

**Advisory Committee on
Legal Advice for Unrepresented Litigants**

Minutes of the 4th Meeting held on 14 November 2017

Date: 14 November 2017 (Tuesday)
Time: 5:00 – 6:00 p.m.
Venue: Room G18, Ground Floor, High Court Building,
38 Queensway, Hong Kong

Attendance

Chairman

Mr PANG Kin-kee, SBS

Members

Professor Anne CHEUNG

Mr Stephen HUNG

Miss Catherine YEN

Mr Andy HO

Mr Patrick LI, JP

Mr Chris CHONG, JP

Representative of the Judiciary

Representative of the Home
Affairs Bureau (“HAB”)

Representative of the Legal Aid
Department (“LAD”)

Secretary

Mr Gabriel PAK

Assistant Secretary (Civic
Affairs) (2)1, HAB

In attendance

Ms Karyn CHAN

Principal Assistant Secretary
(Civic Affairs) 2, HAB

Mrs May TAM

Centre-in-charge, Legal Advice
Scheme for Unrepresented
Litigants on Civil Procedures
Office

Absent with apologies

Ms Maggie CHAN

Mr Giles SURMAN

Mr Tony WAN

Ms Amarantha YIP

Opening Remarks

The Chairman welcomed all to the fourth meeting of the Advisory Committee on Legal Advice for Unrepresented Litigants (“Advisory Committee”). The Chairman introduced Mr Patrick LI, who had succeeded Mr Laurie LO as Deputy Secretary for Home Affairs, Mr Chris CHONG, who had succeeded Ms Alice CHUNG as Deputy Director of Legal Aid (Policy & Administration), and Mr Gabriel PAK, who had succeeded Miss Cassia YU as the Secretary of the Advisory Committee. The Chairman asked the Secretary to record a vote of thanks to Mr Lo, Ms Chung and Miss Yu for their contributions to the Advisory Committee.

Agenda Item 1: Confirmation of Minutes of Previous Meeting

2. The Chairman invited comments from members on the draft minutes of the third Advisory Committee meeting. There being no comments from members, the minutes were confirmed without amendments.

Agenda Item 2: Matters Arising

3. The Chairman invited the Secretary to report on matters arising from the previous meeting. The Secretary reported that, following the last Advisory Committee meeting held on 22 June 2017, the Secretariat informed Members vide Advisory Committee paper AC03/2017 circulated on 18 August 2017 that the Government was prepared to accept the office space of about 100 m² on the fourth floor of the Wan Chai Law Courts Building for setting up the proposed additional office for the Legal Advice Scheme for Unrepresented Litigants on Civil Procedures (“the Scheme”), having reviewed and assessed the two options identified by the Judiciary based on a site inspection and the operational experience of the existing office of the Procedural Advice Scheme. The paper also updated Members on the latest manpower and budget plan of the proposed additional office. Further updates on the additional office would be reported under agenda Item 4.

Agenda Item 3: Operation of the Legal Advice Scheme for Unrepresented Litigants on Civil Procedures (AC 04/2017)

4. The Chairman invited Mrs May TAM, Centre-in-charge of the Procedural Advice Scheme Office, to brief members on the operation of the Scheme. The salient points made by Mrs Tam were summarised as follows –

(a) Operational statistics

From the launch of the Scheme in March 2013 to 31 October 2017, the Scheme conducted 9 934 Quick Advice Sessions and 67 Appointment Advice Sessions (“AAS”) for 3 286 eligible litigants in person (“LIPs”) as at end October 2017. The average number of advice sessions conducted per LIP was around three.

As at end October 2017, 14 465 persons visited the Scheme office (i.e. according to the number of queue tickets issued) and 6 155 telephone enquiries were received. Details of the utilisation statistics of the Scheme collated from March 2013 to October 2017 were set out in Table A at Annex.

(b) Profile of litigants in person, nature of cases commenced and ineligible applications

According to the statistics collected from the commencement of the Scheme in March 2013 to 31 October 2017, 68.3% of the LIPs assisted had secondary or below education level; 56.3% were aged above 50; and 75.3% had an income below \$20,000 per month or \$240,000 per year. As some LIPs spoke languages other than Cantonese, Putonghua and English, the Scheme arranged 42 advice sessions with free interpretation services for LIPs in need.

During the six-month period from 1 May 2017 to 31 October 2017, among the cases where proceedings had already commenced and assisted by the Scheme, 41.9% were High Court (“HC”) cases; 32.1% were District Court (“DC”) cases; and 19.9% were Family Court (“FC”) cases.

There were 290 ineligible applicants during the six-month period. The major reasons for refusal included LIPs seeking advice on matters outside the scope of the Scheme or on behalf of limited companies, and failing to provide sufficient information.

(c) Exit survey completed by LIPs and complaints

Of the feedback surveys received from 1 May 2017 to 31 October 2017, 98.8% of respondents agreed that the advice provided by the Scheme answered or partly answered their questions; 98.6% indicated that they would seek assistance from the Scheme again if necessary; and 96.7% would recommend the Scheme to friends and relatives.

Survey respondents also provided reasons for not engaging lawyers for their cases. 71.7% indicated that they could not afford lawyers' fees; 7.1% indicated they had applied for legal aid but were rejected; and 6.6% indicated that they had the ability to conduct the proceedings without lawyers or they preferred not to engage lawyers in the proceedings.

(d) Community lawyers and student volunteers

As at end October 2017, there were 88 community lawyers enrolled under the Scheme and the number of student volunteers registered in the 2017/18 academic year was 83.

5. The Chairman thanked Mrs Tam for the report.

Agenda Item 4: Proposed Additional Office for the Legal Advice Scheme for Unrepresented Litigants on Civil Procedures (AC 05/2017)

6. The Chairman invited the Secretary to brief members on the latest progress of setting up the proposed additional office for the Scheme at the Wan Chai Law Courts Building. The Secretary reported that -

- (a) An office space of about 100 m² on the fourth floor of the Wan Chai Law Courts Building had been identified for setting up the proposed additional office. Subject to the necessary approval from relevant government departments, fitting-out works for

the new office would begin, with a view to commencing operation in the second half of 2018;

- (b) In terms of manpower, the proposed new office would include a total of six staff, i.e. two Resident Lawyers, one Executive Officer I (“EO I”), one Legal Assistant and two Assistant Clerical Officers (“ACO”). The two Resident Lawyers and one Legal Assistant would be recruited under the Post-retirement Service Contract Scheme (“PRSC Scheme”) and the civil service EO I and two ACO posts would be created and filled according to the established procedures; and
- (c) As for the budget plan, a provision of about \$3.1 million would be earmarked for 2017-18 for the operation of the additional office assuming that it would commence operation in the third quarter of 2018. For 2019-20 and onwards, a recurrent provision of \$4.0 million would be earmarked for the full-year operation of the additional office. The one-off capital provision required for the set-up and renovation of the new office in 2018-19 would be about \$2.3 million.

7. The Secretary also reported that, as announced in the Chief Executive’s 2017 Policy Address (“Policy Address”), the Government had reached consensus with the Judiciary on the relocation of the High Court Building to Site 5 of the new Central Harbourfront and the construction of a District Court Complex at Caroline Hill Road to house the DC, the FC and the Lands Tribunal. The Government would liaise with the Judiciary for reserving space for offices under the Scheme in its relocation projects accordingly.

8. Members took note of the updates and supported the acceptance of the proposed office space at the Wan Chai Law Courts Building for setting up the proposed additional office. Master Andy HO remarked that, following the proposed increase in the civil jurisdictional limits of the DC from \$1 million to \$3 million, the DC would handle more cases as some currently heard at the HC would be heard at the DC in future. Litigants involved in DC and FC cases would be able to benefit from the services provided by the proposed additional office in the Wan Chai Law Courts Building which housed the DC and the FC.

9. Mr Stephen HUNG noted that, in the light of the anticipated increase in cases handled by the DC in future, the additional Scheme office would possibly handle more cases than the existing office at the HC. Mr Hung suggested that, with the additional office handling LIPs involved in DC and FC cases, the existing office at the HC could consider taking up complicated and time-consuming cases in future, for instance AAS which were 45-minute long and mainly arranged for LIPs requiring interpretation services or LIPs involved in complicated cases, as a form of division of labour.

10. The Chairman and members agreed that publicity for the Scheme should be an ongoing effort, making use of various means including the Internet. Mr Hung noted that the majority of LIPs visiting the Scheme (96.1%) were aged above 30 and there would be room for planning publicity targeting the younger population. Professor Anne CHEUNG noted that the Scheme webpage was linked to the Community Legal Information Centre websites which provided useful information to LIPs, including how to bring or defend a civil case. Ms Karyn CHAN said that the Scheme webpage was undergoing revamp and publicity measures could be carried out to tie in with the opening of the additional Scheme office in late 2018.

11. On the recruitment of Resident Lawyers and Legal Assistant, Master Ho asked about the reason for recruitment under the PRSC Scheme. The Secretary said that LIPs would benefit from the services provided by retired or retiring civil servants who had considerable expertise and experience. It would also facilitate the transfer of experience and knowledge to other staff in the office as well as community lawyers and student volunteers. Ms Chan supplemented that, as the Scheme became a regular Government programme in 2016, there would be a need to convert the contract positions into civil service posts in the long run.

Agenda Item 5: Any other business

12. Mrs Tam briefed members on the implementation of improvement measures for the Scheme Office, including the Interactive Voice Response Telephone System which had come into operation since September 2017 for handling and managing telephone enquiries.

13. The Secretary briefed Members that, as announced in the Policy Address, the Chief Executive had decided to transfer the legal aid portfolio from the Home Affairs Bureau (“HAB”) to the Chief Secretary for Administration’s Office (“CSO”). The transfer would take effect after the necessary approval had been obtained from the Legislative Council. While HAB’s policy responsibilities on the provision of free legal advice services (including the Scheme) would also be transferred to CSO in conjunction with the transfer of the legal aid portfolio, the transfer would not affect the secretariat support provided to the Advisory Committee as well as the operation of the Scheme.

14. In view of the enhanced security to be implemented at the High Court Building and the security staff of the Judiciary rendering assistance to the Scheme office when needed, the Chairman and members noted that no additional security measures would be required for the Scheme office.

15. The Chairman noted that the next meeting would be held in mid-2018.

16. There being no further business, the meeting ended at 6:00 p.m.

**Secretariat,
Advisory Committee
on Legal Advice for Unrepresented Litigants
June 2018**