

Written submission

of Mr. Ma Siu Lam

on Agenda Item III “Provision of mediation services in Hong Kong”

to LEGISLATIVE COUNCIL

Panel on Administration of Justice and Legal Services

Meeting on 23 April 2013

Provision of Mediation Services in Hong Kong

At present, the mediation services are provided to the community in the following ways :

- 1) Recommendation by the disputant’s legal representative

If the disputant is in the litigation process, its solicitor will nominate a mediator who, once accepted by the other party, will carry out the mediation.

- 2) Nomination by the relevant mediation organizations

Disputants may apply to mediation organizations, e.g. the Hong Kong International Arbitration Centre, the Law Society of Hong Kong, the Bar Council, etc., for appointing a mediator. The mediation organization will nominate a mediator from its accredited mediators’ list to the disputant.

- 3) Request for mediation service to the Joint Mediation Helpline Office (JMHO)

JMHO is a non-profit-making organization promoting mediation. It can recommend mediators from Participating Service Providers to carry out mediation services.

4) Request for mediation service to NGOs

NGOs such as the Hong Kong Family Welfare Society provide mediation services to the public, in particular family mediation services whether or not in association with their social work services.

5) Approaching commercial mediation service companies

Disputants may approach commercial organizations, such as HKEMC, for mediation services.

The above channels are considered as generally sufficient in allowing the general public easy and quick acquisition of appropriate and necessary mediation services.

Other suggestions on way forward:

1. The use of mediation should be widely promoted. It is recommended that greater publicity be given on the benefits of mediation: as an effective and economical means of resolving disputes.
2. The standard and professionalism of mediators should be maintained at a respectable level with continuous enhancement and upgrading on their mediation skills. As a safeguard on achieving reasonable standard of our mediators, certain basic accreditation criteria could be introduced such as academic qualification, language ability, relevance of experience in related field. The introduction of say, an one-year apprenticeship / pupillage / traineeship scheme, for newly accredited mediators to go through some form of attachment may help them to acquire the experience / skills in becoming full-fledged mediators.
3. To standardize the accreditation arrangement and to ensure an uniform level of mediation skills among mediators, a central organization is recommended to be set up charged with the overall responsibility for accreditation and training.