

**For discussion on
14 July 2026**

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

Proposal to amend the Mediation Ordinance (Cap. 620)

Purpose

This paper provides Members with an update on the ongoing policy initiatives of the Department of Justice (“**DoJ**”) to enhance the mediation regulatory system in Hong Kong, and seeks Members’ views on the Government’s proposed amendments to the Mediation Ordinance (Cap. 620) (“**MO**”) to implement one of the recommendations made by the Working Group on Mediation Regulatory System (“**Working Group**”).

Proposal

2. The Government proposes to introduce legislative amendments to the MO to confer upon the Hong Kong Mediation Accreditation Association Limited (“**HKMAAL**”) the statutory power to appoint mediators in the absence of an agreed choice by parties to the agreement to mediate (“**Proposal**”).

Background

3. To deepen the mediation culture, further solidify Hong Kong’s strategic position as an international legal and dispute resolution services centre and Hong Kong’s status as the capital of mediation, the Chief Executive has, in his 2023, 2024 and 2025 Policy Addresses, reiterated the Government’s commitment to strengthening the regulatory system governing the accreditation and disciplinary matters of the mediation profession in Hong Kong.

The Working Group and the recommendations

4. In pursuance of these policy initiatives, in 2024, DoJ established the Working Group, chaired by the Secretary for Justice, with members comprising

stakeholders and experts from the mediation sector in Hong Kong.

5. The Working Group has conducted a thorough and systematic review of Hong Kong's current regulatory framework for the mediation profession, covering key areas such as accreditation standards, disciplinary procedures, and the structure, role, and functions of the HKMAAL.

6. The Panel previously discussed the matter on the review of the mediation regulatory regime on 2 June 2025, during which Members were briefed on the progress of the review and the preliminary recommendations formulated by the Working Group. Members generally supported the preliminary recommendations aimed at strengthening the accreditation and regulatory framework for the mediation profession to elevate its standing both locally and internationally.

7. In response to the feedback received from the Panel and subsequent to a stakeholder consultation conducted in September 2025, the Working Group finalised seven recommendations in December 2025, which are summarised as follows:

- (1) Mediation in Hong Kong should remain as a non-licensed activity with no mandatory licensing or accreditation regime for practising as a mediator.
- (2) The HKMAAL should remain as a private company limited by guarantee to perform its role as an industry-led mediation accreditation and regulatory body, with an enhanced role and expanded functions.
- (3) The HKMAAL should be granted statutory mediator-appointing power in the absence of an agreed choice by the parties through legislative amendments.
- (4) The HKMAAL should complete the review of the Hong Kong Mediation Code ("**Mediation Code**") and going forward, take ownership and responsibility of reviewing, managing and administering the Mediation Code to provide a consistent professional standard.

- (5) Promotional efforts should be made to encourage parties to adopt the Mediation Code.
- (6) The HKMAAL should finalise and implement a robust complaint-handling and disciplinary framework to enforce the Mediation Code, and should take steps to publicise a database of its disciplinary findings on its website.
- (7) The HKMAAL should actively participate in global discussions on dispute resolution as a representative of the Hong Kong mediation industry and foster partnerships with mediation institutions worldwide.

8. These recommendations were announced and made available to the public in June 2026. The full text of the seven recommendations is set out in **Annex I** to this paper.

Legislative amendments to the MO and stakeholder consultation

9. DoJ welcomed and accepted the seven recommendations finalised by the Working Group.

10. To take forward the implementation of Recommendation 3, the Government intends to implement the Proposal to the effect that, where parties to an agreement to mediate cannot agree on the number of mediators, any party may apply to the HKMAAL to decide on the number of mediators to be appointed; and where parties under an agreement to mediate cannot agree on the mediators to be appointed or the procedures for appointing mediators (or, such procedures having been agreed but have not been carried out accordingly), any party may apply to the HKMAAL to appoint mediators for the parties. It is further proposed under the Proposal that additional exceptions to the confidentiality of mediation communications be introduced to allow parties to disclose mediation communications for making the above application to the HKMAAL; and to enable the HKMAAL to disclose mediation communications for performing the above proposed statutory functions without breaching the duty of confidentiality under the MO.

11. HKMAAL is a company limited by guarantee, with four founder members being the Hong Kong Bar Association, the Law Society of Hong Kong, the Hong Kong International Arbitration Centre and the Hong Kong Mediation Centre. The number of member organisations of HKMAAL has since expanded to more than ten at present. Since its incorporation in 2012, HKMAAL has been operating as a premier, industry-led mediation accreditation and regulatory body. HKMAAL is responsible for setting accreditation standards for mediators and mediation training courses, assessing applications for mediator accreditation and training course accreditation, and regulating accredited mediators. As of mid-May 2026, HKMAAL maintains a panel of 2,396 accredited general mediators and a panel of 360 accredited family mediators. Also, under “The Government of the Hong Kong Special Administrative Region Mediation Rules (2025 Edition)”, HKMAAL will appoint a mediator for the parties when they fail to reach a consensus on the choice of a mediator. The Working Group considered that granting HKMAAL a statutory appointing power will reinforce its unique status.

12. The Proposal will streamline the mediation process, reduce the risk of stalled proceedings arising from any disagreement regarding the mediators to be appointed, and improve efficiency in case administration, which are especially beneficial for time-sensitive disputes. Ultimately, the Proposal is expected to encourage the use of mediation as a dispute resolution mechanism.

13. From June to July 2026, DoJ conducted a stakeholder consultation on the key provisions of the draft Mediation (Amendment) Bill 2026 (“**the draft Bill**”) so as to gather feedback from the stakeholders and refine the draft Bill. Stakeholder feedback was generally supportive of the Proposal, viewing it as a valuable enhancement to the current mediation framework in granting HKMAAL statutory appointment power under prescribed circumstances, which should be conducive to streamlining the conduct of mediation.

Progress on the implementation of other recommendations

14. Active measures have also been taken by the HKMAAL to implement the other recommendations finalized by the Working Group as follows.

15. Pursuant to Recommendations 4 and 5, the HKMAAL completed its comprehensive review of the Mediation Code and published an updated version

in April 2026. This updated version addresses recent developments in mediation practices and technological advancements, while enhancing the professional standards for mediators. Going forward, the HKMAAL will assume ownership and responsibility of reviewing, managing, and administering the Mediation Code to provide a consistent professional standard. In parallel, the HKMAAL has updated its sample agreement to mediate for voluntary adoption by parties and mediators, further maximising the utility of the Mediation Code.

16. Pursuant to Recommendation 6, the HKMAAL is actively preparing to review its complaint-handling and disciplinary procedures to strengthen the enforcement of the Mediation Code. To enhance transparency and public confidence in mediation, the HKMAAL will, with due regard to the principle of confidentiality, explore the feasibility of publishing disciplinary findings on its website. Furthermore, pursuant to Recommendation 7, the HKMAAL will actively engage in global discussions on dispute resolution to promote Hong Kong mediation industry internationally.

Way Forward

17. Subject to Members' views, the Government will advance the implementation of the Proposal by introducing the Mediation (Amendment) Bill 2026 into the Legislative Council in 2026.

Department of Justice

July 2026

**Working Group on Mediation Regulatory System
Final Recommendations**

Final Recommendation 1

It is considered that imposing a licensing regime may be unnecessary, unsuitable and premature in light of the current mediation landscape in Hong Kong. It is recommended that mediation in Hong Kong should remain as a non-licensed activity with no mandatory licensing or accreditation regime for practising as a mediator. We may further explore how the existing mediator accreditation regime can be refined and enhanced in the future, e.g. through the establishment of more mediator panels in specific areas or fields.

Final Recommendation 2

It is recommended that HKMAAL should, at this stage, retain its status as a private company limited by guarantee and continue to effectively perform its intended functions as a premier, industry-led mediation accreditation and regulatory body, with an enhanced role and expanded functions.

Final Recommendation 3

It is recommended that HKMAAL be granted statutory default appointing power in the absence of an agreed choice of a mediator through legislative amendments. As in the case of the Hong Kong International Arbitration Centre, an express reference to HKMAAL in the legislation would give HKMAAL formal legal recognition and statutory power, thus reinforcing its authoritative status which is conducive to its taking a lead role in furthering the development of mediation in Hong Kong.

Final Recommendation 4

A well-established and well-drafted code of conduct for mediators is paramount to ensuring the quality of mediators. It is recommended that HKMAAL complete the review of the Mediation Code, and going forward, take ownership

and responsibility of reviewing, managing and administering it. This would better regulate the conduct of HKMAAL-accredited mediators, and provide a consistent professional standard for mediators.

Final Recommendation 5

To maximise the utility of the Mediation Code, it is recommended that promotional efforts should be made to encourage the parties to adopt the Mediation Code in their mediation agreements as the professional standard of mediators, thereby providing certainty regarding the applicable professional standard in a particular mediation.

Final Recommendation 6

In conjunction with the review of the Mediation Code, it is recommended that HKMAAL finalise and implement a robust complaint handling and disciplinary framework enforcing the Mediation Code. Subject to the principle of confidentiality, HKMAAL should take proactive and systematic steps to publicise a database of its disciplinary findings on its official website.

Final Recommendation 7

It is recommended that HKMAAL actively participates in global discussions on dispute resolution as a representative of the Hong Kong mediation industry in international conferences, seminars, and symposiums, and fosters partnerships with other mediation institutions in other jurisdictions worldwide. Where appropriate, HKMAAL might explore the possibility of reviewing its governance structure to better align with its evolving role and functions as recommended above.