

By post and by email at mediation@doj.gov.hk

9 July 2026

Department of Justice
Secretary for Justice's Office
5/F, Main Wing, Justice Place
18 Lower Albert Road,
Central, Hong Kong

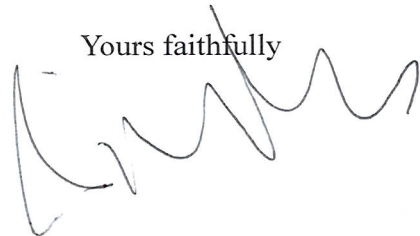
Dear Sir/Madam

**Stakeholder Consultation -
Key Provisions of the Draft Mediation (Amendment) Bill 2026**

Thank you for inviting The Hong Kong Institution of Engineers (the Institution) for views regarding the Key Provisions of the Draft Mediation (Amendment) Bill 2026.

Please be informed that the Institution is pleased to submit its views for your consideration, as set out in the enclosed document.

Yours faithfully



Sandy So (Ms)
Senior Executive Manager

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External Affairs

Enclosure

Views from The Hong Kong Institution of Engineers on Key Provisions of the Draft Mediation (Amendment) Bill 2026

The Hong Kong Institution of Engineers (HKIE) is pleased to present the following views on the key provisions of the Draft Mediation (Amendment) Bill 2026, which seeks to further strengthen Hong Kong's mediation regulatory framework and support the continued development of mediation as an effective means of dispute resolution.

2. The HKIE supports the Government's ongoing efforts to promote Hong Kong's mediation culture. We welcome the proposed amendments that confer statutory default powers upon the Hong Kong Mediation Accreditation Association Limited (HKMAAL) to enhance the accessibility and efficiency of mediation services, further cementing Hong Kong's reputation as a premier dispute resolution hub.

3. The HKIE supports the proposed amendments to sections 6A, 6B, 8 and 12 of the Mediation Ordinance (Cap. 620). We consider the policy direction to be sound and the proposed provisions clear.

4. In reviewing the existing Mediation Ordinance in the context of the current amendment exercise, Section 10 of the Mediation Ordinance governs the grant of leave for disclosure or admission of mediation communications in evidence. The HKIE notes a procedural gap in section 10(3). While section 9 applies to mediation communications in judicial, arbitral, administrative or disciplinary proceedings, section 10(3), which specifies the competent authority to grant such leave, lists various courts and tribunals but makes no provision for arbitral proceedings. As a result, applications concerning arbitration must currently be made to the Court of First Instance under the residual "any other case" category. We respectfully suggest that this creates procedural friction and is inconsistent with the established principle in arbitration that the arbitral tribunal is the master of its own procedure and evidence. Requiring parties to interrupt arbitral proceedings and apply to the Court of First Instance for leave to admit a mediation communication is inefficient, increases costs, and does not align with Hong Kong's policy of promoting integrated dispute resolution, including the "Arb-Med-Arb" model.

5. The HKIE therefore proposes that consideration be given to amending section 10(3) to add the following paragraph:

“(f) if the mediation communication is sought to be disclosed or admitted in evidence in proceedings in arbitration—the arbitral tribunal.”

6. The HKIE believes that this modest but meaningful refinement to the Ordinance would enhance procedural coherence between mediation and arbitration, while

reducing unnecessary delays and costs for parties. As a professional body representing engineers in Hong Kong, the HKIE is ready to provide further elaboration or assistance should the Department wish to explore this proposal in greater details.