

CONTROLLING OFFICER'S REPLY

CSO027

(Question Serial No. 3163)

Head: (94) Legal Aid Department

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

Programme: (1) Processing of Legal Aid Applications

Controlling Officer: Director of Legal Aid (Chris YT CHONG)

Director of Bureau: Director of Administration

Question:

Regarding the use of mediation in legally-aided cases, would the Government inform this Committee of the following:

1. It is mentioned in the Estimates that the Legal Aid Department will monitor the use of mediation in legally-aided cases. In this regard, what were the changes in the proportion of cases where applicants opted for mediation in the past 5 years; and whether there are any specific statistics on the effectiveness of mediation in reducing litigation costs and increasing case handling efficiency;
2. Please provide information on the grant of legal aid to the disadvantaged groups (e.g. low-income families, the elderly and persons with disabilities) in the past 5 years, including the number of applications, the approval rate, the amount of legal aid granted and the case outcome.

Asked by: Hon KONG Yuk-foon, Doreen (LegCo internal reference no.: 40)

Reply:

1. With the implementation of the Civil Justice Reform in 2009, mediation has become an integral part of civil proceedings. 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 past 5 years, the proportion of legally-aided persons opting for mediation has been largely stable, and the number of legal aid cases with approval to incur expenses for mediation as a percentage of all civil legal aid cases is tabulated as follows:

Year	Number of legal aid cases with approval to incur expenses for mediation (such cases as a percentage of all civil legal aid cases in the respective year in brackets)
2020	837 (17.6%)
2021	910 (18.5%)
2022	716 (18.3%)
2023	620 (15.4%)
2024	656 (16.3%)

As regards the effectiveness of mediation, taking the civil legal aid cases with approval to incur expenses for mediation in 2024 as an example, for cases with disputes resolved by mediation, the legal costs were about 50% 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 29% on average as compared with cases that were not resolved by mediation and had to go to court. Whereas it is acknowledged that apart from whether or not mediation is used 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, LAD notes that mediation is overall a convenient and cost-effective way to resolve disputes in civil legal aid cases.

- LAD does not have information on whether legal aid applicants are persons with disabilities. In the past 5 years, the number of legal aid applications from Comprehensive Social Security Assistance (CSSA) recipients and persons aged 60 or above, the number and percentage of legal aid certificates granted to them, the amount of legal aid involved and the success rate of relevant civil cases concluded are tabulated below:

Year	CSSA recipients				
	Number of legal aid applications	Number of legal aid certificates granted	Percentage of applications with legal aid certificates granted	Amount of legal aid involved in cases with legal aid certificates granted (\$million)	Success rate of civil legal aid cases concluded
2020	1 667	722	43%	42.0	81%
2021	1 913	843	44%	31.7	78%
2022	1 288	589	46%	18.1	82%
2023	1 409	620	44%	9.4	74%
2024	1 281	640	50%	2.0	77%

Note: The legal proceedings in some cases (especially those with legal aid granted in recent years) are still ongoing and the amount of legal aid involved in cases with legal aid certificates granted may be subject to adjustment.

Year	Persons aged 60 or above				
	Number of legal aid applications	Number of legal aid certificates granted	Percentage of applications with legal aid certificates granted	Amount of legal aid involved in cases with legal aid certificates granted (\$million)	Success rate of civil legal aid cases concluded
2020	2 239	849	38%	86.2	85%
2021	2 390	929	39%	78.2	85%
2022	2 086	788	38%	40.3	83%
2023	2 218	936	42%	30.2	83%
2024	2 417	966	40%	7.3	81%

Note: The legal proceedings in some cases (especially those with legal aid granted in recent years) are still ongoing and the amount of legal aid involved in cases with legal aid certificates granted may be subject to adjustment.

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