

**Legal Aid Services Council
Minutes of the Meeting held on
Tuesday, 20 April 2021 at 5:00 p.m.**

PRESENT

Prof. William LEUNG, SBS, JP	Chairman
Mr Nicholas CHAN, MH	Member
Ms Karen LAM	“
Ms Rosita LEE	“
Miss Iris WAN	“
Mr Thomas KWONG, JP	Director of Legal Aid
Mr Patrick WONG	Secretary

IN ATTENDANCE

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

ABSENT WITH APOLOGIES

Mrs Ayesha LAU, JP	Member
Ms Serena LAU	“
Mr Timothy PARKER	“
Mr Randy SHEK	“



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(I) INTRODUCTION

1.1 The Chairman welcomed Members and Mr Chris CHONG of the Legal Aid Department (LAD) to the meeting. He also welcomed Ms Rosita LEE for joining the discussion via telephone even though she was unable to come in person.

1.2 The Chairman said that there were not enough members to make a quorum for the meeting. For those items which required decision, a draft of the resolution on the matters would be circulated to all Members for voting in order to have effect.

(II) CONFIRMATION OF MINUTES OF THE COUNCIL MEETING HELD ON 2 FEBRUARY 2021

2. The minutes were confirmed subject to no comment from the Members absent from the meeting.

(Post-meeting note: All Members voted to confirm the minutes of the meeting held on 2 February 2021 and no Member required it to be discussed at a meeting.)

(IV) PAPERS FOR INFORMATION/COMMENT

(D) Monthly Statement of Income and Expenditure of LASC for the Months of January and February 2021 - Paper No. LASC I/P 09/21

6.1 The Chairman said that the expenditure for the months of January and February 2021 for the Council was controlled within budget.

6.2 Members noted the two monthly statements.

(E) Chief Secretary for Administration's Office's paper on "Biennial Review of Criminal Legal Aid Fees, Prosecution Fees and Duty Lawyer Fees" – Paper No. LASC I/P 10/21

7.1 Mr Chris CHONG briefed Members on the outcome of the 2020 biennial review of criminal legal aid fees, prosecution fees and duty lawyer fees (the Fees) conducted by the Government. The Government adjusted the Fees upwards by 2.7% to reflect the

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accumulated change in the Consumer Price Index (C) (CPI(C)) recorded between July 2018 and July 2020. Detailed figures were set out in the Annex. Members appreciated that the Government conducted biennial reviews on the Fees with reference to the change of CPI(C) in a particular period to keep up with the market.

7.2 DLA pointed out that there was a need to stipulate the Fees for criminal cases which were different from civil cases where taxation was in place. In civil case, one party might be responsible for paying the legal costs of the opposite party. Legal aid was granted subject to the passing the merits test, which usually means that there would be good chance of recovery of costs. Hence, it was not necessary for the Government to stipulate a fixed amount of the legal aid fees for civil cases. On the contrary, in criminal legal aid case, the prosecution side was Department of Justice while the defendant side was LAD. Public money was often spent by both parties if legal aid was granted. Therefore, fixed fees for criminal legal aid cases were necessary for the sake of prudent use of public money.

7.3 Members took note of the paper.

(F) Chief Secretary for Administration's Office's paper on "Annual Reviews of Financial Eligibility Limits of Legal Aid Applicants and Director of Legal Aid's First Charge" – Paper No. LASC I/P 11/21

8.1 Mr Chris CHONG briefed Members of the outcome of the annual review of the financial eligibility limits (FELs) of legal aid applicants and DLA's first charge conducted by the Government. Both reviews had made reference to the CPI(C) for the period from July 2019 to July 2020, which had decreased by 0.1%. In view of the insignificant change in CPI(C) recorded during the reference period and minimal corresponding impact on FELs and DLA's first charge, the time and administrative costs involved in the requisite legislative processes may not be commensurate with the need for keeping up with the market. The Government saw merits to reserve the 0.1% decrease and consider it together with the outcome of the next annual review.

8.2 In response to the Chairman's enquiry about the DLA's first charge, DLA explained that if any person was successful in recovering or preserving any money or property in the legally aided proceedings he / she would be required to repay DLA all sums paid or payable on his / her behalf out of the money or property recovered or preserved. That

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said, DLA had the discretion to waive a certain amount that should be retained pursuant to the DLA's first charge, such as part of the periodical maintenance ordered to be paid to an aided person and his/her children, or when there would be genuine hardship to the aided person if DLA exercised his first charge on the full amount of the sums paid or payable to the aided person.

8.3 Members took note of the paper.

(VI) DATE OF NEXT MEETING

11. There being no other business, the meeting was adjourned at 5:45 p.m. The next Council Meeting would be held on Tuesday, 1 June 2021.

LASC Secretariat
May 2021