

MEDIATION

Sou Chiam
Department of Justice



MEDIATION

- Mediation is a process to resolve disputes with the assistance of a neutral third party
- Facilitative mediation is most commonly used in Hong Kong where the mediator does not provide any advice to the parties



3 MAIN POINTS

- Advantages of Mediation
- Services & Support for women seeking mediation services
- Report of the Working Group On Mediation



WoC 05/10

2

Advantages of mediation

Allow parties in a dispute an opportunity to save:

- Time
- Money
- Risk
- Dignity
- Stress
- Relationships



WoC 05/10

3

Services & Support for women seeking mediation services

- Mediation Information Office

Room LG104, High Court Building,
38 Queensway, Hong Kong Telephone:
2825 0470

Fax: 2537 8156

Website: www.judiciary.gov.hk

Email: mediation@judiciary.gov.hk



WoC 05/10

4

Services & Support for women seeking mediation services

- Family Mediation Co-ordinator's
Office:

Room 113 - 116, 1/F, Wanchai Tower,
12 Harbour Road, Wanchai, Hong Kong
Telephone: 2180 8063

Fax: 2180 8052



WoC 05/10

5

Services & Support for women seeking mediation services

- Hong Kong Family Welfare Society
- Hong Kong Catholic Marriage Advisory Council
- Parent-Child Mediation Centre of the Hong Kong Federation of Youth Groups



WoC 05/10

6

CASES SUITABLE FOR MEDIATION

Almost all civil cases (including family cases) except:

- Cases raising constitutional issues
- Rights being tested
- Party lacks legal capacity
- Power imbalance that no fair agreement can be reached
- Abuse (eg, delaying tactic)



WoC 05/10

7

WORKING GROUP ON MEDIATION

- Report published on 8 February 2010
(available at www.doj.gov.hk)
- 3 months public consultation
- Promulgated Hong Kong Mediation Code
- Agreement to Mediate attached to the Code



WoC 05/10

8

WORKING GROUP ON MEDIATION

48 Recommendations including:

- *Recommendation 5* on mediation information and training for frontline dispute resolvers
- *Recommendation 12* on further promotion and expansion of family mediation services



WoC 05/10

9

Way Forward

- Mediation recognised as an effective Alternative Dispute Resolution process worldwide
- Hong Kong is moving forward as a leading Dispute Resolution Centre
- Development of Collaborative Practice in Family Law



WoC 05/10

10

THANK YOU

Your cooperation to promote mediation is appreciated!

Please send comments on
Mediation Report to
mediation@doj.gov.hk



WoC 05/10

11