

# LAW FOR CHANGE STUDENT COMPETITION

# 2020



LAW FOR  
CHANGE

 PILnet

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**“ I tell law students... if you are going to be a lawyer and just practice your profession, you have a skill – very much like a plumber. But if you want to be a true professional, you will do something outside yourself... something that makes life a little better for people less fortunate than you. ”**

Justice Ruth Bader Ginsburg (2017)



# FOREWORD

2020 was another challenging year for Hong Kong. In the context of a global pandemic, the rule of law, as well as the role of law, continues to be a topic of debate, especially when the younger generation becomes less optimistic about the future of Hong Kong. While Hongkongers in different positions have been exploring their role in defending the core values of our society, the challenge for law students is to have faith in the role of law and at the same time strengthen the use of law as one of the tools for social change.

The Law for Change Student Competition, established by PILnet with the support of the WYNG Foundation in 2017, is designed to expand students' imaginations about law and the role it plays in Hong Kong society. Participants must apply the knowledge they have learned in the classroom to issues seen on the streets and consider creative approaches to enhance the impact of civil society organizations and, in turn, amplify access to justice.

The competition is intended to stimulate interest in public interest law and to create opportunities for implementing sustainable initiatives to address legal needs in Hong Kong. Projects developed in the competition will complement the programs of local organizations that support and empower communities by using legal tools and expertise in an innovative way.

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

## THEME

"Community" has been the overarching theme for the Law for Change Student Competition since 2018. A community brings individuals together and empowers them to work together in daily life in pursuit of betterment beyond one's self or group. The theme serves as a platform for potential collaboration and partnership across sectors, professions, generations, race, gender, and cultural identity.

"Community Resilience" is the chosen focus of 2020. The Hong Kong community is facing enormous and unprecedented challenges: a pandemic, the widest wealth gap in 45 years, and ongoing social and political unrest. Building community resilience - to develop the ability of a community to deal with internal and external disturbances and stresses while retaining its essence and to move towards a better environment, social and economic health and wellbeing - is especially important in these turbulent times.

While the law is often seen as a tool to serve the interests of the powerful few, the competition this year challenges participants to devise projects that use the law to build community resilience.

## PRIZE

The winning team and two runner-up teams will be selected by a panel of three judges and will each receive seed grants of HK\$50,000 and HK\$25,000, respectively, to implement their projects. These teams are expected to implement their projects within six to twelve months immediately following the end of the competition. Two additional teams will also receive potential awards of HK\$10,000 to continue developing their proposal into feasible projects.

## PILnet

January 2021

# 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 judges, legal mentors and advisory board members.

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## JUDGES

**Chan-yau Chong**  
**Azan Marwah**  
**Tracy Ng**

## LEGAL MENTORS

Barristers:

**Charlotte Chan**  
**Cordelia Yeung**  
**Wesley Wong**

Individual Lawyers:

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Corporate:

Law Firms:

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**Bloomberg**

**Dechert**



**Linklaters**



**Skadden**

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## ADVISORY BOARD MEMBERS

<b>Stephenson Chow</b>	<b>Luke Marsh</b>
<b>Lindsay Ernst</b>	<b>Victoria Wisniewski Otero</b>
<b>Teresa Ma</b>	

# JUDGING PANEL

PILnet is excited to present the panel of judges for the 2020 Law for Change Student Competition and is appreciative of the time they have dedicated to empower the next generation of lawyers. The panel of judges is composed of experts on the rule of law, innovation, and social justice issues in Hong Kong.



## Mr. Chan-yau Chong

graduated from the University of Hong Kong with a Bachelor of Arts Degree, majoring in English Studies and Psychology. He later obtained a Master's Degree in Information System from the London School of Economics and Political Science. He is currently the President of the Hong Kong Blind Union, a board member of the Dialogue in the Dark HK Foundation, a member of the Board of Directors of CarbonCare Asia, the Co-founder and CEO of CarbonCare InnoLab, and the Director of the English Learning Service Provider, EL Education. He has served as an Administrative Officer in the Hong Kong Government, Executive Director of Oxfam Hong Kong, and Director of the HKU Student Development of the Centre for Development and Resources for Students. He received one of the Ten Outstanding Young Persons Awards in 1991, an MBE in 1995, the Poverty Alleviation Award from the China Foundation for Poverty Alleviation in 2004, one of the Leader of the Year Awards 2011 (Community/Public Affairs Category) from the Sing Tao News Corporation, the University of Hong Kong Honorary University Fellowships in 2012 and the Compassion Award from HK & Macau Taiwanese Charity Fund in 2017.



## Mr. Azan Marwah

is a barrister in private practice. His work covers a broad spectrum of civil litigation and disputes, specializing in matters that include a cross-border, public, or administrative law element. His experience extends to work raising issues from international sale of goods, cross-border fraud, taxation, employment, and land use planning. Azan is also an accredited mediator and published expert in family and child law, advising a number of charitable organizations and representing parties before the family courts. Azan is regularly engaged to draft Private Members' Bills. He has advised on amendments to legislation in a wide variety of areas including regulatory, environmental, criminal, child protection, and family law. He regularly advises commercial in-house counsel, as well as charitable and non-profit organizations on the legislative process. Azan is the co-founder of the Hong Kong Public Interest Law Group and the Hong Kong Public Interest Law Conference, and the founding legal adviser to Hong Kong Marriage Equality.



## Dr. Tracy Ng

is Chief Executive of the Fullness Social Enterprises Society (FSES), a young non-government organization (NGO) with the mission to promote social entrepreneurship development and city transformation in Hong Kong for societal betterment through a team of academic and knowledge volunteers. She is currently a part-time lecturer at the Chinese University of Hong Kong and the HKUSPACE, and also a voluntary director of the social enterprise Fullness Salon. She has co-authored a number of FSES publications and provided professional training and coaching services on social entrepreneurship and project management to various NGOs and social enterprises. Prior to Tracy's time in the NGO sector, she had over 20 years' industrial experience in the Information and Communication Technology (ICT) sector as a managing consultant, project director, and project manager serving the government, NGOs, and multinational corporations' mega projects. In recent years, Tracy has been focusing on nurturing youth in social entrepreneurship development and has led FSES to become the latest intermediary (the Innovator Farm) of the Social Innovation and Entrepreneurship Development Fund (SIE Fund) that helps build up the ecosystem for nurturing social entrepreneurs, developing and implementing innovative projects.



2020

# STUDENTS' PROPOSALS

PAGE	TEAM	PROJECT TITLES
7	Team 1	Freelancer Matters
17	Team 2	EC-PIN
29	Team 3	L-E-T's Begain
41	Team 4	Save Our Restaurants
52	Team 5	Homecoming
67	Team 6	Domestalliance
80	Team 7	WeDoCare
92	Team 8	SUNGO Starter

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# LAW FOR CHANGE STUDENT COMPETITION

TEAM <b>1</b>	PROJECT TITLE <b>Freelancer Matters</b>
MEMBERS	Ho Sik Tung <sup>1</sup> Hwang Man Hong, Michael <sup>2</sup>
SCHOOL	<sup>1</sup> The University of Hong Kong <sup>2</sup> The Chinese University of Hong Kong

## OVERVIEW

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*Freelancer Matters* is a project that aims to provide legal assistance and empowerment to the long neglected group of freelancers in Hong Kong. The ultimate end is to fill the current gap that freelancers are neither deemed to be needy (hence not served by NGOs) nor vulnerable (hence not protected by the legislation).

To achieve this goal, we will empower freelancers with real-life legal knowledge and potential abuse that they may face. We believe that it would prevent their clients from abusing these freelancers' ignorance of the law and making a benefit out at their expense.

We will try to empower the freelancer community both internally and externally. From the internal perspective, we believe that a united group of freelancers as a joint force is always more powerful in a bargain than individual freelancers alone as a scattered population. We will be the bridge between different freelancers with online (website forum) and offline (workshops) tools, in the hope that we are not the only one educating the freelancers - each of them is encouraged to educate their peers together with us. Externally speaking, professionals (like pro bono lawyers) will be invited to provide tailor-made legal information for freelancers, which will be practical and handy in their course of business to avoid unnecessary abuses.

## PROBLEM ANALYSIS: THE SOCIAL JUSTICE ISSUE

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### **The Neglected Legal Perspective within the Freelancers Community**

We conducted a survey with 30 freelancers during October to December, 2020 as well as focus group interviews with 3 freelancers to investigate how educated they are relating to their legal rights and possible abuses by clients. It is found that nearly all respondents agree that legal protection is of essential importance to them - the majority of them agree that legal disputes are common in their course of business. However, while most of them hope to have their legal status improved, most respondents can only point out that the protection they can access so far is highly limited, but are unable to name the exact legal rights they enjoy now. Nevertheless, if they are faced with legal disputes, most of them do not wish to take legal actions, but would rather make concessions or negotiate by giving their clients "favour" in return for the clients not starting a legal action against them. As a result, when the freelancers encounter legal difficulties in their work (which is common), they are left to be helpless and unable to fight for their own benefits using normal, formal legal channels. Their lack of legal

knowledge makes them an easy target for potential abuse by their clients, especially big businesses who are well equipped with a professional legal department as freelancers have no resources nor motivation to seek professional, paid legal services. Such an unequal position in terms of legal knowledge of clients (especially businesses) and individual freelancers will lead to unfair bargaining processes, which is a social injustice.

### **The Lack of Protection Available to Freelancers**

#### **(a) Formal Protection: Lack of Special Attention by the Current Legislation**

Under the Employment Ordinance ("EO"), an employee working for the same employer (a) for four weeks or more and (b) for 18 hours or more per week is legally in "employment under a continuous contract" and entitled to a range of statutory employment benefits available to employees (e.g. rest days, paid annual leave, paid statutory holidays, paid sick leave, paid maternity

leave, severance payment and long service payment), which are not available to self-employed persons. Despite the expansion of the self-employed population, the government currently has no intention to extend the coverage of the EO to include the self-employed. Freelancers fall under the category of self-employed persons, hence are not afforded any special status under the current legislation framework. As a result, while freelancers are in an extremely disadvantaged bargaining position versus big businesses (just like normal employees do), they are not afforded the same level of protection as employees have.

### **(b) Informal Protection: Gap in the Existing Services**

After conducting research and interviews, it is found that no major NGOs in Hong Kong take freelancers as their major client. The underlying reason may be that freelancers usually operate in the mode of a one-man company as businesses, they are not deemed to be as needy as other general disadvantaged groups (e.g. elderly, children, women, etc.) This matches the result of our survey, in which nearly all respondents think that local social services have not provided adequate support for freelancers.

Instead of NGOs, some similar informal protection available to freelancers in Hong Kong are trade unions and cooperatives. The Hong Kong Freelancer Service Union and the Hong Kong Freelancer Association are two biggest ones. However, the legal protection offered by these unions is far from sufficient. First, these unions are not specialists in the legal field and may not be as skilled as professional lawyers in offering relevant information to freelancers; secondly, their recognition is still low among freelancers in Hong Kong. From our survey, the majority of respondents have never heard of these unions, not to mention have not participated in their events or become their members. The effectiveness of education by these unions is hence lowered by their lower levels of recognition and lack of specialists.

In fact, most respondents agree that local freelancers lack cohesion. Nevertheless, most respondents are not reluctant towards the development of a mutual help network among freelancers (most welcome it). This prompts *Freelancer Matters'* idea of bridging freelancers using an online community, which can reach more potential community members (i.e. freelancers).

### **Freelancer Matters and Community Resilience**

This year's theme is community resilience. Our project's core echoes the theme of "community" by bringing together scattered freelancers through the online community (internal), and bridging the entire group of freelancers to the external professionals for assistance and protection (external). We also hope to foster social justice on the issue by involving various stakeholders in the society (freelancers, legal professionals, students) to arouse the society's attention towards the neglected group, and build a sense of cohesion both among the freelancers themselves as well as for the whole society.

This project also aims to strengthen freelancers' and the whole community's resilience, i.e. the capability to respond, adapt and recover from challenges and adversities for a better environment and well-being. We see that the community is facing the challenge of COVID-19. While the pandemic has some negative impacts on the freelancers' businesses (as reflected by the survey), more potential clients cut the numbers of their employees (resulting in a high unemployment rate) and realize the benefit of hiring freelancers over employees (as freelancers are flexible and the payment can be one-off), so more people have chosen (or been forced) to work as a freelancer instead of a regular employee. The trend towards an enlarged gig economy in Hong Kong is obvious. Empowering this group before it grows is necessary to ensure that the freelancer working mode remains a good, available option for the working population and is not a group that is prone to abuse.

## PROJECT DESCRIPTION

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The goals and objectives of *Freelancer Matters* are as follows:

Goals	Objectives
<ol style="list-style-type: none"><li>1. To protect freelancers against potential abuse by their clients;</li><li>2. To create a cohesive community amongst freelancers; and</li><li>3. To promote a more supportive and sustainable working environment for freelancers.</li></ol>	<ol style="list-style-type: none"><li>1. To provide freelancers with legal knowledge through an online resource centre and offline workshops;</li><li>2. To provide channels for freelancers to communicate and strengthen their sense of collective identity as a community by an online forum.</li></ol>

## IMPLEMENTATION

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### Preliminary Phase: Recruitment

Before starting our project, we will recruit a group of law students from the 3 local law schools as the administrators of our website and forum as well as legal researchers. Applications will open from February to March 2021, and we expect to recruit at least 5 students after interview and selection. Students recruited will then receive training sessions to familiarize them with the situation of current freelancers in Hong Kong.

We will also contact potential pro bono lawyers during this period to see if they are willing to join the programme to give advice on the students' research and join the offline workshops to give pro bono legal advice.

### Phase 1: Online Community

#### Target recipients:

**All freelancers working in Hong Kong**

#### Phase 1.1: Online Resource Centre

##### (a) Case base

Cases involving freelancers and the hiring party will be categorised by their areas of law, e.g. contractual dispute, copyright issue, etc. Freelancers finding themselves in legal disputes can preliminarily examine their own scenario and check if they have any claims by comparing with the precedents by using the online casebase. These precedents may also serve as alerts to freelancers, warning them to be aware of potential abuse or problematic contractual clauses.

##### (b) Useful templates

Templates of legal documents that are commonly seen in freelancers' businesses and tailor-made for their job nature (e.g. contracts, non-disclosure agreement) will also be provided on the website for freelancers' use, who wish to draft their own legal document but lack the required legal skills. This is supported by our survey, where half of the freelancers claim that they never had the experience of drafting legal documents.

### (c) Regular blogs

Articles regarding the latest legal development and policies of freelancers' rights (e.g. government's subsidies under COVID-19) written by pro bono lawyers and/or law students will be posted (in English and Chinese) onto the blog session on a monthly basis. A disclaimer of "no formal legal advice is provided" will be stated under every legal article or critics to avoid legal responsibility.

### Phase 1.2: Online Forum ("3 Talk")

We will subscribe to *Website Toolbox*, a safe and effective application for interactive forums, as our forum base.

The forum will contain 2 main communities: "Legal Disputes" and "Insider News". Users can share anything freely with anonymity retained. A community guideline will be displayed in a prominent position in the forum. Administrators will delete posts violating the community guidelines after consulting the committee.

### (a) Legal disputes

Users can start a new topic and/or comment on an existing discussion thread. Administrators will conduct legal research on the popularly discussed topic once raised. The research report will be further refined and discussed by the committee. A number of articles relating to legal topics concerning freelancer's commonly faced legal issues will then be uploaded to the website (as mentioned in *Phase 1.1*).

### (b) Insider news

Users can share any information regarding the industry. The community guidelines will specifically state that users are not allowed to disclose any personal information of the related parties to avoid legal responsibility.

## Intended Outcomes

### 1. Self-empowerment

Through our interview with Hong Kong Freelancer Server Union (HKFU), we learnt that local freelancers seldom help each other out due to the lack of networking within the industry. The "3 Talk" online forum is designed to encourage mutual assistance between freelancers.

### 2. Encourage freelancers to use legal documents in their businesses

A majority of our respondents agree that they will consider using more legal documents if there is a website that provides templates for relevant legal documents. Although providing templates will not help prevent all potential legal disputes, using them is definitely more beneficial to freelancers as a proof to avoid refusal of payment by denying the transactions.

We fully understand that templates of legal documents are not always accessible, and even accessible, their accuracy and reliability is doubted and not tailor-made to freelancers' job nature, hence causing the reluctance among freelancers to use legal documents to protect themselves.

We expect that our template section can encourage freelancers to use contracts or other kinds of documents during work, which adds a layer of protection in case any disputes arise.

## Phase 2: Legal Education and Support Programme

### Phase 2.1: Legal Education Workshop

#### Target recipients:

**Primarily freelancers working in the art and design industry**

**Format:** It may be conducted online via Zoom/Facebook page of existing trade unions/YouTube or offline at venues provided by sponsors, depending on the pandemic condition. The workshops will be recorded and a summary will be uploaded onto our website. Lawyers, senior freelancers from different sectors and representatives from trade unions will be invited to host regular workshops, which will be 1.5 to 2 hours long each. We will conduct the workshop once per 2 months (4 workshops a year). To recruit participants, we will post the workshop details on our online community and social media page, and also ask for trade unions' help to promote the activity on their social media.

**Venue:** Live houses or café are our targeted venue providers as we expect that freelancers are more interested in these venues (that may be relevant to their job task, e.g. musicians, artists, etc.) instead of formal occasions.

**Suggested themes:** We will suggest the guest speakers to talk on certain themes, including basic labour rights and good practices at work (e.g. keeping correspondences in record), available resources and help for legal disputes, factors to consider before deciding whether to initiate any action or not (i.e. reputation, confidentiality, affordability), points to note when drafting legal documents, etc.

There will be Q&A sessions online so freelancers who are not available to attend the live session can have immediate interaction with legal practitioners. A legal consultation session will also be held after the workshop for freelancers who have specific and confidential legal questions.

### **Phase 2.2: Legal Support Programme**

**Target recipients:**  
**Freelancers mainly working in the art and design industry**

We propose to form strategic partnerships with labour unions, pro bono lawyers and volunteer law students. When freelancer unions encounter freelancers engaged in legal disputes, they can refer the client to pro bono lawyers for further professional advice, which can help to achieve early identification of freelancers in need and give them timely advice.

The procedures are proposed as follows: (1) freelancers having serious legal questions may contact the union or us via the website directly; (2) the trade union may have online discussion with the freelancer to see whether it is necessary to refer his case to the legal practitioners; (3) if it is suitable for referral, the committee will contact pro bono lawyers for further advice. Proposed services include but not limited to: form-filling assistance, legal documents preparation, lawyer referral services, connecting labour unions from different sectors for more specific assistance, and follow-up service after meeting with lawyers.

### **Phase 3: Freelancer Support Booklet**

**Target recipients:**  
**The whole society (mainly freelancers from the arts and design industry)**

Last but not least, we will publish a Freelancer Support Booklet of around 20-30 pages as an annual review at the last 2 months of each one-year cycle. We will further invite pro bono lawyers for comments and other freelancers to share their gains through *Freelancer Matters*. We will cooperate with freelancers from different sectors e.g. graphic designers, photographers, editors, and translators, etc. 11 freelancers from these sectors have already agreed to cooperate with us. The booklet will comprise: (1) common legal disputes for all freelancers and relevant laws; (2) specific legal disputes faced by art and design freelancers; (3) case sharing by freelancers and pro bono lawyers; (4) contact of partnering law firms or NGOs; (5) available resources for freelancers (e.g. freelancer websites, platform etc.).

### **Intended Outcomes**

By concentrating all accessible resources in our Freelancer Support Booklet, we aim to support local freelancers by providing a comprehensive and organised guideline that allows freelancers to seek assistance comfortably. Moreover, the booklet can serve as a reference for the freelancer community and the professional team (NGOs, law firms, and law students) to promote *Freelancer Matters*. They can also take our experience as a reference to update and improve the current support services for freelancers. We propose to issue a Booklet on a yearly basis. The Booklet will be in both Chinese and English to maximize coverage. More languages will be available in the future if translators are recruited. It will mainly be published and distributed online through our website and social media.

# SUMMARY OF THE IMPLEMENTATION

## Relevant Stakeholders

Freelancers	<p><b>Phases 1, 2 and 3</b></p> <ul style="list-style-type: none"> <li>Recipients</li> </ul> <p><b>Phase 2: Legal Education and Support Programme</b></p> <ul style="list-style-type: none"> <li>Senior freelancers: share experience as guest speakers</li> </ul> <p><b>Phase 3: Freelancer Support Booklet</b></p> <ul style="list-style-type: none"> <li>Share their gains from <i>Freelancer Matters</i></li> <li>Give advice on graphic design, translation, editing, etc.</li> </ul>
Student volunteers	<p><b>Phase 1: Online Community</b></p> <ul style="list-style-type: none"> <li>Assist in drafting legal document templates</li> <li>Write and upload legal articles</li> <li>Administer the website               <ul style="list-style-type: none"> <li>Monitor the forum regularly</li> <li>Select popular issues</li> </ul> </li> </ul> <p><b>Phase 2: Legal Education and Support Programme</b></p> <ul style="list-style-type: none"> <li>Draft summary of speakers' sharing after each workshop and upload them onto the website</li> <li>Assist in drafting correspondences if needed (e.g. inquiry letters, follow-up communication)</li> </ul> <p><b>Phase 3: Freelancer Support Booklet</b></p> <ul style="list-style-type: none"> <li>Editing, designing and typesetting</li> <li>Translate written articles into Chinese/English</li> <li>Write about their experience at <i>Freelancer Matters</i></li> </ul>
Pro bono lawyers	<p><b>Phase 1: Online Community</b></p> <ul style="list-style-type: none"> <li>Provide comments on the selected issues and drafted articles</li> </ul> <p><b>Phase 2: Legal Education and Support Programme</b></p> <ul style="list-style-type: none"> <li>Share legal knowledge as guest speakers (Phase 2.1)</li> <li>Provide legal services upon referral (Phase 2.2)</li> </ul> <p><b>Phase 3: Freelancer Support Booklet</b></p> <ul style="list-style-type: none"> <li>Write articles relating to his/her experience in the one-year cycle with <i>Freelancer Matters</i></li> </ul>
Trade unions or associations	<p><b>Phase 2: Legal Education and Support Programme</b></p> <ul style="list-style-type: none"> <li>Share knowledge (Phase 2.1)</li> <li>Connect freelancers with pro bono lawyers (Phase 2.2)</li> </ul> <p><b>Phase 3: Freelancer Support Booklet</b></p> <ul style="list-style-type: none"> <li>Promote the Booklet on their social media</li> </ul>
Live houses/cafe	<p><b>Phase 2: Legal Education and Support Programme</b></p> <ul style="list-style-type: none"> <li>Venue providers (Phase 2.1)</li> </ul>

# PROJECT TIMELINE AND DURATION OF ACTIVITIES

	2021												2022
	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	
<b>Phase 1: Website and Forum</b>													
Recruit student helpers	█	█											
Contact pro bono lawyers	█	█											
Student helpers training		█	█										
Website development		█	█										
Social media creation		█	█										
Legal research		█	█	█	█	█	█	█	█	█	█	█	
Run the website				█	█	█	█	█	█	█	█	█	
<b>Phase 2: Legal Education and Support Programme</b>													
Approach potential speakers	█	█											
Secure workshops venue or platform	█	█											
Promotion			█	█	█	█	█	█	█	█			
Conduct workshops (Phase 2.1)			█		█		█		█				
Legal support programme (Phase 2.2)			█	█	█	█	█	█	█				
<b>Phase 3: Freelancer Support Booklet</b>													
Summarize the one-year cycle								█	█				
Publish and distribute										█	█		

\*2021 January: Evaluation

## PROPOSED BUDGET

Item	Quantity	Cost per unit (HK\$)	Estimated expense (HK\$)
<b>Phase 1: Online Community</b>			
Website development	/	/	3,000
Website management	/	/	500
Promotion fees (advertising on social media) (per day)	/	/	1,000
<b>Phase 2: Legal Education and Support Programme</b>			
Workshop materials and stationery	250 (per workshop)	4	1,000
Allowance for speakers	/	/	5,000
Venue booking (per hour) *free if online at last	3*4 = 12 (hours)	300	3,600
Social media promotion (Facebook, Instagram, MeWe, etc.)	/	/	1,000
<b>Phase 3: Freelancer Support Booklet</b>			
Design and editing (per hour) (for collaborating freelancers)	50	100	5,000
Online publication	/	/	0
Promotion (Facebook, Instagram, MeWe, etc.)	/	/	1,000
<b>Evaluation</b>			
Online evaluation survey	/	/	0
<b>Total:</b>			<b>21,100</b>

## PROJECT MONITORING AND EVALUATION

Phase	Quantitative Evaluation
1	Number and types of legal document templates provided
	Number of blog articles posted on the website per month
	Number and variety of cases recorded in the case base
	Number of users (both active and non-active) of the online forum per month
	Click rate of the website (in general)
2	Number of participants of each workshop
	Number of successful matches of freelancers and pro bono lawyers
3	Number of unique downloads of the Booklet
General: user evaluation survey (throughout the one-year cycle) for all 3 phases	

# SUSTAINABILITY PLAN

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## Low Costs

If the pandemic continues, it is likely that most of our activities will be conducted online, which saves costs as we can use our own online platform resources that are free of charge, e.g. Zoom. We will also cooperate with other freelancer-oriented websites, unions or associations and if possible, ask for their favour to promote for us to save our promotion costs, with higher reachout rate and potential coverage.

## Pilot Scheme

Some of our phases are covering all general freelancers working in Hong Kong, while some specifically targets certain sectors (art and design). This serves as a “pilot test”: if successful in our 1st year (for the art and design industry), we can expand the programme coverage gradually after each successful cycle, e.g. the 2nd year may be aimed at the transport sector, the

3rd year accounting sector, etc. This ensures that our programme features can be improved and processes smoothened before introducing it to a large group of recipients, hence for each one-year cycle there can be a larger room for errors or fault. This also ensures that resources are not wasted as each year we will review the whole programme and ensure that it has positive feedback from freelancers served, i.e. it really makes an impact, before proceeding to the next year.

## Student Committee

We expect the project to be self-sustainable by setting up a student committee that is in charge of the programme in general. Student volunteers working for 2 or more than 2 years at *Freelancer Matters* will be invited to join the committee to brief new student volunteers and ensure smooth and continuous running of the programme by passing on skills and knowledge required to the next round of volunteers.

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# LAW FOR CHANGE STUDENT COMPETITION

TEAM <b>2</b>	PROJECT TITLE <b>Employees' Compensation Personal Injuries Network ("EC-PIN")</b>
MEMBERS	<b>Chen Yung                      Leung Hoi Yan Holly Lee Vivian Wei                Chau Yun Hang Wong Julie</b>
SCHOOL	<b>The University of Hong Kong</b>

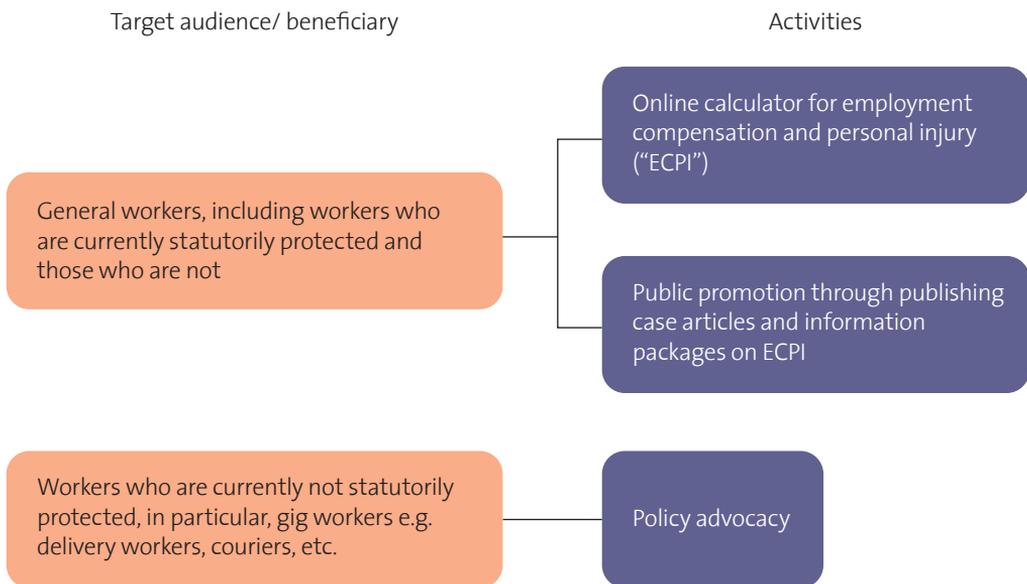
# OVERVIEW

## Project Summary

Employees' Compensation Personal Injuries Network ("EC-PIN") strives for easy protection of workers' rights to injury compensation. With 3 main components, this

project aims to empower both workers whose right to employees' compensation is statutorily protected and workers whose rights have not been recognized (figure 1).

**Figure 1 - Summary of activities and relevant target audience**



### 1. Relevance to the Theme of the Competition: "Resilience"

The constituents of community resilience are "local knowledge", "preparedness" and "proactive policy decisions". This project aims to help workers gain "knowledge" of their entitlement to sufficient injury compensation and caution employers and the wider community to be "prepared" to support and compensate work injury victims. Coupled with the rise of the gig economy, a resilient community requires up-to-date "policy decisions" that no longer neglect the right to injury compensation of gig workers.

### 2. Existing Available Remedies to Injured Workers

When a person is injured while working, he/she can now resort to remedies under different limbs, with respective availability depending on the circumstances of the injury and legal status of the worker:

#### Employees' Compensation Scheme under the Employees' Compensation Ordinance (Cap. 282) ("ECO")

Worker in a found employer-employee relationship can claim upon proving that the injury is an accident and arises out of and in the course of employment, or is a prescribed occupational disease.

An employer found to be liable usually pays through insurance companies. Insurance coverage in respect of all workers is stipulated in the ECO, and failure to observe the regulation is a criminal offence.

### Personal injuries actions

Any worker who suffers bodily injuries to claim compensation from the wrongdoer. The amount of compensation is generally higher and more comprehensive compared to that under the ECO, but claimants may risk litigation costs, and double recovery under both ECO and personal injuries actions is not allowed.

Workers who are not statutorily protected and bear their own risks, mostly gig workers, may recover the compensation against the insurer directly if they have purchased insurance schemes.

## 3. Social and Legal Need Assessment

### General workers: Lack of knowledge of rights

Under-informed or misinformed workers may not know whether they are eligible for compensation. In 2016, only 22,156 claims related to occupational injuries were made despite a total of 35,768 occupational injuries recorded by the Labour Department. Also, workers may omit important procedures in their applications, or are even time-barred from claiming compensation. There is currently no accessible public tool or system for injured workers to identify the injury compensation they are entitled to. An interview with Neighbourhood and Worker's Service Centre shows that most social workers handle these cases on a one-to-one basis. Social workers find it challenging to follow up on all cases especially when the injured workers are constantly approached or even harassed by insurance brokers representing the employers.

**i.e. Nearly 40% of all occupationally injured workers did not make a compensation claim.**

### Gig workers: Loopholes in Hong Kong laws

Gig economy generally refers to “the collection of markets that match service providers to consumers of on-demand services on a gig (or job) basis”.

Gig workers are not entitled to protection under the ECO regime and are only entitled to personal injuries claim and/or compensation under insurance schemes offered by their platform “employers”, which can be as minimal as USD\$45,000 in case of a death or permanent total incapacity.

Up till May 2020, the Hong Kong government has shown no legislative intent to widen the existing employment protection coverage to workers under the new models of economy.

**74% of our gig worker questionnaire respondents who had been injured during the course of work did not receive any form of compensation**

## 4. Objectives of the Project

1. To empower all workers through equipping them with knowledge of their right to injury compensation and tools to help them exercise this right;
2. To raise public awareness of the inadequate support given to workers, especially gig workers, and the law of employee compensation;
3. To collaborate with non-governmental organisations (NGOs), councillors and lawyers to put forward policy proposals to protect workers who are currently not statutorily protected, particularly gig workers.

# DETAILED PROJECT PROPOSAL

## Stakeholders

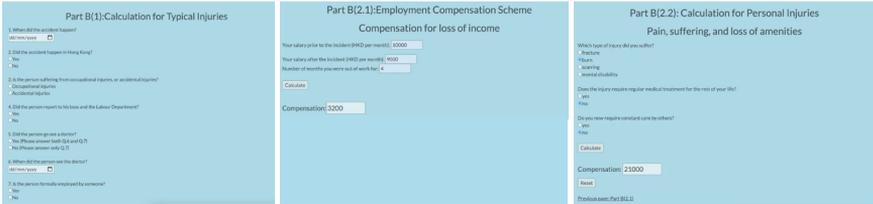
EC-PIN Project Directors (“we”)	to promote EC-PIN, establish the online calculator, draft policy papers, carry out research, coordinate all activities, etc.
NGOs that serve workers	to help promote the online calculator, supervise policy advocacy, distribute information packages, etc.
Law firm partner/ independent lawyers	to supervise and review the online calculator, review the information packages and policy paper.
University law students as student volunteers	to look up new cases for the online calculator, prepare case articles and information packages.
Computer science experts/ students	to support the technical operation of the online calculator.
Translators	to translate case articles and information packages.

## Summary of the Activities

Online ECPI calculator	We will establish an online calculator for personal injury and employment compensation to be incorporated into websites of NGOs.
	The calculator aims to provide the users with a brief picture of the availability and approximate amount of compensation they are entitled to.
	The calculator shall be user-friendly, easy to understand, for general reference but not of advisory purpose.
Public promotion of ECPI law through publishing Case Articles and Information Packages	Student volunteers will publish case articles on EC-PIN’s own social media platform and websites of NGOs.
	Information packages regarding various topics of the ECPI law will also be published regularly to promote ECPI law.
Policy proposal	We aim to motivate the Government and the Legislature to develop comprehensive and innovative policies and framework on safeguarding the right to injury compensation of gig workers. We will conduct research and draft policy papers under the guidance of lawyers and NGOs. We will also play a supervisory role to evaluate companies which predominantly engage gig workers. We aim to raise public awareness on the right to injury compensation of the gig workers to attract support from different stakeholders through petitions.

# Project Timeline and Targets to be Achieved

## 1. Online ECPI Calculator

Actions	Proposed Timeline
<b>Phase 1 - Research and Setting up Calculator</b>	
<p>We have established a flowchart, which will effectively guide the user to answer a comprehensive list of general questions (e.g. dates of accident and of filing claims, form of employment or engagement relationship, etc.).</p> <p>Users can operate the calculator simply by entering numerical answers according to instructions on the calculator, which will then process the answers using the formulas in the backend and generate the range of compensation.</p>	
<p><b>What does our ECPI Calculator offer?</b></p> <ul style="list-style-type: none"> <li>• Generate an approximate range of total compensation amount under different heads of claims;</li> <li>• Present basic information such as legal procedures involved in personal injury proceedings, time limit for the user to apply to the Court for employees' compensation and/or for filing a personal injury claim;</li> <li>• A short survey at the end to collect feedback from users.</li> </ul> 	
<p><b>Target:</b> An online calculator with all the requisite formula, statutory constants, legal procedures and a comprehensive database with at least 5 case laws per variable will be up and running by the end of March 2021.</p>	
<p>Conduct research on case laws on ECPI and set up a database by extracting data and information from case laws in the 4 particular areas:</p> <ol style="list-style-type: none"> <li>1. Statutory constants in the formula (e.g. discount rates, multiplier, Mandatory Provident Fund rate, etc.);</li> <li>2. Amount of compensation under heads of damages (e.g. PSLA, general future loss in working capacity);</li> <li>3. Distribution table providing the percentages of claimants getting different percentages of claimed compensation, and;</li> <li>4. Legal procedures involved in a claim for compensation.</li> </ol>	Jan - Mar 2021
<p><b>Establish the calculator</b></p> <p>We will build a database of data from case laws in the form of a Microsoft/ Google Excel sheet. HTML and CSS will be used for backend development of the calculator, which will consist of the actual formulas used to calculate the amount of compensation. HTML Javascript will be used to sculpt the user interface.</p>	
<b>Phase 2 - Testing</b>	
<p>We have invited and engaged Hong Kong Freelancer Server Union (HKFSU), Hong Kong Confederation of Trade Union (HKCTU), Neighbourhood and Worker's Service Centre and lawyers whose expertise lies in personal injuries actions, including Mr Normal Hui and Mr Edward Poon, as advisors to the calculator.</p>	
<p><b>Target:</b> An online calculator, which is accurate and user-friendly, will be approved by lawyers and NGOs and will be ready for public use by the end of April 2021.</p>	
<p>Review by lawyers on its legal position and accuracy and by NGOs on its user-friendliness</p>	Apr 2021
<p>Recruit at least 10 workers to test and comment on the calculator</p>	
<p>Refine calculator to eliminate problems discovered during the review and testing sessions</p>	

Actions	Proposed Timeline
<b>Phase 3 - Launch</b>	
We will host the calculator in a webpage. We will also provide training to NGOs as to the operation of the calculator.	
<b>Target:</b> The online calculator will be readily accessible by the public and NGOs will be ready to support workers on using the calculator by the end of May 2021.	
Design and build a webpage to host the calculator	May 2021
<ul style="list-style-type: none"> <li>The calculator will be attached to a website domain/server, which will be connected to a Firebase console for security and Google Analytics to monitor usage of the calculator.</li> <li>A pop-up window displaying a liability exemption clause which the user has to accept before using the calculator will be incorporated into the website so as to avoid possible liability issues.</li> </ul>	
Incorporate the calculator webpage into the NGO's website	
Provide at least 2 hours of training to NGOs in case they receive enquiries from workers	
<b>Phase 4 - Promotion</b>	
We will design promotional materials to promote the online calculator, which will be reviewed, approved and distributed by collaborating NGOs.	
<b>Target:</b> At least 1,000 interactions with the calculator will be achieved within 6 months after the calculator is launched, with over 80% "positive feedback" from the user survey.	
Design promotional materials, including web banners and leaflets	Apr 2021
EC-PIN's promotional materials reviewed, approved and distributed by NGOs through <ul style="list-style-type: none"> <li>Distribution of 1,000 leaflets about the calculator in the center(s) of the NGOs;</li> <li>Sharing Facebook posts of EC-PIN biweekly or monthly, and;</li> <li>Incorporating our web banners into the websites of the NGOs permanently.</li> </ul>	May 2021 onwards
<b>Phase 5 - Regular Update and Evaluation</b>	
The formula and variables in the calculator will be updated regularly since the courts regularly adjust the amount of compensation stipulated by statute and the maximum claimable amount according to inflation. We also evaluate the usage rate, accuracy of the outcome and effectiveness of the calculator internally and with our advisors.	
<b>Target:</b> The calculator will be constantly improved in various aspects.	
Bimonthly update on database by extracting data and information from the most updated case laws	May 2021 onwards
Half-year internal evaluation amongst Project Directors	
Annual evaluation with NGOs and Lawyers	

## 2. Public Promotion of ECPI Law through Publishing Case Articles and Information Packages

Actions	Proposed Timeline
<b>Phase 1 - Research and Preparing Case Articles and Information Packages</b>	
<p>We will recruit and instruct student volunteers, who will read cases on ECPI law and write case articles. Student volunteers will also produce information packages which will take the form of reader-friendly and engaging infographics and social media posts so as to reach out to audiences effectively. Case articles will be reviewed by Project Directors and information packages will be reviewed by lawyers so that the materials are accurate and error-free to avoid misleading the workers and the general public.</p> <p>Given that workers have diverse ethnic backgrounds, the case articles and information packages will be translated into Urdu, Hindi, Punjab and Tamil as basic information should be made accessible to all people.</p> <p><b>Target:</b> At least 10 case articles will be completed on a monthly basis, subjected to the number of ECPI cases per month, and 5 information packages will have been produced by the end of 2021. The case articles and information packages will be translated to at least two other languages apart from Chinese and English.</p>	
Recruit around 6-10 LLB/JD student volunteers from HKU by promotion through posting up posters, sending mass emails and brief presentations during lecture breaks	Mar - Apr 2021
Recruit at least 2 translators with the help of NGOs	
Conduct research on the latest cases on ECPI law by student volunteers (in groups of 2) and write 1-2 case articles weekly, which will be reviewed by Project Directors before publication	 May 2021 onwards
<p>Prepare at least 5 information packages on ECPI law by student volunteers, which will be reviewed by lawyers before publication.</p> <p><b>Information package 小冊子</b></p> <p>The following are some suggested themes of the information packages:</p> <ol style="list-style-type: none"> <li>1. What are accidents arising out of and in the course of employment;</li> <li>2. Compensable occupational disease;</li> <li>3. Legal procedures involved in personal injury proceedings;</li> <li>4. Time limit for an application to the Court for employees' compensation and/or for filing a personal injury claim;</li> <li>5. Heads of damages for a non-fatal claim and that for a fatal claim;</li> <li>6. Application of Legal Aid.</li> </ol>	 Sep - Nov 2021
Translation of case articles (from May 2021 onwards) and information packages (from Dec 2021 onwards) from Chinese and English to Urdu, Hindi, Punjab and Tamil by translators	May/ Dec 2021 onwards
<b>Phase 2 - Publish</b>	
<p>The case articles and information packages will be published on our own social media platform and websites of NGOs, and distributed in the form of booklets with the help of NGOs.</p> <p><b>Target:</b> Public awareness on the law of ECPI is raised through achieving over 10,000 interactions with our social media within 6 months. We will also ask NGOs for feedback from the readers to see how we can improve in terms of the content and delivery of the case articles and information packages.</p>	
Publish case articles online through our social media and websites of NGOs upon review and approval by NGOs	May 2021 onwards
Publish information packages online through our social media and websites of NGOs upon review and approval by NGOs	Jan 2022 onwards
Distribute 1,000 printed information package booklets in the NGOs' center(s), in which at least 10% of the printed packages are in languages other than Chinese or English	Feb 2022
<b>Phase 3 - Repeat Phase 1 to 2 on a yearly basis</b>	Mar 2022 onwards

### 3. Policy Advocacy

Actions	Proposed Timeline
<b>Phase 1 - Research and Public Engagement</b>	
<p>We have engaged HKFSU and HKCTU who will be onboard of our policy advocacy for gig workers. We will also engage lawyers and law firms to supervise our research and policy paper drafting. Apart from conducting research and identifying possible models or policies to protect the right to injury compensation of gig workers, we wish to play a supervisory role with the help of NGOs to evaluate companies (mostly delivery/ takeaway platform companies) that predominantly engage gig workers.</p>	
<p><b>Target:</b> 2-3 viable policies, frameworks and models that are currently adopted by or under consideration in foreign jurisdictions will be identified and comprehensively analysed. We will also interview and have received questionnaire feedback form from at least 100 gig workers on evaluating various companies.</p>	
<p>Conduct research on protection of right to injury compensation of gig worker in other jurisdictions under the guidance of lawyers and NGOs</p>	Jan - Apr 2021
<p>Distribute questionnaires to and interview at least 100 gig workers (who each ideally works in more than two of the delivery platform companies for effective comparison) to understand the following:</p> <ul style="list-style-type: none"> <li>• the amount of injury compensation and coverage of compensation scheme offered by each individual company that engages gig workers;</li> <li>• other relevant policies of each individual company that engages gig workers, and;</li> <li>• how responsive the company is in the event that a worker is injured in the course of work</li> </ul>	
<p>Approach companies that mainly engage gig workers (mostly delivery/ takeaway platform companies) to know more about their mechanism when handling injured gig workers</p>	
<b>Phase 2 - Policy Paper</b>	
<p>We will draft a supervision report per company to present the questionnaire and interview outcomes, which may possibly (and foreseeably) point to minimal injury compensation available and lack of responsive policies to support injured gig workers. The series of supervision reports will be incorporated into the policy paper, which we will draft to present all our research findings. The policy paper will be reviewed by lawyers and NGOs and further revised.</p>	
<p>Draft one supervision report per company to evaluate the following through a quantitative scoring system for effective comparison:</p> <ul style="list-style-type: none"> <li>• the coverage of injury compensation scheme;</li> <li>• relevant policies to support injured workers, and;</li> <li>• responsiveness to accidents of each individual company that engages gig workers.</li> </ul>	May - Aug 2021
<p>Prepare a policy paper to recommend reform on protection of labour rights of gig worker, covering the following aspects:</p> <ul style="list-style-type: none"> <li>• Problem identification, i.e. existing legal need to injury compensation of gig workers;</li> <li>• Supervision report of every company to show the inadequacy of the injury compensation and the lack of existing remedies available to gig workers;</li> <li>• Policies that are currently adopted by or under consideration in foreign jurisdictions;</li> <li>• In-depth analysis of the applicability of the above policies, frameworks and models to Hong Kong;</li> <li>• Suggestion(s) jointly put forward by the EC-PIN team, HKFSU, HKCTU and other NGOs, etc.</li> </ul>	Jun - Aug 2021
<p>Comment on the first draft of the policy paper by NGOs and lawyers</p>	Sep 2021
<p>Revise the policy paper</p>	Oct 2021
<p>Comment on the second draft of the policy paper by NGOs and lawyers</p>	Nov 2021
<p>Revise and finalise the policy paper</p>	Dec 2021

Actions	Proposed Timeline
<b>Phase 3 - Submission and publication of the policy paper</b>	
<p>We will submit the policy paper to various government departments and LegCo members in hopes that they would consider the policies advocated in the paper. We will also publish the policy paper to the public so as to raise public awareness, and to pressurize the companies to enact better policies to safeguard the workers which they engage. To aggregate support from the public, we will promote our policy advocacy online (e.g. through petitions on <a href="http://www.change.org">www.change.org</a> or Google Forms) and by setting up street booths. Petitions which have successfully met the target number of signatures will be sent to the government departments and LegCo members.</p>	
<p><b>Target:</b> The policy advocacy will achieve at least 50,000 signatures in petitions and receive feedback from at least one governmental department or LegCo member within 12 months of submission and publication of the policy paper.</p>	
<p>Submit the policy paper to Labour Department, Housing Department and LegCo Members</p>	Dec 2021
<p>Publish the policy paper on websites of NGOs and labour unions, in newspaper and media outlets</p>	
<p>Online and street booth petitions</p>	Dec 2021-Jan 2022
<p>Revise and finalise the policy paper</p>	Dec 2021

## Budget

EC-PIN adopts a cost-efficient model by utilizing online promotion of activities and support from student volunteers predominantly. Most of the costs incurred

will concern requisite technical support, promotion and printing of materials to raise awareness on ECPI law and incentivize the public to support our cause. Our budget plan is as follows.

Activity	Item	No. of units	Cost per unit (HK\$)	Expected expenditure (HK\$)
Online ECPI Calculator	Purchasing VPS Hosting	1/year	480	480/year
	Purchasing a website domain/server	1/year	86	86/year
	Purchasing SSL Certificate	1/year	500	500/year
	Assistance from IT experts	-	-	5,000 for the first year 2,000/year for subsequent years
	Printing feedback survey of the calculator	20	2	40/year
	Disbursements for interviewed workers	20	200	4,000/year
	Printing training workshop handouts	40	10	400/year
	Printing promotional leaflets	1,000	0.5	500/year
<b>Sub-Total:</b>				<b>11,006</b> for the first year <b>9,006</b> /year for subsequent years
Public Promotion through Publishing Case Articles and Information Packages	Printing posters for student volunteers recruitment	20/year	2	40/year
	Printing information booklets	1,500/year	10	15,000/year
	Translation Cost (e.g. From Chinese and English to Hindi, Urdu, etc.)	-	-	3,000/year
	Advertising on social media	-	-	500/year
<b>Sub-Total:</b>				<b>18,540</b> /year
Policy Advocacy	Printing policy papers	30	20	600
	Roll-up banner for street booths	2	150	300
	Foldable table for street booths	1	625	625
	Pen for street booths	10	7	70
	Clipboard for street booths	5	10	50
<b>Sub-Total:</b>				<b>1,645</b> (to be incurred in the first year)
<b>TOTAL:</b>				<b>First year: HK\$31,191</b> <b>Second year onwards: HK\$29,191/year</b>

# MONITORING, EVALUATION AND IMPACT ASSESSMENT

The goals of our project are listed based on the COM-B model in figure 2. Through evaluation meetings, EC-PIN Project Directors will review whether the targets per phase of each activity (figure 3) were met, which would

progressively lead to the attainment of our ultimate goal - easy protection of workers' rights to injury compensation.

**Figure 2 – Goals of EC-PIN under the COM-B Model**

1	Psychological Capability	Enhance workers' knowledge of their right to injury compensation
2	Reflective Motivation	Enhance workers' appreciation of their entitlement to sufficient injury compensation and optimism in the system
3	Automatic Motivation	Incentivize and caution employers to and compensate work injury victims; pressurize companies that engage gig workers to enact better policies
4	Physical Opportunity	Aggregate resources from and connections with NGOs, councillors, lawyers and student volunteers
5	Social Opportunity	Raise public awareness of the inadequate support given to both general and gig workers

**Figure 3 – Targets per phase under the COM-B Model**

Outcomes (aligned with targets) and stakeholders' feedbacks	Goals based on the COM-B model				
	1	2	3	4	5
<b>Online ECPI Calculator</b>					
An online calculator, upon approval by lawyers and NGOs, will be readily accessible by the public and NGOs will be ready to support workers on using the calculator by the end of May 2021	•	•	•		
Constant improvement of the calculator	•	•	•		
User feedback: At least 1,000 interactions with the calculator within 6 months after launch and over 80% 'positive feedback' from the user survey, both with an increase of not less than 5% annually	•	•	•		
<b>Publishing Case Articles and Information Packages</b>					
At least 10 case articles per month and 5 information packages per year in at least 4 languages	•	•	•		•
Over 10,000 interactions with our social media within 6 months, with a 10% increase annually	•	•	•		•
User and NGO feedback: Evaluate and make changes as to how we can improve in terms of the content and delivery of the case articles and information packages	•	•	•		•
Lawyer feedback: Feedback on the quality of the case articles and information packages				•	
<b>Policy advocacy</b>					
Feedback from at least 100 gig workers working for various platform companies			•	•	•
At least 50,000 signatures in petitions			•	•	•
Public feedback: Positive feedback from at least one governmental department or LegCo member within 12 months of submission and publication of the policy paper			•	•	•
Public feedback: Response from companies that predominantly engage in gig workers and noise from the general public			•	•	•

# SUSTAINABILITY PLAN

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EC-PIN provides a free, accessible tool for calculating an approximate range of total compensation amount and present essential information such as legal procedures, and a free, accessible platform for knowledge dissemination to enhance the knowledge of their right to injury compensation of both workers and the general public, as opposed to the conventional model of individual consultation sessions. The number of service users that can be reached is far greater than handling cases on an incidental basis.

Engaging student volunteers to write case articles and prepare information packages annually also saves cost while keep the publication running perpetually.

The policy proposal will be a long-term project aiming to make noise from the general public and the media. The EC-PIN Project Directors and the NGOs will keep aggregating public opinion, attracting media attention and refining the proposal until we meet the goal of receiving feedback from at least one governmental department or LegCo member and response from companies that predominantly engage in gig workers.

2020

# LAW FOR CHANGE STUDENT COMPETITION

TEAM <b>3</b>	PROJECT TITLE <b>L-E-T's Begain</b>
MEMBERS	<b>Lau Ka Yiu</b> <b>Lo Long Ching</b> <b>Mak Chun Kei, Ryan</b> <b>Ngai Wing Sze</b> <b>Tsang Chun Wai</b>
SCHOOL	<b>The University of Hong Kong</b>

# PROBLEM ANALYSIS

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## Hong Kong's Housing Problem and the Consequent Subdivided Flat Problem

Hong Kong has been plagued by the lack of housing for decades. It is the most expensive housing market worldwide. Public housing is also inadequate.

- Hong Kong tops the chart as the most expensive property markets worldwide (CBRE, 2020).
- The average waiting time for public housing is 5.6 years (Housing Authority, 2020).
- The average rent for a one-bedroom apartment in Hong Kong ranges from HKD 12,000 to 20,000 per month (Rating and Valuation Department, 2020).

Due to the lack of public housing, the underprivileged have to resort to renting subdivided flats.

- There are over 122,000 'subdivided' flats in Hong Kong (Housing Authority, 2020). This figure may be significantly underestimated, according to NGOs.
- These flats house over 200,000 tenants, which, again, may be understated.
- Average living space, 50 square feet per person, is the same as that of prisoners (SCMP, 2017).
- The median monthly rental payment for these flats is HKD 4,200, around half the income of those living inside (Census and Statistics Department, 2015).
- Only 1/4 of the tenants were satisfied with the general conditions of the flat (Policy 21, 2013).

## Methodology

There are 3 major stakeholders for our project: tenants (SFTs), landlords and NGOs. To understand their current situation, needs and views towards our project, we used the following methods:

### Tenants:

- Questionnaire: through our cooperating NGOs, we released our questionnaire to Sham Shui Po SFTs. We collected 20 responses.
- Face-to-face interview: we also visited Sham Shui Po to talk with SFTs in street interviews. We successfully approached 10 tenants.
- Talk: we organised a legal talk in September and discussed with various tenants before and after the talk about their current situation.

### Landlords

- Online interview: 2 landlords of subdivided flats accepted our interview request.
- Rent Simulation: during our visit to Sham Shui Po, we also pretended to be interested in subdivided flats and communicated with agents and landlords.

### NGOs

We distributed our survey to social workers of our partnering NGOs, Have A Good Home and Concern for Grassroots' Livelihood Alliance, and received 5 responses. Pursuant to their answers, we conducted follow-up online interviews with 2 social workers.

### Tenants

From the survey, we observed that a lot of the conflicts or dissatisfaction with their landlords are rooted in poorly constructed contracts. This primarily includes problems like repair responsibility, electricity and water fees, termination of contracts, rent increases, etc. Most of these problems can be solved by clearer contractual terms. However, most of the respondents reported a lack of legal knowledge or support, with their main legal advisor only being close family and friends instead of professional help. However, it should also be noted that some tenants we met during the talk were quite knowledgeable when it comes to their rights and were well aware that their contractual terms are ambiguous.

Concluding from our experience of interviewing the Sham Shui Po SFTs, we realized the limitation of relying on NGOs to approach our target audience. The tenants that NGOs are in contact with are those who already have a certain degree of awareness. However, there are still a significant number of tenants who are not reached by NGOs and have little knowledge on their rights. In our interview with our tenant on the street, she mentioned to us the renovation argument she had with the landlord. We recommended her to approach Have a Good Home, an NGO which provides free renovation service. She was shocked to find out the help available to her as she seldom uses social media and people in her social circle do not have such information, too.

## Landlords

Similar to our findings with tenants, the landlords also reported that they often obtain the tenancy contracts from agents or stationery shops. Most disputes arise from repairs. Excessive charges on water and electricity were also common.

The landlords mentioned 2 methods of negotiation of the tenancy contract: face-to-face or through communication software (e.g. WhatsApp). Most landlords would not mind having students negotiating a contract with the tenants as they do not view students as threats. The primary concern for them is to receive rent on time. Negotiation is even beneficial to them since they may save time explaining or bargaining duties afterwards.

## NGOs

Existing services provided by NGOs include talks, voluntary repairs services, helping tenants apply for various welfare, etc. The NGOs have no previous experience of accompanying tenants in their negotiations with landlords.

The biggest problem that NGOs face is the lack of legal knowledge. They could only provide solutions to tenants based on previous experience, but not the law. Most of the legal services and advice they could access are one-off.

## Existing Services Available for SFTs

Current Service Provider	Type of Services	Target Tenants	Scope of problem to be addressed	On 1-5, to what extent the tenants' legal needs can be addressed in long-term?
Faculty of Law in HKU	Free legal advice scheme	Tenants who have basic legal awareness to seek help from NGO	Assist tenants to resolve legal dispute	2 - The case intake only 3 rounds each year - Only cases with sufficient education value for law students will be given legal advice - SDT's lack of legal knowledge and unequal bargaining power remained unsolved
Outreach Legal Talk Initiatives	Free legal education talks	Tenants who have basic legal awareness to seek help from NGO	Educate tenants on basic legal knowledge on resolving disputes	3 - Proved increase in tenants' general legal awareness from directors and volunteers - Tenants are unable to put those learnt skills into actual practice
Good House	Social Property agent to link conscientious falt owners with SDTs	Tenants who have basic legal awareness to seek help from NGO	Match with conscientious landlords to prevent legal disputes and unfair treatment from arising	2 - Only 8 SDTs could benefit last year - The service is not attractive to general landlords since (1) rent is 20% lower than market price (2) the tenancy terms are more favourable to SDTs in general (3) limitations are imposed on landlords
NGOs (HKSHK Lady MacLehoe Centre)	Free legal talk, advice on tenancy agreement, advocacy of housing policies, free household repair services	Tenants who have basic legal awareness to seek help from NGO	Resolving disput, improving tenants living condition under unfair treatment	4 - Address tenants' all rounded needs - Some social workers may not be sufficient clear with certain legal terms - Lack of resources and manpower to deal with case-by-case and provide 1-on-1 bargaining service

As shown by this comparison, there exists several service deficiencies, which we aim to solve:

- The lack of outreach to SFTs that do not have legal awareness to seek help from NGOs
- Unsustained services with limited impact
- The lack of understanding on the practical situation of tenants and/or legal principles
- The focus on resolving disputes, instead of preventing disputes from arising

## The Importance of Pre-contractual Negotiation

Analysing previous court judgments and textbooks, we discovered that both the common law and statutes do not afford great protection to tenants. For instance, the statutory regime of protection regarding the repairs problem consists of only the Buildings Ordinance (Cap. 123) and the Public Health and Municipal Services Ordinance (Cap. 132). Provisions of these 2 Ordinances mandate owners to remedy a “dangerous” building or to cleanse the property respectively. These are extremely low standards of protection. Landlords have no statutory obligation to do anything above these standards and repair any furniture or appliances, even if they malfunction due to fair wear and tear. Hence, the main source of rights of the tenants come from the rental contract.

However, many of the contracts currently used contain a lot of grey areas, as discussed below. In reality, tenants have minimal rights. Many tenants reflected that they simply have no bargaining power after signing the contract, since the landlord can just threaten to not extend the contract or reduce the repayment of deposit. Hence, according to our survey, most would simply not take action even if disputes arise, instead bearing the costs of repairs or electricity and water themselves.

Therefore, pre-contractual negotiation is paramount in protecting the rights of SFTs. Tenants have the greatest bargaining power in this phase and can bargain for fairer and more specific contract terms. As courts place great respect to the contractual terms signed by the parties, should disputes arise, tenants would be in a much better position.

## Comparison of Different Contracts

We compared three different types of contract: HKU contract, regular “street” contracts sold in stationery shops and an “equality” contract promoted by various NGOs.

Common Problems related to Tenants	HKU Contract	Street Contract	Equality Contract
<b>Late rent payment</b>	Specified	Unspecified	Unspecified
<b>Landlord entry into the apartment</b>	Only in cases where the tenant is in violation of the contract, and with reasonable notice.	The tenant cannot reject entry of the landlord for inspection purposes.	Unspecified
<b>Repairment Responsibility</b>	Detailed and specified	Brief clause stating that the tenant is responsible for any damages.	Detailed and specified. Landlord is responsible for most repairs.
<b>Deposit at the end of the contract</b>	Returned in 15 days, and only deductible if there are damages to the property, with detailed provisions.	Returned in 7 days with undetailed provisions on deductibility.	Unspecified
<b>Continuation of Contract</b>	Not specified	If the tenant wishes to continue the contract, there must be a one-month written notice, otherwise there will be a penalty of one-month rent.	If there are no violations of contract by the tenant, the landlord must continue signing onto another contract. The rent in subsequent contracts are limited to a maximum of 10% increase.
<b>Termination of Contract</b>	Procedural clauses	Procedural clauses AND Additional clause that if there is a government-mandated demolish or redevelopment, the tenant must move out without any compensation from the landlord.	The landlord cannot prematurely terminate the contract, other than the reason below: If the landlord or tenant wants to terminate the contract as a result of government redevelopment or allocation of public housing, either side can terminate the contract with at least six months and one month of notice respectively.

As shown by the above comparison, “Street” Contracts contains many unspecified terms and restricts the rights of tenants. The “Equality” Contract, albeit being more tenants-friendly, would not be accepted by most landlords according to the 2 landlords we interviewed. The HKU Contract, on the other hand, roughly balances the rights of landlords and tenants. During our rent

simulation, we showed the contract to the landlord, and claimed that we wanted to sign it instead of the stationery shop contract. He was quite satisfied with the terms inside, with only one requirement of adding a term confining the purpose of the leased apartment to residential use. Therefore, the HKU contract is the most suitable for us in implementing the project.

# PROJECT PLAN

We aim to assist subdivided flat tenants in addressing their tenancy problems through pre-contractual negotiation. To do so, we have to increase the awareness of tenants to their rights and provide 1-on-1 bargaining services.

## Strategy: Precise Identification of Target Audience

As per our findings in the problem analysis, there is a wide variation of (1) level of awareness on legal rights and (2) reliance on NGO among tenants. Hence, we have designed a model to clearly identify our target audience and their respective needs.

As seen from the flow chart, tenants (pre-program) are divided into three categories (Types 1, 2 and 3). We would adopt three different ways to approach them and advertise our program. It is hoped that all three types of tenants would arrive at Type 4 or 5 after Stage 1 of our program. Stage 2 of our program targets Type 5 tenants. Our ultimate aim is to create behavioural change, so that the tenants would proactively take action to secure their rights and negotiate with the landlords (Type 6).

## Project Development

### Stage 0: Preparation Phase

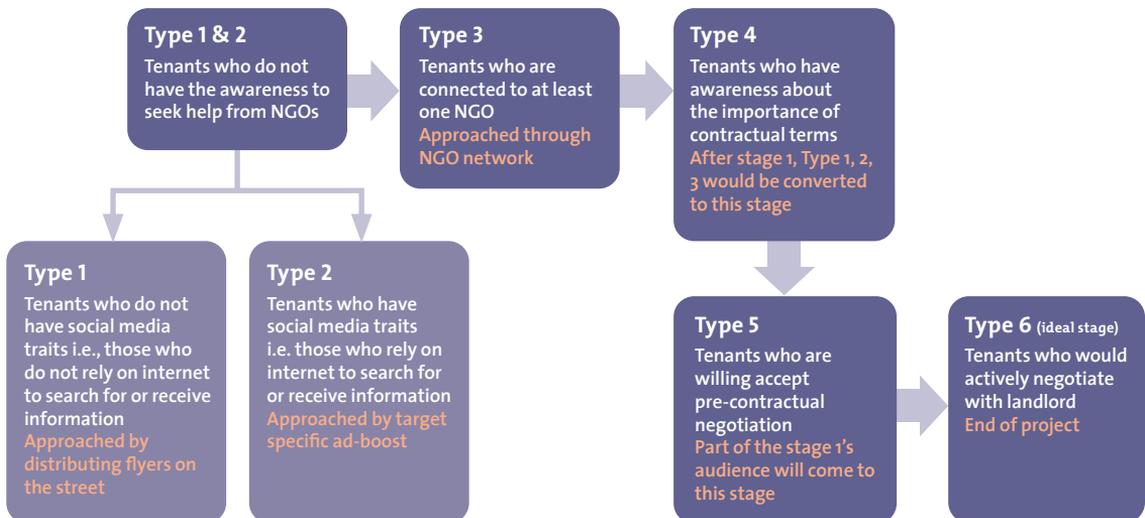
- **NGOs**

We will cooperate with organisations which have established networks with SFTs. Our cooperation domain would include:

- Outreach to potential target audience in need
- Adjust and amend our project absorbing their advice
- Exchange insights on the legal issues of subdivided flats

We have already engaged with an NGO (Have a Good Home) which provides free renovation services for SFTs and assists them on various tenancy problems. In September, we organized a legal education talk on the five major contractual conflicts between the tenants and the landlords, with around 30 tenants attending. Regular meetings are held and they have provided valuable advice on our project implementation from their past experiences.

### Flow chart on the categories of our targets and their behavioural change through our project



- **Student helpers**

We aim to recruit a team of 10-20 students. We will apply for HKU's SELECT program to receive various forms of support (e.g. sending mass emails) from the Faculty. The endorsement from the Faculty would also be useful in building our reputation to attract more applications.

- **Legal Practitioners**

We will contact 2-3 experienced practitioners with an Alternative Dispute Resolution background. They would conduct seminars to equip students with the necessary knowledge and skills to carry out pre-contractual negotiation. We have already approached a barrister with background in arbitration in Hong Kong and she conducted an introductory session on negotiation with us.

- **Other Similar Initiatives**

There are similar organisations providing legal talks to the SFTs, such as OUTLET (winner of 2017 Law for Change Competition). Cooperating with them to carry out Stage 1 would create a win-win situation, as we can exchange resources and knowledge on the content of the talk. In the long-term, we would focus on collaboration in holding physical talks, so that we can allocate our manpower to other aspects and stages of our project which are more innovative and could bridge the service gap.

## Stage 1: Education

**Target Audience:** All subdivided-flats tenants

**Form:** Talks and information packs

**Objectives:** To increase the subdivided flats tenants' awareness on the impact of contractual terms, thus encouraging them to consider pre-contractual negotiation.

**Target:**

- 150 SFTs @ 5 physical talks
- 1500 SFTs @ online talks and materials
- 500 information sheets distributed to SFTs @ street stands

**Details: Physical talks** would be held addressing tenants' concern on the tenancy issues they may face in order to raise their awareness. The talks mainly focus on the following four issues: (1) Unreasonable Deduction of Deposit, (2) Repairs Responsibility, (3) Electricity and Water Bill and (4) Tenancy End-Term.

**Our approach in the talk:** We would first introduce the concepts by raising some daily-life examples so that it would be easier for them to understand. We will then talk about how conflicts occur and analyse the relevant cases, as well as explain why it is difficult for them to argue with the landlords when conflicts arise and how pre-contractual negotiation can help.

In addition to the physical talk, we would also have an online streaming session to reach out to more tenants. Furthermore, as stated by NGOs, the opportunity cost of tenants to attend a talk is quite high, as the talk usually takes 2 hours and some of them might not be available. Thus, we would also make a series of videos (<5 minutes each) summarizing key aspects of the talk and post it on all our partnering NGO's Facebook pages (targeting type 3 tenants) and our own Facebook page (and other social media platforms as well).

**Distributing information packs** is an effective way to help us to deliver a concise summary of our content. We will spread the information pack in two ways: (1) through distributing it on the street (targeting type 1 tenants) and (2) online (targeting type 2 tenants). When distributing it on the street, we will include a small gift alongside with the information pack in order to encourage the tenants to read it. As for online, we will utilize social networking apps (Facebook) and messaging apps (WeChat, WhatsApp). We will conduct a social media campaign and design funny posts on tenancy issues, and spread them through our partnering NGO pages. For WhatsApp and WeChat, we will use different MEMEs or create different funny WhatsApp stickers to spread in their discussion groups. We will purchase advertisement recommendations on both Facebook and WeChat. We included WeChat specifically as around 1/6 of tenants are new-comers from Mainland (Census and Statistics Department, 2016) and use WeChat as their daily communication platform.

## Stage 2: Bargaining Service

**Target Audience:** Tenants that are going to renew their contracts soon

**Form:** For face-to-face negotiation, we would either (1) accompany the tenants to bargain with the landlord, or (2) provide 1-on-1 detailed consulting before the negotiation process, depending on whether the landlords are comfortable with having a student

around. For online negotiation, we would communicate with the tenant throughout the negotiation process.

**Objective:** To negotiate a fairer contract that states clearly the rights and liabilities of the tenants and landlords.

**Target:** Around 15 tenants converted from Stage 1

**Details:** As analysed in problem analysis, the so-called 'standard contracts' adopted by the landlords often do not state clearly the liabilities of each party and are considerably harsher to the tenants. In our bargaining service, we would first invite lawyers to provide training sessions to our student helpers recruited. Our aim in this bargaining session is to persuade the landlord to adopt the HKU standard contract.

Reaching out to our targets is key. We must be able to identify and help our targets before the negotiation begins. Therefore, we would promote our services through various channels—our information packs, posters (in community centres or NGOs and other places tenants would usually visit), our talks and our cooperating NGOs.

We understand that the negotiation process involves 2 parties. Not only the tenants need to benefit from the contract, but landlords also. Hence, we will propose some practical benefits to landlords to convince them to sign the HKU contract:

- Prepayment of rent: the 2 landlords we interviewed were very enthusiastic about this benefit as this satisfies their need for the tenants to be able to pay the rent on time.
- Longer tenancy agreement: the landlords also showed interest about this as the security level would be higher as well.
- Reduce disputes later on: a benefit that would arise from signing a fairer and clearer contract is that any disputes arising later could be solved swiftly based on the contractual terms. However, the landlords were not entirely convinced with this benefit as it is not very significant.

We are currently reaching out to tenants that may require our services through our partnering NGOs. This would help us test out the feasibility of the proposal

and discover ways to improve the details of our services (e.g. any other benefits we could propose, ways that we could frame the contract terms).

### Stage 3: Cooperation

**Target Audience:** NGO workers, tenants and landlords

**Form:** Workshop, hotline for NGOs, matching platform

**Objective:** Achieve a long-term and sustainable platform in behavioural change

**Target:**

- 2 workshops held
- A platform matching 5 tenants and landlords

**Details:** We aim to establish a long-term relationship with NGOs, in which the NGO would provide substantive help to the tenants and we would offer legal advice, so that we could supplement each other.

For example, we analysed a few small claims tribunal cases involving landlords' unreasonable deduction of deposit due to defaults in furniture/wall, and realised the court would accept the decoration workers' statement on the actual cost needed to renovate as expert opinion. The NGO could help the tenants to examine the defaults and provide quotation as they have an established network with the decoration workers.

We realise that not just subdivided flats tenants but NGO workers also want to learn more about legal knowledge on tenancy issues. Therefore, we wish to organise 2 workshops aiming to educate and discuss with workers from various NGOs tenancy issues. Moreover, a hotline for NGO workers to find us for urgent legal questions could also be set up to further help them.

On top of that, from our experience of dealing with subdivided flat landlords, we observed that the bargaining power of the tenants would increase when the tenancy agreement is signed by the landlord and tenants directly. As this will save the landlords the commission fee paid to the real estate agents, they will be more tolerant to the tenants' request. Therefore, by setting up a platform and provide free agency service in matching tenants and landlords, we can significantly increase the tenants' bargaining power.

We will mandate the contract to be adopted must be the fairer HKU version of standard contracts and our student helpers would assist the parties in negotiating the details of the contracts. Differing from other similar initiatives providing free matching service, our terms are less demanding on the landlords thus would motivate the them in joining our platform.

### Project Timeline

Our project would start preferably from January 2021. Below is a cycle of our project. More cycles could be run, with previous experience and evaluation helping us to improve elements of our project.

Activity	Plan start	Plan duration	Months																					
			1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22
<b>Stage 0</b>																								
Finding partners	1	4	█	█	█	█																		
<b>Stage 1</b>																								
Legal research	1	2	█	█																				
Creating talk materials and information packs	3	3			█	█	█	█																
Holding talks, uploading videos and distributing the packs	6	8							█	█	█	█	█	█	█	█	█	█						
<b>Stage 2</b>																								
Testing out and improving our services	3	6			█	█	█	█	█	█	█	█	█											
Provide bargaining services	9	8												█	█	█	█	█	█	█	█	█	█	
<b>Stage 3</b>																								
Workshops for NGOs	6	5							█	█	█	█	█	█										
Hotline for NGOs	3	20			█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	
Matching Platforms	14	9																						

# PROPOSED BUDGET

All items listed in the proposed budget will be covered by the HK\$50,000 awarded to the winning team. However, measures to reduce costs may be available subject to negotiation. For example, our team may

reach out to universities and relevant NGOs for free venues. The negotiable items have been marked with an asterisk (\*).

Category	Item	Cost per unit (HK\$)	Quantity	Estimated expense (HK\$)
<b>Phase 0: Preparation</b>				
<b>Promotion</b>	Printing and Stationery	-	-	500
	Social Media (FB, IG, etc.)	50	100	5,000
<b>Recruitment</b>	Venue booking for Recruitment Talks (per hour)* Tentative: 3 Talks, 1 hour each	500	3	1,500
	Venue booking for Interviews (per hour)* Tentative: 4 Interviews, 0.5 hour each	250	2	500
<b>Phase 1: Legal Talks and Information Packs</b>				
<b>Operational</b>	Printing and Stationery	-	-	500
	Venue booking for Bargaining Service (per hour)* Tentative: 15 services, 1 hour each	500	10	5,000
	Videos Creation	-	-	15,000
<b>Phase 2: Contract Bargaining Services</b>				
<b>Operational</b>	Printing and Stationery	-	-	500
	Venue booking for Bargaining Service (per hour)* Tentative: 15 services, 1 hour each	250	15	3,750
<b>Phase 3: Evaluation</b>				
<b>Administrative</b>	Honorarium for Post-talk Survey Completion	20	150	3,000
	Honorarium for Follow-up Interviews after our Bargaining Service	100	10	1,000
	Honorarium for Student Helpers	1,250	10	12,500
			<b>TOTAL:</b>	<b>50,000</b>

# EVALUATION

Phase 0: Preparation	
Training workshops will be provided for student helpers by legal practitioners. Materials include a comparison table of different tenancy agreements in the market, relevant legal research, suggested contract template and a flow chart of negotiation procedure.	
<b>Quantitative</b>	<ul style="list-style-type: none"> <li>The number of student helpers recruited.</li> <li>The number of training workshops held.</li> </ul>
<b>Qualitative</b>	<ul style="list-style-type: none"> <li>We may have a quiz at the end to test their understanding.</li> </ul>
Phase 1: Education	
<b>Quantitative</b>	<ul style="list-style-type: none"> <li>The number of talks held.</li> <li>The number of tenants coming to our talks and receiving our information packs.</li> </ul>
<b>Qualitative</b>	<ul style="list-style-type: none"> <li>We may ask some simple scenario questions at the end to test their understanding.</li> </ul>
Phase 2: Bargaining Services	
<b>Quantitative</b>	<ul style="list-style-type: none"> <li>The number of successful contracts signed.</li> <li>The amount of time and money saved by both tenants and landlord in resolving disputes (e.g. arguing the responsibility of repairing the air-conditioner) after signing the contract.</li> </ul>
<b>Qualitative</b>	<ul style="list-style-type: none"> <li>The smoothness of bargaining, the fairness of the contract.</li> </ul>
Phase 3: Cooperation	
Post-talk surveys will be distributed to tenants and NGOs. Follow-up interviews will also be conducted after our bargaining services for tenants and landlord to evaluate on our performance.	
<b>Quantitative</b>	<ul style="list-style-type: none"> <li>Percentage of positive comments.</li> </ul>
<b>Qualitative</b>	<ul style="list-style-type: none"> <li>Overall perception by stakeholders (tenants, landlords, NGOs etc.).</li> </ul>

## Social Impact Assessment

For \$1 of investment, the project can produce \$4.26 worth of impact. The figures are calculated based on the

estimation of probabilities and values of the benefits according to our survey, NGO information and online sources:

Indicator	Calculations (if applicable)	Value (in HKD)
<b>Benefits to tenants (Number of tenants benefiting: stage 1: 1000; stage 2: 15)</b>		
Decreased cost of moving	$0.05 * 25000$	1250
Decreased cost of repairs	$0.6 * 2500$	1500
Better living condition	$0.6 * 500$	300
Decreased cost of disputes (e.g. legal costs, time costs)	$0.9 * 500 + 0.05 * 5000$	700
Security from longer contracts		500
Increase in legal knowledge		50
<b>Total benefits to tenants</b>	<b><math>(1250 + 1500 + 300 + 700 + 500) * 15 + 50 * 1000</math></b>	<b>113750</b>
<b>Benefits to landlords (Number of landlords benefiting: 15)</b>		
Decreased cost of disputes (e.g. legal costs, time costs)	$0.9 * 500 + 0.05 * 5000$	700
Security from rent prepayment		1500
Security from longer contracts		500
Less: cost of repairs	$0.6 * 1500$	(1080)
<b>Total benefits to landlords</b>	<b><math>(700 + 1500 + 500 - 1080) * 15</math></b>	<b>24300</b>
<b>Benefits to NGOs (Number of NGOs benefiting: 5)</b>		
Increase in legal knowledge		5000
Outreach to more tenants		10000
<b>Total benefits to NGOs</b>	<b><math>(5000 + 10000) * 5</math></b>	<b>75000</b>
<b>Total benefits generated</b>	<b><math>113750 + 24300 + 75000</math></b>	<b>213050</b>

# SUSTAINABILITY

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## Organisational Sustainability

To run this project, we will recruit university students to be our associates and divide them into 3 teams (i.e. social media team, legal education talk team and one-to-one bargaining service team). Our current team members will be the team leaders. As the leaders, we will administer the entire project ranging from conducting training for associates, liaising with our NGO partners and monitoring the talks and bargaining service for at least two cycles. For each team, there will be 3 stages per cycle: (1) team building - pre-education and setting team goals (2) performance - regular performance tracking and adequate support system from team leader and among associates (3) closing - debriefing and evaluation. We will offer opportunities for them to take up new roles such as being PIC for a legal talk or a social media campaign. After the end of a cycle, associates can progress to be team leaders or PIC of a certain task force. We will then stay as consultants who offer advice or direction to the new leadership team members. By having an effective talent pipeline, we can ensure the sustainability of our project.

## Financial Sustainability

The initial budget will be utilised to support the administrative cost, mainly for social media campaigns and organising talks. With the support of the initial budget, we are confident that our project can be effectively implemented and attract a larger pool of SFTs. The social measurement data collected in the first cycle will be a useful tool for us to present our project impact to the community. Hence, to sustain our financial needs in future cycles, we will actively approach various donors to diversify and sustain our sources of funding. The sources can be foundations, universities, high-net-worth individuals and the general public.

## Community Sustainability

Firstly, our project aims to empower tenants and allow them to spread their experience to their neighbours after being taught relevant legal knowledge and negotiating skills. Secondly, we realized that most social workers are not familiar with basic tenancy rights. By

providing training to NGOs, we can ensure that they can better equip themselves with legal knowledge and address tenants' concerns. Thirdly, by acting as a middleman, we can set up a matching platform for landlords and tenants in the future. This can surely increase the popularity of HKU standard contract and the effectiveness of our bargaining service.

## Strategy for Growth and Multiplier Effect

### (a) Stronger Bonding within the Community:

- (1) **Diversification of NGOs** - while building stronger connections with existing partnering NGOs, we will also outreach to a wider range of NGOs serving different districts and parties such as ethnic minorities and the disabled.
- (2) **Approaching district councillors** - apart from NGOs, we also hope to cooperate with district councillors to utilise their platform to disseminate information packs and our service. Ultimately, we hope that more subdivided flats tenants can enjoy better quality of life with better legal protection and higher bargaining power.

### (b) Contribute to Law Reform

The success of law reform can greatly improve the bargaining power and quality of life of subdivided flats tenants. Hence, to support the law reform, we will express our opinions during public forums and consultations. Moreover, we hope to cooperate with HKU professors to formulate a report to the Task Force on the legal basis of tenancy control based on our observations and work in LET's BEGAIN. Our proposals of law reform, if implemented, can drastically shift the dynamic of subdivided flats market and protect tenants from exploitation

2020

# LAW FOR CHANGE STUDENT COMPETITION

TEAM <b>4</b>	PROJECT TITLE <b>Save Our Restaurants</b>
MEMBERS	<b>Chan Yin Cheung      Lam Tsun Fung, Alex Chen Yipin              Wong Ka Yi Cheng Hoi Ki</b>
SCHOOL	<b>City University of Hong Kong</b>

# PROBLEM ANALYSIS

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## Background

Rental disputes are on the rise as tension builds between landlord and tenants in the current coronavirus pandemic. In August 2020, a survey conducted by Deliveroo found that more than 50% of 200 small and independent shops faced closure amid social-distancing rules, citing decline in their businesses as key difficulties when it comes to affording rent. Further, more than 5,000 restaurants might be forced to shut down, putting at risk over 80,000 jobs. Until vaccines are widely administered across Hong Kong, in our view, restaurants will continue to be adversely impacted by new spikes in infection, mandatory restricted dine-in capacity, reduced operating hours and social gathering restrictions. Besides, even before the coronavirus outbreak, the situations of small and independent restaurants closing down due to their failure to afford the high rental price in Hong Kong, and being replaced by chain restaurants owned by large corporations happen from time to time.

A declining catering sector would have a flow-on effect to families of the unemployed staff as well as landlords of the restaurants. Moreover, the closure of many restaurants in the neighbourhood displaces close relationships between and among the customers and owners, and would negatively impact the community generally.

Restaurants foster a sense of community within their local area. According to the owner of a Kwun Tong Chinese restaurant (“Mr. Ho”), whom his staff followed for 18 years, continuing the business is about responsibility and not just money as they have staff and customers continue to come steadily. In addition, an owner of a Japanese restaurant in Wan Chai (“Mr. Wong”) said that the closing of the restaurant would reduce collective memories when all the customers and decorations are gone.

Our team conducted field surveys and interviews over the past few months. We interviewed 5 tenants across various districts in Kowloon and Hong Kong Island. From our research, government’s tight pandemic control measures led to increased tension between landlords and tenants regarding the reduction or waiver of rent.

## Identifying challenges with Negotiating Rent

We have identified three key reasons why the rental issues may not be easily resolved between the landlord and tenants, as follows:

### a. Adverse Impacts to Relationship and Goodwill

Tenants are reluctant to renegotiate rent at the risk of damaging their pre-existing good relationships with their landlord. Some tenants said that they feel too embarrassed to ask for rental reduction. For example, Mr. Wong noted that the landlord was really generous in reducing 50% of the rent and it was embarrassing to ask for more. In addition, the rent negotiation process often brings hurtful feelings to both parties. Mr. Ho, who also owns a dim sum restaurant in Ap Lei Chau, noted that the landlord will continuously emphasise that the rent is already very low, and outright refuse to have any rental reduction. Therefore, tenants are often unwilling to confront the landlord in tackling the rental problem.

### b. Lack of Legal Expertise and Capacity of Tenants and Landlords

Secondly, tenants lack expertise in figuring out appropriate solutions and the cost of obtaining legal advice is also high. When it comes to asking for a rent waiver, Mr. Wong is concerned that he does not have sufficient legal knowledge to negotiate and that his request would amount to a breach of contract. Therefore, he does not have the courage to negotiate with the landlord on changing the contractual term. For this reason, tenants are reluctant to make requests for rental reduction.

Even if the tenants have the resources to get access to legal advice, they risk their relationship with the landlord if they involve lawyers in the negotiation. For instance, Mr. Wong pointed out that hiring a lawyer is a very formal procedure and may give the landlord an illusion that he is going to be sued. Therefore, the tenants might hesitate in finding professional legal advice even if they have the capacity to do so.

### c. Lack of Alternatives

From the interviews we conducted, another issue we came across was the lack of alternative solutions to tackle the issue of rent. Only 1 interviewee suggested an alternative solution on how to tackle the rent problem. Mr. Wong considered subletting part of the shop in order to reduce the rental burden. However, this alternative was not feasible as the tenancy agreement prohibited subletting. Therefore, tenants often lack commercial alternatives other than seeking a reduction in rent.

# GOALS, OBJECTIVES AND PROJECT PLAN

Goals	Objectives
<ul style="list-style-type: none"><li>• To help Hong Kong's restaurants endure and recover from the economic recession resulting from the pandemic.</li><li>• To alleviate the financial and emotional pressure on small and independent restaurant tenants, their employees as well as their landlords stemming from rental issues.</li><li>• To preserve the precious collective memories retained in the community through the restaurants.</li></ul>	<ul style="list-style-type: none"><li>• To help existing small and independent restaurant tenants in Hong Kong to survive, by offering to act as a mediator between them and the landlord on the rental issues.</li><li>• To find common ground and provide win-win solutions between restaurant tenants and landlords in relation to issues relating to rent.</li></ul>

## PROJECT PLAN

### Operation and Marketing

The Save Our Restaurants (SOR) program will involve having our volunteers act as the mediator between the restaurant tenants and landlords on rental issues. While the daily administrative processes will be handled by the SOR team, the volunteers will be recruited from among recent law graduates, lawyers, mediators, law students or other people with relevant expertise. The SOR team will promote the program to the restaurants through the internet and social media. Restaurants can apply to us for assistance on their rental negotiation discussions with landlords by contacting the SOR team through email or social media, or filling a google form provided by the team. As required by law, the SOR team and the volunteer mediators will not provide legal advice to the parties at the mediation, and they will facilitate discussions aimed at achieving a commercial compromise. Besides, the mediator will be a completely neutral party during the discussion.

### Training of Volunteers

Seasoned practitioners from Hong Kong Mediation Centre will be invited to hold several training sessions, to equip the inexperienced volunteer mediators with some useful basic skills and techniques in mediation.

The SOR team will also invite lawyers or other experienced professionals as legal mentors who will provide guidance and support to the SOR team and the volunteer mediators.

### Target Clients and Selection Criteria

As our target clients are small and independent restaurants, our selection criteria are as follows:

- (1) the existing monthly rent under the lease shall not be higher than HK\$200,000;
- (2) the restaurant shall not have more than three branch stores; and
- (3) consent to have mediation under the SOR program has been obtained from both the landlord and the tenant.

The purpose of including requirements (1) and (2) is to single out small and independent restaurants. In the event that the applications for mediation services exceed the SOR team's capacity, further factors will be considered for the selection of the cases to be handled. Factors will include the rental price, size and asset value of the restaurants, its geographical location, and the extent of financial distress faced by the tenant/ landlord. Cases in which the landlords are large real

estate companies will likely be excluded. As large real estate companies have resources available to provide rental concessions, and are more capable of seeking proper legal advice to deal with their rental issues, we believe that they would have their own structured mechanisms to negotiate and deal with their tenants, as such, the value-add that the SOR team can offer to them would be relatively small.

After receiving applications, the SOR team will apply a 3-step process:

### **Step 1: SOR Team to Make Initial Contact with the Applicant by Email**

Once initial contact has been established, the applicant must provide the team with its latest rental agreement or provisional agreement with the landlord, and the team will confirm that the case meets the requirements for eligibility. The team will also learn from the applicant about his/her situations and needs.

### **Step 2: The SOR Team will Collect Contact Details from Both Parties**

Provided that the SOR team accepts the case, the team will confirm with the applicant that they are taking on the case. Contact details will then be collected from both the landlord and the tenant.

### **Step 3: SOR team to arrange mediation session**

Upon completion of step 1 and step 2, The SOR team will arrange a suitable volunteer and schedule an appointment for a mediation session for the parties.

## **Location and Logistics of Mediation Sessions**

Depending on the parties' preference and the gathering restrictions at the time, initially we will offer two options for mediation: in-person mediation or virtual mediation. For in-person mediation, it is anticipated that the session will be held in university classrooms or at the restaurants. For virtual mediation, sessions will be held via video conference. At least one member of the SOR team will be present to provide assistance in each session.

During the mediation, the mediator will endeavour to convey the thoughts of the tenants over the rental issues to the landlords, and vice versa, while seeking to find a common ground, and to suggest measures that may be acceptable to both parties. Where necessary, the mediator will refine suggestions according to the parties' intentions.

## **Option to Continue Mediation/Conclusion of Mediation**

While the mediation is intended to be a one-off process to be done in a single meeting, a second or third meeting may be organized subject to the circumstances of the mediation. A mediation case will be considered successful if both parties agree to continue/renew the lease, adopting certain measure(s) to resolve the rental issue. Ideally, a written agreement giving effect to the agreed terms would be signed by the parties with the mediator acting as witness at the conclusion of the mediation session to record parties' commitment to the agreed solution. For each case, a maximum number of meetings will be set to control the workload of the team and the mediator, such that if the parties fail to come to an agreement after a certain number of meetings, the case will be ended and considered unsuccessful. This will be determined on a case-by-case basis, depending on the complexity of the case.

This project addresses the three issues identified in the Problem Analysis section above in the following ways:

### **a. Preserve Goodwill and Relationships among the Parties**

**The SOR team and volunteer mediators can act as a bridge for smooth communication between the parties.** Having a third party to facilitate negotiations on rent may ease tension between the landlord and the tenant. As volunteers are trained in the legal discipline and/or have relevant knowledge in the rental market/business, they will be able explain clearly and rationalize the concerns of each party to one another, based on their needs and concerns. While a tenant may feel ashamed in asking for more leniency from the landlord, and the landlord may feel uneasy to reflect his/her difficulties in complying with the tenant's request. As such, the SOR program enables them to express their thoughts through a middleman so they can feel more comfortable and less emotionally pressured when doing so.

## **b. Provide Professional Assistance in Negotiations in a Neutral Capacity**

**The volunteer mediators can ensure the interests of both sides are well protected.** It is commonly the case that both the tenant and the landlord do not have sufficient legal knowledge, and this may limit the options that they are able to come up with. For instance as stated above, tenants may not have the confidence to negotiate with landlords due to their lack of knowledge in dealing with contractual terms. As a mediator, the volunteers will not be there to advocate for rent reduction on behalf of the tenants, but they will be there to advocate for a solution that is mutually beneficial, and to ensure that the new terms agreed will not be unfair to either parties. For example, if the parties agree on suspensions of rent payment, under the supervision of the volunteers and the SOR team members equipped with legal knowledge, the interest rate for the rent repayment will not be unreasonable. Besides, terms which allow the tenants to avoid their obligations to pay too easily will also be prevented from being incorporated into the new agreement. Hence, the volunteers can ensure that the interest, rights and benefits of the parties are safeguarded.

## **c. Provide Creative Solutions and Alternative Arrangements for the Parties**

The volunteer mediators and the SOR team can brainstorm and provide creative solutions to resolve rental issues. Because many of the landlords and tenants may lack the relevant expertise, they may not be able to come up with solutions to continue the businesses other than simple rent reduction. However, there are alternative solutions that can be introduced by the mediator and the SOR team, for example:

- 1) Suspension of payment of rent: the parties may enter into a provisional agreement, under which the tenants can repay the rent to the landlord with or without interest in a later time. An alternative payment schedule can be incorporated. Landlords may reserve the right to claim payments from any deposit account or guarantors.
- 2) Force majeure clauses/abatement clauses: The landlords and tenants can come up with clauses that give the parties a right of abatement or suspension of rent in the situation of extreme circumstances. For example, a term may be included

that according to it, whenever the government introduces a ban on restaurant dining after 6pm, the rent of that period of banning can be abated to half. This gives certainty to both parties and reduces the need for continuous negotiation and risk of disagreement between the parties.

- 3) Sublet clauses: Provided that this is not prohibited in the tenancy agreement, tenants may be able to sublet the shop to another party, so that rental burden can be shared or re-allocated to the sub-tenant. For example, the tenant can sublet a shop temporarily to a business selling masks and hygiene products which have high demand in the current pandemic.
- 4) Turnover rent: Part of the rent can be calculated based on a certain percentage of the monthly revenue of the restaurant's business. It allows the tenant to share part of the business risk with the landlord to protect the tenant when times are hard. This also reassures the landlord that even less rent is received in the current situation, once the business revives, he or she will be able to reap the benefits of the tenant's increased revenue. It is anticipated that the clause will be accompanied by a base rent which is fixed.

As can be seen from the above alternative arrangements, the possibility of the parties compromising on a solution to tackle rental issues instead of discontinuing the business will be increased.

# SUSTAINABILITY PLAN

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The team adopts a four-limb approach to achieve sustainability of the SOR program.

## Organizational Sustainability

### a. Team Structure

As the SOR program aims to help tenants and landlords mediate/negotiate, volunteers who engage in the mediation/negotiation process must have the requisite knowledge and skills. To gain basic mediation skills, the founding members will invite pro bono mediators from the Hong Kong Mediation and Arbitration Centre to hold several training sessions in explaining mediation skills. Founding members and volunteers who have attended these sessions will then take up the role in handling a case and training incoming volunteers who do not have any mediation experience. At the same time, we will recruit volunteers who possess mediation knowledge and have relevant experience, for example, we will invite seasoned practitioners from Hong Kong Mediation Centre to help. In cases where there are complicated issues, we will assist the participants in applying for the one-off free (4 hours) mediation service provided by the Mediation Centre.<sup>1</sup>

In the next step, each volunteer will be accompanied by 1 founding member in handling a case. After gaining experience, they will take up the role as an adviser in guiding and passing on their knowledge to the new recruits. At the same time, a database will be set up and in which advisers will be required to record the highlights of their cases. Such information will include the nature of the dispute between tenants and landlords and the solutions that were ultimately adopted. This information will act as a guideline for the other volunteers to take reference from in later cases. As our project focuses on small independent restaurants, it is probable that solution(s) in one case may be adjusted slightly and applied to another.

Upon the completion of a case, the volunteer involved can choose to join the founding members and become part of the managing team. Apart from training new volunteers, members of the managing team will also take up other responsibilities such as: recruiting new

volunteers, conducting supervision work, seeking new donors and connecting partners (i.e. local law schools, the UG Student Department Development and Career Services of [university], and pro bono lawyers).

### b. Issue of Data Privacy

To ensure the privacy of the program's participants, identifying information like names and addresses will remain confidential. Only the founding members and the volunteer who are responsible for the particular case will be able to assess the personal information of that participant. Also, in tackling the issue of data privacy, participants are required to sign a "use of personal data" form at the application stage/initial contact stage, whereby they agree for their personal data to be stored in the database for tracking purposes. Besides, a statement stating that "personal data will be destroyed 5 months after the end of negotiation/mediation" will be included in the form.

### c. Waiver of Liability

Given the voluntary nature of the SOR program, there is a waiver of liability on the part of the founding members, advisers, managing team and volunteers. A waiver or disclaimer form is to be signed by each party before the commencement of mediation.

## Sustainability in Relationship with Participants

The SOR program aims to provide a continuing service instead of a one-off service. Thus, it is important for us to maintain a relationship with our participants. For each successful case, the SOR team will follow up with the applicants around 3 months after the mediation. This is to assess the effectiveness of the mediation. Besides, to ensure that we can track our cases in the long run, we will create a contact-management database, by using business software like NetSuite, as a means to save details of participants. This includes business information such as: the type of restaurant (bar or fast-food or casual dining restaurant), existing rent, landlord and tenant's views and concerns, location of the restaurant (district / street level), solutions recommended, outcome achieved after the mediation,

results of follow-up (if any). In the database, we will categorize each participant based on their restaurants' location. If a participant comes to us on more than one occasion, we will be able to go straight into the solution section in the database without the need for them to explain the whole situation again.

## **Sustainability of Number of Volunteers within the Team**

For the proposal to run continuously and effectively, the number of volunteers are key because the project aims to provide a one-on-one service to the tenants and landlord. There are 5 ways in enhancing recruitment and retention of the volunteers.

### **a. Collaboration with the Three Local Law Schools and the UG Student Department Development and Career Services**

Our team will contact the law schools, Law Students' Society and the UG Student Department in relation to the promotion of our proposal. By introducing the program through different promotion platforms at the Universities, i.e. workshops, webinars and posting our volunteer services on their Notice Board online, it is believed that the potential volunteers will have a more genuine and comprehensive view over the nature of our volunteer work. More importantly, it will give them a deeper understanding of the difficulties and challenges in which catering industries are facing.

### **b. Online Promotion Strategies**

Examples of online promotion platforms include a Facebook page, website and Instagram by adding different hashtags, i.e. "#law student", "#volunteering" and "#law school". These are the most direct ways to let fresh graduates recognize the proposal. The platforms will list the details of their roles, these include the required qualification, the minimum amount of time that we need them and the nature of the volunteer work.

### **c. Set up a volunteer-connection Group**

As the SOR program aims to provide a continuing rather than a one-off service, it is important to retain volunteers who are familiar with the cases that they have been responsible for. A volunteer-connection group will be set up to build a sustainable network of pro bono lawyers and graduates with different professional backgrounds, i.e. finance and law, etc. The group acts as a platform for the pool of talents to widen their connection and interact with each other. It is believed that through connection with other professionals, volunteers will build a sense of belonging to the group and are more motivated to engage in the work continually.

## **Financial Sustainability**

It is anticipated that the administrative costs of the program will include: the fee of attending the general mediator training course, cost in setting up social media, advertising, travelling expenses, and venue costs (if applicable). Our team will not rely on a single donor to support the SOR program. To sustain the financial expenditure in the following years, we will look for potential donors, i.e. general public, local councilors, universities and charities, etc, who are interested in supporting local businesses in their neighborhood.

In the current coronavirus pandemic, the meeting between our volunteers and participants may be conducted online, i.e. through Zoom or Skype. When the pandemic situation becomes less severe, participants may have the meeting at the restaurant and/or university meeting rooms. In this regard, the financial expenditure may be limited to transportation fees if there is no need for us to rent venues to hold meetings. As for the training sessions and meetings between volunteers and the founding members, they may be conducted online as well for the time being. However, a face-to-face meeting will be held once in every 3 months for everyone to share their cases and experiences. We will contact the universities and seek approval for the use of their spared classrooms as the meeting venue.

## **Plans in Expansion and Enlarging Proposal's Effectiveness**

### **a. Connecting Pro Bono Lawyers**

In order to enhance the quality of our service, we will invite pro bono lawyers to join the team and provide their professional advice on cases where issues are complicated. Our team will seek help from the local law schools in contacting and connecting with the pro bono lawyers. Once we have gathered all essential and thorough information of a case, we will seek their advice. The lawyers will take on a role as an instructor but not a mediator. Therefore, instead of providing advice directly to the participants, they will assist our volunteers and engage them about clarification of the issues.

### **b. Setting up Guidelines in Relation to Volunteers' Conduct when Handling a Case**

Specific guidelines and procedures will be set up in relation to how we assist the participants. Firstly, there

will be guidelines prohibiting volunteers from acting in the interest of one of the participants as our program aims to provide neutral advice. For example, they are not allowed to meet one of the parties, i.e. the tenant, privately after the commencement of a case. Secondly, if volunteers have a relationship with a participant, such a case will not be distributed to that volunteer to avoid a conflict of interest.

### **c. Strategies to Intensify Mediation Training**

We aim to intensify the training progress for the members and volunteers so as to polish our mediation skills. Firstly, we will invite professional mediators, or law school professors who have experience in teaching mediation, to hold several workshops in strengthening our mediation techniques. Secondly, if time permits and with sufficient financial support, 2 of the founding members will attend a general mediator training course held by the Hong Kong Mediation Centre.

## PROJECT DEVELOPMENT AND TIMELINE

We aim to implement our project in 5 stages. Since the covid-19 pandemic still adversely affects the catering industry at large in Hong Kong, currently our project will last for 18 months. We envision for the project to

continue for years to come as rental issues will likely remain as a problem for Hong Kong restaurants even when the pandemic is over. However, we will focus on the current 5 stages at this point of time.

<b>Stage 1: Inception and Recruitment of Volunteers</b> In order to facilitate the project effectively, we are going to recruit law students and recent graduates and possibly business students via email and social media. We will liaise with law schools and business schools to facilitate the promotion of our program to potential volunteer candidates. On the other hand, we will invite seasoned practitioners from Hong Kong Mediation Centre to hold several training sessions on mediating professionally to support our project. Besides, the website and the email account of the SOR team will be created.	<b>Time</b> Beginning Jan 2021
<b>Stage 2: Promotion to Targeted Group and Training</b> In the second stage, we need to promote our mitigation services between tenants and landlords to our targeted group. By doing so, we propose to promote our platform in social media such as Facebook pages and Instagram pages that are largely accessible to the tenants. Besides, we are also keen to promote our platform by collaborating with NGOs and the community centres so as to better locate the tenants in need.	<b>Time</b> Jan - Aug 2021
<b>Stage 3: Trial Run</b> The trial run is meant to start with the small local community that urgently needs our help so as to work in a practical and effective way. In particular, we will go into the district to see if they need our help. For each case, we will consider modifying our ways of providing the service and the maximum number of meetings for each case after we have tried to handle some cases and have gained some experience.	<b>Time</b> May 2021 – Jul 2021
<b>Stage 4: Territory Wide Run</b> Once our team is well established and we have successfully helped the tenants, we will extend the coverage of our service in Hong Kong.	<b>Time</b> Aug 2021 – May 2022
<b>Stage 5: Conclusion and Evaluation</b> The Save our Restaurants team will assemble the volunteer mediators for an end of year evaluation meeting. Future plans for the SOR program will also be discussed and decided.	<b>Time</b> Jun 2022

# BUDGET AND COST-EFFECTIVENESS

Our budget will be estimated in each stage as shown in the chart below. The budget assumes that all listed matters will be necessary; however, cost-effectiveness measures will be taken to reduce costs, such as reaching out to professors who are in support of our project at

CityU to provide training workshops; to book rooms at the university for volunteers; or to conduct workshops or meetings online. The items which are negotiable have been marked with an asterisk (\*).

Category	Total Cost (HK\$)
<b>Stage 1: Inception and Recruitment of Volunteers</b>	
Printing (posters etc.)	250
Setting up social media (websites, advertising, etc.):	
- Setting up a Facebook page	0
- Setting up a website (if we purchase website making service online)	around 120
Venue booking* (for interviews, volunteer workshops, etc.)	800
<b>Stage 2: Promotion to Targeted Group and Training</b>	
Printing (posters, correspondence)	300
Social media promotion (Facebook, Instagram, etc.)	4,000
Fees for professional mediator as trainer*	8,000
<b>Stage 3: Trial Run &amp; Stage 4: Territory Wide Run</b>	
Renting a meeting room* (or through zoom)	around 9,600
If we rent a meeting room, it would be at least HK\$ 200 per person per hour	
Transportation cost	1,000
Refreshments*	1,000
<b>TOTAL:</b>	<b>25,270</b>

# PLAN FOR MONITORING AND EVALUATION

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We will continuously monitor and evaluate the impacts and effectiveness of our mitigation services. We will adopt both quantitative and qualitative evaluation, such as the time spent in each mitigation meeting and feedback from our clients regarding the service quality. More detailed evaluation in each stage is shown as below.

## Stage 1: Inception and Recruitment of Volunteers

After having recruited the volunteers, we will hold meetings with the volunteers to propose a more detailed year-plan together. This year-plan will be further modified after we seek relevant advice from the legal advisers.

## Stage 2: Promotion to Targeted Group and Training

After this stage, we need to evaluate the quality of our training workshops by seeking advice from our volunteer mediators. The training workshops can be improved in the later stage after adopting the suggestions from them.

## Stage 3: Trial Run Stage 4: Territory Wide Run

After this stage, we need to evaluate the effectiveness of our promotion and advertising. We could design a questionnaire to seek feedback from our clients. To evaluate our mitigation services, the details of

the process of the mediation will be recorded by our volunteers. Examples of items to be recorded include: (1) When this case started and ended?; (2) How many meetings have been held? On which dates?; (3) How much time has been spent in each of those meetings? Is it longer or shorter than you expect? And what probably are the problems or reasons?; (4) Negotiation time spent in total (collect data in order to arrange negotiations better in the future); (5) what exactly are the problems in the contract our clients encountered; (6) solutions proposed by pro bono lawyers (no matter whether adopted or not); (7) Did the negotiation go well? Did parties communicate smoothly? If yes, how did you contribute to it? If not, what are the problems?; (8) What was the negotiation outcome? Did it reach your expectations? If not, what might be the problems? What suggestions can be made to solve those problems?; (9) Expenditure in total in this case. This evaluation form will be made electronically through Google form, and volunteers are required to finish this form after each case.

It is also important to seek advice from our clients to improve our service quality, so our clients will be asked to complete a feedback form after each case ends. The content of this feedback form may include: (1) Did the volunteer mediator provide useful advice? What are they?; (2) Do you think the negotiation arrangement is satisfactory? If not, what would be your suggestions?

## Stage 5: Conclusion and Evaluation

Our team will prepare an evaluation report and presentation for the end of year evaluation meeting, and gather feedback and insights from the volunteers.

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## ENDNOTES

1. Hong Kong Mediation Centre. Free Community Mediation Service Scheme. <http://www.mediationcentre.org.hk/en/services/ProBono.php>

2020

# LAW FOR CHANGE STUDENT COMPETITION

TEAM

5

PROJECT TITLE

Homecoming

MEMBERS

Chan Kwan Wing, Candace      Lau Ka Yu, Angel  
Chan On Ying, Angel              Wan Wing Yau  
Cheng Cheuk Nam, Jason

SCHOOL

The University of Hong Kong

# OVERVIEW

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## Background

In August 2020, a group of 12 homeless from Tung Chau Street Park and their representatives from the non-profit Society for Community Organisation made a claim against the Leisure and Cultural Services Department at the Small Claims Tribunal in relation to street cleaners clearing the Tung Chau Street Park in Sham Shui Po without prior notice, which was contended to be in violation of the Public Health and Municipal Services Ordinance (Cap. 132) (“PHMSO”).<sup>1</sup> This was a milestone where the homeless utilised the law to protect themselves. At the same time, it draws our attention to the plight of the homeless. Many more who suffer similar problems do not enjoy such an opportunity of legal protection as they are not aware of their legal rights due to insufficient legal assistance for the homeless.

The number of the homeless in Hong Kong is on the rise. According to the Social Welfare Department, the number of registered homeless has doubled from 780 in 2013 to 1423 in 2019.<sup>2</sup> With the strike of the coronavirus pandemic, the rise in unemployment rate has further led to a surge in the number of the homeless, and this trend is expected to continue. Meanwhile, with social distancing policies, there has been less support from NGOs and volunteers to the homeless. This unprivileged group is one of the most vulnerable groups in society that deserves urgent attention.

## Tension Between Homeless Reality and Legislation

For decades, tensions between the homeless and the Government have been a thorn in the public health management policy.

On the one hand, the homeless are generally ignorant about their legal rights. They recognise themselves as the most vulnerable group of the society and are usually inferior in asserting their rights when they face disputes such as property clearance. Even if they do recognise their legal rights and responsibilities, they

have no choice but to live in public spaces due to the lack of residential support for them which results in public obstruction.

On the other hand, inconsistencies can be found in the law enforcement action. Cleaners may clear the homeless’ property without prior notice with the Police informally cooperating with them during clearance activities.

This evolves into a situation which results in the homeless coming into conflicts with the law, while the lack of legal support further magnifies the impact of their legal troubles.

## Project Homecoming

To strengthen the homeless’ rights, this proposal puts forward a project with three phases:

**Phase I** – a storage gift voucher scheme for the employed homeless who cannot stay with their property during the daytime or are actively seeking jobs. This reduces the disincentive for certain homeless who refuse to work because they are afraid of losing their property if nobody takes care of it when they work;

**Phase II** – a legal consultation scheme with tailor-made leaflets addressing the homeless’ questions, with follow-up by student volunteers and pro bono lawyers on their specific legal issues; and

**Phase III** – an online social media promotion platform to extend the impact of phases I and II through promotion, fundraising, and raising public awareness of the plight of the homeless.

Synergy is created among the three phases since we aim to leverage the connections we built and exposure gained from phase I to promote phase II, and vice versa. The homeless who benefited from either of the phases are more likely to be willing to accept our services for the other phase or to promote our entire project to their friends. We also plan to leverage phase III to continuously promote phases I and II to increase exposure and reputation, and seek for more financial support to sustain phases I and II.

# PROBLEM ANALYSIS

## Homeless Typically Face Property-Related Issues

The homeless' property is constantly subjected to the risk of clearance actions by the Government. For example, over 100 homeless were forced to leave during the 2019 Tung Chau Street and 2018 Yen Chow Street clearance actions. They had no choice but to relocate to nearby parks, subways or more inconspicuous places.

In addition, cleaning works are often conducted without prior notice<sup>3</sup> with the homeless' belongings being removed and disposed of. Our interview results show that there is hardly a proper channel for them to retrieve their belongings.<sup>4</sup> The homeless also do not know who to look for when there is a dispute. They lack knowledge of their legal rights and interests they have, and may be unfairly exploited. There are also thefts and vandalism. They hope to have a storage system where they can store their property safely, especially for the employed homeless who cannot take care of their belongings when they are out for work.<sup>5</sup>

## Loopholes in Current Legislation that Fail to Protect Homeless' Property Rights

There is currently no comprehensive legislation in Hong Kong for protecting the rights of the homeless. In fact, many provisions regarding public health and environment cleanliness appear to be highly unfriendly to them. Under PHMSO, the Food and Environmental Hygiene Department ("FEHD") (a) may serve a notice upon the owner of any object that is likely to cause obstruction to any street sweepers or scavenging operation and (b) has the power to remove the obstructed object within a period of 4 hours after the notice is so served or attached.<sup>6</sup> The owner of the object may recover the same by paying FEHD within 7 days, failing of which would result in the object becoming the property of the Government. However, the PHMSO<sup>7</sup> and Waste Disposal Ordinance (Cap. 354)<sup>8</sup> allow FEHD to remove and destroy waste or litter 24 hours after issuing such notice. The literal meaning of waste or litter in law is ambiguous. Because of the ignorance, property of the homeless may be caught under this provision. For example, in Tung Chau Street Park, a homeless couple were asked by the Police officers to leave the park, who then witnessed their property being thrown away.<sup>9</sup>

Moreover, the Leisure and Cultural Services Department has the discretion to close public pleasure grounds, many of which are places where the homeless place their property and reside, from time to time without issuing any notice.<sup>10</sup> With the prevalence of non-homeless friendly regulations, the lack of protection of the homeless' property has resulted in conflicts with governmental authorities and the homeless' insecurity for leaving their property unattended when they work or attend job interviews.<sup>11</sup>

Although the Sham Shui Po District Council has proposed to offer bags to be put in public spaces near where the homeless reside for the homeless to store their property safely, this proposal has not been approved by the Government.

## Lack of Access to Information and Legal Awareness

The Government and NGOs have collaborated to help the homeless. There are currently 3 Integrated Services Teams, 65 Integrated Family Service Centres and 2 Integrated Services Centres in Hong Kong. They provide employment guidance, emergency funds, personal care and referral services (e.g. application for CSSA).<sup>12</sup> The homeless may also approach the Hospital Authority for medical health services.

Around 34% and 29.2% of the homeless have never heard of the medical services and emergency shelter services respectively.<sup>13</sup> The current government homeless registration system is one-sided and relies heavily on the homeless' initiative in approaching Service Centres for application. 85.6% of the homeless believe that they do not receive sufficient assistance and services from the society.<sup>14</sup> Our interviews with the homeless also reflect their need and desire to access legal services.<sup>15</sup> All these suggest rooms of improvement regarding communication between service providers and the homeless, by allowing the homeless to know exactly what services they are entitled to and for the service providers to accurately identify those most in need.

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## Social Justice and Awareness

The homeless are often discriminated against and treated disrespectfully by others. For instance, “McRefugees” are complained about by other customers in McDonald’s and are unwelcomed by the staff there.<sup>16</sup>

Most of the homeless in Hong Kong fall through the cracks of Hong Kong’s obsolete housing policy. Statistics from LegCo demonstrate that around 60% of the homeless are unable to afford the high rent of private housing.<sup>17</sup> Some are unwilling to reside in a subdivided flat where the environment is inferior and the hygiene is poor. It also takes a long time to successfully apply for public housing. The Society for Community Organisation opined that while rent level in Hong Kong has risen by more than 90% over the past two decades, the standard of welfare policies for the homeless remains the same.

There are currently around 1348 homeless on record, yet the number of temporary dorms for the homeless is far from enough. The number of government-funded dorms is only 222, in addition to the 400 dorms offered

by NGOs, the total number of dorms available is only half that of the homeless. Meanwhile, 60% of the dorms allow a maximum stay period of six months, with the rest being even shorter. This is not enough for the homeless to accumulate sufficient savings to find a new home. What is more, dorms for the homeless usually forbid the homeless to stay in the dorms during the daytime as a means to encourage them to go to work. Some homeless who are unable to find a job due to mental health issues cannot adapt to such policy and live in the streets again.

Gaps in the pension, poverty and housing policies create social injustice. Homeless are forced to live in the streets which are public spaces, causing an inevitable obstruction to public space with insufficient recognition of private property rights. The homeless also have little protection and awareness of their rights and interests.

Project Homecoming aims to engage the community and create links to the social and legal services for **local homeless in Hong Kong** (i.e. those with permanent HKID) such that the abovementioned social exclusion can be mitigated.

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# PROJECT PROPOSAL

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## Phase I: Providing Safe Property Storage During Work

### Objective and Target Group

Phase I aims to provide timely and temporary support to the homeless with employment or who are actively seeking jobs by securing their property in a safe place in the daytime. Our primary targets are the homeless who are permanent Hong Kong residents residing in or near Lei Cheng Uk Playground in Cheung Sha Wan as they mostly share the characteristics below in *italics*.

### Issue to be Addressed

The prevalence of clearance actions and theft among the homeless have aroused public attention regarding the insufficient protection of the homeless' property rights. In 2017, district councillors in Sham Shui Po passed a bill to offer large bags with name tags to the homeless and to gather all bags in a corner in Tung Chau Street Park during the daytime under the supervision of NGOs. Yet, according to our interview with chairman of the Sham Shui Po District Council, Mr. Yeung Yuk, the proposal has not yet been implemented. The delay is primarily owing to prolonged negotiations among major stakeholders and administrative delays of the Leisure and Cultural Services Department who is responsible for the maintenance of Tung Chau Street Park.<sup>18</sup>

The abovementioned proposal only covers Tung Chau Street Park and not the other areas. Meanwhile, a considerable number of homeless residing in or near Lei Cheng Uk Playground are in urgent need of safe places to store their property since many of them share these characteristics:

- *Hong Kong permanent residents;*
- *employed or are capable for working due to relatively young age (in their 30 - 50s) and without disability;*
- *become homeless only recently due to sudden changes in own circumstances; and*
- *lack trustworthy acquaintances residing nearby who may be willing to help temporarily store their property.*

Owing to a lack of support, certain homeless faced thefts or have their properties vandalised when they leave for work in the daytime. This accumulates pressure and some even feel disincentivised to attend job interviews or make valuable purchases which is useful for employment-seeking, e.g. suit jacket and backpack.<sup>19</sup> Therefore, service for securing the homeless' property would be crucial to relieve those employed of their pressure when leaving for their job, and to encourage more homeless to take up employment opportunities.

### Strategy

Phase I has 3 stages:

- (a) identifying and approaching the homeless who fall within our target group;
- (b) offering pre-paid gift vouchers or means of redemptions for the homeless to claim the locker fees afterwards; and
- (c) continuous monitoring and evaluation of locker usage and effectiveness (which can be found below in **Section Project Monitoring and Evaluation**).

For stage (a), our aim is to ensure our limited resources are used on those who value our services the most. We wish to limit our service target to those who meet most of the above characteristics in *italics*. To benefit from free locker services, the homeless must voluntarily submit personal information, including HKID copy, phone number, resume, contact information of current employer if any, career plans for the next 2 years, and average monthly returns and spending.

Once we accept a homeless as our service target, we will issue him or her a "service target card" and store his or her information in an encrypted document in the cloud under Homecoming's domain. The personal information will only be accessible by team members of Project Homecoming for the purpose of project evaluation and contact. Each eligible homeless can enjoy free locker services for 2 months, subject to violation of locker usage rules and submission of fraudulent information. They may renew the services twice so long as they abide with the rules in the following paragraph and subject to certain extension requirement. The maximum duration for each homeless is 6 months.

Each service target shall sign a declaration that they shall not share the locker with anyone else, will use it over 15 days a month, will abide strictly with the rules of storage and fill in our periodic questionnaires timely. Details of the questionnaires can be found below at **Section Project Monitoring and Evaluation**. We will hand out a booklet in Chinese with pictures for the homeless to understand what types of goods can and cannot be placed, and the procedures of placing and retrieving goods. To prevent any abuse of the services, we are planning to communicate with the storage provider to require the homeless to follow certain procedures, e.g. signing at the storage or publishing a membership card to ensure the users of the lockers are the registered and qualified homeless whom we got in touch with. Penalties, e.g. fine and cancellation of services, would be imposed on the homeless should they fail to abide with the abovementioned rules.

For stage (b), we obtained the endorsement from CSW Storage, a mini storage provider located near Lei Cheng UK Playground. The storage is likely able to set up around 10 lockers (approximate size: 300Wx1800Hx450D) for the homeless. Once the lockers are set up, we can prepay for their usage and present gift vouchers to **10 homeless** for the first 2 months so that they can use the storage services for free. Alternatively, eligible homeless who have used the services can claim fees from Homecoming upon showing their receipts.

In the long run, synergy is created among the 3 phases since the effectiveness of phase I will continuously be reported on social media under phase III. This enables us to seek for more support, in forms of financial funding, time and advice, from other potential volunteers and corporates. In this way, we are likely able to extend our scheme beyond the initial 6-month period. The effectiveness and success of our storage gift voucher scheme can further reinforce the proposed effectiveness of the bag proposal that the Sham Shui Po counsellors have been planning, and encourages the implementation of similar storage services for the homeless.

## Possible Partnership

1. CSW Storage
2. The University of Hong Kong (“HKU”)
3. Baker McKenzie and other corporates interested in funding and supporting CSR projects

## Phase II: Outreach Free Legal Consultation

### Objectives and Target Group

Phase II targets the homeless who are permanent Hong Kong residents residing in the Sham Shui Po district, primarily in Tung Chau Street Park and Lei Cheng UK Playground. It has the following two objectives:

1. **Educate the homeless:** to heighten awareness and knowledge of the homeless regarding their own rights through outreach programme and leaflet distribution. This will include their:
  - rights to social welfare, e.g. right to public housing, CSSA etc.; and
  - legal rights, such as right to legal aid and right to reclaim property seized by FEHD.
2. **Promote access to justice:** to provide necessary legal advice and assistance for legal disputes that the homeless commonly faced or individual legal issues.

### Issue to be Addressed

We had 2 observations from our visits and interviews. First, some of the homeless are not identified by social workers and hence are not receiving any regular assistance.<sup>20</sup> Second, most of the target group do not have access to the internet.<sup>21</sup> This means they can hardly access information and seek help when they need it. Therefore, we aim to launch a series of outreach legal consultation with the help of the following stakeholders.

### Stakeholders

1. **University student volunteers**  
Their main duty is to design, distribute and explain leaflets to the homeless in outreach sessions. They are also responsible for conducting research and seeking advice from pro bono lawyers if follow-up is needed. Law students are preferred, but other students are welcomed.

## 2. Social workers from NGOs

They will train the volunteers during workshops and can help breaking the ice between volunteers and the homeless. Their advice would also be sought for follow-up actions of the homeless' cases.

## 3. Pro bono lawyers

They can help in giving legal advice to the homeless through the student volunteers or, if necessary, taking up the case.

## Strategy

There are five stages to phase II: (1) recruiting and training volunteers, (2) initial visit to understand the homeless' typical legal concerns, (3) design and production of leaflets, (4) outreach visit to distribute leaflets and conduct private consultation sessions, and (5) follow-up work with pro bono lawyers.

For stage (1), we will recruit university law student volunteers who are bilingual (i.e. Cantonese and English speaking) to work with us. A workshop will be conducted to train the volunteers, in which we invite social workers from NGOs to share their experience.

For stage (2), Team Homecoming along with the student volunteers will visit Tung Chau Street Park, Lei Cheng Uk Playground and places nearby **in groups**, in a bid to establish a relationship of trust with the target group and identify their individual needs.

Questionnaires in Chinese will be distributed to the homeless so that we can have a better understanding of the issues that they are most concerned about, especially those with a legal nature. We have chosen Tung Chau Street Park, the area in Hong Kong with the highest concentration of homeless and the highest number of needy.

We will communicate with NGOs beforehand and make our visits when NGOs and social workers distribute materials to the homeless (e.g. meal boxes and tissues). This enables us to break the ice and increases the possibility of the homeless to communicate with us.

For stage (3), volunteers will produce and design leaflets in Chinese with easy-to-understand illustrations to provide useful information to the homeless. The content of the leaflets will include current available

resources and services to the homeless, typical legal concerns and problems faced by them as well as ways for them to seek help such as phone numbers of NGOs and social workers. The volunteers will begin to draft the leaflets before the workshops in stage (1). After the initial visit in stage (2), they will finetune their leaflets according to the collected information about the homeless' actual concerns through surveys.

For stage (4), the same groups will then revisit Tung Chau Street Park to distribute and explain the leaflets to the homeless. If the homeless raise legal questions, such as specific property issues and disputes, a mini-legal consultation will be held. The outreach activity along with consultation provides a channel for the homeless to better understand their rights and seek complimentary legal assistance.

For stage (5), follow-up work will be conducted for the homeless who are facing more complicated legal problems, especially problems that the respective student volunteers are unable to provide instantaneous response. These homeless can voluntarily leave their contacts for a future follow-up and the volunteers will then refer the homeless cases to pro bono lawyers. The volunteers will be responsible for consolidating the facts of the case, conducting preliminary legal research, and other tasks that would facilitate the free legal consultations, subject to pro bono lawyers' requests. The pro bono lawyers and the student volunteers may then discuss the cases together, after which the pro bono lawyers will be accompanied by the respective groups to provide legal advice to the homeless. For the homeless who have enquiries or updates, they are free to contact their respective groups through calling or sending WhatsApp messages to a central phone number managed by Team Homecoming or partnering NGOs. Office hours will be held four times a week from 18:00 to 21:00 when we will respond to the enquiries through phone calls. The homeless are welcome to send WhatsApp messages anytime throughout the day.

## Possible Partnership

1. Sunshine Action
2. ImpactHK
3. The Salvation Army Social Services Department
4. Christian Concern for the Homeless Association
5. Society for Community Organisation
6. Faculty of Law, HKU

## Phase III: Calling for Support through Social Media

### Objective

Phase III aims at promoting our schemes under phases I and II on social media to gather more support and funding from other NGOs, corporates, social workers, etc. In the long run, we aim at enhancing public awareness regarding insufficient legal protection of the homeless' rights and call for a change.

### Stakeholders

#### 1. Student volunteers from HKU

Their main duty is to collect the homeless' stories, edit the stories and the captions for the sharing in social media.

#### 2. Social workers from the NGO

They can provide us (1) information about the homeless, (2) useful comments on our plan, (3) platform to share the homeless' stories or other legislative protection information regarding the local homeless.

### Issue to be Addressed

Phase I is capital-intensive while Phase II is labour-intensive. To promote sustainability, i.e. gathering sufficient funding from corporates and individuals to continue purchasing gift vouchers for the homeless and to attract more volunteers, promotion plays a significant role.

Further, according to our interviews with the homeless, NGOs<sup>22</sup>, social workers<sup>23</sup>, street cleaner<sup>24</sup> and a district councillor<sup>25</sup>, discrimination against the homeless remains prevalent in Hong Kong. Some look down on the homeless and perceive them as uneducated and of disgrace. Some blame the government and NGOs for "wasting resources" in providing support to them.<sup>26</sup> Extreme cases include residents living near Tung Chau Street Park complaining to local councillors that the homeless are causing hygienic problems.<sup>27</sup> Some public officers have also employed excessive force against them. Meanwhile, many of the homeless are willing to share their personal stories with us and hope more people can understand how desperate their situations are. All the above calls for actions to increase public awareness and understanding of their plights.

### Strategy

The student volunteers recruited in phase II will revisit and interview the homeless they served, and write an article with several photos regarding the process and effectiveness of the outreach activities. These articles will mainly focus on how the homeless and students benefited from the schemes. They may also include some personal stories of the homeless, e.g. why they became homeless and the difficulties they have.

Furthermore, we will compile some of our legal research findings regarding the lack of legal protection of the homeless' rights into editorials and commentaries. References will be made to other countries' legislation and suggestions of legal reform will be made.

Official Facebook and Instagram accounts will be created to disseminate all these articles and photos. We have chosen to utilise social media given its convenience, affordability and wide reach to a broad range of audience. In addition, we will communicate with some local newspapers and magazines which are willing to publish some of our editorials.

In order to encourage more storage providers and corporates to support our project, we will produce articles and take photos to promote and commend their goodwill. For example, upon project launch (i.e. on the first day the homeless store their property), we will interview the storage provider and take photos of the responsible personnel. All such information will be posted on our social media accounts to express our deepest gratitude for their support upon their approval. The names and/or logos of Homecoming's partners and sponsors will also be produced in the distribution materials of Homecoming.

### Possible Partnership

1. Sunshine Action
2. ImpactHK
3. The Salvation Army Social Services Department
4. Christian Concern for the Homeless Association
5. Society for Community Organisation

# WORKPLAN AND BUDGET

## Phase I

Components	Activities	Immediate result indicators and targets	Responsible parties	Resources	Estimated cost (HK\$)	Duration
Project Planning	Identifying, approaching and registering target group	Find 10 eligible homeless	Team Homecoming	N/A	0	2 months
	Due diligence	Confirm identity of the homeless and avoid abuse	Team Homecoming	N/A	0	
Project Initiation	Confirming deal with CSW Storage or any other partners	Reach a finalised agreement of the mode of cooperation	Team Homecoming, legal mentors	N/A	0	
	Filling in the agreement	Request the targeted homeless to sign the agreement of usage	Team Homecoming	Written agreements	10/round; 10x3=30 in total	
	Designing, printing and distributing booklets and service target cards	The targeted homeless would understand the terms and conditions of using the service	Team Homecoming	Booklets and cards	5x10=50/round; 50x3=150 in total	
Project Implementation	Prepaying locker fees	N/A	Team Homecoming	N/A	200x10 = 2,000/month; 2,000x6=12,000 in total	1 week
	Handing over gift vouchers	Targeted homeless could use the vouchers for lockers	Team Homecoming	Voucher	0	2 months/round; 6 months in total
	Monitoring and evaluating the usage	CSW Storage helps monitor the usage by asking the homeless to sign usage record; distribute monthly questionnaires to the homeless for evaluation	Team Homecoming, CSW Storage helper(s)	Usage records, evaluation forms	50	6 months

**TOTAL:** 12,230

## Phase II

Components	Activities	Immediate result indicators and targets	Responsible parties	Resources	Estimated cost (HK\$)	Duration
<b>Project Planning</b>	Contacting partners	Establish partnership with NGOs, social workers and pro bono lawyers	Team Homecoming	N/A	0	2 months
<b>Project Initiation</b>	Recruiting volunteers	Recruit 10 volunteers from the faculty of law; form 5 groups	Team Homecoming	N/A	0	3 weeks
	Training workshops	Volunteers learn the necessary communication skills and have a general picture of the difficulties of the homeless	NGOs, Team Homecoming, university student volunteers	Venue for workshop	0	3 weeks
	Visits	Establish relationship with the homeless; identify their issues	Team Homecoming, university student volunteers, partnering NGOs	Supplies for the homeless (e.g. meal boxes, tissues)	500	1 month
	Designing leaflets	Design leaflets for distribution during free legal consultation	Team Homecoming, university student volunteers	N/A	0	3 weeks
	Printing leaflets	N/A	Team Homecoming	N/A	100	1 week
<b>Project Implementation</b>	Distributing leaflets	Explain the leaflets to the homeless and conduct legal consultation	Team Homecoming, university student volunteers	Leaflets, supplies for the homeless	400	2 weeks
	Follow-up	Refer the homeless' cases to pro bono lawyers for follow-up advice; allow the homeless to contact their respective groups through WhatsApp	Team Homecoming, university student volunteers	Contact number card (including add-value)	300	2 weeks

**TOTAL: 1,300**

### Phase III

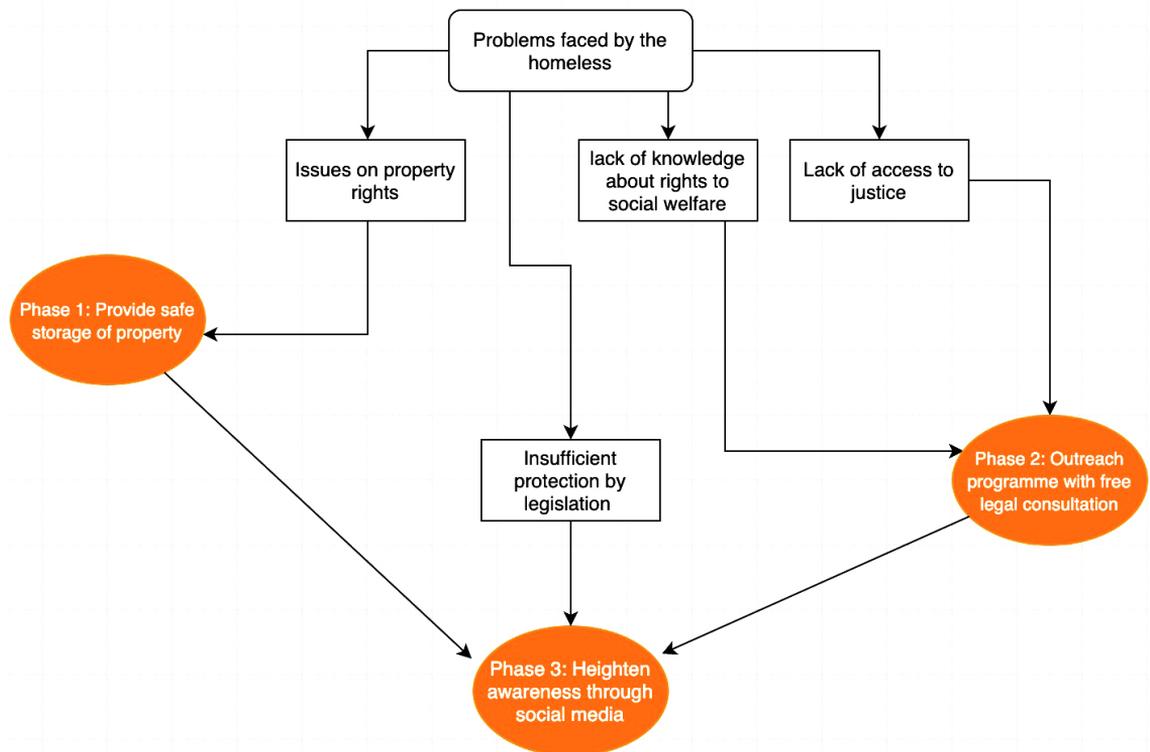
Components	Activities	Immediate result indicators and targets	Responsible parties	Resources	Estimated cost (HK\$)	Duration
Project Planning	Contacting partners	Same as phase II				
Project Initiation	Recruiting volunteers					
Project Implementation	Visits and collecting the stories and feedback	Interview the homeless for their feedback and personal stories with their approval	Team Homecoming, university student volunteers, partnering NGOs	Equipment for recording (paper, pen etc.)	0	6 months
	Designing, producing and editing articles	N/A	University student volunteers	N/A	0	2 months
	Finalising the articles	Finish drafting	University student volunteers, Team Homecoming	N/A	0	1 month
	Publishing the articles and photos to social media (Facebook/ Instagram)	Post the articles; Contact the NGOs, student volunteers and friends to help promote the articles	Team Homecoming, university student volunteers	/	0	5 months
<b>TOTAL:</b>					<b>0</b>	

# TIMELINE AND FLOW CHART

## Project Timeline 2021-2022

Task	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
<b>Phase I: Implementation</b>	Planning and initiation											
Monitoring and evaluation												
<b>Phase II: Recruitment</b>												
Workshop												
Visiting and designing leaflets												
Leaflets distribution												
<b>Phase III: Stories collection</b>												
Editing												
Publishing												

## Flow Chart



# PROJECT MONITORING AND EVALUATION

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We will conduct periodic review to evaluate whether the targets of output as listed in the workplan were met. Relevant information of the following stakeholders will be collected by the respective means:

**Target group feedback:** Both online and hardcopy questionnaires will be distributed to the homeless to evaluate quality and the effectiveness of our activities and communication for further improvement and sustainment of our project. Where the homeless cannot read or write, live or phone interviews will be conducted so that the homeless can verbally answer our questions.

For phase I, monthly questionnaires will be distributed to the homeless to ask about their job prospects, frequency of locker usage, and satisfaction of our phase. For phase II, the homeless may be required to evaluate the usefulness of our legal advice, the proactiveness of the students, and offer suggestions for improvement. For phase III, the interviewees will be invited to fill out questionnaires to offer suggestions for improvement and the friendliness of the volunteers.

**Volunteers' feedback:** Student volunteers will be asked to evaluate the project, their performance and our arrangements after each training and outreach phase.

**Partners' feedback:** We will keep in contact with all corporates who provided support, in forms such as monetary, material, time and promotion. In particular, for phase I, we will continue to communicate with CSW Storage and check the usage rate of each locker and address other issues, e.g. improper usages if any. These data will be analysed to evaluate the effectiveness of our phase and identify areas of improvement.

**Lawyers' feedback:** Pro bono lawyers who cooperated with the students to provide legal advice will be asked for suggestions and feedback.

**NGO's feedback:** NGOs and social workers will be asked for provide suggestions for improvement and whether the information on the leaflets in phase II are helpful. Social workers who guided student volunteers in phases I and/or III will also be asked to evaluate the volunteers' performance and proactiveness.

# PROJECT SUSTAINABILITY

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## Low Operation Costs

The operation cost of phases II and III is nominal. Regarding phase II, we plan to partner with NGOs so that the meal boxes distributed by the NGOs can serve as an incentive for the homeless to participate actively in our consultation sessions. As phase III involves student volunteers producing articles that will be posted on social media, only minimal, if not nil, cost will be incurred.

It is anticipated that phase I will be the most capital-intensive in our project. Yet, the cost incurred is well-spent to create a long-lasting and maximized impact. The rationale of phase I is to support and encourage employment of the homeless by protecting their property rights, which would help the homeless to be self-sufficient. In addition, by raising social awareness of the homeless in phase III, it is believed that more funds can be raised, from corporates and law firms that are committed to fulfilling corporate social responsibilities, individuals who are enthusiastic about the rights of the homeless, and other seed funds, to continue or even expand the operation of phase I to benefit more homeless, thereby making it sustainable.

## CONCLUSION

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In Hong Kong, there is a severe lack of legislation and community support for the homeless. A concerted effort to protect the rights and empower the homeless is underdeveloped. Discussion around policy remains undeveloped, disintegrated, while service models remain ad hoc and peripheral in nature. Also, advocacy focus has been placed on the moral aspect of the issue,

## Multiplier Effect

Through raising public awareness of the homeless with the use of social media, a multiplier effect can be achieved. Apart from the above-mentioned advantage it can bring to phase I, phase III can also mobilise more public support for the enhancement of legal protection for the homeless, which will be a good start for putting forward legal reform for the protection of the homeless in the long run.

## Potential Growth

Although the execution of phases I and II may be restricted geographically, as the focus will be on Tung Chau Street Park and Lei Cheng Uk Playground, the phases can serve as a pilot scheme that can easily be promoted to and replicated in other districts to create greater impact.

ignoring the legal needs of empowering the vulnerable group. Although we recognise that this proposal could not address the root of the homelessness issue - such as poverty and housing policy, it is necessary to consolidate the foundation for addressing their potential legal problems and offering help as much as possible.

## ENDNOTES

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19. Interview with 高佬, a homeless in Lei Cheng Uk Playground on 18 Sep 2020
20. Interview with 青山, a former homeless in Lei Cheng Uk Playground on 18 Sep 2020, and 高佬, a homeless in Lei Cheng Uk Playground on 18 Sep 2020
21. Interview with 阿泉, homeless in Tung Chau Street Park on 15 Nov 2020, and 香哥, homeless in Tung Chau Street Park on 15 Nov 2020
22. Interview with S, Founder of an NGO (anonymity preferred by the interviewee) on 15 Nov 2020
23. Interview with 李姑娘, a social worker from St. James' Settlement on 14 Sep 2020
24. Interview with an FHED outsourced cleaning worker in Lei Cheng Uk Playground on 18 Sep 2020
25. Interview with Mr. Yeung Yuk, chairman of Sham Shui Po District Council on 18 Nov 2020
26. Interview with an FHED outsourced cleaning worker in Lei Cheng Uk Playground on 18 Sep 2020
27. Interview with Mr. Yeung Yuk, chairman of Sham Shui Po District Council on 18 Nov 2020

2020

# LAW FOR CHANGE STUDENT COMPETITION

TEAM

6

PROJECT TITLE

Domestalliance

MEMBERS

Chui Tin Chau

Lee Chun Sing

Leung Ho Hei, Frederick

Lo Kwan Yiu, Geoff

Yip Hiu Ming, Meredith

SCHOOL

The University of Hong Kong

## OVERVIEW

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Foreign domestic workers (“FDWs”) have long been an integral part of the Hong Kong workforce since the late 1970s. However, the landscape of FDW employment appears to tilt the balance in the employers’ and agencies’ favour, as the inequality in bargaining power often puts FDWs in a disadvantaged position. This problem is especially acute during the COVID-19 pandemic, where reports of FDWs being unlawfully dismissed, exploited or discriminated proliferated. This proposal first explores the current problems faced

by FDWs by examining the interaction between the key stakeholders in the FDW ecosystem. Next, the proposal outlines how Domestalliance could enhance the resilience of the FDW community by empowering them to enforce their legal rights. To achieve this, Domestalliance positions itself as a middleman in the current ecosystem and engages different stakeholders (mainly NGOs and FDWs) via several initiatives. Lastly, the proposal concludes with a timeline and evaluation of the project’s cost-effectiveness and sustainability.

## PROBLEM ANALYSIS

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After conducting a survey with over 50 FDWs and qualitative interviews with two NGOs (HELP for Domestic Workers and Equal Justice - both of which we have established connections with)<sup>1</sup>, it is suggested that the current ordeal faced by FDWs stems from the following problems associated with various stakeholders in the FDW ecosystem:

1. **FDWs’ Legal Rights Awareness:** The rights of FDWs mainly come from two sources, namely (a) employment contracts and (b) the Employment Ordinance (Cap.57), which are both complex and technical. Therefore, laymen often face difficulties in understanding them, not to mention FDWs, among which some of them may not be as fluent as native English or Chinese speakers. Therefore, FDWs generally do not fully understand their legal and contractual rights (as affirmed by our first-hand survey<sup>2</sup>), making them vulnerable targets of exploitation by unscrupulous agencies and employers. Moreover, even if some FDWs are aware of their own legal rights, they may not know the ways of enforcing them or where to seek help from.
2. **Employers:** It is generally perceived that existing FDW-oriented non-governmental organisations (“NGOs”) are predominantly focused on addressing the needs of FDWs instead of focusing on employer-related information as to their legal rights and responsibilities. Indeed, current resources on

this topic are seriously deficient, with only a few lengthy guides and pamphlets available on the web. This lack of awareness is possibly exacerbated by employers’ scepticism towards FDWs and the language barrier between the parties. Ultimately, this sows the seeds of distrust, and thus conflicts between FDWs and employers over their respective rights and entitlements inevitably arise.

### Existing Service Gap

Moreover, we identify the following problems in the existing support offered to FDWs by NGOs:

1. **Weak FDW-NGO Nexus:** FDWs generally lack knowledge and awareness towards the existence of NGOs in Hong Kong. Therefore, when faced with contractual or employment difficulties, most FDWs do not contemplate seeking help from them. Instead, many of them seek help from employment agencies. While a few employment agencies (e.g. Fair Work Agency) are non-profit entities, the majority of them are profit-driven. When solving conflicts between employers and FDWs, profit-driven agencies, which account for more than 99.5% of the total number of FDW agencies, are inevitably placed in a position of conflict and thus their effectiveness in solving such problems are dubious, especially when they have an interest in the conflict.

Conversely, NGOs which are theoretically well-suited to tackle such problems and assist FDWs are not actively involved in many of these conflicts. Such a situation, if remedied, could empower FDWs to enforce their legal rights and create a conducive environment for NGOs to weigh in and resolve the conflict.

2. **Scattered NGO Network:** Currently, NGOs are highly specialised and usually only target certain niche areas (e.g. pregnancy, debt problem, contractual disputes). From our interviews with them, we observe that these NGOs are highly scattered, with at most an informal reference network binding a few of them together. Therefore, there is a lack of comprehensive one-stop-shop service available to FDWs. Given the sheer number and diversity of NGOs, FDWs often do not know which to approach even if they know of their existence. As time is often of the essence, it is neither efficient nor practical

for NGOs to refer FDWs to one another through informal networks when they have approached the wrong NGO.

3. **Ex Post Assistance:** One of the reasons why FDWs lack awareness of their own rights is the fact that most NGOs focus on providing *ex post* assistance to FDWs when they have already encountered difficulties. On the other hand, *ex ante* pre-emptive support that tackles the root problems (e.g. education) are almost non-existent, save perhaps for a few online booklets published by NGOs that are long-winded and highly technical. This is a key deficiency as conflicts between employers and FDWs often arise because both parties are unclear about their respective rights or they fail to appreciate the gravity of the disputes. Indeed, it is impossible to expect FDWs to achieve resilience when they do not even know that their rights are being infringed in the first place.

## HOW THE LAW COULD BE USED TO SOLVE THE ISSUE AND INTENDED OUTCOMES

Domestalliance uses the law in two different ways to tackle the above problems. First, FDWs face a myriad of employment-related legal challenges. However, many of them are not conscious of their legal rights, let alone enforcing them. For instance, wrongful termination has become prevalent amid the ongoing COVID-19 pandemic. In many cases, FDWs are tricked into signing “mutual agreements” so as to justify the employers’ wrongful termination without realising that this is prejudicial to their rights. Therefore, we aim to **use the law to empower FDWs in protecting themselves against exploitation**. As observed during interviews, FDWs form a close-knit community that look out for each other. By raising FDWs’ awareness towards their legal rights, the FDW community is empowered to become more resilient and independent in capably

confronting challenges themselves. This could help alleviate the problem of inequality of bargaining power, especially during COVID-19.

However, knowing one’s rights is different from enforcing one’s rights. Therefore, we also aim to use **the law as a way for FDWs to enforce their rights**. As a corollary, (1) a harmonious and non-adversarial working environment between employers and FDWs and (2) a society aware of FDWs’ ordeal would be highly conducive for FDWs to enforce their rights. Therefore, Domestalliance also aims to use the law to **raise the public’s and employers’ awareness towards FDWs’ legal rights**, thereby fostering mutual respect between the various stakeholders.

# STAKEHOLDER'S ENGAGEMENT

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## FDWs

FDWs are our main targeted beneficiaries. It is found that FDWs may not be comprehensively familiar with their legal and contractual rights and protections, forcing them to take a passive and disadvantaged position in case of disputes with their employees. Meanwhile, FDWs are generally not familiar with the local NGOs that target them as beneficiaries, rendering their services incapable of reaching a wider FDW community.

By adopting a holistic, one-stop-shop approach in targeting FDWs, we could connect with the FDW community via popular social media platforms, and provide them with informative insight on their contractual rights and relevant issues online and through community talks. Such measures purport to confer a better understanding of their rights so granted by the law. Where necessary, they could also refer to our website directory for information on the services available at different local NGOs so that we could fully assist them in resolving the problems they face.

## NGOs

Collaboration with NGOs is a core aspect of our project. Currently, we have already built up a number of connections with various NGOs (see Section Support to NGO Partners), and we would further expand our network as our initiative progresses. We aim to establish a mutually-complementary relationship with these NGOs in the following three respects:

1. In organising community talks on FDW-related issues, we seek to gather NGOs' professional knowledge and input to substantiate the content covered in the events. With a wide spectrum of NGOs each focusing on a specialised area (see Section Support to NGO Partners), we would be able to deliver comprehensive talks on a broad variety of topics with well-diversified content to satisfy the different needs of the FDW community.
2. We act as a middleman in bridging a connection between FDWs and NGOs. Our goal is to facilitate the NGOs' professional work (e.g. consultation, case-management) and ensure that FDWs in need receive precise and effective advice from the best-suited NGOs.
3. Our initiative would engage student volunteers to help support NGOs in their legal-related work (see below).

## Law Student Volunteers

Law is all about application, and law students as eager contributors carry immense potential in applying their knowledge to promote the common well-being of different stakeholders, thereby strengthening FDW resilience at the community level.

Through writing blog articles and regularly publishing content on social media, Domestalliance provides a platform for student volunteers to utilise their legal knowledge in a wider context and serve a wide spectrum of target readers. Moreover, student volunteers could also support partner NGOs in their regular legal work (such as analysing past case files, digitising databases and assisting in relevant legal and policy research for consultation services). Overall, not only would student volunteers develop a profound understanding as to FDWs' contractual and labour rights, but their contributions would bring about genuine impact in empowering NGOs to provide better legal support and bridging the gaps between different stakeholders in the ecosystem.

## Employers

While employers may neither be acting in bad faith nor seeking to exploit the FDWs, they may not have a full picture as to their legal obligations towards FDWs, triggering a host of legal disputes and grievances. As mentioned above, raising employers' awareness about the legal rights of FDWs could create an ideal context for FDWs to enforce their rights.

Therefore, we would also include employer-related issues and information in parts of our community talk and blog article initiatives, such as addressing common misconceptions they have regarding their legal obligations. Ultimately, we hope that our efforts could facilitate the organic development of harmonious FDW-employer relationships, hence reducing the probability of legal disputes preemptively.

## PROJECT OVERVIEW

Our target group is mainly Filipino and Indonesian FDWs in Hong Kong.

	Primary	Secondary
<b>Goal</b>	To empower the FDW community to develop self-resilience by letting FDWs know their rights and how they can enforce their rights.	To facilitate the self-cultivation of a healthy, non-adversarial and harmonious working relationship between FDWs and their employers.
<b>Objective(s)</b>	To adapt to the existing ecosystem and fill existing gaps by (1) formalising existing NGO networks and connecting them, (2) introducing our own initiatives and reaching out to at least 100 FDWs by February 2022 and (3) providing legal and manpower support to at least 4 NGOs by October 2021.	To engage with at least 50 additional stakeholders (employers and the general public) via our community talks, website and social media to raise their awareness about FDWs' rights.

Domestalliance aims to be a one-stop-shop platform and serves three specific functions:

Functions	Explanation
<b>Clearinghouse Directory</b>	<p>Domestalliance facilitates the interaction between NGOs and FDWs.</p> <ul style="list-style-type: none"> <li>Domestalliance's website provides a comprehensive directory of FDW-oriented NGOs (such as our NGO partners) specialising in different problems. Essentially, we aim to be the starting point for FDWs who face difficulties.</li> <li>Domestalliance's website acts as a clearinghouse to connect NGOs and formalise the existing networks between them by referring or rerouting cases to the relevant NGO(s), thus expediting the resolution of cases.</li> </ul>
<b>Awareness Builder</b>	<p>The foundation of Domestalliance's awareness-building work lies on its emphasis of "prevention is better than cure". Therefore, we focus on both preemptive and remedial support to FDWs and employers.</p> <ul style="list-style-type: none"> <li>Domestalliance's homepages on two key social media platforms (Facebook and Instagram) serve as various stakeholders' "first exposure" to what we do, through which the detailed services of our website and activities (e.g. community talks) would be introduced.</li> <li>Domestalliance's dual-stream community talks not only provide practical legal information for FDWs and employers, but also serve as an outreach to the general public in raising their awareness towards FDW-related issues.</li> </ul>
<b>NGO-Student Synergy</b>	<p>NGOs are indispensable partners of our initiative as collaboration unleashes immense synergy between (1) law students' legal skills and knowledge and (2) NGOs' practical on-the-ground experience. Such collaboration takes two different forms, involving both complementing existing NGO services and our own initiatives:</p> <ul style="list-style-type: none"> <li>In areas covered by existing NGO services, Domestalliance provides brain power and manpower (via student helpers) to assist in the delivering of the services while avoiding redundancy.</li> <li>In areas where NGO services are deficient or lacking, Domestalliance launches our own initiatives (see Section Community Talks) and consults NGOs for expert input and support when required.</li> </ul> <p>Ultimately, we aim to generate complementary harmony between our initiative with existing NGO services so as to achieve our common goal of providing the best possible services to FDWs and empowering them to enforce their legal rights.</p>

We recognise that some FDWs are more comfortable with comprehending information in their native written languages. Therefore, all relevant online and physical written materials introduced below would be available in different languages, such as Tagalog, Bahasa Indonesia and Thai. We would seek interpretation services from professional bodies, among which we would prioritise and target for long-term collaborations with NGOs as a matter of financial sustainability (to be elaborated in Section Budget and Cost Effectiveness). Currently, we are exploring the potential for partnership with the Centre for Harmony and Enhancement of Ethnic Minority Residents (CHEER), which offers professional translation services free of charge for NGOs and school entities.

## Website

Our website aims to provide multilingual information for FDWs of various ethnicities to enhance their awareness towards their own legal rights.

### Blog Page

The goal of our blog is to serve as an information dissemination platform that allows not only FDWs, but also employers and the general public to understand and be more aware of current issues relating to FDWs' rights and needs. The blog page would feature the following sections:

- **Rights and Responsibilities:** This section features short articles summarising FDWs' legal rights and employers' responsibilities in different areas in layman terms so that they could have a better understanding of their legal positions. Areas of discussion include contractual rights, employment rights, etc.
- **News Updates:** This section provides updates on recent social policies (e.g. Labour Department and Immigration Department policies) and news (e.g. court cases and COVID-19 related news) related to FDWs. We would also analyse the relevant news and provide suggestions and remedies as to how FDWs could cope with the latest developments.
- **Case Studies:** This section provides case studies (subject to the client's consent) drawn from our own database and the databases of our NGO partners (e.g. HELP). By analysing how we or NGOs could successfully resolve the relevant FDW's problems, FDWs facing similar issues could know what to expect and where they stand before even engaging us.

The relevant articles would be written by law student volunteers and pro bono lawyers and published on a bi-weekly basis.

### One-stop-shop NGO Directory: Chatbot

Our website would include a chatbot to help FDWs find the most suitable NGO according to their individual needs. The chatbot would be regularly optimised through machine learning and updated by us to ensure that more recent issues are covered. The basic flowchart is as follows:

1. After entering the webpage, FDWs would choose from a range of options about what difficulties they are facing (e.g. debt problems, pregnancy, legal disputes etc.)
2. After identifying the keywords input by the FDWs, the chatbot would suggest suitable NGO(s) to best solve the problems and provide their basic information, which include (a) an overview of their services and target audience, (b) contact information and (c) link to their respective websites.
3. If FDWs are still uncertain as to which NGO to approach (especially if their cases are complicated) or would like to seek preliminary support, the chatbot would direct FDWs to Facebook Messaging service (which has in-built auto-translation functions) where they could contact us in real time. After providing preliminary support to them, we would refer the FDWs to the relevant NGOs for further advice and support.

In addition to the chatbot, there would also be a more comprehensive directory which sets out the details of different NGOs so that FDWs could further consult it when necessary.

## Common FAQs

The Common FAQs section provides a quick reference for FDWs in relation to common issues of enquiry. These questions would include questions commonly raised by FDWs during talks or on our website and those received by our NGO partners. Accordingly, student volunteers would research on such topics and provide suggested answers and remedies, and ultimately compile them into a FAQ list. The page would be updated monthly in order to respond to the changing circumstances, especially the emerging questions due to COVID-19 pandemic.

## Upcoming Events

This section is regularly updated to serve as a notice board for FDWs. Announcements and reminders for soon-to-be-held events organised by our team and/or NGOs (e.g. workshops, consultation services, community talks) would be set out in the section.

## Social Media

Social media serves as a key channel for us to disseminate information related to FDWs' contractual and legal rights and suggested remedies to our target stakeholders in conjunction with our website. It would also be a key platform for us to promote our website, community talks, other events and to recruit student volunteers.

We plan to set up an official Facebook and Instagram page for this purpose. Notably, the Facebook page, being the primary social media used by FDWs, would similarly serve as a preliminary platform for which FDWs could seek information via a chatbot or contact us directly via FB Messaging. On the other hand, the Instagram page would mostly target the general public (especially law students). The promotion of the pages could be achieved through our team and volunteers' informal networks, word-of-mouth effect and social media advertisements.

The detailed content of our social media materials includes links to our website, infographics, FDW-related news updates & info packs, introductions of relevant NGOs, posts for promotion of events or online workshops, and advertisements to recruit student volunteers.

## Community Talks

We propose to organise community talks bimonthly on weekends, which is in consideration of both FDWs' and the general public's best availability. These talks would be divided into two main streams, one targeting FDWs and another targeting employers and the general public.

### Stream 1: FDWs

- **Aim:** The talks aim to provide practical legal information and guidance to FDWs in relation to common employment issues and predicaments.
- **Content:** Each talk would cover several pressing issues faced by FDWs at the corresponding time (e.g. work under COVID-19, wrongful termination, updates of legislations) with multiple guest speakers. The talk would also involve case sharings by FDWs and NGOs, and information about relevant NGOs specialising in those areas.
- **Duration: 1 - 1.5 Hours / Target Number of Attendees per talk: 30**

### Stream 2: Public and Employers

- **Aim:** The talks aim to raise awareness towards FDW-related issues, keeping other stakeholders engaged with the importance of safeguarding FDWs' legal rights.
- **Content:** The talks would cover awareness-building content, such as overviews on FDWs' legal rights and common scenarios or problems faced by both FDWs and employers. Case sharings by NGOs or FDWs would also be included, along with practical tips on creating a harmonious working environment and healthy FDW-employer relationships. A key NGO partner in this area would be Open Door.
- **Duration: 1 - 1.5 Hours / Target Number of Attendees per talk: 40**

In light of the COVID-19 pandemic, the talks and workshops are proposed to be held online, predominantly through Zoom for its accessibility and simple operation. The talks would involve a two-way dialogue. For Stream 1, the talks would adopt a FDW-oriented approach by first inviting FDWs to share their experiences on the topic. Afterwards, the speakers would elaborate on the problems and suggested solutions, with input from FDWs during the process. Similarly for Stream 2, the audience would be invited to share their knowledge and perception about FDWs, with the speakers elaborating on such inputs.

To make our information disseminated through community talks more accessible, particularly for FDWs who may not be able to attend the talks in real time due to their work commitments, the online talks would be recorded and uploaded to both our Facebook homepage and our website. Our target beneficiaries would hence be able to access the information at any time that best suits their convenience.

While the talks are to be organised on our team's initiative, we would actively seek collaboration with NGOs (see Section Support to NGO Partners) and legal practitioners, for which they would be invited to contribute their expert insight on the presentation topics, promote the events to the target beneficiaries, and take part as guest speakers.

## Support to NGO Partners

After interviewing several NGOs, we observe that NGOs in general face personnel and resource constraints in their provision of professional services, which range from frontline FDW consultation services to behind-the-scenes data compiling. Therefore, in fostering a strong collaborative bond between our team and NGOs, we would provide a source of law student volunteers (including members of our team) for personnel and administrative support to our partnering NGOs in their daily work. Depending on the NGOs' individual needs, our support would cover areas such as analysing past case files, reorganising and digitising databases and assisting in relevant legal and policy research for consultation services. We believe that such support could create synergy between law students' legal knowledge and NGOs' on-the-ground experience and expertise.

Currently, we have established close contact with two NGOs, namely HELP for Domestic Workers and Equal Justice, in exploring the potential for collaboration and what we could offer to support their work. Details of the proposed support are set out below:

### HELP for Domestic Workers

- **Mission:** HELP aims to empower FDWs through legal advice, assistance, education and support, and help them gain access to justice and receive fair and equal treatment.
- **Work:** Educates FDWs on their legal rights; Offers legal advice when FDWs are arrested for criminal offences; Helps FDWs pursue claims in Courts and Labour Tribunal and assists them with court documents.
- **Proposed Support:** Our student volunteers would assist HELP in their current initiatives. First, HELP is currently operating Sunday Zoom clinics to help FDWs with the help of laymen volunteers. From our interview, it is believed that law students could generate synergy with HELP by providing extra legal support to help run the clinic. Second, law students could assist HELP with its ongoing work of analysing past case files for common issues and trends, and providing legal solutions correspondingly. Third, student volunteers could assist with the consultation services provided by HELP by providing a legal perspective to help solve the problems faced by FDWs.

- **Proposed Hours: 8 hours per week / Volunteers Needed: 5**

### Equal Justice

- **Mission:** Equal Justice aims to help FDWs anticipate, prevent, and solve their legal problems through free, practical legal education and support.
- **Work:** Provides services to FDWs in navigating the justice system; Educates and empowers FDWs through information training; Encourages knowledge sharing for collaborative research with the academic and public policy field.

- **Proposed Support:** Our student volunteers could primarily assist Equal Justice through legal research support so as to facilitate their advocacy work. Moreover, our student volunteers could also collaborate with Equal Justice in their legal education efforts.
- **Proposed Hours: 6 hours per week / Volunteers Needed: 4**

Given the initiative's novelty, we plan to first focus on developing a close collaborative relationship between the aforementioned NGOs, which are chosen for their relatively broad-based service coverage. As our project progresses and gains momentum, we would be able to expand our support to other NGOs based on our experience and reach out to more niche NGOs such as PathFinders, Enrich HK, Mission for Migrant Workers and Open Door.

## TIMELINE

Tasks for 2021	Start	End
<b>Phase I: Preparation</b>	<b>Feb 2021</b>	<b>Apr 2021</b>
Develop website	Feb 2021	Mar 2021
Prepare online content (blogs, articles and info packs)	Feb 2021	Apr 2021
Design promotional materials	Feb 2021	Feb 2021
Recruit law student volunteers	Feb 2021	Apr 2021
Finalise collaboration details with NGOs	Feb 2021	Apr 2021
<b>Phase II: Launch of Project</b>	<b>Apr 2021</b>	<b>May 2021</b>
Launch website and social media pages	Apr 2021	Apr 2021
Conduct promotional campaign (social media ads, distribute leaflets)	Apr 2021	May 2021
<b>Phase III: Operation (Ongoing)</b>	<b>Apr 2021</b>	
Website maintenance	Apr 2021	-
Engage in NGO support (Pilot Stage)	Apr 2021	-
Update blog and social media	Apr 2021	-
Organise community talks	May 2021	-
<b>Phase IV: Sustainability and Monitoring (Ongoing)</b>	<b>May 2021</b>	
Analyse social media data	May 2021	-
Engage additional NGOs for collaboration	Jul 2021	-
Hold interim evaluation meetings with NGOs and acquire feedback	Jul 2021	-
Recruitment of a new session of student volunteers	Sep 2021	-

## BUDGET AND COST EFFECTIVENESS

Category	Item	Budget (HK\$)
Website	<b>Website Development</b>	
	Domain name	300
	General maintenance	5,000
Website	<b>Content Development</b>	
	Material translation*	3,000
Event	<b>Promotion - Recruiting Law Student Volunteers</b>	
	Materials (stationery, notes, promotion stands etc.)	500
	Venue booking**	1,000
	<b>Promotion - Targeting users</b>	
	Leaflets	1,500
Event	Zoom account**	1,200
	Advertisement on social media***	5,000
Others	Contingency / Reserve Funding	2,500
<b>GRAND TOTAL:</b>		<b>20,000</b>

\* As previously set out, we would seek free-of-charge partnerships with NGOs such as CHEER for translation services to maximise our limited resources. In any event, we would utilise our position as a non-profit start-up to seek the best prices for translation services without sacrificing quality.

\*\* In order to minimise expenses and ensure effective allocation of our financial resources, we would endeavour to maximise the use of existing free-of-charge or discounted resources. This would include, inter alia, making use of school venues for meetings and volunteer training sessions, actively collaborating with NGOs and seeking charity or non-profit body discounts for online resources.

\*\*\* To ensure that the potential of social media advertisements could be fully realised, we would frequently analyse the background data and demographics of our page's visitors, and adjust the scope and coverage of the advertisements accordingly to best target our intended audience, including law students and FDWs.

# MONITORING AND EVALUATION

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To ensure that what we offer are in alignment with the stakeholders' needs, we would adopt a continuous monitoring and evaluation framework as follows:

## Via Our Social Media

We would review the visitor analytics of our Facebook and Instagram pages and compile a regularly-updated database on the demographic breakdown and reach of the social media audience. Our promotional strategies would be adjusted with reference to such information.

## Via Our Website

We would compile and analyse data of the issues encountered by the chatbot in our website to identify common difficulties faced by FDWs, and adjust the content of our website and talks accordingly to better address the issues and provide preemptive support.

## Via Our Community Talks

Response sheets would be collected from participants after each and every talk. Student volunteers would analyse the collected data and compile reports for both our team's and partnering NGOs' reference. Based on the feedback on "satisfaction", "relevance" and "usefulness" of the talks, we would make adjustments to the content and presentation to maximise the effectiveness of future events, as well as fill in the gaps in addressing ancillary issues via the website blog.

## Via NGO Feedback

We would hold tri-monthly meetings with our partnering NGOs to discuss the progress of events, effectiveness of service, and future plans and objectives.

## Via Our Student Volunteers

Student volunteers are an important source of feedback as they work on the ground and directly interact with the NGOs and FDWs. Therefore, questionnaires would be sent to student volunteers to understand the difficulties faced by them during the service, pressing issues observed, effectiveness of training provided and their efficacy in cooperating with NGOs. Afterwards, we would pinpoint any practical difficulties in our project and take remedial measures to maximise the effectiveness of student participation in the project.

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# SUSTAINABILITY AND MULTIPLIER EFFECT

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## Sustainability

Domestalliance is a dynamic and on-going project in HKU which constantly improves itself and responds to new problems faced by FDWs. As collaboration with NGOs is the lifeblood of our project, it is essential for us to build a long term and mutually beneficial relationship with them. Therefore, as set out above, we would maintain close communication with our partnering NGOs through regular meetings to obtain feedback and be constantly informed of both sides' directions and plans. Moreover, we would analyse the data collected from our social media pages and various activities to pin down the latest difficulties faced by FDWs and provide new services accordingly.

Currently, many student-led initiatives recruit student volunteers separately in each school term, thus having to continuously commit resources and time to train new "sessions" of volunteers. We propose to take a step further by building a "core group" of enthusiastic student volunteers who are committed to our project in the long run: They would be groomed and empowered to gradually take up positions of responsibility within our initiative - they would be trained to take charge in briefing sections and provide hands-on training to new volunteers based on their previous experiences, hence ensuring a seamless handover between different "sessions" of volunteers. Ultimately, the core group initiative would build up a body of accumulated knowledge. This would ensure the sustainability of Domestalliance as the core group's continuous involvement makes them ideal candidates as future leaders of the project. Most importantly, smooth transcendence of Domestalliance's mission between different leadership "sessions", would eliminate the disruptive effect caused by project leaders' graduation as time goes by.

Financially speaking, our project's financial expenditure is expected to decrease as our project continues to run. The majority of expenses incurred throughout the project's operation would fall in its commencement year, during which we would have to seek external

sponsors to fund for kick-start expenditures (e.g. fees for domain name registration and Zoom account) and preliminary resources for student recruitment and workshops. As we acquire increasingly extensive experience, we would be able to draw better estimates on necessary expenses and cut unnecessary costs. Moreover, as our project matures, the need for promotion expenses (e.g. social media ads) would decrease as we could increasingly rely on the word-of-mouth of NGOs and beneficiaries in spreading our service to a larger audience (see Section Multiplier Effect). As a matter of continuous financial support, we would actively seek the HKU Faculty of Law's funding for our project in anticipation of the exhaustion of the seed fund.

## Multiplier Effect

Domestalliance aims to amplify the multiplier effect in three main ways. First, Domestalliance's website attracts more NGOs and FDWs to utilise it through the network effect. As our platform is a clearinghouse matching FDWs & NGOs, its effectiveness depends on the number of FDWs and NGOs using our platform. As the number of users grows on both sides, the platform's utility to both sides and the motivation for other non-users to join would increase simultaneously. Ultimately, when the critical mass is reached, a bandwagon effect would follow. Specifically for our platform, the number of NGOs cooperating with us would be crucial: Once a sufficient number of them are willing to cooperate with us, our clearinghouse service would become highly attractive to FDWs.

Second, students engaging in our project would have a clear understanding of difficulties faced by FDWs and build a strong awareness towards the problem. Through word-of-mouth and student volunteer's positive sharing of comments and feedback, more and more law students would develop an interest towards FDW issues and be eager to contribute, i.e. they would be incentivised to take part as student volunteers, if not core team members.

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Third, we could implicitly build the reputation of our project's effectiveness informally through the success and results of our work for stakeholders such as FDWs and employers. For instance, through encouraging FDWs in finding NGOs through our directory, they would become more confident in seeking external support. This enables FDWs to receive the most suitable support and NGOs services could be better utilised.

In a nutshell, Domestalliance aims to utilise the snowball effect to promote our initiative to all relevant stakeholders. Every time we organise a new event or engage a new stakeholder, our influence would be amplified. Ultimately, this ripple effect would raise public awareness about our work and the problems faced by FDWs, hence benefiting all stakeholders in the ecosystem.

## ENDNOTES

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1. For details of the survey, contact Marco Lee at marco00551199@gmail.com.
2. For details of the survey, contact Marco Lee at marco00551199@gmail.com.
3. Labour Department Employment Agencies Portal. (2020). Extracted from [https://www.eaa.labour.gov.hk/tc/result.html?en-name=&tc-name=&sc-name=&en-addr=&tc-addr=&sc-addr=&tel-no=&fax-no=&email=&types=F&region=&location=&district=&search=SQ&filter-by=&page-no=1&row-per-page=30&sort-by=TC\\_NAME\\_ASC](https://www.eaa.labour.gov.hk/tc/result.html?en-name=&tc-name=&sc-name=&en-addr=&tc-addr=&sc-addr=&tel-no=&fax-no=&email=&types=F&region=&location=&district=&search=SQ&filter-by=&page-no=1&row-per-page=30&sort-by=TC_NAME_ASC) accessed 8th Dec 2020.

2020

# LAW FOR CHANGE STUDENT COMPETITION

TEAM <b>7</b>	PROJECT TITLE <b>WeDoCare</b>
MEMBERS	Fung Sze Wing, Esther Lee Ka Hey, Linelle Lo Kwan Yee, Jessie Mok Kai Hin, Matthew Wong Chi Long
SCHOOL	The University of Hong Kong

# INTRODUCTION

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WeDoCare aims to provide assistance for domestic abuse victims and raise general awareness towards the issue of domestic violence in light of the escalated occurrences since the outbreak of COVID-19. Our project is specifically structured in accordance with this year's themes of "community" and "resilience" - we hope to create a strengthened community for people who have experienced domestic violence in which they can receive long-term support for recovering from their unpleasant experiences. Currently, people who have

gone through domestic abuse are either not aware of the support platforms available to them or reluctant to voice out their experiences, which is why we want to let them know that they are not as isolated as they thought through this project. We also want to make the general public part of their community to diminish any prejudice our society might have towards domestic violence. Ultimately, we hope to develop our project into one that could alleviate the problem of domestic violence in Hong Kong in the long run.

# BACKGROUND

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Domestic violence is a long-existing problem in the Hong Kong community. Statistics from the Social Welfare Department shows there were 2920 reported cases of domestic abuse cases in 2019, in which almost 80% are physical abuse cases.<sup>1</sup> Moreover, there are some hidden cases in which victims of domestic violence fail to report. There are also cases that involve multiple types of abuse such as physical, verbal, psychological, and sexual abuse. Among the reported cases, 84.2% involve female victims, comprising the overwhelming majority of victims.

An escalation of domestic violence has been observed since COVID-19. Studies have shown that the loss of employment or financial stability amid COVID-19 contributes to a greater likelihood of three times as many domestic violence-related inquiries than before quarantines were in place. The Hong Kong Federation of Women's Centre (HKFWC) and other help centres have reported a sharp rise in domestic violence cases since the start of the pandemic. The Harmony House,

the city's first shelter for abused women and their children, received more than 900 hotline calls in March alone. According to HKFWC, only 30% of people seeking help from domestic violence cases in the epidemic were reported to the police for help, and no abuser was ultimately prosecuted.

Victims of domestic abuse often do not know what kinds of behavior amount to abuse. Even for those who do, a lot of them would feel too ashamed or embarrassed to tell anyone that they are suffering from abuse. As stated by the HKFWC, in 2011-2016, 85% of the domestic violence cases were classified as "domestic incidents" by the police, oversimplifying the severeness of the problem. Very often, victims did not receive a clear explanation from law enforcers on how to assess the situation even after contacting the police. Hence, it is essential to address this current issue and prevent neglecting recessive domestic violence in Hong Kong.

# PROBLEM ANALYSIS

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## Victims' Lack of Knowledge of the Issues and Their Rights

Victims often lack the understanding towards domestic violence and are incapable of identifying the possible solutions when they encounter such difficulties. Through interviews with the domestic violence victims and social workers, misconceptions are remarkably prevalent. Often do the victims identify themselves as one, especially for non-physically abused victims, who nevertheless need equal help and support. Many of them neither know the rights they enjoy, nor how to handle abusive situations as they do not know the spectrum of solutions they can choose from and often believe that they must resort to litigation which triggers high financial causes and deterioration of familial relationship or even drastic consequences towards their children's future, thus reluctant to seek help. While other victims are unfamiliar with the legal procedures, hence pacified in reaching out.

## Limited Legal Capacity within NGOs to Maximise Their Aid for Victims

Social workers play a decisive role in aiding and providing supporting services to domestic violence victims because they are those who have direct access and close contact with the target group that needs legal support. It is raised by social workers we interviewed that there is a lack of internal legal expertise and capacity, causing difficulty for them to adequately assist the victims with their legal issues and impeding from personalized follow-up of legal advice provided by lawyers. In most scenarios, they are unable to address the victims' elementary legal questions and can only refer such inquiries to legal professions or NGOs with more established legal networks. Higher proficiency in relevant legislation and legal procedures is required among social workers in order to save manpower and increase efficiency in providing aids for victims. In a specific case, if social workers are able to acquire basic legal knowledge, thus assisting the victim in explaining the case facts to the lawyer, or even conduct basic legal research and explain rudimentary legal concepts to victims.

## Amplified Problems amid COVID-19

The problems of domestic violence have been amplified since COVID-19. Most citizens are encouraged to work-from-home and avoid constant outdoor exposures during the pandemic. With the significant increase of time where (potential) victims and abusers stay under the same shelter, the frequency of domestic abuse increases correspondingly. Lastly, as female victims seldom leave their homes during the pandemic, limited individualised services and support is provided for them, thus deteriorating their mental health and resulting in inability for them to seek help.

## Lack of Interactive Platforms

For many victims of domestic violence, they lack platforms on which they can voice out the issues they are facing and receive help or advice accordingly. In many cases, people can only browse through various websites and informative pages to access resources related to domestic abuse. For example, there are many websites that provide information on the legal and social aid available for domestic abuse victims. However, one of the biggest drawbacks of using such methods is the lack of interactive elements. Victims cannot communicate their problems to people such as social workers and lawyers. In other words, they cannot receive advice that is customized to their needs and concerns.

# GOALS AND OBJECTIVES

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## Empowering the Victims through the Knowledge

The blogs and community outreach activities ensure victims are well-aware of the aid and legal rights that they can rely on, facilitating their crisis management on their own. For instance, it essentially educates people about the acts that contribute to abuse, both physically and psychologically, thus prevent or/and identify mishappenings. This project also suggests and offers subsequent measures for victims to protect themselves, achieving the legal empowerment of the vulnerable individuals who lack resources and legal knowledge. Particularly the online platforms serve as a medium for victims to have a more thorough comprehension related to the types, causes and solutions of domestic violence.

## Introducing Platforms for the Victims to Seek for Help

Under our project, other than providing ample information and empowering them, practical aid will also be provided. We aim to provide the victims a platform to seek help from the social workers and the lawyers. We understand that, in most of the time, the victims may not know what they can do and what they should do, and we believe that it would be better if there is a platform for them to seek practical aid. Law students will voluntarily assist victims-in-need to apply for legal aid services, otherwise, contacts of professionals will be provided. Additionally, a two-way spontaneous communication platform is introduced in our project, such as online blogs and interactive workshops where victims can share their queries, concerns and experiences.

## Provide Legal Training for Social Workers

Social workers are often the first contact-point of domestic violence victims, thus basic legal knowledge of social workers is crucial. As highlighted, the majority of them lack the legal capacity regarding the rudimentary legal questions that might be raised by victims or any follow-up support after lawyers' services. Nowadays, there are a lot of victims who seek help from the social workers, but the social workers are not able to tell them what to do, the biggest reason behind this is that the social workers do not have constructive legal knowledge in addressing the problems of the victims. By providing

legal training to social workers regarding the legal problems that might be faced by domestic violence victims, a wider scope of victims can be benefited from the knowledge of each social worker, alleviating the current pressures of unmet legal needs. It also better connects relevant stakeholders such as social workers and lawyers, which facilitates NGOs in finding legal support when needed.

## Raising Awareness of the Public Towards Domestic Violence

By raising awareness among the general public on the topic of domestic violence, we hope to build up a support network for victims in the community which would make them feel less deserted and helpless. Under the current societal norms, victims are taught not to report the abuse that they are receiving since it was shameful to do so. We would like to make people realize that instead of encouraging them to stay silent, it is important to create an atmosphere where they can easily seek help whenever needed. The online blogs, social media posts and workshops/ talks are effective means for the general public to have access to related information. Not only will they have a more comprehensive understanding towards this issue, they can also be able to potential victims around them.

## Interactive Engagements of the Public and Target Group

One of the key features of our project components is to introduce hybrid sharing sessions and interactive social media updates to optimize the engagement of the target group and victims. There will be Q&A and sharing sessions in our workshops, which will be held both online and in person. For people who attend our face-to-face or even through virtual workshops, they can interact with our guests such as social workers and lawyers to learn more about domestic violence. This provides channels for livelier interactions and ample feedback or responses. Also, through inviting people who have experienced domestic violence and recovered to share their experience on social media platforms, it empowers other people who had similar experiences to speak up and create a community among them. By enabling opportunities for victims to share their own stories, it has a restorative impact, not letting their abusers define them.

# PROJECT COMPONENTS

## Online Victim Blog

### Purpose and Intended Outcome

Currently, victims of domestic violence usually do not have enough knowledge of what they can do to fight against domestic violence, they do not even know about their own rights. Therefore, the best way to improve the current situation is to educate them. And we hope that they can empower themselves to fight against domestic violence.

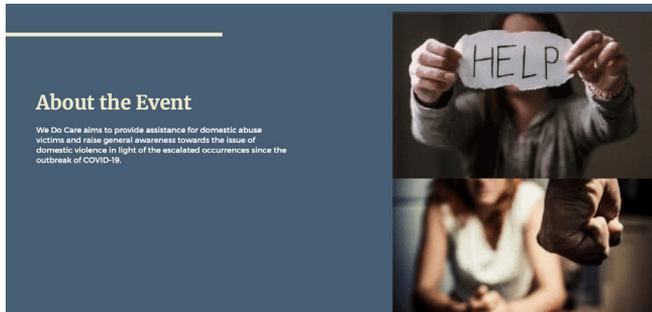
### Strategy and Component

The online blog is set up in cooperation with HKFWC and pro-bono legal advisors, where a column in HKFWC's newly established website will be operated by our law student volunteers. The online blog serves as a platform for student helpers to upload their articles. The student helpers will be responsible for conducting legal research and blog writing. A wide range of articles regarding domestic violence will be uploaded to this website. We will include different legal topics, for instance: (1) What amounts to domestic violence, (2) Potential legal actions that may be taken by the victims, (3) How can they apply for legal aid. Furthermore, more legal information will be posted on the column, such as case summaries and legal reports of local and overseas judgements related to domestic violence. The starting point of the blog will be on different categories of domestic violence and an introduction to the Domestic and Cohabitation Relationships Violence Ordinance.

Apart from conducting legal research, our online blog also serves as a platform for student helpers to communicate with the victims of domestic violence. We understand that in order to help the victims of domestic violence, a better way would be two-way communication, instead of just giving them tons of information. Therefore, we welcome the victims of domestic violence to send their problems or concerns anonymously to us. And our student helpers will be responding to their concerns, we will reply to their problems in our article. If they need further help, they are always welcome to contact us through our online chat function, the identity of the victims will be kept strictly confidential.

Last but not least, our blog will also include some articles that are written by social workers. The social workers are a group of people with professional skills in handling victims of domestic violence, we believe that they are in the best position to offer some insights or advice to the victim.

Preview of our online blog (still in development):



## Future Development of the Online Victim Blog

In the future, we plan to add a forum for the victims of domestic violence to express their thoughts, where victims of domestic violence can set up anonymous accounts. They can freely open the posts in the forum with statuses about their encounters with domestic violence. In addition, they can respond to other people's posts with one of five emoticons that best represent their emotions that day (Happy, Neutral, Sad, Angry, Scared). Users' statuses are chronologically ordered on their feed, so the admins of the platform can trace the development of the violence easily.

Law students will monitor the forum closely. Law student volunteers are equipped to categorize what constitutes illegal acts in relation to domestic violence cases after conducting legal research, and shall reach out to the victims via direct message if they identify (potential) illegal conducts against the victims and believe the situation has worsened to the extent it warrants intervention (e.g. if the victim expresses on the forum that he/she has been beaten, or if he/she feels "scared" for many consecutive days).

Intervention from student volunteers should be specific, personalized and respectful. They should not take action without the victim's positive consent. For example, if the victims express that they merely want emotional support in the conversation, student volunteers can formally pair them up with social workers, or informally offer a listening ear. If they express that they wish to communicate on this matter with the abuser, the law student can advise them to opt for mediation. After they have given consent, the law student can pair them up with volunteer mediators which will oversee and guide the dialogue. If they express they want legal support, the law student volunteer is responsible for providing a basic explanation on the relevant legal procedures or options that the victim can opt for. If victims would prefer professional legal expertise, or if their demands are beyond the volunteers' legal knowledge, victims may also be paired with legal practitioners/ specialist family mediators or social workers. A contact list consisting of legal practitioners/solicitor firms, mediators, and social workers will be prepared and will be provided to victims if they wish to seek further assistance from professionals.<sup>2</sup>

## Domestic Abuse Workshop

### Purpose and Intended Outcome

Lack of knowledge among different stakeholders is one of the causes of domestic violence. NGOs, particularly social workers, and victims are two main target groups of the workshops. Through organizing multiple workshops with a wide coverage of topics, the intended outcome is to expand their relevant knowledge, such as assisting the victims to identify the type and causes of domestic violence thus empowering them to protect themselves, and strengthening the legal capacity of social workers to address related issues.

### Strategy and Components

Online or physical workshops will be held coupled with social media awareness. Workshops cover different topics and different experts (eg. lawyers/ social workers/ NGOs) will be invited to deliver the content. Some NGOs, such as HKFWC and TWGHs CEASE Crisis Centre, have shown interest in co-hosting talks and workshops related to this issue. The topic, content, guests invited and detailed planning of workshops will be done by us, while different NGOs will provide venues for our workshops if available and occasionally volunteer social workers as the guest speakers of our workshop.

### General informative workshops for social workers

Social workers play an essential role in providing for the vulnerable target group whom they have long-term personal contact with. Through referral from government agencies and receiving direct calls, social workers often become involved in domestic violence cases at an early stage and continue following up by counselling, assisting them in sourcing assistance needed and even providing basic legal support. Through workshops and talks, this project can help build up the NGO's capacity in handling domestic violence cases. The content of each workshop varies and covers a wide range of topics. Mainly short talks held by legal professions to enhance social workers' understanding in legal service provision and detailed knowledge towards the legal procedures at court or in applying for pro-bono legal services.

Through multiple workshops discussing various legal issues which potential victims might have to encounter, social workers are more capable in assisting and answering the inquiries of different victims in the long-run. Furthermore, they can even provide specific case management support to victims such as solving minor legal problems at a preliminary stage, and helping them liaise with lawyers/ relevant parties if further actions are involved. For instance, most female victims are worried about custodial issues while current social workers are not familiar with this topic. Related topics, including the rights of victims and possible processes that have to be gone through for litigation, can assist social workers in explaining relevant concepts to the victims. Each social worker is responsible for several cases and often the key contact person of the victims. Therefore, empowering social workers is the most direct and sustainable method in benefiting a larger group of victims.

#### **Workshops for victims / potential victims cohabitating with aggressive spouses and general public**

Knowledge and ability of victims to identify and solve issues related to domestic violence is also inevitable in alleviating the problem. This can be addressed by inviting NGOs, social workers and lawyers as guests for the workshops, victims/ potential victims and general public.

Firstly, legal experts and lawyers are invited to share what possible solutions, such as litigation and mediation, available for them. The experts are also encouraged to share some previous experiences working with domestic abuse victims, including what were their experiences and how were their cases handled. This provides a large spectrum of possible solutions for victims to resort to, instead of merely remaining silent or necessarily bringing a legal action. Furthermore, Q&A Sessions are included within workshops for the audience to raise questions depending on that specific topic, such as divorce, custody, injunction, etc. for more interactive communications.

Secondly, interactive workshops will demonstrate what constitutes domestic abuse, including physical, verbal, sexual and psychological. Short comparative skits of similar but different scenarios are performed, after

which participants are asked to vote (either physically or through a social media poll) which scenario they believe constitutes domestic abuse, and explanations will be provided after the skit. Thirdly, social workers will explain the common problems and situations identified among victims, as well as ways to protect themselves, minimizing the chance of mishappenings. Emotional therapy workshops are also introduced to relieve victims and provide emotional escape. Victims are divided into groups for discussions to form a two-way dialogue between participants and therapists, providing a grievance channel for victims while promoting their mental well-being.

## **Social Media Dialogue**

### **Purpose and Intended Outcome**

Currently, lack of interactive platforms for victims to seek aid is one of the issues. Information is usually displayed on various websites where browsers cannot communicate effectively with the people providing such services or information. This ends up in a relatively inefficient exchange of information where domestic violence victims cannot get help according to their needs. By creating a social media account for our project on platforms like Instagram and Facebook, we can make use of interactive features such as Instagram stories and polls. Followers can communicate their concerns or queries to us through direct messaging and we can address them either publicly or in private soon after we revived their questions. An instant and two-way communication method can be created.

Furthermore, compared to conventional methods such as websites, social media platforms outreaches to a broader audience. We hope to reach a larger audience, especially the younger generation using social media as one of our publication platforms so that not only will people affected by domestic abuse be able to access related information, but the general public who are frequent visitors of these platforms could also be educated on the issue of domestic violence. This way, we can achieve both the aim of providing assistance to domestic abuse victims as well as raising public awareness on the issue.

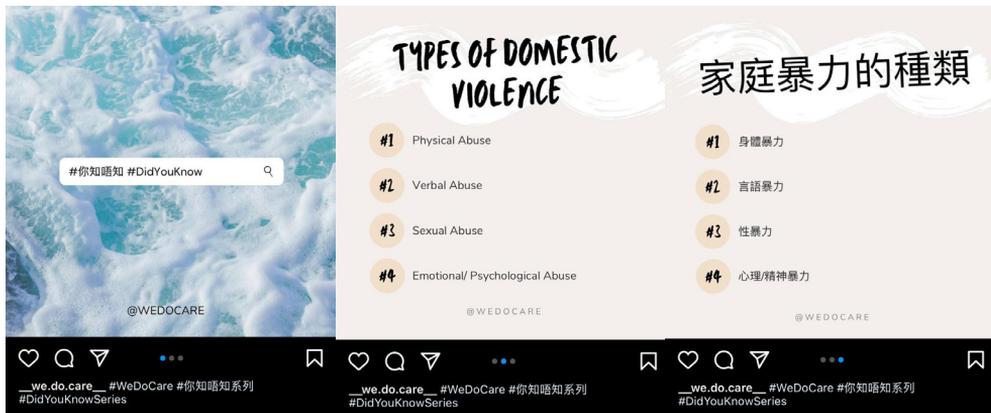
## Strategy and Components

### Social Media Posts (Facebook / Instagram)

There are a few main features of our social media platforms. Firstly, we will publicize video sharings or written posts of people who overcame domestic violence. The victims may come from different backgrounds and experienced different hardships. Through the genuine and personal sharings, more insights and encouragement can be brought to existing or potential victims to overcome their difficulties. Secondly, there will also be Q&A platforms (e.g. on Instagram stories, FaceBook Messenger, or Instagram direct messages) to collect common concerns, questions and misconceptions raised by the public or victims about domestic violence. These posts focus

less on delivering legal information, and more on sharing personal experiences. The format is more comprehensible, such as posting checklists, useful information, etc. We will also create content about the myths on domestic abuse and correct any common misconceptions people may have. Various related issues shall be covered such as concepts of domestic violence, information related to the victims rights, preparation and court procedures for litigation, possible help from integrated family services centres, and other related queries will be addressed. The social media posts address and answer common questions in a simpler way with the use of graphics and non-technical wordings to ensure the messages are readily conveyed to the target audience.

### Example of Instagram Posts:



#we.do.care\_ #WeDoCare #你知唔知系列 #DidYouKnowSeries

Physical abuse is only one type of abuse. There are several categories of abusive behavior, each of which has its own devastating consequences. The long term destruction of personhood that accompanies the other forms of abuse is significant and cannot be minimized.

Types of Abuse:

- Physical Abuse**  
Physical abuse is any physically aggressive behavior, withholding of physical needs, indirect physically harmful behavior, threatening with a weapon, or threat of physical abuse. Examples such as hitting, pushing, pulling and threatening to physically assault.
- Verbal Abuse**  
Any abusive language used to denigrate, embarrass or threaten the victim. This includes threatening to hurt or kill the victim or her children, family, property or reputation.
- Sexual Abuse**  
Using sex in an exploitative fashion or forcing sex on another person. Having consent to sexual activity in the past does not indicate current consent. Sexual abuse may involve both verbal and physical behavior.
- Emotional/ Psychological Abuse**  
Emotional abuse is any behaviour that exploits the victim's vulnerability, insecurity or character. Such behaviors include continuous intimidation, manipulation, or control of another to the detriment of the individual.

提起家庭暴力，很多人的認識仍然停留在身體暴力的認知層面。覺得愛人和自己沒有「動過手」，自然就不存在家庭暴力行為了。事實上，家庭暴力的種類很多，而且都會導致長遠的負面影響。

- 1 身體暴力**  
身體暴力舉凡指肢體虐待。虐待的動作包括有推、拉、扯、搥、使用器械威脅、或威脅攻擊等方式。
- 2 言語暴力**  
精神暴力是指經常侵犯他人的人格尊嚴。用言語、語調予以脅迫、恐嚇，以企圖控制被害人。像謾罵、吼叫、侮辱、諷刺、恫嚇、威脅傷害被害人或其親人、揚言使用暴力等。例如辱罵三字經、謾罵對方的無能愚蠢、恐嚇殺死全家、威脅再也見不到小孩等語言。
- 3 性暴力**  
性暴力一般是指丈夫在違背妻子意願的情況下，強行與之發生性關係。同時亦包括強迫性幻想或特別的性活動、逼迫觀看性活動、展示色情影片或圖片等。
- 4 心理/精神暴力**  
精神暴力如監視、冷漠、鄙視、羞辱、不實指控、破壞物品、試圖操縱被害人等，足以使對方畏懼或心生痛苦的各種舉動；另外，不當的過度關愛，給對方的生活帶來嚴重的困擾，也可能造成心理的虐待。

## Assistance for Victims in Legal Aid Application

### Purpose and Intended Outcome

We noticed that a number of victims encounter difficulties when they apply for Legal Aid to bring an action against the abuser. They may not be familiar with the eligibility and application procedures of Legal Aid service. It is also common that people find the application forms lengthy and complicated. All of the above may hold the victims back from applying for financial assistance from the Legal Aid Department and thus hindering the commencement of legal proceedings to seek relief. By offering assistance to victims in Legal Aid applications, we hope that Legal Aid service will be more accessible and victims will not be impeded from bringing actions to court to seek relief because of inadequate financial resources. As a result, legal measures can be more effectively pursued by victims for protection and relief.

### Strategy and Components

#### Recruitment of student helpers

We will recruit around 10-12 law students as student helpers for this service. We are recruiting law students as student helpers because they are more familiar with legal procedures and terminologies. Less time is needed for them to familiarize themselves with the necessary details of Legal Aid application.

#### Training session for student helpers

After the recruitment of student helpers, all student helpers will attend a training session to introduce them to the essentials of a Legal Aid application. During the training session, student helpers will gain

an understanding of general application procedures of Legal Aid, eligibility criteria under the Legal Aid Ordinance, relevant application documents and forms, necessary supporting documents, common queries of applicants, and basic concepts on matrimonial case procedures. This training session will equip student helpers with the necessary knowledge required in providing assistance in Legal Aid application.

#### Assistance provided to Legal Aid applicants

Student helpers will be divided into groups of 2 and each group will assist 4 applicants with their Legal Aid application. The contact information of the student helpers will be given to the applicants and they can reach out to the helpers when they have any questions regarding the application or encounter difficulties when they are preparing for the application. If the applicant has an urgent case or wishes to visit the Legal Aid Department office to apply for Legal Aid in person, she can make an appointment with the student helper and the helper will accompany her to the LAD office and assist her, mainly on filling out application form. The student helper will also provide a basic explanation on the relevant legal procedures that are likely to occur after the application of Legal Aid. This service will come to an end when the applicant has successfully submitted the application for Legal Aid, but student helpers will continue to answer questions regarding the Legal Aid application procedures if they do arise.

#### Implementation

This service will be implemented when the COVID-19 pandemic has alleviated and it is safe for student helpers and applicants to meet.

## PROJECT DEVELOPMENT AND TIMELINE

Stage	Tasks	Period
1	<ol style="list-style-type: none"> <li>1. Online victim board</li> <li>2. Online workshops</li> <li>3. Social media dialogue</li> <li>4. Recruiting student helpers</li> </ol>	Covid period (Jan - Jul 2021)
2	<ol style="list-style-type: none"> <li>1. Assistance to legal aid and application</li> <li>2. Face to face workshops with the social workers</li> </ol>	
3	<ol style="list-style-type: none"> <li>1. Face to face workshops with the victims</li> <li>2. Update the online victim board - forum</li> </ol>	Post Covid period (Jul 2021 - Jul 2022)
4	<ol style="list-style-type: none"> <li>1. More promotions on social media</li> <li>2. More student helpers will be recruited</li> </ol>	
5	<ol style="list-style-type: none"> <li>1. Reach out to more NGOs</li> </ol>	Final Stage

## PROPOSED BUDGET PLAN

Revenue	(in HK\$)
Funding from PilNet	50,000
Government/NGOs sponsorships	10,000
<b>Total services revenue</b>	<b>60,000</b>
Services Costs	(in HK\$)
Website set-up costs (e.g. setting up domain, and hosting)	20,000
Design fee	10,000
Promotional material fee (e.g. banners, leaflets, souvenirs, etc.)	5,000
Website developer cost	10,000
Advertising expenses (\$100 x 24 months)	2,400
<b>Total Services Costs</b>	<b>47,400</b>
<b>Net Income</b>	<b>12,600</b>

# EVALUATION

Potential problems	Solutions
<p><b>Reluctance to reach out for help</b></p> <p>More often than not, victims of domestic violence are reluctant to seek help since they are either under the pressure of their abuser to remain silent or unaware of the aid available to them. There are also cases in which victims were misled by misconceptions such as filing a lawsuit against their abuser, who presumably is one of their family members, would affect future prospects of their children. All these would stop the victims from speaking up and reaching out for help.</p>	<p><b>Anonymous question board</b></p> <p>One of the biggest concerns of domestic violence victims is their identity being revealed and letting people around them know that they are domestically abused. Therefore, in order to communicate with them and provide them with the help that they need while protecting their identity as much as possible, we can make use of anonymity on online platforms. There will be an option on our blog for browsers to hide their profile and post questions anonymously. We hope to encourage victims to reach out for help knowing that their identity will be protected.</p>
<p><b>Lack of sustainability</b></p> <p>Due to time and resources constraints, as well as the social distancing policies under COVID-19, we are not able to hold regular workshops frequently, which made the impacts of them less sustainable.</p>	<p><b>Long term empowerment</b></p> <p>By holding a few sharing sessions featuring past domestic abuse victims, professionals such as social workers and NGOs working with domestic violence, we can raise people’s awareness and their knowledge on the issue would be long-lasting.</p> <p>By holding workshops for social workers, they will be more educated on methods to help domestic violence victims. They can make use of such knowledge and help victims who are seeking help. In other words, although we are planning workshops for a small scale of audience, the outreach of impacts cover a large group of potential victims which made the project more sustainable.</p>
<p><b>Confidentiality</b></p> <p>Victims may be identifiable through their comments on the blog and through the online chat. Victim’s personal particulars may be exposed when student helpers assist them in their Legal Aid application.</p>	<p><b>Confidentiality measures</b></p> <p>To ensure that the personal particulars of victims are kept strictly confidential, disclaimers will be added to our website stating that personal information on the website will only be made available to admins of WeDoCare and will be destroyed immediately upon closure of each case. Law student volunteers of our project will also have to sign a confidentiality agreement constructed according to the Personal Data (Privacy) Ordinance.</p>

# SUSTAINABILITY PLAN

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Our project is sustainable on three levels:

## 1. Continuous Flow of Human Resources

### Law Students

In view of the busy schedules of working barristers and legal professionals, our project's main source of volunteers will come from law students. We have taken into consideration that our student volunteers will no longer be free to assist when they have graduated. Some law students may also halt their commitment after 1-2 years due to personal issues. Thus, we will recruit new volunteers for our online blog and workshop at the start of every new university school year. We will set up information and recruitment booths in the 10 university campuses of Hong Kong, and cooperate with student groups (e.g. University Law Associations) to help us promote this project. Similar to the recruitment process of university Executive Committees, interested law students can sign up and undergo several rounds of interviews, before they are selected as one of our qualifying student volunteers.

### Legal Advisors

As our project aims to offer professional legal advice to victims with specific legal needs, we will have to rely on pro-bono legal advisors to cater to those demands since they are much cheaper and free to help. We will reach out to pro-bono legal advisors either through directly contacting law firms or chambers, or asking our supporting NGOs (i.e. HKFWC, TWGHs CEASE Crisis Centre) for referrals. To increase convenience, the pro-bono legal advisor may directly log in to our online victim blog to offer legal assistance where

needed (student volunteers will send a direct message or flag the advisors when it is noticed that a victim requested for legal advice). This will decrease the hassle and potential loss of information in the process of transferring their advice to the victims through a middleman volunteer.

## 2. Sustainability of NGO support

NGOs have their internal timelines and considerations, so we cannot rely on one NGO to offer endless and unconditional support. To ensure sustainability of our project, we will reach out to multiple NGOs and try to promote to them our case through social media. For the first phase of our project design, we have designated and made links with HKFWC and TWGHs CEASE Crisis Centre as our core NGO assistance. In the long run, we will be actively seeking cooperation opportunities with more NGOs.

## 3. Financial Sustainability

The initial budget is used to support the administrative cost for our project. In the long run, our project is largely self sustaining. The workshops are conducted by non-profit organizations on a charitable basis, whilst the online victim blog does not entail additional variable costs once it is set up. However, to meet any possible additional financial needs we will seek for a diverse source of fundings in the future. We will reach out to multiple parties such as the public, NGOs, or even universities (possible coordination with law departments or social work departments).

## ENDNOTES

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1. Social Welfare Department (2019), Statistics on newly reported child abuse, spouse / cohabitant battering and sexual violence cases in 2019, retrieved from [https://www.swd.gov.hk/vs/stat/stat\\_en/201901-12/Statistics%20on%20CPR%20CISSCBSV%20\(Jan-Dec%202019\)%20\(EN\).pdf](https://www.swd.gov.hk/vs/stat/stat_en/201901-12/Statistics%20on%20CPR%20CISSCBSV%20(Jan-Dec%202019)%20(EN).pdf)
2. Our contact list currently includes three legal practitioners (Ms. Cordelia Yeung, Ms. Charlotte Chan, and Mr. Wesley Wong) and social workers from HKFWC and TWGHs CEASE Crisis Centre

2020

# LAW FOR CHANGE STUDENT COMPETITION

TEAM <b>8</b>	PROJECT TITLE <b>SUNGO Starter</b>
MEMBERS	<b>Chan Emebo Jimi Emenike Lui Yan Yan Wan Tsz Wah</b>
SCHOOL	<b>The University of Hong Kong</b>

# LEGAL UNCERTAINTIES CONFRONTING START-UPS IN HONG KONG

The burgeoning economy of Hong Kong has brought about drastic changes in the landscape of business innovation. Hong Kong has scored a 5th place in the 2020 World Competitiveness Yearbook published by the Institute of Management Development headquartered in Switzerland, and it continues to retain the top spot in Economic Freedom published by the Fraser Institute in 2020. The combination of a vibrant and diversified economy as well as market freedoms have buttressed an environment favourable to the establishment of start-ups in Hong Kong. This is supported by a huge talent pool available in the region, a strong regulatory framework cementing investors' and consumers' confidence, and the outward-looking characteristic of Hong Kong's economy as a whole.

According to the start-up ecosystem survey published by InvestHK, a government department, in November 2020, a reported total of 3,360 start-ups are now domiciled in the city, registering an increase of 6% from 2019. Altogether they hire 10,688 employees spread across different working platforms and incubators. These start-ups cover a wide range of different sectors, such as financial technology (Fintech), E-commerce and design (InvestHK, 2020). This observable trend in Hong Kong coincides with the developmental trajectories of the global economy as increasing emphasis is placed on the interplay between knowledge economy and technology. This is nothing new to entrepreneurs and businessmen, but the materialisation of this trend in the form of growing start-ups certainly brings about optimism.

Establishing a start-up is no easy work. Founders need to construct a solid business plan, solicit adequate funding from different sources, ensure the market sustainability of their business model, conduct wide-encompassing publicity campaigns, and establish credibility and reputation within the social space of Hong Kong. However, all of these are predicated on an implicit assumption: that the business operates in accordance with the legal and regulatory framework of Hong Kong. Although Hong Kong is well known for its minimalist intervention in the market guided by the logics of capitalism, the Government has nonetheless fulfilled its duty to establish a regulatory framework touching upon issues of corporate governance,

employment matters, licensing and trademark etc. that are the bedrock for ensuring outsiders' confidence in the market. These are ground rules that every businessmen and entrepreneurs need to observe, regardless of their business model.

Here comes the difficulty. Despite the fact that no start-up founder can seriously claim that he or she is ignorant of and has no intention to comply with these laws and regulations, they do not always know how to comply with them. Knowing the law is one thing, complying with it is another. That is not to say they intend to evade the law. Quite the opposite - a lot of times they are not sure about the precise content of the law and compliance procedures. The overlooking of legal risks has been identified as one of the challenges confronting potential founders by Hong Kong Trade Development Council (HKTDC, 2017), and a HSBC report has concluded that around 33% of the interviewees see opportunity and risk perception as a factor that prevents founders from implementing their plan (Fintech News, 2017). Even if the founders are minded to lay a solid legal foundation for their start-ups, they are still confronted by three separate challenges substantiated below:

## Expensive Legal Services from the Existing Market

The easiest way to solve all legal challenges is to hire qualified lawyers to do the job for them. Thereafter founders can sit and wait, or at least be more assured that the legal aspect of the business will be well-attended to. Nonetheless, the fact remains legal fees in Hong Kong is considerably high, and a lot of the start-up founders, many being early-career professionals or even graduates fresh out of universities, can hardly afford such skyrocketing fees lest most of the money originally dedicated to business operation would evaporate. That explains why potential founders consider the overlooking of legal risks as one of the main barriers in their start-up journey, echoing with the above mentioned data.

## Inaccessible and Garbled Information

Many start-up founders, after realising the inaccessibility of legal services as a result of the price, would resort to deciphering all the legal niceties themselves. Of course, this comes with an inherent risk that founders who were not trained in law may not be able to fully digest the information and thus expose them to legal risks. This is exacerbated by the commonly-acknowledged fact that most of them simply do not know where to start with, and the information available, albeit being plentiful, are garbled and scattered so they cannot meaningfully piece them together. This aspect of inaccessibility unnecessarily exposes founders to legal risk.

## Uncertainty as to Legal Requirements

The previously mentioned regulatory landscape of Hong Kong implies that one is almost certain to embark upon areas of businesses that are regulated. The most obvious example would be employment governed by relevant employment laws. However, most of the time the founders may not know that such requirements exist, and even if they have some idea about them their ability to research further is impeded by the difficulty espoused above.

## Testimonials

**“I am not sure about when do we need to enter into a non-disclosure agreement with our partner suppliers, and what are the terms and conditions that should be included. We worry that this might put us into a grossly disadvantageous position when dealing with others legally sophisticated parties, however the intention. It would also be ideal if we can have a checklist of legal requirements that we need to satisfy so we can track our progress and not miss anything.”**

(Founder A, University Fresh Graduate)

**“I am planning to start a business that offers beverages services. However, I am not sure whether the business model I am proposing is lawful or not as I am aware of some other regulatory frameworks governing the industry. I have obtained a quotation from a law firm but it stands at an astonishing \$3,000 which I am unable to afford.”**

(Founder B, University Undergraduate)

# EXISTING SERVICES IN HONG KONG AND SUNGO'S SIGNIFICANCE

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As has been referred to above, there exists numerous platforms that are geared towards solving the problem elaborated above or at least a related part of it. For example, the Hong Kong Government has compiled information on the incorporation processes, relevant labour law and standards, as well as guidance on why and how to apply for certain licences. Various law firms have summarised and disseminated information of similar nature as well.

Particularly noteworthy is Zegal, a LegalTech company that provides services such as automated generation of legal documents and personalised legal services, among others. It was established in 2014 and since gained momentum in its business, demonstrating the palpable need for legal services by start-up founders.

The huge volume of information aside, two deficiencies can be observed, which are connected to the problem analysis laid out above.

First, start-up founders simply do not know what type of legal requirements they need to satisfy in the first place. As a result, even though there are detailed explanations on what and how to do concerning various legal issues, they simply do not know they need to consult them, or they are unsure which one to turn to because they do not realise such a legal issue arises for them to handle.

Second, too much and too scattered information. The sheer volume of information online complicates matter as start-up founders cannot often locate the information they require. The quality may also be questionable.

**“Many start-up founders, especially for those social enterprises, are handling legal matters themselves for the purposes of cost-reduction. Given that they have no prior legal knowledge, they often find the information online confusing.”**

(Manager of an Incubator in Hong Kong)

Succinctly put, the key issue can be distilled as follows: start-ups in Hong Kong face difficulties in navigating and identifying the legal requirements that they ought to comply with and other legal issues.

Here is how our solution can intervene and ameliorate the problem identified above. SUNGO addresses not only the problem of inadequate knowledge on how to satisfy the legal requirements that plague start-ups, we address the logically prior problem of identifying precisely what legal issues fall to be addressed. A start-up can face a multitude of legal problems and suffice to name a few:

## What Business Vehicle should I Adopt

Whether a business vehicle ought to be incorporated depends on the prior question of whether one opts for limited liability companies as the suitable form of business vehicle to be adopted. Laws in Hong Kong allow several different types of business vehicle to operate other than limited companies - partnership and sole proprietorship being the most popular types. Although incorporation is certainly the trendy word and is often regarded as a milestone that all businesses should strive for, there may be justifiable reasons why unincorporated businesses may be a preferable form of business vehicle.

## When and How to Incorporate

This is directed at those founders who have decided to incorporate their businesses. They need to figure out the procedures and requirements to lawfully incorporate, such as what forms to fill in and what entity to submit to. These are pretty straightforward. The difficult part is perhaps the company constitutional documents that are associated. Companies are governed by at least the Articles of Association. Founders might just well adopt the Model Articles contained in Cap. 622 Companies Ordinance, but there may be instances where they would like to modify them. Also, for start-ups that are operated by multiple founders, they might find it preferable to enter into a Shareholders' Agreement to govern their conduct. Regardless of what they prefer, they need to know the requirements and availability of these options.

## Common Documents

There are a lot of common documents that one frequently encounters. Employment contracts, non-disclosure agreements, memorandum of understanding and particularly funding agreements just to name a few. Many of them are technical and founders may not know, so to say, 'what type of document contains what'. This is a recipe for unnecessary legal risks.

There are many numerous other legal problems that one need to address and any attempt to exhaustively list them out is futile. But the point is fairly clear here: to know how to solve legal problems you need to know they exist first. This is the key value-added dimension of SUNGO which will become clear in later sections.

There exists one other dimension which shows how SUNGO contributes to broader community resilience.

In the wake of the 21st century whereby efficiency and innovation are the twin elements of success, SUNGO offers a technological solution that empowers those who want to empower others. The true meaning of social resilience is more than aiding the needy directly, but deep down to the root to empower the ones who wish to create a better society. This is the add-on value. By demolishing any residual legal uncertainties start-ups face, we want to set the perfect stage for them to thrive that will in turn contribute to community resilience.

## TWO PILLARS OF SUNGO

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### Pillar I: Start-up Navigator

This pillar assists start-ups in navigating the abundance of legal information and the complexity of legal statutes. It consists of a web / mobile application whereby it would provide information as to key legal issues that start-ups will face in the form of a decision tree. The ultimate information that founders can derive through the decision tree includes the detailed incorporation process, requirements and process of convening directors' and general meetings under the Companies Ordinance, suggested legal precautionary measures in signing contracts and common legal loopholes, and basic legal knowledge and formalities that one have to observe.

### Technology Used

Here, we make use of so-called decision tree logic. The idea is that the founders will key in keywords or answer questions provided by the application, the response of which will allow SUNGO to react dynamically to your answers in the form of a direct answer (if there is one), possible next steps, or/and present available resources that you may refer to. One illustration is by keying in the word 'Articles', and details on Articles of Association would be provided. We reconstruct the modus operandi below.

### Proposed Modus Operandi

#### Layer 1: Preliminary Information

The first layer aims to find out the type of enterprise that one is running / establishing and the operational stage that one has arrived at to attain the background information.

**QUESTION 1**

**What is the type of your enterprise?**

**Choices:** for-profit social enterprise (educational, technological, catering, entertainment, logistics, employment, communication, commercial arms of NGOs, fairtrade, microfinance, performing arts, vocational, health and medical, policy research, R&D) / community-based organisation / non-profit organisation / private entrepreneur / others

**QUESTION 2**

**Current stage of operation**

**Choices:** incubation, incorporation, early stages, established / others

**Layer 2: Problem Exploration**

The second layer assists the start-up to identify the problem they are encountering or narrow down the problem that exists but the precise formulation of legal terms that is used is unclear, choosing of which will thereafter direct the user to the appropriate destination.

**QUESTION**

**Two ways to assist the start-up in navigating the solution:**

1. **Problem-formulation:**
  - What type of corporate vehicle should I pursue?
  - Is there a need to incorporate?
  - Do I need to get a licence if ... ?
  - How to file annual returns?
  - ...
2. **Keyword**
  - Incorporation
  - Trademark
  - Compliance Requirements
  - Data Privacy
  - Employment Contract
  - Licence
  - ...

This allows the user to arrive at the precise destination if they already have the keyword in mind.

**OR**

**Directly typing in relevant terms**

**Layer 3: Specific Solutions Mix****Layer 3.1 Choosing your corporate vehicle**

This assists the user to identify the preferred type of corporate vehicles and lists out the pros and cons of each possible type of business vehicle that one may choose.

**Sample questions:**

1. Are you the only founder?
2. Do you want to separate personal liability and corporate liability?
3. Do you have plans to raise from the public?

**Layer 3.2 Incorporation**

For users who would like to view incorporation requirements

**Layer 3.3 Company's Constitution**

For users who would like advice on the nature and requirement of company constitution, including shareholders' agreement.

**Layer 3.4 Data Privacy and Protection**

For users who would like advice on whether the business requires the formulation of data privacy policy, and how it can be done

**Sample questions:**

1. Whether, in the course of your business, you will be collecting personal information and data?
2. Whether your use of personal data falls into ... categories of use?

**Layer 3.5 Trademark Registration**

For users who would like to enquire whether trademark registration is required, and the possible recourse including trademark registration, trademark search, patent registration etc.

**Sample questions:**

1. Would you like to register a new name or logo for your company?
2. Would you like to protect your newly invented products?

**Layer 3.6 Employment and Employee’s Compensation**

For users who would like to know about: (i) whether one constitutes as an employee (ii) rights and liabilities attached to an employer (iii) legal requirements for employment contracts of various types (iv) legal rights and liabilities of hiring part-time vs full-time staff / apprentices etc.

**Layer 3.7 Licences**

For users who would like to find out whether one requires a license to conduct certain activities, including food licences etc.

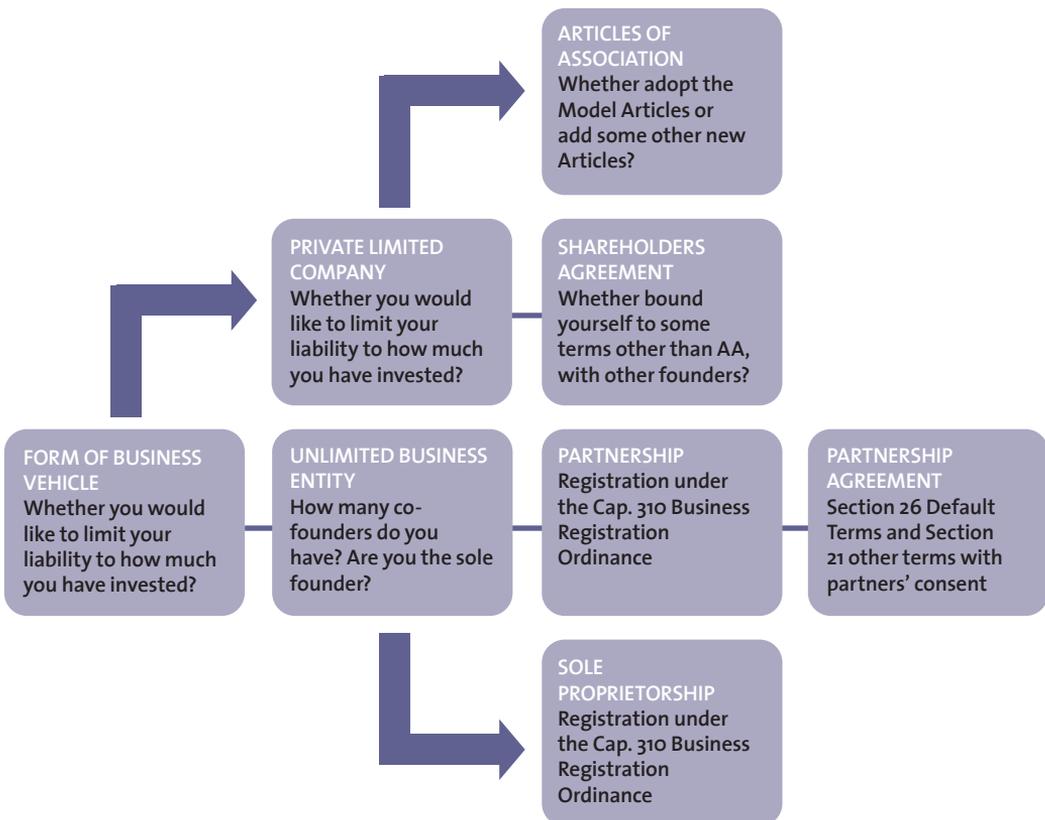
**Layer 4: General Onboard Checklist**

A general onboard checklist for start-ups, including issues such as setting up a bank account etc.

**Layer 5: Operational Checklist**

A general overview of things that have to be done for businesses that are relatively more mature, including filing of annual returns, tax returns, etc.

**Illustration 1: This graphic shows a possible operation of the decision tree on the issue of choice of business vehicles (simplified)**



## Pillar II: Start-ups Legal Information Exchange Hub

We aspire to create a Start-ups Legal Information Exchange Hub. Firstly, we propose to disseminate key legal information through our application and social media platforms including Instagram and Facebook comprising two parts: (1) forums and (2) legal posts. Second, we propose to hold legal seminars in partnership with incubators and relevant stakeholders.

### Forums

A forum will be included on our application whereby start-ups developers can ask questions on either a public or private basis. Public questions may be answered using AI-generated responses or other users of the platform while private questions will be addressed by AI-generated responses directly. Each question is indexable using hashtags, such as #incorporation, #NDA, #employment. Also, we might channel our users to the legal services, be it in-built on our platform or external resources, that are desired by them at that particular stage.

### Legal Posts

Student helpers will write a number of legal posts on legal issues that might potentially relate to start-ups. If there are important policies changes pertaining to the rights or obligations of start-ups, summaries on legal reforms will also be available. All posts written by law students will be reviewed by legal professionals to ensure accuracy.

## Illustration 2: Proposed Instagram Post (auto generated)



### Legal Workshops

The most direct way to interact with start-up founders and convey legal knowledge to them is through legal workshops. Therefore, we propose to organise legal workshops with incubators.

With an aim to first introduce them to the basic legal requirements, our first forum will be called “A checklist of all documents you have to know” whereby Incorporation Form, Business Registration Form, Incorporation Form, Company Constitution, Memorandum of Understanding for proposed partnership, Non-Disclosure Agreements will be briefly presented and introduced. Another forum will focus on Intellectual Property law, data privacy, and relevant laws on technology which have been identified as a pressing issue of start-ups. Also, it is our sincere wish to identify the authentic legal needs of our users. Attendants of our workshops will be provided with Short Questionnaires so that we are able to improve our services.

## PROPOSED PROJECT PARTNERS

### iDendron

A proposed project partner is iDendron at The University of Hong Kong (“HKU”). iDendron, HKU Innovation & Entrepreneurship Hub, was launched in 2017 with the aim of nurturing start-ups on campus through serving as an incubator. We aim to pilot our platform in iDendron by providing our tool to the members of iDendron.

The partnership timeline is as follow: -

February, 2021	a pitching session to introduce our platform to the member of iDendron
March to May, 2021	members of iDendron to be the piloting target users who will try out our platform
May to September, 2021	members of iDendron to be the first batch of customers who use our platform and provide feedback

September, 2021 onwards	possible long-term partnership with iDendron
	If the partnership with iDendron is successful, we aim to extend our network and partner with other universities incubators and institutions serving startups.

### Law firms

While accuracy and reliability are two of our main features, endorsement and assistance from law firms means a lot to the success of our project. That’s why we plan to partner with law firms as our legal advisors in developing our project. Professional lawyers in law firms will monitor the accuracy and compliance of the legal advice offered on our platform. This will ensure that our legal advice is accountable and minimise the risk of misinformation.

## BUDGET

Development Cost	Person	Weeks	Cost/Person/Week (HK\$)	Sub-total (HK\$)
IT development	2	5	3,500	35,000
Testing	2	1	3,500	6,000
Maintenance Cost		Years	Cost/Year (HK\$)	Sub-total (HK\$)
Maintenance		2	10,000	20,000
Marketing Cost	Person	Years	Cost/Person/Year (HK\$)	Sub-total (HK\$)
Graphic design	1	2	2,500	5,000
Online promotion	1		2,000	4,000
<b>TOTAL:</b>				<b>70,000</b> (=35,000 a year)

## PROJECT TIMELINE AND ACTIVITY DURATION

Activity	Duration
<b>Phase 1</b>	
<b>Pitching &amp; Fundraising</b> We aim to gather our kick-start funds from PILnet or other case competitions.	Feb 2021- Mar 2021
<b>Phase 2</b>	
<b>Partnership</b> Our first target customers would be selected university incubators and social enterprises. At the initial stage, we aim to provide our services only to the specific groups as our pilot test. Meanwhile, we would confirm the details regarding the content of legal workshops with our partner organisation. Also, we would negotiate and confirm partnership with law firms in a hope to engage them in our product development.	Apr 2021- Aug 2021
<b>Product Development</b> The first step to execute our idea is to engage developers and build the web/mobile app and the platform with the above functions.	
<b>Phase 3</b>	
<b>Partnership</b> After the initial stage, we aim to expand our services to the public sector. Our services will be made available to all social enterprises and start-ups. Upon our successful pilot test with our partners, our services will be openly available. This can be done by connecting with university incubators plus other intermediaries.	Sep 2021- Aug 2022
<b>Value Realisation</b> Apart from our AI-driven Q&A platform, we aim to recruit legal student volunteers who have completed courses in the relevant fields (e.g. Company Law, IP Law, Commercial Law etc.) to help. On the one hand, it allows students to gain meaningful working experience. On the other hand, it provides users with high-quality legal posts and information.	

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# SUSTAINABILITY

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The sustainability of the project can be manifested in the following ways:

## Low Cost

This project demands relatively low establishment and operational costs. Most of the cost items come from the initial development stage whereby technological services solicited may require certain cost. However, thereafter the two pillars are being established, the cost would primarily be shifted to maintenance cost which is estimated to be low. The second pillar of information exchange hub also requires minimal costs.

## Continual Relevance of the Materials

There might be a worry that SUNGO requires constant updates as to our materials in both pillars because the law will continue to develop. Although we do acknowledge this issue, understandably the law concerning a lot of commercial and business issues seldom undergo major overhaul. Regular review of the materials and consultation of latest legal positions would suffice to ensure our materials are up-to-date.

## Multiple Usage of our Materials

Although our project is divided into two pillars, the materials that are used to either one pillar can readily be deployed to be used for another pillar. This is because the law stands as it is and it would be unlikely the information contained in one pillar differs from another.

## Project Development

As illustrated above, we will reach out to and partner with a multitude of parties at different stages. Not only do we convey practical legal knowledge to start-ups, we also aim at developing an extensive supporting network to them so that they could connect to reliable legal resources they need easily. As we go along the stages, the development of such a community including law students, start-ups, universities and law firms will surely give rise to more partnership and cooperation, bringing a positive change in the long run.

# PROJECT EVALUATION

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SUNGO will be evaluated on a regular basis, focused on several Key Performance Indicators posited below:

## Number of Visitors of our Platform

This KPI acts as a proxy to show the reach of our services. In gist, as most websites and applications allow the administrator to check the number of visitors, we can deploy this as a proxy to estimate how many people have actually consulted our services. Of course, this measurement method suffers from one in-built bias that not all people who visit indeed use our services and many of them will revisit it for several times that further exaggerate the actual reach. Nonetheless, this is the best estimate available.

## Social Media Reception

Another KPI concerns how well we have fared on the social media. We will make use of data including how many people have read our posts and how many people have private-messaged us as a result. The logic of this KPI closely resembles that of the above one concerning the number of visitors of our Platform and the two suffer comparable deficiencies, but this is nonetheless a good proxy to show the popularity of our services that is key to our long-term development.

## User Ratings

Users who have consulted our various platforms under both pillars will be invited to give their rating to our services on a five-point scale. This indicates their satisfaction with our services, which may include how well do they find it useful etc. This is a direct measurement that can show whether we have fared well.

## Attendance at Start-ups Legal Workshops

Another KPI will be the attendance rate of our workshops. A longitudinal analysis of the change in attendance rate will reveal whether our workshops are useful such that start-up founders would return and possibly recommend them to others.

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# ABOUT PILNET

PILnet is an international non-governmental organization that creates opportunities for social change by unlocking law's full potential. PILnet's mission is to make law work for all. To do this, the organization engages lawyers, empowers those who serve the poor and vulnerable, and enables changes in the community, in which all lawyers can use their skills to help organized civil society become more resilient and more effective in helping the most vulnerable.

With programs in Europe, Asia, and the United States, PILnet builds networks and collaborations of public and private sector lawyers who understand how law works when it serves the interests of the privileged and then it uses that knowledge to strengthen civil society and serve the community. PILnet not only obtains high-quality, free legal assistance for civil society organizations when they urgently need it but also helps organizations to capitalize on the full range of specialized legal assistance that can be provided by corporate lawyers, including against ongoing, or even yet-to-be-determined, threats.

## PILnet in Hong Kong

PILnet's office in Hong Kong was established in 2013 and currently focused on four programme areas:

- Strengthening the resilience and agility of civil society organizations (CSOs) in Asia
- Enabling access to justice for communities in need
- Expanding network of legal professionals to benefit civil society
- Nurturing the next generation of socially minded legal professionals



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