

**For discussion on  
22 April 2024**

**Legislative Council Panel on  
Administration of Justice and Legal Services**

**Deepening Mediation Culture**

**Purpose**

This paper briefs Members on the latest progress of the Department of Justice's (DoJ) policy initiative under the Chief Executive's 2023 Policy Address on deepening mediation culture.

**Background**

2. It is the long-term policy of DoJ to promote the wider use of mediation to resolve disputes. Mediation allows parties to a dispute the opportunity to resolve conflicts in a mutually acceptable, timely, confidential and low-cost manner. Since the Civil Justice Reform in 2009, the mediation landscape in Hong Kong has matured over the years, and public awareness has been aroused as to the benefits of mediation in creating win-win solutions for parties to disputes.

*Legislative framework*

3. In terms of legal infrastructure, the Mediation Ordinance (Cap. 620), which came into operation on 1 January 2013, provides a regulatory framework for the conduct of mediation in Hong Kong without hampering the flexibility of the mediation process. The Apology Ordinance (Cap. 631) came into operation on 1 December 2017, with the objectives of promoting and encouraging the making of apologies with a view to preventing the escalation of disputes and facilitating their amicable resolution.

### *Government's efforts in promotion of mediation*

4. Over the years, the Government has been sparing no efforts in organising and co-organising a variety of events, including the “Mediate First” Pledge campaign, the Mediation Week cum Mediation Conference, the Hong Kong Mediation Lecture series and the Investment Law and Investor-State Mediation Training, to promote the wider use of mediation and to generate exchange among different stakeholders in the mediation community,

5. The Government has also implemented various schemes to enhance the use of mediation services for dispute settlement. For example, the Small Claims Mediation Pilot Scheme (Pilot Scheme) which commenced operation in 2018 at the West Kowloon Mediation Centre, providing low-cost mediation services to the parties to Small Claims Tribunal cases, was successfully completed in June 2022. Subsequently, the Integrated Mediation Office (West Kowloon) (IMO(WK)) of the Judiciary commenced operation in July 2022, as an extension of the Judiciary's Integrated Mediation Office located in the Wanchai Law Courts Building.

### **Deepening Mediation Culture**

6. It is DoJ's vision that mediation can be used to effectively resolve conflicts in various sectors of the community, and can help build a harmonious and stable society and foster a culture that embraces mutual support, respect, harmony and inclusiveness.

### *Promoting standard mediation clauses*

7. To enable the mediation culture to take stronger root in Hong Kong, DoJ has undertaken, under the 2023 Policy Address, to pursue the initiative on incorporating standard mediation clauses in government contracts and encouraging private organisations to incorporate similar clauses in their contracts.

8. Currently, mediation clauses can be found in various types of government contracts. To promote the further use of mediation as a

means to resolve disputes amicably, DoJ will publish standard mediation clauses for reference and adoption in future government contracts. It is our vision that Government departments should, as far as practicable and to the extent appropriate, first consider using mediation to resolve disputes. To take forward the initiative, DoJ started with internal training to strengthen the “Mediate First” culture within the Government. A briefing session was arranged for heads of departments on 19 April 2024 to promote the benefits of mediation and provide assistance to bureaux and departments in drafting mediation clauses in government contracts.

9. With the Government leading by example, DoJ will also take steps to encourage private companies to include similar mediation clauses in their contracts, which will help promote the “Mediate First” culture further.

#### *Other mediation initiatives*

10. The mediation landscape in Hong Kong has evolved with continuous changes and new demands, and the Hong Kong Mediation Accreditation Association Limited (HKMAAL) has operated for more than 10 years. A comprehensive review would be timely to assess how the current accreditation and regulatory system of the mediation profession can align with these evolving needs, and how it can be strengthened to ensure its relevance and high standards of quality and professionalism.

11. The review will assess the current mediation framework holistically from different perspectives, and demonstrates Hong Kong’s commitment to maintaining a reputable and reliable mediation profession that instils confidence amongst individuals and businesses when considering the use of Hong Kong’s mediation services.

12. DoJ will also implement measures to empower the stakeholders and general public with the ability to apply mediation and mediation skills in resolving disputes in the community, e.g. disputes relating to neighbourhood, building management, consumers and social welfare, etc., through organizing mediation events and tailor-made trainings.

## **Conclusion**

13. DoJ is a staunch supporter of mediation being an efficient and effective out-of-court dispute resolution means. As part of DoJ's continuous efforts to enhance Hong Kong's status as a centre for international legal and dispute resolution services in the Asia-Pacific region, DoJ will continue to implement measures to deepen the mediation culture in Hong Kong.

**Department of Justice**  
**April 2024**