

## How much does mediation cost? Who will pay for the costs?

- Mediation costs vary depending on the circumstances of the case.
- The statistics relating to the average mediation costs for cases with mediation reports filed in the Court are available at the website of Hong Kong Judiciary on Mediation (see link on the back page).
- The fees of the mediator (who will typically charge on the basis of his or her respective hourly rate) and incidental expenses such as venue charges are normally paid by the parties in equal shares. Parties may choose to engage lawyers and experts to assist in their cases. These additional fees are to be paid by the parties who engage the services.
- Some institutions provide free mediation services under certain schemes, such as the Free Community Mediation Service Scheme and Free Mediation Service Scheme for Building Management of Home Affairs Department offered by the Hong Kong Mediation Centre. For further information, please visit the websites of the relevant institutions.

## How long does mediation take?

- The duration of mediation varies depending on the circumstances of the case. Relevant factors include complexity of the case and the number of issues in dispute.
- The statistics relating to the average duration of a mediation for cases with mediation reports filed in the Court are available at the website of Hong Kong Judiciary on Mediation (see link on the back page).

## What happens if no settlement is reached at the end of the mediation process?

If no settlement is reached in the course of the mediation, the parties may terminate the mediation and proceed with other modes of dispute resolution, such as arbitration or litigation.

## Is it compulsory to participate in mediation?

No, mediation is entirely voluntary. Nevertheless, if there is an ongoing litigation concerning the dispute or that the dispute is later referred to the Court, the Court may take into account a party's unreasonable failure to mediate in exercising its discretion on costs. Adverse costs order may be awarded against that party. You may wish to refer to Practice Direction 31 – Mediation for more details.

## Mediation Ordinance

The Mediation Ordinance (Cap. 620) came into force on January 1, 2013. It provides a legal framework for the conduct of mediation, without hampering the flexibility of the mediation process.

## “Mediate First” Pledge Campaign

The “Mediate First” Pledge campaign was launched in 2009 by the Department of Justice to encourage the wider use of mediation. The purpose of the campaign is to encourage companies, organisations and individuals to make a pledge, namely the “Mediate First” Pledge. While the pledge is non-legally binding, it serves as a statement of commitment to first explore using mediation which is a flexible, amicable and constructive approach in resolving disputes.



MEDIATE FIRST  
調解為先

Join the “Mediate First” campaign by signing the pledge today. Together we can foster a mediation culture and build a harmonious society.



“Mediate First”  
Homepage

MEDIATE  
FIRST  
for a  
WIN-WIN  
SOLUTION



Department of Justice  
The Government of the Hong Kong  
Special Administrative Region

## What is mediation?

Mediation is a structured process in which one or more impartial individuals, without adjudicating a dispute or any aspect of it, assist the parties in identifying the issues in dispute, exploring and generating options, communicating with one another and reaching an agreement regarding the resolution of the dispute.

## What are the benefits of mediation?

- **Costs, time and risks savings:** Disputes can be resolved with less costs and time. Risks and uncertainty involved in litigation can also be avoided.
- **Confidentiality:** The process and settlement terms are, with a few exceptions, private and confidential.
- **Preservation of relationships:** Parties can avoid confrontation and maintain a continuing relationship.
- **Voluntariness:** Parties are free to elect to proceed or to terminate the mediation at any point in time.
- **Control over outcome:** Parties can make their own decisions and reach their own agreements.
- **Flexibility:** The process of mediation is flexible and informal in nature and may be held at any place and time agreed by the parties. It may be held by telephone, video conferencing or other electronic means, e.g. an online dispute resolution platform.
- **Interest-based process:** Mediation is a forward-looking process which aims at realising parties' genuine needs.
- **Wide range of options:** The terms of settlement can be more flexible and practical as compared to legal remedies available in litigation.

- **Win-win solution:** Unlike litigation and arbitration where there will always be a losing party, mediation can help bring about a win-win solution to disputes.

## What cases are suitable for mediation?

Mediation is suitable for most kinds of disputes. However, cases which involve the determination of constitutional issues or legal rights, where there is a genuine need to set a legal precedent, or where fraud or criminal activities are involved may not be suitable for mediation.

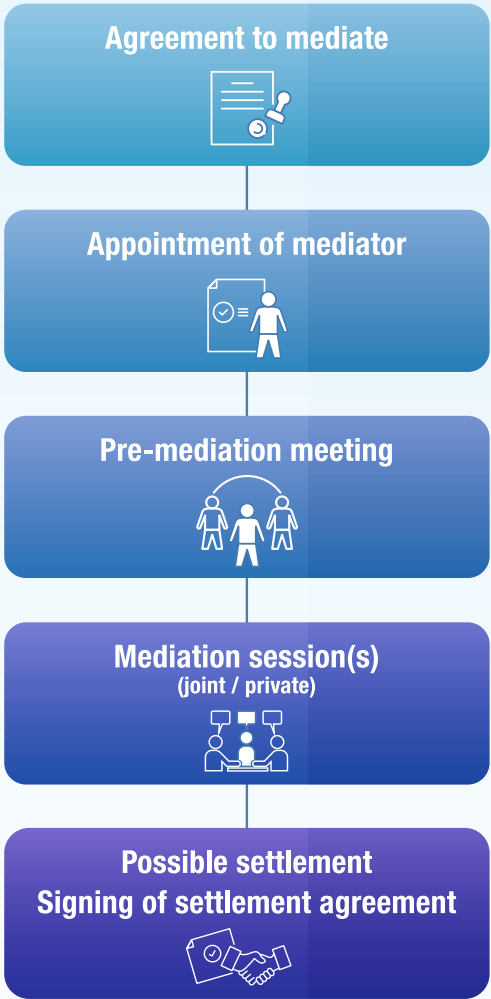
A mediator or a legal adviser will be able to assess whether mediation is suitable for a particular case.

## What do mediators do?

In a mediation session, a mediator will facilitate parties to:

- Identify what matters are in dispute
- Find out parties' genuine needs
- Generate options and solutions
- Prepare settlement agreements

## What is the mediation process like?



## More information about mediation is available from:



**Department of Justice**  
Webpage: [www.doj.gov.hk/en/legal\\_dispute/mediation.html](http://www.doj.gov.hk/en/legal_dispute/mediation.html)



**Hong Kong Judiciary**  
(Enquiry and information on court-related mediation)  
Webpage: [mediation.judiciary.hk/en](http://mediation.judiciary.hk/en)



**Hong Kong Mediation Accreditation Association Limited**  
Webpage: [www.hkmaal.org.hk](http://www.hkmaal.org.hk)

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