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24 July 2013

**BY FAX & BY POST**  
**(2385 3344)**

Mr. Sam Ng  
General Officer  
Hong Kong Training Professionals General Union  
2/F, May Wah Court,  
111 Chatham Road South  
Tsim Shai Tsui, Kowloon, Hong Kong

Dear Mr. Ng,

I refer to your letter dated 4 June 2013. I note that your letter is primarily concerned with the Hong Kong Mediation Accreditation Association Ltd. ("HKMAAL"). Although HKMAAL is not a government body, the Department of Justice is keen to ensure a healthy development of mediation in Hong Kong. In the circumstances, I would take this opportunity to address the matters raised in your letter.

As you would know, HKMAAL was set up to implement the recommendation, which was made by the Working Group on Mediation, to establish a single body to deal with accreditation of mediators and related matters. HKMAAL was incorporated on 28 August 2012 as a company limited by guarantee.

As a non-statutory industry-led accreditation body, its four Founder Members are the Hong Kong Bar Association, the Law Society of Hong Kong, the Hong Kong International Arbitration Centre and the Hong Kong Mediation Centre ("Founder Members"). These four bodies have all along been actively involved in the development and promotion of mediation in Hong Kong. HKMAAL performs accreditation and disciplinary functions but will not provide training services so as to avoid any conflict of interest.

I note the cause of concern set out in the second paragraph of your letter. I believe the “complaints and enquiries” made by your members are probably the result of misunderstanding. Alternatively, your members might have been misinformed of the true picture. HKMAAL has not assigned Hong Kong Mediation Centre to carry mediator accreditation examination as suggested or at all. With a view to avoiding unnecessary misunderstanding, let me explain the current overall situation concerning accreditation of mediators by HKMAAL.

#### Accreditation functions of HKMAAL Members

It is a pre-requisite that a member of HKMAAL, include the Founder Members, will give up its individual accreditation function. A Working Group on the Accreditation Standards (“Working Group”) of HKMAAL, chaired by Mrs. Robyn Hooworth with 18 members, was established to formulate the accreditation standards. Solely as a transitional arrangement, the HKMAAL Council agreed to allow the Founder Members to continue with their accreditation functions pending the formulation and finalization of the accreditation standards and the undertaking of accreditation assessment by HKMAAL. This transitional arrangement was explained by Mrs. Robyn Hooworth to stakeholders at the HKMAAL Forum held on 17 April 2013.

#### Transitional Arrangement

The existing transitional arrangements for the Founder Members to continue with the Stage 2 Assessments ceased with the undertaking of the first Stage 2 Assessment by HKMAAL on 16 and 17 July 2013. The HKMAAL Council has given notice to the Founder Members to cease their respective Stage 2 Assessments by 15 July 2013 and to cease all Stage 3 Application process by 15 September 2013.

#### Working Group on Accreditation Standards

The Working Group has finalised the accreditation standards for general mediators in late June 2013. The first Assessor’s Forum conducted on 22 June 2013 was attended by a total of 24 assessors. The purpose of the Assessor’s Forum is to enable assessors to be familiarised with the revised accreditation standards and the assessment form to ensure that uniform standards will be applied when assessing candidates taking the Stage 2 accreditation assessment. The second Assessor’s Forum will be held on 10 August 2013.

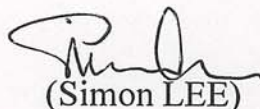
HKMAAL conducted its first Stage 2 Assessment for general mediators which was attended by 23 candidates on 16 and 17 July 2013. The second Stage 2 Assessment is scheduled to be held on 29 and 30 August 2013.

Stakeholders Engagement Consultation

The HKMAAL secretariat has, between 28 June to 2 July 2013, circulated the accreditation standards for general mediators and the relevant documentation on procedures to 62 stakeholders for one month's consultation (i.e. feedback to be returned to HKMAAL on or before 31 July 2013). The stakeholders consulted include those who have previously attended the Legislative Council Panel on Administration of Justice and Legal Services and those who attended the HKMAAL Forum on 17 April 2013.

From the above, I believe you would appreciate that HKMAAL has not in any way given up or "assigned" its accreditation functions to any training and accreditation bodies. HKMAAL has proceeded to finalise its accreditation standards and to undertake its accreditation function.

Yours faithfully,



(Simon LEE)

Deputy Law Officer

Planning, Environment, Lands and Housing Unit

→ cc: Secretariat of the LegCo Panel on Administration of Justice and Legal Services

The Hon. Cheng Yiu Tong, GBS, JP, Non Official Member of the Executive Council

The Hon. Mak Mei Kuen, JP, Legislative Councillor

The Hon. Tang Ka Piu, Legislative Councillor

HKMAAL Secretariat - By E-mail

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