



法律援助服務局
LEGAL AID SERVICES COUNCIL



2011-12 年報
ANNUAL REPORT



法 律 援 助 服 務 局
LEGAL AID SERVICES COUNCIL

年 報

2011-2012

ANNUAL REPORT

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GOVERNING LEGISLATION

Legal Aid Services Council Ordinance (Cap. 489)

成立日期

一九九六年九月一日

DATE ESTABLISHED

1 September 1996

法援局成員

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蔡惠琴太平紳士, FIHRM

狄朗尼先生

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梁偉權太平紳士

李嘉蓮女士

黃吳潔華女士

法律援助署署長陳香屏太平紳士
(當然成員)

MEMBERSHIP OF THE COUNCIL

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

Ms Virginia CHOI Wai Kam, FIHRM, JP

Mr Michael DELANEY

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

Mr Stephen HUNG Wan Shun

Dr Lee George LAM

Mr Edward LEUNG Wai Kuen, JP

Ms Corinne Marie D'ALMADA REMEDIOS

Mrs Cecilia WONG NG Kit Wah

Mr William CHAN, JP, Director of Legal Aid (ex-officio)

秘書

彭海倫女士

COUNCIL SECRETARY

Ms Helen PANG

預算

港幣五百七十四萬四千零九十七元

BUDGET

HK\$5,744,097

往來銀行

香港上海匯豐銀行

BANKERS

Hongkong & Shanghai Banking Corporation

會計師

天正會計師事務所有限公司

ACCOUNTANTS

Sky Trend CPA Ltd

核數師

審計署署長

AUDITORS

Director of Audit

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第二章 CHAPTER 2



回顧 REVIEW

我欣然發表2011-12年年報，這是我擔任法律援助服務局主席以來，第六份及最後一份的年報。

2011年是值得記念的一年。在2011年5月27日，本局首次舉辦兩岸四地法律援助研討會。這個研討會為中國內地、台灣、澳門和香港提供一個平台，分享法律援助制度的資訊和經驗，並為四地的法律援助從業員和制定政策的官員，創造建立網絡的機會。本局非常榮幸，能邀得終審法院法官馬道立首席法官和從蘇格蘭遠道而來的國際法援組織主席Alan Paterson教授擔任主講嘉賓，高等法院原訟法庭法官林文瀚法官發表午餐演講，其他講者包括國家司法部法律援助工作司司長和副處長、台灣法律扶助基金會董事長及代表、澳門法務局局長、香港法律援助署助理署長（申請及審查）和本局成員。研討會廣受歡迎，逾110名來自四地的法律援助當局代表、法律援助工作者、學者和非政府機構代表參加。

在去年年報中，我提及本局在2010年12月向行政長官提交了有關法律援助輔

I am pleased to present the 2011-2012 Annual Report, the sixth and the last during my tenure as Chairman of the Legal Aid Services Council.

2011 was a year worth remembering. On 27 May 2011, the Council held its first Cross-strait Legal Aid Conference. The purpose of the conference was to provide a forum for sharing information and experience about legal aid practices in the Mainland, Taiwan, Macau and Hong Kong. It also provided networking opportunities for legal aid practitioners and policy formulation personnel of the four places. The Council was honoured to have the Chief Justice, the Honourable Geoffrey Ma, and Chairperson of the International Legal Aid Group, Professor Alan Paterson from Scotland, as keynote speakers. The Honourable Mr Justice Johnson Lam, Judge of the Court of First Instance of the High Court, also spoke at the conference luncheon. Other speakers included the Director and the Deputy Section Chief of the Department of Legal Aid of the Ministry of Justice, the People's Republic of China; the Chairperson and a representative of the Legal Aid Foundation, Taiwan; the Director of Legal Affairs Bureau, Macau; Assistant Director of Legal Aid (Application & Processing) of Legal Aid Department, Hong Kong; and members of our Council. The conference was very well-received. More than 110 attendees including officials of

助計劃（下稱「輔助計劃」）涵蓋範疇的建議。在2011年3月，行政當局在參考本局意見和建議，以及相關持份者的觀點後，向立法會司法及法律事務委員會提交建議書。關於行政當局的立場，詳述於第六章內的「法律援助輔助計劃的檢討」。本局喜見法律援助條例及規例現正進行修訂，以落實擴大普通法律援助計劃及輔助計劃的建議，並有望在2011-12立法年度完結前通過。

根據《法律援助服務局條例》（第489章）第4(5)條，本局是行政長官在關於獲公帑資助並由法律援助署提供的法律援助服務的政府政策上的諮詢組織，並須就建立一個獨立的法律援助管理局的可行性和可取性提出建議。如去年年報所述，本局已邀請所有遞交了顧問研究意向書的公司/機構/大學提交建議書。在仔細審議收到的六份建議書後，法律援助獨

leg aid authorities, legal aid practitioners, academics, and representatives of non-governmental organizations from the four places participated in the conference.

In the previous report, I mentioned that the Council submitted its recommendations on the scope of Supplementary Legal Aid Scheme (SLAS) to the Chief Executive in December 2010. In March 2011, the Administration, after taking into account the Council's advice and recommendations as well as views from relevant stakeholders, presented its proposal to the Panel on Administration of Justice and Legal Services (AJLS Panel) of the Legislative Council. Details of the Administration's views are given in the "Review of Supplementary Legal Aid Scheme" in Chapter 6. The Council is pleased to know that legislative amendments to the Legal Aid Ordinance and Regulations to give effect to the expansion of the Ordinary Legal Aid Scheme (OLAS) as well as the SLAS are in progress and will hopefully be passed before the end of the 2011/12 legislative year.



Pursuant to Section 4(5) of the Legal Aid Services Council Ordinance (Cap.489), the Council is the Chief Executive's advisory body on Government policy concerning publicly funded legal aid services provided by the Legal Aid Department. The Council shall advise on, among other things, the feasibility and desirability of the establishment of an independent legal aid authority. As mentioned in the last report, the Council had invited all the firms/ institutions/ universities that had submitted their Expression of Interest (Eoi) to undertake a consultancy study on the matter to submit their proposal. Out of the six proposals received, the Working Party on Independence of Legal Aid, after detailed examination of the proposals, recommended to the Council to appoint Deloitte Consulting (Hong Kong) limited to undertake the study. The objectives of the consultancy study are:



立性工作小組建議本局委任德勤企業管理諮詢(香港)有限公司負責此項研究。而顧問研究的目標是：

- (a) 研究在香港建立一個獨立的法律援助管理局的整體可行性和可取性；
- (b) 比較各種管理香港法援服務的運作模式，以了解其優點、缺點、成本和效益；
- (c) 建議最適合管理香港法援服務的模式；以及
- (d) 如研究結果認為應成立一個獨立管理機構，則建議一個設立獨立法律援助管理局的執行計劃。

本局通過有關建議，而顧問研究亦於2011年年底展開。顧問公司已完成海外制度研究和諮詢持份者兩部份工作，現正著手草擬工作報告，可惜落後原定工

- (a) to examine the overall feasibility and desirability of establishing an independent legal aid authority in Hong Kong;
- (b) to compare various operational models for administering legal aid services in Hong Kong to examine their merits, demerits, costs and benefits;
- (c) to recommend the best model for administering legal aid services in Hong Kong; and
- (d) to propose an implementation plan for setting up an independent legal aid authority, if an independent authority is recommended.

The Council approved the recommendation and the consultancy study commenced in late 2011. The Consultant has completed both the study of overseas practices and consultation with stakeholders and is working on the report, which is unfortunately behind the Council's planned schedule. The Council will make recommendations to the Chief Executive after considering the report of the study.

作進程。本局在參考研究報告後，會向行政長官提出建議。

為加強社區法律援助服務，本局要求「法律援助範圍興趣小組」研究為被執法機構，特別是警察和廉政公署，拘留的人士提供法律意見的可取性和可行性。目前，有很多這類人士當首次被拘留時，他們沒有獲得即時的法律意見，亦未必懂得在被拘留期間接受有關執法機構審問時的法律權利和利益，此情況並不理想。興趣小組的成員來自社區廣泛層面，他們正研究推行一個試驗計劃，政府部門、兩個法律專業團體等持份者亦被邀請參與討論，同時為了引起關注和徵求不同的意見，本局在2012年5月舉辦了一個研討會，期望在未來數月可完成制定這個試驗計劃，提交行政當局考慮，這個將會是刑事法律援助一個重要的里程碑。

服務本局接近六年，我將於不久後離任。本人衷心感謝本局成員在我出任主席期間所作出的寶貴貢獻和支持，他們非常慷慨地付出時間、知識和經驗，令本港法援服務精益求精，我很高興和榮幸能與他們共事。同時，我感謝法援局秘書處的專業支援，亦要多謝法援署職員、法律業界人士和其他的持份者，他們在不同的層面，幫助本局的工作。法治是本港成功的其中一個最重要的基石，我有信心本局會堅守崗位，維護法治精神，確保缺乏經濟能力的人士，可以在法律面前人人平等，尋求正義伸張。

In an effort to enhance the scope of legal aid services to the community, the Council has asked the Interest Group (IG) on Scope of Legal Aid to study the desirability and viability of providing legal advice to people detained by law enforcement agencies, notably the police and the Independent Commission against Corruption. At present, many of these individuals do not have any ready legal advice when they are first detained and they may not be aware of their legal rights and privileges when they are interrogated by the law enforcement agency concerned during the period of their detention. This situation is unsatisfactory. The IG, with members coming from a wide spectrum of the community, is studying a possible pilot scheme. Stakeholders including relevant government departments and the two legal professional bodies have been invited to participate in the deliberation. To bring focus to the issue and to solicit views from a wider spectrum, the Council organised a seminar on this subject in May 2012. It is hopeful that a pilot scheme will be worked out for submission to the Administration for consideration in the coming months. It will be an important step in the area of criminal legal aid.

I shall soon retire from the Council after nearly six years of service. My heartfelt appreciation goes to the members of the Council for their invaluable contributions and support during my tenure as Chairman. They have been very generous in volunteering their time, knowledge and experience for the betterment of legal aid services in Hong Kong. It has been a pleasure and my privilege working with them. I am also very grateful to the Council Secretariat for their dedication and professionalism. I would also like to thank staff of the Legal Aid Department, the legal profession and the many stakeholders who have contributed to the work of Council in different ways. Rule of Law is one of the most important cornerstones underpinning the success of Hong Kong. I am confident that the Council will continue to work towards upholding the rule of law by ensuring access to justice and equality before the law for people of limited means.

抱負、使命及信念

VISION, MISSION AND VALUES

抱負

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

使命

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

信念

1. **全力以赴**：本局忠於職責，恪守抱負、使命及信念宣言的宗旨，因為本局相信法律援助對於維持法治方面極具價值，本局亦積極開展法律援助服務。在遵守《法律援助服務局條例》〔本局條例〕的同時，本局致力於完善條例規定，發揚抱負、使命及信念宣言的精神。
2. **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

VISION

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

MISSION

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

VALUES

1. **Committed** : The Council is committed to its work and upholds its VMV because it believes that legal aid is essential to the rule of law and the Council contributes positively to legal aid services. While adhering to the provisions of the Legal Aid Services Council Ordinance, the Council endeavours to improve the provisions of the Ordinance in pursuit of its VMV.
2. **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,

一，因此，獨立性是本局核心價值之一。在確認不同利益團體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。

3. **通眾近民**：成立本局的一個原因是擴大公眾對法援管理的參與。本局將作出適當安排，方便公眾獲取本局的公開資料，或與本局就特定事項溝通，或在不影響本局履行職責的情況下，主動或被動地參與本局的工作。本局將設立與公眾、利益團體及本港或海外對法援有興趣的人士的溝通渠道。
4. **開誠佈公**：加深公眾瞭解本局將會加強公眾對本局及法援服務的信任，此亦是公眾積極參與本局工作的先決條件。因此，在不違反特定事宜或特定場合須保密的情況下，本局將向公眾公開本身的工作。
5. **敏於眾望**：基於兩種原因，本局須敏銳回應。首先，法律援助是在擴展的社會環境中提供服務。為了對法援政策提供完善的意見，有效監督法援署提供的法援服務，本局須對社會、經濟及政治狀況，法律慣例及技術革新的變化十分敏感，並積極應對。其次，對公眾投訴或諮詢作出及時全面的回應，將能建立更為有效與公眾溝通渠道，因此有助公眾透過本局更積極參與法律援助管理。本局隨時準備聆聽公眾意見，跟進討論研究，並及時採取行動。

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.

3. **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.
4. **Transparent** : A better understanding of the Council will enhance trust in the Council and legal aid services being provided. It is a pre-requisite for active public participation in the Council's work. Therefore, the Council will make known to the public its work without breaching confidentiality in respect of specific issues or on specific occasions.
5. **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 legal aid services provided by LAD, 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.

法律援助服務局成員 MEMBERS OF COUNCIL

陳茂波先生是香港特別行政區立法會議員，為專業會計師，曾任香港會計師公會及特許公認會計師公會香港分會會長，現為華德匡成會計師事務所有限公司主席。陳先生服務多個政府及公共團體之董事局和委員會，包括西九文化區管理局和策略發展委員會。陳先生持有香港中文大學工商管理碩士學位，曾就讀哈佛商業學院，並經常以客席身分，為多間大學、商會、報章及專業團體講學。

Mr Paul Chan is a member of the Legislative Council of the Hong Kong Special Administrative Region. He is an accountant by profession and is a former President of the Hong Kong Institute of Certified Public Accountants and the Association of Chartered Certified Accountants – Hong Kong. He is the Chairman of Crowe Horwath (HK) CPA Limited. Mr Chan has served on many boards and committees of governmental and public bodies such as the West Kowloon Cultural District Authority and the Strategic Development Commission. Mr Chan holds an MBA degree from the Chinese University of Hong Kong and has also studied at the Harvard Business School. He has frequently lectured, on a visiting basis, for universities, chambers of commerce, newspapers and professional institutions.



主席陳茂波太平紳士

Paul CHAN Mo-po

MBA, FCPA, MH, JP,
Chairman

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

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

Virginia Choi J.P. is Managing Consultant and Country Manager of Tamty McGill Consultants International Ltd. She has over 25 years of experience in HR management, especially in training and development.

Virginia was President of the HKIHRM from 2001 to 2005, HKIHRM's first female President since its inception in 1977. She is now Executive Council Member of the HKIHRM and advisor to its Learning and Development Committee.

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



蔡惠琴太平紳士

Virginia CHOI

FIHRM, JP

狄朗尼大律師畢業於英國諾丁咸大學，並於1981年在英國取得事務律師資格。他自1985年起在本港執業，並於1991年獲得大律師資格。狄朗尼先生為當值律師計劃提供免費法律諮詢服務超過15年，並不時為大律師公會舉辦的法律專業進修課程講學。

Mr Michael Delaney is a graduate of the Nottingham University and qualified as a solicitor in the United Kingdom in 1981. He came to Hong Kong in 1985 and practiced as a solicitor until 1991 and then was called to the Bar. Mr Delaney has been on the Duty Lawyers free legal advice panel for over 15 years and gives lectures on behalf of the Bar Advanced Education.



狄朗尼大律師
Michael DELANEY

洪為民博士為特許資訊科技專業人士，現為昊新有限公司聯合創辦人及執行副總裁，業務包括為來自中國的客戶制訂專業財務和行政共用的環球服務方案。洪博士是互聯網專業協會現任主席，從事資訊科技工作二十四年，為行內著名領袖。洪博士熱心社會服務，包括香港交通安全隊、互聯網專業協會及菁英會。洪博士於2007年獲頒香港特別行政區政府民政事務局局長嘉許狀，並獲選為2008年香港十大傑出青年、40+典範2011和2012年度資本企業家。

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



洪為民博士

Dr Witman HUNG Wai-man

PhD MBA MA LLM FHKIoD FBCS
CITP

熊運信律師現任香港律師會副會長，並出任會內審查及紀律常務委員會、刑事法及程序委員會和法學教育委員會主席。

熊律師以香港律師會代表的身份，加入當值律師服務理事會、香港中文大學和香港城市大學法律專業證書課程學術委員會。熊律師以個人身分服務於較高級法院出庭發言權評核委員會和香港法律改革委員會導致或任由兒童死亡個案小組。

熊律師亦是樹仁大學客座教授。

熊律師於1995年在香港取得事務律師資格，現為彭溫蔡律師行合夥人。

Mr Stephen Hung is the Vice-President of the Law Society of Hong Kong. He is currently the Chairman of the Standing committee on Compliance, Criminal Law and Procedure Committee, and Legal Education Committee.

As a representative of the Law Society of Hong Kong, Mr Hung serves on the Council of the Duty Lawyer Service; PCLL Academic Board of the Chinese University of Hong Kong; and PCLL Academic Board of the City University of Hong Kong. In his own capacity, Mr Hung serves on the Higher Rights Assessment Board; and Law Reform Commission, Subcommittee on Causing or Allowing the Death of a Child.

Mr Hung is also an Adjunct Professor of Law of Hong Kong Shue Yan University.

Mr Hung was admitted as a solicitor in Hong Kong 1995. He is currently a Partner of Messrs. Pang, Wan & Choi.



熊運信律師
Stephen HUNG Wan-shun

林家禮博士持有加拿大渥太華大學之科學及數學學士、系統科學碩士及工商管理碩士學位、加拿大加爾頓大學之國家行政研究院文憑、英國曼徹斯特城市大學之英國及香港法律深造文憑及法律榮譽學士學位、英國胡佛漢頓大學之法律碩士學位、香港城市大學法學專業證書，香港中文大學專業進修學院專業會計證書，以及香港大學之哲學博士學位。林博士在企業管理、管理顧問、公司管治、投資銀行及基金管理，擁有超過30年的國際經驗。林博士現為香港玉山科技協會理事長，並擔任亞太區數家上市公司之獨立或非執行董事職務。林博士曾兩任香港特別行政區政府中央政策組非全職成員，現為法律援助服務局成員，亦是中國政協吉林省委員會委員（及前浙江省委員會特邀委員）、香港銀行學會會員、東方-西方中心基金會董事、青年總裁協會會員、Chief Executives Organization會員、香港董事學會資深會員、香港仲裁司學會資深會員、香港上市公司商會常務委員會委員及公司管治委員會委員、香港房地產建築業協進會副會長、香港-越南商會創會董事及名譽司庫、香港澳洲商會董事會成員、香港教育城董事會成員及北京清華大學經濟管理學院之客座教授（公司管治及投資銀行方面）。



林家禮博士
Dr Lee George LAM

Dr Lee George Lam holds a BSc in Mathematics and Sciences, an MSc in Systems Science, and an MBA, all from the University of Ottawa in Canada, a Post-graduate Diploma in Public Administration from Carleton University in Canada, a Post-graduate Diploma in English and Hong Kong Law and an LLB (Hons) in law from Manchester Metropolitan University in the UK, an LLM in law from the University of Wolverhampton in the UK, a PCLL in law from the City University of Hong Kong, a Certificate in Professional Accountancy from the Chinese University of Hong Kong SCS, and a PhD from the University of Hong Kong. Dr Lam has over 30 years of international experience in general management, management consulting, corporate governance, investment banking and fund management. Dr Lam is Chairman of Monte Jade Science and Technology Association of Hong Kong, and serves as an independent or non-executive director of several publicly-listed companies in the Asia Pacific region. Having served as a Part-time Member of the Central Policy Unit of the Government of the Hong Kong Special Administrative Region for two terms and as a Member of the Legal Aid Services Council of Hong Kong, Dr Lam is a Member of the Jilin Province Committee (and formerly a Specially-invited Member of the Zhejiang Province Committee) of the Chinese People's Political Consultative Conference, a Member of the Hong Kong Institute of Bankers, a Board Member of the East-West Center Foundation, a Member of the Young Presidents' Organization, a Member of the Chief Executives Organization, a Fellow of the Hong Kong Institute of Directors, a Fellow of the Hong Kong Institute of Arbitrators, a Member of the General Council and the Corporate Governance Committee of the Chamber of Hong Kong Listed Companies, a Vice President of the Hong Kong Real Estate Association, a founding Board Member and the Honorary Treasurer of the Hong Kong-Vietnam Chamber of Commerce, a Board Member of the Australian Chamber of Commerce in Hong Kong, a Board Member of Hong Kong Education City Limited, and a visiting professor (in the fields of corporate governance and investment banking) at the School of Economics & Management of Tsinghua University in Beijing.

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

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



梁偉權太平紳士
Edward LEUNG Wai-kuen

JP

李嘉蓮大律師在香港出生及接受教育，於1978年取得香港大律師執業資格。她辦理民事及刑事案件，熟悉法律援助衍生事宜。自當值律師計劃設立以來，李嘉蓮女士一直為該計劃擔任義務律師，曾出任多個委員會成員，包括大律師公會之人身傷亡賠償委員會及家事法律委員會、附屬濟助程序改革試驗計劃工作小組及督導委員會、以及香港兒童權利委員會等。

Born and educated in Hong Kong, Ms Corinne Remedios was admitted to the Hong Kong Bar in 1978. She is familiar with issues that arise over legal aid as she has a practice which includes both civil and criminal cases. She has been a volunteer lawyer for the Duty Lawyer Service since the scheme was established. She has sat on various committees including the Bar Association's Special Committee on Personal Injuries and Special Committee on Family Law, the Working Group and the Steering Committee on the Pilot Scheme for the Reform of Ancillary Relief Procedure, and the Hong Kong Committee on Children's Rights, etc.



李嘉蓮大律師
Corinne REMEDIOS

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

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

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

黃律師一向積極推廣香港的調解服務，同時參與政府、法律業界和社區舉辦的各種公益活動。

於2010、2011和2012年，黃律師獲香港律師會頒發「公益義務社區工作金獎」以表揚她對法律專業及社區的莫大貢獻。

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

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

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

Mrs Wong has consistently taken an active role in the promotion of mediation in Hong Kong, as well as in various pro-bono government, professional and community services.

In 2010, 2011 and 2012, Mrs Wong received the Gold award in pro-bono and community work of the Law Society of Hong Kong in recognition of her enormous contribution to the profession and the community.



黃吳潔華律師
Cecilia WONG NG Kit-wah

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

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



陳香屏太平紳士
William CHAN Heung-ping

JP

法援局、委員會及其職能 COUNCIL, COMMITTEES AND FUNCTIONS

法援局

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

法援局可：

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

法援局無權就職員事宜及法援署對個別案件的處理向法援署作出指示。

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

COUNCIL

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

The Council may —

- formulate policies governing the provision of services by the Department and give advice on the policy direction of the Department;
- 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;
- keep under review the services provided by the Department and the plans for development of the Department; and
- consider and advise on the estimates of expenditure of the Department.

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

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

法援局、委員會及其職能

COUNCIL, COMMITTEES AND FUNCTIONS



前排左至右：法援署副署長（政務）鍾綺玲女士、李嘉蓮女士、主席陳茂波先生、蔡惠琴女士、黃吳潔華女士
後排左至右：法援署署長陳香屏先生、熊運信先生、洪為民博士、林家禮博士、狄朗尼先生、梁偉權先生、法援局秘書彭海倫女士
Front left to right: Ms Alice CHUNG (Deputy Director of Legal Aid/ Administration), Ms Corinne REMEDIOS, Mr Paul CHAN (Council Chairman), Ms Virginia CHOI, Mrs Cecilia WONG
Back left to right: Mr William CHAN (Director of Legal Aid), Mr Stephen HUNG, Dr Witman HUNG, Dr L G LAM, Mr Michael DELANEY, Mr Edward LEUNG, Ms Helen PANG (Council Secretary)

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

興趣小組

法援局的職能，是就法援政策向行政長官提出意見，並監察法律援助署提供法援服務。本局明白各持份者對有關制度和運作的回應，將有助本港推行高素質及高效率的法援服務。因此，本局自1996年成立以來，一直與名冊律師就不同層面的法律援助服務和工作交換意見。於2002年，本局設立一個正式架構，成立了不同的興趣小組，以便名冊

- 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 GROUPS

The Legal Aid Services Council was established to advise the Chief Executive on legal aid policy and to supervise the provision of legal aid services provided by the Legal Aid Department. In discharging these functions, the Council recognizes that obtaining operational feedback from stakeholders will assist in the delivery of high quality and effective legal aid services. Hence, since its establishment in September 1996, the Council has held meetings with legal

律師可更廣泛參與本局的工作。在2003年，本局邀請非政府機構加入興趣小組，其後邀請擴展至區議會成員及學者。每個興趣小組皆由本局成員擔任主席，並歡迎其他法律援助局成員參與。

一般而言，興趣小組的職權範圍大致如下：

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

在2008年9月以前，本局共成立3個興趣小組：

- a. 「外判制度及監察法律援助外判個案興趣小組」；
- b. 「法律援助申請及程序興趣小組」；及
- c. 「法律援助範圍興趣小組」。

在2008年9月，本局認為整合相關議題的興趣小組會令討論更有效率，遂決定將「外判制度及監察法律援助外判個案興趣小組」和「法律援助申請及程序興趣小組」合併，本局成員熊運信律師獲委任為合併後易名為「法援申請程序及監察外判制度興趣小組」的主席，同時，本局成員李嘉蓮大律師則獲委任為「法律援助範圍興趣小組」主席。

aid panel lawyers to exchange views on different areas of legal aid work / services. In 2002, a formal structure known as Interest Group was set up for broad participation by panel lawyers in reviewing specific areas of legal aid work. In 2003, the Council invited non-governmental organizations to join the Interest Groups. Later in the year, District Council members and academics were also invited. Each Interest Group is chaired by a Council member. Other Council members are also welcome to join.

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

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

Prior to September 2008, there were three Interest Groups, namely:

- a. Interest Group on Assignment System and Monitoring of Assigned-out Cases;
- b. Interest Group on Processing of Legal Aid Applications; and
- c. Interest Group on Scope of Legal Aid.

In September 2008, the Council considered more efficient to discuss the related issues under the purview of different interest groups under one roof. The Interest Group on Assignment System and Monitoring of Assigned-out Cases therefore merged with the Interest Group on Processing of

在2011年，本局再招募興趣小組成員。本局廣發邀請，吸納更多不同界別的新成員，以推動興趣小組的工作。興趣小組成員人數因而有所增加，成員背景更趨廣泛，包括學者（來自法律和社會研究領域）、會計師、建築師、大律師、醫生、牙醫、工程師、環境顧問、資訊科技顧問、園境師、不同社會服務範疇的工作者、律師和測量師。兩個興趣小組將繼續探討其負責的相關課題，並向本局提出建議。

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。這些工作小組會向本局提出建議，或為本局計劃與籌辦活動。在此年報年度內，四個名為「社區法律服務工作小組」、「法律援助獨立性工作小組」、「兩岸四地法律援助研討會工作小組」和「法律援助研討會籌備小組」已展開工作。

興趣小組和工作小組成員名單刊於附錄。

Legal Aid Applications. Council member Mr Stephen HUNG was appointed Chairman of the merged interest group which was renamed as the Interest Group on Processing, Assignment and Monitoring of Assigned-out Cases. At the same time, Council member Ms Corinne REMEDIOS was appointed Chairman of the Interest Group on Scope of Legal Aid.

In 2011, a membership drive was launched. Invitation to attract more new members was issued with a view to casting a wider net and to keep up the momentum of interest. As a result, the Interest Groups grew in membership with broadened composition. Members include academics (in the legal as well as social studies fields), accountants, architects, barristers, a doctor, a dentist, engineers, an environmental consultant, an information technology consultant, a landscape architect, various members of the social services field, solicitors, and surveyors. The two interest groups will continue to advise the Council on subject matters under their purview.

WORKING PARTIES

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

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

政策及策略

POLICY AND STRATEGY

法律援助輔助計劃的檢討

在討論行政當局所提交「就評定法律援助申請人財務資格的準則每五年進行一次的檢討」建議的過程中，本局要求「法律援助範圍興趣小組」檢視「法律援助輔助計劃」（下稱「輔助計劃」）的涵蓋範圍。經過詳細商議興趣小組的研究報告後，本局在2010年12月將其建議提交行政長官。行政當局在研究本局的意見和建議，以及相關持份者的見解後，在2011年3月通知本局其對擴大「輔助計劃」的立場，亦於立法會司法及法律事務委員會（下稱「事務委員會」）在2012年3月28日的會議上，提交了具體的建議。行政當局建議：

- (a) 擴大「輔助計劃」以涵蓋下列類別的申索，其申索金額應超過港幣\$60,000，以及申請人須繳付較高的申請費和分擔費：
 - i. 涉及有關執業會計師、建築師、註冊專業工程師、註冊專業測量師、認可土地測量師、註冊專業規劃師、園境師，以及地產代理專業疏忽的申索；

REVIEW OF THE SUPPLEMENTARY LEGAL AID SCHEME

In the course of the discussion of the Administration's recommendations from the five-yearly review, the Council requested the Interest Group on Scope of Legal Aid to also examine the scope of Supplementary Legal Aid Scheme (SLAS). After careful deliberation of the report of the Interest Group, the Council forwarded its recommendations to the Chief Executive in December 2010. In March 2011, the Administration, after taking into account the Council's advice and recommendations, as well as views from relevant stakeholders, informed the Council of their position on the expansion of SLAS and submitted a proposal to the Panel on Administration of Justice and Legal Services of the Legislative Council (LegCo) for consideration at its meeting on 28 March 2011. The Administration proposed that:

- (a) The scope of SLAS be expanded to cover claims of the following categories, with claim amounts exceeding \$60,000, using an enhanced rate of application fee and contribution:
 - i. professional negligence claims against Certified Public Accountants, Architects, Registered Professional Engineers, Registered Professional Surveyors, Authorized Land Surveyors, Registered Professional Planners, Landscape Architects and Estate Agents;

- ii. 因銷售保險產品而引起的申索；以及
 - iii. 就銷售一手住宅物業向發展商提出的申索；
- (b) 上文(a)分段所述新涵蓋個案的法律申請費及分擔費比率修訂如下：

- i. 申請費增至港幣\$5,000；
- ii. 中期分擔費比率訂為受助人經評估財務資源的百分之十，但在任何情況下，均不得少於香港法例第91B章《法律援助（評定資源及分擔費用）規例》第14(a)條所訂明在「輔助計劃」下受助人現行須繳付的中期分擔費；以及
- iii. 最終分擔費比率增加至討回財產價值的百分之二十，如案件在委聘大律師出庭前獲得和解，則分擔費比率為百分之十五；

- (c) 上文(b)分段所述增加申請費和分擔費比率的安排，亦適用於現時有關醫療、牙科或法律三種專業疏忽的申索；



- ii. claims arising from sale of insurance products; and
 - iii. claims against developers in the sale of first-hand residential properties;
- (b) The application fee and rates of contribution for the new types of cases in item (a) above be revised as follows:
- i. the application fee be increased to \$5,000;
 - ii. the interim contribution rate be set at 10% of the assessed financial resources of the aided person, but in any event not less than the current interim contribution payable by the aided persons under SLAS as set out in Regulation 14(a) of the Legal Aid (Assessment of Resources and Contributions) Regulations (Cap. 91B); and
 - iii. the final contribution rate be increased to 20% of the value of property recovered, and to 15% where a claim is settled prior to delivery of a brief for attendance at trial to counsel;
- (c) The enhanced application fee and rates of contribution as set out in item (b) above be also applied to the existing three types of professional negligence claims against the medical, dental or legal professions;
- (d) Employees' claims on appeals from the Labour Tribunal, regardless of claim amounts, be covered under the expanded SLAS using the existing rates of application fee and contribution;
- (e) A study be conducted on amending the Legal Aid Ordinance (Cap. 91) with a view to enabling money claims in derivatives of securities, currency futures or other futures contracts be covered under the Ordinary Legal Aid Scheme (OLAS) when fraud,

(d) 不論申索金額多少，擴大「輔助計劃」以納入就勞資審裁處對僱員申索所作裁決提出的上訴，並採用現行申請費及分擔費水平；

(e) 研究修訂《法律援助條例》第91章，以期將在銷售證券衍生工具、貨幣期貨或其他期貨合約時因涉及欺詐、失實陳述／欺騙情況而引起的金錢申索納入普通法律援助計劃（下稱「普通計劃」）的涵蓋範圍；及

(f) 提請立法會財務委員會批准，注資1億元予「輔助計劃」基金，以便擴大「輔助計劃」的涵蓋範圍。

在2011年12月，本局亦獲知會當局對擴大「輔助計劃」涵蓋範圍的其他建議的意見，該意見詳列如下：

(a) 與衍生工具有關的申索

鑑於結構性金融產品在本港日益流行，當局同意將銷售證券衍生工具、貨幣期貨或其他期貨合約時因涉及欺詐、失實陳述／欺騙情況而引起的金錢申索納入「普通計劃」的涵蓋範圍。

(b) 少數份數擁有人對物業發展商就強制售賣大廈單位的申索

當局認為不應擴展「輔助計劃」涵蓋這類申索，理由如下：

i. 觀乎土地審裁處過往作出的裁決，批出強制售賣令的機會甚高。假若這個趨勢持續，獲批法援的少數份數擁有人敗訴並

misrepresentation/deception is involved at the time of purchase; and

(f) The approval of Finance Committee be sought to inject \$100 million into the SLAS Fund to facilitate the expansion of the scope of SLAS.

The Council was also informed of the Administration's views on other proposals to expand SLAS in December 2011. Their views were:

(a) Derivatives Claims

Noting that structured financial products were increasingly commonplace in Hong Kong, the Administration agreed to include money claims in derivatives of securities, currency futures or other futures contracts to be covered under the OLAS when fraud, misrepresentation or deception was involved at the time of purchase.

(b) Claims against Property Developers by Minority Owners in respect of Compulsory Sales of Building Units

The Administration did not agree expanding SLAS to cover this type of claims for the following reasons:

i. As evidenced in the past rulings of the Lands Tribunal (Tribunal), the chance of granting a compulsory sale order was very high. Assuming that this trend would continue, the chance of a minority owner granted with legal aid losing the case and having to bear all the costs was very high. This would be inconsistent with the self-financing principle of SLAS.

ii. Very often, a minority owner who appeared before the Tribunal sought to resist the majority owner's application for compulsory sale or, if the application was to be granted, the terms

須承擔全數訟費的機會亦甚高。這有違「輔助計劃」自負盈虧的原則。

- ii. 很多時候，少數份數擁有人反對多數份數擁有人的強制售賣申請，或如其強制售賣申請已獲批准，則反對售賣的條件和條款，所爭議的事項多數與估值而非法律事宜有關，並且不涉及金錢的賠償。

無論如何，當局將會繼續提供行政支援予這些因重建發展而可能受強制售賣影響的舊樓業主，例如調解服務、以年長業主為對象的外展支援服務，及加強公眾教育。

(c) 對銷售商品及提供服務的申索

當局不同意把對銷售商品及提供服務的申索納入「輔助計劃」，因為這類申索所涉賠償金額一般不大，而所涉訟費卻往往遠超賠償額。如案件敗訴，輔助計劃基金便須承擔雙方的訟費，對基金的影響甚大。此外，消費者委員會轄下有消費者訴訟基金，會為涉及重大消費者利益或對消費者影響深遠的特選個案，提供援助。因此，我們相信相關的消費者權益已獲充分照顧。

當局於2012年3月向立法會發出預告，表示會動議一項決議項，落實修訂《法律援助條例》的建議，以擴大「普通計劃」和「輔助計劃」涵蓋範圍。

and conditions for the sale. The issues in debate were often related more to valuation rather than legal matters, and no monetary damages were involved.

Nevertheless, the Administration agreed to continue to provide administrative support to owners of old buildings who might be involved in compulsory sale for redevelopment cases, such as mediation service, outreach support service for elderly owners and enhanced public education

(c) Claims against Sale of Goods and Provision of Services

The Administration did not agree to expand SLAS to this type of claims because not much contribution was expected to be generated from successful cases since such claims generally involved small amounts of money. On the other hand, the litigation costs involved usually far exceeded the value of the damages. One lost case could have a significant impact on the SLAS Fund which had to bear the costs of both sides. Furthermore, the Consumer Council had the Consumer Legal Action Fund to provide assistance in selected cases where significant consumer interests or issues of a substantial impact on consumers were involved. It was believed that consumer interests in that regard had been taken care of.

To implement the proposed amendments to Legal Aid Ordinance for the expansion of OLAS and SLAS, the Administration gave notice in March 2012 to move a proposed resolution at LegCo.

法律援助的獨立性

除了向政府建議法援政策外，本局亦須就「建立一個獨立的法律援助管理局的可行性及可取性」向行政長官提出建議。

如去年年報所載，本局轄下成立了「法律援助獨立性工作小組」（下稱「工作小組」），以便計劃和督導顧問研究。「工作小組」由林家禮博士任主席，成員包括洪為民博士、狄朗尼大律師和黃吳潔華律師。在2011年3月，遞交了顧問研究意向書的顧問公司/機構/大學均獲邀提交建議書；在審議各建議書後，德勤企業管理諮詢(香港)有限公司（下稱「德勤」）獲委任負責研究在香港建立一個獨立的法律援助管理局的可行性及可取性。

與「德勤」的顧問研究合約在2011年10月31日簽訂，此後，「工作小組」定期與顧問會面，討論應採納的研究方法和研究結果。

為量度法律援助的獨立性程度，顧問將從四方面研究，分別是制度、財政、運作和管治。研究將涵蓋成立一個獨立的法援管理局的考慮因素及下列事項：

- (a) 法律援助署的獨立性；
- (b) 海外司法管轄區內法律援助工作的獨立性；及
- (c) 持份者的觀感。

通過文獻回顧、新聞研究，以及與法援

INDEPENDENCE OF LEGAL AID

Apart from advising the Government on legal aid policy, the Council is also tasked to advise the Chief Executive on "the feasibility and desirability of the establishment of an independent legal aid authority".

As mentioned in the last report, the Working Party on Independence of Legal Aid [Working Party] was formed under the Council to plan and steer the consultancy study. The Working Party was led by Dr L G LAM and comprised members Dr Witman HUNG, Mr Michael DELANEY and Mrs Cecilia WONG. In March 2011, the consulting firms/ institutions/ universities that had expressed interest in undertaking the study were invited to submit proposal. After considering the proposals, Deloitte Consulting (Hong Kong) Limited was commissioned to undertake the study on the feasibility and desirability of establishing an independent legal aid authority in Hong Kong.

The consultancy agreement with Deloitte was made on 31 October 2011. Since then the Working Party met with the consultants on a regular basis to discuss the approach and methodology adopted as well as findings of the study.

To measure the degree of independence, four dimensions of legal aid independence have been defined. They are institutional, financial, operational and governance. The study will cover the findings on the following areas and the considerations for establishing an independent legal aid authority:

- (a) Independence of the Legal Aid Department (LAD);
- (b) Independence of legal aid practices in overseas jurisdictions; and
- (c) Stakeholders' perceptions.



業界的主要持份者－包括法律業界人士、立法會議員、社區團體、政府部門和公共團體的代表、工會、區議會成員、記者、學者、政黨、法律援助署員工和法援局成員等的直接對話，顧問公司確立以實例為證的研究方法，去檢視現時法援行政獨立性的水平，以及了解持份者對法援獨立性的期望。

為比較和對比香港法援行政的強項和弱點，以及詳細考慮如何改善個別情況，顧問亦研究其他海外法援制度，包括奉行普通法的司法管轄區－英格蘭和威爾斯、蘇格蘭、北愛爾蘭、愛爾蘭、新西蘭、加拿大安大略和澳洲新南威爾斯省，以及大陸法系管轄區－荷蘭和芬蘭。

鑑於市民大眾為主要的法援服務使用者，顧問公司通過大規模電話調查，以收集他們的意見。從未使用過法援服務的市民的意見，會與現時或過去曾使用法援服務人士（即法援申請人）的意見互相比較和分析，法援申請人的意見則

Through literature review, news research and direct conversations with key stakeholders in the legal aid administration – including legal practitioners, legislators, community groups, representatives of Government departments and public bodies, trade unions, district council members, reporters, academics, political parties, LAD staff and Legal Aid Services Council (LASC) members – the consultants have developed an evidence-based approach to examine the current level of independence in legal aid administration, as well as to map stakeholders' expectations of legal aid independence.

To compare and contrast the identified strengths and weaknesses in Hong Kong's legal aid administration and to consider how particular areas can be improved, the consultants have looked into overseas legal aid practices, including common law jurisdictions - England & Wales, Scotland, Northern Ireland, Ireland, New Zealand, Ontario, and New South Wales, as well as civil law jurisdictions - the Netherlands and Finland.

Given that it is members of the general public who will be the key users of legal aid services, the consultants have solicited their views through a large-scale telephone survey.

通過問卷調查方式收集。兩種調查方法均以隨機抽樣方式選出調查對象。

顧問公司已於2012年1月和3月分別提交初期和中期報告，並將在完成研究後提交最終報告給本局。

為被警方拘留人士提供法律諮詢服務

目前，幾乎所有被拘留人士在被拘留後至被帶上裁判法院前這段期間，都會遭到有關執法機構的查問，還會被記錄口供，該份口供會在審訊時被用作呈堂證供，但被拘留人士在這段時間並不得到法律援助。

有鑑於此，本局要求「法律援助範圍興趣小組」（下稱「興趣小組」）研究法律援助服務應否擴大涵蓋為被香港執法機構拘留的人士提供法律諮詢服務，包括未正式被拘捕但獲邀協助調查的「被拘留人士」。

「興趣小組」由李嘉蓮大律師任主席，本局成員狄朗尼大律師及洪為民博士亦



Opinions from the general public who have never used the LAD's service have been analysed and compared with the views from existing or previous legal aid service users i.e. legal aid applicants. Views of legal aid applicants have been collected through a paper-based survey. Respondents for both surveys were selected at random.

The consultants submitted the report on preliminary findings in January 2012 and the interim report in March 2012. The consultants will prepare the final report after completing the study.

LEGAL ADVICE TO DETAINEES AT POLICE STATION

At present, there is no legal aid provided to cover the period after detention but prior to the detainee being brought before a Magistrate. Almost invariably, a detainee would be interviewed by the law enforcement agency concerned during this period and frequently a statement would be recorded and tendered as evidence at trial.

In view of these circumstances, the Council invited the Interest Group on the Scope of Legal Aid (IG) to study whether legal aid should be extended to cover legal assistance for persons detained by the law enforcement agencies in Hong Kong ("the Detainee Issue"). The study included "detainees" not formally arrested but invited to assist in enquiries.

The IG was chaired by Ms Corinne REMEDIOS. Council members Mr Michael DELANEY and Dr Witman HUNG also participated in the discussion on the Detainee Issue. The IG met on a total of five occasions: 17 November 2009, 6 September 2011, 11 October 2011, 6 December 2011 and 21 February 2012. The IG members participated in the Study came from a wide spectrum including academics (in the

參與有關該諮詢服務的討論。「興趣小組」分別在2009年11月17日、2011年9月6日、2011年10月11日、2011年12月6日和2012年2月21日舉行了五次會議，參與該研究的「興趣小組」成員背景廣泛，包括學者（在法律專業和社會研究領域）、會計師、建築師、大律師、醫生、牙醫、工程師、環境顧問、資訊科技顧問、園境師、不同社會服務範疇的工作者、律師和測量師。為推動資訊交流和鼓勵全面諮詢，「興趣小組」邀請了有關持份者，包括法律援助署、當值律師服務、香港警務處、香港海關、入境處、廉政公署、香港大律師公會和香港律師會參與討論，各機構均有派出代表出席一次或以上會議。

在討論過程中，「興趣小組」成員獲悉蘇格蘭在其最高法院（上議院）於2010年10月25日判決 *Cadder 訴 HM Advocate* 一案後所取得的經驗。在 *Cadder* 一案，最高法院認為檢察部門是依賴在問話期間得到的認罪證供提出檢控，但該份證供是被拘留人士在未獲法律意見前提提供的，這點與被拘留者應得到公平審訊的權利互不相容。*Cadder* 一案凸顯蘇格蘭在此段期間有提供法援的需要，隨後其法律援助服務亦因此相應擴展。國際法援組織主席 Alan Paterson 教授在本局於2011年5月舉辦的「兩岸四地法律援助研討會」的演說中曾提及這個判決，儘管蘇格蘭和香港在拘捕程序上有所不同，但 *Cadder* 一案為「興趣小組」詳細研究香港的情況，提供了足夠的推動力。

「興趣小組」同時獲悉，香港雖然保留了普通法沉默權，但一個「獲邀」到警局及／或「協助警方調查」的人士，可

legal as well as social studies fields), accountants, an architect, barristers, a doctor, a dentist, engineers, an environmental consultant, an information technology consultant, a landscape architect, various members of the social services field, solicitors, and surveyors. To promote the exchange of information and to encourage proper consultation, the IG invited the attendance of stakeholders, including the Legal Aid Department, Duty Lawyer Service, Hong Kong Police Force, Customs and Excise Department, Immigration Department, Independent Commission Against Corruption, Hong Kong Bar Association, and the Law Society of Hong Kong, all of whom sent representatives to attend one or more meetings.

During the discussion, IG members were briefed on the experience in Scotland following the decision of Supreme Court (the House of Lords) in *Cadder v HM Advocate* on 25 October 2010. In *Cadder*, the Supreme Court held inter alia that the prosecution's reliance on admissions made by a detainee who had been interviewed by the police, without access to legal advice before the interview began, could be incompatible with the detainee's right to a fair trial. *Cadder* highlighted the need for legal aid in Scotland to cover this period and subsequently legal aid was extended accordingly. Such decision was also highlighted in the speech made by Professor Alan Paterson, who is the Chairperson of the International Legal Aid Group, at the Cross-Strait Legal Aid Conference organised by the Council in May 2011. Although there are differences in the Scottish and the Hong Kong procedure upon arrest, *Cadder* provided sufficient impetus for the IG to critically examine the Hong Kong Position.

The IG was given to know that although Hong Kong has retained the common law right of silence, a person may be "invited" to attend a police station and/or asked to "assist the police in enquiries" without being informed of his right to silence. A caution may not be administered from the outset of questioning and by the time the law enforcement officer is required to administer the caution. The person may

能沒有被告知其保持沉默的權利；在查問開始前，執法人員未有作出或未能適時作出有關警誡，該人士可能在不知情的情況下自證其罪，因此，在很多刑事案件中，辯方會挑戰在審問期間取得的口供的自願性，審訊時間因而延長，成本亦相應增加。

為了深入考慮為被拘留人士提供法律諮詢服務的可行性、範疇和提供服務的方法，「興趣小組」進行了一個研究，比較在五個司法管轄區－英格蘭和威爾斯、蘇格蘭、台灣、新西蘭和加拿大安大略省，對被拘留者所提供的法律援助服務。

在考慮所有相關事宜後，「興趣小組」總結認為有必要向被拘留人士提供法律援助，以保障拘留人士的權利，他們認為應同樣提供法律援助予那些「獲邀」協助調查但未正式被拘捕的人士。雖然小組成員未能就有關法律援助的程度達成共識（尤其在提供法律諮詢外，法律援助應否擴展至在查問期間提供律師代表被拘留人士），「興趣小組」成員一致贊成建立一個試驗計劃，以擴大有關的法律援助服務。鑑於執法機構的顧慮和在運作時可能遇到的困難，「興趣小組」認為漸進引入試驗計劃會是一個實際的解決辦法。

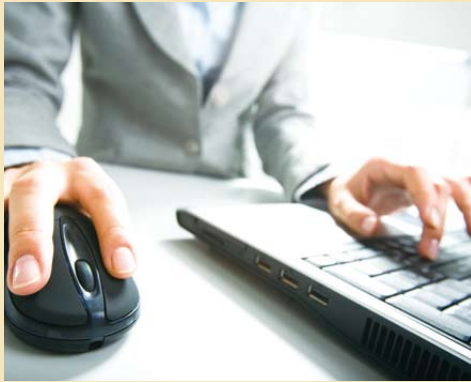
「興趣小組」在收集成員對有關建議的意見後，將會提交報告。本局在審閱報告後，會於適當時間向行政長官提交建議。

unwittingly have incriminated himself. Hence there are many criminal cases where defendants challenge the voluntariness of a statement taken upon interrogation, thus prolonging the trial and increasing costs.

To enable an in depth consideration as to feasibility, scope and delivery of legal advice to detainees, a comparative study of the provision of legal aid for legal assistance to detainees in five overseas jurisdictions namely England and Wales, Scotland, Taiwan, New Zealand and Ontario, Canada was commissioned by the IG.

Having taken into account all relevant issues, the IG concluded that legal aid for legal assistance was necessary to protect the rights of detainees. They considered that the provision for legal assistance should equally apply to those persons “invited” to assist in investigations without formal arrest. Although a consensus was not reached on the extent of such assistance, (particularly whether aid should extend not only to legal advice but also to representation of the detainee during the interview), IG members were unanimously in favour of setting up a pilot scheme to extend legal aid accordingly. In view of the concerns expressed by the law enforcement agencies and the possible operational difficulties, the IG considered that an incremental introduction would be a practical solution to be adopted by the pilot scheme.

A report will be prepared by the IG after soliciting views from its members on the proposals. The Council will consider the report and make recommendations to the Chief Executive as appropriate.



本局2011至2012年度工作計劃

本局2011至2012年的工作計劃內容如下：

a. 法援範疇

「法律援助範圍興趣小組」（下稱「興趣小組」）完成了「法律援助輔助計劃的檢討」研究，而當局亦已在2011年3月將其建議提交立法會。「興趣小組」會研究其他建議，包括為被警方拘留人士提供法律諮詢服務的可行性和可取性，以保障其法律權利。

b. 法律援助的獨立性

本局為建立一個獨立的法律援助管理局的可行性及可取性進行顧問研究，由林家禮博士擔任主席的「法律援助的獨立性」工作小組已邀請有興趣的機構提交計劃書。研究預期會在2011年年底開始，本局會監察此計劃的進度，並在必要時提供協助。

COUNCIL'S WORK PLAN FOR 2011/2012

The Council's work plan for 2011/2012 included the following activities:

a. Scope of Legal Aid

The Interest Group on Scope of Legal Aid finished its study on the Review of the Supplementary Legal Aid Scheme (SLAS) and the Administration has put forth its recommendations to the Legislative Council in March 2011. The Interest Group will look into other outstanding propositions, including the possibility and desirability in providing legal advice to arrested persons at Police stations to help protect their legal right.

b. Independence of Legal Aid

The Council will conduct a Consultancy Study on the Feasibility and Desirability of establishing an Independent Legal Aid Authority, and the Working Party on Consultancy Study on Independence of Legal Aid, chaired by Dr L G LAM, has invited interested parties to submit proposals. The study will commence by the end of 2011. The Council will monitor the progress of this project and provide assistance, where necessary.

c. Community Legal Services Centre

The Working Party led by Dr L G LAM has laid down the study approach for Community Legal Services. After gathering information about the needs in the community and the current services provided by various non-governmental organisations (NGOs), it would analyze the current spectrum of services, identify the gap between the provision and the requirement and make recommendations on how to enhance the service to fill the gap.

c. 社區法律服務中心

一個由林家禮博士擔任主席的工作小組，已制定研究社區法律服務的方法。在搜集社區對法律服務的需求，以及現時由不同非政府組織提供的服務等資料後，工作小組會分析現時服務的範疇，並確定現有服務和需求間的差距，從而建議如何改善服務，以填補落差的部份。

d. 無律師代表訴訟人

在法庭，無律師代表訴訟人的數目日益增加，令人關注正義是否能得到伸張。本局會研究此課題，並考慮作出適當的回應。

e. 協助涉及勞資糾紛的僱員

不少的職工會和立法會議員分別就低收入僱員在勞資糾紛中所遇到的困難表示關注，本局會研究此課題，並制定合適的回應。

f. 調解研討會

本局曾舉辦兩個主題為「法援與民生」的法援研討會，第一個在2006年11月舉行，而第二個則在2008年3月舉行。第三個以「調解」為主題的研討會在2010年4月舉行。該等研討會為參加者提供平台就香港的法援服務交流意見，尤其可以增加服務使用者和從業員對特定範疇的關注。所有研討會均得到熱烈回應。有見及此，本局決定在2012年舉辦另一個研討會。

d. Unrepresented litigants

The rising number of unrepresented individuals in court has given rise to a concern about access to justice. The Council will look into the matter and consider what response would be appropriate.

e. Assistance to employees in labour dispute

Concerns have been expressed by various trade unions and legislators about the difficulties faced by low income employees in labour dispute. The Council will study the issue and formulate an appropriate response.

f. Seminar on Mediation

The Council has held two seminars on legal aid entitled "Legal Aid and Livelihood". The first was held in November 2006 and a second one in March 2008. A third seminar on "Mediation" was held in April 2010. The seminar provides a platform for exchange of views on provision of legal aid services in Hong Kong and in particular, to raise the awareness of users or practitioners in certain specific area. All seminars were very well received. In view of the favourable response, the Council will hold another seminar in 2012.

g. Cross-strait Legal Aid Conference

It is generally recognised that international conference on legal aid provides a very useful platform for legal aid policy makers, administrators and practitioners to review and reflect on their legal aid policy and administration. Such occasion will also provide an opportunity to network with other legal aid authorities and researchers. The Council will host a cross-strait four-region legal aid conference in Hong Kong on 27 May 2011 with the participation of Mainland China, Taiwan and Macau. The objective of the conference

g. 兩岸四地法律援助研討會

一般人皆認同國際法援會議為法援決策者、法援機構的管理人員和從業員，提供了一個非常有用的平台，檢討和比較彼此的法援政策和管理方法，同時亦提供機會讓不同的法援機構和研究人員建立網絡。本局在2011年5月27日舉辦了一個兩岸四地法援研討會，邀請了中國內地、台灣、澳門和香港的代表參加，旨在透過研討會促進四地法援決策者、從業員和研究人員相互交流，為有需要人士提供優質的法援服務。

h. 興趣小組

本局成立了兩個興趣小組－「法律援助範圍興趣小組」和「法援申請程序及監察外判制度興趣小組」，成員由法律專業人士、非政府組織代表、區議會成員、學者、社工和其他專業人士組成。在2011年2月，本局再招募興趣小組成員，吸納更多不同界別的人士加入，以推動興趣小組的工作。本局會與興趣小組成員保持密切聯繫，在適當時候尋求他們對法律援助和相關課題的意見。

i. 國際法律援助組織研討會

本局曾參與2005年、2007年和2009年國際法律援助組織雙年研討會。這些研討會提供了一個有用的平台，去討論法律援助的基本原則、比較不同的法援制度和交流經驗。本局會參加在2011年6月於芬蘭舉行的國際法律援助組織研討會。

is to promote dialogue and foster exchange amongst legal aid policy makers, practitioners and researchers in the four places with a view to providing quality legal aid services to those in need.

h. Interest Groups

The Council has formed two Interest Groups (i) Scope of Legal Aid and (ii) Processing, Assignment and Monitoring of Assigned-out Cases to assist in its work. Members were drawn from the legal profession, representatives of non-governmental organizations, members of District Councils, academics, social workers and other professionals. In February 2011, a membership drive has been launched. Invitation to attract more new members will be issued with a view to casting a wider net and to keep up the momentum of interest. The Council will continue to maintain dialogue with members of the Interest Groups to seek their views on legal aid and related matters as and when appropriate.

i. International Legal Aid Group Conference

The Council participated in the biennial International Legal Aid Group Conference in 2005, 2007 and 2009. These conferences provide a useful forum in discussing the fundamentals of legal aid, in comparing legal aid systems and in sharing experience. The Council will participate in the International Legal Aid Group Conference to be held in Finland in June 2011.

運作的政策和程序

OPERATIONAL POLICY AND PROCEDURES

刑事法律援助費用制度

CRIMINAL LEGAL AID FEES SYSTEM

法律援助署（下稱「法援署」）聘用私人執業的大律師和律師擔任刑事訴訟法律援助案件的辯方律師，《刑事訴訟程序條例》第221章下的《刑事案件法律援助規則》第221D章第21條，已訂明支付該等律師的費用表和費用的評估機制。

根據立法會財務委員會（下稱「財委會」）在1992年10月的決議，當局每兩年檢討有關費用一次。財委會在2003年6月，把日後批准調整費用的權力轉授行政署長，惟費用的調整幅度不得超逾參照期內按丙類消費物價指數計算的物價變動幅度。在進行每兩年一次的檢討時，當局主要考慮參照期內通脹/通縮的情況，以及聘用大律師和律師是否存在困難。

從2010年的兩年檢討中，我們得悉在參照期內（即2008年7月至2010年7月期間），丙類消費物價指數上升了1.6%。因此，當局建議參照期內通脹的升幅，把費用調升1.6%。而2010年7月後經濟變動的影響，將於下次兩年檢討中反映。

在2011年4月，民政事務局（下稱「民

The Legal Aid Department ("LAD") engages counsel and solicitors in private practice as defence lawyers in 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 (Cap. 221D) under the Criminal Procedure Ordinance (Cap. 221).

Pursuant to the decision of the Legislative Council Finance Committee in October 1992, the fees are subject to review by the Administration on a biennial basis. The Finance Committee also delegated in June 2003 the authority to approve future adjustments to any of the fees to the Administration, provided that the extent of adjustment is no greater than the movement of the Consumer Price Index (C) (CPI(C)) during the reference period. In conducting the biennial reviews, the Administration takes into account mainly inflation/deflation during the reference period and whether there has been difficulty in engaging the services of counsel and solicitors.

From the 2010 biennial review, it is noted that the CPI(C) for the reference period (i.e. July 2008 to July 2010) has increased by 1.6%. The Administration has therefore proposed to adjust the fees upward by 1.6% in accordance with the level of inflation during the reference period. The impact of economic changes after July 2010 will be reflected in the next biennial review.

政局」)通知本局，當局正草擬刑事案件法律援助(修訂)規則，以修改《刑事案件法律援助規則》第4條和第21條，刑事案件法律援助費用增加1.6%的建議將於下次修訂中落實。這些規則修訂由刑事訴訟程序規則委員會制定，再提交立法會議決，並在2012年3月生效。第4條和第21條的修訂內容如下：

第4條的修訂

《刑事案件法律援助規則》第4條列明刑事案件可獲得法律援助的情況，惟申請人須通過經濟審查和案情審查。過去，第4(1)條並無明文涵蓋在裁定無罪或獲得釋放、訂定保留條件、獲得轉介或向上訴法庭或終審法院提出上訴後的法律程序。隨著第4條之修訂，任何人涉及由上訴法庭或終審法院審理的上訴案件，不論定罪與否，也可獲給予法律援助。

第21條的修訂

在檢討刑事法律援助費用的過程中，當局與兩個法律專業團體就經修訂的費用架構及處理刑事法律援助案件的外委律師的收費達成協議。修訂第21條的目的，就是要改善刑事法律援助費用制度的費用架構。重點如下：

(a) 準備工作

在修訂前，不論用了多少時間作審訊前或上訴前的準備工作，律師和大律師的收費是「劃一」的。在經修訂的費用架構下，準備工作的薪酬將會按所需時間計算。

In April 2011, the Home Affairs Bureau informed the Council that the Administration was in the course of drafting the Legal Aid in Criminal Cases (Amendment) Rules to amend Rule 4 and Rule 21 of the Legal Aid in Criminal Cases Rules (LACCR). The proposed +1.6% adjustment to the criminal legal aid fees would be incorporated in the Amendment Rules. Such Amendment Rules were subsequently made by the Criminal Procedure Rules Committee with the approval of the Legislative Council and came into operation in March 2012. Details of the amendment to Rules 4 and 21 are as follows:

Amendments to Rule 4

Rule 4 of the LACCR sets out the list of circumstances in which legal aid in criminal cases may be granted, subject to the applicant's eligibility on means and merits. In the past, Rule 4(1) did not expressly cover proceedings where after an acquittal or discharge, a reservation, reference or an appeal is made to the Court of Appeal (CA) and the Court of Final Appeal (CFA). With the amendments to Rule 4, legal aid can be granted to a person regardless of whether he/she has been convicted of an offence in an appeal case heard in the CA and the CFA.

Amendments to Rule 21

In the course of reviewing the criminal legal aid fees, the Administration has reached an agreement with the two legal professional bodies on the revised fee structure and the fees payable to assigned solicitors handling criminal legal aid cases. The purpose of the amendments to Rule 21 is to improve the payment structure of the criminal legal aid fee system. The main features are set out below –

(a) Preparatory work

Before the revision, solicitors and counsel were paid a fee for preparation of the case for trial or appeal, irrespective of the time spent up to the first day of trial

(b) 合理調整收費項目

過去，只有大律師獲支付與受法律援助人士的「會議費用」。在經修訂的架構下，律師也可收取按小時計算的會議費用。

(c) 提高釐定費用和重新釐定費用基礎的透明度

在修訂前，繳付外委律師的費用是待其工作完成及案件完結後評定的。在經修訂的架構下，個別案件的分類和相關費用，以及所需準備時間，會經事先評估，並在委派案件時，在委聘書內註明。外委律師可在承辦案件前參閱文件冊，以決定是否同意有關費用，並可在有充分理由下，要求重新釐定所議定的費用。這些措施旨在提高收費架構的透明度。

(d) 取消現時有關費用的法定上限或限額

在經修訂的費用架構下，付予發出指示律師的費用的法定上限或限額已被取消。

or appeal. Under the revised fee structure, preparation work will be remunerated according to the time required.

(b) Rationalization of fee items

In the past, only counsel was paid a “conference fee” with the legally aided person(s). Under the revised structure, a conference fee will also be payable to solicitors on an hourly basis.

(c) Enhanced transparency for the fee setting and re-determination basis

Before the revision, the fee payable to an assigned lawyer was assessed after the work was done and the case concluded. Under the revised structure, the classification of a particular case and hence the rates, as well as the required preparation time will be assessed beforehand and marked on the brief when making the assignment. Assigned lawyers will be allowed to view the bundle(s) before accepting assignments with a view to agreeing the fees to be paid. They can also seek a re-determination of the agreed fees if circumstances warrant this. These measures are designed to enhance the transparency of the fee structure.

(d) Abolition of existing statutory cap or limit on fees

Under the revised fee structure, the statutory cap or limit on fees payable to instructing solicitors have been abolished.

為期兩年為無律師代表訴訟人提供法律諮詢服務的試驗計劃

近年，日益增加的無律師代表訴訟人對香港民事司法制度帶來挑戰。由於只有少數無律師代表訴訟人知悉法庭規則和

TWO-YEAR PILOT SCHEME TO PROVIDE LEGAL ADVICE FOR LITIGANTS IN PERSON

In recent years, the increasing number of litigants in person (LIPs) has posed a challenge to the Hong Kong civil justice

程序，以致這類訴訟人、法庭以及其他訴訟各方，在推進個案及審理的過程中，遇到不少困難。無律師代表訴訟人一般面對的困難包括：

- (a) 對程序規則及實質法律缺乏認識；
- (b) 不懂得在非正審階段及審訊期間陳述案情；
- (c) 如對訟一方聘有法律代表，感到不公平和處於下風；以及
- (d) 在部分個案中，無律師代表訴訟人可能會感到不安，以為有關的司法人員會因他們不熟識法律及法庭程序而感到不耐煩。

立法會議員、香港大律師公會、香港律師會、司法機構和其他持份者，一致建議為無律師代表訴訟人提供法律諮詢服務。

在2011年4月，當局通報本局，他們正籌劃一個新的兩年期試驗計劃，為無律師代表訴訟人提供免費的法律諮詢服務。在2011年11月和2012年2月，當局向立法會司法及法律事務委員會（下稱「事務委員會」）提交文件，簡介試驗計劃的運作架構。當局計劃夥同兩個法律專業團體，並爭取其他專業和有興趣的律師行/大律師事務所支持，以推行試驗計劃。計劃的目的是為那些未能負擔私人法律服務，亦不認識本身權利和責任的無律師代表訴訟人，提供有關程序方面的法律意見。具體來說，計劃將會：

- (a) 提供給已在區域法院、高等法院原訟法庭及上訴法庭，以及終審法院提出訴訟或是訴訟一方的人士；

system. Few LIPs know the court rules and procedures. This causes them, the court and other parties in the proceedings difficulties in progressing and trying the case. The difficulties generally faced by LIPs include -

- (a) Lack of knowledge of the rules of procedural and substantive law;
- (b) Lack of knowledge as to how to present their case at the interlocutory stages and at the trial;
- (c) A sense of inequality and being disadvantaged where the other party has legal representation; and
- (d) In some cases a sense of grievance induced by perceived judicial irritation at having to deal with an unrepresented litigant unfamiliar with the law and court procedures.

Members of the Legislative Council, the Hong Kong Bar Association ("Bar Association"), the Law Society of Hong Kong ("Law Society"), the Judiciary and other stakeholders have proposed that legal advice be given to LIPs.

In April 2011, the Administration informed the Council that they planned to provide free legal advice to LIPs by means of a new scheme running on a two-year pilot basis. In November 2011 and February 2012, the Administration submitted papers to the AJLS Panel briefing them on the operational framework of the pilot scheme. The Administration aims to launch the scheme in partnership with the two legal professional bodies and with support from members of other profession and the interested law firms/chambers. The objective of the scheme is to provide legal advice on procedural matters to assist LIPs who cannot afford private legal services and who lack knowledge of their rights and responsibilities. Specifically, the Scheme will be -

- (a) available to those who have commenced or are parties to legal proceedings in the District Court, Court of First Instance and Court of Appeal of the High Court, and Court of Final Appeal;

- (b) 提供給未能獲得法律援助的人士； (b) available to those who have not been granted legal aid;
- (c) 以先到先得的形式提供；以及 (c) served on a first-come-first-served basis; and
- (d) 只為民事訴訟中不同階段的法律程序事宜提供意見。 (d) providing advice on civil procedural matters only for different stages of the proceedings.

該計劃的辦事處將由一名中心主任掌管，並有一名全職或兩名兼職常駐律師以及社區律師。社區律師須具備取得專業資格後兩年或以上的經驗，可以個人名義或律師行的身份（即用律師行名義）以義務性質參與工作。辦事處尚有一名法律輔助人員及一名文書助理，支援秘書和行政工作。

當局通知本局這計劃經過事務委員會在其2012年2月27日的會議商討後，得到支持。

The LIPs office will be headed by a Centre-in-charge and supported by one full-time or two part-time resident lawyer(s) and community lawyers, who should have at least two years' post-qualification experience and join the Scheme in their personal capacity or in the capacity of a law firm (i.e. in the firm's name) providing service on a pro bono basis. The office is also supported by a para-legal and a clerical assistant providing secretarial and administrative support.

The Administration informed the Council that the proposed scheme was supported by the AJLS Panel after deliberation at its meeting on 27 February 2012.

大律師證明書

本局自2002年4月起實施一項援助計劃，提供免費大律師證明書予已通過經濟審查的法律援助上訴人。若無此證明書，上訴人無法根據《法律援助條例》第26A條尋求覆核法律援助署署長拒絕批出法援的決定。有關計劃的詳情和運作情況已載述於過往的年度報告內。

截至2012年3月31日，援助計劃的律師名冊上有78名大律師（46名民事大律師及32名刑事大律師）及48名律師（37名民事律師及11名刑事律師）。就年內獲批的申請，本局共將37宗個案外判予大律師和律師處理，詳情如下：

CERTIFICATE BY COUNSEL

In April 2002, the Council implemented an assistance scheme to provide a legal aid appellant who has passed the means test with a free certificate by counsel without which he cannot seek a review of DLA's refusal to grant legal aid under Section 26A of the Legal Aid Ordinance. Details of the scheme and its operation have always been set out in annual reports of the Council.

As at 31 March 2012, the Scheme had 78 counsel (46 civil and 32 criminal) and 48 solicitors (37 civil and 11 criminal) on the panel. In respect of the applications approved during the year, the Council made a total of 37 assignments. Details are as follows -

刑事案件 Criminal Cases

	大律師 Counsel	律師 Solicitors
(a) 委派予申請人提名的名冊律師 Assignment to panel lawyers according to applicants' nomination	31	31
(b) 委派予申請人提名的非名冊律師（其曾於上訴庭代表申請人） Assignment to non-panel lawyers (who have represented the applicants in the appeal court) according to applicants' nomination	0	0
(c) 以輪流方式委派予名冊律師 Assignment to panel lawyers by rotation	0	0
委派案件總數 Total assignment	31	31

民事案件 Civil Cases

	大律師 Counsel	律師 Solicitors
(a) 委派予申請人提名的名冊律師 Assignment to panel lawyers according to applicants' nomination	6	6
(b) 委派予申請人提名的非名冊律師（其曾於上訴庭代表申請人） Assignment to non-panel lawyers (who have represented the applicants in the appeal court) according to applicants' nomination	0	0
(c) 以輪流方式委派予名冊律師 Assignment to panel lawyers by rotation	0	0
委派案件總數 Total assignment	6	6

在2011年4月1日至2012年3月31日期間，共接獲53宗（41宗刑事案件及12宗民事案件）申請。當中，37宗（31宗刑事案件及6宗民事案件）申請獲批，16宗（10宗刑事案件及6宗民事案件）申請被拒。

就該37宗獲批的申請，已簽發6份（刑事案件）大律師證明書陳述申請人有合理機會上訴得直，以及31份（25宗刑事案件及6宗民事案件）陳述申請人擬向終審法院提出的上訴並無合理機會成功。

至於該6宗獲大律師證明書陳述有合理機

From 1 April 2011 to 31 March 2012, there were 53 (41 criminal and 12 civil) applications. Of these, 37 (31 criminal and 6 civil) applications were approved and 16 (10 criminal and 6 civil) applications were rejected.

In respect of the 37 approved applications, 6 (criminal) certificates by counsel stating that the applicants had reasonable prospect of success and 31 certificates by counsel (25 criminal and 6 civil) stating that the applicants did not have reasonable prospect of success in their intended appeals to the Court of Final Appeal were issued.

For the 6 criminal cases which were certified by counsel to have reasonable prospect of success, the Legal Aid

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會上訴得直的刑事案件，法援署已決定為該批案件提供法律援助。

Department (LAD) had decided to grant legal aid in all of the cases.

2010至11年度及2011至12年度的統計列表如下：

A table showing the statistics in 2010/11 and 2011/12 is appended below –

	2010年4月1日至 2011年3月31日接獲的申請 Applications Received from 1.4.2010 to 31.3.2011			2011年4月1日至 2012年3月31日接獲的申請 Applications Received from 1.4.2011 to 31.3.2012		
	刑事 Criminal	民事 Civil	總計 Total	刑事 Criminal	民事 Civil	總計 Total
1. 申請 Applications						
(a) 批准 approved	44	7	51	31	6	37
(b) 拒絕 rejected	13	11	24	10	6	16
(c) 中止 aborted	1	0	1	0	0	0
總計 Total	58	18	76	41	12	53
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	5	0	5	6	0	6
(b) 無合理機會上訴得直 has no reasonable prospect of success	39	7	46	25	6	31
總計 Total	44	7	51	31	6	37
3. 有合理機會上訴得直的案件 Cases with reasonable prospect of success						
(a) 經法援署署長覆核後獲提供法律援助 legal aid granted upon review by Director of Legal Aid (DLA)	4	0	4	6*	0	6
(b) 經法援署署長覆核後拒絕提供法律援助 legal aid not granted upon review by DLA	0	0	0	0	0	0
(c) 申請人撤回申請 withdrawn by applicant	1	0	1	0	0	0
總計 Total	5	0	5	6	0	6

* 包括一宗案件原獲批法律援助，但其後被法援署署長取消。
including one case originally granted with legal aid but discharged by DLA afterwards

運作的政策和程序

OPERATIONAL POLICY AND PROCEDURES

兩年的統計數據顯示：

- (a) 總申請數目減少了30.3%（由2010/11年度的76宗下降至2011/12年度的53宗）；當中刑事案件下降了29.3%（由2010/11年度的58宗減少至2011/12年度的41宗）；民事案件則減少了33.3%（由2010/11年度的18宗下降至2011/12年度的12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2010/11年度的9.8%上升至2011/12年度的16.2%；上升主要來自刑事案件；在2010/11年度和2011/12年度並無民事案件獲大律師證明有合理機會上訴得直；及
- (c) 法援署因應大律師證明書提供法律援助案件的百分比，2010/11年度和2011/12年度均為100%。

就2011/12年度接獲的申請，共撥出\$1,104,000港元作為支付大律師及律師提供證明書的費用，詳情如下：

The statistics for the two years reveal that -

- (a) the total number of applications has decreased by 30.3% (from 76 in 2010/11 to 53 in 2011/12), with a decrease of 29.3% in criminal cases (from 58 in 2010/11 to 41 in 2011/12) and 33.3% in civil cases (from 18 in 2010/11 to 12 in 2011/12);
- (b) the percentage of cases certified by counsel to have reasonable prospect of success has increased from 9.8% in 2010/11 to 16.2% in 2011/12, with increase mainly came from criminal cases as there were no civil cases certified by counsel to have reasonable prospect of success in 2010/11 and 2011/12; and
- (c) the percentage of cases where legal aid was granted by LAD in the light of the counsel certificates is 100% in both 2010/11 and 2011/12.

In respect of applications received in 2011/12, HK\$1.104 million was committed as fees for counsel and solicitors for providing the certificates. Details are as follows -

	獲批案件數目 Number of Cases Approved	每宗案件的大律師費用 Counsel Fee/Case	大律師費用 總計 Total Counsel Fee	每宗案件的 律師費用 Solicitor Fee/Case	律師費用 總計 Total Solicitor Fee	費用 總數 Total Fee
刑事 Criminal	31	\$15,000	\$465,000	\$9,000	\$279,000	\$744,000
民事 Civil	6	\$40,000	\$240,000	\$20,000	\$120,000	\$360,000
總數 Total	37		\$705,000		\$399,000	\$1,104,000

運作的回應

OPERATIONAL FEEDBACK

政府當局

THE GOVERNMENT

法律援助服務局（下稱「法援局」）經常與政府當局這個重要的法律援助持份者保持密切聯繫。

在2011年4月，民政事務局送交本局兩份當局於同月提交給立法會司法及法律事務委員會（下稱「事務委員會」）的文件副本，一份是有關刑事法律援助費用制度的法例修訂進度，此修訂是落實包括刑事法律援助費用的調整建議；另一份是當局向事務委員會成員簡介已執行和打算推行的措施，以改善為公眾提供的法律資訊和免費法律諮詢服務。在2011年8月，本局跟進當局就評定法律援助申請人財務資格準則每五年進行一次檢討後所作的改善建議，主席致函民政事務局（下稱「民政局」）表達本局的意見，在普通法律援助計劃（下稱「普通計劃」）下計算年長法援申請人的財務資格限額時，獲豁免計算其儲蓄的年齡規定應進一步下調至55歲，並促請當局在下次檢討時予以積極考慮。在2011年12月，民政局通知本局，行政當局已向事務委員會提交文件，通知事務委員會委員就擴大普通計劃和法律援助輔助計劃（下稱「輔助計劃」）修訂法律援助條例和規例的進度，以及報告當

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

In April 2011, the Home Affairs Bureau provided the Council with copies of two papers the Administration submitted to the AJLS Panel in the same month. One is about the progress of legislative amendments on the criminal legal aid fees system in which, among other things, the proposed adjustment to criminal legal aid fees was incorporated. The other one is a paper briefing Panel members on the measures the Administration has implemented and intends to implement to improve the provision of legal information and free legal advice to members of the public. In August 2011, as a follow up to the views of the Council in respect of the improvements proposed by the Administration following the five-yearly review of the criteria for assessing the financial eligibility of legal aid applicants, the Chairman wrote to the Home Affairs Bureau expressing the Council's views that the age requirement proposed for elderly legal aid applicants to be entitled to a disregard in their savings in calculating the financial eligibility limit of OLAS should be further lowered to 55 and urging the Administration to take this into account in future review. In December 2011, the Bureau informed the Council that the Administration had submitted a paper to the AJLS Panel informing Panel members of the progress of amendments to the Legal Aid Ordinance and Regulations in respect of the OLAS and expansion of the SLAS, and

局對擴大輔助計劃的其他建議的看法。民政局亦通知本局為無律師代表訴訟人提供法律諮詢服務的試驗計劃的運作架構。在2012年3月，本局收到一份給予事務委員會委員簡介試驗計劃的修訂運作架構的文件，同月，民政局通知本局，他們已向立法會發出預告，表示會動議一項決議項，以實施有關擴大普通計劃和輔助計劃的法例修訂。

興趣小組

持份者對法援局運作表達意見，將有助推行高素質和高效率的法律援助服務。本局自1996年9月成立以來，一直與名冊律師就不同層面的法律援助服務交換意見，在2002-03年間，本局設立一個正式架構，以便名冊律師可更廣泛參與本局的工作，本局亦邀請非政府機構加入各興趣小組，在2004年，邀請擴展至區議會成員和學者。在2011年，本局再招募興趣小組成員，本局廣發邀請，吸納更多不同界別的人士加入，推動興趣小組的工作。興趣小組成員人數因有



reporting the Administration's views on other proposals to expand SLAS. The Bureau also informed the Council of the operational framework of a pilot scheme to provide legal advice for litigants in person. The paper briefing Panel members on the revised operational framework of the proposed scheme was provided to the Council in March 2012. In the same month, the Bureau informed the Council that they had given LegCo notice to move a resolution to implement the amendments to the Legal Aid Ordinance for the expansion of OLAS and SLAS.

INTEREST GROUPS

Operational feedback from stakeholders will assist in the delivery of high quality and effective legal aid services. Since its establishment in September 1996, Council has held meetings with legal aid panel lawyers to exchange views on different area of legal aid issues. During 2002-03, a formal structure was set up for broad participation by panel lawyers. Council also invited non-governmental organisations to join the Interest Groups. In 2004, District Council members and academics were also invited. In 2011, a membership drive was launched. Invitation to attract more new members was issued with a view to casting a wider net and to keep up the momentum of interest. As a result, the Interest Groups grew in membership with broadened composition. Members includes academics (in the legal as well as social studies fields), accountants, architects, barristers, a doctor, a dentist, engineers, an environmental consultant, an information technology consultant, a landscape architect, various members of the social services field, solicitors, and surveyors. In October 2011, a briefing cum cocktail reception was held to let the new Interest Group members have a better understanding of the work of the Council and Legal Aid Department, and to enable them to get a grasp with

所增加，組成愈趨廣泛，包括學者（來自法律 and 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、資訊科技顧問、園境師、不同社會服務範疇的工作者、律師和測量師。在2011年10月，本局舉行了一個簡介會暨酒會款待所有興趣小組成員，藉此增加新成員對本局和法律援助署工作的認識，協助他們更快掌握有關議題和其他相關課題。在接著的幾個月裡，新加入「法律援助範圍興趣小組」的成員，已獲邀出席討論有關為被拘留人士提供法律援助服務的會議。在2011年9月至2012年2月間，該興趣小組一共舉行了四次會議。

法律援助持份者

在討論有關為被拘留人士提供法律援助服務，主要的持份者，包括法律援助署、當值律師服務、香港警務處、香港海關、入境處、廉政公署、香港大律師公會和香港律師會，均獲邀參與。興趣小組成員不單可了解現行處理有關情況的運作程序和安排，亦能聽取相關政府部門對執行興趣小組建議的法律援助服務的顧慮及可能遇到的困難，從而確保興趣小組向本局提交建議前，可深入考慮有關事宜。

在研究社區法律服務時，為增加認識非政府組織和社區團體現時提供的服務，以及了解社區對法律服務的需求，工作小組曾於2011年9月和2012年2月分別造訪保良局和與部份區議會成員會面。

the subjects and related issues of concern. In the following months, those who have joined the Interest Group on Scope of Legal Aid were invited to attend meetings for discussion on the issue of provision of legal aid for legal assistance to detainees. Altogether four meetings were held between September 2011 and February 2012.

STAKEHOLDERS OF LEGAL AID

For the discussion on the issue of provision of legal aid for legal assistance to detainees, key stakeholders of the issue including the Legal Aid Department, Duty Lawyer Service, Hong Kong Police Force, Customs and Excise Department, Immigration Department, Independent Commission Against Corruption, Hong Kong Bar Association and the Law Society of Hong Kong were also invited to participate in the discussion. Apart from understanding the existing operational procedures and arrangement to handle the matter, the Interest Group members were also briefed on the concerns and difficulties that may be encountered by the relevant government departments if the legal aid service proposed by the Interest Group is implemented thus enabling the Interest Group to consider in more details of the matter before making recommendations to the Council.

On the study of community legal services, in order to enrich the information on the services currently provided by non-governmental organisations and community groups and the need of legal services in the community, the Working Party visited the Po Leung Kuk in September 2011 and met some District Council members in February 2012.



與台灣海峽兩岸法律扶助協會會面

MEETING WITH THE LEGAL AID SOCIETY, TAIWAN

在2012年4月3日，台灣海峽兩岸法律扶助協會（下稱「協會」）訪問團到訪本局，在雙方有興趣的議題上交換意見。協會是一個在台灣的民間組織，旨在提供必要的法律援助予中國內地、香港、澳門和台灣四地的人士，以保障他們在四地的合法權益，協會成員包括法官、檢察官、律師等人士，以義務性質參與協會的工作。他們通過訪問和交流，促進四地的法律援助服務。到訪本局的訪問團成員包括協會主席、秘書長和其他七名成員，而本局主席和成員洪為民博士代表本局接待，法律援助署助理署長（政策及發展）陳愛容女士亦有出席。在會面中，大家就法律援助申請資格、法律援助申請人所需的費用和申請程序等課題交換意見。

A delegation from the Legal Aid Society, Taiwan visited the Council on 3 April 2012 to exchange views on issues of interest. The Legal Aid Society (LAS) is a civil organisation in Taiwan. It aims at providing necessary legal assistance to people of Mainland China, Hong Kong, Macau and Taiwan in the hope that their legal right in the four places could be protected. Its members include judges, prosecutors and solicitors. Their participation in the work of LAS is completely voluntary. They promote legal aid services in the four places through visits and exchange of views. The delegation that visited the Council included Chairman of the Society, its Secretary and seven other members. Representatives from the Council included the Chairman and Council Member, Dr Witman HUNG. The Assistant Director of Legal Aid (Policy & Development), Ms Juliana OY CHAN was also present. At the meeting, matters concerning the eligibility criteria for legal aid, costs of legal aid applicant and the application procedures were discussed.

兩岸四地法律援助研討會

CROSS-STRAIT LEGAL AID CONFERENCE

在2011年5月27日，本局舉辦了首個兩岸四地法律援助研討會（下稱「研討會」）。

研討會的主題為「探討四地的法律援助服務」，旨在為中國內地、台灣、澳門和香港提供一個分享和學習四地法律援助制度的平台。

本局非常榮幸能邀得國際法援組織主席 Alan Paterson 教授和終審法院首席法官馬道立首席法官擔任主講嘉賓，Paterson 教授在研討會上介紹了法律援助的發展和趨勢、不同司法地區法援計劃的長處和不足，以及法援服務和公義伸張在廿一世紀所遇到的挑戰和未來發展。馬道立首席法官則發表了以「通往公義的質素」（Access to the Quality of Justice）為題的演講。本局亦很榮幸邀得高等法院原訟法庭法官林文瀚法官發表以「香港調解服務的發展」（Development of Mediation in Hong Kong）為題的午餐演講。

研討會的其他講者包括國家司法部法律援助工作司司長、台灣法律扶助基金會董事長、澳門法務局局長、香港法律援助署助理署長和本局成員等。



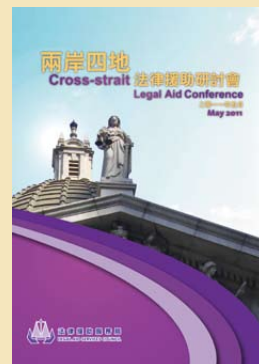
The Legal Aid Services Council held its first Cross-strait Legal Aid Conference on Friday, 27 May 2011.

The theme of the Conference was “Legal Aid Services in Four Places”. The Conference aimed at providing a unique forum for sharing and learning about legal aid practices in Mainland China, Taiwan, Macau and Hong Kong.

The Council was honoured to have Professor Alan Paterson, Chairperson of the International Legal Aid Group, and the Honourable Chief Justice Geoffrey MA Tao-li, Chief Justice of the Court of Final Appeal as keynote speakers. Professor Paterson introduced to the Conference the trend and development of legal aid, the pros and cons of different legal aid programmes and models adopted by various jurisdictions, the challenges for legal aid and access to justice for the 21st century and the way forward. The Honourable Chief Justice Geoffrey Ma delivered a speech on “Access to the Quality of Justice”. The Council was also honoured to have the Honourable Mr Justice Johnson LAM Man-hon, Judge of the Court of First Instance of the High Court to make a luncheon speech. He delivered a speech on “Development of Mediation in Hong Kong”.

Other speakers of the Conference included the Minister of Department of Legal Aid of Ministry of Justice, Mainland China; the Chairperson of Legal Aid Foundation, Taiwan; Director of Legal Affairs Bureau, Macau; Assistant Director of Legal Aid Department, Hong Kong and members of the Council; etc.

The Conference was well received. It received a total of 130 registrations comprising officials of legal aid authorities, legal aid practitioners, academics, and representatives of non-



研討會廣受歡迎，共130名來自中國內地、台灣、澳門和香港的法律援助當局代表、法律援助工作者、學者和非政府機構代表登記參加。為記載這個有意義的活動，本局特別印製一本名為「兩岸四地法律援助研討會」的書刊。

國際法援組織研討會2011

本局成員林家禮博士代表本局出席了在六月於芬蘭赫爾辛基舉行的國際法援組織研討會2011。

國際法援組織在1992年由蘇格蘭斯特萊斯克萊德大學的Alan Paterson教授成立，是一個由來自超過二十四個國家的法律援助專家，包括法律援助委員會的行政總裁和經理、政府主要官員和著名學者組成的網絡，其使命是通過就國際間為貧困人士提供法律服務的政策和研究發展進行討論和對話，以改善以實例為證的政策制定。國際法援組織主要集中討論由已高度發展法援服務的司法地區提出的特有議題，現在正擴展至發展較落後但接近研討會舉行地點的司法地區。

國際法援組織每兩年舉行一次研討會，為易於管理，研討會只讓獲邀人士參與。本局曾參加2005、2007和2009年的研討會，2011年赫爾辛基研討會是本局第四次獲得國際法援組織邀請參與。該研討會有來自26個國家共86名代表，包括政策制定官員及法律援助研究員出席。除了簡介各司法地區的法援工作，研討會上亦討論了日益重要的仲裁和調解法援服務，以及法援服務質素保證的重要性。

governmental organizations of Mainland China, Taiwan, Macau and Hong Kong. To record the meaningful event, a booklet entitled "Cross-strait Legal Aid Conference May 2011" was produced.

INTERNATIONAL LEGAL AID GROUP CONFERENCE 2011

Council Member Dr Lee George LAM, on behalf of the Council, attended the International Legal Aid Group (ILAG) Conference 2011 held in Helsinki, Finland in June.

ILAG was established in 1992 by Professor Alan Paterson of Strathclyde University, Scotland. It is a network of legal aid specialists including chief executives and managers from legal aid commissions, high ranking civil servants and leading academics in over 24 countries. 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 focuses primarily on the particular issues raised in jurisdictions which have established highly developed systems of legal aid. It is now expanding its brief to include jurisdictions with less developed systems, particularly in jurisdictions close to its conference sites.

ILAG holds conference biennially. For reasons of manageability, the conferences are open only by invitation. The Council participated in the 2005, 2007 and 2009 conferences. The Helsinki Conference 2011 is the fourth ILAG conference to which the Council was invited. Such conference brought together 86 representatives including policy makers and researchers in the legal aid field from 26 countries. Apart from the introduction of legal aid work in different jurisdictions, there was discussion on the increasing prominence of legal aid in arbitration and mediation, as well as the importance of quality assurance in legal aid services.

行政 ADMINISTRATION

本局會議出席紀錄

ATTENDANCE AT COUNCIL MEETINGS

在2011至12年度，本局共召開了9次會議，各成員出席率列表如下：

The Council has held 9 meetings in the year 2011/2012. Attendance rates of members are set out in the table below:

姓名 Name	出席會議次數 Meetings Attended	出席率 Attendance Rate
陳茂波先生 Mr Paul CHAN	9	100%
蔡惠琴女士 Ms Virginia CHOI	7	78%
狄朗尼先生 Mr Michael DELANEY	7	78%
熊運信先生 Mr Stephen HUNG	4	44%
洪為民博士 Dr Witman HUNG	9	100%
林家禮博士 Dr Lee George LAM	5	56%
梁偉權先生 Mr Edward LEUNG	5	56%
李嘉蓮女士 Ms Corinne REMEDIOS	6	67%
黃吳潔華女士 Mrs Cecilia WONG	3	33%
法律援助署署長 Director of Legal Aid	9	100%



BRIEFING CUM COCKTAIL RECEPTION

Members of Council's Interest Groups (IG) have, over the years, contributed selflessly their invaluable time and effort to assist the Council in supervising the provision of legal aid services and advising the Chief Executive on legal aid policy. To express our gratitude to the IG members for their contributions and to welcome the new comers who joined the IGs during the membership drive launched in 2011 as well as to help them to have a better understanding of the work of the Council and Legal Aid Department and to get a grasp with the subject and other related issues quicker, the Council held a briefing cum cocktail reception on 13 October 2011.

簡介會暨酒會

The Council looks forward to working more closely with the two Interest Groups to further improve services.

在過去多年來，本局興趣小組成員一直為協助本局履行監督法律援助服務，並就法律援助政策向行政長官提出建議的職責，無私地付出寶貴的時間和精力。本局在2011年10月13日，舉行了一個簡介會暨酒會款待所有興趣小組成員，除了感謝他們作出的貢獻，以及歡迎於2011年新招募的興趣小組成員外，更藉此增加他們對本局和法律援助署工作的認識，及協助他們更快掌握有關議題和其他相關課題。

本局期望與兩個興趣小組緊密合作，繼續改善香港的法援服務。



社區關係

為加強公眾對法律援助服務的認知，以及推廣本局第一次舉辦的兩岸四地法律援助研討會，法援局特於2011年5月會見傳媒代表，向他們簡介研討會的目的和有關資料。

為回應政府要求諮詢及法定團體需要更公開和增加透明度，本局已將非機密的會議記錄和相關文件、年報、本局向行政長官提交的文件，以及有關本局對一些諮詢議題的回應，一併上載至本局網站。在2011年5月舉行的兩岸四地法律援助研討會的簡報內容亦已上載至本局網站，供公眾及業界人士瀏覽。

COMMUNITY RELATIONS

To enhance public awareness of legal aid services and promote the Council's first Cross-strait Legal Aid Conference, the Council met media representations in May 2011 and briefed them on the objective and details of the Conference.

In response to government's call for openness and transparency of advisory and statutory bodies, the Council continues to upload unclassified minutes and papers of Council meetings, and annual reports of the Council onto the Council's website. The Council's submissions to the Chief Executive and responses to matters on which the Council is consulted have also been uploaded. The presentation materials of the Cross-strait Legal Aid Conference held in May 2011 were also placed on the Council's website for access by the public and legal aid practitioners.



員工及財政

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

截至2012年3月31日，秘書處有兩個文書職位由本局合約員工擔任，四個職位由政府借調公務員擔任。

於2011至12年度本局從政府收取的補助為港幣5,744,097元。全年總支出為港幣4,779,311元。

STAFF AND FINANCE

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

At 31 March 2012, two clerical posts were filled by the Council's own staff and four posts were filled by civil servants seconded from the Government.

The subvention received from the Government for 2011-12 was \$5,744,097. Total expenditure of the year was \$4,779,311.

審計署署長報告

REPORT OF THE DIRECTOR OF AUDIT

獨立審計報告

我已審計法律援助服務局的財務報表，該等財務報表包括於2012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

法律援助服務局須負責按照《法律援助服務局條例》(第489章)及香港財務報告準則，編製及真實而公平地列報該等財務報表，同時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。

審計涉及執执行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

INDEPENDENT AUDIT REPORT

I have audited the financial statements of the Legal Aid Services Council set out on pages X to XX, which comprise the balance sheet as at 31 March 2012, 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.

審計署署長報告 REPORT OF THE DIRECTOR OF AUDIT

時，審計師考慮與該局編製及真實而公平地列報財務報表有關的內部控制，以設計適當的審計程序，但並非為對該局的內部控制的效能發表意見。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2012年3月31日的財務狀況及截至該日止年度的財務表現及現金流量。

審計署署長
(審計署首席審計師黃達昌代行)

2012年9月20日

審計署
香港灣仔
告士打道7號
入境事務大樓26樓

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

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

Opinion

In my opinion, the financial statements give a true and fair view of the financial position of the Legal Aid Services Council as at 31 March 2012, and of its financial performance and cash flows for the year then ended in accordance with Hong Kong Financial Reporting Standards and have been properly prepared in accordance with the Legal Aid Services Council Ordinance.



Frederick T C WONG
Principal Auditor for Director of Audit

20 September 2012

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

第十一章 CHAPTER 11

資產負債表截至2012年3月31日止 BALANCE SHEET AS AT 31 MARCH 2012

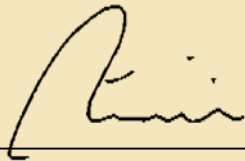
		註釋 Note	2012 港幣 HK\$	2011 港幣 HK\$
非流動資產	NON-CURRENT ASSETS			
物業、廠房及設備	Property, plant and equipment	5	<u>43,412</u>	50,835
流動資產	CURRENT ASSETS		4,933,976	831,943
銀行存款及庫存現金	Cash at bank and in hand		28	6
應收利息	Interest receivable		2,200	2,200
按金	Deposit		<u>4,936,204</u>	834,149
流動負債	CURRENT LIABILITIES			
應付帳項及應計費用	Accounts payable and accrued charges		-	(257,579)
未支付約滿酬金	Provision for gratuities		(7,150)	(7,186)
未放取假期撥備	Provision for untaken leave		(6,207)	(5,738)
遞延收入	Deferred income	7	<u>(3,991,384)</u>	-
			<u>(4,004,741)</u>	(270,503)
淨流動資產	NET CURRENT ASSETS		<u>931,463</u>	563,646
淨資產	NET ASSETS		<u>974,875</u>	614,481
上列項目代表	Representing:			
政府基金	GOVERNMENT FUNDS			
經常性補助	Recurrent subvention		<u>974,875</u>	614,481

隨附註釋1至12亦為上述財務報表的一部份。

此等財務表已於2012年9月20日經法律援助服務局核實及批准發行。

The accompanying notes 1 to 12 form part of these financial statements.

Approved and authorised for issue by the Legal Aid Services Council on 20 September 2012.


李家祥博士 Dr Eric Li Ka Cheung
主席 Chairman

財務報告書及帳目

FINANCIAL REPORTS AND ACCOUNTS

收支報表截至2012年3月31日止

INCOME AND EXPENDITURE ACCOUNT FOR THE YEAR ENDED 31 MARCH 2012

		註釋 Note	2012 港幣 HK\$	2011 港幣 HK\$
收入	INCOME			
政府補助	Government subventions	7	5,744,097	5,225,921
利息收入	Interest Income		89	23
			5,744,186	5,225,944
其他收入	OTHER INCOME			
可追回訟費	Recovery of legal costs	8	10,000	424,239
			5,754,186	5,650,183
支出	EXPENDITURE			
職員酬金	Staff emoluments	9	(2,935,069)	(3,030,448)
租金及差餉	Rent and rates		(1,421,766)	(1,440,865)
其他開支	Other expenses	10	(422,476)	(564,389)
			(4,779,311)	(5,035,702)
本年度盈餘	SURPLUS FOR THE YEAR		974,875	614,481
其他全面收入	Other comprehensive income		-	-
本年度全面收益總額	TOTAL COMPREHENSIVE INCOME FOR THE YEAR		974,875	614,481

隨附註釋1至12亦為上述財務報表的一部份。
The accompanying notes 1 to 12 form part of these financial statements.

權益變動表截至2012年3月31日止 STATEMENT OF CHANGES IN EQUITY FOR THE YEAR ENDED 31 MARCH 2012

		港幣 HK\$
經常性補助基金	RECURRENT SUBVENTION FUND	
於2010年4月1日結餘	Balance as at 1 April 2010	506,92
退還政府款項	Refunded to Government	(506,921)
本年度全面收益總額	Total comprehensive income for the year	<u>614,481</u>
於2011年3月31日結餘	Balance as at 31 March 2011	614,481
退還政府款項	Refunded to Government	(614,481)
本年度全面收益總額	Total comprehensive income for the year	<u>974,875</u>
於2012年3月31日結餘	Balance as at 31 March 2012	<u>974,875</u>

隨附註釋1至12亦為上述財務報表的一部份。

The accompanying notes 1 to 12 form part of these financial statements.

財務報告書及帳目

FINANCIAL REPORTS AND ACCOUNTS

現金流量表截至2012年3月31日止

STATEMENT OF CASH FLOWS FOR THE YEAR ENDED 31 MARCH 2012

		2012 港幣 HK\$	2011 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	974,875	614,481
折舊	Depreciation	22,181	15,149
利息收入	Interest income	(89)	(23)
其他應收款項減少	Decrease in other receivable	-	1
應付帳項及應計費用(減少)/增加	(Decrease)/Increase in accounts payable and accrued charges	(257,579)	221,469
未支付約滿酬金(減少)/增加	(Decrease)/Increase in provision for gratuities	(36)	4,548
未放取假期撥備增加	Increase in provision for untaken leave	469	1,089
經營活動所得的經營盈餘	NET CASH FROM OPERATING ACTIVITIES	739,821	856,714
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	(14,758)	(20,720)
已收利息	Interest received	67	21
投資活動所得的現金淨額	NET CASH USED IN INVESTING ACTIVITIES	(14,691)	(20,699)
融資活動的現金流量	CASH FLOWS FROM FINANCING ACTIVITIES		
遞延收入增加	Increase in deferred income	3,991,384	-
退還政府款項	Amount refunded to Government	(614,481)	(506,921)
融資活動所得/(所用)的現金流量	NET CASH FROM/(USED IN) FINANCING ACTIVITIES	3,376,903	(506,921)
現金及現金等值項目增加淨額	NET INCREASE IN CASH AND CASH EQUIVALENTS	4,102,033	329,094
年初的現金及現金等值項目	Cash and cash equivalents at beginning of year	831,943	502,849
年末的現金及現金等值項目	Cash and cash equivalents at end of year	4,933,976	831,943
現金及現金等值項目的結餘分析	ANALYSIS OF THE BALANCES OF CASH AND CASH EQUIVALENTS		
銀行存款及庫存現金	Cash at bank and in hand	4,933,976	831,943

隨附註釋1至12亦為上述財務報表的一部份。

The accompanying notes 1 to 12 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。

本局乃為一家非牟利組織，旨在監管在香港由法律援助署提供的法律援助服務，並就法律援助政策向政府提供意見。

本局註冊辦事處的地址為香港銅鑼灣告士打道262號鵬利中心16樓1601室。

2. 主要會計政策

2.1 符合準則聲明

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

2.2 編製基準

財務報表按應計記帳方式及歷史成本法編製。

2.3 採納新訂 / 經修訂香港財務報告準則

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

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.

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.

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

下列財務報告準則修訂及新準則可能會引致日後的財務報表須作出新的或經修訂的資料披露：

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.

The following developments may result in new or amended disclosures in future financial statements:

於下列日期或之後開始的會計期間生效
Effective for accounting periods beginning on or after

香港會計準則第1號（經修訂）：「財務報表的呈報－其他全面收益項目的呈報」 Amendments to HKAS 1 (Revised) Presentation of Financial Statements – Presentation of Items of Other Comprehensive Income	2012年7月1日 1 July 2012
香港財務報告準則第13號：「公平值計量」 HKFRS 13 Fair Value Measurement	2013年1月1日 1 January 2013
香港會計準則第19號（2011）：「僱員福利」 HKAS 19(2011) Employee Benefits	2013年1月1日 1 January 2013
香港財務報告準則第9號：「金融工具」 HKFRS 9 Financial Instruments	2015年1月1日 1 January 2015

2.4 收益確認

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

與收入有關的政府補助會延遞至與相關支出產生時，才在收

2.4 Revenue recognition

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

Government subventions relating to income are deferred and recognised in the income and expenditure account over the period necessary to

支報表內確認為有關期間的收入。

利息收入是按照本金及適用利率以時間比例計算而確認入帳。

2.5 物業、廠房及設備

物業、廠房及設備包括價值為5,000元以上的傢俬、裝置、辦公室及電腦設備，估計可使用年限超過一年。

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：

傢俬及裝置	10年
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累計並確認為支出。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。

match them with the costs they are intended to compensate.

Interest income is recognised on a time proportion basis, taking into account the principal outstanding and the interest rates applicable.

2.5 Property, plant and equipment

Property, plant and equipment include furniture and fixtures and 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 the estimated useful lives as follows:

Furniture and fixtures	10 years
Office equipment	5 years
Computer equipment	3 years

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

2.6 Employee benefits

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

2.7 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

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. 財務風險管理目標及政策

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

信貸風險

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

流動資金風險

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

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

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 Objectives and Policies

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

Credit risk

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

Liquidity risk

Liquidity risk is the risk that an entity will encounter difficulty in meeting obligations associated with financial liabilities. The Council has laid down a liquidity policy which is reviewed regularly by the Council members. This policy requires the Council to maintain a

4. 資本管理

本局的資本來源是政府的經常性補助，本局管理資本的目標為：

- 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。

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2010年4月1日	At 1 April 2010	37,129	51,774	88,903
當年購入	Addition during the year	20,720	-	20,720
於2011年4月1日	At 1 April 2011	57,849	51,774	109,623
當年購入	Addition during the year	14,758	-	14,758
於2012年3月31日	At 31 March 2012	72,607	51,774	124,381
累積折舊	Accumulated depreciation			
於2010年4月1日	At 1 April 2010	32,910	10,729	43,639
當年撇除	Charge for the year	4,794	10,355	15,149
於2011年4月1日	At 1 April 2011	37,704	21,084	58,788
當年撇除	Charge for the year	11,826	10,355	22,181
於2012年3月31日	At 31 March 2012	49,530	31,439	50,969
淨值	Net book value			
於2012年3月31日	At 31 March 2012	23,077	20,335	43,412
於2011年3月31日	At 31 March 2011	20,145	30,690	50,835

6. 或然儲備

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

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

任何或然儲備的運用須徵求民政事務局局長的批准。

7. 遞延收入 / 政府補助

從香港特別行政區政府收取的補助為9,735,481港元(2011年：5,225,921港元)。

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. Deferred Income/Government Subvention

Subvention received from the Government of the Hong Kong Special Administrative Region amounted to HK\$9,735,481 (2011: HK\$5,225,921).

		2012 港幣 HK\$	2011 港幣 HK\$
資助法律援助獨立性顧問研究的非經常性補助	Non-recurrent grant for the commissioning of a consultancy study of the independence of legal aid	4,000,000	-
顧問研究相關開支	Consultancy study related expenses	(8,616)	-
遞延收入	Deferred income	3,991,384	-
每年經常性資助	Annual recurrent grant	5,704,735	5,200,533
由遞延收入轉入	Transfer from deferred income	8,616	-
或然儲備	Contingency reserve	30,746	25,388
政府補助	Subventions from the Government	5,744,097	5,225,921
總補助所得	Total subventions received	<u>9,735,481</u>	<u>5,225,921</u>

用作顧問研究的非經常性補助會在相關支出產生時，才在收支報表內確認為有關期間的收入。

The non-recurrent grant for the consultancy study is recognised in the income and expenditure account over the period necessary to match the grant with the related costs of the consultancy study.

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8. 可追回訟費

根據區域法院在2011年11月12日發出的命令，向本局提出訴訟的一方應負責繳付本局的訴訟費用，款額為港幣\$10,000。在2012年3月，本局鑑於所涉金額不高和討回的成數不大，批准撇除該筆判定債項。

8. Recovery of Legal Costs

Pursuant to the District Court Order of 12 November 2011, the party taking the Council to court was liable to pay the Council costs of proceeding in the sum of HK\$10,000. In March 2012, the Council approved the write-off of the judgement debt taking into account the facts that the amount involved was small and the possibility of recovering the amount was remote.

9. 員工酬金

9. Staff Emoluments

		2012 港幣 HK\$	2011 港幣 HK\$
薪金	Salaries		
• 公務員員工	• Civil service staff	2,690,194	2,814,782
• 非公務員合約員工	• Non-civil-service contract staff	215,525	194,886
約滿酬金	Gratuities	11,503	7,186
強積金	Provident fund	11,640	10,002
未放取假期撥備	Provision for untaken leave for non civil service contract staff	6,207	3,592
		<u>2,935,069</u>	<u>3,030,448</u>

10. 其他支出

10. Other Expenses

		註釋 Note	2012 港幣 HK\$	2011 港幣 HK\$
編製年報 / 通訊	Production of annual report/newsletter		57,695	56,790
常規出版物、期刊及雜誌	General publications, periodicals and journals		43,411	45,709
會計費用	Accountancy fee		40,500	40,500
註銷可追回訟費	Recoverable legal costs written off	8	10,000	-
研討會支出	Conferences expenses		107,729	258,079
其他行政支出	Other administration expenses		140,960	148,162
折舊	Depreciation		22,181	15,149
			<u>422,476</u>	<u>564,389</u>

11. 承擔

根據不可撤銷經營租賃，未來須支付的最低租賃付款總額如下：

11. Commitments

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

		2012 港幣 HK\$	2011 港幣 HK\$
一年內	Not later than 1 year	1,336,152	1,243,261
第二到五年內	Later than 1 year and not later than 5 years	2,054,513	3,390,665
		<u>3,390,665</u>	<u>4,633,926</u>

12. 財務資產及財務負債的公平值

於結算日，財務資產及財務負債的公平值，與帳面值相約。

12. Fair Values of Financial Assets and Liabilities

The fair values of the Fund's financial assets and liabilities approximate their carrying amounts at the balance sheet date.

興趣小組成員名單

MEMBERSHIP OF THE INTEREST GROUPS

法律援助範圍興趣小組 Interest Group on Scope of Legal Aid

主席 Chairperson

李嘉蓮 REMEDIOS Corinne

成員 Members

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何國鈞 HO K K Thomas
何民傑 HO Man Kit, Raymond*
何少亮 HO Siu Leung, Nelson
何穎恩 HO Veng Ian, Rebecca*
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外判制度及監察法援外判個案興趣小組

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

主席 Chairperson

熊運信 HUNG Stephen

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陳元敬	CHAN Yuen King, Paul	吳傑華	NG Ray
鄭嘉聰	CHANG Ka Chung	吳恩兒	NG Yan Yee*
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李詠文	LI W M Amanda	余廣文	YU Kwong Man

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

工作小組成員名單

MEMBERSHIP OF THE WORKING PARTIES

社區法律服務工作小組 Working Party on Community Legal Services

主席 Chairperson

林家禮 Dr LAM Lee G

成員 Members

熊運信 HUNG Stephen 洪為民博士 Dr HUNG Witman

增選成員 Co-opted Member

陳愛容（法援署）CHAN OY Juliana, LAD

法律援助的獨立性工作小組 Working Party on Independence of Legal Aid

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聯合召集人 Co-convenor

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法援研討會籌備委員會 Organising Committee on Seminar on Legal Aid

聯合籌委 Co-organiser

蔡惠琴 CHOI Virginia 黃吳潔華 WONG NG Kit Wah, Cecilia



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