

尋求法律援助還是交由索償代理追討賠償？

假如你或你的家人意外受傷，而你需要經濟援助聘請律師，以便循法律途徑向對方追討賠償，以彌補所受的創傷，你會怎樣做？

現時，香港有一些所謂索償代理，他們可能會找你，建議你接受他們所提供的協助。這些索償代理會聲稱，如果你把索償事宜交由他們辦理，他們會尋找律師，為你爭取賠償，並會代付一切費用；如有需要，他們更會安排貸款，協助你支付醫療、生活及交通費。如案件敗訴，你無須支付分文；但假如你的申索獲得勝訴，便須向他們支付所獲賠償的20%至30%，作為成功索償的服務費。

如此吸引的條件，誰能抗拒？但世上真有這樣便宜的事？

事實上，索償代理純粹以牟利為出發點。如要令生意有利可圖，他們便要減低開支，而委託人亦須成功討回賠償，使他們從中分享勝訴的成果。因此，他們往往會設法減省那些有助委託人提出申索及適當地計算其申索金額的開支。同時，索償代理亦會渴求個案能早日了結，及/或取得賠償，儘管賠償額比委託人應得的金額為低。另一方面，委託索償代理辦理訴訟的人，如敗訴的話，他們可能需承擔對訟人的訟費。這是因為索償代理事前沒有積極向委託人提及或解釋一旦訴訟失敗，訟費由誰支付的責任問題。即使他們已把這項責任告知委託人，但由於索償代理無法負擔有關訟費，支付訟費的責任最終便落在委託人身上。最近發生的一宗個案正好說明這個問題。一名因意外受傷的受害人與索償代理簽署合約。其後，受害人索償失敗，法庭下令受害人支付對訟人的訟費。該受害人事前以為如他敗訴，便無須支付任何費用，但事實並非如此；最後，他因未能支付有關訟費而落得破產的下場。

如果你接受索償代理的服務，這便意味着索償代理會瓜分一大筆你或你親人極需要的賠償金。此外，你可能須為索償代理墊支給你的貸款支付高昂的利息。

如你不願受到索償代理的剝削，又可在申討賠償的訴訟中得到適當的法律協助，你可申請法律援助，由本署委派合適的律師代你索償。工業意外或一般意外(例如交通意外)的受害人，可以透過普通法律援助計劃及法律援助輔助計劃申請法律援助，這樣便無須承擔上述風險。根據普通法律援助計劃獲批法援的受助人，無須與任何人攤分賠償金。即使是根據法律援助輔助計劃獲提供援助的受助人，其須支付並撥入法律援助輔助計劃基金的金額，最多佔其所獲賠償金的10%，而大多數案件的受助人，須繳交的百分比更低至6%；但假如你使用索償代理的服務，你須支付的費用會高達賠償金的20%至30%。

本署已印製海報，提醒市民使用索償代理服務的風險。索償代理會向你游說，令你相信申請法律援助很麻煩，或你並不符合申請資格，或本署會委派不稱職的律師代你索償。切勿相信他們，否則你可能會蒙受金錢損失，並為你所作的決定後悔不已！

假如你意外受傷，需要協助，以採取法律行動，你可與法律援助署聯絡，查詢有關普通法律援助計劃或法律援助輔助計劃申請資格的資料。你亦可瀏覽本署網頁www.lad.gov.hk，又或致電本署的24小時熱線(2537-7677)查詢。

保障法律權益
慎防推銷索償活動
Protect Your Legal Interest
Beware of the Touting Activities of Claims Recovery Agents

任何因工受傷的僱員、交通意外的傷者，切勿向索償服務的公司尋求協助，而應立即向律師諮詢。假如你的經濟能力有限，可向本署作出有關索償的法律援助申請。

- ▶ **不要** 接受索償公司的推銷。
- ▶ **不要** 隨便簽署任何文件。
- ▶ **不要** 輕信有些廣告或游說的字眼，例如「不成功、不收費」、「免費」、「鉅額賠償」等等。
- ▶ **不要** 抱著嘗試心態，因為當你中途撤回索償時，索償公司可能會向你追討鉅額賠償及手續費。

If you are a victim of injuries at work or in a traffic accident, you should not seek assistance from claims recovery agents. Instead, you should consult your lawyer immediately or apply for legal aid if you do not have the financial means to pursue your claims.

- ▶ **Don't** respond to the touting activities of claims recovery agents;
- ▶ **Don't** sign any paper provided to you by claims recovery agents;
- ▶ **Don't** accept readily what claims recovery agents say in their advertisements or be lured by such words like "no win, no fee", "free of charge", "huge amount of compensation" and
- ▶ **Don't** even attempt to give it a try as you may be held liable for huge compensation and handling fees if you withdraw from their services.

法援
法律援助署
Legal Aid Department

Legal Aid or Recovery Agents?

What would you do if you or a member of your family suffers personal injuries as a result of an accident and money wise, you need assistance to hire a lawyer to take the wrongdoer to court to obtain compensation for the injuries suffered?

Nowadays in Hong Kong, there are people known as recovery agents who may come along and offer to help. These people will tell you that if you let them handle the compensation claim, they will get lawyers to fight the case for you and pay for all the expenses and, if necessary, give you a loan to cover medical, living and traveling expenses. You have no need to pay anything, not even if you lose the case. It is only when the claim is successful, then you pay them a success fee of around 20% - 30% out of the compensation you receive.

Who can resist such an attractive offer, but is this a case of too good to be true?

In reality, recovery agents operate purely for profits. Their business can only be profitable if they can keep their expenses to a minimum and their clients recover damages so they can get to share the fruit of the litigation. There is a real chance that they will avoid incurring expenses, expenses that will advance the case of their clients and help in quantifying the claim properly. They will be keen for their clients' claims to be settled prematurely and/or for an amount less than what their clients are entitled to. Moreover, clients of recovery agent may find themselves liable to pay the costs of the opposite party when they lose the claim. It is either because the recovery agents have not been forthcoming about the costs liability with their clients or if they have been, they are not financially able to bear the costs which will fall on the clients and eventually be borne by them. This can be illustrated in a recent case where a victim of personal injuries signed a contract with a recovery agent. The victim was unsuccessful in his claim for compensation. The Court ordered the victim to pay the legal costs of the opposite party. He thought that if he lost, he did not have to pay anything. He was wrong. As he did not have the money to pay, he was made bankrupt.

Using a recovery agent means that you lose a sizeable portion of the damages to the agent, money which you may ill afford to part with because of the injuries you or your family member suffered. Moreover, you may have to pay high interest for any loans received.

You can avoid being exploited by recovery agents and receive proper legal representation in your claim for compensation by seeking legal aid. For victims of industrial or ordinary accidents such as road traffic accidents, legal aid through its ordinary and supplementary scheme can assist you without any of the risks mentioned above. Aided persons under the ordinary scheme will not have to share their damages with anyone. Even for people aided under the supplementary scheme, the most they have to contribute towards the Supplementary Legal Aid Fund is 10% of the damages recovered and in most cases, 6% only as opposed to 20% - 30% if a recovery agent is involved.

The Department has produced a poster warning the public of the risks of using recovery agents. Recovery agents will try to convince you that it is too much trouble to apply for legal aid, that you are not eligible for legal aid or that you will be given incompetent lawyers by legal aid. Do not believe them because if you do, you may lose out financially and live to regret your decision later!!!

So if you are an accident victim and need assistance to take legal action, you can approach the Legal Aid Department for information as to your eligibility under the Ordinary or Supplementary legal aid schemes. You can also visit our website at www.lad.gov.hk or telephone our 24 hour hotline 2537-7677.

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法律援助署
Legal Aid Department

查詢 Enquiries

二十四小時查詢熱線
24-hour Hotline
法律援助署網頁
LAD Website
法律援助署電子郵箱
LAD e-mail

2537 7677

<http://www.lad.gov.hk>

ladinfo@lad.gov.hk

通訊地址 Correspondence Address

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法律援助署—法援通訊小組委員會
電話：2867 2319 傳真：2869 0655

Legal Aid Department News Advisory Committee
Legal Aid Department

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