

Table of Contents

	Page
About Wolters Kluwer	iii
About the Authors	v
Preface	ix
List of Abbreviations	xiii
 Chapters	
1 The ADR Spectrum.....	1
2 Principles of Mediation	41
3 Development of Mediation in Hong Kong	71
4 The Law Governing Mediation in Hong Kong.....	107
5 Pre-mediation Process	149
6 Practice and Procedure of Mediation	173
7 Mediator's Qualifications and Obligations	211
8 Techniques in Mediation	233
9 Advocacy in Mediation.....	283
10 Drafting of Settlement Agreement.....	295
11 Confidentiality and Transparency in Mediation	337
12 Cross-cultural Mediation	353
13 Mediation in Criminal Cases	373
14 Family Mediation.....	395
15 Mediation in Labour Disputes	433
16 Mediation in Construction Disputes.....	449
17 Mediation in Intellectual Property Disputes	459
18 Mediation in the Banking and Finance Industry	483
19 Mediation in the Insurance Industry	513
20 Mediation of Consumer and Community Disputes.....	547
21 Mediation in Medical and Dental Disputes	601
22 Apologies in mediation.....	623
23 Post-mediation Process.....	639
24 Mediation Sample Role Plays.....	681
 Appendices	 707
Table of Cases

Table of Legislation
Index

List of Abbreviations

ABA	American Bar Association
ACCC	Australian Competition and Consumer Commission
ACP	Airport Core Program
ADR	Alternative Dispute Resolution
APEC	Asia-Pacific Economic Cooperation
ARIVA	Association for the Rights of Industrial Accident Victims, Hong Kong
ASIC	Australian Securities and Investments Commission
BA	Broadcast Authority, Hong Kong
BATNA	Best Alternative to a Negotiated Agreement
BMMCO	Building Management Mediation Coordinator's Office
CAHK	Communications Authority of Hong Kong
CCSS	Consumer Complaint Settlement Scheme
CE&D	Customs and Excise Department, Hong Kong
CEDR	Centre for Effective Dispute Resolution
CIArb	Chartered Institute of Arbitrators
CIC	Construction Industry Council, Hong Kong
CIETAC	China International Economic and Trade Arbitration Commission
CIRC	Construction Industry Review Committee
CJR	Civil Justice Reform in Hong Kong
CPR	Civil Procedure Reform in the United Kingdom
DMC	Deed of Mutual Covenant
DRA system	Dispute Resolution Advisor system
eBRAM	Electronic Business Related Arbitration and Mediation
EOC	Equal Opportunities Commission
EU Directive	European Mediation Directive 2008/52/EC
FCA	Financial Conduct Authority, the United Kingdom
FDRC	Financial Dispute Resolution Centre, Hong Kong

FDRS	Rules Financial Dispute Resolution Scheme Mediation and Arbitration Rules
FIDReC	Financial Industry Dispute Resolution Centre Ltd, Singapore
FOS	Financial Ombudsman Service, the United Kingdom
FPC	Financial Policy Committee, the United Kingdom
FSA 2012	Financial Services Act 2012
FSTB	Financial Services and the Treasury Bureau
HKFI	Hong Kong Federation of Insurers
HKCMAC	Hong Kong Catholic Marriage Advisory Council
HKFWS	Hong Kong Family Welfare Society
HKIAC	Hong Kong International Arbitration Centre
HKIE	Hong Kong Institute of Engineers
HKMA	Hong Kong Monetary Authority
HKMC	Hong Kong Mediation Council
HKMAAL	Hong Kong Mediation Accreditation Association Ltd
ICC	International Chamber of Commerce
ICCB	Insurance Claims Complaints Bureau, Hong Kong
IEC	Investor Education Centre, Hong Kong
IMI	International Mediation Institute
ISDA	International Swaps and Derivatives Association
Lehman minibonds	Credit-linked notes issued by Lehman Brothers group entities which were distributed by retail banks and brokers and sold as “minibonds” to retail investors
MECAB	Minor Employment Claims Adjudication Board
Med-Arb	Mediation – Arbitration
MLICC	UNCITRAL Model Law on International Commercial Conciliation
MPAA	Mandatory Pre-dispute Arbitration Agreement
MSB	Mediation Standards Board
NGO	Non-governmental Organisation
NIMPS	New Insurance Mediation Pilot Scheme
NMAS	National Mediator Accreditation Standards
ODR	Online Dispute Resolution

OECD	Organisation for Economic Co-operation and Development
OFCA	Office of Communication Authority, Hong Kong
OFT	Office of Fair Trading, the United Kingdom
PD 31	Practice Direction 31
PDI	Power Distance Index
P.R.I.M.E. Finance	A panel of derivatives experts available to arbitrate or mediate disputes
RHC	The <i>Rules of High Court</i> (CAP 4A)
SFC	Securities and Futures Commission, Hong Kong
TA	Telecommunication Authority, Hong Kong
TDO	The <i>Trade Description Ordinance</i> (CAP 362)
The Code	The <i>Mediation Code of Conduct</i>
The Ordinance	The <i>Mediation Ordinance</i> (CAP 620)
ToR FDRC	Terms of Reference, which set out the remit and procedures for the FDRC
TRC	Truth and reconciliation commissions, such as the South African Truth and Reconciliation Commission set up in the aftermath of the dissolution of apartheid
UAI	Uncertainty Avoidance Index
UN	United Nations
UNCITRAL	The United Nations Commission on International Trade Law
VOM	Victim-Offender Mediation
WATNA	Worst Alternative to a Negotiated Agreement
ZOPA	Zone of Potential Agreement