

**For Discussion  
on 18 December 2003**

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

**Purpose**

This paper informs Members of the establishment and the work of the Resource Centre for Unrepresented Litigants (“Resource Centre”) set up 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, 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 has held nine meetings to deliberate on its terms of reference. It has submitted a report to the Chief Justice. Copies of the Report will be sent to Panel Members upon publication on 18 December 2003.

### **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 between 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 are 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. The Judiciary Administration has secured a total of \$5.7 million for the physical set-up, facilities and publications for the Resource Centre. The manpower requirement for operating the Resource Centre is met through internal redeployment.

11. The Resource Centre will commence operation on 22 December 2003. It is located on the first Lower Ground Floor of the High Court Building. The target users are unrepresented litigants, being those who are parties to, or are about to commence civil proceedings, in the High Court or the District Court. The Resource Centre will be open during normal office hours.

### ***Scope of Service***

12. In mapping out the scope of service of the Resource Centre, the Judiciary has taken into account the Steering Committee's advice and the views collected in the questionnaire survey. The Resource Centre will mainly provide advice on court rules and procedural matters in civil

proceedings in the High Court and the District Court. Having regard to the fundamental principles as set out in paragraph 6 above, and given the importance of maintaining the neutrality of the courts, the Resource Centre cannot provide legal advice. As regards matters relating to matrimonial, lands and employees' compensation as well as probate applications, assistance would continue to be provided by the staff of the respective registries.

### ***Facilities and Services***

13. The Resource Centre will provide the following facilities and services -

(a) Reception and General Enquiries Counters

As the first point of contact with users, these counters are manned by properly trained staff, who will provide advice on procedural matters to unrepresented litigants.

(b) Videos and Brochures

There are video facilities for showing tailor-made videos on court procedures. Currently, two videos have been produced, one entitled "Services offered at the Resource Centre", and the other "General Introduction to Conducting Proceedings in Civil Litigation". Resources have been secured for the production of six other videos on specific civil litigation procedures in phases over a period of time. A series of brochures, introducing common types of civil proceedings in the High Court and the District Court, are also available in the Resource Centre.

(c) Dedicated Webpage

The contents of the videos and brochures have been uploaded onto the dedicated webpage of the Resource Centre <http://rcul.judiciary.gov.hk> on the Judiciary's website. The dedicated webpage will be operational as from 22 December 2003. Users can therefore have access to the information anytime, without coming to the Resource Centre in person.

(d) Frequently Asked Questions (“FAQs”)

We have also uploaded on the dedicated webpage a database on FAQs raised by unrepresented litigants, and the answers, for users’ reference.

(e) Sample Court Forms

As unrepresented litigants in civil proceedings often have to fill in certain court forms, the Resource Centre will make available the prescribed court forms, which are commonly used by litigants in civil proceedings, for users’ reference. These prescribed court forms are also available on the Resource Centre’s dedicated webpage.

(f) 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, are installed in the Resource Centre.

(g) Oaths and Declaration Services

To facilitate litigants in civil proceedings who have to submit affirmations and affidavits, the Resource Centre will provide oaths and declarations services.

(h) Ancillary Facilities

Other ancillary facilities, such as writing area and self-service photocopying machines, are available at the Resource Centre.

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

14. The Judiciary has invited the Steering Committee to explore the opportunities for the provision of free legal assistance at or through the Resource Centre by free legal service providers. 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 free legal assistance at or through the Resource Centre.

15. In this connection, the Judiciary has given 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.

16. The Judiciary has taken note of the Steering Committee's exchanges with the existing pro bono service providers, which indicate that, apart from the Legal Advice Scheme of the Duty Lawyer Service and the Bar Free Legal Service Scheme, barristers and solicitors have already been contributing significantly to a variety of other pro bono services. The viability of any additional pro bono service at the Resource Centre would much depend on the readiness of the members of the legal profession to contribute their time and service. While law students in the two universities could, to some extent, assist in the provision of pro bono services, they could only play a supporting role to the legal profession in offering such services. The existing pro bono service providers are not prepared to offer their services at or through the Resource Centre for the time being due to manpower and resources considerations.

17. Following the Steering Committee's recommendation, the Judiciary has liaised with legal aid and pro bono legal service providers in

the community, and arranged to make available in the Resource Centre the information pamphlets of their services. The computer terminals in the Resource Centre are interlinked with a number of websites providing information and services to unrepresented litigants for users' easy reference.

### **Way Forward**

18. The Resource Centre for Unrepresented Litigants is a new service of the Judiciary. We hope that it can provide assistance on court procedures to unrepresented litigants in civil proceedings in the High Court and the District Court. We will review the service in the light of operational experience and users' feedback. To this end, the Judiciary plans to set up a Consultative Committee on the Resource Centre to enable the collection of feedback from the legal professions and other relevant parties in reviewing the Centre's operation after one year.

Judiciary Administration  
December 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, 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)