

Complaint Handling

The Hong Kong Institution of Architects Complaint Handling Procedures 2022

Implementation of the SOP Provisions in Public Works Contracts

(Pursuant to SOP Provisions of DEVB TC (Works) No. 6/2021)

1. If any person is dissatisfied with the conduct of an adjudicator included on Hong Kong Institution of Architects (HKIA) panel of adjudicators and wishes to lodge a complaint against that adjudicator, the complaint shall be made in writing stating the reasons for the complaint and all supporting information relied upon in the complaint shall be provided with the complaint and addressed to the Secretariat of HKIA at Email address bp@hkia.org.hk, marked private and confidential. Such complaint shall be lodged within 30 working days from the date of publication of the decision by the adjudicator against whom the complaint is levied. A complaint MUST refer to a breach of the HKIA Code of Conduct and be accompanied by a non-refundable application fee of HK\$2,000.00 subject to paragraph 8 of these Complaints Handling Procedures.
2. If a complaint is received, the Secretariat shall acknowledge receipt of the complaint and forward the complaint to the Chairperson of Accreditation Sub-committee of the Construction Dispute Resolution Committee of HKIA for establishing a Review Committee of three persons to handle the matter.
3. The Review Committee, having reviewed the complaint, shall decide if there is a prima facie case for further investigation. If there is not sufficient evidence to justify further investigation, the Review Committee may dismiss the complaint. If further investigation is considered appropriate, the Review Committee may seek the comments of or further information from the adjudicator or the other parties in the adjudication proceedings.
4. If the Review Committee decides to seek comments or further information, the Secretariat shall notify the adjudicator or other parties of the complaint and request that they submit in writing any comments or further information in response to the complaint within 28 working days or any other period so specified. As soon as possible after receipt of the comments or further information, the Secretariat shall forward the same to the Review Committee for handling.
5. The Review Committee may request further written comments from the complainant, the adjudicator, or other parties if it considers appropriate prior to forming its decision.
6. The Review Committee will decide whether the complaint has been established.
7. The Review Committee shall conduct the proceedings on documents only and there shall be no in-person hearings in relation to the complaint, unless under exceptional situation.
8. If the Review Committee decides that the complaint has been established, it shall exercise its discretion as to what sanctions to order against the adjudicator. Such sanctions may include (but are not limited to):
 - a) a written warning or censure; or

- b) suspension from the HKIA panel of adjudicators for a limited period ranging from one month to one year; or
 - c) removal from the HKIA panel of Adjudicators.
9. The Review Committee may order refund of the application fee should the complaint be established.
10. The Review Committee shall report its decision to the Chairperson of Accreditation Subcommittee of the Construction Dispute Resolution Committee of HKIA, who shall write to the parties concerned informing them of the Review Committee's decision.
11. Unless otherwise agreed by the complainant and the adjudicator or required by any applicable law, all documents, information, and decisions submitted or produced in respect of the complaint shall be kept confidential and shall be disposed of after one year when the decisions are made by the Review Committee.
12. Where no complaint has been made but the Construction Dispute Resolution Committee of HKIA is aware of any information which calls into question the listing of an adjudicator on HKIA panel of adjudicators, the Construction Dispute Resolution Committee of HKIA shall inform the Chairperson of Accreditation Sub-committee of the Construction Dispute Resolution Committee of HKIA who may review that listing and determine whether to order any sanctions referred to at paragraph 8 above after consideration of any comments from the adjudicator concerned.
13. Notwithstanding the Review Committee has no obligation to give reasons for any decision it makes, it will normally provide briefly the bases for its conclusion to the concerned parties.
14. All decisions made by the Review Committee are final and, to the extent permitted by any applicable law, not subject to appeal.