



法律援助服务局  
LEGAL AID SERVICES COUNCIL

年报 ANNUAL REPORT  
2015/2016





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# 抱负、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、  
開誠布公及敏于眾望

Committed, Independent and Fair,  
Accessible, Transparent and Responsive

## 抱负 Vision

法律援助服务局竭力确保在法律面前人人平等，即使是缺乏经济能力的人，也能寻求正义伸张，借以维护和巩固香港社会的法治精神。

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

本局的使命是确保提供优质、快捷及妥当的法援服务，并为此争取足够的经费；争取改善关于或影响法律援助服务的法律和行政制度；协助加强公众对法援服务的认识；以及按时检讨成立一个独立的法援机构的可行性及可取性。

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

本局忠于职责，恪守抱负、使命及信念宣言的宗旨，因为本局相信法律援助对于维持法治方面极具价值。本局亦积极推展法律援助服务。在遵守《法律援助服务局条例》的同时，本局致力于完善条例规定，发扬抱负、使命及信念宣言的精神。

### 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.

### 公正独立

提高法律援助管理的独立性是1996年成立本局的原因之一，因此，独立性亦成为本局其中一项核心价值。在确认不同持分者的权益或观点的同时，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

将采取大公无私的立场处理事务，为建立法治社会及确保在法律面前人人平等而努力。本局不会忽视任何向本局提出的事实或观点。

### 通众近民

成立本局的其中一个原因是扩大公众对法援管理的参与。本局将作出适当安排，方便公众获取本局的公开资料，或与本局就特定事宜沟通，或在不影响本局履行职责的情况下，主动或被动地参与本局的工作。本局将设立与公众、持分者及本港或海外对法援有兴趣人士的沟通渠道。

### 开诚布公

加深公众对本局的了解可加强公众对本局及法援服务的信任，亦是公众积极参与本局工作的先决条件。因此，在不违反特定事宜或特定场合须保密的情况下，本局将向公众公开本局的工作。

### 敏于众望

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

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.

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## 关于法援局 About the LASC



法援局是一个法人团体，负责监管由法律援助署提供的法律援助服务，并就法律援助政策向行政长官提供意见。

The 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

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

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

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.

## 法律援助局的成员 Membership of the Council

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

在2015年4月1日至2016年3月31日止的年度内，法律援助局成员包括：

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



周凯灵女士  
Juliana CHOW Hoi-ling

叶毓强先生  
Albert IP Yuk-keung



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

梁宏正先生 JP  
Clarence LEUNG Wang-ching  
JP



李超华先生  
LLB, LL.M, 公证人  
Joseph LI Chiu-wah  
LLB, LL.M, Notary Public

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



潘素安女士  
Josephine Antonetta  
PINTO



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

法律援助署署长  
邝宝昌先生 JP (当然成员)  
Thomas Edward KWONG  
JP, Director of Legal Aid (ex-officio)



## 法律援助局成员简历 Members of the Council

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

- 资深执业会计师
- 多间主要公营机构和上市公司的核数委员会主席
- 1994年任香港会计师公会主席
- 担任立法会议员（会计界功能组别）13年，直至2004年
- 于立法会议员任期内，连续9年被选为立法会政府帐目委员会主席
- 1993年当选首位香港杰出会计师
- 荣获国际会计师大奖2002
- 获颁英国曼彻斯特大学荣誉法学博士、香港浸会大学荣誉社会科学博士、香港教育大学社会科学荣誉博士、英国伦敦商学院荣誉校友、香港中文大学及香港理工大学荣誉院士
- A senior practising accountant by profession
- Chairman of audit committees of major public bodies and listed companies
- President of the Hong Kong Society of Accountants in 1994
- Legislative Council Member (Accountancy Functional Constituency) for 13 years, up to 2004
- Chairman of the Public Accounts Committee of the Legislative Council for 9 consecutive years during his tenure as Legislative Council Member
- Awarded the first Accountant of the Year of Hong Kong in 1993
- Received the International Accountant Award in 2002
- Awarded Honorary Doctorate in Law by the University of Manchester, Honorary Doctor of Social Science by the Hong Kong Baptist University, Honorary 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.

### 周凯灵女士 Juliana CHOW Hoi-ling

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

## 叶毓强先生 Albert IP Yuk-keung

- 朗廷酒店投资的执行董事及行政总裁
- 多家上市公司的独立非执行董事，包括AEON信贷财务（亚洲）有限公司、合和公路基建有限公司、合和实业有限公司、利福国际集团有限公司、新世界中国地产有限公司、电能实业有限公司及TOM集团有限公司
- 冠君产业信托之信托管理人，鹰君资产管理（冠君）有限公司的非执行董事
- 岭南大学荣誉教授，于2016年6月1日获委任为理学硕士财务委员会主席，并为商学院及会计系的咨询委员会委员
- 香港城市大学商学院客席教授及国际咨询委员会成员
- 澳门大学客席教授及国际顾问委员会委员
- 拥有圣路易斯市华盛顿大学理学学士学位及康乃尔大学和卡内基梅隆大学理学硕士学位
- 美国圣路易斯市华盛顿大学行政院士及亚洲国际咨询委员会成员
- 美国圣路易斯市华盛顿大学荣誉校友
- 新加坡管理大学金融经济研究所研究院士
- 职业训练局荣誉院士
- 世界绿色组织董事会成员
- 教育局校长资格认证委员会委员
- 于2016年4月1日获委任为香港科技大学校董会成员
- Executive Director and Chief Executive Officer of Langham Hospitality Investments
- Independent Non-Executive Director of publicly listed companies – Aeon Credit Services (Asia), Hopewell Highway Infrastructure, Hopewell Holdings, Lifestyle International Holdings, New World China Land, Power Assets and TOM Group
- Non-Executive Director of Eagle Asset Management, Manager of Champion Real Estate Investment Trust
- 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

**邝心怡女士** FHKIA, MH  
**Anna KWONG Sum-ye** FHKIA, MH

- 认可人士—注册建筑师，曾任职于私营和公营企业及天主教香港教区，于2006年开始私人执业
- 香港建筑师学会2009-2010年度会长
- 国际崇德社国际监督、第17区总监及区域监督，九龙崇德社会长
- 香港各界妇女联合协进会理事会兼执行委员会委员
- 义务工作发展局「紫荆领袖义工奖」得主
- 曾为非政府机构和发展商进行保育教堂和新建筑项目，其中两个获得「联合国教育科学及文化组织」亚太区文物古迹保护奖，另一个获香港建筑师学会社区建筑奖
- 获香港特别行政区政府委任加入香港城市规划委员会、岭南大学校董会及咨议会、香港贸易发展局基建发展服务咨询委员会
- 香港特别行政区行政长官选举委员会委员（2006及2011年）
- 全国人民代表大会香港地区代表选举委员会委员（2007及2012年）
- 在2013年获委任为一间上市公司的独立非执行董事
- Authorized Person – Registered Architect and worked in both private, public and Catholic Diocese of Hong Kong before she commenced her practice in 2006
- President of the Hong Kong Institute of Architects (HKIA) (biennium 2009-2010)
- International Director, District 17 Governor and Area Director of Zonta International, President of Zonta Club of Kowloon
- Council and Executive Committee Member of Hong Kong Federation of Women
- A recipient of the Bauhinia Leadership Award organised by the HK Agency for Volunteer Service
- Two of her Conservation Projects for church/new buildings for NGOs/developers she carried out won the United Nations Educational, Scientific and Cultural Organisation Asia-Pacific Office “Culture Heritage & Conservation Award” and another Community Building Award from the HKIA

- Appointed by the HKSAR Government to the Town Planning Board, Council and Court of the Lingnan University, Trade Development Council – Infrastructure Development Advisory Committee
- Election Committee Member for the HKSAR Chief Executive (2006 & 2011)
- Election Committee Member for the National People's Congress Hong Kong Deputies (2007 & 2012)
- Appointed by a listed company to serve as a Non-Executive Independent Director in 2013

**梁宏正先生** JP  
**Clarence LEUNG Wang-ching** JP

- 新兴织造厂有限公司董事
- 香港菁英会荣誉主席
- 工业贸易咨询委员会成员
- 扶贫委员会委员
- 旅游业策略小组委员
- 曾任城市规划委员会成员
- 曾任香港特别行政区政府中小企业委员会委员
- 曾任中央政策组非全职顾问
- 剑桥大学经济学荣誉学士及硕士
- Director of Sun Hing Knitting Factory Limited
- Honorary Chairman of the Y. Elites Association
- Member of the Trade and Industry Advisory Board
- Member of the 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

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

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

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

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

## 潘素安女士 Josephine Antonetta PINTO

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

- Member of Joint Committee with Law Society on Continuing Legal Education (1988)
- Member of Guardianship Board under Mental Health Ordinance (1999-2002)
- Fellow of The Chartered Institute of Arbitrators (1993-1995)
- Consultant Editor of the Hong Kong Law Reports and Digest (2005 to date)

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

- 香港浸会大学荣誉院士
- 英国曼彻斯特大学管理学硕士
- 自1993年起出任王新兴有限公司董事总经理、万菱实业(广东)有限公司执行董事及广州市万菱置业有限公司董事总经理
- 2009年至今为九龙社团联会理事长
- 自2012年起为香港广西社团总会永远会长及香港中华总商会常务会董
- 2008年起担任港区省级政协委员联谊会基金会副主席
- 2014年起担任香港义工联盟常务副主席
- 2008年起担任九龙城区议员，并为九龙城区地区推广国民教育工作小组主席
- 获委任为上诉委员会(游戏机中心)委员(2010年至今)、奖券基金咨询委员会委员(2011年至今)及独立监察警方处理投诉委员会观察员(2014年至今)
- 曾任九龙城区公民教育运动统筹委员会主席、九龙城区更新地区咨询平台及九龙城区议会房屋及基础建设委员会委员
- Honorary University Fellow of Hong Kong Baptist University
- Master of Management Studies, University of Manchester, England
- Managing Director of Wong Sun Hing Limited, Executive Director of Onelink Industrial (Guangdong) Co Ltd and Managing Director of Guangzhou WanLing Real Estate Co Ltd since 1993



- President of the Kowloon Federation of Associations from 2009 to present
- Life President of the Federation of Hong Kong Guangxi Community Organisations Ltd and Standing Committee Member of The Chinese General Chamber of Commerce since 2012
- Vice Chairperson of HKCPPCC since 2008
- Standing Vice Chairperson of the Hong Kong Volunteers Federation since 2014
- Member of Kowloon City District Council since 2008 and served as the Chairperson of Kowloon City District Working Group on District Promotion of National Education
- Appointed as member of the Appeal Board (Amusement Game Centres) (2010 to present) and the Lotteries Fund Advisory Committee (2011 to present), as well as observer of the Independent Police Complaints Council (2014 to present)
- Served as Chairperson of Kowloon City District Civic Education Campaign Organising Committee, and sat on Kowloon City District Urban Renewal Forum and Kowloon City District Council Housing and Infrastructure Committee
- 2014年担任第3届亚洲调解协会会议筹备委员会荣誉委员
- 曾任首席法官辖下调解工作小组、民事法庭使用者委员会、刑事法庭使用者委员会、刑事诉讼程序委员会、家事调解督导委员会、律政司司长辖下调解工作小组和调解专责小组、香港法律改革委员会集体诉讼小组委员会、雇员补偿援助基金管理局、交通意外伤亡援助咨询委员会、香港国际仲裁中心调解员认可委员会的委员
- Graduated with Bachelor of Political Science and Bachelor of Laws
- Admitted as a Solicitor of the Supreme Courts of New South Wales, England and Wales and the High Court of Hong Kong
- Joined the Legal Aid Department in October 1987 as a Legal Aid Counsel
- Appointed Director of Legal Aid in September 2013
- Member of the Civil Justice Reform Monitoring Committee, SJ's Steering Committee on Mediation and Regulatory Framework Sub-Committee and HKMAAL Mediation Accreditation Committee
- Honorable member of the Organising Committee of the 3rd Asian Mediation Association Conference (2014)
- Previously served as member of the CJ's Working Party on Mediation, Civil Court Users' Committee, Criminal Court Users' Committee, Criminal Procedure Rules Committee, Steering Committee on Family Mediation, SJ's Working Group on Mediation, SJ's Mediation Task Force, Law Reform Commission Sub-Committee on Class Actions, Employees' Compensation Assistance Fund Board, Traffic Accident Victims Assistance Advisory Committee and HKIAC Mediator Accreditation Committee

## 法律援助署署长邝宝昌先生 JP Thomas Edward KWONG

JP, Director of Legal Aid

- 拥政治科学及法律学学士学位
- 取得澳洲新南威尔士最高法院、英格兰及威尔士最高法院和香港特别行政区高等法院的律师资格
- 1987年10月加入法律援助署，担任法律援助律师
- 2013年9月获委任为法律援助署署长
- 现为民事司法制度改革监察委员会、律政司司长辖下调解督导委员会和规管架构小组委员会、香港调解资历评审协会有限公司调解资历评审委员会的委员

## 法律援助局的职能 Functions of the Council



法律援助局负责监督法律援助署管理其提供的法律援助服务。法律援助署就该等服务的提供向法律援助局负责。

法律援助局为履行职责，可：

- (a) 制定政策以管限由法律援助署提供的服务，并就法律援助署的政策方向提供意见；
- (b) 不时检讨法律援助署的工作，并作出妥善和适当的安排，以确保法律援助署能有效率地并符合经济原则地履行其职能和提供法律援助服务；
- (c) 检讨由法律援助署提供的服务及其发展计划；及
- (d) 就法律援助署的开支预算作出考虑及提供意见。

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.



法律援助局无权就法律援助署的职员事宜及其对个别案件的处理向法律援助署作出指示。

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

- (a) 资格准则、服务范围、提供服务的方式、未来的改善计划、以及法律援助政策的未来发展和资金需要；
- (b) 设立一个独立的法律援助管理局的可行性及可取性；及
- (c) 由行政长官不时转交法律援助局的任何其他法律援助事项。



## 兴趣小组 Interest Group

为使公众能参与法律援助服务的管理，及听取各持分者对法律援助服务的意见，本局成立兴趣小组，以建立一个有系统的沟通渠道，让法律专业人士和业外人士就法律援助未来的发展互相交流意见，并就制订法律援助政策及监督法律援助服务确立议题。

每个兴趣小组均由本局成员出任主席。除本局成员外，兴趣小组吸纳了来自不同界别的人士，包括学者（来自法律和社会研究领域）、会计师、建筑师、大律师、医生、牙医、工程师、环境顾问、园境师、不同社会服务范畴的工作者、律师和测量师。现时，兴趣小组共有69名成员。一般而言，兴趣小组的职权范围包括就其处理的议题向法律援助局汇报意见及 / 或评论，并提出建议，同时审议任何由法律援助局转介的事项。

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，本局共设两个兴趣小组——「法律援助程序及监察外判制度兴趣小组」和「法律援助范围兴趣小组」，分别由彭韵僖女士和周凯灵女士担任主席。

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

## 工作小组 Working Group

本局也会视乎需要成立工作小组，为一些特别课题进行研究并向本局提出建议。现时本局设有两个工作小组，其中一个研究扩大法律援助辅助计划的涵盖范围，而另一个是改善法律援助资讯的传递，以提高法律援助署运作的透明度。

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.

兴趣小组和工作小组成员名单刊于附录。

Membership of the interest groups and the working groups is at the Appendix.

# 3



## 主席回顾 Chairman's Review

过去一年，我们完成了为被扣留在警署人士提供法律方面的援助及扩大法律援助辅助计划的研究。

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年是令人兴奋的一年，法律援助服务局完成研究为被扣留在警署的人士提供法律方面的援助及进一步检讨法律援助辅助计划。

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.

## 为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，悉属平等。所有人均被假定无罪，而举证责任在检控一方。每个人都有权得到公平公开审讯的权利，亦不会被迫作出对自己不利的证供或认罪。为确保基本人权受到保障，每个人都应有权得到保密而及时的法律意见，以及由律师代表上庭的机会。

但是，一个被扣留人士在受到审问前，他的权益能否得到适当保障备受关注。因为由其个人自由受到限制至在裁判法院出庭期间，目前并无任何公共计划协助该等人士。香港保留普通法中保持缄默的权利。根据保安局发出的程序规则规定，一个人只有在有合理理由被怀疑干犯了罪行的情况下，才会被进行警诫。这警诫是提醒每个人均有权保持缄默的第一个知会，可是一个正被执法

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.

机关扣留的人士却未必清楚可以行使这个权利。

因此，本局邀请辖下的「法律援助范围兴趣小组」，研究为被扣留在香港执法机构的人士提供法律方面的援助。在审视所有相关议题后，本局认同有需要提供一个由公帑资助的法律方面的援助予被扣留人士以保障其法律权益。

在2016年2月2日，本局向行政长官建议设立一个行政计划，提供法律方面的援助给被扣留人士，有关服务包括用电话为被扣留人士提供初步的法律意见，及/或视乎情况，律师亲到警署作面对面的咨询。本局提议先在四个有代表性的警署引入该计划作为试点，并分阶段落实。行政当局应对计划作出监察及检讨，根据检讨的结果，有关服务可被扩展至其他警署或执法机关，即入境事务处、香港海关及廉政公署。

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.



## 扩大法律援助辅助计划 Expansion of Supplementary Legal Aid Scheme

应民政事务局（民政局）的邀请，本局成立了一个工作小组讨论进一步扩大法律援助辅助计划（「辅助计划」）的援助范围的必要及可行性，以及如需扩大援助范围，应新增那类案件在计划之内。

「辅助计划」按财政自给自足的基础成立，并在1984年开始运作。「辅助计划」旨在为财务资源超出普通法律援助计划（「普通计划」）的法定限额，但低于最高限额的人士提供法援。目前，「辅助计划」的财务资格限额为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



「辅助计划」最初的100万元种子基金由奖券基金拨出、其余经费来自政府分别于1995年及2012年注资的2,700万元及1亿元、申请人缴付的申请费、受助人缴付的中期分担费、从胜诉案件讨回的损害赔偿中扣除的最终分担费、判与的讼费以及执行第一押记的收入等。

法律援助辅助计划基金的财务可行性受包括在「辅助计划」的申索类别选择、案情审查、诉讼成功率、可收回讼费的能力以及赔偿与诉讼费用比率所影响。「辅助计划」的案件一旦败诉，便需承担双方的讼费，这对该基金来说会是一个沉重的打击。

有见及此，当检讨「辅助计划」时，除了要考虑扩大「辅助计划」援助范围的必要及可行性外，在审视新增案件的类别时，也需思量其 i) 是否涉及金钱申索；ii) 申索成功机会是否很高；及 iii) 是否有良好的讨回讼费及赔偿的机会。

经商讨后，本局支持工作小组的建议，「辅助计划」的援助范围应可逐步扩大。针对上述情况，本局认为「辅助计划」应继续以财政自给自足的模式运作，并须密切监察法律援助辅助计划基金的运作情况。

本局建议将下列金额很可能超过60,000元的申索类别纳入「辅助计划」：

- (a) 涉及已在证券及期货事务监察委员会注册及根据要求投保的独立财务顾问的金钱申索；及
- (b) 在销售证券衍生工具、货币期货或其他期货合约时涉及诈骗、失实陈述或欺骗情况的金钱申索；

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

本局同时建议当集体诉讼法例完备时，行政当局应积极考虑将集体诉讼纳入「辅助计划」内，另外，法援署署长应有权酌情批准法援予合适的集体诉讼案件。

上述的建议已于2016年7月15日呈交给行政长官。本局在商讨有关提案时，尽管受人力和资源的限制，仅能与两个法律专业团体交换意见，而非听取所有相关持分者的提议，本局相信有关建议是公平而合理的。为香港的利益着想，我已恳请政府认真考虑尽快推行本局的建议。

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.

## 检讨刑事法律援助费用 Review of Criminal Legal Aid Fees

在2014年3月，民政局成立了一个工作小组，检讨支付予大律师和律师代表法律援助署（法援署）处理诉讼工作的费用。工作小组成员包括大律师公会和香港律师会的代表，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费用将被建议上调；i) 大律师的费用上调50%；ii) 发出指示的律师的费用上调25%；及 iii) 在区域法院以讼辩人兼发出指示的律师身分行事的律师的费用上调40%，并会为享有较高级法院出庭发言权的讼辩律师增设一个新的刑事法律援助费用类别，以处理高等法院的案件。本局亦知悉民政局已在2016年6月向立法会提出动议以修改法例，一经立法会批准，将会尽快订定生效日期。本局欢迎有关的上调建议。

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.



过去一年，为向公众提供优质的法律援助服务，我们的持分者皆努力不倦地工作。如果没有两个法律专业团体和其他法援服务持分者的热心参与、无私贡献和宝贵意见，我们不可能完成前段所述的研究。我衷心向每一位表示感激。同时，我亦向法援署署长和该署的同事致谢，感谢他们的全力协助、尽忠职守和辛勤工作。最后，我真诚感谢本局成员。在他们的坚定支持下，本局定能继续坚守信念，确保在法律面前人人平等，即使是缺乏经济能力的人也能寻求公义。

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 unflinching 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

## 为被扣留在警署人士 提供法律方面的援助

Legal Assistance to Detainees  
at Police Stations



本局邀请了辖下的法律援助范围兴趣小组（「兴趣小组」）就法律援助的涵盖范围应否扩大至包括被扣留在香港执法机构的人士进行研究。除与持分者会面外，「兴趣小组」研究了相关的法例和统计，亦同时以5个有为被扣留人士提供法律方面的援助的司法管辖地区，即英格兰及威尔斯、苏格兰、台湾、新西兰和加拿大安大略省，作比较及研究，借以了解海外地区为被扣留人士提供相关法援的范畴及形式。「兴趣小组」就为被扣留在香港警署的人士提供法律方面的援助的研究结果会在随后的段落中详述。

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.

## 香港的情况

### The Hong Kong Position

在香港的刑事法例下，在法院或法庭之前，人人平等及皆假定无罪，而举证责任在控方。每个人都有权得到公平公开审讯的权利，不会被强迫作出违反自己利益的供词或被迫认罪。为确保基本人权受到保障，每个人都应有权得到保密和及时的法律意见、以及可由律师代表出庭。但是，一个被扣留人士在受到审问前，他是否能得到及时的律师意见以保障其个人权益备受关注。故此有人建议，如被扣留人士无经济能力聘请律师，应以法援方式为他们代聘。

目前香港并无任何公共计划协助保障一个被扣留人士，由其个人自由受到限制至在裁判法院出庭期间的个人权益。香港保留普通法中保持缄默的权利。根据保安局发出的程序守则规定，一个人只有在有合理理由被怀疑干犯了罪行的情况下，才会被进行警诫。

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

这警诫是提醒每个人均有权保持缄默的第一个通知，可是一个被拘留在执法机关的人士却未必清楚可以行使这个权利。

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

## 建议

### Recommendations

经审慎考虑所有相关议题后，本局认同「兴趣小组」的建议，即应设立一个由政府资助的计划为被拘留人士提供法律方面的援助，以保障其法律权益。

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.

#### 服务范畴

1. 援助计划的目的是为确保被拘留人士在他的个人自由受到限制时，可以获得有关应有权益的法律意见。
2. 该计划的援助范围应由一个人被拘留开始，即他的个人自由被限制在警署内，但不应包含被拘留人士被正式落案起诉后的法律咨询，即「警署至出庭间」的时段。因为除非得到保释，一般在被落案起诉后，该人士很快便会被安排出庭，而且当案件转介至裁判法院后，当值律师服务便可向该人士提供法律意见和支援。
3. 应为被拘留人士提供初步的法律意见。
4. 虽然就法律咨询服务应否受时间限制及如需要设限，应设定在多少时间方面未达成共识，但主流意见认为有关服务不应超逾1小时。

#### 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. 律师应运用其专业判断以决定单一案件所需的工作时间，在某些特别的情况下，例如涉及严重罪行或被扣留人士对理解法律意见有困难，律师便可酌情处理服务时限。
  6. 服务应包括律师亲自到警署为被扣留人士提供法律意见。透过与被扣留人士面对面的对话，律师可准确地引导和明白被扣留人士的忧虑和需要，从而提供更适合和贴近他们情况的法律意见。
  7. 由于并非所有被扣留人士都会要求或需要律师亲身提供法律意见，以及为了令有需要的人士能迅速得到法律支援，律师可用电话提供初步的法律意见，如有需要可再安排面对面的会见。
  8. 服务应只提供予被警方拒绝保释的人士，或没有能力缴付保释金的被扣留人士。为避免服务被滥用，如有需要，可就服务对象的定义作进一步的阐释。
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. 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. 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. 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.

### 服务的形式

在对5个提供相关服务的司法管辖地区的研究中，发现每一个援助计划都有设立电话中心以处理所有有关提供法律意见（或法律代表）的要求。因此，「兴趣小组」内有建议设立一个类似的电话中心，作为被拘留人士的第一个接洽点。电话中心由有处理刑事案件经验的律师（「中心律师」）支援，用电话向被拘留人士提供初步法律意见。「中心律师」可因应案件的情况，联络在预先核准的名册上的合资格律师（「值勤律师」）到警署为被拘留人士提供适时的法律意见。为能够更快提供有关的法律支援服务，亦有建议安排律师在警署内驻守。

### 申请人的财务资格及分担费

给予被拘留人士的初步法律意见应是不用收费的。可是，如有后续面谈的需要时，就应施行一个简单、容易管理及类似当值律师计划所采用的经济审查，同时应向被拘留人士收取500元至1000元的分担费。

### 服务的推行

这建议应以试验计划形式进行，分阶段落实，并受监察和检讨。试验计划可先在4间有代表性的警署试行。要令这试验计划成功，选取合适的警署和得到香港警务处的支持尤为重要。此外，亦有建议试验计划的服务只涵盖部分罪行、或社会上较弱势人士，如年龄在18岁以下或65岁以上的人士、不谙说及 / 或不明白广东话、普通话或英语的人士、及 / 或被确认为患有智障的人

### 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。试验计划的财务负担将视乎服务的规模和提供服务的方式而有所变化。

试验计划应先试行不多过两年，并建议在完成首年试行后作中期检讨及在试行两年后作全面检讨。至于可否引入资讯科技协助提供服务及会否将服务扩展至提供法律代表给被扣留人士，可在试行推展后再作考虑。此外，警方在一些案件中，在落案后可能继续向被扣留人士问话，故有关服务应在「警署至出庭间」这时段提供亦受到关注。另外，为被扣留人士提供服务的实际时间能否限制在1小时内也是令人关切的问题，尤其当口供是以书面方式记录而非录像记录。为回应这些关注，「兴趣小组」认为有关方面有必要收集数据来进行分析和检讨。试验计划服务可视乎检讨结果，扩展至其他警署和执法机构，即入境事务处、香港海关及廉政公署。

「兴趣小组」曾经研究能否将建议服务纳入现行由法援署管理的法援计划。可惜，在现行法例框架下，法援不能伸延至未被落案的被扣留人士；此外，法律援助证书必须在申请人通过经济审查后才可发出，而这种审查，在为被扣留人士提供即时紧急的法律支援的情况下是不可行的。因此，「兴趣小组」认为以行政计划的形式为被扣留人士提供法律方面的援助更为合适。

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「兴趣小组」在讨论计划书时，尽管在有限的人力和资源下，仅能收集执法机构、当值律师服务及两个法律专业团体的相关意见，本局相信上述的建议是公正而合理的。本局认为通过单一或一系列循序渐进的试验计划，可以找出可能出现的程序或财务问题，而这些技术上的问题，均可透过进一步的商讨解决。

本局已于2016年2月2日向行政长官提交以上建议，并促请政府当局慎重考虑及尽快落实执行有关建议。

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

# 扩大法律援助辅助计划

Expansion of  
Supplementary Legal Aid Scheme





作为行政长官在关于由法援署提供的法律援助服务的政策上的咨询机构，本局在2010年3月致函民政事务局局长，表达对就评定法律援助申请人财务资格的准则每五年进行一次的检讨所作建议的意见；本局同时在信内表示，法律援助辅助计划（「辅助计划」）的援助范围应予以研究，而有关研究会由辖下的法律援助范围兴趣小组负责。

在2010年12月，本局向行政长官呈交「辅助计划」的检讨报告。行政当局在审视本局的建议，并考虑立法会司法及法律事务委员会和相关持分者，包括法律业界的意见后，最终定下其对「辅助计划」提案的立场，并于2011年3月和12月提交司法及法律事务委员会，及于2012年11月法例修订后，扩大了普通法律援助计划（「普通计划」）及「辅助计划」的援助范围。

自那时起，已有立法会议员和法律业界人士呼吁更进一步扩大援助范围。在民政事务局（民政局）的邀请下，本局成立了一个工作小组去进一步检讨「辅助计划」的援助范围。

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.

## 扩大法律援助辅助计划工作小组 Working Group on Expansion of SLAS

扩大法律援助辅助计划工作小组（「工作小组」）由本局成员组成，其主要工作是研究进一步扩大「辅助计划」的援助范围的必要及可行性，以及如需扩大援助范围，应新增那类案件在计划内。除了工作小组成员的意见外，小组也考虑了其他人士的提议，尤其香港大律师公会在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日就此议题发出的立场书，并查看了相关的统计数据和检阅其他有关的资料。工作小组亦慎重地商讨了香港大律师公会和香港律师会分别于2015年11月18日和24日，针对工作小组的初步建议书发出的书面意见。

## 「辅助计划」的进一步检讨 Further Review of SLAS

政府的法援政策目标是要确保任何具合理理据在香港法院提出诉讼或抗辩的人士，不会因缺乏经济能力而无法寻求公义。

任何人士如要获得法律援助，须按法例要求，同时通过经济审查及案情审查。目前，申请人的财务资源不超过290,380元，便符合资格申请「普通计划」，而这计划已涵盖大部分区域法院或更高法院的法律诉讼。「辅助计划」是提供给财务资源超出「普通计划」规定的限额，但又不超过某一金额的人士。现时，「辅助计划」的财务资格限额为1,451,900元。

「辅助计划」在1984年开始运作，最初的1百万元种子基金由奖券基金拨出、其余经费来自政府于1995年注资的2,700万元、申请人缴付的申请费、受助人缴付的中期分担费和从胜诉案件讨回的损害赔偿中扣除的最终分担费、判与的讼费以及执行第一押记的收入等。

「辅助计划」按财政自给自足的基础建立。一直以来，「辅助计划」涵盖的法律诉讼种类为：(a) 因涉及对个人而非商业机构或一个组群的市民做成重大伤害或不

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，而值得优先获得公帑资助的个案；以及(b) 涉及金钱申索并有良好胜诉以及讨回讼费及赔偿机会的个案。

「辅助计划」最初只适用于涉及人身伤亡的赔偿申索，其后于1992年扩大至雇员补偿申索，并于1995年涵盖因医疗、牙科及法律专业疏忽而提出的申索。

在2012年11月，「辅助计划」的涵盖范围大幅扩大。除了上述申索外，「辅助计划」的涵盖范围扩大至包括更多类别的专业疏忽申索、关于保险人或其中介人在销售个人保险产品时涉及疏忽的申索、就售卖已落成或未落成的一手住宅物业而向卖方提出的金钱申索，以及因应劳资审裁处所作裁决而提出上诉的个案中为雇员提供法律代表。

立法会财务委员会在2012年12月批准注资1亿元，支持已扩大涵盖范围的「辅助计划」的运作。截至2016年3月底，法律援助辅助计划基金的结余为1.915亿元。

以下是「辅助计划」的申请及获批法律援助证书的统计数字：

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:

### 「辅助计划」的申请及获批法律援助证书的数目 No. of Applications Received and Certificates Granted under SLAS

年度 (十月至九月) Year (Oct - Sep)	人身伤害的赔偿申索 Personal Injuries Claim		专业疏忽的赔偿申索 Professional Negligence Claim		其他 Others		总计 Total	
	申请 Application	证书 Certificate	申请 Application	证书 Certificate	申请 Application	证书 Certificate	申请 Application	证书 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

### 「辅助计划」申请被拒的数目 No. of Refusals under SLAS

年度 (十月至九月) Year (Oct - Sep)	未能通过经济审查而被拒的申请 Refusal on Means	未能通过案情审查而被拒的申请 Refusal on Merits
2008-2009	1	33
2009-2010	2	24
2010-2011	-	21
2011-2012	-	22
2012-2013	4	30

自涵盖范围扩大后，法援署仍就新增的援助法律诉讼累积经验，并评估它们对法律援助辅助计划基金的影响。从下表可以看到，2012年并没有接获太多有关新增案件类别的申请。

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.

### 于2012年新增的案件类别的申请数目 No. of Applications in respect of Cases Introduced in 2012

年度 (十月至九月) Year (Oct - Sep)	8种新增专业疏忽的赔偿申索 8 New Professional Negligence Claims	个人保险疏忽的 赔偿申索 Personal Insurance Negligence Claims	售卖一手住宅物业 Sale of First- hand Residential Properties	劳资审裁处的上诉 Employees' Labour Tribunal Appeal
2012-2013	1 <sup>#</sup>	-	-	1 <sup>*</sup>
2013-2014 (截至2014年2月28日) (up to 28 Feb 2014)	-	-	-	1 <sup>@</sup>

# 未能通过案情审查 Refused on merits

\* 法律援助证书获批 Certificate granted

@ 提供法援的建议失效 Offer lapsed

法律援助辅助计划基金的财务可行性，取决于涵盖在「辅助计划」的申索类别的选择、案情审查、诉讼成功率、可收回讼费的能力以及赔偿与诉讼费用的比率。现时，大部分包括在「辅助计划」的申索均有投保，而且申请多是涉及有非常高胜诉和高赔偿比率的人身伤害案件。

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.

「辅助计划」的案件一旦败诉，双方的讼费便需由法律援助辅助计划基金承担，这对该基金来说会是一个沉重的打击。在2008年，一宗由「辅助计划」资助，双方的讼费涉及1,700万元的人身伤害案件败诉，便导致法律援助辅助计划基金的资金由1.02亿元锐减至8,800万元。此外，如果没有银行利息的收益，法律援助辅助计划基金在过去10年大部分时间都会录得净亏损。基于这个背景下，法援署获额外拨款以应对上次扩大「辅助计划」的范围。

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.

#### 法律援助辅助计划基金净收益 / 亏损和基金结余 Net Gain/Loss and Fund Balance of Supplementary Legal Aid Fund

年度 (十月至九月) Year (Oct - Sep)	个案录得的 净收益 / (亏损) Net Gain/(Loss) from Cases (A)	银行利息 净收益* Net Gain from Bank Interest* (B)	全年净收益 / (亏损) Net Gain/(Loss) for the Year (C) = (A) + (B)	基金结余 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 (未经审计) (unaudited)	(2,324,374)	1,810,206	(514,168)	#186,399,597

\* 已减去银行费用的银行利息 Bank interest less bank charges

# 包括2013年1月政府注资的1亿元 Including fund of \$100 million injected by Government in Jan 2013

## 建议 Recommendations

当检讨「辅助计划」时，工作小组除审议扩大「辅助计划」涵盖范围的必要及可行性外，也在考虑新增案件的类别时考量 i) 是否涉及金钱申索；ii) 申索成功机会是否很高；及 iii) 是否有良好的讨回讼费及赔偿的机会。

经商讨后，工作小组建议「辅助计划」的涵盖范围应可循序渐进地扩大。针对上述的背景因素，「辅助计划」应继续以财政自给自足的形式运作，并应密切监察法律援助辅助计划基金的财务情况。为方便未来进一步检讨「辅助计划」的涵盖范围，工作小组认为有需要为新增案件类别收集统计资料，以及分析其对法律援助辅助计划基金的影响。本局支持有关建议。

建议加入「辅助计划」的新案件类别在随后的段落中详述。

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.





### 向多层大厦业主立案法团提出的申索

### Claims against the Incorporated Owners of a Multi-Storey Building

在上次检讨时，行政当局不赞同将就财物损毁而向多层大厦业主立案法团提出的申索纳入「辅助计划」涵盖范围，亦表明因无强制规定业主立案法团要为第三者财物损毁购买保险，一旦涉及相关的诉讼，有关的法律费用便须由个别业主承担。此外，行政当局认为法律援助如只涵盖向业主立案法团提出的申索，而不是包括所有财物损毁的个案，这做法并不公平。本局理解这些要点。

在今次检讨中，由于社会非常关注大厦翻新及维修合约出现围标的情况，工作小组特别研究应否由「辅助计划」提供法援予个别业主，协助他们对抗业主立案法团的不当行为。例如业主立案法团未能按照既定程序或越权办事，包括在没有足够通知或出席成员未达会议的法定人数的情况下召开会议，讨论会严重损害个别业主权益的议题等。

然而，工作小组认同，类如就财物损毁所提出的申索，假若「辅助计划」只向业主立案法团提供资助，这会令人觉得做法欠缺公平及很难明白其中不同的处理原则。再者，围标未必涉及金钱申索，在法律援助辅助计划基金的有限资源的前提下，任何败诉的法律诉讼均会对其产生不良影响。同时，竞争条例已全面生效，而竞争事务委员会亦开展了「打击围标 全城目标」的活动，全力打击围标行为。在这情况下，工作小组认为暂时不应将向多层大厦业主立案法团提出的申索纳入「辅助计划」，此议题可在适当的时候再次探讨。

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.



### 独立财务顾问 Independent Financial Consultants

根据证券及期货事务监察委员会（证监会）所示，如法团获发牌进行第1类（证券交易）、第2类（期货合约）或第8类（证券保证金融资）的受规管活动，必须为有关活动投保保险并将之保持有效。工作小组因此认为，向已在证监会注册及须投保的独立财务顾问提出金额超逾60,000元的申索，可以纳入「辅助计划」。

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.



### 有关金融衍生工具的申索 Derivatives Claims

由于「普通计划」的涵盖范围已于2012年11月扩大至包括在销售证券衍生工具、货币期货或其他期货合约时涉及诈骗、失实陈述或欺骗情况的金钱申索，工作小组认为有关相同种类和涵盖范围、金额超逾60,000元的金融衍生工具的申索亦应纳入「辅助计划」。

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

「辅助计划」已涵盖涉及人身伤害赔偿申索的小型船只意外。纯粹因财物损毁索偿的机会极小，就算发生，船主的保险人亦会保障投保客户的利益。因此，工作小组不建议将涉及财物损毁索偿的小型海事意外纳入「辅助计划」。

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.





### 少数份数业主就强制售卖向发展商提出的申索

#### Claims against Property Developers by Minority Owners in Compulsory Sales

由于少数份数业主就强制售卖向发展商提出的申索多与土地审裁处发出售卖的命令有关，而有关命令一般都不涉及金钱申索，工作小组认为这项申索不应纳入「辅助计划」。

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.



### 信托

#### Trusts

一般来说，任何人均可被委任为信托的受托人，他/她不一定是一名专业人士。因此，如就涉及信托的问题向受托人提出申索，并不能确定是否能讨回费用和损害赔偿。即使是一名专业人士，例如律师被指派为受托人，此类涉及专业人士的申索亦已涵盖在专业疏忽的申索范围内，所以工作小组认为不适当/无必要扩大「辅助计划」以涵盖对违反信托的受托人提出的申索。

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.



### 有限公司与其小股东之间的争议

#### Disputes between Limited Companies and Their Minority Shareholders

由于已列明不把涉及有限公司与其股东之间有关权益争议的申索包括在「普通计划」内，加上这类申索不一定涉及金钱，工作小组不建议「辅助计划」纳入这类申索。

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.



### 销售商品和提供服务 Sale of Goods and Provision of Services

由于香港海关会就《商品说明条例》采取行动，以及消费者委员会成立的消费者诉讼基金亦会涵盖消费者的集体诉讼，工作小组建议暂时不把与销售商品和提供服务有关的申索纳入「辅助计划」的涵盖范围。

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.



### 集体诉讼 Class Action

集体诉讼可以透过不同的方式构建成，可以是具名的原告人或一些具名的原告人代表一个人或机构的集体，就受到相同的伤害或损失提出申索。工作小组认为当集体诉讼法例完备时，行政当局应积极考虑将这类申索涵盖在内。另外，法援署署长应有权酌情批准法援予合适的集体诉讼案件，灵活应对不断变化的情况。

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.



### 诽谤诉讼和选举呈请 Defamation Proceedings and Election Petitions

民政局和法援署曾协助完成一项就海外司法管辖区有否将选举呈请和诽谤诉讼纳入法援涵盖范围内的调查。所得到的资料显示，在英格兰和威尔斯、澳洲新南威尔斯和维多利亚州、新西兰、北爱尔兰、加拿大安大略省、苏格兰和星加坡，均没有将选举呈请纳入法援范围。至于诽谤诉讼，除了英格兰和威尔斯、澳洲新南威尔斯、北爱尔兰和苏格兰，在特别或例外的情况下会提供法律援助外，上述大部分的海外司法管辖区皆没有把诽谤诉讼纳入法援范围。在香港，选举呈请和诽谤诉讼并不包括在「普通计划」内。在考虑以上各点后，工作小组不建议「辅助计划」的涵盖范围扩大至包括这两类案件。

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.



### 申请人的财务资格限额 Financial Eligibility Limit

经考虑本局于2010年提交与「就评定法律援助申请人财务资格的准则每五进行年一次的检讨」有关的建议后，行政当局接纳把「辅助计划」的财务资格限额调高至1,300,000元。这限额是按2008年实际进入审讯的「辅助计划」案件的平均诉讼费，即1,297,000元而设定。「辅助计划」的财务资格限额现时为1,451,900元。

基于相同的准则，工作小组研究了法援署在过去6年的平均诉讼费用以检讨申请人的财务资格限额，相关数字如下：

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

鉴于过去几年的平均诉讼费用均相当接近，工作小组暂时不建议调整「辅助计划」的财务资格限额水平，但认为应要持续监察并每年作出检讨。

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.



### 与年龄有关的资产审查豁免

#### Age Related Exemption for Assets Test

就与年龄有关的资产审查豁免以评估法律援助申请人的财务资源，本局在2011年8月3日致民政局的函件中，曾建议行政当局设定在55岁。工作小组对此提议持相同看法，认为有需要保护长者不会被诉讼耗尽所有资产，因为有关长者已差不多到达工作生涯的最后阶段，难以赚回所耗款额。

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.

本局在讨论计划书时，尽管受人力和资源的限制，只能与两个法律专业团体交换意见，而不是听取所有相关持分者的提议，本局认为上述的建议公平而合理。本局相信相关政府政策局如有需要，在确定政府的立场前，可以先进行咨询以广泛收集所有持分者的意见。

本局已在2016年7月把建议提交给行政长官。为香港的利益着想，本局已促请政府认真考虑，尽快推行有关建议。

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(评定资源及分担费用)规例》下用作厘定受助人应缴分担费用比率的新经评定财务资源组别及新的财务资格限额

### 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

法律援助服务是由公帑支持运作。受助人视乎其经评定的财务资源水平，必须缴付与其经济状况相称的分担费用。《法律援助(评定资源及分担费用)规例》（《规例》）附表3第1部订明普通法律援助计划（「普通计划」）下相关分担费用的比率。

本局去年已报告，民政局会建议修订规例，以修改《规例》下用作厘定受助人应缴分担费用比率的经评定财务资源组别，以确保各财务资源组别较平均地分布，有关的修订亦可免除因「普通计划」的财务资格限额不时调整而要经常进行法例修订以更新有关资源组别。有别于以往用实际金额数字列出的做法，新资源组别将改以相对「普通计划」财务资格限额的百分率显示，如「普通计划」财务资格限额将来有所变动，有关组别亦会自动作出相应调整。在修订资源组别后，民政局会把「普通计划」及「辅助计划」的财务资格限额上调7.7%，以反映丙类消费物价指数在2012年7月至2014年7月期间录得的累积变动。

本局知悉「普通计划」的新经评定财务资源组别及分担费用比率已于2015年6月17日生效，而「普通计划」及「辅助计划」

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



的财务资格限额已分别上调至290,380元及1,451,900元，并于2015年7月17日开始生效。现时「普通计划」下受助人的应缴分担费用如下：

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

财务资源 Financial Resources	分担费率 Contribution Rates	应缴分担费用 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

本局乐见新的分担费用比率及财务资格限额已经推行。

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

## 刑事法律援助费用的检讨 Review of Criminal Legal Aid Fees

目前，法援署聘用私人执业律师处理刑事法律援助案件的诉讼工作，是按《刑事案件法律援助规则》（《规则》）（第 221 章附属法例 D）订明的大律师及律师处理各级别法院刑事案件收费来支付费用；律政司在行政上参照同一收费表聘用私人执业律师代表政府为刑事案件进行检控。在得到立法会的支持及在政府和两个法律专业团体的共同努力下，行政当局在2012年3月推行了「标明报聘费制度」以改善刑事法律援助费用制度的付费架构，并承诺会在新费用制度实施后的两年内，检讨刑事法律援助费用的修订水平。

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.

承以前报告，民政局在2014年3月成立工作小组，检讨刑事法律援助费用的收费水平，工作小组成员包括香港大律师公会和香港律师会的代表，以及法援署和律政司的政府代表。在2016年2月，民政局通知本局有关上调刑事法律援助费用的建议方案。接下来的段落将阐述方案详情。

#### **(a) 大律师费用上调 50%**

工作小组考虑到大律师的工作性质及所履行的专业职责，以及在2012年的检讨中给予大律师的法援费用并没有实质调升，因此，建议将大律师的刑事法援费用上调50%（已包涵丙类消费物价指数于2012年7月至2014年7月参照期内的7.7%升幅）。根据工作小组的方案，大律师在原讼法庭出庭以处理刑事法律援助案件的费用会由现时的每小时1,530元增至\$2,300元。

#### **(b) 发出指示的律师费用上调 25%**

在2012年的检讨中付予发出指示的律师的费用，已获上调约60%（由460元增至740元）。工作小组经讨论后，建议将付予发出指示的律师的刑事法律援助费用上调 25%（已包涵2012年7月至2014年7月参照期内丙类消费物价指数的7.7%升幅）。根据工作小组的建议，发出指示的律师在原讼法庭处理刑事法律援助案件的费用，会由现时的每小时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) 在区域法院以讼辩人兼发出指示的律师身分行事的律师费用上调 40%**

现时《规则》亦订明付予在区域法院以讼辩人兼发出指示的律师（讼辩律师）身分行事的律师的费用。讼辩律师与大律师的情况相若，在区域法院处理案件的费用在2012年的检讨中并无实质调整。鉴于大律师费用和发出指示的律师费用已分别获建议上调50%和25%，工作小组建议把付予讼辩律师以处理区域法院案件的刑事法律援助费用上调40%，由现时的每小时1,260元增至1,770元。由于讼辩律师于处理法援案件时身负较重要的职责，工作小组相信这个费用水平既能提供与职责相称的合理待遇，亦可与大律师和发出指示的律师已获上调的费用维持恰当的对比。

**(d) 为享有较高级法院出庭发言权的讼辩律师设立新的费用项目**

至于为享有较高级法院出庭发言权的讼辩律师新增的费用类别，相关费用将按大律师处理较高级法院案件的最新建议费用计算，并按付予大律师和讼辩律师以处理区域法院案件的费用之间的百分比差额进一步上调（即准备费用或首天法庭聆讯费用高出15.48%；额外准备费用高出11.48%；以及继续委聘费用高出28.02%）。举例来说，先把现时付予大律师处理原讼法庭案件的准备费用上调50%，然后再上调15.48%，便会得出付予享有较高级法院出庭发言权的讼辩律师处理原讼法庭案件的建议准备费用。因此，大律师和讼辩律师处理原讼法庭案件的建议准备

**(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

费用将分别为18,390元和21,240元。由于讼辩律师具有身兼讼辩人和发出指示的律师的双重身分，工作小组相信这对他们来说是一个合理的报酬水平。

本局得知工作小组在审议过程中，曾审视一些相关的海外司法管辖区的法律援助费用。由于有些海外司法管辖区采用结构不同的法律援助费用制度、设有费用上限，及采用偏低的民事法律援助费用水平，工作小组认为这难与香港的法律援助费用制度比较。举例来说，在英国，除了有限的几类案件（例如涉及儿童的案件）外，大多数的民事案件已不再属于法律援助的范围。在澳洲新南威尔斯州，如民事案件败诉及讼费需由政府支付，则付予有关外委律师的费用会较低。在加拿大安大略省，有些刑事法律援助案件所支付的每小时费用可能看似高于香港，但该些费用设有支付时数上限。除此之外，一些海外司法管辖区的民事和刑事案件法律援助费用水平虽然似乎看齐，但事实上这些地区付予接办民事案件的律师的费用却往往偏低。

本局亦知悉正如工作小组向两个法律专业团体解释，由于为民事和刑事案件而设的制度并不相同，小组认为应继续容许在不同范畴执业的律师获得不同报酬。因此，工作小组集中为接办刑事法律援助案件的律师订定合理收费水平，并致力与两个法律专业团体就建议增幅寻求共识。



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.

本局获悉民政局在2016年2月22日就上述刑事法律援助费用上调建议方案咨询立法会司法及法律事务委员会。刑事诉讼程序规则委员会于2016年5月4日对《规则》作出修订，而民政局已在2016年6月向立法会提出动议以修改法例。

本局期待支付代表法援署处理刑事诉讼工作的大律师及律师的新费用早日生效。

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.

## 为法援受助人委派律师的安排 Assignment of Lawyers to Legally Aided Persons

在2013年9月，法援署就分派法律援助个案引入「申报制度」，以回应公众对不当兜揽生意活动或包揽诉讼的关注。此制度的目的是为确保受助人所作的律师提名，纯属其自由意愿，以及并无与任何人士达成协议，包括被提名的律师、律师的雇员、代理或索偿代理，摊分在诉讼中可能讨回的任何损害赔偿、财产或讼费。相关条款亦列明于律师委任信中作为委派案件的条件，获提名的律师如未能接受上述条款，便不得接受有关委派。

两个法律专业团体在2015年3月的立法会司法及法律事务委员会会议上，要求法援署检讨「申报制度」的条款，以进一步收紧名



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



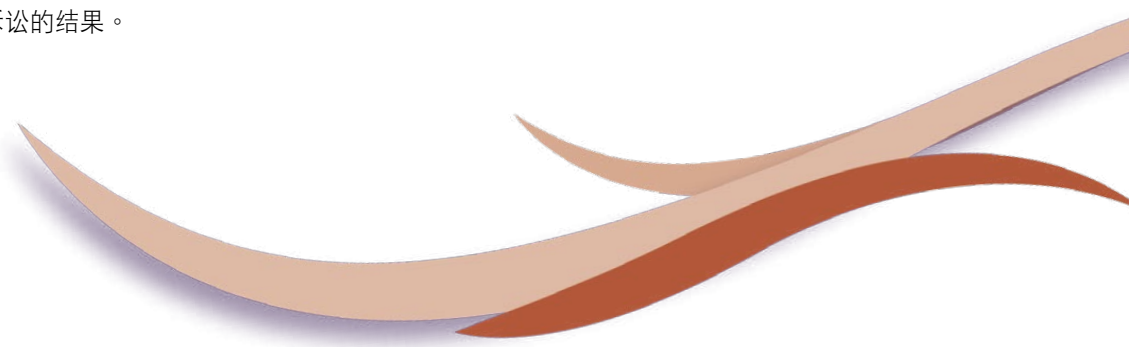
册律师接办案件的条件。法援处已经完成相关检讨，并根据两个法律专业团体的意见修改律师委任信。

本局对有关修改表示欢迎，同时乐见法援署续与香港律师会合作，成立包括法援署首长级人员的小组委员会，研究如何协助法援申请人应付不当的兜揽生意活动。

本局明白《法律援助条例》第13条列明，如法援受助人欲自行挑选，他有权从法律援助律师名册中拣选任何私人执业律师以处理他的法援案件。法援署会本着以受助人利益为依归的基本原则分派法援工作予名册内的律师，只要被受助人提名的律师 / 大律师具备有关个案所需的相关经验及专长，以及过往在处理法援案件时没有不良纪录，除非有令人信服的理由，法援署一般不会拒绝有关律师 / 大律师的提名并同意受助人的选择。法援署曾多次重申，包括在立法会司法及法律事务委员会在2015年3月举行的会议，该署不宜查究受助人是否因某律师曾作出某些不适当的行为才提名该律师，此举不但不恰当，亦有辱被提名律师的品格及专业操守。在司法复核案件方面，该等查询会被视为采取不必要及不当的手段，企图影响法援诉讼的结果。

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.





# 与持分者的联系

## Liaison with Stakeholders



本局明白收集持分者的回应将有助本局就法援政策向行政长官提供意见。

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

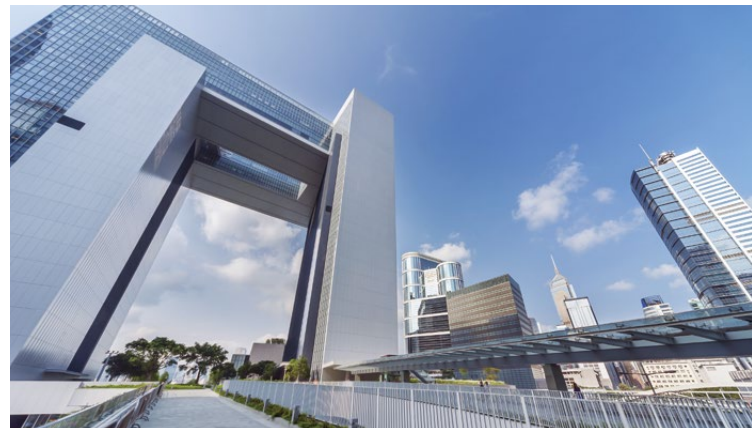
## 行政当局 The Administration

法援局一直与行政当局这个重要的法律援助持分者保持密切联系。

过去一年，民政局就不同的法援议题向本局提供资料文件，包括立法会简介题为「2015年法律援助（评定资源及分担费用）（修定）规例」的文件以及向立法会司法及法律事务委员会呈交题为「法律援助署提供的法律援助及为法律援助受助人委派律师的安排」、「民政事务局的政策措施」和「建议上调刑事法律援助费用」的文件。民政局代表曾出席本局会议，就上述后两份的资料文件作出简介，并与本局成员交流意见。

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应将有助本局就法援政策向行政长官提供意见。因此，就检讨法律援助辅助计划的涵盖范围的事宜，本局曾将工作小组提出的初步建议与香港大律师公会及香港律师会分享，两个团体均于2015年11月提出他们的意见。至于向被扣留于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，本局在确立最终的  
建议及呈交给行政长官前，已透  
过法律援助涵盖范围兴趣小组向  
持分者收集意见。

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.



## 活动 Activity

为确保在法律面前人人平等，即  
使是缺乏经济能力的人都能寻求  
公义，提升公众对法律援助的认  
识便成为本局的使命。

本局主席为香港律师会主办的全  
港性的「香港法律周2015」开幕  
典礼担任主礼嘉宾。仪式于2015  
年11月28日在添马公园举行，  
一同出席活动的还有终审法院首  
席法官马道立、律政司司长袁国  
强、立法会法律界功能组别议员  
郭荣铿、香港大律师公会主席谭  
允芝、香港律师会会长熊运信，  
以及法律周2015筹委会主席杨  
慕嫦。

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.

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.

## 研讨会 Conference

本局不时会参加由其他司法管辖区举办的法律援助研讨会，以便检讨法律援助政策时可借鉴海外经验。

本局成员周凯灵女士代表本局于2015年6月10日至12日赴苏格兰爱丁堡，参加了国际法律援助组织研讨会。

国际法援组织是一个由来自超过24个国家的法律援助专家，包括法律援助委员会的行政总裁和经理、政府主要官员和著名学者所组成的网络，主席为苏格兰斯特莱斯克莱德大学的Alan Paterson教授。组织的使命是通过就国际间为贫困人士提供法律服务的政策和研究发展进行讨论和对话，以改善以实证为本的政策制定。国际法援组织主要集中讨论在已建立相当成熟法援制度的司法管辖区的特定议题，但现正扩展至包括发展较落后但接近研讨会举行地点的司法管辖区。

在国际法律援助组织研讨会2015上发表的论文主要带出3个主题，第一个是如何利用新兴科技协助提供法律援助服务。第二，指出一些法援服务相当成熟的主要司法管辖区收紧了法律援助范畴，但有些国家却开始建立新的计划，尤其在刑事案件方面。第三个是同行审查及质量保证。

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.





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# 大律师证明书计划

Certificate by Counsel Scheme



## 总览 The Overview

根据《法律援助条例》第26A条的规定，凡向终审法院提出上诉而不获批法援的人士，可以在法律援助署署长作出拒绝批出法援的决定后28天内申请复核。寻求复核的申请必须附有由在香港执业的大律师发出的证明书，说明该申请人有合理机会向终审法院上诉得直，以及提出该项意见的理由。

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

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

在2015年4月1日至2016年3月31日期间，本局共接获74宗（68宗刑事案件及6宗民事案件）要求提供大律师证明书的申请。在68宗与刑事案件有关的申请中，最多法援上诉人涉及的案件类别是「贩卖危险药物」，占总刑事案件申请的41.2%。6宗与民事案件有关的申请并没有显著的主要案件类别。在74宗申请中，59宗（55宗刑事案件及4宗民事案件）申请获批，11宗（9宗刑事案件及2宗民事案件）申请被拒，4宗与刑事案件有关的申请被本局中止。

本局就该59宗获批的申请，委派了律师预备大律师证明书，详情如下：

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**

	大律师 Counsel	律师 Solicitor
(a) 委派予法援上诉人提名的名册律师 Assignment to panel lawyers according to legal aid appellants' nomination	55	55
(b) 委派予法援上诉人提名的非名册律师 (该律师曾于上诉庭代表法援上诉人) Assignment to non-panel lawyers (who have represented the legal aid appellants in the appeal court) according to legal aid appellants' nomination	0	0
委派案件总数 Total	55	55

**民事案件**  
**Civil Case**

	大律师 Counsel	律师 Solicitor
(a) 委派予法援上诉人提名的名册律师 Assignment to panel lawyers according to legal aid appellants' nomination	4	4
(b) 委派予法援上诉人提名的非名册律师 (该律师曾于上诉庭代表法援上诉人) Assignment to non-panel lawyers (who have represented the legal aid appellants in the appeal court) according to legal aid appellants' nomination	0	0
委派案件总数 Total	4	4

在2015年4月1日至2016年3月31日期间共签发了59份大律师证明书。当中，5份（4宗刑事案件及1宗民事案件）证明法援上诉人有合理机会向终审法院上诉得直，另外54份（51宗刑事案件及3宗民事案件）则述明法援上诉人提出的上诉并无合理机会成功。

至于该5宗（4宗刑事案件及1宗民事案件）获大律师证明法援上诉人有合理机会上诉得直的案件，法援署经复核后，决定为其中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  
度的统计列表如下：

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日接获的申请 For Applications Received from 1.4.2014 to 31.3.2015			2015年4月1日至2016年3月31日接获的申请 For Applications Received from 1.4.2015 to 31.3.2016		
	刑事 Criminal	民事 Civil	总计 Total	刑事 Criminal	民事 Civil	总计 Total
<b>申请</b> Applications						
(a) 获批 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
总计 Total	76	13	89	68	6	74
<b>大律师证明书</b> Certificate by Counsel						
(a) 确认有合理机会上诉得直 certified to have reasonable prospect of success	6	3	9	4	1	5
(b) 确认无合理机会上诉得直 certified to have no reasonable prospect of success	49	9	58	51	3	54
总计 Total	55	12	67	55	4	59
<b>有合理机会上诉得直的案件</b> Cases with reasonable prospect of success						
(a) 经法署复核后获提供法 律援助 legal aid granted upon review by LAD	3	3	6	4	0	4
(b) 经法署复核后不获提供 法律援助 legal aid not granted upon review by LAD	3	0	3	0	1*	1
总计 Total	6	3	9	4	1	5

\* 上诉人不打算就其民事案件继续向终审法院提出上诉，因此不获批法律援助。

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

两年的统计数据显示：

- a) 2015-2016年度总申请数目减少了16.9%（由2014-2015年度的89宗下降至2015-2016年度的74宗）；当中与刑事案件有关的申请下降了10.5%（由2014-2015年度的76宗下降至2015-2016年度的68宗）；与民事案件有关的申请亦下降了53.8%（由2014-2015年度的13宗下降至2015-2016年度的6宗）；
- b) 获大律师确认有合理机会上诉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) 法援署因应大律师证明书提供法律援助的案件的百分比，则由2014-2015年度的66.7%上升至2015-2016年度的100%（撇除1宗上诉人决定不继续向终审法院提出上诉的民事案件。）

就2015-2016年度接获并成功获批的申请，合共拨出1,560,000元作为支付大律师及律师提供证明书的费用，详情如下：

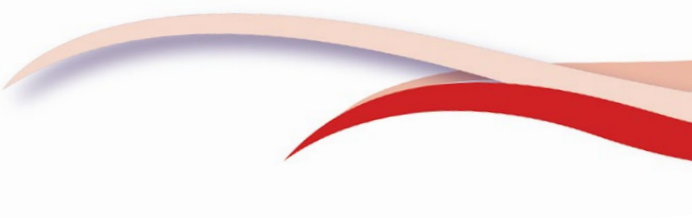
	获批申请数目 Number of Applications Approved	每宗个案的大律师费用 Counsel Fee/Case	大律师费用总计 Total Counsel Fee	每宗个案的律师费用 Solicitor Fee/Case	律师费用总计 Total Solicitor Fee	费用总数 Total Fee
刑事案件 Criminal case	55	\$15,000	\$825,000	\$9,000	\$495,000	\$1,320,000
民事案件 Civil case	4	\$40,000	\$160,000	\$20,000	\$80,000	\$240,000
总数 Total	59		\$985,000		\$575,000	\$1,560,000

援助计划自2002年4月实施以来，合共拨出26,880,000元支付提供大律师证明书的费用。

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 –

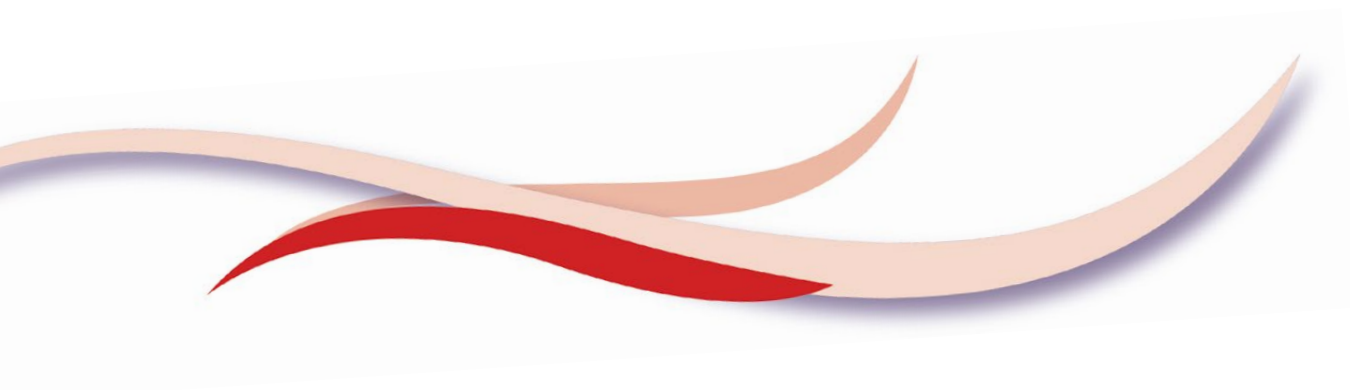


Since the implementation of the assistance scheme in April 2002, a total of \$26.88 million was committed for the provision of certificate by counsel.

## 大律师和律师名册 Panel of Counsel and Solicitors

本局设有大律师和律师名册，名册内的律师会为本局管理的援助计划提供服务。要登记成为名册律师，大律师须具备最少十年执业经验，而律师则须具备七年执业经验。此外，大律师和律师均须于过去三年内，曾处理最少三宗上诉法庭或终审法院的案件。资深大律师则获豁免最低经验要求。现时，名册上共有68名大律师和44名律师。

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.



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# 行政

Administration



## 本局会议出席纪录 Attendance at Council Meetings



本局在2015/2016年度召开了5次会议，各成员出席率列表如下：

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	出席会议次数 No. of Meetings Attended	出席率 Attendance Rate
李家祥博士 Dr Eric LI Ka Cheung	5	100%
周凯灵女士 Ms Juliana CHOW	4	80%
叶毓强先生 Mr Albert IP	3	60%
邝心怡女士 Ms Anna KWONG	5	100%
梁宏正先生 Mr Clarence LEUNG	4	80%
李超华先生 Mr Joseph LI	4	80%
彭韵僖女士 Ms Melissa PANG	4	80%
潘素安女士 Ms Josephine PINTO	4	80%
王惠贞女士 Ms WONG Wai Ching	3	60%
法援署署长 Director of Legal Aid	5	100%



## 内务及绿色管理 Housekeeping and Green Management Measures

为了加强办事处的保安，本局将于入口处安装闭路电视及音频/视频对讲机系统。此外，本局继续致力减低办公室能源消耗和纸张使用量，包括尽量使用电子媒介（电邮、网页等）发布资讯；如已透过电邮发出的文件，则避免再次寄出正本；办公时间内只开启有需要的照明设备，及将办公室仪器设定为节能模式。从2016年起，本局在切实可行的情况下，选购获机电工程署颁发自愿性能源效益标签计划认证的具能源效益的办公室器材。

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.

## 员工及财政 Staff and Finance

截至2016年3月31日，秘书处有两个职位由本局聘请的合约员工担任，另外四个职位则由政府借调公务员担任。

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.

于2015/2016年度，本局从政府收取的补助为6,170,000元，全年总支出为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.

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# 审计署署长报告

Report of the Director of Audit



## 独立审计报告 Independent Audit Report

我已审计载列于第69页至第80页的法律援助服务局财务报表，包括于2016年3月31日的资产负债表与截至该日止年度的收支帐目、权益变动表和现金流量表，以及主要会计政策概要及其他附注解释。

### 法律援助服务局就财务报表须承担的责任

按照《法律援助服务局条例》(第489章)及香港财务报告准则，法律援助服务局须编制真实而公平的财务报表，及负责相关的内部控制，以使财务报表不存有由于欺诈或错误而导致的重大错误陈述。

### 审计师的责任

我的责任是根据我的审计对该等财务报表作出意见。我已按照《法律援助服务局条例》第13(1)条及审计署的审计准则进行审计。这些准则要求我遵守道德规范，并规划及执行审计，以合理地确定财务报表是否不存有任何重大错误陈述。

审计涉及执行程序以获取有关财务报表所载金额及披露资料的审计凭证。所选定的程序取决于审计师的判断，包括评估由于欺诈或错误而导致财务报表存有重大错误陈述的风险。在评估该等风险时，审计师会考虑该局与编制真实而公平的财务报表有关的内部控制，以设计适当的审计程

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，但不会对该局的内部控制效能发表意见。审计亦包括评价法律援助服务局所采用的会计政策的合适性及所作出的会计估计的合理性，以及评价财务报表的整体列报方式。

我相信，我所获得的审计凭证是充足和适当地为我的审计意见提供基础。

### 意见

我认为，该等财务报表已按照香港财务报告准则和《法律援助服务局条例》，真实而公平地反映法律援助服务局于2016年3月31日的财务状况及截至该日止年度的财务表现及现金流量。

审计署署长  
(审计署首席审计师张永安代行)

2016年8月25日

审计署  
香港湾仔告士打道7号  
入境事务大楼26楼

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

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# 财务报告书及帐目

Financial Reports and Accounts



# 资产负债表

## Balance Sheet

截至2016年3月31日止 AS AT 31 MARCH 2016

		注释 Note	2016 港币 HK\$	2015 港币 HK\$
<b>非流动资产</b>	<b>NON-CURRENT ASSETS</b>			
物业、厂房及设备	Property, plant and equipment	3	41,819	28,604
<b>流动资产</b>	<b>CURRENT ASSETS</b>			
现金及现金等值项目	Cash and cash equivalents	4	365,756	87,185
应收利息	Interest receivable		-	3
按金	Deposit		2,200	2,200
			367,956	89,388
<b>流动负债</b>	<b>CURRENT LIABILITIES</b>			
未支付约满酬金	Provision for gratuities		(12,422)	(11,605)
未放取假期拨备	Provision for untaken leave		(6,993)	(7,543)
			(19,415)	(19,148)
<b>净流动资产</b>	<b>NET CURRENT ASSETS</b>		348,541	70,240
<b>净资产</b>	<b>NET ASSETS</b>		390,360	98,844
上列项目代表：	Representing:			
政府基金	<b>GOVERNMENT FUNDS</b>			
经常性补助基金	Recurrent subvention fund		390,360	98,844

随附注释1至12亦为上述财务报表的一部分。

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

此等财务报表已于2016年8月25日经法律援助服务局核实及批准发行。

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



# 收支报表

## Income and Expenditure Account

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

		注释 Note	2016 港币 HK\$	2015 港币 HK\$
<b>收入</b>	<b>INCOME</b>			
政府补助	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>
<b>支出</b>	<b>EXPENDITURE</b>			
职员薪金	Staff emoluments	7	(3,568,785)	(3,487,373)
租金及管理费	Rent and management fees		(1,897,829)	(1,706,710)
其他开支	Other expenses	8	(313,993)	(260,990)
			<u>(5,780,607)</u>	<u>(5,455,073)</u>
<b>本年度盈余</b>	<b>SURPLUS FOR THE YEAR</b>		<b>390,360</b>	<b>98,844</b>
其他全面收入	Other Comprehensive Income		-	-
<b>本年度全面收益总额</b>	<b>TOTAL COMPREHENSIVE INCOME FOR THE YEAR</b>		<b><u>390,360</u></b>	<b><u>98,844</u></b>

随附注释1至12亦为上述财务报表的一部分。

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

## 权益变动表 Statement of Changes in Equity

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

		港币 HK\$
经常性补助基金	RECURRENT SUBVENTION FUND	
于2014年4月1日结余	Balance as at 1 April 2014	337,550
退还政府款项	Refunded to Government	(337,550)
当年全面收益总额	Total comprehensive income for the year	<u>98,844</u>
于2015年3月31日结余	Balance as at 31 March 2015	98,844
退还政府款项	Refunded to Government	(98,844)
当年全面收益总额	Total comprehensive income for the year	<u>390,360</u>
于2016年3月31日结余	Balance as at 31 March 2016	<u><u>390,360</u></u>

随附注释1至12亦为上述财务报表的一部分。

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

# 现金流量表

## Statement of Cash Flows

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

	注释 Note	2016 港币 HK\$	2015 港币 HK\$
<b>经营活动的现金流量</b>	<b>Cash flows from operating activities</b>		
本年度盈余	Surplus for the year	<b>390,360</b>	98,844
折旧	Depreciation	<b>12,585</b>	7,939
利息收入	Interest income	<b>(10)</b>	(16)
预付款项减少	Decrease in prepayment	-	128,502
应付帐项及应计费用减少	Decrease in accounts payable and accrued charges	-	(8,270)
未支付约满酬金增加	Increase in provision for gratuities	<b>817</b>	704
未放取假期拨备(减少)/增加	(Decrease) / increase in provision for untaken leave	<b>(550)</b>	882
<b>经营活动所得的 现金净额</b>	<b>Net cash generated from operating activities</b>	<b><u>403,202</u></b>	<u>228,585</u>
<b>投资活动所得的 现金流量</b>	<b>Cash flows from investing activities</b>		
购入物业、厂房及设备	Acquisition of property, plant and equipment	<b>(25,800)</b>	(22,850)
已收利息	Interest received	<b>13</b>	17
<b>投资活动所用的 现金净额</b>	<b>Net cash used in investing activities</b>	<b><u>(25,787)</u></b>	<u>(22,833)</u>
<b>融资活动的现金流量</b>	<b>Cash flows from financing activities</b>		
退还政府款项	Amount refunded to Government	<b>(98,844)</b>	(337,550)
<b>融资活动所用的 现金净额</b>	<b>Net cash used in financing activities</b>	<b><u>(98,844)</u></b>	<u>(337,550)</u>
<b>现金及现金等值项目 增加/(减少)净额</b>	<b>Net increase / (decrease) in cash and cash equivalents</b>	<b>278,571</b>	(131,798)
年初的现金及现金等值项目	Cash and cash equivalents at beginning of year	<b><u>87,185</u></b>	<u>218,983</u>
年末的现金及现金等值项目	Cash and cash equivalents at end of year	<b>4</b> <b><u><u>365,756</u></u></b>	<u><u>87,185</u></u>

随附注释1至12亦为上述财务报表的一部分。

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

## 帐目附注 NOTES TO THE FINANCIAL STATEMENTS

### 1. 一般资料

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

本局是一个非牟利组织，旨在监管在香港由法律援助署提供的法律援助服务，并就法律援助政策向政府提供意见。

本局注册办事处的地址为香港铜锣湾告士打道262号中粮大厦16楼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. 主要会计政策

#### 2.1 符合准则声明

财务报表乃根据香港会计师公会颁布的香港财务报告准则的所有适用规定，以及《法律援助服务局条例》的有关规定编制。

#### 2.2 编制基准

财务报表按应计记帐方式及历史成本法编制。

编制符合香港财务报告准则的财务报表需要管理层作出会影响会计政策的实施、以及资产与负债和收入与支出的呈报款额的判断、估计及假设。该等估计及相关的假设，均按经验及其他在有关情况下被认为合理的因素而制订。倘

### 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

若没有其他现成数据可供参考，则会采用该等估计及假设作为判断有关资产及负债的帐面值的基础。估计结果或会与实际价值有所不同。

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

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

### 2.3 采纳新订 / 经修订香港财务报告准则

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

本局并无采用任何于本会计期间尚未生效的修订、新准则及诠释，本局正就该等修订、新准则及诠释在首次采用期间预期会产生的影响进行评估。直至目前为止，所得结论是采纳该等修订、新准则及诠释不大可能对本局的运作成果及财务状况构成重大影响。

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 收益确认

当可以合理地确定本局会履行政府补助的附带条件并收到补助时，该政府补助便会在收支账目内确认为收入。

与收入有关的政府补助会延递至相关支出产生时，才在收支报表内确认为有关期间的收入。

利息收入采用实际利息法以应计基础确认入帐。实际利息法是计算金融资产的摊销成本值，以及摊分在有关期间的利息收入的方法。实际利率是指把金融资产在预计有效期间或较短期间(如适用)内的预计现金收入，折现成该金融资产的帐面净值所适用的贴现率。

## 2.5 物业、厂房及设备

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

物业、厂房及设备以成本减累计折旧及任何减值亏损后列帐。折旧乃按物业、厂房及设备的成本减除其估计剩余价值后，以直线法按以下估计可使用期计算：

办公室设备	5年
电脑设备	3年

## 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



出售物业、厂房及设备产生的收益或亏损乃按出售收入净值与资产的帐面值的差额决定，并于出售日于收支帐确认。

## 2.6 雇员福利

合约酬金、薪金及年假均于员工提供相关服务的年度内记帐并确认为支出。员工相关成本包括政府提供予员工的退休及住房福利，于提供服务的年度内列作支出。

## 2.7 经营租赁

凡所有权的绝大部分风险和回报由出租人保留的租赁，均列作经营租赁。根据经营租赁(扣除出租人给予的任何优惠)作出的租赁付款按相关租赁期以直线法于收支帐中扣除。

## 2.8 现金及现金等值项目

就现金流量表而言，现金及现金等值项目包括库存现金、活期存款，及其他短期高度流动投资项目。短期高度流动投资是指可随时转换为已知数额的现金，其涉及的价值改变风险不大于购入时于三个月内期满的投资。

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

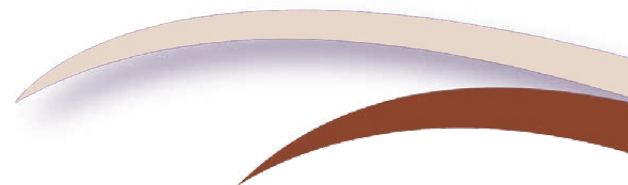
Contract gratuities, salaries and annual leave entitlements are accrued and recognised as expenditure in the year in which associated services are rendered by the staff. Staff on-costs, including pension and housing benefits provided to the staff by the Government, are charged as expenditure in the year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

## 3. PROPERTY, PLANT AND EQUIPMENT

		电脑设备 Computer equipment 港币 HK\$	办公室设备 Office equipment 港币 HK\$	总数 Total 港币 HK\$
<b>成本</b>	<b>Cost</b>			
于2014年4月1日	At 1 April 2014	75,702	51,774	127,476
当年购入	Addition during the year	<u>22,850</u>	-	<u>22,850</u>
于2015年4月1日	At 1 April 2015	98,552	51,774	150,326
当年购入	Addition during the year	-	25,800	25,800
当年注销	Disposal during the year	<u>(1,580)</u>	<u>(35,000)</u>	<u>(36,580)</u>
于2016年3月31日	At 31 March 2016	<u>96,972</u>	<u>42,574</u>	<u>139,546</u>
<b>累积折旧</b>	<b>Accumulated depreciation</b>			
于2014年4月1日	At 1 April 2014	63,096	50,687	113,783
当年撇除	Charge for the year	<u>6,852</u>	<u>1,087</u>	<u>7,939</u>
于2015年4月1日	At 1 April 2015	69,948	51,774	121,722
当年撇除	Charge for the year	12,155	430	12,585
当年注销回拨	Written back on disposal	<u>(1,580)</u>	<u>(35,000)</u>	<u>(36,580)</u>
于2016年3月31日	At 31 March 2016	<u>80,523</u>	<u>17,204</u>	<u>97,727</u>
<b>净值</b>	<b>Net book value</b>			
于2016年3月31日	At 31 March 2016	<u>16,449</u>	<u>25,370</u>	<u>41,819</u>
于2015年3月31日	At 31 March 2015	<u>28,604</u>	-	<u>28,604</u>

## 4. 现金及现金等值项目

## 4. CASH AND CASH EQUIVALENTS

		2016 港币 HK\$	2015 港币 HK\$
银行存款	Cash at bank	<b>363,483</b>	85,688
库存现金	Cash in hand	<u>2,273</u>	<u>1,497</u>
		<u><b>365,756</b></u>	<u>87,185</u>

## 5. 或然储备

经行政署长在1999年6月9日的函件批准，本局可保留一项或然储备。储备的最大金额为以下金额总额：

- (a) 在上一年度所获得的银行利息；及
- (b) 本局在上一年度的经常性补助（不包括银行利息）除却开支所得盈余的5%。

任何或然储备的运用须征求民政事务局局长的批准。

## 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. 政府补助

从香港特别行政区政府收取的补助为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 港币 HK\$	2015 港币 HK\$
每年经常性资助	Annual recurrent grant	6,166,000	5,537,000
或然资助	Contingency grant	<u>4,957</u>	<u>16,901</u>
政府补助	Subventions from the Government	<u>6,170,957</u>	<u>5,553,901</u>

## 7. 员工酬金

## 7. STAFF EMOLUMENTS

		2016 港币 HK\$	2015 港币 HK\$
公务员员工：	Civil service staff:		
薪金	Staff cost	<b>3,250,052</b>	3,188,580
非公务员合约员	Non-civil-service contract staff:		
工：			
薪金	Staff salaries	<b>283,696</b>	264,619
约满酬金	Gratuities	<b>13,860</b>	12,434
强积金	Provident fund	<b>14,185</b>	14,198
未放取假期拨备	Provision for untaken leave	<b>6,992</b>	7,542
		<u>318,733</u>	298,793
		<u><b>3,568,785</b></u>	<u>3,487,373</u>

## 8. 其他支出

## 8. OTHER EXPENSES

		2016 港币 HK\$	2015 港币 HK\$
编制年报 / 通讯	Production of annual report/newsletter	55,647	57,870
常规出版物、期刊及杂志	General publications, periodicals and journals	44,527	44,612
会计费用	Accountancy fee	40,500	40,500
研讨会支出	Conference expenses	73,695	-
其他行政支出	Other administration expenses	87,039	110,069
折旧	Depreciation	12,585	7,939
		<u>313,993</u>	<u>260,990</u>

## 9. 财务风险管理

## 9. FINANCIAL RISK MANAGEMENT

本局以银行存款为主要财务工具，而由该等财务工具引起的风险主要是信贷风险和流动资金风险。

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

### 信贷风险

### Credit risk

信贷风险是指某一方未能偿还债务而导致另一方招致财政损失。为减低信贷风险，本局的现金存放于香港一间主要的持牌银行。

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.

### 流动资金风险

### Liquidity risk

流动资金风险是指机构在支付财务负债时遇到困难。本局已制定一项流动资金政策，由本局成员定期检讨。此政策规定本局的流动资金每月维持在一个稳健水平，确保有足够流动资金支付债务。

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. 资本管理**

本局的唯一资本来源是政府的经常性补助。本局管理资本的目标是为：

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

本局对资本的管理，是要确保本局有足够的资本水平去应付未来支出，包括现金流量的预计需要及未来财务负债及承担。

**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. 承担**

根据不可撤销经营租赁，未来须支付的最低租赁付款总额如下：

**11. COMMITMENTS**

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

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

**12. 财务资产及财务负债的公平值**

所有财务资产及财务负债均以其公平值相同或相差不大的金额在资产负债表内列帐。

**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.

# 附录

## Appendix

### 法援申请程序及监察外判制度兴趣小组

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

#### 主席 Chairperson

彭韵僖 (本局成员)  
PANG Melissa (Council member)

#### 委员 Members

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

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



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

### 主席 Chairperson

周凯灵 (本局成员)  
CHOW Juliana (Council member)

### 委员 Members

邝心怡 (本局成员)	KWONG Anna (Council member)	利炳辉	LI Ping Fai, Tommy
毕保麒*	BURKE Patrick Michael*	梁素娟*	LIANG PUI Saw Kian, Susan*
陈少康*	CHAN Honby*	练安妮*	LIN Annie *
陈健乐*	CHAN Kin Lok, Paul*	廖颖康医生*	Dr LIU Wing Hong*
郑嘉聪*	CHANG Ka Chung*	卢炯宇	LO Kwing Yu
赵文宗博士	Dr CHIU Man Chung, Andy	麦海华	MAK Hoi Wah
庄耀勤	CHONG Y K Sherman	麦乐嫦*	MAK L S Mabel*
何显*	HO Frankie*	麦振才*	MAK Simon*
何国钧	HO K K Thomas		McGOWAN H M James*
何少亮	HO Siu Leung, Nelson	吴恩儿*	NG Yan Yee*
何颖恩*	HO Veng Ian, Rebecca*	吴杰华*	NG Ray*
叶永玉医生*	Dr IP Wing Yuk, Josephine*	彭庆东*	Dr PANG Hing Tung, Pierre*
郭启彬*	KWOK K B Benny*	邓佩颐	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*
林长志	LAM Cheung Chi	黄剑文	WONG Kim Man
林健培*	LAM Kin Pui*	黄宏泰*	WONG Wang Tai, Ivan*
林国荣博士*	Dr LAM Kwok Wing*	许英教授	Prof XU Ying
林炜彬*	LAM Wai Pan, Wilson*	杨超发医生*	Dr YEUNG Chiu Fat, Henry*
李健	LEE Arthur	叶健强*	YIP Kin Keung*
李福基医生*	Dr LEE Fook Kay, Aaron*		
李伟雄医生*	Dr LEE Wai Hung, Danny*		
梁伟文	LEUNG Wai Man, Raymond		
李芝兰教授	Prof LI Che Lan, Linda		
李孟华*	LI Mang Wah, Paul*		

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

# 附录

## Appendix

### 工作小组

#### Working Group

年度内，本局共有两个工作小组，分别研究：

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

#### 1 扩大法律援助辅助计划的涵盖范围

##### Expansion of Supplementary Legal Aid Scheme

##### 主席 Chairperson

周凯灵 (本局成员)  
CHOW Juliana (Council member)

##### 委员 Members

邝心怡 (本局成员)      KWONG Sum Yee, Anna (Council member)  
李超华 (本局成员)      LI Chiu Wah, Joseph (Council member)

#### 2 改善法律援助资讯的传递

##### Dissemination of Legal Aid Information

##### 主席 Chairperson

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

##### 委员 Members

叶毓强 (本局成员)      IP Yuk Keung, Albert (Council member)  
梁宏正 (本局成员)      LEUNG Wang Ching, Clarence (Council member)  
潘素安 (本局成员)      PINTO Josephine Antonetta (Council member)  
洪为民博士 (前本局成员)      Dr HUNG Wai Man, Witman (ex-Council member)  
马华润 (前本局成员)      MA Wah Yan, Billy (ex-Council member)  
钟绮玲 (法律援助署副署长)      CHUNG Yee Ling, Alice (Deputy Director of Legal Aid)  
叶超然      IP Chiu Yin, Eddie  
龚永德      KUNG Peter  
李荣光      LI Wing Kong, Alvin  
伍尚匡      WU Shang Hong, Jason

