



HOW TO APPLY HOW TO APPLY HOW TO APPLY HOW TO APPLY HOW TO APPLY

# how to apply

Legal Aid  
in Civil Cases



**For more details relating to financial eligibility limits for legal aid, scale of contribution and the Director of Legal Aid's first charge, please see the leaflet "How Your Financial Resources and Contribution are Calculated" and the "Financial Information Sheet".**

## **HOW TO APPLY FOR LEGAL AID IN CIVIL CASES**

### **What Is Civil Legal Aid And What Does It Cover?**

Legal aid is a means by which you can obtain legal representation by a solicitor and, if necessary, a barrister in proceedings before the courts in Hong Kong. The service is provided by the Legal Aid Department (LAD) to any person in Hong Kong, both residents and non-residents. For civil cases, it covers proceedings in the District Court, the Court of First Instance and the Court of Appeal (both part of the High Court), and the Court of Final Appeal. It is also available for certain other matters, namely:

- Death inquest in the Coroner's Court (in cases where the Director of Legal Aid (the Director) is of the opinion that the interests of public justice require that legal aid be given)
- Mental Health Review Tribunal

### **What Proceedings Are Not Covered By Legal Aid?**

Legal Aid is not available for certain proceedings, such as:

- defamation (except defending a counter-claim alleging defamation)
- Small Claims Tribunal matters
- Labour Tribunal matters
- partnership disputes
- money claims in derivatives of securities, currency futures or other futures contracts save and except when fraud, misrepresentation or deception is involved in respect of the sale
- election petitions except involving a possible breach of the Hong Kong Bill of Rights Ordinance or an inconsistency with the International Covenant on Civil and Political Rights as applied to Hong Kong

### **How Do You Qualify For Legal Aid?**

To successfully apply for legal aid, you must pass the merits test and the means test.

- Merits Test: You need to show that you have reasonable grounds for taking or defending proceedings. However, the Director may refuse legal aid if it is unreasonable that legal aid should be granted in the particular circumstances of your case.
- Means Test: You will be eligible if your 'financial resources' do not exceed the financial eligibility limit. The Director may waive the financial eligibility limit in meritorious cases in which a breach of the Hong Kong Bill of Rights Ordinance or an inconsistency with the International Covenant on Civil and Political Rights is an issue.

Your financial resources are the sum total of your annual disposable income and your disposable capital after deducting certain allowable deductions. You can learn more about the calculation of financial resources from the leaflet 'How Your Financial Resources and Contribution are Calculated' and the 'Financial Information Sheet' which you can get from LAD's offices or view online on LAD's website at [www.lad.gov.hk](http://www.lad.gov.hk)

An instant and more convenient way of finding out whether you are likely to qualify for legal aid on means is to make use of the means test calculator by visiting LAD's website. The test result is for reference only and your eligibility for legal aid cannot be determined until LAD carries out a means test on you after you have made an application.

### **Change in Financial Circumstances**

If your application for legal aid is refused on means, you may re-apply for legal aid when as a result of changes in your financial circumstances, your financial resources are reduced to a level at or below that of the applicable financial eligibility limit. However, the Director may refuse legal aid if you have disposed of any capital or income or fail to maximise your earning potential so as to expend or reduce your financial resources for the purpose of satisfying the financial eligibility limit.

### **How and Where Do You Apply For Legal Aid?**

#### **In Person:**

You can apply at the following offices of LAD:

Headquarters  
25/F, Queensway Government Offices  
66 Queensway, Hong Kong

or

Kowloon Branch Office  
G/F, Mongkok Government Offices  
30 Luen Wan Street, Mong Kok, Kowloon

#### **Office Hours**

Monday to Thursday	8:45 a.m. – 1:00 p.m. 2:00 p.m. – 5:45 p.m.
Friday	8:30 a.m. – 1:00 p.m. 2:00 p.m. – 6:00 p.m.

Tel: 2537 7677

Email: [ladinfo@lad.gov.hk](mailto:ladinfo@lad.gov.hk)

To apply for legal aid, you have to fill in a pre-application information form and some questionnaires which can be obtained from the enquiry counters at the above-mentioned offices. You are required to provide all information and documents relating to your means and your case (for example, your bank statements/passbooks, accident or medical reports, salary slips, rental receipts, mortgage repayment schedule, proof of Comprehensive Social Security Assistance etc).

You will be given an appointment for an interview ONLY when you have completed the form and questionnaires and provided the LAD with all relevant documents. You do not have to pay an application fee unless you are making an application under the Supplementary Legal Aid Scheme.

*If your case is urgent, you can inform the staff at the enquiry counters and LAD will accord priority to your application.*

#### **Online:**

If you are 18 years of age or over and it is a non-urgent case, you can submit pre-application information online as a first step towards making an application for legal aid through the Legal Aid Electronic Services Portal (LAESP) via LAD's website at [www.lad.gov.hk](http://www.lad.gov.hk)

By accessing LAESP, you can download the relevant "Legal Aid Pre-application Information Form" including a questionnaire appropriate to your case after answering some key questions. The form, once filled in, can be forwarded online to LAD. LAD will acknowledge receipt of the information through LAESP and assign you a transaction reference number. Once LAD has checked that the information supplied is in order, you will be given an appointment to make a formal application.

#### **What Happens After You Apply?**

Your application will be processed based on the available information. It may be necessary for LAD to obtain additional information from third parties such as bank(s), other government departments or from the Hospital Authority in order to determine your means and the merits of your case. The lawyer handling your case will decide whether you are eligible for legal aid once he has obtained all the necessary information.

#### **How Soon Will You Know Whether Your Application Is Successful?**

Normally you will be notified of the result within three months of your application. Please try not to enquire about your application during this period as far as possible as this may only cause delay to the processing of your application. If a decision on your application cannot be made within three months, you will be kept informed of the position. Whether you apply in person or online, you can check the status of your application through the LAESP but this can only be done if you have your own electronic certificate.

#### **What Should You Do If You Are Offered Legal Aid?**

You should read all the terms of the offer very carefully, especially the part concerning payment of contribution, if any, and the Director's first charge. If the terms are acceptable, you must sign and date the "Offer of Legal Aid" form and return it together with your contribution payment, if required, to LAD within 14 days. LAD will then issue a Legal Aid Certificate to you, which confirms that you are a legally aided person. If you are approached by someone else for payment of your contribution, please report the incident immediately to the Department.

Once you are legally aided, you must not talk to the opposite party or their representative or accept money in settlement of your claim without first consulting the lawyer assigned to represent you and notifying the Director.

### **Do I Need To Pay Legal Fees and Costs?**

Just as a person who has to pay for the costs of his proceedings when he engages a private lawyer to act for him, you may be required to contribute towards the costs and expenses incurred by LAD on your behalf in the legally-aided proceedings, unless the amount of your financial resources as determined by LAD is such that you are exempted from making a contribution and no money or property is recovered or preserved on your behalf in the proceedings.

### **Can You Choose Your Own Solicitor Or Barrister?**

If the Director does not take up the case and act for you, you can nominate a lawyer on the Legal Aid Panel to represent you. If your choice is considered not suitable, the Director will discuss the matter with you. Or if you prefer, the Director can select a solicitor or barrister on your behalf.

### **What Happens If I Lose My Case?**

If you lose your case, LAD will pay the costs and expenses of the proceedings including the costs of the opposite party. If you are required to pay a contribution, it will be used towards the payment of the costs and expenses incurred. LAD will refund the difference to you if the contribution paid is more than the costs and expenses incurred.

### **What If You Are Refused Legal Aid?**

You may appeal to the Registrar of the High Court. The staff of LAD will help you fill in the form for the appeal and arrange a date for the appeal hearing. The decision of the Registrar is final.

If your application relates to an appeal to the Court of Final Appeal, you may have the refusal reviewed by a Review Committee made up of the Registrar of the High Court and a representative each of the Hong Kong Bar Association and the Law Society of Hong Kong. The decision of the Review Committee is final.

### **Warning**

You commit a criminal offence if you make false statement in order to obtain legal aid. This will lead to the cancellation of your Legal Aid Certificate whereupon you will be required to pay back the costs and expenses incurred by LAD.

### **Other Leaflets In This Series:**

- Legal Aid in Criminal Cases
- Supplementary Legal Aid Scheme
- Legal Services

This leaflet is for information only and should not be regarded as an authoritative statement of the law.

## CIVIL LEGAL AID PROCEDURES

