

City University of Hong Kong

Course Syllabus

offered by School of Law  
with effect from Semester A 2020/21

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**Part I Course Overview**

**Course Title:** Mediation Practice

**Course Code:** LW6135E

**Course Duration:** One semester

**Credit Units:** 3

**Level:** P6

**Medium of Instruction:** English

**Medium of Assessment:** English

**Prerequisites:**  
(Course Code and Title) Nil

**Precursors:**  
(Course Code and Title) Nil

**Equivalent Courses:**  
(Course Code and Title) Nil

**Exclusive Courses:**  
(Course Code and Title) LW6406

## Part II Course Details

### 1. Abstract

- i. This course aims to provide students with the skills of mediating and the knowledge of the principles and values of mediation.
- ii. This course will further develop a student's ability to grasp the fundamental concepts with the ultimate goal of discovering how mediation functions from a practical stand point.

### 2. Course Intended Learning Outcomes (CILOs)

(CILOs state what the student is expected to be able to do at the end of the course according to a given standard of performance.)

| No. | CILOs <sup>#</sup>   | Weighting<br>(if applicable) | Discovery-enriched curriculum related learning outcomes (please tick where appropriate) |    |    |
|-----|--|------------------------------|---|----|----|
|     |  |                              | A1  | A2 | A3 |
| 1.  | apply in a real life situation the knowledge of mediation principles, theory and values. Acquire familiarity through discovery/innovation/creativity about the theory of mediation and apply such features into practice | Nil                          | √   |    |    |
| 2.  | apply in a real life situation the mediation skills and ethics related to resolving disputes across cultural barriers  | Nil                          | √   | √  | √  |
| 3.  | apply working knowledge of several models of mediation   | Nil                          | √   | √  | √  |
| 4.  | appreciate the implications of selected emerging issues in contemporary dispute resolution research and apply relevant practical skills in dispute resolution  | Nil                          | √   | √  | √  |
| 5.  | apply the improved mediation skills in the context of complex disputes encountered in realistic situations   | Nil                          | √   | √  | √  |
|     |  | 100%                         |   |    |    |

**A1: Attitude**

*Develop an attitude of discovery/innovation/creativity, as demonstrated by students possessing a strong sense of curiosity, asking questions actively, challenging assumptions or engaging in inquiry together with teachers.*

**A2: Ability**

*Develop the ability/skill needed to discover/innovate/create, as demonstrated by students possessing critical thinking skills to assess ideas, acquiring research skills, synthesizing knowledge across disciplines or applying academic knowledge to self-life problems.*

**A3: Accomplishments**

*Demonstrate accomplishment of discovery/innovation/creativity through producing /constructing creative works/new artefacts, effective solutions to real-life problems or new processes.*

**3. Teaching and Learning Activities (TLAs)**  
*(TLAs designed to facilitate students' achievement of the CILOs.)*

| TLA                   | Brief Description  | CILO No. |   |   |  |  |  | Hours/week<br>(if applicable)                         |
|-----------------------|--|----------|---|---|--|--|--|---|
|                       |  | 1        | 2 | 3 |  |  |  |   |
| Lectures and Seminars | Lecture will be given on theoretical issues; Case studies will be used; Comparison with other legal systems will be made; Students will be engaged in both case analysis and comparative study discussion. | √        | √ | √ |  |  |  | 3 hours/week or a total of 39 hours of block teaching |

**4. Assessment Tasks/Activities (ATs)**  
*(ATs are designed to assess how well the students achieve the CILOs.)*

| Assessment Tasks/Activities | CILO No. |   |   |  |  |  | Weighting | Remarks |
|-----------------------------|----------|---|---|--|--|--|-----------|---------|
|                             | 1        | 2 | 3 |  |  |  |           |         |
| Continuous Assessment: 100% |          |   |   |  |  |  |           |         |
| Written Assignment          | √        | √ | √ |  |  |  | 70%       |         |
| Class Participation         | √        | √ | √ |  |  |  | 30%       |         |
|                             |          |   |   |  |  |  | 100%      |         |

Students must obtain a minimum mark of 40% in both written assignment and class participation, and an overall mark of 40% in order to pass the course.

## 5. Assessment Rubrics

*(Grading of student achievements is based on student performance in assessment tasks/activities with the following rubrics.)*

| Assessment Task     | Criterion  | Excellent<br>(A+, A, A-)   | Good<br>(B+, B, B-)   | Fair<br>(C+, C, C-)   | Marginal<br>(D)  | Failure<br>(F)  |
|---------------------|--|--|---|---|--|---|
| Written Assignment  | Demonstration of ability to identify issues, current trends and practices. | Strong evidence of original thinking; good organization, capacity to analyse and synthesize; superior grasp of subject matter; evidence of extensive knowledge base. | Evidence of grasp of subject, some evidence of critical capacity and analytic ability; reasonable understanding of issues; evidence of familiarity with literature. | Student who is profiting from the university experience; understanding of the subject; ability to develop solutions to simple problems in the material. | Sufficient familiarity with the subject matter to enable the student to progress without repeating the course. | Little evidence of familiarity with the subject matter; weakness in critical and analytic skills; limited, or irrelevant use of literature. |
| Class Participation | Demonstration of ability to identify issues, current trends and practices. | Strong evidence of original thinking; good organization, capacity to analyse and synthesize; superior grasp of subject matter; evidence of extensive knowledge base. | Evidence of grasp of subject, some evidence of critical capacity and analytic ability; reasonable understanding of issues; evidence of familiarity with literature. | Student who is profiting from the university experience; understanding of the subject; ability to develop solutions to simple problems in the material. | Sufficient familiarity with the subject matter to enable the student to progress without repeating the course. | Little evidence of familiarity with the subject matter; weakness in critical and analytic skills; limited, or irrelevant use of literature. |

### **Part III Other Information** (more details can be provided separately in the teaching plan)

#### **1. Syllabus**

##### **1.1 Keyword Syllabus**

Advanced skills. Alternative dispute resolution. Mediation. Accreditation. Principles and values of mediation. Emerging issues. Negotiation. Civil procedure practice of Hong Kong.

##### **1.2 Detailed Syllabus**

1. What is mediation? (textbook definition, Hong Kong definition, Singapore definition, international definition under the Singapore Convention on Mediation)
2. How mediation is different from negotiation, arbitration and litigation?
3. What makes mediation popular?
4. Confidentiality in Mediation (Confidentiality vs Without prejudice, the concept of mediation communication in Hong Kong and Singapore)
5. Style of mediation (facilitative, evaluative and other styles)
6. Mediation process (how the court could work with mediators in the court process)
7. Settlement agreement vs settlement court order
8. Relationship between court process and mediation (Civil Justice Reform, Practice Directions, court-led mediation)
9. Mediation Ethics
10. Role of judges in mediation vis-a-vis mediators
11. Apology Ordinance (the first piece of apology legislation in Asia)
12. The United Nations Convention on International Settlement Agreements Resulting from Mediation (the "Singapore Convention on Mediation")
13. CEPA's Dispute Resolution Mechanism (Close Economic Partnership Arrangement) between Hong Kong and the Mainland
14. Online mediation

#### **2. Reading List**

1. <https://www.singaporeconvention.org/convention-text.html>
2. The Singapore Convention on Mediation – A Commentary by Nadja Alexander & Shouyu Chong (Wolters Kluwer) 2019
3. <http://mediationblog.kluwerarbitration.com/2018/07/24/singapore-convention-mediation/>
4. <http://www.hk-lawyer.org/content/new-un-convention-mediation-aka-‘singapore-convention’-—why-it’s-important-hong-kong>
5. <https://www.chinajusticeobserver.com/a/the-future-of-mediation-in-china-synergy-between-litigation-and-mediation>
6. <https://www.chinajusticeobserver.com/a/mediation-in-china-past-and-present>
7. <https://www.elegislation.gov.hk/hk/cap631>
8. <https://www.doj.gov.hk/eng/public/apology.html>

9. <https://hbr.org/2015/09/the-organizational-apology>
10. [https://hbr.org/2013/03/how-to-give-a-meaningful-apolo?referral=03759&cm\\_vc=rr\\_item\\_page.bottom](https://hbr.org/2013/03/how-to-give-a-meaningful-apolo?referral=03759&cm_vc=rr_item_page.bottom)
11. <https://hbr.org/2016/11/the-4-types-of-ineffective-apologies>
12. <https://www.elegislation.gov.hk/hk/cap620>
13. <https://sso.agc.gov.sg/Act/MA2017>
14. <https://www.bloomsburyprofessional.com/uk/mediator-skills-and-techniques-triangle-of-influence-9781847661449/>
15. [http://www.cityu.edu.hk/slw/ADR\\_Moot/doc/Notes\\_on\\_the\\_Facilitative\\_Model\\_of\\_Mediation.pdf](http://www.cityu.edu.hk/slw/ADR_Moot/doc/Notes_on_the_Facilitative_Model_of_Mediation.pdf)
16. <https://www.civiljustice.hk/eng/home.html>
17. [https://mediation.judiciary.hk/en/doc/GeneralGuide\\_PD31-Eng.pdf](https://mediation.judiciary.hk/en/doc/GeneralGuide_PD31-Eng.pdf)
18. <https://legalref.judiciary.hk/lrs/common/pd/pdcontent.jsp?pdn=PD31.htm&lang=EN>
19. [https://www.doj.gov.hk/eng/public/pdf/2010/med20100208e\\_annex7.pdf](https://www.doj.gov.hk/eng/public/pdf/2010/med20100208e_annex7.pdf)
20. [https://www.tid.gov.hk/sc\\_chi/cepa/investment/files/HKMediationRule\\_sc.pdf](https://www.tid.gov.hk/sc_chi/cepa/investment/files/HKMediationRule_sc.pdf)
21. <https://www.tid.gov.hk/english/cepa/investment/files/HKMediationRule.pdf>
22. <http://mediationblog.kluwerarbitration.com/2019/10/16/is-investor-state-mediation-an-emerging-practice-a-practitioners-perspective/>
23. Chapter 11, Singapore Mediation Handbook by Nadja Alexander, Joel Lee, Lum Kit-Wye