

12 April 2017

SUBMISSION OF NEIL KAPLAN TO THE LEGISLATIVE COUNCIL ON THE
AMENDMENT TO THIRD PARTY FUNDING BILL

I make this short submission solely in my personal capacity.

I can see no objection in principle to permitting conditional fees. They have worked well in other jurisdictions. They are not the same as contingency fees in respect of which wholly different considerations apply.

They make sense in a very tight market especially for international work and they will add a competitive edge to Hong Kong.

Hong Kong lawyers struggle particularly in the context of international arbitration when non Hong Kong lawyers are not so constrained. The fact that Singapore has not done it is a plus in my view because we need to show we are different from them and that there are added benefits to siting disputes here.

The other point that persuades me is that if it is not done now on the back of the TPF Bill it is unlikely that another occasion will arise to consider it.

At the end of the day, it is a matter of giving customers more choice and helping Hong Kong lawyers to compete in this very competitive environment.

Respectfully submitted,



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Neil Kaplan SBS CBE QC