

CONTROLLING OFFICER'S REPLY

CSO010

(Question Serial No. 1212)

Head: (94) Legal Aid Department
Subhead (No. & title): (-) Not Specified
Programme: (-) Not Specified
Controlling Officer: Director of Legal Aid (C. M. CHAN)
Director of Bureau: Director of Administration

Question:

Regarding the financial expenditure on promoting mediation services and related measures, would the Government inform this Committee of the following:

1. What was the total expenditure incurred by the Legal Aid Department (LAD) on mediation costs for legally-aided persons in various types of civil litigation cases over the past 3 years? Please provide a breakdown of expenditure by type of cases, such as matrimonial cases, personal injuries claims, running down cases, employees' compensation claims, landlord and tenant disputes, professional negligence claims and employment disputes.
2. What was the number of applications involving mediation received by LAD during the above period? Among which, what were the number of cases approved for mediation and the success rate (i.e. the proportion of cases where agreement was reached)? For those unsuccessful mediation cases, what were the additional legal costs incurred in the subsequent litigation?
3. What was the total amount of fees paid to mediators among LAD's expenditure on mediation services during the above period? Please provide a breakdown of expenditure by the mediators' qualifications and experience, such as accredited mediators and professional mediators. What mechanisms does LAD have in place to ensure that the fees paid for mediation services are reasonable and cost-effective?

Asked by: Hon FAN Hoi-kit, Alex (LegCo internal reference no.: 24)

Reply:

1. The expenditure incurred by the Legal Aid Department (LAD) on mediation costs for legally-aided persons in various types of civil litigation cases and the type of cases over the past 3 years are tabulated below:

Type of civil litigation cases	Expenditure incurred by LAD on mediation costs for legally-aided persons in various types of civil litigation cases (\$'000)		
	2023	2024	2025
Personal injuries	690	790	580
Matrimonial cases	1,460	1,530	1,320
Professional negligence	20	30	60
Land and tenancy disputes	100	120	190
Running down	100	160	200
Employees' compensation claims	150	140	140
Employment disputes	10	-	-
Others	210	180	280
Total	2,740	2,950	2,770

2. The number of cases approved for mediation over the past 3 years is tabulated below:

Year	Number of legally-aided cases with approval to incur expenses for mediation
2023	620
2024	656
2025	543

LAD always supports the use of mediation by legally-aided persons to resolve disputes and will cover the reasonable costs they incurred in mediation in all types of civil proceedings for which legal aid is granted. In the course of processing applications, LAD will assess, in accordance with the provisions of the Legal Aid Ordinance (Cap. 91), whether an applicant passes the means test and the merits test to be eligible for legal aid. After legal aid is granted for a case, a solicitor assigned by LAD to represent the aided person in handling the case will assess the feasibility of mediation for the case, and decide whether mediation should be conducted upon obtaining instructions from the aided person. If a case is deemed suitable for mediation, LAD will recommend the assigned solicitor consider this option. LAD's in-house lawyers responsible for monitoring assigned-out cases will vet the application forms submitted by assigned solicitors for the engagement of mediators, so as to ensure that the mediation fees are reasonable and cost-effective. LAD does not maintain information on the number of mediation-related applications at the application stage.

The success rate of legally-aided cases in which mediation was conducted over the past 3 years is tabulated below:

Year	Success rate of legally-aided cases in which mediation was conducted (i.e. the proportion of cases where full or partial agreement was reached)
2023	52%
2024	50%
2025	52%

For unsuccessful mediation cases, the additional legal costs incurred in the subsequent litigation depend on individual factors such as the type and complexity of the case, the approach of each party in handling the case and the legal proceedings involved. Taking the civil legal aid cases with approval to incur expenses for mediation in 2025 as an example, for cases with disputes resolved by mediation, the legal costs were about 52% lower as compared with cases that were not resolved by mediation and had to go to court.

3. The mediator's fee incurred by LAD over the past 3 years is tabulated below:

Year	Mediator's fee incurred by LAD (\$'000)
2023	2,720
2024	2,940
2025	2,760

To ensure that the mediation fees are reasonable and cost-effective, all assigned solicitors are required to complete and submit a designated application form for LAD's approval, setting out details of the mediator's personal particulars (including qualifications and experience), a breakdown of the fees (such as hourly or daily rates) and the estimated number of hours required for mediation. LAD does not separately maintain information on mediator's qualifications and experience.

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