

## **[Cursory Translation]**

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# **Guangdong-Hong Kong-Macao Greater Bay Area Mediator Accreditation Standards**

(These Standards were endorsed at the 3<sup>rd</sup> Guangdong-Hong Kong-Macao Bay Area Legal Departments Joint Conference on 10 December 2021 and came into effect on the day of publication.)

## **(A) Introduction**

Against the background that there are three different jurisdictions (the Mainland, Hong Kong and Macao) in the Guangdong-Hong Kong-Macao Greater Bay Area (hereinafter referred to as the “**GBA**”), and that the models, systems, and developments of mediation vary in the three places, this document sets out the GBA mediator accreditation standards promulgated by the GBA Mediation Platform, for reference of the legal departments of the three places when laying down the detailed accreditation rules.

The Guangdong-Hong Kong-Macao Bay Area Legal Departments Joint Conference (hereinafter referred to as the “**Joint Conference**”) has the following procedures for the accreditation of mediators in the GBA: first, to establish a set of unified accreditation standards for mediators to be endorsed by the Joint Conference; second, based on the unified accreditation standards for GBA mediators and the actual circumstances, each of the three places to formulate its own local accreditation rules; third, local evaluation and accreditation of mediators in each of the three places based on its own local accreditation rules; fourth, the GBA Mediation Working Group considers and approves the

local lists in each of the three places and the approved list becomes the consolidated panel of GBA mediators (hereinafter referred to as the “Panel”); fifth, the Joint Conference reserves the power of final decision on the Panel.

**(B) Qualification and accreditation standards of GBA Mediators**

1. Upholding the Constitution of the People's Republic of China, the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China, the Basic Law of the Macao Special Administrative Region of the People's Republic of China, and the "One country, two systems."

2. Successful completion of a mediator course approved by the Joint Conference.

3. Possessing at least 5 years of work experience.

4. Completion of 5 mediation cases.

5. Possessing certain level of experience as a mediator, the specific period of experience required shall be prescribed by the local accreditation rules of the three places.

6. Possessing good professional ethics with no record of being punished or disciplined for negative reputation or professional misconduct.

A mediator shall fulfil all of the above qualification and accreditation standards prior to applying for becoming a GBA mediator and for listing on the Panel, provided always that the Joint Conference may, taking into account the actual circumstances of each applicant, exercise its discretion to waive one or more requirement(s) among the aforesaid requirements (2) to (5).

### **(C) The procedures of local accreditation**

1. Mediators may apply for accreditation in accordance with the local accreditation rules in October each year.

2. Local accreditation bodies shall assess and evaluate the applications in accordance with the local accreditation rules.

3. Local accreditation bodies will submit the list of locally accredited mediators to the GBA Mediation Working Group for review.

After review and consolidation by the GBA Mediation Working Group, the approved Panel will be submitted to the Joint Conference for endorsement and public announcement.

### **(D) Removal of GBA mediators from the Panel**

If any of the following events occur(s) during the term of a GBA mediator, the local accreditation body may make recommendation to the GBA Mediation Working Group to remove the concerned GBA mediator from the Panel:

1. Engaging in any act or activity which endangers national security or is harmful to the public interest.

2. Serious breach of laws or regulations, the GBA mediation rules and the code of conduct of GBA mediators.

3. Having been sentenced to a criminal penalty, removal (dismissal) from public office, revocation of professional qualification (professional license), or suspension of practice resulting in the loss of professional qualification due to violation of laws or regulations.

4. Failing to fulfil the requirements for continuing professional development per the local accreditation rules.

If the mediator objects to the removal, he / she may request a review by the Joint Conference. The Joint Conference shall complete the

review as soon as it receives the request and inform the applicant of the results of the review.

**(E) Withdrawal of GBA mediators from the Panel**

Where a GBA mediator voluntarily withdraws from the Panel during his / her term, he / she should submit an application for withdrawal to the local accreditation body. The local accreditation body shall, within 10 working days from the date of receipt of the withdrawal application, issue the withdrawal consent in writing to the concerned GBA mediator, and submit a copy of such withdrawal consent to the GBA Mediation Working Group for record.

**(F) Management of the Panel**

1. The GBA Mediation Working Group shall update and publish the Panel in December each year to ensure the validity of the qualifications of GBA mediators.

2. The GBA Mediation Working Group may make further categorisation of the Panel in light of the actual circumstances.

The Joint Conference may, in light of the actual circumstances, add, reduce or modify these GBA Mediator Accreditation Standards.