



Chapter 2

Legal Aid Services

- 
Matrimonial Cases
- 
Traffic Accident Claims
- 
Breach of Contract
- 
Employees' Compensation
- 
Landlord and Tenant Disputes
- 
Claims in respect of Industrial Accidents
- 
Immigration Matters

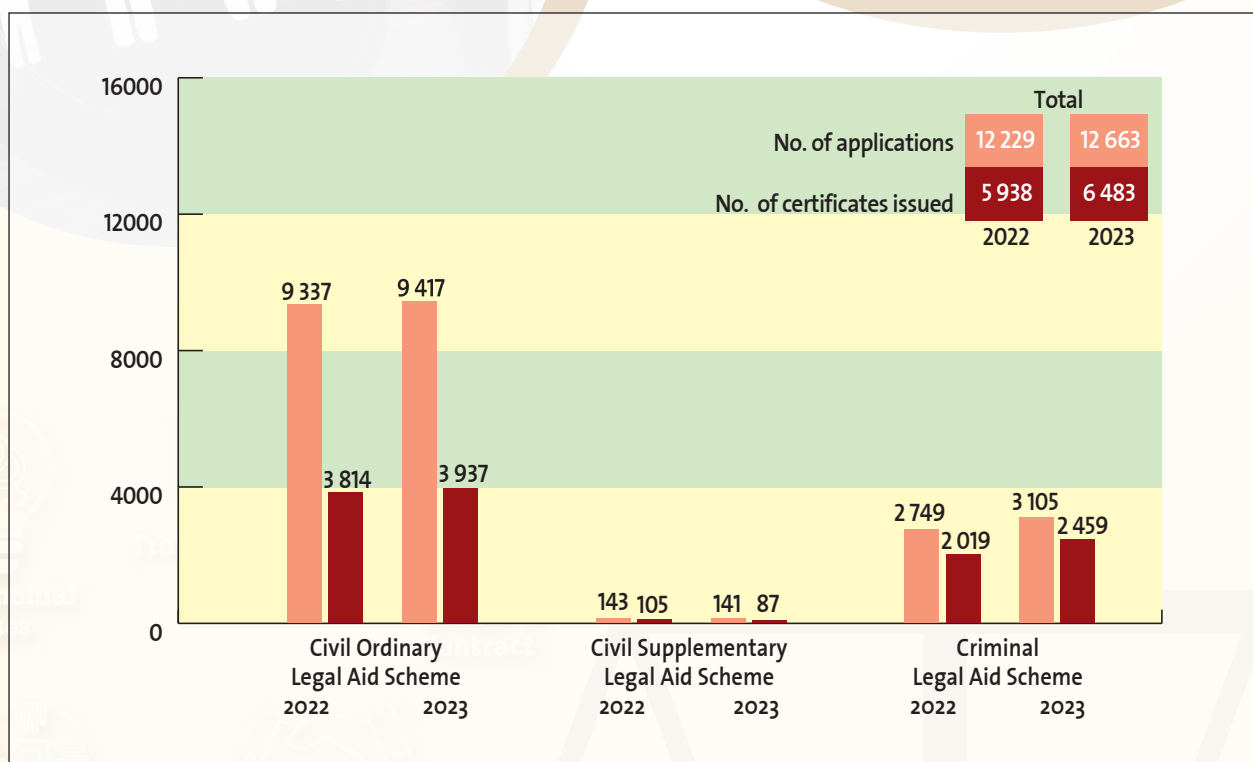


Legal aid business is conducted in the following service areas:

- Receiving and processing of legal aid applications;
- Assignments and monitoring of legal aid cases;
- Litigation services; and
- Related supporting legal services.

Application and Processing Services

In 2023, a total of 12 663 applications for legal aid were received and 6 483 legal aid certificates were issued:



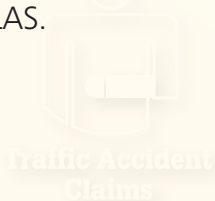
Legal Aid in Civil Cases

Civil legal aid applications, apart from applications relating to wages claims which are processed by the Insolvency Unit of the Litigation Division, are handled by the Application and Processing Division.

Ordinary Legal Aid Scheme

Applicants whose financial resources are within the statutory limit of \$433,010 (w.e.f 17.3.2023) may apply for legal aid under the Ordinary Legal Aid Scheme (OLAS). OLAS covers many different types of civil cases which are closely related to the daily lives of the general public, such as family disputes, employees' compensation claims, personal injuries claims, immigration matters and other miscellaneous proceedings in the District Court, the Court of First Instance, the Court of Appeal and the Court of Final Appeal. It also covers applications to the Mental Health Review Tribunal, and death inquests if the Director is of the opinion that the interests of public justice require legal aid be given.

In 2023, there were 9 417 OLAS applications and 3 937 legal aid certificates were issued under OLAS.



Ms Juliana Chan Oi-yung
Deputy Director of Legal Aid (Application and Processing)

Supplementary Legal Aid Scheme

Applicants whose financial resources exceed the statutory limit of OLAS of \$433,010 (w.e.f 17.3.2023) but are below \$2,165,060 (w.e.f 17.3.2023) may apply for legal aid under the Supplementary Legal Aid Scheme (SLAS). The scope of SLAS covers employees' compensation claims and representation for employees in appeals against awards made by the Labour Tribunal irrespective of the amount of the claim. It also covers the following types of cases where the claim is likely to exceed \$75,000:

- personal injuries or death, medical, dental or legal professional negligence;
- professional negligence claims against certified public accountants (practising), registered architects, registered professional engineers, registered professional surveyors, registered professional planners, authorised land surveyors, registered landscape architects and estate agents;
- negligence claims against insurers or their intermediaries in respect of the taking out of personal insurance products;
- monetary claims against vendors in the sale of completed or uncompleted first-hand residential properties;
- professional negligence claims against financial intermediaries licensed or registered for Type 1 (dealing in securities), Type 2 (dealing in futures contracts) or Type 8 (securities margin financing) regulated activities within the meaning of the Securities and Futures Ordinance (Cap.571); and
- monetary claims in respect of derivatives of securities, currency futures or other futures contracts on the basis that the person was induced to deal in those derivatives, futures or contracts by fraud, deception or misrepresentation.

In 2023, there were 141 SLAS applications and 87 legal aid certificates were issued under SLAS.

SLAS is a self-financing scheme and is funded by contributions paid by the applicants upon acceptance of legal aid and contributions from monies recovered in the aided proceedings. The rates of contribution for personal injuries and employees' compensation claims and the provision of legal representation to employees for appeals against awards made by the Labour Tribunal range from 6% to 10%. For the remaining types of proceedings, the contribution rates range from 15% to 20%.

For the year ended 30 September 2023, a surplus of \$0.5 million was recorded as compared with a deficit of \$1.2 million in the year ended 30 September 2022 in the Supplementary Legal Aid Fund. As at 30 September 2023, the Fund had a balance of \$215.5 million. For details, please refer to [Appendix 1](#).

Distribution of Civil Legal Aid Applications Received in 2022-2023

Case Types	No. of Applications for Civil Legal Aid		
	2022	2023	% Change
Personal Injuries Claims	4 188	4 073	-3%
Matrimonial Cases	3 236	3 601	11%
Land and Tenancy Disputes	370	338	-9%
Employment Disputes	36	41	14%
Immigration Matters	44	27	-39%
Wage Claims	34	0	-100%
Others	1 572	1 478	-6%
Total	9 480	9 558	1%

Distribution of Civil Legal Aid Certificates Issued in 2022-2023

Case Types	No. of Certificates for Civil Legal Aid		
	2022	2023	% Change
Personal Injuries Claims	2 002	2 076	4%
Matrimonial Cases	1 551	1 641	6%
Land and Tenancy Disputes	66	66	0%
Employment Disputes	15	11	-27%
Immigration Matters	1	0	-100%
Wage Claims	21	0	-100%
Others	263	230	-13%
Total	3 919	4 024	3%

To facilitate the public to apply for legal aid, the Application and Processing Division provides an information and enquiry service through the Information and Application Services Unit. The Unit deals with enquiries from the public on matters such as the scope of legal aid, financial eligibility limits and application procedures.

In 2023, the Unit received a total of 28 548 enquiries.

Eligibility for Legal Aid

Regardless of their nationality or residence, applicants who pass both the means and merits tests will be granted legal aid. They are given the services of solicitors and, if necessary, counsel to represent them in legal proceedings conducted in Hong Kong courts.

Take-up Rate for Civil Legal Aid in 2022-2023

Certificates
3 919

Take-up Rate
 (as a % of offers)
92%



Certificates
4 024

Take-up Rate
 (as a % of offers)
93%



Mr Jason Chan Mau-kwan
Assistant Director of Legal Aid (Application and Processing)

Legal Aid Applications for Judicial Review Received and Certificates Granted by Categories

Calendar Year	Government policies and related matters		Immigration matters including non-refoulement claims		Others			
					Decisions of government and related organisations		Decisions of non-government related organisations	
	Applications received	Certificates granted	Applications received	Certificates granted	Applications received	Certificates granted	Applications received	Certificates granted
2022	29	8	409	83	47	2	2	0
2023	36	2	369	74	40	2	9	2

Refusal of Legal Aid

An applicant who is refused legal aid in civil matters may appeal to the Registrar of the High Court. In respect of the Court of Final Appeal cases, the applicant may appeal to a Review Committee comprising the Registrar of the High Court, a barrister and a solicitor appointed by the Chairman of the Hong Kong Bar Association and the President of the Law Society of Hong Kong respectively. The decision of the Registrar or the Review Committee is final.



Ms Jenny Leung Ping-ching
*Assistant Principal Legal Aid Counsel /
 Application and Processing (1)*

Refusal Rate of Civil Legal Aid Applications in 2022-2023

Refusals

(a) on merits

3 851

Refusal Rate

(as a % of applications)

41%

2022
Applications
9 480

Refusals

(a) on merits

3 656

Refusal Rate

(as a % of applications)

38%

2023
Applications
9 558

(b) on means

660

Refusal Rate

(as a % of applications)

7%

(b) on means

674

Refusal Rate

(as a % of applications)

7%

Outcome of Civil Legal Aid Appeals in 2022-2023

Appeals Allowed

41

Success Rate

(as a % of appeals)

6%

2022
Appeals*
701

Appeals Allowed

36

Success Rate

(as a % of appeals)

4.5%

2023
Appeals*
799

Note: *The figures do not include appeals withdrawn.



Mr Ted Lee Tak-lei

Assistant Principal Legal Aid Counsel / Application and Processing (2)

Civil Legal Aid Applications by Refusals and Outcomes of Legal Aid Appeals

Calendar Year	Civil Legal Aid Applications	Refusal		Legal Aid Appeals	
		on Merits*	on Means*	Heard	Allowed
2021	11 875	4 790	819	839	25
2022	9 480	3 851	660	701	41
2023	9 558	3 656	674	799	36

* Refusal on both Merits and Means is included in Refusal "on Means" as well as Refusal "on Merits".

Legal Aid Applications for Judicial Review by Refusals and Outcomes of Legal Aid Appeals

Calendar Year	Applications	Refusal		Legal Aid Appeals	
		on Merits*	on Means*	Heard	Allowed
2021	450	313	6	64	1
2022	487	367	6	115	3
2023	454	377	6	128	1

* Refusal on both Merits and Means is included in Refusal "on Means" as well as Refusal "on Merits".

Note : The statistics in the above tables are year based. A refusal or legal aid appeal may be related to a civil legal aid application made in the previous year. According to section 10(3) of the Legal Aid Ordinance, a person shall not be granted legal aid in connection with any proceedings unless he shows that he has reasonable grounds for taking, defending, opposing or continuing such proceedings or being a party thereto and may also refused legal aid where it appears to the Director of Legal Aid that it is unreasonable to grant legal aid. Regarding the legal merits test, the court does not have to be satisfied that it is more probable than not that the issue of fact will be decided in the legal aid applicant's favour. But it has to be satisfied that the applicant has shown that there is a reasonable, as opposed to a fanciful, chance of the court at the trial deciding that issue of fact in his favour.



Ms Rita Chin Kong-kong
Assistant Principal Legal Aid Counsel (Kowloon Branch Office)

Outcome of Civil Cases Closed in 2023

Case Type	Settlement before Issuing Petition	Order for Winding-up/ Bankruptcy	Petition Dismissed upon Settlement	Petition Stayed	Petition Dismissed	Referral to PWIFB*	Others	Total
Wage Claims (Winding-up / Bankruptcy)	2% (0%)	53% (45%)	0% (0%)	0% (0%)	0% (14%)	12% (5%)	33% (36%)	100%

* Protection of Wages on Insolvency Fund Board

Case Type	Relief Obtained	Relief Not Obtained	Withdrawn	Total
Matrimonial Cases	82% (84%)	7% (5%)	11% (11%)	100%

Case Type	In Favour	Not in Favour	Discharged / Revoked prior to Proceedings	Discharged at Aided Person's Request during Proceedings	Discharged / Revoked during Proceedings	Total
Personal Injuries Claims	90% (92%)	3% (2%)	1% (1%)	2% (2%)	4% (3%)	100%
Employees' Compensation Claims	93% (94%)	2% (1%)	1% (1%)	2% (1%)	2% (3%)	100%
Personal Injuries	88% (92%)	3% (2%)	2% (1%)	2% (2%)	5% (3%)	100%
Running Down	92% (93%)	1% (1%)	1% (1%)	2% (1%)	4% (4%)	100%
Medical / Dental / Professional Negligence	71% (70%)	14% (7%)	2% (0%)	4% (7%)	9% (16%)	100%
Miscellaneous	46% (62%)	25% (17%)	6% (8%)	6% (1%)	17% (12%)	100%
Overall	80% (87%)	8% (4%)	2% (2%)	3% (2%)	7% (5%)	100%

(2022 figures in bracket)

Legal Aid in Criminal Cases

Criminal legal aid applications are processed by the Crime Section of the Litigation Division.

Distribution of Criminal Legal Aid Applications Received in 2022-2023

Case Types	No. of Applications for Criminal Legal Aid		
	2022	2023	% Change
Committal Proceedings in the Magistrates' Courts	409	523	28%
District Court Trials	1 338	1 463	9%
Court of First Instance Trials	268	442	65%
Magistrates' Court Appeals to the Court of First Instance	237	216	-9%
District Court Appeals to the Court of Appeal	247	250	1%
Court of First Instance Appeals to the Court of Appeal	122	115	-6%
Appeals in the Court of Final Appeal	78	54	-31%
Others	50	42	-16%
Total	2 749	3 105	13%

Applicants whose means exceed the statutory limit may be granted legal aid if the Director of Legal Aid is satisfied that it is desirable in the interests of justice to grant legal aid.

Matrimonial Cases

Claims

Breach of Contract

Employees' Compensation

Landlord and Tenant Disputes

Claims in respect of Industrial Accidents

Distribution of Criminal Legal Aid Certificates Issued in 2022-2023

Case Types	No. of Applications for Criminal Legal Aid		
	2022	2023	% Change
Committal Proceedings in the Magistrates' Court	381	507	33%
District Court Trials	1 216	1 402	15%
Court of First Instance Trials	264	438	66%
Magistrates' Court Appeals to the Court of First Instance	41	24	-41%
District Court Appeals to the Court of Appeal	45	24	-47%
Court of First Instance Appeals to the Court of Appeal	38	41	8%
Appeals in the Court of Final Appeal	16	10	-38%
Others	18	13	-28%
Total	2 019	2 459	22%

Take-up Rate for Criminal Legal Aid in 2022-2023

Certificates
2 019

Take-up Rate
 (as a % of offers)

97%



Certificates
2 459

Take-up Rate
 (as a % of offers)

98%

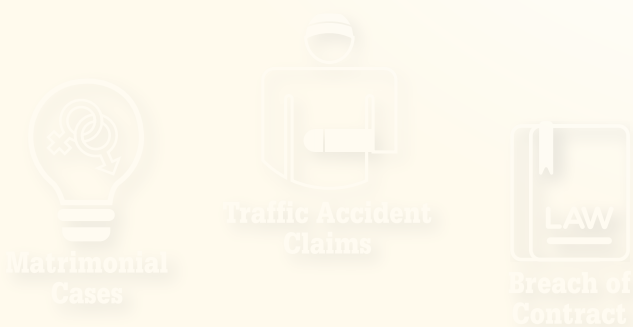




Mr Ben Li Chi-keung
Deputy Director of Legal Aid (Litigation)



Ms Nancy Keung Mei-chuen
Assistant Director of Legal Aid (Litigation)



Refusal of Criminal Legal Aid

If an applicant is refused criminal legal aid on merits, he can apply to the judge who may grant legal aid on his own initiative provided the applicant is eligible on means.

In 2023, there were 22 refusals on means, 18 of which were also refusals on merits. 41 applications were refused because the applicants concerned failed to supply the Director with the necessary information to conduct the means test. The Director exercised discretion and granted legal aid in 30 cases even though the means of the applicants exceeded the financial eligibility limit.

For refusal in respect of an appeal to the Court of Final Appeal, the applicant may appeal to a Review Committee chaired by the Registrar of the High Court and comprising a barrister and a solicitor appointed by the Chairman of the Hong Kong Bar Association and by the President of the Law Society of Hong Kong respectively. The decision of the Committee is final. In 2023, 1 appeal was made to the Review Committee.



Mr Simon Lau Ca-chun
Assistant Principal Legal Aid Counsel (Crime)

Refusal Rate of Criminal Legal Aid Applications in 2022-2023

Refusal on Merits

527

(Appeal cases)

(497)

(Other cases)

(30)

Refusal Rate

(as a % of applications)

19%

Legal aid granted by judges notwithstanding the Director of Legal Aid's refusal

6

Refusal on Means

(including refusals where applicants failed to provide necessary information on means)

66 (60)

Refusal Rate

(as a % of applications)

2%

Traffic Accident Claims



Breach of Contract

Employees' Compensation

Landlord and Tenant Disputes

Claims in respect of Industrial Accidents

Refusal on Merits

518

(Appeal cases)

(500)

(Other cases)

(18)

Refusal Rate

(as a % of applications)

17%

Legal aid granted by judges notwithstanding the Director of Legal Aid's refusal

7

Refusal on Means

(including refusals where applicants failed to provide necessary information on means)

63 (41)

Refusal Rate

(as a % of applications)

2%

Legal Aid Electronic Services Portal

Civil legal aid applicants of the age of 18 and over and all criminal legal aid applicants can access the Legal Aid Electronic Services Portal (LAESP) to submit pre-application information forms online for non-urgent civil or criminal cases as a first step towards making an application for legal aid.

The LAESP also has a means test calculator, which allows members of the public to conduct a preliminary assessment of their eligibility on means if they apply for legal aid. Members of the public can visit the departmental website at <https://www.lad.gov.hk> or the mobile phone version to access the means test calculator. In 2023, the means test calculator and its mobile version received 6 154 and 7 269 hits respectively.

Legal Aid Assignments and Monitoring

Assignments

When assigning legal aid cases, interest of the legally aided persons is the paramount consideration. Hence, legal aid work is not distributed to counsel or solicitors on the Legal Aid Panel equally. Counsel or solicitors are selected having regard to their level of experience and expertise, the nature and complexity of the particular case, with reference to established guidelines and criteria, which include, amongst others, minimum experience requirements, past performance records and the limit on assignments of legal aid work.

Distribution of Civil and Criminal Assignments to Solicitors / Counsel in 2023

No. of Assignments	No. of Counsel			
	*Below 3 Years	*3-5 Years	*6-10 Years	*Over 10 Years
1-4	4	27	50	115
5-15	0	8	28	192
16-30	0	0	0	44
31-50	0	0	0	2
Over 50	0	0	0	0
Total	4	35	78	353

* Years of post-call experience

No. of Assignments	No. of Solicitors			
	*Below 3 Years	*3-5 Years	*6-10 Years	*Over 10 Years
1-4	0	21	70	428
5-15	0	13	34	275
16-30	0	5	11	90
31-50	0	0	1	6
Over 50	0	0	0	0
Total	0	39	116	799

* Years of post-admission experience

The Department set up the Departmental Committee on Monitoring Assignments to Counsel and Solicitors to ensure that cases are assigned in accordance with the established assignment criteria and guidelines. The Committee is chaired by the Director of Legal Aid and comprises directorate officers of the Department. It considers reports on the unsatisfactory performance / conduct of assigned lawyers.

In 2023, on the advice of the Committee, 2 solicitors were removed from the Legal Aid Panel, 13 solicitors were put on the Record of Unsatisfactory Performance / Conduct and advisory letter was issued to 1 solicitor.

Since the assignment of legal aid cases is based on the experience of Panel lawyers in the past three years, the Department regularly updates Panel lawyers' experience to maintain the integrity of the legal aid assignment system. Panel lawyers are reminded to submit Data Update Form before the expiry of the three-year period so that their personal particulars, experience and expertise can be updated regularly.

Mediation in Legal Aid Cases

Legal aid covers mediators' fees and related expenses incurred by aided persons undergoing mediation in the course of the aided proceedings. In 2023, funding for mediation was approved in 600 assigned out cases, out of which 171 were matrimonial cases.

Litigation Services

In-house Civil Litigation

The Civil Litigation Section (CLS) of the Litigation Division undertakes civil litigation for aided persons whose cases have been assigned in-house.



Miss Ada Wong Yiu-ming
Assistant Principal Legal Aid Counsel (Civil Litigation 1)

Personal Injury Litigation

In 2023, Civil Litigation (1) of CLS took up 164 personal injuries cases. Personal injuries cases including employees' compensation claims, traffic accident claims and negligence claims. Damages over \$1 million were recovered for aided persons in 4 cases. The total amount of damages recovered was about \$27 million.

Legal costs recovered for the professional litigation work done by Civil Litigation (1) of CLS were about \$4.4 million.

Family Litigation

In 2023, the Family Unit of the Civil Litigation (2) of CLS took up a total of 534 family cases including divorce, maintenance, custody and property disputes. It also handled enforcement proceedings for the recovery of outstanding maintenance and costs in family cases litigated in-house.



Miss Emily Ho Wai-han
Assistant Principal Legal Aid Counsel (Civil Litigation 2)

Wage Claims

The Insolvency Unit of the Civil Litigation (2) of CLS assists employees referred by the Labour Relations Office of the Labour Department to recover arrears of wages and other employment-related benefits. It also handles the ensuing winding-up or bankruptcy proceedings.

Where there is sufficient evidence to support the presentation of a petition for winding-up or bankruptcy but it is uneconomical or unreasonable in the particular circumstances to institute court proceedings, the Unit will refer the case to the Protection of Wages on Insolvency Fund Board for consideration of ex-gratia payments to employees.

In 2023, the Insolvency Unit referred a total of 161 cases to the Protection of Wages on Insolvency Fund Board for ex-gratia payments.

In-house Criminal Litigation

In addition to processing legal aid applications for criminal cases, in-house lawyers in the Crime Section of the Litigation Division also represent legally aided persons at committal proceedings in the Magistrates' Court, plea day hearing in the District Court, listing hearings in the Court of First Instance as well as bail applications at all levels of court. They also act as instructing solicitors in cases in the Court of First Instance, the Court of Appeal and the Court of Final Appeal.

In 2023, 84.5% of all criminal cases in the District Court in Hong Kong were legally aided, as were 78.1% of criminal cases in the Court of First Instance.

In 2023, the Crime Section handled 1 174 cases in-house:

Court of First Instance of High Court Trials & Appeals

18 (1.5%)

District Court-Plea Day Hearings

729 (62.1%)

Committal Proceedings & Others

427 (36.4%)

Total

1 174 (100.0%)

(as a % of total cases handled in-house)



Related Legal Support Services

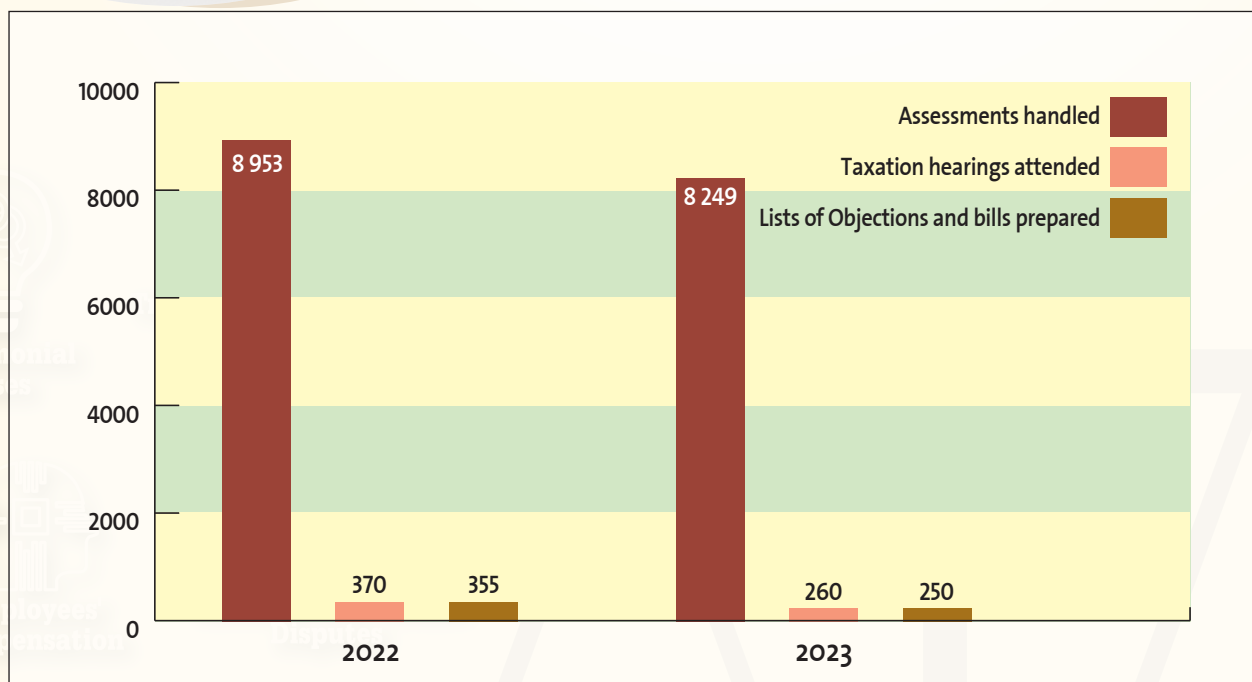
Costing

The Department's Costing Unit assesses bills of costs submitted by assigned solicitors and opposite parties in civil cases, including preparing lists of objections and attending taxation hearings.



Mr David Chow Wai-hung
Assistant Principal Legal Aid Counsel (Legal and Management Support)

Cases handled by the Costing Unit in 2022-2023



Enforcement

The Department's Enforcement Unit (EU) handles enforcement proceedings for the recovery of judgment debts and costs in legally aided cases. In 2023, a total of 127 cases were assigned to the EU. In 63 cases, enforcement proceedings were instituted. About 25% of the proceedings were instituted within 1 month from the date when the cases were assigned to the handling professional officers. The table below shows the time taken for enforcement proceedings to be commenced from the date of assignment:

Time taken for the commencement of enforcement proceedings in 2023:

Within 1 month	Within 2 months	Within 3 months	More than 3 months	Total no. of cases
16 (7)	23 (33)	11 (27)	13 (23)	63(90)
25% (8%)	37% (37%)	17% (30%)	21% (25%)	100% (100%)

(2022 figures in bracket)

Some of these cases were settled prior to the commencement of or during the enforcement proceedings where the judgment debtors undertook, through negotiation and production of supporting documents, to pay the outstanding amount by installments.

The costs and damages recovery ratio for cases with enforcement actions handled by the Department and finalised in 2023 is as shown in the chart below:

Amount recovered
45%

Amount not recovered
55%



Top 20 Solicitors in terms of Civil Case Assignments in 2023 by Case Types and Percentage Shares in the Total Number of Civil Case Assignments to Solicitors

(From 1.1.2023 to 31.12.2023)

Rank by order Share	No. of Assignments by Case Types#						% Share
	PI-related	JR	MIM	MAT	Others	Total	
1	23	0	0	0	5	28	0.8%
2	0	0	0	27	0	27	0.8%
3	23	0	0	4	0	27	0.8%
4	24	0	0	2	0	26	0.7%
5	26	0	0	0	0	26	0.7%
6	26	0	0	0	0	26	0.7%
7	26	0	0	0	0	26	0.7%
8	11	0	0	12	3	26	0.7%
9	26	0	0	0	0	26	0.7%
10	24	0	0	1	0	25	0.7%
11	24	0	0	1	0	25	0.7%
12	25	0	0	0	0	25	0.7%
13	25	0	0	0	0	25	0.7%
14	23	0	0	1	1	25	0.7%
15	25	0	0	0	0	25	0.7%
16	25	0	0	0	0	25	0.7%
17	24	0	0	0	0	24	0.7%
18	24	0	0	0	0	24	0.7%
19	22	0	0	2	0	24	0.7%
20	0	0	0	21	2	23	0.6%
Subtotal for Top 20	426	0	0	71	11	508	14.1%
Total no. of assignments to solicitors in civil cases	2 118	80	0	1 191	210	3 599	100.0%

Note: The civil assignment limit for panel solicitor is 30 cases within the past 12 months; and for judicial review - related cases is 5 cases within the past 12 months.

Figures may not add up to total due to rounding.

Case types:

PI related – Employees' Compensation, Damages for Assault, Dental Negligence, Medical Negligence, Personal Injuries, Traffic Accident, SLAS Employees' Compensation and SLAS Personal Injuries

JR – Judicial Review

MIM – Immigration

MAT – Matrimonial

Others – Miscellaneous and Land or Tenancy Disputes