

## Hong Kong Mediation Centre

---

### Guidelines for the Appointment of Mediators

#### INTRODUCTION

##### Guidelines for the Appointment of Mediators (the “Guidelines”)

It is one of the responsibilities of Hong Kong Mediation Centre (HKMC) to appoint panel mediator(s) to provide the mediation service. This guideline is intended to list out the mediator selection criteria and provide a step-by-step procedure guide for both the secretariat of Hong Kong Mediation Centre (HKMC) and panel mediator to go through.

##### Hong Kong Mediation Centre

HKMC was established in 1999 to assist disputing parties to solve their disputes by mediation. HKMC is a legal entity in the form of a company limited by guarantee which has the status of a charitable institution recognized by the Inland Revenue Department of HKSAR. HKMC is also the first non-profit making mediation institution with charitable status in Hong Kong. The composition of HKMC is a group of professionals in various fields who are committed in the promotion of mediation.

#### GUIDELINES

##### Appointment of mediator

HKMC provides two main categories of mediation services namely the General Mediation Service and the Pro-bono Mediation Service. Different appointment procedures are adopted for each service. No contractual relations will be created between HKMC and the mediator upon this appointment.

## **A. General Mediation Service**

General Mediation Service is usually referred as a paid mediation service. Mediators on the panel of HKMC usually charge the parties on an hourly rate basis. Hourly rates may vary from one mediator to another, depending on the mediator's experience and the nature of the mediation case, etc.. In some cases, mediators may agree with parties to accept a fixed payment. HKMC recommends a charge from \$1,000 per hour to \$3,000 per hour. An administrative fee of HK\$2,000 will be charged to the party(ies) by the Secretariat of HKMC.

When an application is received by HKMC, the Secretariat will recruit mediator by issuing an invitation to all panel mediators of HKMC. Information such as the nature of dispute, cost expectation and the detailed requirement specified by the parties will be provided. Interested panel member shall send a reply to the Secretariat according to the recruitment instruction.

This reply shall be sent to the Secretariat before the deadline assigned together with his/her payment schedule and a completed standardized CV. Application received after the deadline or failure to comply with the recruitment instruction may not be considered in the selection process.

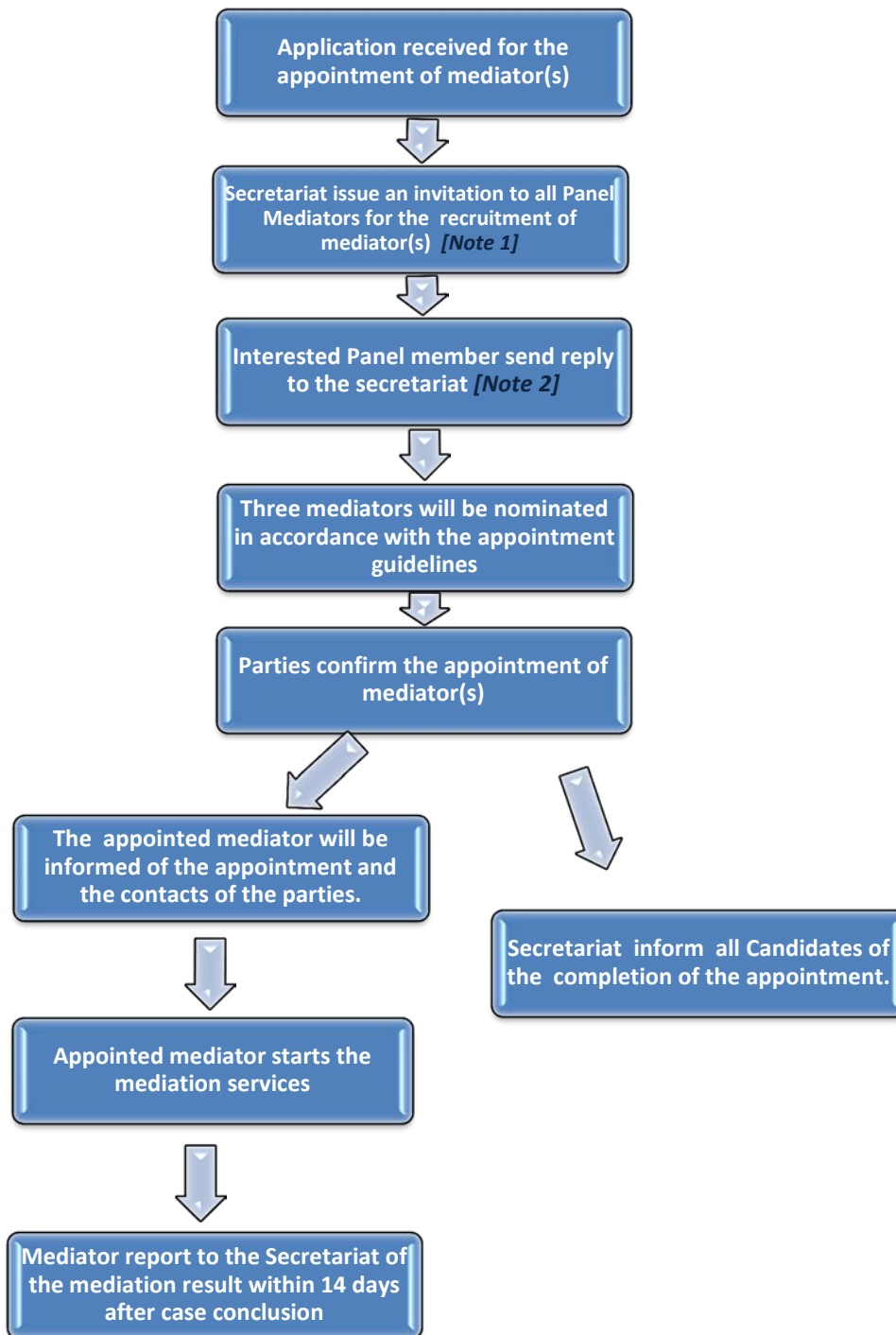
In general, the Secretariat will nominate three panel mediators in accordance with the consideration and criteria set out in this guideline. The mediator will only be informed when he or she is being selected. The selected mediator will be informed of the appointment and the contacts of the parties. He or she shall start the case in take as soon as possible and act professionally in compliance with the following documents:

- a) Mediation Rules of HKMC
- b) The Mediator's Rules & Code of Ethics of HKMC.

Mediator shall compile a mediation report to the Secretariat within 14 days after the case conclusion. This will be taken into account for the next mediator selection.

For those mediators who have applied for the case but not being selected, the Secretariat will notify them after the appointment of mediator.

The flow of the appointment of Mediator for General Mediation Services appended in Flow 1 below.



**Note 1:** *The case nature and requirements specified by the parties and the application deadline will be included in the invitation.*

**Note 2:** *Candidates should enclose an update standardized CV in their replies. Reply without updated Standardized CV will not be processed.*

## **B. Pro-bono Mediation Services**

HKMC has been providing Pro-bono mediation services to the general public since its inception in 1999. The mediation cases are referred by the Home Affairs Department, the Police, the Housing Authority, the Social Welfare Department, District Council Members, professional bodies, community organizations and public healthcare institutes, etc.

In accordance with the agreement made under the Pro-bono Mediation scheme, the parties in dispute will have to agree to allow up to two assistant mediators acting as observers in the mediation session. This is intended to allow mediator with less experience to participate in a mediation case.

When an application is received under the Pro-bono Mediation Scheme by HKMC, the Secretariat will recruit mediator by issuing an invitation to all panel mediators of HKMC. Information such as the nature of dispute, cost expectation and the detailed requirement specified by the parties will be provided. Interested panel member shall send a reply to the Secretariat according to the recruitment instruction.

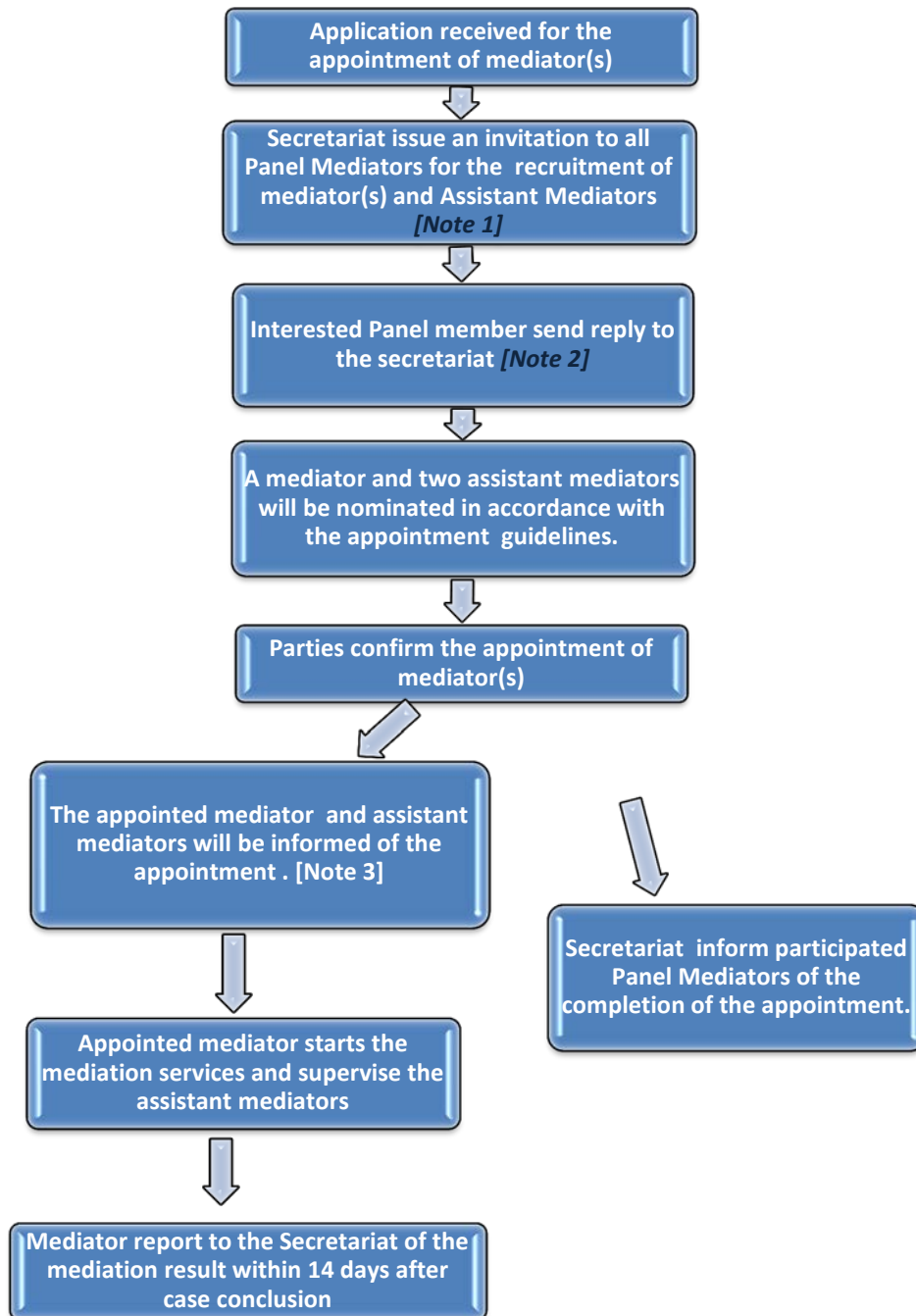
This reply shall be sent to the Secretariat before the deadline assigned together with his/her completed standardized CV. Application received after the deadline or failure to comply with the recruitment instruction may not be considered in the selection process.

HKMC will nominate a mediator and two assistant mediators in accordance with the consideration and criteria set out in this guideline. The mediator will only be informed when he or she is being selected. The selected mediator will be informed of the appointment and the contacts of the parties. He or she shall start the case in take as soon as possible and act professionally in compliance with the following documents:

- a) Mediation Rules of HKMC
- b) The Mediator's Rules & Code of Ethics of HKMC.

Mediator shall compile a mediation report to the Secretariat within 14 days after the case conclusion. This will be taken into account for the next mediator selection.

The flow of the appointment of Mediator for Pro-bono Mediation Scheme is appended in Flow 2.



**Note 1:** *The case nature and requirements specified by the parties and the application deadline will be included in the invitation.*

**Note2:** *Candidates should enclose an update standardized CV in their replies. Reply without updated Standardized CV will not be processed.*

**Note3:** *Only the appointed mediator will be informed of the contacts of the parties*

## **Selection Criteria**

To ensure the selection is an unprejudiced and impartial process, HKMC shall appoint panel mediator or mediators with reference but not limited to the followings:

- i. the nature of the dispute;
- ii. the mediation experience of the mediator;
- iii. satisfaction of skill and professional requirement;
- iv. skills or professional or other preference specified by the parties;
- v. the availability of suitable mediator(s);
- vi. the independence and impartiality of the mediator(s);
- vii. to avoid potential conflict of interest;
- viii. time available for providing mediation services;

Any criterion which is appropriate will be considered by HKMC in the appointment process. It is not necessary for HKMC to provide any explanation on its nomination.

## **Priority**

Mediation experience is significant to panel mediators. To ensure more panel mediators have the opportunity to gain experience from real life cases and provide the best mediation services to the public:

- i. For Pro-bono mediation service, priority will be accorded to panel mediator who has not been appointed as a mediator;
- ii. Council members will be appointed as a mediator by HKMC only on a very exceptional circumstances; e.g. special request by the parties or to satisfy the requirement of mediation parties.