

LCQ19: Applications for legal aid in respect of judicial review cases

Following is a question by the Hon Starry Lee Wai-king and a written reply by the Secretary for Home Affairs, Mr Tsang Tak-sing, in the Legislative Council today (October 19):

Question:

Regarding the legal aid services provided by the Legal Aid Department (LAD), will the Government inform this Council:

- (a) of the respective numbers of applications for legal aid in respect of judicial review (JR) cases received by LAD each year since 2001; among such applications, of the number of cases approved; the total amount of legal aid involved in such cases; the case which involved the highest amount of legal aid and the amount;
- (b) of the respective amounts of legal aid involved in the four JR cases in respect of: the Chong Fung Yuen case, the residential development project in the vicinity of Stage 8 of Mei Foo Sun Chuen, the Environmental Impact Assessment reports for the Hong Kong-Zhuhai-Macao Bridge, and the right of abode of foreign domestic helpers;
- (c) among the JR cases where legal aid was granted since 2001, of the respective numbers of cases where the solicitors or counsel were specified by the aided persons and those cases where LAD assigned the solicitors or counsel; whether LAD had rejected the solicitor or counsel specified by the aided person and assigned another solicitor or counsel to provide the service; if it had, of the number of such cases and the reasons why LAD rejected the solicitor or counsel specified by the aided person; and
- (d) among the JR cases where legal aid was granted since 2001, whether there were cases where the solicitors or counsel offered free legal services to the aided persons; if there were, of the number of such cases?

Reply:

President,

- (a) The number of legal aid applications received by the Legal Aid Department (LAD) in respect of judicial review cases and the number of cases with legal aid granted in the past 10 years are set out in the following table. LAD has not maintained a separate record on the legal aid costs spent on all judicial review cases.

Year	Number of applications in respect of judicial review	Number of cases with legal aid granted
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2001	147	20
2002	144	17
2003	146	20
2004	125	18
2005	180	24
2006	174	42
2007	234	99
2008	364	190
2009	552	200
2010	268	93

- (Note: Apart from legal aid applications for judicial review, LAD also receives applications for legal aid in relation to immigration related matters which may involve judicial review proceedings. However, LAD does not keep separate record on the number of such cases.)

- (b) Legal aid costs incurred in the four judicial review cases are as follows:

Case	Legal aid costs incurred (\$ million)
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Chong Fung Yuen	2.33
Residential development project in the vicinity of Stage 8 of Mei Foo Sun Chuen	0.26 (up to end September 2011)
Environmental Impact Assessment reports for the Hong Kong-Zhuhai-Macao Bridge	1.49 (up to end September 2011)
Right of abode of foreign domestic helpers	Judgment just been given. Cost figures are not yet available

(c) Amongst the judicial review cases mentioned in part (a), the number of cases where the assigned solicitors are assigned by LAD based on the aided person's nomination or as directly assigned by LAD are as follows:

Year	Number of cases	Number of cases where the solicitors are assigned by LAD based on the aided person's nomination	Number of cases where the solicitors are assigned by LAD
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2001	20	7	13
2002	17	11	6
2003	20	19	1
2004	18	17	1
2005	24	20	4

2006	42	39	3
2007	99	96	3
2008	190	184	6
2009	200	175	25
2010	93	88	5

LAD does not keep separate record on the number of cases where the assigned counsel are solely nominated by the aided persons. It only keeps record on the number of cases where the assigned counsel are nominated by the assigned solicitors or the aided persons. The relevant figures are as follows:

Year	Number of cases where the assigned counsel are nominated by the are assigned solicitors or the aided persons	Number of cases where the assigned counsel assigned by LAD
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2001	5	14
2002	6	11
2003	17	3
2004	15	1
2005	21	1
2006	39	1
2007	35	0
2008	43	2
2009	140	2
2010	55	1

LAD does not keep separate record on the number of cases in respect of which the aided persons made nominations but the nominations were declined.

(d) As far as LAD is aware, there are no such cases.

Ends/Wednesday, October 19, 2011

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