



ARB Circular 02/2013

19 July 2013

Dear Registered Architects,

**Invitation to Nomination of Registered Architects
Inspectors Registration Committee Panel and
Inspectors Registration Committee
under the Building Ordinance**

Architects Registration Board, HKSAR ("ARB"), is invited by the Buildings Authority ("BA") to nominate **6 Registered Architects ("RA")** for BA's consideration for appointment to the Inspectors Registration Committee ("IRC") Panel and IRC to assist him in considering applications for inclusion in the Inspectors' register. The tenure of appointment will be 2 years commencing 2 January 2014.

The functions and composition of the IRC are listed in **Appendix A** for your easy reference.

Criteria as set by the BD

The nominees should satisfy the following criteria:

- a) **MUST** be a Registered Inspector;
- b) Must **NOT** be a member of the Registered Inspectors' Disciplinary Board Panel;
- c) Should be an experienced practitioner in the construction industry
- d) Should be available for attending the IRC meetings to be held once a month;
- e) Should **NOT** be serving more than 6 government boards or committees concurrently (including the proposed nomination to serve on the IRC); and
- f) Should **NOT** be a government officer.

ARB's Recommendation

ARB regards that IRC is an important external representation and prefers the nominees to possess at least **5-year RA experiences**.

(.../2)



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3. Reference should be made to the guidelines on declaration of interests by IRC members as recommended by ICAC. Please refer to Appendix B for details.
4. IRC is a public body under the Prevention of Bribery Ordinance (PBO). IRC members are therefore public servants and have to abide by the relevant clauses in the PBO.
5. Information about the appointed members and meetings may be disclosed to the public without necessarily obtaining IRC members' prior consents. Please refer to **Appendix C** for details. Mailing list of IRC members will be sent to the Secretary for Home Affairs (SHA) for him to invite IRC members to provide their personal particulars which will be stored in the Central Personality Index database keeping by the SHA.
6. An undertaking letter at **Appendix D** for the potential candidates' advance information of the need to hold information in confidence, to declare conflict of interest and to inform the BA when they become no longer suitable to be appointed. The undertaking letter will only be required to be signed and returned to the BA after appointment.

Expression of Interest of Being Nominated

For the RA who would like to put forward his/her nomination, please provide the following documents to ARB for consideration by fax (No.2519 6011) or be email (arbsec@arb.org.hk) **on or not later than of 5 August 2013.**

- BD's designated nomination form at **Appendix E**
- An up-to-date CV and
- ARB's designated declaration and nomination form at **Appendix F**

Thank you for your kind attention.

Regards,
Rita Cheung (Mrs.)
Registrar

Encl.

Functions and Composition of the Inspectors Registration Committee (IRC)

- (1) The Building Authority is to establish a panel with sufficient members from whom he is to appoint committees to be known as IRC. The Building Authority may appoint more than one Registration Committee at any one time.
- (2) The function of an IRC is to assist the Building Authority in considering applications for inclusion in a register by –
 - (a) examining the qualifications of applications;
 - (b) inquiring as the Committee considers necessary to ascertain whether an applicant has the relevant experience;
 - (c) conducting professional interviews with applicants; and
 - (d) advising the Building Authority to accept, defer or reject applications for inclusion in the inspectors' register.
- (3) In relation to an IRC appointed to assist the Building Authority in considering applications for inclusion in the inspectors' register, the IRC consists of –
 - (a) 1 registered inspector nominated by the Architects Registration Board from the list of architects in the inspectors' register;
 - (b) 1 registered inspector nominated by the Engineers Registration Board from the list of engineers in the inspectors' register;
 - (c) 1 registered inspector nominated by the Surveyors Registration Board from the list of surveyors in the inspectors' register;
 - (d) 1 person nominated by the Building Authority as the Building Authority's representative; and
 - (e) 1 person selected by the Building Authority from among the persons nominated in accordance with subsection (5E).
- (4) An IRC is required to meet as often as the Building Authority directs.

- (5) A person who is a member of the Authorized Persons', Registered Structural Engineers', Registered Geotechnical Engineers' and Registered Inspectors' Disciplinary Board Panel or the Registered Contractors' Disciplinary Board Panel is not eligible for appointment to the IRC.
- (6) The chairman of the committee is elected by its members.
- (7) The Building Authority appoints an officer of the Buildings Department as the secretary of the committee; who is not a member of the committee and may not cast a vote.
- (8) A quorum for a meeting of the IRC is the Chairman, the Building Authority's representative nominated under 3(d) above and 1 other member.

**Declaration of Interests by Members of the
Inspectors Registration Committee (IRC)**

General Principles

1. When a member (including the Chairman) of the IRC has a potential conflict of interests in a matter placed before the IRC, the member should make full disclosure of his/her interest. The basic principle to be observed is that members' advice should be disinterested and impartial. Each member must not use his official position to further his private interests nor put himself in a position where his private interests conflict (or may reasonably be suspected to conflict) with his official duties. It is the responsibility of each member to judge and decide if the situation warrants a declaration, and to seek a ruling from the chairman of the IRC in case of doubt.

2. It is not practical to define or describe all the situations that would call for such a declaration, because each individual case differs, and because of the difficulty of catering for unusual and unforeseen circumstances. On the other hand, it is not intended that a member should make a declaration of interest simply because the IRC is considering a matter in which he/she has knowledge or experience.

Potential Conflict of Interest Situations

3. The following are potential conflict of interest situations:

- (a) Pecuniary interests in a matter under consideration by the IRC, held either by the member or by any close relative of him/her. Members are themselves the best judge of who, in the particular circumstances, is a "close relative";
- (b) A directorship, partnership, advisory or client relationship, employment or other significant connection with a company, firm, club, association, union or other organization which is connected with, or the subject of, a matter under consideration by the IRC;
- (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 advice to have been influenced by the closeness of the association;

- (d) A member who, as a barrister, solicitor, accountant or other professional adviser, has personally or as a member of a company, advised or represented or had frequent dealings with any person or body connected with a matter under consideration by the IRC; and
- (e) Any interest likely to lead an objective observer to believe that the member's advice might have been motivated by personal interest rather than a duty to give impartial advice.

Declaration of interests

4. If a Member (including the Chairperson) has any direct or indirect personal or pecuniary interest in any matter under consideration by the Committee, he must, as soon as practicable after he has become aware of it, disclose to the Chairperson or Secretary (or the Committee) prior to the discussion of the item. Declaration of interests should be made to the Secretary before the meeting immediately. The Member should also return the paper for discussion to the Secretary without delay.
5. If a Member becomes aware of a conflict of interest only during the meeting and he forms the view that it renders him impossible to offer impartial advice, or that the Member has been given access to information which the Member should not have, the Member should notify the Chairperson or the Secretary immediately and/or return any IRC paper concerned. The Chairperson of IRC will then decide on the matter.
6. The Chairperson (or Committee) shall decide whether the Member disclosing an interest may remain the meeting, or whether the affected item should be adjourned.
7. If the chairman declares an interest in a matter under consideration, the chairmanship may be temporarily taken over by the alternate chairman.
8. All cases of declaration of interest shall be recorded in the minutes of the meeting.
9. A member shall declare all actual, potential and perceived conflict of interest in writing for record purposes. The decisions of the chairman (or committee) on the declaration and the actions taken to address the situation shall be recorded in the minutes of meeting.

**Release of Information Concerning Members of the
Inspectors Registration Committee (IRC)**

1. As advised by the Secretary for Home Affairs, certain information concerning individual members of advisory and statutory bodies, which includes the IRC, could be disclosed to the public upon request. The information in question includes a member's:

- (a) attendance records;
- (b) years of service on the particular body;
- (c) occupation/profession by broad categories (e.g. doctors, lawyers and company directors); and
- (d) membership of other advisory and statutory bodies.

2. The above information amounts to "personal data" and therefore its disclosure is regulated under the Personal Data (Privacy) Ordinance (PDPO).

3. The legal position under the PDPO is that the disclosure of the above "personal data" would not constitute a contravention to the PDPO if the purpose, or one of the purposes, of collecting the personal data is for them to be released to the public; and it would not contravene Principle 3 of Schedule 1 of the PDPO to release the data, without obtaining the data subject's consent, if the recipient is a news organization and the disclosure is made by a person who has reasonable ground to believe (and reasonably believes) that the publishing or broadcasting of the data is in the public interest.

4. The secretary of the IRC will keep records on the matters mentioned in paragraph 1 above and in the interests of transparency, such records will be disclosed to the public on request.

**Undertakings by Members of
Inspectors Registration Committee Panel and
Inspectors Registration Committee (IRC)**

1. I undertake to hold in strict confidence all information that I have access to through my position as a member of IRC Panel and IRC. Such information includes questions for interviewees, personal data of applicants, documents submitted by applicants, interview results, etc.
2. I undertake not to make any unauthorized disclosure or take advantage of any of the information referred to in paragraph 1 above whether or not for personal gain.
3. I undertake to declare any actual, potential or perceived conflict of interest with my duty as a member of the above panel and committee immediately when I become aware of any such conflict.
4. I undertake to take steps to avoid any conflict of interest with any prospective applicant by not putting myself in a position of obligation towards any of them; for example, by not accepting any favour or lavish or excessive entertainment, and not over-socializing with any of them.
5. I undertake to inform the officer-in-charge / secretary of the above panel and committee, in advance as far as possible, of any circumstances such as loss of membership or qualification and no longer residing in Hong Kong that may affect my eligibility to be appointed to the above panel and committee or to carry out my duty as a member of the same.
6. I understand that I may be subject to prosecution action should I fail to observe any of my above undertakings.
7. I also understand that being a member of the above panel and committee, I am a public servant and abide by the relevant clauses in the Prevention of Bribery Ordinance (PBO).
8. I declare that I have not been convicted in Hong Kong or elsewhere of any offence that may cast doubt on my integrity and honesty, e.g. offences under the PBO; and I further declare that I have not committed misconduct or negligence in a professional respect.

Signed : _____

Name (block letter) : _____

Date : _____

**Curriculum Vitae
(For Reference Only)**

Name of Nominee (English & Chinese as shown in HKID/passport):	
Date of Birth:	HKID No:
Office Tel. No:	Mobile Tel. No:
Fax No:	E-mail Address:
Occupation:	
Office Address:	
Academic and Professional Qualifications:	
Government Boards and Committees on which the Nominee served/is serving:	
Working History and Experience:	
Declaration of Offence Records, if any:	

(Use additional sheets if necessary)

Notes on the collection of personal data

- 1) The information provided will be used for the purposes in connection with the selection and appointment of members by the Building Authority to serve on the Inspectors Registration Committee Panel and the Inspectors Registration Committees under the Buildings Ordinance.
- 2) The information may be disclosed to other government departments or other parties for the purposes mentioned in Note (1) above.
- 3) For correction of or access to personal data after submission, please address to the Secretary of the Inspectors Registration Committee in writing.



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Appendix F

6. I am available for attending the IRC which may be held once a month.

- Yes
- No

7. I am a member of the Authorized Persons' Registered Structural Engineer, Registered Geotechnical Engineer and Registered Inspector Disciplinary Board Panel or the Registered Contractors' Disciplinary Board Panel.

- Yes
- No

*Note: A person who is a member of APRSE, RGE and RIDB Panel or RC DB Panel is **NOT** eligible for appointment to IRC.*

8. I am a government officer.

- Yes
- No

*Note: A government officer is **NOT** eligible to IRC as advised by BD.*

9. To comply with the government's 6-year-6-committee guideline, I list out my current appointment to committees (including the proposed nomination to serve in the IRC) for ARB's information:

	Names of the Government Boards or Committees	Terms of Office	Representing Body (For example, ARB, HKIA...etc)
1			
2			
3			
4			
5			
6			
7			
8			

Signature: _____

Date: _____