

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

Minutes of the 2nd Meeting held on 15 December 2016

Date: 15 December 2016 (Thursday)
Time: 5:00 – 5:40 p.m.
Venue: Room G18, Ground Floor, High Court Building,
38 Queensway, Hong Kong

Attendance

Chairman

Mr PANG Kin-kee, SBS

Members

Mr Stephen HUNG

Mr Giles SURMAN

Mr Tony WAN

Ms Amarantha YIP

Miss Catherine YEN

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 Cassia YU

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

In attendance

Ms Karyn CHAN

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

Mrs May TAM

Centre-in-charge, The Procedural
Advice Scheme Office

Opening Remarks

The Chairman welcomed all to the second meeting of the Advisory Committee on Legal Advice for Unrepresented Litigants (“Advisory Committee”) and introduced to members the Secretary of the Advisory Committee, Miss Cassia YU, who attended the meeting for the first time.

Agenda Item 1: Confirmation of Minutes of Previous Meeting

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

Agenda Item 2: Matters Arising

3. The Chairman said that members had discussed and agreed at the previous meeting the setting up of an additional office for the Legal Advice Scheme for Unrepresented Litigants on Civil Procedures (“the Scheme”) in the Wanchai Law Courts Building or its proximity (paragraphs 5 and 8 of the minutes of meeting). The Chairman noted that the proposal for an additional office was set out in paper AC 05/2016 which would be discussed under Agenda Item 4.

4. As regards paragraph 12 of the minutes of meeting, the Chairman said that appeal letters for recruitment of community lawyers for the Scheme had been issued to the Law Society of Hong Kong, the Bar Association of Hong Kong and other relevant parties. The Chairman noted that while the number of community lawyers had increased, more community lawyers would be required if an additional office was to be set up in the future.

Agenda Item 3: Operation of the Legal Advice Scheme for Unrepresented Litigants on Civil Procedures (AC 04/2016)

5. The Chairman invited Mrs May TAM, Centre-in-charge of the Procedural Advice Scheme Office, to brief members on the operation of the Scheme since it became a regular Government programme in April 2016. The salient points made by Mrs Tam were summarised as

follows –

(a) *Operational statistics*

Comparing the six-month periods before and after the Scheme became a regular programme, there was an increase in the numbers of telephone enquiries (by 65.7%), applications processed (by 7.9%) and advice sessions conducted (by 7.8%). As set out in Table A of the Annex, there was a continuous increase in various operational statistics of the Scheme, in particular the number of telephone enquiries, since the Scheme commenced in March 2013.

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

The statistics on the profile of litigants in person (“LIPs”) assisted by the Scheme remained steady over the years since the commencement of the Scheme. According to the statistics collected from 1 April 2016 to 31 October 2016, over 60% of the LIPs assisted had secondary or below education level; more than 50% were aged above 50; and over 70% had an income below \$20,000 per month. About 20.4% of the LIPs who registered for the Scheme between April 2016 and October 2016 indicated that they had applied for legal aid and some of them (i.e. 35%) were waiting for the result.

As for cases where proceedings had already been commenced and assisted by the Scheme, about half of the cases (45%) were cases in the High Court (“HC”), 32.6% were DC case and 14.9% were Family Court (“FC”) cases.

During the period from 1 April 2016 to 31 October 2016, there were 339 ineligible applications. The main reasons for refusal include LIPs enquiring on matters outside the scope of the Scheme, providing insufficient information, and not making application by themselves.

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

For the period from 1 April 2016 to 31 October 2016, the majority of the LIPs assisted indicated that they did not engage lawyers for

their cases because they could not afford lawyers' fees, while a portion of them (8.6%) indicated that they had the ability to conduct the proceedings without lawyers or they preferred not to engage lawyers in the proceedings.

According to the feedback received, most of the respondents were satisfied with the service, with over 97.9% indicating that the advice obtained from the Scheme answered or partly answered their questions.

During the same period, seven complaints from five LIPs were received. The complaints were investigated by the Home Affairs Bureau ("HAB") and found to be unsubstantiated. No follow-up action was required.

(d) Community lawyers and student volunteers

Subsequent to the issue of appeal letters for the recruitment of community lawyers, the number of community lawyers enrolled increased from 57 to 82 as at end November 2016. The number of student volunteers registered in the 2016/17 academic year was 93.

6. The Chairman noted that the number of LIPs assisted by the Scheme was increasing steadily and the users' satisfaction was high. He considered that the Scheme was able to serve its objective of assisting LIPs and would like to record a vote of thanks to Mrs Tam and her team for their efforts in operating the Scheme in the past years.

Agenda Item 4: Proposal on an Additional Office for the Legal Advice Scheme for Unrepresented Litigants on Civil Procedures (AC 05/2016)

7. The Chairman said that the paper set out the proposal on setting up an additional office for the Scheme with two main justifications. Firstly, the expected increase in the civil jurisdictional limit of the DC would lead to a surge in the number of DC cases and the demand from the LIPs involved for the Scheme's service was also expected to increase. Secondly, the number of family disputes was on the rise and more accessible service for LIPs involved in FC cases should be provided.

8. The Chairman raised two issues relating to the proposal on

setting up a new office, namely the size of floor space required and whether the Judiciary would be able to provide such floor space. Noting that the Secretariat proposed an area of approximately 150 to 200m² for the additional office, the Chairman considered that the Judiciary might be able to provide such floor space as a number of tribunal courts originally accommodated in the Wanchai Law Courts Building were moved to the West Kowloon Law Courts Building in late 2016. The Chairman said that subject to the Judiciary's support, priority should be accorded to setting up the new office for the Scheme in the Wanchai Law Courts Building while a fallback option would be the Immigration Tower and the Revenue Tower. The Chairman invited members' views on the way forward.

9. Mr Laurie LO said that subject to the comments and recommendations from members of the Advisory Committee, HAB would write to the Judiciary to formally put forward a request for office space in the Wanchai Law Courts Building for setting up an additional Scheme office. If the response from the Judiciary was positive, HAB would follow up on seeking necessary resources in accordance with the established mechanism. Otherwise, HAB would approach the Government Property Agency ("GPA") for office space near the Wanchai Law Courts Building.

10. A member suggested that when approaching GPA, apart from seeking office space in the Revenue Tower and the Immigration Tower, HAB might check with GPA the availability of the upper floors of the Wanchai Law Courts Building which were not allocated to the Judiciary.

11. The Chairman said that the Judiciary might be interested in the operational statistics of the Scheme which should be presented to the Judiciary. He considered that the proposal of setting up an additional office should be pursued to better serve the LIPs in need of the service even though it might take time for the expected increase in civil jurisdictional limit to take effect. Mr Lo added that the percentage of LIPs involved in FC cases seeking assistance under the Scheme was much lower than that of those involved in DC and HC cases, suggesting that there might be a hidden demand from LIPs involved in FC cases.

12. A member said that there had been a significant increase in the number of matrimonial cases over the years and LIPs were involved in many cases. Master Andy HO supplemented that if an additional Scheme office was to be set up near DC and FC, it would also help alleviate the workload of the staff at the Family Registry of the Judiciary.

The Chairman suggested lining up a meeting with DC and FC judges to introduce to them the Scheme and seek their support for the proposal.

13. In response to a member's enquiry, Mrs Tam said that the existing office had a floor area of about 95m² with a small reception area. She considered that a new floor area of about 150 to 200m² should be requested for the proposed new office. A member noted that some visitors might come with children and elderly people and this should be taken into account when considering the space requirement.

Agenda Item 5: Any other business

14. Mrs Tam briefed members on the following improvement works for the existing office to enhance service to visitors –

- (a) an office renovation exercise would be carried out to enlarge the reception area and install partitions between counters to better protect applicants' privacy;
- (b) a computer system would be installed for better storage and management of data. The project would start in December 2016 and was expected to complete in early 2018;
- (c) an Interactive Voice Response Telephone System would be installed to better handle and manage telephone enquiries; and
- (d) an additional staff member would report duty in April 2017 to help handle applications and public enquiries.

15. The Chairman thanked Mrs Tam for the updates.

16. There being no further business, the meeting ended at 5:40 p.m.

**Secretariat,
Advisory Committee
on Legal Advice for Unrepresented Litigants
June 2017**