



香港和解中心
Hong Kong Mediation Centre

Development of Mediation in Hong Kong

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President of Hong Kong Mediation Centre



1985 Developing mediation

1994 Established mediation interest group

1999 Formation of the 1st mediation organization

2000 Launched various mediation pilot schemes

2007 Founder organisation of the Asian Mediation Association (“AMA”)

2009 Hong Kong Civil Justice Reform



Practice Direction 31

With effect from 1 Jan 2010

- An underlying objective of the Rules of the High Court and the District Court is to facilitate the settlement of disputes.
- The Court has the duty as part of active case management to further that objective by encouraging the parties to use an alternative dispute resolution procedure ("ADR") if the Court considers that appropriate and facilitating its use ("the duty in question").
- The Court also has the duty of helping the parties to settle their case. The parties and their legal representatives have the duty of assisting the Court to discharge the duty in question.
- The Court will not make any adverse costs order against a party on the ground of unreasonable failure to engage in mediation



2010 Promoting Mediation in the Mainland

2012 Formed the Hong Kong Mediation Accreditation Association Limited. (HKMAAL)

Supported by the Department of Justice, HKMAAL founded by the major Mediation organizations in Hong Kong ◦

Vision:

To create the premier mediation accreditation body in Hong Kong.



Mission

- 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



Hong Kong Mediation Ordinance (Cap 620 Laws of Hong Kong)

Hong Kong Mediation Ordinance ("the Ordinance") came into effect on 1 January 2013 and provides a regulatory framework in respect of certain aspects of mediation, including confidentiality and privilege.

The Ordinance states its objects as being:-

- i. to promote, encourage and facilitate the resolution of disputes by mediation; and
- ii. to protect the confidential nature of mediation communications.



- 2014 Chairman of AMA**
- 2014 Hosted the 3rd AMA Conference**
- 2014 Introduced the “Cross-border Mediation Mechanism”**
- 2015 Recommended CCPIT/CCOIC Mediation Centre to join the AMA**
- 2015 Cofounded the “Mainland-Hong Kong Joint Mediation Center” 「內地—香港聯合調解中心」**



This is the first joint mediation centre established by major mediation institutions in the Mainland and Hong Kong to provide an effective platform in Hong Kong for resolving cross-border commercial disputes.

1. Mediation Services

- Mainland – Hong Kong Joint Mediation Center provides cross-boundary dispute resolution services for disputes involving:
 - Commercial / trade disputes among Hong Kong and the Mainland, Macau and Taiwan enterprises;
 - Commercial / trade disputes between Hong Kong and international enterprises;
 - Commercial / trade disputes between Hong Kong, the Mainland, Macau ,Taiwan and international enterprises;
 - International commercial / trade disputes

2. Mediation Training

- To nurture mediation professionals in Mainland, Mainland – Hong Kong Joint Mediation Center provides mediation training for legal professionals, management and executives, universities and enterprises by teaching mediation skills and concepts.



3. Mediator Accreditation

Mainland – Hong Kong Joint Mediation Center establishes mediator accreditation mechanism and organises Accredited Professional Mediator Assessments for Mainland. We maintain a panel of Accredited Mediators to provide high quality international and cross-border disputes resolution services.

4. Course Accreditation

To ensure any mediation training course attaining high standard and meeting the professionalism of Mainland, Mainland – Hong Kong Joint Mediation Center accredits mediation-related course(s) and grants Continuing Professional Development (CPD) points.



2015 Apology legislation in Hong Kong

2016 Hosted the 3rd Mediation Week in Hong Kong

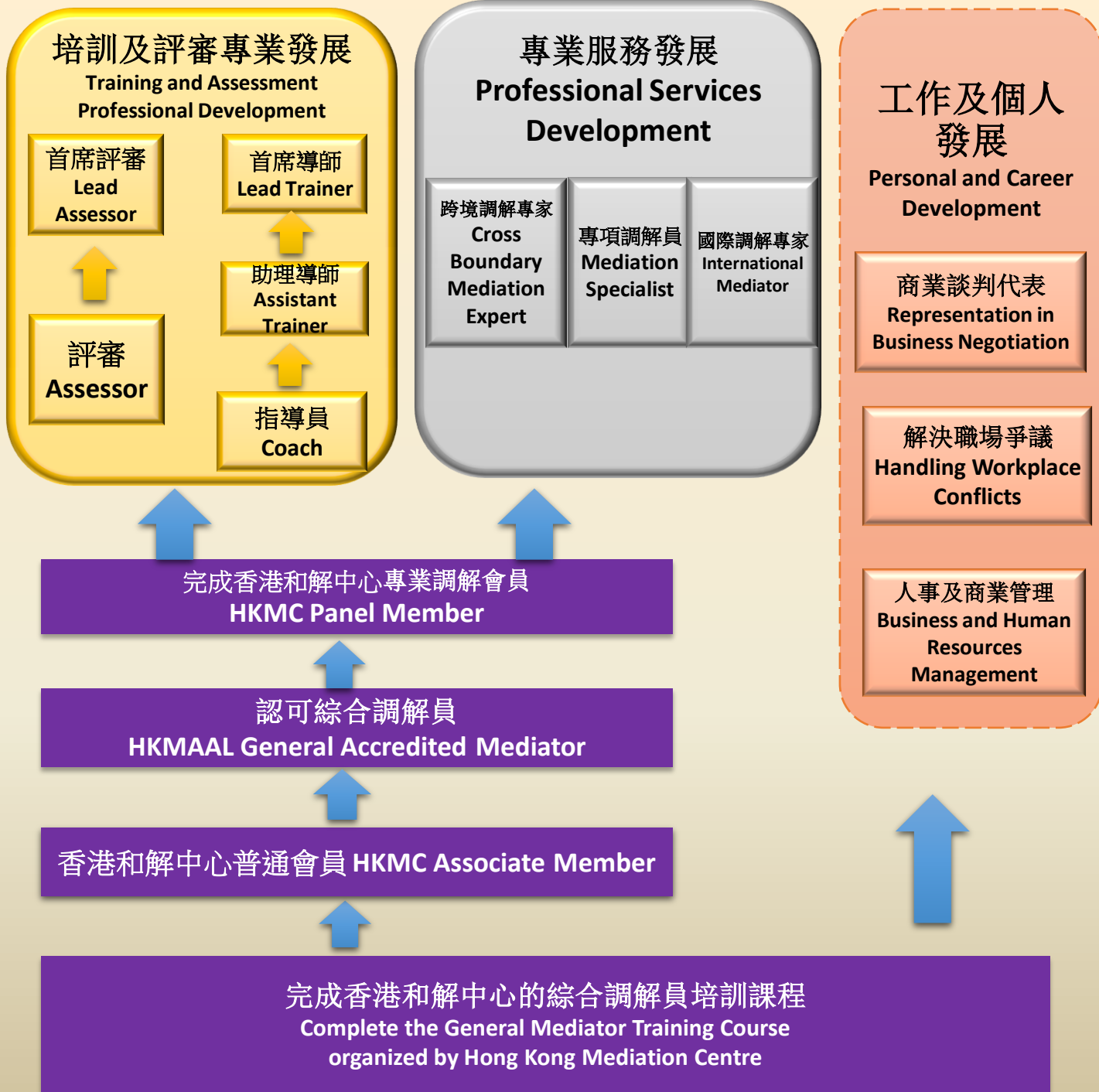
2016 The 1st professional Mediation Organisation participated as an observer in the UNCITRAL Workgroup session in Vienna



Mediation Now in Hong Kong

Professional development

- Accreditation : over 2000 Accredited Mediator
- Training : Over 1000 professionals were trained in 2015 in Hong Kong, main major cities in the Mainland, Macao and Thailand.
- Disciplinary : Independent Disciplinary Procedures of mediators in Hong Kong to monitor the professionalism and international recognized professional standards.





Support by Judiciary

CJR and Practice Direction 31 – Almost all civil case will try mediation before the litigation process since 2010.

Legal AID

With the implementation of the Civil Justice Reform in 2009, mediation becomes an integral part of civil proceedings. Parties to the proceedings may choose to proceed to mediation depending on a number of factors such as nature and circumstances of the case, and the willingness of the parties to attempt mediation.



Number of Mediation related documents filed in the Court of First Instance

	2011	2012	2013	2014	2015
Mediation Certificate	2,759	2,977	2,878	3,271	3,668
Mediation Notice	1,030	1,146	1,164	1,223	1,381
Mediation Response	949	1,062	1,031	1,078	1,258
Mediation Minutes	444	508	541	602	652



Number of Mediation related documents filed in the District Court#

	2011	2012	2013	2014	2015
Mediation Certificate	8,810	9,126	9,014	9,628	9,731
Mediation Notice	1,459	1,663	1,714	1,742	1,640
Mediation Response	1,008	1,127	1,196	1,214	1,060
Mediation Minutes	223	308	372	440	487



- **Promotion of Mediation**

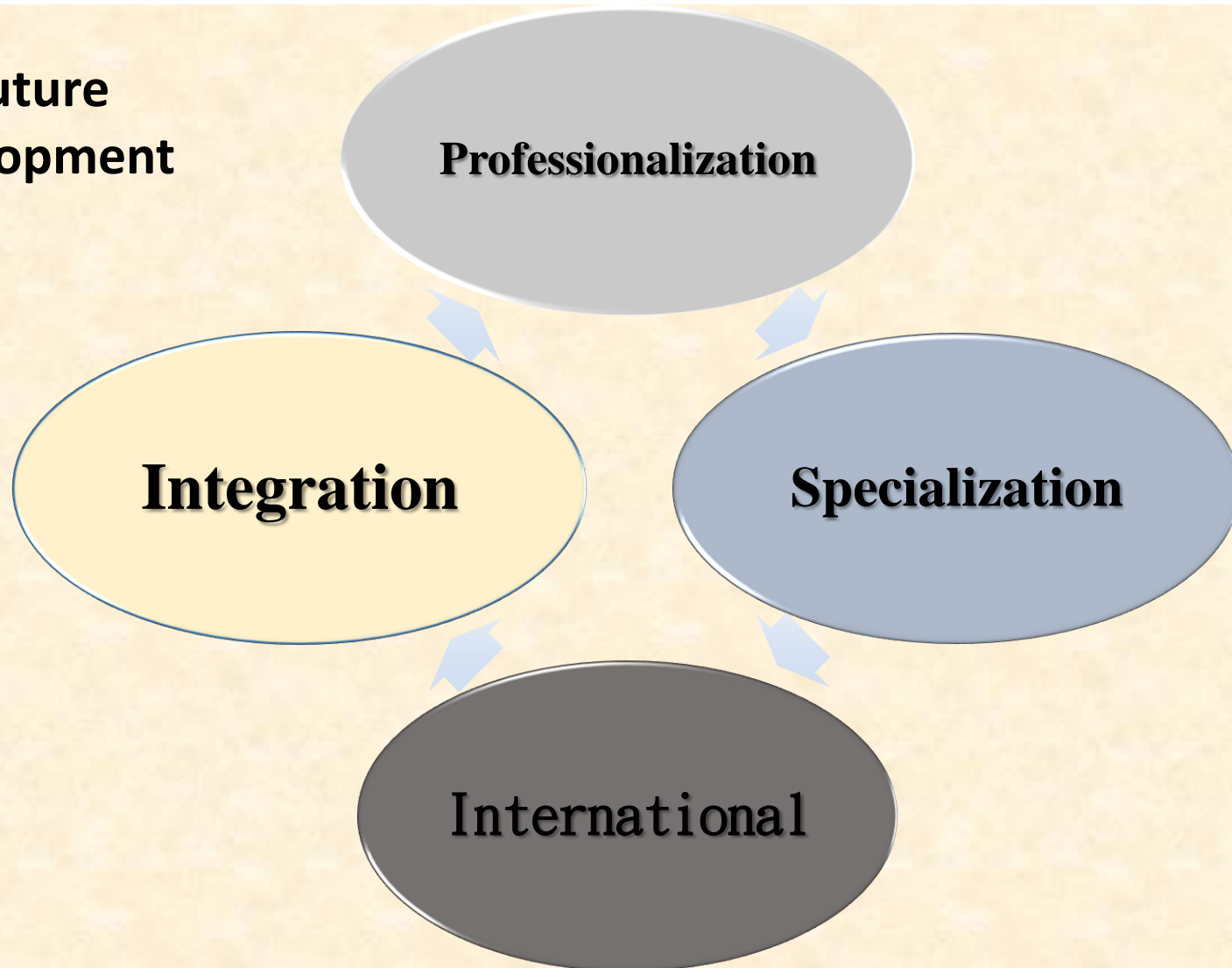
- Hong Kong actively collaborated with local and overseas mediation and arbitration institutions to promote mediation to all over the world including AMA members, IMI, CIArb, ICC, UNCITRAL, HKIAC, BIAC, SHIAC, THAC, Permanent Court of Arbitration. It helps enhance the reputation and international status of Hong Kong in mediation.
- To promote mediation in various places, Hong Kong has held over 30 mediation talks and seminars in Hong Kong, Guangdong, Shenzhen, Qinghai, Dongguan, Qingdao and Shanghai of the Mainland China, Macau and Thailand.



The International Academy of the Belt and Road released the Blue Book on the Dispute Resolution Mechanism for the Belt and Road. The Blue Book, which is the joint efforts of a panel of academics and experts on dispute resolution in Asia, puts forward a proposed uniform dispute resolution mechanism adopting the principle of mediation first and then followed by arbitration. Incidentally, this proposal reinforced the role of the Mainland – Hong Kong Joint mediation Center in establishing the cross-border dispute resolution mechanism.



**The future
development**





Mediation In Hong Kong

- **Hong Kong is well developed in the legislation, professional accreditation, disciplinary mechanism and training system**
- **A center of dispute resolution**
- **Well developed network with international dispute resolution organizations**
- **The Belt and Road Initiative and Dispute Resolution is interactive. Hong Kong is actively developing as an super-connector in the Initiative.**



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Thank you for your participation