

LETTERHEAD OF GOVERNMENT SECRETARIAT

Our Ref.: CSO/ADM CR
Your Ref.:

24 May 2001

By Fax [2121_0420]

Miss Polly YEUNG
Clerk to the Establishment Subcommittee
Legislative Council
3rd Floor, Citibank Tower
3 Garden Road, Hong Kong

Dear Miss Yeung,

LegCo Establishment Subcommittee Meeting on 2 May 2001

I refer to the meeting of the LegCo Establishment Subcommittee held on 2 May 2001 where the Administration consulted Members on the proposal to create one permanent post of Assistant Principal Legal Aid Counsel (APLAC) in the Application and Processing Division of the Legal Aid Department and the redeployment of one permanent post of APLAC from the Litigation Division to the Application and Processing Division.

At the meeting, the Administration undertook to provide additional information on the number of counsel and solicitors who were on the register of the Legal Aid Panel for unsatisfactory performance, and the breakdown on the number and nature of the complaints received by LAD, with indication on whether these complaints were substantiated or not. The requested information is tabulated at Annexes A and B respectively for Members' information.

As the proposed creation and redeployment of post will be considered by the Finance Committee at its meeting on 25 May 2001, I should be grateful if you could assist in distributing the supplementary information to the Establishment Subcommittee Members and Members of the Finance Committee before the meeting.

Yours sincerely,

(Chan Yum-min, James)
for Director of Administration

**No. of Assigned Lawyers on the
Record of Unsatisfactory Performance**

No. of Counsel/ Solicitors on Record of Unsatisfactory Performance	<u>1997</u>	<u>1998</u>	<u>1999</u>	<u>2000</u>	<u>2001</u> (up to May)	<u>Total</u>
No. of Counsel	-	1	1	1	0	3
No. of Solicitors	2	3	0	2	2	9
Total	2	4	1	3	2	12

Complaints received by LAD from 1998 to 2000

Nature of complaint	1998	1999	2000
A. Conduct of Litigation			
Delay in Litigation			
❖ Assigned out	7	6	5
❖ In house	3	0	1
Lack of Communication			
❖ Assigned out	5	2	1
❖ In house	1	2	0
Staff Manner			
❖ Assigned out	1	0	0
❖ In house	6[2]	3	1
Others (excessive legal costs, obtaining evidence not favourable to aided person, inadvertently disclosing a less favourable medical assessment report to court, failure to notify date of hearing, etc)			
❖ Assigned out	22[1]	15	12
❖ In house	3	5	2
B. Conduct of Legal Aid Business			
Delay in processing	4	6	8
Level of contribution	20	28	18[1]
Delay in payment	6[1]	5	4[1]
Lack of Communication	3	3	1
Staff manner	19[2]	15	9[2]
Others (on discharge of legal aid, conduct of legal aid appeal, privacy of personal data issue, failure to meet applicant's/aided person's request, assignment & re-assignment of lawyers, mistake in spelling applicant's/aided person's name, etc)	12(1)[3]	11(1)[1]	1
C. Against the refusal of Legal Aid*	32	42	44
D. Complaints by Opposite Parties (O/Ps) or Other Parties (e.g. complaint by O/Ps or other parties on grant of legal aid on means or on merits and complaint about legal costs that were ordered against them)	10	16	20
TOTAL	154	159	127

figure in () denotes no of complaints substantiated.

figure in [] denotes no of complaints partially substantiated.

* Under section 26 the Legal Aid Ordinance (Cap.91), an applicant for legal aid who is aggrieved by the decision of Director of Legal Aid could appeal to the Registrar of the High Court. Legal Aid Department would normally advise the complainants to appeal to the Registrar of the High Court.