

## **Disciplinary Procedures**

### **The Hong Kong Institute of Facility Management**

#### **1.0 Preamble**

- 1.1 The purpose of the following procedures is to explain the requirements that a member (including Fellow Member, Member, Associate and Student Member) of the Hong Kong Institute of Facility Management (“**the Institute**”) must adhere to in the event that a complainant (“**the Complainant**”) lodges a complaint against the member in question (“**the Respondent**”) on allegation(s) of improper conduct;
- 1.2 The Respondent should note that the Institute is not a law enforcement organization and will not be able to impose criminal sanctions upon a member. Besides, the Institute does not possess the power to deal with compensation and/or damages in respect of any complaint; and
- 1.3 For any enquiries, the Respondent may contact the Secretariat of the Institute at Tel: 2537 0456.

#### **2.0 The Institute’s Jurisdiction**

- 2.1 The Respondent’s attention is drawn to Article 28 of the Institute’s Articles of Association ( “**the AA**”) which sets out that the Institute’s Council may, from time to time, promulgate Rules of Conduct and shall have the power to require all members to conform to such codes as are appropriate to their class of membership. The Rules of Conduct may be amended, varied or rescinded as the Council may think fit; and
- 2.2 The Respondent’s attention is further drawn to Article 29 of the AA which sets out that the Institute shall only have the power to take limited courses of action against a member if he/she is found to have contravened the Memorandum, the AA, the regulations, or any bye-laws, codes, rules or directions made or given.

#### **3.0 Disciplinary Procedures**

- 3.1 A serial number will be assigned for every complaint by the Secretariat who will then keep all complaint records in a confidential file;

- 3.2 If the Honorary Secretary considers, prima facie, that there is/are insufficient ground(s) and/or evidence to warrant further follow up action, the complaint will be summarily dismissed. In such an event, the Respondent will not be notified of the complaint at all;
- 3.3 If the Honorary Secretary considers, prima facie, that there is/are sufficient ground(s) and/or evidence to warrant further follow up action, the Honorary Secretary will report to the Council of the Institute, who will then (at its nearest possible Council Meeting) appoint an Investigation Panel to carry out a preliminary investigation of the complaint;
- 3.4 In the event that a member of the Investigation Panel declares a conflict of interest, or the Complainant and/or Respondent perceives there to be a conflict of interest, the said member of the Investigation Panel shall not participate in the investigation proceedings regarding the complaint in question and the Council of the Institute shall appoint another member accordingly to participate in his/her stead. Such member's appointment shall cease to be effective upon the resolution of the complaint in question;
- 3.5 The Investigation Panel will notify the Respondent of the case concerned, and may invite him/her to respond and/or submit supporting document(s) within such periods as may from time to time be prescribed by the Investigation Panel;
- 3.6 The Investigation Panel may invite the Complainant and/or Respondent to a meeting ("**the Meeting**") and/or a subsequent hearing ("**the Hearing**"), if necessary, to discuss the case concerned. In the event that such is necessary, the Complainant and/or Respondent will be notified of the same at least 14 calendar days in advance;
- 3.7 Neither the Complainant nor the Respondent is required to engage legal representatives for the Hearing, but should they decide to do so, they must inform the Investigation Panel in writing at least 14 calendar days before the Hearing. Further, such legal representatives will only be allowed to be present during the Hearing but not otherwise, and must comply with any condition(s) which the Institute may impose at its discretion. Legal costs incurred, if any, should be borne by the Complainant and/or Respondent themselves;
- 3.8 After the Meeting, or the Hearing, or upon reviewing the complaint, the Investigation Panel will submit an Investigation Report to the Council of the Institute, who will decide by simple majority whether there is/are ground(s) for exercising any of the courses of action against the Respondent, as

stipulated under Article 29 of the AA;

- 3.9 Both the Complainant and the Respondent will be informed of the decision of the Council in writing. The Council is not required to disclose the reason(s) for its decision but may, at its discretion, disclose the same if it sees fit to do so;
- 3.10 The Respondent then has the right to lodge a Submission for Appeal of the decision within 28 calendar days if he/she considers there is/are sufficient ground(s) to appeal. The said Submission for Appeal should set out in writing the ground(s) of appeal, include any supporting document(s), and be addressed to the Honorary Secretary of the Institute at [disciplinary@hkifm.org.hk](mailto:disciplinary@hkifm.org.hk) who will forward the same on to the Disciplinary Committee;
- 3.11 The Disciplinary Committee shall be a standing committee as determined by the Council of the Institute from time to time. Their composition shall comprise of 1 member of the Institute and 2 Council Members, with one of the Council Member serving as Chairperson of the Committee;
- 3.12 If a Submission for Appeal is submitted, the Disciplinary Committee may invite the Respondent to a subsequent Meeting for Appeal to discuss the case concerned. In the event that such is necessary, the Respondent will be notified of the same at least 14 calendar days in advance;
- 3.13 After the Meeting for Appeal, or upon reviewing the appeal, the Disciplinary Committee will submit an Appeal Report to the Council of the Institute, who will decide by simple majority whether there is/are ground(s) for exercising any of the courses of action against the Respondent, as stipulated under Article 29 of the AA;
- 3.14 Both the Complainant and the Respondent will be informed of the decision of the Council in writing. The Council is not required to disclose the reason(s) for its decision but may, at its discretion, disclose the same if it sees fit to do so; and
- 3.15 Any decision of the Council after the resolution of an appeal shall be deemed to be final and conclusive, save and except permitted by the law.

#### **4.0 Respondent's Cooperation**

- 4.1 The Respondent's cooperation with the Institute is crucial in the investigation of the alleged complaint; otherwise, the Institute may not be able to process the complaint due to insufficient information;

- 4.2 The Respondent may be required to clarify and/or provide further evidence/information in connection with the complaint;
- 4.3 The Respondent may be required to attend the Meeting and/or the Hearing with the Investigation Panel and/or Disciplinary Committee and give oral evidence; and
- 4.4 The Respondent may be required to make a declaration of truth to support his/her evidence.