

A Survey of *Pro Bono* Practices and Opportunities in 71 Jurisdictions

**Prepared by Latham & Watkins LLP
for the Pro Bono Institute**

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FOREWORD

This Survey of *Pro Bono* Practices and Opportunities in 71 Jurisdictions goes back to an initiative of the Pro Bono Institute and Latham & Watkins to make information about global *pro bono* legal services accessible. The first edition of the survey published in 2005 covered 11 jurisdictions, mostly in Europe. The 2012 edition covers over 70 jurisdictions in Europe, Asia and the Pacific region, the Americas, Africa and the Middle East. As the interest in global *pro bono* has grown, and this survey with it, the conversation about global and international *pro bono* has shifted. Whereas the focus just a few years ago was on issues of permissibility and compatibility with the local legal system, the focus today is decidedly practical: *pro bono* has gained in acceptance and the question is how, not whether, *pro bono* representations can be undertaken. The developments have been profound and exciting.

The survey is part of an ongoing effort, shared by many law firms, organizations and corporate legal departments, to promote and stimulate the growth of *pro bono* representation globally and in international settings. Its purpose is to serve as an introductory resource for law firms, private practitioners, in-house lawyers and NGOs seeking to engage or learn more about the culture and provision of *pro bono* in their own or other countries. The chapters describe, for each jurisdiction, what access-to-justice or publicly funded legal aid programs exist, what unmet needs for legal representation remain, what perceptions or culture shape the discussion of *pro bono*, and what professional-conduct laws and rules provide the framework for *pro bono* representation.

In 2012, lawyers from Latham & Watkins' 30 offices around the globe have updated all prior chapters and added chapters covering nearly 30 new jurisdictions. We consider the survey to be a work in progress and welcome your feedback and comments to help us improve future versions (please direct your requests to: Gianni.DeStefano@lw.com). While we have worked, to the extent possible, with local counsel and NGOs to provide information that is both current and accurate, we note that the situation in many of the jurisdictions is fluid, and that errors and omissions are unavoidable. The survey is therefore a work in progress in this sense as well and we invite your comments.

We owe a debt of gratitude to Esther Lardent and Tammy Taylor of the Pro Bono Institute, with whom we have collaborated on this project. The survey is the effort of a large team, involving not only many lawyers at Latham & Watkins, but also local law firms and practitioners, in-house lawyers and NGOs around the globe. We are grateful for their contributions and their time.

August 2012

Gianni De Stefano and Wendy Atrokhov

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THANKS

The Pro Bono Institute and Latham & Watkins would like to thank the following contributors to this survey:

NGOs: Canadian Bar Association (Canada) – Free Legal Advice Centres (UK) – MANS (Montenegro) – Mizan Law Group for Human Rights (Jordan) – the Peace Institute (Slovenia) – PILnet (China) – ProVene foundation (Uruguay) – Public Interest Alliance Centre (Ireland) – Public Interest Law Clearing House of Victoria (Australia) – Red Pro Bono (Mexico)

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Last, but not least, each individual, both in law firms and legal departments, active in *pro bono* representations to address the unmet legal needs of those with limited means.

PRO BONO PRACTICES AND OPPORTUNITIES IN HONG KONG¹

The provision of *pro bono* services is often seen as secondary to the government-funded legal aid system in Hong Kong. However, the term *pro bono* has become very “topical” in recent years and there is increasing recognition within Hong Kong’s legal fraternity that legitimate legal needs are not always being addressed through traditional legal aid. Over the past few years, many international law firms have expanded their *pro bono* practices in the region. This chapter discusses the legal profession, the legal aid system and *pro bono* opportunities and considerations in Hong Kong.

I. LEGAL SERVICES AND THE LEGAL PROFESSION IN HONG KONG

The legal profession in Hong Kong consists of barristers and solicitors in practice, judges serving at different levels of the court system, lawyers in government and quasi-government organizations, and arbitrators and mediators providing alternative dispute resolution services.² In addition, foreign lawyers practice laws of foreign jurisdictions in Hong Kong.³ Because of high legal fees in Hong Kong, the Hong Kong Government has established programs, such as legal aid services by the Hong Kong Legal Aid Department (the “**Legal Aid Department**”)⁴ and the Duty Lawyer Service,⁵ in order to provide legal assistance to those individuals who lack financial means.

A. The Legal Profession

The legal profession in Hong Kong is a self-governing system, where lawyers either practice as barristers or solicitors, but not both.⁶ Barristers are legal practitioners, expert in advocacy and litigation.⁷ As of May 2012, there were more than 1,100 barristers in Hong Kong out of a total civilian population of approximately seven million.⁸ Generally, only barristers have the right of audience⁹ in the Court of Appeal and the Court of Final Appeal.¹⁰ Access to barristers is normally granted through solicitors, the Department of Justice, or members of professional bodies recognized by the Hong Kong Bar Association.¹¹

In contrast to barristers, solicitors may offer a variety of legal services ranging from land and property, personal and family, to commercial and criminal matters. There were more than 7,000 solicitors¹² working in about 800 solicitor law firms¹³ in Hong Kong as of May 2012. A solicitor’s right of audience is traditionally limited to the lower courts.

In addition to Hong Kong solicitors, there were about 1,500 registered foreign lawyers in Hong Kong as of May 2012.¹⁴ Registered foreign lawyers may only practice the law of their jurisdictions and are prohibited from practicing Hong Kong law.¹⁵

¹ This chapter was drafted with the support of Latham & Watkins.

² THE DEPARTMENT OF JUSTICE OF THE HONG KONG SPECIAL ADMINISTRATIVE REGION, *Consultancy Study on the Demand for and Supply of Legal and Related Services—Supply Study Report 2 (2008)* [hereinafter *Supply Study Report*], available at <http://www.doj.gov.hk/eng/public/pdf/2008/reports/essupply.pdf>.

³ *Id.*

⁴ See generally LEGAL AID DEPARTMENT OF THE GOVERNMENT OF THE HONG KONG SPECIAL ADMINISTRATIVE REGION, *Homepage*, <http://www.lad.gov.hk/eng/home/home.html>.

⁵ See THE DUTY LAWYER SERVICE, HONG KONG SPECIAL ADMINISTRATIVE REGION, *Our Aim*, <http://www.dutylawyer.org.hk/en/about/aim.asp> (last visited Jun. 2, 2012).

⁶ THE DEPARTMENT OF JUSTICE OF HONG KONG SPECIAL ADMINISTRATIVE REGION, *The Legal System in Hong Kong*, <http://www.doj.gov.hk/eng/legal/> (last visited Jun. 2, 2012).

⁷ HONG KONG BAR ASSOCIATION, *About Us*, <http://www.hkba.org/the-bar/aboutus/index.html> (last visited Jun. 2, 2012).

⁸ HONG KONG BAR ASSOCIATION, *Bar List*, <http://www.hkba.org/the-bar/bar-list/index-new-eng.html> (last visited Jun. 2, 2012).

⁹ A right of audience is a right of a lawyers to appear and conduct proceedings in court on behalf of their client.

¹⁰ HONG KONG BAR ASSOCIATION, *About Us*, *supra* n.7.

¹¹ HONG KONG BAR ASSOCIATION’S CODE OF CONDUCT, paragraph 50(a), available at <http://www.hkba.org/the-bar/code-of-conduct/code-of-conduct.html>.

¹² THE LAW SOCIETY OF HONG KONG, *Members with Practising Certificate*, http://www.hklawsoc.org.hk/pub_e/memberlawlist/mem_withcert.asp (last visited Jun. 2, 2012).

¹³ THE LAW SOCIETY OF HONG KONG, *Hong Kong Solicitors’ Firms*, http://www.hklawsoc.org.hk/pub_e/memberlawlist/mem_firm.asp (last visited Jun. 2, 2012).

¹⁴ THE LAW SOCIETY OF HONG KONG, *Registered Foreign Lawyers*, http://www.hklawsoc.org.hk/pub_e/memberlawlist/mem_foreignlawyers.asp (last visited Jun. 2, 2012).

¹⁵ Foreign Lawyers Registration rules, paragraph 12, available at http://www.hklawsoc.org.hk/pub_e/professionalguide/volume2/default.asp?cap=8.

Finally, as of May 2012, there were over 160 judges and magistrates serving at different levels of the court and tribunal system in Hong Kong.¹⁶ The Magistrates' Courts hear a wide range of criminal offenses, both summary and indictable.¹⁷ The District Court has both a criminal and civil jurisdiction.¹⁸ The High Court comprises the Court of Appeal and the Court of First Instance, and both courts have appellate and original jurisdiction.¹⁹ The Court of Final Appeal is the highest appellate court in Hong Kong.²⁰ In addition to the courts, there are a large number of tribunals that adjudicate disputes relating to specific subject matters, such as the Lands Tribunal, the Labor Tribunal and the Small Claims Tribunal.

Despite increasing competition within the legal profession, legal expenses are still considered high and unaffordable to a large segment of the Hong Kong community.²¹ For example, hourly rates for high quality legal professionals in Hong Kong can be as high as, if not higher than, those for equivalent professionals in London.²² To ensure proper representation of those individuals who do not have the financial means to access legal services, the Hong Kong Government has established and sponsored a number of legal aid programs.

B. Legal Aid

Established by the Legal Aid Ordinance,²³ the Legal Aid Department is a separate administrative department of the Hong Kong Government that provides legal representation to eligible applicants in civil and criminal proceedings.²⁴ The mission of the Legal Aid Department is to ensure that no person is denied access to justice because of lack of financial means. However, even when an application for legal aid is accepted, the applicant may be required to contribute towards the costs and expenses incurred by the Department, depending on the financial capability of each applicant.²⁵

Legal aid may be provided under three different schemes: (1) Ordinary Legal Aid, (2) Supplementary Legal Aid and (3) Criminal Legal Aid.²⁶ All three schemes are open to applicants who pass the means test and the merits test, regardless of whether they are Hong Kong residents.²⁷ The purpose of the means test is to ensure that the applicant does not otherwise have access to affordable legal services. The standard for the means test differs for each legal aid scheme, as explained further below.²⁸ The purpose of the merits test is to determine whether an applicant has a reasonable claim or defense in the matter in question and whether the grant of legal aid to an applicant is justified.²⁹ To pass the merits test, the applicant's case or defense must have a reasonable chance of success. The three legal aid schemes operate differently in significant ways.

Ordinary Legal Aid provides assisted legal services in civil matters, including family and matrimonial disputes, personal injury claims, employment disputes, contractual disputes, immigration matters and professional negligence claims. Ordinary Legal Aid is not available for defamation claims, Small Claims Tribunal matters, Labor Tribunal matters, money claims in derivatives of securities, currency futures or other futures contracts, and certain election petitions. To qualify for Ordinary Legal Aid, an applicant must pass the merits test and the means test. Under the means test, applicants with financial

¹⁶ THE JUDICIARY OF THE HONG KONG SPECIAL ADMINISTRATIVE REGION, *List of Judge and Judicial Officers*, <http://www.judiciary.gov.hk/en/organization/judges.htm> (last visited Jun. 2, 2012).

¹⁷ THE JUDICIARY OF THE HONG KONG SPECIAL ADMINISTRATIVE REGION, *Magistrates' Courts*, http://www.judiciary.gov.hk/en/crt_services/pphlt/html/mag.htm (last visited Jun. 2, 2012).

¹⁸ THE JUDICIARY OF THE HONG KONG SPECIAL ADMINISTRATIVE REGION, *The District Court*, http://www.judiciary.gov.hk/en/crt_services/pphlt/html/dc.htm (last visited Jun. 2, 2012).

¹⁹ THE JUDICIARY OF THE HONG KONG SPECIAL ADMINISTRATIVE REGION, *High Court*, http://www.judiciary.gov.hk/en/crt_services/pphlt/html/hc.htm (last visited Jun. 2, 2012).

²⁰ THE JUDICIARY OF THE HONG KONG SPECIAL ADMINISTRATIVE REGION, *Court of Final Appeal*, http://www.judiciary.gov.hk/en/crt_services/pphlt/html/cfa.htm (last visited Jun. 2, 2012).

²¹ *Supply Study Report*, *supra* n.2, at 3.

²² *Id.*

²³ The Legal Aid Ordinance § 3, available at <http://www.hkliv.hk/eng/hk/legis/ord/91/s3.html>.

²⁴ GUIDE TO LEGAL AID SERVICES IN HONG KONG at 5, available at [http://www.lad.gov.hk/eng/documents/ppr/publication/guide to legal aid services in hongkong\(e\) lowr.pdf](http://www.lad.gov.hk/eng/documents/ppr/publication/guide%20to%20legal%20aid%20services%20in%20hongkong(e).lowr.pdf).

²⁵ *Id.*

²⁶ *Id.*

²⁷ *Id.* at 4.

²⁸ LEGAL AID DEPARTMENT OF THE GOVERNMENT OF THE HONG KONG SPECIAL ADMINISTRATIVE REGION, *FAQ*, <http://www.lad.gov.hk/eng/las/faq.html> (last visited Jul. 2, 2012).

²⁹ GUIDE, *supra* n.24, at 13.

resources exceeding HK\$260,000 are not eligible for Ordinary Legal Aid.³⁰ Applicants may be required to pay a contribution towards their legal fees, which is calculated in accordance with their financial resources.

Supplementary Legal Aid covers cases involving personal injury or death, as well as medical, dental or legal professional negligence, where the claim for damages is likely to exceed HK\$60,000.³¹ It also covers claims under the Employee's Compensation Ordinance. Supplementary Legal Aid requires the applicant to pass the merits test and the means test. Unlike Ordinary Legal Aid, the means test for Supplementary Legal Aid requires the applicant to have financial resources that exceed HK\$260,000 but which are lower than HK\$1,300,000. Since Supplementary Legal Aid is a self-financing scheme funded by contributions paid and compensation recovered, applicants must pay an initial application fee of HK\$1,000 plus an interim contribution of HK\$65,000 once their application has been accepted.

Criminal Legal Aid provides legal services to an accused person in committal proceedings³² in the Magistrates' Court, cases tried in the District Court and the Court of First Instance and in all criminal appeals. Under the merits test for Criminal Legal Aid, legal representation will be provided to an accused for committal proceedings and for trials in the District Court and the Court of First Instance if it is in the interests of justice to do so.³³ In criminal appeals, legal representation will be provided if there are meritorious grounds for appeal, except for cases involving a charge of murder, treason or piracy with violence, where legal aid must be granted even if there are no meritorious grounds for appeal.³⁴ The means test for Criminal Legal Aid has a financial eligibility limit of HK\$260,000.³⁵ If an applicant's financial resources exceed the limit, the Director of Legal Aid may waive the limit if he determines that it is in the interests of justice to do so.³⁶

To complement Legal Aid, the Duty Lawyer Service was established in 1978 as an independent organization fully subsidized by the Hong Kong Government.³⁷ Managed by the Hong Kong Bar Association and the Law Society of Hong Kong, the Duty Lawyer Service provides legal assistance through four schemes: (1) the Duty Lawyer Scheme, (2) the Free Legal Advice Scheme, (3) the Tel-Law Scheme and (4) the Convention Against Torture Scheme.

The Duty Lawyer Scheme provides legal representation to persons brought before the Magistrates' Courts, Juvenile Courts and Coroner's Courts. The Scheme also assigns lawyers to defendants facing extradition and hawkers (street sellers) with respect to their appeals to the Municipal Services Appeals Board. Like the Legal Aid schemes, in order to qualify for the Scheme, an applicant has to pass a merits test and a means test and pay a fixed handling charge of HK\$460, which may be waived in cases of genuine hardship.³⁸ In 2011, 31,347 defendants were represented via the Duty Lawyer Scheme.³⁹

Under the Free Legal Advice Scheme, volunteer lawyers provide members of the public with preliminary advice on their legal problems. The Scheme has nine district offices located throughout Hong Kong. Much of the advice sought falls into areas including matrimonial, landlord and tenant, employment, estate administration, commercial and property disputes, criminal, personal injuries, bankruptcy and debts. The Scheme does not offer any follow-up services or ongoing representation of

³⁰ LEGAL AID DEPARTMENT OF THE GOVERNMENT OF THE HONG KONG SPECIAL ADMINISTRATIVE REGION, *Financial Eligibility*, <http://www.lad.gov.hk/eng/las/fe.html> (last visited Jun. 2, 2012). Financial resources refer to the applicant's monthly disposable income multiplied by 12, plus disposable capital. Monthly disposable income is the net monthly income after various allowable deductions have been made from gross income. Disposable capital consists of all assets of a capital nature, such as cash, bank savings, jewelry, antiques, stocks and shares and property.

³¹ GUIDE, *supra* n.24, at 9.

³² Committal proceedings are proceedings before a Magistrate for determining whether or not there is enough evidence against a defendant for a criminal case to be transferred to the High Court for trial or sentence.

³³ GUIDE, *supra* n.24, at 18.

³⁴ *Id.* at 19.

³⁵ *Id.* at 18-19.

³⁶ *Id.* at 19.

³⁷ *Our Aim*, *supra* n.5.

³⁸ DUTY LAWYER SCHEME, *Annual Report 2011*, http://www.dutylawyer.org.hk/en/annual_11/scheme.asp (last visited Jun. 2, 2012). The means test for the Duty Lawyer Scheme requires the applicant to have a gross annual income of not more than HK\$131,860.

³⁹ *Id.*

clients. There is no means test and the service is provided free of charge.⁴⁰ In 2011, 753 volunteer lawyers advised 6,675 persons seeking free legal advice.⁴¹

The Tel-Law Scheme is a 24-hour fully computerized system that provides the general public with free pre-taped legal information over the telephone. There are 78 topics available which fall into eight main categories: (1) family law; (2) land law; (3) criminal law; (4) employment law; (5) commercial, banking and sales of goods law; (6) administration and constitutional law; (7) environmental and tort law; and (8) general legal information. The tapes are available in Cantonese, Mandarin and English.⁴² In 2011, the Tel-Law Scheme recorded a total of 19,464 calls.⁴³

The Convention Against Torture (“CAT”) Scheme is a pilot program that provides legal services to claimants who have made a petition to the Immigration Department under Article 3 of the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Specifically, the CAT scheme provides advice to the claimant regarding procedures, legal rights and merits of the claimant’s petition. Volunteer lawyers assist claimants in completing relevant questionnaires, accompany claimants during interviews and represent claimants at oral hearings.⁴⁴ In 2011, the CAT Scheme processed 2,022 cases.⁴⁵

II. *PRO BONO* IN HONG KONG: OPPORTUNITIES AND CONSIDERATIONS

In addition to government-funded legal schemes, there are a variety of *pro bono* opportunities in Hong Kong organized by private organizations. However, for a variety of reasons, many lawyers in Hong Kong do not provide any *pro bono* services to the public. This section surveys a number of *pro bono* resources that facilitate the provision of *pro bono* services in Hong Kong.

A. *Pro Bono Opportunities*

According to a 2008 study conducted by the Hong Kong Department of Justice, about one-half of barristers and one-third of solicitors provided *pro bono* services to the public in the six months prior to the date of the study.⁴⁶ Of those lawyers who provided *pro bono* services during that period, more than 10% of barristers and close to 40% of solicitors spent more than 10 hours per month on *pro bono* work.⁴⁷ Of the *pro bono* opportunities available in Hong Kong, the most popular program among barristers and solicitors is the Free Legal Advice Scheme provided by the Duty Lawyer Service.⁴⁸

Many Hong Kong lawyers participate in programs organized by nongovernmental organizations (“NGOs”). These programs range from the rendering of free legal advice to members of the public, the provision of community legal education and advising NGOs.⁴⁹ The Hong Kong Refugee Advice Centre is an example of an NGO that provides *pro bono* legal services. As a nonprofit organization, the refugee center aims to provide high-quality, *pro bono* legal advice to refugees in Hong Kong and to ensure that they have access to fair refugee status determination procedures. The center is currently partnered with six of Hong Kong’s international law firms, and it continues to look to partner with additional law firms for assistance with their casework.⁵⁰

Lawyers in Hong Kong can also participate in free legal services schemes organized by the Hong Kong Bar Association and the Hong Kong Law Society. For example, the Bar Free Legal Service Scheme, a program sponsored by the Hong Kong Bar Association, is the second most popular program among

⁴⁰ THE DUTY LAWYER SERVICE, *Free Legal Advice Scheme*, <http://www.dutylawyer.org.hk/en/free/free.asp> (last visited Jun. 2, 2012).

⁴¹ *Free Legal Advice Scheme, Annual Report 2011*, http://www.dutylawyer.org.hk/en/annual_11/advice.asp (last visited Jun. 2, 2012).

⁴² THE DUTY LAWYER SERVICE, *Tel-Law Scheme*, http://www.dutylawyer.org.hk/en/tellaw/tel_law.asp (last visited Jun. 2, 2012).

⁴³ *Tel-Law Scheme, Annual Report 2011*, http://www.dutylawyer.org.hk/en/annual_11/tel-law.asp (last visited Jun. 2, 2012).

⁴⁴ *Convention Against Torture Scheme*, <http://www.dutylawyer.org.hk/en/torture/torture.asp>.

⁴⁵ *Convention Against Torture Scheme, Annual Report 2011*, http://www.dutylawyer.org.hk/en/annual_11/torture.asp (last visited Jun. 2, 2012).

⁴⁶ *Supply Study Report*, *supra* n.2, at 22, 47.

⁴⁷ *Id.* at 23, 48.

⁴⁸ *Id.* at 22, 47.

⁴⁹ *Id.* at 23, 48.

⁵⁰ THE HONG KONG REFUGEE ADVICE CENTER, *Law firm partners*, <http://www.hkrac.org/who-we-are/law-firm-partners> (last visited Jun. 2, 2012). For another example of an NGO in Hong Kong, see Helpers for Domestic Helpers, <http://www.stjohnscathedral.org.hk/domestic.html> (last visited Jun. 2, 2012).

barristers. Through the program, barristers provide legal advice and representation where Legal Aid assistance is unavailable.

B. Barriers To *Pro Bono* Work And Other Considerations

The Hong Kong Bar Association and the Hong Kong Law Society impose few barriers on *pro bono* work for Hong Kong lawyers. Generally, there is “no objection to a barrister giving advice free on legal matters . . . on a charitable basis.”⁵¹ The only restriction found in the Hong Kong Bar Association’s Code of Conduct is that barristers may only give free legal advice in a scheme or program established to the satisfaction of the Hong Kong Bar Council to further the purpose of promoting the objectives of the Hong Kong Bar Association.⁵² No similar limit exists in the Hong Kong Law Society’s professional guide. Lawyers are not required to charge minimum tariffs or VAT on services that they provide for free.

However, despite the few barriers to participation, a large proportion of lawyers in Hong Kong do not participate in *pro bono* activities. According to the Supply Study Report, for the 48% of the barristers and 63% of the solicitors who did not participate in any *pro bono* work, the main reasons provided were that they had no time, or no interest in participating.⁵³ Only about 11% of solicitor law firms in Hong Kong had a company-wide policy on *pro bono* work. For the vast majority of those firms that did not have a *pro bono* policy, the main reason given was that there were insufficient resources to dedicate to *pro bono* work.

Foreign lawyers and foreign law firms, including the Hong Kong offices of many U.S. firms, face an additional obstacle to the provision of *pro bono* services that do not exist for local firms. Because foreign lawyers and foreign law firms are not allowed to advise on Hong Kong law, they are unable to provide legal representation in Hong Kong courts on a *pro bono* basis, which is where the need for *pro bono* assistance is greatest.⁵⁴

C. *Pro Bono* Resources

Many referral organizations exist in Hong Kong to facilitate the provision of *pro bono* legal services. The Hong Kong Law Society is an example of a successful referral organization. In January 2010, the Law Society established the Pro Bono Committee to coordinate *pro bono* services.⁵⁵ Within that year, the committee set up the Manila Helpline immediately after the tragic shooting in August 2010, formed panels of volunteers to the SME Advisory Centre of the Hong Kong Trade and Development Council and participated in the SCOLAR Volunteering Program to teach English to primary students.⁵⁶ The *pro bono* web page on the Hong Kong Law Society’s website contains a list of other *pro bono* opportunities and resources.⁵⁷

Listed below is contact information for the Hong Kong Law Society, the Hong Kong Bar Association and a selection of certain other organizations offering *pro bono* programs in Hong Kong:

- The Hong Kong Law Society
 - Address: 3/F, Wing On House, 71 Des Voeux Road Central
Hong Kong
Phone: +852.2846.0500
Fax: +852.2845.0387
Website: http://www.hklawsoc.org.hk/pub_e/probono/public/
- The Hong Kong Bar Association

⁵¹ HONG KONG BAR ASSOCIATION’S CODE OF CONDUCT, *supra* n.11.

⁵² THE BAR ASSOCIATION CODE OF CONDUCT, ¶ 22(7), available at http://www.hkba.org/the-bar/code-of-conduct/code_of_conduct5.htm.

⁵³ *Supply Study Report*, *supra* n.2, at 25, 50.

⁵⁴ See Naomi Rovnick and Barclay Crawford, *HK Law Firms Fall Short on Pro Bono*, SOUTH CHINA MORNING POST, Apr. 5, 2010, available at <http://www.legco.gov.hk/yr09-10/chinese/panels/ajls/papers/aj0426cb2-1417-1-ec.pdf>.

⁵⁵ THE LAW SOCIETY OF HONG KONG, *Pro Bono, Introduction*, http://www.hklawsoc.org.hk/pub_e/probono/public/pbs_ls.asp (last visited Jun. 2, 2012).

⁵⁶ *Id.*

⁵⁷ *Id.*

- Phone: +852.2869.0210
Fax: +852.2869.0189
Website: <http://www.hkba.org/the-bar/free-legal-service/index.html>
- Hong Kong Refugee Advice Centre
 - Address: Hong Kong Refugee Advice Centre
Flat B, 10th Floor, Comfort Building
86-88A Nathan Road
Hong Kong
Phone: +852.3109.7359
Fax: +852.3422.3019
Website: <http://www.hkrac.org/>
Email: info@hkrac.org
- Free Legal Advice Clinic at the Hong Kong Federation of Women's Centres
 - Address: 305-309, Lai Lan House, Lai Kok Estate, Cheung Sha Wan, Kowloon
Phone: +852.2386.6256
Fax: +852.2728.0617
Website: <http://womencentre.org.hk/en/services/70-counselling-and-legal-support/20-lac>
Email: hkfwc@womencentre.org.hk

III. CONCLUSION

“The practice of law cannot be treated merely as business,” said former Chief Justice Andrew Kwok Nang Li.⁵⁸ For the lawyers who do not participate in *pro bono* services, the main reasons provided are that they have no interest, resources or time. Li’s words should serve as a reminder that a lawyer’s interest should extend beyond the office and that what distinguishes lawyers from other professions is that lawyers play an important role in society in promoting the rule of law and enhancing easy access to justice for all.⁵⁹ Given the variety of nonprofit organizations that provide *pro bono* services in Hong Kong, the concern for the lack of *pro bono* resources may be, to some extent, more perceived than real.

Although long working hours and stressful working environments in many of the large commercial law firms may prevent lawyers from engaging in *pro bono* services, some law firms are beginning to pay greater attention to *pro bono* activities, by, for example, forming partnerships with NGOs, providing employee lawyers with time off billable work to participate in community legal services and requiring participation in community projects as part of the staff performance appraisal criteria.⁶⁰

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Pro Bono Practices and Opportunities in Hong Kong

This memorandum was prepared by **Latham & Watkins LLP** for the **Pro Bono Institute**. This memorandum and the information it contains is not legal advice and does not create an attorney-client relationship. While great care was taken to provide current and accurate information, the Pro Bono Institute and Latham & Watkins LLP are not responsible for inaccuracies in the text.

⁵⁸ *HK Law Firms Fall Short*, see *supra* n.54.

⁵⁹ HONG KONG LAWYER, *President’s Message* (Apr. 2012), available at <http://www.hk-lawyer.com/innerpages/0/0/0/2010/2/President%27s%20Message>.

⁶⁰ HONG KONG LAWYER, *President’s Message* (Jan. 2011), available at <http://www.hk-lawyer.com/innerpages/0/0/0/2011/1/President%27s%20Message>.