

律政司
民事法律科
規劃環境地政房屋組

香港花園道美利大廈3樓
圖文傳真: 852-2136 8277



DEPARTMENT OF JUSTICE
Civil Division
Planning, Environment, Lands
& Housing Unit

3/F., Murray Building
Garden Road, Hong Kong

Fax: 852-2136 8277

3 January 2012

本司檔號 Our Ref.: ADV 5081/1C VI
來函檔號 Your Ref.: CB2/BC/2/11
電話號碼 Tel. No.: 2189 2997

BY FAX & BY POST
(2509 9055)

Miss Flora Tai
Clerk to Bills Committee
LegCo Secretariat,
Council Business Division 2,
LegCo Council Complex,
1 Legislative Council Road,
Central,
Hong Kong.

Dear Miss Tai,

Bills Committee on Mediation Bill

I refer to your letter dated 23 December 2011 to me to invite representatives of the Administration to attend the meetings of the Bills Committee scheduled on 10 January 2012 and 13 January 2012 and for response to the requests raised by Members of the Bills Committee at the meeting on 21 December 2011, in both Chinese and English, by 3 January 2012.

Please be informed that, for the meetings of the Bills Committee scheduled to be held on 10 January 2012 and 13 January 2012, the representatives of the Administration attending the meeting are as follows:-

- (1) Mr. Simon Lee, Deputy Law Officer (Civil Law)
李伯誠先生，副民事法律專員
- (2) Ms. Sou Chiam, Deputy Principal Government Counsel
詹少弘女士，副首席政府律師
- (3) Miss Shandy Liu, Senior Government Counsel (Law Drafting Division)
廖穎雯女士，高級政府律師(法律草擬科)

- (4) Miss Venus Cheung, Government Counsel
張泳施女士，政府律師

In response to Members' requests raised at the meeting on 21 December 2011, I enclose the following:-

- (i) Background information on development of mediation in Hong Kong

A brief on the development of mediation including the merits of mediation is enclosed at Annex 1. The brief is based on information in Chapters 1, 3 and 4 of the Report of the Working Group on Mediation with some updates.

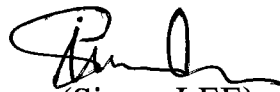
- (ii) Lists of mediation bodies

Two lists of mediation bodies are respectively enclosed at Annex 2 and Annex 3. Annex 2 is a list of mediation bodies the Department of Justice consulted in June 2011 on a working draft of the Mediation Bill. Annex 3 is a list of the mediation service providers in Hong Kong.

- (iii) Accreditation requirements

A table showing the accreditation requirements of some Hong Kong Mediator Accrediting Organisations is enclosed at Annex 4.

Yours sincerely,



(Simon LEE)

Deputy Law Officer

Planning, Environment, Lands and Housing Unit

Encls.

Background to Mediation in Hong Kong

1. Introduction to mediation in Hong Kong

1.1 Mediation is taking root in Hong Kong. It is already well-developed in relation to certain areas such as construction disputes. However, there is much more development required in areas such as community disputes. Mediation can result in settlements which go beyond the legal remedies that a court may allow. Mediation service providers are becoming active in the training and accreditation of mediators. Various professional bodies are also developing mediation within their own bodies. They include the Law Society of Hong Kong (“Law Society”), the Hong Kong Bar Association (“Bar Association”), the Hong Kong Institute of Architects, the Hong Kong Institute of Surveyors, the Royal Institution of Chartered Surveyors Hong Kong, the Chartered Institute of Arbitrators (East Asia Branch) and the Hong Kong Institute of Arbitrators. The Hong Kong Medical Association has a Patients Complaints Mediation Committee and members who mediate in medical disputes.¹ The Hong Kong Dental Association had a Patient Complaints Mediation Committee.² Law faculties in various universities are developing mediation courses and actively promoting mediation.

1.2 The Judiciary in Hong Kong has taken an active role in the use of mediation in civil cases. Mediation is recognised as an important supplement to court proceedings. Dame Hazel Genn, in her Hamlyn Lecture 2008 on „Judging Civil Justice“ said,

“In my view, mediation has rightly become a feature on the landscape of dispute resolution – an option for anyone unfortunate enough to have become involved in a civil dispute. I believe that the public and the legal profession should be properly educated about the potential of mediation from the earliest possible moment and I believe that mediation facilities should be made easily available to anyone contemplating litigation.”³

1.3 During the last few years there has been a worldwide interest in Alternative Dispute Resolution (“ADR”). ADR is an umbrella term which covers a wide range of methods to resolve disputes other than traditional court adjudication such as arbitration, mediation, early neutral evaluation, neutral fact finding, med-arb and mini trials.⁴ Jurisdictions as varied as the United States of America, Australia, the United Kingdom, Japan, Singapore and the People’s Republic of China have all developed ADR. Mediation is a widely used form of ADR. China has a long history of mediation.⁵

¹ Dr James Chiu, “Mediation for Doctors”, Hong Kong Medical Association News, November 2009 Issue (in Chinese).

² Dr William Cheung, “Mediating patient complaints: an alternative process for dispute resolution”, Hong Kong Dental Journal 2008 at page 54.

³ Hazel Genn, “Judging Civil Justice, The Hamlyn Lectures 2008”, Cambridge University Press, 2010, at page 79.

⁴ Karl Mackie, David Miles, William Marsh, Tony Allen, “The ADR Practice Guide: Commercial Dispute Resolution, 3rd revised edition, Tottel Publishing, 2007, Chapter 3.

⁵ Zeng Xianyi, “Mediation in China – Past and Present”, *ibid*, at page 2.

Indeed it may be fair to say that there is something distinctly Chinese about mediation, as there is a strong element of compromise and harmony.⁶ However, the Americans have been at the forefront in the recent past in developing commercial mediation, which demonstrates the versatility of this type of ADR.

1.4 Many people still think that mediation is, in effect, an informal arbitration. Nothing could be further from the truth. Mediation does not seek to establish liability or fault. It is not a weapon for use in the „blame culture“ that is seen in so many parts of the world. Mediation is a process that seeks to help the parties find a solution to their problems that they „can live with“. Mediation is not tied to traditional judicial remedies. It can be, and often is, highly imaginative and can have the effect of bringing the parties back into a good relationship.

Chief Executive’s Policy Address 2007-2008

1.5 In the 2007-08 Policy Address under „Investing for a caring society“, the Chief Executive of Hong Kong, Mr. Donald Tsang said that,

“To alleviate conflicts and foster harmony, we will promote the development of mediation services. On many occasions, interpersonal conflicts need not go to court. Mediation can reduce social costs and help parties concerned to rebuild their relationship. This is a new trend in advanced regions around the world. The cross-sector working group headed by the Secretary for Justice will map out plans to employ mediation more extensively and effectively in handling higher-end commercial disputes and relatively small-scale local disputes.”⁷

The Secretary for Justice’s Working Group on Mediation

1.6 The Secretary for Justice’s Working Group on Mediation (“Working Group”) was set up to review the current development of mediation and provision of mediation services in Hong Kong. The Working Group was established in 2008 following the October 2007 Policy Address of the Chief Executive of the HKSAR to map out plans to employ mediation more extensively and effectively in Hong Kong in handling higher-end commercial disputes and relatively small scale local disputes.

1.7 On 8 February 2010, the Working Group published its Report (“the Report”) which contained 48 recommendations for a three-month public consultation. The Report can be accessed at the Department of Justice Website at this link:

⁶ Following the worldwide trend to legislate mediation, the People’s Mediation Law of the People’s Republic of China was passed on 28 August 2010 and came into effect on 1 January 2011.

⁷ Hong Kong Government, Chief Executive’s Policy Address 2007-08 at <http://www.info.gov.hk>

<http://www.doj.gov.hk/eng/public/mediation.htm>. One of the recommendations was that Hong Kong should have legislation on mediation which should be aimed at providing a proper framework for the conduct of mediation in Hong Kong but without hampering the flexibility of the mediation process⁸. The submissions received from the public were mostly in support of the recommendations and, regarding the recommendation of the Working Group that Hong Kong should have a Mediation Ordinance, the majority of the responses from the public consultation agreed with the recommendation.

1.8 The Mediation Task Force (“Task Force”) has been set up by the Secretary for Justice to consider those recommendations of the Working Group which required further deliberations after taking into account the public feedback received and to implement those which received general support. In respect of the recommendation that Hong Kong should have legislation on mediation to provide a proper legal framework for the conduct of mediation without hampering the flexibility of the mediation process, the Task Force together with its Mediation Ordinance Group have carefully considered how the recommendation can be implemented, taking into account the feedback received from members of the public and stakeholders.

Civil Justice Reforms and mediation

1.9 In February 2000, the Civil Justice Reform Working Party was established and a Final Report was published in March 2004. In April 2006, the Civil Justice Reform Committee produced a consultation paper with draft legislation. In April 2007, the Civil Justice (Miscellaneous Amendments) Bill was introduced to the Legislative Council and in January 2008, this Bill was passed into law. On 2 April 2009, new rules of the High Court and District Court came into force.

1.10 The Civil Justice Reform (“CJR”) implemented in 2009 is in response to social change and technological advances which had resulted in a sharp increase in civil litigation. There had been criticisms that the civil justice system was too slow, too expensive, too complex and too susceptible to abuse. The CJR set out a number of underlying objectives as stated in Order 1A Rule 1 of the Rules of the High Court (“RHC”). These included objectives to increase cost effectiveness of civil procedure, to deal with cases as expeditiously as is reasonably practicable, to promote a sense of reasonable proportion and procedural economy, and to facilitate the settlement of disputes. Under Order 1A Rule 4(2) of RHC, active case management includes encouraging and facilitating parties to use an ADR procedure if the court considers it appropriate and helping parties to settle the case. This means that courts will be proactive in case management which includes exploring the use of ADR where appropriate.

1.11 In response to the underlying objectives, the Judiciary promulgated a Practice Direction on Mediation (“PD 31”) which was made effective from 1 January 2010.⁹ The main feature of PD 31 includes the filing of a Mediation Certificate, a

⁸ See Paragraphs 7.18 to 7.26 of the Report regarding the reasons for legislation on mediation and recommendation 32.

⁹ The effective date of 1 January 2010 was chosen instead of 2 April 2009 (the implementation date of measures introduced by the CJR). This was at the request of the Law Society to enable more time for solicitors to prepare for its implementation.

Mediation Notice and Response. The Mediation Certificate is to be filed together with the time tabling questionnaire under Order 25 Rule 1 of RHC within 28 days after close of pleadings. The Mediation Certificate helps to focus the minds of the parties on exploration of mediation, facilitates lawyers in advising clients on mediation and to provide information to the court for assessing whether mediation is appropriate and whether refusal is reasonable. The Mediation Notice and Response is a mechanism to facilitate parties to enter into dialogue on mediation, identify areas of agreement and disagreement, and to assist the court to facilitate mediation and decide on directions to be made.

1.12 The court will take the conduct of the parties into account in deciding on cost sanctions if any party unreasonably refuses to consider mediation. This is supported by Order 62 Rule 5(1)(aa) of RHC where the underlying objectives in Order 1A will be taken into account on costs and Rule 5(1)(e) of RHC where conduct of the parties are relevant, including the reasonableness in the manner in which an issue is pursued. The court has a duty to facilitate ADR and help parties to settle the dispute between them. The court is able to give directions on the mechanics of mediation including on issues relating to the appointment of mediators, the timing and scope of the mediation process and the minimum level of participation required. The court can also order an interim stay of proceedings.

1.13 PD 31 marks an important point in the development of mediation in Hong Kong as all civil litigants will have to consider mediation before trial. Otherwise, there may be costs implications for those who choose not to attempt mediation. Both the Law Society¹⁰ and the Bar Association¹¹ have amended their respective codes of conducts to embrace a duty to advise clients on mediation and have been very pro-active in encouraging their members to understand the practice of mediation within the CJR. The Chief Justice's Working Party on Mediation is monitoring the effectiveness of mediation in the CJR.

1.14 Much of CJR in Hong Kong is based on the CJR instituted in England by Lord Woolf in 1996. He promoted ADR because he was of the view that it could save scarce judicial resources and benefit litigants or potential litigants by being cheaper than litigation and produce quicker results.¹² In his "Access to Justice, Interim Report", Lord Woolf stated that the courts had an important role in providing information about ADR and encouraging its use in appropriate cases. In his Final Report to the Lord Chancellor on the Civil Justice System in England and Wales, he stated that,

*"The court will encourage the use of ADR at case management conferences and pre trial reviews, and will take into account whether parties have unreasonably refused to try ADR or behaved unreasonably in the course of ADR."*¹³

¹⁰ The Law Society of Hong Kong, Guide to Professional Conduct, Commentary 3, Principle 10.17. (*A litigation solicitor should consider and if appropriate advise his client on alternative resolution procedures such as mediation, conciliation and the like*).

¹¹ The Hong Kong Bar Association, Code of Conduct, para. 116A (*A barrister in appropriate cases should consider with client the possibility to resolve disputes by mediation*).

¹² The Right Hon Lord Woolf, "Access to Justice, Interim Report", Lord Chancellor's Department, 1995, Chapter 8.

¹³ The Right Hon. Lord Woolf, "Final Report to the Lord Chancellor on the Justice System in England and Wales,"

1.15 Professor Dame Hazel Genn, who has conducted empirical research on the use of mediation in the English courts, is of the view that even though Lord Woolf did not propose that ADR should be compulsory before or after the issue of proceedings, the inclusion in the civil procedure rules of a judicial power to direct the parties to attempt ADR, coupled with the court's discretion to impose a costs penalty on those who behave unreasonably during the course of litigation, has created a situation in which parties may feel they have no choice.¹⁴ In her evaluation of court annexed mediation schemes, she found high levels of satisfaction among those who volunteer to enter the mediation process. She found that what parties valued is the informality of the process, the opportunity to be fully involved in the proceedings, the lack of legal technicality, the opportunity to be heard at the beginning, the speed of the process and among businesses, the focus on the commercial issues in the case. However, she found that parties do not like being pressured to settle.¹⁵

1.16 In relation to the CJR in England and Wales over the last decade, Dame Hazel Genn has argued that increased expenditure in criminal justice resulted in attempting to save in civil justice by diverting cases away from courts into private dispute resolution.¹⁶ She is critical of the „anti-justice, anti- adjudication“ discourse which undermines civil justice and argues for a need to re-establish civil justice as a public good, recognising that it has a significant social purpose that is as important to the health of society as criminal justice.¹⁷

1.17 In embarking on the CJR in Hong Kong, one is mindful of the experiences of its implementation in England and Wales and that lessons learnt from other jurisdictions are kept in mind during the development of policies and initiatives to promote the use of mediation in Hong Kong.

1.18 The former Chief Justice of Hong Kong Andrew Li Kwok Nang in his Opening Address at the „Mediation in Hong Kong: The Way Forward“ Conference in 2007¹⁸ said as follows:

“I believe that the promotion of mediation is plainly in the public interest. And I would like to take this opportunity to reiterate the unequivocal commitment of the Judiciary to its development. Hong Kong has been making steady progress in this area in recent years. Although we will have a long way to go, it is heartening to note that momentum is gathering pace. What we must now focus on is how we can develop mediation at a faster pace and at the same time ensure high quality.”

HMSO, July 1996.

¹⁴ Hazel Genn, “Judging Civil Justice, The Hamlyn Lectures 2008”, *ibid*, at page 95.

¹⁵ *Ibid*, at page 112.

¹⁶ *Ibid*, at page 73.

¹⁷ *Ibid*, at page 183.

¹⁸ The Hon Mr Chief Justice Andrew Li Kwok Nang, GBM, CBE, JP, “Opening Address Mediation in Hong Kong: The Way Forward” Conference, edited by Katherine Lynch and Erica Chan, Faculty of Law, the University of Hong Kong, 2009, at page 1.

1.19 In 2002, a pilot scheme on family mediation was launched by the Judiciary and a Mediation Co-ordinator's Office was set up within the Family Court building to assist in implementing the pilot scheme. The scheme was proven to have assisted parties to resolve their dispute through mediation and it was decided that the Mediation Co-ordinator's Office should continue to operate providing parties with information on family mediation, conducting information session and providing pre-mediation consultation free of charge. A list of family mediators is available at the Mediation Co-ordinator's Office.

1.20 The Lands Tribunal had introduced a pilot scheme since 1 January 2008 with an aim to encourage parties to make attempts to resolve their differences by mediation. A Building Management Mediation Co-ordinator's Office ("BMMCO") has been set up in Lands Tribunal since January 2008 to facilitate the parties in seeking mediation in relation to building management cases. Mediation information sessions and pre-mediation consultation are conducted at the BMMCO free of charge, to provide information and answer enquires for parties to consider mediation to resolve their disputes. A list of mediators is available at the BMMCO.

1.21 The Mediation Information Office ("MIO") within the Judiciary and situated in the High Court Building was established on 4 January 2010. In support of the implementation of the PD 31, the MIO was set up to provide litigants with relevant information on mediation, including conducting information sessions on mediation so as to assist them in considering mediation in resolving their disputes¹⁹. In order to maintain the impartial position of the Judiciary, actual mediation will be referred to accredited mediators outside the Judiciary.

1.22 The Joint Mediation Helpline Office ("JMHO") is jointly founded by the Hong Kong Mediation Council, the Hong Kong Bar Association, the Law Society of Hong Kong, the Chartered Institute of Arbitrators (East Asia Branch), the Hong Kong Institute of Arbitrators, the Hong Kong Institute of Architects, the Hong Kong Institute of Surveyors and the Hong Kong Mediation Centre and commenced its operation on 12 July 2010. The JMHO is a non-profit making organization providing one-stop mediation referral services for parties in need of mediation services and aimed to promote the wider use of mediation services in Hong Kong as an effective alternative dispute resolution. The JMHO is also situated in the High Court Building.

2. Merits of mediation

2.1 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 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; but helps the parties explore the strengths and

¹⁹ Information release by the Judiciary in December 2009

weaknesses of their cases and to identify possible solutions, to assist them to resolve the matter between themselves.

2.2 The aim of mediation, like other processes of ADR, is to reach an accommodation, which may not necessarily reflect the exact legal standing of the parties but is a solution which the parties can accept. Compared to litigation or arbitration, the parties' control over the process (including the choice of tribunal) is much greater and varies according to the procedure used.

2.3 Mediation enables parties to communicate, negotiate and eventually resolve their dispute amicably, through a trained neutral third party. The mediator, acting as a catalyst, provides supportive and practical steps to help the parties to discuss the areas in dispute; to explore each party's needs and interests; to identify options and select the most suitable solution; and to draw up a detailed agreement setting out how parties have agreed to solve each problem.

2.4 In family mediation, the settlement or agreement reached is not only responsive to the needs of each party, but also to the needs of their children, and the continuing relationship as parents can also be enhanced. Mediation avoids the tension and conflict in the adversarial system, and may generally start or be terminated at any time. Users save time and money in not having to contest matters in court. Mediations are conducted in a calm, constructive and confidential setting, which is a major consideration for parties involved in a family dispute.

2.5 In addition, mediation can result in settlements which go beyond the legal remedies that a court may be able to apply. As aptly described by Lord Justice Brooke in *Dunnett v Railtrack* (2002) 2 All ER 850,

“Skilled mediators are now able to achieve results satisfactory to both parties in many cases which are quite beyond the power of lawyers and courts to achieve ... by which the parties shake hands at the end and feel that they have gone away having settled the dispute on terms with which they are happy to live.”

2.6 The merits of mediation include allowing parties to a dispute with an opportunity to save.²⁰

- time
- money
- risk
- dignity
- stress
- relationships

²⁰ Danny McFadden, “The Development of Mediation in the UK”, talk delivered in capacity of CEDR Director for Asia at Hong Kong Club for the Chartered Institute of Arbitrators (East Asia Branch) on 3 November 2009.

In addition, mediation may result in settlements which go beyond the legal remedies that a court may allow and there is a high rate of compliance.²¹

2.7 According to a leading mediator,²² the envisaged impact of mediation include the following:

- Rapid solution: limiting costs in terms of time, money and stress
- Tailored solution that also serves a party's own interest and broader solutions
- Preserve or respectfully terminate the relationship
- Final settlement
- Sustainable solution
- Problem free compliance with agreements

3. Overview of current development of mediation

Introduction

3.1 In her book, "Global Trends in Mediation", Professor Nadja Alexander described the world of mediation to be like an Olympic track in a global race to be the first, the best, the biggest and the most.²³ Austria has been the first country to recognise the profession of mediation through an Act of Parliament, the United States has the most laws of any one nation dealing with mediation. Mediation is recognised as a growing trend around the world in resolving dispute. Between 2010 – 2011 countries such as China, Germany, Italy, Ireland, Mongolia, Ukraine, Spain and Sweden has followed the worldwide trend and proposed legislation in mediation.

3.2 In common law jurisdictions such as Australia, New Zealand, England and Wales, the United States and Canada, mediation is applied in many courts but civil law jurisdictions such as Germany, Austria, Denmark, Scotland, Italy, France and Switzerland have displayed a greater reluctance to embrace mediation to settle legal disputes.²⁴ The Netherlands has been singled out as a civil law jurisdiction where mediation has been successfully used in resolving conflicts due to the cooperative efforts of private mediation service providers, the government (in particular the Ministry of Justice) and academic

²¹ McEwen & Maiman, "Mediation in Small Claims Court: Achieving Compliance Through Consent," in "Law & Society Review", 1984 Vol. 18(1), at pages 11-50 and Pearson & Thoennes, "Mediating and Litigating Custody Disputes: A Longitudinal Evaluation" in "Family Law Quarterly", 1984 Vol. 17, at pages 497-524. (*McEwen and Maiman and Pearson and Thoennes found that parties are more likely to follow through with a mediated settlement than comply with those imposed by a third party decision maker like a judge*).

²² Machteld Pel, "Referral to Mediation – A practical guide for an effective mediation proposal", Sdu Uitgevers, The Hague, 2008, at page 102.

²³ Nadja Alexander (ed.), "Global Trends in Mediation" Second Edition, Kluwer Law International, 2006, at page xxvii.

²⁴ *Ibid*, at page 7.

researchers.²⁵ Mediation is a world trend and Hong Kong is in fact a late comer in its use in certain sectors of public life. The following provides an overview of the current development of mediation and the provision of mediation services in Hong Kong.

Construction Mediation

3.3 As early as 1984, the Hong Kong Government pioneered its landmark Trial Mediation Scheme to settle construction disputes from 16 selected civil engineering contracts which was administrated by the Hong Kong Institution of Engineers.²⁶ All major public work contracts such as the Hong Kong Government Airport Core Program (“ACP”) have since 1989 included provisions for the mediation of disputes.²⁷ Mediation has proved to be very effective in reducing the number of claims in public works contracts which would otherwise be referred to arbitration or proceed to litigation. Under the ACP contracts, mediation was a mandatory requirement of the dispute resolution process and 80% of all such disputes were settled by mediation or through negotiation at the mediation stage.²⁸ Mediation was introduced as a condition precedent in all Hong Kong Government Works Contracts before any other process such as arbitration, adjudication or litigation could be undertaken according to the Government Conditions of Contracts 1990. In 1992, mediation became mandatory in the form of a four stage dispute resolution process under the ACP General Conditions of Contract.²⁹ Mediation was found to be less time consuming and less costly than litigation or arbitration. The fact that mediation could commence before completion of contract was considered a significant advantage over arbitration (as this could assist a contractor’s cash flow if it was a monetary dispute).

3.4 The mediation procedure under the Government’s Construction Mediation Rules is designed to be flexible to enable the parties to tailor the proceedings to the requirements of the case. In practice, the Government Main Contract disputes are frequently multiple claims involving a wide range of construction activities often with complex programming and quantum implications which requires careful assessment.³⁰ The Government’s mediation team requires time to conduct a detailed assessment of the legal and quantum issues (often with the assistance of independent consultant engineers) and this could try the patience of some contractors who are looking for a speedy settlement of their claims through mediation. The success rate for the Government construction mediations remains high, of the order of 70% to 80%, with relatively few cases proceeding from mediation to arbitration.³¹

²⁵ Annie J de Roo and Robert W Jagenberg, “The Dutch Landscape of Court-Encouraged Mediation”, Chapter 11 in Nadja Alexander (ed.), “Global Trends in Mediation”, *ibid*, at page 279.

²⁶ Professor David Sandborg, “Mediation in Hong Kong: Past, Present and Future”, in “Mediation in Hong Kong: The Way Forward”, edited by Katherine Lynch and Erica Chan, Faculty of Law, The University of Hong Kong, 2009 at pages 117-118.

²⁷ Peter Caldwell, “Dispute Resolution Mechanisms for the Airport Core Program”, International Dispute Resolution Conference, Hong Kong, 11-13 November 1998.

²⁸ Wong Yan Lung, Secretary for Justice Speech, “The Benefits of Mediation” at Hong Kong Mediation Council Annual Dinner, 17 March 2006 at page 3.

²⁹ D. Bateson, “Mediation and Adjudication in Hong Kong, Are These Alternative Dispute Resolution Procedures Working?” 63 *The Journal of the Chartered Institute of Arbitrators*, 1997, at page 243.

³⁰ Kenneth Somerville, “The Hong Kong Government’s Use and Experience of Mediation for the Resolution of Disputes in Public Works Contracts” in “Mediation in Hong Kong: The Way Forward”, edited by Katherine Lynch and Erica Chan, *ibid*, at page 179.

³¹ *Ibid* at page 180.

3.5 In September 2006, the Judiciary introduced a two-year pilot scheme for the mediation of construction disputes. The pilot scheme was successful and in line with the CJR made effective from 2 April 2009, voluntary mediation became a regular feature for cases under the Construction and Arbitration List.³² In general, parties in construction cases are encouraged to attempt mediation as a possible cost-effective means of resolving disputes. In order to promote the use of mediation, the court may impose cost sanctions where a party unreasonably refuses to attempt mediation.

3.6 The Mediation Council, a part of the HKIAC, introduced a pilot scheme for mediation of low value construction disputes that ran for a year until 31 August 2008 which was then extended to 31 August 2009.³³ Under this scheme, mediation was provided by an accredited mediator on a „pro bono“ or no fee basis for up to 8 hours for disputes up to HK\$3 million. A mediator fee of \$1,500 per hour was borne by both parties equally (unless otherwise agreed) for mediation time beyond the 8 hours. The scheme encouraged organisations which were not familiar with mediation to consider mediation as the first means to resolve disputes. It was replaced by the Construction Dispute Mediation Scheme on 15 November 2009.

3.7 On 7 May 2009, the Royal Institution of Chartered Surveyors Hong Kong appointed the HKIAC the service provider for the Surveying Dispute Mediation and Arbitration Scheme.³⁴ The purpose of the scheme is to provide a platform for its members to settle disputes speedily and effectively through mediation and other ADR mechanisms. Under the scheme, cases are referred from the Institution to HKIAC for mediation. If the dispute cannot be resolved by mediation, the parties may agree to go to arbitration or, if necessary, to litigation.

Family Mediation

3.8 It was the Non Government Organisations (“NGOs”) in Hong Kong which first started to provide family mediation in the late 1980s. These NGOs included the Hong Kong Family Welfare Society and the Hong Kong Catholic Marriage Advisory Council. The Society trained 24 family mediators and expanded family mediation in five Integrated Family Service Centres and Family Resource Centre under the Family Mediation Project from 2004 to 2007.³⁵ The Council as a pioneer for marriage counselling in Hong Kong launched the Marriage Mediation Counselling Project in 1988³⁶ and continues its marriage mediation work in a massive public housing estate in Kwun Tung.

³² Practice Direction 6.1 dated 12 February 2009.

³³ The Hong Kong Mediation Council (A division of the Hong Kong International Arbitration Centre), “Pro Bono Mediation Scheme for the Construction Industry”, Introduction at page 1.

³⁴ Hong Kong International Arbitration Centre, “HKIAC to Provide Mediation and Arbitration Services for Royal Institution of Chartered Surveyors”, Press Release 7 May 2009 at page 1.

³⁵ Ms Ruth Wong Chan Tsz Ying, “Facilitation of Harmony and Co-parenting in the Process of Family Dissolution Through Family Mediation Service”, in “Mediation in Hong Kong: The Way Forward”, edited by Katherine Lynch and Erica Chan, *ibid.*, at page 204.

³⁶ The Hong Kong Catholic Marriage Advisory Council, “Evaluative Research Report on The Marriage Mediation Counselling Project”, October 1991.

3.9 The Judiciary introduced a three-year family mediation pilot scheme in May 2000. They set up a Mediation Coordinator's Office in the Family Court Building. The Mediation Coordinator held information sessions to assist couples to consider mediation to resolve their matrimonial disputes. Data collected indicated that considerable success was achieved in the promotion of the use of mediation in family disputes. According to the Final Report by Hong Kong Polytechnic in 2004 of 933 cases where family mediation was completed in the period between 2 May 2000 and 14 May 2003, 69.5% reached full agreement and another 9.7% reached partial agreement.³⁷

3.10 According to the findings in the Final Report, it took parties on average 10.33 hours to reach a full agreement, and 13.77 hours to reach a partial agreement.³⁸ Almost 80.5% of the respondents who used the service of the Mediation Coordinator's Office were "satisfied" or "very much satisfied" with the mediation service received. More than 60% of the respondents agreed that they were able to discuss disputed issues with their spouses through the mediation service in a peaceful and reasonable manner. In view of the high user's satisfaction rate and high agreement rate, the Mediation Coordinator's Office continues its operation. The pilot scheme was made permanent when the Judiciary issued Practice Direction 15.10 on Family Mediation.

3.11 In March 2003, the Law Reform Commission of Hong Kong published a Report on the Family Dispute Resolution Process³⁹ and recommended that providing access to mediation services should be an integral part of the Family Court system but did not consider that mediation should be made compulsory.

3.12 In March 2005, the Government launched a one-year pilot scheme to establish whether extending funding to mediation of legally aided matrimonial cases could be justified on cost-effectiveness and other implications.⁴⁰ Under the pilot scheme, both the legally aided person and the other party were invited to join the scheme on a voluntary basis. There was a panel of 72 mediators rendering service for the scheme at \$600 per hour. In 2009, the Legal Aid Department included costs of mediation in legally-aided matrimonial cases as a part of legal costs.

3.13 Family mediation is considered well established and some family law practitioners are working on collaborative practices to be set up in Hong Kong. The Family Law Association organised the first collaborative practice training for legal practitioners in February 2010.

3.14 However, the NGOs which provide family mediation services depend heavily on fund raising for charitable donations and volunteers as most do not have subventions or government funding to sustain their mediation services to the community. The Working Group sent a questionnaire to NGOs providing mediation services on the services provided and their sources of funding and found that most have to rely on donations and fund raising. One NGO relies solely on donations from churches and

³⁷ The Hong Kong Polytechnic University, "Evaluation Study on the Pilot Scheme on Family Mediation", Final Report, 2004, at page vii.

³⁸ For cases where parties failed to reach a mediation agreement, an average of 6.78 hours was spent in mediation.

³⁹ The Law Reform Commission of Hong Kong Report, "The Family Dispute Resolution Process", March 2003 at <http://www.info.gov.hk/hkreform>.

⁴⁰ See: Wong Yan Lung, "The Benefits of Mediation" *ibid* at page 5.

nominal fee charges for mediation. Another relies solely on running mediation courses to provide funding for their mediation services. One NGO could only provide mediation if it was described as „added value“ (and not in its own right) for subvented social services and does not have any other source of funding.

3.15 It is noted that parties involved in matrimonial disputes that were not eligible for legal aid usually choose mediators from the NGOs providing mediation services as they are cheaper than private mediators or have sliding scale fees linked to parties' income. This has resulted in high demand for mediation services from the NGOs.

Commercial Mediation

3.16 Hong Kong is an international financial services centre and the development of commercial mediation is an important part of a strategic proposal put forth by the Focus Group on Professional Services, Information & Technology and Tourism at the Economic Summit on China's 11th Five-Year Plan and the Development of Hong Kong in September 2006.⁴¹ The specific measure to promote the greater use of mediation services is „in order to reinforce and promote Hong Kong as a regional centre for the resolution of commercial disputes, in particular those involving the Mainland and foreign countries“.

3.17 The Mediation Council ran a Commercial Mediation Pilot Scheme from July 2007 to December 2008. This has now evolved into the Commercial Mediation Scheme „to provide a general, standardised scheme to assist parties in commercial disputes to come to a negotiated settlement of their disputes amicably, economically and objectively through mediation“.⁴² The aim of this scheme is to satisfactorily resolve commercial disputes in a reasonable time frame with minimal costs and inconvenience. The rules and procedures governing the mediation of commercial disputes have been kept simple and transparent to facilitate access to mediation and the aim is to have mediation take place within a month of the dispute being submitted to the scheme.

3.18 Mediation as a means of resolving investment products disputes were given a high media profile in the Lehman Brothers related minibond dispute.⁴³ After the collapse of Lehman Brothers, an estimated 48,000 investors in Hong Kong who had bought HK\$20 billion in investment products issued or linked to Lehman Brothers, complained to the Hong Kong Monetary Authority (“HKMA”) about banks which sold the products. On 31 October 2008, HKMA appointed HKIAC the service provider for the Lehman Brothers-related Investment Products Disputes Mediation and Arbitration Scheme.⁴⁴ Over 200 requests for mediation were made under the scheme as at 31 October 2009.⁴⁵ The Financial Services and the Treasury Bureau proposed to set up a

⁴¹ Hong Kong Government, “Report on the Economic Summit on China's 11th Five-Year Plan and the Development of Hong Kong”, Attachment D, Strategic Proposal 3, 2007, at page 114.

⁴² The Hong Kong Mediation Council (A Division of the Hong Kong International Arbitration Centre), Commercial Mediation Scheme, Terms of Reference, 6 July 2009 at page 1.

⁴³ The Standard newspaper, “Minibond investors urged to try mediation”, 26 March 2009.

⁴⁴ Hong Kong International Arbitration Centre, “Mediation 100% Success for Lehman Brothers-Related Investment Product Cases”, Press release 19 February 2009, at page 1.

⁴⁵ More details are set out in paras. 5.54 to 5.57 and Annex 3 of this Report.

Financial Dispute Resolution Centre (“FDRC”). Public consultation was conducted in February 2010 with support from the general public. The decision to establish the FDRC by mid 2012 was discussed at the Finance Committee in June 2011⁴⁶

3.19 In October 2008, the Judiciary introduced a one-year pilot scheme for voluntary mediation in petitions presented under sections 168A and petitions for winding up on the just and equitable ground under 177(1)(f) of the Companies Ordinance (Cap. 32). On conclusion of the pilot scheme, the Working Party on Mediation appointed by the Chief Justice reviewed the result. PD 3.3 was revised on 2 December 2009. With effect from 1 January 2010, the practice under the pilot scheme became a permanent feature.

3.20 The insurance industry in Hong Kong launched a New Insurance Mediation Pilot Scheme (“NIMPS”) in 2007. The Hong Kong Federation of Insurers provided HK\$250,000 (“NIMPS Fund”) to the Mediation Council for the use of mediation to settle disputes involving work related personal injuries claims.⁴⁷ The aim of NIMPS is to encourage insurance companies and injured workers to resolve personal injury disputes in the most amicable, economic and objective manner. The Judiciary’s Working Party on Mediation has set up a Personal Injuries Sub-group to explore the facilitation of mediation in personal injuries cases. With the success and benefits of mediation, the Department of Legal Aid has made available funds to eligible injured workers to resolve their dispute through mediation. The NIMPS came to an end on 3 November 2011. There were 9 disputes successfully resolved through mediation and 25 disputes successfully resolved by direct negotiation.

3.21 The JMHO organised 3 mediation seminars in November and December 2011 at the HKIAC. Mediators, insurance personnel and lawyers shared their experiences in NIMPS. Some participants expressed the hope that there will be a new scheme as NIMPS was starting to make an impact on early resolution of personal injury cases.

Community Mediation

3.22 Community mediation in Hong Kong is mainly conducted by NGOs such as the Mediation Centre and the Hong Kong Family Welfare Society. The community mediation services offered by NGOs are important and worthwhile but depend heavily on the availability of funding, charitable donations and volunteers. The Hong Kong Family Welfare Society set up its Mediation Centre in July 2001 with the aim of promoting the use of mediation and to provide mediation services to resolve conflicts between family members, colleagues and neighbours. This was the first Mediation Centre set up by an NGO to provide a range of mediation services.⁴⁸

3.23 The Mediation Council and the Hong Kong Council of Social Service introduced a Pilot Scheme on Community Education in 2002.⁴⁹ The scheme was focused

⁴⁶ Paper No. FRC(2011-12)23 for discussion at the Finance Committee on 10 June 2011.

⁴⁷ Hong Kong Mediation Council of the Hong Kong International Arbitration Centre, „New Insurance Mediation Pilot Scheme”(“NIMPS”), at page 1. More details are set out in paras. 5.58 to 5.60 of this Report.

⁴⁸ Hong Kong Family Welfare Society, Peer Mediation Programme: Facilitators Training Manual, July 2003 at page ii.

⁴⁹ L. Yue, „Pilot Scheme”, The Quarterly publication of the Hong Kong Mediation Council, 15 August 2002 at 10.

on disputes involving neighbourhood, employment, contract, urban redevelopment and environmental issues. When the scheme ended in 2003, it was found that different community disputes required different levels of expertise from the mediator.

3.24 Some community mediators found it difficult to find suitable and affordable venues in Hong Kong to conduct mediation. The Public Education and Publicity Sub-group of the Working Group enlisted the co-operation of two District Councils and launched a one year Pilot Scheme on the provision of community venues for mediation on 1 July 2009. Mediators from the Mediation Council, the Mediation Centre, the Law Society⁵⁰ and the Bar Association are participating in this pilot project. Mediators who conduct pro bono mediation are able to use rooms in the Leighton Hill and Yau Ma Tei community centres during specified periods free of charge. Mediators who charge fees would pay the normal costs of using the rooms. Up to 18 December 2009, 18 mediations have been conducted under the Pilot Scheme of which 12 involved building management disputes. Other disputes included workplace and family dispute. Feedback from the mediators and parties using the community venues for mediation will be reviewed at the end of the Pilot Scheme. The review will be helpful in assessing whether the Pilot Scheme ought to be made permanent or expanded into other community venues in Hong Kong.

Building Management Mediation

3.25 In a city like Hong Kong where most of the population live in multi storey residential buildings, building management disputes are very common. In a public housing estate, the number of flats might well exceed 1000.⁵¹ Multi storey buildings are the norm for residential buildings with the rights and obligations of unit owners, occupiers, tenants and the property managers governed by a deed of mutual covenant (“DMC”).⁵² In these buildings, unauthorised structures, falling windows, obstruction to repairs, reluctance of owners to form Owners Corporations, problematic DMC, owner’s ignorance in monitoring renovation, potential corruption, owner’s incompetence in supervising management companies, conflicts among owners and differing opinions as to redevelopment all contribute towards building management disputes.⁵³

3.26 The high profile Albert House dispute helped raised the profile of the use of mediation to resolve complex issues involving multi storey buildings. In 1994 a fish tank and 15 tonne canopy in Albert House collapsed and killed one person and injured 15 others. In 1999 the High Court ordered the six responsible parties to pay \$33 million to the victims. The Incorporated Owners Association (“IO”) refused to pay and this resulted in a series of lawsuits which culminated in the Court ordering the IO to be wound up in 2004. Emotions ran high and 80 Albert House flat owners marched to the

⁵⁰ The Law Society Circular 09-545 (SD), “Free Venues for Mediation” dated 13 July 2009. More details are set out in paras. 5.79 to 5.85 of this Report.

⁵¹ Chan Bing Woon SBS, JP, “Why Mediation Doesn’t Work in Building Management Dispute: Right or Wrong?”, The Hong Kong Association of Property Management Companies newsletter, Vol. 7, July 2008.

⁵² Leung Hing Fung, “Mediation and Building Management in Hong Kong – The Way Forward”, *ibid*, in “Mediation in Hong Kong: The Way Forward”, edited by Katherine Lynch and Erica Chan, *ibid*, at page 156.

⁵³ Chan Bing Woon, SBS, JP, “Can Mediation Help Solve Problems of Aging Buildings in Hong Kong”, Housing Express, September 2009, Chartered Institute of Housing Asian Pacific Branch at page 4.

Legislative Council and demanded the Government assist them. The lead mediator, Mr Chan Bing Woon of the Mediation Council, wrote that, “Government faced a hard decision whether to intervene in this civil dispute. If the case could not be resolved, hundreds of low-income, poorly educated people could very well become homeless”.⁵⁴ Mediation was used to successfully resolve the dispute as it facilitated problem solving through options generation in the case.

3.27 The Lands Tribunal ran a Pilot Scheme for Building Management disputes from 1 January 2008 to 30 June 2009. On review after a year by the Judiciary’s Working Party on Mediation, of the 63 cases when mediation was completed, 19 reached full agreement and 7 partial agreements. The success rate was about 41%. On 1 July 2009 the scheme was made permanent.⁵⁵ The aim of the scheme is to facilitate the more efficient, expeditious and fair disposal of building management cases. Parties involved in building management disputes such as water leakages, contribution of management fees and maintenance charges and the appointment of management committees are encouraged to consider mediation before a hearing at the Lands Tribunal. The Building Management Mediation Co-ordinator’s Office of the Judiciary which is conveniently located in the Lands Tribunal Building provides information for parties who wish to consider mediation before or after they commence proceedings in the Lands Tribunal.⁵⁶

Mediation for Compulsory Sale of Land

3.28 On 27 January 2011, the Development Bureau launched the Pilot Mediation Scheme Land (Compulsory Sale for Redevelopment) Ordinance and Pilot Scheme on Outreach Support Service for Elderly Owners to provide support for owners of old buildings who are faced with private redevelopment⁵⁷. In order to assist owners involved in or contemplating applications for compulsory sale for redevelopment, the Development Bureau provides financial support to the Pilot Scheme to facilitate the owners to undertake mediation on a voluntary basis. The Pilot Scheme is independently administered by the JMHO. The aim of the Pilot Scheme is to mediate dispute or difference between owners arising out of or in relation to applications for compulsory sale of land lot that has been made or is intended to be submitted to the Lands Tribunals. Under the Pilot Scheme, a uniform application fee and rate of mediator fee is charged. For the elderly owners, the scope of the grant covers the share of the mediator fee of the elderly minority owners for up to a total of 15 hours of mediation (including the pre-mediation session(s) of no more than 3 hours) under the Pilot Scheme⁵⁸.

⁵⁴ *Ibid*, at pages 2- 4.

⁵⁵ Hong Kong Government press release on behalf of the Judiciary, “Lands Tribunal Pilot Scheme for Building Management Cases to be made permanent from July 1”, 30 June 2009.

⁵⁶ President’s Direction LTPD: BM No. 1/2009 and information booklet entitled, “Case Management and Mediation for Building Management Cases in the Lands Tribunal” can be found at http://www.judiciary.gov.hk/en/crt_services/guide2cs.htm.

⁵⁷ Press Release by the Development Bureau on 27 January 2011
<http://www.info.gov.hk/gia/general/201101/27/P201101270145_print.htm>

⁵⁸ Land (Compulsory Sale For Redevelopment) Ordinance Pilot Mediation Scheme
<<http://www.lcsromediation.hk/>>

Mediation for Parents

3.29 The Education Bureau established a Parent-School Coordination and Mediation Mechanism to eliminate and prevent disability discrimination in school and ensure that students with special educational needs have equal opportunities for education.⁵⁹ If a school and a parent of a disabled student involved in a dispute fail to reach an agreement, the Regional Education Offices of the Education Bureau will render assistance by arranging mediation. It normally takes 1 to 4 months to resolve the dispute.

3.30 The Hong Kong Federation of Youth Groups set up a Parent-child Mediation Centre in Tsuen Wan in late 2008.⁶⁰ The Centre was set up after positive feedback from the Federation's 18-month Parent-child Mediation Project carried out in 2007 and 2008. The Centre helps parents and their teenage children handle and resolve their conflicts constructively. Better parent-child relationships are achieved with the assistance of professional staff trained in mediation. The Federation has put together a resource kit with four programme packages on self-exploration, effective parent-child communication, parent-child conflict management, and parent-child parallel groups. It has also published a book on Parent-child Conflict Management.

Peer Mediation in Schools

3.31 The Chief Justice of Hong Kong Andrew Li Kwok Nang was of the view that the success of mediation will depend on wide acceptance by the public and to this end, training programmes, "should include the young at the school level so that they gain a good understanding of mediation at an early age."⁶¹ There is a Peer Mediation training scheme in a number of secondary schools in Hong Kong conducted by the Hong Kong Family Welfare Society.⁶² The scheme started in 2001 with the launch of a two-year Peer Mediation Project with 6 participating schools. The Society wishes to see the incorporation of the programme into the school curriculum as part of Liberal Studies.⁶³ Peer mediation in schools is considered by many to be an effective way to get a mediation culture inculcated into the young.

Victim-offender Mediation

3.32 There is growing interest and work on victim-offender mediation in Hong Kong. As early as 1999, the Evangelical Lutheran Church of Hong Kong launched a 2-year pilot scheme on Victim-offender Mediation Service in Hong Kong, for juvenile offenders under the Police Superintendent Discretion Scheme. In August 2000, Dr Dennis S.W. Wong set up the Centre for the Restoration of Human Relationships which provides professional support for mediation in schools and educational establishments.

⁵⁹ Education and Manpower Bureau leaflet "Elimination of Disability Discrimination: Parent-School Coordination and Mediation Mechanism", 2003.

⁶⁰ The Hong Kong Federation of Youth Group, "Annual Report 2008-2009", at page 46.

⁶¹ The Hon Mr Chief Justice Andrew Li Kwok Nang, GBM, CBE, JP, "Opening Address", "Mediation in Hong Kong: The Way Forward", edited by Katherine Lynch and Erica Chan, *ibid*, at page 4.

⁶² Hong Kong Family Welfare Society, "Peer Mediation Programme: Implementation Guide", July 2003.

⁶³ Amarantha Yip, "Peer Mediation Programme in Hong Kong Schools" Seminar paper presented at the Faculty of Law, University of Hong Kong, 17 June 2009.

The Centre provides victim-offender mediation and training to resolve conflicts.⁶⁴ Between 2004 and 2006, Dr Wong conducted a longitudinal study into bullying in Hong Kong schools and one of the key elements identified to tackle bullying is training students as peer mediators.⁶⁵ Since 2005, the Youth Enhancement Scheme of the Evangelical Lutheran Church of Hong Kong has incorporated Victim-offender Mediation in their services for victims of crime and juvenile offenders who are cautioned under Police Superintendent Discretion Scheme. Keswick Chuk leads the very valuable service which gives juvenile offenders an opportunity to face up to their victims and turn over a new leaf.⁶⁶

3.33 In 2009, the Queensland Government invited two staff members from the Methodist Centre to conduct formal Mediation and Youth Justice Conferencing Training in Brisbane, Australia.⁶⁷ They brought back their co training experience and have organised mediation skills training in Hong Kong. The Methodist Centre works closely with the Hong Kong Police in dealing with youth offenders. In November 2009, a Handling Sexual Offences Cases by Mediation Training was organised by the Methodist Centre with specialist Australian trainers from the Youth Justice Conferencing Programme at the Queensland Department of Communities. The aim of the victim-offender mediation is to get to an agreement where the young person can begin to accept responsibility for his offence and repair the harm caused by the offence.⁶⁸

Department of Justice

January 2012

#1163216_v2

⁶⁴ Wong, D.S.W. (2008) "Advocating the Use of Restorative Justice for Misbehaving Students and Juvenile Delinquents in Hong Kong", in K. Van Wormer (ed), "Restorative Justice Across the East and the West", Taoyuan, Manchester: Casa Verde Publishing, at pages 11-31; and Dr Dennis Wong, "Advocating the Use of Restorative Justice for Misbehaving Students and Juvenile Delinquents in Hong Kong", City University of Hong Kong, at page 21.

⁶⁵ *Ibid* at page 26; and Wong, D.S.W., R. Ngan, C. Cheng and S. Ma, "The Effectiveness of Restorative Whole-school Approach in Tackling Bullying in Secondary Schools in Hong Kong" City University of Hong Kong, 2007.

⁶⁶ Ho, H.M., W.H. Chuk, W.H. Leung, H.Y. Lam, L.C. Lai and W.M. Law, "Research Report on the Mediation between Victims and Offenders in Hong Kong, Social Service of the Evangelical Lutheran Church of Hong Kong; and Hong Kong Youth Enhancement Scheme, "Victim-offender Mediation" Service: Theory, Practice and Sharing, Evangelical Lutheran Church Hong Kong Social Service Department, 2007, at pages 71-85 (in Chinese).

⁶⁷ Methodist Centre, "The 2nd Concord Festival: Concord and Healing" leaflet, 2009.

⁶⁸ Queensland Government Department of Communities Youth Justice Conferencing Programme, "Youth Justice Conferencing Information leaflet", 2009 and website at www.communityservices.qld.gov.au

Mediation Bill

List of Organizations consulted on the Draft Mediation Bill in June 2011

	Organisations	Address
1.	Law Society of Hong Kong	3/F, Wing On House, 71 Des Vouex Road, Central, Hong Kong
2.	Mediation Committee, Law Society of Hong Kong	3/F., Wing On House, 71 Des Voeux Road Central, Hong Kong
3.	Hong Kong Bar Association	LG2, High Court, 38 Queensway, Hong Kong
4.	Hong Kong International Arbitration Centre ('HKIAC')	38/F., Two Exchange Square, 8 Connaught Place, Hong Kong
5.	Hong Kong Mediation Council of the HKIAC	38/F., Two Exchange Square, 8 Connaught Place, Hong Kong
6.	Joint Mediation Helpline Office	Room LG102, LG 1/F, High Court, 38 Queensway, Hong Kong
7.	Hong Kong Mediation Centre	15/F., Gold and Silver Commercial Building, 12-18 Mercer Street, Central, Hong Kong
8.	Hong Kong Institute of Surveyors	Suite 801, 8/F., Jardine House, 1 Connaught Place, Central, Hong Kong
9.	The Royal Institution of Chartered Surveyors Hong Kong	Room 2203, 22/F., Hopewell Centre, Wanchai, Hong Kong
10.	Hong Kong Institute of Architects	19/F., One Hysan Avenue, Causeway Bay, Hong Kong
11.	Chartered Institute of Arbitrators (East Asia Branch)	c/o The Hong Kong International Arbitration Centre 38/F., Two Exchange Square, Central, Hong Kong
12.	Hong Kong Institute of Arbitrators	c/o The Hong Kong International Arbitration Centre 38/F., Two Exchange Square, Central, Hong Kong
13.	CEDR Asia Pacific	Suite 905, 9/F., Queen's Place, 74 Queen's Road Central, HK
14.	Construction Industry Council	15/F., Allied Kajima Building, 138 Gloucester Road, Wanchai, Hong Kong
15.	Hong Kong Construction Arbitration Centre (Hong Kong Construction Mediation Centre)	17/F., Chung Hing Comm Building, 62 Connaught Road Central, Hong Kong

	Organisations	Address
16.	Hong Kong Construction Association	3/F, 180-182 Hennessy Road, Wanchai, Hong Kong
17.	Hong Kong Dental Association (Ltd.)	8/F., Duke of Windsor Social Service Bldg., 15 Hennessy Rd., Wan Chai, Hong Kong
18.	The Hong Kong Federation of Insurers	29/F., Sunshine Plaza, 353 Lockhart Road, Wanchai, Hong Kong
19.	Hong Kong Institute of Certified Public Accountants	37/F., Wu Chung House, 213 Queen's Road East, Wanchai, Hong Kong
20.	Hong Kong Institute of Construction Managers	Room 801-2, 8/F., On Lok Yuen Building, 25 Des Voeux Road Central, Hong Kong
21.	The Hong Kong Institution of Engineers	9/F., Island Beverley, No 1 Great George Street, Causeway Bay, Hong Kong
22.	The Hong Kong Medical Association	Duke of Windsor Social Service Building, 5 th Floor, 15 Hennessy Road, Hong Kong
23.	The Hong Kong Federation of Electrical and Mechanical Contractors Limited	Room 2104-6, Harbour Centre, 25 Harbour Road, Wanchai, Hong Kong
24.	The Hong Kong Association of the Pharmaceutical Industry	Unit A 20/F Times Media Centre, 133 Wanchai Road, Wanchai, Hong Kong
25.	The Hong Kong Federation of Trade Unions	12, Ma Hang Chung Road, Tokwawan, Kowloon
26.	City University of Hong Kong	Tat Chee Avenue, Kowloon
27.	University of Hong Kong	Pokfulam, Hong Kong
28.	HKUSPACE	T.T. Tsui Building, The University of Hong Kong, Pokfulam Road, Hong Kong
29.	Chinese University of Hong Kong	Faculty of Law, 6/F., Lee Shau Kee Building, CUHK, Shatin, N.T.
30.	Hong Kong Policy Research Institute	16/F., Midas Plaza, 1 Tai Yau Street, San Po Kong, Kowloon, HK
31.	The Academy of Experts	admin@academy-experts.org
32.	The Hong Kong Association of Banks	Room 525, Prince's Building, Central, Hong Kong
33.	The Hong Kong Chinese Enterprises Association	xiquen@hkcea.com
34.	The Chinese General Chamber of Commerce	4/F., 24-25 Connaught Road, Central, Hong Kong
35.	The Canadian Chamber of Commerce in Macao	luciano@cancham.org.mo

	Organisations	Address
36.	International Chamber of Commerce, Standing Committee on Arbitration	Suite 2, 12/F., Fairmont House, 8 Cotton Tree Drive, Central, Hong Kong
37.	International Chamber of Commerce, Dispute Resolution	Suite 2, 12/F., Fairmont House, 8 Cotton Tree Drive, Central, Hong Kong
38.	Judiciary	High Court, 38 Queensway, Hong Kong
39.	Mediation Coordinator's Office, Judiciary	Room 115, 1/F., Wanchai Tower, 12 Harbour Road, HK
40.	Estate Agents Authority	48/F, Hopewell Centre, 183 Queen's Road East, Wan Chai, Hong Kong
41.	Home Affairs Department, HKSARG	30/F., Southorn Centre, 130 Hennessy Road, Wan Chai, HK
42.	Legal Aid Department, HKSARG	26/F., Queensway Government Offices, 66 Queensway, HK
43.	Hong Kong Consumer Council	22/F., K Wah Centre, 191 Java Road, North Point, Hong Kong
44.	Equal Opportunities Commission	19/F, Cityplaza Three, 14 Taikoo Wan Road, Taikoo Shing, Hong Kong
45.	Hospital Authority	Hospital Authority Building, 147B Argyle Street, Kowloon
46.	Hong Kong Housing Society	29/F., World Trade Centre, 280 Gloucester Road, Causeway Bay, Hong Kong
47.	Hong Kong Housing Authority	Hong Kong Housing Authority Headquarters, 33 Fat Kwong Street, Ho Man Tin, Kowloon
48.	Mandatory Provident Fund Schemes Authority	Level 15, International Commerce Centre, 1 Austin Road West, Kowloon
49.	Radio Television Hong Kong	Broadcasting House, 30 Broadcast Drive, Kowloon
50.	Urban Renewal Authority	10/F., Low Block, Grand Millennium Plaza, 181 Queen's Road Central, Hong Kong
51.	Vocational Training Council	VTC Tower, 27 Wood Road, Wan Chai, Hong Kong
52.	Women's Commission	women@lwb.gov.hk
53.	Caritas – Hong Kong Caritas Family Service	Rm. 137, Caritas House, 2 Caine Road, Hong Kong
54.	Hong Kong Catholic Marriage Advisory Council	Room 101, 1/F., Low Block, Grand Millennium Plaza, 181 Queen's Road Central, Hong Kong
55.	Hong Kong Christian Service	33 Granville Road, Kowloon

	Organisations	Address
56.	Hong Kong Family Welfare Society	Mediation Centre, Western Garden, 80A First Street, Sai Ying Pun, HK
57.	Hong Kong Family Welfare Society Mediation Centre	
58.	Hong Kong Sheung Kung Hui Welfare Council	5/F., Marina House, 68 Hing Man Street, Shaukeiwan, Hong Kong
59.	Senior Citizen Home Safety Association	schsa@schsa.org.hk
60.	Shatin Alliance Community Services Centre	G/F., Yue Yuet House, Yue Tin Court, Shatin, N.T.
61.	Yang Memorial Methodist Social Service	54 Waterloo Road, Kowloon
62.	Centre for Restoration of Human relationships	Unit 301, Lai Ho House, Lai Kok Estate, Sham Shui Po, Kowloon
63.	The Evangelical Lutheran Church of Hong Kong	Unit No R13-16 Commercial Centre, Wo Che Estate, Shatin, N.T.
64.	Methodist Centre	1/F Aldrich Bay Integrated Services Building, 15 Aldrich Bay Road, Shau Kei Wan, Hong Kong
65.	The Hong Kong Council of Social Service	council@hkcss.org.hk
66.	The Council of Social Development	csd444@163.com
67.	International Centre for Corporate Social Responsibility	angelwyho@yahoo.co.uk
68.	The Hong Kong Federation of Youth Groups	21/F., The Hong Kong Federation of Youth Groups Building, 21 Pak Fuk Road, North Point, Hong Kong
69.	Hong Kong Society of Accredited Mediators	Hksam.info@gmail.com
70.	Society of Certified Mediators and Negotiators	enquiry@wegomedia.org.hk
71.	Boughton Peterson Yang Anderson	409 Jardine House, 1 Connaught Place, Central, HK
72.	Caldwell Ltd	1805 Wheelock House, 20 Pedder Street, Central, HK
73.	Fred Kan & Co.	Suite 3104-7, 31/F., Central Plaza, 18 Harbour Road, HK
74.	Gall	12/F., Dina House, Ruttonjee Centre, 11 Duddell Street, Central, HK
75.	Gallant Y.T. Ho & Co.	5/F., Jardine House, 1 Connaught Place, Central, HK
76.	Gilt Chambers	8/F., Far East Finance Centre, 16 Harcourt Road, HK
77.	Kevin Ng & Co.	Suite B, 13/F., Two Chinachem Plaza, 135 Des Voeux Road Central, Central, HK
78.	K.M. LAI & Li, Solicitors & Notaries	23/F., Regent Centre, 88 Queen's Road Central, HK
79.	Leung, Tam & Wong Solicitors	Rooms 901-902, 9/F., The Chinese Bank Building, 61-65 Des Voeux Road Central, HK
80.	Li & Partners	Rm 2201-03, World-wide House, 19 Des Voeux Road, Central, Hong Kong

	Organisations	Address
81.	Mayer Brown JSM	16-19/F., Prince's Building, 10 Chater Road, Central, HK
82.	Mallesons Stephen Jaques	37/F., Two International Finance Centre, 8 Finance Street, Central, HK
83.	Nasirs	Suites 1103-4, 11/F., Chinachem Hollywood Centre, 1-13 Hollywood Road, Central, HK
84.	Pang & Associates	Unit 1406, Cosco Tower, 183 Queen's Road Central, HK
85.	Parkside Chambers	3101 Two Pacific Place, 88 Queensway, HK
86.	Stephen Mok & Co.	21/F., Gloucester Tower, The Landmark, 15 Queen's Road Central, HK
87.	Temple Chambers	16/F., One Pacific Place, 88 Queensway, Hong Kong
88.	Tony Yuen & Co. Solicitors	Suite 1104, 11/F., Tower A, New Mandarin Plaza, 14 Science Museum Road, TSE East, Kowloon
89.	Waller Ma Huang & Yeung	20/F., Beautiful Group Tower, 77 Connaught Road Central, Hong Kong
90.	Wilkinson & Grist	6/F., Prince's Building, Chater Road, HK
91.	Accord Group	Accord Hong Kong, Post Office Box 9685, General Post Office, Hong Kong
92.	Aculex Transnational Inc.	info@aculextransnational.com
93.	ADR Consultancy Hong Kong Limited	Unit 3328, 33/F., China Merchants Tower, 168-200 Connaught Road Central, Hong Kong
94.	ADR International Limited	Suite 4001, Gloucester Tower, The Landmark, Central, Hong Kong
95.	Cambridge Business Group Limited	38/F., Two Exchange Square, 8 Connaught Place, Hong Kong
96.	C&L Holdings Ltd.	Unit 5, 11/F., Westlands Centre, 20 Westlands Road, Quarry Bay, HK
97.	Chevalier Insurance Co., Ltd.	Chevalier Commercial Centre, 22/F., 8 Wang Hoi Road, Kowloon Bay, Kowloon
98.	Deacons	5/F. Alexandra House, 18 Chater Road, Central, HK
99.	EC Harris LLP	c/o EC Harris (Hong Kong) Limited, Level 27, Millennium City 6, 392 Kwun Tong Road, Kwun Tong, Kowloon
100.	HSBC	Level 37, HSBC Main Building, 1 Queen's Road Central, HK
101.	Hong Kong City Credit Management Group	Units 1605A, 16/F., Tower A, Manulife Financial Centre, 223-231 Wai Yip Street, Kwun Tong, Kowloon

	Organisations	Address
102.	Global Mediation Services Limited	Suite 1206, Workingview Commercial Building, 21 Yiu Wa Street, Causeway Bay, Hong Kong
103.	ISE Consultants Ltd.	Suite 4D, 88 Commercial Building, 28 Wing Lok Street, Central, HK
104.	Kai Shing Management Services Limited	Room 2301, Sun Hung Kai Centre, 30 Harbour Road, Wan Chai, Hong Kong
105.	SOL Holdings Ltd	Unit 1427 Star House, 3 Salisbury Road, Tsim Sha Tsui, Kowloon
106.	Tru-tight & Associates Limited	10/F., Teng Fuh Commercial Building, 333 Queen's Road Central, HK
107.	Wai Lim Consultancy	P.O. Box no. 5726, General Post Office, HK
108.	Dr. James Chiu – Specialist in General Surgery	Rm 1202 Island Beverley, 1 Great George Street, Causeway Bay, HK

Department of Justice

June 2011

#1163792_v1

Annex 3

Mediation Service Providers in Hong Kong (as at January 2012)

No.	Name and Contact Details of Providers
1.	Hong Kong International Arbitration Centre Address: 38/F, Two Exchange Square, 8 Connaught Place, Central, Hong Kong Tel: 2525 2381 Fax: 2524 2171 Email: adr@hkiac.org Website: www.hkiac.org
2.	Hong Kong Mediation Council c/o Hong Kong International Arbitration Centre Address: 38/F, Two Exchange Square, 8 Connaught Place, Central, Hong Kong Tel: 2525 2381 Fax: 2524 2171 Email: adr@hkiac.org Website: www.hkiac.org
3.	Hong Kong Mediation Centre Address: Penthouse, Gold and Silver Commercial Building, 12-18 Mercer Street, Central, Hong Kong Tel: 2866 1800 Fax: 2866 1299 Email: admin@mediationcentre.com.hk Website: www.mediationcentre.org.hk
4.	The Hong Kong Bar Association Address: LG2, High Court, 38 Queensway, Hong Kong Tel: 2869 0210 Fax: 2869 0189 Email: info@hkba.org Website: www.hkba.org
5.	The Law Society of Hong Kong Address: 3/F, Wing On House, 71 Des Voeux Road Central, Central, Hong Kong Tel: 2846 0584 Fax: 2845 0387 Email: mediation@hklawsoc.org.hk Website: www.hklawsoc.org.hk

No.	Name and Contact Details of Providers
6.	Chartered Institute of Arbitrators (East Asia Branch) c/o Hong Kong International Arbitration Centre Address: 38/F, Two Exchange Square, 8 Connaught Place, Central, Hong Kong Tel: 2525 2381 Fax: 2524 2171 Email: ciarb@hkiac.org Website: www.ciarbasia.org
7.	The Hong Kong Institute of Surveyors Address: Suite 801, 8/F, Jardine House, 1 Connaught Place, Central, Hong Kong Tel: 2526 3679 Fax: 2868 4612 Email: info@hkis.org.hk Website: www.hkis.org.hk
8.	The Royal Institution of Chartered Surveyors Hong Kong Address: Room 1804, Hopewell Centre, 183 Queens Road East, Wan Chai, Hong Kong Tel: 2537 7117 Fax: 2537 2756 Email: ricsasia@rics.org Website: www.ricsasia.org
9.	The Hong Kong Institute of Architects Address: 19/F, One Hysan Avenue, Causeway Bay, Hong Kong Tel: 2511 6323 Fax: 2519 6011, 2519 3364 Email: hkiasec@hkia.org.hk Website: www.hkia.net
10.	Hong Kong Institute of Arbitrators c/o Hong Kong International Arbitration Centre Address: 38/F, Two Exchange Square, 8 Connaught place, Central, Hong Kong Tel: 2525 2381 Fax: 2524 2171 Email: adr@hkiarb.org.hk Website: www.hkiarb.org.hk
11.	Caritas – Hong Kong Caritas Family Service Address: Shop 203, Wah Ming Shopping Centre, Wah Ming Estate, Fanling, NT Tel: 2669 2316 Fax: 2676 2273

No.	Name and Contact Details of Providers
12.	<p>Hong Kong Catholic Marriage Advisory Council Marriage Mediation & Counselling Service Address: Room 101 – 105, M2 Level, Tsui Cheung House, Tsui Ping (North) Estate, Kwun Tong, Kowloon Tel: 2782 7560 Fax: 2385 3858 Email: mmcs@cmac.org.hk</p>
13.	<p>Hong Kong Christian Service Address: 2/F, 33 Granville Road, Tsimshatsui, Kowloon Tel: 2731 6227 Fax: 2724 3520</p>
14.	<p>Hong Kong Family Welfare Society Mediation Centre Address: Western Garden, 80A, First Street, Sai Ying Pun, Hong Kong Tel: 2561 9229 Fax: 2811 0806 Website: http://www.mediationcentrehk.org</p>
15.	<p>Hong Kong Sheng Kung Hui Welfare Council Address: 5/F, Holy Trinity Bradbury Centre, 139 Ma Tau Chung Road, Kowloon Tel: 2713 9174 Fax: 2711 3082</p>
16.	<p>Shatin Alliance Community Services Centre Address: G/F, Yue Yuet House, Yue Tin Court, Shatin, N.T. Tel: 2648 9281 Fax: 2635 4795</p>
17.	<p>Yang Memorial Methodist Social Service Mongkok Integrated Family Service Centre Address: G/F, Central Commercial Tower, 736 Nathan Road, Mongkok, Kowloon Tel: 2171 4001 Fax: 2388 3062</p>
18.	<p>Centre for Restoration of Human Relationships Address: Unit 301, Lai Ho House, Lai Kok Estate, Sham Shui Po, Kowloon Tel: 2399 7776 Fax: 2711 5960</p>
19.	<p>The Evangelical Lutheran Church of Hong Kong Address: Unit No. R13-16 Commercial Centre, Wo Che Estate, Shatin, New Territories Tel: 2650 0022 Fax: 2650 0024</p>

No.	Name and Contact Details of Providers
20.	<p>Methodist Centre Address: 1/F, Aldrich Bay Integrated Services Building, 15 Aldrich Bay Road, Shau Kei Wan, Hong Kong Tel: 2528 2779 Fax: 2520 5401</p>
21.	<p>Joint Mediation Helpline Office Address: Room LG102, High Court, 38 Queensway, Hong Kong Tel: 2901 1224 Fax: 2899 2984 Email: email@jointmediationhelpline.org.hk Website: http://www.jointmediationhelpline.org.hk/</p>
22.	<p>International Chamber of Commerce, Dispute Resolution Address: Suite 2, 12/F, Fairmont House, 8 Cotton Tree Drive, Central Hong Kong Tel: 3607 5600 Fax: 2523 1519 Email: ica8@iccwbo.org Website: http://www.iccwbo.org</p>
23.	<p>The Centre for Effective Dispute Resolution (Asia Pacific) Address: Suite 905, 9/F, Queen's Place, Queen's Road, Central, Hong Kong Tel: 2869 1816 Fax: 2869 1307 Email: cchiu@cedr.com.hk Website: http://www.cedr-asia-pacific.com/</p>

Department of Justice

January 2012

#1163707_y1

Some existing mediator accreditation systems implemented by mediation service providers in Hong Kong

	The Law Society of Hong Kong (Law Society)	Hong Kong International Arbitration Centre (HKIAC)	Hong Kong Mediation Centre (HKMC)	Joint Dispute Resolution Committee of HK Institute of Surveyors (HKIS) & HK Institute of Architects (HKIA)
Preliminary requirement	Hold a current practising certificate. Member of the Law Society.	Must have at least 2 years full-time working experience prior to submitting their application for consideration by the HKIAC Mediator Accreditation Committee.	Nil	A professional member of HKIS/ HKIA. Minimum 7 yrs related post qualification (HKIS or HKIA) experience.
Training requirement	Satisfactory completion of a mediation training course or courses of 40 hrs minimum duration approved by the Mediator Accreditation Committee.	Satisfactory completion of a mediation training course of 40 hrs minimum duration approved by the HKIAC Mediator Accreditation Committee.	Satisfactory completion of at least a 40 hrs HKMC mediation training course or other HKMC recognised course. And written assessment with: <ul style="list-style-type: none"> • 30 multiple choice questions (60 marks) • 5 short questions (20 marks); and 1 Settlement Agreement Drafting (20 marks) 	Satisfactory completion of a mediator training course and assessment recognised by HKIS/HKIA Accreditation Panel. Training course and assessment based on same format as HKIAC General Accredited Mediator (i.e. 40 hrs).
Practical assessment	Mediate or co-mediate at least 2 actual or simulated mediation cases. For each simulation mediation assessment exercise, there is a lead assessor. The exact allocation of time for a simulated	Mediate or co-mediate at least 2 actual or simulated cases. Reading time: 15 min. Role-play: 1.5 hrs. Writing of mediated agreement 15 min.	Mediate in 2 simulated cases (1 hr each) in 1 day. Reading time: 30 min. Role-play: 1 hr (including mediated agreement/ statement of outcomes). Complete 2 simulated	Assessment is based on the same format as that for HKIAC General Accredited Mediator, 2 actual or simulated mediation cases.

	The Law Society of Hong Kong (Law Society)	Hong Kong International Arbitration Centre (HKIAC)	Hong Kong Mediation Centre (HKMC)	Joint Dispute Resolution Committee of HK Institute of Surveyors (HKIS) & HK Institute of Architects (HKIA)
	<p>mediation assessment may vary slightly between different lead assessors. The format quoted below should only be treated as a general framework.</p> <p>Reading time: 15 min.</p> <p>Role-play: 1.5 hrs.</p> <p>Writing of mediated agreement: 15 min.</p> <p>Peer/self-reflection: 15 min.</p> <p>Feedback: 15 min.</p> <p>Complete 2 simulated mediation cases within 4 years after training course.</p> <p>3 assessment sessions (2.5 hrs each).</p> <p>Each candidate will act as the mediator and be assessed by an assessor.</p> <p>Role play video recorded.</p> <p>Assessments in English or Cantonese.</p>	<p>Peer/self- reflection: 15 min.</p> <p>Feedback: 15 min.</p> <p>3 sessions of assessments each day (2.5 hrs each).</p> <p>An assessor will be present to assess the performance of the candidate.</p> <p>Assessed as mediator in 1 of 3 sessions.</p> <p>Role play video recorded.</p> <p>Assessments in English or Cantonese.</p> <p>With effect from 1 April 2010, for the purpose of assessing applications for accreditation, Stage 2 practical assessment result shall be valid for 3 years from the date of the notification of that result.</p>	<p>cases in one day.</p> <p>Actors arranged by HKMC will act as the 2 parties in dispute.</p> <p>Performance video recorded and assessed by panel assessors.</p> <p>Assessments in either English or Cantonese.</p>	
Post assessment	<ul style="list-style-type: none"> • Apply to the Law Society Mediator Accreditation Committee for accreditation as a General Mediator (HK\$500 fee). • May be required to take part in an accreditation assessment including a personal interview and a possible further simulation. • Accredited candidates have 	<ul style="list-style-type: none"> • Apply to the HKIAC Mediator Accreditation Committee for accreditation (HK\$600 fee). • May be required by the Committee to take part in an accreditation assessment including a personal interview and a possible further simulation. • Accredited candidates have 	<ul style="list-style-type: none"> • Apply for membership of HKMC (HK\$500). 	<ul style="list-style-type: none"> • Apply for Membership of the HKIS/ HKIA Joint Dispute Resolution Panel of Mediators (HK\$1,500 fee valid for 3 years).

	The Law Society of Hong Kong (Law Society)	Hong Kong International Arbitration Centre (HKIAC)	Hong Kong Mediation Centre (HKMC)	Joint Dispute Resolution Committee of HK Institute of Surveyors (HKIS) & HK Institute of Architects (HKIA)
	names included in the relevant Law Society Panel of Accredited Mediators. Panel members are required to apply for renewal of accreditation every 4 years (HK\$500 fee)	names included in the relevant HKIAC Panel of Accredited Mediators <ul style="list-style-type: none"> Panel members are required to apply for renewal of accreditation every 4 years (HK\$900 per year). 		
CPD Requirement	<ul style="list-style-type: none"> Panel members are required to fulfil 20 CPD points in mediation training during the 4 immediately preceding CPD years for renewal of accreditation. 	<ul style="list-style-type: none"> Panel members are required to fulfil 20 hours of CPD during the 4 years. 	<ul style="list-style-type: none"> Panel members are required to fulfil 10 CPD points with 5 points from Professional Trainings and 5 pts from Professional Activities in 2 consecutive years for renewal of accreditation. 	<ul style="list-style-type: none"> Panel members are required to fulfil 20 hours of CPD over three years
Disciplinary system	<ul style="list-style-type: none"> Yes. Complaints against solicitor – mediators will be handled by the Conduct Section of the Law Society’s Compliance Department. 	<ul style="list-style-type: none"> Yes. Rules for the Handling of Complaints against an Accredited Mediator are available on their website¹. 	<ul style="list-style-type: none"> Yes. 	<ul style="list-style-type: none"> Yes. Disciplinary action may be taken against mediators under the HKIA’s internal guideline.

Department of Justice
January 2012

#1163507_v1

¹<http://www.hkiac.org/index.php/en/mediation-rules/rules-for-the-handling-of-complaints-against-an-accredited-mediator>