

# 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.