

Statistics on the First Six Years' Implementation of the Civil Justice Reform from 2 April 2009 to 31 March 2015

I. Purpose

This note sets out the findings on the implementation of the Civil Justice Reform (“CJR”) for the first six years from 2 April 2009 to 31 March 2015.

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 the first five years of implementation have been released separately. This note provides the updated position by including relevant findings of the “sixth year of the Post-CJR Periods” (i.e.

from 1 April 2014 to 31 March 2015)¹.

4. With the benefit of the actual statistics collated for the first five years, the Judiciary reviewed the indicators and statistical tables last year. The Judiciary 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 :

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

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

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

CFI	Pre-CJR Period	Post-CJR Periods					
		1 st Year	2 nd Year	3 rd Year	4 th Year	5 th Year	6 th Year
Civil cases	24,552 ²	22,715 ³	16,047	15,970	17,210	18,910	19,534
CJR related cases ⁴	5,431	3,853	3,837	4,371	4,625	5,306	5,589

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 5,589 in the sixth year, representing an accumulative increase of 45%. This was mainly because of an increase in personal injuries (“PI”) actions, civil actions and miscellaneous proceedings. In the sixth year alone, the increase was 5% and it was because of a continued increase in PI actions and civil actions, whereas miscellaneous proceedings and admiralty actions decreased. Moreover, the CJR related caseload in the sixth year amounted to 5,589, which 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
Civil cases	29,092 ⁵	24,830 ⁶	22,731	22,079	20,423	20,725	20,430
CJR related cases ⁷	19,990	15,765	15,274	15,103	13,573	13,943	13,798

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. Nevertheless, in the fourth year of the Post-CJR Periods, the overall civil caseload and the caseload for the CJR related cases dropped by 8% and 10% respectively year-on-year, mainly due to a decrease in civil actions and tax claims. Afterwards, the caseloads in the recent three years (i.e. from the fourth to sixth years of the Post-CJR Periods) remained similar. A more detailed analysis indicated that there was an increase in civil actions, whereas tax claims continued with its downward trend.

8. The Judiciary is conducting a review on the civil monetary jurisdictional limits of the DC and the Small Claims Tribunal (“SCT”). The general limit of the DC is proposed to be increased from \$1 million to \$3 million, while the limit for the SCT from \$50,000 to \$75,000. The Judiciary is consulting the stakeholders on the proposals. The proposed changes, if agreed and implemented, will likely result in a decrease in the number of civil and CJR related cases in the CFI and an increase in such number of 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 sixth 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. 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.

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

(a) Number of Interlocutory Applications⁸

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
Number of interlocutory applications	2,786	3,149	2,914	2,992	3,265	3,684	3,350

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 year, the number of interlocutory applications decreased by 9% year-on-year, despite an increase in the caseload for the CJR related cases that year.

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
Number of interlocutory applications	Not available	1,171	1,032	854	838	1,150	1,109

17. In the DC, the numbers of interlocutory applications listed for hearings during the first four years of the Post-CJR Periods were on a decreasing trend. The number of interlocutory applications increased to 1,150 in the fifth year, but with a drop of 4% year-on-year in the sixth year. The relatively high numbers in the recent two years were mainly due to the increase in the number of interlocutory applications relating to Employees' Compensation ("EC") claims. This was probably in turn due to a larger number of EC cases filed and more EC 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	5 th Year	6 th Year
	Number of checklist hearings	Number of checklist hearing/ CMCs	Number of CMCs	Number of CMCs	Number of CMCs	Number of CMCs	Number of CMCs
CJR related cases (excluding PI cases) ⁹	779	839	865	771	795	826	814

19. In the CFI, the numbers of CMCs during the first five years of CJR implementation were comparable, with the sixth year registering a slight decrease.

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	5 th Year	6 th Year
	Number of PTR by Master	Number of CMCs	Number of CMCs	Number of CMCs	Number of CMCs	Number of CMCs	Number of CMCs
CJR related cases (excluding PI cases) ⁹	539	648	788	748	590	443	400

20. In the DC, in streamlining the management of cases, the use of the oral/paper case management summons (“CMS”) has 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 was on a decreasing trend starting from the fourth year of the Post-CJR Periods.

22. The above statistics do not include PI cases. For PI cases, a summary showing the number of PI 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**.

⁹ For PI cases, please refer to **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		
No. of Hearings	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%
PTR	320	22	7%	287	15	5%	239	16	7%
Trial	419	27	6%	476	33	7%	350	27	8%

CFI	Post-CJR Periods								
	4 th Year			5 th Year			6 th Year		
No. of Hearings	Fixed (a)	Varied (b)	% (b)/(a)	Fixed (a)	Varied (b)	% (b)/(a)	Fixed (a)	Varied (b)	% (b)/(a)
CMC	812	120	15%	830	111	13%	819	141	17%
PTR	249	7	3%	251	14	6%	235	10	4%
Trial	325	20	6%	371	23	6%	308	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, though there was a slight increase in the percentage point (to 17%) for the variation in CMC dates in the sixth year. 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		
No. of Hearings	Fixed (a)	Varied (b)	% (b)/(a)	Fixed (a)	Varied (b)	% (b)/(a)	Fixed (a)	Varied (b)	% (b)/(a)
CMC	742	30	4%	820	49	6%	782	48	6%
PTR	138	5	4%	168	3	2%	133	2	2%
Trial	577	15	3%	496	21	4%	332	15	5%

DC	Post-CJR Periods								
	4 th Year			5 th Year			6 th Year		
No. of Hearings	Fixed (a)	Varied (b)	% (b)/(a)	Fixed (a)	Varied (b)	% (b)/(a)	Fixed (a)	Varied (b)	% (b)/(a)
CMC	634	38 ¹⁰	6%	464	26	6%	417	12	3%
PTR	167	1	1%	179	3	2%	212	2	1%
Trial	380	16	4%	349	11	3%	315	8	3%

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

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

called “court processing times”) are useful indicators to show how expeditiously cases are being disposed of.

(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 19,265 in 2014), the average court waiting time in 2014 improved to 193 days after an upward trend since 2010 (from 215 days in 2010 to 261 days in 2013), as 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. Further improvements in the waiting times are noted in 2015, and the Judiciary will release the 2015 waiting times in early 2016.

(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)	1 st , 2 nd , 3 rd , 4 th , 5 th & 6 th Years (Accumulative)
Number of Trial Hearings	16	70	163	295	475	699
Average Time from Commencement to Trial (days)	167	277	436	583	699	748
Year-on-year change on Average Time (days)		+ 110	+ 159	+ 147	+ 116	+49

33. Take the above table as an example. In the second column 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 230 CJR-related trials handled by CFI in a year for the first six 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, fifth and sixth columns, 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 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 five 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 49 days in the sixth year. The moderation in the sixth year alone is worth noting. 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.

¹¹ The figure of 230 trials represents the average of the annual number of CJR-related trials over these six 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)	1 st , 2 nd , 3 rd , 4 th , 5 th & 6 th Years (Accumulative)
Number of Trial Hearings	16	158	332	550	787	998
Average Time from Commencement to Trial (days)	134	345	434	515	549	584
Year-on-year change on Average Time (days)		+ 211	+ 89	+ 81	+ 34	+35

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 35 days in the sixth year. Looking ahead, similar trend of improvement as that for the CFI as set out in paragraph 38 above is also possible in the DC. The Judiciary will continue to monitor the trend closely.

(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	1 st Year	2 nd Year	3 rd Year	4 th Year	5 th Year	6 th Year
Number of cases disposed of	8	67	83	91	101	100
Average time required (days)	150	349	435	546	548	597

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 is likely to lengthen. The average time required generally increased over the six years of the Post-CJR Periods. There is a chance that the average time could improve when more

judicial manpower is made available. The Judiciary will continue to monitor the trend closely.

Table 6.2: Average Time from First CMC to End of Trial 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
Disposal Date						
Number of cases disposed of	23	126	103	98	129	77
Average time required (days)	181	224	283	280	255	269

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 is likely to lengthen. But, there is a positive sign that the average time for disposing of the cases appear to flat off in the fifth and sixth years.

(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
Average number of days fixed	4.89	5.51	5.30	5.49	5.95	5.19	6.18
Average number of days spent	4.02	3.08	3.88	4.40	4.28	3.98	4.59

43. For the CFI, the average number of days fixed and spent for trials fluctuated over the first six years of the Post-CJR Periods. Regardless, the average numbers of days fixed for the first six 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. While a decrease in the average numbers of days fixed and spent was registered in the fifth year of the Post-CJR Periods, the numbers increased in the sixth year. This seems to suggest growing complexity of the CFI cases. On the other hand, while the average number of days fixed in the sixth year increased by 19% over the fifth year, the average number of days actually spent in the sixth year

increased by 15% only. This reflects the court's robustness in handling the cases before and during the trials.

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
Average number of days fixed	2.60	2.45	2.88	2.84	3.17	3.29	3.65
Average number of days spent	2.49	2.23	2.53	2.30	2.55	3.00	2.94

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 Post-CJR Periods, the average number of days spent in the fifth and sixth years flattened off. This suggests a general growing complexity in the cases, which may partly be due to the increasing number of LIPs, with the situation probably moderating in the sixth year. The average numbers of days fixed and the corresponding average numbers of days actually 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
Number of CJR related cases filed (monetary claim only)	1,757	1,711	2,032	2,133	2,346	2,835
Number of admissions made ¹²	39	19	29	10	18	24
Number of applications for instalment ¹²	15	8	11	2	6	5
Number of cases disposed of by Order 13A ¹³	13	6	2	1	4	4

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 3 June 2015 were 15, 6, 3, 1, 5 and 4 respectively for the first, second, third, fourth, fifth and sixth 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
Number of CJR related cases filed (monetary claim only)	14,155	13,874	13,665	12,212	12,604	12,426
Number of admissions made ¹⁴	364	312	414	300	263	314
Number of applications for instalment ¹⁴	300	255	313	185	175	202
Number of cases disposed of by Order 13A ¹⁵	197	152	203	146	135	109

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, against a drop in the numbers of applications and disposal starting from the fourth year, there was a year-on-year increase of 19% in the number of applications of Order 13A in the sixth year, but a drop of 19% in the number of cases settled by Order 13A. The drop was mainly attributable to tax claim cases. The phenomenon was probably because some of those Order 13A applications were eventually settled by other means such as Order 22 and consent order.

(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 similar offer to settle another party's entitlement to costs

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 3 June 2015 were 212, 178, 227, 162, 149 and 109 respectively for the first, second, third, fourth, fifth and sixth years of the Post-CJR Periods.

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	
	Payment-in made	Number of Sanctioned Payments					
Made		<i>Accepted</i>	Made	<i>Accepted</i>	Made	<i>Accepted</i>	
Number of payment-in/ Order 22 sanctioned payments (excluding PI cases)	151	127	<i>15</i>	100	<i>11</i>	99	<i>24</i>
Number of payment-in/ Order 22 sanctioned payments (PI cases only)	826	1,786	<i>420</i>	1,255	<i>326</i>	1,160	<i>283</i>
Total	977	1,913	<i>435</i>	1,355	<i>337</i>	1,259	<i>307</i>
Overall Acceptance Rate			<i>23%</i>		<i>25%</i>		<i>24%</i>

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 3 June 2015 were 528, 414, 414, 501, 568 and 466 respectively for the first, second, third, fourth, fifth and sixth years of the Post-CJR Periods.

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

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
Number of cases filed (excluding PI cases)	3,247	3,101	3,442	3,670	4,237	4,239
Number of cases filed (PI cases only)	606	736	929	955	1,069	1,350
Total number of cases filed	3,853	3,837	4,371	4,625	5,306	5,589
Number of cases (excluding PI cases) disposed of by Order 22 sanctioned payment	2	2	8	8	6	7
Number of cases (PI cases only) disposed of by Order 22 sanctioned payment	51	58	54	71	57	88
Total Number of cases disposed of by Order 22¹⁷	53	60	62	79	63	95

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 3 June 2015 were 178, 202, 222, 247, 194 and 95 respectively for the first, second, third, fourth, fifth and sixth years of the Post-CJR Periods.

52. For the CFI, during the Post-CJR Periods, the numbers of sanctioned payments made, the numbers of payments accepted and the numbers of cases disposed of by Order 22 did not show much fluctuation or any significant trend. Nevertheless, out of the sanctioned payments made in the Post-CJR Periods, the percentage of sanctioned payments accepted showed an overall gradual rising trend, with 23% (435 cases over 1,913 cases) in the first year and reaching 25% (466 cases over 1,851 cases) in the sixth year, with some fluctuations within the six years. In general, it seems that more parties were willing to adopt this procedure with a view to facilitating settlement in general.

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	
	Payment-in made	Number of Sanctioned Payment					
Made		<i>Accepted</i>	Made	<i>Accepted</i>	Made	<i>Accepted</i>	
Number of payment-in/ Order 22 sanctioned payments (excluding PI and employee's compensation ("EC") cases)	221	207	55	224	87	270	131
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
Number of payment-in/ Order 22 sanctioned payments (EC cases only)	1,070	1,398	702	1,304	774	1,608	1,033
Total	3,316	4,123	1,769	4,017	2,018	4,498	2,420
Overall Acceptance Rate			43%		50%		54%

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 3 June 2015 were 1,905, 2,236, 2,674, 2,949, 3,449 and 3,238 respectively for the first, second, third, fourth, fifth and sixth years of the Post-CJR Periods.

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

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
Number of cases filed (excluding PI and EC cases)	12,360	11,094	10,345	8,539	8,703	8,169
Number of cases filed (PI cases only)	1,965	2,432	2,666	2,729	2,821	2,879
Number of cases filed (EC cases only)	1,440	1,748	2,092	2,305	2,419	2,750
Total number of cases filed	15,765	15,274	15,103	13,573	13,943	13,798
Number of cases (excluding PI and EC cases) disposed of by Order 22 sanctioned payment	35	27	43	30	42	44
Number of cases (PI cases only) disposed of by Order 22 sanctioned payment	319	292	469	694	565	628
Number of cases (EC cases only) disposed of by Order 22 sanctioned payment	378	382	539	518	609	652
Total number of cases disposed of by Order 22 ¹⁹	732	701	1,051	1,242	1,216	1,324

53. For the DC, similar to that for the CFI, out of the sanctioned payments made in the Post-CJR Periods, the percentage of sanctioned payments accepted was also on a general rising trend, from 43% (1,769 cases over 4,123 cases) to 54% (3,238 cases over 5,982 cases) in the sixth year, with some fluctuations within the six years. Even though some Order 22 offers might have been accepted by other means such as consent orders and hence not covered in such statistics so collated, the number of cases known to have been disposed of by Order 22 remained at a high level since the third year and increased since the fourth year. The smaller amounts of claims,

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 3 June 2015 were 1,292, 1,731, 2,266, 2,428, 2,193 and 1,324 respectively for the first, second, third, fourth, fifth and sixth years of the Post-CJR Periods.

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	
	Made	<i>Accepted</i>	Made	<i>Accepted</i>	Made	<i>Accepted</i>
Number of Order 62A sanctioned payments (with bills filed)	78	<i>15</i>	64	<i>18</i>	60	<i>21</i>
Number of Order 62A sanctioned payments (without bills filed)	155	<i>84</i>	212	<i>102</i>	164	<i>81</i>
Total	233	<i>99</i>	276	<i>120</i>	224	<i>102</i>
Overall Acceptance Rate		<i>42%</i>		<i>43%</i>		<i>46%</i>

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 3 June 2015 were 102, 127, 108, 118, 138 and 134 respectively for the first, second, third, fourth, fifth and sixth years of the Post-CJR Periods.

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

55. In the CFI, the number of Order 62A sanctioned payments on costs made and the number of payments accepted remained at a similar level during the six years of the Post-CJR Periods. Nevertheless, similar to Order 22 sanctioned payments, the acceptance rate for Order 62A sanctioned payments was generally on a rising trend during the Post-CJR Periods, from 42% in the first year to 45% in the sixth year, with some fluctuations within the six years.

Table 10.2: Number of Order 62A Sanctioned Payment on Costs Made and Accepted²¹
in the DC

DC	Post-CJR Periods					
	1 st Year		2 nd Year		3 rd Year	
	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
Number of Order 62A sanctioned payments (without bills filed)	646	427	808	539	881	619
Total	743	459	891	567	938	649
Overall Acceptance Rate		62%		64%		69%

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

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 3 June 2015 were 482, 584, 668, 787, 1,042 and 1,102 respectively for the first, second, third, fourth, fifth and sixth years of the Post-CJR Periods.

56. In the DC, there was a clear increasing trend in the number of Order 62A sanctioned payments on costs made and the number of payments accepted during the six years of the Post-CJR Periods. Moreover, a similar rising trend was observed for the acceptance rate of Order 62A sanctioned payments, with 62% in the first year rising to 68% in the sixth year, with some fluctuations within the six years.

(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 gathered some information through questionnaires²². The Judiciary has also 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

²² The court Registry has been sending out questionnaires since July 2009 to collect voluntary feedback on sanctioned offers after settlement has been reached among some or all of the parties. Over the past few years, the average response rate was 36% for the CFI and 46% for the DC. The information so collated may not therefore present a comprehensive picture.

Over the past few years up to end March 2015, for the CFI, the number of sanctioned offers made and accepted under Order 22 fluctuated. On the other hand, the number of sanctioned offers made and accepted under Order 62A showed a slight decreasing trend. For the DC, the number of sanctioned offers made and accepted under Order 22 showed a decreasing trend, though the number accepted showed an increase in the sixth year of the Post-CJR Periods. On the other hand, the number of offers made under Order 62A showed a decreasing trend, while the number accepted increased during the fourth to sixth years of the Post-CJR Periods.

As such questionnaires cannot capture comprehensive information, the Judiciary has decided to stop collating such information from now on.

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 2015 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
CJR related cases (excluding PI cases)	113	579	507	462	439	433
CJR related cases (PI cases only)	108	523	566	673	758	807
Total	221	1,102	1,073	1,135	1,197	1,240

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

CFI	Post-CJR Periods					
	1.1.10-31.3.10 (3 months only)	2 nd Year	3 rd Year	4 th Year	5 th Year	6 th Year
CJR related cases (excluding PI cases)	95	313	291	207	192	147
CJR related cases (PI cases only)	6	536	758	718	746	790
Total	101	849	1,049	925	938	937

61. In the CFI, during the second to sixth years of the Post-CJR Periods, the number of mediation notices showed a steady upward trend. The total number of cases directed by the court to report the progress of mediation in the recent three years remained comparable. These stable figures may suggest that the mediation culture has more or less settled in.

Table 12.1: Number of Mediation Notices in the DC

DC	Post-CJR Periods					
	1.1.10-31.3.10 (3 months only)	2 nd Year	3 rd Year	4 th Year	5 th Year	6 th Year
CJR related cases (excluding PI cases)	120	737	756	779	860	802
CJR related cases (PI cases only)	80	519	743	859	885	910
Total	200	1,256	1,499	1,638	1,745	1,712

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

DC	Post-CJR Periods					
	1.1.10-31.3.10 (3 months only)	2 nd Year	3 rd Year	4 th Year	5 th Year	6 th Year
CJR related cases (excluding PI cases)	34	394	340	377	407	353
CJR related cases (PI cases only)	2	518	1,715	1,575	1,504	1,391
Total	36	912	2,055	1,952	1,911	1,744

62. In the DC, during the second to sixth years of the Post-CJR Periods, the number of mediation notices recorded a steady increase, with the number seemed to be flattening off in the sixth year. The total number of cases directed by the court to report the progress of mediation was generally at a high level since the third year, with the number fluctuating in the fourth to sixth years. 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 2014. 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. 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 new initiatives above.

70. With collective efforts, it is hoped that the 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
Number of Summary Assessment of Costs	373	1,130 ²³	1,594 ²⁴	1,809 ²⁵	1,974 ²⁶	2,223 ²⁷

74. In the CFI, the number of summary assessments during the Post-CJR Periods increased significantly over the first six years of the Post-CJR Periods, with an accumulative increase of 4.96 times (2,223 cases over 373 cases).

²³ 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.

²⁴ 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.

²⁵ 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.

²⁶ 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.

²⁷ 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.

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
Number of Summary Assessment of Costs	1,103	2,222 ²⁸	3,119 ²⁹	2,476 ³⁰	2,641 ³¹	2,368 ³²

75. In the DC, the number of summary assessment of costs fluctuated during the first six years of the Post-CJR Periods. But, on the whole, there was an accumulative increase of 1.15 times (2,368 cases over 1,103 cases).

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.

²⁸ 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.

²⁹ 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.

³⁰ 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.

³¹ 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.

³² 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.

(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”)³³

HC	Post-CJR Periods					
	1 st Year	2 nd Year	3 rd Year	4 th Year	5 th Year	6 th Year
Provisional taxation by Chief Judicial Clerks	202	104	124	82	93	98
Provisional Taxation by Masters (without hearing)	133	98	89	66	61	78
Formal Taxation by Masters (with hearing) ³⁴	206	141	177	175	187	218
Total	541	343³⁵	390³⁵	323³⁵	341³⁵	394³⁵

³³ Figures on number of taxations include bills (other than those criminal in nature) originated at other court levels and taxed in the HC.

³⁴ 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.

³⁵ 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 DC³⁶

DC	Post-CJR Periods					
	1 st Year	2 nd Year	3 rd Year	4 th Year	5 th Year	6 th Year
Provisional taxation by Chief Judicial Clerks	134	99	91	99	56	66
Provisional Taxation by Masters (without hearing)	24	70	39	31	21	20
Formal Taxation by Masters (with hearing) ³⁴	98	129	108	126	145	100
Total	256	298³⁵	238³⁵	256³⁵	222³⁵	186³⁵

78. The total number of taxations in the HC fluctuated during the Post-CJR Periods, but apparently settling at a level below 400 cases each year. On the other hand, there was a clearer overall downward trend in the DC. Both were probably the result of the increased use of summary assessments as well as the extensive application of sanctioned payments. All these are moving along the right direction.

(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 without hearing by Chief Judicial Clerks fluctuated from year to year during the first six years of the Post-CJR Periods. No significant pattern can be observed, though the number seemed to be settling at around 100 cases per year.

81. For the DC, the number for paper disposals by Chief Judicial Clerks without hearing were similar at around 90 plus cases in the second to fourth years of the Post-CJR Periods. This dropped to around 60 cases in the fifth and sixth years.

³⁶ 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*³⁷

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 remained comparable over the last three years.

84. In the DC, during the Post-CJR Periods, the number of bills taxed and disposed of on paper without hearing by Masters stabilized in the fifth and sixth years.

(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.

³⁷ 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 HC³⁸

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
Number of bills filed	1,152	712	702	577	541	588	701
Number of bills taxed ³⁹	647	623	331	370 ⁴⁰	314	337	369 ⁴¹
Average Disposal Time (Days)	115	133	137	143	173	187	182

Table 15.2: Number of bills filed and average disposal time for taxed bills in the DC⁴²

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
Number of bills filed	957	545	409	395	408	391	328
Number of bills taxed ³⁹	316	342	265	219 ⁴³	240 ⁴⁴	202	174
Average Disposal Time (Days)	83	128	129	137	156	178	163

³⁸ Figures on number of taxations include bills (other than those criminal in nature) originated at other court levels and taxed in the HC.

³⁹ Figures on number of bills taxed include bills taxed within the reporting period regardless of their bill filing dates.

⁴⁰ Four bills which exceptionally required more than three years for completing the taxation process were excluded from the calculation. Their delay was due to reasons beyond control. Such exceptionally long cases were included in the calculation in the past paper for evaluation of the first three years of CJR implementation.

⁴¹ 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.

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

⁴³ Two bills which exceptionally required more than three years for completing the taxation process were excluded from the calculation. Their delay was due to reasons beyond control. Such exceptionally long cases were included in the calculation in the past paper for evaluation of the first three years of CJR implementation.

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.

86. With some increases in the average disposal time in both the HC and the DC in the first five years of the Post-CJR Periods, the average time decreased in both the HC and DC in the sixth year. The initial increase 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 seemed to be a growing trend for taxation bills of larger amounts which also increased the complexity of the taxation work. In the DC, a growing number of LIPs and minor non-compliances with the rules or court's instructions were also some of the key contributing factors. However, with the average disposal times for both the HC and DC reducing in the sixth year, it seems that an optimal balancing point might have been reached. The Judiciary will continue to monitor.

(c) Costs Claimed and Costs Allowed

(i) *Under taxation*

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

Table 16.1: Costs Claimed and Costs Allowed under Taxation in the HC⁴⁵

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

88. In the HC, for the first six years, for bills which were taxed with more than 60% of the total costs claimed, the annual percentage figures were comparable in the region of 73% to 86%. Of note is that for the sixth year, the percentage of bills with costs allowed exceeding 80% registered an increased to 40% from 29% in the fifth year.

⁴⁵ 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 DC⁴⁶

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

89. In the case of the DC, more than one-third of the bills taxed were allowed with more than 80% of the total costs claimed in the third to the fifth years of the Post-CJR Periods. The narrower gap between the total costs allowed and claimed, as compared to the HC, can probably be attributed to the easier and possibly more certain preparation of costs claimed because of the simpler nature of DC cases.

(ii) *Under summary assessment of costs*

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

⁴⁶ 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
Percentage allowed (Total costs allowed / Total costs claimed)	Number of summary assessment	Number of summary assessment	Number of summary assessment	Number of summary assessment	Number of summary assessment	Number of summary assessment
≤ 20%	13 (3%)	7 (2%)	10 (3%)	3 (0.9%)	7 (2%)	9 (3%)
> 20% - 40%	36 (10%)	26 (6%)	19 (5%)	21 (6.5%)	32 (9%)	29 (9%)
> 40% - 60%	66 (18%)	71 (18%)	64 (18%)	61 (18.9%)	53 (14%)	71 (23%)
> 60% - 80%	106 (28%)	98 (25%)	101 (28%)	103 (32.0%)	104 (29%)	83 (27%)
> 80%	152 (41%)	193 (49%)	169 (46%)	134 (41.6%)	167 (46%)	119 (38%)
Total	373⁴⁷ (100%)	395⁴⁷ (100%)	363⁴⁷ (100%)	322⁴⁷ (100%)	363⁴⁷ (100%)	311⁴⁷ (100%)

91. In the CFI, the percentage figures show that the pattern of distribution remained more or less the same during the Post-CJR Periods. In the first six 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%.

⁴⁷ 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 and sixth years of the Post-CJR Periods, there were 117, 121, 146, 125 and 128 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
Percentage allowed (Total costs allowed / Total costs claimed)	Number of summary assessment	Number of summary assessment	Number of summary assessment	Number of summary assessment	Number of summary assessment	Number of summary assessment
≤ 20%	0 (N/A)	4 (1%)	1 (0.5%)	1 (1%)	5 (3%)	2 (1%)
> 20% - 40%	12 (1%)	14 (2%)	18 (8.7%)	15 (10%)	19 (12%)	15 (10%)
> 40% - 60%	15 (1%)	30 (5%)	35 (16.8%)	23 (15%)	40 (24%)	29 (20%)
> 60% - 80%	33 (3%)	46 (8%)	61 (29.3%)	63 (40%)	35 (21%)	39 (26%)
> 80%	1,043 ⁴⁸ (95%)	488 (84%)	93 (44.7%)	53 (34%)	65 (40%)	63 (43%)
Total	1,103⁴⁹ (100%)	582⁴⁹ (100%)	208⁴⁹ (100%)	155⁴⁹ (100%)	164⁴⁹ (100%)	148⁴⁹ (100%)

92. In the case of the DC, the figures in the first year of the Post-CJR Periods were not directly comparable with those in the second to sixth 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

⁴⁸ 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.

⁴⁹ 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 and sixth years of the Post-CJR Periods, there were 287, 561, 271, 251 and 111 records of this kind respectively which had not been included in the table.

sixth years, the percentage of cases with the costs allowed amounting to over 60% of the costs claimed ranged from 61% to 74%. [Of note is that for the sixth year, the percentage of summary assessment with costs allowed exceeding 80% registered an increase to 43% from 40% in the fifth year.]

(F) Litigants in Person

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

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

Table 18.1: Number of Hearings Involving LIPs⁵⁰ 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
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%)
Case management summons (% against total hearings)	60 (26.2%)	69 (26.3%)	60 (23.3%)	85 (32.1%)	86 (32.3%)	73 (27.3%)
CMC (% against total hearings)	125 (18.0%)	161 (23.1%)	102 (17.7%)	125 (21.1%)	129 (20.3%)	129 (22.2%)
PTR (% against total hearings)	62 (26.0%)	58 (25.4%)	42 (22.3%)	43 (20.7%)	61 (28.4%)	46 (22.7%)
Trial (% against total hearings)	82 (34.3%)	76 (35.0%)	46 (27.5%)	41 (22.9%)	76 (34.9%)	66 (36.1%)

95. In the CFI, among the various stages of litigation, the percentage of hearings involving LIPs in interlocutory applications remained the highest over the first six years of the Post-CJR Periods. The percentages

⁵⁰ 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 unrepresented litigants.

involving LIPs at the later stages of PTR and trial were always on the lower side. Specifically, the percentage for PTR was similar at around 20% plus for PTR during the past six years and that for trial was over 35% in the recent two years. This apparently indicates that litigating parties prefer engaging legal representatives during the late stages of litigation, though other factors such as affordability may also come into play.

Table 18.2: Number of Hearings Involving LIPs⁵¹ 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
Interlocutory applications (% against total hearings)	428 (48.9%)	443 (51.4%)	354 (50.7%)	355 (54.0%)	487 (55.4%)	491 (56.2%)
Case management summons (% against total hearings)	432 (60.2%)	330 (61.2%)	292 (62.9%)	289 (65.5%)	241 (54.6%)	218 (47.0%)
CMC (% against total hearings)	327 (50.2%)	364 (53.8%)	304 (50.5%)	243 (51.7%)	205 (53.2%)	155 (45.9%)
PTR (% against total hearings)	81 (65.9%)	67 (46.2%)	69 (61.6%)	85 (56.7%)	74 (47.1%)	90 (51.7%)
Trial (% against total hearings)	159 (52.7%)	148 (47.4%)	124 (61.4%)	135 (57.9%)	112 (51.4%)	124 (61.4%)

96. In the DC, the difference in the percentages of hearings involving LIPs at different stages of litigation was less obvious than that in the CFI. There was a mild increasing trend for the percentage of hearings involving LIPs in interlocutory applications, as compared with other stages of litigation. As regards the percentages of hearings involving LIPs at the PTR and trial stages, they seemed to be settling at around 50% for PTR stage and 50% to 60% for trial stage.

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

⁵¹ 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 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
Number of enquiries at Resource Centre	13,893	15,189	14,339	13,888	15,483	17,713	14,420

98. The number of enquiries at the Resource Centre significantly decreased by 19% year-on-year in the sixth year of the Post-CJR Periods, after some general increase since the third year. We also note separately there was a slight year-on-year decrease in the number of hit rates of the related webpage of 3.3% in the sixth year. These may be because court users are now more familiar with the CJR procedures.

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

(a) Appeals

(i) Number of Applications for Leave to Appeal

99. 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 Appeal⁵²

	Pre-CJR Period	Post-CJR Periods					
		1 st Year	2 nd Year	3 rd Year	4 th Year	5 th Year	6 th Year
Number of leave applications	22	52	49	65	55	49	60

100. The numbers of applications for leave to appeal fluctuated from year to year during the first six years of the Post-CJR Periods, and there was a rise of about 22% year-on-year in the sixth year.

⁵² 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 Appeal⁵³

	Pre-CJR Period	Post-CJR Periods					
		1 st Year	2 nd Year	3 rd Year	4 th Year	5 th Year	6 th Year
Number of Interlocutory appeals	179	78	61	62	28	12	25

101. The numbers of interlocutory appeals filed during the Post-CJR Periods dropped significantly during the six years of the Post-CJR Periods⁵⁴, though there were fluctuations within the six years. 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. That said, more efforts are now needed to handle such leave applications.

V. Conclusion

102. The implementation of CJR for the sixth 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.

103. Taking an overall strategic look at the statistics for the last six 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

⁵³ 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.

⁵⁴ 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.

where the damages could be assessed with more well-established principles. The impact of CJR on the more complicated cases such as those in the HC may be less obvious.

104. 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.

105. 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. 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. Some more time may probably be required to assess the full impact, benefit and effectiveness of CJR, though we note that some of the statistical trends appear to be settling within certain ranges.

Judiciary Administration
February 2016

Supplementary information regarding Personal Injuries (“PI”) cases

[As at 15.6.2015]

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 or 6th Year of Post-CJR Periods

CFI	Post-CJR Periods																	
	1 st Year			2 nd Year			3 rd Year			4 th Year			5 th Year			6 th Year		
	With trial	With out trial	Total	With trial	With out trial	Total	With trial	With out trial	Total	With trial	With out trial	Total	With trial	With out trial	Total	With trial	With out 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	24 (3%)	882 (97%)	906	23 (2%)	947 (98%)	970
(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)	(5.08)	(2.90)	(2.96)	(4.83)	(3.11)	(3.15)

DC	Post-CJR Periods																	
	1 st Year			2 nd Year			3 rd Year			4 th Year			5 th Year			6 th Year		
	With trial	With out trial	Total	With trial	With out trial	Total	With trial	With out trial	Total	With trial	With out trial	Total	With trial	With out trial	Total	With trial	With out 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	20 (1%)	2,662 (99%)	2,682	26 (1%)	2,711 (99%)	2,737
(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)	(2.95)	(1.35)	(1.36)	(2.69)	(1.44)	(1.45)

¹ PI cases with trials vacated before hearing are classified under “Without Trial” category.

Supplementary information regarding Personal Injuries (“PI”) cases

[As at 15.6.2015]

Observations:

- (a) 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 increase in the sixth year.
- (b) The average numbers of CLR/CMC/PTR per case disposed of for cases with trial were higher than the corresponding figures for cases without trial.
- (c) In both the CFI and the DC, the percentages of PI cases disposed of without trial as against the total PI cases disposed of were on a rising trend during the Post-CJR Periods. In the CFI, the percentages remained steady at 93%-94% during the first three years of the Post-CJR Periods and increased to 97%-98% in the fourth to sixth 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 sixth years.

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

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	Accepted	Received	Accepted	Received	Accepted	Received	Accepted
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

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 third to sixth years of the Post-CJR Periods. It is noted that notwithstanding the number of sanctioned offers received decreased from 22 to 11 from the fifth to the sixth year, the corresponding acceptance rate of the offers increased from 9% to 27%.

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	6 th Year
Number of legally aided cases handled in-house	132	151	99	171	103	116
Number of cases settled by sanctioned offer	0	0	1	2	1	0

2. Out of the number of cases handled by LAD in-house, the numbers settled by sanctioned offers remained low over the first six 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
Mediation Certificate	2,759	2,977	2,878	3,271
Mediation Notice	1,030	1,146	1,164	1,223
Mediation Response	949	1,062	1,031	1,078
Mediation Minutes	444	508	541	602

Number of Mediation related documents filed in the District Court²

	2011	2012	2013	2014
Mediation Certificate	8,810	9,126	9,014	9,628
Mediation Notice	1,459	1,663	1,714	1,742
Mediation Response	1,008	1,127	1,196	1,214
Mediation Minutes	223	308	372	440

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).

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).

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

	2011	2012	2013	2014
CJR related cases (excluding HCPI cases)	338	244	195	151
CJR related cases (HCPI cases only)	802	795	677	796
Total	1,140	1,039	872	947

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

	2011	2012	2013	2014
CJR related cases (excluding DCPI cases)	419	381	409	368
CJR related cases (DCPI cases only)	1,751	1,614	1,504	1,418
Total	2,170	1,995	1,913	1,786

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

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

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.

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.