



MEDIATE FIRST  
調解為先

# 2020年調解徵文比賽優勝作品集

## Mediation Essay Competition 2020 Collection of Winning Essays



聆聽  
Listening



對話  
Dialogue



解決爭議  
Conflict Resolution



律政司  
Department of Justice



教育局  
Education Bureau



District 3450  
國際扶輪3450地區

亞洲排解爭端學院  
Asia Conflict  
Resolution Institute



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## 前言

香港特別行政區政府律政司司長  
鄭若驊資深大律師, GBS, JP

為提高年青人對調解的了解，以及鼓勵同學就爭議解決建立一套正面及具有建設性的思維，律政司舉辦了2020年調解徵文比賽，主題為「調解：聆聽、對話及解決爭議」。

今次徵文比賽反應熱烈，律政司共收到來自51間學校、超過260篇參賽作品，成績令人感到鼓舞。我們很高興見到水準極高的參賽作品，同學們文筆流暢、見解獨到，內容生動有趣。本書收納了所有得獎文章，讓各位慢慢細閱。

我們期望同學們透過徵文比賽，可以更深切領悟到調解背後的意義和理念，日後遇上紛爭時多聆聽、多對話，和平理性地解決爭議，亦希望同學們將調解的知識帶到生活中，締造「調解為先」的生活態度，為香港增加正能量，讓新一代可以在和諧共融、相互尊重的社會共處。

最後，我在此特別感謝合辦單位，包括教育局、國際扶輪3450地區和亞洲排解爭端學院對是次徵文比賽的鼎力支持，及各專業評審在百忙中撥冗選出是次比賽的優勝作品。

# Foreword

## The Honourable

**Ms Teresa Cheng Yeuk-wah, GBS, SC, JP**

**Secretary for Justice, Hong Kong SAR Government**

To raise the awareness of the youngsters on mediation and to encourage students to develop a positive and constructive mindset in respect of conflict resolution, the Department of Justice (“DoJ”) has organised the Mediation Essay Competition 2020 (“Competition”). The theme of the Competition is “Mediation: Listening, Dialogue and Conflict Resolution”.

The Competition has received overwhelming support. The DoJ has received over 260 entries from 51 schools. We are glad to see that the essays are of very high quality and are well-written with unique insights and interesting contents. This book contains all the winning essays.

We hope that through the Competition, students can gain an in-depth understanding of mediation and the values behind it. When encountering conflicts, they can listen and communicate more so as to resolve the conflicts amicably and rationally. We also hope that students can apply what they have learned about mediation to everyday life and develop a “mediate first” attitude, thereby bringing positive energy into Hong Kong so that the new generation can live in a harmonious and inclusive society with mutual respect.

Last but not least, I would like to extend my heartfelt thanks to our co-organisers – the Education Bureau, Rotary International District 3450 and Asia Conflict Resolution Institute – for their unfailing support to this Competition, as well as the professional adjudication panel members for taking time out of their busy schedule in assessing and selecting the winning essays.





## Welcome Message

**Mr Ronald Sum**  
**Head of Dispute Resolution Asia,**  
**Addleshaw Goddard (Hong**  
**Kong) LLP; Member of the Steer-**  
**ing Committee on Mediation &**  
**Chairman of the Public Educa-**  
**tion and Publicity Sub-Committee**

Thank you for the Secretary for Justice and the Department of Justice in leading the organizing of the Mediation Essay Competition 2020 with the Education Bureau, the Rotary International District 3450 and the Asia Conflict Resolution Institute.

As a legal practitioner for nearly 30 years, a majority part of my career is involved in resolving disputes. I have seen many concerned, eager, angry and disappointing “faces” from both the winning and losing parties. No one wants to be involved in disputes, be it international conglomerates, listed and private companies, medium and small enterprises, schools, parents and students.

Having been involved in education regularly and having acted for School-Sponsoring Body of various schools and their insurance companies, I have seen what started as a minute teasing between a few joyful friends turning into a spiteful dispute between the parents leading to lengthy and costly litigation in court. I have seen concerned schools and social workers and angry parents in this type of disputes, but what about the joyful students? In many situations, young students were forced to go their separate ways and some even left the schools. Such unsatisfactory situation can easily be avoided by “mediation” at the beginning of this type of conflicts and, for that matter, any types of conflicts.

It is with this background that the Department of Justice, with the assistance of the Education Bureau, the Rotary International District 3450, the Asia Conflict Resolution Institute and the Public Education and Publicity Sub-committee initiated the Mediation Essay Competition 2020 to instill such knowledge to the schools, parents and students. The practice of mediation is not something new but have been developed centuries ago. In recent years, it has grown to be a major form of dispute resolution internationally together with the traditional litigation and arbitration in the commercial world. It has also grown in popularity in family related disputes. It is of importance that schools, social workers, parents and students understand how to resolve conflicts by way of mediation. While our Hong Kong judiciary will always be available for parties to resolve disputes, it is time for students to resolve their conflicts even before they are escalated to their teachers, schools, social workers or parent. This is what we practitioners call “peer mediation”.

In reading the numerous mediation essays submitted, I am happy to see that the students are not only supportive and receptive of the practice of mediation, they have even raised new ideas many practitioners have not thought of. I am happy to say that this Mediation Essay Competition 2020 is a success and the students will no doubt carry such skills of conflict resolution by way of mediation, at school and throughout their lives.

I take this opportunity to thank all the schools and students who participated in this competition. I also wish to thank the Secretary for Justice in investing the time in overseeing this. Finally, I wish to thank the organizers, the dedicated mediation team at the Department of Justice, Dr Peter Pang of the Rotary International District 3450, Professor T. K. Lu of the Asia Conflict Resolution Institute, many dedicated persons at the Education Bureau and all those involved in bringing this competition to reality.





## Welcome Message

**Dr Peter Pang**  
**Past District Governor (2015-2016)**  
**Rotary International District 3450**

I would like to thank the Department of Justice to allow Rotary International District 3450 to co-organise the Mediation Essay Competition 2020. I would like to promote “Peace through mediation”.

Mediation is a profession, can timely and economically settle conflicts. Mediators are highly sloughed to solve parties’ conflict by assisting them to find the solution fulfilling their common interest.

Mediation can be practiced as life skills. By understanding the mediation system and by incorporating the skills used in mediation, one can help oneself or one’s friends in resolving daily disputes. Friends and colleagues may see the mediator as a “wise person” who has the special magic in settling issues.

Mediation can be incorporated in one’s character, if one can learn this during one’s character developmental period. This allows one to maintain one’s inner peace and at the same time contribute to the community peace.

Through writing essays, one needs to organise one’s thoughts and to revisit one’s daily experience in the practice of mediation. This is an effective way in promoting mediation through understanding, self-reflection and possible application of mediation in their lives. This helps young people to resolve their conflict amicably and harmoniously.



The winning essays are published in a book printed by the Government of Hong Kong, so as to make the winners' thoughts and experience to spread out widely.

It is not easy to organise the competition in the midst of COVID-19 pandemic. I would like to thank in particular the Department of Justice officers, Mr Ronald Sum, Professor TK Lu from Asia Conflict Resolution Institute, the adjudicating panel, principals and teachers of supporting schools who make this competition possible.





## Welcome Message

**Professor Ting Kwok lu, MH  
Founder,  
Asia Conflict Resolution Institute**

*“Mediation is not only a process,  
but also an attitude.”*

100 billion WhatsApp messages are sent every day.<sup>1</sup> That’s 13.3 times the population of Earth – and you’re probably included in that mix. But how many of you are bothered to check the WhatsApp status of each of your contacts? Well I have a weird habit of doing so. While many people are contented with the default status of “Hey there! I am using WhatsApp”, others may have something else such as “I’m sleeping” “no calls WhatsApp only” or “no legal questions without funds on account”, etc. Mine is “Mediation is not only a process but also an attitude”.

On conflict and attitude, William James, a prominent 19<sup>th</sup> century philosopher and psychologist once said: “Whenever you’re in conflict with someone, there is one factor that can make the difference between damaging your relationship and deepening it. The factor is attitude.” Life, by its very nature, is bursting with conflicting beliefs, interests and concerns. Human history is riddled with stories of conflict as an inevitable by-product of human interaction. It is the consequence of the perceived divergence of interests, or a belief that the parties’ current wishes cannot be satisfied simultaneously.

So how do we deal with our differences, especially given the human propensity for conflict? One common attitude is “Might makes right”. While we cannot deny power may be a way to resolve conflicts on a short term basis, one’s power could hardly be sustained forever and thus, power struggles will be never ending.

<sup>1</sup> Sean Keach, “WhatsApp Says 100billion Texts Were Sent in a DAY on Record-Breaking New Year’s Eve,” The Sun, January 3, 2020, <https://www.thesun.co.uk/tech/10662338/whatsapp-texts-nye-new-years-eve-100billion-messages/>.

Fighting, battles and wars will certainly breed anger, hatred and suspicion. As such, how can a relationship be maintained by such an approach of conflict resolution?

Interestingly enough, we are not taught how to deal with these recurrent inevitabilities at school, at least to the extent that we do not have a set syllabus or formal education curriculum on conflict resolution. The most training we may have is through debating which is in fact arguing over facts of logical deduction for or against a given motion. We tend to argue to win rather than to resolve the conflicts and the mentality is to let the judge or judge panel to determine who wins. In order to win, a debater will certainly confuse and he/she is not able to convince. Besides, a debater will not only attack the opposing arguments but also the person advocating such arguments. As such, emotions could run very high and feelings could be hurt by the toxic exchanges. You may have heard of this – “Arguing with a fool proves there are two”. Are you sure you think conflicts could be resolved by debates and arguments?

So what is the attitude that we should have in resolving conflicts that will not damage the relationship but will make the relationship or friendship even firmer? My sharing is “mediation”. Mediation comprises the assistance of an impartial third-party, the mediator, in identifying issues in the dispute, exploring and generating options, effectively communicating and reaching an agreement that is responsive to their needs and acceptable to all parties. An important principle of mediation is self-determination, which promotes the parties’ voluntary agreement of the disputes through connection, communication and collaboration. A successful mediation effort has an outcome that is accepted and owned by all parties themselves.



In doing so, a more sustainable outcome is founded where the relationship of the parties involved is more likely to deepen, rather than be damaged.

It is understandable that not everyone wants to be a professional mediator but the mediation skills acquired would certainly be useful for a doctor to deal with the patient and the anxious patient's family members, a teacher to deal with the students and their helicopter parents, a personnel manager to handle the conflicts among the competing staff, etc.

I feel very honoured that the Department of Justice has accepted my suggestion to organise this essay competition as a means to promote mediation. Your participation is not only to win the competition but to win-win in the sense that you are here not only to get a prize or an award but with the bigger mission to promote the use of mediation in Hong Kong.

I thank all those who put up wonderful efforts to make this essay competition happen. Special thanks to the Secretary for Justice, Miss Ada Chen of the Mediation Team of the Department of Justice, the Education Bureau, Mr Ronald Sum, and Dr Peter Pang.

Thank you once again for your participation and dedication towards mediation as a means to resolve conflict, especially during these unprecedented times. I encourage you all to connect with and learn from each other as like-minded individuals. And do remember, mediation is not only a process but also an attitude.

Thank you.

## 鳴謝 Acknowledgements

特此鳴謝是次調解徵文比賽各位評審小組成員。承蒙各位鼎力支持，比賽得以完滿舉行。

Special thanks to the adjudicating panel members of the Competition. Your time and dedication allows for the success of the Competition.

陳家成大律師  
Mr Vod Chan

梁海明教授  
Prof Leung Hai Ming, Raymond

梁慶豐教授  
Prof Leung Hing Fung

梁偉峰博士  
Dr Leung Wai Fung, Joseph

金鈴  
Miss Kam Ling

呂哲盈博士  
Dr Lui Chit Ying, Wendy

(按字母順序)  
(In alphabetical order)



## 冠軍 Champion

陳盈豐

### 中三 五旬節聖潔會永光書院

#### 賢者善聽

一對勇於善聽的耳朵，它能在犯錯時警醒自我，以致不會發生因一意孤行後造成的後果。人若是擁有它，不但能減少犯錯的機會，而且可從別人的建議中，取得正確的方向。

博文幼時是一個別人愈說愈固執的人，凡事只隨自己的想法，我行我素，因此經常造成覆水難收的局面。例如一次，父母帶博文到商場逛街，他經過玩具店，看到心愛的模型便緊緊捧它在懷中，走出商店，過後無論爸媽苦口婆心地向他解釋即使想要，也不能用搶的方法得到。然而，博文認為商品放出來，就是讓人取的，他並沒有錯。

直至成長過程中經歷接二連三的過失，他領悟到接受別人的意見，虛心聆聽，使他在為人處事上突飛猛進。工作時，博文在會議上發表了一份關於開發遊戲的議案，卻被老闆認為太乏悶，一口否定。於是他和同事互相借鑒和討論，使議案煥然一新，不但得到老闆的賞識，還在過程中收獲寶貴的經驗和成功感。

忠言總是逆耳，只有我們勇於接受和聆聽，才能在絕路裡開創一條康莊大道。

亞軍 First Runner-up\*

**CHEUNG Tsz Yat**  
**Form 3 Carmel Secondary School**

**AI Mediator: a fantasy or a bold move?**

Surely you've known C-3PO, a droid which provides comic relief in the Star Wars saga by giving out statistics such as the percentage of survival. But have you ever thought of droids, or simply Artificial Intelligence, being a mediator to negotiate for a consensus?

Is it so improbable that it should be deemed as a fantasy? In fact, no. Programming Artificial Intelligence, or AI, as mediators to conciliate disputes is applicable in my view. It might be a bold move, but it surely will be a successful one.

The main reason why mediators are needed is because people think that they are being cheated by their contracts or policies, and with an AI being a mediator, this can be wholly prevented. AI is just an algorithm, a programme that has no preference. AI mediates by just comparing different information, doing an analysis, and concluding a feasible proposal for both sides to agree on. The opposing sides both can relate to the proposed solution because, to be frank, they trust AI more than another person because AI is emotionless and won't be swayed by human prejudice. Artificial Intelligence is different from human mediators as AI does not have emotion that may influence their decisions when creating a proposal to help both sides to reach a consensus. AI mediators can provide a truly fair platform to create a proposal to which both sides would agree.

Moreover, training an AI is so much easier than training a person to be a mediator. AI is well-known for its swift learning and tremendous efficiency that no human can match. Once again, we get to be wowed by the greatness of AI algorithms, which can learn



on its own once it is programmed. AI's existence is to ameliorate the process of programming, and it can shorten the time needed for mediator training. Just give the AI a dozen sample cases to try mediate, and before you know it, the AI is qualified. From a recent research<sup>1</sup>, it is proved that AI is capable of analysing information, and is even faster than the human professionals (in the case, lawyers) with more data provided than the lawyers did.

To conclude, AI surpasses human ability in analysing information, and therefore introducing AI as mediators is, doubtless to say, an applicable idea as AI has higher efficiency, and does not have human emotion to be swayed, hence is capable to provide a true fair platform and proposals. Needless to say, the chance of a successful mediation will be raised highly as the clients would regard the proposed solution as a fair one and accept it. The true problem is actually human prejudice, and AI mediators could at least, lessen it a little.

<sup>1</sup> <https://www.lawgeex.com/resources/AlvsLawyer/>

\* There are 2 first runners-up due to same overall marks.

\* 由於出現同分情況，初中組亞軍由兩位參賽者共同獲得。



## 亞軍 First Runner-up\*

李舜怡  
中三 裘錦秋中學(元朗)

### 聆聽與對話

聲音，是佔據這大千世界的其中之一大。這秒聽見雷電掠過空中發出的轟鳴聲，下秒就聽到風拂過樹葉發出的沙沙聲。但聽過最多的或許是媽媽的「快出來吃飯啦！」和戀人的那句「你愛我嗎？」

聲音兼具著輸出信息和輸入信息的一樣大工具，人也是在這其中一點點匯聚成一體又或是各散東西。有些人人在一段關係裡渴望理解與愛，於是一張嘴總在叨叨絮絮個不停，像一部喋喋不休的機器張牙舞爪地咆哮，這不過是需要個消化口——聆聽。

聆聽是門藝術，我想總有人試過假裝自己有在認真聽別人樣子吧，時不時點點頭擺弄自己的手指又或是假裝真誠的看著他人的眼睛回應一句無關痛癢的：「真的嗎？這也太過分了。」實則話語早就從左耳進右耳的消散在淡薄的空氣裡。排除掉一切因素，但如此的做法得來的絕不是好結果。每個人在那些沒有光透進來的日子裡，都需要一個真誠溫柔理智的人的勸告與鼓舞。

你看過一本叫《我就要你好好的》的書嗎，在遇到看似傻乎乎樂天派的女主角前，那個男主角是個因為車禍不幸高位截肢而變得憤世嫉俗的人，他們相遇後，讓男生一點點改變的靠的不是什麼，是那些一點一滴凝聚到時間裡，是聲音於對話的力量，以一顆心去融化另一顆孤寂的心。



聆聽與對話才是安撫一個焦躁靈魂的最佳良藥。傾訴者往往都被那塊叫苦惱的大石壓的喘不過氣來，於是用嘴巴說。或許倒苦水的倒是也是這樣來的，將一腔的不滿和一腔的苦悶都全部倒出來，就像潑出去的水收不回來那樣。但他們往往不是單向的，聆聽者是那片光，把那苦水都曬乾直至消散再不復見，在那一句一句的交談中，把那塊大石悄悄地搬走後丟棄，讓人不由得一身輕。這其中有什麼巧妙？沒有，只需要你的真誠和耐心便足以。

聆聽和對話是以心換心，一個靈魂對另一個靈魂的撫慰。不要錯失良機，把握和不同靈魂的交感。

\* There are 2 first runners-up due to same overall marks.  
\* 由於出現同分情況，初中組亞軍由兩位參賽者共同獲得。

## 優異獎 Merit Award

**CHEUNG Ian**  
**Form 1 La Salle College**

### **The Art of Listening**

What do you do when you have arguments with others? Today, I would like to discuss how to solve conflicts with different people.

Firstly, how do you prevent or solve arguments with your parents? In most families, children and teenagers often have arguments with their parents for various reasons. If arguments happen too frequently, it may lead to a disharmonious family life. However, not many families know how to solve conflicts and arguments properly. Sometimes, attempts to reconcile differences lead to further arguments and the situation may turn even worse!

An effective solution is we must listen to others with our hearts. Many parents worry about their children becoming addicted to playing video games and neglecting their studies. Poor academic results have become a common source of arguments between parents and children. To solve the problem and have a good relationship, they should talk to each other patiently to understand each other's concern and point of view. A complete ban on playing video games may not help the child improve his studies and a parent's voice can easily be ignored. Through a heart-to-heart talk, they can negotiate a schedule for study and play. Through listening and dialogue, the problems can be solved.



Secondly, how do you solve conflicts between classmates that aren't best friends? Use the same formula. Both sides need to listen to each other, or other classmates' opinion. However, many arguments between classmates are more complicated than those between parents and children. It often takes hours, days, or even weeks to find the source of the problem. The main reason why many right, and therefore, it is even more important for classmates who are not close friends to listen to each other.

Thirdly, let us look at problems between real friends. It happens that close friends argue because they often stay together. The longer they stay together, the more conflicts will be caused. However, unlike solving conflicts between classmates, it is much easier to solve a conflict between friends. Friends know each other. They share the same thoughts and interests. Therefore, they will listen to each other sincerely. Soon, the problems will be solved more easily.

Remember, two heads are better than one. If you cannot solve a conflict by yourself, ask for advice from people you trust, such as teachers, parents or good friends.

In conclusion, listening earnestly and having a dialogue is the best way to solve conflicts, problems and arguments. We should cherish our good relationship with others with our hearts!

## 優異獎 Merit Award

郭庭光  
中二 喇沙書院

### 和平使者

我希望世界會變得更和平。

人們和諧相處，世界和平當然是一件美好的事。不過，人們對每件事也有各自的看法和觀點。當意見不合時，難免會出現糾紛。作為一名中二的學生，我沒有能力改變世界的普遍現象，但卻可當一名「和平使者」，以對話和聆聽化解身邊的糾紛。

我除了是一名學生，也是學校訓導組的一份子。我希望能盡力調解身邊同學們的糾紛。近年因反修例風波，校內論政之風盛行。然而，同學們或會因意見不合而發生口頭糾紛，甚至演變成暴力打鬥。在我的班中，也曾發生類似事件。還記得，數名同學因政見不合而產生糾紛，其中一名同學更拿着鐮刀揚言要斬傷對方。因現場沒有老師，我連忙把他們分隔。接著，我待他們冷靜下來後，嘗試與他們談話，並把糾紛的原因紀錄下來。我用心聆聽他們各自的看法後，便勸雙方也退後一步。最後，他們在互相道歉後，和平地離開，事件美滿地解決了，沒有演變成暴力的打鬥。

古語有云：「忍一時風平浪靜，退一步海闊天空。」糾紛可透過雙方互相的聆聽和體諒，達成既能滿足各方所需，又為各方所接受的和解，達至「雙贏」的局面。

我會努力當一名「和平使者」，希望能透過聆聽和對話，解決爭議，令世界變得更和平。



## 優異獎 Merit Award

### PANG Asher Form 3 Carmel Secondary School

#### AI mediator: a fantasy or a bold move?

In our society, clashes between one person or party and another occur every day. These clashes may be solved or cooled down within mere minutes, but can also last as long as years, breaking up couples, straining the relationship between parents and children, turning best friends into worst enemies, and may even cost lives. That's why we need mediators — to mediate these clashes. Traditionally, the mediating work is done by actual humans.

However, some suggest that AI mediators are better. They have their own reasons, but not all of us agree with them. In this essay, I will look at some of the major pros and cons of AI mediators and compare them with human mediators.

Some say that AI can never replace humans as they cannot have sympathy. After all, thoughts and feelings are what separate a man and a robot. Only through thinking in the shoes of both parties and experiencing how they feel can enable a mediator to mediate a conflict in a way that the conflict will end in favour of everyone.

Another argument opposing AI mediators is that some may think that robots are rather creepy, especially when they resemble humans a lot. Think of it this way. If you see a mechanical robot, built with plastic parts, you might think it's cute. But when you see one that appears more like a human, it likely makes you feel uncomfortable. And it is unlikely that you accept suggestions from a person that makes you feel uncomfortable. There is, however, a solution to that. By making the robot look like a robot (and not a person) while making it look cute will probably ease this problem.

From the above it seems that AI mediators will only bring trouble, but is it really the case?

An interesting opinion is that robots can't be biased. As stated above, robots normally won't have any feelings, thoughts or opinions, and even if one somehow manages to give a robot the ability to have a mind, it won't go as complex as a human's. It seems really insignificant, but it is unlikely that a robot has experienced much of life to be biased towards something such as, lets say, stepmothers. Humans, on the other hand, cannot completely avoid being biased. For example, a lot of people think that stepmothers are evil. It is being portrayed in multiple stories, fairy tales, and more. But in reality, there is no proof or evidence that stepmothers are always bad. Such bias is unfair to certain groups of people, and it may become a reason why the conflict cannot be resolved or mediated.

Another advantage of AI mediators is that robots have special strengths that we don't. They can remember far more than a human could, hardly spill any secrets, just to name a few. It is the small details such as security and accuracy that customers value most.

In conclusion, AI mediators have both advantages and disadvantages. I agree that AI mediators can never fully replace human mediators, but they can serve an assisting role.



## 優異獎 Merit Award

**LAM Chi Hei**  
**Form 3 St. Louis School**

### How to “negotiate” with our mother

How often do you go off in a huff or feel yourself fuming after arguing with your mother? How come we see things differently or simple matters quickly escalate into a shouting match? Sometimes, it is very hard to negotiate with our mother, especially when strong feelings get in the way of effective communication. In order to get what we desire without harming any feelings or relationship, I suggest using an “A –B –C”tactic.

Let me begin with letter A: Adopt an empathetic attitude while “negotiating” with our mother. Always stay calm and open, speak in a respectful tone and listen patiently to our mother’s concerns. This attitude provides favourable conditions for us to clearly explain our own standpoint and feelings to our mother. Perhaps because our mothers are adults, they tend to impose their own ideas on us in most circumstances. However, with an empathetic attitude, even the most authoritative mother will be willing to take a step back. After all, maintaining our composure while presenting our arguments makes us sound more mature, thoughtful and reasonable. These qualities are what every mother is expected of her child.

Next, B: Brainstorm all possible needs of ourselves and of our mother. In addition to an empathetic attitude, arguments that can accommodate the needs of both sides are crucial for reaching a consensus. For example, we may argue with our mother when she reads our WhatsApp messages. On one hand, we think our communication with our friends should be kept private. On the other hand, our mother may want us to make friends with people that can have a positive influence on our academic achievements. If we do not brainstorm all possible needs of our mother, we may solely perceive her wants as an intrusion into our privacy at the moment



she reads our WhatsApp messages. However, if we have brainstormed all our needs and our mother's needs, we can see that her actual need is to know who our friends are, but not our conversation, which does not invade our privacy. Hence common ground for better negotiation. A resolution can be asking our mother to confirm whether knowing more about our friends is her need. If so, we can take the initiative to tell her more about our friends and convince her that reading the WhatsApp messages is by no means necessary. This is a win-win approach.

Finally, C: we must Choose the right time to 'negotiate'. We should ask ourselves whether we and our mother are both in the right mood to resolve the problem. If the answer is YES, 'A' and 'B' are more effective. If the answer from anyone at that time is NO, I will recommend coming up with another time. However, do not wait too long to resolve the problem because an unresolved conflict often lingers like a stone in our shoe. When both our mother and we are much calmer, or after the anger has passed, we can then sit down and discuss. Maintaining level-headed is very important in this stage because we can then talk in a rational way and create more opportunities for both sides to reach a common ground. After mutual hearing and understanding, it becomes possible for the conflict to be resolved.

To conclude, we should strive to achieve a harmonious relationship with our mother but not give her perpetual headaches. If we all follow the A-B-C steps above, we can definitely get along with our mother well. We need to adopt an empathetic attitude to express our viewpoints frankly, brainstorm all possible needs of each other to come up with a win-win resolution and choose the right time to 'negotiate'. In this way, our relationship with our mother will grow because 'healthy negotiations' enable us to understand each other more.



## 優異獎 Merit Award

### YIU Long Hei Adrian Form 1 La Salle College

#### Listening with your heart

Have you ever wondered why humans have two ears but only one mouth? God made humans like this, to let them listen to others' opinions and not to speak too often. However, many of us seldom use our ears but overuse our mouths. It is not easy to be a good listener. Nevertheless, on the upside, being a good listener has many benefits. It is also considered as one of the noble characters of a person.

First and foremost, listening with our hearts is a type of respect for others. When we speak, we are letting others hear what we say. Listening with our heart is what the speaker expects of us, as he talked on behalf of us. This is also the reason why adults always adjure us to speak less but listen more. Besides, listening to others by heart can let you understand more about the speaker, thus knowing how to communicate with him or her. This would be beneficial for both the speaker and the listener.

Next, listening to others conscientiously can lead us to success.(Chinglish). Famous investor and financier Bernard Baruch once said, "Most of the successful people I've known are the ones who do more listening than talking." The people who listen to others more than talking can learn many lessons from the wise, and thus know much more than others in many different aspects. Conversely, the ones who talk more often will lose chance after chance of learning essential or possibly life-changing things, and would never become the smartest.

The third benefit of listening with our hearts is that it enables us to mediate. This quality is very important in our social life. As we are listening, we are allowed to avoid conflicts and arguments, and

most importantly to resolve problems. By listening to others' needs by heart, we would know what they want and find out a way that can benefit both of them.

Listening with our hearts empowers us to solve problems. Many disputes happen every day, either concerning trivial or significant matters, at home, at school, or at work. Sadly, most people involved in these conflicts think about what others have wronged oneself and what price he or she should receive as compensation. They do not listen to others' needs, and thus cannot offer a reasonable compensation or price to others, often resulting in legal disputes which waste a significant amount of time and money.

Possibly, these people may say that they have already listened to others' needs by heart, and it is the problem of others not accepting their so-called reasonable compensation. In fact, they have misunderstood the meaning of "listening by one's heart". Listening by one's heart not only requires the listener to listen to the speaker attentively and not do other things but also to think in someone's shoes. Otherwise, they would never understand others' needs, and in turn, conflicts will form.

It is not only in the adult world that mediation skills are applied, but also our social relationships too. Everyone can get into quarrels and arguments with friends because they refuse to listen well. The first and vital mediation skill is to listen carefully to what others say. Hopefully, this would be enough to prevent conflicts from happening.

As seen above, listening with our hearts is crucial in both academic and social aspects. It is the bridge between different people and a form of communication. Without listening to others with your heart, you would never have a friend for long.

To mediate, we must first think about others. To think about others, we must empathize with others. To think about others, we must first listen with our heart.



## 優異獎 Merit Award

戴欣琪

中三 五旬節聖潔會永光書院

### 爭議避免與解決

每個人對事物都有不同的看法，人們往往會因不公或利益等事情而導致爭議，所以爭議在日常生活上的確難以避免，卻總有解決之法。

記得有一次與家人發生有些爭議，造成衝突。那時，父親教我做數學題，但我發現他與老師的教學方法不同，便反教他那條算式如何處理。由於我們對這條算式認知不同，難以代入對方的思考，討論越來越激烈而發生爭論。後來，我們待雙方冷靜後，便用平心靜氣的方式去討論，最終解決問題。有時雙方立場或情緒不同而導致爭議，背後反映大家只希望對方能明白自己的立場，卻因態度及情緒的影響而難以收拾。

如果要避免爭議，我們要學懂接受求同存異，包容對方不同的價值觀及處事原則，採用雙方可理解的方式溝通，說明自身看法並尊重對方想法，拉近彼此的觀念後才能敞開心房去瞭解，讓大家放下歧見，共同解決糾紛。

因此，解決爭議並不是一個人便能解決，需要雙方共同了解問題所在，並可以正面的態度去面對及處理糾紛，歧異和衝突便會自動消除。

## 優異獎 Merit Award

### 潘栢樂 中二 救恩書院

## 如何解決朋輩糾紛

我們從幼稚園開始，已經交朋結友，朋友的數量還要比親人多。跟朋友相處的時候，會有快樂的時光，也會有吵架的時候，這是由於每一個人的成長背景不同，價值觀不同，待人處事的方式也不同而導致的。如果和朋友產生糾紛時而不懂處理，輕則就大吵一場，重則就大打出手，最後感情決裂。因此，我們從成長中要學習如何處理與人相處的方法。

解決問題三部曲的第一步，就是找出問題的根源。每當兩個人發生爭執的時候，大家都有自己的觀點，在那一刻各人就會把自己的耳朵關上，不願意聆聽別人的意見。這時候我們要深呼吸，停一停，想一想，為什麼會發生衝突？學習找出導火線，別人是不是有什麼苦衷，此時此刻，大家都需要空間去靜靜地思考，切忌唇槍舌劍。

解決問題三部曲的第二步，就是認清當下，專注目前的情況。我們要時常謹記每個人都是獨立的個體，都有獨立的思考，遇到糾紛的時候，一定要尊重別人的看法和感受，切忌不要因別人的看法和自己不一致而出手傷人。我們可以表達自己的意見，但觀察到別人不願意解決時，應該學會轉移話題或者離開現場，讓事情過去後才和朋友理性討論，可見審時度勢，認清當下的重要。

解決問題第三步，就是定下解決問題的方法，問題解決後雙方要付出誠意去重建友誼，兩個人能夠成為朋友，建立友誼是一種緣份，當大家珍惜友誼的時候，自不然是要接納和包容對方，同時願意為了友誼而道歉。或許大家覺得對不起是很難說的話，就約對方去打籃球或者做運動，在和諧的氣氛下重建友誼。

成長階段中，每個人都有經歷到喜、怒、哀、樂等情緒，只要我們用正面積極的心態去面對事情。存好心、說好話、做好事，自然能夠和你的家人朋友好好相處，糾紛便自然解決了。



## 優異獎 Merit Award

林爍

中三 五旬節聖潔會永光書院

### 調解與冥想

調解與冥想兩詞看似互不相關，可若將兩詞組合，就會變成一個具有認知功能，亦富有情感行為表現的生活理念——「自我調解」。

身為人，煩惱總是纏繞在左右，無論是生活上，交友上，愛情上，處處都會出現很多突如其來的問題，會讓人突然陷入一種茫然、焦急、狂躁的情緒之中，有些現代人因為一時的挫折，就選擇輕生。生活持續出現的失望，歸根揭底是心態的問題，當長期身處在緊張的壓力底下，得不到放鬆，如果當這種壓力超過了某種負荷能力的時候，就會讓人出現偏激情緒，久而久之，這些埋藏在靈魂深處的心結，終不能解。

這一切都歸咎於那得不到放鬆的心態，而自我調解不單是要身體上的放鬆，還需要心靈上的放鬆。如果在感到煩惱鬱悶時，就閉上眼睛，專心在自己的呼吸上，給自己找一個出口，每呼出去的都是萬千的雜念，吸進來的都是新鮮的空氣，大腦充滿氧氣後，自然會想到解決問題的方法，並要欣賞自己，善待自己，便能漸排精神壓力，繼續向著自己的目標進發。

## 優異獎 Merit Award

### WU Tin Yan Jamie Form 3 St. Paul's Convent School

#### Sorry Seems to be the Hardest Word?

Have you ever said 'sorry' to another person, all the while knowing you are right?

In this day and age, apologies seem to be overused and abused, spoken so flippantly and carelessly that sometimes it loses its meaning. Controversy over apologising has raged on for decades, if not centuries, but what does it mean to truly say 'sorry' and why is a heartfelt apology so hard?

First of all, it is worth considering the act of apologising. The course of an apology is more intricate than the mere 'sorry' we utter to a fellow pedestrian when we collide into them by accident. An apology is a pledge to both the apologiser and the victim: they feel remorse for their misconduct, they take on responsibility for the said misconduct and they strive to make amends.

Yet not all wrongs can be resolved by an apology, no matter how genuine, and this is what makes sorry seem to be the hardest word; even if you offer a heartfelt apology, there is no guarantee it will be accepted; and as the apologiser, you have no right to demand the victim to 'forgive and forget'. It makes apologies unappealing and arduous, some see it as a sign of weakness, others, surrender; either way, it leaves the apologiser susceptible to hurt.

What is more, people's perspective on apologising might be affected by factors like family background, early education and low self-esteem. Their upbringing shapes their personality, which in turn, is the driving force of their behaviour; some parents might teach their children that they are always in the right, while other parents might view apologies as a mark of maturity.



Another point worth noting is the situation in itself. Simply because one believes themselves to be correct, does not mean any other person with differing views must be wrong. We look at situations from different perspectives and must once in a while take a step backwards and take off our rose-tinted lenses.

From my point of view, to offer a genuine apology is no small feat. As an apologiser, one must showcase humility and hope to earn forgiveness; as a victim, one should be considerate and appreciate the other person's willingness to make amends. Sorry might seem to be the hardest word, but I believe apologies signify a new chapter of life, and surely it will all be worth it in the end.





## 優異獎 Merit Award

### Ruvarashe Lyndah SHOKO Form 3 YMCA of Hong Kong Christian College

#### Sorry seems to be the hardest word to say?

It is a simple small, seemingly irrelevant word. It has been a subject of thesis, songs, folklore, immortalized in each society's fables, dance and song. Misused or withheld, it has torn families, and pitted brother against brother, leader against leader and nation against nation. It is the word that defines revolutions, internecine strife and endless suffering. Practically all judicial courts, human rights commissions from the Rwanda genocide, the South African apartheid, Kamer Rouge victims, the holocaust and slavery commissions are looking for a simple way to find out the truth, but ultimately closure entails holding hands to say the hardest 5 letter word, "SORRY". Used well, with sincerity, it is the ultimate therapy and healer to both parties. In any language sorry speaks to the humble core of humanity. Sorry turns strife into hope, a future born afresh. A flower ready to blossom. Sorry is the rains of the savanna, refreshing the winter landscape into lush green flowering valleys. Sorry renews friendships, marriages, brotherhood and nations to begin life afresh with trust and belief in the common good. Unfortunately, sorry seems to be the hardest word ever.

To err is aptly human, we are not perfect. We make mistakes in all aspects of life, in our individual capacities and as collective society. We fall short of the glory and cause immeasurable pain to those we hold dear and strangers alike. Usually our actions are never intentional but a result of lack of understanding and empathy. Humans are inherently good. We rarely set out to hurt others and vice-versa. Conflicts, arguments and misunderstandings arise because of viewpoints and acts of ignorance.



Sometimes our core beliefs are misguided and stood on wrong moral philosophy in history. We therefore wronged the past, present and future generations. We lost relationships in conflicts and all the world's gold cannot recompense. The only way forward is to go on knees, a simple touch, tears acceptable and the difficult word, "Sorry".

The gesture of apologizing is easier said than done. Generations are conditioned to construe sorry as an admission of guilt and a sign of weakness, be it in among siblings or from a president. Sorry acknowledges that someone means more than personal petty ego, accepting different viewpoints and self-accountability. Sorry takes effort, it is a verb. It is a word that demands conviction, action and emotion speaking louder than the syllable. Sorry is much more than good manners, politeness, political or social correctness and respect. Sorry is the language from the heart. Sorry is forgiveness of self and others, leaving the past and opening new horizons.

## 優異獎 Merit Award

### 邱智勛 中一 荃灣聖芳濟中學

## 在家溝通指南

溝通，是人類在日常生活中無時無刻，隨時隨地都會使用的一種交流方式，職場又或者是學校裡，我們每天或多或少都會與他人聊上幾句，而我們回到家中後，又是否「懂得」和家人友好地溝通？

第一，我們要明白溝通是甚麼——溝通是人與人思想以及感情的傳遞和反饋的過程。我們在家中又該如何把情緒傳遞給家人是尤為重要的，我們回到家中後，可以把一天下來發生的事情向家人傾訴，告訴他們你的心聲，因為溝通最重要的，是令聆聽者明白傾訴者的所思所想。

第二，除了宣洩我們自己的心聲，也要去聆聽家人的心聲。畢竟他們又為了你而勞累一天，你也該好好坐下來與你的家人好好聊個天，不要認為家中的事都事不關己，他也是這個大家庭一員啊。

最後，在與家人溝通時亦需要注意用詞、語氣及態度。不然的話則會引起誤會，導致與家人的關係變差。

溝通是一團火，用的好它能為你照亮道路；用的不好它就會燒傷你，無論身處何地溝通都是很重要，包括在家裡。



## 優異獎 Merit Award

蘇永熹  
中三 荃灣聖芳濟中學

### 在家溝通指南

調解，按字面可解釋為調停意見，平息紛爭。實踐的方法有很多，如傾談問題所在、找出解決方法、制定協議並實踐。

但在現實生活中往往是說易行難，就以玩手機一事為例，大多父母都覺得子女們總是一天到晚機不離身，卻從不靜心欣賞那些提高自我品格修養的文學作品；同樣，子女們也無法理解父母為何抱著那老掉牙的傳統遺訓，不接受新興文化。其實，年紀和閱歷的差異造成了兩代人之間的矛盾和代溝，但只有找到適合的調解方法，衝突也是可以化解的。

以前在家裏只要我一拿起手機，父母就會覺得我在玩樂，嘮叨教訓個不停，不耐煩地回敬幾句爭吵就一觸即發，過後就是幾天的形同陌路。後來在一個平和的氣氛下我主動與父母傾談這個問題，我告訴他們：「現在有許多功課和練習都需要在網絡上完成，所以我拿起手機不一定是為了玩樂。」父母也道出了心底話，覺得我在玩樂與學習之間的時間分配上很有問題，而且對眼睛健康也有影響。

雙方將問題提出後，我和父母就訂了一個口頭協議。我儘量均衡地分配學習和玩樂的時間，但自制能力有限，父母在提醒我時語氣也無需過分嚴苛。父母也明白告訴我，他們也曾年輕過，明白年輕人需要有自己的玩樂時間，但既然定了規矩就努力遵守，不能光說不做。當然，在後期執行的過程中也有過不少拉鋸場面，但慢慢地雙方也達到了某種默契，有時候只需一個眼神或提示，對方就已心領神會，家中的爭吵也少了很多。

雖然這只是我和家人的一種調解方式供大家參考，每個家庭背景和習慣都不一樣，需要雙方找出適合自己的調解方式。父母是我們不可選擇也不能斬斷的聯繫，家也是往往需要裏面的成員用一生卻用心經營的東西，有什麼紛爭是不可以調和化解的呢？俗語有話：「家和萬事興」希望大家都能以調解去磨平與家人之間的尖刺，才能讓這個家中充滿愛和融洽。



## 優異獎 Merit Award

### KWAN Lok Yiu Jasmine Form 3 Holy Family Canossian College

#### To think in someone's shoes and empathy

Everyone has heard of the idiom 'put oneself in someone's shoes', but do they really know the importance of thinking in someone's shoes or how to do it? Nowadays, many people judge others before thinking twice if they are right or wrong, or if they even know the whole story. This usually leads to conflict and results in someone being offended or feeling depressed. Therefore, thinking in someone's shoes is undeniably crucial in our daily lives, not to mention, imperative for resolving conflicts and maintaining harmonious relationships. To clarify the topic, this essay is going to help you explore the usefulness of empathy and how to think in someone's shoes.

To begin with, feeling heard and understood is a human need. Everyone wants to be understood. Standing in someone's shoes helps us grasp how others are feeling, so as to empathize with their perspectives, opinions, or point of view and respond appropriately to the situation. To shed light on the topic, imagine yourself being in an agonizing dilemma that you are worrying about what to do every second of the day. Thus, you tell two people about your problem. The first person responds sympathetically and gives you some useful advice. On the other hand, the second person jokes about your problem, and says s/he does not understand why there is a problem at all. Which response would you appreciate more? I presume the answer would be the first one.

Now you know why thinking in someone's shoes is important. The real question is how to do it. First of all, unless you have experienced the same or similar situation as the person did, you would not know what the person is going through, and you are in no better position to criticize him or her. Therefore, you need to put yourself in his or her shoes. First, you need to ask yourself how well you know the person and his or her background as these factors affect how the person sees the situation. For instance, if a person who worships literature is being forced to study science, you can definitely rule out the possibility that s/he is walking on air. Second, you need to know the whole story. Ask the person what happened and try to learn as much as you can. Third, in order to fully understand the person's actions, you need to ask yourself what you would have done in his or her situation. Lastly, you need to analyze the situation from that person's viewpoint without being biased, using the information you received.

In conclusion, everyone has their own issues and their own unique war to fight. Thus, do not be so quick to judge or make light of someone else's situation as in just a blink of an eye, you could be walking in their shoes. Empathy is utterly vital in our daily lives, so why hesitate? Start putting yourself in others' shoes from now on!



## 冠軍 Champion

吳宜棕

中五 香港道教聯合會圓玄學院第三中學

### 歉在心裏口難開

相信大家都見過沙。每顆沙，曾經也是堅固的石塊。年月流轉，風吹雨打，熱漲冷縮，石塊中看不見的裂縫逐漸加深加闊，終於石塊分裂為二，二分為四，直至成為零散的沙粒。人際關係亦如是，每次衝突也為情誼帶來裂縫，若沒有及時修補，裂縫可能惡化成嫌隙，化成沙粒飄散。

猶記得組織學生會活動的一個片段。經過連串社會事件，我們希望在聖誕聯歡會時舉辦「班際天才表演大賽」，讓同學能於歡樂中暫時忘卻煩憂。停課後同學忙於追趕學習進度，很多班別都沒有足夠時間排練演出。因此，我的好朋友大樹，也就是學生會副主席，私下答允同學於表演當天的早上，提早開放舞台讓不同班別綵排。

後來，我從同學口中聽到這個安排，一腔怒火從心頭湧上。首先，比賽前的排練時間有限，不可能安排各班排練，也會出現不公的情況。再者，我可是學生會主席，怎可以沒諮詢過我就私下答應同學？我憤怒地質詢大樹，而他那不置可否的表情，讓我也不想再與他溝通了。接下來的數天，大家不瞅不睬，仿如陌路人。

表演當天，我提早回到學校，才發現原來是個誤會。大樹的理念是，要上台練習就必須要付出，比其他人更早到達。因此他向所有班別提議「先到先得」，並只限五個名額可以上台練習一次，也沒有不公問題了。既然大家持着共同理念，都是為了活動完美，那又何必相煎何太急呢？道歉豈不是我失去了面子？豈不是代表我認錯？豈不是代表他不用與我商量就私下代表學生會作決定……如是者，心雖有歉意，卻始終沒說出來。

隔了數天，歡樂老師察覺有些異樣。細問下，我坦然告訴她，覺得不被大樹尊重，也想不到如何面對。放學後，歡樂老師邀



請大樹和我一起去下午茶，並慢慢引導大家說出心底想法。原來大樹知道我那段時間，正忙於準備校外的辯論比賽，又因時間緊迫，才私下作出決定事後他認為我仍在生氣，是個小器的人，覺得委屈。一剎那，雖然彼此沒有清楚說出「對不起」等道歉字眼，大家都心領神會，冰釋前嫌。

衝突常有，冷靜過後，我們卻往往覺得難為情，不願先示弱道歉，甚至不知如何面對衝突後的爛攤子。第三者的調解，有時就像樹洞，讓我們打開心扉說出感受，點點滴滴接通對方，使大家坦誠面對衝突主因。孟子有說：「人之相識，貴在相知，人之相知，貴在知心。」衝突雖可加深石塊上的裂縫，悉心調節角度，解開心結，反可避免再觸及裂縫！



## 亞軍 First Runner-up

### FAN Chun Hei Form 4 G.T. (Ellen Yeung) College

#### My mediation story

Every day, there are many conflicts between people everywhere, including in school, at home or working in the office. If people cannot handle the conflicts properly, they cannot be friends anymore or they may even hate one another. However, if they go through mediation, they can solve the conflict in a peaceful and positive way. Here I will share my mediation story of my classmates in my primary school.

In primary grade three, I was just a little kid and nine years old. On the first day of going to school, I sat with a classmate called Tom. The one who sat behind me was called Chris. I always chatted with them so they were my friends. One day when the lesson was finished and we were having recess, Chris tripped Tom intentionally. Tom lost his balance, fell on the floor, screamed and started to cry. His knee hit on the floor and bled. He shouted at Chris with his face full of tears, "You tripped me on purpose! Why did you do it?" Chris answered coldly, "It is because you broke my pen after I'd lent it to you, but you didn't even think of apologizing to me or pay me a pen! How selfish you are!" After that Chris went away, leaving me and Tom speechless and sitting on the floor. After a long silence, I went to the medical room with Tom so he could sterilize his wound. I stayed there with Tom for more than an hour, wondering why Chris would do this to his friend.

The next day I went to visit Chris. I tried to tell him what he did wrong in the hope of mending the broken friendship, "Maybe it is Tom's fault that he broke your pen and he didn't buy a new one for you, but you cannot take revenge on him as he will get hurt physically. The consequences can be dire!" Despite my attempt to convince Chris, he still thought that his action was justified and said

“He treats me badly as he didn’t apologize to me, so I have the right to treat him badly. This is an eye for an eye. This is fair! Why do you have to scold me?” I said, “Are you out of your mind? I’m not scolding you!” To my disappointment, he didn’t listen to me and ran away angrily.

Later, I went to visit Tom and checked on him. His wound was almost healed even though he looked a bit distressed. I told him what Chris said, “He said that you borrowed his pen but you damaged it. And you didn’t think of paying the pen. What is happening? If you want me to help you get to the root of the problem, you need to be honest with me and trust me as your friend.” Tom answered grievously, “I am sorry that I broke his pen, but I did not break it on purpose. I bought the pen already after I’d broken his pen, but I always forgot to apologize and give it to him. I also regretted it but I don’t know how I can express my feelings and thoughts to him.” Every cloud has a silver lining. It’s true and I was glad that I have found my own. I finally knew the truth after I had listened to them with an open heart and mind. All my misunderstanding, doubt and confusion disappeared all of a sudden. I decided to let them meet together to mediate and resolve the conflict.

When they met together, I tried to encourage both of them to open up themselves because I believe that honest communication is the only antidote. Chris finally knew what he did wrong so he confessed to Tom in honesty, “Tom, I’m sorry that I hurt your leg on that day. I hope that you will not remember this woeful incident.” However, Tom was still upset about the hurt on his legs. He said, “If you let me trip you once, then we can be friends again.” Before Tom finished talking, he already kicked on Chris’s leg. Chris fell on the floor but fortunately, Chris didn’t get hurt this time. After moments of silence, Chris didn’t mind and accepted Tom’s new pen. They were reconciled with each other and became friends again.





When I look back at this mediation story, I realize that revenge is not sweet. Even worse, conflicts with others will only escalate while misunderstanding will continue to ruin a relationship which can never be mended. Mediation is not complicated and everyone can be a mediator with an open heart and mind. It is in fact an effective way to solve conflicts so we should develop a positive and constructive attitude when solving problems in the real life.

## 季軍 Second Runner-up

### CHOI Lok Yin Form 5 St. Paul's Convent School

#### Sorry seems to be the hardest word?

“I’m sorry”—a phrase that sounds and looks simple but is remarkably difficult to say. The concept of apologies has been instilled into every one of us since childhood, teaching us to take responsibility for our own actions. We learn, or rather, are prompted to apologise to others when having wronged them, be it bumping into a playmate or hogging all the crayons. We learn that apology is the way to forgiveness. Yet, as we grow older, “I’m sorry” seems to fade out of our vocabulary and only pries from the depths of our throats to enunciate the words in reluctance when absolutely necessary. What, then, is the significance of apologies, and why do we find it so hard to express them?

In mediation, the goal is for the parties involved to settle a dispute. An apology is central to mediation, allowing partakers to acknowledge faults and thus enabling closure and improving relations. A famous example would be that of Wayne Blanchard and Gary Geiger, in which Blanchard shot Geiger in an armed robbery and caused the latter to end his sprinting career and lose his job. Geiger suffered from chronic anxiety and post-traumatic stress following the incident. In an attempt to take the weight off his chest, Geiger contacted the then-incarcerated Blanchard through a victim-offender mediation session to discuss the shooting. The intimacy and directness of the encounter provided both men the sense of security to speak of the event vulnerably, which contributed to Blanchard’s authentic and heartfelt apology as well as Geiger’s subsequent acceptance, gave both parties the assurance and peace of mind for Geiger to forgive Blanchard and end on friendly terms with him. Geiger even testified for Blanchard, asking for him to be released on parole.



An apology is, in this sense, a non-coercive method of balancing or evening out previous power imbalances. The apology serves to bring the transgressor, in this case Blanchard, to humility while empowering Geiger, the victim. It symbolically lowers the perpetrator and raises up the wronged to meet on a level playing field, dismissing the warped power dynamic and instead allowing both to see eye to eye. In turn, this gives both parties a new understanding of each other and is ultimately transformative in terms of the individual as well as the relationship between the two—Geiger no longer saw Blanchard as the powerful entity in his nightmares, and in return, Blanchard received validation and acceptance from Geiger.

Given the cathartic power of apologies in mediation, it then seems counterintuitive to be so opposed to saying sorry. However, we, as human beings, have our own reasoning behind this seemingly illogical behaviour.

Speaking of mediation outside of extremes like the Blanchard–Geiger case, in daily life where circumstances are less intense, the transgressor may deliberately refuse to apologise as a means of defending one’s dignity. This is due to the innate perceived threat that apology poses to one’s self esteem, which undermines their value integrity, or one’s confidence in the belief of their goodness and core values. Withholding apology, on the other hand, has been shown to increase the transgressor’s feelings of power and control over themselves and the situation, leading to a smaller emotional and cognitive incentive to apologise, as doing so may elicit a sense of guilt. Another cause for the difficulty of expressing repentance is the intimidating prospect of admitting fault and putting oneself in a vulnerable position. This fear of humiliation leads to even more negative emotions of shame, creating a stronger aversion to apologising. Hence, our nature of prioritising protecting our sense of self is integral to our disinclination towards expressing apology.

Nevertheless, it is still imperative that we initiate apologies in order to maintain positive interpersonal relationships and cooperate as a community. Goffman's principle of proportionality proposes that an effective apology should be proportional to the wrongdoings they serve to right. A good apology should admit responsibility, refrain from justifying one's behaviour, and offer to make amends. Therefore, to build a more harmonious society, we should learn to let go of our egos, and apologise when appropriate, embracing social connections with others instead.



## 優異獎 Merit Award

HUI Marcel  
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### The Rising Prominence of Mediation

If aliens exist, they would very likely have mediation as the main pillar of the intergalactic law. Why so? To me, mediation isn't at all a human invention but rather an inevitable product in the evolution of intelligent life, a natural creation that arises as a means to restore harmony, order and/or peace. Paradoxically, mediation is both ancient and novel, having been practised since time immemorial, when the first dispute invariably arose between the very first human beings. Funnily enough, this crystal of human wisdom had been sunken and only until recently has it been rediscovered in the long-forgotten chasms of human evolution. In this essay, I shall argue that mediation should take up a much more prominent role than it is now being accorded, with the coming of the 21st Century.

For the position

Firstly, mediation usually is the best for all parties. Unlike litigation, which is lengthy, costly and very likely to be damaging to either or both parties, mediation could cater for the needs of all parties in a relatively more amicable and convenient manner, achieving more or less the same result in the end with a great saving in costs. Fazzi (May, 2002<sup>1</sup>) once stated that comparing between litigation and mediation is synonymous to comparing rock to water. Though rock is harder and stronger, water always wins in the very end. In litigation, there is only one winner, or quite likely none at all whereas in mediation, there shall be two. Despite opponents asserting that mediation creates a settlement at the mid-point of both parties' interests and thereby satisfies neither, their argument is flimsy in that the final agreement to which two parties come into is not the mid-point of their separate wishes but rather, more of a common destination to which their interests and wants point towards.



Furthermore, mediation is the killer of conflict and the assassin of dispute. Humanity is intrinsically similar to an ecosystem, albeit a very sophisticated one. The society has its own ways of regulating and restoring balance but when these two are overridden then a conflict is imminent. Fighting fire with fire would not be the wise choice in such cases since, as Gandhi had once said, *an eye for an eye makes the whole world blind*.

Personally, I find the nuclear negotiations with North Korea a perfect example. For more than half a century, no one had any idea about what was cooking up inside the Iron Curtain of the East until mediation stepped in. From when Supreme Leader Kim Jong-un first agreed to opening doors to his historical crossing of the 38th parallel north, the mysterious nation has seen major milestones such as a flourishing diplomacy and the restoration of links with the outside world. Suddenly, worries of nuclear warfare ceased and tensions were much eased.

Moreover, quoting British statesman Lord Palmerston, *“We have no eternal allies, and we have not perpetual enemies. Our interests are eternal and perpetual, and those interests it is our duty to follow”* Undeniably, evading responsibility is a truly tempting option. However, your choice to ignore will not stop the Earth from spinning or the Sun from rising. One day, you will again find yourself face- to-face with that business partner whom you had wronged or that long-forgotten friend whom you had lied towards. What then? Run away? You see, a person cannot run forever, which further highlights the beauty of mediation, reconciliation and resolution. After all, nobody can laugh till the end, that is, except the ones who are paid to do their jobs. The magic of mediation enchants in that it is long-lasting and forever. Although in litigation you may win back your reputation, wealth and dignity, what you had lost you had lost forever.



## Against the position

Nevertheless, mediation is a solution but never the only solution. It is a key to many locks but not all locks. The thing is, every problem has its own solution which is chosen after thorough contextual analysis. The Israeli-Palestinian peace process is perhaps the most famous example of mediation being an utter failure for reasons I would now unfold. When Zionism met Palestinian nationalism, the Holy Land could hold neither because neither were willing to accept either. The 1947 UN Partition Plan did not work because it left the territory cut up like a jigsaw puzzle; The 1991 Madrid conference again failed because the borders were left disputed; The 1993 Oslo Accords failed because Israel refused to give the West Bank up (Kelman, 2007<sup>2</sup>). In the end, all efforts attempting to bring peace have brought everything back to square one. Clearly, the essence of mediation, namely communication, was missing. Furthermore, there is considerable inequality regarding the bargaining power of the two states, with Israel and Palestine being the oppressor and the oppressed respectively for as long as the struggle lasted. More importantly, there wasn't an actual impartial third party to act as a neutral mediator as all those involved had their own interests and agendas to serve. All these factors combined together to greatly hinder the peace process, thus, a negotiation towards peaceful coexistence is made virtually impossible. This example vividly illustrates when mediation cannot possibly work.

Moving on, mediation is devised by humans and therefore is prone to error. To begin with, mediation is only established upon trust between the two parties. Were either one of the parties to dishonour the terms like how Hitler regarded the Munich Agreement as a 'scrap of paper', the final settlement would instantly lose its power and become a 'toothless tiger'. Additionally, everyone is, in theory, egocentric. Everyone wants the solution to benefit themselves more than others and this is what makes a compromise so difficult to achieve. If truth be told, a 'happy medium' never exists because coming into terms is like a never-ending game of tug of war wherein each party simply wants the rope on their side.

## Further evaluation and conclusion

It appears to me as a layman that mediation in this jurisdiction is still at the stage of a mewling and puking infant. Therefore, I venture to suggest several areas which may be explored with a view to enhance our current mediation system.

Firstly, it hardly needs explaining that mediation, where applicable, should be used and encouraged to be used as early and as far as practicable. Yet in the Practice Direction 31 governing how mediation applies to all civil proceedings which have begun by writ, the legal representatives of the parties are obliged to advise their clients only when litigation has taken place. Here I ask: can we explore the feasibility of obliging the lawyers to alert their clients to the use of mediation as early as the advising or pre-litigation stage?

Secondly, a settlement agreement is only legally-binding upon being signed by both parties at present. Even so, it is only enforceable as a contract executed by both parties, superseding the previously contractual relationship, if any, but not a court order. Therefore, were the terms to be breached it would only equate to a breach of contract with which legal consequences or rights to appeal are left absent. Hence, I am in the view of codifying or formalising the settlement agreement, granting it adequate legal binding power, thereby making it an obligation that, without honouring, would result in legal sanction.

Finally, by way of an example, China has a very well-developed system which comprises judicial and extra-judicial mediation (King and Wood et al.<sup>3</sup>), the former of which is either supervised by an arbitral tribunal or court. In my view, I believe that the reason for its success boils down to one word – ‘flexibility’. For instance, the autonomy of parties needs not be strictly maintained so long as the situation does not require so, making the process more tangible and suitable. In the United Kingdom, where the aggregate success rate of settlement reaches a high 89% (O’Neill, 2018<sup>4</sup>), evaluative approaches are adopted in tailoring the best solution for each case, not to mention, it is well established that the mediator acts as a proactive facilitator rather than a player, thereby granting



the parties more freedom. In short, I believe that flexibility, autonomy and contextual analysis is key to success.

As the old saying goes, *a society grows great when old men plant trees whose shade they know they shall never sit in*. Even though mediation is still a young seedling in Hong Kong, I am certain that it would soon become many of the important pillars of the temple of law for it is, as aforementioned, a natural product of wisdom that comes inevitably with time. Until then, there is still a long road ahead.

1 C. Fazzi, "Mediation vs Litigation: The strength of water vs the strength of rock", Dispute Resolution Journal, May – July 2002.

2 Kelman, Herbert. The Israeli-Palestinian Peace Process and Its Vicissitudes Insights from Attitude Theory. May 2007, scholar.harvard.edu/heckelman/files/Vicissitudes.pdf, 10.1037/0003-62.4287.

3 King and Wood, et al. "Extra-Judicial Mediation System and Practice Part I of II." China Law Insight, 31 Oct. 2011, www.chinalawinsight.com/2011/10/articles/dispute-resolution/extrajudicialmediation-system-and-practice-ipart-i-of-ii/.

4 O'Neill, Jan. "UK Commercial Mediation Market Grows 20% – CEDR Mediation Audit Results Published." ADR Notes, 26 July 2018, hsfnotes.com/adr/2018/07/26/ukcommercial-mediation-market-grows-20-cedr-mediation-audit-results-published/.

## 優異獎 Merit Award

余文傑  
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### 如何解決朋輩糾紛？

為什麼人與人之間會產生糾紛？原因在於不同人之間的需求、價值觀和利益與他人的認知不同，而雙方都意圖證明、捍衛自身的認知，故否定對方的認知，繼而產生了衝突，造成了糾紛。

我認為解決糾紛之道在於「捭闔」二字。「捭」為打開的意思，「闔」為關閉的意思。《鬼谷子·捭闔》中曾曰：「捭闔之道，以陰陽試之。故與陽言者，依崇高。與陰言者，依卑小。以下求小，以高求大。」即是當我們面對地位顯赫的人時，便應該談論合乎崇高地位的事情；與地位寒微的人相處時，便應該與其談論一般平民生活的雜事。為什麼要這樣做呢？若是我們與地位寒微的人談論崇高地位的事情，那便顯得我們在裝腔作勢，看不起他們，反之亦然。其實，道理在於我們要把握為人處事之道，與人對話時要因應對象的不同而作出合適的反應。

同樣，這個道理亦適用於解決糾紛之中。朋輩之間出現分歧，顯然是兩人之間的價值觀不同，而隨便或盲目附和其中一方，必定招致更大的糾紛，絕非良策。故此時我們便應該按照「捭闔之道」處事，因應朋輩之間的不同反應而作出合適的反應。那麼我們怎樣才能按照「捭闔之道」而作出合適的反應呢？

首先，我們要細心觀察和了解朋輩之間產生糾紛的原因。當我們初步介入朋輩之間的紛爭時，先不應該胡亂評論、偏頗任何一方，而是應該細心的觀察朋輩之間爭執的內容，聆聽他們爭執之間的對話。這樣才能夠了解朋輩之間產生糾紛的原因，以便我們能夠加以調解。



接着，我們應該分析朋輩之間的糾紛內容。我們應該按照從觀察所得的朋輩糾紛內容作出分析，以分析出不同朋輩之間各自所持的觀點，以及引致他們產生糾紛的關鍵點。這樣我們才能夠徹底了解這場糾紛背後的關鍵所在，好讓我們能夠了解他們的分歧點。

然後，我們要從導致朋輩產生糾紛的分歧點中找出兩人的共通點，從而找出折衷方案。從朋輩的分歧點中找出共通點，便能夠找出兄弟二人各吃一半菠蘿包的折衷方案。這樣既合乎雙方的利益，又能夠理性地化解朋輩之間的紛爭。

然而，若產生紛爭的朋輩並不滿足於折衷方案，而期望得到更大的利益，那我們便應該對他們曉之以理。假若朋輩仍然不接受折衷方案，期望分得更大的利益時，我們便應該以溫柔的語氣、有耐心的態度向他們仔細的說明，這樣做只會加劇惡化雙方的紛爭，使調解變得更加不可能，最終更可能會使產生紛爭的雙方失去固有的利益，變成得不償失。故此，朋輩們應該退一步想，接受折衷方案。不但雙方都能保存已有的利益，而且雙方都能從折衷方案中得益。這樣我們以親切、溫柔的態度向產生紛爭的朋輩陳述不接受折衷方案的弊端，再加以遊說，便能說服產生紛爭的雙方接受方案化解紛爭。

總括而言，我們以「裨闔之道」化解朋輩紛爭，按照細心觀察、仔細分析、找出紛爭的共同點，再提出解決方案，便能夠和平理性的化解朋輩之間的紛爭。這樣便能夠像庖丁解牛一樣，只要順應著自然的規律處事，不但避免了受到紛爭所產生的傷害，又可以保存雙方的利益。這是養生之道，亦是調解之道。

## 優異獎 Merit Award

### 凌樂延 中六 聖保羅男女中學

#### 中立持平、有技巧地「做架樑」

「做架樑」<sup>1</sup>是指在別人吵架期間，主動介入調停。顧名思義，「架樑」就是要成為爭執各方之間的橋樑、促進溝通。當人類陷入紛爭時，往往會因主觀情緒而影響客觀判斷；因此，我們必須依賴有技巧的「架樑」，在各方之間周旋，協助解決糾紛，為爭執各方爭取最大利益。法律糾紛中，「架樑」的崗位由專業的調解員出任，他們憑著專業的溝通技巧和持平的角度解決紛爭，為調解立下正面形象。由此可見，「做架樑」傳統上的貶義，不是源於「架樑」自身的性質，而是源於執行者的缺陷，導致大眾對「架樑」產生負面印象。

為何「做架樑」給人的印象這麼差呢？這是因為「架樑」往往都是在未經同意下介入糾紛，並且在偏袒某一方的情況下，草率地達成結論。而調解則恰恰相反：調解的本質在於公正獨立的調解員接到邀請後，幫助爭議各方加強溝通、促成共識、解決爭議。<sup>2</sup>而要成為一名出色的調解員，同時也要有察言觀色、臨場應變的能力。調解員要聆聽各方的要求和情緒，並加以疏導，從而緩和緊張局面，進而促進各方達成共贏結局。除了聆聽，調解員也要參與對話：以專業調解技巧誘導各方進行協商、達成共識，過程中不添加個人情感及偏見，只為盡力平息爭議。由此可見，調解員比起「架樑」優勝的地方，就在於他們的客觀中立及協調技巧。調解並不是一項「離地」<sup>3</sup>的技能，只要我們秉持著客觀冷靜的態度和以和為貴、互利互惠的精神解決日常糾紛，也算是進行著調解。





現今社會中，有著太多的糾紛和裂痕，破壞著人與人之間的合作與互信。正因如此，如果我們渴望社會繼續進步，人與人之間繼續和諧共處、互利互惠，我們就更應該秉持求同存異的精神，解決一切的紛爭。不同的出發點未必一定導致對立面的形成，只要大家嘗試冷靜地向著共同目標進發，一定能夠解決不必要紛爭，達致大家滿意的結局。習近平主席在形容中美關係時曾為：「合則兩利，鬥則俱傷」，其實人與人之間也有著相同的關係，如果不願解決糾紛，則會面臨兩敗俱傷的局面。而調解員對解決這種僵局有著極大影響，他們時刻提醒各方保持冷靜剋制，不要因為一時意氣破壞互信和談判，並以第三者的角度協助各方平息紛爭，共同尋出路。因此，大家不要怕成為「架樑」，只要像調解員一樣做一個有技巧、中立持平的「架樑」，便能夠成為人與人之間的橋樑，為社會帶來正面貢獻。

1 廣東話方言，指介入別人的紛爭作出干預的人，帶負面意味。

2 孫贊峰（2013）：《如何做好調解工作：調解實務技巧與案例》。中國：中國法制出版社。

3 廣東話方言，意指遙不可及的、高深的。



## 優異獎 Merit Award

周仲賢

中六 香港道教聯合會圓玄學院第三中學

### 用心聆聽

西方文學作品中常提到「耳朵是心靈的一扇窗。」調解便是將兩個人隔著的那扇窗打開，讓彼此的聲音照進來，讓雙方重新看清眼前的真相，消除誤解與成見。因此一個懂得聆聽的調解者，讓光重新照亮雙方的心扉是非常重要的。

文學家魯迅三兄弟相親相睦的故事曾是一時佳話。可惜，後來二弟周作人聽信謠言，以為大哥魯迅不利於自己，便與哥哥魯迅斷交，兄弟從此成為陌路人。其中一直缺乏第三者能聆聽雙方的心聲，再轉達給兄弟二人。魯莽衝動的利劍揮出劍鞘後，再沒法收回，切斷了溝通的機會。沒有懂得聆聽的第三者協助打開心窗，讓憤怒蒙蔽彼此雙眼，使大家認不清事實，無形間加深了誤會。

很多紛爭往往源自莫名其妙的不忿，只要找到用心的人用心聆聽，心結就能解開。《左傳》記載了春秋時代，鄭國君主莊公的一段故事。莊公的母親武姜生產莊公時十分痛苦，因此從小就不喜歡莊公，反而對其弟弟叔段百般寵愛。後來，莊公母親武姜更與弟弟叔段一起謀反，莊公對母親更加不滿，把她流放邊疆，揚言「我倆不到黃泉不再見面」。過了一段日子，邊疆官員穎考叔知悉莊公仍思念母親，朝貢時巧施妙計，讓莊公說出與母親關係破裂的緣由。穎考叔將款待宴上的佳餚藏在袖中，藉口是留下孝敬家中的母親，喚起了莊公對母親多時的掛念；又考慮到君主要顧全面子，提出修築地道尋找泉水，建成甬道讓莊公母子重逢，化解了多年的隔閡矛盾。





這段故事可見，用心的聆聽者不止是靜態的聽別人說故事，也不必化身判官評定對錯。反而更需要分析衝突背後的原因，以及雙方的顧慮，才能對症下藥，用恰當的方法去修補破裂。

當今社會上，很多聆聽者根本不把聽到的說話放在心上，只是單調地附和，甚至貶低衝突的另一方。這種缺乏真誠的形式化做法，往往對調解無濟於事，甚至更撕裂衝突雙方的關係。可見用心聆聽這一調解技巧不單止適用於古時，在今天社會亦不可或缺。一個優良的調解者，在聆聽過後，能細緻地因應著雙方提出的觀點，設身處地，找到調解衝突的折衷方法，減少一分衝突，增多一分和諧。

其實調解並非一樣難事，不單穎考叔能做到，我們每一個人用心都能做到，幫助身邊的人。只要社會上更多人能成為一個用心聆聽者，使衝突的雙方明瞭「君子和而不同」的道理，不必拘泥絕對的對錯，多一點了解衝突者的需要，就讓那東家長、西家短隨風飄去。

## 優異獎 Merit Award

### CHANG Hiu Ching, Charmaine Form 5 Shatin Tsung Tsin Secondary School

#### Peacemaker: Be the change you want to see

Picture a world of tranquility: shouts of greetings from the neighbors, the pattering of children's feet and gaily laughter, the skipping wind and dancing raspberries... Frankly, we all want peace. From the founder of Red Cross Henri Dunant, anti-apartheid leader Mandela to child education activist Malala, each of the Nobel Peace Laureates was met with laudation for making peace. Yet, in all light, there is darkness where the merriment, laughter, and tranquility will not reach. So why is it so hard to become one of them- the peacemakers and spread peace in every spot?

It all begins with our hard-wiring: the self-centered nature, making conflicts ubiquitous. Our preoccupations with our whims and fancies combined with the staunch certainty of our own beliefs, serve as an impenetrable shield against the dissemination of the peace virus. Society strengthens this shield by encouraging highly polarized debates. Amid the "Argument Culture", we tend to gauge and allege through our lens. Short tempers. Options fast. But what if our best intentions are leading to more destruction? What if our ways of conflict resolutions are costing too much, both financially and mentally?

Obviously, we have come to realize the significance of peacemakers. Long ago, we waged war to resolve a conflict between property owners. With the emergence of the legal system, we waged law. As society's level of sophistication rises, we have discerned that the price of waging war, or law, is too lofty to resolve conflicts. While no rational and compassionate being would want to see carnages and catastrophes, we wage peace.



The benefits of peacemakers are fathomless. With peacemakers, we create long-lasting resolutions in a way that courts cannot, without unnecessary acrimony and harsh attacks. The root problems are tackled, leaving two winners behind. Indeed, just an attempt to make peace is enough to ignite hope in communities and families.

How can we make peace or mediate when it is so hard to change others? The answer lies in your curiosity -this seed of wonder. At first blush, it might appear odd. But this is not just making peace externally where everyone gets along suddenly. Instead, it looks deeply from our inner potential to engage both the outer world and our inner self. The power of curiosity is therefore two-fold.

In one way, becoming curious about self changes how we perceive. Living in our information bubbles, we often select the information that confirms our ingrained beliefs. This self-fulfilling prophecy leashes our potential to make peace. However, when we wonder and are eager to listen with open minds, we can change our perceptual environment. Harvard Business School's research suggests curiosity could overcome confirmation biases. Simply put, if you are talking to your mum whom you believe to be authoritative, it is more likely you disregard her concerned inquiries as interrogations. Rather than be bounded by these negative thoughts, why not wonder about the intentions behind and uncover her untapped personalities? She might be worried-sick when you cough, she might just try to be supportive or she might approach you with something she knows best - love. Don't judge, just wonder. It does wonders for your peacemaking journey.

In another way, becoming curious about others transform relationships. We engage in conversations because we are inquisitive about others. Unequivocally, a back-and-forth dialogue is the infectious agent of peace. Martin Buber, a prominent philosopher, said a barrier-free "I and Thou" relationship evolved through knowing and understanding in genuine dialogue. With dialogue, together we clamber for greater ideas. With greater ideas, our heart widens and we tolerate differences. The glance, the sigh, the authentic emotions made manifest—these are the beginnings of dialogue,

the moment of amity and fraternity, which opens to infinite possibilities. At this point, wondering about others' values and concerns reduces threats we perceive, such that the orbit of conflict is transformed.

Amid the world's adversarial ambiance, peacemaking may be underutilized, but it has had a good lineage there. At a macro level, the international peacekeeper United Nation has successfully kept peace between countless nations. If peace is possible between nations, why not between friends, families or colleagues? In the legal field, mediation is taking root in the world. Armored with a reputable judiciary and the geographical advantage, Hong Kong is unleashing her full potential as judicial reform and exhilarating campaigns took place.

Our city is advancing, so could we. Peace awaits, and it is up to you to open your mind and let peace proliferate. Mary Parker Follett, the American sociologist said, "The world will be regenerated by the people who heroically seek by whatever toil, the methods by which people can agree." So, wage peace with a spark of your mind. Wage peace with genuine dialogue. Wage peace with your empathetic heart. Celebrate today, as armistice is not far ahead.



## 優異獎 Merit Award

李芷菁

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### 調解與生活息息相關

有人在的地方，就有爭執。這不是甚麼難以理解的事情，因為大家都知道每一個人內心的意見不可能一樣。亦由於人人想法各異，在家裡作為妹妹、在學校裡作為領袖生、甚或只是作為普通市民時，即便自己在扮演著不同角色，也要時刻準備在眾人之間做一個「小小調解員」以對應大大小小的糾紛。

雖說是想扮演一個與紛爭無牽涉的角色，保持絕對中立，不過理想很美好，現實卻總是複雜的。於學校，我在扮演學生的角色時，同時也是一個領袖生，主要負責監督同學的行為操守有否違反校規和協助同學解決問題等。如果遇上同學違規，便要紀錄下來並將它交給訓導處，而此紀錄亦有大機會影響同學的操行分數。這就是問題所在，當自己碰見相熟的同學或師兄師姐在違規又屢勸不聽時，十分難「下手」紀錄，因為這會影響到自己的人際關係。我一開始當領袖生時沒有經驗，因此在這方面碰過壁，當面和師兄師姐交涉時被震懾到而不敢紀錄違規，沒有盡到自己的本份。有了該次經驗後，我便下決心改善自己的交際技巧，而這亦影響到後來自己面對其他事件時的處理手法。

某天，我在自己的級別所在的樓層當值，正巡到自己的班房時兩個同班同學正在喝茶類飲品，而我校是不允許同學於樓層飲用除了水之外的飲料，而當我正想走進課室紀錄他們違規時，卻將已踏進課室的半隻腳剎停，轉而找同在一個樓層當值的別班搭檔處理事件。「我不能這麼衝動！」我這樣對自己說。最後同學受勸，亦不用進一步記名。雖然我把溝通的任務交給了他人，但這避免了影響同學與自己之間的感情，繼而沒有之後發生不和的可能，連調解也不用發生。由此可見，有時候找他人幫忙溝通是其中一個避免爭執的手法。

回到家後，我搖身一變，由學生轉變為家庭中的女兒，但這時候還不可以掉以輕心。俗語有云：「相見好、同住難」，何況是一直住在一起的家庭成員？而父親和母親就是家裡最常吵架的二人，通常不是甚麼大事，不過總是在小細節上爭論一番，最後兩敗俱傷，氣得臉紅耳赤卻拿對方沒辦法，例如晚上應該吃蕃茄炒蛋還是煎三文魚，又或者誰替植物澆水等等。雖然不插手他們也不會出大問題，但是維繫家庭裡的感情可是很重要的。於是這時候我便會「粉墨登場」，轉移父母的話題，令他們停止吵架。如果轉移焦點策略失敗，我便會幫忙分析兩人觀點的好壞，讓他們能從客觀的角度思考問題，最後爭議自然會迎刃而解。

總而言之，爭執與生活常在，而如何處理人與人之間的關係是一個值得考究的有趣技巧。



## 優異獎 Merit Award

### CHENG Pearl Tsoi-wun Form 6 Diocesan Girls' School

#### AI mediator: a fantasy or a bold move?

In 2019, SmartSettle One, developed by iCan Systems, became the first “robot mediator” to solve a legal dispute. In today’s world of rapid technological advancement, coupled with the increasing popularity of mediation, this has thus prompted the question: can we use artificial intelligence (AI) to mediate conflicts? This essay will explore the qualities required to be a successful mediator and the potentials of AI, and argue that while there are currently limitations to its capabilities, they can be overcome, and thus conclude that employing AI mediators is a bold move and not mere fantasy.

According to the Mediation Ordinance, mediation is where “one or more impartial individuals, without adjudicating a dispute or any aspect of it, assist the parties to ... identify the issues in dispute; explore and generate options; communicate with one another; reach an agreement regarding the resolution of the whole, or part, of the dispute.”<sup>1</sup> The “impartial individuals” involved are mediators, and they are expected to carry out the above duties.

From these, the qualities of a successful mediator can be inferred. Firstly, one is required to be impartial. This is explicitly stated in the definition above, and indeed, how would a mediator reach a fair conclusion and uphold her credibility if she were to pick sides and hold biases? The second is perceptiveness. A mediator needs to “identify the issues in dispute”, and must therefore possess sensitivity towards the factual interests of both parties. Yet there are also messages that are conveyed tacitly, and a good mediator should also have perceptiveness towards body language to understand issues such as whether clients are comfortable to proceed. The last quality is trustworthiness. The trust that a mediator is willing to



listen, is impartial and is confidential gives people the confidence to speak their minds, making it easier for the mediator to understand the conflict at hand and thus explore options. Does AI fulfill all these requirements? It does in many respects. It is more impartial than humans, for example. While humans may be biased in terms of gender and race, or have their judgement and logical reasoning clouded by sentiment, AI is mostly unaffected. Merely “computer systems able to perform tasks normally requiring human intelligence”<sup>2</sup>, they function simply through “machine learning”, that is, by being ‘fed’ large amounts of data and analyzing patterns<sup>3</sup>. In the case of SmartSettle One, parties make “offers” by “moving a flag along a horizontal bar”, which allows the machine to understand the priorities of both sides, eventually assisting them to an agreed settlement<sup>4</sup>. AI is also more perceptive to facts. This is evident in how it has made swift decisions that satisfy both parties, for instance SmartSettle One resolved a dispute which had been ongoing for three months in just one hour. As Guy Pendell, head of an international law firm, said, “You’re really just trying to find the sweet spot”. Provided that the AI mediator is trained with unbiased data, they can make impartial and swift decisions by analyzing the data provided to them from clients, making them ideal mediators.

Yet AI isn’t perfect. As impartial and perceptive as it may be, it lacks trustworthiness. Firstly, there is a lack of trust in the relationship between people and machines, illuminated by research from the University of South California, which demonstrated that people do not entirely trust AI agents to mediate conflict<sup>5</sup>. Secondly, there is a lack of trust in confidentiality, exemplified in a 2018 survey of 2,000 US adults which revealed that one of the most urgent concerns that people harboured about AI was data privacy<sup>6</sup>.

Unfortunately, this isn’t the only hindrance that AI mediation presently faces-- AI lacks humanity. As mentioned above, a good mediator requires not just perceptiveness to fact, but also to body language. SmartSettle One lacks cameras or algorithms that allow it to detect and respond to tacit signals, which may render it





ineffective in solving larger disputes involving greater differences, where both parties will have to be coaxed to accept an agreement. There are various limitations to AI, which make them incompetent in some areas of mediation.

Thankfully, a remedy is on the horizon. The recent birth of “Sophia” may allow robots to become more humanistic in the future. Developed by Hanson Robotics, she can “see emotional expressions” and try to find ways to achieve goals with others<sup>7</sup>, suggesting the possibility for future AI mediators to read body language. Her social interaction skills may also help to build rapport, creating a foundation for trust between AI and humans. In the realm of data privacy, steps have been taken to increase confidentiality. In 2019, the EU laid out ethical guidelines for trustworthy AI, several of which were associated with protection of personal data<sup>8</sup>. Therefore, while there are limitations to AI, they can be positively mitigated in the future.

We are currently living in the Fourth Industrial Revolution. AI mediators show great promise to be impartial and perceptive to fact, and where they are lacking in trustworthiness and emotion, recent technological developments give reason to hope for improvement. Therefore, although the mediation process has always been called an “inherently human one”, perhaps the development of the first “robot mediator” should be seen as a harbinger of things to come, and not an item of fantasy.

1 Mediation task force, 'Mediation Ordinance', <https://www.elegislation.gov.hk/hk/cap620len.pdf>, (accessed 1 July 2020)

2 Diplo Foundation, 'Mediation and Artificial Intelligence: Notes on the Future of International Conflict Resolution', [https://www.diplomacy.edu/sites/default/files/Mediation\\_and\\_AI.pdf](https://www.diplomacy.edu/sites/default/files/Mediation_and_AI.pdf), (accessed 30 June 2020)

3 Kristin Simonini, 'AI's bias problem: the importance of returning humanity to AI', <https://www.itproportal.com/features/ais-bias-problem-the-importance-of-returning-humanity-to-ai/#:~:text=AI%20has%20been%20outed%20as,made%20by%20an%20impartial%20judge.&text=In%20order%20to%20make%20decisions,either%20private%20or%20public%20databases.>, (accessed 3 July 2020)

4 Graham Ross, 'Smart Settlement: An Opportunity for Mediators', <https://www.infolaw.co.uk/newsletter/2019/03/smart-settlement-opportunity-mediators/>, (accessed 7 July 2020)

5 University of Southern California, 'Do we trust artificial intelligence agents to mediate conflict? Not entirely: New study says we&#39;ll listen to virtual agents except when goings get tough.', [www.sciencedaily.com/releases/2019/10/191016094909.htm](http://www.sciencedaily.com/releases/2019/10/191016094909.htm), (accessed 13 July 2020)

6 Kelsey Piper, 'The American Public is Already Worried about AI Catastrophe', <https://www.vox.com/future-perfect/2019/1/9/18174081/fhi-govai-ai-safety-americanpublic-worried-ai-catastrophe>, (accessed 13 July 2020)

7 James South, Andy Rogers, 'What might Artificial Intelligence mean for Alternative Dispute Resolution?', [http://mediation-blog.kluwerarbitration.com/2018/08/30/might-artificial-intelligence-mean-alternative-dispute-resolution/?doing\\_wp\\_cron=1593231843.1698100566864013671875](http://mediation-blog.kluwerarbitration.com/2018/08/30/might-artificial-intelligence-mean-alternative-dispute-resolution/?doing_wp_cron=1593231843.1698100566864013671875), (accessed 1 July 2020)

8 Kari Gimmingsrud, 'Artificial Intelligence and Data Privacy', <https://www.expertguides.com/articles/artificial-intelligence-and-data-privacy/aruywukr>, (accessed 1 July 2020)

## 優異獎 Merit Award

### 陳雅筠 中五 拔萃女書院

#### 賢者善聽

「賢者善聽」四字言雖近而旨深遠，聽，則指聽取廣至四海的意見，再自己加以思考、消化，才能心境澄明，成為賢者。所謂「有匪君子，如切如磋，如琢如磨」，聽納雅言就如人生的金礪，淬礪我們成為更閃爍的純金。

聽納他人意見，才能使人從多角度思考，日省其身，勿憚改正。錢大昕膾炙人口的鏡喻有云：「面有黑子，而目不知，假於鏡而見焉」，世無孔子，人非聖賢，未能事事正確，自身行為有疏洞錯失亦未已知，惟有以人為鏡，察納他人的雅言，才能有澄明心境，反省自身繼而改善。無名老人曾在看過大師梅蘭芳的劇作品後搖頭說不好，解釋梅蘭芳走位有誤，不應有為「八上八下」，而是七上八下，梅蘭芳對他的意見反覆思考，視老人為師虛心請教，才令梅蘭芳劇作的還原度更高，終於完全吻合傳統走位技巧，可見虛懷納諫有益無害，促進人們進步。著名數學家華羅庚在一篇數學論文中犯過小錯，好友陳景潤來信指正，華羅庚認真思考好友的意見才得以修正錯誤，在數學領域多次討論，最後使論文變得更完善，聽取他人的金石良言使人在個人學問方面大所廣益，善聽是人們通往成功的奠基石。

社會的當權者惟做到虛懷納諫才謂賢君，任忠臣們提出施政可改進之處，才能開創賢明之治，造福人民。唐太宗正是如此開創了盛唐的貞觀之治，他虛懷納諫，從善如流名流千古，在施政方面鼓勵君子進言，集思廣益錯漏，接受直言進諫的魏徵對時局的見解以改良政令，成為一代明君。德國總理默克爾樂於接受環保團體對減碳生活的提議，在德國逐步推廣以單車代步，逐漸改善空氣污染問題，由此可見，「以人為鏡，可以明得失」乃正道也，即使是位高權高的執政者也要放下身段、虛心納諫。



反之，若當權自高自大，不願接受群眾意見一意孤行，與令人毛骨悚然的獨裁者有何分別？嗚呼哀哉，只會為人民帶來浩劫。晚清時期，慈禧自以為是，不肯接受衷心愛國的戊戌六君子指出變法之弊，反而視之為動亂分子，下令追殺敢於指正晚清問題的死節忠士，使晚清日趨破亡，當權者的不聽雅言、杜絕意見就如社會上的毒瘤，慢慢蔓延至社會的血脈，腐蝕人民。在第一次世界大戰中，德國的軍事領袖施里芬堅持集中軍力先攻打法國再平定俄羅斯邊境，雖當時有士兵提出此計劃的漏洞，有機會使德國陷入左右夾攻的局面，然而施里芬不顧阻撓，堅決進行計劃，最終真如士兵所料，德軍節節敗退，成千上萬士兵因他的自以為是白白犧牲，當權者漠視諫言只會把國家陷入危機。

然而，所謂「聽」並非指要盲目跟從別人的見解，而是指要多聽取他人意見，從而自己思考意見是否可取，擇其善者而從之，「無則加勉，有則改之」正是此意。《伏爾泰的友人們》一書的金句：「我不同意你的觀點，但我誓死捍衛你說話的權利」，可見「善聽」之精髓非只接受贊同自己觀點的意見，順我者昌逆我者亡，亦非盲目聽從他人的見解，不加思考以致三人成虎，而是能持開放態度多聽取、了解不同角度的見解，即使與自己看法不一，仍能客觀冷靜聆聽對立意見，或許對方並未能說服自己、或許最後大家都堅持最初看法，但討論過程中的靜心聆聽、思考對方的角度，方為「聽」的深意。在歷史上有名的一對師徒康有為與梁啟超，彼此政治意識截然不同，康有為反對革命主張保持帝制建立憲制，而梁啟超則主動要推倒帝制建立新中國，兩師徒雖政見不一，但彼此都能冷靜聆聽對方意見，作出討論，雖然最終兩人各執己見，並未被對方見解說服，但兩人展示出能接受不同聲音，聽取對立意見，是賢者應有的廣闊胸襟。

「聽」看似簡單，但當中蘊含的深意需人們慢慢體會、學習，才能真正成為一個善聽的賢者。

## 優異獎 Merit Award

### 胡文雅 中五 五旬節聖潔會永光書院

#### 如何與媽媽「談判」？

在二十一世紀，一個科技產業發達的時代，人們都習慣使用通訊軟件作聯絡和溝通，漸漸變得不善於面對面交談，令人與人之間多了一層無形的隔膜。而在這個時代生活的家庭，往往都存在家長與子女間的「代溝」問題。媽媽與子女本就屬於不同年齡層的人，意見和想法自然存有差別，因此子女向媽媽談判或是表達訴求時，有可能會產生分歧。那麼，作為子女的我們，應該怎樣與媽媽談判呢？在我看來，最好的方法莫過於「將心比心」以及做到「不言而信」。

所謂「將心比心」，即是設身處地的為人考慮，想想別人的感受和難處。家長對於子女經常都是予以百般呵護，不希望孩子有絲毫損傷。身為子女的我們需要做的就是想像自己是一位母親，在談判前細心思考媽媽可能會擔心的事情。比如說，當你希望說服媽媽同意你和朋友出外吃頓晚飯，你就要想到她可能會擔心你晚回家有危險，又或是憂慮你會誤交損友，因而阻止你赴約。在考慮到媽媽的難處後，我們可以在談判時向媽媽仔細交代回家的時間、友人的少量身份資料、聚餐的地點等，一步一步的化解她的擔憂。當擔憂減少了，媽媽會順理成章的接受你的請求，談判也就變得水到渠成了。

除了將心比心，一場談判的成功，彼此的信任是不可或缺的。此時，第二個方法——做到「不言而信」就是成功的關鍵所在。大部分的孩子之所以與媽媽談判失敗，不外乎是因為得不到媽媽的信任。要得到信任，就要表達出自己的真誠。就以增加零用錢為例，當你想要增加零用錢時，媽媽當然會疑惑你提出請求的原因。這時比起掩飾更應該要如實報告當中的原因。比如說你是想要買衣服、買玩具的也不要特意說謊道自己是購買學習教材，因為謊言一旦被揭發，媽媽對你的信任也會隨之消散，往後的談判也會步向失敗。因此，信任就像彼此間的連繫，只有獲得了信任，談判才會成功。



世上無難事，只怕有心人。與媽媽談判其實不是一件困難的事，只要能嘗試代入對方角度，尊重其想法，並敞開心扉地坦誠相對，相信談判從此會成為得心應手之事。



## 優異獎 Merit Award

黃鳳希

中五 樂善堂梁銶琚書院

### 不簡單的工作——調解員

教室的前方突然傳來了一陣吵鬧聲，把本在閉目養神的我給吵醒了，我好奇地抬起頭來並向前望去。只見一心拿著書本大喊著：「書是你偷的！不要再否認了！」通紅著臉的允行不甘示弱地大聲回應道：「雖然你在我的書包裡找到，但這並不代表是我偷的，你不要信口雌黃，一口咬定是我偷的！」她們繼續大聲吵架，絲毫沒有停戰的意思。碰巧班長走進了教室，她看見這情形便大步流星地走了過去，只見班長不知道跟她們說了什麼後，她們便一下子冷靜了下來，在不知道班長與她們悄悄地討論了什麼之後，她們更握手言和了。看完後，我不禁感嘆：原來調解的工作這麼容易做，三言兩語就能解決問題了。後來，一次的經歷卻顛覆了我對調解工作的看法……

某天，爸爸突然指派我為奶奶與媽媽之間的調解員。那天奶奶與媽媽因為個人生活習慣的問題而發動「冷戰」。每次炒菜前，媽媽都有沖洗鍋子的習慣，但這樣的舉動卻引起了奶奶的不滿，奶奶剛好在那天的中午煮了一餐飯，而她看見媽媽沖洗鍋子時便誤會了媽媽在嫌棄她沒有把鍋洗乾淨，導致她們冷戰。難怪我放學回家時覺得涼颼颼的。

還記得那天晚上十分的難熬，我的腦子都快炸開了。我原以為輕而易舉的調解工作，在我實際實行時原來是那麼的截然不同。那天我變成了婆媳倆的中間人，負責傳遞訊息，引導她們和解，解開她們的誤會。好在我在用了幾個小時後，成功地化解了她們的誤會，令她們的感情重新變好，讓她們意識到自己的錯誤。

經歷了那次事件後，我心想：若非緊急情況，我再也不想當調解員了。因為調解的工作並不容易，想要調解成功便要了解事情的原委，站在雙方的角度看待事情，耐心聆聽她們吐的苦水，並以最客觀的話語去回應她們，此外還要站在她們的角度為對方說好話





，做解釋，不能傳達錯誤的訊息，以免加深她們的矛盾……真不是件容易的工作啊！同時，我也十分佩服班長可以在那麼短的時間內解決一心與允行的矛盾，這代表著她對她們有著足夠的了解，才能以最一針見血的方法讓她們都接受和解。調解真是個偉大的工作啊！



## 優異獎 Merit Award

林昭霽  
中五 拔萃女書院

### 我想當談判專家

第一次接觸談判專家這個職業，大概是在我八歲的時候。那時，我特別喜歡看《暗戰》這部電影。其中鬥智鬥勇的緊湊劇情深深地吸引著我，尤其是由劉青雲飾演的談判專家何尚生。在毫無防守工具的情況下，單憑口舌保護自己、獲取犯人的信任和營救人質。還記得當時看完整套電影第三遍後，我興奮的跑去告訴母親：「我想當談判專家！就像何尚生一樣！」那時母親只是摸一摸我的頭，對著天真爛漫的我微笑，似乎並沒有把我的話當真，只是當我一時稚氣而已。

找到「志願」後的我，立刻上網搜索要成為談判專家的要求。從我找到的資料上看，一名優秀的談判專家要有這幾項條件：性格成熟、心理素質好、體格良好、有自信心、具備有效的溝通技巧等等。而最重要的是——隨機應變。在危急的關頭下不能慌，否則可能失去談判對象的信任，要透過對話和真誠的態度遊說對方。我頓時對談判專家這個職業產生了一種敬佩，心想：「我一定要當上談判專家！」

對談判專家的具體工作有初步認識後，我決定要進行我人生中的第一場談判。按我分析，我周圍最常與人發生糾紛的對象是——媽媽。她經常和別人鬥嘴，而往往也會以「鬥爭」收場。所以，我現在只要等待時機，實行一場談判。我等呀等，終於讓我等到了。這天，媽媽帶著我去街市買豬肉。豬肉檔的老闆對客人態度不好街知巷聞，媽媽也與他吵得不可開交。剛好媽媽今天心情不太好，我估計歷史一定會重演，所以我等會只要在他們吵得最熱火朝天的一刻走出來為他們調解，必定能留下一個難忘的談判「回憶」！



「老闆，請給我半斤胸頭肉，今晚我們家蒸肉餅。」「好的！半斤收你四十元。」「四十？」媽媽詫異的問。「上星期你才收我二十五元，怎麼過了一星期就貴了那麼多？」「因為最近豬肉的供應少，但需求增多，價錢自然會升！如果你覺得我賣得貴就不要在這裡買，去另一攤買也罷。再見，慢走不送！」豬肉檔的老闆不耐煩的說。媽媽聽到後差點氣的昏了過去，瞪著他說：「現在的人怎麼態度那麼差？我是客人，而且我已經好聲好氣，你應該給予我最基本的尊重不是嗎？兒子，我們走！」「就是現在！」我心想，然後便立刻拉著想離開的媽媽。「等一下！媽媽，叔叔，你們先聽我講！媽媽，叔叔說的沒錯。豬肉價格上升叔叔也控制不了，豬肉進口價高了，他當然要把價錢提高，更何況他也要賺錢呀！只是可能他說的話有點過分而已，光顧了叔叔那麼久也知道他賣的豬肉很好吃，這次也在這裡買吧！」接著，我便轉向老闆，對他說：「叔叔，我理解你的難處，我猜媽媽也只是對於突然的漲價有些驚訝，所以才會有剛才的反應，希望你不要見怪。但不知道能不能看在我份上，這次的豬肉便宜一點賣給我們呢？你賣的豬肉真的很好吃！」我說完這番話後，媽媽對我說：「你這小子好像說得挺有道理，不過大人說話小孩子不要插嘴。算了，我們走吧。」真可惜，我第一場實行的談判就這樣失敗收場。就在我們轉身走開幾步後，身後的老闆叫住我們：「太太，等等！」然後，我們就看著他把切好的胸頭肉放進膠袋裡，遞給我。「小朋友，太太，不好意思！我剛才語氣的確不太好，有點過火。這些豬肉就送給你們吧，當作賠禮向你們道歉。小朋友，我已經認得你了，下次再和媽媽來，我一定會給你們折扣，真的很不好意思呀。」

哈！我成功了！雖然不算是一場正式的談判，但至少我把原本的結局改寫成現在的版本，算是「逢凶化吉」吧。但不得不說，能夠為別人調解和談判，會帶來滿足感，就如把每個人拉近和平，減少各種紛爭。我突然發覺談判專家的偉大，他們的工作能拯救生命，改善人與人之間的關係，甚至促進世界和平。這次的經驗大大加深了我對談判專家這個職業的尊敬和喜愛，我想當談判專家！我真的想當談判專家！

## 優異獎 Merit Award

### 馮碧琛 中五 裘錦秋中學（元朗）

#### 智能調解員：癡人說夢抑或敢創新猷？

從大哥大到智能電話，日新月異的科技發展逐步優化人類的生活，近年，人們更致力探索人工智能，為置身於二十一世紀科技時代的人類生活錦上添花。隨著人工智能的降臨，預計在可見的將來將有大量工作被其取代，例如接待員及工人等，而對於「調解員」一職，又會否淪為科技時代下的淘汰品？於我而言，智能調解員似乎純屬癡人說夢罷了。以下，我將就人工智能無法完全取替調解員的原因加以析論。

談到「調解」，必然離不開三大範疇：聆聽、對話及解決爭議。首先，在聆聽方面，調解員在處理客人的案件前，必先聆聽雙方的自述，然後再溝通和解決紛爭，這項看似簡易的工作，實為成功調解奠下穩固基礎。許多人認為，聆聽爭議人的陳述純粹是讓他們發洩內心的不滿，調解員便要耗費數小時去傾聽，未必人人擁有如此強大的耐性，若在過程中稍不注意，做出皺眉或托腮、掩嘴等身體語言，令當事人感到不受重視或者感覺調解員並沒有認真聆聽，便影響整體調解成效，因此利用人工智能便能對症下藥，既能耐心聆聽，又能理解問題所在。然而，往往很多時候，爭議人口頭上表達的訴求並不能反映其真實需要，皆因他們經過漫長的內心糾結，逐漸形成複雜的情緒，人工智能未能讀懂這些過於複雜的情感，單純從其表面的語言便歸納問題，忽略了當事人本身的心理狀態，難以取得真正成效；但專業的調解員便能在找出訴求上，更能顧及當事人的實際需要和情感。再者，人與人之間能夠建立信任，但人與機械人就未必，調解員做出一些適當的身體語言，例如點頭及身體向前微傾等，都能讓當事人感到舒適，放下心中的不安和芥蒂，更願意坦露內心的真情實感，對調解工作的成效更有幫助。因此，智能調解員難以理解爭議人的真實需要和隱含的情感，純粹理解片面的訴求，有礙取得良好調解成效。

其次，在對話方面，若是智能調解員進行，它雖然能因應當事人的語言做出快而準的回應，但它只能根據所歸納出的紛爭，把



電腦系統事先設置好的對白根據不同情況套用在當事人身上，使對話過程略顯生硬及未能完全配合爭議人的實際需要進行良好溝通；但調解員卻能針對不同的案件，調解員需要靈活運用不同的溝通方法和技巧應對，並適時改變提問策略，以迎合不同案件的需要，這些技巧都需透過不斷的磨練和經驗點滴累積而成，單靠機器難以取得良好的溝通。

最後，在解決爭議方面，若是智能調解員進行，由於在聆聽和對話方面並不能真實地配合到爭議人的需要，就算經過一輪電腦分析後篩選出來的和解方案，也不能有效地使雙方取得滿意成果，加上萬一爭議人對於調解方案感到不滿，智能調解員因無法事前知悉當事人可能存在的不滿點，難以立刻提供候補方案；但若是真人調解員，他便能隨機應變，針對當事人提出的不滿而迅速提供貼切的解決方法，取得令其滿意的調解服務。

綜合上述，主要使人工智能無法完全取代調解員的原因在於，它難以理解和讀懂雙方爭議人的真情實感，然而，我並沒有反對使用人工智能技術來代替部分調解工作，例如可以透過運用大數據分析，掌握地區的矛盾糾紛動態和其發展趨勢，進一步提高調解工作的預見性，讓調解員配合時下人民的主要問題糾紛，與時並進，思考其他調解方案，未雨綢繆，更能促進社會和平並有利於整體社會發展。由此可見，即使隨人工智能科技的急速發展，「調解員」一職在可見的未來似乎並不能被完全取替；相反，若兩者能夠互相配合，必定能令調解工作更上一層樓。

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