

**Bills Committee on Arbitration and Mediation Legislation
(Third Party Funding) (Amendment) Bill 2016**

**List of follow-up actions arising from the discussion
at the meeting on 14 February 2017**

The Administration was requested to:

- (a) provide a written response on whether legal practitioners are permitted under the Arbitration and Mediation Legislation (Third Party Funding) (Amendment) Bill 2016 ("the Bill") to charge and/or receive a fixed referral fee/commission from (i) the clients and (ii) the third party funders in the event that a legal practitioner referred a third party funder to his/her client with a view to facilitating resolution of disputes by arbitration;
- (b) further clarify whether a lawyer may provide third party funding of arbitration under the Bill and explain the relevant policy consideration;
- (c) consider expressing the term "common barrator" and its corresponding Chinese rendition "唆訟者" in the new section 98K in a more modern and comprehensible manner, or provide a definition of the term in the Bill;
- (d) clarify whether the advisory body appointed under the new section 98W has the power to disclose information which is received by the said body pursuant to the new section 98P to the public, in particular those relating to any complaints made against a third party funder by a funded party received by the third party funder concerned during a reporting period; and details of any findings by a court or arbitral tribunal of a third party funder's failure to comply with the code of practice to be issued under the new section 98O; and
- (e) consider providing for the power referred to in paragraph (d) above in the Bill expressly if the answer to paragraph (d) above is in the affirmative.