

9 January 2012

Ms. Flora Tai
Clerk to Bills Committee
Legislative Council Complex,
1 Legislative Council Road, Central,
Hong Kong.

Dear Ms. Tai,

Bills Committee on Mediation Bill
Meeting on 13 January 2012

Thank you for your letter dated 4 January 2012 inviting Hong Kong Institute of Construction Managers “HKICM” to present its view on the Mediation Bill.

HKICM welcomes the introduction of the Mediation Bill “the bill” and would like to present its views on the confidentiality of mediation communications and liability of mediator for your consideration.

Confidentiality of Mediation Communications

HKICM considers confidentiality of mediation communications is too wide. HKICM is of the opinion that a person may disclose a mediation communication which is made by himself/ herself.

Liability of Mediator

HKICM is of the opinion that a section “mediator to be liable for certain acts and omissions” similar to Section 104 of Arbitration Ordinance (Chapter 609) shall be introduced.

We hope that the above comments can help the legislative council in reviewing the bill. Should you have any queries, please feel free to contact us.

Yours sincerely,
Peter Ng
President
Hong Kong Institute of Construction Managers