

CONTROLLING OFFICER'S REPLY

CSO012

(Question Serial No. 1525)

Head: (94) Legal Aid Department

Subhead (No. & title): (-) Not Specified

Programme: (1) Processing of Legal Aid Applications

Controlling Officer: Director of Legal Aid (C. M. CHAN)

Director of Bureau: Director of Administration

Question:

It is mentioned that the Legal Aid Department (LAD) will continue to monitor “the use of mediation in legally-aided cases”. In this regard, would the Government inform this Committee of the following:

1. Among the civil legal aid cases, what were the number and percentage of cases that were actually settled through mediation in the past year? What were the total amount of mediation costs incurred and the average cost per case? Would the Government provide specific statistics on the effectiveness of mediation in reducing litigation costs and increasing case handling efficiency?
2. Would LAD proactively assess the feasibility of mediation for a case when processing applications? Are there any explicit referral mechanisms or guidelines established for cases suitable for mediation? What will be the manpower and resources allocated for 2026-27 for promoting and monitoring the use of mediation in legally-aided cases?

Asked by: Hon SO Shiu-tsung, Thomas (LegCo internal reference no.: 8)

Reply:

1. In 2025, the number of civil legal aid cases granted approval to incur expenses for mediation was 543, representing about 15% of the total number of civil legal aid cases in that year. A total of 557 cases proceeded with mediation in the same year (some legally-aided cases approved for mediation may not ultimately proceed to mediation, and the year in which mediation was conducted may differ from the year of approval). The total amount of mediation costs incurred was about \$2,857,400, with an average cost of about \$8,050 per case.

In respect of the effectiveness of mediation, 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 while the case handling time from the issue of legal aid certificate to the conclusion of legal proceedings (i.e. settled or adjudicated) was shortened by about 26% on average as compared with cases that were not resolved by mediation and had to go to court. Nevertheless, in addition to the use

of mediation to resolve disputes, the legal costs and handling time of each case also depend on individual factors such as the type and complexity of the case, the other party's approach in handling the case and the legal proceedings involved. On the whole, mediation is nonetheless a convenient and cost-effective way to resolve disputes in civil legal aid cases.

2. The Legal Aid Department (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.

In Chapter 7 "Guidance Notes to Solicitors Handling Civil Cases" of the *Manual for Legal Aid Practitioners*, LAD reminds assigned lawyers to apply for its approval to engage a mediator as soon as possible for cases suitable for mediation, with the aim of conducting mediation in a timely manner.

Apart from uploading the aforesaid Manual to its website, LAD has also provided information about mediation in legally-aided cases with frequently asked questions at its website under Resource Centre for Applicants, with a view to further promoting the use of mediation services in legally-aided cases.

The directorate officers, legal aid counsel and supporting staff of LAD's Application and Processing Division oversee the use of mediation in legally-aided cases as part of their overall monitoring duties of cases that are assigned to lawyers on the Legal Aid Panel. As at 1 March 2026, the Division has 5 directorate officers and 41 legal aid counsel. LAD will promote and monitor the use of mediation in legally-aided cases with existing manpower and provision.

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