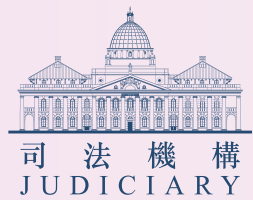




ALTERNATIVE DISPUTE RESOLUTION IN DISTRICT COURT

This leaflet aims to provide a brief concept of Alternative Dispute Resolution (ADR) and how it applies to certain civil proceedings in the District Court (the Court).



What is ADR?

An underlying objective of the Rules of the District Court (RDC) is to facilitate the settlement of disputes. The Court has the duty as part of active case management to further that objective by encouraging the parties to use ADR if the Court considers that appropriate and facilitating its use (the duty in question). The Court also has the duty of helping the parties to settle their case. The parties and their legal representatives have the duty of assisting the Court to discharge the duty in question.

ADR means a process whereby the parties agree to appoint a third party to assist them to settle or resolve their dispute. A common mode of ADR is mediation which is a cost-effective means of resolving disputes.



What is Mediation?

Mediation is a voluntary process in which a trained and impartial third person, the mediator, helps the parties in dispute to reach an amicable settlement that is responsive to their needs and acceptable to all sides.

The mediator brings the parties together face-to-face in a private and confidential setting. Each party will have the opportunity of putting forward his point of view and listening to what the other has to say. The mediator does not impose a decision on the parties.



What are the Advantages of Mediation?

- Parties may avoid tension, conflict and risk in the adversarial court system.
- Parties may save time and money in not having to contest matters in court.
- Parties make their own decisions and reach agreements with which they may be more willing and ready to comply.
- The settlement terms can be kept private and confidential. The parties must appreciate that what the other party says in a mediation session is without prejudice and therefore cannot be used in any legal proceedings.

Office Hours and Contact Information

Integrated Mediation Office

Office Hours: Monday to Friday
9am - 1pm, 2pm - 6pm

Address: Room 113, 1/F, Wanchai Tower,
12 Harbour Road, Wanchai, Hong Kong

Telephone: 2180 8066

“What is Mediation”
Leaflet is available at:



What is Case Settlement Conference (CSC)?

The Court expects litigants to explore settlement. Pursuant to Order 1A, RDC, the Court is to facilitate the settlement of disputes by active case management and the parties are under a duty to assist the Court in that regard.

CSC aims to create the synergy effect between litigation and alternative dispute resolution process. A CSC may be fixed by the Court or alternatively proposed by the parties at any stage of the proceedings by filing a consent summons (i.e. parties-driven CSC).

CSC will be listed for hearings in chambers (not open to public) before a master (CSC master).

The CSC masters may assist the parties to achieve a settlement by reviewing and evaluating the process of without prejudice negotiation (including any sanctioned offers and payments) and mediation.



What is Mediator-assisted Case Settlement Conference (MCSC)?

MCSC is a combination of CSC and mediation with the synergy effect of facilitating the parties to reach an overall settlement or at least some consensus so that disputes could be resolved in a more cost-effective way.

The Court may direct the parties to consider MCSC, and with consent of the parties, fix a MCSC at an appropriate stage of the proceedings. Alternatively, the parties may take the initiative to seek court directions for the fixing of a MCSC by filing a consent summons (i.e. party-driven MCSC).

As a general rule, a MCSC should only be held after the parties have undergone a mediation session with the appointed mediator. The MCSC shall be attended by the parties and their appointed mediator and shall serve as a continuous process of the mediation. Normally, the MCSC will be listed for hearing before a judge sitting in chambers (not open to public).



Office Hours and Contact Information

District Court Registry

Office Hours: Monday to Friday

8:45am - 1pm, 2pm - 5:30pm

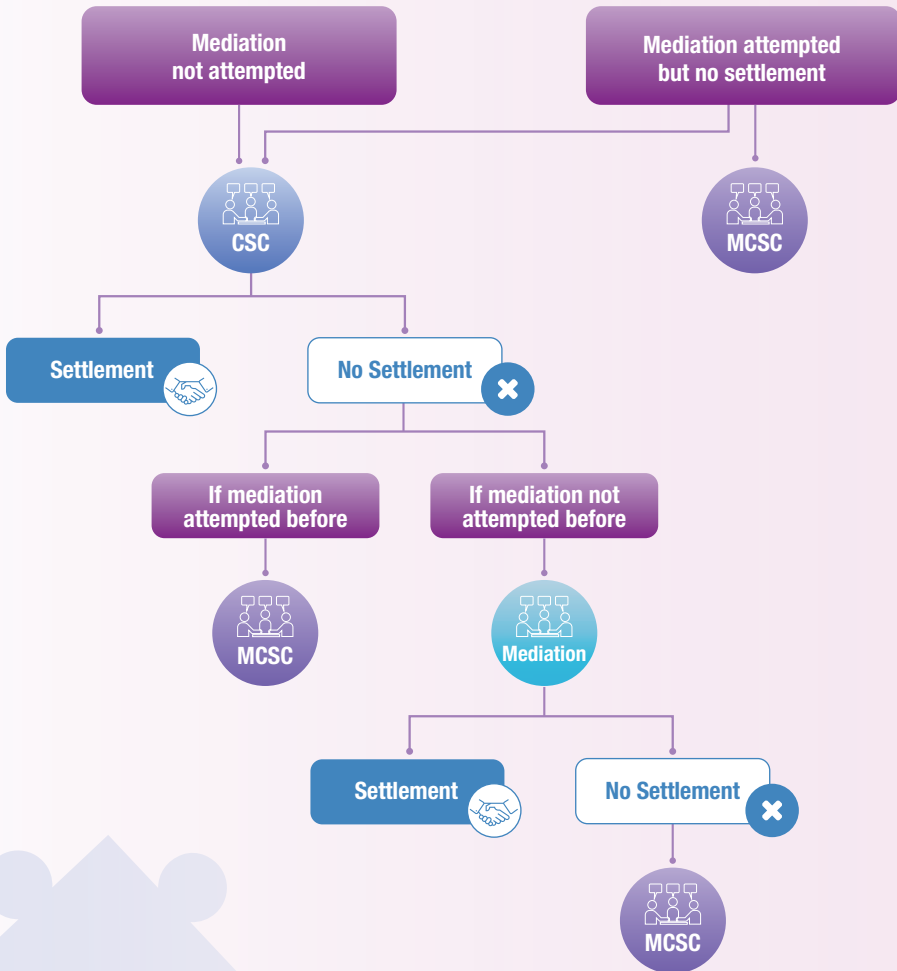
Address: 6/F, District Court, Wanchai Tower,
12 Harbour Road, Wanchai, Hong Kong

Telephone: 2845 5696

More information is available at:



Process of Case Settlement Conference (CSC) / Mediator-Assisted Case Settlement Conference (MCSC)



Remarks:

The staff of the District Court Registry and the Integrated Mediation Office are happy to assist you with enquiries on CSC, MCSC and court-related mediation, but they will not provide legal advice or offer comment or assistance on the conduct of specific court cases and proceedings. If you require legal advice or assistance, please consult a legal practitioner or approach free legal advisory bodies for assistance.

Assistance on court procedures will continue to be provided by the Legal Advice Scheme for Unrepresented Litigants on Civil Procedures situated at 4/F of the District Court.

April 2023 (1st Edition)