

**SME Development Fund (SDF)/
Dedicated Fund on Branding, Upgrading and Domestic Sales (BUD Fund)
(Organisation Support Programme) (OSP)**

Final Report on Approved Project

Project ref. no. : BUD 13 3 005
Project title : Building, Developing and Promoting 'Hong Kong
Mediation' as a Brand for Professionals and Potential
Users in targeting the Mainland Market
Period covered : From 01/04/14 to 31/03/17
(dd/mm/yy) (dd/mm/yy)

1. Project Details

(Please mark with "*" if any of the following project details is different from that in the project proposal appended to the project agreement.)

Project Summary (in about 150 words)

With the Mediation Ordinance coming into force on 1 Jan 2013, mediation has further taken root in Hong Kong. This is in line with the Policy of the Chief Executive to build Hong Kong further up as the international dispute resolution centre. Besides, with the establishment of Hong Kong Mediation Accreditation Association Limited (HKMAAL), it is a premier mediation accreditation body in Hong Kong which provides standard accreditation to mediators and perform disciplinary function. It is therefore the time to develop and promote the "Hong Kong Mediation" brand in the Mainland market. Hong Kong, with its geographical centre, plays the role as the pre-eminent hub for commerce and finance. Enjoying the close proximity with the Mainland China, Hong Kong stands as a bridge between Mainland China and the outside world. It is expected that Mainland China will continue to grow robustly and the demand for mediation services at international standards will keep increasing.

Following the Civil Justice Reform and the Practice Directions on Mediation, litigants are required to use mediation unless there are justifications otherwise, failing which they may have adverse costs consequences. In fact, the Hong Kong SAR government offer support from time to time to the provision of mediation services in Hong Kong.

In their capacities as users, Mainlanders, professionals and enterprises have indicated that they are strongly interested in knowing and using Hong Kong style mediation in resolving commercial disputes, particularly foreign-related commercial disputes.

The Project is to serve the unique function in enhancing the market infiltration and promoting the wider knowledge and uses of Hong Kong mediation services for Mainland lawyers, mediation users and enterprises. In particular, the Project enables explicating 'Hong Kong Mediation' as a brand to them and professionals to have a role in dispute resolution in various sectors in Mainland. Professionals in different enterprises in Hong Kong equip with knowledge of Hong Kong mediation resolve disputes occurred in Hong Kong and/or mainland China.

Hong Kong enterprises, whether as law firms, sole proprietor, mediators/barristers or mediation services enterprises will all directly be benefiting with the enhanced market in Mainland China.

Project Objective(s) (in about 80 words)

- ▶ To build up the brand of 'Hong Kong Mediation' for assisting to parties involved in the Mainland market who are seeking to settle disputes by mediation.
- ▶ To promote the effective use of mediation in resolving local and international disputes for all.
- ▶ To uphold Hong Kong's position as one of the leading international dispute resolution centres in the Asia Pacific Region.
- ▶ To complement the policy of the Hong Kong Government in promoting the use of mediation.
- ▶ To develop and promote awareness amongst the businesses and professionals people involved in the Mainland market who are or may be conducting commercial transactions or having dealings and operations in Hong Kong.

- ▶ To boost and enhance the competitiveness of solicitors, barristers, mediators, arbitrators, architects, surveyors and other professionals in providing all-round mediation services, for the benefits of promoting harmony in the resolution of local and international disputes for the Mainland market.
- ▶ To concert with the business and professional communities to promote mediation as an alternative to litigation for resolving local and international commercial disputes in the Mainland market and as an effective management tool for business risks in a variety of fields.
- ▶ To strengthen Hong Kong's competitiveness as an international dispute resolution services centre in the Mainland market and hence in the region.
- ▶ To broaden the knowledge and upgrade the skills of professionals involved in dispute resolution, and businesses and other users of mediation services in Hong Kong, particularly on the effective use of mediation in resolving local and international disputes.

Grantee/Collaborating Organisation/Implementation Agent

Grantee : Joint Mediation Helpline Office

Collaborating Organisation(s) : Hong Kong Bar Association, The Hong Kong Institute of Arbitrators, Chartered Institute of Arbitrators (East Asia Branch), Hong Kong Institute of Architects, The Law Society of Hong Kong, The Hong Kong Institute of Surveyors, Hong Kong International Arbitration Centre - Hong Kong Mediation Council, Hong Kong Mediation Centre, Shenzhen Court of International Arbitration, China Nansha International Arbitration Centre (中國南沙國際仲裁中心), Guangzhou Arbitration Commission (廣州仲裁委員會), Guangzhou Arbitration Commission (Dongguan Branch) (廣州仲裁委員會東莞分會), Hui Zhou Lawyers Association (惠州市律師協會), Shanghai International Economic and Trade Arbitration Commission (Shanghai International Arbitration Center) (上海國際經濟貿易仲裁委員會(上海國際仲裁中心))

Implementation Agent(s) : NA

Key Personnel

	<u>Name</u>	<u>Company/Organisation</u>	<u>Tel No. & Fax No.</u>
Project Co-ordinator :	<u>Antony MAN</u>	<u>Joint Mediation Helpline Office</u>	<u>2901 1224 & 2899 2984</u>
Deputy Project Co-ordinator :	<u>Richard LEUNG</u>	<u>Joint Mediation Helpline Office</u>	<u>2901 1224 & 2899 2984</u>

Project Period

	<u>Commencement Date (day/month/year)</u>	<u>Completion Date (day/month/year)</u>	<u>Project Duration (No. of months)</u>
As stated in project agreement	<u>01/04/2014</u>	<u>31/03/2017</u>	<u>36</u>
Revised (if applicable)	<u>Nil</u>	<u>Nil</u>	<u>Nil</u>

2. Summary of Project Results

Project Deliverables

(Please list out the project deliverables as stated in the project proposal appended to the project agreement and provide details related to the actual result achieved for each of them.)

	Project deliverable	Quantifiable target number (e.g. 100 participants)	Actual result achieved (e.g. 90 participants)	Reasons for not achieving the target, if applicable (e.g. The total number of registered participants was over 120. However, some of them did not show up eventually. Will strengthen promotion and try to make up for the shortfall in the following two seminars.)
2 half-day mediation workshops in Hong Kong				
a)	1 st workshop (10/09/2015)	50 participants	72 participants	Nil
b)	2 nd workshop (23/11/2016)	50 participants	38 participants	There are a lot of mediation workshops available in the market and many of which are CPD-bearing. Since there was no budget for applying for CPD accreditation for this workshop, the workshop appeared to be less attractive to mediators and hence the number of participants failed to reach the original target.
8 seminars (2 in Hong Kong and 6 in China)				
c)	1 st seminar in Hong Kong (04/12/2014)	50 participants	60 participants	Nil
d)	2 nd seminar in Hong Kong (02/12/2016)	50 participants	25 participants	Although promotional flyer of the seminar was disseminated through the database of various trade organisations such as the Chinese Manufacturers' Association of Hong Kong, the Chinese General Chamber of Commerce, and the database of the Hong Kong Trade Development Council, the number of participants was lower than expected since there was no budget for promotion through other channels. In addition, some of the registrants did not show up eventually.
e)	1 st seminar in China – Shenzhen (29/06/2015)	50 participants	108 participants	Nil
f)	2 nd seminar in China – Zhuhai (22/09/2015)	50 participants	94 participants	Nil
g)	3 rd seminar in China – Shanghai (18/03/2016)	50 participants	62 participants	Nil
h)	4 th seminar in China – Nansha (21/09/2016)	50 participants	70 participants	Nil
i)	5 th seminar in China – Dongguan (24/02/2017)	50 participants	49 participants	Nil
j)	6 th seminar in China – Guangzhou	50 participants	Nil	See item 2.4 (2)
2 one-day conferences (1 in Hong Kong and 1 in China)				
k)	One-day conference in Hong Kong (27/11/2014)	120 participants	124 participants	Nil
l)	One-day conference in China – Shanghai (17/03/2016)	120 participants	184 participants	Nil

Details of the deliverables (e.g. date, duration, venue, speaker, topic discussed, etc.)

(Please list out in table format if necessary.)

2 half-day mediation workshops in Hong Kong	
a)	1st workshop
	Title of deliverable : Advanced Mediation Skills Workshop
	Date : 10/09/2015
	Time : 5:15pm – 8:30pm
	Venue : Hong Kong International Arbitration Centre, 38/F, Two Exchange Square, 8 Connaught Place, Central, HK
	Speaker : Mr. LAW Wai Hung, Francis, Mrs. WONG CHAN Tsz Ying, Ruth
	Topic discussed : 1. Resolving Cross-border Commercial Disputes 2. Skills of Handling High emotional Intensity
	Actual number of participants : 72
No. of questionnaires collected : 39	
b)	2nd workshop
	Title of deliverable : 中港調解與仲裁工作坊
	Date : 23/11/2016
	Time : 2:30pm – 5:30pm
	Venue : United Conference Centre, 10/F, United Centre, 95 Queensway, Hong Kong
	Speaker : Mr. XIE Weimin, Mr. IU Ting Kwok
	Topic discussed : 1. 內地商事調解及仲裁發展 2. 香港《道歉法例》與調解應用技巧
	Actual number of participants : 38
No. of questionnaires collected : 15	

8 seminars (2 in Hong Kong and 6 in China)	
c)	1st seminar in Hong Kong
	Title of deliverable : Commercial Mediation: economical, time efficient and confidential
	Date : 04/12/2014
	Time : 4:00pm – 5:00pm
	Venue : Seminar Room E, Hall 1E, Hong Kong Convention and Exhibition Centre
	Speaker : Ms. Jody SIN, Mr. Roy CHENG
	Topic discussed : How does Commercial Mediation help disputes
	Actual number of participants : 60
No. of questionnaires collected : 6	
d)	2nd seminar in Hong Kong
	Title of deliverable : 「善用調解化解商務糾紛」講座
	Date : 02/12/2016
	Time : 3:30pm – 5:30pm
	Venue : United Conference Centre, 10/F, United Centre, 95 Queensway, Hong Kong
	Speaker : Mr. Oscar TAN, Ms. Cindy FONG
Topic discussed : 1. 甚麼是調解 2. 調解員的角色與談判技巧 3. 《調解條例》給予當事人的保障 4. 香港調解的特點 5. 以調解解決商事糾紛的好處 6. 調解個案分享	
Actual number of participants : 25	
No. of questionnaires collected : 10	
e)	1st seminar in China – Shenzhen

	Title of deliverable	: 第一屆粵港澳商事調解論壇“跨境商事調解與自貿區法治環境”研討會
	Date	: 29/06/2015
	Time	: 1:30pm – 6:00pm
	Venue	: 深圳市福田區僑城東路2002號園博園西門深圳博林諾富特酒店五樓宴會廳
	Speaker	: 陳炳煥先生, 蕭詠儀律師, 何國鈞先生, 蘇國良先生, 羅偉雄先生, 蔣惠嶺先生, 劉曉春先生, 林偉倫先生, 徐晶女士, 陳柳波先生, 謝衛民先生, 沈四寶先生
	Topic discussed	: 第一節: 民事司法制度改革與多元化糾紛解決機制創新 - 內地多元化糾紛解決機制介紹 - 內地調解的最新發展 - 香港特區民事司法制度改革與香港調解條例介紹 - 香港調解的特點與優勢 - 澳門特區民事司法制度改革與調解介紹 - 調解聯盟創新機制介紹 第二節: 跨境商事調解實踐與自貿區法治環境 - 調解聯盟跨境商事糾紛調解案例分享 - 深圳前海合作區人民法院調解中心(籌備)的構建及設想 - 國際貿易糾紛調解案例分享
	Actual number of participants	: 108
	No. of questionnaires collected	: 10
f)	2nd seminar in China – Zhuhai	
	Title of deliverable	: “自貿區多元化糾紛解決機制與珠港澳商事調解實務”研討會
	Date	: 22/09/2015
	Time	: 1:30pm – 6:15pm
	Venue	: 珠海國際會議中心會議中心501
	Speaker	: 楊文聲律師, 何國鈞先生, 康明律師, 唐曉晴教授, 許智銘先生, 林一飛博士, 李磊明主任, 吳創偉局長, 沈雲樵副教授, 詹秦律師
	Topic discussed	: 1. 多元化爭議解決機制介紹 2. 香港調解條例 3. 香港調解的特點與優勢 4. 澳門多元化爭議解決介紹 5. 珠海國際仲裁院多元化爭議解決機制建設情況介紹 6. 中小企業糾紛特點與糾紛解決需求 7. 法院調解實務 8. 消費爭議調解實務 9. 金融領域商事調解實務 10. 建築工程領域商事調解實務
	Actual number of participants	: 94
	No. of questionnaires collected	: 54
g)	3rd seminar in China – Shanghai	
	Title of deliverable	: 商事調解實務講座
	Date	: 18/03/2016
	Time	: 9:15am – 12:00pm
	Venue	: 上海浦東濱江大道2727號上海國際會議中心
	Speaker	: 廖玉玲大律師, 游閩健律師, 池偉雄博士, 黃吳潔華律師, 陳勝律師
	Topic discussed	: 1. 調解的特點與優勢 2. 知識產權爭議調解實務 3. 建築工程領域調解實務 4. 商事調解實務 5. 調解協議的可執行性
	Actual number of participants	: 62

	No. of questionnaires collected	: 5
h)	4th seminar in China – Nansha	
	Title of deliverable	: 穗港調解與仲裁研討會
	Date	: 21/09/2016
	Time	: 2:00pm – 5:00pm
	Venue	: 中國廣州市南沙區環市大道南2號南沙資訊科技園軟件樓南5樓中國南沙國際仲裁中心
	Speaker	: 江嵐女士, 李伯誠先生, 余若蘭女士, 黃吳潔華律師, 郝飛先生, 陳慶生大律師, 文志泉先生
	Topic discussed	: 1. 香港民事司法改革及調解條例 2. 內地仲裁與調解制度發展 3. 香港調解的特點與優勢
	Actual number of participants	: 70
No. of questionnaires collected	: 20	
i)	5th seminar in China – Dongguan	
	Title of deliverable	: 穗港調解與仲裁研討會
	Date	: 24/02/2017
	Time	: 2:15pm – 5:15pm
	Venue	: 中國廣州仲裁委員會東莞分會
	Speaker	: 蕭詠儀律師太平紳士, 駱世明律師, 黃吳潔華律師, 鄧家誠科長
	Topic discussed	: 1. 香港民事司法改革及調解條例 2. 內地多元化爭議解決機制介紹 3. 香港調解的特點與優勢 4. 東莞人民調解現狀及發展趨勢
	Actual number of participants	: 49
No. of questionnaires collected	: 16	
j)	6th seminar in China – Guangzhou	
	Nil	

2 one-day conferences (1 in Hong Kong and 1 in China)		
k)	One-day conference in Hong Kong	
	Title of deliverable	: Mediate Disputes to Enhance Harmony in doing Business between Hong Kong and China cum the 2nd Shanghai-Hong Kong Commercial Mediation Forum
	Date	: 27/11/2014
	Time	: 9:00am – 5:10pm
	Venue	: Owners Box 3/F Member Stand I Happy Valley Racecourse, Hong Kong Jockey Club
	Speaker	: Mr. Rimsky YUEN, SC, JP, The Hon Mr. Justice LAM, Mr. David CHEN, Mr. Antony MAN, Ms. Elaine LIU, JP, Mr. Richard LEUNG, Mr. Lawrence LEE, Mr. Vod KS CHAN, Mr. Huen WONG, Mr. Francis LAW, Ms. Wei ZHANG, Prof. H.F. LEUNG, Prof. Christopher TO, Mr. Sean YUAN, Mr. Mingjian YOU, Ms. Haige LI, Prof. Li YANG, Ms. Jody SIN, Mr. CHAN Bing Woon, SBS, JP
	Topic discussed	: Session 1: The Beauty and Beast of Hong Kong Mediation - Dispute Resolution – Mediation, Arbitration and Litigation - Styles of Mediation (Facilitative and Evaluation model) - The Advantages of using Hong Kong mediation Session 2: Mediation in Legal Framework and Commercial Mediation - Lawyers' perspectives on Mediation - Mediation Services in Hong Kong and Commercial Mediation - The applications and practices of Commercial Mediation in Shanghai Session 3: The frontiers of Mediation Development in Hong Kong - Civil Justice Reform, Mediation Ordinance and Mediator Accreditation Session 4: Introduction to Real Estate and Construction Mediation: Dos &

		Don'ts - How does Mediation help to resolve the Real estate and Construction Mediation & Case Sharing Session 5 : Mediation in Mainland - The methods and skills of Steel Trade cases mediation - The intellectual property disputes mediation in Electronic Business - Introduction of mediation rules of Shanghai Commercial Mediation Center - The professional training mode of Commercial Mediation in Shanghai - 中國內地商事調解在華南地區的最新發展
	Actual number of participants :	124
	No. of questionnaires collected :	38
1)	One-day conference in China – Shanghai	
	Title of deliverable :	第三屆滬港商事調解論壇: 商事調解與司法改革 - 調解在商事糾紛解決中的價值
	Date :	17/03/2016
	Time :	9:30am – 4:30pm
	Venue :	上海浦東濱江大道2727號上海國際會議中心
	Speaker :	袁國強司長, 蔣惠嶺所長, 陳炳煥律師, 孔宏德先生, 湯黎明院長, 廖玉玲大律師, 林曉鏢院長, 羅偉雄先生, 黃仲蘭律師, 袁季雨律師, 馬兆林律師, 黃吳潔華律師, 張巍女士, 楊力教授
	Topic discussed :	1. 香港法律服務和糾紛解決服務的特點和優勢 2. 中國多元糾紛解決機制建設進程及展望 3. 香港特區民事司法制度改革與香港調解條例 4. ADR的世界潮流與現狀 5. 商事案件特點及訴調對接需求 6. 香港民事訴訟調解實務指引31 7. 上海自貿試驗區多元糾紛解決機制的實踐 8. 專業調解的市場拓展 9. 調解不成功的原因 10. 調解技能的提升
	Actual number of participants :	184
No. of questionnaires collected :	6	

Milestones (in chronological order)

(# Please indicate if the milestone is completed (C), deferred (D) or not achieved (N). If it is deferred, please indicate the revised completion date. For those milestones which are deferred or not achieved, please also provide the reasons under item 2.4.)

Milestone (as set out in the approved project proposal appended to the project agreement)	Original target completion date	Revised completion date (if applicable)	Status (C/D/N) #
Plan and deliver 1 conference in Hong Kong	30/09/2014	27/11/2014	C
(a) Kong			
Plan and deliver 1 seminar in China and 1 mediation workshop in Hong Kong	31/03/2015		C
(b)			
Plan and deliver 1 seminar in China and 1 seminar in Hong Kong	30/09/2015		C
(c)			
Plan and deliver 1 seminar in China and 1 conference in China	31/03/2016		C
(d)			
Plan and deliver 1 seminar in China and 1 mediation workshop in Hong Kong	30/09/2016		C
(e)			
Plan and deliver 2 seminars in China and 1 seminar in Hong Kong	31/03/2017		N
(f)			

Future Plan for Promoting the Project Deliverables (Nil if not applicable)

Nil
