



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

how to apply

Supplementary
Legal Aid Scheme



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 Contributions are Calculated" and the "Financial Information Sheet".

HOW TO APPLY FOR LEGAL AID UNDER THE SUPPLEMENTARY LEGAL AID SCHEME

(If you do not qualify for legal aid under the Ordinary Legal Aid Scheme)

What Is Supplementary Legal Aid And What Does It Cover?

You may obtain assistance for legal representation in certain court proceedings if your financial resources exceed the financial eligibility limit under the Ordinary Legal Aid Scheme but below a certain amount.

Under the Supplementary Legal Aid Scheme (SLAS), legal aid covers the following types of cases:

Type I Proceedings

- claims brought under the Employees' Compensation Ordinance irrespective of the amount of the claim;
- representation for employees in appeals against awards made by the Labour Tribunal irrespective of the amount in dispute; and
- fatal and non-fatal personal injuries claims where the claim is likely to exceed \$75,000.

Type II Proceedings

- medical and dental negligence claims;
- professional negligence claims against lawyers, certified public accountants (practising), registered architects, registered professional engineers, registered professional surveyors, registered professional planners, authorized land surveyors, registered landscape architects and estate agents;
- negligence claims against insurers or their intermediaries in respect of the taking out of personal insurance products;
- monetary claims against vendors in the sale of completed or uncompleted first-hand residential properties;
- Professional negligence claims against financial intermediaries licensed or registered for Type 1 (dealing in securities), Type 2 (dealing in futures contracts) or Type 8 (securities margin financing) regulated activities within the meaning of the Securities and Futures Ordinance (Cap.571); and

- Monetary claims in respect of derivatives of securities, currency futures or other futures contracts on the basis that the person was induced to deal in those derivatives, futures or contracts by fraud, deception or misrepresentation.

where the claim is likely to exceed \$75,000.

How Do You Qualify?

To successfully apply for legal aid under SLAS, 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 of Legal Aid (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.

Your financial resources are the sum total of your annual disposable income and your disposable capital after deducting certain allowable deductions. You can find out what the limit is for legal aid under SLAS and 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 Legal Aid Department (LAD)’s offices or view online on LAD’s website at www.lad.gov.hk

An instant and more convenient way of finding 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 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 financial eligibility limit for legal aid under SLAS. 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.

Do I Have To Pay To Apply?

An application fee of \$1,000 (for Type I Proceedings) / \$5,000 (for Type II Proceedings) is payable upon application. This fee will not be refunded if your application is not successful.

Are There Any Additional Payments?

You are also required to pay a contribution towards the costs of the proceedings when you accept an offer of legal aid. The Director may allow, in appropriate circumstances, the contribution to be paid by not more than six monthly payments.

If you win your case and recover damages, you will pay a percentage of the damages to the SLAS Fund (the Fund). If you settle your case before the date of commencement of the trial / the brief to Counsel for attending the trial is delivered, the amount deducted will be less. In addition, you have to pay back the Fund what it has spent in your case, e.g. costs for which the opposite party is not liable to pay or fails to pay even though ordered by the court to do so, out of the damages recovered.

However, the Director will use the application fee and contribution already paid to reduce the amount you have to repay.

If you lose the case, the contribution paid will not be refunded unless it is more than the amount the Fund spent on your case, in which case you will get back the balance.

How And Where To Apply?

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

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

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.

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 Civil Cases
- Legal Aid in Criminal Cases
- Legal Services

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

