

WHERE IS THE OFFICIAL SOLICITOR'S OFFICE?

The Official Solicitor's office is situated at
Room 3402, 34/F, Hopewell Centre,
183 Queen's Road East,
Wanchai,
Hong Kong.

The Office is open on Mondays to Fridays from 8.45am to 5.15pm and
on Saturdays from 9am to 12 noon.

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THE OFFICIAL SOLICITOR'S OFFICE



WHO IS THE OFFICIAL SOLICITOR AND WHAT DOES HE DO ?

WHO IS THE OFFICIAL SOLICITOR?

The Official Solicitor is a public officer whose specific duty is to look after the interests of persons under a disability. Persons under a disability are either persons under the age of 18 or persons who are mentally incapacitated.

HOW DOES THE OFFICIAL SOLICITOR BECOME INVOLVED?

The Court can ask the Official Solicitor to represent persons under a disability in the absence of any other person who is willing or able to do so.

The Official Solicitor can also be asked by solicitors handling civil cases where his assistance may be required to safeguard the interests of minors or mentally incapacitated persons.

WHAT CASES DOES THE OFFICIAL SOLICITOR TAKE ON?

The Official Solicitor can only take on those cases as provided in the Official Solicitor Ordinance, Cap. 416 or in other enactments or subsidiary legislation such as the Trustee Ordinance and Matrimonial Causes Rules.

For example, the Official Solicitor can act as next friend or guardian ad litem for any person under a disability in proceedings before the Court, he can act as Official Trustee or Judicial Trustee or he can act for any party involved in care and protection proceedings in the Juvenile Court.

WHAT DOES THE OFFICIAL SOLICITOR DO FOR CHILDREN?

The Official Solicitor may be asked to represent children in any type of proceeding where the Court considers it is necessary for the child's interests to be safeguarded or represented - this includes custody/access disputes, wardship proceedings, adoption proceedings, declaration of parentage proceedings etc. Where there is no one else who can do it, the Official Solicitor can also act for a child to ensure that financial claims are made. The kind of claims which can be brought include damages for injuries in an accident, compensation for criminal injuries, claims to share in the estate of someone who has died or defending claims for monies in dispute.

WHAT DOES THE OFFICIAL SOLICITOR DO FOR THE MENTALLY INCAPACITATED?

Mentally incapacitated persons are persons suffering from a mental disorder. Such persons may be vulnerable to fraud or improper pressure.

The Official Solicitor may be asked by the Court to assist these persons in making similar claims as he does for children. In addition the Official Solicitor may be asked to represent these persons in divorce suits or to defend any money or other claims made against them if there is no one else willing or able to do so on their behalf.

The Official Solicitor, if directed by the Court, can investigate the way such persons' money has been handled in the past and propose ways of handling their financial affairs in future.

The Official Solicitor may also be involved in cases where the Court needs to consider medical and welfare decisions for adults who lack decision-making capacity.

WHAT OTHER SERVICES CAN THE OFFICIAL SOLICITOR GIVE?

The Official Solicitor can represent a deceased person's estate in claims made against it where no one else is willing to do so.

The Official Solicitor can administer the estate of someone who has died leaving a child or mentally incapacitated as the only person entitled to property and money.

The Official Solicitor can also act as trustee holding property or money where there is a dispute or where the beneficiaries cannot be traced.

DOES THE OFFICIAL SOLICITOR CHARGE FOR HIS SERVICES?

The Official Solicitor may charge for his service or services rendered on his behalf.

In certain cases, the Official Solicitor's involvement in a case will be made subject to his costs being met by one or more of the parties to the action.

Whether the Official Solicitor will charge in any one case will depend upon the circumstances of his appointment and the particular circumstances of the case itself.