

## 检讨法律援助辅助计划 Review of Supplementary Legal Aid Scheme

「辅助计划」是以自负盈亏方式营运的法援计划，为财务资源超出「普通计划」的财务资格限额，但低于「辅助计划」的财务资格限额的人士提供法律援助。

资助「辅助计划」的法律援助辅助计划基金（「辅助计划基金」）的经费，最初是来自奖券基金拨出的100万元种子基金，及后政府于1995年和2012年分别注资2,700万元和1亿元，以支持「辅助计划」扩大涵盖范围。「辅助计划基金」的其他经费来源包括「辅助计划」申请人须缴付的申请费、「辅助计划」受助人须缴付的中期分担费，以及从胜诉案件讨回的赔偿中扣除的最后分担费。

为维持财政稳健，「辅助计划」自推行以来，一直以胜诉机会较高，以及赔偿额与讼费比例较佳的案件作为援助对象。「辅助计划」主要涵盖那些已投保的被告人或可讨回赔偿机会较高的案件（例如与工作有关的意外而提出人身伤亡的申索）。以往在考虑「辅助计划」可涵盖的新案件类别时，本局一直紧记这些原则。

于2020年3月，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。

SLAS is a self-financing legal aid scheme. It provides legal assistance to people whose financial resources exceed the financial eligibility limit (FEL) allowed under OLAS, but are below the FEL specified for SLAS.

The Supplementary Legal Aid Fund (SLAF) which finances SLAS is funded by an initial seed money of \$1 million from the Lotteries Fund. An injection of \$27 million in 1995 and a further injection of \$100 million in 2012 were made by the Government to support the operation of the expanded SLAS. SLAF's income sources also include the application fees payable by SLAS applicants, interim contributions from persons aided by the Scheme and the final contributions from a percentage deduction of the damages recovered in successful cases.

To maintain its financial viability, SLAS has been targeting at cases that carry a high chance of success with good damages to costs ratio since inception. SLAS covers mainly cases where the defendants are insured or where the likelihood for payment of damages is high (e.g. claims for personal injuries or death in work-related accidents). The high chance of recovery of damages helps ensure, to a large extent, the financial sustainability of the Scheme. When deliberating on new categories of cases to be covered by SLAS in the previous reviews, these principles were borne in mind.

In March 2020, the Government 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.



在2021年6月，本局通过一些法律系学生的协助进行了一项研究项目，从以往的法庭案件中，寻找个别业主向大厦业主立案法团提出申索的相关统计数据 and 资料。经慎重考虑研究发现及探讨收集到的所有资料和相关考虑因素后，本局于2022年5月正式向政府提出建议扩展「辅助计划」范围，以纳入个别业主就大厦管理向业主立案法团提出的申索。

In June 2021, the Council commissioned some law students to undergo a research project looking for relevant statistics and data among previous court cases in relation to the claims brought by individual owners against IOs. After completion of the research study, the Council has deliberated the findings and observations before coming up with a recommendation. Having examined all the information collected and the relevant factors of consideration, the Council has formally tendered the recommendation of expanding the scope of SLAS to cover building management claims against IOs to the Government in May 2022.