

For information
on 28 June 2004

Panel on Administration of Justice and Legal Services

Resource Centre for Unrepresented Litigants

Purpose

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

Background

2. At the Panel meeting on 18 December 2003, the Judiciary Administrator briefed Members on the establishment of the Resource Centre. At the request of the Panel, a progress report on its operation since commencement on 22 December 2003 is submitted below.

Publicity

3. Prior to the launch of the Resource Centre, a series of briefing sessions had been held to introduce the objectives, services and facilities of the Resource Centre to Legislative Councillors, the legal profession, the press, the Duty Lawyer Service, the Hong Kong Council of Social Service, judges and support staff of the Judiciary.

4. Soon after the commencement of operation of the Resource Centre, another briefing session was held for assistants to Legislative Councillors.

5. A leaflet introducing the objectives, facilities and services of the Resource Centre has been produced. Copies are available at all court and tribunal registries as well as external distribution points at the Legal Aid Department, the Hong Kong Bar Association, the Law Society of Hong Kong and its Free Legal Advice Scheme, and the Hong Kong Council of Social Service.

6. Emphasis has been placed on 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 courts' impartiality must not be compromised. It is also important to avoid any possible confusion on the role of the Judiciary and that of other free legal service providers. Mindful of this fundamental principle, the Judiciary cannot act as lawyer for the unrepresented litigants, giving legal advice or acting as advocate.

Usage of Facilities and Services

7. For the first five months of its operation up to 21 May 2004, the Resource Centre had received 1635 visitors and 991 telephone enquiries, i.e. about 15 visitors and 9 telephone enquiries for each working day.

8. About 64% of the visitors (1040 out of 1635) said that they were involved in judicial proceedings. The rest claimed that they intended to initiate legal proceedings.

9. The numbers of visitors using the various facilities/services over the five-month period are as follows:

<u>Facilities/services</u>	<u>No. of users</u>
General counter enquiries service	1635
Oaths & declaration service	223
Collection of brochures on civil proceedings	319
Collection of court forms	283
Computer facilities for legal information	55
Viewing of videos on court procedure	25

10. The brochures and videos of the Resource Centre are uploaded onto the dedicated webpage of the Resource Centre on the Judiciary's website. For the five-month period covered by this progress report, a total of 83765 hits at the Resource Centre webpage was recorded.

11. It is expected that the services provided to the unrepresented litigants at the Resource Centre would help save the court's time in explaining the rules and procedures to the unrepresented litigants. Samples of court forms have also proved to be useful.

12. Almost all visitors were satisfied with the services provided to them and left the Resource Centre without complaint. They understood that giving legal advice was not the job of the Resource Centre.

Production of Additional Videos

13. Currently two videos are available, one entitled “Services offered at the Resource Centre”, and the other “General Introduction to Conducting Proceedings in Civil Litigation”. Production of six other videos by the end of 2004 is in the pipeline. These videos cover specific civil litigation procedures as follows:

- (a) How to start a civil claim
- (b) How to make interlocutory applications in court and how to prepare affidavits
- (c) How to prepare for a hearing or trial
- (d) How is a trial or hearing conducted in court
- (e) How to enforce a judgment
- (f) How to institute an appeal

Monitoring of Services and Way forward

14. The Resource Centre is still in the early stage of its operation. The Judiciary is closely monitoring its performance and will conduct a review after one year of its operation. For this purpose, the Judiciary is setting up a consultative committee comprising judges and members from the Bar Association, the Law Society, the Legal Aid Department, the Duty Lawyer Service, the Hong Kong Council of Social Service, the Law Faculty of the University of Hong Kong and the Law Faculty of the City University of Hong Kong.

15. The review will evaluate the extent to which the Resource Centre has achieved its objectives and assess whether further improvement is required for the purpose of better meeting the needs of the unrepresented litigants using the Resource Centre. We will take into account any views Members may have on the services and operation of the Resource Centre in our review.