

# Legal aid chief denies stricter vetting on reviews

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Authorities approved only two legal aid applications for judicial review challenges against government policies and decisions last year.

The Legal Aid Department received 110 applications concerning judicial reviews of government policies and related organisations' decisions last year, an almost 60 per cent drop from 2016, its annual reports show.

The department's approval of two legal aid certificates from those applications was an almost 90 per cent drop from 2016.

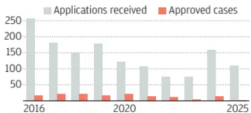
Director of legal aid Chan Chak-ming yesterday denied the department had adopted a more stringent approach to applications after past criticisms of overly lenient approvals.

"I would not use the word tightened or stringent; I am not using those words," Chan said. "Because my powers and duties are always specified under the law. So we are simply discharging our duties in accordance with the Legal Aid Ordinance."

Individuals whose financial resources do not exceed HK\$452,320 are eligible to apply for legal aid. The department examines the facts and evidence of the case, as well as the relevant legal principles, to determine whether

## Legal aid funding

Legal aid applications and cases approved for judicial reviews of official policies and related decisions



Remarks: Applications received may not be processed or approved within same year

Source: Legal Aid Department

SCMP

there are reasonable grounds to grant the request.

Chan said each application was assessed on its own merits.

"I don't have a target number. We are a government department. The mission is simple: to provide legal aid to eligible applicants who will not be denied access to justice simply because of lack of means."

The department assessed not only the prospects of success but also the reasonableness of the case and the public interest involved, he said, adding it would not fund a purely academic debate.

The director also attributed part of the

decline to shifting public sentiment and lower overall application numbers.

"It is simple mathematics ... [With] the lower number of applications, then there are fewer cases [for] legal aid certificates to be granted," Chan said, although he stopped short of explaining why the number of approvals fell by a larger margin than applications over the past decade.

He added that Hong Kong's legal aid system remained robust and fair, noting that applicants retained the right to appeal. He also highlighted the fact that funding judicial reviews against government authorities was far more accessible in Hong Kong than in jurisdictions such as Singapore and Australia.

But critics argued that the process had become increasingly difficult.

One of the refused cases involved a 2024 judicial review of the approval of the San Tin Technopole project's environmental study, in which applicant Eddie Tse Sai-kit, a retired social worker, failed both the means test and the case merits test.

Tse argued that the department had become more stringent in recent years, noting that it sought external legal advice on his case even after the court had granted leave to apply for a judicial review and recognised the public interest involved.