

LC Paper No. CB(4)592/12-13(02)



HKMAAL

**Report on the
latest progress of
Hong Kong
Mediation Accreditation Association Limited
(HKMAAL)**

Purpose

- Update on latest developments of HKMAAL
- Hear views from stakeholders on various matters

Background

- Secretary for Justice's **Working Group** on Mediation established in 2008
- Report of the Working Group on Mediation published on 8 February 2010 (48 recommendations)
- Secretary for Justice's **Mediation Task Force** established in Dec 2010 to consider and implement recommendations
- Accreditation Sub-group set up under Mediation Task Force
- Secretary for Justice's **Steering Committee on Mediation** established in 2012

Recommendations in relation to the establishment of a single accreditation body

➤ **Recommendation 25**

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.







➤ **Recommendation 28**

A single mediation accrediting body in Hong Kong could be in the form of a company limited by guarantee. The possibility for establishing this body should be reviewed in 5 years.

Recommendations in relation to the establishment of a single accreditation body (cont)

- Strong public support for establishment of a single body for accrediting mediators during consultation
- To be the premier accreditation body for mediators in Hong Kong discharging accreditation and disciplinary functions

**Hong Kong Mediation Accreditation Association
Limited (HKMAAL)**
香港調解資歷評審協會有限公司

-  Non-statutory body
-  Company limited by guarantee
-  Incorporated on 28 August 2012
-  Regulatory body
-  Not a trade union
-  Commenced operation on 2 April 2013

**Hong Kong Mediation Accreditation Association
Limited (HKMAAL) (cont)**
香港調解資歷評審協會有限公司



Founder members:

- Hong Kong Bar Association
- The Law Society of Hong Kong
- Hong Kong International Arbitration Centre
- Hong Kong Mediation Centre

Missions

- 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
- To set standards for relevant mediation training courses in Hong Kong, and to approve them on satisfying the requisite standards
- To promote a culture of best practice and professionalism in mediation in Hong Kong

First Council of HKMAAL (*Art. 37*)

■ First Council Members appointed by Founder Members

- The Law Society of Hong Kong: Mr Dieter Yih
- Hong Kong Bar Association: Mr Kumar Ramanathan, SC
- Hong Kong International Arbitration Centre : Mr John Budge
- Hong Kong Mediation Centre: Mr Francis Law

Chairman: Mr John Budge

Other Council Members (*Art. 34*)

- Not more than 4 persons to be elected by Members at Annual General Meeting
 - Founder Members not entitled to nominate any person for election
- Not more than 2 persons to be appointed by Council from outside membership – one person so far appointed – Mr. Justice Barnabas Fung

Membership of HKMAAL

- Members confined to organizations, not individuals
- A body which joins HKMAAL will have to terminate its own existing accreditation system
- Criteria for membership is set by Council
- Working Party on Membership set up to review member applications and to make recommendations to the Council
- Mr Thomas So appointed as Chairman of Working Party on Membership

Factors to be taken into account in considering membership

- a. the objectives and activities of the organisation;
- b. the industry or sector to which the organisation belongs;
- c. the number of members of the organisation and the criteria for membership;
- d. the governance (including structure and past history) of the organisation;
- e. the number of years the organisation has been established (whether in Hong Kong or elsewhere);
- f. whether the organisation is a branch or associated body of another organisation; if yes, the relevance of such other organisation by reference to the factors set out herein;

Factors to be taken into account in considering membership (cont)

- g. if the organisation is a mediation service provider –
- (i) the types of services provided (e.g. mediation referral services, mediation training);
 - (ii) records of the services provided (e.g. number of cases referred, number of courses organised and number of mediators accredited); and
 - (iii) whether the organisation has established a panel or list of mediators, and if so, the number of mediators on its panel or list and whether the organisation has a robust complaint and disciplinary system;

Factors to be taken into account in considering membership (cont)

- h. if the organisation is not a mediation service provider –
 - (i) whether the organisation has developed a dispute resolution and mediation culture; if not, whether the organisation has any concrete plan to develop a dispute resolution and mediation culture;
 - (ii) whether a dispute resolution and mediation culture would benefit the activities of the organisation;
- i. whether admission of the organisation as a member of HKMAAL would assist HKMAAL in achieving its aims and objectives;
- j. such further or other factors as may be relevant in the circumstances peculiar to the organisation in question.

Mediation Accreditation Committee

- Mediation Accreditation Committee set up to discuss issues relating to accreditation standards
 - Mr John Budge (Chairman) - HKIAC
 - Mr Thomas Kwong – Legal Aid Department
 - Mr Francis Law – HK Mediation Centre
 - Mr Robin Egerton - Barrister
 - Mr So Kam Shing – Office of the Ombudsman
 - Mr Christopher To – Construction Industry Council
 - Mrs Cecilia Wong – The Law Society of HK
 - Ms Amarantha Yip – HK Family Welfare Society

Working Group on Accreditation Standards

- Chaired by Mrs. Robyn Hooworth which will form a Working Group
- Tasked to formulate the HKMAAL Accreditation Standards and the requisite assessment form
- Will conduct a Training of Assessors Workshop at the end of May or early June upon confirmation of the finalised assessment forms and accreditation standards

Commencement of HKMAAL's own accreditation function, assessment

- Mediators of Founder members (*HKIAC, Hong Kong Mediation Centre, the Law Society of HK, HK Bar Association*) -- may apply before 31 March 2014 to be migrated to the HKMAAL mediator panel
- The 4 Founder members continue to maintain their Panels of General Mediators and in the cases of HKIAC and the Law Society of HK their panels of Family Mediators and Family Supervisors.
- Any mediator who is accredited by HKMAAL in the future will be entitled to apply to join the Panel.

Other areas of work

- Formulation of standards for mediation training courses
- Establishment of complaint and disciplinary procedure
- Establishment of panels of mediators, supervisors, assessors, trainers etc
- Review and update of the Hong Kong Mediation Code
- Promulgation of guidelines and mechanisms for collection of information on mediation for empirical research for further development of mediation in HK