

香港家庭福利會 (English version only)

(本會為註冊之有限公司)

HONG KONG FAMILY WELFARE SOCIETY

(Incorporated with Limited Liability)

Submission to Panel on Administration of Justice and Legal Services

Re: Provision of mediation services in Hong Kong

Mediations Services provided by Hong Kong Family Welfare Society

1. The Hong Kong Family Welfare Society (HKFWS) is one of the major NGO service providers of Family Mediation in Hong Kong. We handle more than 200 cases every year and provide Family Mediation Training and live supervision for accreditation of Family Mediators. We also provide Mediation Education to students and the general public to foster a pro-mediation culture in dispute resolution. Followings are our views regarding the provision of mediation services in Hong Kong based on our practice experience.

Accreditation Requirements for Family Mediators

2. It is important to maintain the high quality standards of Family Mediation Service with a view to protect the interest of the children. Therefore, it is necessary **to upkeep the distinctive standards for accreditation of Family Mediators**. We perceive that **the existing accreditation requirements to become a Family Mediator of the Hong Kong International Arbitration Centre should serve as the minimum requirements for accreditation of Family Mediators**.

Family Mediation Service for the unaffordable group

3. At present, Family Mediation Service is provided by a few NGOs and some Family Mediators on private practice while two major NGO service providers, including HKFWS, handle most of the Family Mediation cases especially those who cannot afford to pay for the mediation fees in the market. Taking HKFWS as an example, we are charging a standard rate of \$500 per party per hour for the service (i.e. an hourly rate of \$1000 for the joint session with both parties). This standard rate also applies to legally aided matrimonial cases. As a matter of fact, the fee income is not sufficient to cover the staff and operation cost of the service. We have to rely on funding support from the Community Chest and income from training to sustain the service, and to allow fee

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remission for the unaffordable group according to their income level. Yet, the funding support from Community Chest is time-limited and cannot address the service needs of the unaffordable group in the long run.

4. The Home Affairs Bureau (HAB) introduced a Pilot Scheme on Family Mediation Service in 2012-2014 to support the unaffordable group to receive Family Mediation Service. Under the Scheme, the remuneration to the Family Mediator is only HK\$225 per party per hour (i.e. \$450 for the joint session with both parties) which is far below our standard rate of fee-charging for Family Mediation Service. It is even lower than the hourly rate of \$600 under the Judiciary Pilot Scheme on Family Mediation in 2000, i.e. more than 10 years ago. It is difficult for us to continue this high-end service at this level of sponsorship.
5. We understand that the HAB has come up with the hourly rate of \$450 with reference to the mid-point of the pay scale of Social Work Officer (MPS 34-39) and Solicitor (MPS 32-44). This hourly rate reflects HAB's assumption that a Family Mediator has to spend 40 hours per week in the activities eligible for sponsorship by the Bureau. We perceive that such a postulation is unrealistic since the efforts of the Family Mediator on handling enquiries and engaging clients (including the withdrawn parties) are not being counted. Besides, the cost of clerical support, venue fee, utilities and administrative work are also not included in the calculation.
6. We urge the government to review their support for the unaffordable group to receive Family Mediation Service. **We propose that the hourly rate should be at the level of \$500 per party per hour with a fee remission according to the income level of the party.**

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Promotion of Family Mediation Service

7. We believe that people facing separation / divorce should receive Family Mediation at an early stage before they enter into the legal proceedings of divorce. However, apart from the promotional work by the Judiciary's Mediation Coordinator's Office, there is no service publicity by HAB or other government departments. **We would like to see HAB and other government departments doing more promotional work on this service, e.g. putting up posters in each District Office of the Home Affairs Department and distributing publicity materials to potential service users.**

Mediation Education

8. Mediation knowledge and skills are life skills to prevent and manage of disputes which happen in our daily life. HKFWS has introduced a Peer Mediation Project and a Mediation Education Series for primary and secondary school students in Hong Kong since 2001. More than 2700 students have been trained as Peer Mediators to promote mediation and help resolve peer conflicts in the schools. These initiatives are demonstrated to be effective means in promoting mediation and enhancing students' capabilities in resolving conflicts in a rational and peaceful manner. It is suggested that the **Education Bureau should seriously consider incorporating Mediation Education in the school curriculum or school activities to foster a pro-mediation culture among our younger generation.**

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