

**Paper for the Panel on
Administration of Justice and Legal Services
Resource Centre for Unrepresented Litigants**

Purpose

This paper informs Members of the progress of the setting up of the Resource Centre for Unrepresented Litigants (“Resource Centre”) by the Judiciary.

Background

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. The increasing number of unrepresented litigants poses challenges for the courts.

3. As part of the Judiciary’s response to these challenges, the Chief Justice announced in his address at the opening of the Legal Year 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.

Steering Committee on Resource Centre for Unrepresented Litigants

4. To further this objective, the Chief Justice appointed the Steering Committee on Resource Centre for Unrepresented Litigants (“Steering Committee”) 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.

The Steering Committee is chaired by Madam Justice Carlye Chu Fun Ling, and comprises judges as well as representatives from the legal profession and NGOs. The membership of the Steering Committee is at the **Annex**.

5. The Steering Committee first met in March 2002, and has held seven meetings so far.

Fundamental Principles

6. In setting up the Resource Centre, the Judiciary is mindful of the fundamental principle that the Judiciary must be and must be seen to be fair and impartial in adjudicating disputes. 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. In providing assistance to unrepresented litigants, the Court's impartiality must not be compromised. It is also important to avoid any possible confusion on the role of the Judiciary and the role of free legal service providers.

Objectives of the Resource Centre

7. Against the above fundamental principles, the main objectives of the Resource Centre will 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 of assistance provided and explanations 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.

8. In establishing the Resource Centre, the Judiciary would not seek to encourage people to litigate in person. Moreover, having regard to its role, there is no question of the Resource Centre duplicating or competing with services currently provided by professional bodies or NGOs.

Establishment and Operation of the Resource Centre

9. The Judiciary has sought the advice of the Steering Committee on the operation of the Resource Centre. The Judiciary has briefed the Steering Committee on the existing facilities and assistance available to unrepresented litigants in civil proceedings, and made reference to overseas experiences. On the advice of the Steering Committee, the Judiciary Administration conducted a questionnaire survey between July and August 2002 to collect court users' views on the services, facilities and assistance to be provided at the Resource Centre.

10. A Resource Centre would be set up in the High Court. The Judiciary Administration has identified a site on the first floor of the Lower Ground of the High Court for this purpose. The funding for the setting up of the Resource Centre was approved in late April 2003. Work on the physical set up of the Resource Centre has started in May 2003.

11. The Resource Centre would primarily render assistance to unrepresented litigants who are parties to or about to commence civil proceedings in the High Court or District Court. The focus will be on procedural matters.

12. The Resource Centre will provide reception and general enquiries counters, video facilities, computers, and other ancillary facilities such as writing area and self-service photocopying machines. Oaths and declaration services will also be provided. A series of brochures introducing commonly used civil proceedings in the High Court and the District Court, videos on court procedures and sample court forms for users' reference are in the process of being prepared.

13. The Judiciary Administration has secured a total of \$5.7 million for the physical set-up, facilities and publications for the

Resource Centre, which is currently targeted to commence operation by the end of 2003. The manpower requirement for operating the Resource Centre will be met through internal redeployment.

Opportunities for the Provision of Free Legal Assistance at or through the Resource Centre

14. The Judiciary has also invited the Steering Committee to explore the opportunities for the provision of free legal assistance at or through the Resource Centre. In this regard, the Steering Committee has made reference to overseas experiences and surveyed the existing free legal services available in Hong Kong for unrepresented litigants, including the Free Legal Advice Scheme of the Duty Lawyer Service and the Bar Free Legal Service Scheme. It has also noted the proposed Community Legal Services Centre initiated by the Honourable Audrey Eu, SC and the Honourable Margaret Ng. Moreover, the Steering Committee has met with 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 for an exchange of views on opportunities for providing assistance at or through the Resource Centre. The Steering Committee is still deliberating on this part of its terms of reference.

15. In mapping out the forms of assistance to be provided at or through the Resource Centre, the Judiciary will have to give due regard to the following considerations –

- (a) The experience in other common law jurisdictions shows that the impartial role of the Courts and the need of the Courts to maintain an appearance of impartiality mean that provision of legal advice and assistance must be met by voluntary or pro bono services provided by the legal profession, whether alone or jointly with other interested bodies;
- (b) The form of assistance to be provided at the Resource Centre should not duplicate the free legal services or assistance already being provided by various service providers in the community; and
- (c) The likelihood of further expansion or development of the free services or assistance currently available in the community.

Way Forward

16. The Steering Committee is expected to complete its deliberations by the latter half of this year. A report will be submitted to the Chief Justice.

17. The Judiciary aims to commence the operation of the Resource Centre by the end of 2003.

Judiciary Administration
May 2003

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

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, Social
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)

Ms Vega Wong Assistant Judiciary Administrator
(Development)
(from 22 April 2003)