

Statistics on Eight Years' Implementation of the Civil Justice Reform from 2 April 2009 to 31 March 2017

I. Purpose

This note sets out the findings on the implementation of the Civil Justice Reform (“CJR”) for the eight years from 2 April 2009 to 31 March 2017.

II. Background

2. 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.

3. 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. Annual statistics for eight years’ implementation of the CJR have been released separately. This note provides the updated position by including relevant findings of the “eighth year of the Post-CJR Periods” (i.e. from 1 April 2016 to 31 March 2017)¹.

¹ In reading the statistics, it is important to bear the following factors in mind :

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

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

III. The Overall Context

5. 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 note. 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 st Year	2 nd Year	3 rd Year	4 th Year	5 th Year	6 th Year	7 th Year	8 th Year
Civil cases	24,552 ²	22,715 ³	16,047	15,970	17,210	18,910	19,534	19,586	19,261 [↓2%]
CJR related cases ⁴	5,431	3,853	3,837	4,371	4,625	5,306	5,589	6,170	6,485 [↑5%]

6. In the CFI, the caseload for CJR related cases increased overall from 3,853 in the first year of the Post-CJR Periods to 6,485 in the eighth year, representing an accumulative increase of 68%. This was mainly because of an increase in personal injuries (“PI”) actions, civil actions and miscellaneous proceedings. In the eighth year alone, the year-on-year increase was 5%. Moreover, the CJR related caseload over the last three years was higher than that in the Pre-CJR Period at 5,431.

² The figure is updated to exclude the number of civil cases filed on 1 April 2008 which was wrongly included in past statistics.

³ The figure is updated to exclude the number of civil cases filed on 1 April 2009 which was wrongly included in past statistics.

⁴ 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 st Year	2 nd Year	3 rd Year	4 th Year	5 th Year	6 th Year	7 th Year	8 th Year
Civil cases	29,092 ⁵	24,830 ⁶	22,731	22,079	20,423	20,725	20,430	20,736	22,209 [↑7%]
CJR related cases ⁷	19,990	15,765	15,274	15,103	13,573	13,943	13,798	13,697	14,500 [↑6%]

7. In the DC, the overall civil caseload and 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. After a drop in the caseload in the fourth year of the Post-CJR Periods, the caseloads in subsequent three years remained largely similar at about 13,000 plus cases. In the eighth year, however, the caseload for CJR related cases recorded a 6% year-on-year increase bringing the total to as many as 14,500 cases. This seems to be in line with the 7% increase in the overall civil caseload in the same year. A more detailed analysis indicated that tax claims increased substantially in the eighth year after a decreasing trend in the past years.

8. The Judiciary has been conducting a review on the civil monetary jurisdictional limits of the DC and the Small Claims Tribunal (“SCT”). The general limit of the DC has been proposed to be increased from \$1 million to \$3 million, and that of the SCT from \$50,000 to \$75,000. The Judiciary has consulted stakeholders on the proposals and they are generally supportive of the proposed revisions. After obtaining the LegCo AJLS Panel’s agreement in principle to the proposals in April 2017, the Judiciary is taking forward the legislative process with a view to implementing the proposals in 2018. Once implemented, the proposed changes will likely 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.

⁵ The figure is updated to exclude the number of civil cases filed on 1 April 2008 which was wrongly included in past statistics.

⁶ The figure is updated to exclude the number of civil cases filed on 1 April 2009 which was wrongly included in past statistics.

⁷ 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

9. 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.

10. 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.

11. 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.

12. 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 indicting 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.

13. Nevertheless, a change of culture, as always, is a gradual process. It may take more time before the full impact of CJR could be realized. The situation will continue to be monitored, until probably when the general developments have more or less settled and most of the trends stabilized.

(B) Delay

14. 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 preemptory orders and a more active approach in dealing with interlocutory applications (particularly where Case Management Conferences (“CMCs”) are concerned).

*(a) Number of Interlocutory Applications*⁸

15. 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.

⁸ 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 st Year	2 nd Year	3 rd Year	4 th Year	5 th Year	6 th Year	7 th Year	8 th Year
Number of interlocutory applications	2,786	3,149	2,914	2,992	3,265	3,684	3,350	3,317	4,775 [↑44%]

16. 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 and fifth years, the increases in the number of interlocutory applications were broadly consistent with the growth in the caseload for the CJR related cases in those years. In the sixth and seventh years, the number of interlocutory applications decreased by 9% and 1% year-on-year respectively, despite an increase in the caseload for the CJR related cases in these years. With a further increase in the caseload for CJR related cases in the eighth year, a year-on-year increase of 44% was recorded on the number of interlocutory applications. This may be due to, among others, an increase in the civil actions and PI cases (with respective year-on-year increase of 48% and 122%) and a greater complexity of these cases.

Table 2.2: Number of interlocutory applications in the DC

DC	Pre-CJR Period	Post-CJR Periods							
		1 st Year	2 nd Year	3 rd Year	4 th Year	5 th Year	6 th Year	7 th Year	8 th Year
Number of interlocutory applications	Not available	1,171	1,032	854	838	1,150	1,109	1,148	1,206 [↑5%]

17. 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 have been stabilizing to a level of about 1,100 to 1,200 plus. The relatively high numbers in the more recent years were mainly due to the increase in the number of interlocutory applications relating to civil actions and Employees' Compensation ("EC") claims. This was probably in turn due to a larger number of such cases filed and hearings involving LIPs.

(b) Number of Case Managements Conferences ("CMCs")

18. 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 st Year	2 nd Year	3 rd Year	4 th Year
	Number of checklist hearings	Number of checklist hearing/ CMCs	Number of CMCs	Number of CMCs	Number of CMCs
CJR related cases (excluding PI cases) ⁹	779	839	865	771	795

CFI	Post-CJR Periods			
	5 th Year	6 th Year	7 th Year	8 th Year
	Number of CMCs	Number of CMCs	Number of CMCs	Number of CMCs
CJR related cases (excluding PI cases) ⁹	826	814	749	784 [↑5%]

19. In the CFI, the numbers of CMCs during the Post-CJR Periods were comparable. It seems to be stabilizing in the region of about 800.

⁹ 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 st Year	2 nd Year	3 rd Year	4 th Year
	Number of PTR by Master	Number of CMCs	Number of CMCs	Number of CMCs	Number of CMCs
CJR related cases (excluding PI cases) ⁹	539	648	788	748	590

DC	Post-CJR Periods			
	5 th Year	6 th Year	7 th Year	8 th Year
	Number of CMCs	Number of CMCs	Number of CMCs	Number of CMCs
CJR related cases (excluding PI cases) ⁹	443	400	364	420 [↑15%]

20. 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.

21. As a result, it can be noted that the number of CMCs since the fifth year had stayed at a relatively low level from 360 to 443, when compared with the first few years in the Post-CJR Periods. But, there was a year-on-year increase of 15% in the eighth year. This might partly reflect the growing complexity of the cases handled by the DC.

22. 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

23. 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 st Year			2 nd Year			3 rd Year			4 th Year		
No. of Hearings	Fixed (a)	Varied (b)	% (b)/(a)	Fixed (a)	Varied (b)	% (b)/(a)	Fixed (a)	Varied (b)	% (b)/(a)	Fixed (a)	Varied (b)	% (b)/(a)
CMC	865	76	9%	916	118	13%	785	100	13%	812	120	15%
PTR	320	22	7%	287	15	5%	239	16	7%	249	7	3%
Trial	419	27	6%	476	33	7%	350	27	8%	325	20	6%

CFI	Post-CJR Periods											
	5 th Year			6 th Year			7 th Year			8 th Year		
No. of Hearings	Fixed (a)	Varied (b)	% (b)/(a)	Fixed (a)	Varied (b)	% (b)/(a)	Fixed (a)	Varied (b)	% (b)/(a)	Fixed (a)	Varied (b)	% (b)/(a)
CMC	830	111	13%	819	141	17%	779	114	15%	787	140	18%
PTR	251	14	6%	235	10	4%	213	13	6%	232	10	4%
Trial	371	23	6%	308	19	6%	299	20	7%	336	19	6%

24. 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 st Year			2 nd Year			3 rd Year			4 th Year		
No. of Hearings	Fixed (a)	Varied (b)	% (b)/(a)	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%	634	38 ¹⁰	6%
PTR	138	5	4%	168	3	2%	133	2	2%	167	1	1%
Trial	577	15	3%	496	21	4%	332	15	5%	380	16	4%

DC	Post-CJR Periods											
	5 th Year			6 th Year			7 th Year			8 th Year		
No. of Hearings	Fixed (a)	Varied (b)	% (b)/(a)	Fixed (a)	Varied (b)	% (b)/(a)	Fixed (a)	Varied (b)	% (b)/(a)	Fixed (a)	Varied (b)	% (b)/(a)
CMC	464	26	6%	417	12	3%	380	2	1%	436	5	1%
PTR	179	3	2%	212	2	1%	210	2	1%	276	8	3%
Trial	349	11	3%	315	8	3%	324	5	2%	356	14	4%

25. 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.

26. 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.

(c) Average Court Processing Times

27. 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.

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

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

28. 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.

29. 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.

30. 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 19,389 in 2016), the average court waiting time improved to 193 days in 2014 and further to 155 days in 2016 after an upward trend since 2010 (from 215 days

in 2010 to 261 days in 2013). This is 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*

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

32. 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 Commencement Date & Trial Date	Post-CJR Periods				
	1 st Year	1 st & 2 nd Years (Accumulative)	1 st , 2 nd & 3 rd Years (Accumulative)	1 st , 2 nd , 3 rd & 4 th Years (Accumulative)	1 st , 2 nd , 3 rd , 4 th & 5 th 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 Commencement Date & Trial Date	Post-CJR Periods		
	1 st , 2 nd , 3 rd , 4 th , 5 th & 6 th Years (Accumulative)	1 st , 2 nd , 3 rd , 4 th , 5 th , 6 th & 7 th Years (Accumulative)	1 st , 2 nd , 3 rd , 4 th , 5 th , 6 th , 7 th & 8 th Years (Accumulative)
Number of Trial Hearings	699	954	1,202
Average Time from Commencement to Trial (days)	748	769	793
Year-on-year change on Average Time (days)	+49	+21	+24

33. Take the above tables as an example. In the second column in the upper table marked “1st 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.

34. In the third column marked “1st & 2nd 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.

35. 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 eight years of the Post-CJR Periods¹¹, 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.

36. 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.

37. 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.

38. 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 24 days in the eighth 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.

¹¹ The figure of 240 trials represents the average of the annual number of CJR-related trials over these eight 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 st Year	1 st & 2 nd Years (Accumulative)	1 st , 2 nd & 3 rd Years (Accumulative)	1 st , 2 nd , 3 rd & 4 th Years (Accumulative)	1 st , 2 nd , 3 rd , 4 th & 5 th 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 st , 2 nd , 3 rd , 4 th , 5 th & 6 th Years (Accumulative)	1 st , 2 nd , 3 rd , 4 th , 5 th , 6 th & 7 th Years (Accumulative)	1 st , 2 nd , 3 rd , 4 th , 5 th , 6 th , 7 th & 8 th Years (Accumulative)
Number of Trial Hearings	998	1,232	1,449
Average Time from Commencement to Trial (days)	584	625	658
Year-on-year change on Average Time (days)	+35	+41	+33

39. 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. 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

CFI	Post-CJR Periods							
Disposal Date	1st Year	2nd Year	3rd Year	4th Year	5th Year	6th Year	7th Year	8th Year
Number of cases disposed of	8	67	83	91	101	100	109	91
Average time required (days)	150	349	435	546	548	597	656	627

40. 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 33 to 37 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. While the average time required generally increased over the first even years of the Post-CJR Periods, the average time reduced in 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.

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

DC	Post-CJR Periods							
Disposal Date	1st Year	2nd Year	3rd Year	4th Year	5th Year	6th Year	7th Year	8th Year
Number of cases disposed of	23	126	103	98	129	77	90	62
Average time required (days)	181	224	283	280	255	269	304	315

41. 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. In particular, the average time was on an increasing trend over the last three years, with some cases getting more complicated. For the eighth year, this might also be due to the growing percentages of LIPs at many stages of the trials.

(iv) *Duration of trial*

42. 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 st Year	2 nd Year	3 rd Year	4 th Year	5 th Year	6 th Year	7 th Year	8 th Year
Average number of days fixed	4.89	5.51	5.30	5.49	5.95	5.19	6.18	5.63	5.90
Average number of days spent	4.02	3.08	3.88	4.40	4.28	3.98	4.59	4.18	4.28

43. For the CFI, the average number of days fixed and spent for trials fluctuated over the past eight years of the Post-CJR Periods. Regardless, the average numbers of days fixed for the pasts eight years in the Post-CJR Periods were all longer than that in the Pre-CJR Period, reflecting in general an increase in the complexity of cases though the exact combination of cases of different complexity in each year may differ. In particular, the average numbers of days fixed and spent increased in the eighth year of the Post-CJR Periods. The fluctuating trend over the past few years seems to be an outcome of a balance between the court’s robustness in handling the cases and the growing complexity of cases.

44. 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 st Year	2 nd Year	3 rd Year	4 th Year	5 th Year	6 th Year	7 th Year	8 th Year
Average number of days fixed	2.60	2.45	2.88	2.84	3.17	3.29	3.65	3.54	3.64
Average number of days spent	2.49	2.23	2.53	2.30	2.55	3.00	2.94	2.86	3.10

45. For the DC, there was a relatively stable trend for both the average numbers of days fixed and the actual days spent on trials. While both showed a gradual general upward trend during the first few years in the Post-CJR Periods, the average number of days fixed and spent since the fifth year remained at a relatively high level. This seems to suggest that the complexity of cases has increased. This might in turn be due to an increase in the number of parties and a higher percentage of LIPs. But, 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.

46. 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

47. 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

48. 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 st Year	2 nd Year	3 rd Year	4 th Year	5 th Year	6 th Year	7 th Year	8 th Year
Number of CJR related cases filed (monetary claim only)	1,757	1,711	2,032	2,133	2,346	2,835	3,129	3,186 [↑2%]
Number of admissions made ¹²	39	19	29	10	18	24	67	49 [↓27%]
Number of applications for instalment ¹²	15	8	11	2	6	5	11	6 [↓45%]
Number of cases disposed of by Order 13A ¹³	13	6	2	1	4	4	2	3 [↑50%]

49. 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.

¹² 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.

¹³ 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 25 May 2017 were 15, 6, 3, 1, 5, 4, 2 and 3 respectively for the first, second, third, fourth, fifth, sixth, seventh and eighth years of the Post-CJR Periods.

Table 8.2: Admission under Order 13A in the DC

DC	Post-CJR Periods							
	1 st Year	2 nd Year	3 rd Year	4 th Year	5 th Year	6 th Year	7 th Year	8 th Year
Number of CJR related cases filed (monetary claim only)	14,155	13,874	13,665	12,212	12,604	12,426	12,271	13,079 [↑7%]
Number of admissions made ¹⁴	364	312	414	300	263	314	584	779 [↑33%]
Number of applications for instalment ¹⁴	300	255	313	185	175	202	287	471 [↑64%]
Number of cases disposed of by Order 13A ¹⁵	197	152	203	146	135	109	91	118 [↑30%]

50. 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 was a year-on-year increase of 30% to 118 cases in the eighth year. For the number of applications, there had been a continuous increase since the fifth year. The increase was attributable to the more extensive application of this initiative in Employees Compensation (“EC”) cases, PI actions and civil actions.

¹⁴ 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.

¹⁵ 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 25 May 2017 were 212, 178, 227, 162, 150, 122, 104 and 118 respectively for the first, second, third, fourth, fifth, sixth, seventh and eighth years of the Post-CJR Periods.

(b) Sanctioned Payments

51. 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 Accepted¹⁶ in the CFI

CFI	Pre-CJR Period	Post-CJR Periods							
		1 st Year		2 nd Year		3 rd Year		4 th Year	
	Payment-in made	Number of Sanctioned Payments							
		Made	Accepted	Made	Accepted	Made	Accepted	Made	Accepted
Number of payment-in/ Order 22 sanctioned payments (excluding PI cases)	151	127	15	100	11	99	24	96	26
Number of payment-in/ Order 22 sanctioned payments (PI cases only)	826	1,786	420	1,255	326	1,160	283	1,353	361
Total	977	1,913	435	1,355	337	1,259	307	1,449	387
Overall Acceptance Rate			23%		25%		24%		27%

CFI	Post-CJR Periods							
	5 th Year		6 th Year		7 th Year		8 th Year	
	Number of Sanctioned Payments							
	Made	Accepted	Made	Accepted	Made	Accepted	Made	Accepted
Number of payment-in/ Order 22 sanctioned payments (excluding PI cases)	82	17	89	22	95	26	57 [↓40%]	12 [↓54%]
Number of payment-in/ Order 22 sanctioned payments (PI cases only)	1,600	445	1,762	444	2,098	531	2,253 [↑7%]	525 [↓1%]
Total	1,682	462	1,851	466	2,193	557	2,310 [↑5%]	537 [↓4%]
Overall Acceptance Rate		27%		25%		25%		23%

¹⁶ 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 25 May 2017 were 528, 414, 414, 508, 580, 595, 695 and 537 respectively for the first, second, third, fourth, fifth, sixth, seventh and eighth years of the Post-CJR Periods.

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

CFI	Post-CJR Periods							
	1 st Year	2 nd Year	3 rd Year	4 th Year	5 th Year	6 th Year	7 th Year	8 th Year
Number of cases filed (excluding PI cases)	3,247	3,101	3,442	3,670	4,237	4,239	4,838	5,111 [↑6%]
Number of cases filed (PI cases only)	606	736	929	955	1,069	1,350	1,332	1,374 [↑3%]
Total number of cases filed	3,853	3,837	4,371	4,625	5,306	5,589	6,170	6,485 [↑5%]
Number of cases (excluding PI cases) disposed of by Order 22 sanctioned payment	2	2	8	8	6	7	6	2 [↓67%]
Number of cases (PI cases only) disposed of by Order 22 sanctioned payment	51	58	54	71	57	88	92	65 [↓29%]
Total Number of cases disposed of by Order 22¹⁷	53	60	62	79	63	95	98	67 [↓32%]

52. For the CFI, during the Post-CJR Periods, the total number of sanctioned payments made had been on the rise, with 5% year-on-year increase for the eighth year. 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, against a general increasing trend over the first seven years, there was a year-on-year drop of 32% in the eighth year. Some cases, particularly those involving smaller claims amount, might have been settled by other means, e.g. by negotiation or mediation.

¹⁷ 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 25 May 2017 were 178, 203, 225, 256, 246, 280, 257 and 67 respectively for the first, second, third, fourth, fifth, sixth, seventh and eighth years of the Post-CJR Periods.

Table 9.3: Number of Order 22 Sanctioned Payment Made and Accepted¹⁸ in the DC

DC	Pre-CJR Period	Post-CJR Periods							
		1 st Year		2 nd Year		3 rd Year		4 th Year	
	Payment-in made	Number of Sanctioned Payments							
Made		Accepted	Made	Accepted	Made	Accepted	Made	Accepted	
Number of payment-in/ Order 22 sanctioned payments (excluding PI and employee’s compensation (“EC”) cases)	221	207	55	224	87	270	131	158	63
Number of payment-in/ Order 22 sanctioned payments (PI cases only)	2,025	2,518	1,012	2,489	1,157	2,620	1,256	3,025	1,460
Number of payment-in/ Order 22 sanctioned payments (EC cases only)	1,070	1,398	702	1,304	774	1,608	1,033	1,821	1,128
Total	3,316	4,123	1,769	4,017	2,018	4,498	2,420	5,004	2,651
Overall Acceptance Rate			43%		50%		54%		53%

DC	Post-CJR Periods							
	5 th Year		6 th Year		7 th Year		8 th Year	
	Number of Sanctioned Payments							
	Made	Accepted	Made	Accepted	Made	Accepted	Made	Accepted
Number of payment-in/ Order 22 sanctioned payments (excluding PI and employee’s compensation (“EC”) cases)	223	87	235	107	280	146	391 [↑40%]	275 [↑88%]
Number of payment-in/ Order 22 sanctioned payments (PI cases only)	3,165	1,556	3,265	1,594	2,913	1,519	3,063 [↑5%]	1,396 [↓8%]
Number of payment-in/ Order 22 sanctioned payments (EC cases only)	2,366	1,528	2,482	1,537	2,390	1,504	2,494 [↑4%]	1,490 [↓1%]
Total	5,754	3,171	5,982	3,238	5,583	3,169	5,948 [↑7%]	3,161 [↓1%]
Overall Acceptance Rate		55%		54%		57%		53%

¹⁸ 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 25 May 2017 were 1,905, 2,237, 2,676, 2,956, 3,495, 3,581, 3,448 and 3,161 respectively for the first, second, third, fourth, fifth, sixth, seventh and eighth years of the Post-CJR Periods.

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

DC	Post-CJR Periods							
	1 st Year	2 nd Year	3 rd Year	4 th Year	5 th Year	6 th Year	7 th Year	8 th 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 [↑6%]
Number of cases filed (PI cases only)	1,965	2,432	2,666	2,729	2,821	2,879	2,787	2,842 [↑2%]
Number of cases filed (EC cases only)	1,440	1,748	2,092	2,305	2,419	2,750	2,791	3,018 [↑8%]
Total number of cases filed	15,765	15,274	15,103	13,573	13,943	13,798	13,697	14,500 [↑6%]
Number of cases (excluding PI and EC cases) disposed of by Order 22 sanctioned payment	35	27	43	30	42	44	34	24 [↓29%]
Number of cases (PI cases only) disposed of by Order 22 sanctioned payment	319	292	469	694	565	628	535	457 [↓15%]
Number of cases (EC cases only) disposed of by Order 22 sanctioned payment	378	382	539	518	609	652	583	505 [↓13%]
Total number of cases disposed of by Order 22 ¹⁹	732	701	1,051	1,242	1,216	1,324	1,152	986 [↓14%]

53. 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 eighth 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

¹⁹ 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 25 May 2017 were 1,293, 1,775, 2,322, 2,475, 2,351, 2,449, 2,159 and 986 respectively for the first, second, third, fourth, fifth, sixth, seventh and eighth years of the Post-CJR Periods.

of cases known to have been disposed of by Order 22 was at a comparatively high level in the third to eighth 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.

54. 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 Accepted²⁰ in the CFI

CFI	Post-CJR Periods							
	1 st Year		2 nd Year		3 rd Year		4 th Year	
	Made	<i>Accepted</i>	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>	50	<i>16</i>
Number of Order 62A sanctioned payments (without bills filed)	155	<i>84</i>	212	<i>102</i>	164	<i>81</i>	160	<i>94</i>
Total	233	<i>99</i>	276	<i>120</i>	224	<i>102</i>	210	<i>110</i>
Overall Acceptance Rate		<i>42%</i>		<i>43%</i>		<i>46%</i>		<i>52%</i>

CFI	Post-CJR Periods							
	5 th Year		6 th Year		7 th Year		8 th Year	
	Made	<i>Accepted</i>	Made	<i>Accepted</i>	Made	<i>Accepted</i>	Made	<i>Accepted</i>
Number of Order 62A sanctioned payments (with bills filed)	38	<i>12</i>	40	<i>12</i>	57	<i>19</i>	83 [↑46%]	16 [↓16%]
Number of Order 62A sanctioned payments (without bills filed)	233	<i>120</i>	257	<i>122</i>	281	<i>131</i>	376 [↑34%]	193 [↑47%]
Total	271	<i>132</i>	297	<i>134</i>	338	<i>150</i>	459 [↑36%]	209 [↑39%]
Overall Acceptance Rate		<i>49%</i>		<i>45%</i>		<i>44%</i>		<i>46%</i>

55. In the CFI, the number of Order 62A sanctioned payments on costs made and the number of payments accepted had increased since the

²⁰ 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 25 May 2017 were 102, 127, 108, 118, 138, 137, 152 and 209 respectively for the first, second, third, fourth, fifth, sixth, seventh and eighth years of the Post-CJR Periods.

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 ²¹ in the DC

DC	Post-CJR Periods							
	1 st Year		2 nd Year		3 rd Year		4 th Year	
	Made	<i>Accepted</i>	Made	<i>Accepted</i>	Made	<i>Accepted</i>	Made	<i>Accepted</i>
Number of Order 62A sanctioned payments (with bills filed)	97	32	83	28	57	30	58	17
Number of Order 62A sanctioned payments (without bills filed)	646	427	808	539	881	619	1,044	757
Total	743	459	891	567	938	649	1,102	774
Overall Acceptance Rate		62%		64%		69%		70%

DC	Post-CJR Periods							
	5 th Year		6 th Year		7 th Year		8 th Year	
	Made	<i>Accepted</i>	Made	<i>Accepted</i>	Made	<i>Accepted</i>	Made	<i>Accepted</i>
Number of Order 62A sanctioned payments (with bills filed)	83	30	55	19	88	32	87 [↓1%]	36 [↑13%]
Number of Order 62A sanctioned payments (without bills filed)	1,329	987	1,555	1,083	1,521	1,064	1,642 [↑8%]	1,094 [↑3%]
Total	1,412	1,017	1,610	1,102	1,609	1,096	1,729 [↑7%]	1,130 [↑3%]
Overall Acceptance Rate		72%		68%		68%		65%

56. In the DC, the number of Order 62A sanctioned payments on costs made and the number of payments accepted appeared to be stabilizing

²¹ 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 25 May 2017 were 482, 584, 668, 787, 1,043, 1,128, 1,120 and 1,130 respectively for the first, second, third, fourth, fifth, sixth, seventh and eighth years of the Post-CJR Periods.

particularly over the last three years. The acceptance rate of Order 62A also remained stable over the same period of time.

(c) Sanctioned Offer

57. 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.

58. 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 tried to collate 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

59. 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.

60. 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 2017 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 nd Year	3 rd Year	4 th Year	5 th Year	6 th Year	7 th Year	8 th Year
CJR related cases (excluding PI cases)	113	579	507	462	439	433	457	456 [↓0.2%]
CJR related cases (PI cases only)	108	523	566	673	758	807	917	941 [↑3%]
Total	221	1,102	1,073	1,135	1,197	1,240	1,374	1,397 [↑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 nd Year	3 rd Year	4 th Year	5 th Year	6 th Year	7 th Year	8 th Year
CJR related cases (excluding PI cases)	95	313	291	207	192	147	176	170 [↓3%]
CJR related cases (PI cases only)	6	536	758	718	746	790	799	1,056 [↑32%]
Total	101	849	1,049	925	938	937	975	1,226 [↑26%]

61. In the CFI, during the second to eighth years of the Post-CJR Periods, the number of mediation notices showed a steady upward trend. The mediation culture seems to have more or less settled in. The total number of cases directed by the court to report the progress of mediation marked a year-on-year increase of 26% in the eighth year. The increase was particularly marked for PI cases at 32%.

Table 12.1: Number of Mediation Notices in the DC

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

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 nd Year	3 rd Year	4 th Year	5 th Year	6 th Year	7 th Year	8 th Year
CJR related cases (excluding PI cases)	34	394	340	377	407	353	517	268 [↓48%]
CJR related cases (PI cases only)	2	518	1,715	1,575	1,504	1,391	1,397	1,308 [↓6%]
Total	36	912	2,055	1,952	1,911	1,744	1,914	1,576 [↓18%]

62. In the DC, the total number of mediation notices seemed to be stabilizing at the level of around 1,600 to 1,700. Despite the total number of cases directed by the court to report the progress of mediation fluctuated in the fourth to eighth 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.

63. 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**.

64. 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 2016. 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.

65. 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.

66. In this regard, we have reviewed 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.

67. We welcome the initiatives taken forward by the Government and the profession to promote the use of mediation. The Mediation Ordinance, which has come into effect since January 2013, seeks to provide a regulatory framework for mediation. The Ordinance sets out a clearer regime regarding important issues such as confidentiality and admissibility of mediation communications.

68. On the profession's side, the Hong Kong Mediation Accreditation Association Limited, which is a non-statutory industry-led body, has been established since 2012. It is a premier accreditation body for mediators in Hong Kong in discharging accreditation and disciplinary functions. Its establishment has helped boost the public's confidence in mediation and encourage them to attempt mediation.

69. The Judiciary's Mediation Information Office will continue to assist litigants in considering mediation as an alternative to litigation by providing them with relevant information on mediation, including the initiatives above.

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

(E) Costs Matters

71. 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.

72. 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

73. 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 st Year	2 nd Year	3 rd Year	4 th Year	5 th Year	6 th Year	7 th Year	8 th Year
Number of Summary Assessment of Costs	373	1,130 ²²	1,594 ²³	1,809 ²⁴	1,974 ²⁵	2,223 ²⁶	2,521 ²⁷	3,340 ²⁸ [↑32%]

²² 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.

²³ 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.

²⁴ 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.

²⁵ 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.

²⁶ 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.

²⁷ 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.

²⁸ 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.

74. In the CFI, the number of summary assessments during the Post-CJR Periods increased significantly over the eight years of the Post-CJR Periods, with an accumulative increase of 7.95 times (3,340 cases over 373 cases). The increase in the eighth year alone was significant at 32%.

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

DC	Post-CJR Periods							
	1 st Year	2 nd Year	3 rd Year	4 th Year	5 th Year	6 th Year	7 th Year	8 th Year
Number of Summary Assessment of Costs	1,103	2,222 ²⁹	3,119 ³⁰	2,476 ³¹	2,641 ³²	2,368 ³³	2,369 ³⁴	2,205 ³⁵ [↓7%]

75. In the DC, the number of summary assessment of costs fluctuated during the eight years of the Post-CJR Periods. But, on the whole, there was an accumulative increase of 100% (2,205 cases over 1,103 cases).

²⁹ 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.

³⁰ 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.

³¹ 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.

³² 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.

³³ 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.

³⁴ 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.

³⁵ Amongst the 2,205 summary assessments of costs made in the CFI, 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 1896 were standard costs orders.

76. 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

77. 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.

Table 14.1: Number of Taxations in the High Court (“HC”)³⁶

HC	Post-CJR Periods							
	1 st Year	2 nd Year	3 rd Year	4 th Year	5 th Year	6 th Year	7 th Year	8 th Year
Provisional taxation by Chief Judicial Clerks	202	104	124	82	93	98	94	67 [↓29%]
Provisional Taxation by Masters (without hearing)	133	98	89	66	61	78	68	54 [↓21%]
Formal Taxation by Masters (with hearing) ³⁷	206	141	177	175	187	218	208	208 [0%]
Total	541	343³⁸	390³⁸	323³⁸	341³⁸	394³⁸	370³⁸	329³⁸ [↓11%]

³⁶ Figures on number of taxations include bills (other than those criminal in nature) originated at other court levels and taxed in the HC.

³⁷ 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.

³⁸ 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 DC³⁹

DC	Post-CJR Periods							
	1 st Year	2 nd Year	3 rd Year	4 th Year	5 th Year	6 th Year	7 th Year	8 th Year
Provisional taxation by Chief Judicial Clerks	134	99	91	99	56	66	67	44 [↓34%]
Provisional Taxation by Masters (without hearing)	24	70	39	31	21	20	29	20 [↓31%]
Formal Taxation by Masters (with hearing) ³⁷	98	129	108	126	145	100	139	108 [↓22%]
Total	256	298³⁸	238³⁸	256³⁸	222³⁸	186³⁸	235³⁸	172³⁸ [↓27%]

78. The total number of taxations in the HC fluctuated during the Post-CJR Periods, with a decreasing trend over the last three years. For the DC, while there was a fluctuating trend over the first seven years, there was a significant drop of 27% in the eighth year alone.

(i) *Provisional Taxation by Chief Judicial Clerks*

79. 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.

80. For the HC, the number of bills taxed and disposed of on paper by Chief Judicial Clerks fluctuated from year to year during the eight years of the Post-CJR Periods. While the number fluctuated from 80 plus to 90 plus cases from the 4th to 7th year, there was a significant drop of 29% to 67 cases in the eighth year. An increase in summary assessment of costs in the HC by 32% in the same year (as shown in Table 13.1 above) may be relevant.

81. 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 70 cases in recent years, with as few as 44 cases in the eighth year representing a year-on-year drop of 34%.

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

(ii) *Provisional Taxation on Paper by Masters*⁴⁰

82. 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.

83. 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 rather significant year-on-year drop of 21% to 54 cases in the eighth year. Similar to the provisional taxations by Chief Judicial Clerks, an increase in summary assessment of costs in the HC by 32% in the same year (as shown in Table 13.1 above) may also be relevant.

84. 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 5th year, with a noticeable year-on-year drop of 31% to 20 cases in the eighth year.

(iii) *Average Disposal Time*

85. 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.

⁴⁰ 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 HC⁴¹

HC	Pre-CJR Period	Post-CJR Periods							
		1 st Year	2 nd Year	3 rd Year	4 th Year	5 th Year	6 th Year	7 th Year	8 th Year
Number of bills filed	1,152	712	702	577	541	588	701	596	657 [↑10%]
Number of bills taxed ⁴²	647	623	331	370 ⁴³	314	337	369 ⁴⁴	351	309 ⁴⁵ [↓12%]
Average Disposal Time (Days)	115	133	137	143	173	187	182	217	247

86. For the HC, there was a general increasing trend for the average disposal time over the Post-CJR Periods. In the eighth year, year-on-year, there was an increase of 10% in the number of bills filed and an increase of 30 days in the average disposal time. The general increasing trend seems reasonable as the simple and straightforward bills should have been disposed of by summary assessments. The remaining more complex bills should therefore normally take a longer time to be taxed. Moreover, in the HC, 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.

⁴¹ Figures on number of taxations include bills (other than those criminal in nature) originated at other court levels and taxed in the HC.

⁴² Figures on number of bills taxed include bills taxed within the reporting period regardless of their bill filing dates.

⁴³ 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 note for evaluation of the first three years of CJR implementation.

⁴⁴ 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.

⁴⁵ 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 DC⁴⁶

DC	Pre-CJR Period	Post-CJR Periods							
		1 st Year	2 nd Year	3 rd Year	4 th Year	5 th Year	6 th Year	7 th Year	8 th Year
Number of bills filed	957	545	409	395	408	391	328	412	412 [-]
Number of bills taxed ⁴²	316	342	265	219 ⁴⁷	240 ⁴⁸	202	174	223	159 [↓29%]
Average Disposal Time (Days)	83	128	129	137	156	178	163	166	188

87. On the other hand, the average disposal time of DC was fluctuating in the Post-CJR Periods, but with an increase of 22 days in the eighth year. The number of bills taxed dropped in the same year by 29%.

(c) Costs Claimed and Costs Allowed

(i) Under taxation

88. 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.

⁴⁶ Figures on number of taxations include bills (other than those criminal in nature) originated at other court levels and taxed in the DC.

⁴⁷ 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 note for evaluation of the first three years of CJR implementation.

⁴⁸ 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 HC⁴⁹

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

89. 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 three years.

⁴⁹ 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 DC⁵⁰

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

90. 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*

91. 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.

⁵⁰ 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 st Year	2 nd Year	3 rd Year	4 th Year	5 th Year	6 th Year	7 th Year	8 th 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
≤ 20%	13 (3%)	7 (2%)	10 (3%)	3 (0.9%)	7 (2%)	9 (3%)	14 (3%)	6 (1%) [-]
> 20% - 40%	36 (10%)	26 (6%)	19 (5%)	21 (6.5%)	32 (9%)	29 (9%)	35 (9%)	39 (9%) [-]
> 40% - 60%	66 (18%)	71 (18%)	64 (18%)	61 (18.9%)	53 (14%)	71 (23%)	75 (19%)	64 (15%) [↓4%]
> 60% - 80%	106 (28%)	98 (25%)	101 (28%)	103 (32.0%)	104 (29%)	83 (27%)	98 (25%)	102 (23%) [↓2%]
> 80%	152 (41%)	193 (49%)	169 (46%)	134 (41.6%)	167 (46%)	119 (38%)	172 (44%)	226 (52%) [↑8%]
Total⁵¹	373 (100%)	395 (100%)	363 (100%)	322 (100%)	363 (100%)	311 (100%)	394 (100%)	437 (100%)

92. 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 eight 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 75%. Of note is that the percentage of summary assessment with costs allowed exceeding 80% registered a year-on-year increase of 8%, reaching as high as 52% of the total claims submitted. This was the highest among the eight years.

⁵¹ 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 and eighth years of the Post-CJR Periods, there were 117, 121, 146, 125, 128, 101 and 132 records of this kind respectively which had not been included in the table.

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

DC	Post-CJR Periods							
	1 st Year	2 nd Year	3 rd Year	4 th Year	5 th Year	6 th Year	7 th Year	8 th 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
≤ 20%	0 (N/A)	4 (1%)	1 (0.5%)	1 (1%)	5 (3%)	2 (1%)	4 (2%)	5 (2%) [-]
> 20% - 40%	12 (1%)	14 (2%)	18 (8.7%)	15 (10%)	19 (12%)	15 (10%)	14 (8%)	22 (11%) [↑3%]
> 40% - 60%	15 (1%)	30 (5%)	35 (16.8%)	23 (15%)	40 (24%)	29 (20%)	35 (19%)	30 (14%) [↓5%]
> 60% - 80%	33 (3%)	46 (8%)	61 (29.3%)	63 (40%)	35 (21%)	39 (26%)	34 (18%)	60 (29%) [↑11%]
> 80%	1,043 ⁵² (95%)	488 (84%)	93 (44.7%)	53 (34%)	65 (40%)	63 (43%)	99 (53%)	91 (44%) [↓9%]
Total⁵³	1,103 (100%)	582 (100%)	208 (100%)	155 (100%)	164 (100%)	148 (100%)	186 (100%)	208 (100%)

⁵² 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.

⁵³ 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 and eighth years of the Post-CJR Periods, there were 287, 561, 271, 251, 111, 169 and 101 records of this kind respectively which had not been included in the table.

93. 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 seventh years. This is because of the exclusion since the second year of the large 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 eighth 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

94. 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.

95. 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 LIPs⁵⁴ Being Heard at Different Stages in the CFI

CFI	Post-CJR Periods							
	1 st Year	2 nd Year	3 rd Year	4 th Year	5 th Year	6 th Year	7 th Year	8 th 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%) [↓5.3%]
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%) [↓6.7%]
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%) [↓2.8%]
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%) [↓1.9%]
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%) [↑1.3%]

96. In the CFI, in the eighth year, there was a general year-on-year decrease in the percentages involving LIPs for all phases, except for the trial stage.

⁵⁴ 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 LIPs⁵⁴ Being Heard at Different Stages in the DC

DC	Post-CJR Periods							
	1 st Year	2 nd Year	3 rd Year	4 th Year	5 th Year	6 th Year	7 th Year	8 th 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%) [↑3.1%]
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%) [↑9.2%]
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%) [↑7.7%]
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%) [↑1.2%]
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%) [↓3%]

97. 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 eighth year, there was a general increase in the percentage involving LIPs in respect of interlocutory applications, CMC and PTR, but a decline for the trial stages. Given the relatively smaller amount of claims in the DC, the litigants may not prefer engage legal representatives because of legal costs considerations.

98. 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.

99. 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 st Year	2 nd Year	3 rd Year	4 th Year	5 th Year	6 th Year	7 th Year	8 th 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 [↓2%]

100. The number of enquiries at the Judiciary’s Resource Centre fluctuated over the Post-CJR Periods, with a 2% year-on-year drop in the eighth year. This might possibly due to the similar service provided by the Government.

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

(a) Appeals

(i) Number of Applications for Leave to Appeal

101. 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 Appeal⁵⁵

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

102. The numbers of applications for leave to appeal fluctuated from year to year during the Post-CJR Periods, but remained at a comparable level of 70 plus in the seventh and eighth years.

⁵⁵ 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 Appeal⁵⁶

	Pre-CJR Period	Post-CJR Periods							
		1 st Year	2 nd Year	3 rd Year	4 th Year	5 th Year	6 th Year	7 th Year	8 th Year
Number of Interlocutory appeals	179	78	61	62	28	12	25	17	10 [↓41%]

103. The numbers of interlocutory appeals filed during the Post-CJR Periods generally dropped during the eight years of the Post-CJR Periods⁵⁷, with a year-on-year decrease of 41% in the eighth 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. Conclusion

104. The implementation of CJR for the eighth 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 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.

105. Taking an overall strategic look at the statistics for the last eight 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.

⁵⁶ 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.

⁵⁷ 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.

The impact of CJR on the more complicated cases such as those in the HC may be less obvious.

106. 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.

107. 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. In this regard, we note that many of the statistical trends are settling within certain ranges.

Judiciary Administration
March 2018

Supplementary information regarding Personal Injuries (“PI”) cases

Annex I

**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 trial¹**

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

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

CFI	Post-CJR Periods											
	1 st Year			2 nd Year			3 rd Year			4 th Year		
	With trial	Without trial	Total	With trial	Without trial	Total	With trial	Without trial	Total	With trial	Without trial	Total
No. of PI cases disposed of	59 (6%)	871 (94%)	930	49 (7%)	698 (93%)	747	43 (6%)	619 (94%)	662	21 (3%)	746 (97%)	767
(Average no. of CLR/CMC/PTR)	(4.88)	(3.20)	(3.30)	(5.59)	(3.33)	(3.48)	(5.63)	(3.12)	(3.28)	(4.62)	(2.92)	(2.96)

CFI	Post-CJR Periods											
	5 th Year			6 th Year			7 th Year			8 th Year		
	With trial	Without trial	Total	With trial	Without trial	Total	With trial	Without trial	Total	With trial	Without trial	Total
No. of PI cases disposed of	24 (3%)	882 (97%)	906	23 (2%)	947 (98%)	970	23 (2%)	1,130 (98%)	1,153	17 (1%)	1,162 (99%)	1,179
(Average no. of CLR/CMC/PTR)	(5.08)	(2.90)	(2.96)	(4.83)	(3.11)	(3.15)	(4.74)	(3.14)	(3.17)	(4.24)	(3.07)	(3.09)

¹ 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 1st, 2nd, 3rd, 4th, 5th, 6th, 7th or 8th Year of Post-CJR Periods

DC	Post-CJR Periods											
	1 st Year			2 nd Year			3 rd Year			4 th Year		
	With trial	Without trial	Total	With trial	Without trial	Total	With trial	Without trial	Total	With trial	Without trial	Total
No. of PI cases disposed of	67 (3%)	2,049 (97%)	2,116	66 (3%)	2,025 (97%)	2,091	36 (2%)	2,235 (98%)	2,271	36 (1%)	2,377 (99%)	2,413
(Average no. of CLR/CMC/PTR)	(2.01)	(1.47)	(1.49)	(3.42)	(1.48)	(1.55)	(3.11)	(1.31)	(1.33)	(3.42)	(1.28)	(1.31)

DC	Post-CJR Periods											
	5 th Year			6 th Year			7 th Year			8 th Year		
	With trial	Without trial	Total	With trial	Without trial	Total	With trial	Without trial	Total	With trial	Without trial	Total
No. of PI cases disposed of	20 (1%)	2,662 (99%)	2,682	26 (1%)	2,711 (99%)	2,737	29 (1%)	2,625 (99%)	2,654	24 (1%)	2,606 (99%)	2,630
(Average no. of CLR/CMC/PTR)	(2.95)	(1.35)	(1.36)	(2.69)	(1.44)	(1.45)	(3.93)	(1.44)	(1.47)	(3.71)	(1.36)	(1.39)

Supplementary information regarding Personal Injuries (“PI”) cases

Observations:

- For PI cases in both the CFI and the DC, the overall average numbers of CLR/CMC/PTR per case disposed of registered a slight decrease in the eighth year.
- 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.
- 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 and increased to 97%-98% in the fourth to seventh years and further to 99% in the eighth 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 eighth 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 rd Year		4 th Year		5 th Year		6 th 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 th Year		8 th Year	
	Received	<i>Accepted</i>	Received	<i>Accepted</i>
Order 22	27	3	207	1
Order 62A	0	0	4	0
Total	27	3	211	1

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 eighth year, there was a drastic increase in the number of sanctioned offers received, though 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 st Year	2 nd Year	3 rd Year	4 th Year	5 th 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 th Year	7 th Year	8 th Year
Number of legally aided cases handled in-house	116	117	124
Number of cases settled by sanctioned offer	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 Instance¹

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

¹ 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 Court²

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

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
CJR related cases (excluding HCPI cases)	338	244	195	151	175	162
CJR related cases (HCPI cases only)	802	795	677	796	625	914
Total	1,140	1,039	872	947	800	1,076

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

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

² 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 Instance³

Year	Days⁴
2011	Not Available
2012	39
2013	43
2014	40
2015	42
2016	49

³ It only refers to the number of cases with mediation reports/ letters filed with filing date falls within the captioned period.

⁴ 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 Court³

Year	Days⁴
2011	Not Available
2012	27
2013	29
2014	33
2015	39
2016	35

Summary of Mediation Reports filed in the Court of First Instance in 2011⁵

- 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.

Court of First Instance in 2011⁵	Number of cases (%)	Average Time spent on Mediation per case (hour)	Average Cost of Mediation per case (HK\$)
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
Total number of cases with full/partial agreement	159 (38%)	-	-
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 ⁶		132	
Others (e.g. mediation adjourned, etc)		4	
Total:		557	

⁵ It only refers to the number of cases with mediation reports/ letters filed with filing date falls in year 2011.

⁶ 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 2011⁷

- 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.

District Court in 2011⁷	Number of cases (%)	Average Time spent on Mediation per case (hour)	Average Cost of Mediation per case (HK\$)
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
Total number of cases with full/partial agreement	124 (48%)	-	-
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 ⁸		806	
Others (e.g. mediation adjourned, etc)		5	
Total:		1,070	

⁷ It only refers to the number of cases with mediation reports/ letters filed with filing date falls in year 2011.

⁸ 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 2012⁹

- 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.

⁹ It only refers to the number of cases with mediation reports/ letters filed with filing date falls in year 2012.

Court of First Instance in 2012¹⁰	Number of cases (%)	Average Time spent on Mediation per case (hour)	Average Cost of Mediation per case (HK\$)
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
Total number of cases with full/partial agreement	217 (38%)	-	-
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		
Total number of cases with settlement/ rate¹¹	266 (46%)		
Cases settled/ withdrawn/ discontinued without mediation ¹²	191		
Others (e.g. mediation adjourned, etc)	0		
Total:	766		

¹⁰ It only refers to the number of cases with mediation reports/ letters filed with filing date falls in year 2012.

¹¹ 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.

¹² 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 2012¹³

- 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.

¹³ It only refers to the number of cases with mediation reports/ letters filed with filing date falls in year 2012.

District Court in 2012¹⁴	Number of cases (%)	Average Time spent on Mediation per case (hour)	Average Cost of Mediation per case (HK\$)
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
Total number of cases with full/partial agreement	147 (42%)	-	-
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	
Total number of cases with settlement/ rate¹⁵		180 (52%)	
Cases settled/ withdrawn/ discontinued without mediation ¹⁶		1,362	
Others (e.g. mediation adjourned, etc)		1	
Total:		1,712	

¹⁴ It only refers to the number of cases with mediation reports/ letters filed with filing date falls in year 2012.

¹⁵ 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.

¹⁶ 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 2013¹⁷

- 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.

¹⁷ It only refers to the number of cases with mediation reports/ letters filed with filing date falls in year 2013.

Court of First Instance in 2013¹⁸	Number of cases (%)	Average Time spent on Mediation per case (hour)	Average Cost of Mediation per case (HK\$)
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
Total number of cases with full/partial agreement	286 (45%)	-	-
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	
Total number of cases with settlement/ rate¹⁹		363 (57%)	
Cases settled/ withdrawn/ discontinued without mediation ²⁰		139	
Others (e.g. mediation adjourned, etc)		3	
Total:		779	

¹⁸ It only refers to the number of cases with mediation reports/ letters filed with filing date falls in year 2013.

¹⁹ 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.

²⁰ 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 2013²¹

- 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.

²¹ It only refers to the number of cases with mediation reports/ letters filed with filing date falls in year 2013.

District Court in 2013²²	Number of cases (%)	Average Time spent on Mediation per case (hour)	Average Cost of Mediation per case (HK\$)
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
Total number of cases with full/partial agreement	186 (42%)	-	-
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		
Total number of cases with settlement/ rate²³	240 (54%)		
Cases settled/ withdrawn/ discontinued without mediation ²⁴	1,154		
Others (e.g. mediation adjourned, etc)	2		
Total:	1,597		

²² It only refers to the number of cases with mediation reports/ letters filed with filing date falls in year 2013.

²³ 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.

²⁴ 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 2014²⁵

- 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.

²⁵ It only refers to the number of cases with mediation reports/ letters filed with filing date falls in year 2014.

Court of First Instance in 2014²⁶	Number of cases (%)	Average Time spent on Mediation per case (hour)	Average Cost of Mediation per case (HK\$)
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
Total number of cases with full/partial agreement	305 (48%)	-	-
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		
Total number of cases with settlement/ rate²⁷	411 (65%)		
Cases settled/ withdrawn/ discontinued without mediation ²⁸	172		
Others (e.g. mediation adjourned, etc)	1		
Total:	805		

²⁶ It only refers to the number of cases with mediation reports/ letters filed with filing date falls in year 2014.

²⁷ 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.

²⁸ 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 2014²⁹

- 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.

²⁹ It only refers to the number of cases with mediation reports/ letters filed with filing date falls in year 2014.

District Court in 2014³⁰	Number of cases (%)	Average Time spent on Mediation per case (hour)	Average Cost of Mediation per case (HK\$)
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
Total number of cases with full/partial agreement	178 (45%)	-	-
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	
Total number of cases with settlement/ rate³¹		256 (65%)	
Cases settled/ withdrawn/ discontinued without mediation ³²		1,078	
Others (e.g. mediation adjourned, etc)		4	
Total:		1,479	

³⁰ It only refers to the number of cases with mediation reports/ letters filed with filing date falls in year 2014.

³¹ 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.

³² 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 2015³³

- 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.

³³ It only refers to the number of cases with mediation reports/ letters filed with filing date falls in year 2015.

Court of First Instance in 2015³⁴	Number of cases (%)	Average Time spent on Mediation per case (hour)	Average Cost of Mediation per case (HK\$)
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
Total number of cases with full/partial agreement	294 (46%)	-	-
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	
Total number of cases with settlement/ rate³⁵		403 (62%)	
Cases settled/ withdrawn/ discontinued without mediation ³⁶		186	
Others (e.g. mediation adjourned, etc)		2	
Total:		833	

³⁴ It only refers to the number of cases with mediation reports/ letters filed with filing date falls in year 2015.

³⁵ 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.

³⁶ 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 2015³⁷

- 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.

³⁷ It only refers to the number of cases with mediation reports/ letters filed with filing date falls in year 2015.

District Court in 2015³⁸	Number of cases (%)	Average Time spent on Mediation per case (hour)	Average Cost of Mediation per case (HK\$)
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
Total number of cases with full/partial agreement	185 (48%)	-	-
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		
Total number of cases with settlement/ rate³⁹	244 (63%)		
Cases settled/ withdrawn/ discontinued without mediation ⁴⁰	1,158		
Others (e.g. mediation adjourned, etc)	4		
Total:	1,550		

³⁸ It only refers to the number of cases with mediation reports/ letters filed with filing date falls in year 2015.

³⁹ 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.

⁴⁰ 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 2016⁴¹

- 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.

⁴¹ It only refers to the number of cases with mediation reports/ letters filed with filing date falls in year 2016.

Court of First Instance in 2016⁴²	Number of cases (%)	Average Time spent on Mediation per case (hour)	Average Cost of Mediation per case (HK\$)
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
Total number of cases with full/partial agreement	319 (48%)	-	-
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	
Total number of cases with settlement/ rate⁴³		423 (64%)	
Cases settled/ withdrawn/ discontinued without mediation ⁴⁴		111	
Others (e.g. mediation adjourned, etc)		1	
Total:		778	

⁴² It only refers to the number of cases with mediation reports/ letters filed with filing date falls in year 2016.

⁴³ 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.

⁴⁴ 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 2016⁴⁵

- 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.

⁴⁵ It only refers to the number of cases with mediation reports/ letters filed with filing date falls in year 2016.

District Court in 2016⁴⁶	Number of cases (%)	Average Time spent on Mediation per case (hour)	Average Cost of Mediation per case (HK\$)
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
Total number of cases with full/partial agreement	163 (45%)	-	-
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		
Total number of cases with settlement/ rate⁴⁷	217 (60%)		
Cases settled/ withdrawn/ discontinued without mediation ⁴⁸	1,003		
Others (e.g. mediation adjourned, etc)	5		
Total:	1,369		

⁴⁶ It only refers to the number of cases with mediation reports/ letters filed with filing date falls in year 2016.

⁴⁷ 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.

⁴⁸ 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.