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).
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.