

Head 94 — LEGAL AID DEPARTMENT

Controlling officer: the Director of Legal Aid will account for expenditure under this Head.

Estimate 2024–25 **\$1,657.4m**

Establishment ceiling 2024–25 (notional annual mid-point salary value) representing an estimated 548 non-directorate posts as at 31 March 2024 reducing by four posts to 544 posts as at 31 March 2025..... **\$301.3m**

In addition, there will be an estimated 15 directorate posts as at 31 March 2024 and as at 31 March 2025.

Controlling Officer's Report

Programmes

Programme (1) Processing of Legal Aid Applications These programmes contribute to Policy Area 20: Legal Aid (Director of Administration).
Programme (2) Litigation Services
Programme (3) Support Services
Programme (4) Official Solicitor's Office

Detail

Programme (1): Processing of Legal Aid Applications

	2022–23 (Actual)	2023–24 (Original)	2023–24 (Revised)	2024–25 (Estimate)
Financial provision (\$m)	133.3	135.3	137.1 (+1.3%)	143.0 (+4.3%)
				(or +5.7% on 2023–24 Original)

Aim

- 2 The aim is to ensure that legal aid service is provided only to eligible applicants.

Brief Description

3 The Application and Processing Division and the Crime Section of the Litigation Division of the Department assess applicants' eligibility for legal aid and the financial contributions required of them towards the relevant legal costs.

- 4 To qualify for legal aid, an applicant has to pass both the means test and the merits test.

5 Although an applicant's financial resources may exceed the prescribed financial eligibility limit, the Director of Legal Aid (the Director) may grant legal aid if a breach of the Hong Kong Bill of Rights Ordinance (Cap. 383) or an inconsistency with the International Covenant on Civil and Political Rights as applied to Hong Kong is an issue, or, in a criminal case, if the Director is satisfied that it is desirable in the interests of justice to do so.

6 For civil cases, unsuccessful applicants may appeal against the Director's refusal to grant legal aid on grounds of means or merits. For criminal cases, unsuccessful applicants may appeal against the Director's refusal to grant legal aid where appeals to the Court of Final Appeal are involved. Legal aid may also be granted to an accused or appellant by a Judge in certain circumstances even though such has been refused by the Director.

- 7 The Department generally met the aim of the programme in 2023.
- 8 The key performance measures in respect of processing legal aid applications are:

Targets

	Target	2022 (Actual)	2023 (Actual)	2024 (Plan)
<i>Civil legal aid</i> applications processed within three months from the date of application (%).....	85	85	86	85

Head 94 — LEGAL AID DEPARTMENT

	Target	2022 (Actual)	2023 (Actual)	2024 (Plan)
<i>Criminal legal aid</i>				
Appeals against sentence				
applications processed within two months from the date of application (%).....	90	88	96	90
Appeals against conviction				
applications processed within three months from the date of application (%).....	90	87	92	90
Court of First Instance of the High Court/District Court				
applications processed within ten working days from the date of application (%)	90	81	97	90
Committal proceedings				
applications processed within eight working days from the date of application (%)	90	77	97	90

Indicators

	2022 (Actual)	2023 (Actual)	2024 (Estimate)
<i>Civil</i>			
enquiries received	26 880	28 548	28 500
applications received	9 480#	9 558#	10 000
applications processed	9 666	9 634	10 000
applications pending decision as at end of year	1 817	1 741	1 740
legal aid certificates granted	3 919	4 024	4 200
applications refused			
on means	660	674	670
on merits	3 851	3 656	3 800
appeals against the Director’s decisions			
appeals heard	701	799	800
appeals allowed	41	36	35
<i>Criminal</i>			
applications received	2 749	3 105	3 105
applications processed	2 735	3 157	3 110
applications pending decision as at end of year	186	134	130
legal aid certificates granted	2 019	2 459	2 460
applications refused			
on means	66	63	60
on merits	527	518	520

The numbers of applications received in 2022 and 2023 included 27 and 14 applications respectively from applicants who were subject to an Order made pursuant to Regulation 11 of the Legal Aid Regulations (Cap. 91A).

Matters Requiring Special Attention in 2024–25

- 9 During 2024–25, the Department will continue to monitor:
- the number of legal aid applications and the processing time;
 - the effectiveness of the means-testing processes; and
 - the use of mediation in legally-aided cases.

Head 94 — LEGAL AID DEPARTMENT

Programme (2): Litigation Services

	2022–23 (Actual)	2023–24 (Original)	2023–24 (Revised)	2024–25 (Estimate)
Financial provision (\$m)	1,324.9	1,444.6	1,260.4 (–12.8%)	1,433.2 (+13.7%)
				(or –0.8% on 2023–24 Original)

Aim

10 The aim is to discharge the Department’s statutory duties relating to assignment and conduct of legal aid cases.

Brief Description

Assigning out and monitoring of cases

11 The Application and Processing Division and the Crime Section of the Litigation Division of the Department systematically monitor cases assigned to private practitioners.

In-house litigation

12 The Litigation Division conducts litigation on behalf of legally-aided persons. The work involves:

Civil litigation

- Personal injury and miscellaneous – taking proceedings for legally-aided persons in respect of claims for common law damages for personal injuries and death and compensation under the Employees’ Compensation Ordinance (Cap. 282), claims for seamen’s wages, and claims for damages due to professional negligence; and
- Matrimonial – taking or defending proceedings for legally-aided persons in respect of separation, dissolution or annulment of marriage or ancillary and other relief and wardship.

Criminal litigation

- representing legally-aided persons in committal proceedings in the Magistrates’ Court, plea day proceedings in the District Court, and bail applications in the Court of First Instance; and
- acting as instructing solicitors for legally-aided persons in Court of First Instance cases, as well as in appeals before the Court of First Instance, the Court of Appeal and the Court of Final Appeal.

13 The Department generally met the aim of the programme in 2023.

14 The key performance measures in respect of assignment and conduct of legal aid cases are:

Indicators

	2022 (Actual)	2023 (Actual)	2024 (Estimate)
<i>Assigning out and monitoring of cases</i>			
<i>Civil</i>			
new cases assigned	3 114	3 190	3 540
cases concluded	4 659	4 023	3 540
active cases as at end of year	13 572	12 739	12 740
<i>Criminal</i>			
new cases assigned	2 021	2 387	2 015
cases concluded	1 898	2 378	2 015
active cases as at end of year	2 671	2 680	2 680
<i>In-house litigation</i>			
<i>Civil</i>			
<i>Personal injury and miscellaneous</i>			
new cases assigned	147	164	160
cases concluded	320	158	160
active cases as at end of year	338	344	345
<i>Matrimonial</i>			
new cases assigned	513	534	500
cases concluded	418	485	485
active cases as at end of year	875	924	940
<i>Insolvency</i>			
new cases assignedΔ.....	21	0	—
cases concluded	39	38	15

Head 94 — LEGAL AID DEPARTMENT

	2022 (Actual)	2023 (Actual)	2024 (Estimate)
active cases as at end of year			
pending issue of winding-up and bankruptcy order ^Δ	10	0	—
pending realisation of assets	60	32	17
Criminal			
new cases assigned	373	445	445
cases concluded	374	469	445
active cases as at end of year	125	101	100
<i>Damages/costs recovered from all civil cases</i>			
amount of damages recovered (\$'000)	1,104,227	961,820	N.A.
amount of costs recovered (\$'000)	401,705	359,425	N.A.

Δ The Protection of Wages on Insolvency Fund Board (PWIFB) has been procuring legal services from service providers to assist in handling winding-up and bankruptcy proceedings since 2023. Apart from those previously referred to the Department for issuing insolvency proceedings, the Labour Department has no longer referred new insolvency cases to the Department since 1 April 2023. As such, indicators on “new cases assigned” and “active cases pending issue of winding-up and bankruptcy order” are removed as from 2024.

Matters Requiring Special Attention in 2024–25

15 During 2024–25, the Department will continue to monitor:

- the progress and expenditure of legal aid cases;
- the performance of assigned private practitioners and progress of assigned-out cases;
- the cost effectiveness of litigation services; and
- the outstanding insolvency cases pending realisation of assets.

Programme (3): Support Services

	2022–23 (Actual)	2023–24 (Original)	2023–24 (Revised)	2024–25 (Estimate)
Financial provision (\$m)	53.9	61.4	62.0 (+1.0%)	62.2 (+0.3%)
				(or +1.3% on 2023–24 Original)

Aim

16 The aims are to provide effective support services for processing applications and conducting legal aid cases and for increasing public understanding and awareness of legal aid services, and to review or make recommendations on legal aid policy to meet areas of perceived needs.

Brief Description

17 Support services include:

- Costing – assessing costs, preparing bills of costs and attending taxation hearings;
- Enforcement – taking action to enforce unsatisfied judgments and orders; and
- Public education – organising or participating in activities to enhance the public’s knowledge and awareness of legal aid services provided by the Department.

18 The Department assesses and makes payments to assigned solicitors and counsel, and effects payment of damages recovered to clients.

19 In the area of policy and legislation, constant effort is made to improve the practical working of the legal aid schemes; to increase the Department’s efficiency and productivity; to make recommendations on any change in legal aid legislation; and to comment on other legislation which may have an impact on the provision of legal aid services.

20 It is not possible to specify quantitative measures and indicators for work on policy and legislation, as performance in such areas must be judged in qualitative terms.

21 The Department generally met the aims of the programme in 2023.

Head 94 — LEGAL AID DEPARTMENT

22 The key performance measures in respect of support services are:

Targets

	Target	2022 (Actual)	2023 (Actual)	2024 (Plan)
<i>Payment of damages or compensation to aided persons</i>				
<i>Interim payment</i>				
payments processed within one month (%).....	95	95	99	95
<i>Final payment</i>				
payments processed within six weeks (%).....	95	99	99	95
<i>Payment to lawyers/experts/other parties</i>				
<i>Advance payment</i>				
payments processed within six weeks (%).....	95	99	99	95
<i>Balance payment</i>				
payments processed within six weeks (%).....	95	99	99	95

Indicators

	2022 (Actual)	2023 (Actual)	2024 (Estimate)
<i>Insolvency</i>			
cases for ex-gratia payment from Protection of Wages on Insolvency Fund ^Ψ	327	133	—
<i>Costing</i>			
taxation - court attendance.....	371	260	260
preparation of bills and objections.....	355	252	250
assessments made	8 953	8 249	8 250
<i>Enforcement</i>			
cases assigned.....	193	134	130
enforcement action taken.....	198	170	170
active cases as at end of year	195	159	120
amount of debts and costs recovered (\$'000).....	11,276	3,665	N.A.

^Ψ Indicator to be removed as from 2024. As mentioned in paragraph 14 above, the PWIFB has taken up the insolvency cases since 2023, hence there were fewer cases for ex-gratia payment in 2023. It is expected that there will be no cases for ex-gratia payment referred by the Labour Department to the Department for further handling starting from 2024.

Matters Requiring Special Attention in 2024–25

23 During 2024–25, the Department will continue to:

- promote public awareness and understanding of legal aid services;
- provide support to the Legal Aid Services Council and implement recommendations of the Council to improve the quality and efficiency of legal aid services;
- monitor the performance pledges on payments related to legal aid cases; and
- monitor the outstanding insolvency cases pending realisation of assets.

Head 94 — LEGAL AID DEPARTMENT

Programme (4): Official Solicitor’s Office

	2022–23 (Actual)	2023–24 (Original)	2023–24 (Revised)	2024–25 (Estimate)
Financial provision (\$m)	17.1	17.4	18.9 (+8.6%)	19.0 (+0.5%)
				(or +9.2% on 2023–24 Original)

Aim

24 The aim is to provide representation to persons under a legal disability and to discharge the Official Solicitor’s duties as prescribed by the Official Solicitor Ordinance (Cap. 416) (OSO) and other enactments.

Brief Description

25 Under the OSO, the Director is appointed the Official Solicitor.

26 The Official Solicitor plays an important role in safeguarding the rights of those under a legal disability (i.e. mentally incapacitated persons and minors). He is also the Official Trustee pursuant to the Trustee Ordinance (Cap. 29) and may also act as the Judicial Trustee if appointed by the Court.

27 Cases falling within the scope of the Official Solicitor’s duties include wardship, adoptions, contempt cases, divorce and family cases, committee cases, Judicial and Official Trustee cases and grants of administration. A large proportion of the cases involving the work of the Official Solicitor includes representation of persons under a legal disability, representation of deceased persons’ estates in litigation and management of a number of trust funds. Where so directed by the Court, the Official Solicitor undertakes investigations and reports on matters such as complex custody and/or access issues.

28 The Official Solicitor also provides, upon requests by other government bureaux or departments, advice on matters such as custody, adoption and representation of children and comments on legislation which may have an impact on the provision of services by the Official Solicitor’s Office.

29 The Department generally met the aim of the programme in 2023.

30 The key performance measures in respect of the Official Solicitor’s Office are:

Indicators

	2022 (Actual)	2023 (Actual)	2024 (Estimate)
new cases received.....	337	304	300
cases concluded	258	337	300
active cases as at end of year	641	608	610

Matters Requiring Special Attention in 2024–25

31 During 2024–25, the Official Solicitor’s Office will continue to:

- enhance the efficiency and quality of its services; and
- promote understanding of the work of the Official Solicitor’s Office by strengthening communication with other government departments, non-governmental organisations and legal practitioners.

Head 94 — LEGAL AID DEPARTMENT

ANALYSIS OF FINANCIAL PROVISION

	2022–23 (Actual) (\$m)	2023–24 (Original) (\$m)	2023–24 (Revised) (\$m)	2024–25 (Estimate) (\$m)
Programme				
(1) Processing of Legal Aid Applications...	133.3	135.3	137.1	143.0
(2) Litigation Services	1,324.9	1,444.6	1,260.4	1,433.2
(3) Support Services.....	53.9	61.4	62.0	62.2
(4) Official Solicitor’s Office	17.1	17.4	18.9	19.0
	1,529.2	1,658.7	1,478.4 (–10.9%)	1,657.4 (+12.1%)
				(or –0.1% on 2023–24 Original)

Analysis of Financial and Staffing Provision

Programme (1)

Provision for 2024–25 is \$5.9 million (4.3%) higher than the revised estimate for 2023–24. This is mainly due to the increased provision for filling of vacancies and salary increments.

Programme (2)

Provision for 2024–25 is \$172.8 million (13.7%) higher than the revised estimate for 2023–24. This is mainly due to the increased provision for legal aid costs.

Programme (3)

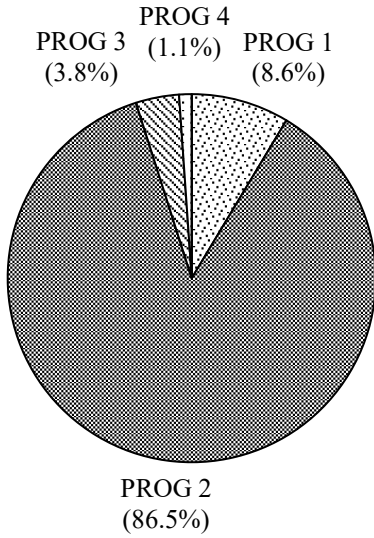
Provision for 2024–25 is \$0.2 million (0.3%) higher than the revised estimate for 2023–24. This is mainly due to the increased provision for personnel related expenses, partly offset by decreased provision for allowances and operating expenses.

Programme (4)

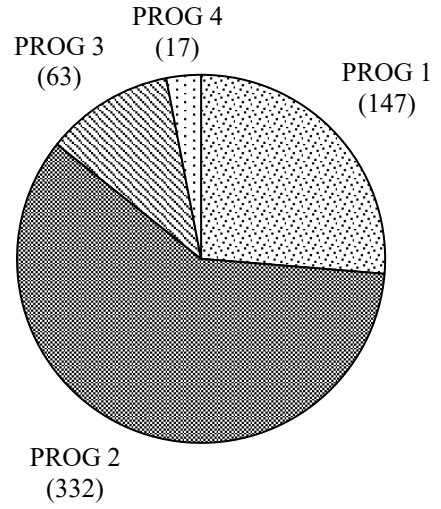
Provision for 2024–25 is \$0.1 million (0.5%) higher than the revised estimate for 2023–24. This is mainly due to the increased provision for filling of vacancies and salary increments, partly offset by the decrease in operating expenses.

Head 94 — LEGAL AID DEPARTMENT

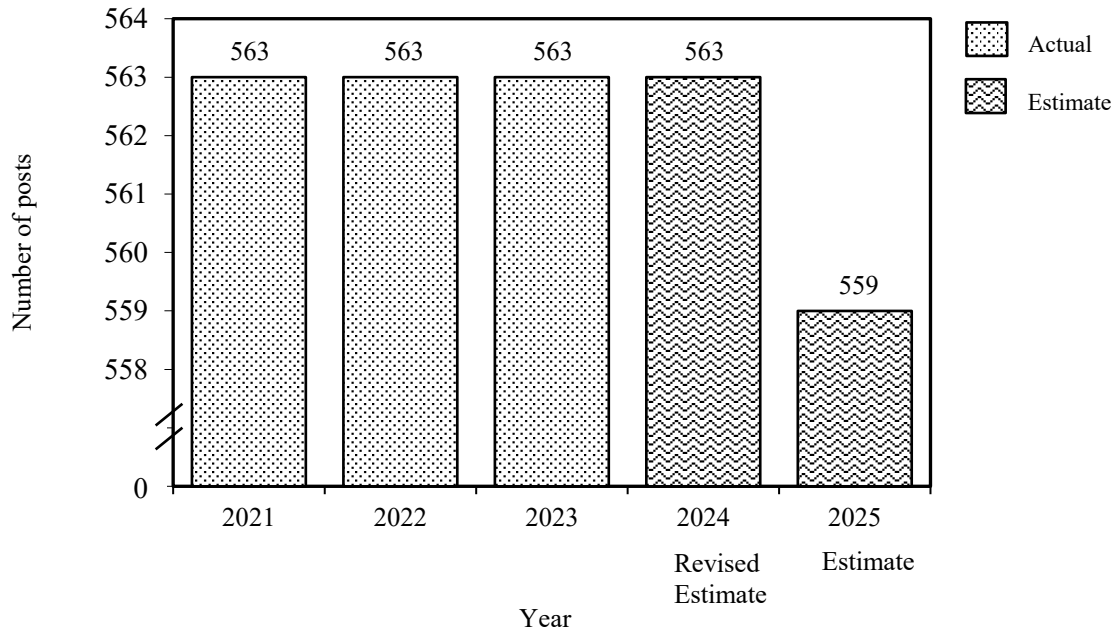
*Allocation of provision
to programmes
(2024-25)*



*Staff by programme
(as at 31 March 2025)*



*Changes in the size of the establishment
(as at 31 March)*



Head 94 — LEGAL AID DEPARTMENT

Sub-head (Code)	Actual expenditure 2022-23	Approved estimate 2023-24	Revised estimate 2023-24	Estimate 2024-25	
	\$'000	\$'000	\$'000	\$'000	
Operating Account					
Recurrent					
000	Operational expenses	370,620	386,426	388,448	401,483
208	Legal aid costs.....	1,158,582	1,272,230	1,090,000	1,255,920
	Total, Recurrent.....	<u>1,529,202</u>	<u>1,658,656</u>	<u>1,478,448</u>	<u>1,657,403</u>
	Total, Operating Account	<u>1,529,202</u>	<u>1,658,656</u>	<u>1,478,448</u>	<u>1,657,403</u>
<hr/>					
	Total Expenditure	<u><u>1,529,202</u></u>	<u><u>1,658,656</u></u>	<u><u>1,478,448</u></u>	<u><u>1,657,403</u></u>

Head 94 — LEGAL AID DEPARTMENT

Details of Expenditure by Subhead

The estimate of the amount required in 2024–25 for the salaries and expenses of the Legal Aid Department is \$1,657,403,000. This represents an increase of \$178,955,000 over the revised estimate for 2023–24 and \$128,201,000 over the actual expenditure in 2022–23.

Operating Account

Recurrent

2 Provision of \$401,483,000 under *Subhead 000 Operational expenses* is for the salaries, allowances and other operating expenses of the Legal Aid Department.

3 The establishment as at 31 March 2024 will be 563 permanent posts. It is expected that there will be a decrease of four posts in 2024–25. Subject to certain conditions, the controlling officer may under delegated power create or delete non-directorate posts during 2024–25, but the notional annual mid-point salary value of all such posts must not exceed \$301,344,000.

4 An analysis of the financial provision under *Subhead 000 Operational expenses* is as follows:

	2022–23 (Actual) (\$'000)	2023–24 (Original) (\$'000)	2023–24 (Revised) (\$'000)	2024–25 (Estimate) (\$'000)
Personal Emoluments				
- Salaries.....	316,991	325,207	326,720	335,964
- Allowances.....	4,518	3,903	5,376	3,954
Personnel Related Expenses				
- Mandatory Provident Fund contribution.....	982	1,385	1,196	1,463
- Civil Service Provident Fund contribution.....	23,118	26,223	25,448	28,630
Departmental Expenses				
- General departmental expenses	25,011	29,708	29,708	31,472
	370,620	386,426	388,448	401,483

5 Provision of \$1,255,920,000 under *Subhead 208 Legal aid costs* is for expenses related to legal aid and Official Solicitor cases. The increase of \$165,920,000 (15.2%) over the revised estimate for 2023–24 is to cater for the anticipated increase in legal aid costs for both civil and criminal cases.