



The Code of Professional Conduct

香港建築師學會

The Hong Kong Institute of Architects

The Code of Professional Conduct

Preface

The Hong Kong Institute of Architects (hereinafter called “the HKIA”) was constituted “for the general advancement of Civil Architecture and for promoting and facilitating the acquirement of the knowledge of the various Arts and Sciences connected therewith”. Members of the HKIA are governed by its Deed of Constitution, its Rules and this Code of Professional Conduct, under and in addition to the general law.

- 0.1 The object of this Code of Professional Conduct is to promote the standard of professional conduct and self discipline required of every Member of the Institute in the interests of the public. (All references to “Member” in this Code shall include Fellow, Member, Associate and Graduate.)
- 0.2 This Code rests on four Principles which are of universal application. Under the principles are Rules, which are specific injunction, and under the Rules are guidance notes, which indicate good practice or the conditions under which certain activities are permitted. Further Rules or Notes or Appendices may be circulated by the Council from time to time. A Member is expected to be familiar with these from the date of their circulation.
- 0.3 A Member may be required to answer enquiries concerning his professional conduct in accordance with the Rules of the Institute. A Member is liable to reprimand, suspension, or expulsion if his conduct is found to be in contravention of the Code or otherwise inconsistent with his status as a Member or derogatory to his professional character. Contravention of the Code includes conduct by a Member which dishonours any of its Principles, whether or not the Member has contravened any specific Rule or Note.
- 0.4 This Code shall apply not only to a Member acting on his own behalf but also to the conduct of any body corporate or incorporate practising as architects in which a Member has an interest.

Principle 1

A Member shall faithfully carry out the duties which he undertakes, and shall have a proper regard for the interests both of those who commission and of those who may be expected to use or enjoy the product of his work.

- Rule 1.1 A Member shall be prompt in all his dealings. A Member who becomes unable or unwilling to continue with a commission shall give reasonable notice of termination.
- 1.1.1 A Member shall not undertake or continue with any work if he is unable to arrange that his resources are adequate and properly directed to carry out the work expeditiously.
- 1.1.2 A Member shall arrange that the work of his office and any branch office is under the proper control of a suitably qualified person.
- 1.1.3 A Graduate who undertakes a commission shall seek guidance from a Member other than a Graduate Member.
- Rule 1.2 A Member shall not subcommission work for which he has been commissioned without the prior agreement of his client, nor without defining the responsibilities of those concerned.
- Rule 1.3 A Member shall act impartially in all cases in which he is acting between parties, and shall interpret the conditions of a building contract with fairness.
- Rule 1.4 A Member who has been appointed assessor for any competition shall not act in any capacity for the work, except that he may act as arbitrator in any dispute between the promoters and the selected architect.

Principle 2

A Member shall avoid any action or situation inconsistent with his professional obligations or likely to raise doubts about his integrity.

- Rule 2.1 A Member who finds that his interests, whether professional or personal, conflict so as to risk a breach of this Principle shall, as the circumstances may require, either withdraw from the situation, or remove the source of conflict, or declare it and obtain the agreement of the parties concerned to the continuance of his engagement.
- Rule 2.2 A Member shall not have any financial or personal interest in or connection with any business which would or might breach this Principle, unless such interest or connection is fully declared and accepted by his client, contractor and any other parties likely to be affected thereby.
- 2.2.1 Where a conflict of interest is likely to occur because a Member has a financial or personal interest in a contract he shall arrange for an arbitrator to be agreed and appointed at an early stage in its performance, whether or not a dispute has arisen.
- 2.2.2 A Member shall avoid any situation in which he would be in a position to influence improperly the granting of planning applications or statutory approvals.
- Rule 2.3 A Member shall not take discounts, commissions, or gifts as an inducement to show favour to any person or body, nor shall he in his professional capacity recommend in advertisements any service or product associated with his profession.
- Rule 2.4 A Member may by prior written agreement with his client exclude liability for loss of use, loss of profits, or other consequential loss.
- Rule 2.5 A Member who is appointed to superintend or control any activities of any body corporate or incorporate shall advise his employer that the business of that body so far as it relates to his profession shall be conducted in conformity with this Code.
- Rule 2.6 A Member shall not have as a partner or co-director in his practice or firm any person who is disqualified from membership by reason of expulsion under the relevant disciplinary regulations from the HKIA or another professional institution (unless the HKIA otherwise allows), or any person who is an undischarged bankrupt, even though that person engages in occupations separate from the architectural practice.
- Rule 2.7 A Member shall safeguard confidential information in relation to his client and shall not disclose confidential information to third parties without the written consent of the client. A Member shall not receive any advantage, gift or favour for disclosing such information to third parties or make use of it for personal gain.
- Rule 2.8 A Member shall not accept excessive entertainment in relation to his client's business because his decisions might be seen as having been influenced by such entertainment.

Principle 3

A Member shall rely only on ability and achievement as the basis for his advancement.

- Rule 3.1 A Member shall state clearly in writing the terms and scope of services in his agreement with the client, and may refer to the Standard Form of Agreement between Client and Architect (hereafter called "HKIA Agreement"), which covers the key services normally provided by an architect and contains the key requirements of an agreement for appointment between an architect and his client.
- 3.1.1 Where a Member is concerned with the appointment of another, he shall make every effort to ensure that the conditions of the commissioned architect's appointment are clearly defined in writing.
- 3.1.2 A Member who is offering professional services shall ensure his compliance with all professional standards in the performance of those services, even if he agrees to revise a fee quotation.
- Rule 3.2 A Member shall review with his client in advance the provision of comprehensive professional services in individual service stages. A Member is encouraged to inform his client to take references of the key requirements in the HKIA Agreement.
- 3.2.1 A Member shall define his responsibilities in relation to the commission and inform his client accordingly.
- Rule 3.3 A Member shall understand his responsibilities and considerations prior to entering a competition. He shall also ensure his compliance with all professional standards when participating in competition.
- Rule 3.4 A Member shall not give commissions or inducements for or in recognition of the introduction of clients or work.
- Rule 3.5 A Member shall not do anything which would wrongfully interfere with the contract of engagement of another Member.

Principle 3

- Rule 3.6 A Member shall observe the guidelines laid down by the HKIA for the promotion of professional services, and shall ensure that these guidelines are adhered to by any person or body who may direct the promotion of a Member's professional services on his behalf.
- 3.6.1 A Member may make his availability and experience known to potential clients by providing information which in substance and in presentation is factual, relevant and neither misleading nor unfair to others nor discreditable to the profession.
- 3.6.2 A Member, before accepting an appointment to continue the work, on which he can ascertain by reasonable enquiry that another Member is or has been at any time engaged, shall notify the other Member in writing. The Member shall also ascertain from the client that the agreement of the previous Member has been properly terminated and/or concluded, and that the client has the right to use any information, drawings and design prepared by the previous Member.
- 3.6.3 A Member who is asked to give an opinion on the work of another architect shall notify the fact to that architect except where it can be shown that to do so would be prejudicial to prospective litigation.

Principle 4

A Member shall endeavour to promote architectural excellence through his work and by the encouragement of others.

Rule 4.1 A Member is encouraged to participate in local and international affairs concerning the environment.

4.1.1 A Member is encouraged to voice his opinion on architectural matters provided that any adverse criticism by him is neither malicious nor in contravention of Principle 3.

Rule 4.2 A Member shall have proper regard for the professional obligations and qualifications of those with whom he is professionally associated.

4.2.1 A Member shall define the terms of employment, authority responsibility and liability of the architects and others he employs or superintends.

4.2.2 A Member shall endeavour to provide the architects and others he employs or superintends with opportunities to accept progressively greater delegated authority and responsibility in accordance with their ability and experience.

Rule 4.3 A Member shall maintain and advance his competence by participating in continuing education and in the affairs of his profession.

4.3.1 A Member shall enable the architects and others he employs or superintends to do likewise.

4.3.2 A Member who employs or superintends students shall cooperate with the HKIA and schools of architecture in their practical training and should provide as varied experience as is possible.

Rule 4.4 A Member shall permit architects and others he employs or superintends to enter architectural competitions with his prior knowledge on the understanding that it does not adversely affect the Member's practice or firm.

Rule 4.5 A Member shall give recognition where possible to the architects and others who participate in a project or competition.

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The Hong Kong Institute of Architects
19/F., No.1 Hysan Avenue
Causeway Bay, Hong Kong
Tel.: 2511 6323
Fax : 2519 6011 2519 3364
Email : info@hkia.net / hkiasec@hkia.org.hk
Website : www.hkia.net



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**Guidelines to HKIA Members on Participation in
Invited Submission for Architectural Consultancy Proposal**

1 Definition

These guidelines apply to members who either as individuals or as partners of a firm or as directors of a company, participate in invited submission for architectural consultancy proposal for project(s) in Hong Kong Special Administrative Region organized by both public and private clients and they are based on the current HKIA Code of Professional Conduct.

2 Application

All HKIA members invited to take part in submission for architectural consultancy proposal are advised to observe these guidelines, whether they are participating on their own or in association with non-HKIA members.

3 Guidelines

3.1 If the architectural consultancy proposal conditions request submission of specific concept design proposal with remuneration, the remuneration should be agreed and recorded clearly. Members may make reference to the following sample tabulation as one of the method(s) to determine remuneration:

Total GFA of Project (for example only)	Remuneration (HK\$)	Time Allowed by Client
Below 2,500 s.m.		
2,500 – 4,999 s.m.		
5,000 – 24,999 s.m.		
25,000 – 49,999 s.m.		
50,000 – 99,999 s.m.		
100,000 – 149,999 s.m.		
Above 149,999 s.m.		



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3.2 The requirements of a concept design proposal are recommended to include the followings:

- a. Schematic site layout
- b. Schematic layout plans of principle functional levels
- c. Schematic section(s)
- d. Design statement

Drawings requested should be to a reasonable scale compatible with their schematic nature and with the size and scale of the project.

3.3 Additional reimbursement may be agreed separately with the client when production of perspectives or model is required.

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Adopted at the SGM on 18 August 2017

5th version on 13 April 2011

4th version on 6 December 2005

3rd version in October 2005

2nd version in April 2004

1st version in August 1992

HKIA GUIDELINES ON DISSEMINATION OF INFORMATION AND PROMOTION OF PROFESSIONAL SERVICES

1. GENERAL

- 1.1 Promotional information refers to information of any forms, computer-related information, internet modalities and any other forms of electronic transmission.
- 1.2 Promotional information provided by a Member to the public shall be factual, accurate, decent, not exaggerated, not misleading, not comparative and not disparaging.
- 1.3 These Guidelines shall apply to all Members and/or any architectural practice in Hong Kong of which a Member is a proprietor, partner, director or manager acting as a senior executor of such practice.
- 1.4 These Guidelines shall apply only in Hong Kong. The promotional of professional services by Members in other parts of the world shall follow the equivalent guidelines of the architectural profession of such countries.
- 1.5 All Members shall ensure that these Guidelines are adhered to by any person or organisation acting on their behalf as if such person or organisation was a “Member” himself.

2. BASIC PRINCIPLES and RULES

- 2.1 All Members shall rely only on ability and achievement as the basis for dissemination of information and promotion of professional services in accordance with Principle 3 of the HKIA Code of Professional Conduct.
- 2.2 A Member may make his availability and experience known to potential clients by providing information which in substance and in presentation is factual, relevant and accurate, neither misleading nor unfair to other Members nor discreditable to the

profession in accordance with Rule 3.6.1 of the HKIA Code of Professional Conduct.

- 2.3 A Member shall not use any generalised terms in promotional materials such as “best”, “largest”, “most” in regard to quality or size of his practice or projects.
- 2.4 A Member shall not directly or by implication make a comparison of his own practice with any other Member’s practice.
- 2.5 No fee rates nor charges shall be publicised in any promotional materials.
- 2.6 All Members shall adhere to the above Guidelines in the dissemination of information and promotion of professional services either for themselves or for their practices, particularly while doing public education.

Endorsed at the 8th Council Meeting on 9 September 2008

1st version on 1 June 1989

2nd version on 15 March 2000

3rd version on 23 March 2005

4th version on 9 September 2008