



香港建造商會
Hong Kong Construction Association

12 April 2017

Hon Dennis KWOK Wing-hang
Chairman
Bills Committee on Arbitration and Mediation Legislation
(Third Party Funding) (Amendment) Bill 2016
Room 813, Legislative Council Complex
1 Legislative Council Road, Central, Hong Kong

Our Ref: 0200026759

By fax & post

2243 5509

Dear Hon Kwok,

HKCA strongly object to the application of Arbitration and Mediation Legislation (Third Party Funding) (Amendment) Bill 2016 to the Construction Industry

We are writing to you in your capacity of Chairman of the Bills Committee to object the below amendments of the above Bill.

We understand you have proposed an amendment to the Bill to allow legal practitioners to be Third Party Funders. This is despite the Law Reform Commission have on two occasions concluded that legal practitioners should not be permitted to fund, either directly or indirectly, arbitration or litigation because of the likelihood of conflict of interest and impartiality of legal professions.

As the largest users of arbitration in Hong Kong, our members share grave concern and we write to strongly object to this amendment and wonder why we've not been consulted. We consider that no Third Party Funding should be allowed for construction contracts disputes.

Yours sincerely,

Ringo Yu

Vice-President and Chairman of Civil Engineering Committee
/DL/II

cc. Hon Abraham SHEK, GBS, JP *Legislative Councillor*
Mr MA Siu-cheung, Eric, JP *Secretary for Development*