



Legal aid

Figure 1 – Expenditure of legal aid services

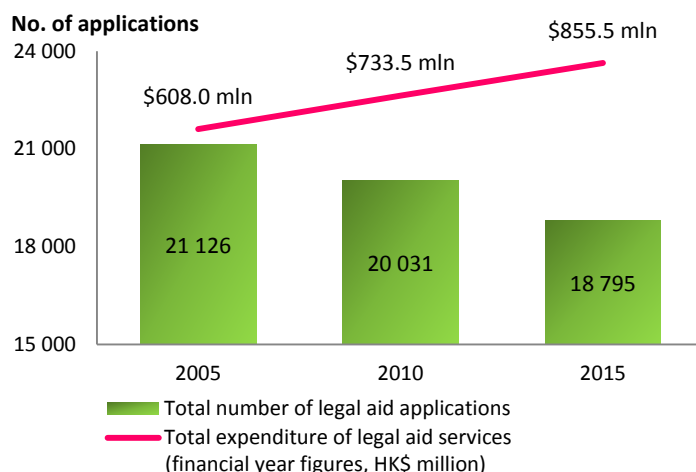


Figure 2 – Types of legal aid applications

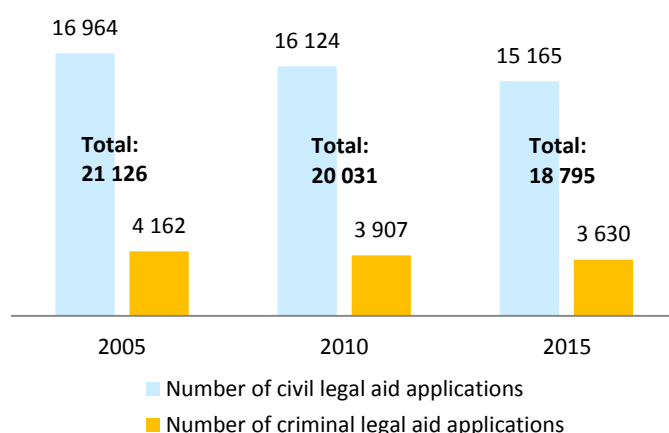


Figure 3 – Types of cases of civil legal aid applications

| Civil case type | 2005 | 2015 |
|---------------------------|----------------------|----------------------|
| Matrimonial | 10 031 (59.1%) | 6 564 (43.3%) |
| Personal injuries claims | 3 802 (22.4%) | 5 491 (36.2%) |
| Land and tenancy disputes | 381 (2.2%) | 551 (3.6%) |
| Employment disputes | 145 (0.9%) | 166 (1.1%) |
| Immigration matters | 151 (0.9%) | 136 (0.9%) |
| Wages claims | 762 (4.5%) | 68 (0.4%) |
| Others | 1 692 (10.0%) | 2 189 (14.4%) |
| Total | 16 964 (100%) | 15 165 (100%) |

Note: Figures in parenthesis denote percentage share in total.

Highlights

- In Hong Kong, legal aid is provided to those persons without means but have reasonable grounds for pursuing or defending a legal action. Applicants need to pass both the means test of financial eligibility and merits test on reasonable claim/defence beforehand.
- Over the last decade, applications for legal aid have declined by 11% to 18 795 in 2015. Total expenditure of legal aid services has risen by 41% over the same period to HK\$855.5 million in 2015-2016. Netting out inflation, the cumulative increase was 2.4% in real terms (**Figure 1**).
- Out of all legal aid applications, the proportion of civil and criminal applications remained relatively the same throughout the last 10 years. In 2015, 81% of applications were civil cases and 19% were criminal cases (**Figure 2**).
- Analysed by the types of the civil applications, matrimonial cases were the most common category of civil case applications, with a share of 43% in 2015. This was followed by personal injuries claims (36%). These two categories accounted for 80% of the civil case applications in 2015, broadly similar to the profile a decade ago (**Figure 3**).

Legal aid (cont'd)

Figure 4 – Approval of civil applications

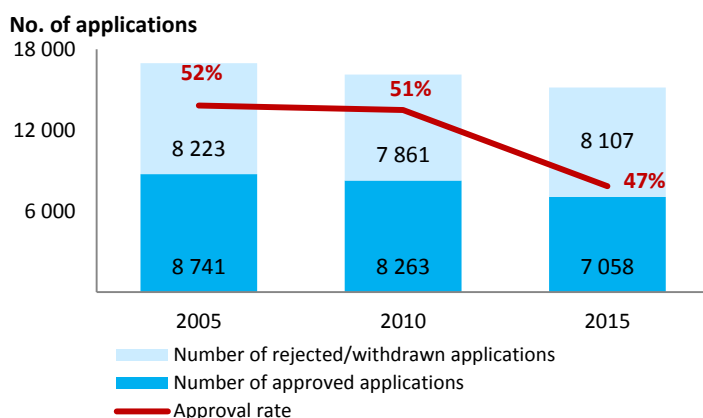


Figure 5 – Civil legal aid costs and costs recovered

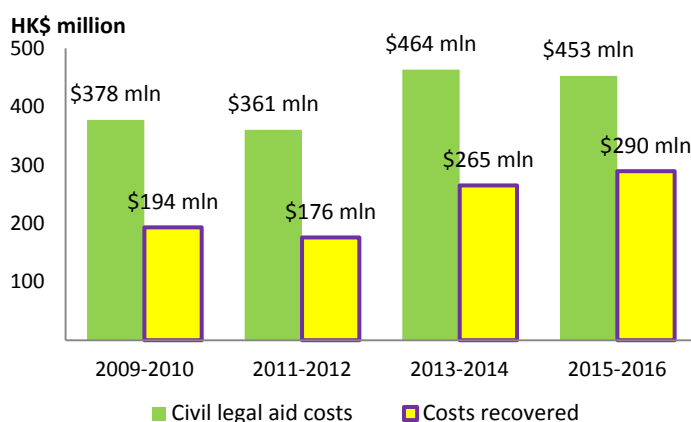


Figure 6 – Criminal legal aid applications

| Criminal | 2005 | 2010 | 2015 |
|--|-------------|-------------|-------------|
| No. of applications | 4 162 | 3 907 | 3 630 |
| Approved applications | 2 666 | 2 740 | 2 521 |
| Approval rate | 64% | 70% | 69% |
| No. of applications rejected on merits | 1 328 | 957 | 921 |
| No. applications rejected on means | 37 | 31 | 47 |
| Legal aid costs* (HK\$ million) | \$101.6 mln | \$115.2 mln | \$115.4 mln |

Note: (*) Financial year figures.

Highlights

- Successful applicants would be given legal aid services, either by in-house or assigned solicitors or barristers. The approval rate of civil applications slightly decreased from 52% in 2005 to 47% in 2015, with most of the rejected cases attributable to failure to pass the merits test (**Figure 4**). In 2015, 5 227 applications were rejected on merits test and 814 applications were rejected on means test.
- Successful applicants may be required to contribute towards the costs and expenses incurred, depending on their financial resources and/or out of the money or property recovered or preserved in the civil proceedings. In 2015-2016, the legal aid costs for civil cases were HK\$453 million, within which HK\$290 million, or 64% of the costs were recovered (**Figure 5**).
- Regarding criminal legal aid cases, the number of applications has decreased from 4 162 in 2005 to 3 630 in 2015. In 2015, 50% of applications were trial cases and 33% were appeal cases. Meanwhile, the approval rate rose moderately to 69% in 2015, compared with 64% a decade ago. The relative legal aid costs increased to HK\$115.4 million in 2015-2016 over the same period (**Figure 6**).

Data sources: Latest data from Census and Statistics Department and Legal Aid Department.

Research Office
Information Services Division
Legislative Council Secretariat
15 December 2016
Tel: 2871 2114

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