



**Criteria and Procedure for Admission of Mediators to the List of Mediators,
Mechanism of Nomination and Appointment of Mediators for Mediation Case and
Obligations of Mediators**

Background

1. The Small Claims Mediation Pilot Scheme - Mediator Mentorship Scheme (“MMS”) is implemented by the Joint Mediation Helpline Office (“JMHO”) with a view to promoting a more extensive use of mediation in Hong Kong, providing more accessible and affordable mediation services to disputants of Small Claims Tribunal (“SCT”) cases and other cases with an amount in dispute not exceeding the jurisdictional limit of the SCT, as well as offering opportunities for mediators, especially the newly-accredited ones, to learn from the senior mediators in conducting real cases and handle actual mediation cases and to offer more opportunities for mediators to exchange with their fellows.

Interpretation and Variations

2. The Board of Directors of the JMHO shall, at all times, have power to amend the Criteria and Procedure for Admission of Mediators to the List of Mediators, Mechanism of Nomination and Appointment of Mediators for Mediation Case and Obligations of Mediators (“these Guidelines”). The Government of Hong Kong Special Administrative Region, relevant stakeholders, including the relevant industry bodies, will be consulted where appropriate. These Guidelines shall be from time to time in force.
3. For the avoidance of doubt, the interpretation accorded to these Guidelines by the JMHO shall be final and conclusive, to the extent permitted by any applicable law, not subject to appeal.
4. References to the male gender include, where the context admits, the female gender and vice versa and references to the singular number include, where the context admits, the plural number and vice versa.

List of Mediators

5. The JMHO will maintain a List of Mediators under the MMS.
6. There are 3 categories of mediators under the List of Mediators: Mentor Mediator, Mediator and Mentee Mediator.
7. Any person who satisfies the following criteria and at the same time undertakes to provide mediation services to parties of a case referred by the SCT or a case with the amount in dispute not exceeding the jurisdictional limit of the SCT as prescribed under Section 5 of the Small Claims Tribunal Ordinance if he is being appointed by such parties, may apply for admission to the respective category under the List of Mediators to perform the respective role under the MMS:

Category	Qualification	No. of mediation cases conducted over the past 3 years	Role
Mentor Mediator	Accredited Mediator of the Hong Kong Mediation Accreditation Association Limited (“HKMAAL”) or any other mediation institution from time to time specified by JMHO	At least 10	Conduct mediation and train up to 3 Mentee Mediators in each mediation session
Mediator		3 to 9	Conduct mediation with the support from JMHO Mediation Consultant
Mentee Mediator		0 to 2	Observe Mentor Mediator in conducting mediation

8. The application for admission to the List of Mediators is open throughout the operation of the MMS.

Application and Renewal Procedure

9. To apply for admission to the List of Mediators and renewal of the status as a mediator of the MMS, an applicant should submit:
- a duly completed Application Form clearly listing out his qualification(s), professional background and relevant experience;
 - his updated resume (both Chinese and English);
 - a copy of his accreditation certificate issued by HKMAAL or any other mediation institution from time to time specified by the JMHO; and
 - supporting documents proving the number of mediation cases conducted over the past 3 years, e.g. Agreement to Mediate (*for new applicants and renewal applicants requesting an upgrade in the category, i.e. Mentee Mediator renewing as Mediator/ Mentor Mediator or Mediator renewing as Mentor Mediator ONLY*).
10. Applications for renewal of the status as a mediator of the MMS should be submitted by 14 December 2020. Applications submitted after the said date will be considered as new application and all applicants will be subject to the provision of supporting documents as detailed in clause 9d above.
11. Applicants of Mediator and Mentee Mediator are required to pay an application fee of HK\$350. An annual renewal administrative fee of \$300 is required from applicants of Mediator and Mentee Mediator who intend staying on the List of Mediators.
12. No application fee or renewal administrative fee will be charged for applicants of Mentor Mediator.

Vetting of Application

13. The West Kowloon Mediation Centre Management Committee (“WMC”) will consider and vet

the applications for admission to the List of Mediators and renewal of the status as a mediator of the MMS in accordance with the criteria listed hereinabove and decide the entry and exit of mediators on the List of Mediators as it sees fit. In considering the applications, the WMC may request further information to be provided at its discretion.

14. Applicants will be notified individually by JMHO in writing the result of their application upon the direction of the WMC.
15. The decision on the entry and exit of mediators on the List of Mediators of the WMC shall be final.

Admission to the List of Mediators

16. Unless otherwise directed by the WMC, the name of the successful applicants (“Admitted Mediator(s)”) shall be published on the List of Mediators maintained by JMHO.
17. The List of Mediators, which is arranged in alphabetic order of surnames of the Admitted Mediators, is maintained by the JMHO and made available at:
 - a. the website of the MMS; and
 - b. West Kowloon Mediation Centre operated by the JMHO.
18. Unless otherwise directed by the WMC, the status of an Admitted Mediator shall be valid until 14 October 2021.

Nomination Procedure

19. The nomination procedure set out herewith is only applicable to Mentor Mediators and Mediators.
20. The nomination of mediator(s) shall generally be based on a rotation system (“Roster”), subject to the preference¹ of the Parties as far as practicable and/ or the circumstances of the case. JMHO has the sole discretion as to the nomination of mediator(s).
21. Either a Mentor Mediator or a Mediator shall be appointed for each case. For cases which a Mentor Mediator is nominated, up to 3 Mentee Mediators will also be nominated as the observers. For cases which a Mediator is nominated, a Mediation Consultant of the JMHO will be appointed as his supervisor.
22. JMHO will notify the nominated mediator(s) in writing about his nomination. The nominated mediator(s) shall complete and return to the JMHO a declaration form (“Declaration Form”) confirming that there is no conflict of interest for him to act as the mediator(s) of the case within 3 working days.
23. Upon receipt of the duly completed Declaration Form(s) from the nominated mediator(s), Parties will be notified in writing the name(s) of the nominated mediator(s). The resume of the Mentor Mediator or the Mediator will be provided to the Parties for their consideration within 5 working days.

¹ Only requirements related to the professional background and expertise of mediators will be considered. Preference on the category of mediators under the List of Mediators or in relation to the years of experience and/ or number of mediation cases conducted will not be considered.



24. Parties may reject the nomination on reasonable grounds for a maximum of two times for each case, unless otherwise approved by the JMHO. In such a case, the JMHO will inform the nominated mediator(s) of the unsuccessful nomination. The nomination procedure will be repeated with another mediator on the Roster nominated.
25. JMHO has the sole discretion as to the re-nomination of mediator(s).

Appointment Procedure

26. Where the Parties do not object to the mediator(s) being nominated, JMHO will proceed with the appointment of mediator(s).
27. JMHO will issue an appointment letter to the Parties and the mediator(s).
28. The appointment of mediator(s) takes effect upon the issuance of the appointment letter.

Rights and Obligations of Admitted Mediators

29. Admitted Mediators should provide updates to their resume to JMHO, if necessary.
30. Admitted Mediators are required to adhere to the rules and guidelines under the MMS, Hong Kong Mediation Code and other guidelines published by JMHO from time to time.
31. Admitted Mediators are subject to the Rules of the Handling of Complaints against a Mediator and shall agree that the confidentiality of mediation communication be waived for purposes incidental to the handling of complaints.
32. Mentor Mediators and Mentee Mediators are required to abide by the Guidelines for Mentor and Mentee Mediators published by JMHO.
33. Mentor Mediators are entitled to an honorarium of HK\$5,000 per case mediated under the MMS whereas Mediators are entitled to an honorarium of HK\$2,000 per case mediated under the MMS, subject to the discretion of the JMHO. Mentee Mediators are not entitled to any fee.
34. Admitted Mediators are offered CPD Workshops for skill advancement (priority is given to Mediators and Mentee Mediators).