

BBSE3009 Project Management and Engineering Economics

<http://www.mech.hku.hk/bse/bbse3009/>



# Alternative Dispute Resolution (ADR)



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Feb 2013

# ADR



- Terminology

- Litigation (訴訟) – the conduct of a lawsuit

- Trial (審判)

- Arbitration (仲裁)

- Arbitrator (仲裁人)

- Mediation (斡旋；調停)

- Conciliation (調解)

- Adjudication (裁定)



# ADR



- Arbitration (仲裁)
  - Arbitration agreement: Clause 35 of HK Standard Form of Building Contract
  - Appointment of an Arbitrator
  - Disqualification of an Arbitrator: Interest & Bias
  - Time at which arbitration may be opened
  - Arbitration procedure
  - Preliminary meeting, procedure at the hearing, awards, appeal, costs

# ADR



- Arbitration
  - Advantages and disadvantages
- Alternative Dispute Resolution (ADR)
  - Strengths of ADR
  - Weaknesses of ADR
  - Appropriateness of ADR
  - Misconceptions surrounding the use of ADR
  - Litigation/Arbitration procedures and ADR

# ADR



- ADR Techniques Examined and Compared
  - Mediation (斡旋；調停)
  - Conciliation (調解)
  - Adjudication (裁定)
  - Executive tribunal (mini-trial)
  - Expert appraisal
- FIDIC's Amicable Settlement Clause
  - For civil engineering work

# ADR

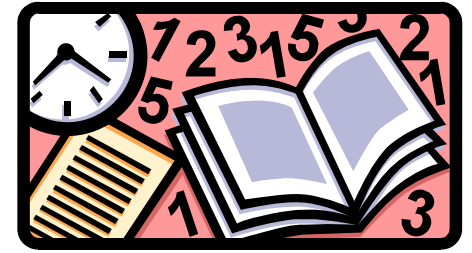


- Videos:
  - Alternative Dispute Resolution (2:03),  
[www.youtube.com/watch?v=TSGcTqmdSZc](http://www.youtube.com/watch?v=TSGcTqmdSZc)
  - How to Settle a Business Dispute: Negotiation, Mediation, Arbitration, Litigation (12:13),  
<http://youtu.be/8ygOibCEwfM>

# ADR



- Video presentation & discussions:
  - ADR and the Role of Mediation [videocassettes, 20 min.]. [AV 347.4209 A46 VHS]
    - Explains that unlike litigation which inhibits litigation, ADR by skilled mediators actually facilitates negotiation
  - Alternative Dispute Resolution [videocassettes, 19 min.]. [KN398.6 A4C]
    - Explains the benefits of dispute avoidance and mediation over the more traditional approaches to dispute resolution



# Further Reading

- Causes of construction disputes,
  - [www.designingbuildings.co.uk/wiki/Causes\\_of\\_construction\\_disputes](http://www.designingbuildings.co.uk/wiki/Causes_of_construction_disputes)
- Arbitration,
  - [www.designingbuildings.co.uk/wiki/Arbitration](http://www.designingbuildings.co.uk/wiki/Arbitration)
- Alternative dispute resolution,
  - [www.designingbuildings.co.uk/wiki/Alternative\\_Dispute\\_Resolution](http://www.designingbuildings.co.uk/wiki/Alternative_Dispute_Resolution)