

## 作出陳述——提供資料確保公帑用得其所

**法**律援助是協助有合理理據的人以公帑提出訴訟，惟受助人的資產須低於《法律援助條例》訂明的財務資格限額。本署經常告知法援申請人須如實披露有關案情及經濟狀況的資料，並提醒他們為取得法援作出虛假聲明所帶來的後果。

任何人如懷疑有受助人虛報經濟狀況或案情資料而不應獲批法援，可致函本署，即向我們作出“陳述”。本署歡迎真確的陳述，並會盡力徹底調查，因為隱瞞財務狀況或案情的人是不應獲批法援。

本署需要充足的資料，才可就陳述展開調查。舉例說，如你作出針對案情的陳述，但只是指出受助人的勝算機會不大而不應獲批法援並不足夠。你需要詳細說明有關原因，例如受助人隱瞞某些與個案有關的重要資料。至於針對受助人的財務資格的陳述，則需提供受助人的資產詳情，例如擁有物業的數目、物業地址、存款銀行名稱等。雖然本署致力在12個星期內完成調查，但由於調查往往需依賴另一方（例如銀行或土地註冊處）向我們提供資料，所需時間可能較長。一俟完成調查有關陳述，本署會以書面通知你調查已結束，如你是對訟一方，則會告訴你受助人是否繼續獲得法援。否則，本署不會向你透露調查詳情或結果，或向你詳細解釋本署作出有關決定的理由。此舉是為了遵守個人資料私隱法例及《法律援助條例》限制披露受助人資料的規定。

在二〇〇八及二〇〇九年，本署共接獲126份陳述並進行調查。經調查後，本署將20個懷疑個案轉交警方跟進，以期檢控有關受助人。在二〇〇八及二〇〇九年，警方向四名提供虛假資料以取得法援的受助人提出檢控，該四人全被定罪，被判處的刑罰由緩刑、罰款2,500元和3,000元，以至社會服務令不等。

如你認為某人不應獲批法援，可向本署作出陳述。本署最近印製了有關的小冊子，市民可在以下網站<http://www.lad.gov.hk>閱覽及下載，或於本署各辦事處索取。



## Making representations – Providing information to ensure public money is properly spent

**L**egal aid allows a person who has a reasonable case to litigate at public expense provided the person has means below the financial eligibility limit stipulated in the Legal Aid Ordinance. That is why all legal aid applicants are told that they must be honest about the information provided to the Department concerning their means and their case and the consequences of making false statements in order to qualify for legal aid.

Anyone who believes that an aided person should not have been given legal aid, either because the aided person has given the Department false information about his/her means or the case can write to us. This is called making "representations". We welcome genuine representations and we will deal with them as thoroughly as possible. This is because legal aid should not be provided to persons who are untruthful about their financial circumstances or about the facts of their case.

Representations can only be investigated if enough information is provided to us. For example, if the representation is on the merits of the case, it is not sufficient just to say that legal aid should not have been granted because the aided person does not have a case. Details of why there are no merits in the aided person's case, for example, the aided person has lied about some important facts about the case, will need to be given. If it is on the aided person's financial eligibility, details about the aided person's assets such as number of properties, where the properties are situated, money in which banks etc will have to be provided. As our investigations often rely upon another party (such as a bank or the Land Registry) to provide us with information and although we aim to complete an investigation within 12 weeks, it may take longer than we like. Once we have completed the investigation into your representations, we will write and advise you that our investigation is completed and if you are the opposite party, whether legal aid will be continued. Otherwise, we cannot reveal details of our investigation or its outcome or explain in detail the reasons for our decision because of the law on personal data privacy and the restriction on disclosure of information concerning an aided person as laid down in the Legal Aid Ordinance.

In 2008 and 2009, the Department received 126 representations for investigation. As a result, the Department referred 20 suspected cases to police for investigation with a view to prosecution. In 2008 and 2009, the police prosecuted 4 aided persons who obtained legal aid by providing false information and all 4 were convicted. The sentences ranged from a suspended prison sentence, fines of \$2,500 and \$3,000 to community service orders.

The Department has recently published a leaflet about making representations if you think someone should not have been granted legal aid. The leaflet is available online at <http://www.lad.gov.hk> or you can pick one up from our offices.