



## 與持分者及其他 法律援助組織的聯繫 Communication with Stakeholders and Other Legal Aid Bodies

### 行政當局

法援局自成立以來，一直與負責制定法律援助政策及管理法律援助署的政策局保持密切聯繫。在2017-2018年間，民政事務局（「民政局」）繼續向本局通報關於政府就不同法援議題所作的建議或表達的立場，包括呈交立法會司法及法律事務委員會的文件。這些文件涉及法援申請人財務資格限額的檢討、本局就為被扣留在警署人士提供法律諮詢服務的建議、防止法援制度被不正當使用的措施、委派律師處理法援個案的情況、法律援助輔助計劃檢討後的法例修訂、法援的政策措施、以及法援政策範疇的轉移。民政局代表亦曾數次出席本局會議，就上述議題作出簡介，及與本局成員交流意見。

### 國際法律援助組織

應國際法律援助組織的邀請，本局主席李家祥博士於2017年6月14至16日，出席其在南非約翰尼斯堡舉行的雙年研討會。

### The Administration

Since its establishment, the LASC has maintained regular contacts with the government bureau responsible for formulating legal aid policy and housekeeping the Legal Aid Department (LAD). In 2017-2018, HAB continued to keep the Council informed of Government's proposals or positions on various legal aid issues, including the papers submitted to the Legislative Council Panel on Administration of Justice and Legal Services. Those papers were related to review of financial eligibility limits of legal aid applicants; Council's proposals on the provision of legal advice services to persons detained in police stations; measures to prevent the misuse of the legal aid system; assignment of lawyers in legal aid cases; legislative amendments for the review of the Supplementary Legal Aid Scheme; policy initiatives of legal aid; and the transfer of the legal aid portfolio. Representatives of HAB also attended some of the Council's meeting for briefing and exchanging views on some of the above-said matters.

### International Legal Aid Group

At the invitation of the International Legal Aid Group (ILAG), LASC chairman Dr Eric LI Ka Cheung attended its biennial conference held in Johannesburg, South Africa from 14 to 16 June 2017.



國際法律援助組織是一個由來自超過24個國家的法援專家，包括法律援助委員會的行政總裁和經理、高級官員和著名學者所組成的網絡，並由一個以Alan Paterson教授為主席的國際督導委員會指導。該組織的使命是通過就國際間為貧困人士提供法律服務的政策發展和研究進行討論，以改善以實證為本的政策制定。國際法律援助組織主要討論在已建立相當成熟法援制度的司法管轄區的特定議題，現正擴展至包括發展較落後，尤其接近研討會舉行地點的司法管轄區。

在參加國際法律援助組織研討會（「研討會」）後，李博士於2017年10月3日的本局會議上呈交了一份報告。報告的重點詳見下文。

大約有80名著名學者、高級官員、以及提供和管理法援服務的人士參加於2017年舉行的研討會，部分參加人士在研討會中發表了有關法援的最新研究和分享選定國家的法援經驗。

法援不再被視為「人人可免費享有」的服務，似乎是全球趨勢，有些國家更以衡工量值的方式去檢視支持法援服務的公帑或其他資助是否用得其所。雖然如此，全球的法援服務仍有很大的改善，而每一個國家的發展都是針對其本身獨特的需要。

在研討會中，香港的法援服務獲得讚揚，特別是法律專業人士的高參與率，以及法律援助輔助計劃的財務延續性。

李博士在報告中介紹了主辦國南非的法援服務管治架構。南非法律援助管治委員會通過其下的四個常務委員會，執行以下工作：



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 24 countries. It is guided by an international steering group chaired by Professor Alan Paterson. Its mission is to improve evidence-based policy-making in the field of poverty legal services through discussion on international developments in policy and research. ILAG focuses on issues raised in jurisdictions with highly developed systems of legal aid. It is expanding its brief to include jurisdictions with less developed systems, particularly jurisdictions close to its conference sites.

After attending the ILAG conference, Dr LI presented a report to the Council at its meeting held on 3 October 2017. Highlights of his report are given in the ensuing paragraphs.

The ILAG conference for 2017 was attended by about 80 leading academics, senior officials, administrators and providers of legal aid services. The conference was packed with presentations about the latest research and sharing of experiences from selected countries.

It seems to be a global trend that legal aid services should no longer be considered a “free for all”. In some countries, value for money analysis is carried out for the services to justify the use of public or other funds. Nevertheless, there has still been massive improvement in the global legal aid services. Each country’s development focuses on its specific areas of needs.

- (a) 制定整體目標，落實服務提供的風險管理框架；
- (b) 嚴格控制財務資源的使用，集中資源在策略範圍；
- (c) 發展資訊科技策略，以保障和提升服務表現；
- (d) 積極讓持分者參與服務。

李博士在報告內亦提到其他值得注意的研討會內容，包括：

- (a) 探究服務的發展空間—

有關法律需要的研究已成為全球趨勢，亦是一個帶來改變的契機。由於越來越多研究採納統一的標準，因此研究結果趨向一致。

- (b) 應用科技—

從報道到教育、提供法律意見、互動訓練、調解爭議等不同性質的網站正在開發當中。電腦和智能手機的應用大大減低了提供服務所需的成本和空間。同時，透過科技可將服務伸延至偏遠地區，以及協助服務提供人士編纂和分析數據，以監察服務表現和檢討政策。



The provision of legal aid services in Hong Kong was commended at the conference with tribute paid to both the high participation rate of the legal profession in providing legal aid services and the financial sustainability of the Supplementary Legal Aid Scheme.

The governance structure of legal aid services of host country, South Africa, was highlighted in Dr LI's report. Through its four standing committees, the governance board of South Africa Legal Aid performs the following functions:

- (a) to set overall goals and to implement a risk management framework with respect to delivery of services;
- (b) to impose strict control over the use of financial resources and to focus resources on strategic areas;
- (c) to develop IT strategies to guarantee and enhance performance; and
- (d) to actively engage stakeholders in the provision of services.

Dr LI also mentioned other notable sessions in his report. It included:

- (a) Exploring Gaps in Services -

Legal need studies have become a global trend and an agent for change. Consistent standards are increasingly adopted in the studies resulting in more aligned findings.

- (b) Technology -

Websites ranging from reporting to education, and providing advice, interactive training and dispute resolution are being developed. The use of computers and smart phones, etc., have greatly helped reduce costs and space required for the provision of services. Technology also makes it possible for services to be provided to remote areas and helps service providers compile and evaluate data when monitoring services and reviewing policies.

(c) 緊縮政策—

北歐國家的法援服務有外委趨向，而有關對申訴人向公共機關提出申索的法律支援已經停止。

(d) 為無法律代表人士安排的自助服務—

全方位自助中心越來越多為那些不合資格獲得或不需要全面法律代表的人士提供服務，此外，一些用淺白簡明文字將法律程序逐步羅列出來的資訊網站已被開發。

(e) 在警署內提供法律意見—

在英國，疑犯可透過平板電腦和流動應用程式輕易獲取有關法律權益的資訊，另外，由於學生會被警察視為「容易入罪」的一群，以增加刑事犯罪紀錄，因此萊斯特大學正開發一個專為學生而設的流動應用程式。

(f) 保證服務提供者的質素—

經濟合作暨發展組織有關成本效益和社會效益的指引已經落實。中國正進行大規模的同行評審計劃，藉以邁向「以客為本」的法律文化。

李博士認為研討會頗具啟發性，既能以國際最高標準作為檢討香港法援服務的基準，以突顯有待改善的地方，同時亦能提醒香港法援服務須應用科技提供法援服務，並須向義工、法律學生、自助組織提供支援，以便參與法援服務，尤其是針對社會弱勢社群的服務。李博士在報告中也提出以下建議：

(c) Nordic Countries Austerity Drive -

There is a move towards outsourcing legal aid. Support for claims against public authorities has ceased.

(d) Self-help for the Unrepresented -

Extensive self-help centres increasingly serve those who are not qualified or not requiring full legal representation. Websites containing information on step by step procedures in layman terms have been developed.

(e) Police Station Legal Advice -

In the United Kingdom, advice on suspects' legal rights is easily obtained through tablet computers and animated apps. Another app is being developed by Leicester University for school children who may be considered by police to be "easy hits" to increase criminal records.

(f) Quality Assurance of Services Providers -

The OECD guidelines on cost effectiveness and social benefits are being implemented. China is conducting a large program on peer review to shift its legal culture towards a more client-centred approach.

Dr LI considered that the conference was quite inspiring and helped benchmark the legal aid services of Hong Kong to the highest global standards revealing considerable scope for possible improvement. It was also a good reminder that technology should be embraced and support should be provided for the participation of volunteers, law students and self-help groups in the provision of legal services, especially to the more vulnerable groups in society. Dr LI also made the following recommendations in his report:

- (a) to engage non-government agencies which are serving the most vulnerable groups in Hong Kong (e.g. ethnic minorities, youth, problem families) in the provision of legal services;



- (a) 邀請服務香港弱勢社群（例如少數族裔、青少年、問題家庭）的非政府組織參與法援服務；
  - (b) 探討設定一個合理評估服務質素準則的可行性；
  - (c) 由獨立的跨國認可顧問承辦一項全面的服務差距分析（傾向更新於2006年進行的香港法律及相關服務的供求情況研究）；及
  - (d) 在差距分析完成後，考慮最合適香港的法援服務模式和管治架構。
- (b) to explore the feasibility of setting reasonable standards to evaluate the quality of the services currently provided;
  - (c) to undertake a comprehensive gap analysis of services (preferably to update the 2006 study on the demand for and supply of legal and related services in Hong Kong) by an independent internationally recognised consultant; and
  - (d) after the gap analysis, to consider which is the most appropriate model for delivery of legal aid services in Hong Kong and the most desired governance structure for the services.

## PILnet: The Global Network for Public Interest Law

PILnet是一個全球性的非牟利組織，透過義務法律服務和其他創新合作，致力啟發和吸引更多律師和法律學生參與公眾利益事務。

在2017年6月，PILnet向法援局致送一本題為「THIS WAY — Finding Community Legal Assistance in Hong Kong」的報告。該報告是由PILnet和跨國律師事務所歐華律師事務所聯合編撰，試圖找出香港低收入人士和邊緣社群未被滿足的法律需要，亦闡述現有的免費法律服務，限制社區法律服務的障礙，以及其他普通法司法管轄區的社區法律服務模式。

為回應PILnet的建議，本局、民政局、法援署與PILnet在2017年11月舉行了一次非正式會議，就報告內容和建議交流意見。會議後，法援署為PILnet提供補充資料，以便PILnet更新報告內論述法援署服務的章節。

## PILnet: The Global Network for Public Interest Law

PILnet is a global non-profit organization that seeks to inspire and engage more lawyers and law students in public interest work through pro bono and other innovative collaborations.

In June 2017, PILnet sent the LASC a copy of its report entitled “THIS WAY – Finding Community Legal Assistance in Hong Kong”. The report was prepared by PILnet in association with DLA Piper, an international law firm. It seeks to identify unmet legal needs of low income and marginalized communities in Hong Kong, and to discuss the free legal services currently available, barriers restricting community legal services and models of community legal services in other common law jurisdictions.

In response to the suggestion of PILnet, an informal meeting was held between the Council, Home Affairs Bureau, Legal Aid Department (LAD) and PILnet in November 2017 to exchange views on the findings and recommendations in the report. After the meeting, supplementary information was provided by LAD to PILnet for updating those sections of the report on the legal aid services provided by the Department.



## 活動

本局主席為香港律師會主辦的「法律周2017」暨「青Teen講場2017」開幕典禮擔任主禮嘉賓。儀式於2017年11月25日舉行，一同出席活動的還有香港特別行政區行政長官林鄭月娥女士、終審法院首席法官馬道立先生、立法會法律界功能界別議員郭榮鏗大律師、法律援助署署長鄺寶昌先生、公民教育委員會委員林長志先生、香港大律師公會副主席毛樂禮資深大律師，香港律師會會長蘇紹聰律師，以及「法律周2017」和「青Teen講場2017」籌委會主席梁寶儀律師及湯文龍律師。

## Activity

The Council Chairman officiated at the joint opening ceremony of “Law Week 2017” and “Teen Talk 2017” which was launched by The Law Society of Hong Kong. The opening ceremony was held on 25 November 2017. It was also attended by the Honourable Mrs Carrie LAM CHENG Yuet-ngor, Chief Executive of HKSAR; the Honourable Mr Geoffrey MA, Chief Justice of the Court of Final Appeal; Mr Dennis KWOK, Legislative Council Member for the Legal Functional Constituency; Mr Thomas KWONG, Director of Legal Aid; Mr LAM Cheung Chi, Member of Committee on the Promotion of Civic Education; Mr Jose-Antonio MAURELLET SC, Vice-Chairman of the Hong Kong Bar Association; Mr Thomas SO, President of The Law Society of Hong Kong; and Ms Nancy LEUNG and Mr Roden TONG, the Organizing Committee chairs of “Law Week 2017” and “Teen Talk 2017”.