

FOR PUBLIC INTEREST LAW

LAW FOR CHANGE
STUDENT
COMPETITION
2017



LAW FOR
CHANGE

 **PILnet** The Global Network
for Public Interest Law

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EQUALITY

LAW FOR
CHANGE

FOREWORD

Law is a tool for social change. For all the theoretical wrangling that goes on in the classroom, and high-minded discussions of its use as a social framework, law can be a practical, in-the-pocket means to put good and fair ideas into play.

As public discourse about the rule of law in Hong Kong gains traction, we need to talk about real access. How can we take “access to justice” out of the confines of legal jargon, and apply it on behalf of low-income and vulnerable communities? How can we put legal tools within reach of populations that law itself is built to serve? This competition is designed to get students to ask these very questions. As participants, they must apply what they have learned in the classroom to issues that we all see in the street, and consider how they might enhance the impact of non-governmental organizations and, in turn, amplify access to justice.

In 2017, PILnet: The Global Network for Public Interest Law (“PILnet”), with the support of the WYNG Foundation, established the *Law for Change Student Competition*. The competition aims to stimulate engagement in public interest law among law students in Hong Kong through the development of projects that use the law to address social justice issues and increase access to justice. Projects will further the work of organisations that provide direct services to low-income and vulnerable communities. Many organisations are inexperienced in using the law to address structural injustice and, without additional resources, are unable to offer legal assistance. These projects will be designed to help organisations gain experience in using the law to support the low-income and vulnerable communities.

This publication is a collection of the project proposals as submitted by the six competition finalists. The proposals are the sole work of the teams and are published by PILnet in their unedited form with their permission.

THEME

The theme for the 2017 *Law for Change Student Competition* is “Equality”. Equality is commonly understood to mean equal treatment, with people being given the same resources and opportunities. Equal treatment, however, may not necessarily result in equality, because people live in different circumstances, face different challenges and have different needs. Equality encompasses equal treatment as an ideology, a codification of the idea, and the actions that address these specific circumstances. Student teams must build projects that demonstrate how the law can be used as a tool to achieve equality.

PRIZE

The winner of the competition will be selected by a panel of three judges, and will receive a seed grant of HK\$50,000 to implement their project. The winning team is expected to implement their project within six to twelve months immediately following the end of the competition.

PILnet Hong Kong
January 2018

ACKNOWLEDGEMENTS

PILnet extends its deepest appreciation to the WYNG Foundation, as it has made the *Law for Change Student Competition* possible through its generous support.

Special thanks to the *Law for Change Student Competition* judges, legal mentors, Advisory Board members and venue supporting partners.

Judges:

Prof Raees Baig
The Hon Mr Justice Kemal Bokhary
Mr Robert Precht

Legal mentors:

Mr Kay Chan
Mr Alan Leong Kah-kit, SC
Ms Anita Leung
Ms Angela Li
Ms Janie Wong

Davis Polk Team

Mr Jonathan Chang, Mr Kevin So, Mr Bo Huang, Mr Erwin Yau, Ms Katie Chan, Ms Angela Cheng, Mr Sui Hang Hui, Ms Noble Mak

Linklaters Team

Ms Iris Leung, Ms Honnah Lee, Ms Candy Au, Mr Anthony Lo, Ms Ying Kiu Chow

Advisory Board members:

Ms Fion Chan
Ms Cheung Lai Wah
Prof Puja Kapai
Ms Teresa Ma
Mr David Tully
Ms Yan Yan Yip

Venue supporting partners:



Linklaters

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JUDGING PANEL

The panel of judges for the inaugural *Law for Change Student Competition* is comprised of experts on the rule of law and social justice issues in Hong Kong.



Prof Raees Baig

Prof Raees Baig is an assistant professor in the department of social work at The Chinese University of Hong Kong. Her research interests include social policy, civil society and political participation as well as human rights and equality. She was previously an honorary lecturer at University of Hong Kong.

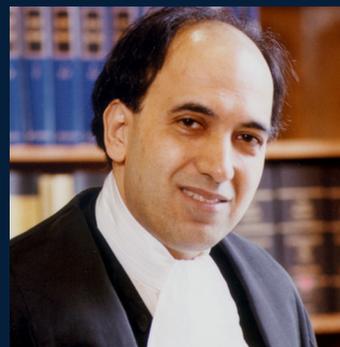
Prof Baig has been working for various local and international human rights organizations including the Hong Kong Human Rights Monitor and The Hong Kong Council of Social Service. She was also a Senior Minority Fellow under the UN Office of High Commissioner for Human Rights in 2013. She is currently the vice-chairperson of HER Fund, a registered charity that promotes women's rights and gender equality.



Mr Robert Precht

Mr Robert E. Precht is president of Justice Labs, a career mentoring website for public interest lawyers and law students, and co-founder of Hong Kong Public Interest Law Group (HKPIL). He served in Beijing as the China country director of PILnet: The Global Network for Public Interest Law from 2008 to 2012.

Prior to his work in China, Mr Precht served as an assistant dean of the University of Michigan Law School and assistant federal defender in Manhattan, New York. He is the author of *Defending Mohammad* (Cornell University Press, 2003), and has written for *The New York Times*, *Washington Post*, *South China Morning Post* and other publications.



The Hon Mr Justice Kemal Bokhary

The Hon Mr Justice Bokhary became a non-permanent judge of the Court of Final Appeal in 2012. Mr Justice Bokhary was born in Hong Kong, received his legal education in London and became a member of the Honourable Society of the Middle Temple in 1967. Mr Justice Bokhary joined the Hong Kong Judiciary as a judge of the High Court in 1989. He was appointed to the Court of Appeal in 1993. From 1997 to 2012, he served as a permanent judge of the Court of Final Appeal.

Since retirement as a permanent judge, he has published a number of books including *Recollections* (2013), *The Law is a Crocodile* (2013), *Crocodile-at-Law* (2014), *Human Rights: Source, Content and Enforcement* (2015), and *Croc of Final Appeal* (2017).

2017

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LAW FOR CHANGE STUDENT COMPETITION 2017

TEAM	TITLE
1	Equalising Rights of the Intellectually Disabled in the Context of Access to Justice and Political Participation
MEMBERS	
Ho Hiu Ching Law Yuen Shan	Tang Wai Ching Woo Hiu Ching
SCHOOL	
The University of Hong Kong	

1 INTRODUCTION

Equality, a universally-accepted value, is of fundamental importance in a civilised society like Hong Kong (HK) because it coincides with beliefs like equal human dignity and mutual respect. It is not about treating everyone equally, but treating the unequals unequally which gives rise to equal opportunities. To achieve equality, laws play an important role in protecting the minorities' rights through expressed and unequivocal texts.

Instead of a general anti-discrimination law as in the United Kingdom, Hong Kong (HK) relies on four anti-discrimination ordinances, including the Disability Discrimination Ordinance (Cap. 487) (DDO) which lists thoroughly the equitable rights that ought to be enjoyed by the legally recognised disabled people in areas of employment, education and enjoyment of facilities and services. The existence of such ordinance protects the disadvantaged groups from discrimination in their social life on one hand, on the other hand however gives a false sense of complacency for the society to improve the laws. Little has been done on the protection of equal opportunities in terms of access to justice and the political rights of the disabled. The thinking that the disabled do not have these higher aspirations and spiritual needs is itself a prejudice. Our team realise the DDO and other related provisions e.g. Residential Care Homes (Persons with Disabilities) Ordinance (Cap. 613) are slow in responding to those needs, and through this project we hope to trailblaze such a change in the law.

Our Inspiration

The recent tragedy of suspected sexual assault in Bridge of Rehabilitation Company and the subsequent acquittal of the suspected co-founder due to the intellectually disabled victim's failure to give evidence has further revealed the inadequate support provided for the intellectually disabled to access to justice. The tragedy also highlighted the special vulnerability of the intellectually disabled (defined below), as they may be less fierce in striving for their rights compared to other physically disabled persons due to their impairments

and inadequate exposures to the existence of the rights that everyone deserves but are absent due to the stagnant development of laws. The intellectually disabled need special care and assistance in realising their legal and political rights, not to mention striving for a change in law.

Inspired by these, we will focus on safeguarding and equalising the rights of the intellectually disabled, in particular to ease their access to justice and promote political rights that lack progression in HK and are often neglected. In light of the limited resources and short duration for implementation of our proposal, although we could proactively advocate for the intellectually disabled' rights on their behalf, the reality dictates that the impact to the society will be poignant at first but fleeting and unsustainable.

Hence, instead of organising a single petition campaign on the rights of the intellectually disabled appealing to the government and the public and later be forgotten by time, we will adopt a more sustainable approach, as the saying goes, "give a man a fish and you feed him for a day; teach a man to fish and you feed him for a lifetime". Our proposed activities, including an online forum incorporated with professional legal training and an outreach programme, aim not only at providing instant help to the intellectually disabled and their families, but also sustainably nurturing talents for continuance of the plan and promoting the awareness of both intellectually disabled and the public to strive for equal treatment for and political rights enjoyed by these disadvantaged.

Acknowledgement

We hereby express our sincere gratitude to PILnet for granting us the opportunity to enter the final round of the Competition, and providing us with comprehensive training to facilitate the preparation of our proposal. We also thank our mentor Ms. Janie Wong, who has enlightening experience in human rights protection, for her guidance and advice throughout the planning process.

2 RELEVANT TERMINOLOGY

2.1. Intellectually Disabled

The definition of "intellectually disabled" provided by American Association on Intellectual and Developmental Disabilities (AAIDD), which is widely recognised by HK NGOs focusing on intellectual disabilities e.g. Hong Chi Association, is referred to in this proposal:

- The person has demonstrated **significant sub-average limitation in intellectual functioning**, including comprehension, memory, use of information, problem solving.
- The person bears **limitations in adaptive behaviour** including conceptual (e.g. language, calculation and comprehension), social (e.g. interpersonal skills) and practical skills (e.g. personal care and occupational skills).
- These disabling conditions **occur before age of 18**, excluding those caused by disease or accident after childhood or by aging.

In Hong Kong, the severity of intellectual disability is defined quantitatively based on Intelligence Quotient (IQ) into three categories:

CATERGORIES	IQ
Mild grade	50-69
Moderate grade	49-25
Severe grade	24 or below

The target of this proposal refers to the intellectually disabled in general terms unless otherwise stated.

2.2 Access to Justice

It is a fundamental element of rule of law appreciated as a core value of Hong Kong. According to the United States Institute of Peace, access of justice does not limit to one's access to courts and legal representation, but also one's ability to seek and obtain a remedy through formal or informal institutions of justice for grievances in line with the standards related to human rights. This includes normative legal protection, legal awareness, legal aid and counsel, adjudication, enforcement, and civil society oversight.

It is remarked that with reference to the context and purpose our proposal, the gist lies in "equal access to justice", meaning that barriers as to both quantity and quality of justice accessed by the intellectually disabled should be minimised if not removed.

2.3 Political Participation

There is no universally accepted definition of political participation. One of the available definitions provided by Verba et al is "activity with the intent or effect of influencing government actions either directly by affecting the making or implementation of public policies or indirectly by influencing the selection of people who make those policies". Examples include voting for representatives, taking part in organisations to influence policies, communicating interests by engaging in public debates and consultations.

3 BACKGROUND

3.1 Preliminary Inspirations

In 2016, the shocking and tragic scandal of Bridge of Rehabilitation Company (the Scandal) has successfully aroused public awareness concerning the treatment received and rights enjoyed by the intellectually disabled. In this incident, despite being highly suspected to have raped an intellectually disabled female patient, the co-founder of the concerned care home was acquitted because the victim could not participate to offer witness statements to prove the case beyond the reasonable doubt in compliance with the requirements in Criminal Procedure Ordinance (Cap. 221) (CPO). This unsatisfactory outcome has triggered public's disgust towards the unfairness brought by the stringent legal requirements.

This incident has prompted us to investigate more on the disadvantageous situation and challenges faced by the intellectually disabled, in particular concerning the criminal procedures which may serve as a barrier to their access to justice. We are keen on figuring out any fundamental rights that are not enjoyed by the intellectually disabled like those in foreign countries yet may be neglected by many.

3.2 Research Findings on Current Situation

3.2.1 Access to Justice

According to Article 13(1) of the CRPD, the disabled should be "on an equal basis with others" regarding to "access to justice". The disabled should enjoy their roles as direct and indirect participants in the legal proceedings, given that there are provisional procedural accommodations, and the public servants should receive appropriate trainings to ensure effective access to justice for persons with disabilities.

The most recent reforms for the criminal proceedings to cater for the intellectually disabled's needs are the 17 reforms concerning the provision of a comfortable court setting for the intellectually disabled to give witness statements enacted back in 1993, in light of a case with similar fact patterns and outcome with the Scandal. While in 1995 the CPO is amended to enable to admittance of video recording as an evidence provided by the mentally incapacitated.

Yet it is apparent that the reforms are no longer sufficient to ensure equal access to justice by the intellectually disabled who possess a lower level of adaptability to new environment that is less familiar to them.

3.2.2 Political Participation

Article 29(a) of the CPRD mentioned the States Parties should guarantee the disabled person's political rights and opportunities to enjoy the political and public life, by ensuring the effectiveness and equal participations of the life to the persons, as well as "ensuring that voting procedures, facilities and materials are appropriate, accessible and easy to understand and use".

The very first step to ensure their political life is by promoting their rights to vote, which there have been insufficient initiations in Hong Kong yet.

Section 53(5)(d) of the Legislative Council Ordinance (Cap. 542) and section 30(e) of the District Councils Ordinance (Cap. 547) stated "an elector is disqualified from voting at an election if the elector is found under the Mental Health Ordinance (Cap. 136) (MHO) to be incapable, by reason of mental incapacity, of managing and administering his or her property and affairs". While under MHO, the definition of "mentally incapacitated person" does not limit to people who are incapable administering his property and affairs due to mental incapacity and mental patients, but also extends to those who are intellectually handicapped. Currently, all those with IQ lower than 70 are not allowed to participate into the voting system. It is argued that this rigid boundary is not proportionate to the rational legislative intent of preventing manipulation of votes, but deprives the right to vote of a class of the intellectually disabled.

Comparatively, the United Kingdom abolished the similar restriction in 2006 and has been facilitating the political life by providing easy-to-understand electoral materials to those in need. While in Japan, the Tokyo District Court ruled in March 2013 that a provision in the public offices election law that banned adults under legal guardianship from voting was unconstitutional. The decision is reasoned on the ground that that the guardianship is to protect rights but not to deprive rights.

4 OBJECTIVES

Our proposal is divided into two parts, namely easing the access to justice by the intellectually disabled, and motivating them to strive for the often-neglected political rights, specifically their right to vote. Objectives for each part are as follows:

4.1 For Access to Justice

Our first objective is to raise the awareness of the intellectually disabled regarding their accessibility to justice and equip them with basic skills to express themselves in legal procedures. The nature of intellectual disability may contribute to the extra vulnerability of our target group in legal proceedings. For one thing, they may be slow to give witness statements or evidence due to unfamiliar environments and settings in courts or in police stations. The credibility of their statements may also be undervalued due to prejudice and stereotypes.

We realise that the government has once published a booklet in 2006 to use simple languages and poems to equip the intellectually disabled with skills of answering questions in the court proceedings and assist their mental preparation. However, the effectiveness is uncertain because the guidelines are general.

Therefore, in order to support the target group in accessing to justice, we aim at offering the intellectually disabled to learn about the related provisions in the Criminal Procedure Ordinance (Cap.221) (CPO), as well as giving advice and information on legal proceedings and witness skills on a case-to-case basis, comprehensively equipping them for the proceedings.

It is important to note that waves of suggestions concerning amendments to the criminal procedures (e.g. relaxing the ban of hearsay) have been proposed by law-related organisations and concern groups after the Scandal. However, the demands no longer sustained after a year.

Yet, we recognised in a civilised rule-of-law society that everyone's rights including those of the minorities should be aware of and respected. Hence, we also aim at raising the public awareness on the importance of removing legal barriers that bar the intellectually disabled from equal opportunities to give evidence/ defend themselves through highlighting the current plight and lack of progression in easing the access to justice.

4.2 For Right to Vote

Our second objective is to extend the intellectually disabled's awareness from their economic and social rights (e.g. concerning education and employment) to their political rights, of which our focus is right to vote.

It is understandable that some intellectually disabled lack ability to understand the voting systems and relevant materials, and it is not unreasonable to impose the political restrictions to ensure the outcome is contributed by sound and informed judgements.

However, as mentioned in Chapter 3, the current absolute ban on the intellectually disabled's right to vote is no longer proportionate and up-to-date when compared with other countries' examples. Understanding the ultimate goal of advocating the right will be amending the existing legislations, we aim at promoting the essence of this right and the outdatedness of current related legislation through comparative analysis and campaigns, thus motivating the target group and the public to strive for more legal reforms towards the protection of intellectually disabled.

5 OVERVIEW OF WORKING SCHEDULE AND BUDGET

5.1 Working Schedule

STAGE	TASKS
Stage 1: Project Initiation, 1st - 3rd month	<p>Online Support Scheme:</p> <ul style="list-style-type: none"> • Consultation on the focus of website • Invite IT student volunteers and local artists to design the website • Invite professionals and students to carry out research • Recruitment of trainers and volunteers • Pairing of trainers and trainees • Prepare bundles for training <p>Outreach Program:</p> <ul style="list-style-type: none"> • Making contact with schools, care homes, estate managers and NGOs • Design of pamphlets by arts student volunteers/ local artists • Recruitment of students as helpers for talks/ workshops • Invite legal professionals/ NGOs to hold talks/ workshops in schools • Preparation of materials for talks/ workshops/ booths
Stage 2: Implementation, 4nd - 6th month	<p>Online Support Scheme:</p> <ul style="list-style-type: none"> • Trial run and official launch of website • Equip volunteers with basic legal knowledge via workshops and visits to care homes • Commencement of the operation of the legal advice forum <p>Outreach Program:</p> <ul style="list-style-type: none"> • Commencement of promotional activities: • Distribution of pamphlets in schools, care homes and NGOs • Holding talks in secondary schools and care homes • hold booths in densely populated area
Stage 3: Post Implementation, 7th - 12th month	Continuous operation of the whole program with quarterly monitoring and evaluation
Stage 4: After the 1 year program (sustainable development)	The whole campaign continues with continuous operation of training program and website by volunteers

5.2 Overall Budget

STAGE	ESTIMATED EXPENSES	ESTIMATED COSTS
Stage 1: Project Initiation, 1st - 3rd month	<p>Online Support Scheme:</p> <ul style="list-style-type: none"> • Booking fees for venues for interviews and workshops • Creation of Website • Subscription fee for service <p>Outreach Program:</p> <ul style="list-style-type: none"> • Printing fees of 4000 leaflets and credits/ thank-you letters to volunteers • Pamphlet design 	\$1,790
Stage 2: Implementation, 4nd - 6th month	<p>Online Support Scheme:</p> <ul style="list-style-type: none"> • Printing fees of bundle for trainees (A4 20 pages) <p>Outreach Program:</p> <ul style="list-style-type: none"> • Printing fees of additional leaflets • Transportation fee to schools, care homes, estate public places and NGOs • Souvenirs • Pull-up banner 	\$15,300
Stage 3: Post Implementation, 7th - 12th month	<p>Online Support Scheme</p> <ul style="list-style-type: none"> • Printing fees of surveys if needed <p>Outreach Program</p> <ul style="list-style-type: none"> • Printing fees of feedback form 	TBC
Stage 4: After the 1 year program (sustainable development)	<p>Online Support Scheme</p> <ul style="list-style-type: none"> • Subscription fee for websites per annum <p>Outreach Program</p> <ul style="list-style-type: none"> • Printing fees of additional leaflets (TBC) 	\$1,200/ year
TOTAL:		\$18,290

PROPOSED ACTIVITIES FOR EASING THE INTELLECTUALLY DISABLED

ONLINE SUPPORT SCHEME FOR THE INTELLECTUALLY DISABLED TO ACCESS TO JUSTICE

6.1 Activity Plan

The scheme is divided into three parts:

1. **Information site** serves as a descriptive and thought-provoking tool to educate the public of the current situation of access to justice by the intellectually disabled and related provisions, case studies and comparative analyses.

Linkage to Equality: The intellectually disabled can acquire legal knowledge and learn about the inequality existing in the current legal system as inadequate special treatments are provided for them to have equal opportunities in criminal proceedings. This empowers the target group and their relatives to strive for equality.

2. **Online advice forum** serves as a direct helping hand to the intellectually disabled involved in criminal offences and court proceedings, equipping and preparing them with skills to cope with the unfamiliar procedures.

Linkage to Equality: Through case-by-case discussion, the intellectually disabled can receive tailor-made advice from our legally-trained advisors as their individual circumstances can be taken into account in this personalised advice forum. Equality is fulfilled as individuals have equal opportunities to receive the appropriate help according to their individual differences.

3. **Training scheme**, being one of the most innovative elements of the scheme, serves as an incentive to attract not only professionals but also law students and NGO volunteers as helpers to run and sustain the online advice forum.

Linkage to Equality: Equality is not only about people receiving equal opportunities, but also about freeing the community from prejudice and discrimination and the notion that every life should weigh equally should be widely recognised. By inviting helpers from all walks of life to engage in the program, the societal mindsets towards equality can be influenced bit by bit.

It is hoped that the fusion of these elements can comprehensively mitigate the current situation of limited access to justice by the intellectually disabled, especially those arising from the stringent provisions in CPO and personal disadvantaged characteristics, such as incapability of communication and thinking, of the intellectually disabled.

6.1.1 Information Site

Objectives:

- To promote specific legal knowledge and comparative analysis related to the rights of the intellectually disabled and criminal procedures to both the intellectually disabled and the public; and
- To raise awareness of the intellectually disabled and their families concerning their access to justice and to expose the inadequacies of the current laws through interactive media

Implementation Plan:

Preparation of Information

Preliminary areas of information to be incorporated in the website include:

- Sections relevant to the intellectually disabled in CPO
- Current situation in HK (e.g. news reports of the Scandal and other similar torture cases suffered by the intellectually disabled; any case studies of the intellectually disabled involving in course proceedings sought)
- Other countries' approaches in assisting the intellectually disabled in CPO

Consultation and survey will firstly be conducted to seek for opinions of the intellectually disabled and their families through NGOs to better understand the areas of law that they will be more interested in and concerned with in addition to the aforementioned areas.

Professors from Faculty of Law, the University of Hong Kong (e.g. Mr. Eric Cheung) and students from Free Legal Advice Scheme on HKU Campus will be invited to

collaborate by contributing to the information bank and proofreading, given that they are more knowledgeable and experienced in presenting legal knowledge with clarity.

Invitations for collaboration will further be sent to all current law undergraduates and postgraduates for research and preparation of information packs.

Certificates and thank-you letters will be presented to the volunteers as an expression of gratitude.

Establishment and Design of the Website

Subscription for server of website e.g. WordPress and Wix will be done.

Mass E-mails will be sent to all HKU students to seek for volunteers possessing the website-designing and art skills to contribute to the website.

Promotion of the Website

Local artists and YouTubers will be reached for the support of the campaign by inviting them to submit artistic expressions relevant to this theme e.g. songs, illustrations and short clips which will be put into the website to enhance its attractiveness, as well as in their own page or sites with our website link attached to reach out to the greater population.

Certificates and thank-you letter will be presented to them as an expression of gratitude. Volunteering will be mostly welcome, or else a small portion of money will be prepared in exchange for their creations.

NGOs concerning the intellectually disabled will be contacted to annex the website into their sites or any information packs they prepared, adding credibility and popularity of the site. They may be invited to help distribute leaflets (or pamphlets if resources allow) containing the link previously prepared by us to the visitors of their centres.

The aforementioned leaflets will be made and distributed under the Outreach Project (see 6.2 below)

Sustainment of the Website

The volunteer web-designer will be encouraged to provide continuous technical support for maintenance and updates of the website.

New videos and new information packs will be uploaded regularly per month to attract regular visitors to the website.

Sponsorships from NGOs will be invited to sustain the website. In return our website will serve as a platform to promote their organisations and connect the intellectually disabled and their families to other related services provided by different NGOs.

Required Input:

- At least 1 law professors for proper proofreading on the accuracy and clarity of the information.
- At least 20 volunteering students in contribution of information and technical support.
- Additional sponsorship for making 200 leaflets for each NGO centre and gratuitous payment to local artists and YouTubers.

Desired Outcomes:

- At least 55,000 views of our website will be received in the first year (calculated based on the approximately 8,800,000 views of the website "Community Legal Information Centre" (CLIC) prepared by Law and Technology Centre, the University of Hong Kong since April 2012 containing 29 topics).
- 5-10 related NGOs will agree to collaborate and promote our website.
- Positive feedbacks concerning the website can be received.

Monitoring & Evaluation:

- Count of views of the website will be incorporated into the information site to evaluate its popularity. If it is unsatisfactory, more promotional work has to be done, including contacting more NGOs for promotion, increasing its appearance in search engines and initiating advertisements on social media.

- When visitors the website, a box will appear with a link to a survey made using Google Form concerning the information, user-friendliness, and area for improvement of the website. Hence, effectiveness of the assistance provided to the visitors can be evaluated, and timely comments can be received from the visitors to make necessary amendments to the website.
- Opinions from NGOs and their visitors will be sought using the aforementioned survey.

6.1.2 Online Advice Forum

Objectives:

- To provide an interactive and timely platform for the intellectually disabled to seek legal advice, especially on how to deal with the court proceedings and delivery of witness statements.

Implementation Plan:

Preparatory Stage

The forum will be incorporated as a webpage of the information site (see 6.1.1 above), and will be established, designed, and maintained by the aforementioned volunteering students.

A registration system using Google Form will be set up for people to register for free if they will like to post their questions or situations to seek for legal advice. Personal information will be collected for follow-up work e.g. face-to-face discussion if necessary.

E-mails will be sent to the professors and pro-bono lawyers participating in the Duty Lawyer Scheme to invite them for collaboration. Their roles include directly providing free legal advice online, and taking part in the Training Programme (see 6.1.3 below) to train current law students to provide legal advice.

Functioning of the Forum

The layout of the forum will be similar with other available discussion forums.

Upon registration, the members can anonymously post their questions and situations onto the forum. If they are general matters, students taking part in the Training Scheme (trainees) will reply according to the answer prepared in the bundle. If the cases are fact-specific, the issues will be addressed either by the volunteering professors and pro bono workers directly,

or by the trainees who will firstly draft the legal advice and submit it to their trainers for approval. (See 6.1.3 below for the more detailed plan)

If the cases are so serious and specific that follow-up meetings are required, information of legal clinics and Free Legal Advice Scheme on HKU Campus will be given to the inquirers to meet with professors and pro bono lawyers on their own.

Unregistered visitors will be allowed to read the problems and legal advice only.

Promotion

The forum will be promoted at the same time with the Information Site (see 6.1.1 above) via NGOs' websites and issuance of leaflets.

The leaflets will be further distributed to disabled schools and care homes for the disabled to promote the forum to a larger population, enabling more people in need to seek advice during Outreach Project (see 6.2 below).

Required Input:

- At least 10 professors and pro bono lawyers offer help by directly giving legal advice or as trainers.
- At least 20 current law students as trainees.
- Additional sponsorship for making leaflets for each disabled schools and care homes (depending on their sizes).

Desired Outcomes:

- At least 100 visitors register in the first year.
- At least 20 specific cases concerning the intellectually disabled are handled in the first year, in addition to general enquiries.
- Enquiries can be answered within two days.
- Positive feedbacks can be received from both the inquirers and volunteering lawyers and law students.

Monitoring & Evaluation:

- The situation of registration and posting inquiries will be closely monitored. If the feedback rate is not satisfactory yet knowingly there are potential cases existing in the society, more promotion will be done. The NGOs, disabled schools and care homes will be contacted again to encourage them to further promote, as well as to encourage the person-in-charge to register and report any potential legal matters onto the forum.

- Constant advice will be sought from the experienced pro bono workers, such as how to encourage the intellectually disabled and their families to face their problems and stand up to voice out for their interests.
- The aforementioned survey in 6.1.1 will incorporate a section to allow users to comment on the effectiveness, user-friendliness and areas for improvement of the forum.

6.1.3 Training Programme

Objectives:

- To sustain the website and the online forum by well-trained generations of volunteers
- To equip lawyers-to-be with practical skills of offering legal advice through a voluntary scheme
- To introduce the lack of criminal justice to the next generation, so that they will be more motivated and supportive for any reforms and improvement.

Implementation Plan:

Preparatory Stage

Invitation to the lawyers and the professors will be made for being trainers of the programme.

Current law students will be reached to be trainees via mass E-mail, while interviewing sessions will be conducted on a rolling basis to select enthusiastic and competent trainees.

Trainers will be invited to come up with a uniformed direction on the training scheme. They may offer their knowledge by sharing experience and opinion on the criminal procedural insufficiencies for the preparation of the materials. They will also help in the programme by offering their knowledge while handling online enquiries with the trainees.

Further, from the preparatory work done for the online information and advice site, extensive research will have been done, and the mostly needed aspect of equality will be identified. A bundle will be prepared in regard of these topics for trainees as reference for answer general matters in online forum.

It is noticed that online resources might not be very familiar to the intellectually disabled, and probably they will also prefer receiving clinical advice by face-to-face communication. face-to-face advice will be provided if necessary and the related skills will be taught to trainees.

Giving Advice

Trainers and trainees will be matched. There will be at least one trainer for two trainees.

Trainees will receive preliminary training through workshops based on the materials prepared before they work with the trainers in providing legal advice. This is to ensure that they had the basic knowledge of the legal problems they will likely face, and to make sure they have appropriate attitudes when they encounter with different intellectually disabled.

A roster will be issued to pairs of trainers and trainee listing the allocation of duty to give advice (in terms of time). Through giving advice with the trainers, trainees will have the advantage of getting first-hand experience in dealing with real life legal issues, and will acquire relevant knowledge and experience.

Running the Online Advice Forum

Trainees will receive trainings in operating the online platforms. Trainings will be held by the IT students who help design and begin the platform, and through assisting the daily operation of the website, they will be more experienced to run the platform and help sustain it in the future.

Required Input:

- At least 1 law professor for proper proofreading on the accuracy and clarity of the information.
- At least 20 volunteering students (from the research teams for the online information and advice scheme) in contribution of collaboration of the training materials.
- Venues for the training workshops.

Desired Outcomes:

- At least 10 experienced pro bono practitioners offering legal advice and training.
- At least 20 law students as mentees to receive trainings and help sustain the programme.

Monitoring & Evaluation:

- Feedback forms from the advice receivers will be received. Data will be collected and analysed.
- Regular meetings with the trainers and trainees will be held to reflect on the ongoing processes, to identify the loopholes of the scheme and to rectify possible insufficiencies.

6.2 Working Schedule

STAGES	TASKS
1st - 3rd month	<p>Information Site:</p> <ul style="list-style-type: none"> Conduct consultation: find the intellectually disabled, their families and NGOs to provide their view on the issue Invite professors, pro bono lawyers and students to prepare the information to be included in the website Invite IT student volunteer to create the website Search for artists and youtubers to help design for and promote the website <p>Online Forum:</p> <ul style="list-style-type: none"> Invite professors and pro bono lawyers to commit for at least a year Adopt information from the information site to prepare the bundle <p>Training Programme</p> <ul style="list-style-type: none"> Invite pro bono lawyers and law students Complete the pairing and hold mini-gatherings Prepare bundles
4th month - 5th month	<p>Information Site and Online Forum:</p> <ul style="list-style-type: none"> Trial run the website and online forum <p>Training Programme</p> <ul style="list-style-type: none"> Deliver bundles Training workshops by pro bono lawyers for trainees
From 6th month	<p>Whole scheme:</p> <ul style="list-style-type: none"> Official launch of information site and online forum Put up promotion materials e.g. collaboration with more artists on a regular basis Keep checking the survey response Do monthly evaluation with participants of the training schemes Seek opinions from the collaborating NGOs towards the end of the year

6.3 Proposed Budget

STAGES	ESTIMATED EXPENSES	ESTIMATED COSTS	COSTS REDUCTION
Stage 1: Project Initiation	Booking fee for venues for interviews and workshops	N/A	Find free rooms in the University of Hong Kong or seek help from Faculty of Law, the University of Hong Kong
	Creation of Website	N/A	Volunteering students might have free software accounts for creating website
	Subscription fee for service plan for website	\$1,200	Might get a bargain from the company in sake of the socially beneficial campaign
Stage 2: Implementation	Printing fees of bundle for trainees (A4 20 pages)	\$6 (\$0.3 per page)	N/A
Stage 3: Post Implementation	Printing fees of surveys if needed	TBC	Surveys received from the advisee through the online platform could be done online Surveys received from the programme participators can also be conducted with the online google forms
	Credits/ thank-you letter to the volunteers	TBC	N/A
Stage 4: After the 1 year program (sustainable development)	Subscription fee for websites per annum	\$1200/ year	Might get bargain price from long-term contracts

7 PROPOSED ACTIVITY FOR ADVOCATING POLITICAL RIGHT TO VOTE OF THE INTELLIGENTLY DISABLED

7.1 Activity Plan

The target audience of the outreach program are both the general public and the intellectually disabled. It involves a series of public lectures and talks, as well as the distribution of pamphlets and holding booths on the streets with the aims of public education, increasing awareness and attracting social helps from the professionals and Legislative Council members (for example, Dr Hon Fernando Cheung Chiu-hung and Hon Dennis Kwok Wing-hang, who have been taking heed on the relevant political rights for years).

Linkage to Equality: This is important for achieving equality because raising public awareness will gather greater support for the legal changes and reforms to political rights protection of the intellectually disabled. Equality is not only about the disadvantaged group being treated specially by the government, but also about tolerance and patience in a civil society. The outreach program will raise public empathy and create a harmonic environment for the pursuit of equality. The project will even possibly inspire other disadvantaged groups to stand up for their rights, creating a momentum in striving for equality in society.

Objectives:

- To raise the public awareness towards the lack of progression of laws when compared with other countries' situations, and unfairness created to the intelligently disabled when they still lack political right to vote;
- To educate the public on the equalisation on political rights, and the intellectually disabled about the right they deserve;
- To motivate the stakeholders to prompt the development of related laws;
- To further promote our socially-responsible project.
- Introduce the public to more related NGOs and connect the efforts of the NGOs

Implementation Plan:

Preparation of Pamphlets

Pamphlets will be used for the outreach programme after the following preparations:

Content of Pamphlets

Research will be done by the aforementioned research teams. They will do research beyond the issues pertaining to access to justice. They will also be invited to do research on current insufficiencies on the promotion of political rights of the intellectually disabled in Hong Kong, and possibly workout some solutions with reference to the foreign systems. Their research result will be included in the pamphlets to be distributed. Statistics will be included to illustrate the current situation to the public more clearly.

Some other NGOs and bodies related to intellectual disabilities will be introduced in the pamphlets so that the target audience could connect to them easily if interested.

Design of Pamphlet and Souvenirs

For the design of the pamphlets, local art students will be invited to contribute to the aesthetic and proper delivery of message with illusion

Recruitment of Volunteers

Secondary schools will be reached for the recruitment of volunteers. This will be counted as part of the extracurricular activity with certificates provided to increase incentive. The secondary school students will be capable in participating in the programme as the outreaching part does not require much professional knowledge. Volunteers will also be recruited by mass emails sent to the university students. Moreover, with the ongoing programme, more volunteers might be recruited from the general public.

Contacting Stakeholders

Primary, secondary schools and community centres will be reached for holding talks and workshop in introducing the idea of equalising political right to vote to the general public. It is of paramount importance to introduce the idea of equality to the students at

the stage as this will very likely leave a core impression which drive them support future relevant campaigns.

Estates managers and the government office will also be reached to request for possible occasions to hold the public lectures in the public space, as well as to hold booths, so that we could raise the greatest public awareness. Further, care homes and special schools will also be reached to hold talks introducing the right to vote to the disabled.

Pro bono lawyers, professors and law students will be reached as well to be invited to assist in talks/ workshops regarding equality and the constitutional right to vote. Professionals like the lawyers and the NGO representatives will be invited to give talks as well.

Promotion

Legislative Council members mentioned above and the District Council member's office will be reached to gain more concrete support in promotion, such as permission to stick posters or allocate pamphlets there. They might also provide support by sharing us the network so that we could reach out more people.

Souvenirs will also be designed and distributed. It is suggested that the souvenirs will be practical in use so that the public will be interested in getting one and know more about the campaign through the souvenirs.

Outreaching

Volunteers will be grouped into different groups for assisting talks, workshops and holding booths. They will be on duty according to the duty roster.

The number and frequency of talks held eventually will depend on the number of schools and care homes agreeing to collaborate. It is proposed to hold booths once a quarter at weekends in densely populated areas such as Causeway Bay and in underprivileged areas.

All volunteers will have a briefing on the content of the pamphlet. This is to promote the idea of equality among the participants and fortify their knowledge of equality in political right.

Further, different groups will receive different briefing before the commencement of that particular outreaching activities. For example, helpers assisting talks will receive briefing on the flow of the talks, while those holding booths will receive trainings/ briefing on the content and possible Q&A conversations they might have with the public. This could possibly equip them with the skills to advocate to others the importance of right to vote.

Topics will be assigned to the lawyers/ NGOs who have been working on the related issues to introduce to the public and the disabled about different aspects of the political rights. It is hoped that the audience will thus be more familiar with the NGOs which share the same vision, and collaboration between different NGOs can be enhanced throughout the program, so that the function to bridge them for greater influences can be performed.

Required Input:

- At least 1 law professor for proper proofreading on the accuracy and clarity of the information
- Research done by aforementioned student volunteers
- Venues for holding talks and booths

Desired Outcomes:

- At least 25 talks are held in schools and care homes with attendees over 1000 each time in the first year.
- 1000 pamphlets distributed to the public when holding booths quarterly.
- Increased views at the websites.

Monitoring & Evaluation:

- Feedback forms for schools (students and teachers) and care homes after talks will be distributed for further analysis of data.
- Allocation of resources and methods of promoting ideas will accordingly be adjusted based on response rate and degree of awareness of the issue. For example, if people in particular areas are more willing to accept the pamphlets, booths will be held there; if otherwise, more pamphlets will be put in community centres, care homes and schools for the target groups to take.

7.2 Working Schedule

STAGES	TASKS
1st - 3rd month	<ul style="list-style-type: none"> Invite arts student volunteers and local artists (if possible) to design the pamphlets Incorporate research done by aforementioned student volunteers Recruit students as helpers Contact schools, care homes, estate managers and NGOs Contact NGOs/ professionals to host talks Prepare materials for talks/ workshops/ booths
4th month - 12th month	<ul style="list-style-type: none"> Distribute pamphlets to schools, care homes and NGOs Hold talks/ workshops in schools, estates and care homes hold booths in densely populated area

7.3 Proposed Budget

STAGES	ESTIMATED EXPENSES	ESTIMATED COSTS	COSTS REDUCTION
Stage 1: Project Initiation	Printing fees of 4000 A5 leaflets	\$590 (quoted from e-print)	N/A
	Pamphlet design	N/A	Arts student volunteers or local artist volunteers
Stage 2: Implementation	Printing fees of additional leaflets	TBC	N/A
	Transportation fee to schools, care homes, estate public places and NGOs	N/A	Paid by helpers
	Booking of the estate public places/ community centres	TBC	Bargain for nominal charge for the sake of socially beneficial campaign
	Credits/ thank-you letters to volunteers	TBC	N/A
	Souvenirs: The type of souvenirs to be confirmed. Suggested example can be pens and tote bags printed with designs and slogans.	\$12000	
	Pull-up banners	\$300	Borrow from friends
Stage 3: Post Implementation	Printing fees of feedback form		N/A*
Stage 4: After the 1 year program (sustainable development)	Printing fees of additional leaflets	TBC	N/A

* online surveys might be used still, but given that the public outreaching programme has a larger number of audience, it is at best to have the feedback forms in paper to directly obtain response from all the audience we reach

8 CONCLUSION

We hope that the above activities, namely the initiation of the online support scheme (including the Website and the training program) and the outreach program can ultimately assist us in fulfilling our goals of promoting equal rights to be enjoyed by the intellectually disabled in accessing justice and political participation. By raising the awareness of the intellectually disabled and the public and equipping them with related legal knowledge, the equal opportunities received by our target groups can hopefully go beyond social needs, but also pursuit of justice and political aspiration. The support gathered for a change in law to improve the status quo will grow and equality can be reached. ■

LAW FOR CHANGE STUDENT COMPETITION 2017

TEAM	TITLE
2	What are We Abandoning: Scavengers or Trash
MEMBERS	Ip Yun Yi, Angela Wai Lok Yan, Venisa
SCHOOL	The University of Hong Kong

1 INTRODUCTION: A RENEWED FOCUS ON THE CONFLICT BETWEEN SCAVENGERS AND HAWKER CONTROL OFFICERS

Earlier this year, an elderly woman, surnamed Chu, was arrested for selling cardboards to a foreign domestic helper for HK\$1.¹ Accused of trading without a hawker license and obstructing public space, Chu was brought to the Food and Environmental Hygiene Department (“FEHD”) office and the police station where she paid HK\$30 to be released on bail, with only HK\$34 in her purse.² Following public flare-up, the charges were dropped before it reached the court.³

Debate was reopened and yet shifted to the moral facet: critics accused the officers of taking disproportionate enforcement actions against Chu who sold only a piece of cardboard for HK\$1.⁴ However, the root of the problem merits a closer look: Are scavengers like Chu aware of the legislation charged against them? Was there evidence collection before the arrest? How do they obtain suitable legal assistance?

Defining the Conflict

For decades, tensions between scavengers and hawker control officers have been a thorn in FEHD’s hawker management policy.

On one hand, scavengers who collect and resell waste as a living are generally ignorant to their legal responsibilities.⁵ Even if they do, there is a lack of enabling environment that allows them to legally collect waste, for example, they are left with no choice but to cut the cardboards on the street although this may invoke prosecution for public space obstruction.

On the other hand, inconsistency could be found in the frontline staff’s law enforcement action. Taking Chu’s case as an example, no evidence collection was done by the FEHD officers before the arrest.⁶ This uncovers possible abuse of law enforcement power by the hawker control officers.

This evolves into a situation which results in scavengers coming into conflicts with the law and the lack of policy coherence further magnifies the impact of their legal troubles – these will be further discussed in Part I of this proposal.

Why is there a Renewed Focus Now?

First, current efforts to solve the conflict have been focused on advocacy. After Chu was being prosecuted, around 30 people protested outside the FEHD office, holding cardholders with slogans written on them that accused the department of “bullying a granny” and being “cold blooded”⁷

However, this proposal argues that current advocacy that only focuses on moral facet of law enforcement do no good in mitigating the conflict: it is not possible for the FEHD to admit that their law enforcement efforts are unjustifiable only because they are morally wrong for not considering subjective factors such as a defendant’s background. It also creates an illusion that it is not necessary for scavengers to assume legal responsibilities to follow the law. As a result, a deadlock of the conflict is produced which further prolongs the tension between the two parties. Also, attempts to create an enabling environment for scavengers to fulfill their legal responsibilities and to advocate against misuse of power are also coated. **At the time of writing there is no specific non-governmental organization (“NGO”) that addresses legal needs of scavengers.**⁸

This proposal holds that the root and solution of the conflict rest in the legal arena. Only by putting the issue on a right track could the acute needs of the scavengers be addressed. Part I of this proposal will first analysis the inequalities and social injustice surrounding scavengers which underline the cause of this conflict. Part II of the proposal presents a plan that uses law as a tool to address the inequalities found.

2.1 Legal and Policy Context

Recognising the conflict as a legal conflict, it is important to first set out the legal and policy context.

Legislation

Under existing legislations, scavengers can be charged either by (1) causing street obstruction or (2) hawking without a license by the FEHD hawker control officers.

The power of officers to remove articles on streets is stipulated in Section 22(2)(a) of the Public Health and Municipal Services Ordinance (Cap 132). When the relevant authority, FEHD officers in the case, thinks that any articles or things placed by the scavengers cause or are likely to cause obstruction to any street sweeper acting, the officers may detain, seize and carry away such articles or things if they are still not removed within a period of time (usually a period of 4 hours) after a notice is served to the scavengers. The scavengers can get back the detained commodities within 7 days upon payment of any expenses incurred in the seizure. The scavengers can also be charged under Section 4A of the Summary Offences Ordinance (Cap 228) when they leave any matters which obstructs any places or vehicle in a public place. The maximum penalty for the offence is a fine of \$5000 or an imprisonment for 3 months.

Alternatively, the FEHD officers are empowered to enforce hawker control under the Public Health and Municipal Services Ordinance (Cap 132) and its subsidiary regulations, the Hawker regulation (Cap. 132 AI). Section 83(B)(1) of the Ordinance states that no person shall hawk in any street except in accordance with a licence issued under regulations made under section 83A. The officers may charge the scavengers with this piece of legislation by arguing that they observed and found the scavengers traded with other parties.

Hawker Management Strategy

To steer the law enforcement work, an operational guideline has been adopted since late 2001.^{9,10} According to the guideline, when dealing with illegal hawking activities that do not involve i) sale of prohibited/restricted or cooked food and; ii) hawking in hygiene “blackspots”,¹¹ frontline staff would verbally

warn the hawkers first. Prosecution action would ensue if the warning is unheeded. Moreover, before the arrest they will gather evidence on site and take appropriate enforcement actions on the basis of facts and circumstantial factors.¹²

2.2 Analysis of Inequality Affecting Scavengers

At the time of writing, Dr. Vivian Lou Wei-qun’s 2006 research is the only study done on elderly scavengers in Hong Kong.¹³ Although quantitative data on the subject is limited, in-depth interviews conducted in Lou’s report provide invaluable insights into their scavenging difficulties and living conditions.

Lack of access to information and legal awareness

Access to information is an international human rights norm. According to Article 19 of both the United Nations Declaration on Human Rights and the International Covenant on Civil and Political Rights, the right to freedom of expression includes not only freedom to impart ideas, but also freedom to “seek” and “receive” them.¹⁴

In Hong Kong, the deprivations that this low-income group encounter – illiteracy, language barriers, social welfare exclusion and a lack of zeal among the NGOs¹⁵ – contribute to obstacles in gaining access to information like legislations, FEHD’s hawker control strategy, and availability of legal aid and remedies. At the time of writing, FEHD’s publicity materials, i.e. pamphlets, include only “warnings” and legal consequence of violating the law. Other information is also not readily accessible as it is distributed largely through the online platform where scavengers have limited access to.

This contributes to a low level of legal literacy of their rights and responsibilities and thus, scavengers often come into conflicts with the law – which is often the case for illegal hawking – and are unable to seek redress. The public’s ignorance also contributes to the problem – people who buy cardboards from elderly out of sympathy are often unaware of the possibility of invoking prosecution.¹⁶

Lack of access to legal aid services

Under the current framework, the Duty Lawyer Scheme does not offer representation for hawking offences in Magistrates’ Courts. Hence, if scavengers were charged under hawkers related offences, namely Section 83(B)(1) of Cap 132, they will not have free legal representation in court. As a result, they will have to defend themselves which would often place the defendants in a disadvantageous position. This has revealed the inequality in the access of law by the scavengers when they are faced with hawkers’ charges. Without free legal representation, scavengers can hardly seek professional legal advice from lawyers due to the lack of connections and poor financial conditions. Even if there are free legal services provide by societal organizations, the scavengers may lack confidence and trust in those services. Hence, the problem of unequal access to legal services still cannot be resolved.

Abuse of power in discretionary law enforcement

There has even been speculation that internal policy of the FEHD aligns staff performance with the number of prosecutions¹⁷ Setting aside credibility of such claim, a lack of vertical policy coherence and clarity could also be observed. Legislative Council Paper reports that there have been instances of selective enforcement.¹⁸ Moreover, in Chu’s case, there was no evidence collection prior to the arrest which is against their operational guideline (see the Hawker Management Strategy above).¹⁹ Judging from facts available and our interview with Lai Chi-keong, the District Councillor who assisted in Chu’s case, evidence of illegal hawking appears to be weak as Chu did not engage in any bargaining and the cardboard was given to the foreign helper initially free of charge. The \$1 was only a form of gratuity given to Chu after the handover. The case sparked concerns of misuse of discretionary power which may be caused by administrative loopholes such as unclear guideline or insufficient staff training.

An abuse of law enforcement undoubtedly generates gaps in the system that perpetuate structural inequalities among scavengers. As mentioned above, the lack of legal awareness and literacy aggravate scavengers’ vulnerability as they are unaware of when law enforcement has been misused.

2.3 Analysis of the Broader Social Justice Issue

Most scavengers in Hong Kong are part of a group of elderly people who fall through the cracks of an inadequate care system, including reluctance to employ senior citizens amid rising cost of living and social exclusion.

According to Lou’s study, 70 percent of the scavengers interviewed collected waste because of financial reasons (33.3% for making a living and 40.9% for getting supplementary income).²⁰ Only around 10% of the respondents were CSSA recipients.²¹ Many of them refused to be financially dependent on the government and hence chose not to apply for CSSA. However, there is current no comprehensive policies for elderly re-employment or integrating cardboard sellers into the recycling industry. As a result, they must collect rubbish to support themselves.

This situation is further complicated by the fact that the city lacks a comprehensive recycling scheme. Earlier this year, China’s ban on waste imports leads to significant drop in cardboard selling price.²² Structural problem of recycling market places scavengers into even more vulnerable positions.

Gaps in the pension, poverty and recycling policies create social injustice as scavengers are forced to collect waste which is not an official employment- meaning that they are not protected by any trade union or NGO in Hong Kong (political exclusion). They are also plagued by other kinds of social exclusion including social relation exclusion (being discriminated because of being involved in waste-collecting activities) and social welfare exclusion (not accessible to social services).²³

Due to limited resource, this project does not aim to solve the deep-rooted poverty and related issues in the city. However, we want to engage the community and create links to the social/ legal services such that the abovementioned social exclusion can be mitigated, but not resolved.

3 PART II: PILOTING THE “LAW FOR CHANGE” PROJECT

3.1 Project Objectives and Expected Outcomes

The overarching objective of this project is to strengthen access to justice for scavengers in Hong Kong through legal empowerment and improved legal protection without compromising public health and hygiene.

Following the human rights-based approach,²⁴ the expected outcomes of this project are three-fold: For scavengers as rights holders:

- **Outcome 1: Scavengers and their community counterpart are more aware of their legal rights and responsibilities**
- **Outcome 2: Scavengers benefit from improved access to legal aid services, i.e. availability to legal advice and representation**

For FEHD hawker control team as duty-bearers:

- **Outcome 3: FEHD hawker control officers misuse of power is addressed, thus enhancing transparency and accountability to law enforcement**

3.2 Project Overview

Most discussions of tackling social injustice proceeds from the assumption that the best way to remedy this problem is to amend the law. Yet, given the city’s bureaucratic polity and executive-legislative gridlock, this proposal posits that only through legal empowerment of the vulnerable ones and their community counterparts could acute social mishaps be duly addressed, if not resolved. It also seeks to fulfill the overarching objective of our project: to strike a balance between public hygiene and rights protection of scavengers. It is recognized that legal education alone could not address the inequality ingrained in the system; intervention II and III of our project aim at supplementing this gap. Intervention II addresses unequal access to legal services while stage III deals with inequality entrenched in the government policy (see Figure 1).

Intervention I – Civic Education

- **Output 1: Increased awareness and knowledge regarding rights entitled and responsibilities assumed for scavengers, storeowners and general public through civic education**

Intervention I is a kind of self-help intervention that aims at empowering scavengers and creating an enabling environment for them to assume their responsibilities to maintain public hygiene. It also enables them to claim their respective legal rights.

Education on scavengers. It focuses on their legal responsibilities assumed and rights entitled. Responsibilities include maintaining street cleanliness and avoiding illegal trade. Publicity material distributed will hence detail waste-collecting activities that may fall into the scope of illegal hawking and public place obstruction, and how they could avoid those potential prosecutions. It will also include their respective rights entitled, e.g. right to legal aid and the right to make a claim in case their equipment or commodity have been seized under Section 86B of the Public Health and Municipal Services Ordinance (Cap 132).

Education on storeowners and public. It is difficult for scavengers alone to exercise their legal responsibilities, particularly in avoiding street obstruction. Hence, it is important to create an enabling environment with support from their community counterparts. According to Lou’s report, the most common waste collected is cardboard (80.2 percent).²⁵ Main source of cardboards is from stores such as retail shops. If storeowners are aware of the legal needs of the scavengers and hence i) cutting cardboards before handing them over to scavengers, ii) keeping cardboards inside their shops until scavengers come to “claim” them, or iii) giving cardboards to scavengers for free, both street obstruction and unlicensed hawking allegations could be greatly avoided. Education on public mainly focuses on the last aspect.

Intervention II – Facilitate Access to Legal Aid Services

- **Output 2: Increased access to legal aid services for scavengers through strengthening connection between pro bono lawyers and scavengers**

As identified in Part I of this proposal, scavengers have limited access to legal aid services. This project could act as a conduit between the two parties through connecting the vulnerable with District Councilors for legal advice/ representation schemes upon receiving complaints and opinions from them. District councilors can gain trust from the scavengers easier given they are engaged in serving the community. Hence, they can act as intermediate between the scavengers and lawyers to facilitate scavengers’ access to legal service (legal advice and representation). This intervention could also address scavengers’ lack of access to information and contribute to outcome 1 of this project as the vulnerable community would be more aware of their rights to legal aids. This stage could address the structural inequalities in access to law through creating accessible legal aid services.

Intervention III – Advocacy in the Legislative Council

- **Output 3: Abuse of power by FEHD hawker control officers addressed through advocacy in the Legislative Council**

Intervention III involves a close examination on individual cases where FEHD officers’ misuse of power is found. The aggregated opinions and evidence collected from scavengers could be reflected to Legislative Councilors in our target community. In fact, Legislative Councilors are always active in reflecting social problems in Council meetings as reflected by Chu’s case in which much public attention has been aroused^{26,27}. By submitting relevant motions in the Legislative Council meetings and putting the matter on the discussion table, Intervention III aims at achieving outcome 3 of the project: relevant government departments will be pressurized to redress abuse through measures like improving staff training. Although it is an informal way to file complaints to administrative bodies, this

is believed to be a more effective way to enhance transparency of FEHD guidelines and accountability to law enforcement than filing complaints directly to FEHD by individual scavengers.²⁸

3.3 Project Proposal

Intervention I – Civic Education

Strategy

Recognising target group’s limited access to the online resources, legal education will be conducted in the traditional way: pamphlet distribution, followed by a teaching session.

The Western District has been chosen as the targeted area because it is featured by the large number of dried seafood stores where relatively more scavengers can be found. Coordination work could also be facilitated as the district is also where the University of Hong Kong is located in.

Secondary school volunteers will be recruited. This project can be counted into their Student Learning Profile (“SLP”) as part of the Other Learning Experiences (“OLE”) in the New Senior Secondary (“NSS”) Curriculum.²⁹ The advantages of recruiting these volunteers are three-fold: i) increase cost effectiveness of the project, ii) ensure commitment of volunteers, and iii) provide moral and civic education.

Training workshops on all volunteers will be conducted by social workers. Teams of volunteers will be divided into three branches with different target groups allocated: scavengers, storeowners and general public.

Target groups

Scavengers, storeowners and general public in the Western District

Stakeholders

1. Secondary school volunteers

Their main responsibilities include distributing pamphlets to target groups and conducting teaching session.

2. Social work students studying in university

Their responsibilities include designing teaching materials and leading teams of secondary school volunteers. Each team of secondary school volunteers will be guided by one social work student.

3. Social workers from NGO

They can assist in i) locating possible targets and scavenging areas; ii) providing advice on designing teaching materials and iii) providing guidance to volunteers when they approach the target group. Also, they can follow up on cases that require special attention.

Possible partnership

1. Secondary schools in Western District
2. Social Work and Social Administration Society, Social Sciences Society, The University of Hong Kong Students' Union
3. Caritas Youth & Community Service that assisted in Lou's research or NGOs that have capacity in providing social services to the scavengers in the Western District

Intervention II – Facilitate Access to Legal Aid Services

Strategy

Intervention II is composed of three elements: i) reaching out to pro bono lawyers who are interested in scavenging issues; ii) recruiting District Councillors who have the capacity and are willing to help establishing connections between scavengers and pro bono lawyers; and iii) informing scavengers of such supporting network. Details of the free legal service network will be included in the pamphlets distributed to scavengers in Intervention I and introduced to them during the teaching session. Hence, the third component and Intervention I of this project will be simultaneous.

Although District Councillors may have established their own legal service providing network, it may be limited and the connected lawyers may not be particularly interested in such human right issue. Hence, recognising PILnet's extensive connections with pro

bono lawyers in Hong Kong, its support will facilitate our coordination work and further expand the pool of legal service providers.

Target groups

Scavengers in the Western District (same as those who engage in Intervention I)

Stakeholders

1. District Councillors

Their main responsibilities are to help contacting legal aid services who are experienced and interested in scavenging issues.

2. PILnet Hong Kong

It can act as an intermediate and facilitate connections between pro bono lawyers and the project, hence expanding the legal service providing network.

Possible partnership

1. District Councillors in Hong Kong island, e.g. Lai Chi Keong who assisted Chu in finding legal aid
2. PILnet Hong Kong

Intervention III – Advocacy in the Legislative Council

Strategy

Intervention III is about in-depth interviews of scavengers whereby evidence of abuses could be collected. Scavengers may be unwilling to disclose such information to avoid getting into troubles. Hence, this stage will be conducted after Intervention I where volunteers have established rapport with the target group. Moreover, scavengers who are more willing to engage in our project will be identified and invited to participate in the interviews.

Legislative Councillors from the Civic Party will be contacted as it has always been involved in scavenger issues – the main advocacy input in Chu's case was also provided by its party members.³⁰

Target groups

Scavengers in the Western District (same as those who engage in Intervention I & II)

1. Student volunteers

The teams of volunteers who are responsible for conducting teaching sessions with scavengers will be the interviewers.

2. Social workers from NGO (same as those in Intervention I)

They can assist in i) providing advice on interview design; ii) providing guidance to volunteers when

they approach the target group, and iii) following up on cases that require special attention.

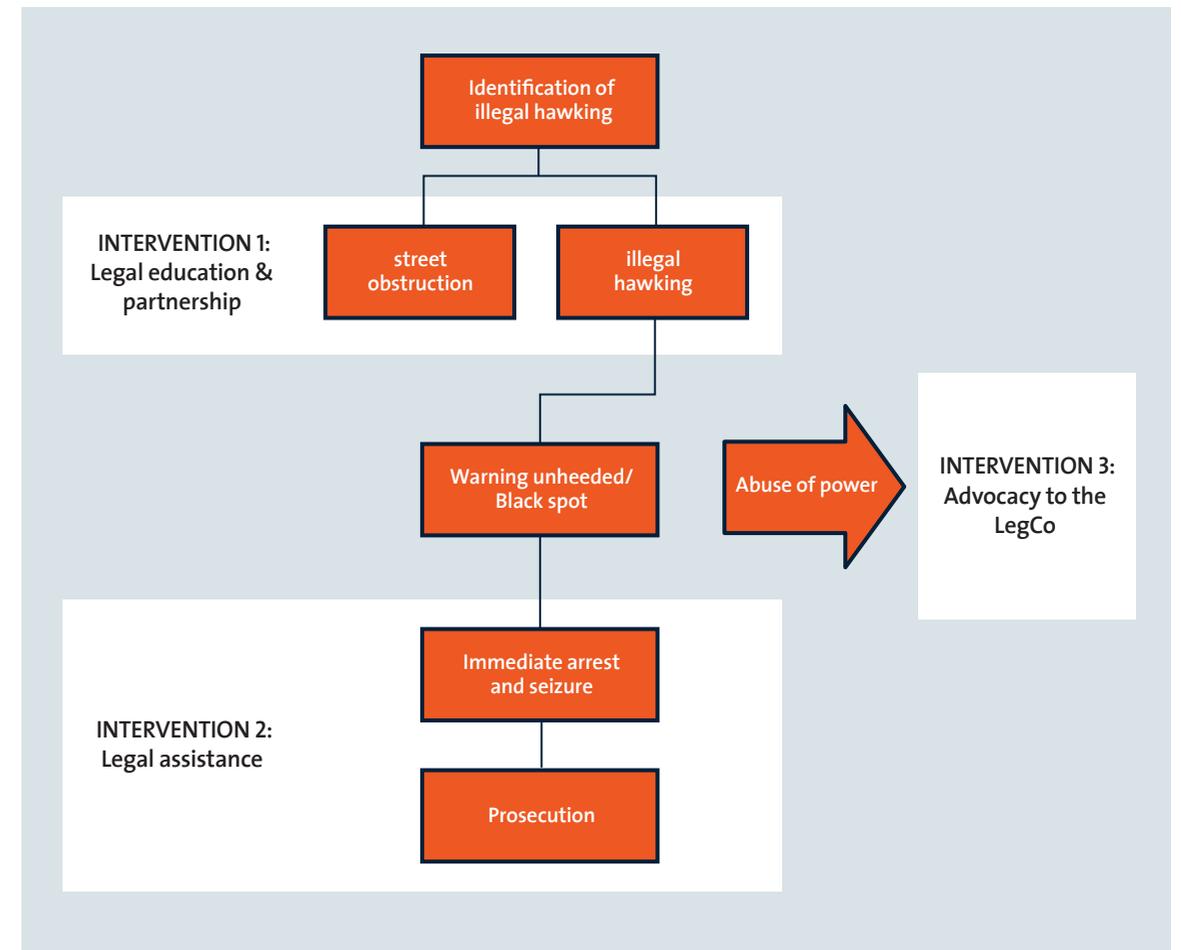
3. Legislative Councillors

Their role is to help submitting the motion and supporting advocacy in the Legislative Council.

Possible partnership

Legislative Councillors from the Civic Party

FIGURE 1
Project Flow



3.4 Workplan and Budget

Output 1: Increased awareness and knowledge regarding legal rights entitled and responsibilities assumed for scavengers, storeowners and general public through civic education

COMPONENTS	PLANNED ACTIVITIES	IMMEDIATE RESULTS INDICATORS AND TARGETS	RESPONSIBLE PARTIES	RESOURCES	ESTIMATED COST	DURATION
Project initiation	Contacting partners	Indicator: partnerships established Target: 1 NGO, 1 secondary school, Social Work and Social Administration Society, Social Sciences Society, HKUSU	Angela and Venisa	N/A	\$0	3 months
	Recruiting and grouping volunteers	Indicator: # volunteers recruited and groups formed Target: around 40 secondary school students, 10 university social work students. Each team: 3-4 secondary school students + 1 social work student (as group leader)	Angela and Venisa, secondary school teacher, committee members of the Social Work and Social Administration Society, Social Sciences Society, HKUSU	N/A	\$0	
Project implementation	Designing teaching materials (pamphlets)	Indicator: pamphlets formulated Target: three types of pamphlets designed	University student volunteers, social workers (from NGO), Angela and Venisa	Discussion room	\$0 (room available in HKU)	3 weeks
	Printing pamphlets	Indicator: # pamphlets published Target: 450 pamphlets produced (3 types for scavengers, storeowners and public)	Angela and Venisa	Printed pamphlets	\$340 ³¹	1 week
	Training workshops for volunteers	Indicator: # workshops Target: 2 one-day workshops	Social workers (from NGO)	Workshop	\$0 (venue support from NGO)	1 month
	Pamphlet distribution and teaching session (scavengers)	Indicator: # pamphlets distributed Target: 10 / session	5 teams of secondary school volunteers led by group leaders	N/A	\$0	Biweekly sessions within 3 months
	Pamphlet distribution and teaching session (storeowners)	Indicator: # pamphlets distributed Target: 10 / session	5 teams of secondary school volunteers led by group leaders	N/A	\$0	Biweekly sessions within 3 months
	Pamphlet distribution and teaching session (public)	Indicator: # pamphlets distributed Target: 50 / session	2-3 teams of secondary school volunteers led by group leaders	N/A	\$0	Biweekly sessions within 3 months
TOTAL COST:					\$340	

Output 2: Increased access to legal aid services for scavengers through strengthening connection between pro bono lawyers and scavengers

COMPONENTS	PLANNED ACTIVITIES	IMMEDIATE RESULTS INDICATORS AND TARGETS	RESPONSIBLE PARTIES	RESOURCES	ESTIMATED COST	DURATION
Project initiation	Contacting partners	Indicator: partnerships established Target: PILnet, 3 District Councilors, 10 pro bono lawyers	Angela and Venisa	N/A	\$0	3 months
Project implementation (simultaneous with Intervention I)	Designing pamphlets	Indicator: pamphlets formulated Target: pamphlets to be distributed to scavengers designed to include info on the networking	University student volunteers, social workers (from NGO), Angela and Venisa	Discussion room	\$0 (room available in HKU)	3 weeks
	Printing and distributing pamphlets (scavengers)	Same as Intervention I				
TOTAL COST:					\$0	

Output 3: Abuse of power by FEHD hawker control officers addressed through advocacy in the Legislative Council

COMPONENTS	PLANNED ACTIVITIES	IMMEDIATE RESULTS INDICATORS AND TARGETS	RESPONSIBLE PARTIES	RESOURCES	ESTIMATED COST	DURATION
Project initiation	Contacting partners	Indicator: partnerships established Target: Legislative Councilors from the Civic Party	Angela and Venisa	N/A	\$0	3 months
	Recruiting volunteers as interviewers	Indicator: # volunteers recruited Target: 5 teams (should be the same as those who engage in conducting teaching session on scavengers)	Angela and Venisa	N/A	\$0	3 months
Project implementation	Designing interview questions	Indicator: interview questions designed Target: interview questions guides interviewees to share their cases	University student volunteers, social workers (from NGO), Angela and Venisa	Discussion room	\$0 (room available in HKU)	2 weeks
	Conducting interviews with scavengers	Indicator: # scavengers reached Target: 10	The 5 teams of volunteers allocated to teaching scavengers in Intervention I	N/A	\$0	1 month
	Analysing data and drafting motion	Indicator: motion drafted Target: motion clearly presents results of interviews to reflect the abuse of power in FEHD law enforcement	Angela and Venisa	N/A	\$0	2 weeks
	Submitting motion to Legislative Council	Indicator: motion submitted Target: motion submitted allows FEHD to review its hawker control management	Legislative Councilors	N/A	\$0	1 month
	TOTAL COST:					\$0

3.5 Monitoring and Evaluation

The project will be monitored through the following:

- **Survey.** Online questionnaires will be used to evaluate the effectiveness of the project. Beneficiaries including student volunteers, scavengers, storeowners and general public will be asked to complete a questionnaire after each teaching session/ training workshop. Data will be analysed and included as part of the final project review.
- **Half-year review report.** A half-year review report shall be prepared by Angela and Venisa and shared with the donor- PILnet Hong Kong. It is a summary of results achieved against pre-defined targets at the output level (see workplan above).
- **Final project review and assessment.** A final review report shall be prepared by Angela and Venisa and shared with the donor- PILnet Hong Kong. It shall focus on the extent to which progress is being made towards outputs, and that these remain aligned to appropriate outcomes.

M&E Activities

PLANNED ACTIVITIES	RESPONSIBLE PARTIES	RESOURCES	ESTIMATED COST
Surveys	Angela and Venisa	Online questionnaires	\$0
Half-year review report	Angela and Venisa	N/A	N/A
Final project review and assessment	Angela and Venisa	N/A	N/A
TOTAL COST:			\$0

3.6 Sustainability / Multiplier

Intervention I: Continued community participation.

The community will be involved to create an enabling environment for scavengers to assume their legal responsibilities. It also acts as a kind of moral and civic education on student volunteers: an impact which is beyond the scope of this project.

Intervention II: Continued operation. The network of pro bono lawyers and District Councillors could be maintained during the project’s projected life time.

Intervention III: Continued institutional change and public awareness. It is assumed that Intervention III could pressurize FEHD to redress abuse through measures like improving staff training. Submitting a motion to the Legislative Council also create a multiplier effect: raising public awareness and concerns on the issue.

3.7 Project Timeline

IMPLEMENTATION CALENDAR	PLANNED ACTIVITIES
1 st month	
2 nd month	Project initiation of all Interventions
3 rd month	
4 th month	Designing and printing pamphlets
5 th month	Workshop for volunteers
6 th month	Implementation of Intervention I (pamphlet distribution and teaching session) & II + half-year review
7 th month	Implementation of Intervention I (pamphlet distribution and teaching session) & II
8 th month	Implementation of Intervention I (pamphlet distribution and teaching session) & II
9 th month	Implementation of Intervention III (designing interviews and conducting interviews)
10 th month	Implementation of Intervention III (conducting interviews)
11 th month	Implementation of Intervention III (drafting and submitting motion to Legislative Council)
12 th month	Implementation of Intervention III (submitting motion to Legislative Council)
Post implementation period	Final project review and assessment

4 | ENDNOTE

In Hong Kong, there is a severe lack of NGOs and no policy has been developed to facilitate a concerted effort to protect the rights and empower the scavengers. Discussion around policy remains undeveloped, disintegrated, and service models remain ad hoc and peripheral in nature. Also, advocacy focus has been placed on moral aspect of the issue, ignoring the legal needs of empowering the vulnerable group. Although we recognize that this proposal could not address the root of the scavenger issue- such as poverty and poor government policy, and educating the scavengers may be difficult, it is needed to address the legal conflict. ■

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LAW FOR CHANGE STUDENT COMPETITION 2017

TEAM

3

TITLE

Community Mediation Clinic

MEMBERS

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1 OVERVIEW

Alternative dispute resolution is at the heart of Hong Kong's Civil Justice Reform. For example, Order 1A, rule 4 of the Rules of High Court (Cap. 4A) provides that the court shall encourage parties to facilitate the use of alternative dispute resolution if appropriate. However, while many free or low-cost legal advice schemes in Hong Kong provide legal advice relating to litigation proceedings, alternative dispute resolution is still not readily available to under-resourced populations. That such populations do not have equal access to certain legal-related services demonstrate how access to justice is linked to social inequality.

In this project, we propose to provide such an alternative dispute resolution service to under-resourced populations as a means to increase access to justice and therefore promote equality. Specifically, our proposal is to provide regular and community-based mediation clinics to lower-income and lower-educated

populations living in under-resourced areas of Hong Kong. Our project consists of three phases:

- Phase I: work with the District Councillors and NGOs servicing New Territories West to provide regular mediation services in local regions such as Tin Shui Wai, Yuen Long, and Tuen Mun.
- Phase II: provide the same services to other underserved districts, defined as New Territories North (Fanling/Sheung Shui), Tai Po, Outlying Islands, Tsuen Wan/Kwai Tsing. We will cooperate with the existing providers of low-cost legal advice regimes such as the Duty Lawyer Services ("DLS") or NGOs wherever possible.
- Phase III: Expand to all other districts in Hong Kong.

For the purpose of this proposal, we will limit our discussion of detailed timelines, monitoring and evaluation, and budgets to Phase I.

2 SOCIAL JUSTICE ISSUES

2.1 Background

General socio-legal context

While Hong Kong is renowned for its independent judiciary and rule of law, it is often overlooked that many citizens cannot access the justice system. This is because the current legal system excludes people by virtue of its cost, content, and qualification requirement.

With regards to cost, it is no secret that obtaining legal advice is extremely expensive such that most Hong Kongers cannot afford it. With regards to content, the justice system is further inaccessible because both the procedural and the substantive laws (i.e. statutes and common law) are hard to understand. Moreover, the law is perhaps most inaccessible because it is necessarily exclusive: lawyers need professional qualification. But because law school and PCLL admissions are so selective, only the most successful students – often the wealthiest – gain admission. As such, Hong Kong's legal industry is dominated by individuals from upper class backgrounds and is far removed from the average Hong Kongers' reality.

We include this background because Hong Kong's broader access to justice issues must be contextualized by the city's social inequality. We believe that the inaccessibility to justice is detrimental to equality. Moreover, we understand that achieving equality means both empowering the underprivileged and dispersing power at the top. Our project is ambitious because it addresses both. We help the average citizen increase access to justice through alternative dispute resolutions just as we challenge the legal system's exclusivity by having people without legal qualification handle casework and conduct alternative dispute resolution.

Specific legal-related issues

In 2006, the Department of Justice ("DOJ") conducted a comprehensive survey on the demand and supply for all legal and related services in Hong Kong; that data was analyzed and published in a consultancy study in 2008.¹ With regards to cases on the lower-end of the legal market, it was found:

1. **There is more demand than supply of legal and related services for low-cost cases:** for 63% of claims considered important, no action was taken by the respondents concerned.² In particular, lower-

income populations found legal costs too expensive, were less likely to seek help for their problems, and often unaware of available remedies.³

As such, it was suggested that there is large potential for mediation and other forms of dispute resolution given the community's general unwillingness to go for legal action and the profile of "difficult-to-solve" problems in Hong Kong.⁴

Of the incidents considered important, 30% were consumer-related matters, 27% related to damage and disturbances caused by others, and 12% employment-related.⁵ But the proportion with action taken were higher for family-related problems (54%), problems related to owners of residential properties (53%) and consumer-related problems (47%).⁶

2. **There is a geographical mismatch in delivery services:** 82% of respondents who had justiciable problems lived in Kowloon or New Territories⁷ whereas 97% of barristers' chambers are in Central or Admiralty and 86% of solicitor firms are on Hong Kong Island.⁸

2.2 Specific Target Group

Given the DOJ's study, we conclude that the population most underserved by the current legal and related services are lower-income and lower-educated populations living in Kowloon and New Territories whose "difficult-to-solve" problems are of lower cost. This is our project's specific target group.

The way that we determined this project's specific target group indicates our team's creative approach of relating law and social justice. Most legal NGOs will first look at a specific group of oppressed people and subsequently ask: how the law can help a specific group people? Instead, we looked first at the existing legal system and subsequently asked: what specific group of people is the current legal system failing? How can we address that failure?

In the next section, we will substantively explain how our project proposes to remedy the existing system's failure.

3.1 What is our service?

Components

Our project seeks to provide one, single service: low-cost, regular, community-based mediation clinics. Our service comprises three steps:

1. Our partners (District Councillors and local NGOs/ free legal advice services) refers clients to us
2. Our team reviews the case and does case management in preparation for mediation
3. Our team organizes and conducts the mediation service

3.2 How does it work?

Activities

The mediation clinics would be held regularly on a rotational basis in community centres. An example schedule of Phase I would look like the following:

Monday	4 hours in Tin Shui Wai
Tuesday	4 hours in Yuen Long
Wednesday	4 hours in Tuen Mun
Thursday	4 hours in Tin Shui Wai
Friday	4 hours in Yuen Long
Saturday	4 hours in Tuen Mun

In Phase II of the project, we would duplicate the above service schedule in other underserved areas. For example, in New Territories North, we would provide the same services in Fanling, Sheung Shui and Lok Ma Chau. In Phase III of the project, we would hope that such services exist all across Hong Kong. However, given the disproportionate amount of services provided in Hong Kong Island compared to Kowloon and New Territories, we would envision offering more regular services in Kowloon and New Territories compared to Hong Kong Island.

Job responsibilities

As suggested above, our team has three main external job responsibilities:

- Liaising with partners
- Completing case management
- Organizing and conducting mediation services

In order to sustain ourselves, we would have three main internal job responsibilities:

- Fundraising
- Marketing/publicizing our service
- Management and recruitment of student interns

3.3 Why our service?

Objective

Broadly, our goal is to promote equality by enhancing under-resourced populations' access to justice. Specifically, our goal is to set up low-cost, regular, community-focused mediation clinics to help resolve the legal-related issues of lower-income and lower-educated populations living in Kowloon and New Territories whose "difficult-to-solve" problems may not be so technical as to require litigation.

Strategy

1. Simplicity and sustainability

Our project will succeed because it is deceptively simple: we only provide one, single, relatively untechnical service – mediation. With regards to the service itself, it is a service that addresses a huge unmet legally related need, that integrates well with existing legal and related mechanisms, but that is very scalable and can be easily duplicated. With regards to resource requirements, the only significant physical and financial resource is renting a room; the only human resource requirements are a mediator and caseworker (student interns in our case). And through recruiting student interns, it is expected through observing mediation sessions, they would have a deeper understanding

towards this underdeveloped area of alternative dispute resolution and join our project in the future. Although the idea itself is simple, multiple parties are given adequate level of involvement to fuse future growth of our project. The service's simplicity is its key to sustainability.

2. Meeting unmet needs

Our project will succeed because we are directly addressing the most significant category of unmet needs within Hong Kong's existing legal and related services. According to the DOJ report, that category of unmet needs is the lower-cost "difficult-to-solve" problems of lower-income and lower-educated populations living in Kowloon and New Territories. Our project would increase the supply of alternative dispute resolution services to satisfy this demand at the lower end of the legal market. Indeed, the DOJ report explicitly stated that in light of such circumstances, "there seems to be a large potential for mediation and other alternative forms of dispute resolution"⁹.

3. Grassroots and accessibility

Our project will succeed because our highly community-centric and -specific approach of working with District Councillors and local organizations will ensure that we have no shortage of clients. By collaborating intimately with local community networks, we are deliberately entering their spheres of community networks rather than asking them to come into our spheres of networks. This would increase access to justice and therefore equality.

Innovativeness

1. Mediation as a new and unexplored alternative dispute resolution option

Although the Mediation Ordinance came into effect in 2013 to "promote, encourage and facilitate the resolution of disputes by mediation", there has yet to be a comprehensive, visible and ingrained program that renders mediation accessible to low-income parties. This is a gap in the current system we aim to address.

2. Grassroots and community-oriented and legal-related services

Our grassroots strategy of reaching out to local communities is a model that has yet to be substantively implemented in Hong Kong. The closest equivalent is the Duty Lawyer Service's (DLS) free legal advice scheme, but their services have not reached the areas with the most amount of unmet legal needs such as New Territories West or New Territories North. Moreover, DLS's service does not seek to be community-oriented or -specific as we do.

3. Innovative use of law and legal-related services

We are radically re-envisioning how legally related services rather than law itself can address unmet needs. By not utilizing legal professionals or law itself to help ordinary citizens' unresolved legal and related matters, we are transforming law from its professional and exclusive status to something personable and approachable. We believe this will work because an ordinary citizen's everyday problems will likely be more social than overly legally complex or technical. The likely issues will concern consumer matters, social disturbance, family, landlord and tenant, or labor/unemployment etc. We believe that these are mostly less technical issues that could be resolved without legal professionals.

4.1 Description of the three phases

Our main focus throughout the three phases set out below is an intention to create grassroots networks and community-specific and -centric solutions. We also aim to maintain transparency and accountability by publishing periodic reports on the progress of the scheme, which will also generate publicity for the scheme and ensure best practices are observed.

Phase I

In Phase I, we would reach out to the relevant District Councillors and NGOs in Tin Shui Wai, Yuen Long and Tuen Mun in the New Territories West area to set up our organization’s first low-cost, regular, and community-based mediation clinics. This will ensure that potential users of the service, who may not otherwise have an understanding of the availability of alternative dispute resolution, can access information about our services. It is our goal for the mediation service to become a cornerstone in local communities and a way to provide easily accessible legal advice and assistance to the disenfranchised.

We would begin with Tin Shui Wai, Yuen Long and Tuen Mun because no organization currently provide any free legal services in the New Territories West area. This is quite surprising given that it is one of the poorest regions of Hong Kong. Indeed, the DOJ’s survey found that 60% of respondents living in Yuen Long and Tuen Mun did not take action on their problems.¹⁰

We believe in partnering with District and Legislative Councillors because they are connected to and familiar with their local constituents’ needs. Practically speaking, the District Councillors would refer clients to our service. This is because District and Legislative Councillors already have sophisticated complaint mechanism schemes that their local constituents use. PILnet’s report “This Way: Finding Community Legal Assistance in Hong Kong” (2017) indicated that 75% of Legislative Councillors and 81% of District Councillors provide some form of legal or related service, including “general mediation services”;¹¹ but there is extremely limited information about these services. By establishing strategic partnership, we could help providing an alternative channel for the District Councillors to resolve their citizens’ concerns.

Practically speaking, the legal and mediation clinic would take place in community centers. If possible, we would request that our partners provide us with a free venue to minimize rental costs. This strategic location is also to ensure accessibility of the clinic and to formulate its “community-based” identity.

Phase II

In Phase II, we would reach out to the relevant District Councillors and NGOs in other underserved areas, currently defined for our purposes as New Territories North (Fanling/Sheung Shui), Tai Po, Outlying Islands, and Tsuen Wan/Kwai Tsing. We would duplicate the services that we are providing in New Territories West. With the growing public awareness of the scheme, accumulated expertise from Phase I and the additional resources and knowledge of District Councillors, we aim to expand the number of hours of mediation/advice we can provide.

Where possible, we would also partner with all the existing providers of free legal schemes such as DLS, Legal Aid, the Law Society, Bar Association, NGOs and government departments. This is because these organizations could be a good source of client referral and can also offer additional expertise and manpower.

Internally, we would need to begin considering a more sustainable structure by hiring full-time staff, formulating a Board of Directors and finding office space. We would obtain an internal source of revenue by changing our structure of the community-based mediation clinics. While they are free in Phase I, depending on the response in Phase I, we envision charging a low-cost fee in Phase II. Externally, we would also seek to obtain further funding from the government, law firms, and/or charity foundations.

Phase III

In Phase III, we would make our services available to all 18 regions of Hong Kong. We envision expansion both in terms of the comprehensiveness of the services offered to clients and in the nature of services provided. One area of particular interest is the online dimension, which can be used not only to generate publicity for the scheme but may also be used as a tool in mediation.

There are several other scalable ways to expand our services; the possibilities are endless. Just to give a few examples:

- We can expand our clientele to SMEs;
- We can provide online mediation services for cross-jurisdictional disputes;
- We could spread to cities in China, Taiwan and/or ASEAN countries;

4.2 Detailed timeline

We will only consider Phase I in this timeline as Phase II/III would change according to the successes and failures of Phase I. We envision completing Phase I in one year:

STAGE	ACTIVITIES	DURATION
Project Initiation	Contacting relevant District Councillors and NGOs in New Territories West; recruiting pro-bono mediators	Months 1-3
	Recruiting and training the first batch of volunteers to assist in mediation services	
	Finalizing methodology of the alternative dispute resolution scheme	
	Finding a site in the community for mediation services	
Implementation	Creating and disseminating promotional materials to: (1) advertise the service in NT West and (2) for recruitment purpose	Months 4-12
	Trial period (around 2-3 initial sessions) for mediation with real clients, in which we will request detailed feedback from clients and mediators	
	Analysis and implementation of the changes and feedback received; Finalisation of mediation scheme and procedures that are unique to the scheme	
	Continued recruitment and training of volunteers (depends on the scale)	
Post-implementation	Continued feedback collection process from clients, mediators and volunteers throughout the entire implementation phase	Month 12 onwards
	Further research into efficacy of mediation techniques and general effectiveness of the scheme in the specific context of NT West.	
	Production of full report of mediation services provided, case outcomes and feedback from clients and other parties.	
	Exploring other marketing channels and points of contact with a view to expansion to other geographical regions in both Hong Kong and abroad. Possible commencement of discussions with District Councillors in other constituencies to establish legal advisory and mediation clinics.	
	Recruiting full-time staff for sustainable operation of the program	

4.3 Monitoring & evaluation

The purposes of the present proposal this part will mainly focus on Phase I as the actual implementation of Phase II and III depends on the feedback and comments collected from Phase I. There will be

ongoing feedback collection throughout the entire implementation.

Issues to Investigate

We will investigate the following issues classified according to our stakeholders:

STAKEHOLDER	ISSUES TO INVESTIGATE
Core Team Members	Organizational Capacity/Group process - How well we are working together in terms of the following: <ul style="list-style-type: none"> - Management (roles & responsibilities, clarity about aims, team morale etc.) - Cost-effectiveness (comparing budgets with actual expenses to see if it is necessary to cut costs/ look for alternative sources of financial support) - Sustainability (volunteer/ mediators' turnover) Joint working - How well we are working with external parties: <ul style="list-style-type: none"> - Relationship with partners, mediators etc.
Pro Bono Mediators	Effectiveness of the programme <ul style="list-style-type: none"> - The actual implementation process (e.g. adequacy of subsidies, duration of mediation sessions, on-site support from volunteers, arrangement of duty roster, atmosphere) - Alignment of the actual programme with our objectives - Effectiveness of different marketing channels in recruiting mediators
Clients	Effectiveness of the programme <ul style="list-style-type: none"> - Relevance of the programme in addressing their needs - Effectiveness of different marketing channels in promoting the essence of mediation services - The actual implementation process (e.g. duration of mediation sessions, on-site support from volunteers, atmosphere, location etc.)
Volunteers	Effectiveness of the programme <ul style="list-style-type: none"> - The actual implementation process (e.g. duration of mediation sessions, on-site support from volunteers, atmosphere, location etc.) - Their level of involvement and takeaways from the programme - Effectiveness of different marketing channels for recruitment purpose
Partners	Joint working - How well we are working with them <ul style="list-style-type: none"> - Relationship with partners - Client referral process

4.4 Methodology

Questionnaire

Questionnaires will be the most common method in collecting feedback. Different sets of questionnaires will be designed for different stakeholders according to the above issues, and will be distributed to them on the following occasions. Online surveys will also be prepared.

STAKEHOLDER	WHEN TO DISTRIBUTE QUESTIONNAIRE
Clients	At the end of their mediation sessions/ follow-up online surveys
Volunteers	Towards the completion of their service
Mediators	Towards the completion of their service
Partners	Towards the end of partnership

Interview

At the initial sessions (the aforementioned “trial period”), we would like to conduct interviews with clients and mediators, so as to obtain a more thorough response for the finalization of procedures. Later on, interviews may be conducted on an ad-hoc basis for the purpose of persistent monitoring of the programme effectiveness.

Regular meetings

Core team members will hold regular meetings to address the aforementioned group process and joint working questions. Also, we would liaise with the partners regularly to discuss the client referral process, and see if any adjustments are needed.

5 RESOURCE REQUIREMENTS

5.1 Human Resources

Key stakeholders

There are three key stakeholders: our clients, our partners, and our team. Our clients, partners, and team members summarized in the below table according to that phase:

STAKEHOLDER	PHASE I (NT West)	PHASE II (other underserved areas)	PHASE III (all 18 districts)
Clients	People in NT West	People in NT North (Fanling/Sheung Shui, Tai Po, Outlying Islands, Tsuen Wan/Kwai Tsing)	All Hong Kong people (still targeting low-income and lower-education individuals)
Partners	NT West LegCo and District Councillors	LegCo and District Councillors from the relevant districts	All LegCo and District Councillors
	NGOs specifically serving NT West citizens ¹²	NGOs/free legal advice schemes where possible	NGOs/free legal advice schemes where possible
Team	Present team and other students/individuals who want to help	Board of Directors	Board of Directors
		2-5 full-time staff	More full-time staff
	Pro bono mediators	Pro bono mediators	Pro bono mediators
		Student interns	Student interns

Detailed job responsibilities

At every stage, there will be “external” and “internal” job responsibilities. The external responsibilities are those related to conducting mediation services. They would include: contacting District Councillors/NGOs for client referrals, finding pro bono mediators, and organizing the mediation sessions. The internal job responsibilities are those responsibilities related to running and sustaining our organization. They would include: fundraising/budgets, marketing/publicizing our organization, and human resources (e.g. recruiting student interns).

In this section, we will describe all the responsibilities needed for our organization to succeed and how we envision to fulfill them.

Phase I

In Phase I, the organization would consist of our present team members and other university students who we recruit (student interns). Specifically, we would envision

recruiting from Lingnan University (LingU) because the school is located in New Territories West and because the university has a strong ethos for caring about social issues. Notably, LingU opened their “Office of Service-Learning” in 2006 to encourage students to combine academic learning and community service;¹³ starting from the 2016-2017 academic year, Service-Learning has become a graduation requirement for LingU students.¹⁴

Because Phase I is mainly about establishing our mediation services, most tasks will concern publicizing our service and growing the organization’s network of resources. As such, there are more internal than external job responsibilities.

- In months 1-12, the main internal job responsibilities include:
 - Further fundraising
 - Marketing/publicizing
 - Student recruitment

- In months 1-3, the main external job responsibilities include:
 - Obtaining client referrals from NGOs/District Councillors
 - Finding pro bono mediators
- In months 4-12, the further external job responsibilities include:
 - Conducting casework for client referrals
 - Organizing mediation sessions

Core team

As Jessica and Yukiko currently reside in the UK, they will focus on fundraising, marketing and recruitment from international sources; the Hong Kong team members (Matthew, Tiffany, Rhoda) will focus on implementation at the domestic level. Jessica and Yukiko will seek international sources of funding, support from Oxbridge alumni in Hong Kong, and recruitment of other Hong Kong students studying abroad. They will also design the marketing/publication materials with their graphic design experience. Matthew, Tiffany and Rhoda will seek domestic sources of funding such as the government, law firms, mediation centers, charity events, or other social enterprise competitions. To market and publicize our services, they will contact all relevant NGOs and District Councillors from the New Territories West region to obtain client referrals. Furthermore, they will contact mediation centers to find pro bono mediators and conduct training for student interns. To sustain our organization, they will further contact universities to give presentations about this new opportunity. Jessica and Yukiko will also help with implementation when they return to Hong Kong for the summer.

Student intern

The major responsibilities of the student interns would include assisting in mediation sessions by taking notes, guiding clients into the venue etc. In later months, they would also help handling case management (e.g. filing of cases).

Phase II

Phase II means that we have successfully implemented free, regular, mediation clinics in New Territories West and that we are expanding to other under-resourced regions in Hong Kong. Such an expansion of services means that we envision the need to expand and solidify our team. We are looking to make the organization more stable and therefore anticipate three practical changes to our team:

1. Hiring full-time staff;
2. Developing a formal partnership/practicum scheme with all local universities to have regular student interns;
3. Creating a Board of Directors

First, with regards to hiring full-time staff, they would ideally be converted interns from their previous year’s involvement with the organization. Having established a successful mediation clinic in New Territories West, these staff would need to:

- With respect to external job responsibilities:
 - Obtaining client referrals from District Councillors and NGOs
 - Completing casework
 - Organizing and conducting mediation sessions
- With respect to internal job responsibilities:
 - Fundraising/finances
 - Marketing/publicizing
 - Student recruitment/HR

We would begin by hiring one person to handle external job responsibilities and one person to handle internal job responsibilities, continuing to hire as necessary and as budget allows. The external-facing staff will focus duplicating the existing New Territories West services to other parts of Hong Kong; the internal-facing staff will focus on administrative tasks. The full-time staff will, of course, continue to be supported by the existing team who will continue to develop this project on a part-time basis.

For sustainability purposes, we envision that there need to be two significant changes to our service model with regards to the hiring of full-time staff:

1. We would start charging a low cost for our mediation services to help cover the employment cost of the full-time staff
2. Full-time staff doing external work (i.e. organizing mediation sessions) would ideally themselves be accredited mediators because our expanded services will likely require more mediators than we are able to provide with pro bono mediators

Notably, the full-time staff are not qualified lawyers. From an access to justice perspective, we want to demonstrate that people who are not qualified lawyers can do casework and facilitate dispute resolution. Having said that, it is very possible that our full-time staff will have studied law but are not practicing lawyers. This is because there are many more people with law degrees than there are availabilities on the PCLL course,¹⁵ meaning that there is much more supply than demand for people with law degrees. However, we would also envision graduates from social work, social sciences or government to be interested in our positions to enhance workplace diversity.

Second, the full-time staff will also be supported by a continuous stream of student interns. The student interns would operate as clerks who handle case management or other job responsibilities. To ensure such a steady stream of student interns, our organization would have to establish a long-term partnership with universities (both law and non-law degree programs) to offer positions in their practicum courses such that students receive academic credit for their work. The law faculties of both the University of Hong Kong and the Chinese University of Hong Kong have recently begun to provide such practicum opportunities for their students.¹⁶ At Chung Chi College of CUHK, there is also a Service-Learning Office, similar to the one at LingU.¹⁷ To give an example of an NGO that frequently uses student interns, Justice Without Borders offers a position of “Legal Fellows” to law students during term time.¹⁸

The increasing recognition in both universities and NGOs to offer credit-bearing work experience during term time is an underused resource in Hong Kong. Given that several of our team members are among the inaugural students in these programs, our desire to utilize these university students’ efforts is also one of our key competitive advantages. We see mobilizing students as a triple win: (1) in the city’s broad social justice context, it gives the students early exposure to local social justice issues, (2) it specifically gives students early exposure to real responsibilities and on-the-job training, and (3) it is low-cost for us.

Third, existing team members will invite experienced professionals to sit on a Board of Directors to help advise and fundraise on behalf of our organization. This will increase legitimacy of the organization and provide us with more opportunities to expand our network.

Phase III

In Phase III, the team would increase in size depending on the relevant needs at that time. Ideally, there would be less administrative work necessary due to the streamlined and systematized structures set in place. This would allow most efforts to be placed on organizing and conducting mediations.

If possible, it would be ideal to have mediators specialize in different types of common claims (e.g. one in each family, labor, landlord/tenant, consumer). This would represent our commitment to addressing the specific lower-cost and less technically complicated needs of our targeted group of lower-income and lower-educated populations living in Kowloon and New Territories.

5.2 Financial Resources: Budget for Phase I

STAGE	EXPENSES	ESTIMATED COSTS	COSTS REDUCTION
Project Initiation	Printing fees for campaign materials	Leaflets (A5; 1000 copies): \$340 ¹⁹ Posters (A3; 200 copies): \$600 ²⁰	Existing team members will be responsible for the outreach and design of materials (no extra cost)
	Printing fees for training materials	Booklets (A5; 8 pages; 100 copies): \$690 ²¹	
Implementation	Renting mediation sessions location (community centres)	\$54 (hourly rate) ²² x 24 hours per week x 18 weeks ²³ = \$23,328	We will negotiate with our partners to see if they are able to lend out their conference rooms at a lower cost/ for free
	Subsidies for participating mediators	\$40 (estimated traveling expense for 1 mediator; 1 mediator per session) x 6 (sessions per week) x 18 (no. of weeks) = \$4,320	Mediators will only be remunerated for their traveling expenses
	Subsidies for participating students	\$80 (estimated traveling expense for 2 students) x 6 (sessions per week) x 18 (no. of weeks) = \$8,640	Students will only be remunerated for their traveling expenses
	Administrative expenses for mediation sessions (e.g. stationary, printing fees for confidentiality agreements etc.)	\$40 (per session) x 6 (sessions per week) x 18 (no. of weeks) = \$4,320	
Post Implementation	Questionnaires - printing fees	\$0.5 (cost per copy) x 200 copies = \$100	Existing team members will be responsible for designing questionnaires.
TOTAL COST		HK\$42,338 (PILnet budget: HK\$50,000)	
Future Cost	Phase II: 1. Recruit full-time staff 2. Rent office space	Further fundraising needed. To be considered by the future Board of Directors. Options include other competitions, government funding, law firms, various charity events etc.	We will mainly look at shared office space (such as co-working spaces) to reduce rental expense

6 DIFFERENTIATION: REVIEW OF FREE MEDIATION AND LEGAL ADVICE SERVICES

Our project seeks to fill a gap that currently exists among low-cost legal advice regimes in Hong Kong: pro bono mediation targeting low-income populations. In the following section, we shall describe the currently available low-cost mediation and legal advice schemes and identify their respective limitations with regards to providing mediation services for underprivileged populations. We propose that the project can collaborate with and enhance the current legal advice services.

6.1 Free Mediation Services

6.1.1 The Pro Bono Mediators Committee

The Hong Kong Mediation and Arbitration Centre (“HKMAAC”) established the Pro Bono Mediators Committee in 2011²⁴. HKMAAC has been making co-operation arrangement with governmental and judicial institutions such as the Small Claims Tribunal and Hong Kong Housing Society.

Mediation has been incorporated in the Small Claims Tribunal proceedings. At the Call-over hearing, the Adjudicator and the Tribunal Officer have the duty to attempt to conduct mediation between parties to settle the dispute.

Limitations

The current low-cost mediation service focuses on incorporating mediation into the service of particular institutions. Mediation, however, can be applied in a broader set of situations. The application of pro bono mediation should not be restricted to parties in specific proceedings in specific institutions only.

6.1.2 Free Community Mediation Services

Hong Kong Mediation Centre (“HKMC”) offers one free mediation session to all members of the public²⁵. The maximum time covered by the free session is 4 hours. No follow up session is included in the service. The free session covers a wide range of disputes including landlord and tenant disputes, family disputes, school disputes etc. The maximum amount for the dispute must be less than HK\$1,00,000

Limitations

While the Free Community Mediation Services covers a wide range of disputes, it has set limits as to the length of the free mediation session. If the parties are unable to settle with 4 hours, they need to apply for mediation again. The proposed project will offers a continuous, personalized approach with regard to mediation session. Follow-up session can be arranged with the same mediator handling the case.

6.1.3 Specialized Mediation Schemes

Free Mediation Services are available for specialized disputes. The Home Affairs Department, HKMC and Hong Kong Mediation Council jointly offer the Free Mediation Service Scheme for Building Management which covers disputes involving building management and maintenance work²⁶.

The Mediation Centre of Hong Kong Family Welfare Society implements the Family Mediation Service²⁷. The Service offer mediation to couples planning divorce or separation. It covers custody of children, maintenance, visitation arrangement and the division of assets.

The Standard Rate is HK\$720 for one participant each hour. Participants with less than HK\$10,000 monthly income and recipients of the Comprehensive Social Security Assistance Scheme can use the service free of charge.

Limitations

As mentioned, mediation should be applied to a wide range of disputes. A general free or low-cost mediation services can better promote mediation to underprivileged populations.

6.2 Legal Advice Schemes

6.2.1 Legal Aid Department

The Legal Aid Department has three schemes:

1. Ordinary Legal Aid Scheme (“OLAS”)
2. Supplementary Legal Aid Scheme (“SALS”)
3. Criminal Legal Aid Scheme

For the purpose of this proposal, we will focus on OLAS and SALS.

6.2.1a Ordinary Legal Aid Scheme

The OLAS covers a range of civil proceedings, such as matrimonial proceedings, traffic accident claims, and breach of contract claims in the District Court, the superior courts, Corner’s inquests and Mental Health Review Tribunal.

The applicants have to satisfy both the Means Test and the Merits Test. The current financial eligibility limit is HK\$290,380 in financial resources. The applicants will also have to demonstrate that their cases have “reasonable grounds for taking or defending the proceedings”.

6.2.1b Supplementary Legal Aid Scheme

The SALS aims at providing legal services to the applicants whose financial resources exceed the financial eligibility limit under OLAS. The financial resources limit under SALS is between HK\$290,380 and HK\$1,451,900.

The Merits Test is the same with OLAS.

Limitations

The Means Test has been criticized as “skewed towards the young and the working” and placed undue burden on those with erratic income or living on past saving to apply²⁸.”

Litigation is often not the best solution. The proposed project offers more flexibility by invoking mediation. The parties can save legal costs by avoiding litigation.

6.2.2 Duty Lawyer Scheme

The Duty Lawyer Scheme provides legal representation to defendants in Magistrates’ Court, Juvenile Courts and Coroner’s inquest.

6.2.2a Free Legal Advice Scheme

The Duty Lawyer Scheme cooperates with Law Society of Hong Kong to provide “preliminary legal advice” to the general public with a “genuine” claim. The service is not subject to any means test and is free of charge. One important feature it that the legal practitioners will not provide any follow up service, including legal representation in subsequent legal proceedings.

A member of the public who wishes to obtain legal advice under the scheme has to attend a meeting with a clerk at one of the referral agencies under the DLS. The case will be recorded by the clerk, vetted by the DLS, and referred to the lawyers. Legal advice will be provided at a later appointment with a qualified lawyer.

There are 9 Legal Advice Centres (note: no office in New Territories West):

- Shatin District Office,
- Central and Western District Office,
- Wan Chai District Office,
- Tsuen Wan District Office,
- Kwun Tong District Office,
- Yau Tsim Mong District Office,
- Island District Office,
- Eastern District Office and
- Wong Tai Sin District Office.

6.2.2b Tel Law Scheme

The Tel Law Scheme is a free hotline providing recorded legal information on various areas of law.

Limitations

Continuous legal advice cannot be provided under the Free Legal Advice Scheme due to the absence of any form of follow up action. The proposed project is complementary to the Scheme as it offers mediation as one form of follow up action. The participants of the Scheme may not need to seek legal representations in the future if they decide to take actions after they have consulted with the Scheme as mediation has now become a possible avenue for them to settle their dispute.

Our project proposes to set up low-cost, regular, community-based mediation clinics to serve lower-income and lower-educated populations living in Kowloon and New Territories who have lower cost, less technical, legal-related problems. This is a proposal that directly addresses the current gap between supply and demand in Hong Kong's legal and related services, namely that the aforementioned population is not provided with sufficient services.

Our proposal would successfully resolve that issue because of its simple service, effective grassroots approach, and innovative alternate conception of legal services. The project is simple because we only provide one, simple service that has low administrative cost, is easily implemented with existing services, and easily scalable and replicable. The project is effective because it uses a grassroots and community-specific approach by integrating itself into existing webs of community networks, namely by working with District Councillors and regional NGOs. The project is innovative because it considers how legally related services, not only law and explicitly legal services, can be used to address the legal-related needs of lower-income and lower-educated populations.

Taking a step back, we recognize that the imbalance between supply and demand in Hong Kong's legal and related services is simply one manifestation of the city's wider social context of social inequality. While we absolutely believe that this project has the capacity to fundamentally counteract the imbalance legal and related services in Hong Kong, we further believe that our project will begin to tackle the more fundamental problem of deep social inequality in our city. ■

1. Full research report: <http://www.doj.gov.hk/eng/public/consultancy.html>
2. Para 3.1 of DOJ survey's Executive Summary Combined Analysis Report <http://www.doj.gov.hk/eng/public/pdf/2008/reports/escombined.pdf>
3. Para 2.15, 2.23, 2.25, 2.29, 3.3-3.9, 3.20, 3.45-3.47 of DOJ survey's Executive Summary Combined Analysis Report
4. Para 2.28 of DOJ survey's Executive Summary Combined Analysis Report
5. Para 4.2 of DOJ survey's Executive Summary Demand Study Report (Part II) - Survey of Households
6. Para 5.1 of DOJ survey's Executive Summary Demand Study Report (Part II) - Survey of Households
7. Detailed breakdown (Para 3.39 of DOJ survey's Executive Summary Combined Analysis Report): 28% in Kowloon; 18% in Tsuen Wan and Kwai Tsing; 16% in Shatin and Sai Kung; 9% in Yuen Long and Tuen Mun; 9% in Tai Po, New Territories North and the Islands District.
8. Para 3.39 of DOJ survey's Executive Summary Combined Analysis Report
9. Para 2.28 of DOJ survey's Executive Summary Combined Analysis Report
10. Para 3.41 of DOJ survey's Executive Summary Combined Analysis Report
11. http://www.pilnet.org/images/FINAL_REPORT_31_May_2017.pdf ("PILnet report"), p41
12. e.g. CFCS, Crossroads, Christian Action, Maggie's Centre, New Opportunity Ltd., ELCHK (信義會), SKHWC (香港聖公會屯門綜合服務-賽馬會青年幹線)
13. List of organizations that LingU works with: https://www.ln.edu.hk/osl/community_list_1415.php
14. <https://www.ln.edu.hk/teaching-and-learning/lingnan-s-liberal-arts-education/community-service>
15. <http://www.legco.gov.hk/yr15-16/english/panels/ajls/papers/ajls20160425cb4-884-3-e.pdf>
16. HKU Social Justice Internship: <http://www.law.hku.hk/currentstudents/sjsi.php>
HKU Clinical Legal Education Program - Refugee Stream: <http://www.law.hku.hk/ccpl/cons/clep/index.html>
CUHK Clinic for Public Interest Advocacy: <https://www.cuhk.edu.hk/clear/tdg/1215/1215-26.html>
17. <http://www.news.ccc.cuhk.edu.hk/slp/>
18. Autumn 2017/Spring 2018 position advertisement: https://www.facebook.com/forjusticewithoutborders/videos/1137624706339114/?hc_ref=ARRFtEARuyKJfiC3wAsROsu7Hvr8IZo-nHGAGZG5KddmvaAwKuWwfPXWCIMcU1VHz eY
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23. Phase I mediation sessions will be held bi-weekly for months 4
24. https://www.hkmaac.org/mediation/pro_bono.php
25. <http://www.mediationcentre.org.hk/en/services/ProBono.php>
26. http://www.buildingmgmt.gov.hk/en/whats_new/2_19.htm
27. http://www.mediationcentrehk.org/Eng_FamilyMediation.html
28. PILnet report, p31

LAW FOR CHANGE STUDENT COMPETITION 2017

TEAM 4	TITLE Outreach Legal Talks Initiative ("OUTLET")
MEMBERS	Hansika Agrawal Kim Soyoung Veronika Kramar Mandelj Yuen Man Yiu
SCHOOL	The University of Hong Kong

1 OVERVIEW

Project Summary

1. The **Outreach Legal Talks Initiative ("OUTLET")** will provide free talks delivered by law students directly to elderly and subdivided flat tenants ("SFT"). These talks will cover common legal issues they may encounter, as well as providing practical solutions to these issues.
2. We have observed that there are some useful information packs and other resources already available to the public online and offline. However, the disadvantaged groups often do not know of their existence nor able to readily access these information. OUTLET aims to serve as a **bridge, connecting information to the underprivileged groups**. OUTLET will therefore focus more on the **dissemination of information**, instead of only creating new information packs.
3. OUTLET intends to provide general legal education on specific topics to the underprivileged groups as a **preventive measure to avoid legal problems from arising**. Existing pro bono legal advice services largely focus on individuals' legal problems. Also, as existing pro bono service provided are distant from the two targeted groups, OUTLET will provide "in-NGO centre" and outreach talks. Third, OUTLET provide dual service to the needy - pro bonos address legal needs only; whereas supplementary social services will be provided by OUTLET.
4. To ensure the quality of law students' work, prior to the outreach legal talks, students will attend training workshops hosted by law firm partners on the laws and practices concerning the two target groups. The workshops will be related to the preparation of a modified standard tenancy agreement also. All distributed materials will be reviewed by law firm partners before dissemination to ensure the accuracy of information.

Social Justice and Equality

1. According to our research, there are approximately 200,000 people living in subdivided flats (Census and Statistics Department, 2016), and 337,000 elderly still living beneath the poverty line (HKSAR

Government, 2016) in Hong Kong. Demographically speaking, these groups are quite different. But they share one thing in common – low income.

2. These underprivileged groups often do not have access to available legal services, either because they are too expensive, or those which are pro-bono are not easily accessible. There are pro bono legal advice programmes by the Home Affairs Bureau, The University of Hong Kong, and various law firms. However, the supply cannot meet the demand, let alone the fact that appointments need to be made months in advance delaying prompt action on legal issues.
3. As a fundamental human right, justice should not be accessible by the rich only, but should be equally accessible to all. Through legal information dissemination, OUTLET intends to bring equality in access to law. For the elderly, information regarding procedures and conditions for wills and probate will be made more readily accessible through such legal talks. Additionally, referral channels would be suggested. We will equip our other main target group, the SFTs, with legal knowledge over frequently seen legal questions on existing standard tenancy agreement, in the hopes of reaching a fairer condition for both landlords and tenants when a tenancy is renewed.

Social and Legal Need Assessment

Elderly

1. According to the Hong Kong Census and Statistic Department, in 2016, citizens aged 65 and over make up 17% of the Hong Kong population. Having grown up in a developing society in the 1950s-1970s, a large proportion of the elderly received little or no education. Limited legal knowledge in the issues of probate and wills and social welfare policies is a real problem for the elderly.
2. With reference to the website of Law and Technology Centers of The University of Hong Kong, "wills, probate/ intestacy" falls under one of the five legal categories that concern the elderly most. Although a legal information website Senior

CLIC was set up in 2013 and provides detailed information on such topics, the information is still not readily available to the elderly who cannot read or do not have access the Internet.

- Moreover, among the large group of the elderly population, approximately 18,000 are living alone. Not only do they need legal information to protect their own rights, but companionship is also crucial for them.

Subdivided Flat Tenants

- According to a meeting with HKSKH Lady MacLehose Centre, we found out that SFTs which the Centre serves are mainly Chinese-Hong Kong families, consisting of a middle-aged Hong Kong husband and a mainland Chinese wife with several children. The second largest demographic type of SFTs which the Centre serves are families of ethnic minorities and refugees.
- SFTs generally have low household income, as mothers remain housewives due to lower education and the need to care for the family. The children are usually kindergarten/ primary school pupils, with some cases of secondary school students. Most of them are unable to proceed to universities, and the young-adults would either move out, or remain in the subdivided flats for financial reasons being indebted for Government loans on Associate Degree/ Higher Diploma degrees.
- As for legal needs, our collaborating NGO, Lady MacLehose Centre, revealed that SFTs are often asked to sign unfair tenancy agreements that are one-sided in favour of the landlord. In some cases, the centre has handled issues involving harassment or break-ins by landlords or their agents, when they wish to terminate the agreement unilaterally.

- It is acknowledged that subdivided flat is a societally and legally controversial issue. It is only due to this reason that legal education is needed. Clearer information prepared by law students under the screening of law firm partners will provide valuable guideline as to protecting rights of SFTs.
- In summary, legal needs of SFTs include lack of knowledge on the tenancy agreement, procedures such as registration of some long-term tenancy agreements and landlords breaking in. In addition, the SFTs also face other urgent social needs, from tutoring, to vocational training.

Aims and Objectives

- OUTLET has the following aims and objectives:
 - To disseminate legal information relevant to the selected underprivileged groups in Hong Kong;
 - To fill the inadequacy in existing pro bono service for elderly and SFTs;
 - To raise and engage university students' awareness on problem facing the underprivileged groups and social innovation and engage with pro-bono work;
 - To provide the legal industry an additional pathway to contribute to social justice by partnering up with law firms;
 - To provide mentoring/ networking opportunities to lawyers and students.

2 DETAILED PROJECT PROPOSAL

Stakeholders Engaged

- Chief Programme Organisers: ("CPO")** promote OUTLET, contact and coordinate with other stakeholders, administrative work.
- Law Schools** (Pilot scheme being **HKU Department of Law**) and the **HKUSU Law Association**: assist in promotion and recruitment.
- University law students**: (Pilot scheme is open to HKU LLB and JD students) participate in OUTLET, receive training, prepare for the legal talks (materials and content) and engage in the talks at NGOs or elderly care centres.
- HKUSU Social Service Group**: recruit volunteers for supplementary volunteer services.
- Law Firm Partners/ Participating Solicitors**: provide training to law students, scrutinise materials prepared by students, provide advice to OUTLET.
- NGOs/ Elderly Care Centres**: key contact points for approaching the target groups, the venue for talks, assist in identifying key issues.

Project Timeline

TIME	ACTIVITY	STAGE
PHASE 1 (January-April)		
01 January - 01 February 2018	Contacting NGO/ Elderly Care centre partners	Stage 1: Stakeholder Recruitment
	Contacting law firms/ legal practitioners	
15 January - 01 February 2018	Recruiting law students	Stage 2: Preparation
	Recruiting volunteers for supplementary activities	
01 February - 15 February 2018 (subject the availability of legal practitioners)	Briefing session by CPO and NGO / care center representatives	Stage 2: Preparation
	Training workshops	
15 February - 01 March 2018	Preparation of talk materials (content and handouts)	Stage 2: Preparation
01 March - 11 March 2018	Review and practice sessions	
February - March 2018	Promotion at NGO/ Elderly Care Centre	Stage 3: Implementation
11 March - 21 April 2018	Legal Outreach Talks and Supplementary Social Service	
30 May - 01 July 2018	Phase 1 Monitoring and Evaluation	Stage 4: Monitoring and Evaluation
PHASE 2 (July - November)		
July - November 2018	Repeating Stages 1 to 4	

Activities and Targets to be reached

Stage 1: Stakeholder Recruitment

1. Contacting NGO/Elderly Care Centre partners

- a. **Target:** Partner with at least two elderly care centres and two NGOs dealing with SFTs.
- b. We already have established connections with a NGO, HKSKH Lady MacLehose Centre in Kwai Chung, which works with SFTs. We will be approaching elderly care centres and related NGOs based in New Territories or Kowloon as most subdivided flats are found in poorer urban districts such as Kwai Tsing, Sham Shui Po and Yau Tsim Mong Districts.
- c. Partnering with elderly care centres and NGOs would provide the key channel for approaching the target audience, as these organisations maintain regular contact with such groups. These collaborators can help promote OUTLET to the affected group, and provide a venue for conducting the talks. Moreover, given their regular contact with the target groups, they could help identify key legal issues.

2. Contacting law firms/legal practitioners

- a. **Target:** Partner with approximately three or four law firms who will provide the necessary legal supervision and training to students.
- b. We will approach law firms and professors who specialise in either of the two fields (primarily land/ contract law for SFTs and wills, probates and advanced directives for the elderly).
- c. In order to create interest among law firms, we would emphasize the mentorship opportunities they could gain as a result of the program. Connections with students given HKU Faculty of Law's large student base will be highlighted. In addition, as recognition of their assistance and partnership, we would offer to include the firm's name in the related distributed materials as a marketing opportunity.

3. Recruiting law students

- a. **Target:** Recruit thirty students from the Faculty of Law at the University of Hong Kong.
- b. HKU law students will be recruited, with assistance from HKU Department of Law for promoting the programme. The details of the programme and recruitment will primarily be communicated through e-mail and brief presentations during lecture breaks.
- c. To attract sufficient student interest, it would be emphasised that OUTLET utilizes their academic knowledge to do good in the society. Moreover, through participation, they can engage in networking and expand their connections with practicing lawyers. Furthermore, an advanced training workshop would give them a competitive edge.

4. Recruiting volunteers for supplementary activities

- a. **Target:** Partner with the HKUSU Social Service Group who will recommend supplementary activities and recruit volunteers for supplementary volunteering activities.
- b. The HKUSU Social Service Group has agreed to recruit volunteers for supplementary activities that will run alongside the talks. These would include child-care services for children of SFTs, companionship for the elderly, as well as provide snacks and refreshments for both target groups.

Stage 2: Preparation

1. Briefing session by Chief Program Organisers and NGO/Elderly Care Centres Representatives

- a. **Target:** A briefing session will be conducted for each partner organisations (NGO or elderly care centre).
- b. The chief programme organisers and representatives from collaborating NGOs will organize a briefing for student participants on important points to note for each target group. Matters such as, but not limited to, key issues

and potential audience demographics (age, educational backgrounds, language proficiency) will be considered.

2. Training workshop by law firm partners/legal practitioners

- a. **Target:** Conduct two training workshop for students addressing each target group (four sessions overall).
- b. Thirty students will be divided into two teams of fifteen students each. Each team will be assigned one particular target group for the legal talk and will undergo relevant training.
- c. The workshops would train students and provide reference materials on the key issues. Content would include the understanding of common law, statute and practical knowledge including procedures and remedies.
- d. One training session per student team will be conducted in each academic semester (first in February and second in September) to reinforce the knowledge and ensure training for any new recruits during the second phase.

3. Preparation of materials for legal talks

- a. **Target:** Students, for each legal talk, will prepare one set of presentation slides and brochures for approximately 30 attendees. (number may be subject to change).
- b. The main content of outreach legal talks would be the key issues taught. However, students will be encouraged to engage in further research for well-rounded preparation and increased exposure to the relevant fields.
- c. PowerPoint presentations and handouts will be used as the primary means of communication. Other mediums may be used depending on what student teams deem fit.

- d. Handouts for the elderly would include a checklist of requirements and procedures pertaining to a will. Handouts for SFTs would include a sample of a modified tenancy agreement. Students will identify key issues of concern in the standard agreement currently used by tenants (already obtained from Lady MacLehose Centre). Keeping in mind these key issues, they will prepare a rough draft of a modified agreement. Both, the checklist and the agreement, will be sent to the legal practitioners for review and final drafting prior to the review session (see f. below).
- e. Prepared materials would contain a disclaimer that students or OUTLET is not legally liable for any information dispersed during the legal talks. This would avoid any legal liability given that students disseminating the information are not qualified legal professionals. OUTLET will emphasize to students that their role is to deliver information and not to give legal advice.
- f. Students will be required to e-mail the prepared materials to the chief program organisers and legal practitioners before the review and practice sessions.

List of Topics Covered during Outreach Legal Talks

TARGETED GROUP	TOPICS COVERED (TENTATIVE)
Elderly	1. Advance directive: to help the elderly indicate the form and extent of medical care they would prefer when they become incapable of making such decisions (in the case that they do wish to do so). Information regarding consequences of an advance directive; drafting, alteration and revocation procedures; practical implications.
	2. Healthcare: long-term care (residential and community care services), medical aid, including waiver of public health care expenses under the Comprehensive Social Security Assistance, Health Care Voucher
	3. Financial management and support: Comprehensive Social Security Assistance, Social Security Old Age Allowance and conditions for eligibility, Senior Citizen Card, Mandatory Provident Fund Scheme.
	4. Abuse: financial, physical and psychological abuse and key emergency contacts once abuse occurs.
	5. Estate planning (wills and probate): requirements and procedures for a will such as requirement as to witnesses, signature, etc. or an enduring power of attorney, legal implications of various scenarios, such as inconsistent signatures due to physical or mental disability.
Subdivided Flat Tenanted	1. Notification period for the tenancy agreement to take effect (if any) and its length; Notification period needed to end tenancy agreement, and related contractual questions including possibility of a breach of contract; subsequent damages; and validity of limitation of liability clause.
	2. "Fixed period" of the tenancy agreement and whether deposits would be forfeited (including special conditions such as landlord receiving a Demolition Order from the Government, severe water leakage problem, having mouse in the flat, emergency repair etc under which the tenancy agreement ends).
	3. Duty to repair and maintain the property
	4. The tort of harassment (to address the issue that landlords in subdivided flats would usually break into the subdivided flats without tenant's prior consent or knowledge)
	5. Duties of landlords and tenants under Government's Demolition Order

Note: These lists are not exhaustive and subject to change or modifications during the preparation stage before talks.

4. Review and Practice sessions

- a. **Target:** All prepared materials will be reviewed by the law firm partners/legal practitioners. At least one practice presentation session will be conducted by each student team.
- b. Practice sessions will be conducted in the presence of the chief program organisers and the respective practicing legal practitioners. This will ensure that contents are accurate and the mode of communication is suitable for the target audience.
- c. Legal practitioners will also provide the final version of the modified tenancy agreement, either during the review session or before handouts are printed for the legal talks.

5. Promotion

- a. **Target:** Ten posters will be put up at venues (NGOs and elderly care centres) as well as other locations frequently visited by members of the target audience.
- b. Flyers would emphasize the value of the legal talks, as well as the supplementary volunteer services provided.

Stage 3: Legal Talks

1. Legal Outreach Talks

- a. **Target:** Each student team will conduct a minimum of two legal outreach talks for each partner NGO / elderly care centre. Overall, there will be a total minimum of eight talks per academic semester (four for each target group).
- b. The first legal talk will include an introduction to key issues (the law, precautionary measures, and possible remedies). A number of subsequent sessions conducted will depend on attendance rate and demand for such information among the target group at the specific venue.
- c. Following the first session, audience members will submit questions and points for clarifications to the social workers at the venue, who will relay this information to OUTLET. Students will then prepare for the subsequent session(s) based on questions received. This mechanism is

employed to give the audience adequate time to process the information before they submit any questions. Moreover, it would prevent any legal liability on OUTLET, as questions will be relayed to OUTLET to provide a framework for subsequent talks, and not be asked or answered directly which may amount to students giving legal advice.

- d. The first half of the subsequent session(s) will be a recap of introductory contents covered in the first session. The second part of the session will include a discussion based on the submitted queries.
- e. The talks will provide knowledge of basic legal principles and potential solutions (cautionary measures legal or nonlegal remedies) pertaining to key legal issues, where applicable. For example, for SFTs, the audience's attention could be drawn to certain clauses in the standard tenancy agreement which they should be aware of, either for preventive purposes or for enforcing their rights. For details on the issues covered, please see Appendix 1. The talks would also provide key contacts of organisations or law firm partners offering relevant pro-bono services.
- f. Talks will be conducted mostly in Cantonese and distributed materials will be provided in both simplified and traditional Chinese, as well as in English. This may be subject to change depending on audience demographics.

- g. It must also be noted that not all 15 students will be present for each talk. However, all students will receive a chance to conduct at least one legal talk.

2. Supplementary Volunteer Services

- a. **Target:** In addition to legal information dissemination, to provide volunteer service addressed to the social needs of the target audience.
- b. Supplementary services for the elderly would include companionship (such as small games). This will be conducted after the legal talk.

- c. Services for SFTs would cover caretaking or tutoring for their children while the adults attend the legal talks.
- d. Refreshments will also be provided to both groups after the talks.
- e. Activities may be modified or added based on the Social Service Group's and collaborating NGO/ care centre's recommendations. The supplementary activities for the children would occur during the talk, whilst those for the elderly would occur before or after the talk.

Budget

1. **Cost-efficiency:** OUTLET employs a cost-efficient model, as the central activity (legal talks) utilises the existing pro bono services available in Hong Kong along with volunteer students' drive to gain experience. Given this model, the only costs would be incurred in promotion, preparation of materials and providing additional services during the talks. All these activities serve to strengthen our impact by spreading awareness, and incentivising key stakeholders and target groups to participate in the program.

CATEGORY	ITEM	NO. OF UNITS	COST PER UNIT (HK\$)	EXPECTED EXPENDITURE (HK\$)
Stage 1	Print: Recruitment posters	60	2	120
	Roll-up banner stands for recruitment	3	95	285
Stage 2	Print: Briefing session handouts	70	10	700
	Print: Training workshop handouts	70	10	700
	Print: Promotion posters	80	2	160
	Print: Distributed materials	80	6	4,800
Stage 3	Supplementary Activity: Light meals for audience (Food + beverage)	480	50	24,000
	Supplementary Activity: Refreshments for children	120	10	1,200
	Supplementary Activity: Colouring books and stationery for children (reusable)	20	25	500
	Supplementary Activity: Small games for the elderly (reusable)	6	80	480
Stage 4	Print: Feedback surveys for audience	500	0.5	250
Contingency Expenditure	Venue for Workshops (four hour session at HKU)	1	3,200	3,200
	Venue for legal talks (four hour session at HKU)	1	3,200	3,200
	Contingency administrative/miscellaneous expenditure	N/A	N/A	500
TOTAL:				40,095

3 | INNOVATIVENESS AND SUSTAINABILITY

Innovativeness

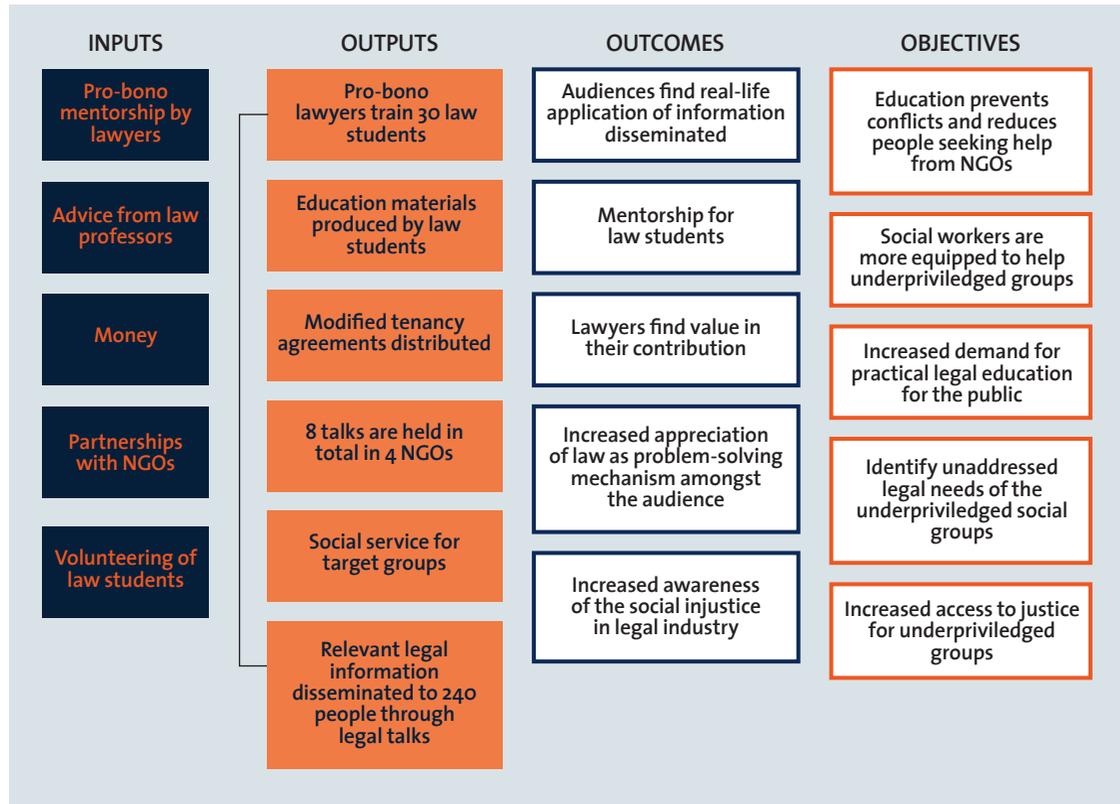
1. OUTLET differentiates itself in four ways from existing pro bono services that offer legal assistance.
2. **Preventative but not remedial**
Firstly, OUTLET offers legal **education and dissemination of legal information**. OUTLET will bring about a **preventive effect** where the vulnerable groups would learn about the most prevalent legal problems they risk encountering as well as how to avoid such risks. The main goal is to avoid the issues arising from the outset, as opposed to other legal assistance programs, such as the Free Legal Advice Scheme on HKU campus, the governmental Duty Lawyer scheme and Free Legal Advice scheme which offer advice to aggrieved parties. Although there is information aimed at assisting the elderly, the Law and Technology Centre (HKU)'s website Senior CLIC is not very accessible by the elderly. Additionally, no other services are specifically aimed at these two groups - unlike legal information services offered by Justice Centre Hong Kong, which specifically targets refugees and HELP, which caters to domestic helpers (see notes for references).
3. **Information delivered directly to the end-user**
Secondly, to access the targeted groups, OUTLET will directly hold legal talks **at collaborating non-profit sites**, in areas with a high prevalence of the target groups. Although there are websites that cater to the target groups, the legal information online is subject to limited accessibility, especially for the the elderly community in Hong Kong.
4. OUTLET would not only filter and teach **contents most crucial** to each target group but also explain the contents in **laymen terms**, bringing it directly to the affected groups. The service recipients will also have a chance to ask questions. Through engaging in questions and answer sessions, OUTLET can meet the actual needs of the target groups.

5. **Involvement of students and lawyers**
Thirdly, this project is also partly a **mentorship** programme for students and provides a **platform for lawyers to contribute to the cause with their knowledge**, for example, by reviewing the materials prepared by the students and providing feedback. Hence, the law student will be provided with feedback and at the end of the day, will have the main responsibility to develop their **leadership skills**.
6. **Incorporation of social workers**
Fourthly, **social workers** who work with the relevant target groups would also be **part of the audience**. This would enable information to be retained by the collaborating NGOs and elderly care centres, making it accessible to the new end-users in the future, even after OUTLET does not have the opportunity to give further talks at that specific institution.

Sustainability / Multiplier

1. **Cost-efficiency**
OUTLET provides legal talks, tailored for a **larger audience**, but not individual consultation sessions (which is a prevailing mode in the legal field's pro bono lawyer and clinical legal information services). As the fundamental nature of OUTLET is in disseminating legal information and focusing on preventive measures, the number of service participants that can be reached at once is far greater than dealing with one individual on a case-by-case basis.
2. **The multiplier effect**
As the collaborating non-profits have a steady member base, consisting of the target audience, the programme can easily be advertised. The talks **can readily be reproduced and given to the target audience, across various districts in Hong Kong**. Additionally, the model can be replicated to assist **other underprivileged groups** in Hong Kong, such as ethnic minorities or foreign domestic helpers.

OUTLET Logic: Model: Semester 1



Output monitoring and evaluation

OUTLET chief program organisers will review whether numerical targets of output, shown in logic model above, were met during each academic semester.

Outcomes monitoring and evaluation:

- Quality and correctness of talks:** students will hold mock seminars during the workshops for the pro-bono legal professionals to review.
- Audience feedback:** the audience can give subjective feedback in terms of quality of information, and the format of discussion after every talk.
- Student feedback:** students will be asked for feedback on the mentorship and training they received, and inclusiveness of OUTLET every academic year.
- Lawyer feedback:** pro-bono lawyers who trained the students will be asked for feedback on the quality of student-led talks, whether they found value in their service, and whether they are willing to participate next year.
- NGO feedback:** collaborating NGOs and social workers will be asked to give feedback on how helpful they found the information, whether it addressed the concerns of their audience, and whether there are fewer people visiting them for the concerns addressed during the talks.
- Annual evaluation of legislation and case law:** To ensure OUTLET talks provide relevant legal information that is up to date, an annual evaluation of legislation and case law will be conducted to reflect any changes in the talks. ■

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LAW FOR CHANGE STUDENT COMPETITION 2017

TEAM 5	TITLE Mobile App Just Law – Your Pocket Legal Assistant
MEMBERS	Li Pui Wun Alison ¹ Kwok Yuet Yi ¹ Tse Yik Ting ²
SCHOOLS	¹ The University of Hong Kong ² The Chinese University of Hong Kong

DEFINITIONS

Users	Persons who use Just Law to seek legal information
Contributors	Persons who provide responses to questions posted within the Just Law app
Members	Persons who registered for the Forum (including both the Users and Contributors)
Guide	Step-by-Step Guide within the Just Law app
Forum	Information Sharing Forum within the Just Law app
Yellow Pages	Legal Resources Yellow Pages within the Just Law app

1 PROJECT OVERVIEW

1.1 Selected Social Justice Issue

Access to justice is a fundamental right. Those who are unable to defend a legal right because they are not educated enough to understand the law or wealthy enough to afford the fee for legal consultation, are being deprived of equal access to justice. This project, therefore, aims to

improve Users' access to legal information and allow them to get a better understanding on their legal rights and options, and to make more informed decisions.

1.2 Needs assessment and gap analysis

Access to justice is a value long embraced by the Hong Kong community. There are numerous free legal services provided by the government and NGOs, for example, Free Legal Advice Scheme ("FLAS") by the Duty Lawyer Service, Legal Aid, and other legal advice schemes organised by Legislative Councillors etc.

However, a report by PILnet¹ shows that there is **very limited access to layman-friendly and prompt preliminary legal information** in Hong Kong due to a

- Lack of legal information in early stage
- < 30-minute per session
- 8-week wait
- Jargon filled legal information
- Hard Language

combination of service gaps. For examples, Legal Aid mainly focus on litigation and provides little assistance giving legal information in an earlier stage; and FLAS can only provide a less than 30-minute advice session after an 8-week wait. The lack of easy access to legal information leaves the Hong Kong people with unclear legal pictures at the fundamental stage where things can be fixed at a lower cost or even be prevented. This could have obstructed them from exercising their legal rights and may ultimately deprive them of access to justice.

Despite the lack of resources for free legal advice, hurdles for underprivileged and uneducated people to access to justice also include the inability to frame legal questions well and difficulties in finding the relevant legal information. Although all Hong Kong laws are available online, and certain online sources are available to provide basic legal information e.g. HKU Community Legal Information Centre ("CLIC"), the **language and the flow of information are relatively uneasy to be followed by layman**. With limited legal knowledge,

- Employment
- Top issue identified by NGO
- 56% of LegCo Member legal service
- 10.16% Fourth most often consulted in FLAS

most people in most circumstances find it hard to identify the legal issues they are facing, not to mention digging out the relevant information from a substantial amount of jargon-filled data online.

We would like to change the status quo by building a mobile app called "Just Law".

We noticed that the entitlement and scope of **employees' rights** is one of the most frequently consulted legal issues in Hong Kong. According to PILnet's report², the top legal issues reported by NGOs were criminal law followed by discrimination, housing, labour/employment etc. Also, employment issues have constituted 56% of enquiries received by Legislative Councillors and 28% for District Councillors. In addition, statistics from FLAS show that employment issue, which constituted 10.16% of the total case, is the fourth most often consulted.

Therefore, there is high demand for legal information in the field of employment.

As a result, our resources would be primarily devoted to address the issue of employment at the initial stage. If further resources are available, the scope of the content would be extended to other critical issues in Hong Kong.

1.3 Objectives

Just Law aims at achieving the following objectives:

- To help Users acquire a basic understanding of the relevant laws with layman-friendly language and easy workflow before they seek advice from lawyers
- To help Users address certain legal problems with the power of the community
- To inform the general public about where to seek free or subsidised legal assistance
- To collect data for future justice development in Hong Kong

1.4 How the project addresses the selected issue and how the law is used to address the issue

Access to justice should never be a privilege to legally educated or wealthy people. There is a common saying that "justice delayed is justice denied". The lack of timely, critical and layman-friendly legal information is likely to lead to an unfavorable legal position.

With our **Step-by-Step Guide**, preliminary situations of Users can be **identified through answering a series of questions** and hence **relevant information** would be provided. Moreover, **layman-friendly language** would be used to enhance the understanding of the legal problems Users are facing.

Given the unavailability of prompt professional legal suggestions, the **Information Sharing Forum** could provide relevant legal information based on contributors' experience. For example, persons with certain legal knowledge or similar experience could

share their views on the posted issues so that different suggestions would be available promptly for reference. Furthermore, we would promote Just Law to legal the profession and law students. With their contributions, the responses on the Forum would be **more reliable** than other general discussion forums.

1.5 Relevance to theme of Equality

Access to legal knowledge is essential for justice. Just Law aims at improving access to justice for all and increasing the chance to be equally heard **regardless of wealth, social status or educational background**. Especially for employment disputes, employees who cannot afford to seek legal advice are often exploited by resourceful employers. The inequality in access to justice is apparent in this sector so the project is thus highly related to the theme of equality.



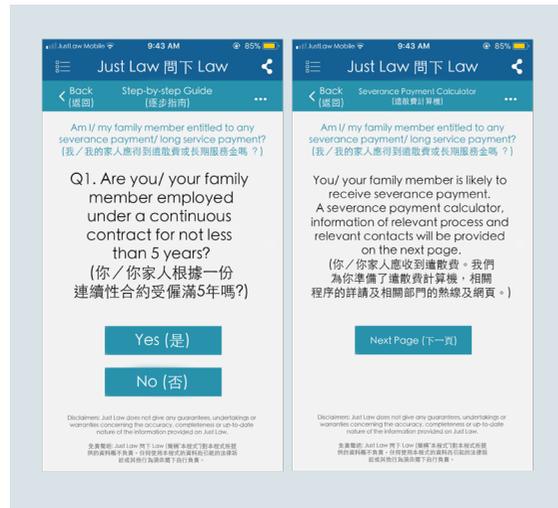
Just Law aims to provide free, user-oriented and layman-friendly legal information to the public so as to provide timely assistance with respect to their legal issues. The app consists of three components, namely (A) Step-by- Step Guide, (B) Information Sharing Forum and (C) Legal Resources Yellow Pages.

Exclusion of liability is vital for the operation of Just Law as no indemnity insurance is available for the app as a non-practitioner on providing legal advice. Everyone is welcomed to download the app and before using the app, they must agree with the Terms and Conditions of the app which includes a “not legal advice” disclaimer stating that all information provided in the app and views by Contributors in the forum do not amount to legal advice. Any reliance placed on the information in the app is placed at the User’s own risk and under no circumstances will the User pursue legal action against the owner of the app, or other stakeholders of the app. Some of the terms are illustrated below.

FIGURE 1 & 2 Demo for the Terms and Conditions



FIGURE 3 & 4 Demo for Step-by-Step Guide



The app will have both English and Chinese versions. The demonstrations used two languages at the same time to save space.

(A) Step-by-Step Guide

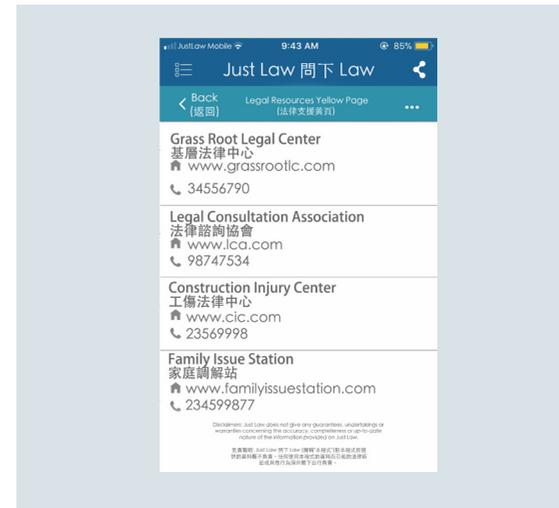
In respect to (A) the Guide, a series of **yes-no questions** will be asked to **assess Users’ circumstances** on the legal issue they want to address. Based on the details provided, **user-oriented information** will be generated for them accordingly. For instance, if Mr X wants to know whether he is entitled to severance payment, questions which can help to assess the nature of the employment contract, the duration of the employment and his salaries etc. will be asked. If he may be entitled to a severance payment, he will be directed to the severance payment calculator. The Guide would be linked to the Yellow Pages for information about related process and legal help contacts e.g. the Labour Department contacts. Relevant legal articles by legal professionals relating to the issue would appear for reference as well. The articles could thus effectively reach the target audience and the publicity of the author could be increased. This could provide an incentive for legal professionals to take part in Just Law.

The Guide, in the first year (Phrase I), will focus on **employment disputes**. In particular, it will be created for matters related to (i) salaries e.g. severance payment/long service payment; and (ii) employee compensations e.g. work-related injuries and its

FIGURE 5 & 6 Demo for the Information Sharing Forum



FIGURE 7 Demo for the Legal resources Yellow Pages



relevant compensations. Content will be based on Hong Kong laws and different legal resources platform e.g. the Judiciary website and CLIC with consent. If there are more available resources, the Guide will extend to areas of criminal procedures, matrimonial disputes etc. in Phrase II or later.

All information would be provided bilingually in Chinese and English.

(B) Information Sharing Forum

If Users have any **further enquiries** on the information provided by the Guide or on an area of law that is not covered by the Guide, they can opt to sign up to become Members and post questions onto the Forum. Other Members of the app, which will include legally trained persons, are able to share their views by commenting on the threads.

All kinds of views and suggestions will be allowed to circulate on the Forum. However, Members who choose to rely on any of these views would have to bear their own risk. It is to be noted that Members are prohibited from holding out as solicitors or barristers as their involvement on Just Law may not be covered by any professional indemnity insurance. The app owner would not screen the comments before they are posted but we reserve the right to delete any content on the Forum contrary to the Terms and Conditions. Users must acknowledge that the app owner does not take any responsibility for the accuracy of the information and the views on the Forum only represent the views of Contributors and should be read with caution.

Potentially, translation service would be provided to overcome the language barrier between Users and Contributors.

(C) Legal Resources Yellow Pages

Lastly, the Yellow Pages will provide contacts of various free or subsidised legal support currently available in Hong Kong e.g. Legal Aid, Duty Lawyer, Pathfinder etc. to **facilitate access to available legal resources**. We will set out the qualification requirements for receiving the particular assistance on the Yellow Pages to provide a centralised **overview** of the available legal resources.

3 NOVEL AND INNOVATIVE ASPECTS

- User oriented approach
- Centralised hub/information management
- Knowledge sharing
- Convenience/ flexibility
- Data Collection

Just Law utilises available resources in society to meet the unfulfilled needs for preliminary legal views and information. The app is innovative in 5 aspects:

3.1 User oriented approach:

Although Hong Kong laws are all accessible online, the **language used in the ordinances are extremely difficult** to be understood by layman. Furthermore, most of the online legal resources are too general and hard to address the needs for users to make proper decisions. With Just Law, legal information is given to Users corresponding to their situation with the Guide. It is innovative that **none of the online** platform has provided such preliminary assessment which **guides their users to obtain the legal information they need**. The Guide would provide relevant information and more accurately address the concerns of Users. Furthermore, to facilitate better understanding of the law, **the number of jargons and the amount of information would be reduced**.

3.2 Centralised hub/Information management

Existing legal resources and legal information are scattered on different sites and it is easy to miss out the available information online or legal assistance, and consequently resources are not fully utilised. Just Law is a pioneer platform which provides **organised and centralised** legal information and resources on one single platform that is currently unavailable online.

3.3 Knowledge sharing

Just Law is a novel and new platform for exchanging information specific in law and **promote legal discussions and interactions** in the community. Persons with legal knowledge is often prohibited from giving legal advice due to insurance or liability issues. However, they are actually capable of answering certain kinds of legal questions for laymen. For example, it is not uncommon for friends and relative seeking help from law students. Moreover, people who have gone through similar process can **share their experience** on the Forum for reference which will be of help to the Users in resolving the relevant legal issues.

3.4 Convenience and flexibility

The existing free legal advice services are very limited. Conventional free legal advice services often impose geographical barriers and time constraints for the participants of these schemes and consultants. With Just Law, Users could have access to the preliminary legal views and information **anytime and anywhere**. The exchange of legal information and the flow of legal knowledge would hence be greatly facilitated.

3.5 Data collection

Currently, there is not much data on the field of legal needs in Hong Kong. Just Law is ground-breaking that we can gather data on Just Law to **analyse the popular legal needs** in Hong Kong which could potentially help the government, NGOs or even law firms to improve their legal services.

4 EXPECTED LEGAL AND SOCIAL VALUE

- Enhance the provision of legal information in Hong Kong
- Promote fair and equal society
- Promote legal education
- Offer a platform for contributions from the legal professions

Just Law contributes to society in 5 aspects:

4.1 Enhance the provision of legal information in Hong Kong

Services provided by FLAS could be insufficient. Long queue and insufficient meeting time could cause unsatisfactory experiences; and the lack of case preparations could have led to bad or even wrong judgments by lawyers too. Just Law, however, can alleviate the problems by having Contributors sharing their experiences and knowledge. This **largely increases the coverage of valuable early legal information** in Hong Kong, and could lessen the burden of FLAS and thus improve the quality of its services too.

4.2 Promote fair and equal society

Just Law encourages Users to gain a better understanding of their rights and duties. For instance, if people are uncertain about their entitlement to proper severance payment, they may be **deprived of the legal rights** upon the termination of employment. Employers may take advantage of employees' ignorance on their legal rights. Besides, it is common that victims are of high chance giving up on pursuing legal actions due to the complexity of legal procedures without proper guidance. Just Law provides a chance for them to **understand the law and learn** from others' experience that could potentially guide them through the basic steps to seek justice. Consequently, Just Law could effectively promote a fair and just legal environment in Hong Kong.

4.3 Promote legal education

Just Law is widely accessible to the public, Users can check out the gathered and organised legal information so as to acquire **better understanding of law**. Just Law would be an excellent legal education tool to educate the public with basic legal information.

4.4 Offer a platform for contributions from the legal professions

Just Law provides a platform to connect those with legal needs with persons from the legal field. Being a Contributor to the Forum could be a good way for persons with legal knowledge to **contribute to our society with minimal time and effort**.

4.5 Collect data for further solution developments

There are numerous evidence showing that Hong Kong lack data on community legal needs.³ This could have hindered Hong Kong access to justice development because data plays an important role in solution developments, especially when nowadays Big Data and AI are in trend. Just Law could serve as a **starting point on collecting data**. For example, by knowing the number of posts on the specific category on the Forum, we could "detect" the type of legal views and information that are in demand now; while reviewing the interactions on the Forum can let us discover more solutions to a legal problem too. This can facilitate further solution developments.

5 IMPLEMENTATION PLAN AND BUDGETING

Just Law will be implemented in different phases with each phase focusing on a particular legal area with a reasonable budget.

5.1 Implementation Timeline and Budget

Phase I

- Set up the Guide focuses on employees' right
- Set up the Forum
- Set up the Yellow Pages - Government and Major NGOs

Phase II

- Expand the Guide focusing on rights under police detention/criminal procedure
- Expand the Yellow Pages - other NGOs or Independent services

Other Phases

- If further resources are available, more phases will be introduced with the hope of making the app keep evolving.

5.2 Engagement of Stakeholders and Promotional Strategies

STAKEHOLDERS	HOW THEY ARE ENGAGED
Contributors	<p>Legally trained persons</p> <p>We will seek help from the following bodies to promote Just Law to lawyers, law professors, law students and other legally-related parties, e.g. compliance officers, with the hope of having more legally trained persons engaged in the app.</p> <ol style="list-style-type: none"> 1. The Law Society of Hong Kong⁴; 2. the Bar Association;⁵ 3. Law faculties in Hong Kong; 4. Law students' associations in Hong Kong; 5. LexisNexis; and 6. WestLaw HK. 7. Progressive Lawyers Group 8. Law Firms and Chambers
	<p>Public bodies</p> <p>We will seek help from the following public bodies to promote Just Law to citizens who has profound knowledge in employment disputes. For the two government departments, we will seek their endorsement on the summaries/ reference our app has made to their information too.</p> <ol style="list-style-type: none"> 1. The Legal Aid; 2. The Labour Department; 3. The Home Affairs Department; 4. Legislative Councillors; and 5. District Councillors.
Users	<p>Employees</p> <p>We will seek help from the following organisations and other similar institutions to promote Just Law to the public, especially employees who have legal needs.</p> <ol style="list-style-type: none"> 1. Labour unions <ol style="list-style-type: none"> a) The Hong Kong Confederation of Trade Unions (職工盟); b) The Federation of Hong Kong and Kowloon Labour Unions (勞聯); and c) Hong Kong Federation of Trade Unions (工聯會) 2. Community centres <ol style="list-style-type: none"> a) Centres under the Home Affairs Department 3. NGOs <ol style="list-style-type: none"> a) Justice Centre b) Pathfinders
	<p>General public</p> <p>We will advertise Just Law on social media like Facebook and Instagram to reach out to the public.</p>

5.3 Targets and how they are reached

AREA	ABOUT	TARGET(S)	HOW TO REACH THE TARGET(S)	HOW TO COLLECT RELEVANT DATA
Effectiveness	Whether the project can help users solve their problems	1. Users found the information provided are useful;	1. Ensure information are accurate and layman-friendly; update content from time to time based on users' feedback;	1. We will add in feedback features like "do you find the information useful?" to evaluate users' satisfaction level;
		2. Put effort in provoking active response on the Forum.	2. Promote Just Law to different bodies from time to time, increase the promotion intensity if number of posts or responses rate drop.	2. Keep track of the number of posts and comments on the Forum.
Impact	Whether the project can reach out to different Users and potentially create impacts	1. Number of downloads/ Users: 100/month ⁶ ;	Promote Just Law to different bodies from time to time, increase the promotion intensity if number of posts or responses rate drop.	Review data collected by the tracking system, collect basic download data from App Stores, put in more effort in promotion when downloads are low.
		2. Number of posts/ Contributors: 50/month.		

6 SUSTAINABILITY

It is important to sustain the operation of the application with various supports.

6.1 Potential advancement

Just Law will have potential collaboration with CLIC⁷ and HK Legal Innovators⁸ so that more technological support and suggestions may be obtained. We also intend to apply for funding programmes including the Cyberport Incubation Programme and HKU iDendron SEED Programme for assisting start-ups; and to join the LegalTech Hackathon organised by PILnet, HK Legal Innovators, HKU and HK Global Shapers. We may establish a company to operate Just Law if funding is available.

6.2 Potential collaboration

We are contacting different parties to promote Just Law to the public. For example, we intend to **recruit student volunteers** from various schools to help with the promotion of the app, and contact various **legally-related bodies** to help bring awareness of our project.⁹

6.3 Potential business opportunities

Just Law could have generated different usage data which will indicate issues like (1) what are the popular legal topics now and (2) people found which type of information more helpful. These data could carry business value. We plan to contact companies like **LexisNexis**, **WestLaw HK** and the Hong Kong government to see if they are interested to purchase our data for their future solution developments. Meanwhile, Just Law can evolve into a self-sustaining project.

7 MONITORING AND EVALUATION

Throughout the year, the team (including volunteer student interns at the later stages) will meet regularly to review the progress and effectiveness of preparation, promotion and implementation. Users will be invited to complete questionnaires from time to time in the app to **obtain users feedback** regularly so as to make further improvements.

To ensure the compliance with the Terms and Conditions, channels for **complaints** are available.

Throughout the project, we will conduct interviews with Users to understand their experience with Just Law. Their stories, with their consent, will be published in our annual report. We will also consolidate the data generated by our app system, for example, the number of downloads, the response rate. The **annual report** will be sent to donors, partnered organisations and the government. ■

NOTES

1. THIS WAY – Finding Community Legal Assistance in Hong Kong. A Report by PILnet and DLA Piper. 30 May 2017
2. THIS WAY – Finding Community Legal Assistance in Hong Kong. A Report by PILnet and DLA Piper. 30 May 2017
3. Ibid
4. We have contacted the Law Society of Hong Kong and the Bar Association through e-mails. We received replies from both organisations and they have acknowledged our project.
5. The most similar app to Just Law now available in app stores is the HKCLIC app developed by the the Law and Technology Centre of the University of Hong Kong. It was launched in Nov 2013 and has accumulated 5,000 downloads in Google Play (figure not found on Apple Store), i.e. ~1,000 downloads per year and ~80 downloads per month. With reference to this figure, we set our download target as 100 per month
6. We had a meeting with Mr. Eric Cheung, Assistant Professor at the University of Hong Kong and Investigator of CLIC Project, on 23 Nov 2017 and he suggested us to make and submit to him a template of the Step-by-Step Guide for a particular area of law. He said it is possible for CLIC but that subject to more discussions.
7. We have connected the founder of HK Legal Innovators, Mr. David Lam, and he confirmed that HK Legal Innovators are interested in the project and will connect us with relevant parties.
8. We have contacted the founder of the Progressive Lawyers, Mr. Kevin Yam, and he agreed to take the proposal to the Progressive Lawyers Group and ask the core team what they think once the final proposal is finished.
9. We have contacted the founder of the Progressive Lawyers, Mr. Kevin Yam, and he agreed to take the proposal to the Progressive Lawyers Group and ask the core team what they think once the final proposal is finished.

APPENDIX – DETAIL TIMELINE AND BUDGETS

Implementation timeline and budgeting (Phase I)

STAGE	TASK	DURATION (DAYS)	BUDGET (HK\$)	Q1 2018			Q2 2018			Q3 2018			Q4 2018			Q1 2019		
				JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR
Setup	Terms and Conditions (incl. disclaimer) drafting	28	0.00															
	Draft the terms and Conditions (incl. disclaimer)	14	0.00															
	Get verification from pro bono layers(s)	14	0.00															
	Step-by-step guide preparation	56	0.00															
	Research on relevant ordinances	28	0.00															
	Design the flow and the questions	28	0.00															
	Get verification from pro bono layers(s)	28	0.00															
	Yellow pages preparation	42	0.00															
	Research on free legal services provided by the government and NGOs	28	0.00															
	Write up a summary for each organisation	28	0.00															
	Send email to get endorsement from the organisations	14	0.00															
	App development	78	30,975.00															
	Get quotes from freelancers	14	0.00															
	Contract with the most suitable one	7	10,000.00															
	Discuss the design and content with the developers	56	20,000.00															
	Launch the app on Google Play	1	195.00															
	Launch the app on Apple Store	1	780.00															
	Partnership development	365	0.00															
	Open an email account	1	0.00															
	Meet the CLIC's core team	14	0.00															
	Submit the step-by-step guide draft and have further discussion	28	0.00															
	Send the final proposal to the Progressive Lawyers Group to seek cooperation	14	0.00															
	Send email to potential partners (e.g. the Labour Department, Westlaws, etc.)	14	0.00															
	Having meetings with potential partners at their offices	351	0.00															
	Sub-total		30,975.00															

STAGE	TASK	DURATION (DAYS)	BUDGET (HK\$)	Q1 2018			Q2 2018			Q3 2018			Q4 2018			Q1 2019			
				JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	
Operation	Student volunteers recruitment	56	500.00																
	Contact and meet with law faculties and student law associations	14	0.00																
	Draft a recruitment email and send through the faculty offices	14	0.00																
	Design a recruitment leaflet	7	0.00																
	Print the leaflets and distribute through student law associations	7	500.00																
	Book rooms at universities for interviews	14	0.00																
	Conduct interviews	14	0.00																
	Send confirmation emails to the chosen candidates	7	0.00																
	Book rooms at universities for training sessions	7	0.00																
	Provide training regarding features of Just Law and future development of the project	7	0.00																
	Promote targeting professors and law students	98	0.00																
	Design a leaflet	14	0.00																
	Draft a recruitment email and send through the faculty offices	14	0.00																
	Print the leaflets and distribute through the law students	14	0.00																
	Organise talks at universities	56	0.00																
	Promote targeting lawyers	261	0.00																
	Research on law firms' and chambers' contacts	14	0.00																
	Draft email templates to promote Just Law	14	0.00																
	Send emails to Bar Association, the Law Society, law firms (esp. the Corporate Social Responsibility team) and chambers	14	0.00																
	Ask partners (potentially CLIC, the Progressive Lawyers Group etc.) to help with the promotion	14	0.00																
	Have meetings with different parties at their offices	233	0.00																
	Promote targeting users	261	1,000.00																
	Research on labour unions' and community centres' and NGOs' contacts	14	0.00																
	Draft email templates to promote Just Law	14	0.00																
	Send emails to labour unions and community centres and NGOs	14	0.00																
	Advertise on social media	56	1,000.00																
	Have meetings with and/or organise workshops for different organisations and users at their offices	233	0.00																
	App maintainance	324	22,000.00																
	Renting the server and domain	324	22,000.00																
		Sub-total		23,500.00															

TEAM 1
TEAM 2
TEAM 3
TEAM 4
TEAM 5
TEAM 6

STAGE	TASK	DURATION (DAYS)	BUDGET (HK\$)	Q1 2018			Q2 2018			Q3 2018			Q4 2018			Q1 2019		
				JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR
M&E	Monitoring	247	0.00															
	Send out e-questionnaires to users and contributors regularly	247	0.00															
	Review data, e.g. number of downloads, number of threads, regularly	247	0.00															
	Evaluation	31	0.00															
	Write and edit a report	30	0.00															
	Publish the e-version of the report	2	0.00															
	Sub-total		0.00															
	TOTAL:		54,475.00															

LAW FOR CHANGE STUDENT COMPETITION 2017

TEAM 6	TITLE Nutri-Care
MEMBERS	Li Tin Wai Tiffany Liu Ho Yee Bobbo Murjana Marafa
SCHOOL	City University of Hong Kong

1 OVERVIEW

Nutri-Care: Materialising a future where all children have equal access to knowledge about nutrition

1.1 What is the selected social justice issue?

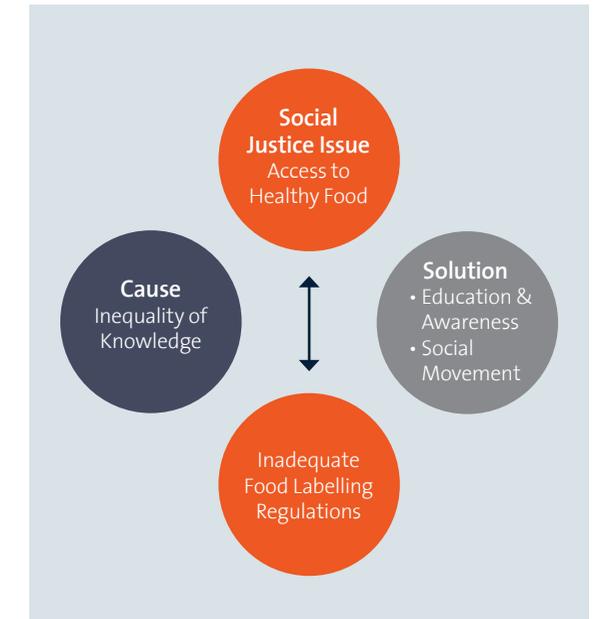
Hong Kong has one of the highest gini-coefficient figures. This ever increasing gap between the rich and the poor¹ poses obstacles for the city's less fortunate, specifically when it comes to **accessing healthy food**. Three factors have been identified as barriers to acquiring a balanced and healthy diet: cost, accessibility and knowledge². The Nutri-Care project seeks to tackle inequality of knowledge through education; the aim is to empower youths with the knowledge² and awareness of food labels necessary to improve their access to healthy food.

1.2 Needs assessment and gap analysis

The enactment of the Food and Drugs (Composition and Labelling) Regulation signifies a big step in nutrition labelling in Hong Kong. However, children, as vulnerable groups of the community, face considerable obstacles in understanding the role of nutrition labelling in their daily lives.

Nutrition labelling is a critical component of promoting healthy eating lifestyle and dietary awareness. It also empowers consumers to make the correct choices in avoiding diet-related diseases. Nutrition labelling is defined as a 'list of nutrients on a food label accompanied by some form of quantifying mechanism.'³ Currently, seven core nutrients and energy intake are the requirements in Hong Kong to be displayed on a nutrition label. In 2011, a survey was conducted in Hong Kong which shows that over 60% of respondents consult food labels 'sometimes' to 'frequently'⁴. However, the ability to understand nutrition labels vary within the local population. It is reported that citizens find nutrition labels confusing, especially when excessive technical and numerical information is used.⁵ Even though consumers understand simple relations between

FIGURE 1



various components of a nutrition label (such as that of carbohydrates and fat content with energy intake), difficulties continue to persist when it comes to interpreting the role of such nutrients in their dietary needs.⁶

The above problems are more significant with children. Due to their limited knowledge and social up-bringing, children and adolescents are more vulnerable to advertising tactics that only partially disclose the nutritional value of a product. Compared with other jurisdictions such as countries in the European Union, and Australia, Hong Kong is well behind in requiring stricter and more understandable nutrition labelling requirements. In Australia, the Health Star Rating was adopted in which the nutritional value of packaged food is rated from 1/2 stars to 5 stars, allowing a quick, standard way to understand and compare similar food. Respondents from studies displayed preferences to such a system due to its simplicity and the user-friendly nature of the star rating.⁷ The Hong Kong government

has also recently taken steps to propose⁸ a front of pack labelling system (FOPL) to help consumers identify low-salt and low-sugar products more easily and make informed choices. However, as such measures are only at their preliminary stages, their effectiveness is yet to be seen. At this juncture, the government's publications only touch on sodium and sugar content on front-of-pack-labelling.

Some schools in Hong Kong have been participating in programmes primarily developed by the Centre for Health Protection such as the eatSmart campaign.⁹ These programmes aim to engage students in healthy eating practices. Further, the Centre for Health Protection has published the Nutritional Guideline on Snacks for Students which provides guidance for the sale of snacks in schools and tuck shops. However, this 'guidance approach' does not empower students to take responsibility and be accountable for their own eating habits. Students can only start to be responsible for what they eat if they become knowledgeable in food nutrition labels.

1.3 Programme Summary

The primary goal of this project is to educate students of the health issues associated with unhealthy snacks and the healthy choices of snacks available to them. It aims at narrowing the gap of knowledge amongst children of various backgrounds, by educating them of the issues regarding unhealthy snack choices. Further, because students from higher income backgrounds are likelier to gain exposure via adults who understand the nutrition label system and use them on a regular basis¹⁰, this project identifies the unequal challenges regarding knowledge of healthy food practices faced by children from lower socioeconomic statuses.

1.4 Programme Objectives

At the preliminary level, the programme seeks to achieve awareness through education. During this awareness stage, children will be informed of the ways to exercise their rights. It will ultimately initiate a community-based movement to influence young consumers' food purchasing and eating habits. In the long run the project aims to induce a large scale movement which will influence governmental decision on a change in Food Labelling Regulations and to bring about a change to the existing law. In particular, it is our view that fat content and use of additives should also be considered mandatory on food labels.

Nutri-Care seeks to empower students with the knowledge to understand nutrition labels and healthy eating practices through interactive talks and gameplay. The initiatives attempt to bring the seemingly dull nutrition label and its underlying laws to the attention of children in a fun and thought-provoking way.

Alongside the school talks, our team will create characters that are the both the mascot of our campaign overall, as well as characters of the created board game. To ensure that the students continue to engage with our project and retain and put the new knowledge they acquire into practice, social media pages will be created and regularly updated during, and after, the school talks sessions such that they may upload and share what they have learned. Additionally, the mascots of the campaign will be utilised here to provide updates and factual information, which will develop and sustain the awareness and learning curve that the students will experience.

An educational board game on food labelling is the significant and unique component of our Nutri-Care project. This board game will be entirely created and produced by our team and used as a teaching tool to enlighten students about nutrition labels.

By empowering students to understand nutrition labels, our project will fulfil our aim of reducing the unequal access to information that leads to lack of knowledge and consequently unhealthy eating.

1.5 How does the project address the selected social justice issue?

The target group for the project is school students from Form 1 to Form 4 from low-income backgrounds. In studying factors that interact to inform childhood eating habits, research by Hong Kong's Centre for Health Protection identified what they described as micro level and macro level factors as inhibiting their development of a healthy diet.¹¹ The project focuses on a combination of one factor from each level respectively, namely the school environment and socio-economic status.

As aforementioned, it is important to focus on vulnerable groups in society, and to generate change from the group that is in need of this knowledge. Therefore, this demographic is targeted to highlight the importance of students taking ownership of their own accountability in healthy eating, and to also use this to help emphasise the consequences of the lack of sufficient food labelling regulations.

1.6 How does this project touch on the 2017 theme of Equality?

Various United Nations instruments emphasise nutritious and adequate food as a right. Article 25 of the United Nations Declaration of Human Rights provides that everyone has a "right to a standard of living adequate for their health and well-being [...] including food." The right to adequate food is further embodied in Article 11 of the International Covenant on Economic, Social and Cultural Rights recognizing "the right of everyone to an adequate standard of living...

including adequate food." General Comment No.12 of the Committee on Economic, Social and Cultural Rights explained that "Every State is obliged to ensure for everyone under its jurisdiction access to the minimum essential food which is sufficient, nutritionally adequate and safe."¹²

Despite the relatively equal opportunity for access to food, as addressed in section 2.2, the relative ability to obtain information and knowledge in relation to the nutritional value of the food differs. Different demographics have varying circumstances, challenges and intersectional needs. For instance, television programmes occasionally seek to educate adults about misleading food labels. A lot of these types of programmes are on the English local channel. However, this knowledge is blatantly inaccessible to children especially those from lower socioeconomic backgrounds, which is the audience that this project targets. For equality to be achieved, children have to know their rights and the means by which they can exercise these rights.

We believe that equal access to healthy food is a stepping stone to equality in health. The Nutri-Care project seeks to level the inequality of information that prevents the equal access to healthy food.

2.1 Engaging Stakeholders

Project Initiation Stage

At the project initiation stage, we aim at engaging several stakeholders in order to garner support.

NGOs

- Assistance of NGOs will be sought acting as our advisors during the course of creating school talks materials. We will also benefit from their experience administrative matters and logistics. Joint collaboration opportunities will be proposed in order to raise publicity and enlarge our sphere of influence

Nutritionist

- Acting as our consultant and providing professional support to our overall education campaign including the contents of the school talks and the boardgame

Students and Senior teaching fellow from CityU School of Creative Media Game Society

- Extra assistance (e.g. game testers) from the students to provide us with constructive feedback and comments

Public Schools & Parent Teacher Associations

- Support from the schools is required in terms of the venue and the schedule for our school talks and other initiatives
- Both the school teachers and parents will be encouraged to take active participation in the programme (e.g. incorporate our board game during class or playtime)

Businesses

- Sponsorship from food and beverage companies may be required in providing materials for the school talks

Implementing Stage

During the implementation stage, the stakeholders are those who will ultimately benefit from the Nutri-Care project.

Secondary school students and parents

- As the target group of this project, we rely heavily on the participation of the student and their enthusiasm to learn from this project.
- It is also our goal that parents will be influenced by our awareness raising campaign to pay more attention to nutrition labels and to develop healthy eating lifestyles for their children. We hope that our message will spread outside of our specifically targeted audience so as to create a ripple effect.

Post-implementation stage

The post-implementation stage will engage stakeholders to move towards generating changes on a larger scale.

The Hong Kong Government

- As the ultimate aim of the project is to address the information inequality, we hope to lobby the government for a change in the Food and Drugs (Composition and Labelling) Regulation requiring stricter and easily understandable nutrition labels. This will be achieved by means of report submission to Legislative Council and related government bodies after significant awareness is evident in the society.

NGOs

- To make this project sustainable, NGOs may be engaged once again to enlarge the scale of the project. More financial and administrative support may be required from NGOs to achieve this goal.

Businesses and the General Public

- Financial restraint is an obstacle to the sustainability of our project. Hence, financial funding may be required in the form of subsidies and collaboration with board game manufacturers on possible discounts for production of our board game
- We also aim at soliciting financial support from the general public through crowdfunding, a common method used by cause awareness groups.

2.2 Activities

School Talks

The Centre for Health Protection has identified the school environment as one of the key areas that informs childhood eating habits. The awareness-raising aspect of the project aims at educating children of the health issues relating to their eating habits. It draws inspiration from world renowned British Chef Jamie Oliver's efforts in the United States and United Kingdom to enlighten children about nutritious food through a 'Food Revolution'.¹³ In his talks he conducts a demonstration of children's unhealthy consumption habits using props in an interactive and exciting way. He aims to make a long term change through impacting the current mentality of children. Similarly, our talks seek to build upon the knowledge children in Hong Kong already possess to demonstrate that in foods we commonly consume, there are 'hidden' harmful ingredients. The school talks aim at influencing students' mindset, leading to their willingness to change their eating habits.

Social Media Updates

An informative social media website will be set up for constant updates and reminders to keep the campaign active and engaged. While serving as a log which would present the different stages and progress of our work and informing the audience about the schedule of the school talks, the social media site views metrics will also serve as an indicator through which we assess our performance and influence.

Cartoon characters designed for the campaign (which will be the same as the board game characters) will be promoted on the website for publicity purposes. Educational posts will be updated for the purpose of introducing healthy eating style tips and habits through the "lives" of these characters with photos and informative descriptions.

Snackathon: Board Game Education (Nutrition, Food labelling and Consumer Rights)

The Snackathon board game is inspired by the UN board game on Business and Human Rights. This component of the Nutri-care campaign aims to develop a board game that will serve as a teaching tool. The UN board

game provides a simulation of real life human rights choices. Similarly, the Nutri-Care board game will be an educational tool that helps children to go through a simulation based on real life food choices to generate either a positive or negative outcome which ideally represent the choices that they make in the real world and how these choices impact them.

The game's objective is simple: stay healthy.

The first step is the simplest, aiming to facilitate the identification of different types of food substances, e.g. whether these substances are harmful to health or not. For example, food additives and colourings have low potential healthy value while vitamins and proteins are beneficial to our health. The basic game mechanism in this stage would be scoring for points.

The second stage of the game further explains the effects of the food substances. For instance, different combinations of food substance consumption will generate different effects which affects the player in the game. At this stage, graphical components will be a crucial element to deliver key messages (e.g. malnutrition and obesity) by giving a direct visual impact to the children.

The third stage introduces concepts of law and regulations as "special events" and/or "functions cards" in the game. Various laws and regulations concerning food labelling from different jurisdictions will be incorporated into the game to educate the players on overseas best practices. "The Law" serves as a protective mechanism inside the game which could protect the characters from the harm of the detrimental food substances. For example, without the effect of a "traffic light" regulation¹⁴, the characters are more susceptible to the "attack" from the unhealthy food.

Our target students will be Secondary Form 1 to Form 4 students who possess basic knowledge in science or is currently learning Integrated Science in their studies. As the board game aims to assist food education in schools, it is preferably taught by the teachers in Home Economics class or in extra-curricular sections. Central issues about nutrition, food labelling and consumer rights will be incorporated in the game to raise the awareness of food nutrition in students' daily life.

Teaching materials will also be provided to schools in both paper and digital form so as to facilitate a better involvement through visual instructions.

In view of the possible knowledge gap between different education level of the students, there will be an extension pack designed to cater students with different level of knowledge. The extension pack serves as an progressive game play with a more advanced knowledge content. It increases the complexity and level of difficulty of the game. This includes more types and details of food substances which will create various combinations and other effects.

Also, it is recognised that a well-functioning and amusing board game requires relevant skills and techniques to be created. Detailed calculations and algorithms are crucial in order to support a feasible game mechanism. Thus, our team will consult from (the students of) the school of media game society, gaining their support in designing a practical game in which multiple game tests are necessary. Concerning the nutrition related aspects of the game, our team will approach a qualified nutritionist to provide professional advice on the effects and impacts of the

food substance implemented into the game thereby ensuring the accuracy of the information provided to the students.

2.3 Targets to be reached

The main goal of the Nutri-Care project is to reach the students in schools identified during the project initiation stage. According to our preliminary estimation, the outreach of the first round of school talks will extend to at least 1000 students. This will be achieved through visiting 1 to 2 schools per month from the beginning of the 2018-2019 school year with pilot talks prior to the summer break, all to be completed by February 2019. During the visits we will be able to talk and engage with the classes between Forms 1 and 4.

Moreover, as the board game is replayable, incoming students would also be able to acquire knowledge and awareness of food labels through our game. With the addition of a social media page, the Nutri-Care campaign will likely reach much more than our intended number of students.

FIGURE 2 & 3

Concepts arts of the function cards for the board game



2.4 Programme timeline & Duration of activities

STAGE	PROGRAMME TIMELINE	DURATION	END DATE
1. Project Initiation	<p>School talks:</p> <ul style="list-style-type: none"> Identify the target schools and engage them for talks during the school term Design and cooperate with schools concerning the duration of talks and class schedules <p>Social Media Site (Facebook Page):</p> <ul style="list-style-type: none"> Draft the timeline for post which would be published <p>Snackathon: Board Game</p> <ul style="list-style-type: none"> Contact game designer volunteers Contact game producers Design the board game Prepare detailed rules and instructions to the students and schools Game Production 	5 months	1 st April – 31 st August 2018
2. Implementation	<p>School Talks:</p> <ul style="list-style-type: none"> Go to target schools to conduct talks and survey <p>Social Media Site (Facebook Page):</p> <ul style="list-style-type: none"> Publish posts concerning the schedule of the programme <p>Snackathon: Board Game</p> <ul style="list-style-type: none"> Introduce the board game to the school and the students Schools will take the initiative to follow up the use of the board game as an supplemental teaching assets at school 	5 months	1 st September 2018 – 31 st January 2019
3. Post-Implementation	<ul style="list-style-type: none"> Conduct research study & interviews with teachers and students to sum up the effectiveness of the programme Host publicity talks at corporations (in collaboration with NGOs) to push forward participation in voluntary FOPL schemes and share findings on market demands on nutrition labels 	2 months	1 st February – 31 st March 2019
After the 1 Year Programme	<ul style="list-style-type: none"> Expand the scale to more schools in Hong Kong Nutrition Label Design Competition Draft a detailed report in collaboration with other NGOs to propose legislative reform to LEGCO councillors Advocate for a mandatory FOP labelling scheme to be implemented 		31 st March 2019 onwards

2.5 Budget and measures taken to be cost-effective

STAGE	TIMELINE AND EXPECTED EXPENSES	ESTIMATED COSTS	COST REDUCTIONS
1. Project Initiation	School talks: <ul style="list-style-type: none"> Survey administrative cost Printing costs SocialMedia Page administrative cost 	\$5,000	Pro-bono helpers Online survey Schools providing facilities Donation/ Material sponsorship from NGOs
	Snackathon: <ul style="list-style-type: none"> Board Game creation Material costs Administration cost Design cost 	\$20,000	Volunteer Students in media studies helping with the design of the game Collaboration with artists to provide visual materials
2. Implementation	School Talks: <ul style="list-style-type: none"> Presentation Props costs Transportation costs 	\$3,000	Electronic copies Pooling of resources Make use of school's facilities (computers, microphones etc) Potential sponsorship for props
	Snackathon: <ul style="list-style-type: none"> Implementation by the team and the school Administrative costs 	\$1,000	
3. Post-Implementation	Research administrative cost Publicity Talks <ul style="list-style-type: none"> Transportation cost 	\$1,000	Make use of companies facilities for talks
TOTAL:		\$30,000	
4. Future Costs (After this 1 year programme)	To continue running the campaign <ul style="list-style-type: none"> Administrative cost Advocating for the mandatory FOP labelling scheme <ul style="list-style-type: none"> Research cost Possible inclusion of a Food Labelling Design Competition <ul style="list-style-type: none"> Administrative cost Printing cost 	\$5,000	Crowdfunding Sponsorship from NGO, business sectors/Government Student Volunteers

3 INNOVATIVENESS & SUSTAINABILITY

3.1 Innovativeness

The use of food nutrition labelling in Hong Kong embodies a top-down approach to effect behavioural changes. Top-down approaches may sometimes consist of autocratic decision-making, which may not cater to the needs of special groups. Our project will instead start from the bottom; by engaging school talks and an educational board game alongside a social media page. This campaign attempts to empower children with an increased understanding and knowledge of food labelling.

Further, healthy food advocacy is increasingly common in a world that has a growing health consciousness. For instance, many Hong Kong eateries have engaged in initiatives to reduce food portion sizes, or to encourage the consumption of more vegetables and organic food. However, as the snacking culture is an important part of the city's youths', there is a crucial need for more focus on this area, specifically in regards to the inadequacy of food nutrition labelling for snacks.

Despite the great initiatives, there is a lack of focus on teaching children where their nutrition comes from and what the different factors mean for the human body. Such crucial information comes from food nutrition labels. To use a food health themed board game as an educational tool is novel and will hope to attract an increased interest owing to its uniqueness.

3.2 Sustainability/Multiplier

To ensure the sustainability of the project, the board game is designed to be replayable by students. By gaming, students will be able to connect the knowledge learnt at school talks and convert them into long term memory during game time. It is also recommended that teachers may reuse the materials during the course of teaching.

This project also proposes the possibility of manufacturing the board game at a larger scale and sell to parents and educational centres at a reasonable price. The profits earned may cover the cost of production and future initiatives.

4 MONITORING AND EVALUATION (M&E)

Project Performance & Impact

Comments and feedbacks from school teachers, NGO partners and other stakeholders will be solicited as an integral part of our M&E plan, serving as qualitative indicators by which we identify constraints and possible improvements for future initiatives. Data collection will also be conducted through surveys and assessment of reach in our social media sites.

During the project, questionnaires will be distributed thrice. The first set will be distributed to participating schools' students before commencement of the project. The second set will be distributed after participating in our school talks. The last set will be distributed at the end of the school year. The set of questionnaire allows us to understand the students' increased awareness and knowledge in healthy diets and food labelling laws.

Furthermore, the same sets of questionnaires will be distributed in another school whose students are not participants of our project. This sample serves as a control variable in our analysis, which will be compiled into our M&E reports.

This project will be monitored by all team members and their committee members. Monthly meetings will be conducted to monitor the project and to evaluate performance. External consultants such as NGO partners, nutritionist or legal practitioners may also sit in to provide constructive feedback. All feedback will be recorded in order to draft half-year reports in hopes of increasing our chance of success and to better position ourselves in terms of re-strategizing the project if needed. ■

NOTES

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ABOUT PILNET

PILnet is a global nonprofit organisation that connects the legal profession around the world to ensure that law serves the interests of all. PILnet works to engage, empower, and enable those who use law to represent the public interest. With offices in Beijing, Budapest, London, Hong Kong, Moscow, and New York, and with the support of partner law firms and civil society organizations, PILnet asserts the right and responsibility of lawyers everywhere to stand up for the public interest. Over the past 20 years, PILnet has developed a network that spans the public and private sides of the profession. Through strategic convenings, trainings, and engagements, PILnet bridges divisions to ensure that the full range of legal expertise and tools are mobilized to manage risks that threaten the public interest. In doing so, PILnet seeks to unlock law's full potential to protect interests equally and to work for all, especially the most vulnerable.

About PILnet Hong Kong

Since the establishment of its Hong Kong office in 2013, PILnet has focused on building pro bono commitments among Hong Kong based law firms and augmenting legal capacity among NGOs and social enterprises. While the Hong Kong Pro Bono Clearinghouse is the primary vehicle through which PILnet conducts its work, the office also designs and implements workshops that enhance the legal knowledge of NGOs and social enterprises.

In 2016, PILnet, in partnership with DLA Piper, conducted a research project on the accessibility and quality of community legal services in Hong Kong. Anecdotally, PILnet recognized that there was often a legal dimension to the complex socio-economic problems faced by the low-income and vulnerable communities in Hong Kong. These communities, and the organizations that help them, face a gap in legal resources - their legal needs are not currently met by Hong Kong's legal system.

PILnet and DLA Piper took a first step toward a better understanding of the issue, producing the report, "*THIS WAY – Finding Community Legal Assistance in Hong Kong* (May 2017). *THIS WAY* analyses current issues in the legal system and provides recommendations for improvement. PILnet's programming going forward will be shaped, in part, by these report findings.



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