

立法會
Legislative Council

Ref : CB2/BC/2/11

LC Paper No. CB(2)2860/11-12
(These minutes have been seen by
the Administration)

Bills Committee on Mediation Bill

Minutes of the seventh meeting
held on Wednesday, 25 April 2012, at 8:30 am
in Conference Room 2A of the Legislative Council Complex

- Members present** : Dr Hon Margaret NG (Chairman)
Hon Albert HO Chun-yan
Hon LAU Kong-wah, JP
Prof Hon Patrick LAU Sau-shing, SBS, JP
Hon Cyd HO Sau-lan
Hon CHEUNG Kwok-che
- Members absent** : Hon Miriam LAU Kin-ye, GBS, JP
Hon Abraham SHEK Lai-him, SBS, JP
- Public Officers attending** : Department of Justice

Mr Simon LEE
Deputy Law Officer (Civil Law)

Miss Shandy LIU
Senior Government Counsel (Law Drafting Division)

Miss Venus CHEUNG
Government Counsel

Miss Rachel DAI
Government Counsel
- Clerk in attendance** : Miss Flora TAI
Chief Council Secretary (2)3

Staff in attendance : Mr YICK Wing-kin
Assistant Legal Adviser 8

Ms Wendy LO
Council Secretary (2)3

Mrs Fonny TSANG
Legislative Assistant (2)3

Action

I. Meeting with the Administration

[LC Paper Nos. CB(2)644/11-12(01), CB(2)1728/11-12(01), CB(2)1789/11-12(01), CB(2)1812/11-12(01) and (02)]

The Bills Committee deliberated (index of proceedings attached at **Annex**).

2. The Bills Committee completed the clause-by-clause examination of the Bill.
3. The Bills Committee supported the Committee Stage amendments proposed by the Administration as set out in LC Paper No. CB(2)1789/11-12(01).
4. The Bills Committee agreed that it would report to the House Committee on 11 May 2012 supporting the resumption of the Second Reading debate on the Bill at the Council meeting of 23 May 2012.

II. Any other business

5. There being no other business, the meeting ended at 9:50 am.

Council Business Division 2
Legislative Council Secretariat
26 September 2012

**Proceedings of the seventh meeting of the
Bills Committee on Mediation Bill
on Wednesday, 25 April 2012, at 8:30 am
in Conference Room 2A of the Legislative Council Complex**

Time Marker	Speaker(s)	Subject(s)	Action required
000334 - 000625	Chairman	Opening remarks	
000626 - 001102	Administration Chairman	The Administration's briefing on its responses on the need to expressly provide for guidelines in clause (8)(2)(e) of the Bill for the disclosure of mediation communications for research, evaluation or educational purposes; and the progress on setting up of the industry-led single accreditation body for mediators in Hong Kong, i.e. the Hong Kong Mediation Accreditation Association Limited ("HKMAAL"). [LC Paper No. CB(2)1728/11-12(01)]	
001103 - 002021	Chairman Mr CHEUNG Kwok-che Administration	<p>Mr CHEUNG Kwok-che's enquiry and the Administration's explanation about the structure of the council of HKMAAL as detailed in the Administration's paper.</p> <p>The Administration's advice that it was the initial thinking that the 10 council members would be serving as representatives of the relevant bodies, rather than in their individual capacity.</p> <p>Mr CHEUNG Kwok-che's enquiry on the selection criteria of the four ex-officio members of the council.</p> <p>The Administration's explanation that the Law Society of Hong Kong, the Hong Kong Bar Association, the Hong Kong Mediation Centre and the Hong Kong International Arbitration Centre were made founding members of HKMAAL as they were the leading organizations in the development of mediation in Hong Kong and more members might be recruited into the council subject to the future development of HKMAAL.</p>	
002022 - 002849	Chairman Administration Mr CHEUNG Kwok-che	The Chairman's enquiry and the Administration's explanation about the membership of the council and the selection criteria of other members of HKMAAL.	

Time Marker	Speaker(s)	Subject(s)	Action required
002850 - 003611	Chairman Prof Patrick LAU Administration	<p>Prof Patrick LAU's view that a system of accrediting mediators and the related promotional work should be clearly worked out by HKMAAL.</p> <p>The Administration's advice that an accreditation system would be developed and promulgated by HKMAAL and a list of accredited mediators recognized by HKMAAL would be published in future for the reference of the public.</p>	
003612 - 004112	Chairman Mr CHEUNG Kwok-che	<p>Mr CHEUNG Kwok-che' views that conflict of interest might arise if the conditions for membership were to be determined by the four founding members. His suggestions that –</p> <p>(a) a review should be conducted in a few years after the establishment of HKMAAL on whether the ex-official membership of the council should be maintained or whether all its council members should be elected by all members of HKMAAL; and</p> <p>(b) provisions relating to HKMAAL should be incorporated in the Mediation Ordinance in due course.</p>	
004113 - 005239	Chairman Mr CHEUNG Kwok-che Administration	<p>The enquiry of the Chairman and Mr CHEUNG Kwok-che about the role of the Government after the establishment of HKMAAL.</p> <p>The Administration's assurance that –</p> <p>(a) the Department of Justice would continue to facilitate the establishment of HKMAAL;</p> <p>(b) the Government would strive to ensure that HKMAAL would operate in an open, transparent and professional manner; and</p> <p>(c) the need to add new provisions to the Mediation Ordinance (if enacted) about HKMAAL would be reviewed in future.</p>	
005240 - 005826	Ms Cyd HO Prof Patrick LAU Chairman Administration	<p>Ms Cyd HO's view that the Administration should assist in resolving the conflict of interest of mediation service providers to pave way for the healthy development of an accreditation system of mediators in Hong Kong.</p>	

Time Marker	Speaker(s)	Subject(s)	Action required
		Prof Patrick LAU's view that the Administration should consider the suggestion of adding provisions relating to accreditation of mediators in the Mediation Ordinance.	
005827 - 010639	Chairman Administration	The Administration's briefing on its responses to the suggestions made by the Hong Kong Association of Banks in its letter to the Bills Committee dated 20 April 2012. [LC Paper No. LC Paper No. CB(2)1812/11-12(01)]	
010640 - 011040	Chairman Administration Assistant Legal Adviser	The Administration's briefing on its proposed Committee Stage amendments in response to the comments made by members and the legal adviser to the Bills Committee. [LC Paper No. CB(2)1789/11-12(01)] The Bills Committee's indication of support to the Administration's proposal.	
011041 - 011239	Chairman Assistant Legal Adviser Administration	Schedule 2 to the Bill ("Consequential and Related Amendments") Completion of Clause-by-clause examination of the Bill.	
011240 - 011421	Chairman Mr Albert HO Administration	Mr Albert HO's views that – (a) as mediation did not involve the adjudication of a dispute and the expertise and experience required for mediation in specific industries varied, there was reservation that the establishment of HKMAAL as the default appointing body of mediator would hinder the diversified development of the industry; and (b) the Administration should conduct a public consultation to gauge the views of stakeholders on the establishment of HKMAAL.	
011422 - 011851	Chairman Ms Cyd HO Administration	The Bills Committee's agreement that the Panel on Administration of Justice and Legal Services should follow up on the relevant issues after enactment of the Bill. The Administration's undertaking that it would continue to sort out the applicability of the Mediation Ordinance to the offices set up by the Central People's Government in Hong Kong.	

Time Marker	Speaker(s)	Subject(s)	Action required
011852 - 011952	Chairman	Legislative timetable The Bills Committee's expression of support for the resumption of the Second Reading debate on the Bill at the Council Meeting of 23 May 2012. Closing remarks	

Council Business Division 2
Legislative Council Secretariat
26 September 2012