

Important Notice for
Legally-Aided Persons
Family Litigation



Legal Aid Department

Role of the Director of Legal Aid in the Course of Proceedings



- ☞ The responsibility of the Director of Legal Aid (Director) is limited to the performance of functions and duties 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 your case;
 - approving substantial or unusual expenses in relation to the proceedings; and
 - making assessment of costs.
- ☞ 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. Any request for a change of lawyer must be made in writing with detailed reasons for the Director's consideration.





Relationship with the Legal Aid Counsel

- ☞ The legal aid counsel assigned to act for you is a fully qualified legal practitioner in Hong Kong.
- ☞ The relationship between you and the legal aid counsel assigned to act for you is that of a solicitor and his client.
- ☞ If there are any matters you want to know about your case or its progress, you could consult our staff for advice.



Responsibilities of an Aided Person

- ☞ You must immediately notify our staff in writing of any changes in your residential address, correspondence address or telephone numbers so that we can maintain contact with you.
- ☞ You must immediately notify our staff in writing of any change in your marital status (if you are not applying for a divorce) (e.g. married, remarried), and / or your or your spouse's financial circumstances (e.g. got a job, change of job, return to work after work injury, promotion, pay rise, receive bonus, take up a part-time job, property sale or purchase, open an investment account, receive pension / Mandatory Provident Fund benefits / an estate, etc) which may affect your eligibility for legal aid or the amount of any contribution you may be required to pay. The wilful withholding of such information is a criminal offence and can lead to serious consequences, including revocation of your legal aid certificate and recovery of the costs and expenses by the Department.

-  If you have to pay a contribution, you should pay it on time. If you cannot make the payment as scheduled because of changes in your financial circumstances, you should notify the Department immediately.
-  You should fully co-operate with our staff and provide them with all necessary case related information and documentation for the proper preparation of your case. Failure to do so may affect the progress of your case or result in your legal aid certificate being discharged.
-  You should not settle your case or sign any settlement agreement with the other party before seeking advice from your legal aid counsel first. Reaching any agreement or settlement with the opposite party on your own without the knowledge of the legal aid counsel is not only improper but may also have costs consequences and prejudice your interests.
-  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 letter or the last payment receipt and pay by cheque, cash or Faster Payment System (FPS) 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: Mondays to Fridays
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. For application details, please visit the PPS website at www.ppshk.com or call 900 00 222 329 / 2311 9876.

Faster Payment System (FPS)

You can use any mobile banking app or e-wallet that supports government bill payment via QR code to make payment by scanning the FPS QR code printed on the demand letter.

Discharge or revocation of Legal Aid Certificates



- ☛ Your legal aid certificate (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 your legal aid counsel all necessary assistance;
 - you have failed to disclose all relevant information about your or your spouse's (if you are not applying for a divorce) financial resources or about your case;
 - you have failed to make a true and correct disclosure of your or your spouse's (if you are not applying for a divorce) financial resources or about your case;
 - your financial resources have exceeded the financial eligibility limit for legal aid;
 - you have failed to inform the Department of any changes in your or your spouse's (if you are not applying for a divorce) financial resources.
- ☛ Your certificate will be discharged if you no longer have reasonable grounds for continuing the proceedings or if 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 incurred/to be incurred are 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 any maintenance and/or settle the costs.
- ☛ Differences between discharge and revocation of legal aid certificates:
 - 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 money or property in the proceedings, all costs and expenses incurred while you were an aided person will be deducted from such contribution and money or property.
 - 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.
- ☛ 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 arrange for 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, lump sum or substantial amount of monthly maintenance for yourself, you may ask the legal aid counsel assigned to handle your case about the costs or other expenses which have been or will be incurred in your case. However, repeated or excessive 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 your 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

- ☞ Since legally aided proceedings are publicly funded, an aided person has no right to request the legal aid counsel not to seek costs against the opposite party (particularly when the opposite party is the aided person’s spouse in divorce proceedings).
- ☞ Unless you have gained or kept money or property in the proceedings or your legal aid 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 have won the case, the court will generally order the opposite party to pay most but not all of the costs of the proceedings. Costs not payable by the opposite party include the costs charged by the lawyer in responding to any repeated or excessive enquiries from you and costs resulting from a change of lawyer. These extra costs will be deducted from your contribution or the money or property you gained or kept in the proceedings.
- ☞ If the court orders the opposite party to pay part or all of the costs, the Department has to retain all or part of the money or property gained or kept until the opposite party has paid the costs. It takes time for the legal aid counsel 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 or property gained or kept.
- ☞ According to the Director’s first charge provision, even if you have won the case and the opposite party has paid the money or handed over the property to you, the Department cannot return the balance of any money or property to you until the legal aid counsel has completed calculating the costs and recovered all costs payable by the opposite party. As it takes time to complete the relevant procedures, please wait patiently. The Department will release part of the money or property to you in stages as soon as practicable.

- ☞ If you are the Respondent in divorce proceedings with a limited legal aid certificate to deal with matters ancillary to the divorce, for example, maintenance and/or child custody, legal aid counsel will not act for you in defending the divorce. If the court orders you to pay the costs of the divorce proceedings, the Department will not pay such costs for you and the Petitioner can take action to recover the costs directly from you.
- ☞ If you have to pay costs to the legal aid counsel because you have paid a contribution or have gained or kept money or property in the proceedings, and yet the legal aid counsel cannot agree with the opposite party on the amount of costs, the amount to be paid will be taxed by the court.

Reimbursement to the Social Welfare Department

- ☞ If you are in receipt of public assistance, the Department may pay the arrears of maintenance recovered for you in the proceedings to the Social Welfare Department.

Enquiries



- ☞ For personal data privacy protection, no telephone enquiries about confidential information such as the progress of the proceedings, personal data relating to you or any party in the proceedings will be entertained. For other enquiries, please contact the law clerk or staff whose telephone number is printed on the reference card or call the 24-hour hotline of the Legal Aid 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 the Department's website at www.lad.gov.hk if you have a digital certificate or an "iAM Smart" account.
- ☞ Neither the court nor the Legal Aid Department can arrange housing or other welfare assistance for you. If you have financial difficulties, you should contact the Social Welfare Department to apply for Comprehensive Social Security Assistance. For problems relating to housing, you may contact the Housing Department.
- ☞ If you are being harassed, threatened or assaulted by the opposite party, apart from seeking assistance from police or legal advice from your legal aid counsel, you may also contact the following organisations for emergency shelter or assistance:

Harmony House : 2522 0434

Serene Court : 2381 3311

