



HKICM Mediation Scheme

(I) Background

1. To provide a comprehensive package of mediation service in collaborating with the Government of the HKSAR in the promotion of alternative dispute resolution, Hong Kong Institute of Construction Managers ("Institute" or "HKICM") is going to launch a Mediation Scheme ('Scheme') to the public.

(II) Coverage of Mediation Service

2. Public, our target client, would include the consultants, contractors, construction companies, companies and individuals in business with contractors and construction companies as well as other stakeholders.
3. Cases are those disputes in connection with construction including but not limited to building construction, building and quantity surveying, civil and structural engineering, building services, minor works in repairs and maintenance, etc.

(III) The Choice of the Institute

4. In the HKICM List of Accredited Mediators ("List"), you will find the names of our experienced mediators who are also the senior members of the major mediation organizations in Hong Kong. While being the renowned personnel within their respective disciplines of the construction sector, we have Professors, Civil Engineers, Structural Engineers, Building Surveyors, Quantity Surveyors, Project Managers, Barristers, Solicitors and Expert Witness, etc. on the List.
5. Given a strong team of experienced accredited mediators, the Institute has in place a clear set of referral procedures (at Appendix 1) assisting clients in their appointment of mediators, comprehensive back-up service to monitor the case progress is believed to be value added.

(IV) The Scheme

6. The Scheme comprises: -
 - A 4-hour mediation service at HK\$5,000.00 (shared equally by parties in dispute) with no limit of amount in dispute (upfront payment and normally not refundable);



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- mediation beyond 4 hours will be separately agreed between the appointed mediator and the parties in dispute, fees will be agreed upon among the parties and be shared equally between parties in dispute;
 - Venue charges will be borne by parties in dispute equally; and
 - Mediator Members, with cases assigned from the Secretariat, are required to report back the progress with the Secretariat.
7. The Secretariat would be responsible for handling the recruitment process by communicating among the clients, Mediator members of the Institute and the Mediation Committee. Once the cases assigned, the Secretariat would pass over the materials to Mediator members and follow up with them at the different stages (Please refer Appendix 1).
 8. To avoid possible conflict of interest one party in dispute, if suggest a name of a mediator to the mediation, must have a written agreement of the other party to the said intended appointment. If no suggestion from either party, the assigning of mediator shall be dealt with by the Mediation Committee. The selection criteria will be on the clients' preference, if any, relevant experience of Mediators members who have expressed their interest in taking up the jobs, etc. Once the appointment of the mediator is accepted by parties in dispute, the mediator so appointed will contact parties in dispute direct.
 9. The Institute shall not be held liable for the work of the mediators, the mediation agreement is a private one between the appointed Mediator and his/her parties in dispute.
 10. The appointed Mediator is required to report the status of the case in the Progress Report within one month taking up the case. If the case has yet been completed, another report in the next three months or one month immediately after the case completion, whichever is the earlier, must be submitted to the Secretariat.
 11. If member would need mediation service, please fill in the form and return to the Secretariat at mediation@hkicm.org.hk. For enquiries, feel free to contact the Secretariat Office at (852) 2523 2081.

Secretariat

Hong Kong Institute of Construction Managers

19 October 2012



Appendix 1

Handling Procedures of HKICM Mediation Scheme

1. Check if request form is complete and the fee payment of HK\$5,000.00 been made.
2. Confirm client the application be in order and the recruitment be commenced (request the submission of the missing documentation otherwise).
3. Issue emails to Mediator Members ('MMs') of the mediation case received at the Secretariat requesting MMs to express their interest in taking up the case.
4. Consolidate replies of MMs and prepare a list for the consideration of Mediation Committee ('MC'), attached with the CVs of the MMs who have expressed their interest.
5. Forward details of the parties to the MM recommended by the MC for his initial checking of possible "Conflict of Interest" (if there being conflict of interest the second choice at the list will be informed to take up the case and so forth until the list is exhausted).
6. Send details of the MM to parties in dispute for the verification of "Conflict of Interest".
7. Pass over the case to the recommended MM.
8. Report case progress to the Secretariat until the case completion.
9. Follow up with the case development with MM until the case completion.
10. Record data from MM and maintain statistics for planning.
11. Review the entire process periodically by the Secretariat for continued improvement.
12. Provide quarterly update to Council by Mediation Committee of the cases handled; requiring a 'nil' return.

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