

Legal Aid in Hong Kong

LEGAL AID SERVICES COUNCIL

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Foreword

The rule of law has become a virtue in Hong Kong. It is regarded as one of the most important factors contributing to Hong Kong's success in being an international business and financial centre. From the social perspective, it is fundamental to a sustainable community and the quality of life. A cornerstone of the rule of law is legal aid which consummates the value of everyone being equal before the law and facilitates those of limited means in their pursuit for justice.

Legal aid is a manifestation of human rights which are universal in nature. By definition, therefore, it will be the government which has to be responsible for making legal aid available if human rights are accepted as an unalienable element to civilized society. Yet legal aid is only one of the many services a government has to fund, and is subject to resource constraint in terms of availability and allocation.

On the other hand, it has been a noble tradition of the legal profession to provide pro-bono legal service to the disadvantaged. This has continued to this day, and is a reflection of justice and care, and the sacrifice of time and gain that go with it. It makes society more humane.

Thus the availability of legal aid may be regarded as an index of the quality of society. The demand for legal aid has its roots in social phenomena, social structure and the need of its citizens. It will be preposterous however to assume that greater demand should imply abuse of legal aid, and it will be naïve to take the supply of legal aid as open-ended.

Over the past decades, publicly funded legal aid has progressed in Hong Kong. The Legal Aid Services Council is pleased to be party to the process in the last 10 years. Set up by Ordinance in September 1996, the Council has assiduously pursued to offer advice, to refine the legal aid service of the Legal Aid Department and to engage different sectors of the community. We have sought to involve the public; for after all, it is members of the public which the service is about. This publication therefore is one of our attempts to bring legal aid home, and it is perhaps timely to do so when we have served the community for some 10 years.

When I was appointed Chairman of the newly established Legal Aid Services Council, the board of directors of Po Leung Kuk, 1996-97, presented to me a couplet which goes as follows:

澤彼群黎伸正義

培立法本張民權

“Upholding justice for the wellbeing of the common people;

Nourishing the rule of law to realize civil rights.”

This has become a reminder to me in the course of discharging my duties as Chairman.

I am grateful for members of the Council for their sturdy support over the past years, and should like to thank our stakeholders for their advice and assistance, understanding and encouragement. This publication is a special endeavour among our many tasks. May we dedicate it to those who contribute to building a just society respecting human dignity.

J P LEE

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