

SJ: Broad consensus reached on setting up of single accreditation body for mediators (with photo/video)

Broad consensus on the setting up of an industry-led single accreditation body for mediators has been reached among major mediation bodies in Hong Kong, the Secretary for Justice, Mr Wong Yan Lung, SC, announced today (May 11) at the "Mediate First" conference.

Addressing an audience of overseas and local mediation experts, Mr Wong outlined the achievements by the Government and other stakeholders in recent years in promoting mediation. He also highlighted various aspects of work pursued by the Mediation Task Force, including the establishment of a single accreditation body for mediators.

He said the Task Force was now working hard on the detailed constitution of this body, by the name of the Hong Kong Mediation Accreditation Association Limited (the Association).

"The Association will perform the role of the premier accreditation body for mediators in Hong Kong, discharging accreditation and disciplinary functions. The current thinking is that the four major mediation service providers, namely the Law Society of Hong Kong, the Hong Kong Bar Association, the Hong Kong International Arbitration Centre and the Hong Kong Mediation Centre, will be the founding members of the Association, as well as the anchor members of its Council which would include elected and co-opted members. It is also proposed that a body which joins the Association will have to terminate its own existing accreditation system," he added.

At present, some 1,600 mediators in Hong Kong are accredited by a number of different bodies, each adopting its own training and accreditation criteria. The establishment of the Association adopting a standardised accreditation system will help enhance public confidence in mediation services.

"It is expected that the Memorandum and Articles of Association of the Association will be finalised and registered with the Companies Registry within this year. This will no doubt be a major milestone in the development of mediation in Hong Kong," Mr Wong continued.

Another significant target almost reached is the enactment of a Mediation Ordinance to provide a regulatory framework for mediation. Among other things, the Mediation

Bill seeks to set out a clearer regime regarding important issues such as confidentiality and admissibility of mediation communications. It is hoped that the Bill will be enacted within this legislative year, if not within May.

On public education and publicity, there has been a marked increase in the inquiries on mediation services since the launching of an Announcement in the Public Interest (API) on mediation broadcast on TV and radio. Another API is now being planned.

Other publicity initiatives include mediation conferences for experience sharing by experts in the field, such as the one today, the "Mediate First" Pledge campaign for companies and trade organisations pledging to consider the use of mediation first before resorting to other means of dispute resolution, and the Pilot Project on Community Venues for Mediation to identify suitable venues for mediation at nominal or no cost to promote such venues to mediators and the public.

Mr Wong said mediation as a dispute resolution method had taken root in Hong Kong and it was encouraging to see that many were pitching in and voting in favour of mediation by concrete action.

"One particularly noteworthy venture is the setting up of the Financial Dispute Resolution Centre (FDRC) by the Government with the support of the financial institutions, following the success of the Lehman Brothers-related Investment Products Dispute Mediation and Arbitration Scheme, which scored an 89 per cent settlement rate. The FDRC, for which establishment is expected shortly in mid-2012, aims to provide an independent and affordable avenue for resolving monetary disputes between individual clients and financial institutions, and will seek to settle such disputes through mediation first," he added.

Today's conference consisted of discussion sessions on topics such as mediation legislation and procedures in other jurisdictions with emphasis on confidentiality and privilege, mandatory and voluntary mediation, immunity of mediators, ethics and disciplinary mechanisms, as well as accreditation and training.

The conference is jointly organised by the Department of Justice, the Hong Kong International Arbitration Centre and the Hong Kong Mediation Council with the support of the Judiciary. It aims to raise public awareness of mediation and provide an opportunity for overseas and local mediation experts to share their experience.

The conference will continue tomorrow (May 12).

Ends/Friday, May 11, 2012