



年報 Annual Report
2014 - 2015



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

本局的使命是確保提供優質、快捷、妥當的法援服務，並為此爭取足夠的經費；爭取改善關於或影響法律援助服務的法律和行政制度；協助加強公眾對法援服務的認識；以及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 by people of limited means.

Mission

The mission of the Council is to ensure provision of high quality, efficient and effective legal aid services and to secure adequate funding therefor; to seek to improve continually the legal and administrative systems concerning and affecting the provision of legal aid; to help increase public awareness of legal aid; and to keep under review the establishment of an independent legal aid authority.



本局的信念是：

全力以赴、公正獨立、通眾近民、開誠佈公及敏於眾望。

The Council's values are:

Committed, Independent and Fair, Accessible,
Transparent and Responsive.

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。本局亦積極推展法律援助服務。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，獨立性是本局其中一項核心價值。在確認不同持分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。

Values

Committed

The Council is committed to its work and upholds its vision, mission and values (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.

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，或與本局就特定事宜溝通，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、持分者及本港或海外對法援有興趣人士的溝通渠道。

開誠佈公

加深公眾對本局的瞭解可加強公眾對本局及法援服務的信任，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局的工作。

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.

Transparent

A better understanding of the Council will enhance trust in the Council and legal aid services being provided. It is a prerequisite 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.



敏於眾望

基於兩種原因，本局須敏銳回應。首先，法律援助服務與整個社會的各個範疇息息相關。為了對法援政策提供完善的意見，及有效監督法援署提供的法援服務，本局須緊貼社會、經濟及政治狀況、法律慣例及技術革新的變化，並積極應對。此外，對公眾投訴或諮詢作出及時全面的回應，將能建立更有效與公眾溝通的渠道，有助公眾透過本局積極參與法律援助服務的管理。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。

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.

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關於法援局 About the LASC

成立

法援局根據《法律援助服務局條例》（第489章）在1996年9月1日成立，是一個法人團體，負責監管由法律援助署（「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。

自成立以來，本局對香港的法援服務作出多方面的建議。在法援政策方面，本局向政府就政策範疇事宜提供意見，並提出措施加強法援的獨立性；至於法援服務的管理，本局就改善法援申請和審批的程序、分派案件予私人執業律師的制度及安排、外判案件的監察、被拒法援申請的上訴機制，以及法援署的資訊系統策略等提出建議。本局亦舉辦了會議和研討會等外展活動，提高市民對法援的認識。

法援局的成員

法援局的組成包括主席一名，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或律師行業沒有其他直接關係；持有根據《法律執業者條例》（第159章）發出的執業證書的大律師及律師各兩名；以及四名行政長官認為他們與大律師或律師行業無任何關係的人士。所有成員均由行政長官委任。法律援助署署長是本局的當然成員。

The Establishment

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

Since its establishment, the Council has made recommendations on various aspects of the legal aid services in Hong Kong. On legal aid policy, the Council has provided the Government with advice on issues covered in the policy, and has proposed measures to enhance the independence of legal aid. On the administration of legal aid services, the Council has made suggestions on ways to improve the application and processing procedures, system and arrangement for assigning cases to private lawyers, monitoring of assigned out cases, appeal procedures against legal aid refusal and the information system strategy of LAD, etc. The Council has also conducted outreach activities such as conference and seminars to promote public awareness of legal aid.

Membership of the Council

The Council consists of: 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; 2 barristers and 2 solicitors, each holding a practising certificate issued under the Legal Practitioners Ordinance (Cap. 159); and 4 persons who, in the opinion of the Chief Executive, are not connected in any way with the practice of law. All members are appointed by the Chief Executive. The Director of Legal Aid sits on the Council as an ex-officio member.

在2014年4月1日至2015年3月31日止的年度內，法援局成員包括：

李家祥博士, GBS, JP (主席)

周凱靈女士

葉毓強先生 (由2014年9月1日起)

鄭心怡女士, FHKIA, MH

梁宏正先生 (由2014年9月1日起)

李超華先生, LLB, LLM, 公證人

彭韻禧女士, MH, JP

(由2014年9月1日起)

潘素安女士

王惠貞女士, SBS, JP

(由2014年9月1日起)

蔡惠琴女士, BSW, FIHRM(HK), JP

(至2014年8月31日止)

洪為民博士, PhD, LLM, CITP

(至2014年8月31日止)

梁偉權先生, JP

(至2014年8月31日止)

馬華潤先生 (至2014年8月31日止)

法律援助署署長鄭寶昌先生, JP

(當然成員)

The membership of the Council during the period from 1 April 2014 to 31 March 2015 is as follows:

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

Ms Juliana CHOW Hoi-ling

Mr Albert IP Yuk-keung (from 1 September 2014)

Ms Anna KWONG Sum-ye, FHKIA, MH

Mr Clarence LEUNG Wang-ching (from 1 September 2014)

Mr Joseph LI Chiu-wah, LLB, LLM, Notary Public

Ms Melissa Kaye PANG, MH, JP (from 1 September 2014)

Ms Josephine Antonetta PINTO

Ms WONG Wai-ching, SBS, JP (from 1 September 2014)

Ms Virginia CHOI Wai-kam, BSW, FIHRM(HK), JP

(up to 31 August 2014)

Dr Witman HUNG Wai-man, PhD, LLM, CITP

(up to 31 August 2014)

Mr Edward LEUNG Wai-kuen, JP (up to 31 August 2014)

Mr Billy MA Wah-yan (up to 31 August 2014)

Mr Thomas Edward KWONG, JP, Director of Legal Aid

(ex-officio)



法援局成員簡歷

Members of the Council



主席李家祥博士 GBS, JP
Dr Eric LI Ka-cheung GBS, JP, Chairman



- 資深執業會計師
- 多間主要公營機構和上市公司的核數委員會主席
- 1994年任香港會計師公會主席
- 擔任立法會議員（會計界功能組別）13年，直至2004年
- 於立法會議員任期內，連續9年被選為立法會政府帳目委員會主席
- 1993年當選首位香港傑出會計師
- 榮獲國際會計師大獎2002
- 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

- A senior practising accountant by profession
- Chairman of audit committees of major public bodies and listed companies
- President of the Hong Kong Society of Accountants in 1994
- Legislative Council Member (Accountancy Functional Constituency) for 13 years, up to 2004
- Chairman of the Public Accounts Committee of the Legislative Council for 9 consecutive years during his tenure as Legislative Council Member
- Awarded the first Accountant of the Year of Hong Kong in 1993
- Received the International Accountant Award in 2002
- 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



周凱靈女士
Juliana CHOW Hoi-ling



- 持有香港大學法學專業證書
- 1986年取得大律師資格
- 入境事務審裁處法律顧問
- 發展局上訴審裁團（建築物）主席
- 香港大律師公會會員福利委員會及大律師資格考試委員會委員
- 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及廢物處置上訴委員會小組成員
- 1998至2007年為當值律師服務的義務律師，並曾是大律師公會管理委員會和法律援助檢討委員會委員
- Holder of a PCLL of Laws from the University of Hong Kong
- Called to the Bar in 1986
- Legal Advisor to the Immigration Tribunal
- Chairman of Appeal Tribunal, Buildings Ordinance of Development Bureau
- Member of the Bar Association's Special Committees on Welfare and Barristers Qualification Examinations
- Member of Noise Control Appeal Board Panel, Water Pollution Control Appeal Board Panel and Waste Disposal Appeal Board Panel of Environmental Protection Department
- Previously served as lawyer of the Duty Lawyer Service from 1998 to 2007 and sat on the Bar Chambers Management Committee and Legal Aid Review Committee



葉毓強先生
Albert IP Yuk-keung



- 朗廷酒店投資的執行董事及行政總裁
- 多家上市公司的獨立非執行董事，包括AEON信貸財務（亞洲）有限公司、合和公路基建有限公司、合和實業有限公司、利福國際集團有限公司、新世界中國地產有限公司、電能實業有限公司及TOM集團有限公司
- 冠君產業信託之信託管理人鷹君資產管理（冠君）有限公司的非執行董事
- 嶺南大學客席教授
- 香港城市大學商學院客席教授及國際諮詢委員會成員
- 澳門大學客席教授及國際顧問委員會委員
- 擁有聖路易斯市華盛頓大學理學士學位及康乃爾大學和卡內基梅隆大學理學碩士學位
- 美國聖路易斯市華盛頓大學行政院士及亞洲國際諮詢委員會成員
- 美國聖路易斯市華盛頓大學榮譽校友
- 新加坡管理大學金融經濟研究所研究院士
- 職業訓練局榮譽院士
- 世界綠色組織董事會成員
- 教育局校長資格認證委員會委員
- Executive Director and Chief Executive Officer of Langham Hospitality Investments
- Independent Non-Executive Director of publicly listed companies – Aeon Credit Services (Asia), Hopewell Highway Infrastructure, Hopewell Holdings, Lifestyle International Holdings, New World China Land, Power Assets and TOM Group
- Non-Executive Director of Eagle Asset Management, Manager of Champion Real Estate Investment Trust
- Adjunct Professor, Lingnan University
- Adjunct Professor and International Advisory Committee, College of Business, City University of Hong Kong
- Adjunct Professor and member of the International Advisory Committee, University of Macau
- B.S. degree at Washington University in St. Louis, and M.S. degrees at Cornell University & Carnegie-Mellon University
- Member of International Advisory Council for Asia, and Executive Fellow of Washington University in St. Louis
- Alumni Hall of Fame, Washington University in St. Louis
- Research Fellow of Institute for Financial Economics, Singapore Management University
- Honorary Fellow of Vocational Training Council
- Board of Governor of World Green Organisation
- Member of Committee of Certification for Principalship, Education Bureau



鄺心怡女士 FHKIA, MH
Anna KWONG Sum-yee FHKIA, MH



- 認可人士 – 註冊建築師，曾任職於私營和公營企業及天主教香港教區，於2006年開始私人執業
- 香港建築師學會2009-2010年度會長
- 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
- 義務工作發展局「紫荊領袖義工獎」得主
- 為非政府機構和發展商進行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，另一個獲香港建築師學會社區建築獎
- 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
- 香港特別行政區行政長官選舉委員會委員（2006及2011年）
- 全國人民代表大會香港地區代表選舉委員會委員（2007及2012年）
- 在2013年獲委任為一間上市公司的獨立非執行董事
- Authorized Person – Registered Architect and worked in both private, public and Catholic Diocese of Hong Kong before she commenced her practice in 2006
- President of the Hong Kong Institute of Architects (HKIA) (biennium 2009-2010)
- 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
- A recipient of the Bauhinia Leadership Award organised by the HK Agency for Volunteer Service
- Two of her Conservation Projects for church/new buildings for NGOs/developers she carried out won the United Nations Educational, Scientific and Cultural Organisation Asia-Pacific Office “Culture Heritage & Conservation Award” and another Community Building Award from the HKIA
- Appointed by the HKSAR Government to the Town Planning Board, Council and Court of the Lingnan University, Trade Development Council – Infrastructure Development Advisory Committee
- Election Committee Member for the HKSAR Chief Executive (2006 & 2011)
- Election Committee Member for the National People's Congress Hong Kong Deputies (2007 & 2012)
- Appointed by a listed company to serve as a Non-Executive Independent Director in 2013



梁宏正先生
Clarence LEUNG Wang-ching



- 新興織造廠有限公司董事
- 香港菁英會榮譽主席
- 工業貿易諮詢委員會成員
- 城市規劃委員會成員
- 扶貧委員會委員
- 旅遊業策略小組委員
- 香港精神大使董事及創辦人之一
- 「源」慈善基金董事
- 曾任香港特別行政區政府中小型企業委員會委員
- 曾任中央政策組非全職顧問
- 劍橋大學經濟學榮譽學士及碩士
- Director of Sun Hing Knitting Factory Limited
- Honorary Chairman of the Y. Elites Association
- Member of the Trade and Industry Advisory Board
- Member of the Town Planning Board
- Member of the Commission on Poverty
- Member of the Tourism Strategy Group
- One of the founders and directors of Hong Kong Spirit Ambassadors
- Director of the Origin Charity Foundation (Charity Association)
- Previously served as member of HKSAR SME Committee
- Previously served as a Part-time Member of the Central Policy Unit
- Awarded BA and MA honours in Economics by the University of Cambridge



李超華先生 LLB, LLM, 公證人
Joseph Li Chiu-wah LLB, LLM, Notary Public



- 李超華律師行高級合夥人
- 1986年於英國獲認許為律師
- 私人執業前，曾任當時律政司署高級檢察官
- 香港律師會理事會理事
- 香港律師會國際法律事務委員會及有限法律責任合夥工作小組主席
- 當值律師服務執委會主席
- Senior Partner of Joseph Li & Co
- First admitted in England in 1986
- Served as a Senior Crown Counsel of the then Attorney General's Chambers before entering private practice
- Council Member of the Law Society of Hong Kong
- Chairman of the International Legal Affairs Committee and the Working Party on Limited Liability Partnership of the Law Society
- Chairman of the Duty Lawyer Service Council



彭韻僖女士 MH, JP
Melissa Kaye PANG MH, JP



- 執業律師
- 中國委托公証人
- 國際公證人
- 婚姻監禮人
- 認可調解員
- 彭耀樟律師事務所合夥人
- 香港律師會副會長
- 公民教育委員會主席
- 建造業議會委員
- 社會企業諮詢委員會委員
- 香港房屋委員會投標小組委員會委員
- Practising Solicitor
- China – Appointed Attesting Officer
- Notary Public
- Civil Celebrant
- Accredited General Mediator
- Managing Partner of Pang & Associates
- Vice President of the Law Society of Hong Kong
- Chairman of Committee on the Promotion of Civic Education
- Member of Construction Industry Council
- Member of Social Enterprise Advisory Committee
- Member of Tender Committee of Hong Kong Housing Authority



潘素安女士
Josephine Antonetta PINTO



- 執業大律師
- 1982年取得香港大律師資格
- 1983-1993年為當值律師服務的義務律師
- 自1983年起為免費法律諮詢計劃的義務律師
- 香港大律師公會執行委員會委員 (1987-1989)
- 香港大律師公會小組委員會委員
 - (1) 人身傷亡賠償委員會 (2002-2006)
 - (2) 海外大律師資格認許委員會 (1987-1988)
 - (3) 基本法起草小組委員會 (1988)
 - (4) 越南難民小組委員會 (1988)
- 1997年精神健康(修訂)條例委員會委員 (1998-1999)
- 與律師會聯合組成的法律持續進修委員會委員 (1988)
- 《精神健康條例》下的監護委員會委員 (1999-2002)
- 皇家特許仲裁員協會認可仲裁師 (1993-1995)
- 「香港法律匯報與摘錄」的顧問編輯 (2005年至今)
- Practising Barrister
- Admitted to the Hong Kong Bar in 1982
- Acted for the Duty Lawyer Service (1983-1993)
- Acting on Duty Lawyer Service Free Legal Advice Panel since 1983
- Member of the Committee of the Hong Kong Bar Association (1987-1989)
- Member of the Hong Kong Bar Association's Sub-Committees
 - (1) Special Committee on Personal Injuries (2002-2006)
 - (2) Sub-Committee on Admission of Overseas Counsel (1987-1988)
 - (3) Sub-Committee on Draft Basic Law (1988)
 - (4) Sub-Committee on Vietnamese Refugees (1988)
- Member of Committee on Mental Health (Amendment) Ordinance 1997 (1998-1999)
- Member of Joint Committee with Law Society on Continuing Legal Education (1988)
- Member of Guardianship Board under Mental Health Ordinance (1999-2002)
- Fellow of The Chartered Institute of Arbitrators (1993-1995)
- Consultant Editor of the Hong Kong Law Reports and Digest (2005 to date)



王惠貞女士 SBS, JP
Connie WONG Wai-ching SBS, JP



- 香港浸會大學榮譽院士
- 英國曼徹斯特大學管理學碩士
- 自1993年起出任王新興有限公司董事總經理、萬菱實業（廣東）有限公司執行董事及廣州市萬菱置業有限公司董事總經理
- 2009年至今為九龍社團聯會理事長
- 自2012年起為香港廣西社團總會永遠會長及香港中華總商會常務會董
- 2008年起擔任港區省級政協委員聯誼會基金會副主席
- 2014年起擔任香港義工聯盟常務副主席
- 2008年起擔任九龍城區議員，並為九龍城區地區推廣國民教育工作小組主席
- 獲委任為上訴委員會（遊戲機中心）委員（2010年至今）、獎券基金諮詢委員會委員（2011年至今）及獨立監察警方處理投訴委員會觀察員（2014年至今）
- 曾任九龍城區公民教育運動統籌委員會主席、九龍城市區更新地區諮詢平台及九龍城區議會房屋及基礎建設委員會委員
- Honorary University Fellow of Hong Kong Baptist University
- Master of Management Studies, University of Manchester, England
- Managing Director of Wong Sun Hing Limited, Executive Director of Onelink Industrial (Guangdong) Co Ltd and Managing Director of Guangzhou WanLing Real Estate Co Ltd since 1993
- President of the Kowloon Federation of Associations from 2009 to present
- Life President of the Federation of Hong Kong Guangxi Community Organisations Ltd and Standing Committee Member of The Chinese General Chamber of Commerce since 2012
- Vice Chairperson of HKCPPCC since 2008
- Standing Vice Chairperson of the Hong Kong Volunteers Federation since 2014
- Member of Kowloon City District Council since 2008 and served as the Chairperson of Kowloon City District Working Group on District Promotion of National Education
- Appointed as member of the Appeal Board (Amusement Game Centres) (2010 to present) and the Lotteries Fund Advisory Committee (2011 to present), as well as observer of the Independent Police Complaints Council (2014 to present)
- Served as Chairperson of Kowloon City District Civic Education Campaign Organising Committee, and sat on Kowloon City District Urban Renewal Forum and Kowloon City District Council Housing and Infrastructure Committee



法律援助署署長鄺寶昌先生 JP

Thomas Edward KWONG JP, Director of Legal Aid



- 擁政治科學及法律學學士學位
- 取得澳洲新南威爾斯最高法院、英格蘭及威爾斯最高法院和香港特別行政區高等法院的律師資格
- 1987年10月加入法律援助署，擔任法律援助律師
- 2013年9月獲委任為法律援助署署長
- 現為民事司法制度改革監察委員會、律政司司長轄下調解督導委員會和規管架構小組委員會、香港調解資歷評審協會有限公司調解資歷評審委員會的委員
- 2014年擔任第3屆亞洲調解協會會議籌備委員會榮譽委員
- 曾任首席法官轄下調解工作小組、民事法庭使用者委員會、刑事法庭使用者委員會、刑事訴訟程序委員會、家事調解督導委員會、律政司司長轄下調解工作小組和調解專責小組、香港法律改革委員會集體訴訟小組委員會、僱員補償援助基金管理局、交通意外傷亡援助諮詢委員會、香港國際仲裁中心調解員認可委員會的委員
- Graduated with Bachelor of Political Science and Bachelor of Laws
- Admitted as a Solicitor of the Supreme Courts of New South Wales, England and Wales and the High Court of Hong Kong
- Joined the Legal Aid Department in October 1987 as a Legal Aid Counsel
- Appointed Director of Legal Aid in September 2013
- Member of the Civil Justice Reform Monitoring Committee, SJ's Steering Committee on Mediation and Regulatory Framework Sub-Committee and HKMAAL Mediation Accreditation Committee
- Honorable member of the Organising Committee of the 3rd Asian Mediation Association Conference (2014)
- Previously served as member of the CJ's Working Party on Mediation, Civil Court Users' Committee, Criminal Court Users' Committee, Criminal Procedure Rules Committee, Steering Committee on Family Mediation, SJ's Working Group on Mediation, SJ's Mediation Task Force, Law Reform Commission Sub-Committee on Class Actions, Employees' Compensation Assistance Fund Board, Traffic Accident Victims Assistance Advisory Committee and HKIAC Mediator Accreditation Committee

法援局的職能

法援局負責監督法援署管理其提供的法律援助服務。法援署就該等服務的提供，向法援局負責。

法援局為履行職責，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，並作出妥善和適當的安排，以確保法援署能有效率地並合符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。



Functions of the Council

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

In discharging its responsibility, 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.

法援局無權就法援署的職員事宜及其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) 設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。

興趣小組

為使公眾能參與法援服務的管理，及聽取各持分者對法援運作的回應，本局成立興趣小組，以建立一個有系統的溝通渠道，讓法律專業人員和業外人士就法援未來的發展互相交流意見，並確立重要的法援議題，以便制訂法援政策及監督提供法援服務的情況。

每個興趣小組均由本局成員出任主席。除本局成員外，興趣小組吸納了來自不同界別的成員，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、

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 also serves as 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.

Interest Group

As a means to invite public participation in legal aid administration and obtain operational feedback from stakeholders, the Council established interest groups which serve as a structured communication channel where the legal profession and lay members of the community may exchange views on the further development of legal aid, and identify legal aid issues of significance to the objective of policy formulation and overseeing of the provision of legal aid services.

Each interest group is led by a Council member. Apart from Council members, the interest groups comprise members from other spectrum, including academics (in the legal as well as social studies fields), accountants, architects, barristers, doctors, dentists, engineers, an environmental consultant, a landscape architect, various members of the



不同社會服務範疇的工作者、律師和測量師。現時，興趣小組共有69名成員。一般而言，興趣小組的職權範圍包括就其處理的議題向法律援助局匯報意見及／或評論，並提出建議，同時審議任何由法律援助局轉介的事項。

目前，本局共設兩個興趣小組——「法律援助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」，分別由彭韻僖女士和周凱靈女士擔任主席。

social services field, solicitors, and surveyors. Up to date, there are 69 members in the interest groups. Generally, the terms of reference of the interest groups are to report back to the Council feedback and/or comments and to make recommendations in respect of the subject under the purview of the interest groups; and to consider any issues referred by the Council.

At present, there are two interest groups set up under the Council, namely the Interest Group on Processing, Assignment and Monitoring of Assigned-out Cases and the Interest Group on Scope of Legal Aid. Council members Ms Melissa PANG and Ms Juliana CHOW are the respective chairpersons of the two Interest Groups.

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。現時本局設有兩個工作小組，其中一個是為研究擴大法律援助輔助計劃的涵蓋範圍，而另一個是為改善法律援助資訊的傳遞，以提高法援署運作的透明度。

興趣小組和工作小組成員名單刊於附錄。

Working Group

The Council also forms working groups as necessary to study specific issues in depth and make recommendations based on its findings to the Council. At present, there are two working groups. One of the working groups is to review the scope of Supplementary Legal Aid Scheme and the other one is to study the dissemination of legal aid information. The set-up of the latter aims at enhancing the operational transparency of LAD.

Membership of the Interest Groups and the Working Group / Task Force is at the Appendix.

3

主席回顧 Chairman's Review



如上一份報告所預告，2014-15年的工作是跟進有關法律援助獨立性的建議，以及檢討法律援助輔助計劃的涵蓋範圍。

在2013年4月30日，本局就在香港設立獨立的法律援助管理局的可行性和可取性向行政長官提交建議。行政當局在2014年6月24日舉行的立法會司法及法律事務委員會會議上，向委員會成員簡介了其對跟進本局建議的立場。本局欣悉行政當局決定原則上接受本局所提出的建議，贊同制定法援政策和管理法援署的責任應歸屬政務司司長辦公室，以及法律援助署署長應直接向政務司司長匯報工作。除此之外，行政當局亦同意在維持《法律援助服務局條例》（《法援局條例》）（第489章）賦予本局監察職能的現有法律框架及法援署現有撥款安排的前提下，跟進本局有關法援署管治及運作透明度的建議。

As foreshadowed in the last report, the major events in 2014-15 were the follow-up of the recommendations on the independence of legal aid and the review of the scope of Supplementary Legal Aid Scheme.

On 30 April 2013, the Council submitted to the Chief Executive its recommendations on the feasibility and desirability of the establishment of an independent legal aid authority in Hong Kong. At the meeting of the Panel of Administration of Justice and Legal Services (AJLS) of Legislative Council (LegCo) held on 24 June 2014, the Administration briefed Panel members on its position in taking forward the Council's recommendations. It was heartening to know that the Administration decided to accept in principle the Council's recommendation that the responsibilities for formulating legal aid policy and "housekeeping" the Legal Aid Department (LAD) should be vested in the Chief Secretary for Administration's Office and the Director of Legal Aid should report directly to the Chief Secretary for Administration. Besides, the Administration also agreed to follow up on the Council's recommendations regarding LAD's governance and operational transparency while maintaining the existing

在法律援助政策責任的移交時間尚待落實期間，本局成立了一個關於法律援助資訊傳遞的專責小組，以提高法援署運作的透明度。這個小組由本人帶領，負責審視有關法援署所提供法援服務的批評；確切點出資訊存在的差距，尤其在統計數據方面；向本局建議是否需要要求法援署提供其他統計數據或表現指標，以及如何進一步妥善整理及發放這些資訊。我相信恰當傳遞這些資訊可提升法援署工作的透明度，從而增加公眾對香港法治的信心。

專責小組的工作仔細縝密及需要不同範疇的專業知識，本局難以獨力承擔，因此除了本局成員，本人亦邀請了不同專業的專家加入專責小組。工作小組於2014年6月首先與法援署商討有關法援外判個案的問題。專責小組召開了5次會議，並向法援署提出公布外判個案資訊的改善措施，以提高透明度。本人很高興得知法援署原則上同意整理相關外判個案的統計數據，並刊於法援署年報內。年報將上載到法援署的網頁。

近年，普通法律援助計劃（「普通計劃」）及法律援助輔助計劃（「輔助計劃」）的財務資格限額已大幅提升，其援助範圍亦有所擴大。行政當局現正不斷吸收新增援助訴訟類別的經驗，並已邀請本局就「輔助計劃」的援助範圍作進一

legal framework governing the Council's oversight role under the Legal Aid Services Council Ordinance (Cap. 489) and legal aid funding support for LAD.

Pending the implementation timetable of the transfer of policy responsibility of legal aid, to achieve the purpose of enhancing the operational transparency of LAD, a task force was formed under the Council on the dissemination of legal aid information. The Task Force, which is taken charge by me, is tasked to look at the criticisms against the legal aid service provided by LAD; to identify the information gaps existed particularly in respect of the statistical information; and to advise the Council whether additional statistics or performance indicators are required from LAD and how the information could be better coordinated for dissemination. I believe that with appropriate dissemination of information, the level of transparency of the work of LAD would be raised and consequently it would enable public confidence in the rule of law in Hong Kong.

Given the Task Force's work is meticulous and requires certain expertise that could not be supported by the Council alone, apart from Council members, I have invited experts from different professions to join the Task Force. The Task Force started the discussion with LAD in June 2014 with the assignment of legal aid cases being the first issue to be studied. The Task Force met on 5 occasions and has suggested some improvement measures to LAD on publicising the information on distribution of assignments to promote transparency. I was pleased to know that LAD in principle agreed to compile the relevant statistics on assignment and publish the same in LAD's Annual Report, which will be uploaded onto LAD's website.

步檢討。為此，本局成立了一個工作小組以跟進是次檢討。

儘管本局2014年9月的成員更替延遲了工作小組的工作進度，工作小組已就擴大「輔助計劃」涵蓋範圍提出初步報告，並轉送至兩個法律專業團體，以了解他們的看法及建議。

法律援助服務由公帑支持運作。受助人依照其經評定的財務資源水平，必須繳付與其經濟狀況相稱的分擔費用。民政事務局在2015年2月向司法及法律事務委員會作出簡介前，已向法援局簡介其就調整經評定財務資源組別而提出修訂規例的建議。在新建議下，無需繳付分擔費用的受助人比率將會提升，而大部分經評定財務資源超出「普通計劃」財務資格限額的



In recent years, the financial eligibility limits (FELs) of the Ordinary Legal Aid Scheme (OLAS) and the Supplementary Legal Aid Scheme (SLAS) have increased substantially, and the scope of OLAS and SLAS has also been expanded. Whilst the Administration is still gaining experience on the newly added proceedings, the Council was invited to conduct a further review on the scope of SLAS. Towards this end, the Council has formed a working group to follow up on the review.

Despite that there has been some delay in the work of the working group due to changes of some Council members in September 2014, the working group has provided its preliminary findings on the expansion of SLAS. Such findings have been shared with the two legal bodies to see if they have any views and submissions to make to the Council for consideration.

Legal aid services are supported by public funds. Aided persons, depending on the level of their assessed financial resources, are required to pay a contribution proportionate to their means. Before its briefing to the AJLS Panel in February 2015, the Home Affairs Bureau (HAB) briefed the Council on its plan to introduce the amendment regulations for the revised set of bandwidths of assessed financial resources. Under the proposal, the percentage of aided persons who do not need to pay any contribution will be increased and most of the aided persons with assessed financial resources exceeding 12.5% of the OLAS FEL will need to pay less contribution than before. On the same occasion, the Council was also given to note that upon making the amendment regulations, the Administration would adjust the FELs of OLAS and SLAS by 7.7% to \$290,380 and \$1,451,900 respectively to reflect the accumulated change in Consumer Price Index

12.5%的受助人，須繳付的分擔費用將會較以前減少。與此同時，法援局獲悉在修訂規例後，行政當局將把「普通計劃」和「輔助計劃」的財務資格限額上調7.7%至290,380元和1,451,900元，以反映丙類消費物價指數在2012年7月至2014年7月期間錄得的累積變動。本局歡迎有關修訂及調整。

在2014年8月底，蔡惠琴女士、洪為民博士、梁偉權先生和馬華潤先生離任本局成員，由葉毓強先生、梁宏正先生、王惠貞女士及彭韻僊女士接任。本人衷心感激離任的成員在任內對本局作出的莫大貢獻，尤其是服務本局長達6年的蔡女士和洪博士。雖然我們失去了經驗豐富的成員，但我確信來自不同專業界別的新成員將為本局帶來新思維及動力，不斷改善法律援助服務水平，以回應社會日益提高的期望。

過去一年，法律界及其他法律援助支持者給予本局大力支持，我對他們每一位都深表感謝。我亦希望在此衷心感謝法援署署長及其團隊克盡職守，並在檢討該署所提供的法律援助服務的討論中，提供積極正面的協助。本人非常欣賞法援署的貢獻，期望未來繼續緊密合作。我亦對本局成員表示謝意，我深信在他們堅定的支持下，本局將繼續興盛發展，積極為維護及改善香港法治作出貢獻。

(C) (CPI(C)) recorded between July 2012 and July 2014. The Council welcomed the proposed amendment and adjustment.

In the end of August 2014, we saw the departure of Ms Virginia CHOI, Dr Witman HUNG, Mr Edward LEUNG and Mr Billy MA. In their place are Mr Albert IP, Mr Clarence LEUNG, Ms Connie WONG and Ms Melissa PANG. I am indebted to these retired members who have made tremendous contributions to the Council during their tenure, particularly Ms CHOI and Dr HUNG who have served the Council for six years. Notwithstanding the loss of experience of retired members, I am confident that new members, with their expertise in different professions, will bring fresh ideas and momentum to the Council in further improving the legal aid service to meet the rising expectations of our community.

Throughout the year the legal profession and other legal aid stakeholders have given us a great deal of support. To every one of them I am indeed very grateful. I would also like to express my gratitude to the Director and members of LAD for their dedication to duty and hard work, as well as their positive assistance and forthrightness in the discussion and review of the legal aid service provided by the Department. I very much appreciate LAD's contribution and look forward to working closely with them in the years to come. My heartfelt appreciation also goes to members of the Council. With their unfaltering support, I am sure that the Council will continue to flourish and actively contribute to upholding and enhancing the rule of law in Hong Kong.

4

法律援助的獨立性 Independence of Legal Aid

行政當局對本局建議的立場

行政當局在2014年6月24日立法會司法及法律事務委員會的會議上，向委員會成員簡介了其對跟進本局有關法律援助獨立性建議的立場。

經審慎評估本局的建議、持分者的意見，以及有關長遠督導法律援助範疇的政策考慮因素，行政當局決定：a) 原則上接受本局提出的建議，即制定法援政策及管理法律援助署（「法援署」）的責任應歸屬政務司司長辦公室，以及法援署署長應直接向政務司司長匯報工作，並視乎政務司司長辦公室於現屆政府的各項工作承諾及民政事務局（「民政局」）目前進行的多項檢討的進度，研究落實建議的時間表；b) 在維持《法律援助服務局條例》（《法援局條例》）（第489章）賦予本局監察職能的現有法律框架及法援署現有撥款安排的前提下，跟進本局有關法援署管治及運作透明度的建議。

就本局提出的其他建議，行政當局的決定如下：

The Administration's position in taking forward the Council's recommendations

At the meeting of the Panel of Administration of Justice and Legal Services of Legislative Council held on 24 June 2014, the Administration briefed Panel members on its position in taking forward the Council's recommendations on the independence of legal aid.

After careful assessment of the Council's recommendations, views from stakeholders, as well as policy considerations on the continuity in overseeing the legal aid portfolio, the Administration decided: a) to accept in principle the Council's recommendation that the responsibilities for formulating legal aid policy and "housekeeping" the Legal Aid Department (LAD) should be vested in the Chief Secretary for Administration's Office (CSO) and the Director of Legal Aid (DLA) should report directly to the Chief Secretary for Administration (CS), with the implementation timetable be reviewed in the light of various commitments of CSO in this term of Government and the progress of various on-going reviews which the Home Affairs Bureau (HAB) is undertaking; and b) to follow-up on the Council's recommendations regarding LAD's governance and operational transparency while maintaining the existing legal framework governing the Council's oversight role under the LASC Ordinance (Cap. 489) and legal aid funding support for LAD.

As regards LASC's other recommendations, the Administration's decision is as follows –

法援署署長及副署長的工作表現評核與提名

行政當局不贊成顧問提出有關本局應參與任命及評核法援署署長及副署長工作表現的建議，當局認為有關建議從根本上偏離現行公務員制度。現行公務員制度的基本原則是透過公開、公平及具競爭性的程序，任命最適合有關工作的人選。在任命晉升職級人員方面，現時已設有行之有效而透明的機制處理晉升遴選工作，當中包括召開及組成晉升遴選委員會、制訂晉升遴選準則、公開晉升遴選程序等，而有關機制適用於整個公務員體系。此外，由本局提名署長及副署長人選亦未必符合現行法例的規定。然而，當局認為在評核署長及副署長的工作表現時，可納入本局主席的意見。

法援局對法定代表律師辦事處的監督角色

法定代表律師是根據《法定代表律師條例》委任的公職人員，在訴訟中代表由於年齡或精神原因在法律上無行為能力的人士。法定代表律師辦事處設有獨立的辦事處，並有專屬職員，職能與提供法援並無關係。由於本局的職能限於監督法援署提供的法援服務，行政當局認為並無充分理據把本局的角色延伸至法援服務以外，把法定代表律師辦事處納入本局監督範圍。

Performance evaluations and nominations of DLA and DDLAs

The Administration did not agree to the consultant's recommendation on the Council's involvement in the appointment and performance appraisal of DLA and the Deputy Directors of Legal Aid (DDLAs), which would represent a fundamental deviation from the prevailing civil service mechanism that has been devised to uphold the fundamental principle of appointing the most suitable person for the job through an open, fair and competitive process. For appointment to an office at a promotion rank, there is a well-established and transparent mechanism for conducting a promotion exercise, including convening of promotion boards and their composition, formulation of selection criteria for promotion, openness of the promotion exercise, etc. Such a mechanism is applicable service-wide. The Administration also considered it not legally in order for the Council to nominate candidates for the posts of DLA and DDLAs under the existing legislation. That said, the Administration found there should be scope for the views of the Chairman of LASC be reflected in performance evaluations of DLA and DDLAs.

LASC's oversight role to cover Official Solicitor's Office

The Official Solicitor is appointed under the Official Solicitor Ordinance and is a public officer who represents the interest of persons under disability of age or mental capacity in proceedings. The Official Solicitor's Office (OSO) is housed under a separate office with its own dedicated staff performing functions that do not relate to the provision of legal aid. As the Council's function is confined to overseeing the legal aid services provided by LAD, the Administration did not see any strong justifications for

法援局監督法援署根據第9條要求外委律師提供意見的權力

根據《法律援助條例》（《法援條例》）（第91章）第9(d)條，法援署署長可把法援申請轉介予名列適當名冊的大律師或律師調查有關事實，並就該等事實提供報告或意見，或就該項法援申請所引起的任何法律問題提供意見。因應法援署按《法援條例》第9條尋求意見時會偏好選用律師名冊中傾向贊同法援署署長決定的律師的觀感問題，行政當局會繼續與本局及法援署研究，能否在符合《法援局條例》第4(3)條所訂明本局不得就個別案件的處理作出指示的規定下，加強本局監督法援署根據《法援條例》第9(d)條外委律師的角色。

法援局監管法援署拒批民事及刑事法援申請的權力

由於本局的主要法定職責為監督法援署管理其所提供的法援服務，行政當局將與本局研究能否在法援署整體處理個案方面強化本局的監督角色。

expanding the role of the Council beyond legal aid to cover OSO.

LASC's power to oversee LAD's case assignment for obtaining Section 9 opinions

Under Section 9(d) of the Legal Aid Ordinance (Cap. 91) (LAO), DLA may refer an application to a counsel or solicitor, whose name is on the appropriate panel, to investigate the facts and make a report thereon or to give any opinion thereon or on any question of law arising out of the application. To address the perception problem that LAD has a "preferred panel" of lawyers which provides "Section 9" opinions that favor DLA's interpretation of the legal merit of the case, the Administration would work with the Council and LAD to see if there is any room to enhance the Council's oversight on LAD's case assignments under Section 9(d) of LAO without interfering with the handling of individual cases as prescribed under Section 4(3) of the LASC Ordinance.

LASC's power to oversee LAD's decisions on refusals of civil and criminal legal aid applications

As the Council's primary statutory responsibility is to oversee the administration of legal aid services provided by LAD, the Administration will work with the Council to see if there is any room to enhance its role in overseeing LAD's overall handling of cases.



民政局在本局2015年1月27日的會議上，向本局成員簡介行政長官在2015年《施政報告》有關法律援助及法律諮詢服務的政策措施。當中，民政局重申行政當局會在維持《法律援助服務局條例》（第489章）賦予本局監察職能的現有法律框架及法援署現有撥款安排的前提下，跟進本局有關法援署管治及運作透明度的建議。民政局同時提到行政當局知悉本局已成立專責小組檢視法律援助資訊的傳遞，從而就提高法援署的運作透明度提出建議。民政局表示行政當局將繼續支持本局的工作。

提高法援署的運作透明度

如去年年報所載，本局已成立一個由本局主席帶領，並由三名本局成員和來自不同專業範疇的專家組成的專責小組，以研究改善法律援助資訊的傳遞，從而提高法援署的運作透明度。

過去一年，專責小組分別於2014年6月16日、8月15日、10月10日及12月22日召開了共4次會議。詳細工作進度將在下一章中闡釋。

At the Council meeting held on 27 January 2015, HAB briefed Council members on details of the policy commitments in respect of legal aid and legal advice services in the Chief Executive's 2015 Policy Address. Among other things, HAB recapped that the Administration had undertaken to follow-up on the Council's major recommendations on the independence of legal aid regarding LAD's governance and operational transparency while maintaining the existing legal framework governing the Council's oversight role under the LASC Ordinance (Cap. 489) and legal aid funding support for LAD. HAB also said that the Administration noted the Council's setting up of a task force to review the dissemination of legal aid information with a view to making recommendations on the enhancement of LAD's operational transparency. HAB assured that the Administration would continue to support the Council's work.

Enhancing the operational transparency of LAD

As reported in the last annual report, a task force chaired by the Council chairman and supported by 3 other Council members as well as experts of different professions was set up to review the dissemination of legal aid information with a view to enhancing the operational transparency of LAD.

During the year, the task force met on a total of 4 occasions i.e. 16 June, 15 August, 10 October, 22 December 2014. Details of the progress of the work done by the task force are given in the next chapter.

5

法律援助資訊的傳遞

Dissemination of Legal Aid Information

專責小組的成立

本局於2014年中成立了一個關於改善法律援助資訊傳遞的專責小組，其工作目標是檢視持分者對法律援助署（「法援署」）所提供的法援服務的關注；找出引發這些關注的資訊差距，尤其在統計數據方面；以及向本局建議是否需要發放其他統計數據或工作表現指標，以提高法援署的運作透明度。專責小組的職權範圍如下：

- (a) 檢視持分者對法援署所提供的法援服務的關注；
- (b) 審視目前向公眾發放的法援資訊是否足夠，包括但不限於法援申請數字、外委法援案件數字、法援開支統計數據等；
- (c) 明確指出資訊差距所在和需要改進的地方；及
- (d) 建議如何改善不足之處

專責小組由法援局主席帶領。由於小組的工作嚴謹仔細，亦需要不同範疇的專業知識，本局難以獨力承擔。因此，小組的成員應包括：

- (i) 兩名分別由大律師公會及香港律師會提名加入本局的成員，從業內人士的角度提供意見；
- (ii) 兩名熟悉財務資訊傳遞及數據處理的成員，協助準備需要傳遞的資訊；
- (iii) 兩名資訊科技專家，就如何從法援署的電腦系統整合所需資料，以及所需的電腦系統配備作出建議；及

Establishment of a Task Force

A task force on the dissemination of legal aid information was established under the Council in mid 2014. It was tasked to look at the concerns of stakeholders on the legal aid services provided by the Legal Aid Department (LAD); to identify the information gaps leading to the concerns particularly in respect of the statistical information; and to make recommendations to the Council on the statistics or performance indicators required to increase the transparency of the operation of LAD. The Task Force's terms of reference are as follows:

- (a) to look at the concerns of stakeholders on the legal aid services provided by LAD;
- (b) to examine whether or not the legal aid information currently disseminated to the public, including but not limited to application data, assignment data, and statistics on legal aid costs, is adequate;
- (c) to identify the information gaps that need to be addressed, and the possible areas of improvement; and
- (d) to make recommendations to address the deficiencies.

The Task Force is led by the Council chairman. As its work is meticulous and requires certain expertise that could not be supported by the Council alone, it was agreed that the composition of the Task Force should include:

- i) two members from the Council with one each from the Bar Association and the Law Society to advise on the requirements of statistical information from the user point of view;
- ii) two members who are trained with figures and are familiar with financial information dissemination to assist in the preparation of the information to be disseminated;

- (iv) 一名統計師，負責就法援署的統計數據提供意見。

除了應本局主席邀請加入外，亦歡迎有興趣的本局成員加入專責小組。目前，小組成員包括本局成員葉毓強先生、梁宏正先生及潘素安女士，前本局成員洪為民博士、馬華潤先生，以及非本局成員葉超然先生、龔永德先生、李榮光先生及伍尚匡先生。法援署副署長(政務)亦應邀代表法援署加入專責小組，使有關法援署公布統計資訊的討論更切實有效。

法援署資訊傳遞的檢討

專責小組於2014年6月16日的第一次會議中指出，有些對法援署的法援服務所作出的批評可以透過改善資訊傳遞來解決。相關議題包括：

- a) 法援案件的外判情況；
- b) 法援的財政預算；以及
- c) 審批法援申請的獨立性，尤其涉及向政府提出索償的申請個案

直至目前為止，專責小組已完成研究首兩項議題的統計數據。專責小組將繼續研究，並與法援署商討是否需要為其主要工作表現指標加入新項目，以便更確切反映其實際表現。

- iii) two IT experts to advise on how the required information, if not yet readily available, could be generated from LAD's computer system and the system requirements to achieve the purpose if necessary; and
- iv) one statistician to give advice on the statistical data produced by LAD.

Apart from invitation by the Council chairman, Council members who have interest in the subject may also join the Task Force. At present, members of the Task Force comprise Council members Mr Albert IP, Mr Clarence LEUNG and Ms Josephine PINTO, ex-Council members Dr Witman HUNG and Mr Billy MA, as well as non-Council members Mr Eddie IP, Mr Peter KUNG, Mr Alvin LI and Mr Jason WU. To enable an effective discussion of the statistical information disseminated by LAD, upon invitation, the Deputy Director of Legal Aid (Policy and Administration) sits on the Task Force as representative of LAD.

Review of the Information Disseminated by LAD

At its first meeting held on 16 June 2014, the Task Force identified the criticisms against the legal aid services provided by LAD that could be addressed by improving the dissemination of information. The issues concerned include:

- a) the assignment of legal aid cases;
- b) the legal aid budget; and
- c) the independence of granting legal aid particularly to applicants who pursue claims against the Government

法援案件的外判情況

持分者的關注及相關跟進工作

早前法庭就兩宗廣為人知的司法覆核案件作出裁決後，法援署按照受助人的提名委派律師處理案件的安排一直備受關注。在立法會司法及法律事務委員會於2012年1月舉行的會議中，譚耀宗議員曾建議法援署推行一個申報制度，在委派律師前，要求申請人申報其提名律師的決定並非受到兜攬生意活動或其他不當行為所影響。同年，譚議員亦再次在特別財務委員會的提問中帶出這個議題。

在2012年4月，交通事務委員會和財經事務委員會轄下聯合小組委員會的會議中討論到，《法律援助條例》賦予法援申請人選擇其代表律師的權利，可能是導致承保的士和公共小巴的保險公司因作出大額賠償而出現虧損的其中一個因素。法援署獲邀回應小組委員會對法援案件可能涉及包攬訴訟的關注。

法援署明白有關憂慮。為確保受助人有勝任的律師代表，而選擇該名律師是出自其意願，並非受該名大律師或律師的不當行為所影響，在考慮兩個法律專業團體的意見後，「申報制度」於2013年9月正式推行。在新制度下，如獲提名律師未能確認自己並不涉及任何不當兜攬生意行為，便不得接受相關委派，

Up till now, the Task Force has completed studying the statistics relating to the first two issues. It would continue the study and discuss with LAD on its key performance indicators (KPIs) to see whether new items could be added to better demonstrate its actual performance.

Assignment of Legal Aid Cases

Concerns of Stakeholders and Follow-up Actions Taken

There have been concerns over the assignment of lawyers by LAD in judicial review cases based on the aided persons' nomination following the court's rulings in two high profile judicial review cases. At the meeting of the Administration of Justice and Legal Services (AJLS) Panel of the Legislative Council (LegCo) held in January 2012, the Honourable Tam Yiu Chung suggested LAD considering the implementation of a declaration system requiring the applicant, before case assignment, to declare that his/her choice of lawyers had not been affected by touting or other improper conduct on the part of the lawyers nominated. The issue was brought up again in the form of a Special Finance Committee question raised by Mr Tam in the same year.

In a joint sub-committee meeting of the Panel on Transport and on Financial Affairs in April 2012, there was also discussion that the right of an applicant for legal aid to select his/her own solicitor under the Legal Aid Ordinance (LAO) might be a contributing factor to the losses in underwriting insurance for taxi and public light bus as a result of substantial claims being made. LAD was invited to address the sub-committee's concern over possible champerty in some legal aid cases.

並須把個案文件交還法援署。此外，自2013年年底起，法援署嚴格根據外判案件數量的準則來委派律師跟進人身傷害申索及相關案件。在2015年2月，法援署進一步加緊對外判案件安排的監管，除司法覆核案件外，所有類別案件的外判安排均須嚴格按照上述準則處理。

除上述之外，法援署也採取了不少措施，以打擊律師妨礙受助人自由選擇律師的不當兜攬生意活動。法援署在法援通訊刊登有關索償代理的文章、在其辦事處內展示宣傳海報，以及製作短片提醒公眾在進行金錢申索時切勿向索償代理尋求協助。法援署亦禁止律師行代理在署方辦事處派發名片，此外，該署於17間公立醫院的急症室內張貼海報，提醒公眾小心提防索償代理的的訊息。

外判法援案件的統計數據

目前，法援署透過其網站和年報或通過政府的開支預算案來發放資訊/統計數據，並向本局提交季度報告。

為了解目前發放的資訊是否足以展示法援案件委派的實際情況，以及外判案件沒有受不當兜攬生意活動所影響，專責小組研究了以下的統計數據：



LAD noted the concerns. To ensure that aided persons will be represented by competent lawyers and their choice of lawyer is entirely out of their own free will and is not the result of any improper conduct on the part of the solicitor or counsel nominated, a “Declaration System” was put in place in September 2013 after taking into account the views of the two legal professional bodies. Under the new system, the nominated lawyers are required to return the case papers to LAD if they are unable to confirm that they are not involved in any improper touting activities. Besides, since late 2013, strict adherence to the assignment criteria on the number of cases has been adopted for personal injury and related cases. In February 2015, LAD further extended the strict adherence to assignment criteria to cover all types of cases except judicial review cases.

Apart from the above, LAD has taken a number of measures to combat improper touting activities by solicitors designed to curb the freedom of aided persons over their choice of lawyer. LAD has published articles on recovery agent in LAD News, displayed posters at its office premises and produced video documentary warning the public against seeking help from recovery agents to assist them in their monetary claims. LAD has also chased away



- i) 外判案件予大律師的分布情況；
- ii) 外判案件予律師的分布情況；
- iii) 擁有超過10年執業經驗及處理外判案件數量達16至30宗或5至15宗的大律師；
- iv) 獲委派最多民事案件的20位律師；
- v) 外判給指定律師的民事案件統計數據；
- vi) 2013-14年度獲委派最多案件的20位律師於該年度及2009年至2014年期間獲委派的民事案件數目；
- vii) 2009-10年度至2013-14年度期間獲委派最多案件的20位律師於該年度獲委派的民事案件數目

agents of law firms giving out name cards at its office. In addition, LAD has arranged displaying posters at the Accident & Emergency Department of 17 public hospitals warning the public against recovery agents. They will step up the effort by identifying more places at which they could alert the public about the recovery agents.

Statistics on Assignment of Legal Aid Cases

Currently, LAD disseminates its information/statistics through its website and annual departmental report or via the Government's estimates of expenditure. It was also provided in a quarterly report to the Council.

To understand whether the information currently disseminated is adequate to demonstrate the actual situation of legal aid cases allocation and that the assignment of legal aid cases has not been affected by improper touting activities, the Task Force has studied the following statistics:

- i) distribution of assignments to counsel;
- ii) distribution of assignments to solicitors;
- iii) counsel with over 10 years of experience in assignment categories 16 - 30 and 5 - 15;
- iv) top 20 solicitors in terms of number of assignments for civil cases;
- v) statistics on assignments to selected solicitors in civil cases;
- vi) number of civil cases assigned to top 20 solicitors in 2013-14 and their respective assignments from 2009 to 2014; and
- vii) number of civil cases assigned to each of the top 20 solicitors, 2009-10 to 2013-14.

總結及建議

在檢討法援署提供的統計數據及補充資料後，專責小組認為總體來說，外判予律師的案件數量屬合理水平，而一些例外情況的解釋亦可接納。專責小組相信，若此等統計數據可定期發放的話，應可以減少外界對法援案件外判安排的不必要批評或懷疑，因為這些數據不但展示了外判案件的分布情況，也可顯示個別律師獲委派的案件數量是否超出上限。長遠來說，該等統計數據可作為一個追查記錄，同時對利用外判制度而得益的律師起了顯著的阻嚇作用，進而協助打擊不當兜攬生意活動。另一方面，法律專業團體亦可以根據這些統計數據來監察其會員獲委派法援工作的情況。因此，專責小組建議法援署於其網站及/或年報列出獲委派最多外判案件的律師所處理的案件詳細分項。

法援署的回應

為提升其運作透明度，法援署原則上同意改善電腦系統，以便整理外判案件的統計數據，及把相關數據在年報內刊出，而年報亦會上載至網站。

Conclusion and Recommendations

Having reviewed the statistics and the supplementary information provided by LAD, the Task Force considered that on the whole the number of assignments to lawyers was at a reasonable level and the explanations given to the exceptions were acceptable. The Task Force believed that if the statistics were provided on a regular basis, it could help reduce the unnecessary criticism/suspicion on the allocation of legal aid work. It was because the statistics not only demonstrated the distribution of assignments but also showed if the number of assignments to a particular lawyer had exceeded the assignment limit. In the long run, the statistics could form a track record and serve as a strong deterrent for the lawyers who took advantage of the assignment system which consequently could help combating the improper touting activities. On the other hand, the legal professional bodies could base on the statistics to monitor the assignment of legal aid work to their members. Therefore, the Task Force suggested LAD publishing the breakdown of assignments to the top lawyers through its website and/or annual report.

Response of LAD

LAD in principle agreed to compile the relevant statistics on assignment to promote transparency by enhancing their computer system and publishing the same in LAD's Annual Report, which will be uploaded to LAD's website.

法律援助財政預算

持分者的關注及相關跟進工作

在司法及法律事務委員會於2013年6月25日舉行的會議中，大律師公會在討論成立獨立的法律援助管理局時，提出其對法律援助財政預算的意見。大律師公會認為「法援預算不設上限」只是虛言，因為法援署從未申請追加撥款，而且每年的相關開支亦一直保持平穩。因此，大律師公會認為法援預算實際上設有上限。因應這個議題，行政當局在同一會議上向委員會委員簡介了香港法律援助撥款制度。為回應委員會的要求，行政當局在2013年9月提交了文件，說明法律援助經費預算的釐定，並確認政府為法援服務一直提供足夠的撥款。

法律援助經費預算的釐定

如行政當局所解釋，法援申請由需求主導，法定的經濟審查和案情審查是審批法援申請的唯一準則。因此，任何已通過經濟審查及案情審查的法援申請，均不會因法援撥款不足而被拒。換言之，法援署的財政狀況不會影響任何尋求司法公義的人士。

如其他政府部門，法援署每年的法援經費預算均經過全面考慮過去的實際開支和來年的預計開支而釐定。基於行政理由，行政當局會在

Legal Aid Budget

Concerns of Stakeholders and Follow-up Actions Taken

At the meeting of the AJLS Panel held on 25 June 2013, the Bar Association made a comment on the budget of legal aid in the discussion of the issue of the establishment of an independent legal aid authority. It opined that the “uncapped budget” was a myth in that LAD had never sought supplementary provision and had maintained a stable trend in expenditure. The Bar Association considered that there was a de facto capped budget for LAD. On this matter, the Administration briefed Panel members on Hong Kong’s legal aid funding mechanism at the same meeting. In response to the Panel’s request, the Administration also made a submission in September 2013 explaining the budgeting of legal aid costs and confirming that the Government had been making sufficient provision in the Estimates of Expenditure for the legal aid services all along.

Budgeting of Legal Aid Costs

As explained by the Administration, legal aid applications are demand-driven. The statutory means and merits tests are the only criteria in assessing legal aid applications. Therefore, an application for legal aid that has passed both the means and merits tests will not be refused due to insufficient legal aid funding. In other words, a person’s access to justice will not be hindered by LAD’s fiscal position.

LAD’s annual estimates on legal aid costs, like other government expenditure, are drawn up holistically taking into account the past actual expenditure and



每個財政年度開始時為部門設定一個核准撥款額。在特殊情況下，若財政年度內的法援服務開支超出核准撥款，行政當局便會尋求增撥款項，以確保合資格的法援申請不會因缺乏經費而被拒。

法律援助經費的統計數據

目前，法援署透過其網站和年報，以及通過政府的開支預算案來發放有關法律援助經費的資訊/統計數據。有關資訊/統計數據亦載於法援署向本局提交的季度報告內。

為了對過去5年的法援經費的變動有更全面的掌握，並檢視每年的核准撥款額是否追得上經費的變動，專責小組研究了法援經費的統計數據。

the estimated expenses for the coming year. For administrative purpose, an approved funding amount is set at the beginning of each financial year. In exceptional circumstances where the legal aid costs exceed the approved provision within a financial year, supplementary provision will be sought to ensure that no eligible legal aid applications will be turned down owing to a lack of funds.

Statistics on Legal Aid Costs

Currently, LAD disseminates information/statistics on legal aid costs through its website and annual departmental report, as well as the Government's Estimates of Expenditure. It also included such information/statistics in its quarterly report to the Council.

To have a clearer picture on the changes in legal aid costs throughout the past 5 years and whether the approved estimates had fallen behind, the Task Force has studied the statistics on legal aid costs.

Conclusion and Recommendations

Against the budgeting of legal aid costs, the Task Force considered that there was no undue limitation for the legal aid budget and the budgeting system was transparent and administered in a fair way. As the indices on approved estimates and actual expenditure of LAD were good indicators, to enhance the Department's operational transparency, the Task Force suggested LAD publishing the indices in its website and/or annual report.

In the course of discussion, the Task Force was given to note that how much LAD would spend on legal aid

總結及建議

對於法援經費的財政預算，專責小組認為有關預算並沒有受到不適當的限制，而制定財政預算的制度亦公開公正。由於法援署的核准預算和實際開支指數是良好的監察指標，專責小組建議法援署在其網站及/或年報刊載這些指數，以提高其運作透明度。

在討論的過程中，專責小組知悉，律師提交帳單的時間是其中一個影響法援署法援開支的因素，而這個因素並非法援署所能控制。而且，由接獲法援申請至案件索償金額得到裁決所需的時間，會因應個別案件而有所不同，甚至可能長達兩年或以上。由於處理每宗法援個案都需要一定的時間，專責小組贊同法援署不可能控制法援的開支，加上法援署已制定處理申請的服務指標，相信法援署不會故意拖延處理申請的過程，以減少某特定時期內的法援經費，因為公眾可於相關網站瀏覽法援署年報及政府的開支預算案，從而知悉其實際服務表現。

法援署的回應


法援署同意以2009-10年作為基準年份，於部門年報內刊載核准預算和實際開支指數，並上載至部門網站。法援署同時確認其法援經費受多個因素所影響，包括律師提交帳單的時間、帳單的金額等。律師可



costs was subject to, among other things, the timing of submission of the lawyers' bills, which was not within the Department's control. Also, from the date of receiving an application to the date of concluding the case when costs matters were resolved, the time required for completing the whole process varied from case to case and might take about 2 or more years. The Task Force agreed with LAD that given the considerable length of the life span of legal aid cases, it was not possible to have any manipulation on the expenditure. In addition, LAD has set performance targets on the processing of applications. It was believed that LAD would not intentionally prolong the processing time with a view to reducing the legal aid costs within a specified period as its actual performance could be accessed by members of the public via LAD's annual report and the Government's Estimates of Expenditure uploaded onto the respective websites.


Response of LAD

LAD agreed to publish indices on approved estimates and actual expenditure with 2009-10 as the base year in the Department's annual report and upload the same to LAD's website. LAD also confirmed that the amount of legal



在法援證書發出後於任何時間提交分期或總計帳單，而提交帳單的時間並非法援署可以控制。因此，延長法援申請處理時間並不能阻止律師提交帳單，亦無助於減少案件所引致的法律費用。再者，法援署已就處理民事及刑事法援申請訂立服務承諾，而統計數據亦顯示法援署處理申請的表現超越服務指標。相關的數據已刊登於法援署年報並上載至其網站，公眾透過互聯網便可輕易取得有關資訊。因此，有關署方拖延申請處理時間以減低法援經費的說法只是一個誤解。

aid costs spent by LAD was affected by various factors, including the timing of submission of bills by lawyers, the amount claimed in those bills, etc. Lawyers might at any time after the granting of legal aid certificates tender their interim or final bills, of which LAD did not have control. Therefore, lengthening the processing time for legal aid applications would not stop lawyers from submitting their bills or help to reduce the amount of legal costs incurred for the cases. Furthermore, LAD had in place performance pledges for processing civil and criminal legal aid applications. Statistics showed that LAD's performance of processing applications exceeded the performance targets. The related statistics were published in the Department's annual reports which were uploaded onto LAD's website and could easily be accessed by the public through the internet. Hence, the assertion of reducing the legal aid costs by lengthening the processing time was but a misconceived perception.



法律援助輔助計劃的檢討

Review of Supplementary Legal Aid Scheme

法律援助的目標是確保所有具合理理據提出訴訟或抗辯的人士，不會因缺乏經濟能力而無法尋求公義。任何人士如欲獲得法援，必須通過《法律援助條例》規定的經濟審查及案情審查。近年，普通法律援助計劃（「普通計劃」）及法律援助輔助計劃（「輔助計劃」）的財務資格限額已大幅提升，其援助範圍亦有所擴大。行政當局現正不斷吸收新增援助訴訟類別的經驗，並已邀請本局就「輔助計劃」的援助範圍作進一步檢討及提出新一輪的建議。為此，本局成立了一個工作小組以跟進是次檢討。

工作小組分別於2014年3月18日、2014年5月26日及2014年6月27日開會討論，其後透過電郵交流關於進一步擴大「輔助計劃」的援助範圍的必要性及可行性，以及如需擴大援助範圍，應新增哪類個案。

在檢討過程中，工作小組研究了持分者的書面意見及看法，包括立法會司法及法律事務委員會以及兩個法律專業團體，尤其是香港大律師公會於2010年7月20日及2012年11月5日發出有關議題的立場書。工作小組亦檢視了法律援助署（「法援署」）提供的相關統計數字以及其他資料。

The purpose of legal aid is to ensure that no one with reasonable grounds for pursuing or defending a legal action is denied access to justice because of a lack of means. To qualify for legal aid, a person is required to satisfy the means and merits tests as provided by the Legal Aid Ordinance. In recent years, the financial eligibility limits (FELs) of the Ordinary Legal Aid Scheme (OLAS) and the Supplementary Legal Aid Scheme (SLAS) have increased substantially, and the scope of OLAS and SLAS has also been expanded. Whilst the Administration is still gaining experience on the newly added proceedings, the Council was invited to conduct a further review on the scope of SLAS with a view to presenting a new round of recommendations to the Administration. Towards this end, the Council has formed a working group to follow up on the review.

The working group met on a total of 3 occasions i.e. 18 March 2014, 26 May 2014 and 27 June 2014, and exchanged emails thereafter to consider whether it was necessary and feasible to further expand the scope of SLAS and, if so, which type(s) of cases should be included.

In the course of the review, the working group studied the written comments and views already expressed by stakeholders including the Panel of Administration of Justice and Legal Services (AJLS) of Legislative Council (LegCo) and the two legal professional bodies, in particular the Hong Kong Bar Association's position papers on this topic dated 20 July 2010 and 5 November 2012. The working group also examined relevant statistics provided by the Legal Aid Department (LAD) and reviewed other materials.

工作小組於2015年1月在本局會議上提交了初步檢討報告。為了促進進一步討論，本局向民政事務局（「民政局」）索取補充資料，並於2015年3月收到回覆。本局會在調整報告後繼續討論。

The working group submitted its report on the preliminary findings of the review to the full Council for consideration at its meeting held in January 2015. To facilitate further discussion, supplementary information was sought from the Home Affairs Bureau (HAB). Its return was received in March 2015 and is being considered by the working group. The Council will continue the discussion after the report has been fine tuned.

在《法律援助(評定資源及分擔費用)規例》下用作釐定受助人應繳分擔費用比率的經評定財務資源組別 Bandwidths of Assessed Financial Resources for Determining Contribution Payable under the Legal Aid (Assessment of Resources and Contributions) Regulations

法律援助服務由公帑支持運作。受助人依照其經評定的財務資源水平，必須繳付與其經濟狀況相稱的分擔費用。《法律援助規例》（《規例》）中附表3第I部訂明「普通計劃」下相關分擔費用的比率。

Legal aid services are supported by public funds. Aided persons, depending on the level of their assessed financial resources, are required to pay a contribution proportionate to their means. The scales of contribution rates under the OLAS are prescribed in Part I of Schedule 3 to the Legal Aid Regulations (LAR).

《規例》附表3第I部(a)及(b)段列出「普通計劃」下受助人一般須繳付的分擔費用比率，而(c)段則列出人權案件中受助人的財務資源如超過「普通計劃」財務資格限額時應繳付的分擔費用比率。現有《規例》的組別列表中，除了「普通計劃」的財務資格限額是以「《法律援助條例》第5(1)條指明的財務資源款額」作文字表述外，其餘各財務資源組別均以實際金額數字列出。

Paragraphs (a) and (b) of Part I of Schedule 3 to the LAR set out the contribution rates for OLAS aided persons in general, while paragraph (c) sets out the contribution rates for aided persons of human rights cases whose financial resources may exceed the OLAS FEL. Except for the references to the OLAS FEL as prescribed under Section 5(1) of the LAO, the rest of the bandwidths are set out in absolute dollar figures in the bandwidth tables of the current LAR.

鑑於現時的資源組別均以實際金額數字列出，隨著「普通計劃」的財務資格限額近年大幅調高，「普通計劃」財務資格限額因而如下表(i)列所示已幾乎達到高一級別的資源組別的上限（269,700元）：

With the current resources bandwidths set out in absolute dollar figures and the significant increase in the OLAS FEL in recent years, the OLAS FEL has now almost caught up to the ceiling of the next higher resources band (\$269,700) as shown in row (i) in the table below-

	經評定財務資源 Assessed financial resources		應繳分擔費用 - 金額 / 經評定財務資源百分比 Payable contribution – amount / percentage of assessed financial resources
	超出 Exceeding	不超過 Not exceeding	
(a)	≤ \$20,000		\$0
(b)	\$20,000	\$40,000	\$1,000
(c)	\$40,000	\$60,000	\$2,000
(d)	\$60,000	\$80,000	5%
(e)	\$80,000	\$100,000	10%
(f)	\$100,000	\$120,000	15%
(g)	\$120,000	\$144,000	20%
(h)	\$144,000	「普通計劃」 財務資格限額 OLAS FEL [\$269,620]	25%
(i)	「普通計劃」 財務資格限額 OLAS FEL [\$269,620]	\$269,700	30%
(j)	\$269,700	\$369,700	35%
(k)	\$369,700	\$469,700	40%
(l)	\$469,700	\$569,700	45%
(m)	\$569,700	\$669,700	50%
(n)	\$669,700	\$769,700	55%
(o)	\$769,700	\$869,700	60%
(p)	\$869,700	\$1,200,000	65%
(q)	\$1,200,000	-	67%



行政當局認為直至修訂資源組別前，「普通計劃」的財務資格限額將無法進一步上調，否則便會出現有關資源組別「下限」（即(i)列左欄）高於同一資源組別「上限」（即(i)列中間一欄）的異常情況。

為徹底解決問題，行政當局建議修訂組別列表，使資源組別改以相對「普通計劃」財務資格限額的百分率顯示，取代目前以實際金額數字顯示的做法。如日後「普通計劃」財務資格限額有所改動，有關組別亦會自動作出相應調整。

除此以外，由於資源組別中近年只有「普通計劃」財務資格限額曾作上調，以致現時的組別分布不均，部分組別涵蓋的經評定財務資源幅度很大，但有些組別涵蓋的幅度則相當小。

The Administration found it unable to further adjust the OLAS FEL upward until the bandwidths are amended, since otherwise, there will be an anomaly where the “lower end” of the band (i.e. left column) in row (i) will be higher than the “upper end” of that band (i.e. middle column).

To resolve the problem once and for all, the Administration proposed to amend the bandwidth tables so that the resources bandwidths will be represented as percentages of the OLAS FEL rather than absolute dollar figures. The bandwidths would then automatically be adjusted upon any future OLAS FEL adjustments.

Besides, since only the OLAS FEL has been adjusted upward in the amendment exercises in recent years, the resources bandwidths are now unevenly distributed, with some bands covering a very wide range of assessed financial resources while some other covering a very narrow range.

As such, the Administration also proposed to take the opportunity to adjust the distribution of resources bandwidths so as to maintain a more even distribution. To maintain the real value of the first two tiers of contribution payable in relation to the OLAS FEL, the Administration also proposed to amend the current fixed contribution amounts of \$1,000 and \$2,000 to 2% and 2.5% of the aided persons’ assessed financial resources respectively.

The threshold of assessed financial resources exceeding which contributions begin to be payable is currently set at \$20,000, and the Administration proposed to change it to 12.5% of the OLAS FEL (i.e. \$33,702.5 by applying the current OLAS FEL). In 2013, 7 195 out of 10 024 aided persons (or 72%) need not pay any contribution at all as their financial resources were assessed to be

因此，行政當局建議藉此機會調整資源組別，以維持較平均的分布。為維持首兩級應繳分擔費用相對「普通計劃」財務資格限額的實際價值，當局亦建議把現行1,000元和2,000元的定額分擔費用分別修訂為受助人經評定財務資源的2%和2.5%。

目前受助人的經評定財務資源如超過20,000元便須繳付分擔費用。行政當局建議把有關門檻改為「普通計劃」財務資格限額的12.5%（按現有「普通計劃」財務資格限額計算即為33,702.5元）。2013年，在10 024名受助人當中，共有7 195名受助人（即72%）因其經評定財務資源低於20,000元而無須繳付分擔費用。在此建議下，按2013年的數字計算，無須繳付任何分擔費用的受助人的百分比將上升9%至7 847人。經評定財務資源超出「普通計劃」財務資格限額的12.5%的受助人，因應其經評定的財務資源水平，則須繳付由674元（即 $269,620 \times 12.5\% \times 2\%$ ）至67,405元（即 $269,620 \times 25\%$ ）不等的分擔費用。另一方面，人權案件中財務資源超出「普通計劃」財務資格限額的受助人，其分擔費用將介乎80,886元（即 $269,620 \times 30\%$ ）至其經評定財務資源的67%不等。

民政局在2015年2月向司法及法律事務委員會簡介上述建議前，已向

below \$20,000. Under the proposal, the percentage of aided persons who do not need to pay any contribution will increase by 9% to 7 847 based on the statistics in 2013. Aided persons with assessed financial resources exceeding 12.5% of the OLAS FEL will need to pay a contribution ranging from \$674 (i.e. $\$269,620 \times 12.5\% \times 2\%$) to \$67,405 (i.e. $\$269,620 \times 25\%$), depending on the level of their assessed financial resources. Further, for the aided persons of human rights cases whose financial resources exceed the OLAS FEL, their contribution amount would range from \$80,886 (i.e. $\$269,620 \times 30\%$) to 67% of his/her assessed financial resources.

The Council was briefed by HAB on the above proposal before its briefing to the AJLS Panel in February 2015 on



法援局簡介其就調整經評定財務資源組別而提出修訂規例的建議。與此同時，法援局獲悉行政當局在修訂《法律援助規例》後，亦將透過立法會決議案方式上調「普通計劃」及「輔助計劃」的財務資格限額，以反映丙類消費物價指數的變動。上次於2013年6月實施的調整，已計及丙類消費物價指數在2011年7月至2012年7月期間錄得的3.7%升幅。在今次的調整中，行政當局建議把「普通計劃」和「輔助計劃」的財務資格限額上調7.7%至290,380元和1,451,900元，以反映丙類消費物價指數在2012年7月至2014年7月期間錄得的累積變動。行政當局將於2015年第二季動議立法會決議案以調整「普通計劃」及「輔助計劃」的財務資格限額。

its plan to introduce the amendment regulations for the revised set of bandwidths of assessed financial resources. On the same occasion, the Council was also given to note that upon making the amendments to the LAR as set out above, the Administration would adjust the OLAS FEL, together with the SLAS FEL, upward to reflect the CPI(C) changes by way of a LegCo resolution. The last adjustment implemented in June 2013 had taken into account the CPI(C) change of +3.7% between July 2011 and July 2012. For the coming adjustment, the Administration proposed to increase the OLAS and SLAS FELs by 7.7% to \$290,380 and \$1,451,900 respectively to reflect the accumulated change in CPI(C) recorded between July 2012 and July 2014. The Administration would move the LegCo resolution to adjust the FELs of OLAS and SLAS in the second quarter of 2015.

刑事法律援助費用的檢討

Review of Criminal Legal Aid Fees

法援署聘用私人執業大律師和律師處理刑事訴訟法律援助案件。《刑事訴訟程序條例》(第221章)的附屬法例《刑事案件法律援助規則》第21條訂明支付該等律師的費用表和費用的評估機制。該費用表在法律上只對法援署具約束力，但律政司在行政上採納同一費用表聘用私人執業大律師代表政府在刑事案件中進行起訴，以確保法援署或律政司

LAD engages counsel and solicitors in private practice to undertake litigation work in respect of criminal legal aid cases. The scale of fees payable to these lawyers as well as the fee assessment mechanism are prescribed in Rule 21 of the Legal Aid in Criminal Cases Rules under the Criminal Procedure Ordinance (Cap. 221). While legally the scale of fees only binds LAD, the Department of Justice (DoJ) adopts the same fee scale on an administrative basis in engaging counsel in private practice to prosecute in criminal cases on behalf of the Government, with a view

在聘用律師時均不會較對方佔優。同樣地，當值律師根據當值律師計劃擔任法律代表的費用，亦參照律政司聘用大律師在裁判法院擔任控方律師所支付的費用計算。

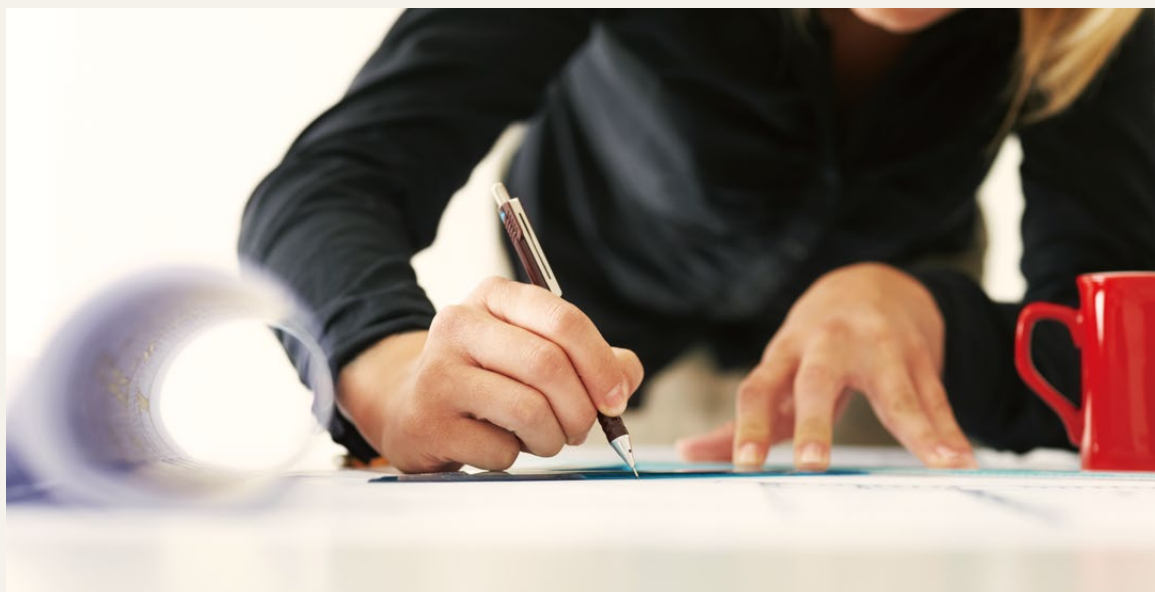
政府當局自1992年起，每兩年檢討該等費用一次，當中會考慮期內消費物價的變動、聘用私人執業大律師及律師服務的實際或預計困難以及其他因素，如整體經濟狀況和辦公室租金等。上一次的兩年檢討是在2012年進行。

如去年年報所述，行政當局計劃於2014年進行一次全面檢討。民政局已於2014年3月成立一個由香港大律師公會、香港律師會、以及法律援助署和律政司的代表組成的工作小組，檢討刑事法律援助費用款額。民政局在本局2015年3月17日的會議上透露，兩個法律專業團體已經就檢討刑事法律援助費用制度提交意見書，而工作小組亦於2015年3月2日的第二次會議中檢視有關文件。行政當局會研究該意見書並在兩至三個月內召開下一次工作小組會議。行政當局會視乎工作小組的商議工作和討論進度而提交法例修訂，以落實檢討建議。民政局會繼續向本局通報有關進度。

to ensuring that neither LAD nor DoJ would have any advantage in competing for lawyers. For the same reason, fees for duty lawyers providing legal representation under the Duty Lawyer Scheme are also based on the brief fee payable by DoJ to engage counsel to appear in the Magistrates' Courts as prosecuting counsel.

Since 1992, the Administration has been reviewing these fees on a biennial basis, having regard to changes in consumer prices during the reference period, actual or anticipated difficulties in engaging the services of private counsel and solicitors, and other factors such as the state of the economy and office rentals. The last biennial review was conducted in 2012.

As stated in the last annual report, the Administration initiated a comprehensive review in 2014. In March 2014, HAB formed a working group comprising representatives from the Hong Kong Bar Association and the Law Society of Hong Kong, as well as government representatives from LAD and DoJ to review the rates of criminal legal aid fees. At the Council meeting held on 17 March 2015, HAB briefed the Council that the two legal professional bodies had made submissions on the review of criminal legal aid fees system and the working group held its second meeting on 2 March 2015 to go over the submissions. The Administration would study the submissions and aim at convening the next working group meeting in two to three months' time. Subject to the deliberations and progress of discussions at the working group, the Administration would introduce legislative amendments to implement the recommendations of the review. HAB would continue to keep the Council informed of the progress.



已除名的律師申請再次加入法律援助律師名冊 Lawyers Removed from Panel Applying to Re-join the Legal Aid Panel

法律援助證書簽發後，法律援助署署長（署長）便可委派法援署律師代表受助人。如果署長不代表受助人行事，他或受助人可從該署管理的法律援助律師名冊中選擇一名大律師或律師作為受助人的代表。

持有有效執業證書的大律師或律師均可申請加入法律援助律師名冊，署長必須有足夠理由相信該律師曾處理案件失當或專業操守欠佳，才可拒絕他們加入名冊的申請。現時，名冊上有逾800名大律師及2 200名律師。大律師或律師在以下

Where a legal aid certificate is granted, the Director of Legal Aid may act for the aided person through lawyers employed in LAD. If the Director does not act for the aided person, he or the aided person may select a solicitor or counsel to act for him from the panels of counsel and solicitors maintained by the Department.

Counsel or solicitors holding current practising certificates may apply to join the Legal Aid Panel, unless the Director is satisfied that there is good reason to exclude them by reason of their conduct in any particular case or their professional conduct generally. Currently, there are more than 800 counsel and 2 200 solicitors on the Panel. Counsel or solicitors on the Legal Aid Panel may be

情況可能會被除名：(a)他們主動要求除名；或(b)他們不再持有有效的執業證書；或(c)由於他們表現嚴重失職而被法援署監察外判個案委員會決議除名。

因(a)或(b)原因而除名的律師，只要他們持有有效執業證書，均可以申請重新加入名冊。至於因(c)原因而除名的律師，在法援署於2014年底實施新程序前，一直沒有處理其重新加入名冊申請的指引。在新程序實施後，因(c)原因除名的律師在被除名當天起計最少三年後，可申請再次加入名冊。他們申請重新加入名冊時，須提交以下文件：

- a) 法律援助律師名冊參加表格；
- b) 所有證明他/她適宜獲重新納入名冊及處理法律援助個案的相關文件；以及
- c) 兩名資深業界人士的推薦信，其中一名必須與申請人來自不同的大律師或律師事務所，以確認申請人適合處理法律援助個案。「資深業界人士」是指取得專業資格後執業滿20年或以上的律師。

處理重新加入名冊的申請時，監察外判個案委員會將考慮該名律師所提交的資料，並按每宗申請的個別情況，審核其是否處理法律援助個案的合適人選。考慮因素包括該名律師的經驗、對法律援助要求的認識、過往處理法律援助個案的表現、被除名原因、被除名後處理個

removed if: (a) they request to be removed from the Panel; or (b) they cease to hold a current practising certificate; or (c) their unsatisfactory performance is of a serious nature that they are removed from the Panel by the decision of the Departmental Committee on Monitoring Assignments to Counsel and Solicitors (DMC).

Lawyers removed under (a) and (b) may apply to re-join the Panel if they hold a current practising certificate. For (c), there is no guideline on how to deal with applications from those lawyers to re-join the Panel until LAD implemented new procedures in late 2014. With the new procedures, lawyers removed under (c) can only apply to re-join the Panel at least 3 years since the date of their removal from the Panel. When applying to re-join the Panel, the lawyer is required to submit the following:

- a) the Panel Entry Form;
- b) all relevant information in support that he/she is suitable for readmission to the Panel and handling legal aid cases; and
- c) two references from two senior members of the profession, one of whom must be from a different firm or chamber from that of the lawyer, confirming that the lawyer is a fit and proper person to handle legal aid cases. "Senior members of the profession" refer to those lawyers who have had at least 20 years' post qualification experience.

In considering the application for re-joining the panel, the DMC will take into account the information provided by the lawyer and consider on a case by case basis whether the lawyer is a "fit and proper person" to handle legal aid cases. Factors to be considered include the lawyer's experience, knowledge of legal aid requirements, history of performance in handling legal aid cases, reasons for removal from the Panel, the lawyer's performance in

案的表現，以及其他相關資料，例如是否曾被紀律懲處或刑事檢控。

如果申請被拒絕，該名律師有一次機會向監察外判個案委員會提出申訴。委員會經評估後所作的決定為最終決議，並將以書面通知申請重新加入名冊的大律師和律師有關決定。

法援署已於本局2014年12月的會議中簡介上述有關律師申請再次加入名冊的新指引。有關指引亦已上載至法援署網頁。

handling cases since removal and any other relevant matters such as whether professional disciplinary or criminal proceedings have been found substantiated against that lawyer.

If the application is rejected, the lawyer will be given an opportunity to make representations which will be evaluated by the DMC. The decision made by DMC after evaluating the representations is final. Counsel and solicitor applying to re-join the panel will be informed of the decision of the DMC in writing.

The above-said new guidelines for lawyers removed from the Panel applying to re-join the Legal Aid Panel were briefed by LAD at the Council meeting held in December 2014. The same could also be obtained from the website of LAD.

法援個案委託對應不正當兜攬生意活動 Assignment of Legal Aid Cases vis-a-vis Improper Touting Activities

在2014年3月，民政局向本局轉述了保險、的士及公共小巴業界對《法律援助條例》第13條有關法援署的律師提名制度可能引致律師／索償代理作出不正當的兜攬生意活動的關注，並簡介了行政當局到目前為止的跟進行動。

本局在當月召開的會議上討論上述議題。在會議中，本局成員注意

In March 2014, HAB informed the Council of the concerns expressed by the insurance / taxi / minibus trades about possible touting activities by certain solicitors / recovery agents vis-a-vis the LAD's lawyer nomination system under Section 13 of the Legal Aid Ordinance (LAO), and the Administration's follow-up actions taken so far.

The above-said matter was discussed at the Council meeting held in the same month. From the meeting, Council members noted that under Section 13 of LAO,

到，根據《法律援助條例》第13條，受助人有權提名其代表律師。由於個別律師可能因為擅於處理某類個案而廣為受助人所認識，因此，即使被提名的律師曾處理的法援個案數量最多，亦不應因而假定該名律師與索償代理或兜攬生意活動有任何連繫。法援署歡迎業界提出具體個案及證據指證被提名的律師操守不當，例如故意拖延法律訴訟程序以收取更多律師費或與索償代理有關連。貫徹法援署處理有關第三方或對訟一方反對法援署向受助人批出法援而提交陳述的做法，法援署隨時準備徹底調查事件，並展開跟進工作。

本局亦知悉法援署正與兩個法律專業團體聯手打擊不當兜攬生意活動，有關工作將繼續進行。為了改善外委律師程序，在本局同意下，法援署於2013年9月推出「申報制度」。在該制度下，受助人須聲明提名是完全出自其個人意願，而且不會與任何人攤分訴訟申索所得的賠償／業權／訟費，包括被提名的律師。上述條件亦將列明於律師委任信中，如被提名的律師不願接受該等條件，便不得接受相關委派，並需向法援署交回所有個案文件。

本局亦於2014年10月在與香港律師會的會議上討論到有關不當兜攬生意活動所產生的問題，雙方就解決方法交換了意見。本局亦得悉香港律師會成立了一個小組委員會研究

aided persons has a right to nominate their own lawyers. The nominated lawyers who handled the most number of cases could not be presumed to have connection with recovery agents or be related to improper touting activities. They might be well-known in a particular field for their good service and known to the aided persons by words of mouth. LAD welcomed members of the trades to provide the Department with details of the cases or evidence of the improper conduct on the part of the nominated lawyers such as deliberately lengthening the litigation process so as to generate more legal costs or being connected to recovery agents. LAD would stand ready to conduct thorough investigation and take follow-up action as in the way in which representations against the grant of legal aid from the third party or the opposing party were handled.

The Council was also given to know that LAD had been working with the two legal professional bodies to combat improper touting activities, and the work would continue. As a measure to improve the assignment system, with the endorsement of the Council, LAD introduced a "declaration system" in September 2013. Under the system, each aided person will be asked to declare that the nomination, if any, is made entirely out of his/her own free will and he/she has not agreed to share any damages, property or costs which he/she will recover from the proceedings with any person(s) including the solicitor nominated. The nominated lawyer, if unable to accept the above condition incorporated in the assignment letter, will be obliged to return the case papers to LAD.

The issues relating to improper touting activities were also discussed at a meeting between the Council and the Law Society in October 2014. Both parties exchanged views on the ways to address the problems arising from the issues.

有關問題，並已邀請法援署署長加入委員會。

要證明法援個案外判工作是否被不當兜攬生意活動所影響，本局認為最好的方法是提高法援署的運作透明度，公布相關統計數字。為此，本局已透過其研究改善法律援助資訊傳遞的專責小組，檢視法援署的外判個案統計數字並作出建議。

It was also understood that the Law Society had set up a sub-committee to look into the issues and the Director of Legal Aid was invited to sit on the sub-committee.

To demonstrate if the assignment of legal aid work has been affected by improper touting activities or not, the Council considered that the best way was to increase the operational transparency of LAD by publicising the related statistical data. To this end, the Council through its task force on the dissemination of legal aid information has reviewed the LAD's statistics on case assignment and made recommendations on the matter.

7

與持分者的聯繫 Liaison with Stakeholders

行政當局

法援局一直與行政當局這個重要的法律援助持分者保持密切聯繫。

過去一年，民政事務局（「民政局」）就不同的法援議題向本局提供資料文件，包括2014年5月的「行政當局對本局有關法律援助獨立性的建議的立場」及「海外司法管轄區就選舉呈請及誹謗個案提供的法律援助涵蓋範圍」、以及2015年1月的「民政事務局的政策措施」、「《法律援助(評定資源及分擔費用)規例》(第91B章)的建議修訂及普通法律援助計劃和法律援助輔助計劃財務資格限額的調整」。民政局代表亦應邀出席本局會議，向本局成員簡介前述的資料文件並交流意見。

其他法律援助持分者

本局明白收集持分者的回應將有助本局就法援政策向行政長官提供意見。2014年10月30日，本局與香港律師會（「律師會」）人身傷亡訴訟事務委員會和法律援助委員會就不正當兜攬生意活動的相關問題舉行了一次會議，並於2014年12月的法援局會議上就律師會所提出的建議進行討論。除了開會討論法援事宜，本局主席亦應律師會的邀請，為2014年11月29日舉行的

The Administration

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

During the past year, the Home Affairs Bureau (HAB) has provided the Council with information on different legal aid issues, including the "Administration's Position on the Council's Recommendations on the Independence of Legal Aid" and "Legal Aid Coverage of Election Petition and Defamation in Overseas Jurisdictions" in May 2014, the "Policy Initiatives of the Home Affairs Bureau" and the "Proposed Amendment of the Legal Aid (Assessment of Resources and Contributions) Regulations (Cap. 91B) and Adjustment of the Financial Eligibility Limits of the Ordinary and Supplementary Legal Aid Schemes" in January 2015. For the aforesaid submissions, the representatives of HAB were invited to attend the Council meetings to brief and exchange views with Council members.

Other Stakeholders of Legal Aid

The Council recognises the importance of obtaining stakeholders' feedback in discharging its function to give advice to the Chief Executive on legal aid policy. On the issues relating to improper touting activities, the Council had a meeting with the Personal Injuries Committee and the Legal Aid Committee of the Law Society of Hong Kong on 30 October 2014. The suggestions made by the Law Society were subsequently discussed at the Council meeting held in December 2014. Apart from meetings on legal aid issues, the Council chairman was invited by the Law Society as an officiating guest at the opening ceremony of the Law Week 2014 held on 29 November



「法律週2014」開幕典禮擔任主禮嘉賓。香港大律師公會亦邀請本局主席及成員參加於2014年9月8日舉行的「法律援助改革與質量保證計劃研討會」。

國際法援組織

國際法援組織由法律援助及法律服務政策制定者和學者，以及蘇格蘭法律援助委員會的研究顧問所組成，主席為蘇格蘭斯特萊斯克萊德大學的Alan Paterson教授。國際法援組織由一個國際督導委員會指導，旨在透過就國際間的政策及研究發展進行討論及對話，以改善為貧困人士提供的、實證為本的法律服務政策制定模式。國際法援組織每兩年舉行一次研討會，本局成員周凱靈女士獲邀代表本局赴蘇格蘭愛丁堡出席於2015年6月10至12日舉行的「國際法援組織研討會2015」。

2014. The Bar Association also invited the Council chairman and members to attend the Seminar on Legal Aid Reform and Quality Assurance Scheme held on 8 September 2014.

International Legal Aid Group

International Legal Aid Group (ILAG) is a grouping of legal aid and legal services policy makers and scholars as well as a research adviser to the Scottish Legal Aid Board. It is guided by an international steering committee with Professor Alan Paterson, Professor of Law of University of Strathclyde, as its Chair. Its mission is to improve evidence-based policy-making in the field of poverty legal services through discussion and dialogue relating to international developments in policy and research. ILAG conferences take place every two years. On the invitation of ILAG, Council member Ms Juliana CHOW has, on behalf of the Council, attended its Conference 2015 held in Edinburgh, Scotland from 10 to 12 June 2015.



8

大律師證明書計劃 Certificate by Counsel Scheme

概況

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。

上述申請人如非因經濟審查而被拒批出法援，可向本局在相關的援助計劃下申請免費提供一張大律師證明書。在民事案件方面，本局只會考慮為已在上訴法庭進行聆訊，並就實質裁決頒布了判決、判定或命令而有意向終審法院提出上訴的案件，安排簽發大律師證明書，至於非正審的判決、判定或命令，本局將不會作出以上的安排。

本局自2002年4月起實施該項援助計劃，並一直有在本局年報中載述計劃的詳情和其運作情況。

在2014年4月1日至2015年3月31日期間，本局共接獲89宗（76宗刑事案件及13宗民事案件）要求提供大律師證明書的申請。在76宗刑事案件申請中，法援上訴人最常涉及的案件類別是「販賣危險藥物」，佔總刑事案件申請的32.9%。至於13宗民事案件申請，法援上訴人主

The Overview

Under section 26A of the Legal Aid Ordinance, a person who has been refused legal aid in respect of his/her 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.

If the above-said person has been refused legal aid other than on ground of means, he/she may apply to the Council for the provision of a certificate by counsel free of charge under an assistance scheme. In respect of civil cases, a certificate by counsel will only be provided if the case has been heard by the Court of Appeal and the intended appeal to the CFA is related to a judgment or decision or order on the substantive merits of the case as opposed to an interlocutory decision or order by the Court of Appeal.

The assistance scheme administered by the Council has been implemented since April 2002. Details of the scheme and its operation have all along been set out in the Council's annual reports.

From 1 April 2014 to 31 March 2015, the Council received 89 (76 criminal and 13 civil) applications for the provision of a certificate by counsel. For the 76 criminal applications, the commonest type of case the legal aid appellants were involved was "trafficking in a dangerous drug", which accounted for 32.9% of the total number of criminal applications. For the 13 civil applications, the majority types of cases the legal aid appellants were involved were

要涉及案件包括司法覆核及土地糾紛，佔總民事案件的53.8%。在89宗申請中，67宗（55宗刑事案件及12宗民事案件）申請獲批，17宗刑事案件申請被拒，3宗刑事案件申請被申請人撤回，兩宗（1宗刑事案件及1宗民事案件）申請被本局中止。

本局把該67宗獲批的申請外委予律師簽發大律師證明書，詳情如下：

judicial review and land disputes, which accounted for 53.8% of the total number of civil applications. Of the 89 applications, 67 (55 criminal and 12 civil) applications were approved, 17 criminal applications were refused, 3 criminal applications were withdrawn, 2 (1 criminal and 1 civil) applications were aborted by the Council.

In respect of the 67 approved applications, the Council made the following assignments for the provision of counsel certificate—

刑事案件 Criminal Case	大律師 Counsel	律師 Solicitor
(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	53	51
(b) 委派予法援上訴人提名的非名冊律師（該律師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	4
委派案件總數 Total assignment	55	55

民事案件 Civil Case	大律師 Counsel	律師 Solicitor
(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	12	7
(b) 委派予法援上訴人提名的非名冊律師（該律師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	5
委派案件總數 Total assignment	12	12



在已簽發的67份大律師證明書當中，9份（6宗刑事案件及3宗民事案件）證明法援上訴人有合理機會向終審法院上訴得直，另外58份（49宗刑事案件及9宗民事案件）則述明法援上訴人提出的上訴並無合理機會成功。

至於該9宗（6宗刑事案件及3宗民事案件）獲大律師證明書陳述法援上訴人有合理機會上訴得直的案件，法律援助署（「法援署」）經覆核後，決定為其中6宗案件（3宗刑事案件及3宗民事案件）提供法律援助。

2013至2014年度及2014至2015年度的統計列表如下：

Of the 67 certificates issued, 9 (6 criminal and 3 civil) certificates by counsel stated that the legal aid appellants have reasonable prospect of success in their intended appeal to the CFA and 58 (49 criminal and 9 civil) certificates by counsel stating that the legal aid appellants do not have reasonable prospect of success.

For the 9 (6 criminal and 3 civil) 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 (3 criminal and 3 civil) of the cases.

A table showing the statistics in 2013-2014 and 2014-2015 is appended below –

	2013年4月1日至 2014年3月31日接獲的申請 For Applications Received from 1.4.2013 to 31.3.2014			2014年4月1日至 2015年3月31日接獲的申請 For Applications Received from 1.4.2014 to 31.3.2015		
	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	59	5	64	55	12	67
(b) 被拒 refused	7	4	11	17	0	17
(c) 中止 aborted	3	0	3	1	1	2
(c) 撤回 withdrawn	0	0	0	3	0	3
總計 Total	69	9	78	76	13	89
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	1	7	6	3	9
(b) 無合理機會上訴得直 has no reasonable prospect of success	53	4	57	49	9	58
總計 Total	59	5	64	55	12	67
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	1	7	3	3	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	3	0	3
總計 Total	6	1	7	6	3	9

兩年的統計數據顯示：

- a) 2014-2015年度總申請數目增加了14.1%（由2013-2014年度的78宗上升至2014-2015年度的89宗）；當中刑事案件上升了10.1%（由2013-2014年度的69宗上升至2014-2015年度的76宗）；民事案件亦上升了44.4%（由2013-2014年度的9宗上升至2014-2015年度的13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2013-2014年度的10.9%上升至2014-2015年度的13.4%，上升主要來自民事案件；及
- c) 法援署因應大律師證明書提供法律援助案件的百分比，則由2013-2014年度的100%下降至2014-2015年度的66.7%。

就2014-2015年度接獲並成功獲批的申請，合共撥出2,040,000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 in 2014-2015 has increased by 14.1% (from 78 in 2013-2014 to 89 in 2014-2015), with increases of 10.1% in criminal cases (from 69 in 2013-2014 to 76 in 2014-2015) and 44.4% in civil cases (from 9 in 2013-2014 to 13 in 2014-2015);
- b) the percentage of cases certified by counsel to have reasonable prospect of success has increased from 10.9% in 2013-2014 to 13.4% in 2014-2015, with increase mainly comes from civil cases; and
- c) the percentage of cases where legal aid was granted by LAD in the light of the counsel certificates has decreased from 100% in 2013-2014 to 66.7% in 2014-2015.

In respect of the applications received in 2014-2015, \$2.04 million was committed as fees for counsel and solicitors for providing the certificates. Details are as follows –

	獲批申請 數目 Number of Applications 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	55	\$15,000	\$825,000	\$9,000	\$495,000	\$1,320,000
民事 Civil	12	\$40,000	\$480,000	\$20,000	\$240,000	\$720,000
總數 Total	67		\$1,305,000		\$735,000	\$2,040,000

援助計劃自2002年4月實施以來，合共撥出25,320,000元支付提供大律師證明書的費用。

Since the implementation of the assistance scheme in April 2002, a total of \$25.32 million was committed for the provision of certificate by counsel.

大律師和律師名冊

本局設有大律師和律師名冊，名冊內的律師為本局管理的援助計劃提供服務。要登記成為名冊律師，大律師須具備最少十年執業經驗，而律師則須具備七年執業經驗。此外，大律師和律師均須於過去三年內，曾處理最少三宗上訴法庭或終審法院的案件。資深大律師則獲豁免最低經驗要求。現時，名冊上共有67名大律師和45名律師。

Panel of Counsel and Solicitors

In providing the service under the assistance scheme administered by the Council, the Council maintains a panel of counsel and solicitors. To join the panel, counsel must have at least 10 years' practising experience and for solicitors, 7 years. In addition, both the counsel and solicitors must have handled at least 3 Court of Appeal (CA) or Court of Final Appeal (CFA) cases in the past three years. Senior counsel are exempted from the minimum experience requirements. At present, there are 67 counsel and 45 solicitors on the panel.

委任法律援助服務局主席及成員

政府在2014年8月29日宣布委任法律援助服務局主席及成員。

行政長官再度委任李家祥博士為本局主席，以及周凱靈女士、鄺心怡女士、李超華先生及潘素安女士為本局成員。

行政長官同時委任葉毓強先生、梁宏正先生、彭韻僊女士及王惠貞女士為本局成員。

所有任期為2014年9月1日至2016年8月31日。

本局非常感謝上一任成員蔡惠琴女士、洪為民博士、梁偉權先生及馬華潤先生對本局作出的貢獻。本局衷心希望他們未來一切順利，並期望他們繼續支持本局的工作。

本局會議出席紀錄

本局在2014至2015年度召開了7次會議，各成員出席率列表如下：

Appointment of Chairman and Members to Legal Aid Services Council

On 29 August 2014, the Government announced the appointment of the chairman and members of the Legal Aid Services Council.

The Chief Executive has re-appointed Dr Eric LI Ka Cheung as chairman of the Council, and Ms Juliana CHOW Hoi Ling, Ms Anna KWONG Sum Yee, Mr Joseph LI Chiu Wah and Ms Josephine Antonetta PINTO as members of the Council.

The Chief Executive has also appointed Mr Albert IP Yuk Keung, Mr Clarence LEUNG Wang Ching, Ms Melissa Kaye PANG and Ms WONG Wai Ching as members of the Council.

The terms of appointment of all members are from 1 September 2014 to 31 August 2016.

The Council is very grateful for the tremendous contributions of former members Ms Virginia CHOI Wai Kam, Dr Witman HUNG Wai Man, Mr Edward LEUNG Wai Kuen and Mr Billy MA Wah Yan. The Council wishes them all the best in their future endeavours and looks forward to their continued support outside the Council.

Attendance at Council Meetings

The Council has scheduled seven meetings for the year 2014/2015. Attendance rates of Council members are set out in the table below:

姓名 Name of Council Member	出席會議次數** No. of Meetings Attended **	出席率 Attendance Rate
李家祥博士 Dr Eric LI Ka Cheung	7	100%
蔡惠琴女士# Ms Virginia CHOI #	0	0%
周凱靈女士 Ms Juliana CHOW	6	86%
洪為民博士# Dr Witman HUNG #	2	100%
葉毓強先生* Mr Albert IP *	5	100%
鄺心怡女士 Ms Anna KWONG	3	43%
梁宏正先生* Mr Clarence LEUNG *	3	60%
梁偉權先生# Mr Edward LEUNG #	1	50%
李超華先生 Mr Joseph LI	5	71%
馬華潤先生# Mr Billy MA #	2	100%
彭韻僊女士* Ms Melissa PANG *	5	100%
潘素安女士 Ms Josephine PINTO	5	71%
王惠貞女士* Ms WONG Wai Ching *	3	60%
法援署署長 Director of Legal Aid	7	100%

** 其中一次會議在不足法定人數下召開，所有待批文件其後轉送予當日缺席的成員批閱。

One of the meetings was convened even though there were not enough members to make a quorum. Papers requiring approval were subsequently circulated to members who were not at the meeting.

* 新成員在2014年9月1日上任。在2014年9月至2015年3月期間，本局共舉行了5次會議。

New members joined the Council on 1 September 2014. During the period from September 2014 to March 2015, five meetings were held.

上一任成員在2014年9月1日卸任。在2014年4月至2014年8月期間，本局共舉行了兩次會議。

Former members left the Council on 1 September 2014. During the period from April to August 2014, two meetings were held.



Green Management

The Council continues its efforts to minimize energy consumption and to enhance paper savings in the Council office by switching off lights, air-conditioners, office equipment and other electrical appliances when they are not in use; using two instead of three fluorescent light tubes in a light plate of some office areas; re-using envelopes; collecting used paper materials for recycling; printing on both sides of paper; using electronic means for communication and circulation of papers to Council members when it is practicable. In 2015, the Council has started maintaining the temperature of air-conditioning at 25.5°C in most of the office areas and avoids using products that contain volatile organic compounds (VOCs).

綠色管理

本局一向致力減低辦公室的能源消耗和紙張使用量，於不需使用時關上電燈、空調系統、辦公室儀器和其他電器用品，把部份天花燈盤的光管由原來的三支減至兩支，並會重複使用信封、收集並回收廢紙、雙面列印文件、使用電子媒介作通訊及在可行時傳送文件予本局成員傳閱。在2015年，本局開始把辦公室大部分地方的溫度保持在攝氏25.5度，並避免使用含有揮發性有機化合物的產品。

員工及財政

截至2015年3月31日，秘書處有兩個職位由本局聘請的合約員工擔任，另外四個職位則由政府借調公務員擔任。

於2014至2015年度，本局從政府收取的補助為5,553,901元。全年總支出為5,461,101元。

Staff and Finance

As at 31 March 2015, two posts in the secretariat were filled by contract staff recruited by the Council while four other posts were filled by civil servants seconded from the Government.

The subvention received from the Government for 2014-2015 was \$5,553,901. Total expenditure of the year was \$5,461,101.

10 審計署署長報告

Report of the Director of Audit

獨立審計報告

我已審計載列於第66頁至第77頁的法律援助服務局財務報表，包括於2015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

Independent Audit Report

I have audited the financial statements of the Legal Aid Services Council set out on pages 66 to 77, which comprise the balance sheet as at 31 March 2015, 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.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on

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2015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
(審計署首席審計師張永安代行)

2015年8月18日

審計署
香港灣仔告士打道7號
入境事務大樓26樓

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 2015, 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.



TEO Wing-on
Principal Auditor
For Director of Audit

18 August 2015

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

11 財務報告書及帳目

Financial Reports and Accounts

資產負債表

Balance Sheet

截至2015年3月31日止 AS AT 31 MARCH 2015

		註釋 Note	2015 港幣 HK\$	2014 港幣 HK\$
非流動資產	NON-CURRENT ASSETS			
物業、廠房及設備	Property, plant and equipment	5	28,604	13,693
流動資產	CURRENT ASSETS			
銀行存款及庫存現金	Cash at bank and in hand		87,185	218,983
預付款項	Prepayment		-	128,502
應收利息	Interest receivable		3	4
按金	Deposit		2,200	2,200
			89,388	349,689
流動負債	CURRENT LIABILITIES			
應付帳項及應計費用	Accounts payable and accrued charges		-	(8,270)
未支付約滿酬金	Provision for gratuities		(11,605)	(10,901)
未放取假期撥備	Provision for untaken leave		(7,543)	(6,661)
			(19,148)	(25,832)
淨流動資產	NET CURRENT ASSETS		70,240	323,857
淨資產	NET ASSETS		98,844	337,550
上列項目代表：	Representing:			
政府基金	GOVERNMENT FUNDS			
經常性補助基金	Recurrent subvention fund		98,844	337,550

隨附註釋1至11亦為上述財務報表的一部分。

此等財務報表已於2015年8月18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 18 August 2015.



李家祥博士 Dr Eric Li Ka Cheung
主席 Chairman

收支報表

Income And Expenditure Account

截至2015年3月31日止 FOR THE YEAR ENDED 31 MARCH 2015

		註釋 Note	2015 港幣 HK\$	2014 港幣 HK\$
收入	INCOME			
政府補助	Government subventions	7	5,553,901	5,346,257
利息收入	Interest income		16	25
			5,553,917	5,346,282
支出	EXPENDITURE			
職員酬金	Staff emoluments	8	(3,487,373)	(3,149,963)
租金及管理費	Rent and management fees		(1,706,710)	(1,515,211)
其他開支	Other expenses	9	(260,990)	(343,558)
			(5,455,073)	(5,008,732)
本年度盈餘	SURPLUS FOR THE YEAR		98,844	337,550
其他全面收入	Other Comprehensive Income		-	-
本年度全面收益總額	TOTAL COMPREHENSIVE INCOME FOR THE YEAR		98,844	337,550

隨附註釋1至11亦為上述財務報表的一部分。

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

權益變動表

Statement of Changes In Equity

截至2015年3月31日止 FOR THE YEAR ENDED 31 MARCH 2015

		港幣 HK\$
經常性補助基金	RECURRENT SUBVENTION FUND	
於2013年4月1日結餘	Balance as at 1 April 2013	403,100
退還政府款項	Refunded to Government	(403,100)
當年全面收益總額	Total comprehensive income for the year	<u>337,550</u>
於2014年3月31日結餘	Balance as at 31 March 2014	337,550
退還政府款項	Refunded to Government	(337,550)
當年全面收益總額	Total comprehensive income for the year	<u>98,844</u>
於2015年3月31日結餘	Balance as at 31 March 2015	<u><u>98,844</u></u>

隨附註釋1至11亦為上述財務報表的一部分。

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

現金流量表

Statement of Cash Flows

截至2015年3月31日止 FOR THE YEAR ENDED 31 MARCH 2015

		2015 港幣 HK\$	2014 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	98,844	337,550
折舊	Depreciation	7,939	24,511
利息收入	Interest income	(16)	(25)
預付款項減少/(增加)	Decrease/ (Increase) in prepayment	128,502	(128,502)
應付帳項及應計費用 減少	Decrease in accounts payable and accrued charges	(8,270)	(1,551,200)
未支付約滿酬金增加	Increase in provision for gratuities	704	7,853
未放取假期撥備增加	Increase in provision for untaken leave	882	2,143
		<hr/>	<hr/>
經營活動所得/(所用) 的現金淨額	Net cash generated from / (used in) operating activities	228,585	(1,307,670)
投資活動所得的 現金流量	Cash flows from investing activities		
購入物業、廠房及設備	Acquisition of property, plant and equipment	(22,850)	(11,100)
已收利息	Interest received	17	32
		<hr/>	<hr/>
投資活動所用的 現金淨額	Net cash used in investing activities	(22,833)	(11,068)
融資活動的現金流量	Cash flows from financing activities		
退還政府款項	Amount refunded to Government	(337,550)	(403,100)
		<hr/>	<hr/>
融資活動所用的 現金淨額	Net cash used in financing activities	(337,550)	(403,100)
現金及現金等值項目 減少淨額	Net decrease in cash and cash equivalents	(131,798)	(1,721,838)
年初的現金及現金等值 項目	Cash and cash equivalents at beginning of year	218,983	1,940,821
		<hr/>	<hr/>
年末的現金及現金等值 項目	Cash and cash equivalents at end of year	87,185	218,983
		<hr/>	<hr/>

隨附註釋1至11亦為上述財務報表的一部分。

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

帳目附註

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。

本局是一個非牟利組織，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

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。

NOTES TO THE FINANCIAL STATEMENTS

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 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,

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。直至今日為止，所得結論是採納該等修訂、新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。

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. 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

與收入有關的政府補助會延遞至相關支出產生時，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應計基礎確認入帳。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。實際利率是指把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元或以上的辦公室及電腦設備，其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：

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

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 as it accrues 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:

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.

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。

3. 財務風險管理

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

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. FINANCIAL RISK MANAGEMENT

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.

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

本局的唯一資本來源是政府的經常性補助。本局管理資本的目標為：

- 符合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。

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2013年4月1日	At 1 April 2013	80,157	51,774	131,931
當年購入	Addition during the year	11,100	-	11,100
當年註銷	Disposal during the year	(15,555)	-	(15,555)
於2014年4月1日	At 1 April 2014	75,702	51,774	127,476
當年購入	Addition during the year	22,850	-	22,850
於2015年3月31日	At 31 March 2015	98,552	51,774	150,326
累積折舊	Accumulated depreciation			
於2013年4月1日	At 1 April 2013	63,034	41,793	104,827
當年撇除	Charge for the year	15,617	8,894	24,511
當年註銷回撥	Written back on disposal	(15,555)	-	(15,555)
於2014年4月1日	At 1 April 2014	63,096	50,687	113,783
當年撇除	Charge for the year	6,852	1,087	7,939
於2015年3月31日	At 31 March 2015	69,948	51,774	121,722
淨值	Net book value			
於2015年3月31日	At 31 March 2015	28,604	-	28,604
於2014年3月31日	At 31 March 2014	12,606	1,087	13,693

6. 或然儲備

經行政署長在1999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：

- (a) 在上一年度所獲得的銀行利息；及
- (b) 本局在上一年度的經常性補助（不包括銀行利息）除卻開支所得盈餘的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

- (a) bank interests earned in the preceding year; and
- (b) 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. 政府補助

從香港特別行政區政府收取的補助為5,553,901港元（2014年：5,346,257港元）：

7. GOVERNMENT SUBVENTIONS

Subventions received from the Government of the Hong Kong Special Administrative Region amounted to HK\$5,553,901 (2014: HK\$5,346,257):

		2015 港幣 HK\$	2014 港幣 HK\$
每年經常性資助	Annual recurrent grant	5,537,000	5,326,000
或然資助	Contingency grant	16,901	20,257
政府補助	Subventions from the Government	5,553,901	5,346,257

8. 員工酬金

8. STAFF EMOLUMENTS

		2015 港幣 HK\$	2014 港幣 HK\$
公務員員工：	Civil service staff:		
薪金	Staff cost	3,188,580	2,900,772
非公務員合約員工：	Non-civil-service contract staff:		
薪金	Staff salaries	264,619	215,975
約滿酬金	Gratuities	12,434	15,135
強積金	Provident fund	14,198	11,420
未放取假期撥備	Provision for untaken leave	7,542	6,661
		298,793	249,191
		3,487,373	3,149,963

9. 其他支出

9. OTHER EXPENSES

		2015 港幣 HK\$	2014 港幣 HK\$
編製年報 / 通訊	Production of annual report/newsletter	57,870	70,768
常規出版物、期刊 及雜誌	General publications, periodicals and journals	44,612	44,545
會計費用	Accountancy fee	40,500	40,500
研討會支出	Conference expenses	-	37,653
其他行政支出	Other administration expenses	110,069	125,581
折舊	Depreciation	7,939	24,511
		260,990	343,558

10. 承擔

10. COMMITMENTS

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：

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

		2015 港幣 HK\$	2014 港幣 HK\$
一年內	Within 1 year	1,691,112	718,361
第二到五年內	After 1 year but within 5 years	<u>2,600,312</u>	<u>-</u>
		<u>4,291,424</u>	<u>718,361</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.

附錄

Appendix

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 彭韻僊 (法援局成員) PANG Melissa (Council member)



委員 Members

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

* 同時加入兩個興趣小組的委員
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

周凱靈 (法援局成員) CHOW Juliana (Council member)



委員
Members

鄺心怡 (法援局成員)	KWONG Anna (Council member)	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*
郭啟彬*	KWOK K B Benny*	吳傑華*	NG Ray*
郭 威*	KWOK William*	彭慶東醫生*	Dr PANG Hing Tung, Pierre*
黎世康	LAI Sai Hong	鄧珮頤	TANG Pui Yee, Phoebe
林長志	LAM Cheung Chi	蔡耀昌*	TSOI Yiu Cheong, Richard*
林健培*	LAM Kin Pui*	王智源*	WONG Chi Yuen*
林國榮博士*	Dr LAM Kwok Wing*	黃劍文	WONG Kim Man
林煒彬*	LAM Wai Pan, Wilson*	黃宏泰*	WONG Wang Tai, Ivan*
李 健	LEE Arthur	許 英教授	Prof XU Ying
李福基醫生*	Dr LEE Fook Kay, Aaron*	楊超發醫生*	Dr YEUNG Chiu Fat, Henry*
李偉雄醫生*	Dr LEE Wai Hung, Danny*	葉健強*	YIP Kin Keung*
梁偉文	LEUNG Wai Man, Raymond		

* 同時加入兩個興趣小組的委員
Members who joined both Interest Groups

工作小組

Working Group

年度內，本局共有兩個工作小組，分別研究：

During the year, there were two working groups conducting review respectively on:

擴大法律援助輔助計劃的涵蓋範圍

Expansion of Supplementary Legal Aid Scheme



工作小組成員名單如下 —

The membership of the working group is as follows -

主席 周凱靈 (法援局成員)
委員 鄭心怡* (法援局成員)
李超華 (法援局成員)
蔡惠琴# (前法援局成員)
洪為民博士# (前法援局成員)

Chairperson CHOW Hoi Ling, Juliana (Council member)
Members KWONG Sum Yee, Anna* (Council member)
LI Chiu Wah, Joseph (Council member)
CHOI Wai Kam, Virginia# (ex-Council member)
Dr HUNG Wai Man, Witman# (ex-Council member)

改善法律援助資訊的傳遞

Dissemination of Legal Aid Information



專責小組成員名單如下 —

The membership of the task force is as follows -

主席 李家祥博士 (法援局主席)
委員 葉毓強* (法援局成員)
梁宏正* (法援局成員)
潘素安 (法援局成員)
洪為民博士## (前法援局成員)
馬華潤## (前法援局成員)
鍾綺玲 (法律援助署副署長)
葉超然
龔永德
李榮光
伍尚匡

Chairperson Dr LI Ka Cheung, Eric (Council chairman)
Members IP Yuk Keung, Albert* (Council member)
LEUNG Wang Ching, Clarence* (Council member)
PINTO Josephine Antonetta (Council member)
Dr HUNG Wai Man, Witman## (ex-Council member)
MA Wah Yan, Billy## (ex-Council member)
CHUNG Yee Ling, Alice (Deputy Director of Legal Aid)
IP Chiu Yin, Eddie
KUNG Peter
LI Wing Kong, Alvin
WU Shang Hong, Jason

* 於2014年10月14日加入工作小組/專責小組的法援局成員
Council member who joined the working group / task force on 14 October 2014

於2014年9月1日離任法援局及工作小組的前法援局成員
Ex-Council member who left the Council and the working group on 1 September 2014

於2014年9月1日離任法援局的前法援局成員
Ex-Council member who left the Council on 1 September 2014

