

Opening remarks by SJ at "Mediate First" Pledge Reception  
(English only) (with photo/video)

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Following are the opening remarks by the Secretary for Justice, Mr Rimsky Yuen, SC, at the "Mediate First" Pledge Reception today (July 18):

Mr Justice Lam, Consuls General, distinguished guests, ladies and gentlemen,

Welcome to this Reception and thank you for joining me here today to promote "Mediate First".

It has been four years since the "Mediate First" campaign was first launched in May 2009. Since then, much has happened in the promotion and development of mediation in Hong Kong. Apart from positioning Hong Kong as the centre for international legal and dispute resolution services in the Asia Pacific region, the Policy Address released in January this year reaffirmed the Administration's policy to further develop mediation services in Hong Kong.

#### Attractions of Mediation

We have no doubt that the promotion of mediation is in the best interest of Hong Kong. Not only does mediation offer an effective means of resolving disputes, the promotion of mediation services would reinforce Hong Kong's status as an international financial and commercial centre.

Apart from being more cost-effective than litigation, mediation is much more flexible in producing settlements that satisfy the needs of the parties and may go beyond what the court can do.

Confidentiality of mediation communication is another much cherished advantage. Apart from guarding against unwanted publicity, confidentiality creates an environment

where parties would be open and frank in exchanging their views, which is crucial in producing a settlement that all parties would find satisfactory and acceptable.

The fact that a mediated settlement is acceptable to the parties also explains why the use of mediation in resolving disputes can preserve the relationship between the parties, instead of driving them to a point of no return as often happens after a hostile litigation. This aspect is of particular importance in many contexts including commercial relationship between business partners and community relationship involving neighbours of the same building, and would help to foster harmony within the society as a whole.

Globalisation and regional integration do help to bring people closer, but also result in more international or cross-border disputes. Unlike litigation which has to be resolved within the confines of governing law and legal procedures, mediation suffers from no such limitation.

Not surprisingly, mediation is now an international trend. It is increasingly popular in the West and the East, amongst private entities including those in the international business community as well as public organisations such as the World Trade Organization and the United Nations. Hong Kong, as an international financial and commercial centre and in order to remain competitive, has to stay ahead of the international trend.

In this regard, I am glad to see so many Consuls General or their representatives here at this Reception. I hope you will share our vision, and spread to your fellow countrymen the news that Hong Kong is a wonderful place to conduct mediation.

#### Recent Development and the Way Forward

The future of mediation requires the joint efforts of

all relevant sectors in the community. The Administration has been working closely with the mediation community and other stakeholders so as to foster a mediation-friendly environment and enhance the requisite infrastructure.

The Mediation Ordinance (Cap 620), which came into effect in January this year, is one such example. The Ordinance provides the legal framework for conducting mediation in Hong Kong, with emphasis on preserving flexibility and ensuring confidentiality. Another example is the Steering Committee on Mediation set up in November last year. With three Sub-committees dealing with regulatory framework, accreditation and public education and publicity, the Steering Committee has proved to be an effective platform for exchanging views, setting strategies and co-ordinating efforts amongst the stakeholders.

The Hong Kong Mediation Accreditation Association Ltd (HKMAAL), an industry-led body tasked to handle matters concerning accreditation, training standards and disciplinary matters, will celebrate its first birthday on the 28th next month. Although it is still at an early stage of operation, we are confident that the participation of both local and international experts in the works of HKMAAL will soon make it a premium mediation body.

As Hong Kong is an international commercial centre, the promotion of mediation to resolve commercial disputes will continue. However, mediation is not a privilege enjoyed only by huge commercial entities or international corporations. Mediation works equally well for SMEs (small and medium enterprises) and they will be one of our target groups in the future activities. In addition, our plan for the future covers other forms of dispute including those arising from health-care issues as well as community and building management (such as water seepage).

Attitude and Culture

No matter how good our supporting infrastructure may be, mediation would not take root in Hong Kong unless we can build up and spread a mediation culture within the community. This is why we rekindle the "Mediate First" pledge campaign.

"Mediate First" is not a slogan, still less a gimmick. By making the "Mediate First" pledge, one acknowledges one's readiness to consider using mediation as a means of dispute resolution before resorting to litigation. It is a confirmation and manifestation of one's attitude towards dispute resolution.

#### Concluding Remarks

Before I conclude, may I express my gratitude to those who had signed the pledge during the 2009 campaign. Many of their representatives are here today, and I thank them for their support. I would also express my gratitude to those companies and organisations which agree to make the "Mediate First" pledge on this occasion. Their support provides new impetus for the promotion of mediation in Hong Kong. Needless to say, the promotion of mediation could not have been successful without the support of the Judiciary, the legal profession and the mediation community in Hong Kong.

Finally, may I also thank Mr Peter Cheng, Dr Bobby Chan and Professor Raymond Leung, who will be sharing their experience with us, and also all the members of the Public Education and Publicity Sub-Committee chaired by Mr Chan Bing-woon. Without their efforts and contribution, this Reception would not have been possible.

On this note, may I wish you all an enjoyable evening, and I look forward to seeing you in future mediation events.

Thank you.

Ends/Thursday, July 18, 2013