

What is mediation

Voluntary Mediation in Petitions Presented under sections 168A and 177(1)(f) of the Companies Ordinance

The Judiciary encourages voluntary mediation in petitions presented under section 168A and petitions for winding up on the just and equitable ground under section 177(1)(f) of the Companies Ordinance, Cap. 32. Where the petitions are purely disputes between shareholders, not involving the interest of the general body of creditors of the subject company, and the affairs of the company would not require full investigation in the public interest, the court wishes to encourage the parties to consider the use of mediation as a possible additional means of resolving their disputes in a cost-effective and more expeditious manner. For the procedure on the initiation of mediation, reference should be made to the Practice Direction, which could be downloaded from the following website :

http://legalref.judiciary.gov.hk/lrs/common/pd/Practice_Directions.jsp

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Information on Mediation in Special Types of Cases

Family Mediation

Family Mediation is a problem-solving process designed to help separating/divorcing couples to reach their own mutually acceptable agreements regarding the on-going arrangements for their children and/or the resolution of financial matters. A Family Mediation Co-ordinator's Office ("MCO") was set up to disseminate information on family mediation services. The MCO holds information sessions on family mediation and assists couples in seeking family mediators to help resolve their problems in a non-adversarial way. Although family mediation services are now provided on a fee-charging basis, some non-governmental organisations operate fee exemption and reduction schemes for those with financial difficulties. Information about the service of the MCO is set out in the pamphlet on 'Family Mediation', which could be obtained from the Judiciary or downloaded from the following website :

http://www.judiciary.gov.hk/en/crt_services/pphlt/html/fm.htm

Enquiry on the family mediation service could be made to :

Family Mediation Co-ordinator's Office

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

Tel : 2180 8063

Fax : 2180 8052

Voluntary Mediation in the Construction and Arbitration List

The Judiciary encourages parties in construction cases to attempt mediation as a possible cost-effective means of resolving disputes. To promote the use of mediation, the Court may impose costs sanction where a party unreasonably refuses to attempt mediation. For the procedure on the initiation of mediation, reference should be made to the Practice Direction 31, which could be downloaded from the following website :

http://legalref.judiciary.gov.hk/lrs/common/pd/Practice_Directions.jsp

Mediation in Building Management Cases in the Lands Tribunal

The Judiciary encourages parties to make attempts to resolve their differences in building management cases by mediation, so that such cases can be disposed of in an efficient and expeditious manner. Mediation will be explored in all represented cases and, if one of the parties applies or if the Lands Tribunal considers appropriate, mediation will also be explored in unrepresented cases as well. A Building Management Mediation Co-ordinator's Office was set up to disseminate information on mediation in building management cases. Information on mediation in building management cases is set out in the pamphlet 'Case Management and Mediation for Building Management Cases in the Lands Tribunal', which could be obtained from the Judiciary or downloaded from the following website :

http://www.judiciary.gov.hk/en/crt_services/guide2cs.htm

Enquiry on mediation in building management cases could be made to :

Building Management Mediation Co-ordinator's Office

Address : Room 206 - 208, 2/F Lands Tribunal Building,
38 Gascoigne Road, Kowloon

Tel : 2170 3858

Fax : 2782 5780