

Confidentiality Agreement
《保密協議書》

To be completed by persons attending the mediation other than the Complainant(s), the Member(s) and the Mediator prior to the mediation.

由投訴人、涉案的會員公司和調解員以外，參與調解的人士於調解開始前填寫及簽署。

To: The Complainant(s)
The Member(s)
The Mediator

致：投訴人
涉案的會員公司
調解員

In consideration of my being permitted to attend the mediation between _____ (the Complainant(s)), _____ (the Member(s)) and _____ (the Mediator);

作為准予出席_____（投訴人）與_____（涉案的會員公司）和_____（調解員）之間的調解，

1) I agree to be personally bound by the confidentiality provisions of the ICB Mediation Rules (i.e. Clauses 29-33 as set out in the Schedule attached) enclosed to the Agreement to Mediate signed by the Complainant(s), the Member(s) and the Mediator on _____ as if I was a party to the mediation.

本人同意受投訴人、涉案的會員公司和調解員於_____年_____月_____日簽署的《調解協議書》隨附的投訴局《調解規則》內保密條款（載於附表第 29 至 33 條）的約束，猶如本人是參與調解的其中一方。

(2) I shall not disclose or use any information relating to the mediation nor act as a witness in any subsequent proceedings, save as required by any law, regulation or order of court.

本人不會披露或使用任何與調解有關的資料，或在任何其後進行的訴訟程序中擔任證人，除了因成文法、規例或法院命令另有規定外。

Signature 簽署： _____

Name 名稱： _____

Capacity 身份： _____

Date 日期： _____

Schedule 附表

Clause 29-44 of the ICB Mediation Rules provides as follows:

投訴局《調解規則》第 29 至 33 條節錄如下：

29. The mediation shall be conducted on a confidential and without prejudice basis.
調解必須在保密和不偏不倚的情況下進行。
30. The fact that mediation has occurred, is continuing or has been concluded shall not be considered as confidential.
曾經進行、繼續進行或已結束調解的事實，則無須視為機密。
31. All documents, communications and information disclosed by any Party for the purpose of or related to the mediation process shall be disclosed on a without prejudice basis and no privilege or confidentiality shall be waived by such disclosure. Confidentiality extends to the Mediation Settlement Agreement except where its disclosure is necessary for implementation or enforcement.
任何一方當事人因調解程序或與調解程序有關而披露的所有文件、往來函件和資料須在無損權益的基礎上作出披露，而有關披露並不同於對特權或保密權的放棄。保密規定包括《經調解的和解協議書》，除非直接因實施和執行該等和解協議而必須披露有關資料，則屬例外。
32. Where a Party discloses to the Mediator any document, communication or information in confidence before, during or after the mediation, the Mediator shall not disclose such information to any other Party or person without the consent of the Party disclosing it, unless and to the extent compelled by law, regulations or an order of court.
當某一方當事人於調解進行之前、期間或之後，私下向調解員披露任何文件、通訊或資料，調解員在未取得披露資料一方當事人同意之前，不得向另一方當事人或他人披露該等資料，除非是法例、法規或法庭命令強制披露，則作別論。
33. The Parties' obligation of confidentiality is not affected by, and continues with full force and effect after, the conclusion of the mediation.
在調解結束後，雙方當事人的保密責任仍然有效及必須遵守。