

## Cross-sector working group actively promotes mediation

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The Secretary for Justice, Mr Wong Yan Lung, SC, said today (May 7) that the cross-sector working group led by him is actively examining a series of measures to promote the development of mediation in Hong Kong.

Issues being studied by the working group include the identification of suitable venues for community mediation, promotion of mediation to the commercial sector, strengthening of mediation training programmes in law schools, promulgation and implementation of a code of practice for mediators, accreditation standards and the continued training of mediation professionals as well as peer mediation. Consideration will also be given to the need for legislation.

Speaking at the briefing reception for the "Mediate First" Pledge of the Public Education and Publicity Sub-Group of the Working Group on Mediation, Mr Wong said the working group would complete its report by December in order to prepare for public consultation early next year.

The "Mediate First" Pledge is one of the major promotional initiatives of the sub-group. All signatories will pledge to explore the use of mediation first before resorting to other means of alternative dispute resolution or legal proceedings.

There has been satisfactory feedback to the initiative as 64 companies and 38 trade associations/other organisations have so far signed the pledge, the invitation of which was only sent last month.

The pledge is also supported by the Law Society of Hong Kong, Hong Kong Bar Association, Hong Kong Mediation Council, Hong Kong Mediation Centre, the Hong Kong Federation of Insurers, Consumer Council and Hong Kong Federation of Women Lawyers.

Mr Wong said studies overseas had shown that the primary reason for companies to choose mediation in resolving disputes was to save time and money. The mediation process is usually informal, non-adversarial, voluntary, confidential and impartial.

Mediation is becoming a major trend in the world. Among the many common law jurisdictions, Australia is taking the lead and adopting a holistic approach in developing mediation. Mediation is part of the legal proceedings there. Some courts are even empowered to require litigants to go for mediation. Their achievements are significant.

In Britain, since the reform of their civil proceedings in 1998, the court has encouraged litigants to use alternative dispute resolution processes including mediation to settle disputes. Research revealed that seven of a total 21 blue chip enterprises considered mediation as the core means to resolve commercial disputes.

Mediation is also adopted by the World Bank as a means to resolve workplace conflicts. It has also encouraged others to use mediation in commercial disputes. This is to nurture a workplace culture that values versatility and fosters mutual trust and teamwork.

Mr Wong said, "Such a healthy commercial environment built on mutual trust and teamwork will boost productivity and guide us through trying times."

Apart from encouraging organisations to sign the "Mediate First" Pledge, the sub-group also launched the "Mediate First" website ([www.mediatefirst.hk](http://www.mediatefirst.hk)) today, providing useful information including the contact list of mediation bodies in Hong Kong. The homepage is hyperlinked with other related websites.

The sub-group has also published a booklet with other practical information, such as ways to identify suitable mediators.

Ends/Thursday, May 7, 2009