

法律援助

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法律援助署
Legal Aid Department

披露所有財務資源的責任

提供法律援助的目的，是使需要透過法律程序解決問題的人，不會因沒有能力負擔律師費而無法把問題訴諸法庭。不過，只有符合財務資格限額規定的申請人，才會獲批法援。

因此，法援申請人必須如實披露其財務資源。即使法援批出後，受助人仍有責任誠實地全面披露其經濟狀況。

法律援助署署長經常收到第三方提供的資料，質疑受助人是否有資格獲得法援，例如第三方提供的資料顯示受助人擁有的資產較其申報的為多，又或受助人在內地擁有財產。對第三方所作的每項陳述，法律援助署署長都會非常慎重地處理，並會採取一切適當行動，就有關個案進行調查。

假如某人被發現提供虛假資料或未有全面披露其經濟狀況，其法律援助證書便會被撤回。在此情況下，署長有權向該人討回有關個案所引致的所有訟費及其他費用。此外，根據《法律援助條例》，任何人作出上述不誠實行為，即屬違法，可被判處罰款及 / 或監禁。

法援署在二〇〇四、二〇〇五及二〇〇六年合共把66宗個案轉介警方處理。這些個案的申請人涉嫌在申請法援時提供虛假資料，又或未有全面披露其財政狀況。

警方在二〇〇七年根據本署提供的資料，檢控5名前法援受助人。該5人全被定罪，被判處的刑罰由緩刑、罰款5,000元和2,000元，以至社會服務令不等。

為防止市民濫用法律援助計劃，法律援助署會繼續把適合的個案轉介警方，由警方進行調查及檢控。

法援申請人或受助人切記不要向法援署提供虛假資料或隱瞞事實。

Duty to Make Full Disclosure of Financial Resources

Legal aid exists so that people who have legal problems and need to go to court to have them resolved through the court process will not be prevented from doing so because they are unable to afford the fees of lawyers. However, assistance through legal aid is only available to people who are genuinely within the means limit.

This is why anyone applying for legal aid must be honest about his/her financial resources. The duty to disclose fully and frankly about one's means continues even after a person is granted legal aid.

The Director of Legal Aid often receives information from third parties querying an aided person's eligibility for legal aid. For example, information may be provided to indicate that the aided person has more assets than declared or has property in the mainland. The Director treats each and every representation very seriously and will take all the appropriate actions to investigate the claims.

If a person is found to have provided false information or failed to fully disclose his/her means, the legal aid certificate will be revoked. When this happens, the Director has the right to recover from that person all the costs and expenses incurred in the case. It is also an offence under the Legal Aid Ordinance punishable by a fine and/or imprisonment.

In 2004, 2005 and 2006 the Legal Aid Department (LAD) referred a total of 66 cases to the police involving persons who were suspected of providing false information or failing to fully disclose their financial circumstances when applying for legal aid.

In 2007 police prosecuted 5 former aided persons based upon information provided by the Department. All 5 were convicted. The sentences ranged from a suspended prison sentence, fines of \$5000 and \$2000 to community service orders.

In order to prevent abuse of the legal aid schemes, the Department will continue to report appropriate cases to the police for investigation and prosecution.

So remember, be honest in your dealings with LAD.

調整個人豁免額



符合獲取法律援助的資格，申請人必須證明其財務資源不超過財務資格限額。財務資源是指在扣減某些項目後，把申請人的每年可動用收入總額與可動用資產相加所得的數額。

其中一項可扣減的項目是個人豁免額，而這豁免額已由二〇〇八年二月十八日起調整。

新的個人豁免額詳列如下：

住戶人數	總額
申請人	3,710元
申請人及一名受養人	6,800元
申請人及兩名受養人	9,200元
申請人及三名受養人	10,690元
申請人及四名受養人	12,860元
申請人及五名受養人	14,260元
申請人及六名或以上受養人	18,230元

個人豁免額按甲類消費物價指數於每年二月調整一次，另按政府統計處的最近住戶開支統計調查結果每五年調整一次。

有關計算法律援助申請人的可動用收入及財務資源的詳情，可參考由本署出版的《怎樣計算你的財務資源及分擔費》小冊子。該小冊子可於本署的網頁下載 (<http://www.lad.gov.hk>) 或在本署各辦事處索取。

Adjustment to Personal Allowances

To qualify for legal aid, an applicant must show that his financial resources do not exceed the statutory limit. The financial resources of an applicant are the sum total of his annual disposal income and disposal capital.

When calculating the annual disposal income, an applicant is entitled to certain deductions. One of the deductible items is the amount of personal allowances, which has been adjusted with effect from 18 February 2008.


Full details of the new personal allowances are as follows:

Household Size	Amount
Applicant only	3,710
Applicant with 1 dependant	6,800
Applicant with 2 dependants	9,200
Applicant with 3 dependants	10,690
Applicant with 4 dependants	12,860
Applicant with 5 dependants	14,260
Applicant with 6 or more dependants	18,230

The amounts of personal allowances are adjusted in February each year in line with Consumer Price Index A, and every five years in line with the latest Household Expenditure Survey conducted by the Census and Statistics Department.

Detailed information on the calculation of disposable income and financial resources of an applicant for legal aid can be found in the leaflet "How Your Financial Resources and Contributions are Calculated" published by the Department. It can be downloaded from the Department's website (<http://www.lad.gov.hk>) or obtained from the Department's offices.

新的財務資格限額

 府每年根據消費物價的變動檢討法律援助的財務資格限額，以維持有關限額的實際價值。基於通脹，普通法律援助計劃及法律援助輔助計劃的財務資格限額已由二〇〇七年十二月十四日起上調。


普通法律援助計劃的財務資格限額由162,300元上調至165,700元；法律援助輔助計劃的財務資格限額則由450,800元上調至460,300元。

財務資格限額上調後，根據普通法律援助計劃支付的分擔費比率列於下表：

財務資源	分擔費比率	應支付的分擔費
0元 - 20,000元	-	0元
20,001元 - 40,000元	-	1,000元
40,001元 - 60,000元	-	2,000元
60,001元 - 80,000元	5%	3,000元 - 4,000元
80,001元 - 100,000元	10%	8,000元 - 10,000元
100,001元 - 120,000元	15%	15,000元 - 18,000元
120,001元 - 144,000元	20%	24,000元 - 28,800元
144,001元 - 165,700元	25%	36,000元 - 41,425元

根據法律援助輔助計劃獲批法援的申請人，應支付的中期分擔費為41,425元。

New Financial Eligibility Limits

 he financial eligibility limits for legal aid are reviewed annually to take into account changes to consumer price so as to maintain the real value of the limits. Due to inflation, the financial eligibility limits for the Ordinary Legal Aid Scheme ("OLAS") and the Supplementary Legal Aid Scheme ("SLAS") were increased and took effect on 14 December 2007.

For OLAS, the limit has gone up from \$162,300 to \$165,700. The limit for SLAS is now \$450,800, up from \$460,300.


The scale of contributions under OLAS following the change is shown in the table below:

Financial Resources	Contribution Rates	Contribution payable
0 - \$20,000	-	0
\$20,001 - \$40,000	-	\$1,000
\$40,001 - \$60,000	-	\$2,000
\$60,001 - \$80,000	5%	\$3,000 - \$4,000
\$80,001 - \$100,000	10%	\$8,000 - \$10,000
\$100,001 - \$120,000	15%	\$15,000 - \$18,000
\$120,001 - \$144,000	20%	\$24,000 - \$28,800
\$144,001 - \$165,700	25%	\$36,000 - \$41,425

Successful legal aid applicants under the Supplementary Legal Aid Scheme are now required to pay an interim contribution of \$41,425.


快訊：

市民可在警署及公立醫院索取法律援助署刊物

 民如欲得到更多有關香港法律援助服務的資料，現在可透過33間警署及醫院管理局轄下41間醫院和診所索取一系列怎樣申請的資料小冊子，包括《尋求法律諮詢服務》、《民事訴訟的法律援助》、《刑事訴訟的法律援助》和《法律援助輔助計劃所提供的援助》。所有小冊子均備有英文和中文（繁體／簡體）版，供市民取閱。

市民亦可前往本署的香港及九龍辦事處或透過本署的交互式話音回應系統和網站www.lad.gov.hk索取或瀏覽這些資料小冊子和其他有關法律援助服務的刊物，例如《香港法律援助服務指南》及《怎樣計算你的財務資源及分擔費》。如有查詢，請致電本署24小時電話查詢熱線2537-7677，或電郵至ladinfo@lad.gov.hk。

Speed News: LAD publications now available in police stations and public hospitals

 embers of the public who wish to know more about legal aid services in Hong Kong can now obtain information leaflets in 33 police stations and 41 hospitals and clinics under the management of the Hospital Authority. Publications available include the How to Apply series of leaflets on "Legal Aid in Civil Cases", "Legal Aid in Criminal Cases", "The Supplementary Legal Aid Scheme" and "Legal Services". All leaflets are available in English, Chinese and Simplified Chinese.

These leaflets together with other legal aid publications such as "Guide to Legal Aid Services in Hong Kong" and "How Your Financial Resources and Contribution are Calculated" are also available and can be obtained in our Hong Kong and Kowloon offices or via our Interactive Voice Response System or through the Department's website at www.lad.gov.hk. For enquiries, please call our 24-hour telephone enquiry hotline at 2537-7677 or send an email to ladinfo@lad.gov.hk

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