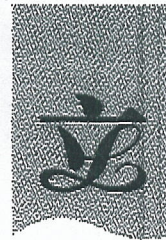




郭榮鏗立法會議員辦事處
Legislative Council Office of the Hon. Dennis Kwok



30th October 2014

Dr Priscilla Leung, JP
Chairman of the AJLS Panel
Legislative Council

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(English version only)

Dear Madam Chairman,

Recovery of Costs in Pro Bono Cases

Currently, where an assisted client wins his case, the fact that his lawyers acted on a pro bono basis results in a windfall for the losing party who would have to pay the costs of the winning party but for the fact that the latter's lawyers agreed to act on a pro bono basis. This is unfair to the lawyers who, though by agreeing to act on pro bono basis never expected to be paid for their services, never intended their generosity to benefit the opposite party. It is also detrimental to administration of justice in that normal discipline in litigation provided by costs sanctions will be absent in such cases.

In England, the solution has been found in the form of section 194 of the Legal Services Act 2007, which allows for recovery of costs in pro bono cases. The amounts recoverable would be the same as that normally recoverable on party and party basis. The only difference is that the lawyers who agreed to act pro bono will not pocket the costs, which are paid to a charity dedicated to access to justice by funding litigation where neither legal aid nor pro bono assistance is available.

I am therefore writing to respectfully ask you to include the recovery of costs in pro bono cases as an agenda item for the Panel.

Yours sincerely,

Dennis Kwok
Deputy Chairman of the AJLS Panel

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