

Welcome Remarks by the Hon Rimsky Yuen, SC, JP
Secretary for Justice
at the Joint Mediation Helpline Office Mediation Conference 2013
“The Amazing Changes with the New Mediation Ordinance and Latest
Development in Hong Kong Mediation”
on 17 December 2013

Your Honour Judge Poon, Mr Antony Man, Mr Chan Bing-woon, distinguished guests, ladies and gentlemen,

I am very pleased to join the Opening Ceremony of the Joint Mediation Helpline Office (“JMHO”) Mediation Conference 2013 this morning. First of all, let me extend my warmest welcome to all of you.

2. In the past decade or so, mediation has become an integral part of the dispute resolution regime in Hong Kong, as in many other jurisdictions. 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. In Hong Kong, much work has been done by the Judiciary, the Government, the legal profession, mediation bodies and other stakeholders to promote the development of mediation.

3. One of the significant milestones is certainly the enactment of the Mediation Ordinance, which has come into effect since this January. The new Ordinance has provided a basic legislative framework for the conduct of mediation in Hong Kong, with special emphasis on the protection of confidentiality and at the same time preserving the flexibility of the mediation process. The introduction of the Mediation Ordinance reflects the Government’s determination to implement its policy to strengthen Hong Kong’s status as a leading centre for legal and ADR services in the Asia Pacific Region. It is therefore very appropriate for the title of the conference today to refer to the new ordinance and highlight its importance.

4. The Mediation Ordinance does represent a new chapter for the development of mediation in Hong Kong. However, looking ahead, there remains much to be done. This is because the Mediation Ordinance alone cannot bring about sufficient change to the promotion of mediation without the concerted efforts by service providers and other relevant stakeholders.

5. First, we need to press on with the efforts to nurture a “mediation culture” in the Hong Kong community. More promotion and education is certainly required. The Department of Justice has, for example, re-launched the “Mediate First” pledge campaign. We are glad to receive enthusiastic support, in that various types and sizes of companies and organisations signed the “Mediate First” pledge to acknowledge their readiness to consider using mediation as a means of dispute resolution before resorting to litigation. In order to sustain and reinforce the message of “mediate first” to the general public, my Department is working on another set of Announcement in the Public Interest (“API”) which I hope can go public in a not-too-distant future. We encourage organizations such as JMHO to join in such efforts in the promotion of mediation in Hong Kong, so that the message of mediation can reach different sectors of the community.

6. Secondly, quality assurance is an important key to maintaining and enhancing end-users’ confidence in mediation as a means of dispute settlement. In this regard, the Hong Kong Mediation Accreditation Association Limited, an industry-led body established in August 2012, carries with it the important mission of establishing an accreditation system for our mediators with a view to ensuring their professionalism.

7. The Steering Committee on Mediation, comprising members from different sectors of the community, will continue to work on various fronts. One of the important aspects is the monitoring of the operation of the Mediation Ordinance. In this regard, we welcome views and suggestions should mediation practitioners come across any issues concerning the operation of the Mediation Ordinance in the course of their practice.

8. Ladies and gentlemen, the future of mediation requires the joint efforts of all relevant sectors in the community. Given the scope of work required, the JMHO conference today provides a valuable forum for stakeholders and experts to come together to take stock of what have been done so far and exchange views on what should be done in future. I am confident that, with your input and support, the mediation service of Hong Kong will continue to grow from strength to strength.

9. It remains for me to wish you all a successful and fruitful conference. As Christmas and New Year are approaching, may I also take this opportunity to wish you all a very Merry Christmas and Happy New Year.

Thank you very much.