

法律援助服務局

LEGAL AID SERVICES COUNCIL

ANNUAL REPORT 年  
2018/2019 報

*Transparent*

*Accessible*

*Fair*

*Limited Means*

*Committed*

*Equality*

**LASC**

*Public Awareness*

*Responsive*

*Justice*

*Rule of Law*

*Independent*

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# 關於法援局 About the LASC

## 成立 Establishment

法律援助服務局（「法援局」）根據《法律援助服務局條例》（第 489 章）於 1996 年 9 月 1 日成立，是一個獨立的法定組織，負責監管由法律援助署（「法援署」）提供的法律援助服務，並就法援政策向行政長官提供意見。

自成立以來，本局對香港的法援服務作出多方面的建議。本局向政府就法援資格準則及服務範圍的政策事宜提供意見，並提出措施加強法援制度的獨立性，同時建議改善法援服務的管理，包括法援申請和審批的程序、委派私人執業律師處理法援個案的制度、外委個案的監察機制、被拒法援申請的上訴程序等，本局亦就增加法援署運作透明度提出意見。

## 抱負 Vision

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

On 1 September 1996, the Legal Aid Services Council (the Council) was established under the Legal Aid Services Council Ordinance, Cap. 489. It is an independent statutory body set up to oversee the administration of the legal aid services provided by the Legal Aid Department (LAD) and to advise the Chief Executive on legal aid policy.

Since its establishment, the Council has made recommendations on various aspects of legal aid services in Hong Kong. It has advised the Government on policy relating to eligibility criteria and scope of legal aid services. It has proposed measures to enhance the independence of the legal aid system. It has suggested improvements in administration of legal aid services such as application and processing procedures, system for assigning cases to lawyers in private practice and monitoring of such cases, appeal procedures against the refusal of legal aid, etc. The Council has also put forward opinions on enhancing the operational transparency of LAD.

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

## 使命 Mission

法援局的使命是確保提供優質、快捷及妥當的法援服務，並為此爭取足夠的經費；爭取持續改善與法援服務相關的法律和行政制度；協助加強公眾對法援的認識；以及按時檢討成立一個獨立的法援機構的可行性及可取性。

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

## 信念 Values

### 全力以赴

法援局忠於職責，恪守抱負、使命及信念宣言的宗旨，因為本局相信法援對於維護法治方面極具價值。本局亦積極推展法援服務。在遵守《法律援助服務局條例》的同時，本局致力完善條例規定，發揚抱負、使命及信念宣言的精神。

### *Committed*

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

### 公正獨立

提高法援管理的獨立性是 1996 年成立法援局的原因之一，因此，獨立性亦成為本局其中一項核心價值。在確認不同持分者的權益或觀點的同時，本局會採取大公無私的立場處理事務，為建立法治社會及確保在法律面前人人平等而努力。本局不會忽視任何向本局提出的事實或觀點。

### *Independent and Fair*

A greater degree of independence in legal aid administration was one of the reasons for establishing the Council in 1996. Independence is therefore one of its core values. Thus, while acknowledging the interests or views of different stakeholders, the Council takes a disinterested position and pursues the course of action which contributes most to the rule of law and equality before the law. It will not ignore any fact or view that may be presented to it.

### 通眾近民

法援局致力建立與公眾、持分者及本地或海外對法援感興趣人士的溝通渠道。本局會作出適當安排，方便公眾獲取關於本局和本局工作的公開資料，或就特定事宜與本局溝通，或在不影響本局履行職責的前提下，參與本局的工作。

### 開誠佈公

加深公眾對法援局的瞭解可加強公眾對本局及法援服務的信任，亦是讓公眾能積極參與本局工作的先決條件。因此，在不違反對特定事宜或在特定場合須保密的情況下，本局會向公眾公開本局的工作。

### 敏於眾望

法援服務與整個社會的各個範疇息息相關。為了對法援政策提供完善的意見，及有效監督由法援署提供的法援服務，法援局會緊貼社會、經濟及政治狀況的變化、法律慣例及創新科技，並積極應對。此外，對公眾投訴或諮詢作出適時全面的回應，將能建立更有效與市民溝通的渠道，及有助公眾透過本局積極參與法援服務的管理。因此，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。

### *Accessible*

The Council aims to be accessible to the public, to stakeholders, and to interested parties locally or overseas. It will make arrangements to facilitate members of the public to obtain information about the Council and its work, to communicate with the Council on specific issues, and to take part in the Council's work, insofar as this does not prejudice the discharge of its responsibilities.

### *Transparent*

A better understanding of the Council will enhance public trust in the Council and legal aid services being provided. This is a pre-requisite to achieve public participation in the Council's work. Hence, the Council will make known to the public its work insofar as this does not breach confidentiality in respect of specific issues or on specific occasions.

### *Responsive*

Legal aid services are provided within a wider environment. In order to provide sound advice on policy and effective supervision of the legal aid services provided by LAD, the Council has to be sensitive and proactive in response to changes in social, economic and political conditions, legal practices and technological innovation. Besides, timely and comprehensive response to public complaints or enquiries will build more effective channels of communication with the public and will contribute to greater public participation in legal aid administration through the Council. Thus, the Council is ready to listen, to follow up with research, to deliberate and to act promptly.



## 職能 Functions

法援局負責監管由法援署提供的法援服務。法援署就該等服務的提供向法援局負責。

本局為履行職責，可：

- (a) 制定政策以管限由法援署提供的服務，並就法援署的政策方向提供意見；

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

In discharging its responsibility, the Council may –

- (a) formulate policies governing the provision of services by LAD and give advice on its policy direction;

- (b) 不時檢討法援署的工作，並作出妥善和適當的安排，以確保法援署能有效率地並符合經濟原則地履行其職能和提供法援服務；
- (c) 檢討由法援署提供的服務及該署的發展計劃；及
- (d) 就法援署的開支預算作出考慮及提供意見。

本局無權就法援署的職員事宜及其對個別案件的處理向法援署作出指示。

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

- (a) 資格準則、服務範圍、提供服務的方式、未來的改善計劃、以及法援政策的未來發展和資金需要；
- (b) 設立一個獨立的法援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援事項。

- (b) review the work of LAD from time to time and make such arrangements as are expedient and proper to ensure the efficient and economical discharge of its functions and provision of legal aid services;
- (c) keep under review the services provided by LAD and its development plans; and
- (d) consider and advise on LAD's estimates of expenditure.

However, the Council does not have the power to direct LAD on staff matters and the handling of individual cases by the Department.

The Council also serves as the Chief Executive's advisory body on the policy of the Government concerning publicly-funded legal aid services provided by LAD. It advises on –

- (a) the eligibility criteria, scope and mode of delivery of services, 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.

## 成員 Membership

法援局的組成包括主席一名，他須不屬公職人員、大律師或律師，而行政長官認為他並非與大律師行業或律師行業有其他直接關係；持有根據《法律執業者條例》（第 159 章）發出的執業證書的大律師及律師各兩名；以及四名行政長官認為與大律師行業或律師行業無任何關係的人士。所有成員均由行政長官委任。法援署署長是本局的當然成員。

在 2018 年 4 月 1 日至 2019 年 3 月 31 日的年度內，法援局成員包括：

李家祥博士 GBS, JP (主席)  
陳曉峰先生 MH  
莊偉倫先生  
劉麥嘉軒女士 JP  
梁宏正先生 JP  
白天賜先生  
石書銘先生  
溫麗司女士  
王惠貞女士 SBS, JP  
法律援助署署長鄭寶昌先生 JP  
(當然成員)

The Council consists of a Chairman who is not a public officer, a barrister or solicitor and, in the opinion of the Chief Executive, is not connected in any other way directly with the practice of law; two barristers and two solicitors, each holding a practising certificate issued under the Legal Practitioners Ordinance (Cap. 159); and four persons who, in the opinion of the Chief Executive, are not connected in any way with the practice of law. All members are appointed by the Chief Executive. The Director of Legal Aid sits on the Council as an ex-officio member.

Members of the Council during the period from 1 April 2018 to 31 March 2019 are listed below –

Dr Eric LI Ka-cheung GBS, JP (Chairman)  
Mr Nicholas CHAN Hiu-fung MH  
Mr Warren Patrick GANESH  
Mrs Ayesha Macpherson LAU JP  
Mr Clarence LEUNG Wang-ching JP  
Mr Timothy E.D. PARKER  
Mr Randy SHEK  
Miss Iris WAN Lai-sze  
Ms Connie WONG Wai-ching SBS, JP  
Mr Thomas Edward KWONG JP, Director of Legal Aid (ex-officio)



## 成員簡歷 About the Members



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

- ▶ 資深執業會計師
- ▶ 多間主要公營機構和上市公司的核數委員會主席
- ▶ 1994 年任香港會計師公會主席
- ▶ 1991 至 2004 年間擔任立法會議員
- ▶ 於立法會議員任期內，連續 9 年被選為立法會政府帳目委員會主席
- ▶ 1993 年首位當選香港傑出會計師
- ▶ 榮獲國際會計師大獎 2002
- ▶ 獲頒英國曼徹斯特大學榮譽法學博士、香港浸會大學榮譽社會科學博士、香港教育大學榮譽社會科學博士、香港中文大學及香港理工大學榮譽院士
- ▶ A senior practising accountant by profession
- ▶ Chairman of audit committees of major public bodies and listed companies
- ▶ President of the Hong Kong Society of Accountants in 1994
- ▶ Legislative Council Member from 1991 to 2004
- ▶ Chairman of the Public Accounts Committee of the Legislative Council for 9 consecutive years during his tenure as Legislative Council Member
- ▶ Awarded the first Accountant of the Year of Hong Kong in 1993
- ▶ Received the International Accountant Award in 2002
- ▶ Awarded Honorary Doctorate in Law by the University of Manchester, Honorary Doctor of Social Science by the Hong Kong Baptist University, Honorary Doctor of Social Science of The Education University of Hong Kong and Honorary Fellow of the Chinese University of Hong Kong and the Hong Kong Polytechnic University



**陳曉峰先生 MH**  
**Mr Nicholas CHAN Hiu-fung MH**

- ▶ 香港律師會公共政策委員會主席
- ▶ 一邦國際網上仲調中心有限公司主席
- ▶ 上訴審裁團（建築物）主席
- ▶ 香港律師會創新科技委員會副主席
- ▶ 香港科技大學校董會成員及其轄下知識轉移委員會副主席
- ▶ 扶康會董事局成員
- ▶ 創科創投基金諮詢委員會委員
- ▶ 香港理工大學創業計劃管理委員會委員
- ▶ 香港大學法律專業證書教務委員會成員
- ▶ 香港城市大學法律專業證書教務委員會成員
- ▶ 青山醫院及小欖醫院醫院管治委員會成員
- ▶ 香港奧林匹克委員會香港運動員就業及教育計劃委員會成員
- ▶ 翰宇國際律師事務所合夥人
- ▶ 人體器官移植委員會成員
- ▶ Chairman, Public Policy Committee, The Law Society of Hong Kong
- ▶ Chairman, eBRAM International Online Dispute Resolution Centre
- ▶ Chairman, Buildings Appeal Tribunal
- ▶ Vice Chairman, InnoTech Committee, The Law Society of Hong Kong
- ▶ Council Member and Vice Chairman of Knowledge Transfer Committee, Hong Kong University of Science and Technology
- ▶ Council Member, Fu Hong Society
- ▶ Advisory committee member, Hong Kong Innovation and Technology Venture Fund
- ▶ Committee member, PolyU Entrepreneurship Programme Management Committee
- ▶ HKU PCLL Academic Board Member
- ▶ CityU PCLL Academic Board Member
- ▶ Hospital Governing Committee member, Castle Peak Hospital and Siu Lam Hospital
- ▶ Member of Hong Kong Athletes Career & Education Programme Committee of the Hong Kong Olympics Committee
- ▶ Partner, Squire Patton Boggs
- ▶ Member, Human Organ Transplant Board



莊偉倫先生  
Mr Warren Patrick GANESH

- ▶ 高級執業律師（香港，1998 – 至今執業；英格蘭及威爾斯，1990 – 目前沒有執業）
- ▶ 香港律師會理事（2016 年當選）
- ▶ 香港律師會會刊編輯委員會成員
- ▶ 《香港民事訴訟程序》（即白書）的長期特約編輯
- ▶ 關於（例如）法律專業保密權的多份文章的作者
- ▶ 香港律師會執業者事務常務委員會主席及審查及紀律常務委員會會員
- ▶ A senior practising solicitor by profession (Hong Kong, 1998 – in practice; England & Wales, 1990 – currently, not in practice)
- ▶ Member of the Council of The Law Society of Hong Kong (elected in 2016)
- ▶ Member of the Editorial Board of the Hong Kong Lawyer Journal
- ▶ A longtime contributing editor of the Hong Kong Civil Procedure (the "White Book")
- ▶ Author of numerous articles on (for example) legal professional privilege
- ▶ Chairman of The Law Society's Standing Committee on Practitioners Affairs and Member of its Standing Committee on Compliance



劉麥嘉軒女士 JP  
Mrs Ayesha Macpherson LAU JP

- ▶ 執業會計師
- ▶ 英格蘭及威爾斯特許會計師公會會員
- ▶ 香港會計師公會會員
- ▶ 中華人民共和國財政部會計諮詢專家
- ▶ 國際財稅協會香港分會主席
- ▶ 政府學生資助聯合委員會主席
- ▶ 聖保羅男女中學審核委員會主席
- ▶ 香港大學校務委員會及校董會成員
- ▶ 稅務聯合聯絡小組成員
- ▶ 廣東省婦女聯合會執委會成員
- ▶ 工商專業聯會執行委員會成員
- ▶ 公務員敘用委員會成員
- ▶ 香港金融管理局金融基建委員會成員
- ▶ 團結香港基金顧問成員
- ▶ 遺傳性心律基金會有限公司諮詢委員會成員（慈善機構）
- ▶ Practising Accountant
- ▶ Member of Institute of Chartered Accountants in England and Wales
- ▶ Member of Hong Kong Institute of Certified Public Accountants (“HKICPA”)
- ▶ Accounting Advisor of Ministry of Finance of the People’s Republic of China
- ▶ Chairperson of International Fiscal Association - Hong Kong Branch
- ▶ Chairman of Joint Committee on Student Finance
- ▶ Chair of Audit Committee of St Paul’s Co-Educational College
- ▶ Member of The Council and Human Resource Policy Committee of The University of Hong Kong
- ▶ Member of Joint Liaison Committee on Taxation
- ▶ Member of Executive Committee of Guangdong Province Federation of Women
- ▶ Executive Committee Member of Business and Professionals Federation of HK
- ▶ Member of Public Service Commission
- ▶ Member of Financial Infrastructure Sub-Committee of HK Monetary Authority

- ▶ 強制性公積金計劃管理局非執行董事
- ▶ 曾任香港會計師公會稅務委員會主席、副主席和成員；香港會計師公會稅務專項學會執行委員會主席及香港會計師公會社區服務委員會副主席
- ▶ 曾任香港政府公共事務論壇成員；婦女事務委員會成員；整筆撥款獨立檢討委員會成員；經濟機遇委員會成員；財務彙報局財務彙報委員團委員；香港貿易發展局理事會成員；廉政公署貪污問題諮詢委員會成員；海濱事務委員會成員；航空發展諮詢委員會成員；金融發展局市場推廣小組委員；司法人員薪俸及服務條件常務委員會成員及政府學生資助聯合委員會成員
- ▶ Member of Council of Advisors and Audit Committee of Our HK Foundation
- ▶ Member of Advisory Committee of the SADS HK Foundation Limited (charity)
- ▶ Non-Executive Director of the Mandatory Provident Fund Schemes Authority
- ▶ Previously served as Chairperson, Deputy Chair and Member of Hong Kong Institute of Certified Public Accountants Taxation Committee, Chair of Taxation Faculty Executive Committee of Hong Kong Institute of Certified Public Accountants, Deputy Chairperson of HKICPA Community Services Committee
- ▶ Previously served as member of Public Affairs Forum, Women's Commission, The Lump Sum Grant Independent Review Committee, Taskforce on Economic Challenges, Financial Reporting Review Panel - Financial Reporting Council, Hong Kong Trade Development Council, ICAC Advisory Committee on Corruption, Harbourfront Commission, Aviation Development Advisory Committee, Market Development Committee of the Financial Services Development Council, Standing Committee on Judicial Salaries and Conditions of Service and Joint Committee on Student Finance



梁宏正先生 JP  
Mr Clarence LEUNG Wang-ching JP

- ▶ 新興織造廠有限公司董事
- ▶ 香港菁英會榮譽主席
- ▶ 扶貧委員會委員
- ▶ 香港旅遊發展局成員
- ▶ 旅遊業策略小組委員
- ▶ 職業訓練局理事會成員
- ▶ 青年發展委員會成員
- ▶ 曾任紡織業諮詢委員會委員
- ▶ 曾任城市規劃委員會委員
- ▶ 曾任香港特別行政區政府中小型企業委員會委員
- ▶ 曾任工業貿易諮詢委員會委員
- ▶ 曾任中央政策組非全職顧問
- ▶ 劍橋大學經濟學榮譽學士及碩士
- ▶ Director of Sun Hing Knitting Factory Limited
- ▶ Emeritus Chairman of the Y. Elites Association
- ▶ Member of the Commission on Poverty
- ▶ Member of the Hong Kong Tourism Board
- ▶ Member of the Tourism Strategy Group
- ▶ Member of the Vocational Training Council
- ▶ Member of the Youth Development Commission
- ▶ Previously served as member of the Textiles Advisory Board
- ▶ Previously served as member of the Town Planning Board
- ▶ Previously served as member of HKSAR SME Committee
- ▶ Previously served as member of the Trade and Industry Advisory Board
- ▶ Previously served as a Part-time Member of the Central Policy Unit
- ▶ Awarded BA and MA honours in Economics by the University of Cambridge



白天賜先生  
Mr Timothy E.D. PARKER

- ▶ 執業大律師
    - 香港 (2009), 張健利資深大律師辦事處
    - 英格蘭及威爾斯 (2017), Blackstone Chambers
    - 曾獲頒香港 (2008) 大律師公會獎學金
    - 專業範疇為公法、國際法、競爭及商業法
    - 曾就多個主要案例於香港終審法院、英國樞密院及其他法院代表出庭
  - ▶ 劍橋大學法學碩士、香港大學法學士和法律專業證書、墨爾本大學文學士 (中國研究)
  - ▶ 香港大律師公會國際法委員會主席
  - ▶ 香港大律師公會憲法及人權事務委員會委員
  - ▶ 獲委任為香港競爭事務委員會外聘法律顧問
- ▶ Practising Barrister
    - Hong Kong (2009), Denis Chang's Chambers
    - England & Wales (2017), Blackstone Chambers
    - Awarded the Bar Scholarship, Hong Kong (2008)
    - Specialises in public law, international law, competition and commercial law
    - Appeared in numerous leading cases in the Court of Final Appeal, the Privy Council, and other courts
  - ▶ Holds an LLM (Cantab), LLB and PCLL (HKU), BA (Chinese Studies) (Melbourne)
  - ▶ Chairman, Hong Kong Bar Association Committee on International Law
  - ▶ Member, Hong Kong Bar Association Committee on Constitutional Affairs and Human Rights
  - ▶ Appointed to the Hong Kong Competition Commission's Panel of External Counsel



石書銘先生  
Mr Randy SHEK

- ▶ 刑事辯護大律師，主要執業範疇為刑事法、人權及公民自由及公法
- ▶ 香港大律師公會執行委員會委員
- ▶ 香港大律師公會刑事法律與程序委員會和憲法及人權事務委員會委員
- ▶ 2012 年和 2017 年行政長官選舉選舉委員會法律界界別分組成員
- ▶ A criminal defence counsel with main areas of practice in criminal law, human rights and civil liberties, and public law
- ▶ Member of the Hong Kong Bar Association Bar Council
- ▶ Member of the Criminal Law and Procedure Committee and the Constitutional Affairs and Human Rights Committee of the Hong Kong Bar Association
- ▶ Member of the 2012 and 2017 Election Committee for the Election of the Chief Executive for the Legal Sub-sector





溫麗司女士  
Miss Iris WAN Lai-size

- ▶ 非牟利機構青年參與顧問
- ▶ 領袖培訓導師
- ▶ 擁 12 年經驗，為逾 10 000 位來自私營、公營和非牟利機構的年輕領袖和高級管理人員提供領導才能發展和共創培訓
- ▶ 曾服務倡導青年充權、教育平等和弱勢家庭福利的非牟利機構
- ▶ 消費者委員會委員
- ▶ 華人永遠墳場管理委員會增選委員
- ▶ 世界經濟論壇全球傑出青年（香港）
- ▶ 扶輪青年領袖獎勵計劃顧問
- ▶ Nonprofit consultant on youth engagement
- ▶ Leadership training instructor
- ▶ 12 years of experience providing leadership development and cocreation training for over 10,000 individuals including young leaders and senior executives from the private, public and nonprofit sectors
- ▶ Served in nonprofits advocating for youth empowerment, education equality and well being of vulnerable families
- ▶ Member of the Consumer Council
- ▶ Co-opted Member of The Board of Management of the Chinese Permanent Cemeteries
- ▶ Global Shaper under the World Economic Forum (Hong Kong Hub)
- ▶ Advisor of Rotary Youth Leadership Awards



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

- ▶ 香港浸會大學榮譽院士
- ▶ 英國曼徹斯特大學管理學碩士
- ▶ 自 1993 年起出任王新興有限公司董事總經理、萬菱實業（廣東）有限公司執行董事及廣州市萬菱置業有限公司董事總經理
- ▶ 自 2018 年起為中國人民政治協商會議全國委員會提案委員會副主任
- ▶ 自 2010 年起為中國人民政治協商會議全國委員會委員
- ▶ 自 2008 年起為中華全國婦女聯合會執行委員會委員
- ▶ 自 2017 年起擔任工業貿易諮詢委員會委員
- ▶ 自 2017 年起擔任廉政公署香港商業道德發展諮詢委員會委員
- ▶ 自 2016 年起為香港中華總商會副會長
- ▶ 自 2009 年起為九龍社團聯會理事長
- ▶ 自 2014 年起擔任香港義工聯盟常務副主席
- ▶ Honorary University Fellow of Hong Kong Baptist University
- ▶ Master of Science, University of Manchester, England
- ▶ Managing Director of Wong Sun Hing Limited, Executive Director of Onelink Industrial (Guangdong) Co Ltd and Managing Director of Guangzhou WanLing Real Estate Co Ltd since 1993
- ▶ Deputy Director of the Proposals Committee of the National Committee of the Chinese People's Political Consultative Conference since 2018
- ▶ Member of the National Committee of the Chinese People's Political Consultative Conference since 2010
- ▶ Member of the Standing Committee of the All-China Women's Federation since 2008
- ▶ Member of the Trade and Industry Advisory Board since 2017
- ▶ Member of the Hong Kong Business Ethics Development Advisory Committee (BEDAC) of the ICAC since 2017
- ▶ Vice Chairperson of the Chinese General Chamber of Commerce since 2016
- ▶ President of the Kowloon Federation of Associations since 2009
- ▶ Standing Vice Chairperson of the Hong Kong Volunteers Federation since 2014

- ▶ 自 2018 年起為香港各界扶貧促進會榮譽主席
- ▶ 自 2012 年起為香港廣西社團總會永遠會長
- ▶ 自 2019 年起擔任港區婦聯代表聯誼會永遠會長
- ▶ 自 2018 年起擔任香港浸會大學基金董事局成員
- ▶ 自 2014 年起擔任香港浸會大學諮議會榮譽委員
- ▶ Honorary Chairperson of the Hong Kong Poverty Alleviation Association since 2018
- ▶ Life President of the Federation of Hong Kong Guangxi Community Organisations Ltd since 2012
- ▶ Life President of the All-China Women's Federation Hong Kong Delegates Association Ltd since 2019
- ▶ Member of the Board of Governors of the Hong Kong Baptist University Foundation since 2018
- ▶ Honorary Member of the Hong Kong Baptist University Court since 2014



法律援助署署長鄺寶昌先生 JP (當然成員)

Mr Thomas Edward KWONG JP, Director of Legal Aid (ex-officio)

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

## 主席回顧 Chairman's Review

我欣然向大家介紹 2018-2019 年度報告，這是我擔任法律援助服務局主席以來第七份也是我任內最後一份年報。

I am pleased to present the 2018-2019 Annual Report, the seventh and the last during my tenure as Chairman of the Legal Aid Services Council.



法律援助（法援）服務是法律制度中不可或缺的一部分，對維護香港的法治扮演着重要的角色。法援政策的目的是確保所有具備合理理據在香港法院提出法律訴訟或抗辯的人士，不會因缺乏經濟能力而無法尋求公義。因此，當法援申請人同時通過《法律援助條例》（《條例》）規定的經濟審查和案情審查，他便符合資格獲取法援。

凡本身財務資源不超過財務資格限額的人士，在經濟上便符合申請法援的資格。政府會每年檢討一次普通法律援助計劃（「普通計劃」）和法律援助輔助計劃（「輔助計劃」）的財務資格限額，以計及一般物價變動的情況，而兩年一度進行的檢討則會計及訟費變動及其他相關

Legal aid services form an integral part of the legal system and play an important role in contributing towards upholding the rule of law in Hong Kong. The purpose of legal aid is to ensure that all those who have reasonable grounds for pursuing or defending a legal action in the courts of Hong Kong will not be denied access to justice because of a lack of means. Thus, legal aid will be granted if the legal aid applicant is able to satisfy both the means test and merits test as provided by the Legal Aid Ordinance (LAO).

A person is financially eligible for legal aid if his financial resources do not exceed the financial eligibility limit (FEL). The FELs of the Ordinary Legal Aid Scheme (OLAS) and the Supplementary Legal Aid Scheme (SLAS) are reviewed annually to take into account general price movement and biennially to take into account changes in litigation costs and other relevant factors. In the annual review of FELs for 2018-2019, the

的因素。在 2018-2019 年的年度財務資格限額檢討工作中，政府參照 2016 年 7 月至 2017 年 7 月期間丙類消費物價指數的變動，建議把財務資格限額相應調高 1.7%。普通計劃和刑事法律援助的新財務資格限額為 307,130 元，而輔助計劃的新財務資格限額則為 1,535,650 元，新限額已於 2018 年 11 月 23 日起生效。本局歡迎是次上調。

《條例》第 18A(5) 條及第 19B(1)(a) 條的目的均是為可能因討回的財產被扣除法律開支而遭遇困苦的法援受助人提供濟助。第 18A(5) 條讓受助人在從婚姻訴訟獲得的定期贍養費中保留一筆款額，以應付每月所需的開支。第 19B(1)(a) 條適用於所有法援個案，有關條文賦予法律援助署署長權力，如從受助人討回的財產中扣除法律開支會導致受助人遭遇嚴重困苦，法律援助署署長可扣除少於法定押記的總額，扣除的款額以條例所指明的金額為限。

《條例》第 18A(5) 及第 19B(1)(a) 條所指明的款額自 1997 年訂立至今沒有獲得調整。政府於 2018-2019 年完成該兩項款額的檢討。為反映通漲增幅及其他轉變，政府建議把《條例》第 18A(5) 條目前指明的款額，由 4,800 元調整至 8,660 元 (+80%)，以及把《條例》第 19B(1)(a)

Government proposed to adjust the FELs upward by 1.7% in accordance with the changes in Consumer Price Index (C) (CPI(C)) for the period from July 2016 to July 2017. The new FELs i.e. \$307,130 for OLAS and criminal legal aid and \$1,535,650 for SLAS came into effect from 23 November 2018. The Council welcomes the increase.

Sections 18A(5) and 19B(1)(a) of the LAO serve to provide relief to legally-aided persons who may suffer hardship from the deduction of legal expenses out of what is recovered for them. Section 18A(5) allows an aided person to retain an amount required for him/her to meet monthly expenses from periodical maintenance received in matrimonial proceedings. Section 19B(1)(a) is applicable to all legal aid cases and gives the Director of Legal Aid the authority to deduct from what an aided person recovers an amount which is less, by up to the amount specified therein, than the full amount of the statutory charge, if serious hardship would otherwise be caused to the aided person.

The amounts specified in sections 18A(5) and 19B(1)(a) of the LAO have not been adjusted since they were set in 1997. In 2018-2019, the Government completed a review of the two amounts. To bring them in line with the inflationary changes as well as other developments over the years, the Government proposed to adjust the current amount of \$4,800 specified in section 18A(5) of the LAO to \$8,660 (+80%) and the current amount of \$57,400 specified in section 19B(1)(a) of the LAO to \$103,510 (+80%). The Government also proposed introducing a mechanism for adjusting the two amounts on an annual basis to take into account the general price movement measured by CPI(C), in conjunction with the annual review of FELs in future.



條指明的款額，由現時的 57,400 元調整至 103,510 元 (+80%)。政府亦建議引入機制每年調整以上兩項款額，以便把按丙類消費物價指數計算的一般物價變動考慮在內，並在日後與財務資格限額的周年檢討同步進行。如財務資格限額的調整幅度大於按丙類消費物價指數計算的物價變動，政府將按個別情況檢視是否需要跟隨有關幅度調整《條例》第 18A(5) 條及第 19B(1)(a) 條指明的款額。本局歡迎上述建議的調整和引入檢討機

In cases where adjustments to FELs are greater than the changes in price movement as measured by CPI(C), the Government will review the need for the amounts specified in sections 18A(5) and 19B(1)(a) of the LAO to follow suit on a case-by-case basis. While the Council welcomes the proposed adjustments and the introduction of an adjustment mechanism, it was of the view that, after a certain period of time say 10 years, a comprehensive review of the two amounts should be conducted.

LAD provides legal aid for representation in committal proceedings in the Magistrates' Courts, civil and criminal

制，但認為在檢討機制實施一段時間後，例如 10 年，政府應對該兩項款額進行一次全面檢討。

法律援助署（法援署）根據《條例》和《刑事案件法律援助規則》（《規則》），為獲批法援的申請人，在裁判法院的交付審判程序、區域法院或以上級別法院審理的民事和刑事案件提供法律代表。法援署會向獲委聘代表其負責刑事案件訴訟工作的私人執業大律師和律師支付刑事法援費用，有關費用按照《刑事訴訟程序條例》的《規則》所訂明。

政府會兩年一度檢討刑事法援費用，以計及參照期內丙類消費物價指數的變動。在兩年一度檢討時，政府主要考慮參照期內的一般物價變動情況，以及委聘大律師和律師時有否出現困難。最新一輪兩年一度檢討已於 2018 年完成，政府備悉在參

proceedings in the District Court or courts at levels above in accordance with the LAO and the Legal Aid in Criminal Cases Rules (LACCR). LAD will pay criminal legal aid fees to counsel and solicitors in private practice undertaking criminal litigation work on behalf of it. The fee levels are prescribed in the LACCR under the Criminal Procedure Ordinance.

The criminal legal aid fees are subject to review on a biennial basis to take into account changes in CPI(C) during the reference period. In conducting the biennial reviews, the Government takes into account mainly general price movement during the reference period and whether there has been difficulty in engaging the services of counsel and solicitors. In the biennial review in 2018, noting that the CPI(C) for the reference period (i.e. July 2016 to July 2018) increased by 4.0%, the Government proposed to adjust the fees upwards by 4.0% accordingly. The Council welcomes the proposed upward adjustment.

Upon the request of the Government, the Council is looking into the possibility of expanding the scope of SLAS to include claims against the incorporated owners of multi-storey buildings. The Council is also collecting information to review the fixed fees for services of the lawyers assigned under the Certificate by Counsel Scheme.

The Task Force on Dissemination of Legal Aid Information established under the Council is tasked to review the statistics and information on the legal aid services provided by LAD with a view to enhancing its operational transparency.





照期內（即 2016 年 7 月至 2018 年 7 月）丙類消費物價指數上升了 4.0%，因此建議把有關費用相應上調 4.0%。本局歡迎是次費用上調方案。

應政府邀請，本局正在研究擴大輔助計劃涵蓋範圍至包括對多層大廈業主立案法團提出索償的可行性。本局也正收集資料以檢討根據大律師證明書計劃委派律師提供服務的定額費用。

法援局轄下的法律援助資訊傳遞專責小組是為檢視由法援署提供的法援服務統計數據及相關資訊，以提高該署的運作透明度。

在 2018-2019 年度，專責小組已經開始著手研究法援署的衡量服務表現指標，包括與持分者參與和支付大律師處理刑事法援案件費用程序相關的指標。在持分者參與的部分，專責小組認為法援署的宣傳活動的重點過分狹窄。法援署應考慮舉辦更多方便雙向溝通的活動。除了繼續探討發展聊天機械人的可行性外，專責小組建議法援署可多善用社交媒體平台和科技，加強與公眾和相關持分者的溝通，並考慮建構一個連結區議員和社工的平台，例如舉辦與區議員和社工交換意見的論壇。在支付大律師處理刑事法援案件費用的程序方面，專責小組建議將支付款項的程序上載至法援署網

In 2018-2019, the Task Force has studied the key performance indicators of LAD including those relating to engagement of stakeholders and procedure for payment of fees to counsel in criminal legal aid cases. On engagement of stakeholders, the Task Force opined that the focus of LAD's publicity programmes was too narrow. LAD should consider arranging more activities that could allow two-way communication. Apart from the development of a "Chatbot", the Task Force suggested that LAD should make more use of the social media platforms and technology to improve communication with members of the public and the relevant stakeholders, and consider establishing a connection with members of the District Council and social workers, such as arranging a discussion forum to exchange views with them. As regards the procedure for payment of fees to counsel in criminal legal aid cases, the Task Force suggested LAD uploading the payment procedures onto its website and keeping the assigned lawyers informed of the progress of the payment processing. Also, the Task Force suggested that LAD might introduce more performance pledges/indicators, and review the existing performance pledges regularly and make it at a higher level with a view to demonstrating LAD's determination to improve the quality of service.

I shall retire from the Council after nearly seven years of service. My heartfelt appreciation goes to members of the Council and the Task Force on Dissemination of Legal Aid Information for their invaluable support during my tenure as Chairman and their unstinting effort in providing quality services to the Council. I have enjoyed working with them. I would also like to thank the Director of Legal Aid and his staff, the legal profession and the many stakeholders who have contributed to the work of Council

站，以及增加與外委律師聯絡有關處理付款的進度。為表法援署改善其服務質素的決心，專責小組亦建議法援署可考慮引入更多服務承諾 / 指標，並作出定期檢討，以訂立更高目標。

我服務法援局接近七年後，即將退任。我由衷感謝本局以及法律援助資訊傳遞專責小組各成員，在我擔任主席期間的寶貴支持，以及他們為本局提供優質服務的不懈努力，我非常高興與他們共事。我還要感謝法援署署長和他的同事、法律專業人士以及以不同方式為本局作出貢獻的持分者。我有信心在他們的堅定支持下，法援局會繼續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。



in different ways. With their sterling support, I am confident that the Council will continue to work towards its vision in actively contributing to upholding and enhancing the rule of law by striving to ensure access to justice and equality before the law by people of limited means.

## 法律援助署署長第一押記的檢討 Review of the Director of Legal Aid's First Charge

根據《法律援助條例》（《條例》）（第 91 章）第 18A(5) 條，如法律援助（法援）受助人從獲批法援的訴訟討回或保留任何金錢或物業，便須以所討回或保留的金錢或物業，清還法律援助署署長（法援署署長）已付或須代支付的一切費用，但子女的贍養費及配偶按月收取的贍養費首 4,800 元均獲豁免。受助人須向法援署署長支付的款項稱為法援署署長第一押記。此外，法援署署長可根據《條例》第 19B(1)(a) 條行使酌情權，就遭遇嚴重困苦個案豁免第一押記，但款額以不超過 57,400 元為限。

《條例》第 18A(5) 條及第 19B(1)(a) 條的目的均是為可能因討回的財產被扣除法律開支而遭遇困苦的法援受助人提供資助。第 18A(5) 條讓受助人在從婚姻訴訟獲得的定期贍養費中保留一筆款額，以應付每月所需的開支。第 19B(1)(a) 條適用於所有法援個案，有關條文賦予法援署署長權力，如從受助人討回的財產中扣除法律開支會導致受助人遭遇嚴重困苦，法援署署長可扣除少於法定押記的總額，扣除的款額以條例所指明的金額為限。

《條例》第 18A(5) 及第 19B(1)(a) 條所指明的款額自 1997 年訂立至今沒有獲得調整。政府於 2018 年 4 月告知本局已完成法援署署長第一押記的檢討，認為有需要調整該兩項款額，以反映通漲增幅及其他轉變。

According to section 18A(5) of the Legal Aid Ordinance (LAO) (Cap.91), if a legally-aided person is successful in recovering or preserving any money or property in the legally aided proceedings, he/she will be required to repay the Director of Legal Aid (DLA) all sums paid or payable on his/her behalf out of the money or property recovered or preserved (maintenance for children and maintenance for spouse up to the first HK\$4,800 per month exempted). The sum that the legally-aided person has to pay DLA is called DLA's first charge. Moreover, DLA may exercise discretion to waive his first charge for an amount not exceeding \$57,400 in cases of serious hardship pursuant to section 19B(1)(a) of the LAO.

Both sections 18A(5) and 19B(1)(a) of the LAO serve to provide relief to legally-aided persons who may suffer hardship from the deduction of legal expenses out of what is recovered for them. Section 18A(5) allows an aided person to retain an amount required for him/her to meet monthly expenses from periodical maintenance received in matrimonial proceedings. Section 19B(1)(a) is applicable to all legal aid cases and gives DLA the authority to deduct from what an aided person recovers an amount which is less, by up to the amount specified therein, than the full amount of the statutory charge, if serious hardship would otherwise be caused to the aided person.

The amounts specified in sections 18A(5) and 19B(1)(a) of the LAO have not been adjusted since they were set in 1997. In April 2018, the Government informed the Council that a review on the DLA's first charge had been completed and it was considered necessary to adjust the two amounts to bring them in line with the inflationary changes as well as other developments over the years.

## 建議 Proposal

### 可獲豁免法律援助署署長第一押記的贍養費款額 (於《條例》第 18A(5) 條指明)

政府建議把《條例》第 18A(5) 條目前指明的款額，由 4,800 元調整至 8,660 元 (+80%)。有關增幅考慮了兩項因素：

- (1) 自 1996 年 7 月至 2017 年 7 月按丙類消費物價指數計算的一般物價變動 (上一次豁免額的調整於 1997 年 5 月生效，反映了截至 1996 年 7 月的一般物價變動)；及
- (2) 普通法律援助計劃 (普通計劃) 的財務資格限額於 2011 年 5 月由 175,800 元大幅提高至 260,000 元的 48% 增幅。(該增幅是 2010 年檢討財務資格限額後的成果。在該次檢討中，為更切實反映需資助進行法律訴訟人士的住戶開支水平，經濟審查的個人開支豁免額 (此前訂為住戶開支第 35 個百分值) 獲調整至住戶開支的中位數，個人豁免額因此大幅提高。)

### Amount of maintenance that may be exempted from DLA's first charge (specified in Section 18A(5) of the LAO)

The Government proposed to adjust the current amount of \$4,800 specified in section 18A(5) of the LAO to \$8,660 (+80%). The increase takes into account two factors –

- (1) the general price movement as measured by the Consumer Price Index (C) (CPI(C)) since July 1996 up to July 2017 (The previous adjustment which took effect in May 1997 had reflected the general price movement up to July 1996.); and
- (2) the substantial increase of 48% in the financial eligibility limit (FEL) of the Ordinary Legal Aid Scheme (OLAS) from \$175,800 to \$260,000 in May 2011. (The substantial increase was resulted from a review completed in 2010. In such review, in order to reflect more realistically the expenditure level of households of the population that require assistance in funding legal proceedings, the expenditure level of personal allowances for the means test (which had been previously set at the 35-percentile household expenditure) was adjusted to the median, resulting in a significant increase in personal allowances.)



由於財務資格限額的檢討及目前的建議均針對法援受助人的財務資源問題，務求減輕他們的經濟負擔，政府認為有充分理由在是次調整中以普通計劃財務資格限額的 48% 增幅作為參考，並把該增幅包括在是次調整內，使第 18A(5) 條所指的每月獲得贍養費的配偶或前配偶，以及第 19B(1)(a) 條所指的遭遇嚴重困苦受助人的受惠。

As both the review of FELs and the current proposal address the issue on financial resources of legally-aided persons with the aim of relieving their financial burden, the Government saw a strong case to make reference to and include the 48% increase in the FEL of OLAS in this exercise which will bring clear benefits to the spouse or former spouse receiving monthly maintenance in the case of section 18A(5) and to the aided person facing serious hardship in the case of section 19B(1)(a).

### 遭遇嚴重困苦的個案可獲豁免法律援助署署長第一押記的款額（於《條例》第 19B(1)(a) 條指明）

基於相同理由，政府建議把《條例》第 19B(1)(a) 條指明的款額，由現時的 57,400 元調高至 103,510 元 (+80%)，同樣地計及自 1996 年 7 月至 2017 年 7 月按丙類消費物價指數計算的一般物價的變動，以及普通計劃財務資格限額於 2011 年 5 月的 48% 增幅。

### 每年檢討機制

除了上述建議的調整外，政府亦建議引入機制每年調整以上兩項款額，以便把按丙類消費物價指數計算的一般物價變動考慮在內，並在日後與財務資格限額的周年檢討同步進行。如財務資格限額的調整幅度大於按丙類消費物價指數計算的物價變動，政府將按個別情況檢視是否需要跟隨有關幅度調整《條例》第 18A(5) 條及第 19B(1)(a) 條指明的款額。

本局歡迎上述建議的調整和引入檢討機制，並期待它的實施。此外，本局認為在該檢討機制實施一段時間後，例如 10 年，政府應進行一次全面檢討。

### Amount of DLA's First Charge that may be waived in cases of serious hardship (specified in Section 19B(1)(a) of the LAO)

For the same reason, on the amount specified in section 19B(1)(a) of the LAO, similarly, the Government proposed increasing the current amount of \$57,400 to \$103,510 (+80%), taking into account also the general price movement as measured by CPI(C) since July 1996 up to July 2017 and the increase of 48% in the FEL of OLAS in May 2011.

### Annual Adjustment Mechanism

In addition to the above proposed adjustments, the Government also proposed introducing a mechanism for adjusting the two amounts on an annual basis to take into account the general price movement measured by CPI(C), in conjunction with the annual review of FELs in future. In cases where adjustments to FELs are greater than the changes in price movement as measured by CPI(C), the Government will review the need for the amounts specified in sections 18A(5) and 19B(1)(a) of the LAO to follow suit on a case-by-case basis.

The Council welcomes the proposed adjustments and the introduction of an adjustment mechanism, and looks forward to its implementation. In regard to the review mechanism, the Council is of the view that, after a certain period of time say 10 years, a comprehensive review should be conducted.

## 刑事法律援助費用的檢討 Review of Criminal Legal Aid Fees

政府在 2019 年 1 月告知本局，於 2018 年完成就刑事法律援助（法援）費用、檢控費用及當值律師費用（統稱為「三項費用」）兩年一度檢討的結果。

法律援助署（法援署）根據《法律援助條例》（第 91 章）和《刑事案件法律援助規則》（第 221 章，附屬法例 D）（《規則》），為獲批法援的申請人，在裁判法院的交付審判程序、區域法院或以上級別法院審理的民事和刑事案件提供法律代表。法援署會向獲委聘代表其負責刑事案件訴訟工作的私人執業大律師和律師支付刑事法援費用，有關費用按照《刑事訴訟程序條例》（第 221 章）的《規則》所訂明。

當值律師費用即為支付予當值律師計劃下當值律師的費用。該計劃由當值律師服務管理，旨在配合法援署所提供的法援服務。

檢控方面，律政司亦委聘私人執業律師代表控方出庭處理刑事案件，並會參照法援署的刑事法援費用收費表，確保法援署和律政司在爭取同一批律師提供服務時，不會有任何一方不公平地佔優。在裁判法院層面，律政司付予裁判法院“A”名單外判律師的費用會參照刑事法援費用，而付予裁判法院“B”名單外判律師的費用則與當值律師費用掛鉤，以維持控辯雙方「勢力均等」。

In January 2019, the Government informed the Council of the outcome of the 2018 biennial review of criminal legal aid fees, prosecution fees and duty lawyer fees (collectively referred to as “the Fees”).

The Legal Aid Department (LAD) provides legal aid for representation in committal proceedings in the Magistrates’ Courts (MC), civil and criminal proceedings in the District Court (DC) or courts at levels above in accordance with the Legal Aid Ordinance (Cap. 91) and the Legal Aid in Criminal Cases Rules (Cap. 221 sub. leg. D) (LACCR). LAD will pay criminal legal aid fees to counsel and solicitors in private practice undertaking criminal litigation work on behalf of it. The fee levels are prescribed in the LACCR under the Criminal Procedure Ordinance (Cap. 221).

Duty lawyer fees are the fees payable to duty lawyers engaged under the Duty Lawyer Scheme administered by the Duty Lawyer Service, which aims at complementing the legal aid services provided by LAD.

On the prosecution side, the Department of Justice (DoJ) also engages lawyers in private practice to prosecute criminal cases on fiat. It draws reference to the same scale of criminal legal aid fees as that of LAD, so as to ensure that neither LAD nor DoJ would have unfair advantage in competing for the same pool of lawyers. At the MC level, the briefing out rates of MC “A” List counsel make reference to criminal legal aid fees, while the rates for fiat counsel on DoJ’s MC “B” List are tied to that for duty lawyer fees to maintain equality of arms.

## 檢討 The Review

根據前庫務司在 1992 年 10 月向前立法局財務委員會匯報，政府會兩年一度檢討三項費用，以計及參照期內丙類消費物價指數的變動。在兩年一度檢討時，政府主要考慮參照期內的一般物價變動情況，以及委聘大律師和律師時有否出現困難。

最新一輪兩年一度檢討已於 2018 年完成，政府備悉在參照期內（即 2016 年 7 月至 2018 年 7 月）丙類消費物價指數上升了 4.0%，因此建議把有關費用相應上調 4.0%。至於 2018 年 7 月至 2020 年 7 月之間一般物價的變動，將會在下一輪兩年一度的檢討中反映。

Pursuant to the report by the then Secretary for the Treasury to the Legislative Council (LegCo) Finance Committee in October 1992, the Fees are subject to review on a biennial basis to take into account changes in Consumer Price Index (C) (CPI(C)) during the reference period. In conducting the biennial reviews, the Government takes into account mainly general price movement during the reference period and whether there has been difficulty in engaging the services of counsel and solicitors.

In the biennial review of 2018, noting that the CPI(C) for the reference period (i.e. July 2016 to July 2018) increased by 4.0%, the Government proposed to adjust the Fees upwards by 4.0% accordingly. The impact of general price movement between July 2018 and July 2020 will be reflected in the next biennial review.





下表總結過去五次兩年一度檢討的調整費用幅度（全部皆按相關參照期內錄得的丙類消費物價指數變動）和是次檢討的建議調整幅度：

The following table summarises the adjustments to the Fees in the past five biennial reviews (which were all based on the CPI(C) movement of the then reference period) and the adjustment proposed for the current review –

年份 Year	調整幅度 Adjustment
2008	+8.3%
2010	+1.6%
2012	+9.3%
2014	+7.7%
2016	+4.0%
2018	+4.0% (建議 proposed)

## 實施情況 Implementation

政府會把修訂《規則》的建議提交予由高等法院首席法官出任主席的刑事訴訟程序規則委員會（「規則委員會」）審批。如獲規則委員會批准，政府會向立法會動議一項決議案以修改法例，並在獲得立法會通過後，儘快確定生效日期。

本局歡迎上調費用的方案，並期待新刑事法律援助費用早日生效。

To adjust criminal legal aid fees, the Government will submit the proposed amendments to the LACCR to the Criminal Procedure Rules Committee (Rules Committee) chaired by the Chief Judge of the High Court for approval. Subject to the Rules Committee's approval, the Government will move a resolution in LegCo to effect the legislative changes and appoint the commencement date as soon as possible upon LegCo's approval.

The Council welcomes the proposed upward adjustment and is looking forward to the commencement of the revised criminal legal aid fees.

# 法律援助申請人財務資格限額的檢討

## Review of Financial Eligibility Limits of Legal Aid Applicants

政府在 2018 年 4 月告知本局法律援助（法援）申請人財務資格限額周年檢討的結果。

凡本身財務資源不超過財務資格限額的人士，在經濟上均符合資格申請法援。「財務資源」意指申請人每年可動用收入和可動用資產的總和。可動用收入是指個人的總收入在減去《法律援助（評定資源及分擔費用）規例》（《規例》）（第 91B 章）所規定可扣除項目後的餘額。除非《規例》訂明在計算可動用資產時應剔除某些項目，否則可動用資產須包括以下一切屬資本性質的資產，例如該人的貸方結餘總和、其他人須付予該人的款項、該人名下非金錢資源權益的價值、其業務或在公司的業務中所佔份額的價值等。

### 檢討 The Review

根據政府在 1999 年 9 月就《1999 年法律援助（修訂）條例草案》向立法會提交的報告，政府會每年檢討一次普通法律援助計劃（「普通計劃」）和法律援助輔助計劃（「輔助計劃」）的財務資格限額以計及一般物價變動的情況，而兩年一度進行的檢討則會計及訟費變動及其他相關的因素。

In April 2018, the Government informed the Council of the outcome of the annual review of the financial eligibility limits (FELs) of legal aid applicants.

A person is financially eligible for legal aid if his financial resources do not exceed the FEL. "Financial resources" means the aggregate of a legal aid applicant's yearly disposable income and disposable capital. A person's disposable income is his gross income minus deductible items as allowed under the Legal Aid (Assessment of Resources and Contributions) Regulations, ("the Regulations") (Cap. 91B). A person's disposable capital consists of all assets of a capital nature, such as the sum of his credit balance, money due to him, the value of his interest in non-money resources, the value of business or share in a company etc., unless such items should be excluded from calculation under the Regulations.

Pursuant to the Government's report to the Legislative Council (LegCo) on the Legal Aid (Amendment) Bill 1999 in September 1999, the FELs under the Ordinary Legal Aid Scheme (OLAS) and Supplementary Legal Aid Scheme (SLAS) are to be reviewed annually to take into account general price movement and biennially to take into account changes in litigation costs and other relevant factors.

在最新一輪財務資格限額周年檢討工作中，政府參照 2016 年 7 月至 2017 年 7 月期間丙類消費物價指數的變動，建議把財務資格限額相應調高 1.7%。至於 2017 年 7 月後一般物價變動所帶來的影響，則會在下一輪檢討中反映。調整前後的財務資格限額載列如下：

In the latest annual review of FELs, the Government proposed to adjust the FELs upward by 1.7% in accordance with the changes in Consumer Price Index (C) (CPI(C)) for the period from July 2016 to July 2017. The impact of general price movement after July 2017 will be reflected in the next review. The FELs before and after the adjustment are shown below –

	調整前的財務資格限額 FELs before Adjustment	調整後的財務資格限額 FELs after Adjustment
普通計劃下的法律援助 Legal aid under OLAS	\$302,000	\$307,130
刑事法律援助 Criminal legal aid	\$302,000	\$307,130
輔助計劃下的法律援助 Legal aid under SLAS	\$1,509,980	\$1,535,650

考慮到立法會就進行兩年一度檢討提出的意見和建議，政府現正探討蒐集訟費資料的可行方法。

Taking into account the views and suggestions of the LegCo on how to take forward the biennial review, the Government is exploring possible means to gather information on litigation costs.



## 實施情況 Implementation

政府根據《法律援助條例》第7條，向立法會提交調整財務資格限額的決議案。普通計劃和刑事法律援助的新財務資格限額為307,130元，而輔助計劃的新財務資格限額則為1,535,650元，新限額已於2018年11月23日起生效。

本局歡迎是次上調，並期待政府就進行兩年一度檢討的可行方法提出建議。

In accordance with section 7 of the Legal Aid Ordinance, the Government has moved a resolution in LegCo to adjust the FELs. The new FELs, i.e. \$307,130 for OLAS and criminal legal aid and \$1,535,650 for SLAS, came into effect from 23 November 2018.

The Council welcomes the increase and looks forward to the Government's proposal on the possible way to conduct the biennial review.

# 檔案法及公開資料諮詢文件

## Consultation Papers on Archives Law and Access to Information

在 2018 年 12 月，香港法律改革委員會（法改會）轄下的檔案法小組委員會發表諮詢文件，就現行政府檔案管理和存檔制度，諮詢公眾意見；其轄下的公開資料小組委員會亦在同月發表諮詢文件，就公眾索取政府或公共機構所持資料提出初步的改革建議。法援局獲邀就該兩份諮詢文件提出意見。

### 檔案法 Archives Law

歷史檔案是決策、行動和記憶的紀錄，是代代相傳而獨特且不可替代的遺產。歷史檔案及檔案也是政府據此承擔責任的工具。管理妥善的歷史檔案及檔案幫助人們明白「政府行動所涉及的人、時、地、方法和因由」。因此，歷史檔案對於良好管治而言是十分重要的。

在香港，政府檔案的管理和存檔工作由行政制度規管。政府檔案處屬政務司司長辦公室轄下行政署管轄，負責監督政府的整體檔案管理工作，以確保政府檔案得以妥善管理，同時具有歷史價值的檔案得以保存及供公眾查閱。政府決策局和部門需要依據政府就檔案管理所發行政指引和規定，訂立各自全面的檔案管理計劃。

In December 2018, the Archives Law Sub-committee of the Law Reform Commission of Hong Kong (the Commission) published a consultation paper to elicit public views on the management and archiving of government records. The Commission's Access to Information Sub-committee, in the same month, published a consultation paper making preliminary reform proposals for access by the public to information held by the Government or public bodies. The Council was invited to provide views on the two consultation papers.

Archives record decisions, actions and memories. They are a unique and irreplaceable heritage passed from one generation to another. Archives and records are also tools by which governments can make themselves accountable. Well-managed archives and records enable people to understand the "who, when, where, how and why of government actions". Archives are therefore central to good governance.

In Hong Kong, the management and archiving of government records are regulated under an administrative regime. The Government Records Service, under the purview of the Administration Wing of the Chief Secretary for Administration's Office, is tasked with overseeing the overall management of government records, and ensuring that they are properly managed whilst those with archival value are selected for preservation and public access. Government bureaux and departments are required to establish their records management

近年，有關團體、媒體和立法會議員要求政府加強保護政府檔案，當中部分人士促請在香港訂立檔案法。此外，用以管理資料的電子科技發展迅速，資訊系統應用日益增加，都為傳統的檔案保管機制帶來新挑戰。

終審法院首席法官聯同律政司司長將檔案法課題轉介予法改會研究。在2013年5月，檔案法小組委員會成立，並就此課題展開全面研究。小組委員會負責檢討關於管理、保存和取閱政府或公共檔案的現行制度，以便考慮是否需要進行改革；如需要進行改革的話，則提出適當的改革建議。簡而言之，小組委員會處理與保存歷史檔案有關的行政和運作事宜。

檔案法小組委員會在其諮詢文件臚列多條問題，以供諮詢公眾意見之用。諮詢文件可於法改會網站（<http://www.hkreform.gov.hk>）下載。

programmes in accordance with the administrative guidelines and requirements issued by the Government in relation to the management of their records.

In recent years, there have been calls from concern groups, the media and legislators, for the government to strengthen its protection of government records, with some urging for the introduction of an archives law in Hong Kong. Besides, the rapid development of electronic technologies for the management of information and the increasing use of information systems have also brought about new challenges to the conventional recordkeeping mechanism.

The Chief Justice and the Secretary for Justice referred the topic of archives law to the Commission for consideration. The Commission established the Archives Law Sub-committee in May 2013 to conduct a comprehensive study on this topic. The Sub-committee is tasked with the responsibility to review the current regime relating to management and preservation of, and access to government or public records for the purposes of considering whether reform is needed and if so, to make such recommendations for reform as appropriate. Simply speaking, it addresses administrative and operational matters in relation to the preservation of records as archives.

For consultation purpose, the Archives Law Sub-committee raised a number of questions in its consultation paper which can be downloaded from the Commission's website at <http://www.hkreform.gov.hk>.

## 公開資料 Access to Information

有關公開政府所持資料的現有行政安排乃按照一套非法定的《公開資料守則》（《守則》）訂立。《守則》界定可提供資料的範疇，列出按慣例或因應要求提供資料的方式，並訂明盡快發放資料的程序。《守則》授權和規定公務員除有特別理由外，須按慣例或因應要求提供資料，這些理由載列於《守則》第二部分。《守則》同時載列有關要求覆核或投訴的程序，以便市民在認為《守則》的規定未獲適當執行時提出覆核或投訴。

根據申訴專員條例（第 397 章），申訴專員有權就政府部門 / 機構沒有遵從《守則》的投訴進行調查。此外，任何人如因關於《守則》的事宜感到受屈，可向法院申請對有關事宜進行司法覆核。

有意見認為香港公開資料制度以行政安排為基礎，而沒有遵從《守則》者又不會受到法律制裁，情況有欠理想。提倡訂立公開資料法例的人常說，就公開資料立法可提高政府透明度和問責性，及令公眾更了解政府的決策。然而，有些研究發現，立法未能加強公眾對政府的信任，反而可引發相關議題的公開討論。

The existing access to government-held information regime is based on the non-statutory Code on Access to Information ("the Code"). The Code defines the scope of information that will be provided, sets out how the information will be made available either routinely or in response to a request, and lays down procedures governing its prompt release. It authorises and requires civil servants, routinely or on request, to provide information unless there are specific reasons for not doing so which are set out in Part 2 of the Code. The Code also sets out procedures for review or complaint if a member of the public considers that the provisions of the Code have not been properly applied.

The Ombudsman has powers under The Ombudsman Ordinance (Cap. 397) to investigate complaints against Government departments/agencies for non-compliance with the Code. In addition, persons feeling aggrieved on matters concerning the Code can apply to the courts for the matters to be judicially reviewed.

Some people consider that it is unsatisfactory for the access to information regime in Hong Kong to be based on an administrative scheme, and that there is no legal sanction for non-compliance with the Code. Advocates for access to information legislation often argue that such legislation can fulfil the objectives of increasing government transparency and accountability, as well as improving public understanding of decision-making. However, some studies found that such legislation cannot increase the level of trust in the government, but could provoke public debate on relevant issues.

在 2013 年，律政司司長及終審法院首席法官把下列範圍的課題交予法改會研究：

「檢討關於公眾索取政府或公共主管當局所持資料的現行制度，以便考慮是否需要進行改革；如需要進行改革的話，則提出適當的改革建議。」

公開資料小組委員會遂於 2013 年 5 月成立，負責研究上述課題，並向法改會提出改革建議。小組委員會集中研究索取「活」資料的權利，例如索取權的確認及有關豁免等事宜。

公開資料小組委員會在其諮詢文件提出多項建議，諮詢公眾就索取政府所持資料的現行制度是否需要改革，以及如認為需要的話，則屬意採用何種改革方案的意見。諮詢文件可於法改會網站 (<http://www.hkreform.gov.hk>) 下載。

## 法援局的意見 Council's Views

本局對適當保護公共檔案表示關切，以及認同讓公眾索取公共機構所持資料的重要性。本局在 2019 年 3 月，就兩份諮詢文件中一些本局較為關注的建議，表達了意見。

In 2013, the Secretary for Justice and the Chief Justice made the following reference to the Law Reform Commission of Hong Kong –

*"To review the current regime relating to access by the public to information held by the government or public authorities for the purposes of considering whether reform is needed and if so, to make such recommendations for reform as appropriate."*

The Commission established the Access to Information Sub-committee in May 2013 to consider the above terms of reference and to make proposals to the Commission for reform. The Sub-committee focuses its study on matters relating to the right of access to "live" information such as the recognition of a right to access and exemptions appertaining thereto.

In its consultation paper, the Sub-committee made a number of recommendations. It is seeking to consult the public as to whether reform of the current access to information regime is needed and if so, what kind of reform is to be preferred. The consultation paper can be downloaded from the Commission's website at <http://www.hkreform.gov.hk>.

The Council shares the concerns over proper protection of public records and recognises the importance of public access to information on public bodies. In March 2019, the Council provided its views on some of the recommendations of the two Consultation Papers which may concern the Council.



在決定那些公共機構應受公共檔案管理制度規管方面，檔案法小組委員會初步認為可效法英格蘭、愛爾蘭、新西蘭和新加坡的做法，即不時檢視應受公共檔案管理制度規管的特定機構。至於檔案管理機關的監督程度，小組委員會認為採用「針對個別情況處理」的方式會較恰當。本局雖對這觀點並無異議，但在公共機構被納入強制性統一檔案管理制度前，應當考慮其規模和資源。此外，政府應給予受影響公共機構充足時間和指引作準備改革，也應增撥額外補助，確保相關公共機構得到所需員工、辦公地方和配套設施以達到目標。再者，本局關注到如立法是未來的方向，尤其當探討涉及違法的後果 / 罰則時，要找受過適當訓練的員工去處理有關工作可能並不容易，並會打擊公共機構員工的士氣。正如諮詢文件所述，香港缺乏檔案管理專才是一個重大問題，數碼年代所帶來的挑戰也不容忽視。

至於公開資料方面，本局同意公開資料小組委員會的建議，公開資料制度所涵蓋的公共機構種類和數目應循序漸進地增加。本局認為擴大涵蓋範圍時必須考慮公共機構的規模和資源。此外，政府應給予受影響公共機構充足時間和指引作準備改革，同時由於推行公開資料制度將耗費相當大的人力資源，政府亦需

On determining which public bodies should be covered by the public records management regime, the Archives Law Sub-committee's provisional views are to follow the approach in England, Ireland, New Zealand and Singapore, i.e. enumerating from time to time, specific bodies that should be subject to the public records management regime and to adopt a "bespoke" approach in respect of the extent of oversight by the archival authority. While the Council has no objection to these views, it considered that size and resources of public bodies must be taken into consideration before imposing on them any uniform mandatory records management regime. Besides, sufficient time and guidelines should be provided to the affected public bodies to prepare for the changes and the Government should provide additional subvention to enable the public bodies concerned to acquire the necessary staff, office space and ancillary facilities to reach the purpose. Furthermore, if enactment is the way forward, in particular when the subject on the consequence/penalty on non-compliance is touched upon, the Council has concern that it may not be easy to identify staff with proper training to handle the related work and it would affect the public bodies' staff morale. As mentioned in the Consultation Paper, shortage of archives management professionals in Hong Kong is a big concern. The challenges brought by the digital era should also not be disregarded.

As regards access to information, the Council agrees to the Access to Information Sub-committee's recommendation that the types and numbers of public bodies that should be covered by the access to information regime should be expanded on a gradual and orderly basis. The Council considered that size and resources of public bodies must be taken into account

增撥額外補助予受影響的公共機構。但是，本局對當公共機構接到索取資料請求後，蓄意修改、刪除、銷毀或封存該等檔案或資料以妨礙披露是干犯罪行的建議，深表擔憂，原因是公共機構的員工可能會因沒有受過適當訓練去處理有關工作而誤墮法網。本局亦同樣關切，若申訴專員將來有權作出指示或免除通知曾提供機密或個人資料的第三者的情況下，批准申請人索取該等資料，公共機構會面臨因違反保密責任及個人私隱而引致的責任問題。當考慮此建議時，本局認為以上問題應得到適切解決。

when considering the expansion. Besides, sufficient time and guidelines should be provided to the affected public bodies to prepare for the changes and the Government should provide additional subvention to the public bodies concerned since the manpower resources required for running access to information regime would be considerably high. However, the Council has concern over the proposal that where a request for information has been made to a public body, it should be an offence to alter, erase, destroy or conceal records with intent to prevent disclosure of records or information. It is because the staff of public bodies may be at risk of committing an offence due to a lack of proper training to handle the related work. The Council also has concern over the public bodies' liabilities arising out of the breach of confidentiality and personal privacy if the Ombudsman is to be empowered to issue direction or dispense with the notification to the third party who provided confidential or personal information for granting access to an applicant for the information. The Council considered that this concern should be properly addressed when considering this proposal.

## 法律援助資訊的傳遞 Dissemination of Legal Aid Information

法援局成立了一個關於改善法律援助資訊傳遞的專責小組，檢視由法律援助署（「法援署」）提供的法援服務統計數據及相關資訊，以提高該署的運作透明度。

正如本局去年年報所述，專責小組已經開始著手研究法援署的衡量服務表現指標，並揀選了以下課題作進一步探討：

- a) 持分者的參與；及
- b) 支付大律師處理刑事法援案件費用的程序

### 持分者的參與 Engagement of Stakeholders

法援署的宣傳活動基本都是安排講座、接待參觀、播出電視宣傳短片、製作和分發宣傳單張和海報等，專責小組認為此類宣傳活動的重點過分狹窄，法援署應考慮舉辦更多方便雙向溝通的活動，以便與活動參與人士交流意見。除了繼續探討發展聊天機械人的可行性外，專責小組建議法援署可多善用社交媒體平台和科技，加強與公眾和相關持分者的溝通。

The Task Force on Dissemination of Legal Aid Information was established under the Council to review the statistics and information in relation to the legal aid services provided by the Legal Aid Department (LAD) with a view to enhancing the Department's operational transparency.

As reported in the Council's previous Annual Report, the Task Force has started the study of key performance indicators of LAD and selected the following items for further study –

- a) engagement of stakeholders; and
- b) procedure for payment of fees to counsel in criminal legal aid cases.

From the publicity programmes provided by LAD, it was noted that the activities are normally related to arranging talks, receiving visits, broadcasting of TV Announcement in Public Interests, publishing and distributing information leaflets and posters, etc. The Task Force opined that the focus of the publicity programmes was too narrow and LAD should consider arranging more activities that could allow two-way communication so as to exchange views with recipients of the programmes. Apart from the development of a "Chatbot", the feasibility of which is being explored by LAD, the Task Force suggested that the Department could make more use of the social media platforms and technology to improve communication with members of the public and the relevant stakeholders.

區議員和社工通常是需法律服務人士的第一個接觸點。現時，很多區議員或社工在法律專業人士的協助下，會為公眾提供免費法律服務。如能透過他們向公眾簡述法援制度的運作及將公眾在法律服務方面的需要反映給政府，這將對持續發展香港法援服務甚有幫助。因此，專責小組建議法援署考慮建構一個連結他們的平台，例如舉辦與區議員和社工交換意見的論壇。此舉不單顯示政府正努力收窄香港法律服務的差距，也可藉機會發出法援服務不能單靠政府提供的訊息。

香港政府一站通是一個按範疇分類連結至有關政府資訊及服務的一站式入門網站。目前該網站列出由不同持分者提供的免費法律服務。專責小組指出公眾可能會覺得該份名單不太有幫助，因為他們大多不知道該如何選擇服務或者著手進行。專責小組認為應成立一個統籌平台，幫助公眾選擇最適當的法律支援服務。法援署可考慮上載目前有提供免費法律服務的機構名單至法援署網站作為起點，同時呼籲和鼓勵更多機構參與提供免費法律服務。

另外，專責小組注意到有一些海外國家會招募法律系學生成為義工，提供法律服務。專責小組認為讓法律系學生於學

District Council members and social workers are usually the first point of contact for the people in need of legal services. At present, many District Council members or social workers, with the help of the legal profession, are providing free legal services to members of the public. If they could help briefing the public on how the legal aid system works and forward the public concerns on legal needs to the Government, it would be benefit for further developing the legal aid services of Hong Kong. Therefore, the Task Force suggested LAD to consider establishing a connection with them, such as arranging a discussion forum to exchange views with District Council members and social workers. That arrangement would not only demonstrate that the Government is making effort to narrow the gaps in legal services of Hong Kong, it would also provide an opportunity to disseminate a message that legal aid could not be provided by the Government alone.

At present, the "GovHK", which is a one-stop portal of the Government which features links to information and services categorised by subjects, is providing a list of free legal services offered by different stakeholders. The Task Force commented that people may not find the list useful, as in most cases they do not know which services should be sought and how to proceed. The Task Force opined that a coordinated platform should be established to advise people to select the most suitable legal assistance. As a start, LAD may consider uploading a list of the organisations currently engaged in the provision of free legal services onto its website and adding a remark to encourage more organisations to participate in the delivery of free legal services.

習初期在法援署服務，將會是他們一個可貴的經驗，亦可藉此鼓勵他們服務社會。因此，專責小組建議法援署可參考外國經驗，考慮安排法律系學生多參與法援服務。

Besides, the Task Force noted that some overseas countries would recruit law students to serve as volunteers in the delivery of legal services. It opined that engaging law students at the early stage of their studies to provide services in LAD should be a valuable experience for them and could encourage them to serve the community. Therefore, the Task Force suggested LAD to draw reference to the overseas experience and consider engaging law students more in the delivery of legal aid services.

## 支付大律師處理刑事法援案件費用的程序 Procedures for Payment of Fees to Counsel in Criminal Legal Aid Cases

法援署處理支付大律師費用的所需時間一直備受關注，為檢視這問題可否透過改善運作透明度得到解決，專責小組開展研究支付大律師處理刑事法援案件費用的程序。

根據法援署提供的資料顯示，超過百份之九十九的預支款項（即中期付款）及結餘款項（即最終付款）的付款所需時間都能達到服務承諾的要求。專責小組儘管認同現行程序有必要以確保制衡措施有效運作，法援署應考慮將支付款項的程序上載至其網站，以及增加與外委律師聯絡有關處理付款的進度。為表法援署改善其服務質素的決心，專責小組亦建議法援署可考慮引入更多服務承諾，和作出定期檢討以訂立更高目標。

There have been concerns over the time taken by LAD to process payment of fees to counsel. To study whether the concerns could be addressed by enhancing the operational transparency, the Task Force has started the study of the payment procedures of fees to counsel in criminal legal aid cases.

Based on the information provided by LAD, it was noted that more than 99% of the advance payments (i.e. interim payments) and balance payments (i.e. final payments) could meet the performance pledges. While the Task Force appreciated that the existing procedures were essential for ensuring the check and balance function being in place, LAD should consider uploading the payment procedures onto its website and enhance communication with the assigned lawyers on the progress of the payment processing. The Task Force also suggested that LAD may consider introducing more performance pledges and reviewing them regularly to make it at a higher level with a view to demonstrating LAD's determination to improve the quality of service.

## 與相關持分者的聯繫

# Communication with Relevant Stakeholders

法援局自成立以來，一直與負責制定法律援助（法援）政策及管理法律援助署的政策局保持密切聯繫。在 2018-2019 年間，政府告知本局關於政府就不同法援議題提出的建議或表達的立場，包括呈交立法會司法及法律事務委員會的文件。這些文件涉及法律援助署署長第一押記的檢討、法援申請人財務資格限額的檢討、法律援助輔助計劃的檢討、兩年一度的刑事法律援助費用、檢控費用及當值律師費用的檢討、有關法援的政策措施以及香港的社區法律援助。自 2018 年 7 月 1 日起，法援政策範疇已從民政事務局轉移至政務司司長辦公室。政務司司長辦公室的代表出席了一次本局會議，就上述部份議題作出簡介，及與本局成員交流意見。

在本年度，本局獲政府邀請開始進行新一輪法律援助輔助計劃的檢討，尤其是針對研究將該計劃的涵蓋範圍擴大至包括對多層大廈業主立案法團提出的索償的可行性，並在檢討完畢後向政府提出建議。本局也收到大律師公會提出的請求，就委派大律師根據大律師證明書計劃提供服務的定額費用作出檢討。本局現正進行這兩項檢討。

Since its establishment, the Council has maintained regular contacts with the government bureau responsible for formulating legal aid policy and housekeeping the Legal Aid Department. In 2018-2019, the Council was kept informed of the Government's proposals or positions in relation to legal aid issues, including the papers submitted to the Panel on Administration of Justice and Legal Services of the Legislative Council. Those papers were related to the review of the Director of Legal Aid's First Charge; review of financial eligibility limits of legal aid applicants; review of the Supplementary Legal Aid Scheme; biennial review of criminal legal aid fees, prosecution fees and duty lawyer fees; policy initiatives of legal aid; and the community legal assistance in Hong Kong. With effect from 1 July 2018, the legal aid portfolio was transferred from the Home Affairs Bureau to the Chief Secretary for Administration's Office (CSO). Representatives of the CSO have attended one of the Council's meetings for briefing and exchanging views with Members on some of the above-said matters.

During the year, the Council received an invitation from the Government to embark on the next round of review of the Supplementary Legal Aid Scheme (SLAS), in particular, to look into the possibility of expanding the scope of SLAS to include claims against the incorporated owners of multi-storey buildings and to provide recommendations to the Government upon completion of the review. The Council also received requests from the Hong Kong Bar Association for conducting a review of the fixed fees for services of counsel assigned under the Certificate by Counsel Scheme. Both reviews are underway.



▲ 本局主席出席《廉政行動2019》的首映禮。  
The Council Chairman attended the premiere of "ICAC Investigator 2019".

本局主席在2018年11月17日為香港律師會主辦的「法律周」暨「青Teen講場2018」開幕禮擔任主禮嘉賓。「青Teen講場」是一個由律師會主辦的旗艦活動，旨在透過提供與律師的互動平台，向香港年輕一代推廣法律教育。主席亦在2019年3月29日應廉政公署邀請，出席《廉政行動2019》電視劇集之首集名為「初心」的首映禮。此劇集改編自近年廉政公署的真實個案。廉政劇集不但教育市民貪污的禍害，更展現不同年代的廉署人員為守護廉潔香港付出的努力和永不言敗的決心。

On 17 November 2018, the Council Chairman officiated at the Joint Opening Ceremony of Law Week and Teen Talk 2018, which was launched by The Law Society of Hong Kong. Teen Talk is a flagship programme of the Law Society which aims at promoting legal education amongst the younger generation through an interactive forum with Hong Kong lawyers. On 29 March 2019, at the invitation of the Independent Commission Against Corruption (ICAC), the Council Chairman attended a premiere of the first episode "Passion" of the "ICAC Investigators 2019", which is a TV drama series adapted from real ICAC cases. Apart from educating the public against the evils of corruption, the drama series is a showcase of the perseverance and determination of ICAC officers from different generations in safeguarding a corruption-free Hong Kong.



▲ 本局主席擔任「法律周」暨「青Teen講場2018」開幕禮的主禮嘉賓。(相片提供：香港律師會)  
The Council Chairman officiated at the Joint Opening Ceremony of Law Week and Teen Talk 2018. (Photo credit: The Law Society of Hong Kong)

# 大律師證明書計劃

## Certificate by Counsel Scheme

根據《法律援助條例》第 26A 條的規定，凡向終審法院提出上訴而不獲批法援的人士，可以在法律援助署署長作出拒絕批出法援的決定後 28 天內申請覆核。尋求覆核的申請必須附有由在香港執業的大律師發出的證明書，述明該申請人有合理機會向終審法院上訴得直，以及提出該項意見的理由。

上述人士如通過申請法援的經濟審查，可考慮申請法援局的援助計劃。本局會為合資格申請人免費安排簽發一張大律師證明書。在民事案件方面，本局只會考慮為已在上訴法庭進行聆訊，並有意就實質裁決所頒布的判決、判定或命令向終審法院提出上訴的案件，安排簽發大律師證明書。

在 2018 年 4 月 1 日至 2019 年 3 月 31 日期間，本局共接獲 67 宗要求提供大律師證明書的申請。其中最多申請人涉及的刑事案件類別是「販賣危險藥物」，佔總刑事案件申請的 55.3%；至於民事案件，超過一半的申請與「免遣返聲請」有關。在 67 宗申請中，58 宗獲批（包括兩宗在 2019 年 4 月被終止的個案），八宗被拒，另有一宗被終止。

在已簽發的 56 份大律師證明書中，13 份證明申請人有合理機會上訴得直，另外 43 份則述明申請人提出的上訴並無合理機會成功。

Under section 26A of the Legal Aid Ordinance, a person who has been refused legal aid in respect of his appeal to the Court of Final Appeal (CFA) may seek a review of the Director of Legal Aid's refusal within 28 days of the decision. The application for review must be accompanied by a certificate by counsel stating that the person has a reasonable prospect of success in the appeal and the grounds for that opinion.

If the above-mentioned applicant has passed the means test for legal aid, he may consider applying for the assistance scheme administered by the Council. Eligible applicants will be provided with a certificate by counsel free of charge. For civil cases, a certificate by counsel will only be provided if the case has been heard by the Court of Appeal (CA) and the intended appeal to the CFA is related to a judgment or decision or order on the substantive merits of the case as opposed to an interlocutory decision or order by the CA.

From 1 April 2018 to 31 March 2019, the Council received 67 applications for the provision of a certificate by counsel. The most common type of criminal case involved was "trafficking in dangerous drugs" accounting for 55.3% of total criminal applications. As for civil cases, more than half of the applications were related to "non-refoulement claims". Of the 67 applications, 58 were approved (including two which were discontinued in April 2019), eight were refused and one was aborted.

Of the 56 certificates by counsel issued, 13 certificates stated that the applicants had reasonable prospects of success in their intended appeal while 43 stated that they did not.



至於該 13 宗獲大律師證明申請人有合理機會上訴得直的案件，法律援助署（法律援助署）經覆核後，決定為其中 12 宗提供法律援助。

在 2017-2018 年度及 2018-2019 年度接獲的申請的相關統計列表如下：

For the 13 cases certified by counsel to have reasonable prospects of success, the Legal Aid Department (LAD) granted legal aid to 12 of the applicants after reviewing the matter.

The relevant statistics on the applications received in 2017-2018 and 2018-2019 are set out in the table below –

	2017 年 4 月 1 日至 2018 年 3 月 31 日 1.4.2017 to 31.3.2018			2018 年 4 月 1 日至 2019 年 3 月 31 日 1.4.2018 to 31.3.2019		
	刑事案件 Criminal Case	民事案件 Civil Case	總計 Total	刑事案件 Criminal Case	民事案件 Civil Case	總計 Total
<b>申請 Applications</b>						
獲批 Approved	38	4	42	42	14	56
被拒 Refused	7	2	9	4	4	8
被終止 Aborted	2	1	3	1	0	1
被撤回 Withdrawn	1	0	1	0	0	0
總計 Total	48	7	55	47	18	65

	2017年4月1日至2018年3月31日 1.4.2017 to 31.3.2018			2018年4月1日至2019年3月31日 1.4.2018 to 31.3.2019		
	刑事案件 Criminal Case	民事案件 Civil Case	總計 Total	刑事案件 Criminal Case	民事案件 Civil Case	總計 Total
<b>大律師證明書 Certificates by counsel</b>						
有合理機會上訴得直案件 Cases certified to have reasonable prospects of success	7	0	7	11	2	13
無合理機會上訴得直案件 Cases certified not to have reasonable prospects of success	31	4	35	31	12	43
總計 Total	38	4	42	42	14	56
<b>有合理機會上訴得直案件 Cases certified to have reasonable prospects of success</b>						
經法律援助覆核後獲提供法律援助 Legal aid granted after review by LAD	6	0	6	10	2	12
經法律援助覆核後不獲提供法律援助 Legal aid not granted after review by LAD	1	0	1	0	0	0
法律援助覆核中 Under review by LAD	0	0	0	0	0	0
總計 Total	7	0	7	10*	2	12

\* 在一宗獲大律師證明有合理機會上訴得直的刑事案件中，申請人未有提交新一份法律援助申請供法律援助覆核。  
In one criminal case certified by counsel to have reasonable prospects of success on appeal, the applicant has not submitted a fresh application for review by LAD.



以上統計數據顯示：

- (a) 2018-2019 年度總申請數目上升了 21.8% (由 2017-2018 年度的 55 宗上升至 2018-2019 年度的 67 宗)；主要是由於與民事案件有關的申請上升了 185.7% (由 2017-2018 年度的 7 宗上升至 2018-2019 年度的 20 宗)；
- (b) 在 2018-2019 年度獲大律師確認為合理機會上訴得直的案件上升了 6% (由 2017-2018 年度的 17% 上升至 2018-2019 年度的 23%)；和

The above statistics reveal that –

- (a) the total number of applications in 2018-2019 has increased by 21.8% (from 55 in 2017-2018 to 67 in 2018-2019), which is mainly caused by the increase of 185.7% in the number of applications for civil cases (from 7 in 2017-2018 to 20 in 2018-2019);
- (b) the percentage of cases certified by counsel to have reasonable prospects of success in 2018-2019 has increased by 6% (from 17% in 2017-2018 to 23% in 2018-2019); and

(c) 在 2017-2018 年度及 2018-2019 年度，法援署因應大律師意見提供法律援助的案件的百分比，分別為 85.7% 及 100%（不包括申請人未有提交新一份法援申請供法援署覆核的案件）。

在 2018-2019 年度，就 56 宗成功獲批的申請，合共撥出 1,848,000 元作為支付大律師及律師提供證明書的費用，詳情如下：

(c) the percentage of cases where legal aid was granted by LAD in light of the counsel certificates in 2017-2018 and 2018-2019 are 85.7% and 100% (excluding the case for which the applicant has not submitted a fresh legal aid application to LAD for review).

In 2018-2019, a total of \$1.848 million was committed as fees for counsel and solicitors to provide certificates for the 56 approved applications. Details are as follows –

	獲批 申請數目 Number of Applications Approved	每宗個案的 大律師費用 Counsel's Fee/Case	大律師 費用總計 Total Counsel Fees	每宗個案的 律師費用 Solicitor's Fee/Case	律師 費用總計 Total Solicitor Fees	費用總數 Total Fees
刑事案件 Criminal Case	42	\$15,000	\$630,000	\$9,000	\$378,000	\$1,008,000
民事案件 Civil Case	14	\$40,000	\$560,000	\$20,000	\$280,000	\$840,000
總計 Total	56		\$1,190,000		\$658,000	\$1,848,000

# 行政 Administration

## 法援局會議出席紀錄 Attendance at Council Meetings

法援局在 2018-2019 年度召開了六次會議，其中兩次出席成員數目未達法定人數要求。各成員出席率列表如下：

In 2018-2019, the Council has convened six meetings but there were not enough members present to constitute a quorum for two of the meetings. The attendance rate of members is set out in the table below –

法援局成員姓名 Name of Council Members	出席會議次數 <sup>#</sup> No. of Meetings Attended <sup>#</sup>	出席率 Attendance Rate
李家祥博士 Dr Eric LI Ka Cheung	4	100%
陳曉峰先生* Mr Nicholas CHAN*	3	100%
莊偉倫先生* Mr Warren GANESH*	3	100%
劉麥嘉軒女士 Mrs Ayesha LAU	3	75%
梁宏正先生 Mr Clarence LEUNG	3	75%
白天賜先生* Mr Timothy PARKER*	2	66%
石書銘先生* Mr Randy SHEK*	3	100%
溫麗司女士* Miss Iris WAN*	2	66%
王惠貞女士 Ms Connie WONG	1	25%
法律援助署署長 Director of Legal Aid	4	100%

\* 他們於 2018 年 9 月 1 日加入成為法援局成員。在 2018 年 9 月至 2019 年 3 月期間，本局召開了三次會議。  
They joined the Council as member on 1 September 2018. During the period from September 2018 to March 2019, three meetings were convened.

# 兩次出席成員數目未達法定人數要求的會議並不計算在內。  
Two meetings for which there were not enough members present to constitute a quorum were not included.

## 環保措施 Environmental Initiatives

本局依循「減少、再用、回收」概念，盡力成為有環保意識的消費者。於 2018-2019 年度，本局延續所有減廢節能措施。為進一步減少對環境的影響，本局會繼續加強培訓以提升員工的環保意識，同時鼓勵他們積極參與制定保護環境的措施。除此之外，本局也根據廢電器電子產品生產者責任計劃來處理需棄置的廢舊設備。該計劃旨在香港推廣回收和妥善棄置廢電器電子產品，其中包括空調機、雪櫃、洗衣機、電視機、電腦、打印機、掃描器及顯示器。

The Council has sought to implement the Reduce, Reuse and Recycle (3Rs) concept and to be an environmentally conscious consumer. All existing measures to minimise waste, conserve energy, etc. were continued in 2018-2019. To further minimise the environmental impact, the Council will continue to enhance staff awareness and participation in devising measures to protect the environment. Besides, the Council will follow the Producer Responsibility Scheme on waste electrical and electronic equipment (WEEE) to handle waste equipment requiring disposal, which aims to promote recycling and proper disposal of WEEE generated in Hong Kong. It covers eight types of equipment including air-conditioners, refrigerators, washing machines, televisions, computers, printers, scanners and monitors.

## 職員編制 Staffing

在 2019 年 3 月 31 日，秘書處有兩個職位由本局聘請的合約員工擔任，另外四個職位則由政府借調公務員擔任。本局因應政府最新的措施 / 安排，決定將合約員工可享有的分娩假期由 10 個星期延長至 14 個星期。

As at 31 March 2019, two posts in the Secretariat were filled by staff employed by the Council on a contract basis and four other posts were filled by civil servants seconded from the Government. To follow the latest practice/arrangement of the Government, the Council has decided to extend the maternity leave for the Council's contract staff from 10 weeks to 14 weeks.

# 審計署署長報告 — 法律援助服務局 帳目審計結果

## Report of the Director of Audit on the Accounts of LASC

### 獨立審計師報告 致立法會

### Independent Auditor's Report To the Legislative Council

#### 意見

我已審計列載於第 58 至第 75 頁法律援助服務局的財務報表，該等財務報表包括於 2019 年 3 月 31 日的資產負債表與截至該日止年度的收支報表、權益變動表和現金流量表，以及財務報表的附註，包括主要會計政策概要。

我認為，該等財務報表已按照香港會計師公會頒布的《香港財務報告準則》真實而中肯地反映法律援助服務局於 2019 年 3 月 31 日的財務狀況及截至該日止年度的財務表現和現金流量，並已按照《法律援助服務局條例》（第 489 章）妥為擬備。

#### 意見的基礎

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。我根據該等準則而須承擔的責任，詳載於本報告「審計師就財務報表審計而須

#### Opinion

I have audited the financial statements of the Legal Aid Services Council set out on pages 58 to 75, which comprise the balance sheet as at 31 March 2019, and the income and expenditure account, statement of changes in equity and statement of cash flows for the year then ended, and notes to the financial statements, including a summary of significant accounting policies.

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 2019, and of its financial performance and cash flows for the year then ended in accordance with Hong Kong Financial Reporting Standards (“HKFRSs”) issued by the Hong Kong Institute of Certified Public Accountants (“HKICPA”) and have been properly prepared in accordance with the Legal Aid Services Council Ordinance (Cap. 489).

#### Basis for opinion

I conducted my audit in accordance with section 13(1) of the Legal Aid Services Council Ordinance and the Audit Commission

承擔的責任」部分。根據該等準則，我獨立於法律援助服務局，並已按該等準則履行其他道德責任。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。

### 法律援助服務局就財務報表而須承擔的責任

法律援助服務局須負責按照香港會計師公會頒布的《香港財務報告準則》及《法律援助服務局條例》擬備真實而中肯的財務報表，及落實其認為必要的內部控制，使財務報表不存有因欺詐或錯誤而導致的重大錯誤陳述。

在擬備財務報表時，法律援助服務局須負責評估其持續經營的能力，以及在適用情況下披露與持續經營有關的事項，並以持續經營作為會計基礎。

### 審計師就財務報表審計而須承擔的責任

我的目標是就整體財務報表是否不存有任何因欺詐或錯誤而導致的重大錯誤陳述取得合理保證，並發出包括我意見的審計師報告。合理保證是高水平的保證，但不能確保按審計署審計準則進行的審計定能發現所存有的任何重大錯誤陳述。錯誤陳述可以由欺詐或錯誤引起，如果合理預期它們個別或匯總起來可能影響財務報表使用者所作出的經濟決定，則會被視作重大錯誤陳述。

auditing standards. My responsibilities under those standards are further described in the *Auditor's responsibilities for the audit of the financial statements* section of my report. I am independent of the Legal Aid Services Council in accordance with those standards, and I have fulfilled my other ethical responsibilities in accordance with those standards. I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my opinion.

### *Responsibilities of the Legal Aid Services Council for the financial statements*

The Legal Aid Services Council is responsible for the preparation of the financial statements that give a true and fair view in accordance with HKFRSs issued by the HKICPA and the Legal Aid Services Council Ordinance, 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.

In preparing the financial statements, the Legal Aid Services Council is responsible for assessing its ability to continue as a going concern, disclosing, as applicable, matters related to going concern and using the going concern basis of accounting.

### *Auditor's responsibilities for the audit of the financial statements*

My objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes my opinion. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with the Audit Commission auditing standards will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of these financial statements.



在根據審計署審計準則進行審計的過程中，我會運用專業判斷並秉持專業懷疑態度。我亦會：

- 識別和評估因欺詐或錯誤而導致財務報表存有重大錯誤陳述的風險；設計及執行審計程序以應對這些風險；以及取得充足和適當的審計憑證，作為我意見的基礎。由於欺詐可能涉及串謀、偽造、蓄意遺漏、虛假陳述，或凌駕內部控制的情況，因此未能發現因欺詐而導致重大錯誤陳述的風險，較未能發現因錯誤而導致者為高；
- 了解與審計相關的內部控制，以設計適當的審計程序。然而，此舉並非旨在對法律援助服務局內部控制的有效性發表意見；
- 評價法律援助服務局所採用的會計政策是否恰當，以及其作出的會計估計和相關資料披露是否合理；
- 判定法律援助服務局以持續經營作為會計基礎的做法是否恰當，並根據所得的審計憑證，判定是否存在重大不確定的事件或情況，而該不確定的事件或情況可能對法律援助服務局持續經營的能力構成重大疑慮。如果我認為存在重大不確定的事件或情況，則有必要在審計師報告中請使用者留意財務報表中的相關資料披露。假若所披露的相關資料不足，我便須發出非無保留意見的審計師報告。我的結論是基於截至審計師報告日止所取得的審計憑證。然而，未來事件或情況可能導致法律援助服務局不能繼續持續經營；及

As part of an audit in accordance with the Audit Commission auditing standards, I exercise professional judgment and maintain professional skepticism throughout the audit. I also –

- identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for my opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control;
- obtain an understanding of internal control relevant to the audit 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 Legal Aid Services Council's internal control;
- evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by the Legal Aid Services Council;
- conclude on the appropriateness of the Legal Aid Services Council's use of the going concern basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the Legal Aid Services Council's ability to continue as a going concern. If I conclude that a material uncertainty exists, I am required to draw attention in my auditor's report to the related disclosures in the financial statements or, if such disclosures are inadequate, to modify my opinion. My conclusions are based on the audit evidence obtained up to the date of my auditor's report. However, future events or conditions may cause the Legal Aid Services Council to cease to continue as a going concern; and

- 評價財務報表的整體列報方式、結構和內容，包括披露資料，以及財務報表是否中肯反映交易和事項。
- evaluate the overall presentation, structure and content of the financial statements, including the disclosures, and whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation.



審計署署長  
(審計署首席審計師梁家倫先生代行)

LIANG Kar-lun, Ken  
Principal Auditor  
for Director of Audit

2019年8月14日

14 August 2019

審計署  
香港灣仔告士打道7號  
入境事務大樓26樓

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

## 資產負債表 BALANCE SHEET

於 2019 年 3 月 31 日 AS AT 31 MARCH 2019

		附註 Note	2019 港幣 HK\$	2018 港幣 HK\$
<b>非流動資產</b>	<b>NON-CURRENT ASSETS</b>			
物業、廠房及設備	Property, plant and equipment	3	56,575	77,816
<b>流動資產</b>	<b>CURRENT ASSETS</b>			
現金及等同現金項目	Cash and cash equivalents	4	994,481	874,209
應收利息	Interest receivable		227	6
按金	Deposit		2,250	2,200
			996,958	876,415
<b>流動負債</b>	<b>CURRENT LIABILITIES</b>			
約滿酬金撥備	Provision for gratuities		(21,045)	(13,918)
未放取假期撥備	Provision for untaken leave		(12,401)	(7,948)
			(33,446)	(21,866)
<b>淨流動資產</b>	<b>NET CURRENT ASSETS</b>		963,512	854,549
<b>淨資產</b>	<b>NET ASSETS</b>		1,020,087	932,365
上列項目代表：	Representing:			
<b>政府基金</b>	<b>GOVERNMENT FUNDS</b>			
經常性補助基金	Recurrent subvention fund	5	1,020,087	932,365

隨附附註 1 至 13 亦為上述財務報表的一部分。  
The accompanying notes 1 to 13 form part of these financial statements.

此等財務報表已於 2019 年 8 月 14 日經法律援助服務局核實及批准發行。  
Approved and authorised for issue by the Legal Aid Services Council on 14 August 2019.



(李家祥博士) Dr Eric Li Ka Cheung  
主席 Chairman

## 收支報表 INCOME AND EXPENDITURE ACCOUNT

截至 2019 年 3 月 31 日止年度 FOR THE YEAR ENDED 31 MARCH 2019

		附註 Note	2019 港幣 HK\$	2018 港幣 HK\$
<b>收入</b>	<b>INCOME</b>			
政府補助	Government subventions	6	<b>6,846,000</b>	7,007,000
利息收入	Interest income		<b>518</b>	22
			<b>6,846,518</b>	7,007,022
<b>支出</b>	<b>EXPENDITURE</b>			
職員酬金	Staff emoluments	7	<b>(4,533,386)</b>	(4,272,182)
租金及管理費	Rent and management fees		<b>(1,950,233)</b>	(1,931,709)
其他開支	Other expenses	8	<b>(275,177)</b>	(305,191)
			<b>(6,758,796)</b>	(6,509,082)
<b>本年度盈餘</b>	<b>SURPLUS FOR THE YEAR</b>		<b>87,722</b>	497,940
其他全面收入	Other comprehensive income		-	-
<b>本年度全面收益總額</b>	<b>TOTAL COMPREHENSIVE INCOME FOR THE YEAR</b>		<b>87,722</b>	497,940

隨附附註 1 至 13 亦為上述財務報表的一部分。  
The accompanying notes 1 to 13 form part of these financial statements.

## 權益變動表 STATEMENT OF CHANGES IN EQUITY

截至 2019 年 3 月 31 日止年度 FOR THE YEAR ENDED 31 MARCH 2019

港幣 HK\$

經常性補助基金	RECURRENT SUBVENTION FUND	
於 2017 年 4 月 1 日結餘	Balance as at 1 April 2017	434,425
當年全面收益總額	Total comprehensive income for the year	<u>497,940</u>
於 2018 年 3 月 31 日結餘	Balance as at 31 March 2018	932,365
當年全面收益總額	Total comprehensive income for the year	<u>87,722</u>
於 2019 年 3 月 31 日結餘	Balance as at 31 March 2019	<u><u>1,020,087</u></u>

隨附附註 1 至 13 亦為上述財務報表的一部分。

The accompanying notes 1 to 13 form part of these financial statements.

## 現金流量表

### STATEMENT OF CASH FLOWS

截至 2019 年 3 月 31 日止年度 FOR THE YEAR ENDED 31 MARCH 2019

		附註 Note	2019 港幣 HK\$	2018 港幣 HK\$
<b>經營活動的現金流量</b>	<b>Cash flows from operating activities</b>			
本年度盈餘	Surplus for the year		<b>87,722</b>	497,940
折舊	Depreciation		<b>21,241</b>	20,248
利息收入	Interest income		<b>(518)</b>	(22)
按金增加	Increase in deposits		<b>(50)</b>	-
約滿酬金撥備增加	Increase in provision for gratuities		<b>7,127</b>	620
未放取假期撥備增加	Increase in provision for untaken leave		<b>4,453</b>	1,528
			<b>119,975</b>	520,314
<b>經營活動所得的現金淨額</b>	<b>Net cash generated from operating activities</b>			
<b>投資活動所得的現金流量</b>	<b>Cash flows from investing activities</b>			
購入物業、廠房及設備	Acquisition of property, plant and equipment		-	(26,100)
已收利息	Interest received		<b>297</b>	19
			<b>297</b>	(26,081)
<b>投資活動所用的現金淨額</b>	<b>Net cash used in investing activities</b>			
<b>現金及等同現金項目增加淨額</b>	<b>Net increase in cash and cash equivalents</b>		<b>120,272</b>	494,233
年初的現金及等同現金項目	Cash and cash equivalents at beginning of year		<b>874,209</b>	379,976
年末的現金及等同現金項目	Cash and cash equivalents at end of year	4	<b>994,481</b>	874,209

隨附附註 1 至 13 亦為上述財務報表的一部分。  
The accompanying notes 1 to 13 form part of these financial statements.

## 帳目附註 Notes to The Financial Statements

### 1. 一般資料

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

本局是一個非牟利組織，旨在監管在香港由法律援助署提供的法律援助服務，並就法律援助政策向政府提供意見。

本局註冊辦事處的地址為香港銅鑼灣告士打道262號中糧大廈16樓1601室。

### 2. 主要會計政策

#### 2.1 符合準則聲明

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

香港會計師公會頒布了若干新增及經修訂的《香港財務報告準則》，並於本會計期首次生效或可供提前採納。本局因首度採納其中適用的準則而引致在本財務報表反映的本會計期及前會計期的會計政策的改變，載於附註2.3。

### 1. General Information

The Legal Aid Services Council (“the Council”) was established 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, COFCO 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 (HKICPA) and the requirements of the Legal Aid Services Council Ordinance.

The HKICPA has issued certain new and revised HKFRSs that are first effective or available for early adoption for the current accounting period of the Council. Note 2.3 provides information on any changes in accounting policies resulting from initial application of these developments to the extent that they are relevant to the Council for the current and prior accounting periods reflected in these financial statements.

## 2.2 編製基準

財務報表按應計記帳方式及歷史成本法編製。

編製符合《香港財務報告準則》的財務報表需要管理層作出會影響會計政策的實施、以及資產與負債和收入與支出的呈報款額的判斷、估計及假設。該等估計及相關的假設，均按經驗及其他在有關情況下被認為合理的因素而制訂。倘若沒有其他現成數據可供參考，則會採用該等估計及假設作為判斷有關資產及負債的帳面值的基礎。估計或會與實際價值有所不同。

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

本局在實施會計政策時並不涉及任何關鍵的會計判斷，在報告日亦無對未來作出任何主要的假設或估計有其他重要的不明朗因素會構成重大風險，導致資產和負債的帳面值在來年需大幅修訂。

## 2.3 會計政策的改變

香港會計師公會頒布了若干新增及經修訂的《香港財務報告準則》，並於本會計期首次生效。其中，本局自2018年4月1日起已採納《香港財務報告準則》第9號「金融工具」的規定。

## 2.2 Basis of preparation

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

The preparation of financial statements in conformity with HKFRSs requires management to make judgements, estimates and assumptions that affect the application of policies and reported amounts of assets, liabilities, income and expenditure. The estimates and associated assumptions are based on experience and various other factors that are believed to be reasonable under the circumstances, the results of which form the basis for making judgements about the carrying values of assets and liabilities that are not readily apparent from other sources. Actual results may differ from these estimates.

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

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

## 2.3 Changes in accounting policies

The HKICPA has issued a number of new HKFRSs and amendments to HKFRSs that are first effective for the current accounting period of the Council. Of these, the Council has adopted the requirements of HKFRS 9 "Financial Instruments" from 1 April 2018.



《香港財務報告準則》第9號取代了《香港會計準則》第39號「金融工具：確認及計量」。該準則規定了金融資產、金融負債及一些買賣非金融項目合約的確認及計量方法。

本局按照過渡規定採用《香港財務報告準則》第9號追溯修訂2018年4月1日已存在的項目，比較資料並無重新列示（即有關的比較資料繼續根據《香港會計準則》第39號報告）。項目於2018年4月1日的帳面值不受首次採用的《香港財務報告準則》第9號影響。

有關過往會計政策改動的性質和影響的進一步詳情載列如下：

(i) 金融資產的分類

《香港財務報告準則》第9號將金融資產分為三個主要類別：(i) 按攤銷成本值計量；(ii) 按公平值計入其他全面收益；及(iii) 按公平值計入損益帳。上述分類取代了《香港會計準則》第39號的持至期滿的投資、貸款及應收帳款、可供出售的金融資產及按公平值計入損益帳的金融資產。《香港財務報告準則》第9號是按管理金融資產的業務模式及合約現金流量特質為金融資產分類。

本局的金融資產，包括現金及等同現金項目、應收利息和存款，過往按照《香港會計準則》第39號歸類為按攤銷成

HKFRS 9 replaces Hong Kong Accounting Standard (HKAS) 39 "Financial Instruments: Recognition and Measurement". It sets out the requirements for recognising and measuring financial assets, financial liabilities and some contracts to buy or sell non-financial items.

The Council has applied HKFRS 9 retrospectively to items that existed as at 1 April 2018 in accordance with the transition requirements without restating comparative information (i.e. the comparative information continues to be reported under HKAS 39). The carrying amounts of the items as at 1 April 2018 have not been impacted by the initial application of HKFRS 9.

Further details of the nature and effect of the changes to previous accounting policies are set out below:

(i) Classification of financial assets

HKFRS 9 categorises financial assets into three principal classification categories: measured at (i) amortised cost; (ii) at fair value through other comprehensive income; and (iii) at fair value through profit or loss. These supersede HKAS 39's categories of held-to-maturity investments, loans and receivables, available-for-sale financial assets and financial assets at fair value through profit or loss. The classification of financial assets under HKFRS 9 is based on the business model under which the financial asset is managed and its contractual cash flow characteristics.

The Council's financial assets, comprising cash and cash equivalents, interest receivable and deposits, were previously classified as loans and receivables carried at amortised cost under HKAS 39. These were reclassified to financial assets measured at amortised cost under HKFRS 9. The carrying amounts as at 31 March 2018 were the same as those as at 1 April 2018.

本值計量的貸款及應收帳款。這些資產按《香港財務報告準則》第9號重新歸類為按攤銷成本值計量的金融資產。2018年3月31日的帳面值與2018年4月1日的帳面值相同。

關於本局如何按《香港財務報告準則》第9號歸類和計量金融資產，可參考附註2.4(ii)。

(ii) 信用虧損及減值

《香港財務報告準則》第9號的「預期信用虧損」模型，取代了《香港會計準則》第39號的「已產生虧損」模型。預期信用虧損模型需要持續評估金融資產的信用風險，因此較《香港會計準則》第39號的「已產生虧損」會計模型更早確認預期信用虧損。本局將新的預期信用虧損模型應用於按攤銷成本值計量的金融資產（包括現金及等同現金項目、應收利息和存款）。首次採用新的減值規定對金融資產在2018年4月1日的帳面值並無影響。

本局新的減值會計政策之進一步詳情，可參考附註2.4(v)。

## 2.4 金融資產

(i) 初始確認

本局在成為金融工具的合約條款其中一方當日確認有關金融

An explanation of how the Council classifies and measures financial assets under HKFRS 9 is set out in note 2.4(ii).

(ii) Credit losses and impairment

HKFRS 9 replaces the “incurred loss” model in HKAS 39 with the “expected credit loss” model. The expected credit loss model requires an ongoing measurement of credit risk associated with a financial asset and therefore recognises expected credit losses earlier than under the “incurred loss” accounting model in HKAS 39. The Council applies the new expected credit loss model to the financial assets measured at amortised cost (including cash and cash equivalents, interest receivable and deposits). The initial application of the new impairment requirements had no impact on the carrying amounts of the financial assets as at 1 April 2018.

Further details on the Council’s new accounting policy for impairment are set out in note 2.4(v).

## 2.4 Financial assets

(i) Initial recognition

Financial assets are recognised on the date the Council becomes party to the contractual provisions of the financial instruments. They are initially stated at fair value plus directly attributable transaction costs.

(ii) Categorisation and subsequent measurement from 1 April 2018

### *Financial assets measured at amortised cost*

This category comprises cash and cash equivalents, interest receivable and deposits. They are held for the collection of contractual cash flows which represent solely payments of principal and interest. They are

資產。它們初始時按公平值再加上因購買金融資產而直接引致的交易成本列帳。

- (ii) 2018年4月1日起的分類及其後計量

*按攤銷成本值計量的金融資產*

這類資產包括現金及等同現金項目、應收利息和存款。它們旨在收取合約現金流量，即只包括所支付的本金及利息。它們其後按攤銷成本值扣除任何虧損準備（如有一附註2.4(v)）的淨值計量。

- (iii) 於2018年4月1日之前的分類及其後計量

*貸款及應收帳款*

貸款及應收帳款為具有固定或可以確定支付金額的非衍生金融資產，但在活躍市場並沒有報價，而本局亦無意將之持有作買賣用途，但不包括本局在初始確認時指定為按公平值列帳的金融資產。這類資產包括現金及等同現金項目、應收利息和存款。它們採用實際利率法按攤銷成本值扣除任何減值虧損（如有一附註2.4(vi)）計量。

- (iv) 註銷確認

當從金融資產收取現金流量的合約權利屆滿時，或該金融資產連同擁有權的絕大部分風險及回報已轉讓時，該金融資產會被註銷確認。

subsequently measured at amortised cost, net of loss allowance, if any (note 2.4(v)).

- (iii) Categorisation and subsequent measurement before 1 April 2018

*Loans and receivables*

Loans and receivables were non-derivative financial assets with fixed or determinable payments that were not quoted in an active market and which the Council had no intention of trading, other than those that the Council, upon initial recognition, designated as at fair value. This category included cash and cash equivalents, interest receivable and deposits. They were carried at amortised cost using the effective interest method less impairment losses, if any (note 2.4(vi)).

- (iv) Derecognition

A financial asset is derecognised when the contractual rights to receive the cash flows from the financial asset expire, or where the financial asset together with substantially all the risks and rewards of ownership have been transferred.

- (v) Impairment of financial assets from 1 April 2018

For cash and cash equivalents, interest receivable and deposits, the Council measures the expected credit losses to determine the loss allowance required to be recognised.

Expected credit losses are a probability-weighted estimate of credit losses. They are based on the difference between the contractual cash flows due in accordance with the contract and the cash flows that the Council expects to receive, discounted at the effective interest rate. They are measured on either of the following bases:

## (v) 自 2018 年 4 月 1 日起的金融資產減值

對於現金及等同現金項目、應收利息和存款，本局以預期信用虧損計量須予確認的虧損準備。

預期信用虧損是以經概率加權估計的信用虧損。這些虧損為按合約應付予本局的合約現金流量與本局預期會收到的現金流量兩者間的差額，並按實際利率折現。有關虧損以下列其中一個基礎計量：

- 12 個月預期信用虧損（自初始確認以來，金融工具的信用風險無大幅增加）：這是預期在報告日後 12 個月內可能發生的違約事件引致的虧損；或
- 永久預期信用虧損（自初始確認以來，金融工具的信用風險大幅增加）：這是預期在金融工具的有效期內所有可能出現的違約事件引致的虧損。

在評估金融工具的信用風險自初始確認以來有否大幅增加，本局會比較金融工具在報告日和在初始確認日評估的違約風險。在評估風險時，如 (i) 借貸人無力對本局履行全部還款責任；或 (ii) 金融資產已逾期 90 日，本局會視為出現違約事件。本局會考慮合理及有憑證的數量及質量資料，包括過

- 12-month expected credit losses (for financial instruments for which there has not been a significant increase in credit risk since initial recognition): these are losses that are expected to result from possible default events within the 12 months after the reporting date; or
- lifetime expected credit losses (for financial instruments for which there has been a significant increase in credit risk since initial recognition): these are losses that are expected to result from all possible default events over the expected life of the financial instrument.

In assessing whether the credit risk of a financial instrument has increased significantly since initial recognition, the Council compares the risk of default occurring on the financial instrument assessed at the reporting date with that assessed at the date of initial recognition. In making this assessment, the Council considers that a default event occurs when (i) the borrower is unlikely to pay its credit obligations to the Council in full; or (ii) the financial asset is 90 days past due. The Council considers both quantitative and qualitative information that is reasonable and supportable, including historical experience and forward-looking information that is available without undue cost or effort. A financial asset is written off when there is no reasonable expectation of recovering the contractual cash flows.

## (vi) Impairment of financial assets before 1 April 2018

The carrying amounts of loans and receivables were reviewed at each reporting date to determine whether there was objective evidence of impairment. If any such evidence existed, an impairment loss was recognised in surplus or deficit as the difference between the asset's carrying amount and the present value of estimated future cash flows discounted

往經驗及無須以過度成本或人力取得的具前瞻性資料。如沒有合理期望可收合同現金流量，金融資產會被撇銷。

(vi) 2018年4月1日之前的金融資產減值

貸款及應收帳款的帳面值會在每個報告日作出評估，以確認是否存在客觀的減值證據。如有客觀證據證實出現減值虧損，收支報表中確認的減值虧損是帳面資產值與預算現金流量現值（按資產原來實際利率折現後得出）的差額。如其後此等減值虧損減少，而其減少可客觀歸因於減值虧損確認後的事項，有關減值虧損額可在盈餘或虧絀內回撥。減值虧損的回撥只限於該資產在以往年度沒有確認減值虧損的帳面值。

## 2.5 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報表內確認為收入。

與收入有關的政府補助會在相關支出產生時，在收支報表內確認為有關期間的收入。

利息收入採用實際利息法以應計基礎確認入帳。

## 2.6 物業、廠房及設備

物業、廠房及設備包括價值5,000元或以上的傢具及裝置、辦公室及

at the asset's original effective interest rate. If in a subsequent period the amount of such impairment loss decreased and the decrease could be linked objectively to an event occurring after the impairment loss was recognised, the impairment loss was reversed through surplus or deficit. A reversal of impairment losses was limited to the asset's carrying amount that would have been determined had no impairment loss been recognised in prior years.

## 2.5 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 recognised in the income and expenditure account over the period necessary to match them with the costs they are intended to compensate.

Interest income is recognised as it accrues using the effective interest method.

## 2.6 Property, plant and equipment

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

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

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

電腦設備，其估計可使用期超過一年。

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

傢具及裝置	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，並於出售日於收支報表確認入帳。

## 2.7 僱員福利

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

## 2.8 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報表中扣除。

## 2.9 現金及等同現金項目

現金及等同現金項目包括銀行存款和庫存現金。

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.

## 2.7 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.

## 2.8 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.

## 2.9 Cash and cash equivalents

Cash and cash equivalents comprise cash at bank and cash in hand.

3. 物業、廠房及設備

3. Property, Plant and Equipment

		電腦設備 Computer equipment 港幣 HK\$	辦公室設備 Office equipment 港幣 HK\$	傢具及裝置 Furniture and fixtures 港幣 HK\$	總數 Total 港幣 HK\$
<b>成本</b>	<b>Cost</b>				
於 2017 年 4 月 1 日	At 1 April 2017	73,966	67,104	24,750	165,820
當年購入	Addition during the year	26,100	-	-	26,100
當年註銷	Disposal during the year	(320)	-	-	(320)
於 2018 年 4 月 1 日	At 1 April 2018	99,746	67,104	24,750	191,600
當年購入 / 註銷	Addition/Disposal during the year	-	-	-	-
於 2019 年 3 月 31 日	At 31 March 2019	<u>99,746</u>	<u>67,104</u>	<u>24,750</u>	<u>191,600</u>
<b>累計折舊</b>	<b>Accumulated depreciation</b>				
於 2017 年 4 月 1 日	At 1 April 2017	66,984	25,635	1,237	93,856
當年撇除	Charge for the year	7,707	10,066	2,475	20,248
當年註銷回撥	Written back on disposal	(320)	-	-	(320)
於 2018 年 4 月 1 日	At 1 April 2018	74,371	35,701	3,712	113,784
當年撇除	Charge for the year	8,700	10,066	2,475	21,241
於 2019 年 3 月 31 日	At 31 March 2019	<u>83,071</u>	<u>45,767</u>	<u>6,187</u>	<u>135,025</u>
<b>帳面淨值</b>	<b>Net book value</b>				
於 2019 年 3 月 31 日	At 31 March 2019	<u>16,675</u>	<u>21,337</u>	<u>18,563</u>	<u>56,575</u>
於 2018 年 3 月 31 日	At 31 March 2018	<u>25,375</u>	<u>31,403</u>	<u>21,038</u>	<u>77,816</u>

## 4. 現金及等同現金項目

## 4. Cash and Cash Equivalents

		2019 港幣 HK\$	2018 港幣 HK\$
銀行存款	Cash at bank	<b>992,395</b>	872,636
庫存現金	Cash in hand	<b>2,086</b>	1,573
		<b>994,481</b>	874,209

## 5. 經常性補助基金

## 5. Recurrent Subvention Fund

由 2016-17 年度開始，儲備上限已變動至年度核准的經常性補助（即上年度經審計財務報表所列的補助金額）的 15%。如儲備水平超越了上限，本局須於經審核帳目發布後的下個財政年度，將超出的款額歸還政府。

With effect from 2016-17, the reserve ceiling has been varied to 15% of the approved annual recurrent subvention, which refers to the subvention amount stated in the audited financial statements in the preceding year. If the level of the reserve exceeds the ceiling, the Council should return the amount in excess to the Government in the following financial year upon issuance of the audited financial statements.

## 6. 政府補助

## 6. Government Subventions

從香港特別行政區政府收取的補助為 6,846,000 港元（2018 年：7,007,000 港元）：

Subventions received from the Government of the Hong Kong Special Administrative Region amounted to HK\$6,846,000 (2018: HK\$7,007,000):

		2019 港幣 HK\$	2018 港幣 HK\$
每年經常性資助	Annual recurrent grant	<b>6,846,000</b>	6,607,000
非經常性資助	Non-recurrent grant	-	400,000
政府補助	Subventions from the Government	<b>6,846,000</b>	7,007,000



7. 員工酬金

7. Staff Emoluments

		2019 港幣 HK\$	2018 港幣 HK\$
公務員員工：	Civil service staff:		
薪金	Staff cost	<b>4,136,480</b>	3,907,771
非公務員合約員工：	Non-civil-service contract staff:		
薪金	Staff salaries	<b>343,761</b>	322,870
約滿酬金	Gratuities	<b>28,990</b>	16,287
強積金	Provident fund	<b>18,407</b>	17,306
未放取假期撥備	Provision for untaken leave	<b>5,748</b>	7,948
		<b>396,906</b>	364,411
		<b>4,533,386</b>	4,272,182

8. 其他支出

8. Other Expenses

		2019 港幣 HK\$	2018 港幣 HK\$
編製年報 / 通訊	Production of annual report/newsletter	<b>64,520</b>	58,759
常規出版物、期刊及雜誌	General publications, periodicals and journals	<b>53,210</b>	45,434
會計費用	Accountancy fee	<b>40,500</b>	40,500
研討會支出	Conference expenses	-	41,724
其他行政支出	Other administration expenses	<b>95,706</b>	98,526
折舊	Depreciation	<b>21,241</b>	20,248
		<b>275,177</b>	305,191

9. 金融風險管理

9. Financial Risk Management

本局的主要金融工具為銀行存款，而由該等金融工具引起的風險主要是信用風險和流動資金風險。

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

### 信用風險

信用風險指金融工具的一方持有者會因未能履行責任而引致另一方蒙受財務損失的風險。本局的金融資產最高信用風險相等於該資產在報告日的帳面值。

為減低信用風險，本局的現金存放於香港一間主要的持牌銀行。因此，涉及銀行存款的信用風險不大。這些金融工具的信用風險經評估後，自初始確認以來並沒有大幅增加，本局釐定以 12 個月預期信用虧損計量須予確認的虧損準備。本局估計這些金融工具的 12 個月預期信用虧損並不重大，並認為無需作虧損準備。

按穆迪或等同指定評級分析，銀行存款在報告日的信用質素呈列如下：

### 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. The maximum exposure to credit risk of the financial assets of the Council is equal to their carrying amounts at the reporting date.

In order to minimise the credit risk, the Council's cash at bank is placed with a major licensed bank in Hong Kong. Hence, the credit risk associated with cash at bank is considered to be low. The credit risk on these financial instruments is assessed as not having increased significantly since initial recognition and the Council determines the loss allowance required to be recognised based on 12-month expected credit losses. The Council has estimated that 12-month expected credit losses on these financial instruments are immaterial and considers that no loss allowance is required.

The credit quality of cash at bank, analysed by the ratings designated by Moody's or their equivalents, at the reporting date is shown below:

		2019 港幣 HK\$	2018 港幣 HK\$
<b>銀行存款信用評級</b>	<b>Cash at bank, by credit rating</b>		
Aa1 至 Aa3	Aa1 to Aa3	<u>992,395</u>	<u>872,636</u>

### 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。

### Liquidity risk

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

## 10. 資本管理

本局的唯一資本來源是政府的經常性補助。本局管理資本的目標是為：

- 符合法律援助服務局條例；及
- 維持資本水平以資助本局的營運以達到附註 1 所述的目標。

本局對資本的管理，是要確保本局有足夠的資本水平去應付未來支出，包括現金流量的預計需要及未來財務負債及承擔。

## 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：

## 10. 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.

## 11. Commitments

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

		2019 港幣 HK\$	2018 港幣 HK\$
一年內	Within 1 year	<b>1,726,608</b>	1,726,608
第二到五年內	After 1 year but within 5 years	<b>928,284</b>	2,654,892
		<b>2,654,892</b>	4,381,500

## 12. 金融資產的公平值

所有金融資產均以公平值或與其相差不大的金額列於資產負債表上。

## 12. Fair Values of Financial Assets

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

### 13. 已頒布但於截至 2019 年 3 月 31 日止年度尚未生效的修訂、新準則及詮釋的可能影響

截至本財務報表發出當日，香港會計師公會已頒布多項修訂、新準則及詮釋，其中包括於截至 2019 年 3 月 31 日止年度尚未生效，及沒有提前在本財務報表中被採納的修訂、新準則及詮釋。本局正評估該等修訂、新準則及詮釋在首次採用期間預期會產生的影響。除《香港財務報告準則》第 16 號「租賃」在 2019 年 1 月 1 日或之後開始的會計期生效外，截至目前為止，本局預期採納該等修訂、新準則及詮釋不會對本局的財務表現和狀況構成重大影響。《香港財務報告準則》第 16 號主要影響本局目前分類為物業經營租賃的承租人會計法，預期採納《香港財務報告準則》第 16 號會引致資產及負債增加，以及影響在租賃期內於收支報表內確認支出的時間。本局仍未評估該等準則對其財務報表的影響。

### 13. Possible Impact of Amendments, New Standards and Interpretations Issued But Not Yet Effective for The Year Ended 31 March 2019

Up to the date of issue of the financial statements, the HKICPA has issued a number of amendments, new standards and interpretations which are not yet effective for the year ended 31 March 2019 and which have not been early adopted in the financial statements. The Council is in the process of making an assessment of the impact expected of these amendments, new standards and interpretations in the period of initial application. 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, except for HKFRS 16 Leases which is effective for accounting periods beginning on or after 1 January 2019. HKFRS 16 will primarily affect the Council's accounting as a lessee of leases for premises which are currently classified as operating leases. The adoption of HKFRS 16 is expected to lead to an increase in both assets and liabilities and affect the timing of expense recognition in the income and expenditure account over the period of the leases. The Council has yet to assess the impact of the standard on its financial statements.