

Complaint Procedures and Standard Proforma **The Hong Kong Institute of Facility Management**

1.0 Preamble

- 1.1 The purpose of the following procedures is to facilitate a complainant (“**the Complainant**”) to lodge a complaint against a member (including Fellow Member, Member, Associate and Student Member) of the Hong Kong Institute of Facility Management (“**the Institute**”), if he/she is dissatisfied with the improper conduct of the member in question;
- 1.2 The member in question (“**the Respondent**”) must still be a member as of the date of lodging the complaint;
- 1.3 The complaint must be made in writing and addressed to the Honorary Secretary of the Institute using the standard proforma in section 5.0, which must be duly completed and signed by the Complainant;
- 1.4 The complaint must be supported by evidence provided by the Complainant containing relevant information in order that the Institute is able to carry out a thorough investigation;
- 1.5 The Complainant must 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
- 1.6 For any enquiries, the Complainant may contact the Secretariat of the Institute at Tel: 2537 0456.

2.0 The Institute’s Jurisdiction

- 2.1 The Complainant’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 The Rules of Conduct may be amended, varied or rescinded as the Council may think fit; and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 Complainant’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 Complaint Procedures

- 3.1 Initially, the Complainant should complete the standard proforma in section 5.0 (in accordance with sections 1.3 and 1.4) and return the same, together with all evidence and supporting document(s), to the Honorary Secretary of the Institute at complaint@hkifm.org.hk;
- 3.2 Anonymous complaints will not be entertained. Oral complaints and any other means of complaint will not be entertained. Complaints without sufficient evidence and/or supporting document(s) for the Institute to carry out further investigation will also not be entertained;
- 3.3 The Honorary Secretary will check whether the standard proforma is duly completed and, if this is in order, the Secretariat will send an acknowledgement of receipt to the Complainant under confidential letter within 14 calendar days;
- 3.4 If the standard proforma is not duly completed and/or insufficient evidence/supporting document(s) is/are submitted by the Complainant, the Honorary Secretary will request the Complainant to provide further information within 30 calendar days;
- 3.5 A serial number will be assigned for every complaint by the Secretariat who will then keep all complaint records in a confidential file;
- 3.6 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 need not be notified and the Complainant will be informed that the complaint has been dismissed and the issue is deemed to be closed and conclusive, subject to the Complainant's right to advance a fresh complaint if further ground(s) and/or evidence come to light;
- 3.7 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;
- 3.8 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;
- 3.9 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; and
- 3.10 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.

4.0 Complainant's Cooperation

- 4.1 The Complainant'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 Complainant may be required to clarify and/or provide further evidence/information in connection with the complaint;
- 4.3 The Complainant may be required to attend the Meeting and/or the Hearing with the Investigation Panel and give oral evidence;
- 4.4 The Complainant may be required to make a declaration of truth to support the complaint;
- 4.5 The Complainant, by signing the standard proforma, undertakes to the Institute to keep the complaint and the subsequent courses of action taken confidential, save in some exceptional circumstances such as disclosure to law enforcement authorities for crime prevention or investigation. The Complainant should not disclose to any third party the information about the alleged complaint without the Institute's written consent. The Institute will suspend any preliminary investigation and/or disciplinary proceedings if the Complainant discloses such information without consent of the Institute;
- 4.6 While the personal data of the Complainant provided to the Institute will not be disclosed to the Respondent or any third party without the Complainant's prior consent, the information in connection with the complaint provided to the Institute may be made known to the Respondent or relevant third party for the purpose of conducting investigation and/or complying with the requirements of any lawful authorities; and
- 4.7 Any decision(s) made by the Council of the Institute is/are final. The Complainant cannot appeal against its decision(s), save and except permitted by the law.

6.0 Authorization and Declaration

- 6.1 I confirm that I have read these Complaint Procedures in full before filling in the Standard Proforma and agree to be personally bound by the provisions. If I am a representative of the complaining organization, I confirm that I have sought the approval of the said organization which also agrees to be bound by the provisions.
- 6.2 I also agree that I will provide any further information necessary for the Institute to carry out a preliminary investigation and/or disciplinary proceedings in respect of this complaint.
- 6.3 I also agree that I will assist the Institute by attending the Meeting and/or the Hearing if required by the Institute.
- 6.4 I acknowledge and agree that the personal data provided in this document may be used by the Institute for the purpose of investigation of the complaint and the information, other than personal particulars, may be disclosed to the Respondent and/or other third party if necessary.
- 6.5 I also acknowledge and agree that the personal data provided in this document may also be used by the Institute for rendering compliance with the relevant laws and regulations, including being kept by the Institute in accordance with the Personal Data (Privacy) Ordinance (Cap. 486) after the Institute has dealt with the complaint.
- 6.6 I understand that I have a right of access including the right to obtain a copy of my personal data from the Institute and to have any mistakes with respect to personal data corrected under the Personal Data (Privacy) Ordinance (Cap. 486).
- 6.7 I understand that the Institute is unable to proceed on unsubstantiated allegations. All relevant documents supporting my complaint are attached.
- 6.8 To the best of my knowledge, I declare that the information included and attached herewith the Complaint Procedures and Standard Proforma is true and complete.

Complainant's Signature : _____ Date: _____