

# 家事調解

## Family Mediation



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This publication is for general reference only and  
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statement of law or court practice.

## Introduction

When your marriage breaks down, you may be faced with numerous decisions about your children, property and money. You may face difficulties in talking about them with your spouse or the two of you may be deadlocked on a particular issue. As a result, after lengthy and expensive legal proceedings, many people end up in court asking a judge to make these important decisions for them.

In 2000, a pilot scheme on family mediation was launched by the Judiciary. In terms of that scheme, a Mediation Co-ordinator's Office was set up within the Family Court building to assist in implementing the pilot scheme. The pilot scheme has now come to an end. However, because of its proven record of helping separating/divorcing couples to resolve their problems without the need for expensive litigation, a decision has been made to maintain the Mediation Co-ordinator's Office. The Mediation Co-ordinator will therefore continue to hold information sessions on family mediation and generally assist couples seeking mediation to help resolve their problems in a non-adversarial way.

This information leaflet aims to help you understand mediation, what it is and how it works to your advantage. It also tells you about the information sessions on family mediation which are run by the Mediation Co-ordinator's Office.

## What is Family Mediation?

Family Mediation is a problem-solving process designed to help separating/divorcing couples to reach their own mutually acceptable agreements regarding the on-going arrangements for their children and/or the resolution of financial matters.

It is a voluntary process in which a trained, impartial third person, the mediator, can assist both parties to communicate and negotiate issues in a confidential setting.

In a family mediation session, the mediator will help you to:

- Discuss and decide which areas are in dispute
- Explore each party's needs and interests
- Expand options and select the most suitable solution
- Draw up your agreement in detail setting out how you have agreed to solve each problem.

## For Whom?

Family Mediation provides supportive and practical steps to help separating/divorcing couples reach a settlement that is responsive to their needs, and to the needs of their children and their spouse.

If your marriage has broken down or you have decided to separate, you and your spouse may consider seeing a mediator. Family Mediation can start before any litigation begins or at any stage during the process of litigation.

## Mediators? Who are they?

Mediators come from various professional backgrounds. They usually have qualifications in law, psychology, social work or social science. They are specially trained and have to meet accreditation requirements covering knowledge and skills in negotiation and dispute resolution. They are also required to abide by a Code of Practice.

Mediators:

- Do not provide legal advice. You will be encouraged to consult your lawyer for such advice
- Do not offer counselling or therapy but may suggest such services
- Do not take sides with either party
- Do not make decisions for you but help you to assess the feasibility of the decisions.

## What are the Advantages of Family Mediation?

- You may avoid the tension and conflict in the adversarial litigation system
- You may save some time and money in not having to contest matters in court
- You make your own decisions and reach agreements which you and your former partner are more willing and ready to comply with
- Family Mediation can improve your ability to communicate with your former partner
- Family Mediation can enhance your continuing relationship as parents and help you work better together as parents in the long-run.

## Does Family Mediation take a long time?

It depends on the complexity and number of issues you need to settle. The degree of your cooperation and readiness to participate in the family mediation sessions also count. If issues are less complicated and the process goes smoothly, it may only take 2 or 3 mediation sessions, each lasting for about 2 hours, for you to reach agreement.

## Any other concerns about Family Mediation?

- Family Mediation may not be suitable for everyone. You will attend an intake interview in which the mediator will assess whether family mediation is suitable for your particular circumstances.
- Family Mediation may not be appropriate for all disputes, e.g. in cases of child abuse, domestic violence, etc. as fear may prevent one party from negotiating freely.
- Legal advice can be sought by the parties at any stage of the family mediation.
- Both parties have the right to terminate the family mediation at any time.
- Both parties must appreciate that what the other party says in a family mediation session cannot be used in any legal proceedings.
- Agreement drafted in the family mediation session is not legally binding. You may, however, seek your lawyer's advice on it and then apply to court to make the agreement an order of court.

## Confidentiality

Family Mediators are required by their Code of Practice to observe confidentiality in respect of all matters disclosed in the family mediation session. When parties agree to enter family mediation, they will also be required by the mediator to sign an agreement that all negotiations are to be privileged and conducted on a without prejudice basis.

## Ways you may seek Information Session on Family Mediation Service

- **Contact the Mediation Co-ordinator's Office**

Room 111 - Room 116, 1/F, Wanchai Tower,  
12 Harbour Road, Wanchai,  
Hong Kong  
Tel. 2180 8066, 2180 8063 or 2180 8065  
Fax. 2180 8052

- **Make your request at the Family Court Registry**

M2/F, Wanchai Tower,  
12 Harbour Road,  
Hong Kong  
Tel. 2840 1218  
Fax. 2523 9170

- **Consult your lawyer, social worker, etc.**

## What's next?

- If you are interested in seeking family mediation, arrangements will be made for you to attend an information session on family mediation conducted by the Mediation Co-ordinator.
- After the information session, the Mediation Co-ordinator will give you the information on family mediation service available for you to apply for it yourself.
- The Mediation Co-ordinator will report to the court whether the parties have attended an information session on family mediation.
- A party's application for information session on family mediation will not lead to an automatic stay of the legal proceedings.

## Do I need to pay for the Information Session on Family Mediation?

Information sessions provided by the Mediation Co-ordinator's Office are free of charge.

## Do I need to pay for the Family Mediation Service?

You will have to pay if you receive the service from a private mediator. Some non-governmental agencies charge a fee according to a sliding scale based on the user's income, but a few provide the service free.

## Users' Comments on Family Mediation Service

The following are comments from users of family mediation service under the Pilot Scheme on Family Mediation :-

1. (Family Mediation) enables us to discuss matters in a calm and constructive manner. We would have wasted time on fruitless discussions if we had had the discussion just between ourselves.
2. (Family Mediation) helps us save time and money. Such service should be provided to all divorcing couples.
3. We can have a peaceful discussion about our conflicting views... Our daughter would be hurt if we quarrelled in front of her... Now on occasions, my ex-husband comes to see our daughter and I can go out with them. Without mediation, this would be impossible.
4. The mediator showed tremendous friendliness and empathy towards us which left me deeply impressed. Although I am an illiterate, she exhibits professionalism in explaining all matters to me patiently.
5. The mediator is highly professional: she gives an objective analysis of my situation; maintains control over the atmosphere throughout the mediation process and displays neutrality. She is also highly proficient with legal proceedings relating to the divorce.
6. Through mediation service, problems can be solved face to face. Feelings will not be deeply hurt by using the compromise method, and it saves money.
7. The most helpful part of the service is drafting of the written agreement, as the judge said "we divorce in a civilized way", we do not need to argue in the Court.

8. We could use mediation to deal with issues we don't want to talk face to face. At conflictual situations, with the presence of a third party [the mediator], discussion may be proceeded in a more peaceful atmosphere.
9. The mediator talked with me in mediation sessions like chatting in family and I felt that the conversation concerns her as a person who has feeling.
10. We were reminded the importance of maintaining good parent-child relationship after divorce throughout the mediation service.
11. Everything (in the family mediation) is useful as I have no experience in divorce matters at all and I have no knowledge about the procedures or the matters to be dealt with.
12. There are many blind spots in what we see. An example is that I did not notice that my husband has responsibilities to bear as a father... No matter what, he is our daughter's father after all.

## Other Information

### Legal Aid Department

24/F, Queensway Government Offices,  
66 Queensway, Hong Kong  
Tel. 2537 7661

G/F, Mongkok Government Offices,  
30 Luen Wan Street,  
Mongkok, Kowloon  
Tel. 2380 0117

**Hong Kong Council of Social Service**

12/F, Duke of Windsor Social Service Building,  
15 Hennessy Road, Wanchai, Hong Kong  
Tel. 2864 2958

**Hong Kong Family Law Association**

c/o G.P.O. Box 11417, Hong Kong

Tel. NIL

Fax. 2845 9168

Website: <http://www.hkfla.org.hk>

**Hong Kong International Arbitration Centre**

38/F, Two Exchange Square,

Central, Hong Kong

Tel. 2525 2381

Fax. 2524 2171

E-mail: [adr@hkiac.org](mailto:adr@hkiac.org)

Website: <http://www.hkiac.org>

**The Law Society of Hong Kong**

3/F, Wing On House,

71 Des Voeux Road Central,

Central, Hong Kong

Tel. 2846 0500

Fax. 2845 0387

**Caritas – Hong Kong****Caritas Family Service**

1/F., Caritas House,

2 Caine Road, Central, Hong Kong

Tel. 2669 2316, 2843 4670

Fax. 2676 2273

**Hong Kong Catholic Marriage Advisory Council**

Marriage Mediation & Counselling Service

Room 101 - 105, M2 Level, Tsui Cheung House,

Tsui Ping (North) Estate, Kwun Tong, Kowloon

Tel. 2782 7560

Fax. 2385 3858

**Hong Kong Christian Service**

2/F., 33 Granville Road,

Tsimshatsui, Kowloon

Tel. 2731 6227

Fax. 2724 3520

**Hong Kong Family Welfare Society**

Hong Kong Family Welfare Society Mediation Centre

Shop 7, Phase II, Healthy Village,

668 King's Road, North Point, Hong Kong

Tel. 2561 9229, 2832 9700

Fax. 2811 0806

Website: <http://www.mediationcentrehk.org>

**Hong Kong Sheng Kung Hui Welfare Council**

5/F., Holy Trinity Bradbury Centre,

139 Ma Tau Chung Road, Kowloon

Tel. 2713 9174

Fax. 2711 3082

**Resource – The Counselling Centre**

Suite 501, Ruttonjee House,

11 Duddell Street, Central, Hong Kong

Tel. 2523 8979

Fax. 2845 7352

### Shatin Alliance Community Services Centre

G/F, Block E & F, Yue Tin Court,  
Shatin, N.T.

Tel. 2648 9281

Fax. 2845 7352

### St. James' Settlement

4/F., 85 Stone Nullah Lane,  
Wanchai, Hong Kong

Tel. 2835 4342

Fax. 2833 9940

### Yang Memorial Methodist Social Service

Mongkok Integrated Family Service Centre  
G/F, Central Commercial Tower, 736 Nathan Road,  
Mongkok, Kowloon

Tel. 2171 4001

Fax. 2388 3062

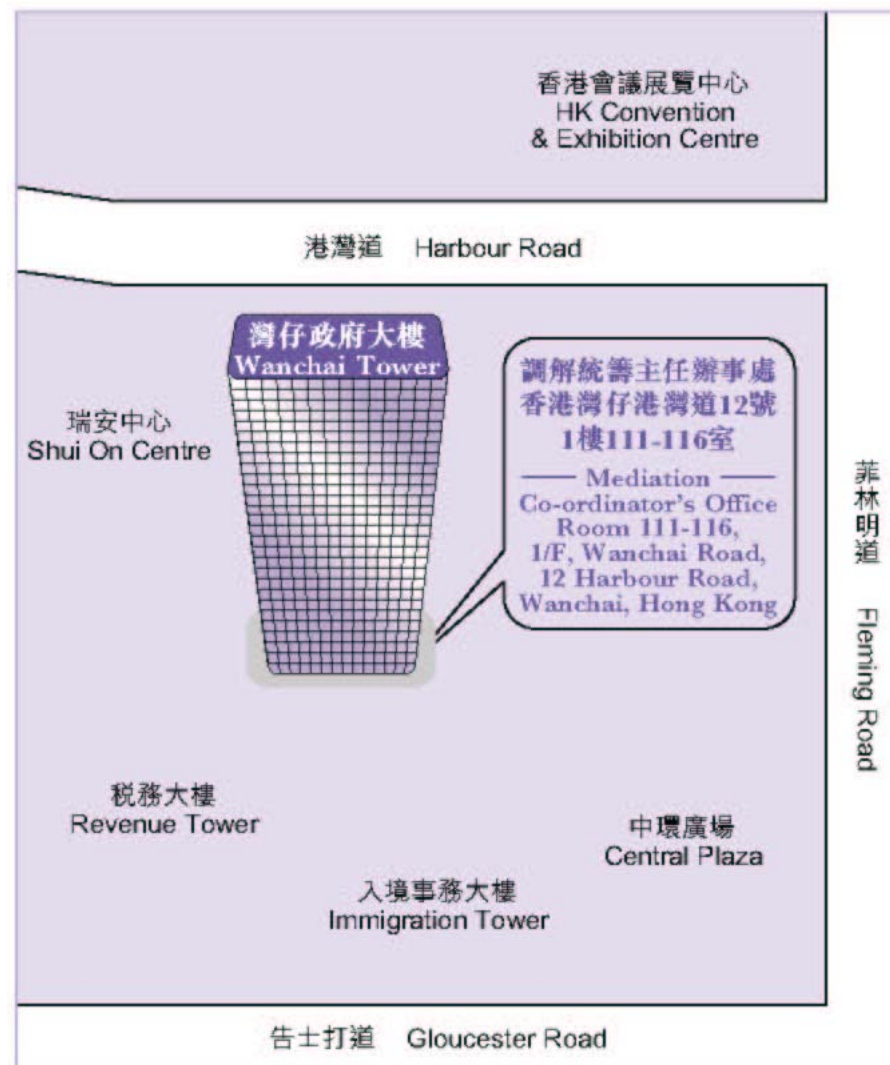
### Free Legal Advice Scheme

(Application can be made to any District Office, Home  
Affairs Department)

Tel. 2835 2500

### Tel-Law Service

Tel. 2521 3333 2522 8018



Judiciary  
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