



**PANEL OF ADJUDICATORS OF  
THE HONG KONG INSTITUTE OF SURVEYORS  
PROCEDURES OF ADMISSION**

## **I. THE PANEL OF ADJUDICATORS**

- 1.1 The Hong Kong Institute of Surveyors (“the HKIS”) acts as an adjudicators nominating body and maintains a Panel of Adjudicators (“Panel”) of adjudicators to facilitate parties in pursuing the adjudication process under the Technical Circular of “Implementation of the Spirit of Security of Payment Legislation in Public Works Contracts” (DEVB TC(W) No. 6/2021) issued by the Development Bureau.
- 1.2 Admission to the Panel does not guarantee that any nomination as an adjudicator will follow.
- 1.3 The Panel shall be reviewed and updated by the Adjudicators Admission Sub-Committee (“AAC”) regularly from time to time.

## **II. Minimum Requirements for Admission**

- 2.1 Applicants should be a Fellow (FHKIS), or a Member (MHKIS) with 7 years of post-qualification experience of the HKIS.
- 2.2 Applicants must have attended and passed the HKIS Adjudicator Training Course organized by the HKIS (i.e. 100% attendance of the training course) and passed the written examination.
- 2.3 Applicants must have working experience of at least 10 years in administration, management, supervision of construction contracts in Hong Kong or in dispute resolution relating to construction contracts in Hong Kong.
- 2.4 Applicants must not have been found guilty by a Court or disciplinary tribunal of misconduct which in the opinion of the HKIS calls into question his or her ability to act as an adjudicator.
- 2.5 Applicants must also certify that they will continue to develop their abilities and knowledge by fulfilling continuous professional development requirements imposed by the HKIS from time to time.

- 2.6 The HKIS reserves the right, in its absolute discretion, to include on the Panel names of adjudicators who, although not fully satisfying the above minimum requirements, do have language skills, technical skills or particular expertise not otherwise available.

### **III. APPLICATION/ASSESSMENT PROCEDURE**

- 3.1 An applicant who satisfies the above requirements may apply for admission by submitting a completed Application Form [*HKIS Form (Incl Adj)*] and latest CV of no more than 3 (three) pages to the HKIS:

**By Post/ By Hand:**

The Hong Kong Institute of Surveyors  
Room 1205, 12/F, Wing On Centre,  
111 Connaught Road Central,  
Sheung Wan, Hong Kong.

[Application for Inclusion on the HKIS Panel of Adjudicators]

- 3.2 Each application shall be considered by the AAC which shall decide whether the applicant satisfies the minimum requirements set out in Section II above.
- 3.3 The AAC has the right to ask an applicant for any further information/documentation proof in relation to his or her application.
- 3.4 The AAC has the absolute discretion to approve or reject any application for admission as an Adjudicator on the Panel and such decision shall be final. In case of refusal of application, the AAC is not obliged to provide any reasons of its decision to the applicant.
- 3.5 Applicants will be notified of the result in writing in a reasonable time.

### **IV. PANEL MEMBERSHIP**

- 4.1 Panel membership is for a 3 (three)-year period, and members on the Panel are required to apply for renewal of admission every 3 (three) years and to pay a renewal fee of HK\$1,500. Renewal applications shall be considered by the AAC and applicants may be required to submit a recent sanitized decision (if any).

## **V. PROFESSIONAL CONDUCT**

- 5.1 All members of the Panel shall abide by the prevailing Code of Ethical Conduct for Adjudicators under the Panel of Adjudicators of the HKIS (*Attachment A*), and the Rules of Conduct of the HKIS.
- 5.2 Complaints made against members of the Panel shall be dealt with under the HKIS Procedures of Complaint Against Adjudicators (*Attachment B*).
- 5.3 If a complaint of misconduct is made against a member of the Panel is upheld, he or she may be considered for removal from the Panel.

## **VI. CONTINUING PROFESSIONAL DEVELOPMENT**

- 6.1 Adjudicators who wish to remain on the Panel are required to attend a minimum of 15 hours CPD training over a three-year period. In the event that an adjudicator is not able to attend a minimum of 15 hours during subsistence of his or her panel membership, the HKIS may refuse to consider his or her application for renewal of panel membership or may consider removal from the Panel.
- 6.2 The training must be organized or recognized by the HKIS. The HKIS will recognize training organized by known and reputable adjudication or educative bodies. Adjudicators shall contact the HKIS if there is any question as to whether a training meets this requirement.
- 6.3 Adjudicators must keep an up-to-date record in prescribed form of their completed training. Such record shall be tendered for the HKIS's record at the time of the application for renewal of admission or at such other time if so requested by the HKIS. In the event that training records are not submitted or are inadequate the HKIS may consider removal from the Panel.
- 6.4 The adjudicator training requirement is regularly reviewed by the AAC, and the HKIS retains the right to amend any deadline for compliance of the requirement with reasonable notice.



## **Code of Ethical Conduct for Adjudicators under the Panel of Adjudicators of the Hong Kong Institute of Surveyors (“The HKIS”)**

Members of the Panel of Adjudicators nominated by the HKIS as adjudicator shall abide by this Code in addition to such other codes of practice or conduct imposed upon them where applicable.

### **Rule 1 – Independence, Impartiality and Fairness**

- 1.1 An adjudicator has an overriding obligation to act fairly and impartially as between the parties at all stages of the proceedings.
- 1.2 An adjudicator shall not permit outside pressure, fear of criticism or any form of self-interest to affect his or her decisions. An adjudicator shall decide all the issues submitted for determination after careful deliberation and the exercise of his or her own impartial judgment.
- 1.3 An adjudicator shall not accept any gift or substantial hospitality, directly or indirectly, from any party to the adjudication, except with their consent.

### **Rule 2 – Conflict of Interest**

- 2.1 An adjudicator shall be free from bias and shall disclose any interest or relationship likely to affect his or her independence, impartiality or which might reasonably create an appearance of partiality or bias before and throughout the adjudication process. This is an ongoing duty and does not cease until the conclusion of the entire process of adjudication. Failure to make such disclosure itself may create an appearance of bias and may be a ground for disqualification.
- 2.2 Where an adjudicator is or becomes aware that he or she is incapable of maintaining the required standard of impartiality and independence, the adjudicator shall promptly take such actions that are necessary in the circumstances, including withdrawal from the adjudication process.

### **Rule 3 – Competence**

- 3.1 An adjudicator shall only accept an appointment if he or she has suitable experience and ability for the case and available time to proceed with the adjudication.
- 3.2 An adjudicator shall not make or allow to be made on his or her behalf any representation about his or her qualification, experience or expertise which is misleading or deceptive or likely to mislead or deceive.
- 3.3 An adjudicator may publicise his or her expertise and experience but shall not actively solicit appointment as adjudicator.

### **Rule 4 – Trust and Confidence**

- 4.1 An adjudicator shall abide by the relationship of trust and confidentiality and shall not disclose or use any confidential information acquired in the course of or for the purpose of the adjudication process, both during and after completion of the adjudication process, unless otherwise agreed by the parties or required by applicable law.

### **Rule 5 – Communication**

- 5.1 An adjudicator in communicating with the parties shall avoid impropriety or the appearance of impropriety.
- 5.2 There shall be no private communication between an adjudicator and any party, regarding substantive issues in the case.
- 5.3 All communications, other than proceedings at a hearing, should be in writing.
- 5.4 Any correspondence shall remain private and confidential and shall not be copied to anyone other than the parties to the dispute, without the agreement of the parties.

**Rule 6 – Fees**

- 6.1 An adjudicator's fees and expenses must be reasonable taking into account all the circumstances of the case. An adjudicator shall disclose and explain the basis of fees and expenses to the parties.
- 6.2 An adjudicator shall act in a timely manner and avoid incurring unnecessary expense.

**Rule 7 – Insurance**

- 7.1 An adjudicator shall consider whether it is appropriate to be covered by professional indemnity insurance and if so, shall ensure that he or she is adequately covered.

**Rule 8 – Practice Directions**

- 8.1 An adjudicator shall endeavor to abide by such practice directions as may be issued from time to time by the HKIS, and state the reasons for any departure therefrom in case where an adjudicator considers such departure to be appropriate.



## **Procedures of Complaint against Adjudicators**

If any person is dissatisfied with the conduct of an adjudicator included on the HKIS's Panel of Adjudicators and wishes to lodge a complaint (“**Complaint**”), the Complaint should be made in writing and delivered by hand/sent by registered post to Room 1205, 12/F, Wing On Centre, 111 Connaught Road Central, Sheung Wan, Hong Kong for the attention of the Honorary Secretary. If a Complaint is received, the Honorary Secretary shall acknowledge receipt of the Complaint within five (5) days in writing and forward the Complaint to the Adjudicators Admission Sub-Committee (“**AAC**”).

The AAC, having reviewed the written Complaint, shall decide if it is necessary to seek the comments of the adjudicator against whom the Complaint is made (“**Adjudicator**”).

If the AAC decides to seek the Adjudicator's comments, the Honorary Secretary shall notify the Adjudicator, in writing, that the Complaint has been made, and request that the Adjudicator submit in writing within fourteen (14) days, or any other period so specified, of the notification by the Honorary Secretary, any comments the Adjudicator might wish to make in response to the Complaint. As soon as possible after receipt of the Adjudicator's comments, the Honorary Secretary shall forward same to the AAC.

The AAC will decide whether there was improper conduct on the part of the Adjudicator and whether or not the Adjudicator shall be removed from the HKIS's Panel of Adjudicators. In the event that the ACC decide that there was improper conduct on the Adjudicator and should be removed from the HKIS's Panel of Adjudicators, the Honorary Secretary will inform the Adjudicator in writing through courier or registered post with a copy sent to the complainant.

For the purpose of these procedures, improper conduct shall mean an act or behaviour, including without limitation an act or omission, on the part of an Adjudicator which a reasonable and objective person, knowing the facts of the matter, would consider the same to:

- (a) be such a serious breach of the Code of Ethical Conduct for Adjudicators under the Panel of Adjudicators of the HKIS;



- (b) so seriously bring the Adjudicator's professional abilities and/or personal temperament into question; and/or
- (c) so seriously bring discredit upon and/or damage to the HKIS, the AAC and/or the HKIS's Panel of Adjudicators.

In addition, if the AAC is, or becomes, aware of any information which calls into question the inclusion of any adjudicator on HKIS's Panel of Adjudicators, the AAC may at any time review and determine whether or not that adjudicator should be removed from the HKIS's Panel of Adjudicators.

The AAC has no obligation to give reasons for any decision it makes.

All decisions made by the AAC are final and, to the extent permitted by any applicable law, not subject to appeal.

These procedures shall not limit nor prejudice any person's right to lodge a complaint against an Adjudicator as a member of the HKIS under any other bye-laws, rules or regulations of the HKIS.