

LCQ1: Judicial review

Following is a question by the Hon Ronny Tong and a written reply by the Secretary for Justice, Mr Rimsky Yuen, SC, in the Legislative Council today (April 9):

Question:

Will the Government inform this Council, since the establishment of the Hong Kong Special Administrative Region:

(1) of the respective annual numbers of applications for judicial review (JR) (regardless of whether the Government is one of the litigating parties) and, among them, the numbers of cases in which leave was granted by the Court; and the respective percentages of those ruled in favour of or against the plaintiffs in JR cases;

(2) of the respective annual numbers of legal aid applications received and approved by the Legal Aid Department in respect of JR cases; and

(3) of the respective percentages of JR cases ruled in favour of or against the Government each year?

Reply:

President,

(1) Statistics provided by the Judiciary on applications for leave to apply for judicial review (JR) for the period from 1997 to 2013 are set out in Annex A.

(2) According to the Legal Aid Department (LAD), it has maintained statistics on legal aid applications for JR since 2001. Statistics provided by LAD on legal aid applications in respect of JR cases and the number of cases with legal aid granted from 2001 to 2013 are set out in Annex B.

(3) Regarding the JR cases heard in the Court of Final Appeal and the High Court from 1997 to 2013 in which the Government was involved, the respective percentages of outcome in favour of or against the Government each year are set out in Annex C.

Ends/Wednesday, April 9, 2014

Statistics provided by the Judiciary on Applications for Leave to Apply for Judicial Review (1997-2013)

Year	No. of Applications for Leave to Apply for Judicial Review filed (Judicial Review for Right of Abode cases are in brackets)	Outcome of Leave Applications (as at 24.2.2014)	
		Granted	Refused
1997	112 (NA)		
1998	105 (NA)		
1999	147 (NA)		
2000	2,752 (NA)		
2001	3,848 (3,732)		
2002	204 (102)		
2003	131 (6)		
2004	150 (4)		
2005	155 (6)		
2006	132 (0)		
2007	143 (0)		
2008	147 (0)	67	66
2009	144 (0)	67	72
2010	134 (0)	68	58
2011	103 (0)	51	40
2012	161 (0)	63	80
2013	182 (0)	38	72

Remarks

1. Statistics on number of judicial review for right of abode cases were not kept before 2001. Also, statistics on outcome of leave applications were not kept before 2008.
2. Statistics on outcome of leave applications may vary at different report generation date and time since they are live data. Such statistics only take into account the number of leave applications with leave granted or leave refused as at report generation date. There are also other cases with leave withdrawn or application transferred or pending for outcome for which they are not reflected herein.

Annex B

Statistics provided by the Legal Aid Department (LAD) on legal aid applications in respect of judicial review cases (2001 to 2013)

Year	Number of legal aid applications in respect of judicial review	Number of cases with legal aid granted for judicial review
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
2011	229	58
2012	506	92
2013	432	119

Note : Apart from the above legal aid applications for judicial review, LAD also receives applications for legal aid in respect of immigration related matters which may involve judicial review proceedings. However, LAD has not maintained separate record on the number of such cases.

Annex C

Percentages of outcome in favour of or against the Government in respect of JR cases heard in the Court of Final Appeal and the High Court in which the Government was involved (1997-2013)

Year	In Favour	Not in Favour
1997	69%	31%
1998	84%	16%
1999	79%	21%
2000	98%	2%
2001	64%	36%
2002	99.5%	0.5%
2003	86%	14%
2004	82%	18%
2005	78%	22%
2006	83%	17%
2007	80%	20%
2008	73%	27%
2009	72%	28%
2010	82%	18%
2011	71%	29%
2012	78%	22%
2013	68%	32%