

LCQ9: Handling of registration and disciplinary offences of engineers

Following is a question by the Dr Hon Pierre Chan and a written reply by the Secretary for Development, Mr Michael Wong, in the Legislative Council today (January 9):

Question:

The Engineers Registration Board (ERB) is a statutory body established under section 3 of the Engineers Registration Ordinance (Cap. 409), and is mainly responsible for handling matters relating to the registration and disciplinary offences of professional engineers, etc. Regarding the handling of the registration and disciplinary offences of engineers, will the Government inform this Council:

(1) of the existing channels and procedures for members of the public to lodge complaints to ERB about registered professional engineers committing disciplinary offences;

(2) of (i) the number of complaints about registered professional engineers committing disciplinary offences received by ERB and, among this type of complaints, the respective numbers of those (ii) which involved the disciplinary offences as stated in sections 20(1)(b) or (g) of Cap. 409, (iii) which were referred to an inquiry committee under ERB for conducting an inquiry, (iv) which were found unsubstantiated, and (v) the processing of which is not yet completed, in each of the past five years (set out in Table 1);

Table 1

Complaints about registered professional engineers committing disciplinary offences	Number of complaints				
	2014	2015	2016	2017	2018
(i)					
(ii)					
(iii)					
(iv)					
(v)					

(3) of the (i) average, (ii) longest and (iii) shortest time taken by an inquiry committee under ERB to process the complaints the processing of which

was completed in each of the past five years;

(4) of the respective numbers of cases in each of the past five years in which an inquiry committee under ERB found that the registered professional engineers concerned had committed the following disciplinary offences (set out in Table 2):

- (i) committing misconduct or neglect in any professional respect,
- (ii) failure, without reasonable excuse, to attend before an inquiry committee when summoned either as a witness or as a person in respect of whom the inquiry committee was meeting, and
- (iii) having been convicted in Hong Kong or elsewhere of any offence which might bring the profession into disrepute and sentenced to imprisonment;

Table 2

Disciplinary offence found to have been committed by registered professional engineers	Number of cases				
	2014	2015	2016	2017	2018
(i)					
(ii)					
(iii)					

(5) as section 28 of Cap. 409 provides that any person who is aggrieved by any disciplinary order made by an inquiry committee in respect of him may appeal to the Court of Appeal, of the respective numbers of appeals which were (i) lodged to the Court of Appeal, (ii) rejected, (iii) allowed and (iv) withdrawn, in each of the past five years (set out in Table 3);

Table 3

Appeals lodged under section 28 of Cap. 409	Number of appeals				
	2014	2015	2016	2017	2018
(i)					
(ii)					
(iii)					
(iv)					

(6) of the respective numbers of (i) engineers whose names were removed from the register as they had been found to have committed disciplinary offences, (ii) applications made by these engineers for restoration of their names to

the register, and (iii) cases in which those engineers were allowed to restore their names to the register, in the past five years (set out in Table 4);

Table 4

	2014	2015	2016	2017	2018
(i)					
(ii)					
(iii)					

(7) apart from ERB, of the organisations and government departments which are responsible for handling the registration of engineers;

(8) given that the registration of an engineer under the Lifts and Escalators Ordinance (Cap. 618) was suspended last year, whether ERB has, in collaboration with the monitoring organisations and government departments mentioned in (7), established a reciprocal notification mechanism on irregularities/disciplinary offences of registered engineers, so that the ERB can take follow-up actions in accordance with the provisions under Cap. 409; if so, of the details; if not, the reasons for that; and

(9) of the number of lay members of ERB in each of the past five years?

Reply:

President,

My reply to the Dr Hon Pierre Chan's question with regard to the handling of registration and disciplinary offences of professional engineers by the Engineers Registration Board (ERB) pursuant to the Engineers Registration Ordinance (Cap. 409) (the Ordinance) is as follows:

(1) Any person may lodge a complaint in writing to the ERB in relation to disciplinary offence of a registered professional engineer. Upon receipt of a complaint, the ERB shall appoint two members of the ERB to review the relevant facts and information in accordance with the provision of the Ordinance. The two members shall determine whether there is sufficient prima facie evidence of the complaint and report to the ERB.

If there is prima facie evidence, the ERB shall refer the complaint to an inquiry committee comprising three persons to conduct a hearing. Upon completion of the hearing and the inquiry committee finds that the concerned individual has committed a disciplinary offence, the case together with the order made by inquiry committee will be submitted to a review committee comprising four persons appointed by the ERB for review before implementation.

The ERB will inform the complainant of the decision with reason for any complaint that are found unsubstantiated due to insufficient prima facie evidence or by the inquiry committee after hearing.

(2) In the past five years, the number of complaints about registered professional engineers committing disciplinary offences were:

Table 1

Complaints about registered professional engineers committing disciplinary offences	Number of cases				
	2014	2015	2016	2017	2018
(i) number of complaints received by ERB	3	1	3	0	1
(ii) disciplinary offences related to sections 20(1)(b) or (g) of Cap. 409	0	1	1	0	1
(iii) referral to an inquiry committee under ERB for conducting an inquiry	2	1	1	0	0
(iv) unsubstantiated due to insufficient prima facie evidence	1	0	2	0	0
(v) unsubstantiated after hearing	0	0	0	0	0
(vi) processing not yet completed	0	0	0	0	1

(3) In the past five years, the time taken by an inquiry committee under the ERB to complete processing of the complaints were:

- (i) the average time was one year and 11 months;
- (ii) the longest time was two years and six months; and
- (iii) the shortest time was 10 months.

(4) In the past five years, the number of cases in which an inquiry committee under the ERB found that the registered professional engineers concerned had committed the following disciplinary offences were:

Table 2

Disciplinary offence found to have been committed by registered professional engineers	Number of cases				
	2014	2015	2016	2017	2018
(i) committing misconduct or neglect in any professional respect	2	0	1	0	0
(ii) failure, without reasonable excuse, to attend before an inquiry committee when summoned either as a witness or as a person in respect of whom the inquiry committee was meeting	0	0	0	0	0
(iii) conviction in Hong Kong or elsewhere of any offence which might bring the profession into disrepute and sentenced to imprisonment	0	1	0	0	0

(5) In the past five years, the ERB did not receive any appeal case to the Court of Appeal.

(6) In the past five years, the numbers of engineers whose names were removed from the register as they had been found to have committed disciplinary offences; applications made by these engineers for restoration of their names to the register; and cases in which those engineers were allowed to restore their names to the register were:

Table 3

	Number				
	2014#	2015	2016	2017	2018
(i) engineers whose names were removed from the register as they had been found to have committed disciplinary offences	1	0	1	0	0
(ii) applications made by these engineers for restoration of their names to the register	0	0	0	0	0

(iii) cases in which those engineers were allowed to restore their names to the register	0	0	0	0	0
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#For the second case of disciplinary offence found to have been committed by a registered professional engineer in 2014, the inquiry committee reprimanded the registered professional engineer in writing and recorded the reprimand on the register.

(7) The ERB is a statutory body established under the provision of the Ordinance. The ERB acts independently on matters related to registration of professional engineers, on which other organisations or government departments are not involved.

(8) The Lifts and Escalators Ordinance (Cap. 618) and this Ordinance are two independent pieces of legislation with different aspects of regulation. In handling matters on disciplinary offence of a registered professional engineer, the ERB will consider the relevant provisions of the Ordinance, but not the provisions of the Lifts and Escalators Ordinance (Cap. 618). Hence, there is no such mutual notification mechanism.

(9) Pursuant to the provision of the Ordinance, the ERB consists of not less than 20 members appointed by the Council of the Hong Kong Institution of Engineers and, in addition, may include one member appointed by the Chief Executive. The abovementioned Council shall not appoint a person as a member of the ERB unless he is a member of the Hong Kong Institution of Engineers.