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Panel on Administration of Justice and Legal Services

Background brief prepared by the Legislative Council Secretariat for the meeting on 13 January 2009

Operation of the Resource Centre for Unrepresented Litigants

Purpose

This paper provides information on the past discussions of the Panel on Administration of Justice and Legal Services (the AJLS Panel) and the former Subcommittee on Draft Subsidiary Legislation Relating to the Civil Justice Reform (the Subcommittee) on the Resource Centre for Unrepresented Litigants (the Resource Centre).

Background

Establishment of the Resource Centre

2. In response to the marked increase in the number of civil proceedings involving unrepresented litigants in the High Court and District Court, and the pressure exerted by the increasing number of unrepresented litigants on judicial time and resources, the Chief Justice (CJ) announced, at the Ceremonial Opening of the Legal Year in 2002, the Judiciary's decision to establish a resource centre for unrepresented litigants in civil cases of the High Court and District Court to help them better understand court rules and procedures, with a view to expediting the court process and lowering legal costs. A Steering Committee was appointed by CJ in February 2002 to advise on the establishment and operation of the Resource Centre (the Steering Committee).

Services and facilities of the Resource Centre

3. The Resource Centre, located in the High Court Building, commenced operation on 22 December 2003. It provides unrepresented litigants with advice on court rules and procedural matters in civil proceedings in the High Court and District Court except matrimonial, lands, employees' compensation and probate matters, assistance for which is provided by the staff of the respective registries. To maintain the impartiality and neutrality of the Judiciary, the Resource Centre does not offer any legal advice or comment on the merits of any case. Its services and facilities include general enquiry counters, oaths and declaration service, brochures and videos on civil

proceedings, sample court forms, computers and other ancillary facilities such as a writing area and self-service photocopying machines. The brochures and videos are also uploaded onto the dedicated webpage of the Resource Centre on the Judiciary's website.

Issues raised by the AJLS Panel

4. At the AJLS Panel meeting on 18 December 2003, the Judiciary Administration (JA) briefed members on the establishment of the Resource Centre. At the request of the Panel, a progress report on its operation was submitted for the Panel's consideration at the meeting on 28 June 2004. Members raised various issues relating to the scope of services of the Resource Centre.

5. On the question of why the services provided by the Resource Centre had not been extended to litigants in criminal proceedings, JA explained that as litigants in over 90% of all the criminal cases were legally represented while the number of unrepresented litigants in civil cases had been on the rise, services of the Resource Centre were targeted at litigants in civil proceedings.

6. Some members suggested inviting non-profit-making voluntary organizations to provide free legal advice or assistance at or through the Resource Centre. In this regard, the Panel was advised that the Steering Committee had exchanged views with the relevant pro bono service providers on the provision of free legal assistance at the Resource Centre. The service providers indicated that they had already been contributing significantly to a variety of pro bono services and were not able to offer services through the Resource Centre for the time being due to manpower and resource constraints. Information pamphlets of their services were made available in the Resource Centre. The computer terminals in the Resource Centre were also interlinked with a number of websites providing information and services to unrepresented litigants.

7. Some members expressed concern that the facilities and services of the Resource Centre might be under-utilized and suggested that the Judiciary should conduct users' surveys to facilitate an objective assessment on whether the resources put into the Resource Centre were meaningfully utilized. JA advised that as the Resource Centre was still in its early stage of operation, it was expected that the number of users would continue to increase. The Judiciary would conduct a review after one year of commencement of operation of the Resource Centre to evaluate its effectiveness and whether further improvement was required to meet the need of users. For this purpose, the Judiciary had set up in November 2004 a Consultative Committee on the Resource Centre (the Consultative Committee) comprising judges, members of the two legal professional bodies, and representatives from 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.

8. According to the paper provided by JA to the former Bills Committee on Civil Justice (Miscellaneous Amendments) Bill 2007, JA had conducted a user satisfaction survey on the Resource Centre in July 2005 to gauge feedback and views from users of the Resource Centre. According to the survey, over 90% of the respondents were generally satisfied with the services provided by the Resource Centre. Regarding demand for extended scope and services, the survey revealed that a majority of the respondents considered that it would be helpful if assistance could be provided by social workers or law students to help them understand the court proceedings. A majority of the respondents also suggested that free legal advice and Duty lawyers Service should be made available at the Resource Centre. According to JA, the survey results had been submitted to the Consultative Committee for consideration.

Concerns of the Subcommittee about the impact of CJR on unrepresented litigants

9. The Subcommittee was set up in January 2008 to study the draft subsidiary legislation relating to CJR. During its discussion on the impact of CJR on unrepresented litigants, the Subcommittee expressed concern that the procedural changes in CJR might create difficulties for unrepresented litigants. Members were of the view that the services of the Resource Centre should be reviewed and enhanced to better meet the needs of unrepresented litigants, and recommended that the matter be followed up by the AJLS Panel.

10. JA advised the Subcommittee that given that the majority of unrepresented litigants were not legally trained, unfamiliarity with the rules and procedures of civil litigation was inevitable, with or without CJR. The Judiciary did not consider that the CJR changes would make civil litigation more complex or more disadvantageous to unrepresented litigants in the conduct of proceedings. Nonetheless, it would continue to provide suitable assistance to unrepresented litigants through procedural and administrative arrangements. Information on the usage rate of the facilities and services of the Resource Centre from 2005 to 2007 provided by JA to the Subcommittee is in **Appendix I**. According to JA, the facilities in the Resource Centre would be reviewed and updated to complement the procedural changes brought about by CJR. The Judiciary would produce explanatory materials on court procedure (including pamphlets, videos and information on the internet) to help unrepresented litigants understand the revised or new procedures. Training would also be given to the staff manning the Resource Centre to familiarize them with the new rules and procedure. To enhance support to unrepresented litigants through the Resource Centre, a revamped Steering Committee on the Resource Centre chaired by Madam Justice CHU has been set up by CJ since 2008 to advise on policy and operational matters related to the Resource Centre.

11. Members may wish to note that according to JA's reply to Hon Emily LAU's written question on the Estimates of Expenditure 2008-2009 dated March 2008, the annual provision for the Resource Centre in 2008-2009 is \$1.8 million with an

establishment of five staff. The estimated number of visits, telephone enquiries and webpage hits by litigants in 2008 are 10 000, 3 400 and 319 000 respectively.

Relevant papers

12. A list of relevant papers with their hyperlinks at the LegCo website (<http://www.legco.gov.hk>) is in **Appendix II**.

Council Business Division 2
Legislative Council Secretariat
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**Number of use of the facilities and services at the
Resource Centre for Unrepresented Litigants**

Facility / Service	No. of Use		
	2005	2006	2007
General Counter enquiries	3 877	4 784	9 856
Collection of brochures on civil proceedings	265	347	267
Collection of court forms	963	1 863	4 368
Computer facilities for legal information	190	617	899
Viewing of videos on court procedure	27	31	8
Photocopying service	5 974 pages	10 396 pages	57 074 pages
Telephone enquiries	2 746	2 979	3 142
Access to website	154 404 hits	266 866 hits	289 431 hits

Source: Judiciary Administration's paper to the Subcommittee on Draft Subsidiary Legislation Relating to the Civil Justice Reform dated 14 March 2008 (LC Paper No. CB(2)1361/07-08(02))

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Relevant documents

<u>Committee</u>	<u>Meeting Date</u>	<u>Paper</u>
Panel on Administration of Justice and Legal Services	18 December 2003	Judiciary Administration's paper on "Resource Centre for Unrepresented Litigants" [LC Paper No. CB(2)731/03-04(04)]
		Report of the Steering Committee on Resource Centre for Unrepresented Litigants
		Minutes of meeting [LC Paper No. CB(2)1104/03-04]
	28 June 2004	Judiciary Administration's paper on "Resource Centre for Unrepresented Litigants" [LC Paper No. CB(2)2918/03-04(01)]
		Minutes of meeting [LC Paper No. CB(2)3322/03-04]
Bills Committee on Civil Justice (Miscellaneous Amendments) Bill 2007	15 May 2007	Judiciary Administration's paper on "Resource Centre for Unrepresented Litigants" [LC Paper No. CB(2)1995/06-07(02)]
Subcommittee on Draft Subsidiary Legislation Relating to the Civil Justice Reform	26 March 2008	Judiciary Administration's paper on "Resource Centre for Unrepresented Litigants" [LC Paper No. CB(2)1361/07-08(02)]
		Minutes of meeting [LC Paper No. CB(2)1579/07-08]