

# Financial Dispute Resolution Centre

## FDRC: WHO ARE WE?

The Financial Dispute Resolution Centre (“FDRC”) is a non-profit organisation which administers a Financial Dispute Resolution Scheme (“FDRS”) in an independent and impartial manner to resolve financial disputes between customers and financial institutions by way of mediation and/or arbitration.

## OUR SERVICES

### Mediation

Mediation is a structured process in which an impartial mediator, without adjudicating a dispute or any aspect of it, assists the parties to the dispute to identify the issues in dispute, explore and generate options, communicate with one another and reach an agreement.

### Advantages of Mediation

- Focus on Interests
- Informed Decision
- Flexible
- Consensual
- Confidential
- Efficient and Effective

### Arbitration

Arbitration is a private and confidential dispute resolution process whereby an independent and impartial arbitrator acts as an umpire to decide the dispute based on the merits of each party’s case.

### Advantages of Arbitration

- Relatively Fast
- Confidential
- Final and Binding Award



## WHO ARE MEMBERS OF FDRS?

All the Financial Institutions (“FI”) authorised by the Hong Kong Monetary Authority and/or licensed by the Securities and Futures Commission (except those providing only credit rating services) are members of FDRS.

## WHO ARE ELIGIBLE CLAIMANTS?

In accordance with Terms of Reference (Jan 2018), they are individuals, sole proprietors or small enterprises (“SE”)\* who:

- had/have customer relationship with a member of FDRS; or
- have been rendered any financial services by any member of FDRS.

*\* SE means a limited company or a partnership, and in accordance with SE’s or its group’s latest financial year end statement has:*  
*1) an annual turnover not exceeding HK\$50 million; and*  
*2) gross assets not exceeding HK\$50 million; and*  
*3) not more than 50 employees in Hong Kong.*

In accordance with Terms of Reference (Feb 2014), the Eligible Claimants are individuals or sole proprietors.

## WHAT IS AN ELIGIBLE DISPUTE?

An Eligible Dispute is one which:

- involves an Eligible Claimant (“EC”) and a member of FDRS;
- is of monetary nature;
- must arise out of a contract between the EC and the FI that was entered into or arose in Hong Kong, or any act or omission of the FI in connection with the provision of a Financial Service to an EC where the FI acted as an agent.

*In accordance with Terms of Reference (Jan 2018), the FDRC may handle claims whose date of first knowledge of loss by the claimant falling on or after 1 Jan 2018. The terms in relation to SE are effective from 1 Jul 2018.*

*The claim may be up to HK\$1,000,000 and/or within the 24 months limitation period from the date on which the claimant first had knowledge of his/her loss. (“Standard Eligible Disputes”)*

*Subject to the parties’ consent, the FDRC may handle cases with a claim exceeding HK\$1,000,000 and/or beyond the 24 months limitation period. (“Extended Eligible Disputes”)*

*Terms of Reference (Feb 2014) applies for claims from individuals or sole proprietors, whose first knowledge of loss before 1 Jan 2018. The maximum claimable amount is HK\$500,000 and the limitation period is 12 months.*

*For more details, please refer to the FDRS Guidelines on Intake Criteria of Cases on FDRC website.*

## HOW TO PROCEED?

### Contact FDRC and Making an Application

- Call Hotline: **(852) 3199 5199**
- Attend a free enquiry meeting
- Submit application form and fees

## DISPUTE RESOLUTION PROCESS

### Mediation First, Arbitration Next

- The FDRC is set up to administer the FDRS by way of primarily Mediation and, failing which and if the EC so wishes, Arbitration, for Standard Eligible Disputes and cases under Terms of Reference (Feb 2014).
- Subject to the parties' consent, the parties may choose this process for Extended Eligible Disputes.

### Mediation Only

- Subject to the parties' consent, the parties may choose this process for Extended Eligible Disputes.

### Arbitration Only

- Subject to the parties' consent, the parties may choose this process for Extended Eligible Disputes.



## FEES AND CHARGES

**(for Terms of Reference (Jan 2018), Standard Eligible Disputes)**

(HK\$)	Applicant/ Eligible Claimant	Financial Institution
<b>Making Enquiries</b>	<b>Nil</b>	<b>Nil</b>
<b>Filing an Application Form</b>	<b>\$200</b>	<b>Not Applicable</b>
<b>Mediation Specified Mediation Time (4 hours)</b> Amount of claim: <ul style="list-style-type: none"><li>• Less than \$200,000</li><li>• Between \$200,000 and \$1,000,000</li></ul>	<b>Per Case</b>  \$1,000 \$2,000	<b>Per Case</b>  \$5,000 \$10,000
<b>Extended Mediation Time</b> Amount of claim: <ul style="list-style-type: none"><li>• Less than \$200,000</li><li>• Between \$200,000 and \$1,000,000</li></ul>	<b>Per hour or part thereof</b>  \$750 \$1,500	<b>Per hour or part thereof</b>  \$750 \$1,500
<b>Arbitration (amount of claim up to \$1,000,000)</b> <ul style="list-style-type: none"><li>• Documents-only</li><li>• In-person hearing (in addition to the fees payable for documents-only Arbitration)</li></ul>	<b>Per Case</b>  \$5,000 \$12,500	<b>Per Case</b>  \$20,000 \$12,500

*\* All fees and charges are non-refundable.*

*\* Total mediation fees (including fees for extended mediation time) are capped at HK\$20,000 per case, for the amount of claim up to HK\$1,000,000.*

*\* If the Eligible Claimant is a member of FDRS, the total mediation and arbitration fees will be shared with the Financial Institution equally.*

*\* Detailed fee schedule including claims exceeding HK\$1,000,000 is available on FDRC website.*

*\* For fees and charges under Terms of Reference (Feb 2014), please refer to the FDRC website or call our hotline (852) 3199 5199.*



金融糾紛先調解  
達致雙贏平又快

Financial dispute mediation  
Towards a win-win solution



## 金融糾紛調解中心

### 關於調解中心

金融糾紛調解中心（「調解中心」）是一間非牟利機構，獨立持平地管理一個金融糾紛調解計劃（「調解計劃」），以調解及/或仲裁的方式，解決客戶與金融機構間的金錢爭議。

### 服務範圍

#### 調解

調解是一個有組織的程序，由不偏不倚的調解員在不對某項爭議或其任何部份作出判決的情況下，協助爭議各方找出爭議點，探求和擬訂解決方案，互相溝通，以及就解決爭議達成協議。

#### 調解的優點

- 關注雙方需要
- 知情下決定
- 安排靈活
- 尊重雙方意願
- 保密
- 快捷有效

#### 仲裁

仲裁是一個非公開和保密的過程，由獨立公正的仲裁員，根據爭議雙方的理據，裁決有關爭議。

#### 仲裁的優點

- 相對省時
- 保密
- 裁決為最終決定且具有約束力

### 誰是調解計劃的成員？

所有受香港金融管理局認可及 / 或領有證券及期貨事務監察委員會所發牌照的金融機構（只從事提供信貸評級服務的機構除外），均是調解計劃的成員。

### 誰是合資格申索人？

按照《職權範圍》（2018年1月），合資格申索人是個別人士、獨資經營者或小型企業（「小企」）：

- 現時或過去與調解計劃成員有客戶關係；或
- 曾獲調解計劃的任何一名成員提供金融服務。

「小企」是指有限公司或合夥企業，並根據該小企或其集團最近一個財務年度的年終報表顯示：

- 1) 其年度營業額不超過港幣5,000萬元；及
- 2) 其總資產不超過港幣5,000萬元；以及
- 3) 其在香港的員工人數不超過50人。

按照《職權範圍》（2014年2月），合資格申索人是個別人士或獨資經營者。

### 甚麼是合資格爭議？

合資格爭議是：

- 牽涉一名合資格申索人及一名調解計劃成員；
- 屬金錢性質；
- 必須由合資格申索人與金融機構在香港簽訂或制訂的合約或當金融機構作為代理人時，向合資格申索人提供金融服務時的任何作為或不作為所引起的。

按照《職權範圍》（2018年1月），調解中心可處理2018年1月1日當日或之後首次知悉損失的申索。與小企有關的條款則於2018年7月1日生效。

有關申索最高為港幣100萬元及/或在合資格申索人首次知悉其損失之日起的24個月申索時效期限內提出的。（標準合資格爭議）

在雙方同意下，調解中心可以處理一些超出港幣100萬元及/或超出24個月申索時效期限的個案。（延伸合資格爭議）

根據《職權範圍》（2014年2月），由個別人士或獨資經營者提出的申索之首次知悉損失的日期於2018年1月1日之前，其最高申索金額為港幣50萬元及提出申索的時效期限為12個月。

有關詳情請參閱調解中心網頁上的調解計劃《個案受理準則指引》。

### 如何進行？

#### 聯絡調解中心及提交申請

- 致電熱綫：(852) 3199 5199
- 參與免費諮詢面談
- 遞交申請表及費用

### 爭議解決程序

#### 先調解，後仲裁

- 調解中心是為管理調解計劃而成立的。該項計劃是先以調解方式處理爭議；如調解失敗，則會按合資格申索人的意願提交仲裁，這個程序適用於《職權範圍》（2014年2月）及標準合資格爭議的個案。
- 如是延伸合資格爭議，並在雙方同意的情況下，可以選擇這個程序。

#### 只調解

- 如是延伸合資格爭議，並在雙方同意的情況下，可以選擇這個程序。

#### 只仲裁

- 如是延伸合資格爭議，並在雙方同意的情況下，可以選擇這個程序。



### 收費表

（《職權範圍》（2018年1月），標準合資格爭議）

（港幣）	申請人/ 合資格 申索人	金融機構
查詢	免費	免費
遞交申請表	\$200	不適用
調解 指定的調解時間(4小時) 申索金額： • 少於\$200,000 • 介乎\$200,000 至 \$1,000,000	每宗個案 \$1,000 \$2,000	每宗個案 \$5,000 \$10,000
經延長的調解時間	每小時或不足 一小時	每小時或不足 一小時
申索金額： • 少於\$200,000 • 介乎\$200,000 至 \$1,000,000	\$750 \$1,500	\$750 \$1,500
仲裁 （申索金額不多於 \$1,000,000） • 只審理文件 • 親身出席聆訊 （在「只審理文件」 的仲裁費用外須另 付的費用）	每宗個案 \$5,000 \$12,500	每宗個案 \$20,000 \$12,500

- \* 所有費用一經繳付，將不獲退回。
- \* 申索金額至港幣100萬元，調解費用總額（包括經延長的調解時間的費用）的上限為港幣2萬元。
- \* 若合資格申索人為調解計劃成員，調解費及仲裁費總額將與金融機構平均分攤。
- \* 包括申索金額超出港幣100萬元的詳盡收費表，請參閱調解中心網頁。

- \* 有關《職權範圍》（2014年2月）的收費表，請參閱調解中心網頁或致電調解中心熱線(852) 3199 5199查詢。

### 聯絡我們 CONTACT FDRC

上午9時 - 下午5時30分（星期一至星期五，公眾假期除外）  
9:00am - 5:30pm (Mon to Fri, except public holidays)

網址 Website **www.fdrc.org.hk**

熱線 Hotline **(852) 3199 5199**

傳真 Fax **(852) 2565 8662**

電郵 Email **fdrc@fdrc.org.hk**

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