



Hong Kong Mediation Council
香港调解会
(隶属香港国际仲裁中心)

第一部份

横琴粤港澳深度合作区粤港澳工程争议国际调解中心

第四届建设工程国际调解员培训课程

2026年3月13日

培训导师：马嫫傣 律师 资深调解员

促進式調解模型

Facilitative Mediation Model

Hong Kong Mediation Council

香港調解會一天課程第一部份

One Day Training - Part 1

馬嫻儀 律師 Josephine Ma, Solicitor Hong Kong

資深調解員 Mediator

HKMAAL 香港調解員資歷評審評核員 HKMAAL Mediator Accreditation Assessor

香港調解會副主席 Vice-Chairperson, Hong Kong Mediation Council, HKIAC



Hong Kong Mediation Council

香 港 调 解 会

(隶 属 香 港 国 际 仲 裁 中 心)

Trainer Josephine Ma 導師 马嫻僊

- ▶ 马嫻僊律師是香港调解会的副主席。自2023年以来，她在不同時期担任香港区域法院案件和解会议的聆案官。2025年1月獲認證成為香港粵港澳大灣區調解員。
- ▶ 马律師从事律师工作已有25年以上。自2004年起，她获得綜合調解員及家事調解員双重认证，随后成为家事調解監督。在过去的20年里，她主持了数百宗調解案件，成功解决了包括商业、建築、金融、合同、侵权、遺產、家事及跨境等多种纠纷。自2010年以来，她一直担任綜合事務調解員认证的评核员。
- ▶ 马律師是香港調解員认证课程的調解培訓導師，教導符合香港調解资历評審協會有限公司标准的調解課程。在她的職業生涯中，她在提升香港、澳門及內地超过1,000名專業人士的調解技能方面发挥了重要作用。
- ▶ 马律師拥有中国香港比較，佛學，教育及輔導三個領域的碩士學位，以多元的視野促進和解；她的專業領域涵蓋多種調解方法，包括促進式、轉化式、評估式、治療式、敘事式及高衝突調解技巧。马女士對這些多样化的調解方式有着深厚的造詣，能够熟练地引導各方解決衝突。
- ▶ Ms. Josephine Ma is the Vice-Chairperson of the Hong Kong Mediation Council. She has served as a Master of Case Settlement Conferences in the District Court of Hong Kong during various periods since 2023. Accredited as GBD GD, Hong Kong and Macao Mediator in January 2025.
- ▶ Josephine has been a practicing lawyer for over 25 years. She began practicing as an accredited general and family mediator in 2004 and later became a family mediation supervisor. Over the past 20 years, she has conducted hundreds of mediation cases and successfully settled a wide range of disputes, including those involving commercial, construction, financial, contractual, tort, probate, family, and cross-border matters. Since 2010, she has served as an assessor for the accreditation of general mediators.
- ▶ Josephine is an acclaimed trainer in accredited general mediation training programs that adhere to the standards of the Hong Kong Mediation Accreditation Association Limited. Throughout her career, she has played a key role in enhancing the mediation skills of over 1,000 professionals across Hong Kong, Macau, and mainland China.
- ▶ Josephine holds three master's degrees in Chinese and Hong Kong Comparative Law, Buddhism, and Counseling and Education. This diverse educational background equips her with a multifaceted perspective that enhances her ability to facilitate the settlement of disputes. Her expertise spans a wide range of mediation methodologies, including facilitative, transformative, evaluative, therapeutic, narrative, and high-conflict mediation techniques. Josephine's proficiency in these diverse approaches has enabled her to expertly guide parties through the resolution of their conflicts.



We shall cover 我们将会学习

Conflicts 冲突

Conflict Resolution Styles 冲突解决方式

Definition of Mediation 调解的定义

Use of Mediation 调解的用途

Models of Mediation 调解模式

Facilitative Mediation Model- an Overview
促进式调解模型 - 概述

Mediator 调解员

Mediation Skills 调解技巧

What is Conflict?

什么是冲突?

A conflict occurs when two or more parties perceive that they have mutually incompatible values, priorities or goals

当两方或多方认为他们具有相互不相容的价值观、优先事项或目标时，就会有机会发生冲突



This Photo by Unknown Author is licensed under [CC BY-SA](#)

Conflicts 冲突

Can you avoid?

你能避免吗?

Conflicts Normal Inevitable

冲突正常是
不可避免的

- We live in a world full of conflicts 我们生活在一个充满冲突的世界
- International conflicts/disputes 国际冲突/争端
- Work conflicts/disputes 工作冲突/纠纷
- Domestic conflicts/litigation/disputes 国内冲突 /诉讼/纠纷
- Our own conflicts 我们自己 内在的冲突

Some Common Causes of Conflicts

平常引起冲突的原因



Conflicts Good or Bad? 冲突好或坏?



This Photo by Unknown Author is licensed under [CC BY-SA](https://creativecommons.org/licenses/by-sa/4.0/)

Conflicts - Bad?

冲突 - 坏事?

- Can be stressful and unpleasant
可能会有压力和不愉快
- Damage to substantive and relationship
对实质性和关系的损害
- Destructive 破坏性的
- Discord, disharmony, and hostility
不和谐和敌意



Is conflict beneficial? 冲突有好处吗？



Good? 好处?

New Thinking and Ideas 新思维和新想法

Other Perspectives 其他观点

Better Understanding 促进理解

Problem Solving (even long rooted problems) 解决问题
(即使是根深蒂固的问题)

Growth 成长

Positive Change 积极的改变

Breakthrough 突破

- Conflicts are ever present 冲突永远存在
- Conflict cannot be eliminated 无法消除
- but can be worked with 但可以处理

What is Conflict Resolution?

什么是冲突解决？

- **Definition:** Conflict resolution is the process of resolving a dispute or disagreement in a peaceful and constructive way.

定义：

冲突解决是以和平且具建设性的方式解决争端或分歧的过程。

Goal: To find a solution that satisfies everyone involved.

目标：

找到令各方满意的解决方案。

- **Explanation:** Effective conflict resolution minimizes harm and maximizes mutual benefit, preserving relationships and creating understanding.

解释：

有效的冲突解决能够将伤害降至最低，并最大化互惠利益，同时维护关系并促进彼此的理解。通过开放的沟通、同理心、协商和妥协，参与者共同努力达成一个满足各方需求和关切的解决方案。

Thomas-Kilmann Model

The Thomas-Kilmann Conflict Resolution Model (TKI) is a framework for understanding how individuals handle conflict.

▶ 托马斯-基尔曼冲突解决模型

是一种人际冲突管理风格，用来衡量个人对冲突情况的反应



- It was developed by **Kenneth Thomas** and **Ralph Kilmann** in 1974 and categorizes conflict-handling styles based on two dimensions: **assertiveness**(the extent to which a person attempts to satisfy their own concerns) and **cooperativeness**(the extent to which a person attempts to satisfy the concerns of others)
- 该模型由 Kenneth Thomas 与 Ralph Kilmann 于 1974 年提出，依据两项维度对冲突处理风格进行分类：坚定性（assertiveness）——指个体在多大程度上试图满足自身关切；以及 合作性（cooperativeness）——指个体在多大程度上试图满足他人关切

维持关系不重要

Maintaining the relationship isn't important



Competing 支配型



Avoiding 逃避型

My needs are important
我的需要很重要



Compromising 妥协型

My needs are not as important
我的需要不重要



Collaborating
合作型



Accommodating
迁就型

Maintaining the relationship is important

维持关系很重要

Exercise 实践

- 5 groups 5 组
- **5 conflict resolution styles** 5 种冲突解决方式:
 - **Group 1: Competing** 第 1 组: 竞争
 - **Group 2: Collaborating** 第 2 组: 协作
 - **Group 3: Compromising** 第 3 组: 妥协
 - **Group 4: Avoiding** 第 4 组: 逃避
 - **Group 5: Accommodating** 第 5 组: 迁就

场景 Scenario

- 两位工程师在一个重大基础设施项目中对设计方案存在分歧。一个倾向于使用成本效益高的方法，而另一个则坚持采用更创新但成本较高的方案。
- Two engineers disagree about which design approach to use in a major infrastructure project. One prefers a cost-efficient method, while the other insists on a more innovative but expensive solution.

场景

质量与时间的冲突

两位工程师正在合作一个关键的基础设施项目。

一位工程师专注于按时完成项目，即使这意味着要在质量上做出妥协。

另一位工程师则认为应该花更多的时间来确保结构达到最高的质量标准，即使这会推迟项目的截止日期。

- **竞争：** 一方坚持不惜一切代价按时完成项目， 另外一方坚持质量。
- **协作：** 双方讨论如何在调整时间表或重新分配资源的同时保持质量。
- **妥协：** 双方同意略微延长项目截止日期，同时保持可接受的质量水平。
- **回避：** 他们不处理截止日期与质量问题的冲突，继续工作而不解决矛盾。
- **迁就：** 一位工程师让步，选择优先考虑截止日期或质量。

Scenario

Project Deadline and Quality Conflict

Two engineers are working on a critical infrastructure project. One engineer is focused on meeting the project deadline, even if it means compromising on quality.

The other believes that extra time should be taken to ensure that the structure is built to the highest possible standards, even if it delays the deadline.

- **Competing:** One insists on meeting the deadline at all costs. One insists on quality of work.
- **Collaborating:** Both discuss how to maintain quality while adjusting the schedule or reallocating resources.
- **Compromising:** They agree to extend the deadline slightly while maintaining acceptable quality levels.
- **Avoiding:** They do not address the deadline vs. quality issue and continue working without resolving the conflict.
- **Accommodating:** One engineer concedes, agreeing to either prioritize the deadline or quality.

Reflection 反思

In Groups 小組討論

- How effective your assigned style was in resolving the conflict.
你被委派的處理衝突的方法有效嗎？
- How the style impacted the relationship between the parties.
處理衝突的方法對關係有什麼影響？

Class-Wide Debrief 全班汇报

- Was the resolution style effective? 解决方式有效吗?
- How did the other party in the scenario respond to your style? Did it escalate or resolve the conflict?

场景中的另一方对你的风格有什么反应？它是否升级或解决了冲突？

- One advantage and one disadvantage of using that style.

使用该样式的一个优点和一个缺点。

- In real life, when might this style be most or least effective?

在现实生活中，这种风格什么时候可能最有效或最无效？

Avoiding 逃避型



“Conflict? What
Conflict?”

“争议?什么争议?”

“Forget about
it...”

“忘记它吧...”

“Can we talk
about it some
other time?” “我
们迟些再谈好吗?”

I LOSE, YOU LOSE
我输, 你输

Avoiding 逃避型

■ When this style is appropriate 这种方式适合:

- Issue is trivial 问题微不足道
- Cooling off period is needed 需要冷静期
- Timing is wrong 时机错误

■ When this style is not appropriate

这种方式不适合:

- Issue is important and conflict will not disappear, but instead continue to get worse

问题很重要，冲突不会消失，反而会继续恶化

Competing 支配型



“We are doing it my way....”

“我们依我的方法做....”



“Let’s just get the job done...”

“我们就把事情完成吧...”



I WIN, YOU LOSE

我赢，你输

Competing 支配型

- **When this style is appropriate** 这种方式适合:
 - A decision needs to be made quickly – emergency e.g. fire, danger
需要迅速做出决定-紧急情况，例如火灾，危险
 - Agreed upon that power comes with position of authority e.g. authoritative figure 同意权力伴随着权威地位，例如权威人物
 - Unpopular decision needs to be made 需要做出不受欢迎的决定
- **When this style is not appropriate** 这种方式不适合:
 - Feelings are sensitive 要兼顾感受和关系
 - Decision is not urgent 不紧急的决定

Accommodating 迁就型

“Sure! I am flexible...”

“当然，我很弹性的...”

“Whatever you want is fine with me...”

“你要什么我都行...”

I LOSE, YOU WIN

我输，你赢



Accommodating 迁就型

- **When this style is appropriate 这种方式适合:**
 - Maintaining the relationship more important
维持关系更重要
 - Issue is very important to the other person and not to you
问题对对方非常重要，对你并不是非常重要
- **When this style is not appropriate 这种方式不适合:**
 - Issue is important to you 问题对你很重要
 - Lead to evading the issue when others are ready to address it
当其他人准备解决问题时，回避问题，导致问题未能解决



Compromising 妥协型

“I will meet you half way...”

“我愿意各退半步...”

“Let's make a deal...”

“我们作个交易吧...”

I WIN SOME, YOU WIN SOME

我赢部份，你赢部份

Compromising 妥协型

- **When this style is appropriate 这种方式适合:**
 - A decision needs to be made sooner rather than later 需要尽早做出决定
 - Both parties are better off than attempting a win/lose 双方每人让步一点点都比尝试输赢更好
- **When this style is not appropriate 这种方式不适合:**
 - Situation is urgent 情况紧急
 - Unbalanced power 力量不平衡
 - Many important needs must be met 必须满足许多重要需求



Collaborating 合作型

"My preference is.... And please tell me yours.... If we each explain what we want, and keep talking, we can find a way for both of us.

我 优先的考虑是.... 请告诉我你的... 如果我们每个人都解释我们想要什么, 并继续交谈, 我们可以找到适合我们俩的方法

I WIN, YOU WIN

我赢, 你赢

Collaborating 合作型

■ When this style is appropriate 这种方式适合:

- An important decision must be made
必须做出重要决定
- Situation is not urgent 情况不紧急
- Previous resolution attempts have failed
以前尝试的解决方案失败

■ When this style is not appropriate: 种方式不适合:

- The matter is trivial to all involved
此事对所有参与者来说都是微不足道的
- Time, commitment and ability are not present
时间, 承诺或能力不 容许

这

Conflict Approaches 冲突处理的模式

ASSERTIVENESS

自信度

Competing 支配型

- Low relationship
 - High Issue
 - Win/lose power struggle
- 低关系
 - 高对应问题
 - 赢/输角力
 - 斗争

Collaborating 合作型

- High relationship
 - High Issue
 - Expand range of possible options
 - Goal is win/win
- 高关系
 - 高对应问题
 - 扩展可能的选项范围
 - 目标是双赢

Compromising 妥协型

- Relationship undamaged
 - Goal is to find "middle ground"
- 关系未受损
 - 目标是找到“中间立场”

Avoiding 逃避型

- Low relationship
 - Low Issue
 - Withdraw from the situation
 - Maintain neutrality
- 低关系
 - 低对应问题
 - 逃避处境
 - 保持中立

Accommodating 迁就型

- High relationship
 - Low Issue
 - Give in to other party
 - Maintain harmony
- 高关系
 - 低对应问题
 - 向对方让步
 - 保持和谐

COOPERATIVENESS 合作度

策略

Strategies

Resolutions 议案

Win-Win

赢 - 赢

Lose-Lose

输 - 输

Win-Lose

赢 - 输

逃避型

Avoiding

Both parties ignore the issue

支配型

Competing

双方都忽略了问题

Only one party wins

合作型

Collaborating

Meet the needs of all involved

只有一方胜出

迁就型

Accommodating

满足所有参与者的需求

One party meets needs of other at own expense

妥协型

Compromising

Both parties give up something

一方牺牲需要成全另一方的需求

双方都放弃了一些东西

Conflicts and Disputes 冲突与争议

- Conflicts - broader and deeper meaning
冲突 - 更广泛和更深的含义
- Disputes 争议:
 - terminology preferred by some sectors
某些行业首选的术语
 - standard terminology in litigation more focus on positions and issues which might otherwise be dealt with by more formal procedures like litigation

诉讼中的标准术语，更侧重于可能通过诉讼等，更正式程式处理的立场和问题

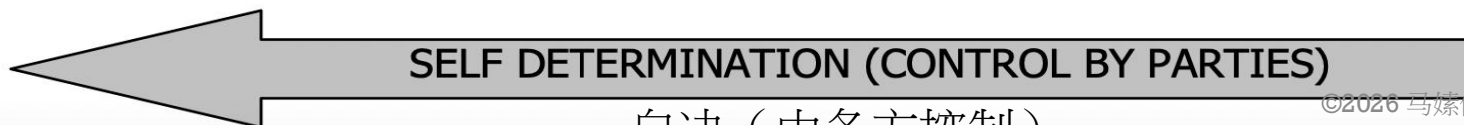
ADR

- **Alternative Dispute Resolution** 替代性争议解决
- **Processes** 过程
- **Not judicial determination** 非司法裁决
- **Impartial third person assists to resolve disputes**
公正的第三人协助解决争议
- **Less costly and faster processes** 成本更低，流程更快
- **More creative and collaborative solutions**
更具创造性和协作性的解决方案
- **Example: Mediation, Conciliation, Arbitration**
- 示例：调解、调停、仲裁

THE DISPUTE RESOLUTION SPECTRUM 争议解决范围

| 无协助谈判 UNASSISTED NEGOTIATIONS | 替代性争议解决 ALTERNATIVE DISPUTE RESOLUTION | | | 审判 ADJUDICATION |
|--|--|--|---|--|
| Traditional Settlement Negotiations 传统的和解谈判 Pre-dispute Early Involvement 争议前早期参与 | PROCESS ASSISTANCE 过程协助 | OUTCOME PREDICTION 结果预测 | PRIVATE LITIGATION 私人诉讼 | Admin Boards 管理委员会 Judicial Forums 司法论坛 |
| | Conciliation 协调 Facilitation 促进 Mediation 调解 Ombuds 监察员 | Early Neutral Evaluation 早期中性评估 Non-Binding Arbitration 不具约束力的仲裁 Fact Finding 事实调查 Summary Jury Trial 简易陪审团审判 | Binding Arbitration 具约束力的仲裁 Summary Proceeding with Binding Decision 具有约束力的决定的简易程序 | |
| | 小型审判和解法官 Mini-Trial Settlement Judge | | | |
| | NON-BINDING PROCESSES 非约束性流程 | | BINDING PROCESSES 约束性流程 | |

多
MORE



少
LESS

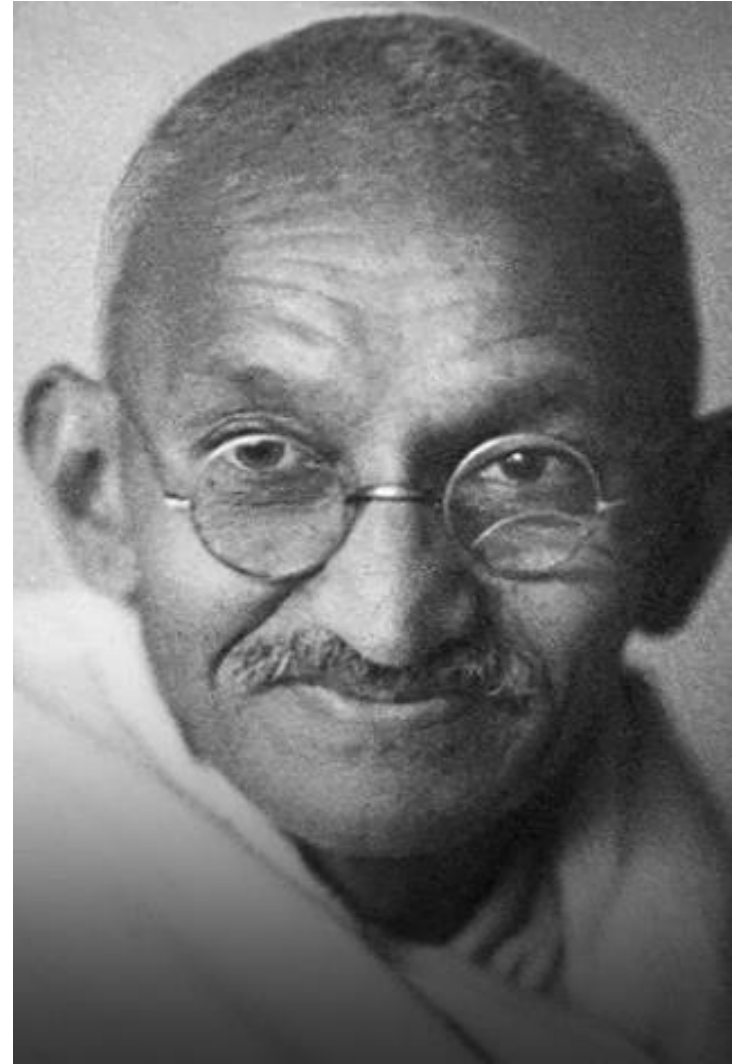
自决（由各方控制）

Peace is not the absence of conflict,
but the ability to cope with it.
Mahatma Gandhi

和平并不是没有冲突，而是应对冲突的能力。
圣雄甘地

Gandhi (1869-1948) was an Indian lawyer and anti-colonialist who relied on nonviolent resistance. As a leader in the campaign for India's independence from the British, other human rights movements around the world embraced his words and tactics.

甘地（1869-1948）是一位印度律师和反殖民主义者，依靠非暴力抵抗。在领导印度争取独立脱离英国的运动中，他的言论和策略被世界各地的其他人权运动所采纳。



YOU NEED 你需要:

Communication Skills
沟通技巧

Conflict Resolution Skills
争议解决技巧





Welcome to the
World of Mediation
欢迎进入
调解的世界

Mediation 调解

- A Form of ADR – alternative to court system
替代传统法庭系统解决争议的一种形式
- Structured process 结构化流程
- Trained and impartial third party 训练有素且公正的第三方
- Assist the parties to make decisions 协助各方做出决定
- Not impose decision on the parties 不会将决定加诸当事人
- Voluntary 自愿
- Confidential 保密
- Goal: amicable settlement responsive to need and acceptable to all
目标：友好解决，回应需求，结果为所有人所接受

Benefits of Mediation 调解的好处

- More control over the proceedings and outcome
对程序和结果的更多控制
- More likely to preserve and enhance relationship
更有可能维护和改善关系
- Greater access to creative and adaptive solutions
更有可能获得创造性和适合的解决方案
- Quicker resolutions 更快捷的解决方案
- Less expensive 更便宜

Uses of Mediation 调解的应用

Mediation is widely used to settle 调解被广泛用于解决:

- Construction Disputes 建筑工程争议
- Civil cases 民事案件
- Business and Commercial Disputes 商业纠纷
- Family Disputes 家庭纠纷
- Financial Disputes 财务纠纷
- Labour Disputes 雇佣关系争议
- Land Disputes 土地纠纷
- Others 其他

International Disputes

国际争端

The United Nations has played a crucial role in helping to mediate inter- and intra-State conflicts at all stages: before they escalate into armed conflict, after the outbreak of violence, and during implementation of peace agreements

联合国在协助调解国家间和国内冲突的所有阶段方面发挥了关键作用：在冲突升级为武装冲突之前、暴力爆发之后以及执行和平协定期间



Mediation Support Unit

Recognising the need for a more professional approach to mediation, the United Nations has enhanced its operational readiness to implement and support mediation efforts. A key innovation in this regard was the establishment of the Mediation Support Unit (MSU) within the Policy and Mediation Division (PMD) of the UN Department of Political and

Philosophy for life? 人生哲理?

- **Mediation skills -> conflicts -> manageable -> peace**

调解技巧 ->冲突 ->可管理 ->和平

- **Personal and professional lives: lawyers, counselors, teachers, law enforcement officers, human resource professionals,even students and young children**

个人和职业生活：律师、顾问、教师、执法人员、人力资源专业人员.....甚至学生和幼儿

- **Empowering people to make their own informed choices to resolve conflicts**

鼓励每一个人都有能力， 为自己作出 明智的决定， 解决冲突

调解是一种生活态度

Mediation

is a

Lifestyle

Models of Mediation 调解模式

Facilitative 促进式

Evaluative 评估式

Transformative 转化式

Hong Kong Mediation Three Main Characteristics:

- Facilitative Mediation Model
- Focus on interests
- Structured and Confidential Process

香港调解三大特点：
 - 促进式调解模式
 - 关注利益
 - 结构化和保密的流程

PHASES
阶段

1
INFORMATION GATHERING
资料收集

2
EXPLORATION
探讨和理解

3
NEGOTIATING TOWARDS AGREEMENT
谈判

4
Settlement Agreement
和解协议

Facilitative Mediation PROCESS 促进式调解流程

Pre-mediation separate Meetings 调解前单独会议

Mediator's Opening Statement
调解员开场白
Parties' Initial Statements
双方开场白
Summarizing
总结
Issue identification & Agenda Setting
问题识别和议程设置

| | |
|-------------------------|---|
| Discussion 讨论 | Exploration and Clarification 探讨和澄清 |
|-------------------------|---|

Private Sessions 个别会谈

Option Generation
制造方案
Initial Negotiation
谈判
Bargaining Phase
议价

Outcome and Documentation
成果和文件

SKILLS
技巧

ACTIVE LISTENING
积极倾听

SUMMARIZING
总结

REFRAMING
框架重整

QUESTIONING
适当的提问

PARAPHRASING
释义

EMPATHY
同理心

HYPOTHETICAL QUESTIONING
假设性提问

AGREEMENT WRITING
撰写协议

Facilitative Mediation 促进式调解

Mediator structures a process to assist the parties in reaching a mutually agreeable resolution

调解员构建一个程序，协助各方达成双方都同意的解决方案

Facilitative Mediator 促进式调解员：

- Asks questions 提出问题
- Validates and normalizes parties' points of view 确认和 正常化各方的观点
- Searches for interests underneath the positions taken by parties
在各方采取的立场下寻找利益
- Assists the parties in finding and analysing options for resolution
协助各方寻找和分析解决方案的选项
- Does not make recommendations to the parties, give his or her own advice or opinion as to the outcome of the case, or predict what a court would do in the case
不向当事人提出建议，不对案件结果提出自己的意见，也不预测法院在案件中会做什么
- Mediator is in charge of the process, 调解员负责过程
- Parties are in charge of the outcome. 当事人负责结果

Facilitative Mediation 促进式调解

- Facilitative mediators want to ensure that parties come to agreements based on information and understanding

促进式调解员希望确保各方在资讯和理解的基础上达成协议

- Predominantly joint sessions with all parties present -> that the parties can hear each other's points of view

调解过程以**联席会议**为主->各方可以听取彼此的观点

- Hold caucuses regularly 定期举行个别会谈

Evaluative Mediation

评估式调解

Evaluative mediators assists the parties in reaching resolution by

评估式调解协助各方通过以下方式达成解决方案

- pointing out the strengths and weaknesses of their cases

指出他们案件的优势和劣势

- predicting what a judge or jury would be likely to do

预测法官或陪审团可能会做什么

Evaluative Mediation 评估式调解

- An evaluative mediator might make formal or informal recommendations to the parties as to the outcome of the issues
评估式调解员可能会就问题的结果向当事人提出正式或非正式的建议
- Evaluative mediators are concerned with the legal rights of the parties rather than needs and interests
评估式调解员关注的是当事人的合法权利，而不是需求和利益
- Less focus on non-legal aspects, e.g. relationship, feelings, interests
较少关注非法律方面，例如关系、感情、利益

Evaluative Mediation 评估式调解

- Evaluative mediators meet most often in separate meetings with the parties and their attorneys, practicing “shuttle diplomacy”

评估式调解员最常与当事人及其律师单独会面

- They help the parties and attorneys evaluate their legal position and the costs vs. the benefits of pursuing a legal resolution rather than settling in mediation

他们帮助当事人和律师评估他们的法律地位以及寻求法律解决方案而不是通过调解解决的成本与收益

- The evaluative mediator structures the process, and directly influences the outcome of mediation

评估式调解员构建流程，并直接影响调解结果

Transformative Mediation 转化式调解

[Goal 目標]

Empowerment

赋能

Recognition

理解和尊重

Transformative Mediation 转化式调解

- Empowerment 赋能
 - through empowerment, disputants gain “greater clarity about their goals, resources, options, and preferences” and that they use this information to make their own “clear and deliberate decision”

通过赋能，争议者可以「更清楚地了解他们的目标、资源、选择和取向」，并且使用这些资讯来做出「他们自己的清晰和深思熟虑的决定」
 - restoration to individuals of a sense of their own value and strength and their own capacity to handle life's problems

恢复个人对自己的价值和力量以及自己处理生活问题的能力

Transformative Mediation 转化式调解

- Recognition 理解和尊重
 - help each person to recognize and empathize with the other party
帮助每个人理解和明白对方的感受和想法
 - Even not agree 即使未必同意
 - enabling the parties to see and understand the other person's point of view -- to understand how they define the problem and why they seek the solution that they do
使各方能够看到和理解对方的观点——了解他们如何定义问题以及他们为什么寻求他们所做的解决方案

Transformative Mediation 转化式调解

- Improved or transformed relationship -> settlement
转化或改善关系，从而解决争议
- Empowerment and recognition pave the way for a mutually agreeable settlement, but that is only a secondary effect.

赋能和理解尊重为双方都同意的解决方案铺平了道路，但解决方案是次要效果。

Transformative Mediation 转化式调解



Let the parties make their own decisions - content & process
讓各方做出自己的決定 - 內容和流程



Mediator 调解员 :

Questions to help the parties in self-discovery

用问题协助各方自我发现/ 更深切地了解自己的需要

Transform conflicting individuals from adversaries to collaborators
将冲突的 对立的双方转变为合作者

By-product: transformed relationship 副产品：关系转变 及改善
Reactive and Supportive role 反应和支援作用

Not Suitable 不适用于

- People want a punitive judgement, retribution, pay-back or revenge
人们想要惩罚性的判决、报复、回报或报复
- Authoritative Judgement is needed: enforcement action needed, victim protection, establish a rule of law
需要权威判决：需要采取执法行动、保护受害者、建立法治
- Serious danger of mediation being used in bad faith, e.g. fishing for information
恶意使用调解，例如获取资讯
- Incompetency of disputants (e.g. mental health, substance abuse, etc.)
争议方无能力（例如心理健康、药物滥用等）
- Safety & violence 安全和暴力
- May be not ready now, future? 现在可能还没有准备好，未来？

FACILITATIVE MEDIATION MODEL

▼

促进式调解模型

PHASES
阶段

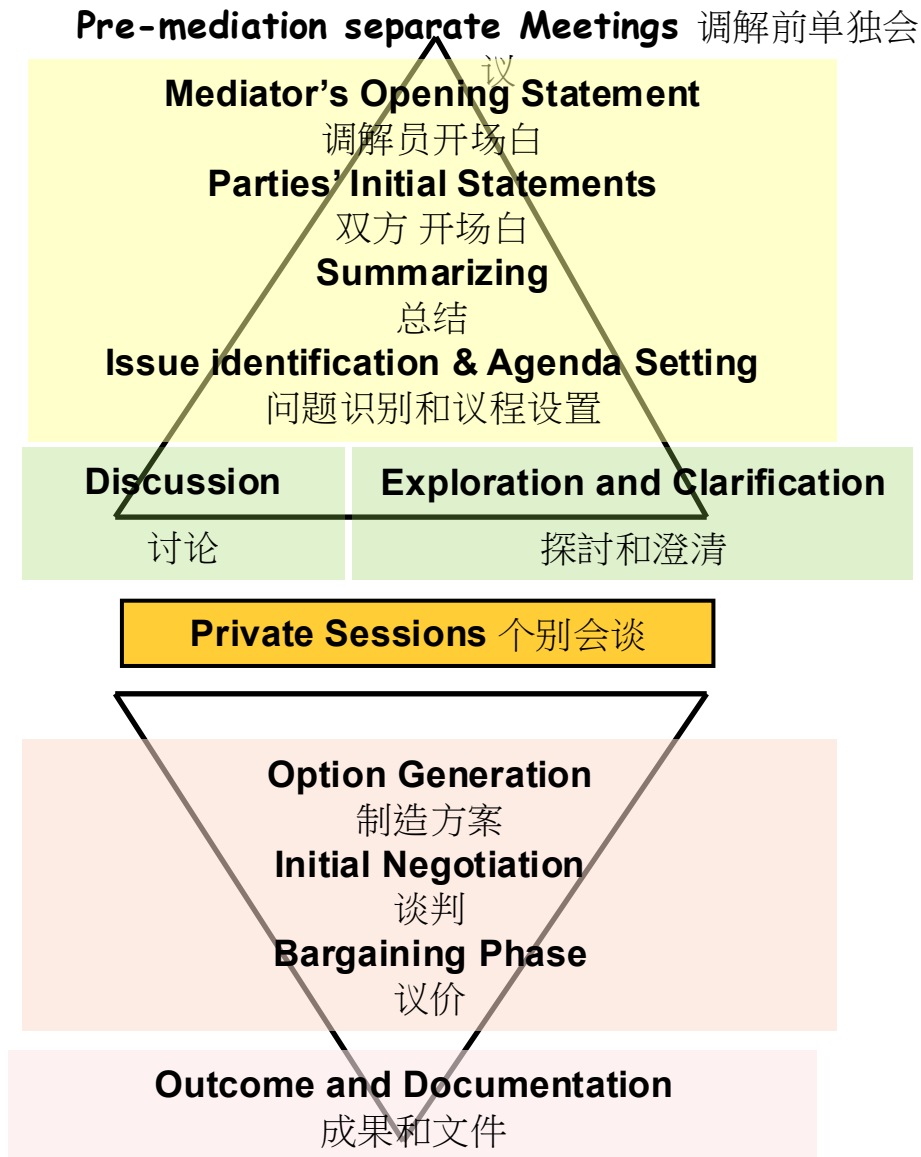
1
INFORMATION GATHERING
资料收集

2
EXPLORATION
探讨和理解

3
NEGOTIATING TOWARDS AGREEMENT
谈判

4
Settlement Agreement
和解协议

Facilitative Mediation PROCESS 促进式调解流程



SKILLS
技巧

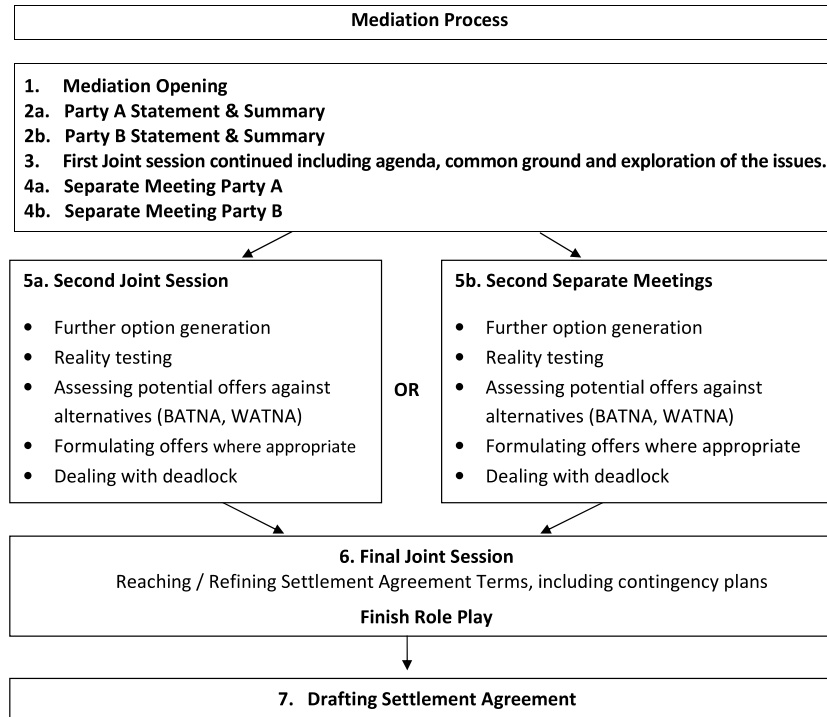
- ACTIVE LISTENING**
积极倾听
- SUMMARIZING**
总结
- REFRAMING**
框架重整
- QUESTIONING**
适当的提问
- PARAPHRASING**
释义
- EMPATHY**
同理心
- HYPOTHETICAL QUESTIONING**
假设性提问
- AGREEMENT WRITING**
撰写协议



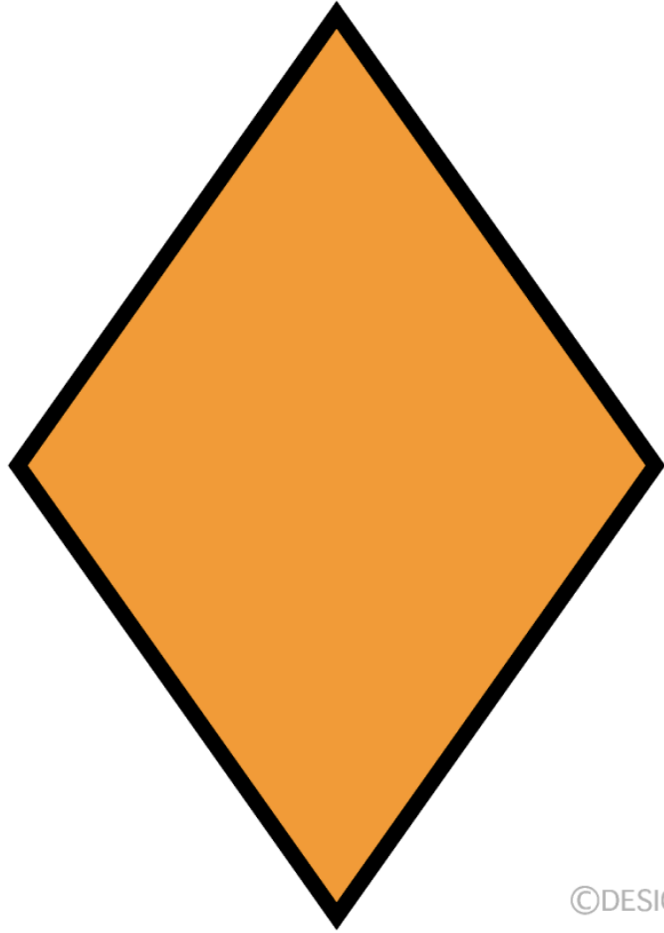
Mediation Process Model for HKMAAL Stage 2 Mediator Assessment

For the purpose of assessment, candidates MUST follow the mediation process model set out below, demonstrate his/her understanding and application of interest based negotiation principles in handling the dispute in the simulated cases as well as the specific skills set out in Form 1:

Candidates should refer to HKMAAL Competency Handout for more comprehensive outline of Process Stages Goals and Mediator Skills



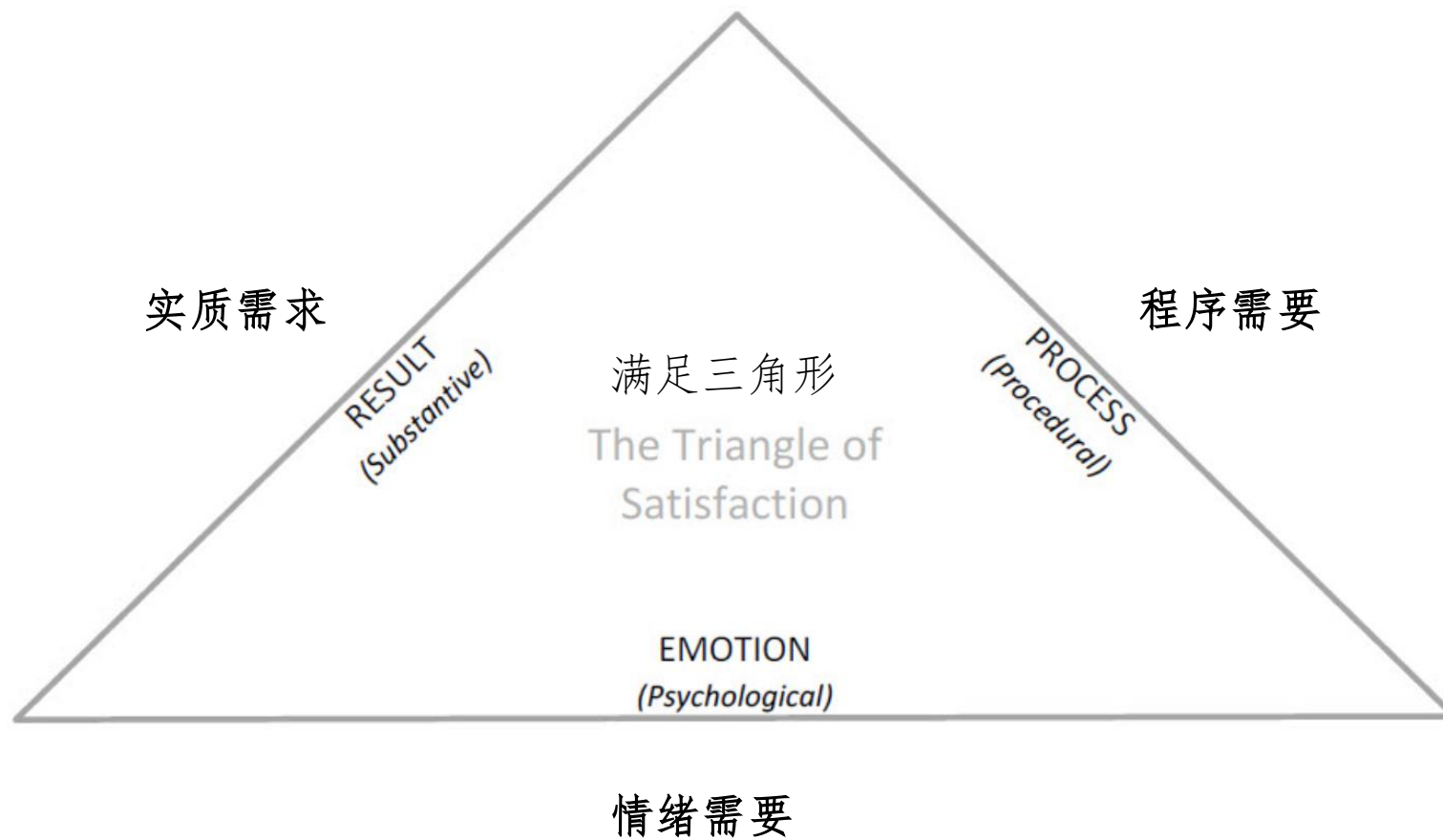
*Please note: Regardless of which path the Mediator takes in the process at Step 5, Second Joint Session or Second Separate Meetings, the total separate meeting time for the role play should not be more than 40 minutes. Besides, the mediator must demonstrate the additional skills as outlined to move the process forward towards settlement, even if a full settlement is not reached.



©DESIGN/







Role of the Mediator 调解员的角色



Mediator 调解员

Facilitator of
Negotiation
谈判促进者

Not Judge or
Adjudicator
非法官或裁决者

Not a Decision Maker
非决策者

No Stake in the
Outcome
非结果得益者

Trained in Mediation
接受过调解培训

Formally Accepted by
Disputants
争端各方正式接受

Impartial &
Independent Third
Party
公正和独立的第三方

Process Manager

- “Mediator - in charge of the Process, Parties - in charge of the Content.”
- 流程管理者：“调解员-负责程序，各方-负责内容。”

Manager of the Process

流程管理员



Control the process 控制流程



Goals for each stage of the process
流程中每一阶段的目标



Momentum 步伐节奏

Facilitator of
Negotiation
谈判的促进者

Communication Channel

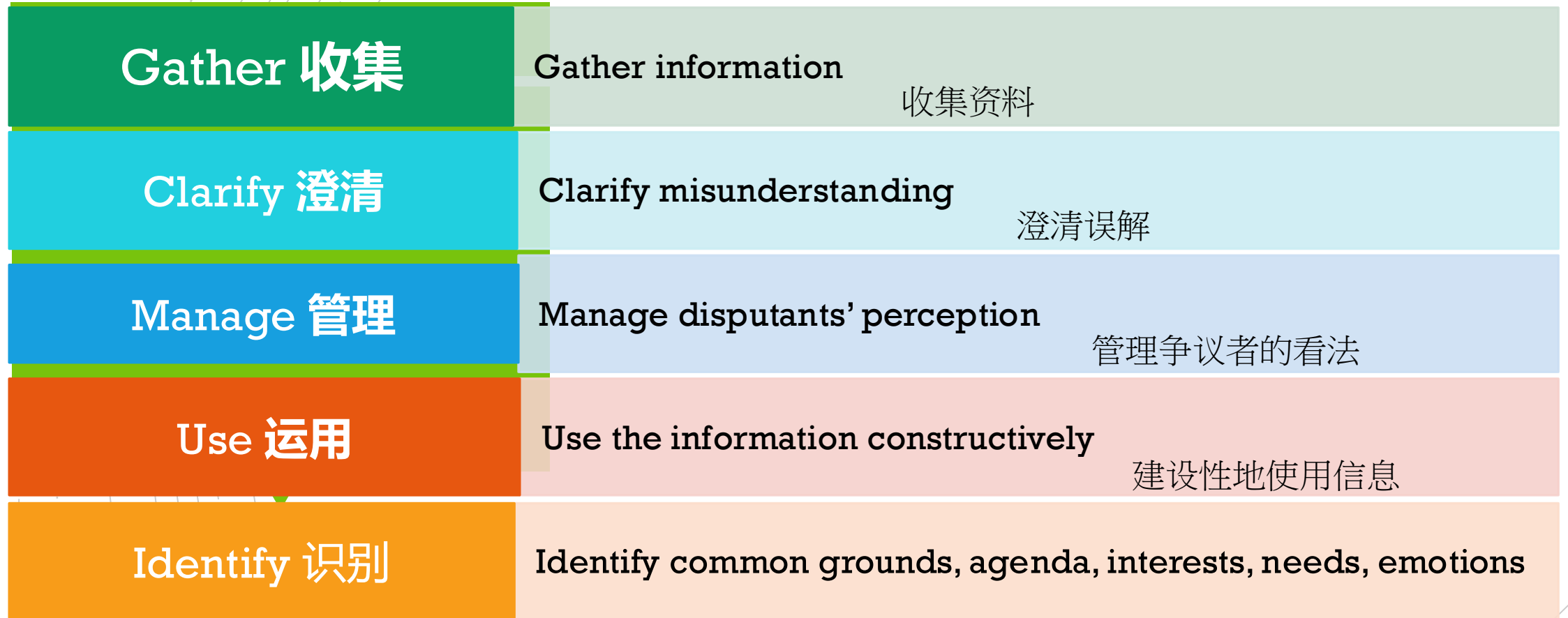
沟通渠道

Communication Guide 沟通
指引

- Find ways out 找寻出路
- Towards settlement 走向解决

Information Gatherer + Interpreter

资料搜集员 + 翻译员



Problem Solver 问题解决者

- Clear Head & Creative Mind (needs ->options)
清晰的头脑及创意的思维(需要 -> 方案)
- Reality Tester 现实测试者
- Settlement Supervisor 和解监督
- Agreement Drafter 协议撰写员



Mediator

调解员

Expert of the field?
该领域的专家?

Lawyer? 律师?

Process Expert!
流程的专家!

Good Mediator 好的调解员

Strong People Skills

良好的人际交往能力

Able to Empathise

有同理心

Able to be Directive and to Confront

能够作出指示及有效地提出不同的见解

Comfortable with High Emotions, Arguments, Interruptions, Tears

自如地处理强烈情绪、争论、打断、眼泪

Respected and Trusted

受人尊敬同信赖

Creative in Problem Solving

创意地解决问题

Non-judgemental

不批判

Patient & Thorough

有耐性和贯彻

Persistent

坚持不懈

Low Need for Recognition, Credit, having things turn out your way

对认可、信用、事情按照自己的方式发展需求低

Impartial

不偏不倚

Able to Maintain Positive Tone

能够保持积极的语气

Mediator Skills 调解员技巧

- Appropriate **questions** 适当的问题
- Active **listening** 积极倾听
- Acknowledging and validating the expression of emotions
确认并肯定情绪的表达
- Summarizing 总结
- Paraphrasing 意译或复述
- Reframing 框架重整
- Awareness of his own and the party's body language
意识到自己和各方的 身体语言

Questions –
Closed ended
Open ended

開放式問題 OPEN QUESTIONS

- Encourage more information 鼓勵提供更多信息
- Allow for a wide range of responses 允許更廣泛的回應
- "What do you think about climate change?" 你對氣候變化有什麼看法？

封閉式問題 CLOSED QUESTIONS

- Limit the respondent to a specific set of responses, often "yes" or "no," or selecting from predefined options
- "Do you believe in climate change? (Yes/No)" 你相信氣候變化嗎？（是/否）

Exercise 练习

Open or Closed Questions ? 开放式或封闭式问题？

- Did you have a conflict with him? 你跟他是不是发生了冲突?
How do you feel about this matter? 你对这件事有什么感受?
How would you like to resolve this problem? 你想如何解决这个问题呢?
- Are you very upset with his actions? 你对他的做法是否十分反感?
- Do you feel he needs to apologize? 你是否必须要他作出道歉?
- What would you like to discuss today? 你今天想讨论什么事情?

Active Listening 积极倾听



- Body language 身体语言
- Eye contact 眼神交流
- Facial expressions 面部表情
- Gestures 姿势
- Tone of voice/inflection 语气/语调变化

Attending Skills 聆听技巧

Following Skills 跟进技巧

- Passive listening (nodding, facial expressions)
被动倾听（点头、面部表情）
- Encouragers (uh huh, yes) 鼓励（嗯，是的）
- Questions (clarifying, open, closed, hypothetical, etc.) 问题（澄清、开放、封闭、假设等）

TECHNIQUES OF ACTIVE LISTENING

积极倾听的技巧

1. **Body language** 身体语言
2. **Prompt the Speaker** 提示
3. **Clarifying questions** 澄清问题
4. **Paraphrasing / Reframing** 释义/框架重整
5. **Identify feelings** 识别感受
6. **Identify underlying values/interests** 确定根底价值/
潜在利益



Body Language 身 体语言

Purpose: Encourage speaker to be comfortable and disclose more
目的：鼓励讲者感到舒适并透露更多

Technique 技巧:

-Eye contact 眼神接触

-Attentive posture 留心的姿势

-Take notes 做笔记

-Note facial expressions 留意面部表情

SOLER

- **S**quarely facing speaker
正面望着对方
- **O**pen your posture
开放的姿态
- **L**ean towards the speaker
微微向讲者方向前倾
- **E**ye contact is maintained
保持眼神接触
- **R**elax while listening
放松聆听



Summarising 总结

- Summarizing is the process of **condensing** a longer text, conversation, or piece of information into its most important points or main ideas

总结是将较长的文本、对话或信息**压缩**成最重要的要点或核心思想的过程

- Focus on the **key points** and **essential details**

集中**关键点**和**重要细节**

- Neutral, focusing on what was said or written

保持中立，专注于所说或所写的内容

- Avoid adding personal opinions or interpretations

避免加入个人意见或解释

Paraphrasing 释义

- **Paraphrasing** is the process of restating someone else's ideas or statements in your own words while maintaining the original meaning

释义是用你自己的话**重新表述**他人的想法或陈述,同时保持原意

- Unlike quoting, where you use the exact words from the source, paraphrasing focuses on rewording the information to make it clearer or more relevant to the context without altering the intended message

与引用不同,引用是使用来源的原话,而释义则注重**重新措辞**信息,使其在不改变原意的情况下更加清晰或更符合上下文

Reframing 框架重整

- Reframing is the process of changing the way we perceive or interpret a situation, event, or thought, often to shift from a negative to a more positive or constructive outlook. It is a cognitive-behavioral technique that can help reshape thinking patterns to influence emotions and behavior in a healthier way.
- 框架重整是改变我们感知或解释情况、事件或想法的过程，通常是从消极的观点转变为更积极或建设性的观点。这是一种认知行为技术，可以帮助重塑思维模式，以更健康的方式影响情绪和行为。



負面 Negative ->正面 Positive

這杯水一半空， 還是一半滿？

Half Empty or Half Full?

Reframing 框架重整

- ◆ Changes statement from negative to positive 将陈述从负面变为正面 (“Your price is too expensive 你们太贵”)
- ◆ Blaming -> needs, desired outcome 责备 -> 需求, 期望的结果 (“Your response to feedback is too slow 你们对反馈的回应太慢”)
- ◆ Neutralizes inflammatory statements 中和煽动性/引发愤怒情绪的陈述 (“You are a liar, your words are rubbish 你说谎, 你说的都是垃圾”)
- ◆ Can shift focus from past to future 可以将焦点从过去转移到未来 (“He breached the contract terms previously 他之前未有遵守合同条款....”)
- ◆ Can shift focus from person to problem 可以将焦点从人转移到问题上
- ◆ Can shift focus from position to interest 可以将焦点从立场转移到利益
- ◆ Can mutualize and build co-operation 可以相互合作
- ◆ Can promote understanding, trust and re-build relationships 可以促进理解、信任和重建关系

| Old Frame 旧框架 | New Frame 新框架 |
|---|--|
| Problem 麻烦/ 问题 | Matter 事项 |
| Dispute 争议 | Situation 情况 |
| Conflict 冲突 | Circumstances 情况 |
| Difficulty 困难 | Challenge 挑战 |
| I do not believe you 我不相信你 | I am having trouble understanding you 我有困难去明白你 |
| Damage 损失 | Need for repair or restoration 需要修理或修复 |
| Compensation 赔偿 | Financial arrangement 金钱安排 Actual loss 实际损失 |
| Reach agreement 达成协议 | Ways to dealing with 处理的方法 |
| It is a matter of principle 这是原则的问题 | This is important to you 这对你很重要 |

Adapted from L Boulle, M Colatrella Jr and A Picchioni, Mediation: Skills and techniques, LexisNexis, San Fransisco, 2008 at p120

Exercise 练习

Reframing 框架重整

Compensation 赔偿 →

Damage 损失 →

Position 立场 →

Complaints 投诉/不满 →

Past 过去 →

Actual Loss 实际损失

Financial and other arrangements
金钱或其他安排

Interest 利益

Needs 需要

Future 未来

A person is seen from behind, standing in a field of vibrant yellow flowers. Their arms are raised, and their hands are positioned to form a heart shape against a clear, bright blue sky. The overall mood is peaceful and hopeful.

指责的背后是需要
***WHERE THERE IS A BLAME,
THERE IS A NEED.***

From Josephine Ma 馬嫻儔

Reframing Exercise

框架重整

练习 1

He is the most uncooperative employee I have ever had.

他是我见过最不合作的雇员。

There are concerns about the business running smoothly and with a spirit of cooperation between all parties.

对于业务顺利的进行及各方之间的合作有点关注。

Reframing Exercise

框架重整
练习 2

It is a matter of principle that our company cannot tolerate them to sell those goods to any other party.

本公司的原则是不能容忍他售卖该货品给其他人士。

Exclusive sale of those goods to your company is important to you.

向贵公司独家销售这些商品对您来说很重要。

Reframing Exercise

框架重整
练习 3

Please tell me your position in relation to the damages payable for for the breach of contract.

请你告诉我在违反合同 这件事上你的立场。

- **Please tell me what happened to the contract.
How did it affect you?**

请你告诉我合同发生什么事？ 这事怎样影响你？

Reframing Exercise

框架重整
练习 4

Their lack of transparency is making it impossible to trust them.

他们缺乏透明度，让人无法信任。

- Addressing transparency issues can lay the groundwork for building a stronger, trust-based relationship.
- 解决透明度问题可以为建立更强的信任关系奠定基础。

Reframing Exercise

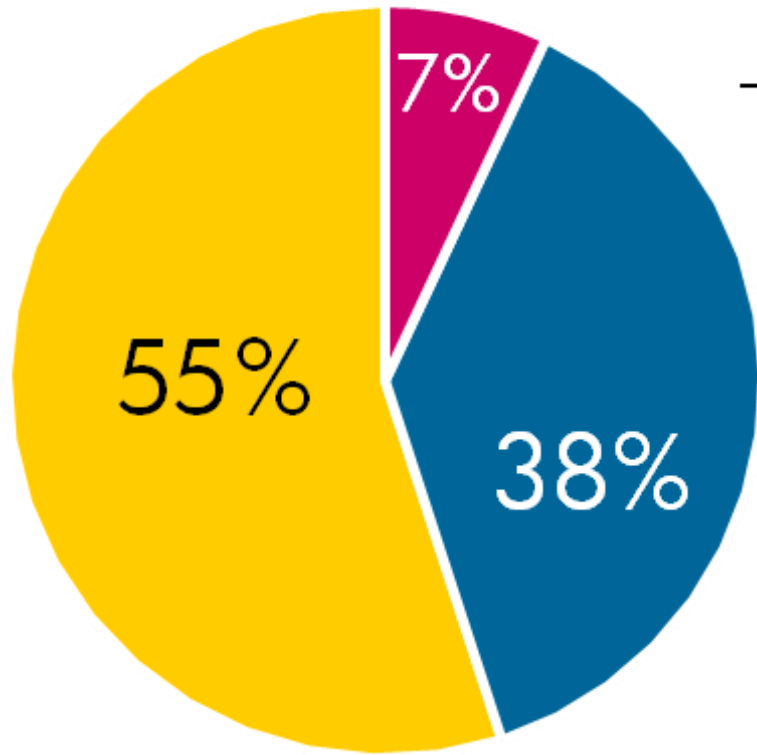
框架重整

练习 5

My injury is caused by the employer's failure to provide a safe work environment. I want to claim compensation from them.

我的受伤是由于雇主没有给我安全的工作环境，我要向他们追讨赔偿。

- You mentioned about your injury and have concern about the work environment. You would like to talk about financial arrangement.
- 你提到你的受伤，并且对于工作环境提出关注。你希望商量金钱安排。



Dr. Albert Mehrabian's 7-38-55% Rule

Elements of Personal Communication 溝通的元素

- 7% spoken words 文字
- 38% voice, tone 語調
- 55% body language 身體語言

It is not **WHAT** you say.
不是你**说**什么

It is **HOW** you say it.
是你**怎样**说出来

Body Language

身体语言

- **Facial Expressions:** A smile can indicate friendliness, while a furrowed brow might signal confusion or concern

面部表情：微笑可以表示友好，而皱起的眉头可能表示困惑或担忧

- **Posture:** Standing or sitting upright can show confidence and engagement, whereas slouching might suggest boredom or fatigue

姿势：站直或坐直可以表现出自信和投入，而懒散可能表明无聊或疲劳

- **Eye Contact:** Direct eye contact can convey attentiveness and sincerity, while avoiding eye contact might suggest discomfort or dishonesty

眼神交流：直接的眼神交流可以传达注意力和真诚，而避免眼神接触可能暗示不适或不诚实

Body Language 身体语言

- **Gestures:** Hand movements can emphasize a point, while tapping on a surface might indicate impatience or nervousness

手势：手部动作可以强调某个点，而点击表面可能表示不耐烦或紧张

- **Proxemics (Use of Space):** How close or far you stand from someone can signal comfort, intimacy, or dominance. Standing too close might make someone feel uncomfortable, while too much distance might imply disinterest or detachment

空间使用：您与某人的距离可以表示舒适、亲密或支配。站得太近可能会让人感到不舒服，而站得太远可能意味着不感兴趣或疏离



Feelings in
Mediation
调解中的感受

Can you Ignore Feelings in Mediation?
你可忽略调解中的感受吗?
Sometimes Yes, 有些情况可以
Sometimes No 有些情况不可以
Repeat? 重复?

Emotions in Mediation 调 解中的感受

Emotions are integral part of disputes

情绪是争议不可或缺的一部分

Different people can have different emotions in the same situation - background, personalities, attitudes, intentions, intuitions, awareness, context and capacity for empathetic
不同的人在不同的情况下可以有不同的情绪——背景、个性、态度、意图、直觉、意识、背景和同理心能力

Emotions provide information for mediator: what is important?

情绪为调解员提供信息：

什么是重要的？

Common emotions in
commercial mediation

商业调解中的
常见情绪



DISGUST



NEUTRAL



ANGER



ANGER



ANGER



ANGER



FEAR



HAPPY



FEAR



DISGUST



FEAR



SAD



FEAR



FEAR



SAD

Possible Loss 可能的损失

Financial 财务

Reputational 声誉

Certain hopes and dreams 希望和梦想

Aspects of relationships 关系

Meaningful parts of their identity 身份的意义

Needs of Parties in Conflict

冲突各方的需要

To be heard 被聆听

Accurate empathy 准确的同理心

Validation 明白和确认

Respectful, appropriately paced process of dealing
with the conflict

尊重、处理冲突过程适当的节奏和速度

Empathy 同理心

Mediators who can manage emotions
are more likely to achieve resolution

能够管理情绪的调解员更有可能达成和解

Be prepared to *empathize* and **not**
sympathize

准备表达同理心 而不是 同情/可怜

Empathy and Sympathy

同理 与 同情

Empathy involves putting yourself in the other person's shoes and understanding WHY they may have these particular feelings. “I understand that you are in pain.”

同理心包括设身处地 去理解他人，并理解他们为什么会有这些特殊的感受。

“我明白你很痛苦。”

Sympathy is when you share the feelings of another e.g. feelings of pity and sorrow for someone else's misfortune. “I am sorry you are in pain.”

同情是指你 对于另一个人的感受，你有相同的感受，例如对别人不幸你感到怜悯和悲伤。

“我对于你的痛苦 感到怜悯。”

同理心是

Empathy is...

seeing with the eyes of another,

以别人的眼睛去看

listening with the ears of another,

以别人的耳朵聆听

and feeling with the heart of another.

以别人的心去感受

Empathy in mediation: why? 调解中的同理心：为什么？



**BUILD
RAPPORT &
CONNECTION**

建立
信任和连结



**FOSTER THE
FEELING OF
BEING
UNDERSTOOD
& VALUED**

促进
被理解和
重视的感觉



**FOSTER
TRUST**
促进信任



**SOOTH
EMOTION**
舒缓情感

Can empathy
be trained?
同理心可以
被训练吗?

■ **YES!** 可以!

Research shows that empathic capacity can be improved by training.

研究表明，同理心可以通过训练来提高。



THE
E.M.P.A.T.H.Y.

ACRONYM

缩写

EMPATHIC HEART

同理的心



EMPATHIC MINDSET

同理心的思维

How to foster Empathy?
如何培养同理心?

Empathic Heart 同理的心

Embrace 包容和接受

Appreciate 认识和欣赏

Respect 尊重

Differences 差异



Empathic Heart +
Empathic Mindset
同理的心 +
同理的思维

Think Positive
正面思想

Open Heart
Open Mind
开放的心
开放的心态

**Shut out the
Negatives**
停止负面

No judgment
No bias
没有判断
无偏见



Respect the diversity of human nature

尊重人性的多样性

Self-Awareness

Understand

Accept and Respect

自我意识

明白

接受和尊重

Empathy starts from
同理心由

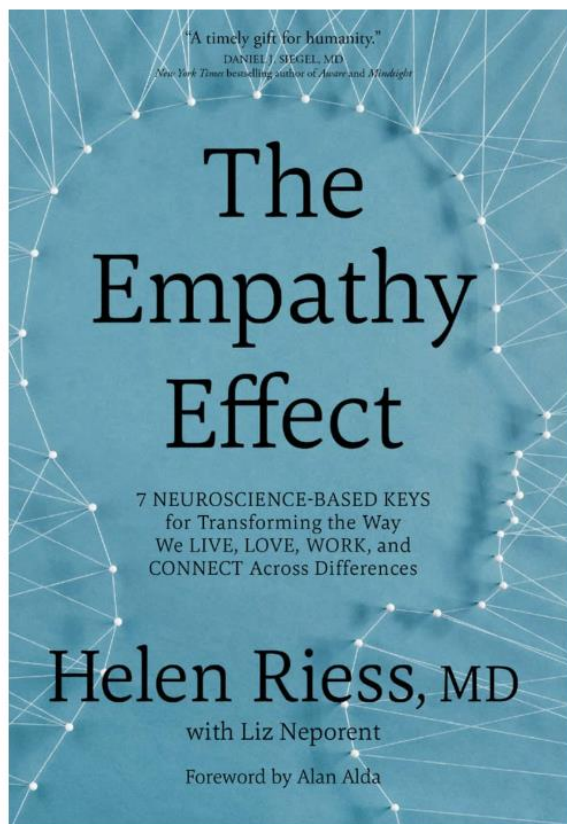
Empathic Heart
同理的心

Empathic Mindset
同理的思维开始



Empathic Listening and Response

同理地聆听和回应



The **E.M.P.A.T.H.Y.** acronym 缩写

- E** **Eye Contact** 眼神接触
- M** **Muscles of facial expression** 面部表情肌肉
- P** **Posture** 姿势
- A** **Affect** 情感
- T** **Tone of voice** 声音的语调
- H** **Hearing the whole person** 听到全人
- Y** **Your response** 你的回应



How to acknowledge feelings? 如何 确认感受?

“So you feel frustrated ...”

“所以你感到沮丧...”

“Sounds like you are
confused..”

“听起来你好像很困惑...”

“You seem upset...”

“你好像很不高兴...”

“That must be difficult...”

“那一定很困难...”

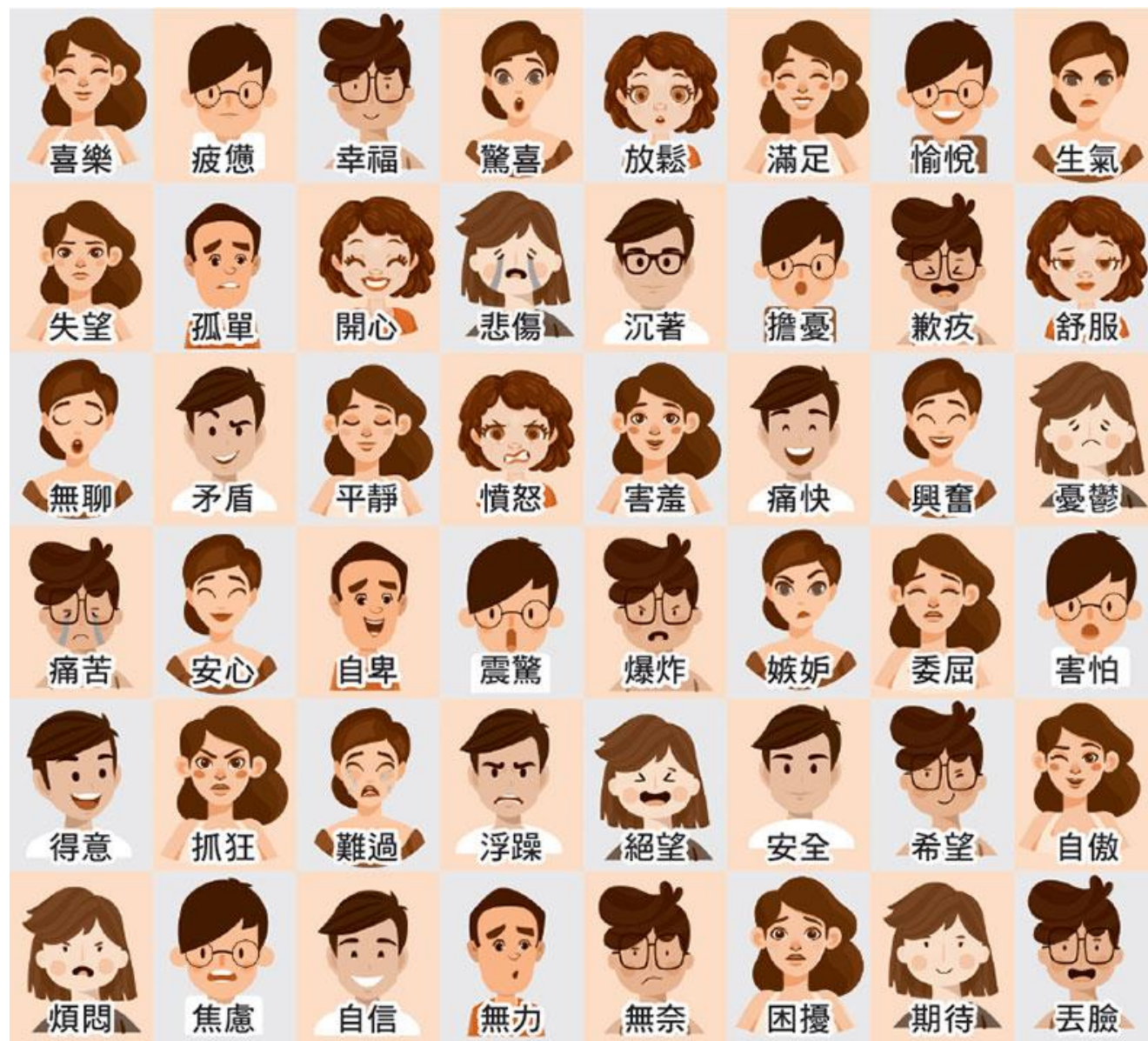
“It sounds as if you...”

“听起来好像你...”

“You’re angry about...”

“你生气了， 因为...”

确认并肯定 情绪的表达



Acknowledging and validating the expression of emotions



grieving



excited



nervous



confident



frightened



regretful



surprised



hurt



proud



calm



enraged



happy



angry



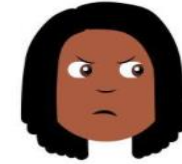
guilty



peaceful



aggressive



impatient



hopeful



disappointed



determined



joyful



ashamed



humiliated



withdrawn



apologetic



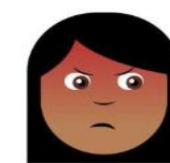
grateful



hopeless



lonely



annoyed



jealous

正面情绪 (Positive Emotions)

- ▶ 热心 Enthusiastic, 渴望 Eager / Longing, 兴奋 Excited, 兴高采烈 Elated / Overjoyed, 欢呼 Cheerful, 欢乐 Joyful, 鼓舞 Inspired, 满足 Content / Satisfied, 喜出望外 Overjoyed, 快乐 Happy, 振奋 Uplifted, 刺激 Thrilled, 愉快 Pleased, 高兴 Glad / Delighted, 欣喜若狂 Ecstatic, 感兴趣 Interested, 期待 Anticipating, 充满希望 Hopeful, 轻松 Relaxed, 乐观 Optimistic, 着迷 Fascinated, 满意 Satisfied, 平静 Calm, 和平 Peaceful, 沉着 Composed, 舒适 Comfortable, 惊奇 Amazed, 惊讶 Surprised, 好奇 Curious, 可笑 Amusing


负面情绪 (Negative Emotions)

- ▶ 担心 Worried, 困扰 Troubled / Disturbed, 紧张 Nervous, 焦虑 Anxious, 害怕 Afraid, 不安 Uneasy, 烦躁 Agitated / Irritated, 麻烦 Troublesome, 沮丧 Depressed, 失望 Disappointed, 心灰意冷 Disheartened, 贫困 Impoverished, 空虚 Empty, 气馁 Discouraged, 悲伤 Sad, 悲惨 Miserable, 可怕 Terrible, 不舒服 Uncomfortable, 糟糕 Awful, 受伤害 Hurt, 恼怒 Annoyed, 孤独 Lonely, 绝望 Hopeless, 悲观 Pessimistic, 苦恼 Distressed, 心烦意乱 Upset, 烦扰 Bothered, 愤怒 Angry, 被冒犯 Offended, 怨恨 Resentful, 苦涩 Bitter, 矛盾 Ambivalent, 困惑 Confused, 羞愧 Ashamed, 迷失 Lost, 犹豫 Hesitant, 不适 Unwell, 孤立 Isolated, 超然 Detached, 流离失所 Displaced, 昏昏欲睡 Drowsy, 无精打采 Listless, 没有动力 Unmotivated, 被支配 Dominated, 窒息 Suffocated, 受害 Victimized, 受阻 Hindered, 震惊 Shocked, 不知所措 Overwhelmed, 尴尬 Embarrassed

EMOTIONS IN MEDIATION

调解中的情绪

- ▶ Effective mediators need to be aware of psychological aspects of the dispute
有效的调解员需要意识到争议的心理
- ▶ Sometimes these are obvious and other times they are not
有时这些是显而易见的，有时则不是
- ▶ **Ventilation -> Acknowledgement is usually enough**
发泄-> 确认通常就足够了
- ▶ Witness 见证



Art 艺术

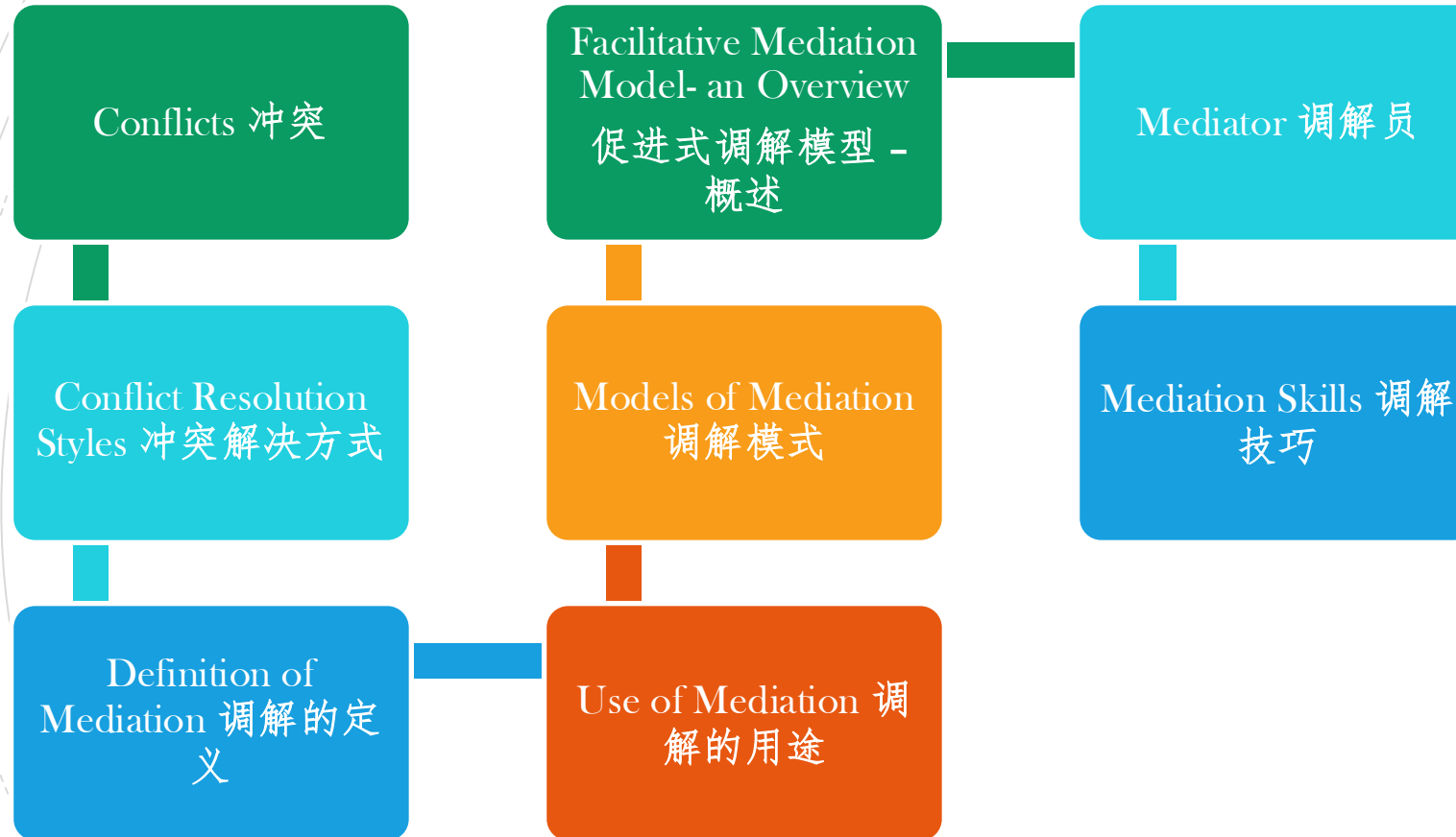
Communication 沟通

Other Skills

其他技巧

- Note taking - shows interest 记笔记 - 表现出兴趣
- Visuals - whiteboard or flipchart 视觉效果 - 白板或活动挂图
- Good drafting skills 良好的草拟协议技巧

We have learn
我們學習了



马嫫嫫 律师-调解员-调解导师

本课程由马嫫嫫律师编写。如需引用本课程的部分资料作教学用途，以促进和平与提升调解技能，马律师乐意支持。请与马律师联系商议，以便马律师提供进一步协助。谢谢。
马律师的联系方式：masoso@masoso.com 和 WeChat 19518769649

「调解是一种生活态度」——这是马嫫嫫律师的格言。

马嫫嫫律师自1995年起成为香港执业律师。她是现任香港调解会（HKMC）副主席及香港调解会家事调解部门主席。她于2004年取得综合调解员及家事调解员资历双重认证，后晋升为家事调解监督。在2024年12月，她获委任并列入粤港澳大湾区调解员名册。

综合及商业调解实务

凭借超过二十年的调解经验，马律师在综合及商业纠纷领域拥有丰富的专业知识，并成功促成了无数民事、商业及跨境事务的和解。自2024年起，她一直保持着强大的跨境调解实务，特别专注于涉及香港与内地当事人的商业及金融纠纷。自2023年起，她亦于不同时期获委任为暂委副司法常务官（聆案官），主持香港区域法院的案件和解会议，以协助解决民事诉讼。自2010年起，她一直担任综合事务调解员资历认证的评核员，彰显了她所坚持的高水平专业标准。

家事调解及家族企业纠纷解决实务

马律师的专业领域不仅涵盖综合及商业事务，更延伸至有效解决离婚、家族企业及遗产纠纷。

马律师将先进的调解方法融入其家事实务中，特别专注于涉及复杂关系与情感动态的家族企业、遗产及离婚纠纷。她将敏锐的法律触觉与对家庭系统的细微理解相结合，促成切实可行且持久的和解方案。她已成功调解了无数复杂的家事案件，实现庭外和解，从而降低了诉讼成本及情感压力。

调解技巧

马律师拥有中国香港比较法、佛学，以及家庭辅导及家庭教育三个不同领域的硕士学位。这种多元而跨领域的教育背景，丰富了她的世界观，使她在调解过程中能够获得更深刻的洞察力，并有效协助当事人。她与时俱进，精益求精，近年积极从世界各地引进不同的调解方法。她擅长运用多种调解策略，包括促进式调解（Facilitative Mediation）、转化式调解（Transformative Mediation）、评估式调解（Evaluative Mediation）、叙事式调解（Narrative Approaches）及高冲突调解（High Conflict Mediation Approaches）。透过运用创新且灵活的方法、哲理智慧及辅导教育技巧，她为每个个案度身订造独特的调解模式，协助各方在复杂的争议中走向和谐与解决方案。

调解教育

除了调解实务外，马律师亦是一位备受尊敬的调解培训导师，为香港、澳门及中国内地超过千名专业人士提供调解及谈判技巧培训。她同时也是调解认证培训课程的导师。

最近，她更将致力于培养和平缔造者的承诺延伸至学术界，担任香港科技大学的教授，教授与维护家族企业和谐相关的课程。

作为社区工作的一部分，马律师投入社区调解教育和朋辈调解教育已超过十年——从最初教授小学生，到后来为中学授课及撰写调解课程教案。她始终致力于分享她的调解知识与热忱，为社会带来更多和谐与平安。



教学资料
Presentation

指责的背后是需求
Where there is a blame,
there is a need.

From Josephine Ma 馬嫻儂



Josephine Ma 馬嫻儂
中国香港



扫一扫上面的二维码图案，加我为朋友。