



香港財經分析師學會

THE HONG KONG SOCIETY OF FINANCIAL ANALYSTS

29th August 2014

Sent by Email and by Post

Financial Dispute Resolution Centre
15/F, AIA Hong Kong Tower
734 King's Road
Quarry Bay
Hong Kong

Dear Sirs/Madams,

Re: Consultation Document Concerning Proposed Amendments to The Financial Dispute Resolution Centre ("FDRC") Terms of Reference to Allow for Disciplinary Proceedings

The Hong Kong Society of Financial Analysts (HKSFA) is pleased to comment on the consultation concerning the proposed amendments to the FDRC Terms of Reference ("ToR"). The HKSFA is basically supportive of such amendments, which we believe as said, were drawn up with due regard to maintaining a high level of protection for confidentiality of mediation communication and to avoid the creation of unnecessary barriers to the course of natural justice.

Based on our position, we state our comments on the respective proposed amendments set out in the Consultation Document as follows:

1. We agree that, amendments to the FDRC ToR are helpful as they directly and efficiently communicated how a complaint against mediators would be handled under the FDRS, what would happen in the event of a complaint and how the complaint would be dealt with. Stating clearly this information in the ToR would provide the users of the FDRC's services assurance of the service quality;
2. We agree that, amendments to the FDRC ToR would allow the parties to mediation to lodge complaints to the FDRC without the fear of breaching the confidentiality requirements under the Mediation Ordinance and the FDRC Agreement to Mediate;
3. We agree that, amendments to the FDRC ToR would be an open and effective way in communicating to the mediators and arbitrators how mediation / arbitration communications would be dealt with in their provision of the mediation and arbitration service;
4. We agree that, in order to save operational cost and time in handling any complaints against mediators and/or arbitrators, amendments to the FDRC ToR shall provide a more straight-forward and economical way to handle confidentiality issues in handling complaints to the FDRC;
5. All in all, we agree that the proposed amendments are fair and reasonable to deal with the subject matter. However, FDRC should also ensure the change will not breach any laws or regulations and discourage people to use its services.

The HKSFA appreciates the opportunity to comment on the subject consultation document concerning the proposed amendments to the FDRC Terms of Reference to allow for disciplinary proceedings. We trust you find our comments useful and constructive.

Yours sincerely,
For and on behalf of
The Hong Kong Society of Financial Analysts

Jimmy Jim, CFA
Chair, Advocacy Committee

Ashley Khoo, CFA
Chair, Advocacy Committee