

**CONTROLLING OFFICER'S REPLY**

**CSO030**

**(Question Serial No. 2910)**

Head: (94) Legal Aid Department

Subhead (No. & title): (-) Not Specified

Programme: (2) Litigation Services

Controlling Officer: Director of Legal Aid (Chris YT CHONG)

Director of Bureau: Director of Administration

Question:

Regarding the performance measure of payment to lawyers in respect of support services, how was “99% of payments were processed within six weeks” arrived at? Has a target timeframe for “costing” been set? It is because many lawyers complained that they have still not received their payments many months or even years after the conclusion of the cases.

Asked by: Hon LAM San-keung (LegCo internal reference no.: 14)

Reply:

The Legal Aid Department (LAD) strives to assess the fees and to make payments to assigned lawyers as soon as possible. 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.

As a measure of meeting the Department's customer service standard performance targets, 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 maintained by LAD, from 2020 to 2022, the assigned lawyers, experts or other parties in 99% of the legal aid cases (1) received advance payments of interim costs within 6 weeks from the receipt of bills by LAD, and (2) received 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.

LAD can only effect balance payments when the amount of costs is agreed by the relevant parties, and until all documents in relation to the fees payable to assigned lawyers (such as court documents and orders) are received. Therefore, if an agreement cannot be reached on the amount of costs and taxation by the court is required, LAD can only effect payments upon taxation by the court. Besides, there have been cases in which bills were not submitted to LAD in time, and as a consequence, LAD could not make early payment of the fees.

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.

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