

WeDoCare aims to provide assistance for domestic abuse victims and raise general awareness towards the issue of domestic violence in light of the escalated occurrences since the outbreak of COVID-19. Our project is specifically structured in accordance with this year's themes of "community" and "resilience" – we hope to create a strengthened community for people who have experienced domestic violence in which they can receive long-term support for recovering from their unpleasant experiences. Currently, people who have gone through domestic abuse are either not aware of the support platforms available to them or reluctant to voice out their experiences, which is why we want to let them know that they are not as isolated as they thought through this project. We also want to make the general public part of their community to diminish any prejudice our society might have towards domestic violence. Ultimately, we hope to develop our project into one that could alleviate the problem of domestic violence in Hong Kong in the long run.

WeDoCare 主要目的是為家庭暴力受害者提供援助，尤其自新冠肺炎爆發以來，家暴事件數目不斷攀升，項目希望提高社會對家庭暴力的關注。項目特別根據今年主題——「社區」和「復原力」而設計，希望為遭受家庭暴力的人創建一個強化的社區，讓他們能夠長期獲得支持和幫助，從不愉快的經歷中復原。

現時很多家庭暴力受害者根本不知道社會上有可以幫助他們的平台，有些亦不願告訴別人自己的經歷。同學因此希望透過項目，讓受害者知道他們並不孤單。同學亦希望使公眾融入受害者的社區，以減少社會上可能對家庭暴力所產生的偏見。項目的最終目的是可以長遠把香港家庭暴力的發生減至最低。

## Good News from Our CLE Team

The Clinical Legal Education (CLE) Team is happy to share that in January 2021 the CFA (Court of Final Appeal) allowed the appeal of our CLE's client in *HKSAR v Lo Kin Sun* [2021] HKCFA 1 on the substantial and grave injustice ground, with Mr Eric Cheung and junior counsel Mr Carter Chim appearing for the client on a pro bono basis. This is the 7th successful case which we have assisted in rectifying a miscarriage of justice at the CFA level since the launch of the CLE Programme in January 2010.

In this case, Mr. Lo, being the proprietor of a small restaurant and a man of clear record, was charged with the offence of common assault against an officer of the Environmental Protection Department. Although the prosecutor and the magistrate had all along persuaded him to have the matter disposed of by way of bind-over with no criminal conviction record, Mr. Lo refused to accept the offer as he persistently denied having assaulted or had any physical contact with the officer. He defended the charge without any legal representation and was convicted by the magistrate after trial. After spending 14 days in prison on remand pending certain sentencing reports, he was eventually sentenced to 4 weeks' imprisonment but suspended for 18 months.

Through his son, Mr Lo sought free legal advice from us after his conviction and sentence. The CLE Team has decided to arrange for pro bono legal representation to Mr. Lo for his appeal before the Court of First Instance, which was eventually heard and dismissed in October 2018. With our further pro bono assistance, Mr. Lo was granted leave to appeal to the CFA in July 2020 and his appeal was eventually allowed on 4 January 2021 at the hearing last presided by Ma CJ before his retirement.

## 港大臨床法律教育團隊再添喜訊 成功為當事人上訴

港大「臨床法律教育」團隊再添喜訊！於 2021 年 1 月，終審法院在 *HKSAR v Lo Kin Sun* [2021] HKCFA 1 一案中，以有關案件的決定顯示曾有實質及嚴重的不公平情況為由，判當事人盧建新上訴得直，張達明和律師詹挺鏞為當事人義務出庭。這是臨床法律教育計劃自 2010 年 1 月開辦以來，第七次成功在終院層面為當事人討回公道。

案中，當事人盧先生是一家食店東主，從無案底的他被指控襲擊環保署職員。儘管檢控官和裁判官一直說服他遵守行為了事，並且不會留有案底，但盧先生堅拒這提議，因他一直否認曾襲擊證人，甚或與其有任何身體接觸。原審時，盧先生在沒有當值律師代表的情況下需要自辯，其後被裁罪名成立。盧先生在候判時遭還押 14 日後，最終被判監禁 4 星期，緩刑 18 個月。

當事人被定罪和判刑後，通過其兒子向港大臨床法律教育團隊求助。團隊決定義務代表盧先生向高等法院原訟法庭進行上訴，於 2018 年 10 月開庭並被駁回上訴。在團隊的義務協助下，盧先生成功在 2020 年 7 月向終審法院提出上訴，最終於 2021 年 1 月 4 日上訴得直，案件亦成為剛卸任的首席法官馬道立退休前審訊的最後一案。

Media Coverage:

- <https://bit.ly/31MXODq>
- <https://qrqo.page.link/PpD5V>
- <https://qrqo.page.link/fHZTo>

The CLE Programme was launched in January 2010, as the first and only live-client CLE Programme in Hong Kong. It runs a Free Legal Advice Scheme ("FLAS") on HKU Campus under the Duty Lawyer Service, offering free preliminary legal advice to members of the public having actual legal problems involving the laws of Hong Kong. The Programme is mainly assisted by senior law students who enrol in the one-semester CLE elective course. During the course, students handle real cases under the supervision of teachers (who are also qualified lawyers) and Voluntary Lawyers.

As at December 2020, we have handled more than 2000 cases and around 600 students were involved.

Despite the high operation cost, the Faculty is committed to provide quality experiential learning to students via the CLE Programme, in which students can develop different lawyering skills through handling real cases of different nature, while providing assistance to rectify miscarriage of justice. In September 2019 the CLE Team moved to a new office at G07 Cheng Yu Tung Tower and recruited two additional full-time teaching staff, Ms Patricia Ho and Mr. Carter Chim, with a view to further enhancing our service to the public and quality teaching to our students. Please visit <https://www.law.hku.hk/cle/> for details and consider supporting the Programme.

媒體報導：

- <https://bit.ly/31MXODq>
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「臨床法律教育」計劃於2010年1月展開，是香港首個，亦是唯一一個處理真實案件的臨床法律教育課程。港大法律學院與當值律師服務計劃合作，在港大校園提供一項免費法律諮詢計劃，為面對法律問題的公眾人士對有關涉及香港法律的實際問題提供初步法律意見。主要為計劃提供協助的是高年級法律學生，他們會就讀為期一個學期的臨床法律教育選修課程。在課程中，學生會在老師（同時亦是獲具執業資格律師）和義務律師的監督下處理實際案件。

截至2020年12月，臨床法律教育計劃已處理了超過2000個案例，約600名學生曾參與計劃。

儘管營運成本昂貴，法律學院仍致力透過臨床法律教育計劃為學生提供優質的經驗學習。學生在計劃中通過處理不同性質的真實案件，可加強處理案件的經驗和技巧，同時助人平反冤案。臨床法律教育團隊於2019年9月搬遷至鄭裕彤教學樓G07的新辦公室，並額外增聘全職教員何珮芝和詹挺鏗，以進一步提升團隊為公眾提供的服務質素，並為學生提供更優質的教學。如欲了解並支持臨床法律教育計劃，請瀏覽 <https://www.law.hku.hk/cle/>。

私房菜東主涉襲擊上訴得直 終院解釋原審無處理證據分歧審訊不公



黃耀輝(右二)、陳國強(右一)、張上評

大馬路父子檔經營「富貴苑私房菜」東主，被控於2017年襲擊上門收賬的律師黃耀輝，原審法官陳國強判處，刑以緩刑，東主辯稱「疑生動用」。香港大律師公會資深律師張上評指，原審法官在處理證據時，未有充分考慮證據，致使原審法官在判決前與律師黃耀輝發生爭執，上訴得直，由原審下判無罪，高等法院法官在處理有關高層人士的證據時，並未考慮

馬道立最後一案 食店東主「盧爸爸」還清白  
子：公義本無大小傷害已成

【本報專訊】馬道立法官於2017年10月判處富貴苑私房菜東主黃耀輝，刑以緩刑。原審法官陳國強判處，刑以緩刑，東主辯稱「疑生動用」。香港大律師公會資深律師張上評指，原審法官在處理證據時，未有充分考慮證據，致使原審法官在判決前與律師黃耀輝發生爭執，上訴得直，由原審下判無罪，高等法院法官在處理有關高層人士的證據時，並未考慮