

Guangdong-Hong Kong-Macao Greater Bay Area

Mediator Accreditation Rules

(Hong Kong Special Administrative Region)

(These Rules have been translated into English for reference only. If there is any inconsistency or ambiguity between the English version and the Chinese version, the Chinese version shall prevail as the official version.)

A. Introduction

According to the Greater Bay Area Mediator Accreditation Standards promulgated and enacted by the Guangdong-Hong Kong-Macao Greater Bay Area Mediation Platform, the legal departments of Guangdong, Hong Kong and Macao shall formulate their own local accreditation rules according to the actual circumstances of each place. In accordance with their respective local accreditation rules, the three places will conduct their own accreditation of GBA Mediators and form lists of GBA Mediators endorsed by each of the three places. These lists shall be submitted to the Guangdong-Hong Kong-Macao Greater Bay Area Mediation Working Group (hereinafter referred to as the “**Mediation Working Group**”) for review, after which a consolidated panel of GBA Mediators will be formed, subject to the final decision of the Guangdong-Hong Kong-Macao Bay Area Legal Departments Joint Conference (hereinafter referred to as the “**Joint Conference**”) in respect of the consolidated panel of GBA Mediators.

The Department of Justice of the Hong Kong SAR Government hereby promulgates and enacts the Guangdong-Hong Kong-Macao Greater Bay Area Mediator Accreditation Rules (Hong Kong Special Administrative Region) (hereinafter referred to as the “**Accreditation Rules**”), applicable to the accreditation through Hong Kong Special Administrative Region based on the requirements of the Guangdong-Hong Kong-Macao Greater Bay Area Mediator Accreditation Standards.

B. Qualification and accreditation requirements of GBA Mediators

- (1) An applicant who wishes to apply for accreditation as a GBA Mediator through Hong Kong must fulfill all of the following requirements, otherwise their applications will not be accepted:
 - (a) Upholding the Constitution of the People’s Republic of China, the Basic Law of the Hong Kong Special Administrative Region of the People’s Republic of China, the Basic Law of the Macao Special Administrative Region of the People’s Republic of China, and the “One Country, Two Systems”;
 - (b) Successful completion of the designated GBA Mediator Training Course;
 - (c) Possessing at least FIVE (5) years of work experience;
 - (d) Completion of mediation in at least FIVE (5) cases;
 - (e) Possessing at least THREE (3) years of work experience as a mediator; and
 - (f) Possessing good professional ethics with no record of being reprimanded or disciplined for disrepute or professional misconduct.
- (2) The Joint Conference may, taking into account the actual circumstances of each applicant, exercise its discretion to waive one or more of the aforesaid requirements in (1)(b) to (1)(e).

Specific requirements of subsection 1(a)

- (3) For the purpose of subsection 1(a), the applicant shall, at the time of submitting the application, declare in writing that he or she acknowledges and upholds the Constitution of the People’s Republic of China, the Basic Law of the Hong Kong Special Administrative Region of the People’s Republic of China and the Basic Law of the Macao Special Administrative Region of the People’s Republic of China, and the “One Country, Two Systems”.

Specific requirements of subsection 1(b)

- (4) For the purpose of the requirement in subsection 1(b), the applicant shall, before submitting the application, have successfully completed the following courses approved by the Joint Conference, with supporting documents:
- (a) mediation training course of FORTY (40) hours minimum duration approved by the Hong Kong Mediation Accreditation Association Limited¹ (hereinafter referred to as “HKMAAL”); and
 - (b) GBA Mediator Training Course of Hong Kong designated by the Department of Justice of the Hong Kong SAR Government.

Specific requirements of subsection 1(c)

- (5) For the purpose of the requirement in subsection 1(c), the applicant shall possess at least FIVE (5) years of full-time work experience and submit supporting documents.

Specific requirements of subsection 1(d)

- (6) For the purpose of subsection 1(d), the applicant shall have commenced and completed at least FIVE (5) mediation cases within FIVE (5) years immediately prior to the submission of the application with supporting documents.
- (7) The abovementioned mediation cases should be on independent disputes², and the entire mediation process (regardless of whether settlement can be reached or not) should have been completed before the application, i.e. the mediator has completed all the mediation sessions and all follow-up matters raised in those mediation sessions³.

¹ Mediators accredited by the Hong Kong Mediation Accreditation Association Limited through the grandparenting policy will also be deemed to have fulfilled this requirement.

² It is considered to be ONE (1) mediation case notwithstanding that there may be multiple mediation sessions on the same dispute.

³ If more than one mediator is involved in the mediation sessions in the case, the applicant should be the lead mediator or it should be co-mediation in the case.

- (8) These mediation cases are not restricted to those conducted locally; mediation cases conducted in other jurisdictions will also be considered.

Specific requirements of subsection 1(e)

- (9) For the purpose of subsection 1(e), the applicant shall have at least THREE (3) years of work experience as a mediator. The applicant shall declare and submit proof that he or she has been on a mediator panel of one or more mediation organizations for at least THREE (3) years. If the applicant has worked as a mediator in his/her personal capacity for at least THREE (3) years, he or she should also submit supporting documents for consideration.
- (10) The applicant should hold a valid panel membership with the HKMAAL, or another mediation organisation whose accreditation standards, in the judgment of HKMAAL, are comparable to those of HKMAAL, in the year of the application for accreditation.
- (11) If the applicant is a mediator who is not accredited by the HKMAAL, the applicant is required to provide proof from his or her mediation organisation for the time period acting as a panel member, along with other relevant proof. The applicant should also authorise and provide consent to the HKMAAL for conducting verification and related follow-up work with the relevant mediation organisation.

Specific requirements of subsection 1(f)

- (12) For the purposes of subsection 1(f), the applicant shall uphold high standards of professional ethics and confirm in writing that he or she does not have any record of disciplinary action for disrepute or breach of professional conduct (including any disciplinary records of mediation or other professional organisations), and does not have any criminal record.

Application for Waiver

- (13) If applicant wishes to apply for a waiver of one or more of the requirements set out in (1)(b) to (1)(e) above, the applicant should apply for a waiver in writing and attach all supporting documents (including but not limited to the applicant's outstanding achievements, significant contributions, etc. in

the field of mediation).

- (14) Fulfilment of all of the above requirements does not guarantee recommending the applicant to become a GBA mediator.

C. Appointing the Hong Kong Mediation Accreditation Association Limited as the only body for handling the applications for the accreditation as GBA Mediators in Hong Kong

- (15) The Department of Justice has appointed the HKMAAL as the only body for handling the application for the accreditation as GBA Mediators in Hong Kong.

- (16) Under the supervision of the Department of Justice, HKMAAL will make announcements and receive applications for the accreditation as GBA Mediators, as well as conduct preliminary vetting and assessment (including application review and complaint handling).

- (17) Upon receipt of an application, HKMAAL will assess whether the applicant has met the above qualification requirements in the preliminary vetting to confirm whether the application is accepted.

- (18) Upon confirmation of acceptance of an application, HKMAAL will assess each applicant's actual mediation experience, *curriculum vitae* and individual circumstances, and then recommend to the Department of Justice eligible applicants to become Hong Kong-accredited GBA Mediators.

- (19) The Department of Justice will carefully consider the recommendations of HKMAAL in respect of each application and submit the list of Hong Kong-accredited GBA Mediators to the Mediation Working Group for review with a view to forming a consolidated panel of GBA Mediators upon confirmation by the Joint Conference.

D. Continuing Professional Development

(20) Hong Kong-accredited GBA Mediators are required to complete at least FIVE (5) hours of HKMAAL-approved continuing professional development training course(s) per annum.

E. Other rules

(21) The removal and withdrawal of Hong Kong-accredited GBA Mediators will be conducted in Hong Kong in accordance with the Greater Bay Area Mediator Accreditation Standards.

(22) If the application materials involve mediation communications and other mediation-related information, the applicant must adhere to the principle of confidentiality by removing or properly redacting all non-discloseable information and communications to ensure that the application materials are in compliance with all applicable laws and the principle of confidentiality in mediation.

(23) The Department of Justice reserves the right to interpret these Rules and any interpretation given shall be final and conclusive. These Accreditation Rules may be varied or amended from time to time without prior notice.

(24) These Accreditation Rules shall come into effect on 28 March 2024. The Chinese version of these Rules shall prevail in case of inconsistency.

Department of Justice
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