

**Report on Implementation by Mediation Task Force of Recommendations
in the Working Report on Mediation published in February 2010**

Views from Hong Kong Bar Association

1. This paper sets out the views from the Hong Kong Bar Association (“HKBA”) on the implementation by the Mediation Task Force of the recommendations in the Report of the Working Group on Mediation published in February 2010 (“the Recommendations”).
 2. The HKBA had provided comments on the Recommendations on 31 May 2010 and comments on the Draft Mediation Bill on 2 July 2011 and 23 March 2012.
 3. In gist, the HKBA welcomes the adoption of its various comments in the process of the implementation of the Recommendations. The HKBA is also pleased to see that key aspects of the Recommendations are being implemented.
- A. Mediation Ordinance (Cap.620)**
4. Following the Recommendations, the Mediation Ordinance (Cap.620) is enacted to provide a regulatory framework for the conduct of mediation in Hong Kong without hampering the flexibility of the mediation process. Its objects are to promote, encourage and facilitate the resolution of disputes by mediation, and to protect the confidential nature of mediation communications.
 5. With it coming into operation on 1 January 2013, the HKBA sees this as a cornerstone underpinning the further development of mediation in Hong Kong.

6. As the practice of mediation in Hong Kong is still developing, the HKBA suggests that the operation of the Mediation Ordinance (Cap.620) should be reviewed from time to time for keeping up its benefits for its users.

B. Hong Kong Mediation Code and Hong Kong Mediation Accreditation Association Limited

7. For a common standard among mediators, the HKBA is one of the mediation service providers that have already adopted the Hong Kong Mediation Code, promulgated by the Working Group on Mediation.
8. Further, as one of the founder members, the HKBA takes an active and supportive role in the setting up of the non-statutory, industry-led Hong Kong Mediation Accreditation Association Limited (“HKMAAL”) as the single body for accrediting mediators.
9. The HKBA looks forward to the commencement of accreditation by HKMAAL of mediators.
10. The HKBA also believes that the Department of Justice would continue its roles in supporting and keeping in view the accreditation and training of mediators, for the future development and promotion of mediation in Hong Kong.

C. Publicity and Education of Mediation

11. The HKBA welcomes the successful publicity initiatives and public education conducted on promoting and developing the use of mediation, including the API on TV and radio and the second Mediation in Hong Kong Conference in 2012.

12. The HKBA sees the importance of continuing the publicity and education of mediation in Hong Kong and suggests expanding the working relationship to embrace all mediation service providers, professional bodies, community organisations, Government Bureaux and Departments, and other stakeholders.

13. To further and facilitate all these, resources may need to be explored and coordinated.

Hong Kong Bar Association

14th January 2013