



**SHARING ON PILOT SCHEME ON
MEDIATION SERVICE FOR
SMALL CLAIMS TRIBUNAL CASES**

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SMALL CLAIMS TRIBUNAL**

Background of the Small Claims Mediation Pilot Scheme

- The proposal of the Scheme first came out in August 2015, upon the discussion between Secretary of Justice's Steering Committee on Mediation of Department of Justice("DoJ") and the Judiciary's Working Party on Mediation.
- The Scheme aimed to provide pro bono mediation service to litigants in certain Small Claims Tribunal("SCT") cases such as water leakage and renovation works, at a mediation facility in the vicinity of the West Kowloon Law Courts Building.

Administrator of the Pilot Scheme

- The Joint Mediation Helpline Office (“JMHO”) which was a non-profit making organization with a view to promoting the use of mediation as a means of dispute resolution in Hong Kong, was appointed by the DoJ as an independent coordinator to implement and administer the Scheme.
- The mediation facility later known as West Kowloon Mediation Centre (“WKMC”) commenced operation on 8 Nov 2018.

Mediation Services provided by WKMC

- Only cases that are considered by the Adjudicators of the SCT at the appropriate juncture of the proceedings as suitable for mediation should be referred to WKMC.
- Due to the nature of small claims cases, mediation service have been provided on a pro bono or on a very low cost basis.
- JMHO links up the SCT claimants whose cases are considered suitable for mediation with mediators who are willing to provide mediation services under this Scheme.

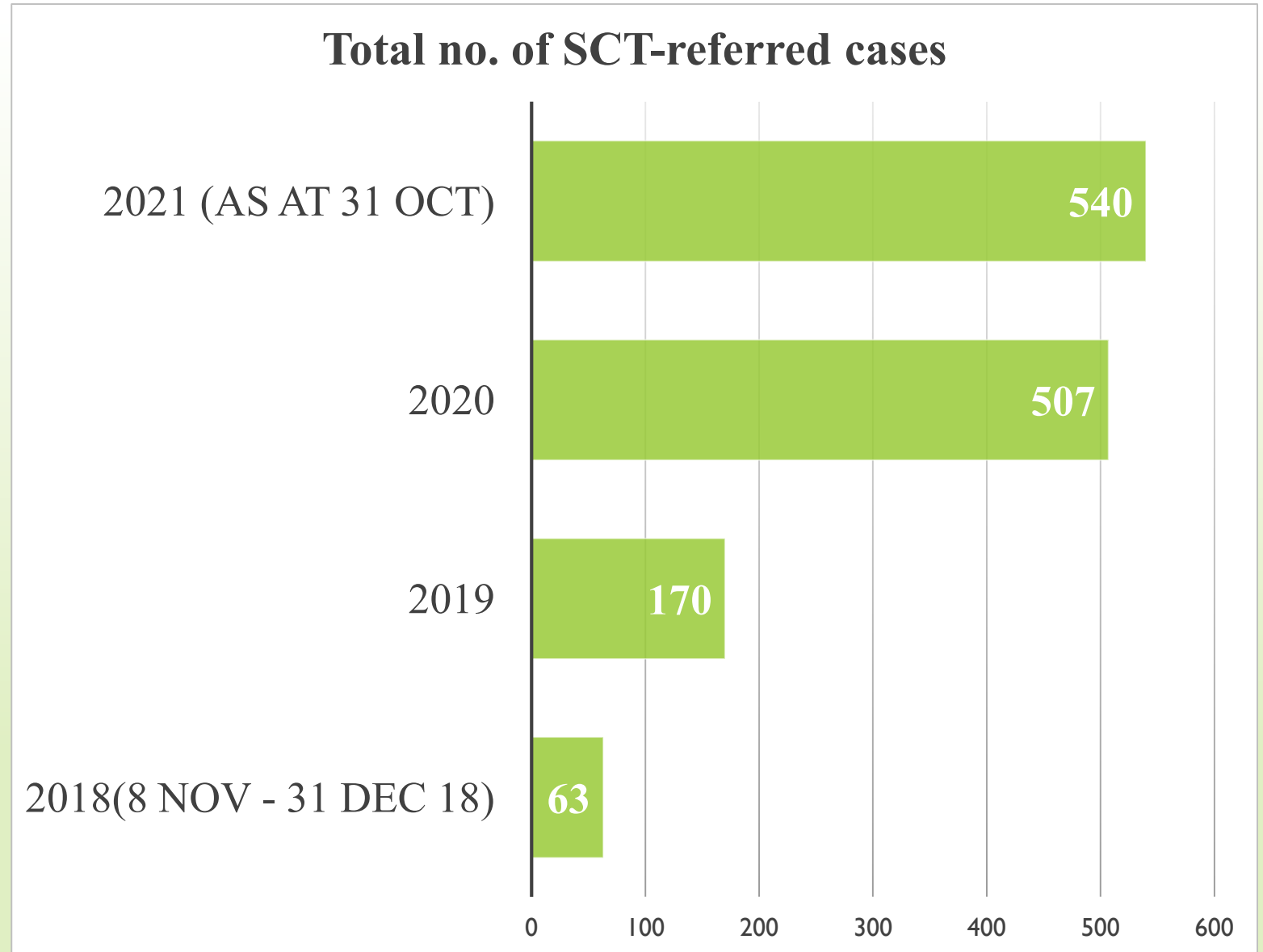
Scheme Benefits

- Social education – Free mediation consultation services introducing the advantages of mediation are provided to the parties.
- Promotion of community mediation – Mediation and Venue fee are waived. Only a non-refundable application fee of \$200 per party would be charged if the parties agree to mediate.
- Training opportunities – Mediator Mentorship Scheme organized by JMHO provides learning opportunities for the mentee mediators from the mentor mediators.

Statistical findings

(8 Nov 2018 to 31 Oct 2021)

- 1280 cases were referred from SCT to WKMC



Statistical findings

(8 Nov 2018 to 31 Oct 2021)

- 857 applications under the Scheme

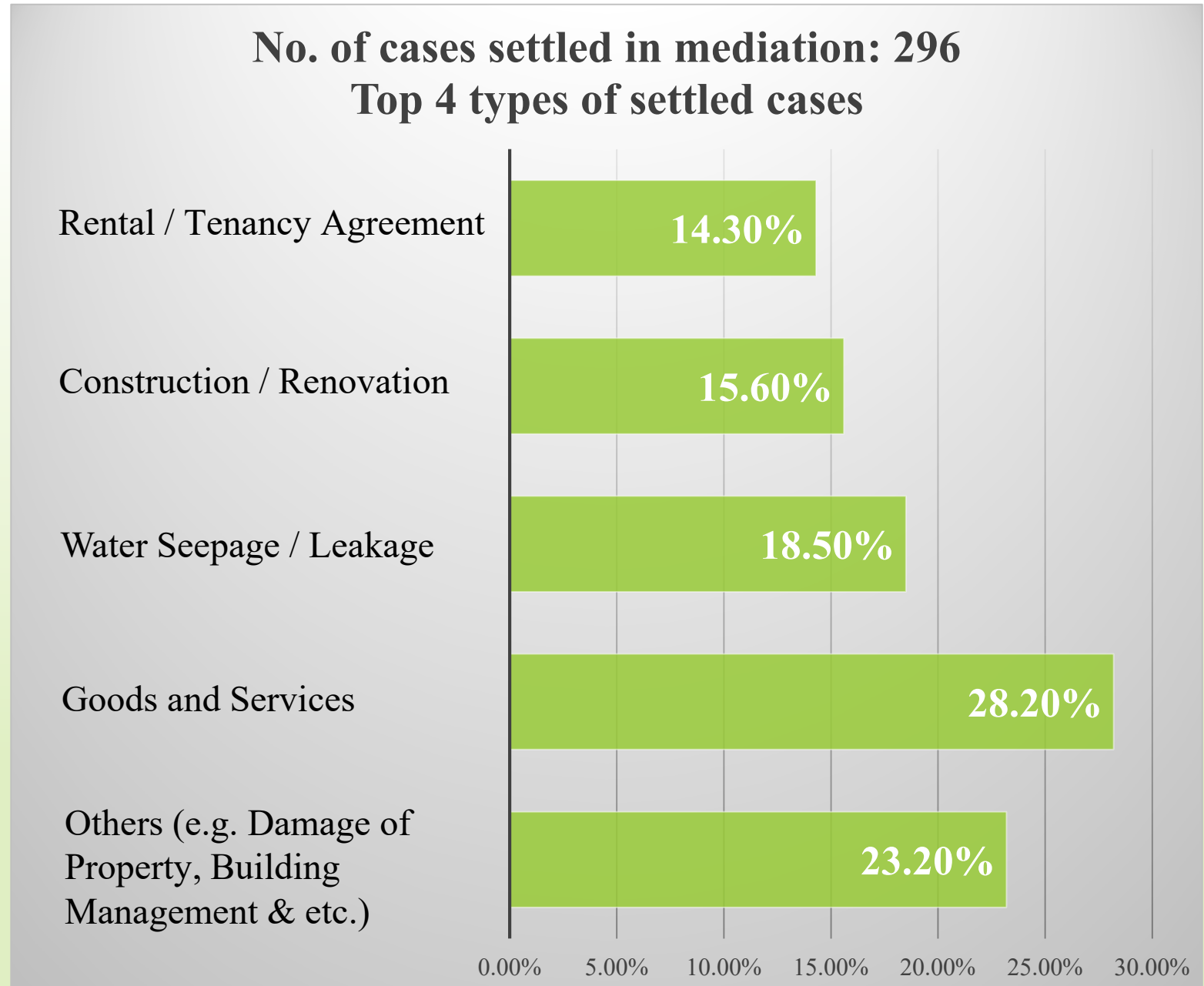
The natures of cases among all the applications are as follows:

Case Nature	Percentage
Goods and Services	23.8%
Water Seepage/ Leakage	18.6%
Rental/ Tenancy Agreement	14.8%
Construction/Renovation	14.4%
Building Management	7.0%
Business/ Partnership	5.1%
Damage of Property	4.7%
Personal Injury	3.0%
Employment/ Salary	2.6%
Debt	2.3%
Family Relationship/ Relationship	1.3%
Financial/ Banking	0.6%
Ownership/ Use of Property	0.6%
Insurance	0.5%
Inheritance	0.4%
Neighborhood	0.2%
Nuisance	0.2%

Statistical findings

(8 Nov 2018 to 31 Oct 2021)

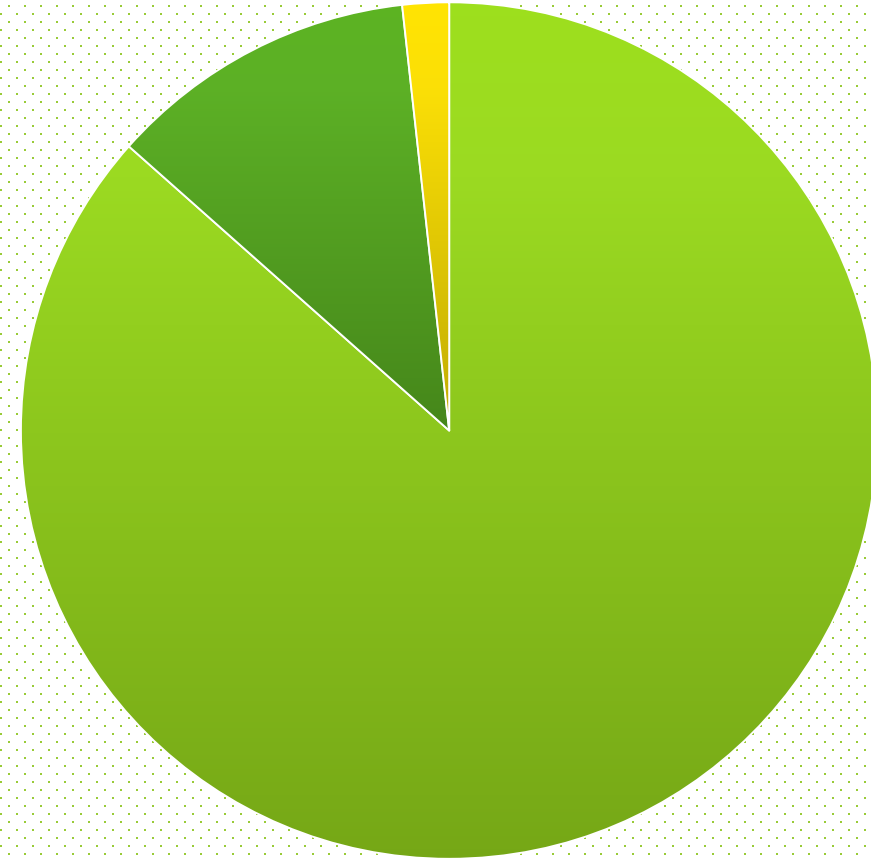
- 588 mediated cases
- Mediation settlement rate: 50%



Statistical findings

(8 Nov 2018 to 31 Oct 2021)

- Overall success rate: 54.5%



- Settled cases in the mediation (296 cases)
- Settled cases before agreement to mediate (40 cases)
- Settled cases after an unsettled mediation session (6 cases)

Statistical findings

(8 Nov 2018 to 31 Oct 2021)

Average lead time:

Application

↓ (14.77 working days)

Nomination of Mediator

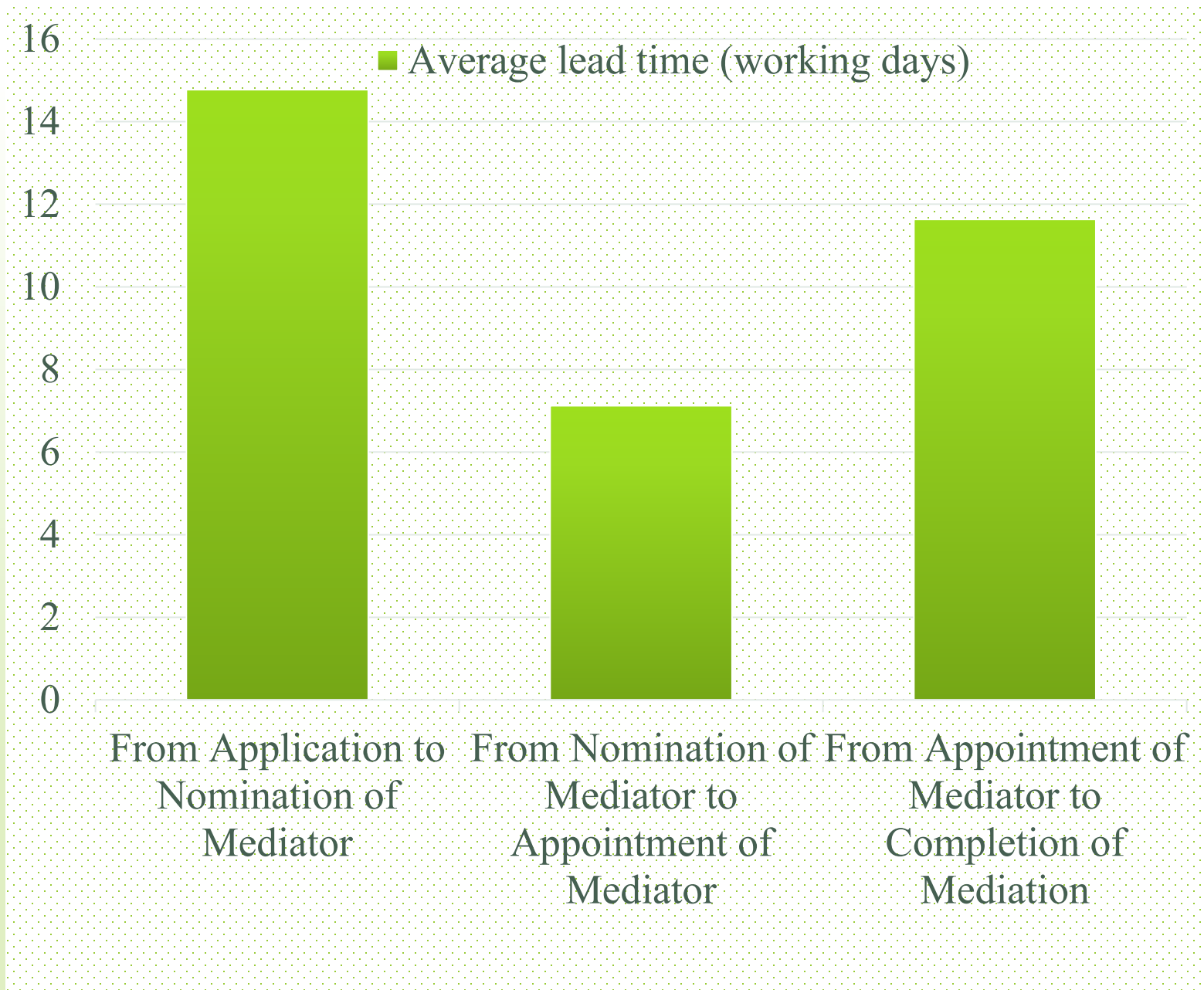
↓ (7.12 working days)

Appointment of Mediator

↓ (11.63 working days)

Completion of Mediation

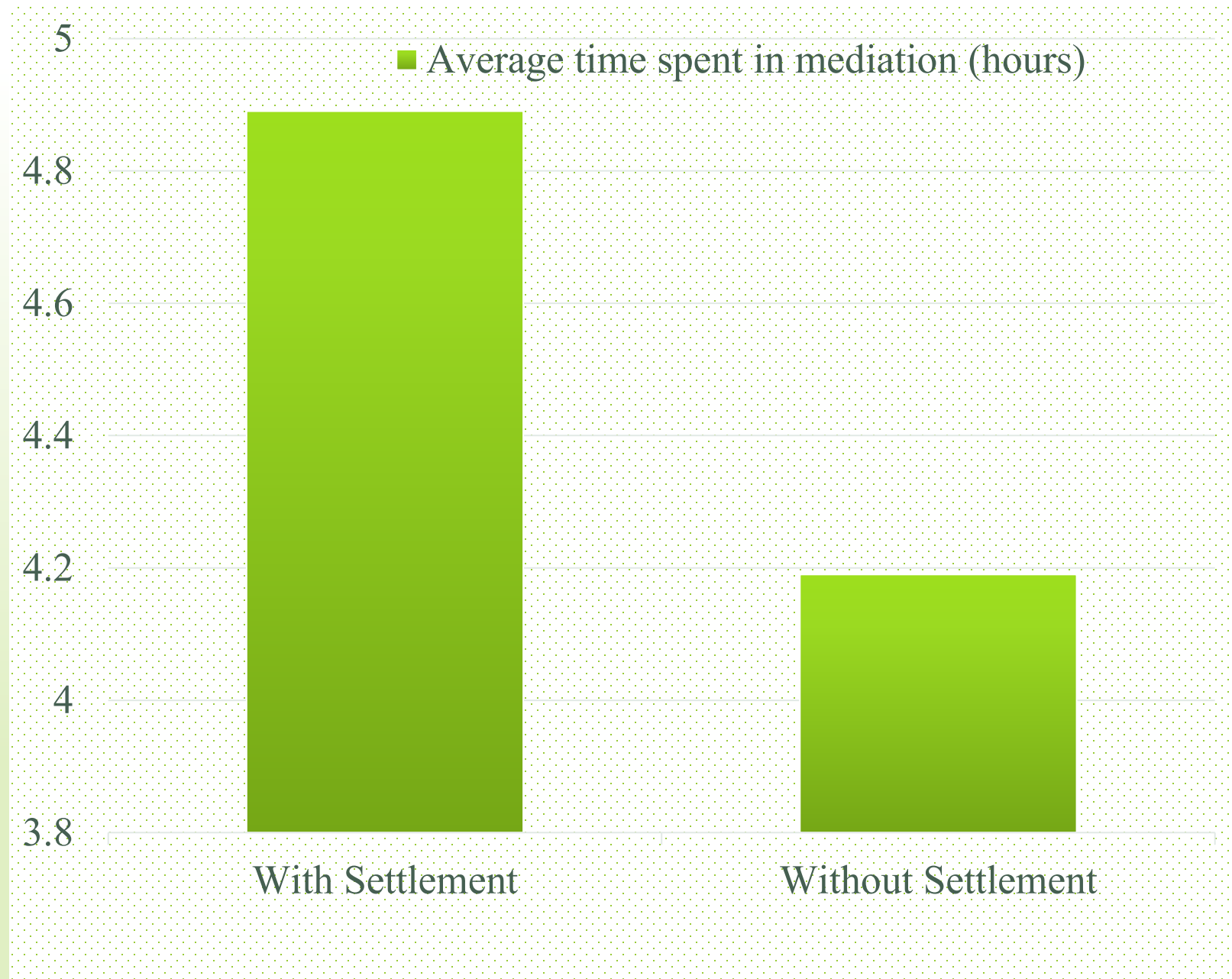
(Total: 33.52 working days)



Statistical findings

(8 Nov 2018 to 31 Oct 2021)

- Average time spent in mediation:
 - Cases with settlement: 4.89 hours
 - Cases without settlement: 4.19 hours



Parties' Satisfaction Survey

(8 Nov 2018 to 31 Oct 2021)

- Total number of feedback forms collected from parties : **965**
- Parties “strongly agreed” and “agreed” that JMHO staff provided good customer service : **93%**
- Parties “strongly agreed” and “agreed” that the mediator had explained the mediation process clearly : **94%**

Parties' Satisfaction Survey

(8 Nov 2018 to 31 Oct 2021)

- Parties “strongly agreed” and “agreed” that they had a chance to hear how the other party felt : 89%
- Parties “strongly agreed” and “agreed” that they had a chance to communicate with the other party directly: 88%
- Parties “strongly agreed” and “agreed” that mediation facilitated understandings of the issues in dispute: 84%

Parties' written comments

(8 Nov 2018 to 31 Oct 2021)

- “The setup of the mediation centre gives a way out to Hong Kong residents to express their dissatisfactions and resolve disputes.”
- “Mediation meeting is smooth and mediator's performance is good, she can narrow down the gap between the parties even though the mediation is failed.”
- “More promotion on mediation should be conducted so as to benefit more people.”

Success of the Scheme

Factors contributing to the success of the scheme:

- Close cooperation between JMHO and the Judiciary
- Suitable SCT case referrals to WKMC
- Good commitment of the mediators
- Reasonable cost of mediation

Way forward

- The appointment of JMHO as the independent coordinator by DoJ in the Scheme will expire on 30 June 2022.
- The Judiciary will takeover the service provided by WKMC in early July 2022.
- The new centre is named as Integrated Mediation Office (West Kowloon) (“IMO(WK)”)
- The Adjudicators will continue to identify suitable cases and refer to IMO(WK) for mediation service.

Way forward

- IMO(WK) will commence operation on 4 Jul 2022.
- IMO(WK) will be one of the three mediation offices under the Mediation Section of the Judiciary.
- The existing two mediation offices are, Integrated Mediation Office (“IMO”) in Wanchai Tower, and Building Management Mediation Co-ordinator’s Office (“BMMCO”) in Lands Tribunal.
- The targets users of the IMO(WK) will be the parties who have commenced or are about to commence civil proceedings in the SCT.

Way forward

- Services and Facilities of Integrated Mediation Office (West Kowloon) include:
 - Reception and general enquiries counter
 - Video/Information sessions on court-related mediation
 - Pre-mediation consultations
 - Arranging pro bono mediation service from the private practitioners or professional bodies outside the Judiciary
 - Resource corner
 - Computer facilities

Thank you!

References

- Statistics from Joint Mediation Helpline Office