

檢討法律援助輔助計劃 Review of Supplementary Legal Aid Scheme

「輔助計劃」是以自負盈虧方式營運的法援計劃，為財務資源超出「普通計劃」的財務資格限額，但低於「輔助計劃」的財務資格限額的人士提供法律援助。

資助「輔助計劃」的法律援助輔助計劃基金（「輔助計劃基金」）的經費，最初是來自獎券基金撥出的100萬元種子基金，及後政府於1995年和2012年分別注資2,700萬元和1億元，以支持「輔助計劃」擴大涵蓋範圍。「輔助計劃基金」的其他經費來源包括「輔助計劃」申請人須繳付的申請費、「輔助計劃」受助人須繳付的中期分擔費，以及從勝訴案件討回的賠償中扣除的最後分擔費。

為維持財政穩健，「輔助計劃」自推行以來，一直以勝訴機會較高，以及賠償額與訟費比例較佳的案件作為援助對象。「輔助計劃」主要涵蓋那些已投購保險的被告人或可討回賠償機會較高的案件（例如與工作有關的意外而提出人身傷亡的申索）。以往在考慮「輔助計劃」可涵蓋的新案件類別時，本局一直緊記這些原則。

於2020年3月，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。

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，本局通過一些法律系學生的協助進行了一項研究項目，從以往的法庭案件中，尋找個別業主向大廈業主立案法團提出申索的相關統計數據和資料。經慎重考慮研究發現及探討收集到的所有資料和相關考慮因素後，本局於2022年5月正式向政府提出建議擴展「輔助計劃」範圍，以納入個別業主就大廈管理向業主立案法團提出的申索。

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.