

**For information on
6 November 2012**

**Subcommittee on
Mediation Ordinance (Commencement) Notice**

Purpose

This paper briefs Members on the progress of the establishment of the non-statutory, industry-led accrediting body for mediators.

Background

2. At present, mediators practising in Hong Kong are mostly accredited by the Hong Kong International Arbitration Centre (“HKIAC”), the Law Society of Hong Kong (“the Law Society”) and the Hong Kong Mediation Centre (“the Mediation Centre”). A summary of the training and accreditation requirements of these three accreditation bodies is at **Annex**.

3. The establishment of a single body for accrediting mediators was considered desirable by the Working Group on Mediation¹ (“the Working Group”) and was one of the recommendations in the Report of the Working Group (“the Report”) published in February 2010². Nonetheless, the Working Group noted that “the time [was] not right to prescribe a standardized system of accrediting mediators³” and recommended that the possibility of establishing such a body be reviewed in five years⁴. However, the majority of the submissions received

¹ The Working Group on Mediation, chaired by the Secretary for Justice, was established in 2008 in response to the 2007/2008 Policy Address to map out plans to employ mediation more extensively and effectively in handling higher-end commercial disputes and relatively small scale local disputes.

² Recommendation 25 of the Report reads: “The establishment of a single body for accrediting mediators is desirable and can assist to ensure the quality of mediators, consistency of standards, education of the public about mediators and mediation, build public confidence in mediation services and maintain the credibility of mediation.” (see paras. 6.12 to 6.16 of the Report at pages 59 to 60).

³ Recommendation 26 (see paras. 6.37 to 6.39 of the Report at page 64).

⁴ Recommendation 28 (see paras. 6.49 to 6.54 of the Report at pages 67 to 69).

during public consultation urged that a single accreditation body be set up as soon as possible.

Establishment of a non-statutory, industry-led accreditation body

4. Based on the recommendations of the Working Group, the Secretary for Justice's Mediation Task Force⁵ and the Accreditation Group under it worked with the major mediation stakeholders with a view to facilitating the establishment of a non-statutory, industry-led accreditation body for mediators. The Administration has kept the Bills Committee on Mediation Bill informed about the progress of its establishment⁶.

5. The non-statutory, industry-led accreditation body, Hong Kong Mediation Accreditation Association Limited ("HKMAAL") (香港調解資歷評審協會有限公司), a company limited by guarantee, was incorporated on 28 August 2012. The four founder members of HKMAAL are the Hong Kong Bar Association, the Law Society, HKIAC and the Mediation Centre. These four professional bodies are the major stakeholders and their members are closely involved in the development and promotion of mediation in Hong Kong.

6. The objects of HKMAAL are –

- (a) to set standards for accredited mediators, supervisors, assessors, trainers, coaches and other professionals involved in mediation in Hong Kong, and to accredit them on satisfying the requisite standards;
- (b) to set standards for relevant mediation training courses in Hong Kong, and to approve them on satisfying the requisite standards; and
- (c) to promote a culture of best practice and professionalism in mediation in Hong Kong.

⁵ The Mediation Task Force was set up in December 2010 to consider and implement the recommendations in the Report of the Working Group on Mediation.

⁶ See paras. 17-21 and 24-27 of the Report of the Bills Committee on Mediation Bill dated 10 May 2012.

7. Following its incorporation, representatives of the founder members of HKMAAL conducted a briefing on 11 October 2012 for stakeholders to explain its objectives and functions and to collate their views. Organizations and individuals who had submitted views to the Bills Committee on Mediation Bill were invited to attend the briefing.

8. Being an industry-led body, HKMAAL works independently in its operation. The Administration notes that HKMAAL is now working on matters including (i) the admission of members to HKMAAL; (ii) formulation of an accreditation system, grandparenting policy and procedure and standards for mediation training courses; and (iii) establishment of a complaint and disciplinary procedure.

9. The Administration will continue to monitor the accreditation and training of mediators in Hong Kong.

Department of Justice
November 2012

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**Accreditation of Mediator:
Training and assessment requirements by some of the mediation accreditation
bodies in Hong Kong**

	The Law Society of Hong Kong (LSHK)*	Hong Kong International Arbitration Centre (HKIAC)*	Hong Kong Mediation Centre (HKMC)
Preliminary requirement	Member of the LSHK holding a current practising certificate	Must have at least 2 years full-time working experience prior to submitting their application for consideration by the HKIAC Mediator Accreditation Committee	Nil
Training requirement	Satisfactory completion of a mediation training course or courses of 40 hrs minimum duration approved by the LSHK Mediator Accreditation Committee	Stage 1 Training Course: Satisfactory completion of a mediation training course of 40 hrs minimum duration approved by the HKIAC Mediator Accreditation Committee	Satisfactory completion of a mediation training course of 40 hrs minimum duration organized by the HKMC or co-organized by the HKMC with other approved organizations <u>Or</u> Satisfactory completion of a mediation training course organized by other organizations, and approved by the Council of the HKMC
Assessment	Mediate or co-mediate at least 2 actual or simulated mediation cases	Stage 2 Assessment: Mediate at least 2 HKIAC simulated general mediation cases (the time limit for Stage 2 Assessment is 3 years from the date of satisfactory completion of Stage 1 Training Course)	Part I - Written Examination [30 multiple-choice questions (30 marks) and 5 short questions (70 marks)]: Passing mark: 60 Part II – Simulated Mediation Role-play Assessment: Pass 2 simulated mediation role-play assessments Candidates are required to draft a Settlement Agreement at the end of the mediation role-play
Accreditation	- Within 4 years after completion of training and assessment, candidates may apply to the LSHK Mediator Accreditation Committee for accreditation	- After completion of Stages 1 & 2, candidates may apply to the HKIAC Mediator Accreditation Committee for accreditation (for the purpose of assessing application for	- Candidates who have passed the Written Examination, Mediation Role-play Assessment and Settlement Agreement Drafting may apply to become an “Accredited

	<ul style="list-style-type: none"> - May be called by the Committee to take part in an accreditation assessment including a personal interview and a possible further simulation supervised by an accredited supervisor chosen by the Committee - Candidates who are accredited will have their names included on the LSHK General Panel of Accredited Mediators - Application assessment fee: HK\$500 	<p>accreditation, the Stage 2 assessment result shall be valid for 3 years from the date of the notification of that result)</p> <ul style="list-style-type: none"> - May be called by the Committee to take part in an accreditation assessment including a personal interview and a possible further simulation supervised by a suitable qualified person chosen by the Committee. - Candidates who are accredited may choose to have their names included on the Panel of HKIAC Accredited General Mediators - Application fee: HK\$600 	<p>Mediator” of the HKMC subject to the approval of the Council of HKMC</p> <ul style="list-style-type: none"> - One-off registration fee: \$500 - Entry Membership Fee: \$500
Panel Membership Fees	Administrative fee for renewal of membership payable every 4 years upon application for renewal: HK\$500	Annual Panel fee: \$900	Annual Membership fee: \$500
CPD requirement	Panel members are required to fulfil 20 CPD points in mediation training during the 4 immediately preceding CPD years for renewal of accreditation	Panel members are required to fulfil 20 hours of CPD during the 4 years immediately preceding the application for renewal of membership	Panel members are required to fulfil 10 CPD points within 2 consecutive years for renewal of accreditation

*Has separate accreditation requirements and procedures for Panel of Accredited Family Mediators