**Legislative Council**
**Panel on Administration of Justice and Legal Services**

# The First Year's Implementation of the Civil Justice Reform from 2 April 2009 to 31 March 2010

## I. Purpose

This paper seeks to set out the findings on the implementation of the Civil Justice Reform ("CJR") from 2 April 2009 to 31 March 2010.

## II. Background

2. As in many common law jurisdictions, our civil justice system has to keep abreast with the needs and developments of modern times. The procedural system of justice in Hong Kong is adversarial based, meaning that the court leaves it to the parties themselves to bring cases to court and on the whole lets them define the nature and extent of their dispute. However, this has led to the pace and timetabling of litigation often to be more in the hands of the parties than the court. When unchecked, this has at times resulted in excessive costs, delay and complexity, which have been criticized as being the common faults of the civil justice system.

3. It was against this background that CJR was introduced in April 2009. The objectives of CJR are to -

(a) Preserve the best features of the adversarial system but curtailing its excesses. One of the primary ways to achieve this is by promoting the use of greater case management powers by the courts. This would prevent tactical manipulation of the rules to delay proceedings and also ensure that court and judicial resources are fairly distributed;

(b) Streamline and improve civil procedures; and

(c) Facilitate early settlement by parties, eliminate unnecessary applications and, where appropriate, penalize such applications.

**Monitoring of the Implementation of CJR**

4. A CJR Monitoring Committee ("Monitoring Committee") was established in April 2009 to monitor the working of the reformed civil justice system and to make suggestions to the Chief Justice to ensure its effective operation. The Monitoring Committee is chaired by the Chief Judge of the High Court and comprises judges, the Judiciary Administrator, a barrister, a solicitor, a member of the Department of Justice and the Legal Aid Department and an experienced mediator. The membership list is at **Annex A**.

5. During the first year of CJR implementation, i.e. from 2 April 2009 to 31 March 2010, the Monitoring Committee held several meetings. The Monitoring Committee noted that the implementation of CJR had on the whole been smooth in the first year. According to the feedback received, no major problems were identified; all issues raised were minor and operational in nature. However, the Monitoring Committee noted that while the reform was without doubt heading towards the right direction, the implementation of the CJR was at an early stage. Improvements will continue to be made. Further, it would take probably at least two to three years before meaningful trends and conclusions could be drawn. Apart from the fact that the CJR has only been in existence for just over a year, the courts have had to deal with a sizeable backlog of cases that have, since the introduction of the reforms, been actively case managed (this is of course on top of the upsurge of actions initiated immediately prior to the CJR (see paragraph 17 below) and the new cases since the commencement of CJR).

6. The Monitoring Committee considered that the collection of relevant statistics would help monitor the implementation of CJR. It endorsed a list of 32 key indicators in six broad areas for assessment of the effectiveness of CJR. The six broad areas are:

(a) Delay;

(b) Settlement;

(c) Mediation;

(d) Costs matters;

(e) Litigants in person; and

(f) How some individual changes (introduced by the CJR) work out in practice.

7. Statistics on these 32 key indicators have been collated from available

data by the Judiciary during the concerned period ("Post-CJR Period").[1] Where similar statistics are available prior to the implementation of CJR (i.e. from 2 April 2008 to 31 March 2009 ("Pre-CJR Period")), a comparison will be made to identify any significant changes. These statistics have been discussed by the Monitoring Committee, and the findings are set out in the ensuing paragraphs.

## III. The Overall Context

8. To provide the overall context for the reading of the statistics, the following information is relevant:

Table 1.1: Number of Civil Cases and CJR Related Cases Filed in the Court of First Instance ("CFI")

| CFI | Pre-CJR Period (1.4.08 – 31.3.09) | Post-CJR Period (1.4.09-31.3.10) |
|---|---|---|
| Civil cases | 24,623 | 22,926 |
| CJR related cases[2] | 5,431 | 3,853 |

[1] In reading the statistics, it is important to bear the following factors in mind:
(a) Many statistics cover 12 months only, for others, the period is even shorter;
(b) To facilitate comparison with the Pre-CJR situation, statistics for the period from 2 April 2008 to 31 March 2009 are also presented where available. However, some Pre-CJR statistics are not available and for such statistics, no comparison can be made of the Pre-CJR and Post-CJR situation;
(c) The definitions of some of the Pre-CJR statistics are different from the Post-CJR definitions. A simple comparison of these statistics can therefore be misleading. For example, prior to the implementation of CJR, disposal figures were based on party disposal, i.e. a case was treated as disposed of once one party in a case had been disposed of. This definition of disposal was not satisfactory as it did not cater for the situation where multiple parties were involved in a case. Since 2 April 2009, the definition has been refined to the effect that a case is considered as disposed of only when all the parties involved have been disposed of;
(d) There was a bulge in caseload prior to the implementation of CJR. The last minute rush of cases filed before April 2009 should be noted when considering some of the statistics presented in the paper. For example, it has substantially increased the number of interlocutory applications in the Post-CJR period despite the apparent drop in caseload in the same period;
(e) The CJR initiatives may not have fully applied to those cases which straddle 2 April 2009 and the data for such cases do not represent a comprehensive picture of the impact of CJR; and
(f) The case population for some key indicators may be very small in comparison with the total caseload.

[2] CJR related cases refer to those cases where CJR is applicable. Amongst all civil cases filed in the CFI, CJR is only applicable to six civil case types, i.e. Civil Action (HCA), Miscellaneous Proceedings (HCMP), Personal Injuries Action (HCPI), Commercial Action (HCCL), Construction and Arbitration Proceedings (HCCT) and Admiralty Action (HCAJ).

Table 1.2: Number of Civil Cases and CJR Related Cases Filed in the District Court ("DC")

| DC | Pre-CJR Period (1.4.08 – 31.3.09) | Post-CJR Period (1.4.09-31.3.10) |
|---|---|---|
| Civil cases | 29,158 | 25,112 |
| CJR related cases[3] | 19,990 | 15,765 |

## IV. Specific Aspects of CJR

### *(A) A Change of Culture*

9. The key to success of the reform is a change in culture in the conduct of court proceedings and of dispute resolution on the part of judges and the legal profession. The change is underlined by the underlying objectives in the Rules of the High Court and of the District Court, i.e., increasing cost effectiveness, ensuring expedition, promoting a sense of reasonable proportion and procedural economy, ensuring fairness, facilitation of settlements and ensuring the fair distribution of limited court resources. In order to ensure that disputes are effectively resolved, in and out of court, parties and their legal representatives are expected to be less adversarial and more cooperative.

10. The most encouraging aspect of CJR has so far been the increasing recognition of this by many judges and members of the legal profession.

11. In the same way as statute now mandates judges to case manage actively, a requirement is now placed on legal advisers to assist the court in this. Rule 3 of the Rules of the High Court (Cap. 4A) and the Rules of the District Court (Cap. 336H) now provide that the parties to any proceedings and their legal representatives have the duty to assist the Court to further the underlying objectives of CJR. This provision is one of the most significant amendments to the Rules in that a positive duty on the part of legal representatives to further the procedural responsibilities of the court is now expressly set out.

[3] CJR related cases refer to those cases where CJR is applicable. Amongst all civil cases filed in the DC, CJR is only applicable to six civil case types, i.e. Civil Action (DCCJ), Miscellaneous Proceedings (DCMP), Personal Injuries Action (DCPI), Employee's Compensation Case (DCEC), Tax Claim (DCTC) and Equal Opportunities Action (DCEO).

***(B) Delay***

12. One of the underlying objectives of CJR is to ensure that a case is dealt with as expeditiously as is reasonably practicable. This is achieved by streamlining civil procedures, cutting out unnecessary applications, imposing more stringent timetables, a greater use of peremptory orders and a more active approach in dealing with interlocutory applications (particularly where Case Management Conferences ("CMCs") are concerned).

13. Both the High Court and the District Court have seen some improvements in ensuring expedition. Directions given by the court are now on the whole properly and timeously complied with (unlike the position pre-CJR). Some trials have become shorter. The main reason for this is better case management enabling the parties focusing at an earlier stage on the real issues. Further improvements are expected once the current backlog of cases is disposed of.

*(a) Number of Interlocutory Applications*

14. The proliferation of interlocutory applications has been regarded as one of the most serious causes of delay and additional expense in the litigation process. CJR aims to reduce, if not eliminate, the number of interlocutory applications of doubtful or little value.

15. In the CFI, a total of 3,149 interlocutory applications[4] were listed in the Post-CJR Period while 2,786 interlocutory applications were listed in the Pre-CJR Period.

16. In the DC, a total of 1,171 interlocutory applications[4] were listed in the Post-CJR Period. Pre-CJR statistics are not available.

17. The increase in interlocutory applications in the Post-CJR Period was most likely due to the exceptional increase in caseload in the last three months prior to the implementation of CJR (as well as the activation of older cases through more case management). In particular, there was an upsurge of cases filed in March 2009 (702 and 2,967 for the CFI and the DC respectively, in comparison with the average monthly figures of 453 and 1,666 for the CFI and the DC respectively in the Pre-CJR Period). A longer period of time will be required to evaluate the changes in this regard.

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[4] Interlocutory applications exclude Quota List applications.

Table 2.1: Number of interlocutory applications in the CFI

| CFI | Pre-CJR Period (2.4.08 – 31.3.09) | Post-CJR Period (2.4.09-31.3.10) |
|---|---|---|
| Number of interlocutory applications | 2,786 | 3,149 |

Table 2.2: Number of interlocutory applications in the DC

| DC | Pre-CJR Period (2.4.08 – 31.3.09) | Post-CJR Period (2.4.09-31.3.10) |
|---|---|---|
| Number of interlocutory applications | Not available | 1,171 |

*(b) Number of Paper Disposals*

18. Paper disposal is a new feature introduced by CJR. Significant savings in time and costs may be achieved by having interlocutory applications dealt with on paper without a hearing in appropriate cases.

19. However, only a few interlocutory applications were disposed of by paper disposal during the Post-CJR Period (32 out of 1,139 applications before Masters in the CFI; and 4 out of 272 applications before Masters in the DC). A cautious approach has so far been adopted since experience has shown that paper disposal of cases was appropriate for the more straightforward ones. So far, for the more complicated type of interlocutory applications, it was less cost effective for the matter to be dealt with on paper. This aspect will continue to be monitored.

Table 3.1: Number of Paper Disposal of Interlocutory Applications in the CFI

| CFI | Post-CJR Period (2.4.09-31.3.10) |
|---|---|
| Number of interlocutory applications before Master | 1,139 |
| Number of paper disposal | 32 |

Table 3.2: Number of Paper Disposal of Interlocutory Applications in the DC

| DC | Post-CJR Period (2.4.09-31.3.10) |
|---|---|
| Number of interlocutory applications before Master | 272 |
| Number of paper disposal | 4 |

*(c) Number of CMCs*

20. CMC is an important tool of active case management under CJR. At a CMC, the court gives directions leading up to the trial of the action, fix a date for a pre-trial review ("PTR"), and / or a trial date or period in which the trial is to take place. It is also the occasion for the court and the parties to discuss in detail the true nature of the issues in the case. In doing so, not only is there more efficient and effective management of the case achieved, this would also facilitate settlements.

21. The full impact of CMCs has, however, yet to be seen. There was a last minute rush of cases filed with the High Court immediately before 2 April 2009. This substantially increased the total Pre-CJR caseload to be handled by the Court during the concerned period. There was also the existing backlog of cases activated as a result of CJR. At the Masters' level, CMCs have been conducted extensively. At Judges' level, priority has been given to long cases and specialist lists, and there is already effective case management in these cases. Once the present volume of cases has been reduced, it is expected that CFI Judges will be more available to deal with CMCs and accordingly effect better case management.

22. For comparison, the number of checklist hearings in the CFI and that of PTRs in the DC were adopted for the Pre-CJR Period for data analysis. Statistics on personal injuries ("PI") actions (HCPI and DCPI) were excluded because most of the case management directions for these actions were given in checklist review hearings, and CMCs were only conducted for very complex cases.

23. In the CFI, after the exclusion of PI cases, the number of CMCs and checklist hearings[5] in the Post-CJR Period (839) was slightly higher than that of checklist hearings in the Pre-CJR Period (779).

Table 4.1: Number of CMC in the CFI

| **CFI** | **Pre-CJR Period (2.4.08-31.3.09)** | **Post-CJR Period (2.4.09-31.3.10)** |
|---|---|---|
| | Number of checklist hearing | Number of checklist hearing / CMC |
| CJR related cases (excluding PI cases) | 779 | 839 |

[5] Checklist hearings are conducted in the Post-CJR Period for those cases filed before the implementation of CJR.

24. For the DC, after the exclusion of PI cases, the number of CMCs in the Post-CJR Period (648) was also higher than that of PTRs in the Pre-CJR Period (539).

Table 4.2: Number of CMC in the DC

| **DC** | **Pre-CJR Period (2.4.08-31.3.09)** | **Post-CJR Period (2.4.09-31.3.10)** |
|---|---|---|
| | Number of PTR by Master | Number of CMC |
| CJR related cases (excluding PI cases) | 539 | 648 |

*(d) Number of Milestone Dates Fixed and Then Varied / Moved*

25. Instead of leaving the progress of actions in the hands of the parties (which was the position pre-CJR), the court now assumes much greater control over the progress of actions. Firm timetables are set at an early stage of proceedings. A court-determined timetable takes into account the needs of the particular case and the reasonable requests of the parties. The timetable sets out milestone dates for the major steps in any proceedings, such as the dates for trial and other important hearings. Only in the most exceptional circumstances will a milestone date be changed. This arrangement will reduce delays.

26. In the Post-CJR Period, the percentage of dates of hearings at milestone stages which were moved were low. For the CFI, the percentages of varied hearings at the CMC, PTR and trial stage were 9%, 7% and 6% respectively. For the DC, the corresponding figures were even lower at 4%, 4% and 3% respectively. The higher percentage of varied hearings in the CFI as compared with the DC is probably due to cases in the CFI being more complex.

Table 5.1: Number of Milestone Dates Fixed and Then Varied / Moved in the CFI

| **CFI** | **Post-CJR Period (2.4.09-31.3.10)** | | |
|---|---|---|---|
| | Number of hearings fixed (a) | Number of hearings varied (b) | % (b)/(a) |
| CMC | 865 | 76 | 9% |
| PTR | 320 | 22 | 7% |
| Trial | 419 | 27 | 6% |

Table 5.2: Number of Milestone Dates Fixed and Then Varied / Moved in the DC

| **DC** | **Post-CJR Period (2.4.09-31.3.10)** | | |
|---|---|---|---|
| | Number of hearings fixed (a) | Number of hearings varied (b) | % (b)/(a) |
| CMC | 742 | 30 | 4% |
| PTR | 138 | 5 | 4% |
| Trial | 577 | 15 | 3% |

*(e)* *Average Time Spent*

*(i)* *From commencement to trial*

27. Three sets of data were retrieved on the number of cases with:

(a) Both date of commencement and date of trial on or before 1 April 2009 (scenario 1);

(b) Date of commencement on or before 1 April 2009 and date of trial on or after 2 April 2009 (scenario 2); and

(c) Both date of commencement and date of trial on or after 2 April 2009 (scenario 3).

28. The average time from commencement to trial in each of the above three scenarios in the CFI and the DC are set out below. It should be noted that CJR initiatives and active case management were not fully applied to the cases in scenarios 1 and 2. For scenario 3, there were only 16 cases in each of the CFI and the DC, and the average time from commencement to trial was noticeably shorter than that of scenarios 1 and 2. This showed that there was effective case management of these 32 cases in scenario 3. However, in view of the small case population in this scenario, it is pre-mature to draw any firm conclusions at this stage.

Table 6.1: Average Time from Commencement to Trial in the CFI

| **CFI** | Both date of commencement and date of trial on or before 1 April 2009<br><br>(Scenario 1) | Date of commencement on or before 1 April 2009 and date of trial on or after 2 April 2009<br><br>(Scenario 2) | Both date of commencement and date of trial on or after 2 April 2009<br><br>(Scenario 3) |
|---|---|---|---|
| Number of Hearings | 212 | 251 | 16 |
| Average Time from Commencement to Trial (days) | 1,013[6] | 1,132[7] | 167 |

Table 6.2: Average Time from Commencement to Trial in the DC

| **DC** | Both date of commencement and date of trial on or before 1 April 2009<br><br>(Scenario 1) | Date of commencement on or before 1 April 2009 and date of trial on or after 2 April 2009<br><br>(Scenario 2) | Both date of commencement and date of trial on or after 2 April 2009<br><br>(Scenario 3) |
|---|---|---|---|
| Number of Hearings | 269 | 299 | 16 |
| Average Time from Commencement to Trial (days) | 704 | 743 | 134[8] |

[6] There were three exceptionally long cases for which the duration from commencement to trial was over 10 years. The cases were delayed because of reasons beyond control. The average time had been lengthened by such long cases.

[7] There were four exceptionally long cases for which the duration from commencement to trial was over 10 years. The cases were delayed because of lack of expedition of preparation in general and the inaction of parties. The average time had been lengthened by such long cases.

[8] There is a significant reduction in the average time from commencement to trial in the DC from the Pre-CJR Period to the Post-CJR Period. This is due to several reasons:

(a) Scenario 3 comprises cases with both date of commencement and date of trial fall between 2 April 2009 to 31 March 2010. The average time thereof will by definition be much shorter than scenarios 1 and 2;

(b) The figures counted not only writ actions but also originating summons. An action begun by originating summons from commencement to trial is normally shorter than that of an action begun by writ; and

(c) There is better case management after the implementation of CJR.

*(ii) From the first CMC to end of trial*

29. A total of 8 cases in the CFI and 23 cases in the DC were disposed of by trial and with CMC hearings in the Post-CJR Period. For these cases, the average time from the first CMC to end of trial was 150 and 181 days in the CFI and the DC respectively. This reflected much better management of cases as compared with the Pre-CJR Period. Nevertheless, in view of the small population of cases, it is again pre-mature to draw any conclusion on this indicator.

Table 7.1: Average Time from First CMC to End of Trial in the CFI

| **CFI** | **Post-CJR Period (2.4.09-31.3.10)** |
|---|---|
| Number of cases disposed of | 8 |
| Average time required (days) | 150 |

Table 7.2: Average Time from First CMC to End of Trial in the DC

| **DC** | **Post-CJR Period (2.4.09-31.3.10)** |
|---|---|
| Number of cases disposed of | 23 |
| Average time required (days) | 181 |

*(iii) Duration of trial*

30. Statistical data on two indicators, "Days fixed" and "Actual days spent", were retrieved. The figures show an encouraging trend.

31. For the CFI, the average days fixed for trials increased from 4.89 days to 5.51 days in the Post-CJR Period but the average actual days spent on trials significantly reduced from 4.02 days to 3.08 days[9].

[9] A number of long cases collapsed soon after the commencement of trial in the Post-CJR Period. After taking out such cases, the average number of days spent on trial in the Post-CJR Period is 2.94 days per case which represented a further decrease.

Table 8.1: Duration of Trial in the CFI

| CFI | Pre-CJR Period (2.4.08-31.3.09) | Post-CJR Period (2.4.09-31.3.10) |
|---|---|---|
| Average days fixed | 4.89 | 5.51 |
| Average days spent | 4.02 | 3.08 |

32. For the DC, both the average days fixed for trials and the average actual days spent on trials reduced in the Post-CJR Period, from 2.60 days to 2.45 days for the former and from 2.49 days to 2.23 days for the latter.

Table 8.2: Duration of Trial in the DC

| DC | Pre-CJR Period (2.4.08-31.3.09) | Post-CJR Period (2.4.09-31.3.10) |
|---|---|---|
| Average days fixed | 2.60 | 2.45 |
| Average days spent | 2.49 | 2.23 |

## *(C) Settlement*

33. A just settlement for the right reasons involves a timely settlement. Prior to CJR, a majority of the settlements did not occur until the eve of trial. Often, it was only when counsel were fully instructed in a case before a serious evaluation of the merits took place, leading to settlements being made.

34. Since the implementation of CJR, judges have been trying to facilitate settlements by persuading parties to reveal the true nature of their cases earlier rather than later. It is believed that this has had the effect in some cases of enabling settlements to take place earlier than would have been the case prior to the reform. With more effective CMCs, this trend will continue.

### *(a) Admission under Order 13A*

35. Order 13A provides a new procedure for a defendant in a money claim (both liquidated and unliquidated) to make admission and propose payment terms as to time and instalments to satisfy the claim.

36. The numbers of applications of Order 13A in both the CFI and the DC have so far been comparatively low. There were only 13 cases settled by Order 13A out of 1,757 cases of monetary claims filed in the CFI while there

were 197 cases settled by Order 13A out of 14,155 cases of monetary claims filed in the DC. No firm conclusion can be drawn on this aspect at this stage.

Table 9.1: Admission under Order 13A in the CFI

| CFI | Post-CJR Period (2.4.09-31.3.10) |
|---|---|
| Number of CJR related cases filed (monetary claim only) | 1,757 |
| Number of admissions made | 39 |
| Number of applications for instalment | 15 |
| Number of cases disposed of by Order 13A | 13 |

Table 9.2: Admission under Order 13A in the DC

| DC | Post-CJR Period (2.4.09-31.3.10) |
|---|---|
| Number of CJR related cases filed (monetary claim only) | 14,155 |
| Number of admissions made | 364 |
| Number of applications for instalment | 300 |
| Number of cases disposed of by Order 13A | 197 |

*(b) Sanctioned Payments*

37. The making of a sanctioned payment is an offer made by way of a payment into court. Prior to CJR, only defendants could offer to settle by making a payment into court. Under CJR, both plaintiffs and defendants are able to make sanctioned payments, whether to settle claims or issues within claims (under Order 22) or to settle a party's entitlement to costs (under Order 62A). There are of course costs consequences should the sanctioned payment not be bettered. Sanctioned payment acts as a significant incentive for parties to settle disputes at an earlier stage. This is regarded as an important measure in the just and expeditious resolution of disputes.

*(i) Order 22*

38. For the CFI, 1,913 sanctioned payments were made. Out of these, 435 were accepted within time during the Post-CJR Period. Out of these 435 cases, 53 cases were finally disposed of by sanctioned payment under Order 22 (in other words, in the other cases, only certain aspects of the action were resolved through the acceptance of the sanctioned payment). For the DC, 4,123 sanctioned payments were made and out of these, 1,769 were accepted within

time during the Post-CJR Period. Of these, 732 cases were disposed of by sanctioned payment under Order 22. Detailed statistics are set out below. It is to be noted that the new regime under Order 22 was particularly successful in PI and employee's compensation ("EC") claims.[10]

Table 10.1: Number of Order 22 Sanctioned Payment Made and Accepted within Time in the CFI

| **CFI** | **Pre-CJR Period (2.4.08-31.3.09)** | **Post-CJR Period (2.4.09-31.3.10)** | |
|---|---|---|---|
| | **Payment-in made** | **Sanctioned payment made** | **Sanctioned payment accepted** |
| Number of CJR related cases (excluding PI cases) | 151 | 127 | 15 |
| Number of CJR related cases (PI cases only) | 826 | 1,786 | 420 |
| **Total** | **977** | **1,913** | **435** |

Table 10.2: Number of CJR Related Cases Disposed of by Order 22 Sanctioned Payment in the CFI

| **CFI** | **Post-CJR Period (2.4.09-31.3.10)** |
|---|---|
| Number of cases filed (excluding PI cases) | 3,247 |
| Number of cases filed (PI cases only) | 606 |
| **Number of cases filed** | **3,853** |
| Number of cases (excluding PI cases) disposed of by Order 22 sanctioned payment | 2 |
| Number of cases (PI cases only) disposed of by Order 22 sanctioned payment | 51 |
| **Number of cases disposed of by Order 22** | **53** |

[10] The new regime under Order 22 is actually more successful than the statistics presented in paragraph 38. There have been cases where the court, upon granting leave for accepting sanctioned payment out of time, also made an order of payment out. In such cases, the parties would not have filed acceptance form, but obtained payment out directly under the order. These cases are not captured by the data.

Table 10.3: Number of Order 22 Sanctioned Payment Made and Accepted within Time in the DC

| DC | Pre-CJR Period (2.4.08-31.3.09) | Post-CJR Period (2.4.09-31.3.10) | |
|---|---|---|---|
| | Payment-in made | Sanctioned payment made | Sanctioned payment accepted |
| Number of CJR related cases (excluding PI and EC cases) | 221 | 207 | 55 |
| Number of CJR related cases (PI cases only) | 2,025 | 2,518 | 1,012 |
| Number of CJR related cases (EC cases only) | 1,070 | 1,398 | 702 |
| **Total** | **3,316** | **4,123** | **1,769** |

Table 10.4: Number of CJR Related Cases Disposed of by Order 22 Sanctioned Payment in the DC

| DC | Post-CJR Period (2.4.09-31.3.10) |
|---|---|
| Number of cases filed (excluding PI cases) | 12,360 |
| Number of cases filed (PI cases only) | 1,965 |
| Number of cases filed (EC cases only) | 1,440 |
| **Number of cases filed** | **15,765** |
| Number of cases (excluding PI cases) disposed of by Order 22 sanctioned payment | 35 |
| Number of cases (PI cases only) disposed of by Order 22 sanctioned payment | 319 |
| Number of cases (EC cases only) disposed of by Order 22 sanctioned payment | 378 |
| **Number of cases disposed of by Order 22** | **732** |

*(ii) Order 62A*

39. A total of 99 and 459 taxations were avoided in the CFI and the DC respectively as a result of the acceptance of Order 62A sanctioned payments as to costs during the Post-CJR Period. Detailed statistics are set out below.

Table 11.1: Number of Order 62A Sanctioned Payment Made and Accepted within Time in the CFI

| **CFI** | **Post-CJR Period (2.4.2009-31.3.2010)** | |
|---|---|---|
| | Made | Accepted |
| Number of Order 62A sanctioned payments | 78 | 15 |
| Number of Order 62A sanctioned payments (without bills filed) | 155 | 84 |
| Total number of taxation avoided because of acceptance of Order 62A sanctioned payment | | 99 |

Table 11.2: Number of Order 62A Sanctioned Payment Made and Accepted within Time in the DC

| **DC** | **Post-CJR Period (2.4.09-31.3.10)** | |
|---|---|---|
| | Made | Accepted |
| Number of Order 62A sanctioned payments | 97 | 32 |
| Number of Order 62A sanctioned payments (without bills filed) | 646 | 427 |
| Total number of taxation avoided because of acceptance of Order 62A sanctioned payment | | 459 |

*(c) Sanctioned Offer*

40. Sanctioned offer is an offer made (otherwise than by way of a payment into court) to settle claims or issues within claims (under Order 22) or a party's entitlement to costs (under Order 62A). Again, there are costs consequences should the sanctioned offer not be bettered after trial. It operates in a similar way and brings about similar benefits as the scheme of sanctioned payments.

41. The Judiciary does not have statistics on sanctioned offers, since they involve dealings between the parties outside the court, and there is no requirement for the parties to inform the court of the making of a sanctioned

offer. Nevertheless, in order to have some data, the Registry sent out questionnaires seeking to collect feedback on sanctioned offers after a case was disposed of, starting from July 2009. The rate of distribution and return of the questionnaires, however, only constituted a small percentage of the total number of cases disposed of. Some parties did not fill in the form, there being no compulsion to do so. The information collected therefore does not present a comprehensive picture. For reference purposes, the information collected during the nine-month period from July 2009 to March 2010 is set out at **Annex B**. Having regard to this, the Monitoring Committee has been exploring whether statistics on sanctioned offers could be collected better. The cooperation of the Law Society of Hong Kong, the Department of Justice and the Legal Aid Department has been sought in this regard.

*(d) Costs-only Proceedings*

42. To facilitate settlement, the CJR introduced a new cause of action called "costs-only proceedings". Such proceedings enable parties who have essentially reached settlement on their dispute and have also agreed on who should in principle pay the costs, but cannot agree on the amount of such costs, to apply for their costs to be taxed by the CFI or the Court of Appeal. During the Post-CJR Period, there were no costs-only proceedings in the CFI and only one such proceeding in the DC.

Table 12.1: Number of costs-only proceedings in the CFI

| **CFI** | **Post-CJR Period (2.4.09-31.3.10)** |
|---|---|
| Number of costs-only proceedings | 0 |

Table 12.2: Number of costs-only proceedings in the DC

| **DC** | **Post-CJR Period (2.4.09-31.3.10)** |
|---|---|
| Number of costs-only proceedings | 1 |

## *(D) Mediation*

43. One of the initiatives under CJR is to promote the wider use of mediation to facilitate early and satisfactory settlement of disputes. A new Practice Direction on Mediation ("PD 31") applicable to all relevant civil cases in the CFI and the DC came into effect on 1 January 2010, i.e. nine months after the implementation of other CJR measures.

44. With the implementation of the PD 31, the Court has the duty as part of active case management to encourage the parties to use an alternative dispute resolution procedure ("ADR") if the Court considers that appropriate and to facilitate its use. Mediation is one of the common modes of ADR and a cost-effective means of resolving the parties' disputes. All legal representatives have the duty to advise their clients of the need to explore mediation as well as the possibility of the Court applying costs sanctions against a party who is found to have unreasonably rejected the use of mediation. For cases with one or more parties who are not legally represented, the Court may, at a suitable stage when mediation is considered appropriate, give a direction to the parties to consider mediation.

45. In support of the implementation of PD 31, the Judiciary has set up the Mediation Information Office to provide litigants with relevant information on mediation, so as to assist them in considering whether they should attempt mediation in resolving their disputes; and if so, how.

46. The Joint Mediation Helpline Office was also jointly set up by the Hong Kong Mediation Council, the Hong Kong Bar Association, the Law Society of Hong Kong, the Chartered Institute of Arbitrators (East Asia Branch), the Hong Kong Institute of Arbitrators, the Hong Kong Institute of Architects, the Hong Kong Institute of Surveyors and the Hong Kong Mediation Centre in July 2010 to provide one-stop mediation referral services for parties.

47. The number of mediation notices and that of cases directed by the Court to attempt mediation from 1 January 2010 to 31 March 2010 are tabulated below. As statistics are available for three months only, a longer period of observation is required.

Table 13.1: Number of Mediation Notice in the CFI

| **CFI** | **1.1.10-31.3.10** |
|---|---|
| CJR related cases (excluding PI cases) | 113 |
| CJR related cases (PI cases only) | 108 |
| **Total** | **221** |

Table 13.2: Number of Mediation Notice in the DC

| DC | 1.1.10-31.3.10 |
|---|---|
| CJR related cases (excluding PI cases) | 120 |
| CJR related cases (PI cases only) | 80 |
| **Total** | **200** |

Table 14.1: Number of Cases Directed by the Court for Mediation in the CFI

| CFI | 1.1.10-31.3.10 |
|---|---|
| CJR related cases (excluding PI cases) | 95 |
| CJR related cases (PI cases only) | 6 |
| **Total** | **101** |

Table 14.2: Number of Cases Directed by the Court for Mediation in the DC

| DC | 1.1.10-31.3.10 |
|---|---|
| CJR related cases (excluding PI cases) | 34 |
| CJR related cases (PI cases only) | 2 |
| **Total** | **36** |

48. For the first year of the implementation of the CJR, it is noted that there were probably no more settlements in the Post-CJR period than in the Pre-CJR Period. This is because the success of mediation is directly linked to the effectiveness of CMCs where parties have to identify relevant issues at an early stage. However, as explained earlier, since the Court has been dealing with a backlog of cases, it has not been able to conduct as many CMCs as would have been desirable.

49. While the mindset of legal practitioners is changing in the right direction, more work needs to be done to promote the wider use of mediation to facilitate early and satisfactory settlement of disputes. Education should continue to be provided to practitioners regarding their duties to give proper advice to their clients on mediation and to adopt a collaborative attitude in conducting mediation. It is noted that the Bar Association has issued a circular to remind its members that participating in sham mediations either as counsel or as a mediator might be subject to disciplinary action. The Court is monitoring the situation, and the Judiciary's Working Party on Mediation will consider taking appropriate action if necessary.

50. The Monitoring Committee has also been exploring whether and how the legal practitioners might assist in collecting data relating to mediation.

## *(E) Costs Matters*

51. To promote a sense of reasonable proportion and procedural economy in the conduct of proceedings is one of the underlying objectives of CJR. A crucial part of proper case management is the sensible handling of the issue of costs. CJR mandates that the decision on costs must take into account the underlying objectives.

52. So far, relatively few problems have been encountered in the determination of costs by the courts. The full impact of the reforms here has, however, yet to be seen.

### *(a) Summary Assessment of Costs*

53. Under the CJR, the amended Order 62 provides for summary assessment of costs. The Court is empowered, when disposing of an interlocutory application, to (a) make an assessment of costs payable in a summary and broad-brush way, rather than through a process of taxation whereby every item of costs in the receiving party's bill of costs becomes potentially subject to close scrutiny; and (b) order that the payment be made promptly unless otherwise directed by the Court. The first feature aims to dispense with the elaborate and lengthy taxation procedures, thereby saving time and costs. The second feature is aimed at discouraging unwarranted interlocutory applications.

54. There has been a greater use of summary assessments of costs. In the Post-CJR period, 373 and 1,103 summary assessments of costs were conducted in the CFI and the DC respectively.[11] Summary assessment is invariably done for all interlocutory applications heard by Masters.

Table 15.1: Number of Summary Assessment of Costs in the CFI

| **CFI** | **Post-CJR Period (2.4.09-31.3.10)** |
|---|---|
| Number of Summary Assessment of Costs | 373 |

[11] The number of summary assessments of costs in the CFI captured by the system is on the low side, because a lot of summary assessments at general or special chambers hearings were not counted. Changes are being considered with a view to revise the guidelines on what costs under summary assessments should be captured.

Table 15.2: Number of Summary Assessment of Costs in the DC

| DC | Post-CJR Period (2.4.09-31.3.10) |
|---|---|
| Number of Summary Assessment of Costs | 1,103 |

*(b) Provisional Taxation*

*(i) By Chief Judicial Clerks*

55. Before the implementation of the CJR, if the amount of the bill of costs did not exceed HK$100,000, the Chief Judicial Clerk could conduct a provisional taxation without a hearing and inform parties of the amount provisionally taxed by notice. Under the CJR, a Chief Judicial Clerk is empowered to conduct a provisional taxation if the amount of the bill of costs does not exceed HK$200,000. This initiative is intended to save time and costs through reducing the number of bills for formal taxation hearings[12]. In the Post-CJR Period, there were a total of 202 bills in the CFI and 134 bills in the DC taxed and disposed of on paper without hearing by Chief Judicial Clerks.

*(ii) By Masters*

56. Provisional taxation by Masters is a new initiative under the CJR. Under this new measure, a taxing master can (a) conduct a provisional taxation on paper without a hearing and (b) make an order nisi as to the amount of costs to be awarded. The order nisi becomes absolute 14 days after it is made unless a party applies within the 14-day period for a hearing. Upon taxation, if the amount allowed does not materially exceed the amount allowed under the order nisi, the taxing master may order the party who applied for the hearing to pay the costs of the hearing. Provisional taxation by Masters seeks to save time and costs through reducing the number of bills for formal taxation hearings[12]. During the Post-CJR Period, there were a total of 133 bills in the CFI and 24 bills in the DC taxed and disposed of on paper without hearing by Masters.

[12] "Formal taxation hearings" refer to oral taxation hearings.

57. The total number of provisional taxation by Chief Judicial Clerks, provisional taxation by Masters and formal taxation hearings[12] by Masters are set out in the tables below.

Table 16.1: Number of Taxation in the CFI

| CFI | Post-CJR Period (2.4.09-31.3.10) |
|---|---|
| Provisional taxation by Chief Judicial Clerks | 202 |
| Provisional taxation by Masters | 133 |
| Formal taxation hearings by Masters[12] | 206[13] |
| **Total** | **541** |

Table 16.2: Number of Taxation in the DC

| DC | Post-CJR Period (2.4.09-31.3.10) |
|---|---|
| Provisional taxation by Chief Judicial Clerks | 134 |
| Provisional taxation by Masters | 24 |
| Formal taxation hearings by Masters[12] | 98[13] |
| **Total** | **256** |

*(c) Costs Claimed and Costs Allowed*

*(i) Under taxation*

58. The percentage of costs claimed which were allowed under taxation in the CFI and the DC during the Post-CJR Period are set out in the tables below.

[13] There might be double counting in the statistics as parties might apply for formal taxation hearings after provisional taxation. However, there would not be many of such cases.

Table 17.1: Costs Claimed and Costs Allowed under Taxation in the CFI

| **CFI** | **Post-CJR Period (2.4.09-31.3.10)** |
|---|---|
| Percentage allowed (Total costs allowed / Total costs claimed) | **Number of bills taxed** |
| <= 20% | 18 |
| > 20% - 40% | 27 |
| > 40% - 60% | 73 |
| > 60% - 80% | 146 |
| > 80% | 277 |
| **Total** | **541** |

Table 17.2: Costs Claimed and Costs Allowed under Taxation in the DC

| **DC** | **Post-CJR Period (2.4.09-31.3.10)** |
|---|---|
| Percentage allowed (Total costs allowed / Total costs claimed) | **Number of bills taxed** |
| <= 20% | 7 |
| > 20% - 40% | 12 |
| > 40% - 60% | 60 |
| > 60% - 80% | 108 |
| > 80% | 69 |
| **Total** | **256** |

*(ii) Under summary assessment of costs*

59. Statistics on the percentage of costs claimed over costs allowed under summary assessment of costs in the CFI and the DC during the Post-CJR Period are set out in the tables below.

Table 18.1: Costs Claimed and Costs Allowed under Summary Assessment of Costs in the CFI

| **CFI** | **Post-CJR Period (2.4.09-31.3.10)** |
|---|---|
| Percentage allowed (Total costs allowed / Total costs claimed) | **Number of summary assessment** |
| <= 20% | 13 |
| > 20% - 40% | 36 |
| > 40% - 60% | 66 |
| > 60% - 80% | 106 |
| > 80% | 152 |
| **Total** | **373** |

Table 18.2: Costs Claimed and Costs Allowed under Summary Assessment of Costs in the DC

| **DC** | **Post-CJR Period (2.4.09-31.3.10)** |
|---|---|
| Percentage allowed (Total costs allowed / Total costs claimed) | **Number of summary assessment** |
| <= 20% | 0 |
| > 20% - 40% | 12 |
| > 40% - 60% | 15 |
| > 60% - 80% | 33 |
| > 80% | 1,043[14] |
| **Total** | **1,103** |

[14] In the case of the DC, most of the assessments (about 95%) fell within this range of percentage allowed versus costs claimed. The high percentage in the DC was due to the vast number of cases (652) of summary assessments with cost amount claimed less than or equal to $1,000. These cases mainly involve litigants in person for which the usual amount of $200/$100 is allowed. The exceptionally high percentage also included cases where there was no statement of costs and the verbal claims made during hearing were input to the computer system as equal to the amount allowed. The system has recently been enhanced to exclude such cases for future analysis.

## *(F) Litigants in Person*

60. The number of cases involving litigants in person being heard at different stages (i.e. interlocutory applications, case management summons, CMCs, PTRs and trials) are set out below.

Table 19.1: Number of Cases Involving Litigants in Person Being Heard at Different Stages in the CFI

| **CFI** | **Post-CJR Period (2.4.09-31.3.10)** | | |
|---|---|---|---|
| | Number of Hearings | | |
| | At least one litigant in person involved | All represented | **Total** |
| Interlocutory applications | 942 (36.9%) | 1,614 (63.1%) | **2,556** |
| Case management summons | 60 (26.2%) | 169 (73.8%) | **229** |
| CMC | 125 (18%) | 568 (82.0%) | **693** |
| PTR | 62 (26.0%) | 177 (74.0%) | **239** |
| Trial | 82 (34.3%) | 157 (65.7%) | **239** |

Table 19.2: Number of Cases Involving Litigants in Person Being Heard at Different Stages in the DC

| **DC** | **Post-CJR Period (2.4.09-31.3.10)** | | |
|---|---|---|---|
| | Number of Hearings | | |
| | At least one litigant in person involved | All represented | **Total** |
| Interlocutory applications | 428 (48.9%) | 447 (51.1%) | **875** |
| Case management summons | 432 (60.2%) | 286 (39.8%) | **718** |
| CMC | 327 (50.2%) | 324 (49.8%) | **651** |
| PTR | 81 (65.9%) | 42 (34.1%) | **123** |
| Trial | 159 (52.7%) | 143 (47.3%) | **302** |

61. The increasing number of litigants in person presents a challenge to the courts. A multi-faceted approach is being adopted. The change in culture in the conduct of dispute resolution and the use of mediation will contribute to the solution. The expansion of legal aid will also help and the Administration's recent proposal to expand legal aid by raising the financial eligibility limits of applicants for civil legal aid, including that under the Supplementary Legal Aid Scheme, is welcomed. Further, it will be necessary for the legal profession to do its fair share to provide pro bono services.

62. With the implementation of CJR, the Judiciary continues to provide appropriate assistance to litigants in person. The facilities and the services in the Resource Centre for Unrepresented Litigants have been enhanced, for example, in the production of a video on CJR, the updating of brochures on the outline for civil proceedings in the HC and the DC, the updating of sample court forms, and the linkage of the Centre's website to the CJR website. The number of enquiries at the Resource Centre increased from 13,893 in the Pre-CJR Period to 15,189 in the Post-CJR Period.

Table 20.1: Number of enquiries at Resource Centre

| | **Pre-CJR Period (2.4.08 – 31.3.09)** | **Post-CJR Period (2.4.09 – 31.3.10)** |
|---|---|---|
| Number of enquiries at Resources Centre | 13,893 | 15,189 |

## *(G) How Some "Individual Changes" Work Out In Practice*

### *(a) Orders against Vexatious Litigants under Section 27 of the High Court Ordinance (Cap. 4)*

63. Section 27 of the High Court Ordinance provides that the CFI may, on the application of the Secretary for Justice or an affected person, order that no legal proceedings shall be instituted or no legal proceedings instituted shall be continued by a vexatious litigant without the CFI's leave. No orders were made under section 27 of the High Court Ordinance in the Post-CJR Period.[15]

[15] While there were no orders made under section 27 of the High Court Ordinance, there were one restricted application order and seven restricted proceedings orders made by the Court against vexatious litigants in the Post-CJR Period.

Table 21.1: Number of Orders under Section 27 of the High Court Ordinance (Against Vexatious Litigants)

| **High Court** | **Post-CJR Period (2.4.09-31.3.10)** |
|---|---|
| By Secretary for Justice | 0 |
| By affected party | 0 |

*(b) Wasted Costs Orders under Order 62*

64. Under Order 62, the court may make a wasted costs order against a legal representative. A wasted costs order may disallow the costs as between the legal representative and his client; and direct the legal representative to repay to his client costs which the client has been ordered to pay to other parties to the proceedings or indemnify other parties against costs incurred by him. During the Post-CJR Period, three wasted costs orders in the CFI and one wasted costs orders in the DC were made against solicitors.[16]

Table 22.1: Number of Wasted Costs Order Made in the CFI

| **CFI** | **Post-CJR Period (2.4.09-31.3.10)** |
|---|---|
| Barrister | 0 |
| Solicitor | 3 |

Table 22.2: Number of Wasted Costs Order Made in the DC

| **DC** | **Post-CJR Period (2.4.09-31.3.10)** |
|---|---|
| Barrister | 0 |
| Solicitor | 1 |

*(c) Single Joint Expert*

65. Under the CJR, among other things, the Court is empowered to order the parties to appoint a single joint expert. When a single joint expert is appointed in an appropriate case, partisan conflicting views are avoided and

[16] Some practitioners were spared wasted costs orders because they had undertaken not to charge or to pay part of the costs that their clients should be paying.

only one set of fees and expenses incurred. During the Post-CJR Period, single joint expert was appointed in nine cases in the CFI and two cases in the DC.[17]

Table 23.1: Number of Cases in which Single Joint Expert was Appointed in the CFI

| **CFI** | **Post-CJR Period (2.4.09-31.3.10)** |
|---|---|
| | 9 |

Table 23.2: Number of Cases in which Single Joint Expert was Appointed in the DC

| **DC** | **Post-CJR Period (2.4.09-31.3.10)** |
|---|---|
| | 2 |

*(d) Appeals*

*(i) Number of Appeals against Masters' Decisions on Interlocutory Applications*

66. An appeal against a Master's decision on interlocutory matters is as of right. The number of appeals against such decisions increased from 157 in the Pre-CJR Period to 170 in the Post-CJR Period in the CFI and from 53 to 81 in the DC.

Table 24.1: Number of Appeals against Masters' Decisions on Interlocutory Applications in the CFI

| **CFI** | **Pre-CJR Period (2.4.08-31.3.09)** | **Post CJR Period (2.4.09-31.3.10)** |
|---|---|---|
| | 157 | 170 |

Table 24.2: Number of Appeals against Masters' Decisions on Interlocutory Applications in the DC

| **DC** | **Pre-CJR Period (2.4.08-31.3.09)** | **Post CJR Period (2.4.09-31.3.10)** |
|---|---|---|
| | 53 | 81 |

[17] The statistics only captured the appointment of single joint expert. In some cases, while there was no single joint expert, there were joint experts or joint reports submitted by experts.

*(ii) Number of Applications for Leave to Appeal*

67. Applications for leave to appeal to the Court of Appeal increased from 73 to 126, with the breakdown as set out below. The increase was due to the need to ask for leave to appeal on interlocutory decisions. The requirement for leave was introduced by the CJR.

Table 25.1: Number of Applications for Leave to Appeal

| | **Pre-CJR Period (2.4.08-31.3.09)** | **Post-CJR Period (2.4.09-31.3.10)** |
|---|---|---|
| From CFI | 22 | 52 |
| From DC | 35 | 46 |
| From other courts | 16 | 28 |
| **Total** | **73** | **126** |

*(iii) Number of Interlocutory Appeals to the Court of Appeal*

68. Interlocutory appeals filed at the Court of Appeal as a result of grant of leave dropped from 196 to 101, with the breakdown as set out below. This significant reduction was very much likely due to the requirement of leave filtering out unmeritorious appeals.

Table 26.1: Number of Interlocutory Appeals to the Court of Appeal

| | **Pre-CJR Period (2.4.08-31.3.09)** | **Post-CJR Period (2.4.09-31.3.10)** |
|---|---|---|
| From CFI | 179 | 78 |
| From DC | 10 | 14 |
| From other courts | 7 | 9 |
| **Total** | **196** | **101** |

## V. Conclusion

69. The implementation of CJR from 2 April 2009 to 31 March 2010 has been on the whole smooth and satisfactory. The key to success of the reforms, however, lies in a change in culture on the part of judges and the professions. Significant progress has been made in achieving this change in culture. That said, improvements to our civil justice system cannot be achieved overnight and

it will take some time for the full impact and benefit of the reforms to be felt. Firmer and better conclusions will be drawn when statistics are gathered over a longer period. The Monitoring Committee will continue to monitor the working of the reformed system and make suggestions to the Chief Justice to ensure its effective operation.

## VI. Advice Sought

70. Members are invited to note and give views on the content of this paper.

Judiciary Administration
December 2010

**Annex A**

## Membership List of Civil Justice Reform Monitoring Committee

| | | |
|---|---|---|
| **Ex-officio Chairman** | : | Chief Judge of the High Court |
| **Ex-officio Members** | : | Registrar, High Court |
| | | Chief District Judge |
| | | Registrar, District Court |
| **Non Ex-officio Members** | : | The Hon Mr Justice Lam |
| | | The Hon Mr Justice Reyes |
| | | The Hon Mr Justice Fung |
| | | Miss Emma Lau, Judiciary Administrator |
| | | Mr Wesley Wong (Member of the Department of Justice appointed in consultation with the Secretary for Justice) |
| | | Mr Thomas Kwong (Member of the Legal Aid Department appointed in consultation with Director of Legal Aid) |
| | | Mr Kumar Ramanathan, SC (Barrister appointed in consultation with the Chairman of the Hong Kong Bar Association) |
| | | Mr Alex Lai (Solicitor appointed in consultation with the President of the Law Society of Hong Kong) |
| | | Mr Chan Bing-woon (Member of the mediation community) |

**Annex B**

Feedback Collected through Questionnaires on Sanctioned Offers in the CFI

| **CFI** | **Period (1.7.09-31.3.10)** | |
|---|---|---|
| Total number of cases disposed of (on party level) | Number of questionnaires distributed[1] | Number of questionnaires received |
| **3,152** | **869** | **279** |

| **CFI** | **Period (1.7.09-31.3.10)** | | | |
|---|---|---|---|---|
| Sanctioned offer made under Order 22 | | | Sanctioned offer made under Order 62A | |
| Number of sanctioned offer made | Inclusive of non-money offer | Number of sanctioned offer accepted and case settled | Number of sanctioned offer made | Number of sanctioned offer accepted and case settled |
| **172** | **23** | **64** | **27** | **15** |

[1] A questionnaire for Order 22 and Order 62A should only be distributed to the parties (1) when the court notified the parties of an order in terms of a consent summons which had a disposal effect, whether it was on party level or case level; or (2) when the filing counter received a consent order which had a disposal effect, whether it was on party level or case level; or (3) upon parties having reached settlement, whether at the trial or shortly before.

Feedback Collected through Questionnaires on Sanctioned Offers in the DC

| **DC** | **Period (1.7.09-31.3.10)** | |
|---|---|---|
| Total number of cases disposed of (on party level) | Number of questionnaires distributed[1] | Number of questionnaires received |
| **11,979** | **1,134** | **818** |

| **DC** | **Period (1.7.09-31.3.10)** | | | |
|---|---|---|---|---|
| Sanctioned offer made under Order 22 | | | Sanctioned offer made under Order 62A | |
| Number of sanctioned offer made | Inclusive of non-money offer | Number of sanctioned offer accepted and case settled | Number of sanctioned offer made | Number of sanctioned offer accepted and case settled |
| **505** | **34** | **239** | **57** | **15** |

[1] A questionnaire for Order 22 and Order 62A should only be distributed to the parties (1) when the court notified the parties of an order in terms of a consent summons which had a disposal effect, whether it was on party level or case level; or (2) when the filing counter received a consent order which had a disposal effect, whether it was on party level or case level; or (3) upon parties having reached settlement, whether at the trial or shortly before.