



## E-NEWS

FDRC  金融糾紛調解中心  
FINANCIAL DISPUTE RESOLUTION CENTRE



### **Next Level of Mediation: What the Updated Hong Kong Mediation Code (2026) Means for Mediators**

Financial disputes are often stressful, complex, and emotionally charged. Such disputes could involve technical financial products, strong personal reactions to monetary loss, and perceived imbalances between individual consumers and financial institutions. In resolving these disputes, the mediators perform a facilitative role, and in the discharge of that role, to act ethically and professionally in accordance with clearly articulated standards. In Hong Kong, mediation is primarily facilitative in nature, as reflected in the Mediation Ordinance.

The updated Hong Kong Mediation Code (Code), approved by the Hong Kong Mediation Accreditation Association Limited (HKMAAL) in April 2026, reinforces the core values of mediation in Hong Kong and sets out minimum ethical and professional requirements for mediators, irrespective of background or accreditation path. Against this backdrop, the following qualities are central to success in financial dispute mediation.

#### **Independence, Impartiality, and Informed Trust**

The updated Code places strong emphasis on impartiality and disclosure as prerequisites to accepting a mediation case. A mediator must maintain neutrality towards all parties and disclose any actual or prior affiliations or interests that may give rise to perceived conflicts, obtaining informed consent before proceeding.

In financial dispute mediation, this transparency is particularly important. Consumers may be sensitive to perceived institutional influence, while financial institutions require assurance that the process is fair, independent, and professionally governed. Independence, coupled with open disclosure, builds informed trust and reinforces confidence in mediation as a legitimate and balanced dispute resolution process.

#### **Procedural Clarity and Respect for Party Autonomy**

The updated Code highlights the mediator's responsibility to ensure that parties are properly informed about the nature of mediation, the procedures to be adopted, and the mediator's role. Clear explanation at the outset and the use of an agreement to mediate are not procedural formalities but ethical obligations.

A financial dispute mediator should provide structure without directing outcomes. By setting ground rules, explaining process options (including joint and private meetings), and guiding discussions in an orderly manner, the mediator helps parties engage meaningfully while preserving their autonomy to decide whether and how to settle.

## **Competence Without Substitution of Judgment**

The updated Code expressly requires mediators to be competent and knowledgeable in the mediation process, taking into account factors such as language proficiency, training, accreditation, and continuous professional development.

In financial disputes, competence includes the ability to manage complex information and technical terminology without acting as a financial adviser or decision-maker. Competent mediators assist parties to communicate clearly, clarify misunderstandings, and focus on material issues, while avoiding the substitution of professional or legal judgment. Where appropriate, mediators may encourage parties to seek independent legal or expert advice, in keeping with the Code's guidance.

## **Updated requirements on Online Mediation**

The updated Code explicitly contemplates mediation conducted in face-to-face, hybrid, or online formats, reflecting contemporary practice in Hong Kong. When online mediation is to be conducted, the mediator shall remind and assist the parties to put in place appropriate measures and safeguards to ensure integrity and confidentiality of the mediation process.

Professional mediators are sensitive to the regulatory expectations and professional norms within Hong Kong's financial sector. The updated Code stipulates that the mediator should be sufficiently familiar and competent in using the relevant technology as adopted for online mediation. This contextual awareness enables mediators to maintain credibility with financial institutions while ensuring that consumers can participate effectively in online mediation and with understanding.

## **Professionalism and Continuous Development**

The updated Code reaffirms mediation as a professional discipline requiring ongoing learning. Mediators must ensure they have adequate time, skills, and preparation before accepting appointments, and must continue to develop professionally as dispute patterns and regulatory landscapes evolve.

In financial dispute mediation, this commitment enhances public confidence in mediation as a credible alternative to litigation and supports the integrity of the mediation profession as a whole.

## **Emotional Composure, Presence, and Self-Regulation**

While the updated Code does not prescribe emotional techniques, its emphasis on fairness, competence, and effective participation implicitly requires mediators to manage emotionally charged situations with calmness and restraint. Financial disputes often involve anxiety, anger, or distress, particularly where personal savings or livelihood are implicated.

Competent mediators demonstrate emotional composure and self-regulation. They provide a steady presence, resist the urge to rush or prematurely reframe, and allow intentional silence where appropriate. This capacity enables parties to articulate underlying concerns rather than fixed positions, supporting more constructive dialogue consistent with the Code's emphasis on meaningful participation.

## **Personal Qualities Beyond Minimum Compliance**

As observed by the Honourable Mr Justice Fung in a paper for a Mediation Conference, mediation is ultimately a “people-oriented and personality-driven” endeavour. While the updated Code sets out minimum standards of conduct and competence, excellence in mediation depends on personal qualities that go beyond compliance.

The above include a genuine commitment to mediation as a vocation, the ability to connect with and care about diverse parties, and persistence grounded in optimism and tolerance of ambiguity. Such qualities enable mediators to uphold the spirit as well as the letter of the Code, particularly in challenging financial disputes where the path to resolution may not be immediately clear.

## **Conclusion**

The updated Code provides a clear ethical and professional framework for mediation practice in Hong Kong. A competent financial dispute mediator is one who not only complies with these standards but brings them to life through independence, emotional steadiness, contextual awareness, and a deep commitment to facilitating fair and informed dialogue. At the Financial Dispute Resolution Centre, these qualities collectively support effective mediation and help parties move constructively from disagreement toward resolution.

**Dated: June 2026**  
**Issue 09**

Note:

- i. This newsletter is provided for general information only and does not constitute any advice. No representation whatsoever is made or intended to be made by the FDRC in relation to such information. The FDRC shall not be responsible or liable to any party who relies on the information provided in this newsletter.
- ii. FDRC is a non-profit company limited by guarantee. With the support of the Financial Services and the Treasury Bureau, the Hong Kong Monetary Authority and the Securities and Futures Commission, the FDRC independently and impartially administers the Financial Dispute Resolution Scheme to assist financial institutions and their customers to resolve monetary disputes.