

Important Notice for
Legally-Aided Persons
Personal Injuries Litigation



Legal Aid Department

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



- ☛ Under the Legal Aid Ordinance, the Director of Legal Aid (Director) has certain functions and duties to perform. These include:
 - ensuring that you have reasonable grounds to continue the proceedings;
 - ensuring that continuance of legal aid is justified in terms of costs and merits;
 - ensuring that expenses incurred in the proceedings are reasonable;
 - litigating your case; and
 - making assessment and handling taxation 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 the costs involved. 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 that 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 to your residential address, correspondence address or telephone numbers so that we can maintain contact with you.
- ☛ You should notify our staff in writing of any change in your marital status (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 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 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 our staff and provide all necessary 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 contact the opposite party or their lawyers or insurance representatives in the course of proceedings.
-  You should not settle your case or sign any settlement agreement with the opposite 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 may 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, cash or Faster Payment System (FPS) at one of the 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. You may visit PPS website at <http://www.ppshk.com> or ring 900 00 222 329 / 2311 9876 for application of service.

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 any necessary assistance;
 - you have misrepresented or failed to disclose any relevant information about 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.
-  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 costs incurred or to be incurred will be greater than the amount of compensation or damages likely to be awarded;
 - you reject a reasonable offer of settlement by the opposite party;
 - the opposite party has gone bankrupt or the Director has reasons to believe that the opposite party will be unable to pay compensation or damages 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 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.
 - However, if you received 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 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 arrange the appeal.
- ☞ If your certificate is discharged or revoked or your appeal is unsuccessful, 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".
- ☞ Unless you recover compensation or damages 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 recover compensation or damages in the proceedings, Director of Legal Aid's First Charge is applied. You will be required to pay the costs and expenses incurred by the Department and which are not paid by the opposite party out of the compensation or damages recovered. The exact amount you have to pay may take some time to work out after the conclusion of the proceedings. However, depending on the circumstances of your case, the Department may make interim payment to you.

- ☞ If you are an aided person under the Supplementary Legal Aid Scheme and you recover compensation or damages in the proceedings, a percentage of the damages recovered will be deducted and paid into the Supplementary Legal Aid Fund. If your case is settled before the date of commencement of trial and delivery of a brief to Counsel, this amount will be reduced.
- ☞ If you recover compensation or damages after the Director has discharged the legal aid certificate, you are required to pay the costs and expenses incurred by the Department prior to the discharge and not recovered from the opposite party out of the compensation or damages recovered.

Deduction of Statutory Assistance Fund

- ☞ If you have been granted Traffic Accident Victims Assistance or Criminal and Law Enforcement Injuries Compensation from the Social Welfare Department, a sum equivalent to the amount of assistance for reimbursement to the Social Welfare Department will be deducted from the damages awarded to you in the proceedings.

Enquiries



- ☞ For data privacy protection, no telephone enquiries touching on 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 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 but this can only be done if you have your electronic certificate.

