



Duty Lawyer Service

Figure 1 – Caseload of Free Legal Advice Scheme

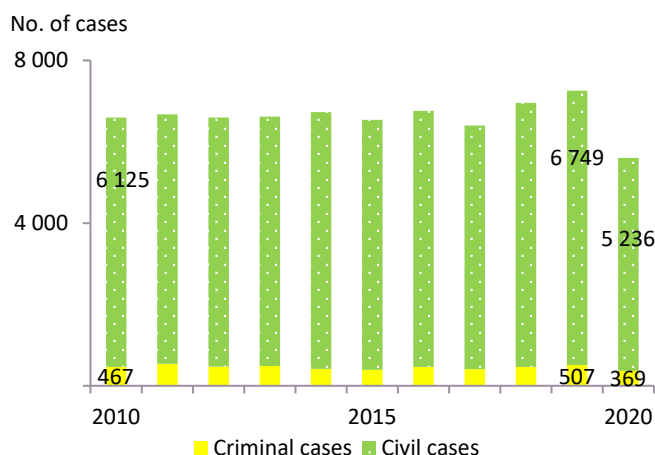


Figure 2 – Average waiting time of FLAS

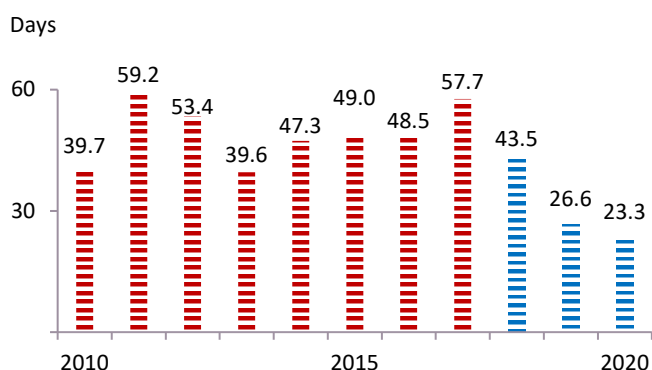
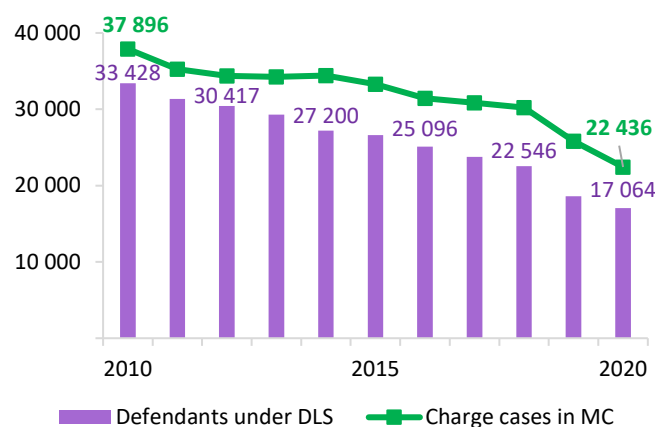


Figure 3 – Cases in MC⁽¹⁾ and defendants under DLS⁽²⁾



Notes: (1) Including all criminal charge cases but excluding less serious cases not covered by DLS (e.g. summonses).
(2) Calculation of DLS cases is in terms of defendants.

Highlights

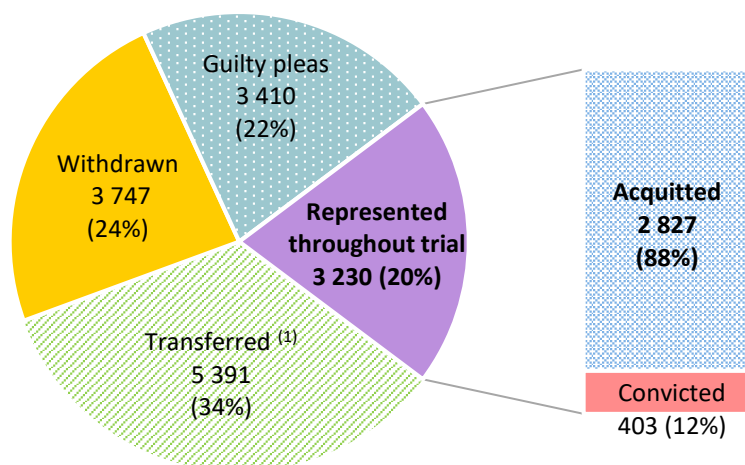
- To assist members of the public with legal problems, the Government has been funding the Duty Lawyer Service ("the Service") in full since 1978, offering free or affordable legal services managed by the Hong Kong Bar Association and the Law Society of Hong Kong, on top of the means-tested legal aid at District Court or above. This piece focuses on two key schemes under the Service, namely the Free Legal Advice Scheme ("FLAS") and the Duty Lawyer Scheme ("DLS").
- FLAS is a free, non-means-tested preliminary legal advice service offered in nine Home Affairs Enquiry Centres by appointment. Over the past decade, the annual caseload under FLAS averaged at 6 610, with over nine-tenths being civil matters such as commercial and matrimonial disputes (**Figure 1**). There was a 23% plunge in 2020, due to closure of booking centres and suspension of courts during COVID-19 pandemic.
- During 2010-2017, the waiting time for meeting a lawyer after booking under FLAS was rather long, averaging at 6-8 weeks (**Figure 2**). In response to public concerns, DLS has improved its appointment arrangements to deal with short-notice cancellations and expedite the processing of urgent cases. As such, the waiting time was cut short noticeably to just about three weeks in 2020.
- Turning to DLS, it provides legal representation to defendants of some 300 criminal offences in the Magistrates' Courts ("MC"). For the first hearings, assistance is free of charge and non-means-tested. For subsequent support, it is subject to a HK\$610 fee and an eligibility test of annum income not exceeding HK\$216,500. During 2010-2020, DLS caseload fell by 49% to 17 064, in line with the 41% fall in overall charge cases in MC (**Figure 3**). DLS now broadly represents three-fourths of charge cases in MC.

Duty Lawyer Service (cont'd)

Figure 4 – Top five offences covered by DLS in 2020

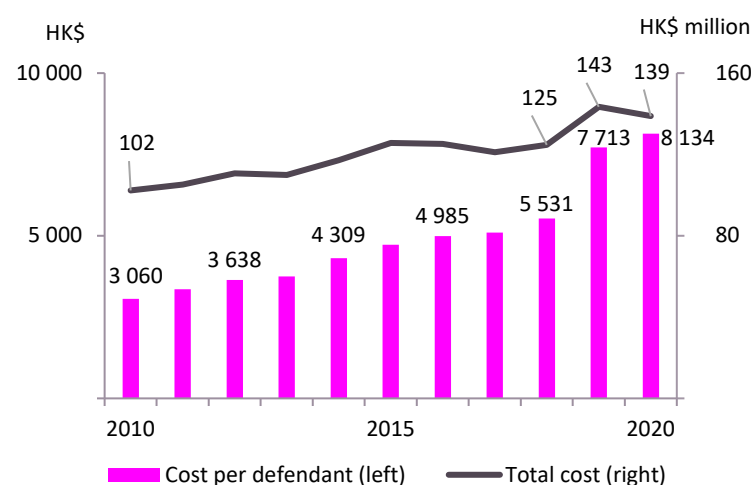
Offence	Cases	Share of caseload (%)
Theft	4 148	24.3
Breach of condition of stay	1 341	7.9
Possession of dangerous drugs	777	4.6
Assault occasioning actual bodily harm	639	3.7
Common assault	548	3.2
All of above	7 453	43.7

Figure 5 – Outcome of DLS cases in 2020



Note: (1) Including defendants who absconded.

Figure 6 – Cost of DLS cases, 2010-2020



Highlights

- Analysed by 300 types of offences covered by DLS, theft took up the largest share (24%), followed by breach of condition of stay (8%), possession of dangerous drugs (5%), assault occasioning actual bodily harm (4%) and common assault (3%) (Figure 4). For these top five offences taken together, they accounted for 44% of the total caseload in 2020.
- In 2020, 15 778 or 92% of DLS cases was considered closed. Four-fifths of the closed cases did not go through the entire trial process with DLS representation, as they were either transferred to higher courts (34%), withdrawn from assistance after first hearings (24%), or ended with guilty pleas (22%). For the remaining one-fifth of cases represented by DLS throughout the trials, the acquittal rate was high at 88% (Figure 5).
- Contrary to the downtrend in caseload, the total cost of DLS went up by 36% over the past decade to HK\$139 million in 2020, largely because of upward adjustments of lawyer fees (Figure 6). Before 2018, biennial fees adjustments were made in line with inflation, but they were alleged to be lagging behind market fees in legal profession. In response, the Government raised lawyer fees for DLS significantly by 56.2% in 2019. Taking both legal and administrative costs together, average cost per defendant under DLS went up by half (47%) to HK\$8,130 during 2018-2020.

Data sources: Latest figures from the Chief Secretary for Administration's Office, Duty Lawyer Service, and Judiciary.

Research Office
Information Services Division
Legislative Council Secretariat
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Tel: 2871 2139

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