

Legislative Council
Panel on Administration of Justice and Legal Services

Resource Centre for Unrepresented Litigants

PURPOSE

This paper informs Members of the present position on the provision of services by the Resource Centre for Unrepresented Litigants (“Resource Centre”) in the Judiciary, and its preparation for the impending implementation of the Civil Justice Reform (“CJR”) scheduled for 2 April 2009.

BACKGROUND

2. Since the inception of the Resource Centre on 22 December 2003, the Judiciary Administration has kept Members informed of the progress of its operation on a number of occasions. In December 2003, the Panel was informed of the establishment of the Resource Centre. In June 2004, the Panel was briefed on the progress of the operation of the Resource Centre. In May 2007, the Bills Committee on Civil Justice (Miscellaneous Amendments) Bill 2007 was informed of the results of the user satisfaction survey conducted on the Resource Centre. In March 2008, the Subcommittee on Draft Subsidiary Legislation Relating to the Civil Service Reform was briefed on the Judiciary’s assessment on the impact of the CJR on unrepresented litigants and the assistance which would be made available to them.

RESOURCE CENTRE FOR UNREPRESENTED LITIGANTS

3. The Resource Centre was established in December 2003 to provide assistance to unrepresented litigants, who are parties to or about to commence civil proceedings in the High Court (“HC”) (including the Court of First Instance (“CFI”) and the Court of Appeal (“CA”)) and the District Court (“DC”). Having regard to the fundamental principle that the Judiciary must be and must be seen to be fair and impartial in adjudicating disputes, staff of the Resource Centre would not give legal advice or make any comments on the merits of the case. The assistance provided at the Resource Centre is therefore confined to procedural matters only.

4. The facilities and services provided by the Resource Centre include :

(a) **General enquiry and consultation in person**

(i) Reception and general enquiries counters

As the first point of contact with unrepresented litigants, these counters provide assistance on procedural matters.

(b) **Educational and explanatory materials**

(i) Videos on general court procedures

Videos on services offered at the Resource Centre and court procedures which unrepresented litigants would commonly encounter are available for viewing at the Resource Centre.

(ii) Brochures

A series of brochures, introducing common types of civil proceedings in the HC and the DC, and other general brochures published by the Judiciary are also available.

(iii) Sample court forms

Prescribed court forms and court documents commonly used by litigants in civil proceedings are provided at the Resource Centre for users' reference.

(c) **General information and enquiries services through telecommunication and electronic means**

(i) Telephone hotline service

The hotline answers general enquiries relating to court procedures.

(ii) Dedicated webpage

The dedicated webpage of the Resource Centre on the Judiciary's website contains information available at the Resource Centre such as the videos and brochures on court procedures and sample court forms.

- (iii) Frequently asked questions (“FAQs”)
FAQs raised by unrepresented litigants and the answers are also uploaded on the dedicated webpage.

(d) **Other facilities and services**

- (i) Computer facilities

Computer terminals with access to the Judiciary’s website, interlinked with the websites of the Legal Aid Department and of other agencies offering free legal advice are installed in the Resource Centre.

- (ii) Oaths and declaration services

To facilitate litigants in civil proceedings who have to submit affirmations and affidavits, the Resource Centre also provides oaths and declaration services.

- (iii) Ancillary facilities

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

- (iv) Information on free legal advice/ assistance agencies

The Resource Centre also disseminates information on free legal advice or assistance agencies that are available in the community such as the Law Society’s Free Legal Advice Scheme and the Bar Pro-bono Scheme.

5. Since the establishment of the Resource Centre, the usage of its facilities and services has been increasing steadily. The relevant statistics are set out below -

Facilities / Services	No. of Users				
	2004	2005	2006	2007	2008
General Counter enquiries	4 268	3 877	4 784	9 856	10 108
Viewing of videos on court procedure	74	27	31	8	15
Collection of brochures on civil proceedings	517	265	347	267	495
Collection of court forms	884	963	1 863	4 368	7 358
Telephone enquiries	2 591	2 746	2 979	3 142	2 908
Access to website	174 968 hits	154 404 hits	266 866 hits	289 431 hits	241 647 hits
Computer facilities for legal information	90	190	617	899	1 048
Photocopying service	6 609 pages	5 974 pages	10 396 pages	57 074 pages	43 090 pages

6. According to the findings of the user satisfaction survey conducted in 2005 :

- (a) Over 90% of the respondents were satisfied with the services provided by the Resource Centre;
- (b) Over 95% of the respondents were satisfied with the performance of the staff of the Resource Centre; and
- (c) Over 70% of the respondents found the information provided in the pamphlets in the Resource Centre useful.

CIVIL PROCEEDINGS INVOLVING UNREPRESENTED LITIGANTS

7. In the past five years between 2004 and 2008, on average, about 40% of the contested civil proceedings¹ in the HC, and about 50% of those in the DC involved unrepresented litigants² per year.

STEERING COMMITTEE ON RESOURCE CENTRES FOR UNREPRESENTED LITIGANTS

8. In the light of the implementation of CJR and to facilitate the provision of services to the unrepresented litigants, a revamped Steering Committee on Resource Centres for Unrepresented Litigants (“Steering Committee”) was set up in the Judiciary under the chairmanship of Hon Madam Justice Carlye Chu in February 2008 to consider matters relating to the Resource Centre at the strategic level, devise policies and general practices which cut across different levels of courts, co-ordinate training of staff, facilitate cross-fertilization of experiences and act as a focal point of contact between the Judiciary and other non-judiciary players on matters relating to the provision of services to unrepresented litigants. The Steering Committee has so far held four meetings, with major focus lately on the enhancement of the services to be provided by the Resource Centre for the implementation of the CJR.

ENHANCEMENTS FOR IMPLEMENTATION OF CJR

9. To prepare for the implementation of the CJR on 2 April 2009, the facilities and services in the Resource Centre would be enhanced as follows -

(a) Reception and general enquiries counters

Intensive and dedicated training is being conducted for the counter staff so that they would be familiar with the procedural changes in the CJR. The Judiciary would also deploy sufficient experienced staff who are conversant with the revised court

¹ “Contested civil proceedings” include (i) trials and (ii) substantive hearings lasting more than one day which are concerned with a final determination of the proceedings. They do not include substantive hearings before Masters. The statistics only show the position at the commencement of trial or substantive hearing.

² “Proceedings involving unrepresented litigants” mean those in which at least one party is unrepresented.

procedures to help man the Resource Centre. The Judiciary would provide comprehensive operational manuals to assist all support staff, including those of the Resource Centre, in responding to questions frequently asked by unrepresented litigants. If the staff encounter any problems at work, an established mechanism is in place for them to seek ready assistance from their supervisors and if necessary from the Practice Masters.

(b) Videos on court proceedings

A video would be produced to introduce to the general public, including unrepresented litigants, the objectives and main features of CJR.

(c) Brochures targeting unrepresented litigants

The series of brochures introducing the broad outline of the civil proceedings in the HC and the DC would be revised in the form of folder containing various informative leaflets that include the following topics :

- What should be considered before taking legal action
- What should be noted about civil proceedings
- How to start a civil action
- How to prepare for a hearing or trial
- How is a trial or hearing conducted in court
- How to shorten legal proceedings: Order 13A admissions
- How to shorten legal proceedings: Sanctioned offers and sanctioned payments
- How to apply for judicial review
- How to appeal
- How are legal costs taxed

The leaflets would give procedural guidelines on the proper conduct of the proceedings; and the manner in which the parties should present their case, evidence and other materials to court.

(d) **Sample court forms**

The existing sample court forms would be updated to take note of CJR.

(e) **Dedicated website**

The Resource Centre website would be suitably updated to take note of the features of the CJR and be linked to the website of CJR for users' reference.

(f) **Frequently asked questions (“FAQs”)**

The FAQs on Court Procedure on Resource Centre's website would be updated as appropriate.

WAY FORWARD

10. The facilities and services at the Resource Centre would be subject to regular updating and review to meet the needs of the unrepresented litigants. The Steering Committee would also closely monitor the situation to ensure that adequate and suitable assistance is provided at the Resource Centre. The Judiciary, with advice from the Steering Committee, would continue to provide appropriate assistance to unrepresented litigants, whilst upholding the fundamental principle that it must be and must be seen to be fair and impartial in adjudicating disputes.

Judiciary Administration
January 2009