

**Building Affairs Expert Determination Centre**  
**Guidelines and Procedures for Inclusion in the List of Experts**

The Building Affairs Expert Determination Centre (“**BAEDC**”) intends to be a platform to promote the use of expert determination, being an additional dispute resolution system, in respect of building related technical issues or disputes, including but not limited to water seepage, decoration or fitting out works, repair and maintenance works for existing buildings (but excluding disputes on the handover status of new flats or commercial units) and liability of unauthorized building works (the “**Areas**”).

Such expert determination shall, in the absence of manifest error, be final and conclusive in relation to the building related technical issues or disputes between the parties to the disputes and binding on the parties

Accordingly, upon receiving an application for the nomination of expert for expert determination, BAEDC will nominate an expert from the relevant area under its List of Experts who shall enter into a separate engagement agreement with the parties and determine the building related technical issues or disputes.

These *Guidelines and Procedures for Inclusion in the List of Experts in respect of Expert Determination on Building related Technical Issues or Disputes* (the “**Guidelines for Inclusion in List of Experts**”) intend to provide guidance to Applicants who wish to be listed on the List of Experts. Please read these Guidelines for Inclusion in List of Experts, before applying for the inclusion in the List of Experts.

**A. Assessment Criteria and Qualifications**

1. Generally, the Hong Kong Institute of Surveyor (“**HKIS**”) member who wishes to be included in the List of Experts in respect of expert determination on building related technical issues or disputes shall:-
  - (a) Satisfactorily complete all the expert determination courses offered by BAEDC for the above purpose or such equivalent courses recognized by BAEDC or holding such professional and/or academic qualification in relation to dispute resolution;
  - (b) Have substantial experience in each of the relevant Areas of Technical Issues or Disputes they wish to apply for, in particular, Applicant should have prepared at least five (5) expert reports and/ or attended five (5) similar tasks on the building related technical issues or disputes<sup>1</sup> in the relevant Areas they wish to apply for over the past five (5) years ;
  - (c) Hold a Professional Grade of Membership (FHKIS or MHKIS) in the Building Surveying Division as primary/ multiple division;
  - (d) Have a minimum of at least ten (10) years post qualification experience in the Building Surveying Division;
  - (e) Hold an appropriate level of professional indemnity cover for experts in expert determination;
  - (f) Attend and succeed at the relevant interview with the assessment panel

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<sup>1</sup> For instance, acting as expert witness and/or arbitrator.

(the “**Assessment Panel**”), if so required.

**B. Application Procedure**

2. Applicant shall submit his/ her application to BAEDC by completing the Application Form for Inclusion in the List of Experts in respect of Expert Determination on Building related Technical Issues or Disputes (the “**Inclusion Form**”) together with all the relevant supporting documents set out in the Inclusion Form and the application fee set out in paragraph 13 hereinbelow (the “**Inclusion Fee**”).
3. Upon receipt of the application, BAEDC may refer to the Assessment Panel administered by BAEDC. The Applicant shall then produce to BAEDC any such further documents as BAEDC may reasonably require.
4. If BAEDC is of the opinion that the Applicant possesses sufficient professional qualification and experience to the satisfaction of BAEDC, BAEDC will:
  - (a) notify the Applicant details of the Assessment Panel interview, if so required, or
  - (b) inform the Applicant of the assessment result, in case no Assessment Panel interview is required,within 1 month from the receipt of the application and all supporting and further documents.
5. The interview (if any) will be held by not less than two (2) members of the Assessment Panel who shall assess the Applicant by reference to the abilities and qualities that would normally be expected of an expert in respect of expert determination on building related technical issues or disputes and the Applicant shall be able to demonstrate his/ her skills and experience in dealing with building related technical issues or disputes in the relevant Areas to which the Applicant has applied for and his/ her understanding of the role of an expert in expert determination.
6. Within 1 month from the date on which the interview (if any) is held, BAEDC will inform the Applicant of the result of the Assessment Panel interview and BAEDC will send a written confirmation for the inclusion in the List of Experts to the successful Applicant within 2 weeks after (a) notifying the Applicant of the result of the Assessment Panel interview, or (b) (in case no assessment interview is required) informing the Applicant of the assessment result in accordance with paragraph 4(b) hereinabove.
7. The assessment result is final and conclusive. No appeal against the assessment result shall be allowed.
8. BAEDC shall be entitled to, at its sole discretion, reject any substantially similar applications made by the same Applicant, whose application has not been successful previously.

**C. Requirement for the maintenance of the List of Experts**

9. Members listed on the List of Experts are required to attend at least 6 hours of CPD or similar training courses provided by BAEDC or such similar training courses provided by institutes recognized by BAEDC every year to maintain and/ or update their expert determination skills and knowledge. Further, members listed on the List of Experts shall provide any information and/or renewal application to demonstrate their eligibility and continuous compliance with the criteria and qualifications stipulated in paragraph 1 above as required by BAEDC from time to time.
10. As a matter of professional conduct and proficiency, members listed on the List of Experts shall be aware of and comply with all HKIS and/ or other rules and guidelines applicable.
11. Members are hereby reminded that BAEDC may provide the applicants for nomination of expert with and/ or publish on the website of the HKIS the personal information of the members listed on the List of Experts in a prescribed CV format (“CV”). Members listed on the List of Experts shall ensure that all the information contained in its CV are at all times true, correct and not misleading and shall immediately notify BAEDC upon becoming aware of any change and/ or error in the said information.
12. Please note that, after nomination by BAEDC, subsequent provision of expert determination will be a private and independent matter between the expert and the instructing parties. BAEDC will not be responsible for any matters arising, save and except the upkeep of professional standards and disciplinary actions according to prevailing regulations and bye-laws of BAEDC and/ or HKIS.

**D. Fees**

13. Subject to any notice issued by BAEDC to the contrary, when an application for inclusion in the List of Experts is lodged with BAEDC, there shall at the same time be paid to HKIS the following non-refundable Inclusion Fee as announced by BAEDC from time to time.
14. Fees to be paid to the HKIS in accordance with paragraph 13 above shall be paid free of any bank charges, transfer fees, or any withholdings, in Hong Kong Dollars (HKD) by cheque/ cashier’s order only. The cheque/ cashier’s order should be properly crossed and made payable to “The Hong Kong Institute of Surveyors” and enclosed with the Inclusion Form.

**E. Removal of Experts from the List of Experts and Re-admission**

15. BAEDC may, at its own and complete discretion, remove a member from the List of Experts, if the member:
  - (a) fails to comply with any rules or guidelines applicable to HKIS members;

- (b) fails to hold a Professional Grade of Membership (FHKIS or MHKIS) in the Building Surveying Division as primary/ multiple division for any reason whatsoever;
  - (c) fails to meet the minimum training course requirement for expert determination;
  - (d) fails to conduct himself/ herself in a fair, independent, professional and otherwise appropriate manner in the course of the expert determination;
  - (e) is found to have professional misconduct; or
  - (f) is found to have submitted false, incorrect or inaccurate information in respect of any of the member's application documents or fails to notify BAEDC of any change and/ or error in the information set out in the member's CV.
16. BAEDC may re-admit such member to the List of Experts under any such conditions as it may prescribe to a member removed from the List of Experts, as the case may be.