

律政司
律政司司長辦公室

香港金鐘道 66 號
金鐘道政府合署高座 4 樓

網址：www.doj.gov.hk

本司檔案 Our Ref： SJO 5012/3/3C

來函檔案 Your Ref： CB2/PL/AJLS

電話號碼 Tel. No.： 2867 2165

傳真號碼 Fax No.： 3579 2431



Secretary for Justice's Office

4/F, High Block
Queensway Government Offices
66 Queensway, Hong Kong

Web site: www.doj.gov.hk

30 March 2012

Miss Flora Tai
Clerk to Panel on Administration of
Justice and Legal Services
Legislative Council Complex
1 Legislative Council Road
Central
Hong Kong

By Fax & By Post
Fax : 2509 9055

Dear Flora,

Panel on Administration of Justice and Legal Services

Development of Mediation Services

At the Panel meeting held on 19 April 2011, the Department of Justice ("DoJ") is requested to provide information on the success rate of disputes cases which were resolved through mediation, in particular those relating to building management, and on the waiting time required for the provision of mediation services.

2. For the purpose, we have consulted the Hong Kong Mediation Centre, the Joint Mediation Helpline Office ("the JMHO") and the Building Management Mediation Co-ordinator's Office ("the BMMCO"). It is to be borne in mind that there are other mediation service providers in Hong Kong and therefore our information cannot be exhaustive and may only provide an indication. Information obtained is as follows:-

- (a) The **Hong Kong Mediation Centre** received a total of 37 requests for mediation during the 12-month period from January to December 2011. Among these 37 cases, mediator has been appointed in 34 cases. As at 31 December 2011, mediation have been conducted and completed in 20 cases, of which 10 cases have been settled after mediation. The success rate, based on cases completed, is 50%. For the remaining cases, mediation was

either in progress or terminated upon the agreement of the parties involved. In terms of timing, with reference to those 34 cases in which mediator was appointed, the average time taken to appoint a mediator after the intake of the case by the Hong Kong Mediation Centre is 24.2 calendar days. The average time taken to hold the first mediation session after the appointment of the mediator is 22 calendar days.

- (b) The **JMHO** received a total of 116 requests for mediation during the 12-month period from January to December 2011 (but JMHO does not handle building management cases). Among these 116 cases, mediator has been appointed in 55 cases. As at 31 December 2011, mediation has been conducted and completed in 36 cases, of which 17 cases have been settled after mediation. The success rate, based on cases completed, is 47.22%. For the remaining cases, mediation was either in progress or terminated upon the agreement of the parties involved. In terms of timing, with reference to those 55 cases in which mediator was appointed, the average time taken to appoint a mediator after the intake of the case by the JMHO is 38.3 calendar days. According to the JMHO's procedures, subject to the parties' availability, mediation must take place within 28 working days from the appointment of a mediator.

3. In relation to building management cases, the **BMMCO** set up in the Lands Tribunal since January 2008 helps the litigants in building management cases seek mediation to resolve their disputes. During the 4-year period from 1 January 2008 to 31 December 2011, a total of 500 cases have been referred to mediators by the BMMCO. As at 31 December 2011, mediation has been conducted and completed in 441 cases, of which 191 cases have been settled after mediation. The success rate, based on cases completed, is 43%.

Yours sincerely,



(Gary Poon)
Administrative Assistant
to Secretary for Justice