

**Legal Aid Services Council
Minutes of the Meeting held on
Tuesday, 2 June 2020 at 5:00 p.m.**

PRESENT

Dr William LEUNG, SBS, JP	Chairman
Mr Nicholas CHAN, MH	Member
Mrs Ayesha LAU, JP	“
Mr Clarence LEUNG, JP	“
Mr Timothy PARKER	“
Miss Iris WAN	“
Ms Connie WONG, SBS, JP	“
Mr Thomas KWONG, JP	Director of Legal Aid
Ms Helen PANG	Secretary

IN ATTENDANCE

Mr Chris CHONG, JP	Deputy Director of Legal Aid (Policy & Administration)
Mr Henry CHAN	EO/LASC

ABSENT WITH APOLOGIES

Mr Warren GANESH	Member
Mr Randy SHEK	“



Item

Action By

(I) INTRODUCTION

The Chairman welcomed Members and Mr Chris CHONG of the Legal Aid Department (LAD) to the meeting.

(II) CONFIRMATION OF MINUTES OF THE COUNCIL MEETING HELD ON 7 APRIL 2020

2. The minutes were confirmed without amendment.

(IV) PAPERS FOR INFORMATION/COMMENT

(B) Legal Aid Department's replies to written questions raised by Finance Committee Members in examining the Draft Estimates of Expenditure 2020-2021 – Paper No. LASC I/P 10/20

4.1 The Chairman said that there had been 20 questions from the Finance Committee of LegCo concerning the work of LAD when examining the draft estimates of expenditure for 2020-2021. He invited Members to note LAD's replies to the questions.

4.2 Mr Timothy PARKER referred Members to a reply to the Finance Committee ref. CSO042 which set out the number of legal aid refusals in respect of appeals to the Court of Final Appeal (CFA) / Court of Appeal (CA). He asked if LAD had been keeping track of the outcome of appeals particularly those to CFA. He said that the information should be able to provide some feedback and facilitate LAD to consider improving the assessment on merits of the appeals.

4.3 DLA responded that a very effective review mechanism was in place. Legal aid appellants, who intended to appeal to the CFA, might seek a review of the legal aid refusal under section 26A of the Legal Aid Ordinance. Where needed, the appellant might also apply for assistance under the Section 26A Scheme. Noting that there had never been any criticisms on the decisions of LAD in the extremely rare scenario where legal aid had been refused but were won in CFA, DLA was of the view that keeping track of the outcome of appeals of non-legally aided cases might involve much resources, which could be better deployed elsewhere.

Item

Action By

(F) Monthly Statement of Income and Expenditure of LASC for the Months of March and April 2020 - Paper No. LASC I/P 14/20

8.1 The Chairman said that the expenditure of the Council was controlled within budget.

8.2 In response to Mrs Ayesha LAU's enquiry on the difference in the amount of surplus recorded in the income and expenditure statements for March 2020 and for April 2020, the Secretary said that the surplus from last year might be retained as contingency reserve for the current year, but if the amount of surplus was higher than the ceiling of reserve, the amount in excess had to be returned to the Government.

8.3 Mrs Ayesha LAU commented that a note should be added in the income and expenditure statement to explain the arrangement. The Secretary noted.

(Post-meeting note: A note has been added in the monthly statement of income and expenditure of the Council to explain how the surplus from last year is handled.)

(VI) DATE OF NEXT MEETING

12. There being no other business, the meeting was adjourned at 5:50 p.m. The next Council Meeting would be held on Tuesday, 4 August 2020.