

# Success and Sustainability of Free Access to Law:

## A Case Study on HKLII

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**Abstract:** Hong Kong Legal Information Institute (HKLII) is the foremost Free Access to Law initiative in Hong Kong. This research aims to explore the factors that contribute to its success, the outcomes HKLII has on society and the factors that may influence its sustainability. On the basis of document review, questionnaire and interviews with the director, stakeholders and users, the research finds that the excellent ICT infrastructure and favourable legal policy framework to free access to legal information in Hong Kong provides indispensable foundation of HKLII; the assistance from AustLII and the consistent support from the government directly contributes to HKLII's advantages in terms of both technological efficiency and content comprehensiveness and reliability, which are major factors that make HKLII successful and sustainable as well. Nevertheless, alternative funding sources are still needed for the purpose of the further development of HKLII.

**Keywords:** HKLII, Sustainability, Free Access to Law

### 1. Introduction

Free Access to Law (FAL) Movement embraces legal information institutes worldwide that provide free online access to primary (case and legislation) and secondary (commentary) law resources.<sup>1</sup> The Hong Kong Legal Information Institute (HKLII) is the foremost Free Access to Law initiative in Hong Kong and also, the first LII in Asia. Established under the assistance of the Australia Legal Information Institution (AustLII), it is now a free, independent and non-profit internet facility providing relatively comprehensive coverage of the essential legal information of a jurisdiction. It plays an active role in the provision of

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<sup>1</sup> The movement began in 1992 with the creation of the Cornell Law School Legal Information Institute by Tom Bruce and Peter Martin (Myers, 2000). Legal Information Institutes have also been established in many jurisdictions, including Australia, Canada, the United Kingdom, Ireland, etc.. Today, over 30 projects subscribe to the principle of the Montreal Declaration and are formal members of FAL.

legal information for people with legal backgrounds, especially law students, lawyers and academics. How this initiative succeeds and whether it is developing sustainably are meaningful questions for the study on Free Access to Law movement.

This research will probe the relationship between the sustainability of and success of HKLII. The overall goal of this research is to study what HKLII does and what factors contribute or not to its success. This will lead to an understanding of the effects HKLII has on society, more particularly on its users, and an exploration of the factors determining their sustainability. On the basis of document review, questionnaire and interviews with the director, stakeholders and users, the research finds that the excellent ICT infrastructure and favorable legal policy framework to free access to legal information provides indispensable foundation of HKLII. The assistance from AustLII in terms of technology and the strong and consistent support from the government in terms of content are also important factors that make HKLII success and sustainable as well. Nevertheless, alternative funding sources are still needed for the purpose of the further development of HKLII.

Part 2 of the paper will give a detailed introduction of the history and services provided by HKLII in general. Part 3 will explain in detail the purpose and method of this study. Parts 4 and 5 consist of an extensive description of the study, i.e., the process, outputs and outcomes of HKLII, and key issues identified in the study. The paper will be concluded after a discussion of questions worthy of future research.

## **2. Hong Kong Legal Information Institute**

### **2.1 HISTORY OF HKLII**

The establishment of HKLII took place in close association with Australia Legal Information Institute AustLII). The keyman for the initiative of HKLII is Graham Greenleaf, a Professor

of Law at the University of New South Wales and also one of AustLII's Co-Directors. From July 2001 to December 2002, he was a distinguished visiting professor of HKU. AustLII and Faculty of Law of HKU commenced cooperation during that time. Professor Graham Greenleaf discussed the idea with Hong Kong's Judiciary and Department of Justice, and both of them were enthusiastic to cooperate in HKLII's establishment. Each entity was willing to provide the complete contents of the case-law on the Judiciary's site, as well as the legislation on the Bilingual Legal Information System (BLIS) site, for republication by HKLII. Other bodies, such as Legal Reform Commission, Hong Kong International Arbitration Centre and the Hong Kong University Libraries also agreed to provide their data to HKLII. All the necessary initial infrastructure and other start-up costs were provided by AustLII, partly under an Australian Research Council grant to AustLII for the development of regional and common law databases (Greenleaf, Chung, Mowbray, Chow and Pun, 2002).

HKLII was formally launched by the Hon Andrew Li, Chief Justice of Hong Kong, in January 2002, as part of the *Fourth Conference on Asian Jurisprudence* at the University of Hong Kong. The two Faculties at HKU (Law and Engineering) jointly provided HK\$500,000 (approximately US\$60,000) for the initial hardware and personnel costs, and a technical officer was appointed within HKU to work on the development of HKLII under the supervision of CSIS academic staff (Greenleaf, Graham, Chung, Philip, Mowbray and Andrew, 2002). By July 2002, HKLII had had its independent server in the Department of Computer Science and Information Systems (CSIS) (known as the Department of Computer Science after 1st July 2004), while the server at AustLII eventually became a mirror sever. The management of HKLII is now under the China IT & Law Centre which was jointly established by the Department of Computer Science and Faculty of Law of the University of Hong Kong.

## **2.2 SERVICES OF HKLII**

HKLII provides free and effective access to Hong Kong primary materials (legislations and

Court & Tribunal Judgments). They are directly transformed from official databases provided by the Department of Justice and Judiciary, which are free as well; HKLII, however, presents its technical features. For instance, users may locate any particular statutes of legislations that are referred in a text of judgment by the function of “hyperlink”, which has not been available in the original databases of the Judiciary. Besides legislations and Court & Tribunal Judgments, it also provides other databases. Major services are listed in Table 1 Databases of HKLII.

**Table 1: Databases of HKLII**

<b>Databases</b>	<b>Source</b>
Ordinances	Department of Justice
Regulations	
Court & Tribunal Judgments	Judiciary
Decisions by Hong Kong International Arbitration Centre	Hong Kong International Arbitration Centre
Hong Kong Law Reform Commission Publications	Hong Kong Law Reform Commission
Practice Directions	Judiciary
Case Notes by Office of the Privacy Commissioner for Personal Data Decisions	Office of the Privacy Commissioner

### **3. Purpose, Research Questions and Methods**

#### **3.1 PURPOSE AND RESEARCH QUESTIONS**

The overall goal of this research is to study what HKLII does and what factors contribute or not to its success. This will lead to an understanding of the effects HKLII has on society, more particularly on its users, and an exploration of the factors determining their sustainability.

The specific research questions are:

- What factors, both external and internal, impact HKLII's success?
- What outcomes are resulting from HKLII?
- Are those outcomes sufficient to create incentive among free access to law initiative target audiences or stakeholders acting on their behalf to sustain free law publishing?

### **3.2 METHODS OF THE STUDY**

#### **Environmental scan**

The purpose of the environmental scan is to understand the political, social, economical and technological environments in which HKLII is operating. The results of the environmental scan are also used as a tool for identifying interview subjects. The environmental scan was primarily based on a document review, including documents regarding Hong Kong's political and legal structure, legal education institutions, legal information providers, etc..

#### **Written questionnaire**

To gather basic personal data on the users, to gauge the quality of their internet access and the intensity with which they rely on HKLII, a written questionnaire was submitted to all **user** participants prior to the interviews after receiving favorable reply to the informed consent form. The results of the written questionnaire were useful with respect to adapting interview questions to the particular participant and draw conclusions for the case study analysis.

A sample written questionnaire is attached as **Appendix 1**.

#### **Interview**

The purpose of the interviews was to gather information and knowledge on the components of the sustainability chain with regards to HKLII. Interviews aimed to gather knowledge on HKLII organizational structures and practices, and the outcomes these projects may be having. The interviews focused on categories of subjects (1) the HKLII Project Manager; (2)

stakeholders; (3) users; and (4) non-users.

#### *Interview with project manager*

Interview with project manager, and Prof. Kevin Pun, aims to find out how HKLII is actually operating on a day-to-day basis and how these activities contribute to HKLII's success and sustainability.

#### *Interview with stakeholders*

The questions for the stakeholders are designed to focus responses on the stakeholders' relationship with HKLII and to evaluate the commitment (financial and other) of the stakeholders to HKLII, as well as the potential for a long-term relationship between the initiative and stakeholders.

The main stakeholders are data providers, the most important of which are the Department of Justice and the Judiciary of HKSAR. HKLII's funders were also considered to be important stakeholders. Because the maintenance cost of HKLII is covered by the grant of another related project, the "Community of Legal Information Center" (CLIC), questions regarding CLIC and its relationship with HKLII were asked during the second interview with Professor Pun, who is both director of HKLII and of CLIC.

#### *Interview with users and non-users*

For the purpose of this study, the broad term of "users" refers to a group of individuals within a given profession. As stated by HKLII manager, the profession groups of law school students, lawyers and academics are the primary groups of users. A student, a lawyer and an academic who do not use HKLII were also interviewed as non-users. In total, 15 interviews were conducted with users and non-users, including 5 with students (including one non-user), 5 with lawyers (including one one-user) and 5 academics (including one non-user). Interviews with users aimed to find out if the HKLII is successful in responding to its users' needs, to look into the outcomes the initiative is having on its users and to look into those it may be

having on society at large. The purpose of the interview with nonusers was to find why they don't, for one reason or another, use HKLII's resources. A sample questionnaire for uses in interview is attached as **Appendix 2**.

**Table 2: Table of Interviews Conducted**

Category	Names f Person or Entity			Interview Date
HKLII Project Manager	Prof. Kevin Pun (HKLII Director)			March 11, 2010
Stakeholders	Department of Justice (answered via email)			June 8, 2010
	Judiciary (answered via email)			June 9, 2010
	CLIC( Community Legal Information Center)			May 25, 2010
Users: Students	Profession	Code	Gender	Interview Date
	Fresh graduated Student	Student A	F	July 24, 2010
	J D Student	Student B	F	Aug 15, 2010
	J D Student	Student C	F	July 31, 2010
	Ph.D Student	Student D	M	Aug 5, 2010
Users: Lawyers	Solicitor	Lawyer A	F	Aug 18, 2010
	Commercial Lawyer	Lawyer B	F	July 29, 2010
	Corporate Lawyer	Lawyer C	F	July 28, 2010
	Commercial Lawyer	Lawyer D	F	Aug 15, 2010
Users: Academics	Research Assistant Professor	Teacher A	M	Aug 2 <sup>nd</sup> , 2010

	Associate Professor	Teacher B	F	July 28, 2010
	Assistant Professor	Teacher C	M	Aug 3, 2010
	Senior Lecture	Teacher D	M	Aug 12, 2010
Non-users	Student	Student E (Non-user)	M	August 5, 2010
	Government Lawyer	Lawyer E (Non-user)	M	July 23, 2010
	Research Assistant Professor	Teacher E (Non-user)	F	July 25, 2010

#### 4. HKLII Process, Outputs and Outcomes

##### 4.1 PROCESS OF HKLII

This section is mainly on the basis of the interview conducted with Prof. Kevin Pun, director of HKLII. Unless otherwise indicated, the information presented is from that interview.

##### 4.1.1 Organizational type and funding model

###### *HKLII Team*

The day to day operations of HKLII are carried out by the Department of Computer Science of The University of Hong Kong (HKU). And the overall facility is managed jointly by Department of Computer Science and Faculty of Law. There are fewer than ten staff member, consisting of a part-time technical staff member and 5-6 academic staff members in Law Faculty and Department of Computer of HKU who contribute their energy and time to HKLII voluntarily. This model arose from the history of HKLII. During HKLII's initial

stage, in which both of the technology and content was offered or freely licensed by the third parties (i.e., AustLII and HK government) and therefore, there was no stringent necessity to set up and maintain a big team. It is also a compromising choice given the limited budget; however, the limited human resources determine the expansion and advancement of HKLII services in content and technology.

### *Budget & Funding*

Except for one part-time technical staff member, HKLII's staff contributes their time and energy on a voluntary basis. Given that the data and technology utilized is free (this will be explained in greater detail further in this paper) the maintaining cost of HKLII is limited to the salary of one part-time technical employee. Therefore, the annual budget of HKLII is rather small, amounting to 120, 000 HKD (approx. 17,000 USD).

However, this does not mean that HKLII has no concern about its budget. In fact, the current model maintaining HKLII is unique and closely relies on its own context. The first funding allotted, HK\$500,000 (approximately US\$60,000), jointly provided by the two Faculties at HKU (Law and Engineering), has been used up for the initial hardware and personnel costs. In the current stage, the maintenance of HKLII is supported by the funding of the project of Community Legal Information Centre (CLIC).<sup>2</sup> CLIC has just received a grant from University Grand Committee (UGC) early 2010 under the project of "Knowledge Exchange". HKLII and CLIC, sharing similar motions, are maintained by the same entities and operated by the same server, and even the same technical staff. Under this context, it is possible that the maintenance of HKLII can be covered by CLIC.

#### **4.1.2 Workflows, Technology and Databases**

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<sup>2</sup> CLIC is another project providing free online legal information and its distinctiveness from HKLII is that it presents to the general public legal information in format of "Questions and Answers" on more than twenty topics which have a most direct bearing on their daily lives. CLIC was initiated by the Department of Justice of HKSAR and is now also maintained by the Faculty of Law and the Department of Computer Science.

### *Easy workflows*

In general, the workflow is quite simple. At its current stage, most of work required within HKLII pertains to basic maintenance services, as well as keeping the databases regularly updated. The transformation of judgments from judiciary to HKLII's system is done automatically by particular software provided by AustLII. For the legislation databases, there is no software available to input the information into the HKLII system automatically. Usually, the technical staff is required to check the website of Department of Justice to find any updates at least once a week, and then transform these updates into HKLII's database manually. This occupies the most part of the work of HKLII technical staff.

The other databases, such as "Law Reform" and "Hong Kong International Arbitration Centre Decisions" are not updated frequently. The staff checks the website of the date providers from time to time and updates HKLII databases accordingly.

### *Technology for Bilingual Legal Information*

HKLII uses SINO ("Size Is No Object"), a fast search engine freely licensed by AustLII, to handle English documents. The technology utilized enables users to search all HKLII databases simultaneously, or search key words in groupings (for example, 'All caselaw', 'All legislation,' etc.) or by each individual database. Customized selections of individual databases may also be made. In default, searches are over the whole of HKLII, and the results are ranked in order of likely relevance to the search query. The effectiveness of the relevance ranking is indicated by the titles of the first two items retrieved (Greenleaf et al., 2002).

To meet the requirement of bilingual legal information, HKLII has also developed its own technology based upon mnoGoSearch, an open source search engine, to handle Chinese documents. HKLII made modifications and enhancement to reduce the search time, and also adapted mnoGoSearch to make it look and feel like SINO. HKLII has also improved the highlighting function of mnoGoSearch by ensuring that it correctly highlights all occurrences of a keyword found in a document requested by the user (Pun, Ip, Chong, Chan, Chow, Hui,

Tsang and Chan, 2004). However, how to enhance the search performance and cross-referencing of Chinese documents is to be dealt within next stage of development of HKLII (Pun, Chan, Chow, Chong, Ma, Hui, Tsang and Chan, 2004). During the interview, Professor Pun also indicated that in an ideal situation, they would hire full-time staff to develop Chinese search engine technology.

#### *Free license of Data Sources*

A distinctive character of HKLII is that it has been strongly supported by the government from the beginning. In the launching stage of HKLII, Prof. Graham Greenleaf discussed the collaboration with Department of Justice and Judiciary. They agreed to the request without any difficulty. The judiciary sends soft copies of judgment to HKLII upon receipt from the judges for uploading on the website, which enables the judgment databases of HKLII to be updated almost automatically. The DOJ indicated in the interview that they gave HKLII a CD-ROM containing the relevant BLIS database to facilitate their inclusion of the legislative materials onto their website in October 2001. Under the current stage, it informs HKLII once the BLIS database is updated. DOJ further gave the Law and Technology Centre, HKU in April 2009 soft copies of its *English-Chinese Glossary of Legal Terms* and *Our Chinese-English Glossary of Legal Terms* for the HKLII enhancement project.

Their supportive stands are consistent although there is no formal contract governing the relationships between HKLII and data sources. In the interview, the two major data providers (Department of Justice and the Judiciary of HKSAR) confirm that they will “maintain the existing form of cooperation with HKLII” and “continue with their policy with HKLII”. Their support is not the outcome of individual relationships, but instead their alignment with the mission of HKLII, i.e., promotion to free access to information and rule of law.

## **4.2 OUTPUTS AND OUTCOMES**

### **Influence on Users**

HKLII has been recognized by the public within a short time. One important indicator is the hit rates of the website. The hit rates now are about 2000 per day. All the users surveyed have been using HKLII for more than one year. They recognize that HKLII provides an alternative source of legal information which is comprehensive, fast, and free. Student A, a fresh graduate student, says that she can not use Westlaw or LexisNexis any more after graduation and she finds that HKLII is useful because it is free of charge and easily be accessed. Users have been able to highlight some of the advantages HKLII has brought about during their use. One interviewee (Student D) comments that “it is quite difficult to find local cases especially recent cases from commercial legal databases, and this is the main reason why I use HKLII.” Some interviewees (Student D, Teacher C) think the searching speed of HKLII is a bit quicker than government website, i.e. Bilingual Legal Information System (BLIS). Most the users surveyed believe the user-friendliness of HKLII to be satisfactory and feel that it is easy to locate documents via HKLII, while there are still some comments that it needs improvement. Lawyer B says that the function of search engine is not strong enough because it sometimes requires the exact and accurate key words for search. Lawyer C expressed the same problem, saying that if the names of parties cannot be spelt out, it is a little hard to locate documents. Teacher A considers the design of website is not satisfactory because “it is not suitable to eyes.”

Some non-users do not use HKLII, simply because they are not aware of it. Lawyer E (Non-user) indicated that while he is aware of HKLII, he usually uses the data found on government websites, such as BLIS or the Judiciary website. Despite the data on the websites being the same, he prefers government sites as the point of access, rather than HKLII, as he regards data on government websites to be more reliable and credible—especially when he is required to provide the citation of a statute or judgment. As he proceeds to note, “If the data are the same and the extents of searching convenience are all most the same, as a government lawyer, why don’t I relay on government website?” One interviewee (Teacher B) who uses BLIS much more often than HKLII explains that it is only a personal habit because she has gotten used to BLIS before HKLII appeared.

## **HKLII and Legal Education**

The result of interviews shows that HKLII plays an active role in legal learning and teaching. All students interviewed become acquainted with the service through a library introduction course, or other courses, and use it frequently throughout their study. The law library of HKU also holds the annual HKLII DAY which includes introduction courses and workshop for HKLII. The law library also published a handout “A to Z of HKLII” explaining HKLII in detail (Lui Che Woo Law Library, 2004) and a table comparing between HKLII, Westlaw and LexisNexis in terms of finding a known citation, natural language search, Boolean search, precision search, search within a search, viewing search results, and citation tools (Lui Che Woo Law Library, 2009). HKLII is also being presented in classroom teaching. One recently published textbook in Hong Kong law study has incorporated HKLII as an important online legal information source (Bahrij, 2007).

## **HKLII and Rule of Law**

The rule of law, a doctrine whereby every person no matter who they are must obey the law, can be generally understood as a legal-political regime under which the law restrains the government by promoting certain liberties and creating order and predictability regarding how a country functions. (Yu and Guernsey, 2007) There have been several outstanding scholars putting forward what essential elements the rule of law should meet. In his book *The Morality of Law*, American legal scholar Lon Fuller identified eight elements of law which have been recognized as necessary for a society aspiring to institute the rule of law. These elements include that “laws must be published” and “Laws should be written with reasonable clarity to avoid unfair enforcement” (Fuller, 1964). Both of these elements imply that the public must have access to the law to ensure predictability and avoid unfairness. It is in this regard that easy access to law is an intrinsic requirement of rule of law.

Therefore, the advent of HKLII is definitely favorable to enhancement of rule of law of Hong

Kong. This can be confirmed by the attitudes from DOJ and the Judiciary to HKLII. During the interview, DOJ states that “We established BLIS with a view to providing free and convenient access to Hong Kong legislation. We believe that wide and unimpeded access to the law is fundamental to the rule of law. We agree that the wealth of legal information provided through HKLII is of benefit to the local community”. The judiciary also expresses in their letter that “HKLII provides an alternative way for public to access the judgments. It supports the concept of open justice in Hong Kong.”

## **5. Key Issues and Discussion**

Part 4 above has explained in detail the process, outputs and outcomes of HKLII. This part will summarize the issues and reply to the research questions presented in 3.1.

### **What external factors impact on HKLII’s success?**

#### *Excellent ICT infrastructure*

The excellent ICT infrastructure is a fundamental external factor for HKLII’s success. Proportion of households with internet access is 77.7% (Hong Kong as an Information Society, 2009, p18). 93% of the staff employed by the Government has internet access (Hong Kong as an Information Society, 2009, p83). All the interviewees regard that they can easily get access to internet. The quality of internet service is good and the cost for users is low. The excellent ICT infrastructure enables the changes of the learning and research habit from hard copy reference to online searching. HKLII’s popularity is unimaginable without easy access to computer and internet in Hong Kong..

#### *Legal policy framework of Hong Kong*

Favorable legal policy framework also plays a vital role in the success of this free access to law initiative. Rule of law tradition initially requires that the public is entitled to have free access to legal information. Open government policy makes free access to legal information

feasible. BLIS and databases of judgments have been pioneering projects of free access to legal information. Without the advent of these pioneering projects, the launch of HKLII would have definitely come across many more hurdles.

#### *Technology and Data obtained freely*

The direct external factors enabling the establishment of HKLII are the technology provided by AustLII and data provided by government and other institutions without any charge. The initial technology handling English documents offered by AustLII became the basic technical foundation of a new online legal information source, while the data of legislations and judgments provided by DOJ and the Judiciary constitutes the primary collection of HKLII. Without of freely obtained technology and data, the establishment of HKLII would have been impossible.

#### **What practices have been adopted by HKLII that have been successful and by those that have not?**

#### *Creative efforts on the technology for Chinese documents*

Besides the essential external factors, the success of HKLII is indispensable of the practices adopted by HKLII. The most vital one is the creative efforts on developing technologies to handle Chinese documents. These efforts make HKLII suitable to its distinctive bilingual legal information environment and enhance its user-friendliness to a great extent.

#### *Cooperation with university and library*

Universities and libraries have played an active role in the popularization of HKLII among law students, academics and lawyers within a short period. As a project of Law & Technology Center of HKU, HKLII has the privilege to be introduced to law school students, to-be lawyers and academics by legal research courses or other relevant courses. HKLII also works in close cooperation with the University library. The latter offers training courses and workshops, and issues introduction handout, which helps the users to be familiar with this

new research tool.

### **What outcomes are resulting from HKLII?**

As an online source of free access to legal information of Hong Kong, HKLII brings positive influence on the convenience of users, the legal education and research, and rule of law of Hong Kong.

HKLII has been generally recognized by the public, particularly law school students, academics and lawyers as a reliable source of legal information. Interviewed users are satisfied with its comprehensiveness in the aspect of primary materials and its user-friendliness. Its technical advantages compared to other online legal information sources enhance its popularity. HKLII also plays an active role in legal learning and teaching.

Involved in the Free Access to Law Movement, HKLII emphasizes that free legal information to public is an internal requirement of rule of law, which is definitely favorable to the enhancement of rule of law of Hong Kong.

### **Are those outcomes sufficient to create incentive among free access to law initiative target audiences or stakeholders acting on their behalf to sustain free law publishing?**

HKLII can be sustainable—at least at its current scale. With advanced technology handling bilingual documents and consistent support of data providers, HKLII can provide comprehensive and reliable online legal information to the public with rather low cost. Although funding of HKLII is limited at current stage, it is reasonable to expect that HKLII can continue to receive grants from the university or the public sector as long as hit rates continue to rise.

Grants from university or government are now the primary funding sources. As mentioned above, the current operating cost of HKLII is covered by CLIC. In the current stage, the grants can be used for maintenance and development of both HKLII and CLIC. However, if HKLII wants to extend its services, the budget will rise and more donations will be required. The sustainability of HKLII will need greater incentives of stakeholders to contribute. The current funding model would hardly be sufficient. It is essential for HKLII to consider other possible funding avenues.

### **Strategies for the future**

As there have been online free legal information sources in Hong Kong besides HKLII, even before HKLII, achieving and maintaining advantages both in technology and content would be essential to create incentive among HKLII target audiences or stakeholders to sustain free law publishing.

There are some methods which have even been considered by HKLII as described by HKLII's director.

- Developing technology to improve the performance of Chinese searching system
- Providing hyperlinks creating inter and intra cross-referencing between statutes and judicial decisions
- Develop a system to connect current citation style of judgments and the commercial one, so that users may easily locate cases in HKLII via a citation in commercial databases.
- Incorporating more data collections, including the administration appeal cases, NGO consultation paper, etc.

The first three methods pertain to technology. However, if HKLII wants to deal with these issues, at least one full-time technical staff is necessary. The last method is relevant to collection, which at least needs additional personnel resource to update the databases. All these methods would require an increase in the budget, and therefore, the current funding

model which relies only on grants from university would be far from satisfactory.

The director of HKLII has considered other sources of funding as other LIIs have managed to secure alternative funding sources. For example, CanLII has been able to solicit funds from the national law society. In Canada every solicitor donates money to CanLII, which would be a good reference to HKLII. Besides legal society, the possible sources of funding can also be donation from other private individuals or entities. HKLII may acknowledge the donators on HKLII's website instead. Given corporate social responsibility has been more and more valued in the modern society, the support to free online website will of benefit to the reputation of donators. Whether HKLII can adopt these models still needs further diligent investigation. How HKLII can develop alternative funding sources is a question worthy of further discussion.

## **6. Conclusion**

This research explores the history, process and outcomes of HKLL, a free website providing online legal information website. It explains the factors that influence the success of HKLII and factors that may influence its sustainability in the future. On the basis of document review, questionnaire and interviews, the research concludes that the excellent ICT infrastructure and favorable legal policy framework to free access to legal information provides indispensable foundation of HKLII. The assistance from AustLII in terms of technology and the strong and consistent support from government in terms of content are the most important factors that make HKLII success and sustainable as well. The provision of technology from AustLII enables HKLII to be operated efficiently and even more user-friendly than the government database to many users' experiences. The integrated databases offered by Hong Kong Department of Justice, Judiciary, and other entities enables HKLII to become a comprehensive and reliable source providing Hong Kong legal information, particularly the primary material. All of these factors directly contribute to

HKLII's important advantages both in aspects of technology and content. Further, only on the condition of royalty-free licenses can HKLII be established and maintained by a rather small team on rather low budget.

Nevertheless, given competition from commercial databases and other online free legal information sources in Hong Kong, HKLII still face the challenges of achieving and maintaining advantages both in technology and content to create incentive among HKLII target audiences or stakeholders to sustain free law publishing. The current funding model that relies on grants from government and universities can only afford the current operation of HKLII. Alternative funding sources might be required for the purpose of the further development of HKLII although further field study is needed.



## ***II. Usage information***

1. How often do you require conduct legal research using both commercial and free electronic legal databases? (Please circle only one answer)

- Daily
- At least once a week
- Several times a month
- A few times a year

2. In terms of currency and comprehensiveness of the material you use in your work, do you normally search for (please circle only one answer):

- The latest judgments and legislation
- The older applicable judgments and legislation
- Both current and old applicable judgments and legislation
- Other (please specify): \_\_\_\_\_

3. How often do you use foreign legal research materials? (Please circle only one answer)

- At least once a week
- At least once a month
- Rarely or never

4. Do you have access to commercial electronic legal databases?

- No
- Yes
- If yes, please selection
  - o LexisNexis
  - o Jutastat
  - o Westlaw
  - o Other: \_\_\_\_\_

5. Roughly what percentage of your library/research budget costs do you spend on such commercial products? (Please circle only one answer)

- Less than 15%
- Less than 25%
- About 50%
- More than 50%
- Not applicable
- I don't know

6. How long have you been using the HKLII website? (Please circle only one answer)

- Less than 6 months
- Between 6 months and 1 year
- Over 1 year

7. On average, how often do you conduct legal research on the HKLII website? (Please circle only one answer)

- Daily
- At least once a week
- Several times a month
- A few times a year

8. What information do you seek to obtain from HKLII website? (Please circle all applicable answers)

- Current judgments
- Current legislation
- Current judgments and legislation
- Older judgments and/or legislation
- Secondary legal materials (e.g. law reform commission publications, law journals, etc.)
- Other (please specify): \_\_\_\_\_

9. How did you obtain this type of legal information before the launch of the HKLII (please circle all applicable answers)

- Commercial publisher
- Court/tribunal website
- Loose-leaf publication
- Other (please specify)

10. Are you aware of linkages to foreign free legal information via the HKLII website?

- Yes
- No
  - o If yes, do you make use of these linkages?
    - Yes
    - No

11. Do you incorporate material you found on the HKLII website in your work? Please provide a brief explanation.

### ***III. Satisfaction information***

1. What is your overall rating of your experience in the use of the HKLII website? (Please circle only one answer)

- Excellent
- Good
- Satisfactory
- Poor

2. Are there any particular products, services or aspects of the HKLII website that you find indispensable for conducting your work? Please describe.

3. Are there any particular products, services or aspects of the HKLII website that you find needing improvement? Please describe.

4. Have you ever sent feedback or requested specific legal information to the HKLII website?  
(Please circle all applicable answers)

- Yes, I provided positive feedback
- Yes, I provided negative feedback which was acted on
- Yes, I requested specific legal information which was provided to me
- Yes, I requested specific legal information which was not provided to me
- No, I've never provided feedback or made specific requests

**Appendix 2:** A sample of questionnaire for users during the interview

## **QUESTIONNAIRE FOR USERS**

### **Basic information**

- 1- What role does the institution to which the user belongs to have in society?
- 2- What is the specific role of the user in that institution?
- 3- Is the user male or female?
- 4- What age group does the user belong to: 17-25 | 26 - 34 | 35 - 45 | 46 - 60 | Over 60

**1. Could you describe your day-to-day use of information and communication technologies, such as computers and cell phone?**

**2. How would you rate the quality and cost of internet access at your place of work? Are there any other locations where you access the internet? How would you rate the quality and cost of the internet access at those locations?**

**3. Could you describe all the reasons for which you carry out legal research and how often you conduct legal research?**

**4. What types of legal information, including both paper and electronic sources, do you need to access more often and why?**

**5. What are the information sources you rely on for your legal research?**

5.1 What form of information do you prefer – online, electronic (ex. CD Rom), or hard copy?

5.2 Do you consult informal sources of information? (for example, coworkers specialists in a particular field) If so, could you describe?

**6. What do you think has been the most significant change in your capacity to conduct**

**legal research in the past six years (since 2003 when HKLII was open to public)?**

6.1 ...with regards to time spent on research

6.2 ...with regards to access to documents

6.3 ...with regards to who completes the research (help from assistants, for example)

6.4 ...with regards to use of current material

6.5 ...with regards to cost of conducting legal research

6.6 ...has this freed up money for other projects?

**7. How and when did you find out about Hong Kong Legal Information Institute (HKLII)?**

7.1 Are you familiar with the Free Access to Law (FAL) movement as a whole?

**8. What are the ways in which you use the resources you access through HKLII, via key word, title of legislation or names of parties?**

**9. How would you rate the quality of the service available through HKLII?**

9.1 How would you rate the comprehensiveness of the database?

9.2 How would you rate the timeliness of the database? Are they up-to-date? How important is timely documents for your work?

9.3 Do you feel the databases provide sufficient historical scope?

9.4 How does the FAL initiative compare to commercial or other free alternatives?

**10. How would you rate the user-friendliness of the HKLII website?**

10.1 How easy it is to locate documents?

10.2 Is there a particular database of HKLII you rely on more than the others, such as case law or legislation?

**11. If you could make one recommendation for the improvement of HKLII's services, what would it be?**

11.1 Have you ever participated in the evaluation of the FAL initiative?

11.2 Have you ever been asked to provide feedback?/ Have you used the available channels to provide feedback? (if there are available channels)

**12. What do you think has been the most significant change brought about by HKLII with regards to your work?**

**13. Why do you think HKLII should be supported?**

**14. Is there anything else you would like to share?**

**Thank you very much for your precious time and kind collaboration!**

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