
Construction Industry Council

**Rules and Procedures for the Primary Register
of the Voluntary Subcontractor Registration Scheme**

**Version 9
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**Rules and Procedures for the Primary Register
of the Voluntary Subcontractor Registration Scheme**

Part 1 – Definitions

1. Definitions

1.1. In this set of rules and procedures, unless the context otherwise requires –

- (a) “Appeal Panel” means a panel constituted in accordance with clause 14 to hear appeals against decision reached by the Management Committee;
- (b) “company” means an entity with a valid business registration and includes incorporated companies, unincorporated companies and individuals;
- (c) “Government Registration Scheme” means a registration scheme operated by policy bureaux or departments of the Hong Kong Special Administrative Region Government, some examples of which are cited in Schedule 1;
- (d) “Management Committee” means the management committee constituted in accordance with clause 11;
- (e) “Primary Register” means a list of companies registered in accordance with this set of rules and procedures;
- (f) “Construction Industry Council” (CIC) means the body established by Section 4 the Construction Industry Council Ordinance;
- (g) “Registered Subcontractor” means a company listed on the Primary Register;
- (h) “Registration Particulars” means the information set out in items (1) to (6) of Schedule 3 to be provided by applicants;
- (i) “Scheme Operator” means an organization providing administrative support and services for the Voluntary

Subcontractor Registration Scheme (VSRS), which is currently the CIC;

- (j) “Scheme Owner” means the CIC, the entity owning the VSRS;
- (k) “Scheme Website” means the website providing public access to the Registration Particulars published in accordance with clause 7 and other announcements related to the VSRS;
- (l) “Secretariat” means the CIC Secretariat;
- (m) “specialty” means a specialty grouped under the trades listed in schedule 2 or other specialties relevant to these trades; and
- (n) “trade” means a trade listed in Schedule 2.

Part 2 – Application for Registration and Renewal

2. Application for Registration

2.1. A company may apply for registration on the Primary Register subject to compliance with the following entry requirements –

Requirement R1

completion of at least one job within the last five years as a main contractor/subcontractor in the trades and specialties for which registration is applied;

OR

comparable experience acquired by the applicant or its proprietors, partners or directors within the last five years.

Requirement R2

listings on one or more Government Registration Schemes relevant to the trades and specialties for which registration is sought.

2.2. An application shall be submitted to the Scheme Owner through the Scheme Operator in a specified format providing information and

supporting documents as stipulated in Schedule 3 and an undertaking executed by the applicant making use of the proforma in Schedule 4.

2.3. An application for registration shall be approved by the Management Committee subject to the applicant meeting the entry requirements and being considered suitable in all other ways for admission to the Primary Register. If the entry requirements covered in an application cannot be fully satisfied, the Management Committee may give approval for registration based on those trades and specialties where such requirements are met.

2.4. An approved registration shall be valid for two years from the approval date.

3. Renewal of Registration

3.1. A Registered Subcontractor shall apply for renewal within three months before the expiry date of his registration by submitting an application to the Scheme Owner through the Scheme Operator in a specified format providing information and supporting documents as stipulated in Schedule 3 to show compliance with the entry requirements.

Provided that supporting documents are not required for trades or specialties satisfying the following conditions –

- (a) the trades or specialties are registered or renewed through entry requirement R1 in the previous application for registration, inclusion of additional trades or renewal; and
- (b) the experience submitted in the previous application for satisfying the entry requirements in relation to the trades and specialties is obtained within five years of the expiry of the current registration.

3.2. An application for renewal shall be subject to approval by the Management Committee. If some of the entry requirements covered in an application can no longer be satisfied, the Management Committee may give approval for renewal based on those trades and specialties where the requirements are met.

3.3. Written notice shall be served on a Registered Subcontractor whose application for renewal has not been received before the expiry date of his registration. Action will be taken to remove a Registered

Subcontractor from the Primary Register if his application for renewal is not forthcoming within 21 days thereafter.

3.4. An approved renewal shall be valid for two years from the expiry of the current registration.

4. Inclusion of Additional Trades and Specialties

4.1. A Registered Subcontractor may apply at any time for inclusion of additional trades and specialties in his registration by making a request to the Scheme Owner through the Scheme Operator.

4.2. A request for inclusion of additional trades and specialties shall be handled in the same way as an application for registration or renewal subject to the provision of information and supporting documents as stipulated in items 4 to 6 of Schedule 3. For the avoidance of doubt, inclusion of additional trades and specialties will not extend the validity period of a registration.

5. Updating of Registration Particulars

5.1. Where there are any changes to items 1 to 4 of the Registration Particulars, a Registered Subcontractor shall forward such details to the Scheme Owner through the Scheme Operator in a specified format with supporting documents as stipulated in Schedule 3.

5.2. A Registered Subcontractor shall seek to update items 1, 3 and 4 of the Registration Particulars within 14 days after changes thereto have taken place. Failure to do so may give rise to regulatory actions taken in accordance with clause 10.

6. Clarification and Additional Information

6.1. The Scheme Operator may ask for clarifications or supplement on the information and supporting documents submitted by an applicant. If a satisfactory response is not received within 14 days, the Management Committee may process the application based on available information.

7. Publication of Registration Particulars

7.1. Upon approval of his application, a Registered Subcontractor will be listed on the Primary Register and selected items of his Registration Particulars will be published in the Scheme Website.

7.2. Information published in the Scheme Website shall be updated to take account of subsequent renewal of registration, inclusion of additional trades and change of Registration Particulars.

8. Fees and Charges

8.1. An applicant shall pay the fees and charges stipulated in Schedule 5 when submitting his application.

9. Right of Review

9.1. An applicant aggrieved by a decision made by the Management Committee under clauses 2.3, 3.2 or 4.2 may file within 14 days a request for review to the Secretariat.

9.2. The review shall be heard within 42 days on receipt of a request. The Secretariat shall give the applicant not less than 14 days written notice stating the time and place for a hearing to take place.

9.3. During a review, the applicant or his authorized representative may make oral and written representations to the Management Committee. If neither the applicant nor his representative shows up, the Management Committee may adjourn the hearing or proceed with the hearing and pass a verdict based on available evidence.

Part 3 – Regulatory Actions

10. Regulatory Actions

10.1. The Secretariat or Scheme Operator shall inform the Management Committee of circumstances pertaining to a Registered Subcontractor that may call for regulatory actions. These circumstances may include, but are not limited to –

- (a) supply of false information when making an application for registration, renewal of registration or inclusion of additional trades;
- (b) failure to give timely notification of changes to the Registration Particulars in accordance with clause 5.2;
- (c) serious violations of the registration rules and procedures;

- (d) convictions of senior management staff (e.g. proprietors, partners or directors) under Sections 4(1), 5(1), 6, 7, 8 and 9¹ of the Prevention of Bribery Ordinance;
- (e) convictions for failure to pay wages on time to workers in accordance with provisions contained in Sections 23, 24 and 25² of the Employment Ordinance;
- (f) wilful misconducts that may bring the VSRS into serious disrepute;
- (g) convictions under sections 7, 7A and 43E³ of the Mandatory Provident Fund Schemes Ordinance;

OR

- (h) convictions under the Factories and Industrial Undertakings Ordinance or Occupational Safety and Health Ordinance in relation to serious construction site safety incidents resulting in one or more of the following consequences –
 - (i) loss of life; or
 - (ii) serious bodily injury resulting in loss or amputation of a limb or had caused or was likely to cause permanent total disability.

10.2. The Management Committee shall decide whether there is a prima facie case for conducting a hearing on regulatory actions. If so, the Secretariat shall give the Registered Subcontractor concerned not less than 14 days written notice advising on the time and place for the hearing and the grounds for initiating regulatory proceedings.

¹ The relevant headings are Section 4(1) – Bribery; Section 5(1) – Bribery for giving assistance etc. in regard to contracts; Section 6 – Bribery for procuring withdrawal of tenders; Section 7 – Bribery in relation to auctions; Section 8 – Bribery of public servants by persons having dealings with public bodies; Section 9 – Corrupt transactions with agents.

² The relevant headings are Section 23 – Time of payment of wages; Section 24 – Payment on completion; Section 25 – Payment on termination.

³ The relevant headings are Section 7 – Employer to arrange for employees to become scheme members, etc.; Section 7A – Employers and relevant employees required to contribute to registered scheme; Section 43E – Making of false or misleading statement.

10.3. At the hearing, the Registered Subcontractor or his authorized representative may attend and shall be given an opportunity to make oral and written representations. If the Registered Subcontractor or his representative does not attend at the time and place fixed for the hearing, the Management Committee may adjourn the hearing or proceed with the hearing and make a decision.

10.4. After the hearing, the Management Committee may instigate regulatory actions by directing that –

- (a) written warning be given to a Registered Subcontractor;
- (b) a Registered Subcontractor be suspended from registration for a specified duration;

OR

- (c) the registration of a Registered Subcontractor be revoked.

10.5. The Scheme Operator shall remove a Registered Subcontractor from the Primary Register for the specified period of suspension or on a permanent basis, as the case may be, and shall arrange to publish such regulatory actions on the Scheme Website.

10.6. A Registered Subcontractor whose registration has been revoked shall not be eligible for re-registration for a period of two years from the date of revocation.

Part 4 – Management Committee

11. Composition

11.1. The Management Committee shall be constituted in accordance with the composition outlined in Schedule 6.

12. Meetings

12.1. The Management Committee shall convene regularly to discharge its functions. On such occasions, the chairman and two other members shall form a quorum.

12.2. The Management Committee shall reach decisions by way of consensus, failing which a majority of votes shall prevail. Where there is an equality of votes, the chairman shall have a casting vote.

Part 5 – Appeal

13. Right of Appeal

13.1. An applicant or Registered Subcontractor aggrieved by the outcome of a review carried out under clause 9 or a decision of the Management Committee under clause 10 may file within 14 days, a notice with the Secretariat setting out the grounds for lodging an appeal.

13.2. An appeal shall be heard within 42 days on receipt of its notice. The Secretariat shall give the appellant not less than 14 days written notice stating the time and place for a hearing to take place.

14. Appeal Panel

14.1. An Appeal Panel shall comprise a chairman and two members appointed by Chairman of the CIC, all of whom shall not be directly affiliated with the Management Committee.

15. Appeal Proceedings

15.1. Proceedings of an Appeal Panel shall be conducted in the presence of the chairman and both members. During the proceedings the appellant or his authorized representative may make oral and written representations. If neither the appellant nor his representative shows up, the Appeal Panel may adjourn the hearing or proceed with the hearing and pass a verdict based on available evidence.

15.2. An Appeal Panel shall reach its verdict by majority of votes. Where there is an equal of votes, the chairman shall have a casting vote.

15.3. An Appeal Panel may uphold, reverse or vary any decisions reached by the Management Committee.

Part 6 – General Provisions

16. Declaration of Interest

16.1. Members of the Management Committee and Appeal Panels shall follow the guidelines and procedures in Schedule 7 to declare and avoid conflicts of interests in discharging their functions.

17. Notification of Decision

17.1. The decision of the Management Committee or an Appeal Panel shall be notified to the applicant or Registered Subcontractors in writing within seven days.

18. Retention of Documents

18.1. The supporting documents submitted with an application will be retained by the Scheme Operator for record purpose.

19. Company Policy on Ethics

19.1. Within one year upon joining the Primary Register, a Registered Subcontractor shall issue a written company policy on ethics to his staff declaring that –

- (a) it is the policy of the Registered Subcontractor not to allow his staff to solicit, offer or accept any advantage, whether in Hong Kong or elsewhere, in connection with local construction works undertaken by the applicant; and
- (b) any breaches of this policy will render the staff liable to internal disciplinary actions and will be reported to the Independent Commission Against Corruption.

19.2. A copy of the company policy on ethics shall be submitted through the Scheme Operator to the Scheme Owner for record within 14 days after it has been issued.

20. Service of Notice

20.1. Any notice given to an applicant or Registered Subcontractor

shall be delivered by post based on the Registration Particulars, whilst any correspondence with the Secretariat and Scheme Operator shall be served by post to their addresses shown on the Scheme Website.

21. Revision of Rules and Procedures

21.1. This set of rules and procedures, including the level of fees prescribed in Schedule 5, may be revised from time to time by the Management Committee. Where possible, advance notice of any such revisions may be given before they take effect.

Schedule 1**Examples of Government Registration Schemes**

Bureau/ Department	Registration Scheme	Scope
BD	Registered General Building Contractors Registered Specialist Contractors	Firms qualified to undertake building works under the Buildings Ordinance
EMSD	Registered Electrical Contractors Registered Lift Contractors Registered Escalator Contractors Registered Gas Contractors	Electrical contractors registered under the Electricity Ordinance Lift contractors registered under the Lifts and Escalators (Safety) Ordinance Escalator contractors registered under the Lift and Escalators (Safety) Ordinance Gas contractors registered under the Gas Safety Ordinance
FSD	Fire Service Installation Contractors	Firms qualified to undertake works relating to fire services installations
HA	Works Contractors	Firms that may undertake works in public housing projects
DEVB	Approved Contractors for Public Works Approved Suppliers of Materials and Specialist Contractors for Public Works	Firms that may undertake public works projects as main contractors Firms that may provide specialist materials and services for public works contractors (usually as subcontractors or suppliers)
WSD	Licensed Plumbers	Plumbers licensed under the Waterworks Ordinance

Abbreviations

BD	Buildings Department
EMSD	Electrical and Mechanical Services Department
FSD	Fire Services Department
HA	Housing Authority
DEVB	Development Bureau
WSD	Water Supplies Department

Schedule 2**Trade Classification**

Group	Trade	Specialty	
1. Structural and civil	1.1 Demolition	1.1.1 General demolition 1.1.2 Asbestos removal	
	1.2 Foundation and Piling		1.2.1 Sheet piles
			1.2.2 Bored piles
			1.2.3 Driven piles
			1.2.4 Diaphragm walls
			1.2.5 Micro piles
			1.2.6 Hand-dug caisson
	1.3 Concreting Formwork		1.3.1 Timber formwork
			1.3.2 Large panel formwork
			1.3.3 Metal/system formwork
	1.4 Reinforcement Bar Fixing		
	1.5 Concreting		
	1.6 Concrete Precast Component		1.6.1 Fabrication
			1.6.2 Erection
	1.7 Scaffolding		1.7.1 Bamboo scaffolding
			1.7.2 Metal scaffolding
1.8 Structural Steelwork			
1.9 General Civil Works		1.9.1 Earthwork	
		1.9.2 Roadworks	
		1.9.3 Road drainage and sewer	
		1.9.4 Geotechnical works	
		1.9.5 Marine works	
		1.9.6 Ground investigation	
1.10 Other Structural and Civil Trades		1.10.1 Pre-stressing system	
		1.10.2 Expansion joints	
		1.10.3 Heavy lifting	
		1.10.4 Surveying and setting out	
		1.10.5 Concrete repair	
1.11 Building Maintenance			
2. Finishing	2.1 Finishing Wet Trades	2.1.1 Brick/block work	
		2.1.2 Plastering and tiling	
		2.1.3 Spray plaster	
		2.1.4 Screeding	
	2.2 Marble, Granite and Stone Work		2.2.1 Marble/granite work
			2.2.2 Stone mason
	2.3 Joinery and carpentry		2.3.1 Cabinetry
			2.3.2 Wooden flooring
			2.3.3 Partition walls
			2.3.4 Work/counter top
	2.4 Window Fabrication and Installation		2.4.1 Aluminium window/louvers
			2.4.2 Steel windows/louvers
			2.4.3 Curtain wall/glass wall

Group	Trade	Specialty
		2.4.4 Other window system (such as mild steel and PVC)
2.5	Shutters/Doors Fabrication and Installation	2.5.1 Timber doors
		2.5.2 Metal doors
		2.5.3 Automatic sliding door
		2.5.4 Stainless steel door
		2.5.5 Roller and folding security shutter
		Fire rated door
		2.5.6 Fire rated door
		2.5.7 Fire shutter
2.6	Tanking and Waterproofing	
2.7	Painting	2.7.1 Brush painting
		2.7.2 Spray painting
2.8	Metal Work	2.8.1 Metal work
		2.8.2 Stainless steel work
		2.8.3 Metal roof/skylight/cladding space frame
2.9	Landscaping	2.9.1 Soft landscaping
		2.9.2 Hard landscaping
2.10	Other Finishing Trades and Components	2.10.1 Glazier work
		2.10.2 Ironmongery
		2.10.3 Artificial rocks
		2.10.4 <i>Cancelled</i>
		2.10.5 Sports and playground equipment/surface
		2.10.6 Raised floor
		2.10.7 False ceiling
		2.10.8 Toilet and shower cubicle system
		2.10.09 Dry wall system
		2.10.10 Signage and graphics
		2.10.11 Acoustic
		2.10.12 Fibre reinforced plastic panels
		2.10.13 Miscellaneous work
2.11	Renovation and Fitting-out	
3. E & M	3.1 Broadcast Reception Installation	
	3.2 Burglar Alarm and Security	
	3.3 Diesel Generator Installation	
	3.4 Electrical	3.4.1 Electrical wiring
		3.4.2 General electrical installation
		3.4.3 Electrical control and power panel assembly
	3.5 Electrical and Mechanical Installation for Sewage Treatment	

Group	Trade	Specialty
	3.6 Fire Services Installation	3.6.1 Fire services pipe work
		3.6.2 Fire services electrical fittings
	3.7 Fountain installation	
	3.8 Heating, Ventilation, and Air-conditioning	3.8.1 HVAC pipe work
		3.8.2 HVAC mechanical fitting
		3.8.3 HVAC control
		3.8.4 Sheet metal and ducting
		3.8.5 Insulation
	3.9 Industrial Type Electrical Installation	
	3.10 Lift and Escalators	3.10.1 Escalators and moving walkways mechanized fittings
		3.10.2 Lifts mechanical fitting
	3.11 Liquefied Petroleum Gas Installation	
	3.12 Low Voltage Cubicle Switchboard	
	3.13 Mechanical Handling and Lifting	
	3.14 Mechanical Plant and Equipment	
	3.15 Plumbing	3.15.1 Plumbing
		3.15.2 Building drainage and sewers
	3.16 Steam and Compressed Air Installation	
	3.17 Supply and Installation of Pumpsets and Associated Equipment	
	3.18 Supply and Installation of Water Treatment Plant	
	3.19 Swimming Pool Water Treatment Installation	
	3.20 Uninterruptible Power Supply	
	3.21 Other E&M Trades	3.21.1 Security and communication system
		3.21.2 Building automation system
		3.21.3 General mechanical fitting
		3.21.4 Signage
		3.21.5 Welding
		3.21.6 Gas installation
		3.21.7 Building maintenance unit
	3.22 Audio and Video Electronic Equipment	
4. Supporting Services	4.1 Tower Crane	4.1.1 Erection, dismantling and climbing
	4.2 Pipe Network for Delivery of Ready-mixed Concrete	

Group	Trade	Specialty
4.3	Site Lifting Operations	4.3.1 Material hoists
		4.3.2 Derricks
		4.3.3 Deck winching
		4.3.4 Mobile cranes
4.4	Hoarding	
4.5	Temporary Water Supply Installations	
4.6	Temporary Electricity Installations	
4.7	Temporary Protective and Safety Measures	4.7.1 Temporary fences for unfenced edges
4.8	Miscellaneous Cleaning services	4.8.1 Cleaning of completed building units prior to handing over to individual owners

Schedule 3**Information and Supporting Documents**

Items of Information	Supporting Documents
1. Company name and address	<p><u>Original</u> of Certified Extracts of Information on Business Register issued by the Inland Revenue Department (Form IRBR 152)</p> <p><u>For application for renewal</u>, companies incorporated under the Companies Ordinance need NOT submit Form IRBR 152.</p> <p><u>Copy</u> of effective Business Registration Certification</p>
2. Other contact details	Nil
3. Company proprietors, partners and board of directors	<p><u>Photocopy</u> of latest Annual Return and receipt issued by the Companies Registry (for incorporated companies only)^{Note 1}</p>
4. Qualifications on Government Registration Schemes	<p><u>Photocopy</u> of the registration certificates or approval letters granted by policy bureaux or government departments, including those relevant to the trades or specialties for which registration/renewal is sought through entry requirement R2.</p>
5. Projects undertaken (e.g. scope, nature and value of works, employers) or comparable experience	<p><u>Photocopy</u> of documents proving satisfactory completion of works or track records of service in the industry, including projects or experience relevant to the trades or specialties for which registration/renewal is sought through entry requirement R1.</p> <p><u>For application for renewal</u>, supporting documents are NOT required for trades and specialties exempted by the proviso to clause 3.1.</p>
6. Trades and specialties for which registration/renewal is sought – (a) through entry requirement R1 (b) through entry requirement R2	<p>See item 5.</p> <p>See item 4.</p>
7. <u>Company Policy on Ethics (for application for renewal ONLY)</u>	<p><u>Photocopy</u> of company policy on ethics issued by the applicant in accordance with clause 19 of the Rules and Procedures if the applicant has not yet submitted the policy to the Scheme Owner before applying for renewal.</p>

Note 1 Similar documents issued by company registration authorities elsewhere may also be accepted

Schedule 4

Registration Undertaking

THIS UNDERTAKING is made _____ day of _____ by _____¹ (“the Applicant”) whose registered office is at _____².

RECITAL

(A) The Applicant is seeking to join the voluntary subcontractor registration scheme operated by the Construction Industry Council (the Scheme Owner).

(B) The Applicant has read the Rules and Procedures of the Primary Register (the Rules and Procedures).

(C) For avoidance of doubt, the terms used in this undertaking have the same meaning assigned to them in the Rules and Procedures.

In consideration of the Scheme Owner’s agreement to process his application, the Applicant hereby undertakes that -

1. The information provided in my/our application is accurate and the supporting documents are authentic.

2. I/We shall be abided by the Rules and Procedures, including any revisions made by the Management Committee.

3. I/we irrevocably and unconditionally waive and forgo all or any claims that I/we may have (whether under common law, statute, contract or otherwise) against the CIC, the Secretariat, the Scheme Owner, the Scheme Operator, members of the Management Committee, or members of Appeal Panels, that may directly or indirectly accrue or arise out of or in connection with my/our application, including, but not limited to, any decisions on regulatory actions made or upheld by the Management Committee and Appeal Panels.

4. I/we give consent to –

¹ Name of the applicant’s company.

² Address of the applicant’s company.

- (a) use of the my/our Registration Particulars in connection with the processing of my/our application and subsequent maintenance of my/our registration; and
- (b) publication of my/our Registration Particulars and other information related to me/us in accordance with the Rules and Procedures through channels including but not exclusive to posting on the Scheme Website.

IN WITNESS WHEREOF, this undertaking is entered into on the day, month and year first above written.

SIGNED BY)
)
 _____¹)
)
 for and on behalf of)
)
 _____²)
)
 in the presence of)
)
)
 _____³)
)
 Address – _____)
 _____⁴)

<i>Signature</i>	<i>Company Chop</i>

¹ Authorized signatory of the applicant’s company
² Address of the applicant’s company
³ Name of witness
⁴ Address of witness

Schedule 5**Fees and Charges**

<u>Items</u>	<u>Fees</u>
Application fee for first-time registration or renewal	\$100
Application fee for inclusion of additional trade and specialties	\$370
Biennial registration fee	\$800

Note –

The biennial registration fee is payable when submitting applications for first-time registration or renewal and is refundable in case an application is withdrawn or not approved by the Management Committee. The other fees are non-refundable whether an application is successful or not.

Schedule 6

Composition of the Management Committee

- Chairman** To be appointed by the Chairman of CIC from amongst CIC Members
- Members**
- One representative to be nominated by each of the following organizations –
 - Hong Kong Construction Association
 - Hong Kong Federation of Electrical and Mechanical Contractors
 - Real Estate Developers Association of Hong Kong
 - Hong Kong Clients Forum*
 - One representative to be nominated by the Chairman of CIC

* The Hong Kong Clients Forum is a discussion forum for the public sector clients including Airport Authority Hong Kong; Development Bureau; Hong Kong Housing Authority and Hong Kong Railway Corporation.

Schedule 7

Guidelines on Declaration of Interest

1. Introduction

1.1. Members of the Management Committee and Appeal Panels should follow guidance and procedures in the paragraphs below to declare and avoid conflict of interest, be it actual or perceived, in discharging their functions under this set of rules and procedures.

2. Potential Situations Giving Rise to Conflict of Interests

2.1. The following are some potential situations where conflict of interest could arise but members should exercise their own judgment in assessing whether other circumstances may also lead to similar conflicts –

- (a) pecuniary interests¹ in a matter under consideration held either by a member or any of his close relatives²;
- (b) employment or other significant connection with an association, union or other organizations which is connected with or is the subject of a matter under consideration;
- (c) some friendships which might be so close as to warrant declaration in order to avoid situations where an objective observer might believe a member's stance to have been influenced by the closeness of the association;
- (d) a member who has personally or as a member of a company, advised, represented or dealt frequently with any person or body connected with a matter under consideration; and
- (e) interests likely to lead an objective observer to believe that a member's stance might have been motivated by personal interest rather than the duty to be impartial.

3. Procedures for Management Committee

Circulation of Papers

3.1. When a known or perceived personal or pecuniary interest exists, the chairman of the Management Committee should decide if circulation

of relevant papers to the member concerned should be withheld, and the Secretariat should inform him accordingly.

3.2. However, if a member who is already in receipt of a discussion paper subsequently discovers a known or perceived conflict of interest, he should immediately inform the Secretariat and return the paper.

Declaration of Interests at Meetings

3.3. If a member has any known or perceived personal or pecuniary interest in a matter under consideration, he must, as soon as practicable after becoming aware of it, disclose to the Management Committee prior to discussion of the item.

3.4. The Chairman or temporary chairman³ should decide whether the member disclosing an interest may be allowed to speak or vote on the matter, to remain as an observer, or to withdraw from the meeting. In the event of dissenting views being expressed, a final ruling will be made by way of voting by those members present, other than the member disclosing the interest.

4. Procedures for Appeal Panels

4.1. A person should not accept appointment as chairman or member of an Appeal Panel if he is aware of any actual or perceived conflict of interest over the appeal to be heard.

4.2. A member who realizes subsequent to his appointment that he has a conflict of interest should disclose it to the panel. The appeal proceedings should then be adjourned and should only be resumed after the appointment of a new member.

5. Public Inspection

5.1. All declaration of interests should be recorded in writing and made available for public inspection upon request.

¹ Pecuniary interests may include-

- (a) proprietorship, partnership or remunerated directorships of a company which is the matter under consideration;
- (b) remunerated employment by a company which is the matter under consideration; and

-
- (c) substantial shareholdings (i.e. more than 1% of issued share capital) in a company which is the matter under consideration.

² “Close relative” may be interpreted as-

- (a) spouse (including a concubine);
- (b) any person with whom the member is living in a regular union as if man and wife;
- (c) fiancé, fiancée;
- (d) parent, step-parent, lawful guardian;
- (e) spouse's parent, spouse's step-parent, spouse's lawful guardian;
- (f) child, ward of court; and
- (g) spouse's child, spouse's ward of court.

³ If the chairman declares interest in a matter under consideration, members present should elect among themselves a temporary chairman for discussion of the matter.