

LCQ 19: Payment arrangement of Legal Aid Department

Following is a question by the Hon Lam San-keung and a written reply by the Chief Secretary for Administration, Mr Chan Kwok-ki, in the Legislative Council today (July 17):

Question:

Between January and June last year, there were in total 2 326 assigned out cases by the Legal Aid Department (LAD) for which legal proceedings had been concluded (i.e. settled or adjudicated). Regarding the LAD's payment arrangement, will the Government inform this Council:

(1) as at the 30th of last month, of the number of the aforesaid cases in which the lawyers, experts or other parties have been paid in full by the LAD within a year after the conclusion of the legal proceedings, and the amount of payments involved;

(2) among the aforesaid 2 326 cases, of the estimated amount of monies involved in those cases where payments have yet to be made; among such cases, of the number of those in which the lawyers, experts or other parties have received advance payments of interim costs, and the amount of monies involved; and

(3) given that under the existing arrangement, the LAD will only effect the balance payment to the lawyers, experts or other parties upon receipt of all monies due to the aided persons and the LAD, whether the authorities will consider reviewing the arrangement and study the possibility of allowing the LAD to effect balance payments to the persons concerned before receiving all monies, with a view to speeding up the effecting of balance payments?

Reply:

President,

My consolidated reply to the Hon Lam San-keung's question is as follows:

The Legal Aid Department (LAD) has set a performance pledge for effecting payments to lawyers, experts or other parties who have provided service in legal aid cases, namely to (i) effect advance payments of interim costs within six weeks from the receipt of bills by the LAD, and (b) effect balance payments within six weeks from the date of agreement of all costs and disbursements related to the case, or receipt of all monies due to the aided person and the LAD, whichever is later. In 2023, the LAD fulfilled the performance pledge at a rate as high as 99 per cent.

In general, upon the conclusion of the legal proceedings of a case (i.e. the case has been settled or adjudicated), it usually takes time for the relevant parties to agree the amount of costs and disbursements, and for the

receipt of all monies due to the aided person and the LAD. Out of the 2 326 cases for which legal proceedings were concluded between January and June 2023, as at June 30, 2024, there are 2 261 cases (about 97 per cent in the total number of cases) in which the payments have been made in full, and the amount involved is around HK\$336.69 million. Meanwhile, there are 65 cases in which the payments have not yet been made in full. Most of these cases involve agreement yet to be reached on the amount of costs and disbursements by the parties involved, or bills or required information yet to be submitted by assigned lawyers to the LAD, rendering the LAD unable to confirm the amount of payment to be made. Nevertheless, other than 12 cases in which the assigned lawyers have yet to submit any bill to the LAD, the LAD has effected advance payments in the remaining 53 cases, and the amount involved is around HK\$9.99 million.

In light of the views of the legal industry on receipt of payment for their services, the LAD has implemented various measures to shorten the time required for assessing the fees payable to assigned lawyers and expedite the payment process, including making advance payment of interim costs to assigned lawyers upon receipt of their interim bills to the LAD before the conclusion of a case, setting up a helpline for assigned lawyers to make direct enquiries with the responsible staff of the LAD on the progress of costs assessment, etc. The LAD will continue to closely keep in view the actual situation of payments, and conduct timely review when necessary.