

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

Minutes of the 8th Meeting held on 9 December 2019

Date: 9 December 2019 (Monday)

Time: 5:00 – 6:00 p.m.

Venue: Room G18, High Court Building, 38 Queensway, Hong Kong

Attendance

Chairman

Mr PANG Kin-kee, SBS

Members

Professor Anne CHEUNG

Mr Patrick HUI

Mr Gary MAK

Mr Giles SURMAN

Ms Amarantha YIP

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

Ms Alice CHUNG

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

Mr Lawrence CHUNG

Executive Officer (Procedural Advice
Scheme Office) (EO(PASO))

Absent with apologies

Ms Maggie CHAN, MH, JP

Miss CHENG Hui-kiu
Mr WAN Wai-ming
Miss Catherine YEN

Opening Remarks

The Chairman welcomed all to the eighth meeting of the Advisory Committee on Legal Advice for Unrepresented Litigants (Advisory Committee).

Agenda Item 1: Confirmation of Minutes of Previous Meeting

2. The draft minutes of the seventh meeting had been circulated to Members for comments. A textual comment proposed in paragraph 5(c) had been received and incorporated. As Members had no further comment, the minutes of the seventh Advisory Committee meeting were confirmed without further amendments.

Agenda Item 2: Matters Arising

3. The Chairman invited the Centre-in-charge to report on matters arising from the previous meeting. The Centre-in-charge reported that, following the last Advisory Committee meeting, a new Resident Lawyer was recruited and posted to the Wanchai Office since 11 November 2019. With the new Resident Lawyer on board, the Scheme now had four Resident Lawyers with two of them at each office (i.e. Admiralty Office and Wanchai Office). Meanwhile, the Scheme Office would continue to invite Community Lawyers to conduct advice sessions as and when appropriate.

4. Separately, the Centre-in-charge reported that another recruitment exercise to fill an imminent Legal Assistant vacancy would commence shortly. The successful applicant, who would be posted to the Admiralty Office, would be responsible for vetting application forms and confirming whether an application could meet the criteria for the Scheme before referring it to the Centre-in-charge or a Resident Lawyer. In terms of the manpower of the Scheme offices, Members noted that each Office consisted of two Resident Lawyers, one Legal Assistant and two Assistant Clerical Officers (while both Offices were overseen by the Centre-in-charge and supported by EO(PASO)).

5. On the publicity front, the Centre-in-charge reported that posters and pamphlets had been sent to the Home Affairs Enquiry Centres across the 18 districts for distribution to the public with a view to enhancing public awareness and understanding of the Scheme. Moreover, the Scheme Office was in the process of updating the pamphlets for ethnic minorities in ten different languages, and planned to send the updated pamphlets to relevant non-governmental organisations and upload the pamphlets on the Scheme website in the first quarter of 2020. The website of the Scheme Office would also be updated to include links to relevant legal information and legal assistance schemes provided by other organisations in order to facilitate public access to such information.

6. The Handbook for the Community Lawyers was also updated to include information on the opening of the Wanchai Office in February 2019, and also the transfer of the legal aid portfolio from the Home Affairs Bureau to CSO which took effect on 1 July 2018.

7. The terms and conditions of the Scheme were also updated recently. To ensure effective and efficient service by the Scheme's Lawyers, applicants were required under the new terms and conditions to clearly state in advance their intended questions in detail in the application form and provide the relevant documents. The Scheme's Lawyers would not respond to any unanticipated questions raised or new documents provided during the advice session, and the applicants would need to seek advice on those new questions and/or documents in a later and separate advice session.

8. The Centre-in-charge also reported that, while there was a drop in the number of litigants in person (LIPs) visiting our office for advice during the height of traffic disruption caused by public order events in the past several months, the number of LIPs returned to the normal level soon after the traffic condition resumed normal.

Agenda Item 3: – Operation of the Legal Advice Scheme for Unrepresented Litigants on Civil Procedures (AC 03/2019)

9. The Chairman invited the Centre-in-charge to update Members on the operation of the Scheme. Members noted that –

- (a) **Utilisation:** From 1 January to 31 October 2019, the Scheme Office conducted 2 665 Quick Advice Sessions (QASs) and one

Appointment Advice Session (AAS). During the period, the average number of advice sessions conducted per day was around 13. The increase in tickets issued, applications processed and advice sessions conducted could be attributed to the opening of the additional (Wanchai) Scheme Office in February 2019. Members noted that, while the Wanchai Office handled more cases than the Admiralty Office, cases handled by the Wanchai Office would mostly be at the District Court or Family Court levels and hence were usually less complicated than those handled by the Admiralty office.

Ms Amarantha YIP asked about the difference in the numbers of tickets issued (5 742 tickets) and applications processed (2 926 cases) by the Scheme. The Centre-in-Charge explained that the number of tickets issued was higher because it included cases refused (658 cases) as well as simple enquiries which could be handled without the need for an advice session.

In response to Professor Anne CHEUNG's question on the drop in the number of AASs conducted in recent years, the Centre-in-charge explained that AASs were mainly arranged for LIPs who required interpretation service to be arranged by our office (instead of for more complicated cases). When the Scheme was launched in 2013 on a pilot basis, QAS was set to be completed within 15 minutes. However, when the Scheme was regularised in 2016, it was noted that the duration of nearly 40% of QASs conducted were longer than 15 minutes and completed within 30 minutes. This was because in practice the Scheme lawyers would normally complete all the LIP's stated enquiries even if the session had exceeded the stated 15 minutes, rather than to end it immediately. In view of this finding and in response to the Chairman's enquiry, the Centre-in-Charge advised that the Scheme Office would, for the sake of clarity, consider renaming the advice sessions as well as the duration of each advice session.

[Post-meeting note: With effect from 2 January 2020, the Scheme classified and renamed both QAS and AAS as Advice Session (AS). The duration of each AS would normally last no more than 30 minutes.]

- (b) **Profile of LIPs:** From 1 January to 31 October 2019, 67% of eligible LIPs attained secondary or below education level.

About half of the eligible LIPs were aged over 50 (47%). 77% of eligible LIPs were with monthly income less than \$20,000. 18% of eligible LIPs had applied for legal aid but not been granted.

- (c) **Court Cases Already Commenced:** From 1 January to 31 October 2019, nearly 71% were District Court or Family Court Cases and 21% were Court of First Instance cases. Only 7% were Court of Appeal or Court of Final Appeal cases, and less than 1% were Lands Tribunal cases.

In response to Member's enquiry on the reason of the drop in number of High Court cases handled by the Scheme, the Chairman explained that it could be the Judiciary's increase in the jurisdictional limit of the District Court which took effect in December 2018.

- (d) **Exit Survey:** 99% of respondents agreed that the advice provided by the Scheme answered or partly answered their questions. 97% of respondents indicated that they would seek assistance from the Scheme again if necessary; 94% of respondents would recommend the Scheme to their friend and relatives.
- (e) **Complaints:** From 1 January to 31 October 2019, there were nine complaints received. All complaints were investigated and found to be unsubstantiated with no follow-up action required.

Agenda Item 4: Any other business

10. The Chairman invited Mr Giles SURMAN to share his experience in dealing with LIPs involving Family Court Cases. Mr Surman said that for those cases he handled with the other side involving LIPs, nearly all of them had sought the services of the Scheme. He also learned from the Judges that they found the services provided by the Scheme useful.

11. Mr Patrick HUI asked why most of the Community Lawyers were barristers instead of solicitors. The Centre-in-charge said that the Law Society had reservation on the Scheme initially and hence perhaps was more reluctant to promote the Scheme to their members actively. As a result, not many practising solicitors had enrolled as Community

Lawyers. Mr Hui said that he considered the Scheme helpful to the general public and would try to promote the Scheme to other practising solicitors.

12. Mr Andy HO said that as the representative of the Judiciary, he would like to invite the Scheme to consider extending the scope of service to include non-contentious probate, which was excluded from the Scheme at its inception as no litigant would be involved in these matters. He said that in the past few years, the Judiciary noted that there was an increase in applicants acting in person and most of them came from underprivileged backgrounds.

13. The Chairman invited Mr Ho to provide more information about the situation and the relevant statistics, so that the Advisory Committee could deliberate on the matter. If the Scheme was extended to cover non-contentious probate matters, there would be significant resource implications to the Scheme Office, particularly in office space. The Centre-in-charge agreed that, considering the existing size and scale of both Offices, any significant expansion to the scope of service would not be feasible. Moreover, if non-contentious probate matters were covered by the Scheme, there might be calls for further expanding the scope of services to include other types of non-contentious matters, for instance, petition for self-bankruptcy under the Scheme.

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

**Secretariat,
Advisory Committee
on Legal Advice for Unrepresented Litigants
February 2020**