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Architects Registration Board
Hong Kong Special Administrative Region
建築師註冊管理局
香港特別行政區

Deadline of the
nomination is extended to
3 October 2014

ARB Circular No. 01/2014

14 August 2014

Dear Registered Architects,

**Invitation to Nomination of Registered Architects
Contractors Registration Committee Panel and
Contractors Registration Committee
under the Buildings Ordinance**

Architects Registration Board, HKSAR ("ARB"), is invited by the Building Authority ("BA") to nominate not less than **11 Registered Architects** ("RAs") for BA's consideration for appointment to the Contractors Registration Committee ("CRC") Panel and CRC to assist him in considering applications for registration as registered general building contractors (RGBC) and registered specialist contractors (RSC). The tenure of appointment will be 2 years commencing 2 January 2015.

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

Criteria as set by the BD

- (a) **MUST** be an Authorized Person ("AP");
- (b) Must **NOT** be a member of the Authorized Persons', Registered Structural Engineers' and Registered Geotechnical Engineers' Disciplinary Board Panel or the Registered Contractors' Disciplinary Board Panel;
- (c) Should be an experienced practitioner in the construction industry;
- (d) Should be available for attending the CRC meetings which may be held around 2 sessions per month;
- (e) Should **NOT** be serving more than 6 government boards or committees concurrently (including the proposed nomination to serve in CRCs and/or Minor Works CRCs);
- (f) District Council Member with the relevant expertise, experience and commitment to public service is preferred;
- (g) Younger person where appropriate is preferred; and
- (h) Should **NOT** have sat in the CRC Panel for more than 4 consecutive years by end of December 2014.

(.../2)



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Points to Note

1. ARB would consider gender balance in participation and contribution to community service as suggested by the Buildings Department.
2. An honorarium will be given to CRC members to reimburse the travel, out of pocket and related expenses incurred by serving the CRC. They are taxable income and are reflected in the annual tax return to Inland Revenue Department.
3. Reference should be made to the guidelines on declaration of interests by CRC members as recommended by ICAC. Please refer to **Appendix C** for details.
4. CRC is a public body under the Prevention of Bribery Ordinance (PBO). CRC 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 CRC members' prior consents. Please refer to **Appendix D** for details. Mailing list of CRC members will be sent to the Secretary for Home Affairs (SHA) for him to invite CRC 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 E** 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 by email (arbsec@arb.org.hk) ***on or not later than 29 August 2014:***

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

Thank you for kind attention.

Yours sincerely,
Rita Cheung (Mrs.)
Registrar

Encl.

Function and Composition of the Contractors Registration Committees

- (1) The Building Authority is to establish a panel with sufficient members from whom he is to appoint committees to be known as Contractors Registration Committees. The Building Authority may appoint more than one Registration Committees at any one time.
- (2) The function of a Contractors Registration Committee is to assist the Building Authority in considering applications for inclusion in a register by-
 - (a) examining the qualifications of applicants;
 - (b) inquiring as the relevant Registration Committee considers necessary to ascertain whether an applicant has the relevant experience;
 - (c) conducting interviews with applicants and
 - (d) advising the Building Authority to accept, defer or reject applications for inclusion in the relevant register.
- (3) In relation to a Contractors Registration Committee appointed to assist the Building Authority in considering applications for inclusion in a register of general building contractors, the Contractors Registration Committee consists of-
 - (a) the Building Authority's representative;
 - (b) 3 persons, 1 of whom is nominated by each of the Architects Registration Board, the Engineers Registration Board and the Surveyors Registration Board from the lists of authorized persons, registered structural engineers and registered geotechnical engineers;
 - (c) 3 persons nominated by The Hong Kong Construction Association Ltd.;
 - (d) 1 person nominated by The Hong Kong E & M Contractors' Association Limited;
 - (e) 1 person selected by the Building Authority from among persons nominated by such bodies as the Building Authority may think fit.
- (3A) In relation to a Contractors Registration Committee appointed to assist the Building Authority in considering applications for inclusion in a register of specialist contractors, the Contractors Registration Committee consists of-
 - (a) the Building Authority's representative;
 - (b) 3 persons, 1 of whom is nominated by each of the Architects Registration Board, the Engineers Registration Board and the Surveyors Registration Board from the lists of authorized persons, registered structural engineers and registered geotechnical engineers;
 - (c) 3 persons nominated by The Hong Kong Construction Association Ltd.;
 - (d) 2 persons selected by the Building Authority from among persons nominated by such bodies as the Building Authority may think fit.
- (4) A Contractors Registration Committee is required to meet as often as the Building Authority directs.
- (5) A person who is a member of the Authorized Persons' and Registered Structural Engineers' and Registered Geotechnical Engineers' Disciplinary Board Panel or the Registered Contractors' Disciplinary Board Panel is not eligible for appointment to the Contractors Registration Committee.
- (6) The members of the committee elect the Chairman from the members of the committee other than the representative of the Building Authority.
- (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 Committee is the Chairman, the Building Authority's representative and 3 other members of committee.

Declaration of Interests by Members of the Contractors Registration Committees (CRC)

General Principles

When a member (including the Chairman) of the CRC has a potential conflict of interests in a matter placed before the CRC, the member should make full disclosure of his/her interest.

2. 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 a member to judge and decide if the situation warrants a declaration, and to seek a ruling from the chairman of the CRC in case of doubt.

3. A fundamental rule for maintaining integrity of the CRC is to avoid conflict of interest situations. Under no circumstances should a member of the CRC :

- (a) Use his official position to benefit himself, his family, relatives or friends or any person to whom he owes a favour or is obligated in any way; or
- (b) Put himself in a position that may reasonably arouse suspicion of dishonesty, or of using his official position to benefit himself or his family, relatives or friends.

4. It is not practical to define or describe all 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 CRC is considering a matter in which he has knowledge or experience.

Potential Conflict of Interest Situations

5. The following are potential conflict of interest situations:
- (a) Pecuniary interests in a matter under consideration by the CRC, held either by the member or by any close relative of him/her, should be declared. 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 organisation which is connected with, or the subject of, a matter under consideration by the CRC, should be declared;
 - (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 CRC, should make a declaration; 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, should be declared.
6. Members should also refrain from involving in training courses or publication directly relating to the registration interviews.

Declaration of Interests

7. If a member (including the chairman) 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 chairman or secretary (or the committee) prior to the discussion of the item.
8. Declaration of interests may be made during a CRC meeting or preferably in writing to the secretary of CRC before the meeting. However, should a member form the view that a conflict of interest renders it impossible for him to offer impartial advice, or that the member has been given access to information which the member ought not to have, the member should notify the chairman or the secretary immediately and/or return any CRC paper concerned. The chairman of CRC will then decide on the matter.
9. The chairman (or committee) shall decide whether the member disclosing an interest may speak or vote on the matter, may remain in the meeting as an observer, or should withdraw from the meeting.
10. If the chairman declares an interest in a matter under consideration, the chairmanship may be temporarily taken over by the alternate chairman.
11. 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
Contractors Registration Committees (CRC)**

1. As advised by the Secretary for Home Affairs, certain information concerning individual members of advisory and statutory bodies, which includes the CRC, 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 CRC 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
Contractors Registration Committee Panel and
Contractors Registration Committees (CRC)**

1. I undertake to hold in strict confidence all information that I have access to through my position as a member of CRC Panel and CRCs. Such information includes but not limited to questions and answers for interviewees; personal data of applicants; documents submitted by applicants; interview results; decision making; discussion during meetings; CRC operation; 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 or benefit.
3. I undertake to declare any actual, potential or perceived direct or indirect conflict of interest with my duties as a member to the above panel and committees 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 committees in advance as far as possible of any circumstances, such as loss of membership or qualification, or 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 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 committees, 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:	

Signed : _____

Name (block letter): _____

Date : _____

(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 Contractors Registration Committee Panel and Contractors 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 Contractors Registration Committee in writing.



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Appendix G

6. I am available for attending the CRC which may be held around 2 sessions per month.
 Yes
 No
7. I am a District Council Member with the relevant expertise, experience and commitment to public service.
 Yes
 No
8. 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 CRC) 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			

Note: It is the Government's policy that the length of service of unofficial on boards and committee be confined to a maximum of 6 years. Moreover, members are not expected to sit on more than 6 different Government bodies (including the nomination to serve in CRCs and/or Minor Works CRCs at any one time)

Signature: _____

Date: _____