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香港建築師學會

The Hong Kong Institute of Architects

29 May 2013

By Fax and By Post  
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Our Ref. : BP/LCPAJS/AF/cw/1305

Dr Hon Priscilla LEUNG Mei-fun, JP  
Chairman  
Panel on Administration of Justice and Legal Service  
Legislative Council  
Legislative Council Complex  
1 Legislative Council Road  
Central  
Hong Kong

Dear Dr Hon Leung

**Meeting of Panel on Administration of Justice and Legal Service on 23 April 2013**

Thank you for your letter dated 9 April 2013 inviting the Institute to join the captioned meeting to give views on provision of mediation services in Hong Kong.

The Hong Kong Institute of Architects (HKIA) welcomes the development on provision of mediation services in Hong Kong. Further to our delivery of verbal presentation at the captioned meeting, we are pleased to advise on our actions and views regarding the provision and promotion of mediation services in Hong Kong.

***Our Actions***

- HKIA, in association with the Hong Kong Institute of Surveyors (HKIS) and the Hong Kong Institute of Construction Managers (HKICM), promotes the use of mediation in construction with the insertion of mediation clause in its standard forms of works contract. HKIA established its list of mediators since 2004 in support of nomination and selection of mediators after the joint accreditation programme with HKIS in the same year. These mediators on HKIA's list are either accredited by the Hong Kong International Arbitration Centre (HKIAC) or otherwise as HKIA may accept on individual basis.
- HKIA is also one of the eight founders and Participating Service Providers of Joint Mediation Helpline Office set up in 2010 as a non-profit-making organization with a view to promoting the use of mediation as a means of dispute resolution in Hong Kong.

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Patron : The Honourable Leung Chun-ying, Chief Executive, Hong Kong Special Administrative Region  
A Member of The International Union of Architects (UIA), Commonwealth Association of Architects (CAA), Architects Regional Council Asia (ARCASIA) and Asia-Pacific Economic Cooperation, Architect Project

香港銅鑼灣希慎道1號19樓  
19th Floor, One Hysan Avenue, Causeway Bay, Hong Kong  
P.O. Box 20334 Hennessy Road Post Office  
T: 2511 6323 F: 2519 6011, 2519 3364  
W: <http://www.hkia.net> E: [hkiasec@hkia.org.hk](mailto:hkiasec@hkia.org.hk)

北京海澱區三里河路13號中國建築文化中心北翼9001室  
Room 9001, North Wing, China Architectural Cultural Centre,  
13 Sanlihe Road, Haidian District, Beijing  
T/F: (86-10) 8808-2219 E: [hkiabjo-sec@hkia.net](mailto:hkiabjo-sec@hkia.net)



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***Our Views Towards Resolving Construction Disputes***

- HKIA considers that architects may be one of the most suitable candidates to act as mediators in construction disputes, as architects have the inherent role in administering building contracts. Their professional training and practice give them in-depth knowledge and insights in construction processes, conditions of contract, procedures, and parties' position, such that they can **effectively facilitate the parties involved in mediation, which is a form of facilitated negotiation, to reach consensus and secure amicable settlement.**
- In successfully and satisfactorily resolving construction disputes, we consider that mediators must possess specialized experience both in construction as well as mediation. HKIA has agenda to promote mediation among its fellow members to use mediation and serve as mediators specialized for the best benefit of the construction industry.
- We hope to see more right-to-the-point support from the government, relevant departments and corporate bodies in achieving our agenda in contributing our efforts towards promoting a wider use of mediation in the society.

We appreciate to be kept abreast on the policy development of the government, its designated departments, as well as its supported organizations, such as the Hong Kong Mediation Accreditation Association Limited, on mediation service provision to, in particular, the construction industry in Hong Kong, and to see that such development is along the line of our views. We would also be obliged if further involvement of ours, as the leader of project team and the administrator of construction contracts, is seen as useful and contributive to the subject matter.

Thank you for your kind attention.

Yours sincerely

Ada S Y Fung JP FHKIA RA  
President