

**立法會**  
**Legislative Council**

LC Paper No. CB(2)402/07-08  
(These minutes have been seen  
by the Administration)

Ref : CB2/PL/AJLS

**Panel on Administration of Justice and Legal Services**

**Minutes of meeting**  
**held on Monday, 22 October 2007, at 4:30 pm**  
**in the Chamber of the Legislative Council Building**

- Members present** : Hon Margaret NG (Chairman)  
Hon James TO Kun-sun  
Hon Jasper TSANG Yok-sing, GBS, JP  
Hon Miriam LAU Kin-yee, GBS, JP  
Hon Emily LAU Wai-hing, JP  
Hon CHOY So-yuk, JP  
Hon Audrey EU Yuet-mee, SC, JP  
Hon LI Kwok-ying, MH, JP
- Member attending** : Hon WONG Kwok-hing, MH
- Member absent** : Hon Martin LEE Chu-ming, SC, JP
- Public Officers attending** : Item III  
Department of Justice  
Mr WONG Yan-lung, SC  
Secretary for Justice  
Mr Ian WINGFIELD  
Solicitor General  
Ms Susie HO  
Director of Administration & Development  
Mr John READING, SC  
Deputy Director of Public Prosecutions

Home Affairs Bureau

Mr TSANG Tak-sing  
Secretary for Home Affairs

Mr Benjamin CHEUNG  
Director of Legal Aid

Mrs Alice CHEUNG  
Principal Assistant Secretary for Home Affairs

**Clerk in attendance** : Mrs Percy MA  
Chief Council Secretary (2)3

**Staff in attendance** : Mr Arthur CHEUNG  
Senior Assistant Legal Adviser 2

Mrs Vivian KAM  
Assistant Secretary General 2

Mrs Eleanor CHOW  
Senior Council Secretary (2)4

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**I. Matters arising**

The Chairman said that at the last meeting, members had agreed to defer the election of Deputy Chairman to this meeting. She informed members that apart from Mr Martin LEE and Ms Miriam LAU, other members of the Panel were either Chairmen or Deputy Chairmen of other Panels and therefore not eligible to stand for election. As both Mr LEE and Ms LAU were not present at the meeting at this juncture, the Chairman proposed to defer the election of Deputy Chairman to the next meeting. Members agreed.

**II. Items for discussion at the next meeting**

(LC Paper No. CB(2)83/07-08(01) - An updated list of outstanding items for discussion

LC Paper No. CB(2)45/07-08(02) - Letter dated 24 September 2007 from Hon TAM Heung-man)

Work plan for the Panel

2. The Chairman said that she had met with the Administration to discuss the work plan of the Panel. A list of items tentatively scheduled for discussion at the Panel meetings in 2007-2008 LegCo session was tabled at the meeting for members' reference.

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3. The Chairman informed members that Miss TAM Heung Man had written to the Panel requesting it to further pursue the issue of limited liability for professional practices (item 6 of the outstanding list). Members noted that the Administration had advised the Panel in the last session that no further studies would be carried out into the proposals for limiting liability during the remainder of the Chief Executive (CE)'s term of office ending on 30 June 2007. The Chairman suggested and members agreed that it was opportune to request the Administration to reconsider the Panel's previous request.

4. The Chairman invited members to propose other items for discussion by the Panel. Ms Audrey EU raised a number of issues and the Chairman responded as follows -

- (a) Civil Justice Reform - The Steering Committee on Civil Justice Reform published the Consultation Paper on Proposed Legislative Amendments for the Implementation of the Civil Justice Reform in April 2006. A Bills Committee was currently scrutinising the Civil Justice (Miscellaneous Amendments) Bill 2007. Proposed amendments to the relevant subsidiary legislation were expected to be introduced into LegCo after enactment of the Bill;
- (b) Enforcement of Labour Tribunal awards - The Report on the Review of the Labour Tribunal issued by the Judiciary's Working Party in June 2004 was considered at a number of joint meetings of this Panel and the Panel on Manpower. The item was referred to the Panel on Manpower;
- (c) Court waiting times - the Administration would be requested to update members on the present position of court waiting times at all levels of court. Upon receipt of the paper, the Panel would decide whether it was necessary to discuss the item at a future meeting; and
- (d) Specialised Domestic Violence Court - Members of the Bills Committee on Domestic Violence (Amendment) Bill 2007 had proposed the setting up of a specialised court to deal with domestic violence cases. Pending the outcome of the Bills Committee, the matter could be followed up by the relevant Panel.

5. The Chairman said that in addition to the items carried forward from the previous session, she proposed and members agreed to include the following items in the outstanding list -

- (a) Court buildings - during a court visit by the Panel at the last session, some members had expressed the view that the design and the location of court buildings should reflect the importance and dignity of the courts and the independence of the Judiciary. The interior design of court buildings such as court and waiting rooms were also important. For instance, members were concerned about the setting of juvenile courts in Magistrates Court Buildings;

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- (b) Conditional fees - The Law Society of Hong Kong had written an article in the South China Morning Post in response to the Report on Conditional Fees published by the Law Reform Commission of Hong Kong in July 2007. The Panel should discuss the issue at a future meeting; and
- (c) Free Legal Advice Scheme - the Administration would be requested to provide information on the Scheme, including the number and nature of cases handled, and whether the Administration would review the cost-effectiveness of the Scheme. Upon receipt of the paper, the Panel would decide the timing to discuss the item.

Next meeting

6. The meeting agreed to discuss the following items at the next meeting on 26 November 2007 -

- (a) Statue Law (Miscellaneous Provisions) Bill 2008 - proposed by the Administration; and
- (b) Staff wastage of the Prosecutions Division of the DoJ - paragraph 24 below refers.

**III. Briefing on the Chief Executive's 2007-08 Policy Address**  
(2007-08 Policy Address – "A New Direction for Hong Kong")

2007-08 Policy Agenda

Leaflet on 2007-08 Policy Address

LC Paper No. CB(2)45/07-08(03) - Paper provided by the Administration on "2007-08 Policy Initiatives of the Department of Justice"

LC Paper No. CB(2)45/07-08(04) - Paper provided by the Administration on "2007-08 Policy Initiatives of Home Affairs Bureau"

LC Paper No. CB(2)83/07-08(02) - Letter dated 12 October 2007 from the Director of Administration)

Briefing by the Administration

7. The Chairman welcomed representatives of the Administration to the meeting to brief the Panel on the initiatives in the 2007-08 Policy Agenda relating to the Department of Justice (DoJ) and the Home Affairs Bureau (HAB).

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8. Secretary for Justice (SJ) briefed members on the policy initiatives of the DOJ for 2007-2008. A copy of his speaking note is in **Appendix I**.

9. Secretary for Home Affairs (SHA) briefed members on the policy initiatives of the HAB for 2007-2008 in respect of legal aid. A copy of his speaking note is in **Appendix II** (in Chinese only).

Issues raised by members

*Building Affairs Tribunal*

10. Mr WONG Kwok-hing said that in the course of scrutinising the Building Management (Amendment) Bill 2005, members of the Bills Committee had proposed the setting up of a Building Affairs Tribunal to provide a quick and inexpensive procedure for resolving building management disputes. Mr WONG asked about the position of the Administration on the proposal which was not covered in the 2007-2008 Policy Address. He also requested the Administration to consider introducing a mandatory mechanism for resolving building management disputes by mediation, failing which the disputes would be adjudicated in a court. Mr WONG requested the Administration to provide a paper setting out the various alternatives to deal with the issue.

11. The Chairman said that building management issues should be under the portfolio of HAB, but where a question of law was involved, such as the setting up of a dedicated tribunal, the Judiciary and the DoJ had their role to play. Mr James TO, former Chairman of the Bills Committee on Building Management (Amendment) Bill 2005, advised members that the Administration had undertaken to consider the issue in collaboration with the Judiciary. The relevant Panel would follow up the matter.

12. SJ responded that he was aware of the proposal and that a policy bureau was following up the matter. The setting up of a Building Affairs Tribunal should be considered carefully as it would involve additional resources. In his view, the proposal involved not only building management matters, but also matters relating to lands and deeds of covenant. In fact, certain building management disputes could be handled by existing tribunals, such as the Lands Tribunal. He was of the personal view that consideration could be given to improving the existing mechanism to tackle the issue, for instance, by simplifying the existing procedures of the Lands Tribunal, and exploring alternative mechanism such as mediation to resolve disputes. He informed members that the Lands Tribunal would launch a pilot scheme on 1 January 2008 to assess the cost-effectiveness of providing mediation to cover building management disputes. He would reflect members' concern and the request for a paper to address the issue to the relevant policy bureau for consideration.

DoJ

13. Ms Audrey EU said that mediation by district offices of the Home Affairs Department should first be adopted for resolving building management disputes before such cases were adjudicated in courts. Individual residents had expressed the view that they were bound to lose if their disputes with the Owners' Corporations or

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building management companies were to be taken to court, given the litigation costs involved. Nevertheless, Ms EU considered that the setting up of a dedicated tribunal to handle building management disputes could ensure consistency in judgments and interpretation of the law. She said that in the information paper requested by Mr WONG Kwok-hing, the Administration should also provide the following information concerning the Lands Tribunal -

DoJ

- (a) the number of building management cases handled annually;
- (b) the waiting times for these cases vis-à-vis other cases; and
- (c) the litigation costs involved in building management cases.

*Legal aid*

14. On the review of the criminal legal aid fee system, Ms Audrey EU and the Chairman said that the Law Society had found the proposed rates unacceptable. They asked about the action to be taken by the Administration.

15. SHA said that while there was a consensus over the proposed marked brief structure, the rates for the various payment items of criminal legal aid fees would need to be examined further. The Administration would continue to discuss with the Law Society on the proposed rates with a view to narrowing differences.

16. Ms Audrey EU urged the Administration to consider expanding the scope of the Supplementary Legal Aid System (SLAS), to cover cases such as probate and commercial disputes of small to medium enterprises.

17. SHA responded that given that the SLAS was self-financing, its scope of service could only be expanded in a gradual manner. The Administration would take into account the views expressed by members at previous Panel meetings in conducting the five-yearly review of the criteria for assessing the financial eligibility of legal aid applicants.

18. Ms Emily LAU said that following the transfer of the legal aid portfolio from the Administration Wing of the Chief Secretary for Administration's Office to the HAB, the Panel was concerned about the independence of the authority responsible for administering legal aid. As the Legal Aid Services Council (LASC) would review its previous proposal of the establishment of an independent legal aid authority, which was rejected by the Administration in 1998, the Panel should be advised on when the review would be completed.

HAB

19. In response to members, SHA said that the Administration would discuss the issue with the Panel after reviewing the outcome of the LASC's study when available. He undertook to liaise with the LASC regarding the progress and timetable of its study and advise members the approximate time for reverting to the Panel.

*Disclosure arrangements of law enforcement agencies*

20. Mr James TO referred to paragraph 15 of DoJ's paper and asked about the on-going initiatives to promote transparency in public prosecutions and review the disclosure arrangements of law enforcement agencies (LEAs). He pointed out that in recent years, investigation work done by LEAs had become more proactive. They deployed more undercover agents in order to collect more intelligence and evidence of organised crime by triad society. While a senior DoJ counsel would be fully informed of the details of a major undercover operation and grant immunity to the undercover agent, there were grey areas in small to medium undercover operations. For example, in certain circumstances the decision of whether or not the action of an undercover agent was immunised from legal liability was made by the Chief Superintendent. Over the past few years, some judges had criticised that certain undercover agents had overstepped the boundaries and even entrapped people to act against the law. In his view, if the DoJ monitored these undercover operations more closely, a fairer decision would be made on public prosecutions. It was also important for the DoJ to provide legal advice to LEAs to ensure that agents would not overstep the immunity limit to the extent that their action had become an entrapment or even an incitement to crime. Mr TO requested the Administration to provide a copy of the latest guidelines issued by the Standing Committee on Disclosure to LEAs for reference of the Panel.

21. SJ responded that the disclosure arrangements for LEAs were under constant review to cope with prevailing changes. Last year, the DoJ worked on the principle for disclosure arrangements for reference of LEAs and advised them of the legal requirements in relation to disclosure. SJ clarified that the DoJ would not monitor LEAs in relation to their undercover operations. The DoJ would advise LEAs the legal framework and general principles governing undercover operations. The guiding principle was that LEAs should comply with the rule of law in discharging their duties. In response to a specific example quoted by Mr TO, SJ said that the DoJ would not comment on individual cases. However, cases where LEAs had stepped over the limit or abused their power would be investigated and regulated by law. He would relay Mr TO's request for a copy of the guidelines issued by the Standing Committee on Disclosure to LEAs to the Security Bureau for consideration.

DoJ

22. Deputy Director of Public Prosecutions (DDPP) supplemented that in respect of transparency, the DoJ published a yearly review which set out the work of the Prosecutions Division for the community's information. On disclosure, he said that following a couple of important court decisions made over the last few years, it had been necessary to instruct LEAs, including the Police, the ICAC and the Custom and Excise Department, on the current law in relation to disclosure and to check their guidelines for front-line officers. The guidelines of these LEAs had been amended and brought up-to-date. Normally when a LEA proposed to perform an undercover operation, it would submit details of the operation to a senior officer within the DoJ who would advise on the legality of the proposal.

23. The Chairman cautioned that the Prosecutions Division of the DoJ should not

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be too involved in enforcement actions, as this would undermine its independence in prosecution. SJ concurred with the Chairman and assured members that prosecutors would maintain their independence. The assistance provided to LEAs was confined to guidelines and advice on how to discharge their duties in compliance with the law.

DoJ

24. The Chairman expressed concern about the staff wastage in the Prosecutions Division. She suggested and members agreed that the Administration should prepare a paper setting out the workload and staff position etc. of the Prosecutions Division to facilitate discussion at the next Panel meeting.

*International cooperation*

25. Referring to paragraph 17 of the DoJ's paper, Mr James TO enquired about the specific steps taken by DoJ to work closely with its counterparts at the international level, including the Mainland, in pursuit of common objectives, such as more effective anti-crime strategies in areas of transnational organised crime, money laundering and corruption.

26. SJ said that the DoJ would continue to maintain close liaison with its counterparts at the international level, including the Mainland, to combat organised crime. The signing of mutual legal assistance agreements with various countries was one of the means to enhance cooperation. In fact, he had just signed agreements with some European countries. DDPP supplemented that in respect of combating money laundering, some of the counsel in the DoJ had assisted other jurisdictions in relation to compliance with the Financial Action Task Force's requirements and recommendations. Over the last few years, some of the counsel had also participated in the International Association of Prosecutors which was operated under the United Nations, and contributed to the publication of the guidelines of best practices in various areas.

*Development of mediation services*

27. Referring to paragraph 12 of the DoJ's paper that the Administration would map out how mediation could be more effectively and extensively applied in both commercial disputes and at the community level with the assistance of a Working Group to be established by the SJ, Ms Emily LAU requested the SJ to elaborate on this new initiative and the additional resources required in promoting the service.

28. SJ responded that mediation in western countries was professionally conducted and their mediators were professionally trained. The promotion of mediation in Hong Kong required the concerted effort of all stakeholders including the Judiciary, the DoJ, the legal professional bodies, insurance companies, etc. Mediation, effectively conducted, could provide a relatively quick and inexpensive procedure, alleviating the workload of the court, reducing social costs and fostering harmony. At present, mediation in commercial disputes was widely adopted and it could be expanded to cover community disputes such as building management problems. A Working Group would be set up at the end of 2007 to map out plans to employ

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mediation more extensively. The Working Group would tackle the issue at two fronts -

- (a) promote understanding and awareness of mediation services to the community. The Administration would organise a conference on mediation in November 2007 with a view to promoting understanding of and instilling public confidence in mediation. Successful cases of resolving disputes by mediation would be used to illustrate the benefits of mediation; and
- (b) enhance the quality of mediators by training and benchmarking the requirements to become qualified mediators. Some barristers, solicitors, and other professionals who wished to become professional mediators had received training and acquired qualifications in the United Kingdom. Benchmarks would be set to qualify a person to be a professional mediator.

29. SJ further said that when mediation was formally adopted as a standing practice to resolve disputes, its resources should not come from the Government alone. The Administration was working on the basis that when launched extensively, mediation would be self-financing. However, promoting mediation did require funding. At present, provision had been earmarked for the Judiciary's Pilot Scheme on Family Mediation and the Lands Tribunal's pilot scheme on building management mediation. If the Working Group decided that mediation was the way forward, it would seek the necessary funding from the Government.

30. The Chairman said that she was aware that mediation was not particularly successful in some overseas jurisdictions. In Hong Kong, the Judiciary's Pilot Scheme on Family Mediation was successful but the Legal Aid Department's Pilot Scheme on Mediation in Legally-Aided Matrimonial Cases recorded a small caseload. Depending on the nature of these cases, mediation might not be suitable for every one; not to mention that some people preferred court ruling which was more authoritative. She pointed out that a professional mediator charged at \$3,000 per hour and hence mediation could be costly. She expressed concern that the Administration had placed too much importance on the cost-effectiveness of mediation, vis-à-vis that of court proceedings, in resolving disputes.

31. SJ said that although the Policy Address did not touch upon court proceedings, it did not mean that court proceedings were less important than mediation in resolving disputes. The Administration realised that mediation had become the global trend and had been widely applied in some overseas jurisdictions. The two legal professional bodies also expressed keen interest in promoting mediation. In his view, mediation was part and parcel of the legal system and its application was based on the rule of law. Its dispute resolution mechanism was more flexible than that of the court. He envisaged that when mediation was launched extensively and its mechanism became more mature, there would be savings in cost and time in resolving disputes. Before maturity, many problems had to be overcome.

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DoJ 32. In response to the Chairman, the Administration undertook to provide a progress report on mediation for discussion by the Panel at the meeting in June 2008.

*Appointment of SJ to head the task force on youth drug abuse*

33. Members noted that the CE had announced in his Policy Address the appointment of SJ to lead a high level inter-departmental task force to combat juvenile drug abuse (the Task Force). The Task Force's terms of reference covered a wide range of areas, such as preventive education and publicity, treatment and rehabilitation, law enforcement, research and external co-operation.

34. Ms Emily LAU expressed concern whether there would be duplication in the role and work of the Task Force and other narcotics-related bodies, such as the Action Committee Against Narcotics (ACAN) and the Narcotics Bureau.

35. The Chairman said that while the question raised by Ms LAU might fall outside the terms of reference of this Panel, the appointment of SJ to assume additional duties was a matter of concern for the Panel. She considered it inappropriate for SJ, who acted as the Government's principal legal adviser, to have a leading role in combating crime. Given his special constitutional status, SJ should avoid taking up a position that would tarnish his independent image and undermine public's confidence in the rule of law. Mr James TO concurred with the Chairman.

36. In response to Ms Emily LAU and the Chairman, SJ made the following points -

- (a) the Administration was deeply concerned about the problem of juvenile drug abuse which was getting more acute in recent years. As the problem cut across many policy areas such as education, health and law enforcement, the Administration decided to set up a high level inter-departmental Task Force and adopt a multi-pronged approach to tackle the problem strategically. The Task Force, led by a Secretary of Department, would step up cross-bureaux and interdepartmental efforts to combat youth drug abuse;
- (b) the Administration was appreciative of the work of ACAN and the Narcotics Bureau against drug abuse. The Task Force would make use of the existing anti-crime and anti-narcotics networks to consolidate strategies to combat juvenile drug abuse from a holistic perspective. It would establish close liaison with ACAN and the Narcotics Bureau and there was no question of the Task Force replacing their functions. ACAN was aware of the mission and operation of the Task Force and had expressed support of its establishment;
- (c) the Chief Secretary for Administration and SJ currently served as the Chairman and Deputy Chairman of the Fight Crime Committee (FCC)

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respectively. FCC comprised representatives from different Government departments and discussed various crime issues including youth drug abuse. As SJ was familiar with the subject of youth drug abuse and combating the problem inevitably involved legal issues, it was appropriate for him to head the Task Force; and

- (d) SJ assured members that he was committed to his work as the Government's principal legal adviser. He had managed to maintain his independent status while serving as the Deputy Chairman of FCC and would continue to do as head of the Task Force.

37. The Chairman and Mr James TO remained unconvinced that the appointment of SJ to head the Task Force was appropriate. Mr James TO said that, for example, Secretary for Security was a more suitable candidate, given his knowledge and experience in combating crime and drug abuse.

38. There being no other business, the meeting ended at 6:05 pm.

Council Business Division 2  
Legislative Council Secretariat  
23 November 2007

**(English Translation)**

**2007-08 Policy Initiatives of the Department of Justice**

**Speaking Note for the Hon Wong Yan Lung SC  
Secretary for Justice  
At the meeting of the AJLS Panel of  
the Legislative Council on 22 October 2007**

Madam Chairman and Honourable Members,

I am grateful for the opportunity to share with you the new and on-going Policy Initiatives of the Department of Justice in 2007-08. My Department's paper on this subject has been circulated to members and I do not intend to repeat the points made here. I shall only give an overview of our initiatives and shall leave more time to listen to Members' views and suggestions.

**The Department**

2. Members are very familiar with the Department's work. Our core activities include rendering legal services in respect of prosecution and civil litigation, providing legal advice to the Government, drafting legislation and handling legal cooperation with other jurisdictions. These core activities are very important in supporting the operation of the Government.

**Policy Initiatives**

3. On top of our core activities, we will continue to pursue one new initiative and 12 on-going initiatives in 2007-08.

**New Initiative - Mediation**

4. Our new initiative relates to how mediation can be more effectively and extensively applied in both commercial disputes and at the community level. This is set out in paragraphs 12 to 14 of the paper. Mediation has been used as a means to resolve construction disputes

since 1980s. It has been successfully introduced for family cases in recent years. There is growing public awareness of what mediation is and what advantages it brings. Building on these developments, I see scope to promote mediation and its applications more effectively and to tackle matters in relation to mediation accreditation, training and promotion. At the end of November, the Department will co-organise a large-scale Mediation Conference in Hong Kong in which we will share experience with other jurisdictions and further enhance public awareness of mediation in action. We hope to receive recommendations from the participants of the Conference. Following the Conference, I will convene a cross-sectoral working group towards the end of this year to review the development of mediation and provision of mediation services and map out how mediation can be more effectively and extensively applied. I welcome members' participation at the Conference and your views on this subject.

### **On-going Initiatives**

5. The two DoJ sponsored Bills, the Mainland Judgments (Reciprocal Enforcement) Bill and the Domicile Bill, referred to in paragraphs 4 and 15 of the paper, are now being scrutinised by the Bills Committee. We have been working closely with the Bills Committee. I look forward to the early enactment of these two Bills.

6. We are also doubling our efforts to strengthen Hong Kong's status as a regional arbitration hub. To make Hong Kong a more attractive place to conduct arbitration, we are updating our arbitration legislation. We are also stepping up our contact with international arbitration institutions to further promote Hong Kong's credentials as an international arbitration centre. These measures, together with our continued support for the Hong Kong International Arbitration Centre, our home grown arbitration body, will ensure that Hong Kong is an ideal place to conduct arbitration in the Region.

7. It has been our on-going initiative to enhance mutual understanding between the legal profession in Hong Kong and Mainland. We will continue to facilitate closer cooperation between them with a view to assisting the legal profession to explore further opportunities to access the Mainland legal services market. Locally, we participate

actively in the work of the Standing Committee on Legal Education and Training to keep the system and provision of legal education in Hong Kong under review. Besides, I expect the results of the research on the supply of and demand for legal services in the community, in which some Members have been closely involved, to be completed soon. The results will provide useful information for formulating policies concerning legal services and dispute resolution. I am grateful to Members concerned for their valuable contribution and guidance during that exercise.

8. In relation to our core activities, we will continue to enhance the quality of criminal justice, increase the transparency of criminal prosecution and promote co-operation amongst prosecutors at the global level. We have just hosted the Annual General Meeting of the International Association of Prosecutors. Close to 100 jurisdictions participated in the meeting and had very constructive discussions.

9. Quality services provided by the Department are rendered by quality staff. We are keenly aware of the importance of staff development and will continue to raise counsel and staff's professional standards through our comprehensive and tailor-made training programmes. I note that some Members have expressed interest in the progress of the recruitment of our Law Draftsman. As you know, we have employed a very outstanding law drafting expert, Mr Eamonn Moran, who will join the Department as Law Draftsman in January 2008. I understand that members intend to invite the Law Draftsman to brief the Panel on his work at an appropriate time. We will assist Mr Moran to get familiarised with his work quickly so that he can meet with Members to discuss law drafting issues.

10. My colleagues and I will be happy to answer Members' questions and provide clarification and additional information.

11. Thank you.

立法會司法及法律事務委員會  
民政事務局局長的發言

主席，各位議員：

民政事務局工作範圍內的事務，會受到司法及法律事務委員會關注的，主要是法律援助服務。讓我再次向議員肯定：政府對法援的大方向及資源分配不會因為這次調整從屬關係而改變，民政事務局亦會確保法援署繼續公正無私地行使其法定獨立職權。

2. 行政長官二零零七至零八年度施政報告中沒有特別提及法援服務，民政事務局亦沒有計劃為法援方面訂立新方向或政策，但我希望在此簡介我們打算在這個立法年度與議員討論的事項。

就評定法律援助申請人財務資格的準則每五年進行一次的檢討

3. 其中一項，是二零零七年的每五年期檢討。我們現正檢討評定法律援助申請人財務資格的整體方法。我們期望在二零零八年中制定較具體的建議，並諮詢法援局及委員會。

刑事法律援助費用制度檢討

4. 至於刑事法律援助費用制度檢討方面，政府已就費用的架構與香港大律師公會及香港律師會達成大致共識，即兩個公會均會基於“標明報聘費”而收取法援費用。我們了解香港律師會就建議費用額表示強烈意見，對此我會充分重視。我們現正積極與有關各方商討各項費用的建議款額，一旦有進展，我們便會盡快向議員匯報檢討的進展。

向獲法律援助的婚姻訴訟個案當事人提供撥款進行調解的試驗計劃

5. 正如律政司司長剛才提到，以調解解決爭議已成為全球趨勢。我們曾於六月向事務委員會簡介法援署有關試驗計劃的評估結果，並提出我們有意為法律援助服務設立常設項目，向那些獲法律援助的婚姻訴訟個案當事人提供調解服務。我們正在準備常設安排的細則，目標是在下年年中就這些細則諮詢法律援助服務局及事務委員會。