

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

Minutes of the 6th Meeting held on 20 December 2018

Date: 20 December 2018 (Thursday)

Time: 5:00 – 6:00 p.m.

Venue: Room G18 (Ground Floor), High Court Building

Attendance

Chairman

Mr PANG Kin-kee, SBS

Members

Ms Maggie CHAN, MH, JP

Mr Patrick HUI

Mr Gary MAK

Miss Catherine YEN

Mr Andy HO

Ms Jennifer CHAN, JP

Mr Chris CHONG, JP

Representative of the Judiciary

Representative of the Chief Secretary
for Administration's Office (CSO)

Representative of the Legal Aid
Department (LAD)

Secretary

Mr Gabriel PAK

Assistant Secretary (Administration) 4,
CSO

In attendance

Mr Nicholas CHAN

Assistant Director of Administration 2,
CSO

Mrs May TAM

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

Absent with apologies

Miss CHENG Hui-kiu

Professor Anne CHEUNG

Mr Giles SURMAN

Mr Tony WAN

Ms Amarantha YIP

Opening Remarks

The Chairman welcomed all to the sixth meeting of the Advisory Committee on Legal Advice for Unrepresented Litigants (Advisory Committee), which was its first meeting since CSO took up the legal aid portfolio from the Home Affairs Bureau on 1 July 2018. The Chairman introduced Mr Nicholas CHAN, who had succeeded Ms Karyn CHAN as Assistant Director of Administration 2 and attended the meeting for the first time. The Chairman asked the Secretary to record a vote of thanks to Mr Patrick LI, Deputy Secretary for Home Affairs (1), and Ms Karyn CHAN for their contributions.

Agenda Item 1: Confirmation of Minutes of Previous Meeting

2. The Chairman invited comments from Members on the draft minutes of the fifth 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 27 June 2018, fitting-out works for the additional Scheme office located at the Wanchai Tower were near completion. Subject to the completion of fitting-out works, the new office would be expected to commence trial run in mid-February 2019 and formal operation in March 2019. Progress of the new office would be reported under Agenda Item 4.

Agenda Item 3: Operation of the Legal Advice Scheme for Unrepresented Litigants on Civil Procedures (AC 03/2018)

4. The Chairman and Members discussed the operation of the Scheme and noted that –

(a) Operational statistics

From the launch of the Scheme in March 2013 to 31 October 2018, the Scheme conducted 12 285 Quick Advice Sessions and

76 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 October 2018 were set out in Table A at Annex of the paper.

(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 2018, 68.4% of the LIPs assisted had secondary or below education level; 55.0% were aged above 50; and 75.2% had an income below \$20,000 per month or \$240,000 per year. To cater for the language needs of LIPs from ethnic minorities, the Scheme arranged free interpretation services for a total of 49 advice sessions for seven LIPs during the above period.

During the six-month period from 1 May to 31 October 2018, among the cases where proceedings had already commenced and assisted by the Scheme, 43.8% were High Court (HC) cases; 23.6% were District Court (DC) cases; and 16.3% were Family Court (FC) cases.

There were 172 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 May to 31 October 2018, 98.6% of respondents agreed that the advice provided by the Scheme answered or partly answered their questions; 99.0% 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 of October 2018, there were 99 community lawyers

enrolled under the Scheme and the number of student volunteers registered in the 2018/19 academic year was 75.

5. Ms Maggie CHAN noted that 99 voluntary lawyers had enrolled as community lawyers under the Scheme and asked when their service would be required by the Scheme office. Mrs May TAM, Centre-in-charge of the Scheme Office, said that a community lawyer would be engaged either to stand in for a Resident Lawyer on leave or to provide additional support when the office anticipated that more LIPs would seek procedural legal advice from the office on a particular day. Mrs Tam explained that, as a general rule, the Scheme office would approach a community lawyer and make necessary arrangements as early as practicable.

6. Members enquired whether community lawyers would be given continuing professional development (CPD) points by the Law Society of Hong Kong (Law Society) for their pro bono services under the Scheme. Ms Jennifer CHAN said that the Government was most appreciative of the continuous support of the legal professionals in providing volunteer legal services to the community. In order to give more recognition to legal professionals taking part in pro bono work, the Government had proposed for the Law Society's consideration that publicly funded pro bono legal services (including our Scheme and the Free Legal Advice Scheme operated by the Duty Lawyer Service) be included as part of its CPD Scheme. Ms Chan said that the Government would follow up the proposal with the Law Society.

Agenda Item 4: Progress of the Additional Office for the Scheme (AC 04/2018)

7. The Chairman invited the Secretary to brief Members on the progress of the additional Scheme office located at the Wanchai Tower. The Secretary provided a visual update by presenting photos of the new office. Members noted the following developments –

- (a) **Fitting-out works:** Fitting-out works for the new office were near completion. Office furniture and computer servers were already in place in the office space, with a view to commencing trial run in mid-February 2019 and formal operation in March 2019;

- (b) **Request for alternative exit for the new office and fixed seats at the waiting area:** The Judiciary had responded positively to the requests raised by the Advisory Committee in respect of having an alternative exit for the new office and placing fixed seats at the waiting area outside the new office. The Judiciary had considered the genuine operational needs of the office and agreed to un-sealing the rear exit as a means of escape in the event of emergency, on the understanding that the rear exit would only be used in an emergency to ensure safe and speedy evacuation.

Moreover, the Judiciary had also agreed to the proposal to provide seats outside the new office to accommodate more visiting LIPs at the waiting area. Having taken into account spatial considerations including the accessibility of the area, the Judiciary had agreed to placing eight seats in the waiting area. In order to save the costs of the installation works and minimise the disruption to the operation of the courts, it was proposed that interlocking but movable chairs be used in lieu of seats fixed on the floor.

- (c) **Other security measures:** To enhance the security of the new office, the Secretariat would explore with the Judiciary the feasibility of connecting the panic buttons installed in the new office to the office of the Police officers stationed at the Wanchai Tower. In the event of an emergency, Police officers would be alerted at the first instance and be able to arrive at the office as soon as possible.
- (d) **Recruitment of staff and manpower situation of the office:** One Resident Lawyer and one Legal Assistant had reported for duty and started to understudy. The civil service Executive Officer I and two Assistant Clerical Officer posts had also been filled.

8. Members noted that one of the Resident Lawyer positions at the new office could not be filled as one candidate selected in the recent recruitment exercise had declined the appointment offer. The Scheme office would, in the meantime, flexibly deploy manpower having regard to operation needs and engage community lawyers as a stopgap measure until the Resident Lawyer would be on board.

9. Master Andy HO said it would be helpful for the Scheme (especially the Wanchai Office) to identify community lawyers with ample experience in the FC. In this connection, the Scheme office may contact the Law Society's Family Law Committee and the Hong Kong Family Welfare Society to tap their pool of lawyers and invite them to join our Scheme as community lawyers. Ms Maggie CHAN added that another source of community lawyers with the relevant FC experience would be the Small and Medium Law Firms Association of Hong Kong.

10. On the publicity measures relating to the new office, Members noted that, among other initiatives, the Scheme office was liaising with the Judiciary for arranging a briefing on the Wanchai office for the Judges and Masters of the DC and FC in early 2019. To ensure that more LIPs involved in DC and FC cases would benefit from the services of the Scheme, Mr Patrick HUI said that a referral service could be established between the Judiciary's Integrated Mediation Office (located also at the Wanchai Tower) and the new Wanchai Office of the Scheme.

Agenda Item 5: Proposed Inclusion of Appeals to the High Court and Enforcement Actions for Cases Determined in the Labour Tribunal and the Small Claims Tribunal by the Scheme (AC 05/2018)

11. The Chairman invited Mrs Tam to brief Members on the proposal to include appeals to the HC and enforcement actions emanating from cases already determined in the Labour Tribunal (LT) and the Small Claims Tribunal (SCT) be included by the Scheme and implemented at the same time as the new Scheme office at the Wanchai Tower would commence operation in the first quarter of 2019.

12. Members noted that the inclusion of the appeal and enforcement of awards from the LT and the SCT would be a minor tweak which served to remove any confusion to LIPs that, while commencement of proceedings in the DC and the HC were included in the scope of the Scheme, appeal or enforcement of awards from the said tribunals which also involved civil proceedings in the DC and the HC were excluded from the Scheme. Members also noted that the Scheme office would be able to absorb the additional workload arising from the implementation of the proposal (if any) as the impact on the workload of the Scheme was expected to be insignificant.

13. Members endorsed the proposal as set out in the discussion paper.

Agenda Item 6: Any other business

14. The Chairman noted that the next meeting would be held in mid-2019.

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

**Secretariat,
Advisory Committee
on Legal Advice for Unrepresented Litigants
June 2019**