引入該計劃作為試點，並分階段落實。行政當局應對計劃作出監察及檢討，根據檢討的結果，有關服務可被擴展至其他警署或執法機關，即入境事務處、香港海關及廉政公署。

On 2 February 2016, the Council submitted to the Chief Executive the recommendations of setting up an administrative scheme to provide legal assistance to detainees. The service should cover an initial legal advice to the detainee over the telephone, and / or where appropriate, a lawyer's attendance at the police station to give advice face-to-face. The service was proposed to be introduced on a pilot basis in 4 representative police stations, and be implemented in stages. The scheme should be kept under monitor and review. Subject to the outcome of the review, the service may be extended to other police stations and law enforcement agencies i.e. the Immigration Department, the Customs & Excise Department, and the Independent Commission Against Corruption.



擴大法律援助輔助計劃

Expansion of Supplementary Legal Aid Scheme

應民政事務局（民政局）的邀請，本局成立了一個工作小組討論進一步擴大法律援助輔助計劃（「輔助計劃」）的援助範圍的必要及可行性，以及如需擴大援助範圍，應新增那類案件在計劃之內。

「輔助計劃」按財政自給自足的基礎成立，並在1984年開始運作。「輔助計劃」旨在為財務資源超出普通法律援助計劃（「普通計劃」）的法定限額，但低於最高限額的人士提供法援。目前，「輔助計劃」的財務資格限額為1,451,900元。

Upon the invitation of the Home Affairs Bureau (HAB), the Council set up a working group to study whether it is necessary and feasible to further expand the scope of Supplementary Legal Aid Scheme (SLAS) and, if so, which type(s) of cases should be added.

SLAS came into operation in 1984. It was established on the bases of self-financing and financial viability. It aims at providing legal assistance to people whose financial resources exceed the upper limit allowed under the Ordinary Legal Aid Scheme (OLAS) but are below a ceiling amount. The financial eligibility limit (FEL) for SLAS is currently set at \$1,451,900.

SLAS is funded by the initial seed money of \$1 million from the Lotteries Fund, an injection of \$27 million

「輔助計劃」最初的100萬元種子基金由獎券基金撥出、其餘經費來自政府分別於1995年及2012年注資的2,700萬元及1億元、申請人繳付的申請費、受助人繳付的中期分擔費、從勝訴案件討回的損害賠償中扣除的最終分擔費、判與的訟費以及執行第一押記的收入等。

法律援助輔助計劃基金的財務可行性受包括在「輔助計劃」的申索類別選擇、案情審查、訴訟成功率、可收回訟費的能力以及賠償與訴訟費用比率所影響。「輔助計劃」的案件一旦敗訴，便需承擔雙方的訟費，這對該基金來說會是一個沉重的打擊。

有見及此，當檢討「輔助計劃」時，除了要考慮擴大「輔助計劃」援助範圍的必要及可行性外，在審視新增案件的類別時，也需思量其 i) 是否涉及金錢申索；ii) 申索成功機會是否很高；及 iii) 是否有良好的討回訟費及賠償的機會。

經商討後，本局支持工作小組的建議，「輔助計劃」的援助範圍應可逐步擴大。針對上述情況，本局認為「輔助計劃」應繼續以財政自給自足的模式運作，並須密切監察法律援助輔助計劃基金的運作情況。

本局建議將下列金額很可能超過60,000元的申索類別納入「輔助計劃」：

- (a) 涉及已在證券及期貨事務監察委員會註冊及根據要求投保的獨立財務顧問的金錢申索；及
- (b) 在銷售證券衍生工具、貨幣期貨或其他期貨合約時涉及詐騙、失實陳述或欺騙情況的金錢申索；

from the general revenue in 1995 and \$100 million in 2012, the application fees payable by applicants, the interim contributions from aided persons and the final contributions from a percentage deduction of the damages recovered in successful cases, costs awarded and receipts from first charge enforcement, etc.

Financial viability of the Supplementary Legal Aid Fund depends on the choice of claims covered, the merits test, the success rate in litigation, the recoverability of legal costs spent and the damages to costs ratio. The loss of any SLAS case impacts heavily on the Supplementary Legal Aid Fund as it has to bear the costs of both sides.

Therefore, in reviewing SLAS, apart from the question of whether it is necessary and feasible to expand the scope of SLAS, the matters of: i) whether monetary claims are involved; ii) whether the claims have a high success rate; and iii) whether there is a good chance of recovering costs and damages have also been taken into account when considering the type(s) of cases to be included.

After deliberation, the Council supported the working group's recommendations that the scope of SLAS should be further expanded. Against the background above-mentioned, the scheme should continue to be self-financing and financially viable. It was also agreed that the expansion might be introduced on an incremental basis and the viability of the Supplementary Legal Aid Fund should be closely monitored.

The following types of cases where the claim is likely to exceed \$60,000 were recommended to be covered by SLAS:

- (a) Claims against independent financial consultants registered under the Securities and Futures Commission and required to have insurance cover; and
- (b) Claims in derivatives of securities, currency futures or other futures when fraud, misrepresentation or deception was involved at the time of purchase

本局同時建議當集體訴訟法例完備時，行政當局應積極考慮將集體訴訟納入「輔助計劃」內，另外，法援署署長應有權酌情批准法援予合適的集體訴訟案件。

上述的建議已於2016年7月15日呈交給行政長官。本局在商討有關提案時，儘管受人力和資源的限制，僅能與兩個法律專業團體交換意見，而非聽取所有相關持分者的提議，本局相信有關建議是公平而合理的。為香港的利益著想，我已懇請政府認真考慮盡快推行本局的建議。

The Council also recommended that the inclusion of class action in SLAS should be actively considered when the law governing class action was available and the Director of Legal Aid should have discretion to grant legal aid in appropriate class action cases.

The foregoing recommendations were submitted to the Chief Executive on 15 July 2016. I trust the recommendations are fair and reasonable though the Council, with limited manpower and resources, has exchanged views with only the two legal bodies instead of collecting views from all relevant stakeholders when the proposals were discussed within the Council's working group. For the benefit of Hong Kong, I have urged the government to seriously consider an early implementation of the Council's recommendations without delay.

檢討刑事法律援助費用 Review of Criminal Legal Aid Fees

在2014年3月，民政局成立了一個工作小組，檢討支付予大律師和律師代表法律援助署（法援署）處理訴訟工作的費用。工作小組成員包括大律師公會和香港律師會的代表，以及律政司和法援署的政府代表。

在2016年2月，民政局通知本局刑事法律援助費用將被建議上調；i) 大律師的費用上調50%；ii) 發出指示的律師的費用上調25%；及 iii) 在區域法院以訟辯人兼發出指示的律師身分行事的律師的費用上調40%，並會為享有較高級法院出庭發言權的訟辯律師增設一個新的刑事法律援助費用類別，以處理高等法院的案件。本局亦知悉民政局已在2016年6月向立法會提出動議以修改法例，一經立法會批准，將會盡快訂定生效日期。本局歡迎有關的上調建議。

In March 2014, HAB set up a working group to review the rates of fees payable to counsel and solicitors undertaking criminal litigation work on behalf of the Legal Aid Department (LAD). Members of the working group include representatives from the Hong Kong Bar Association and the Law Society of Hong Kong, as well as government representatives from LAD and the Department of Justice.



過去一年，為向公眾提供優質的法律援助服務，我們的持分者皆努力不倦地工作。如果沒有兩個法律專業團體和其他法援服務持分者的熱心參與、無私貢獻和寶貴意見，我們不可能完成前段所述的研究。我衷心向每一位表示感激。同時，我亦向法援署署長和該署的同事致謝，感謝他們的全力協助、盡忠職守和辛勤工作。最後，我真誠感謝本局成員。在他們的堅定支持下，本局定能繼續堅守信念，確保在法律面前人人平等，即使是缺乏經濟能力的人也能尋求公義。

In February 2016, HAB informed the Council that the criminal legal aid fees would be recommended to be increased by: i) 50% for counsel; ii) 25% increase for instructing solicitors; and iii) 40% for solicitors acting as both advocate and instructing solicitor in the District Court, and a new category of criminal legal aid fees for High Court cases would be introduced for solicitor advocates with higher rights of audience. It was also noted that HAB had served a notice for moving a resolution in LegCo in June 2016 to effect the legislative changes. The commencement date will be appointed as soon as possible upon LegCo's approval. The Council welcomed the proposed increase.

Over the year, our stakeholders have worked tirelessly with a view to delivering quality legal aid services to the public. We would not be able to complete the studies above-mentioned without the contributions, participation and invaluable advice of the two branches of legal profession and other legal aid stakeholders. 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 whole-hearted support, dedication to duty and hard work. Last but not the least, my sincere appreciation goes to members of the Council. With their unfaltering support, the Council will continue to uphold its vision of ensuring equality before the law and access to justice by people of limited means.



4

為被扣留在警署人士 提供法律方面的援助

Legal Assistance to Detainees
at Police Stations



本局邀請了轄下的法律援助範圍興趣小組（「興趣小組」）就法律援助的涵蓋範圍應否擴大至包括被扣留在香港執法機構的人士進行研究。除與持分者會面外，「興趣小組」研究了相關的法例和統計，亦同時以5個有為被扣留人士提供法律方面的援助的司法管轄地區，即英格蘭及威爾斯、蘇格蘭、台灣、新西蘭和加拿大安大略省，作比較及研究，藉以了解海外地區為被扣留人士提供相關法援的範疇及形式。「興趣小組」就為被扣留在香港警署的人士提供法律方面的援助的研究結果會在隨後的段落中詳述。

The Interest Group on Scope of Legal Aid (IG) of this Council has been invited to study whether legal aid should be extended to cover legal assistance for persons detained by law enforcement agencies in Hong Kong. Apart from meeting stakeholders, the IG examined relevant legislation and statistics when conducting the review. A comparative study of the provision of legal assistance to detainees in 5 foreign jurisdictions, i.e. England and Wales, Scotland, Taiwan, New Zealand and Ontario of Canada was also carried out to gain more understanding on the scope and delivery of such legal assistance to detainees overseas. The findings of the IG's study on the provision of legal assistance to detainees at police stations are given in the ensuing paragraphs.

香港的情況

The Hong Kong Position

在香港的刑事法例下，在法院或法庭之前，人人平等及皆假定無罪，而舉證責任在控方。每個人都有權得到公平公開審訊的權利，不會被強迫作出違反自己利益的供詞或被迫認罪。為確保基本人權受到保障，每個人都應有權得到保密和及時的法律意見、以及可由律師代表出庭。但是，一個被扣留人士在受到審問前，他是否能得到及時的律師意見以保障其個人權益備受關注。故此有人建議，如被扣留人士無經濟能力聘請律師，應以法援方式為他們代聘。

目前香港並無任何公共計劃協助保障一個被扣留人士，由其個人自由受到限制至在裁判法院出庭期間的個人權益。香港保留普通法中保持緘默的權利。根據保安局發出的程序守則規定，一個人只有在有合理理由被懷疑干犯了罪行的情況下，才會被進行警誡。

Under the Criminal Law in Hong Kong, all persons should be equal before the courts and tribunals. One is presumed innocent and the burden of proving guilt is on the prosecution. Everyone shall be entitled to a fair and public hearing, and not be compelled to testify against one's own interest or to confess guilt. The rights to confidential legal advice, access to timely advice by lawyers and for legal representations in court are means to ensure that the basic rights are protected. However, concerns have been raised for timely access to a lawyer so that a detainee's rights could be properly protected before he is interrogated. There has been suggestion of providing a lawyer to a detainee by way of legal aid when he is unable to afford one.

At present, there is no public scheme intended to cover the period where a person's liberty is restricted and before he is brought before a Magistrate. Hong Kong has retained the common law right of silence. Only a person who is reasonably suspected to have committed an offence will be cautioned as prescribed in the procedural rules issued by the Security Bureau. The caution is the first notice to a person of his rights

這警誡是提醒每個人均有權保持緘默的第一個通知，可是一個被扣留在執法機關的人士卻未必清楚可以行使這個權利。

to silence. The exercise of that right may not be most clear to a person who is detained at a law enforcement facility.

建議

Recommendations

經審慎考慮所有相關議題後，本局認同「興趣小組」的建議，即應設立一個由政府資助的計劃為被扣留人士提供法律方面的援助，以保障其法律權益。

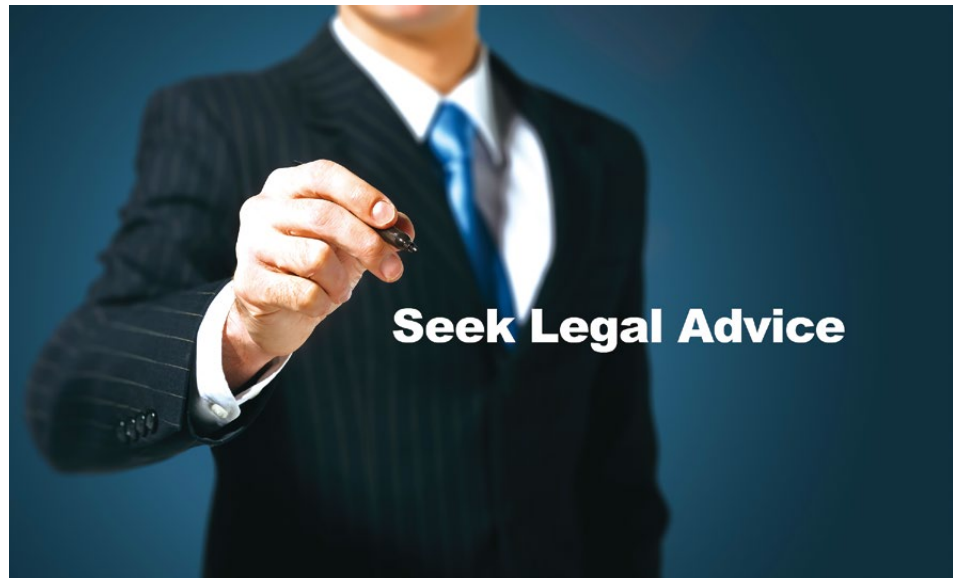
After careful consideration of all relevant issues, the Council agrees to the IG's recommendations that a publicly funded scheme should be made available to protect the legal rights of detainees.

服務範疇

1. 援助計劃的目的是為確保被扣留人士在他的個人自由受到限制時，可以獲得有關應有權益的法律意見。
2. 該計劃的援助範圍應由一個人被扣留開始，即他的個人自由被限制在警署內，但不應包含被扣留人士被正式落案起訴後的法律諮詢，即「警署至出庭間」的時段。因為除非得到保釋，一般在被落案起訴後，該人士很快便會被安排出庭，而且當案件轉介至裁判法院後，當值律師服務便可向該人士提供法律意見和支援。
3. 應為被扣留人士提供初步的法律意見。
4. 雖然就法律諮詢服務應否受時間限制及如需要設限，應設定在多少時間方面未達成共識，但主流意見認為有關服務不應超逾1小時。

Scope of the Service

1. The purpose of the scheme is to ensure that detainees could have access to legal advice on their rights once their liberty is restricted.
2. Such scheme should cover the period when the individual is detained, i.e. his liberty is restricted in a police station. However, it should not cover legal advice to detainees after a charge has been laid, i.e. during the "police station to court" period, because the time gap between charge and appearance before the Magistrate is normally very short unless bail is given, and legal advice and assistance is provided by the Duty Lawyer Service (DLS) once the matter has been referred to the Magistrate's Court.
3. Initial advice should be made available to detainees.
4. Although consensus could not be reached on whether the advice should be subject to a time limit and, if so, how much time should be spent on giving such advice, the majority considered that the service should not last for more than one hour.



5. 律師應運用其專業判斷以決定單一案件所需的工作時間，在某些特別的情況下，例如涉及嚴重罪行或被扣留人士對理解法律意見有困難，律師便可酌情處理服務時限。
5. Lawyers should use their professional judgment to decide how much time should be spent on each case. Discretion may be given to extend the service beyond the limit in specific cases e.g. serious offences or special circumstances where the detainee has difficulty in understanding the advice.
6. 服務應包括律師親自到警署為被扣留人士提供法律意見。透過與被扣留人士面對面的對話，律師可準確地引導和明白被扣留人士的憂慮和需要，從而提供更適合和貼近他們情況的法律意見。
6. The service should cover a lawyer's attendance at the police station to give legal advice to the detainee in person because a lawyer may be better to elicit and understand the detainee's concerns and needs when meeting with him face-to-face. The advice will thus be tailor-made to that detainee's circumstances.
7. 由於並非所有被扣留人士都會要求或需要律師親身提供法律意見，以及為了令有需要的人士能迅速得到法律支援，律師可用電話提供初步的法律意見，如有需要可再安排面對面的會見。
7. Nevertheless, not all detainees will request or need the advice to be rendered by the lawyer in person. In order to enable quick legal assistance to those in need, initial advice may be provided over the telephone. If necessary, lawyers may also give face-to-face advice.
8. 服務應只提供予被警方拒絕保釋的人士，或沒有能力繳付保釋金的被扣留人士。為避免服務被濫用，如有需要，可就服務對象的定義作進一步的闡釋。
8. The service should be extended only to persons where bail is refused by the police, or where the detainee cannot afford the bail money. To avoid the abuse of the proposed service, the definition of target recipients should be further elaborated if it is considered necessary.

服務的形式

在對5個提供相關服務的司法管轄地區的研究中，發現每一個援助計劃都有設立電話中心以處理所有有關提供法律意見（或法律代表）的要求。因此，「興趣小組」內有建議設立一個類似的電話中心，作為被扣留人士的第一個接洽點。電話中心由有處理刑事案件經驗的律師（「中心律師」）支援，用電話向被扣留人士提供初步法律意見。「中心律師」可因應案件的情況，聯絡在預先核准的名冊上的合資格律師（「值勤律師」）到警署為被扣留人士提供適時的法律意見。為能夠更快提供有關的法律支援服務，亦有建議安排律師在警署內駐守。

申請人的財務資格及分擔費

給予被扣留人士的初步法律意見應是不用收費的。可是，如有後續面談的需要時，就應施行一個簡單、容易管理及類似當值律師計劃所採用的經濟審查，同時應向被扣留人士收取500元至1000元的分擔費。

服務的推行

這建議應以試驗計劃形式進行，分階段落實，並受監察和檢討。試驗計劃可先在4間有代表性的警署試行。要令這試驗計劃成功，選取合適的警署和得到香港警務處的支持尤為重要。此外，亦有建議試驗計劃的服務只涵蓋部分罪行、或社會上較弱勢人士，如年齡在18歲以下或65歲以上的人士、不諳說及／或不明白廣東話、普通話或英語的人士、及／或被確認為患有智障的人

Delivery of the Service

Every scheme covered in the comparative study involves a call centre that manages all requests for legal advice (or legal representation). Similarly, there has been suggestion of setting up a call centre serving as the initial contact point for detainees. The call centre, supported by lawyers with experience in criminal practice ("Centre Lawyers"), will provide initial telephone advice to detainees. The Centre Lawyer may contact lawyers on a pre-approved panel of eligible lawyers ("Duty Lawyers") to provide timely legal advice at police stations for cases where it is so warranted. Stationing a lawyer in the police station has also been suggested for quicker access to the service.

Financial Eligibility and Contributions

The initial legal advice provided to detainees should be free of charge. However, if there is a subsequent visit to a detainee, a means test which is similar to that in place in the Duty Lawyers Scheme and simple and easy to administer should be imposed, and a contribution of \$500 to \$1,000 should be made payable by the detainee.

Implementation

The proposed service should be introduced on a pilot basis, implemented in stages and kept under monitor and review. As a start, 4 representative police stations may be involved in the pilot scheme. To make the pilot scheme meaningful, the selection of appropriate police stations and the support of the Hong Kong Police Force are important. There has also been suggestion of confining the service of the pilot scheme to only certain types of offence; or the more vulnerable groups in the community such as people aged below 18 or above 65; people who have difficulties in speaking and/or understanding

士。試驗計劃的財務負擔將視乎服務的規模和提供服務的方式而有所變化。

試驗計劃應先試行不多過兩年，並建議在完成首年試行後作中期檢討及在試行兩年後作全面檢討。至於可否引入資訊科技協助提供服務及會否將服務擴展至提供法律代表給被拘留人士，可在試行推展後再作考慮。此外，警方在一些案件中，在落案後可能繼續向被拘留人士問話，故有關服務應否在「警署至出庭間」這時段提供亦受到關注。另外，為被拘留人士提供服務的實際時間能否限制在1小時內也是令人關切的問題，尤其當口供是以書面方式記錄而非錄像記錄。為回應這些關注，「興趣小組」認為有關方面有必要收集數據來進行分析和檢討。試驗計劃服務可視乎檢討結果，擴展至其他警署和執法機構，即入境事務處、香港海關及廉政公署。

「興趣小組」曾經研究能否將建議服務納入現行由法援署管理的法援計劃。可惜，在現行法例框架下，法援不能伸延至未被落案的被拘留人士；此外，法律援助證書必須在申請人通過經濟審查後才可發出，而這種審查，在為被拘留人士提供即時緊急的法律支援的情況下是不可行的。因此，「興趣小組」認為以行政計劃的形式為被拘留人士提供法律方面的援助更為合適。

Cantonese or Putonghua or English; and/or identified mentally disabled persons. The financial implications of the pilot scheme will vary, depending on the scale of the service to be provided and the means of delivering the service.

The pilot scheme should be implemented for no longer than two years. An interim review after the first year and a comprehensive review after the second year are recommended. Whether IT measures could be adopted to deliver the legal assistance and whether the service should be extended to cover legal representation are subject to further consideration after the pilot scheme has been put in place. Besides, there has been concern as to whether the service should cover the “police station to court” period as in some cases the Police may continue to question the detainees after a charge has been laid. Concern has also been raised as to whether the actual time spent in representing a detainee could be restricted to less than one hour, particularly when a written statement is to be taken word by word from the detainee instead of a video interview. Therefore, to address the concerns, data should be collected for analysis and review of the pilot scheme. Subject to the outcome of the review, the service may be extended to other police stations and law enforcement agencies i.e. the Immigration Department, the Customs & Excise Department, and the Independent Commission Against Corruption.

Consideration has been given as to whether the proposed service can be grafted onto the existing legal aid schemes under the Legal Aid Department. However, the existing legal framework does not permit the extension of legal aid to a detainee prior to charge. Besides, a means test is the prerequisite of the grant of a legal aid certificate and this will not be feasible in the urgent setting of granting immediate legal assistance to a detainee. In view of the circumstances, it is considered more appropriate to provide legal assistance to detainees through an administrative scheme.





本局的「興趣小組」在討論計劃書時，儘管在有限的人力和資源下，僅能收集執法機構、當值律師服務及兩個法律專業團體的相關意見，本局相信上述的建議是公正而合理的。本局認為通過單一或一系列循序漸進的試驗計劃，可以找出可能出現的程序或財務問題，而這些技術上的問題，均可透過進一步的商討解決。

本局已於2016年2月2日向行政長官提交以上建議，並促請政府當局慎重考慮及盡快落實執行有關建議。

The Council considered the foregoing recommendations fair and reasonable though it has only limited manpower and resources to collect all relevant views from the law enforcement agencies, DLS and the two legal bodies when the proposals were discussed within the Council's Interest Group. The Council also considered that any possible logistic or financial concerns can best be tested out in a single or a series of progressive pilot schemes so that any technical issues can be identified and resolved through further discussions.

The Council submitted the above recommendations to the Chief Executive on 2 February 2016 and has urged the government to seriously consider an early implementation of the recommendations without delay.

5

擴大法律援助輔助計劃

Expansion of
Supplementary Legal Aid Scheme



作為行政長官在關於由法援署提供的法律援助服務的政策上的諮詢機構，本局在2010年3月致函民政事務局局长，表達對就評定法律援助申請人財務資格的準則每五年進行一次的檢討所作建議的意見；本局同時在信內表示，法律援助輔助計劃（「輔助計劃」）的援助範圍應予以研究，而有關研究會由轄下的法律援助範圍興趣小組負責。

在2010年12月，本局向行政長官呈交「輔助計劃」的檢討報告。行政當局在審視本局的建議，並考慮立法會司法及法律事務委員會和相關持分者，包括法律業界的意見後，最終定下其對「輔助計劃」提案的立場，並於2011年3月和12月提交司法及法律事務委員會，及於2012年11月法例修訂後，擴大了普通法律援助計劃（「普通計劃」）及「輔助計劃」的援助範圍。

自那時起，已有立法會議員和法律業界人士呼籲更進一步擴大援助範圍。在民政事務局（民政局）的邀請下，本局成立了一個工作小組去進一步檢討「輔助計劃」的援助範圍。

The Council, being an advisory body of the Chief Executive on the policy of the legal aid services provided by Legal Aid Department ("LAD"), wrote to the Secretary for Home Affairs in March 2010 providing its views on the recommendations of the five-yearly review of the criteria used to assess the financial eligibility of legal aid applicants. In the letter, the Council also advised that the scope of Supplementary Legal Aid Scheme ("SLAS") was considered necessary to be studied and the study would be conducted by its Interest Group on Scope of Legal Aid.

In December 2010, the Council made a submission to the Chief Executive on the review of SLAS. Having studied the recommendations of the Council and taken into account the views of the Legislative Council ("LegCo") Panel of Administration of Justice and Legal Services ("AJLS") and relevant stakeholders including the legal profession, the Administration finalized its position on the proposals for SLAS and submitted it to the AJLS Panel in March and December 2011. The expanded scope of Ordinary Legal Aid Scheme ("OLAS") and SLAS was implemented in November 2012 after legislative amendments.

Since then, there have been calls for further expansion from LegCo members and members of the legal profession. On the invitation of the Home Affairs Bureau ("HAB"), the Council set up a working group to conduct a further review of the scope of SLAS.

擴大法律援助輔助計劃工作小組 Working Group on Expansion of SLAS

擴大法律援助輔助計劃工作小組（「工作小組」）由本局成員組成，其主要工作是研究進一步擴大「輔助計劃」的援助範圍的必要及可行性，以及如需擴大援助範圍，應新增那類案件在計劃內。除了工作小組成員的意見外，小組也考慮了其他人士的提議，尤其香港大律師公會在2010

The Working Group on Expansion of SLAS ("WG") is comprised of members of the Council. It is tasked to study whether it is necessary and feasible to further expand the scope of SLAS and, if so, which type(s) of cases should be added. In addition to the views from members of the WG, the WG has considered written submissions, the Hong Kong Bar Association's position papers on this topic dated 20 July 2010 and 5 November 2012 in particular, examined relevant

年7月20日和2012年11月5日就此議題發出的立場書，並查看了相關的統計數據和檢閱其他有關的資料。工作小組亦慎重地商討了香港大律師公會和香港律師會分別於2015年11月18日和24日，針對工作小組的初步建議書發出的書面意見。

「輔助計劃」的進一步檢討 Further Review of SLAS

政府的法援政策目標是要確保任何具合理理據在香港法院提出訴訟或抗辯的人士，不會因缺乏經濟能力而無法尋求公義。

任何人士如要獲得法律援助，須按法例要求，同時通過經濟審查及案情審查。目前，申請人的財務資源不超過290,380元，便符合資格申請「普通計劃」，而這計劃已涵蓋大部分區域法院或更高法院的法律訴訟。「輔助計劃」是提供給財務資源超出「普通計劃」規定的限額，但又不超過某一金額的人士。現時，「輔助計劃」的財務資格限額為1,451,900元。

「輔助計劃」在1984年開始運作，最初的1百萬元種子基金由獎券基金撥出、其餘經費來自政府於1995年注資的2,700萬元、申請人繳付的申請費、受助人繳付的中期分擔費和從勝訴案件討回的損害賠償中扣除的最終分擔費、判與的訟費以及執行第一押記的收入等。

「輔助計劃」按財政自給自足的基礎建立。一直以來，「輔助計劃」涵蓋的法律訴訟種類為：(a) 因涉及對個人而非商業機構或一個組群的市民做成重大傷害或不

statistics and reviewed other materials. The WG has also deliberated the written submissions of Hong Kong Bar Association and the Law Society of Hong Kong dated 18 and 24 November 2015 respectively which were made in response to the preliminary proposal of the WG.

The Government's policy objective of legal aid is to ensure that no one with reasonable grounds for pursuing or defending a legal action in the Hong Kong courts is denied access to justice because of a lack of means.

To qualify for legal aid, a person is required by law to satisfy the means test and the merits tests. At present, a person whose financial resources do not exceed \$290,380 is financially eligible for legal aid under the OLAS, which covers most proceedings at District Court level and above. The SLAS is available to those whose financial resources exceed the upper limit allowed under OLAS, but are below a certain amount. The financial eligibility limit (FEL) for SLAS is currently set at \$1,451,900.

SLAS came into operation in 1984. It is funded by the initial seed money of \$1 million from the Lotteries Fund, an injection of \$27 million from the general revenue in 1995, the application fees payable by applicants, the interim contributions from aided persons and the final contributions from a percentage deduction of the damages recovered in successful cases, costs awarded and receipts from first charge enforcement, etc.

SLAS is established on the bases of self-financing and financial viability. All along, the types of proceedings covered by SLAS are those: (a) which deserve priority for public funding in the sense that significant injury or injustice to the individual, as distinct from that to a commercial concern or a group of citizens, is involved;

公，而值得優先獲得公帑資助的個案；以及(b) 涉及金錢申索並有良好勝訴以及討回訟費及賠償機會的個案。

「輔助計劃」最初只適用於涉及人身傷亡的賠償申索，其後於1992年擴大至僱員補償申索，並於1995年涵蓋因醫療、牙科及法律專業疏忽而提出的申索。

在2012年11月，「輔助計劃」的涵蓋範圍大幅擴大。除了上述申索外，「輔助計劃」的涵蓋範圍擴大至包括更多類別的專業疏忽申索、關於保險人或其中介人在銷售個人保險產品時涉及疏忽的申索、就售賣已落成或未落成的一手住宅物業而向賣方提出的金錢申索，以及因應勞資審裁處所作裁決而提出上訴的個案中為僱員提供法律代表。

立法會財務委員會在2012年12月批准注資1億元，支持已擴大涵蓋範圍的「輔助計劃」的運作。截至2016年3月底，法律援助輔助計劃基金的結餘為1.915億元。

以下是「輔助計劃」的申請及獲批法律援助證書的統計數字：

and (b) which involve monetary claims and have a high success rate and a good chance of recovering costs and damages.

SLAS was limited initially to cover claims for damages for personal injuries or death. It was expanded in 1992 to include employees' compensation claims and in 1995 civil proceedings for medical, dental and legal professional negligence.

In November 2012, the scope of SLAS was significantly expanded. In addition to the above-said claims, the scope of SLAS was expanded to cover a wider range of professional negligence claims, negligence claims against insurers or their intermediaries in respect of the taking out of personal insurance products, monetary claims against the vendors in the sale of completed or uncompleted first-hand residential properties, and representation for employees in appeals against awards made by the Labour Tribunal.

The LegCo Finance Committee's funding approval of \$100 million was obtained in December 2012 to support the operation of the expanded SLAS. As at the end of March 2016, the balance of the Supplementary Legal Aid Fund was \$191.5 million.

Followings are the statistics on the numbers of applications and legal aid certificates granted in respect of SLAS:

「輔助計劃」的申請及獲批法律援助證書的數目
No. of Applications Received and Certificates Granted under SLAS

年度 (十月至九月) Year (Oct - Sep)	人身傷害的賠償申索 Personal Injuries Claim		專業疏忽的賠償申索 Professional Negligence Claim		其他 Others		總計 Total	
	申請 Application	證書 Certificate	申請 Application	證書 Certificate	申請 Application	證書 Certificate	申請 Application	證書 Certificate
2008-2009	165	112	15	7	-	-	180	119
2009-2010	123	97	16	7	-	-	139	104
2010-2011	148	104	16	10	-	-	164	114
2011-2012	152	112	20	8	1	1	173	121
2012-2013	191	149	21	8	3	1	215	158

「輔助計劃」申請被拒的數目
No. of Refusals under SLAS

年度（十月至九月） Year (Oct - Sep)	未能通過經濟審查而被拒的申請 Refusal on Means	未能通過案情審查而被拒的申請 Refusal on Merits
2008-2009	1	33
2009-2010	2	24
2010-2011	-	21
2011-2012	-	22
2012-2013	4	30

自涵蓋範圍擴大後，法援署仍就新增的援助法律訴訟累積經驗，並評估它們對法律援助輔助計劃基金的影響。從下表可以看到，2012年並沒有接獲太多有關新增案件類別的申請。

Since the expansion in 2012, LAD has been gaining experience on the newly added proceedings and assessing their impact on the Supplementary Legal Aid Fund. It is noted from the table below that there are not much applications received for the cases introduced in 2012.

於2012年新增的案件類別的申請數目
No. of Applications in respect of Cases Introduced in 2012

年度 （十月至九月） Year (Oct - Sep)	8種新增專業疏忽的賠償申索 8 New Professional Negligence Claims	個人保險疏忽的賠償申索 Personal Insurance Negligence Claims	售賣一手住宅物業 Sale of First-hand Residential Properties	勞資審裁處的上訴 Employees' Labour Tribunal Appeal
2012-2013	1 [#]	-	-	1 [*]
2013-2014 (截至2014年2月28日) (up to 28 Feb 2014)	-	-	-	1 [@]

未能通過案情審查 Refused on merits

* 法律援助證書獲批 Certificate granted

@ 提供法援的建議失效 Offer lapsed

法律援助輔助計劃基金的財務可行性，取決於涵蓋在「輔助計劃」的申索類別的選擇、案情審查、訴訟成功率、可收回訟費的能力以及賠償與訴訟費用的比率。現時，大部分包括在「輔助計劃」的申索均有投保，而且申請多是涉及有非常高勝訴和高賠償比率的人身傷害案件。

Financial viability of the Supplementary Legal Aid Fund depends on the choice of claims covered, the merits test, the success rate in litigation, the recoverability of legal costs spent and the damages to costs ratio. At present, most of the SLAS claims are covered by insurance policies and the bulk of the SLAS cases are personal injuries claims which have a very high success rate and high compensation ratio.

「輔助計劃」的案件一旦敗訴，雙方的訟費便需由法律援助輔助計劃基金承擔，這對該基金來說會是一個沉重的打擊。在2008年，一宗由「輔助計劃」資助，雙方的訟費涉及1,700萬元的人身傷害案件敗訴，便導致法律援助輔助計劃基金的資金由1.02億元銳減至8,800萬元。此外，如果沒有銀行利息的收益，法律援助輔助計劃基金在過去10年大部分時間都會錄得淨虧損。基於這個背景下，法援署獲額外撥款以應對上次擴大「輔助計劃」的範圍。

The loss of any SLAS case impacts heavily on the Supplementary Legal Aid Fund as it has to bear the costs of both sides. In 2008, the loss of a SLAS funded personal injuries claim with estimated costs of \$17 million led to a drastic reduction of the Supplementary Legal Aid Fund from \$102 million to \$88 million. It is also noted that without the gain from bank interest, there will be a net loss in most of the past 10 years. It was against this background that separate funding was sought for the last expansion of SLAS.

法律援助輔助計劃基金淨收益 / 虧損和基金結餘 Net Gain/Loss and Fund Balance of Supplementary Legal Aid Fund

年度 (十月至九月) Year (Oct - Sep)	個案錄得的 淨收益 / (虧損) Net Gain/(Loss) from Cases (A)	銀行利息 淨收益* Net Gain from Bank Interest* (B)	全年淨收益 / (虧損) Net Gain/(Loss) for the Year (C) = (A) + (B)	基金結餘 Fund Balance (D)
	\$	\$	\$	\$
2003-2004	4,164,402	522,724	4,687,126	91,856,625
2004-2005	(265,822)	1,675,852	1,410,030	93,266,655
2005-2006	3,093,366	4,389,395	7,482,761	100,749,416
2006-2007	(3,164,067)	4,226,936	1,062,869	101,812,285
2007-2008	(17,409,800)	3,251,543	(14,158,257)	87,654,028
2008-2009	(1,358,963)	1,554,781	195,818	87,849,846
2009-2010	(1,268,936)	557,199	(711,737)	87,138,109
2010-2011	(534,164)	992,432	458,268	87,596,377
2011-2012	(2,250,191)	1,567,579	(682,612)	86,913,765
2012-2013 (未經審計) (unaudited)	(2,324,374)	1,810,206	(514,168)	#186,399,597

* 已減去銀行費用的銀行利息 Bank interest less bank charges

包括2013年1月政府注資的1億元 Including fund of \$100 million injected by Government in Jan 2013

建議

Recommendations

當檢討「輔助計劃」時，工作小組除審議擴大「輔助計劃」涵蓋範圍的必要及可行性外，也在考慮新增案件的類別時考量 i) 是否涉及金錢申索；ii) 申索成功機會是否很高；及 iii) 是否有良好的討回訟費及賠償的機會。

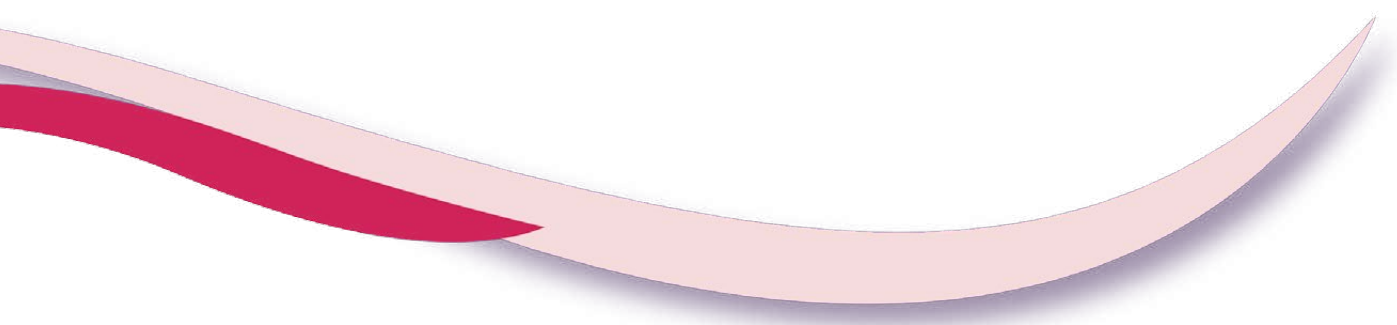
經商討後，工作小組建議「輔助計劃」的涵蓋範圍應可循序漸進地擴大。針對上述的背景因素，「輔助計劃」應繼續以財政自給自足的形式運作，並應密切監察法律援助輔助計劃基金的財務情況。為方便未來進一步檢討「輔助計劃」的涵蓋範圍，工作小組認為有需要為新增案件類別收集統計資料，以及分析其對法律援助輔助計劃基金的影響。本局支持有關建議。

建議加入「輔助計劃」的新案件類別在隨後的段落中詳述。

In reviewing SLAS, apart from the question of whether it is necessary and feasible to expand the scope of SLAS, the matters of: i) whether monetary claims are involved; ii) whether the claims have a high success rate; and iii) whether there is a good chance of recovering costs and damages have also been taken into account when considering the types of cases that should be added in the scheme.

After deliberation, the WG recommended that the scope of SLAS should be further expanded on an incremental basis. Against the background above-mentioned, the Scheme should continue to be self-financing and financially viable, and the viability of the Supplementary Legal Aid Fund should be closely monitored. To facilitate future review of the scope of SLAS, it was found necessary to create and maintain statistics on the newly added types of cases, and to conduct analysis of their impact on the Supplementary Legal Aid Fund. The recommendations have the Council's support.

Detailed recommendations in respect of the types of cases that have been considered for inclusion in the SLAS are given in the ensuing paragraphs.





向多層大廈業主立案法團提出的申索

Claims against the Incorporated Owners of a Multi-Storey Building

在上次檢討時，行政當局不贊同將就財物損毀而向多層大廈業主立案法團提出的申索納入「輔助計劃」涵蓋範圍，亦表明因無強制規定業主立案法團要為第三者財物損毀購買保險，一旦涉及相關的訴訟，有關的法律費用便須由個別業主承擔。此外，行政當局認為法律援助如只涵蓋向業主立案法團提出的申索，而不是包括所有財物損毀的個案，這做法並不公平。本局理解這些要點。

在今次檢討中，由於社會非常關注大廈翻新及維修合約出現圍標的情況，工作小組特別研究應否由「輔助計劃」提供法援予個別業主，協助他們對抗業主立案法團的不當行為。例如業主立案法團未能按照既定程序或越權辦事，包括在沒有足夠通知或出席成員未達會議的法定人數的情況下召開會議，討論會嚴重損害個別業主權益的議題等。

然而，工作小組認同，類如就財物損毀所提出的申索，假若「輔助計劃」只向業主立案法團提供資助，這會令人覺得做法欠缺公平及很難明白其中不同的處理原則。再者，圍標未必涉及金錢申索，在法律援助輔助計劃基金的有限資源的前提下，任何敗訴的法律訴訟均會對其產生不良影響。同時，競爭條例已全面生效，而競爭事務委員會亦開展了「打擊圍標 全城目標」的活動，全力打擊圍標行為。在這情況下，工作小組認為暫時不應將向多層大廈業主立案法團提出的申索納入「輔助計劃」，此議題可在適當的時候再次探討。

In the last review of SLAS, the Administration did not propose to expand the scope of SLAS to cover property damage claims against the incorporated owners of a multi-storey building. It also revealed that there was no mandatory requirement for the incorporated owners to procure insurance to cover damages to property of the third party, so individual owners would be the ones who were responsible for a share of the legal costs if proceedings involving property damage claims arose. Besides, the Administration also viewed that it would be unfair if legal aid was made available only for claims against incorporated owners instead of all property damage cases. The Council took note of these points.

In the current review, since the issue of bid-rigging for building renovation and maintenance contract is a big concern of the community, the WG has focused on the study if legal aid should be provided under SLAS to help individual owners counter act against the improprieties of incorporated owners, for instance, the incorporated owners' failure to follow the established procedures or the act that is outside its authorities say not enough notice or members to make a quorum for a meeting to discuss matters that will adversely affect the benefit of individual owners, etc.

It is however recognized that as in the case of property damage claims, the inclusion of claims solely against incorporated owners under SLAS may give an impression that it is unfair and it will not be easy to explain the difference in treatment. Besides, monetary claims may not be involved in relation to the issue of bid-rigging. Any loss in the proceedings will adversely affect the Supplementary Legal Aid Fund which is limited in resources. In addition, the Competition Ordinance is in full force and the Competition Commission has kicked off its "Fighting Bid-rigging Cartels" Campaign and committed to use the full extent of its power to end bid-rigging cartels. In view of the circumstances, the WG considered that claims against the incorporated owners of a multi-storey building should not be included in SLAS for the time being and the issue might be re-visited in due course.



獨立財務顧問

Independent Financial Consultants

根據證券及期貨事務監察委員會（證監會）所示，如法團獲發牌進行第1類（證券交易）、第2類（期貨合約）或第8類（證券保證金融資）的受規管活動，必須為有關活動投購保險並將之保持有效。工作小組因此認為，向已在證監會註冊及須投保的獨立財務顧問提出金額超過60,000元的申索，可以納入「輔助計劃」。

According to the Securities and Futures Commission, if a corporation is licensed for Type 1 (dealing in securities), Type 2 (dealing in future contracts) or Type 8 (securities margin financing) regulated activities, it is required to take out and maintain insurance. The WG therefore considered that monetary claims exceeding \$60,000 against independent financial consultants registered under the Commission and required to have insurance cover could be included in SLAS.



有關金融衍生工具的申索

Derivatives Claims

由於「普通計劃」的涵蓋範圍已於2012年11月擴大至包括在銷售證券衍生工具、貨幣期貨或其他期貨合約時涉及詐騙、失實陳述或欺騙情況的金錢申索，工作小組認為有關相同種類和涵蓋範圍、金額超過60,000元的金融衍生工具的申索亦應納入「輔助計劃」。

Since the OLAS was expanded in November 2012 to cover monetary claims in derivatives of securities, currency futures or other futures when fraud, misrepresentation or deception was involved at the time of purchase, the WG considered that the same types and scope of coverage of derivatives claims exceeding \$60,000 should also be included in SLAS.



小型海事意外

Small Marine Accidents

「輔助計劃」已涵蓋涉及人身傷害賠償申索的小型船隻意外。純粹因財物損毀索償的機會極小，就算發生，船主的保險人亦會保障投保客戶的利益。因此，工作小組不建議將涉及財物損毀索償的小型海事意外納入「輔助計劃」。

Small boat accidents resulting in claims for damages for personal injuries have already been covered under SLAS. The chance of claims purely for property damage is quite remote. Even if it occurs, the insurers of the boat owners will safeguard their insured clients' interest. Therefore, the WG did not recommend extension of SLAS to claims for property damage from small marine accidents.



少數份數業主就強制售賣向發展商提出的申索

Claims against Property Developers by Minority Owners in Compulsory Sales

由於少數份數業主就強制售賣向發展商提出的申索多與土地審裁處發出售賣的命令有關，而有關命令一般都不涉及金錢申索，工作小組認為這項申索不應納入「輔助計劃」。

Noting that claims against property developers by minority owners in compulsory sales are related to the Lands Tribunal's orders to sell and normally do not involve monetary claims, the WG considered that such claims should not be covered by SLAS.



信託

Trusts

一般來說，任何人均可被委任為信託的受託人，他／她不一定是一名專業人士。因此，如就涉及信託的問題向受託人提出申索，並不能確定是否能討回費用和損害賠償。即使是一名專業人士，例如律師被指派為受託人，此類涉及專業人士的申索亦已涵蓋在專業疏忽的申索範圍內，所以工作小組認為不適當／無必要擴大「輔助計劃」以涵蓋對違反信託的受託人提出的申索。

In general, any person could be appointed as trustee for a trust. He/she may not necessarily be a professional. Hence, it could not be sure whether costs and damages could be recovered if claims in respect of the trust occur. Even if a professional say solicitor is assigned as trustee, the claims against such kind of professional are already covered by professional negligence claims. Therefore, the WG considered it not appropriate/ necessary to expand SLAS to cover claims for breach of trust against trustees.



有限公司與其小股東之間的爭議

Disputes between Limited Companies and Their Minority Shareholders

由於已列明不把涉及有限公司與其股東之間有關權益爭議的申索包括在「普通計劃」內，加上這類申索不一定涉及金錢，工作小組不建議「輔助計劃」納入這類申索。

Since claims involving disputes between limited companies and their shareholders regarding their respective rights are expressly excluded from OLAS and such claims may not necessarily be related to monetary claims, the WG considered that SLAS should not be expanded to cover this type of claims.



銷售商品和提供服務 Sale of Goods and Provision of Services

由於香港海關會就《商品說明條例》採取行動，以及消費者委員會成立的消費者訴訟基金亦會涵蓋消費者的集體訴訟，工作小組建議暫時不把與銷售商品和提供服務有關的申索納入「輔助計劃」的涵蓋範圍。

The WG recommended not including claims arising out of the sale of goods and the provision of services in SLAS for the time being because action will be taken by the Customs and Excise Department under the Trade Descriptions Ordinance, and consumer class actions will be covered by the Consumer Legal Action Fund set up by the Consumer Council.



集體訴訟 Class Action

集體訴訟可以透過不同的方式構建成，可以是具名的原告人或一些具名的原告人代表一個人或機構的集體，就受到相同的傷害或損失提出申索。工作小組認為當集體訴訟法例完備時，行政當局應積極考慮將這類申索涵蓋在內。另外，法援署署長應有權酌情批准法援予合適的集體訴訟案件，靈活應對不斷變化的情況。

There are different ways to structure a class action system. It could be a named plaintiff or a number of named plaintiffs to file a claim on behalf of a "class" of people or businesses who claim to have suffered from a common injury or loss. The WG considered that the inclusion of this item should be actively considered when the law governing class action is available. It also viewed that the Director of Legal Aid should have discretion to grant legal aid in appropriate class action cases to allow elasticity for evolving situation.



誹謗訴訟和選舉呈請 Defamation Proceedings and Election Petitions

民政局和法援署曾協助完成一項就海外司法管轄區有否將選舉呈請和誹謗訴訟納入法援涵蓋範圍內的調查。所得到的資料顯示，在英格蘭和威爾斯、澳洲新南威爾斯和維多利亞州、新西蘭、北愛爾蘭、加拿大安大略省、蘇格蘭和星加坡，均沒有將選舉呈請納入法援範圍。至於誹謗訴訟，除了英格蘭和威爾斯、澳洲新南威爾斯、北愛爾蘭和蘇格蘭，在特別或例外的情況下會提供法律援助外，上述大部分的海外司法管轄區皆沒有把誹謗訴訟納入法援範圍。在香港，選舉呈請和誹謗訴訟並不包括在「普通計劃」內。在考慮以上各點後，工作小組不建議「輔助計劃」的涵蓋範圍擴大至包括這兩類案件。

The HAB together with the LAD have helped conduct a research on whether election petitions and defamation proceedings are covered by legal aid in overseas jurisdictions. Available information indicates that election petitions are generally not covered by legal aid in England & Wales, New South Wales and Victoria of Australia, New Zealand, North Ireland, Ontario of Canada, Scotland and Singapore. As for defamation proceedings, it is not covered by legal aid in Ontario of Canada, Victoria of Australia and Singapore, and it is generally not covered except under special or exceptional circumstances in England & Wales, New South Wales of Australia, Northern Ireland and Scotland. In Hong Kong, legal aid is not provided for election petitions and defamation proceedings under OLAS. Having considered the above, the WG did not recommend extending SLAS to these two types of cases.



申請人的財務資格限額 Financial Eligibility Limit

經考慮本局於2010年提交與「就評定法律援助申請人財務資格的準則每五進行年一次的檢討」有關的建議後，行政當局接納把「輔助計劃」的財務資格限額調高至1,300,000元。這限額是按2008年實際進入審訊的「輔助計劃」案件的平均訴訟費，即1,297,000元而設定。「輔助計劃」的財務資格限額現時為1,451,900元。

基於相同的準則，工作小組研究了法律援助署在過去6年的平均訴訟費用以檢討申請人的財務資格限額，相關數字如下：

年份 Year	平均訴訟費 Average Legal Costs
2009	\$577,229
2010	\$308,026
2011	\$582,161
2012	\$766,618
2013	\$643,778
2014	\$728,869

鑑於過去幾年的平均訴訟費用均相當接近，工作小組暫時不建議調整「輔助計劃」的財務資格限額水平，但認為應要持續監察並每年作出檢討。

Following the recommendation of the Council in the five-yearly review of the criteria used to assess the financial eligibility of legal aid applicants in 2010, the Administration adopted \$1.3 million as the level of FEL for SLAS. Such amount was based on the average legal costs (i.e. \$1.297 million) of a SLAS case that actually went to trial in 2008. The FEL for SLAS is currently set at \$1,451,900.

Using the same approach to review the FEL, the WG has studied the average legal costs of LAD in the past six years. The respective figures are:

In view that the average legal costs provided by LAD appear to be roughly the same throughout the years, the WG did not propose any change to the level of FEL for SLAS for the time being but recommended it be monitored and reviewed every year.



與年齡有關的資產審查豁免

Age Related Exemption for Assets Test

就與年齡有關的資產審查豁免以評估法援申請人的財務資源，本局在2011年8月3日致民政局的函件中，曾建議行政當局設定在55歲。工作小組對此提議持相同看法，認為有需要保護長者不會被訴訟耗盡所有資產，因為有關長者已差不多到達工作生涯的最後階段，難以賺回所耗款額。

Regarding the age related exemption for assets test in assessing the financial resources of legal aid applicants, the Council has proposed in its letter to HAB dated 3 August 2011 the Administration to take age 55. The WG maintained the view because it is considered necessary to protect the assets of the elderly from being “used up” in litigation as they are approaching the end of their working life and could not earn back those monies.

本局在討論計劃書時，儘管受人力和資源的限制，只能與兩個法律專業團體交換意見，而不是聽取所有相關持分者的提議，本局認為上述的建議公平而合理。本局相信相關政府政策局如有需要，在確定政府的立場前，可以先進行諮詢以廣泛收集所有持分者的意見。

本局已在2016年7月把建議提交給行政長官。為香港的利益著想，本局已促請政府認真考慮，盡快推行有關建議。

The Council considers the foregoing recommendations fair and reasonable though, with only limited manpower and resources, it has exchanged views with the two legal bodies instead of collecting views from all relevant stakeholders when the proposals were discussed. The Council also considers that, if necessary, the related government bureau could initiate a consultation which should be wide enough to involve all the stakeholders before finalizing its position.

The recommendations were submitted to the Chief Executive in July 2016. For the benefit of Hong Kong, the Council also urged the government to seriously consider an early implementation of the recommendations without delay.



6

法律援助的政策及策略 Legal Aid Policy & Strategy



《法律援助(評定資源及分擔費用)規例》下用作釐定受助人應繳分擔費用比率的新經評定財務資源組別及新的財務資格限額

New Bandwidths of Assessed Financial Resources for Determining Contribution Payable under the Legal Aid (Assessment of Resources and Contributions) Regulations and New Financial Eligibility Limits for Legal Aid

法律援助服務是由公帑支持運作。受助人視乎其經評定的財務資源水平，必須繳付與其經濟狀況相稱的分擔費用。《法律援助(評定資源及分擔費用)規例》（《規例》）附表3第1部訂明普通法律援助計劃（「普通計劃」）下相關分擔費用的比率。

本局去年已報告，民政局會建議修訂規例，以修改《規例》下用作釐定受助人應繳分擔費用比率的經評定財務資源組別，以確保各財務資源組別較平均地分布，有關的修訂亦可免除因「普通計劃」的財務資格限額不時調整而要經常進行法例修訂以更新有關資源組別。有別於以往用實際金額數字列出的做法，新資源組別將改以相對「普通計劃」財務資格限額的百分率顯示，如「普通計劃」財務資格限額將來有所變動，有關組別亦會自動作出相應調整。在修訂資源組別後，民政局會把「普通計劃」及「輔助計劃」的財務資格限額上調7.7%，以反映丙類消費物價指數在2012年7月至2014年7月期間錄得的累積變動。

本局知悉「普通計劃」的新經評定財務資源組別及分擔費用比率已於2015年6月17日生效，而「普通計劃」及「輔助計劃」

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 Ordinary Legal Aid Scheme (OLAS) are prescribed in Part I of Schedule 3 to the Legal Aid (Assessment of Resources and Contributions) Regulations (LAR).

Last year we reported that HAB would introduce the amendment regulations so as to implement a revised set of bandwidths of assessed financial resources for determining contribution payable under the LAR so that the bandwidths are more evenly distributed. The proposed amendments will also avoid the need for regular legislative amendments in future to keep the bandwidths up-to-date with the financial eligibility limit under the OLAS as may be revised from time to time. The resources bandwidths will be represented as percentages of the OLAS FEL rather than absolute dollar figures used before. The bandwidths will then automatically be adjusted upon any future OLAS FEL adjustments. Upon making amendments to the financial resources bandwidths, HAB would adjust the OLAS FEL, together with the SLAS FEL, upward by 7.7% to reflect the accumulated change in Consumer Price Index (C) (CPI(C)) recorded between July 2012 and July 2014.

The Council noted that with effect from 17 June 2015, the financial resources bandwidths and contribution rates have been revised for the OLAS, and the financial eligibility limits for OLAS and SLAS have been adjusted upwards to \$290,380 and \$1,451,900

的財務資格限額已分別上調至290,380元及1,451,900元，並於2015年7月17日開始生效。現時「普通計劃」下受助人的應繳分擔費用如下：

respectively effective 17 July 2015. The contribution payable by aided persons under OLAS is now as follows:

財務資源 Financial Resources	分擔費比率 Contribution Rates	應繳分擔費用 Contribution Payable
\$0 - \$36,297.50	-	\$0
\$36,297.51 - \$72,595.00	2%	\$726 - \$1,452
\$72,595.01 - \$108,892.50	2.5%	\$1,815 - \$2,722
\$108,892.51 - \$145,190.00	5%	\$5,445 - \$7,260
\$145,190.01 - \$181,487.50	10%	\$14,519 - \$18,149
\$181,487.51 - \$217,785.00	15%	\$27,223 - \$32,668
\$217,785.01 - \$254,082.50	20%	\$43,557 - \$50,817
\$254,082.51 - \$290,380.00	25%	\$63,521 - \$72,595

本局樂見新的分擔費用比率及財務資格限額已經推行。

The Council is glad to see the implementation of the new contribution rates and the financial eligibility limits.

刑事法律援助費用的檢討 Review of Criminal Legal Aid Fees

目前，法援署聘用私人執業律師處理刑事法律援助案件的訴訟工作，是按《刑事案件法律援助規則》（《規則》）（第221章附屬法例D）訂明的大律師及律師處理各級別法院刑事案件收費來支付費用；律政司在行政上參照同一收費表聘用私人執業律師代表政府為刑事案件進行檢控。在得到立法會的支持及在政府和兩個法律專業團體的共同努力下，行政當局在2012年3月推行了「標明報聘費制度」以改善刑事法律援助費用制度的付費架構，並承諾會在新費用制度實施後的兩年內，檢討刑事法律援助費用的修訂水平。

At present, lawyers in private practice engaged to undertake litigation work in respect of criminal cases on behalf of LAD are remunerated in accordance with the Schedule to the Legal Aid in Criminal Cases Rules (LACCR) (Cap. 221 sub. leg. D), which specifies the fees payable to counsel and solicitors for criminal cases in different levels of Court. The Department of Justice (DoJ) draws reference to the same scale of fees administratively to engage counsel in private practice to appear for the Government in criminal cases. With LegCo's support and the collaborative efforts of the Government and the two legal professional bodies, the payment structure of the criminal legal aid fees system was enhanced in March 2012 with the introduction of a "marked brief system". The Government has also undertaken to review the revised rates of criminal legal aid fees in two years' time upon the implementation of the enhanced system.

承以前報告，民政局在2014年3月成立工作小組，檢討刑事法律援助費用的收費水平，工作小組成員包括香港大律師公會和香港律師會的代表，以及法援署和律政司的政府代表。在2016年2月，民政局通知本局有關上調刑事法律援助費用的建議方案。接下來的段落將闡述方案詳情。

(a) 大律師費用上調 50%

工作小組考慮到大律師的工作性質及所履行的專業職責，以及在2012年的檢討中給予大律師的法援費用並沒有實質調升，因此，建議將大律師的刑事法援費用上調50%（已包涵丙類消費物價指數於2012年7月至2014年7月參照期內的7.7%升幅）。根據工作小組的方案，大律師在原訟法庭出庭以處理刑事法律援助案件的費用會由現時的每小時1,530元增至\$2,300元。

(b) 發出指示的律師費用上調 25%

在2012年的檢討中付予發出指示的律師的費用，已獲上調約60%（由460元增至740元）。工作小組經討論後，建議將付予發出指示的律師的刑事法律援助費用上調25%（已包涵2012年7月至2014年7月參照期內丙類消費物價指數的7.7%升幅）。根據工作小組的建議，發出指示的律師在原訟法庭處理刑事法律援助案件的費用，會由現時的每小時800元增至1,000元。

As reported before, in March 2014, HAB set up a working group to review the rates of criminal legal aid fees. Members of the working group include representatives from the Hong Kong Bar Association and the Law Society of Hong Kong, as well as government representatives from LAD and DoJ. In February 2016, HAB informed the Council of the proposed package of increases in criminal legal aid fees. Details are elaborated in the ensuing paragraphs.

(a) A 50% increase for counsel

Having regard to the nature of work and professional duties to be discharged by counsel, and the fact that the legal aid fees payable to counsel were not substantively increased in the 2012 review, the working group has proposed a 50% increase in criminal legal aid fees for counsel (which will include the 7.7% CPI(C) increase for the reference period from July 2012 to July 2014). Under the working group's proposal, the hourly rate for counsel appearing before the Court of First Instance for criminal legal aid cases will be increased from the current \$1,530 to \$2,300.

(b) A 25% increase for instructing solicitors

The fees payable to instructing solicitors were increased by about 60% (from \$460 to \$740) in the 2012 review. After deliberation, the working group has proposed a 25% increase in the criminal legal aid fees for instructing solicitors (which is also inclusive of the 7.7% CPI(C) increase for the reference period from July 2012 to July 2014). Under the working group's proposal, the hourly rate for instructing solicitors handling criminal legal aid cases at the Court of First Instance will be increased from the current \$800 to \$1,000.

(c) 在區域法院以訟辯人兼發出指示的律師身分行事的律師費用上調 40%

現時《規則》亦訂明付予在區域法院以訟辯人兼發出指示的律師（訟辯律師）身分行事的律師的費用。訟辯律師與大律師的情況相若，在區域法院處理案件的費用在2012年的檢討中並無實質調整。鑑於大律師費用和發出指示的律師費用已分別獲建議上調50%和25%，工作小組建議把付予訟辯律師以處理區域法院案件的刑事法律援助費用上調40%，由現時的每小時1,260元增至1,770元。由於訟辯律師於處理法律援助案件時身負較重要的職責，工作小組相信這個費用水平既能提供與職責相稱的合理待遇，亦可與大律師和發出指示的律師已獲上調的費用維持恰當的對比。

(d) 為享有較高級法院出庭發言權的訟辯律師設立新的費用項目

至於為享有較高級法院出庭發言權的訟辯律師新增的費用類別，相關費用將按大律師處理較高級法院案件的最新建議費用計算，並按付予大律師和訟辯律師以處理區域法院案件的費用之間的百分比差額進一步上調（即準備費用或首天法庭聆訊費用高出15.48%；額外準備費用高出11.48%；以及繼續委聘費用高出28.02%）。舉例來說，先把現時付予大律師處理原訟法庭案件的準備費用上調50%，然後再上調15.48%，便會得出付予享有較高級法院出庭發言權的訟辯律師處理原訟法庭案件的建議準備費用。因此，大律師和訟辯律師處理原訟法庭案件的建議準備

(c) A 40% increase for solicitors acting as both advocate and instructing solicitor in the District Court

The existing LACCR also specifies fees payable to solicitors acting as both advocate and instructing solicitor ("solicitor advocates") in the District Court. Similar to the rates for counsel, the rates for solicitor advocates in the District Court were not substantively revised in the 2012 review. Noting the proposed 50% increase in counsel fees and 25% increase for instructing solicitors' fees, the working group has proposed a 40% increase in the criminal legal aid fees for solicitor advocates in the District Court, from the current hourly rate of \$1,260 to \$1,770. It is believed this is a reasonable level of remuneration commensurate with the heavier job responsibilities of solicitor advocates handling legal aid cases, while maintaining the relativity with the increased fees for counsel and instructing solicitors.

(d) New fee items for Solicitor Advocates with higher rights of audience

As regards the new category of fees for solicitor advocates with higher rights of audience, they would be calculated based on the proposed new fees payable to counsel at the higher courts, and adjusted further upwards according to the percentage difference between the fees payable to counsel and solicitor advocates in the District Court (i.e. 15.48% higher for preparation or first day Court hearing, 11.48% higher for additional preparation and 28.02% higher for refresher). For illustration, the proposed preparation fee payable to a solicitor advocate with higher rights of audience in the Court of First Instance will be the existing preparation fee payable to counsel in the Court of First Instance first adjusted upwards by 50%, then further increased by 15.48%. Accordingly, the proposed preparation fee payable to counsel and solicitor advocates for Court of First Instance cases would be \$18,390 and \$21,240 respectively. The

費用將分別為18,390元和21,240元。由於訟辯律師具有身兼訟辯人和發出指示的律師的雙重身分，工作小組相信這對他們來說是一個合理的報酬水平。

本局得知工作小組在審議過程中，曾審視一些相關的海外司法管轄區的法律援助費用。由於有些海外司法管轄區採用結構不同的法律援助費用制度、設有費用上限，及採用偏低的民事法律援助費用水平，工作小組認為這難與香港的法律援助費用制度比較。舉例來說，在英國，除了有限的幾類案件（例如涉及兒童的案件）外，大多數的民事案件已不再屬於法律援助的範圍。在澳洲新南威爾斯州，如民事案件敗訴及訟費需由政府支付，則付予有關外委律師的費用會較低。在加拿大安大略省，有些刑事法律援助案件所支付的每小時費用可能看似高於香港，但該些費用設有支付時數上限。除此之外，一些海外司法管轄區的民事和刑事案件法律援助費用水平雖然似乎看齊，但事實上這些地區付予接辦民事案件的律師的費用卻往往偏低。

本局亦知悉正如工作小組向兩個法律專業團體解釋，由於為民事和刑事案件而設的制度並不相同，小組認為應繼續容許在不同範疇執業的律師獲得不同報酬。因此，工作小組集中為接辦刑事法律援助案件的律師訂定合理收費水平，並致力與兩個法律專業團體就建議增幅尋求共識。



working group believes this is a reasonable level of remuneration for solicitor advocates as they perform the dual roles of advocate and instructing solicitor.

The Council was informed that in the course of deliberation by the working group, they have examined the legal aid fees in some relevant overseas jurisdictions. Due to structural differences, the use of caps and much lower civil legal aid rates payable in some overseas jurisdictions, the working group found it difficult to compare the Hong Kong legal aid fees system with those of overseas jurisdictions. For example, in the United Kingdom, most civil cases are no longer covered under the legal aid scope, save for limited types of cases, such as those involving children. In New South Wales of Australia, the rate payable to civil assigned-out lawyers is lower if the case is lost and the costs are paid by the Government. In Ontario of Canada, whilst in some cases the hourly rates for criminal legal aid cases may seem to be higher than those paid in Hong Kong, the payments are however capped by the number of hours payable. Besides, in some overseas jurisdictions where the civil and criminal legal aid fee rates may seem to be on par, very often it is because they are paying rather low rates for civil cases.

The Council also noted that as explained to the two legal professional bodies, since the systems for civil and criminal cases are different, the working group was of the view that differences between the rates for remunerating lawyers in different practices should continue to be allowed. Hence, the working group has focused on working out reasonable fee rates for lawyers undertaking criminal legal aid cases and fostering a consensus on the proposed increases with the two legal professional bodies.

本局獲悉民政局在2016年2月22日就上述刑事法律援助費用上調建議方案諮詢立法會司法及法律事務委員會。刑事訴訟程序規則委員會於2016年5月4日對《規則》作出修訂，而民政局已在2016年6月向立法會提出動議以修改法例。

本局期待支付代表法援署處理刑事訴訟工作的大律師及律師的新費用早日生效。

It was noted that HAB had consulted the LegCo Panel on Administration of Justice and Legal Services on the proposed package of increases in criminal legal aid fees as set out above on 22 February 2016. The Criminal Procedure Rules Committee made the Amendment Rules to the LACCR on 4 May 2016. HAB had served a notice to the LegCo for moving a resolution in LegCo in June 2016 to effect the legislative changes.

The Council is looking forward to the commencement of the new criminal legal aid fees payable to counsel and solicitors.

為法援受助人委派律師的安排 Assignment of Lawyers to Legally Aided Persons

在2013年9月，法援署就分派法律援助個案引入「申報制度」，以回應公眾對不當兜攬生意活動或包攬訴訟的關注。此制度的目的是為確保受助人所作的律師提名，純屬其自由意願，以及並無與任何人士達成協議，包括被提名的律師、律師的僱員、代理或索償代理，攤分在訴訟中可能討回的任何損害賠償、財產或訟費。相關條款亦列明於律師委任信中作為委派案件的條件，獲提名的律師如未能接受上述條款，便不得接受有關委派。

兩個法律專業團體在2015年3月的立法會司法及法律事務委員會會議上，要求法援署檢討「申報制度」的條款，以進一步收緊名

In September 2013, LAD introduced a “declaration system” for assignment of legal aid cases to address the public concern on improper touting or champerty. The system is designed to ensure that nominations of lawyers are made out of the aided persons’ own free will without agreeing to share any damages, property or costs which they may get in the proceedings with any person(s) including the lawyers nominated, the lawyers’ employees, agents or claims agents. Corresponding clauses are also set out in the assignment letters issued to lawyers as assignment conditions. A nominated lawyer who is unable to accept such conditions will not be allowed to take up the assignment.

At the meeting of the LegCo Panel on Administration of Justice and Legal Services in March 2015, the two legal professional bodies requested LAD to review the terms under the “declaration system” with a view to tightening the conditions of assignment to panel lawyers further. LAD has since completed the review and the assignment letters to lawyers have been revised incorporating the suggestions of the two professional bodies.

The Council welcomes the changes and is also glad to know that LAD will continue to work with the Law Society, which has set up a sub-committee, with a



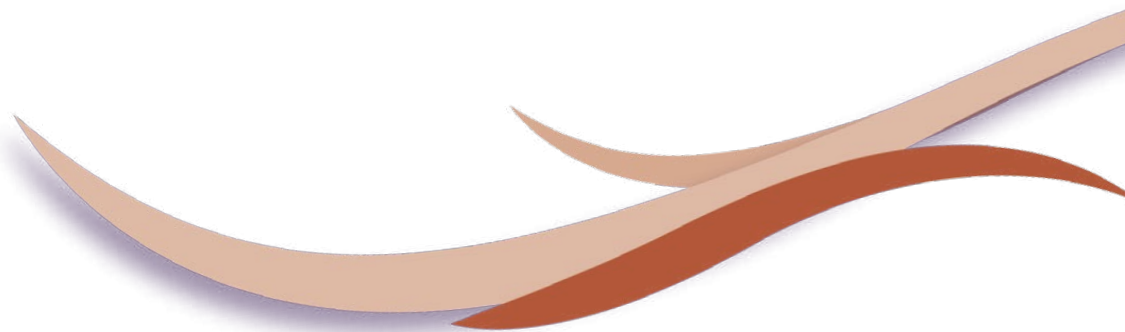
冊律師接辦案件的條件。法援處已經完成相關檢討，並根據兩個法律專業團體的意見修改律師委任信。

本局對有關修改表示歡迎，同時樂見法援署續與香港律師會合作，成立包括法援署首長級人員的小組委員會，研究如何協助法援申請人應付不當的兜攬生意活動。

本局明白《法律援助條例》第13條列明，如法援受助人欲自行挑選，他有權從法律援助律師名冊中揀選任何私人執業律師以處理他的法援案件。法援署會本着以受助人利益為依歸的基本原則分派法援工作予名冊內的律師，只要被受助人提名的律師／大律師具備有關個案所需的相關經驗及專長，以及過往在處理法援案件時沒有不良紀錄，除非有令人信服的理由，法援署一般不會拒絕有關律師／大律師的提名並同意受助人的選擇。法援署曾多次重申，包括在立法會司法及法律事務委員會在2015年3月舉行的會議，該署不宜查究受助人是否因某律師曾作出某些不適當的行為才提名該律師，此舉不但不恰當，亦有辱被提名律師的品格及專業操守。在司法覆核案件方面，該等查詢會被視為採取不必要及不當的手段，企圖影響法援訴訟的結果。

directorate officer from LAD as member, to study how to assist legal aid applicants to deal with improper touting activities.

The Council understands that under section 13 of the Legal Aid Ordinance, aided persons have the right to select any lawyers in private practice who are on the Legal Aid Panel, if they so desire, to handle their own legal aid cases. LAD will adhere to the fundamental principle that the aided person's interest is of paramount importance when distributing legal aid work to lawyers on the Panel. As long as the solicitor/counsel nominated by the aided person has obtained the relevant experience and expertise required to take up the assignment, and no previous records of unsatisfactory performance in handling legal aid cases, LAD will normally accede to and will not reject an aided person's choice of solicitor/counsel unless there are compelling reasons to do so. On various occasions including the meeting of LegCo Panel on Administration of Justice and Legal Services in March 2015, LAD has explained that it was improper for the Department and would be a slur on the character and professional integrity of the nominated lawyer for LAD to enquire if the nomination was promoted by some kind of questionable conduct on the part of the lawyer concerned. In judicial review cases, any such enquiry might also be interpreted as an unnecessary and improper attempt to influence the outcome of legally aided proceedings.



與持分者的聯繫

Liaison with Stakeholders



本局明白收集持分者的回應將有助本局就
法援政策向行政長官提供意見。

The Council recognizes the importance of
obtaining stakeholders' feedback in discharging
its function to give advice to the Chief Executive
on legal aid policy.

行政當局 The Administration

法援局一直與行政當局這個重要的法律援助持分者保持密切聯繫。

過去一年，民政局就不同的法援議題向本局提供資料文件，包括立法會簡介題為「2015年法律援助（評定資源及分擔費用）（修定）規例」的文件以及向立法會司法及法律事務委員會呈交題為「法律援助署提供的法律援助及為法律援助受助人委派律師的安排」、「民政事務局的政策措施」和「建議上調刑事法律援助費用」的文件。民政局代表曾出席本局會議，就上述後兩份的資料文件作出簡介，並與本局成員交流意見。

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

In the past year, HAB provided the Council with information on different legal aid issues, including the LegCo Brief entitled "Legal Aid (Assessment of Resources and Contributions) (Amendment) Regulation 2015" and the submissions to LegCo AJLS Panel entitled "Provision of legal aid and assignments of lawyers to legally aided persons by the Legal Aid Department", "Policy initiatives of the Home Affairs Bureau" and "Proposed Increase of Criminal Legal Aid Fees". For the last two submissions, the representatives of HAB attended the Council meeting to brief and exchange views with Council members.



其他法律援助持分者 Other Stakeholders of Legal Aid

本局明白收集持分者的回應將有助本局就法援政策向行政長官提供意見。因此，就檢討法律援助輔助計劃的涵蓋範圍的事宜，本局曾將工作小組提出的初步建議與香港大律師公會及香港律師會分享，兩個團體均於2015年11月提出他們的意見。至於向被扣留於警察局的人士提供法律援助

The Council recognizes the importance of obtaining stakeholders' feedback in discharging its function to give advice to the Chief Executive on legal aid policy. Therefore, on the expansion of Supplementary Legal Aid Scheme, the Council had shared the preliminary proposal of the working group set up for reviewing the Scheme with Hong Kong Bar Association and the Law Society of Hong Kong, both of which provided their views on the matter in November 2015. As

方面的事宜，本局在確立最終的建議及呈交給行政長官前，已透過法律援助涵蓋範圍興趣小組向持分者收集意見。

regards the provision of legal assistance to detainees at police stations, the Council through its Interest Group on Scope of Legal Aid had obtained the views of stakeholders before finalising its recommendations and making submission to the Chief Executive.



活動 Activity

為確保在法律面前人人平等，即使是缺乏經濟能力的人都能尋求公義，提昇公眾對法律援助的認識便成為本局的使命。

To ensure equality before the law and access to justice by people of limited means, it is the mission of the Council to help increase public awareness of legal aid.

本局主席為香港律師會主辦的全港性的「香港法律周2015」開幕典禮擔任主禮嘉賓。儀式於2015年11月28日在添馬公園舉行，一同出席活動的還有終審法院首席法官馬道立、律政司司長袁國強、立法會法律界功能組別議員郭榮鏗、香港大律師公會主席譚允芝、香港律師會會長熊運信，以及法律周2015籌委會主席楊慕嫻。

The Council Chairman officiated at the opening ceremony of the annual territory-wide event "Law Week 2015" which was launched by the Law Society of Hong Kong. The opening ceremony was held at Tamar Park on 28 November 2015. It was also attended by the Chief Justice of the Court of Final Appeal, the Hon Mr Justice Geoffrey Ma; the Secretary for Justice, Mr Rimsky Yuen; the Legislative Councillor for the Legal Functional Constituency, Mr Dennis Kwok; the Chairman of the Hong Kong Bar Association, Ms Winnie Tam; the President of the Law Society of Hong Kong, Mr Stephen Hung; and the Chairlady of Law Week 2015 Organizing Committee, Ms Ann Yeung.

研討會 Conference

本局不時會參加由其他司法管轄區舉辦的法律援助研討會，以便檢討法律援助政策時可借鑒海外經驗。

本局成員周凱靈女士代表本局於2015年6月10日至12日赴蘇格蘭愛丁堡，參加了國際法律援助組織研討會。

國際法援組織是一個由來自超過24個國家的法律援助專家，包括法律援助委員會的行政總裁和經理、政府主要官員和著名學者所組成的網絡，主席為蘇格蘭斯特萊斯克萊德大學的Alan Paterson教授。組織的使命是通過就國際間為貧困人士提供法律服務的政策和研究發展進行討論和對話，以改善以實證為本的政策制定。國際法援組織主要集中討論在已建立相當成熟法援制度的司法管轄區的特定議題，但現正擴展至包括發展較落後但接近研討會舉行地點的司法管轄區。

在國際法律援助組織研討會2015上發表的論文主要帶出3個主題，第一個是如何利用新興科技協助提供法律援助服務。第二，指出一些法援服務相當成熟的主要司法管轄區縮緊了法律援助範疇，但有些國家卻開始建立新的計劃，尤其在刑事案件方面。第三個是同行審查及質量保證。

From time to time, the Council will participate in conference on legal aid organized by other jurisdictions with a view to drawing reference to the overseas experience when reviewing the legal aid policy.

Council member Ms Juliana CHOW, on behalf of the Council, attended the International Legal Aid Group Conference held in Edinburgh, Scotland from 10 to 12 June 2015.

The International Legal Aid Group (ILAG) is a network of legal aid specialists including chief executives and managers from legal aid commissions, high ranking civil servants and leading academics in over two dozen countries. It is guided by an international steering group with Professor Alan Paterson 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 focuses primarily on the particular issues raised in jurisdictions which have established highly developed systems of legal aid. However, it is expanding its brief to include jurisdictions with less developed systems, particularly in jurisdictions close to its conference sites.

Regarding the ILAG Conference 2015, there were three themes emerged from the papers presented. The first was the rise of technology to help deliver legal services. Second, while legal aid was cut back in the leading jurisdictions that had established highly developed systems of legal aid, some countries began to develop new schemes, particularly crime. The third was the peer review and quality assurance.



8

大律師證明書計劃

Certificate by Counsel Scheme



總覽

The Overview

根據《法律援助條例》第26A條的規定，凡向終審法院提出上訴而不獲批法援的人士，可以在法律援助署署長作出拒絕批出法援的決定後28天內申請覆核。尋求覆核的申請必須附有由在香港執業的大律師發出的證明書，述明該申請人有合理機會向終審法院上訴得直，以及提出該項意見的理由。

上述申請人如非因經濟理由而被拒批出法援，可向本局在相關的援助計劃下申請免費提供一張大律師證明書。在民事案件方面，本局只會考慮為已在上訴法庭進行聆訊，並就實質裁決頒布了判決、判定或命令而有意向終審法院提出上訴的案件，安排簽發大律師證明書。

本局自2002年4月起實施該項援助計劃，並一直有在本局年報中載述計劃的運作情況。

在2015年4月1日至2016年3月31日期間，本局共接獲74宗（68宗刑事案件及6宗民事案件）要求提供大律師證明書的申請。在68宗與刑事案件有關的申請中，最多法援上訴人涉及的案件類別是「販賣危險藥物」，佔總刑事案件申請的41.2%。6宗與民事案件有關的申請並沒有顯著的主要案件類別。在74宗申請中，59宗（55宗刑事案件及4宗民事案件）申請獲批，11宗（9宗刑事案件及2宗民事案件）申請被拒，4宗與刑事案件有關的申請被本局中止。

本局就該59宗獲批的申請，委派了律師預備大律師證明書，詳情如下：

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 its operation have all along been set out in the Council's annual reports.

From 1 April 2015 to 31 March 2016, the Council received 74 (68 criminal and 6 civil) applications for the provision of a certificate by counsel. For the 68 applications of criminal cases, the most common type of case the legal aid appellants were involved was "trafficking in a dangerous drug", which accounted for 41.2% of the total number of criminal applications. For the 6 applications of civil cases, there was no overwhelming majority types of case. Of the 74 applications, 59 (55 criminal and 4 civil) applications were approved, 11 (9 criminal and 2 civil) applications were refused and 4 (criminal) applications were aborted by the Council.

In respect of the 59 approved applications, the Council made the following assignments for the provision of counsel certificate—

刑事案件
Criminal Case

	大律師 Counsel	律師 Solicitor
(a) 委派予法援上訴人提名的名冊律師 Assignment to panel lawyers according to legal aid appellants' nomination	55	55
(b) 委派予法援上訴人提名的非名冊律師 (該律師曾於上訴庭代表法援上訴人) Assignment to non-panel lawyers (who have represented the legal aid appellants in the appeal court) according to legal aid appellants' nomination	0	0
委派案件總數 Total	55	55

民事案件
Civil Case

	大律師 Counsel	律師 Solicitor
(a) 委派予法援上訴人提名的名冊律師 Assignment to panel lawyers according to legal aid appellants' nomination	4	4
(b) 委派予法援上訴人提名的非名冊律師 (該律師曾於上訴庭代表法援上訴人) Assignment to non-panel lawyers (who have represented the legal aid appellants in the appeal court) according to legal aid appellants' nomination	0	0
委派案件總數 Total	4	4

在2015年4月1日至2016年3月31日期間共簽發了59份大律師證明書。當中，5份（4宗刑事案件及1宗民事案件）證明法援上訴人有合理機會向終審法院上訴得直，另外54份（51宗刑事案件及3宗民事案件）則述明法援上訴人提出的上訴並無合理機會成功。

至於該5宗（4宗刑事案件及1宗民事案件）獲大律師證明法援上訴人有合理機會上訴得直的案件，法援署經覆核後，決定為其中4宗刑事案件提供法律援助。

59 certificates by counsel were issued in respect of the applications approved during the period from 1 April 2015 to 31 March 2016. Of these, 5 (4 criminal and 1 civil) certificates by counsel stated that the legal aid appellants have reasonable prospect of success in their intended appeal to the CFA and 54 (51 criminal and 3 civil) certificates by counsel stating that the legal aid appellants do not have reasonable prospect of success.

For the 5 (4 criminal and 1 civil) cases which were certified by counsel to have reasonable prospect of success, the Legal Aid Department (LAD) agreed to grant legal aid to 4 (criminal) appellants after review.

2014-2015年度及2015-2016年
度的統計列表如下：

A table showing the statistics in 2014-2015 and 2015-
2016 is appended below –

	2014年4月1日至2015年3月31日接獲的申請 For Applications Received from 1.4.2014 to 31.3.2015			2015年4月1日至2016年3月31日接獲的申請 For Applications Received from 1.4.2015 to 31.3.2016		
	刑事 Criminal	民事 Civil	總計 Total	刑事 Criminal	民事 Civil	總計 Total
申請 Applications						
(a) 獲批 approved	55	12	67	55	4	59
(b) 被拒 refused	17	0	17	9	2	11
(c) 被中止 aborted	1	1	2	4	0	4
(d) 撤回 withdrawn	3	0	3	0	0	0
總計 Total	76	13	89	68	6	74
大律師證明書 Certificate by Counsel						
(a) 確認有合理機會上訴得直 certified to have reasonable prospect of success	6	3	9	4	1	5
(b) 確認無合理機會上訴得直 certified to have no reasonable prospect of success	49	9	58	51	3	54
總計 Total	55	12	67	55	4	59
有合理機會上訴得直的案件 Cases with reasonable prospect of success						
(a) 經法援署覆核後獲提供法 律援助 legal aid granted upon review by LAD	3	3	6	4	0	4
(b) 經法援署覆核後不獲提供 法律援助 legal aid not granted upon review by LAD	3	0	3	0	1*	1
總計 Total	6	3	9	4	1	5

* 上訴人不打算就其民事案件繼續向終審法院提出上訴，因此不獲批法律援助。

Legal aid was not granted to the appellant as he would not continue his appeal to CFA in respect of his civil case.

兩年的統計數據顯示：

- a) 2015-2016年度總申請數目減少了16.9%（由2014-2015年度的89宗下降至2015-2016年度的74宗）；當中與刑事案件有關的申請下降了10.5%（由2014-2015年度的76宗下降至2015-2016年度的68宗）；與民事案件有關的申請亦下降了53.8%（由2014-2015年度的13宗下降至2015-2016年度的6宗）；
- b) 獲大律師確認有合理機會上訴得直的案件的百分比，由2014-2015年度的13.4%下降至2015-2016年度的8.5%；及
- c) 法援署因應大律師證明書提供法律援助的案件的百分比，則由2014-2015年度的66.7%上升至2015-2016年度的100%（撇除1宗上訴人決定不繼續向終審法院提出上訴的民事案件。）

The statistics for the two years reveal that –

- a) the total number of applications in 2015-2016 has decreased by 16.9% (from 89 in 2014-2015 to 74 in 2015-2016), with decrease of 10.5% in applications of criminal cases (from 76 in 2014-2015 to 68 in 2015-2016) and 53.8% in applications of civil cases (from 13 in 2014-2015 to 6 in 2015-2016);
- b) the percentage of cases certified by counsel to have reasonable prospect of success has decreased from 13.4% in 2014-2015 to 8.5% in 2015-2016; and
- c) the percentage of cases where legal aid was granted by LAD in the light of the counsel certificates has increased from 66.7% in 2014-2015 to 100% (excluding the civil case in which the appellant decided not to continue his appeal to CFA) in 2015-2016.

In respect of the applications received and approved in 2015-2016, \$1.56 million was committed as fees for counsel and solicitors for providing the certificates. Details are as follows –

就2015-2016年度接獲並成功獲批的申請，合共撥出1,560,000元作為支付大律師及律師提供證明書的費用，詳情如下：

	獲批申請數目 Number of Applications Approved	每宗個案的 大律師費用 Counsel Fee/ Case	大律師費用 總計 Total Counsel Fee	每宗個案的 律師費用 Solicitor Fee/Case	律師費用總計 Total Solicitor Fee	費用總數 Total Fee
刑事案件 Criminal case	55	\$15,000	\$825,000	\$9,000	\$495,000	\$1,320,000
民事案件 Civil case	4	\$40,000	\$160,000	\$20,000	\$80,000	\$240,000
總數 Total	59		\$985,000		\$575,000	\$1,560,000

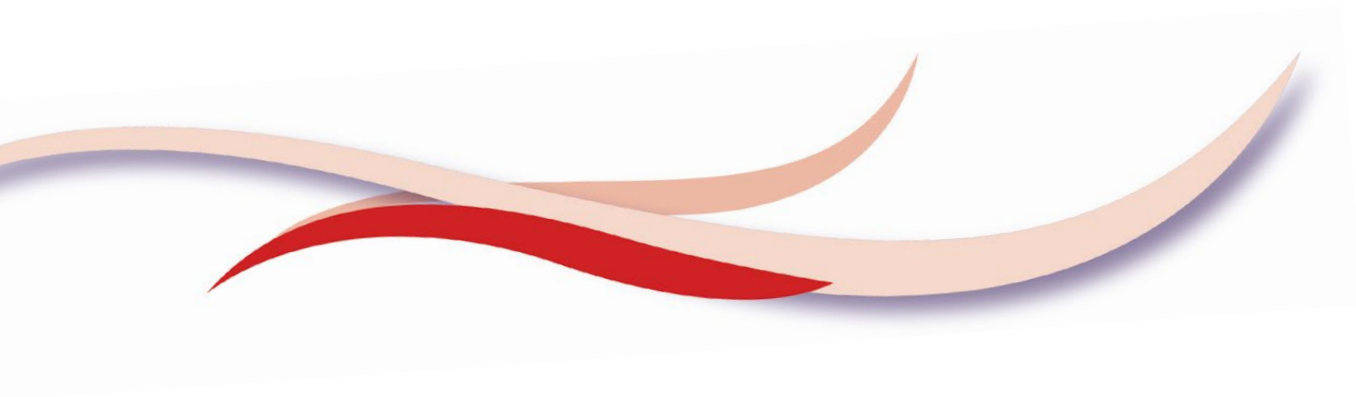
援助計劃自2002年4月實施以來，合共撥出26,880,000元支付提供大律師證明書的費用。

Since the implementation of the assistance scheme in April 2002, a total of \$26.88 million was committed for the provision of certificate by counsel.

大律師和律師名冊 Panel of Counsel and Solicitors

本局設有大律師和律師名冊，名冊內的律師會為本局管理的援助計劃提供服務。要登記成為名冊律師，大律師須具備最少十年執業經驗，而律師則須具備七年執業經驗。此外，大律師和律師均須於過去三年內，曾處理最少三宗上訴法庭或終審法院的案件。資深大律師則獲豁免最低經驗要求。現時，名冊上共有68名大律師和44名律師。

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 68 counsel and 44 solicitors on the panel.



9

行政

Administration



本局會議出席紀錄

Attendance at Council Meetings



本局在2015/2016年度召開了5次會議，各成員出席率列表如下：

The Council has held five meetings in the year 2015/2016. Attendance rate of respective members is set out in the table below:

姓名 Name of Council Member	出席會議次數 No. of Meetings Attended	出席率 Attendance Rate
李家祥博士 Dr Eric Li Ka Cheung	5	100%
周凱靈女士 Ms Juliana CHOW	4	80%
葉毓強先生 Mr Albert IP	3	60%
鄺心怡女士 Ms Anna KWONG	5	100%
梁宏正先生 Mr Clarence LEUNG	4	80%
李超華先生 Mr Joseph LI	4	80%
彭韻僖女士 Ms Melissa PANG	4	80%
潘素安女士 Ms Josephine PINTO	4	80%
王惠貞女士 Ms WONG Wai Ching	3	60%
法援署署長 Director of Legal Aid	5	100%

內務及綠色管理 Housekeeping and Green Management Measures

為了加強辦事處的保安，本局將於入口處安裝閉路電視及音頻/視頻對講機系統。此外，本局繼續致力減低辦公室能源消耗和紙張使用量，包括盡量使用電子媒介（電郵、網頁等）發佈資訊；如已透過電郵發出的文件，則避免再次寄出正本；辦公時間內只開啟有需要的照明設備，及將辦公室儀器設定為節能模式。從2016年起，本局在切實可行的情況下，選購獲機電工程署頒發自願性能源效益標籤計劃認證的具能源效益的辦公室器材。

To strengthen office security, the Council will install CCTV and Audio/Visual Intercom System at the entrance of the Council office. Also, the Council continues its efforts to minimize energy consumption and to enhance paper savings in its office by adopting electronic platform (e.g. e-mail, website, etc.) in disseminating information, avoiding sending original documents which have been sent by electronic means, reducing lighting to minimum required for illumination and setting office equipment to energy saving mode during office hours. In 2016, the Council has started procuring energy efficient office equipment certified under the voluntary Energy Efficiency Labelling Scheme (EELS) by the Electrical and Mechanical Services Department as far as practicable.

員工及財政 Staff and Finance

截至2016年3月31日，秘書處有兩個職位由本局聘請的合約員工擔任，另外四個職位則由政府借調公務員擔任。

As at 31 March 2016, 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.

於2015/2016年度，本局從政府收取的補助為6,170,000元，全年總支出為5,780,000元。

Subventions received from the Government for 2015-2016 was \$6.17 million. Total expenditure of the year was \$5.78 million.



10

審計署署長報告

Report of the Director of Audit



獨立審計報告 Independent Audit Report

我已審計載列於第69頁至第80頁的法律援助服務局財務報表，包括於2016年3月31日的資產負債表與截至該日止年度的收支帳目、權益變動表和現金流量表，以及主要會計政策概要及其他附註解釋。

法律援助服務局就財務報表須承擔的責任

按照《法律援助服務局條例》(第489章)及香港財務報告準則，法律援助服務局須編製真實而公平的財務報表，及負責相關的內部控制，以使財務報表不存有由於欺詐或錯誤而導致的重大錯誤陳述。

審計師的責任

我的責任是根據我的審計對該等財務報表作出意見。我已按照《法律援助服務局條例》第13(1)條及審計署的審計準則進行審計。這些準則要求我遵守道德規範，並規劃及執行審計，以合理地確定財務報表是否不存有任何重大錯誤陳述。

審計涉及執执行程序以獲取有關財務報表所載金額及披露資料的審計憑證。所選定的程序取決於審計師的判斷，包括評估由於欺詐或錯誤而導致財務報表存有重大錯誤陳述的風險。在評估該等風險時，審計師會考慮該局與編製真實而公平的財務報表有關的內部控制，以設計適當的審計程

I have audited the financial statements of the Legal Aid Services Council set out on pages 69 to 80, which comprise the balance sheet as at 31 March 2016, 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 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

序，但不會對該局的內部控制效能發表意見。審計亦包括評價法律援助服務局所採用的會計政策的合適性及所作出的會計估計的合理性，以及評價財務報表的整體列報方式。

我相信，我所獲得的審計憑證是充足和適當地為我的審計意見提供基礎。

意見

我認為，該等財務報表已按照香港財務報告準則和《法律援助服務局條例》，真實而公平地反映法律援助服務局於2016年3月31日的財務狀況及截至該日止年度的財務表現及現金流量。

審計署署長
(審計署首席審計師張永安代行)

2016年8月25日

審計署
香港灣仔告士打道7號
入境事務大樓26樓

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 2016, 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

25 August 2016

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

11

財務報告書及帳目

Financial Reports and Accounts



資產負債表

Balance Sheet

截至2016年3月31日止 AS AT 31 MARCH 2016

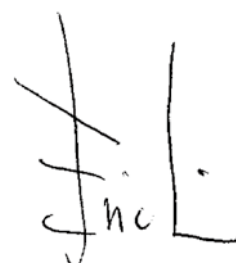
		註釋 Note	2016 港幣 HK\$	2015 港幣 HK\$
非流動資產	NON-CURRENT ASSETS			
物業、廠房及設備	Property, plant and equipment	3	41,819	28,604
流動資產	CURRENT ASSETS			
現金及現金等值項目	Cash and cash equivalents	4	365,756	87,185
應收利息	Interest receivable		-	3
按金	Deposit		2,200	2,200
			367,956	89,388
流動負債	CURRENT LIABILITIES			
未支付約滿酬金	Provision for gratuities		(12,422)	(11,605)
未放取假期撥備	Provision for untaken leave		(6,993)	(7,543)
			(19,415)	(19,148)
淨流動資產	NET CURRENT ASSETS		348,541	70,240
淨資產	NET ASSETS		390,360	98,844
上列項目代表：	Representing:			
政府基金	GOVERNMENT FUNDS			
經常性補助基金	Recurrent subvention fund		390,360	98,844

隨附註釋1至12亦為上述財務報表的一部分。

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

此等財務報表已於2016年8月25日經法律援助服務局核實及批准發行。

Approved and authorised for issue by the Legal Aid Services Council on 25 August 2016.



李家祥博士 Dr Eric Li Ka Cheung
主席 Chairman

收支報表

Income and Expenditure Account

截至2016年3月31日止 FOR THE YEAR ENDED 31 MARCH 2016

		註釋 Note	2016 港幣 HK\$	2015 港幣 HK\$
收入	INCOME			
政府補助	Government subventions	6	6,170,957	5,553,901
利息收入	Interest income		10	16
			<u>6,170,967</u>	<u>5,553,917</u>
支出	EXPENDITURE			
職員酬金	Staff emoluments	7	(3,568,785)	(3,487,373)
租金及管理費	Rent and management fees		(1,897,829)	(1,706,710)
其他開支	Other expenses	8	(313,993)	(260,990)
			<u>(5,780,607)</u>	<u>(5,455,073)</u>
本年度盈餘	SURPLUS FOR THE YEAR		390,360	98,844
其他全面收入	Other Comprehensive Income		-	-
本年度全面收益總額	TOTAL COMPREHENSIVE INCOME FOR THE YEAR		<u>390,360</u>	<u>98,844</u>

隨附註釋1至12亦為上述財務報表的一部分。

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

權益變動表

Statement of Changes in Equity

截至2016年3月31日止 FOR THE YEAR ENDED 31 MARCH 2016

港幣 HK\$

經常性補助基金	RECURRENT SUBVENTION FUND	
於2014年4月1日結餘	Balance as at 1 April 2014	337,550
退還政府款項	Refunded to Government	(337,550)
當年全面收益總額	Total comprehensive income for the year	<u>98,844</u>
於2015年3月31日結餘	Balance as at 31 March 2015	98,844
退還政府款項	Refunded to Government	(98,844)
當年全面收益總額	Total comprehensive income for the year	<u>390,360</u>
於2016年3月31日結餘	Balance as at 31 March 2016	<u><u>390,360</u></u>

隨附註釋1至12亦為上述財務報表的一部分。

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

現金流量表

Statement of Cash Flows

截至2016年3月31日止 FOR THE YEAR ENDED 31 MARCH 2016

	註釋 Note	2016 港幣 HK\$	2015 港幣 HK\$
經營活動的現金流量	Cash flows from operating activities		
本年度盈餘	Surplus for the year	390,360	98,844
折舊	Depreciation	12,585	7,939
利息收入	Interest income	(10)	(16)
預付款項減少	Decrease in prepayment	-	128,502
應付帳項及應計費用 減少	Decrease in accounts payable and accrued charges	-	(8,270)
未支付約滿酬金增加	Increase in provision for gratuities	817	704
未放取假期撥備(減少)/ 增加	(Decrease) / increase in provision for untaken leave	(550)	882
經營活動所得的 現金淨額	Net cash generated from operating activities	403,202	228,585
投資活動所得的 現金流量	Cash flows from investing activities		
購入物業、廠房及設備	Acquisition of property, plant and equipment	(25,800)	(22,850)
已收利息	Interest received	13	17
投資活動所用的 現金淨額	Net cash used in investing activities	(25,787)	(22,833)
融資活動的現金流量	Cash flows from financing activities		
退還政府款項	Amount refunded to Government	(98,844)	(337,550)
融資活動所用的 現金淨額	Net cash used in financing activities	(98,844)	(337,550)
現金及現金等值項目 增加/(減少)淨額	Net increase / (decrease) in cash and cash equivalents	278,571	(131,798)
年初的現金及現金等值 項目	Cash and cash equivalents at beginning of year	87,185	218,983
年末的現金及現金等值 項目	Cash and cash equivalents at end of year	4 365,756	87,185

隨附註釋1至12亦為上述財務報表的一部分。

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

帳目附註

NOTES TO THE FINANCIAL STATEMENTS

1. 一般資料

法律援助服務局（本局）於1996年9月1日根據《法律援助服務局條例》（第489章）註冊成立。

本局是一個非牟利組織，旨在監管在香港由法律援助署提供的法律援助服務，並就法律援助政策向政府提供意見。

本局註冊辦事處的地址為香港銅鑼灣告士打道262號中糧大廈16樓1601室。

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, COFCO Tower, 262 Gloucester Road, Causeway Bay, Hong Kong.

2. 主要會計政策**2.1 符合準則聲明**

財務報表乃根據香港會計師公會頒布的香港財務報告準則的所有適用規定，以及《法律援助服務局條例》的有關規定編製。

2.2 編製基準

財務報表按應計記帳方式及歷史成本法編製。

編製符合香港財務報告準則的財務報表需要管理層作出會影響會計政策的實施、以及資產與負債和收入與支出的呈報款額的判斷、估計及假設。該等估計及相關的假設，均按經驗及其他在有關情況下被認為合理的因素而制訂。倘

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

若沒有其他現成數據可供參考，則會採用該等估計及假設作為判斷有關資產及負債的帳面值的基礎。估計結果或會與實際價值有所不同。

該等估計及相關假設會被不斷檢討修訂。如修訂只影響本會計期，會在作出修訂的期內確認，但如影響本期及未來的會計期，有關修訂便會在該期及未來的會計期內確認。

本局在實施會計政策時並不涉及任何關鍵的會計判斷。在結算日亦無任何對未來作出的主要假設或估計有其他重要的不明朗因素會構成重大風險，導致資產和負債的帳面值在來年需大幅修訂。

2.3 採納新訂 / 經修訂香港財務報告準則

本局已採納所有於現行會計期間有效並與本局相關的新訂 / 經修訂香港財務報告準則。

本局並無採用任何於本會計期間尚未生效的修訂、新準則及詮釋，本局正就該等修訂、新準則及詮釋在首次採用期間預期會產生的影響進行評估。直至目前為止，所得結論是採納該等修訂、新準則及詮釋不大可能對本局的運作成果及財務狀況構成重大影響。

various other factors that are believed to be reasonable under the circumstances, the results of which form the basis for making judgements about the carrying values of assets and liabilities that are not readily apparent from other sources. Actual results may differ from these estimates.

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

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

2.3 Adoption of new / revised HKFRSs

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

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

2.4 收益確認

當可以合理地確定本局會履行政府補助的附帶條件並收到補助時，該政府補助便會在收支賬目內確認為收入。

與收入有關的政府補助會遞延至相關支出產生時，才在收支報表內確認為有關期間的收入。

利息收入採用實際利息法以應計基礎確認入帳。實際利息法是計算金融資產的攤銷成本值，以及攤分在有關期間的利息收入的方法。實際利率是指把金融資產在預計有效期間或較短期間(如適用)內的預計現金收入，折現成該金融資產的帳面淨值所適用的貼現率。

2.5 物業、廠房及設備

物業、廠房及設備包括價值5,000元或以上的辦公室及電腦設備，其估計可使用期超過一年。

物業、廠房及設備以成本減累計折舊及任何減值虧損後列帳。折舊乃按物業、廠房及設備的成本減除其估計剩餘價值後，以直線法按以下估計可使用期計算：

辦公室設備	5年
電腦設備	3年

2.4 Revenue recognition

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

Government subventions relating to income are deferred and recognised in the income and expenditure account over the period necessary to match them with the costs they are intended to compensate.

Interest income is recognised 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

出售物業、廠房及設備產生的收益或虧損乃按出售收入淨值與資產的帳面值的差額決定，並於出售日於收支帳確認。

2.6 僱員福利

合約酬金、薪金及年假均於員工提供相關服務的年度內記帳並確認為支出。員工相關成本包括政府提供予員工的退休及住房福利，於提供服務的年度內列作支出。

2.7 經營租賃

凡所有權的絕大部分風險和回報由出租人保留的租賃，均列作經營租賃。根據經營租賃(扣除出租人給予的任何優惠)作出的租賃付款按相關租賃期以直線法於收支帳中扣除。

2.8 現金及現金等值項目

就現金流量表而言，現金及現金等值項目包括庫存現金、活期存款，及其他短期高度流動投資項目。短期高度流動投資是指可隨時轉換為已知數額的現金，其涉及的價值改變風險不大於購入時於三個月內期滿的投資。

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

2.6 Employee benefits

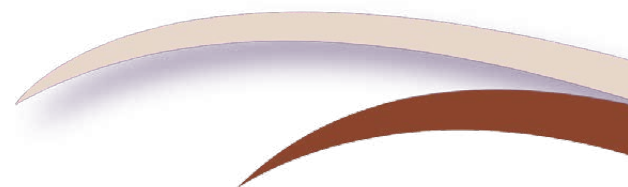
Contract gratuities, salaries and annual leave entitlements are accrued and recognised as expenditure in the year in which associated services are rendered by the staff. Staff on-costs, including pension and housing benefits provided to the staff by the Government, are charged as expenditure in the year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

2.7 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. 物業、廠房及設備

3. PROPERTY, PLANT AND EQUIPMENT

		電腦設備 Computer equipment 港幣 HK\$	辦公室設備 Office equipment 港幣 HK\$	總數 Total 港幣 HK\$
成本	Cost			
於2014年4月1日	At 1 April 2014	75,702	51,774	127,476
當年購入	Addition during the year	22,850	-	22,850
於2015年4月1日	At 1 April 2015	98,552	51,774	150,326
當年購入	Addition during the year	-	25,800	25,800
當年註銷	Disposal during the year	(1,580)	(35,000)	(36,580)
於2016年3月31日	At 31 March 2016	96,972	42,574	139,546
累積折舊	Accumulated depreciation			
於2014年4月1日	At 1 April 2014	63,096	50,687	113,783
當年撇除	Charge for the year	6,852	1,087	7,939
於2015年4月1日	At 1 April 2015	69,948	51,774	121,722
當年撇除	Charge for the year	12,155	430	12,585
當年註銷回撥	Written back on disposal	(1,580)	(35,000)	(36,580)
於2016年3月31日	At 31 March 2016	80,523	17,204	97,727
淨值	Net book value			
於2016年3月31日	At 31 March 2016	16,449	25,370	41,819
於2015年3月31日	At 31 March 2015	28,604	-	28,604

4. 現金及現金等值項目

4. CASH AND CASH EQUIVALENTS

		2016 港幣 HK\$	2015 港幣 HK\$
銀行存款	Cash at bank	363,483	85,688
庫存現金	Cash in hand	2,273	1,497
		365,756	87,185

5. 或然儲備

經行政署長在1999年6月9日的函件批准，本局可保留一項或然儲備。儲備的最大金額為以下金額總額：

- (a) 在上一年度所獲得的銀行利息；及
- (b) 本局在上一年度的經常性補助（不包括銀行利息）除卻開支所得盈餘的5%。

任何或然儲備的運用須徵求民政事務局局長的批准。

5. CONTINGENCY RESERVE

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

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

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

6. 政府補助

從香港特別行政區政府收取的補助為6,170,957港元（2015年：5,553,901港元）：

6. GOVERNMENT SUBVENTIONS

Subventions received from the Government of the Hong Kong Special Administrative Region amounted to HK\$6,170,957 (2015: HK\$5,553,901):

		2016 港幣 HK\$	2015 港幣 HK\$
每年經常性資助	Annual recurrent grant	6,166,000	5,537,000
或然資助	Contingency grant	4,957	16,901
政府補助	Subventions from the Government	<u>6,170,957</u>	<u>5,553,901</u>

7. 員工酬金

7. STAFF EMOLUMENTS

		2016 港幣 HK\$	2015 港幣 HK\$
公務員員工：	Civil service staff:		
薪金	Staff cost	3,250,052	3,188,580
非公務員合約員工：	Non-civil-service contract staff:		
薪金	Staff salaries	283,696	264,619
約滿酬金	Gratuities	13,860	12,434
強積金	Provident fund	14,185	14,198
未放取假期撥備	Provision for untaken leave	6,992	7,542
		<u>318,733</u>	<u>298,793</u>
		<u>3,568,785</u>	<u>3,487,373</u>

8. 其他支出

8. OTHER EXPENSES

		2016 港幣 HK\$	2015 港幣 HK\$
編製年報 / 通訊	Production of annual report/newsletter	55,647	57,870
常規出版物、期刊及雜誌	General publications, periodicals and journals	44,527	44,612
會計費用	Accountancy fee	40,500	40,500
研討會支出	Conference expenses	73,695	-
其他行政支出	Other administration expenses	87,039	110,069
折舊	Depreciation	12,585	7,939
		<u>313,993</u>	<u>260,990</u>

9. 財務風險管理

9. FINANCIAL RISK MANAGEMENT

本局以銀行存款為主要財務工具，而由該等財務工具引起的風險主要是信貸風險和流動資金風險。

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

信貸風險

Credit risk

信貸風險是指某一方未能償還債務而導致另一方招致財政損失。為減低信貸風險，本局的現金存放於香港一間主要的持牌銀行。

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.

流動資金風險

Liquidity risk

流動資金風險是指機構在支付財務負債時遇到困難。本局已制定一項流動資金政策，由本局成員定期檢討。此政策規定本局的流動資金每月維持在一個穩健水平，確保有足夠流動資金支付債務。

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.

10. 資本管理

本局的唯一資本來源是政府的經常性補助。本局管理資本的目標是為：

- 符合法律援助服務局條例；及
- 維持資本水平以資助本局的營運以達到第一點所述的目標。

本局對資本的管理，是要確保本局有足夠的資本水平去應付未來支出，包括現金流量的預計需要及未來財務負債及承擔。

10. 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.

11. 承擔

根據不可撤銷經營租賃，未來須支付的最低租賃付款總額如下：

11. COMMITMENTS

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

		2016 港幣 HK\$	2015 港幣 HK\$
一年內	Within 1 year	1,691,112	1,691,112
第二到五年內	After 1 year but within 5 years	909,200	2,600,312
		<u>2,600,312</u>	<u>4,291,424</u>

12. 財務資產及財務負債的公平值

所有財務資產及財務負債均以與其公平值相同或相差不大的金額在資產負債表內列帳。

12. 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.

附錄

Appendix

法援申請程序及監察外判制度興趣小組

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

主席 Chairperson

彭韻僊 (本局成員)
PANG Melissa (Council member)

委員 Members

畢保麒*	BURKE Patrick Michael*	麥振才*	MAK Simon*
陳少康*	CHAN Honby*		McGOWAN H M James*
陳健樂*	CHAN Kin Lok, Paul*	吳建華	NG Kin Wah
陳元敬	CHAN Yuen King, Paul	吳傑華*	NG Ray*
鄭嘉聰*	CHANG Ka Chung*	吳恩兒*	NG Yan Yee*
莊嚴	CHUANG Yim, Chris	彭慶東*	Dr PANG Hing Tung, Pierre*
帝理邁	DALY Mark Douglas	金偉民	SADHWANI Kamlesh Arjan
何顯*	HO Frankie*	鄧賜強	TANG Chi Keung, Paul
何文楷	HO Man Kai	杜偉強	TO Wai Keung
何穎恩*	HO Veng Ian, Rebecca*	曾嘉麗	TSANG K L Kitty
葉永玉醫生*	Dr IP Wing Yuk, Josephine*	蔡耀昌*	TSOI Yiu Cheong, Richard*
顧增海	KOO Tsang Hoi	韋智達	VIDLER Michael John
郭啟彬*	KWOK K B Benny*	溫錦泉	WAN Kam Chuen
郭偉強	KWOK Wai Keung	黃陳子英	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
林國榮博士*	Dr LAM Kwok Wing*	黃偉賢	WONG Wai Yin, Zachary
林煒彬*	LAM Wai Pan, Wilson*	黃宏泰*	WONG Wang Tai, Ivan*
李福基醫生*	Dr LEE Fook Kay, Aaron*	黃貴生	WONG Kwai Sang, Kays
李偉雄醫生*	Dr LEE Wai Hung, Danny*	汪耀誠	WONG Yiu Shing
李家峰	LI Ka Fung, Alan	吳德龍	WU Bernard
李孟華*	LI Mang Wah, Paul*	丘水榕	YAU Shui Yung, Lousana
梁素娟*	LIANG PUI Saw Kian, Susan*	楊超發醫生*	Dr YEUNG Chiu Fat, Henry*
練安妮*	LIN Annie*	楊浩然	YEUNG Sui Yin, Victor
廖保珠	LIU Po Chu	葉健強*	YIP Kin Keung*
廖穎康醫生*	Dr LIU Wing Hong*	余廣文	YU Kwong Man
麥樂嫦*	MAK L S Mabel*		

* 同時加入兩個興趣小組的成員
Members who joined both Interest Groups

法律援助範圍興趣小組 Interest Group on Scope of Legal Aid

主席 Chairperson

周凱靈 (本局成員)
CHOW Juliana (Council member)

委員 Members

鄭心怡 (本局成員)	KWONG Anna (Council member)	利炳輝	LI Ping Fai, Tommy
畢保麒*	BURKE Patrick Michael*	梁素娟*	LIANG PUI Saw Kian, Susan*
陳少康*	CHAN Honby*	練安妮*	LIN Annie *
陳健樂*	CHAN Kin Lok, Paul*	廖穎康醫生*	Dr LIU Wing Hong*
鄭嘉聰*	CHANG Ka Chung*	盧炯宇	LO Kwing Yu
趙文宗博士	Dr CHIU Man Chung, Andy	麥海華	MAK Hoi Wah
莊耀勤	CHONG Y K Sherman	麥樂嫦*	MAK L S Mabel*
何顯*	HO Frankie*	麥振才*	MAK Simon*
何國鈞	HO K K Thomas		McGOWAN H M James*
何少亮	HO Siu Leung, Nelson	吳恩兒*	NG Yan Yee*
何穎恩*	HO Veng Ian, Rebecca*	吳傑華*	NG Ray*
葉永玉醫生*	Dr IP Wing Yuk, Josephine*	彭慶東*	Dr PANG Hing Tung, Pierre*
郭啟彬*	KWOK K B Benny*	鄧珮頤	TANG Pui Yee, Phoebe
郭威*	KWOK William*	蔡耀昌*	TSOI Yiu Cheong, Richard*
黎世康	LAI Sai Hong	王智源*	WONG Chi Yuen*
林長志	LAM Cheung Chi	黃劍文	WONG Kim Man
林健培*	LAM Kin Pui*	黃宏泰*	WONG Wang Tai, Ivan*
林國榮博士*	Dr LAM Kwok Wing*	許英教授	Prof XU Ying
林煒彬*	LAM Wai Pan, Wilson*	楊超發醫生*	Dr YEUNG Chiu Fat, Henry*
李健	LEE Arthur	葉健強*	YIP Kin Keung*
李福基醫生*	Dr LEE Fook Kay, Aaron*		
李偉雄醫生*	Dr LEE Wai Hung, Danny*		
梁偉文	LEUNG Wai Man, Raymond		
李芝蘭教授	Prof LI Che Lan, Linda		
李孟華*	LI Mang Wah, Paul*		

* 同時加入兩個興趣小組的成員
Members who joined both Interest Groups

附錄 Appendix

工作小組 Working Group

年度內，本局共有兩個工作小組，分別研究：

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

1 擴大法律援助輔助計劃的涵蓋範圍 Expansion of Supplementary Legal Aid Scheme

主席 Chairperson

周凱靈（本局成員）
CHOW Juliana (Council member)

委員 Members

鄭心怡（本局成員） KWONG Sum Yee, Anna (Council member)
李超華（本局成員） LI Chiu Wah, Joseph (Council member)

2 改善法律援助資訊的傳遞 Dissemination of Legal Aid Information

主席 Chairperson

李家祥博士（本局主席）
Dr Li Ka Cheung, Eric (Council chairman)

委員 Members

葉毓強（本局成員）	IP Yuk Keung, Albert (Council member)
梁宏正（本局成員）	LEUNG Wang Ching, Clarence (Council member)
潘素安（本局成員）	PINTO Josephine Antonetta (Council member)
洪為民博士（前本局成員）	Dr HUNG Wai Man, Witman (ex-Council member)
馬華潤（前本局成員）	MA Wah Yan, Billy (ex-Council member)
鍾綺玲（法律援助署副署長）	CHUNG Yee Ling, Alice (Deputy Director of Legal Aid)
葉超然	IP Chiu Yin, Eddie
龔永德	KUNG Peter
李榮光	LI Wing Kong, Alvin
伍尚匡	WU Shang Hong, Jason

