

# Financial Dispute Resolution Scheme

## Standards and Procedures for Admission to the FDRC List of Mediators and FDRC List of Arbitrators ("Standards and Procedures")

**July 2017**

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## CONTENTS

Preamble.....	3
I. Requirements for Admission to the FDRC List of Mediators .....	4
II. Requirements for Admission to the FDRC List of Arbitrators.....	7
III. Exemption.....	10
IV. Continuing Professional Development (CPD) Requirements .....	10
V. Admission to the FDRC Lists & Renewal of Membership .....	13
VI. Fee Schedule.....	14
VII. Personal Information Collection Statement.....	14
VIII. Ancillary Matters .....	15
<b>Annexures</b>	
I Recognised Providers of Training Programme for FDRC Mediators and Arbitrators.....	16
II Form A-1.....	17
III Form A-2 .....	21
IV Form A-3 .....	22
V Form A-4.....	25
VI Ethics Code For FDRC Mediators and Arbitrators .....	27

## PREAMBLE

### **(A) Establishment of the Financial Dispute Resolution Centre**

The Financial Dispute Resolution Centre (“**FDRC**”) is established to administer an independent financial dispute resolution scheme (“**FDRS**”) for resolving monetary disputes between individuals or sole proprietors and financial institutions which are authorized and/or licensed by the relevant regulatory bodies or authorities (known as the “**Regulators**”) as specified in the *Terms of Reference for FDRC in relation to the FDRS* (“*Terms of Reference*”), as amended from time to time. The FDRC will maintain a List of Mediators and a List of Arbitrators (collectively known as the “**Lists**”) to provide professional services under the FDRS. Claims not exceeding maximum claimable amount will be referred to mediation first, failing which and if the claimant so wishes, to be resolved by arbitration.

### **(B) Objectives of the Admission Standards**

The FDRC considers the skills, experience and industry knowledge of mediators and arbitrators are conducive to effective resolution of financial dispute under the FDRS. Whilst background industry knowledge may facilitate better understanding of the subject matter and therefore settlement, solid experience allows the dispute resolution process to be conducted in timely and efficient manner. A set of admission standards is therefore necessary for the FDRC to ensure mediators and arbitrators admitted to the FDRC List of Mediators and FDRC List of Arbitrators meet the minimum standards required of them so as to promote better service, encourage further professional advancement and safeguard public interest.

### **(C) The FDRC Appointment Committee**

In order for the assessment and admission process to be fair and independent, and to leverage the expertise of highly regarded practitioners in the profession, the Board of Directors of the FDRC resolved to convene an Appointment Committee (“**Committee**”) consisting of members who are prominent and experienced individuals in the community, to consider applications for admission to the Lists.

### **(D) The Standards and Procedures**

This document sets out the admission standards and the application procedures for admission to the Lists which shall be applied by the FDRC and the Committee.

## I. Requirements for Admission to the FDRC List of Mediators

To apply for admission to the FDRC List of Mediators, an applicant (“**Applicant**”) must fulfil all of the following requirements:

### 1.1 Preliminary Requirement

The Applicant must be an accredited mediator or a mediator on the list/panel of any of the following organisations:

- i. Hong Kong International Arbitration Centre
- ii. The Law Society of Hong Kong
- iii. Hong Kong Bar Association
- iv. Hong Kong Mediation Centre
- v. The Hong Kong Institute of Surveyors
- vi. The Hong Kong Institute of Architects
- vii. The Chartered Institute of Arbitrators (East Asia Branch)
- viii. Hong Kong Institute of Arbitrators
- ix. Hong Kong Mediation Accreditation Association Limited
- x. The Hong Kong Institution of Engineers

The Committee shall have the power to consider and accept, on a case-by-case basis, an Applicant who is not an accredited mediator or a mediator on the list/panel of any of the above organisations.

### 1.2 Training and Assessment Requirements

The Applicant must have satisfactorily completed a training programme approved by the Committee from time to time as set out in **Annexure I**.

Such training programme(s) cover the following contents:

#### **Part I: Regulatory Framework, FDRC and Experience Sharing**

This part includes 6 hours of classroom training which covers the regulatory framework and relevant codes of conducts for the financial sector, the roles and responsibilities of the Regulators, case studies on common complaints handled by the Regulators, experience sharing by mediator/arbitrator, and an introduction to the FDRC case management rationale.

An Applicant must meet the attendance requirement and have obtained a certificate of attendance in order to be considered as having ‘satisfactorily completed’ Part I of the training.

## **Part II: Financial Products & their Selling Process**

This Part includes 6 hours of classroom training and a self-study package estimated to be completed in 20 hours. The training aims to provide an overview of the fundamental concepts of the financial products commonly sold by financial institutions regulated by the Regulators, their selling processes, and the potential disputes.

The classroom training of this Part will be further divided into sessions of different financial sectors, each with a 30-minute assessment. An Applicant must meet the attendance and assessment requirements of all sessions and have obtained a certificate of completion in order to be considered as having 'satisfactorily completed' Part II of the training.

**Note:** The training programme above will be offered from time to time having regard to the availability of the recognised training providers, venue and the demand for such training. The content and learning hours of the training programme will be suitably adjusted from time to time to take into account of industry product and policy developments and any other changes.

### 1.3 Experience Requirement

An Applicant must have proven relevant experience in mediating:

- i. at least 3 cases related to financial products (i.e. financial activities regulated by the Regulators) in the past 3 years; **or**
- ii. at least 3 cases of commercial contract dispute between a body corporate and one or more individuals in the past 3 years.

### 1.4 Application Procedures

To apply for admission to the FDRC List of Mediators, an Applicant shall make an application to the FDRC, within TWO years after completion of the training programme in paragraph 1.2 above, by completing **Form A-1** at **Annexure II** and submit it to the FDRC 2 weeks before the meeting of the Committee.

An Applicant must submit together with the Form A-1 the following:-

- i. relevant certificate(s) of Part I & II of the training programme described in Paragraph 1.2 above;

## Financial Dispute Resolution Centre

- ii. documentary proof of mediation experience described in Paragraph 1.3 above. For the purpose of proving relevant experience, the Applicant shall submit to the FDRC a reference letter stating the basis on which the referee is able to confirm the Applicant's experience; and
- iii. the application fee in accordance to the Fee Schedule.

An Applicant applying for admission to the FDRC List of Mediators may be required to attend an interview conducted by the Committee if the Committee deems necessary. All applications will be assessed and considered according to Applicants' proven experience, and the criteria set by the FDRC. The Committee shall have the discretion to take into account all other relevant facts and circumstances to assess whether an Applicant has the necessary experience and attributes to be admitted as a mediator on the FDRC List of Mediators.

**APPLICATIONS MUST BE MADE TO THE FDRC WITHIN TWO YEARS AFTER COMPLETION OF THE TRAINING PROGRAMME**

## II. Requirements for Admission to the FDRC List of Arbitrators

To apply for admission to the FDRC List of Arbitrators, an Applicant must fulfil all of the following requirements:

### 2.1 Preliminary Requirement

The Applicant must be an arbitrator on the list/panel of any of the following organisations<sup>1</sup>:

- i. Hong Kong International Arbitration Centre
- ii. Hong Kong Bar Association
- iii. The Hong Kong Institute of Surveyors
- iv. The Hong Kong Institute of Architects
- v. The Chartered Institute of Arbitrators (East Asia Branch)
- vi. Hong Kong Institute of Arbitrators
- vii. The Hong Kong Institution of Engineers

The Committee shall have the power to consider and accept, on a case-by-case basis, an Applicant who is not an arbitrator on the list/panel of any of the above organisations.

### 2.2 Training and Assessment Requirements

The Applicant must have satisfactorily completed a training programme approved by the Committee from time to time as set out in **Annexure I**.

Such training programme(s) cover the following contents:

#### **Part I: Regulatory Framework, FDRC and Experience Sharing**

This part includes 6 hours of classroom training which covers the regulatory framework and relevant codes of conducts for the financial sector, the roles and responsibilities of the Regulators, case studies on common complaints handled by the Regulators, experience sharing by mediator/arbitrator, and an introduction to the FDRC case management rationale.

An Applicant must meet the attendance requirement and have obtained a certificate of attendance in order to be considered as having 'satisfactorily completed' Part I of the training.

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<sup>1</sup> Note: The Law Society of Hong Kong (LSHK) may be included as one of the recognized organisations if it has a list/panel of arbitrators.

## **Part II: Financial Products & their Selling Process**

This Part includes 6 hours of classroom training and a self-study package estimated to be completed in 20 hours. The training aims to provide an overview of the fundamental concepts of the financial products commonly sold by financial institutions regulated by the Regulators, their selling processes, and the potential disputes.

The classroom training of this Part will be further divided into sessions of different financial sectors, each with a 30-minute assessment. An Applicant must meet the attendance and assessment requirements of all sessions and have obtained a certificate of completion in order to be considered as having 'satisfactorily completed' Part II of the training.

**Note:** The training programme above will be offered from time to time having regard to the availability of the recognised training providers, venue and the demand for such training. The content and learning hours of the training programme will be suitably adjusted from time to time to take into account of industry product and policy developments and any other changes.

### **2.3 Experience Requirement**

An Applicant must have proven relevant experience as an arbitrator on the list/panel of the organisations listed in paragraph 2.1 in:

- i. at least 3 arbitration cases related to financial products (i.e. financial activities regulated by the Regulators) in the past 3 years; **or**
- ii. at least 3 arbitration cases of commercial contract dispute between a body corporate and one or more individuals in the past 3 years.

### **2.4 Application Procedures**

To apply for admission to the FDRC List of Arbitrators, an Applicant shall make an application to the FDRC, within TWO years after completion of the training programme in paragraph 2.2 above, by completing **Form A-1** at **Annexure II** and submit it to the FDRC 2 weeks before the meeting of the Committee.

An Applicant must submit together with the **Form A-1** the following:-

- i. relevant certificate(s) of Part I & II of the training programme described in Paragraph 2.2 above;
- ii. documentary proof of arbitration experience described in Paragraph 2.3 above. For the purpose of proving relevant experience, the Applicant shall submit to the FDRC a reference letter stating the basis on which the referee is able to confirm the Applicant's experience; and
- iii. the application fee in accordance to the Fee Schedule.

An Applicant applying for admission to the FDRC List of Arbitrators may be required to attend an interview conducted by the Committee if the Committee deems necessary. All applications will be assessed and considered according to Applicants' proven experience, and the criteria set by the FDRC. The Committee shall have the discretion to take into account all other relevant facts and circumstances to assess whether an Applicant has the necessary experience and attributes to be admitted as an arbitrator on the FDRC List of Arbitrators.

**APPLICATIONS MUST BE MADE TO THE FDRC WITHIN TWO YEARS AFTER COMPLETION OF THE TRAINING PROGRAMME**

### III. Exemption

- 3.1 In exceptional circumstances, exemption may be considered and granted by the Committee. A request for exemption must be made in writing and accompanied by all relevant supporting documents. The Committee shall have discretion to decide what constitutes an 'exceptional circumstance' and will decide on a case-by-case basis whether exemption should be granted to an Applicant based on the facts and evidence provided by the Applicant.

### IV. Continuing Professional Development (CPD) Requirements

- 4.1 The FDRC notes that financial markets develop rapidly with new financial products and practices emerging from time to time. The regulatory regime also has to change in order to cope with the rapid growth of the financial markets. It is therefore crucial for mediators and arbitrators on the Lists to keep abreast of the latest market knowledge and practice in order to be considered to be of high quality and be seen as having met established standards even after admission to the Lists. In this regard CPD for mediators and arbitrators on the Lists is considered to be an important element.
- 4.2 Mediators and arbitrators on the Lists are required to obtain at least 10 CPD training hours/points during the 2 years immediately preceding renewal of membership ("CPD Year"). 5 CPD points out of the 10 CPD points must be obtained by attending CPD events organised by the FDRC or the FDRC Approved CPD Providers or other event organisers registered with the FDRC. This mandatory requirement applies to mediators and arbitrators on the Lists.
- 4.3 At least 2.5 CPD points out of the above 5 CPD points must be obtained by attending courses or events on the Recognised Subject Areas in relation to "Special knowledge on resolving financial products disputes", "Regulatory issues in connection with the banking and financial industry" and "Financial products". This mandatory requirement applies to mediators and arbitrators on the Lists.
- 4.4 Mediators and arbitrators on the Lists may through a variety of activities of their own choice obtain the remaining 5 CPD points and submit their attendance records if so requested for the Appointment Committee's approval for renewal of their membership on the Lists. These activities include:
- a. Participation in CPD courses or events on Recognised Subject Areas organised by the FDRC or other professional bodies which are to be reviewed and approved by the FDRC by the end of the CPD Year based on the nature and contents of the courses or events and the number of contact hours;

- b. Preparation, presentation and facilitation of FDRC CPD courses or events on Recognised Subject Areas organised by the FDRC or other professional bodies which are to be reviewed and approved by the FDRC by the end of the CPD Year based on the level of the assistance provided; and
- c. Publishing of articles or case studies in journals on Recognised Subject Areas which are to be reviewed and approved by the FDRC before publication. Such articles should be submitted to the Appointment Committee for determination of the amount of CPD points to be granted on a case-by-case basis.

4.5 The CPD requirements above are intended to be the minimum requirements which mediators and arbitrators on the List are encouraged to exceed the minimum requirements whenever possible.

4.6 Exemptions from the CPD requirement in required training may be granted by the Committee on a case-by-case basis where exceptional circumstances exist and where it is fair and reasonable to do so. The Committee shall decide from time to time what constitutes 'exceptional circumstances'.

4.7 Compliance may also be achieved through a variety of FDRC approved activities, and not exclusively through activities organised by the FDRC. The Committee shall decide from time to time what constitutes 'approved activities'.

#### 4.8 Recognised Subject Areas

Recognised Subject Areas for the purpose of obtaining CPD points include:

- a. Communication skills
- b. Negotiation
- c. Advanced mediation skills
- d. Conflict coaching skills for mediators
- e. Alternative dispute resolution processes
- f. Conflict management
- g. Special knowledge on resolving financial products disputes
- h. Regulatory issues in connection with the banking and financial industry
- i. Financial products

Other courses or training not included in the above categories will be considered by the Appointment Committee on a case-by-case basis at the time when the CPD record is reviewed.

#### 4.9 CPD Record Keeping

Proper and accurate CPD records shall be maintained by mediators and arbitrators on

the Lists using the **Form A-3** set out at **Annexure IV** (“**Membership Renewal / CPD Record**”).

The CPD Record must include all relevant details of all events and activities which will count toward compliance with the CPD requirements.

Each mediator and arbitrator on the Lists shall submit his CPD Record to the Secretary of the Appointment Committee for review for the purpose of renewal of their membership to the Lists at least two months before the expiry of their current membership on the Lists (i.e. on or before 31 October of the CPD year). There will be no fee charged for the review of the CPD Record. The cost of such review is included in the renewal fee paid to the FDRC by each mediator and/or arbitrator on the Lists upon application for renewal of membership.

In the event that membership of a mediator and arbitrator on the Lists is duly renewed, the CPD Record will not be returned to the mediator and arbitrator on the Lists in question.

#### 4.10 FDRC Approved CPD Providers

Training providers may be invited to apply for approval as FDRC Approved CPD Providers. Such providers will undertake to meet the standards and requirements for CPD events as prescribed by the FDRC from time to time and to provide the relevant documentation to the FDRC for quality assurance, including:

- Curriculum outline;
- Event materials and handouts to be provided to the participants;
- Up-to-date resume(s) of the event presenter(s);
- Attendance record of the CPD Event; and
- Evaluation analysis in the prescribed format (**Form A-4**) set out at **Annexure V**.

The Appointment Committee of the FDRC shall review the application and decide whether or not the provider will be approved as FDRC Approved CPD Provider. Course and Events organised by FDRC Approved CPD Providers will be granted CPD points automatically based on the number of contact hours of the courses.

The application procedures are stated in the *Procedures for Registration of CPD Courses/Lectures/Seminars/Workshops/Programmes in relation to FDRS*.

## V. Admission to the FDRC Lists & Renewal of Membership

- 5.1 The Lists are maintained by the FDRC.
- 5.2 Upon successful application, Applicants will be required to provide *Curriculum Vitae* in the format (**Form A-2**) set out at **Annexure III**. It is desirable that the reference be completed in both English and Chinese.
- 5.3 Membership on the Lists will be for a 2-year period and will be subject to renewal at the expiry of such period. A renewal fee is payable to the FDRC by the mediator and/or the arbitrator upon renewal application.
- 5.4 Renewal of membership is subject to CPD requirements as specified in Part IV of this *Standards and Procedures*. Applicants shall fill in **Form A-3** set out at **Annexure IV**.
- 5.5 Mediators and arbitrators on the Lists are required to adhere to the *Terms of Reference*, including the *FDRS Mediation and Arbitration Rules* and the *Ethics Code for FDRC Mediators and Arbitrators* (**Annexure VI**).
- 5.6 Renewal of membership shall take effect from 1 January each year. All renewal applications (in compliance with the CPD requirements as specified above) should therefore be made before 31 October the preceding year, failing which the renewal process may not be processed by 1 January of the renewal year.
- 5.7 Renewal of membership on the Lists is not available to those who have not been on the List for 2 years or more. Mediators/Arbitrators who are not on the List for more than 2 years would need to apply for Membership again following the procedures set out in item 1.4 and 2.4 above.
- 5.8 All membership granted will be due for renewal on 1 January 3 years after the year of admission.

## VI. Fee Schedule

6.1 Inclusion on the FDRC Lists will be subject to an application fee upon first-time application for admission or a renewal fee payable upon application for renewal of membership to the Lists every 2 years. Such fees are set out in the following fee schedule:

*Note: Any and all of the fees are subject to change at the discretion of the FDRC.*

	(Fees in HK\$)
Application fee per application ( <i>non-refundable</i> ) ( <i>Application for admission to both the FDRC List of Mediators and the FDRC List of Arbitrators at the same time will be treated as 2 separate applications</i> )	\$200*
Renewal fee payable upon application for renewal of membership to each List every 2 years ( <i>non-refundable</i> )	\$200*

\* Cheques, cashier orders or bank transfer to be made payable to "Financial Dispute Resolution Centre".

## VII. Personal Information Collection Statement

7.1 Personal data provided to the FDRC by an Applicant in respect of an application will be used by the FDRC staff and/or the FDRC Appointment Committee and/or other relevant FDRC Board members for the assessment for admission to the Lists and purposes incidental to it. The consequence of not providing some or all of the requested personal data may be that the FDRC is unable to process the application.

7.2 After an application for assessment has been duly processed, all relevant documents will be retained in a file established by the FDRC for each applicant. Such information will be retained by the FDRC until the end of the calendar year after either:

- (1) the application for admission is rejected; or
- (2) the person ceases to be listed on the FDRC List of Mediators and/or FDRC List of Arbitrators, as applicable.

7.3 Under the provisions of the Personal Data (Privacy) Ordinance, an applicant has the right to request access to, and the correction of, his/her personal data as retained by the FDRC. Such requests under the Personal Data (Privacy) Ordinance should be submitted in writing to the Data Protection Officer at the FDRC.

## VIII. Ancillary Matters

- 8.1 The FDRC shall have power to make amendments to this *Standards and Procedures* from time to time. Notification of such changes will be posted on the FDRC website or via any other means that the FDRC deems appropriate.
- 8.2 Complaints against Mediators and Arbitrators on the Lists shall be handled by the FDRC Disciplinary Committee / Tribunal in accordance with the *FDRC Procedures for Handling Complaints against Mediators and Arbitrators on the Lists*.

**Recognised Providers of Training Programme for FDRC Mediators and Arbitrators**

Training Programme		Organiser / Recognised Providers
Part I	Regulatory Framework, Experience Sharing & FDRC Workflow	FDRC
Part II	Financial Products & their Selling Process 1. Overview of Products and Services Offered by Banks  2. Overview of Products and Services Offered by Brokerages	1. The Hong Kong Institute of Bankers  2. Hong Kong Securities and Investment Institute

**Note:** The training programme above will be offered from time to time having regard to the availability of the recognised providers, venue and the demand for such training. The content and duration of the training programme will be suitably adjusted from time to time to take into account of industry product and policy developments and any other changes. The FDRC will from time to time update the recognised providers from the above table.

Please send Application Form and cheque to:  
Financial Dispute Resolution Centre  
Unit 3701-4, 37/F, Sunlight Tower  
248 Queen's Road East, Wan Chai,  
Hong Kong

Our Ref: FDRC/APP/ _____ Date Received: (for official use only)
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**Financial Dispute Resolution Centre (FDRC)**  
**Application Form for Admission to the**  
**FDRC List of Mediators and/or FDRC List of Arbitrators**

Please fill in all sections in BLOCK letters & write on separate sheets if necessary. Please put a "√" in  where appropriate.

Application for Admission to <input type="checkbox"/> FDRC List of Mediators <input type="checkbox"/> FDRC List of Arbitrators [This form can be used for application to both Lists]
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**I. Particulars of Applicant**

Name <input type="checkbox"/> Dr <input type="checkbox"/> Mr <input type="checkbox"/> Ms <input type="checkbox"/> Mrs	(in English)	(in Chinese)
Date of Birth	<input type="checkbox"/> HKID No.	
Place of Birth	<input type="checkbox"/> Passport No.	
Language Ability (including dialects)	Written : <input type="checkbox"/> English <input type="checkbox"/> Chinese <input type="checkbox"/> Others: _____ Spoken : <input type="checkbox"/> English <input type="checkbox"/> Cantonese <input type="checkbox"/> Mandarin <input type="checkbox"/> Others: _____	
Correspondence Address		
Contact Tel	Fax	Email

**II. Membership of Recognised Lists / Panels of Mediators / Arbitrators**

(Please refer to paragraphs 1.1 & 2.1 of the Standards and Procedures for Admission to the FDRC List of Mediators and FDRC List of Arbitrators ("S & P") for the Recognised Lists / Panels)

Date (dd/mm/yyyy)	Authority / Institution / Organisation / Professional Body (Copy of certificate / appointment letter must be provided for verification)	Membership Obtained	
		List / Panel of Mediators	List / Panel of Arbitrators
		<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>

**III. Mediation Experience (Applicable if applying for admission to the FDRC List of Mediators)**

**Note:** An Applicant must have proven relevant experience **in the past 3 years as a mediator** in:-  
 - at least **3 cases** related to **financial products** (i.e. financial activities regulated by the Regulators as specified in *FDRC Terms of Reference*); or  
 - at least **3 cases** of **commercial contract dispute** between a **body corporate and one or more individuals**.

Termination Date of Mediation (dd/mm/yyyy)	No. and Capacity of Parties (body corporate / individuals)	Brief Description of the Dispute (whether it is related to financial products, commercial contracts, building management, personal injuries or others)	Outcome		Name of issuer of Reference Letter (Reference Letter must be provided)
			Settled	Not settled	
			<input type="checkbox"/>	<input type="checkbox"/>	
			<input type="checkbox"/>	<input type="checkbox"/>	
			<input type="checkbox"/>	<input type="checkbox"/>	

Mediation training & other mediation related experience (e.g. Trainer, Coach, Assessor, including names of Training Providers and Accreditation Bodies, and dates)


**IV. Arbitration Experience (Applicable if applying for admission to the FDRC List of Arbitrators)**

**Note:** An Applicant must have proven relevant experience **in the past 3 years as an arbitrator** in:-  
 - at least **3 arbitration cases** related to **financial products** (i.e. financial activities regulated by the Regulators as specified in *FDRC Terms of Reference*); or  
 - at least **3 arbitration cases** of **commercial contract dispute** between a **body corporate and one or more individuals**.

No. of Appointments	No. of Hearings Conducted	No. of Awards Issued	Name of issuer of Reference Letter (Reference Letter must be provided)

Particulars of the arbitration experience

Approximate No. of days of hearing (if any)	The extent to which cases were conducted if no hearing conducted or no award issued	No. of parties and their capacities (body corporate / individuals)

**V. Completion of Training Programme for FDRC Mediators and Arbitrators**

<input type="checkbox"/>	I have successfully completed the Training Programme for FDRC Mediators and Arbitrators. <i>(Please attach copies of relevant certificates)</i>
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**VI. Application Fee**

HK\$200 (one List) <input type="checkbox"/>	<input type="checkbox"/> By cheque <input type="checkbox"/> By cashier order <input type="checkbox"/> By bank transfer
HK\$400 (both Lists) <input type="checkbox"/>	<ul style="list-style-type: none"> <li>• Bank Name: The Hongkong and Shanghai Banking Corporation Ltd</li> <li>• A/C No.: (004)-848-218731-838</li> </ul> payable to “ <b>Financial Dispute Resolution Centre</b> ”  (The Application Fee is non-refundable)

**Note:**

**Applicants must provide all information with supporting documents in the relevant sections (e.g. the reference letter issued by third parties to prove his/her relevant mediation and/or arbitration experience). The FDRC Appointment Committee may refuse to process and consider any application that is incomplete or where the Application Fee has not been paid.**

**VII. Personal Data & Privacy Information**

1. Personal data provided in this application form will be used for the assessment for admission to the FDRC List of Mediators and/or FDRC List of Arbitrators and purposes incidental to it. Data herein will be dealt with by the FDRC staff and/or by the FDRC Appointment Committee or other relevant FDRC Board members. The consequence of not providing some or all of the requested personal data may be that FDRC is unable to process your application.
  
2. FDRC may include information on the FDRC List of Mediators and FDRC List of Arbitrators on its website listing in the form set out in Annexure III of the S & P, including name of mediator/arbitrator, position, name of firm/company, contact details, languages/dialects spoken, mediation/arbitration training and experience (including the number of cases conducted), other relevant experience (dispute resolution or otherwise) and the time period during which such experience is acquired. Please indicate whether you consent to the publication of your particulars (if your application is successful) on the FDRC website and the FDRC register for public enquiry.  
 Yes  No
  
3. After an application has been duly processed, all relevant documents will be retained in a file opened by FDRC for each applicant. Such information will be retained by the FDRC until the end of the calendar year after either (1) your application for admission is rejected or (2) you cease to be listed on the FDRC List of Mediators and/or FDRC List of Arbitrators.
  
4. Under the provisions of the Personal Data (Privacy) Ordinance, you have the right to request access to, and the correction of, your personal data as retained by the FDRC. Such requests under the Personal Data (Privacy) Ordinance should be submitted in writing to the Data Protection Officer at the FDRC.



**Curriculum Vitae**

<b>Name</b> (Dr/Mr/Ms/Mrs)				
<b>Present Position</b>				
<b>Occupation</b>				
<b>Language Ability</b> (including dialects)  (Please state your level)	<b>Written Level (superior, advanced, intermediate, or novice)</b>			
	English	Chinese	Others (Please specify)	
	<b>Spoken Level (native, fluent, proficient, or fair)</b>			
	English	Cantonese	Mandarin	Others (Please specify)
<b>Accreditation Body and Year of Accreditation</b>				
<b>Mediation and Arbitration Training</b>				
<b>Mediation / Arbitration Experience (including the number of cases conducted)</b>				
<b>Other Relevant Working Experience (Dispute Resolution or otherwise) and the time period during which such experience is acquired</b>				

Please ✓ the box if you have the expertise

- Banking Operation     Securities     Insurance  
 Legal/Compliance     HR     Finance/Accounts  
 Social Service     Other: \_\_\_\_\_

**Membership Renewal /Continuing Professional Development Record for  
Mediators on the FDRC List of Mediators and/or Arbitrators on the FDRC List of Arbitrators**

Please put a “√” in  where appropriate & fill in all sections in BLOCK letters.

Our Ref: _____
Date Received: _____
(for official use only)

**I. Particulars of Attendance**

Date (dd/mm/yyyy)	Description of Events (Please attach details where appropriate)	Organiser	Your Role in the Event	Duration of the Event	CPD Points claimed
<b>(a) Mandatory CPD Events</b>					
<b>(b) Other CPD Events</b>					
Total CPD Points					

**II. Compliance with CPD Requirements**

- I have accumulated \_\_\_\_\_ CPD points during the previous 2 years from \_\_\_\_\_ (mm /yyyy) to \_\_\_\_\_ (mm /yyyy).
- I was granted exemption from the CPD requirements (the letter from the Appointment Committee granting me the exemption is attached).

### III. Membership Renewal and Declaration Statement

#### Membership renewal (\* Please delete where appropriate.)

I would/ would not\* like to remain on the:

- FDRC List of Mediators for 2 years; and/or
- FDRC List of Arbitrators for 2 years.

I enclose a cheque/bank-in slip<sup>1\*</sup> in a sum of HK\$200/HK\$400\* made payable to “**Financial Dispute Resolution Centre**”.

Name of Bank: \_\_\_\_\_ Cheque/Slip\* No.: \_\_\_\_\_

#### Declaration Statement

- I have no previous criminal convictions for crimes of dishonesty, violence or misuse of drugs for the last 2 years.
- I have no criminal cases pending against me. I undertake to inform the FDRC if I am charged with any criminal offences during the time that I am on the FDRC List of Mediators and/or FDRC List of Arbitrators for the last 2 years.
- I confirm that there are no disciplinary actions against me by any professional body for the last 2 years.

### IV. Personal Information Collection Statement

- (a) Personal data collected in this form (“the data”) will be used by the Appointment Committee for the purposes of considering the fulfilment of CPD requirements and membership renewal.
- (b) The data may be disclosed to any FDRC staff members responsible for carrying out the purposes mentioned in paragraph (a) above. Such information will be retained by the FDRC until the end of the calendar year after either (1) the renewal of membership is rejected or (2) you cease to be listed on the FDRC List of Mediators and/or FDRC List of Arbitrators.
- (c) An applicant has the right to request access to and correction of the data. Formal requests under the Personal Data (Privacy) Ordinance should be submitted in writing to the Data Protection Officer at the FDRC at **Unit 3701-4, 37/F, Sunlight Tower, 248 Queen’s Road East, Wan Chai, Hong Kong**.

Name: \_\_\_\_\_ Signature: \_\_\_\_\_ Date: \_\_\_\_\_

<sup>1</sup> If payment made by bank transfer, please pay into the bank account no. (004)-848-218731-838 of The Hongkong and Shanghai Banking Corporation Ltd in the name of “Financial Dispute Resolution Centre”.

The Appointment Committee Review

1. Result / Considerations (Please put a "√" in  where appropriate)

- The Training Record has been duly and properly maintained and that the CPD requirements have been met for purposes of continued listing on the FDRC List of Mediators and/or the FDRC List of Arbitrators.
- The Appointment Committee granted the exemption to the CPD requirements.
- The Training Record and/or Application documents is/are incomplete (please also fill in item 2).
- The CPD Requirements have not been met for purposes of continued listing on the FDRC List of Mediators and/or the FDRC List of Arbitrators.
- Previous criminal convictions for crimes of dishonesty, violence or misuse of drugs or criminal cases pending or disciplinary actions against the applicant for the last 2 years (please also fill in item 2).

2. Comments and Recommendations (if applicable):

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Name: \_\_\_\_\_ Signature: \_\_\_\_\_  
(Secretary to the Appointment Committee)

Date: \_\_\_\_\_

Our Ref: \_\_\_\_\_  
Date Received: \_\_\_\_\_  
(for official use only)

## Evaluation Analysis by Event Organiser

In order to assist us to fully assess your event, please complete this Form in detail.

Event Organiser : \_\_\_\_\_  
Event Topic/Title : \_\_\_\_\_

### 1. General Evaluation of the Event

Session(s)	Evaluation Statistics (Please list the number of attendees who have rated each session according to the following scale i.e. if there are in total "3" <i>Good</i> ratings from 3 attendees for the session please state "3" in the box)				Number of Attendees	Number of Evaluations Received
	<i>Excellent</i>	<i>Good</i>	<i>Fair</i>	<i>Poor</i>		
a.						
b.						
c.						

### 2. Evaluation of Presenter(s)

Name of Presenter(s)	Evaluation Statistics (Please list the number of attendees who have rated each presenter according to the following scale i.e. if there are in total "8" <i>Excellent</i> ratings from 8 attendees please state "8" in the box)				Number of Attendees	Number of Evaluations Received
	<i>Excellent</i>	<i>Good</i>	<i>Fair</i>	<i>Poor</i>		
a.						
b.						
c.						

**3. Other comments and suggestions from the attendees:**

- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
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- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

**Note:**

**If there is insufficient space in this Form, please provide details on a separate A4 sheet in the same format.**

I confirm that the information provided in this Form is accurate and complete.	
<b>Signature:</b> _____ <i>(authorised person and company stamp of the event organiser)</i>	<b>Date:</b> _____
<b>Name:</b> _____	

## Financial Dispute Resolution Scheme (FDRS)

### ETHICS CODE FOR FDRC MEDIATORS

#### General Responsibilities

1. The Mediator shall act fairly in dealing with the Parties to the Mediation, have no personal interest in the terms of any *Mediated Settlement Agreement*, show no bias towards the Parties, be reasonably available as requested by the Parties, and be certain that the Parties have been informed about the mediation process.

#### Responsibilities to the Parties

##### 2. **Impartiality/Conflict of Interest**

The Mediator shall be impartial. The Mediator shall disclose to the Parties any affiliations/interests which the Mediator may have or had with any Party or in relation to the Mediation and in such situation obtain the prior written consent of all the Parties before proceeding with the Mediation.

##### 3. **Informed Consent**

- (a) The Mediator shall explain to all Parties the nature of the mediation process, the procedures to be utilised and the role of the Mediator.
- (b) The Mediator shall ensure the Parties sign an *Agreement to Mediate* set out in Annex VI of the Terms of Reference prior to the substantive negotiations between the Parties.

##### 4. **Confidentiality**

- (a) The Mediator shall keep confidential all information, arising out of or in connection with the Mediation, unless and to the extent compelled by law or public policy grounds.
- (b) Any information disclosed in confidence to the Mediator by one of the Parties shall not be disclosed to the other Party without prior permission.
- (c) Paragraphs 4(a) and 4(b) shall not apply if there are reasonable grounds to believe that the disclosure is necessary to prevent or minimize the danger of injury to a person or of serious harm to the well-being of a child.
- (d) The Mediator shall inform the Parties of the degree to which communications connected with the mediation process shall be confidential, including any special confidentiality which attaches to private meeting.

- (e) The Mediator shall ensure all legal advisors, experts and attendees who are not Parties to the Eligible Dispute sign a separate *Confidentiality Agreement* in the form prescribed by the FDRC in Annex VII of the Terms of Reference.

**5. Termination of Mediation**

- (a) The Mediator shall inform the Eligible Claimants of their right to withdraw from the Mediation.
- (b) If the Mediator's opinion is that the continuing of the Mediation is no longer practicable, the Mediator can terminate the Mediation.
- (c) If the Mediator believes that a Party is unable or unwilling to participate effectively in the mediation process, the Mediator can terminate the Mediation.
- (d) If the Mediator believes that continuing the Mediation will raise ethical concerns, the Mediator can terminate the Mediation.
- (e) If the Mediator believes that there is insufficient information for the Mediation to proceed constructively, the Mediator can terminate the Mediation.

**6. Insurance**

The Mediator shall consider whether it is appropriate to be covered by professional indemnity insurance and if so, shall ensure that he/she is adequately covered.

**Defining the Process**

**7. Independent Advice and Information**

The Mediator shall consider whether to encourage the Party to obtain legal advice or relevant expert opinion where appropriate.

**8. Conflicts of Interest**

A Mediator shall disclose all actual and potential conflicts of interest reasonably known to the Mediator as soon as possible. After disclosure, the Mediator shall decline to mediate unless all Parties choose to retain the Mediator.

**9. Fees**

The Mediator shall charge according to the *Schedule of Fees* set out in Annex I of the Terms of Reference of the FDRC in relation to the FDRS.

**10. Additional Representation or Roles**

A Mediator shall not engage in additional representative or non-mediation role in relation to the subject matter of a mediated dispute.

**Responsibilities to the Mediation Process and the Public**

**11. Competence**

The Mediator shall be competent and knowledgeable in the process of mediation. Relevant factors shall include training, specialist training and continuous education, having regard to the relevant standards and/or accreditation scheme to which the Mediator is accredited.

**12. Appointment**

Before accepting an appointment, the Mediator must be satisfied that he has time available to ensure that the Mediation can proceed in an expeditious manner.

**13. Advertising/promotion of the Mediator's services**

A Mediator who is a Board or staff member may use the name and/or logo of the FDRC to promote the FDRC and its service. Subject to the above, a Mediator may not use the name and/or the logo of the FDRC or the fact that he is on the List of Mediators maintained by the FDRC to promote his private practice.

## ETHICS CODE FOR FDRC ARBITRATORS

The Oxford English Dictionary defines 'ethics' as "moral principles or rules of conduct". A Code of Ethics provides a set of moral principles according to which one can conduct one's affairs.

The purpose of adopting a code of ethics for Arbitrators is not only to serve as a guide to the conduct of Arbitrators, but also to serve as a point of reference for users of the Arbitration process and to promote public confidence in Arbitration as a suitable forum for resolving disputes. The Code itself is not a rigid set of rules but is a reflection of internationally acceptable norms.

In some instances the ethics set down herein may be repeated in legislation governing the Arbitration, case law or rules which parties adopt. In many instances, Arbitrators will also be bound by other codes of practice or conduct imposed upon them by virtue of membership of primary professional organisations.

### **Rule One**

An Arbitrator has an overriding obligation to act fairly and impartially as between the parties, at all stages of the proceedings.

### **Rule Two**

An Arbitrator shall be free from bias and shall disclose any interest in the Arbitration or relationship with any party likely to affect his impartiality or which might reasonably create an appearance of partiality or bias. An Arbitrator in such situation shall obtain the prior written consent of all parties before proceeding with the Arbitration. This is an ongoing duty and does not cease until the Arbitration has concluded. Failure to make such disclosure itself may create an appearance of bias, and may be a ground for disqualification.

An Arbitrator shall not permit outside pressure, fear of criticism or any form of self-interest to affect his decisions. An Arbitrator shall decide all the issues submitted for determination after careful deliberation and the exercise of his own impartial judgment.

An Arbitrator in communicating with the parties shall avoid impropriety or the appearance of impropriety. There shall be no private communications between an Arbitrator and any party, regarding substantive issues in the case. All

## **Financial Dispute Resolution Centre**

communications, other than proceedings at a hearing, should be in writing. Any correspondence shall remain private and confidential and shall not be copied to anyone other than the parties to the dispute, without the agreement of the parties.

An Arbitrator shall not accept any gift or substantial hospitality, directly or indirectly, from any party to the Arbitration, except in the presence of the other parties and/or with their consent.

### **Rule Three**

An Arbitrator shall only accept an appointment if he has suitable experience and ability for the case and available time to proceed with the Arbitration.

### **Rule Four**

An Arbitrator shall be faithful to the relationship of trust and confidentiality inherent in that office.

### **Rule Five**

An Arbitrator shall charge according to the *Schedule of Fees* of the FDRC in Annex I of the Terms of Reference of the FDRC.

### **Rule Six**

An Arbitrator who is a Board or staff member may use the name and/or logo of the FDRC to promote the FDRC and its service. Subject to the above, an Arbitrator may not use the name and/or the logo of the FDRC or the fact that s/he is on the List of Arbitrators maintained by the FDRC to promote his private practice.

### **Rule Seven**

An Arbitrator shall consider whether it is appropriate to be covered by professional indemnity insurance and if so, shall ensure that he is adequately covered.

*[NOTE: The Code has been formulated by the Chartered Institute of Arbitrators ("CI Arb") as a guide to independent dispute resolvers as to their conduct and that the CI Arb has consented to the Financial Dispute Resolution Centre ("FDRC") adopting the Code for its own scheme. The Chartered Institute of Arbitrators gives no warranty representation or assurance that the Code is suitable for use or adoption by the FDRC for its scheme.]*

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