



Why we have to say – “Mediation, where the law permits, is confidential”

Introduction

With the advent of Practice Direction 31 and now the Mediation Bill, it is clear that mediation is an increasingly popular form of dispute resolution. Central to mediation are concepts of confidentiality and privilege – but why? Why is every mediator trained to state, “mediation, where the law permits, is confidential” or a statement of a similar nature? How does confidentiality benefit the mediation process? Is confidentiality absolute? If not, why? What does the law say about confidentiality and privilege? More importantly, what implications will the Mediation Bill have? Does it safeguard the confidentiality of all forms of mediation communications?

Content

1. A breakdown of what confidentiality and privilege entail – what do these terms mean and how are they different?
2. An exploration of how confidentiality and privilege fit into the mediation process. Why do we need it and how is it beneficial?
3. An insight into the common law position on confidentiality and privilege. In what situations are we allowed to disclose mediation communications?
4. A discussion of the Mediation Bill, with a focus on what it says about confidentiality and privilege. Are there any issues to be aware of?

Speakers

Mr. Iu Ting Kwok (Bachelor of Arts (*Hons.*), Master (*with credit*) in Arbitration & Dispute Resolution, Fellow of The Chartered Institute of Arbitrators) is a practising solicitor with Kwok, Ng & Chan. He is also an accredited mediator with the HKIAC, Law Society of Hong Kong, Hong Kong Mediation Centre and Chartered Institute of Arbitrators. He has been an assessor, coach and speaker at numerous mediation workshops and seminars. In addition, he has authored publications in journals including the Asian Dispute Review, Hong Kong Lawyer and Mediation. He, together with his young son, recently won the championship in the Green Power Charity Run (10km – Green Team).

Date and Time : **3 February 2012 (Friday), 7:00pm to 9:00pm**
Venue : Function Room, 1/F, Hong Kong Production Council Building
78 Tat Chee Avenue, Kowloon Tong (Kowloon Tong MTR Exit C2)
Target Audience : HKMC Panel Members
CPD Point : 2 CDP Points
Language : Cantonese
Fee : HK\$50
Seat : 100 (first-come-first-served)
Registration Period : Please register before 1 February 2012 (Wednesday)
Enquires : Contact Mr. Fox Fok
Tel: 3622 2176 Email: admin@mediationcentre.org.hk

Registration Method:

1. Completed registration form and payment must reach HKMC **before 1 February 2012 (Wednesday)**
2. Payment can be either in the form of:
 - (a) a crossed cheque made payable upon registration to "*Hong Kong Mediation Centre Limited*"; or
 - (b) an official receipt of bank transfer to HSBC [162-242226-001]and sent to Hong Kong Mediation Centre, 15/F, Gold & Silver Commercial Building, 12 – 18 Mercer Street, Central, Hong Kong or by fax to 2866 1299.

Enquiries

Contact Mr. Fox Fok Tel: 3622 2176 Email: admin@mediationcentre.org.hk

Remarks:

- (a) **Registration can only be considered by returning BOTH the completed form and payment.**
- (b) Those who successfully registered for this event will receive a confirmation email before the deadline. No refund will be made under any circumstances thereafter.
- (c) 3 days prior to the seminar, if you have not received an email confirmation on your registration form HKMC, you are kindly invited to contact HKMC to check out your registration.
- (d) Attendance certificate will be issued at the end of the event.
- (e) If typhoon signal no.8 or black rainstorm warning signal is hoisted and not lower at 4pm, the event will be postponed. Reschedule regarding date/time/venue will be announced in due course.
- (f) Member who have registered for the event but failed to attend without prior notice may be placed in lower priority when registering for the next CPD event.

CPD Seminar
Why we have to say – "Mediation, where the law permits, is confidential"
on 3 February 2012 (Friday)
Registration Form

Name: _____ Membership Number: _____

Email: _____ Payment method (*cheque No.): _____

Signature: _____ Date: _____

*Attendance certificate: electronic / hardcopy * Please indicate your preference