

# **Statistics on Nine Years' Implementation of the Civil Justice Reform from 2 April 2009 to 31 March 2018**

## **I. Purpose**

This paper seeks to set out the findings on the implementation of the Civil Justice Reform (“CJR”) for the nine years from 2 April 2009 to 31 March 2018.

## **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 had led to the pace and timetabling of litigation often to be more in the hands of the parties than the court. When unchecked, this had at times resulted in excessive costs, delay and complexity, which had 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 court. 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.

5. 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 (“LIPs”); and
- (f) How some individual changes (introduced by CJR) work out in practice.

Statistics on these 32 key indicators have been collated from available data by the Judiciary. We have reported the yearly position<sup>1</sup> of the implementation of CJR to the Monitoring Committee since 2010. The position for the implementation was also reported to the Panel on Administration of Justice and Legal Services of the Legislative Council (“LegCo AJLS Panel”) in 2010, 2011 and 2015. Relevant information has been posted on the Judiciary’s website. This paper provides the updated position by including relevant findings of the “ninth year of the Post-CJR Periods” (i.e. from 1 April 2017 to 31 March 2018)<sup>2</sup>.

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<sup>1</sup> In this paper, the references to various periods have the following meanings :

- (a) the Pre-CJR Period means the period from 2 April 2008 to 31 March 2009;
- (b) the first year of the Post-CJR Periods means the period from 2 April 2009 to 31 March 2010;
- (c) the second year means the period from 1 April 2010 to 31 March 2011;
- (d) the third year means the period from 1 April 2011 to 31 March 2012;
- (e) the fourth year means the period from 1 April 2012 to 31 March 2013;
- (f) the fifth year means the period from 1 April 2013 to 31 March 2014;
- (g) the sixth year means the period from 1 April 2014 to 31 March 2015;
- (h) the seventh year means the period from 1 April 2015 to 31 March 2016;
- (i) the eighth year means the period from 1 April 2016 to 31 March 2017; and
- (j) the ninth year means the period from 1 April 2017 to 31 March 2018.

<sup>2</sup> In reading the statistics, it is important to bear the following factors in mind :

- (a) Most of the statistics cover all the nine years of the Post-CJR Periods. The period is however shorter for some of the statistics;

6. With the benefit of the actual statistics collated for the first five years, the Judiciary reviewed the indicators and statistical tables in 2014. We have, since then, streamlined the presentation by simplifying some of the indicators and statistical tables so that the Monitoring Committee may focus on the most relevant and useful ones.

### **III. The Overall Context**

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

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- (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 substantially increased the number of interlocutory applications in the first year of the Post-CJR Periods 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.

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

CFI	Pre-CJR Period	Post-CJR Periods				
		1 <sup>st</sup> Year	2 <sup>nd</sup> Year	3 <sup>rd</sup> Year	4 <sup>th</sup> Year	5 <sup>th</sup> Year
Civil cases	24,552 <sup>3</sup>	22,715 <sup>4</sup>	16,047	15,970	17,210	18,910
CJR related cases <sup>5</sup>	5,431	3,853	3,837	4,371	4,625	5,306

CFI	Post-CJR Periods			
	6 <sup>th</sup> Year	7 <sup>th</sup> Year	8 <sup>th</sup> Year	9 <sup>th</sup> Year
Civil cases	19,534	19,586	19,261	17,370 [↓10%]
CJR related cases <sup>5</sup>	5,589	6,170	6,485	5,617 [↓13%]

8. In the CFI, the caseload for CJR related cases increased overall from 3,853 in the first year of the Post-CJR Periods to 5,617 in the ninth year, representing an accumulative increase of 46%. However, in the ninth year, there was a year-on-year decrease of 13% in the caseload for CJR related cases. This was mainly due to a relatively large drop in the number of civil actions and miscellaneous proceedings in the ninth year. Despite such a decrease, it was noted that the CJR related caseload over the last four years remained higher than that in the Pre-CJR Period at 5,431.

<sup>3</sup> The figure is updated to exclude the number of civil cases filed on 1 April 2008 which was wrongly included in past statistics.

<sup>4</sup> The figure is updated to exclude the number of civil cases filed on 1 April 2009 which was wrongly included in past statistics.

<sup>5</sup> For the purpose of monitoring, it was decided at the beginning that CJR related cases refer to those six types of CFI cases where CJR was applicable, i.e. Civil Action (HCA), Miscellaneous Proceedings (HCMP), Personal Injuries Action (HCPI), Commercial Action (HCCL), Construction and Arbitration Proceedings (HCCT) and Admiralty Action (HCAJ), and where the originating document is a writ or an originating summons.

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

DC	Pre-CJR Period	Post-CJR Periods				
		1 <sup>st</sup> Year	2 <sup>nd</sup> Year	3 <sup>rd</sup> Year	4 <sup>th</sup> Year	5 <sup>th</sup> Year
Civil cases	29,092 <sup>6</sup>	24,830 <sup>7</sup>	22,731	22,079	20,423	20,725
CJR related cases <sup>8</sup>	19,990	15,765	15,274	15,103	13,573	13,943

DC	Post-CJR Periods			
	6 <sup>th</sup> Year	7 <sup>th</sup> Year	8 <sup>th</sup> Year	9 <sup>th</sup> Year
Civil cases	20,430	20,736	22,209	20,016 [↓10%]
CJR related cases <sup>8</sup>	13,798	13,697	14,500	13,190 [↓9%]

9. In the DC, the caseload for the CJR related cases during the first three years of Post-CJR Periods remained more or less at the same level at about 15,000 plus cases. From the fourth to the ninth year, the number of CJR related cases remained stable at a relatively lower level at 13,000 plus cases, with the exception of the 8<sup>th</sup> year where there were as many as 14,500 cases. The year-on-year drop of 9% of CJR related cases for the ninth year was attributable to the decrease of miscellaneous proceedings, tax claims and civil actions in the ninth year.

10. With effect from 3 December 2018, the civil monetary jurisdictional limits of the DC and the Small Claims Tribunal (“SCT”) will be increased from \$1 million to \$3 million, and from \$50,000 to \$75,000 respectively. The changes are expected to result in a decrease in the number of CJR related cases in the CFI and a corresponding increase in number of such cases in the DC.

<sup>6</sup> The figure is updated to exclude the number of civil cases filed on 1 April 2008 which was wrongly included in past statistics.

<sup>7</sup> The figure is updated to exclude the number of civil cases filed on 1 April 2009 which was wrongly included in past statistics.

<sup>8</sup> For the purpose of monitoring, it was decided at the beginning that CJR related cases refer to those types of DC cases where CJR was applicable, 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), and where the originating document is a writ (including writ-alike) or an originating summons.

#### **IV. Specific Aspects of CJR**

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

11. The key to the success of CJR lies in a change of culture in the conduct of the court proceedings and dispute resolution on the part of Judges and the legal profession. To achieve this objective, it is the duty of parties and their legal representatives to help the court further the underlying objectives in the Rules of the High Court (Cap. 4A) and the Rules of the District Court (Cap. 336H), i.e. enhancing cost effectiveness, facilitating expeditious processing and disposal of cases, promoting a sense of reasonable proportion and procedural economy, ensuring fairness, facilitating 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.

12. In the eighth year of CJR, the Judiciary notes that the change of culture continued along the right track. By now, the legal profession and the public are much more familiar with the new initiatives under CJR, though sometimes reminders are still necessary.

13. Apart from the above, Judges have taken up their case management roles more seriously to prevent abuses and excesses that may delay trials and increase costs. For example, Judges are now able to appraise the true nature and extent of the issues at a relatively early stage so that appropriate directions may be given in a more timely manner. Parties and their legal representatives are expected to display the same attitude to avoid delay in trials.

14. The Judiciary also notes that parties and their legal representatives have been adopting a more cost-conscious, efficiency-conscious and sensible approach in litigation, as compared with the Pre-CJR Period. It is also notable that more and more emphasis is now put on active case management, mediation and sanctioned payments. These are all good signs indicating the change of culture. For instance :

- (a) they are now more aware of the need to consider mediation as alternative dispute resolution. More and more of them are adopting the desired attitude when considering or adopting mediation;
- (b) they are more responsive to active case management by Judges. They are also more attuned to the needs and expectations of the

court, such as taking early preparatory actions before trials, and putting forward more realistic and practicable case management timetable/actions, as well as submitting few applications for changes in milestone dates and adjournment of trials. They may further curtail procedural excesses e.g. trimming down the volume of case bundles and reducing the number of interlocutory applications; and

- (c) sanctioned payments under Order 22, sanctioned payments on costs under Order 62A and summary assessment of costs continue to be adopted effectively under CJR. In particular, they would now automatically consider sanctioned payments in the attempt to settle claims or issues within claims.

***(B) Delay***

15. 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 interlocutory 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).

*Number of Interlocutory Applications*<sup>9</sup>

16. 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.

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<sup>9</sup> The number of interlocutory applications listed for hearings does not include those arising from CMCs and Case Management Summons hearings. Interlocutory applications dealt with on paper or additional summons(es)/interlocutory application(s) that may have been taken out at the same listed hearing for an interlocutory application are not counted either.

Table 2.1: Number of interlocutory applications in the CFI

CFI	Pre-CJR Period	Post-CJR Periods				
		1 <sup>st</sup> Year	2 <sup>nd</sup> Year	3 <sup>rd</sup> Year	4 <sup>th</sup> Year	5 <sup>th</sup> Year
Number of interlocutory applications	2,786	3,149	2,914	2,992	3,265	3,684

CFI	Post-CJR Periods			
	6 <sup>th</sup> Year	7 <sup>th</sup> Year	8 <sup>th</sup> Year	9 <sup>th</sup> Year
Number of interlocutory applications	3,350	3,317	4,775	5,423 [↑14%]

17. In the CFI, the numbers of interlocutory applications listed for hearings during the Pre-CJR Period and the first three years of the Post-CJR Periods were comparable. For the fourth to seventh year, the number of interlocutory applications remained stable at around 3,000 plus cases. The increase in the eighth year to a level of 4,000 plus cases might be related to the increase in the CJR related cases that year. In the ninth year, although there was a year-on-year drop in CJR related caseload, the number of interlocutory applications increased by 14%. Some cases somehow seemed to require more court’s intervention before parties could resolve their differences.

Table 2.2: Number of interlocutory applications in the DC

DC	Pre-CJR Period	Post-CJR Periods				
		1 <sup>st</sup> Year	2 <sup>nd</sup> Year	3 <sup>rd</sup> Year	4 <sup>th</sup> Year	5 <sup>th</sup> Year
Number of interlocutory applications	Not available	1,171	1,032	854	838	1,150

DC	Post-CJR Periods			
	6 <sup>th</sup> Year	7 <sup>th</sup> Year	8 <sup>th</sup> Year	9 <sup>th</sup> Year
Number of interlocutory applications	1,109	1,148	1,206	999 [↓17%]

18. In the DC, the numbers of interlocutory applications listed for hearings decreased during the first four years of the Post-CJR Periods. In the fifth to eighth years, the numbers of interlocutory applications stabilized to a level of about 1,100 to 1,200 plus. In the ninth year, the number dropped to



999, which represents a year-on-year decrease of 17%. It was likely due to a decrease in number of interlocutory applications in respect of civil actions, Employees’ Compensation (“EC”) claims and miscellaneous proceedings.

Number of Case Managements Conferences (“CMCs”)

19. 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, and fixes 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.

Table 3.1: Number of CMCs in the CFI

CFI	Pre-CJR Period	Post-CJR Periods				
		1 <sup>st</sup> Year	2 <sup>nd</sup> Year	3 <sup>rd</sup> Year	4 <sup>th</sup> Year	5 <sup>th</sup> Year
	Number of checklist hearings	Number of checklist hearing/ CMCs	Number of CMCs	Number of CMCs	Number of CMCs	Number of CMCs
CJR related cases (excluding PI cases) <sup>10</sup>	779	839	865	771	795	826

CFI	Post-CJR Periods			
	6 <sup>th</sup> Year	7 <sup>th</sup> Year	8 <sup>th</sup> Year	9 <sup>th</sup> Year
	Number of CMCs	Number of CMCs	Number of CMCs	Number of CMCs
CJR related cases (excluding PI cases) <sup>10</sup>	814	749	784	760 [↓3%]

20. In the CFI, the numbers of CMCs during the Post-CJR Periods were comparable. It seems to be stabilizing in the region of less than 800, with a mild drop of 3% in the ninth year.

<sup>10</sup> For PI cases, please refer to **Annex I**.

Table 3.2: Number of CMCs in the DC

DC	Pre-CJR Period	Post-CJR Periods				
		1 <sup>st</sup> Year	2 <sup>nd</sup> Year	3 <sup>rd</sup> Year	4 <sup>th</sup> Year	5 <sup>th</sup> Year
	Number of PTR by Master	Number of CMCs	Number of CMCs	Number of CMCs	Number of CMCs	Number of CMCs
CJR related cases (excluding PI cases) <sup>10</sup>	539	648	788	748	590	443

DC	Post-CJR Periods			
	6 <sup>th</sup> Year	7 <sup>th</sup> Year	8 <sup>th</sup> Year	9 <sup>th</sup> Year
	Number of CMCs	Number of CMCs	Number of CMCs	Number of CMCs
CJR related cases (excluding PI cases) <sup>10</sup>	400	364	420	556 [↑32%]

21. In the DC, in streamlining the management of cases, the use of the oral/paper CMSs has also been widely adopted in the recent few years to resolve case management issues before fixing CMCs. The CMSs were used efficiently and effectively. Further, some simple and straightforward cases (e.g. default of payment of a simple oral loan agreement or claims for good sold and delivered) were set down for trials in the CMS hearings without any CMCs.

22. As a result, it can be noted that the number of CMCs stayed at a relatively low level from 360 to 443 in the fifth to eighth years, when compared with the first few years in the Post-CJR Periods. The number of CMCs increased to 556 in the ninth year which might be due to an increase in the number of CJR-related cases received in the eighth year proceeding to the CMC stage at the ninth year.

23. The above statistics do not include PI cases. For PI cases, a summary showing the number of such cases disposed of and average number of Checklist Review Hearing (“CLR”) / CMC / PTR with breakdown by trial and without trial per case is at **Annex I**.

Number of Milestone Dates Fixed and Then Varied

24. Instead of leaving the progress of actions in the hands of parties (which was the pre-CJR position), 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 account of 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.

Table 4.1: Number of Milestone Dates Fixed and Then Varied in the CFI

CFI	Post-CJR Periods								
	1 <sup>st</sup> Year			2 <sup>nd</sup> Year			3 <sup>rd</sup> Year		
No. of Hearings	Fixed (a)	Varied (b)	% (b)/(a)	Fixed (a)	Varied (b)	% (b)/(a)	Fixed (a)	Varied (b)	% (b)/(a)
CMC	865	76	<b>9%</b>	916	118	<b>13%</b>	785	100	<b>13%</b>
PTR	320	22	<b>7%</b>	287	15	<b>5%</b>	239	16	<b>7%</b>
Trial	419	27	<b>6%</b>	476	33	<b>7%</b>	350	27	<b>8%</b>

CFI	Post-CJR Periods								
	4 <sup>th</sup> Year			5 <sup>th</sup> Year			6 <sup>th</sup> Year		
No. of Hearings	Fixed (a)	Varied (b)	% (b)/(a)	Fixed (a)	Varied (b)	% (b)/(a)	Fixed (a)	Varied (b)	% (b)/(a)
CMC	812	120	<b>15%</b>	830	111	<b>13%</b>	819	141	<b>17%</b>
PTR	249	7	<b>3%</b>	251	14	<b>6%</b>	235	10	<b>4%</b>
Trial	325	20	<b>6%</b>	371	23	<b>6%</b>	308	19	<b>6%</b>

CFI	Post-CJR Periods								
	7 <sup>th</sup> Year			8 <sup>th</sup> Year			9 <sup>th</sup> Year		
No. of Hearings	Fixed (a)	Varied (b)	% (b)/(a)	Fixed (a)	Varied (b)	% (b)/(a)	Fixed (a)	Varied (b)	% (b)/(a)
CMC	779	114	<b>15%</b>	787	140	<b>18%</b>	768	117	<b>15%</b>
PTR	213	13	<b>6%</b>	232	10	<b>4%</b>	268	19	<b>7%</b>
Trial	299	20	<b>7%</b>	336	19	<b>6%</b>	324	22	<b>7%</b>

25. In the CFI, the percentages of dates of hearings at milestone stages which were varied in the Post-CJR Periods remained at a reasonably low level throughout. Changes in these dates were due to various reasons, including saving of costs when the case is not ready.

Table 4.2: Number of Milestone Dates Fixed and Then Varied in the DC

DC	Post-CJR Periods								
	1 <sup>st</sup> Year			2 <sup>nd</sup> Year			3 <sup>rd</sup> Year		
No. of Hearings	Fixed (a)	Varied (b)	% (b)/(a)	Fixed (a)	Varied (b)	% (b)/(a)	Fixed (a)	Varied (b)	% (b)/(a)
CMC	742	30	4%	820	49	6%	782	48	6%
PTR	138	5	4%	168	3	2%	133	2	2%
Trial	577	15	3%	496	21	4%	332	15	5%

DC	Post-CJR Periods								
	4 <sup>th</sup> Year			5 <sup>th</sup> Year			6 <sup>th</sup> Year		
No. of Hearings	Fixed (a)	Varied (b)	% (b)/(a)	Fixed (a)	Varied (b)	% (b)/(a)	Fixed (a)	Varied (b)	% (b)/(a)
CMC	634	38 <sup>11</sup>	6%	464	26	6%	417	12	3%
PTR	167	1	1%	179	3	2%	212	2	1%
Trial	380	16	4%	349	11	3%	315	8	3%

DC	Post-CJR Periods								
	7 <sup>th</sup> Year			8 <sup>th</sup> Year			9 <sup>th</sup> Year		
No. of Hearings	Fixed (a)	Varied (b)	% (b)/(a)	Fixed (a)	Varied (b)	% (b)/(a)	Fixed (a)	Varied (b)	% (b)/(a)
CMC	380	2	1%	436	5	1%	572	17	3%
PTR	210	2	1%	276	8	3%	297	2	1%
Trial	324	5	2%	356	14	4%	330	15	5%

<sup>11</sup> 42 varied CMC hearings which were stayed pending the determination of FACV15/2011 and CACV267/2011 were excluded from the calculation.

26. In the DC, the percentages of dates of hearings at milestone stages which were varied also remained at a reasonably low level at the Post-CJR Periods.

27. In general, better control and case management by both courts has reduced the delay in the case process. It is however noted that certain factors might still lead to an inevitable variation of CMC dates, e.g. appeals filed against a Master's decision right before a CMC and late applications by parties etc.

### Average Court Processing Times

28. The average periods of time spent on cases from commencement to trial and from the first CMC to end of trial (collectively called "court processing times") are useful indicators to show how expeditiously cases are being disposed of.

#### *(i) Court Processing times and Court Waiting Times*

29. As a start, it should be pointed out that the court processing times to be presented in the following few tables are conceptually different from court waiting times. The differences are set out below :

- (a) court waiting times refer to the duration between the date when a case is ready for trial and the first available trial date offered by the court (which may not be the same as the actual trial date as explained below). The court waiting times to a great extent reflect the readiness and the availability of the Judiciary in hearing cases when they are ready to be heard; and
- (b) court processing times refer to the duration between the date when a case is first submitted to the court and the actual trial date. This includes not only the time required by the Judiciary in offering a hearing date, but also the time needed for the parties to prepare for the case, the time required by the parties in seeking extension of time if applicable, and any possible delay of the actual trial date due to, for example, the unavailability of the counsel at the trial dates offered by the court etc. Hence, the court processing times are determined by many factors which are beyond the control of the Judiciary.

30. Court waiting times reflect the readiness of the Judiciary in hearing cases and their duration to a great extent reflect the overall positions of the level of judicial resources and the listing outcomes having regard to a

wide range of factors such as the judicial expertise required for specific cases and the feasibility of utilizing vacated slots at short notice, etc. On the other hand, court processing times are, apart from the Judiciary's readiness to hear a case, very much in the hands of the parties and their lawyers. Availability of counsel, for instance, is very often the reason why a much later trial date than the first available trial date offered by the Judiciary is eventually fixed.

31. For instance, the relevant court users' committee has agreed that for *civil fixture cases* in the CFI of the High Court (which include the CJR cases), the reasonable average court waiting time is 180 days. Such a target is set out in the Judiciary's annual report and Controlling Officer's Report. While the average court waiting times in some past years were not entirely satisfactory because of insufficient judicial posts and constraints in the deployment as a result of elevation of Judges to higher positions and retirement of Judges, there has been some recent improvement. Despite a general increase in civil caseload since 2010 (from 16,483 in 2010 to 17,600 in 2017), the average court waiting time improved to 193 days in 2014 and remained below the target of 180 days since 2015. It was 163 days in 2017. This was a result of a combination of factors including the creation of additional judicial posts, appointment of substantive CFI judges and the injection of additional temporary judicial resources.

*(ii) Average Court Processing Times : From commencement to trial*

32. The number of cases with commencement and trial within the Post-CJR Periods is set out below.

33. The tables relating to court processing times below (i.e. Tables 5.1, 5.2, 6.1 and 6.2) need to be interpreted with care and in the proper context.

Table 5.1: Average Time from Commencement to Trial in the CFI

CFI	Post-CJR Periods				
	1 <sup>st</sup> Year	1 <sup>st</sup> & 2 <sup>nd</sup> Years (Accumulative)	1 <sup>st</sup> , 2 <sup>nd</sup> & 3 <sup>rd</sup> Years (Accumulative)	1 <sup>st</sup> , 2 <sup>nd</sup> , 3 <sup>rd</sup> & 4 <sup>th</sup> Years (Accumulative)	1 <sup>st</sup> , 2 <sup>nd</sup> , 3 <sup>rd</sup> , 4 <sup>th</sup> & 5 <sup>th</sup> Years (Accumulative)
Number of Trial Hearings	16	70	163	295	475
Average Time from Commencement to Trial (days)	167	277	436	583	699
Year-on-year change on Average Time (days)		+ 110	+ 159	+ 147	+ 116

CFI	Post-CJR Periods			
	1 <sup>st</sup> , 2 <sup>nd</sup> , 3 <sup>rd</sup> , 4 <sup>th</sup> , 5 <sup>th</sup> & 6 <sup>th</sup> Years (Accumulative)	1 <sup>st</sup> , 2 <sup>nd</sup> , 3 <sup>rd</sup> , 4 <sup>th</sup> , 5 <sup>th</sup> , 6 <sup>th</sup> & 7 <sup>th</sup> Years (Accumulative)	1 <sup>st</sup> , 2 <sup>nd</sup> , 3 <sup>rd</sup> , 4 <sup>th</sup> , 5 <sup>th</sup> , 6 <sup>th</sup> , 7 <sup>th</sup> , & 8 <sup>th</sup> Years (Accumulative)	1 <sup>st</sup> , 2 <sup>nd</sup> , 3 <sup>rd</sup> , 4 <sup>th</sup> , 5 <sup>th</sup> , 6 <sup>th</sup> , 7 <sup>th</sup> , 8 <sup>th</sup> & 9 <sup>th</sup> Years (Accumulative)
Number of Trial Hearings	699	954	1,202	1,466
Average Time from Commencement to Trial (days)	748	769	793	819
Year-on-year change on Average Time (days)	+49	+21	+24	+26

34. Take the above tables as an example. In the second column in the upper table marked “1<sup>st</sup> year”, the figures are about those cases which commenced and with trials heard within the first year after the implementation of the CJR. This naturally covers only very simple cases. There were a total of only 16 such cases that year.

35. In the third column marked “1<sup>st</sup> & 2<sup>nd</sup> years (Accumulative)”, the figures capture those cases which were commenced and with trials heard within the first two years after the implementation of the CJR. This would still cover more straight-forward cases, though slightly more complicated than those in the second column. But, the number of cases remained small at 70.

36. At this point, it would be relevant to note that against an average number of about 240 CJR-related trials handled by CFI in a year for the past

nine years of the Post-CJR Periods<sup>12</sup>, the figures in these early years of the Post-CJR Periods represent only a very small pool of the cases. As they were also more straight-forward and simple cases, they were not representative enough.

37. As we move on to the fourth column in the upper table to the remaining columns of the two tables, we should be taking into account cases of growing complexity that require parties more time to prepare for the cases as the gap between the commencement date and trial date of a case may last for a gradually longer period of time. In addition, as more cases were being covered accumulatively, the figures became more representative as a result. As such, it is understandable and logical that the average processing times for these cases in the later years were longer than those in the earlier years.

38. So, instead of examining whether there was an absolute increase in the processing times over the past few years, we should be observing instead, for example, whether the rates of year-on-year increase in the processing times have been moderating and whether the processing times reach a plateau at a certain point in time.

39. In this regard, it should be noted that the increase in the average processing time has been moderating from 159 days in the third year to 26 days in the ninth year. Looking ahead, there is a chance that the average time could further improve when more judicial manpower is made available. The Judiciary will continue to monitor the trend closely, particularly after the implementation of the proposed jurisdictional rise for the DC. Another initiative to help ease the situation of judicial manpower is the proposed extension of the retirement age for Judges and Judicial Officers to help recruit and retain senior judges. The Judiciary intends to introduce legislative amendments to the LegCo some time in 2019.

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<sup>12</sup> The figure of 240 trials represents the average of the annual number of CJR-related trials over these nine years, regardless of whether the cases were commenced before or after the implementation of the CJR.



Table 5.2: Average Time from Commencement to Trial in the DC

DC	Post-CJR Periods				
Commencement Date & Trial Date	1 <sup>st</sup> Year	1 <sup>st</sup> & 2 <sup>nd</sup> Years (Accumulative)	1 <sup>st</sup> , 2 <sup>nd</sup> & 3 <sup>rd</sup> Years (Accumulative)	1 <sup>st</sup> , 2 <sup>nd</sup> , 3 <sup>rd</sup> & 4 <sup>th</sup> Years (Accumulative)	1 <sup>st</sup> , 2 <sup>nd</sup> , 3 <sup>rd</sup> , 4 <sup>th</sup> & 5 <sup>th</sup> Years (Accumulative)
Number of Trial Hearings	16	158	332	550	787
Average Time from Commencement to Trial (days)	134	345	434	515	549
Year-on-year change on Average Time (days)		+ 211	+ 89	+ 81	+ 34

DC	Post-CJR Periods			
Commencement Date & Trial Date	1 <sup>st</sup> , 2 <sup>nd</sup> , 3 <sup>rd</sup> , 4 <sup>th</sup> , 5 <sup>th</sup> & 6 <sup>th</sup> Years (Accumulative)	1 <sup>st</sup> , 2 <sup>nd</sup> , 3 <sup>rd</sup> , 4 <sup>th</sup> , 5 <sup>th</sup> , 6 <sup>th</sup> & 7 <sup>th</sup> Years (Accumulative)	1 <sup>st</sup> , 2 <sup>nd</sup> , 3 <sup>rd</sup> , 4 <sup>th</sup> , 5 <sup>th</sup> , 6 <sup>th</sup> , 7 <sup>th</sup> & 8 <sup>th</sup> Years (Accumulative)	1 <sup>st</sup> , 2 <sup>nd</sup> , 3 <sup>rd</sup> , 4 <sup>th</sup> , 5 <sup>th</sup> , 6 <sup>th</sup> , 7 <sup>th</sup> , 8 <sup>th</sup> & 9 <sup>th</sup> Years (Accumulative)
Number of Trial Hearings	998	1,232	1,449	1,620
Average Time from Commencement to Trial (days)	584	625	658	675
Year-on-year change on Average Time (days)	+35	+41	+33	+17

40. Similar to the CFI, the average time from commencement to trial continued to rise partly because more complicated cases were gradually added to the data pool in the DC. Besides, the increase in the average processing time has also been moderating from 89 days in the third year to 33 days in the eighth year and further to 17 days in the ninth year. The Judiciary will continue to monitor the trend closely, particularly after the implementation of the proposed jurisdictional rise for the DC.

(iii) *Average Court Processing Time : From the first CMC to end of trial*

Table 6.1: Average Time from First CMC to End of Trial in the CFI

<b>CFI</b>	<b>Post-CJR Periods</b>				
<b>Disposal Date</b>	<b>1<sup>st</sup> Year</b>	<b>2<sup>nd</sup> Year</b>	<b>3<sup>rd</sup> Year</b>	<b>4<sup>th</sup> Year</b>	<b>5<sup>th</sup> Year</b>
Number of cases disposed of	8	67	83	91	101
Average time required (days)	150	349	435	546	548

<b>CFI</b>	<b>Post-CJR Periods</b>			
<b>Disposal Date</b>	<b>6<sup>th</sup> Year</b>	<b>7<sup>th</sup> Year</b>	<b>8<sup>th</sup> Year</b>	<b>9<sup>th</sup> Year</b>
Number of cases disposed of	100	109	91	58
Average time required (days)	597	656	627	723

41. The above table captures cases with the first CMC any time in the Post-CJR Periods and disposed in the respective year of the Post-CJR Periods. As explained in paragraphs 35 to 39 above, as a larger pool of cases (including the more complicated ones) is captured when the number of years taken into account increases, the average time taken is likely to lengthen. The average time required generally increased over the whole of the Post-CJR Periods, except the eighth year. There is a chance that the average time could further improve when more judicial manpower is made available. The Judiciary will continue to monitor the trend closely, particularly after the implementation of the proposed jurisdictional rise for the DC. The proposed extension of the retirement age of the Judges and Judicial Officers may also help.

Table 6.2: Average Time from First CMC to End of Trial in the DC

DC	Post-CJR Periods				
Disposal Date	1 <sup>st</sup> Year	2 <sup>nd</sup> Year	3 <sup>rd</sup> Year	4 <sup>th</sup> Year	5 <sup>th</sup> Year
Number of cases disposed of	23	126	103	98	129
Average time required (days)	181	224	283	280	255

DC	Post-CJR Periods			
Disposal Date	6 <sup>th</sup> Year	7 <sup>th</sup> Year	8 <sup>th</sup> Year	9 <sup>th</sup> Year
Number of cases disposed of	77	90	62	79
Average time required (days)	269	304	315	294

42. Similar to the CFI, as a larger pool of cases (including the more complicated ones) is captured as the number of years taken into account increases, the average time for disposal of cases in the DC is also likely to lengthen. The average time reached the highest at more than 300 days in the seventh and eighth years, but slightly eased to about 295 days in the ninth year.

*(iv) Duration of trial*

43. Statistical data on two indicators, “Days fixed” and “Actual days spent”, are shown below.

Table 7.1: Duration of Trial in the CFI

CFI	Pre-CJR Period	Post-CJR Periods				
		1 <sup>st</sup> Year	2 <sup>nd</sup> Year	3 <sup>rd</sup> Year	4 <sup>th</sup> Year	5 <sup>th</sup> Year
Average number of days fixed	4.89	5.51	5.30	5.49	5.95	5.19
Average number of days spent	4.02	3.08	3.88	4.40	4.28	3.98

CFI	Post-CJR Periods			
	6 <sup>th</sup> Year	7 <sup>th</sup> Year	8 <sup>th</sup> Year	9 <sup>th</sup> Year
Average number of days fixed	6.18	5.63	5.90	5.27
Average number of days spent	4.59	4.18	4.28	3.75

44. For the CFI, the average numbers of days fixed and spent for trials fluctuated over the past nine years of the Post-CJR Periods, with a significant decrease in the ninth year. The fluctuating trend over the past few years seemed to be an outcome of a balance between the court’s robustness in handling the cases and the growing complexity of cases.

45. It is also noted that more cases could be disposed of at an earlier stage during the Post-CJR Periods than the Pre-CJR Period. As a result, delay in the litigation process has been avoided and less costs incurred. These are positive signs that the intended results of CJR were being achieved.

Table 7.2: Duration of Trial in the DC

DC	Pre-CJR Period	Post-CJR Periods				
		1 <sup>st</sup> Year	2 <sup>nd</sup> Year	3 <sup>rd</sup> Year	4 <sup>th</sup> Year	5 <sup>th</sup> Year
Average number of days fixed	2.60	2.45	2.88	2.84	3.17	3.29
Average number of days spent	2.49	2.23	2.53	2.30	2.55	3.00

DC	Post-CJR Periods			
	6 <sup>th</sup> Year	7 <sup>th</sup> Year	8 <sup>th</sup> Year	9 <sup>th</sup> Year
Average number of days fixed	3.65	3.54	3.64	3.36
Average number of days spent	2.94	2.86	3.10	3.13

46. For the DC, there was a relatively stable trend for both the average numbers of days fixed and the actual days spent on trials. The average number of days fixed and spent since the fifth year remained at a relatively high level, though there was a drop in the average number of days fixed in the ninth year. This might to some extent show the varying complexity of cases. Besides, the average numbers of days fixed and spent in the DC were closer than those in the CFI. This probably reflects the relatively simpler nature of the DC cases in comparison with those in the CFI, which means easier estimation of trial time.

47. Similar to the CFI, we also note that more cases could now be disposed of at an earlier stage, which should result in less litigation time and costs.

*(C) Settlement*

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

*(a) Admission under Order 13A*

49. 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.

Table 8.1: Admission under Order 13A in the CFI

CFI	Post-CJR Periods				
	1 <sup>st</sup> Year	2 <sup>nd</sup> Year	3 <sup>rd</sup> Year	4 <sup>th</sup> Year	5 <sup>th</sup> Year
Number of CJR related cases filed (monetary claim only)	1,757	1,711	2,032	2,133	2,346
Number of admissions made <sup>13</sup>	39	19	29	10	18
Number of applications for instalment <sup>13</sup>	15	8	11	2	6
Number of cases disposed of by Order 13A <sup>14</sup>	13	6	2	1	4

CFI	Post-CJR Periods			
	6 <sup>th</sup> Year	7 <sup>th</sup> Year	8 <sup>th</sup> Year	9 <sup>th</sup> Year
Number of CJR related cases filed (monetary claim only)	2,835	3,129	3,186	2,834 [↓11%]
Number of admissions made <sup>13</sup>	24	67	49	41 [↓16%]
Number of applications for instalment <sup>13</sup>	5	11	6	7 [↑17%]
Number of cases disposed of by Order 13A <sup>14</sup>	4	2	3	4 [↑33%]

50. In the CFI, during the Post-CJR Periods, the number of applications of Order 13A and number of cases settled by Order 13A were very low. As the CFI cases normally involve relatively higher amounts of claims, the incentive for defendants to make an admission under Order 13A may be relatively lower.

<sup>13</sup> Figures on (i) number of admissions made and (ii) number of applications for instalment include cases with their documents Form 16-Admission (liquidated amount) under O.13A/ Form 16C-Admission (unliquidated amount) under O.13A filed within the reporting period regardless of their case filing dates.

<sup>14</sup> Figures on number of cases disposed of by Order 13A include cases with their case filing dates within the reporting period and disposed of as at the report generation date, and therefore may be subject to change. Figures cited therein at Table 8.1 were generated approximately one to two months after the end date of each year in the Post-CJR Periods. To have a full picture on the operation of Order 13A procedure, figures with position updated as at 13 Jun 2018 were 15, 6, 3, 1, 5, 4, 2, 6 and 4 respectively for the first, second, third, fourth, fifth, sixth, seventh, eighth and ninth years of the Post-CJR Periods.

Table 8.2: Admission under Order 13A in the DC

DC	Post-CJR Periods				
	1 <sup>st</sup> Year	2 <sup>nd</sup> Year	3 <sup>rd</sup> Year	4 <sup>th</sup> Year	5 <sup>th</sup> Year
Number of CJR related cases filed (monetary claim only)	14,155	13,874	13,665	12,212	12,604
Number of admissions made <sup>15</sup>	364	312	414	300	263
Number of applications for instalment <sup>15</sup>	300	255	313	185	175
Number of cases disposed of by Order 13A <sup>16</sup>	197	152	203	146	135

DC	Post-CJR Periods			
	6 <sup>th</sup> Year	7 <sup>th</sup> Year	8 <sup>th</sup> Year	9 <sup>th</sup> Year
Number of CJR related cases filed (monetary claim only)	12,426	12,271	13,079	12,069 [↓8%]
Number of admissions made <sup>15</sup>	314	584	779	775 [↓1%]
Number of applications for instalment <sup>15</sup>	202	287	471	533 [↑13%]
Number of cases disposed of by Order 13A <sup>16</sup>	109	91	118	143 [↑21%]

51. In the DC, during the Post-CJR Periods, there was some fluctuation in the number of applications of Order 13A and the number of cases settled by Order 13A. In particular, after a drop in the number of cases settled by Order 13A in the fourth to seventh years, there were two consecutive years of increase in the eighth and ninth years at 30% and 21% respectively. For the number of applications, there had been an overall increase from 263 cases in the fifth year to 775 cases in the ninth year. The

<sup>15</sup> Figures on (i) number of admissions made and (ii) number of applications for instalment include cases with their documents Form 16-Admission (liquidated amount) under O.13A/ Form 16C-Admission (unliquidated amount) under O.13A filed within the reporting period regardless of their case filing dates.

<sup>16</sup> Figures on number of cases disposed of by Order 13A include cases with their case filing dates within the reporting period and disposed of as at the report generation date, and therefore may be subject to change. Figures cited therein at Table 8.2 were generated approximately one to two months after the end date of each year in the Post-CJR Periods. To have a full picture on the operation of Order 13A procedure, figures with position updated as at 13 June 2018 were 214, 180, 228, 162, 151, 126, 114, 142 and 143 respectively for the first, second, third, fourth, fifth, sixth, seventh, eighth and ninth years of the Post-CJR Periods.

increase was attributable to the more extensive application of this initiative in EC cases, PI actions and civil actions.

(b) Sanctioned Payments

52. The making of a sanctioned payment is an offer made by way of a payment into court. Defendants may make an offer by way of a payment into court to settle claims or issues within claims under Order 22. A party may also make a similar offer to settle another party's entitlement to costs under Order 62A. There are costs consequences if it turns out that the sanctioned payment is a better offer that should have been accepted instead of going to trial. Sanctioned payment acts as a significant incentive for parties to settle disputes at an earlier stage. The process of discussing sanctioned payments may also be conducive to dialogues among the parties which may eventually lead to settlement, on the basis of Order 22 or otherwise. This is regarded as an important measure in the just and expeditious resolution of disputes.

(i) Order 22

Table 9.1: Number of Order 22 Sanctioned Payments Made and Accepted<sup>17</sup> in the CFI

CFI	Pre-CJR Period	Post-CJR Periods					
		1 <sup>st</sup> Year		2 <sup>nd</sup> Year		3 <sup>rd</sup> Year	
	Payment-in made	Number of Sanctioned Payments					
		Made	<i>Accepted</i>	Made	<i>Accepted</i>	Made	<i>Accepted</i>
Number of payment-in/ Order 22 sanctioned payments (excluding PI cases)	151	127	<i>15</i>	100	<i>11</i>	99	<i>24</i>
Number of payment-in/ Order 22 sanctioned payments (PI cases only)	826	1,786	<i>420</i>	1,255	<i>326</i>	1,160	<i>283</i>
<b>Total</b>	<b>977</b>	<b>1,913</b>	<b><i>435</i></b>	<b>1,355</b>	<b><i>337</i></b>	<b>1,259</b>	<b><i>307</i></b>
<b>Overall Acceptance Rate</b>			<b><i>23%</i></b>		<b><i>25%</i></b>		<b><i>24%</i></b>

<sup>17</sup> Figures on number of Order 22 Sanctioned Payment Accepted (in italic) include those Form 23-Notice Of Sanctioned Payment under O.22 accepted by way of the filing of Form 24-Notice Of Acceptance Of Sanctioned Payment under O.22 within/ beyond the prescribed time of 28 days as at the report generation date, and therefore may be subject to change. Figures cited therein at Table 9.1 were generated approximately one to two months after the end date of each year in the Post-CJR Periods. To have a full picture on the operation of Order 22 procedure, total figures with position updated as at 13 Jun 2018 were 528, 414, 414, 508, 580, 596, 714, 698 and 614 respectively for the first, second, third, fourth, fifth, sixth, seventh, eighth and ninth years of the Post-CJR Periods.



CFI	Post-CJR Periods					
	4 <sup>th</sup> Year		5 <sup>th</sup> Year		6 <sup>th</sup> Year	
	Number of Sanctioned Payments					
	Made	Accepted	Made	Accepted	Made	Accepted
Number of payment-in/ Order 22 sanctioned payments (excluding PI cases)	96	26	82	17	89	22
Number of payment-in/ Order 22 sanctioned payments (PI cases only)	1,353	361	1,600	445	1,762	444
<b>Total</b>	<b>1,449</b>	<b>387</b>	<b>1,682</b>	<b>462</b>	<b>1,851</b>	<b>466</b>
<b>Overall Acceptance Rate</b>		<b>27%</b>		<b>27%</b>		<b>25%</b>

CFI	Post-CJR Periods					
	7 <sup>th</sup> Year		8 <sup>th</sup> Year		9 <sup>th</sup> Year	
	Number of Sanctioned Payments					
	Made	Accepted	Made	Accepted	Made	Accepted
Number of payment-in/ Order 22 sanctioned payments (excluding PI cases)	95	26	57	12	<b>88</b> [↑54%]	<b>21</b> [↑75%]
Number of payment-in/ Order 22 sanctioned payments (PI cases only)	2,098	531	2,253	525	<b>2,215</b> [↓2%]	<b>593</b> [↑13%]
<b>Total</b>	<b>2,193</b>	<b>557</b>	<b>2,310</b>	<b>537</b>	<b>2,303</b> [↓0.3%]	<b>614</b> [↑14%]
<b>Overall Acceptance Rate</b>		<b>25%</b>		<b>23%</b>		<b>27%</b>

Table 9.2: Number of CJR Related Cases Disposed of by Order 22 Sanctioned Payments in the CFI

CFI	Post-CJR Periods								
	1 <sup>st</sup> Year	2 <sup>nd</sup> Year	3 <sup>rd</sup> Year	4 <sup>th</sup> Year	5 <sup>th</sup> Year	6 <sup>th</sup> Year	7 <sup>th</sup> Year	8 <sup>th</sup> Year	9 <sup>th</sup> Year
Number of cases filed (excluding PI cases)	3,247	3,101	3,442	3,670	4,237	4,239	4,838	5,111	4,280 [↓16%]
Number of cases filed (PI cases only)	606	736	929	955	1,069	1,350	1,332	1,374	1,337 [↓3%]
<b>Total number of cases filed</b>	<b>3,853</b>	<b>3,837</b>	<b>4,371</b>	<b>4,625</b>	<b>5,306</b>	<b>5,589</b>	<b>6,170</b>	<b>6,485</b>	<b>5,617</b> [↓13%]
Number of cases (excluding PI cases) disposed of by Order 22 sanctioned payment	2	2	8	8	6	7	6	2	5 [↑150%]
Number of cases (PI cases only) disposed of by Order 22 sanctioned payment	51	58	54	71	57	88	92	65	78 [↑20%]
<b>Total Number of cases disposed of by Order 22<sup>18</sup></b>	<b>53</b>	<b>60</b>	<b>62</b>	<b>79</b>	<b>63</b>	<b>95</b>	<b>98</b>	<b>67</b>	<b>83</b> [↑24%]

53. For the CFI, during the Post-CJR Periods, the total number of sanctioned payments made had been on a general rise to the level of 2,300 plus cases in the past two years. Out of the sanctioned payments made, the percentage of sanctioned payments accepted showed a stabilizing level of 23% to 27% in recent years. On the number of cases disposed of by sanctioned payments, there was a year-on-year increase of 24% in the ninth year, when the number of cases filed decreased by 13%. Some cases, particularly those involving smaller claims amount, might have been settled by other means, e.g. by negotiation.

<sup>18</sup> Figures on number of cases disposed of by Order 22 include cases with their case filing dates within the reporting period and disposed of as at the report generation date, and therefore may be subject to change. Figures cited therein at Table 9.2 were generated approximately one to two months after the end date of each year in the Post-CJR Periods. To have a full picture on the operation of Order 22 procedure, figures with position updated as at 13 Jun 2018 were 178, 203, 225, 258, 252, 297, 312, 231 and 83 respectively for the first, second, third, fourth, fifth, sixth, seventh, eighth and ninth years of the Post-CJR Periods.

Table 9.3: Number of Order 22 Sanctioned Payment Made and Accepted<sup>19</sup> in the DC

DC	Pre-CJR Period	Post-CJR Periods					
		1 <sup>st</sup> Year		2 <sup>nd</sup> Year		3 <sup>rd</sup> Year	
	Payment- in made	Number of Sanctioned Payments					
Made		<i>Accepted</i>	Made	<i>Accepted</i>	Made	<i>Accepted</i>	
Number of payment-in/ Order 22 sanctioned payments (excluding PI and employee's compensation ("EC") cases)	221	207	<i>55</i>	224	<i>87</i>	270	<i>131</i>
Number of payment-in/ Order 22 sanctioned payments (PI cases only)	2,025	2,518	<i>1,012</i>	2,489	<i>1,157</i>	2,620	<i>1,256</i>
Number of payment-in/ Order 22 sanctioned payments (EC cases only)	1,070	1,398	<i>702</i>	1,304	<i>774</i>	1,608	<i>1,033</i>
<b>Total</b>	<b>3,316</b>	<b>4,123</b>	<b><i>1,769</i></b>	<b>4,017</b>	<b><i>2,018</i></b>	<b>4,498</b>	<b><i>2,420</i></b>
<b>Overall Acceptance Rate</b>			<b><i>43%</i></b>		<b><i>50%</i></b>		<b><i>54%</i></b>

<sup>19</sup> Figures on number of Order 22 Sanctioned Payment Accepted (*in italic*) include those Form 23-Notice of Sanctioned Payment under O.22 accepted by way of the filing of Form 24-Notice of Acceptance of Sanctioned Payment under O.22 within/ beyond the prescribed time of 28 days as at the report generation date, and therefore may be subject to change. Figures cited therein at Table 9.3 were generated approximately one to two months after the end date of each year in the Post-CJR Periods. To have a full picture on the operation of Order 22 procedure, total figures with position updated as at 13 June 2018 were 1,905, 2,237, 2,676, 2,956, 3,495, 3,583, 3,482, 3,492 and 3,238 respectively for the first, second, third, fourth, fifth, sixth, seventh, eighth and ninth years of the Post-CJR Periods.

DC	Post-CJR Periods					
	4 <sup>th</sup> Year		5 <sup>th</sup> Year		6 <sup>th</sup> Year	
	Number of Sanctioned Payments					
	Made	Accepted	Made	Accepted	Made	Accepted
Number of payment-in/ Order 22 sanctioned payments (excluding PI and employee's compensation ("EC") cases)	158	63	223	87	235	107
Number of payment-in/ Order 22 sanctioned payments (PI cases only)	3,025	1,460	3,165	1,556	3,265	1,594
Number of payment-in/ Order 22 sanctioned payments (EC cases only)	1,821	1,128	2,366	1,528	2,482	1,537
<b>Total</b>	<b>5,004</b>	<b>2,651</b>	<b>5,754</b>	<b>3,171</b>	<b>5,982</b>	<b>3,238</b>
<b>Overall Acceptance Rate</b>		<b>53%</b>		<b>55%</b>		<b>54%</b>

DC	Post-CJR Periods					
	7 <sup>th</sup> Year		8 <sup>th</sup> Year		9 <sup>th</sup> Year	
	Number of Sanctioned Payments					
	Made	Accepted	Made	Accepted	Made	Accepted
Number of payment-in/ Order 22 sanctioned payments (excluding PI and employee's compensation ("EC") cases)	280	146	391	275	386 [↓1%]	244 [↓11%]
Number of payment-in/ Order 22 sanctioned payments (PI cases only)	2,913	1,519	3,063	1,396	2,925 [↓5%]	1,474 [↑6%]
Number of payment-in/ Order 22 sanctioned payments (EC cases only)	2,390	1,504	2,494	1,490	2,586 [↑4%]	1,520 [↑2%]
<b>Total</b>	<b>5,583</b>	<b>3,169</b>	<b>5,948</b>	<b>3,161</b>	<b>5,897</b> [↓1%]	<b>3,238</b> [↑2%]
<b>Overall Acceptance Rate</b>		<b>57%</b>		<b>53%</b>		<b>55%</b>

Table 9.4: Number of CJR Related Cases Disposed of by Order 22 Sanctioned Payment in the DC

DC	Post-CJR Periods								
	1 <sup>st</sup> Year	2 <sup>nd</sup> Year	3 <sup>rd</sup> Year	4 <sup>th</sup> Year	5 <sup>th</sup> Year	6 <sup>th</sup> Year	7 <sup>th</sup> Year	8 <sup>th</sup> Year	9 <sup>th</sup> Year
Number of cases filed (excluding PI and EC cases)	12,360	11,094	10,345	8,539	8,703	8,169	8,119	8,640	7,492 [↓13%]
Number of cases filed (PI cases only)	1,965	2,432	2,666	2,729	2,821	2,879	2,787	2,842	2,751 [↓3%]
Number of cases filed (EC cases only)	1,440	1,748	2,092	2,305	2,419	2,750	2,791	3,018	2,947 [↓2%]
<b>Total number of cases filed</b>	<b>15,765</b>	<b>15,274</b>	<b>15,103</b>	<b>13,573</b>	<b>13,943</b>	<b>13,798</b>	<b>13,697</b>	<b>14,500</b>	<b>13,190</b> [↓9%]
Number of cases (excluding PI and EC cases) disposed of by Order 22 sanctioned payment	35	27	43	30	42	44	34	24	19 [↓21%]
Number of cases (PI cases only) disposed of by Order 22 sanctioned payment	319	292	469	694	565	628	535	457	466 [↑2%]
Number of cases (EC cases only) disposed of by Order 22 sanctioned payment	378	382	539	518	609	652	583	505	545 [↑8%]
<b>Total number of cases disposed of by Order 22<sup>20</sup></b>	<b>732</b>	<b>701</b>	<b>1,051</b>	<b>1,242</b>	<b>1,216</b>	<b>1,324</b>	<b>1,152</b>	<b>986</b>	<b>1,030</b> [↑4%]

54. For the DC, for the Post-CJR Periods, the total number of sanctioned payments made seemed to be settling at a rate of 5,000 plus cases a year. Out of the sanctioned payments made, the percentage of sanctioned payments accepted also seemed to be stabilizing at the rate ranging from 53% to 57% in the third to ninth years. Even though some Order 22 offers might have been accepted by other means (such as consent orders and negotiations) and hence not covered in such statistics so collated, the number of cases known to have been disposed of by Order 22 was at a comparatively

<sup>20</sup> Figures on number of cases disposed of by Order 22 include cases with their case filing dates within the reporting period and disposed of as at the report generation date, and therefore may be subject to change. Figures cited therein at Table 9.4 were generated approximately one to two months after the end date of each year in the Post-CJR Periods. To have a full picture on the operation of Order 22 procedure, figures with position updated as at 13 June 2018 were 1,293, 1,779, 2,331, 2,477, 2,354, 2,499, 2,419, 1,953 and 1,030 respectively for the first, second, third, fourth, fifth, sixth, seventh, eighth and ninth years of the Post-CJR Periods.

high level in the third to ninth years at around 1,000 cases or slightly more in a year. The smaller amounts of claims, easier assessment of the likely damages and the greater need to consider proportionality of costs for the DC cases may explain the continued popularity of Order 22 in the DC.

55. Moreover, for both the CFI and the DC, sanctioned payments seemed to be more popular among PI cases than non-PI cases. This was probably because the damages for PI cases could be more easily assessed with more well-established principles.

(ii) *Order 62A*

Table 10.1: Number of Order 62A Sanctioned Payment on Costs Made and Accepted<sup>21</sup> in the CFI

CFI	Post-CJR Periods					
	1 <sup>st</sup> Year		2 <sup>nd</sup> Year		3 <sup>rd</sup> Year	
	Made	<i>Accepted</i>	Made	<i>Accepted</i>	Made	<i>Accepted</i>
Number of Order 62A sanctioned payments (with bills filed)	78	<i>15</i>	64	<i>18</i>	60	<i>21</i>
Number of Order 62A sanctioned payments (without bills filed)	155	<i>84</i>	212	<i>102</i>	164	<i>81</i>
<b>Total</b>	<b>233</b>	<b><i>99</i></b>	<b>276</b>	<b><i>120</i></b>	<b>224</b>	<b><i>102</i></b>
<b>Overall Acceptance Rate</b>		<b><i>42%</i></b>		<b><i>43%</i></b>		<b><i>46%</i></b>

<sup>21</sup> Figures on number of Order 62A Sanctioned Payment Accepted (*in italic*) include those Form 93-Notice of Sanctioned Payment under O.62A accepted by way of the filing of Form 93A-Notice of Acceptance of Sanctioned Payment under O.62A within/ beyond the prescribed time of 14 days as at the report generation date, and therefore may be subject to change. Figures cited therein at Table 10.1 were generated approximately one to two months after the end date of each year in the Post-CJR Periods. To have a full picture on the operation of Order 62A procedure, total figures with position updated as at 13 Jun 2018 were 102, 127, 108, 118, 138, 137, 152, 211 and 203 respectively for the first, second, third, fourth, fifth, sixth, seventh, eighth and ninth years of the Post-CJR Periods.

CFI	Post-CJR Periods					
	4 <sup>th</sup> Year		5 <sup>th</sup> Year		6 <sup>th</sup> Year	
	Made	Accepted	Made	Accepted	Made	Accepted
Number of Order 62A sanctioned payments (with bills filed)	50	16	38	12	40	12
Number of Order 62A sanctioned payments (without bills filed)	160	94	233	120	257	122
<b>Total</b>	<b>210</b>	<b>110</b>	<b>271</b>	<b>132</b>	<b>297</b>	<b>134</b>
<b>Overall Acceptance Rate</b>		<b>52%</b>		<b>49%</b>		<b>45%</b>

CFI	Post-CJR Periods					
	7 <sup>th</sup> Year		8 <sup>th</sup> Year		9 <sup>th</sup> Year	
	Made	Accepted	Made	Accepted	Made	Accepted
Number of Order 62A sanctioned payments (with bills filed)	57	19	83	16	63 [↓24%]	17 [↑6%]
Number of Order 62A sanctioned payments (without bills filed)	281	131	376	193	389 [↑3%]	186 [↓4%]
<b>Total</b>	<b>338</b>	<b>150</b>	<b>459</b>	<b>209</b>	<b>452</b> [↓2%]	<b>203</b> [↓3%]
<b>Overall Acceptance Rate</b>		<b>44%</b>		<b>46%</b>		<b>45%</b>

56. In the CFI, the number of Order 62A sanctioned payments on costs made and the number of payments accepted had achieved an overall increase since the fourth year of the Post-CJR Periods. The acceptance rate was at a comparable level during the same period (from 44% to 49%).

Table 10.2: Number of Order 62A Sanctioned Payment on Costs Made and Accepted <sup>22</sup> in the DC

DC	Post-CJR Periods					
	1 <sup>st</sup> Year		2 <sup>nd</sup> Year		3 <sup>rd</sup> Year	
	Made	Accepted	Made	Accepted	Made	Accepted
Number of Order 62A sanctioned payments (with bills filed)	97	32	83	28	57	30
Number of Order 62A sanctioned payments (without bills filed)	646	427	808	539	881	619
<b>Total</b>	<b>743</b>	<b>459</b>	<b>891</b>	<b>567</b>	<b>938</b>	<b>649</b>
<b>Overall Acceptance Rate</b>		<b>62%</b>		<b>64%</b>		<b>69%</b>

DC	Post-CJR Periods					
	4 <sup>th</sup> Year		5 <sup>th</sup> Year		6 <sup>th</sup> Year	
	Made	Accepted	Made	Accepted	Made	Accepted
Number of Order 62A sanctioned payments (with bills filed)	58	17	83	30	55	19
Number of Order 62A sanctioned payments (without bills filed)	1,044	757	1,329	987	1,555	1,083
<b>Total</b>	<b>1,102</b>	<b>774</b>	<b>1,412</b>	<b>1,017</b>	<b>1,610</b>	<b>1,102</b>
<b>Overall Acceptance Rate</b>		<b>70%</b>		<b>72%</b>		<b>68%</b>

DC	Post-CJR Periods					
	7 <sup>th</sup> Year		8 <sup>th</sup> Year		9 <sup>th</sup> Year	
	Made	Accepted	Made	Accepted	Made	Accepted
Number of Order 62A sanctioned payments (with bills filed)	88	32	87	36	78 [↓10%]	17 [↓53%]
Number of Order 62A sanctioned payments (without bills filed)	1,521	1,064	1,642	1,094	1,532 [↓7%]	986 [↓10%]
<b>Total</b>	<b>1,609</b>	<b>1,096</b>	<b>1,729</b>	<b>1,130</b>	<b>1,610</b> [↓7%]	<b>1,003</b> [↓11%]
<b>Overall Acceptance Rate</b>		<b>68%</b>		<b>65%</b>		<b>62%</b>

<sup>22</sup> Figures on number of Order 62A Sanctioned Payment Accepted (*in italic*) include those Form 93-Notice of Sanctioned Payment under O.62A accepted by way of the filing of Form 93A-Notice of Acceptance of Sanctioned Payment under O.62A within/beyond the prescribed time of 14 days as at the report generation date, and therefore may be subject to change. Figures cited therein at Table 10.2 were generated approximately one to two months after the end date of each year in the Post-CJR Periods. To have a full picture on the operation of Order 62A procedure, total figures with position updated as at 13 June 2018 were 482, 584, 668, 787, 1,043, 1,128, 1,122, 1,147 and 1,003 respectively for the first, second, third, fourth, fifth, sixth, seventh, eighth and ninth years of the Post-CJR Periods.



57. In the DC, the number of Order 62A sanctioned payments on costs made and the number of payments accepted appeared to be stabilizing particularly over the last four years. The acceptance rate of Order 62A also remained stable over the same period of time (from 62% to 68%).

(c) Sanctioned Offer

58. 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.

59. 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. The Judiciary has however collated from the Department of Justice and the Legal Aid Department of the Government information relating to cases under their respective purview (Annex II).

(D) *Mediation*

60. One of the initiatives under CJR is to promote the wider use of mediation to facilitate early and satisfactory settlement of disputes. A Practice Direction 31 on “Mediation” applicable to all relevant civil cases in the CFI and the DC came into effect on 1 January 2010.

61. The number of mediation notices and that of cases directed by the court to report the progress of mediation from 1 April 2010 to 31 March 2018 are tabulated below.

Table 11.1: Number of Mediation Notices in the CFI

CFI	Post-CJR Periods								
	1.1.2010-31.3.2010 (3 months only)	2 <sup>nd</sup> Year	3 <sup>rd</sup> Year	4 <sup>th</sup> Year	5 <sup>th</sup> Year	6 <sup>th</sup> Year	7 <sup>th</sup> Year	8 <sup>th</sup> Year	9 <sup>th</sup> Year
CJR related cases (excluding PI cases)	113	579	507	462	439	433	457	456	441 [↓3%]
CJR related cases (PI cases only)	108	523	566	673	758	807	917	941	925 [↓2%]
<b>Total</b>	<b>221</b>	<b>1,102</b>	<b>1,073</b>	<b>1,135</b>	<b>1,197</b>	<b>1,240</b>	<b>1,374</b>	<b>1,397</b>	<b>1,366</b> [↓2%]

Table 11.2: Number of Cases Directed by the Court to Report the Progress of Mediation in the CFI

CFI	Post-CJR Periods								
	1.1.2010-31.3.2010 (3 months only)	2 <sup>nd</sup> Year	3 <sup>rd</sup> Year	4 <sup>th</sup> Year	5 <sup>th</sup> Year	6 <sup>th</sup> Year	7 <sup>th</sup> Year	8 <sup>th</sup> Year	9 <sup>th</sup> Year
CJR related cases (excluding PI cases)	95	313	291	207	192	147	176	170	158 [↓7%]
CJR related cases (PI cases only)	6	536	758	718	746	790	799	1,056	962 [↓9%]
<b>Total</b>	<b>101</b>	<b>849</b>	<b>1,049</b>	<b>925</b>	<b>938</b>	<b>937</b>	<b>975</b>	<b>1,226</b>	<b>1,120</b> [↓9%]

62. In the CFI, during the second to ninth years of the Post-CJR Periods, the number of mediation notices showed a general upward trend, with fluctuations from time to time. The mediation culture seems to have more or less settled in.

Table 12.1: Number of Mediation Notices in the DC

DC	Post-CJR Periods								
	1.1.2010-31.3.2010 (3 months only)	2 <sup>nd</sup> Year	3 <sup>rd</sup> Year	4 <sup>th</sup> Year	5 <sup>th</sup> Year	6 <sup>th</sup> Year	7 <sup>th</sup> Year	8 <sup>th</sup> Year	9 <sup>th</sup> Year
CJR related cases (excluding PI cases)	120	737	756	779	860	802	824	803	747 [↓7%]
CJR related cases (PI cases only)	80	519	743	859	885	910	806	795	750 [↓6%]
<b>Total</b>	<b>200</b>	<b>1,256</b>	<b>1,499</b>	<b>1,638</b>	<b>1,745</b>	<b>1,712</b>	<b>1,630</b>	<b>1,598</b>	<b>1,497</b> [↓6%]

Table 12.2: Number of Cases Directed by the Court to Report the Progress of Mediation in the DC

DC	Post-CJR Periods								
	1.1.2010-31.3.2010 (3 months only)	2 <sup>nd</sup> Year	3 <sup>rd</sup> Year	4 <sup>th</sup> Year	5 <sup>th</sup> Year	6 <sup>th</sup> Year	7 <sup>th</sup> Year	8 <sup>th</sup> Year	9 <sup>th</sup> Year
CJR related cases (excluding PI cases)	34	394	340	377	407	353	517	268	263 [↓2%]
CJR related cases (PI cases only)	2	518	1,715	1,575	1,504	1,391	1,397	1,308	1,170 [↓11%]
<b>Total</b>	<b>36</b>	<b>912</b>	<b>2,055</b>	<b>1,952</b>	<b>1,911</b>	<b>1,744</b>	<b>1,914</b>	<b>1,576</b>	<b>1,433</b> [↓9%]

63. In the DC, the total number of mediation notices remained at the level of about 1,500 to 1,700 since the third year of the Post-CJR Periods. Despite the total number of cases directed by the court to report the progress of mediation fluctuated in the fourth to ninth years, the figures remained at a generally high level since the third year. The generally higher numbers in respect of the DC as compared with those in the CFI indicate that there may be slightly greater room for cases in the DC to attempt mediation.

64. Separately, the Judiciary has since 2011 collated more statistics relating to mediation, including not only the data above, but also data relating to time, costs and success rates of mediation etc. Details are at **Annex III**.

65. As indicated in the above statistics, there is generally a steady increase in the number of mediation cases in the Post-CJR Periods which suggest a gradual change of litigation culture. Of the cases going through mediation, the percentage of them resulting in agreements ranged from 38% to 48% during the period from 2011 to 2017. With the court's increased emphasis on mediation, more and more litigating parties are aware that mediation would be one of the means of alternative dispute resolution. They are also making more efforts in attempting mediation, particularly for those types of cases which are more conducive to mediation.

66. While the profession has gradually accepted mediation as a realistic approach in settling disputes, it will probably take some more time for them and their clients to get used to the change of culture completely.

67. In this regard, we reviewed in 2014 the relevant Practice Direction to streamline the relevant procedures and reinforce the importance of identifying a suitable stage to try mediation. We will also continue to encourage more use of mediation in certain types of cases.

68. To further enhance the promotion and use of mediation, a new Integrated Mediation Office (“IMO”) was set up by the Judiciary in May 2018. The IMO combines the various mediation offices set up in the past respectively for the Family Court, the District Court and the High Court. It seeks to meet the increasing demand and expectations of the public and to enhance the role of mediation within the judicial system. This new one-stop integrated office would be able to provide a more convenient, timely, effective and efficient service for court users with greater need for mediation services.

69. With collective efforts, it is hoped that public confidence in mediation will be further enhanced.

*(E) Costs Matters*

70. 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 the underlying objectives into account.

71. 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*

72. Under 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.

Table 13.1: Number of Summary Assessments of Costs in the CFI

CFI	Post-CJR Periods				
	1 <sup>st</sup> Year	2 <sup>nd</sup> Year	3 <sup>rd</sup> Year	4 <sup>th</sup> Year	5 <sup>th</sup> Year
Number of Summary Assessment of Costs	373	1,130 <sup>23</sup>	1,594 <sup>24</sup>	1,809 <sup>25</sup>	1,974 <sup>26</sup>

<sup>23</sup> With effect from September 2010, the systems have been enhanced to differentiate the summary assessment of costs by standard costs order made, i.e. without costs data details required and non-standard costs order made, i.e. with costs data details required. Amongst the 1,130 summary assessments of costs made in the CFI, there were 512 non-standard costs orders made with costs data details required, which included 117 records with oral applications from receiving parties but without supplying the statements of costs during hearings. The remaining 618 were standard costs orders.

<sup>24</sup> Amongst the 1,594 summary assessments of costs made in the CFI, there were 484 non-standard costs orders made with costs data details required, which included 121 records with oral applications from receiving parties but without supplying the statements of costs during hearings. The remaining 1,110 were standard costs orders.

<sup>25</sup> Amongst the 1,809 summary assessments of costs made in the CFI, there were 468 non-standard costs orders made with costs data details required, which included 146 records with oral applications from receiving parties but without supplying the statements of costs during hearings. The remaining 1,341 were standard costs orders.

<sup>26</sup> Amongst the 1,974 summary assessments of costs made in the CFI, there were 488 non-standard costs orders made with costs data details required, which included 125 records with oral applications from receiving parties but without supplying the statements of costs during hearings. The remaining 1,486 were standard costs orders.

CFI	Post-CJR Periods			
	6 <sup>th</sup> Year	7 <sup>th</sup> Year	8 <sup>th</sup> Year	9 <sup>th</sup> Year
Number of Summary Assessment of Costs	2,223 <sup>27</sup>	2,521 <sup>28</sup>	3,340 <sup>29</sup>	2,831 <sup>30</sup> [↓15%]

73. In the CFI, the number of summary assessments had a significant overall increase in the Post-CJR Periods, with an accumulative increase of 6.59 times (2,831 cases over 373 cases).

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<sup>27</sup> Amongst the 2,223 summary assessments of costs made in the CFI, there were 439 non-standard costs orders made with costs data details required, which included 128 records with oral applications from receiving parties but without supplying the statements of costs during hearings. The remaining 1,784 were standard costs orders.

<sup>28</sup> Amongst the 2,521 summary assessments of costs made in the CFI, there were 495 non-standard costs orders made with costs data details required, which included 101 records with oral applications from receiving parties but without supplying the statements of costs during hearings. The remaining 2,026 were standard costs orders.

<sup>29</sup> Amongst the 3,340 summary assessments of costs made in the CFI, there were 569 non-standard costs orders made with costs data details required, which included 132 records with oral applications from receiving parties but without supplying the statements of costs during hearings. The remaining 2,771 were standard costs orders.

<sup>30</sup> Amongst the 2,831 summary assessments of costs made in the CFI, there were 494 non-standard costs orders made with costs data details required, which included 100 records with oral applications from receiving parties but without supplying the statements of costs during hearings. The remaining 2,337 were standard costs orders.

Table 13.2: Number of Summary Assessments of Costs in the DC

DC	Post-CJR Periods				
	1 <sup>st</sup> Year	2 <sup>nd</sup> Year	3 <sup>rd</sup> Year	4 <sup>th</sup> Year	5 <sup>th</sup> Year
Number of Summary Assessment of Costs	1,103	2,222 <sup>31</sup>	3,119 <sup>32</sup>	2,476 <sup>33</sup>	2,641 <sup>34</sup>

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<sup>31</sup> With effect from September 2010, the systems have been enhanced to differentiate the summary assessment of costs by standard costs order made, i.e. without costs data details required and non-standard costs order made, i.e. with costs data details required. Amongst the 2,222 summary assessments of costs made in the DC, there were 869 non-standard costs orders made with costs data details required, which included 287 records with oral applications from receiving parties but without supplying the statements of costs during hearings. The remaining 1,353 were standard costs orders.

<sup>32</sup> Amongst the 3,119 summary assessments of costs made in the DC, there were 769 non-standard costs orders made with costs data details required, which included 561 records with oral applications from receiving parties but without supplying the statements of costs during hearings. The remaining 2,350 were standard costs orders.

<sup>33</sup> Amongst the 2,476 summary assessments of costs made in the DC, there were 426 non-standard costs orders made with costs data details required, which included 271 records with oral applications from receiving parties but without supplying the statements of costs during hearings. The remaining 2,050 were standard costs orders.

<sup>34</sup> Amongst the 2,641 summary assessments of costs made in the DC, there were 415 non-standard costs orders made with costs data details required, which included 251 records with oral applications from receiving parties but without supplying the statements of costs during hearings. The remaining 2,226 were standard costs orders.

DC	Post-CJR Periods			
	6 <sup>th</sup> Year	7 <sup>th</sup> Year	8 <sup>th</sup> Year	9 <sup>th</sup> Year
Number of Summary Assessment of Costs	2,368 <sup>35</sup>	2,369 <sup>36</sup>	2,205 <sup>37</sup>	2,062 <sup>38</sup> [↓6%]

74. In the DC, the number of summary assessment of costs fluctuated during the nine years of the Post-CJR Periods. But, on the whole, there was an accumulative increase of 87% (2,062 cases over 1,103 cases).

75. It is a good sign to observe the growing number of summary assessments in general during the Post-CJR Periods. This CJR initiative is invariably done for all interlocutory applications heard by Masters in both court levels.

(b) Taxation

76. The total number of provisional taxations by Chief Judicial Clerks, provisional taxations by Masters (without hearing) and formal taxations by Masters (with hearing) during the Post-CJR Periods are set out in the tables below.

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<sup>35</sup> Amongst the 2,368 summary assessments of costs made in the DC, there were 259 non-standard costs orders made with costs data details required, which included 111 records with oral applications from receiving parties but without supplying the statements of costs during hearings. The remaining 2,109 were standard costs orders.

<sup>36</sup> Amongst the 2,369 summary assessments of costs made in the DC, there were 355 non-standard costs orders made with costs data details required, which included 169 records with oral applications from receiving parties but without supplying the statements of costs during hearings. The remaining 2,014 were standard costs orders.

<sup>37</sup> Amongst the 2,205 summary assessments of costs made in the DC, there were 309 non-standard costs orders made with costs data details required, which included 101 records with oral applications from receiving parties but without supplying the statements of costs during hearings. The remaining 1,896 were standard costs orders.

<sup>38</sup> Amongst the 2,062 summary assessments of costs made in the DC, there were 263 non-standard costs orders made with costs data details required, which included 111 records with oral applications from receiving parties but without supplying the statements of costs during hearings. The remaining 1,799 were standard costs orders.



Table 14.1: Number of Taxations in the High Court (“HC”)<sup>39</sup>

HC	Post-CJR Periods				
	1 <sup>st</sup> Year	2 <sup>nd</sup> Year	3 <sup>rd</sup> Year	4 <sup>th</sup> Year	5 <sup>th</sup> Year
Provisional taxation by Chief Judicial Clerks	202	104	124	82	93
Provisional Taxation by Masters (without hearing)	<b>133</b>	<b>98</b>	<b>89</b>	<b>66</b>	<b>61</b>
Formal Taxation by Masters (with hearing) <sup>40</sup>	206	141	177	175	187
<b>Total</b>	<b>541</b>	<b>343<sup>41</sup></b>	<b>390<sup>41</sup></b>	<b>323<sup>41</sup></b>	<b>341<sup>41</sup></b>

HC	Post-CJR Periods			
	6 <sup>th</sup> Year	7 <sup>th</sup> Year	8 <sup>th</sup> Year	9 <sup>th</sup> Year
Provisional taxation by Chief Judicial Clerks	98	94	67	<b>77</b> [↑15%]
Provisional Taxation by Masters (without hearing)	<b>78</b>	<b>68</b>	54	<b>62</b> [↑15%]
Formal Taxation by Masters (with hearing) <sup>40</sup>	218	208	208	<b>253</b> [↑22%]
<b>Total</b>	<b>394<sup>41</sup></b>	<b>370<sup>41</sup></b>	<b>329<sup>41</sup></b>	<b>392<sup>41</sup></b> [↑19%]

<sup>39</sup> Figures on number of taxations include bills (other than those criminal in nature) originated at other court levels and taxed in the HC.

<sup>40</sup> There may be double counting in the statistics as parties might apply for taxation hearings after taxation without hearing. However, there should not be many of such cases.

<sup>41</sup> The taxation figures captured here include all taxation bills handled by Chief Judicial Clerks and Masters, including those bills which require further actions after their handling (e.g. filing of allocatur).

Table 14.2: Number of Taxations in the DC<sup>42</sup>

DC	Post-CJR Periods				
	1 <sup>st</sup> Year	2 <sup>nd</sup> Year	3 <sup>rd</sup> Year	4 <sup>th</sup> Year	5 <sup>th</sup> Year
Provisional taxation by Chief Judicial Clerks	134	99	91	99	56
Provisional Taxation by Masters (without hearing)	<b>24</b>	<b>70</b>	<b>39</b>	<b>31</b>	<b>21</b>
Formal Taxation by Masters (with hearing) <sup>40</sup>	98	129	108	126	145
<b>Total</b>	<b>256</b>	<b>298<sup>41</sup></b>	<b>238<sup>41</sup></b>	<b>256<sup>41</sup></b>	<b>222<sup>41</sup></b>

DC	Post-CJR Periods			
	6 <sup>th</sup> Year	7 <sup>th</sup> Year	8 <sup>th</sup> Year	9 <sup>th</sup> Year
Provisional taxation by Chief Judicial Clerks	66	67	44	<b>23</b> [↓48%]
Provisional Taxation by Masters (without hearing)	<b>20</b>	<b>29</b>	20	<b>23</b> [↑15%]
Formal Taxation by Masters (with hearing) <sup>40</sup>	100	139	108	<b>104</b> [↓4%]
<b>Total</b>	<b>186<sup>41</sup></b>	<b>235<sup>41</sup></b>	<b>172<sup>41</sup></b>	<b>150<sup>41</sup></b> [↓13%]

77. The total number of taxations in the HC fluctuated throughout the Post-CJR Periods, but with a significant increase of 19% in the ninth year. This might generally be due to more cases being concluded during the past two years. For the DC, while there was a similar fluctuating trend over the first seven years, there has been a decreasing trend in the last three years.

(i) *Provisional Taxation by Chief Judicial Clerks*

78. Under 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 taxation by Masters.

79. For the HC, the number of bills taxed and disposed of on paper by Chief Judicial Clerks fluctuated from year to year during the nine years of the Post-CJR Periods. While the number fluctuated from about 70 to 90 plus cases since the fourth year, there was an increase of 15% to 77 cases in the ninth year.

<sup>42</sup> Figures on number of taxations include bills (other than those criminal in nature) originated at other court levels and taxed in the DC.

80. For the DC, the number for paper disposals by Chief Judicial Clerks dropped from 90 plus cases in the second to fourth year of the Post-CJR Periods to less than 50 cases in the recent two years, with as few as 23 cases in the ninth year representing a year-on-year drop of 48%.

*(ii) Provisional Taxation on Paper by Masters<sup>43</sup>*

81. Provisional taxation by Masters is a new initiative under 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.

82. In the HC, during the Post-CJR Periods, the number of bills taxed and disposed of on paper without hearing by Masters fluctuated over the years, with a year-on-year increase of 15% to 62 cases in the ninth year. Similar to the provisional taxations by Chief Judicial Clerks, a decrease in summary assessment of costs in the HC by 15% in the same year (as shown in Table 13.1 above) may also be relevant.

83. In the DC, the number of bills taxed and disposed of on paper without hearing by Masters remained at a low level of less than 30 cases since the fifth year. For the ninth year, there was a 15% year-on-year increase to 23 cases recorded.

*(iii) Average Disposal Time*

84. The numbers of bills filed and average disposal time for taxed bills during the Pre-CJR Period and Post-CJR Periods are set out in the tables below.

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<sup>43</sup> Provisional taxation by Masters here refers to the provisional taxations submitted under Order 62, but not those submitted as interlocutory applications under Order 32, rule 11A.

Table 15.1: Number of bills filed and average disposal time for taxed bills in the HC<sup>44</sup>

HC	Pre-CJR Period	Post-CJR Periods								
		1 <sup>st</sup> Year	2 <sup>nd</sup> Year	3 <sup>rd</sup> Year	4 <sup>th</sup> Year	5 <sup>th</sup> Year	6 <sup>th</sup> Year	7 <sup>th</sup> Year	8 <sup>th</sup> Year	9 <sup>th</sup> Year
Number of bills filed	1,152	712	702	577	541	588	701	596	657	656 [↓0.2%]
Number of bills taxed <sup>45</sup>	647	623	331	370 <sup>46</sup>	314	337	369 <sup>47</sup>	351	309 <sup>48</sup>	371 <sup>48</sup> [↑20%]
Average Disposal Time (Days)	115	133	137	143	173	187	182	217	247	260

85. For the HC, there was a general increasing trend for the average disposal time over the Post-CJR Periods. In the ninth year, year-on-year, the number of bills taxed increased by 20%. Correspondingly, there was an increase of 13 days in the average disposal time. There seems to be a growing trend for taxation bills of larger amounts and of higher contention, which also increased the complexity of the taxation work.

<sup>44</sup> Figures on number of taxations include bills (other than those criminal in nature) originated at other court levels and taxed in the HC.

<sup>45</sup> Figures on number of bills taxed include bills taxed within the reporting period regardless of their bill filing dates.

<sup>46</sup> Four bills which exceptionally required more than three years for completing the taxation process were excluded from the calculation. Their delay was due to reasons beyond control. Such exceptionally long cases were included in the calculation in the past paper for evaluation of the first three years of CJR implementation.

<sup>47</sup> One bill which exceptionally required more than three years for completing the taxation process was excluded from the calculation. Its delay was due to reasons beyond control.

<sup>48</sup> Two bills which exceptionally required more than three years for completing the taxation process was excluded from the calculation. Its delay was due to reasons beyond control.

Table 15.2: Number of bills filed and average disposal time for taxed bills in the DC<sup>49</sup>

DC	Pre-CJR Period	Post-CJR Periods								
		1 <sup>st</sup> Year	2 <sup>nd</sup> Year	3 <sup>rd</sup> Year	4 <sup>th</sup> Year	5 <sup>th</sup> Year	6 <sup>th</sup> Year	7 <sup>th</sup> Year	8 <sup>th</sup> Year	9 <sup>th</sup> Year
Number of bills filed	957	545	409	395	408	391	328	412	412	440 [↑7%]
Number of bills taxed <sup>45</sup>	316	342	265	219 <sup>50</sup>	240 <sup>51</sup>	202	174	223	159	141 <sup>51</sup> [↓11%]
Average Disposal Time (Days)	83	128	129	137	156	178	163	166	188	289

86. The average disposal time of DC registered a rising trend since the sixth year, with a significant year-on-year increase of 101 days in the ninth year. The number of bills filed also increased in the same year by 7%. These were mainly due to an increase in the percentage of LIPs in the DC at the trial stage as well as a significant number of taxation bills relating to non-refoulement claimants which were hopefully one-off in nature.

(c) Costs Claimed and Costs Allowed

(i) Under taxation

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

<sup>49</sup> Figures on number of taxations include bills (other than those criminal in nature) originated at other court levels and taxed in the DC.

<sup>50</sup> Two bills which exceptionally required more than three years for completing the taxation process were excluded from the calculation. Their delay was due to reasons beyond control. Such exceptionally long cases were included in the calculation in the past paper for evaluation of the first three years of CJR implementation.

<sup>51</sup> One bill which exceptionally required more than three years for completing the taxation process was excluded from the calculation. Its delay was due to reasons beyond control.

Table 16.1: Costs Claimed and Costs Allowed under Taxation in the HC<sup>52</sup>

HC	Post-CJR Periods								
	1 <sup>st</sup> Year	2 <sup>nd</sup> Year	3 <sup>rd</sup> Year	4 <sup>th</sup> Year	5 <sup>th</sup> Year	6 <sup>th</sup> Year	7 <sup>th</sup> Year	8 <sup>th</sup> Year	9 <sup>th</sup> Year
Percentage allowed (Total costs allowed/ Total costs claimed)	Number of bills taxed	Number of bills taxed	Number of bills taxed	Number of bills taxed	Number of bills taxed	Number of bills taxed	Number of bills taxed	Number of bills taxed	Number of bills taxed
≤ 20%	18 (3%)	4 (2%)	0 (0%)	0 (0%)	4 (2%)	1 (1%)	1 (1%)	4 (2%)	2 (1%) [↓1%]
> 20% - 40%	27 (5%)	11 (4%)	8 (3%)	20 (9%)	11 (4%)	14 (5%)	8 (3%)	8 (4%)	10 (4%) [-]
> 40% - 60%	73 (14%)	38 (15%)	34 (12%)	26 (12%)	52 (21%)	49 (17%)	36 (14%)	33 (18%)	37 (15%) [↓3%]
> 60% - 80%	146 (27%)	75 (29%)	75 (27%)	74 (35%)	108 (44%)	105 (37%)	91 (37%)	58 (31%)	94 (38%) [↑7%]
> 80%	277 (51%)	129 (50%)	165 (59%)	94 (44%)	73 (29%)	115 (40%)	111 (45%)	83 (45%)	107 (42%) [↓3%]
<b>Total</b>	<b>541</b> <b>(100%)</b>	<b>257</b> <b>(100%)</b>	<b>282</b> <b>(100%)</b>	<b>214</b> <b>(100%)</b>	<b>248</b> <b>(100%)</b>	<b>284</b> <b>(100%)</b>	<b>247</b> <b>(100%)</b>	<b>186</b> <b>(100%)</b>	<b>250</b> <b>(100%)</b>

88. In the HC, for bills which were taxed with more than 60% of the total costs claimed, the annual percentage figures for the Post-CJR Periods were comparable in the region of 73% to 86%. The percentage of bills with costs allowed exceeding 80% ranged from 40% to 45% over the last four years.

<sup>54</sup> Figures on number of taxations include bills (other than those criminal in nature) originated at other court levels and taxed in the HC.

Table 16.2: Costs Claimed and Costs Allowed under Taxation in the DC<sup>53</sup>

DC	Post-CJR Periods								
	1 <sup>st</sup> Year	2 <sup>nd</sup> Year	3 <sup>rd</sup> Year	4 <sup>th</sup> Year	5 <sup>th</sup> Year	6 <sup>th</sup> Year	7 <sup>th</sup> Year	8 <sup>th</sup> Year	9 <sup>th</sup> Year
Percentage allowed (Total costs allowed/ Total costs claimed)	Number of bills taxed	Number of bills taxed	Number of bills taxed	Number of bills taxed	Number of bills taxed	Number of bills taxed	Number of bills taxed	Number of bills taxed	Number of bills taxed
≤ 20%	7 (3%)	2 (1%)	1 (1%)	1 (1%)	0 (0%)	0 (0%)	5 (3%)	2 (2%)	2 (2%) [-]
> 20% - 40%	12 (5%)	7 (4%)	6 (4%)	8 (5%)	5 (4%)	4 (4%)	3 (2%)	4 (3%)	3 (3%) [-]
> 40% - 60%	60 (23%)	33 (18%)	27 (17%)	26 (16%)	26 (20%)	34 (30%)	45 (25%)	36 (28%)	22 (24%) [↓4%]
> 60% - 80%	108 (42%)	85 (48%)	69 (43%)	70 (43%)	53 (42%)	42 (37%)	81 (46%)	58 (46%)	51 (54%) [↑8%]
> 80%	69 (27%)	53 (29%)	57 (35%)	57 (35%)	43 (34%)	33 (29%)	42 (24%)	27 (21%)	16 (17%) [↓4%]
<b>Total</b>	<b>256 (100%)</b>	<b>180 (100%)</b>	<b>160 (100%)</b>	<b>162 (100%)</b>	<b>127 (100%)</b>	<b>113 (100%)</b>	<b>176 (100%)</b>	<b>127 (100%)</b>	<b>94 (100%)</b>

89. In the case of the DC, for bills which were taxed with more than 60% of the total costs claimed, the annual percentage figures were comparable in the region of 66% to 78%.

(ii) *Under summary assessment of costs*

90. 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 Periods are set out in the tables below.

<sup>53</sup> Figures on number of taxations include bills (other than those criminal in nature) originated at other court levels and taxed in the DC.

Table 17.1: Costs Claimed and Costs Allowed under Summary Assessment of Costs in the CFI

CFI	Post-CJR Periods								
	1 <sup>st</sup> Year	2 <sup>nd</sup> Year	3 <sup>rd</sup> Year	4 <sup>th</sup> Year	5 <sup>th</sup> Year	6 <sup>th</sup> Year	7 <sup>th</sup> Year	8 <sup>th</sup> Year	9 <sup>th</sup> Year
Percentage allowed (Total costs allowed/ Total costs claimed)	Number of bills taxed	Number of bills taxed	Number of bills taxed	Number of bills taxed	Number of bills taxed	Number of bills taxed	Number of bills taxed	Number of bills taxed	Number of bills taxed
≤ 20%	13 (3%)	7 (2%)	10 (3%)	3 (0.9%)	7 (2%)	9 (3%)	14	6 (1%)	7 (2%) [↑1%]
> 20% - 40%	36 (10%)	26 (6%)	19 (5%)	21 (6.5%)	32 (9%)	29 (9%)	35 (9%)	39 (9%)	19 (5%) [↓4%]
> 40% - 60%	66 (18%)	71 (18%)	64 (18%)	61 (18.9%)	53 (14%)	71 (23%)	75 (19%)	64 (15%)	62 (15%) [-]
> 60% - 80%	106 (28%)	98 (25%)	101 (28%)	103 (32.0%)	104 (29%)	83 (27%)	98 (25%)	102 (23%)	110 (28%) [↑5%]
> 80%	152 (41%)	193 (49%)	169 (46%)	134 (41.6%)	167 (46%)	119 (38%)	172 (44%)	226 (52%)	196 (50%) [↓2%]
<b>Total<sup>54</sup></b>	<b>373</b> <b>(100%)</b>	<b>395</b> <b>(100%)</b>	<b>363</b> <b>(100%)</b>	<b>322</b> <b>(100%)</b>	<b>363</b> <b>(100%)</b>	<b>311</b> <b>(100%)</b>	<b>394</b> <b>(100%)</b>	<b>437</b> <b>(100%)</b>	<b>394</b> <b>(100%)</b>

91. In the CFI, the percentage figures show that the pattern of distribution remained more or less the same during the Post-CJR Periods. In the past nine years, for cases allowed with more than 60% of the total costs claimed, the annual percentage figures were comparable in the region of 65% to 78%. For the percentage of bills with costs allowed exceeding 80%, it ranged from 38% to 52% in the Post-CJR Periods.

Table 17.2: Costs Claimed and Costs Allowed under Summary Assessment of Costs in the DC

<sup>54</sup> A receiving party might orally apply for costs without supplying a statement of costs during a hearing. In that regard, there normally was no “Total Costs Claimed” for the application but only with “Total Costs Allowed” granted by the court. In the first year of the Post-CJR Periods, these applications could not be identified owing to system constraint and were subsumed under the category of >80%. From the second year of the Post-CJR Periods onwards, systems were enhanced to give effect to capture and identify these applications. In the second, third, fourth, fifth, sixth, seventh, eighth and ninth years of the Post-CJR Periods, there were 117, 121, 146, 125, 128, 101, 132 and 100 records of this kind respectively which had not been included in the table.



DC	Post-CJR Periods								
	1 <sup>st</sup> Year	2 <sup>nd</sup> Year	3 <sup>rd</sup> Year	4 <sup>th</sup> Year	5 <sup>th</sup> Year	6 <sup>th</sup> Year	7 <sup>th</sup> Year	8 <sup>th</sup> Year	9 <sup>th</sup> Year
Percentage allowed (Total costs allowed/ Total costs claimed)	Number of bills taxed	Number of bills taxed	Number of bills taxed	Number of bills taxed	Number of bills taxed	Number of bills taxed	Number of bills taxed	Number of bills taxed	Number of bills taxed
≤ 20%	0 (N/A)	4 (1%)	1 (0.5%)	1 (1%)	5 (3%)	2 (1%)	4 (2%)	5 (2%)	2 (1%) [↓1%]
> 20% - 40%	12 (1%)	14 (2%)	18 (8.7%)	15 (10%)	19 (12%)	15 (10%)	14 (8%)	22 (11%)	13 (9%) [↓2%]
> 40% - 60%	15 (1%)	30 (5%)	35 (16.8%)	23 (15%)	40 (24%)	29 (20%)	35 (19%)	30 (14%)	37 (24%) [↑10%]
> 60% - 80%	33 (3%)	46 (8%)	61 (29.3%)	63 (40%)	35 (21%)	39 (26%)	34 (18%)	60 (29%)	41 (27%) [↓2%]
> 80%	1,043 <sup>55</sup> (95%)	488 (84%)	93 (44.7%)	53 (34%)	65 (40%)	63 (43%)	99 (53%)	91 (44%)	59 (39%) [↓5%]
<b>Total<sup>56</sup></b>	<b>1,103</b> <b>(100%)</b>	<b>582</b> <b>(100%)</b>	<b>208</b> <b>(100%)</b>	<b>155</b> <b>(100%)</b>	<b>164</b> <b>(100%)</b>	<b>148</b> <b>(100%)</b>	<b>186</b> <b>(100%)</b>	<b>208</b> <b>(100%)</b>	<b>152</b> <b>(100%)</b>

92. In the case of the DC, the figures in the first year of the Post-CJR Periods were not directly comparable with those in the second to ninth years. This is because of the exclusion since the second year of the large

<sup>55</sup> 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 in the first year 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 was enhanced to exclude such cases in the second, third, fourth, fifth and sixth years for analysis.

<sup>56</sup> A receiving party might orally apply for costs without supplying a statement of costs during a hearing. In that regard, there normally was no “Total Costs Claimed” for the application but only with “Total Costs Allowed” granted by the court. In the first year of the Post-CJR Periods, these applications could not be identified owing to system constraint and were subsumed under the category of >80%. From the second year of the Post-CJR Periods onwards, systems were enhanced to capture and identify these applications. In the second, third, fourth, fifth, sixth, seventh, eighth and ninth years of the Post-CJR Periods, there were 287, 561, 271, 251, 111, 169, 101 and 111 records of this kind respectively which had not been included in the table.

number of cases involving litigants in person where only verbal claims were made during hearing with no statement of costs submitted. In the third to ninth years, the percentage of cases with the costs allowed amounting to over 60% of the costs claimed ranged from 61% to 74%. The percentage of summary assessment with costs allowed exceeding 80% remained relatively stable at about 40% since the fifth year.

***(F) Litigants in Person***

93. The number of hearings involving LIPs has been on the rise in general. This presents a challenge to the courts. A multi-faceted approach is being adopted. The change of culture in the conduct of dispute resolution and the use of mediation will contribute to the solution. The provision of legal aid will also help. Separately, the Government's pilot scheme on LIPs should also be able to provide assistance for LIPs.

94. The number of hearings involving LIPs being heard at different stages (i.e. interlocutory applications, CMS, CMCs, PTRs and trials) are set out below.

Table 18.1: Number of Hearings Involving LIPs<sup>57</sup> Being Heard at Different Stages in the CFI

CFI	Post-CJR Periods								
	1 <sup>st</sup> Year	2 <sup>nd</sup> Year	3 <sup>rd</sup> Year	4 <sup>th</sup> Year	5 <sup>th</sup> Year	6 <sup>th</sup> Year	7 <sup>th</sup> Year	8 <sup>th</sup> Year	9 <sup>th</sup> Year
Interlocutory applications (% against total hearings)	942 (36.9%)	916 (39.5%)	954 (40.7%)	1,064 (41.5%)	1,543 (52.0%)	1,234 (46.7%)	1,216 (48.7%)	1,442 (43.4%)	1,302 (36.1%) [↓7.3%]
Case management summons (% against total hearings)	60 (26.2%)	69 (26.3%)	60 (23.3%)	85 (32.1%)	86 (32.3%)	73 (27.3%)	106 (32.9%)	112 (26.2%)	118 (30.2%) [↑4%]
CMC (% against total hearings)	125 (18.0%)	161 (23.1%)	102 (17.7%)	125 (21.1%)	129 (20.3%)	129 (22.2%)	143 (24.4%)	122 (21.6%)	156 (26.6%) [↑5%]
PTR (% against total hearings)	62 (26.0%)	58 (25.4%)	42 (22.3%)	43 (20.7%)	61 (28.4%)	46 (22.7%)	54 (32.5%)	52 (30.6%)	56 (27.3%) [↓3.3%]
Trial (% against total hearings)	82 (34.3%)	76 (35.0%)	46 (27.5%)	41 (22.9%)	76 (34.9%)	66 (36.1%)	59 (35.8%)	59 (37.1%)	64 (35.2%) [↓1.9%]

95. In the CFI, in the ninth year, there was a general year-on-year decrease in the percentages involving LIPs at the stages of interlocutory applications, PTR and trial.

<sup>57</sup> Figures on number of hearings include hearings under the respective stages of litigation (i.e. interlocutory applications, CMS, CMC, PTR or trial) with their heard dates within the reporting period. Any one of the parties not legally represented in the hearing will be counted as hearing involving LIPs.

Table 18.2: Number of Hearings Involving LIPs<sup>59</sup> Being Heard at Different Stages in the DC

DC	Post-CJR Periods								
	1 <sup>st</sup> Year	2 <sup>nd</sup> Year	3 <sup>rd</sup> Year	4 <sup>th</sup> Year	5 <sup>th</sup> Year	6 <sup>th</sup> Year	7 <sup>th</sup> Year	8 <sup>th</sup> Year	9 <sup>th</sup> Year
Interlocutory applications (% against total hearings)	428 (48.9%)	443 (51.4%)	354 (50.7%)	355 (54.0%)	487 (55.4%)	491 (56.2%)	482 (57.1%)	556 (60.2%)	462 (59.5%) [↓0.7%]
Case management summons (% against total hearings)	432 (60.2%)	330 (61.2%)	292 (62.9%)	289 (65.5%)	241 (54.6%)	218 (47.0%)	208 (51.4%)	254 (60.6%)	267 (61.2%) [↑0.6%]
CMC (% against total hearings)	327 (50.2%)	364 (53.8%)	304 (50.5%)	243 (51.7%)	205 (53.2%)	155 (45.9%)	108 (34.1%)	147 (41.8%)	191 (42.2%) [↑0.4%]
PTR (% against total hearings)	81 (65.9%)	67 (46.2%)	69 (61.6%)	85 (56.7%)	74 (47.1%)	90 (51.7%)	68 (38.2%)	76 (39.4%)	76 (34.7%) [↓4.7%]
Trial (% against total hearings)	159 (52.7%)	148 (47.4%)	124 (61.4%)	135 (57.9%)	112 (51.4%)	124 (61.4%)	101 (48.3%)	87 (45.3%)	91 (61.5%) [↑16.2%]

96. In the DC, the percentages of hearings involving LIPs at different stages of litigation were generally higher than the respective stages at the HC. But, unlike the CFI, in the ninth year, there was a general increase in the percentage involving LIPs in respect of case management summons, CMC and trial. Given the relatively smaller amount of claims in the DC, the litigants may not prefer engage legal representatives because of legal costs considerations.

97. With the implementation of CJR, the Judiciary continues to provide appropriate assistance for LIPs. The facilities and services in the Resource Centre for Unrepresented Litigants serve to assist them in dealing with the court rules and procedures in the conduct of their cases under CJR.

98. Separately, after a pilot scheme, the Home Affairs Bureau of the Government has since April 2016 regularized its scheme called the Legal Advice Scheme for Unrepresented Litigants on Civil Procedures which provides free legal advice on procedural matters for eligible LIP litigants in respect of, among others, the CFI and DC.

Table 19.1: Number of enquiries at Resource Centre

	Pre-CJR Period	Post-CJR Periods								
		1 <sup>st</sup> Year	2 <sup>nd</sup> Year	3 <sup>rd</sup> Year	4 <sup>th</sup> Year	5 <sup>th</sup> Year	6 <sup>th</sup> Year	7 <sup>th</sup> Year	8 <sup>th</sup> Year	9 <sup>th</sup> Year
Number of enquiries at Resource Centre	13,893	15,189	14,339	13,888	15,483	17,713	14,420	16,035	15,753	14,453 [↓8%]

99. The number of enquiries at the Judiciary’s Resource Centre fluctuated over the Post-CJR Periods, with an 8% year-on-year drop in the ninth year. We also note separately there was a mild year-on-year decrease in the number of hit rates of the related webpage of 0.5% in the same year.

**(G) How Some “Individual Changes” Work Out in Practice**

*(a) Appeals*

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

100. The numbers of applications for leave to appeal against CFI’s interlocutory decisions handled by the Court of Appeal during the Post-CJR Periods are set out in the table below.

Table 20.1: Number of Applications for Leave to Appeal against CFI’s Interlocutory Decisions handled by the Court of Appeal<sup>58</sup>

	Pre-CJR Period	Post-CJR Periods								
		1 <sup>st</sup> Year	2 <sup>nd</sup> Year	3 <sup>rd</sup> Year	4 <sup>th</sup> Year	5 <sup>th</sup> Year	6 <sup>th</sup> Year	7 <sup>th</sup> Year	8 <sup>th</sup> Year	9 <sup>th</sup> Year
Number of leave applications	22	52	49	65	55	49	60	74	75	96 [↑28%]

101. The numbers of applications for leave to appeal fluctuated from year to year during the Post-CJR Periods, with a relatively significant year-on-year increase of 28% in the ninth year. This might partly be due to an increase of 14% in the number of interlocutory applications in the same year as reflected in Table 2.1 above.

<sup>58</sup> Figures in this table only include the applications for leave to appeal from the CFI handled by the Court of Appeal, but not such leave applications examined by CFI judges.

(ii) Number of Interlocutory Appeals

Table 20.2: Number of Interlocutory Appeals from the CFI to the Court of Appeal<sup>59</sup>

	Pre-CJR Period	Post-CJR Periods								
		1 <sup>st</sup> Year	2 <sup>nd</sup> Year	3 <sup>rd</sup> Year	4 <sup>th</sup> Year	5 <sup>th</sup> Year	6 <sup>th</sup> Year	7 <sup>th</sup> Year	8 <sup>th</sup> Year	9 <sup>th</sup> Year
Number of Interlocutory appeals	179	78	61	62	28	12	25	17	10	6 [↓40%]

102. The numbers of interlocutory appeals filed during the Post-CJR Periods generally dropped during the nine years of the Post-CJR Periods<sup>60</sup>, with a year-on-year decrease of 40% in the ninth year. In any case, the number of such appeals filed was small as compared with that in the Pre-CJR Period. This shows that more stringent requirement of leave seems to have successfully reduced the number of unmeritorious interlocutory appeals from the CFI to the Court of Appeal and CJR is moving towards the right direction.

**V. Views of the Legal Profession**

***The Bar Association***

103. The Bar Association considers that the changes introduced and implemented under the CJR had been welcomed and embraced by the stakeholders. On active case management, it was noted that Judges now tended to push parties into mediation because the gap of what started off as a large divergence of views might be bridged once parties started to focus on how best to move forward without going to trial.

***The Law Society***

<sup>59</sup> Figures in this table include all interlocutory appeals with leave granted either by the CFI Judges or the Court of Appeal. As its basis is different from that for Table 20.1 above, the figures in this table may not be a subset of those figures in Table 20.1.

<sup>60</sup> The number of interlocutory appeals in the fourth year decreased drastically year-on-year by 60%. One of the possible reasons was the directions given by the Chief Judge of the High Court in February 2012 after a judgment indicating that appeals filed pursuant to Order 59, rule 21 of the Cap. 4A would be treated as final appeals (*Champion Concord Ltd and Another v Lau Koon Foo and Another; Lau Koon Foo v Champion Concord Ltd and Another* [2011] 14 HKCFAR 837). As such, those appeals were excluded from the category of interlocutory appeals above and be re-classified as final appeals.

104. The Law Society's general observation was that solicitors continued to welcome and were getting better experience with the additional case management powers of the court in driving things forward and appropriately pushing parties towards mediation.

## **VI. Conclusion**

105. The implementation of CJR for the ninth year continued to be smooth and satisfactory on the whole. Among the statistics highlighted above, there are a few areas where the success and effectiveness of CJR have generally been more clearly seen. These include greater use of mediation, more sanctioned payments (under Order 22 and on costs under Order 62A) and more summary assessment of costs.

106. Taking an overall strategic look at the statistics for the last nine years, it appears that CJR works particularly well for cases which could be more easily settled by nature, e.g. DC cases which are simpler and PI cases where the damages could be assessed with more well-established principles. The impact of CJR on the more complicated cases such as those in the HC may be less obvious.

107. With the court's encouragement, there is a general trend that more and more people are considering mediation as an alternative way of dispute resolution. Further, parties to the legal proceedings and their legal representatives now recognize more the court's case management powers. They are therefore more cost-sensitive and sensible in making applications to the court, and adjournment of trials has been less frequent. There are also less interlocutory appeals. With mechanisms in place such as sanctioned payments, more parties (particularly defendants) are more willing to seriously consider settlement early. Cases are generally settled at an earlier stage. All these latest developments help save the litigation costs of parties as well as judicial resources, which is one of the underlying objectives of CJR.

108. That said, we remain mindful that the CJR key indicators are inevitably susceptible to factors not related to CJR, such as the deployment of judicial manpower in specific periods, fluctuation in caseload, different nature of the cases in the CFI and the DC, as well as the challenges posed by the increasing number of LIPs particularly at certain stages of the proceedings. It would be difficult, if not impossible, to single out the effect of CJR implementation alone. The statistics presented in this note, as before, should therefore be read with caution and interpreted in their proper context. While we now have a longer period of observation after implementation of

the CJR, it remains inappropriate to attribute any yearly changes solely to CJR.

109. Many of the statistical trends have been stabilizing over the past few years. As agreed by the Monitoring Committee at its last meeting and subject to the examination of the actual statistics for the tenth year, it is very likely that the Judiciary would only monitor the annual statistics for one more year (i.e. up to the tenth year).

**Judiciary Administration**  
**February 2019**



Number of PI cases disposed of and average number of Checklist Review Hearing (“CLR”)/  
Case Management Conference (“CMC”)/ Pre-trial Review (“PTR”) with breakdown by trial & without trial<sup>61</sup>

Commencement date: Any date in Pre or Post-Civil Justice Reform (“CJR”) Periods

Disposal date: Any date in either 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup>, 4<sup>th</sup>, 5<sup>th</sup>, 6<sup>th</sup>, 7<sup>th</sup>, 8<sup>th</sup> or 9<sup>th</sup> Year of Post-CJR Periods

CFI	Post-CJR Periods														
	1 <sup>st</sup> Year			2 <sup>nd</sup> Year			3 <sup>rd</sup> Year			4 <sup>th</sup> Year			5 <sup>th</sup> Year		
	With trial	With out trial	Total	With trial	With out trial	Total	With trial	With out trial	Total	With trial	With out trial	Total	With trial	With out trial	Total
<b>No. of PI cases disposed of</b>	<b>59</b> (6%)	<b>871</b> (94% )	<b>930</b>	<b>49</b> (7%)	<b>698</b> (93%)	<b>747</b>	<b>43</b> (6%)	<b>619</b> (94%)	<b>662</b>	<b>21</b> (3%)	<b>746</b> (97%)	<b>767</b>	<b>24</b> (3%)	<b>882</b> (97%)	<b>906</b>
(Average no. of CLR/CMC/ PTR)	(4.88)	(3.20)	<b>(3.30)</b>	(5.59)	(3.33)	<b>(3.48)</b>	(5.63)	(3.12)	<b>(3.28)</b>	(4.62)	(2.92)	<b>(2.96)</b>	(5.08)	(2.90)	<b>(2.96)</b>

CFI	Post-CJR Periods											
	6 <sup>th</sup> Year			7 <sup>th</sup> Year			8 <sup>th</sup> Year			9 <sup>th</sup> Year		
	With trial	Without trial	Total	With trial	Without trial	Total	With trial	Without trial	Total	With trial	Without trial	Total
<b>No. of PI cases disposed of</b>	<b>23</b> (2%)	<b>947</b> (98%)	<b>970</b>	<b>23</b> (2%)	<b>1,130</b> (98%)	<b>1,153</b>	<b>17</b> (1%)	<b>1,162</b> (99%)	<b>1,179</b>	<b>26</b> (2%)	<b>1,237</b> (98%)	<b>1,263</b>
(Average no. of CLR/CMC/ PTR)	(4.83)	(3.11)	<b>(3.15)</b>	(4.74)	(3.14)	<b>(3.17)</b>	(4.24)	(3.07)	<b>(3.09)</b>	(6.50)	(3.15)	<b>(3.15)</b>

<sup>61</sup> PI cases with trials vacated before hearing are classified under “Without Trial” category.

Supplementary information regarding Personal Injuries (“PI”) cases

Commencement date: Any date in Pre or Post-Civil Justice Reform (“CJR”) Periods

Disposal date: Any date in either 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup>, 4<sup>th</sup>, 5<sup>th</sup>, 6<sup>th</sup>, 7<sup>th</sup>, 8<sup>th</sup> or 9<sup>th</sup> Year of Post-CJR Periods

DC	Post-CJR Periods														
	1 <sup>st</sup> Year			2 <sup>nd</sup> Year			3 <sup>rd</sup> Year			4 <sup>th</sup> Year			5 <sup>th</sup> Year		
	With trial	With out trial	Total	With trial	With out trial	Total	With trial	With out trial	Total	With trial	With out trial	Total	With trial	With out trial	Total
<b>No. of PI cases disposed of</b>	<b>67</b> (3%)	<b>2,049</b> (97%)	<b>2,116</b>	<b>66</b> (3%)	<b>2,025</b> (97%)	<b>2,091</b>	<b>36</b> (2%)	<b>2,235</b> (98%)	<b>2,271</b>	<b>36</b> (1%)	<b>2,377</b> (99%)	<b>2,413</b>	<b>20</b> (1%)	<b>2,662</b> (99%)	<b>2,682</b>
(Average no. of CLR/CMC/ PTR)	(2.01)	(1.47)	<b>(1.49)</b>	(3.42)	(1.48)	<b>(1.55)</b>	(3.11)	(1.31)	<b>(1.33)</b>	(3.42)	(1.28)	<b>(1.31)</b>	(2.95)	(1.35)	<b>(1.36)</b>

DC	Post-CJR Periods											
	6 <sup>th</sup> Year			7 <sup>th</sup> Year			8 <sup>th</sup> Year			9 <sup>th</sup> Year		
	With trial	Without trial	Total	With trial	Without trial	Total	With trial	Without trial	Total	With trial	Without trial	Total
<b>No. of PI cases disposed of</b>	<b>26</b> (1%)	<b>2,711</b> (99%)	<b>2,737</b>	<b>29</b> (1%)	<b>2,625</b> (99%)	<b>2,654</b>	<b>24</b> (1%)	<b>2,606</b> (99%)	<b>2,630</b>	<b>19</b> (1%)	<b>2,581</b> (99%)	<b>2,600</b>
(Average no. of CLR/CMC/ PTR)	(2.69)	(1.44)	<b>(1.45)</b>	(3.93)	(1.44)	<b>(1.47)</b>	(3.71)	(1.36)	<b>(1.39)</b>	3.32	1.33	<b>1.34</b>

## Supplementary information regarding Personal Injuries (“PI”) cases

### Observations:

- (a) While the overall average numbers of CLR/CMC/PTR per case disposed of for PI cases in the CFI registered a slight increase in the ninth year, the average numbers for those in the DC recorded slight decrease in the same period.
- (b) In both the CFI and DC, the average numbers of CLR/CMC/PTR per case disposed of for cases with trial were higher than the corresponding figures for cases without trial.
- (c) In both the CFI and the DC, the percentages of PI cases disposed of without trial as against the total PI cases disposed of were on a rising trend during the Post-CJR Periods. In the CFI, the percentages remained steady at 93%-94% during the first three years of the Post-CJR Periods. The percentages reached a further high level of 97%-99% in the fourth to ninth years. In the DC, the percentages remained high at 97%-98% during the first three years. Such further increased and reached 99% in the fourth to ninth years.

**Information regarding Sanctioned Offers**  
**Collated from the Government**

**Number of Order 22 and Order 62A Sanctioned Offers Received and Accepted by Department of Justice (“DoJ”)**

	Post-CJR Periods							
	3 <sup>rd</sup> Year		4 <sup>th</sup> Year		5 <sup>th</sup> Year		6 <sup>th</sup> Year	
	Received	<i>Accepted</i>	Received	<i>Accepted</i>	Received	<i>Accepted</i>	Received	<i>Accepted</i>
Order 22	46	8	11	7	18	2	4	1
Order 62A	6	3	2	2	4	0	7	2
Total	52	11	13	9	22	2	11	3

	7 <sup>th</sup> Year		8 <sup>th</sup> Year		9 <sup>th</sup> Year	
	Received	<i>Accepted</i>	Received	<i>Accepted</i>	Received	<i>Accepted</i>
Order 22	27	3	207	1	74	3
Order 62A	0	0	4	0	6	0
Total	27	3	211	1	80	3

DoJ has been collecting the statistics for cases under its purview since the third year of the Post-CJR Periods. The total number of sanctioned offers received and accepted fluctuated from year to year during the Post-CJR Periods. For the ninth year, the number of sanctioned offers received steered back to a steady level and the number accepted remained at a low level.

**Information regarding Sanctioned Offers**  
**Collated from the Government**

**Number of Sanctioned Offers handled by Legal Aid Department (“LAD”) and settled by Sanctioned Offers**

	Post-CJR Periods				
	1 <sup>st</sup> Year	2 <sup>nd</sup> Year	3 <sup>rd</sup> Year	4 <sup>th</sup> Year	5 <sup>th</sup> Year
Number of legally aided cases handled in-house	132	151	99	171	103
Number of cases settled by sanctioned offer	0	0	1	2	1

	6 <sup>th</sup> Year	7 <sup>th</sup> Year	8 <sup>th</sup> Year	9 <sup>th</sup> Year
Number of legally aided cases handled in-house	116	117	124	123
Number of cases settled by sanctioned offer	0	0	0	0

2. Out of the number of cases handled by LAD in-house, the numbers settled by sanctioned offers remained low over the past eight years of the Post-CJR Periods.

**More Comprehensive Mediation Statistics for  
Civil Justice Reform (“CJR”) cases**

- The statistics below are collated by the Judiciary since 2011. Unlike the other CJR statistics, the figures in this annex are prepared on a calendar year basis, rather than from 1 April of a year to 31 March of the following year.
- Various Practice Directions set out a mechanism to facilitate parties to enter into dialogue on mediation. Empirical data is also collected from cases in court where mediation has taken place. The number of mediation related documents and that of cases directed by the court to report progress of mediation, together with summary of the mediation reports of those cases, where CJR is applicable (“CJR related cases”), are tabulated below. It should be noted that: a) only those mediation reports filed with filing date falls within the reporting period would be included; and b) some cases have undergone mediation without proceeding further with the proceedings.
- Please also note that mediation services are provided by mediators in the private sector. Parties would usually directly approach the accredited mediators or professional bodies outside the Judiciary to seek mediation.

**Number of Mediation related documents filed in the Court of First Instance<sup>62</sup>**

	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>
Mediation Certificate	2,759	2,977	2,878	3,271	3,668	3,623	3,716
Mediation Notice	1,030	1,146	1,164	1,223	1,381	1,380	1,399
Mediation Response	949	1,062	1,031	1,078	1,258	1,181	1,249
Mediation Minutes	444	508	541	602	652	666	663

<sup>62</sup> It only includes cases commenced by the 6 CJR related case types in the Court of First Instance, i.e. Civil Action (HCA), Admiralty Action (HCAJ), Commercial Action (HCCL), Construction and Arbitration Proceedings (HCCT), Miscellaneous Proceedings (HCMP) and Personal Injuries Action (HCPI).

**Number of Mediation related documents filed in the District Court**<sup>63</sup>

	2011	2012	2013	2014	2015	2016	2017
Mediation Certificate	8,810	9,126	9,014	9,628	9,731	9,439	9,801
Mediation Notice	1,459	1,663	1,714	1,742	1,640	1,568	1,542
Mediation Response	1,008	1,127	1,196	1,214	1,060	900	932
Mediation Minutes	223	308	372	440	487	429	372

**Number of cases directed by the Court to report the Progress of Mediation in the Court of First Instance**

	2011	2012	2013	2014	2015	2016	2017
CJR related cases (excluding HCPI cases)	338	244	195	151	175	162	179
CJR related cases (HCPI cases only)	802	795	677	796	625	914	1,004
<b>Total</b>	<b>1,140</b>	<b>1,039</b>	<b>872</b>	<b>947</b>	<b>800</b>	<b>1,076</b>	<b>1,183</b>

**Number of cases directed by the Court to report the Progress of Mediation in the District Court**

	2011	2012	2013	2014	2015	2016	2017
CJR related cases (excluding DCPI cases)	419	381	409	368	500	307	259
CJR related cases (DCPI cases only)	1,751	1,614	1,504	1,418	1,370	1,343	1,226
<b>Total</b>	<b>2,170</b>	<b>1,995</b>	<b>1,913</b>	<b>1,786</b>	<b>1,870</b>	<b>1,650</b>	<b>1,485</b>

<sup>63</sup> It only includes cases commenced by the 6 CJR related case types in the District Court, i.e. Civil Action (DCCJ), Employee's Compensation Case (DCEC), Equal Opportunities Action (DCEO), Miscellaneous Proceedings (DCMP), Personal Injuries Action (DCPI) and Tax Claim (DCTC).

**Average Duration between the date of Appointing Mediator to the date of Completion of the Whole Mediation Process (in days) for Cases filed in the Court of First Instance<sup>64</sup>**

<b>Year</b>	<b>Days<sup>65</sup></b>
2011	Not Available
2012	39
2013	43
2014	40
2015	42
2016	49
2017	48

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<sup>64</sup> It only refers to the number of cases with mediation reports/ letters filed with filing date falls within the captioned period.

<sup>65</sup> It is arrived by having the total number of days reported for the mediation process, divided by the number of cases with duration reported over that year.



**Average Duration between the date of Appointing Mediator to the date of Completion of the Whole Mediation Process (in days) for Cases filed in the District Court<sup>3</sup>**

<b>Year</b>	<b>Days<sup>4</sup></b>
2011	Not Available
2012	27
2013	29
2014	33
2015	39
2016	35
2017	38

**Summary of Mediation Reports filed in the Court of First Instance in 2011<sup>66</sup>**

- Out of the mediated cases, 38% had resulted in agreements. 62% of the mediated cases did not lead to any agreement.
- It took, on the average, 5 hours to reach a full agreement, 9 hours to reach a partial agreement and 5 hours to reach no agreement. Partial agreement cases required longer time to settle, reflecting that perhaps these involved difficult and complicated issues.
- 132 reported cases did not go through mediation because they could settle or round up their cases on their own motions through case management procedures.
- Regarding the cost of mediated cases, it was, on average HK\$17,000 per case / HK\$3,100 per hour for a case with full agreement; HK\$30,100 per case / HK\$3,400 per hour for a case with partial agreement and HK\$17,500 per case / HK\$3,800 per hour for a case without agreement.

<b>Court of First Instance in 2011<sup>5</sup></b>	<b>Number of cases (%)</b>	<b>Average Time spent on Mediation per case (hour)</b>	<b>Average Cost of Mediation per case (HK\$)</b>
Cases with Full agreement	144 (34%)	5	\$17,000 per case/ \$3,100 per hour
Cases with Partial agreement	15 (4%)	9	\$30,100 per case/ \$3,400 per hour
<b>Total number of cases with full/partial agreement</b>	<b>159 (38%)</b>	-	-
Cases with No agreement	262 (62%)	5	\$17,500 per case/ \$3,800 per hour
Sub-total (Cases with Mediation)		421	
Cases settled/ withdrawn/ discontinued without mediation <sup>67</sup>		132	
Others (e.g. mediation adjourned, etc)		4	
<b>Total:</b>		<b>557</b>	

<sup>66</sup> It only refers to the number of cases with mediation reports/ letters filed with filing date falls in year 2011.

<sup>67</sup> Amongst the mediation reports filed in year 2011, 132 cases with notification to the Court that despite the Court's suggestion, the cases were settled/ withdrawn/ discontinued without mediation.

**Summary of Mediation Reports filed in the District Court in 2011<sup>68</sup>**

- Out of the mediated cases, 48% had resulted in agreements. 52% of the mediated cases did not lead to any agreement.
- It took, on the average, 6 hours to reach a full agreement, 6 hours to reach a partial agreement and 4 hours to reach no agreement.
- 806 reported cases did not go through mediation because they could settle or round up their cases on their own motions through case management procedures.
- Regarding the cost of mediated cases, it was, on average HK\$14,300 per case / HK\$2,500 per hour for a case with full agreement; HK\$23,800 per case / HK\$4,000 per hour for a case with partial agreement and HK\$10,400 per case / HK\$2,500 per hour for a case without agreement.

<b>District Court in 2011<sup>7</sup></b>	<b>Number of cases (%)</b>	<b>Average Time spent on Mediation per case (hour)</b>	<b>Average Cost of Mediation per case (HK\$)</b>
Cases with Full agreement	120 (46%)	6	\$14,300 per case/ \$2,500 per hour
Cases with Partial agreement	4 (2%)	6	\$23,800 per case/ \$4,000 per hour
<b>Total number of cases with full/partial agreement</b>	<b>124 (48%)</b>	-	-
Cases with No agreement	135 (52%)	4	\$10,400 per case/ \$2,500 per hour
Sub-total (Cases with Mediation)		259	
Cases settled/ withdrawn/ discontinued without mediation <sup>69</sup>		806	
Others (e.g. mediation adjourned, etc)		5	
<b>Total:</b>		<b>1,070</b>	

<sup>68</sup> It only refers to the number of cases with mediation reports/ letters filed with filing date falls in year 2011.

<sup>69</sup> Amongst the mediation reports filed in year 2011, 806 cases with notification to the Court that despite the Court's suggestion, the cases were settled/ withdrawn/ discontinued without mediation.

## **Summary of Mediation Reports filed in the Court of First Instance in 2012<sup>70</sup>**

- Out of the mediated cases, 38% had resulted in agreements. 62% of the mediated cases did not lead to any agreement. However, out of the mediated cases without any agreement, 49 cases eventually disposed of within 6 months.
- Ultimately the settlement rate was **46%**. It was measured by adding the number of cases with settlement by mediation and those not settling through mediation but disposed of within 6 months afterwards, divided by the total number of cases with mediation over that year.
- In addition, 191 reported cases did not go through mediation because they could settle or round up their cases on their own motions through case management procedures.
- Out of the mediated cases, it took, on the average, 6 hours to reach a full agreement, 4 hours to reach a partial agreement and 5 hours to reach no agreement.
- Regarding the cost of mediated cases, it was, on average HK\$18,200 per case / HK\$3,200 per hour for a case with full agreement; HK\$19,500 per case / HK\$4,400 per hour for a case with partial agreement and HK\$17,100 per case / HK\$3,600 per hour for a case without agreement.

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<sup>70</sup>  
year 2012.

It only refers to the number of cases with mediation reports/ letters filed with filing date falls in

<b>Court of First Instance in 2012<sup>71</sup></b>	<b>Number of cases (%)</b>	<b>Average Time spent on Mediation per case (hour)</b>	<b>Average Cost of Mediation per case (HK\$)</b>
Cases with Full agreement	212 (37%)	6	\$18,200 per case/ \$3,200 per hour
Cases with Partial agreement	5 (1%)	4	\$19,500 per case/ \$4,400 per hour
<b>Total number of cases with full/partial agreement</b>	<b>217 (38%)</b>	-	-
Cases with No agreement	358 (62%)	5	\$17,100 per case/ \$3,600 per hour
Sub-total (Cases with Mediation)	575		
Cases not settled through mediation but disposed of within 6 months	49		
<b>Total number of cases with settlement/ rate<sup>72</sup></b>	<b>266 (46%)</b>		
Cases settled/ withdrawn/ discontinued without mediation <sup>73</sup>	191		
Others (e.g. mediation adjourned, etc)	0		
<b>Total:</b>	<b>766</b>		

<sup>71</sup> It only refers to the number of cases with mediation reports/ letters filed with filing date falls in year 2012.

<sup>72</sup> It is measured by adding the number of cases with settlement (full or partial) by mediation and those not settling through mediation but disposed of within 6 months afterwards, divided by the total number of cases with mediation over that year.

<sup>73</sup> Amongst the mediation reports/ letters filed in year 2012, 191 cases with notification to the Court that despite the Court's suggestion, the cases were settled/ withdrawn/ discontinued without mediation.

**Summary of Mediation Reports filed in the District Court in 2012**<sup>74</sup>

- Out of the mediated cases, 42% had resulted in agreements. 58% of the mediated cases did not lead to any agreement. However, out of the mediated cases without any agreement, 33 cases eventually disposed of within 6 months.
- Ultimately the settlement rate was **52%**. It was measured by adding the number of cases with settlement by mediation and those not settling through mediation but disposed of within 6 months afterwards, divided by the total number of cases with mediation over that year.
- In addition, 1,362 reported cases did not go through mediation because they could settle or round up their cases on their own motions through case management procedures.
- Out of the mediated cases, it took, on the average, 5 hours to reach a full agreement, 3 hours to reach a partial agreement and 4 hours to reach no agreement.
- Regarding the cost of mediated cases, it was, on average HK\$13,100 per case / HK\$2,900 per hour for a case with full agreement; HK\$11,700 per case / HK\$3,700 per hour for a case with partial agreement and HK\$11,400 per case / HK\$3,100 per hour for a case without agreement.

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<sup>74</sup> It only refers to the number of cases with mediation reports/ letters filed with filing date falls in year 2012.

<b>District Court in 2012<sup>75</sup></b>	<b>Number of cases (%)</b>	<b>Average Time spent on Mediation per case (hour)</b>	<b>Average Cost of Mediation per case (HK\$)</b>
Cases with Full agreement	141 (40%)	5	\$13,100 per case/ \$2,900 per hour
Cases with Partial agreement	6 (2%)	3	\$11,700 per case/ \$3,700 per hour
<b>Total number of cases with full/partial agreement</b>	<b>147 (42%)</b>	-	-
Cases with No agreement	202 (58%)	4	\$11,400 per case/ \$3,100 per hour
Sub-total (Cases with Mediation)	349		
Cases not settled through mediation but disposed of within 6 months	33		
<b>Total number of cases with settlement/ rate<sup>76</sup></b>	<b>180 (52%)</b>		
Cases settled/ withdrawn/ discontinued without mediation <sup>77</sup>	1,362		
Others (e.g. mediation adjourned, etc)	1		
Total:	1,712		

<sup>75</sup> It only refers to the number of cases with mediation reports/ letters filed with filing date falls in year 2012.

<sup>76</sup> It is measured by adding the number of cases with settlement (full or partial) by mediation and those not settling through mediation but disposed of within 6 months afterwards, divided by the total number of cases with mediation over that year.

<sup>77</sup> Amongst the mediation reports/ letters filed in year 2012, 1,362 cases with notification to the Court that despite the Court's suggestion, the cases were settled/ withdrawn/ discontinued without mediation.

## **Summary of Mediation Reports filed in the Court of First Instance in 2013<sup>78</sup>**

- Out of the mediated cases, 45% had resulted in agreements. 55% of the mediated cases did not lead to any agreement. However, out of the mediated cases without any agreement, 77 cases eventually disposed of within 6 months.
- Ultimately the settlement rate was **57%**. It was measured by adding the number of cases with settlement by mediation and those not settling through mediation but disposed of within 6 months afterwards, divided by the total number of cases with mediation over that year.
- In addition, 139 reported cases did not go through mediation because they could settle or round up their cases on their own motions through case management procedures.
- Out of the mediated cases, it took, on the average, 5 hours to reach a full agreement, 7 hours to reach a partial agreement and 4 hours to reach no agreement.
- Regarding the cost of mediated cases, it was, on average HK\$17,300 per case / HK\$3,400 per hour for a case with full agreement; HK\$23,500 per case / HK\$3,200 per hour for a case with partial agreement and HK\$15,200 per case / HK\$3,900 per hour for a case without agreement.

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<sup>78</sup> It only refers to the number of cases with mediation reports/ letters filed with filing date falls in year 2013.



<b>Court of First Instance in 2013<sup>79</sup></b>	<b>Number of cases (%)</b>	<b>Average Time spent on Mediation per case (hour)</b>	<b>Average Cost of Mediation per case (HK\$)</b>
Cases with Full agreement	281 (44%)	5	\$17,300 per case/ \$3,400 per hour
Cases with Partial agreement	5 (1%)	7	\$23,500 per case/ \$3,200 per hour
<b>Total number of cases with full/partial agreement</b>	<b>286 (45%)</b>	-	-
Cases with No agreement	351 (55%)	4	\$15,200 per case/ \$3,900 per hour
Sub-total (Cases with Mediation)	637		
Cases not settled through mediation but disposed of within 6 months	77		
<b>Total number of cases with settlement/ rate<sup>80</sup></b>	<b>363 (57%)</b>		
Cases settled/ withdrawn/ discontinued without mediation <sup>81</sup>	139		
Others (e.g. mediation adjourned, etc)	3		
Total:	779		

<sup>79</sup> It only refers to the number of cases with mediation reports/ letters filed with filing date falls in year 2013.

<sup>80</sup> It is measured by adding the number of cases with settlement (full or partial) by mediation and those not settling through mediation but disposed of within 6 months afterwards, divided by the total number of cases with mediation over that year.

<sup>81</sup> Amongst the mediation reports/ letters filed in year 2013, 139 cases with notification to the Court that despite the Court's suggestion, the cases were settled/ withdrawn/ discontinued without mediation.

### **Summary of Mediation Reports filed in the District Court in 2013<sup>82</sup>**

- Out of the mediated cases, 42% had resulted in agreements. 58% of the mediated cases did not lead to any agreement. However, out of the mediated cases without any agreement, 54 cases eventually disposed of within 6 months.
- Ultimately the settlement rate was **54%**. It was measured by adding the number of cases with settlement by mediation and those not settling through mediation but disposed of within 6 months afterwards, divided by the total number of cases with mediation over that year.
- In addition, 1,154 reported cases did not go through mediation because they could settle or round up their cases on their own motions through case management procedures.
- Out of the mediated cases, it took, on the average, 5 hours to reach a full agreement, 5 hours to reach a partial agreement and 3 hours to reach no agreement.
- Regarding the cost of mediated cases, it was, on average HK\$13,800 per case / HK\$2,900 per hour for a case with full agreement; HK\$17,400 per case / HK\$3,200 per hour for a case with partial agreement and HK\$10,400 per case / HK\$3,000 per hour for a case without agreement.

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<sup>82</sup> It only refers to the number of cases with mediation reports/ letters filed with filing date falls in year 2013.

<b>District Court in 2013<sup>83</sup></b>	<b>Number of cases (%)</b>	<b>Average Time spent on Mediation per case (hour)</b>	<b>Average Cost of Mediation per case (HK\$)</b>
Cases with Full agreement	181 (41%)	5	\$13,800 per case/ \$2,900 per hour
Cases with Partial agreement	5 (1%)	5	\$17,400 per case/ \$3,200 per hour
<b>Total number of cases with full/partial agreement</b>	<b>186 (42%)</b>	-	-
Cases with No agreement	255 (58%)	3	\$10,400 per case/ \$3,000 per hour
Sub-total (Cases with Mediation)	441		
Cases not settled through mediation but disposed of within 6 months	54		
<b>Total number of cases with settlement/ rate<sup>84</sup></b>	<b>240 (54%)</b>		
Cases settled/ withdrawn/ discontinued without mediation <sup>85</sup>	1,154		
Others (e.g. mediation adjourned, etc)	2		
Total:	1,597		

<sup>83</sup> It only refers to the number of cases with mediation reports/ letters filed with filing date falls in year 2013.

<sup>84</sup> It is measured by adding the number of cases with settlement (full or partial) by mediation and those not settling through mediation but disposed of within 6 months afterwards, divided by the total number of cases with mediation over that year.

<sup>85</sup> Amongst the mediation reports/ letters filed in year 2013, 1,154 cases with notification to the Court that despite the Court's suggestion, the cases were settled/ withdrawn/ discontinued without mediation.

**Summary of Mediation Reports filed in the Court of First Instance in 2014<sup>86</sup>**

- Out of the mediated cases, 48% had resulted in agreements. 52% of the mediated cases did not lead to any agreement. However, out of the mediated cases without any agreement, 106 cases eventually disposed of within 6 months.
- Ultimately the settlement rate was **65%**. It was measured by adding the number of cases with settlement by mediation and those not settling through mediation but disposed of within 6 months afterwards, divided by the total number of cases with mediation over that year.
- In addition, 172 reported cases did not go through mediation because they could settle or round up their cases on their own motions through case management procedures.
- Out of the mediated cases, it took, on the average, 5 hours to reach a full agreement, 5 hours to reach a partial agreement and 4 hours to reach no agreement.
- Regarding the cost of mediated cases, it was, on average HK\$18,400 per case / HK\$3,800 per hour for a case with full agreement; HK\$11,000 per case / HK\$2,400 per hour for a case with partial agreement and HK\$17,400 per case / HK\$4,200 per hour for a case without agreement.

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<sup>86</sup>  
year 2014.

It only refers to the number of cases with mediation reports/ letters filed with filing date falls in

<b>Court of First Instance in 2014<sup>87</sup></b>	<b>Number of cases (%)</b>	<b>Average Time spent on Mediation per case (hour)</b>	<b>Average Cost of Mediation per case (HK\$)</b>
Cases with Full agreement	301 (47%)	5	\$18,400 per case/ \$3,800 per hour
Cases with Partial agreement	4 (1%)	5	\$11,000 per case/ \$2,400 per hour
<b>Total number of cases with full/partial agreement</b>	<b>305 (48%)</b>	-	-
Cases with No agreement	327 (52%)	4	\$17,400 per case/ \$4,200 per hour
Sub-total (Cases with Mediation)	632		
Cases not settled through mediation but disposed of within 6 months	106		
<b>Total number of cases with settlement/ rate<sup>88</sup></b>	<b>411 (65%)</b>		
Cases settled/ withdrawn/ discontinued without mediation <sup>89</sup>	172		
Others (e.g. mediation adjourned, etc)	1		
Total:	805		

<sup>87</sup> It only refers to the number of cases with mediation reports/ letters filed with filing date falls in year 2014.

<sup>88</sup> It is measured by adding the number of cases with settlement (full or partial) by mediation and those not settling through mediation but disposed of within 6 months afterwards, divided by the total number of cases with mediation over that year.

<sup>89</sup> Amongst the mediation reports/ letters filed in year 2014, 172 cases with notification to the Court that despite the Court's suggestion, the cases were settled/ withdrawn/ discontinued without mediation.

### **Summary of Mediation Reports filed in the District Court in 2014<sup>90</sup>**

- Out of the mediated cases, 45% had resulted in agreements. 55% of the mediated cases did not lead to any agreement. However, out of the mediated cases without any agreement, 78 cases eventually disposed of within 6 months.
- Ultimately the settlement rate was **65%**. It was measured by adding the number of cases with settlement by mediation and those not settling through mediation but disposed of within 6 months afterwards, divided by the total number of cases with mediation over that year.
- In addition, 1,078 reported cases did not go through mediation because they could settle or round up their cases on their own motions through case management procedures.
- Out of the mediated cases, it took, on the average, 4 hours to reach a full agreement, 7 hours to reach a partial agreement and 4 hours to reach no agreement.
- Regarding the cost of mediated cases, it was, on average HK\$12,900 per case / HK\$3,000 per hour for a case with full agreement; HK\$14,500 per case / HK\$2,200 per hour for a case with partial agreement and HK\$10,500 per case / HK\$3,100 per hour for a case without agreement.

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<sup>90</sup> It only refers to the number of cases with mediation reports/ letters filed with filing date falls in year 2014.

<b>District Court in 2014<sup>91</sup></b>	<b>Number of cases (%)</b>	<b>Average Time spent on Mediation per case (hour)</b>	<b>Average Cost of Mediation per case (HK\$)</b>
Cases with Full agreement	175 (44%)	4	\$12,900 per case/ \$3,000 per hour
Cases with Partial agreement	3 (1%)	7	\$14,500 per case/ \$2,200 per hour
<b>Total number of cases with full/partial agreement</b>	<b>178 (45%)</b>	-	-
Cases with No agreement	219 (55%)	4	\$10,500 per case/ \$3,100 per hour
Sub-total (Cases with Mediation)	397		
Cases not settled through mediation but disposed of within 6 months	78		
<b>Total number of cases with settlement/ rate<sup>92</sup></b>	<b>256 (65%)</b>		
Cases settled/ withdrawn/ discontinued without mediation <sup>93</sup>	1,078		
Others (e.g. mediation adjourned, etc)	4		
Total:	1,479		

<sup>91</sup> It only refers to the number of cases with mediation reports/ letters filed with filing date falls in year 2014.

<sup>92</sup> It is measured by adding the number of cases with settlement (full or partial) by mediation and those not settling through mediation but disposed of within 6 months afterwards, divided by the total number of cases with mediation over that year.

<sup>93</sup> Amongst the mediation reports/ letters filed in year 2014, 1,078 cases with notification to the Court that despite the Court's suggestion, the cases were settled/ withdrawn/ discontinued without mediation.

**Summary of Mediation Reports filed in the Court of First Instance in 2015<sup>94</sup>**

- Out of the mediated cases, 46% had resulted in agreements. 54% of the mediated cases did not lead to any agreement. However, out of the mediated cases without any agreement, 109 cases eventually disposed of within 6 months.
- Ultimately the settlement rate was **62%**. It was measured by adding the number of cases with settlement by mediation and those not settling through mediation but disposed of within 6 months afterwards, divided by the total number of cases with mediation over that year.
- In addition, 186 reported cases did not go through mediation because they could settle or round up their cases on their own motions through case management procedures.
- Out of the mediated cases, it took, on the average, 5 hours to reach a full agreement, 5 hours to reach a partial agreement and 4 hours to reach no agreement.
- Regarding the cost of mediated cases, it was, on average HK\$17,900 per case / HK\$3,700 per hour for a case with full agreement; HK\$14,100 per case / HK\$2,800 per hour for a case with partial agreement and HK\$15,100 per case / HK\$3,900 per hour for a case without agreement.

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<sup>94</sup> It only refers to the number of cases with mediation reports/ letters filed with filing date falls in year 2015.



<b>Court of First Instance in 2015<sup>95</sup></b>	<b>Number of cases (%)</b>	<b>Average Time spent on Mediation per case (hour)</b>	<b>Average Cost of Mediation per case (HK\$)</b>
Cases with Full agreement	289 (45%)	5	\$17,900 per case/ \$3,700 per hour
Cases with Partial agreement	5 (1%)	5	\$14,100 per case/ \$2,800 per hour
<b>Total number of cases with full/partial agreement</b>	<b>294 (46%)</b>	-	-
Cases with No agreement	351 (54%)	4	\$15,100 per case/ \$3,900 per hour
Sub-total (Cases with Mediation)	645		
Cases not settled through mediation but disposed of within 6 months	109		
<b>Total number of cases with settlement/ rate<sup>96</sup></b>	<b>403 (62%)</b>		
Cases settled/ withdrawn/ discontinued without mediation <sup>97</sup>	186		
Others (e.g. mediation adjourned, etc)	2		
Total:	833		

<sup>95</sup> It only refers to the number of cases with mediation reports/ letters filed with filing date falls in year 2015.

<sup>96</sup> It is measured by adding the number of cases with settlement (full or partial) by mediation and those not settling through mediation but disposed of within 6 months afterwards, divided by the total number of cases with mediation over that year.

<sup>97</sup> Amongst the mediation reports/ letters filed in year 2015, 186 cases with notification to the Court that despite the Court's suggestion, the cases were settled/ withdrawn/ discontinued without mediation.

### **Summary of Mediation Reports filed in the District Court in 2015<sup>98</sup>**

- Out of the mediated cases, 48% had resulted in agreements. 52% of the mediated cases did not lead to any agreement. However, out of the mediated cases without any agreement, 59 cases eventually disposed of within 6 months.
- Ultimately the settlement rate was **63%**. It was measured by adding the number of cases with settlement by mediation and those not settling through mediation but disposed of within 6 months afterwards, divided by the total number of cases with mediation over that year.
- In addition, 1,158 reported cases did not go through mediation because they could settle or round up their cases on their own motions through case management procedures.
- Out of the mediated cases, it took, on the average, 4 hours to reach a full agreement, 3 hours to reach a partial agreement and 3 hours to reach no agreement.
- Regarding the cost of mediated cases, it was, on average HK\$12,700 per case / HK\$3,000 per hour for a case with full agreement; HK\$7,000 per case / HK\$2,300 per hour for a case with partial agreement and HK\$9,800 per case / HK\$3,000 per hour for a case without agreement.

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<sup>98</sup> It only refers to the number of cases with mediation reports/ letters filed with filing date falls in year 2015.

<b>District Court in 2015<sup>99</sup></b>	<b>Number of cases (%)</b>	<b>Average Time spent on Mediation per case (hour)</b>	<b>Average Cost of Mediation per case (HK\$)</b>
Cases with Full agreement	183 (47%)	4	\$12,700 per case/ \$3,000 per hour
Cases with Partial agreement	2 (1%)	3	\$7,000 per case/ \$2,300 per hour
<b>Total number of cases with full/partial agreement</b>	<b>185 (48%)</b>	-	-
Cases with No agreement	203 (52%)	3	\$9,800 per case/ \$3,000 per hour
Sub-total (Cases with Mediation)	388		
Cases not settled through mediation but disposed of within 6 months	59		
<b>Total number of cases with settlement/ rate<sup>100</sup></b>	<b>244 (63%)</b>		
Cases settled/ withdrawn/ discontinued without mediation <sup>101</sup>	1,158		
Others (e.g. mediation adjourned, etc)	4		
Total:	1,550		

<sup>99</sup> It only refers to the number of cases with mediation reports/ letters filed with filing date falls in year 2015.

<sup>100</sup> It is measured by adding the number of cases with settlement (full or partial) by mediation and those not settling through mediation but disposed of within 6 months afterwards, divided by the total number of cases with mediation over that year.

<sup>101</sup> Amongst the mediation reports/ letters filed in year 2015, 1,158 cases with notification to the Court that despite the Court's suggestion, the cases were settled/ withdrawn/ discontinued without mediation.

**Summary of Mediation Reports filed in the Court of First Instance in 2016<sup>102</sup>**

- Out of the mediated cases, 48% had resulted in agreements. 52% of the mediated cases did not lead to any agreement. However, out of the mediated cases without any agreement, 104 cases eventually disposed of within 6 months.
- Ultimately the settlement rate was **64%**. It was measured by adding the number of cases with settlement by mediation and those not settling through mediation but disposed of within 6 months afterwards, divided by the total number of cases with mediation over that year.
- In addition, 111 reported cases did not go through mediation because they could settle or round up their cases on their own motions through case management procedures.
- Out of the mediated cases, it took, on the average, 5 hours to reach a full agreement, 6 hours to reach a partial agreement and 4 hours to reach no agreement.
- Regarding the cost of mediated cases, it was, on average HK\$15,500 per case / HK\$3,300 per hour for a case with full agreement; HK\$25,800 per case / HK\$4,300 per hour for a case with partial agreement and HK\$15,200 per case / HK\$3,900 per hour for a case without agreement.

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<sup>102</sup> It only refers to the number of cases with mediation reports/ letters filed with filing date falls in year 2016.

<b>Court of First Instance in 2016<sup>103</sup></b>	<b>Number of cases (%)</b>	<b>Average Time spent on Mediation per case (hour)</b>	<b>Average Cost of Mediation per case (HK\$)</b>
Cases with Full agreement	313 (47%)	5	\$15,500 per case/ \$3,300 per hour
Cases with Partial agreement	6 (1%)	6	\$25,800 per case/ \$4,300 per hour
<b>Total number of cases with full/partial agreement</b>	<b>319 (48%)</b>	-	-
Cases with No agreement	347 (52%)	4	\$15,200 per case/ \$3,900 per hour
Sub-total (Cases with Mediation)	666		
Cases not settled through mediation but disposed of within 6 months	104		
<b>Total number of cases with settlement/ rate<sup>104</sup></b>	<b>423 (64%)</b>		
Cases settled/ withdrawn/ discontinued without mediation <sup>105</sup>	111		
Others (e.g. mediation adjourned, etc)	1		
Total:	778		

<sup>103</sup> It only refers to the number of cases with mediation reports/ letters filed with filing date falls in year 2016.

<sup>104</sup> It is measured by adding the number of cases with settlement (full or partial) by mediation and those not settling through mediation but disposed of within 6 months afterwards, divided by the total number of cases with mediation over that year.

<sup>105</sup> Amongst the mediation reports/ letters filed in year 2016, 111 cases with notification to the Court that despite the Court's suggestion, the cases were settled/ withdrawn/ discontinued without mediation.

## **Summary of Mediation Reports filed in the District Court in 2016**<sup>106</sup>

- Out of the mediated cases, 45% had resulted in agreements. 55% of the mediated cases did not lead to any agreement. However, out of the mediated cases without any agreement, 54 cases eventually disposed of within 6 months.
- Ultimately the settlement rate was **60%**. It was measured by adding the number of cases with settlement by mediation and those not settling through mediation but disposed of within 6 months afterwards, divided by the total number of cases with mediation over that year.
- In addition, 1,003 reported cases did not go through mediation because they could settle or round up their cases on their own motions through case management procedures.
- Out of the mediated cases, it took, on the average, 4 hours to reach a full agreement, 7 hours to reach a partial agreement and 3 hours to reach no agreement.
- Regarding the cost of mediated cases, it was, on average HK\$13,000 per case / HK\$3,200 per hour for a case with full agreement; HK\$14,000 per case / HK\$2,000 per hour for a case with partial agreement and HK\$10,800 per case / HK\$3,300 per hour for a case without agreement.

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<sup>106</sup> It only refers to the number of cases with mediation reports/ letters filed with filing date falls in year 2016.

<b>District Court in 2016<sup>107</sup></b>	<b>Number of cases (%)</b>	<b>Average Time spent on Mediation per case (hour)</b>	<b>Average Cost of Mediation per case (HK\$)</b>
Cases with Full agreement	161 (44%)	4	\$13,000 per case/ \$3,200 per hour
Cases with Partial agreement	2 (1%)	7	\$14,000 per case/ \$2,000 per hour
<b>Total number of cases with full/partial agreement</b>	<b>163 (45%)</b>	-	-
Cases with No agreement	198 (55%)	3	\$10,800 per case/ \$3,300 per hour
Sub-total (Cases with Mediation)		361	
Cases not settled through mediation but disposed of within 6 months		54	
<b>Total number of cases with settlement/ rate<sup>108</sup></b>		<b>217 (60%)</b>	
Cases settled/ withdrawn/ discontinued without mediation <sup>109</sup>		1,003	
Others (e.g. mediation adjourned, etc)		5	
<b>Total:</b>		<b>1,369</b>	

<sup>107</sup> It only refers to the number of cases with mediation reports/ letters filed with filing date falls in year 2016.

<sup>108</sup> It is measured by adding the number of cases with settlement (full or partial) by mediation and those not settling through mediation but disposed of within 6 months afterwards, divided by the total number of cases with mediation over that year.

<sup>109</sup> Amongst the mediation reports/ letters filed in year 2016, 1,003 cases with notification to the Court that despite the Court's suggestion, the cases were settled/ withdrawn/ discontinued without mediation.

**Summary of Mediation Reports filed in the Court of First Instance in 2017<sup>110</sup>**

- Out of the mediated cases, 48% had resulted in agreements. 52% of the mediated cases did not lead to any agreement. However, out of the mediated cases without any agreement, 102 cases eventually disposed of within 6 months.
- Ultimately the settlement rate was **61%**. It was measured by adding the number of cases with settlement by mediation and those not settling through mediation but disposed of within 6 months afterwards, divided by the total number of cases with mediation over that year.
- In addition, 239 reported cases did not go through mediation because they could settle or round up their cases on their own motions through case management procedures.
- Out of the mediated cases, it took, on the average, 5 hours to reach a full agreement, 8 hours to reach a partial agreement and 4 hours to reach no agreement.
- Regarding the cost of mediated cases, it was, on average HK\$16,800 per case / HK\$3,600 per hour for a case with full agreement; HK\$25,900 per case / HK\$3,200 per hour for a case with partial agreement and HK\$16,600 per case / HK\$4,400 per hour for a case without agreement.

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<sup>110</sup> It only refers to the number of cases with mediation reports/ letters filed with filing date falls in year 2017.



<b>Court of First Instance in 2017<sup>111</sup></b>	<b>Number of cases (%)</b>	<b>Average Time spent on Mediation per case (hour)</b>	<b>Average Cost of Mediation per case (HK\$)</b>
Cases with Full agreement	369 (47%)	5	\$16,800 per case/ \$3,600 per hour
Cases with Partial agreement	7 (1%)	8	\$25,900 per case/ \$3,200 per hour
<b>Total number of cases with full/partial agreement</b>	<b>376 (48%)</b>	-	-
Cases with No agreement	404 (52%)	4	\$16,600 per case/ \$4,400 per hour
Sub-total (Cases with Mediation)	780		
Cases not settled through mediation but disposed of within 6 months	102		
<b>Total number of cases with settlement/ rate<sup>112</sup></b>	<b>478 (61%)</b>		
Cases settled/ withdrawn/ discontinued without mediation <sup>113</sup>	239		
Others (e.g. mediation adjourned, etc)	0		
Total:	1,019		

<sup>111</sup> It only refers to the number of cases with mediation reports/ letters filed with filing date falls in year 2017.

<sup>112</sup> It is measured by adding the number of cases with settlement (full or partial) by mediation and those not settling through mediation but disposed of within 6 months afterwards, divided by the total number of cases with mediation over that year.

<sup>113</sup> Amongst the mediation reports/ letters filed in year 2017, 239 cases with notification to the Court that despite the Court's suggestion, the cases were settled/ withdrawn/ discontinued without mediation.

### **Summary of Mediation Reports filed in the District Court in 2017<sup>114</sup>**

- Out of the mediated cases, 43% had resulted in agreements. 57% of the mediated cases did not lead to any agreement. However, out of the mediated cases without any agreement, 52 cases eventually disposed of within 6 months.
- Ultimately the settlement rate was **58%**. It was measured by adding the number of cases with settlement by mediation and those not settling through mediation but disposed of within 6 months afterwards, divided by the total number of cases with mediation over that year.
- In addition, 773 reported cases did not go through mediation because they could settle or round up their cases on their own motions through case management procedures.
- Out of the mediated cases, it took, on the average, 4 hours to reach a full agreement, 2 hours to reach a partial agreement and 3 hours to reach no agreement.
- Regarding the cost of mediated cases, it was, on average HK\$13,400 per case / HK\$3,200 per hour for a case with full agreement; HK\$6,000 per case / HK\$3,000 per hour for a case with partial agreement and HK\$10,600 per case / HK\$3,500 per hour for a case without agreement.

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<sup>114</sup> It only refers to the number of cases with mediation reports/ letters filed with filing date falls in year 2017.

<b>District Court in 2017<sup>115</sup></b>	<b>Number of cases (%)</b>	<b>Average Time spent on Mediation per case (hour)</b>	<b>Average Cost of Mediation per case (HK\$)</b>
Cases with Full agreement	146 (42%)	4	\$13,400 per case/ \$3,200 per hour
Cases with Partial agreement	1 (1%)	2	\$6,000 per case/ \$3,000 per hour
<b>Total number of cases with full/partial agreement</b>	<b>147 (43%)</b>	-	-
Cases with No agreement	196 (57%)	3	\$10,600 per case/ \$3,500 per hour
Sub-total (Cases with Mediation)	343		
Cases not settled through mediation but disposed of within 6 months	52		
<b>Total number of cases with settlement/ rate<sup>116</sup></b>	<b>199 (58%)</b>		
Cases settled/ withdrawn/ discontinued without mediation <sup>117</sup>	773		
Others (e.g. mediation adjourned, etc)	3		
<b>Total:</b>	<b>1,119</b>		

<sup>115</sup> It only refers to the number of cases with mediation reports/ letters filed with filing date falls in year 2017.

<sup>116</sup> It is measured by adding the number of cases with settlement (full or partial) by mediation and those not settling through mediation but disposed of within 6 months afterwards, divided by the total number of cases with mediation over that year.

<sup>117</sup> Amongst the mediation reports/ letters filed in year 2017, 773 cases with notification to the Court that despite the Court's suggestion, the cases were settled/ withdrawn/ discontinued without mediation.