

有關評定法律援助申請人財務資格的改善措施 Improved measures on the assessment of financial eligibility of legal aid applicants

繼去年底完成就評定法律援助申請人財務資格的準則每五年進行一次的檢討後，本署實施下列改善措施，並由二〇一一年五月十八日起生效：

(1) 調高財務資格限額

普通法律援助計劃(普通計劃)的財務資格限額調高約50%，由175,800元增至260,000元。至於法律援助輔助計劃(輔助計劃)，新的限額為1,300,000元，較舊有的488,400元高出一倍有多。

該兩個計劃的合資格申請人所繳付的分擔費比率維持不變。普通計劃的申請人如其財務資源被評定達260,000元的上限，他需為法援訴訟的訟費繳付65,000元分擔費。在輔助計劃下獲批法援的申請人也需支付同等金額作為中期分擔費。本署的統計數字顯示，在新限額生效後，根據普通計劃獲批法援的申請人，當中有65.9%無需繳付分擔費，繳付2,000元或以下的則有16.4%。

(2) 計算個人豁免額的新基準

在計算申請人的財務資源時，本署已採用住戶每月開支中位數來代替住戶開支第35個百分值，作為計算從申請人收入中扣除法定豁免額的基準。

以下例子說明改善措施如何令更多申請人受惠：

Following the completion of the 5-yearly review of the criteria for assessing the financial eligibility of legal aid applicants late last year, the following improvement measures have been implemented with effect from 18 May 2011:

(1) Higher Financial Eligibility Limit

The financial eligibility limit (FEL) for the Ordinary Legal Aid Scheme (OLAS) was raised by about 50%, up from \$175,800 to \$260,000. For the Supplementary Legal Aid Scheme (SLAS), the present limit of \$1,300,000 is more than double that of the old limit of \$488,400.

The rates of contribution payable by eligible applicants under both schemes remain unchanged. For applicants under OLAS whose financial resources are assessed at the upper limit of \$260,000, the amount of contribution payable towards the costs of the aided proceedings is \$65,000. A successful applicant under SLAS is also required to pay the same amount by way of interim contribution. Figures collected by the Department since the day the new limits came into effect show that 65.9% of successful applicants under OLAS pay no contribution and 16.4% pay less than \$2,000.

(2) New Basis for Computing Personal Allowances

The median monthly household expenditure has been adopted in place of the 35-percentile household expenditure as the basis for working out the amount of statutory allowance to be deducted from the income of an applicant when computing his/her financial resources.

The following examples illustrate the increased coverage brought about by the improvement measures:

住戶人數 Household Size	經調整的豁免額 Adjusted Allowance	舊豁免額 Previous Allowance
申請人 Applicant only	5,270元	4,010元
申請人及1名受養人 Applicant with 1 dependant	9,420元	7,350元
申請人及2名受養人 Applicant with 2 dependants	11,900元	9,940元
申請人及3名受養人 Applicant with 3 dependants	14,240元	11,550元
申請人及4名受養人 Applicant with 4 dependants	17,410元	13,900元
申請人及5名受養人 Applicant with 5 dependants	19,070元	15,400元
申請人及6名或以上受養人 Applicant with 6 or more dependants	22,820元	19,690元

例一：經修訂的個人豁免額

假設你月入30,000元，有兩名受養人，每月為居住單位*償還8,000元按揭貸款，另有銀行存款50,000元。

Example 1: Revised Personal Allowance

Assuming you earn \$30,000/month and have 2 dependants. You pay a monthly mortgage installment of \$8,000 on your flat* and have \$50,000 in the bank.

二〇一一年五月十八日前 Pre 18 May 2011

你每月可動用的收入：	Your monthly disposable income:
30,000元（總收入）	\$30,000 (gross income)
- 9,940元（個人豁免額）	- \$ 9,940 (personal allowance)
- 8,000元（按揭供款）	- \$ 8,000 (mortgage installment)
= 12,060元	= \$12,060

你的可動用資產：	Your disposable capital:
50,000元	\$50,000

**你的財務資源：	**Your financial resources:
12,060元 x 12 + 50,000元	\$12,060 x 12 + \$50,000
= 194,720元	= \$194,720

審查結果：
你的財務資源超過當時的財務資格限額175,800元，不符合在普通計劃下獲批法援的資格。

Result of Assessment:
Your financial resources would have exceeded the then FEL of \$175,800, and you would not be eligible for legal aid under OLAS.

二〇一一年五月十八日後 Post 18 May 2011

你每月可動用的收入：	Your monthly disposable income:
30,000元（總收入）	\$30,000 (gross income)
- 11,900元（個人豁免額）	- \$11,900 (personal allowance)
- 8,000元（按揭供款）	- \$ 8,000 (mortgage repayment)
= 10,100元	= \$10,100

你的可動用資產：	Your disposable capital:
50,000元（不變）	\$50,000 (no change)

**你的財務資源：	**Your financial resources:
10,100元x 12 + 50,000元	\$10,100 x 12 + \$50,000
= 171,200元	= \$171,200

審查結果：
由於你的財務資源少於經修訂的財務資格限額260,000元，你通過經濟審查，在普通計劃下可獲批法援，但須繳付分擔費42,800元。

Result of Assessment:
As your financial resources are less than the revised FEL of \$260,000, you pass the means test and are eligible for legal aid under OLAS. However, you have to pay a contribution of \$42,800.

* 你自住物業的價值不會計算在你的資產內

** 財務資源是指把你的每月可動用收入乘以12，再與你的可動用資產相加後所得的數目。

* Value of your self-occupied property is excluded from the calculation of your capital

** Financial resources are your monthly disposable income multiplied by 12 plus your disposable capital.

(3) 年長申請人的資產豁免額

“五年檢討”提出的一項主要改善措施，是為年長申請人引入資產豁免額。這即是說，如申請人年屆60或以上，不論其就業狀況如何，在計算其可動用資產時，可獲扣減一筆相等於普通計劃財務資格限額的數額，現時的金額為260,000元。

例二：60歲或以上申請人的資產豁免額

假設你60歲，月入9,000元，有一名受養人（配偶）。你有銀行存款300,000元，居於自置單位，並已還清按揭貸款。

(3) Capital Disregard for Elderly Applicants

A major improvement measure of the 5-yearly review is the introduction of a capital disregard for elderly applicants. The disregard means that, irrespective of their employment status, an amount equal to the financial eligibility limit of OLAS, currently at \$260,000, will not be taken into account when calculating the disposable capital of applicants who are aged 60 or above.

Example 2: Capital Disregard for Applicants 60 or above

Assuming you are 60 years old. You earn \$9,000/month and have 1 dependant (your spouse). You have bank savings of \$300,000. You are residing in your own flat and the mortgage has been paid off.

二〇一一年五月十八日前 Pre 18 May 2011

你每月可動用的收入：	Your monthly disposable income:
9,000元（總收入）	\$9,000 (gross income)
- 7,350元（個人豁免額）	- \$7,350 (personal allowance)
= 1,650元	= \$1,650

你的可動用資產：	Your disposable capital:
300,000元	\$300,000

**你的財務資源：	**Your financial resources:
1,650元 x 12 + 300,000元	\$1,650 x 12 + \$300,000
= 319,800元	= \$319,800

審查結果：
你的財務資源超過當時的財務資格限額，不符合獲批法援的資格。

Result of Assessment:
Your financial resources would have exceeded the then FEL and you would not be eligible for legal aid.

二〇一一年五月十八日後 Post 18 May 2011

你每月可動用的收入：	Your monthly disposable income:
9,000元（總收入）	\$9,000 (gross income)
- 9,420元（個人豁免額）	- \$9,420 (personal allowance)
= 0元	= \$0

你的可動用資產：	Your disposable capital:
300,000元	\$300,000
- 260,000元（資產豁免額）	- \$260,000 (capital disregard)
= 40,000元	= \$40,000

**你的財務資源：	**Your financial resources:
0元x 12 + 40,000元	\$0 x 12 + \$40,000
= 40,000元	= \$40,000

審查結果：
由於你的財務資源評定為40,000元，你通過經濟審查，符合獲批法援的資格，但須繳付分擔費1,000元。

Result of Assessment:
As your financial resources are assessed at \$40,000, you pass the means test and are eligible for legal aid but you have to pay a contribution of \$1,000.

例三：根據輔助計劃提出的法律援助申請

假設你月入45,000元，單身，每月須繳付居所租金12,000元。你有銀行存款200,000元。

Example 3: Application under SLAS

Assuming you earn \$45,000. You are single and have to pay a monthly rental of \$12,000 for accommodation. You have bank savings of \$200,000.

二〇一一年五月十八日前

Pre 18 May 2011

你每月可動用的收入：	Your monthly disposable income:
45,000元（總收入）	\$45,000 (gross income)
- 4,010元（個人豁免額）	- \$ 4,010 (personal allowance)
- 12,000元（居所租金）	- \$12,000 (accommodation)
= 28,990元	= \$28,990

你的可動用資產：	Your disposable capital:
200,000元	\$200,000

**你的財務資源：	**Your financial resources:
28,990元 x 12 + 200,000元	\$28,990 x 12 + \$200,000
= 547,880元	= \$547,880

審查結果：

你的財務資源同時超過普通計劃及輔助計劃當時的財務資格限額，根據該兩項計劃，你不符合獲批法律援助的資格。

Result of Assessment:

Your financial resources would have exceeded the then FEL of both OLAS and SLAS and you would not be eligible for legal aid under both schemes.

二〇一一年五月十八日後

Post 18 May 2011

你每月可動用的收入：	Your monthly disposable income:
45,000元（總收入）	\$45,000 (gross income)
- 5,270元（個人豁免額）	- \$ 5,270 (personal allowance)
- 12,000元（居所租金）	- \$12,000 (accommodation)
= 27,730元	= \$27,730

你的可動用資產：	Your disposable capital:
200,000元（不變）	\$200,000 (no change)

**你的財務資源：	**Your financial resources:
27,730元 x 12 + 200,000元	\$27,730 x 12 + \$200,000
= 532,760元	= \$532,760

審查結果：

雖然你的財務資源超過普通計劃的財務資格限額，但並未超出輔助計劃經修訂的財務資格上限，因此通過經濟審查，可根據輔助計劃獲批法律援助。你須先繳付1,000元申請費，並在接受法律援助後，再繳付65,000元中期分擔費。

Result of Assessment:

As your financial resources have exceeded the FEL of OLAS but are within the revised FEL of SLAS, you pass the means test and are eligible for legal aid under SLAS. You have to pay an initial application fee of \$1,000 plus an interim contribution of \$65,000 upon acceptance of legal aid.

有關計算申請人財務資源的詳情，請參閱“怎樣計算你的財務資源及分擔費”小冊子。該小冊子可在本署各辦事處索取，亦可從本署網頁 www.lad.gov.hk 下載。

Detailed information on the calculation of an applicant's financial resources can be found in the leaflet "How Your Financial Resources and Contribution are Calculated" which can be obtained from our offices. The leaflet is also available online at www.lad.gov.hk.

訟費支付責任及索償款項收取程序 Liability for Costs and How Monies Recovered are Released

法律援助署製作了一輯影片，講解受助人支付訟費的責任及收取索償發放款項的程序，以提高公眾對此的認識。該影片已安排在本署香港和九龍辦事處的諮詢及申請組播放，亦已上載本署網頁。

A video documentary was filmed to enhance public understanding about the liability for costs of aided persons and the steps involved in the release of monies recovered in aided proceedings. The documentary is available for public viewing at the offices of the Application and Processing Division in both Hong Kong and Kowloon. It has also been uploaded onto the Department's homepage.



少數族裔免費傳譯服務 Free Interpretation Service for Ethnic Minorities

爲了向需要法律援助但不懂中英文的少數族裔提供更佳的傳譯服務，法律援助署免費提供的傳譯服務已擴展至十種少數族裔語言，包括孟加拉語、印度語、印尼語、泰米爾語、泰語、菲律賓語、巴基斯坦語、越南語、旁遮普語及尼泊爾語。

傳譯服務不收取任何費用。本署在香港及九龍的辦事處均可安排這項服務。任何人士如需要這項服務，請向接待處的人員查詢，亦可在本署網頁 www.lad.gov.hk 下載有關資料單張作爲參考。

To improve the interpretation services for ethnic minorities who need legal aid assistance but who do not speak Chinese and English, the Legal Aid Department has expanded the free interpretation service to 10 languages which include Bengali, Hindi, Indonesian, Tamil, Thai, Tagalog, Urdu, Vietnamese, Punjabi and Nepali.

The free service is available at our offices in Hong Kong and Kowloon. Any persons who require this service may ask staff at the reception counter about this service or download a leaflet at www.lad.gov.hk for information.



「行行出狀元」 - 法律援助律師 Career Kaleidoscope – Legal Aid Counsel

年輕人若想了解法律援助律師的工作及就業前景，現可於效率促進組的青年網站瀏覽該組與本署共同製作的「行行出狀元」特輯。該套短片由兩位剛加入法律援助署的律師，向年青人講述他們的工作體驗。市民可於效率促進組的網站或本署網頁觀看該特輯。

To promote the job of Legal Aid Counsel to young professionals, the Department produced a video clip with the support of the Efficiency Unit which featured interviews with two legal aid counsel. The video clip has been put under the Career Kaleidoscope Section of the Unit's youth portal. It can be viewed at its website or at the Department's homepage.



手機版經濟審查計算程式 Mobile version of Means Test Calculator

法律援助署已推出手機版的經濟審查計算程式。有意申請法律援助的市民可透過手機初步評估本身的財務狀況是否符合申請法律援助的資格。如欲使用經濟審查計算程式，請瀏覽本署網頁。

Mobile version of the Means Test Calculator is now available. Finding out whether a person is likely to be eligible for legal aid on means would be much easier and convenient from now on via mobile phone. For access to the Calculator, please visit our website.

第一押記利率下調 Reduction of 1st Charge Interest Rate

由二〇一一年六月一日起，署長根據《法律援助條例》(第91章)第18A(3A)條把第一押記登記在受助人的居所所收取的息率，由1.822% 下調至1.674 %。新利率按照《法律援助(財產的押記)(利率)規例》的規定進行調整，在二〇一一年六月一日至二〇一二年五月三十一日期間適用。

With effect from 1 June 2011, the interest rate of the Director's 1st Charge registered on an aided person's home pursuant to Section 18A (3A) of the Legal Aid Ordinance, Cap. 91 is 1.674 %, down from 1.822%. The adjustment is made in accordance with the provisions of the Legal Aid (Charge on Property) (Rate of Interest) Regulation. The new rate is valid from 1 June 2011 to 31 May 2012.

查詢 Enquiries

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