

# 大湾区专业调解及 风险管理服务目录



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## 粤港澳大湾区专业调解及风险管理服务目录

### 序

在全球化的浪潮中, 粤港澳大湾区以其独特的地理位置和经济优势, 为香港的中小企业带来了前所未有的机遇。然而, 随著商业活动的增多, 争议和风险也随之而来。为了帮助这些企业更好地在大湾区经营, 我们成立了由十三位大湾区的法律、调解、风险管理、营商和贸易的专家及学者所组成所编辑委员会。我们共同编辑了这份《粤港澳大湾区专业调解及风险管理服务目录》。

本目录分共为九个章节, 旨在为香港的中小企业提供一个全面的指南, 帮助他们了解大湾区的交易促成与谈判咨询服务, 以及香港本地及跨境调解及相关服务。同时, 我们也介绍了香港的调解服务、调解员及调解中心, 以及专家报告和知识产权申请与保护服务。随著大湾区的商业活动的增多, 对交易促成与谈判咨询的需求也在增加。香港提供了一系列专业的交易促成与谈判咨询服务以满足这一需求。

为了帮助香港的中小企业更好地在大湾区经营, 我们提出了一系列的预防措施。这些措施包括提供专业的交易促成与谈判咨询服务, 以及提供香港本地及跨境调解及相关服务。通过这些服务, 我们希望能够帮助香港的中小企业预防风险和解决可能出现的商业争议, 从而更好地在大湾区经营。

此外, 调解作为一种高效、经济的争议解决程序, 对于大湾区的中小企业来说, 具有重要的意义。它不仅可以帮助企业节省时间和成本, 还可以帮助企业建立和维护良好的商业关系。因此, 我们详细介绍了调解服务的申请程序、费用, 以及如何在调解中取得最佳结果的准备方法。

## 粤港澳大湾区专业调解及风险管理服务目录

我们还列出了各大调解中心、专业调解员名单，以及他们的联系方式和服务费用，方便企业在选择调解服务时，能够找到最适合自己的服务提供者。

我们相信，通过阅读本目录，香港的中小企业将能够更好地了解和利用大湾区的专业调解及风险管理服务，从而在激烈的商业竞争中，取得更大的成功。

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#### 1.1 粤港澳大湾区为香港中小企业带来的机遇

大湾区是中国的一个发展计划，旨在整合珠江三角洲地区九个城市的经济、技术和创新能力。这包括两个特别行政区：香港和澳门，以及广东省的七个城市。大湾区计划是中国重要的区域发展计划，于 2019 年正式启动。它基于珠江三角洲现有的优势，旨在打造一个可与东京、纽约和旧金山湾区相媲美的世界级城市群。对于香港中小企业来说，这在不同领域提供了一系列的机遇：

1. **进入更大市场**：大湾区拥有超过 7000 万人口的综合市场，为香港 SMEs 提供了一个比仅在香港运营时更大的市场。推动「一国两制」事业发展的新实践。
2. **增强连通性**：大湾区旨在改善九个城市之间的基础设施和交通联系，使中小企业更容易在该地区运输货物、服务和人员。

3. **创新和技术合作**：大湾区专注于促进创新和技术进步。香港 SMEs 可以与该地区的研究机构和科技公司合作开发新产品和服务。大湾区鼓励创新和研究与发展。香港的中小企业可以与内地合作夥伴、大学和研究机构合作，开发新技术、产品和服务。大湾区已指定了几个区域作为「创新中心」，为初创企业和创新型企业提供支持。
4. **人才库**：随著连通性和合作的提升，香港中小企业可以利用更大的人才库，包括来自大湾区各个城市的熟练工人和专业人士。
5. **金融服务**：香港在金融服务方面的优势可以被 SMEs 利用来为企业融资或为 GBA 其他企业提供金融服务。这包括财富管理、保险和数字金融方面的机会。

6. **政策支持**：中国政府已经实施了各种政策来支持大湾区中的中小企业，例如税收优惠、补贴和简化的行政程序。
7. **跨境贸易便利化**：努力简化海关程序和加强跨境贸易，使香港中小企业更容易出口和进口货物到大湾区。
8. **文化多样性**：大湾区涵盖了多种文化背景，这可以帮助香港中小企业更好地理解该地区消费者的多样化需求和偏好。
9. **环境可持续性**：大湾区倡议推动可持续发展实践，为香港中小企业提供开发环保产品和服务的机会。在节能解决方案、废物管理和可再生能源领域的 SMEs 可以在大湾区内探索合作夥伴关系和项目。
10. **电子商务扩张**：大湾区不断增长的电子商务市场为香港 SMEs 提供了扩大在线存在和接触新客户的机会。
11. **制造业和供应链**：大湾区是先进制造业的所在地。香港中小型企业

业可以利用他们在电子、纺织和时尚等领域的专业知识，融入区域供应链，并从成本效益高的制造解决方案中受益。

12. **电子商务和零售**：拥有庞大的消费市场，大湾区为电子商务和零售 SMEs 提供了重大潜力。香港中小企业可以扩大他们的在线存在并把握该地区的消费趋势。
13. **旅游和文化产业**：大湾区旨在促进文化交流和旅游。香港的中小企业可以开发吸引国内外游客的小众旅游产品、文化活动和创意内容。
14. **教育和培训**：随著大湾区寻求建立知识型经济，香港教育和培训提供商有机会提供专业课程和专业发展计划。
15. **医疗保健和生物科技**：医疗保健是大湾区内增长的另一个领域，重点是医疗服务、生物科技和生命科学。这些领域的香港 SMEs 可以探索用于研究、产品开发和提供的合作。

## 第一章 引言

为了利用这些机会，香港中小型企业可能需要考虑市场研究、法规合规、文化适应和与当地合作夥伴建立网络等方面。此外，香港政府和其他机构一直在提供支持，帮助中小型企业了解大湾区市场，包括资金计划、咨询服务和培训项目。

总体而言，大湾区计划不仅仅关于经济增长，还关于在整个九个城市中建立更加紧密和协作的环境，这可以为包括 SMEs 在内的企业带来长期利益。

通过抓住这些机会，香港中小型企业不仅可以提高他们的竞争力，还可以为 GBA 的整体经济增长和发展做出贡献。

### 1.2 预防措施便利香港中小企业在大湾区经营

大湾区是一个拥有强大商业潜力和中小企业 (SMEs) 机遇的地区。以下是中小企业在经营业务时应采取的一些预防措施：

1. **研究本地市场**：中小企业应该研究本地市场，以了解竞争对手、

客户需求和潜在机会。这将帮助他们制定出适合本地市场的策略。

2. **确保资金**：中小企业可能需要确保资金来启动或扩展他们在大湾区的业务。他们应该研究不同的资金来源，例如银行贷款、政府补助或私人投资者。
3. **建立强大的品牌**：强大的品牌可以帮助中小企业在竞争激烈的市场中脱颖而出并吸引客户。他们应该在品牌和营销上投资，为他们的创造正面的企业形象。
4. **建立强大的团队**：强大的团队是任何企业成功的关键。中小企业应该聘请有才华且积极进取的员工，以帮助他们实现目标。
5. **投资于技术**：技术可以帮助中小企业保持竞争力并提高他们的效率。他们应该投资于现代技术，如软件、硬件和通讯工具，以简化他们的运营。
6. **随时更新法规**：中小企业应该随时了解适用于他们在大湾区业务的最新的法规和法律。这将帮助

## 第二章 促成交易及谈判顾问服务专业人员

他们避免合规问题，并保护他们的业务免受法律风险。

7. **与其他企业建立网络**：与其他企业建立网络可以帮助中小企业

扩大他们的影响力并获得新的机会。他们应该参加行业活动，加入专业组织，并与该地区的其他企业建立联系。

## 第二章

### 促成交易及谈判顾问服务专业人员

#### 2.1 大湾区对交易促成与谈判咨询服务的需求

在粤港澳大湾区运营的香港中小企业可以利用谈判专家的专业知识，在交易制定的各个方面提升其业务成果。以下是中小企业有效利用谈判专家的一些方式：

1. **识别机会**：谈判专家可以帮助 SMEs 识别与公司战略目标相符的潜在合作夥伴关系、合资企业或并购机会。
2. **尽职调查**：在进入任何交易之前，对目标公司或夥伴的彻底了解至关重要。谈判专家可以协助进行尽职调查，评估风险，并确保收集和分析所有必要信息。

3. **构建交易**：这些专家可以指导中小企业完成构建交易的复杂过程，包括起草提案、概述条款和条件，以及确定使双方受益的估值。
4. **谈判策略**：凭藉他们在谈判方面的经验和技能，这些专家可以为每笔交易的特定要求制定和执行有效的谈判策略，帮助中小企业获得最佳可能的条款。
5. **跨境交易**：对于涉及跨境元素的交易，对大湾区多样化的法律和监管框架有良好理解的谈判专家可以在导航复杂性和遵守相关法律方面提供宝贵的支持。
6. **风险管理**：他们还可以

## 第二章 促成交易及谈判顾问服务专业人员

通过早期识别潜在问题并提出缓解策略，帮助 SMEs 管理与交易制定相关的风险。

7. **网络和关系建设**：谈判专家通常在商业社区内拥有建立的网络。他们可以将中小企业介绍给潜在的合作夥伴、投资者或大湾区内的其他关键利益相关者。
8. **法律和财务咨询**：在许多情况下，交易制定专家具有法律或金融背景，这使他们能够就法律合规性、税务影响和财务结构提供咨询服务。
9. **沟通和调解**：在谈判过程中，他们可以作为中介，确保沟通清晰

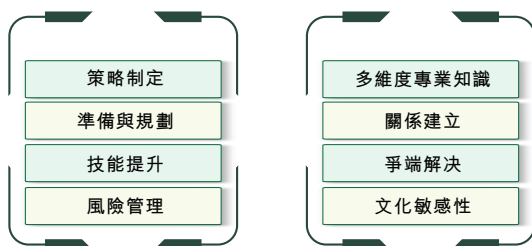
且建设性，减少误解或冲突的可能性。

10. **交易后整合**：交易完成后，谈判专家可以协助整合过程，帮助确保平稳过渡和预期协同效应的实现。

为了充分利用谈判专家的专业知识，香港中小企业应选择专门从事其行业领域并在大湾区内做生意的细微差别上有深入了解的个人或团队。与这样的专业人士建立牢固的关系，对于旨在通过成功的促成交易来发展业务的香港中小企业来说，可以是战略性资产。

### 2.2. 谈判咨询服务

谈判顾问是一位专门帮助个人或组织提高谈判技巧并在各种情况下实现成功结果的专业人士。谈判顾问的主要职能是为客户端提供指导、建议和支持，以帮助他们在整个谈判过程中取得成功。以下是谈判顾问的一些主要工作和职责：



- a. **策略制定**：谈判顾问帮助客户根据其特定需求和目标，制定有效的谈判策略。这涉及分析情况、识别优势与劣势，并制定计划以最大化客户的立场。
- b. **准备与规划**：谈判顾问协助客户为谈判做准备，包括进行研究、收集相关信息，以及分析对方的权益、目标和潜在策略。他们帮助客户预测各种情境并相应地规划方法。
- c. **技能提升**：谈判顾问专注于通过提供培训、辅导和反馈来增强客户的谈判技巧。他们教授有效的沟通技巧、积极倾听、问题解决以及处理冲突或僵局的策略。他们还可能进行模拟谈判，以模拟真实世界的情景并练习谈判技巧。
- d. **风险管理**：谈判顾问根据客户的特定需求调整他们的方法论。他们会仔细考虑行业动态、文化考量和谈判本身的性质等因素。在实际谈判中，谈判顾问可以提供现场支持或在幕后担任顾问角色。他们在处理困难情况、管理

情绪、做出让步以及维持建设性氛围方面提供指导。他们还可以协助分析提案、还盘和协议条款。这些都有助于预防和最小化风险。

- e. **多维专业知识**：谈判顾问对各种谈判技巧、理论和框架有深入的了解。他们从心理学、沟通学和博弈论等多个学科汲取知识，以提供全面的指导。这种多维的专业知识使他们能够有效地处理谈判的战略性和人际方面。
- f. **争端解决**：谈判顾问通常具备替代性争端解决方法的专业知识，包括调解和仲裁。他们可以帮助各方导航冲突，并探索传统谈判之外的选项。通过促进开放的沟通并引导解决过程，他们力求实现双方可接受的结果，避免高成本的法律诉讼。
- g. **关系建立**：成功的谈判往往超越单一交易或协议。谈判顾问强调与客户谈判对手建立和维护长期关系的重要性。他们帮助客户发展融洽、信任以及有效的沟通渠道，这些可以促进未



## 第二章 促成交易及谈判顾问服务专业人员

来的合作。

- h. **文化敏感性**：在国际谈判或涉及不同方的谈判中，谈判顾问认识到文化差异的重要性。他们具有文化敏感性，并相应地调整他们的策略和方法。这包括理解不同文化背景下的沟通风格、谈判规范和礼仪。

### 2.3 谈判顾问的价值

谈判顾问可以在商业交易中提供多种好处

專業知識  
和經驗

客觀全面

策略設計

技能提升

促進成功

開創價值

- A. **专业知识和经验**：谈判顾问在谈判领域拥有专门的知识丰富的经验。他们对谈判策略、战术和最佳实践了如指掌。他们的专业能力可以帮助企业驾驭复杂的谈判并取得更有利的结果。
- B. **客观全面**：作为公正的第三方，谈判顾问提供了一个客观的视角。他们能够评估双方的优势和劣势，识别潜在的协议领域，并

总体而言，谈判顾问的角色是引导和支持客户在谈判中取得有利的结果，无论是在商业交易、雇佣合同、冲突解决还是其他任何谈判环境中。他们的专长在于战略规划、技能发展，并提供有价值的见解来优化谈判过程。

提供无偏见的建议。这种客观性有助于克服谈判过程中常见的偏见和情感障碍。

- C. **策略设计**：谈判顾问协助开发对谈判过程的战略性方法。他们可以分析企业的目标和限制，评估对手的利益和动机，并制定定制化的谈判策略。这种战略指导增强了企业的议价地位，并增加了实现其期望结果的可能性。

- D. **技能提升**：谈判顾问可以提供培训和辅导以提升组织内部个人的谈判技巧。他们可以进行工作坊，模拟谈判场景，并提供反馈和指导以增强谈判团队的效果。这种技能提升可以为个人赋能，使他们在未来的交易中能够更成功地进行谈判，从而带来长期的好处。

- E. **促进成功**：根据国际专业谈判顾问协会 (IPAA) 的数据，他们的专业谈判团队通过 100% 的成功率促进了谈判的成功。

- F. **创造价值**：他们精通分析所有利益相关者的市场和业务，通过应用精心设计的谈判策略、战术和最佳实践，他们帮助企业在大多数情况下通过谈判达成交易，提高 10%-20%，并且通常帮助企业创造额外的利益，包括开辟新市场或市场渗透。

### 2.4 谈判专业人士

在香港，世界公认谈判专业资历分为两级别，分别是认可商业谈判专家 (CPBN) 和高级国际认可商业谈判

专家 (SCIBN)。他们为大湾区的所有企业和中小企业提供全面的谈判和交易咨询服务。

### 2.5 香港大宗交易顾问服务

香港的公司为促进并购 (M&A)、合资企业、筹资以及其他战略性商业交易中发挥著关键作用。这些公司为寻求在香港及更广泛的大湾区 (GBA) 竞争激烈和不断变化的市场环境中进行或重组商业交易的客户提供专业专长。

以下是交易服务公司通常在香港提供的服务类型：

**并购咨询服务**：提供全面建议，涉及买卖业务，包括寻找潜在目标、进行尽职调查、估值、交易结构设计、谈判支持以及收购后整合。

**财务和股权筹资**：协助公司进行资本市场活动，如首次公开募股 (IPO)、债券发行、私募及股权融资轮。

**企业金融**：提供财务重组、债务重组和企业资本调整的咨询服务。

**战略业务发展**：帮助公司通过

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战略联盟、合作夥伴关系和合资企业识别增长机会。

**剥离和分拆服务：**支持企业剥离非核心资产或分拆某些部门以增强焦点和价值。

**监管合规和尽职调查：**确保遵守本地和国际法规，执行法律和财务尽职调查以揭示潜在风险和责任。

**财务建模和分析：**开发财务模型以预测交易后绩效，分析交易并评估不同策略的财务影响。

**企业金融：**提供财务重组、债务重组和企业资本调整的咨询服务。

**战略业务发展：**帮助公司通过战略联盟、合作夥伴关系和合资企业识别增长机会。

**剥离和分拆服务：**支持企业剥离非核心资产或分拆某些部门以增强焦点和价值。

**监管合规和尽职调查：**确保遵守本地和国际法规，执行法律和财务尽职调查以揭示潜在风险和责任。

**财务建模和分析：**开发财务模型以预测交易后绩效，分析交易并评估不同策略的财务影响。

**市场研究和洞察：**提供市场情报、行业洞察和竞争对手分析，以支持明智的决策制定。

**跨境咨询：**在处理跨境交易时提供专业知识，考虑税务效率、监管要求和文化差异等因素。

**利益相关者管理：**在整个交易过程中管理与投资者、董事会成员、管理团队、员工和监管机构等利益相关者的沟通。

香港作为国际金融中心的地位意味着这里的交易服务公司通常具有全球覆盖能力，并且能够处理大规模、复杂的交易。此外，由于其靠近中国大陆，并且是通往大湾区的门户，这些公司特别擅长处理涉及中国市场的交易。

## 2.6 寻找专业谈判咨询服务或交易咨询服务

香港一些著名的谈判咨询和交易咨询服务公司包括：

服务公司	提供服务	联系方式
环球商业与商业谈判服务中心	由 CPBNs & SCIBNs 提供各类型谈判咨询服务	电子邮件：admin@ipdraa.com 电话：+852 36222241
美银美林	主要提供大规模交易谈判咨询服务	电话：+852.3508.8888
高盛	主要提供大规模交易谈判咨询服务	电话：+852 2978 1000
摩根大通	主要提供大规模交易谈判咨询服务	电话：+852 2800.1000
汇丰银行	主要提供大规模交易谈判咨询服务	<a href="https://www.business.hsbc.com.hk/en-gb/arrange-a-call-back-general">https://www.business.hsbc.com.hk/en-gb/arrange-a-call-back-general</a>
毕马威会计师事务所	主要提供大规模交易谈判咨询服务	电子邮件：jianing.n.song@kpmg.com
德勤	主要提供大规模交易谈判咨询服务	电话：+ 852 2852 1600
普华永道	主要提供大规模交易谈判咨询服务	电话：+[852] 2289 2199
安永会计师事务所	主要提供大规模交易谈判咨询服务	<a href="http://www.ey.com/en_gl/consulting/transformation-eq-services-leadership-workforce-consulting">www.ey.com/en_gl/consulting/transformation-eq-services-leadership-workforce-consulting</a>

需要注意的是，上述列表包括了提供交易服务的投资银行和专业服务公司。客户在选择合作的交易服务公司

时应仔细评估每家公司的过往业绩、行业专长和服务产品。

## 第三章 香港本地及跨境调解及相关服务简介

### 2.7 服务费

谈判咨询服务通常是为客户量身定做的，因此服务费也是如此。其中，全球商务与商事谈判服务中心已表明其费用表如下，以供参考；

商务谈判服务费用表

交易金额	服务费	价值创造收费
HK\$100,000 - HK\$3,000,000	5%	10-20%
HK\$3,000,001 - HK\$10,000,000	3%	10-15%
HK\$10,000,001 - HK\$100,000,000	2%	10-15%
HK\$100,000,001 及以上	1.5%	5-10%

## 第三章

## 香港本地及跨境调解及相关服务简介

### 3.1 香港调解的背景

调解作为一种替代性争议解决方式，在香港获得了显著的认可和普及。多年来，香港已经发展出一个健全的法律框架，并将自身确立为区域调解服务中心。这座城市致力于推广调解作为解决争议的有效手段，这导致了调解行业的蓬勃发展。

### 3.2 法律和监管框架

香港的法律与监管框架为调解服务提供了坚实的基础。管辖调解的主要立法是《调解条例》，该条例为在香港进行调解的行为设定了法律框架。该条例提倡使用调解作为高效且成本效益的争议解决方式。

经过 40 多年的专业调解发展，香港已经建立了一个全球认可的高质量调解服务机制：香港的专业调解发展主要分为三个阶段。

### i. 香港专业调解发展的三个主要阶段



国际领先阶段——世界标准

1. 完善的专业调解系统——立法、专业资历标准、理论和专业经验；
2. 世界公认的标准
  - 贸易法委员会观察员
  - 世界贸易组织认可非政府机构
  - 550 多个不同地区的专业组织合作
3. 经验丰富——协助亚太地区调解中心和政府发展调解中心、专业调解员和相关专业人员

### ii. 香港的调解专业

1. 在国际调解领域拥有世界领先的标准
2. 是法律专业之一部份
3. 拥有成熟的风险管理和争议解决机制

4. 最有效的争议解决程序

5. 有助于最大化各方利益及最小化风险

### 3.3 粤港澳大湾区调解

大湾区倡议包括香港、澳门和中国广东省的几个城市。该倡议旨在促进这些地区之间的更紧密合作和融合。调解在促进跨境交易、解决争议以及促进大湾区内的商业合作方面发挥著关键作用。香港凭藉其完善的调解基础设施，成为大湾区调解服务的门户。

### 3.4 调解服务范围

香港提供广泛的调解服务，以满足各种类型的争议。这些服务涵盖了国内和跨境争议，使香港成为寻求高效和有效争议解决机制的企业的理想选择。香港的调解服务涵盖商业、民事、家庭、社区和国际争议。

## 第四章 调解组织、服务方式、调解员及 调解专业人员简介

### 3.5 受惠于调解的潜在行业和部门

香港的调解服务涵盖了各个行业和领域。一些显著受益于调解的行业包括商业和公司、建筑和工程、知识产权、保险和再保险、金融和银行以及国际贸易。调解的灵活性和适应性使其成为在不同行业解决争议的有吸引力的选择。调解是创新型和新兴企业的最佳争议解决程序。政府和业界很难就这些类型的商业行为制订有效和合适的法律和规则，因此其他争议

解决程序很难进行公正、有权威性的裁决。

### 3.6 结论

香港国内和跨境调解服务的介绍为了解该地区调解的重要性和范围奠定了基础。法律框架以及大湾区对调解服务日益增长的需求使香港成为寻求高效和有效争议解决机制的企业的重要目的地。本目录的后续部分将深入探讨调解服务的各个方面，包括设施、从业人员、好处、申请程序、收费和调解准备工作等。

## 第四章

### 调解组织、服务方式、调解员及 调解专业人员简介

#### 4.1 香港的调解服务

香港拥有一个建立良好的法律体系，为解决争议提供广泛的法律服务。这些法律服务涵盖诉讼、仲裁和调解等多个领域。香港的法律从业者在处理复杂的法律事务方面技能高超、经验丰富，使其成为企业寻求优质法律服务的优选地点。

调解是一个自愿且保密的过程，其中一位中立的第三方——调解员，促进争议双方之间的沟通和协商，以达成双方都能接受的解决方案。调解是一个精心设计的争议解决程序。专业团队将有效协助当事人做出明智的决定，以保障他们的最佳利益。

在大湾区调解是最有效的商业纠纷解决方式，促使各方对结果有更大的控制权，更可以维护了各方的关系。它是一个灵活而协作的过程，鼓励开放对话和创造性解决问题。

#### 香港专业调解服务的特点：

1. 精心设计的争议解决程序，包含专业调解模型、框架、规则和程序；
2. 最有效的非对抗性争议解决程序；
3. 全球范围内高度认可，适用于跨境争议；
4. 适用于大多数商业争议
5. 快速高效
6. 保密
7. 有效满足当事方的需求和利益；
8. 当事方作为决策者，体现了当事方的自主权和公平性

#### 4.2 香港的调解专业人员和调解中心

香港拥有众多专业调解员和调解代理。这些人员在调解技巧方面拥有广

泛的知识和专业知识，并经过了严格的培训和认证。他们专注于商业、民事、家庭和跨境调解等不同领域的争议解决。此外，香港还设有几个成熟的调解中心和机构，为调解程序提供了先进的设施和支持服务。最重要的是，香港拥有大量专门处理国际/跨境争议的国际/跨境调解专业人才。

#### A. 专业调解成员包括：

- i. 专业调解中心 ——
  1. 为专业调解服务设定规则和指导方针，管理调解过程并进行质量保证；
  2. 设计优良的机制以维持高质量的调解服务。
- ii. 当事方 —— 决策者，希望在能专业团队的协助下作出最有利的决定
- iii. 合格且经验丰富的调解案件经理 —— 监督并提供指导和支持给所有团队成员；
- iv. 合格且经验丰富的调解员或国际调解员 —— 提供专业的调解/ 跨境调解服务；

## 第四章 调解组织、服务方式、调解员及 调解专业人员简介

v. 经验丰富且合格的调解代理 —— 协助并支持其客户在调解中采取最佳策略

vi. 其他专业人士 —— 提供公正独立的专业参考。

### B.

#### i. 香港认可调解员

香港现时约有 2,200 位香港调解资历评审协会 (调评会) 的认可调解员。所有认可调解员均已接受专业调解课程的培训,并在调评会的专业评审中取得令人满意的成绩。他们的资格和服务标准都经过了认证。

调解专家 (MS) : 当认可调解员经过进一步培训和考试时,他们将获得更高的调解专家 (MS) 资格。调解专家专门署理不同性质的争议,例如知识、ESG、金融和建筑。

#### ii. 国际认可专业调解员 (IAPM)

香港认可调解员在香港调解争议,而跨境、国际或大湾区争议则由国际认可专业调解员 (IAPM) 处理。国际认可专业调解员接受过处理跨境争议的培训,并将照顾不同文化、惯例

和管辖权的当事方,并需要妥善处理调解和解协定的国际执行。要获得国际认可专业调解员资格,他们必须在国际争议解决和风险管理协会 (IDRRMI) 管理的国际认可专业调解员资格考试中取得令人满意的成绩。这是全球认可的国际专业争议和风险管理非政府组织。该协会的目标是为国际争议解决和风险管理专业制定标准,对机构和个人的知识产权和物权进行资格认证和授予专业资格。IAPM 资格获得全球 50 多个国家和地区的 550 多个机构、组织、公司和政府部门的认可。超过 40 个国际机构已与国际争议解决和风险管理协会达成相互承认资格的协议。让国际专业争议和风险管理所颁发的专业资格更获世界认可。

香港认可调解员透过特设培训和考试将获晋升颁发国际认可专业调解员资格。同样,国际认可专业调解员将透过完成培训课程和考试,获得更高的国际调解专家 (IME) 和资深国际调解专家 (SIME) 的资格。

#### iii. 认可调解案件经理 (CMCM)

香港调解中心实施了调解案件管理流

程 (MCMP), 以向各方提供解决争议的最佳设施。一位经验丰富且经过认证的调解案件经理 (MCM) 将为所有当事方、调解员和调解中心提供专业的管理服务。

他们将专注以下 5 个重要方面的服务:

1. 初步案件分析和调解程序咨询
2. 促进指定最合适专业人士,包括调解员、调解代理者和 / 或专家提供专家报告。
3. 确保按照时间表、调解守则和香港法规完成调解。
4. 统筹调解中的所有设施安排
5. 为当事方和专业人士提供行政支持

#### vi. 认可国际调解代理 (CIMA)

a. 调解代理是调解过程中的重要专业服务。调解代理接受过良好的培训,具有知识、技能和能力,帮助其客户在调解中实现最佳利益。就像在诉讼程序中担任法院代理人的律师一样,调解代理将熟练

地呈现当事方的立场、需求和利益,无论是对抗性还是非对抗性的方式。他或她将专注于促进当事方识别并实现他们的综合利益。调解代理将帮助他们的客户 —— 在调解中真正的决策者 —— 制定他们的调解策略,并在整个过程中最好地利用调解员和其他专业人士。

#### b. CIMA 的角色和功能

1. 专业调解团队中的重要成员;
2. 协助客户在调解中导航;
3. 精通调解规则、程序和应用策略;
4. 高效地协助客户考虑他们综合的利益和需求;
5. 在调解程序中协助客户的思考过程和决策过程;
6. 协助客户制定最合适的调解和谈判策略;
7. 协助客户在调解中争取他们的最佳利益;
8. 与调解员和其他专业人士合作,有效地

## 第四章 调解组织、服务方式、调解员及 调解专业人员简介

最大化各方的利益；

9. 为客户创造附加价值。

### c. 律师和调解代理之间的不同

1. 在不同程序中协助客户；
2. 律师在协助当事人参与诉讼程序，调解代理协助当事人参与调解程序；
3. 以不同的思维方式协助客户设计适当的策略；
4. 应用不同的规划、策略和谈判方法；
5. 调解代理需要具备更广泛、更全面的技能和知识；
6. 调解代理得到更多客户的认可和接受；
7. 调解代理将获得更高的专业服务回报；
8. 调解代理可以将服务扩展到国际市场；

### 4.3 专家证人报告和服务

香港还提供专家证人服务以支持争议解决过程。专家报告参考制度是香港调解程序的特点之一。在调解案件管

理程序中，调解案件经理将协助各方聘请认可国际专家证人（CIEW）。认可国际专家证人将在会计、金融、技术等 25 项特定领域提供专业意见举证。认可国际专家证人的报告在帮助各方、各方的调解代理和调解员理解复杂的技术问题以及促进各方达成合理和稳妥决定方面发挥著至关重要的作用。

专家报告和证人服务将有效提高调解过程的效率和确保其公正性。这不仅在于协议客观标准方面节省了大量时间和金钱，还增强了调解员、调解中心和调解个案经理的中立性和专业性。专家报告参考制度有效地消除了其他类型调解中潜在的偏见问题，并保护当事人免受不当的影响。中小企业也可以在他们的业务流程和其他解决程序如仲裁、裁决和诉讼中使用认可国际专家证人的专业报告服务。

### 4.4 知识产权申请与保护服务

知识产权（IP）是企业宝贵的资产，香港提供全面的知识产权申请和保护服务。在知识产权法方面拥有专业知识法律从业者协助提交专利、商标和版权的申请，确保知识产权的保

## 第五章 调解对粤港澳大湾区中小企争议解决及 风险管理的益处

护。这些服务有助于解决与知识产权相关的争议，并促进各行各业的创新和创造力。

除了传统的知识产权保护注册之外，中小企业和合作企业可以使用香港国际物权保护云平台（HIPPP）来注册版权。该平台旨在注册和认证，并扩展对艺术作品、文化产业和非物质文化遗产等 20 种类型的知识产权保护，以便在未来发生争议时，可以通过平台收集证据，加强知识产权评估功能，促进公平交易，并提供一站式跨境争议解决服务。主要受益者是文化创意产业的参与者、艺术家、非物质文化遗产的工匠、企业家、知识产权保护和法律服务提供者。

它还促进了香港发展成为一个国际文化艺术创作中心、非物质文化遗产保护中心和知识产权交易中心。

### 4.5 结论

香港的法律环境提供了多样化的服务和专业从业人员，支持争议解决过程。熟练的调解员、调解中心、专家证人和知识产权保护服务的存在提高了调解过程的可访问性和效果。在本目录的后续部分中，我们将详细探讨这些服务，重点介绍调解员的简介、调解中心提供的设施，以及在调解背景下专家证人和知识产权保护的重要性。

## 第五章

## 调解对粤港澳大湾区中小企争议解决及 风险管理的益处

### 5.1 调解服务在香港的好处

调解是一种精心设计的争议解决程序。在此程序中，专业团队将有效地协助决策者各方做出明智的决定，以争取他们的最佳利益。在大湾区及全

球范围内，调解作为最有效的争议解决方法，为各方提供了对结果更大的控制权并保持了关系。这是一个灵活且协作的过程，鼓励开放对话和创造性解决问题。调

## 第五章 调解对粤港澳大湾区中小企争议解决及 风险管理的益处

解员运用策略和技能帮助各方争取最佳利益，并促进所有参与者之间的合作；

- a. **灵活性**：调解提供了一种灵活且协作的争议解决方法，允许各方根据他们的特定需求和利益制定双方都能接受的解决方案。
- b. **成本效益**：与诉讼和仲裁相比，调解通常更具成本效益，因为它减少了法律费用，节省了时间，并将与法庭程序相关的行政负担降至最低。
- c. **创造价值**：在协同效应下（1+1可能远大于2），各方之间的合作将创造额外的价值。在许多案例中，通过合作达成的价值是原始争议金额的10倍甚至更多。例如，在一起航空公司与乘客之间的争议中，他们通过调解解决了800万美元的争议。这项和解最终促进了该航空公司美国股票价格的上涨，总价值增加了90亿美元。
- d. **确定性**：超过60%的争议将达成调解和解，且有98%的当事人将遵守协议；

- e. **重建关系**：调解侧重于各方之间的合作。调解的合作性质有助于重建夥伴关系，并携手合作以获得互惠互利。

### 5.2 调解服务申请程序

香港调解服务的申请过程通常包括以下步骤：

1. **联系设有调解案件管理程序的调解中心**：当事人可以咨询流程并寻求启动调解咨询服务。调解案件经理（MCM）将审查案件背景，包括各方的信息、权限、时效等。调解案件管理过程在适时阶段开始。对于由一方或部分当事人登记的所有申请，调解中心将向其他各方发送调解通知书。
2. **指定调解员**：在调解案件经理的协助下，各方将共同指定调解员。如果各方未能在调解中心规定的时间表内就调解员达成一致，中心将为案件指定一名调解员。调解协议：一旦各方确定了调解中心，他们通常会签订一份调解协议。该协议概述了调解的条款，包括各方和调解员的角色与责任，以及涉及的费用和成本。

3. **指定调解代理**：如果评估认为需要调解代理来促进一方的需求，调解案件经理将推荐该方从专业调解代理名单中指定一名调解代理。该方可能会考虑聘请一名调解代理者。
4. **在某些情况下，如果专家报告对调解有益**，调解案件经理将协助各方聘请一名认可国际专家证人（CIEW），就相关事项提供其报告，以帮助各方做出明智且有根据的决定；
5. **参与会议管理**：调解案件经理将协助调解员和各方预订预备会议和调解会议的场地。
  - a. **初步会议**：在调解会议之前，调解员可能会与每一方进行初步会议，以了解他们的观点，澄清问题，并讨论调解过程。
  - b. **调解会议**：实际的调解会议在此举行，期间调解员促进各方之间的讨论，帮助识别共同点，并协助提出创造性解决方案。所需的会议次数可能因争议的复杂性而异。

6. **调解结果**：如果各方达成双方都能接受的协议，调解员将协助记录协议条款。对于跨境案件，调解案件经理将协助调解员和各方将和解协议转化为在香港以外执行的文件。如果没有达成协议，调解员将协助各方探索其他适当的方法来妥善处理争议。
7. **质量保证**：调解案件经理将监督并确保所有程序按照调解中心的调解规则、香港调解守则和相关法律要求正确进行。调解案件经理将加入调解会议，为调解员和各方提供支持，以完成调解。

### 5.3 调解员的选择

调解员的选择是调解过程的一个关键方面。香港拥有多元化的合格和经验丰富的调解员，他们拥有不同的专业领域。当事人在选择调解员时，可以考虑调解员的背景、经验、专业和声誉等因素。一些调解中心提供其调解员的简介，使选择过程更加知情，并根据争议的具体需求量身定制。

但是，在委任独立调解员时，当事人和法定代理人应考虑以下问题：

## 第五章 调解对粤港澳大湾区中小企争议解决及 风险管理的益处

1. 独立调解员不设收费标准，每宗案件的专业收费可能由港币 10,000 元至港币 100,000 元不等。
2. 调解员必须自己处理所有问题，从后勤问题到调解过程和调解会议。然而，大部分调解员的培训和认证安排并不包括专业调解程序，因此，个别调解员必须制定自己的方法。在许多情况下，意向调解员必须聘请其他非调解专业人员的支援服务。
3. 独立调解员没有品质保证机制。因此，没有关于调解员的表现以及调解员是否遵守调解规则和条例的记录。
4. 委任独立调解员可能是最重要的问题。中立和公正调解服务的关键，而当一方推荐调解员时，另一方可能会询问当事人与调解员之间或法律代表与调解员之间的知识和关系，从而会反对另一方的提议。事实上，在许多情况下，在任命调解员时便出现了新的争议。

### b. 调解中心的机构调解服务

在过去的十年中，质量和专业主义已成为专业调解服务的主要关注点。各方当事人和法律专业人士更倾向于选择机构调解服务。所讨论的机构调解是一种专业程序，它帮助各方重新构建对问题的认知，专注于满足他们需求的方式。调解中心将根据调解规则和法律管理调解过程，它还有助于监督持股人和倡导所有参与者之间的合作。机构调解通过提供以下服务，有效解决了独立调解员方法中的所有问题：

- a. 有清晰专业服务费用标准
- b. 调解中心为调解员、当事人、法律代表和其他专业人士提供全面的支持
- c. 有质量保证机制
- d. 设有利益冲突避免程序

一些调解中心提供调解案件管理流程，例如，香港调解中心提供调解案件管理流程 (MCMP)

## 第六章 调解员、调解代理、调解中心 和其他专业服务提供者

### 5.4 调解的准备工作

有效的准备对于成功的调解过程至关重要。参与调解的各方应该：

- a. 向调解中心和调解员寻求有关调解程序、会议安排和其他文件的建议；
- b. 向他们的调解代理 (CIMA) 寻求建议：各方可以向他们的调解代理寻求建议，以设计他们的调解和谈判策略，并获得关于调解过程的指导。
- c. 确定利益和目标：在调解代理和调解员的协助下，各方应清晰地表达他们的利益、关切和期望的结果。理解这些因素有助于做出明智和有根据的决策，以在调解

过程中实现最佳利益。

- d. 开放沟通渠道：各方应建立有效的沟通渠道，并在调解过程中与他们的调解代理和调解员保持合作态度。

### 5.5 结论

香港调解服务的优势，如灵活性、成本效益、保密性和关系维护，使其成为寻求高效和有效争议解决的各方的理想选择。通过遵循申请程序，选择合适的调解员，并进行适当的准备工作，各方可以最大限度地发挥调解的潜力，达成相互有利的解决方案。在本目录的后续部分中，我们将更详细地探讨调解员的角色、调解中心提供的设施以及成功调解结果的有效准备的重要性。

## 第六章

### 调解员、调解代理、调解中心 和其他专业服务提供者

本目录为在香港寻求大湾区调解服务的当事人提供了宝贵的资源。它提供了调解员、调解代理、调解中心和其

他法律和专业服务提供者的全面资料。通过访问这些资讯，各方可以在选择调解员、聘请代理代



## 第六章 调解员、调解代理、调解中心 和其他专业服务提供者

表、选择调解中心和获得其他支持服务时做出明智的决定。该目录旨在促

进顺利和高效的调解过程，最终导致成功的争议解决结果。

### 6.1 调解中心

#### a. 香港调解中心 (HKMC)

成立于1999年的香港调解中心 (HKMC) 是香港首个被认定为慈善机构的专业调解组织。它拥有来自不同专业领域的1000多名成员，并在调解行业中发挥领导作用。20多年来，该中心致力于通过其多样化的服务推动调解的发展，旨在创造和谐社区。除了提供专业调解服务外，其服务范围还扩展到专业培训专业化、公众教育以及外部合作等领域。

该中心在香港、内地乃至国际社会都享有高度认可。中心位于香港法律中心，被政府定位为国际法律枢纽内的法律相关组织。作为国际知名的组织，中心共同创立了许多重要的联合调解组织，并应联合国国际贸易法委

员会 (UNCITRAL) 的邀请获得观察员地位，为国际争议解决的发展提供专业意见。这进一步巩固了香港作为亚太地区国际法律和争议解决服务领先中心的地位。香港国际调解中心。

香港调解中心提供各类调解服务，从商业到社区，从国内到国际。它是香港仅有的三家实施专业调解案件管理程序和机构调解系统的调解中心之一，并且遵循《联合国调解所产生的国际和解协议公约》的程序。此外，香港和解中心提供专业调解员 (AMs)、调解专家 (MEs)、国际认可专业调解员 (IAPMs)、国际调解专家 (IMEs) 和资深国际调解专家 (SIMEs) 的专业服务选择。

#### 联系信息

网址 [www.mediationcentre.org.hk](http://www.mediationcentre.org.hk)  
电话 +852 3974 5481  
电子邮件 [admin@mediationcentre.org.hk](mailto:admin@mediationcentre.org.hk)

#### b. 内地 — 香港联合调解中心

随著「一带一路」和国家「十三五」规划的发展，其他领域的跨境贸易与合作有望增加。为满足这些企业日益增长的争议解决服务需求，中国国际贸易促进委员会 (中国贸促会) / 中国国际商会 (中商会) 调解中心和香港调解中心在香港律政司的大力支持下，合办了内地与香港联合调解中心。作为香港与内地各大调解机构设立的首个联合调解中心，内地与香港联合调解中心为两地调解合作提供了新的平台。

「一国两制」的双重优势，使香港成为本地、内地及国际企业跨境争议解决服务的中立场所，提升了香港作为亚太区争议解决中心的地位。此外，为进一步促进内地调解工作的发展，

三院联合调解中心为调解员和调解代理设立专业标准，在中国建立专业调解认证机制，并协助完善在中国的调解培训，提升内地调解的专业水准。此外，MHJMC亦是政府指定的调解中心，负责管理CEPA安排下的投资纠纷。

MHJMC提供所有类型的调解服务。它是香港仅有的三家实施专业调解案件管理程序和机构调解系统的调解中心之一，以及《联合国调解产生的国际和解协议公约》下的程序。此外，内地与香港联合调解中心还提供专业调解员 (AMs)、调解专家 (MEs)、国际认可专业调解员 (IAPMs)、国际调解专家 (IMEs) 和资深国际调解专家 (SIMEs) 及香港调解员 (CEPA) 的选择。

#### 联系信息

网址 [www.mediationcentre.org.hk](http://www.mediationcentre.org.hk)  
电话 +852 3974 5481  
电子邮件 [admin@mediationcentre.org.hk](mailto:admin@mediationcentre.org.hk)

## 第六章 调解员、调解代理、调解中心 和其他专业服务提供者

### c. 香港国际调解中心

香港国际调解中心（HKIMC）致力于提供世界级的专业国际调解服务。香港国际仲裁中心的专业调解员在香港国际仲裁中心的支援下，根据严格的调解规则和案件管理系统进行调解。他们遵守提供保密、高效和专业的调解服务。他们共同致力于说明不同地域和文化的客户找到解决争议的方法。

专业的国际调解服务由国际争议解决与风险管理协会（“IDRRMI”）专业国际调解员名单上的专业调解员提供。该名单由来自 30 多个国家的专业调解员组成，他们在调解领域既有很高的能力，又有很高的知名度。他们的服务覆盖全球 50 多个地区。客

户可以随意选择调解员、调解地点，也可以由我们专业的案件经理指派和安排。

HKIMC 与全球超过 50 个争议解决组织有联系。我们的争议解决机制允许在包括「一带一路」沿线地区在内的广泛地点执行和解协定。

HKIMC 提供各类调解服务。它是香港仅有的三家实施专业调解案件管理程序和机构调解系统的调解中心之一，以及《联合国调解产生的国际和解协定公约》下的程序。此外，香港国际解中心还提供此外专业调解员（AMs）、调解专家（MEs）、国际认可专业调解员（IAPMs）、国际调解专家（IMEs）和资深国际调解专家（SIMEs）的专业服务选择。

#### 联系信息

网址	www.hkimc.com.hk
电话	+852 3622 2242
电子邮件	admin@hkimc.com.hk

### d. 香港调解会

香港调解会有限公司（HKMCL）最初被称为调解兴趣小组，是香港国际仲裁中心（HKIAC）的一个部门。2022 年 10 月 6 日，香港香港调解会已注册成立为香港国际仲裁中心的全资附属公司。

#### 联系信息

网址	www.hkiac.org/mediation/what-is-meditation/hong-kong-meditation-council#:~:text=Established%20in%20January%201994%2C%20HKMCL,%2Downed%2Dsubsidiary%20of%20HKIAC.
电话	+852 2525 2381
电子邮件	adr@hkiac.org

### e. 一邦国际网上仲调中心有限公司

一邦国际网上仲调中心有限公司于 2018 年成立的非牟利担保有限公司，由亚洲国际法律学院有限公司、香港大律师公会及香港律师会支援。

一邦董事会是本公司的管治机构，主要由知名法律及仲裁从业人员，以及资讯科技及会计界的专家组成，主要负责一邦营运的运作及发展，以及一邦遵守适用法律。

董事会辖下设有两个职能委员会、五个常设委员会及一个谘询委员会。

香港调解会致力协助社会解决纠纷，以便他们能集中精力实现目标。其使命是在香港提供一个国际调解中心，并培养调解和其他形式的替代性争议解决的文化，使每个人都能获得和理解替代性争议解决。

这些委员会负责处理与一邦的业务运作有关的事宜，以及根据其仲裁规则赋予一邦的职能。

一邦将提升香港作为网上争议解决、交易和法律科技的领先枢纽的地位，并进一步巩固其作为国际法律枢纽的地位。提供一站式、快速和具成本效益的网上争议解决和法律科技服务，结合最先进的技术和高水平的安全性，为跨境交易、避免争议和解决争议提供便利。

## 第六章 调解员、调解代理、调解中心 和其他专业服务提供者

### 联系信息

网址	ebram.org
电话	+852 3792 0707
电子邮件	info@eBRAM.org

### f. 金融纠纷调解中心

金融纠纷调解中心（“调解中心”）于 2011 年 11 月成立，是一家非牟利担保有限公司。金融纠纷调解计划（“调解计划”）是一个独立和公正的组织，该计划要求金融纠纷调解计划的成员金融机构通过调解和 / 或仲裁解决与客户的金钱纠纷。

### 任务

主要以「调解先调解，仲裁后仲裁」的方式，提供独立公正的调解及仲裁服务，协助解决金融机构与其香港客户之间的金钱纠纷。

### 愿景

成为金融机构与其客户之间争议的金融争议解决服务的领先供应商，以建设性的方式解决此类争议，而不会进一步升级，并通过扩大服务范围和吸引金融业的持份者来加强香港作为国际金融中心的角色。

### 联系信息

网址	www.fdrc.org.hk
电话	+852 3199 5100
电子邮件	fdrc@fdrc.org.hk

## 6.2 专业调解从业员名单

在香港处理案件的调解员名单		请参考完整清单
调评会（综合调解员）	截至 2024 年 2 月 共 1805 名	<a href="https://www.hkmaal.org.hk/en/gplistRst.php?tit=0&amp;fn=&amp;ln=&amp;rsd=&amp;te=&amp;fa=&amp;em=&amp;aop[]=0&amp;kw=">https://www.hkmaal.org.hk/en/gplistRst.php?tit=0&amp;fn=&amp;ln=&amp;rsd=&amp;te=&amp;fa=&amp;em=&amp;aop[]=0&amp;kw=</a>
调评会（家事调解员）	截至 2024 年 2 月 共 249 名	<a href="https://www.hkmaal.org.hk/en/fplistRst.php?tit=0&amp;fn=&amp;ln=&amp;rsd=&amp;te=&amp;fa=&amp;em=&amp;aop[]=0&amp;kw=">https://www.hkmaal.org.hk/en/fplistRst.php?tit=0&amp;fn=&amp;ln=&amp;rsd=&amp;te=&amp;fa=&amp;em=&amp;aop[]=0&amp;kw=</a>
香港和解中心认可调解员	截至 2024 年 2 月 共 455 名	<a href="https://www.mediationcentre.org.hk/tc/mediators/Panel.php">https://www.mediationcentre.org.hk/tc/mediators/Panel.php</a>
管理国际和大湾区（包括香港）的调解员名单名单		请参考完整清单
香港国际调解中心国际认可调解员	截至 2024 年 2 月 共 494 名	<a href="https://idrrmi.org/dispute-resolution-experts/panelmediators/">https://idrrmi.org/dispute-resolution-experts/panelmediators/</a>
内地 — 香港联合调解中心国际认可调解员	截至 2024 年 2 月 共 345 名	<a href="https://mhjmc.org/tc/med_3.php">https://mhjmc.org/tc/med_3.php</a>
认证调解代理名单		请参考完整清单
国际专业代理人协会认可国际调解代理（CIMA）		<a href="http://ipdraa.com/panel/">ipdraa.com/panel/</a>

注意：

1. HKMAAL 两份名单的调解员均为独立调解员。
2. 其他调解中心的调解员担任机构调解员，并由各调解中心管理及监督。

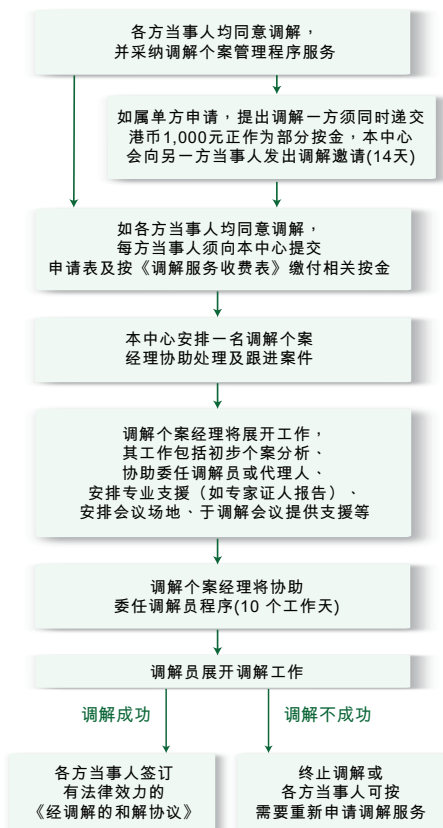
# 第七章 调解申请程序及费用

## 第七章

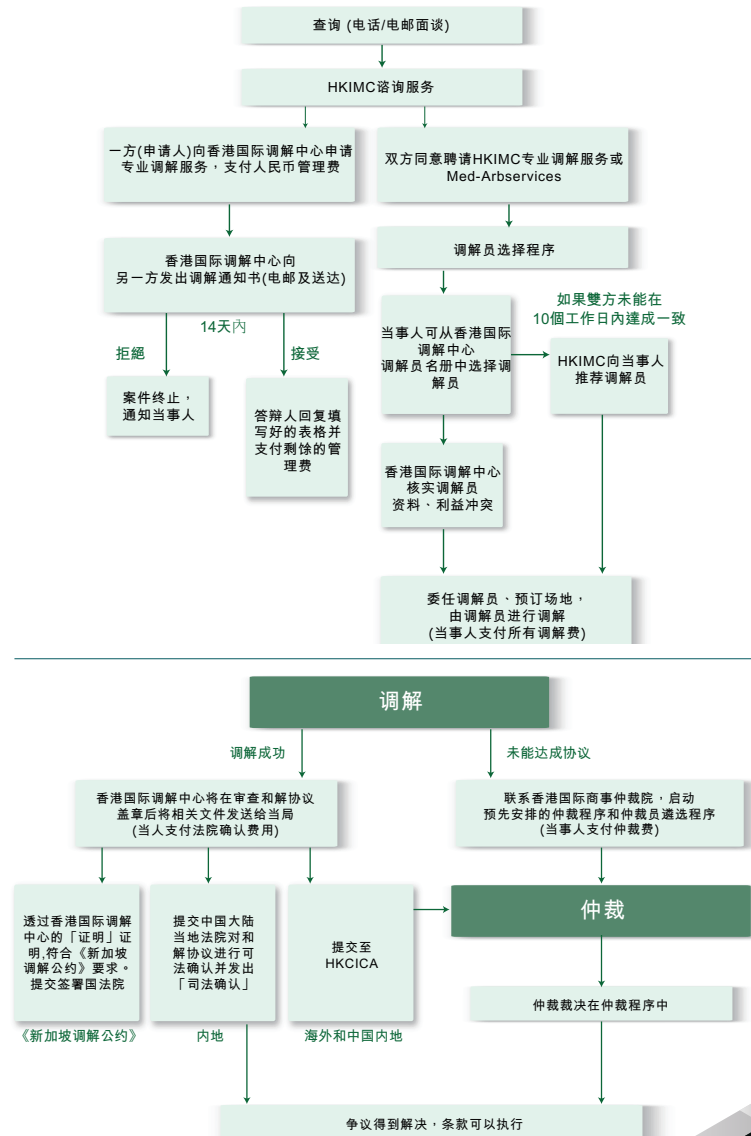
### 调解申请程序及费用

#### 7.1 申请程序

##### 香港调解的申请程序



#### 专业调解服务 (调解及个案管理)



## 第七章 调解申请程序及费用

### 7.2 调解服务费

#### I. 香港调解费

采用调解和案件管理程序的调解中心一般会收取明确的服务费用。以下是香港和解中心公布的服务收费表

专业调解服务 (调解及个案管理)			
收费项目	争议总金额 (申索及反申索)	定额费用 (每方)	费用 (每方额外每小时)
调解咨询服务	-	免费	-
调解服务申请费用* (只适用于单方申请)		港币 1,000 元	-
调解及个案管理服务费用**	<b>级别一</b> 小型争个案： 少于港币 500,000 元	港币 9,000 元	港币 900 元
	<b>级别二</b> 中小型争个案： 由港币 500,000 元至港币 2,999,999 元	港币 14,000 元	港币 1,400 元
	<b>级别三</b> 中型争个案： 由港币 3,000,000 元至港币 9,999,999 元	港币 25,000 元	港币 3,000 元
	<b>级别四</b> 大型或复杂的争个案： 由港币 10,000,000 元至港币 99,999,99 元	港币 50,000 元	港币 6,000 元
	<b>级别五</b> 超大型或非常复杂的争个案： 港币 100,000,000 元或以上	港币 130,000 元	-

本中心会于委任调解员前向各方当事人代为收取相当于定额服务费用 50% 的金额作为订金。

参考香港和解中心的收费表：

[https://www.mediationcentre.org.hk/uploadfiles/file/调解服务收费表\\_2023\\_08\\_01.pdf](https://www.mediationcentre.org.hk/uploadfiles/file/调解服务收费表_2023_08_01.pdf)

#### II. 大湾区纠纷商业调解费用

争议金额 (人民币)	每方基本收费 (人民币)	每方最高收费 (人民币)
100,000 元以下	1,000.00 元	2,000 元
100,001 元 至 500,000 元	2000.00 元 + 争议金额 100,000 元 以上的 1.5%	8,000 元
500,001 元 至 1,000,000 元	8,000 元 + 争议金额 500,000 元 以上的 0.75%	11,750 元
1,000,001 元 至 5,000,000 元	11,750 元 + 争议金额 1,000,000 元以上的 0.5%	31,750 元
5,000,001 元 至 10,000,000 元	31,750 元 + 争议金额 5,000,000 元以上的 0.3%	46,750 元
10,000,001 元 至 50,000,000 元	46,750 元 + 争议金额 10,000,000 元以上的 0.2%	126,750 元
50,000,001 元以上	126,750 元 + 争议金额 50,000,000 元以上的 0.1%	-

参考香港国际调解中心的收费表：

[https://idrrmi.org/cn/专业调解服务\(hkicm\)/跨境争议解决服务/](https://idrrmi.org/cn/专业调解服务(hkicm)/跨境争议解决服务/)

## 调解时程表

### 8.1 调度的灵活性

香港调解的一个优势是其灵活的时间安排。与常常遵循严格时间表的法庭诉讼不同，调解允许各方根据自己的时间和偏好安排调解会议。这种灵活性使各方能够选择相互方便的日期和时间进行调解会议，更容易适应繁忙的日程安排，确保所有相关方能够有效参与。

与其他对抗性争议解决必须仔细审查和分析证据以证明竞争双方的责任或错误不同，调解侧重于当事人的心理、关注点和利益。

调解专家建议当事人在争议的早期阶段使用调解。在早期阶段进行调解对于避免各方之间的敌意和减少时间成本尤为重要。

### 8.2 及时解决

调解以其高效解决争议的能力而闻名。与可能持续数月甚至数年的诉讼不同，调解通常在较短时间内进行。根据争议的复杂性和所需的调解会议次数，各方通常能够在数周或几个月内解决问题。这种加快的时间表使各方能够前进，专注于生活或业务的其他方面，而不必承受与漫长的法庭诉讼相关的长期压力和不确定性。经过40多年的专业调解发展，香港已经建立了一个全球认可的高质量调解服务机制：香港的专业调解发展主要分为三个阶段。

### 8.3 可以控制的谈判节奏

香港调解的另一个优点是各方对谈判节奏的控制权。他们可以根据自己的需求和偏好来确定调解的内容和时间。这种控制权使各方能够设定一个舒适的节奏，充分讨论和考虑关注

的问题，而不会感到匆忙。各方可以根据需要设定所需的时间来探索解决方案，咨询调解代理意见，并收集各种关键信息，确保有一个全面和深思熟虑的决定。

### 8.4 有效利用时间

调解会议通常专注且有结构，最大程度地提高时间的有效利用。与可能涉及漫长等待时间和程序性延迟的法庭诉讼不同，调解会议专注于富有成效的讨论和谈判。调解员帮助各方保持正轨，确保讨论保持相关，并推动进程向前发展。这种高效利用时间使各方能够在每个会议中取得有意义的进展，并更有效地努力达成解决方案。

### 8.5 结论

香港调解的时间安排提供了灵活性、及时性和高效利用时间的优势。各方有机会自行安排时间，适应自己的时间，并确保所有相关方都能参与。调解通常导致及时的解决方案，使各方能够前进，避免漫长的诉讼过程。此外，各方对调解进程的节奏有控制权，可以进行充分的讨论和慎重考虑潜在解决方案。通过充分利用调解的时间优势，各方可以参与更高效和有效的争议解决过程。达成解决方案。

## 第九章 客户准备工作以在调解中取得最佳结果

### 第九章

## 客户准备工作以在调解中取得最佳结果

### 9.1 了解调解过程

为了在调解中取得最佳效果，当事人及其调解代理应首先熟悉调解程式。了解调解的运作方式、调解员的角色以及调解过程的目标至关重要。调解代理应该教育他们的客户调解的原则，例如开放沟通、积极倾听和解决问题的协作方法。通过了解这些基本方面，客户可以更好地驾驭调解过程，并积极为成功的结果做出贡献。

### 9.2 确定兴趣和目标

在进入调解之前，调解员应协助他们的客户花时间确定他们的利益和目标。这包括反思他们希望通过调解过程实现什么，以及哪些结果对他们来说最重要。通过明确他们的利益和目标，客户可以有效地将他们的需求和优先事项传达给调解员和另一方。这种理解还有助于客户评估潜在的和解

方案，并在谈判过程中做出明智的决定。

### 9.3 收集和整理资讯

调解的准备工作还涉及收集和整理相关信息。当事人应当汇编合同、信函等与争议有关的所有相关文件，并由其调解人提供一切必要的协助。这些资讯对于陈述他们的案件和解决调解会议期间出现的任何问题至关重要。通过组织良好的资讯收集，各方可以更有效地提出他们的论点，并回应可能出现的任何问题或挑战。

### 9.4 评估优势和劣势

在调解律师的协助下，客户应对他们的案件进行彻底的评估，确定其论点和证据的优缺点。这种自我评估有助于各方了解他们在谈判中可以利用的优势以及他们可能需要解决或弥补的弱点。

通过对自己的立场进行现实的评估，客户可以制定有效的策略来陈述他们的案件，并在调解期间进行建设性的讨论。

### 9.5 考虑潜在的解决方案

在进行调解之前，各方还应考虑潜在的解决方案或和解方案。这包括集思广益和探索各种方案，这些方案可以与调解代理一起解决他们的兴趣和目标。通过考虑不同的可能性，各方可以以更开放和灵活的心态进行调解，从而增加达成双方都满意协议的机会。在谈判过程中，各方必须具有创造性并愿意探索替代解决方案。

### 9.6 结论

准备工作对于当事人在调解中取得最佳结果至关重要。通过了解调解过程、确定利益和目标、收集和整理资讯、评估优势和劣势、考虑潜在的解决方案以及寻求调解代理的建议，各方可以为成功的调解结果做好准备。充分的准备使各方能够积极参与这一进程，有效地传达他们的需求，并在谈判中做出明智的决定。通过投入时间和精力进行准备，客户可以增加通过调解获得有利解决方案的机会。



## Chapter 9

### Preparation Work for Parties to Achieve the Best Result in Mediation

assessment helps parties understand the strengths they can leverage during negotiations and the weaknesses they may need to address or compensate for. By having a realistic evaluation of their position, clients can develop effective strategies for presenting their case and engaging in constructive discussions during mediation.

#### 9.5 Considering Potential Solutions

Parties should also consider potential solutions or settlement options before entering mediation. This involves brainstorming and exploring various scenarios that could address their interests and objectives with the mediation advocates. By considering different possibilities, parties can enter mediation with a more open and flexible mindset, which can enhance the chances of reaching a mutually satisfactory agreement. It is important for parties to be creative and willing to explore alternative solutions during the negotiation process.

#### 9.6 Conclusion

Preparation work is crucial for parties to achieve the best result in mediation. By understanding the mediation process, identifying interests and objectives, gathering and organizing information, assessing strengths and weaknesses, considering potential solutions, and seeking mediation advocates advice, parties can position themselves for a successful mediation outcome. Adequate preparation enables parties to actively participate in the process, effectively communicate their needs, and make informed decisions during negotiations. By investing time and effort into preparation, clients can increase their chances of achieving a favorable resolution through mediation.

open communication, active listening, and a collaborative approach to problem-solving. By understanding these foundational aspects, clients can better navigate the mediation process and actively contribute to a successful outcome.

#### 9.2 Identifying Interests and Objectives

Before entering mediation, mediator advocates should assist their client to take the time to identify their interests and objectives. This involves reflecting on what they hope to achieve through the mediation process and what outcomes are most important to them. By clarifying their interests and objectives, clients can effectively communicate their needs and priorities to the mediator and the other party. This understanding also helps clients evaluate potential settlement options and make informed decisions during the negotiation process.

#### 9.3 Gathering and Organizing Information

Preparation for mediation also involves gathering and organizing relevant information. Parties should compile all relevant documents, such as contracts, correspondence, and any other evidence or supporting materials related to the dispute, where their mediation advocates shall all necessary assistance. This information will be crucial for presenting their case and addressing any issues that arise during mediation sessions. By having a well-organized collection of information, parties can present their arguments more effectively and respond to any questions or challenges that may arise.

#### 9.4 Assessing Strengths and Weaknesses

With the assistance from the mediation advocates, clients should conduct a thorough assessment of their case, identifying the strengths and weaknesses of their arguments and evidence. This self-



## Chapter 9 Preparation Work for Clients to Achieve the Best Result in Mediation

## Chapter 8 Time Schedules for Mediation

helps keep the parties on track, ensuring that the discussions remain relevant and that the process moves forward. This efficient use of time allows parties to make meaningful progress in each session and work towards reaching a resolution more effectively.

### 8.5 Conclusion

The time schedules for mediation in Hong Kong offer flexibility, timeliness, and efficient use of time. Parties have the opportunity to set their own schedules, accommodating their availability and ensuring that all relevant parties can participate. Mediation often leads to timely resolutions, allowing parties to move forward and avoid prolonged litigation processes. Furthermore, parties have control over the pace of the mediation, enabling thorough discussions and thoughtful consideration of potential solutions. By embracing the time advantages of mediation, parties can engage in a more efficient and effective dispute resolution process.

## Chapter 9

### Preparation Work for Clients to Achieve the Best Result in Mediation

### 9.1 Understanding the Mediation Process

To achieve the best result in mediation, parties and their mediation advocates should start by familiarizing themselves with the mediation process. It is essential to understand how mediation works, the role of the mediator, and the goals of the process. Mediation Advocates should educate their clients on the principles of mediation, such as

can often resolve their issues within a matter of weeks or a few months. This expedited timeline allows parties to move forward and focus on other aspects of their lives or businesses without the prolonged stress and uncertainty associated with lengthy court proceedings.

Unlike other adversarial dispute resolution have to scrutinize and analyse evidence so as the prove the liability or mistakes of the competing sides, mediation focuses on the psychology, concerns and interests of the parties.

Mediation professional suggest parties to use mediation in the early stage of disputes. Engagement of mediation in the early stage is particular important to limit the hostility among parties and minimize the time costs.

### 8.3 Control Over the Pace

Another advantage of mediation in Hong Kong is that parties have control over the pace of the process. They can determine the frequency and duration of mediation sessions based on their needs and preferences. This control allows parties to set a comfortable pace that allows for thorough discussion and consideration of the issues at hand without feeling rushed. Parties can take the time they need to explore potential solutions, consult with advisors, and gather additional information as necessary, ensuring a comprehensive and thoughtful resolution process.

### 8.4 Efficient Use of Time

Mediation sessions are typically focused and structured, maximizing the efficient use of time. Unlike court proceedings, which may involve lengthy waiting periods and procedural delays, mediation sessions are dedicated to productive discussions and negotiations. The mediator

### 8.1 Flexibility in Scheduling

One of the advantages of mediation in Hong Kong is the flexibility it offers in terms of scheduling. Unlike court proceedings, which often follow rigid timetables, mediation allows parties to set their own schedules based on their availability and preferences. This flexibility enables parties to select mutually convenient dates and times for mediation sessions, making it easier to accommodate busy schedules and ensuring that all relevant parties can participate effectively.

While maintaining the flexibility in scheduling, some mediation centres also provide the well-structured the mediation case management procedures and formulated mediation rules to enhance the efficiency. In accordance with the MCMP of the Hong Kong Mediation Centre, parties shall confirm the appointment of mediator with 10 working days from the date of application. The mediation shall complete with 30 days from the date of application, parties and their mediation advocates may apply for extension. In general, over 95% of mediation will concluding from 1 to 3 months.

### 8.2 Timely Resolution

Mediation is known for its efficiency in achieving timely resolutions. Unlike litigation, which can span months or even years, mediation typically takes place over a shorter period. Depending on the complexity of the dispute and the number of mediation sessions required, parties

#### B. Commercial Mediation Fees for Disputes in the Greater Bay Area

Mediation Centres implemented with the Mediation and Case Management Process for the mediation service in GBA a has clear services charges.

The following is the services charges schedules published by the Hong Kong International Mediation Centre.

Amount in dispute (RMB)	Basic fee per party (RMB)	Maximum charge per party (RMB)
Below 100,000 or less	1,000.00	2,000
100,001 to 500,000	2000.00 + 1.5% of the Amount in dispute over 100,000	8,000
500,001 to 1,000,000	8,000 + 0.75% of the Amount in dispute over 500,000	11,750
1,000,001 to 5,000,000	11,750 + 0.5% of the Amount in dispute over 1,000,000	31,750
5,000,001 to 10,000,000	31,750 + 0.3% of the Amount in dispute over 5,000,000	46,750
10,000,001 to 50,000,000	46,750 元 + 0.2% of the Amount in dispute over 10,000,000	126,750
50,000,001 and above	126,750 + 0.1% of the Amount in dispute over 50,000,000	-

Reference to the fee schedule of the Hong Kong International Mediation Centre <https://idrmi.org/wp-content/uploads/2020/06/Fee-Adm-Med-Arb-Full-EN.jpg>

# Chapter 7 Application Procedure for Mediation & Fees

## 7.2 Services Charges for Mediation

### A. Hong Kong Mediation Fee

Mediation Centres implemented with the Mediation and Case Management Process will normally have clear services charges.

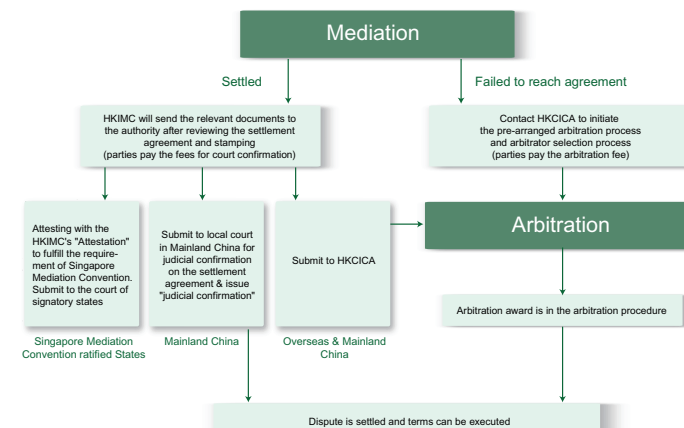
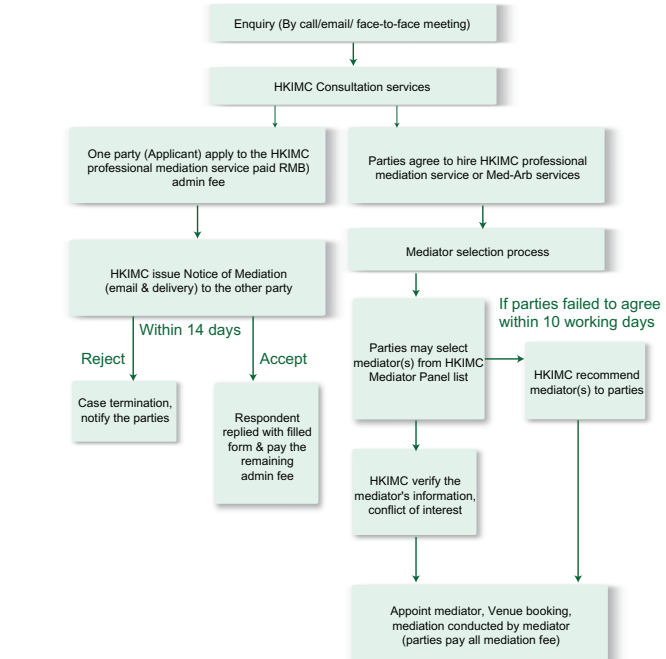
The following is the services charges schedules published by the Hong Kong Mediation Centre.

Professional Mediation Services (Mediation and Case Management Process)			
Service Items	Amount in Dispute	Standard Service Charges (Each Party)	Service Charges per Additional Hour (Each Party)
Mediation Consultation Services	-	Free of Charge	-
Application Fee* (For single application only)		HK\$ 1,000	-
Service Fee for Mediation and Case Management Process**	<b>LEVEL 1</b> Small Scale Disputes: Below HK\$500,000	HK\$ 9,000	HK\$ 900
	<b>LEVEL 2</b> Small and Medium Scale Disputes: From HK\$500,000 to HK\$2,999,999	HK\$ 14,000	HK\$ 1,400
	<b>LEVEL 3</b> Medium Scale Disputes: From HK\$3,000,000 to HK\$9,999,999	HK\$ 25,000	HK\$ 3,000
	<b>LEVEL 4</b> Large Scale or Complex Disputes: From HK\$10,000,000 to HK\$99,999,999	HK\$ 50,000	HK\$ 6,000
	<b>LEVEL 5</b> Super Large Scale or Very Complex Disputes: HK\$100,000,000 or above	HK\$ 130,000	-

A 50% of standard service fee per party shall be received by the HKMC on behalf of the mediator.

Reference to the fee schedule of the Hong Kong Mediation Centre  
[https://www.mediationcentre.org.hk/uploadfiles/file/Fee%20Schedule\\_2023\\_08\\_01.pdf](https://www.mediationcentre.org.hk/uploadfiles/file/Fee%20Schedule_2023_08_01.pdf)

## HKIMC Cross-border and GBA Mediation Process



## Chapter 7 Application Procedure for Mediation & Fees

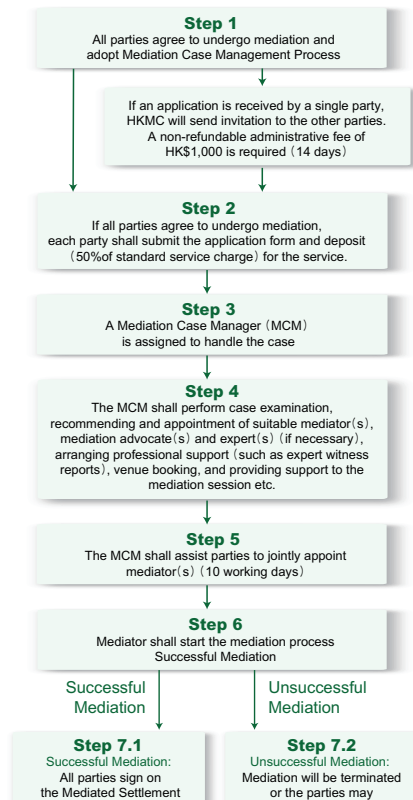
## Chapter 6 List of Mediators, Mediation Advocates, Mediation Centres, and Other Legal and Professional Services Providers

### Chapter 7

#### Application Procedure for Mediation & Fees

### 7.1 Application Procedures

Mediation application procedure in Hong Kong



### 6.2 Lists of Professional Mediation Practitioners

Name list of Mediators manage the cases in Hong Kong		Please refer to full list at
HKMAAL(GEN Mediator)	Total 1805 as at Feb 2024	<a href="https://www.hkmaal.org.hk/en/gplistRst.php?tit=0&amp;fn=&amp;ln=&amp;rsd=&amp;te=&amp;fa=&amp;em=&amp;aop[]=0&amp;kw=">https://www.hkmaal.org.hk/en/gplistRst.php?tit=0&amp;fn=&amp;ln=&amp;rsd=&amp;te=&amp;fa=&amp;em=&amp;aop[]=0&amp;kw=</a>
HKMAAL(Family Mediators)	Total 249 as at Feb 2024	<a href="https://www.hkmaal.org.hk/en/fplistRst.php?tit=0&amp;fn=&amp;ln=&amp;rsd=&amp;te=&amp;fa=&amp;em=&amp;aop[]=0&amp;kw=">https://www.hkmaal.org.hk/en/fplistRst.php?tit=0&amp;fn=&amp;ln=&amp;rsd=&amp;te=&amp;fa=&amp;em=&amp;aop[]=0&amp;kw=</a>
HKMC	Total 455 as at Feb 2024	<a href="https://www.mediationcentre.org.hk/tc/mediators/Panel.php">https://www.mediationcentre.org.hk/tc/mediators/Panel.php</a>

List of the Name list of Mediators manage the International and GBA (including Hong Kong)		Please refer to full list at
HKIMC	Total 494 as at Feb 2024	<a href="https://idrmi.org/dispute-resolution-experts/panelmediators/">https://idrmi.org/dispute-resolution-experts/panelmediators/</a>
MHJMC	Total 345 as at Feb 2024	<a href="https://mhjmc.org/tc/med_3.php">https://mhjmc.org/tc/med_3.php</a>

List of Certified Mediation Advocates	Please refer to full list at
International Professional Advocates Association Certified International Mediation Advocates (CIMA)	<a href="https://ipdraa.com/panel/">https://ipdraa.com/panel/</a>

Note :

1. The mediators of the HKMAAL two lists are independent mediators.
2. The mediators of other mediation centres are serving as institutional mediator and were insured by the respective mediation centers.

## Chapter 6

### List of Mediators, Mediation Advocates, Mediation Centres, and Other Legal and Professional Services Providers

#### f. The Financial Dispute Resolution Centre

The Financial Dispute Resolution Centre ("FDRC") was set up in November 2011 as a non-profit making company limited by guarantee. It is an independent and impartial organisation administering the Financial Dispute Resolution Scheme ("FDRS") which requires financial institutions, members of the FDRS, to resolve monetary disputes with their customers through mediation and/or arbitration.

##### Mission

To provide independent and impartial mediation and arbitration services, primarily through a "Mediation First, Arbitration Next" approach, to facilitate the resolution of monetary disputes between financial institutions and their customers in Hong Kong.

##### Our Vision

To be the leading provider of financial dispute resolution services for disputes between financial institutions and their customers so that such disputes can be resolved by a constructive approach without further escalation and to reinforce Hong Kong's role as an international financial centre by expanding our service scope and engaging stakeholders of the financial industry.

##### Contact information

Website	<a href="http://www.fdrc.org.hk">www.fdrc.org.hk</a>
Tel	+852 3199 5100
Email	<a href="mailto:fdrc@fdrc.org.hk">fdrc@fdrc.org.hk</a>

#### e. eBRAM

eBRAM is a not-for-profit company limited by guarantee established in 2018, with the support of Asian Academy of International Law Ltd, Hong Kong Bar Association, and The Law Society of Hong Kong.

The eBRAM Board is a governing body of the company, made up largely of prominent legal and arbitration practitioners, and experts from IT and accounting fields, is principally concerned with the operation and development of the eBRAM's operation and with its compliance with applicable laws.

There are two functional committees, five standing committees and an advisory committee operate under the auspices of the Board. These committees deal with matters concerning the business operations of eBRAM as well as the functions entrusted to eBRAM under its arbitration rules.

With its visit, eBRAM elevate Hong Kong as the leading hub in Online Dispute Resolution (ODR), deal-making and LawTech, and contribute to further strengthen its status as the international legal hub.

Provide a one-stop speedy and cost-effective ODR and LawTech service incorporated with state-of-the-art technology and high level of security for cross-border deal-making, dispute avoidance and dispute resolution.

##### Contact information

Website	<a href="http://ebram.org">ebram.org</a>
Tel	+852 3792 0707
Email	<a href="mailto:info@eBRAM.org">info@eBRAM.org</a>

## Chapter 6

### List of Mediators, Mediation Advocates, Mediation Centres, and Other Legal and Professional Services Providers

Mediation Centers focus on disputes within Hong Kong.

#### d. Hong Kong Mediation Council (HKMCL)

Hong Kong Mediation Council Limited (HKMCL) was initially known as the Mediation Interest Group and was set up as a division within the Hong Kong International Arbitration Centre (HKIAC). As of 6 October 2022, HKMCL has been incorporated as a wholly-owned-subsiadiary of HKIAC.

HKMCL seek to help the community resolve disputes so that they can focus their efforts in furthering their goals. Its mission is to offer an international mediation centre in Hong Kong and to cultivate a culture of mediation and other forms of Alternative Dispute Resolution so that ADR is accessible and comprehensible to everyone.

#### Contact information

Website	<a href="http://www.hkiac.org/mediation/what-is-mediation/hong-kong-mediation-council#:~:text=Established%20in%20January%201994%2C%20HKMCL,%2Ddowned%2Dsubsidiary%20of%20HKIAC.">www.hkiac.org/mediation/what-is-mediation/hong-kong-mediation-council#:~:text=Established%20in%20January%201994%2C%20HKMCL,%2Ddowned%2Dsubsidiary%20of%20HKIAC.</a>
Tel	+852 2525 2381
Email	<a href="mailto:adr@hkiac.org">adr@hkiac.org</a>

the world. Clients can select the mediator, location for mediation at will, or they are assigned and arranged by our professional case managers.

HKIMC has a connection to more than 50 dispute resolution organisations around the world. Our dispute resolution mechanism allows settlement agreements to be executed in a wide range of locations, including the areas along the "Belt and Road".

HKIMC provides all types mediation services. It is one of the only three mediation centres in Hong Kong, implemented with professional mediation case management procedure and Institutional mediation system as well the procedures under the United Nations Convention on International Settlement Agreements Resulting from Mediation. Besides, AMs, MEs, IAPMs, IMEs and SIMEs are available at the HKIMC.

#### Contact information

Website	<a href="http://www.hkimc.com.hk">www.hkimc.com.hk</a>
Tel	+852 3622 2242
Email	<a href="mailto:admin@hkimc.com.hk">admin@hkimc.com.hk</a>

## Chapter 6

### List of Mediators, Mediation Advocates, Mediation Centres, and Other Legal and Professional Services Providers

the government to administer the investment disputes under the CEPA arrangement.

MHJMC provides all types mediation services. It is one of the only three mediation centres in Hong Kong, implemented with professional mediation case management procedure and Institutional mediation system as well the procedures under the United Nations Convention on International Settlement Agreements Resulting from Mediation. Besides, AMs, MEs, IAPMs, IMEs and SIMEs and Hong Kong Mediator (CEPA) are available at the MHJMC.

#### Contact information

Website [www.mediationcentre.org.hk](http://www.mediationcentre.org.hk)

Tel +852 3974 5481

Email [admin@mediationcentre.org.hk](mailto:admin@mediationcentre.org.hk)

#### c. Hong Kong International Mediation Centre (HKIMC)

Hong Kong International Mediation Centre (HKIMC) serves to provide world-class professional international mediation services. Professional mediators of the HKIMC perform based on rigorous mediation rules and case management systems under the HKIMC support. They are abided by the provision of confidential, efficient, and professional mediation services. Together, they serve the goal to assist clients across geographies and cultures to find solutions to their disputes.

Professional international mediation services are provided by professional mediators on the list of professional international mediators of the International Dispute Resolution & Risk Management Institute ("IDRRMI"). The list is composed of professional mediations from more than 30 countries, who are both highly competent and well-known in the mediation field. Their service coverage is over 50 regions around

Convention on International Settlement Agreements Resulting from Mediation. Besides, AMs, MEs, IAPMs, IMEs and SIMEs are available in the Hong Kong Mediation Centre.

#### Contact information

Website [www.mediationcentre.org.hk](http://www.mediationcentre.org.hk)

Tel +852 3974 5481

Email [admin@mediationcentre.org.hk](mailto:admin@mediationcentre.org.hk)

#### b. Mainland-Hong Kong Joint Mediation Centre (MHJMC)

Following the development of the "Belt and Road" and the National 13th Five-year Plan, cross-border trade and cooperation in other areas are expected to increase. To cater for the increasing demand for dispute resolution services by these enterprises, the Mainland - Hong Kong Joint Mediation Center (MHJMC) was collaboratively set up by the China Council for the Promotion of International Trade (CCPIT) / China Chamber of International Commerce (CCOIC) Mediation Center and the Hong Kong Mediation Centre with vigorous support from the Department of Justice of Hong Kong. Being the first joint mediation center set up by major mediation institutions in Hong Kong and Mainland, MHJMC provides a new platform for cooperation in mediation in two places.

The dual advantages under the principle of "One country, Two systems" have enabled Hong Kong to act as a neutral venue for cross-border dispute resolution services for local, Mainland and international enterprises, thus enhancing the status of Hong Kong as the dispute resolution center of the Asia Pacific region. Moreover, to further enhance the development of mediation in the Mainland, MHJMC sets up professional standards for mediators and mediation advocates, establishes professional mediation accreditation mechanism in China and assists in refining mediation training in China, enhancing professional standards of mediation in the Mainland. Besides, MHJMC is also the designated Mediation Centre by

## Chapter 6

### List of Mediators, Mediation Advocates, Mediation Centres, and Other Legal and Professional Services Providers

support services. The directory aims to facilitate a smooth and efficient mediation process, ultimately leading to successful dispute resolution outcomes.

#### a. Hong Kong Mediation Centre (HKMC)

Established in 1999, Hong Kong Mediation Centre (HKMC) is the first professional mediation organisation recognised as a charitable institution in Hong Kong. It has more than 1,000 members from various professional sectors and plays a leading role in the mediation industry. For over 20 years, the Centre has strived to promote the development of mediation through its diverse services, aiming to create a harmonious community. Apart from professional mediation services provision, its scope of services extends to areas such as professional training, professionalisation, public education and external collaboration.

The Centre is also highly recognised by Hong Kong, Mainland and even the international community. The Centre is positioned in the central business district as a law-related organisation within the international Legal Hub by the Government. Being internationally renowned, the Centre co-founded many major joint mediation organisations, and is granted observer status at the invitation of the United Nations Commission on International Trade Law (UNCITRAL), providing professional opinions on the development of international dispute resolution. It further consolidates Hong Kong's position as a leading centre for international legal and dispute resolution services in the Asia-Pacific region. Hong Kong International Mediation Centre.

Hong Kong Mediation Centre provides all types mediation services from commercial to Community and from domestic to international. It is one of the only three mediation centres in Hong Kong, implemented with professional mediation case management procedure and Institutional mediation system as well the procedures under the United Nations

- d. Open Communication Channels: Parties should establish effective communication channels and maintain cooperative attitudes with their mediation advocates and the mediator throughout the mediation process.

## 5.5 Conclusion

The benefits of Hong Kong mediation services, such as flexibility, cost-effectiveness, confidentiality, and relationship preservation, make it an attractive choice for parties seeking efficient and effective dispute resolution. By following the application procedures, selecting suitable mediators, and conducting proper preparation work, parties can maximize the potential of mediation to reach mutually beneficial resolutions. In the subsequent sections of this directory, we will explore in more detail the role of mediators, the facilities provided by mediation centers, and the importance of effective preparation for successful mediation outcomes.

## Chapter

# 6

### List of Mediators, Mediation Advocates, Mediation Centres, and Other Legal and Professional Services Providers

## 6.1 Mediation Centres

The directory serves as a valuable resource for parties seeking mediation services in Hong Kong. It provides comprehensive profiles of mediators, mediation advocates, mediation centers, and other legal and professional services providers. By accessing this information, parties can make informed decisions when selecting mediators, engaging legal representation, choosing mediation centers, and accessing additional



## Chapter 5

### The Benefits of Mediation in Dispute Resolution and Risk Management for SMEs in the GBA

Institutional Mediation is efficient to resolve all the concerns in independent mediator approach by providing:

- i. Professional Services Fee standards
- ii. Full-fetched professional support to the mediator, parties, legal representatives and other professionals.
- iii. Quality assurance mechanism
- iv. Conflict of interest avoidance procedure

Some Mediation Centers provide mediation case management process for example, the Hong Kong Mediation Centre provides the Mediation Case Management Process (MCMP)

#### 5.4 Preparation Work for Mediation

Effective preparation is essential for a successful mediation process. Parties involved in mediation should:

- a. Seek the advice from the mediation centre and the mediator for the mediation procedures, meeting schedules and other documentations;
- b. Seek their Mediation Advocates' (CIMA) advice: Parties may seek advice from their mediation advocates to design their mediation and negotiation strategy and obtain guidance on the mediation process.
- c. Identify Interests and Objectives: with the assistance from the mediation advocates and mediator, parties should clearly articulate their interests, concerns, and desired outcomes. Understanding these factors helps in making a sound and educated decision to achieve the best interest during mediation.

to develop their own approach. In many cases, Intendent Mediator has to engage supporting services from other non-mediation professionals.

- iii. There is no quality assurance mechanism for the independent mediator. Therefore, there is no record on the performance of the mediator and whether the mediator has complied with the rule and regulation of mediation.
- iv. It may be the most important concern for the appointment of the independent mediator. Neutrality and fairness are the key to the mediation services, while when a mediator is recommended by the one side may induce the queries from the other side for the knowledge and history between the party and the mediator or between the legal representative and the mediator, and therefore will counter proposal another one. Indeed, in many cases, a new dispute has been arisen at the time of appointment of mediator.

#### b. Institutional Mediation

In the recent decade, quality and professionalism has become the major concerns in professional mediation services. Parties and legal professionals prefer to engage the Institutional Mediation Service. Institutional mediation as discussed is a professional procedure which facilitates parties to reframe their perception of the problem to focus on ways to satisfy their needs. The mediation center will administer the mediation in accordance with the mediation rules and law, it also helps to monitor the compliance of the stick holders and advocates collaboration among all participants.

7. **Quality Assurance:** MCM will monitor and ensure all procedures to be properly conducted in accordance with Mediation Centre's Mediation Rules, Hong Kong Mediation Code and relevant legal requirement. MCM will join the Mediation Session to provide support to the mediator and parties to complete the mediation.

### 5.3 Selection of Mediators

The selection of a mediator is a crucial aspect of the mediation process. Hong Kong offers a diverse pool of qualified and experienced mediators with different areas of expertise. Parties can consider factors such as the mediator's background, experience, specialization, and reputation when selecting a mediator. Some mediation centers provide profiles of their mediators, making the selection process more informed and tailored to the specific needs of the dispute.

#### a. Independent Mediator

Hong Kong now has around 2200 Accredited Mediator. Some of the mediators choose to practice as an independent mediator. Due to the limitation of difference of the judiciary system, Independent Mediator is only available for disputes within Hong Kong.

However, when appointing independent mediators, parties and legal representatives should consider the following issues:

- i. There is no charges standards for independent mediator, the professional charges may vary from HK10,000 to HK100,000 per case.
- ii. The mediator has to handle all the issues by himself or herself from logistic issue to mediation process and the mediation meetings. However, most of the training and accreditation for mediator arrangement do not include the professional mediation procedure, therefore, individual mediators have

agreement outlines the terms of the mediation, including the roles and responsibilities of the parties and the mediator, as well as the fees and costs involved.

3. **Appointment of Mediation Advocate:** If the assessment considers that a mediation advocate is required to facilitate the need of the party, MCM will recommend the party to appoint a mediation advocate from the professional mediation advocate list. The party may consider engaging a mediation advocate.
4. **Application of Expert Reports:** In some cases where expert report is beneficial to the mediation, MCM will assist parties to engage a Certified International Expert Witness(CIEW) to provide his/her report on the subject matters to facilitate parties to make a sound and educated decision;
5. **Meeting administration:** MCM will assist the mediator and the parties to reserve the venue for pre-meetings and the mediation session.
  - a. Preliminary Meetings: Before the mediation session, the mediator may conduct preliminary meetings with each party to understand their perspectives, clarify issues, and discuss the mediation process.
  - b. Mediation Session(s): The actual mediation sessions take place, during which the mediator facilitates discussions between the parties, helps identify common ground, and assists in generating creative solutions. The number of sessions required may vary depending on the complexity of the dispute.
6. **Mediation Outcome:** If the parties reach a mutually acceptable agreement, the mediator will assist in documenting the terms of the agreement. For the cross-border cases, MCM will assist the mediator and parties to convert the settlement agreement into documentary for enforcement outside Hong Kong. If no agreement is reached, the mediator will facilitate parties to explore other alternative approach to properly handle the dispute.

## Chapter 5

### The Benefits of Mediation in Dispute Resolution and Risk Management for SMEs in the GBA

For example, in a dispute between an airline and a passenger, they settled the dispute of US\$ 8 million through mediation. The settlement finally facilitated the rise of the Airline US share prices of US\$ 9 billion in total value.

- d. **Certainty:** Over 60% of the disputes will reach the mediated settlement and the 98% of the parties will comply with the agreement;
- e. **Rebuilding the relationships:** Mediation focuses on cooperation between parties. The collaborative nature of mediation helps to rebuild the partnership relationship and working side-by-side to gain the mutual benefits.

#### 5.2 Application Procedures for Mediation Services

The application process for mediation services in Hong Kong generally involves the following steps:

1. **Contacting a Mediation Centre with Mediation Case Management Procedures:** They can inquire about the process and seek guidance on initiating mediation. The mediation case manager (MCM) will scrutinise the case background including information of the parties, authority, time limitation, etc. The mediation case management process commences at a timely stage. For all application registered by one party or partial of parties, the Mediation Centre will send mediation notice to the other parties.
2. **Appointment of Mediator:** With the assistance of the MCM, parties will jointly appoint the mediator(s). If the parties fail to agree on the mediator within the time schedule under the mediation rule of the Mediation Centre, the Centre will appoint a mediator for the case.  
**Agreement to Mediate:** Once the parties have identified a mediation center, they will typically enter into an agreement to mediate. This

## Chapter 5

### The Benefits of Mediation in Dispute Resolution and Risk Management for SMEs in the GBA

#### 5.1 Benefits of Mediation Services in Hong Kong

Mediation is a well-designed dispute resolution procedure. In which the professional team will effectively assist the parties who is decision maker to make a sound decision to achieve their best interests. In the Greater Bay Area (GBA) and worldwide, mediation serves as the most effective dispute resolution, providing parties with greater control over the outcome and preserving relationships. It is a flexible and collaborative process that encourages open dialogue and creative problem-solving. Mediation Partitioners apply strategies and skill to help parties to achieve their best interests and facilitate collaboration among all participants;

- a. **Flexibility:** Mediation provides a flexible and collaborative approach to dispute resolution, allowing parties to craft mutually acceptable solutions tailored to their specific needs and interests.
- b. **Cost-effectiveness:** Compared to litigation and arbitration, mediation is generally more cost-effective, as it reduces legal fees, saves time, and minimizes the administrative burden associated with court proceedings.
- c. **Creation of values:** Under the Synergy Effects (1+1 can be much more than 2), collaboration among parties will create values. In many cases. the value achieved through the collaboration among parties is 10 times or more than the original dispute amount.



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of IP-related disputes and the promotion of innovation and creativity in various industries.

Further to the conventional IP protection registration. SMEs and cooperates may use the Hong Kong International Property Rights Protection Cloud Platform (HIPPP) to register the copy rights. The platform is designed to register and certify and extend protection against intellectual property rights for artworks, cultural industries, and intangible cultural heritage, so that in the event of future disputes, evidence can be collected through the platform, strengthen the function of intellectual property valuation and facilitate fair transactions, and provide one-stop cross-border dispute resolution services. The main target beneficiaries are cultural and creative industries partitioners, artists, artisans of intangible cultural heritage, entrepreneurs, intellectual property protection and legal service.

It also promotes the development of Hong Kong to be an international center for cultural and artistic creation, a center for the protection of intangible cultural heritage and a center for intellectual property trading.

#### 4.5 Conclusion

Hong Kong's legal landscape offers a wide array of services and professional practitioners to support dispute resolution processes. The presence of skilled mediators, mediation centers, expert witnesses, and IP protection services enhances the accessibility and effectiveness of the mediation process. As we move forward in this directory, we will explore these services in more detail, highlighting the profiles of mediators, the facilities provided by mediation centers, and the importance of expert witnesses and IP protection in the context of mediation.

#### 4.3 Expert Reports and Services

Hong Kong also offers expert witness services to support dispute resolution processes. Expert report reference system is one of the characteristics of the Hong Kong mediation process. In the mediation case management procedure, the mediation case manager will assist parties to engage a Certified International Expert Witness (CIEW). The CIEW will provide specialized knowledge and opinions in areas such as accounting, finance, technology, and industry-specific matters. CIEW's report play a crucial role in assisting parties, parties' mediation advocates and the mediator to understanding complex technical issues and facilitate parties to reach fair and informed decisions.

Expert Reports and Services will effectively enhance the efficiency and ensure the neutrality of the mediation process. Not only saving a lot time and money in the agreement of objective standards, it also enhance the neutrality and professionalism of mediators, mediation centre and the mediation case managers. The Expert report reference system effectively eliminated the problem of potential bias in other type of mediation and protected party from making decision under the undue influence of partitioners. SMEs may also the CIEW services in their business operations and other proceedings like arbitration, adjudication and litigation.

#### 4.4 Intellectual Property Application and Protection Services

Intellectual property (IP) is a valuable asset for businesses, and Hong Kong provides comprehensive services for IP application and protection. Legal practitioners with expertise in IP law assist in filing patents, trademarks, and copyrights, ensuring the safeguarding of intellectual property rights. These services contribute to the resolution



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strategies;

4. Efficient in facilitating clients to consider their intergraded interests and needs;
5. Assisting clients in thinking process and decision-making process in mediation proceedings;
6. Assisting clients in formulating the most appropriate mediation and negotiation strategies;
7. Assisting clients to achieve their best interests in mediation;
8. Work with mediators and other professionals to maximize their interests effective;
9. Create additional value for the client

#### c. Differences between a Solicitor & Mediation Advocates

1. Assist clients in different procedures;
2. Lawyer practicing in litigation procedures, mediation advocate practicing in mediation procedures;
3. Formation of different mindsets and design appropriate strategies;
4. Apply different planning, strategies and negotiation methods;
5. Mediation Advocates need to have a broader and more comprehensive sets of skills and knowledge;
6. The mediation advocates are recognized and accepted by the client;
7. Mediation advocate will have higher returns on their professional services;
8. Mediation advocate may extend the services to the international market;

MCMP will focus on the following 5 important aspects:

1. Preliminary case analysis and consultancy of the mediation process.
2. Facilitating to appoint the best suitable professionals including Mediator(s), Mediation Advocates and/or Experts to prepare expert reports.
3. Ensure the mediation is completed in accordance with the time schedule, mediation code and Law of Hong Kong.
4. Scheduling all facilities in the mediation.
5. Providing administrative support to the parties and professionals in mediation.

#### iv. Certified International Mediation Advocate (CIMA)

- a. Mediation Advocacy is the important professional services in the mediation process. Mediation Advocates are well trained with the knowledge, skill and ability to facilitate their clients to achieve the best interest and benefit in the mediation. Like the solicitor or barrister serving as the agents of the court in the litigation proceedings, a mediation advocate will proficiently present the party's position, needs and interests in both adversarial and non-adversarial ways. He or she will focus on facilitating parties to identify and achieve their comprehensive interests. The mediation advocate will help their clients, who are the real decision makers in a mediation, to formulate their mediation strategies and best use the mediator and other professionals in a process.
- b. Role and function of the CIMA
  1. Important member in the professional mediation team;
  2. Assisting clients to navigate in mediation;
  3. Proficient in mediation rules, procedures and application

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disputes and will take care of parties of different culture, practice and jurisdiction, and the properly handling of the international enforcement of the mediated settlement agreement. To be qualify as the IAPM, they have to achieve satisfactory results in IAPM Qualifying examination administered by the International Dispute Resolution and Risk Management Institute (IDRRMI). Which is the world's preeminent international professional dispute and risk management non-governmental organization. The objectives of the institute is to set standards for the international dispute resolution and risk management profession, to qualify and award professional qualifications and certify intellectual property and property rights of institutions and individuals. The qualification IAPM is recognised by over 500 institutions, organizations, companies and government departments in more than 50 countries and regions around the world. Over forty international institutes have agreement for mutual recognition of the qualification with IDRRMI.

AMs passed the special training and examination will be qualified as an IAPM.

Likewise, IAPMs will achieve a higher qualification as the International Mediation Experts (IMEs) and Senior International Mediation Experts (SIMEs) by completion of training courses and examinations.

#### iii. Certified Mediation Case Manager (CMCM)

Hong Kong mediation centers have implemented the Mediation Case Management Process (MCMP) to provide the best facilities to the parties in resolving their disputes. An experienced and accredited Mediation Case Manager (MCM) will accord professional management services to all parties, mediator(s) and the mediation center.

- ii. Parties - the decision maker, who is desired to make a most favourable decision with the assistance of the professional team
- iii. Qualified and experienced Mediation Case manager - monitor and provide the guidance and support to all the team members;
- iv. Qualified and experienced Mediator or International Mediator - provide the professional mediation / cross-border mediation services;
- v. Experienced and qualified Mediation Advocate - assists and support their clients to adapt the best strategy in mediation
- vi. Other Professionals - provides fair and independent professional reference.

#### B.

##### i. Hong Kong Accredited Mediators

Hong Kong now has around 2200 Accredited Mediator (AMs) of Hong Kong Mediation Accreditation Association Limited (HKMAAL). All of the AMs were trained in professional mediation course courses and have achieved satisfactory results in professional assessment administered by HKMAAL. Their qualification and services standards were tested.

Mediation Speciates (MS): When Accredited Mediators further trained and examined, their will achieve a higher qualification as the Mediation Speciates (MS). MSs are specialized in different natures of dispute ie IP, ESG, Finance and Constructions.

##### ii. International Accredited Professional Mediators (IAPMs)

While HK Accredited Mediators mediate the disputes within Hong Kong, the cross border, international or GBA disputes will be handled by the International Accredited Professional Mediators (IAPMs). IAPMs were trained to handle cross border

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3. Highly recognize worldwide, and applicable for cross-border disputes;
4. Applicable for most of the commercial disputes;
5. Fast and efficient;
6. Confidential;
7. Focus on satisfying parties' needs and interests;
8. Parties are the decision makers demonstrating the parties' autonomy and fairness

#### 4.2 Mediation Practitioners and Centers in Hong Kong

Hong Kong is home to a diverse pool of professional mediators and mediation advocates. These individuals possess extensive knowledge and expertise in mediation techniques and have undergone rigorous training and accreditation. They specialize in different areas of dispute resolution, including commercial, civil, family, and international mediation. Additionally, Hong Kong houses several well-established mediation centres and institutions that provide state-of-the-art facilities and support services for mediation proceedings. Most importantly, Hong Kong has large number of International/ cross-border Mediators with specialized in performing International/ Cross-border disputes.

##### A. Mediation Practitioners including:

- i. Professional Mediation Organization -
  - a. Setting Rule and guidelines for professional mediation services, it administers the mediation process and perform quality assurance;
  - b. Well designed mechanism to maintain the high-quality mediation services.

## Chapter 4

### Introduction of Hong Kong Facilities, Services and Professional Mediation Practitioners

#### 4.1 Mediation Services in Hong Kong

Hong Kong boasts a well-established legal system that provides a wide range of legal services to support dispute resolution. The legal services encompass various areas such as litigation, arbitration, and mediation. Hong Kong's legal practitioners are highly skilled and experienced in handling complex legal matters, making it a preferred destination for businesses seeking quality legal services.

Mediation is a voluntary and confidential process in which a neutral third party, the mediator, facilitates communication and negotiation between disputing parties to reach a mutually acceptable resolution. In the Greater Bay Area (GBA), mediation serves as an effective alternative to litigation, providing parties with greater control over the outcome and preserving relationships. It is a flexible and collaborative process that encourages open dialogue and creative problem-solving.

The Mediation is a well-designed dispute resolution procedure. In which the professional team will effectively assist the parties who is decision maker to make a sound decision to achieve their best interests.

##### The features of Professional Mediation Mechanism

1. Well-designed mechanism with professional model, framework; rules and procedures;
2. Most effective non-adversarial dispute resolution mechanism;

### 3.5 Potential Industries and Sectors Benefiting from Mediation

Mediation services in Hong Kong cater to a diverse range of industries and sectors. Some sectors that significantly benefit from mediation include commercial and corporate, construction and engineering, intellectual property, insurance and reinsurance, finance and banking, and international trade. The flexibility and adaptability of mediation make it an attractive option for resolving disputes across different industries. Mediation is the best dispute resolution procedure for innovative and newly developing businesses. The rules and regulations are not readily established for these types of business. It is difficult to adjudicate fairly and authentically by other dispute resolution procedures.

### 3.6 Conclusion

The introduction of Hong Kong domestic and cross-border mediation services sets the stage for understanding the significance and scope of mediation in the region. The legal framework, along with the growing demand for mediation services in the GBA, makes Hong Kong a prominent destination for businesses seeking efficient and effective dispute resolution mechanisms. The subsequent sections of this directory will delve deeper into various aspects of mediation services, including the facilities, practitioners, benefits, application procedures, charges, and preparation work involved in mediation.

#### Mediation Profession in Hong Kong

- World leading standards in mediation and international mediation
- One of the Legal professions
- Well-developed Mechanism for risk and dispute management
- Most effective Dispute Resolution Process
- Facilitates maximisation of parties' interests and minimization of risks

### 3.3 Mediation in the Greater Bay Area (GBA)

The Greater Bay Area (GBA) initiative encompasses Hong Kong, Macau, and several cities in Guangdong Province, China. This initiative aims to foster closer cooperation and integration among these regions. Mediation plays a crucial role in facilitating cross-border transactions, resolving disputes, and promoting business collaboration within the GBA. Hong Kong, with its well-developed mediation infrastructure, serves as a gateway to mediation services in the GBA.

### 3.4 Scope of Mediation Services

Hong Kong offers a wide range of mediation services to cater to various types of disputes. These services cover both domestic and cross-border disputes, making Hong Kong an attractive destination for businesses seeking effective and efficient dispute resolution mechanisms. Mediation services in Hong Kong encompass commercial, civil, family, community, and international disputes.



### 3.2 Legal and Regulatory Framework

Hong Kong's legal and regulatory framework provides a solid foundation for mediation services. The key legislation governing mediation is the Mediation Ordinance, which sets out the legal framework for the conduct of mediation in Hong Kong. The ordinance promotes the use of mediation as an efficient and cost-effective method of dispute resolution.

Over 4 decades development of mediation professional, Hong Kong have been established a world recognized high-quality mediation services mechanism:

The development of professional mediation in Hong Kong is divided into three main stages



#### Characteristics of Hong Kong mediation professional Mechanism

1. Well-structured Mediation Professional
  - Legislation, Professional Standards, Theory Framework and Professional development ;
2. World Recognized Standards
  - UNCITRAL Observer
  - WTO accredited Non-Government Organization
  - Over 550 organizations in various regions
3. Assist Mediation Centre and Governments in Asia Pacific to development mediation centers, professional mediator and related professionals

### 2.7 Services Fees

Negotiation consultancy services are usually tailor-made for individual clients and so as the services fees. Among others, the Global Business & Commercial Negotiation Service Centre has indicated it's fee schedule below for reference.

Business Negotiation Services Fee Schedule		
The amount of the transaction	Service Charges	Value-creation Charges
HK\$100,000 - HK\$3,000,000	5%	10-20%
HK\$3,000,001 - HK\$10,000,000	3%	10-15%
HK\$10,000,001 - HK\$100,000,000	2%	10-15%
HK\$100,000,001 and above	1.5%	5-10%

## Chapter 3

### Introduction of Hong Kong Domestic and Cross-Border Mediation and Related Services

#### 3.1 Background of Mediation in Hong Kong

Mediation, as a form of alternative dispute resolution, has gained significant recognition and popularity in Hong Kong. Over the years, Hong Kong has developed a robust legal framework and established itself as a regional hub for mediation services. The city's commitment to promoting mediation as an effective means of resolving disputes has resulted in a thriving mediation industry.

#### 2.6 To find the Professional Negotiation Consultancy services or Deal-Making Consultancy Services

Some of the notable Negotiation Consultancy & Deal Making consultancy services firms in Hong Kong include:

Consultancy Services Firms	Services	Contact
Global Business & Commercial Negotiation Service	With the team of CPBNs & SCIBNs to provides Full-Fetched Negotiation consultancy services	Email: admin@ipdraa.com Tel: +852 36222241
Bank of America Merrill Lynch	Provides Large Scale Deal Making service	Tel: +852.3508.8888
Goldman Sachs	Provides Large Scale Deal Making service	Tel: +852 2978 1000
J.P. Morgan	Provides Large Scale Deal Making service	Tel: +852 2800.1000
HSBC	Provides Large Scale Deal Making service	<a href="https://www.business.hsbc.com.hk/en-gb/arrange-a-call-back-general">https://www.business.hsbc.com.hk/en-gb/arrange-a-call-back-general</a>
KPMG	Provides Large Scale Deal Making service	Email: jianing.n.song@kpmg.com
Deloitte	Provides Large Scale Deal Making service	Tel: + 852 2852 1600
PwC	Provides Large Scale Deal Making service	Tel: +[852] 2289 2199
EY	Provides Large Scale Deal Making service	<a href="http://www.ey.com/en_gl/consulting/transformation-eq-services-leadership-workforce-consulting">www.ey.com/en_gl/consulting/transformation-eq-services-leadership-workforce-consulting</a>

It's important to note that the list above includes both investment banks and professional services firms that provide deal making services. Clients should carefully evaluate the track record, industry expertise, and service offerings of each firm before selecting one to partner with for their deal making needs.

- g. **Financial Modeling and Analysis:** Developing financial models to forecast post-transaction performance, analyze deals, and assess the financial implications of different strategies.
- h. **Market Research and Insights:** Providing market intelligence, industry insights, and competitor analysis to support informed decision-making.
- i. **Cross-Border Consultation:** Offering expertise in navigating cross-border deals, considering factors such as tax efficiency, regulatory requirements, and cultural differences.
- j. **Stakeholder Management:** Managing communications with stakeholders such as investors, board members, management teams, employees, and regulatory bodies throughout the deal process.

Hong Kong's status as an international financial center means that deal making services companies here often have a global reach and are well-equipped to handle large-scale, complex transactions.

Additionally, given its proximity to Mainland China and its position as a gateway to the GBA, these firms are particularly adept at handling deals that involve Chinese markets.

### 2.5 Hong Kong Deal Making Consultancy Services for Large Scale Transaction

Deal making services companies in Hong Kong play a pivotal role in facilitating mergers and acquisitions (M&A), joint ventures, fundraising, and other strategic business transactions. These firms provide specialized expertise to clients looking to enter into or restructure business deals within the competitive and dynamic market environment of Hong Kong and the broader Greater Bay Area (GBA).

Here are some types of services that deal making services companies typically offer in Hong Kong:

- a. **M&A Advisory Services:** Providing comprehensive advice on buying and selling businesses, including sourcing potential targets, conducting due diligence, valuation, deal structuring, negotiation support, and post-acquisition integration.
- b. **Finance and Equity Fundraising:** Assisting companies with capital raising activities such as initial public offerings (IPOs), bond issuances, private placements, and equity financing rounds.
- c. **Corporate Finance:** Offering advisory services for financial restructuring, debt restructuring, and corporate recapitalization.
- d. **Strategic Business Development:** Helping companies to identify growth opportunities through strategic alliances, partnerships, and joint ventures.
- e. **Divestiture and Carve-Out Services:** Supporting businesses in divesting non-core assets or spinning off certain divisions to enhance focus and value.
- f. **Regulatory Compliance and Due Diligence:** Ensuring compliance with local and international regulations, performing legal and financial due diligence to uncover potential risks and liabilities.

evaluate the counterpart's interests and motivations, and devise a customized negotiation strategy. This strategic guidance enhances the business's position and increase the likelihood of achieving its desired outcomes.

- D. **Skill Enhancement:** Negotiation consultants can provide training and coaching to improve the negotiation skills of individuals within the organization. They can conduct workshops, simulate negotiation scenarios, and offer feedback and guidance to enhance the effectiveness of the negotiation team. This skill enhancement can yield long-term benefits by empowering individuals to negotiate more successfully in future deals.
- E. **Facilitation of Success** According to the International Professional Negotiation Consultancy office of IPAA, their professional negotiation team facilitates the success rate of negotiation by 100%.
- F. **Creation of additional Interests** They are well-versed in the analyzing the market and business of all stakeholders, By application of their well-designed negotiation strategies, tactics, and best practices, they help businesses to achieve deal by 10%-20%, in most cases they facilitate the business to create additional interests, including creation of new markets or mark penetration.

### 2.4 Professionals in Negotiation

In Hong Kong, there are two levels of world-recognised professional qualifications in negotiation, namely Certified Business Negotiator (CPBN) and Senior Internationally Accredited Business Negotiator (SCIBN). They provide comprehensive negotiation and transaction consultancy services to all businesses and SMEs in the Greater Bay Area.

Overall, the role of a negotiation consultant is to guide and support clients in achieving favorable outcomes in negotiations, whether in business deals, employment contracts, conflict resolution, or any other negotiation context. Their expertise lies in strategic planning, skill development, and providing valuable insights to optimize the negotiation process.

### 2.3. The Value of Negotiation Consultants

Negotiation consultants can provide several benefits in a business deal



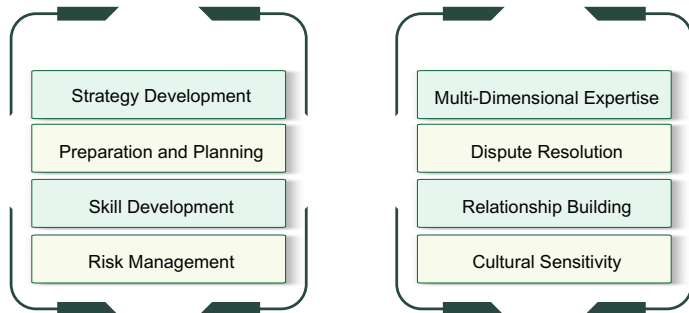
- A. **Expertise and Experience:** Negotiation consultants possess specialized knowledge and experience in the field of negotiation. They are well-versed in negotiation strategies, tactics, and best practices. Their expertise can help businesses navigate complex negotiations and achieve more favorable outcomes.
- B. **Objective Perspective:** As the impartial third party, negotiation consultants provide an objective viewpoint. They can assess the strengths and weaknesses of both parties, identify potential areas of agreement, and offer unbiased advice. This objectivity can help overcome biases and emotional barriers that often arise during negotiations.
- C. **Strategy Development:** Negotiation consultants assist in developing a strategic approach to the negotiation process. They can analyze the business's objectives and constraints,

difficult situations, managing emotions, making concessions, and maintaining a constructive atmosphere. They may also assist with analyzing proposals, counteroffers, and agreement terms. These all help to prevent and minimize the risk.

- e. **Multi-Dimensional Expertise:** Negotiation consultants possess a deep understanding of various negotiation techniques, theories, and frameworks. They draw from disciplines such as psychology, communication, and game theory to provide comprehensive guidance. This multi-dimensional expertise enables them to address both the strategic and interpersonal aspects of negotiation effectively.
- f. **Dispute Resolution:** Negotiation consultants often have expertise in alternative dispute resolution methods, including mediation and arbitration. They can help parties navigate conflicts and explore options beyond traditional negotiation. By facilitating open communication and guiding the resolution process, they strive to achieve mutually acceptable outcomes that avoid costly legal proceedings.
- g. **Relationship Building:** Successful negotiations often go beyond a single transaction or agreement. Negotiation consultants emphasize the importance of building and maintaining long-term relationships with negotiation counterparts. They help clients develop rapport, trust, and effective communication channels that can foster future collaboration.
- h. **Cultural Sensitivity:** In international negotiations or those involving diverse parties, negotiation consultants recognize the significance of cultural differences. They possess cultural sensitivity and adapt their strategies and approaches accordingly. This includes understanding communication styles, negotiation norms, and etiquette in different cultural contexts.

## Chapter 2

### Deal Making and Negotiation Consultancy Services Practitioners



needs and goals. This involves analyzing the situation, identifying strengths and weaknesses, and formulating a plan to maximize the client's position.

- b. **Preparation and Planning:** Negotiation consultants assist clients in preparing for negotiations by conducting research, gathering relevant information, and analyzing the other party's interests, objectives, and potential tactics. They help clients anticipate various scenarios and plan their approach accordingly.
- c. **Skill Development:** Negotiation consultants focus on enhancing clients' negotiation skills by providing training, coaching, and feedback. They teach effective communication techniques, active listening, problem-solving, and strategies for addressing conflicts or deadlocks. They may also conduct mock negotiations to simulate real-world scenarios and practice negotiation skills.
- d. **Risk Management:** Negotiation consultants tailor their approach to meet the specific needs of their clients. They scrutinize factors such as industry dynamics, cultural considerations, and the nature of the negotiation itself. During actual negotiations, a negotiation consultant may provide on-site support or act as an advisor behind the scenes. They offer guidance on handling

community. They can introduce SMEs to potential partners, investors, or other key stakeholders within the GBA.

8. **LEGAL AND FINANCIAL ADVISORY:** In many cases, deal-making professionals have a background in law or finance, which allows them to provide advisory services on legal compliance, tax implications, and financial structuring.
9. **COMMUNICATION AND MEDIATION:** During negotiations, they can serve as an intermediary, ensuring that communication is clear and constructive, reducing the likelihood of misunderstandings or conflicts.
10. **POST-DEAL INTEGRATION:** After a deal has been finalized, negotiation professionals can assist with the integration process, helping to ensure a smooth transition and realization of the expected synergies.

To capitalize on the expertise of negotiation professionals, Hong Kong SMEs should choose individuals or teams that specialize in their industry sector and understand the nuances of doing business within the GBA. Building strong relationships with such professionals can be a strategic asset for SMEs aiming to grow their business through successful deal-making.

#### 2.2. Negotiation Consultancy Services

A negotiation consultant is a professional who specializes in helping individuals or organizations improve their negotiation skills and achieve successful outcomes in various situations. The primary function of a negotiation consultant is to provide guidance, advice, and support to clients throughout the negotiation process. Here are some of the key works and responsibilities of a negotiation consultant:

- a. **Strategy Development:** A negotiation consultant helps clients develop effective negotiation strategies tailored to their specific



## Chapter 2 Deal Making and Negotiation Consultancy Services Practitioners

negotiation professionals effectively:

1. **IDENTIFYING OPPORTUNITIES:** Negotiation professionals can help SMEs identify potential partnerships, joint ventures, or mergers and acquisitions that align with the company's strategic goals within the GBA.
2. **DUE DILIGENCE:** Before entering into any deal, it's crucial for SMEs to thoroughly understand the target company or partner. A negotiation professional can assist in performing due diligence, assessing risks, and ensuring that all necessary information is gathered and analyzed.
3. **STRUCTURING DEALS:** These professionals can guide SMEs through the complex process of structuring deals, including drafting proposals, outlining terms and conditions, and determining valuations that benefit both parties. Compliance and Legal Considerations:
4. **NEGOTIATING STRATEGIES:** Given their experience and skills in negotiation, these professionals can develop and execute effective negotiation strategies tailored to the specific requirements of each deal, helping SMEs to secure the best possible terms.
5. **CROSS-BORDER TRANSACTIONS:** For deals that involve cross-border elements, negotiation professionals with a good understanding of the GBA's diverse legal and regulatory frameworks can provide invaluable support in navigating complexities and complying with relevant laws.
6. **RISK MANAGEMENT:** They can also help SMEs manage risks associated with deal-making by identifying potential issues early on and proposing mitigation strategies.
7. **NETWORKING AND RELATIONSHIP BUILDING:** Negotiation professionals often have established networks within the business

**Build a strong team:** A strong team is essential for the success of any business. SMEs should hire talented and motivated employees who can help them to achieve their goals.

**Invest in technology:** Technology can help SMEs to stay competitive and improve their efficiency. They should invest in modern technology, such as software, hardware and communication tools, to streamline their operations.

**Stay up-to-date with regulations:** SMEs should stay up-to-date with the latest regulations and laws that apply to their business in the GBA. This will help them to avoid compliance issues and protect their business from legal risks.

**Network with other businesses:** Networking with other businesses can help SMEs to expand their reach and gain new opportunities. They should attend industry events, join professional organizations, and connect with other businesses in the region.

### Chapter

## 2

### Deal Making and Negotiation Consultancy Services Practitioners

#### 2.1 The Demands on the Deal Making and Negotiation Consultancy Services in GBA

Hong Kong Small and Medium-sized Enterprises (SMEs) operating within the Greater Bay Area (GBA) can leverage the expertise of negotiation professionals in various aspects of deal making to enhance their business outcomes. Here are some ways SMEs can utilize

Overall, the GBA initiative is not just about economic growth but also about fostering a more cohesive and collaborative environment across the nine cities, which can lead to long-term benefits for businesses, including SMEs.

By taking advantage of these opportunities, Hong Kong SMEs can not only enhance their competitiveness but also contribute to the overall economic growth and development of the GBA.

### 1.2 Precautionary Measures Facilitate the Hong Kong Small and Medium-sized Enterprises (SMEs) in Operating within the Greater Bay Area

The GBA is a region with strong business potential and opportunities for SMEs. The following are some of the precautions that SMEs should take when running business in the GBA:

**Research the local market:** SMEs should research the local market to understand the competition, customer needs, and potential opportunities. This will help them to develop a strategy that is tailored to the local market.

**Secure funding:** SMEs may need to secure funding to start or expand their business in the GBA. They should research different sources of funding, such as bank loans, government grants, or private investors.

**Establish a strong brand:** A strong brand can help SMEs stand out in the crowded market and attract customers. They should invest in branding and marketing to create a positive image for their business.

online presence and reach new customers.

- 11. Manufacturing and Supply Chain:** The GBA is home to advanced manufacturing industries. Hong Kong SMEs can leverage their expertise in areas such as electronics, textiles, and fashion to integrate into regional supply chains and benefit from cost-effective manufacturing solutions.
- 12. E-commerce and Retail:** With a large consumer market, the GBA offers significant potential for e-commerce and retail SMEs. Hong Kong SMEs can expand their online presence and tap into consumer trends in the region.
- 13. Tourism and Cultural Industries:** The GBA aims to promote cultural exchange and tourism. Hong Kong's SMEs can develop niche tourism products, cultural events, and creative content that appeal to both domestic and international visitors.
- 14. Education and Training:** As the GBA seeks to build a knowledge-based economy, there are opportunities for Hong Kong education and training providers to offer specialized courses and professional development programs.
- 15. Healthcare and Biotech:** The healthcare sector is another area of growth within the GBA, with a focus on medical services, biotechnology, and life sciences. Hong Kong SMEs in these fields can explore collaborations for research, product development, and service provision.

To capitalize on these opportunities, Hong Kong SMEs may need to consider aspects such as market research, regulatory compliance, cultural adaptation, and networking with local partners. Additionally, the government of Hong Kong and other agencies have been providing support to help SMEs navigate the GBA market, including funding schemes, advisory services, and training programs.

Kong SMEs can collaborate with research institutions and tech companies in the region to develop new products and services. The GBA encourages innovation and research and development (R&D). Hong Kong's SMEs can collaborate with mainland counterparts, universities, and research institutions to develop new technologies, products, and services. The GBA has designated several areas as "innovation hubs," which offer support for startups and innovative businesses.

4. **Talent pool:** With improved connectivity and collaboration, Hong Kong SMEs can tap into a larger talent pool, including skilled workers and professionals from various cities in the GBA.
5. **Financial services:** Hong Kong's strength in financial services can be leveraged by SMEs to secure funding for their businesses or to provide financial services to other businesses in the GBA. This includes opportunities in wealth management, insurance, and digital finance.
6. **Policy support:** The Chinese government has implemented various policies to support SMEs in the GBA, such as tax incentives, subsidies, and streamlined administrative procedures.
7. **Cross-border trade facilitation:** Efforts to simplify customs procedures and enhance cross-border trade make it easier for Hong Kong SMEs to export and import goods to and from the GBA.
8. **Cultural diversity:** The GBA encompasses a variety of cultural backgrounds, which can help Hong Kong SMEs to better understand the diverse needs and preferences of consumers in the region.
9. **Environmental sustainability:** The GBA initiative promotes sustainable development practices, offering opportunities for Hong Kong SMEs to develop eco-friendly products and services. SMEs in energy-efficient solutions, waste management, and renewable energies can explore partnerships and projects within the GBA.
10. **E-commerce expansion:** The growing e-commerce market in the GBA provides an opportunity for Hong Kong SMEs to expand their

## Chapter 1

### Introduction

#### 1.1 The Greater Bay Area (GBA) Opportunities for Hong Kong SMEs

The Greater Bay Area (GBA) is a development initiative in China that aims to integrate the economic, technological, and innovative capabilities of nine cities in the Pearl River Delta region. This includes two special administrative regions: Hong Kong and Macau, as well as seven cities in Guangdong Province. The Greater Bay Area (GBA) initiative is a significant regional development plan in China that was officially launched in 2019. It builds upon the existing strengths of the Pearl River Delta (PRD) and aims to create a world-class city cluster comparable to those in Tokyo, New York, and the San Francisco Bay Area. For Hong Kong Small and Medium-sized Enterprises (SMEs), this presents a range of opportunities across various sectors:

1. **Access to a larger market:** The GBA has a combined population of over 70 million people, providing Hong Kong SMEs with access to a much larger market than they would have if operating solely within Hong Kong.
2. **Enhanced connectivity:** The GBA aims to improve infrastructure and transportation links between the nine cities, making it easier for SMEs to transport goods, services, and personnel across the region.
3. **Innovation and technology collaboration:** The GBA is focused on fostering innovation and technological advancement. Hong



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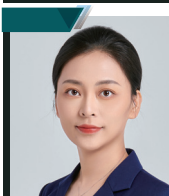
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## Directory of Professional Mediation and Risk Management Services in the GBA

Through these services, we hope to help Hong Kong SMEs prevent risks and resolve commercial disputes that may arise, so that they can better operate in the GBA.

In addition, mediation, as an efficient and cost-effective dispute resolution process, is of great significance to SMEs in the GBA. It can not only help businesses save time and costs, but also help businesses establish and maintain good business relationships. Therefore, we have detailed the application procedure for mediation services, the fees, and how to prepare for the best outcome in mediation.

We have also listed the list of major mediation centres and professional mediators, as well as their contact information and service fees, so that enterprises can find the most suitable service provider for themselves when choosing mediation services.

We believe that by reading this directory, SMEs in Hong Kong will be able to better understand and make use of the professional mediation and risk management services in the Greater Bay Area, so as to achieve greater success in the highly competitive business world!

Prof. Dr. Francis Law  
Chief Editor

# Directory of Professional Mediation and Risk Management Services in the GBA

## Preface

In the tide of globalization, the Guangdong-Hong Kong-Macao Greater Bay Area, with its unique geographical location and economic advantages, has brought unprecedented opportunities to Hong Kong's small and medium-sized enterprises. However, with the increase in business activity comes controversy and risk. To help these companies better operate in the GBA, we have set up an editorial board comprising 13 experts and academics in the legal, mediation, risk management, business and trade sectors of the GBA. We co-edited the Directory of Professional Mediation and Risk Management Services in the Guangdong-Hong Kong-Macao Greater Bay Area.

Divided into nine chapters, the directory aims to provide a comprehensive guide for SMEs in Hong Kong to help them understand deal facilitation and negotiation advisory services in the Greater Bay Area, as well as local and cross-border mediation and related services in Hong Kong. At the same time, we also introduced mediation services, mediators and mediation centres in Hong Kong, as well as expert reports and IP application and protection services. As business activities in the GBA increase, so does the need for deal facilitation and negotiation advice. Hong Kong offers a range of professional deal facilitation and negotiation advisory services to meet this need.

In order to help Hong Kong's SMEs better operate in the GBA, we have proposed a series of precautionary measures. These include the provision of professional deal facilitation and negotiation advisory services, as well as the provision of local and cross-border mediation and related services in Hong Kong.

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