



Architects Registration Board (ARB)

Hong Kong Special Administrative Region

Introduction of ARB & ARB Code of Professional Conduct

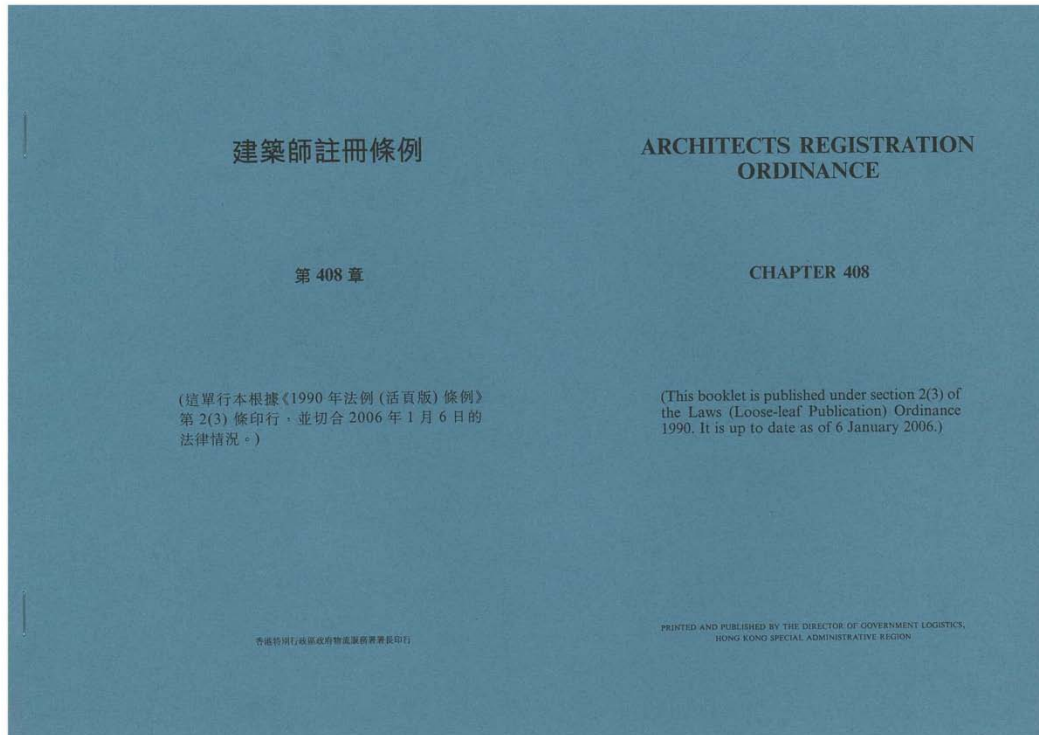
Last updated on 16 August 2010



Architects Registration Board(ARB)

Hong Kong Special Administrative Region

Architects Registration Ordinance (Chapter 408)



Architects Registration Ordinance (ARO)

ARO is an Ordinance to provide for the registration of architects and disciplinary control of the professional activities of registered architects, and for related matters.



Application

Section 3 of ARO

This Ordinance applies to any person who is involved in the design, construction or fitting out of buildings and who describes himself as an architect.



Constitution of the Board

Section 4 of ARO

1. There is established a board to be known as the Architects Registration Board which shall be a body corporate having perpetual succession and a common seal.
2. The Board shall consist of 10 members appointed by the Council and, in addition, may include one member appointed by the Chief Executive.
3. The Chief Executive shall give notice in the **Gazette** of every appointment made under this section.
4. The Council shall not appoint a person as a member of the Board unless he is a member of the Hong Kong Institute of Architects.



Board Formation 2010-2012

Chairman: Ms. FUNG Yin Suen Ada, *JP*

Vice Chairman: Mr. LAM Ping Hong Robert

Members: Ms. CHAN Ching Ying Elizabeth

Mr. CHI Wuh Cherng Daniel

Mr. HO Man Yiu Ivan

Ms. Kwong Sum Yee Anna, *MH*

Mr. LAM Kwong Ki Dominic

Mr. LOK Man Fai Felix

Mr. LU Lam Leslie

Mr. WONG Kam Sing

Mr. TONG Sek Por David

Registrar: Mrs. CHUENG YUNG Mei Hing, Rita



Functions of the Board

Section 8 of ARO

The Board shall –

- a. establish and maintain a register of registered architects;
- b. set and review the qualification standards for registration as a registered architect and related registration matters;
- c. advise the Government and the Institute on registration matters;
- d. examine and verify the qualifications of persons who apply for registration as registered architects;



Functions of the Board

(...to continue)

Section 8 of ARO

- d. receive, examine, accept or reject applications for registration and renewal of registration as a registered architect;
- e. deal with disciplinary offences in accordance with this Ordinance;
- f. keep proper records of its proceedings and accounts; and
- g. carry out such other functions as this Ordinance may prescribe.



Powers of the Board

Section 9 of ARO

The Board may –

- a. set fees payable to it under this Ordinance;
- b. establish committees to advise the Board on the carrying out of the powers and duties of the Board;
- c. employ persons to assist with the carrying out of its functions under this Ordinance;
- ca. from time to time engage such professional advisers as it may consider necessary or expedient;



Powers of the Board

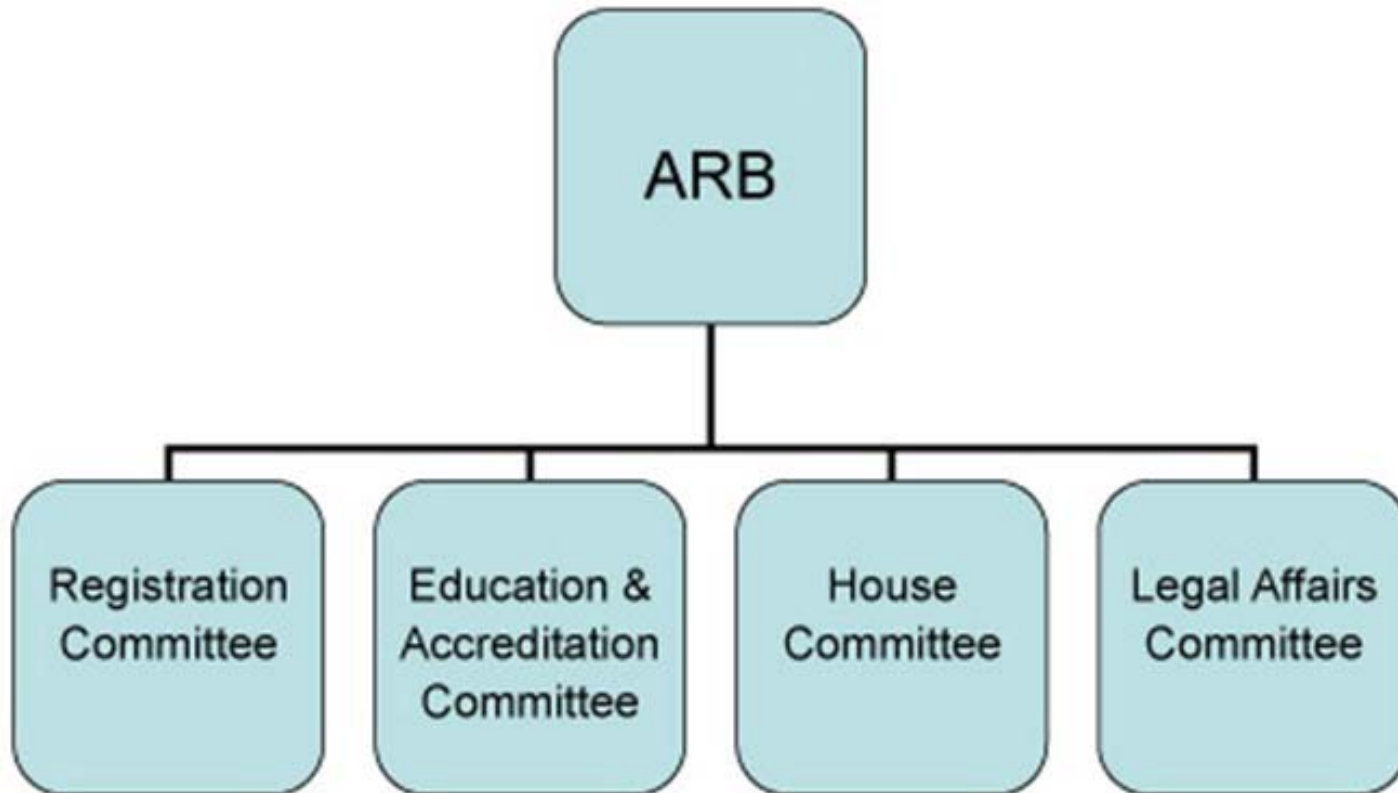
(...to continue)

Section 9 of ARO

- d. make rules for the conduct and discipline of registered architects;
- e. make rules for the reimbursement of reasonable expenses incurred by persons attending to the business of the Board;
- f. make further rules required under this Ordinance.



Board Structure



Architects Registration Board

Hong Kong Special Administrative Region



Qualification for Registration

Section 13 of ARO

1. The Board shall not register a person as a registered architect unless-
 - a) He-
 - (i) is a member of the Institute; **or**
 - (ii) is a member of an architectural body the membership of which is accepted by the Board as being of a standard not less than that of a member of the Institute; **or**
 - (iii) has passed such examinations in architecture and other subjects and has received such training and experience as the Board may accept, either generally or in a particular case, as a qualification of a standard not less than that of a member of the Institute; **and**
-



Qualification for Registration

(...to continue)

Section 13 of ARO

- b) he satisfies the Board that he has had 1 year's relevant professional experience in Hong Kong before the date of his application for registration; and
- c) he is ordinarily resident in Hong Kong; and
- d) he is not the subject of an inquiry committee or a disciplinary order under Part IV which precludes him from being registered under this Ordinance; and
- e) he satisfies the Board by declaration in writing that he is competent to practise as an architect; and
- f) he is a fit and proper person to be registered.



Qualification for Registration

(...to continue) **Section 13 of ARO**

2. Without limiting the effect of subsection(1) (f), the Board may **refuse** to register a person as a registered architect who
 - a) has been **convicted in Hong Kong or elsewhere of any offence which may bring the profession into disrepute and sentenced to imprisonment, whether suspended or not**; or
 - b) has **committed misconduct or neglect in a professional respect**.
3. Where the Board is satisfied by an applicant that he is competent to practise architecture and the Board is later satisfied that the person is not competent to practise architecture, the Board may refer the matter to **an inquiry committee who shall deal with it as if it was a complaint under section 22(1)**.



Disciplinary Offences

Section 21 of ARO

1. A registered architect commits a disciplinary offence if he-
 - a) commits misconduct or neglect in any professional respect;
 - b) has been convicted of an offence under this Ordinance;
 - c) has obtained registration under this Ordinance by fraud or misrepresentation;
 - d) was not at the time of his registration under this Ordinance entitled to be registered;



Disciplinary Offences

(...to continue)

Section 21 of ARO

1. A registered architect commits a disciplinary offence if he-
 - e) without reasonable excuse, fails to attend before an inquiry committee when summoned either as a witness or as a person in respect of whom the inquiry committee is meeting; or
 - f) has been convicted in Hong Kong or elsewhere of any offence which may bring the profession into disrepute and sentenced to imprisonment, whether the sentence is suspended or not.



Disciplinary Offences

(...to continue) **Section 21 of ARO**

2. If a person who has been guilty of misconduct or neglect in a professional respect or has been convicted of an offence under this Ordinance or has been convicted of an offence likely to bring the profession into disrepute and sentenced to imprisonment, informs the Board of such misconduct, neglect or conviction when he applies for registration and the Board subsequently accepts the person for registration or renewal of registration, that person shall not, for the purposes of registration or renewal of registration, be considered as having committed a disciplinary offence in respect of the disclosed misconduct, neglect or conviction.



Disciplinary Offences

(...to continue)

Section 21 of ARO

3. Where the Registrar receives a complaint concerning a disciplinary offence, the Registrar shall submit the facts to 2 members, in consultation with the Registrar, shall determine whether the complaint should be referred to the Board.



Inquiry Committee and Rules of Conduct

Section 22(1) of ARO

The Board may refer any complaint concerning a disciplinary offence to an inquiry committee for decision, and for that purpose the Board may establish an inquiry committee of not less than 3 members of the Institute to determine whether or not the registered architect against whom the complaint is made has committed a disciplinary offence.

Section 22(7) of ARO

The inquiry committee may, in deciding whether a person has committed a disciplinary offence, have regard to any code of professional conduct or practice promulgated by the Board or currently in use by the Institute.



Use of Title

Section 30 of ARO

1. A person whose name does not appear on the register shall not be entitled to describe himself as "**architect**" or "**registered architect**" or to use the initials "**R.A.**" after his name.
2. Subject to subsection (3), the Board may apply to a judge for an order restraining any person whose name is not on the register from describing himself as "architect" or "registered architect" or using the initials "R.A.".



Use of Title

(...to continue)

Section 30 of ARO

3. A person whose name is not on the register may describe himself as an architect if-
- (a) he describes himself by reference to an architectural discipline not related to the design, construction or fitting out of buildings; or
 - (b) he describes himself by reference to a membership of any body or institute of architects formed outside Hong Kong which description does not imply that he has the right to practise architecture in Hong Kong under the description of architect.



Use of Title

(...to continue)

Section 30 of ARO

- (4) Subject to subsection (3), a person, including a firm or company shall not use the description of “architects” or “registered architects” or the initials “R.A.” unless-
- (a) at each place where the person carries on the business of architecture, the business is conducted under the supervision of a registered architect who does not act at the same time in a similar capacity for any other person other than a firm or company that has substantially the same beneficial ownership and management as the person (where the person is a firm or company);



Use of Title

(...to continue)

Section 30 of ARO

(4)(b) where the person carries on a multidisciplinary practice, the business, so far as it relates to architecture, is under the full time control and management of a registered architect who does not act at the same time in a similar capacity for any other person other than a firm or company that has substantially the same beneficial ownership and management as the person (where the person is a firm or company).



Offences and Penalties

Section 31 of ARO

(1) Any person who-

- (a) having been summoned by an inquiry committee to attend as a witness or to produce a document or other thing under section 25 without reasonable excuse refuses or fails to do so;
- (b) attends as a witness before an inquiry committee and, without lawful excuse, refuses or fails to answer any question put to him by the inquiry committee;
- (c) fraudulently obtains registration as a registered architect for himself or any other person;



Offences and Penalties

(...to continue)

Section 31 of ARO

- (d) obtains registration as a registered architect for himself or any other person by means of any misleading, false or fraudulent representation or, statement, either oral or in writing;
- (e) makes or causes to be made any falsification in the register;
- (f) impersonates or falsely represents himself as being the person referred to in any certificate or document presented to the Board or an inquiry committee in connection with its functions under this Ordinance;



Offences and Penalties

(...to continue) **Section 31 of ARO**

- (g) falsely takes or uses any name, initials, title, addition or description implying that his name is entered in the register;
- (h) not being a registered architect, knowingly permits the use of or uses in connection with his business or profession the description-
 - (i) **"architect"**;
 - (ii) **"registered architect"**;
 - (iii) **the initials "R.A."**; or
 - (iv) any initials or abbreviations of words intended to cause, or which may reasonably cause, any person to believe that the person using the initials or abbreviations is on the register;



Offences and Penalties

(...to continue)

Section 31 of ARO

- (1) (i) not being on the register, advertises or represents himself as a registered architect or knowingly permits himself to be so advertised or represented;
- (j) holds himself out to be ordinarily resident in Hong Kong at the time of making an application for registration when he is not so ordinarily resident,

commits an offence and is liable to **a fine of \$50000 and to imprisonment for 1 year.**



Offences and Penalties

(...to continue)

Section 31 of ARO

(2) Subsection (1)(h) and (i) shall not apply in relation to the use by any member of any body or institute of architects formed outside Hong Kong who is not a registered architect, of any description or initials which he is entitled to use under the constitution of that body or institute if by such use he does not represent that his name is entered on the register.



ARB Code of Professional Conduct



ARB Code of Professional Conduct

First established in 1990, **the ARB Code of Professional Conduct** aims to offer general principles to guide professional conduct for registered architects.



ARB Code of Professional Conduct

Principle 1

A Registered Architect shall endeavour to promote architectural excellence through his work and by the encouragement of others.



ARB Code of Professional Conduct

Principle 2

A Registered Architect shall carry out the duties he undertakes under the Client/Architect Agreement to the best of his ability and shall have a proper regard for the interests of all those who may be expected to use or enjoy the result of his efforts.



ARB Code of Professional Conduct

Principle 3

A Registered Architect shall at all times, whether in the course of business or not, conduct himself with the honesty, integrity and propriety to be expected of a member of an honourable profession. He shall not act in any manner which is liable to bring the profession of architecture in Hong Kong into disrepute.



ARB Code of Professional Conduct

Principle 4

A Registered Architect shall act impartially and professionally at all times. He shall administer building contracts under his control with fairness and integrity.



ARB Code of Professional Conduct

Principle 5

A Registered Architect shall not have any interest, financial, or personal, in connection with any business which may be inconsistent or in conflict with his professional obligations, unless such interest or connection is fully declared to all parties likely to be affected by such interest.



ARB Code of Professional Conduct

Principle 6

A Registered Architect shall rely only on ability, performance and experience as the basis for his business advancement, and shall not maliciously criticize the work of another architect.



ARB Code of Professional Conduct

Principle 7

A Registered Architect shall be automatically disqualified to serve or act as a partner or director of any architecture practice proffering services to the public when he becomes an undischarged bankrupt or has his application for renewal of registration rejected by the Architects Registration Board.



Contact

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THANK YOU!

