

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

**Minutes of the 1<sup>st</sup> Meeting held on 15 June 2016**

Date: 15 June 2016 (Wednesday)  
Time: 5:00 – 6:35 p.m.  
Venue: Room G18, Ground Floor, High Court Building,  
38 Queensway, Hong Kong

**Attendance**

Chairman

Mr PANG Kin-kee, SBS

Members

Ms Maggie CHAN, MH, JP

Prof. Anne CHEUNG

Mr Tony WAN

Miss Catherine YEN

Ms Amarantha YIP

Mr Giles SURMAN

Mr Stephen HUNG

Mr Andy HO

Mr Laurie LO, JP

Ms Alice CHUNG, JP

Representative of the Judiciary

Representative of the Home  
Affairs Bureau (HAB)

Representative of the Legal Aid  
Department (LAD)

Secretary

Miss Katherine KWOK

Assistant Secretary (Civic  
Affairs) (2)2 (Acting) / Executive  
Officer (2), HAB

In attendance

Ms Karyn CHAN

Principal Assistant Secretary  
(Civic Affairs)2, HAB

Mrs May TAM

Centre-in-charge, The Procedural  
Advice Scheme Office

Ms Carmen HO

Resident Lawyer (1), The

## Procedural Advice Scheme Office

**Opening Remarks**

The Chairman welcomed all to the first meeting of the Advisory Committee on Legal Advice for Unrepresented Litigants (“Advisory Committee”) and introduced members and officers attending the meeting.

**Agenda Item 1: Terms of Reference and Meeting Arrangements (Paper AC 01/2016)**

2. The Chairman took members through the terms of reference of the Advisory Committee and the following meeting arrangements–

- (a) the Committee would meet on a half-yearly basis and the next meeting would be held towards the end of this year;
- (b) the quorum of the meeting was no less than half of the total number of members (including the Chairman); and
- (c) a two-tier reporting system for declaration of interests would be adopted and members might refer to Annex B to the paper for details.

3. There being no comments from members, the terms of reference and meeting arrangements as set out in the paper were endorsed.

**Agenda Item 2: Operation of the Legal Advice Scheme for Unrepresented Litigants on Civil Procedures (Paper AC 02/2016)**

4. The Chairman said that the Pilot Scheme to Provide Legal Advice for Litigants in Person (“the Pilot Scheme”) was launched in March 2013 to address the needs of unrepresented litigants for legal advice on procedural matters in civil cases. Following the successful implementation of the Pilot Scheme, the Advice Scheme for Unrepresented Litigants on Civil Procedures (“Procedural Advice Scheme” or “the Scheme”) had been included as a regular Government programme starting from April 2016. The Chairman invited Mrs May TAM, Centre-in-charge of the Procedural Advice Scheme Office, to brief members on operation of the Scheme. The salient points were summarised as follows –

(a) *Scope of the Scheme*

The scope of the Scheme covered both the commencement of proceedings and cases that had already been commenced in the Lands Tribunal (“LT”), District Court (“DC”), Family Court (“FC”), High Court (“HC”) and the higher courts. A litigant in person (“LIP”) who satisfied the income eligibility limit and had not engaged lawyers nor been granted legal aid could seek procedural advice at the Scheme Office. The scope of the Scheme was further expanded in September 2015 to cover commencement of proceedings, joinder of action and LT cases;

(b) *Advice session*

There were two types of sessions, namely quick advice session (“QAS”) and appointment advice session (“AAS”). AASs were mainly arranged for ethnic minorities who required interpretation service and LIPs involved in very complicated cases;

(c) *Operational statistics*

Since the commencement of the Scheme, 2 048 LIPs were served. Among the LIPs assisted, about 71% of them had secondary or below education level; 59% were aged above 50; and 77% had an income below \$20,000 per month. More than 6 000 QASs and 42 AASs relating to 2 300 court cases had been conducted, among which 47% were DC or FC cases, and 46% were HC cases. The split between DC/FC and HC cases was similar before and after the expansion of service.

There were about 1 200 ineligible applications. The major reason for refusal before the scope expansion was that court proceedings had not commenced. With the expansion of the scope to cover the commencement of action, the main reason for refusal was that applicants could not provide sufficient information about their cases;

(d) *Community lawyers and student volunteers*

There were 57 community lawyers (48 barristers and 9 solicitors) enrolled under the Scheme to help conduct advice sessions. Law students were also invited to observe the advice sessions and they in general found the experience useful;

(e) *Feedback from the LIPs*

While around 98% of the survey respondents were satisfied with the service, 26 complaints from 14 LIPs were received. The complaints were investigated by the Home Affairs Bureau (“HAB”) and found to be unsubstantiated. No follow-up action was required; and

(f) *Expansion of the scope of the scheme since September 2015*

Comparing the utilisation rate of the Scheme before and after the expansion, there was a significant increase in the number of visitors (by 36%), number of QASs conducted (by 35%) and number of telephone enquiries (by 136%).

The scope of the Scheme was expanded in September 2015 to cover commencement of proceedings, joinder of action and LT cases. More than a quarter (i.e. 29%) of the total case files were opened on commencement of action since the scope expansion. As for joinder of action and LT cases, the number of advice sessions conducted was smaller. A total of 10 Labour Tribunal (“LBT”) cases and 48 Small Claims Tribunal (“SCT”) cases were rejected because they were outside the scope of the Scheme.

5. The Chairman considered that the location of the LT might be one of the reasons accounting for the small number of cases handled by the Scheme Office. Sufficient information and statistics would be required for considering any proposal to further expand the scope of the Scheme. Relevant issues including the availability of office space and manpower support should also be taken into account. Besides, the Judiciary’s plan to increase the financial jurisdictional limit of the DC from \$1 million to \$3 million would have implications on the operation of

the Scheme. The Chairman invited members to offer comments on the various operational issues.

6. Deliberations of the meeting were summarised as follows –
  - (a) Since the procedures involved in SCT and LBT were simple and without many formalities, members agreed not to expand the scope of the Scheme to cover SCT and LBT, but would review the inclusion of appeals and enforcement of SCT and LBT awards in future. Members also noted that complicated tribunal cases would be transferred to DC if necessary and eligible LIPs could seek advice from the Scheme or apply for legal aid in such cases;
  - (b) If the financial jurisdictional limit of the DC was to be increased from \$1 million to \$3 million, it was expected that a large number of cases currently heard at the HC would be heard at the DC instead. The demand for the advice service under the Scheme from LIPs involved in DC cases was also expected to increase. Statistics such as the number of cases involving \$3 million or below handled by the HC as well as a comparison between the percentage of LIPs involved in HC cases seeking advice under the Scheme and that of LIPs involved in DC/FC cases might be collated to facilitate assessment of the demand;
  - (c) Matrimonial cases only accounted for about one-fifth of the total number of the advice sessions provided by the Scheme. The distance between the FC and the Scheme office at the HC Building might have deterred the LIPs from visiting the Scheme Office. It would be useful if the Scheme Office might consider collecting relevant statistics such as telephone enquiries related to matrimonial cases to help assess the hidden service demand;
  - (d) following the discussion on the hidden demand of LIPs involved in DC/FC cases and the possible increase in jurisdiction of the DC, there appeared to be a need to set up an additional Scheme Office in the DC Building or in its vicinity. This would also help address the issue of insufficient working space of the current Scheme Office.

7. A member asked about the feasibility of providing telephone advice or written advice instead of face-to-face QAS to address the concern about office space. Members considered that lawyers should be given an opportunity to read the relevant documents before tendering advice. It would also be difficult to ascertain the identity of LIPs over the phone. After discussion, members agreed not to pursue the idea and to focus on seeking more office space.

8. The Chairman suggested and members agreed that the Judiciary be approached for collection of statistics available and a proposal on setting up an additional Scheme Office be prepared for consideration at the next meeting.

(Action: Secretariat)

### **Agenda Item 3: Promotion of the Legal Advice Scheme for Unrepresented Litigants on Civil Procedures and Recruitment of Community Lawyers (Paper AC 03/2016)**

9. The Chairman said that there were two main target groups of promotion, i.e. potential users and community lawyers. On the former, Mrs Tam reported on the various publicity measures carried out so far, including issuing pamphlets and posters, media briefing, interviews. The Chairman noted that members might receive invitations to media interviews from time to time and suggested that such invitations be referred to HAB through the Scheme Office for follow-up action.

10. Mrs Tam reported that quite a number of the LIPs who sought advice at the Scheme Office were referred by Masters, Judges, Court Registries and the Legal Aid Department. Members noted that LAD had assisted in distributing pamphlets of the Scheme to legal aid applicants as part of the publicity programmes of the Scheme.

11. Mrs Tam reported that potential users might also visit District Offices of the Home Affairs Department, Courts and the Resource Centre run by the Judiciary to make enquiries. A member suggested that the Scheme Office might consider stepping up liaison with the District Councils such as arranging briefings on the Scheme for District

Councillors.

12. As for recruitment of pro bono lawyers, members agreed that appeal letters should be issued to the Hong Kong Bar Association, the Law Society of Hong Kong, the Small and Medium Law Firms Association of Hong Kong and the law firms awarded in the Home Affairs Bureau's Recognition Scheme for Provision of Pro Bono Legal Services 2015. The legal professional bodies and law firms would also be invited to publicise the Scheme in their circulars or "yellow pages" to encourage their members and staff to participate in the Scheme.

(Action: Secretariat)

13. Members discussed and agreed that the honorarium rates for community lawyers, i.e. \$500 for a two-hour session and \$1000 for a four-hour session be maintained.

**Agenda Item 4: Any other business**

14. A member enquired about the number of complaints lodged by LIPs. The Chairman said that a total of 26 complaints were received from 14 LIPs between March 2013 and April 2016. Mrs Tam added that the complaints were referred to HAB and found to be unsubstantiated after investigation.

15. There being no further business, the meeting ended at 6:35 p.m.

**Secretariat,  
Advisory Committee  
on Legal Advice for Unrepresented Litigants  
December 2016**