

2012·13

年報 Annual Report



法律援助服務局

LEGAL AID SERVICES COUNCIL



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抱負、使命及信念

Vision, Mission and Values



抱負

法律援助服務局（法援局）竭力確保在法律面前人人平等，即使是缺乏經濟能力的人，也能尋求正義伸張；藉以維護和鞏固香港社會的法治精神。

使命

1. 確保提供質優、快捷、妥當的法援服務；並為此爭取足夠的經費。
2. 爭取改善關於或影響法律援助服務的法律和行政制度。
3. 促助加強公眾對法援服務的認識。
4. 按時檢討成立獨立法援機構的問題。

Vision

The Legal Aid Services Council actively contributes to upholding and enhancing the rule of law by striving to ensure access to justice and equality before the law to people of limited means.

Mission

1. To ensure provision of high quality, efficient and effective legal aid services and to secure adequate funding therefor.
2. To seek to improve continually the legal and administrative systems concerning and affecting the provision of legal aid.
3. To help increase public awareness of legal aid.
4. To keep under review the establishment of an independent legal aid authority.

信念

全力以赴

本局忠於職責，恪守抱負、使命及信念宣言的宗旨，因為本局相信法律援助對於維持法治方面極具價值，本局亦積極開展法律援助服務。在遵守《法律援助服務局條例》〔本局條例〕的同時，本局致力於完善條例規定，發揚抱負、使命及信念宣言的精神。

公正獨立

提高法律援助管理的獨立性是1996年成立本局的原因之一，因此，獨立性是本局核心價值之一。在確認不同持份者的利益或觀點的同時，本局將採取大公無私的立場處理事務，為建立法治社會及法律面前人人平等精神而努力。本局不會忽視在會議上可能提出的任何事實或觀點。

通眾近民

成立本局的其中一個原因是擴大公眾對法援管理的參與。本局將作出適當安排，方便公眾獲取本局的公開資料，或與本局就特定事項溝通，或在不影響本局履行職責的情況下，主動或被動地參與本局的工作。本局將設立與公眾、持份者及本港或海外對法援有興趣的人士的溝通渠道。

Values

Committed

The Council is committed to its work and upholds its VMV because it believes that legal aid is essential to the rule of law and the Council contributes positively to legal aid services. While adhering to the provisions of the Legal Aid Services Council Ordinance, the Council endeavours to improve the provisions of the Ordinance in pursuit of its VMV.

Independent and Fair

A greater degree of independence in legal aid administration was one of the reasons for establishing the Council in 1996, and independence is therefore one of its core values. Thus, while acknowledging the interest or view of different stakeholders, the Council will take a disinterested position and pursue a course of action that is most appropriate in contributing to the rule of law and equality before the law. The Council will not ignore any fact or view that may be presented to it.

Accessible

One of the reasons for establishing the Council was to broaden public participation in legal aid administration. The Council will make such arrangements as to facilitate members of the public to obtain open information regarding the Council, or communicate with the Council on specific issues, or take part actively or passively in its work without prejudicing the discharge of its responsibilities. The Council will be accessible to the public, to stakeholders, and to interested parties locally or overseas.



開誠佈公

加深公眾瞭解本局將會加強公眾對本局及法援服務的信任，此亦是公眾積極參與本局工作的先決條件。因此，在不違反特定事宜或特定場合須保密的情況下，本局將向公眾公開本身的工作。

敏於眾望

基於兩種原因，本局須敏銳回應。首先，法律援助是在廣闊的社會環境中提供服務。為了對法援政策提供完善的意見，有效監督法援署提供的法援服務，本局須對社會、經濟及政治狀況，法律慣例及技術革新的變化十分敏感，並積極應對。其次，對公眾投訴或諮詢作出及時全面的回應，將能建立更為有效與公眾溝通渠道，因此有助公眾透過本局更積極參與法律援助管理。本局隨時準備聆聽公眾意見，跟進討論研究，並及時採取行動。

Transparent

A better understanding of the Council will enhance trust in the Council and legal aid services being provided. It is a pre-requisite for active public participation in the Council's work. Therefore, the Council will make known to the public its work without breaching confidentiality in respect of specific issues or on specific occasions.

Responsive

The Council has to be responsive for two reasons. Firstly, legal aid service is provided within a wider environment. In order to provide sound advice on legal aid policy and to supervise effectively the legal aid services provided by Legal Aid Department, the Council has to be sensitive and proactive in respect of changes in social, economic and political conditions, legal practices and technological innovation. Secondly, timely and comprehensive response to public complaints or enquiries will build a more effective channel of communication with members of the public, and will contribute to greater public participation in legal aid administration through the Council. The Council is ready to listen, to follow up with research, to deliberate and to act promptly.

關於法援局

About the LASC

成立

法援局是一個法人團體，根據《法律援助服務局條例》（第489章）在1996年9月1日成立，負責監管在香港由法律援助署（法援署）提供的法律援助服務，並就法律援助政策向行政長官提供意見。

法援局的成員

法援局由下列成員組成 -

- (a) 主席一名，他須不屬公職人員、大律師或律師，而行政長官認為他與大律師行業或律師行業沒有其他直接關係；
- (b) 持有根據《法律執業者條例》(第159章)發出的執業證書的兩名大律師及兩名律師；
- (c) 4名行政長官認為與大律師行業或律師行業無任何關係的人士；及
- (d) 法律援助署署長。

在年度內的法援局成員包括：

The Establishment

The Legal Aid Services Council is a body corporate established on 1 September 1996 under the Legal Aid Services Council Ordinance (Cap. 489) to supervise the provision of legal aid services in Hong Kong provided by the Legal Aid Department and to advise the Chief Executive on legal aid policy.

Membership of the Council

The Council consists of the following members -

- (a) a Chairman who is not a public officer and who is not a barrister or solicitor or, in the opinion of the Chief Executive, who is not connected in any other way directly with the practice of law;
- (b) 2 barristers and 2 solicitors, each holding a practicing certificate issued under the Legal Practitioners Ordinance (Cap. 159);
- (c) 4 persons who, in the opinion of the Chief Executive, are not connected in any way with the practice of law; and
- (d) The Director of Legal Aid.

The membership of the Council during the reporting period is as follows:



李家祥博士太平紳士, GBS (主席)

(由2012年9月1日起)

陳茂波太平紳士, MBA, FCPA, MH

(主席) (至2012年7月27日止)

蔡惠琴太平紳士, FIHRM

周凱靈女士

(由2012年9月1日起)

狄朗尼先生

(至2013年2月28日止)

洪為民博士, PhD, MBA, MA, LL.M.,

FHKIoD, FBCS, CITP

熊運信先生

(至2012年8月31日止)

鄺心怡女士, MH

(由2012年9月1日起)

林家禮博士

(至2012年8月31日止)

梁偉權太平紳士

馬華潤先生

(由2012年9月1日起)

潘素安女士

(由2013年3月1日起)

李嘉蓮女士

(至2012年8月31日止)

黃吳潔華女士

法律援助署署長陳香屏太平紳士, SBS

(當然成員)

Dr Eric LI Ka-cheung, GBS, JP (Chairman)

(from 1 September 2012 onward)

Mr Paul CHAN Mo-po, MBA, FCPA, MH, JP (Chairman)

(up to 27 July 2012)

Ms Virginia CHOI Wai-kam, FIHRM, JP

Ms Juliana CHOW Hoi-ling

(from 1 September 2012 onward)

Mr Michael DELANEY

(up to 28 February 2013)

Dr Witman HUNG Wai-man, PhD, MBA, MA, LL.M., FHKIoD,

FBCS, CITP

Mr Stephen HUNG Wan-shun

(up to 31 August 2012)

Ms Anna KWONG Sum-yea, MH

(from 1 September 2012 onward)

Dr Lee George LAM

(up to 31 August 2012)

Mr Edward LEUNG Wai-kuen, JP

Mr Billy MA Wah-yan

(from 1 September 2012 onward)

Ms Josephine Antonetta PINTO

(from 1 March 2013 onward)

Ms Corinne Marie D'ALMADA REMEDIOS

(up to 31 August 2012)

Mrs Cecilia WONG NG Kit-wah

Mr William CHAN Heung-ping, SBS, JP, Director of Legal

Aid (ex-officio)

法援局成員簡歷



主席 李家祥博士 太平紳士

Dr Eric Li Ka-cheung

*GBS, JP
Chairman*

Members of the Council

李家祥博士是資深執業會計師，擁有逾三十年的公共服務經驗。他在1994年為香港會計師公會主席，積極服務業界，被業界選為代表加入立法會達十三年。李博士在2004年決定不競選連任後，繼續代表香港會計界，推動其在國內及國際間的發展。李博士就任立法會議員期間，曾連續九年被選為立法會政府帳目委員會主席，現正擔任多間公共機構及上市公司的核數委員會主席，並曾於1993年當選首位香港傑出會計師，以及榮獲國際會計師大獎2002。李博士亦獲頒英國曼徹斯特大學榮譽法學博士、香港浸會大學榮譽社會科學博士、英國倫敦商學院榮譽校友、香港中文大學及香港理工大學榮譽院士。

Dr Eric Li is a senior practising accountant by profession who has an extensive record in public services for over thirty years. He was the President of the Hong Kong Society of Accountants in 1994 and had served his profession as its representative in the Legislative Council for 13 years. After ceasing to stand for re-election in 2004, he continues to represent the Hong Kong accounting profession and promote its development at various international and China forums. During his tenure as Legislative Council Member, Dr Li was elected to chair the Public Accounts Committee of the Legislative Council for 9 consecutive years. He is currently Chairman of audit committees of major public bodies and listed companies. Dr Li was named the first Accountant of the Year of Hong Kong in 1993 and received the International Accountant Award in 2002. He is also awarded Honorary Doctorate in Law by the University of Manchester, Honorary Doctor of Social Science by the Hong Kong Baptist University, Honorary Alumnus of the London Business School and Honorary Fellow of the Chinese University of Hong Kong and the Hong Kong Polytechnic University.

蔡惠琴女士現於泰田、麥基爾國際顧問有限公司擔任主任顧問及亞太區總經理。蔡女士擁有超過25年豐富人力資源管理經驗，尤其在培訓及發展方面。蔡女士在2001至2005年期間擔任香港人力資源管理學會會長，是學會自1977年創會以來首位女性會長，現為學會理事會成員以及學習及發展委員會顧問。

於2004年6月，蔡女士以學會會長身分當選持續專業發展聯盟主席，及持續擔任至今，並曾以聯盟主席身分出任前教育統籌局屬下人力發展委員會的成員。蔡女士亦活躍於多個由政府及公營機構管轄的委員會，其中包括特區政府的薪酬趨勢調查委員會、公務員薪俸及服務條件常務委員會、香港公開大學、中央政策組、平等機會委員會、僱員再培訓局、個人資料（私隱）諮詢委員會及法律援助服務局等。

Virginia Choi J.P. is Managing Consultant and Country Manager of Tamty McGill Consultants International Ltd. She has over 25 years of experience in HR management, especially in training and development. Virginia was President of the HKIHRM from 2001 to 2005, HKIHRM's first female President since its inception in 1977. She is now Executive Council Member of the HKIHRM and advisor to its Learning and Development Committee.

Virginia was elected Chairperson of the Continuing Professional Development Alliance in June 2004 in her capacity as President of the HKIHRM. She has been Chairperson of the Alliance since then, and in this capacity, had served on the Manpower Development Committee of the then Education and Manpower Bureau. Virginia actively participates in various boards, committees and councils including the government's Pay Trend Survey Committee, Standing Commission on Civil Service Salaries and Conditions of Service, Open University of Hong Kong, Central Policy Unit, Equal Opportunities Commission, Employees Retraining Board, Personal Data (Privacy) Advisory Committee, and Legal Aid Services Council.

蔡惠琴 太平紳士

Virginia CHOI Wai-kam

FIHRM, JP





周凱靈女士
Juliana CHOW Hoi-ling

周凱靈女士持有香港大學法學專業證書，並於1986年取得律師資格。她自2007年便擔任房屋及規劃地政局上訴審裁團(建築物)主席，現時亦是入境事務審裁處法律顧問。周女士服務於香港大律師公會會員福利特別委員會，亦為環保署噪音管制上訴委員會小組、水污染管制上訴委員會備選委員小組、廢物處置上訴委員會小組、以及大律師資格考試委員會的成員。周女士於1998年至2007年間是當值律師服務的義務律師，亦是大律師公會的管理委員會和法律援助檢討委員會的委員。

Ms Juliana CHOW holds a PCLL of Laws from the University of Hong Kong and was called to the Bar in 1986. She has been the Chairman of Appeal Tribunal (Buildings) of Housing, Planning and Lands Bureau since 2007 and is currently the Legal Advisor to the Immigration Tribunal. She serves in the Bar's Special Committee on Welfare and is also a member of Noise Control Appeal Board Panel, Water Pollution Control Appeal Board Panel and Waste Disposal Appeal Board Panel of Environmental Protection Department and Barristers Qualification Examinations. She has been a lawyer of the Duty Lawyer Service from 1998 to 2007 and sat on the Bar Chambers Management Committee and Legal Aid Review Committee.

洪為民博士為特許資訊科技專業人士及吳新有限公司聯合創辦人，該公司的業務主要為來自中國的環球客戶提供後台支援服務。洪博士是互聯網專業協會現任主席，並從事資訊科技工作二十四年，為行內著名領袖。洪博士亦熱心社會服務，包括香港交通安全隊、互聯網專業協會及菁英會。在2007年，洪博士獲頒香港特別行政區政府民政事務局局长嘉許狀，並獲選為2008年香港十大傑出青年、40+典範2011和2012年度資本企業家。

Dr Witman Hung is a Chartered Information Technology Professional and the Co-founder of Next Horizon Company Ltd., a company that provides back office support services for global clients from China. He is also currently the President of the Internet Professional Association. Dr Hung has worked in the computer industry for 24 years and is a renowned industry leader. He is also very active in community services including serving on Road Safety Patrol, Internet Professional Association and the Y Elites Association. In 2007, Dr Hung was awarded the Secretary for Home Affairs Commendation by the HKSAR Government. He was awarded Ten Outstanding Young Persons of Hong Kong in 2008, 40+ distinguished fellow in 2011 and Capital Entrepreneur of the year in 2012.

洪為民博士

Dr Witman HUNG Wai-man
PhD, MBA, MA, LL.M, FHKIoD, FBCS, CITP



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鄺心怡女士是香港建築師學會2009-2010年度的會長，亦為該會自1956年創會以來，首位女性獲選擔任該職位。鄺女士擁認可人士資格，於2006年開始私人執業，曾為非政府機構和發展商進行多項保育教堂和新建築項目，其中兩個獲得「聯合國教育科學及文化組織」亞太區文物古蹟保護獎，另一個則榮獲香港建築師學會的獎項。

擁有替公營機構和天主教香港教區工作超過三十年專業經驗，鄺女士獲香港特別行政區政府委任加入香港城市規劃委員會、嶺南大學校董會及諮議會、香港貿易發展局基建發展服務諮詢委員會等。她亦參與環球和本地的義務工作，曾任國際崇德社國際監督、第17區總監及區域監督、九龍崇德社會長、香港各界婦女聯合協進會理事會兼執行委員會委員等，並獲義務工作發展局頒發「紫荊領袖義工獎」。

鄺女士為香港特別行政區行政長官選舉委員會委員（2006及2011年），亦為全國人民代表大會香港地區代表（2007及2012年）。在2013年，她獲委任為一間上市公司董事局的獨立非執行董事。



鄺心怡女士
Anna KWONG Sum-yee
FHKIA, MH

Ms Anna KWONG was the President of the Hong Kong Institute of Architects (HKIA) (biennium 2009-2010) and the first female elected to that position since the HKIA was founded in 1956. An Authorized Person herself, Ms KWONG commenced her practice in 2006. She carries out conservation for many church buildings/new projects for NGOs and developers; among them two have won the United Nations Educational, Scientific and Cultural Organisation Asia-Pacific Culture Heritage & Conservation Award ("UNESCO A-P Heritage Award") and another from The HKIA.

With over thirty years of professional experience working in the public sector and the Catholic Diocese of Hong Kong, she has been appointed by the HKSAR Government to the Town Planning Board, Council and Court of the Lingnan University, Trade Development Council-Infrastructure Development Advisory Committee and so on. Her voluntary service to the global and local community includes the elected posts of International Director, District 17 Governor and Area Director of Zonta International, president of Zonta Club of Kowloon; Council and Executive Committee Member of Hong Kong Federation of Women and a recipient of the Bauhinia Leadership Award organized by the HK Agency for Volunteer Service.

Ms KWONG is an Election Committee Member for the HKSAR Chief Executive (2006 & 2011) and the National People's Congress Hong Kong Deputies (2007 & 2012). In 2013, she was appointed by a listed company to serve as a Non-Executive Independent Directors at its Board.

梁偉權先生是區議會議員、註冊社工及香港遊樂場協會總幹事。梁先生熱心社會服務，為油尖旺區議會2004至2011年間的副主席，曾任香港青少年發展聯會副主席、西九新動力副主席、睦鄰力量主席、油尖旺區公民教育運動統籌委員會主席、油尖旺區健康城市委員會主席和環境及自然保育基金委員會小組主席，梁先生亦曾同時出任多個委員會委員，包括市區重建局地區諮詢委員會、中華電力地區客戶諮詢委員會、油尖旺區撲滅罪行委員會、油尖旺區地區管理委員會、油尖旺東分區委員會。現時梁先生為市政事務上訴委員會委員。

Mr Edward Leung is a District Council Member, a registered social worker and the Executive Director of Hong Kong Playground Association. Mr Leung is very active in community services. He was the Vice-chairman of Yau Tsim Mong District Council from 2004 to 2011, Hong Kong Association of Youth Development and West Kowloon New Dynamic, the Chairman of Union Power for Neighbourhood and Yau Tsim Mong District Civic Education Campaign Coordinating Committee, and the Subcommittee Chairman of Yau Tsim Mong District Healthy City Committee and the Environment & Conservation Fund Committee. He has sat on various committees including the District Advisory Committee of Urban Redevelopment Authority, the District Customer Advisory Committee of China Light & Power Company, Yau Tsim Mong District Fight Crime Committee, Yau Tsim Mong District Management Committee and Yau Tsim Mong East Area Committee. He is now a member of the Municipal Services Appeal Board.

梁偉權太平紳士

Edward LEUNG Wai-kuen

JP





馬華潤先生

Billy MA Wah-yan

馬華潤先生為何柏生馬華潤律師行之首席合夥人，以及香港律師會理事會理事。他亦為國際公證人、香港特別行政區高等法院律師、英格蘭及威爾斯最高法院律師、新加坡最高法院律師及澳洲首府最高法院律師。

Mr Billy Ma is the Precedent Partner of Messrs. Hobson & Ma, Solicitors & Notaries and Council Member of the Law Society of Hong Kong. He is also a Notary Public, a solicitor of the High Court of Hong Kong Special Administrative Region, the Supreme Court of England and Wales, the Supreme Court of the Republic of Singapore and the Supreme Court of the Australian Capital Territory.

潘素安女士在香港出生及接受教育，並在1982年取得香港大律師執業資格。她辦理不少獲法律援助的案件，因而非常熟悉與法律援助相關的事宜。潘女士自1983年起一直是當值律師服務及其免費法律諮詢計劃的義務律師，她同時出任多個委員會成員，包括香港大律師公會委員會及公會內的小組委員會，研究有關遺囑、未留遺囑情況下的繼承，以及死者家屬和受供養人士的供養問題的法律改革。她亦是「香港法律匯報與摘錄」的顧問編輯。

Born and educated in Hong Kong, Ms Josephine Pinto was admitted to the Hong Kong Bar in 1982. She is familiar with issues that arise over legal aid as she has a practice which includes such cases. She has been a lawyer for the Duty Lawyer Service and has been on its free legal advice panel since 1983. She has sat on various committees including the Bar Committee and the Bar's sub-Committee on the Reform of the Law of Wills, Interstate Succession and Provision for Deceased Persons' Families and Dependents. She is a Consultant Editor of the Hong Kong Law Reports and Digest.

潘素安女士
Josephine Antonetta PINTO





黃吳潔華律師現為香港律師會理事會和當值律師服務執行委員會成員。黃律師為吳建華律師行合夥人，主要處理婚姻訴訟、刑事及民事訴訟、調解及仲裁、遺產認證、商業和公司事務。

黃律師擁有極豐富的調解經驗，並為家事法庭、香港律師會、香港和解中心和香港國際仲裁中心調解員和家事調解督導員。目前，黃律師是香港終審法院首席法官調解工作小組，以及香港律政司調解工作小組之草擬香港調解法組員。黃律師亦是以下三本重要調解著作的合著作者：

1. The Book on Mediation (調解通鑑), Institute of International Experts 2012 ;
2. Hong Kong Civil Procedure, Special Release on Mediation (香港民事法程序), Sweet & Maxwell 2011 ; 及
3. Hong Kong Mediation Handbook (香港調解手冊), Sweet & Maxwell 2009 。

黃律師一向積極推廣香港的調解服務，同時參與政府、法律業界和社區舉辦的各種公益活動。於2010、2011和2012年，黃律師獲香港律師會頒發「公益義務社區工作金獎」以表揚她對法律專業及社區的莫大貢獻。



Mrs Cecilia Wong is currently a council member of the Law Society of Hong Kong and the Duty Lawyer Service Council. She is a partner of Kevin Ng & Co., Solicitors. Her practice area includes matrimonial law, criminal and civil litigation, mediation and arbitration, probate, commercial and corporate law.

Mrs Wong has enormous experience in mediation for various matters. She is a panel mediator and family mediation supervisor of the Family Court, the Law Society of Hong Kong, Hong Kong Mediation Centre, and the Hong Kong International Arbitration Centre. At present, she is member of the Chief Justice's Working Party on Mediation and member of Secretary for Justice's Task Force on Mediation, Mediation Ordinance subgroup. She was co-author of 3 important books on mediation:

1. "The Book on Mediation", Institute of International Experts 2012;
2. Hong Kong Civil Procedure, Special Release on Mediation, Sweet & Maxwell 2011;
3. Hong Kong Mediation Handbook, Sweet & Maxwell 2009.

Mrs Wong has consistently taken an active role in the promotion of mediation in Hong Kong, as well as in various pro-bono government, professional and community services. In 2010, 2011 and 2012, Mrs Wong received the Gold award in pro-bono and community work of the Law Society of Hong Kong in recognition of her enormous contribution to the profession and the community.

黃吳潔華女士
Cecilia WONG NG Kit-wah

陳香屏先生於2010年1月獲委任為法律援助署署長。他自1987年4月離開英國利物浦私人執業行列後，便加入法律援助署擔任法律援助律師。陳先生於1989年12月獲晉升為高級法律援助律師，1994年12月為助理首席法律援助律師，1997年10月為副首席法律援助律師，2004年12月為法律援助署副署長。

Mr William Chan was appointed Director of Legal Aid in January 2010. He joined the Legal Aid Department as a Legal Aid Counsel in April 1987 after leaving private practice in Liverpool, England. He was promoted to Senior Legal Aid Counsel in December 1989, to Assistant Principal Legal Aid Counsel in December 1994, to Deputy Principal Legal Aid Counsel in October 1997, and to Deputy Director of Legal Aid in December 2004.

陳香屏太平紳士

William CHAN Heung-ping
SBS, JP



法援局的職能

法援局負責監督由法援署提供的法律援助服務的管理。法援署就該等服務的提供，向法援局負責。

法援局可：

- a. 制定政策以管限由法援署提供的服務，並就法援署的政策方向提供意見；
- b. 不時檢討法援署的工作，並作出有利和適當的安排，以確保法援署能有效率地並符合經濟原則地履行其職能和提供法律援助服務；
- c. 檢討由法援署提供的服務及其發展計劃；及
- d. 就法援署的開支預算作出考慮及提供意見。

法援局無權就職員事宜及法援署對個別案件的處理向法援署作出指示。

法援局是行政長官在關於獲公帑資助並由法援署提供的法律援助服務的政府政策上的諮詢組織，並須就下列事宜作出建議：

- a. 資格準則、服務範圍、提供服務的方式、未來的改善計劃、以及法律援助政策的未來發展和資金需要；
- b. 建立一個獨立的法律援助管理局的可行性及可取性；及
- c. 由行政長官不時轉交法援局的任何其他法律援助事項。

Functions of the Council

The Legal Aid Services Council is responsible for overseeing the administration of legal aid services provided by the Legal Aid Department and the Department is accountable to the Council for the provision of such services.

The Council may -

- a. formulate policies governing the provision of services by the Department and give advice on the policy direction of the Department;
- b. review the work of the Department from time to time and make such arrangements as are expedient and proper to ensure the efficient and economical discharge of the functions and provision of legal aid services by the Department;
- c. keep under review the services provided by the Department and the plans for development of the Department; and
- d. consider and advise on the estimates of expenditure of the Department.

The Council shall not have the power to direct the Department on staff matters and the handling of individual cases by the Department.

The Council is the Chief Executive's advisory body on the policy of the Government concerning publicly-funded legal aid services provided by the Department and shall advise on -

- a. the eligibility criteria, scope of services, mode of service delivery, future plans for improvements, funding requirements and future development of legal aid policy;
- b. the feasibility and desirability of the establishment of an independent legal aid authority; and
- c. any other aspect of legal aid which the Chief Executive may from time to time refer to the Council.




興趣小組

為履行職責，法援局明白掌握各持份者對運作的回應，將有助推行高素質及高效率的法援服務。因此，本局自1996年9月成立以來，一直與名冊律師就不同層面的法律援助服務和工作交換意見。於2002年，本局設立「興趣小組」這個正式架構，以便名冊律師可更廣泛參與本局的工作。在2003年，本局邀請非政府機構加入不同的興趣小組，在2004年更把邀請擴展至區議會成員及學者。在2011年，本局再招募興趣小組成員。本局廣發邀請，吸納更多不同界別的新成員，成員人數因而有所增加，成員背景更趨廣泛，包括學者（來自法律和社會研究領域）、會計師、建築師、大律師、醫生、牙醫、工程師、環境顧問、園境師、不同社會服務範疇的工作者、律師和測量師。為推

Interest Groups

In discharging the functions, the Council recognizes that obtaining operational feedback from stakeholders will assist in the delivery of high quality and effective legal aid services. Hence, since its establishment in September 1996, the Council has held meetings with legal aid panel lawyers to exchange views on different areas of legal aid work / services. In 2002, a formal structure known as Interest Group was set up for broad participation by panel lawyers. In 2003, the Council invited non-governmental organizations to join the Interest Groups. In 2004, District Council members and academics were also invited. In 2011, a membership drive was launched. Invitation to attract more new members was issued with a view to casting a wider net. As a result, the Interest Groups grew in membership with broadened composition. Members included academics (in the legal as well as social studies fields), accountants, architects, barristers, doctors, dentists, engineers, an environmental



動興趣小組的工作，新一輪的成員招募在2013年2月展開。每個興趣小組均由本局成員擔任主席，並歡迎其他本局成員參與。

一般而言，興趣小組的職權範圍大致如下：

- a. 就興趣小組職權範圍內的事宜，向法援局建議有關改善的方法及途徑；
- b. 就興趣小組職權範圍內的事宜向法援局匯報有關意見及 / 或評論；及
- c. 審議由法援局或其他方面轉介的任何有關興趣小組相關職權範圍內的事宜。

目前，本局共設兩個興趣小組－「法援申請程序及監察外判制度興趣小組」和「法律援助範圍興趣小組」，分別由熊運信先生和李嘉蓮女士擔任主席，直至2012年8月31日兩位的法援局任期屆滿為止。本局很榮幸由馬華潤先生和周凱靈女士接任興趣小組主席。

consultant, a landscape architect, various members of the social services field, solicitors, and surveyors. To keep up the momentum of interest, another membership drive was launched in February 2013. Each Interest Group is chaired by a Council member. Other Council members are also welcome to join.

Generally, the terms of reference of an Interest Group are –

- a. to make recommendations to the Council on ways and means to improve the subject under the purview of the Interest Group;
- b. to report back to the Council feedback and/or comments in respect of the subject under the purview of the Interest Group; and
- c. to consider any issue relating to the subject under the purview of the Interest Group referred by the Council or other interested parties.

At present, there are two Interest Groups, namely the Interest Group on Processing, Assignment and Monitoring of Assigned-out Cases and the Interest Group on Scope of Legal Aid. During the year, Mr Stephen HUNG and Ms Corrine REMEDIOS had respectively chaired the two Interest Groups before they concluded their term as members of the Council on 31 August 2012. After their retirement from the Council, it is honoured to have Mr Billy MA and Ms Juliana CHOW to chair the Interest Groups instead.

工作小組

本局也會視乎需要成立工作小組，為一些特別課題進行研究並向本局提出建議，或為本局計劃與籌辦活動。在年度內，本局設立的三個工作小組已開展有關工作，小組包括「社區法律服務工作小組」、「法律援助獨立性工作小組」和「法律援助研討會籌備小組」。

興趣小組和工作小組成員名單刊於附錄。

Working Parties

The Council also forms working parties as necessary to study specific issues and make recommendations to the Council or to plan and organize activities of the Council. During the year, three working parties were in operation. They were the Working Party on Community Legal Services, the Working Party on Independence of Legal Aid and the Organizing Committee on Seminar on Legal Aid.

Membership of the Interest Groups and the Working Parties is at the Appendix.



3 主席回顧

Chairman's Review



我很榮幸首次以法律援助服務局主席的身份，向各持份者匯報過去一年本局的工作。

我於2012年9月1日上任。在剛過去的年度，本局完成了「建立一個獨立的法律援助管理局的可行性及可取性」的研究。根據《法律援助服務局條例》第4(5)(b)條，本局有責任就建立一個獨立的法律援助管理局的可行性及可取性向行政長官提出建議。本局於1998年第一次研究有關議題，並在2008年進行檢討。如在檢討報告中向行政長官承諾，本局於2011年年底聘請顧問，即德勤企業管理諮詢(香港)有限公司，就該議題開展新一輪的研究。

It is indeed my pleasure and privilege to address, for the first time, our stakeholders in the capacity as Chairman of the Legal Aid Services Council.

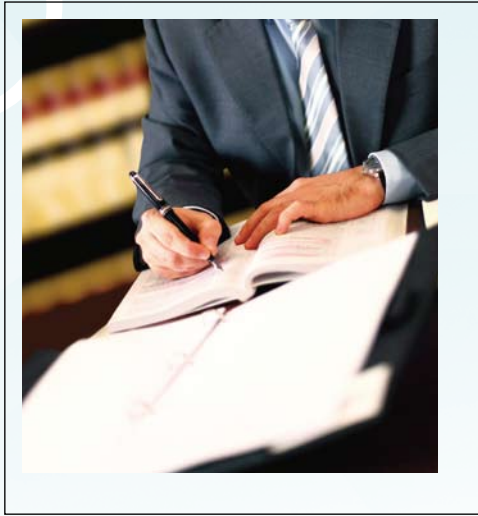
I took office on 1 September 2012. During the year under review, the Council completed the Study on the Feasibility and Desirability of Establishing an Independent Legal Aid Authority. In accordance with Section 4(5)(b) of the Legal Aid Services Council (LASC) Ordinance, it is the responsibility of the Council to advise the Chief Executive on the feasibility and desirability of the establishment of an independent legal aid authority. The Council first studied the issue in 1998 and conducted a review in 2008. As committed in the report to the Chief Executive after the 2008 review, the Council engaged a consultant, Deloitte Consulting (Hong Kong) Limited, in late 2011 to carry out a fresh study on the matter.

The draft report of the study prepared by the consultant was first reviewed by the Working Party on Independence of Legal Aid which was formed under the Council to plan and steer the consultancy study. Given the importance of the independence issue, the revised draft report was submitted to the full Council for consideration in June 2012. Since then the issue has been an item on the agenda of the Council meetings until its report was submitted. With the help of the

顧問所草擬的研究報告初稿先由本局為計劃及督導顧問研究而成立的「法律援助獨立性工作小組」評議。鑑於研究的問題非常重要，經修訂的報告初稿於2012年6月提交本局審議，其後便一直為本局會議的其中一項議題，直至本局向行政長官提交報告為止。本局曾兩度邀請顧問參與本局的會議，以簡介報告初稿的內容和闡釋所提出的建議。在顧問和工作小組的協助下，本局經過仔細商議後，同意顧問的意見，認為香港沒有迫切需要去建立一個獨立法律援助管理機構，以及本局應加強監督法律援助署(法援署)提供優質法律援助服務的職能，透過提高對法援署的管治，增加公眾對香港法治的信心。儘管有前述的結論，本局仍認為值得不時檢討法援的獨立性，以回應不斷轉變的社會期望和政治制度。在2013年4月，本局向行政長官提交了法律援助獨立性研究的建議及調查結果，本局相信所提出的建議如獲接納，將對法援服務在管理問責和運作透明度方面帶來好處，甚至可顯出本港法援服務的質素和運作的獨立性，最終可加強公眾對法援服務的信心。因此本局期望得到政府正面的回應，繼而與相關政府政策局和法援署展開有建設性的對話，制訂落實細則。



Working Party and the consultant who has been invited twice to join the discussion to brief the Council of the draft report and explain on the recommendations they made, the Council, after deliberation, agreed with the consultant that there is no immediate need to establish an independent legal aid authority and the Council's function to oversee the delivery of quality legal aid services should be enhanced to strengthen the governance of the Legal Aid Department (LAD) with a view to enabling public confidence in the rule of law in Hong Kong. Notwithstanding the aforementioned conclusions, the Council maintains the view that it would be worthwhile to revisit the independence issue from time to time as the expectations of our society and our political system continue to evolve in stride. The Council submitted its recommendations / findings on the independence of legal aid to the Chief Executive in April 2013. The Council believes that the recommendations given, if accepted, will bring about benefits in terms of management accountability, operational transparency and ultimately demonstrable quality and characters of operational independence of our legal aid services. These will in turn enhance public confidence in the service. The Council therefore looks forward to receiving the Government's favorable reply and having further productive dialogues with relevant government policy bureau and the LAD in order to work out the necessary implementation details.



本局在去年亦完成了另一項有關提供社區法律服務的研究。研究的目的是檢視社區法律服務的現況和需求，以確定有否存在差距，如有，又如何增補落差的部份。經參考海外司法管轄區的社區法律服務，並與相關非政府組織，社區團體和對提供社區法律服務有興趣的區議會成員磋商，加上分析香港社區法律服務的最新發展，本局認為現有的服務有擴展的空間，尤其在教育和推廣方面，有需要增加公眾的法律知識，提高他們對現有社區法律服務的認識，以及如何從中得到幫助。研究亦建議發展一套網上資訊系統，協助公眾處理法律事務。本局在2012年10月向行政長官提交以上建議，並很高興在2013年5月得到回覆，政府會考慮本局的意見。

在擴大法律援助輔助計劃（輔助計劃）方面，本局歡迎行政當局在考慮本局的意見和建議，以及相關持份者的見解後，向立法會司法及法律事務委員會提交建議，而獲接納的擴大服務範疇亦於2012年11月生效。至於在該階段未獲支持的其他建議，本局得行政當局知

Another study completed by the Council during the year was the provision of legal services at community level. The purpose of the study is to examine the existing provision and requirement of legal services at community level with a view to finding out whether there is any gap and, if yes, how the gap could be filled. Having considered the community legal services available in overseas jurisdictions, discussed with relevant non-governmental organisations, community groups and District Council members that have interest in / concern over the provision of legal services at community level, and examined the latest development of community legal services in Hong Kong, it was concluded that there was room for expansion of the existing service, particularly in the areas of education and promotion to increase the public's legal knowledge as well as their awareness of what legal services are available at the community level and how the services could help them. It was also recommended developing an e-information system to help the public to handle the legal matters. The Council submitted its recommendations to the Chief Executive in October 2012 and was glad to receive notice in May 2013 that the Council's views would be taken into consideration.

On the expansion of the scope of Supplementary Legal Aid Scheme (SLAS), the Council is pleased to know that the Administration, after taking into account the Council's advice and recommendations as well as views from relevant stakeholders, has presented its proposal to the Panel on Administration of Justice and Legal Services (AJLS Panel) of the Legislative Council, and the agreed expansion subsequently came into operation in November 2012. For other proposals not supported for inclusion in SLAS at that stage, the Council was given to know that upon commencement of the expanded SLAS, the Administration would monitor the applications for the newly added proceedings and their impact on the SLAS Fund, and invite the Legal Aid

會，當擴大輔助計劃展開以後，當局會監察新服務範疇的申請情況和對輔助計劃的財政影響，在積累一定經驗後，會邀請法律援助局進一步檢討輔助計劃的服務範疇。以上所述的其他建議包括提議涵蓋少數份數業主就強制售賣樓宇單位向物業發展商提出的申索，及對銷售商品及提供服務的申索。本局歡迎行政當局任何進一步研究此議題的要求，亦會跟進有關發展，於適當時間提出意見。

在2012-2013年，本局面對不少挑戰。而自2006年領導本局、備受尊重的前主席陳茂波先生亦於這年度離任。本局同時要向於2012年8月任滿的熊運信先生、林家禮博士、李嘉蓮女士和於2013年2月辭任的狄朗尼先生告別。他們在任內對本局貢獻良多，本局衷心希望他們未來發展順利，並期望他們在局外繼續支持本局的工作。建基於以往取得的成就，本局將秉持堅定不移的信念，繼續為向公眾提供優質、高效益和具透明度的法律援助服務而努力。未來的工作充滿挑戰，我期待與你攜手，共同維護和鞏固法援這個法治的基石，成就更美好的香港。

Services Council to conduct a further review on the scope of SLAS in the light of the experience gained. The proposals in question included the proposed inclusion of claims against property developers by minority owners in respect of compulsory sales of building units and claims against sale of goods and provision of services. The Council welcomed any request from the Administration for further study on the matter and will keep in view the development and give comment as appropriate.

The year under review was challenging for the Council. It was also this year that the Council saw the departure of our respected former chairman, Mr Paul CHAN Mo Po, who led the Council since 2006. The council also bade farewell to Mr Stephen HUNG, Dr Lee George LAM, and Ms Corinne REMEDIOS whose term of office expired in August 2012, as well as Mr Michael DELANEY who resigned in February 2013. They have made tremendous contributions to the Council during their tenure. The Council wishes them the best in their future endeavours and look forward to their continued support outside the Council. Building on past successes, the Council will continue to take every measured step into the future with firm conviction in what we do, and will charge ahead with our mission in providing quality, efficient, effective and transparent legal aid services to members of our community. There is a lot to be done, and I look forward to working with you to further strengthen this important pillar underpinning the success of Hong Kong.

法律援助的獨立性

Independence of Legal Aid

根據《法律援助服務局條例》第4(5)(b)條，法援局負責就建立一個獨立的法律援助管理局的可行性及可取性向行政長官作出建議。本局於1998年首次研究有關議題，並在2008年進行檢討。如在檢討報告中，向行政長官承諾，本局於2011年年底，聘請顧問，即德勤企業管理諮詢（香港）有限公司，就該議題進行新一輪的研究。

顧問於2012年完成研究，與本局多次討論後，最終完成了研究報告。本局經小心分析調查結果，仔細審議報告內所載建議後，同意香港沒有迫切需要去建立一個獨立法律援助管理機構，以及認同本局應加強監督法援署提供高質素的法律援助服務的職能，透過提高對法援署的管治，增加公眾對香港法治的信心。儘管有前述的結論，本局仍認為值得不時檢討法援的獨立性，以回應不斷轉變的社會期望和政治制度。具體而言，本局主要的建議詳列下文。

制度安排

如顧問所建議，法援處應保留為政府部門，因為該署已有足夠的自主權去處理問題。在研究進行期間，沒有發現政府干預法援管理的實證例子，相反，有不

In accordance with Section 4(5)(b) of the Legal Aid Services Council (LASC) Ordinance, the Council is charged to advise the Chief Executive on the feasibility and desirability of the establishment of an independent legal aid authority. The Council first studied the issue in 1998 and conducted a review in 2008. As committed in the report to the Chief Executive after the 2008 review, the Council engaged Deloitte Consulting (Hong Kong) Limited in late 2011 to carry out a fresh study on the matter.

The consultant completed the study in 2012. The report of the study was finalised after various discussions with the Council. Having carefully examined the findings and deliberated the recommendations contained in the report, the Council agrees that there is no immediate need to establish an independent legal aid authority and the Council's function to oversee the delivery of quality legal aid services should be enhanced to strengthen the governance of the Legal Aid Department (LAD) with a view to enabling public confidence in the rule of law in Hong Kong. Notwithstanding the aforementioned conclusions, the Council also maintains the view that it would be worthwhile to revisit the independence issue from time to time as the expectations of our society and our political system continue to evolve in stride. Specifically, the Council's major recommendations are given in the ensuing paragraphs.

少例子證明只要案件有合理理由，向香港政府提出申索的申請人都能獲批法律援助，例如港珠澳大橋和外傭居留權等案件。本局同意顧問指不同持份者都有法援署缺乏獨立性的觀感，但解決該問題只需要引入改善措施而無需從根本上改變法援署的體制結構。

本局同意顧問的建議，法援署應一如2007年以前的安排，直接由政務司司長管轄。

政務司司長辦公室在2007年以前一直負責制定法律援助政策和監督由法援署實施的各項法援計劃，其後這職責被轉移至民政事務局。這決定引來立法會司法及法律事務委員會、香港大律師公會、香港律師會和其他法援持份者的批評。這些重要持份者對這政策職責的地位遭明顯降級，及對法援署的獨立運作所帶來的負面影響表示關注。本局相信建議將法援署重新編制入政務司司長的工作範圍，會讓這些重要持份者和社會人士明白，法援署的地位和獨立性將得以完全恢復。

本局認為上述的建議較將法援署置於行政長官轄下可取，因為法援署的工作較接近政務司司長現時的工作範疇，例如司法服務，此舉亦較能減少引起另一輪對本局回復法援署在被調入民政局以前的原來地位的簡單目的，而作出不必要的揣測。


至於法定代表律師辦事處方面，雖然在大部分被納入研究的司法管轄區的法定代表律師辦事處是與其法援組織分開，但顧問認為法定代表律師辦事處的運作應維持現況，沒有需要另設一個辦事

Institutional Arrangement

As recommended by the consultant, the LAD should be retained as a government department because it is considered that the degree of independence upheld and exercised by LAD is sufficient. No substantiated example of the Government's interference on legal aid administration has been identified during the study. On the contrary, there are ample examples of legal aid being granted to applicants to pursue claims against the Hong Kong Government as long as the cases have reasonable grounds e.g. the case of Hong Kong-Zhuhai-Macao Bridge and the domestic helpers' right of abode in Hong Kong. The Council agrees with the consultant that the problem of lack of perceived independence, which is more of an issue among different stakeholder groups, exists and it could be addressed by introducing measures of improvement without having to fundamentally change the LAD's institutional structure.

The Council concurs with the recommendation that LAD should be re-positioned and placed directly accountable to the Chief Secretary for Administration (CS), which was its former position before 2007.

The responsibility of formulating legal aid policy and overseeing the implementation of various legal aid schemes by LAD was indeed undertaken by the Office of the CS until 2007. The move then to transfer this responsibility to the Home Affairs Bureau (HAB) has attracted much criticism from the Panel on Administration of Justice and Legal Services of the Legislative Council, the Hong Kong Bar Association, the Law Society of Hong Kong and other legal aid stakeholders. These important stakeholders have expressed concern on the apparently "demoted" status of this policy portfolio and the consequential negative impacts on operational independence of LAD. The Council believes that the proposal to revert LAD back to the purview of CS will



處，因為現時法定代表律師辦事處的規模很小，留在法援署編制內會更具成本效益。目前，法定代表律師辦事處處理案件的數量不多，其中部份是無可爭辯或非訴訟性的，加上與獲得法援的對訟人進行訴訟的案件很少，而在該情況下，受助人通常是由私人執業律師代表，由於已有機制處理可能產生的潛在利益衝突，因此由法援署署長兼任法定代表律師並無問題。不過，為加強對法定代表律師辦事處的管治，顧問建議法定代表律師辦事處應由法援局監察。本局接納顧問上述的建議。

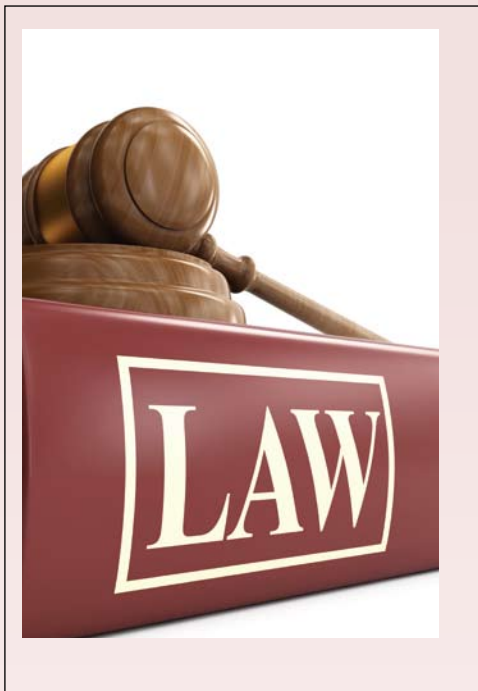
在法援署職員編制方面，顧問建議法援署署長和副署長應繼續為公務員，以防止由於人事更替而影響法援服務。為了加強法援署署長和副署長任命的獨立性，顧問建議法援局獲授予提名的權力，以清晰和透明的甄選準則，提名符合要求的候選人名單給政務司司長作最後決定。顧問同時認為，法援署署長和副署長的工作表現應由法援局評核，其他法援署職員則按現有安排，由其上司評核。本局歡迎給予機會，可以向行政當局在高級管理人員的任命和工作表現方面，提供意見和建議，但認為實際運作模式則仍需與行政當局再作磋商，以免令這些人員比同級公務員，陷於過份不利的境地。

leave these important stakeholders and the community in no doubt that the status and independence of LAD has been hitherto fully restored.

The Council prefers the above option of the consultant to the alternative of placing LAD under the Chief Executive as LAD would sit more closely related with the existing areas of the CS responsibilities such as Judiciary Services and the move is less likely to provoke another round of unnecessary speculation on the Council's simple aim to restore LAD back to its status before being placed under HAB.

As to the Official Solicitor's Office (OSO), although the office of the Official Solicitor (OS) in most of the jurisdictions examined in the study is separate from the jurisdiction's legal aid body, the consultant considered that the operation of OSO should remain status quo and there is no need to set up a separate office. It is because the current setup of OSO is small and it will be more cost effective for OSO to stay within the LAD. The number of cases handled by OSO is not high and some of the cases are non-contentious or non-litigious. The number of litigious cases with the opposite parties being legally aided is few and there is standing arrangement that aided persons in those cases are all represented by private legal practitioners. As measures are in place to mitigate the potential conflicts of interest that may arise, there should not be a problem in having Director of Legal Aid (DLA) serve also as the OS. Nevertheless, to strengthen the governance of OSO, the consultant recommended that the OSO should be monitored by the LASC. The Council accepts the above conclusions of the consultant.

Regarding the staffing of LAD, the consultant recommended that the DLA and Deputy Directors of Legal Aid (DDLAs) should be retained as civil servants



to prevent disruption to legal aid service provision due to changes in personnel. In order to enhance the independence of the appointment of DLA and DDLAs, the consultant recommended LASC be given the power to nominate, on the basis of clear and transparent selection criteria, a pool of candidates eligible for the positions to the CS who will make the final decision. The consultant also considered that the performance of DLA and DDLAs should be evaluated by the LASC while other LAD staff will be assessed by their respective supervisors as at present. Whilst the Council welcomes the opportunity to provide useful input and advice to the Administration on the appointment and performance of these senior officials, the exact mode of operation will need to be further discussed with the Administration in order not to place these officers in an unduly disadvantaged position relative to their equivalent counterparts in civil service.

財政安排

法援署雖由政府撥款，但在運用設定限額以內的撥款時，它仍享有相對較高的自主權。香港的法律援助不設援助金額上限，而法律援助輔助計劃更是財政自給，此等皆被譽為全球先進的法律援助資助機制之一。因此，為了維護現在和將來的法援申請者的最佳利益，有關安排應予保留。

運作安排

為了應對研究報告內提出有關法援署根據〈法律援助條例〉第9條尋求意見時，會選用「優先的律師名冊」中那些傾向贊同法援署署長決定的大律師的觀感問題，顧問建議本局應監督法援署外委律師為根據第9條提供意見。本局接受顧問的意見。

Financial Arrangement

The LAD, though funded by the Government, enjoys a relatively high level of autonomy in allocating its fund within the given limits. Hong Kong's legal aid funding mechanism is recognized as one of the leading practices in the world with its uncapped legal aid fund and self-financing scheme i.e. Supplementary Legal Aid Scheme. Therefore, such arrangements should be maintained for the best interest of existing and future legal aid applicants.

Operational Arrangement

To address the perception problem identified in the study that LAD has a "preferred panel" for providing Section 9 opinions which tend to be in line with DLA's decisions, the consultant recommended that the Council should provide an oversight to the case assignment for obtaining Section 9 opinions. The Council accepts the views of the consultant.

機構管治

根據現行安排，被法律援助署署長拒批的民事案件和刑事案件的法援申請，可分別由高等法院司法常務官和法官覆核。顧問建議應在法律援助署內加設一個健全的上訴機制，審視被拒的民事及刑事案件的法援申請，並提議授權法律援助局監督法律援助署的覆核決定。本局大致認同顧問的意見，會與法律援助署探討落實有關建議的最佳方法。

法律援助服務局

根據《法律援助服務局條例》第4條的規定，本局在指定範疇，負責監督由法律援助署提供的法律援助服務。本局認為授權法律援助局在提名擔任法律援助署署長和副署長的人選，為政務司司長提供意見；協助評核法律援助署署長和副署長的工作表現；監督外委律師根據《法律援助條例》第9條提供意見和覆核法援被拒的案件，以至監察法定代表律師辦事處，都是加強法律援助局監督的角色。雖然顧問未有詳列如何落實細則和哪些事宜需要本局進一步討論，本局意識到或有必要增加額外的財政和人力資源，但需要與否將取決於行政當局期望本局新增職能所達到的成效。本局亦不排除在適當和有需要時，尋求更改《法律援助服務局條例》的現行條例，以更恰當釐定法律援助局監察的角色。

本局相信以上的建議如獲接納，將對法律援助服務在管理問責和運作透明度方面帶來好處，甚至可顯出本港法律援助服務的質素和運作的獨立性，最終可加強公眾對法律援助服務的信心。

Governance

Under the existing arrangement, the DLA's decision to refuse legal aid could be reviewed by the Registrar of the High Court in civil cases and the Judge in criminal cases. The consultant recommended that a robust review mechanism should be introduced within LAD for refusals of civil and criminal legal aid applications, and the LASC was recommended to be given the power to oversee the LAD's decisions. The Council is in general agreement with the consultant and would explore with LAD the best way forward to conduct such reviews.

Legal Aid Services Council

Under Section 4 of the LASC Ordinance, the Council is responsible for overseeing the administration of the legal aid services provided by the LAD within certain limits. The Council considers that the proposals of empowering LASC to provide input on DLA and DDLA candidates to CS for appointment; to assist in the evaluation of DLA and DDLAs' performance, to oversee the assignment of Section 9 cases and the review of refusals of legal aid as well as to monitor the operation of OSO are measures to strengthen the Council's oversight role. Although the consultant has not provided much detail on how it should work and which the Council has to further discuss, the Council is well aware of the fact that depending how these enhanced functions are expected to be performed, there may well be implications on additional financial and staffing resources. The Council has also not ruled out the possibility to seeking legislative amendment to the current LASC Ordinance to better define the oversight role of LASC as and when necessary.

The Council believes that the above recommendations, if accepted, will bring about benefits in terms of management accountability, operational transparency and ultimately demonstrable quality and characters

有一點要記錄在案，在本局對建議達成結論後的一次法援局會議上，有一位於2013年3月由香港大律師公會提名加入本局的成員，對建議提出不同的意見。

本局已於2013年4月提交上述建議給行政長官，並會視乎行政當局的回應，在適當時機給予意見。如果這些建議獲得支持，本局會與相關政府政策局和法援署商討，以制訂執行細則。

of operational independence of our legal aid services. These will in turn enhance public confidence in the service.

It has to be recorded that at a Council meeting held after the Council had already drawn a conclusion on the recommendations, one member, who was nominated by the Hong Kong Bar Association to join the Council in March 2013, provided different opinions on the recommendations.

The Council submitted the recommendations to the Chief Executive in April 2013. It will keep in view the responses of the Administration and give comment as and when appropriate. If the proposals are endorsed, the Council will discuss with the relevant government policy bureau and the LAD to work out the implementation details.

法律援助政策和策略

Legal Aid Policy & Strategy

社區法律服務

Community Legal Services

法援局除了監督由法援署提供的法律援助服務外，也負責向行政長官在法援政策上提供建議。本局一直致力改善為公眾提供的法律服務，因此，本局成立了一個工作小組，負責研究可在社區提供的法律服務。

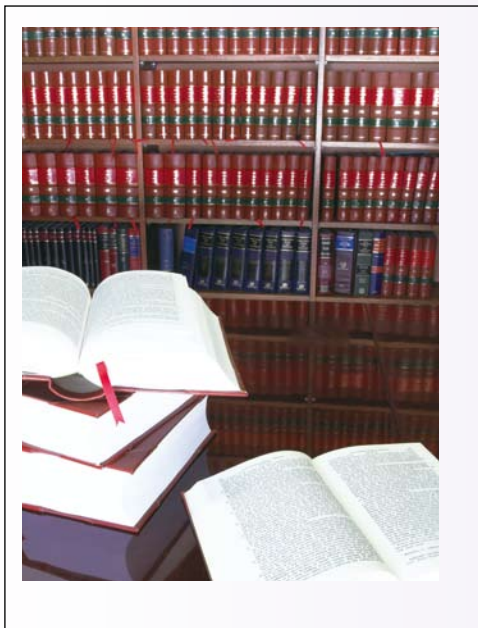
該研究的目的是檢視社區法律服務的現況和需求，以確定有否存在差距，如有，又如何增補落差的部份。為參考海外有關服務的情況，工作小組亦研究選定地區現時提供的法援服務，包括加拿大、安大略省、英國英格蘭和威爾斯、澳洲新南威爾斯、荷蘭、新加坡及台灣。

考量到不同司法管轄區提供的社區法律服務，加上與相關非政府組織、社區團體和對提供社區法律服務有興趣的區議會成員磋商，同時分析香港社區法律服務的最新發展，本局認為現有服務有擴展的空間，尤其在教育和推廣方面，有需要增加公眾的法律知識，提高他們對現有社區法律服務的認識，以及如何可從中得到幫助。研究亦建議發展一套網上資訊系統，協助公眾處理法律事務。下文將闡釋有關細則。

The Council, apart from supervising the provision of legal aid services provided by the Legal Aid Department, is also responsible for advising the Chief Executive on legal aid policy. The Council has all along been keen to improve the legal services provided to the community. A working party was therefore formed under the Council to conduct a study on the provision of legal services at community level.

The purpose of the study is to examine the existing provision and requirement of legal services at community level with a view to finding out whether there is any gap and, if yes, how the gap could be filled. To make reference to the provision overseas, the working party also studied the legal aid services currently provided in selected places, namely the province of Ontario of Canada, England and Wales of the United Kingdom, New South Wales of Australia, the Netherlands, Singapore and Taiwan.

Having considered the community legal services available in different jurisdictions, discussed with relevant non-governmental organisations, community groups and District Council members that have interest in / concern over the provision of legal services at community level, and examined the latest development of community legal services in Hong Kong, it was concluded that



教育和推廣

為協助公眾認識法律賦予的權利、權力、特權和責任，及傳播規則和條例的一般資訊以及關於民事、行政和刑事法的法律程序，本局建議多舉辦工作坊、研討會和推廣活動，以增強公眾的法律知識和權利概念。本局認為這是一項長期的工作，需要持續推行。活動涵蓋的內容不應局限於現時在「社區法網」上提供的資訊。「社區法網」是一個免費的雙語法律資訊網站，自2007年起由香港大學發展和營運，網站的最近更新是由政府資助。社區法律服務推廣活動，亦應包括介紹社區現有的法律服務類別、申請資格、申請手續、申請所需文件等。除此之外，還可邀請律師作專題講座，題目包括離婚、大廈保養、子女撫養權、僱員補償、破產、公司清盤等。活動對象可以是公眾人士、社工、職責涉及為有需要人士提供法律支援或服務的相關政府部門和非政府機構人員、以及在非牟利組織工作並對此議題感興趣的人士。

there was room for expansion of the existing service, particularly in the areas of education and promotion to increase the public's legal knowledge as well as their awareness of what legal services are available at the community level and how the services could help them. It was also recommended developing an e-information system to help the public to handle the legal matters. More details are given in the ensuing paragraphs.

Education and Promotion

Workshops, seminars and publicity events were suggested to be arranged to help promote public understanding of rights, powers, privileges and duties under the laws, and to disseminate general information on rules and regulations as well as legal procedures concerning civil, administrative and criminal law with a view to enhancing the concept on legal rights and legal knowledge of members of the public. The Council considers it as a continuous process. The coverage was recommended not to be limited to the information now maintained by the Community Legal Information Centre, which is a platform developed and run by the University of Hong Kong (HKU) since 2007 to provide bilingual free legal information through its website, and whose recent enhancement is sponsored by the government. The legal services available in the community should also be promoted during the said activities covering the categories, eligibility to apply, application procedures, documents required for application, etc. Lawyers may be invited to give speech on thematic topics such as divorce, maintenance, custody of children, employee's compensation, bankruptcy, winding-up, etc. Target of the proposed activities could be members of the public, social workers, staff of relevant government departments and non-governmental organisations which need to provide support or services to those in need of legal services in discharging their normal duties, and those working in non-profit making organisations interested in the issue.

法律事務的網上資訊

隨著電腦的使用日益普及，公眾人士期望服務變得更加方便，讓他們可在網上得到所需法律資訊。本局因此建議發展一套互動的電子應用系統，容許使用者在網上取得法律資訊，並幫助他們自行解決糾紛／法律衝突。使用者可按指示逐步了解所面對的糾紛／法律衝突，從而認清最適當的解決方法，包括調解。這套電腦應用系統可安裝在被指派提供此建議服務的機構網站內，內容可涵蓋最為公眾關心的事項，例如婚姻問題和僱員補償。

本局相信以上所述的建議都是公平和合理的，並已在2012年12月向行政長官提交。在2013年5月，行政當局通知本局，當「社區法網」進行更新時，將會考慮本局對社區法律服務的意見。本局更獲悉民政事務局已向香港大學了解，與非政府機構合作舉辦專題工作坊、研討會和推廣活動的可能性，以增加公眾的法律知識，提升他們對社區法律服務的認識。本局樂見有關發展。

E-Information on Legal Matters

With the increasing use of computer, members of the public are expecting a more user-friendly service to enable them to obtain the legal information they require electronically. It was recommended that an interactive online application be developed to allow users to gain access to the legal information and to help them to resolve disputes / legal conflicts themselves. Users should be guided step by step along all the aspects of the dispute / legal conflict at hand and be helped identify the most suitable solution including mediation. Such computer application may be made available at the website of the organisation designated for provision of the proposed service. The issues to be covered may include matters that are most concerned such as those relating to matrimonial and employee's compensation.

The Council believes the foregoing recommendations are fair and reasonable. The recommendations were submitted to the Chief Executive in December 2012. In May 2013, the Administration informed the Council that the Council's views on community legal services would be taken into consideration when enhancing the Community Legal Information Centre. The Council was also given to know that the Home Affairs Bureau (HAB) was also exploring with the HKU the possibility in arranging workshops, seminars and publicity events, in collaboration with non-governmental organisations, on thematic topics to increase the public's legal knowledge and enhance their awareness of legal services available at the community level. The Council is glad to see the developments.



為期兩年的「為無律師代表訴訟人 提供法律諮詢服務試驗計劃」

Two-year Pilot Scheme to Provide Legal Advice for Litigants in Person

在 2011-2012年年報中提到行政當局向立法會司法及法律事務委員會（事務委員會）提交文件，簡介一個為期兩年的「為無律師代表訴訟人提供法律諮詢服務試驗計劃」（試驗計劃）的運作架構。當局計劃夥同兩個法律專業團體，並爭取其他專業和有興趣的律師行/大律師事務所支持，推行試驗計劃。計劃的目的是為那些未能負擔私人法律服務，亦不認識本身權利和責任的無律師代表訴訟人，提供有關程序方面的法律意見。當局通知本局該計劃經事務委員會在其2012年2月27日的會議商討後，原則上得到支持。

政府於2012年9月宣布，新成立了「為無律師代表訴訟人提供法律意見督導委員會」（督導委員會），並為督導委員會委任主席及成員。督導委員會主席彭鍵基法官是退休高等法院原訟法庭法官，其他成員包括香港大律師公會、香港律師會、民政事務局和法援署的代表，以及來自社會福利、專業及學術界別的人士。督導委員會負責就試驗計劃的政策及運作，以及為無律師代表訴訟人提供法律意見的未來路向，向民政事務局局長提供意見。

作為行政長官在獲公帑資助的法律援助服務方面的法定諮詢機構，本局曾於局方會議上討論試驗計劃。雖然行政當局已就兩個法律專業團體的意見，修改試

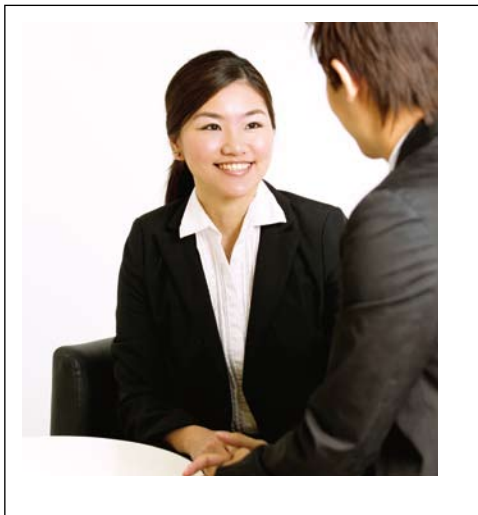
In the Annual Report 2011-2012, it was reported that the Administration had submitted papers to the LegCo AJLS Panel briefing them on the operational framework of the Two-year Pilot Scheme to Provide Legal Advice for Litigants in Person. The Administration aims to launch the scheme in partnership with the two legal professional bodies, and with support from members of other profession and the interested law firms/chambers. The objective of the scheme is to provide legal advice on procedural matters to assist litigants in person who cannot afford private legal services and who lack knowledge of their rights and responsibilities. The Council was informed that after deliberation by the AJLS Panel at its meeting on 27 February 2012, the proposed scheme was in-principle supported by the Panel.

The Government announced in September 2012 the newly set up Steering Committee on the Provision of Legal Advice for Litigants in Person and the appointment of the chairman and members of the Steering Committee. The chairman of the Steering Committee, Mr Justice Pang Kin-kee, is a retiring Judge of the Court of First Instance of the High Court. Other members include representatives of the Hong Kong Bar Association, Law Society of Hong Kong, Home Affairs Bureau and the Legal Aid Department as well as those coming from social welfare, professional and academic fields. The Steering Committee is responsible for advising the Secretary for Home Affairs on the policy and operation of the Two-year Pilot Scheme to Provide Legal Advice for Litigants in Person, and the future arrangements with regard to the provision of legal advice for litigants in person.

驗計劃的運作架構，部份本局成員因以下可能出現的問題，對該計劃的成效仍表示關注：

- a. 試驗計劃的辦事處的辦公時間為星期一至五上午八時三十分至下午五時三十分，與律師行的正常辦公時間相撞，而且試驗計劃是依賴律師的義務參與，但參與計劃的社區律師，只獲發每四小時一千元的酬金，這或會導致人手不足，影響該試驗計劃的運作。
- b. 試驗計劃局限於就民事訴訟法律程序提供意見，但實際上，要分辨程序意見和實質法律意見是頗困難的。
- c. 每節只有四十五分鐘，時間不足以為無律師代表訴訟人提供合適的意見。
- d. 如果律師不能清楚解釋法律理念和原則，以及有關個案的成功機會，訴訟人或會感到失望。

本局已於2012年10月去信督導委員會表達以上的關注。在2013年3月，行政當局提供試驗計劃的運作詳情。本局已注意到有關資料，並將跟進試驗計劃的發展，適時提供意見。



Being a statutory body providing advice to the Chief Executive on the publicly funded legal aid services, the provision of legal advice for litigants in person has been discussed by the Council at its meeting. Although the Administration, having regard to the views of the two legal professional bodies, has revised the operational framework of the pilot scheme, some members of the Council still had concerns on its effectiveness given the following difficulties envisaged:

- a. There may not be sufficient manpower to run the pilot scheme as the operating hours of the proposed LIPs office, which would be from 8:30 a.m. to 5:30 p.m. Monday to Friday, clashes with the normal business hours of law firms; and the scheme relies on pro bono services of the legal professions and only a honorarium of \$1,000 per four-hour shift would be given to the community lawyers under the scheme.
- b. The scheme is limited to civil procedural matters only but, in practice, it was quite difficult to differentiate between procedural advice and advice on substantive law.
- c. a 45-minute-session is considered not adequate for providing proper advice to LIPs.
- d. The litigants would be disappointed if the lawyers could not explain the legal concepts and principles as well as the merits of the case to them.

The Council wrote to the Steering Committee in October 2012 expressing the above concerns. In March 2013, the Administration provided the operational details of the pilot scheme. The Council noted the information. It will keep in view of the development and give comments as and when appropriate.

法律援助輔助計劃的檢討

Review of the Supplementary Legal Aid Scheme

因應民政事務局局長動議修訂《法律援助條例》（第91章）附表2和3，立法會已於2012年7月17日通過擴大普通法律援助計劃（普通計劃）和法律援助輔助計劃（輔助計劃）涵蓋範圍的決議，包括—

- a. 擴大普通計劃的涵蓋範圍，以納入在銷售證券衍生工具、貨幣期貨或其他期貨合約時涉及詐騙、失實陳述或欺騙情況的金錢申索；
- b. 擴大輔助計劃的涵蓋範圍，以納入下列申索金額超過60,000元的申索類別：
 - (i) 關於執業會計師、註冊建築師、註冊專業工程師、註冊專業測量師、註冊專業規劃師、認可土地測量師、地產代理及註冊園境師的專業疏忽的申索；
 - (ii) 關於保險人或其中介人在銷售個人保險產品時涉及疏忽的申索；及
 - (iii) 就售賣已落成或未落成的一手住宅物業向賣方提出的金錢申索；以及
- c. 擴大輔助計劃的涵蓋範圍，在由僱主或僱員就勞資審裁處所作裁決提出的上訴中，為僱員提供法律代表，不論爭議金額為何。

已獲同意擴大的法援涵蓋範圍在2012年11月30日開始生效。行政當局被要求在取得經驗後，檢討在經擴大輔助計劃下的最終分擔費比率。立法會財務委員會已在2012年12月批准撥款，注資

The Resolution to expand the scope of Ordinary Legal Aid Scheme (OLAS) and Supplementary Legal Aid Scheme (SLAS) was passed by the Legislative Council (LegCo) on 17 July 2012 pursuant to a motion moved by the Secretary for Home Affairs to amend Schedules 2 and 3 to the Legal Aid Ordinance (Cap. 91) to –

- a. expand the scope of OLAS to cover monetary claims in derivatives of securities, currency futures or other futures contracts when fraud, misrepresentation or deception is involved in respect of the sale;
- b. expand the scope of SLAS to cover claims of the following categories with claim amounts exceeding \$60,000 –
 - (i) professional negligence claims against certified public accountants (practicing), registered architects, registered professional engineers, registered professional surveyors, registered professional planners, authorised land surveyors, estate agents, and registered landscape architects;
 - (ii) negligence claims against insurers or their intermediaries in respect of the taking out of personal insurance products; and
 - (iii) monetary claims against the vendors in the sale of completed or uncompleted first-hand residential properties; and
- c. expand the scope of SLAS to cover representation for employees in appeals brought by either the employer or the employee against awards made by the Labour Tribunal, regardless of the amount in dispute.

The agreed expansion came into operation on 30 November 2012. The Administration was requested to



一億元予輔助計劃基金，以支持經擴大的輔助計劃。

至於在現階段未獲支持納入輔助計劃的其他建議，行政當局在2012年7月10日向立法會司法及法律事務委員會匯報，待經擴大的輔助計劃實施後，當局會監察就新增法律程序提出的申請及有關個案對輔助計劃基金的影響，並會邀請法律援助服務局根據有關經驗，進一步檢討輔助計劃的涵蓋範圍。未獲支持納入輔助計劃的建議，包括建議納入少數分數業主就強制售賣樓宇單位向物業發展商提出的申索及有關銷售商品及提供服務的申索，本局會跟進發展及適時發表意見。

review the rates of final contribution under the expanded SLAS after acquiring experience. Approval was also obtained from the LegCo Finance Committee to inject \$100 million into the Supplementary Legal Aid Fund in December 2012 to support the expansion of SLAS.

For other proposals not supported for inclusion in SLAS at that stage, the Administration reported to the LegCo Panel on Administration of Justice and Legal Services meeting on 10 July 2012 that upon commencement of the expanded SLAS, they would monitor the applications for the newly added proceedings and their impact on the SLAS Fund, and invite the Legal Aid Services Council to conduct a further review on the scope of SLAS in the light of the experience gained. The proposals in question included the proposed inclusion of claims against property developers by minority owners in respect of compulsory sales of building units and claims against sale of goods and provision of services. The Council will keep in view the development and give comment as appropriate.

法律援助申請人財務資格限額的周年檢討

Annual Review of Financial Eligibility Limits of Legal Aid Applicants

由 2011年5月起，任何人凡其財務資源不超過260,000元，在經濟上均符合資格申請普通法律援助計劃（普通計劃），該計劃涵蓋在區域法院或以上級別法院展開的民事訴訟。按《刑事訴訟程序條例》內的《刑事案件法律援助規則》，財務資格限額亦適用於刑事案件法律援助。法律援助輔助計劃（輔助計劃）的財務資格限額為1,300,000元。

With effect from May 2011, a person whose financial resources do not exceed \$260,000 is financially eligible for legal aid under the Ordinary Legal Aid Scheme (OLAS), which covers civil proceedings in the District Court or higher courts. The eligibility limit also applies to criminal legal aid under the Legal Aid in Criminal Cases Rules of the Criminal Procedure Ordinance. The corresponding limit for the Supplementary Legal Aid Scheme (SLAS) is \$1,300,000.



財務資源指申請人每年可動用收入及可動用資產的總和。可動用收入是指個人的總收入在扣除《法律援助條例》規定的豁免項目後的餘額。可動用資產則指個人的銀行戶口結餘、其他人須付予該人士的款項、非金錢資源的市值、及其業務或在公司的業務中所佔份額的價值的總和，在扣除《法律援助條例》規定的豁免項目後的餘額。

行政當局會對法律援助申請人的財務資格限額進行檢討，包括周年檢討。周年檢討的目的，是計及丙類消費物價指數（物價指數）的變動，以維持財務資格限額的實際價值。

在2012年2月，本局獲悉儘管2011年檢討（即2010年7月至2011年7月期間）的結果為物價指數增加5.4%，行政當局不會調整財務資格限額，因為當局曾於2011年5月分別大幅調高普通計劃及輔助計劃的財務資格限額至260,000元（調高48%）及1,300,000元（調高166%）。

至於2012年的周年檢討，物價指數在2011年7月至2012年7月期間錄得3.7%的升幅。為反映檢討結果，本局知悉行政當局會在立法會提出決議案，建議調高財務資格限額3.7%，即將普通計劃和刑事案件法律援助的財務資格限額由260,000元調高至269,620元，以及將輔助計劃的財務資格限額由1,300,000元調高至1,348,100元。本局歡迎有關調整。

Financial Resources means the aggregate of a legal aid applicant's yearly disposable income and disposable capital. A person's disposable income is his gross income minus deductible items as allowed under the Legal Aid Ordinance. A person's disposable capital is the sum of his credit balance, money due to him, the market value of non-monetary resources and the value of business or share in a company, minus deductible items as allowed under the Legal Aid Ordinance.

The financial eligibility limits (FELs) of legal aid applicants are subject to reviews including the annual review. The purpose of the annual review is to take into account changes in the Consumer Price Index (C) (CPI(C)) so as to maintain the real values of FELs.

In February 2012, the Council was informed that notwithstanding the +5.4% change during the 2011 review period (i.e. from July 2010 to July 2011), the Administration would not make further adjustments as the FELs for OLAS and SLAS had already been substantially increased to \$260,000 (i.e. +48%) and \$1,300,000 (i.e. +166%) respectively in May 2011.

In the 2012 annual review, the change in CPI(C) recorded during the review period from July 2011 to July 2012 was +3.7%. To reflect the findings of the review, the Council was informed that the Administration would give notice for moving a resolution in the Legislative Council to adjust upward the FELs by 3.7%, i.e. from \$260,000 to \$269,620 for OLAS and criminal legal aid, and from \$1,300,000 to \$1,348,100 for SLAS. The Council welcomes the adjustment.

與持份者的聯繫

Liaison with Stakeholders

政府當局

法援局經常與行政當局這個重要的法律援助持份者保持密切聯繫。

在為被拘留人士提供法律支援的議題上，本局的「法律援助範圍興趣小組」邀請了執法部門，包括香港警務處、香港海關、入境事務處和廉政公署參與討論，以了解部門運作及交流彼此的看法。香港警務處更分別在2012年6月和9月來函本局，表達他們對此事宜的進一步意見。

在2013年3月，民政事務局通知本局就法律援助申請人財務資格限額進行的周年檢討已有結果。周年檢討的目的是要根據丙類消費物價指數的變動，調整申請法律援助人士的財務資格限額，以維持限額的實際價值。同月，本局亦獲悉為期兩年為無律師代表訴訟人提供法律諮詢服務的試驗計劃的運作細則。

The Government

The Council maintains regular contact with the Administration, an important stakeholder of legal aid.

On the issue of the provision of legal assistance to detainees, the Interest Group on Scope of Legal Aid formed under the Council has invited the law enforcement agencies including the Hong Kong Police Force, Customs and Excise Department, Immigration Department and the Independent Commission Against Corruption to participate in the discussion with a view to understanding their operation and exchanging views on the issue. The Hong Kong Police Force also wrote to the Council in June and September 2012 providing further views on the matter.

In March 2013, the Home Affairs Bureau informed the Council of the outcome of the Annual Review of Financial Eligibility Limits of Legal Aid Applicants. The purpose of the annual review is to take into account changes in the Consumer Price Index (C) so as to maintain the real value of financial eligibility limits. In the same month, the Council was also informed of the operational details of the Two-year Pilot Scheme to Provide Legal Advice for Litigants in Person.



其他法援持份者

本局明白得到持份者的回應，對履行向行政長官提供法援政策意見的職責是非常重要的。在研究建立一個獨立的法律援助管理局的可行性及可取性時，本局所聘請的顧問曾接觸香港大律師公會和香港律師會。該兩個法律專業團體就法援的獨立性所提交的意見書，已列載入在2013年4月呈交行政長官的研究報告內。除此之外，顧問亦透過訪問、問卷和電話調查收集其他持份者的意見。有關持份者包括學者、法援申請人、執業律師、來自立法會、區議會、社區團體、公營機構、商會和政黨等的成員、法援署和其他政府部門的員工，以及公眾人士。

外展聯繫

本局主席獲香港律師會的邀請，為於2012年10月27日舉行的法律週2012開幕禮擔任主禮嘉賓。在法律週期間，香港律師會特別設立一條熱線，向公眾人士在四個法律範疇提供法律意見，包括：(1)個人傷亡；(2)家事法；(3)與中小企業有關的法律事務；及(4)一般法律諮詢。

Other Stakeholders of Legal Aid

The Council recognizes the importance of obtaining stakeholders' feedback in discharging its function to give advice to the Chief Executive on legal aid policy. In the study of the feasibility and desirability of the establishment of an independent legal aid authority, the Hong Kong Bar Association and the Law Society of Hong Kong have been approached. Their submissions on the independence of legal aid were captured in the report of the study which was submitted to the Chief Executive in April 2013. Apart from the two legal professional bodies, views of other stakeholders including the academics, legal aid applicants, legal practitioners, members of the Legislative Council, district councils, community groups, public bodies, trade unions and political parties, as well as staff of the Legal Aid Department and other government departments and the general public were also collected through interviews, paper and telephone surveys during the study.

Reaching Out

The Council Chairman was invited by the Law Society of Hong Kong as an officiating guest at the Opening Ceremony of the Law Week 2012 held on 27 October 2012. During the Law Week, the Law Society set up a designated helpline providing legal advices to general public on four areas of law, namely: (1) personal injuries; (2) family law; (3) legal matters related to small and medium enterprises; and (4) general legal advices.



法援研討會

作為外展聯繫計劃的一部份，本局於2012年5月19日舉辦法援研討會，主題為「為被警方拘留人士提供法律諮詢服務」。

四位講者獲邀就議題的不同方面作出簡報，他們分別是：(1)香港律師會刑事法律及程序委員會委員李孟華先生；(2)香港社區組織協會社區組織幹事蔡耀昌先生；(3)基督教香港信義會社會服務部天朗中心主任劉宏章先生；及(4)本局前委員狄朗尼先生。本局藉此機會再次感謝他們對本局的支持。

Seminar on Legal Aid

As part of the reaching out program, a seminar on legal aid – Legal Advice to Detainees at Police Station was held by the Council on 19 May 2012.

Four speakers were invited to make presentations on different aspects of the subject. They are 1) Mr Paul LI, Member of Criminal Law and Procedure Committee, Law Society of Hong Kong; 2) Mr Richard TSOI, Community Organizer, Society for Community Organisation; 3) Mr LAU Wang-cheung, Centre-in-charge, Enlighten Centre, Evangelical Lutheran Church of Hong Kong; and 4) Mr Michael DELANEY, ex-member of the Council. Opportunity is taken to thank the speakers for their support given to the Council.



研討會旨在為持份者建構一個平台，就為被警方拘留人士提供法律諮詢服務這議題作出討論和交流意見，以增加他們對議題的認識，並幫助本局收集持份者的看法。

為達到以上的目的，本局邀請了執業律師、其他專業人士、非政府機構、社工、學者、法律系學生、區議會 / 立法會成員及其助理、本局轄下興趣小組成員和政府官員參與研討會。

研討會備受歡迎，本局共接獲逾300個報名查詢。

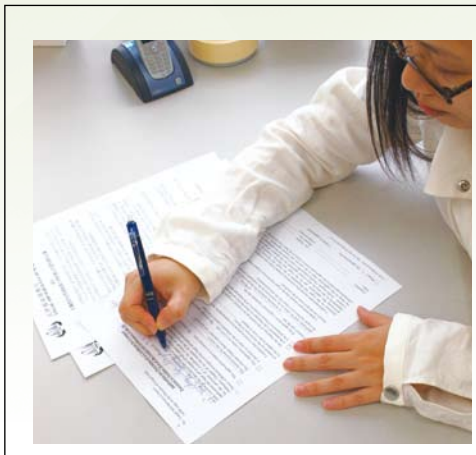
The seminar aimed at providing a forum for stakeholders to discuss and exchange views on the provision of legal advice to detainees at police station with a view to enhancing their understanding of the subject and at the same time enabling the Council to gauge the views of stakeholders towards the matter.

To achieve the above purpose, invitation was extended to legal professions, other professionals, non-governmental organisations, social workers, academics, law students, District Council / Legislative Council members and their assistants, Interest Group members of the Council and government officials.

The seminar was well received. More than 300 requests to participate in the seminar were received.

大律師證明書計劃

Certificate by Counsel Scheme



根據《法律援助條例》第26A條的規定，凡向終審法院提出上訴而不獲批法援的人士，可以在接獲法律援助署署長作出拒絕批出法援的決定後28天內申請覆核。尋求覆核的申請必須附有由在香港執業的大律師發出的證明書，述明該申請人有合理機會向終審法院上訴得直，以及提出該項意見的理由。法律援助服務局自2002年4月起實施一項援助計劃，提供免費大律師證明書予已通過經濟審查的法律援助上訴人，本局一直有在年報中載述計劃的詳情和其運作情況。

截至2013年3月31日，援助計劃的律師名冊上有72名大律師及48名律師。就於2012年4月1日至2013年3月31日期間接獲的申請，本局共將48宗個案外委予大律師和律師處理，詳情如下：

Under section 26A of Legal Aid Ordinance, a person who has been refused legal aid in respect of his appeal to the Court of Final Appeal (CFA) may seek a review of the Director of Legal Aid's refusal within 28 days of the decision. The application for review must be accompanied by a certificate by counsel stating that the person has a reasonable prospect of success in the appeal to the CFA and the grounds for that opinion. In April 2002, an assistance scheme was implemented by the Legal Aid Services Council. A legal aid appellant who has passed the means test may apply to the Council for the provision of a counsel's certificate free of charge. Details of the scheme and its operation have all along been set out in annual reports of the Council.

As at 31 March 2013, the Scheme had 72 counsel and 48 solicitors on the panel. In respect of the applications received during the period from 1 April 2012 to 31 March 2013, the Council made a total of 48 assignments. Details are as follows -



刑事案件 Criminal Cases

	大律師 Counsel	律師 Solicitors
(a) 委派予法援上訴人提名的名冊律師 Assignment to panel lawyers according to legal aid appellants' nomination	43	43
(b) 委派予法援上訴人提名的非名冊律師（其曾於上訴庭代表法援上訴人） Assignment to non-panel lawyers (who have represented the legal aid appellants in the appeal court) according to legal aid appellants' nomination	2	2
委派案件總數 Total assignment	45	45

民事案件 Civil Cases

	大律師 Counsel	律師 Solicitors
(a) 委派予法援上訴人提名的名冊律師 Assignment to panel lawyers according to legal aid appellants' nomination	3	3
(b) 委派予法援上訴人提名的非名冊律師（其曾於上訴庭代表法援上訴人） Assignment to non-panel lawyers (who have represented the legal aid appellants in the appeal court) according to legal aid appellants' nomination	0	0
委派案件總數 Total assignment	3	3

在2012年4月1日至2013年3月31日期間，本局共接獲60宗（53宗刑事案件及7宗民事案件）申請。當中，48宗（45宗刑事案件及3宗民事案件）申請獲批，12宗（8宗刑事案件及4宗民事案件）申請被拒。

就該48宗獲批的申請，已簽發7份（刑事案件）大律師證明書陳述法援上訴人有合理機會上訴得直，以及41份（38宗刑事案件及3宗民事案件）陳述法援上訴人擬向終審法院提出的上訴並無合理機會成功。

From 1 April 2012 to 31 March 2013, the Council received 60 (53 criminal and 7 civil) applications. Of these, 48 (45 criminal and 3 civil) applications were approved and 12 (8 criminal and 4 civil) applications were rejected.

In respect of the 48 approved applications, 7 (criminal) certificates by counsel stating that the legal aid appellants had reasonable prospect of success and 41 certificates by counsel (38 criminal and 3 civil) stating that the legal aid appellants did not have reasonable prospect of success in their intended appeals to the Court of Final Appeal were issued.

至於該7宗獲大律師證明書陳述法援上訴人有合理機會上訴得直的刑事案件，法援署經覆核後，決定為其中6宗案件提供法律援助，但拒絕提供法援予其中1宗案件。

For the 7 criminal cases which were certified by counsel to have reasonable prospect of success, after review the Legal Aid Department (LAD) decided to grant legal aid in 6 of the cases, but not to grant legal aid in one case notwithstanding the counsel certificate.

2011至2012年度及2012至2013年度的統計列表如下：

A table showing the statistics in 2011-2012 and 2012-2013 is appended below -

	2011年4月1日至2012年 3月31日接獲的申請 Applications Received from 1.4.2011 to 31.3.2012			2012年4月1日至2013年 3月31日接獲的申請 Applications Received from 1.4.2012 to 31.3.2013		
	刑事 Criminal	民事 Civil	總計 Total	刑事 Criminal	民事 Civil	總計 Total
1. 申請 Applications						
(a) 獲批 approved	31	6	37	45	3	48
(b) 被拒 rejected	10	6	16	8	4	12
總計 Total	41	12	53	53	7	60
2. 大律師證明書 Certificate by Counsel						
(a) 有合理機會上訴得直 has reasonable prospect of success	6	0	6	7	0	7
(b) 無合理機會上訴得直 has no reasonable prospect of success	25	6	31	38	3	41
總計 Total	31	6	37	45	3	48
3. 有合理機會上訴得直的案件 Cases with reasonable prospect of success						
(a) 經法援署覆核後獲提供法律援助 legal aid granted upon review by LAD	6*	0	6	6	0	6
(b) 經法援署覆核後被拒絕提供法律援助 legal aid not granted upon review by LAD	0	0	0	1	0	1
總計 Total	6*	0	6	7	0	7

* 包括一宗原本獲批但其後被法援署撤消法律援助的案件
including one case originally granted with legal aid but discharged by LAD afterwards.

兩年的統計數據顯示：

- a. 總申請數目增加了13.2%（由2011-2012年度的53宗上升至2012-2013年度的60宗）；當中刑事案件上升了29.3%（由2011-2012年度的41宗上升至2012-2013年度的53宗）；民事案件則減少了41.7%（由2011-2012年度的12宗下降至2012-2013年度的7宗）；
- b. 獲大律師確認有合理機會上訴得直的案件的百分比，由2011-2012年度的16.2%下降至2012-2013年度的14.6%；下降主要來自刑事案件；在2011-2012年度和2012-2013年度並無民事案件獲大律師證明有合理機會上訴得直；及
- c. 撇除1宗原本獲法律援助署批准但其後被撤消法律援助的案件外，法律援助因應大律師證明書提供法律援助案件的百分比，在2011-2012年度(83.3%)及2012-2013年度(85.7%)相約。

就2012-2013年度接獲的申請，共撥出\$1,260,000港元作為支付大律師及律師提供證明書的費用，詳情如下：

The statistics for the two years reveal that –

- a. the total number of applications has increased by 13.2% (from 53 in 2011-2012 to 60 in 2012-2013), with an increase of 29.3% in criminal cases (from 41 in 2011-2012 to 53 in 2012-2013) and a decrease of 41.7% in civil cases (from 12 in 2011-2012 to 7 in 2012-2013);
- b. the percentage of cases certified by counsel to have reasonable prospect of success has decreased from 16.2% in 2011-2012 to 14.6% in 2012-2013, with decrease mainly comes from criminal cases as there were no civil cases certified by counsel to have reasonable prospect of success in both 2011-2012 and 2012-2013; and
- c. excluding the case originally granted with legal aid but discharged by LAD afterwards, the percentage of cases where legal aid was granted by LAD in the light of the counsel certificates are more or less the same in 2011-2012 (83.3%) and 2012-2013 (85.7%).

In respect of the applications received in 2012-2013, HK\$1.26 million was committed as fees for counsel and solicitors for providing the certificates. Details are as follows –

	獲批案件 數目 Number of Cases Approved	每宗案件的大律師費用 Counsel Fee/Case	大律師 費用總計 Total Counsel Fee	每宗案件的 律師費用 Solicitor Fee/Case	律師 費用總計 Total Solicitor Fee	費用 總數 Total Fee
刑事 Criminal	45	\$15,000	\$675,000	\$9,000	\$405,000	\$1,080,000
民事 Civil	3	\$40,000	\$120,000	\$20,000	\$60,000	\$180,000
總數 Total	48		\$795,000		\$465,000	\$1,260,000

委任法律援助服務局主席及成員 Appointments of Chairman and Members to Legal Aid Services Council

在 2012年8月31日，政府公佈委任法律援助服務局主席及成員。

行政長官委任李家祥博士為本局新任主席，以及周凱靈女士、鄺心怡女士和馬華潤先生為本局的新成員，任期由2012年9月1日開始，為期兩年。

在2013年3月1日，政府宣佈委任大律師潘素安女士接替在任內請辭的狄朗尼先生為本局的成員，任期由2013年3月1日起至2014年8月31日止。

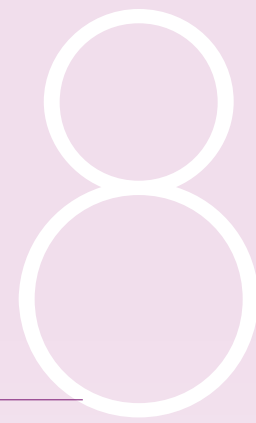
本局相信這支由新舊成員組成的團隊，藉著他們在不同界別的專業知識和背景，將會為本局的工作帶來新的動力和作出寶貴的貢獻。本局亦很感激前任主席陳茂波先生，以及前任成員狄朗尼先生、熊運信先生、林家禮博士和李嘉蓮女士為本局所作的重大貢獻，我們希望他們未來一切順利，並期望他們繼續支持本局的工作。

On 31 August 2012, the Government announced the appointment of the chairman and members of the Legal Aid Services Council.

The Chief Executive has appointed Dr Eric Li Ka Cheung as new chairman of the Council, and Ms Juliana CHOW Hoi Ling, Ms Anna KWONG Sum Yee and Mr Billy MA Wah Yan as new members of the Council. Their terms of appointment are two years, starting from 1 September 2012.

On 1 March 2013, the Government announced the appointment of Ms Josephine Antonetta PINTO, a barrister, as a member of the Council for the period from 1 March 2013 to 31 August 2014, in place of Mr Antony Michael DELANEY who has resigned during his term of appointment.

The Council is confident that the team of new and serving members, with their expertise and background in different sectors, will provide fresh impetus and valuable contributions to the work of the Council. The Council is also very grateful for the enormous contributions that former chairman Mr Paul CHAN, former members Mr Michael DELANEY, Mr Stephen HUNG, Dr Lee George LAM and Ms Corinne REMEDIOS have made. We wish them every success in their future undertakings and look forward to their continued support to the work of the Council.



本局會議出席紀錄

Attendance at Council Meetings

在 2012至2013年度，本局共召開了8次會議，各成員出席率列表如下：

The Council has held eight meetings in the year 2012/2013. Attendance rates of members are set out in the table below:

姓名 Name	出席會議次數 Meetings Attended	出席率 Attendance Rate
李家祥博士 Dr Eric Li Ka Cheung*	5	100%
陳茂波先生 Mr Paul CHAN Mo Po#	3	100%
蔡惠琴女士 Ms Virginia CHOI	7	88%
周凱靈女士 Ms Juliana CHOW*	3	60%
狄朗尼先生 Mr Michael DELANEY##	6	86%
熊運信先生 Mr Stephen HUNG#	2	67%
洪為民博士 Dr Witman HUNG	6	75%
鄭心怡女士 Ms Anna KWONG*	3	60%
林家禮博士 Dr Lee George LAM#	2	67%
梁偉權先生 Mr Edward LEUNG	4	50%
馬華潤先生 Mr Billy MA*	4	80%
潘素安女士 Ms Josephine PINTO##	1	100%
李嘉蓮女士 Ms Corinne REMEDIOS#	3	100%
黃吳潔華女士 Mrs Cecilia WONG	6	75%
法律援助署署長 Director of Legal Aid	8	100%

- * 新任主席及新任成員於2012年9月1日加入本局。在2012年9月至2013年3月期間，本局共舉行了5次會議。
New chairman and members joined the Council on 1 September 2012. During the period from September 2012 to March 2013, five meetings were held.
- # 前任主席及前任成員分別在2012年7月及8月離開本局。在2012年4月至8月期間，本局共舉行了3次會議。
Former chairman and members left the Council in July/August 2012. During the period from April to August 2012, three meetings were held.
- ## 潘素安女士於2013年3月1日加入本局，代替辭任的狄朗尼先生。在2013年3月只舉行了1次會議。
Ms Josephine PINTO joined the Council on 1 March 2013 in place of Mr Michael DELANEY who has resigned. One meeting was held in the month of March 2013.

法律援助服務局網站

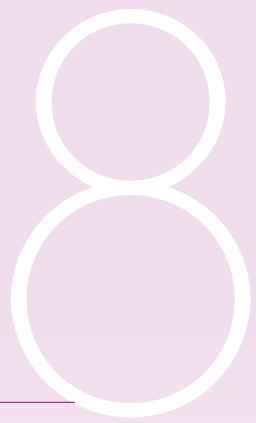
Council Website

為回應政府要求諮詢及法定團體需要更公開和增加透明度，本局繼續將非機密的會議記錄和相關文件及歷年年報上載至本局網站。本局向行政長官提交的意見書，以及本局對一些諮詢議題的回應都已一併上載。在2012年5月舉行的法援研討會的簡報內容亦已上載至本局網站，供公眾及業界人士瀏覽。為令本局網站所載資訊更豐富、網站設計更具吸引力、及瀏覽更便捷，本局曾更新網站，並於2013年4月推出使用。

In response to government's call for openness and transparency of advisory and statutory bodies, the Council continues to upload unclassified minutes and papers of Council meetings, and annual reports of the Council onto the Council's website. The Council's submissions to the Chief Executive and responses to matters on which the Council was consulted have also been uploaded. The presentation materials of the seminar on legal aid held in May 2012 were also placed on the Council's website for easy access by the public and legal practitioners. To make it more informative and appealing to the public as well as to enhance its accessibility, the Council's homepage was revamped and launched in April 2013.



員工及財政 Staff and Finance



政府當局於2005年3月9日將《2005年成文法規(雜項規定)條例草案》提交立法會，當中包括修訂《法律援助服務局條例》，賦予法援局自行聘請員工以及簽署合約（包括租約）的權力。

截至2013年3月31日，秘書處有兩個文書職位由本局合約員工擔任，四個職位由政府借調公務員擔任。

於2012至2013年度本局從政府收取的補助為港幣8,445,828元。全年總支出為港幣8,042,836元。

The Administration introduced the Statute Law (Miscellaneous Provisions) Bill 2005 to the Legislative Council on 9 March 2005 to, among other things, amend the Legal Aid Services Council Ordinance to confer power on the Council to employ staff and to enter into contracts, including leases.

As at 31 March 2013, there were two posts filled by the Council's own staff and four other posts filled by civil servants seconded from the Government.

The subvention received from the Government for 2012-2013 was \$8,445,828. Total expenditure of the year was \$8,042,836.

審計署署長報告

Report of the Director of Audit

獨立審計報告

我已審計法律援助服務局的財務報表，該等財務報表包括於2013年3月31日的資產負債表與截至該日止年度的收支帳目、權益變動表和現金流量表，以及主要會計政策概要及其他附註解釋。

法律援助服務局就財務報表須承擔的責任

按照《法律援助服務局條例》(第489章)及香港財務報告準則，法律援助服務局須編製真實而公平的財務報表，及負責相關的內部控制，以使財務報表不存有由於欺詐或錯誤而導致的重大錯誤陳述。

審計師的責任

我的責任是根據我的審計對該等財務報表作出意見。我已按照《法律援助服務局條例》第13(1)條及審計署的審計準則進行審計。這些準則要求我遵守道德規範，並規劃及執行審計，以合理確定財務報表是否不存有任何重大錯誤陳述。

審計涉及執程序以獲取有關財務報表所載金額及披露資料的審計憑證。所選定的程序取決於審計師的判斷，包括評

Independent Audit Report

I have audited the financial statements of the Legal Aid Services Council which comprise the balance sheet as at 31 March 2013, and the income and expenditure account, statement of changes in equity and statement of cash flows for the year then ended, and a summary of significant accounting policies and other explanatory information.

Legal Aid Services Council's Responsibility for the Financial Statements

The Legal Aid Services Council is responsible for the preparation of financial statements that give a true and fair view in accordance with the Legal Aid Services Council Ordinance (Cap. 489) and Hong Kong Financial Reporting Standards, and for such internal control as the Legal Aid Services Council determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditor's Responsibility

My responsibility is to express an opinion on these financial statements based on my audit. I conducted my audit in accordance with section 13(1) of the Legal Aid Services Council Ordinance and the Audit Commission auditing standards. Those standards require that I comply with ethical requirements and plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

估由於欺詐或錯誤而導致財務報表存有重大錯誤陳述的風險。在評估該等風險時，審計師會考慮該局與編製真實而公平的財務報表有關的內部控制，以設計適當的審計程序，但不會對該局的內部控制效能發表意見。審計亦包括評價法律援助服務局所採用的會計政策的合適性及所作出的會計估計的合理性，以及評價財務報表的整體列報方式。

我相信，我所獲得的審計憑證是充足和適當地為我的審計意見提供基礎。

意見

我認為，該等財務報表已按照香港財務報告準則和《法律援助服務局條例》，真實而公平地反映法律援助服務局於2013年3月31日的財務狀況及截至該日止年度的財務表現及現金流量。

審計署署長
(審計署首席審計師黃達昌代行)

2013年8月27日

審計署
香港灣仔告士打道7號
入境事務大樓26樓

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation of financial statements that give a true and fair view in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by the Legal Aid Services Council, as well as evaluating the overall presentation of the financial statements.

I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my audit opinion.

Opinion

In my opinion, the financial statements give a true and fair view of the financial position of the Legal Aid Services Council as at 31 March 2013, and of its financial performance and cash flows for the year then ended in accordance with Hong Kong Financial Reporting Standards and have been properly prepared in accordance with the Legal Aid Services Council Ordinance.



Frederick T C WONG
Principal Auditor
for Director of Audit

27 August 2013

Audit Commission
26th Floor
Immigration Tower
7 Gloucester Road
Wanchai, Hong Kong

財務報告書及帳目

Financial Reports And Accounts

資產負債表

BALANCE SHEET

截至2013年3月31日止 AS AT 31 MARCH 2013

		註釋 Note	2013 港幣 HK\$	2012 港幣 HK\$
非流動資產	NON-CURRENT ASSETS			
物業、廠房及設備	Property, plant and equipment	5	27,104	43,412
流動資產	CURRENT ASSETS			
銀行存款及庫存現金	Cash at bank and in hand		1,940,821	4,933,976
應收利息	Interest receivable		11	28
按金	Deposit		2,200	2,200
			1,943,032	4,936,204
流動負債	CURRENT LIABILITIES			
應付帳項及應計費用	Accounts payable and accrued charges		(1,559,470)	-
未支付約滿酬金	Provision for gratuities		(3,048)	(7,150)
未放取假期撥備	Provision for untaken leave		(4,518)	(6,207)
遞延收入	Deferred income	7	-	(3,991,384)
			(1,567,036)	(4,004,741)
淨流動資產	NET CURRENT ASSETS		375,996	931,463
淨資產	NET ASSETS		403,100	974,875
上列項目代表	Representing:			
政府基金	GOVERNMENT FUNDS			
經常性補助基金	Recurrent subvention fund		403,100	974,875

隨附註釋1至11亦為上述財務報表的一部份。

此等財務表已於2013年8月27日經法律援助服務局核實及批准發行。

The accompanying notes 1 to 11 form part of these financial statements.

Approved and authorised for issue by the Legal Aid Services Council on 27 August 2013.



李家祥博士 Dr Eric Li Ka Cheung
主席 Chairman

收支報表

INCOME AND EXPENDITURE ACCOUNT

截至2013年3月31日止 FOR THE YEAR ENDED 31 MARCH 2013

		註釋 Note	2013 港幣 HK\$	2012 港幣 HK\$
收入	INCOME			
政府補助	Government subventions	7	8,445,828	5,744,097
利息收入	Interest income		108	89
			<u>8,445,936</u>	<u>5,744,186</u>
其他收入	OTHER INCOME			
可追回訟費	Recovery of legal costs		-	10,000
			<u>8,445,936</u>	<u>5,754,186</u>
支出	EXPENDITURE			
職員酬金	Staff emoluments	8	(3,215,723)	(2,935,069)
租金及管理費	Rent and management fees		(1,512,417)	(1,421,766)
其他開支	Other expenses	9	(3,314,696)	(422,476)
			<u>(8,042,836)</u>	<u>(4,779,311)</u>
本年度盈餘	SURPLUS FOR THE YEAR		403,100	974,875
其他全面收入	Other Comprehensive Income		-	-
本年度全面收益總額	TOTAL COMPREHENSIVE INCOME FOR THE YEAR		<u>403,100</u>	<u>974,875</u>

隨附註釋1至11亦為上述財務報表的一部份。

The accompanying notes 1 to 11 form part of these financial statements.

權益變動表

STATEMENT OF CHANGES IN EQUITY

截至2013年3月31日止 FOR THE YEAR ENDED 31 MARCH 2013

		港幣 HK\$
經常性補助基金	RECURRENT SUBVENTION FUND	
於2011年4月1日結餘	Balance as at 1 April 2011	614,481
退還政府款項	Refunded to Government	(614,481)
當年全面收益總額	Total comprehensive income for the year	<u>974,875</u>
於2012年3月31日結餘	Balance as at 31 March 2012	974,875
退還政府款項	Refunded to Government	(974,875)
當年全面收益總額	Total comprehensive income for the year	<u>403,100</u>
於2013年3月31日結餘	Balance as at 31 March 2013	<u><u>403,100</u></u>

隨附註釋1至11亦為上述財務報表的一部份。

The accompanying notes 1 to 11 form part of these financial statements.

現金流量表

STATEMENT OF CASH FLOWS

截至2013年3月31日止 FOR THE YEAR ENDED 31 MARCH 2013

		2013 港幣 HK\$	2012 港幣 HK\$
經營活動的現金流量	Cash flows from operating activities		
本年度盈餘	Surplus for the year	403,100	974,875
折舊	Depreciation	23,858	22,181
利息收入	Interest income	(108)	(89)
應付帳項及應計費用增加/ (減少)	Increase/ (Decrease) in accounts payable and accrued charges	1,559,470	(257,579)
未支付約滿酬金減少	Decrease in provision for gratuities	(4,102)	(36)
未放取假期撥備(減少)/增加	(Decrease)/ Increase in provision for untaken leave	(1,689)	469
經營活動所得的經營盈餘	Net cash from operating activities	1,980,529	739,821
投資活動的現金流量	Cash flows from investing activities		
購入物業、廠房及設備	Acquisition of property, plant and equipment	(7,550)	(14,758)
已收利息	Interest received	125	67
投資活動所得的現金淨額	Net cash used in investing activities	(7,425)	(14,691)
融資活動的現金流量	Cash flows from financing activities		
遞延收入(減少)/增加	(Decrease)/ Increase in deferred income	(3,991,384)	3,991,384
退還政府款項	Amount refunded to Government	(974,875)	(614,481)
融資活動(所用)/所得的 現金淨額	Net cash (used in) / from financing activities	(4,966,259)	3,376,903
現金及現金等值項目 (減少)/增加淨額	Net (decrease) / increase in cash and cash equivalents	(2,993,155)	4,102,033
年初的現金及現金等值項目	Cash and cash equivalents at beginning of year	4,933,976	831,943
年末的現金及現金等值項目	Cash and cash equivalents at end of year	1,940,821	4,933,976
現金及現金等值項目的 結餘分析	Analysis of the balances of cash and cash equivalents		
銀行存款及庫存現金	Cash at bank and in hand	1,940,821	4,933,976

隨附註釋1至11亦為上述財務報表的一部份。

The accompanying notes 1 to 11 form part of these financial statements.

帳目附註

NOTES TO THE FINANCIAL STATEMENTS

1. 一般資料

法律援助服務局（本局）於1996年9月1日根據《法律援助服務局條例》（第489章）註冊成立。

本局乃為一個非牟利組織，旨在監管在香港由法律援助署提供的法律援助服務，並就法律援助政策向政府提供意見。

本局註冊辦事處的地址為香港銅鑼灣告士打道262號鵬利中心16樓1601室。

2. 主要會計政策

2.1 符合準則聲明

此等財務報表乃根據香港會計師公會頒布的香港財務報告準則（香港財務報告準則）的所有適用規定，以及《法律援助服務局條例》的有關規定編製。

2.2 編製基準

財務報表按應計記帳方式及歷史成本法編製。

編製符合香港財務報告準則的財務報表需要管理層作出會影響會計政策的實施、以及資產與負債和收入與支出的呈報款額的判斷、估計及假設。該等估計及相關的假

1. General Information

The Legal Aid Services Council (“the Council”) was incorporated on 1 September 1996 under the Legal Aid Services Council Ordinance (Cap. 489).

The Council is a non-profit-making organisation formed for the objective of supervising the provision of legal aid services in Hong Kong provided by the Legal Aid Department and advising the Government on legal aid policy.

The address of its registered office is Room 1601, 16/F, Top Glory Tower, 262 Gloucester Road, Causeway Bay, Hong Kong.

2. Significant Accounting Policies

2.1 Statement of compliance

The financial statements have been prepared in accordance with all applicable Hong Kong Financial Reporting Standards (HKFRSs) issued by the Hong Kong Institute of Certified Public Accountants and the requirements of the Legal Aid Services Council Ordinance.

2.2 Basis of preparation

The financial statements have been prepared on an accrual basis and under the historical cost convention.

The preparation of financial statements in conformity with HKFRSs requires management to make judgements, estimates and assumptions that affect the application of policies and

設，均按經驗及其他在有關情況下被認為合理的因素而制訂。倘若沒有其他現成數據可供參考，則會採用該等估計及假設作為判斷有關資產及負債的帳面值的基礎。估計結果或會與實際價值有所不同。

該等估計及相關假設會被不斷檢討修訂。如修訂只影響本會計期，會在作出修訂的期內確認，但如影響本期及未來的會計期，有關修訂便會在該期及未來的會計期內確認。

本局在實施會計政策時並不涉及任何關鍵的會計判斷。在結算日亦無任何對未來作出的主要假設或估計有其他重要的不明朗因素會構成重大風險，導致資產和負債的帳面值在來年大幅修訂。

2.3 採納新訂 / 經修訂香港財務報告準則

本局已採納所有於現行會計期間有效並與本局相關的新訂 / 經修訂香港財務報告準則。

本局並無採用任何於本會計期間尚未生效的修訂、新準則及詮釋，本局正就該等修訂、新準則及詮釋在首次採用期間預期會產生的影響進行評估。直至目前為止，所得結論是採納該等修訂、新

reported amounts of assets, liabilities, income and expenditure. The estimates and associated assumptions are based on experience and various other factors that are believed to be reasonable under the circumstances, the results of which form the basis for making judgements about the carrying values of assets and liabilities that are not readily apparent from other sources. Actual results may differ from these estimates.

The estimates and underlying assumptions are reviewed on an ongoing basis. Revisions to accounting estimates are recognised in the period in which the estimate is revised if the revision affects only that period, or in the period of the revision and future periods if the revision affects both current and future periods.

There are no critical accounting judgements involved in the application of the Council's accounting policies. There are neither key assumptions concerning the future nor other key sources of estimation uncertainty at the balance sheet date that have a significant risk of causing a material adjustment to the carrying amounts of assets and liabilities in the next year.

2.3 Adoption of new / revised HKFRSs

The Council has adopted all new/revised HKFRSs which are effective and relevant to the Council for the current accounting period.

The Council has not early adopted any amendments, new standards and interpretations which are not yet effective for the current accounting period. The Council is in the process of making an assessment of what the impact of these amendments, new standards and interpretations is expected to be in the period of initial adoption.

準則及詮釋不大可能對本局的運作成果及財務狀況構成重大影響。

2.4 收益確認

當可以合理地確定本局會履行政府補助的附帶條件並收到補助時，該政府補助便會在收支賬目內確認為收入。

與收入有關的政府補助會遞延至與相關支出產生時，才在收支報表內確認為有關期間的收入。

利息收入採用實際利息法以時間比例計算確認入帳。實際利息法是計算金融資產的攤銷成本值，以及攤分在有關期間的利息收入的方法。實際利率是指可將金融資產在預計有效期間(或適用的較短期間)內的預計現金收入，折現成該金融資產的帳面淨值所適用的貼現率。

2.5 物業、廠房及設備

物業、廠房及設備包括價值5,000元以上的辦公室及電腦設備，估計可使用期超過一年。

物業、廠房及設備以成本減累計折舊及任何減值虧損後列帳。折舊乃按物業、廠房及設備的成本減除其估計剩餘價值後，以直線法按以下估計可使用期計算：

So far, it has concluded that the adoption of them is unlikely to have a significant impact on the Council's result of operations and financial position.

2.4 Revenue recognition

A government subvention is recognised when there is a reasonable assurance that the Council will comply with the conditions attaching to it and that the subvention will be received.

Government subventions relating to income are deferred and recognised in the income and expenditure account over the period necessary to match them with the costs they are intended to compensate.

Interest income is recognised on a time-proportion basis using the effective interest method. The effective interest method is a method of calculating the amortised cost of a financial asset and of allocating the interest income over the relevant period. The effective interest rate is the rate that exactly discounts estimated future cash receipts through the expected life of the financial asset or, when appropriate, a shorter period to the net carrying amount of the financial asset.

2.5 Property, plant and equipment

Property, plant and equipment include office and computer equipment costing HK\$5,000 or more with estimated useful lives longer than one year.

Property, plant and equipment are stated in the balance sheet at cost less accumulated depreciation and any impairment losses. Depreciation is calculated to write off the cost of property, plant and equipment, less their estimated residual values, on a straight-line basis over their estimated useful lives as follows:

辦公室設備	5年
電腦設備	3年

出售物業、廠房及設備產生的收益或虧損乃按出售收入淨值與資產的帳面值的差額決定，並於出售日於收支帳確認。

2.6 僱員福利

合約酬金、薪金及年假均於員工提供相關服務的年度內記帳並確認為支出。員工相關成本包括政府提供予員工的退休及住房福利，於提供服務的年度內列作支出。

2.7 經營租賃

凡所有權的絕大部分風險和回報由出租人保留的租賃，均列作經營租賃。根據經營租賃(扣除出租人給予的任何優惠)作出的租賃付款按相關租賃期以直線法於收支帳中扣除。

2.8 現金及現金等值項目

就現金流量表而言，現金及現金等值項目包括庫存現金、活期存款，及其他短期高度流動投資項目。短期高度流動投資是指可隨時轉換為已知數額的現金，其涉及的價值改變風險不大於購入時於三個月內期滿的投資。

Office equipment	5 years
Computer equipment	3 years

Gains or losses arising from the disposal of property, plant and equipment are determined as the difference between the net disposal proceeds and the carrying amount of the asset, and are recognised in the income and expenditure account at the date of disposal.

2.6 Employee benefits

Contract gratuities, salaries and annual leave entitlements are accrued and recognised as expenditure in the year in which associated services are rendered by the staff. Staff on-costs, including pension and housing benefits provided to the staff by the Government, are charged as expenditure in the year in which the services are rendered.

2.7 Operating lease

Leases in which a significant portion of the risks and rewards of ownership is retained by the lessors are classified as operating leases. Rental payments made under operating leases (net of any incentives received from the lessors) are charged to the income and expenditure account on a straight-line basis over the period of the relevant leases.

2.8 Cash and cash equivalents

For the purpose of the statement of cash flows, cash and cash equivalents comprise cash on hand, demand deposits and other short-term highly liquid investments that are readily convertible to a known amount of cash and are subject to an insignificant risk of changes in value, having been within three months of maturity when acquired.

3. 財務風險管理目標及政策

本局以銀行存款及應付帳項為主要財務工具，而由該等財務工具引起的風險主要是信貸風險和流動資金風險。

信貸風險

信貸風險是指某一方未能償還債務而導致另一方招致財政損失。為減低信貸風險，本局的現金存於香港一間主要持牌銀行。

流動資金風險

流動資金風險是指機構在支付財務負債時遇到困難。本局已制定一項流動資金政策，由本局成員定期檢討。此政策規定本局的流動資金每月維持在一個穩健水平，確保有足夠流動資金支付債務。

4. 資本管理

本局的資本來源是政府的經常性補助。本局管理資本的目標為：

- 合符法律援助服務局條例；及
- 依第一點所述的目標，維持資本水平以資助本局的營運。

本局管理資本的目標，是確保本局有足夠資本水平去支付未來支出，包括現金流量的預計需要及未來財務負債及承擔。

3. Financial Risk Management Objectives And Policies

The Council's major financial instruments are cash at bank and accounts payable. The main risks associated with these financial instruments are credit risk and liquidity risk.

Credit risk

Credit risk is the risk that one party to a financial instrument will fail to discharge an obligation and cause the other party to incur a financial loss. In order to minimise the credit risk, the Council's cash at bank is placed with a major licensed bank in Hong Kong.

Liquidity risk

Liquidity risk is the risk that an entity will encounter difficulty in meeting obligations associated with financial liabilities. The council has laid down a liquidity policy which is reviewed regularly by the Council members. This policy requires the Council to maintain a conservative level of liquid funds on a monthly basis to ensure the availability of adequate liquid funds to meet all obligations.

4. Capital Management

The capital of the Council consists solely of funds from the recurrent government subvention. The Council's objectives when managing capital are:

- to comply with the Legal Aid Services Council Ordinance; and
- to maintain a capital base to fund the operation of the Council for the objective stated in Note 1 above.

The Council manages its capital to ensure that the level is adequate to fund future expenditure, taking into account its projected cash flow requirements, future financial obligations and commitments.

5. 物業、廠房及設備

5. Property, Plant And Equipment

		電腦設備 Computer equipment 港幣 HK\$	辦公室設備 Office equipment 港幣 HK\$	總數 Total 港幣 HK\$
成本	Cost			
於2011年4月1日	At 1 April 2011	57,849	51,774	109,623
當年購入	Addition during the year	14,758	-	14,758
於2012年4月1日	At 1 April 2012	72,607	51,774	124,381
當年購入	Addition during the year	7,550	-	7,550
於2013年3月31日	At 31 March 2013	80,157	51,774	131,931
累積折舊	Accumulated depreciation			
於2011年4月1日	At 1 April 2011	37,704	21,084	58,788
當年撇除	Charge for the year	11,826	10,355	22,181
於2012年4月1日	At 1 April 2012	49,530	31,439	80,969
當年撇除	Charge for the year	13,504	10,354	23,858
於2013年3月31日	At 31 March 2013	63,034	41,793	104,827
淨值	Net book value			
於2013年3月31日	At 31 March 2013	17,123	9,981	27,104
於2012年3月31日	At 31 March 2012	23,077	20,335	43,412

6. 或然儲備

經行政署長在1996年6月9日的函件批准，本局可保留一項或然儲備。儲備的最大金額為以下金額總額：

- 在上一年度所獲得的銀行利息；及
- 本局在上一年度的經常性補助（不包括銀行利息）除却開支所得盈餘的5%。

任何或然儲備的運用須徵求民政事務局局長的批准。

6. Contingency Reserve

As agreed in the Director of Administration's letter of 9 June 1999, the Council can carry a contingency reserve. The maximum amount of reserve is the sum of

- bank interests earned in the preceding year; and
- 5% of the surplus of the Council's recurrent subvention (excluding bank interests) over expenditure in the preceding year.

The approval of the Secretary for Home Affairs must be sought for any proposed use of the contingency reserve.

7. 遞延收入 / 政府補助

從香港特別行政區政府收取的補助為8,445,828港元(2012年：9,735,481港元)。

7. Deferred Income / Government Subventions

Subventions received from the Government of the Hong Kong Special Administrative Region amounted to HK\$8,445,828 (2012: HK\$9,735,481):

		2013 港幣 HK\$	2012 港幣 HK\$
年初結餘	Balance at beginning of year	3,991,384	-
資助法律援助獨立性 顧問研究的非經常性補助	Non-recurrent grant for the commissioning of a consultancy study of the independence of legal aid	-	4,000,000
顧問研究相關開支	Consultancy study related expenses	-	(8,616)
退還政府款項	Amount refunded to Government	(3,991,384)	-
遞延收入	Deferred income	-	3,991,384
每年經常性資助	Annual recurrent grant	5,405,000	5,704,735
資助法律援助獨立性 顧問研究的非經常性補助	Non-recurrent grant for the commissioning of a consultancy study of the independence of legal aid	2,992,000	8,616
或然資助	Contingency grant	48,828	30,746
政府補助	Subventions from the Government	<u>8,445,828</u>	<u>5,744,097</u>
總補助所得	Total subventions received	<u>8,445,828</u>	<u>9,735,481</u>

用作顧問研究的非經常性補助會在相關支出產生時，才在收支報表內確認為有關期間的收入。由去年結轉的非經常性補助餘額已於年內退還政府。

The non-recurrent grant for the consultancy study is recognised in the income and expenditure account over the period necessary to match the grant with the related costs of the consultancy study. The balance of the non-recurrent grant brought forward from last year has been refunded to the Government during the year.

8. 員工酬金

8. Staff Emoluments

		2013 港幣 HK\$	2012 港幣 HK\$
薪金	Salaries		
• 公務員員工	• Civil service staff	2,970,033	2,690,194
• 非公務員合約員工	• Non-civil-service contract staff	219,247	215,525
約滿酬金	Gratuities	7,900	11,503
強積金	Provident fund	11,989	11,640
未放取假期撥備	Provision for untaken leave for non-civil-service contract staff	6,554	6,207
		<u>3,215,723</u>	<u>2,935,069</u>

9. 其他支出

9. Other Expenses

		2013 港幣 HK\$	2012 港幣 HK\$
顧問費用	Consultancy fee	2,995,475	-
編製年報 / 通訊	Production of annual report/newsletter	58,970	57,695
常規出版物、期刊及雜誌	General publications, periodicals and journals	43,670	43,411
會計費用	Accountancy fee	40,500	40,500
註銷可追回訟費	Recoverable legal costs written off	-	10,000
研討會支出	Conference expenses	48,843	107,729
其他行政支出	Other administration expenses	103,380	140,960
折舊	Depreciation	23,858	22,181
		<u>3,314,696</u>	<u>422,476</u>

10. 承擔

根據不可撤銷經營租賃，未來須支付的最低租賃付款總額如下：

10. Commitments

The future aggregate minimum lease payments under non-cancellable operating leases are as follows:

		2013 港幣 HK\$	2012 港幣 HK\$
一年內	Within 1 year	1,336,152	1,336,152
第二到五年內	After 1 year but within 5 years	718,361	2,054,513
		<u>2,054,513</u>	<u>3,390,665</u>

11. 財務資產及財務負債的 公平值

所有財務資產及財務負債均以與其公平值相同或相差不大的金額在資產負債表內列帳。

11. Fair Values Of Financial Assets And Liabilities

All financial assets and liabilities are stated in the balance sheet at amounts equal to or not materially different from their fair values.

興趣小組成員名單

Membership of the Interest Groups

法援申請程序及監察外判制度興趣小組

Interest Group on Processing, Assignment and Monitoring of Assigned-out Cases

主席 Chairperson :

熊運信 (至2012年8月31日止)
馬華潤 (由2012年11月8日起)

HUNG Stephen (up to 31 August 2012)
MA Billy (from 8 November 2012 onward)

成員 Members :

鄺心怡	KWONG Anna	麥樂嫦*	MAK L S Mabel*
彭思傑*	BARNES H C Peter*	麥振才*	MAK Simon*
畢保麒*	BURKE Patrick Michael*	-	McGOWAN H M James*
陳少康*	CHAN Honby*	吳建華	NG Kin Wah
陳健樂*	CHAN Kin Lok, Paul*	吳傑華*	NG Ray*
陳元敬	CHAN Yuen King, Paul	吳恩兒*	NG Yan Yee*
鄭嘉聰*	CHANG Ka Chung*	彭慶東*	PANG Hing Tung, Pierre*
莊 巖	CHUANG Yim, Chris	金偉民	SADHWANI Kamlesh Arjan
帝理邁	DALY Mark Douglas	鄧賜強	TANG Chi Keung, Paul
何 顯*	HO Frankie*	杜偉強	TO Wai Keung
何文楷	HO Man Kai	曾嘉麗	TSANG K L Kitty
何穎恩*	HO Veng Ian, Rebecca*	蔡耀昌*	TSOI Yiu Cheong, Richard*
葉永玉醫生*	Dr IP Wing Yuk, Josephine*	韋智達	VIDLER Michael John
顧增海	KOO Tsang Hoi	溫錦泉	WAN Kam Chuen
郭啟彬*	KWOK K B Benny*	黃陳子英	WONG CHAN Tsz Ying, Ruth
郭偉強	KWOK Wai Keung	王智源*	WONG Chi Yuen*
郭 威*	KWOK William*	王金典	WONG Kim Tin
林健培*	LAM Kin Pui*	黃偉賢	WONG Wai Yin, Zachary
林國榮博士*	Dr LAM Kwok Wing*	黃宏泰*	WONG Wang Tai, Ivan*
林煒彬*	LAM Wai Pan, Wilson*	黃貴生	WONG Kwai Sang, Kays
李福基醫生*	Dr LEE Fook Kay, Aaron*	汪耀誠	WONG Yiu Shing
李偉雄醫生*	Dr LEE Wai Hung, Danny*	吳德龍	WU Bernard
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李孟華*	LI Mang Wah, Paul*	楊超發醫生*	Dr YEUNG Chiu Fat, Henry*
梁素娟*	LIANG PUI Saw Kian, Susan*	楊浩然	YEUNG Sui Yin, Victor
練安妮*	LIN Annie*	葉健強*	YIP Kin Keung*
廖保珠	LIU Po Chu	余廣文	YU Kwong Man
廖穎康醫生*	Dr LIU Wing Hong*		

* 同時加入兩個興趣小組的成員
members who joined both Interest Groups

法律援助範圍興趣小組

Interest Group on Scope of Legal Aid

主席 Chairperson :

李嘉蓮 (至2012年8月31日止)

REMEDIOS Corinne (up to 31 August 2012)

周凱靈 (由2012年11月8日起)

CHOW Juliana (from 8 November 2012 onward)

成員 Members :

蔡惠琴	CHOI Virginia	李偉雄醫生*	Dr LEE Wai Hung, Danny*
洪為民博士	Dr HUNG Witman	梁偉文	LEUNG Wai Man, Raymond
彭思傑*	BARNES H C Peter*	李芝蘭教授	Prof LI Che Lan, Linda
畢保麒*	BURKE Patrick Michael*	李孟華*	LI Mang Wah, Paul*
陳少康*	CHAN Honby*	利炳輝	LI Ping Fai, Tommy
陳健樂*	CHAN Kin Lok, Paul*	梁素娟*	LIANG PUI Saw Kian, Susan*
鄭嘉聰*	CHANG Ka Chung*	練安妮*	LIN Annie *
趙文宗博士	Dr CHIU Man Chung, Andy	廖穎康醫生*	Dr LIU Wing Hong*
莊耀勤	CHONG Y K Sherman	盧炯宇	LO Kwing Yu
何 顯*	HO Frankie*	麥海華	MAK Hoi Wah
何國鈞	HO K K Thomas	麥樂嫦*	MAK L S Mabel*
何少亮	HO Siu Leung, Nelson	麥振才*	MAK Simon*
何穎恩*	HO Veng Ian, Rebecca*	-	McGOWAN H M James*
葉永玉醫生*	Dr IP Wing Yuk, Josephine*	吳恩兒*	NG Yan Yee*
江淑華	KONG Florence	吳傑華*	NG Ray*
郭啟彬*	KWOK K B Benny*	彭慶東*	PANG Hing Tung, Pierre*
郭 威*	KWOK William*	鄧珮頤	TANG Pui Yee, Phoebe
黎世康	LAI Sai Hong	蔡耀昌*	TSOI Yiu Cheong, Richard*
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林健培*	LAM Kin Pui*	黃劍文	WONG Kim Man
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李 健	LEE Arthur	楊超發醫生*	Dr YEUNG Chiu Fat, Henry*
李福基醫生*	Dr LEE Fook Kay, Aaron*	葉健強*	YIP Kin Keung*

* 同時加入兩個興趣小組的成員
members who joined both Interest Groups

工作小組成員名單

Membership of the Working Parties



社區法律服務工作小組

Working Party on Community Legal Services

主席 Chairperson :

林家禮博士 (至2012年8月31日止)

Dr LAM Lee George (up to 31 August 2012)

蔡惠琴 (由2012年9月20日起)

CHOI Virginia (from 20 September 2012 onward)

成員 Members :

熊運信 (至2012年8月31日止)

HUNG Stephen (up to 31 August 2012)

洪為民博士

Dr HUNG Witman

馬華潤 (由2012年9月20日起)

MA Billy (from 20 September 2012 onward)

增選成員 Co-opted Member :

陳愛容 (法援署)

CHAN O Y Juliana, LAD

法律援助獨立性工作小組

Working Party on Independence of Legal Aid

主席 Chairperson :

林家禮博士 (至2012年8月31日止)

Dr LAM Lee George (up to 31 August 2012)

洪為民博士 (由2012年11月8日起)

Dr HUNG Witman (from 8 November 2012 onward)

成員 Members :

狄朗尼 (至2013年2月28日止)

DELANEY Michael (up to 28 February 2013)

洪為民博士 (至2012年11月7日止)

Dr HUNG Witman (up to 7 November 2013)

黃吳潔華

WONG Cecilia



法律援助研討會籌備委員會

Organizing Committee on Seminar on Legal Aid

聯合籌委 Co-organiser :

蔡惠琴
黃吳潔華

CHOI Virginia
WONG Cecilia



法律援助服務局
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