



## **HKICM Pro Bono Mediation Scheme**

### **(I) Background**

In view of the growing trend of adopting mediation in construction disputes and recent active promotion of mediation by the Government of Hong Kong Special Administrative Region as an alternate dispute resolution in Hong Kong society, the Council of HKICM has approved to implement a Pro Bono Mediation Scheme (Scheme) to resolve construction disputes with immediate effect.

### **(II) Aims of the Scheme**

1. To encourage the adoption of mediation as a dispute resolution tool in the construction industry;
2. To promote mediation as the first means of resolving construction disputes, minimizing disputes and to build up harmony in the construction industry;
3. To provide a working platform for HKICM members to kickoff resolving their construction disputes; and
4. To encourage collaborating amongst HKICM members in settlement of disputes.

### **(III) Details of the Scheme**

1. Mediation has been proven to be an effective means of settling disputes between parties involved in the domestic/communal/commercial sectors. In order to encourage the use of mediation, it is proposed to introduce a pro bono scheme for mediation involving construction disputes. The parties in dispute are herein referred to as the “parties”.
2. Under the Scheme, mediation will be provided by a HKICM Accredited Mediator (the “Mediator”) on a pro bono or no fee basis for dispute resolving up to four hours. For HKICM internal training purposes, the parties in disputes will have to agree to allow up to two HKICM mediator trainees to observe in the mediation sessions. These trainees will abide by the confidentiality and professional ethics codes of HKICM. The amount in dispute has to be HK\$1 million or less per case.
3. The intention of the Scheme is to encourage organizations which may not be familiar with mediation to consider mediation as the first means of resolving disputes, and to enable more organizations to become familiar with this form of dispute resolution.



4. The Mediator will provide his/her services free of charge during the Scheme up to a maximum of 4 hours total involvement.
5. The parties who wish to use the Scheme should contact the Secretary General of HKICM requesting a Pro Bono Mediation Scheme.
6. Upon requested, HKICM will send to the parties a standard information pack containing a mediation application form, the agreement with the mediator and other explanatory documents. Both parties should complete and return the application form.
7. The parties are allowed to select their preferred language (Cantonese, Putonghua or English) for the mediation. HKICM will select the first mediator on the List who meets the criteria. If the parties cannot agree on a language, then a mediator conversant in the two languages will be selected.
8. HKICM will notify the parties of the selected mediator. If the parties wish to proceed with the mediation, they must complete and sign the Agreement to Mediate and return to HKICM within 14 days of such notice.
9. Venue will be provided by the parties otherwise any costs which may be incurred, such as hiring of rooms and other miscellaneous costs will be the responsibility of the parties and spilt equally between the parties. Local travelling cost will not be charged by the mediator.
10. The HKICM may refuse a request for a pro bono mediation under the Scheme at its sole discretion and without stating a reason. The HKICM will, from time to time, review its own resources and availability of Accredited Mediators.
11. This Scheme is valid for one year and subject to review from time to time.

Secretariat

Hong Kong Institute of Construction Managers

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