

CSO008

CONTROLLING OFFICER'S REPLY

(Question Serial No. 1843)

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:

According to the estimation of the Legal Aid Department, the numbers of enquiries received, applications received and applications processed regarding civil cases in 2026 will decrease, though slightly, as compared with 2024 and 2025. What are the reasons? Will more proactive upward adjustments be made, particularly in relation to the numbers of applications processed and applications pending decision as at end of year?

Asked by: Hon CHAN Hiu-fung, Nick (LegCo internal reference no.: 12)

Reply:

Civil legal aid applications received by the Legal Aid Department (LAD) mainly involve matrimonial cases, employees' compensation claims, personal injuries claims and running down claims, among others, all of which are closely related to people's livelihood. As legal aid services are demand-driven, the numbers of civil legal aid enquiries and applications received each year vary with the social circumstances.

In the course of processing applications, LAD will, in accordance with the Legal Aid Ordinance (LAO), conduct both the means test and the merits tests for each application to ensure that legal aid is granted only to eligible applicants. LAD, therefore, has put in place a stringent mechanism to process each application, which involves verification of the information and evidence provided by applicants on their means and the merits of cases. LAD also makes inquiries into the means of applicants and the merits of cases as appropriate in accordance with the provisions of LAO. In respect of the means test, LAD may, for example, check with banks the assets of applicants and their spouses. In respect of the merits test, LAD may need to obtain relevant information and documents such as accident investigation reports, medical reports and witness statements taken by the Police from other government departments (e.g. the Labour Department and the Immigration Department), public or statutory bodies (e.g. hospitals), private organisations (e.g. the applicants' employers) and third parties related to the case (e.g. insurance companies). If the financial circumstances of an individual applicant are rather complex, such as where the applicant carries on a business or owns properties outside Hong Kong, the time for the applicant to provide supporting documents or supplementary information will take longer. If the facts

of the case are rather complicated, such as where professional negligence is involved, LAD will also need more time to obtain independent counsel's advice or expert opinion for processing the application.

For the above reasons, LAD requires a reasonable time frame to process applications in accordance with the requirements of LAO to prevent abuse of legal aid. Since LAD does not impose any limits on the numbers of applications to be received or granted with legal aid each year, the number of applications pending decision as at end of year (1 445 cases in 2025) takes into account the applications newly submitted and under processing towards the end of each year (e.g. a total of 1 391 cases were submitted in November and December 2025). Generally speaking, LAD targets to complete the processing work of civil legal aid applications within 3 months of the application. On the premise of ensuring that legal aid is granted only to eligible applicants in compliance with the requirements of LAO, LAD strives to expedite processing of applications, with the aim of reducing the number of applications pending decision as at end of year.

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