

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

Minutes of the 5th Meeting held on 27 June 2018

Date: 27 June 2018 (Wednesday)

Time: 5:30 – 6:20 p.m.

Venue: Room 2530, 25/F, Wanchai Tower, 12 Harbour Road, Wanchai¹

Attendance

Chairman

Mr PANG Kin-kee, SBS

Members

Ms Maggie CHAN

Miss CHENG Hui-kiu

Mr Patrick HUI

Mr Gary MAK

Mr Giles SURMAN

Mr Tony WAN

Ms Amarantha YIP

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 Jennifer CHAN

Deputy Director of Administration 2,
Chief Secretary for Administration's
Office (CSO)

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 (the Scheme)

¹ Advisory Committee had a visit to the additional office for the Scheme located on 4/F of the Wanchai Tower prior to the meeting.

Absent with apologies
Professor Anne CHEUNG
Miss Catherine YEN

Opening Remarks

The Chairman welcomed all to the fifth meeting of the Advisory Committee on Legal Advice for Unrepresented Litigants (Advisory Committee). The Chairman introduced Miss CHENG Hui-kiu, Mr Patrick HUI and Mr Gary MAK who were newly appointed to the Advisory Committee in April 2018 and attended the meeting for the first time. The Chairman also introduced Ms Jennifer CHAN, Deputy Director of Administration of CSO, who would be an official Member of the Advisory Committee, in place of Mr Patrick LI, following the transfer of the legal aid portfolio from HAB to CSO with effect from 1 July 2018. The Chairman asked the Secretary to record a vote of thanks to Mr Stephen HUNG who had retired from the Advisory Committee for his contributions.

Agenda Item 1: Confirmation of Minutes of Previous Meeting

2. The Chairman invited comments from Members on the draft minutes of the fourth 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 previous Advisory Committee meeting on 14 November 2017, HAB obtained the necessary approval from the Property Vetting Committee in early 2018 for setting up the additional office (including its fitting-out requirements). Fitting-out works for the additional office had been underway. Subject to the completion of fitting-out works and successful recruitment of staff, the new office was expected to commence operation in late 2018 or early 2019. Progress would be reported under Agenda Item 4.

Agenda Item 3: Operation of the Legal Advice Scheme for Unrepresented Litigants on Civil Procedures (AC 01/2018)

4. The Chairman invited Mrs May TAM, Centre-in-charge of the 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 30 April 2018, the Scheme conducted 11 064 Quick Advice Sessions and 71 Appointment Advice Sessions (AAS) for 3 615 eligible litigants in person (LIPs). The average number of advice sessions conducted per LIP was around three. Details of the utilisation statistics of the Scheme collated from March 2013 to April 2018 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 30 April 2018, 68.3% of the LIPs assisted had secondary or below education level; 56.0% were aged above 50; and 75.1% 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 45 advice sessions with free interpretation services for seven LIPs who were ethnic minorities.

During the six-month period from 1 November 2017 to 30 April 2018, among the cases where proceedings had already commenced and assisted by the Scheme, 42.1% were High Court (HC) cases; 31.5% were District Court (DC) cases; and 15.8% were Family Court (FC) cases.

There were 168 ineligible applicants during the six-month period. The major reasons for refusal included LIPs seeking advice on matters outside the scope of the Scheme and failing to provide sufficient information.

(c) **Exit survey completed by LIPs**

Of the feedback surveys received from 1 November 2017 to 30 April 2018, 98.3% of respondents agreed that the advice provided by the Scheme answered or partly answered their questions; 98.3% indicated that they would seek assistance from the Scheme again if necessary; and 96.0% would recommend the Scheme to friends and relatives.

(d) **Community lawyers and student volunteers**

As at end April 2018, there were 89 community lawyers enrolled under the Scheme and the number of student volunteers registered in the 2017/18 academic year was 91.

5. The Chairman thanked Mrs Tam for the report.

Agenda Item 4: Progress of the Additional Office for the Legal Advice Scheme for Unrepresented Litigants on Civil Procedures and Proposed Publicity Plan (AC 02/2018)

6. The Chairman invited the Secretary to brief Members on the progress of the additional office for the Scheme and the proposed publicity plan. The Secretary reported that, in addition to the fitting-out works underway, the Government was in the process of recruiting two Resident Lawyers and one Legal Assistant for the new office under the Post-retirement Service Contract Scheme. The Government proposed to carry out the following publicity measures to tie in with the opening of the office –

(a) **Pamphlets and posters:** Bilingual pamphlets and posters on the Scheme would be updated and delivered to the Judiciary, relevant government departments (including LAD and the Social Welfare Department (SWD)) and non-governmental organisations (NGOs) for distribution to potential clients and for display. Pamphlets in ethnic minority languages would also be updated;

(b) **Updating the Scheme webpage:** The Government would update the webpage of the Scheme and explore the addition of hyperlinks to relevant websites, including LAD, SWD, the Duty

Lawyer Service and the Community Legal Information Centre run by the University of Hong Kong;

- (c) **Informing the Judiciary and the Department of Justice:** In view of the proximity of the additional office to the DC and the FC, the Government proposed to approach the Judiciary for arranging a briefing for the Judges and Masters of the DC and FC to introduce the Scheme and invite them to continue to refer LIPs to the Scheme offices where appropriate;
- (d) **Briefing sessions for relevant Government departments:** The Government would conduct a new round of briefings for frontline officers of the Home Affairs Department and SWD, so that they would inform LIPs of the services and refer them to the Scheme office if necessary; and
- (e) **Visit to NGOs:** The Government planned to pay visits to various NGOs serving ethnic minorities to introduce the Scheme so that they could suitably convey the message to the communities of ethnic minorities about the opening of the additional office.

7. The Secretary reported that the publicity measures above would be implemented subject to Members' advice. The Government would consider publicity in the media, including interviews and visits or briefings for interested parties on a case-by-case basis. Moreover, the Government would inform the two legal professional bodies of the opening of the additional office and take the opportunity to invite their members to participate in the Scheme as community lawyers. Members took note of the updates on the additional office and the proposed publicity plan.

8. Further to the site visit before the meeting, Members agreed that consideration should be given to stepping up the security of the office. Members noted that, while the office would be equipped with security cameras and panic buttons similar to the existing office at the HC Building, the current layout of the additional office did not comprise an alternative exit for staff and users of the office. Having regard to operational, safety and security considerations, Members underlined the importance of having an alternative exit in the additional office in an emergency.

9. Mrs Tam explained that, in the course of finalising the office layout, the original rear exit of the office space was sealed upon the request of the Judiciary as it led to the restrictive area of the Judiciary. The Secretariat would duly convey Members' views to the Judiciary, explain the genuine operational needs of the office and explore the possibility of using and un-sealing the rear exit as a means of escape in the event of emergency (for instance a fire situation).

10. Miss Cheng noted during the site visit that the reception area in the office could only accommodate a limited number of LIPs and asked if the open area outside the office entrance could be used as a waiting area. Ms Karyn CHAN said that the Secretariat had previously put forward such a request to the Judiciary and would continue to follow up with the Judiciary on the possibility of making use of the area outside the office entrance as a waiting area with Members' support. The Chairman suggested that, if possible, fixed seats should be installed in the open area.

[Post-meeting note: The Secretariat wrote to seek the Judiciary's assistance in July 2018 in respect of having an alternative exit and placing some fixed seats outside the waiting area of the additional office. The Secretariat also took the opportunity to reiterate the request for the Judiciary to reserve space for the two Scheme offices in the relocation projects for the new HC building and DC building respectively. Updates from the Judiciary would be reported at the next Advisory Committee meeting.]

11. In addition to the publicity measures proposed for the additional office, Mr Hui suggested that signage and posters be put up in conspicuous locations in the Wanchai Tower so that members of the public (especially LIPs) would be aware of the services of the Scheme and could locate and visit the office easily.

Agenda Item 5: Any other business

12. The Chairman noted that the next meeting would be held in late 2018.

13. There being no further business, the meeting ended at 6:20 p.m.

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