



## **Rules for the Free Outreach Legal Advice Service on Building Management (FOLAS)**

### **Introduction**

The Home Affairs Department (HAD), in collaboration with the Law Society of Hong Kong, launched in September 2019 the pilot Free Outreach Legal Advice Service on Building Management (FOLAS). Lawyers will be assigned to assist Owners' Corporations (OCs) in conducting OC meetings and provide legal advice at OC meetings.

2. This set of rules sets out the requirements for successful applicants to observe in using the FOLAS. **If an OC fails to comply with the requirements set out in this set of rules, HAD reserves the right to disqualify the OC concerned and terminate the provision of the FOLAS** without giving any reason and without bearing any liability to any person.

### **Preparation for the FOLAS**

3. OCs successful in applying for the FOLAS will be assigned lawyers to assist in conducting OC meetings. HAD will contact the applicant to inform the OC of the result of the application and the contact details of the lawyer assigned. The FOLAS consists of three stages and the recommended time allocation for each stage is as follows –

<b>Service Stage</b>	<b>Recommended Time Allocation</b>
(a) Attend pre-meeting of the OC meeting (pre-meeting stage)	Up to 1 hour
(b) Peruse documents relevant to the meeting provided by the OC (reading stage)	Up to 2 hours
(c) Attend the OC meeting (OC meeting stage) <sup>1</sup>	Up to 3 hours

<sup>1</sup> For one OC meeting only. Please refer to paragraph 13 of this set of rules for the arrangements if the OC meeting is adjourned.

4. The person authorised by the OC to handle matters relevant to the FOLAS (Authorised Person) shall agree with the lawyer assigned on the time allocation for the three stages above. In particular, the “pre-meeting stage” and the “reading stage” shall precede the “OC meeting stage”. The following requirements shall also be complied with –

- (a) the total number of hours spent in the “OC meeting stage” shall not exceed 4 hours; and
  - (b) the total time spent in the above three stages shall not exceed 6 hours.
- ((a) and (b) are collectively referred to as the “cap”.)

5. The FOLAS shall be taken as completed upon the provision of services by the lawyer for the above three stages. If the above three stages are completed in less than 6 hours, the lawyer will not provide service to the OC for the remaining service hours.

6. The Authorised Person shall contact the assigned lawyer by himself/herself for the detailed arrangements of the service, and sign a retainer letter for the service hours to be covered by the FOLAS with the law firm concerned. Before signing the retainer letter, the Authorised Person should read carefully and understand the provisions contained in the retainer letter. **HAD shall not be held responsible for the specific content of the retainer letter and any charges incurred by the service exceeding the cap.**

#### **Provision of the FOLAS**

7. The Management Committee (MC) of the OC and the Authorised Person shall fully cooperate with the assigned lawyer and provide the assistance required by the lawyer.

8. During the FOLAS, the OC/MC/Authorised Person shall duly act and shall not abuse the service in any manner. The lawyer providing the FOLAS to the OC is to be assigned by HAD, and HAD reserves the absolute right in the assignment of lawyers to OCs.

#### ***Pre-meeting Stage***

9. Before the OC meeting, the MC and/or the Authorised Person are required to conduct a pre-meeting with the assigned lawyer to brief the lawyer on the

background information and the anticipated discussions items or items in dispute which may arise at the OC meeting. The pre-meeting shall be arranged between the Authorised Person and the lawyer.

### ***Reading Stage***

10. The MC and/or the Authorised Person shall provide the lawyer with the necessary documents in respect of the case and the anticipated discussion items or items in dispute. Sufficient time shall be given to the lawyer to peruse the documents and prepare for the meeting.

### ***OC Meeting Stage***

11. The Authorised Person shall notify the assigned lawyer of the detailed arrangements (e.g. date, time and venue) of the OC meeting. In the event of any change in the meeting arrangements, the Authorised Person shall notify the assigned lawyer as early as possible and discuss with the assigned lawyer the alternative arrangements.

12. The service provided by the lawyer at the OC meeting is recommended to end at 11:00 p.m. The Authorised Person may agree with the lawyer on the ending time.

13. In the event of a meeting being adjourned, the Authorised Person and the assigned lawyer shall discuss the arrangements of the adjourned meeting. Subject to the agreement of the assigned lawyer, the OC will be entitled to use the remaining service hours at the “OC meeting stage” at the next adjourned meeting<sup>2</sup>. The remaining service hours for the adjourned meeting will be the originally agreed service duration minus (a) the actual time spent at the original OC meeting; or (b) 1 hour, whichever is more<sup>3</sup>.

### **Completion of the FOLAS**

14. Upon completion of the FOLAS, the OC is required to complete a questionnaire for evaluation and statistical purpose.

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<sup>2</sup> Limited to one adjourned meeting.

<sup>3</sup> For example, in the case where the agreed service duration for an “OC meeting stage” is three hours, and the OC meeting is adjourned 20 minutes after the lawyer joined the meeting, subject to the agreement of the lawyer, the OC may use the service provided by the lawyer in the “OC meeting stage” for up to two hours at the next adjourned meeting. For the avoidance of doubt, the remaining service hour will be deducted for one hour if the Authorised Person only informs the lawyer of a change in the meeting time after the lawyer has departed for the venue of the scheduled meeting.

**Disclaimer**

15. Under no circumstances shall HAD, District Offices (DOs) and the Law Society of Hong Kong be legally liable to the applicant or any other person in respect of the FOLAS, or any advice or opinion given by any lawyer when providing the FOLAS.

16. The advice or opinion given by participating lawyers when providing the FOLAS does not represent the viewpoint of HAD, DOs or the Law Society of Hong Kong.