

## LAWS OF HONG HONG

### CAP 408 ARCHITECTS REGISTRATION ORDINANCE

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Chapter: 408	ARCHITECTS REGISTRATION ORDINANCE	Version Date	30/06/1997
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Long title

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

[4 May 1990]

(Originally 21 of 1990)

Section Num: 1	Version Date	30/06/1997
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Heading Short title

PART I

PRELIMINARY

This Ordinance may be cited as the Architects Registration Ordinance.

Section Num: 2	Version Date	30/06/1997
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Heading Interpretation

In this Ordinance, unless the context otherwise requires-

"**Board**" (管理局) means the registration board established under section 4;

"**Chairman**" (主席) means the Chairman of the Board elected under section 6;

"**Council**" (理事會) means the Council of the Institute;

"**disciplinary offence**" (違紀行爲) means an act or omission set out in section 21(1);

"**inquiry committee**" (研訊委員會) means an inquiry committee established under section 22;

"**Institute**" (學會) means the Hong Kong Institute of Architects established under the Hong Kong Institute of Architects Incorporation Ordinance (Cap 1147);

"**member of the Institute**" (學會會員) means a person who is a Member or a Fellow under the constitution of the Institute;

"**register**" (註冊紀錄冊) means the register established under section 8;

"**Registrar**" (註冊主任) means the Registrar appointed under section 11;

"**registration committee**" (註冊事務委員會) means the registration committee established under section 17;

"**review committee**" (覆核委員會) means a review committee appointed under section 26(2).

Section Num:	3	Version Date	30/06/1997
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**Heading**      **Application**

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.

Section Num:	4	Version Date	01/07/1997
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**Heading**      **Constitution of the Board**

Remarks

Adaptation amendments retroactively made - see 57 of 1999 s. 3

PART II

ARCHITECTS REGISTRATION BOARD

- (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. (Amended 57 of 1999 s. 3)
- (3) The Chief Executive shall give notice in the Gazette of every appointment made under this section. (Amended 57 of 1999 s. 3)
- (4) The Council shall not appoint a person as a member of the Board unless he is a member of the Institute.

Section Num:	5	Version Date	01/04/1998
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**Heading**      **Tenure of office**

Remarks

Adaptation amendments retroactively made - see 57 of 1999 s. 3

- (1) Members appointed by the Council-
  - (a) shall be appointed for 4 years or such lesser period as may be specified in the terms of appointment;
  - (b) may resign by giving notice in writing to the Board; and
  - (c) subject to subsection (2) may be reappointed.
- (2) A member-
  - (a) who has been a member of the Board appointed by the Council continuously for 8 years; or
  - (b) whose period of service as a member of the Board appointed by the Council exceeds 8 years in any 10 year period,may not be reappointed until a period of 2 years since he last served has elapsed when he shall be eligible for reappointment as if he had not previously been appointed.

- (3) The member appointed by the Chief Executive shall hold office at the discretion of the Chief Executive.  
(Amended 57 of 1999 s. 3)
- (4) If the Board is satisfied that a member of the Board appointed by the Council-
- (a) has become bankrupt or has entered into a voluntary arrangement with his creditors within the meaning of the Bankruptcy Ordinance (Cap 6); (Amended 76 of 1996 s. 88)
  - (b) has become so incapacitated by physical or mental illness as to be unable to carry out his duties as a member;
  - (c) has ceased to be ordinarily resident in Hong Kong;
  - (d) has been sentenced to imprisonment, whether suspended or not, by any court or magistrate;
  - (e) has been found guilty of a disciplinary offence; or
  - (f) notwithstanding any of the other grounds for removal, is, in the opinion of the Board, unable or unfit to carry out his functions as a member of the Board, the Board may by notice in writing terminate his appointment.
- (5) Where any member of the Board appointed by the Council is precluded by temporary absence or incapacity from carrying out his functions as a member for any period or resigns, the Council may appoint another person to hold office in place of such member-
- (a) in the case of a temporary absence or incapacity, during the period of temporary absence or incapacity; or
  - (b) in the case of a resignation, for the balance of the period for which the resigning member was due to serve.

<b>Section Num:</b> 6	<b>Version Date:</b> 30/06/1997
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**Heading**      **Chairman**

- (1) The Board shall elect a Chairman and a Vice-chairman each year from among the members and not more than 15 months shall elapse between the date of one election and the next.
- (2) A member elected as Chairman or Vice-chairman under subsection (1) may at any time, by notice in writing to the Board, resign from the office of Chairman or Vice-chairman.

<b>Section Num:</b> 7	<b>Version Date</b> 01/07/2002
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**Heading**      **Proceedings**

- (1) The Chairman, or in his absence, the Vice-chairman, may appoint the time and place for the Board to meet.
- (2) The Registrar shall, or a member of the Board may, on the written requisition of not less than 2 members give notice of a meeting of the Board to be held not sooner than 7 days but within 28 days from the receipt of the requisition and appoint the time and place for that purpose.
- (3) The Board shall meet at least once every 6 months and as often as may be necessary to transact the business of the Board.
- (4) The Board shall not transact business at a meeting other than to adjourn unless there is a quorum of one third of the members of the Board present.
- (5) The Board may make rules, not inconsistent with this section, setting out the procedures to be followed at meetings.
- (6) The Board shall lodge a copy of any rules made under subsection
- (5) with the Secretary for the Environment, Transport and Works. (Amended 33 of 1997 s. 2; L.N. 106 of 2002)

<b>Section Num:</b> 8	<b>Version Date</b> 30/06/1997
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**Heading**      **Functions of the Board**

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

<b>Section Num:</b> 9	<b>Version Date</b> 30/06/1997
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**Heading** Powers of the Board

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; (Added 33 of 1997 s. 3)
- (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.

<b>Section Num:</b> 10	<b>Version Date</b> 30/06/1997
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**Heading** No fees payable to Board members

No fees shall be paid to any member of the Board for his services as a member.

<b>Section Num:</b> 11	<b>Version Date</b> 30/06/1997
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**Heading** Appointment and duties of Registrar

PART III

REGISTER AND CERTIFICATES

- (1) The Board shall appoint a person to be Registrar upon such terms and conditions as it thinks fit.
- (2) The Registrar shall-
  - (a) be responsible for the custody of the register; and
  - (b) serve as secretary to the Board, and, subject to any rules made by the Board, the registration committee and any inquiry committee.

**Section Num:** 12

**Version Date** 30/06/1997

**Heading**      **Form of register**

- (1) The Registrar shall, in accordance with the directions of the Board, keep the register in which he shall enter in respect of every registered architect-
  - (a) the name and address of the registered architect;
  - (b) the qualification on which his registration is based; and
  - (c) any other details that the Board may direct.
- (2) The register shall be available to any person for inspection free of charge at the office of the Institute at such reasonable times as the Board may direct.
- (3) A person whose name is entered in the register shall within 28 days notify the Registrar of any change in the particulars prescribed by subsection (1).
- (4) The Board shall not charge a fee to amend the register.

**Section Num:** 13

**Version Date** 30/06/1997

**Heading**      **Qualifications for registration**

- (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
  - (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.
- (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).

<b>Section Num:</b> 14	<b>Version Date</b> 30/06/1997
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**Heading**      **Application for registration**

- (1) A person shall apply for registration as a registered architect in such form and manner as the Board may specify.
- (2) An applicant shall pay to the Board at the time of lodging his application the fee for an application for registration.
- (3) The Board may, in its discretion, require an applicant to undertake a written examination under section 13(1)(a)(iii) of his knowledge of architecture and professional matters.

<b>Section Num:</b> 15	<b>Version Date</b> 30/06/1997
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**Heading**      **Acceptance or refusal of registration**

- (1) The Board may accept or reject an application for registration or renewal of registration under this Ordinance.
- (2) Where the Board accepts or rejects an application for registration or renewal of registration, the Registrar shall act in accordance with rules made by the Board.
- (3) Where the Board rejects an application for registration or renewal of registration, it shall give reasons for the rejection.



**Section Num:** 16

**Version Date** 30/06/1997

**Heading**      **Expiry of registration and renewal**

- (1) The entry in the register of a person as a registered architect under this Ordinance-
  - (a) shall remain in force for 12 months from the date when he was registered;
  - (b) may be renewed annually by application of the person so registered.
- (2) A registered architect shall apply for renewal of registration to the Registrar in the form specified by the Board not earlier than 3 months and not later than 28 days prior to the expiry of the current registration.
- (3) A registered architect shall pay to the Board the fee for an application for renewal of registration at the time of applying for renewal of registration.
- (4) If a registered architect does not apply for renewal of registration before the expiry of his current registration-
  - (a) the Registrar shall, on the expiry of the current registration, note in the register that registration has not been renewed; and
  - (b) the person shall be deemed not to be currently on the register from the date of expiry of his registration.
- (5) The Board may reject an application for renewal if it is satisfied that the applicant does not continue to comply with the requirements for registration set out in section 13.
- (6) Where a registered architect fails to renew his registration within time, the Board may extend time for renewal of registration if the registered architect pays to the Board the fee for the extension of time.
- (7) Any grant of extension of time by the Board shall not affect any offence under any other Ordinance that the person who has failed to renew on time may commit as a result of that failure.
- (8) If the registration of a registered architect has expired, the Board may require him to reapply for registration instead of renewing his registration.

**Section Num:** 17

**Version Date** 01/07/1997

**Heading**      **Registration committee**

Remarks

Adaptation amendments retroactively made - see 57 of 1999 s. 3

- (1) The Board may appoint a committee of not less than 3 persons who are members of the Institute to examine the qualifications of applicants.
- (2) The Chief Executive may nominate a person to be a member of the registration committee, and, if a person is so nominated, the Board shall appoint him to the committee. (Amended 57 of 1999 s. 3)
- (3) The registration committee shall make recommendations to the Board on the acceptability of the qualifications which require the Board's acceptance under section 13(1)(a)(ii) or (iii).
- (4) The Board shall not be bound by a recommendation of the registration committee under subsection (3).
- (5) The Board may delegate any of its functions relating to registration and the renewal of registration to the registration committee.

<b>Section Num:</b> 18	<b>Version Date</b> 30/06/1997
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**Heading**      **Certificate of registration**

The Registrar may, on payment by a registered architect to the Board of a fee, issue to the registered architect a certificate of registration or a certificate of renewal of registration in the form specified by the Board.

<b>Section Num:</b> 19	<b>Version Date</b> 30/06/1997
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**Heading**      **Notice to Board on leaving Hong Kong**

A registered architect shall notify the Board if he is likely to be absent from Hong Kong for a continuous period of more than 6 months.

<b>Section Num:</b> 20	<b>Version Date</b> 30/06/1997
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**Heading**      **Removal of name from the register**

- (1) The Registrar may remove the name of a registered architect from the register if he has notice that the registered architect has-
  - (a) died;
  - (b) applied to discontinue his registration;
  - (c) in the opinion of the Board, ceased to be ordinarily resident in Hong Kong;
  - (d) failed to renew his registration;
  - (e) ceased to hold a qualification by virtue of which he was registered; or
  - (f) failed to notify a change of details required under section 12(3).
- (2) For the purposes of subsection (1)(c), if a registered architect has failed to reside in Hong Kong for a period of 2 years or more, the Board shall not consider him to be ordinarily resident in Hong Kong.
- (3) Subject to section 27(2), the Registrar shall remove a name from the register if he receives an order of the Court of Appeal or an inquiry committee directing that the name be removed from the register.
- (4) Where the Registrar intends to remove the name of a registered architect from the register under subsection (1)(c), (d), (e) or (f), he shall send notice of his intention by prepaid registered post to the registered address of the registered architect and shall not remove his name until the expiry of a period of 28 days after the date of posting the notice.
- (5) If the Registrar gives notice to a registered architect that-
  - (a) the Board is of the opinion that he is not ordinarily resident in Hong Kong and, before the Registrar acts to remove his name from the register, the registered architect satisfies the Board that he is ordinarily resident in Hong Kong;
  - (b) he has not applied to renew his registration and, before the Registrar acts to remove his name from the register, the registered architect properly applies to renew his registration;

- (c) he has ceased to hold a qualification by virtue of which he was registered and, before the Registrar acts to remove his name from the register, the registered architect satisfies the Board that he holds the qualification; or
  - (d) he has failed to notify a change in particulars required under section 12(3) and, before the Registrar acts to remove his name from the register, the registered architect takes such action as will remedy the defect in the register, the Registrar shall not remove the name from the register for the reason set out in a notice under subsection (4).
- (6) If the name of a registered architect is removed from the register, his registration is cancelled and he shall return any certificate issued in respect of his registration to the Registrar.
- (7) The Board shall not be liable to refund to a person any fee, or any part of any fee, on the removal of his name from the register.
- (8) The Registrar may correct any error apparent on the face of the register.

<b>Section Num:</b> 21	<b>Version Date</b> 30/06/1997
<b>Heading</b> Disciplinary offences	

#### PART IV

#### DISCIPLINARY PROCEEDINGS

- (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;
  - (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.
- (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 or renewal of 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.
- (3) Where the Registrar receives a complaint concerning a disciplinary offence, the Registrar shall submit the facts to 2 members of the Board appointed by the Board for the purpose, and the members, in consultation with the Registrar, shall determine whether the complaint should be referred to the Board.

Section Num: 22

Version Date 30/06/1997

**Heading** Inquiry committee and rules of conduct

- (1) 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.
- (2) The Board may make rules providing for the conduct of its inquiries by an inquiry committee and for other matters relating to the investigation of an alleged disciplinary offence.
- (3) The inquiry committee shall not proceed to hear evidence of a complaint concerning a disciplinary offence unless the registered architect in respect of whom the complaint is made is given 28 days' notice of the complaint and the date, time and place of the hearing.
- (4) The registered architect referred to in subsection (3) shall be entitled to attend and hear all evidence produced at the hearing and shall be provided with a copy of this Ordinance and any rules made under this section.
- (5) The Board may make rules for the rehearing of an inquiry by an inquiry committee.
- (6) Where a registered architect is alleged to have committed a disciplinary offence under section 21(1)(b) or (f), the inquiry committee-
  - (a) shall not be required to inquire whether the registered architect was properly convicted of the alleged offence; and
  - (b) may consider any record of the case in which a conviction was recorded and any other evidence which is relevant as showing the nature and gravity of the offence.
- (7) 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.

Section Num: 23

Version Date 30/06/1997

**Heading** Legal adviser

The Board may appoint a legal practitioner to advise an inquiry committee and a review committee on any points of law and procedure that arise before, during or after the inquiry.

**Heading** Disciplinary orders of inquiry committee and costs**Remarks**

Adaptation amendments retroactively made - see 57 of 1999 s. 3

- (1) Where an inquiry committee finds that a registered architect committed a disciplinary offence, on confirmation by a review committee of the finding, or on the variation of the finding or any proposed order based on the recommendation of the review committee, the inquiry committee may make any one or more of the following orders- (Amended 33 of 1997 s. 4)
  - (a) order the Registrar to remove the name of the registered architect from the register;
  - (b) order the Registrar to remove the name of the registered architect from the register for such period as the inquiry committee may think fit;
  - (c) reprimand the registered architect in writing and order the Registrar to record the reprimand on the register;
  - (d) order that an order made under this section be suspended, subject to such conditions as the inquiry committee may think fit, for a period not exceeding 2 years;
  - (e) order that the Board shall not accept an application from the registered architect for registration as a registered architect either for a fixed period or until the registered architect satisfies the Board that he should be registered;
  - (f) order that the Chairman admonish the registered architect orally; (Amended 33 of 1997 s. 4)
  - (g) order the registered architect to pay all or part of the costs of any of the Registrar, the Board or the inquiry committee arising from the case if, but only if, the inquiry committee is satisfied that in all the circumstances of the case it would be unjust and inequitable not to do so. (Added 33 of 1997 s. 4)
- (2) Costs payable by virtue of an order under subsection (1)(g) shall be recoverable as a civil debt. (Added 33 of 1997 s. 4)
- (3) The inquiry committee may-
  - (a) assess the amount of any costs to be payable by virtue of an order under subsection (1)(g); or
  - (b) order that those costs be taxed on the basis of any one of the scale of costs specified in the First Schedule to the District Court Civil Procedure (Costs) Rules (Cap 336 sub. leg.), and the Schedules to Order 62 of the Rules of the High Court (Cap 4 sub. leg.) shall, with all necessary modifications, apply to the taxation and recovery of costs. (Added 33 of 1997 s. 4. Amended 57 of 1999 s. 3)
- (4) For the purposes of this Ordinance (including sections 26 and 29), any assessment or order under subsection (3) shall be deemed to be part of the order under subsection (1)(g) to which it relates. (Added 33 of 1997 s. 4)

**Heading** Powers in regard to obtaining of evidence and conduct at inquiry

- (1) An inquiry committee shall have power-
  - (a) to hear, receive and examine evidence on oath;
  - (b) to summon any person to attend the inquiry either as the person whose conduct is the subject of the inquiry or to give evidence or produce any document or other thing in his possession and to examine him as a witness or require him to produce any document or other thing in his possession, subject to all just exceptions;
  - (c) to admit or exclude the public or any member of the public from the inquiry;
  - (d) to admit or exclude the press from the inquiry;
  - (e) to award any person summoned to attend the inquiry as a witness such sum, to be paid from the funds of the Board, as in the opinion of the inquiry committee have been reasonably expended by him in connection with his attendance.
- (2) The Registrar shall sign summonses to witnesses.
- (3) No person shall be required to answer any question or produce any document or other thing which, in the opinion of the inquiry committee, may tend to incriminate him.
- (4) A witness shall, in respect of any evidence given by him before the inquiry committee, be entitled to the same privileges to which he would be entitled if he were giving evidence in court.

**Heading** Review of disciplinary orders

- (1) When an inquiry committee completes its hearing in respect of a disciplinary offence and makes a finding that a disciplinary offence has been committed, the Registrar shall forthwith forward the inquiry committee's decision and details of any order proposed to be made by the inquiry committee under section 24 to the Board for review.
- (2) The Board shall appoint 3 of its members to sit with the Chairman as a review committee to review the decision of the inquiry committee.
- (3) The Board shall not appoint a member of the inquiry committee to be a member of the review committee.
- (4) The review committee may-
  - (a) confirm the decision and any proposed order of the inquiry committee;
  - (b) reverse a finding of guilt by the inquiry committee;
  - (c) recommend that any proposed order made by the inquiry committee be varied; or
  - (d) remit the decision or any proposed order of the inquiry committee to the inquiry committee with directions to reconsider the decision or proposed order or both.
- (5) The inquiry committee shall comply with the directions and recommendation, if any, of the review committee.

**Section Num:** 27

**Version Date** 30/06/1997

**Heading** Service of orders of inquiry committee

- (1) The Registrar shall serve a copy of any order made under section 24(1), together with a copy of the inquiry committee's reasons, or serve notice that the inquiry committee has not found that the registered architect concerned committed a disciplinary offence, upon the registered architect concerned, either personally or by registered post addressed to his registered address immediately when the Registrar receives- (Amended 33 of 1997 s. 5)
  - (a) the report of the review committee, unless the inquiry committee is to reconsider its decision; or
  - (b) any order of the inquiry committee reviewed under section 26(4)(d).
- (2) The Registrar shall not remove the name of the registered architect from the register before the expiry of a period of 28 days after the date of service of the order under subsection (1), and in the event of an appeal under section 29 or until the time therefor has expired shall await the decision of the Court of Appeal.
- (3) Any person whose name has been removed from the register under this Ordinance may apply to the Board for the restoration of his name to the register, and the Board may, after such inquiry and subject to such conditions as it may consider desirable, allow or refuse the application.
- (4) If the Board allows an application under subsection (3), it shall order the Registrar to restore the name of the applicant to the register on payment by the applicant of the prescribed fee.

**Section Num:** 28

**Version Date** 30/06/1997

**Heading** Publication of disciplinary orders

- (1) After the expiry of the time within which an appeal under section 29 against an order of an inquiry committee under section 24(1)(a) to (e) may be made, or where in the case of an appeal the order is affirmed or varied or the appeal is abandoned, the Board- (Amended L.N. 179 of 1991; 33 of 1997 s. 6)
  - (a) shall publish a copy of the order or the order as varied on appeal in at least one English and one Chinese language newspaper circulating daily in Hong Kong; and
  - (b) may publish the order or the order as varied on appeal in any other publication or manner as the Board thinks fit. (Amended L.N. 179 of 1991)
- (2) Where an order is published under subsection (1), the Board-
  - (a) shall publish with such order sufficient particulars to acquaint the public with the nature of the matter to which the order relates; and
  - (b) may publish with such order an account of the proceedings of the inquiry committee.
- (3) No action in damages for defamation shall lie against any person as a result of publishing an order and other particulars required or permitted under this section.

**Heading** Appeal to Court of Appeal

## Remarks

Adaptation amendments retroactively made - see 57 of 1999 s. 3

## PART V

## APPEALS

- (1) Any person who is aggrieved by any decision made in respect of him under section 15(1), 16(5) or 24(1) may appeal to the Court of Appeal. (Amended 33 of 1997 s. 7)
- (2) The Court of Appeal may affirm, reverse or vary the decision appealed against.
- (3) Where a person appeals against a decision of an inquiry committee, the Court of Appeal shall consider the reasons of the inquiry committee and submissions upon the findings of fact and law of the inquiry committee made on behalf of the parties to the inquiry and may call for the original record of the evidence taken and any document put in evidence before the inquiry committee.
- (4) The Court of Appeal may, upon special grounds being shown, consider any additional evidence not adduced before the inquiry committee.
- (5) The decision of the Court of Appeal upon any appeal shall be final.
- (6) The practice in relation to any appeal shall be subject to any rules of court made under the High Court Ordinance (Cap 4). (Amended 57 of 1999 s. 3)
- (7) The Court of Appeal shall not have power to hear any appeal against a decision or order made under section 15(1), 16(5) or 24(1) unless-
  - (a) in the case of a decision made under section 15(1) or 16(5), notice of such appeal is given within 3 months after the applicant is notified in writing of the decision;
  - (b) in the case of an order made under section 24(1), notice of such appeal is given within 3 months of the service of the order under section 27. (Replaced 33 of 1997 s. 7)
- (8) In deciding any appeal under this section the Court of Appeal may make such order for the payment of costs as it considers reasonable.



**Heading**      **Use of title**

## Remarks

Adaptation amendments retroactively made - see 23 of 1998 s. 2

## PART VI

## USE OF TITLE

- (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.".
- (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. (Amended 23 of 1998 s. 2)
- (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);
  - (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).

**Heading**      **Offences and penalties**

## Remarks

Adaptation amendments retroactively made - see 23 of 1998 s. 2

## PART VII

## OFFENCES AND EVIDENCE

## (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;
- (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;
- (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;
- (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.

- (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. (Amended 23 of 1998 s. 2)

**Section Num:** 32

**Version Date** 30/06/1997

**Heading** Certificate as evidence

A certificate, purporting to be signed by the Registrar, that the name of a person has or has not been entered in or has been removed or ordered to be removed from the register shall for all purposes, without further proof, be evidence of the facts stated in the certificate.