

法援 2007



法律援助署二〇〇七年年報
LEGAL AID DEPARTMENT ANNUAL REPORT 2007



法律援助署二〇〇七年年報

LEGAL AID DEPARTMENT ANNUAL REPORT 2007

本署的抱負

提供高質素的法律援助服務，作為本港法治精神的基石。

本署的使命

- 確保所有符合資格接受法律援助的人士不會因欠缺經濟能力而沒法尋求公義；
- 維持高水準的專業工作表現和操守；
- 培養並維繫一支精益求精、積極進取、訓練有素及盡忠職守的工作隊伍；
- 與法律界人士維持緊密合作和聯繫，共同達成本署的抱負；以及
- 使法援工作盡量配合社會需求。

本署的宗旨

- 提供優質及有效率的法援服務。為達到這項宗旨，我們會：
- 公正獨立；
- 凡事悉力以赴；
- 講求效率；
- 具專業精神；
- 齊心協力；以及
- 對市民體恤關懷及積極回應。

Our Vision

To be a cornerstone of the rule of law in Hong Kong by delivering quality legal aid services.

Our Mission

- ensure that no one who qualifies for legal aid is denied access to justice because of lack of means,
- maintain the highest standards of professional excellence and ethics,
- develop and maintain a highly-motivated, dynamic, well-trained and committed workforce,
- work in partnership with the legal profession to reach our vision, and
- anticipate and meet the ever-changing needs of the society.

Our Aim

- To deliver high quality and effective legal aid services. We shall achieve this through :
- Independence,
- Commitment,
- Efficiency and effectiveness,
- Professionalism,
- Teamwork, and
- Caring and responsive culture.

目錄

Contents

	前言 Foreword	1-6
第一章 Chapter 1	部門策略計劃 Departmental Strategic Plan	7-12
第二章 Chapter 2	法律援助服務 Legal Aid Services	13-34
第三章 Chapter 3	公眾關注的法援案件 Cases of Public Interest or Concern	35-44
第四章 Chapter 4	提升服務 Improving the Way We Work	45-54
第五章 Chapter 5	宣傳工作 Publicity Programmes	55-60
第六章 Chapter 6	組織、行政及職員編制 Organisation, Administration and Staffing	61-74
附錄1 Appendix 1	收入與開支 Revenue and Expenditure	75-78
附錄2 Appendix 2	顧客意見調查結果 Findings of the Survey on Customer Feedback	79-82
附錄3 Appendix 3	法律援助署組織圖 Legal Aid Department Organisation Chart	83
附錄4 Appendix 4	法律援助署署長及各組別主管 Director of Legal Aid and Section Heads	84
附錄5 Appendix 5	地址及通訊 Address and Communication	85-86
附錄6 Appendix 6	刊物目錄 List of Publications	87-88

前言

Foreword

這是我任內發表的第四份年報。回顧二〇〇七年，本署經歷了一些轉變，亦面對不少挑戰。現把其中一些重點簡述如下：

政府總部決策局重組

二〇〇七年七月一日，制訂法律援助政策及監察各項法律援助計劃運作的職務改由民政事務局負責。把上述原屬行政署的職責撥歸民政事務局，純粹是因為當局重新分配政府總部轄下各決策局的職責。本署繼續根據《法律援助條例》賦予署長的法定權力和職能運作。最重要的是，這次重組並沒有影響本署在提供法律援助方面一貫享有的獨立性。

廉政公署就本署強制執行判決的程序進行的最新研究

廉政公署在一九八七年曾應法律援助署署長所請，就本署執行小組(負責執行有關支付判定債項及訟費的判決)的工作進行研究。二〇〇六年，本署與廉政公署議定，該署會按最新情況研究及檢討強制執行判決的程序。廉政公署於二〇〇七年六月完成最新報告。

This is my fourth Annual Report for the Legal Aid Department. 2007 was a year which saw changes and challenges for the Department. I would like to highlight some of them here.

Re-organisation of Policy Bureaux of the Government Secretariat

On 1 July 2007, the Home Affairs Bureau took over the responsibilities for formulating legal aid policy and overseeing the implementation of the various legal aid schemes from the Administration Wing. The transfer was simply a re-distribution of responsibilities within the Government Secretariat. The Department continued to operate in accordance with the statutory powers and function vested in the Director under the Legal Aid Ordinance. What is most important is that the re-organisation has not affected the established independence of the Department in the delivery of legal aid services.

Updated Study by ICAC on Enforcement Procedures in the Department

In 1987, the Independent Commission Against Corruption ("ICAC") conducted a study at the request of the Director of Legal Aid on the work of the Enforcement Unit which is responsible for enforcing the payment of judgment debts and legal costs. In 2006 it was agreed between the Department and the ICAC that the study on enforcement procedures should be updated and reviewed. The ICAC's updated report was finalised in June 2007.

報告指出一些可予改善之處並提出多項建議。這些建議已獲本署接納，包括：

- 把關乎追討判定債項及訟費的內務通告更新和合併；
- 改善監察法律援助事務員工作的制度；以及
- 改良管理報告，以便管理層能有效地檢討未清償的債項及強制執行判決的行動。

蒙廉政公署不吝賜教，指出可予改善之處，本署特此表示謝意。本署已向員工講解有關建議，並正落實執行。

法援婚姻訴訟個案家事調解試驗計劃

“法援婚姻訴訟個案家事調解試驗計劃”的評估已完成。本署是根據截至二〇〇七年三月收集所得的數據進行評估的。由行政署長擔任主席的督導委員會(成員包括司法機構、民政事務局及本署代表)經研究有關數據後，認為有理由資助法援婚姻訴訟個案的調解服務，使這服務成為法律援助計劃內的一部分。

有關通過撥款安排的建議已提交當局考慮。

The report identified a number of areas for improvement and made a number of recommendations which have been accepted. These included :

- updating and consolidation of departmental circulars touching upon and concerning the recovery of judgment debts and legal costs;
- improvements to the system for monitoring the work of process servers; and
- refinement of management reports to facilitate effective management review of outstanding debts and enforcement actions.

We are grateful to the ICAC for pointing out areas for improvement. In response, staff have been briefed and implementation of the recommendations was under way.

The Pilot Scheme on Legal Aid for Mediation in Matrimonial Cases

Evaluation of the Pilot Scheme on Legal Aid for Mediation of Legally Aided Matrimonial Cases using data collected up until March 2007 was completed. Having examined the data collected, the steering committee chaired by the Director of Administration and comprising of representatives from the Judiciary, Home Affairs Bureau and this Department considered there was a case for making funding for mediation of legally aided matrimonial cases a permanent feature of the legal aid scheme.

Recommendation has been made to the Administration for approval of the funding arrangement.



張景文先生
法律援助署署長
Mr Benjamin Cheung King-man
Director of Legal Aid

檢討支付刑事法律援助費用的制度

支付刑事法律援助費用的全面檢討仍在進行。香港大律師公會和香港律師會的代表與本署及民政事務局的代表正就此問題進行磋商。

資訊系統策略

鑑於之前進行的可行性研究取得成功，本署在二〇〇六年年底就設立“法律援助電子服務入門網站”（“入門網站”）展開籌備工作，並持續至二〇〇七年。設立入門網站的目的，是讓申請人可選擇以電子方式提交資料，方便本署辦理審批申請的工作。另外，法律援助律師名冊上的律師可透過網站匯報法律援助案件的進度。入門網站的技術設計工作已在二〇〇七年九月完成，隨後便開始系統的發展工作。本署計劃在二〇〇八年推出入口門網站。

Review on Criminal Legal Aid Fees System

The comprehensive review of the criminal legal aid fees system is continuing with talks between representatives from the two professional bodies, this Department and representatives from the Home Affairs Bureau.

Information Systems Strategy

Following a successful feasibility study in 2006, the Department began the implementation of the Legal Aid Electronic Services Portal (“LAESP”) in late 2006 that continued throughout 2007. LAESP aims at providing an e-option for applicants to submit information to facilitate the application process. In addition, LAESP will enable panel lawyers to report progress of legal aid cases online. The technical design stage was completed in September 2007 and the system development work has been in progress since. It is anticipated that LAESP will be launched in 2008.

為節省儲存檔案文件的空間，以及改善資料的存檔、檢索及保安，本署於二〇〇七年就刑事法律援助案件推行電子文件管理系統。鑑於此系統有助處理刑事法律援助案件，本署計劃在二〇〇八年進行可行性研究，把此系統推廣至申請及審查科。

為使本署資訊科技系統及表現管理現代化，年內，本署繼續研究有關支援該系統的各项要求。除更新一般的資訊科技設備外，本署已提出正式撥款申請，以期在二〇〇七年展開“電腦設備前瞻性規劃計劃”，更換所有在二〇〇一年安裝並用於日常部門運作的桌上電腦及手提電腦。本署希望可於二〇〇八年獲得撥款，以進行更換電腦的計劃。

As a means of saving physical file document storage space and in order to improve archiving, retrieval and security of data, we implemented the electronic Document Management System in 2007 for the handling of criminal legal aid cases. Given the usefulness of this system in the handling of criminal legal aid cases, a feasibility study into the use of this system in the Applications and Processing Division is planned for 2008.

During 2007 there has been continued identification of the requirements to support modernisation of our information technology (“IT”) system and performance management. Besides the normal regular upgrading of IT equipment, 2007 also saw the Department embarking on a Computer Equipment Forward Planning Programme that resulted in a formal bid for funding to replace all the desktop and notebook computers installed in 2001 that supported the day-to-day operations of the Department. It is hoped that funding will be made available for the replacement programme to commence in 2008.

宣傳推廣

本署繼續參與多項宣傳及社區活動，加深市民對法援服務的認識。這包括為香港單親協會等團體舉辦講座，以及參與由教育局舉辦的研討會，藉以提高市民對家庭暴力的警覺性。一如往年，本署積極參與香港律師會於二〇〇七年十月舉辦的“法律週”。

培訓

優質的法援服務有賴訓練有素和盡忠職守的員工。因此，本署需按員工的需要，為他們提供適當的培訓。年內，本署舉辦了多類課程，包括環保講座、內部顧客服務錄像帶工作坊、普通話複修課程（供負責接待內地代表團的員工修讀），以及主題為“掌控情緒，消除戾氣，職場進退自如之道”的講座。

Publicity

The Department continued to participate in various publicity and community programmes to promote public awareness and understanding of legal aid services. This included talks given by Departmental representatives to groups such as the Hong Kong Single Parents Association and participation in a seminar organised by the Education Bureau to heighten awareness of domestic violence. As in previous years, we actively supported the “Law Week” organised by the Law Society in October 2007.

Training

The success of this Department in delivering quality legal aid services depends upon a team of well trained and committed staff. It is therefore vital that the training needs of staff across the Department are properly addressed. In 2007 a variety of courses were organised which included environmental seminars, video seminars on internal customer service, a refresher Putonghua course for staff nominated to meet with Mainland delegations visiting the Department and a talk on how to defuse hostile customers.



張景文先生

法律援助署署長

Mr Benjamin Cheung King-man

Director of Legal Aid

前瞻

本署會努力不懈，繼續改善香港的法援服務。

本人謹向法律援助服務局的主席和成員致意；一如以往，他們在過去一年為本署提供指導和寶貴意見，本人對此深表謝意。

本人亦藉此機會感謝於二〇〇七年年底退休的副署長（訴訟）麥輝文先生，他在過去34年盡心竭力為本署服務，貢獻良多。最後，本人謹在此向本署全體員工致以衷心謝意，感謝他們一直辛勤工作，克盡厥職；另外，亦要多謝外委律師，憑著他們的專業精神，為法援服務作出重大貢獻。

法律援助署署長張景文

Looking Ahead

The Department will not relent in its efforts to improve legal aid services in Hong Kong.

In this connection, I would like to thank the Chairman and members of the Legal Aid Services Council who have, as always, provided us with guidance and advice in the past year.

I would also like to take this opportunity to thank the Deputy Director of Litigation Mr Harry Mak, who retired at the end of 2007, for his dedication and contribution to the Department over the past 34 years. Finally my gratitude and appreciation goes to our staff for their hard work and continued dedication and to our assigned lawyers for their professionalism and significant contribution to the delivery of legal aid services.

Benjamin Cheung King-man
Director of Legal Aid



部門策略計劃



Departmental Strategic Plan



第一章 部門策略計劃

Chapter 1 Departmental Strategic Plan

本署的策略計劃在於為部門訂定目標，並且說明達致各項目標的方法。本署在制訂策略計劃時，首先訂立合理的原則，作為決定資源運用先後次序的根據，並且因應不斷轉變的社會需求定期作出調整，確保資源調配得宜，用得其所。

部門策略計劃載於本署網頁。

二〇〇七年策略計劃的推行情況

審批法援申請和監察外判制度

就法援婚姻訴訟個案家事調解試驗計劃完結個案進行的評估已完成。當局根據評估結果，建議把試驗計劃改為一項常設措施，使以公帑資助的婚姻調解服務得以納入法律援助計劃內。

The Department's strategic plan sets out our objectives and describes how the objectives can be achieved. The strategic plan provides a rational basis upon which priorities are determined and is regularly updated to ensure that resources are well targeted and used effectively having regard to the changing needs of society.

The Department's strategic plan can be viewed at the Department's website.

Implementation of the Strategic Plan in 2007

Processing of Legal Aid Applications and Monitoring of Assigned-out Cases

The evaluation on concluded cases under the Pilot Scheme on Legal Aid for Mediation in Matrimonial Cases has been completed. Based on the outcome of the evaluation a recommendation has been made to turn the pilot scheme into a permanent arrangement so that public funding for mediation in legally aided matrimonial cases will become a part of the legal aid scheme.

為改善對外判制度的監察，本署成立工作小組，全面檢討《法律援助律師手冊》。修訂建議包括向外委律師發出備忘通知，提醒他們在署長未正式指派大律師前，不得指示大律師進行法律援助工作，以及澄清外委律師申領訟費的某些程序。

本署已提升個案管理系統，改善按時呈閱檔案的功能，以便要求外委律師提交進度報告，以及就涉及待決訴訟的法援申請向法院發出通知。另外，本署已更新法援申請表格，使表格更易填寫，方便申請人填報資料。

署內律師辦理的訴訟

年內，本署民事訴訟第一組（人身傷害訴訟組）引入一項新程序，向受助人發出“首次會面信”。法律援助律師首次會晤受助人時，會給予受助人一封信，解釋有關申索的訴訟程序和預計所需的時間。發信給受助人，旨在加深受助人對所涉法律程序的認識，從而為他們提供更妥善的服務。

To facilitate improvements in monitoring of assigned-out cases, a working group was set up to undertake a complete review of the Manual for Legal Aid Practitioners. Some proposed changes to the Manual include reminders to assigned lawyers not to instruct counsel to undertake legal aid work without formal assignment by the Director and the clarification of certain procedures for the claiming of costs by assigned lawyers.

The Case Management System has been enhanced to improve the bring-ups of files for progress report by assigned solicitors and the issue of notifications to court in applications with pending court actions. The application forms for legal aid have also been revised to make them more user friendly.

In-house Litigation

The in-house Civil Litigation Section 1 (the personal injuries litigation unit) introduced the “1st meeting letter” in 2007. At the first meeting between a Legal Aid Counsel and an aided client, a letter would be given to the aided client explaining the procedures and estimated time required to litigate the claim. The letter is aimed at improving client care by strengthening the understanding of the aided client towards the legal procedures involved.

顧客服務

本署安排前線員工與督導人員會面，研究如何改善為市民提供的服務。此外，本署更致力維持有效率的投訴處理服務。

本署其中一項目標是把投訴減至最少，以及令員工更積極回應市民的需要。年內，本署一名員工在處理投訴人時，充分表現出他的顧客服務技巧，因而獲頒申訴專員嘉許獎，這項殊榮實在令人鼓舞。

本署已精簡交互式話音回應系統內有關法律援助的一些預錄信息，以縮短來電者收聽信息的時間。經修訂的信息已上載本署網頁，方便市民在網上收聽。

Customer Services

In addition to meetings between front line staff and their supervisors to identify initiatives to improve our service to the public, the Department also strives to maintain an effective complaint handling service.

One of the Department's goals is to minimise complaints and to make our staff more responsive to the needs of the public. It was therefore of great encouragement that one of our staff members received The Ombudsman's Award in recognition of his customer care skills in dealing with complainants.

Some of the pre-recorded messages on legal aid services on the Department's Interactive Voice Response ("IVR") system have been refined to shorten the listening time of enquirers. The revised messages have been uploaded onto the Department's website to enable members of the public to listen to them online.



(後排左起) 莊因東先生、陳榮操先生、張淑凝女士、陳琮華女士、黃倩瑩女士、張英敏女士、毛家碧女士、毛旭華女士、王耀輝先生

(前排左起) 鍾綺玲女士、鄭寶昌先生、麥輝文先生、張景文先生、許麗容女士、陳香屏先生、衛關家詒女士

(Rear row from left) Mr Chris Chong Yan-tung, Mr Allan Chan Wing-cho, Ms Sherman Cheung Suk-ying, Miss Betty Chan King-wah, Miss Jenie Wong Sin-ying, Mrs Christina Hadiwibawa Cheung Ying-man, Miss Angela Mo Ka-pik, Ms Mo Yuk-wah, Mr Steve Wong Yiu-fai

(Front row from left) Ms Alice Chung Yee-ling, Mr Thomas Edward Kwong, Mr Harry Mak Fai-man, Mr Benjamin Cheung King-man, Ms Jennie Hui Lai-yung, Mr William Chan Heung-ping, Mrs Annie Williams Ka-ding

資訊系統

本署繼續進行“法律援助電子服務入門網站”(“入門網站”)的籌備工作。入門網站的技術設計已於二〇〇七年九月完成，系統發展工作仍在進行。該網站可望於二〇〇八年推出。

鑑於本署利用電子文件管理系統處理刑事法律援助案件取得成功，本署現正計劃就把這項系統推廣至申請及審查科進行可行性研究。

宣傳

本署人員繼續到非政府機構和學術機構探訪，以促進公眾對法律援助服務的認識。本署亦繼續參與律師會於二〇〇七年十月舉辦的“法律週”。

為使來電者在使用本署的交互式語音回應系統時更感快捷方便，本署縮短了該系統的一些預錄信息，使來電者盡快取得精簡易明的法援服務資訊。

Information System

Work continues on the implementation of the Legal Aid Electronic Services Portal (“LAESP”). The technical design stage of LAESP was completed in September 2007 and the system development work was progressing. Roll out was expected in 2008.

A feasibility study was conducted into the use of the electronic Document Management System in the Applications and Processing Division following the successful implementation of this system in the handling of criminal legal aid cases.

Publicity

The Department continues to promote public understanding of legal aid services by visiting non-government organisations and academic institutions and giving support to the Law Week organised by the Law Society in October 2007.

In order to improve customer experience of the Department’s IVR system, some pre-recorded messages have been shortened. This was to address the callers’ need for concise and easily understood information on legal aid services.



一月十二日

助理首席法律援助律師(民事訴訟2)莊因東先生(左)及署理助理首席法律援助律師(法律及管理支援)王耀輝先生(右)向廣州市一批司法考察交流人員講解本港的法律援助服務。

12 January

Assistant Principal Legal Aid Counsel (Civil Litigation 2), Mr Chris Chong (left) and Acting Assistant Principal Legal Aid Counsel (Legal and Management Support), Mr Steve Wong (right) briefed a delegation of senior Judicial Officials from Guangzhou on the legal aid services in Hong Kong.

員工

要提供優質的法援服務，員工的表現至為重要。為配合本署的提升員工效率策略，本署安排員工接受有關領導才能和管理的訓練，以培養他們的晉升潛能。

Staff

The successful delivery of quality legal aid services is dependent upon our staff. As part of the Department's effective people strategy, leadership and management training was arranged for members of staff to nurture their potential for further advancement.

一月二十六日

助理首席法律援助律師(民事訴訟1)黃倩瑩女士(左一)、高級法律援助律師梁潔芬女士及署理助理首席法律援助律師(刑事)郭家聲先生接待廣州市一批司法考察交流人員。

26 January

Assistant Principal Legal Aid Counsel (Civil Litigation 1), Miss Jenie Wong (first from left); Senior Legal Aid Counsel, Ms Margaret Leung and Acting Assistant Principal Legal Aid Counsel (Crime), Mr Nelson Kwok received a delegation of senior Judicial Officials from Guangzhou.





法律援助服務



Legal Aid Services



第二章 法律援助服務

Chapter 2 Legal Aid Services

法律援助的服務範疇如下：

- 接受並審批法律援助申請；
- 法援案件的委派及監察；
- 訴訟服務；以及
- 相關的法律支援服務。

Legal aid business is conducted in the following service areas :

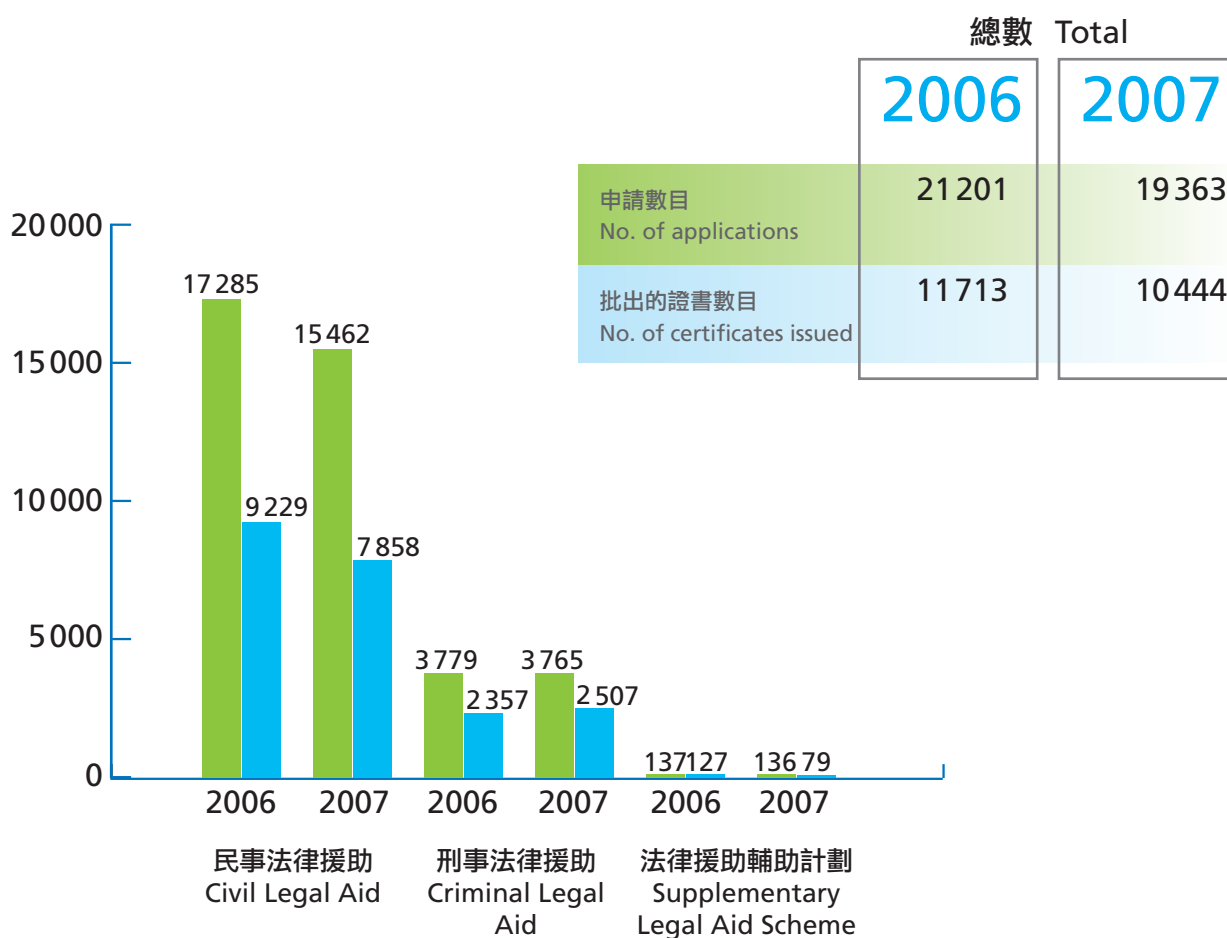
- Receiving and processing of legal aid applications;
- Assignments and monitoring of legal aid cases;
- Litigation services; and
- Related supporting legal services.

申請及審查服務

Application and Processing Services

在二〇〇七年，本署共接獲19 363宗法援申請，並批出10 444張法律援助證書：

A total of 19 363 applications for legal aid were received and 10 444 legal aid certificates were issued in 2007 :



民事法律援助

除了追討工資的法援申請是由訴訟科的清盤破產小組處理外，所有民事訴訟的法援申請均由申請及審查科審批。

Legal Aid in Civil Cases

Civil legal aid applications, apart from applications relating to wages claims which are processed by the Insolvency Unit of the Litigation Division, are processed by the Application and Processing Division.

二〇〇六至二〇〇七年收到的民事法律援助申請的分佈情況

Distribution of Applications Received for Civil Legal Aid in 2006-2007

	民事法律援助申請數目 No. of Applications for Civil Legal Aid		
	二〇〇六年 2006	二〇〇七年 2007	增減的百分比 % Change
人身傷害申索 Personal Injuries Claims	4 013	3 768	-6%
婚姻訴訟個案 Matrimonial Cases	10 188	9 069	-11%
土地及租務糾紛 Land and Tenancy Disputes	430	366	-15%
勞資糾紛 Employment Disputes	148	85	-43%
入境事務 Immigration Matters	429	317	-26%
追討工資 Wages Claims	506	372	-26%
其他 Others	1 708	1 621	-5%
總數 Total	17 422	15 598	-10%

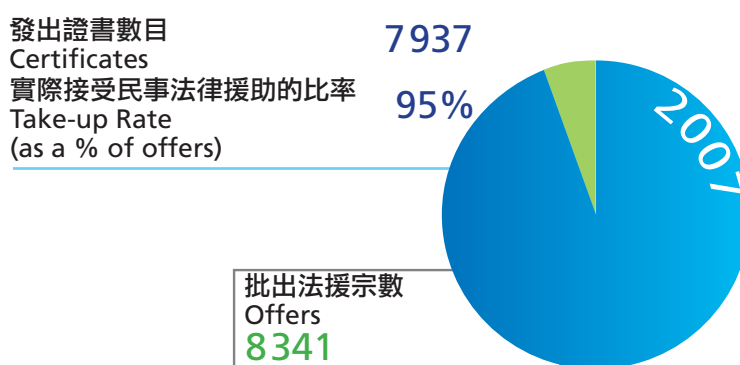
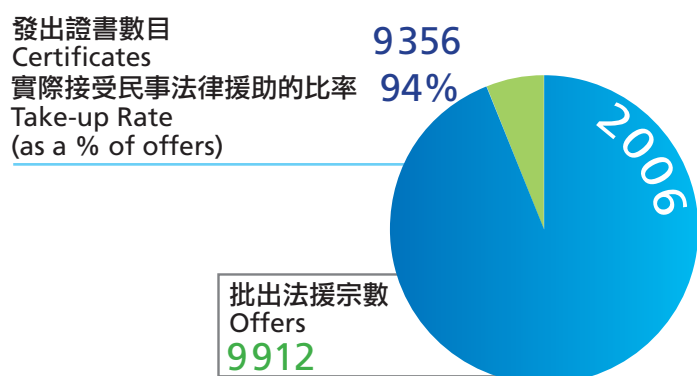
二〇〇六至二〇〇七年批出的民事法律援助證書的分佈情況

Distribution of Certificates Issued for Civil Legal Aid in 2006-2007

	批出的法律援助證書數目 No. of Certificates for Civil Legal Aid		
	二〇〇六年 2006	二〇〇七年 2007	增減的百分比 % Change
人身傷害申索 Personal Injuries Claims	2 458	2 100	-15%
婚姻訴訟個案 Matrimonial Cases	6 069	5 141	-15%
土地及租務糾紛 Land and Tenancy Disputes	68	55	-19%
勞資糾紛 Employment Disputes	46	22	-52%
入境事務 Immigration Matters	53	41	-23%
追討工資 Wages Claims	374	260	-30%
其他 Others	288	318	10%
總數 Total	9 356	7 937	-15%

二〇〇六至二〇〇七年實際接受民事法律援助的比率

Take-up Rate for Civil Legal Aid in 2006-2007



申請及審查科透過轄下諮詢及預約組提供資訊及查詢服務。該組就各項事宜包括法律援助的範圍、財務資格限額，以及申請程序提供資料，並處理公眾的查詢。在二〇〇七年，該組共接獲38 859宗查詢。

The Application and Processing Division also provides an information and enquiry service through the Information and Application Service Unit. The Unit provides information and deals with enquiries from the public on matters such as the scope of legal aid, financial eligibility limits and application procedures. In 2007, the Unit received a total of 38 859 enquiries.

獲批法援的合資格申請人如接受援助，本署會提供律師(如有需要，大律師)，代表他們在死因裁判法庭、精神健康覆核審裁處、區域法院、原訟法庭和上訴法庭或終審法院辦理其訴訟。

Upon acceptance of an offer for legal aid, successful applicants are given the services of a solicitor and, if necessary, counsel to represent them in legal proceedings in the Coroner's Court, the Mental Health Review Tribunal, the District Court, the Court of First Instance and the Court of Appeal or the Court of Final Appeal.

二〇〇七年審結個案的結果

Outcome of Cases Closed in 2007

案件類別 Case Type	取得濟助 Relief Obtained	未能取得濟助 Relief Not Obtained	撤回訴訟 Withdrawn	總數 Total
婚姻訴訟 Matrimonial	88%	6%	6%	100%

案件類別 Case Type	勝訴 In Favour	敗訴 Not In Favour	在訴訟前取消 /撤回證書 Discharged / Revoked prior to proceedings	在訴訟進行期 間應受助人的 要求取消證書 Discharged at AP's Request during proceedings	在訴訟進行期 間取消/撤回 證書 Discharged / Revoked during proceedings	總數 Total
人身傷害申索 Personal Injuries Claims	90%	2%	1%	2%	5%	100%
僱員補償申索 Employees' Compensation Claims	92%	1%	1%	2%	4%	100%
人身傷害 Personal Injuries	86%	3%	1%	2%	8%	100%
交通意外 Running Down	92%	2%	2%	1%	3%	100%
醫療 / 牙科 / 專業疏忽 Medical/Dental/ Professional Negligence	62%	4%	2%	4%	28%	100%
雜類 Miscellaneous	56%	17%	7%	4%	16%	100%
總數 Overall	85%	4%	2%	2%	7%	100%

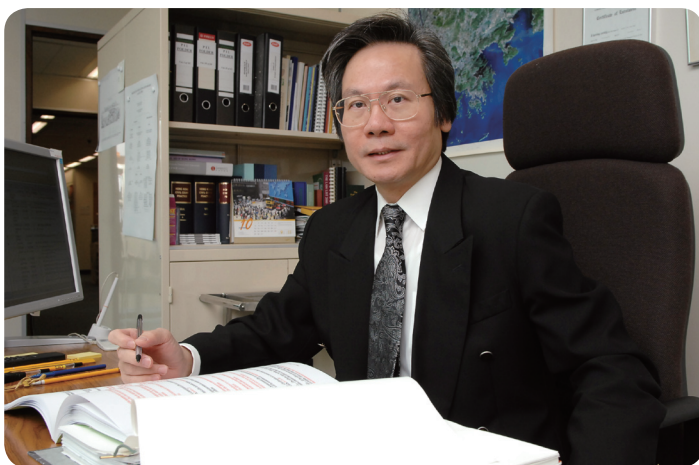
案件類別 Case Type	發出呈請 前已和解 Settlement before Issuing Petition	發出清盤令 /破產令 Order for Winding- up/ Bankruptcy	呈請遭駁 回(和解) Petition Dismissed (Settled)	擱置呈請 Petition Stayed	呈請遭駁 回 Petition Dismissed	轉介薪酬 保障組處 理 Referral to Wage Security Division	其他 Others	總數 Total
追討工資(清盤 / 破產) Wages Claims (Winding-up / Bankruptcy)	1%	94%	1%	1%	1%	1%	1%	100%

上訴法援申請被拒

在民事案件方面，申請人無論是因為未能通過經濟審查或案情審查而遭本署拒絕提供法律援助，可向高等法院司法常務官上訴；至於終審法院的案件，則可向由高等法院司法常務官及香港大律師公會主席和香港律師會會長分別委派一名大律師及律師組成的委員會上訴。

Refusal of Legal Aid

In civil cases, an applicant who is refused legal aid either on means or on merits may appeal to the Registrar of the High Court or in respect of the Court of Final Appeal cases, to a Committee comprising the Registrar of the High Court, a barrister and a solicitor appointed respectively by the Chairman of the Hong Kong Bar Association and the President of the Law Society of Hong Kong.



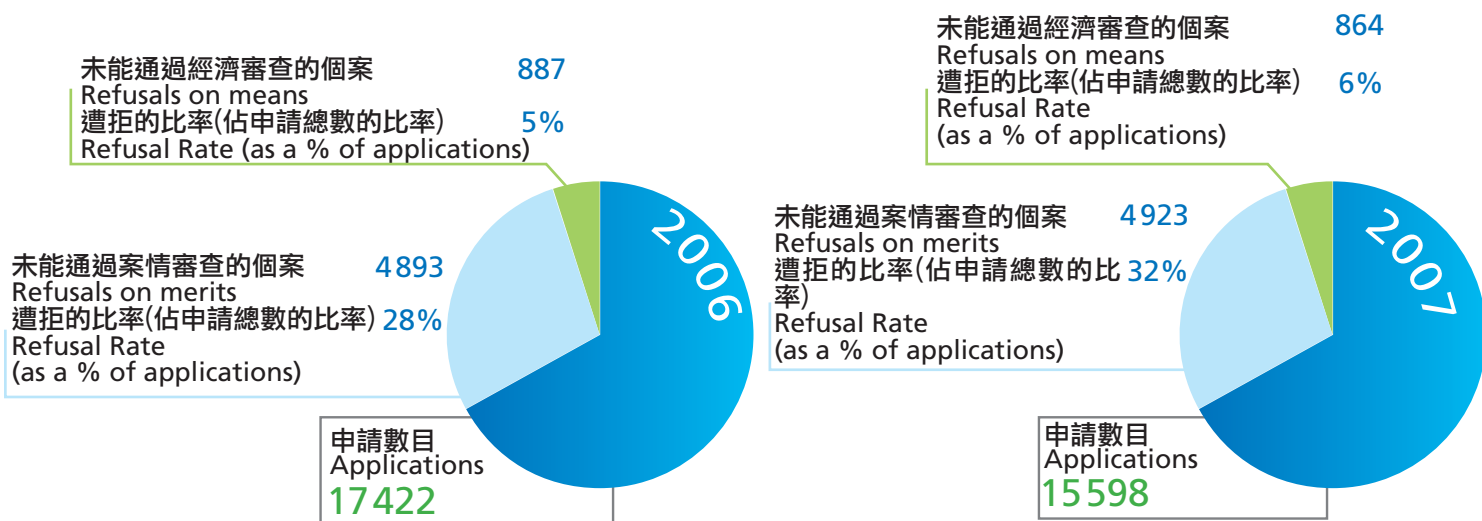
麥輝文先生
法律援助署副署長(訴訟)
Mr Harry Mak Fai-man
Deputy Director of Legal Aid (Litigation)

許麗容女士
法律援助署副署長(申請及審查)
Ms Jennie Hui Lai-yung
Deputy Director of Legal Aid
(Application and Processing)



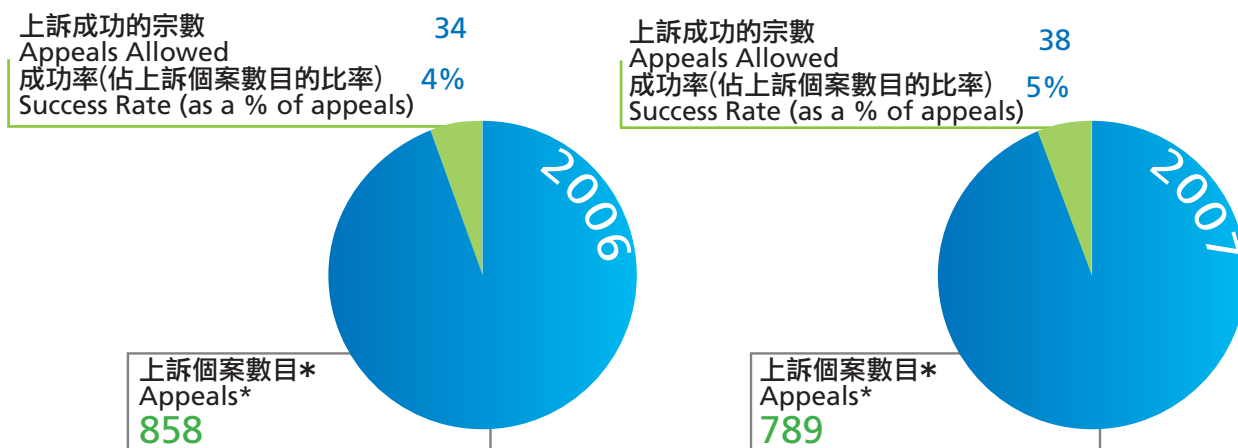
二〇〇六至二〇〇七年民事法律援助申請遭拒的比率

Refusal Rate of Civil Legal Aid Applications in 2006-2007



二〇〇六至二〇〇七年就法律援助申請遭拒絕上訴成功的比率

Success Rate of Legal Aid Appeals in 2006-2007



*註：不包括撤回的上訴個案

*Note: The figures do not include appeals withdrawn.

刑事法律援助

刑事訴訟的法律援助申請由刑事組審批。

二〇〇六至二〇〇七年收到的刑事法律援助申請的分佈情況

Legal Aid in Criminal Cases

Criminal legal aid applications are processed by the Crime Section.

Distribution of Applications Received for Criminal Legal Aid in 2006-2007

	刑事法律援助申請數目 No. of Applications for Criminal Legal Aid		
	二〇〇六年 2006	二〇〇七年 2007	增減的百分比 % Change
交付審判程序 Committal Proceedings	266	384	44%
區域法院審訊 District Court Trials	1 511	1 463	-3%
原訟法庭審訊 Court of First Instance Trials	280	370	32%
裁判法院上訴 Magistrate's Court Appeals	780	718	-8%
區域法院上訴 District Court Appeals	530	465	-12%
原訟法庭上訴 Court of First Instance Appeals	192	165	-14%
終審法院上訴 Appeals in Court of Final Appeal	175	163	-7%
其他 Others	45	37	-18%
總數 Total	3 779	3 765	-0.4%



鍾綺玲女士
法律援助署助理署長(申請及審查)
Ms Alice Chung Yee-ling
Assistant Director of Legal Aid (Application and Processing)

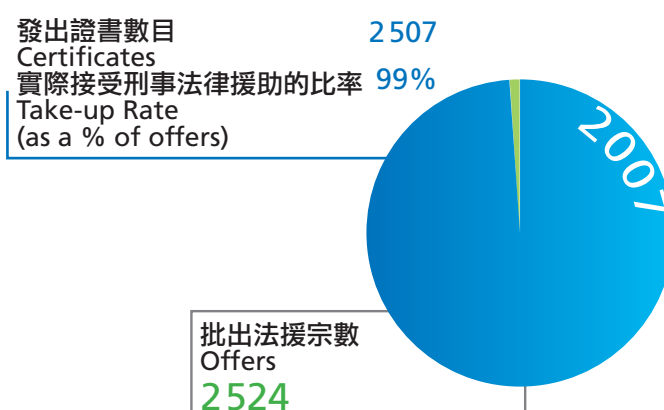
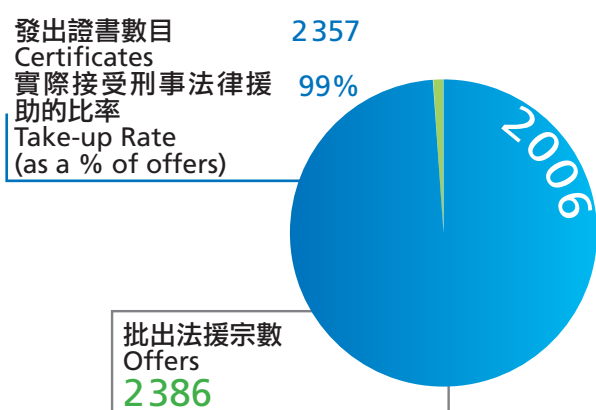
二〇〇六至二〇〇七年批出的刑事法律援助證書的分佈情況

Distribution of Certificates Issued for Criminal Legal Aid in 2006-2007

	批出的法律援助證書數目 No. of Certificates for Criminal Legal Aid		
	二〇〇六年 2006	二〇〇七年 2007	增減的百分比 % Change
交付審判程序 Committal Proceedings	260	371	43%
區域法院審訊 District Court Trials	1 460	1 427	-2%
原訟法庭審訊 Court of First Instance Trials	282	355	26%
裁判法院上訴 Magistrate's Court Appeals	133	133	0%
區域法院上訴 District Court Appeals	126	135	7%
原訟法庭上訴 Court of First Instance Appeals	67	61	-9%
終審法院上訴 Appeals in Court of Final Appeal	16	17	6%
其他 Others	13	8	-38%
總數 Total	2 357	2 507	6%

二〇〇六至二〇〇七年實際接受刑事法律援助的比率

Take-up Rate for Criminal Legal Aid in 2006-2007



法援申請被拒

如法律援助署署長認為給予刑事訴訟的申請人法律援助有助維護司法公正，即使申請人的財務資源超過法定限額而遭本署拒絕提供法援，法律援助署署長仍可運用酌情權，提供法律援助予申請人，使申請人獲得協助。

如申請人因未能通過案情審查而遭本署拒絕提供法援，只要申請人能夠通過經濟審查，申請人可向法官提出申請，而法官可自行給予申請人法律援助。謀殺、叛逆或使用暴力的海盜行為罪等案件的申請人，可向法官申請，要求給予法律援助，以及申請免除接受經濟審查及支付分擔費。在二〇〇七年，未能通過經濟審查的個案共有36宗；未能通過案情審查的個案則有1 152宗(1 128宗是上訴個案，另24宗是其他個案)。法官在4宗曾遭法律援助署署長拒絕的上訴案件，批准給予申請人法律援助。

向終審法院提出上訴的申請人如遭拒絕法律援助，可向由高等法院司法常務官出任主席，以及由香港大律師公會主席和香港律師會會長分別委派的一名大律師和一名律師組成的覆核委員會提出上訴。在二〇〇七年，並沒有申請人向覆核委員會提出上訴。

Refusal of Legal Aid

An applicant who is refused legal aid for having financial resources in excess of the statutory limit may still receive assistance as the Director of Legal Aid has discretion to grant legal aid in criminal cases if he is satisfied that it is desirable in the interests of justice to do so.

If an applicant is refused legal aid because his case lacks merits, he can apply to the judge who may grant legal aid on his own initiative provided the applicant is eligible on means. Applicants in cases involving a charge of murder, treason or piracy with violence may apply to a judge for the grant of legal aid, and for exemption of the means test and payment of contribution. In 2007, there were 36 refusals on means; and 1 152 refusals on merits (1 128 for appeal cases and 24 for other cases). Legal aid was granted in four appeal cases by judges notwithstanding the Director of Legal Aid's refusal.

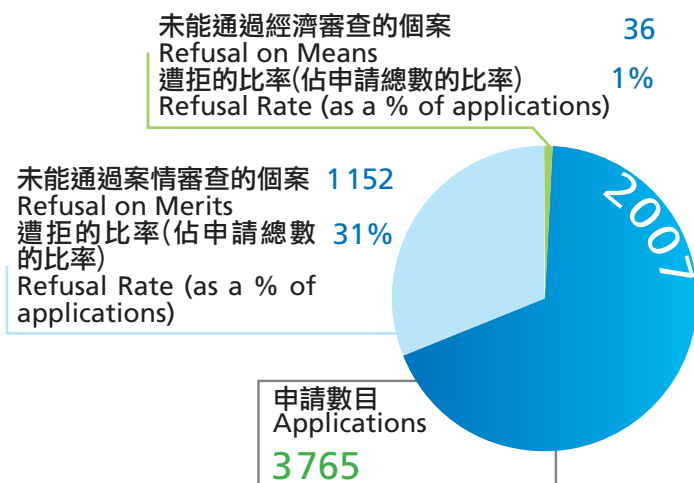
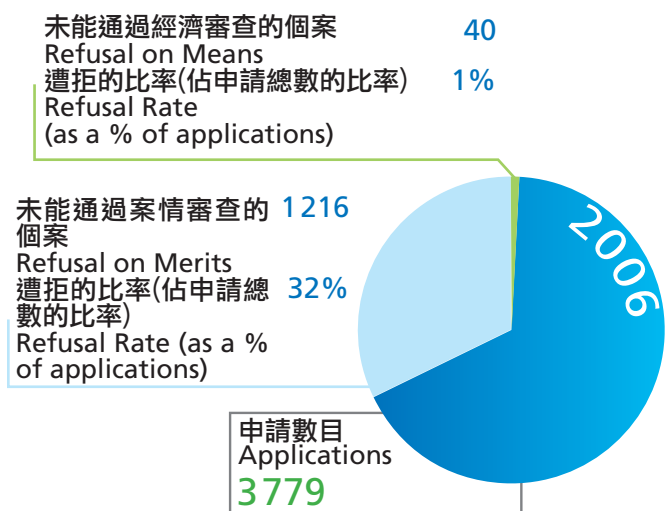
For refusal in respect of an appeal to the Court of Final Appeal, the appellant may appeal to a Committee of Review chaired by the Registrar of the High Court and comprising a barrister and a solicitor appointed by the Chairman of the Hong Kong Bar Association and by the President of the Law Society of Hong Kong respectively. In 2007, there was no appeal to the Committee of Review.



陳榮操先生
助理首席法律援助律師/申請及審查(1)
Mr Allan Chan Wing-cho
Assistant Principal Legal Aid Counsel/
Application and Processing (1)

二〇〇六年至二〇〇七年刑事法律援助申請遭拒的比率

Refusal Rate of Criminal Legal Aid Applications in 2006-2007



張英敏女士
助理首席法律援助律師/申請及審查(2)
Mrs Christina Hadiwibawa Cheung Ying-man
Assistant Principal Legal Aid Counsel/
Application and Processing (2)



法律援助輔助計劃

這項計劃在財政上自給自足，營運經費來自申請人在接受法律援助後，在訴訟中討回的賠償或補償。如法援受助人獲判勝訴，本署會從受助人討回的賠償中扣除一個百分比的款項撥入該計劃，比率為10%。如案件在委聘大律師上庭前和解，扣除的比率則會減至6%。

如申請人的財務資源超逾普通法律援助計劃的財務資格上限但低於法律援助輔助計劃*的限額，而索償額可能超逾60,000元，便可根據法律援助輔助計劃申請法律援助，就人身傷亡，以及就涉及醫療、牙科及法律等專業的疏忽提出申索。在這計劃下，根據《僱員補償條例》提出的申索，不論索償額多少，亦可獲得援助。

在二〇〇七年，根據這計劃提出的申請共有136宗，批出的法律援助證書則有79張。法律援助輔助計劃營運基金的盈餘為110萬元，而二〇〇六年的盈餘為750萬元。截至二〇〇七年九月三十日為止，基金的資產淨值為1.018億元（詳情見附錄1）。

Supplementary Legal Aid Scheme

This Scheme is self-financing and is funded by contributions paid by the applicants upon acceptance of legal aid from damages or compensation recovered in the aided proceedings. A successful applicant is required to pay a contribution out of the damages recovered to the Scheme. The rate of contribution is 10%. It is reduced to 6% if the case is settled before counsel is briefed to attend trial.

An applicant with financial resources exceeding the upper financial eligibility limit for Ordinary Legal Aid Scheme but below a higher limit set for the Scheme* may apply to pursue a claim involving personal injuries or death, medical, dental or legal professional negligence under the Supplementary Legal Aid Scheme where the amount of the claim is likely to exceed \$60,000. Under this Scheme, legal aid is also available for Employees' Compensation claims irrespective of the amount of the claim.

In 2007, a total of 136 applications were received and 79 legal aid certificates were issued. An operational surplus of \$1.1 million was recorded as compared with \$7.5 million in 2006. As at 30 September 2007, the net assets of the Supplementary Legal Aid Fund stood at \$101.8 million. For details, please refer to Appendix 1.

- * 普通法律援助計劃及法律援助輔助計劃的財務資格上限在二〇〇七年曾作兩次調整。普通法律援助計劃的限額在二〇〇七年七月十五日由158,300元調高至162,300元，在二〇〇七年十二月十四日再調高至165,700元。同樣地，法律援助輔助計劃的財務資格限額亦由439,800元調高至450,800元，然後再調整至460,300元。
- * The upper financial eligibility limits under the Ordinary Legal Aid Scheme (OLAS) and the Supplementary Legal Aid Scheme (SLAS) were adjusted twice in 2007. On 15 July 2007 the limit for OLAS was adjusted from \$158,300 to \$162,300 and then to \$165,700 on 14 December 2007. Similarly, the limit for SLAS was increased first from \$439,800 to \$450,800 and eventually to \$460,300.

法援案件的委派及監察

外判個案

本署在委派案件時，會以法援受助人的利益為依歸，而不會無論如何把案件平均委派予在法律援助律師名冊上的大律師或律師。本署在委派合適的律師或大律師接辦案件時，是會視乎執業律師的經驗和專長、案件的類別及案情的複雜程度，並按既定的指引及準則，從法律援助律師名冊中挑選。考慮的準則包括執業律師至少要有的經驗、其過去處理案件表現的記錄，以及接辦法援案件的數目沒有超出限額等。

Legal Aid Assignments and Monitoring

Assignments

Legal aid work is not distributed to counsel or solicitors on the Legal Aid Panel equally regardless of merit, the legally aided persons' interests being the paramount consideration. Counsel or solicitors are selected having regard to the level of experience and expertise of the practitioner to be selected and the type and complexity of the particular case and with reference to established guidelines and criteria, which include, amongst others, minimum experience requirements, past performance records and the limit on assignments of legal aid work.



二月十五日

副署長(政務)陳香屏先生及署理助理署長(政策及發展)衛關家詵女士接得到訪的英國律師會前主席 Mr Kevin Martin。

15 February

Deputy Director (Policy and Administration), Mr William Chan and Acting Assistant Director (Policy and Development), Mrs Annie Williams, had a meeting with the Immediate Past President, Law Society of England and Wales, UK, Mr Kevin Martin during his visit to the Department.



毛旭華女士

助理首席法律援助律師(九龍分署) (署理)

Ms Mo Yuk-wah

Assistant Principal Legal Aid Counsel

(Kowloon Branch Office) (Acting)

二〇〇七年委派外委律師/大律師
辦理個案的分佈情況

Distribution of Assignments to Solicitors/Counsel
in 2007

委派民事及刑事個案宗數 No. of Civil and Criminal Assignments	大律師數目 No. of Counsel			
	獲取大律師資格的年數 Years of Call			
	3年以下 Below 3 years	3-5年 3-5 years	6-10年 6-10 years	10年以上 Over 10 years
1-4	4	13	44	133
5-15	0	1	23	162
16-30	0	0	1	31
31-50	0	0	0	3
50宗以上 Over 50	0	0	0	0
總數 Total	4	14	68	329

鄭寶昌先生
 法律援助署助理署長(訴訟)
 Mr Thomas Edward Kwong
 Assistant Director of Legal Aid (Litigation)



委派民事及刑事個案宗數 No. of Civil and Criminal Assignments	律師數目 No. of Solicitors			
	獲取律師資格的年數 Years of Admission			
	3年以下 Below 3 years	3-5年 3-5 years	6-10年 6-10 years	10年以上 Over 10 years
1-4	2	60	219	513
5-15	0	18	120	345
16-30	0	1	20	50
31-50	0	1	1	12
50宗以上 Over 50	0	0	0	7
總數 Total	2	80	360	927

本署的監察外判個案委員會，由署長擔任主席，成員包括首長級人員及一名廉政公署代表。該委員會負責確保外判的法援個案，均按既定的外判準則及指引交予外委律師辦理。此外，該委員會也負責審視有關外委律師工作表現/行為操守欠佳的報告。年內，在該委員會的建議下，法律援助律師名冊上共有6名律師的姓名被刪除，另有6名律師被列入工作表現/行為操守欠佳記錄冊內，1名律師則遭發警告信。

The Departmental Committee on Monitoring Assignments to Counsel and Solicitors, which is chaired by the Director and comprises of directorate officers and a representative from the Independent Commission Against Corruption, ensures that cases are assigned in accordance with the established assignment criteria and guidelines. It also considers reports on the unsatisfactory performance/conduct of assigned lawyers. In 2007, on the advice of the Committee, the names of six solicitors were removed from the Legal Aid Panel, six solicitors were included on the Record of Unsatisfactory Performance/Conduct and a warning letter was issued to one solicitor.



陳琮華女士
助理首席法律援助律師(刑事)
Miss Betty Chan King-wah
Assistant Principal Legal Aid Counsel (Crime)

訴訟服務

署內律師辦理的民事訴訟

委派予署內律師辦理的民事個案，由訴訟科民事訴訟組負責。

人身傷害訴訟

年內，民事訴訟組共接辦196宗人身傷害訴訟案件。該組為受助人討回的賠償金額約有8,600萬元，成功取回的律師訴訟收費接近1,600萬元。有2宗人身傷害賠償個案的賠償額超逾500萬元。

家事訴訟

年內，民事訴訟組共接辦1 260宗家事訴訟個案。

追討欠薪

民事訴訟組轄下清盤破產小組辦理由勞工處勞資關係組轉介的案件，協助僱員追討欠薪及其他僱傭權益。

該組審查由僱員遞交的法援申請，並辦理隨後的訴訟。

Litigation Services

In-house Civil Litigation

The Civil Litigation Section (CLS) of the Litigation Division undertakes civil litigation for aided persons whose cases have been assigned in-house.

Personal Injury Litigation

In 2007, CLS took up 196 assignments. The total amount of damages recovered by the Section for aided persons was about \$86 million, while profit costs recovered was in the region of \$16 million. There were two cases where damages exceeding \$5 million were recovered.

Family Litigation

CLS took up a total of 1 260 assignments during the year.

Wages Claims

The Insolvency Unit of CLS assists employees referred by the Labour Relations Office of the Labour Department to recover arrears of wages and other employment entitlements.

The Unit processes applications for legal aid from employees and handles the ensuing litigation.

如某一個案雖有足夠證據支持提出清盤或破產呈請，但就該案的個別情況而言，進行有關訴訟並不符合經濟效益或不合理，民事訴訟組便會把個案轉介破產欠薪保障基金委員會，由該委員會考慮發放特惠金予有關僱員。

年內，該小組分別提出168宗及45宗清盤及破產呈請。另外，有427宗個案則轉介破產欠薪保障基金委員會處理。

署內律師辦理的刑事訴訟

訴訟科刑事組律師代表受助人在裁判法院的交付審判程序中出庭；向區域法院申請保釋及出席應訊日；以及向原訟法庭申請保釋及排期聆訊。此外，該組律師亦會就在原訟法庭、上訴法庭及終審法院聆訊的案件，擔任事務律師的工作。

除了為面對刑事審訊及提出上訴的被告人提供法律援助外，該組還會向擬認罪、要求減輕刑罰及被判刑的被告人提供援助。

年內，在香港區域法院聆訊的所有刑事案件中，約有83.3%獲提供法律援助。至於在原訟法庭聆訊的案件，則約有89.7%獲提供法律援助。

Where there is sufficient evidence to support the presentation of a petition for winding-up or bankruptcy but it is uneconomical or unreasonable in the particular circumstances to institute court proceedings, CLS will refer the case to the Protection of Wages on Insolvency Fund Board for consideration of ex-gratia payments to the employees.

In 2007, 168 winding-up and 45 bankruptcy petitions were presented and 427 cases were referred to the Protection of Wages on Insolvency Fund Board.

In-house Criminal Litigation

The Crime Section of the Litigation Division represents aided persons at committal proceedings in the Magistrate's Court, at bail applications and plea days in the District Court, and at bail applications and listing applications in the Court of First Instance. It also acts as instructing solicitors in the Court of First Instance, the Court of Appeal and the Court of Final Appeal.

Other than granting legal aid for criminal trials and appeals, the Section also grants aid to defendants for plea, mitigation and sentence.

In 2007, some 83.3% of all criminal cases in the District Court in Hong Kong were legally aided, as were some 89.7% of criminal cases in the Court of First Instance.

黃倩瑩女士
助理首席法律援助律師(民事訴訟1)
Miss Jenie Wong Sin-ying
Assistant Principal Legal Aid Counsel (Civil Litigation 1)

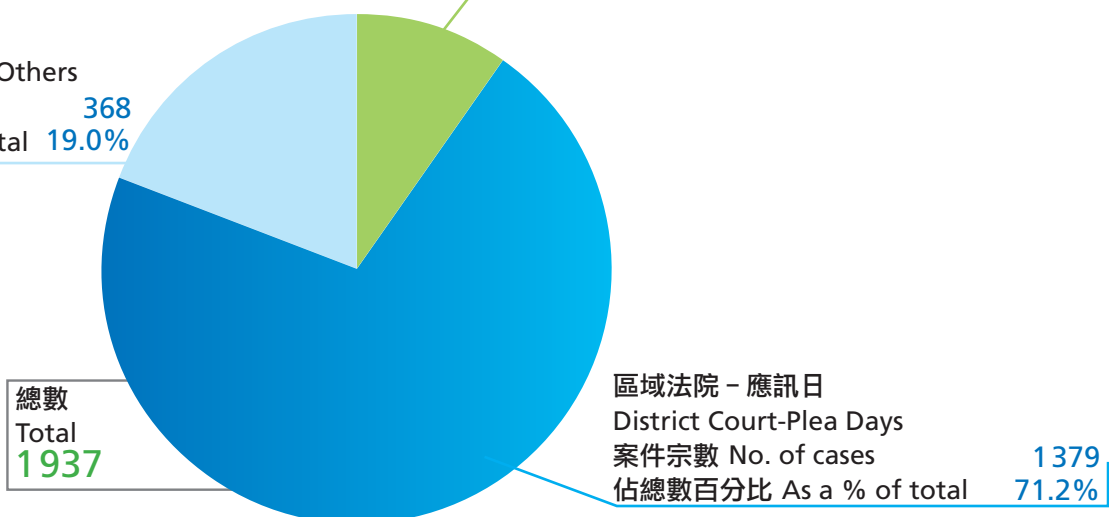


年內，該組律師辦理的刑事案件共有
1 937宗，其中包括：

In 2007, the Section handled 1 937 cases in-house :

高院原訟法庭的審訊及上訴案件
Court of First Instance of High Court Trials & Appeals
案件宗數 No. of cases 190
佔總數百分比 As a % of total 9.8%

交付審判程序及其他程序
Committal Proceedings & Others
案件宗數 No. of cases 368
佔總數百分比 As a % of total 19.0%



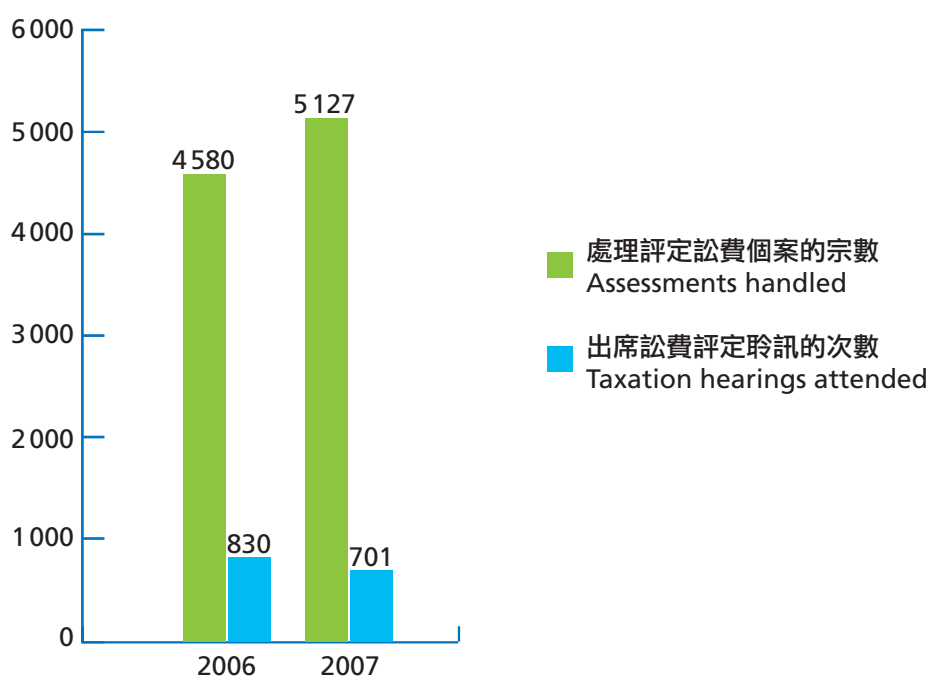
莊因東先生
助理首席法律援助律師(民事訴訟2)
Mr Chris Chong Yan-tung
Assistant Principal Legal Aid Counsel
(Civil Litigation 2)

相關的法律支援服務

訟費核算

本署的訟費核算小組負責評定外委律師提交的訟費清單，以及出席訟費評定聆訊。

二〇〇六至二〇〇七年訟費核算小組處理的個案



Related Legal Support Services

Costing

The Department's Costing Unit assesses all bills of costs submitted by assigned solicitors and attends taxation hearings.

Cases handled by the Costing Unit in 2006-2007



十二月二十日

中國法律援助基金會考察團團長張秀夫(右)致送紀念品予
法律援助署署長張景文。

20 December

Head of the China Legal Aid Foundation delegation,
Mr Zhang Xiufu (right) presented a souvenir to
Director of Legal Aid, Mr Benjamin Cheung.

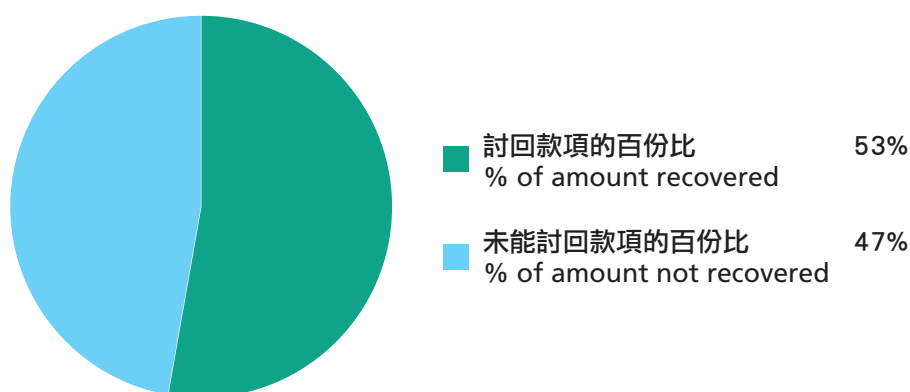
強制執行工作

本署的執行小組負責處理強制執行判決訴訟程序，就法律援助案件追討判定債項及訟費。年內，該組共接辦653宗個案。有些個案因判定債務人承諾分期支付欠款而得到和解；另有570宗個案必須進行強制執行判決訴訟程序。

在執行小組已採取強制執行判決訴訟程序的個案中，大部分個案的訴訟程序是於該組律師接辦個案當日一個月內展開。下表顯示由接辦個案當日至展開執行判決訴訟程序所需的時間：

1個月內 Within 1 month	2個月內 Within 2 months	3個月內 Within 3 months	超過3個月 More than 3 months	總數 Total cases
252	193	69	56	570
44.2%	33.9%	12.1%	9.8%	100%

下圖顯示就已採取強制執行行動而在二〇〇七年了結的個案，本署從中討回訟費及損害賠償的比率：



Enforcement

The Department's Enforcement Unit (EU) handles enforcement proceedings for the recovery of judgment debts and costs in legally aided cases. In 2007, the EU was assigned 653 cases. Some cases were settled upon the undertaking of the judgment debtor to pay by instalments whereas enforcement proceedings had to be instituted in 570 cases.

Of the cases where enforcement proceedings were taken by the EU, a majority of them were instituted within one month from the date the cases were assigned to the professional officers for handling. The table below shows the length of time taken for enforcement proceedings to be commenced from the date of assignment :

The costs and damages recovery ratio for cases with enforcement action handled by the Department and finalised in 2007 is as shown in the chart below :

尹建成先生 總部申請及審查科高級 一等律政書記

Mr K.S. Wan, Senior Law Clerk I, Applications and Processing Division, Headquarters

尹先生一九七八年加入本署，在此之前，他在當時的律政司署(後稱律政署)任職。在本署服務三十年期間，尹先生見證了種種轉變。尹先生認為最重大的轉變是部門電腦化。他憶述當初執行小組首先推行辦公室自動化計劃時，只靠一部電腦運作，而設計及安裝有關系統的過程可說頗“艱苦”，但不久他便領略到新系統的好處，例如可以很快找到所需資料及節省時間等。

他在這項工作所得的經驗，使他在部門其後推行電腦化計劃，利用資訊科技提升本署的服務效率及加強對內對外的溝通時，得以發揮所長。他認為電腦化計劃有助簡化工作流程，大大提升本署為市民提供的法律援助服務質素。

尹先生曾在不同崗位任職。他認為在申請及審查科任職高級一等律政書記期間的滿足感最大。他在該組負責行政工作，其中一項任務是找出個案管理及個案會計系統中有哪些地方需要作出改善，從而提升整個系統。當他看到系統在改進後工作流程和工序都得到改善，令同事受惠，感到很滿足和開心。

尹先生將於二〇〇八年退休。

當某人在工作生涯完結時回望過去，可以無憾地對自己說“我不單完成了我的工作，而且做得很好”，可說是功成身退，心靈上的富足，非金錢可以衡量。這正是尹先生的寫照。

Mr K.S. Wan worked in the then Attorney General's Chambers (Legal Department), before joining the Department in 1978. In his 30 years with the Department, Mr Wan has witnessed a great deal of changes. In his view, the most significant change of all was computerisation. He recalled how office automation first began in the Enforcement Unit with one stand alone personal computer. The design and set-up of the system was quite "painful" but he soon recognised the benefits of speedy data retrieval and timesaving.

The experience he gained meant that he was able to contribute to subsequent computerisation projects aimed at using information technology to enhance service efficiency and communications with both internal and external customers. He maintains the view that computerisation has greatly improved the delivery of legal aid services to the public by streamlining and simplifying procedures.

Mr Wan said that what gave him the most satisfaction is the opportunity he has of identifying areas for enhancing the Case Management and Case Accounting System through his work as Senior Law Clerk I in charge of administration in the Applications and Processing Division. He felt a sense of achievement and gratification from seeing how staff benefited from the improved workflow and work processes that stemmed from the enhancement.

Mr Wan will leave the service and retire in 2008.

At the end of his career, if a man can look back and say "I did my job and I did it well", he can then retire in satisfaction and a sense of bliss and fulfillment far beyond what money can buy. This will be the case with Mr Wan.





公眾關注的法援案件



Cases of Public Interest or Concern



第三章 公眾關注的法援案件

Chapter 3 Cases of Public Interest or Concern

重複的問題：是分判商還是僱員？

終審法院在二〇〇七年三月作出一項判決，該判決再次確認樞密院在 *Lee Ting Sang v Chung Chi Keung* [1990] 2 AC 374 一案中，為確定僱主與僱員關係是否存在所採用的基本驗證方法。要確定某人是僱員還是獨立承判商，基本的驗證方法是，該人履行服務時，是否為自己經營的業務提供有關服務。這是一個關乎事實的問題，須由主審法官在研究及衡量該人工作時的實際情況後作出裁決。

法院又裁定，一九九八年實施的《強制性公積金計劃條例》（第485章）不影響上述基本原則。

本案的上訴人Y先生為冷氣工人，以散工形式受僱於答辯人。在工作期間，一條焊枝突然截斷，擊中Y先生的左眼，令其眼部嚴重受傷。事前，Y先生與答辯人曾達成協議，由Y先生以自僱人士身分自行安排強制性公積金事宜。

區域法院及上訴法庭均裁定Y先生是分判商而非答辯人的僱員，原因之一是Y先生以自僱人士身分自行支付強制性公積金供款。其後，Y先生獲批法律援助，就其申索向終審法院提出上訴。

A Sub-contractor or an Employee? A Question Revisited

In a judgment handed down in March 2007, the Court of Final Appeal (“CFA”) re-affirmed the fundamental test for determining whether an employer and employee relationship existed as laid down in the Privy Council’s decision in *Lee Ting Sang v Chung Chi Keung* [1990] 2 AC 374. The fundamental test in determining whether a person was an employee or an independent contractor is whether or not that person was performing services as a person in business on his own account. It is a question of fact for the trial judge to decide following an investigation and evaluation of the factual circumstances in which that person performed his work.

It was also held that the introduction of the Mandatory Provident Fund Schemes Ordinance, Cap. 485 (“MPFSO”) in 1998 does not affect these fundamental principles.

In this case Mr Y was working as a casual air-conditioning worker for the Respondent when a welding rod suddenly shattered and struck his left eye, causing severe eye injury. Mr Y had previously agreed with the Respondent that he would make his own Mandatory Provident Fund arrangements as a self-employed person.

Mr Y was granted legal aid to take his claim to the CFA after both the District Court and the Court of Appeal found him to be a sub-contractor and not an employee of the Respondent on the grounds that, inter alia, he had made his own Mandatory Provident Fund contributions as a self-employed person.

結果，終審法院法官一致裁定Y先生上訴得直。終審法院指出，要確定僱傭關係是否存在，必須先研究和衡量所有實際情況，然後作出一個整體的評估。在本案中，法院得悉，分配甚麼工作給Y先生，以及以日薪方式向Y先生支付薪酬並發放超時工作津貼(如有者)，都是由答辯人決定。經營冷氣業務賺取的利潤全歸答辯人所有，如業務有虧損，亦由答辯人承擔。Y先生不用承擔任何財政風險，除了收取按日計算的工資外，再無任何金錢報酬。法院亦得悉，管理業務及聘用工人(其中一些工人與Y先生一起工作)的事宜均由答辯人負責。Y先生接到分配給他的工作後，獨力完成工作，並無僱用他人協助。使用的工具部分屬Y先生，部分屬答辯人。Y先生為工作需要購買的物品，所花費用均由答辯人付還。由於Y先生是一名熟練的冷氣工人，他無須在督導或監管的情況下工作。法院對案中事實進行的整體評估，顯示答辯人和Y先生屬僱主與僱員關係。

因此，法庭裁定，鑑於案中有充分事實支持答辯人和Y先生屬僱主與僱員關係的結論，即使雙方曾達成協議，由Y先生自行支付強制性公積金供款，但Y先生在其受僱期間因工遭遇意外以致受傷，答辯人仍有責任根據《僱員補償條例》(第282章)向Y先生作出補償。

不過，法院亦明確指出，此決定只適用於根據《僱員補償條例》提出的申索，不應對《強制性公積金計劃條例》所指的臨時僱員造成影響。

In a unanimous decision allowing the appeal, the CFA held that in order to determine whether an employment relationship existed, all the factual circumstances must be investigated and evaluated to give an overall assessment. In this case, the Court found that it was the Respondent who decided which jobs would be assigned to Mr Y and that Mr Y would be paid at a daily rate plus overtime, if any. All the profits and losses of the air-conditioning business were for the Respondent's account and Mr Y bore no financial risks and reaped no financial rewards beyond his daily rated remuneration. The Court found that it was the Respondent who managed the business and hired workers, some of whom worked alongside Mr Y. Mr Y personally did the work assigned to him and did not hire anyone to help him. Some equipment was owned by Mr Y and some by the Respondent. Whenever items had to be purchased by Mr Y for work purposes, he was reimbursed by the Respondent. Mr Y was a skilled air-conditioning worker and as such did not require supervision or control over the manner in which he carried out his work. The overall assessment of the facts was that they pointed to an employer-employee relationship.

The Court therefore held that as the facts of the case strongly supported the conclusion that there was an employer-employee relationship, the Respondent would still be liable to compensate Mr Y for injuries sustained in an accident in the course of his employment under the Employees' Compensation Ordinance, Cap. 282 ("ECO") notwithstanding an agreement that Mr Y made his own Mandatory Provident Fund contributions.

The Court made it clear however that this decision is only applicable in respect of a claim under the ECO and is not intended to affect the position of casual employees under the MPFSO.

刑事案件的法律援助範圍

X先生被控盜竊，受審後獲裁定罪名不成立。他獲判無罪後，向法庭提出申請，要求控方支付訟費，但申請被原審裁判官拒絕。他只就訟費問題向原訟法庭提出上訴，但遭法庭駁回。X先生繼而申請法律援助，向終審法院提出上訴。

法律援助署署長（“法援署署長”）就刑事案件給予法律援助的權力受《刑事案件法律援助規則》（第221章）所規限。該規則為擬向終審法院上訴的人士提供法律援助作出規定，條文如下：
“就任何罪行被定罪的人，可根據本規則就向終審法院提出的上訴或為向終審法院上訴的許可申請，並在相關的任何初步或附帶法律程序中，獲給予法律援助。”

從該規則的含意來看，由於X先生並非該規則所指‘被定罪’的人，法援署署長認為其申請不在刑事案件的法律援助範圍內，因而拒絕其申請。

X先生根據《法律援助條例》（第91章）第26A條的規定，取得由資深大律師發出的大律師證明書，就法援署署長的決定申請覆核。有關資深大律師認為，覆核委員會可能會指示署長根據《法律援助條例》第10條，向X先生提供法律援助。

覆核委員會在駁回有關申請時指出：

The Scope of Legal Aid in Criminal Cases

Mr X was charged with theft and was acquitted after trial. He applied for costs against the prosecution following his acquittal but his application was refused by the trial magistrate. He appealed to the Court of First Instance solely on the issue of costs and his appeal was dismissed. Mr X then applied for legal aid to appeal to the Court of Final Appeal.

The Director of Legal Aid’s (“DLA”) power to grant legal aid in criminal cases is governed by the Legal Aid in Criminal Cases Rules, Cap. 221 (LACCR). The rule which applies to the grant of legal aid to appeal to the Court of Final Appeal provides that *“a person convicted of any offence may be granted legal aid under these rules for any appeal to, or an application for leave to appeal to, the Court of Final Appeal and any proceedings preliminary or incidental thereto”*.

As Mr X is not a person ‘convicted’ of any offence within the meaning of the rule, DLA took the view that his application was outside the scope of criminal legal aid and refused his application on this basis.

Mr X applied for a review of the DLA’s decision under Section 26A of the Legal Aid Ordinance, Cap. 91 (“the Ordinance”) having obtained a certificate by counsel from a senior counsel who was of the opinion that the Review Committee might direct the Director to grant legal aid to Mr X under Section 10 of the Ordinance.

In dismissing the Applicant’s application, the Review Committee considered that :

(a) 《刑事案件法律援助規則》由規則委員會制定，並經立法會通過。該規則第II部清楚說明刑事案件可獲給予法律援助的種種情況，並就該等情況加以界定和規限。所有適用的情況已詳盡無遺地在該規則列明，而非純屬指示性質。

(b) 《刑事案件法律援助規則》內沒有任何條文，適用於X先生的情況。在現行《刑事案件法律援助規則》之下，法援署署長無權向其提供法律援助。

(c) 《法律援助條例》就民事案件，而非刑事案件作出規定。

(a) The LACCR were made by the Rules Committee and approved by the Legislative Council. Part II of the LACCR provides a definitive list of the circumstances under which legal aid may be granted in criminal cases. The circumstances are defined and circumscribed. They are exhaustive and not merely indicative.

(b) There are no rules in the LACCR which cover Mr X's situation and no jurisdiction under the existing LACCR to provide legal aid to the Applicant.

(c) The Ordinance provides for legal aid in civil and not in criminal cases.

法援署署長拒絕X先生的法援申請是正確的。

The DLA acted correctly in refusing Mr X's application for legal aid.



六月八日

助理首席法律援助律師(法律及管理支援) (署理)王耀輝先生向一批本地的法律系學生介紹法律援助署的工作。

8 June

Assistant Principal Legal Aid Counsel(Legal and Management Support) (Acting), Mr Steve Wong, gave a briefing on the work of the Legal Aid Department to a group of local law students.

大廈業主立案法團對疏忽和公眾滋擾所負的法律責任

一九九九年夏天，L女士(死者)在通菜街一個固定攤檔擺賣。突然，一塊重約15磅的石屎從毗鄰大廈11樓一單位（“該單位”）墮下擊中她。該單位露台有一幅伸出的石屎簷篷，而墮下擊中她的石屎是剝落簷篷的一部分。L女士最終因傷不治。

已故L女士的受養人及遺產管理人（“原告人”）獲批法援，向該單位的註冊業主及租客，以及該大廈的業主立案法團（“立案法團”），就疏忽和公眾滋擾追討賠償。

向立案法團提出的索償理據是，該僭建簷篷結構上有危險，危害公眾安全，而立案法團已知悉或理應知悉有關危險。由於立案法團沒有採取任何行動拆除該簷篷或消除有關危險，他們須承擔賠償責任。

Liability of Incorporated Owners of Buildings for Negligence and Public Nuisance

In the summer of 1999, the late Madam L was plying her trade as a hawker at a fixed pitch in Tung Choi Street when she was struck by a piece of concrete weighing some 15 pounds which had fallen from the balcony of a flat on the 11th floor (“the flat”) of an adjacent building. The piece of concrete which struck her was part of a concrete canopy projecting over the balcony of the flat. Madam L (“the deceased”) died as a result of injuries sustained.

Legal Aid was granted to the dependants and the administrators of the estate of the late Madam L (“the Plaintiffs”) to claim for damages against the registered owners of the flat, the tenant of the flat and the Incorporated Owners of the Building (“Incorporated Owners”) for negligence and public nuisance.

The claim against the Incorporated Owners was that the extended canopy was in a dangerous condition and amounted to a hazard and that they knew or ought to have known of that hazard. As the Incorporated Owners failed to take any steps towards removing the canopy or otherwise neutralising the hazard, they should be liable for damages.

該單位的業主在審訊時承認了責任。法官亦裁定租客須承擔責任，但撤銷原告人對立案法團提出的訴訟兼判原告人須向立案法團支付訟費。他在總結時指出，該僭建簷篷剝落的原因“不外乎可適當地描述為日久失修所致”。立案法團修葺外牆的責任不應擴及至在大廈外牆搭建的違例僭建物，因為立案法團無權管有、佔用或控制該等違例僭建物。因此，法官裁定立案法團毋須就L女士因傷致死一事承擔責任。

原告人不滿原審法官對立案法團的法律責任所作的裁決。他申請法律援助向上訴法庭提出上訴，獲得批准。上訴法庭駁回原告人的上訴，所作的裁決與原審法官的相同。

由於案件涉及的問題具有重大廣泛的或關乎公眾的重要性，原告人於二〇〇七年獲批法律援助，申請向終審法院提出上訴的許可。終審法院需考慮大廈的業主立案法團，是否有責任清除已知悉或推定已知悉在大廈的危險僭建物或因此而產生的危險，以免該危險僭建物危害公眾安全。

At the trial, the owners of the flat admitted liability. The judge also found the tenant liable but dismissed the action against the Incorporated Owners with costs. He concluded that the cause of the collapse of the extended canopy “could not have been anything other than what could properly be described as want of repair.” The duty of the Incorporated Owners to maintain the external walls can not be extended to cover an illegal structure attached to the building to which the Incorporated Owners had no right of possession, occupation or control. Hence the judge concluded that the Incorporated Owners could not be held liable for the fatal injuries sustained by Madam L.

The Plaintiffs, who were aggrieved by the finding of the trial judge in respect of the liability of the Incorporated Owners, applied for and were granted legal aid to lodge an appeal to the Court of Appeal. The Court of Appeal dismissed the Plaintiff’s appeal and drew the same conclusions as that of the trial judge.

As it was considered that the case involved a question of great general or public importance, legal aid was granted to the Plaintiffs to apply for leave to appeal to the Court of Final Appeal (“CFA”) in 2007. The CFA was invited to consider whether Incorporated Owners of buildings have a duty to remove any hazard on or arising from their property of which they are aware of or are presumed to be aware of so as to prevent such hazard from endangering members of the public.

在上訴時，代表原告人的首席大律師指出，根據《建築物管理條例》及大廈公契對業主立案法團的性質、職責及權力所作的規定，立案法團實際上是一個由眾多業主組成的團體，共同管有及控制大廈的公用部分；從實際角度考慮，立案法團應被視為公用部分的業主及佔用人，因此，對公用部分（包括大廈外牆）有妥善維修的責任，以及在進行適當檢查後，把在公用部分所搭建的危險僭建物拆除。

代表立案法團的首席大律師在反駁上訴時指出，儘管立案法團有責任維修外牆，但這並不表示該責任擴及至在大廈外牆搭建的違例僭建物。他亦指出，只有出現“佔用控制”的情況，即“與在處所內出現及使用該處所或與該處所內的活動有聯繫及因上述情況而產生的控制”，才能構成一項可就其不作為而提起訴訟的責任，但在本案中顯然沒有這樣的“佔用控制”情況。

At the appeal, leading counsel for the Plaintiffs argued that the nature of an owners' incorporation and its duties and powers arising under the Building Management Ordinance and under the deed of mutual covenant showed that the Incorporated Owners were in effect the corporate embodiment of the owners, collectively possessing and exercising such control over the common parts of the building that they should, for all practical purposes, be treated as if they were owners and occupiers of the common parts and were therefore under a duty to maintain those common parts including the external walls in good repair and to remove, after due inspection, any dangerous unauthorised structures attached to those common parts.

In opposing the appeal, leading counsel for the Incorporated Owners argued that his client's duty to maintain the external walls did not mean that such duty extended to cover external parts of illegal structures attached to the building. He further argued that only "occupational control" as meaning "control associated with and arising from presence in and use or activity in the premises" suffices to create a duty giving rise to an actionable omission, and that such control was plainly absent in the present case.

終審法院認為，鑑於立案法團在法律上的性質、職責及權力，立案法團與業主及佔用人的角色非常類似，而後兩者一般均有責任消除他們知悉或推定已知悉在其土地或因其土地構成的妨擾危險；至少須防止有關的危險危及公眾安全，以免他人受傷。如他們沒有履行這項責任以致有人受傷，便須因不作為而負上對公眾構成滋擾的法律責任。

終審法院認為，鑑於立案法團是大廈業主共同組成的團體，立案法團可有效控制大廈的公用部分（包括外牆部分），而事實上立案法團早已知悉或理應知悉該妨擾危險僭建物的存在，因此，立案法團有責任拆除該危險僭建物或防止該僭建物對街上的行人構成危險。在審訊時所援引的證據顯示，立案法團可採取種種方法解決問題，但他們坐視不理。如僭建的簷篷經過適當檢查，立案法團理應發現該簷篷的結構有危險，並予以修葺。由於立案法團沒有安排適當檢查及修葺，導致慘劇發生。

The CFA was of the view that the legal attributes, duties and powers of the incorporated owners placed them in a category closely analogous with that of owners and occupiers who generally come under a duty to remove any nuisance hazard on or arising from the land of which they have knowledge or presumed knowledge, at least to prevent such hazard from injuring members of the public. If they fail to do so and injury results, they are liable in public nuisance for such omission.

The CFA held that by virtue of the Incorporated Owners' collective status as the embodiment of the owners of the building, of its effective control over the common parts including the external parts of the building; and of the fact that it knew or ought to have known of the nuisance hazard, it was therefore under a duty to remove that hazard or prevent it from causing harm to the public in the street below. Evidence adduced at the trial demonstrated that they plainly had the means to achieve this but took no action. Had the extended canopy been subjected to a proper inspection, its dangerous condition would have been discovered and rectified. The omission was therefore causative of the tragic accident.

終審法院裁定原告人上訴得直，頒令立案法團對原告人作出賠償。

The CFA allowed the appeal and ordered that there be judgment for damages in favour of the Plaintiffs as against the Incorporated Owners.

終審法院的判決對香港的大廈業主立案法團的法律責任有重大影響。

The finding of the CFA has significant impact on liability of incorporated owners of buildings in Hong Kong.

七月十七日

助理首席法律援助律師(刑事)陳琮華女士(右二)向到訪的中華全國律師協會未成年人保護專業委員會的代表講解香港的法援服務。右一為高級法律援助律師盧浩輝先生。

17 July

Assistant Principal Legal Aid Counsel (Crime), Miss Betty Chan (second from right), was explaining the legal aid services in Hong Kong to a group of Mainland lawyers from the Committee for Children Protection of All China Lawyers Association. On far right is Senior Legal Aid Counsel, Mr Joseph Lo.





提升服務



Improving the Way We Work



第四章 提升服務

Chapter 4 Improving the Way We Work

本署透過以客為本的服務文化，致力為顧客提供優質的法律援助服務，並會繼續努力，精益求精。

The Department is committed to be a provider of quality legal aid services and will continually find ways to better its performance through a customer-focused approach when delivering its services.

服務承諾

Performance Pledges

審查申請

Processing of Applications

在二〇〇七年，本署在審查申請方面所需的實際時間，全部超出服務承諾所訂立的標準審查時間指標。

In 2007, the Department's actual performance exceeded the various targets for processing legal aid applications within the standard processing time set in the performance pledges.

申請類別 Types of Applications	審查申請所需的標準時間 Standard Processing Time	服務指標 Performance Targets	二〇〇七年的實際表現 Actual Performance in 2007
民事法律援助案件 Civil Legal Aid	由申請當日起計3個月內 Within 3 months of the application	85%	88%
刑事法律援助上訴案件 Criminal Legal Aid Appeals			
- 上訴要求減刑 Appeal against sentence	由申請當日起計2個月內 Within 2 months of the application	90%	94%
- 上訴推翻原判 Appeal against conviction	由申請當日起計3個月內 Within 3 months of the application	90%	94%
高等法院原訟法庭 / 區域法院案件 Court of First Instance of the High Court / District Court	由申請當日起計10個工作天內 Within 10 working days of the application	90%	92%
交付審判程序 Committal proceedings	由申請當日起計8個工作天內 Within 8 working days of the application	90%	95%

付款給受助人及提供服務的人

在二〇〇七至〇八財政年度，向受助人支付的款項和法律援助訟費總額(包括向外委律師支付的款項)，分別為6.86億元及4.28億元。年內，各項付款服務的表現均超出所訂的服務承諾，詳情如下：

Payment to Aided Persons and Service Providers

In the 2007-08 financial year, the amount of payments to clients and total legal aid costs incurred (including payment to assigned lawyers) were \$686 million and \$428 million respectively. During the year, the Department exceeded all performance pledges on payment :

付款對象 Payment Targets	付款所需的標準時間 Service Delivery Standard	服務指標 Performance Targets	二〇〇七年的 實際表現 Actual Performance in 2007
受助人 Aided Persons	中期付款 在收到受助人應收的款項及/或外委律師估計的訟費額通知後（以適用者為準）1個月內支付。 Interim Payment Within 1 month from receipt of monies due to the aided person and/or receipt of estimation of costs from the assigned solicitor, whichever is appropriate.	95%	99%
	餘款 在全部訟費及代支費用獲有關方面同意，以及收妥受助人和法律援助署署長應收的全部款項的日期起計6個星期內支付。 Final Payment Within 6 weeks from date of agreement of all costs and disbursements related to the case, and receipt of all monies due to the aided person and the Director of Legal Aid.	95%	99%
律師/專家/ 其他人士 Lawyers/Experts/ Other Parties	預支款項 在收到帳單後6個星期內支付。 Advance Payment Within 6 weeks from receipt of bill.	95%	99%
	餘款 所有訟費及代支費用獲有關方面同意後，或在收妥受助人和法律援助署署長應收的全部款項的日期（以較後者為準）起計6個星期內支付。 Balance Payment Within 6 weeks from date of agreement of all costs and disbursements related to the case, or receipts of all monies due to the aided person and the Director of Legal Aid, whichever is later.	95%	99%

本署會不時檢討下列措施，繼續改善付款程序：

- (a) 簡化付款的各項程序；
- (b) 重新安排部門處理付款工作的資源；
- (c) 為員工提供培訓和指引，使他們更了解本身的職責和有關的工作流程；
- (d) 改善資訊系統，以方便員工查閱帳目資料和解答與收支有關的查詢；
- (e) 安排透過銀行帳戶付款予受助人；以及
- (f) 為每個組別制訂處理付款的內部表現標準。

The Department will continue to make improvement to the payment system by keeping the following matters under constant review :

- (a) simplifying and streamlining the payment procedures;
- (b) re-focusing our resources in processing of payments;
- (c) providing training and guidelines to staff to improve their understanding of their duties and the work flow involved;
- (d) enhancing the information system to facilitate checking of accounts and answering enquiries regarding receipts and payments;
- (e) arranging payments to aided persons through bank accounts; and
- (f) setting internal performance standards for each section for processing payments.



七月十九日

助理首席法律援助律師(民事訴訟2)莊因東先生(前)向到訪的菲律賓法律援助部門代表講解法律援助署的工作。其左為助理署長(政策及發展)衛關家璇女士。

19 July

Assistant Principal Legal Aid Counsel (Civil Litigation 2), Mr Chris Chong (front), was briefing a visiting delegation from the Public Attorney's Office of the Philippines on the work of the Department. On his left is Assistant Director (Policy and Development), Mrs Annie Williams.

按開支性質劃分的法律援助 訟費分析

Analysis of Legal Aid Costs by Nature of Expenditure

開支性質 Nature of Expenditure	二〇〇六至〇七年 (百萬元) 2006-07(\$M)	二〇〇七至〇八年 (百萬元) 2007-08(\$M)
律師費用 Solicitors Costs	217.8	236.7
大律師費用 Counsel Fees	126.2	126.5
醫生費用 Doctors Fees	7.1	6.1
對訟人訟費 Opposite Party Costs	22.1	13.9
其他(註) Others (Note)	45.5	45.0
總計 Total	418.7	428.2

註：其他開支包括土地及公司查冊開支、法庭費用及訟費評定費用、訟費擬備人員費用、專家費用、影印費用、銀行費用及雜項開支。

Note : Others include expenses for Land & Company Search, Court fees & Taxing fees, Law (costs) draftsman's fee, Expert's fee, Copying charges & Bank charges, and miscellaneous expenses.



七月二十六日

署長張景文先生(左二)與到訪法律援助署的深圳市司法局代表就法律援助服務交換意見。

26 July

Director of Legal Aid, Mr Benjamin Cheung (second from left), exchanged views on legal aid services with a group of officials from Shenzhen Municipal Justice Bureau who visited the Department.

顧客服務的培訓

本署為各職級員工在署內舉辦一系列的顧客服務培訓課程，並安排他們參加外間課程，以加強部門以客為本的服務文化。約有455名員工(包括署內律師、律政書記職系與一般職系人員)參加一項或多項的顧客服務培訓課程。年內舉辦的課程主要包括：

- “內部顧客服務”視像研討會
- “掌握情緒、消解戾氣、職場進退自如之道”研討會
- 顧客服務研討會：如何透過有效的投訴管理提供優質服務
- 提升服務—加深認識難於應付和有特別需要的顧客
- 顧客服務的電話技巧
- “說得對，說得好”—前線人員必備會話技巧
- 如何處理有暴力傾向的人士

員工建議

年內，本署推行了有關“內部顧客服務”的主題式公務員建議書計劃，以蒐集員工的意見，改善署內的顧客服務。收到的建議書已提交員工建議評審委員會考慮。有員工因應部門的環保目標，建議在舊信封貼上“環保”郵遞籤條，使舊信封可循環再用而不會在使用一次後便棄掉。這項建議現已付諸實行。

Training on Customer Service

Various in-house and external programmes on customer service were arranged for staff of different ranks to reinforce the customer-focused culture in the Department. Around 455 Professional Officers, Law Clerk Grade and General Grades staff participated in customer service training of one kind or another. Some of the major programmes held during the year were :

- In-house video seminar on internal customer service : An Inside Job
- In-house seminar on Defusing Hostile Customers
- Customer Service Seminar : Driving service excellence through effective complaints management
- Serving problem customers and customers with special needs – driving quality through awareness
- Customer service skills on the telephone
- Say it right and well for frontline staff
- How to handle potentially violent clients

Staff Suggestions

During the year, the Department launched a thematic Staff Suggestion Scheme on “Internal Customer Service” to solicit staff suggestions aimed at improving the Department’s internal customer service. Suggestions received were referred to the Staff Suggestion Scheme Committee for consideration. One suggestion that reinforces the Departmental goal of caring for the environment was the use of ‘green’ mailing labels so that envelopes can be reused and would not be discarded immediately once it has been used. This suggestion has been put into practice.

顧客意見

為致力改善法援服務的質素，年內，本署定期檢討顧客意見，以確定顧客的要求，並為此採取適當行動。

本署透過不同渠道蒐集及記錄顧客對本署各項服務所提供的意見，例如有關法援申請和審批程序，以及署內訴訟服務的意見。蒐集的方式包括即場向顧客收集意見或以郵遞方式進行調查。至於選用哪一種方式，則視乎與顧客接觸的途徑、個案的處理階段，以及本署所提供服務的種類而定。這些蒐集方法旨在使本署能夠定期向顧客取得全面的意見。

年內，整體顧客服務的滿意程度維持在高水平。顯示顧客意見調查主要結果的圖表載於附錄2。

投訴及陳述

在處理顧客意見方面，由於顧客的投訴和陳述反映他們所關注的事情及意見，因此，本署十分重視這方面的跟進工作。他們的意見及建議有助本署提高服務質素，使本署能夠履行法定職責。本署會透過各項措施及培訓計劃，讓督導人員及署內律師掌握積極處理各類投訴的最新概念和策略。

本署的申請及審查科轄下各組，負責覆檢市民就反對本署因案情批予法援而提交的陳述。至於反對本署基於申請人或受助人的經濟狀況批予法援而提交的陳述，則由特別職務及研究小組進行調查。

Customer Feedback

As a result of the Department's ongoing commitment to customer service, regular reviews of customer feedback were undertaken during the year to identify customer demands and to take appropriate steps to respond to such needs.

Customer feedback is captured on different aspects of the services the Department provides covering, for example, the application and processing procedures for legal aid and the Department's in-house litigation services. Different methodologies such as on the spot collection and mail surveys are used depending on the points of contact and on the stages and types of services rendered to the customers. The aim is to obtain comprehensive and regular feedback from our customers.

During the year, the overall customer satisfaction level remained high. The charts and diagrams at Appendix 2 illustrate the major findings of the survey on customer feedback.

Complaints and Representations

As part of our customer feedback system, the Department places great importance on following up with complaints and representations. Customer's concerns and suggestions are viewed by the Department as a means of improving its service and ensuring the fulfillment of its statutory functions. Supervisors and professional officers would be kept abreast of the latest concepts and strategies in handling and managing different types of complaints in a positive manner through various initiatives and training programmes.

While the responsible section of the Application and Processing Division conducts review for representations against grant of legal aid on merits, the Department's Special Duties and Research Unit carries out investigations on representations against grant of legal aid on means.

特別職務及研究小組在完成調查某一個案後，可能會向受助人繼續提供法律援助，又或是取消或撤回已批出的法律援助。如有需要，署方會把一些合適個案轉交警方作進一步調查，以確定申請人或受助人有否作出違反《法律援助條例》第23條的失實陳述。

年內，該小組共收到43份反對本署基於申請人或受助人的經濟狀況准予法援的陳述，當中30份已完成調查；有1份因受助人不合作，拒絕向本署提供所需資料，以致未能跟進或處理。該個案的受助人最終被取消法援。本署根據《法律援助條例》第23條把3宗個案轉交警方作進一步調查，以期檢控有關受助人；另根據《刑事罪行條例》（香港法例第200章）第32及36條，以及《盜竊罪條例》（香港法例第210章）第18A條把2宗個案轉交警方作進一步調查。

Once the Special Duties and Research Unit has completed its investigation in a case, legal aid may be continued, discharged or revoked. When circumstances warrant it, the Department may also refer suitable cases to the police for investigation for misrepresentations by the applicants or legally aided persons in contravention of section 23 of the Legal Aid Ordinance.

In 2007, the Unit received 43 representations against grant of legal aid on means and completed investigation in 30 of them. One case was not pursued or dealt with for the reason that the aided person refused to provide the required information and legal aid was discharged as a result. The Department referred three cases to the police for further investigation with a view to prosecuting the aided persons concerned under section 23 of the Legal Aid Ordinance and two cases under section 32 and 36 of the Crimes Ordinance, Cap. 200 and section 18A of the Theft Ordinance, Cap. 210.

八月十日

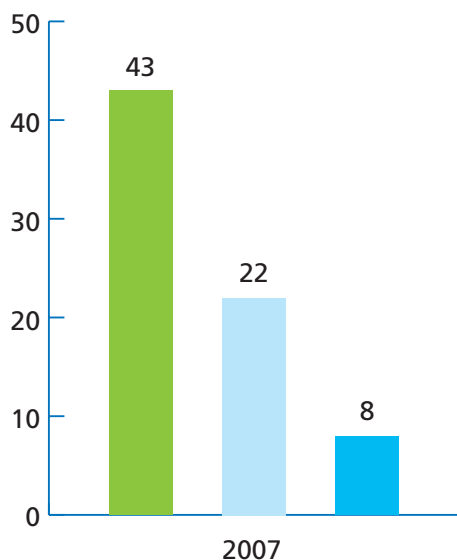
助理首席法律援助律師(法律及管理支援)(署理)王耀輝先生(右七)向汕頭大學的代表致送紀念品，她陪同該校一批法律系學生到訪法律援助署。左一為高級法律援助律師郭家聲先生。

10 August

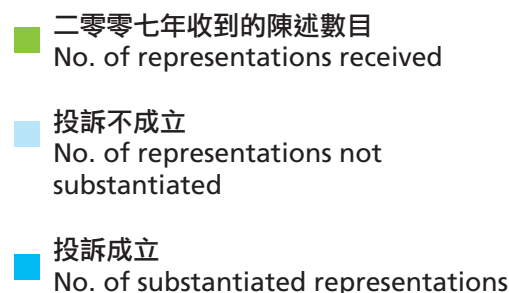
Assistant Principal Legal Aid Counsel (Legal and Management Support) (Acting), Mr Steve Wong (seventh from right), presented a souvenir to the representative of Shantou University from Guangdong who accompanied a group of law students to visit the Department. On far left is Senior Legal Aid Counsel, Mr Nelson Kwok.



二〇〇七年就陳述進行經濟狀況調查後的結果如下：



Means Investigation Outcome on Representations Received in 2007 :



法律援助署電話熱線服務－交互式話音回應系統

市民可透過本署的電話熱線服務，收聽有關法律援助服務的資訊。這項熱線查詢服務提供粵語、普通話及英語錄音聲帶，講解法律援助服務各個範疇的資訊，例如民事及刑事法律援助的申請程序和資格準則，以及受助人分擔案件訟費的責任等。如有需要，市民可在辦公時間內向本署職員查詢有關法律援助的問題。為節省來電者的時間，讓他們快捷地收聽到所需資訊，本署檢討及精簡了話音回應系統內的預錄電話信息，以便迅速及扼要地提供有關法援服務的資訊。本署會繼續尋求方法改善系統，使來電者可快速取得所需資訊。

LAD's Hotline Service - the Interactive Voice Response System

The Department's hotline service is a service whereby members of the public can learn about legal aid services. It provides recorded messages in Cantonese, Putonghua and English on different aspects of legal aid services such as application procedures, eligibility criteria for civil and criminal legal aid, the aided person's liability to contribute towards the costs of aided proceedings etc. Where necessary, callers can speak to a staff of the Department who will answer their queries concerning legal aid during office hours. In order to reduce the time taken for callers to access the information they want to listen, the pre-recorded messages on the System were reviewed and shortened with the object of providing short, concise information on legal aid services. The Department will continue to explore ways to improve the System so that callers are guided quickly to the information that they need.

蘇李少卿女士 法律及管理支援組高級一等律政書記

Mrs Helen So Li Siu Hing, Senior Law Clerk I, Legal and Management Support Section

蘇太於一九七八年離開司法部加入本署，以擴闊視野。蘇太加入本署至今，差不多在所有組別工作過。她目前在法律及管理支援組任職高級一等律政書記。

蘇太認為，在本署任職以來，最大的轉變是部門本地化。這是一項與時並進的政策，但律政書記為署內多位外籍專業人員擔當“中間人的角色”亦隨之告終。她解釋，律政書記充當翻譯，在受助人與法律援助律師之間發揮着“橋樑”的作用，好像“中間人”一樣，鞏固受助人與律師之間的關係。這個角色使律政書記在處理法律援助個案時有較大程度的參與。

蘇太在本署熱誠投入地工作了30年。回顧過去，蘇太說她在本署工作愉快。但本署差點失去這位員工，因為她曾經考慮重返司法部。她說在司法部任職時，組內有很多同事一起工作。在加入本署後，她被派往個人傷亡訴訟組，擔任一名法律援助律師的助理，有自己的辦公室。她的工作包括接觸在工作或其他意外受傷的受助人。面對他們的種種悲慘遭遇，她感到無奈。蘇太說寧願專責處理文件。幸好，她的上司說服她留任本署。他對蘇太說，雖然傷者的遭遇令人沮喪，但能夠幫助受害人討回賠償金以補償他們所受的痛苦，在工作上會有很大的滿足感。這是從事案頭工作的人無法體會的。蘇太遂改變初衷，而她從來沒有後悔作出這樣的決定。

蘇太將於二〇〇八年退休，離開本署。

不論被派往哪一個組別工作，蘇太都是該組的重要支援人員。她和藹可親，富責任感，樂於助人。同事在她退休後，會非常懷念她。

Mrs So joined the Department from the Judiciary in 1978 in order to broaden her experience. Since joining the Department, Mrs So has worked in most sections of the Department and is currently the Senior Law Clerk I in the Legal and Management Support Section.

The greatest change during her time with the Department was, according to Mrs So, localisation. Whilst it was a timely change, it also spelled the end of the “middleman role” played by law clerks for many of the Department’s expatriate professional officers. She explained that the “middleman role” meant that law clerks acted as a bridge between the aided persons and the Legal Aid Counsel by translating and generally cementing the relationship between client and lawyer. Such a role allowed a high degree of involvement for law clerks in the conduct of legally aided cases.

Looking back, Mrs So, who has given 30 years of valuable service to the Department, said she has enjoyed her time with the Department although the Department nearly lost her as she once considered returning to the Judiciary. She said that when she was in the Judiciary she worked in a pool with many other colleagues. Upon joining the Department, she was posted to the Personal Injuries Unit where she had her own room and worked as an assistant to a Legal Aid Counsel. As part of her duties, she had to deal with aided persons who were victims of industrial and other accidents who all had their own tragic story to tell that disheartened her. Mrs So said she wanted to return to the safety of paperwork. However the Legal Aid Counsel with whom she worked talked her into staying with the Department. He told her that while it was dispiriting to learn of the tragic stories of the accident victims, there was a great deal of job satisfaction coming from helping the victims to recover monetary compensation for the injuries they suffered. That was something that she would never experience from a desk job. Mrs So changed her mind and this is one decision she never regretted making.

Mrs So will retire and leave the service of the Department in 2008.

She has been a mainstay in whichever section she was posted to. Mrs So is approachable, responsive and caring. When she retires, she will be missed by many of her colleagues.





宣傳工作



Publicity Programmes



第五章 宣傳工作

Chapter 5 Publicity Programmes

本署致力增加市民對法援服務的認識和了解，並加強與關注本署服務人士的溝通。

推廣活動

“法律週2007”

本署與香港律師會攜手合作，在“法律週2007”協力提高市民對法治和法援服務的認識。“法律週2007”開幕典禮於二〇〇七年十月二十七日在西九龍奧海城二期舉行。主禮嘉賓包括終審法院首席法官李國能先生、律政司司長黃仁龍先生、立法會議員吳靄儀女士、法律援助服務局主席陳茂波先生、香港律師會副會長王桂壩先生、香港大律師公會副主席石永泰先生，以及法律援助署署長張景文先生。

The Department is committed to promoting public awareness and understanding of the services it provides and to enhancing communication with our stakeholders.

Promotional Activities

“Law Week 2007”

The Department teamed up with the Law Society to promote awareness of the rule of law and availability of legal aid services during the “Law Week 2007”. The Opening Ceremony of “Law Week 2007” was held on 27 October at Olympian City 2 in West Kowloon. The officiating guests included the Chief Justice, the Honourable Mr Justice Andrew Li, the Secretary for Justice, Mr Wong Yan Lung SC, Legislative Council member the Honourable Ms Margaret Ng, Mr Paul Chan Mo Po the Chairman of Legal Aid Services Council, the Vice-President of the Law Society of Hong Kong Mr Wong Kwai Huen, the Vice-Chairman of the Hong Kong Bar Association Mr Paul WT Shieh SC and the Director of Legal Aid Mr Benjamin Cheung.



為非政府機構及其他機構舉辦講座及進行探訪活動

為加強市民對法援服務的了解和認識，並希望藉交換意見提高服務質素，年內，本署安排講座，讓非政府機構及其他團體參加。本署為香港單親協會舉辦法援服務講座，並在教育局主辦的研討會中向教師講解法援服務。

Talks Delivered to and Visits of Non-Governmental Organisations and Other Organisations

To enhance public understanding and awareness of legal aid services and to elicit views on improvements to our services, the Department arranged talks to non-governmental organisations and other bodies during the year. Talks on legal aid services were given to the Hong Kong Single Parents Association and in a seminar organised by Education Bureau for school teachers.

九月十八日

助理首席法律援助律師(民事訴訟1)黃倩瑩女士及高級法律援助律師吳詠萍女士向一批到訪的海南省官員簡介法律援助署的工作。

18 September

Assistant Principal Legal Aid Counsel (Civil Litigation 1), Miss Jenie Wong, and Senior Legal Aid Counsel, Miss Linda Ng, gave a briefing on the work of the Legal Aid Department to a group of Hainan government officials.



接待來訪團體

Visits to Department

在二〇〇七年，本署共接待19個代表團 / 團體：

During the year 2007, the Department received a total of 19 delegations/groups :

19個代表團 / 團體包括 19 delegations/groups including	
海外團體 Overseas bodies	<ul style="list-style-type: none"> • 英格蘭及威爾斯律師公會前主席Mr Kevin Martin Mr Kevin Martin, Immediate Past President, Law Society of England & Wales, UK • 菲律賓法務部公設律師辦公室首席公設律師Ms Persida Rueda-Acosta Ms Persida Rueda-Acosta, Chief Public Attorney of Public Attorney's Office, the Philippines
內地團體 Mainland bodies	<ul style="list-style-type: none"> • 中國法律援助基金會赴港考察團 A delegation from China Legal Aid Foundation • 中華人民共和國司法部法律援助中心副主任桑寧先生 Mr Sang Ning, Deputy Director of Legal Aid Centre of Ministry Justice, PRC • 來自深圳市司法局的代表團 A delegation from Shenzhen Municipal Justice Bureau • 來自天津市政府法制辦的代表團 A delegation from Tianjin Municipal Legal Affairs Office • 兩團來自廣州市中級人民法院的培訓團 Two delegations of senior judicial officials from Guangzhou • 海南省決策層行政官員赴港培訓團 Senior government officials from Hainan Province • 來自內地司法廳／局的官員 Officials from Mainland Justice Department/Bureaux • 來自中華全國律師協會未成年人保護專業委員會的代表團 A delegation from the Committee for Children Protection of All China Lawyers Association • 參加英國大法官辦公室中國青年律師培訓項目的內地律師 Mainland lawyers under Lord Chancellor's Training Scheme • 來自廣州中山大學及北京大學的教授和研究生 Professor and postgraduate students from Sun Yat-sen University in Guangzhou and Beijing University • 來自廣東汕頭大學法律系的學生 Law students from Shantou University of Guangdong • 來自內地多所大學的教授 A group of professors from Mainland universities • 來自中國政法大學及北京大學的內地學者和代表 Mainland scholars and delegates from the China University of Political Science and Law and Beijing University
本地團體 Local bodies	<ul style="list-style-type: none"> • 民建聯專業事務委員會法律小組 DAB Professional Affairs Committee Law Group • 香港大學法律學院學生 Law students from the University of Hong Kong • 法律援助服務局成員 A member of the Legal Aid Services Council

傳媒查詢

在二〇〇七年，本署的新聞組共處理約 1 000宗傳媒的查詢。

《法律援助署通訊》

為加深市民對法援服務的認識和了解，讓市民知悉法援服務的發展，本署出版了《法律援助署通訊》。

《通訊》放置在本署各辦事處的接待處，供市民索取，並分發給民政事務總署各區諮詢服務中心、非政府機構、懲教所及法庭聯絡主任等。此外，本署把以往出版和新出版的《通訊》定期上載本署網頁，方便那些對法援服務有興趣的人士瀏覽。

Media Enquiries

In 2007, the Department's Information Unit handled about 1 000 enquiries from the media.

LAD News

The Legal Aid Department News (LAD News) is published to enhance public awareness and understanding of legal aid and to keep the public informed of developments in legal aid services.

Printed copies of the newsletter were placed in the reception areas of the various offices of the Department and were distributed to public enquiry counters of the Home Affairs Department, non-Government organisations, correctional institutions, court liaison officers etc. Past and current issues of the LAD News were also regularly uploaded onto the Department's website.

十一月十二日

助理首席法律援助律師/申請及審查(2)(署理)張英敏女士(左一)向一批到訪的內地學者簡介香港的法律援助服務。

12 November

Assistant Principal Legal Aid Counsel (Application and Processing) (Acting), Mrs Christina Hadiwibawa (far left), briefed a group of Mainland scholars on the legal aid system in Hong Kong.



刊物

本署在二〇〇七年更新了部分單張的資料，例如五天工作周的推行。

本署亦更新了財務資料一覽表的內容。該表載列所有與法律援助有關的財務資料。年內更新的項目包括在六月及十二月更改的財務資格限額、每年六月對法律援助署署長第一押記利率作出的調整，以及在二月調高的個人豁免額。

本署出版的刊物目錄載於附錄6。

網頁

本署定期更新網頁內容，為市民提供全面和最新的資訊。在二〇〇七年，本署除了透過網頁公布財務資格限額及個人豁免額的修改外，還把電話查詢熱線的錄音資料上載網頁，使市民可在網上收聽各類法援服務資訊。

Publications

Some leaflets were updated in 2007 to reflect, for example the implementation of the five day week.

The Financial Information Sheet which set out all the relevant financial information concerning legal aid was also updated to publicise the changes in financial eligibility limits in June and December, the annual adjustments to the Director of Legal Aid's First Charge interest rate in June and the increases in personal allowances in February.

A list of publications of the Department is at Appendix 6.

Website

The Department regularly updates the contents of its website to provide comprehensive and timely information to the public. In 2007, in addition to uploading messages on the website concerning changes in the eligibility limits and personal allowances, the sound scripts of the various aspects of the legal aid services which the public can gain access to by telephoning the Department's hotline were also uploaded onto the LAD Homepage for listening online.



組織、行政及職員編制



Organisation, Administration and Staffing



第六章 組織、行政及職員編制

Chapter 6 Organisation, Administration and Staffing

本署的工作由三個科別負責，即申請及審查科、訴訟科和政策及行政科，各由一名副署長掌管，架構詳見附錄3的組織圖。

職員編制

在二〇〇七年年底，本署有525名職員，包括69名律師、155名律政書記及301名輔助人員。

年內，本署繼續檢討部門架構及資源，確保按服務範圍的優先次序進行資源分配，盡量提高部門運作的效率和效益。

三個科別的工作

有關申請及審查科和訴訟科的工作及成績，第二章已有載述；政策及行政科則負責提供服務，輔助部門的整體運作，其於年內進行的工作及取得的成果詳見下文。

The work of the Department is carried out by its three Divisions, namely the Application and Processing Division, the Litigation Division and the Policy and Administration Division, each headed by a Deputy Director as shown in the organisation chart in Appendix 3.

Staffing

At the end of 2007, the Department had 525 staff comprising of 69 professional officers, 155 law clerks and 301 supporting staff.

In 2007, the Department continued to review its structure and resources to ensure that the Department's resources would be deployed to priority service areas to maximise operational efficiency and effectiveness.

Work of the Three Divisions

The work and achievements of the Application and Processing Division and the Litigation Division are set out in Chapter 2. The Policy and Administration Division provides support to the entire operation of the Department. Its work and achievements during the year are described as follows.

培訓與發展

本署非常重視員工的培訓與發展，因為這有助提升員工的工作表現，使本署可為市民提供優質的法援服務。培訓委員會負責制訂及檢討培訓政策及計劃，而執行工作則由訓練小組負責。訓練小組由一名高級訓練主任擔任主管，根據部門的運作和員工發展需要，為本署策劃、安排、推行及監督各項培訓活動。

年內，本署為各級員工提供多項一般及專業培訓課程。以下是一些主要的培訓活動：

顧客服務培訓

年內，本署內部舉辦了一個視像研討會，名為“內部顧客服務”，目的是加深員工了解內部顧客服務的重要性。研討會為員工提供一個平台，讓他們就改善制度/程序/工作流程及溝通等課題交流意見，藉此培養互相協作的工作氣氛，並提升本署整體的服務質素。本署一共舉辦了13場研討會，參加的員工來自不同職級，共有328人。

Training and Development

The Department views staff training and development as important means to enhance staff performance and lead to the provision of quality legal aid services to the public. The Training Unit, headed by a Senior Training Officer, serves as the executive arm of the Training Committee, which formulates and reviews training policies and plans. The Senior Training Officer plans, organises, implements and monitors various types of training programmes to meet the operational and development needs of staff.

In 2007, a number of generic and vocational training courses were arranged for staff of all levels. Some of the major training initiatives are described below :

Customer Service Training

An in-house video seminar “An Inside Job” was launched in 2007. The seminar aimed at promoting participants’ understanding of the importance of internal customer service. It provided a platform for staff to discuss ways to improve systems/procedures/workflow and communication with a view to fostering a collaborative work climate and promoting the overall service quality of the Department. A total of thirteen classes were organised and a total of 328 staff members of all ranks attended the workshops.

與工作相關的專業培訓

來自法律援助律師職系的多名人員參加了由外間機構舉辦的法律講座，以掌握與工作相關法律範疇的發展。本署亦資助一名律政書記職系人員報讀由專上院校開辦的法律課程。此外，本署為各級員工安排與工作相關的課程，以增進他們在工作上所需的知識。這些課程包括有關法律援助個別範疇的講座，如申請押記令、執行第三債務人的法律程序，以及為接待國內來訪團體的人員提供普通話培訓。

一般培訓

為配合個別員工的發展需要，本署為他們安排各類的一般培訓課程，計有管理、傳意、語文、國家事務及資訊科技等，為員工提供在署內及署外接受培訓的機會。此外，本署為高級一等律政書記及高級二等律政書記舉辦了一個領袖訓練工作坊，並在公務員培訓處的協助下，舉辦了一個表現管理工作坊，以加強他們的管理技巧。

Job-Related Professional Training

A number of Legal Aid Counsel Grade officers attended external law seminars to keep abreast of development in the areas of law which were relevant to their work. One Law Clerk Grade officer was sponsored to attend legal studies run by a tertiary institute. In addition, job related in-house courses were arranged for staff at different levels to improve their work knowledge. Courses organised included talks on specific areas of legal aid work such as application for charging orders and garnishee proceedings in enforcement work and Putonghua training for staff who received Mainland delegations.

Training on General Subjects

A wide range of courses on general subjects such as Management, Communication, Language, National Studies and Information Technology were made available to staff to meet the developmental needs of individual officers. These included both internal and external training opportunities. In addition, an in-house Leadership Workshop and a customised Performance Management Workshop organised with the assistance of the Civil Service Training and Development Institute were held for Senior Law Clerks I & II to enhance their management skill.

陳香屏先生
法律援助署副署長(政務)
Mr William Chan Heung-ping
Deputy Director of Legal Aid (Policy and Administration)



推廣學習和自我發展的文化

本署致力培養員工不斷學習和自我發展的文化。本署於二〇〇五年設立學習資源中心，提供多個範疇的學習資源，包括管理、傳意/語文、國家事務、公共行政、科學和個人發展。中心有超過230項學習資源，包括書本、自學教材、錄影帶和光碟，供員工借用，稍後會購置更多這類資料。此外，首長級人員可使用經本署安排的網上數碼商業圖書館服務，觀看超過480套由全球的商業領袖講述其管理工作心得的錄影帶，涵蓋課題包括領導才能、管理策略、溝通技巧、人力資源及人事管理等。

Promoting a Culture of Learning and Self-development

The Department is committed to cultivating a continuous learning and self-development culture amongst staff. The Learning Resource Centre, which was set up in 2005, provides learning resources on a variety of subjects covering management, communication/language, national studies, public administration, science and personal development. There are over 230 items including books, self-learning packages, videos and compact discs which are available for loan by staff and more is intended to be acquired in the future. Subscription to an online digital business library was arranged for directorate officers which allowed access to over 480 video-taped narratives by successful business leaders worldwide on a broad spectrum of management topics such as leadership, strategy, communication, human resources and managing people.



衛關家靛女士
法律援助署助理署長(政策及發展)
Mrs Annie Williams Ka-ding
Assistant Director of Legal Aid (Policy and Development)

本署提倡網上學習，以促進自我發展。本署全體員工均可登入部門的內聯網，查看有用的學習材料及與工作有關的指引，方便快捷。本署在十二月新推出普通話自學站。該網站特別提供與工作相關的學習資源，並可連結政府其他部門有關學習普通話的網站。

除部門入門網站外，本署員工亦可瀏覽中央學習入門網站(公務員易學網)，以便他們可隨時隨地按自己的步伐學習。本署約71%的員工已登記成為該網站的用戶，這個登記率較整體公務員的平均登記率48%為高。

E-learning is advocated in the Department to facilitate self-development. All staff in the Legal Aid Department have access to the Department's intranet from which they can gain access to useful learning resources and work-related guidelines easily. A new Putonghua Corner (普通話自學站) was launched in December which provided job specific learning materials and web links to other government departments on the subject.

Aside from the Departmental Portal, staff can also access the central learning portal and the Cyber Learning Centre (CLC), which enables them to learn anywhere and at their own pace. Around 71% of LAD staff have registered with the CLC compared with the civil service average of 48%.

資訊系統策略

自資訊系統策略計劃在二〇〇一至〇二年度實施後，本署已建立資訊科技的基礎設施及辦公室自動化設施，協助員工執行日常職務。

其中的個案管理及個案會計系統可供約500名員工處理各種工序，包括審批申請、把個案分配予署內人員及為本署提供服務的人士處理、監察署內及外判個案的進展，以及監察每宗個案的帳目及付款給受助人和外委律師的情況。

年內，本署進一步提升系統，以配合工作流程和程序上的最新轉變。繼利用電子文件管理系統處理刑事法律援助個案的計劃成功試行，員工可用電子複本方式，保存由控方/法庭交來的刑事審訊/上訴文件後，電子文件管理系統在年內正式採用。設立部門電子入門網站，即“法律援助電子服務入門網站”的籌備工作仍繼續，預計可在二〇〇八年下半年啟用。

Information Systems Strategy

Following the implementation of the Information Systems Strategy Programme in 2001-2002, the Department has in place an information technology (IT) infrastructure and office automation facilities to assist all staff in their daily work.

The Case Management and Case Accounting System supports over 500 users in handling business processes including processing of applications, assignment of cases to LAD officers and external service providers, monitoring progress of in-house and assigned-out cases, monitoring the accounts of legal aid cases and payments to the legally aided persons and assigned lawyers.

In 2007, the System was enhanced to cope with the latest changes in business workflow and procedures. Following the success of the pilot scheme on the use of electronic Document Management System for handling criminal legal aid cases which enabled the Department to maintain electronic copies of the trial/appeal bundles received from the prosecution/the court in criminal cases, the use of the electronic Document Management System was implemented in 2007. Work on implementing the Departmental E-portal known as Legal Aid Electronic Services Portal (“LAESP”) continued. It is expected to be rolled out in the second half of 2008.



員工關係及溝通

本署定期與不同的員工代表團體，例如部門協商委員會、律政書記協會及法律援助律師協會舉行會議，以加強部門與員工之間的溝通。經部門協商委員會開會商議後，有關紓緩員工工作環境擠迫和維修及保養資訊系統設施和打印機方面的問題已有改善。

為了令員工可掌握部門的最新動向和培養員工對部門的歸屬感，本署每年出版三期《法律援助通訊》。各科/組繼續實施加強內部溝通的策略，並與員工磋商。法律援助署副署長(政務)也與一般職系的員工進行了多次非正式會面，了解員工對工作的意見，以及討論可改進的地方。

員工福利

本署重視員工福利，因此在一九八八年成立職員康樂會，以促進員工的福利。該會的宗旨是藉着舉辦各式各樣消閒和有益身心的活動，為員工營造一個環境，讓大家聚首一堂，互相交流。

為幫助員工保持強健體魄，該會在二〇〇七年舉辦了太極班、瑜珈班、保齡球賽，以及東平洲環島行。該會還舉辦多類不同的活動，例如禮物包裝班、蛋糕製作班、中文書法班和國畫班等。

年內，該會舉辦的康樂活動包括中秋節和端午節食品展銷會，以及一年一度的聖誕聯歡會。

Staff Relations and Communication

The Department maintains effective communication with staff through regular meetings with various staff representative bodies such as the Departmental Consultative Committees (DCC), the Law Clerks Association and the Legal Aid Counsel Association. As a result of discussion in DCC, improvements have been made in areas such as the alleviation of cramped working conditions, maintenance of IT equipment and printers.

To keep staff abreast of development in the Department and to promote staff's sense of belonging, the Department published a staff newsletter three times a year. Divisions/Sections continued to implement their respective internal communication strategies in consultation with staff. Informal meetings were also held between the Deputy Director of Legal Aid (Policy and Administration) and general grades staff to canvas their views on their work and to discuss areas of improvement.

Staff Welfare

As the Department values the well-being of its staff, a Staff Club was formed in 1988 to promote staff welfare. The Staff Club's objective is to organise a wide range of activities to bring about an environment where staff can meet and interact whilst engaging in relaxing and enriching activities.

To provide staff with opportunities to maintain their physical fitness, classes in Tai-Chi and Yoga were arranged in 2007 together with a bowling competition and an excursion to Tung Ping Chau. Various other activities such as gift wrapping, baking, Chinese calligraphy and painting were also offered.

Recreational and leisure activities organised in 2007 included mini bazaars to celebrate festivals such as Mid-Autumn and Dragon Boat and the annual Christmas Party.

職員康樂會於二〇〇二年成立義工隊，鼓勵員工參與志願服務，造福社羣。年內，義工隊響應公務員事務局的“公務義工傳愛心”的號召，參加“植樹”和“耆樂安居家居維修計劃”等活動。此外，義工隊亦參與由義務工作發展局籌辦的“愛心傳城義工大行動”。義工隊參與的其他活動還包括籌款和探訪長者。

員工激勵活動

年內，本署曾舉行茶聚，以表揚和嘉許參與志願工作的員工。此外，本署亦向參加《法援員工通訊》“遊戲天地”和“投稿園地”的員工頒發獎品，表揚他們積極參與。

員工建議書及嘉許計劃

為鼓勵員工提出意見和建議，以提升工作效率和推廣本署的公眾形象，當局推出公務員建議書計劃。署方繼續推廣部門的嘉許信計劃及員工嘉許計劃，以鼓勵員工在工作上創出佳績。

環保措施

本署致力確保部門在日常運作和一切事務方面，均切合環保精神，包括盡量減少廢物、節約能源、提倡“廢物利用”和“循環再用”資源，以及提高員工的環保意識，鼓勵他們身體力行。

The Volunteer Service Group (VSG) was formed in 2002 to encourage staff participation in voluntary services and to contribute to the welfare of the public at large. In 2007, VSG supported the “Civil Service Volunteer Action” campaign organised by the Civil Service Bureau and participated in activities such as the “Tree Planting” and “Redecoration of Homes for the Elderly”. VSG also participated in the “We Share to Care Volunteering Campaign” organised by the Agency for Volunteer Service. Other activities VSG took part in were fund raising activities and visits to the elderly.

Staff Motivation Activities

A tea gathering was organised in recognition and appreciation of staff who took part in volunteer services. Prizes were given to members of staff who participated in the “Game Corner” and “Staff Corner” of the Staff Newsletter in recognition of their involvement and enthusiasm.

Staff Suggestion and Recognition Schemes

A Staff Suggestion Scheme was set up to give staff an incentive to think of ideas and suggestions that improve efficiency at work and promote the public image of the Department. The Department continued to foster the Departmental Commendation Letters Scheme and Staff Recognition Scheme as a means to encourage and boost staff achievement.

Environmental Initiatives

The Department is committed to ensuring its operations and activities are conducted in an environmentally responsible manner. The Department supports efforts to minimise waste, conserve energy, promote “reuse” and “recycle” of resources and to enhance staff awareness and participation in protecting the environment.

本署定期檢討資源運用的情況，確保符合經濟和環保效益。有關本署於二〇〇七年的環保措施，請參閱已上載本署網頁的《環保報告》，網址為 <http://www.lad.gov.hk>。

年內，除了由本署各組的環保主任負責定期檢討環保措施外，本署亦參加由金鐘道政府合署(即本署的港島辦事處所在地)的大廈管理處所舉辦的廢物分類計劃。回收的紙張、鋁罐和膠樽會循環再造。港島辦事處的升降機大堂亦已安裝自動裝置，自動調節晚間的照明，以減低耗電量。在節省公用設施的使用量方面，本署已安裝自動感應的水龍頭，避免不必要的浪費；本署更縮短使用空調的時間，並調節室溫，又在走廊安裝節能光管，並派員工在午膳時段和辦公時間後巡查並把電燈關掉，以節省能源。在紙張和影印的數量方面，本署自二〇〇四年開始已逐步減少使用量。本署的用紙量減少，是因為用作內部溝通的通告和文件均以電郵方式傳送，而部門出版的刊物亦上載本署網站，以電子方式發布。本署亦鼓勵員工盡可能重複使用紙張。

The Department undertakes regular reviews to ensure that the use of its resources is in an efficient and green manner. For details of the Department's environmental initiatives in 2007, please refer to the Department's Environmental Report which can be viewed on the Department's website <http://www.lad.gov.hk>.

Apart from the regular reviews undertaken by the various Environmental Officers in 2007, the Department joined the waste separation scheme operated by the Building Management Office in the Queensway Government Offices where the Hong Kong office of the Department is situated. Paper, aluminium cans and plastic bottles were collected and recycled. Automatic device has been fitted up that lighting in the lift lobbies of the Hong Kong office would be automatically adjusted at night to reduce electricity consumption. In terms of savings on utilities consumptions, auto-sensitised taps were installed to prevent the unnecessary waste of water, the air-conditioning system's operating hours were shortened, temperature level was adjusted, energy saving fluorescent tubes were installed in corridors and staff were assigned to monitor and to turn off lights during lunch hours and after work to save energy. On paper consumption and numbers of photocopies, progressive savings have been made since 2004 due to circulars and documents for internal communications being transmitted by emails and departmental publications being uploaded onto the Departmental website. The Department also encouraged staff to re-use paper whenever possible.

廣泛使用中文

年內，翻譯室更新了員工在日常工作經常使用的中文辭彙。

更新後的辭譯已上載本署內聯網，方便員工草擬中文文件時查看。除編製辭彙外，翻譯室亦提供電話諮詢服務，為署內員工解答有關用中文草擬文件時遇到的問題。自二〇〇二年推出的《文字園地》，年內運作暢順。

翻譯室亦透過內聯網定期發表有關中國文化及傳統趣事的文章，藉以推廣使用中文，以及提供可改善員工中文寫作技巧的有用資料。

本署的訴訟科繼續以中文處理多宗民事及刑事案件，以及更多利用中文撰寫對內和對外的往來文件。

Wider Use of Chinese

The glossary of Chinese terms frequently used by staff for their day-to-day work and compiled by the Translation Office was updated during the year.

The updated glossary was placed on the Departmental intranet to facilitate ease of access by staff preparing Chinese documents. Apart from updating the glossary, the Translation Office provided telephone enquiry service to staff who encountered problems when drafting Chinese documents. The Language Platform, which was launched by the Translation Office in 2002, ran smoothly during the year.

The Translation Office also promoted the use of Chinese by posting regular articles on the intranet on matters of interest relating to Chinese culture and traditions and giving useful tips that helped staff to improve their Chinese writing skills.

The Department's in-house Litigation Division continued to conduct many of the civil and criminal cases handled by the Division in Chinese and increased the use of Chinese in both internal and external communication.

王耀輝先生
助理首席法律援助律師(法律及管理支援) (署理)
Mr Steve Wong Yiu-fai
Assistant Principal Legal Aid Counsel (Legal and
Management Support) (Acting)



內部審核

內部審核組是一個獨立組別，負責協助管理層確保部門的監管程序及系統足以保障部門的資產，並檢討部門的各項工作，以確保部門的財政、人力及其他資源運用得宜，合乎經濟原則。年內，該組審核多個工作範疇，包括與審批法律援助有關的經濟與案情審查程序、刑事組的員工在執行外勤工作時所需的時間和資源、審查申請及付款所需時間是否符合服務承諾所訂的處理時間、運用土地註冊處綜合註冊資訊系統處理法律援助個案的查冊事宜、員工輸入資料的準確程度，以及定期突擊檢查小額現款和預墊備用金等項目。

Internal Audit

The Internal Audit Section (IAS) is an independent team established to assist management to ensure that adequate control procedures and systems are in place to safeguard the Department's assets. It also carries out reviews of the various activities of the Department in order to ensure an economical, efficient and effective use of the Department's financial, human and other resources. During the year, the IAS reviewed the means and merits testing procedures relating to the processing and granting of legal aid, the use of staff time and resources for outdoor duties in the Crime Section, compliance with the performance pledge on processing time and payment, the Integrated Registration Information System provided by the Land Registry for conducting land searches in legal aid cases, the accuracy of data inputting by staff and periodical surprise checks on items such as petty cash and imprest.



為法律援助服務局提供支援服務

法律援助服務局(法援局)是根據《法律援助服務局條例》(第489章)成立的法定組織，負責監察法律援助服務的提供。此外，法援局亦負責就有關法律援助政策事宜，向行政長官提供意見。法援局主席由一位非官方的業外人士出任，局內有十名成員，包括法律援助署署長、兩個法律專業團體的業界代表，以及從其他行業選出的人士。本署代表除出席法援局和其興趣小組的會議外，還參加該局舉辦的活動，使市民廣泛認識法援局，了解其角色，並且明白該局與本署之間的關係。為協助法援局履行其職責，本署會定期向該局提供進展報告和有關法援服務的各種資料文件，例如檢討刑事訴訟法律援助的收費制度，以及處理投訴和陳述的程序。

Support Service to the Legal Aid Services Council

Legal Aid Services Council (LASC) is a statutory body set up under the Legal Aid Services Council Ordinance, Cap. 489 to oversee the provision of legal aid services. The LASC is responsible for advising the Chief Executive on matters of policy relating to legal aid. The LASC is chaired by a non-official who is not a barrister or solicitor and there is a total of 10 members comprising the Director of Legal Aid, legal representatives of the two legal professional bodies and lay members chosen from other fields. Representatives of the Department attend meetings of the Council and its Interest Groups and participate in its activities in promoting public awareness and understanding of the role of the Council and its relationship with the Department. In order to assist the Council in performing its functions, regular progress reports and information papers on different aspects of legal aid services such as the review of criminal legal aid fees system, the procedures for handling complaints and representation were provided by the Department to the Council.

吳錦堂先生 行政組文書主任 Mr Dany Ng, Clerical Officer, Administration Section

吳先生於一九九五年六月從稅務局調往本署，希望增進其法律知識。他認為本署在協助市民尋求法律援助方面，擔當重要的角色。由於不少市民向本署尋求協助，而他們的需要各有不同，在這個部門工作使他有機會接觸不同人士，在處理人際關係和溝通技巧方面，不時面對新挑戰。

吳先生在行政組的工作之一是協助副部門主任秘書處理投訴。吳先生認為香港生活節奏急速，大家都承受很大壓力。因此，他完全了解大部分投訴人在面對問題時所感到的不快和憤怒。有很多投訴人往往把他們的憤怒和不滿發洩在他身上。不過，吳先生理解到他們並不是針對他。他會細心聆聽投訴人的問題，讓他們宣洩不滿的情緒。

有一次，吳先生被一名投訴人襲擊受了輕傷。該名憤怒的投訴人初時情緒激動，後來更使用暴力襲擊他。不過，該事件並沒有減低他服務市民的熱誠和意欲。

吳先生於二〇〇七年獲頒申訴專員嘉許獎，以肯定其顧客服務技巧。

吳先生為他取得的成績感到驕傲，並會積極面對挑戰。”我喜見他們怨氣全消，帶着笑容離開。”

Mr Ng joined the Department from the Inland Revenue Department in June 1995. He wanted to learn more about the law. In terms of making a difference to the society, he felt that the Department played an important role in helping those who sought legal redress. Due to the many people who sought assistance from the Department and their diverse needs, working here meant that he was constantly challenged in areas of reasoning and communication.

One of Mr Ng's duties at the Administration Section is to assist the Deputy Departmental Secretary in handling complaints. Mr Ng recognised the fact that life in Hong Kong is always very hectic and stressful. As such, he fully appreciates that most complainants are unhappy and are angry at their problems. He has therefore come across many complainants who would vent their anger and frustration at him. However, Mr Ng knows that any ill will shown is not personal. Instead, he would give them the chance to explain what their problems were and let the complainants work out their frustration.

On one occasion Mr Ng was slightly injured when an irate complainant became hysterical and turned violent. That incident, nevertheless, did not diminish in anyway his enthusiasm and desire to serve the public.

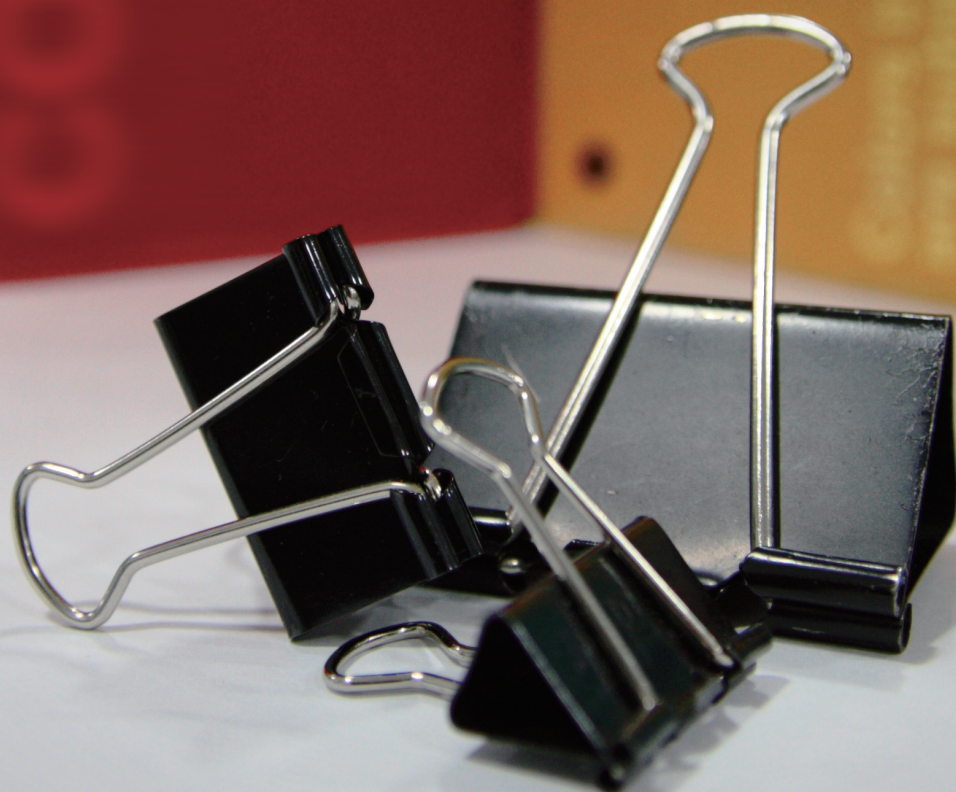
In recognition of his customer service skills, Mr Ng was awarded The Ombudsman's Award in 2007.

Mr Ng takes pride in the results he achieves and embraces the challenge. "I like to see them come in all frustrated and leave with a smile."





附錄



Appendices



附錄 Appendices

附錄1 收入與開支 Appendix 1 Revenue and Expenditure

收入

Revenue

	二〇〇六至〇七年(百萬元) 2006-07(\$M)	二〇〇七至〇八年(百萬元) 2007-08(\$M)
1. 刑事案件 Criminal cases	2.1	2.7
2. 民事案件 Civil cases		
署內律師辦理 In-house	32.1	42.8
外委律師辦理 Assigned-out	149.8	139.6
3. 法定代表律師 Official Solicitor	0.7	1.2
4. 法律援助輔助計劃 Supplementary Legal Aid Scheme		
律師費 Legal costs	1.1	1.0
行政費 Administration fee	1.6	1.3
總收入 Total	187.4	188.6

按項目劃分的開支

Expenditure by Items

	二〇〇六至〇七年(百萬元) 2006-07(\$M)	二〇〇七至〇八年(百萬元) 2007-08(\$M)
1. 個人薪酬 Personal Emoluments	194.7	201.0
2. 與員工有關連的開支 Personnel Related Expenses	0.1	0.2
3. 部門開支 Departmental Expenses	15.3	17.4
4. 法律援助訟費(包括委派給署內律師及私人執業律師辦理的案件) Legal Aid Costs (for both in-house and assigned-out cases)		
民事案件 Civil	313.2	331.0
刑事案件 Criminal	105.5	97.2
小計 Sub-total	418.7	428.2
總開支 Total	628.8	646.8

按綱領劃分的開支

Expenditure by Programmes

	二〇〇六至〇七年(百萬元) 2006-07(\$M)	二〇〇七至〇八年(百萬元) 2007-08(\$M)
1. 審批法律援助申請 Processing of Legal Aid Applications	71.4	74.6
2. 訴訟服務 Litigation Services	521.3	534.9
3. 支援服務 Support Services	27.1	28.1
4. 法定代表律師辦事處 Official Solicitor's Office	9.0	9.2
總開支 Total	628.8	646.8

民事案件按類別劃分的開支分析

Analysis of Expenditure for Civil Cases by Types of Cases

案件類別 Types of Cases	二〇〇六至〇七年 2006-07	二〇〇七至〇八年 2007-08
婚姻 Matrimonials	30.6%	29.6%
雜類人身傷害 Misc. Personal Injuries	27.7%	27.0%
僱員補償 Employees' Compensations	9.1%	9.5%
交通意外 Running Downs	6.9%	6.4%
入境事務 Immigration Matters	2.2%	2.2%
土地及租務糾紛 Land & Tenancy Disputes	1.9%	2.3%
追討工資 Wages Claims	1.7%	1.1%
雜類 Miscellaneous	19.9%	21.9%
總計 Total	100.0%	100.0%

刑事案件按類別劃分的開支分析

Analysis of Expenditure for Criminal Cases by Types of Cases

案件類別 Types of Cases	二〇〇六至〇七年 2006-07	二〇〇七至〇八年 2007-08
區域法院聆訊案件 Hearings in District Court	48.5%	51.1%
原訟法庭聆訊案件 Hearings in Court of First Instance	41.3%	37.0%
裁判法院上訴案 Appeals from Magistracy	2.2%	2.5%
區域法院上訴案 Appeals from District Court	2.0%	3.3%
原訟法庭上訴案 Appeals from Court of First Instance	2.0%	2.6%
終審法院上訴案 Appeals from Court of Final Appeal	4.0%	3.5%
總計 Total	100.0%	100.0%

法律援助輔助計劃基金收支表^{註1註2}

Supplementary Legal Aid Fund - Income and Expenditure Account^{Note1 Note2}

	截至二〇〇六年 九月三十日止(元) For the year ended 30 September 2006(\$)	截至二〇〇七年 九月三十日止(元) For the year ended 30 September 2007(\$)
收入 Income		
申請費用 Application fees	48,000	51,000
受助人按比例支付的分擔費 Percentage contribution	5,320,583	2,624,851
利息收入 Interest income	4,389,605	4,227,156
	9,758,188	6,903,007
減：開支 Less : Expenditure		
行政費 Administration fees	1,612,894	1,333,968
銀行費用 Bank charges	210	220
以下各項的訟費及支出 Legal costs and expenses paid for		
停止跟進的案件 Unsuccessful applications	277,765	91,244
敗訴案件 Unsuccessful litigation		
— 向對訟人支付的訟費 costs to opposite parties	179,612	2,072,507
— 其他代支費用 other disbursements	204,946	2,196,599
	384,558	4,269,106
勝訴案件 Successful litigation		
— 向對訟人支付的訟費 costs to opposite parties	-	4,300
— 其他代支費用 other disbursements	-	141,300
	-	145,600
該年度的盈餘 Surplus for the year	2,275,427	5,840,138
	7,482,761	1,062,869

註： 1. 法律援助輔助計劃基金的財政年度由每年十月一日開始至翌年九月三十日為止。截至二〇〇七年九月三十日，法律援助輔助計劃基金的淨資產為101,812,285元，增長額達1,062,869元。

2. 審計署現正審核截至二〇〇七年九月三十日止的帳目報表，故該帳目的審計師報告尚未發出。

Note 1. The financial year of the Supplementary Legal Aid Fund runs from 1 October of one year to 30 September of the following year. As at 30 September 2007, the net assets of the Supplementary Legal Aid Fund were increased by \$1,062,869 to \$101,812,285.

2. Auditors' Report for the statement of account for the year ended 30 September 2007 has not yet been issued as the account is being audited by the Audit Commission.

附錄2

Appendix 2

顧客意見調查結果

Findings of the Survey on Customer Feedback

整體滿意程度

Overall Satisfaction Rate

	二〇〇六至〇七年 2006-07	二〇〇七至〇八年 2007-08
申請服務 Application Services		
總部申請及審查科 Application and Processing / Headquarters	92%	90%
九龍分署 Kowloon Branch Office	93%	95%
清盤破產訴訟小組 Insolvency Unit	95%	95%
刑事組 Crime Section	97%	96%
訴訟期間－訴訟進行階段 Litigation – Mid-Litigation Stage		
由署內律師辦理的家事訴訟 / 婚姻訴訟 In-house Litigation of Family / Matrimonial Cases	95%	95%
由署內律師辦理的人身傷害訴訟 In-house Litigation of Personal Injuries Cases	91%	100%
由外委律師辦理的訴訟 Cases handled by Assigned Solicitors	93%	94%
訴訟期間－訴訟結案階段 Litigation – Conclusion Stage		
由署內律師辦理的家事訴訟 / 婚姻訴訟 In-house Litigation of Family / Matrimonial Cases	96%	99%
由署內律師辦理的人身傷害訴訟 In-house Litigation of Personal Injuries Cases	95%	92%
由外委律師辦理的訴訟 Cases handled by Assigned Solicitors	85%	89%

(A) 申請服務 (經濟審查及案情審查)

Application Service (Means Test and Merits Test)

	總部申請及審查科 Application and Processing / Headquarters		九龍分署 Kowloon Branch Office		清盤破產訴訟小組 Insolvency Unit		刑事組 Crime Section	
	二〇〇六年 2006	二〇〇七年 2007	二〇〇六年 2006	二〇〇七年 2007	二〇〇六年 2006	二〇〇七年 2007	二〇〇六年 2006	二〇〇七年 2007
回應率 Response Rate	95%	99%	98%	99%	96%	97%	85%	88%
整體滿意程度 Overall Satisfaction	4.15	4.10	4.29	4.26	4.22	4.22	4.30	4.29
方便 (例如法援署熱線容易接通或小冊子易於索取, 便於使用等) Convenience (e.g. LAD hotline or pamphlet is easily accessible, user-friendly etc.)	3.90	3.87	4.04	3.96	3.69	3.71	3.90	3.88
服務態度 (職員態度) Service Manner (Staff manner)	4.24	4.20	4.43	4.40	4.28	4.35	4.42	4.42
服務效率 (例如經濟 / 案情審查等) Service Efficiency (e.g. in means / merits testing etc.)	4.18	4.13	4.14	4.17	4.01	3.96	4.20	4.17
清晰資料 (給予的資料是否清晰) Clear Information (Whether information given is clear)	3.93	3.88	4.12	4.08	4.21	4.27	4.01	4.04
程序 (安排會面日期) Procedure (Date of interview fixed)	4.01	3.98	4.13	4.12	4.09	4.00	4.27	4.27

滿意程度由最低1至最高5 (非常滿意= 5 ; 滿意= 4 ; 一般= 3 ; 不滿意= 2 ; 非常不滿意= 1)

Satisfaction level ranges from the min. 1 to max. 5 (Very satisfied = 5; Satisfied = 4; Average = 3; Dissatisfied = 2; Very Dissatisfied = 1)

(B) 訴訟期間－訴訟進行階段

Litigation – Mid-Litigation Stage

	由署內律師辦理的家事訴訟 / 婚姻訴訟 In-house Litigation of Family / Matrimonial Cases		由署內律師辦理的人身傷害訴訟 In-house Litigation of Personal Injuries Cases		由外委律師辦理的訴訟 Cases handled by Assigned Solicitors	
	二〇〇六年 2006	二〇〇七年 2007	二〇〇六年 2006	二〇〇七年 2007	二〇〇六年 2006	二〇〇七年 2007
回應率 Response Rate	99%	99%	100%	100%	36%	35%
整體滿意程度 Overall Satisfaction	4.35	4.36	4.45	4.46	4.46	4.49
方便 (容易聯絡職員) Convenience (Easy to contact staff)	4.37	4.38	4.80	4.31	4.48	4.50
服務態度 (職員態度) Service Manner (Staff manner)	4.50	4.42	4.82	4.54	4.57	4.59
清晰資料 (給予的資料是否清晰) Clear Information (Whether information given is clear)	4.25	4.24	4.32	4.27	4.30	4.38
程序 (顧客獲悉案件進展 / 程序) Procedure (Client informed of progress / procedure of the case)	4.30	4.29	4.82	4.15	4.35	4.43

滿意程度由最低1至最高5 (非常滿意= 5 ; 滿意= 4 ; 一般= 3 ; 不滿意= 2 ; 非常不滿意= 1)

Satisfaction level ranges from the min. 1 to max. 5 (Very satisfied = 5; Satisfied = 4; Average = 3; Dissatisfied = 2; Very Dissatisfied = 1)

(C) 訴訟期間－訴訟結案階段

Litigation – Conclusion Stage

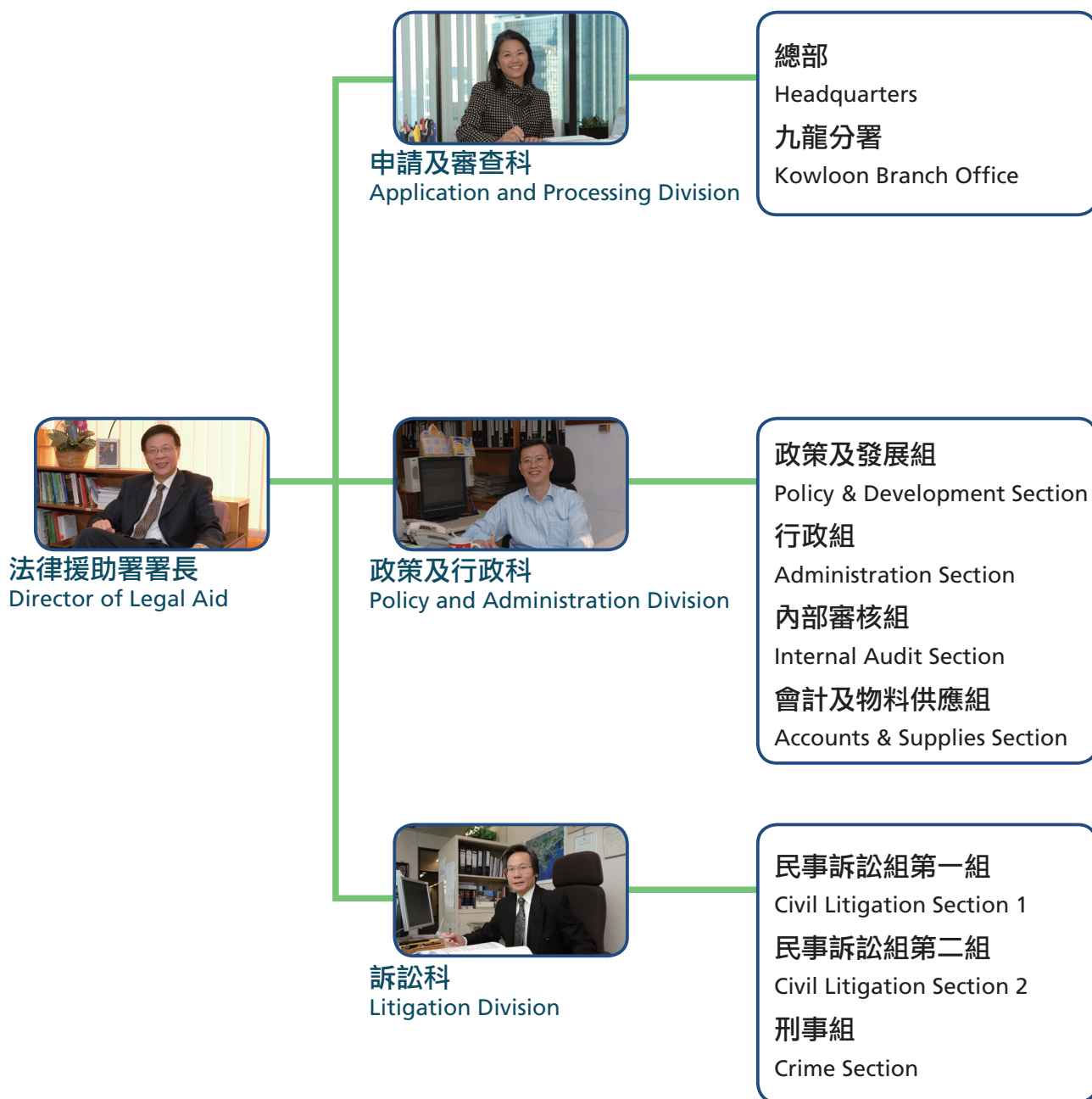
	由署內律師辦理的家事訴訟 / 婚姻訴訟 In-house Litigation of Family / Matrimonial Cases		由署內律師辦理的人身傷害訴訟 In-house Litigation of Personal Injuries Cases		由外委律師辦理的訴訟 Cases handled by Assigned Solicitors	
	二〇〇六年 2006	二〇〇七年 2007	二〇〇六年 2006	二〇〇七年 2007	二〇〇六年 2006	二〇〇七年 2007
回應率 Response Rate	99%	99%	100%	100%	27%	24%
整體滿意程度 Overall Satisfaction	4.31	4.45	4.64	4.33	4.22	4.31
方便 (容易聯絡律師 / 職員) Convenience (Easy to contact lawyer / staff)	4.38	4.47	4.54	4.46	4.29	4.29
服務態度 (職員態度) Service Manner (Staff manner)	4.48	4.60	4.64	4.52	4.37	4.42
清晰資料 (給予的資料是否清晰) Clear Information (Whether information given is clear)	4.30	4.38	4.44	4.32	4.09	4.15
結果 (訴訟結果) Result (Outcome)	4.33	4.46	4.37	4.26	4.19	4.24
程序 (顧客獲悉案件進展 / 程序) Procedure (Client informed of progress / procedure of the case)	4.23	4.34	4.50	4.33	4.09	4.14

滿意程度由最低1至最高5 (非常滿意= 5 ; 滿意= 4 ; 一般= 3 ; 不滿意= 2 ; 非常不滿意= 1)

Satisfaction level ranges from the min. 1 to max. 5 (Very satisfied = 5; Satisfied = 4; Average = 3; Dissatisfied = 2; Very Dissatisfied = 1)

附錄3 Appendix 3

法律援助署組織圖 (截至二〇〇七年十二月三十一日) Legal Aid Department Organisation Chart (as at 31 December 2007)



附錄4

Appendix 4

法律援助署署長及各組別主管 (截至二〇〇七年十二月三十一日)

Director of Legal Aid and Section Heads

(as at 31 December 2007)

法律援助署署長 Director of Legal Aid	張景文先生 Mr Benjamin Cheung King-man
法律援助署副署長(政務) Deputy Director of Legal Aid (Policy and Administration)	陳香屏先生 Mr William Chan Heung-ping
法律援助署副署長(申請及審查) Deputy Director of Legal Aid (Application and Processing)	許麗容女士 Ms Jennie Hui Lai-yung
法律援助署副署長(訴訟)(署理) Deputy Director of Legal Aid (Litigation)	鄺寶昌先生 Mr Thomas Edward Kwong (Acting)
法律援助署助理署長(政策及發展) Assistant Director of Legal Aid (Policy and Development)	衛關家靛女士 Mrs Annie Williams Ka-ding
法律援助署助理署長(申請及審查) Assistant Director of Legal Aid (Application and Processing)	鍾綺玲女士 Ms Alice Chung Yee-ling
法律援助署助理署長(訴訟)(署理) Assistant Director of Legal Aid (Litigation)	陳榮操先生 Mr Allan Chan Wing-cho (Acting)
助理首席法律援助律師(法律及管理支援)(署理) Assistant Principal Legal Aid Counsel (Legal and Management Support)	王耀輝先生 Mr Steve Wong Yiu-fai (Acting)
助理首席法律援助律師/申請及審查(1)(署理) Assistant Principal Legal Aid Counsel / Application and Processing (1)	陳愛容女士 Ms Juliana Chan Oi-yung (Acting)
助理首席法律援助律師/申請及審查(2) Assistant Principal Legal Aid Counsel / Application and Processing (2)	張英敏女士 Mrs Christina Hadiwibawa Cheung Ying-man
助理首席法律援助律師(九龍分署)(署理) Assistant Principal Legal Aid Counsel (Kowloon Branch Office)	毛旭華女士 Ms Mo Yuk-wah (Acting)
助理首席法律援助律師(民事訴訟1) Assistant Principal Legal Aid Counsel (Civil Litigation 1)	黃倩瑩女士 Miss Jenie Wong Sin-ying
助理首席法律援助律師(民事訴訟2) Assistant Principal Legal Aid Counsel (Civil Litigation 2)	莊因東先生 Mr Chris Chong Yan-tung
助理首席法律援助律師(刑事) Assistant Principal Legal Aid Counsel (Crime)	陳琮華女士 Miss Betty Chan King-wah
部門主任秘書 Departmental Secretary	黃兆雄先生 Mr Ambrose Wong Siu-hung
部門會計師 Departmental Accountant	藍玉平女士 Ms Joey Lam Yuk-ping

附錄5 Appendix 5

地址及通訊 (截至二〇〇七年十二月三十一日) Address and Communication (as at 31 December 2007)

總部 Headquarters		
<p>香港金鐘道66號 金鐘道政府合署24-27樓 電話：2537 7652 (民事訴訟) 2867 3067 (刑事訴訟) 傳真：2537 5948 24/F to 27/F Queensway Government Offices 66 Queensway, Hong Kong Tel：2537 7652 (Civil Litigation) 2867 3067 (Criminal Litigation) Fax：2537 5948</p>	<ul style="list-style-type: none"> • 民事及刑事法律援助的申請及審查 • 刑事訴訟 • 民事訴訟 <ul style="list-style-type: none"> – 人身傷害訴訟 – 執行法庭命令 • 法律及管理支援 • 政策及行政支援 	<ul style="list-style-type: none"> • Application and processing of civil and criminal cases • Criminal litigation • Civil litigation <ul style="list-style-type: none"> - Personal injury litigation - Enforcement of court orders • Legal and management support • Policy and administrative support
香港分處 Hong Kong Sub-office		
<p>香港灣仔皇后大道東183號 合和中心34樓 電話：2537 7677 傳真：2537 5960 34/F, Hopewell Centre 183 Queen's Road East Wanchai, Hong Kong Tel：2537 7677 Fax：2537 5960</p>	<ul style="list-style-type: none"> • 家事及清盤破產訴訟 	<ul style="list-style-type: none"> • Family and insolvency litigation

九龍分署 Kowloon Branch Office

九龍旺角聯運街30號

旺角政府合署地下、3樓及4樓

電話：2399 2544

傳真：2397 7475

G/F, 3/F & 4/F

Mongkok Government Offices

30 Luen Wan Street

Mongkok, Kowloon

Tel : 2399 2544

Fax : 2397 7475

- 民事法律援助的申請及審查

- Application and processing of civil cases

24小時電話查詢服務：2537 7677

24-hour Telephone Enquiry Service : 2537 7677

電郵E-mail : ladinfo@lad.gov.hk

網站Website : <http://www.lad.gov.hk>

附錄6

Appendix 6

刊物目錄

List of Publications

免費派發

1. 香港法律援助服務指南
2. 顧客服務標準
3. 怎樣申請 – 尋求法律諮詢服務
4. 怎樣申請民事訴訟的法律援助
5. 怎樣申請刑事訴訟的法律援助
6. 怎樣申請法律援助輔助計劃所提供的援助
7. 怎樣計算你的財務資源及分擔費
8. 法律援助訴訟的分擔訟費及法律援助署署長的第一押記
9. 法援通訊
10. 受助人須知 (申請及審查科)
11. 受助人須知 (人身傷害訴訟)
12. 受助人須知 (家事訴訟)
13. 受助人須知 (清盤破產訴訟)
14. 受助人須知 (刑事組)
15. 便覽 – 有關離婚案的資料
16. 便覽 – 有關在工作時遭遇意外而提出的僱員補償申索
17. 便覽 – 有關遭遇意外而提出的普通法損害賠償申索
18. 便覽 – 海員的工資申索
19. 便覽 – 醫療疏忽索償
20. 便覽 – 離婚後應注意事項
21. 一般離婚程序流程表
22. 區域法院處理僱員補償個案的主要程序流程表
23. 原訟法庭處理典型人身傷害個案的主要程序流程表
24. 海事個案流程表 (船員工資的申索)
25. 原訟法庭處理典型醫療疏忽個案的主要程序流程表
26. 概要 – 有關緊急申請的資料
27. 概要 – 有關管養權聆訊的資料

Free Distribution

1. Guide to Legal Aid Services in Hong Kong
2. Customer Service Standards
3. How to Apply Legal Services
4. How to Apply Legal Aid in Civil Cases
5. How to Apply Legal Aid in Criminal Cases
6. How to Apply Legal Aid under the Supplementary Legal Aid Scheme
7. How Your Financial Resources and Contribution are Calculated
8. Contribution towards Costs of Legal Aid Case and Director of Legal Aid's First Charge
9. LAD News
10. Important Notice for Legally-Aided Persons (Application and Processing Division)
11. Important Notice for Legally-Aided Persons (Personal Injuries Litigation)
12. Important Notice for Legally-Aided Persons (Family Litigation)
13. Important Notice for Legally-Aided Persons (Insolvency Litigation)
14. Important Notice for Legally-Aided Persons (Crime Section)
15. Fact Sheet – Information on Divorce Proceedings
16. Fact Sheet – Accident at Work : Employees' Compensation Claim
17. Fact Sheet – Common Law Claims for Accidents
18. Fact Sheet – Seamen's Wages Claim
19. Fact Sheet – Medical Negligence Claims
20. Fact Sheet – Post Divorce Matters which Warrants Attention
21. Flowchart showing Divorce Proceedings
22. Flowchart of Major Steps in an Employee's Compensation Case in the District Court
23. Flowchart of Major Steps in a Typical Personal Injuries Case conducted in the Court of First Instance
24. Flowchart of an Admiralty Case (Seamen's Wages Claim)
25. Flowchart of Major Steps in a Typical Medical Negligence Case conducted in the Court of First Instance
26. Fact Sheet – Information on Emergency Applications
27. Fact Sheet – Information on Custody Hearing

其他刊物

1. 法援年報
2. 環保報告 (只提供網上版本)
3. 法義之門 – 法律援助署三十周年紀念特刊

Other Publications

1. Annual Report
2. Environmental Report (web version only)
3. Access to Justice – A booklet to Commemorate the 30th Anniversary of the Legal Aid Department



Legal Aid Department
法律援助署



廿四小時熱線電話
24-hour Telephone Enquiry Service
2537 7677



電子郵箱
E-mail
ladingfo@lad.gov.hk



網頁
Website
<http://www.lad.gov.hk>