Hong Kong Mediation Centre

WML/MCL/CJRL 7th May 2002

Mrs. Percy Ma
Clerk to Panel on Administration
of Justice and Legal Services
Legislative Council
Legislative Council Building
8 Jackson Road
Central, Hong Kong

Dear Mrs. Ma,

Re: Submissions on Civil Justice Reform Consultative Paper (Alternative Dispute Resolution)

We are a voluntary NGO limited by guarantee. We were established in 1999 and now have over 120 members. The mission of our organisation is to promote the learning and practice of mediation as an ADR (Alternative Dispute Resolution) for the resolution of disputes and creation of harmony in Hong Kong.

In response to the Judiciary's recent Civil Justice Reform Consultative Paper, Hong Kong Mediation Centre sets up a Working Committee to study Part II K 21 of the Paper. Mr. Gary Soo, Miss Sylvia Siu, Mr. Jeff Liang and I are the members of the Committee. In April 2002, after several lengthy discussions, we prepared a written report in reply to the ADR recommendations in the Civil Justice Reform Consultative Paper.

We understand that your Panel is concerned with the civil justice reforms in Hong Kong particularly over the use of ADR in Hong Kong. We therefore enclose our copy report for your attention. If appropriate, kindly circulate our submissions among the members of your panel so that they, for example, will understand the advantages and disadvantages of introducing a compulsory court mediation scheme in Hong Kong.

Thank you for your attention!

Yours faithfully,

Maurice W.M. Lee
For and on behalf of
Hong Kong Mediation Centre

Encl.
WML/aa

Hong Kong Mediation Centre

23 Apri1 2002

Secretary
Chief Justice's Working Party on Civil Justice Reform
l Battery Path
Central
Hong Kong

Dear Sirs,

RESPONSES TO CIVIL JUSTICE REFORM
INTERIM REPORT AND CONSULTATIVE PAPER

We are a Committee of the Hong Kong Mediation Centre formed in respect of the invitation for response to the Civil Justice Reform Interim Report and Consultative Paper ("the Report").

Please find enclosed our paper titled "***Bringing Civil Justice by Informed Party Choice",*** setting out our views to Proposals 63 to 68 of the Report for your consideration.

Should there be any matters requiring elaboration, we would be delighted to further discuss with you in this regard.

Yours faithfully,

Gary Soo
Chairman of Civil Justice Consultation Committee

Committee Members: Maurice Lee, Sylvia Siu, Jeff Liang

Encl.

GKLS/gs

RESPONSE OF HONG KONG MEDIATION CENTRE TO

CIVIL JUSTICE REFORM INTERIM REPORT AND CONSULTATIVE PAPER

"BRINGING CIVIL JUSTICE BY INFORMED PARTY CHOICE "

HONG KONG MEDIATION CENTRE

1. The Hong Kong Mediation Centre was established in 1999 by a group of local practitioners in Hong Kong. Since inception, we have been partnering with bodies like the University of Hong Kong, City University of Hong Kong, Chinese University of Hong Kong, Hong Kong Institution of Engineers and Princess Margaret Hospital in delivering professional training in mediation. By now, the number of participants who have attended such training has exceeded 360, and the total hours of training delivered so far is over 300. We have also entered into co-operation agreements with 7 counterpart bodies outside Hong Kong such as the China Conciliation Centre of China Council for the Promotion of International Trade. We now have over 120 members with an annual growth rate of some 250%. We have also established a 40-hour training for accrediting mediators and the first batch of our accredited mediators has appeared in April 2002.

2. We all share the vision that mediation is of great benefits to the people and community of Hong Kong and we believe that the theories and skills involved could be improved and tailored to the features of the Hong Kong culture.

3. Our mission is to develop, practise, promote and institutionalize mediation as a way of life in Hong Kong. To achieve this, it is our objectives:-

(a) to educate on mediation;

(b) to research and develop mediation as a pragmatic philosophy;

(c) to train and accredit competent mediators;

(d) to enhance understanding and knowledge on mediation and the philosophy for dispute avoidance;

(e) to promote resolution of disputes at all levels of our society through mediation;

(f) the education, research and development of mediation, and on the training and accreditation of mediators;

(g) ultimately, to make Hong Kong a more harmonious and better home for all.

OUTLINE OF PERSPECTIVE

4. We welcome the opportunity to share our views on the Civil Justice Reform: Interim Report and Consultative Paper ("the Report").

5. This response paper deals generally with those aspects of possible reforms that are related to Alternative Dispute Resolution ("ADR") and, in particular, with proposals 63 to 68 at para.K21 of the Report[1].

[1] See pp.232 - 250 of the Report.

6. In gist, we **believe** that:-

(a) mediation is still a new concept to most people in Hong Kong and further dissemination of information of the services benefits of mediation to users of the civil justice system is vital to making informed choices about mediation;

(b) in appropriate but not all cases, mediation can form an effective and efficient part of the civil justice system;

(c) the costs of mediation should be such as to make them a practical option;

(d) schemes for *pro bono* mediation services should be made available and be drawn on, especially for those cases with unrepresented litigants;

(e) particularly for unrepresented litigants, mediation services should be as assessable with as other services of the civil justice system.

RESPONSES TO ADR PROPOSALS

Mediation in Litigation

7. Mediation works in many cases but there are still cases where mediation does not work.

8. In the Alternative Dispute Resolution - a Discussion Paper issued in November 1999 by the Lord Chancellor, it is pointed out that *"mediation might not be appropriate in cases where there is a significant imbalance of power '* and *"[l]itigation is the only option where one party needs to set a 1egalprecedent or obtain*

an injunction, or where one party is refusing to acknowledge the problem or engage in negotiations"[2].

9. There are also other situations where the use of mediation is considered[3] not appropriate. These include when:-

(a) a legal precedent is needed to govern similar cases in the future;

(b) an issue of law, public policy or interpretation needs to be clarified on the record;

(c) public access or participation in the decision or resolution is desirable;

(d) people who are not parties to the dispute might be prejudiced by the outcome;

(e) the dispute is over a decision where a statutory decision-maker had no discretion, i.e. there being no negotiable issue;

(f) the constitutional validity of an act or law is challenged;

(g) the case is genuinely frivolous or opportunistic;

(h) a party is acting in bad faith;

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2 See para.4.9. Also, in para.4.11, it states that: *"An effective civil justice system is important to civil society, not just those actually involved in a dispute. In considering the potential effect on the system as a whole, critics have argued that increased use of ADR, by moving dispute resolution from the public to the private sphere, will prevent the law from developing to meet changing circumstances. Keeping information about the details of settlements out of the public domain prevents their use as comparators and may lead to an increase in the number of claims which are disputed. Private settlements may not take into account the wider implications of the dispute, and may weaken the impact of legislation, for example in the areas of environmental protection or discrimination. It is also necessary to be sure that ADR processes are equally accessible to all sections of the community, and treat all alike. "*

3 See Bristish Columbia Dispute Resolution Office Bulletin, When to Mediate? (2000) at http://www.ag.gov.bc.ca/dro/bulletins2000/when_to_mediate.htm.

(i) there is fear of violence between the parties and the mediation would not be safe.

10. This is consistent with the approach adopted in the UK Government Pledges to Settle Legal Disputes Out of Court of 23 March 2001[4], where it is recognised therein by the Lord Chancellor that:

> *"There may be cases that are not be suitable for settlement through ADR, for example cases involving international wrongdoing, abuse of power, public law, Human Rights and vexatious litigants. There will also be disputes where, for example, a legal precedent is needed to clarify the law, or where it would be contrary to the public interest to settle."*

11. When to mediate and when not to mediate has been and is still the focus of much contemporary research[5].

12. We note that there are no united views as to when mediation should or should not be used[6]. However, by rigid embracing the advantages of mediation, there is a danger that the parties may lose some of the

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4 See http://www.nds.coi.gov.hk

5 See, for example, the CPR Institute for Dispute Resolution has produced the CPR ADR Suitability Guide as part of CPR's Theory-To-Practice Project (see http://www.cpradr.org for details). Different forms of suitabilty checklists have been proposed, for example, by the Singapore Meditation Centre (see http://www.siac.org.sg/Pdf/200109.pdf for details).

6 For example, the Summary Response to the Alternative Dispute Resolution –a Discussion Paper issued in November 1999 by the Lord Chancellor where mediation has been said to be unsuitable where the parties are unrepresented. See http://www.lcd.gov.uk/consult/civ-just/adr/.

safeguards available to them under the forma1 civil justice system[7]. Further, we are of the views that factors affecting suitability of mediation include the nature and value of the dispute, the attitude and financial resources of the parties, the desired outcome, and the balance of representation.

13. Mediation may not be suitable for all cases and it is certainly not a panacea for the problems of litigation, but it clearly has the potential to encourage more appropriate and effective resolution of disputes.

14. In the circumstances, we **believe** that, the inclusion of mediation as part of the civil justice system should be encouraged, particularly in those types of cases such as family or personal injuries cases where the beneficial use of mediation has been proven by experience in Hong Kong or elsewhere.

Access to Mediation

15. Mediation services should be as assessable as other services of the court. A major barrier to the use of mediation is the lack of knowledge of

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[7] As noted in para.1.07 of the Discussion Paper on Issues of Fairness and Justice in Alternative Dispute Resolution (1997) of National Alternative Dispute Resolution Advisory Council in Australia, in ADR processes such as mediation, procedural fairness may be maintained, but there is no third party decision maker who decides what is a just outcome.

> *"The participants must decide this for themselves. Without an "umpire " the participants may come to an agreement which is significantly outside community norms. It could be argued that departing from community norms is acceptable if that is what the participants wish to do. However, the problem with giving control to the participants rather than a third panty decision maker, is that the agreement may do grave injustice to one of the participants, or fail to take into account the interests of vulnerable third parties or of matters of public interest".*

availability and understanding of the mediation process by parties and their representatives[8]. To allow parties full access to mediation, the civil justice system should include active steps to make sure that parties, particularly for those unrepresented parties, make informed choices about and during mediation.

16. As such, we **believe** that the civil justice system should ensure that information about the availability and operation of mediation services is widely disseminated in the languages of users of court services. This would help users understand the benefits that may come with mediation and this could act as an incentive for using mediation. Also, we are of the view that similar incentives for encouraging the use of mediation should also be considered.

17. Mediation is essentially a process of oral negotiation. The overall goal of mediation is to create the best opportunity for the parties to reach an agreement that satisfies their needs and meets their interests at an acceptable level[9]. Barriers to communication may be created by cultural differences[10] resulted from differing background matters, such as

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8 See, generally, Cooley, J.W. (1996) Mediation Advocacy, National Institute for Trial Advocacy.

9 See, generally, Bennett, M.D. & Hermann M.S.G. (1996) The Art of Meditation, National Institute for Trial Advocacy.

10 Cross-cultural nogotiation may be particularly challenging because it is the natural human tendency to evaluate another's behaviour with reference to one's terms, and misunderstanding may therefore readily occur. See, for example, Bee Chen Goh (1994) Cross-Cultural Perspectives on Sino-Western Negotiation" November 1994 Issue, Australia Dispute Resolution Journal at page 268.

languages, education, professions, religion or social sectors. To facilitate communication to take place among the parties and the mediator, we **believe** that there should be steps to insure in the civil justice system that mediation services should be made available to the users in a format conversant by them with regard to their background.

Proposal 63

18. Proposal 63:- *"Rules making mediation mandatory in defined classes of case, unless exempted by court order, should be adopted. "* (The Report paras. 623-643)

(a) We note the reported success in the operation of the mandatory mediation program under Rule 24.1 of the Ontario Rules of Civil Procedure for case managed cases in Toronto and Ottawa-Carleton.

(b) It seems that a mandatory court-annexed model covering a wide spectrum of case types does not represent the status or development in other jurisdictions[11]. There is no suggestion that such a mandatory model would be more successful than other models.

(c) However, it seems clear that there must be some cases that are unsuitable for mediation and are unlikely to benefit from such a reference by the court. Under this model, for such cases, parties are still forced to go through such a process and are denied a straightforward course to resolution of disputes by courts, which may be the more appropriate option. This will surely incur costs

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[11] See, for example, the United States system as summarily described in Plapinger, E. & Stienstra, D.(1996) ADR and Settlement in the Federal District Courts: A Sourcebook for Judges and Lawyers.

and result in delays which are unnecessary and not in the interests of the parties.

(d) Furthermore, mandatory mediation may deprive the safeguards that parties are otherwise entitled under the civil justice system and, as such, cannot be regarded in the interests of the parties.

(e) As highlighted by the National Alternative Dispute Resolution Advisory Council of Australia[12], a consensual as distinct from an adversarial approach is an essential element of mediation and a willingness to cooperate of both parties in the negotiation process is implicit.

"2.34 Common elements relevant to the role of the participants in the negotiations include:

- *Identification and communication of disputed issues (a genuine agreement is one which has met the needs of both participants to some extent. If needs are not stated, they are far less likely to be met);*
- *Development of options;*
- *Consideration of alternatives; and*
- *Endeavouring to reach an agreement.*

Related elements include:

- *Listening to and understanding the other person's issues, concerns, hopes, fears, needs and requirements (if not directly, then with the assistance of the dispute resolver);*
- *Assessing with the assistance of the dispute resolver what further information is needed to enable both participants to clarify the issues and generate options;*
- *Obtaining and understanding the legal, financial and other advice necessary to negotiate, make a proposal, decide on a solution and make a decision about a proposal;*
- *Carrying out and adhering to arrangements detailed in an agreement and, if necessary, taking the steps required to make the agreement legally binding. A degree of trust on the part of all the participants is required here."*

(f) Further, for a mandatory mediation scheme with a right to apply

[12] See paras.2.33-2.35 of Issues of Fairness and Justice in Alternative Dispute Resolution – A Discussion Paper (1997), National Alternative Dispute Resolution Advisory Council.

for an exemption from the court, it is easy to imagine that a party who has made an application for such an exemption but failed to obtain one will tend to feel that it is forced to come to the mediation against its will. In such situation, if without its willing cooperation, it is difficult to see either or both parties may benefit from a mandatory mediation.

19. In the premises, we **believe** that, unless there can be adequate safeguards to insure against such undesirability, mediation should not be made mandatory in all cases or all cases of defined types.

Proposal 64

20. Proposal 64:- "A *rule should be adopted conferring a discretionary power on the judge to require parties to resort to a stated mode or modes of ADR, staying the proceedings in the meantime.*" (The Report paras. 644-645)

(a) This proposal is along the approach adopted in many other jurisdictions[13].

(b) We share the view that the right of access to court is not absolute and may be circumstanced by procedural rules, provided that such rules do not restrict court access to such an extent that the very essence of the right is impaired[14].

13 Canada, Australia, New Zealand and United States

14 See the decision of the European Court of Human Rights in *Ashingham v. United Kingdom* (1985) 7 EHRR 370.

(c) However, for such a model to operate properly, the court will need to address the issues of whether a case is or is not suitable for resolution by mediation and, perhaps also, of whether mediation will take place with the reasonable cooperation of the parties. As to the first issue, this has to involve some, although preliminary, assessment on the nature and merits of the case in question; as to the latter issue, it is not always easy to determine whether a mediation will take place with cooperation from both the parties in advance.

(d) Therefore, it would be difficult, when referring the case to mediation, for parties to be without the feeling that they are being pressurised to settle on unjust terms or that the court lacks interest in their case and cannot be bothered to deal with, or that, in pressing for mediation, the judge has indicated a lack of impartiality and a view in favour of one side or the other. It would therefore not be easy to state with precision the basis on which any discretion to be exercised should based. Moreover, there are real difficulties in safeguarding that such a feeling, if exists, would not be subject to improper use.

(e) If the court is required to subsequently look into what occurred during the mediation when asked to exercise the discretion as to the stay of proceedings pending mediation, its decision will necessarily be based on or influenced by what is reported by the mediator. In such circumstances, the court may either desire a full and complete investigation on whether the parties did participate the mediation with cooperation to each other or to render a decision on the relatively incomplete information as reported by

the mediator. This will, in either way, increase the workload of the court system.

(f) Confidentiality has been pointed out to be one of the most important general elements of mediation[15]. If, at the end of the day, the mediator is required to disclose too much on what has occurred in the mediation process, knowledge of this by the parties may undermine the effectiveness of mediation in resolving their dispute and, above all, there may be a breach of confidentiality.

(g) Also, we are of the view that willingness to cooperate and to take part in the mediation from both parties is an essential element for facilitating the productive and meaning outcome of mediation.

(h) Thus, unless there are sufficient and effective safeguards against these matters, we are of the view that it is generally not in the interest of the parties or of justice to force or compel one partv to participate the mediation against its will.

Proposal 65

21. Proposal 65:-"*A statutory scheme should be promoted to enable one party to litigation to compel all the other parties to resort to mediation or some other form of ADR, staying the proceedings in the meantime."* (The Report paras. 646-651)

(a) We also note the reported success in the operation of such a mediation model in British Columbia. However, this model

[15] See Para. 2.16 of Issues of Fairness and Justice in Alternative Dispute Resolution – A Discussion Paper (1997), National Alternative Dispute Resolution Advisory Council.

does not represent the common status or trend of development in other jurisdictions[16].

(b) For such a model to operate properly, if it is necessary to ask the court to look into the parties' conduct during the mediation sessions, the court will equally need to address the issues and questions highlighted above in relation to Proposal 64[17].

(c) We notice that this model, however, differs from that in Proposal 64 in that, in this model, a mechanism is provided for one party to force a mediation against the other party against its will. As such, the element and feeling compulsion and abuse by a party can, in itself, be a strong enough reason to render the mediation session unproductive.

(d) Also, it seems clear that there will be some cases that are unsuitable for mediation and are unlikely to benefit from such a reference by the court. In those cases, forcing mediation on one of the parties may, similar to a mandatory model, deprive the safeguards that parties are otherwise entitled under the civil justice system and making it not to be in the interests of the parties.

(e) As noted, the voluntary participation of the parties to mediation is an important aspect for the meaningful and productive conduct of mediation[18].

[16] See, for example, the United States system as summarily described in Plapinger, E. & Stienstra, D.(1996) ADR and Settlement in the Federal District Courts: A Sourcebook for Judges and Lawyers.

[17.] See paras.20(c)-(f).

[18] See paras. 1 8(e),(f) & 20(g) .

Proposal 66

22. Proposal 66:-*"Legislation should be introduced giving the Director of Legal Aid power to make resort to ADR a condition of granting legal aid in appropriate types of cases."* (The Report paras. 652-654)

(a) For this model to operate, it requires the willingness and cooperation from the other party in respect of mediation. Apart from that, this appears to us to be a viable model, particularly if both of the parties are legally aided.

(b) The Director of Legal Aid will take up the role in deciding whether mediation is suitable for the case and whether the aided party cooperates in the mediation, from the perspective as the legal representative of the party.

(c) However, we note that, in this model, there can be an added complexity as to the feeling of the aided party towards the views of the case being pressured to settle by the Director of Legal Aid, in the capacitv as the legal representative. Yet, we are of the view that this question can be deal with by installing adequate procedural safeguards in the process along the spirits of the present mechanism for legal aid.

23. Thus, provided that there are proper procedural safeguards exist to insure against a party feeling being pressured to settle by the Director of Legal Aid, we **believe** that a proposal along this approach should be viable and be applied generally.

Proposal 67

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24. Proposal 67:-*"Rules should be adopted making it clear that where A*DR *is voluntary, an unreasonable refusal of A*DR *or uncooperativeness during the A*DR *process places the party guilty of the unreasonable conduct at risk of a costs sanction."*
(The report paras.655-661)

(a) This model is adopted in the Civil Procedure Rules in England and Wales.

(b) In this model, we note that there is no clear and distinct line between punishable unreasonable conduct and legitimate insistence on a party's right to have its position in a dispute vindicated by the court. We are further of the view that it cannot be just and fair if a distinction between the two is not made with reference to the parties' relative knowledge, experience, resources and reasons.

(c) As such, it will be important for the court to ensure that those barriers to the use of mediation such as the lack of knowledge of availability and understanding of the mediation process by the parties and their representatives cease to exist, at the time they come to decide on whether to mediate. This is of particular importance as, at present, mediation is still a new concept to many sectors in the Hong Kong community.

(d) Thus, we consider that, before adverse decision is made against a party who does not take part in mediate, adequately or at all, the court should ensure that such a party is in possession of the adequate knowledge and information for making the informed choice.

(e) Also, we note that, for such a model to operate properly, if it is necessary to ask the court to look into the parties' conduct during

the mediation sessions, the court will again need to address the issues and questions highlighted above in relation to Proposal 64[19]. In this regard, if there is a long time gap between the mediation and the decision by the court as to the unreasonable conduct of a party, it will not be very easy and straightforward to find out the reasons, if any, of a party's refusal by looking back at what had happened at the time of mediation.

Proposal 68

25. Proposal 68:-"*A scheme should be introduced for the court to provide litigants with information about and facilities for mediation on a purely voluntary basis, enlisting the support of professional associations and other institutions."* (Report paras. 662-672)

(a) We understand this is the only model that involved no element of compulsion and is in accord with the voluntary spirit mediation in terms of party control.

(b) There being no elements of compulsion, the associated undesirability mentioned above[20] no longer comes into question.

(c) Further, we are brought to notice the success of the publicly funded Family Pilot Mediation Scheme which works well since its launch in May 2000. This is an entirely voluntary scheme, requiring the consent of both parties, and therefore mediation is not forced on any of the parties. We are of the view that such a voluntary model is a viable option and is suitable for the culture in Hong Kong.

[19] See paras.20(c)-(f).

26. We **believe** that an entirely voluntary model along this approach in all appropriate types of cases. For those types of cases with proven success in using mediation, it would be cost effective and in the interests of the parties toward civil justice to set up mediation schemes along the approach of the Family Pilot Mediation Scheme. At present, it seems to us that such defined case types may include matrimonial cases and personal injuries cases.

27. In respect of such an approach, we note that :-

(a) it is a financially viable option;

(b) it will not result in extra workload on the already overloaded court system;

(c) it is in accord with the fundamental consensual nature of the mediation process;

(d) it avoids problems that may otherwise created in the sudden and enormous demand for mediation with inadequate supply of quality mediators;

(e) it is a prudent model in enabling practical problems encountered to be controlled, monitored, reviewed and resolved in a staged manner, thereby reducing risks and uncertainties.

28. For this model to be successful, we note the importance in bringing about and enabling the making of informed choices of the parties. We **believe** that there is a need for active steps to be taken, by the court, the professional bodies and other non-government organizations, to provide

adequate information, education and training for mediation a committed and on-going basis.

LANDSCAPE FOR MEDIATION SERVICES

Body of Mediators

29. There can be no success of any model of mediation scheme without the existence of a body of appropriately trained and reliably mediators. For such a body to develop, it would be important that appropriately trained mediators can get the hand-on opportunity to develop and apply their skills. This is rendered difficult by the confidential nature of mediation.

30. In British Columbia, the Court Mediation Practicum Project[21] is piloted with the objectives, *inter alia*, to:-

(a) allow trained but inexperienced mediators to develop their skills by giving them the opportunity to mediate claims filed in the small claims court under the supervision of a mentor;

(b) enlarge the pool of qualified mediators;

(c) provide free service to parties in small claims to use mediation.

Pro Bono Mediation

31. In most other jurisdictions, court-annexed mediation must draw heavily on the *pro bono* services of practitioners or must be funded by the parties. This is not, however, the status as now seen in Hong Hong. In view of

[20] See, in general, the 1999 report on An Evaluation of the Effectiveness of the Court Mediation Practicum Project as a Training Program prepared for the British Columbia Dispute Resolution Society, available at http://www.ag.gov.bc.ca/.

the growing portion of unrepresented users, in the civil justice system, who are apparently not with much financial resources, support for such *pro bono* services can be called upon from non-government organizations, such as the Hong Kong Mediation Centre, on an orderly and systematic manner.

32. Such an approach is in accord with the observed trend in other jurisdictions where courts are emerging as proponents of mediation[22].

Bringing Informed Choice of Party

33. As said, it is vital for bringing and insuring the informed choice of party in mediation in the civil justice system. This cannot be achieved without adequate awareness as to mediation by the public and the practitioners. To this end, a clear message and endorsement from the judiciary as to the desirability of mediation is surely much better than one from the executive in enhancing such awareness.

34. With developed schemes for mediation, apart from providing mediation services, there will be the added advantages in the general enhancement of the knowledge and awareness as to mediation and the quality control in the training and development of mediators in Hong Kong.

[22] See, for example, Lowry, L.R. (2001) Mediation: fulfilling its promise for effective dispute resolution (Part 2) [2001] Asian DR 67.

CONCLUSION

35. We are of the view that a model with basic structure and spirit based on the Court Mediation Practicum Project in British Columbia can be of benefits to, particularly, the development and use of mediation and, ultimately, the cost effectiveness of civil justice in Hong Kong. This model can, if operated on a *pro bono* basis, address the question of concerns over funding.

Dated the 23nd day of April 2002

Civil Justice Reform Consultation Committee
of the Hong Hong Mediation Centre

Committee Chairman: Gary Soo
Committee Members: Maurice Lee, Sylvia Siu
& Jeff Liang