

主席回顧 Chairman's Review

我很高興向大家介紹2021-2022年度報告，這是我第三份以法律援助服務局（法援局）主席身份完成的年報。

法援服務是法律制度中不可或缺的一部分，對維護香港的法治扮演着重要的角色。政府提供法援服務的目的是確保所有符合法律援助署（法援署）認可資格的申請人士，不會因經濟能力有限而無法尋求公義。一般來說，當法援申請人同時通過《法律援助條例》規定的經濟審查和案情審查，他便符合資格獲取法援。本局會繼續聚焦監督由法援署提供的法援服務的管理，並就完善法援署的管理和運作透明度提出各種可行的建議。

作為經濟審查的基礎，普通法律援助計劃（「普通計劃」）和法律援助輔助計劃（「輔助計劃」）的財務資格限額均會參考丙類消費物價指數的一般物價變動的情況作周年檢討。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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周年檢討中，政府認為值得保留0.1%的減幅，留待取得涵蓋2020年7月至2021年7月的丙類消費物價指數的累計變動才一併考慮。在參照期由2020年7月至2021年7月內，丙類消費物價指數錄得1.1%的升幅，政府已完成2020年7月至2021年7月有關財務資格限額的周年檢討工作，並建議把財務資格限額上調1.0%，以反映由2019年7月至2021年7月的兩年累計變動。法援署署長第一押記的周年檢討亦將採取上述安排。

在2021-2022年間，由於新型冠狀病毒在社區爆發，香港在過去12個月繼續應對前所未見的挑戰。同樣地，法援制度亦面臨嚴峻的考驗，其持續性亦受到威脅。社會越來越關注法援受助人可能濫用提名律師的機制，尤其在司法覆核案件。此外，亦有關注某些刑事法援案件及與司法覆核有關的法援案件有否集中由某些律師、律師事務所或大律師事務所處理。

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.

鑑於法援制度對維護本港法治的重要性，政府必須維持公眾對該制度的信心，確保法援制度持續達到市民的期望。按照上述方針，政務司司長辦公室與法援署於2021年進行檢視法援制度。於2021年10月，本局收到政府從不同方面完善制度的建議措施，經詳細討論後，本局不偏不倚地議決支持完善措施的建議。在2022年初，政府開始實施有關措施，我相信定能提高公眾對香港法援制度的信心。有見公眾對法援制度的信任乃重中之重，本局將繼續齊心協力釋除公眾疑慮，讓公眾更瞭解真正的法援制度。為此，本局已聘請專業公關顧問，通過加強宣傳渠道，向公眾發佈準確資訊和訊息，釋除公眾的誤解。在2022年初，我曾與前任法援署署長鄺寶昌先生接受多個媒體訪問，以推展法援政策的完善措施。我希望藉此向鄺先生表達衷心感謝，為他於任期間所作出的專業支持，並祝願他開展健康與豐盛的退休生活。

此外，政府邀請本局進行另一輪擴展「輔助計劃」範圍的檢討，特別研究納入個別業主向多層大廈業主立案法團提出申索的可能性。本局因此開展搜集資料和數據的工作，希望了解業主立案法團可否被視為具能力支付賠償的被告，以及向業主立案法團提出的申索是否屬勝訴機會較高和賠償額與訟費比例較佳的案件。經研究及檢視所有收集的資料與相關考慮因素後，本局在2022年5月正式向政府提出擴展「輔

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,

助計劃」範圍的建議，以納入個別業主就大廈管理向業主立案法團提出的申索。

因確信公正的法援制度是社會的核心所在，本局將繼續竭力確保在法律面前人人平等，即使經濟能力有限的人，也能尋求正義伸張，維護和鞏固香港社會的法治精神。

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.

