

**Letterhead of JUDICIARY ADMINISTRATOR'S OFFICE
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Clerk to Panel on Administration of
Justice and Legal Services
Legislative Council
Legislative Council Building
8 Jackson Road, Central
Hong Kong

17 January 2000

Dear Mrs Percy Ma,

**LegCo Panel on Administration of Justice and Legal Services
Mediation as an alternative dispute resolution mechanism**

Thank you for your letter of 5 January 2000. The benefits of introducing mediation as an option in contested matrimonial proceedings, as set out in a Report of the Working Group to Consider a Pilot Scheme for the Introduction of Mediation into Family Law Litigation in Hong Kong, are:

- (a) Mediation is a non-adversarial approach to resolving disputes arising from marital breakdown, thereby minimizing the attendant trauma and acrimony which may, among other things, adversely impact on the welfare of the children of the marriage;
- (b) If an amicable settlement (or part settlement) can be reached, there will be a marked saving in litigation costs and court time;
- (c) When a settlement (or part settlement) has been reached by means of mediation, the parties are more likely to comply with the agreement, being one in which they have actively participated.

As a follow up to the recommendations of the Working Group, a pilot scheme, comprising the following elements, has been set up:

- (a) a steering committee to be set up to oversee the implementation and evaluation of the scheme;
- (b) a Mediation Coordinator to be appointed to coordinate the provision of mediation services;
- (c) applicants for the services to be given a choice of family mediators from the Social Welfare Department, non-governmental organizations and mediators in private practice; and
- (d) an independent research team to be commissioned to evaluate the effectiveness of the pilot scheme.

I attach for Members' information the Report of the Working Group.

A steering committee chaired by a judge of the Court of First Instance, with membership from the Judiciary, the legal profession, the social service sector, the mediation profession and the relevant government departments, has been appointed to oversee the implementation of the pilot scheme. A Mediation Coordinator's Office has been set up in the Family Court premises in Wanchai in June 1999 to carry out the necessary preparatory work, including the formulation of the case referral mechanism, the drawing up of procedural guidelines and the preparation of publicity materials. We are also in the process of selecting a research team for the purpose of the evaluation of the pilot scheme.

We are now finalizing the funding arrangements and the Practice Direction for the pilot scheme and intend to commence the scheme before the end of the current financial year.

Yours sincerely,

(David Leung)
for Judiciary Administrator