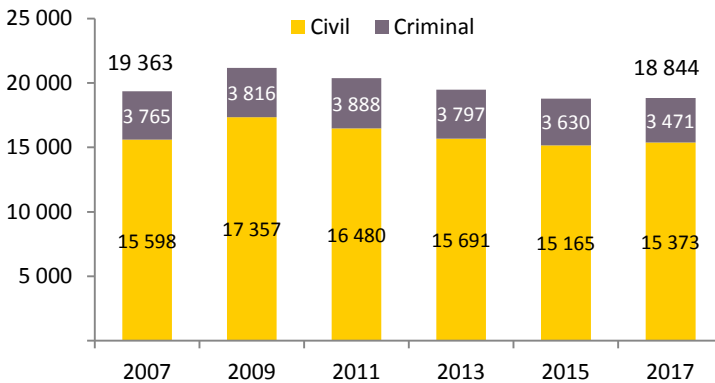




Legal aid for civil proceedings in Hong Kong

Figure 1 – Total number of applications for legal aid



Note: The civil cases include cases under the Ordinary and Supplementary Schemes.

Figure 2 – Applications for civil legal aids under the Ordinary and Supplementary Schemes

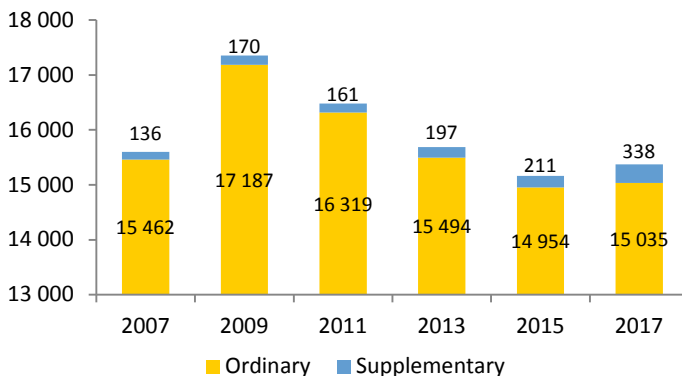


Figure 3 – Civil legal aid applications by type

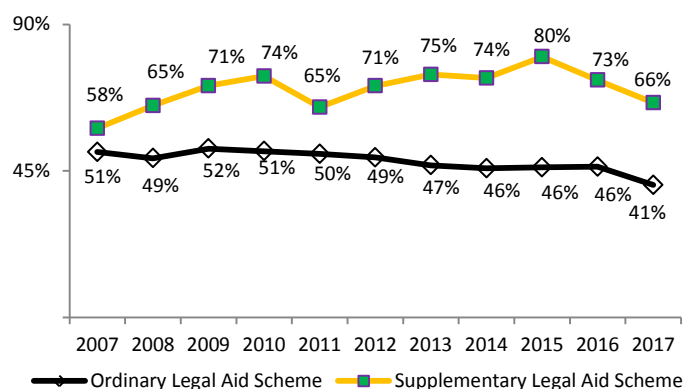
	2006	2016
Civil case types	Applications (% of total)	Applications (% of total)
Matrimonial	10 188 (58%)	6 592 (45%)
Personal injuries claims	4 013 (23%)	5 270 (36%)
Land and tenancy disputes	430 (2%)	502 (3%)
Employment disputes	148 (1%)	129 (1%)
Immigration matters	429 (2%)	175 (1%)
Wages claims	506 (3%)	64 (0.4%)
Others	1 708 (10%)	2 001 (14%)
Total	17 422	14 733

Highlights

- Legal aid is provided to all eligible persons in Hong Kong who lack the means but have reasonable grounds to pursue or defend legal actions, subject to financial eligibility test and merits test on claims. Over the past decade, the total number of legal aid applications has fallen slightly by 3% to 18 844 cases in 2017 (**Figure 1**). As civil cases accounted for 81% of all applications in the past decade, this piece focuses on the recent trend of such cases.
- At present, applicants for legal aid for civil cases can seek help under two separate schemes with different financial eligibility criteria. While the Ordinary Legal Aid Scheme ("Ordinary Scheme") is for the lower-income applicants, the Supplementary Legal Aid Scheme ("Supplementary Scheme") is for the better-off applicants yet with a more confined scope of aid (e.g. professional negligence, employee compensation, and personal injuries). During 2007-2017, the Ordinary Scheme took up 99% of the civil cases. As to the caseload of the Supplementary Scheme, it has surged by 149% over the past decade due to an increasing number of personal injuries claims, but its share (2%) remained small in the overall caseload in 2017 (**Figure 2**).
- Analyzed by type, matrimonial and personal injuries claims cases were the two largest categories of legal aid applications for civil proceedings in 2016, accounting for 80% of overall caseload. Between 2006 and 2016, the number of matrimonial cases has witnessed a significant decline by 35% to 6 592 cases, whereas the respective cases of personal injuries claims have gone up by 31% to 5 270 cases (**Figure 3**).

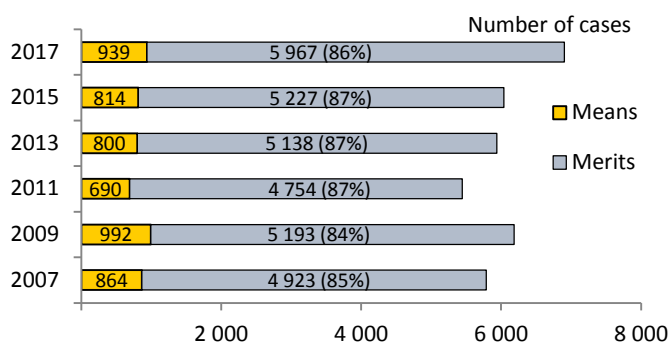
Legal aid for civil proceedings in Hong Kong (cont'd)

Figure 4 – Approval rate* under both Schemes



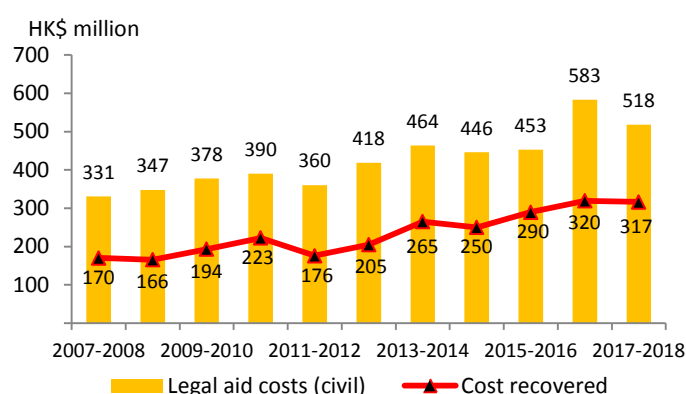
Note: (*) The percentage is derived from the number of legal aid certificates awarded compared to the number of applications received in the year.

Figure 5 – Reasons for refusing applications for civil cases for both Schemes*



Note: (*) Refusal on both means and merits under the Ordinary scheme is counted as refusal on means only.

Figure 6 – Costs and recovered costs of legal aid



Highlights

- Successful applicants for legal aid are provided with legal representation service. During 2007-2017, while the approval rate for applications under the Ordinary Scheme has dropped from 51% to 41%, that for the Supplementary Scheme has risen from 58% to 66% (Figure 4). To some extent, this divergent trend may be partly attributable to the design of the Supplementary Scheme, which have a more focused coverage on those workplace-related cases with relatively higher success rate and a better chance of cost coverage for financial viability, compared with Ordinary Scheme.
- Taking both Schemes together, there was a total of 6 906 rejected civil case applications in 2017. Within this total, 86% of the cases were refused on merits grounds (i.e. a lack of reasonable prospect of success), similar to that in 2007 (Figure 5). Only 14% were rejected on means ground (i.e. having assets over the statutory limits).
- More specifically on financial eligibility, the assets ceiling have been raised by 72% to HK\$302,000 under the Ordinary Scheme during 2011-2017, and by 209% to HK\$1,509,980 under the Supplementary Scheme. However, the Director of Legal Aid Department is empowered to waive the limits on grounds of human right protection. There were 18 of such waivers during 2012-2017.
- With expanded scopes of services introduced over the years, the costs of civil legal aid has risen by a total of 56% within a decade to HK\$518 million in 2017-2018. As successful applicants are required to contribute some of the cost, Legal Aid Department recovered HK\$317 million or 61% of such cost in 2017-2018 (Figure 6).

Data source: Latest figures from Legal Aid Department.

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25 July 2018
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