

**CONTROLLING OFFICER'S REPLY**

**CSO035**

**(Question Serial No. 0835)**

Head: (94) Legal Aid Department  
Subhead (No. & title): (-) Not Specified  
Programme: (3) Support Services  
Controlling Officer: Director of Legal Aid (Chris YT CHONG)  
Director of Bureau: Director of Administration

Question:

The legal sector often indicated that the Legal Aid Department (LAD) is extremely slow in processing payments to lawyers. But it is mentioned in the Estimates that the percentage of completed payments to lawyers, experts or other parties, whether they be advance payments or balance payments, within 6 weeks was as high as 99% in 2023. In this connection, would the Government inform this Committee of the following:

1. among the cases which were assigned to private practitioners and monitored by the LAD, how many were concluded between January and June 2023, and what were the costs involved;
2. among the concluded cases mentioned above, how many were disbursed payments in full, and what were the costs involved;
3. the reasons for not completing payments in those cases with payments unsettled.

Asked by: Hon LAM San-keung (LegCo internal reference no.: 7)

Reply:

As a measure of meeting the customer service standard performance targets, the Legal Aid Department (LAD) has set a performance pledge for effecting advance and balance payments to lawyers, experts or other parties in a legal aid case, and maintains records on its compliance with the pledge. According to the statistics for 2023 maintained by LAD, the percentage of the assigned lawyers, experts or other parties (a) receiving advance payments of interim costs within 6 weeks from the receipt of bills by LAD, and (b) receiving balance payments within 6 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 LAD, whichever is later, was as high as 99%.

In effecting payments, LAD can only effect advance payments upon its receipt of bills, and balance payments after the amount of costs has been agreed by the relevant parties or all monies due to the aided person and LAD have been received. In the first six months of 2023 up to 30 June, there is a total of 3 976 such cases, and the amount involved is around

HK\$557.2 million. Out of these cases, there are only 7 cases involving around HK\$500,000 where advance or balance payments cannot be effected within 6 weeks in accordance with the abovementioned performance pledge, which are primarily attributed to the time required for seeking clarification from the assigned lawyers on the information submitted by them before payment could be arranged.

To shorten the time required for assessing the fees payable to assigned lawyers and expedite the payment process, LAD has implemented a series of measures, such as making advance payment of interim costs to assigned lawyers upon receipt of their interim bills to LAD before the conclusion of a case. To facilitate assigned lawyers in checking the progress of costs assessment upon receipt of all related documents by LAD, LAD has set up a helpline for assigned lawyers to make direct enquiries with the responsible staff of the Department. In addition, LAD will continue to maintain communication with the two legal professional bodies and take timely follow-up actions on the assessment and payment of costs.

- End -