



法律援助署  
Legal Aid Department

# 法律援助署 年報

## LEGAL AID DEPARTMENT ANNUAL REPORT

# 2023



Matrimonial  
Cases



Traffic Accident  
Claims



Breach of  
Contract



Employees'  
Compensation



Landlord and Tenant  
Disputes



Claims in respect of  
Industrial Accidents



Immigration  
Matters





## Our Vision

- To be a cornerstone of the rule of law in Hong Kong by delivering quality legal aid services.





## Our Mission

- To ensure that no one who qualifies for legal aid is denied access to justice because of lack of means.
- To maintain the highest standards of professional excellence and ethics.
- To develop and maintain a highly-motivated, dynamic, well-trained and committed workforce.
- To work in partnership with the legal profession to reach our vision.
- To anticipate and meet the ever-changing needs of society.



Matrimonial  
Cases



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## Our Values

- Independence
- Commitment
- Efficiency and effectiveness
- Professionalism
- Teamwork
- Caring and responsive



# Foreword

2023 was an amazing and exciting year for the Legal Aid Department. Hong Kong has returned to a state of normality after three years of COVID-19 attack and the Government aims to restore the city's pre-pandemic status both as an economic and international hub. As with other public services, the Legal Aid Department has fully resumed provision of legal aid services to the public in this year. In the face of evolving challenges and ever-changing legal landscapes, we have consistently demonstrated unwavering commitment and made tireless effort in ensuring access to justice for those in need. Through

our vision, passion and determination, we continue to make meaningful strides towards a more equitable society. As we reflect on another year of steadfast dedication to strive for access to justice, it is my privilege to introduce the 2023 Annual Report of the Legal Aid Department. This report stands as a testament to the invaluable contributions and the profound impact we have made to the community of Hong Kong. I believe you will find it enjoyable to read.



**Chris Y.T. Chong**  
Director of Legal Aid

## Serving the Community

We attach great importance to promoting our legal aid services to various sectors of the community. During the year, our professional officers had hosted various talks for social workers and frontline staff of the Social Welfare Department, the Hospital Authority and other non-governmental organisations as well as members of the trade unions. These talks covered a wide range of legal aid related topics, including the work and services of the Department, employees' compensation and personal injuries at work, family issues such as divorce, maintenance, child

custody and application for restraint order, mediation issues in matrimonial cases, as well as procedures and eligibility criteria for legal aid application.

We treasure the valuable working relationship with our various stakeholders and grasp every opportunity to promote our work. For instance, I, together with three directorate officers, paid a visit to the Association for the Rights of Industrial Accident Victims in May 2023 and had a fruitful exchange of views with its chief executive and colleagues on legal aid services relating to employees' compensation and personal injuries claims. To maintain a strong tie with the legal sector and enhance understanding of our legal aid services by the legal practitioners, one of our directorate officers conducted a training session on "Legal Aid: the Right to Legal Aid, Means, Merits and Appeals" for pupils and junior counsel organised by the Hong Kong Bar Association in October 2023. In the same month, two other directorate officers introduced our services to legal practitioners by taking part in a webinar on "Update on Legal Aid Schemes" organised by the Hong Kong Academy of Law.

In the 2022 Policy Address, the Chief Executive encouraged various departments to organise activities to enrich young people's understanding of government departments and professions, and to guide them in their career pursuits. To this end, we have been reaching out to secondary students and youngsters with a view to providing them with an early exposure to and understanding of our legal aid services, as well as enabling them to experience the work culture and inspiring them to plan for their career pathways in the legal sector. During the year, around 80 senior secondary school students had visited the Department and attended court hearings at the High Court through our school visit programme. The students were briefed by our professional officers on the legal aid services and the daily work of our Legal Aid Counsel and Law Clerks. In February and April 2023, the Association for the Rights of Industrial Accident Victims and the Hong Kong Repertory Theatre organised two stage performances based on real-life work-related injury cases for secondary school students to raise their awareness of the importance of occupational safety. One of our Deputy Directors together with another directorate officer had attended these performances to show support to the events and seized

the opportunities to share the work of the Department with the students. Further, in July 2023, our professional officers delivered a talk on legal aid services to non-Chinese speaking secondary students at the Career Expo 2023 organised by the Caritas Youth and Community Service. To further enhance our effort in engaging the younger generation, we continued to launch our Post-Secondary Internship Programmes in the summer and winter of 2023 by recruiting a total of 20 interns to work in the Department so as to let them have exposure to and gain experience in real-life working environment.



Chris Y.T. Chong  
Director of Legal Aid

## Exchanging Views with Mainland Senior Judges

In September 2023, we received a delegation of 26 senior judges from the Mainland and introduced to them the work and services of the Department. We had a fruitful exchange with the senior judges. Despite a fundamental difference in the legal systems, the senior judges found our briefing highly informative. The visit had no doubt enhanced our mutual understanding and provided a valuable opportunity for the delegates to have a good grasp of the work of and services provided by the Department. Now with the pandemic over and behind us, I look forward to receiving more and more delegates both from the Mainland and overseas in the years to come.

## Participating in Volunteering Service

Our colleagues are not only passionate about serving the community through discharging diligently their daily job duties, but also enthusiastic in providing volunteering service in their spare time. The Department has been encouraging and supporting our staff to step out of their

comfort zone to volunteer for various kinds of community services with a view to serving people in need. In February, together with members of the Legal Aid Department Volunteer Team, I took part as a volunteer in the “25th Hong Kong Marathon” at Victoria Park by distributing runner’s packs to participants. In April, our Volunteer Team participated in the “Book for Love” charity book sale held at Taikoo Place. They assisted in crowd control, delivering books and providing other venue support. In the early morning of 19 November, members of the Volunteer Team made their way to the AsiaWorld-Expo on Lantau Island to provide assistance at the runners’ registration counters for the “Hong Kong – Zhuhai – Macao Bridge (HK Section) Half Marathon”. In November, I, together with my senior directorate officers and members of the Volunteer Team distributed promotional leaflets and souvenirs for the “2023 District Council Election” to members of the public at Sai Lau Kok Garden in Tsuen Wan after office hours to appeal to the public to cast their votes in the election.

Through volunteerism, we can bolster the solidarity of the civil service and deepen colleagues’ understanding of the public needs. With such better understanding, they can provide public service in their respective posts that will be more targeted at and will better meet the needs of the people. In future, we will continue to support volunteer teams in organising volunteer activities and providing more diversified volunteer services by joining hands with other sectors of the community. By co-operating with and gaining support from them we should be able to achieve greater synergy in these activities.

### **“Government-wide Mobilisation” Level**

On 2 September 2023, the “Government-wide Mobilisation” Level was first activated to mobilise civil servants to perform various relief work following the passage of Super Typhoon Saola. We were one of the government departments participating in this emergency operation. Despite the inclement weather conditions and extremely limited public transport service that day, we still managed to mobilise 44 colleagues to reach the Sha Tau Kok frontier closed area to assist the elderly members who had stayed in a temporary sheltering facility there to return to their



elderly homes. I am so proud of my colleagues who had taken part in this meaningful event. I also need to extend my gratitude to those who had assisted in liaising with other government departments. Together we had achieved a success for this emergency operation. Once again my colleagues manifested their commitment to deliver the best to the community.

## Quality Service to the Public

The Department has been committed to providing quality and professional legal aid services to those who qualify for legal aid. To further enhance the public's access to legal aid, the financial eligibility limits for the Ordinary Legal Aid Scheme and the Supplementary Legal Aid Scheme were adjusted upwards to \$433,010 and \$2,165,060 respectively with effect from 17 March 2023.

In order to enhance the efficiency of our services, we have been digitalising our legal aid services over the years. In this year, the Department introduced the e-notification service to enable legal practitioners who had submitted Legal Aid Panel Entry Forms ("Entry Forms") to receive result by email. Besides, the Department had enhanced its Legal Aid Electronic Services Portal ("LAESP") by facilitating electronic submission of Entry Forms by legal practitioners through their "iAM Smart+" account. Panel lawyers who had joined the Legal Aid Panel could submit prescribed e-reports and e-forms through LAESP by using User ID and password or "iAM Smart". With our enhanced e-service, joining the Legal Aid Panel has become much easier for our legal practitioners. In future, we will strive to explore more convenient and speedy means to further enhance the efficiency of our services.

## Enhancement of Information Systems

Technological advancement plays a pivotal role in enhancing our operational efficiency and we have attached great importance to enhancing our information systems and digitalisation of our services. As outlined in last year's Annual Report, we had internally deployed staff from various

sections to form a Project Team to oversee the implementation of the revamp of the Case Management and Case Accounting System and the Knowledge Support System since September 2022. Phase I of the project had started in May 2023 and the relevant user acceptance test would commence in the second quarter of 2024. The Project Team will continue to monitor the progress of the revamp project with the aim of launching the new systems by the third quarter of 2025. When the new systems have been rolled out, we expect that we can enhance much more the efficiency and effectiveness of our operation in various areas such as processing of applications, monitoring of cases, assignment of cases to panel lawyers, sharing of information with other parties, costs assessment, data retrieval as well as system security, etc.

To provide a more convenient and reliable payment option to the public, we planned to introduce the “Faster Payment System” (“FPS”) in addition to traditional cash and cheque payments. We target to launch this new service at our shroff counters in our headquarters office in Admiralty as well as in the Kowloon Branch Office by the first quarter in 2024.

We would continue to explore various e-options to further streamline our workflow and enhance our operational efficiency through the use of more advanced information technology.

## Awards on our Professional Service

This year, two colleagues have been awarded The Ombudsman’s Awards for Officers of Public Organisations (“Ombudsman Award”) in recognition of their exemplary performance in customer service and complaints handling. Besides, another experienced officer with consistently impressive performance had been selected for commendation under the Secretary for the Civil Service’s Commendation Award Scheme (“SCS’ Commendation”) in 2023 for her commitment and dedication to the Department as well as outstanding services provided to customers in the past years. Since 2017 and 2021 respectively, our colleagues have been continuously awarded the highly selective Ombudsman Award and SCS’ Commendation respectively. This demonstrates a solid recognition for their consistently brilliant and professional service rendered to the public

over the years. I am confident that my colleagues will continue to deliver high quality services to the public in the years ahead.

## Looking Ahead

It has been a great honour for me to serve as the Director of Legal Aid and also act as the Official Solicitor since 2022. I am so proud of all my colleagues who have continued to serve the community with dedication, professionalism, objectivity and impartiality despite various challenges. As we look to the future, I am filled with optimism and confidence and have no doubt that Legal Aid will continue to be a force for positive change, transforming lives and communities for generations to come.

In closing, I would like to extend my deepest gratitude to all the colleagues for their unwavering dedication in the pursuit of justice. It is through their vision, their passion, and their tireless commitment that we are able to fulfill our mission and make a meaningful difference in the community. I am honoured to work alongside them and inspired by the impact they continue to have on the lives of so many. Last not but least, I would also like to extend my heartfelt thanks to the Legal Aid Services Council, the Chief Secretary for Administration's Office, the two legal professional bodies and our stakeholders for their invaluable advice and indispensable support for the work of the Department in the past years.

**Chris Y.T. Chong**  
Director of Legal Aid

Matrimonial Cases

Traffic Accident Claims

LAW  
Breach of Contract

Employees' Compensation

Landlord and Tenant Disputes

Claims in respect of Industrial Accidents



# Contents

**Vision, Mission & Values** 2

**Foreword** 5

**Chapter 1**  
Departmental Strategic Plan 14

**Chapter 2**  
Legal Aid Services 19

**Chapter 3**  
Cases of Public Interest or Concern 42

**Chapter 4**  
Customer Services 52

**Chapter 5**  
Publicity Programmes 58

**Chapter 6**  
Organisation, Administration and Staffing 64



Matrimonial  
Cases



Traffic Accident  
Claims



Breach of  
Contract



Employees'  
Compensation



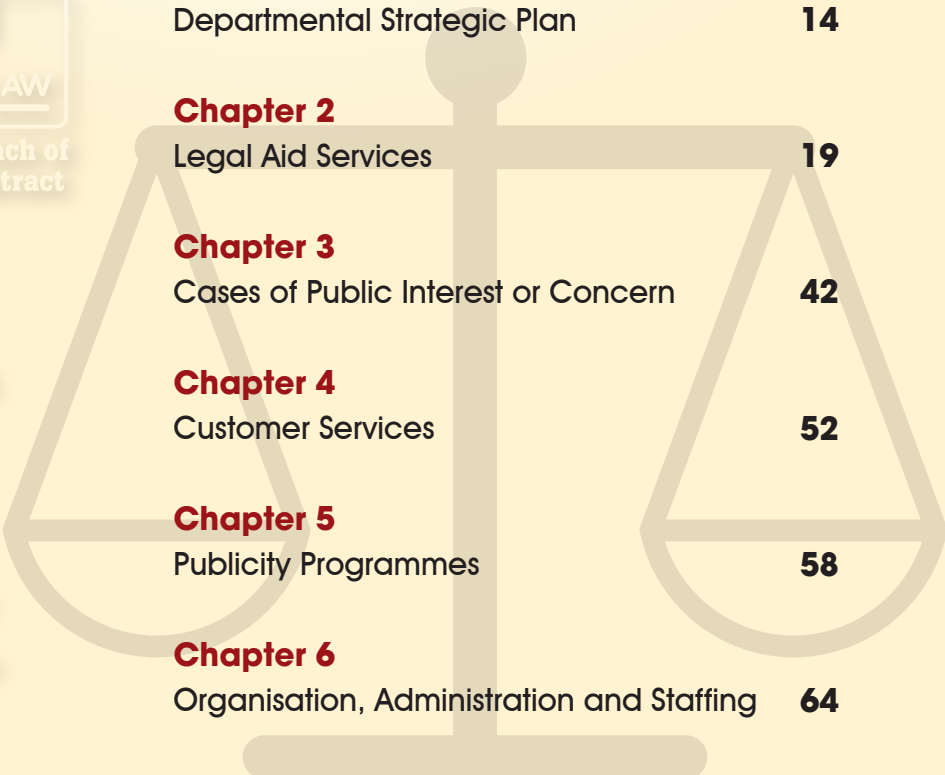
Landlord and Tenant  
Disputes



Claims in respect of  
Industrial Accidents



Immigration  
Matters





# Contents

## Appendices

<b>Appendix 1</b>	Revenue and Expenditure	74
<b>Appendix 2</b>	Findings of the Survey on Customer Feedback	78
<b>Appendix 3</b>	Director of Legal Aid and Section Heads	80
<b>Appendix 4</b>	Address and Communication	81
<b>Appendix 5</b>	List of Publications	82





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Legal Aid Department

# Chapter 1

## Departmental Strategic Plan



Matrimonial  
Cases



Traffic Accident  
Claims



Breach of  
Contract



Employees'  
Compensation



Landlord and Tenant  
Disputes



Claims in respect of  
Industrial Accidents



Immigration  
Matters



The Department's strategic plan sets out our objectives and describes how the objectives can be achieved. The strategic plan provides a rational basis upon which priorities are determined and is regularly updated to ensure that resources are well targeted and used effectively having regard to the changing needs of society.

## Implementation of the Strategic Plan in 2023

### Information System

#### *Revamp of CM&CAS*

The Case Management and Case Accounting System (CM&CAS), which was developed in August 2003, is a core information system heavily relied upon by the Department in its daily operation. A major revamp was considered necessary in the feasibility study completed in October 2020. The revamped CM&CAS and related query system will bring about improvement in processing of legal aid applications, assignment of cases, monitoring of assigned-out cases, costs assessment, payments by the Department and automatic alerts / validation, data search, retrieval and analysis, and system security.

Following the endorsement of the Panel on Administration of Justice and Legal Services and the funding support from the Finance Committee of the Legislative Council in 2021, the revamp project of the CM&CAS was kicked off in the third quarter of 2022. After collecting user requirements in the system analysis and design stage in mid 2023, the contractor has been undergoing system development and user acceptance tests will follow before live run by phases. The first phase of the system development has started in May 2023 and the relevant user acceptance test is expected to commence in the second quarter of 2024 after which the second phase of the system development will follow. The revamped system is expected to be fully implemented by the third quarter of 2025.

#### *Participation in the Judiciary's iCMS*

We were one of the key participants in the pilot run of the Judiciary's integrated case management system (iCMS), which had been launched by stages since May 2022. At present, the iCMS covers Employees' Compensation and Personal Injuries Actions in the District Court and the Department has in suitable cases utilised the system by e-filing court documents, obtaining copy of documents filed and linking up some existing cases with the Court.

### *Enhancement of LAESP enabling use of iAM Smart*

The government-wide “iAM Smart” Platform is a one-stop personalised digital services platform, launched in December 2020, which enables users to log in and use online services by their personal mobile phones in a smart and convenient way. In January 2023, enhancement to the Legal Aid Electronic Services Portal (LAESP) was completed so that legal practitioners would be able to submit Legal Aid Panel Entry Forms electronically by using “iAM Smart+” account. Panel lawyers can submit prescribed e-reports and e-forms through LAESP by using User ID and password or “iAM Smart”.



*(Front row from left)*

**Ms Nancy Keung Mei-chuen, Mr Ben Li Chi-keung, Mr Steve Wong Yiu-fai, Mr Chris Chong Yan-tung, Ms Juliana Chan Oi-yung, Ms Amy Lee Ngar-ling, Mr Jason Chan Mau-kwan**

*(Rear row from left)*

**Miss Emily Ho Wai-han, Miss Ada Wong Yiu-ming, Mr Simon Lau Ca-chun, Mr David Chow Wai-hung, Ms Lee Kwok-ming, Mr Ted Lee Tak-lei, Ms Jenny Leung Ping-ching, Ms Rita Chin Kong-kong**





(Front row from left)  
Ms Juliana Chan Oi-yung, Mr Chris Chong Yan-tung  
(Rear row from left)  
Mr Steve Wong Yiu-fai, Mr Ben Li Chi-keung



(From left)  
Mr Steve Wong Yiu-fai, Mr Chris Chong Yan-tung,  
Ms Lee Kwok-ming



(Front row from left)  
Ms Amy Lee Ngar-ling, Mr David Chow Wai-hung  
(Rear row)  
Mr Steve Wong Yiu-fai



(From left)  
Mr Ted Lee Tak-lei, Ms Jenny Leung Ping-ching,  
Ms Juliana Chan Oi-yung, Mr Jason Chan Mau-kwan,  
Ms Rita Chin Kong-kong



(From left)  
Miss Ada Wong Yiu-ming, Ms Nancy Keung Mei-chuen,  
Miss Emily Ho Wai-han, Mr Ben Li Chi-keung,  
Mr Simon Lau Ca-chun

## Customer Services

### *SMS service*

To enhance communication with legal aid applicants and aided persons, following the positive feedback for the SMS service rolled out by the Department since September 2022, the Department further expanded the scope of SMS services to cover applications handled by the Crime Section, Civil Litigation (2) and Enforcement Unit in July 2023. Applicants for criminal legal aid can receive SMS notification on offer of legal aid and grant of legal aid certificate. Legally aided persons whose cases were assigned to Civil Litigation (2) can receive SMS notification on upcoming interview and/or hearing. Legally aided persons whose cases were handled by Enforcement Unit can receive SMS notification requesting them to contact the handling staff of the Department for further case processing.

### **Publicity**

From time to time, there were criticisms raised on legally aided cases based on speculative information. To promote and positively reinforce the image of the Department and to correct misconceptions and biased opinion, the Department has stepped up publicity measures with a view to proactively dispelling possible misunderstanding and safeguarding the reputation of the Department. Media platforms both traditional and modern are utilised to convey accurate messages to the public.

Topical legal aid-related issues of common public concern, such as efficient use of legal aid resources, abuse of legal aid, and a general overview of the range of legal aid services closely related to daily life available to the public, are identified for promotion via different channels. Media interviews are lined up, and talks and seminars are arranged for schools, NGOs and other bodies to introduce our services. Inaccurate media reports would be responded to proactively and in a timely manner.

We will continue our efforts in promoting our services to instill public confidence in the work of the Department.



# 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

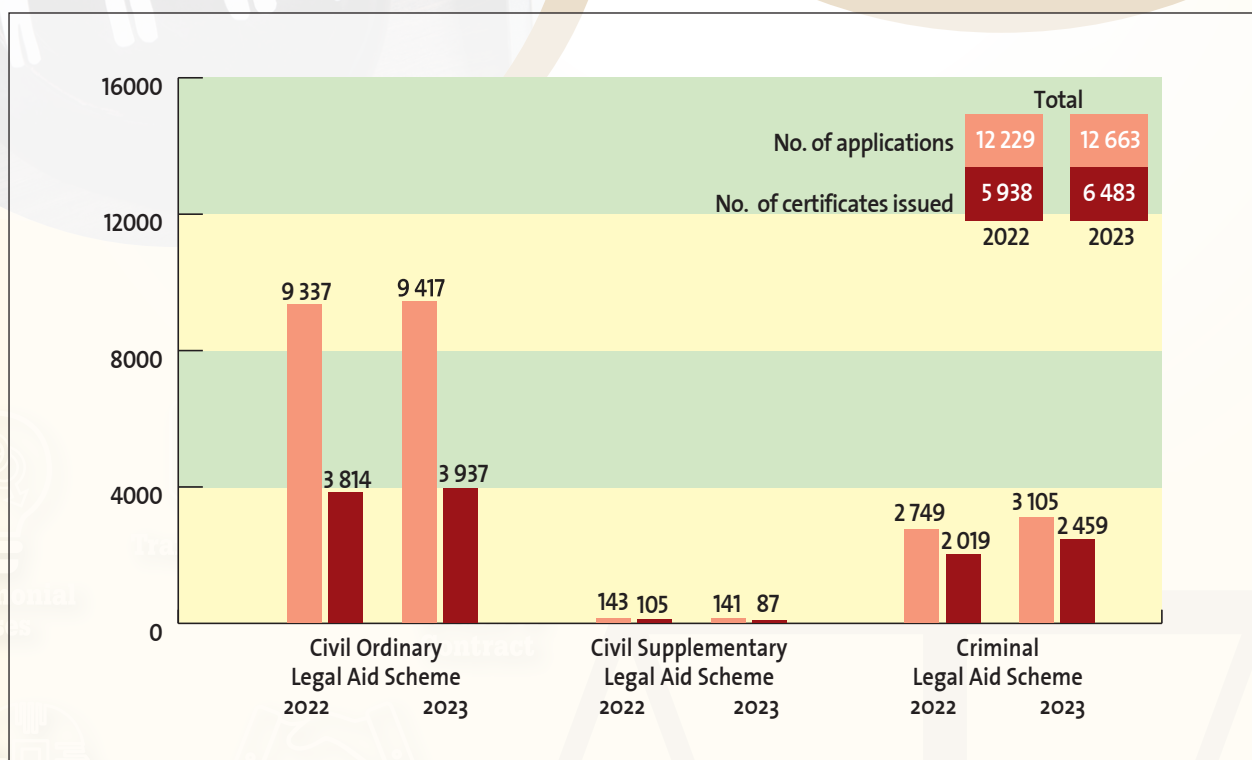


**Legal aid business is conducted in the following service areas:**

- 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:



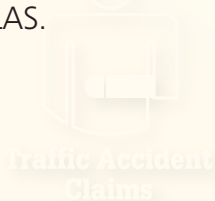
## Legal Aid in Civil Cases

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%
<b>Total</b>	<b>9 480</b>	<b>9 558</b>	<b>1%</b>

### 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%
<b>Total</b>	<b>3 919</b>	<b>4 024</b>	<b>3%</b>

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%
<b>Overall</b>	<b>80% (87%)</b>	<b>8% (4%)</b>	<b>2% (2%)</b>	<b>3% (2%)</b>	<b>7% (5%)</b>	<b>100%</b>

(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%
<b>Total</b>	<b>2 749</b>	<b>3 105</b>	<b>13%</b>

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%
<b>Total</b>	<b>2 019</b>	<b>2 459</b>	<b>22%</b>

### 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
<b>Total</b>	<b>4</b>	<b>35</b>	<b>78</b>	<b>353</b>

\* 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
<b>Total</b>	<b>0</b>	<b>39</b>	<b>116</b>	<b>799</b>

\* 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

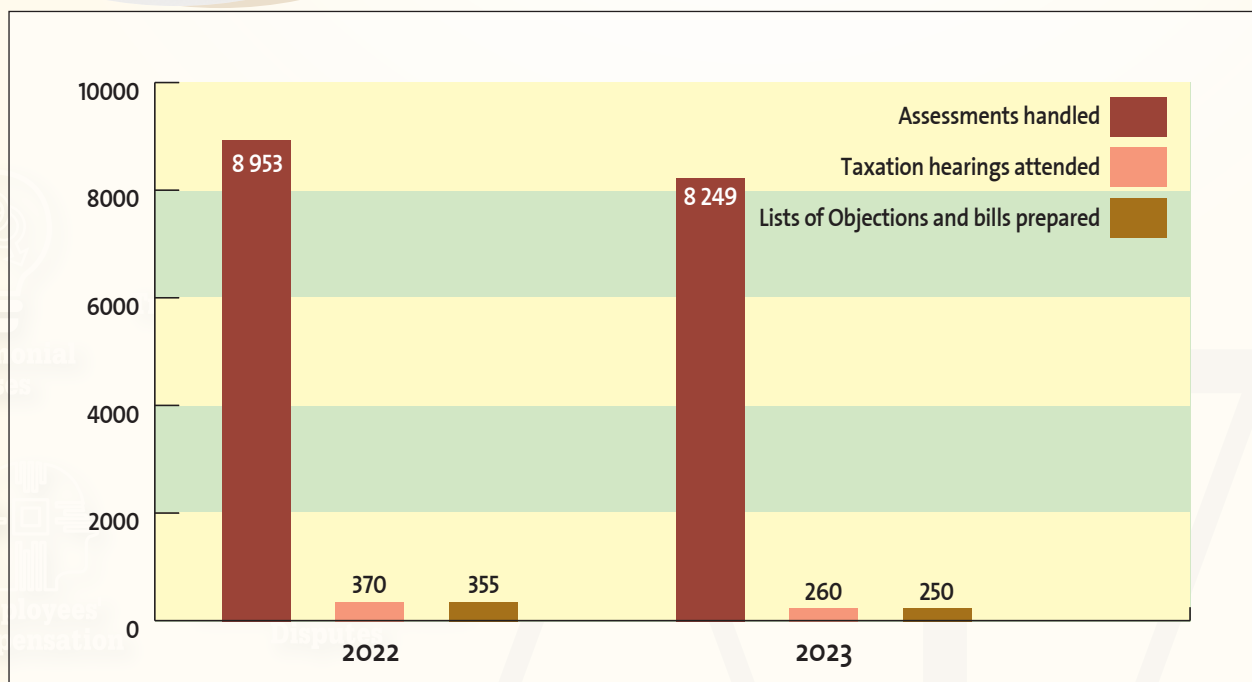
### Costing

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%
<b>Subtotal for Top 20</b>	<b>426</b>	<b>0</b>	<b>0</b>	<b>71</b>	<b>11</b>	<b>508</b>	<b>14.1%</b>
<b>Total no. of assignments to solicitors in civil cases</b>	<b>2 118</b>	<b>80</b>	<b>0</b>	<b>1 191</b>	<b>210</b>	<b>3 599</b>	<b>100.0%</b>

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



# Chapter 3

## Cases of Public Interest or Concern



Matrimonial Cases



Traffic Accident Claims



Breach of Contract



Employees' Compensation



Landlord and Tenant Disputes



Claims in respect of Industrial Accidents



Immigration Matters



## HKSAR v Chan Man Sum Ivan

*(HCCC 428 / 2014; CACC 273 / 2015; HCCC 240 / 2017; CACC 400 / 2017; HCCC 130 / 2021)*

This was a case in which the Defendant was charged with murder where the dead body of the victim was not found and all the evidence pointing to the guilt of the Defendant was circumstantial. The case was also an unusual one in the sense that the Defendant was tried three times and his case went to the Court of Appeal twice. The Defendant was privately represented in his first trial. He received legal aid from his first appeal to the Court of Appeal until the conclusion of his third trial.

In this case, the Defendant was charged with murdering his 33-year-old mistress (“the Deceased”) inside her flat in Amoy Gardens in October 2011. The Deceased was filmed by CCTV returning to her flat on 5 October 2011 and was not seen again outside the flat. The Defendant, on the other hand, was seen entering the flat in the evening on 6 October 2011. He left the flat at 20:34 on the same day and returned 22 minutes later, having purchased various items including gloves, deodorizer, a vacuum storage bag and four rolls of 300-foot clingfilm. In the next morning, the Defendant was seen leaving the flat wheeling a trolley on which there was a check-patterned bag. It was the Prosecution case that the Defendant had killed the Deceased on 6 October 2011 and removed her body from the flat in the check-patterned bag on the following day and somehow disposed of it later on.

The dead body of the Deceased was never found and there was no direct evidence of the killing. In his first trial (HCCC 428/2014), the Defendant denied having killed the Deceased. This was disbelieved by the jury who convicted him of murder after trial.

With the assistance of legal aid, the Defendant took his case on appeal (CACC 273/2015), on the grounds that the Judge’s directions regarding the drawing of inferences from circumstantial evidence were inadequate and flawed in several aspects. Particularly, it was highlighted that the Judge failed to direct the jury that an inference could only be drawn against the Defendant if it was the only reasonable inference. The Court of Appeal concluded that the Judge’s failure to give this direction was material and the appeal was allowed, resulting in an order for retrial. The Defendant was also granted costs of his successful appeal to the extent of his legal aid contribution.

In his second trial (HCCC 240/2017), the Defendant changed his line of defence. He admitted killing the Deceased but claimed his actions were either in self-defence or they amounted to manslaughter by way of an unlawful act. The Defendant alleged that on the material day, he and the Deceased had a heated argument when he tried to break up with her, followed by the Deceased's getting emotionally aroused and vigorously hitting the Defendant. During the confrontation, the Defendant used his arm to weigh down her body but he could not recall all the details of what had happened. Moments later, he discovered that the Deceased was dead. He then disposed of her body and cleaned up the scene.

The jury was not convinced by his defence and he was again convicted of murder after the second trial.

The Defendant again took his case to the Court of Appeal (CACC 400/2017). Specifically, it was argued that the Judge failed to direct the jury to ignore hearsay evidence which suggested that the Deceased might intend to blackmail the Defendant and provided a motive for murder by the Defendant. As the Prosecution did not present its case as a motivated murder, it was contended that the hearsay evidence had no probative value and was of considerable prejudicial effect. It was also argued that the Judge failed to direct the jury on the alternative verdict of manslaughter based on provocation, despite the fact that the Defence did not base his case on provocation.

Having canvassed the evidence and the Judge's summing-up in great detail, the Court of Appeal considered that the hearsay evidence was relevant as the Deceased's potential state of mind might explain why the Defendant might have formed a murderous intent. However, the Judge failed to fully explain to the jury the relevance of the hearsay evidence to the Deceased's state of mind. Having admitted the hearsay evidence, from which an inference could be drawn to show that the Deceased might have engaged in provoking conduct, and given the fact that there was evidence of a possible loss of self-control from the Defendant when he testified about the confrontation and struggle he had with the Deceased, the partial defence of provocation should be left open for the jury to consider. The Court of Appeal concluded that, under the unusual circumstances of this case, the Judge had an obligation to direct the jury on the partial defence of provocation even if the Defendant did not explicitly run such a defence.

As a result, the conviction was again quashed and a further retrial was ordered. The Defendant was also granted costs for both the retrial and the second appeal, limited to his respective legal aid contributions.

In his third trial (HCCC 130/2021), the Defendant pleaded not guilty to a charge of murder but offered to plead guilty to manslaughter. It was not accepted by the Prosecution and the case proceeded to trial. The defence run by the Defendant in his second retrial was that the Deceased made provocative threats, prompting a struggle where the Defendant suffocated her. After a 19 days' trial and an unsuccessful application for a permanent stay of proceedings, the jury unanimously found the Defendant not guilty of murder but guilty of manslaughter on the basis of provocation. After considering all the circumstances of the case, the Court sentenced the Defendant to imprisonment for 9½ years.

This case highlights the complexities and challenges of reaching a just verdict in a murder trial where direct evidence and the dead body were lacking. The first appeal shows the importance of accurate and adequate directions to the jury on drawing inferences from circumstantial evidence, whereas the second appeal illustrates how the circumstances of a case may give rise to a need to direct the jury on a defence or partial defence even though they are not part of the case positively presented by defence.



## Sham Tsz Kit v Secretary for Justice (FACV 14/2022)

On 5 September 2023, the Court of Final Appeal (“CFA”) handed down a landmark judgment regarding the rights of same-sex partners in Hong Kong. While the judgment did not go as far as recognising or legalising same-sex marriage in Hong Kong, it was nevertheless described by some as a “giant leap forward” for the rights of same-sex couples.

In the judgment, the CFA ruled by a majority that the Government was in violation of its obligation under Article 14 of the Hong Kong Bill of Rights by failing to put in place an alternative framework for legal recognition of same-sex partnership and to provide for appropriate rights and obligations pertinent to such recognition. Notwithstanding such ruling, the CFA acknowledged the fact that the Government would need time to implement measures to comply with its obligation, thus directing the operation of the above declaration of violation be suspended for a period of two years from the date of the Order.

### Background

The Applicant Hong Kong resident who entered into a same-sex relationship with his partner. They entered into a same-sex marriage in New York in 2013. As same-sex marriage is not legally recognized in Hong Kong, he sought to challenge the constitutional validity of the relevant provisions of the Marriage Ordinance and the Matrimonial Causes Ordinance and the absence of any official recognition thereof by way of judicial review. He was granted leave for the CFA’s determination on three questions:

Question 1: Whether he has a constitutional right to same-sex marriage as enshrined in Article 25 of the Basic Law (“BL 25”) and Article 22 of the Hong Kong Bill of Rights (“BOR 22”);

Question 2: Alternatively, whether the absence of any alternative means of legal recognition of same-sex partnership constitutes a violation of Article 14 of the Hong Kong Bill of Rights (“BOR 14”) and/or BL 25 and BOR 22 ; and

Question 3: Whether the non-recognition of foreign same-sex marriage constitutes a violation of BL 25 and BOR 22.

### Proceedings in Courts below

The Applicant's judicial review application was dismissed in the Court of First Instance and the subsequent appeal was also dismissed by the Court of Appeal.

### CFA's Determination

With the assistance of legal aid, the Applicant was able to present the questions to the CFA for final determination.

The CFA unanimously ruled against Questions 1 and 3 as the laws in Hong Kong only provides for the constitutional freedom of marriage confining to opposite-sex marriage and not to same-sex marriage. However, on Question 2, the CFA by majority accepted the need for same-sex couples to have access to an alternative framework for recognition. Such legal framework conferring official legal recognition of their relationship would enable them to meet basic social requirements and could also provide them with a sense of legitimacy.

The CFA held that the right to privacy as enshrined in BOR 14 is engaged and is infringed by the arbitrary interference with the private life and dignity of same-sex couples resulting from (1) the real difficulties faced by them in the ordinary course of their private lives, and (2) their exposure to the publicity, stress, uncertainty and expense of litigation in judicial review proceedings. There is hence a need to effectively protect this fundamental right by adopting a framework that provides for legal recognition of same-sex relationship and the requisite rights and obligations attendant on such recognition. By failing to do so, the Government has not complied with the positive obligation in question, thus violating the Applicant's constitutional rights.

The CFA's ruling calls for an alternative legal framework for recognition of same-sex relationship which provides for appropriate rights and obligations attendant on such recognition. For instance, in the judgment, the CFA has highlighted the real difficulty

of hospitalization, where one same-sex partner may be denied visiting rights, medical information or participation in important decision-making regarding the other partner's treatment as he or she does not have a recognized status, as opposed to "husband" and "wife". Another example would be the difficulty in separating the mixed assets of a same-sex couple upon the termination of their relationship.

By establishing an alternative framework for legal recognition of same-sex partners, relevant government authorities may no longer need to deal with each case or application involving same-sex partnerships on a case-by-case basis, thus saving time and effort in having these issues resolved by expensive and time-consuming litigations or judicial reviews.





## Q and Tse Henry Edward v Commissioner of Registration (FACV 8 & 9/2022)

With the assistance of legal aid, the Applicants successfully challenged the Commissioner of Registration's ("the Commissioner") policy requiring female-to-male ("FtM") transgender persons to have undergone full sex reassignment surgery ("SRS") as a condition for altering the gender markers on their Hong Kong identity cards ("HKID cards"), unless they are otherwise medically exempted from doing so ("the Policy").

### Background

The Applicants are FtM transgender persons diagnosed with gender dysphoria. They acquired masculine bodily features after undergoing a lengthy course of medical and surgical treatments and were medically certified as no longer requiring further surgical procedures for psychological well-being and social integration. The Applicants then applied to the Commissioner for amending the gender markers on their HKID cards to reflect their acquired (male) gender. The Commissioner refused their applications ("Refusals") on the basis that they had not undergone full SRS as required by the Policy which, in the case of FtM, involves a highly invasive procedure to remove the uterus and ovaries and construct an artificial penis. This surgery carries certain post-operative risk and has possible complications, and is medically unnecessary for many transgender persons, including the Applicants.

### Proceedings in Courts below

The Applicants commenced judicial review proceedings against the Commissioner to challenge the Refusals as the same amount to an unlawful interference with their constitutional rights to privacy under Article 14 of the Hong Kong Bill of Rights ("BOR 14"), which provides:

*"(1) No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation.*

*(2) Everyone has the right to the protection of the law against such interference or attacks."*

The judicial reviews were dismissed by the Court of First Instance and subsequent appeals were also dismissed by the Court of Appeal. The Court of Appeal held that the Policy engaged “core values relating to personal or human characteristics in terms of gender identity and physical integrity” so that it must be subject to the court’s vigilant scrutiny by the more stringent standard. The Applicants subsequently obtained leave to appeal to the Court of Final Appeal (“CFA”).

### CFA’s Determination

It was undisputed that the Applicants’ BOR 14 rights included their rights to gender identity and physical integrity. The Policy, as submitted by the Applicants, encroached upon such rights. The focus of the Applicants’ appeals before the CFA was on whether the criterion of full SRS could be justified as proportionate and as having struck a reasonable balance between the Policy’s societal benefits and the Applicants’ BOR 14 rights.

The CFA held that the Policy was disproportionate in its encroachment upon the Applicants’ BOR 14 rights. The CFA was unable to accept the following three justifications advanced by the Commissioner.

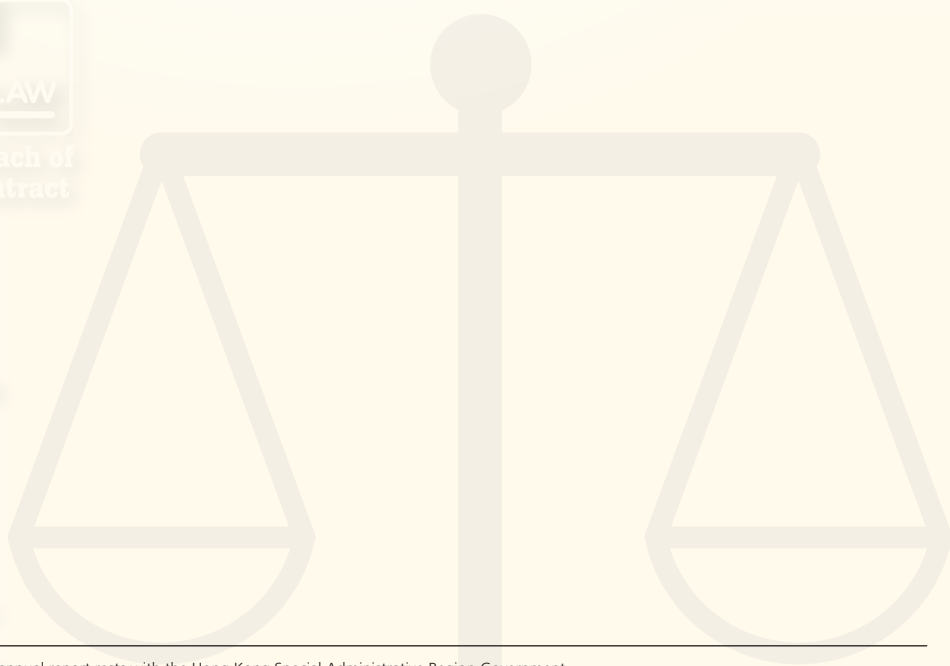
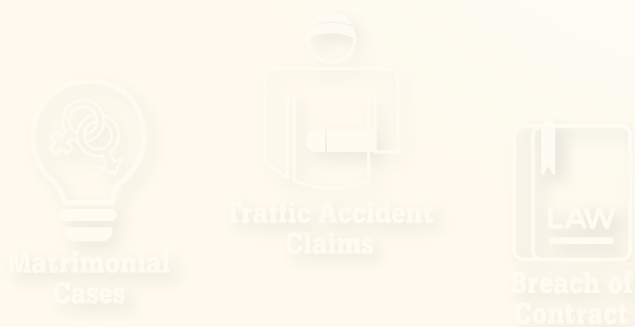
Firstly, the CFA did not accept a full SRS was the only workable, objective and verifiable criterion for amending the HKID card gender marker. The availability of a medical exemption under the existing Policy, as well as examples in other jurisdictions revealed that other criteria were workable without causing administrative difficulty.

Secondly, the CFA did not accept that practical administrative problems would arise if other criteria were adopted because of incongruence between a transgender person’s physical appearance and the HKID card gender marker since the kind of incongruence which most commonly arose was the discordance between the gender marker and a transgender person’s outward appearance, not the appearance of genital area. As such, leaving the gender marker unamended simply because a transgender person had not undergone full SRS led to greater confusion or embarrassment and rendered the gender marker’s identification function deficient.

Lastly, the CFA did not accept the exceedingly small risk of reversal of FtM transition resulting in pregnancy justified the full SRS requirement.

The CFA held that the Policy was disproportionate in its encroachment upon the Applicants' BOR 14 rights and considered that the Policy did impose an unacceptably harsh burden on individuals concerned and did not reflect a reasonable balance with societal benefits of the Policy.

The CFA unanimously allowed the Applicants' appeals and quashed the Refusals. It also granted a declaration that the Refusals and the Policy violated the Applicants' BOR 14 rights and were unconstitutional.





# Chapter 4

## Customer Services



Matrimonial  
Cases



Traffic Accident  
Claims



Breach of  
Contract



Employees'  
Compensation



Landlord and Tenant  
Disputes



Claims in respect of  
Industrial Accidents



Immigration  
Matters



The Department is committed to developing and maintaining a highly-motivated, caring and responsive workforce and keeps finding ways to better its performance through a customer-focused approach when delivering its services.

## Performance Pledges

### Processing of Applications

In 2023, the Department's actual performance in meeting the various targets set for processing time is set out below:

Types of Applications	Standard Processing Time	Performance Targets	Actual Performance in 2023
Civil Legal Aid	Within 3 months from the date of application	85%	86%
Criminal Legal Aid Appeals			
- Appeal against sentence	Within 2 months from the date of application	90%	94%
- Appeal against conviction	Within 3 months from the date of application	90%	92%
Trials in the Court of First Instance of the High Court / District Court	Within 10 working days from the date of application	90%	97%
Committal proceedings	Within 8 working days from the date of application	90%	96%

### Payment to Aided Persons and Service Providers

In 2023-2024, the Department paid out \$1,069.9 million to lawyers / experts / other parties and \$928.3 million to legally aided persons. During the year, the Department exceeded all performance targets on payment:

Payment Targets	Service Delivery Standard	Performance Targets	Actual Performance in 2023
Aided Persons	<b>Interim Payment</b> Within 1 month from receipt of monies due to the aided person and / or receipt of estimation of costs from the assigned solicitor, whichever is appropriate.	95%	99%
	<b>Final Payment</b> Within 6 weeks from date of agreement of all costs and disbursements related to the case, and receipt of all monies due to the aided person and the Director of Legal Aid.	95%	99%
Lawyers / Experts / Other Parties	<b>Advance Payment</b> Within 6 weeks from receipt of bill.	95%	99%
	<b>Balance Payment</b> Within 6 weeks from date of agreement of all costs and disbursements related to the case, or receipts of all monies due to the aided person and the Director of Legal Aid, whichever is later.	95%	99%

## Analysis of Legal Aid Costs by Nature of Expenditure

Nature of Expenditure	2022-2023 (\$M)	2023-2024 (\$M)
Solicitors Costs	644.8	586.2
Counsel Fees	379.7	366.5
Doctors Fees	9.2	8.9
Opposite Party Costs	59.9	52.5
Others <sup>(Note)</sup>	65.0	55.8
<b>Total</b>	<b>1,158.6</b>	<b>1,069.9</b>

Note: These include expenses for land and company searches, court fees and taxing fees, law costs draftsman fees, expert fees, copying charges, bank charges and miscellaneous expenses.

## Customer Feedback

With a view to enhancing our provision of services to the public, the Department regularly conducts comprehensive surveys on customer feedback on different aspects of the legal aid services. The surveys cover application and processing procedures for legal aid and the Department's in-house litigation services. Different methodologies such as on the spot collection and mail surveys have been used depending on the points of contact and on the stages and types of services rendered to customers. The overall customer satisfaction level remained high in 2023. The charts at [Appendix 2](#) illustrate the major findings of the survey on customer feedback.

Matrimonial Cases

Claims

LAW  
Breach of Contract

Employees' Compensation

Landlord and Tenant Disputes

Claims in respect of Industrial Accidents

## Customer Service Initiatives

### *Enquiries, Complaints and Representations*

The Department places great importance on enquiries, complaints and representations received from our customers. Customers' concerns and suggestions are viewed by the Department as a means of improving its service and ensuring the fulfillment of its statutory functions. The Departmental Customer Service Manager, who is a senior directorate, would meet with a team of Assistant Customer Service Managers and Officers regularly to review feedback on our services and recommend follow up actions where necessary.

### *Complaints*

The Assistant Director of Legal Aid (Policy and Development) is the designated Complaint Liaison Officer to coordinate the handling of all the complaints received. Members of the public may lodge complaints in person with the Customer Service Officers of individual sections or by telephone or in writing to the Department by post, email or by fax. All complaints received will be handled according to the Department's complaint handling mechanism which is in compliance with the Government's general complaint handling guidelines. The Department will investigate and handle all complaints impartially and expeditiously. In general, an acknowledgement will be given within 10 days after the receipt of a complaint, and a substantive reply will be given within 30 days.

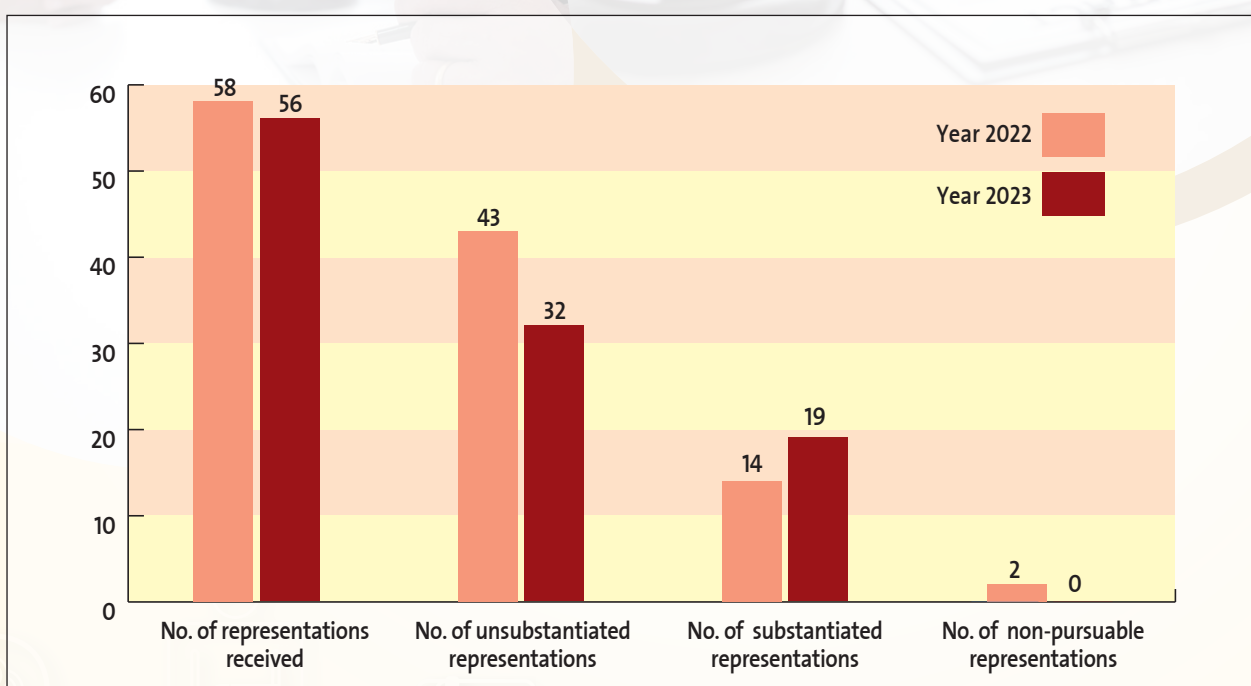
### *Representations*

To qualify for legal aid, an applicant must pass both the means and merits tests. If anyone believes that a person should not have been given legal aid on means and / or merits, he can write to us and let us know the reasons. The Application and Processing Division is responsible for conducting review of representations against grants of legal aid on merits. Representations against grants of legal aid on means are handled by the Special Duties and Research Unit. The Department has published a leaflet to explain the investigation system and to address frequently asked questions. Please visit [https://www.lad.gov.hk/eng/documents/ppr/publication/Not\\_Happy\\_en.pdf](https://www.lad.gov.hk/eng/documents/ppr/publication/Not_Happy_en.pdf) to view the leaflet.



In 2023, the Special Duties and Research Unit received 56 representations against grants of legal aid on means and completed investigation in 51 cases. 9 cases were referred to the police for investigation as to whether any offence was committed under Section 23 of the Legal Aid Ordinance, Cap. 91, and under Section 18A of the Theft Ordinance, Cap. 210 and / or Section 36 of Crimes Ordinance, Cap. 200.

### Means representation received and outcomes of investigation concluded in 2022 and 2023:



### LAD's Hotline Service - the Interactive Voice Response System

The Department's hotline service provides a fast and convenient means for the public to learn about legal aid services. It has pre-recorded messages in Cantonese, Putonghua and English on different aspects of legal aid services. The popular ones are application procedures, eligibility criteria for civil and criminal legal aid, the aided person's liability to contribute towards the costs of aided proceedings etc. For further information, callers can speak to a staff member of the Department who will answer their enquiries during office hours.



# Chapter 5

## Publicity Programmes



Matrimonial Cases



Traffic Accident Claims



Breach of Contract



Employees' Compensation



Landlord and Tenant Disputes



Claims in respect of Industrial Accidents



Immigration Matters



The Department is committed to ensuring that no one who qualifies for legal aid is denied access to justice because of lack of means. Every year the Department organises or participates in various activities to enhance the public's awareness and knowledge of the legal aid services provided by the Department.

## Promotional Activities

### Promotion of Legal Aid Services to Legal Practitioners

The Department places great importance on working in partnership with the legal profession to deliver quality legal aid services to the public.

On 6 October 2023, Mr Simon Lau, Assistant Principal Legal Aid Counsel / Crime, conducted a training course for barristers, namely "Legal Aid: the Right to Legal Aid, Means, Merits and Appeals", organised by the Hong Kong Bar Association.

On 10 October 2023, Mr David Chow, Assistant Principal Legal Aid Counsel / Legal and Management Support, and Mr Ted Lee, Assistant Principal Legal Aid Counsel / Application & Processing, conducted a training course for solicitors, namely "Update on Legal Aid Schemes", organised by the Hong Kong Academy of Law.

### Promotion of Legal Aid Services to External Bodies / Organisations

We exchanged views with external bodies and organisations on issues of common interest and on the latest development of legal aid in Hong Kong through various exchange programmes and visits.

On 11 July 2023, Ms Sally Cheung, Senior Legal Aid Counsel / Kowloon Branch Office, delivered a talk to a group of law students from the Peking University.

On 27 September 2023, Ms Juliana Chan, Deputy Director of Legal Aid / Application & Processing, and Mr David Chow, Assistant Principal Legal Aid Counsel / Legal and

Management Support, received a delegation of 26 senior judges from the Mainland and introduced to them the work and services of the Legal Aid Department.

Please visit [https://www.lad.gov.hk/eng/wnew/event\\_2023.html](https://www.lad.gov.hk/eng/wnew/event_2023.html) for the details and photos of the events.

### Reaching out to the Community

On 23 February 2023, Ms Maze Chak, Senior Legal Aid Counsel / Application and Processing, and Ms Florence Lo, Senior Law Clerk I / Application & Processing, hosted a talk for members of the Hong Kong Federation of Trade Unions and introduced legal aid services relating to employees' compensation and personal injuries at work.

On 14 March 2023, Ms Janet Fung, Senior Legal Aid Counsel / Kowloon Branch Office, hosted a talk for volunteer mediators and staff of the Hong Kong Family Welfare Society. She introduced the work and services of the Department and legal aid-related mediation issues in matrimonial cases.

On 28 March 2023, Miss Fanny Lo, Senior Legal Aid Counsel / Civil Litigation, hosted a talk for frontline staff and volunteers of Po Leung Kuk Tsui Lam Centre and introduced the work and services of the Department relating to family issues such as divorce, maintenance, child custody and application for restraining order.

On 17 May 2023, Mr James Yeung, Legal Aid Counsel / Crime, gave a talk to a group of newly arrived ethnic minorities organised by the International Social Service Hong Kong Branch. He introduced the scope of legal aid services, and explained application procedures and requirements and eligibility criteria.

On 15 June 2023, Ms Esther Wong, Acting Senior Legal Aid Counsel / Civil Litigation, and Ms Florence Lo, Senior Law Clerk I / Application & Processing, hosted a talk for members of the Hong Kong Federation of Trade Unions and introduced legal aid services relating to employees' compensation and personal injuries at work.

On 26 June 2023, Miss Kanas Wong, Acting Senior Legal Aid Counsel / Kowloon Branch Office, and Ms Shirley Lo, Acting Senior Legal Aid Counsel / Crime, briefed a group of visiting students from a secondary school on the work and services of the Department, and shared with them career-related information. Students also attended court case hearings at the High Court for a first-hand experience of court proceedings.

On 10 July 2023, Miss Dora Yeung, Acting Senior Legal Aid Counsel / Civil Litigation, and Ms Cathy Yuen, Senior Law Clerk I / Official Solicitor's Office, delivered a talk on legal aid services to non-Chinese speaking secondary students at the Career Expo 2023 organised by the Caritas Youth and Community Service.

On 20 September 2023, Ms Krista Sze, Acting Senior Legal Aid Counsel / Application & Processing, at the invitation of 1Step Association, delivered a talk on legal aid application and on services of the Department related to employees' compensation and personal injuries at work.

On 25 September 2023, Ms Joyce Leung, Senior Legal Aid Counsel / Civil Litigation, and Mr Kent Wong, Legal Aid Counsel / Application & Processing, delivered a talk to social workers and frontline staff of the Social Welfare Department, Hospital Authority and non-governmental organisations and introduced the work and services of the Department related to matrimonial matters.

On 10 October 2023, Miss Kathy Cho, Legal Aid Counsel / Application & Processing, and Miss Anna Lau, Acting Senior Law Clerk I / Kowloon Branch Office, delivered a talk for social security officers and frontline staff from the Social Welfare Department and non-governmental organisations on matrimonial matters and on the work and services of the Department.

On 13 October 2023, Ms April Wong, Legal Aid Counsel / Legal and Management Support, briefed a group of students from a secondary school on the work and services of the Department, and shared with them career-related information. Students also attended court case hearing at the High Court for a first-hand experience of court proceedings.

The Department participated in the Post-Secondary Student Summer and Winter Internship Programmes. The Department also participated in the programme organised by the Civil Service Bureau to offer internship placements for students with disabilities and also for non-ethnic Chinese students. In 2023, the Department recruited 11 summer interns and 7 winter interns under the Post-Secondary Student Summer and Winter Internship Programmes respectively, 1 intern with disability and 1 non-ethnic Chinese intern.

### Updating of Departmental Leaflets

The Department published and updated the leaflet “How to Apply - Legal Services”.

Other publications such as the Financial Information Sheet, which contained comprehensive information on financial eligibility, deductible personal allowances, contributions payable by an aided person towards the costs of litigation and the Director's First Charge were also revised to reflect changes implemented in 2023.

A list of publications of the Department is at [Appendix 5](#).

### Measures to Combat Improper Touting Activities

As a measure to further combat improper touting activities of claims recovery agents among injured workers and accident victims, the Department continued to arrange the broadcast of the TV API “Beware of the touting activities of recovery agents” produced by the Department of Justice at public waiting areas of the Department from 1 August 2021 to 31 July 2023, including the Information & Application Services Unit (IASU) of the Application and Processing Division and Crime Section of Litigation Division on 25/F of Queensway Government Offices; as well as the IASU of Kowloon Branch Office.

A poster on anti-touting activities was designed and displayed at our offices, District Social Welfare Offices of the Social Welfare Department, offices of the Employees' Compensation Division of the Labour Department, Home Affairs Enquiry Centres, community centres and community halls.

## Website

The Department regularly updates the contents of its website to provide comprehensive and updated information to the public and legal aid practitioners. In 2023, the Department further enhanced the homepage to meet with the latest requirements of the Office of the Government Chief Information Officer.

法律援助署  
Legal Aid Department





# Chapter 6

## Organisation, Administration and Staffing

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





There are three Divisions in the Department, namely the Application and Processing Division, the Litigation Division and the Policy and Administration Division, each headed by a Deputy Director. The organisation chart can be found at the departmental website at <https://www.lad.gov.hk/eng/ginfo/oo.html>.

## Staffing

As at the end of 2023, there were 529 staff members comprising 84 professional officers, 173 law clerks and 272 supporting staff. 7 Legal Aid Counsel and 19 Law Clerks were newly recruited in the year.

## Training and Development

The Department is committed to developing and maintaining a highly-motivated and professional work team to provide quality services to our customers. Every year the Department arranges various general and professional training courses for staff of all levels to equip them with the latest knowledge and skills needed to face the challenges ahead. The Training Unit, which is headed by a Senior Training Officer, is responsible for formulating, implementing and reviewing the Department's training and development policies and plans to meet the operational and development needs of staff.



**Mr Steve Wong Yiu-fai**  
*Deputy Director of Legal Aid (Policy and Administration)*

## Professional Training

To keep our professional officers abreast of changes and development of the law, the Department sponsored 44 professional officers to attend external webinars including Workshop on Data Protection and Data Access Request, Practical Workshop on Data Protection Law, Update on Personal Injuries Claims, Practical Tips in Email Fraud Cases and New Solution under s. 25A, High Court Ordinance, Mental Capacity Law of Hong Kong – Capacity Assessment, Guardianship, the New Vista of Continuing Powers of Attorney and Beyond (Modules 1 & 2), Family Law: Practical Tips and Legal Updates, Handling Cross-border Divorce, Parent and Child Ordinance – Orders that May Be Made, Briefing on Masters System in Family Court, Informal Interests in Property: Presuming Interests and Illegality, Personal Injuries Litigation in Hong Kong: Past, Present & Future – a Personal Journey from 1980 to 2025, Medical Expert Evidence in Personal Injury Actions, Financial Issues in Divorce and Practical Tips on Handling Divorce and Family Trust Related Cases, How to Calculate Damages for Personal Injury Claims, Developments in the Law: Admissibility of Confession and WhatsApp Messages, The Mechanism for Reciprocal Enforcement of Judgments in Civil and Commercial Matters Between the Hong Kong SAR and the Mainland, and Recent Developments in the Family Court: the New Master System, GD 1.1 and 1.2. Besides, 52 professional officers attended an in-house legal talk on Adverse Possession in Hong Kong delivered by an external speaker.

To promote exchanges with our Mainland counterparts, 3 professional officers attended Mainland Legal Studies Course coordinated by the Department of Justice.

## Management and Communication Training Courses

To strengthen staff's management and communication capability, 10 professional officers were nominated to attend management and communication training courses organised by the Civil Service College, Civil Service Bureau (CSC) including Behavioural Insights for Public Policy Making, Navigating the Media -Planning Your Narratives, Crisis Communication for a Positive Workplace, Achieve Excellent Team Performance through Coaching, Issue Management and Crisis Handling, and Expert Interview Series: Leadership in the New Era.

For leadership development, 5 professional officers were nominated to attend leadership development programmes organised by CSC, namely Advanced Leadership Enhancement Programme, Leadership in Action Programme and Innovative Leadership Programme.

### **Customer Service Training**

The Department places great importance on nurturing a customer-focused culture. To enhance staff's skills in delivering quality service to the public, the Department organised 3 in-house workshops on Communicating with Persuasion and Influence, How to Communicate with Customers with Emotional / Mental Problems, and Dealing with Difficult Customers. A total of 72 colleagues attended the workshops.

In 2023, 2 staff members attended a relevant course on Handling Confrontational Situations in Customer Service held by CSC.

### **Staff Well-being and General Training**

The Department is committed to promoting staff well-being. In 2023, an in-house workshop on Enhancing AQ was held, with an attendance of 14 staff members. Besides, 4 staff members were nominated to attend CSC courses on well-being.

Apart from the above, 286 staff members were nominated to attend courses and seminars organised by CSC, and other departments on a wide range of topics aimed at enhancing staff's work capability and career development. Topics included Basic Law, National Security, Foreign Affairs, Big Data, Innovation and Technology Solution, Problem Solving and Decision Making, First Aid, Automated External Defibrillators, Occupational Safety and Health, GRS Records Management, Government Financial Management, Government Procurement, Induction Courses, Human Resources Management, Personnel Matters, Cyber Security, Team Building and Communication, Chinese and English Official Writing, Putonghua and computer courses.

Furthermore, 7 professional officers attended national studies programmes held at the National Academy of Governance, Tsinghua University, Zhejiang University and Sun Yat-sen University.

### Promoting Self-Learning and Development: In-house Learning Resource Centre

To cultivate the culture of continuous self-learning, the Department maintains a comprehensive collection of books available to our staff. The collection covers a wide range of topics including management, communication, use of language, personal development, positive thinking, stress management and healthy lifestyles. Every year, new books are added to the Learning Resource Centre to enrich the collection.

To facilitate easy access to self-learning materials by staff, resources on IT tips as well as reference materials on training courses are uploaded onto the departmental portal. Staff also have direct access to CLC Plus, the e-learning portal for civil servants, which contains a variety of self-learning resources, toolkits and job aids on management, language, Constitution, Basic Law and national security, communication and information technology, etc.



**Ms Amy Lee Ngar-ling**  
*Assistant Director of Legal Aid (Policy & Development)*

## Information Systems

The Department's Case Management and Case Accounting System (CM&CAS) supports over 500 users in handling day-to-day legal aid business processes such as processing applications, monitoring assigned out cases and handling legal aid payments. The system is now under revamp and the revamped system is planned to roll out in two phases by the latter half of 2024 and the latter half of 2025 respectively. To provide a more convenient and reliable payment option to the public, we planned to introduce the "Faster Payment System" ("FPS") in addition to traditional cash and cheque payments. Payments by FPS at our Shroff will be launched in the first quarter of 2024, while e-payments by FPS will be introduced by the third quarter of 2024.

The Legal Aid Electronic Services Portal (LAESP) provides an online gateway through which members of the public and Panel lawyers can gain access to information and transact certain legal aid business with the Department online. Members of the public can access the LAESP to download and submit legal aid Pre-application Information Forms to the Department as a first step towards making an application for legal aid. The system will also provide an alternative channel for legal aid applicants to accept legal aid offer electronically with iAM Smart+ by the end of 2024. To better support citizens in need of legal aid services, it is planned to implement a chatbot on our website to handle general enquiries in the second quarter of 2025.

## Staff Relations and Communication

The Department maintains effective communication with staff through regular meetings with various staff representative bodies such as the Departmental Consultative Committees, the Law Clerks Association and the Legal Aid Counsel Association. Resulting from the discussions at these meetings, improvements have been made concerning office accommodation, streamlining of working procedures and human resources planning, etc.

The Director of Legal Aid would visit sections throughout the year with a view to exchanging ideas with staff of all levels including professional officers and receiving their views on work arrangements and procedures for further review and improvement. Divisions / Sections continued to implement their respective internal communication strategies in consultation

with staff. Informal meetings would also be held between the Deputy Director of Legal Aid (Policy and Administration) and Senior Law Clerks I and II and general grades staff regularly to collect their view on work and to explore areas for improvement.

## Staff Suggestions Scheme

Staff Suggestions Scheme was launched to encourage colleagues to make suggestions to the Department. It aims to facilitate the improvement and streamlining of the Department's operation and management, promote Department's image, arouse staff morale and occupational safety, thereby enhancing work efficiency. Our colleagues provided many useful and practical suggestions such as supplementing information in public forms, launching auto-reply function for the official email of the Department and enhancing privacy of the members of the public at the waiting area.

## Staff Welfare and Charitable Activities

The Department values the general well-being of its staff. The objective of the Staff Club is to promote staff welfare by organising a wide range of activities and to provide opportunities where staff can meet and interact whilst engaging in relaxing and enriching activities.

To promote staff wellness, the Staff Club resumed organising recreational activities in 2023. The Annual Dinner, a tour to the Tsz Shan Monastery and the Green Hub and a latte art workshop were held during the year. Staff also participated in a basketball competition organised by the Leisure and Cultural Services Department.

During the year, the Department actively participated in various volunteer services and fund raising activities such as the Standard Chartered Hong Kong



Marathon, book recycling activity and the Hong Kong-Zhuhai-Macao Bridge (HK Section) Half Marathon 2023, Skip Lunch Day, Love Teeth Day, Green Low Carbon Day and Dress Casual Day, Orbis World Sight Day and Oxfam Rice. In the New Year Food Drive organised by St James' Settlement, surplus Chinese New Year gifts and food were donated to the charity.

## Environmental Initiatives

The Department is committed to ensuring that its operations and activities are conducted in an environmentally responsible manner. The Department makes efforts to minimise waste, conserve energy, promote "reuse" and "recycle" of resources and enhance staff awareness and participation in protecting the environment.

The Department undertakes regular reviews to ensure that resources are used in an efficient and green manner. Details of the Department's environmental initiatives in 2023 can be found in the Department's Environmental Report at the departmental website <https://www.lad.gov.hk/eng/ppr/publication/enr.html>.

## Internal Audit

The Internal Audit Section (IAS) is an independent team established to assist management to ensure that adequate control procedures and systems are in place to safeguard the Department's assets. It also carries out reviews of the various activities of the Department in order to ensure an economical, efficient and effective use of the Department's financial, human and other resources.

The major audit reviews conducted by IAS during the year were the review of recovery of outstanding amount of debtor accounts, review of collections through bank automated teller machines and internet banking and review on assignment to experts. IAS also carried out audits on the use of the Integrated Registration Information System provided by the Land Registry for conducting land searches in legal aid cases and performed periodic checks on means investigation reports, petty cash, imprest, etc.

## Support Service to the Legal Aid Services Council

Legal Aid Services Council (the Council) is a statutory body set up in September 1996 pursuant to the Legal Aid Services Council Ordinance, Cap. 489 to supervise the provision of legal aid services in Hong Kong and to advise the Government on legal aid policy. The Council comprises barristers and solicitors, the Director of Legal Aid, and other lay members. The Chairman is not a public officer, and is also not connected in any other way directly with the practice of law. The Council meets regularly to oversee the administration of legal aid service, and to suggest improvement in the administration and operation transparency of the Department. Regular progress reports were submitted by the Department to the Council and tabled for discussion.

Following a review of the provision of legal aid services by the Chief Secretary for Administration's Office, proposed enhancement measures were endorsed by the Council. Regular progress reports on implementation of the enhancement measures and on various aspects of the provision of legal aid services were provided to the Council.

To promote a better public understanding of the work of the Department and to dispel misconceptions and unfounded criticisms, a public communication plan was drawn up by the Department. With strong support from the Council, publicity measures were stepped up to promote a positive image of our services to the public.







# Appendices



Matrimonial  
Cases



Traffic Accident  
Claims



Breach of  
Contract



Employees'  
Compensation



Landlord and Tenant  
Disputes



Claims in respect of  
Industrial Accidents



Immigration  
Matters



## Revenue

		2022-2023 (\$M)	2023-2024 (\$M)
1	Criminal Cases	8.2	9.2
2	Civil Cases		
	<i>In-house</i>	15.1	7.8
	<i>Assigned-out</i>	476.4	368.8
3	Official Solicitor	2.3	3.2
4	Supplementary Legal Aid Scheme		
	<i>Legal costs</i>	1.1	1.0
	<i>Administration fee</i>	4.1	3.8
	<b>Total</b>	<b>507.2</b>	<b>393.8</b>

## Expenditure by Items

		2022-2023 (\$M)	2023-2024 (\$M)
1	Personal Emoluments	321.5	329.6
2	Personnel Related Expenses	24.1	26.6
3	Departmental Expenses	25.0	25.4
4	Legal Aid Costs (for both in-house and assigned-out cases)		
	<i>Civil</i>	777.0	683.2
	<i>Criminal</i>	381.6	386.7
5	Plant, Equipment and Works	0.0	0.0
	<b>Total</b>	<b>1,529.2</b>	<b>1,451.5</b>

## Expenditure by Programmes

		2022-2023 (\$M)	2023-2024 (\$M)
1	Processing of Legal Aid Applications	133.3	136.0
2	Litigation Services	1,324.9	1,237.6
3	Support Services	53.9	60.7
4	Official Solicitor's Office	17.1	17.2
	<b>Total</b>	<b>1,529.2</b>	<b>1,451.5</b>

## Analysis of Expenditure for Civil Cases by Types of Cases

Types of Cases	2022-2023	2023-2024
Matrimonial Cases	19.0%	17.4%
Misc. Personal Injuries	37.8%	36.1%
Employees' Compensation	12.0%	11.4%
Running Down	7.2%	5.9%
Immigration Matters	1.7%	1.3%
Land & Tenancy Disputes	6.3%	8.0%
Wage Claims	0.1%	0.0%
Miscellaneous	15.9%	19.9%
<b>Total</b>	<b>100%</b>	<b>100%</b>

## Analysis of Expenditure for Criminal Cases by Types of Cases

Types of Cases	2022-2023	2023-2024
Hearings in District Court	70.5%	66.3%
Hearings in Court of First Instance	25.3%	29.8%
Appeals from Magistrates' Courts	0.7%	0.4%
Appeals from District Court	1.1%	0.8%
Appeals from Court of First Instance	1.9%	2.0%
Appeals in Court of Final Appeal	0.5%	0.7%
<b>Total</b>	<b>100%</b>	<b>100%</b>

## Legal Aid Budget

Financial Year*			2022-2023	2021-2022	2020-2021
Total Approved Estimate (\$'000)		A	1,635,755	1,666,251	1,721,172
Index A (2014-15=100)			192.6	196.2	202.6
Actual Operating Expenses (\$'000) <sup>(Note 1)</sup>		B	370,620	361,806	359,858
Index B (2014-15=100)			131.4	128.3	127.6
Actual Legal Aid Costs (\$'000)	Civil	C	777,013	700,032	703,338
	Criminal	D	381,569	335,254	249,755
Index C+D (2014-15=100)			204.3	182.6	168.1
Capital Expenditure (\$'000)		E	0	0	638
(Over-spending) / Underspending (\$'000) <sup>(Note 2)</sup>		F=A-B-C-D-E	106,553	269,159	407,583
% of (Over-spending) / Underspending		F/A	7%	16%	24%

Note 1: Operating Expenses cover expenditure for personal emoluments, personnel related expenses and departmental expenses.

Note 2: Underspending will not be accumulated to carry forward to the next financial year.

\*In Hong Kong, the government's financial year runs from 1 April to 31 March.

Matrimonial Cases

Traffic Accident Claims

LAW  
Breach of Contract

Employees' Compensation

Landlord and Tenant Disputes

Claims in respect of Industrial Accidents

## Supplementary Legal Aid Fund - Income and Expenditure Account Note 1 Note 2

	For the year ended 30 September 2022 (\$)	For the year ended 30 September 2023 (\$)
<b>Income</b>		
Application fees	92,400	102,894
Percentage contributions	8,237,249	6,270,863
Interest income	4,474,041	8,238,200
	<b>12,803,690</b>	<b>14,611,957</b>
<b>Less : Expenditure</b>		
Administration fee	4,148,499	3,770,786
Bank charges	360	530
Cash transportation services charges	0	0
Electronic payment services charges	128	404
Expenses for interpretation services	1,328	0
<b>Legal costs and expenses for finalised cases</b>		
Successful litigation		
- costs to opposite parties	<sup>Δ</sup> 1,738,342	475,512
- other disbursements	<sup>Δ</sup> 394,211	141,539
	<b>2,132,553</b>	<b>617,051</b>
Unsuccessful applications	196,836	78,330
Unsuccessful litigation		
- costs to opposite parties	4,133,956	4,805,025
- other disbursements	3,392,943	4,882,574
	<b>7,526,899</b>	<b>9,687,599</b>
	<b>14,006,603</b>	<b>14,154,700</b>
<b>(Deficit) / Surplus for the year</b>	<b>(1,202,913)</b>	<b>457,257</b>

Notes : 1. The financial year of the Supplementary Legal Aid Fund runs from 1 October of one year to 30 September of the following year. As at 30 September 2023, the net assets of the Supplementary Legal Aid Fund were increased by \$457,257 to \$215,518,608.

2. Auditors' Report for the statement of account for the year ended 30 September 2023 has not yet been issued.

Δ The figures have been updated after publication of LAD Departmental Report 2022.

## Overall Satisfaction Rate

	2022	2023
<b>Application Services</b>		
Application and Processing / Headquarters	99%	99%
Kowloon Branch Office	98%	98%
Crime Section	100%	100%
<b>Litigation – Mid-Litigation Stage</b>		
In-house Litigation of Family / Matrimonial Cases	100%	100%
In-house Litigation of Personal Injuries Cases	100%	100%
Cases handled by Assigned Solicitors	97%	97%
<b>Litigation – Conclusion Stage</b>		
In-house Litigation of Family / Matrimonial Cases	97%	100%
In-house Litigation of Personal Injuries Cases	100%	100%
Cases handled by Assigned Solicitors	91%	85%

### (A) Application Service (Means Test and Merits Test)

	Application and Processing / Headquarters		Kowloon Branch Office		Crime Section	
	2022	2023	2022	2023	2022	2023
Response Rate	100%	100%	98%	98%	100%	100%
Overall Satisfaction	4.46	4.54	4.53	4.56	4.59	4.53
Convenience (e.g. LAD hotline or pamphlet is easily accessible, user-friendly, etc.)	4.36	4.40	4.15	4.26	4.39	4.47
Service Manner (Staff manner)	4.62	4.65	4.65	4.72	4.70	4.68
Service Efficiency (e.g. in means / merits testing, etc.)	4.41	4.49	4.43	4.44	4.57	4.57
Clear Information (Whether information given is clear)	4.39	4.45	4.30	4.36	4.39	4.37
Procedure (Date of interview fixed)	4.45	4.49	4.35	4.39	4.63	4.58

Satisfaction level ranges from the min. 1 to max. 5 (Very satisfied = 5; Satisfied = 4; Average = 3; Dissatisfied = 2; Very Dissatisfied = 1)

## (B) Litigation - Mid - Litigation Stage

	In-house Litigation of Family / Matrimonial Cases		In-house Litigation of Personal Injuries Cases		Cases handled by Assigned Solicitors	
	2022	2023	2022	2023	2022	2023
Response Rate	100%	100%	100%	100%	28%	27%
Overall Satisfaction	4.87	4.84	5.00	4.76	4.67	4.69
Convenience (Easy to contact lawyer / staff)	4.94	4.92	5.00	4.82	4.71	4.71
Service Manner (Staff manner)	4.95	4.92	5.00	4.85	4.74	4.70
Clear Information (Whether information given is clear)	4.87	4.84	4.83	4.71	4.62	4.64
Procedure (Client informed of progress / procedure of the case)	4.90	4.88	4.67	4.71	4.65	4.62

Satisfaction level ranges from the min. 1 to max. 5 (Very satisfied = 5; Satisfied = 4; Average = 3; Dissatisfied = 2; Very Dissatisfied = 1)

## (C) Litigation - Conclusion Stage

	In-house Litigation of Family / Matrimonial Cases		In-house Litigation of Personal Injuries Cases		Cases handled by Assigned Solicitors	
	2022	2023	2022	2023	2022	2023
Response Rate	100%	100%	100%	100%	25%	23%
Overall Satisfaction	4.74	4.79	4.76	4.80	4.40	4.24
Convenience (Easy to contact lawyer / staff)	4.71	4.72	4.76	4.80	4.38	4.41
Service Manner (Staff manner)	4.81	4.87	4.88	4.87	4.47	4.35
Clear Information (Whether information given is clear)	4.69	4.72	4.73	4.73	4.29	4.31
Result (Outcome)	4.71	4.79	4.76	4.73	4.32	4.15
Procedure (Client informed of progress / procedure of the case)	4.68	4.77	4.76	4.80	4.29	4.34

Satisfaction level ranges from the min. 1 to max. 5 (Very satisfied = 5; Satisfied = 4; Average = 3; Dissatisfied = 2; Very Dissatisfied = 1)

**Appendix 3** Director of Legal Aid and Section Heads

Director of Legal Aid	Mr Chris Chong Yan-tung
Deputy Director of Legal Aid (Policy and Administration)	Mr Steve Wong Yiu-fai
Deputy Director of Legal Aid (Application and Processing)	Ms Juliana Chan Oi-yung
Deputy Director of Legal Aid (Litigation)	Mr Ben Li Chi-keung
Assistant Director of Legal Aid (Application and Processing)	Mr Jason Chan Mau-kwan
Assistant Director of Legal Aid (Litigation)	Ms Nancy Keung Mei-chuen
Assistant Director of Legal Aid (Policy & Development)	Ms Amy Lee Ngar-ling
Assistant Principal Legal Aid Counsel / Application and Processing (1)	Ms Jenny Leung Ping-ching
Assistant Principal Legal Aid Counsel / Application and Processing (2)	Mr Ted Lee Tak-lei
Assistant Principal Legal Aid Counsel (Kowloon Branch Office)	Ms Rita Chin Kong-kong
Assistant Principal Legal Aid Counsel (Civil Litigation 1)	Miss Ada Wong Yiu-ming
Assistant Principal Legal Aid Counsel (Civil Litigation 2)	Miss Emily Ho Wai-han
Assistant Principal Legal Aid Counsel (Crime)	Mr Simon Lau Ca-chun
Assistant Principal Legal Aid Counsel (Legal and Management Support)	Mr David Chow Wai-hung
Departmental Secretary	Mr Wong Pak-ho
Departmental Accountant	Miss Joanna Leung Hoi-ki



<b>Headquarters</b>	
<p>9/F, 24/F to 27/F                      Queensway Government Offices                      66 Queensway                      Hong Kong                      Tel : 2537 7677                      Fax: 2537 5948</p>	<ul style="list-style-type: none"> <li>• Application and processing of civil and criminal cases</li> <li>• Criminal litigation</li> <li>• Civil litigation                             <ul style="list-style-type: none"> <li>- Personal injury litigation</li> <li>- Enforcement of court orders</li> <li>- Family and insolvency litigation</li> </ul> </li> <li>• Legal and management support</li> <li>• Policy and administrative support</li> </ul>
<b>Kowloon Branch Office</b>	
<p>G/F, 3/F &amp; 4/F                      Mongkok Government Offices                      30 Luen Wan Street                      Mongkok, Kowloon                      Tel: 2399 2544                      Fax: 2397 7475</p>	<ul style="list-style-type: none"> <li>• Application and processing of civil cases</li> </ul>
<p>24-hour Telephone Enquiry Service: 2537 7677                      Email: <a href="mailto:ladinfo@lad.gov.hk">ladinfo@lad.gov.hk</a>                      Website: <a href="https://www.lad.gov.hk">https://www.lad.gov.hk</a></p>	

1.	香港法律援助服務指南 Guide to Legal Aid Services in Hong Kong	繁 / 簡 / English
2.	顧客服務標準 Customer Service Standards	繁 / 簡 / English
3.	怎樣申請－尋求法律服務 How to Apply – Legal Services	繁 / 簡 / English
4.	怎樣申請民事訴訟的法律援助 How to Apply for Legal Aid in Civil Cases	繁 / 簡 / English
5.	怎樣申請刑事訴訟的法律援助 How to Apply for Legal Aid in Criminal Cases	繁 / 簡 / English
6.	怎樣申請法律援助輔助計劃 How to Apply for Legal Aid under the Supplementary Legal Aid Scheme	繁 / 簡 / English
7.	怎樣計算你的財務資源及分擔費 How Your Financial Resources and Contribution are Calculated	繁 / 簡 / English
8.	財務資料一覽表 Financial Information Sheet	繁 / 簡 / English
9.	法律援助訴訟的分擔訟費及法律援助署署長的第一押記 Contribution towards Costs of Legal Aid Case and Director of Legal Aid's First Charge	繁 / 簡 / English
10.	法援通訊 LAD News	繁 / English
11.	受助人須知（申請及審查科） Important Notice for Legally – Aided Persons (Application & Processing Division)	繁 / 簡 / English
12.	受助人須知（人身傷害訴訟） Important Notice for Legally – Aided Persons (Personal Injuries Litigation)	繁 / 簡 / English
13.	受助人須知（家事訴訟） Important Notice for Legally – Aided Persons (Family Litigation)	繁 / English
14.	受助人須知（刑事組） Important Notice for Legally – Aided Persons (Crime Section)	繁 / 簡 / English
15.	法援婚姻訴訟個案家事調解計劃 Mediation in Legally Aided Matrimonial Cases	
16.	民事法援案件（非婚姻訴訟）調解計劃 Mediation in Legally Aided Non – Matrimonial Civil Cases	
17.	關於離婚法律程序的資料 Information on Divorce Proceedings	
18.	離婚法律程序流程表 Flowchart for Divorce Proceedings	

19.	緊急申請須知 Urgent Applications – What You Need to Know	
20.	有關管養權聆訊的資料 Information on Custody Hearing	
21.	離婚後應注意事項 Post Divorce Matters which Warrant Attention	
22.	僱員補償申索 Employees' Compensation Claim	
23.	僱員補償個案的主要程序流程表 Flowchart of Major Steps in a Typical Employees' Compensation Claim	
24.	人身傷亡申索 Personal Injury Claim	
25.	人身傷亡個案的主要程序流程表 Flowchart of Major Steps in a Typical Personal Injury Claim	
26.	海員欠薪申索 Seamen's Wages Claim	
27.	海員欠薪個案的主要程序流程表 Flowchart of Major Steps in a Typical Seamen's Wages Claim	
28.	醫療疏忽申索 Medical Negligence Claim	
29.	醫療疏忽個案的主要程序流程表 Flowchart of Major Steps in a Typical Medical Negligence Claim	
30.	香港法律援助服務小冊子 (孟加拉語、印尼語、尼泊爾語、印度語、旁遮普語、菲律賓語、泰米爾語、泰語、巴基斯坦語、越南語) Information Leaflet on Legal Aid Services in Hong Kong (Bengali, Indonesian, Nepali, Hindi, Punjabi, Tagalog, Tamil, Thai, Urdu, Vietnamese)	繁 / 簡 / English
31.	不滿某人獲批法援 – 可怎麼辦? Not Happy that Someone is Given Legal Aid – Can Anything be Done?	繁 / 簡 / English

## Other Publications

1.	法律援助署年報 (只提供網上版本) LAD Departmental Report (web version only)	繁 / 簡 / English
2.	環保報告 (只提供網上版本) Environmental Report (web version only)	繁 / English
3.	法律援助輔助計劃基金年報 (只提供網上版本) Supplementary Legal Aid Fund Annual Report (web version only)	繁 / English