

*Report of
the Steering Committee
on Resource Centre
for Unrepresented Litigants*

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Abbreviations

ABA	American Bar Association
CAB	Citizens' Advice Bureau
LA Scheme	Legal Advice Scheme
FLS Scheme	Free Legal Service Scheme
IVRS	Interactive Voice Response System
NGOs	Non-governmental organizations

Part I – Introduction and Fundamentals

Introduction

1.1 This Report is issued by the Steering Committee on Resource Centre for Unrepresented Litigants (“Steering Committee”) appointed by the Chief Justice in February 2002, with the following terms of reference :

- (a) To advise on the establishment and operation of the resource centre for unrepresented litigants in civil proceedings in the High Court and the District Court; and
- (b) To explore with the legal profession, interested non-governmental organizations (“NGOs”) and other interested bodies opportunities for them to provide assistance at or through the resource centre to unrepresented litigants in civil proceedings in the High Court and the District Court.

Part II and Part III of the Report set out the Steering Committee’s deliberations and recommendations on the above terms of reference respectively.

Background

1.2 The instances of litigants appearing in civil proceedings in the High Court and the District Court without legal representation have increased considerably in recent years. They represent a significant demand on judicial time and resources ⁽¹⁾.

1.3 There is as yet no study on the reasons why litigants go unrepresented. There are also no empirical findings on the profile of the unrepresented litigants. It is believed that there are a number of possible reasons for the rise in the number of unrepresented litigants, including the level of legal fees, the current economic climate, and the greater use of Chinese in the court process.

Note ⁽¹⁾ : The challenges posed by unrepresented litigants to our civil justice system are discussed in the “Civil Justice Reform: Interim Report and Consultative Paper” issued by the Chief Justice’s Working Party on Civil Justice Reform in November 2001 (pp.54 to 70 of the Report).

1.4 The fact that a litigant is not legally represented adds to the courts' burden. The citizen has a constitutional right of access to the courts for the resolution of disputes. The increasing number of unrepresented litigants poses challenges for the courts.

1.5 As part of the Judiciary's response to these challenges, the Chief Justice announced in his address at the opening of the Legal Year on 14 January 2002 that he had decided to establish a resource centre for unrepresented litigants in civil proceedings in the High Court and the District Court. The purpose is to provide facilities to enable unrepresented litigants to deal with the court rules and procedures in the conduct of their cases.

The Steering Committee

1.6 To further this objective, the Chief Justice appointed the Steering Committee in February 2002. The membership of the Steering Committee is as follows :

Chairman

The Hon Madam Justice Chu Judge of the Court of First Instance,
High Court

Members

Master Lung Deputy Registrar, High Court

H H Judge Lok Judge of the District Court

Master Kwang Acting Registrar, District Court
(up to 16 July 2002)

Acting Deputy Registrar, High Court
(since 17 July 2002)

Mr Robert Pang Barrister (appointed in consultation
with the Chairman of the Hong Kong
Bar Association)

Mr Denis Brock	Solicitor (appointed in consultation with the President of the Law Society of Hong Kong)
Ms Jane Pik-shan Tsuei	Business Director, Service Development, the Hong Kong Council of Social Service
Ms Grace Wong	Administrator, The Duty Lawyer Service
Secretary	
Ms Rebecca Pun	Assistant Judiciary Administrator (Development) (up to 21 April 2003)
Miss Vega Wong	Assistant Judiciary Administrator (Development) (from 22 April 2003)
In Attendance	
Mr Augustine Cheng	Deputy Judiciary Administrator (Operations)
Miss Emma Lau	Deputy Judiciary Administrator (Development)
Mr Chu Wai-yim	Chief Judiciary Executive (Court Registries) (up to 28 July 2002)
Miss Angela Lau	Chief Training Officer (Judicial Clerk Grade) (from 29 July 2002 to 15 January 2003)
Mr Wong Siu-por	Chief Judiciary Executive (Court Registries) (from 16 January 2003)
Mrs Anita Lo	Senior Judiciary Executive (Development)

1.7 The Steering Committee first met on 16 March 2002 and has held 9 meetings so far.

Fundamental Principles

1.8 In deliberating its terms of reference, the Steering Committee is mindful of the fundamental principle that the Judiciary must be and must be seen to be fair and impartial in adjudicating disputes.

1.9 The courts must be fair to the unrepresented litigants. But equally important, the courts must be fair to the other parties in the case, including those that are legally represented. The courts have to be conscious of this important principle, particularly in cases where one party is represented and the other is not.

1.10 As the courts' impartiality must not be compromised, assistance that the courts could properly give to unrepresented litigants would be limited. For example, the courts could explain the procedure and give guidance on matters such as the filling in of forms and the submission of court bundles. But, as a matter of fundamental principle, the courts cannot act as lawyer for the unrepresented litigant, giving legal advice or acting as advocate.

1.11 As such, the Judiciary will continue to focus on the provision of assistance to unrepresented litigants to the extent that it is proper, in the light of the fundamental principles as described above.

1.12 In providing assistance to unrepresented litigants, it is important to avoid any possible confusion on the role of the Judiciary and that of other free legal service providers.

Objectives of the Resource Centre

1.13 Bearing in mind the fundamental principles as set out above, the Steering Committee considers that the main objectives of the Resource Centre should be as follows:

- (a) To save the courts' time in explaining rules and procedures to the unrepresented litigants, thereby expediting the court process and lowering legal costs;
- (b) To ensure uniformity in the approaches where assistance is provided and explanations are offered to the unrepresented litigants;

(c) To avoid the perception of judges being partial to the unrepresented party; and

(d) To consolidate, streamline and enhance the existing facilities and assistance for unrepresented litigants provided at different registries and offices of the Judiciary.

1.14 In establishing the Resource Centre, the Judiciary would not seek to:

(a) Encourage people to litigate in person; or

(b) Duplicate or compete with services currently provided by the professional bodies or NGOs.

1.15 Moreover, assistance provided at the Resource Centre should not interfere with the adversarial legal system. It should be noted that the adversarial common law system is not designed with unrepresented litigants in mind. Unrepresented litigants have to recognize the risks associated with their being unrepresented and it is up to them to decide whether to undertake the risks involved.

1.16 The Steering Committee considers that in the final analysis, it is an exercise of balancing the interests of :

(a) The unrepresented litigants (by making the judicial process more accessible and ensuring that they will not be unfairly disadvantaged by their ignorance of the court rules and procedures);

(b) The other parties who are legally represented (by ensuring that their cases will not be delayed and that the case will be conducted in accordance with the rules and practice); and

(c) The court (by ensuring an efficient judicial system and the economical use of judicial resources).

1.17 The Steering Committee considers that for pragmatic and practical reasons, proceedings relating to matrimonial, lands and employees' compensation matters and probate applications are not to be covered by the Resource Centre. These matters involve specialized rules and procedures, and it is considered that it is better for enquiries concerning them to be dealt with separately.

1.18 At present, matrimonial proceedings are dealt with mainly by the Family Court, and lands matters mainly by the Lands Tribunal. The Family Court Registry and the Lands Registry are administered separately from the District Court Registry. There are also staff in the District Court Registry specially tasked to take care of employees' compensation cases. These dedicated Registry staff advise litigants, especially those who are acting in person, on the relevant practices and procedures to follow in filing petitions and applications with the Family Court, the Lands Tribunal and the District Court in respect of employees' compensation cases. As for applications for grants of representation to estates of deceased persons, they are received and processed by the Probate Registry in the High Court. The staff at the Probate Registry readily assists applicants with the filing of documents and procedure for obtaining grants in respect of estates that do not exceed \$150,000 in value. The Steering committee considers that this mode of operation should continue.

Part II - Establishment and Operation of the Resource Centre for Unrepresented Litigants in Civil Proceedings (“Resource Centre”)

Existing Facilities and Assistance

2.1 The Steering Committee took note of the existing facilities and assistance currently provided by the Judiciary to unrepresented litigants in civil proceedings in the High Court and the District Court. It should be noted that these facilities and services are available not merely for unrepresented litigants, but for the public.

(A) General information and enquiry services through telecommunication and electronic means

(i) Judiciary Hotline

2.2 The Judiciary Hotline (2530 4411) is an addition to the general enquiry lines of different courts and tribunals. It is manned by the staff on duty at the High Court Information Counter. The hotline answers general enquiries relating to matters of the courts. It serves as a first point of contact and refers litigants to suitable sections if more specific information is required.

(ii) Interactive Voice Response System

2.3 The Interactive Voice Response System (“IVRS”) is a 24-hour enquiry service operated by telephone. It is available in both the High Court and the District Court. The public can check the daily cause lists and other general information through the system.

(iii) The Judiciary Homepage

2.4 The Judiciary website <<http://www.judiciary.gov.hk>>, commonly referred to as the Judiciary Homepage, is accessible by the public. It provides a fair amount of information on the structure, power and duties of the Judiciary, the court system and court services. It contains judgments delivered by the District Court (and the Lands Tribunal) and above, the prevailing Practice Directions and other

information such as the prevailing interest rate on judgment debt. The daily cause lists of all levels of court as well as the warned list of the High Court are also shown on the Homepage.

(B) General enquiry and consultation in person

2.5 Court staff on duty at the various registries of the High Court and the District Court answer general enquiries and render assistance to the public on matters of procedure. Samples of statutorily prescribed forms, such as writ of summons, originating summons, inter-parte summons, notice of appeal and affidavit, are available for collection at the registry counters. These staff also provide guidance on the filling out of the forms.

(C) Educational and explanatory materials

(i) High Court library

2.6 The High Court library is open to the public for general or specific (case related) research. Apart from law reports, users of the library can access current and unreported judgments. The librarians will render assistance on request. The library runs a paid photocopying service. It is observed that not many unrepresented litigants make use of the library, probably because they are not aware of it or they lack the skill to conduct meaningful legal research in the library.

(ii) Written educational and explanatory materials

2.7 The materials take the form of pamphlets produced by the Press and Public Relations Office of the Judiciary. They are made available at court registries. They cover a wide range of matters and provide useful general information and guidance to litigants in approaching a civil claim in the High Court, the District Court, the Lands Tribunal and in resorting to the Bailiff Office's service.

(D) Judicial assistance and case management

2.8 Judicial assistance is usually rendered in the course of interlocutory hearings or at the trial. The breadth and depth of such assistance depends very much on the master or judge hearing the matter

and the time available. The assistance usually takes the form of explaining the procedure, the procedural choices and defining the issues in dispute if appropriate.

2.9 To ensure prompt compliance with the procedural requirements and court directions, some masters and judges will, at the interlocutory or directions hearing, hand out written notes and directions to the unrepresented litigants. Occasionally, court interpreters will be asked to provide interpretation service to the unrepresented litigants. If the party seeking to enter judgment or initiating the application is unrepresented, the clerk of the master or the judge will draw up the judgment or order.

2.10 On the whole, masters and judges tend to be more pro-active and exercise greater case management in cases involving unrepresented litigants. Whenever practicable, cases with unrepresented litigants will be listed before a bilingual master or judge.

Overseas Experiences

2.11 The Steering Committee considered it worthwhile to have regard to the experiences in other jurisdictions in the courts' provision of assistance to unrepresented litigants. These are outlined in the paragraphs below.

(A) England and Wales

2.12 In England and Wales, a Citizens' Advice Bureau ("CAB") has been set up in the Royal Courts of Justice, London in response to recommendations made in June 1995 by the working party on litigants in person in the Royal Courts of Justice chaired by Lord Justice Otton. It began as a pilot project in 1996 and has since expanded. It is funded by the Lord Chancellor's Department⁽²⁾ as a means to offset the impact brought about by the reduction of legal aid in the United Kingdom.

2.13 The CAB currently engages three paid full-time solicitors, an administrator, a bureau manager and a receptionist. It is also staffed by eight voluntary part-time workers who are not legally qualified, and about

Note ⁽²⁾ : The Lord Chancellor's Department has policy responsibility over legal aid. In Hong Kong, the Legal Aid Department is a separate Government department.

100 honorary legal advisers. The honorary legal advisers are practising lawyers mainly employed by large city firms. There is significant reliance on the help of practising lawyers in providing the service.

2.14 The CAB provides advice to unrepresented litigants on court procedure, analysis on the merits of the case and assistance in preparing for court hearings. Unrepresented litigants are also given access to free advice from qualified barristers from the Bar's pro bono scheme and solicitors from large city law firms who volunteer their time and expertise (cf. paragraphs 3.25 – 3.27 in Part III).

(B) Australia

2.15 In the State of Victoria of Australia, there is an organization called "Court Network" which operates as a statewide personal support, information and referral service for unrepresented litigants. There are more than 400 volunteers working on it. It offers on-site services in most courts. It also provides free telephone information and referral service, which advises court users about their rights and entitlements, but does not give legal advice.

(C) The United States

2.16 The Supreme Court in Manhattan, New York has an "Office for the Self Represented", which is staffed by court employees, volunteer lawyers and law students. They offer assistance in filling out and filing forms and in guiding the litigants through the legal process. A video on court procedure is available for viewing. Similar self-service offices and centres are found in the courts of other states such as Arizona.

2.17 In the Suffolk Probate and Family Court, a "Lawyer for the Day Program" was created in 1990. Under the Program, lawyers will sign up to spend a day in the court building to assist the unrepresented litigants to fill out forms and to provide advice. An assistant registrar is also assigned to assist unrepresented litigants. Court staff run an information booth to provide directions, answer questions and distribute brochures and other information.

2.18 The "Quick Court" project, which began in Arizona and is in use in Michigan, Colorado and Utah, makes court forms and procedures more accessible to the public through the use of touch screen technology.

Freestanding kiosks installed with computers with touch screen technology (similar to automatic teller machines) are set up. Unrepresented litigants, by following the on-screen instructions, can access the information and print the forms and guidance notes required.

(D) Other Jurisdictions

2.19 In some jurisdictions, cases with unrepresented litigants are placed in a special ‘docket’ or under a separate list. A judge will be assigned to the case and pre-trial case management conferences will be held to ensure that the unrepresented litigant and his case are properly prepared for trial.

Research on the Position of Unrepresented Litigants

2.20 The Steering Committee had made reference to the findings in the “Comparative Analysis of the Position of Unrepresented Litigants in Various Common Law Jurisdictions” conducted by the City University of Hong Kong. A summary of findings is at **Appendix 1**. In the main, the findings indicate that in England and Wales, during a pilot study of services provided to unrepresented litigants by the CAB at the Royal Courts of Justice (RCJ), many unrepresented litigants approached the CAB because they could not afford a lawyer. The majority of them were satisfied with the service of the CAB, thus resulting in significant savings of court staff’s time. In Australia, research published recently on unrepresented litigants in the Family Court classified them into three categories. Namely, vanquished litigants who could not afford a lawyer and are not eligible for legal aid; serial appellants bringing multiple appeal applications; and procedurally challenged litigants who lacked procedural knowledge and experience. In the United States, a high number of family court cases involved at least one unrepresented litigant. They often requested forms and sought advice on procedural matters.

2.21 The Steering Committee noted that the City University of Hong Kong would propose to conduct a research in the Hong Kong context to:

- (a) identify the factors contributing to the rise of unrepresented litigants in Hong Kong’s civil courts;
- (b) establish whether these factors are peculiar to Hong Kong and its legal system;

- (c) evaluate the impact of unrepresented litigants on the legal process;
- (d) document the experience of the legal process on unrepresented litigants;
- (e) assess the play of specific factors (e.g. level of legal fees, availability of legal aid, simplification of legal proceedings, nature of the dispute) in accounting for such phenomenon; and
- (f) assess the implications for policy and judicial administration of the research findings (e.g. the impact upon judicial resources, time and costs).

2.22 The project may start with a questionnaire survey targeting solicitors to ascertain the impact of unrepresented litigants as perceived by them. A similar survey targeting barristers may be conducted at a later stage. A team of research assistants will be employed to conduct the survey. The study will initially concentrate on cases of the High Court and be extended to those of the District Court subsequently. It is intended to complete the research within three years.

Questionnaire Survey on Services and Facilities to be Provided at the Resource Centre

2.23 In order to collect court users' views on the services, facilities and assistance to be provided at the Resource Centre, the Steering Committee decided that a questionnaire survey should be conducted, and asked the Judiciary Administration to take the survey forward.

2.24 The Judiciary Administration conducted the questionnaire survey between 2 July 2002 and 12 August 2002. The questionnaire (a copy at **Appendix 2**) invited responses in the following areas :

- (a) The respondents' experience of being an unrepresented litigant;
- (b) The respondents' experience of obtaining advice or service from the staff of the Court Registry;

- (c) The respondents' reasons for self-representation;
- (d) The services and facilities that should be provided at the Resource Centre, including the need for advice on civil procedures and general advice, and preferred service hours; and
- (e) The respondents' awareness of the existing free legal service schemes.

2.25 The field-work was conducted on a random sampling basis by two full-time researchers stationing in different court areas and the registries at the High Court and the District Court. Questionnaires, in both English and Chinese, were also made available at the registries and accounts offices. Moreover, questionnaires were sent to the volunteer lawyers of the Legal Advice Scheme ("the LA Scheme") of the Duty Lawyer Service. The questionnaire was also uploaded on the Judiciary website during the survey period.

Responses to the Questionnaire Survey

2.26 A total of 632 returns were collected. They included :

- (a) 264 returns from fieldwork conducted at the High Court, which was 43% of the total returns;
- (b) 141 returns from the District Court, which was 23% of the total returns⁽³⁾; and
- (c) 227 returns by fax, e-mail, post and from collection boxes, which was 34% of the total returns.

2.27 Among the returns, 343 (54%) were from unrepresented litigants; 32 (5%) from represented litigants; 161 (26%) from legal professionals and 96 (15%) from others, which included visitors to the court buildings, friends and relatives of the litigants.

Note ⁽³⁾ : The relatively low response rate from the District Court compared with that of the High Court was mainly because of the fact that relatively less time had been spent in the field-work in the District Court (i.e. two days a week vis-à-vis three days a week in the High Court).

Summary of Findings of the Questionnaire Survey

2.28 A copy of the Report on the Survey on Services and Facilities to be Provided at the Resource Centre for Unrepresented Litigants, setting out the detailed findings, is at **Appendix 3**. The major findings are highlighted below.

2.29 Among the 632 respondents, 343 (55%) were unrepresented litigants and this was the largest group in the sample. The respondents' profile was quite normally distributed with the largest group being aged 31 - 40 and having secondary education.

2.30 For the nature of cases that the respondents were or had been involved, the most common case type was "other civil action/unspecified civil case" (152 respondents) with "bankruptcy cases" ranked second (132 respondents).

2.31 Among the unrepresented cases, 61% were High Court cases, 24% were District Court cases and 11% were Family Court cases. As regards the reason for self-representation, 63% of the respondents who had been unrepresented litigants cited "cannot afford to engage lawyers", 30% said that they did not consider it necessary to engage lawyers, and 7% cited other reasons such as "lack of trust on lawyers" and "concerns on fees and costs".

2.32 Concerning the level of necessity of services and facilities that should be provided at the Resource Centre, "general enquiries counter" was given the highest rank by all groups of respondents. Pamphlets and forms, writing area and central telephone enquiries ranked within the top five.

2.33 Regarding the service hours of the Resource Centre, there was no strong preference by all groups of respondents for "within normal office hours" or "outside normal office hours". 55% of the responses indicated preference for "normal office hours" and 39% of the responses indicated preference for "outside normal office hours".

2.34 Among the respondents who were unrepresented litigants, 83% considered that they were very much in need of advice on civil procedures, and 67% expressed that they were very much in need of general advice. The corresponding figures for respondents who were legally represented were 81% and 63%.

2.35 Over 75% of the respondents who were not legal professionals were unaware of the LA Scheme provided by the Duty Lawyer Service or the Pro Bono Scheme provided by the Bar Association. Most of them suggested that information on these services should be made available at the Resource Centre.

Conclusions and Recommendations

2.36 Having examined the existing assistance available to unrepresented litigants, making reference to overseas experiences, and taking into account the findings of the Judiciary Administration's questionnaire survey, the Steering Committee's recommendations on the establishment and operation of the Resource Centre are set out in the following paragraphs.

(a) Target Users

2.37 The Resource Centre should render assistance primarily to unrepresented litigants who are parties to or about to commence civil proceedings in the High Court or the District Court.

(b) Scope of Service

2.38 In line with the impartial role of the Courts, the assistance to be provided at the Centre should be confined to procedural matters. The staff at the Resource Centre will not give legal advice or make comments on the merits of the case.

(c) Location

2.39 A Resource Centre would be set up on LG 1/F of the High Court Building. As the proceedings in the High Court and those in the District Court are very similar, there will be economy of scale in doing so.

(d) Operating Hours

2.40 In the beginning, the Resource Centre should run during normal office hours.

(e) Facilities and Services

2.41 The Resource Centre should provide the following facilities and services:

(i) Reception and general enquiries counter

As the first point of contact with users, the reception and general enquiries counter would be manned by properly trained staff, who will provide advice on procedural matters to the unrepresented litigants.

(ii) Videos on court procedures

Video facilities should be installed for showing tailor-made videos on court procedures. The videos should cover the following eight topics :

- (1) Services offered at the Resource Centre
- (2) General introduction to conducting proceedings in civil litigation
- (3) How to commence proceedings in court
- (4) How to make interlocutory applications in court and how to prepare affidavits
- (5) How to prepare a case for trial
- (6) How to conduct a trial
- (7) How to enforce a judgment
- (8) How to conduct an appeal

The Steering Committee notes that the Judiciary has completed the production of the first two videos, which will be available for viewing at the Resource Centre. The remaining six videos are intended to be produced in phases over a period of time.

(iii) Brochures targeting unrepresented litigants

In order to help unrepresented litigants in civil proceedings to prepare themselves and comply with the court rules and procedures, a series of brochures introducing the broad outline of the civil proceedings in the High Court and the District Court should be published. These should be made available at the Resource Centre in addition to the general brochures published by the Judiciary. This series of brochures called “Guide to General Civil Proceedings in the High Court and the District Court” will be produced by the Judiciary, covering the following eight topics :

- (1) What should be considered before taking legal action
- (2) What should be noted about civil proceedings
- (3) How to start a civil action
- (4) How to prepare for a hearing or trial
- (5) How is a trial or hearing conducted in court
- (6) How to apply for judicial review
- (7) How to apply for appeal
- (8) How are legal costs taxed

The series cover commonly used proceedings such as the action by way of a writ and proceedings by way of originating summons. They are designed to give guidelines on the proper procedures of the proceedings; and the manner in which the parties should present their case, evidence and other materials to court. The brochures should be presented in a simple and reader-friendly manner, with the use of charts and diagrams, where appropriate, to illustrate the procedures. The brochures will be reviewed and updated from time to time in the light of users' feedback. Copies of the brochures will also be made available at the District Court Registry.

- (iv) Frequently asked questions ("FAQs")
A database on FAQs on procedural aspects raised by unrepresented litigants should be compiled and made available at the Resource Centre for users' reference.
- (v) Sample court forms
The Resource Centre should provide sample court forms commonly used by litigants in civil proceedings.
- (vi) Computer facilities
Computer terminals with access to the Judiciary website, interlinked with the websites of the Legal Aid Department and of other agencies offering free legal advice, should be installed. Information available at the Resource Centre, including the brochures, FAQs, sample court forms and videos will also be uploaded onto the web and hyperlinked to the Judiciary's website to facilitate users' access.
- (vii) Daily cause lists
The Resource Centre should display the daily cause lists of the High Court and the District Court.

(viii) Oaths and Declaration Services

As litigants in civil proceedings often have to make oaths and declarations, the Resource Centre should provide oaths and declaration services.

(ix) Ancillary facilities

Other ancillary facilities such as writing area, self-service photo-copying machines should be provided.

(f) Court Staff Manning the Resource Centre

2.42 The Steering Committee notes that the Judiciary would deploy staff who are conversant with court procedures and properly trained to man the Resource Centre. They would be fully aware of their mission. Staff manning the Resource Centre would only offer assistance on court rules and procedures, and would refrain from giving advice on substantive law or dealing with the merits of the litigations. The Judiciary would provide manuals to assist the staff in answering questions frequently asked by unrepresented litigants, and standardized materials to help ensure uniformity in the explanations offered to the unrepresented litigants. Drawing reference to the practice in the United States, the Steering Committee recommends that guidelines on DOs and DON'Ts be drawn up and issued to the staff at the Resource Centre for guidance.

Development of the Resource Centre

2.43 As the Resource Centre is a new service, the Steering Committee recommends that a review be conducted one year after the Centre comes into operation to evaluate the extent to which the Centre has achieved its objectives and to assess whether further improvement is required for the purpose of better meeting the needs of the unrepresented litigants using the Resource Centre. The facilities and assistance provided at the Resource Centre should hereafter be subject to regular updating and reviews. In this connection, the Steering Committee notes that the Judiciary Administration is contemplating collecting basic statistical data about the number of cases involving unrepresented litigants. The Steering Committee considers that this will provide useful information for the future development of the Resource Centre and review of its services.

Part III – Opportunities for the Provision of Legal Assistance by Legal Professions and Interested Parties at or through the Resource Centre

Existing Free Legal Services Available in Hong Kong

3.1 The Steering Committee is tasked to explore with the legal professions, interested NGOs, and other interested bodies opportunities for them to provide assistance at or through the Resource Centre. In this connection, the Steering Committee had surveyed the existing free legal services available in Hong Kong for unrepresented litigants. They are summarized in the following paragraphs.

Legal Advice Scheme of the Duty Lawyer Service

3.2 The Duty Lawyer Service is subvented by the Government but independently managed and administered jointly by the Bar Association and the Law Society through the Council of the Duty Lawyer Service. The Duty Lawyer Service operates, among other services, the Legal Advice Scheme (“the LA Scheme”).

3.3 The object of the LA Scheme is to provide, without means testing, free preliminary legal advice to members of the public who would not normally be able to afford fees for professional legal advice.

3.4 The aim of the LA Scheme is for volunteer lawyers to give one-off legal advice to help the client to understand the nature of his/her problem, his/her rights and obligations under the law and the channels available for resolution. Advice given is of a general nature. Lawyers cannot embark on a full analysis of the merits of the case nor to provide a full solution. Any in-depth advice for any given case is beyond the scope of the service.

3.5 At present, appointments can be made to see a volunteer lawyer at any of the nine District Offices⁽⁴⁾ of the Home Affairs Department in which the LA Scheme operates advice sessions. Clerical staff at each

Note⁽⁴⁾ : The Districts involved are Central & Western, Wan Chai, Eastern, Kwun Tong, Yau Tsim Mong, Wong Tai Sin, Shatin, Tsuen Wan and Islands.

District Office conduct preliminary interviews with the client and prepare a summary of the client's case for transmission to the Duty Lawyer Service for processing and dispatch to volunteer lawyers. The Duty Lawyer Service arrange for volunteer lawyers to attend the advice sessions held at the District Offices. The time allocated to each client is about 30 minutes.

3.6 Most of the advice sought is civil in nature and can be quite complex even if the amount involved is relatively small. They can be classified into seven main areas, namely:

- (a) Matrimonial;
- (b) Landlord and tenant;
- (c) Employment;
- (d) Estate administration;
- (e) Commercial and property disputes (including simple contract matters and loans);
- (f) Criminal; and
- (g) Personal injuries.

3.7 In the past decade, matrimonial problems had accounted for the largest number of advice sought until 1998, when it was overtaken by commercial and property disputes.

3.8 Upon joining the LA Scheme, lawyers are asked to complete a form providing information on their areas of practice. As far as practicable, the LA Scheme will match the lawyers' area of practice with the problems assigned to them.

3.9 The clients have a right to know the identity of the lawyer advising them. In order to prevent any touting and to ensure that the advice session is not the beginning of a commercial relationship with them personally, clients are advised not to contact the lawyer for further advice on a commercial basis. Volunteer lawyers are also advised that they must refrain from providing their name cards to the clients.

3.10 As at the end of July 2003, there were 886 volunteer lawyers participating in the LA Scheme. Of these 886 lawyers, 373 are barristers, 475 are solicitors, 22 are Government lawyers and 16 are in-house lawyers of the LA Scheme.

3.11 Volunteer lawyers are insured under a separate professional indemnity insurance policy for cover of \$7.5 million in respect of advice given. The LA Scheme has also made arrangements for its professional indemnity insurance policy to cover volunteer lawyers (who are members of the LA Scheme) of other similar legal advice schemes independently run by :

- (a) The Federation of Women's Centre since 1992 (for advising on family matters);
- (b) The Hong Kong Federation of Women since 1998 (for advising on family, properties and probate matters); and
- (c) The Hong Kong Federation of Women Lawyers since 2002 (for advising on family matters).

There has been no claim against the professional indemnity insurance scheme so far.

3.12 The Director of Administration of the Government is the Controlling Officer of the Duty Lawyer Service in respect of the Duty Lawyer Scheme, LA Scheme and Tel-law Scheme. The subvention currently provided to the Duty Lawyer Service is for the agreed programme of activities. Under the Memorandum of Administrative Arrangements between the Director of Administration and the Duty Lawyer Service, any expansion of the LA Scheme will require the endorsement of the Director of Administration.

The Bar Free Legal Service Scheme

3.13 The Bar Free Legal Service Scheme ("the FLS Scheme") was set up in 2000. The FLS Scheme aims to provide free legal advice and representation in cases where legal aid is not available and where the applicant is unable to afford legal assistance and the case is thought to be one where assistance should be given.

3.14 The FLS Scheme is managed by the Management Committee of the Bar Association and staffed by a part-time co-ordinator. Members of the Bar offer their services voluntarily. Participating members are placed on a panel. As at the end of July 2003, there are 104 members of the Bar on the panel, representing about 13% of those actively in practice. A member of the panel is expected to devote no more than 3 days or 20 hours per year to the FLS Scheme.

3.15 The FLS Scheme does not provide its services to all the applicants and cannot be expected to do so. It aims to assist persons who “fall through the cracks” of the existing legal aid services or private legal services. Accordingly, there is a vetting procedure whereby the means of the applicant and the merits of the case are assessed.

3.16 When an application is received, the co-ordinator will assess the means of the applicant to ensure that assistance is given to those who cannot afford private legal services and who have been refused legal aid (on the basis that their means exceed that allowed under the Legal Aid Regulations or that their cases are not covered by the Legal Aid). If this requirement is met, the co-ordinator will forward the papers to a panel member to consider whether there are merits in the applicant’s case that warrants the FLS Scheme’s assistance.

3.17 If, in the course of the vetting procedure, the FLS Scheme comes to the view that the decision to refuse legal aid should be challenged or reviewed, the co-ordinator will firstly liaise with the Legal Aid Department to request re-consideration of their decision. If the Legal Aid Department does not change its decision, consideration will be given to assisting in an appeal against the refusal of grant of legal aid. If legal aid is then granted, this will probably be the final step of the FLS Scheme’s assistance for the applicant. If legal aid is still refused, the FLS Scheme will offer its assistance, whether by advice or representation. Professional indemnity insurance for the FLS Scheme is currently covered by the compulsory insurance policy of the Bar Association.

3.18 The FLS Scheme cannot provide comprehensive legal services to litigants because Panel members cannot be expected to devote large amounts of their time to it. Therefore, the FLS Scheme cannot cater for lengthy ongoing cases requiring intensive input. The FLS Scheme is also restricted in its funds to retain e.g. expert witnesses. When services of solicitors are required, the FLS Scheme will call upon the assistance of those firms of solicitors who have indicated their willingness to assist in pro-bono cases.

3.19 For the year between 1 December 2001 and 30 November 2002, the Scheme received a total of 320 applications. Over 90% of these applications were submitted by walk-in applicants. The great majority of the applications were screened out on the grounds of merits of the case.

Proposed Community Legal Services Centre

3.20 Apart from the existing free legal advice services currently available, the Steering Committee also noted the proposed Community Legal Services Centre (“CLSC”) initiated by the Hon Audrey Eu, SC and the Hon Margaret Ng. According to the CLSC Proposal published in April 2002, the proposed CLSC was intended to be a partnership between the Duty Lawyer Service and the Non-governmental Organisations (“NGOs”), whose participation would be coordinated by the Hong Kong Council of Social Service (“HKCSS”). By linking the LA Scheme of the Duty Lawyer Service to the existing social welfare services offered by the NGOs, a wider spectrum of services can be rendered to the community.

3.21 The proposed CLSC aims at promoting legal education and awareness on the broadest level of the community and at strengthening the rule of law through lectures, group discussions and advice to members of the public on their rights and obligations, and their access to justice. It does not target a particular market segment or compete with paid legal services.

3.22 The proposed CLSC has plans to operate interview centres or walk-in specialist “clinics”, and co-organize outreach community legal education programmes in partnership with NGOs. It is envisaged that interview centres operated by the NGO partners may be developed into specialist “clinics”. A different specialist area will be fixed for different days of the week. Clients can walk-in to the “clinics” to seek legal advice on appropriate days of the week. In addition, NGOs may organize outreach programmes in which voluntary lawyers may deliver talks on legal topics and answer questions from the audience.

3.23 It is noted that, as at August 2003, the proposed CLSC’s plans for interview centres and walk-in clinics have been suspended due to the lack of funds. However, the legal sector and the HKCSS have launched outreaching legal education programmes in NGOs. During these programmes, volunteer lawyers provide community legal education to members of the public and special target groups through the network of

social service organisations. Topics covered by these outreaching programmes include youth delinquents, women in crisis, people in debts, etc.

Overseas Experiences

3.24 The Steering Committee had made reference to the pro bono services available in other jurisdictions. These are summarized below.

(A) England and Wales

3.25 The Bar Council in England and Wales has a pro bono unit that provides free legal service to members of the public who are unable to afford legal assistance. The unit is run by a voluntary management committee, which is responsible for screening the applications for assistance. The Unit receives advice from an Advisory Board chaired by Lord Woolf. The Attorney General, the Legal Services Ombudsman and representatives from the legal profession and various free legal advice agencies are on the Board.

3.26 In 1997, a solicitors' pro bono group was established. It is funded by eleven of the largest law firms. The group aims to develop a national framework for pro bono assistance through the setting up of a referral system.

3.27 The Steering Committee also noted that in England, legal advice and assistance are offered by some city law firms to unrepresented litigants under structured pro bono schemes. The Free Law Scheme involving M/S Clifford Chance involves a coherent and established network of centres supported by volunteer lawyers who provide pro bono service on a team-rota basis. Specialist advice "clinics" are held at two local Law Centres in London on two evenings a week. The clients may be referred to the CAB where appropriate. Under the scheme, every lawyer offers advice on behalf of the respective Law Centre they attend, and the clients are not told from which law firm they come.

(B) Australia

3.28 A Court Appointed Referral for Legal Assistance Scheme is implemented in all Federal Courts in Australia. Each District Registrar

maintains a list of practitioners who have agreed to provide pro bono service. In appropriate cases, Federal Court judges may refer an unrepresented litigant for specific legal assistance, including unbundled services, in which case the District Registrar will arrange the referral.

3.29 In joining the Scheme, the practitioners have agreed not to charge any fees for their services, but the Court may, where the unrepresented litigants obtain a costs order in his favour, order that the professional fees of the pro bono lawyer be paid by the losing party. Such funds are to be directed to the financing of the Legal Assistance Scheme.

(C) The United States

3.30 The United States does not have the same tradition of legal aid as Australia and United Kingdom. Instead, it has a strong pro bono movement. The American Bar Association (“ABA”), through its Model Rules of Professional Conduct, has developed strategies to encourage pro bono work. One of these is to prescribe a goal of 50 hours of annual pro bono work for all practitioners, a strategy that has been adopted by a number of State Bar Associations.

3.31 The ABA has also challenged the country’s top law firms to contribute on an annual basis 3% to 5% of their billable hours to pro bono work. The move has received support from a number of large, high profile corporations through the adoption of a corporate policy of only retaining law firms offering pro bono work.

3.32 Apart from the above, the Circuit Court of Maryland, jointly with two law schools, run a clinical project called “Family Law Assisted Pro Se Project”. Under the Project, law students, working under supervision, provide legal information and advice to unrepresented litigants in matrimonial cases.

Research and Survey

3.33 The “Comparative Analysis of the Position of Unrepresented Litigants in Various Common Law Jurisdictions” conducted by the City University of Hong Kong (cf. paragraphs 2.20 and Appendix 1) had shed some light on the roles of the courts in other jurisdictions in respect of legal services for unrepresented litigants. For example, in the United

States, court staff are instructed to encourage self-represented litigants to obtain legal advice. They would provide information about available pro bono legal services, legal aid programmes, and lawyer referral services. They would not provide any legal advice or recommend a specific course of action for a self-represented litigant. They are also instructed not to provide any interpretation of legal terminology and statutes.

3.34 As to the need for free legal services and the level of awareness of the availability of such services in the community, the Steering Committee notes from the questionnaire survey conducted by the Judiciary Administration (cf. paragraphs 2.34 and 2.35) that while the majority of the respondents expressed the view that they were very much in need of access to free legal advice on both procedural and substantive law, over 75% of the non-legal professional respondents were unaware of the existing LA Scheme run by the Duty Lawyer Service or the Pro Bono Scheme of the Bar Association. Most of them suggested that information on these services should be made available at the Resource Centre.

Consultation with Legal Professional Bodies and Universities

3.35 In order to explore with the legal professional bodies and interested parties the opportunities for them to provide assistance at or through the Resource Centre, the Steering Committee invited representatives of the Hong Kong Bar Association, the Law Society of Hong Kong, the Faculty of Law of the University of Hong Kong, and the Law School of the City University of Hong Kong to its meeting in November 2002 for an exchange of views. The key points discussed at the meeting are highlighted in the following paragraphs.

(a) Possible Modes of Access to Existing Free Legal Services at the Resource Centre

3.36 One mode of giving unrepresented litigants access to the existing free legal services is to disseminate information of these services at the Resource Centre. On another level, the Resource Centre may, in addition to the dissemination of information, act as a contact or referral point by facilitating liaison between the various providers of free legal services and those unrepresented litigants desiring such services. However, the ways and details of making referrals would have to be carefully examined.

(b) Possibility of Providing Free Legal Service at the Resource Centre

3.37 It was suggested that consideration might be given to arranging volunteer lawyers to give free legal advice on an appointment basis at the Resource Centre. Moreover, consideration might be given to appealing to members of the legal profession to provide urgent telephone advice to unrepresented litigants on such procedural matters as injunction and prohibition orders. If these were to be pursued, rules would have to be laid down for participating legal practitioners to prevent any form of touting.

3.38 On the other hand, there was reservation about deploying lawyers to the Resource Centre to provide legal advice to unrepresented litigants. This is because members of the public might get confused, and labour under a misconception that the legal advice obtained at the Resource Centre was advice given by the Judiciary. In any event, the viability of any proposed free legal service at the Resource Centre would depend on the readiness of members of the legal profession to contribute their time and service.

(c) Possible Assistance from University Law Students

3.39 Suggestion was made that law students (both undergraduate and PCLL students) of the two Universities could be assigned to the Resource Centre to help sorting out the requests for legal assistance from the unrepresented litigants, and ascertaining the area of legal advice or assistance required before passing on the case to the appropriate free legal service providers or other service agencies for further handling. The students might also provide interpretation service for monolingual duty lawyers during their advice sessions.

3.40 In this connection, the Steering Committee noted that the Faculty of Law of the University of Hong Kong had for a number of years operated a Free Legal Referral and Advice Scheme during term time to provide preliminary free legal advice on campus to University staff and students, as well as their family members. In early 2002, at the invitation of the Government, a pilot scheme was introduced, under which the law students participated in the LA Scheme of the Duty Lawyer Service at two District Offices. The primary duty of the law students was to conduct interviews with lay clients, and prepare appropriate notes of the interviews for consideration by the duty lawyers. Positive feedback was received from the lay clients and duty lawyers.

Most participating students also considered the pilot scheme a useful experience. The Faculty of Law of the University of Hong Kong has therefore decided to continue to run the scheme.

Deliberations and Recommendations of the Steering Committee

3.41 Having regard to the existing and planned free legal services in Hong Kong, the experience of overseas jurisdictions, the findings in the questionnaire survey as well as the views expressed by the legal professional bodies and the universities during the consultation session, the Steering Committee considers that, in mapping out the forms of assistance to be provided at or through the Resource Centre, the Judiciary will have to bear in mind the following considerations –

- (a) The preservation of the impartiality of the courts is of paramount importance. The forms of assistance rendered at the Resource Centre must not in any way compromise or pose any threat/risk to the courts' image of impartiality;
- (b) The role of the Resource Centre and the scope of its services have to be clearly defined and promulgated to guard against any possible confusion or misconception as to the role of the Judiciary; and
- (c) The form of assistance to be provided at or through the Resource Centre should not duplicate the legal services or assistance already being provided by various service providers in the community.

3.42 Against the above considerations, the Steering Committee makes the following recommendations and observations.

(a) Provision of Legal Advice

3.43 The Steering Committee notes the demand in the community for legal advice and assistance, as exemplified by the findings of the questionnaire survey. Among the respondents who were unrepresented litigants, 83% perceived themselves to be very much in need of advice on civil procedure, and 67% of them considered themselves to be very much in need of general legal advice. The corresponding figures for the legally represented respondents were 81% and 63%. The Steering Committee

recognizes, too, that the public may well expect the Resource Centre to act as an additional point for free legal advice. The Steering Committee is, however, conscious of the importance of maintaining the neutrality of the Court. Indeed, the experience in other common law jurisdictions shows that the impartial role of the Court and the need for the Court to maintain an appearance of impartiality mandate that demands for legal advice and assistance be met by voluntary or pro bono services provided by the legal profession, whether alone or jointly with other interested bodies.

3.44 The Steering Committee is of the view that the impartial role and image of the Court cannot be compromised. It is therefore inappropriate for the Judiciary to provide or be seen to provide free legal services at or through the Resource Centre.

3.45 For similar considerations, the Steering Committee takes the view that it is inappropriate for the Resource Centre to operate as an extension of the existing free legal services. In the first place, the nature of the existing services may not coincide with the needs of unrepresented litigants. In the case of the LA Scheme of the Duty Lawyer Service, it provides one-off advice of a general nature during a 30-minute appointment, and no follow-up action will be offered by the volunteer lawyers. Take also the example of the FLS of the Bar Association, it only renders assistance to those who pass the vetting procedure and is not catered for lengthy cases that require intensive input. Secondly, for the LA Scheme, it has already established a wide network of centres at the District Offices. It will be duplicating the resources if the Resource Centre were to act as another centre for provision of legal advice. In this regard, the Steering Committee takes note of the fact that the bulk of free legal services in the community are provided with the support of the legal profession. Apart from the LA and FLS Schemes, barristers and solicitors have also contributed significantly to a variety of other pro bono services. For instance, over 100 solicitors are involved on a regular basis in operating the Building Management Resource Centre run by the Law Society. The Steering Committee is of the opinion that the ability of the legal profession to further contribute to pro bono work is a matter that should be given careful consideration when contemplating expansion of free legal services.

(b) Access to Information on Free Legal Services

3.46 The Steering Committee notes the inadequate knowledge the public has in respect of free legal services available in the community.

The questionnaire survey revealed that over 75% of the non-legal professional respondents were not aware of the LA Scheme or the FLS Scheme. The Steering Committee is of the view that access to free legal advice and assistance can be enhanced by the wider dissemination of information on the existing services. To this end, the Resource Centre could serve to disseminate the relevant information to the unrepresented litigants who desire advice and assistance.

3.47 The Steering Committee recommends that information on the existing free legal services in the community should be made available at the Resource Centre so that unrepresented litigants could avail themselves of these services. The information should cover the contact telephone numbers and addresses and the nature and scope of services of the various service providers. The staff at the Resource Centre may also distribute relevant information and application forms to unrepresented litigants who desire free legal service. In this regard, the Resource Centre should keep a close network with the major free legal service providers in the community to ensure that updated information can be made available to users of the Centre. Additionally, consideration should be given to linking up the computer terminals at the Resource Centre with the websites of the various service providers for users' easy reference.

(c) Contact or Referral Point for Existing Free Legal Services

3.48 The Steering Committee has further explored the possibility of the Resource Centre acting as a contact or referral point in order to facilitate the liaison between the providers of free legal services and those unrepresented litigants desirous of using such services. For any referrals to be efficient and effective, proper screening and processing of the cases concerned is necessary. The Steering Committee takes the view that it is undesirable to involve the Judiciary staff manning the Resource Centre in the screening and vetting process for fear that it will compromise the neutrality of the Court.

3.49 As a matter of principle, there is no objection to the personnel of the service providers to be present at the Resource Centre and to undertake the contact and referral work, whether alone or with the assistance of, for instance, law students provided that such personnel are clearly identified to be acting for such service providers and not for the Judiciary. On a practical level, the Steering Committee is, however, not persuaded that this is the best use of the already stringent resources of the various service providers. The Steering Committee is given to

understand that neither the LA Scheme nor the FLS Scheme is currently prepared to set up contact or referral booths at the Resource Centre due to manpower and resources considerations.

3.50 Having regard to the practical limitations, the Steering Committee does not recommend the Resource Centre to serve at the present stage as a point of referral to existing free legal services. Depending on the demand of the users of the Resource Centre and the resources position of the various service providers in time, the matter may be reviewed and reconsidered.

(d) Other Observations

3.51 In the course of deliberating on the second part of its terms of Reference, the Steering Committee has given consideration to the wider issues of access to free legal services and promotion of pro bono work. Given that these issues fall outside its remit, the Steering Committee does not make any recommendations in relation to them. However, due to the importance of the wider issues and their potential relevance to the future development and planning of the work of the Resource Centre, the observations of the Steering Committee on these issues are set out below.

(i) Promotion of Pro Bono Work

3.52 The Steering Committee notes that currently many legal practitioners regularly take part in the provision of pro bono work without publicizing it. The professional bodies have exhibited a keen interest in the promotion of pro bono services. Apart from the FLS Scheme of the Bar Association, the Law Society had also set up a Working Party to explore the feasibility of introducing in Hong Kong services similar to the free legal schemes offered by some of the solicitors firms in London. The Law Faculty and the Law School of the two Universities have also actively involved their students in helping out with pro bono work. But in view of the increasing demand for legal services caused partly by the present economic downturn that has kept litigants away from seeking paid services of the legal profession, the Steering Committee is of the view that consideration should be given to the means of encouraging voluntary legal work and enhancing access to legal service. In this regard, some overseas experience is worthy of further deliberation.

3.53 As mentioned in paragraphs 3.28 and 3.29, under the Court Appointed Referral for Legal Assistance Scheme, Australian Federal

Court judges may refer an unrepresented litigant for specific legal assistance. Although legal practitioners joining the Scheme have agreed not to charge for their services, where the litigant obtains a costs order in his favour, the Court is empowered by the statute to order the losing party to pay the full fees of the pro bono practitioner and to further direct that the costs recovered be applied towards the funding of the Legal Assistance Scheme. The Steering Committee considers that the viability of adopting the Australian model in Hong Kong through legislative enactment deserves further exploration.

3.54 The professional bodies may also give consideration to the United States model of prescribing for the practitioners an annual goal of a certain amount of pro bono work.

3.55 Also as a means of enhancing access to legal advice, the provision of legal advice at a minimal charge is also worth exploring. The Steering Committee notes that in 1992, the Government appointed an inter-department working group to undertake a comprehensive review of the law, policy and practice governing the provision of legal aid services in Hong Kong. This working group published a consultative paper on Legal Aid in 1993. It proposed a voluntary “Fixed Fee Interview Scheme”, under which members of the public may obtain one hour of legal advice in specified areas at a fixed fee. A client can return to the same law firm for further advice at the same fixed fee until the services he requires are no longer appropriate under the scheme. The fixed fee was then recommended to be \$100. The Administration had consulted extensively the Duty Lawyer Service, the two branches of the legal profession, the professional staff of the Legal Aid Department, Local Crown Counsel Association, Meeting Point and others (including some District Boards and columnists) on the viability of providing advice and consultation session at a nominal fee of \$100 per hour. The proposal did not find favour with the legal profession as the proposed fee was considered to be too low and unattractive. With the passage of time and the change in economic conditions, the Steering Committee believes that the idea of legal service at a suitable minimal charge and the proposal in the Administration’s 1993 Consultative Paper can be revisited.

(ii) Possible Assistance from Law Students of the Universities

3.56 The Steering Committee recognizes that the involvement of law students in pro bono work will bring the students closer to the litigants, the legal profession and the community, and will at the same time nurture a culture of participation in pro bono services. The Steering Committee

notes however that law students can only play a supporting role to the legal professionals in offering legal advice and assistance. In this connection, the Steering Committee encourages the two branches of the profession and the two Universities to give further thought to collaboration between them in the provision of pro bono advice and assistance, whether as part of professional training or by way of community service.

(iii) Resource Centre to be run by an Independent Body

3.57 The Steering Committee had received a suggestion that the Resource Centre should be run by a body independent of the Judiciary, so that more comprehensive services, including referrals and free legal services, could be provided to the unrepresented litigants, without compromising the neutrality of the Judiciary. The Steering Committee considers that this suggestion could be further explored in future, when planning the future development of the Resource Centre and its services, and with the benefit of the Judiciary's experience in operating the Resource Centre.

Part IV – Summary of Conclusions and Recommendations

Establishment and Operation of the Resource Centre

4.1 In respect of the first part of its terms of reference, the Steering Committee considers that –

- (1) The main objectives of the Resource Centre should be:
 - (a) To save the courts' time in explaining rules and procedures to the unrepresented litigants, thereby expediting the court process and lowering legal costs;
 - (b) To ensure uniformity in the approaches where assistance is provided and explanations are offered to the unrepresented litigants;
 - (c) To avoid the perception of judges being partial to the unrepresented party; and
 - (d) To consolidate, streamline and enhance the existing facilities and assistance for unrepresented litigants provided at different registries and offices of the Judiciary.

(paragraph 1.13)

- (2) Assistance provided at the Resource Centre should not interfere with the adversarial legal system. Unrepresented litigants have to recognize the risks associated with their being unrepresented and it is up to them to decide whether to undertake the risks involved (paragraph 1.15).
- (3) In the final analysis, it is an exercise of balancing the interests of the unrepresented litigants, the other parties who are legally represented and the court (paragraph 1.16).

- (4) For pragmatic and practical reasons, the facilities provided at the Resource Centre will not cover proceedings relating to matrimonial, lands and employees' compensation matters and probate applications as they involve specialized rules and procedures. It is better that enquiries concerning them should be dealt with separately. (paragraph 1.17).
- (5) The current mode of operation, of having dedicated staff in the District Court and Lands Tribunal Registries and High Court Probate Registry to advise litigants on the relevant practices and procedures in the Family Court, the Lands Tribunal and the District Court in respect of employees' compensation cases, and also on applications for grants of representation to estates of deceased persons should continue (paragraph 1.18).

4.2 The Steering Committee recommends that –

- (1) The Resource Centre should render assistance primarily to unrepresented litigants who are parties to or about to commence civil proceedings in the High Court or the District Court (paragraph 2.37).
- (2) The assistance to be provided at the Resource Centre should be confined to procedural matters only (paragraph 2.38).
- (3) A Resource Centre would be set up on LG 1/F of the High Court Building to provide information about both the procedures in the High Court and those in the District Court for economy of scale (paragraph 2.39).
- (4) In the beginning, the Resource Centre should run during normal office hours (paragraph 2.40).
- (5) The Resource Centre should provide the following facilities and services:
 - (a) Reception and general enquiries counter;

- (b) Videos on court procedures which unrepresented litigants would commonly encounter and services offered at the Resource Centre;
- (c) A series of brochures introducing the broad outline of the civil proceedings in the High Court and the District Court, covering various topics which are relevant to the needs of unrepresented litigants;
- (d) A database on FAQs on procedural aspects raised by unrepresented litigants;
- (e) Sample court forms commonly used by litigants in civil proceedings;
- (f) Computer facilities;
- (g) Daily cause lists of the High Court and the District Court;
- (h) Oaths and declaration services; and
- (i) Ancillary facilities such as writing area and self-service photo-copying machines.

(paragraph 2.41)

- (6) Staff deployed to operate the Resource Centre would be properly trained and are conversant with court procedures. They would offer advice on court rules and procedures only, and should refrain from giving advice on substantive law or deal with the merits of the litigations. (paragraph 2.42).
- (7) A review should be conducted, one year after the Centre comes into operation to evaluate the extent to which the Centre has achieved its objectives, and to assess whether further improvement is required for the purpose of better meeting the needs of the unrepresented litigants using the Resource Centre. The facilities and assistance provided at the Resource Centre should thereafter be subject to regular updatings and reviews (paragraph 2.43).

Opportunities for the Legal Profession, Interested NGOs and Other Interested Bodies to Provide Legal Assistance at or through the Resource Centre

4.3 In respect of the second part of its terms of reference, the Steering Committee considers that –

- (1) In mapping out the forms of assistance to be provided at or through the Resource Centre, the Judiciary will have to bear in mind the following considerations –
 - (a) The preservation of the impartiality of the courts is of paramount importance. The forms of assistance rendered must not in any way compromise or pose any threat/risk to the courts' image of impartiality;
 - (b) The role of the Resource Centre and the scope of its services have to be clearly defined and promulgated to guard against any possible confusion or misconception as to the role of the Judiciary; and
 - (c) The form of assistance to be provided at or through the Resource Centre should not duplicate the legal services or assistance already being provided by various service providers in the community.

(paragraph 3.41)

- (2) While there is demand in the community for legal advice and assistance, and while there may be public expectations for the Resource Centre to act as an additional point for free legal advice, it is important to maintain the neutrality of the Court. Experience in other common law jurisdictions shows that the impartial role of the Courts and the need for the Courts to maintain an appearance of impartiality mandate that demands for legal advice and assistance be met by voluntary or pro bono services provided by the legal profession, whether alone or jointly with other interested bodies (paragraph 3.43).

- (3) The impartial role and image of the Court cannot be compromised. It is therefore inappropriate for the Judiciary to provide or be seen to provide free legal services at or through the Resource Centre (paragraph 3.44).
- (4) For similar considerations, it is inappropriate for the Resource Centre to operate as an extension of the existing free legal services (paragraph 3.45).
- (5) Likewise, to avoid any risk of compromising the neutrality of the Court, it is undesirable to involve the Judiciary staff manning the Resource Centre in any screening and vetting process for the purpose of making referrals to existing free legal services (paragraph 3.48).
- (6) While as a matter of principle, there is no objection to the personnel of the service providers to be present at the Resource Centre to undertake the contact and referral work (provided that such personnel are clearly identified to be acting for such service providers and not for the Judiciary), on a practical level, this may not be the best use of the already stringent resources of the various service providers (paragraphs 3.49).
- (7) Having regard to the practical limitations, it is not recommended, at the present stage, that the Resource Centre should serve as a point of referral to existing free legal services (paragraph 3.50).

4.4 The Steering Committee recommends that –

- (1) The ability of the legal profession to further contribute to pro bono work is a matter that should be given careful consideration when contemplating any expansion of free legal services (paragraph 3.45).
- (2) The Resource Centre could serve to disseminate the relevant information on the existing free legal assistance and services

available in the community to the unrepresented litigants who desire advice and assistance (paragraph 3.46).

- (3) Information on the existing free legal services in the community should be made available at the Resource Centre so that unrepresented litigants could avail themselves of these services. The Resource Centre should regularly update the information on the major free legal services available in the community, their contact details and the relevant application procedures. Additionally, consideration should be given to linking up the computer terminals at the Resource Centre with the websites of the various service providers for users' easy reference. (paragraph 3.47).
- (4) Depending on the demand of the users of the Resource Centre and the resource position of the various service providers in time, the idea of the Resource Centre serving as a contact or referral point for existing free legal services may be reviewed and reconsidered in the future (paragraph 3.50).

Other Observations

4.5 In the course of deliberating on the second part of its terms of reference, the Steering Committee has given consideration to the wider issues of access to free legal services and promotion of pro bono work. As these issues fall outside its remit, the Steering Committee does not make any recommendations in relation to them. However, due to the importance of these wider issues and their potential relevance to the future development and planning of the work of the Resource Centre, the observations of the Steering Committee are summarized below -

- (1) In view of the increasing demand for legal services, consideration should be given to the means of encouraging voluntary legal work and enhancing access to legal service. In this regard, some overseas experience is worthy of further deliberation. For instance, the viability of adopting the Australian model in Hong Kong through legislative enactment deserves further exploration. The professional bodies may also give consideration to the United States model of prescribing for

the practitioners an annual goal of a certain amount of pro bono work (paragraphs 3.52 to 3.54).

- (2) As a means of enhancing access to legal advice, the provision of legal advice at a suitable minimal charge is worth exploring. (paragraph 3.55).
- (3) As law students can only play a supporting role to the legal professionals in offering legal advice and assistance, the two branches of the profession and the two universities may wish to give further thought to collaboration between them in the provision of pro bono advice and assistance, whether as part of professional training or by way of community service (paragraph 3.56).
- (4) The suggestion of a body independent of the Judiciary running the Resource Centre could be further explored in future, when planning the future development of the Resource Centre and its services, and with the benefit of the Judiciary's experience in operating the Resource Centre (paragraph 3.57).

**Comparative Analysis of the Position of Unrepresented Litigants in
Various Common Law Jurisdictions
Conducted by the City University of Hong Kong**

Summary of Findings

The City University of Hong Kong presented its findings in the “Comparative Analysis of the Position of Unrepresented Litigants in Various Common Law Jurisdictions” in November 2002. A summary of the findings are highlighted in the following paragraphs.

(I) England & Wales

2. In 1997, a study of the services provided under the Otton Project to litigants in person at the Citizens’ Advice Bureau (CAB) at the Royal Courts of Justice was commissioned by the Lord Chancellor’s Department to discover, among other things, the reasons why unrepresented litigants approach the CAB; the result of the consultation; and their level of satisfaction with the services provided.

3. In the study, questionnaires were sent to 410 clients who had used the services between January 1997 and November 1997. 160 completed and returned the questionnaires which represented a response rate of about 40%. It revealed that about three-quarters of the clients approached the CAB for advice on court procedure. While 56% of them said they could not afford a lawyer, 25% of them wanted advice on whether to engage a lawyer and 23% wanted to check the advice of his lawyer.

4. 55% of the clients surveyed had all their questions answered and 58% were completely satisfied with the advice they received. There were, however, complaints about the long waiting time, the quality and limited extent of the advice rendered. The evaluation also revealed that advice to settle was more likely to be ignored by the clients than advice to continue with the litigation.

5. As regards the frequency of visits, it showed that the majority of the clients needed the services more than once. 47% had used the services between 2 and 5 times, and 29% had done so over 5 times during the 11-month period. The findings revealed the need of unrepresented litigants to seek advice throughout the course of the litigation. After contact with the CAB, less than half of the clients sought further help from court counter staff. These facts suggested that significant savings of

court counter staff's time could be directly attributed to the services offered by the CAB.

(II) Australia

6. A major research project concerning unrepresented litigants in the Family Court of Australia was undertaken over the past five years, supported by a grant from the Australian Law Council Foundation. According to the findings of the research, unrepresented litigants on appeal in the Family Court can be classified into three categories, defined by their experiences of and behaviour within the appeal process:

(i) Vanquished Litigants

7. These litigants cannot afford a lawyer and are not eligible for legal aid. They are in general overwhelmed by the family law system (several suffer from a psychiatric or intellectual disability). The particular difficulties experienced by this group in fulfilling procedural requirements prior to hearing results in a relatively high rate of abandoned appeals.

(ii) Serial Appellants

8. These litigants bring multiple appeal applications. They tend to appeal every decision, abuse the assistance of Appeals Registrars and often base their appeals on the belief that their personal rights have been infringed. This group creates problems for the court with lengthy, unfocused and legally irrelevant grounds for appeal.

(iii) Procedurally Challenged Litigants

9. These litigants fall between the two extremes above. They exhibit a wide range of characteristics, but clearly suffer because of procedural difficulties and lack of procedural knowledge and experience.

(III) The United States

10. There has been a large increase in the number of unrepresented litigants in the United States and it has been suggested that as many as 80% of family court cases involve at least one unrepresented litigant. In this respect, some courts issue guidelines to the court staff for compliance. Some courts also offer 'self-service' centres and information websites.

Questionnaire Survey
Services and Facilities to be provided
at the Resource Centre for Unrepresented Litigants

The Judiciary is planning to set up a resource centre **for unrepresented litigants** in civil proceedings in the High Court and District Court to provide facilities to help these litigants deal with the rules and procedures and in the conduct of their cases.

A Steering Committee has been formed to advise on the establishment and operation of the resource centre; and to explore with the legal profession, interested Non-Government organizations and other interested bodies opportunities for them to provide assistance at or through the resource centre to these unrepresented litigants.

This questionnaire survey aims to collect your views about the services and facilities of the resource centre and the assistance of the legal profession and other interested bodies to be provided at or through the resource centre.

Q1 Are you a

Please put a “ ” in
the appropriate box

Unrepresented litigant	<input type="checkbox"/>	Please go to Q3.
Represented litigant	<input type="checkbox"/>	} Please go to Q2.
Legal professional	<input type="checkbox"/>	
Others (please specify _____ _____)	<input type="checkbox"/>	

Q2 Have you ever been an unrepresented litigant?

Please put a “ ” in
the appropriate box

Yes Please go to Q3.

No You may stop here or go to Q5 to answer the
rest of the questionnaire. Thank you.

Q3 If you are/have been an unrepresented litigant, what is the nature of
your case (with no legal representation) and the level of Court which
handles your case?

Nature of Case

Civil case (please specify e.g. Personal Injuries,
Bankruptcy, Probate, Lands, Companies,
Matrimonial, Commercial etc.
_____)

Criminal case

Level of Court

High Court

District Court

Magistrates' Court

Others (please specify _____)

Q4 Why are/have you not been legally represented in the conduct of your case?

Please put a “ ” in the appropriate box

Cannot afford to engage lawyers	<input type="checkbox"/>
Legal representation not considered as necessary	<input type="checkbox"/>
Others (please specify _____ _____)	<input type="checkbox"/>

Q5 Do you think the following services/facilities should be provided at **the resource centre**? Please circle the appropriate score for each item.

	Not required	Desirable, but not essential	Essential
General enquiries counter	1	2	3
Writing area	1	2	3
Oaths and declarations service	1	2	3
Pay-phones	1	2	3
Computer terminals with access to the Judiciary web-site and web-sites of the Legal Aid Department and of other agencies offering free legal advice	1	2	3
Telephone booths with access to the Judiciary central telephone enquiries service	1	2	3
Self-service photo-copying machine	1	2	3

	Not required	Desirable, but not essential	Essential
Pamphlets of the Judiciary and usual court forms	1	2	3
Videos featuring information about the Judiciary, the court system and the court procedure	1	2	3
Display of daily list of hearings	1	2	3
Others (please specify _____ _____)	1	2	3

Q6 To what extent do you think an unrepresented litigant would be in need of the following services? Please circle the appropriate score for each item.

	Not in need of such service at all	Such service would be useful, but not essential	Very much in need of the service
Advice (on civil litigation procedure) to be provided by the legal profession and other agencies	1	2	3
General advice (other than on civil litigation procedure) to be provided by the legal profession and other agencies	1	2	3

Q7 If you consider advice to be provided by the legal profession and other agencies for unrepresented litigants is essential or useful, would you consider unrepresented litigants will prefer the service be provided:

Please put a “ ” in the appropriate box

Within normal office hours	Mon to Fri (9:00 am to 5:00 pm) Sat (9:00 am to 12:00 noon)	<input type="checkbox"/>
Outside normal office hours	Say after 6:30 pm on weekdays and on Saturday afternoons	<input type="checkbox"/>
Others (please specify _____ _____)		<input type="checkbox"/>

Q8 Have you obtained any advice/service from the staff of the Court Registry before?

Please put a “ ” in the appropriate box

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

Q9 Are you aware of the following services?

Please put a “ ” in the appropriate box

	Yes	No
The Duty Lawyer Service Free Legal Advice Scheme	<input type="checkbox"/>	<input type="checkbox"/>
The Bar Association Free Legal Service Scheme	<input type="checkbox"/>	<input type="checkbox"/>

Q10 Do you have other suggestions for the resource centre? _____

Q11 Your age is

Please put a “ ” in
the appropriate box

Below 21

21 – 30

31 – 40

41 – 50

51 – 60

Over 60

Q12 Your gender is

Please put a “ ” in
the appropriate box

Male

Female

Q13 Your educational level is

Please put a “ ” in
the appropriate box

Primary or below

Secondary

Post-secondary diploma/certificate

University degree or above

~ Thank you very much ~

You may return the completed questionnaire to the Information
Counter/Registry Counter in the High Court or District Court.

OR

Send to Chief Judiciary Executive (Court Registries) -

- (a) by Fax (Fax No. 2106 9733); or
- (b) by Mail at : Court Registries Section
LG3/F., High Court Building
38 Queensway
Hong Kong ; or
- (c) by E-mail at survey@judiciary.gov.hk

Deadline for returns: 12 August 2002

**Report on
Survey on Services and Facilities
to be provided at the Resource Centre
for Unrepresented Litigants**

By Judiciary Administration

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**Report on
Survey on Services and Facilities
to be provided at the Resource Centre for
Unrepresented Litigants**

Executive Summary

Introduction

The Judiciary is planning to set up a resource centre for unrepresented litigants in civil proceedings in the High Court and District Court to provide facilities to help these litigants deal with the rules and procedures and in the conduct of their cases.

The survey aims to collect views about the services and facilities of the resource centre and the assistance of the legal profession and other interested bodies to be provided at or through the resource centre in the following areas:

1. The respondents' experience of being an unrepresented litigant,
2. Experience of obtaining advice/service from the staff of the Court Registry
3. Reasons for Self-representation
4. Services/facilities that should be provided at the resource centre, including:
 - (a) the need for advice on civil procedures and general advice, and
 - (b) service hours preferred
5. Awareness of the Legal Service Scheme
6. Suggestions on the Resource Centre

Methodology

During the period from 2nd July to 12th August, 2002, a total number of 632 questionnaires were collected. Among these questionnaires, 343 (54.3%) were from unrepresented litigants; 32 (5.1%) from represented litigants; 161 (25.5%) from legal professionals and 96 (15.2%) from others, which included visitors to the court buildings and friends and relatives of the litigants.

There are several sources of questionnaires returns. They include fieldwork conducted in the High Court Building, which is 43% (264) of the total returns, and in the District Court Building, which is 23% (141) of the total returns. 34% (227) of the total returns were collected by fax, email, post and from collection box.

The fieldwork was conducted by random sampling carried out in different court areas and the registries at the High Court Building and the District Court Building by 2 full time researchers. Regarding data processing, spreadsheets were used to capture the results of each questionnaire return and the findings were extracted by simple data filtering on spreadsheets.

Executive Summary

Among the 632 respondents, 343 (55%) were “unrepresented litigants” and this was the largest group in the sample. The respondents’ profile was quite normally distributed with the largest group being aged 31-40 and having secondary education.

For the nature of cases that the respondents were or had been involved, the most common case type was “other civil action/unspecified civil case” with “bankruptcy cases” ranked second. The main reason for them to be legally unrepresented was that they could not afford to engage lawyers.

Concerning the level of necessity of services/facilities that should be provided at the resource centre, “General Enquiries Counter” was given the highest rank by all groups of the respondents. Pamphlets and forms, writing area and central telephone enquiries ranked within the top five.

Advice on civil procedures and general advice were considered very much in need by the respondents.

Regarding the service hours of the resource centre, there was no strong preference by all groups of respondents for “within normal office hours” or “outside normal office hours”.

Most respondents, except the legal professional group, were not aware of the free legal advice/service schemes provided by the Duty Lawyer Service and the Bar Association. And most of them suggested that information on these services should be made available at the resource centre.

**Report on
Survey on Services and Facilities
to be provided at the Resource Centre
for Unrepresented Litigants**

Findings

1. Types of Respondents

	No.	Percentage
Unrepresented litigant	343	54.3%
Represented litigant	32	5.1%
Legal professional	161	25.5%
Others	96	15.2%
<i>Total</i>	<i>632</i>	<i>100.0%</i>

Fig.1, p.18,
in
Appendix
I

Among the 632 respondents, more than half (54.3%) were unrepresented litigants. Legal professionals were the second largest group in the sample. “*Others*” include relatives, friends of the litigants and visitors of the Court building.

2. Experience of being an unrepresented litigant

(Represented litigant, Legal professional and Others)

	No.	Percentage
Yes	34	12.1%
No	247	87.9%
<i>Total</i>	<i>281</i>	<i>100.0%</i>

Among the 281 responses from represented litigants, legal professionals and others, most of them (88%) had not been unrepresented litigants before.

3. Level of Court and Case Nature **(Respondents who have been unrepresented litigant)**

Nature of case

<i>Civil:</i>	<i>No.</i>	<i>Percentage</i>
Other civil action/unspecified civil case	152	38.9%
Bankruptcy	132	33.8%
Matrimonial	45	11.5%
Probate	34	8.7%
Companies	8	2.0%
Personal Injuries	6	1.5%
Lands	5	1.3%
<i>Subtotal</i>	382	97.7%

<i>Criminal:</i>	<i>No.</i>	<i>Percentage</i>
Criminal case	9	2.3%
<i>Total</i>	391	100.0%

Level of Court

	<i>No.</i>	<i>Percentage</i>
High Court	245	61.3%
District Court	94	23.5%
Magistrates' Court	10	2.5%
Family Court	42	10.5%
Others	9	2.3%
<i>Total</i>	400	100.0%

The largest proportion of cases was “other civil action/ unspecified civil case” (38.9%). A reasonably high percentage (33.8%) of unrepresented respondents featured in bankruptcy cases.

A large proportion of the cases was handled in the High Court (61.3%). This may have to do with the time distribution of the fieldwork carried out in High Court and District Court. A total of 18 days were spent in the High Court and a total of 12 days were spent in the District Court for fieldwork over the survey period.

Fig.2, p.18,
in
Appendix
I

4. Reasons for Self-representation **(Respondents who had been unrepresented litigant)**

Fig.3a, p.19,
in
Appendix
I

	No.	Percentage
Cannot afford to engage lawyers	257	62.7%
Not considered as necessary	125	30.5%
Others	28	6.8%
Total	410	100.0%

- Reasons for Self-representation (*Excluding bankruptcy cases*)

Fig.3b, p.19,
in
Appendix
I

	No.	Percentage
Cannot afford to engage lawyers	163	56.8%
Not considered as necessary	99	34.5%
Others	25	8.7%
Total	287	100.0%

Respondents could choose more than one answers to this question. The percentages shown in these tables were therefore based on the total number of answers chosen by the respondents instead of the total number of respondents

For respondents who had been legally unrepresented, “*Cannot afford to engage lawyers*” was the main reason for self-representation. 62.7% of the responses was in this category. Even when bankruptcy cases were excluded from the sample, “*Cannot afford to engage lawyers*” still accounts for 56.8% of the responses. Other reasons given include “*concerns on fees and costs*”, “*lack of trust on lawyers*” and “*disallowed by legislations*”.

For details
of the other
reasons
given, see
Table 1,
p.31, in
Appendix III

5. Services/facilities that should be provided at the resource centre

The level of necessity of the 10 facilities was ranked by reference to a mark calculated on the frequency distribution of “not required”=1, “Desirable”=2, “Essential”=3. The maximum mark was derived at by multiplying the number of responses to the concerned services/facilities by 3.

Rankings on the necessity level of the facilities/services

<u>Services/facilities</u>	<u>Unrepresented litigants</u>		<u>Represented litigants</u>		<u>Legal Professionals</u>		<u>Others</u>	
(Maximum Marks)	(1026)		(96)		(468)		(288)	
	<u>Marks</u>	<u>Ranking</u>	<u>Marks</u>	<u>Ranking</u>	<u>Marks</u>	<u>Ranking</u>	<u>Marks</u>	<u>Ranking</u>
General enquiries counter	998	1	95	1	444	1	270	1
Writing area	881	4	84	2	402	4	227	4
Oaths and declaration	793	7	82	5	384	5	194	7
Pay-phones	659	10	69	10	343	8	181	9
Computer access	834	6	72	8	359	7	223	5
Central telephone enquiries	872	5	83	4	337	9	223	5
Photo-copying machine	926	2	81	6	405	3	247	3
Pamphlets and forms	923	3	84	2	424	2	260	2
Videos featuring information	762	8	69	10	324	10	187	8
Daily list of hearings	729	9	79	6	380	6	176	10

For detailed distributions, See Fig. 4a-4e, p.20-22, in Appendix I

General enquiries counter ranked first and pamphlets and forms ranked within the top five for all groups of the respondents. On the other hand, pay-phones and videos ranked at the bottom of the table for all groups of the respondents.

Rankings on the necessity level of the facilities/services

(Non-Legal Professional Respondents and Legal Professional Respondents)

<u>Services/facilities</u>	<u>Non-Legal Professional Respondent</u>		<u>Legal Professional Respondents</u>	
(Maximum Marks)	(1410)		(468)	
	<u>Marks</u>	<u>Ranking</u>	<u>Marks</u>	<u>Ranking</u>
General enquiries counter	1363	1	444	1
Writing area	1192	4	402	4
Oaths and declaration	1069	7	384	5
Pay-phones	906	10	343	8
Computer access	1129	6	359	7
Central telephone enquiries	1178	5	337	9
Photo-copying machine	1254	3	405	3
Pamphlets and forms	1267	2	424	2
Videos featuring information	1018	8	324	10
Daily list of hearings	984	9	380	6

For detailed numbers and percentages, See Fig. 8a-8k, p.28-30, in Appendix II

An alternative perspective is provided by looking at the rankings chosen by the non-legal professional respondents and legal professional respondents. Both groups ranked the top four facilities in the same order. They were the “general enquiries counter”, “pamphlets and forms”, “photo-copying machine” and “writing areas”. “Central telephone enquires”, which was ranked fifth by the non-legal professional respondents, was ranked the second last by the legal professional respondents. On the other hand, “daily list of hearings” was ranked the second last and sixth by the non-legal professional respondents and the legal professional respondents respectively.

Rankings on the necessity level of the facilities/services

(All groups of respondents)

Services/facilities		
(Maximum Marks)	(1878)	
	Marks	Ranking
General enquiries counter	1807	1
Writing area	1594	4
Oaths and declaration	1453	7
Pay-phones	1249	10
Computer access	1488	6
Central telephone enquiries	1515	5
Photo-copying machine	1659	3
Pamphlets and forms	1691	2
Videos featuring information	1342	9
Daily list of hearings	1364	8

The aggregate ranking for all the respondents was almost identical to the rankings for the non-legal professionals, except for the rankings for videos featuring information and daily list of hearings. The low marks given to videos featuring information by the legal professionals have lowered the overall ranking for this facility

Other services/facilities suggested by the respondents include enquiry service and reference materials.

For detailed suggestions, See Table 2, p.32, in Appendix III

6. The need for advice on civil litigation procedure and general advice

U.L.- Unrepresented litigant
R.L.- Represented litigant
L.P.- Legal professional

-Advice on civil litigation procedure

	U.L.		R.L.		L.P.		Others		Total	
	No.	%	No.	%	No.	%	No.	%	No	%
Not in need	4	1%	0	0%	8	5%	2	2%	14	2%
Useful, but not essential	55	16%	6	19%	39	25%	27	28%	127	20%
Very much in need	283	83%	26	81%	108	70%	67	70%	484	77%
Total	342	100%	32	100%	155	100%	96	100%	625	100%

Quite a large proportion (over 70%) of the respondents from all four groups expressed that advice on civil litigation procedure was very much in need.

-General advice other than on civil litigation procedure

	U.L.		R.L.		L.P.		Others		Total	
	No.	%	No.	%	No.	%	No.	%	No	%
Not in need	10	3%	0	0%	10	6%	1	1%	21	3%
Useful, but not essential	104	30%	12	38%	55	35%	48	50%	219	35%
Very much in need	228	67%	20	63%	90	58%	47	49%	385	62%
Total	342	100%	32	100%	155	100%	96	100%	625	100%

Over half of the respondents (62%) expressed that general advice other than on civil litigation procedure was very much in need as well.

7. Service hours preferred

	U.L.		R.L.		L.P.		Others		Total	
	No.	%	No.	%	No.	%	No.	%	No.	%
Within normal office hrs	189	55%	21	62%	80	47%	60	71%	350	55%
Outside normal office hrs	137	40%	11	32%	77	46%	22	26%	247	39%
Others	20	6%	2	6%	12	7%	2	2%	36	6%
Total	346	100%	34	100%	169	100%	84	100%	633	100%

	U.L./R.L./Others		L.P.		Total	
	No.	%	No.	%	No.	%
Within normal office hrs	270	58%	80	47%	350	55%
Outside normal office hrs	170	37%	77	46%	247	39%
Others	24	5%	12	7%	36	6%
Total	464	100%	169	100%	633	100%

Respondents could choose more than one answers to this question. The percentages shown in these tables were therefore based on the total number of answers chosen by the respondents instead of the total number of respondents.

The service hours preferred by the respondents was quite equally distributed. Around half of the respondents from each group preferred within normal office hours. Other suggestions include other preferred service times.

For detailed suggestions, See Table 3, p. 33, in Appendix III

8. Experience of obtaining advice/service from the staff of the Court Registry

	U.L.		R.L.		L.P.		Others		Total	
	No.	%	No.	%	No.	%	No.	%	No.	%
Yes	218	64%	17	53%	51	33%	7	7%	293	47%
No	124	36%	15	47%	104	67%	89	93%	332	53%
Total	342	100%	32	100%	155	100%	96	100%	625	100%

The answers to this question were quite equally distributed for the unrepresented and represented litigant respondents groups. However, for the legal professional respondents and the “others” groups, a high proportion of the respondents had no experience of obtaining any advice/services from the staff of the Court Registry before.

9. Awareness of the Legal Service Scheme

-The Duty Lawyer Service Free Legal Advice Scheme

	U.L.		R.L.		L.P.		Others		Total	
	No.	%	No.	%	No.	%	No.	%	No	%
Yes	86	25%	7	22%	152	98%	22	23%	267	43%
No	256	75%	25	78%	3	2%	74	77%	358	57%
Total	342	100%	32	100%	155	100%	96	100%	625	100%

- The Bar Association Free Legal Service Scheme

	U.L.		R.L.		L.P.		Others		Total	
	No.	%	No.	%	No.	%	No.	%	No	%
Yes	79	23%	6	19%	132	85%	24	25%	241	39%
No	262	77%	26	81%	23	15%	72	75%	383	61%
Total	341	100%	32	100%	155	100%	96	100%	624	100%

Most of the unrepresented and represented litigant respondents were not aware of both Schemes. On the other hand, a large proportion of the legal professional respondents were aware of these Schemes.

Almost all legal professional respondents were aware of the Free Legal Service Schemes. When interpreting the overall awareness of these Services, it is to be borne in mind the very high proportion of the answer “Yes” came from the legal professional group.

10. Other suggestions

The suggestions given by unrepresented litigant respondents related mostly to the information on applying Legal Aid and Free Legal Advice Scheme. They suggested that information provided in the resource centre should be simple and easy to understand. Enquiry services on procedure and general advice should be provided as well by legal professions on phone or by appointment.

For the legal professional respondents, they suggested that the resource centre should only provide essential and basic advice and information on procedure. They considered also that free legal service should not be provided as the business of the legal professions would be affected.

For detailed suggestions, See Table 4, p. 34, in Appendix III

11.Respondents' profile

Age

	U.L.		R.L.		L.P.		Others		Total	
	No.	%	No.	%	No.	%	No.	%	No	%
Below 21	2	1%	0	0%	0	0%	3	3%	5	1%
21 - 30	34	10%	6	19%	42	26%	28	29%	110	17%
31 - 40	138	40%	11	34%	48	30%	34	35%	231	37%
41 - 50	129	38%	9	28%	47	29%	24	25%	209	33%
51 - 60	30	9%	6	19%	17	11%	7	7%	60	9%
Over 60	9	3%	0	0%	3	2%	0	0%	12	2%
Unknown	1	0%	0	0%	4	2%	0	0%	5	1%
Total	343	100%	32	100%	161	100%	96	100%	632	100%

Fig.5a-5e,
p.23, in
Appendix
I

	U.L./R.L./Others		L.P.		Total	
	No.	%	No.	%	No	%
Below 21	5	1%	0	0%	5	1%
21 - 30	68	14%	42	26%	110	17%
31 - 40	183	39%	48	30%	231	37%
41 - 50	162	34%	47	29%	209	33%
51 - 60	43	9%	17	11%	60	9%
Over 60	9	2%	3	2%	12	2%
Unknown	1	0%	4	2%	5	1%
Total	471	100%	161	100%	632	100%

Gender

	U.L.		R.L.		L.P.		Others		Total	
	No.	%	No.	%	No.	%	No.	%	No	%
Male	188	55%	21	66%	110	68%	51	53%	370	59%
Female	154	45%	11	34%	45	28%	45	47%	255	40%
Unknown	1	0%	0	0%	6	4%	0	0%	7	1%
Total	343	100%	32	100%	161	100%	96	100%	632	100%

Fig.6a-6e,
p.25, in
Appendix
I

	U.L./R.L./Others		L.P.		Total	
	No.	%	No.	%	No	%
Male	260	55%	110	68%	370	59%
Female	210	45%	45	28%	255	40%
Unknown	1	0%	6	4%	7	1%
Total	471	100%	161	100%	632	100%

Educational Level

	U.L.		R.L.		L.P.		Others		Total	
	No.	%	No.	%	No.	%	No.	%	No	%
Primary or below	31	9%	3	9%	2	1%	7	7%	43	7%
Secondary	230	67%	27	84%	9	6%	42	44%	308	49%
Post-secondary diploma/certificate	51	15%	1	3%	6	4%	28	29%	86	14%
University degree or above	30	9%	1	3%	138	86%	19	20%	188	30%
Unknown	1	0%	0	0%	6	4%	0	0%	7	1%
Total	343	100%	32	100%	161	100%	96	100%	632	100%

	U.L./R.L./Others		L.P.		Total	
	No.	%	No.	%	No	%
Primary or below	41	9%	2	1%	43	7%
Secondary	299	63%	9	6%	308	49%
Post-secondary diploma/certificate	80	17%	6	4%	86	14%
University degree or above	50	11%	138	86%	188	30%
Unknown	1	0%	6	4%	7	1%
Total	471	100%	161	100%	632	100%

Regarding the respondents' personal profile, the largest proportion in the sample (37%) was the group of people aged 31-40. 59% of them were male and 40% of them female. Overall speaking, most of the respondents' educational level was secondary (49%).

Fig.7a-7e,
p.27, in
Appendix
I

Concluding Remarks

This survey aims to collect views about the services and facilities to be provided at the resource centre in the High Court and District Court to help unrepresented litigants in civil proceedings to deal with the rules and procedures and in the conduct of their cases.

Level of Court & Case Nature

The findings showed that a large proportion of the cases (61.3%) was handled in the High Court whereas 23.5% in the district Court. This may have to do with the time distribution of the fieldwork carried out in High Court and District Court. A total of 18 days were spent in the High Court and a total of 12 days were spent in the District Court for fieldwork over the survey period.

The findings also showed a reasonably high percentage of 38.9% and 33.8% (total 72.7%) of the unrepresented litigant respondents featured in “*other civil action/ unspecified civil case*” and “*bankruptcy case*” respectively.

Reasons for Self-representation

Based on the findings, 69.7% of the responses were finance-concerned with 62.7% being “*cannot afford to engage lawyers*” and 7% “Others” being by large “*concerns on the fees*” and “*excessive fees relative to the size of claims*”.

Excluding bankruptcy cases from the sample, given its inherent lack of financial affordability by case nature, “*Cannot afford to engage lawyers*” still accounted for 56.8% of the responses. The figure indicated the unrepresented litigants’ need on reliable information sources in ascertaining the likely legal fees, such as a “*price list for legal services*” and “*Bar lists and Law lists copies*” as suggested by the respondents in the “other suggestions” section listed in *Table 2, p.32 in Appendix III*.

Concerning the second largest reason of self-representation, the findings showed that 30% of the responses stating “*Not considered as necessary*”. This may indicate the unrepresented litigants’ need on acquiring information on an overview of the timeframe and resources reasonably needed in the conduct of civil proceedings without legal representation. This may put them in a well informed position to assess the need of legal representation or otherwise.

Services and Facilities

The findings showed that “*General enquiries counter*”, “*Pamphlets and forms*”, “*photocopying machine*” and “*Writing area*” were regarded as necessary by both unrepresented litigant and legal professional respondents. The unrepresented litigants’ need on advice relating to the rules and procedures and conduct of their cases *over the counter* was reasonably indicated. This may also be the reason why “*videos featuring information*” ranked unanimously at the bottom by all groups of respondents.

Need for Advice on Civil Litigation Procedure and General Advice

The findings showed a total of 77% (*on advice on civil litigation procedure*) and 62% (*on general advice*) of the respondents indicated that both types of advice were very much in need..

Services Hours Preferred

According to the findings, “*within normal office hours*” service was as much preferred as “*Outside normal office hours*”. The responses, as one would expect, suggested that the legal profession might be more available to provide free service after office hours should such services be provided at or through the resource centre.

Awareness of the Legal Service Schemes

The findings showed a considerable lack of awareness. More than 75% of unrepresented litigants did not know the availability of these services. The legal profession may consider to step up their efforts on the promotion of the awareness of the existing free legal service schemes to the general public.

Other Suggestions

The overall response in “*other suggestions*” section related mostly to the provision of information on legal aid application processes, existing legal services and legal research materials. It was also suggested that information provided in the resource center should be simple and easy to understand. Enquiry services on procedure and general advice should be provided as well by the legal profession on phone or by appointment. The suggestions generally indicated an expectation of a quality one-stop-shop service where the objective of access to justice could be achieved to its best. Service charters of the intended resource centre and the existing court registries may have to be developed for the change.

**Report on
Survey on Services and Facilities
to be provided at the Resource Centre
for Unrepresented Litigants**

Appendices I, II, III & IV

Appendix I

Types of Respondents

Findings,
p.5,
refers

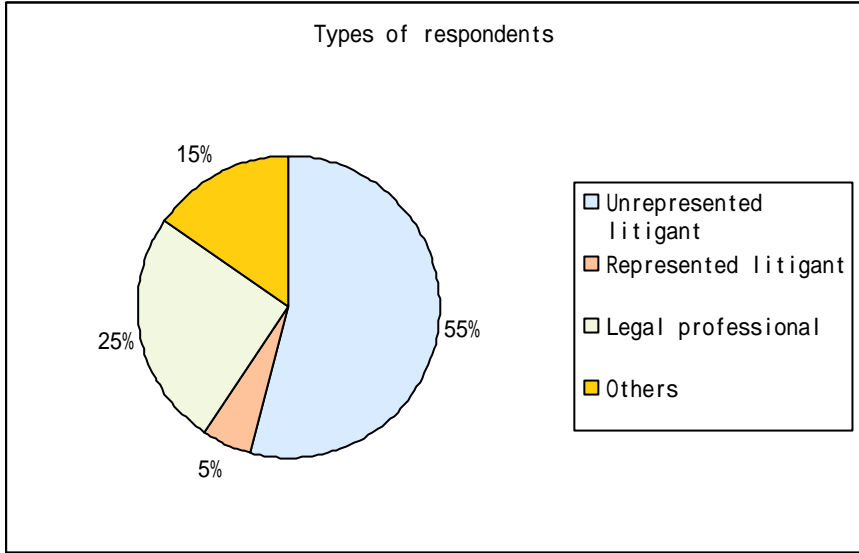


Fig.1

Case Nature

Findings,
p.6,
refers

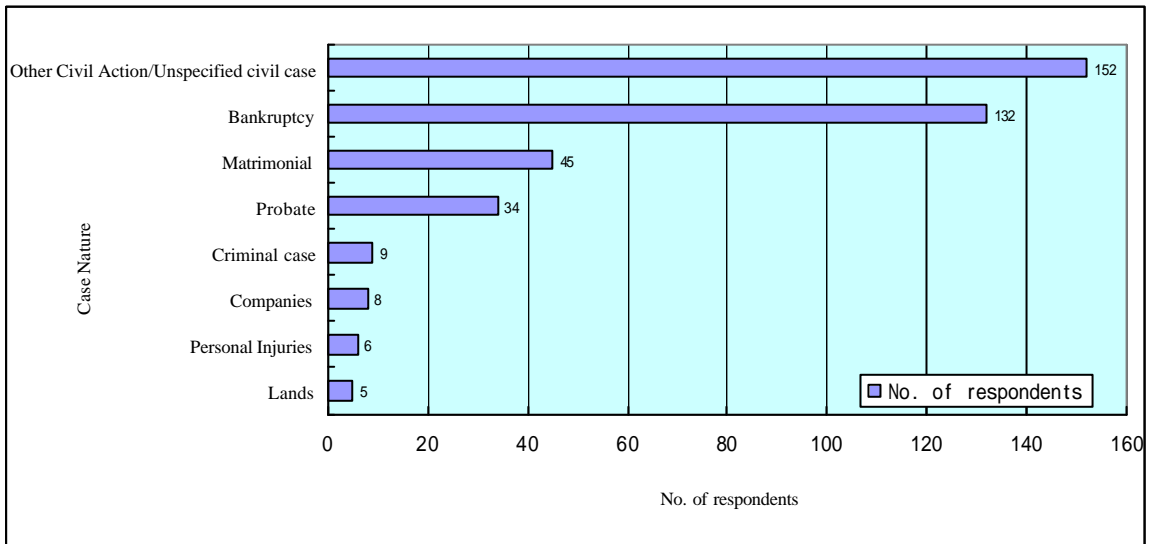


Fig.2

Appendix I

Reasons for Self-representation

Findings,
p.7,
refers

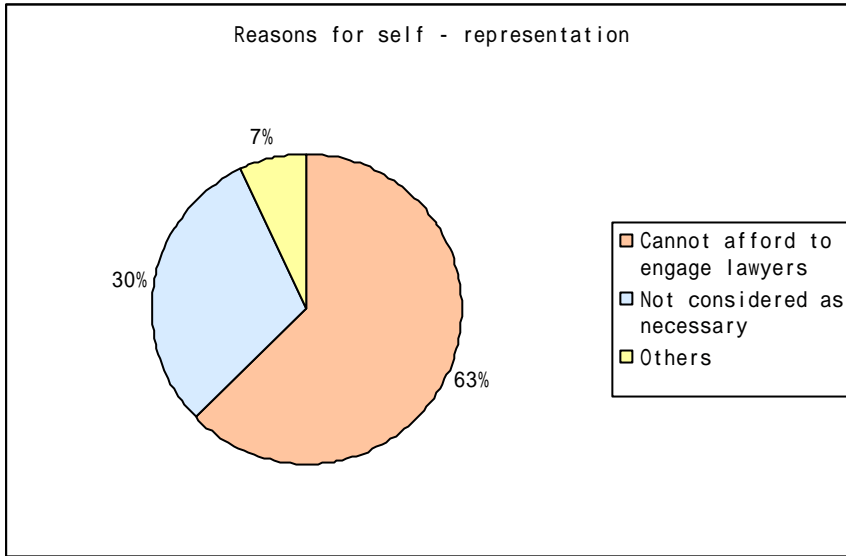
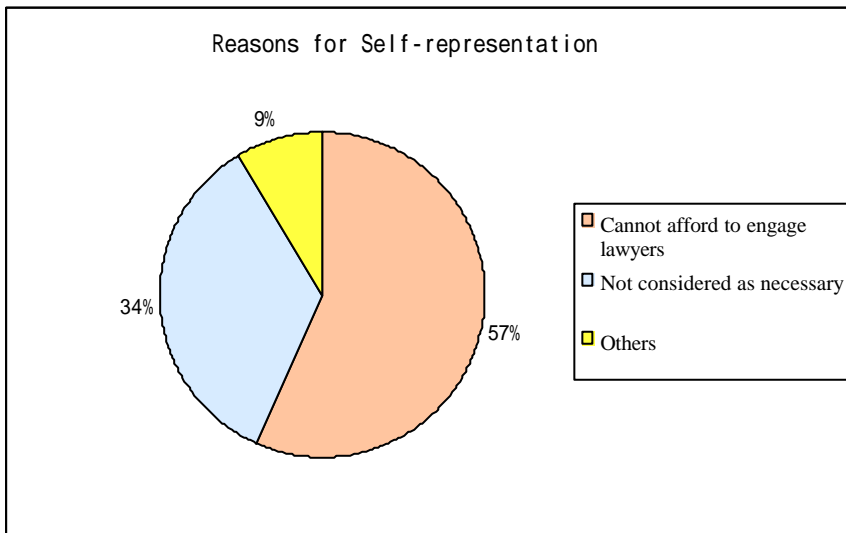


Fig.3a

Reasons for Self-representation (Excluding bankruptcy cases)

Findings,
p.7,
refers



Fig,3b

Appendix I

**Services/facilities that should be provided at the resource centre
Unrepresented litigant**

Findings,
p.8,
refers

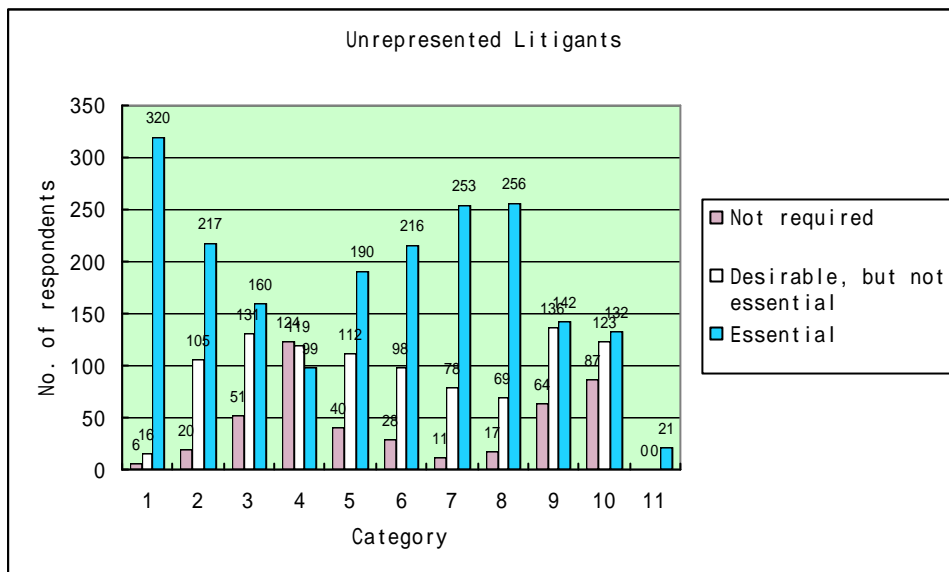


Fig.4a

Category

- | | |
|------------------------------|---------------------------------|
| 1. General enquiries counter | 6. Telephone enquiries services |
| 2. Writing area | 7. Photo – copying machine |
| 3. Oaths and declaration | 8. Pamphlets and court forms |
| 4. Pay – phones | 9. Videos featuring information |
| 5. Computer terminals | 10. Daily list of hearings |
| | 11. Others |

Represented litigants

Findings,
p.8,
refers

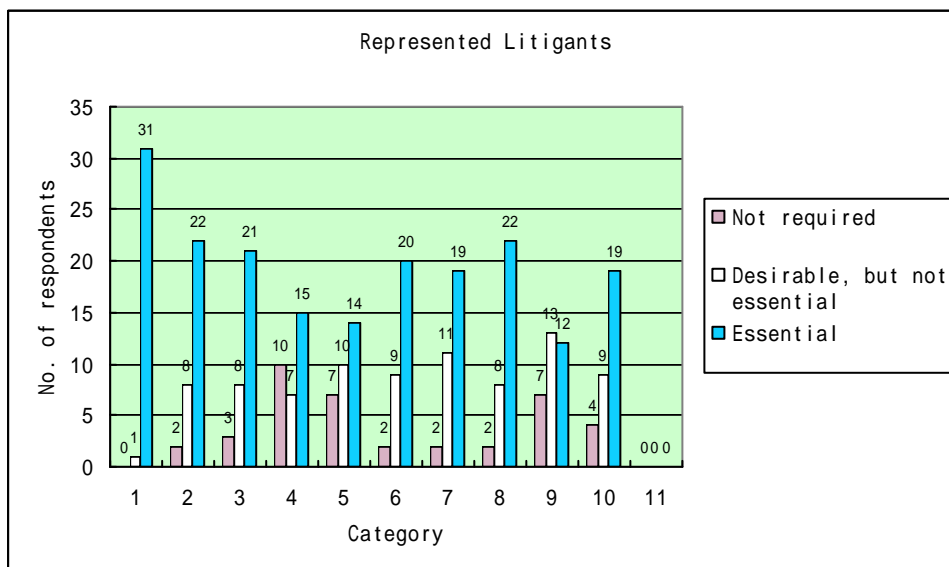


Fig.4b

Category

- | | |
|------------------------------|---------------------------------|
| 1. General enquiries counter | 6. Telephone enquiries services |
| 2. Writing area | 7. Photo – copying machine |
| 3. Oaths and declaration | 8. Pamphlets and court forms |
| 4. Pay – phones | 9. Videos featuring information |
| 5. Computer terminals | 10. Daily list of hearings |
| | 11. Others |

Appendix I
Legal Professional

Findings,
p.8,
refers

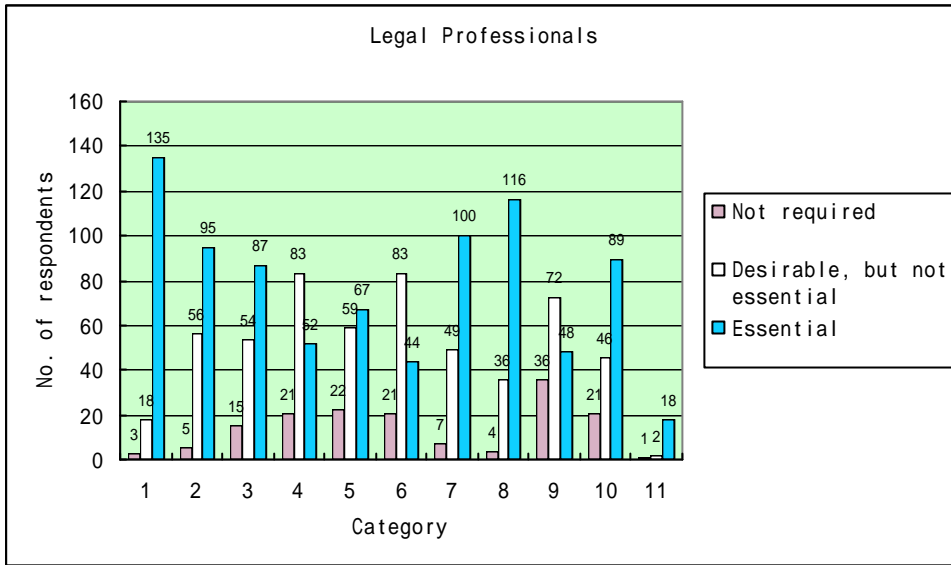


Fig.4c

Category

- | | |
|------------------------------|---------------------------------|
| 1. General enquiries counter | 6. Telephone enquiries services |
| 2. Writing area | 7. Photo – copying machine |
| 3. Oaths and declaration | 8. Pamphlets and court forms |
| 4. Pay –phones | 9. Videos featuring information |
| 5. Computer terminals | 10. Daily list of hearings |
| | 11. Others |

Others

Findings,
p.8,
refers

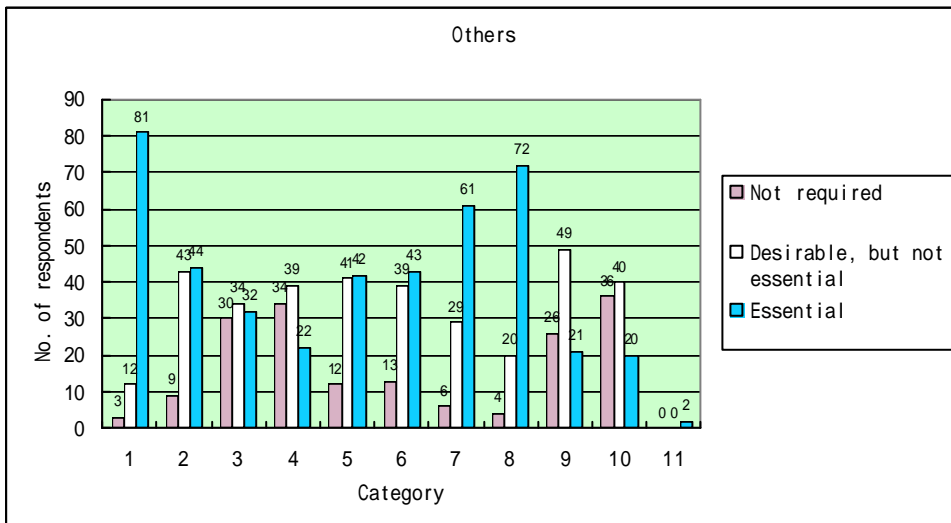


Fig.4d

Category

- | | |
|------------------------------|---------------------------------|
| 1. General enquiries counter | 6. Telephone enquiries services |
| 2. Writing area | 7. Photo – copying machine |
| 3. Oaths and declaration | 8. Pamphlets and court forms |
| 4. Pay –phones | 9. Videos featuring information |
| 5. Computer terminals | 10. Daily list of hearings |
| | 11. Others |

Appendix I

All groups of respondents

Findings,
p.8,
refers

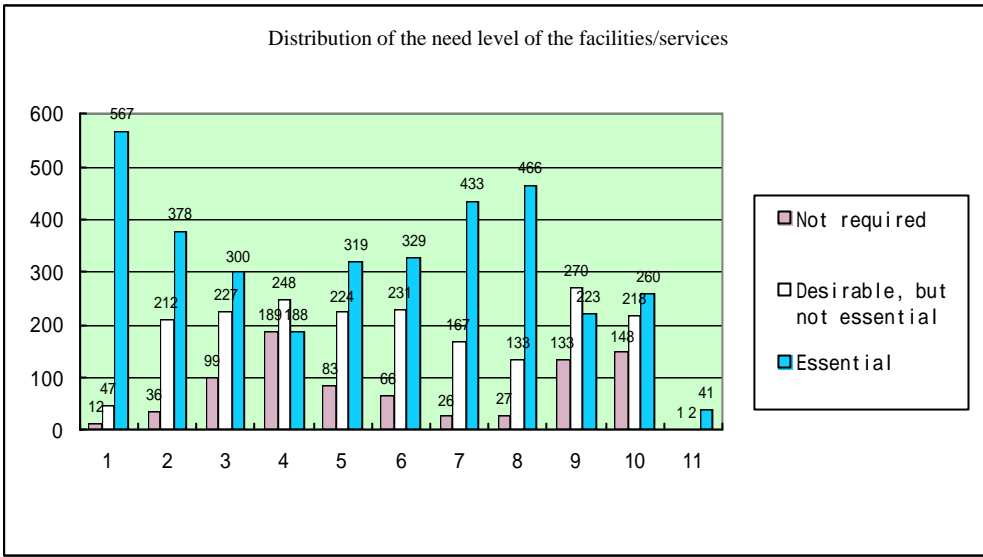


Fig.4e

Category

- | | |
|------------------------------|---------------------------------|
| 1. General enquiries counter | 6. Telephone enquiries services |
| 2. Writing area | 7. Photo – copying machine |
| 3. Oaths and declaration | 8. Pamphlets and court forms |
| 4. Pay – phones | 9. Videos featuring information |
| 5. Computer terminals | 10. Daily list of hearings |
| | 11. Others |

Respondents' profile

Age – Unrepresented Litigants

Findings,
p.13,
refers

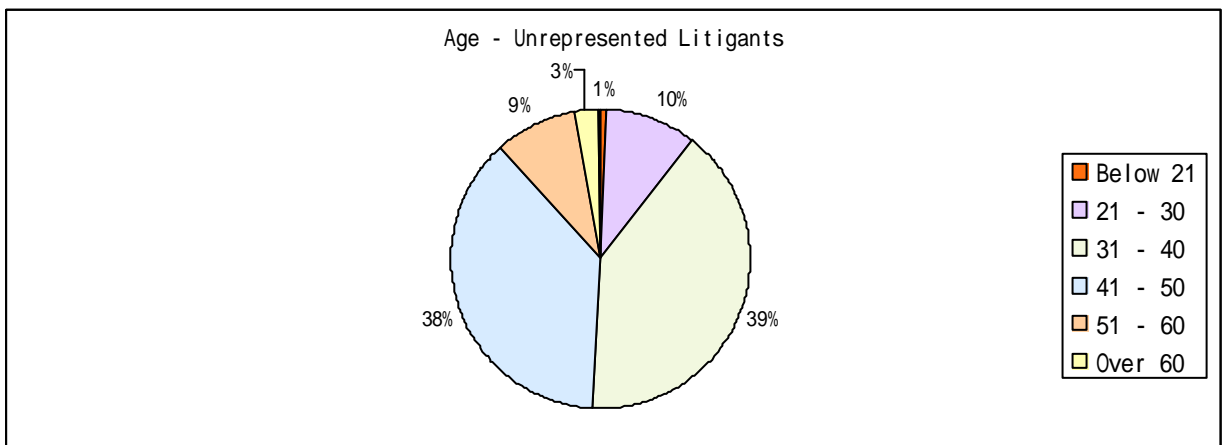


Fig.5a

Appendix I

Age – Represented Litigants

Findings,
p.13,
refers

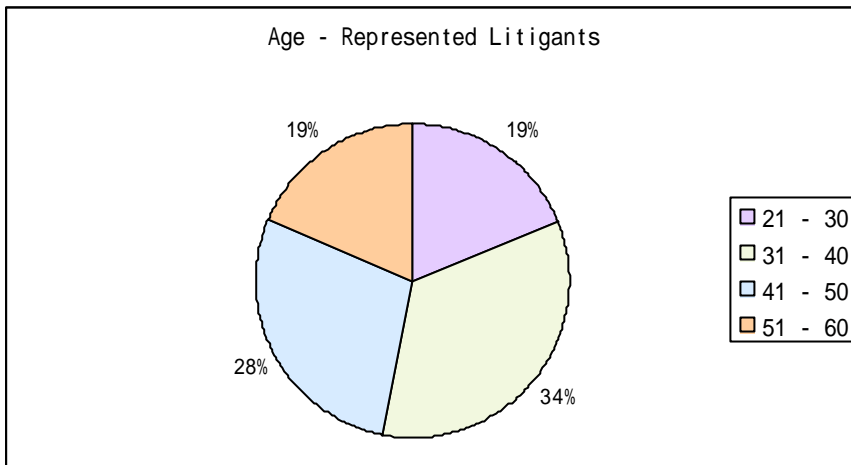


Fig.5b

Age – Legal professionals

Findings,
p.13,
refers

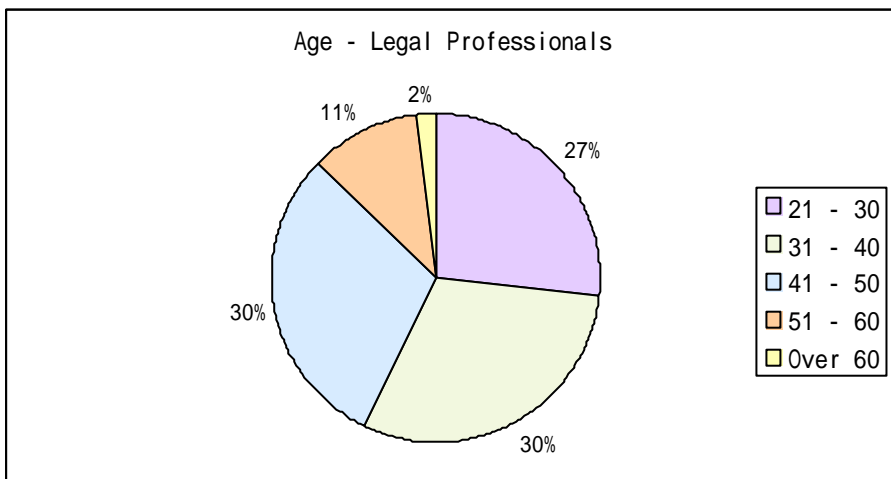


Fig.5c

Age - Others

Findings,
p.13,
refers

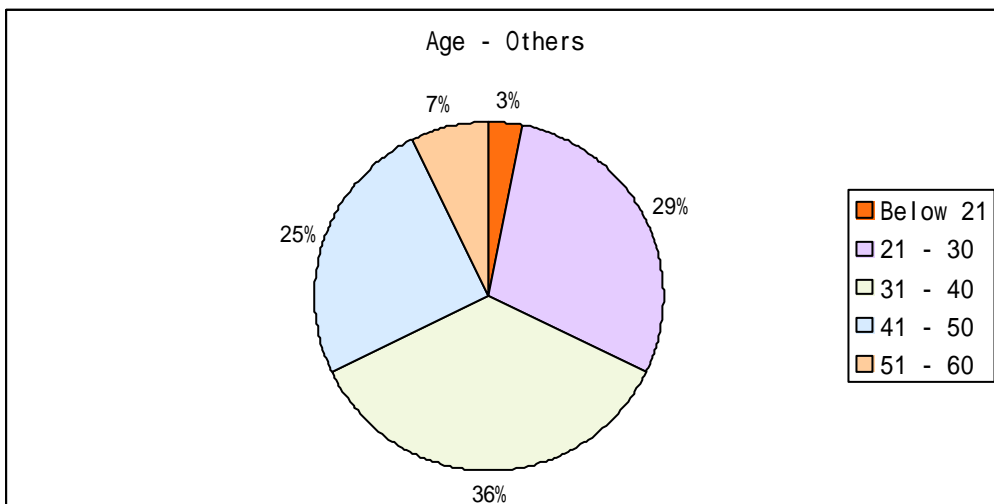


Fig.5d

Appendix I

Age – All groups of respondents

Findings,
p.13,
refers

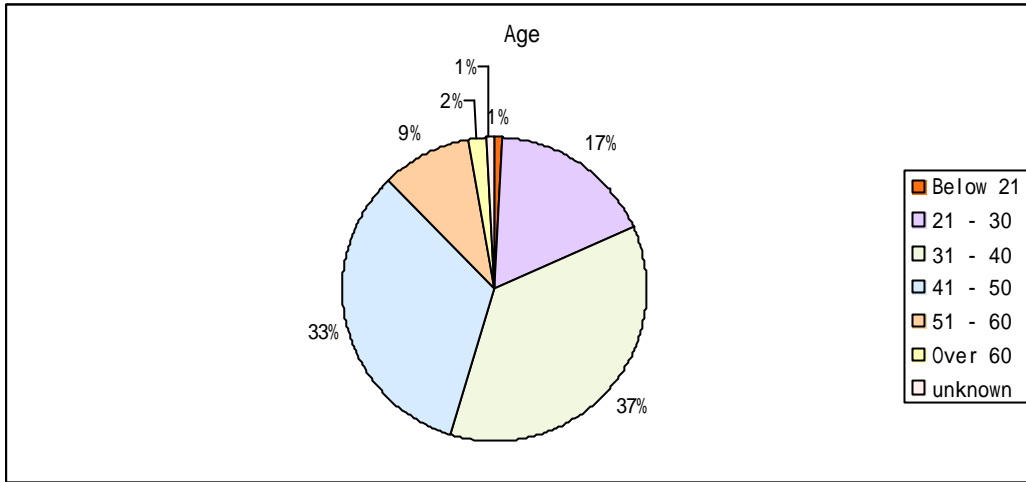


Fig.5e

Gender – Unrepresented Litigants

Findings,
p.13,
refers

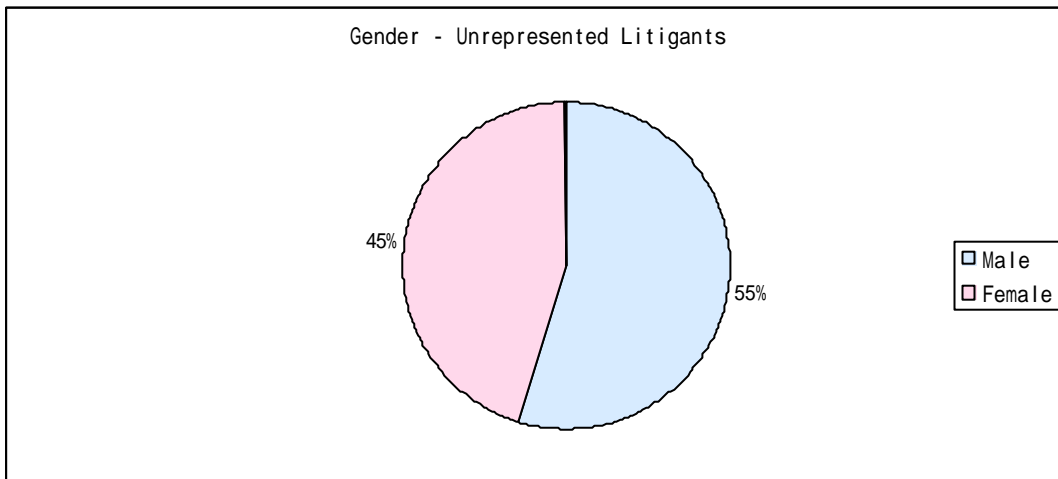


Fig.6a

Gender – Represented Litigants

Findings,
p.13,
refers

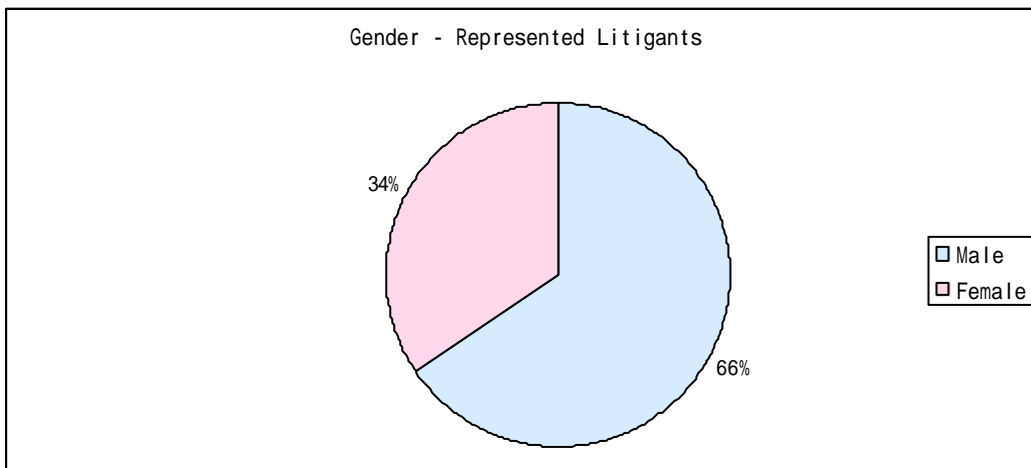


Fig.6b

Appendix I

Gender – Legal Professionals

Findings,
p.13,
refers

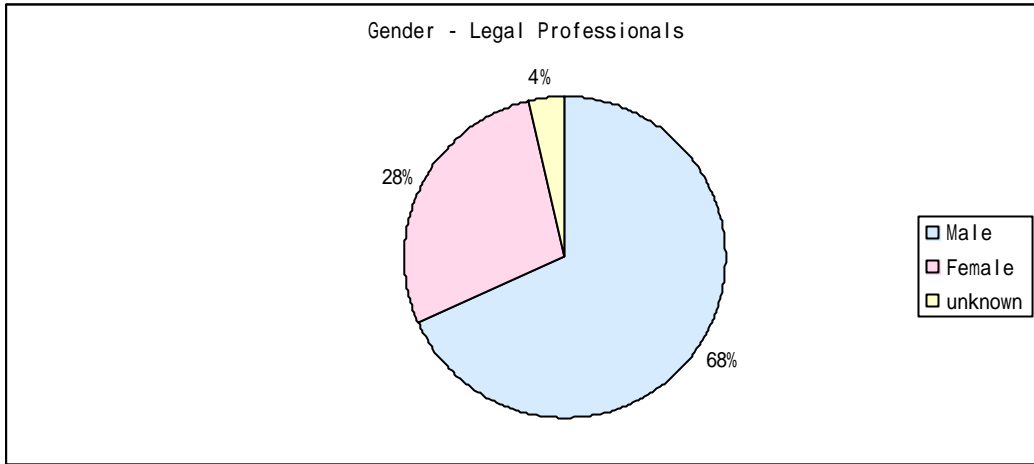


Fig.6c

Gender - Others

Findings,
p.13,
refers

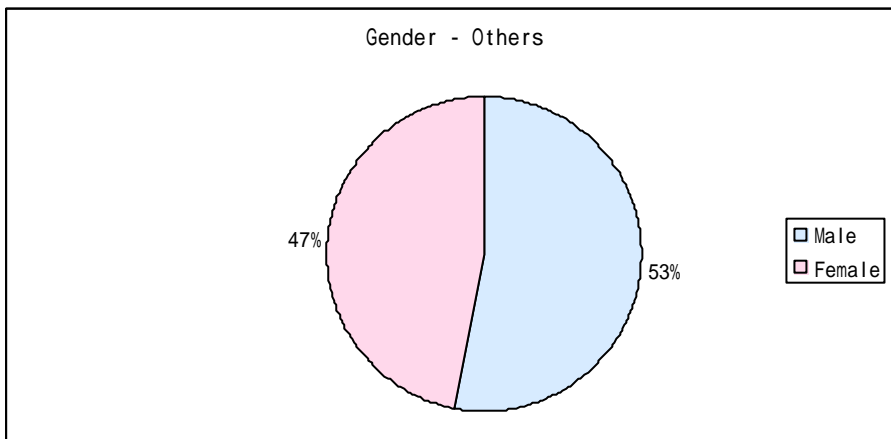


Fig.6d

Gender - All groups of respondents

Findings,
p.13,
refers

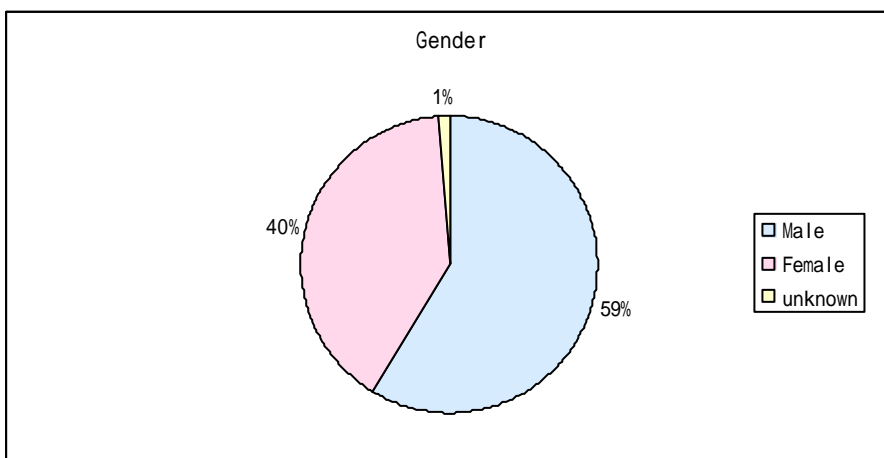


Fig.6e

Appendix I

Educational Level – Unrepresented Litigants

Findings,
p.14,
refers

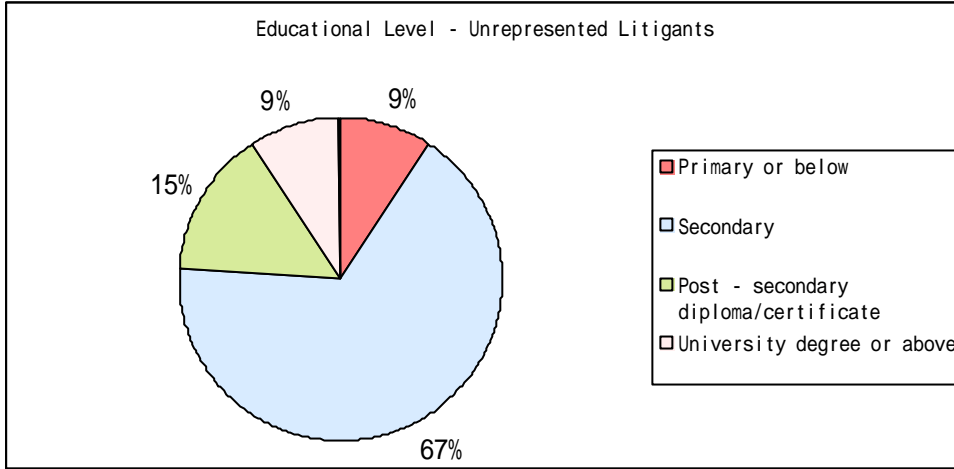


Fig.7a

Educational Level – Represented Litigants

Findings,
p.14,
refers

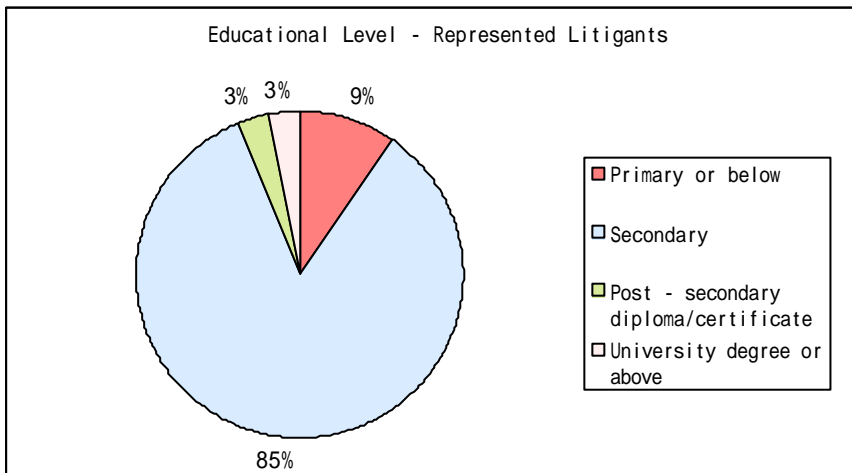


Fig.7b

Educational Level – Legal Professional

Findings,
p.14,
refers

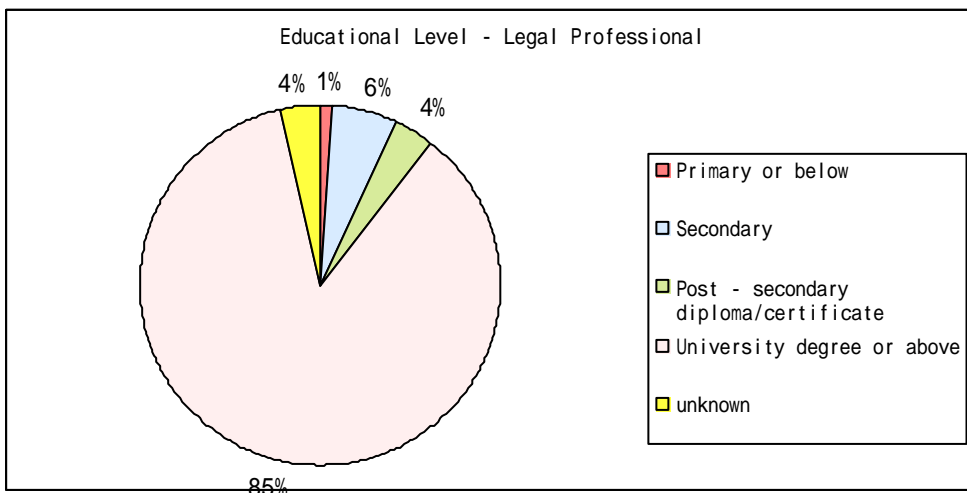


Fig.7c

Educational Level - Others

Findings,
p.14,
refers

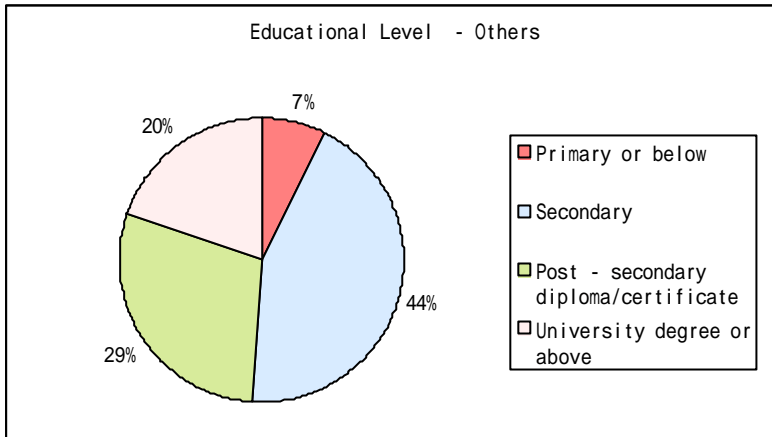


Fig.7d

Educational Level - All groups of respondents

Findings,
p.14,
refers

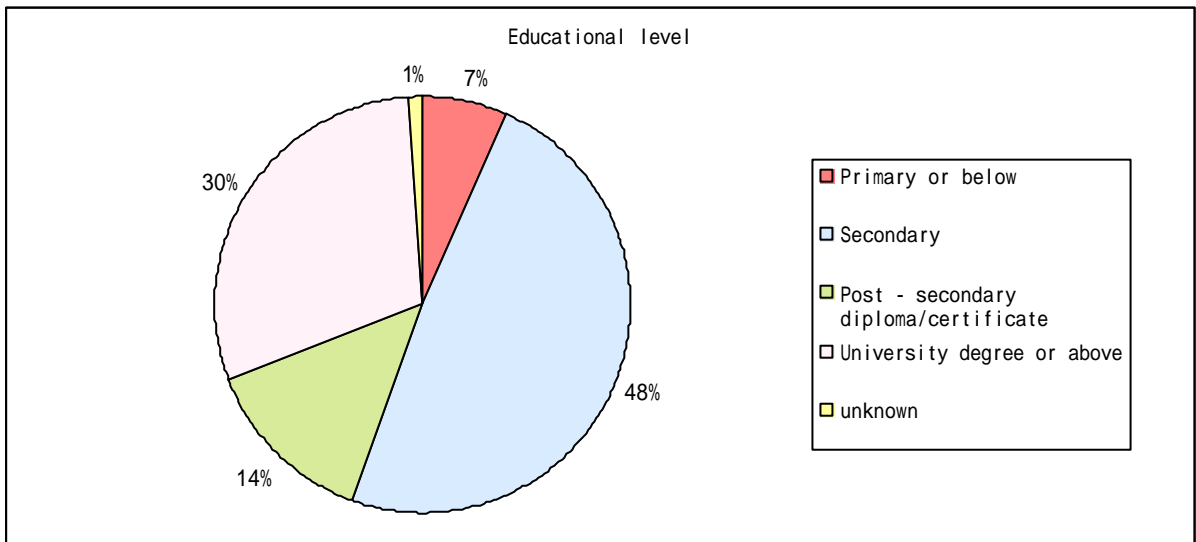


Fig.7e

Appendix II**Q.5 Numbers and percentages of Necessity Level of the facilities/services**Findings,
p.8,
refers

U.L.- Unrepresented litigant R.L.- Represented litigant L.P.- Legal professional
--

1- General enquiries counter

	U.L		R.L.		L.P.		Others		Total	
	No.	%	No.	%	No.	%	No.	%	No.	%
Not required	6	2%	0	0%	3	2%	3	3%	12	2%
Desirable, but not essential	16	5%	1	3%	18	12%	12	13%	47	8%
Essential	320	94%	31	97%	135	87%	81	84%	567	91%
Total	342	100%	32	100%	156	100%	96	100%	626	100%

Fig. 8a

2- Writing area

	U.L		R.L.		L.P.		Others		Total	
	No.	%	No.	%	No.	%	No.	%	No.	%
Not required	20	6%	2	6%	5	3%	9	9%	36	6%
Desirable, but not essential	105	31%	8	25%	56	36%	43	45%	212	34%
Essential	217	63%	22	69%	95	61%	44	46%	378	60%
Total	342	100%	32	100%	156	100%	96	100%	626	100%

Fig. 8b

3- Oaths and declarations service

	U.L		R.L.		L.P.		Others		Total	
	No.	%	No.	%	No.	%	No.	%	No.	%
Not required	51	15%	3	9%	15	10%	30	31%	99	16%
Desirable, but not essential	131	38%	8	25%	54	35%	34	35%	227	36%
Essential	160	47%	21	66%	87	56%	32	33%	300	48%
Total	342	100%	32	100%	156	100%	96	100%	626	100%

Fig. 8c

Appendix II

4- Pay-phones

	U.L		R.L.		L.P.		Others		Total	
	No.	%	No.	%	No.	%	No.	%	No.	%
Not required	124	36%	10	31%	21	13%	34	36%	189	30%
Desirable, but not essential	119	35%	7	22%	83	53%	39	41%	248	40%
Essential	99	29%	15	47%	52	33%	22	23%	188	30%
Total	342	100%	32	100%	156	100%	95	100%	625	100%

Fig.8d

5- Computer terminals with access to the Judiciary web-site

	U.L		R.L.		L.P.		Others		Total	
	No.	%	No.	%	No.	%	No.	%	No.	%
Not required	40	12%	7	22%	24	15%	12	13%	83	13%
Desirable, but not essential	112	33%	10	31%	61	39%	41	43%	224	36%
Essential	190	56%	15	47%	71	46%	43	45%	319	51%
Total	342	100%	32	100%	156	100%	96	100%	626	100%

Fig.8e

6- Telephone with access to the Judiciary central telephone enquiries service

	U.L		R.L.		L.P.		Others		Total	
	No.	%	No.	%	No.	%	No.	%	No.	%
Not required	28	8%	2	6%	23	15%	13	14%	66	11%
Desirable, but not essential	98	29%	9	28%	85	54%	39	41%	231	37%
Essential	216	63%	21	66%	48	31%	44	46%	329	53%
Total	342	100%	32	100%	156	100%	96	100%	626	100%

Fig. 8f

7- Self-service photo-copying machine

	U.L		R.L.		L.P.		Others		Total	
	No.	%	No.	%	No.	%	No.	%	No.	%
Not required	11	3%	2	6%	7	4%	6	6%	26	4%
Desirable, but not essential	78	23%	11	34%	49	31%	29	30%	167	27%
Essential	253	74%	19	59%	100	64%	61	64%	433	69%
Total	342	100%	32	100%	156	100%	96	100%	626	100%

Fig. 8g

Appendix II

8-Pamphlets of the Judiciary and usual court forms

	U.L		R.L.		L.P.		Others		Total	
	No.	%	No.	%	No.	%	No.	%	No.	%
Not required	17	5%	2	6%	4	3%	4	4%	27	4%
Desirable, but not essential	69	20%	8	25%	36	23%	20	21%	133	21%
Essential	256	75%	22	69%	116	74%	72	75%	466	74%
Total	342	100%	32	100%	156	100%	96	100%	626	100%

Fig. 8h

9-Videos featuring information about the Judiciary

	U.L		R.L.		L.P.		Others		Total	
	No.	%	No.	%	No.	%	No.	%	No.	%
Not required	64	19%	7	22%	36	23%	26	27%	133	21%
Desirable, but not essential	136	40%	13	41%	72	46%	49	51%	270	43%
Essential	142	42%	12	38%	48	31%	21	22%	223	36%
Total	342	100%	32	100%	156	100%	96	100%	626	100%

Fig. 8i

10-Display of daily list of hearings

	U.L		R.L.		L.P.		Others		Total	
	No.	%	No.	%	No.	%	No.	%	No.	%
Not required	87	25%	4	13%	21	13%	36	38%	148	24%
Desirable, but not essential	123	36%	9	28%	46	29%	40	42%	218	35%
Essential	132	39%	19	59%	89	57%	20	21%	260	42%
Total	342	100%	32	100%	156	100%	96	100%	626	100%

Fig. 8j

11-Others

	U.L		R.L.		L.P.		Others		Total	
	No.	%	No.	%	No.	%	No.	%	No.	%
Not required	0	0%	0	0%	1	5%	0	0%	1	2%
Desirable, but not essential	0	0%	0	0%	2	10%	0	0%	2	5%
Essential	21	100%	0	0%	18	86%	2	100%	41	93%
Total	21	100%	0	0%	21	100%	2	100%	44	100%

Fig. 8k

Appendix III**Q.4 Response on other Reason for Self-representation**

	Unrepresented litigants/Others	Legal professional
Lack of Trust on Lawyers	<ul style="list-style-type: none"> • Cannot find a trustworthy lawyer • No confidence on the ability of lawyers 	
Concerns on Fees and Costs	<ul style="list-style-type: none"> • Concerns on the fees • Do not know if it is worthwhile and not sure about the cost • Lawyers fees would be very excessive relative to size of claim • Cannot afford to engage the next legal hearings • Cannot apply legal aid 	
Disallowed by Legislations	<ul style="list-style-type: none"> • Under \$150,000 for probate application 	<ul style="list-style-type: none"> • The case was heard at the small claims tribunal • Legal representation is not allowed
Miscellaneous	<ul style="list-style-type: none"> • Non-Lawyer Litigation Consultant 	<ul style="list-style-type: none"> • To preserve trust property

Findings,
p.7,
refers

Table 1

Appendix III**Q.5 Response on other Services/facilities that should be provided at the resource centre**

	Unrepresented litigants/Others	Legal professional
Enquiry Service	<ul style="list-style-type: none"> • Telephone enquiry service answered by legal professional • Appointments with Duty Lawyer • More enquiries counter • Phone enquiries were hard to get through, internet access should be made available 	<ul style="list-style-type: none"> • Extra staff on the enquiries counter • In person counters for filing and others • A lawyer to be available for general enquiries or first advice. Law students can help and learn in the process, law faculty members too
Reference Materials	<ul style="list-style-type: none"> • Case studies and law books • Hong Kong Law Ordinances • Reference on past cases • Price list for legal services • List of necessary documents for legal proceedings 	<ul style="list-style-type: none"> • Reference books on law • Information on legal proceedings at local libraries and government centres • A library should be established • Information about legal rights, procedures and remedies • Court procedure guide and scale of fees • Bar list and Law list copies • Court office directory, names of principal officers and phone numbers
Miscellaneous	<ul style="list-style-type: none"> • Conference room and drink machine • Daily cause list • Translation services • Dictionary 	<ul style="list-style-type: none"> • Distilled water vending machine • Translation services

Findings,
p.9,
refers

Table 2

Appendix III**Q.7 Response on other suggestions of Service hours preferred**Findings,
p.11,
refers

	Unrepresented litigants/Others	Legal professional
Preferred service time	<ul style="list-style-type: none"> • 24 hours • 1-2 hours extra every day • 9am – 5pm and 6:30pm - 9:30pm • 9am - 9pm • Longer service time • Sunday and Public holiday (2pm - 6pm) 	<ul style="list-style-type: none"> • Sundays and public holidays • Monday to Friday (9am to 7:30pm) • Within and outside normal office hours are both needed • Most people are more free on Sunday, should be open on Sunday • Monday to Friday (9am –10pm); Saturday and Sunday (9am to 5 pm) • Both (legal profession will normally be able to provide free assistance after office hours)
Miscellaneous	<ul style="list-style-type: none"> • Make appointments • Shift duty • Voice mail box services after the service hours 	<ul style="list-style-type: none"> • Only with appointment or like DLS service screen and write up questions • Information on legal proceedings at local libraries and government centres • Through telephone recording system outside normal office hrs • Shift duty

Table 3

Appendix III**Q.10 Response on other suggestions**

	無律師代表訴訟人/ 其他	Legal Professional
Services/ facilities	<ul style="list-style-type: none"> • 最小設兩個服務員辦理小額遺承辦事宜. • 一個小組開會傾聽的地方供彼此交換意見,小食及飯品銷售機 • 資源中心應設在各司法機構內. 	<ul style="list-style-type: none"> • The resource centre should be established as close as possible to the court where most of the litigants will commence their actions personally • Seats, air-conditioned, suggestion box • Counters are separated into unrepresented and represented • A good website with useful information on law and procedure, simple language, interactive programmes, flow charts, forms, telephone nos. and sample forms, computer terminals in libraries, government offices • Facilities for connection to the internet for notebook computers on wireless knob; refreshment stall; service provided should be at a fee and on private tender rather than at government court • Videos demonstrating the environment of court and process of trial be made available to public
Enquiries	<ul style="list-style-type: none"> • 望盡快成立能提供多些法律程序、案例、法律知識等資料. 判詞資料. • 如果不能提供專業法律意見, 沒有也罷 • 最好有一個資深的法律人員, 給市民問答一些問題, 不用每問窗口員工都說唔答, 請找律師. • 講解及協助無律師的人士如何進行法律的程序. • 普通人對法律常識一點也不懂, 出事後便不知何做, 最好能在法律查詢上做多一些 • 增加法律輔助. • 對各項訴訟程序有更簡易指引. • 若有正確的指引在查詢部可分類的安排, 勝過訴訟人無從入手 • 各部門的查詢, 有機會出問題而令訴訟人浪費時間及金錢, 延至 20/07(半年多)的申索也去錯地方 	

Findings,
p.12,
refers

<p>Mode of Service</p>	<ul style="list-style-type: none"> • 服務注意實際需要, 幫助解決困難, 不要形式主義. • 資源中心應由律師會, 大律師會, 司法人員敘用委員會, 消委會, 律政司可參加組成. • 由律政署撥出資源協助, 因有需要之市民提出一般法律訴訟程序, 使其瞭解其在無律師代表下, 自行申訴, 減少因無力負擔法律費用, 而產生公義不能伸張情況 	<ul style="list-style-type: none"> • Should not make it too "user friendly" as to lend the centre to abuse by litigants in person • Should only provide essential and basic advice and information and not free legal services • Before filing their application, litigants should be provided with some sort of preliminary advice by the staff of the court registry • A free legal representation for civil litigant act in person for some kinds of chamber hearing. It saves the court's and the other solicitors' time and government's resources • Resource centre should provide only resource for in person but not legal advice • Extend the Duty Lawyer Scheme to the resource center • Can be made part of the Duty Lawyer Service and be funded by it • The legal profession is suffering from economic downturn and many more lawyers will go bankrupt and law staff unemployed if free resource center is to be set up. Legal aid services and free legal advice and service scheme are very efficient and there is no need to set up such resource centre within the next 5-10 yrs. The idea is an extremely bad one during present economic climate
<p>Promotion</p>	<ul style="list-style-type: none"> • 資源中心的設立, 與律師商益有衝突, 駐中心人員應有提高人民法律知識及整體市民質素的無私理念 • 推廣多一些, 令到資源中心能為市民提供多些法律常識 • 增加宣傳. 	<ul style="list-style-type: none"> • Provide a list of lawyers who are willing to take on a case on a fixed lump sum to agree at the first meeting
<p>Miscellaneous</p>	<ul style="list-style-type: none"> • 多了解市民意見 • 本人對現行訴訟程序及有關部門職員工作表現極感滿意, 但仍有個別審裁員工作態度傲慢, 有偏見, 處事有欠公允. 	<ul style="list-style-type: none"> • In general, people haven't heard of the free legal service in Q.9 • Law reports in Chinese for the litigants' research • A proper law library will be essential

Table 4

Appendix IV**Q.10 Responses on Other Suggestions (With English Translations)**Findings,
p.12,
refers

	Non LP responses in Chinese	Non LP responses in English Translations	LP responses in English
Services/ facilities	<ul style="list-style-type: none"> • 最小設兩個服務員辦理小額遺產承辦事宜。 • 一個小組開會傾談的地方供彼此交換意見,小食銷售機 • 資源中心應設在各司法機構內。 	<ul style="list-style-type: none"> • At least 2 officers to handle probate matters involving small amounts • A meeting room for conference or discussion, with vending machines for snacks and drinks • There should be a resource centre in every court building/office of the Judiciary 	<ul style="list-style-type: none"> • The resource centre should be established as close as possible to the court where most of the litigants will commence their actions personally • Seats, air-conditioned, suggestion box • Counters are separated into unrepresented and represented • A good website with useful information on law and procedure, simple language, interactive programmes, flow charts, forms, telephone nos. and sample forms, computer terminals in libraries, government offices • Facilities for connection to the internet for notebook computers on wireless knob; refreshment stall; service provided should be at a fee and on private tender rather than at government court • Videos demonstrating the environment of court and process of trial be made available to public

<p style="text-align: center;">Enquiries</p>	<ul style="list-style-type: none"> • 望盡快成立能提供多些法律程序、案例、法律知識等資料. 判詞資料. • 如果不能提供專業法律意見, 沒有也罷 • 最好有一個資深的法律人員, 給市民問答一些問題, 不用每問窗口員工都說唔答, 請找律師. • 講解及協助無律師的人士如何進行法律的程序. • 普通人對法律常識一點也不懂, 出事後便不知何做, 最好能在法律查詢上做多一些 • 增加法律輔助. • 對各項訴訟程序有更簡易指引. • 若有正確的指引在查詢部門可分類的安排, 勝過訴訟人無從入手 • 各部門的查詢, 有機會出問題而令訴訟人浪費時間及金錢, 延至20/07(半年多)的申索也去錯地方 	<ul style="list-style-type: none"> • The Centre be established soon to provide more information on legal procedures, cases, knowledge on law, judgments and so on • A resource centre which cannot provide legal/professional opinion is worthless and expendable • Preferably with an experienced officer with legal knowledge to answer the questions raised by members of the public so that the latter will not be sent away and told to consult a lawyer instead • Provide guidance and assistance to unrepresented litigants on how legal proceedings are conducted • Laymen know nothing about the law. They do not know what to do when caught up in a lawsuit. Their needs are best answered by the provision of legal advice • More legal assistance • Reader-friendly guidance on various procedures of proceedings • Proper guidance and classification to make research easier for litigants who often do not know where to start • Enquiries with different departments may complicate the matter and waste litigants' time and money. More than 6 months (as at 20/07) have passed, (I) am still unable to get to the right place to proceed with my claim. 	
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<p>Mode of Service</p>	<ul style="list-style-type: none"> • 服務注意實際需要, 幫助解決困難, 不要形式主義. • 資源中心應由律師會, 大律師會, 司法人員敘用委員會, 消委會, 律政司可參加組成. • 由律政署撥出資源協助, 因有需要之市民提出一般法律訴訟程序, 使其瞭解其在無律師代表下, 自行申訴, 減少因無力負擔法律費用, 而產生公義不能伸張情況 	<ul style="list-style-type: none"> • Resource centre should cater for the real needs of the people and be directly focused on effectively dealing with their practical problems, rather than on attractive packaging. • Members of the Resource Centre should include people from the Law Society, the Bar Association, the Judicial Officers Recommendation Commission, the Consumer Council and the Department of Justice • The Department of Justice should provide resources to help unrepresented litigants to become better informed of the court procedures in their conduct of ordinary legal proceedings so that access to justice won't be denied due to lack of means 	<ul style="list-style-type: none"> • Should not make it too "user friendly" as to lend the centre to abuse by litigants in person • Should only provide essential and basic advice and information and not free legal services • Before filing their application, litigants should be provided with some sort of preliminary advice by the staff of the court registry • A free legal representation for civil litigant act in person for some kinds of chamber hearing. It saves the court's and the other solicitors' time and government's resources • Resource centre should provide only resource for in person but not legal advice • Extend the Duty Lawyer Scheme to the resource center • Can be made part of the Duty Lawyer Service and be funded by it • The legal profession is suffering from economic downturn and many more lawyers will go bankrupt and law staff unemployed if free resource center is to be set up. Legal aid services and free legal advice and service scheme are very efficient and there is no need to set up such resource centre within the next 5-10 yrs. The idea is an extremely bad one during present economic climate
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Promotion	<ul style="list-style-type: none"> • 資源中心的設立, 與律師商益有衝突, 駐中心人員應有提高人民法律知識及整體市民質素的無私理念 • 推廣多一些, 令到資源中心能為市民提供多些法律常識 • 增加宣傳. 	<ul style="list-style-type: none"> • As the setting up of the Resource Centre will conflict with the business interests of lawyers, the staff in the Centre should adhere to the principle of serving the public selflessly and striving to enhance the legal knowledge and standard of the public in general. • More promotion so that the public can learn more legal knowledge from the Centre • More publicity 	<ul style="list-style-type: none"> • Provide a list of lawyers who are willing to take on a case on a fixed lump sum to agree at the first meeting
Miscellaneous	<ul style="list-style-type: none"> • 多了解市民意見 • 本人對現行訴訟程序及有關部門職員工作表現極感滿意, 但仍有個別審裁員工作態度傲慢, 有偏見, 處事有欠公允. 	<ul style="list-style-type: none"> • Get to know more about what the people want • I am very satisfied with the service of the staff of various departments I came across. Yet a few adjudicators are arrogant, biased and unfair. 	<ul style="list-style-type: none"> • In general, people haven't heard of the free legal service in Q.9 • Law reports in Chinese for the litigants' research • A proper law library will be essential

Table 5

~ End ~