

CSO/ADM CR4/3221/98

CB2/PL/AJLS

27 April 2004

*By Fax [2509 9055]*

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

Dear Mrs Ma,

**Panel on Administration of Justice and Legal Services**  
**Legal aid for mediation**

Thank you for your letter of 30 March, requesting the Administration to provide : -

- (a) the Administration's position on recommendation 141 in the Final Report of the Chief Justice's Working Party on Civil Justice Reform ("the Working Party"); and
- (b) information on past cases, if any, in which legal aid was granted for mediation in the course of litigation.

On point (a), the Administration notes that recommendation 141 in the Working Party's Final Report is premised upon the consideration that mediation, in suitable cases, could be an effective means of achieving a satisfactory resolution of the parties' dispute and of saving public resources. As the Working Party has also noted in its Final Report, the Administration, in deciding on the way forward, would need to be satisfied that mediation is indeed an appropriate and cost-effective solution in funding legal aid cases and saving public money. Accordingly, the Administration would consider the feasibility and effectiveness of launching a pilot scheme. We would also examine the parameters, timeframe and resource requirements for such a pilot scheme. The Administration would tap on the Judiciary's experience in this regard.

As regards point (b), according to the Legal Aid Department, no legal aid was granted for mediation in the course of litigation in the past. In the context of the pilot scheme on family mediation administered and funded by the Judiciary from 2000 to 2003, we understand that the parties to the proceedings of about 300 legally aided matrimonial cases underwent mediation.

Yours sincerely,

( Chan Yum-min, James )  
for Director of Administration

cc Director of Legal Aid (Attn: Mrs Fanny Yu)