

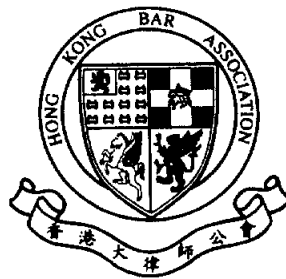
**香港大律師公會就其法律義助服務計劃("服務計劃")
提供的文件**

**Papers provided by the Hong Kong Bar Association
on the Bar Free Legal Service Scheme ("the Scheme")**

- (1) 服務計劃"基本須知"(附件 A)
A copy of the Scheme's "Basic Information" (Annex A)
- (2) 服務計劃"申請書"(附件 B)
A copy of the Scheme's "Application Form" (Annex B)
- (3) 過去 5 個年度(年度終結日期標明如下)的服務計劃年報
Copy of the Annual Reports of the Scheme for the past five years,
namely for years ended
 - 2006 年 11 月(附件 C)
November 2006 (Annex C)
 - 2007 年 11 月(附件 D)
November 2007 (Annex D)
 - 2008 年 11 月(附件 E)
November 2008 (Annex E)
 - 2009 年 11 月(附件 F)(只備英文本)
November 2009 (Annex F) (English version only)
 - 2010 年 11 月(附件 G)(只備英文本)
November 2010 (Annex G) (English version only)

大律師公會法律義助服務計劃
BAR FREE LEGAL SERVICE SCHEME

基本須知
BASIC INFORMATION



香港大律師公會
HONG KONG BAR ASSOCIATION
香港金鐘道三十八號高等法院低層二樓
LG2 High Court, 38 Queensway, Hong Kong
Tel: 2137 9107 Fax: 2137 9559
website: <http://www.hkba.org> E-mail: bflss@hkba.org

大律師公會法律義助服務

基本須知

義助服務計劃所提供之服務

1. 大律師公會法律義助服務計劃（簡稱「義助服務計劃」）之設立，旨在針對那些未能獲得法律援助而又無法支付律師服務費用的申請人提供協助，唯有相關的個案須有可取的理由才會獲得義助服務計劃受理。
2. 義助服務計劃由一管理委員會執行，其主席會由大律師公會主席出任。義助服務管理委員會為大律師公會一附屬委員會。
3. 義助服務計劃會由一位大律師擔任非全職的聯絡主任。若閣下與義助服務聯絡，可以用書面或電郵形式進行（電子郵箱號碼為 bflss@hkba.org）。
4. 參與義助服務計劃的大律師會被編進一小組內，小組的成員包括有不同資歷和訴訟專長的大律師，他們會為計劃提供每年三天或二十小時的免費服務。
5. 鑑於參加的大律師均為自願性質，義助服務計劃可能因未能找到合適的大律師而未能為申請人提供協助。
6. 申請人無權指定某一大律師為其提供協助，亦不能要求索取義助大律師的名單。
7. 義助服務計劃設有一諮詢委員會，諮詢委員會不會就個別案件作出決定，而是在行政及政策上給予意見。

義助服務計劃可提供服務的案件類型

8. 通過義助服務計劃，閣下可以獲大律師提供以下的服務：
 - 大律師會以書面形式或在會面時就閣下的問題提供法律意見；
 - 代表閣下出席任何容許法律代表出席的法庭或審裁處之聆訊。
9. 有關要求獲得法律意見及代表出席聆訊之申請均由管理委員會考慮，義助服務計劃當會竭盡其所能，在合適的情況下提供意見或代表出席應訊。唯因義助服務計劃資源有限，故管理委員會保留是否提供援助的最終決定權。
10. 在不抵觸上述所言的情況下，管理委員會將根據下列因素考慮會否把申請轉介小組中之大律師：

● 案件表面上是否值得援助？

這涉及對申請人個案之理據是否可取作出評審。

● 申請人或其家庭能否負擔法律服務費用？

義助服務計劃的設立，旨在幫助那些在合理情況下仍未能負擔法律服務費用而又無法獲得法律援助或其他機構（如保險公司或工會）分擔其訴訟費用之申請人。若申請人因未能符合法律援助署的財政資源上限而不能取得其援助，則**必須**在其申請中列出其個人及家庭財政情況，及其他可以在合理情況下為其提供援助的家庭成員或其他人仕之資源（包括入息、儲蓄及支出）等資料，申請人應在未作出申請前查証他們是否符合法律援助署的財政審查資格或能否獲得保險公司及工會同意分擔其訴訟費用。

若申請人曾遭法律援助署拒絕其法律援助申請，無論拒絕的理由是基於財政資源抑或是案件理據不足，均應提供拒絕法律援助的申請及任何就該拒絕法律援助的決定的上訴的有關資料。一

一般而言，義助服務計劃均不會為那些合乎獲得法律援助資格的申請人提供服務。

● 閣下是否需要大律師的服務？

大律師不是在每一宗個案都能提供最得宜的服務。因應個別案件的情況，事務律師或其他社會福利機構更能提供有效的幫助。大律師的專長，在於為其當事人在法庭及其他審裁處的聆訊中代表其權益，及提供專門的法律意見。大律師並沒有資源為其當事人作出事實的探索或處理信件的回應及一般法庭的程序問題。

● 計劃所涉及之服務範圍

每位小組成員通常只可以就某一案件提供最多三天的服務。此服務時限應足夠處理大部份需要提供法律意見的個案，或者是於法庭及其他審裁處進行的簡短聆訊。但這亦表示義助服務計劃不可能持續地為申請人於一段長時間內提供大律師的協助，也不能安排大律師代表申請人出席冗長案件的聆訊。在一些比較複雜的案件中，若有事務律師或其他團體的協助參與或處理個案部份工作，則義助服務計劃會有更大可能為申請人在此類案件中提供援助。在可能的情況下，申請人應首先徵得一事務律師或團體同意提供協助才向義助服務計劃提出申請。

11. 若申請人的個案需大律師在法庭或其他審裁處的聆訊中代表出席，在某些情況下，義助服務計劃是不可以在沒有事務律師陪同協助下委派大律師出席的。在此情況下，義助服務計劃有可能為申請人找到願意免費協助他的事務律師，但義助服務計劃則不能在這方面作任何保證或承諾。

申請手續與審核過程

12. 所有申請均須以義助服務計劃指定的申請表格填寫，表格各項須完全真實填報，申請者不能只以“參閱附件”作為交待。

申請人可透過以下三個途徑索取申請表格：

- 直接到香港大律師公會秘書處索取。
地址為：香港金鐘道三十八號高等法院低層二樓
- 以書面形式向法律義助服務計劃聯絡主任索取。
地址同上
- 從法律義助服務計劃網址下載表格。
網址為：<http://www.hkba.org>

申請人必須提交申請表正本，如從網上下載表格，則下載那份將視為正本。義助計劃不接受以電郵或傳真方式提交申請表。

13. 所有與案有關的文件的影印文本均須呈交。申請人須知道他有責任提交足夠的資料，以使其申請得到合適的處理及考慮，例如閣下應提供呈堂的有關文件，如入稟狀和答辯書、証人供詞、判案書及由其他大律師及律師所提交的法律意見書。本計劃不能亦不會代申請人向任何部門／機構索取文件。

※ 切記不要呈交

- 文件的正本
- 錄音帶／錄影帶
- 在未獲知會前提交龐大數量（即超過 100 頁以上）的文件，請注意隨申請書所提交的文件是不獲退還的。

14. 在考慮申請人的個案後，義助服務計劃管理委員會成員會作出決定是否編配一位大律師提供所需之協助。一經作出決定，並得一名大律師同意後，申請人將獲發通知。除了緊急的個案，義助服務計劃將不會在電話上受理對申請進度的查詢。
15. 若義助服務計劃需要更多的資料方能對申請作出決定，則申請人有責任提供所需的資料。在未收到及考慮所有與案有關資料前，義助服務計劃均不會對申請作出決定。
16. 義助服務計劃不會就個別的申請作出確認收訖的回覆，但會盡快對申請作出決定。通常是在六星期之內。
17. 若案件有急切性，如某些限期已快到或聆訊日迫近眉睫，申請人須於申請書上特別註明。一般而言，義助服務計劃不能為短於二十八日內舉行的法庭聆訊提供出庭代表。若果申請人需義助服務計劃在少於二十八日內提供協助，則須解釋為何不能提早及時申請。就算如此，義助服務計劃並不能保證可以及時處理此等緊急的申請。
18. 若個案於申請提出後而在決定作出前出現了重大轉變，如聆訊日期有所更改，申請人則應立即通知義助服務計劃。
19. 管理委員會和聯絡主任或任何一方均有絕對酌情權拒絕任何尋求義助服務計劃協助的申請，並不會為其拒絕的決定負上任何法律責任。然而義助服務計劃將竭盡所能編配合適有關案件的大律師為申請人提供意見或出庭之協助。申請人要注意提供協助的均為私人執業的大律師，他們是免費提供協助，而不是受聘於義助服務計劃的僱員。有鑑於此，只有他們才可以就所提供的法律意見的質素及出庭的表現負責。義助服務計劃管理委員會和聯絡主任均不可能亦不會為他們編配大律師的決定或對該大律師的意見及出庭的協助負上任何責任。

當個案申請被接納後：

20. 申請一經被接納，義助服務計劃會發信通知申請人所編排的大律師之有關詳情，及往後的安排，例如申請人將會於合理時間內接到大律師的法律意見書或是有關約見大律師的安排。
21. 在接獲通知信後，申請人需直接與所編配的大律師聯絡，除非有不可預見的困難出現，義助服務計劃的積極參與到此告一段落。如果申請是通過事務律師或其他顧問作出，則他們將會是與大律師聯絡的渠道，而不是申請人本身，而此等人仕須向他們的當事人解釋這種聯絡的模式。他們亦有責任解釋大律師為他們當事人提供協助的準則，申請人須了解雖然大律師是免費為他們提供服務，但這不表示他們不需繳付一般的雜項費用，如法庭所收的費用、影印費及其他有關開支。
22. 申請人、其事務律師或顧問均須同意在有需要時向大律師提供更多的資料或文件，並出席所需的面談。
23. 大律師一經接納通過義助服務計劃所編配的申請個案，其處理方法均與其所接辦的其他私人案件無異。唯有時該大律師已於申請人要求協助出席的聆訊日接辦其他案件，在此情況下，通常會有足夠時間讓義助服務計劃安排更換大律師，或更改聆訊日期。在極少數事出突然的情況下，義助服務計劃亦會盡力為申請人尋找另一位大律師替代，或安排另一個聆訊日期。唯義助服務計劃不能絕對保證可以成功作出此等臨時安排，有時大律師亦會因專業守則的限制下而須放棄予申請人的協助。

The Service

1. The Bar Free Legal Service Scheme ("BFLSS") exists in order to provide free legal advice and representation in cases where Legal Aid is not available or where the applicant is unable to afford legal assistance and the case is thought to be one where assistance should be given.
2. A voluntary Management Committee chaired by the Chairman of the Bar Association manages BFLSS. It is a sub-committee of the Hong Kong Bar Association.
3. The BFLSS is staffed by a part-time Co-Ordinator. If you wish to contact the Service, please do so by letter or e-mail (bflss@hkba.org).
4. Barristers who have volunteered to help the BFLSS are placed on a panel. The panel comprises barristers with a range of experience and specialisations. Each of them has offered their services free of charge for 3 days or 20 hours each year.
5. No barrister is obliged to take on a particular case. Barristers on the Panel offer their services free of charge, it may not always be possible for the BFLSS to assist.
6. The services of a particular barrister cannot be requested nor can a list of Panel members.
7. The BFLSS has an Advisory Board. Members of the Advisory Board do not make decisions in individual cases but will advise on the administration of the scheme and policy issues.

Types of Cases with which the BFLSS can help

8. BFLSS can help by putting members of the public in touch with barristers on the Panel who can:
 - give advice either by way of a written advice or opinion or in conference on a legal problem; or
 - represent them in any court or in any tribunal where legal representation is permitted.
9. Applications for advice or representation are considered by a Management Committee. Whilst every effort will be made to offer advice or representation in an appropriate case, the resources of BFLSS are limited and whether assistance should be given is a matter for the Committee in its discretion.
10. Subject to the above, the factors which will normally be taken into account when deciding whether to refer a case to a Panel member are:
 - **Does the case appear to be one which deserves assistance?**

This will involve some assessment of the merits of the applicant's case.

- **Can the applicant (or his/her family) afford legal assistance?**

BFLSS is designed to help those who cannot reasonably afford the legal assistance which they need and who are not eligible for legal aid or other forms of help with legal expenses (e.g. under an insurance policy or through a union). Applicants who are ineligible for legal aid on financial grounds **must** provide, in their application, a brief explanation of their financial resources (income/savings/expenditure) and those of their family or others from whom they might reasonably be expected to look for help. Applicants who are unsure whether they are ineligible for Legal Aid or assistance from a union or under an insurance policy should check before making an application.

If an Applicant has applied for Legal Aid and has been refused, either on the grounds of financial ineligibility or on the merits, he/she must provide information about the decision refusing Legal Aid and also any appeal against that decision. BFLSS will not normally provide assistance if it appears that a person may be eligible for Legal Aid.

- **Does it appear that the services of a barrister are needed?**

The services that a barrister can offer may not always be the most appropriate in a particular case. In some cases a solicitor or a welfare agency may be better equipped to help. The principal expertise of a barrister is in representing clients at hearings in courts and tribunals; and giving specialist legal advice. Barristers do not have the resources to carry out factual enquiries or to deal with correspondence or court procedures on a client's behalf.

- **What work is involved?**

Members of the Panel will normally only be available to devote a maximum of three days work to a case. This should be enough for most types of advisory work and for representation in courts and tribunals for short cases or hearings. But it means that BFLSS will not be able to provide a barrister to advise on a continuing basis over a long period or to provide assistance in long cases in a court. Assistance is more likely to be possible in more complex cases if a solicitor or other agency is involved and can deal with some aspects of the work. Wherever possible an applicant should make an application with the assistance of a solicitor or other agency who is willing to remain involved with the case.

11. Where representation in a court or tribunal is involved, sometimes it would not be possible for a barrister to act unless a solicitor is prepared to assist. In some cases the BFLSS may be able to find a solicitor who is prepared to act for free but that cannot be guaranteed.

Application and Assessment Procedures

12. All applications to BFLSS must be in writing by using the BFLSS's Application Form. The form should be completed in full; it is not sufficient to say 'see attached papers.'

Forms may be obtained via the following three channels:

- At the Bar Secretariat of Hong Kong Bar Association at LG2 High Court, 38 Queensway, Hong Kong
- By writing to the Co-ordinator at BFLSS at the above address
- By downloading the form from the website of BFLSS at:

BFLSS only accepts original Application Forms. Forms downloaded from the Scheme's website are treated as original. Submission by email and fax will not be entertained.

13. **Photocopies** of relevant documents must be submitted. It is the responsibility of the applicant to ensure that there is sufficient information with the application for the case to be considered properly. For example, you should **always** send copies of all the documents before the court, such as pleadings, statements, judgments/decisions as well as advice received from barristers and/or solicitors. BFLSS cannot and will not seek documents from any authorities/departments on behalf of Applicants.

DO NOT SEND:

- Original documents
- Cassette tapes/video tapes
- Large quantities of documents (i.e. over 100 pages) without prior discussion. Please note that **documents** submitted with applications **cannot be returned**.

14. The case will then be considered and a decision taken on whether to allocate it to a barrister. Once a decision has been made and a barrister has agreed to take the case, the applicant will be informed. Except in urgent cases the progress of an application cannot be discussed over the telephone.
15. Where further information is needed before a decision can be made it is the responsibility of the applicant to provide this when requested. No decision can be taken until the information requested has been received and considered.
16. Routine acknowledgments are not sent but we will write as soon as we are able to give you a decision - which will usually be within 6 weeks.
17. If a case is urgent, for example because of approaching deadlines or hearing dates, this should be highlighted in the application. BFLSS will not normally be able to provide representation without at least 28 days notice of any Court hearing. If assistance is needed within a shorter period, the applicant must explain why the application was not made earlier. However there is no guarantee that the BFLSS can respond to an urgent request.

18. If there is any significant development after an application has been submitted but before a decision has been notified - for example a change of hearing date - the BFLSS should be notified at once.
19. The Management Committee and/or the Co-Ordinator retain an absolute discretion to refuse any application for representation or advice and exclude any liability in respect of such a refusal. Best endeavours will be made to ensure that representation and/or advice is provided by a member of the Bar in an appropriate case. Such members are individuals in private practice. They provide their services voluntarily for no fee. They are not employed by the BFLSS. Those individuals are responsible for the quality of their advice and/or any representation which they undertake. The BFLSS, the Management Committee and the Co-Ordinator cannot accept any responsibility whatsoever for the choice of Counsel or any advice or representation provided by them.

When a case is accepted:

20. The letter from the BFLSS saying that the case is accepted will give the applicant details of the barrister allocated to deal with the case and will say what will happen next, for example that the barrister will send his/her Opinion in due course or that a meeting is required and how that should be arranged.
21. From that point onwards, the applicant should deal with the barrister direct and the BFLSS will cease to be actively involved unless there are unexpected difficulties. If the application has been made through a solicitor or other adviser, they - and not the client - should be the channel of communication with the barrister: advisers are asked to explain this to the client. It is also the responsibility of advisers to explain the basis on which the barrister is acting. Applicants should understand that whilst the barristers are offering their services free of charge, this does not include payment of expenses such as court fees, photocopying and other incidental expenses.
22. The applicant or the solicitor/adviser must be prepared to provide promptly any further information/documents which the barrister requires and attend any meetings.
23. Once the case is accepted the barrister will deal with it like any other professional case. It does sometimes happen that a Court hearing is arranged at a time when he/she is already committed to another case. Usually there is ample notice of this and a replacement can be arranged through the Scheme in good time or the time of the hearing rearranged. Very occasionally the problem arises at short notice. In such a case every effort will be made to arrange to find a replacement or to rearrange the hearing date, but the BFLSS can give no absolute guarantee that that will be possible. A barrister may also have to give up the case if ordinary professional rules prohibit him/her from acting.

附件B
Annex B

Application No.: _____
申請編號

Hong Kong Bar Association
香港大律師公會
香港金鐘道三十八號高等法院低層二樓
LG2 High Court, 38 Queensway, Hong Kong
Tel : 2137 9107 Fax : 2137 9559
website: <http://www.hkba.org>
email: bflss@hkba.org

BAR FREE LEGAL SERVICE SCHEME - APPLICATION FORM
大律師公會 - 法律義助服務計劃 - 申請書

INSTRUCTIONS

填表須知

- Read the Hong Kong Bar Association Free Legal Service Basic Information carefully before you complete this form.
請先詳閱大律師公會法律義助組資料。
- Fill out this form and send one COPY of all relevant documents including any Court documents and correspondence to the above address.
請清楚填寫本申請書並連同所有與本案有關的文件之副本一份，如法庭文件、往來書信等，交回本組。
- Applicant should keep a copy of the completed Application Form.
申請人須保留一份已填妥的申請書副本。
- * Delete as appropriate.
請刪去不適用者。

PERSONAL PARTICULARS

個人資料

Applicant (Mr/Miss/Mrs*) _____ (_____ 先生/女士/小姐*)
申請人姓名

Residential Address 住址 _____

Office Tel. No. _____ Residential Tel. No. _____
辦事處電話號碼 住宅電話號碼

Mobile Phone No. _____ Fax No. _____
手提電話號碼 傳真機號碼

Date _____ Signed _____
日期 簽署

PARTICULARS OF HANDLING SOLICITORS

代表律師資料

Are you referred by a solicitor? Yes / No *

是否有律師推介你?

是 / 否

If yes, please supply the following information:

若上述之答案屬〔是〕，請提供有關資料如下:

Name of Solicitor _____

所屬律師行之名稱

Address _____

地址

Tel _____

電話

Fax _____

圖文傳真

Is the solicitor still handling your case?

上述之律師行是否仍然在處理本案?

Yes / No *

是 / 否 *

If he is, on what basis is he acting - privately funded / for free / or others? *

若上述之答案屬〔是〕，該律師行以何形式處理此案 - 收費服務 / 免費服務 / 或其他? *

Will the solicitor continue to handle your case if this application is accepted?

倘若此申請獲批，律師行會否繼續跟進本案?

Yes / No / I don't know*

會 / 否 / 不知道*

If so, will the solicitor act on pro bono basis?

若會，律師行是否會以義務性質參與?

Yes / No *

是 / 否 *

PARTICULARS OF THE CASE

個案資料

Plaintiff(s) / Applicant(s) / Petitioner(s) _____

原訴人

Defendant(s) / Respondent(s) _____

被告人

Magistrate Court / District Court / High Court / CFA * _____

裁判處 / 區域法院 / 高等法院 / 終審庭*

Address _____

地址

Case No. _____

案件編號

Hearing Date / Time _____

聆訊日期 / 時間

Time Estimate _____

估計聆訊時間

day(s) _____

日

hr(s)/minute(s)* _____

小時 / 分鐘*

You would like to apply for : Advice / Representation * in Court / Tribunal

你欲申請之服務：法律指導 / 代表出庭應訊*

If you are seeking Advice, please state the nature of the Advice you intend to seek (e.g. on merits / damages / compensation / procedure)

倘若你欲申請法律指導，請列明指導性質〔如勝算機會 / 賠償金額 / 法律程序〕

請詳細列明:

-
- This image shows a full page of a handwriting practice worksheet. It consists of multiple sets of three horizontal dashed lines, providing a guide for letter height and placement. The lines are evenly spaced across the entire page, which is otherwise blank white space. There are no margins, text, or other markings present.

CASE SUMMARY 本案概要

Please provide brief details of the case, including particulars of previous hearings.
請略述個案實情，包括過往聆訊之要點。

This image shows a full page of a worksheet designed for handwriting practice. It features 20 horizontal rows, each consisting of three dashed lines: a top line, a middle baseline, and a bottom line. The lines are evenly spaced and extend across the entire width of the page, providing a guide for letter height and placement. There is no text or other markings on the page.

Handwriting practice lines consisting of 20 horizontal dashed lines.

HONG KONG BAR ASSOCIATION
香港大律師公會

WAIVER CLAUSE
放棄權利條款

1. I confirm that I :
本人確認,本人:
 - (1) Am aged 18 or over;
年滿十八歲或以上;
 - (2) Am of sound mind;
精神健全;
 - (3) Am not acting under undue influence;
現時是在沒有受到不當影響下行事;
 - (4) Am fully informed of all the circumstances, as set out below:
已經完全知悉下開所有情況:
2. Upon my request, the Hong Kong Bar Association will provide me with free legal services and representation in Court or any tribunal under the Bar Free Legal Service Scheme ("the Scheme"). I confirm that I accept and have agreed and understood that:
香港大律師公會之法律義助服務計劃(以下簡稱「該項服務」)將會應本人之要求向本人提供免費法律服務及代表本人在各法院或審裁處出庭。本人確認接受同意及明白以下條款:
 - (1) Under no circumstances whatsoever will the Hong Kong Bar Association, its staff and representatives (collectively "the Bar") be liable for any loss or damage howsoever arising, whether or not occasioned by any negligence and/or breach of contract and/or duty on the part of the Bar in relation to the Scheme.
在任何情況下,香港大律師公會,其職員及各代表, (以下統稱為「大律師業」) 均不會對此事引起的任何損失或損害負上法律責任,不論該損失或損害是否因為「大律師業」在處理與該項計劃有關的事務時的疏忽及/或違反合約及/或有失職責所造成。
 - (2) I release the Bar from any and all rights of action that may arise in the future, howsoever arising in relation to the Scheme, and I waive such rights.
本人謹此放棄日後就該項計劃向大律師業提出訴訟的權利。無論申索權利如何產生,大律師業一概免受起訴或申索。
 - (3) The above terms are fair and reasonable in the circumstances of the Bar's provision of free legal services and representation to me under the Scheme.
在大律師業按該項計劃向本人提供法律服務及代表本人出庭均屬免費的情況下,以上各項條款,均屬公平合理。

Name of Applicant
申請人姓名

Date:
日期

Bar Free Legal Service Scheme

The Scheme received 327 applications in the 12-month period between 1st December 2005 and 30th November 2006 (the 'report period'). This is by far the greatest number of applications received in a 12-month period since the Scheme was officially launched in June 2000. Of the applications, the Scheme managed to review 290. It further reviewed another 28 applications outstanding from the previous year (Dec 2004/Nov 2005). In total, the Scheme reviewed 318 applications during the report period.

Of the 28 applications outstanding from the year 2004/05, legal representation was granted in 1.

By the end of last report period, i.e. November 2005, the outcome of 6 matters, in which representation was granted, was still pending. The writer is pleased to report that 3 out of the 6 achieved a positive result. In one, where the Applicant sought leave to appeal to the Court of Final Appeal ('CFA') against sentence, legal aid was granted after leave was successfully obtained. In the event, the Director of Legal Aid ('DLA') decided to retain the Scheme-assigned member who attended the leave hearing through the Scheme. In another, the Chief Executive decided to reduce the Applicant's sentence, although the reduction was a lot less than was expected/hoped for.

Of the 327 applications received in the report period, 212 relate to criminal matters. The Scheme approached DLA for his reconsideration in 4 matters with positive result in 3. In the 4th matter, a Criminal Appeal against sentence involving an aged drug trafficker who was sentenced to 18 years imprisonment, legal representation was granted after DLA turned down the Scheme's request. The appeal was allowed and the sentence was reduced to 13 and a half years. All in all, free legal representation was granted in 15 matters. They are 7 Criminal Appeals (including the one just mentioned), 5 Magistracy Appeals, 1 Application for Leave to Appeal to the CFA, 1 Legal Aid Review of Legal Aid Department's refusal to grant legal aid to pursue an appeal to the Court of Final Appeal and 1 Petition to the Chief Executive in respect of an appeal against conviction. 1 Criminal Appeal was won (details given above), 1 was heard and allowed before decision to assist was made (as the Applicant failed to inform the hearing date at all), 1 was lost and 4 are still pending. 4 Magistracy Appeals were won and 1 is still pending. The CFA leave hearing was lost. The Legal Aid Review was conceded by DLA before hearing and the Scheme-assigned counsel was retained by DLA. As for the Petition to the Chief Executive, assigned counsel has yet to settle the Petition.

Free legal advice was rendered in 17 matters.

Turning now to deal with civil matters, first of all, there are 115 matters. Assistance was granted in 25 matters. They included free representation in 1 Labour Tribunal Appeal and 1 High Court Personal Injuries Action (in the latter, restricted to negotiating a settlement, however). Both are pending. Representation was also granted in 4 Legal Aid Appeals. 3 have been heard with 2 won and 1 lost.

Free legal advice was given in 17 matters.

2 matters were successfully referred to firms of solicitors for assistance at a reduced fee.

The following is a summary of the outcome of the applications:-

A.	1.	Total No. of applications (outstanding from year 2004/05):	34
	2.	No. of cases reviewed:	33
	3.	No. of cases where representation granted:	7
	4.	Outcome of cases where representation granted:	
		Won:	3
		Lost:	3
		Pending:	1

Note: The above figures have to be read in conjunction with last year's annual report. Therefore, 34 cases include 28 cases pending review and 6 cases where representation was granted but the outcome was still pending as at Nov., 2005.

B.	1.	Total No. of applications received (December 05 to November 06):	327
	2.	No. of cases reviewed:	290
	3.	No. of cases pending review:	19
	4.	No. of cases pending further information:	18
	5.	No. of cases where representation granted:	21
	a)	Criminal matters: 15 (Won - 5, Lost - 2, Pending - 6, Legal Aid granted - 1, Appeal allowed before decision - 1)	
	b)	Civil matters: 2 (Both pending)	
	c)	Legal Aid Appeals: 4 (Won - 2, Lost - 1, Pending - 1)	
	6.	No. of cases where advice given:	35
	a)	Criminal matters: 17	
	b)	Civil matters: 18	
	7.	No. of cases where Director of Legal Aid was approached for reconsideration (criminal):	4
	8.	No. of cases where legal aid was granted after Scheme's approach:	3

The writer further wishes to mention that a matter, Petition to the Chief Executive for

leave to appeal against conviction involving a 16-year old convicted of murder, that had been outstanding for almost 30 months finally came to fruition in the course of the current report period. The Chief Executive decided in favour of the Petitioner and referred the matter to the Court of Appeal. Legal aid was then granted to the Scheme-assigned counsel for the appeal which was successful to the extent that a retrial was ordered.

There is now HK\$717,113.14 standing to the credit of the Scheme. HK\$2,090.00 will be returned to an applicant whose action has come to early end when the Appeal Committee of the CFA declined to grant him leave to appeal against sentence out of time. On the other hand, another applicant, who has successfully obtained leave to appeal to CFA and to whom legal aid was granted after the Scheme interceded on his behalf following leave application, has yet to reimburse the Scheme a similar sum of HK\$ 2,090.00 that the Scheme paid on his behalf by way of court filing fees. Otherwise, there was neither donation received or expenditure incurred. HK\$ 15,911.13 was earned by way of interest. The revenue expenditure of the Scheme continues to be met by the general funds of the Bar Association.

Sze Kin
Co-ordinator

15 December 2006

法律義助服務計劃

法律義助服務計劃在二零零五年十二月一日至二零零六年十一月三十日的十二個月內（“報告期間”），共接獲三百二十七宗申請。此乃本計劃自二零零零年六月正式成立後，在十二個月內接獲最多申請的一次。其中二百九十宗申請已獲處理。本計劃更處理了去年（二零零四年十二月至二零零五年十一月）未完成的二十八宗個案。總括而言，本計劃在報告期間共處理了三百一十八宗申請。

在二零零四至零五年度未完成的二十八宗申請中，一宗獲提供大律師代表。

在撰寫上一份報告時（即二零零五年十一月），六宗獲大律師代表的個案尚未有結果。本人很欣慰其中三宗申請得到正面成果。其中一宗，申請人向終審庭提出不服判刑上訴的「上訴許可」申請，最終申請獲准並取得法律援助。法律援助署署長（法援署長）決定沿用本計劃指派代表申請人出席「上訴許可」聆訊的大律師繼續代表申請人。另一宗個案，申請人獲特首決定減免刑期，雖然減幅比預期所得的相差甚遠。

報告期間接獲的三百二十七宗申請中，二百一十二宗為刑事案件。當中有四宗申請被本計劃轉介法援署要求其重新考慮，三宗獲正面回覆。第四宗乃涉及一名年老毒販的不服判刑上訴，申請人被判十八年監禁。法援署在重新考慮後，仍然拒絕批予法援，故申請人獲本計劃指派大律師代表。最終上訴成功，申請人的刑期減至十三年半。整體而言，獲本計劃提供大律師代表的申請共有十五宗。其中七宗為刑事上訴案（包括上述一案）、五宗為裁判署上訴案、一宗為欲上訴終審庭的「上訴許可」申請、一宗是就法律援助署拒絕對申請人就欲上訴終審庭提供法援而提出的法律援助覆核聆訊、一宗是就不服定罪向特首提出呈請。其中一宗刑事上訴勝訴（詳情見上）、一宗因申請人未有通知本計劃聆訊日期，故在本計劃決定提供大律師代表前已聆訊完畢並勝訴、一宗敗訴、其餘四宗仍未審結。在裁判署上訴案方面，四宗上訴得直，一宗仍未審理。上訴終審庭的個案則敗訴。至於法律援助覆核聆訊一案，法援署終在聆訊前批予法援，並繼續沿用本計劃指派

的大律師處理個案；向特首呈請一案，仍在等待大律師草擬呈請書。

本計劃亦為十七宗申請提供法律意見。

民事案件方面，本計劃共接獲一百一十五宗申請，有二十五宗獲得協助。其中包括提供大律師代表予一宗勞資審裁處上訴案及一宗高等法院人身傷害案件，雖然後者只限於與對方商議和解。兩宗個案仍在進行中。另外，本計劃亦向四宗法律援助上訴案提供大律師代表，其中三宗已審畢，審訊結果為兩勝一敗。

本計劃亦對十七宗申請提供法律意見。

本計劃更成功轉介兩宗個案予律師行跟進，令申請人能以相宜的律師費得到協助。

申請結果簡報如下：

甲·一·	申請個案總數（二零零四／零五年度未完成個案）：	三十四
二·	已完成評估個案總數：	三十三
三·	獲大律師代表出庭個案總數：	七
四·	獲大律師代表出庭個案結果：	
	勝訴：	三
	敗訴：	三
	正等待聆訊／聆訊結果：	一

註： 以上數據須與去年的工作報告一併閱讀。故此，三十四宗申請包括二十八宗評估中個案及六宗獲大律師代表但截至二零零五年十一月仍未有聆訊結果的

個案。

乙·一·申請個案總數（二零零五年十二月至二零零六年十一月）：三百二十七

二·已完成評估個案總數：二百九十

三·評估中個案總數：十九

四·等待申請人提供進一步資料個案總數：十八

五·獲大律師代表出庭個案總數：二十一

a) 刑事案件：十五

（勝訴：五、敗訴：二、正等待聆訊／聆訊結果：六、獲給予法律援助：一、在大律師決定提供協助前上訴得直：一）

b) 民事案件：二（均等待聆訊／聆訊結果）

c) 法律援助上訴案件：四（得直：二、駁回：一、正等待聆訊／聆訊結果：一）

六·獲給予法律意見個案總數：三十五

a) 刑事案件：十七

b) 民事案件：十八

七·轉介法援署長重新考慮個案總數（刑事）：四

八·獲本計劃轉介法援署長重新考慮後成功獲得法援個案：三

本計劃早前對另一宗涉及一名十六歲少年被判謀殺罪名成立的個案提供義助，並指派大律師代表其就不服定罪的「上訴許可」向特首呈請。在接近三十個月後，最近終有結果。特首接納申請人的呈請並將案件發回上訴庭重審。法律援助署於是亦批准法援，並沿用本計劃指派撰寫呈請書的大律師繼續代表申請人進行上訴。呈請獲頒令重審，亦算成功。

法律義助服務計劃的銀行戶口現存港幣 \$717,113.14 元。其中港幣 \$2,090.00 元將歸還一名因被終審法院上訴委員會拒絕批予逾期不服判刑「上訴許可」而令案件提早結束的申請人。另一方面，另一位申請人雖獲本計劃指派大律師代表，成功獲得終審庭批出「上訴許可」，其後更獲本計劃協助得到法律援助，但仍未交回本計劃代其墊支的法庭存檔費共港幣 \$2,090.00 元。除賺得銀行利息共港幣 \$ 15,911.13 元外，本計劃並無收到任何捐款或支出，日常支出繼續由公會負責。

法律義助服務計劃聯絡主任
施堅

二零零六年十二月十五日

Bar Free Legal Service Scheme

The Scheme received 303 applications in the 12-month period between 1st December 2006 and 30th November 2007 (the 'report period'). Of the applications, the Scheme managed to review 277. It further reviewed another 35 applications out of the 37 outstanding from the previous year (Dec 2005/Nov 2006). In total, the Scheme reviewed 312 applications during the report period.

Of the 35 applications outstanding from the year 2005/06, legal representation was granted in 2.

At the end of last report period, i.e. November 2006, the outcome of 9 matters, in which representation was granted, was still pending. The writer is pleased to report that 6 matters ended on a positive note. 3 matters were won after hearing, 2 matters were settled and in the 6th matter, a Petition to the Chief Executive under Section 83(P) of the Criminal Procedure Ordinance, the Petition was granted, the Chief Executive having decided to refer the matter to the Court of Appeal for a hearing on the Applicant's application for leave to appeal against conviction. The Applicant was then advised to apply for legal aid for the appeal. It is believed that he has been granted legal aid as he has not come back to the Scheme.

Of the 2 matters that were settled, one was a Labour Tribunal Appeal that was settled once the Scheme-assigned counsel successfully obtained leave to appeal, the other was a Personal Injuries claim that the Scheme-assigned solicitors successfully negotiated a reasonable settlement sum on behalf of the Applicant.

Of the 303 applications received in the report period, 188 relate to criminal matters. The Scheme sought DLA's reconsideration in 5 matters with positive results in 4. The 5th matter is pending DLA's response. In all cases where DLA responded positively to the Scheme's approach, the reviewing counsel was assigned by the Director to represent the Applicant following the grant of legal aid. Apart from successfully securing legal aid in 4 matters as reported above, legal representation was granted in 5 matters. They are 1 Magistracy Appeal that was won, 2 Criminal Appeals, 1 pending hearing the other being part-heard, and 1 C.A. Application for Review. (against sentence) that is also pending hearing. The 5th matter was an appeal against a murder conviction. When the DLA learned that representation had been granted by the Scheme, the officer-in-charge called the Scheme to offer to retain the Scheme-assigned counsel (2 members). It is believed that the Applicant is now legally aided with the service of 2 legal aid-assigned counsel. Free legal advice was rendered in 18 matters.

Turning now to civil matters, there are 115 applications, and assistance of one sort or another was granted in 27 cases: (i) Free representation was granted in a Civil Appeal from a failed application for leave for judicial review (following police disciplinary proceedings) that was heard last month but unfortunately lost; (ii) A High Court Personal Injuries claim that was intertwined with probate issues was referred to a firm of solicitors on the Scheme's panel on a fee-paying basis on terms that were agreeable to the Applicant; (iii) Representation was granted in a Legal Aid Review concerning land dispute and 6 Legal Aid Appeals. The Legal Aid Review was lost. 4 Legal Aid Appeals have been heard with 1 won and 3 lost; (iv) Free Legal Advice was given in 18 matters; (v) The Scheme approached DLA for reconsideration in 2 Personal Injuries matters without success. However, reviewing counsel went on to grant representation at Legal Aid Appeal hearings. 1 was heard and dismissed, the other is pending.

The following is a summary of the outcome of the applications:-

A.	1.	Total No. of applications (outstanding from year 2005/06):	46
	2.	No. of cases reviewed:	44
	3.	No. of cases where representation granted:	11
	4.	Outcome of cases where representation granted:	
		Won:	5
		Lost:	2
		Settled:	2
		Pending:	2

Note: The above figures have to be read in conjunction with last year's annual report. Therefore, 46 cases include 37 cases pending review and 9 cases where representation was granted but the outcome was still pending as at Nov., 2006.

B.	1.	Total No. of applications received (December 06 to November 07):	303
	2.	No. of cases reviewed:	277
	3.	No. of cases pending review:	7
	4.	No. of cases pending further information:	19
	5.	No. of cases where representation granted:	13
	a)	Criminal matters: 5 (Won - 1, Pending - 3, Legal Aid granted - 1)	
	b)	Civil matters: 1 (Lost)	
	c)	Legal Aid Review: 1 (Lost)	
	d)	Legal Aid Appeals: 6 (Won - 1, Lost - 3, Pending - 2)	
	6.	No. of cases where advice given:	36
	a)	Criminal matters: 18	
	b)	Civil matters: 18	
	7.	No. of cases where Director of Legal Aid was approached for reconsideration:	7
	a)	Criminal matters: 5 (Granted - 4, Pending - 1)	
	b)	Civil matters: 2 (Both rejected)	
	8.	No. of cases successfully referred to firms of solicitors:	1

There is now HK\$736,267.83 standing to the credit of the Scheme. There was neither donation received or expenditure incurred. HK\$ 19,154.66 was earned by way of interest. The revenue expenditure of the Scheme continues to be met by the general funds of the Bar Association.

Size Kin
Co-ordinator

18 December 2007

法律義助服務計劃

法律義助服務計劃由二零零六年十二月一日至二零零七年十一月三十日的十二個月（“報告期間”），共接獲三百零三宗申請。本計劃評估了其中二百七十七宗申請，並進一步就去年（二零零五年十二月至二零零六年十一月）三十七宗未完成的個案，進行了三十五宗申請評估。總括而言，本計劃在報告期間合共處理了三百一十二宗申請。

在二零零五至零六年度未完成的申請中，有兩宗獲得大律師代表。

在撰寫上一個報告時（即二零零六年十一月），九宗獲大律師代表的個案仍未有結果。本人很高興其中六宗個案獲正面成果：三宗勝訴、兩宗和解，第六宗個案是根據刑事訴訟程序條例第 83P 條向特區首長提出「呈請」，結果「呈請」獲批，特首決定將個案轉介上訴庭就申請人不服定罪的「上訴許可」申請進行聆訊。故本計劃建議申請人就該上訴向法律援助署申請法援。申請人其後未再向本計劃求助，相信已獲法律援助。

至於兩宗和解個案，一宗乃勞資審裁處上訴案，在本計劃指派大律師成功取得「上訴許可」後即時和解；另一宗為人身傷亡索償案，本計劃指派律師成功與對方磋商，為申請人爭取得合理和解金額。

報告期間接獲的三百零三宗申請中，一百八十八宗為刑事案件。當中五宗申請獲本計劃轉介法律援助署重新考慮，四宗取得正面成果，第五宗尚待該署回應。所有法援署重新批予法援的個案，在取得法援後，該署仍然沿用本計劃負責評估的大律師繼續跟進。除上述四宗申請成功爭取法援外，有五宗個案獲本計劃指派大律師代表。當中包括一宗裁判法院上訴案，上訴得直、兩宗刑事上訴案，一宗等待聆訊，另一則進行了局部聆訊、一宗為上訴庭不服判刑的覆核申請，亦正待聆訊。第五宗個案乃謀殺案的不服定罪上訴。當法律援助署得悉本計劃給予大律師代表後，該署負責人員致電本計劃並表示將對申請人提供法援，且沿用本計劃的代表大律師（兩位）。本計劃相信申請人現已獲法援，並得到兩位本計劃指派大律師的協助。另外，本計劃亦就十八宗個案提供法律意見。

至於民事方面，本計劃共接獲一百一十五宗申請，並對廿七宗個案提供協助：(i) 為一宗民事上訴案提供大律師代表，該案的司法覆核申請未獲接納（在警方紀律程序後），上訴案於上月審畢惜敗訴；(ii) 為一宗涉及遺產問題的高院人身傷亡索償案轉介至本計劃義助律師小組，而申請人以其可以接受的律師收費水平聘請律師；(iii) 向一宗關於土地爭議的個案指派大律師代表出席法律援助覆核聆訊及代表出席了另外六宗法律援助上訴案。法律援助覆核聆訊被駁回、四宗法援上訴案已審畢，一宗勝訴、三宗被駁回；(iv) 對十八宗個案提供法律意見；(v) 本計劃就兩宗人身傷亡個案轉介法援署重新考慮但不果。可是，負責評估兩案的大律師繼續代表出席法援上訴聆訊。一宗被駁回，另一宗尚待聆訊。

申請結果簡報如下：

甲·一·	申請個案總數（二零零五／零六年度未完成個案）：	四十六
二·	已完成評估個案總數：	四十四
三·	獲大律師代表出庭個案總數：	十一
四·	獲大律師代表出庭個案結果：	
	勝訴：	五
	敗訴：	二
	和解：	二
	正等待聆訊／聆訊結果：	二

註： 以上數據須與去年的工作報告一併閱讀。故此，四十六宗申請包括三十七宗評估中個案及九宗獲大律師代表但截至二零零六年十一月仍未有聆訊結果的個案。

乙·一·	申請個案總數（二零零六年十二月至二零零七年十一月）：	三百零三
二·	已完成評估個案總數：	二百七十七
三·	評估中個案總數：	七
四·	等待申請人提供進一步資料個案總數：	十九

五・獲大律師代表出庭個案總數：十三

a) 刑事案件：五

(勝訴：一、正等待聆訊／聆訊結果：三、獲給予法律援助：一)

b) 民事案件：一 (敗訴)

c) 法律援助覆核案件：一 (駁回)

d) 法律援助上訴案件：六

(得直：一、駁回：三、正等待聆訊／聆訊結果：二)

六・獲給予法律意見個案總數：三十六

a) 刑事案件：十八

b) 民事案件：十八

七・轉介法援署長重新考慮個案總數(刑事)：七

a) 刑事案件：五 (重獲法援：四、正待結果：一)

b) 民事案件：二 (皆拒絕給予法援)

八・成功轉介至律師事務所個案：一

法律義助服務計劃的銀行戶口現存港幣 \$736,267.83 元。除賺得銀行利息共港幣 \$ 19,154.66 元外，本計劃並無收到任何捐款或支出，日常支出繼續由公會負責。

法律義助服務計劃聯絡主任
施堅

二零零七年十二月十八日

Report of the Bar Free Legal Service Scheme

The Scheme received 267 applications in the 12-month period between 1st December 2007 and 30th November 2008 (the 'report period'). Of the applications, the Scheme managed to review 255. It further reviewed another 25 applications out of the 26 outstanding from the previous year (Dec 2006/Nov 2007). In total, the Scheme reviewed 280 applications during the report period.

Of the 25 applications outstanding from the year 2006/07 that were reviewed, written advice on merits of a criminal appeal was given in 1. The last matter i.e. the remaining matter awaits outcome of a review, the prolonged delay being caused by the need to obtain lost appeal bundle and further transcripts of trial.

At the end of last report period, i.e. November 2007, the outcome of 6 matters, in which representation was granted, was still pending. Of those, an appeal against sentence in the Court of Appeal was successful; legal aid was successfully obtained in 2, i.e. 1 personal injuries claim and 1 immigration matter. However, a Review of Sentence (to resist) and an appeal against sentence, both in the Court of Appeal, were lost. The 6th matter, a Petition to the Chief Executive under Section 83(P) of the Criminal Procedure Ordinance for reference to the Court of Appeal for leave to appeal against sentence, is still pending its outcome.

Of the 267 applications received in the report period, 187 relate to criminal matters. The Scheme sought DLA's reconsideration in 4 matters with 3 positive and 1 negative results. Other forms of assistance were given in 8 matters including legal representation in 5 appeals and 1 Magistrates Court mitigation and 2 Petitions to the Chief Executive under Section 113A, Magistrates Ordinance for reference to the Court of First Instance for 1 appeal against sentence and the other against conviction. Legal advice was rendered in 18 matters that included the aforementioned 4 referrals to the DLA.

Of the 5 appeals, 1 (a Magistracy Appeal against conviction) was won, 2 (Court of Appeal) were lost, legal representation was withdrawn in the 4th matter, an application to the CFA for leave from a Magistracy Appeal, when DLA had a re-think of its own initiative and decided to grant legal aid, and the 5th one is still pending hearing in the Court of Appeal. The 2 said Petitions were both successful and legal aid was re-applied for and subsequently granted.

Turning now to civil matters, there are 90 applications, and assistance in one form or another was given in 27 matters. Legal representation was granted in 12 including 4 Legal Aid Appeals; 2 matters, 1 family and 1 Labour Tribunal Appeal, were referred to counsel and solicitor on reduced fee basis; advice was given in 13 matters including 2 that were successfully referred back to DLA for reconsideration.

Of the 12 legal representation granted, 2 were lost, 1 was settled, 1 was withdrawn and 8 remain pending. The 2 that were lost in fact related to a single matter, the first hearing being an unsuccessful Legal Aid Appeal and the second hearing being the subsequent actual hearing of the substantive dispute between the parties. The one that was settled was a maintenance matter, involving an applicant from New Zealand and the one that was withdrawn was an immigration matter upon legal aid being granted.

It is felt that a special mention ought to be made of a Pilot Scheme that went into operation in May/June 2008. Under the Pilot Scheme, Panel Members are placed under 2 panels: Panels A and B, with those having under 5 years full practice being placed under Panel B. The idea is for one Panel B member to be assigned to assist each Panel A member who is undertaking pro bono work for the Bar Free Legal Service Scheme. Whereas Panel A members continue to render work pro bono Panel B members are offered a fee ranging between HK\$3,000 and HK\$5,000. The main purpose of the Pilot Scheme is to offer junior members with less than 5 years' actual experiences an opportunity to work with and learn from a senior member and at the same time obtain some form of financial reward. 66 members with less than 5 years' full practice have since joined the Scheme swelling Panel B to 81 members. The writer is pleased to report that a number of Panel B members have since been paired with members assigned from Panel A. A simple Magistracy Appeal was the first case under the Pilot Scheme that went to court with a positive result. The Panel A member was particularly happy with the assistance he obtained from the junior counsel in relation to the preparation of paper work.

It is anticipated that a Panel B member conversant with the Chinese language may prove to be helpful in situations where the Panel A members assigned may lack the necessary language skills.

There is one other case that merits special mention—a matrimonial case concerning maintenance dispute that will be heard in the Court of Final Appeal.

Neither parties were represented in the Court of Appeal but an Amicus Curiae was appointed. Again the parties originally acted in person in the CFA, the DLA having steadfastly refused to intervene despite having been invited repeatedly to do so by the CFA Registrar. The husband's initial application to the Scheme was unsuccessful on ground of lack of merits. Subsequently, the Chairman of the Hong Kong Family Law Association Mr. Hotten approached the Scheme, indicating his interest and that of many members of his Association in the outcome of the case as it apparently involves ground-breaking issues never before argued and family law practitioners found it unthinkable that the case should be argued without the benefit of legal representation on either side. In the event, the Scheme, with very active assistance from Mr. Hotten, managed to assemble 2 teams of highly experienced family law practitioners comprising a senior counsel, a senior-junior and a solicitor to represent the husband and the wife respectively. A Panel B member was also successfully assigned to assist the team acting for the husband. The team acting for the wife has unfortunately declined our offer of a Panel B member.

The following is a summary of the outcome of the applications:-

A.	1.	Total No. of applications (outstanding from year 2006/07):	32
	2.	No. of cases reviewed:	25
	3.	No. of cases where representation granted:	6
	4.	Outcome of cases where representation granted:	
		Won:	1
		Lost:	2
		Legal Aid granted:	2
		Pending Chief Executive's decision for referral:	1
	5.	No. of cases where advice given:	1

Note: The above figures have to be read in conjunction with last year's annual report. Therefore, 32 cases include 26 cases pending review and 6 cases where representation was granted but the outcome was still pending as at Nov., 2007.

B.	1.	Total No. of applications received (December 07 to November 08):	267
	2.	No. of cases reviewed:	255
	3.	No. of cases pending review:	9
	4.	No. of cases pending further information:	3
	5.	No. of cases where representation granted:	20

a)	Criminal matters:	8 (Won – 1, Lost – 2, Withdrawn – 1, Legal Aid granted – 2, Pending – 1 and Mitigation done - 1)	
b)	Civil matters:	12 (Lost – 2, Withdrawn – 1, Settled – 1, Pending - 8)	
c)	Legal Aid Appeals:	4 (Lost – 1, Withdrawn – 1, Pending – 2)	
6.	No. of cases where advice given:		31
a)	Criminal matters:	18	
b)	Civil matters:	13	
7.	No. of cases where Director of Legal Aid (DLA) was approached for reconsideration:		6
a)	Criminal matters:	4 (Granted – 3, Rejected – 1)	
b)	Civil matters:	2 (Both granted)	
8.	No. of cases successfully referred to firms of solicitors:		8

There is now HK\$746,247.94 standing to the credit of the Scheme, with neither donations received nor expenditure incurred. HK\$9,980.11 was earned by way of interest. The revenue expenditure of the Scheme continues to be met by the general funds of the Bar Association including fees payable to Panel B members under the Pilot Scheme.

Sze Kin
Co-ordinator

9 January 2009

法律義助服務計劃報告

法律義助服務計劃由二零零七年十二月一日至二零零八年十一月三十日的十二個月內（“報告期間”），共接獲二百六十七宗申請。本計劃評估了其中二百五十五宗申請，並進一步就去年（二零零六年十二月至二零零七年十一月）二十六宗未完成的個案，進行了二十五宗申請評估。總括而言，本計劃在報告期間合共處理了二百八十宗申請。

在獲評估的二十五宗二零零六至零七年度申請中，大律師就一宗刑事上訴案給予上訴理據的書面意見。至於最後一宗個案，即有待評估結果的個案，評估需時較長是因為需要向法庭索取遺失了的上訴文件冊及更多相關的審訊謄本。

在撰寫上一個報告時（即二零零七年十一月），六宗獲計劃委派大律師代表的個案仍未有結果。當中一宗不服判刑的上訴庭案件上訴得直；兩宗成功獲得法律援助：分別為一宗人身傷亡賠償及一宗入境事宜。可是，一宗刑期覆核申請（抗辯）及一宗不服判刑上訴的案件，均不成功。第六宗個案為根據《刑事訴訟程序條例》第 83P 條向特首提出呈請，希望將案件轉介上訴法庭處理「不服判刑上訴許可」申請，則仍在等候結果。

報告期間內接獲的二百六十七宗申請，一百八十七宗為刑事案件。其中四宗申請，本計劃邀請法律援助署重新考慮，結果三宗重獲法援，一宗被拒。另外，本計劃亦為八宗申請提供不同形式的協助，包括指派大律師代表出席五宗上訴案及一宗裁判處案件的判刑求情聆訊，及為兩宗根據《裁決官條例》第 113A 條向特首提出呈請申請，要求將案件轉介原訟庭審理。呈請申請一宗為不服判刑上訴，另一為不服定罪上訴。十八宗申請獲給予法律意見，當中包括前述四宗轉介法援署重新考慮的個案。

五宗上訴案中，一宗獲判勝訴（該案為裁判處上訴案就不服定罪提出上訴）；兩宗被駁回（上訴庭案件）；第四宗案件是向終審庭申請「上訴許可」的裁判處上訴案，法援署重新考慮後，重批法援，故本計劃撤回法律代表；第五宗個案仍有待上訴庭進行聆訊。兩宗向特首呈請的個案都成功獲准，申請人再次申請法律援助，最終獲得法援。

民事方面，本計劃共接獲九十宗申請，當中廿七宗申請獲不同形式的協助。其中十二宗獲指派大律師代表，包括四宗法援上訴案；兩宗個案（一宗家事案件及一宗勞資審裁上訴案）均以減費形式轉介大律師及事務律師跟進。十三宗個案獲給予法律意見，其中兩宗轉介法援署重新考慮後成功重獲法援。

十二宗獲指派大律師代表的個案中，兩宗敗訴，一宗和解，一宗被撤回協助，八宗仍在進行中。兩宗敗訴的申請實為同一事件，第一次聆訊為被駁回的法援上訴，第二次為與訟方爭議的實質聆訊。獲和解的個案是有關贍養費問題，涉及在新西蘭的申請人。被撤回協助的則為一宗獲批法援的入境案件。

特別值得一提的是在二零零八年五／六月份開始的「領航計劃」。在此計劃下，義助小組成員被分成兩組：小組 A 及 B，少於五年執業經驗的成員納入小組 B。計劃構思是為每位向義助計劃提供服務的小組 A 成員指派一位小組 B 成員協助。小組 A 成員提供義務服務的同時，小組 B 成員會獲發港幣三千至五千元。¹「領航計劃」主要旨在為少於五年實際經驗資歷較淺的大律師，提供一個向前輩學習共事的機會，並可得到些微財政補助。領航計劃開始至今，有六十六位少於五年執業經驗的大律師加入小組 B，令該組成員增至八十一位。筆者很高興匯報當中有幾位小組 B 成員已與小組 A 成員配對工作。首宗「領航計劃」的個案為一宗簡單的裁判處上訴案，結果得直。小組 A 成員尤對得到資歷較淺的大律師協助準備法庭文件，表示滿意。

我們期望小組 B 熟悉中文的成員在小組 A 成員缺乏此語文技巧時，可以適時提供協助。

另一值得一提的個案是一宗涉及贍養費爭議的婚姻訴訟案，此案將在終審法院進行聆訊。

案中雙方在上訴法庭均無法律代表，但法庭委任了一位法庭之友提供協助。同樣，在終審法院階段，起初雙方都是自辯，儘管終審法庭司法常務官多次邀請法律援助署給予法援，法援署均堅決拒絕。案中丈夫最初向本計劃的申請，基於案情缺乏理據而被拒。及後，香港家庭法律協會主席 Mr. Hotten 聯絡本計劃，表示他及眾多該會成員對此案結果感興趣。案件似乎涉及前所未有的突破性爭議，家事法法律工作者不可想像此案可以在雙方缺乏法律代表的情況下作出爭辯。因此，本計劃在 Mr. Hotten 非常積極的協助下，成功組合了兩組在家事法具備非常資深經驗的法律代表，代表與訟雙方，各包括一位資深大律師、一位具資歷的大律師，及一位事務律師。一位小組 B 成員亦被指派協助丈夫一方的律師組。至於協助妻子一方的律師組，卻拒絕我們指派另一小組 B 成員協助。

申請結果簡報如下：

甲·一·	申請個案總數（二零零六／零七年度未完成個案）：	三十二
二·	已完成評估個案總數：	二十五

三・ 獲委派大律師代表出庭個案總數：	六
四・ 獲委派大律師代表出庭個案結果：	
勝訴：	一
敗訴：	二
獲批法援：	二
正等待行政長官轉介決定：	一
五・ 獲給予法律意見個案總數：	一

註： 以上數據須與去年的工作報告一併閱讀。故此，三十二宗申請包括二十六宗評估中個案及六宗獲委派大律師代表但截至二零零七年十一月仍未有聆訊結果的個案。

乙・一・申請個案總數（二零零七年十二月至二零零八年十一月）：	二百六十七
二・已完成評估個案總數：	二百五十五
三・正在評估的個案總數：	九
四・等待申請人提供進一步資料個案總數：	三
五・獲委派大律師代表出庭個案總數：	二十
a) 刑事案件：	八
(勝訴：一、敗訴：二、撤銷義助：一、 獲給予法律援助：二、正等待聆訊／聆訊結果：一、 向裁判官求情輕判：一)	
b) 民事案件：	十二
(敗訴：二、撤銷義助：一、 和解：一、正等待聆訊／聆訊結果：八)	
c) 法律援助上訴案件：	四
(敗訴：一、撤銷義助：一、正等待聆訊／聆訊結果：二)	
六・獲給予法律意見個案總數：	三十一
a) 刑事案件：	十八

b) 民事案件：	十三	
七·轉介法律援助署長重新考慮個案總數：		六
a) 刑事案件:	四 (重獲法援：三、駁回：一)	
b) 民事案件:	二 (皆重獲法援)	
八·成功轉介至律師事務所個案：		八

法律義助服務計劃的銀行戶口現存港幣 746,247.94 元。除賺得銀行利息共港幣 9,980.11 元外，本計劃並無收到任何捐款也沒有任何支出，日常支出繼續由公會負責，包括「領航計劃」付予小組 B 成員的費用。

法律義助服務計劃聯絡主任
施堅

二零零九年一月九日

Bar Free Legal Service Scheme

The Scheme received 248 applications in the 12-month period between 1st December 2008 and 30th November 2009 (the 'report period'). Of the applications, the Scheme managed to review 226. It further reviewed another 19 applications out of the 21 outstanding from the previous year (Dec 2007/Nov 2008). In total, the Scheme reviewed 245 applications during the report period.

Of the 19 applications outstanding from the year 2007/08 that were reviewed, written advice on merits of a criminal appeal was given in 2. Following the written advice, representation was granted in one (appeal against sentence) that was subsequently heard and allowed. In the other case, an appeal against conviction, the matter was referred to the Director of Legal Aid (DLA) for reconsideration, as per the reviewing member's suggestion, and legal aid was in the event granted.

As for the two remaining applications, the reviewing members are taking a long time to come to a decision. The Scheme's secretarial support for some reason failed to issue regular reminders. This is an aspect that calls for immediate remedial action.

At the end of last report period, i.e. November 2008, the outcome of 9 matters, in which representation was granted, was still pending, only 4 matters have been resolved, the remaining 5, all civil, are still pending. Of the 4 resolved matters, 1 was criminal appeal against conviction in the Court of Appeal. At the first hearing, the matter was adjourned and legal aid was re-granted following recommendations by the bench. The other 3 were all civil, legal aid was granted in 1 after the Scheme's intervention, and before the hearing of the Legal Aid appeal; a settlement was achieved in the 2nd and the 3rd matter, an Employees' Compensation Case, was lost after trial.

Of the 248 applications received in the report period, 154 relate to criminal matters. The Scheme sought DLA's reconsideration in 8 matters with 7 positive results. The last one is still pending DLA's response. Legal representation was granted in another 8, they were 3 magistracy appeals, 2 criminal appeals (CACC), 2 High Court bail applications and 1 Petition to the Chief Executive under Section 83P, Criminal Proceedings Ordinance, Cap.221. 2 Magistracy appeals have been finalised, the results were 1 win 1 loss. The Petition to the Chief Executive is successful and legal aid has since been granted in respect of the appeal proper. The rest are all pending hearing dates. Legal advice was rendered in 22 other matters.

Turning now to civil matters, there are 94 applications. Assistance in one form or another was given in 32 matters. Legal representation was granted in 6. They are 1 Labour Tribunal Appeal that was heard and won, 3 immigration matters one of which was an application in the Court of First Instance for an injunction to prevent the Director of Immigration from removing the applicant from Hong Kong that was heard and lost, 1 Small Claims Tribunal Appeal that was referred to the Scheme by the presiding judge after leave to appeal had been granted and when DLA maintained his position in refusing aid, and 1 security for costs application in the Court of First Instance that was referred to the Scheme by the Office of Audrey Eu, Legislative Councillor. Further, there was 1 Employees' Compensation Case that was referred to counsel and solicitor on reduced fee basis and a second Employees' Compensation

Case that was referred to a solicitor on pro bono basis. The solicitor ceased pro bono representation in the second E.C.C. when the applicant (the Respondent in the E.C.C.) was declared bankrupt. 1 matter, relating to Immigration/Judicial Review is pending reviewing counsel's written advice that is intended to be forwarded to DLA for reconsideration. Advice was given in 24 matters, one of which resulted in legal aid being granted to pursue judicial review application against Dental Council.

There are now 131 Panel A members and 113 Panel B members. Given the fact that not many applicants have been granted free representation, the writer regrets to report that only a few members from Panel B have been assigned. In the course of the report period, 2 Panel B members have received fees from the Scheme following conclusion of their involvement.

Recently, the Scheme was approached by an Assistant Professor of the Department of Professional Legal Education of the Faculty of Law, Hong Kong University, a Mr. Cheung who is in charge of Clinical Legal Education LLB that is offered to law students in their 3rd/4th year. Mr. Cheung sought an opportunity to work with the Scheme, hoping to instill in his students a "pro bono culture". The writer offered and Mr. Cheung was happy to accept that the Scheme try to involve his students in cases where free legal representation has been granted provided assigned counsel is willing to carry law students.

The following is a summary of the outcome of the applications:-

A.	1.	Total No. of applications (outstanding from year 2007/08):	30
	2.	No. of cases reviewed:	28
	3.	No. of cases where representation granted:	10
	4.	Outcome of cases where representation granted:	
		Won:	1
		Lost:	1
		Settled:	1
		Legal Aid granted:	2
		Pending hearing date/hearing:	5
	5.	No. of cases where advice given and legal aid granted:	1

Note: The above figures have to be read in conjunction with last year's annual report. Therefore, 30 cases include 21 cases pending review and 10 cases where representation was granted include 9 cases outcome of which was still pending as at the end of November 2008.

B. 1.	Total No. of applications received (December 08 to November 09):	248
2.	No. of cases reviewed:	226
3.	No. of cases pending review:	5
4.	No. of cases pending further information:	17
5.	No. of cases where representation granted:	14
a)	Criminal matters: 8 (Won – 1, Lost – 1, pending hearing– 5, Petition granted – 1)	
b)	Civil matters: 6 (Won – 1, Lost – 1, pending hearing - 4)	
6.	No. of cases where advice given:	46
a)	Criminal matters: 22	
b)	Civil matters: 24	
7.	No. of cases where Director of Legal Aid (DLA) was approached for reconsideration:	9
a)	Criminal matters: 8 (Granted – 7, pending – 1)	
b)	Civil matters: 1 (Pending approach to DLA)	
8.	No. of cases successfully referred to counsel/solicitors on fee-paying basis:	1
9.	No. of cases referred to solicitors on pro bono basis (representation ceased upon bankruptcy of applicant):	1

There is now HK\$746,306.12 standing to the credit of the Scheme. The increase of HK\$58.18 from last year's HK\$746,247.94 was by way of bank interest. The revenue expenditure of the Scheme continues to be met by the general funds of the Bar Association including fees payable to Panel B members under the "Pilot Scheme".

Sze Kin
Co-ordinator

3 December 2009

Report on Bar Free Legal Service Scheme 2009/2010

The Scheme received 244 applications in the 12-month period between 1st December 2009 and 30th November 2010 (the 'report period'). Of the applications, the Scheme managed to review 222. It further reviewed another 24 applications outstanding from the previous years (2 from Dec 2007/Nov 2008, 22 from Dec 2008/Nov 2009). In total, the Scheme reviewed 246 applications during the report period.

Of the 2 applications outstanding from the year 2007/08 that were reviewed, one was rejected on grounds of merits, the applicant in the other (a matrimonial matter) was granted legal aid through efforts of his own.

Of the 22 applications outstanding from the year 2008/09 that were reviewed, representation was granted in two, resulting in one win and one settlement. In respect of the first case, a criminal appeal against sentence, a written advice was first obtained and the case was referred to the Legal Aid Department for reconsideration. When DLA maintained its stance, representation was granted and appeal heard resulting in a reduction in sentence.

At the end of last report period, i.e. November 2009, 5 applications from the report period Dec 2007/Nov 2008 were still pending, 4 were now resolved. Legal aid was granted in an immigration matter; the Civil Court of Appeal affirmed the Court of First Instance's judgment in a Personal Injuries case; and the Court of Final Appeal decided in favour of the wife in a maintenance suit in which both parties were represented by counsel and solicitors assigned by the Scheme.

At the end of last report period, i.e. November 2009, the outcome of 9 matters, 5 criminal and 4 civil, in which representation was granted, was still pending. In the course of the report period, 6 were resolved resulting in 1 win in an appeal against sentence in the Court of Appeal, 1 win in the Court of First Instance from Small Claims Tribunal, 1 loss in the Court of Appeal (criminal), a grant of legal aid in a Magistracy Appeal and eventual withdrawal of application for leave to appeal to the CFA in the last two related cases. In the last two cases, the applicants were visitors who were charged with illegal overstaying. The Scheme assisted them to apply for High Court bail that was unsuccessful. Their intended appeal to the CFA against that refusal of bail was in the event withdrawn with no order as to costs.

Of the 244 applications received in the report period, 139 relate to criminal matters. The Scheme sought DLA's reconsideration in 5 matters with 4 positive results.

Legal representation was granted in 6, they were 3 Magistracy appeals and 3 criminal appeals (CACC). All 3 Magistracy appeals have been finalised with 1 win and 2 losses. On the other hand, all 3 criminal appeals (CACC) are pending hearing/outcome. Legal advice was rendered in 17 matters.

Turning now to civil matters, there are 105 applications. Assistance in one form or another was given in 25 matters. Legal representation was granted in 4. They are 2 Legal Aid Appeals, 1 single judge appeal (foreclosure proceedings) and 1 to resist an application for leave to appeal to the CFA by a defendant in a Personal Injuries claim.

1 Legal Aid Appeal was successful whereby legal aid was granted by the Master to resist a claim for possession of land on grounds of adverse possession. The single judge appeal was however unsuccessful and the assigned counsel is seriously considering whether the matter should go to the Court of Appeal. As for the other two matters, they are still pending hearing. Advice was given in 18 and 4 matters were referred to DLA for reconsideration. Legal aid was granted in 2, and rejected in one. As for the 4th case, DLA has requested for further counsel opinion before a final decision can be made. That is a case concerning a discharged bankrupt's entitlement to, inter alia, the part of his pension contributed to by him and accumulated after the bankruptcy order was discharged. The matter is being taken to the CFA by the Official Receiver. Last but not least, a reviewing counsel has indicated his willingness to pen an advice so that DLA may be approached and persuaded to conduct further investigations in a case involving medical negligence claim, before the Legal Aid Appeal is to be heard.

2 matters call for special mention. The first concerns a Small Claims Tribunal Appeal for which a Panel B member was assigned to assist a Panel A member at a small fee under the Scheme's Panel B Scheme. The appeal was heard and allowed in favour of the assisted person. The Court, upon application by Scheme-assigned counsel, made a costs order in favour of the Scheme in the amount equivalent to the fee payable to the Panel B member. It is beyond dispute that the Court had no jurisdiction to make such an order as the Scheme was not a party and the assisted person was never at risk of having to reimburse the Scheme. The matter was tabled at a meeting of the Bar Council and it was resolved that the Court be informed of the matter and the cheque be returned to the other party. The author would ask that all members have regard to the above and do not seek to make applications for costs in all future court proceedings.

The second matter concerns an applicant who demanded that all information and documents provided by her to the Scheme including the application form be destroyed following rejection of her application as if the application was never made, on the basis that those information and documents were confidential. The matter was referred to the Scheme's Management Committee for discussions and decision. It was unanimously decided that there was no basis for the demand. On the contrary, the HK Bar Association is required by law to keep intact for certain period of time all records and files generated/created in the course of its business.

There are now 143 Panel A members and 109 Panel B members. In the course of the report period, a total of 7 Panel B members have received fees from the Scheme totaling HK\$22,000.00.

The Scheme has continued to work with the Department of Professional Legal Education of the Faculty of Law, Hong Kong University although the person in charge of Clinical Legal Education LLB is now a Mr. Lam who has a full time job as a practising solicitor.

The following is a summary of the outcome of the applications:-

A.	1.	Total No. of applications (outstanding from year 2007/08):	7
	2.	No. of cases reviewed:	7
	3.	No. of cases where representation granted:	5
	4.	Outcome of cases where representation granted:	
		Won:	2
		Lost:	1
		Legal Aid granted:	1
		Pending:	1
	5.	No. of cases where advice given and legal aid granted:	1
B.	1.	Total No. of applications (outstanding from year 2008/09):	31
	2.	No. of cases reviewed:	31
	3.	No. of cases where representation granted:	11
	4.	Outcome of cases where representation granted:	
		Won:	3
		Lost:	1
		Settled:	1
		Legal Aid granted:	1
		Application for leave withdrawn:	2
		Pending:	3
	5.	No. of cases where advice given but legal aid nevertheless rejected:	1

Note: The above figures under B have to be read in conjunction with last year's annual report. Therefore, the 31 cases include 22 cases pending review and 11 cases where representation was granted include 9 cases outcome of which was still pending as at the end of November 2009.

C.	1.	Total No. of applications received (December 09 to November 10):	244
	2.	No. of cases reviewed:	222
	3.	No. of cases pending review:	6
	4.	No. of cases pending further information:	16
	5.	No. of cases where representation granted:	10
	a)	Criminal matters: 6 (Won – 1, Lost – 2, pending hearing– 3)	
	b)	Civil matters: 4 (Won – 1, Lost – 1, pending hearing - 2)	

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| 6. | No. of cases where advice given: | 35 |
| | a) Criminal matters: | 17 |
| | b) Civil matters: | 18 |
| 7. | No. of cases where Director of Legal Aid (DLA) was approached for reconsideration: | 10 |
| | a) Criminal matters: | 5 (Granted – 4) |
| | b) Civil matters: | 5 (Granted – 2, pending further opinion – 1 pending approach to DLA – 1) |

There is now HK\$746,320.84 standing to the credit of the Scheme. A sum of HK\$14.72 was earned by way of bank interest. The revenue expenditure of the Scheme continues to be met by the general funds of the Bar Association including the HK\$ 22,000.00 paid to Panel B members referred to above.

Size Kin
Co-ordinator

6 December 2010