

**HONG KONG MEDIATION HANDBOOK [600 pages]**

Edited by Dr. Raymond Leung

This is a splendid book.

If the reader of this review is looking for any negativity, stop now. This review is not for you.

This book challenges the reviewer from so many perspectives: Where does one start, when there is such a wealth of diverse experience which infuses the text?

How can one begin to share with the reader, the cross-fertilisation of practice flowing from an editorial pen which has harmonised a collection of genuinely inspired articles by experienced mediation practitioners in Hong Kong, who in turn draw from sources throughout the Chinese and English speaking worlds.

Does one start with the fact that the book is divided into two parts, the first dealing with principles and the second, dealing with specialist fields of mediation practice?

Into what category does one fit the Appendices, which are replete with so much information [including contact addresses and websites] that they could justify a book on their own?

Should one begin the review with an explanation that the text is easy on the eye, broken down into topics under separate sub-titles?

The challenge of “*where to start?*” reflects the pre-eminence of this book in its field.

It should be a *vade mecum* to anyone remotely interested in mediation anywhere in the Chinese and English speaking worlds.

The Editor-in-Chief is a master of his craft, Dr. Raymond Leung. He says in his preface [upon which a reviewer could not improve]:

“It is our aim to highlight the essentials of mediation for the purpose of learning and application. We aim to provide an overview of the issues of concern in mediation, from the points of view of end users, practitioners and students. This handbook is intended to be used for readers at all levels. ... Overseas mediation experiences have been highlighted as good references to how Hong Kong can make the best use of these experiences...”

Not just Hong Kong! This book informs mediation skills as readily in the UK.

Sir Laurence Street in his Foreword provides a route map for the reader:

“... The Editor and the Authors have organized the papers in two groupings encompassing first, principles and practices of general

application conveniently presented in separate chapters and, secondly, the use of mediation in various types of Disputes.”

Against that backdrop, one can the more readily understand the collection of articles which constitute Part 1:

- Definitions of conflict and dispute.
- Definitions and comparison with other forms of alternative dispute resolution.
- History of mediation.
- Approaches to mediation.
- Resources available for mediation in Hong Kong.
- The process and stages of mediation.
- Mediation skills.
- Psychology and behaviour of mediation.
- The legal implications of mediation.
- Civil justice reform and practice directions.

And then on to Part 2:

- Family mediation.
  
- Criminal offences related disputes.
  
- Application of mediation to various types of dispute:
  - Business;
  - Construction;
  - Shareholders;
  - Intellectual property;
  - Trade disputes;
  - Financial products and services;
  
- Consumer business.
  
- Labour and employment.
  
- Community.
  
- Land.
  
- Work-related personal injury;
  
- School;

- Healthcare;
  
- Public international.

The challenge of this review was to know where to start. To finish is much easier – one turns to the beginning of Chapter 4, and the “History of Mediation.” The following paragraph strikes the key-signature to this book, and in so doing, resonates so very strongly with the outlook of the reviewer whose professional heritage has been litigation and the court-room:

“Of the things brought about by the rites, harmony is the most valuable.” (*the Analects of Confucius*) “Harmony is the universal path which they all should pursue.” (*The Doctrine of the Mean*) “Everything is giving birth in its own harmony.” (Xunzi) “Knowing to balance, call it constant; knowing how to stay constant, call it discernment.” (Laozi) All these quotations on harmony indicate the importance of harmony and that to achieve harmony, one needs to know the balance. Mediation is the means to help parties find this balance in a dispute.”

In an era of ever closer relations between nations and between people, there is something deeply rewarding in perceiving the resolution of disputes as having more affinity with Confucius than with the Rules of Court. If this is an endowment from China to the English Speaking Peoples, then the constitutional framework between Beijing and Hong Kong in 1997 should go down in history as one of extraordinary vision.

Iain Goldrein QC  
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