

# Important Notice for Legally-Aided Persons

Application & Processing Division



Legal Aid Department

For more details relating to financial eligibility limits for legal aid, scale of contribution and the Director of Legal Aid’s first charge, you should refer to the booklets on “Contribution towards Costs of Legal Aid Case and Director of Legal Aid’s First Charge” and the “Financial Information Sheet”.



## Responsibilities of an Aided Person

- ☛ You must immediately notify the Legal Aid Department (the Department) and the lawyer assigned to handle your case in writing of any changes to your residential address, correspondence address, telephone number, marital status or financial circumstances.
- ☛ You should notify our staff in writing of any change in your marital status (if you are not applying for a divorce) or financial circumstances. Changes in your or your spouse’s financial circumstances or your marital status may affect your eligibility for legal aid or the amount of any contribution you may be required to pay. It is a criminal offence for an aided person to wilfully withhold such information.
- ☛ If you have to pay a contribution, you should pay the amount on time. In case of difficulties because of changes in your financial circumstances, you should promptly notify the Department.
- ☛ You should fully co-operate with your lawyer and provide him with all the necessary information he needs to prepare your case.
- ☛ Payment of contributions or other fees can be made using any one of the following methods:

### By Mail

- Send a crossed cheque to the Department, with your name and file reference written on the back made payable to “The Government of the HKSAR” or “Director of Legal Aid”. Do not send cash or post-dated cheques.

### In Person

- Bring along the demand note or the last payment receipt and pay by cheque or cash at one of the following shroff offices during collection hours:-
  - ◆ Hong Kong Headquarters: 27/F, Queensway Government Offices (QGO)  
66 Queensway, Hong Kong
  - ◆ Kowloon Branch Office: 3/F, Mongkok Government Offices (MGO)  
30 Luen Wan Street  
Mongkok, Kowloon
  - ◆ Collection Hours: Monday to Friday  
9:00 a.m. to 1:00 p.m. and 2:00 p.m. to 4:30 p.m.

### By Bank Automated Teller Machine (ATM) / Internet Banking

You can make payment with your ATM cards or credit cards at the ATMs affixed with “Bill Payment” / “JET Payment” signage or make payment via internet banking. For details, please check directly with your banks.

## Payment by Phone Service (PPS)

You may make payment by using the PPS. You may visit PPS website at [www.ppshk.com](http://www.ppshk.com) or ring 900 00 222 329 / 2311 9876 for application of service.

## Relationship with Assigned Lawyers



- ☛ You will generally be contacted by the lawyer assigned to handle your case within 4 weeks from the date of your legal aid certificate. If the lawyer has not contacted you within this period or if your case is about to go to court and the lawyer has not been in touch with you to prepare for the hearing, you should inform the Department immediately so that an interview with the lawyer could be arranged.
- ☛ Since your case has been assigned out, you should consult your lawyer if you have any queries on the progress or the costs of your case. Your lawyer should also keep you informed of those matters and answer any queries you have about your case.
- ☛ You should fully co-operate with your lawyer and provide him with all the necessary information he needs to prepare your case. If you fail to do so, legal aid may be taken away from you. You must inform your lawyer of any changes to your address or telephone number, so he can contact you when necessary.
- ☛ The Director of Legal Aid (the Director) will not normally agree to a request for a change of lawyer as this may cause delay to your case and increase costs. Request for change of lawyer must be made in writing with detailed reasons for the Director's consideration.

## Role of the Director in the Course of Proceedings



- ☛ Once a lawyer is assigned to act for you, the lawyer is responsible for the conduct of your case. The Director will not give legal advice on or be involved in the conduct of your case. The responsibility of the Director is limited to performing the functions and duties required of him under the Legal Aid Ordinance. These include:
  - ensuring that an aided person has reasonable grounds to continue the proceedings;
  - ensuring that continuance of legal aid is reasonable in the particular circumstances of your case;
  - ensuring that expenses incurred in the proceedings are reasonable;
  - monitoring the progress of the case;
  - approving substantial expenses in relation to proceedings; and
  - making assessment of costs.
- ☛ Should you find the performance of your lawyer unsatisfactory, you may write to the Department so that the Director can conduct appropriate investigation. If you are concerned about the professional conduct of the lawyer who handles your case, you may bring your concern to the attention of the following professional bodies and notify us at the same time.

## **For Barrister:**


The Hong Kong Bar Association  
LG2, High Court Building  
38 Queensway  
Hong Kong

## **For Solicitor:**


The Law Society of Hong Kong  
3rd Floor, Wing On House  
71 Des Voeux Road Central  
Hong Kong



## **Discharge or Revocation of Legal Aid Certificates**

 Your legal aid certificate may be discharged or revoked under the following circumstances, if applicable:

- the contribution payable by you is more than 30 days in arrears;
- you have been outside Hong Kong for a continuous period exceeding 6 months;
- you have failed to render to the assigned lawyer all necessary assistance;
- you have failed to disclose all relevant information about your or your spouse's financial resources or about your case;
- you have failed to make a true and correct disclosure of your or your spouse's financial resources or about your case;
- your financial resources have exceeded the eligibility limit for legal aid;
- you have failed to inform the Department of any changes in your or your spouse's financial resources;
- you no longer have reasonable grounds for continuing the proceedings;
- it is unreasonable in the particular circumstances of your case for you to continue to receive legal aid; such as:-
  - ◆ the opposite party has also been granted legal aid, and the amount or the value of the property to be recovered in the proceedings is not substantial or the costs have been or will be greater than the amount or the value of the property to be recovered;
  - ◆ you reject a reasonable offer of settlement by the opposite party;
  - ◆ the opposite party has gone bankrupt or the Director has reason to believe that the opposite party will be unable to pay the sum and/or costs awarded.

 Differences between discharge and revocation of legal aid certificate:

- if your certificate is discharged, you are no longer an aided person from the date of the discharge. If you have to pay a contribution or if you subsequently gain or keep property or damages in the proceedings, all costs and expenses incurred while you were an aided person will be deducted from such contribution and property or damages.
- if your certificate is revoked, you will be treated as if you have never been granted legal aid. Therefore, the Director has the right to recover from you all costs and expenses incurred before the certificate is revoked.

- however, if you receive legal aid under the Supplementary Legal Aid Scheme, the Director also has the right to get back from you all costs and expenses incurred in the event that your legal aid certificate is discharged.

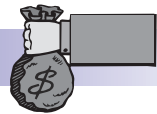
- ☞ If you disagree with the Director's decision to discharge or revoke your certificate, you may appeal to the Registrar of the High Court. The Department will help you to arrange the appeal.
- ☞ If your certificate is discharged or revoked or your appeal is unsuccessful and you wish to continue the proceedings, you should take appropriate steps to protect your own interests including attending court hearings yourself or instructing a private lawyer to act for you.



## The Director of Legal Aid's First Charge

- ☞ You should read carefully the leaflet on "Contribution towards Costs of Legal Aid Case and Director of Legal Aid's First Charge".
- ☞ If you have to pay a contribution or your case involves claiming property or damages, you may ask your lawyer about the costs or other expenses which have been or will be incurred in your case. However, repeated enquiries will add to the legal costs to be paid by you eventually.
- ☞ If you gain or keep money or property after the Director has discharged or revoked the legal aid certificate, you are required to pay out of the money or property gained or kept any costs and expenses incurred by the Department prior to the discharge or revocation and not recovered from the opposite party.

## Costs



- ☞ Unless you have gained or kept property or damages in the proceedings or your certificate is revoked, your liability for payment of costs and expenses incurred by the Department will be limited only to the amount of contribution, if any, payable by you.
- ☞ If you are successful, the court will generally order the opposite party to pay most but not all of the costs of the proceedings. Costs which the opposite party does not have to pay are, for example, costs charged by the lawyer in making reports to the Department on the progress of your case, responding to any repeated and excessive enquiries you make or costs resulting from a change of lawyer. These extra costs will be deducted from your contribution or the property or damages recovered or preserved in the proceedings.
- ☞ If the court orders the opposite party to pay part or all of your costs, the Department has to retain all or part of the money gained or kept until the opposite party has paid the costs. It takes time for your lawyer to calculate and recover costs from the opposite party. If the opposite party is unable to pay, you have to bear the irrecoverable costs out of the money gained or kept.

- ☞ If you are a Respondent in divorce proceedings with a limited legal aid certificate to deal with matters ancillary to the divorce, for example, maintenance and/or custody, your lawyer will not act for you in defending the divorce. If the court orders you to pay the costs of the divorce, the Department will not pay such costs and the Petitioner can take action to recover the costs directly from you.
- ☞ If you have to pay any costs to your lawyer because you have paid a contribution or have gained or kept money or property in the proceedings, and your lawyer cannot agree with the opposite party on the amount of costs that he was ordered to pay, the court will assess the amount to be paid.
- ☞ Since legally aided proceedings are publicly funded, you have no right to request your lawyer not to seek costs against the opposite party (particularly when the opposite party is your spouse in divorce proceedings).

## Deduction of Statutory Assistance Fund

- ☞ If you have received payment under the Traffic Accident Victims Assistance Scheme or Criminal and Law Enforcement Injuries Compensation Scheme, a sum equivalent to the amount paid will be deducted from your damages for reimbursement to the Social Welfare Department.

## Enquiries



- ☞ If you wish to make an appointment to see the legal aid counsel handling your case, you can contact our staff and state clearly the matters which you wish to discuss.
- ☞ For data privacy protection, no telephone enquiries touching on confidential information such as the progress of the proceedings, personal data relating to an applicant or aided person or any party in the proceedings will be entertained. For other enquiries, please contact the staff whose telephone number is printed on the application card or call the 24-hour hotline of the Department on 2537 7677.
- ☞ You must provide your case reference number and identity card number to the Department for verification when making enquiries in writing or in person.
- ☞ You can check the status of your case through the Legal Aid Electronic Services Portal (LAESP) via LAD's website at [www.lad.gov.hk](http://www.lad.gov.hk) but this can only be done if you have your electronic certificate.
- ☞ If you have financial difficulties, you should contact the Social Welfare Department to apply for Comprehensive Social Security Assistance payment. For problems relating to housing, you may contact the Housing Department.
- ☞ If you are an aided person in matrimonial proceedings and you are being harassed, threatened or assaulted by the opposite party, apart from seeking police assistance or legal advice from your lawyer, you may also contact the following organisations for emergency shelter or assistance:  
Harmony House : 2522 0434  
Serene Court : 2787 6865

