



香 港 建 造 商 會  
Hong Kong Construction Association

7 December 2011



Our Ref.:

**By post**

Bills Committee on Mediation Bill  
Legislative Council  
8 Jackson Road  
Hong Kong

Dear Sirs,

**The Mediation Bill**

We refer to the Mediation Bill and in particular Section 5(2) and Schedule 1, which excludes mediations under Section 32 of the Arbitration Ordinance, Cap. 609, from the application of the Bill.

Section 32(1) and (2) deals with the appointment of mediators where there is difficulty in appointment. These provisions are different from Section 32(3) and Section 33 which deal with situations where an arbitrator may also act as mediator. We can understand the logic of mediations of the type contemplated by Section 32(3) and Section 33 being dealt with by the Arbitration Ordinance, and excluded from the Bill, but not the appointment of mediators under Section 32 of the Arbitration Ordinance.

With respect, we can see no logic to normal mediations contemplated by Section 32(1) and (2) being conducted outside the regulation provided by the Bill and suggest Schedule 1 is amended by including a reference to Section 32(3) and 33 only.

Yours faithfully

Thomas Tse  
Secretary General  
/fc