



Briefing Session on Practice Direction (PD) 15.10 – Family Mediation

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Change after Civil Justice Reform and Practice Direction 31

- The civil justice system serves as a means for the fair resolution of dispute between parties
- As specified in our new Order 1A, the objectives of our procedures include the achievement of procedural economy in the process and the facilitation of settlement
- Lawyers and parties are required to assist the court in furtherance of these objectives

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Case Management Duty of the Court

- Order 1A Rule 4(2)
- Active case management includes
 - (e) encouraging the parties to use an ADR procedure if the Court considers that appropriate, and facilitating the use of such a procedure
 - (f) helping the parties to settle the whole or part of the case

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Main features of PD 15.10

- Duty of Lawyers
- Adverse costs order
- Application for Court's direction
- Interim stay

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Main features of PD 15.10 (cont'd)

- Mediation Certificates
 - *Petitioner's / Respondent's Certificate (Appendix 1 & 2)
 - *Joint Applicants' Certificate (Appendix 3)
 - *Other Respondent's / Intervening Party's Certificate (Appendix 4)
 - *Application for Family Mediation (Appendix 5)

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Consideration of mediation during the course of litigation

- The Court can form its independent opinion on appropriateness of mediation in view of Mediation Certificates
- The view of the Court can assist litigants in assessing viability of mediation
- The Court can refer litigants to attend information sessions at Family Mediation Co-ordinator's Office

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Family Mediation Co-ordinator's Office



Location: 1st Floor, Wanchai Tower,
12 Harbour Road, Hong Kong

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Roles of the Family Mediation Co-ordinator's Office (Information Provider & Educator)

- Conduct information sessions
- Alert the parties the impact of persistent disputes
- Achieve win-win situation
- Explain the advantages of mediation
- Introduce the role of the mediator

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Content of an Information Session

- Mediation Video
- Mini lecture delivered by Mediation Co-ordinator / Mediation Affairs Officer
- Q & A

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Roles of the Family Mediation Co-ordinator's Office (Resource Person)

- Leaflets & materials on mediation
- Resource Corner
- Videos on Mediation
- Webpage of Mediation in the Judiciary website

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The Referring Mechanism Family Mediation Co-ordinator's Office

- Pre-mediation Consultation / Intake interview after Information Session for each party
- Panel list of mediators for parties' consideration
- Assisting parties to agree on the choice of a mediator
- Liaising with proposed mediators about their availability
- Referring case to mediator for mediation service
- Collecting the mediation results from appointed mediators

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Q & A session

Thank You

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