



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

ARB Circular No. 07/2019

15 August 2019

Dear Registered Architects,

**Invitation on Nomination of Registered Architects to
Geotechnical Engineers Registration Committee Panel and
Geotechnical Engineers Registration Committee
under the Buildings Ordinance**

Architects Registration Board, HKSAR (“ARB”), is invited by the Building Authority (“BA”) to nominate **3 Registered Architects** (“RAs”) for BA’s consideration for appointment to the Geotechnical Engineers Registration Committee (“GERC”) Panel and GERC to assist him in considering applications for inclusion in the geotechnical engineers’ register. The tenure of appointment will be 2 years commencing 2 January 2020.

The functions and composition of the GERC 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;
- (c) Should be an experienced practitioner in the construction industry;
- (d) Should be available for attending the GERC meetings which may be held once or twice a month;
- (e) Should **NOT** be serving more than 6 government boards or committees concurrently (including the proposed nomination to serve on the GERC);
- (f) Should **NOT** be a government officer;
- (g) Younger person where appropriate is preferred; and
- (h) Should **NOT** have sat in the GERC Panel for more than 4 consecutive years by end of December 2019.

ARB’s Recommendation

ARB regards that GERC is an important external representation and prefers the nominees to possess at least **15-year RA and AP experiences**.

(.../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 GERC members to reimburse the travel, out of pocket and related expenses incurred by serving the GERC. They are taxable income and are reflected in the annual tax return to Inland Revenue Department. Currently, the remuneration is HK\$1,020 per meeting.
3. Reference should be made to the guidelines on declaration of interests by GERC members as recommended by ICAC. Please refer to **Appendix B** for details.
4. GERC is a public body under the Prevention of Bribery Ordinance (PBO). GERC 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 GERC members' prior consents. Please refer to **Appendix C** for details. Mailing list of GERC members will be sent to the Secretary for Home Affairs (SHA) for him to invite GERC 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 by email (arbsec@arb.org.hk) **by 23 August 2019:**

- 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 kind attention.

Yours sincerely,
Vivian SIE (Ms.)
Registrar

Encl.

Functions and Composition of the Geotechnical Engineers Registration Committee (GERC)

- (1) The Building Authority is to establish a panel with sufficient members from whom he is to appoint committees to be known as GERC. The Building Authority may appoint more than one Registration Committee at any one time.
- (2) The function of a GERC 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 geotechnical engineers' register.
- (3) In relation to a GERC appointed to assist the Building Authority in considering applications for inclusion in the geotechnical engineers' register, the GERC consists of –
 - (a) 3 registered geotechnical engineers nominated by the Engineers Registration Board;
 - (b) 1 authorized person nominated by the Architects Registration Board;
 - (c) 1 authorized person nominated by the Surveyors Registration Board;
 - (d) 1 registered structural engineer nominated by the Engineers Registration Board;
 - (e) the Building Authority's representative;
 - (f) 1 public officer of the rank of Government Geotechnical Engineer nominated by the Director of Civil Engineering and Development; and
 - (g) 1 person selected by the Building Authority from among persons nominated by such bodies as the Building Authority may think fit.
- (4) A GERC 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' and Registered Geotechnical Engineers' Disciplinary Board Panel or the Registered Contractors' Disciplinary Board Panel is not eligible for appointment to the GERC.
- (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 GERC is the Chairman, the Building Authority's representative, the public officer nominated under 3(f) above and 2 other members.

**Declaration of Interests by Members of the
Geotechnical Engineers Registration Committee (GERC)**

General Principles

1. When a member (including the chairman) of the GERC has a potential conflict of interests in a matter placed before the GERC, the member should make full disclosure of his 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 GERC in case of doubt.

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

- (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.

3. 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 GERC is considering a matter in which he has knowledge or experience.

Potential Conflict of Interest Situations

4. The following are potential conflict of interest situations: -

- (a) Pecuniary interests in a matter under consideration by the GERC, held either by the member or by any close relative of him, should be declared. Members are themselves the best judge to 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 GERC, should be declared;

- (c) Similarly, some friendships 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 GERC, 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.

5. Due to the above reasons, GERC members should refrain from involving in training courses or publications directly relating to the registration interview.

Declaration of Interests

6. GERC members shall declare all actual, potential and perceived conflict of interest in writing for record purposes. Any belated interest declarations may lead to the adjournment of the meetings. Therefore, members are urged to study the documents for the meeting immediately upon receipt and should make every endeavour to inform the secretary without delay if conflict of interest is anticipated.

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. Declaration of interests should be made to the secretary before the meeting immediately. The member should also return the relevant paper for discussion to the secretary without delay.

8. 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 ought not to have, the member should notify the secretary or the chairman immediately and/or return any GERC paper concerned to the secretary. The chairman of GERC 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 whether the affected item should be adjourned.

10. If the chairman declares an interest in a matter under consideration, the chairmanship may be temporarily taken over by the alternate chairman.

11. All cases of declaration of interests, decisions of the chairman (or committee) on the declaration and actions taken to address the situation shall be recorded in the minutes of meeting.

**Release of Information Concerning Members of the
Geotechnical Engineers Registration Committee (GERC)**

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

1. I undertake to hold in strict confidence all information that I have access to through my position as a member of GERC Panel and GERC. 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 been committed misconduct or neglect 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 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 Geotechnical Engineers Registration Committee Panel and the Geotechnical Engineers 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 Geotechnical Engineers Registration Committee in writing.



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Appendix F

5. I am available for attending the GERC which may be held once or twice a month.

Yes

No

6. I am a government officer.

Yes

No

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

7. 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 GERC) 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: _____