

DoJ issues Policy Statement on the Incorporation of Mediation Clauses in Government Contracts

The Department of Justice (DoJ) issued a Policy Statement on the Incorporation of Mediation Clauses in Government Contracts today (November 6) to set out the Government's policy stance and approach on promoting the use of mediation to resolve conflicts in an amicable way, and to implement the policy initiative under the 2023 Policy Address on deepening mediation culture, consolidating the strategic positioning of Hong Kong as a centre for international legal and dispute resolution services in the Asia-Pacific region under the national policies.

The Government has been committed to promoting the development of mediation in Hong Kong, encouraging a wider use of mediation by all sectors as a flexible and constructive approach in resolving disputes outside the courts to produce mutually acceptable settlements while keeping the risks, costs and time in control. It can help build a harmonious and stable society and foster a culture that embraces mutual support, respect, harmony and inclusiveness.

To further promote mediation culture, the Mediation Clause Policy requires all government departments to incorporate mediation clauses in future government contracts, so as to further promote the use of mediation to resolve disputes first before resorting to arbitration or litigation.

The Secretary for Justice, Mr Paul Lam, SC, said, "By taking the lead to incorporate mediation clauses in government contracts, the Government hopes to encourage private companies to include similar mediation clauses in their contracts, further promoting a 'mediate first' culture.

"In conjunction with the establishment of the International Organization for Mediation's headquarters in Hong Kong, the DoJ will continue to implement policy measures of deepening the mediation culture to build Hong Kong as the capital for international mediation."

The full policy statement can be found in the Annex to this press release.