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頭條報導 Front Page Report

1

房屋署提出推行“Product Certification”及“Surveillance Test”，你知多少

2009年房屋署有鑒於在房屋署屋宇裝備部（新建設）取消了部門內的“Control List”之後，審批分判商所呈審的物料非常耗時；兼且，希望在各個發展項目內減省重覆的物料審批工作。

所以房屋署提出推行“Product Certification”計劃，最近該計劃正名為“Product Database by Independent Third Party”。

這個計劃主要的安排是由物料供應商或代理公司將供應房屋署的物料文件透過指定的認證機構作審閱，在確定呈審的物料文件合乎房屋署要求的規格及標準之後，將資料成立平台資料庫。這樣包括房屋署、分判商及供應商都可以查閱資料庫內可以使用的物料，從而建立一個房屋署可以使用的“Control List”。

自從房屋署提出這個提議，電器工程商會（本會）聯同機電工程商聯會在過去兩年，不斷跟房屋署溝通以理解整個概念及推行的內容。最後機電商聯會基於下列的顧慮，分別去函房屋署及在本年1月6日的早餐會議上，向房屋署表達反對意見。

反對理由包括（1）現時房屋署工程師已經仔細及專業的審閱呈批的物料；（2）認證機構未必有足夠專業工程師審閱文件；（3）大部份主要屋宇裝備的物料已通過認可機構的規格測試，及取得證書或認可的測試報告，故此並不需要再作文件審核；（4）會引起額外的成本以及重疊的行政工作；（5）認證機構工程師未必有足夠的情權演繹房屋署規格要求。

目前，在電氣安裝項目中，房屋署以內地生產的電線及大量使用的牛眼燈“Bulkhead Fitting”，作為這個計劃的試點。具體措施，仍在考慮之中。

與此同時，為加強對物料質量的審查，房屋署亦對部份產品提出“Surveillance Test”，在生產商廠房及地盤來貨抽取樣板，送文化驗室測試，初步包括房口配電箱的銅導巴及接地系統的銅帶內的銅含量成份，執行細節尚在諮詢當中。我們相信房屋署會將抽檢推廣至其他物料及其配件。

由上述兩項措施執行的細則，額外費用，供應商是否支持以及會員同業的反應仍有待跟進。故此，商會在此呼籲會員踴躍提出寶貴意見，待商會搜集之後可以積極向房屋署反映。

The Housing Department proposed "Product Certification" and "Surveillance Test"

After the cancellation of material "Control List" by the Building Services Division (new construction) of Housing Department in Year 2009, the procedure for approval of material submissions by specialist subcontractors was becoming very time-consuming. Also, in order to diminish the duplication of approvals for material submission in various development

projects, the Housing Department has formulated the "Product Certification" scheme, recently renamed as "Product Database by Independent Third Party."

The purpose for this scheme is to allow a designated certifying body to vet the documents directly provided by suppliers or agents who are supplying





their products to Housing projects for complying with the specification as required by the Housing Department. Then a database platform can be built up using the collected information for the Housing Department, subcontractors and suppliers to access and search for approved materials. The Housing Department could then have the material "quasi Control List" set up by a third party.

Since the Housing Department announced the proposal, Hong Kong Electrical Contractors' Association (HKECA) together with The Hong Kong Federation of Electrical and Mechanical Contractors Limited (HKFEMC) in the past two years, have been constantly communicating with the Housing Department in order to understand the whole concept and the implementation details. In the end, HKFEMC has expressed objection to the Housing Department in writing and at the breakfast meeting on January 6, 2011 based on the following considerations.

Reasons of objections

(1) Engineers of the Housing Department have reviewed and approved the material submissions thoroughly and professionally.

(2) Certifying body may not have sufficient professional engineers to vet the submitted documents.

(3) Most of the major M&E materials and equipment have already passed the accreditation body type testing, and obtain certificates or approved test reports, so re-examination of documents is not necessary.

(4) It causes additional costs and duplication of administrative work.

(5) Engineers of certifying body may not have sufficient discretion to interpret the specifications of Housing Department.

At present, the Housing Department has proposed to use the cables manufactured in Mainland and the "Bulkhead Fittings" in the Electrical Installation as the pilot scheme. Specific measures are still under consideration.

At the same time, Housing Department also contemplates the material "Surveillance Test" scheme. The Housing Department would take samples of equipment either from production factory or from building sites and send them to laboratory for testing. At the initial stage, Housing Department proposes to test the compliance of copper content from copper bar in MCB Board and Earthing Copper Tape. The implementation details are still under consultation. We believe that Housing Department will extend the 'Surveillance Test' to other materials and equipment.

In view of the measures of implementation, additional costs, support from suppliers, and also industry's reaction are being gauged, we still need to follow the development. Therefore, we urge members to voice out their valuable opinions, so that we would have more supporting information to reflect our opinions to the Housing Department.

搵食資料 Notes To Trade

[本文以英文為準]

仲裁條例與機電分判合約

馮桂堅

新的仲裁條例將於本年6月1日生效。

新法例主要目的是採用以聯合國UNCITRAL示範法為藍本的單一仲裁機制。不過法例附表二保留一些過往本地仲裁的特色，供立約方選用。

新法例第100條訂明在2017年6月1日前簽署的本地仲裁協議將自動採用附表二所有條文。

但第102條容許立約方選用全部、部分或全不選用附表二的條文。所以發展局將於工務工程合約內加入特別合約條款，選用全部附表二的條文。

香港建造商會多年爭取加入第101(1)條，即第100條所採用的附表2條文自動適用於建築合約下的各層分判合約。

為此建造商會將修訂2008年版標準分判合約 (Blue Form) 確保條例第100條生效。

現時標準分判合約條文表面上只採用附表二的單一仲裁員條文，即根據第102條其他附表二的條文可能不適用。

非工務工程的私營建築合約，仲裁條文更是五花八門，分判商將更難確定適用的仲裁條款。

機電商聯會曾在法例諮詢期間向律政署建議第101條強制適用於所有建築分判合約，冀求明確仲裁條款，但律政署以立約方主導為理由而拒絕。

會員如有具體問題個案，歡迎透過秘書處與筆者分享。



Arbitration Ordinance and E&M subcontracts


K.K. Fung

The new Arbitration Ordinance will be effective from 1 June 2011 onwards.

The primary objective of the new Ordinance is to abolish the distinction between domestic and international arbitrations. From now on, there is a unitary regime of arbitration on the basis of the UNCITRAL (United Nations Commission on International Trade Law) Model Law on International Commercial Arbitration.

Nevertheless Schedule 2 in the new Ordinance contains provisions that may be expressly opted in or automatically apply:

1. Sole arbitrator
2. Consolidation of arbitrations
3. Decision of preliminary question of law by Court
4. Challenging arbitral award on ground of serious irregularity
5. Appeal against arbitral award on question of law
6. Application for leave to appeal against arbitral award on question of law
7. Supplementary provisions on challenge to or appeal against arbitral award



They can be considered salient features of domestic arbitration in the old Ordinance. By section 100 of the new Ordinance, all the provisions in Schedule 2 apply (subject to section 102) for "domestic" arbitration agreements contracted before or within 6 years after the commencement date of 1 June 2011. In other words, "domestic" arbitration will have no legal effect in contracts signed on or after 1 June 2017. Nowadays nearly all construction contracts in Hong Kong chose domestic arbitration. FEMC do not favour all the provisions in Schedule 2 but have no leverage to influence the contents.

By section 102, the contracting parties can expressly opt in all, any or none of the provisions in Schedule 2 and thereby exclude section 100 mentioned above and section 101 mentioned below. In this connection, the Development Bureau will invoke section 102 and adopt a new SCC (special condition of contract) in new public works contracts: All the provisions in Schedule 2 to the Arbitration Ordinance shall apply to any arbitration instituted in accordance with this Clause.

The HKCA (Hong Kong Construction Association) had for years lobbied for a clause now numbered section 101, Opt-in provisions that automatically apply under section 100 deemed to apply to Hong Kong construction subcontracting cases. In essence, under subsection 101(1) the deeming effect is intended to ensure that all the opt-in provisions in Schedule 2 automatically apply (subject to section 102) to an arbitration agreement contained in every contract down the line of the construction subcontracting process. By so doing, arbitration agreement will be made "back-to-back" down the chain of subcontracts. Complicating the matter, there is under subsection 101(2) an "international exception" exempting "foreign" parties from subsection 101(1). This is following the spirit of making Hong Kong an international arbitration centre and user-friendly to "foreign" companies.

In this connection, HKCA will amend the Blue Form Domestic Sub-Contract to effectively re-activate section 101 down the subcontracting chain, despite the SCC introduced by the Development Bureau. This Blue Form 2008 Edition, issued by HKCA and endorsed by FEMC before the drafting of the new Ordinance, is used in all public works specialist domestic subcontracts. The prima facie interpretation of the current unamended U Blue Form for existing subcontracts already signed, may invoke section 102 opting in only the first provision of sole arbitrator in Schedule 2, excluding sections 100 and 101.

For private sector contracts, FEMC is now in dialogue with HKCA on the way forward. It is worried that subcontractors several tiers down the line may not be able to establish the applicable arbitration agreement when dispute arises.

During the public consultation stage, FEMC lobbied the Director of Justice to make all provisions of Schedule 2 mandatory for construction subcontracts in section 101 (not subject to section 102) to facilitate certainty to subcontractors down the line. This was rejected on the premises of party autonomy. Faced with such uncertainties, members should pay special attention to the Dispute/Arbitration contract clauses and may discuss specific issue(s) with the writer via the Secretariat of the Association.



已舉辦之活動 Past Events

參觀16屆廣州國際照明展覽會

何彬興

時維2011年6月11日上午6時45分左右，正當一股熱帶風暴，即將要在廣東省附近地區登陸之際，一個由10人組成的考察團，冒著這個名副其實的「風險」，在落馬洲檢查站準時齊集，乘坐專巴向廣州出發。兩個多小時後，我們於上午9時正安全到達了廣州第16屆國際照明展覽會(下稱展會)會場。鑑於時間還早，我們大夥兒踴躍至附近的麥當奴快餐店，隨便吃些早點，充充電，一舒我們要大清早，由香港趕路到廣州之疲困。

10點鐘，比我們先到廣州一天的團友，跟我們在「匯坊」會合。這個「匯坊」嘛，就是當地的一個嶄新網絡概念，受到眾多訪客和參展商關注，就在這裡，一眾團友受到主辦機構多位代表熱烈歡迎和款待，其中包括了Messe Frankfurt, Ms Holly Chan, Brunice Ip 和Wing Cheng 多人。隨後大會安排來了一個大合照，個個看來精神奕奕，十分醒目。

同時我們又和NECA的Steve Balzary先生，與及KECA的James Kang先生會面，而前者更即席講專題，題目是[Australian Energy Efficiency Initiatives]，內容則包括了下列多個課題：



1. 逐步淘汰白熾燈(鎢絲燈)和能源效率照明
2. 太陽能電池板消費回扣
3. 建造業(澳大利亞)守則和對照明裝置技術的影響
4. 運輸系統的資訊中心

我們對澳洲透過立法方式，逐步淘汰了白熾燈，和給消費者分贈能源效率產品以代之，因而取得成功，感到十分興趣。本來，香港也有過同樣一個構想，後來因為由此而掀起了一個不大不小的政治風波，結果導致這個想法夭折收場。講者又告訴大家，太陽能電池板所引起的回響，遠遠超過政府估計，使到回扣措施被迫放慢了，甚至一度被擱置起來。

Steven又提醒我們，應關注到一些家電備用狀態(stand-by)耗電量也可以很大，例如電視機。(按：一個澳洲家庭平均擁有8至9部電視機計算。)

演講後展會之Holly小姐很客氣，臨時充當了我們的導遊，主動帶領我們參觀了家居和屋宇自動化攤位的奪目展品，比方AMA, Schneider等等，此外團友對其他的展品也極感興趣，並積極地聆聽參展商的講解，和與他們交換觀點。

廣州國際照明展覽會一直是最大的一個展會，今年更擦新了一項紀錄：佔展地200,000平方米，比去年的大一倍，包括來自30個國家/地區的26,000個參展商，展品琳瑯滿目，分佈在19個大廳展出。展會還包括展出了新的LED亞洲主題網，是中國的最大的LED/OLED一站式採購平台，又介紹了1,800個參展商。

早上參觀過後，團友都拖着疲憊的腳步，走進了附近「好彩又一鮮酒家」用午膳。在那裡，我們碰上了另外一位會友陳星傑先生，他剛巧最近進駐廣州視察工程。見了他使我們感到欣慰，除了一起共進美食，大快朵頤外，我們還就廣州生活較輕鬆的一面，無拘無束地互相分享。另外，KECA的KANG先生也在場，還熱誠地邀請我們於2011年10月初旬，前往首爾出席屆時在那裡舉行的FAPECA會議。

午膳後，我們返回展會，參觀了A區的展館，均是名牌產品，來自多個國家/地區，如日本、美國、香港、台灣、南韓、馬來西亞等等，團友不但可以對新展品一開眼界，還可認識到改良的LED基本模塊。

放在眼前的展品不可枚數，把它盡收眼簾的意慾有增無減，可惜各團友那時已感到有心無力，雙腿酸得要命，大家都選擇了返回貴賓廳，坐下來，享用一些茶點，回一四氣，抖一抖精神比較化算。看一看腕錶，已是接近下午4時，我們於是魚貫登上旅巴，依行程直驅深圳。

今趟這個旅程，得以如此順利進行，實有賴組織理事所花的時間，努力和精神。就此，筆者代表全部團友，向負責籌劃的他們謹致謝意。

On June 11, we arrived by coach at the 16th Guangzhou International Lighting Exhibition at 9.00 am. By 10.00 am other members who took their time to come a day earlier joined us at AGORA (匯坊) which is a new networking concept for visitors and exhibitors. We were warmly welcome by the representatives of the organizer, Messe Frankfurt, Ms Holly Chan, Brunice Ip and Wing Cheng before group photos were taken of members. We also met Mr Steve Balzary of NECA and Mr. James Kang of KECA. Steve gave a talk on "Australian Energy Efficiency Initiatives" His talk focused on the following issues:



1. Phasing out of incandescent lamps and energy efficient lighting.
2. Solar panel rebates
3. Building Code of Australia & impact on installation techniques
4. Data centres or information transport systems

We were interested to learn that Australia was successful in phasing out incandescent lamps by legislation. (Our similar initiative turned into a political storm that subsequently nip the idea in the bud.) The response for solar panels far exceeded their expectation, the speaker remarked, and they had to pull back the rebates. Steve also drew our attention to the high power consumption by stand-by energy used by appliances in future as well as energy to be used by TV sets. (Australian homes have an average of 8-9 TV sets.)

This year set a new record for the show as it is the biggest ever, doubling in size from last year with 200,000 sq. m. in space featuring 2,600 exhibitors from 30 countries and regions in 19 halls. The show includes the new LED Asia theme zone which is China's largest LED/OLED one stop sourcing platform featuring 1800 exhibitors.

After lunch, we went back to visit Area A of the exhibition which includes all leading brands in the world such as Japan, USA, Hong Kong, Taiwan, Korea, Malaysia, etc. to see not only new products on display but the improvements on the basic LEDs modules. The writer wants to express, on behalf of other members, his appreciation for the council members who took their time and effort to make this trip a memorable success for the Association.

會員茶聚

為加強會員間的溝通，商會在5月26日於會址舉行以「工程人員的流失及招聘」為主題的會員茶聚，讓會員反映行業上所面對的問題，彼此交換心得。當天商會邀請了人力資源公司Pacific Career的馮先生、會員公司的人力資源部門主管及港九電器工程電業器材職工會數名理事列席，讓會員能以更全面的角度探討問題。是晚共有30多位會員朋友參加，大家都踴躍發表各自的見解。茶聚後會員共進晚餐，氣氛融洽。

Members' Gathering

In order to strengthen the connection amongst members, a members gathering was held on May 26 at the Association's Premises based on the theme "Retaining and Hiring".



介紹港燈服務講座

自通訊發出給各會員後，參加者的反應非常踴躍。原本打算安排5月31日一場的講座增加多一場，在6月2日再次舉辦。3小時的安排非常充實和內容涉及多元化。參加的會員均意猶未盡和十分滿意本會和港燈的安排。



即將舉辦之活動 Up Coming Events

研究會-如何處理分包工程合約的索償及延工事宜 Seminar on "Extension of Time and Prolongation Claims for Sub-Contracts"

本會誠邀在本港處理工程合約糾紛、仲裁有豐富經驗的頂尖律師行 - 孖士打律師行的合夥人 陳宇文律師和陳顯華律師為我們研討經常發生的工程問題如分包工程合約條款的爭拗、金錢的索償和工程不能如期完工等等問題。研討會舉行日期 2011年7月20日(星期三)下午6時30分至8時於香港灣仔溫莎公爵社會服務大廈1樓103室

HKECA has invited Mr. Geoffrey Chan from Mayer.Brown Johnson Stokes & Master to conduct a seminar on "Extension of Time and Prolongation Claims for Sub-Contracts". The seminar will be held on 20th July (Wed) 2011 at Room 103 Duke of Windsor Social Service Building Wanchai HK HKECA office from 6:30pm to 8:00pm

2011年永遠會長方宏浩盃羽毛球賽 2011 Badminton Competition - The Life President Martin Fong Cup

2011年永遠會長方宏浩盃羽毛球賽將於2011年7月4,11,18及25於順利村體育館舉行。

The 2011 Life President Martin Fong Cup Badminton Competition will be held in July 4, 11, 18, and 25 at Shun Lee Tsuen Sport Centre.



最新版『接駁電力供應指南』研討會

本會再次誠邀香港電燈有限公司合辦最新版『接駁電力供應指南』研討會。研討會日期：2011年8月3日（星期三）下午7時30分至9時30分於本會會址舉行。詳情及報名登入商會網頁 www.hkeca.org

Seminar on new "Guide to Connection of Supply"

Hong Kong Electric Co. Ltd and HKECA joint seminar on New code of Practice date on 3 Aug 2011 7:30pm to 9:30pm at Association venue. For details and reservation please download form from website www.hkeca.org

三會聯合慶祝六十二週年國慶

Joint Celebration Dinner on PRC's 62nd Anniversary

【港九電業總會】、【香港電器業進出口商會】及本會將會聯合舉辦慶祝中華人民共和國成立六十二週年晚會。舉行日期2011年9月28日(星期三)，地點為名都酒樓

The 62nd PRC Anniversary Celebration Dinner jointly organised by the Hong Kong & Kowloon Electric Trade Association, Hong Kong E.P.M. Importers and Exporters Association Ltd. and HKECA will be held on 28th September 2011 at Queensway Metropal Restaurant

2011年度亞洲太平洋電氣工事協會聯合會議-韓國首爾 The 2011 FAPECA Conference -Seoul Korea

2011年【亞洲太平洋電氣工事協會聯合會】會議已定於2011年10月4-7日在韓國首爾舉行。今年主題："Grand Step for the Green Society"。本會將組團參加，歡迎各會員踴躍參加。

A delegation team from HKECA will attend the 2011 FAPECA Conference to be held in October 4-7, 2011 at Seoul Korea. Theme for this year is "Grand Step for the Green Society". Members interested to join this valuable event please sign up at HKECA office

第19屆理事就職典禮暨2011年度會員大會

2011 Annual Dinner and 19th Term of Executive Committee Inauguration Ceremony

本會2011年週年大會暨第19屆理事就職典禮將於11月17日(星期四)在九龍尖沙咀柯士甸道8號龍堡國際賓館(朗德閣)舉行。請與商會預留席券。

The 2011 Annual Dinner and the 19th Term Executive Committee Inauguration Ceremony will be held on Thursday 17th November 2011 at the Gordon Wu Hall of the B.P International House, 8 Austin Road, Tsimshatsui, Kowloon. Please mark the date and reserve dinner ticket from the HKECA office.

會員動態 Members' News

香港電器工程商會 4/2011 - 6/2011年度新會員名單

入會日期 Join Date	申請會員名稱 Applicant Name	會籍 Membership Status	代表人 Representative
4/2011	華富達照明科技有限公司 Huafuda Lighting Consultants Ltd	永遠會員 Life Member	謝翺女士 Ms. Jade Tse
4/2011	宜寶工程有限公司 Elibo Engineering Ltd	永遠會員 Life Member	盧永輝先生 Mr. Lo, Wing Fai Frank
4/2011	孫生發先生 Mr. Suen, Sang Fat Peter	永遠會員 Life Member	
5/2011	殷富科技顧問有限公司 BAP Technology Consultants Ltd	普通會員 Ordinary Member	鄧勝全先生 Mr. Tang, Shing Chuen



增輝盃

本年度的增輝盃已於五月二十七日在觀瀾湖會高爾夫球會尾崎將司球場舉行，在此多謝增輝集團有限公司的慷慨贊助，隊員的支持和參與，令比賽能順利完成。當天比賽氣氛熱烈，大家都樂而忘返。

The Junefair Group Cup golf competition has been held successfully on the 27th May 2011 at Missions Hills Golf Club Dongguan-Oskai Course. We would like to express our appreciation to Junefair Group. for their kind sponsorship and the keen participation of the team members and guests. All of you have made this tournament very successfully.

2011 Junefair Group Cup
2011年5月27日 27-May-11
深圳觀瀾湖高爾夫球會 — 尾崎將司球場
Missions Hills Golf Club Dongguan-Oskai Course



冠軍	伍永超先生	CHAMPION	Mr. Raymond Ng
亞軍	周耀輝先生	1ST RUNNER UP	Mr. Chow Daniel
季軍	蔡智雲先生	2nd RUNNER UP	Mr. Choi Chi Wan
最低杆	蔡智雲先生	BEST GROSS	Mr. Choi Chi Wan
最佳前九	李健林先生	Best Front Nine	Mr. Lee Kin Lam
最佳後九	何輝堅先生	Best Back Nine	Mr. Ho Cheuk Kin
最近洞獎:第6洞	郭錫均先生	Close to Pin #6	Mr. Kwok Sheck Kwan
最近洞獎:第8洞	關偉元先生	Close to Pin #8	Mr. Kwan Wai Yuen
最近洞獎:第12洞	鄭永泰先生	Close to Pin #12	Mr. Sam Tang
最近洞獎:第17洞	梁伯強先生	Close to Pin #17	Mr. Leung Pak Keung
最遠發球獎:第9洞	吳積成先生	Longest Drive #9	Mr. Gilbert Ng
最遠發球獎:第18洞	蕭嘉輝先生	Longest Drive #18	Mr. Siu Ka Fai, Kevin
嘉賓組冠軍	黃子傑先生	Guest Winner	Mr. Dennis Wong



CCG盃

今年CCG盃於四月十五日觀瀾湖高爾夫球會利伯特球場舉行。在此多謝CCG Cable Terminations公司的慷慨贊助。當日比賽高手林立，戰情十分激烈。經一番角逐後，優勝者名單公佈如下及謹此對得獎者祝賀。

CCG Cup has been held successfully on the 15th April 2011 at Mission Hills Golf Club-Leadbetter course. We would like to express our appreciation to CCG Cable Terminations Far East Ltd. for their kind sponsorship and those members participating the competition. Prize list is as follow and congratulations to all the winners.

2011 CCG Cable Cup
2011年4月15日 15 April, 2011
觀瀾湖高爾夫球會(東莞) — 利伯特 球場
Missions Hills Golf Club Dongguan-Leadbetter Course



冠軍	蔡智雲先生	CHAMPION	Mr. Choi Chi Wan
亞軍	楊榮基先生	1ST RUNNER UP	Mr. Ted Yeung
季軍	何遠誠先生	2nd RUNNER UP	Mr. Ricky HO
最低杆	蔡智雲先生	BEST GROSS	Mr. Choi Chi Wan
最佳前九	伍永超先生	Best Front Nine	Mr. Raymond Ng
最佳後九	王寧傑先生	Best Back Nine	Mr. Wong Ka Lai
最近洞獎:第3洞	唐偉明先生	Close to Pin #3	Mr. Tong Sherman
最近洞獎:第10洞	許純光先生	Close to Pin #10	Mr. Gary Hui
最近洞獎:第14洞	陳強先生	Close to Pin #14	Mr. Chan Keung
最近洞獎:第16洞	唐偉明先生	Close to Pin #16	Mr. Tong Sherman
最遠發球獎:第2洞	陳強先生	Longest Drive #2	Mr. Chan Keung
最遠發球獎:第17洞	蕭國全先生	Longest Drive #17	Mr. Siu Kwok Chuen
嘉賓組冠軍	李德勝先生	Guest Winner	Mr. Mak Tak Pui



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