

Mediation Ordinance to become effective in January

The new Mediation Ordinance will come into operation on January 1, 2013. A commencement notice is published in the Government Gazette today (October 19).

A spokesman for the Department of Justice said that the Ordinance, which was enacted in June this year, provides a regulatory framework for the conduct of mediation without hampering the flexibility of the mediation process. The aim of the Ordinance is to promote, encourage and facilitate the resolution of disputes by mediation, and to protect the confidential nature of mediation communications.

"With mediation becoming increasingly used in many different jurisdictions around the world to resolve disputes other than through litigation in the courts, the Ordinance will enhance Hong Kong's status as a leading centre for dispute resolution in the Asia-Pacific region," the spokesman said.

Mediation is a structured process in which an impartial mediator, without adjudicating a dispute, assists the parties to the dispute to identify the issue in dispute, explore and generate options and communicate with one another with a view to reaching a resolution.

Mediation communication is confidential and must not be disclosed except under situations as specified in the Ordinance. The Ordinance provides legal certainty regarding confidentiality and admissibility of mediation communications in evidence.

It also standardises the terminology and Chinese renditions for "mediation" and "conciliation".

The Ordinance was prepared with the advice of the Secretary for Justice's Mediation Task Force and its Mediation Ordinance Group.

Ends/Friday, October 19, 2012