

主席回顾 Chairman's Review

我很高兴向大家介绍2021-2022年度报告，这是我第三份以法律援助服务局（法援局）主席身份完成的年报。

法援服务是法律制度中不可或缺的一部分，对维护香港的法治扮演着重要的角色。政府提供法援服务的目的是确保所有符合法律援助署（法援署）认可资格的申请人士，不会因经济能力有限而无法寻求公义。一般来说，当法援申请人同时通过《法律援助条例》规定的经济审查和案情审查，他便符合资格获取法援。本局会继续聚焦监督由法援署提供的法援服务的管理，并就完善法援署的管理和运作透明度提出各种可行的建议。

作为经济审查的基础，普通法律援助计划（「普通计划」）和法律援助辅助计划（「辅助计划」）的财务资格限额均会参考丙类消费物价指数的一般物价变动的情况作周年检讨。在2019年7月至2020年7月的

I am pleased to present the Annual Report 2021-2022, which is my third report in my capacity as Chairman of the Legal Aid Services Council (the Council).

Legal aid services form an integral part of the legal system and play an important role in contributing towards upholding the rule of law in Hong Kong. The purpose of legal aid services provided by the Government is to ensure that all those applicants deemed qualified by Legal Aid Department (LAD) will not be denied access to justice because of a lack of means. Generally speaking, legal aid will be granted if the applicant is able to satisfy both the means test and merits test as provided by the Legal Aid Ordinance. The Council will continue to focus on overseeing the administration of the legal aid services provided by LAD and to suggest every possible ways of improvement in the administration and operational transparency of LAD.

As the basis of means test, the relevant statutory financial eligibility limit (FEL) of the Ordinary Legal Aid Scheme and that of the Supplementary Legal Aid Scheme (SLAS) are annually reviewed with reference to the general price movement based on the Consumer Price Index (C) (CPI(C)). In the last round of annual review for



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周年检讨中，政府认为值得保留0.1%的减幅，留待取得涵盖2020年7月至2021年7月的丙类消费物价指数的累计变动才一并考虑。在参照期由2020年7月至2021年7月内，丙类消费物价指数录得1.1%的升幅，政府已完成2020年7月至2021年7月有关财务资格限额的周年检讨工作，并建议把财务资格限额上调1.0%，以反映由2019年7月至2021年7月的两年累计变动。法援署署长第一押记的周年检讨亦将采取上述安排。

在2021-2022年间，由于新型冠状病毒在社区爆发，香港在过去12个月继续应对前所未有的挑战。同样地，法援制度亦面临严峻的考验，其持续性亦受到威胁。社会越来越关注法援受助人可能滥用提名律师的机制，尤其在司法覆核案件。此外，亦有关关注某些刑事法援案件及与司法覆核有关的法援案件有否集中由某些律师、律师事务所或大律师事务所处理。

the reference period from July 2019 to July 2020, the Government saw merits to reserve the 0.1% decrease and would consider it together with the accumulated changes in CPI(C) from July 2020 to July 2021. For the reference period from July 2020 to July 2021, an increase of 1.1% in CPI(C) was recorded. The Government has completed the annual review of the FELs for the reference period from July 2020 to July 2021 and now recommends increasing the FELs by 1.0% to reflect the accumulated change recorded for the two-year reference period from July 2019 to July 2021. The above arrangement will also be adopted for the annual review for the Director of Legal Aid's (DLA) First Charge.

In the year of 2021-2022, Hong Kong has continued to take another twelve months of challenges due to the spread of the COVID-19 epidemic in the community. Likewise, the legal aid system has also been facing serious challenges which threaten its viability into the future. There have been growing community concerns over the potential abuse in the nomination of lawyers by legally aided persons, in particular for judicial review (JR) cases. There were also concerns on whether some criminal legal aid cases and JR-related legal aid cases were concentrated in only a handful of lawyers, law firms or counsel chambers.

鉴于法援制度对维护本港法治的重要性，政府必须维持公众对该制度的信心，确保法援制度持续达到市民的期望。按照上述方针，政务司司长办公室与法援署于2021年进行检视法援制度。于2021年10月，本局收到政府从不同方面完善制度的建议措施，经详细讨论后，本局不偏不倚地议决支持完善措施的建议。在2022年初，政府开始实施有关措施，我相信定能提高公众对香港法援制度的信心。有见公众对法援制度的信任乃重中之重，本局将继续齐心协力释除公众疑虑，让公众更了解真正的法援制度。为此，本局已聘请专业公关顾问，通过加强宣传渠道，向公众发布准确资讯和讯息，释除公众的误解。在2022年初，我曾与前任法援署署长邝宝昌先生接受多个媒体访问，以推展法援政策的完善措施。我希望藉此向邝先生表达衷心感谢，为他于任期间所作出的专业支持，并祝愿他开展健康与丰盛的退休生活。

此外，政府邀请本局进行另一轮扩展「辅助计划」范围的检讨，特别研究纳入个别业主向多层大厦业主立案法团提出申索的可能性。本局因此开展搜集资料和数据的工作，希望了解业主立案法团可否被视为有能力支付赔偿的被告，以及向业主立案法团提出的申索是否属胜诉机会较高和赔偿额与讼费比例较佳的案件。经研究及检视所有收集的资料与相关考虑因素后，本局在2022年5月正式向政府提出扩展「辅

Given the importance of the legal aid system in upholding the rule of law in Hong Kong, it is essential to maintain public's confidence in the system, and ensure that the system can continue to meet the expectations of the community. Along this direction, Chief Secretary for Administration's Office and LAD have examined the legal aid system and conducted a review in 2021. Enhancement measures on several areas were proposed and reported to the Council for endorsement in October 2021. The Council impartially resolved to give support to the proposed enhancement measures after thorough deliberations. In early 2022, the Government started to implement the proposed measures and I am confident that they could heighten the public confidence in the legal aid system of Hong Kong. Since people's trust in the legal aid system is of utmost importance, the Council will continue to put concerted effort in dispelling the fallacies of public beliefs and presenting the truth of the legal aid system to the public. To this end, the Council has engaged a public relations service provider to allay the misperceptions of the public by strengthening the publicity channels for releasing accurate information and messages to the public. Former DLA, Mr Thomas KWONG, and I also attended various press interviews in early 2022 for promoting the enhancement measures in relation to legal aid system. I would like to take this opportunities to express my deepest gratitude to Mr Kwong for his professional support during his tenure and wish him a healthy and prosperous retirement for many years to come.

Besides, the Government once invited the Council to conduct another round of review of SLAS, in particular, to look into the possibility of expanding the scope of the Scheme to include claims made by individual owners against the incorporated owners (IOs) of multi-storey buildings. The Council thus kicked off a research last year in collection of information and data for analysing whether IOs are well targeted defendants with ability to pay awarded damages,

助计划」范围的建议，以纳入个别业主就大厦管理向业主立案法团提出的申索。

因确信公正的法援制度是社会的核心所在，本局将继续竭力确保在法律面前人人平等，即使经济能力有限的人，也能寻求正义伸张，维护和巩固香港社会的法治精神。

and whether there is a high chance of success with good damages to costs ratio in claims against IOs. After completion of the research study and examination of all the information collected and the relevant factors of consideration, the Council formally tendered the recommendation of expanding the scope of SLAS to cover building management claims against IOs to the Government for consideration in May 2022.

In the belief that an impartial legal aid system is the crux of our society, the Council will continue to work towards the vision of actively contributing to uphold and enhance the rule of law by striving to ensure equality before the law and access to justice by people of limited means.

