

Closing Remarks for the Mediation Week 2016

“Mediate First – Advance with the times”

By The Hon Mr Justice Lam, VP

13 May 2016

I am honoured to be invited to give the closing remarks of the Mediation Week 2016. In the past, the Mediation Conferences organised by the Department of Justice were events of two days. It is a testimony of the multi-faceted development of mediation in Hong Kong that this year we have events lasting for a week and programmes catered for a wide spectrum of audience. Mediation in Hong Kong has come a long way since 2007 when the Chief Justice set up a Working Party on Mediation in the Judiciary. Comparing the figures of the HKIAC and the HKMAAL, the number of accredited mediators in Hong Kong has increased from a few hundred in 2007 to 2,288 in 2016. The number of court cases which has gone through mediations has also been increased significantly. In 2015, based on reports filed with the court, there were 1,275 cases in the courts of various levels in which parties have attended mediations. Some were able to achieve settlement through mediation and some were not. However, the evidence has clearly shown to us that mediation is a more costs and time effective way to resolve dispute as compared with litigation. It is fair to say that the mediation culture has taken root in Hong Kong. I wish to take this opportunity to thank and congratulate all the stakeholders who have contributed to the success of mediation in Hong Kong.

A brief review of the programme of the Mediation Week 2016 will demonstrate the efforts we have made to foster the use of mediation or its techniques at different walks of life. There were specific events for different sectors: these include education, medical, community, intellectual property and commercial sectors.

Those who participated in organising the events also come with different sectors and on behalf of those of us who have benefited from attending the events, I on behalf of the Steering Committee on Mediation would like to express our gratitude to the following co-organizers with the Department of Justice: Hong Kong Family Welfare Society, Hong Kong Institute of Mediation, Hong Kong Mediation Centre, Hong Kong Society for Healthcare Mediation, New Home Association, Community Mediation Services Association, the Intellectual Property Department, Hong Kong Mediation Council, and last but not least Hong Kong Trade Development Council. I always believe that the success of mediation depends not only on the establishment of a credible framework for mediation as a dispute resolution mechanism and the availability of a credible and competent pool of professional mediators, but also on the positive embracement of mediation as a means to resolve dispute by the end-users of the process. The participation in the Mediation Week 2016 by these co-organizers from the different sectors bears witness to the depth to which mediation has been accepted here.

Of course, I must also thank the very distinguished speakers at today's conference, both overseas and local, who have given us much food for thoughts and insights regarding the future development of mediation in Hong Kong. If I may say so with respect, comparing with the topics covered in the past conference, the topics discussed today are more practical and relevant from the point of view of a mediator. This also reflects that we have gone past the stage of focusing on the setting up of professional frameworks for mediation and accreditation of mediators and move onto the actual conducting of the business in the practice of mediation. This again is another reflection on the maturity of mediation in Hong Kong.

Though we have built a foothold for mediation in this community, there is no room for complacency. As a judge, I can still see that there is potential for the greater

and better use of mediation to resolve disputes in our society. There are still far too many cases where the parties would have been much better served by making attempts in good faith to mediate their differences than spending disproportionate and (sometimes unaffordable) legal costs on litigation. Let this conference be another reminder that all stakeholders should continue our efforts in our respective field to handle dispute with a healthy mindset and to resolve differences in a collaborative manner.

Thank you.