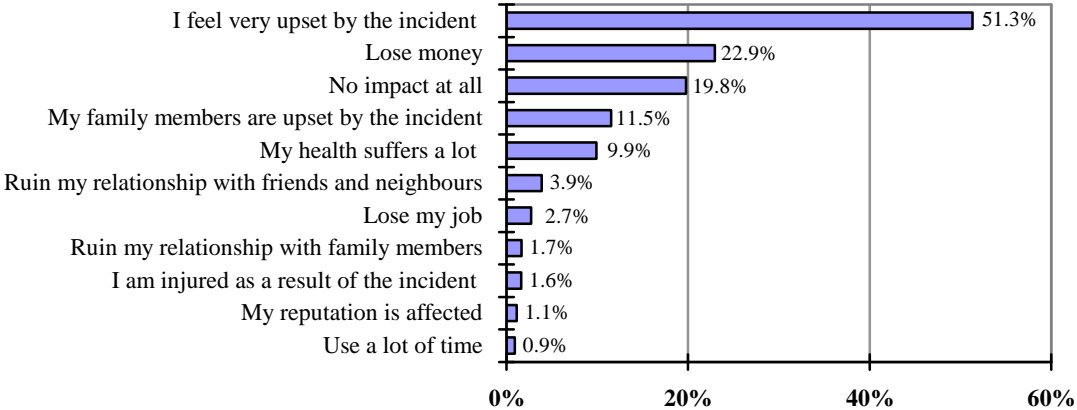


5. Handling of Difficult-to-solve Problems or Disputes

Whether actions taken

5.1 For about 20% of the incidents they considered important, the respondents concerned indicated that the problems or disputes had no impact on them. In just over half (51%) of the incidents, the respondents felt very upset and in another 23%, they had lost money.

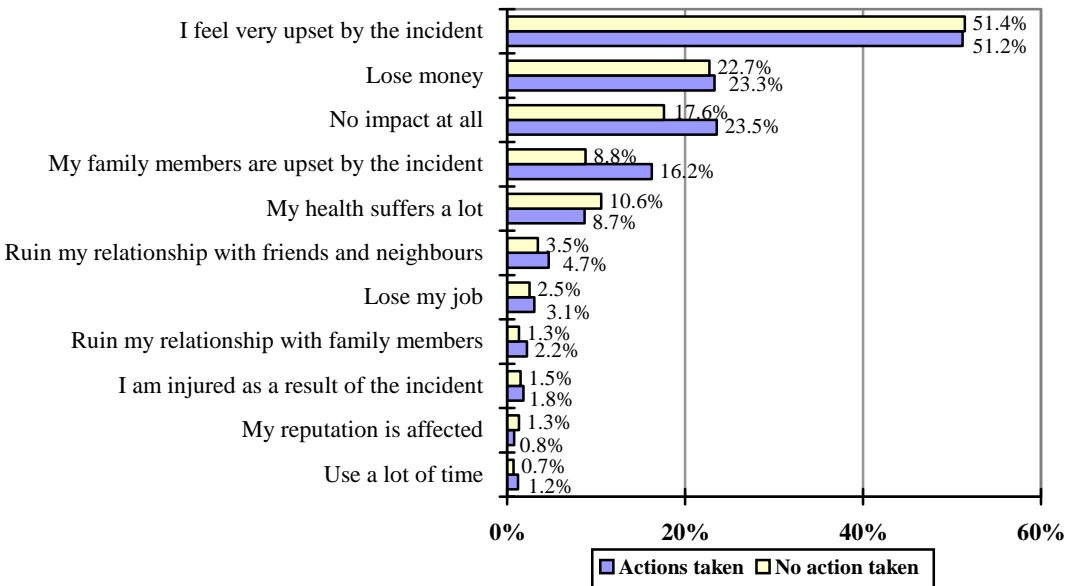
Percentage of incidents by impact of important problems on respondents



(Multiple response; Base: 4,380)

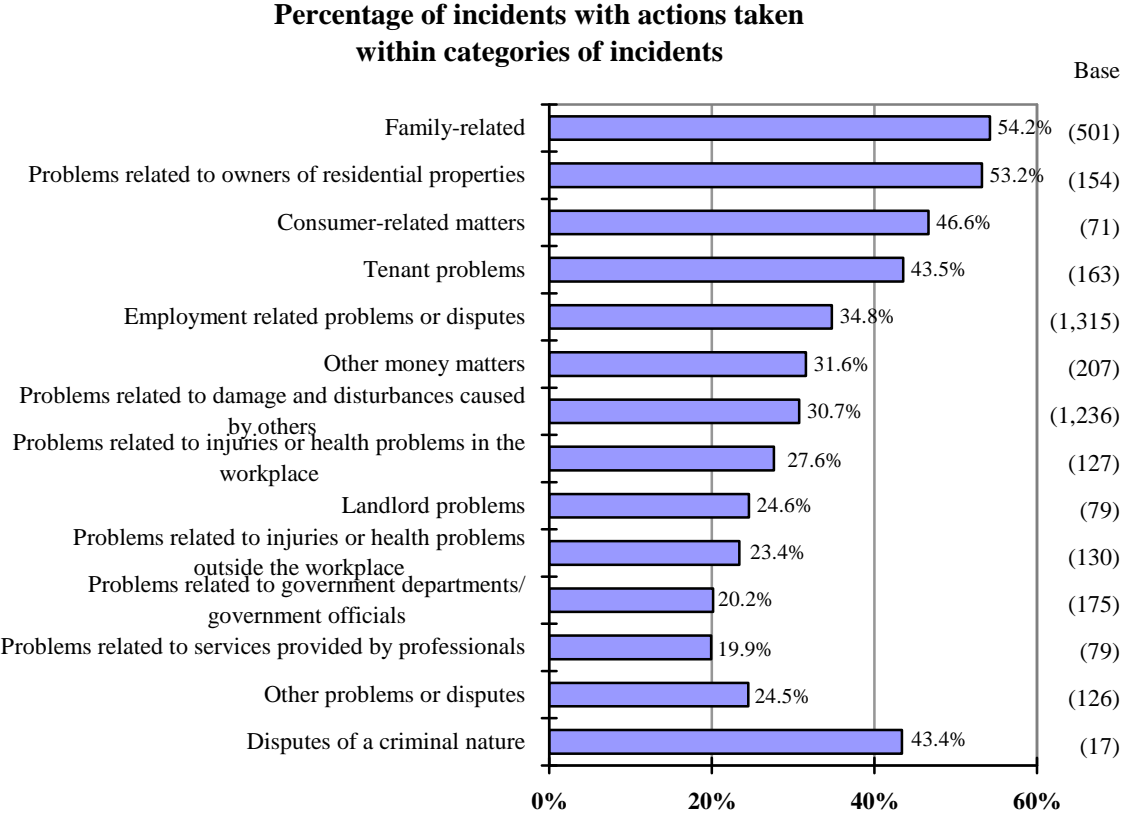
5.2 Overall actions had been taken by respondents on 37% of these incidents. For the remaining 63%, no action was taken. In terms of impact of the problems on the respondents, there appears to be no major difference between incidents with actions taken and those with no action taken.

Percentage of incidents with or without actions taken by impact of problems on respondents

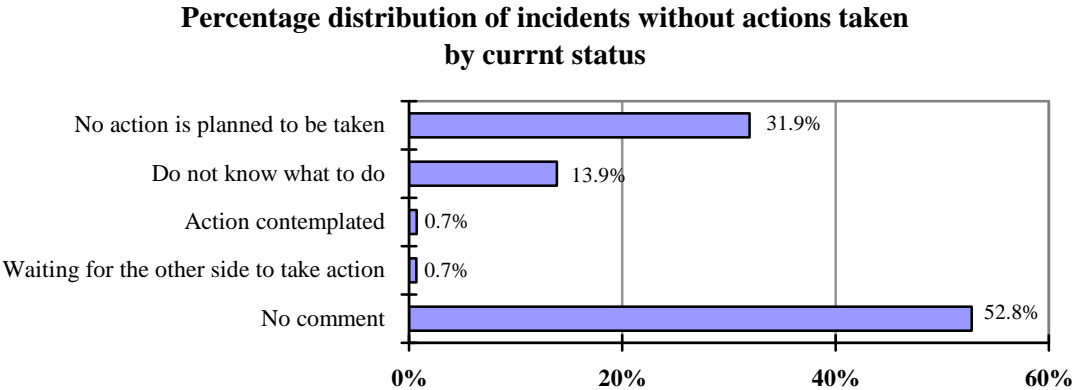


(Multiple response; Base: Actions, 1,630; No action, 2,750)

5.3 In terms of categories of incidents, the proportion with actions taken were higher for family-related problems (54%), problems related to owners of residential properties (53%), and consumer-related problems (47%), but lower for problems related to government departments and government officials (20%), and to services provided by professionals (20%).



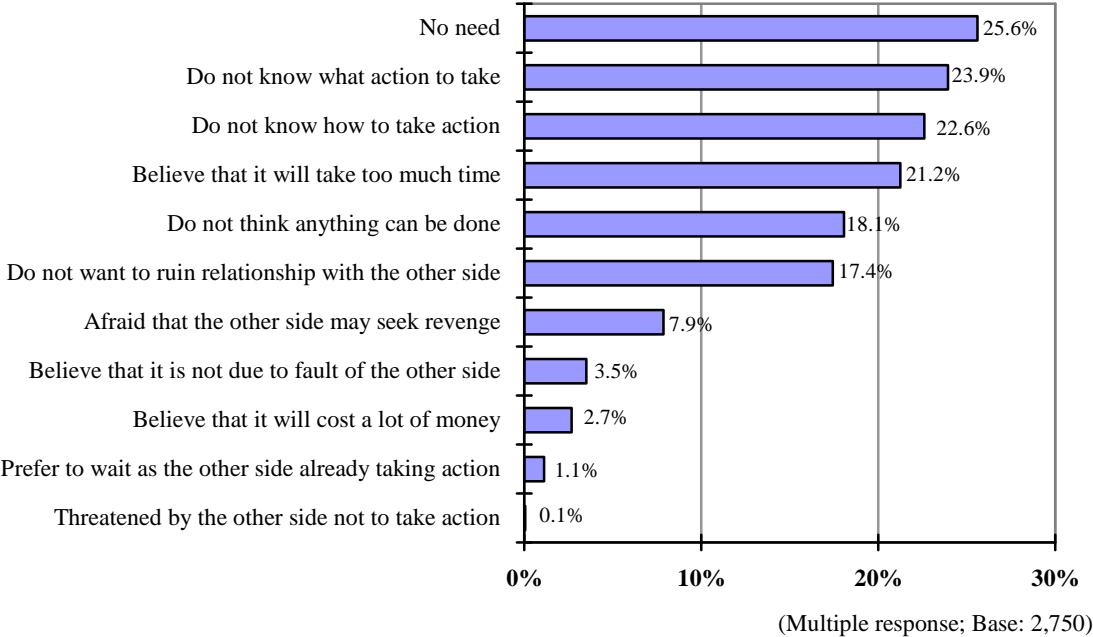
5.4 For the 63% of important incidents with no action taken, 46% had no plan to take any actions or did not know what to do. Another 1% was contemplating taking actions or waiting for the other side to take actions.



(Base: 2,750)

5.5 The main reasons for not taking actions were “no need” (accounting for 26% of the incidents concerned), “not knowing what actions to take” (24%), “not knowing how to take actions” (23%), “believing it will take too much time” (21%), “not believing anything can be done” (18%) and “not wanting to ruin relationship with the other side” (17%).

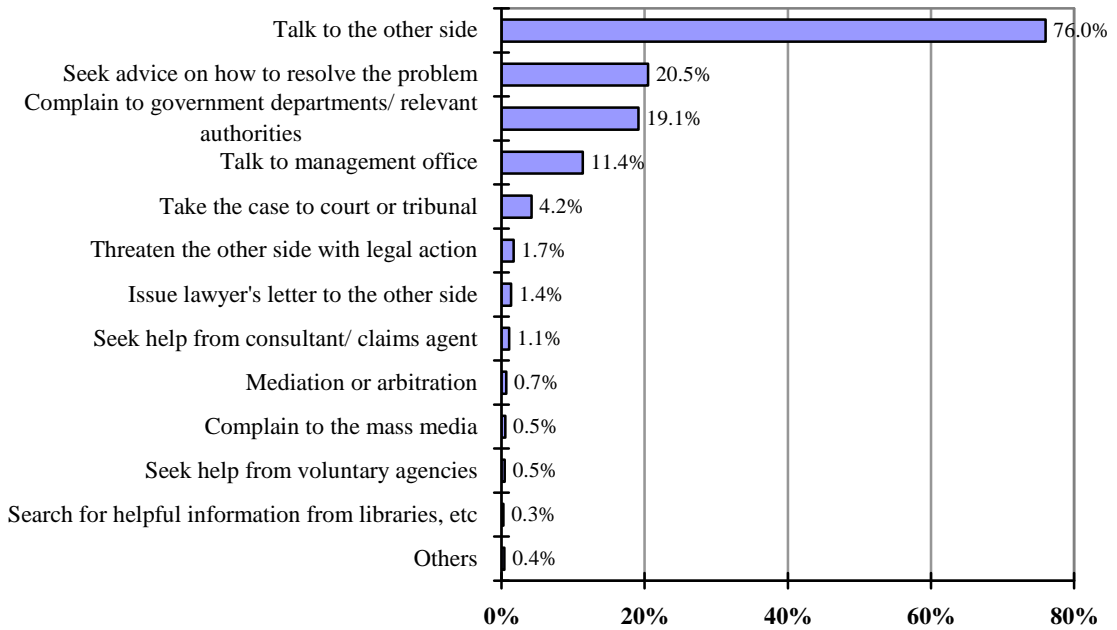
Percentage of important incidents with no actions taken by reasons for not taking action



Types of actions taken

5.6 For those incidents with actions taken, the types of actions taken were mainly “talking to the other side” (accounting for 76% of incidents concerned), “seeking advice on how to resolve the problem” (21%), “complaining to government departments or relevant authorities” (19%) and “talking to management office” (11%).

Percentage of incidents with actions taken by types of actions



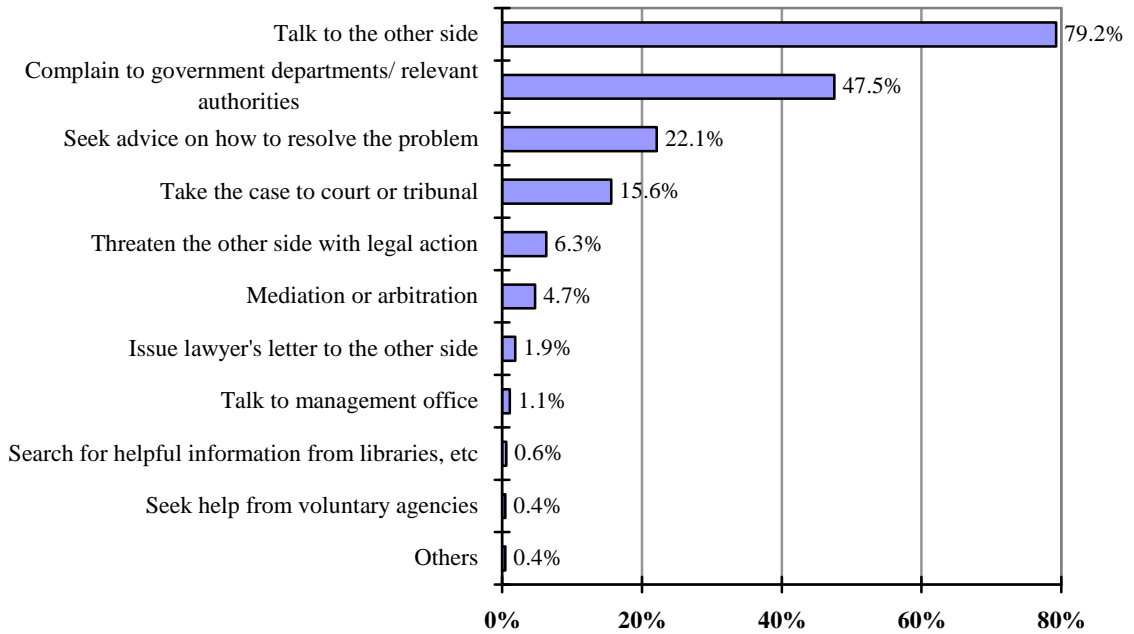
(Multiple response; Base: 1,630)

5.7 The range of actions taken varied among different categories of problems, although “talking with the other side” was the most usual action taken. An analysis of actions taken for important incidents by categories of problems is shown as follows. In some cases, however, the analysis at this detailed level is constrained by the limitation of the base data available.

Employment related problems or disputes

5.8 For incidents of employment related problems with actions taken, the types of actions were mainly “talking to the other side” (accounting for 79% of incidents concerned), “complaining to government departments or relevant authorities (48%), and “seeking advice on how to resolve the problem” (22%).

**Percentage of incidents of employment related problems
with actions taken by types of actions**

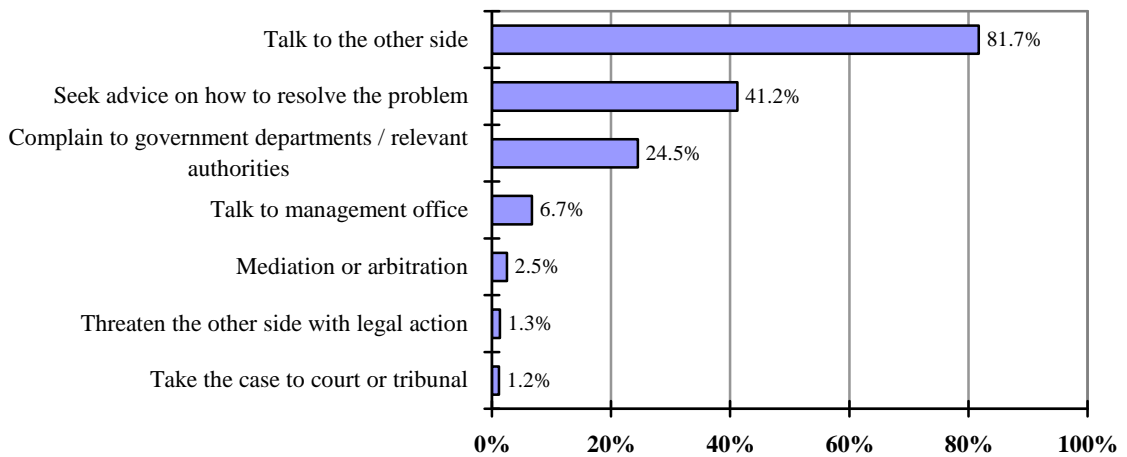


(Multiple response; Base: 170)

Tenant related problems or disputes

5.9 For incidents related to tenant problems, the types of actions taken were mainly “talking to the other side” (accounting for 82% of incidents concerned), “seeking advice on how to resolve the problem” (41%), and “complaining to government departments or relevant authorities” (25%).

**Percentage of incidents related to tenant problems
with actions taken by types of actions**

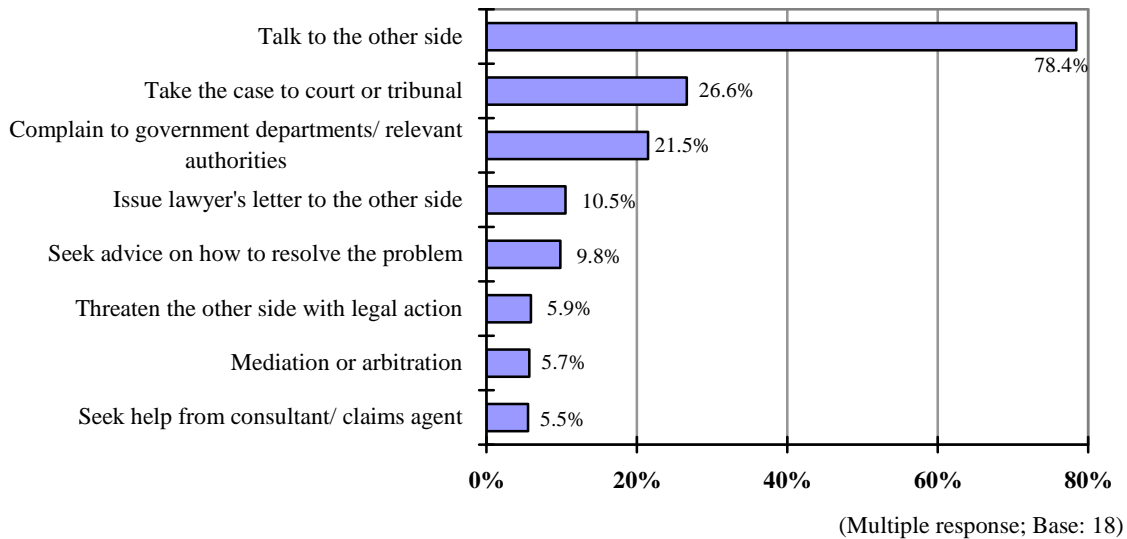


(Multiple response; Base: 70)

Landlord related problems or disputes

5.10 For the relatively small number of incidents related to landlord problems, the types of actions taken were mainly “talking to the other side” (accounting for 78% of incidents concerned), “taking the case to court or tribunal” (27%), and “complaining to government departments or relevant authorities” (22%).

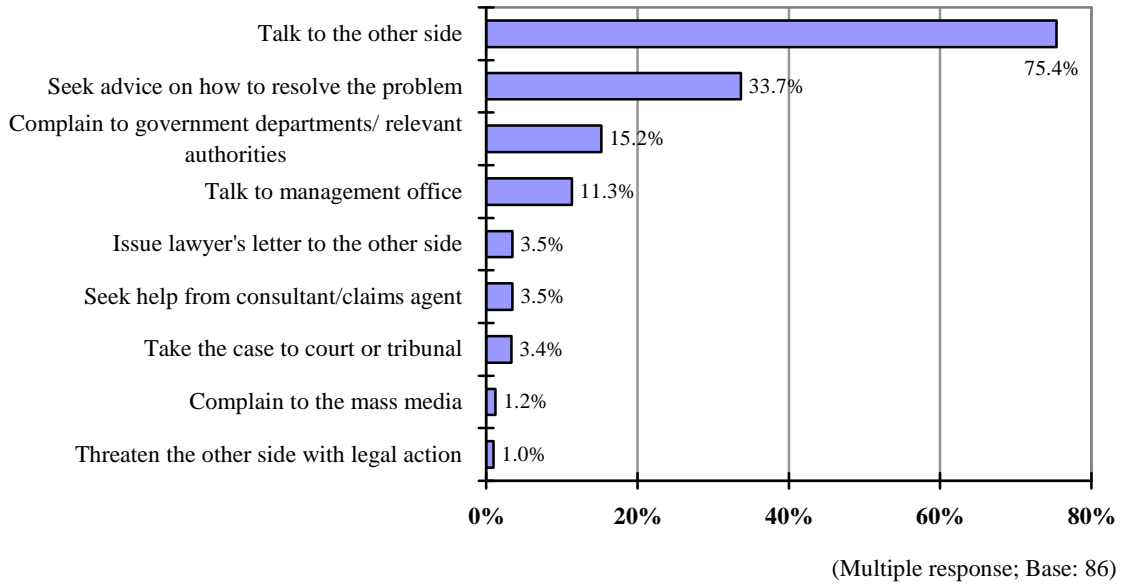
Percentage of incidents related to landlord problems with actions taken by types of actions



Problems related to owners of residential properties

5.11 For incidents related to owners of residential properties with actions taken, the types of actions taken were mainly “talking to the other side” (75%) and “seeking advice on how to resolve the problem” (34%), and “complaining to government departments or relevant authorities” (15%).

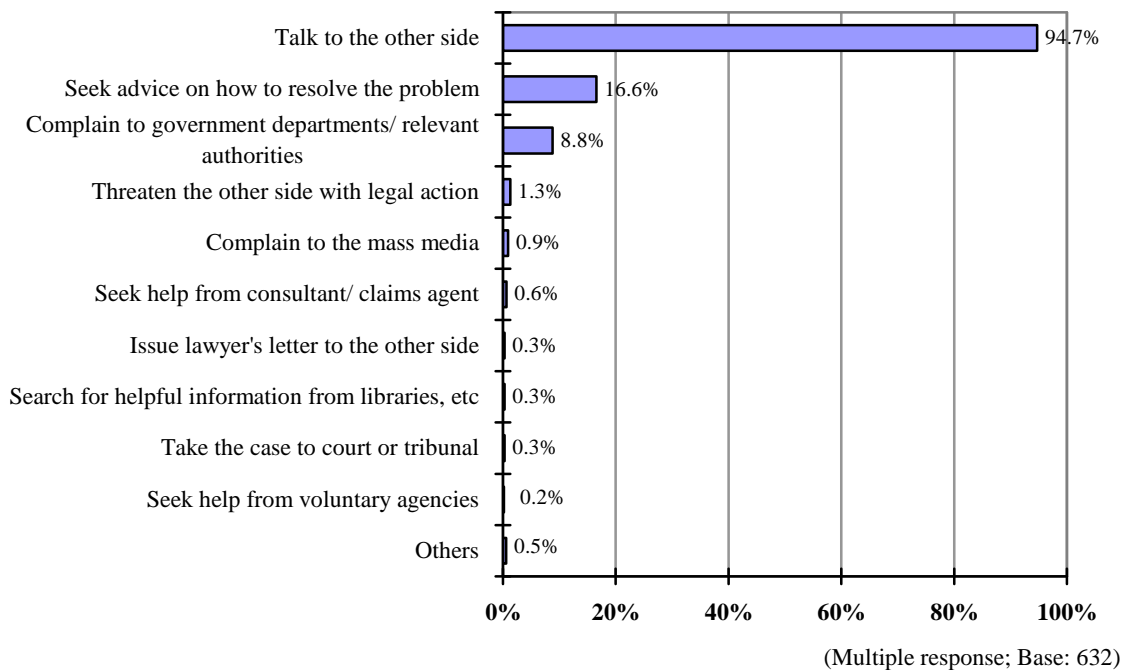
**Percentage of incidents related to owners of residential properties
with action taken by types of actions**



Consumer-related problems and disputes

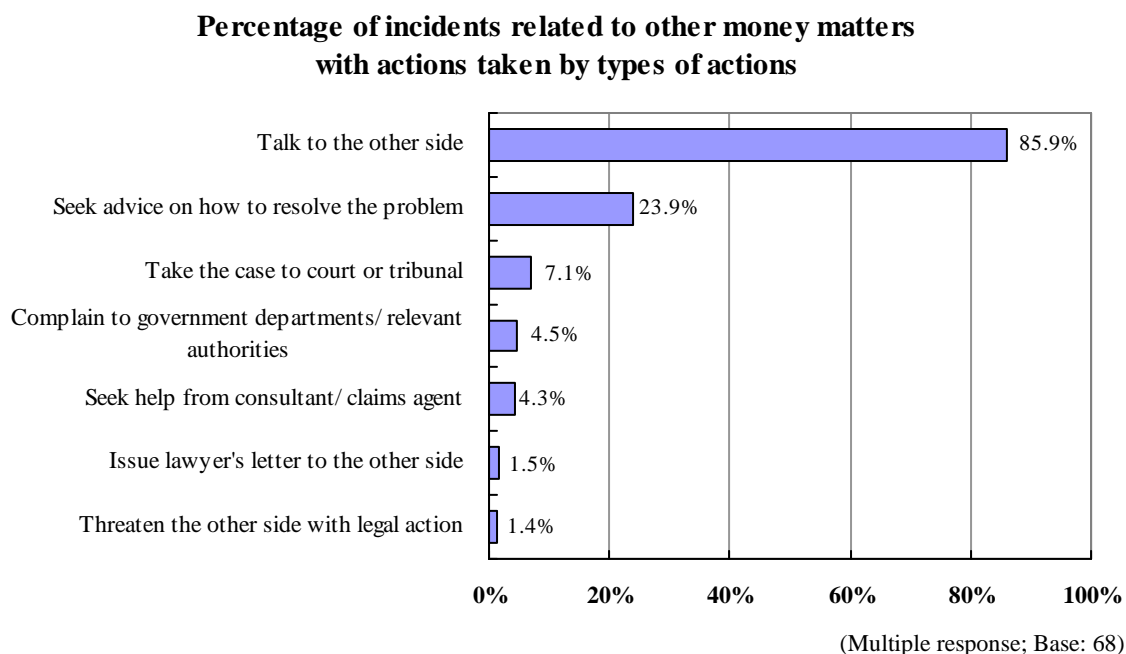
5.12 For incidents concerning consumer-related matters, the types of actions taken were mainly “talking to the other side” (accounting for 95% of incidents concerned), “seeking advice on how to resolve the problem” (17%) and “complaining to government departments or relevant authorities” (9%).

**Percentage of incidents of consumer-related matters
with action taken by types of actions**



Other money problems or disputes

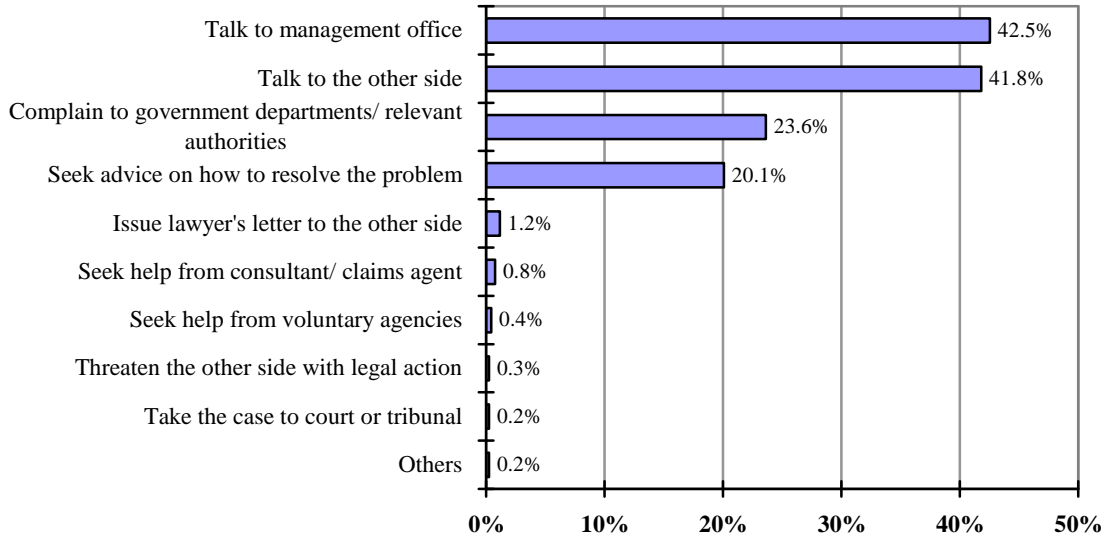
- 5.13 For incidents related to other money matters, the types of actions taken were mainly “talking to the other side” (accounting for 86% of incidents concerned), and “seeking advice on how to resolve the problem” (24%).



Problems or disputes related to damage and disturbances caused by others

- 5.14 For incidents related to damage and disturbances caused by others, the actions taken were mainly “talking to management office” (43%), “talking to the other side” (42%), “complaining to government departments or relevant authorities” (24%) and “seeking advice on how to resolve the problem” (20%).

Percentage of incidents related to damage and disturbances caused by others with actions taken by types of actions

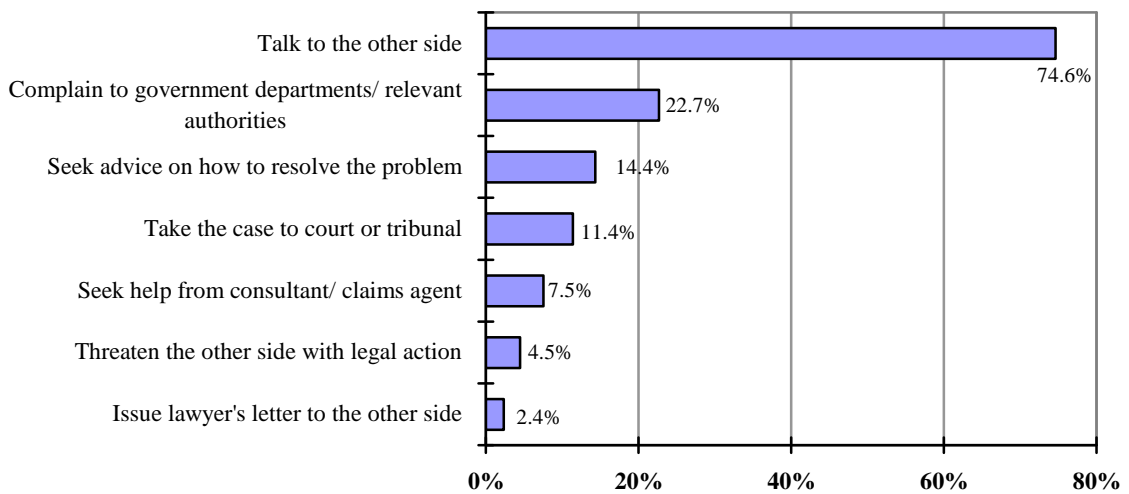


(Multiple response; Base: 394)

Problems or disputes related to injuries or health problems in the workplace

5.15 For incidents related to injuries or health problems in the workplace, the actions taken were mainly “talking to the other side” (75%), “complaining to government departments or relevant authorities” (23%), and “seeking advice on how to resolve the problem” (14%).

Percentage of incidents related to injuries or health problem in the workplace with actions taken by types of actions

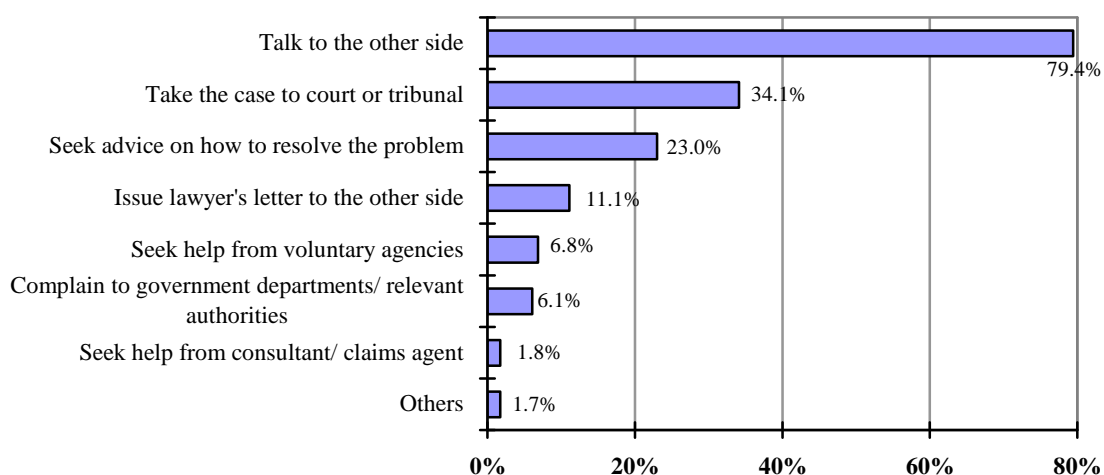


(Multiple response; Base: 33)

Family-related problems or disputes

- 5.16 For incidents related to family problems, the actions taken were mainly “talking to the other side” (79%), “taking the case to court or tribunal” (34%), and “seeking advice on how to resolve the problem” (23%).

Percentage of incidents of family-related problems with actions taken by types of actions

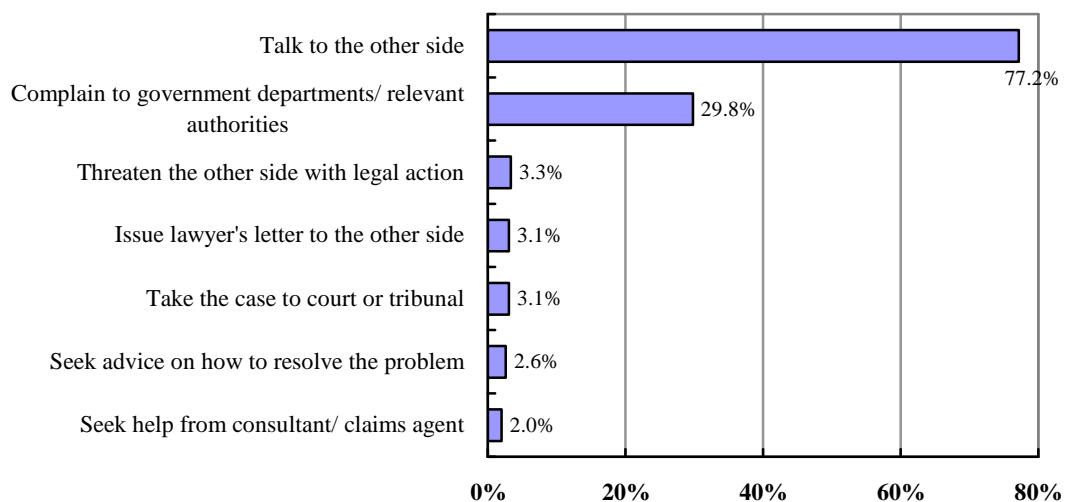


(Multiple response; Base: 41)

Problems related to injuries or health problems outside the workplace

- 5.17 For incidents related to injuries or health problems outside the workplace, the actions taken were mainly “talking to the other side” (77%) and “complaining to government departments or relevant authorities” (30%).

Percentage of incidents related to injuries or health problems outside the workplace with action taken by types of actions

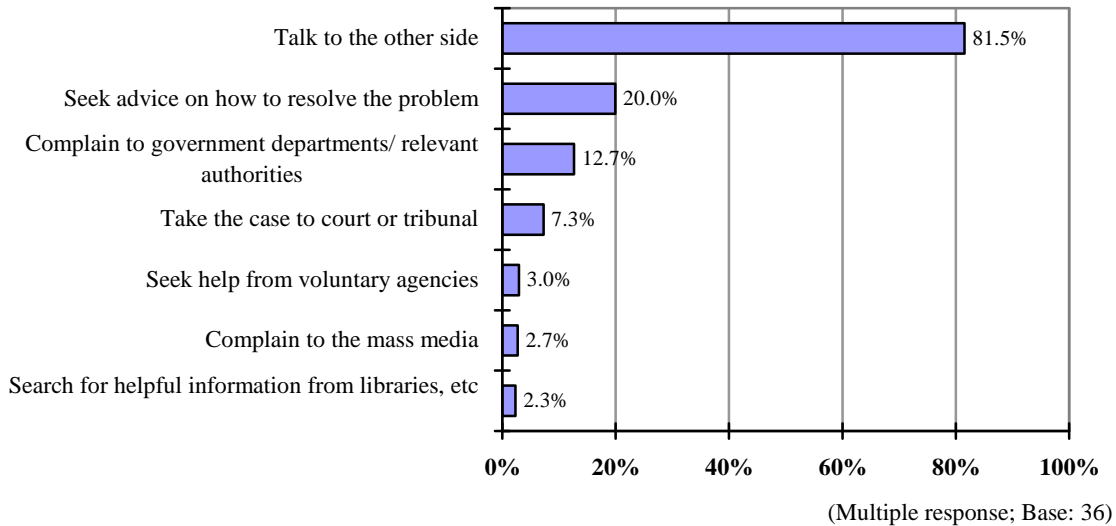


(Multiple response; Base: 27)

Problems or disputes related to government departments or government officials

5.18 For incidents related to government departments or government officials, the actions taken were mainly “talking to the other side” (82%), “seeking advice on how to resolve the problem” (20%) and “complaining to government departments or relevant authorities” (13%).

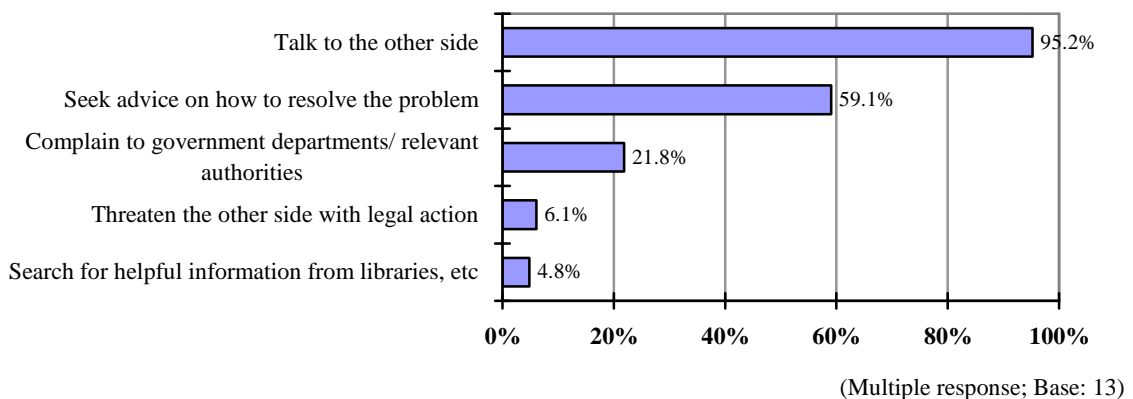
Percentage of incidents related to government departments or government officials with actions taken by types of actions



Problems or disputes related to services provided by professionals

5.19 For the small number of incidents related to services provided by professionals, the actions taken were mainly “talking to the other side” (95%) and “seeking advice on how to resolve the problem” (59%).

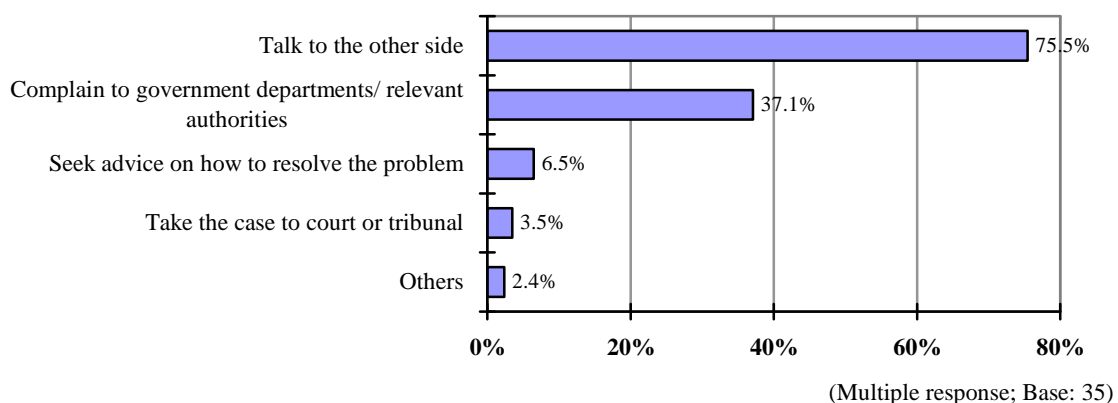
Percentage of incidents related to services provided by professionals with actions taken by types of actions



Other problems or disputes

- 5.20 For incidents related to other problems or disputes, the actions taken were mainly “talking to the other side” (76%), and “complaining to government departments or relevant authorities” (37%).

Percentage of incidents related to other problems with actions taken by types of actions



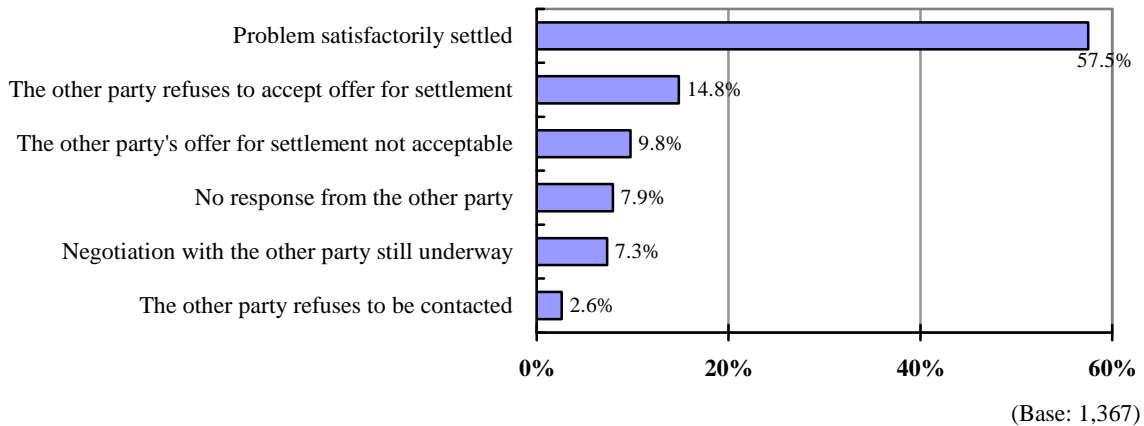
Disputes of a criminal nature

- 5.21 For the small number of incidents of a criminal nature, the main actions taken included “complaining to government departments or relevant authorities”, “seeking advice on how to resolve the problem” and “talking to the other side”.

Contacts with the other parties

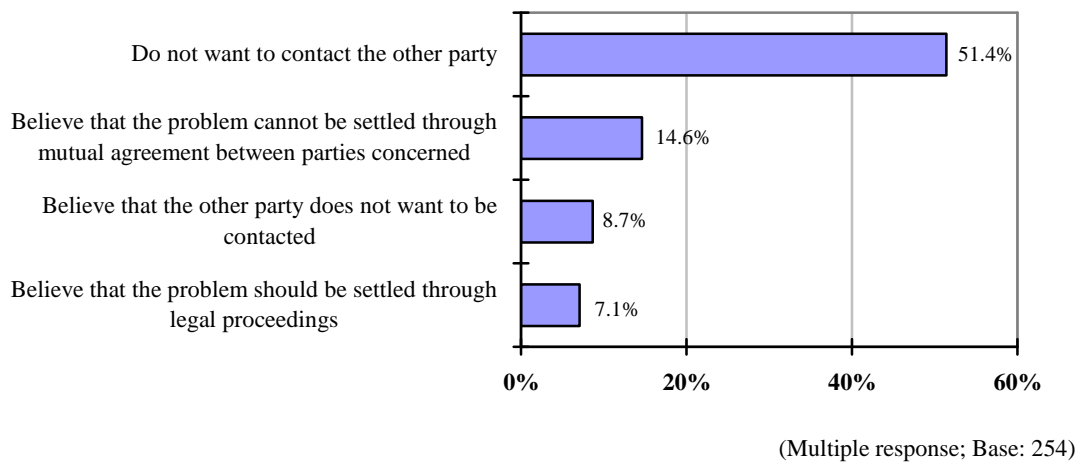
- 5.22 For 84% of the incidents with actions taken, the respondents concerned had attempted to contact the other parties through various means. For these cases, more than half (58%) were satisfactorily settled. The remaining 42% were not settled because the other parties had no response, refused to be contacted or accept the offers, or that the counter-offers by the other parties were not acceptable or that negotiations were still underway.

**Percentage distribution of incidents
with the other parties contacted by outcomes**



5.23 For the 16% of incidents where the respondents concerned had not attempted to contact the other parties, the reasons for not contacting were mainly that the respondents did not want to contact the other party (accounting for 51% of incidents involved) or that they believed the problems could not be settled through mutual agreement between the parties concerned (15%).

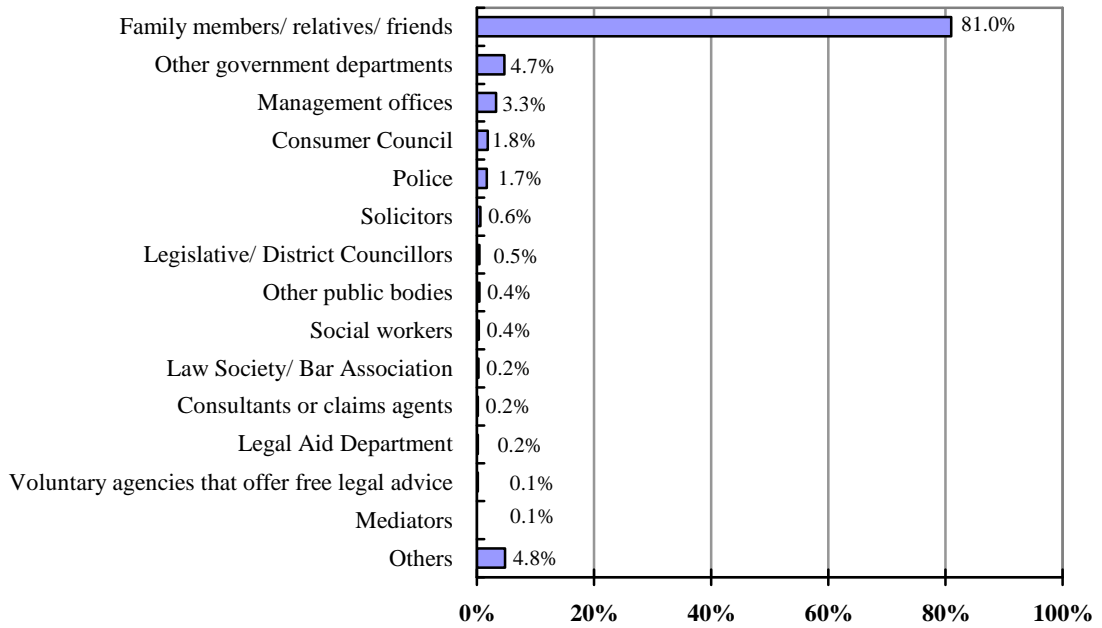
**Percentage of incidents with the other parties not contacted
by reasons for not contacting**



Help seeking behaviour

5.24 In trying to solve the problems or disputes that were considered important, the respondents concerned usually tried to contact their family members, relatives and friends first (81% of incidents).

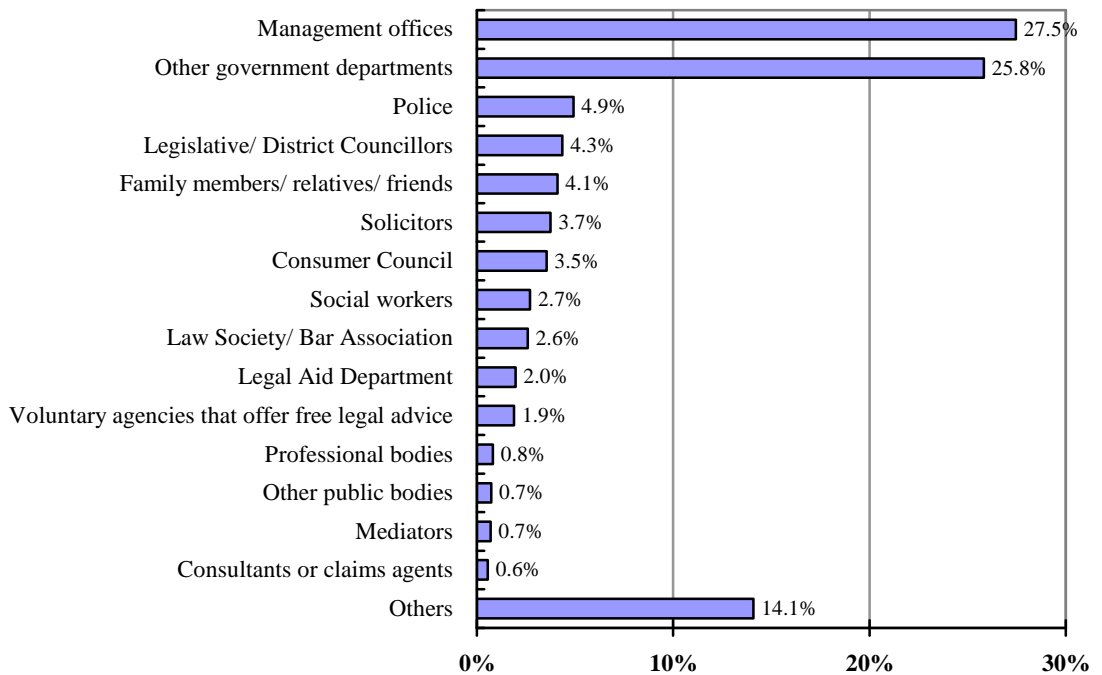
**Percentage distribution of important incidents
by first party tried to contact for assistance**



(Base: 1,960)

5.25 As regards the second party, the respondents usually tried to approach their management offices (28%), the Police (5%), and Legal Aid Department and other government departments (28%).

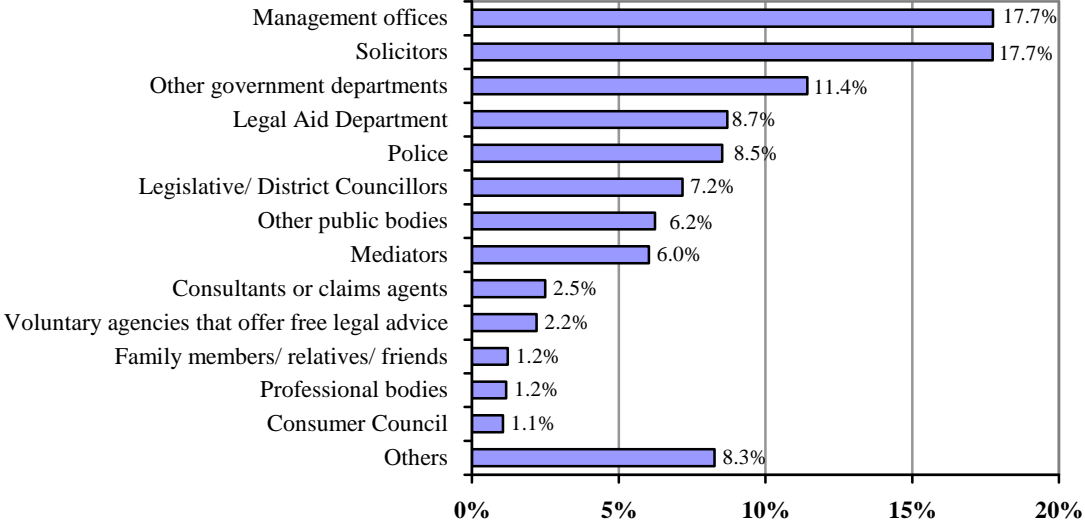
**Percentage distribution of important incidents
by second party tried to contact for assistance**



(Base: 482)

5.26 As regards the third party the respondents tried to contact for assistance, the respondents more likely tried to approach management offices (18%), solicitors (18%), Legal Aid Department (9%), the Police (9%) or other government departments (11%).

Percentage distribution of important incidents by third party tried to contact for assistance



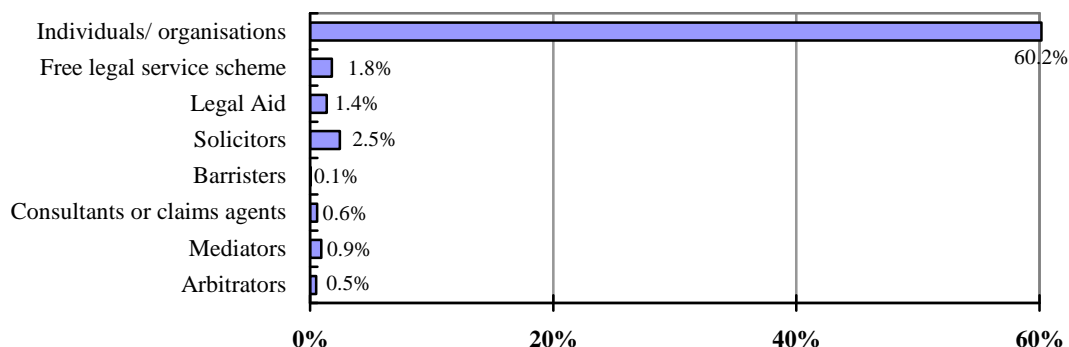
(Base: 81)

5.27 For the fourth party, it appeared the respondents were more likely to approach mediators, Law Society/ Bar Association, Legal Aid Department and solicitors, based on the small base data available at this level of detail.

Assistance from other parties

5.28 In handling their important incidents of difficult-to-solve problems, the respondents often sought assistance from other parties. These mainly included non-legal individuals such as family members, relatives, friends, social workers and different levels of councillors, or organisations such as the Bar Association, Law Society, Social Welfare Department, Labour Department and Home Affairs Department. In a smaller number of incidents, the respondents also sought assistance from the Free Legal Advice Scheme of the Government, legal aid, solicitors, barristers, consultants or claim agents, or used arbitration or mediation services.

Percentage of incidents with assistance sought from individuals/ organisations by parties

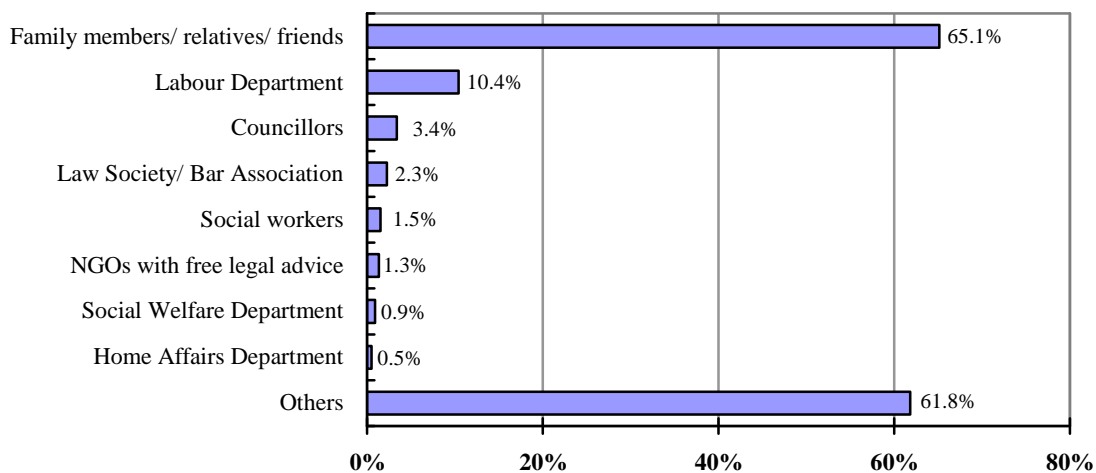


(Multiple response; Base: 1,630)

Assistance from individuals or organisations

5.29 For about 60% of the incidents with actions taken, assistance was obtained from non-legal individuals or from organisations offering some form of legal related services.

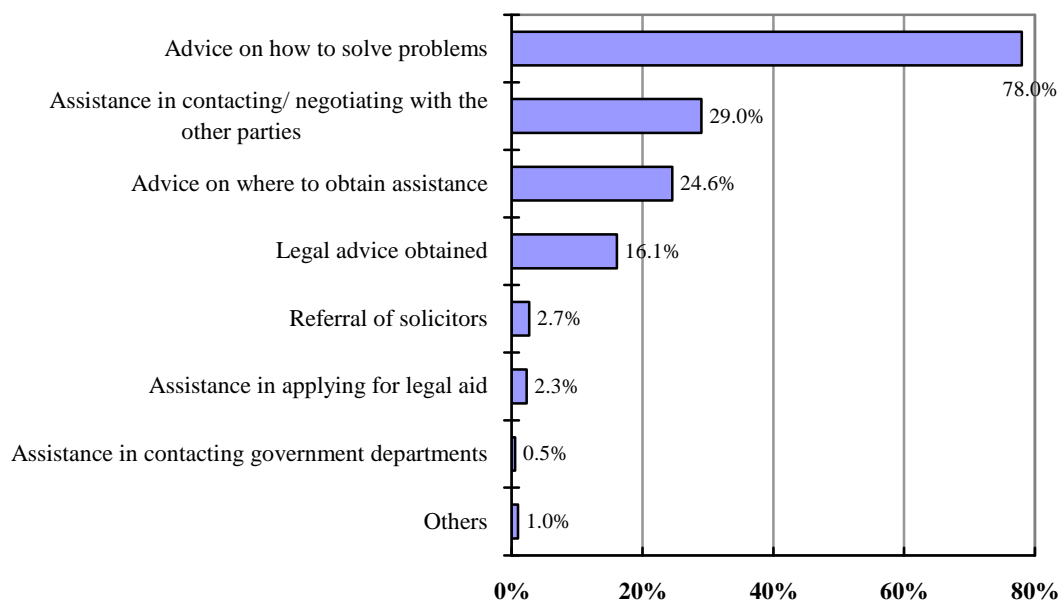
Percentage of successful contacts by individuals/ organisations



(Multiple response; Base: 969)

5.30 For about 78% of these incidents, advice was provided by these individuals or organisations on how to solve the problems. For another 29%, assistance in contacting or negotiating with the other parties was obtained, and for about 25% of incidents, advice was provided on where to obtain assistance. For about 16% of incidents, legal advice, such as advice on legal rights, legal procedures and legal proceedings, was obtained.

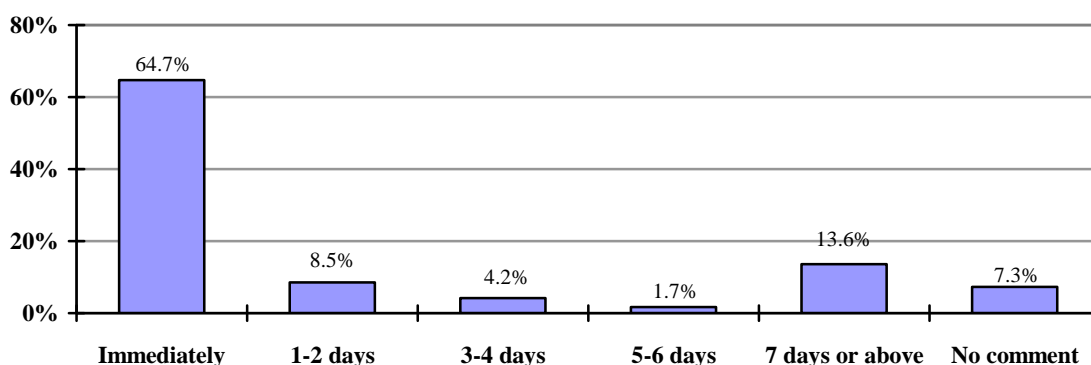
**Percentage of incidents with assistance obtained from individuals/
organisations by types of assistance provided**



(Multiple response; Base: 969)

5.31 For 65% of the successful contacts made to obtain assistance from these individuals or organisations, the respondents were able to obtain immediate assistance from the parties contacted. For about 14%, however, the respondents had to wait for 7 days or more before getting assistance.

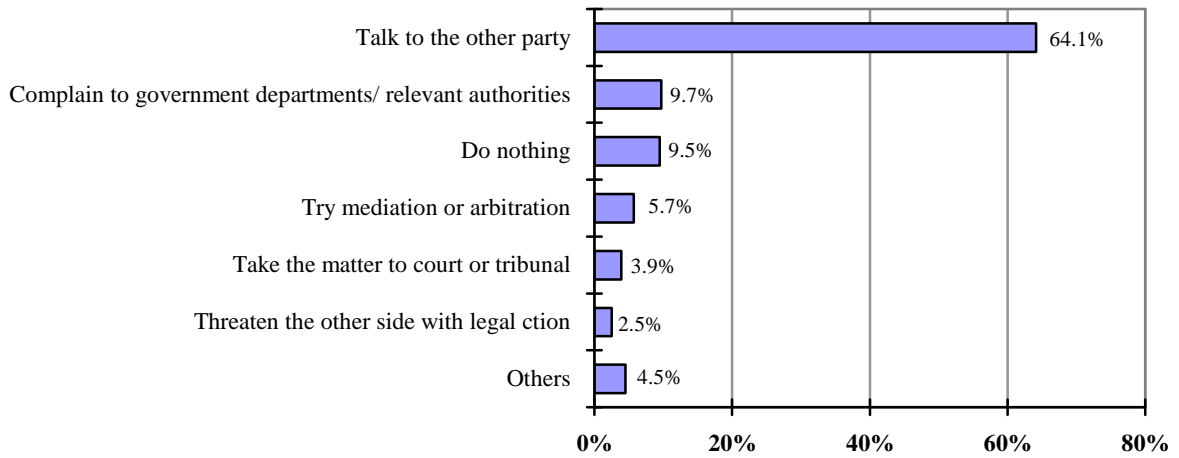
**Percentage distribution of successful contacts
by waiting time required before obtaining assistance**



(Base: 1,509)

5.32 For about 64% of these successful contacts, the follow-up actions suggested was to talk to the other side. For 10%, the respondents were advised to do nothing, and for another 10%, to complain to government departments. Other actions suggested were to “try mediation or arbitration” (6%), “take the matter to court or tribunal” (4%), or to “threaten the other side with legal action” (3%).

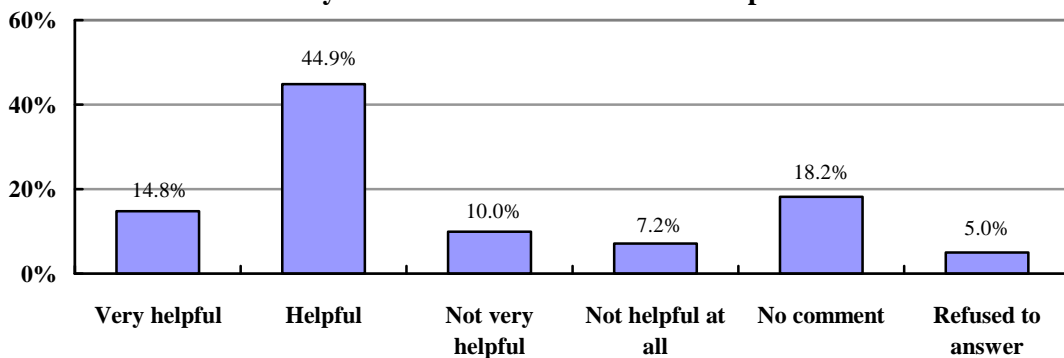
**Percentage of successful contacts
by types of follow-up actions suggested by parties contacted**



(Multiple Response; Base: 1,509)

5.33 For 60% of these successful contacts, the respondents concerned considered the assistance helpful or very helpful. For another 17%, the assistance was considered not very helpful or not helpful at all.

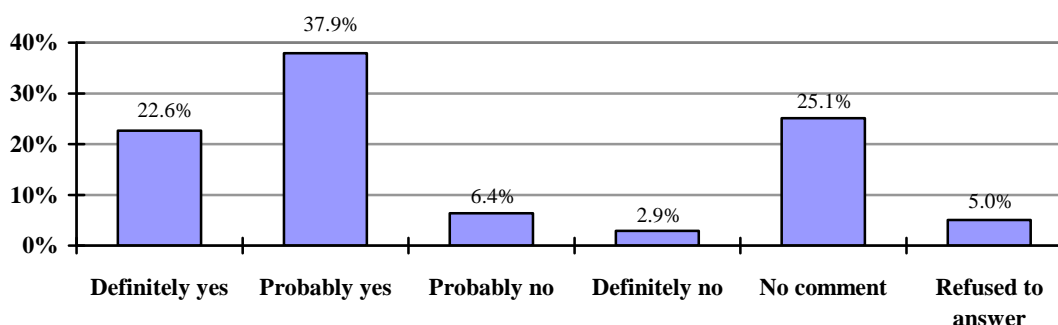
**Percentage distribution of successful contacts
by whether advice or assistance helpful**



(Base: 1,509)

5.34 For 61% of these successful contacts, the respondents concerned would recommend other people facing similar situations to seek assistance from the individuals or organisations from whom they had sought assistance. For only about 9% of these incidents, the respondents would definitely or probably not recommend other people facing similar situations to seek assistance from these parties.

Percentage distribution of successful contacts by whether would recommend other people to seek assistance from parties contacted



(Base: 1,509)

5.35 When analysed by categories of individuals or organisations from whom assistance was obtained, a higher proportion of respondents would definitely or probably recommend other people facing similar situations to seek assistance from family members (accounting for 64% of respondents who had sought assistance from family members), Labour Department (78%), social workers (54%), Bar Association/ Law Society (50%) and NGOs (50%).

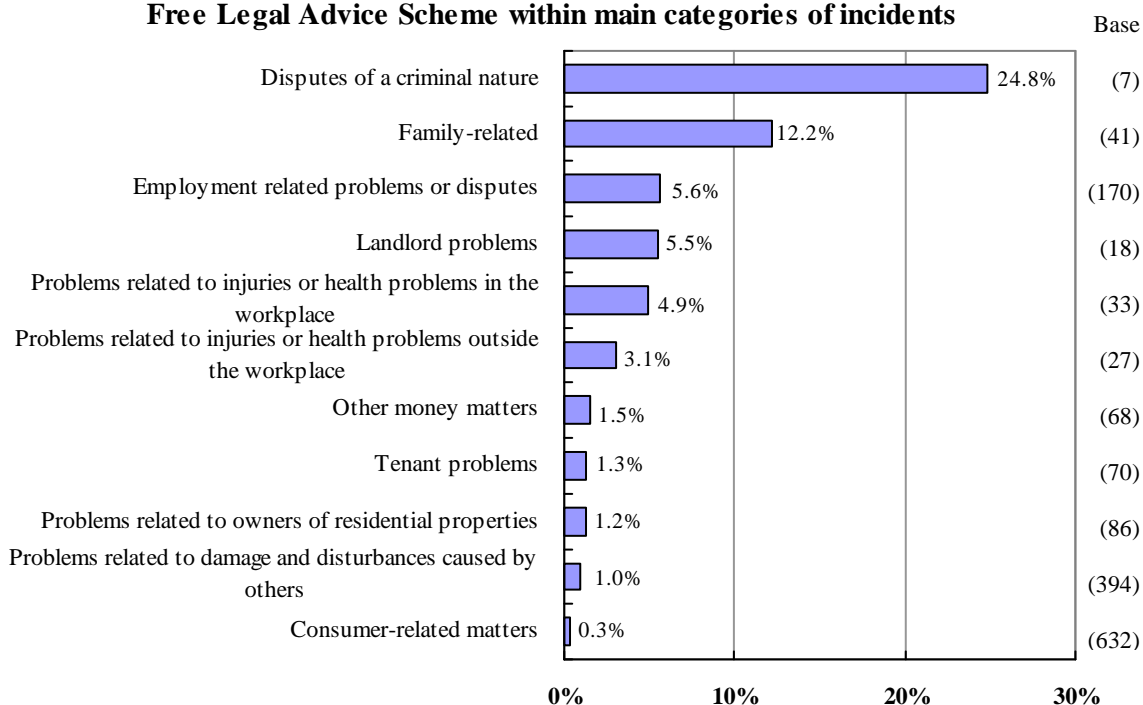
Percentage of successful contacts by whether would recommend other people to seek assistance from parties contacted

	Definitely/ Probably Yes	Definitely/ Probably No	No comments	No response	Base
Labour Department	77.6%	7.4%	7.3%	7.8%	(110)
Family members	64.2%	2.0%	32.5%	1.3%	(640)
Social workers	53.8%	4.1%	7.8%	34.4%	(24)
Bar Association/ Law Society	50.2%	9.2%	12.1%	28.4%	(31)
NGO with free legal advice	50.0%	0.0%	8.4%	41.6%	(22)
Councillors	33.7%	14.6%	32.1%	19.5%	(42)
Social Welfare Department	22.5%	9.6%	16.8%	51.2%	(18)
Home Affairs Department	12.3%	8.0%	13.7%	66.0%	(14)

Assistance from the Free Legal Advice Scheme

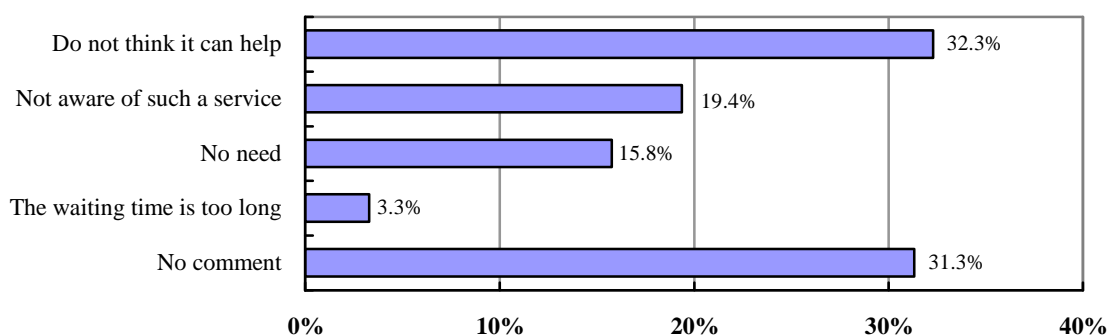
5.36 For about 2% of the incidents with actions taken, assistance was sought through the Free Legal Advice Scheme of the government. When analysed by categories of incidents, the percentage was higher for incidents related to disputes of a criminal nature (accounting for 25% of incidents concerned) and for family-related problems (12%).

Percentage of incidents with assistance sought through Free Legal Advice Scheme within main categories of incidents



5.37 For the remaining 98% of incidents with actions taken, the reasons for not seeking assistance or advice through the Free Legal Advice Scheme were that the respondents “did not think it could help” (accounting for 32% of incidents concerned); they were “not aware of such a service” (19%); they had “no need” (16%); or that “the waiting time was too long” (3%).

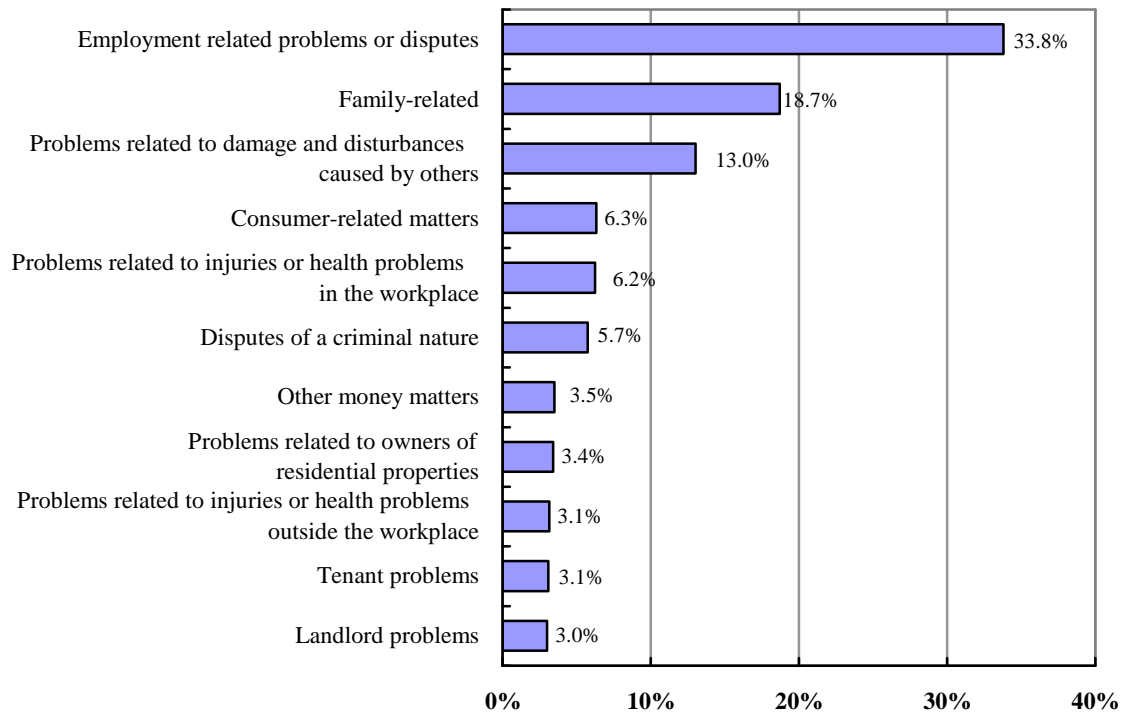
Percentage of incidents for which assistance through Free Legal Advice Scheme not sought by reasons



(Multiple response; Base: 1,595)

5.38 About 34% of the incidents with assistance through the Free Legal Advice Scheme involved employment related problems. Other major categories included family-related problems (19%), and damage and disturbances caused by others (13%).

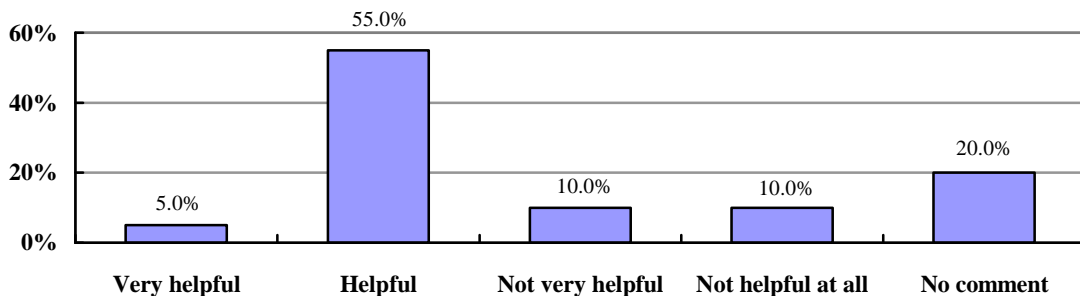
**Percentage distribution of incidents with assistance
through Free Legal Advice Scheme by main categories of incidents**



(Base: 32)

5.39 For just over half (60%) of these incidents, the respondents considered that the assistance was helpful or very helpful. For about 20%, the respondents considered the assistance not very helpful or not helpful at all. The reasons cited were that the problems could not be solved, advice could not be given, or the respondents were advised to solve the problems themselves because litigation might take time and the chance of winning was small. The analysis is, however, constrained by the small data set.

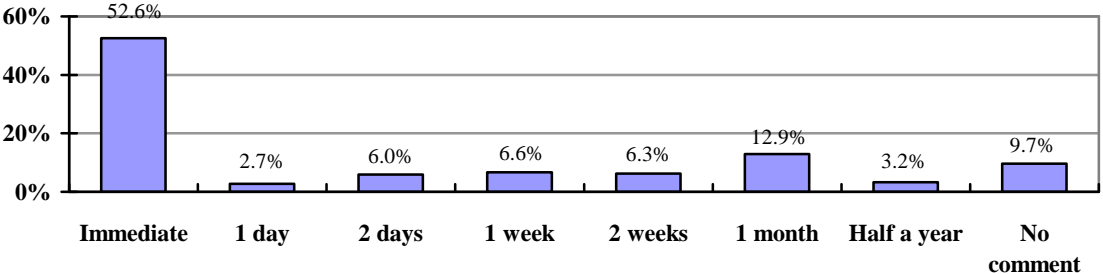
**Percentage distribution of incidents by whether advice or assistance
through the Free Legal Advice Scheme helpful**



(Base: 32)

5.40 For about 53% of the incidents, the respondents were able to obtain immediate assistance. For another 15%, the waiting time was within 7 days and for a further 22%, the waiting time was more than 7 days.

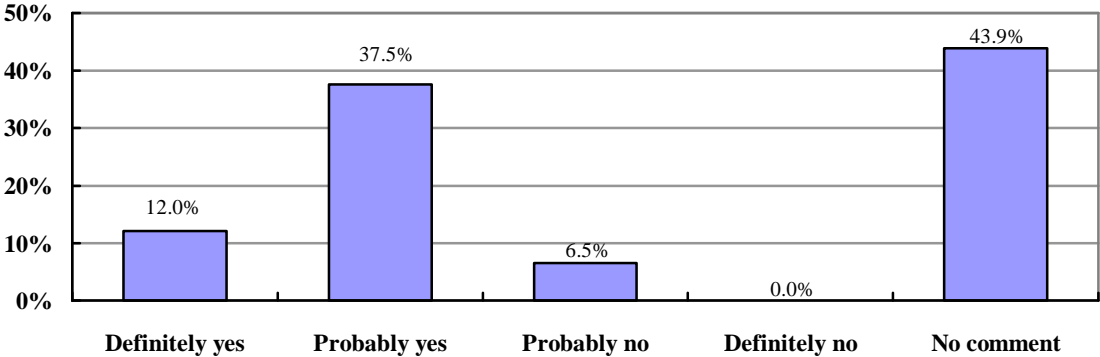
Percentage distribution of incidents by waiting time required before obtaining assistance through Free Legal Advice Scheme



(Base: 32)

5.41 In about half (50%) of these incidents, the respondents concerned would recommend other people facing similar situations to seek assistance through the Free Legal Advice Scheme. Only for about 7% of the incidents, the respondents would probably not recommend similarly.

Percentage distribution of incidents by whether would recommend other people to seek assistance through Free Legal Advice Scheme

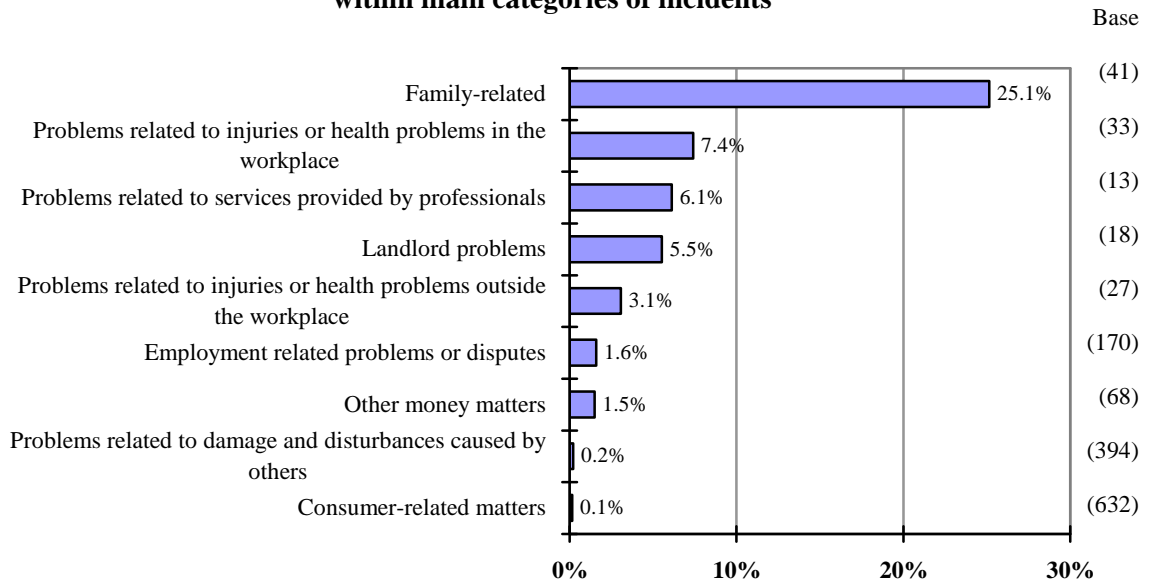


(Base: 32)

Application for legal aid

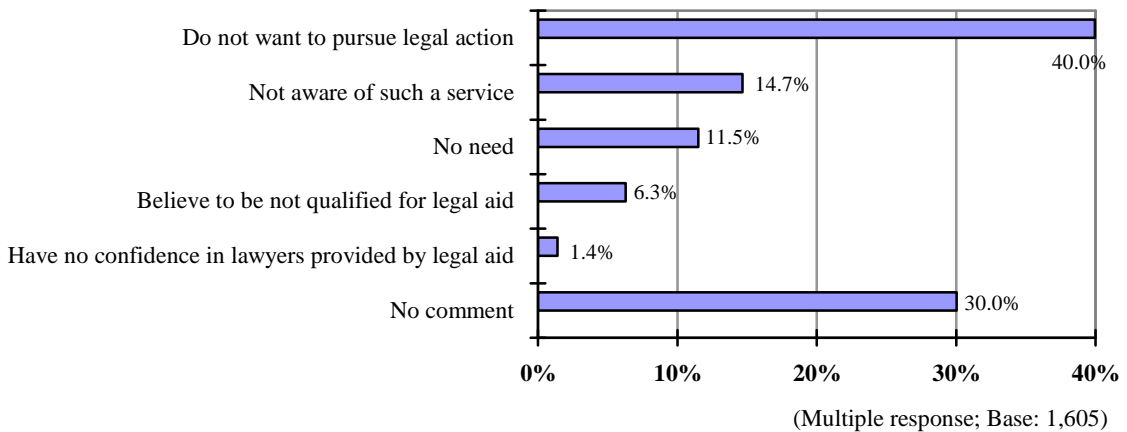
5.42 For only about 1% of the incidents with actions taken, the respondents concerned had applied for legal aid from the Legal Aid Department, and over half (55%) of these were successful in obtaining legal aid support. When analysed by categories of incidents, the percentage which applied for legal aid appeared higher for incidents related to family problems (accounting for 25% of such incidents).

**Percentage of incidents applied for legal aid
within main categories of incidents**



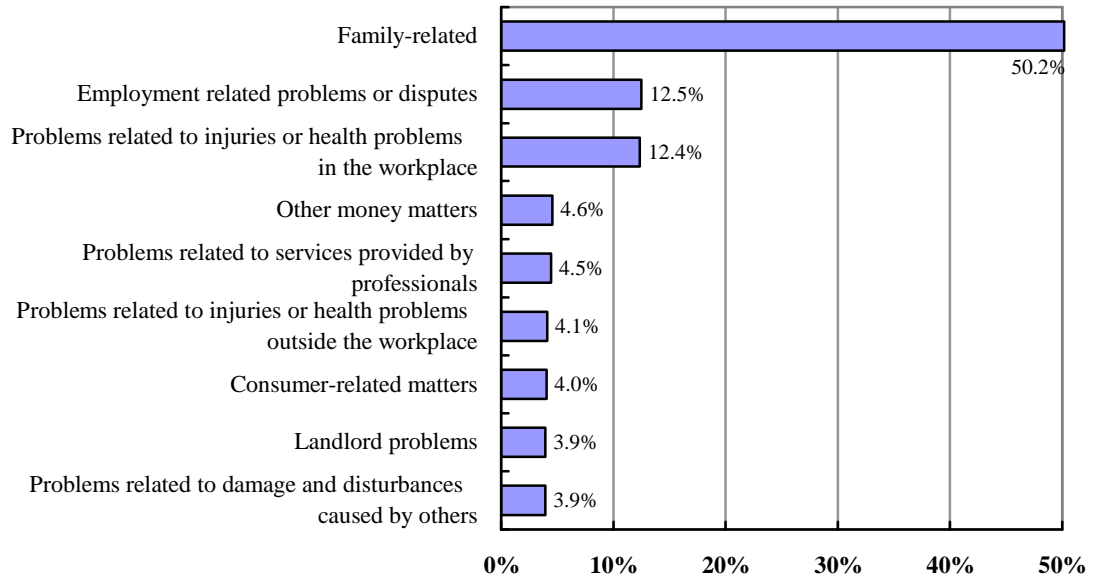
5.43 For the remaining 98% of incidents with actions taken, the reasons for not applying for legal aid were that the respondents “did not want to pursue legal action” (accounting for 40% of incidents concerned); they were “not aware of such a service” (15%); or they had “no need” (12%).

**Percentage of incidents with actions taken
but not applied for legal aid by reasons**



5.44 About 50% of the incidents which applied for legal aid involved family-related problems. The others mainly involved employment related problems, and injuries or health problems in the workplace.

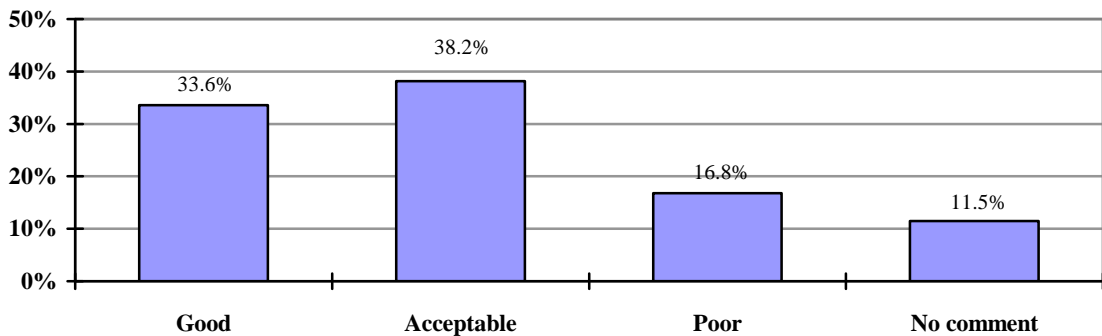
**Percentage distribution of incidents applied for legal aid
by main categories of incidents**



(Base 22)

5.45 For 72% of the incidents which had applied for legal aid, the respondents rated the quality of services provided as acceptable or good. On the other hand, for about 17%, the respondents rated the quality of services as poor. The analysis is, however, based on a small data set.

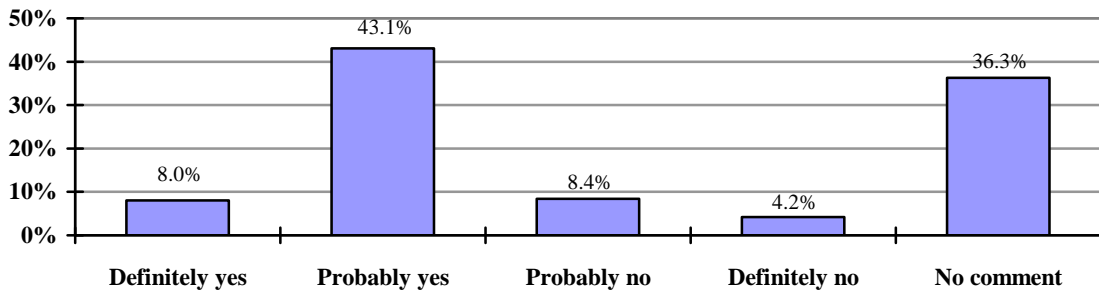
**Percentage distribution of incidents by quality of services
provided by Legal Aid Department as perceived by respondents**



(Base: 22)

5.46 In just over half (51%) of these incidents, the respondents concerned would probably or definitely recommend other people facing similar situations to apply for legal aid. In another 13%, the respondents concerned would probably or definitely not recommend similarly.

**Percentage distribution of incidents
by whether would recommend other people to apply for legal aid**

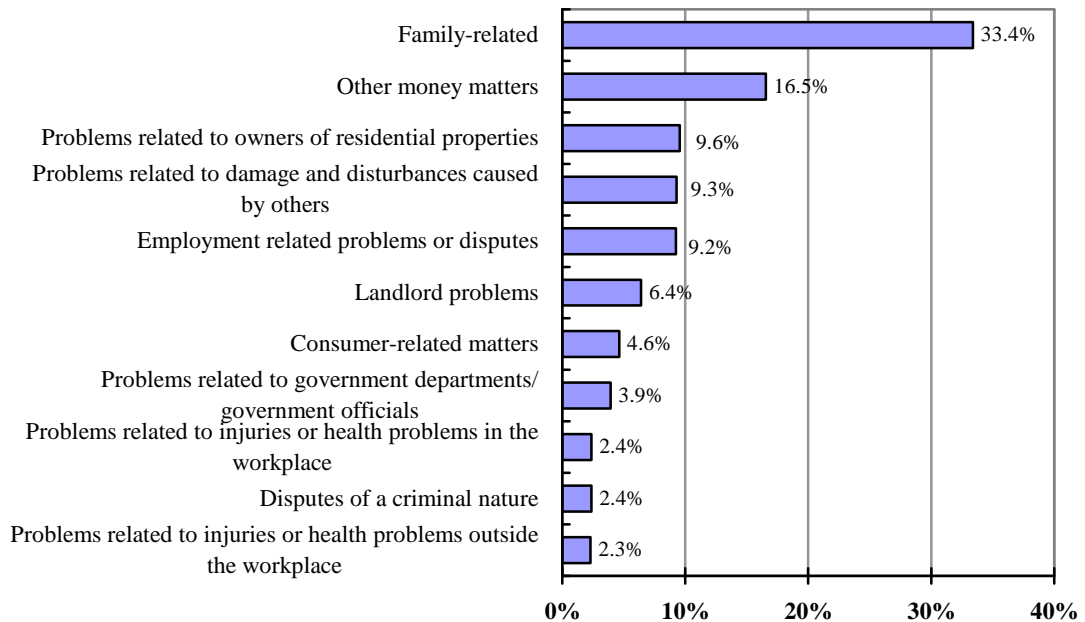


(Base: 22)

Services provided by solicitors

5.47 For about 3% of the incidents with actions taken, assistance from solicitors was obtained. About one third (33%) of these incidents with solicitors' assistance involved family related problems, and 17% involved other money matters. The other major types of incidents included problems related to owners of residential properties (10%), damage and disturbances caused by others (9%), and employment related problems (9%).

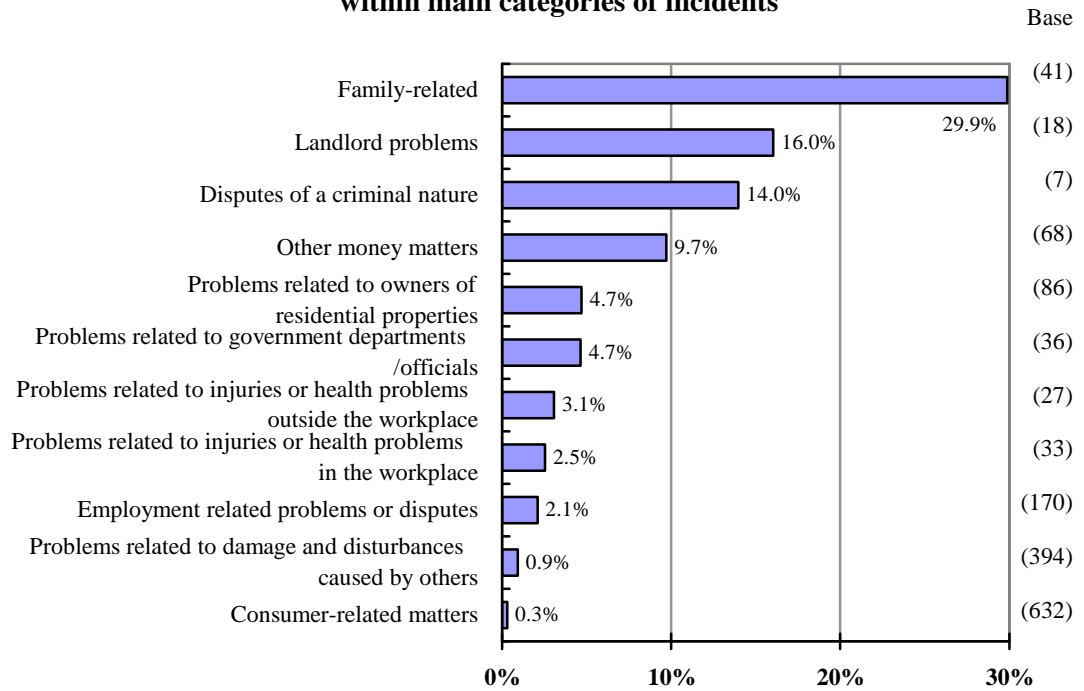
**Percentage distribution of incidents with solicitor's assistance
by main categories of incidents**



(Base: 39)

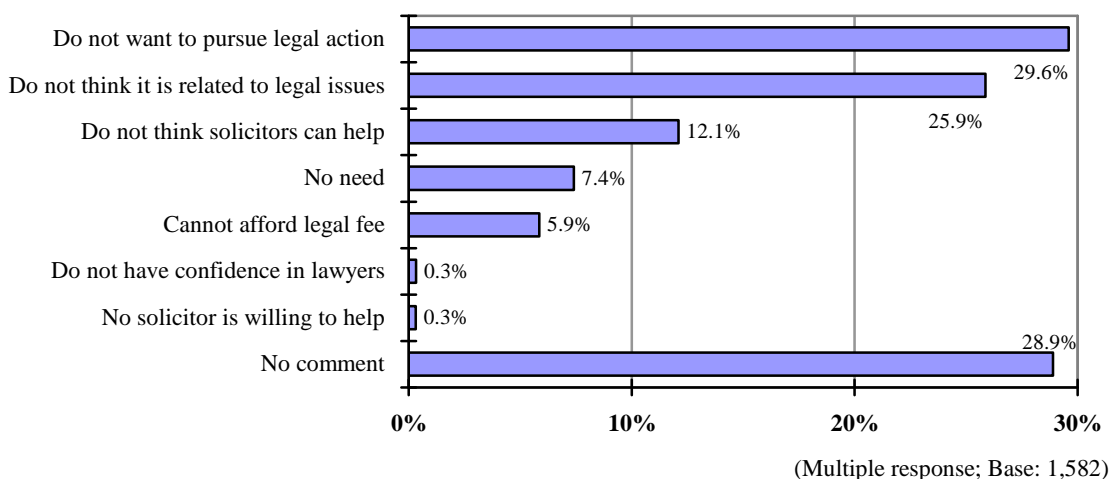
5.48 When analysed by categories, the percentage that sought solicitors' assistance appeared higher for incidents related to family problems (accounting for 30% of such problems), landlord problems (16%), and disputes of a criminal nature (14%).

**Percentage of incidents with solicitor's assistance
within main categories of incidents**



5.49 For the remaining 97% of incidents with actions taken, the reasons for not seeking assistance or advice from solicitors were that the respondents concerned “did not want to pursue legal action” (accounting for 30% of incidents concerned), “did not think it was related to legal issues” (26%), and “did not think solicitors could help” (12%).

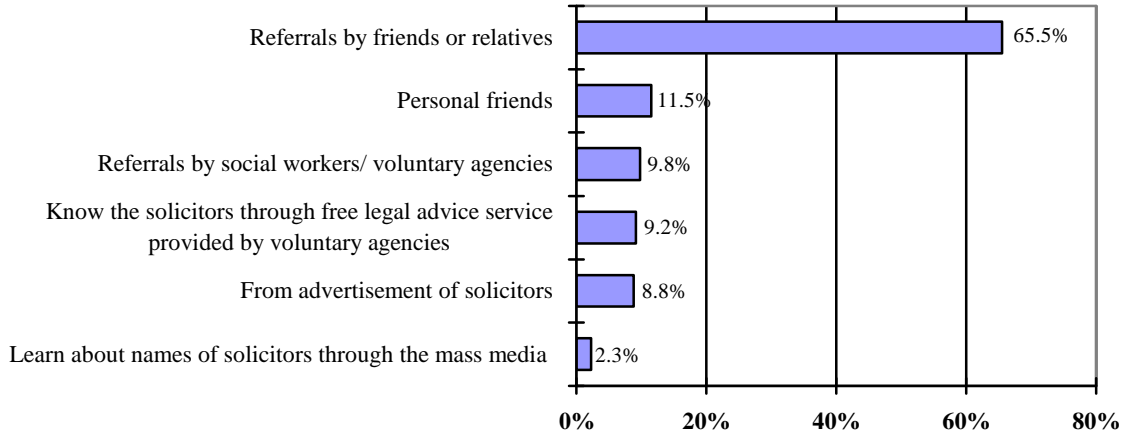
**Percentage of incidents for which solicitors' assistance
not obtained by reasons**



5.50 For incidents with assistance from solicitors, the main channels for finding the solicitors were “referrals by friends or relatives” (accounting for 66% of incidents concerned), and “personal friends” (12%). The others included referrals by social

workers or voluntary agencies, contacts through free legal advice service provided by voluntary agencies, and advertisements.

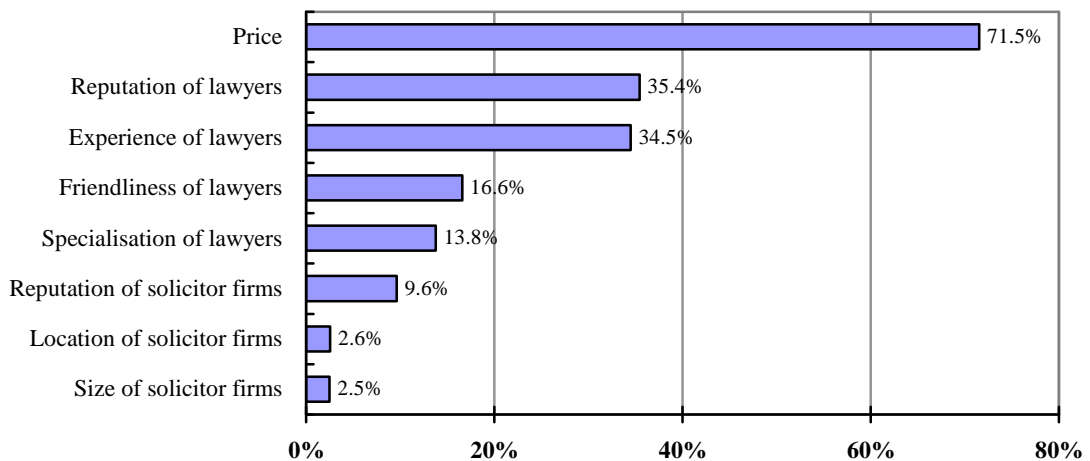
**Percentage of incidents with solicitor's assistance
by channel of finding solicitors**



(Multiple response; Base: 39)

5.51 The main factors affecting the choice of solicitors were “price” (accounting for 72% of incidents concerned), “reputation of lawyers” (35%), and “experience of lawyers” (35%).

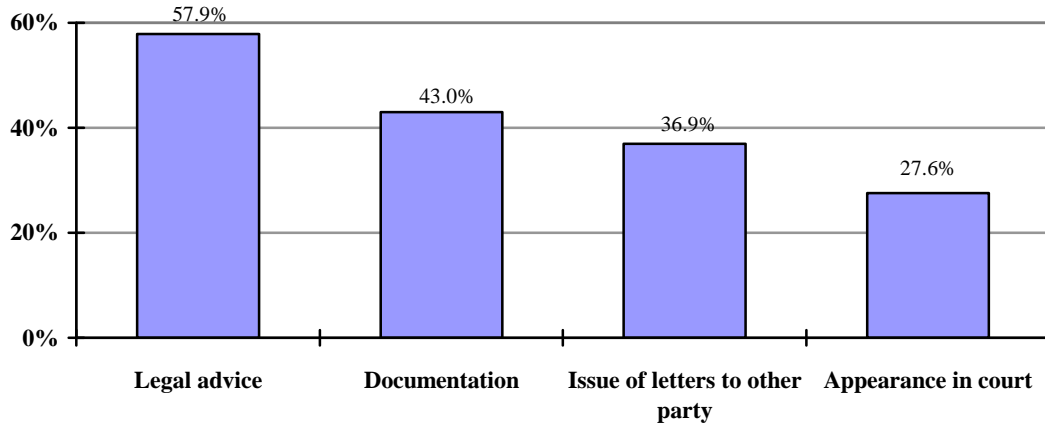
**Percentage of incidents with solicitors' assistance
by factors affecting choice of solicitors**



(Multiple response; Base: 39)

5.52 As regards the types of assistance or advice obtained, these mainly include “legal advice” (58%), “documentation” (43%), “issue of letters to other party” (37%), and “appearance in court” (28%).

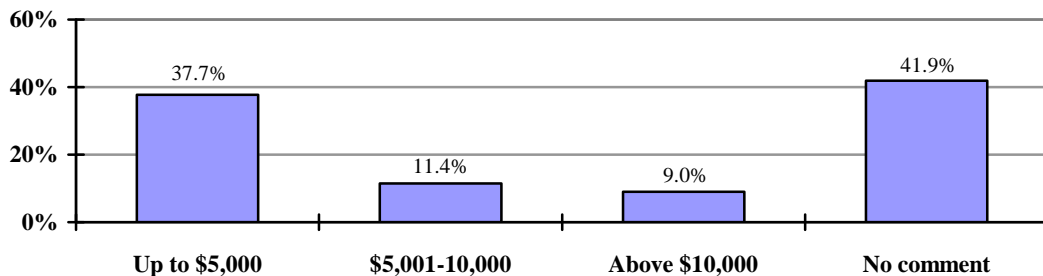
**Percentage of incidents with solicitors' assistance
by types of assistance**



(Multiple response; Base: 39)

5.53 For incidents with assistance from solicitors, the respondents were charged on average \$9,295. The average charge was higher, at \$10,000, if barristers were also used, and was lower if no barristers were involved, at \$9,263. In about 38% of incidents, the amount charged by solicitors was below \$5,000. For another 11%, the amount was \$5,001-\$10,000, and for 9%, above \$10,000.

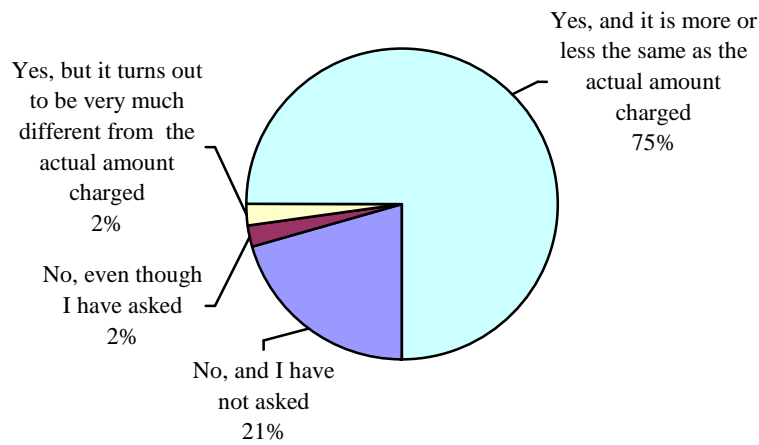
**Percentage distribution of incidents with solicitors' assistance
by amount of legal fees charged**



(Base: 39)

5.54 For about 75% of these incidents, the respondents concerned knew how the legal fee was calculated, and the actual amount charged turned out to be more or less the same as originally calculated. For another 2%, the respondents also knew how the fee was calculated, but the actual amount turned out to be very much different. On the other hand, for 21% of the incidents, the respondents did not know how the legal fee was calculated and had not asked for such information. For the remaining 2%, the respondents concerned did not know how the fee was calculated even though they had asked for the information.

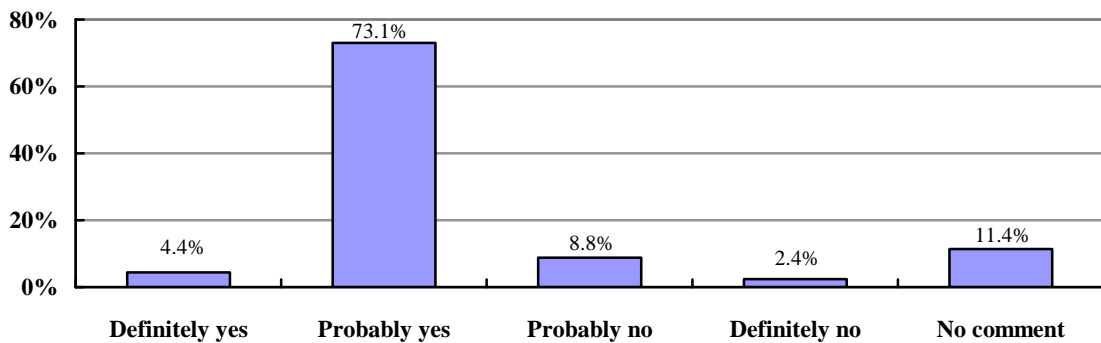
Percentage distribution of incidents with solicitors' assistance by whether knowing how legal fee is calculated



(Base: 39)

5.55 For 78% of the incidents with assistance from solicitors, the respondents concerned would definitely or probably recommend the solicitors they had consulted to other people facing similar situations. Another 11% would probably or definitely not recommend similarly, apparently because they considered the fees were too high, the solicitors were not professional, the solicitors could not help, or they considered the results were not fair.

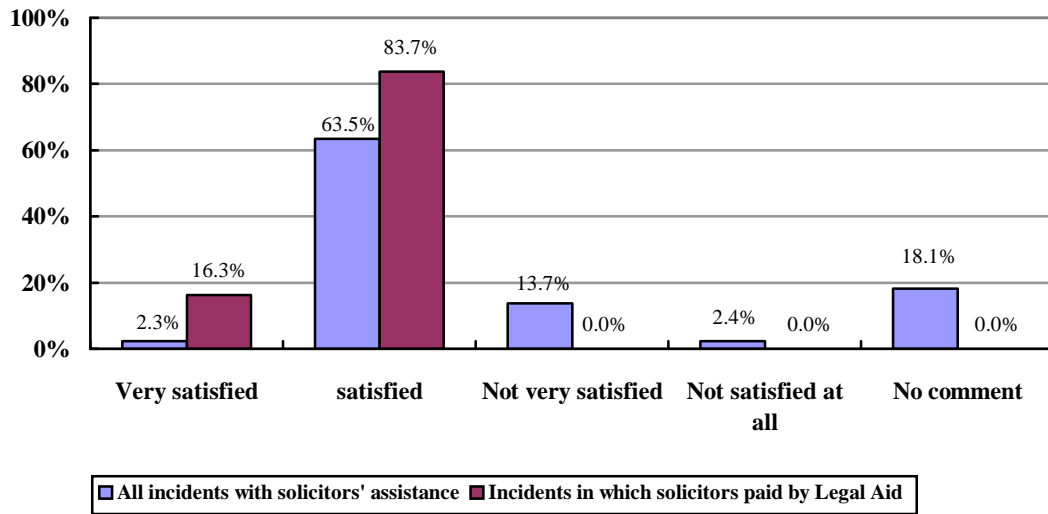
Percentage distribution of incidents with solicitors' assistance by whether would recommend solicitors to other people



(Base: 39)

5.56 For 66% of these incidents, the respondents concerned were very satisfied or satisfied with the services provided by their solicitors. Only about 16% were not very satisfied or not satisfied. For all of the incidents in which solicitors were paid by Legal Aid, the respondents concerned appeared satisfied or very satisfied with the services provided. The data set in the analysis was, however, small.

Percentage distribution of incidents with solicitors' assistance by whether satisfied with services of solicitors

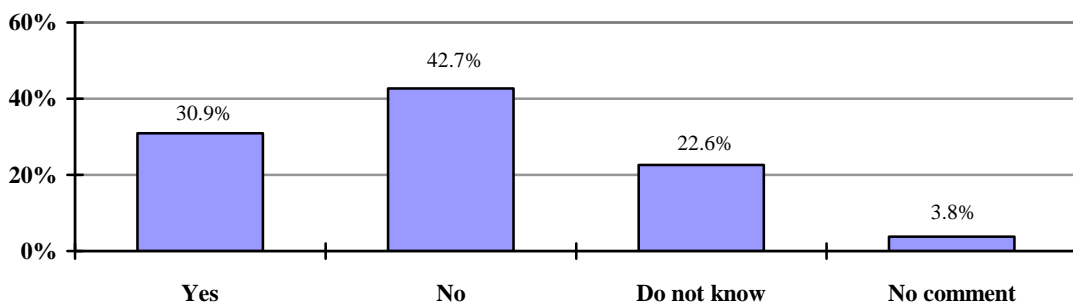


(Base: All: 39; Legal Aid: 6)

5.57 For incidents in which the respondents concerned were not satisfied or not very satisfied with the services provided by solicitors, the main reason appeared to be that the legal fee was too expensive. The other reasons cited included poor work attitude, the services were considered to be not useful, or not being satisfied with the results.

5.58 In 31% of the incidents with assistance from solicitors, the respondents concerned indicated that the other side had also hired lawyers to help. For about 43%, the other side had not hired any lawyers.

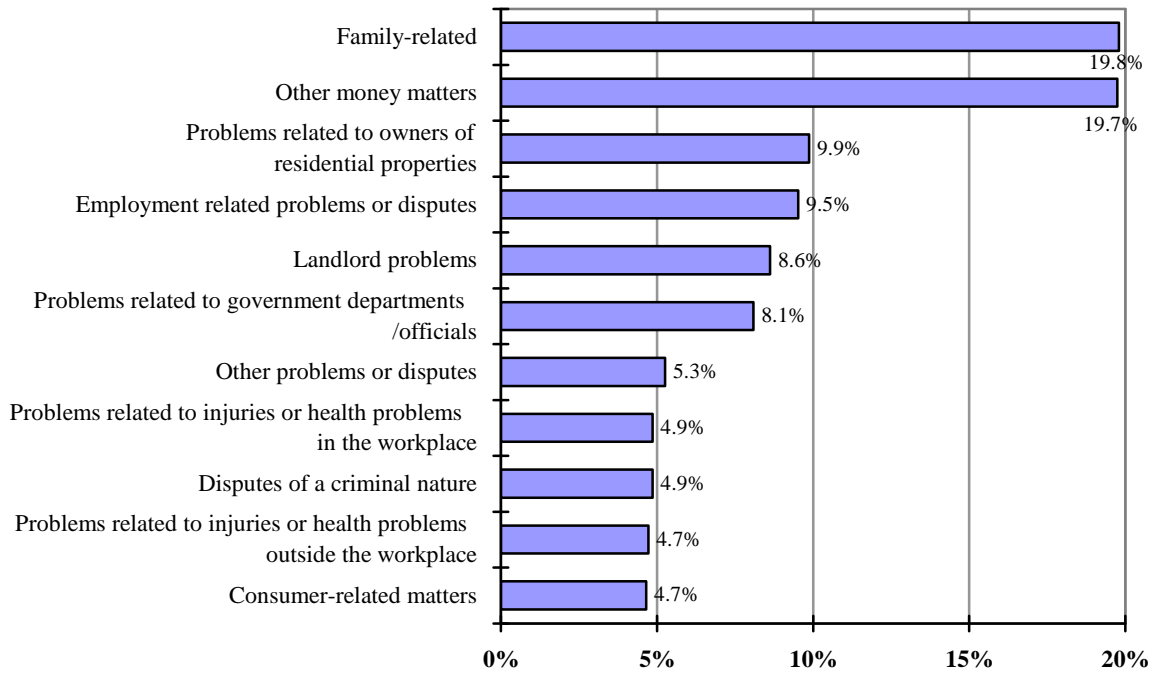
Percentage distribution of incidents with solicitors' assistance by whether the other side hired lawyers to help



(Base: 45)

5.59 About 42% of the incidents with assistance from solicitors were taken to court or tribunal. These mainly included family-related problems, other money matters, problems related to owners of residential properties, and employment related problems.

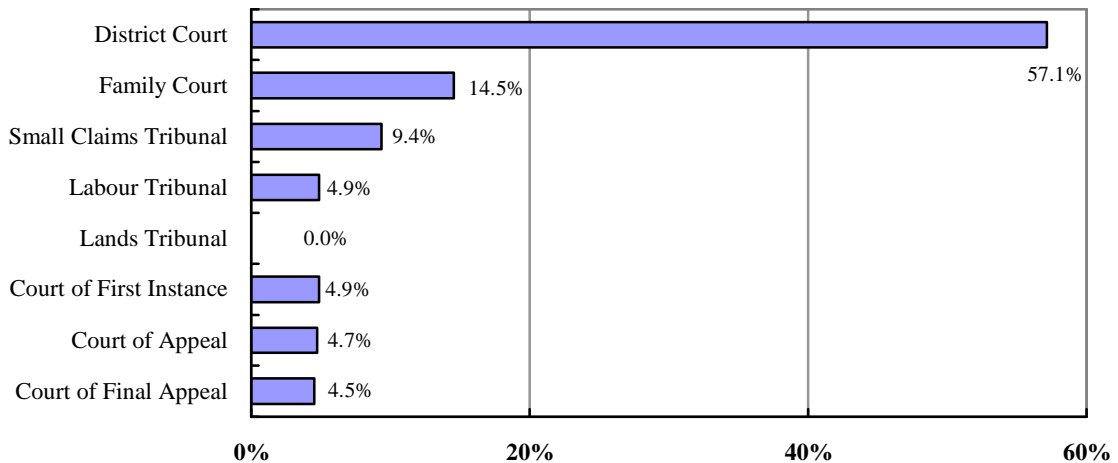
Percentage distribution of incidents with solicitors' assistance that were taken to court or tribunal by main categories



(Base: 21)

5.60 For those incidents that were taken to court or tribunal, about 57% were taken to the District Court, 15% to the Family Court, and 14% to various tribunals. About 14% were dealt with at the higher courts.

Percentage of incidents taken to court or tribunal with assistance from solicitors by types of courts or tribunals

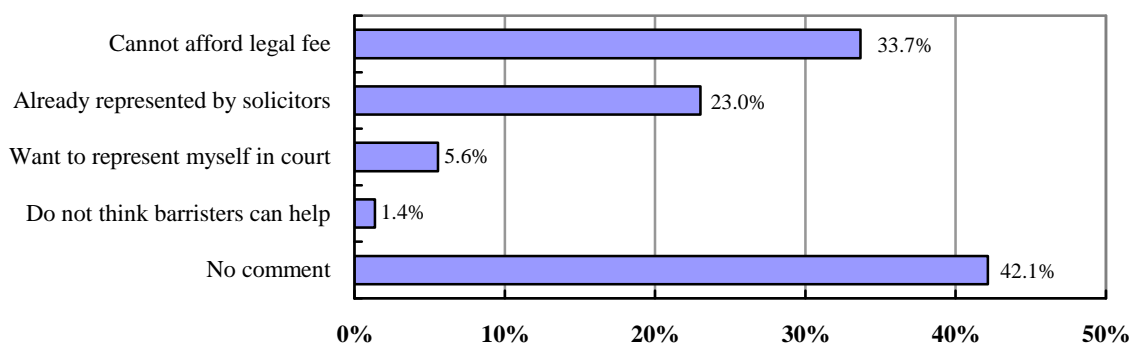


(Multiple response; Base: 21)

Services provided by barristers

5.61 About 4 % of incidents with actions taken were taken to court or tribunal, and only about 1% of these were represented by barristers in court proceedings. For incidents taken to court or tribunal but with no barrister assistance, the reasons were mainly that the respondents concerned could not afford the fees (accounting for 34% of incidents concerned), or were already represented by solicitors (23%).

Percentage of incidents taken to court or tribunal with no assistance from barristers by reasons



(Multiple response; Base: 72)

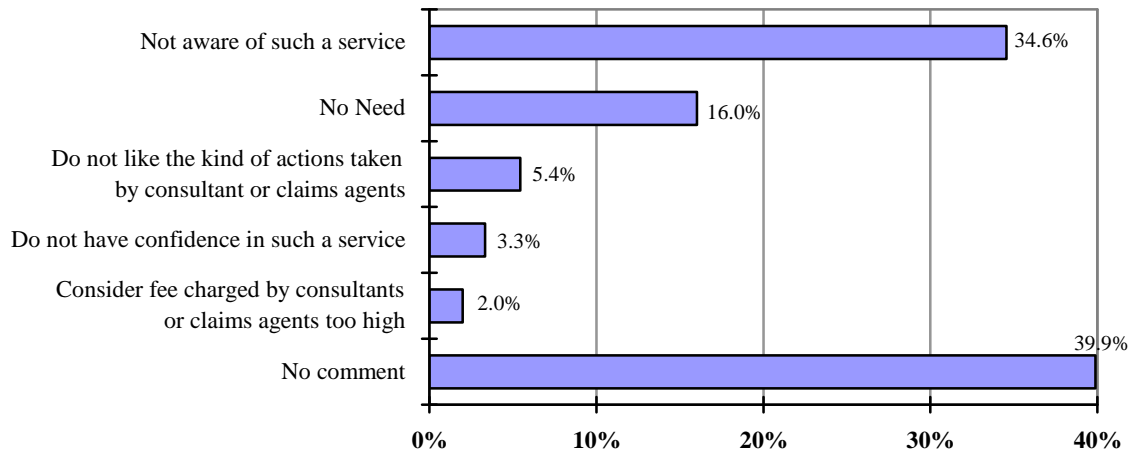
More detailed analysis of the services provided by barristers was inappropriate given the small data set available.

Services provided by consultants or claims agents

5.62 In less than 1% of incidents with actions taken, the respondents concerned had used the services of consultants or claims agents. Based on the small number of such cases, these incidents mainly related to injuries or health problems in the workplace, other money matters and employment problems. The main reasons for using these services were apparently that the fees were charged only on a contingency basis, they had confidence in the claims agents successfully solving the problem, or they could not afford, or did not want to spend more money or time solving the problem through other means.

5.63 For the respondents that had taken actions on their incidents, but did not use the services of consultants or claims agents, the main reasons were that they were not aware of such services (35%) or they had no need (16%).

**Percentage of incidents
not using consultants or claims agents by reasons**



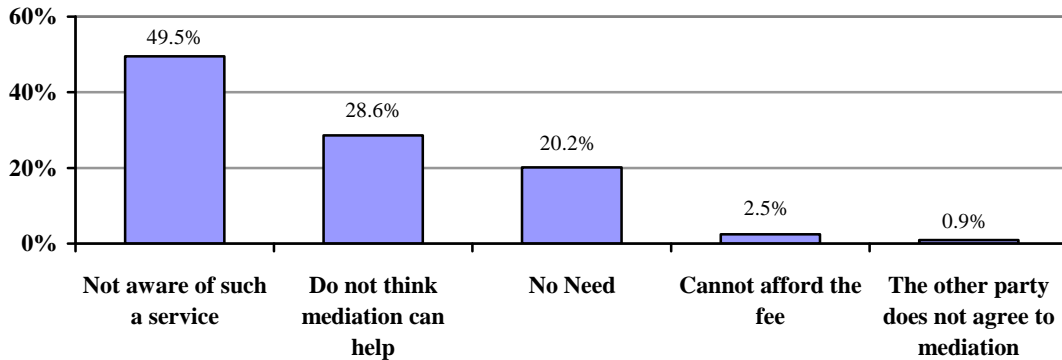
(Multiple response; Base: 1,619)

- 5.64 The channels of finding the consultant or claims agents were mainly through referrals by friends or relatives, or via direct solicitation by these service providers. Some contacts also came through via advertisements.
- 5.65 None of the incidents using consultants or claims agents was provided free of charge. Another 20% was charged a fee of up to \$5,000, and for a further 21%, more than \$10,000. Most of the respondents concerned indicated that they did not know how the fees were calculated.
- 5.66 For about 50% of the incidents using such services, the respondents concerned would probably recommend the service providers they had used to other people facing similar situations. For another 10%, the respondents would probably not recommend similarly.
- 5.67 For 81% of the incidents with consultants or claims agents, the respondents were satisfied with the services provided. For another 10%, the respondents were not very satisfied, mainly because the problems could not be resolved.

Use of mediation services

- 5.68 In only about 1% of the incidents with actions taken, the respondents concerned had used mediation services. Based on the small number of such incidents, most of these (42%) were concerned with labour problems or disputes. Others included family-related problems, landlord problems, consumer-related matters, and injuries or health problems in the workplace.
- 5.69 For incidents with actions taken but which did not use mediation services, the main reasons were that the respondents were “not aware of such a service” (accounting for 50% of incidents concerned), they “did not think mediation can help” (29%), or they had “no need” (20%).

**Percentage distribution of incidents
not using mediation services by reasons**



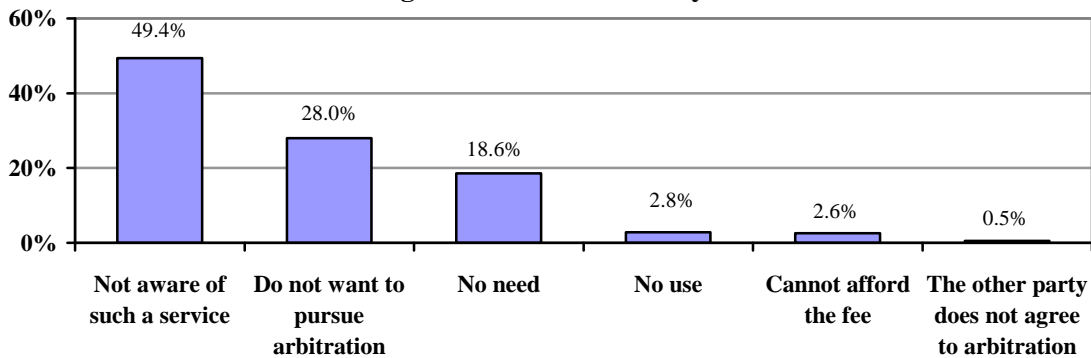
(Base: 1,610)

- 5.70 In about 52% of the incidents in which mediation services were used, the respondents concerned reached agreement with the other parties. For 18% of the incidents, on the other hand, agreement was not reached. And for the remainder, the outcome was pending as mediation was still in progress. In the majority (72%) of incidents in which mediation was used, the respondents concerned were not accompanied by anyone other than the mediators. For the others, the participants were accompanied by family members, relatives or friends.
- 5.71 In about 65% of the incidents which used mediation services, the respondents would definitely or probably recommend the mediators they used to other people facing similar situations. For another 13%, the respondents concerned would definitely or probably not recommend similarly.
- 5.72 In about 82% of the incidents using mediation services, the respondents were satisfied with the services provided. For about 6%, the respondents were not very satisfied.

Use of arbitration services

- 5.73 In less than 1% of incidents with actions taken, the respondents concerned indicated that they had used arbitration services. Most (65%) of these incidents were related to employment problems or disputes. The others included family-related problems, landlord problems, and problems related to owners of residential properties.
- 5.74 For incidents with actions taken but which did not use arbitration services, the main reasons were that the respondents concerned were “not aware of such a service” (accounting for 49% of incidents concerned), they “did not want to pursue arbitration” (28%), or they had “no need” (19%).

Percentage distribution of incidents not using arbitration services by reasons



(Base: 1,618)

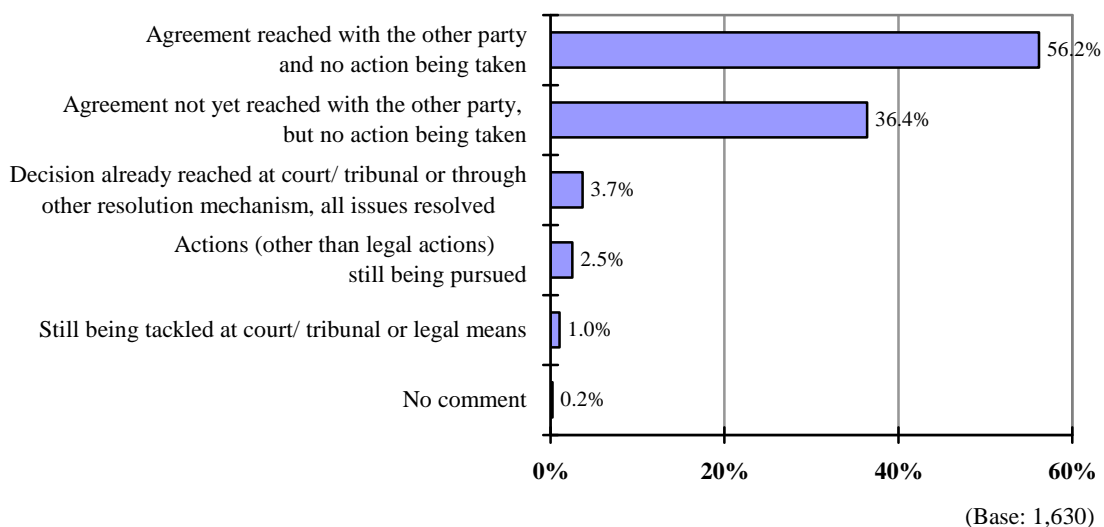
- 5.75 For the 43% of incidents which used arbitration, the respondents were able to reach agreement with the other parties, while another 23% failed. For the remainder, arbitration was still in progress. For 65% of the incidents concerned, the respondents were not accompanied by anyone other than the arbitrators. For others, the respondents were accompanied by social workers, family members, relatives or friends.
- 5.76 In about 32% of the incidents using arbitration services, the respondents would definitely recommend the arbitrators they used to other people facing similar situations. For the remaining 68%, the respondents would probably recommend their arbitrators.
- 5.77 For 77% of the incidents which used arbitration services, the respondents were satisfied with the services provided, and for a further 11%, very satisfied. For the remaining 12%, the respondents concerned had no opinion.

Outcome of actions taken to tackle problems or disputes

Current status

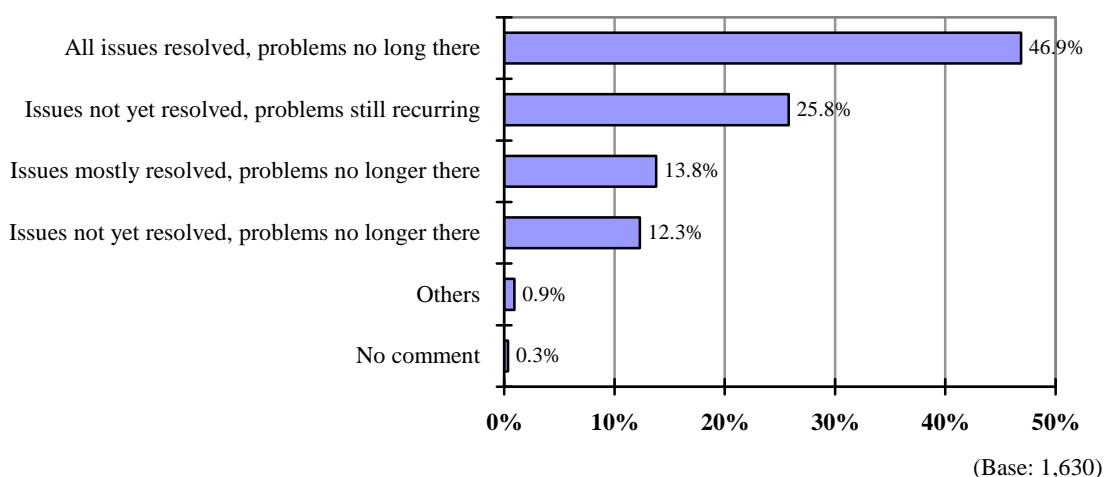
- 5.78 For about 56% of incidents with actions taken, agreement had been reached with the other parties, and no further action was being taken. For another 36%, agreement had not yet been reached with the other parties, but no action was being taken. For about 4% of incidents, decision had already been reached in court or tribunal, or through other resolution mechanism, with all issues resolved. For the remaining 4%, the issues were either being tackled in court or tribunal, or through other means.

**Percentage distribution of incidents
by current status of actions taken**



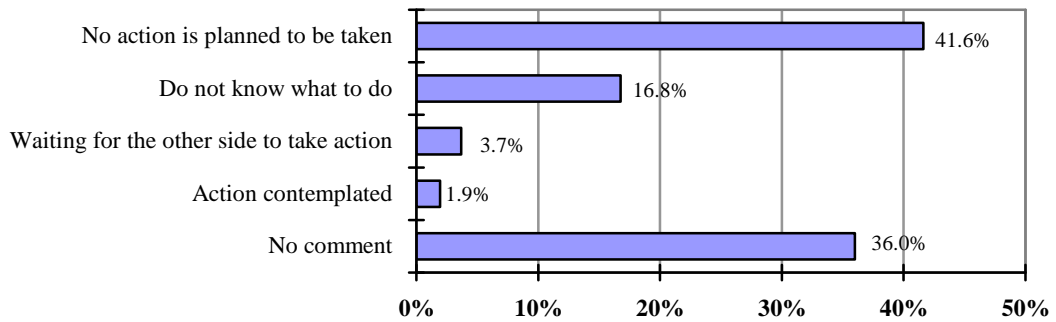
5.79 In 61% of the incidents with actions taken, all or most issues were resolved and the problems were no longer there. In another 26% the issues or problems being tackled had not yet been resolved and they were still recurring. In a further 12% of incidents, the problems were no longer there, even though the issues had not yet been resolved.

**Percentage distribution of incidents
by current status of problems**



5.80 In 42% of the incidents with actions taken, the respondents concerned were not planning to take any further follow-up actions. In another 17%, the respondents indicated they did not know what to do next, while in a further 6%, the respondents were contemplating further actions, or were waiting the other side to take actions.

Percentage distribution of incidents with actions taken by whether follow-up action being taken

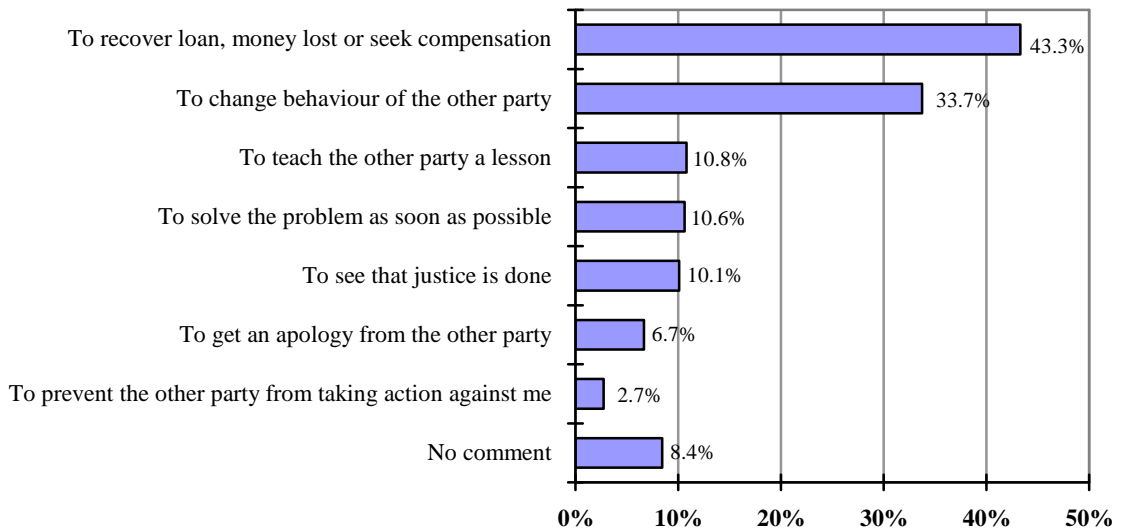


(Base: 1,630)

Whether objectives met

5.81 For 43% of the incidents with actions taken, actions were taken to recover loan or money lost, or seek compensation, while for another 34%, the objective was to change the behaviour of the other party. Other objectives of taking actions included teaching the other party a lesson (accounting for 11% of incidents), solving the problems as soon as possible (11%), or to see that justice was done (10%).

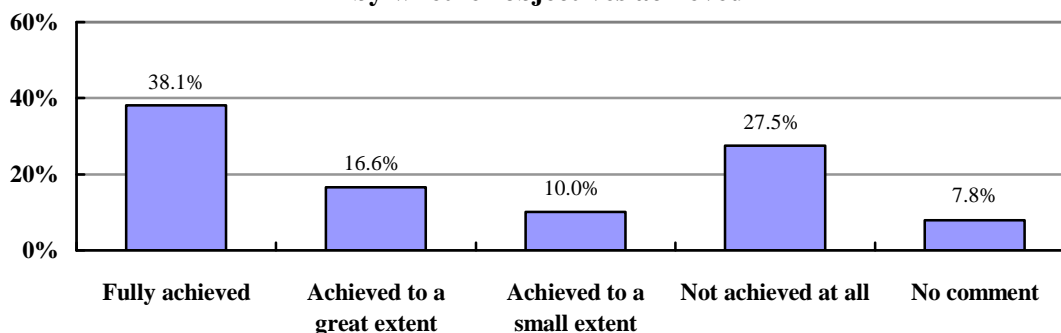
Percentage of incidents by objectives of taking actions



(Multiple response; Base: 1,630)

5.82 For about 38% of these incidents, the objectives of taking actions were fully achieved, and another 17% largely achieved. On the other hand, for about 28% of incidents, the objectives were not achieved at all, and another 10% only achieved to a small extent.

Percentage distribution of incidents by whether objectives achieved

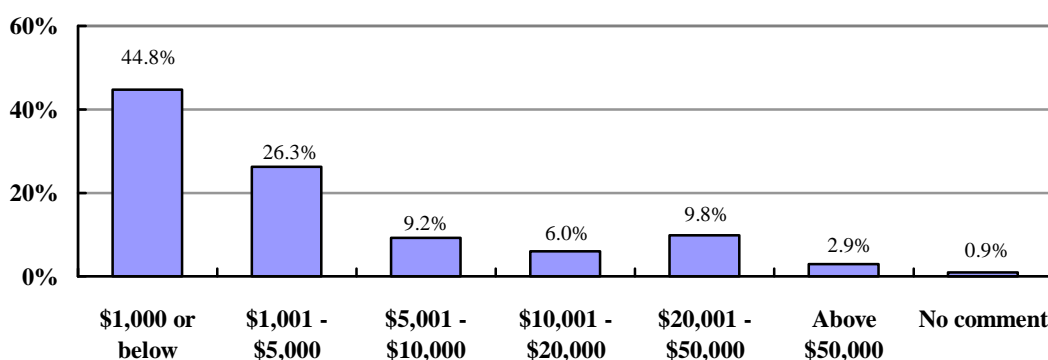


(Base: 1,630)

Impact on respondents of actions taken

5.83 For about 12% of the incidents with actions taken, the respondents concerned had spent money in solving the problems or disputes. The amount of money spent ranged from \$1,000 or below (accounting for 45% of incidents with money spent) to more than \$50,000 (3%).

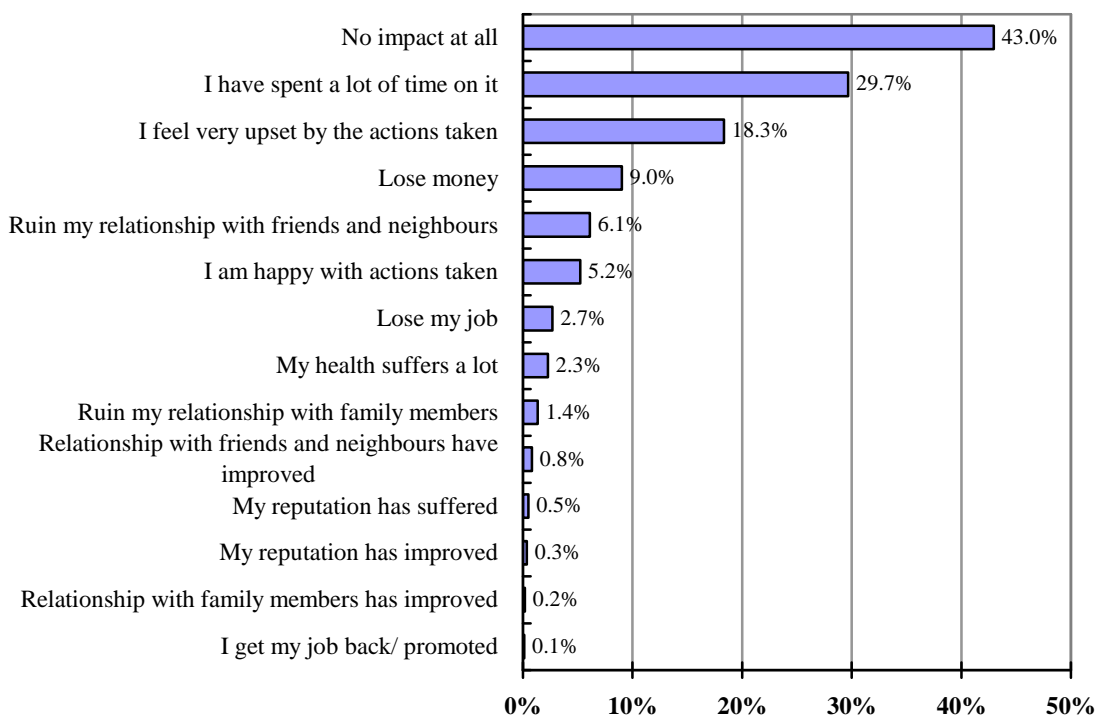
Percentage distribution of incidents with money spent by amount



(Base: 190)

5.84 For about 43% of incidents with actions taken, the respondents concerned indicated that the actions taken had no impact on them. When analysed by the nature of impact, for a large proportion of incidents, the actions taken had a negative impact on the respondents (e.g. spent a lot of time, felt very upset by the actions taken, lost money or ruined relationship). In comparison, in only a very small proportion of incidents, the actions taken had a positive impact on the respondents (e.g. happy with the action taken, or relationship improved).

Percentage of incidents by impact of actions taken on respondents



(Base: 1,630)

6. Views on Access to Justice

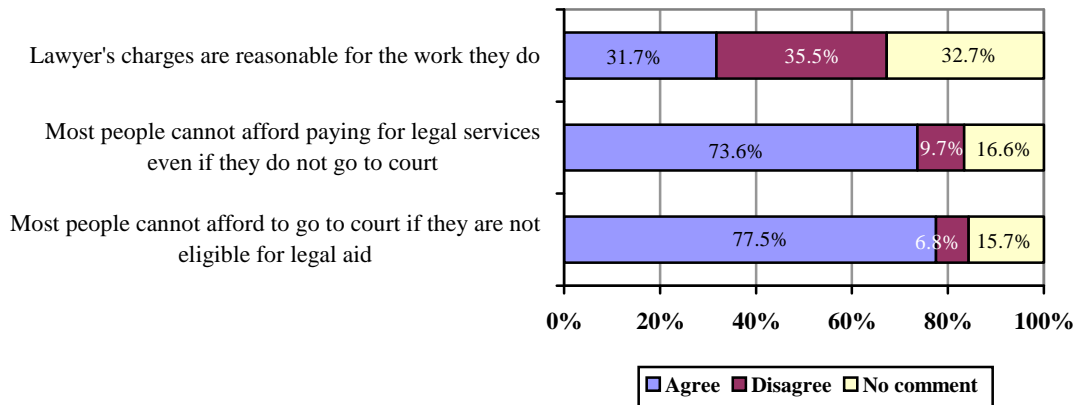
Overview

6.1 Twelve questions were asked in the survey to tap the views of members of the public on the issues related to access to justice. These questions may be grouped into three main categories, namely affordability, confidence and knowledge. In the following paragraphs, answers related to these questions are presented under the main categories.

Affordability and legal fees

6.2 By design, three questions asked in the survey were related to affordability and legal fees. About 32% of the respondents agreed that lawyers' charges were reasonable for the work they did, while another 36% disagreed. The majority were of the view that most people could not afford paying for legal services even if they did not go to court (74%), and that most people could not afford to go to court if they were not eligible for legal aid (78%). This indicates that, in general, respondents considered the affordability of most people in Hong Kong was quite low in terms of the level of legal fees.

Percentage distribution of of respondents by whether agreed with statements related to affordability and legal fees

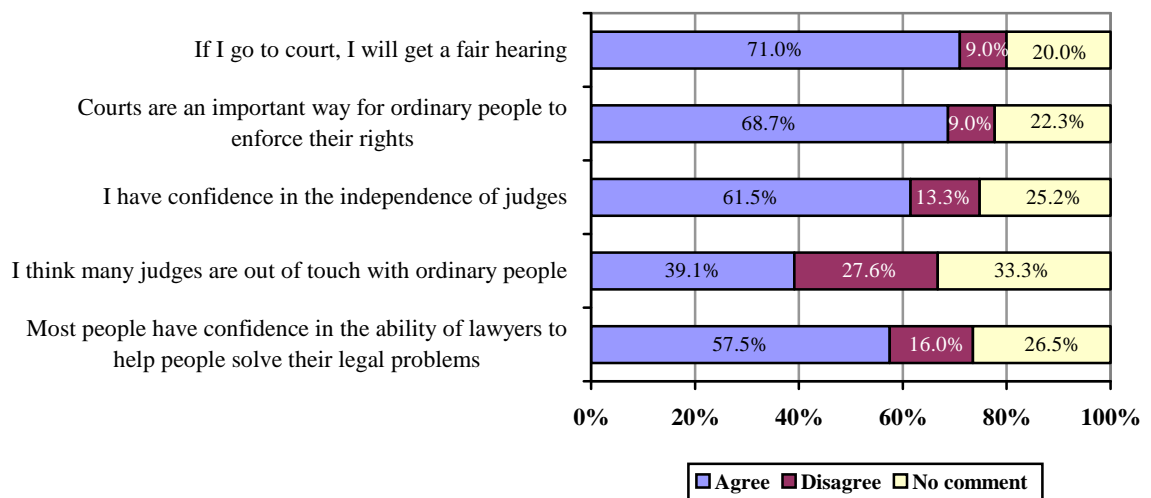


(Base: 10,385)

Confidence and related views

6.3 Five questions asked in the survey were related to confidence in the legal system. Most of the respondents agreed with the statements “if I go to court, I will get a fair hearing” (accounting for 71% of respondents), “courts are an important way for ordinary people to enforce their rights” (69%) and “I have confidence in the independence of judges” (62%), indicating that the public in general had high confidence in the judiciary. The percentage agreeing to the statement “most people have confidence in the ability of lawyers to help people solve their legal problems” was lower at 58%. And 39% of the respondents thought that many judges were out of touch with ordinary people, against 28% who thought otherwise, and 33% who did not wish to comment.

Percentage distribution of respondents by whether agreed with statements on confidence in legal system and related matters

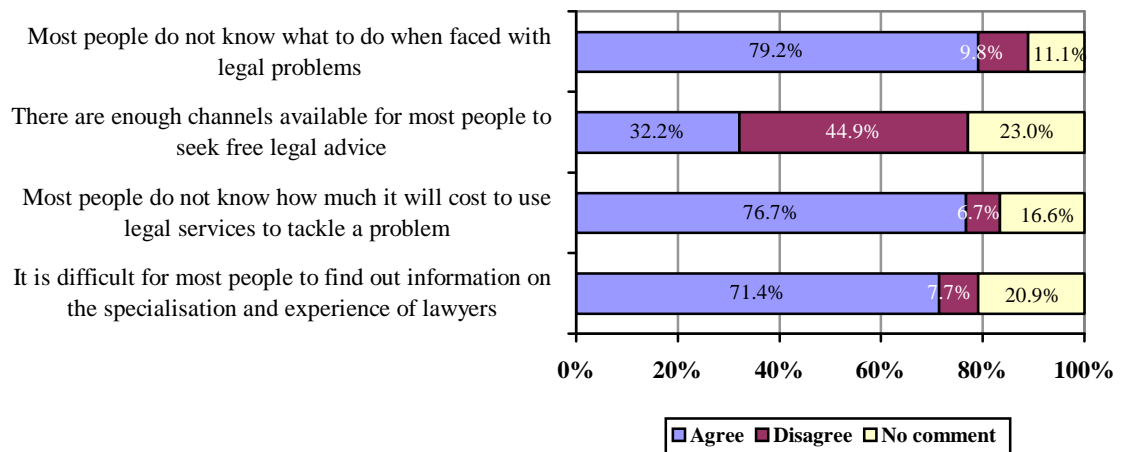


(Base: 10,385)

Knowledge

- 6.4 The remaining four questions asked in the survey were related to knowledge. The majority of respondents agreed that “most people did not know what to do when faced with legal problems” (accounting for 79% of respondents enumerated), “most people did not know how much it would cost to use legal services to tackle a problem” (77%) and “it was difficult for most people to find out information on the specialisation and experience of lawyers” (71%). This indicated that the public generally had little knowledge about how to deal with justiciable problems, the cost involved and how to find suitable lawyers.
- 6.5 Furthermore, only about 32% of respondents agreed that “there were enough channels available for most people to seek free legal advice”, while another 45% disagreed, indicating that members of the public had problems seeking free legal advice.

**Percentage distribution of respondents
by whether agreed with statements related to knowledge**



(Base: 10,385)

7. Conclusion

- 7.1 This is the first time a large-scale territory-wide household survey was conducted in Hong Kong to find out how people deal with difficult-to-solve problems or disputes. At this stage, before the statistical information is compared with the data on the supply of legal services, it is premature to reach any conclusions related to access to justice. Nevertheless, a number of observations may be made based on the survey findings and they are presented in the paragraphs below.
- 7.2 As high as 40% of the respondents indicated that they had ever experienced difficult-to-solve problems or disputes that occurred in Hong Kong or had a significant connection with Hong Kong, out of which 19% had experienced such problems in the past 12 months. About 86% of these incidents were considered important by the respondents and were mainly related to consumer matters, and damage or disturbances caused by others. Actions had been taken by respondents concerned on only about

37% of the problems that were considered important. This indicates that most people do not take any actions to tackle difficult-to-solve problems encountered.

- 7.3 The most common actions taken by respondents to tackle their difficult-to-solve problems was talking to the other side (76%). For about 19% of incidents, complaints were made to government departments or relevant authorities, and 21% sought advice on how to solve their problems. Only about 4% of incidents with action taken were taken to courts or tribunals, while alternative dispute resolution mechanism, like mediation or arbitration, both accounted for less than 1%.
- 7.4 In a small proportion of incidents (3%), the services of solicitors were used. Furthermore, in only about 1% of incidents, the respondents concerned had applied for legal aid. A prevalence of difficult-to-solve problems, coupled with a low usage of legal and related services, points to the possible existence of a mismatch in the sector. This will be taken up in the Combined Analysis Report where the current findings will be assessed against those from the survey of legal services providers.