

Construction Industry Council

Committee on Subcontracting

Meeting No. 003/13 of the Committee on Subcontracting for 2013 was held on 9 July 2013 (Tuesday) at 2:30pm at Meeting Room 1, CIC Headquarters, 15/F Allied Kajima Building, 138 Gloucester Road, Wan Chai, Hong Kong.

Summary Notes of the Committee on Subcontracting Meeting No. 003/13.

Agenda Item	Paper	Major Resolutions/ Progress Highlights
3.1	CIC/SBC/R/002/13	<u>Confirmation of the Progress Report of the 2nd Meeting for 2013</u> Members confirmed the progress report of the previous meeting held on Tuesday, 16 April 2013 at Meeting Room 1, CIC Headquarters, 15/F Allied Kajima Building, 138 Gloucester Road, Wan Chai, Hong Kong.
3.2		<u>Matters Arising from the Last Meeting</u> Item 2.2.2 - The Secretariat would study how the specimen employment contract could be promoted for wider adoption among Registered Subcontractors for their employees.
3.3	CIC/SBC/P/009/13 (for information)	<u>Formation of the Working Group on the Review of the Implementation of the Dispute Resolution Mechanism</u> As the Chair of the working group, Mr. Cheung Tat-tong was invited to be a Co-opted Member of the Committee on Subcontracting with immediate effect.

Agenda Item	Paper	Major Resolutions/ Progress Highlights
		<p>REDA was re-requested to nominate a representative to serve the working group as member representing employer from private sector.</p> <p><i>[Post meeting note: REDA has nominated their Mr. Elvin CHIU to join the working group as member.]</i></p>
3.4	CIC/SBC/P/010/13 (for information)	<p><u>Provision of Services for Conducting Consultancy Study on the Adoption of Dispute Resolution Advisor System to the Subcontract</u></p> <p>The task force was formed to deliberate and review the feasibility of introducing DRA system in the subcontract level, therefore REDA was not being invited to participate in the task force as DRA had not even been adopted in the main contract level of private sector; whereas, the Contractor’s Authorised Signatory Association was invited to submit a nomination if they could take part in the work of the task force.</p>
3.5	CIC/SBC/P/011/13 (for information)	<p><u>Update on the Working Group on Security of Payment Legislation for the Construction Industry</u></p> <p>Ten meetings had been held to discuss over 40 major issues since the establishment of the Working Group on Security of Payment Legislation for the Construction Industry in October 2012. A number of controversial issues would be brought up for further deliberation in the next round of discussion. It was anticipated that discussion within the Working Group would be completed in late 2013 followed by a public consultation in early 2014. DEVB targeted at introducing the bill to the Legislative Council in 2015 – 2016.</p>
3.6	CIC/SBC/P/012/13 (for information)	<p><u>Update on SRS Operations</u></p> <p>In view of the high attendance rates of the previous sessions and enhancing interaction with stakeholders, the Secretariat would continue to organise briefing session on a monthly basis to</p>

Agenda Item	Paper	Major Resolutions/ Progress Highlights
		<p>keep subcontractors abreast of the requirements for the registration scheme. The hearing of regulatory action would be organised once every quarter.</p> <p>The following key issues were highlighted:</p> <ul style="list-style-type: none">• An appeal against the decision of the Management Committee on the regulatory action was lodged by a Registered Subcontractor who had been convicted by the court of late payment of MPF contributions. An independent appeal panel comprised three representatives appointed by the CIC Chairman was formed to review the Management Committee's decision on the regulatory action.• Mr. Gilbert HC Tsang was nominated by the HKFEMC as a member of the Management Committee to replace Mr. C K Tsang who had resigned his membership of the Management Committee. With no further comments from Members, the Secretariat proceeded with the appointment process in accordance with the rules and procedures of SRS.
3.7	CIC/SBC/P/013/13 (for information)	<p><u>Items for Consultation</u></p> <p>A) Consultation on the Guidelines for Disclosure of Mediation Communications under s.8(2)(e) of the Mediation Ordinance Cap.620</p> <p>Com-SBC Members' comments, if any, will be collated and reviewed before submitting to the Department of Justice before 16 September 2013.</p> <p>B) Consultation on Hong Kong Mediation Accreditation Association Ltd (HKMAAL) Accreditation Standards for General Mediators</p> <p>HKMAAL invited CIC to comment on their accreditation standards for general mediators.</p>

Agenda Item	Paper	Major Resolutions/ Progress Highlights
		HKMAAL was incorporated by four founding members, viz., The Hong Kong Bar Association, The Hong Kong Law Society, Hong Kong International Arbitration Centre and Hong Kong Mediation Centre with an aim of setting standards for accreditation of mediators and assessors. Com-SBC Members' comments will be sought in next meeting.
3.8		<u>Any Other Business</u> Members commented that the scope of work and the terms of reference of the SRS should be reviewed to enhance the role and function of the registration scheme. Chairman opined that it might be necessary to re-activate the task force to conduct a comprehensive review of the mechanism and regulatory actions of the SRS.