

Hong Kong Institute of Planners

Code of Professional Conduct

Following approval by the Extraordinary General Meeting (EGM) on 30th May 1995, this Code came into operation on 1st July 1995. First amendments were approved by EGM on 5th January 2017. Second amendments were approved by the Annual General Meeting on 17 June 2020.

Preamble

1. The Hong Kong Institute of Planners (the Institute) was constituted, among others, to promote and safeguard the social, physical and economic development of the urban and rural environment of Hong Kong in the best interest of the community and to raise the status and safeguard and advance the interests of the profession of town planning. Members of the Institute are governed by its Constitution, By-laws, Rules and this Code of Professional Conduct, under and in addition to the general law.
2. 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 interest of the public. (All references to "Member" in this Code refer to Fellow and Member.) Students of the Institute are required to comply with the provision of the Code wherever applicable.
3. This Code comprises four areas namely: Responsibility to Society; Responsibility to the Profession; Responsibility to the Clients/ Employers; and Responsibility to fellow Members. In each of the area are principles and rules which indicate good practice or the conditions under which certain activities are permitted/ prohibited.
4. Members may be required to answer enquiries concerning their professional conduct in accordance with the Constitution of the Institute. In accordance with Clause 76 of the Bye-laws, the Council of the Institute shall have the power to suspend, expel or reprimand Members who are proved to have acted against the aims and objects of the Institute and

contrary to the intent of the Code of Professional Conduct. Members convicted of any bribery offence under the Prevention of Bribery Ordinance (POBO) or misconduct in public office could also lead to expulsion.

5. Note that unless the context otherwise requires, words importing the singular number only shall include the plural number and vice versa and words importing the masculine gender only shall include the feminine and the neuter gender and vice versa and words importing persons shall include companies or corporations and vice versa.

A. Responsibility to Society

6. Members of the Institute in discharging their responsibilities to their employers and the profession shall at all times be cognisant of the interests of the general public in matters of town and country planning.
7. When making a public statement professionally and personally, Members shall:
 - (a) ensure that both their qualification to make the statement and their association with any benefiting party are made known to the recipients of the statement; and
 - (b) avoid giving the impression to any person reading or hearing those views that they form part of a statement made on behalf of the Institute.
8. Members are encouraged to extend public understanding of the planning profession, and to offer professional advice and comments to the government and related authorities on planning policies and implementation provided that any adverse criticism is neither malicious nor with improper motives.
9. Members shall faithfully carry out the duties which they undertake, and shall have a proper regard for the interests both of those who commission, and of those who may be affected by, the planning proposals.
10. Members advertising or authorising an advertisement of professional

planning services shall ensure that the advertisements are neither misleading to the public nor such as to prejudice their professional status or the reputation of the profession. In particular, no advertisement of planning service shall contain any of the following:

- (a) an inaccurate statement;
- (b) an explicit comparison between the service offered by the Member advertising and the service offered by other Members of the Institute;
- (c) any endorsement for a commercial product or company; or
- (d) statements which run counter to the Constitution of the Institute.

11. Members shall not discriminate on the grounds of race, sex, creed, religion, disability or age and shall seek to eliminate such discrimination by others and to promote equality of opportunity.

B. Responsibility to the Profession

12. Members of the Institute shall order their conduct so as to uphold the dignity, standing and reputation of the profession. Members shall:

- (a) discharge their professional responsibilities with integrity, dignity, fairness and courtesy;
- (b) give opinions in their professional capacity that are objective, reliable and honest and to the best of their ability and knowledge;
- (c) take all reasonable steps to maintain adequate development of their professional competence;
- (d) accept responsibility for their actions and ensure that persons to whom they delegate authority are sufficiently competent to carry the associated responsibility;
- (e) not undertake responsibility which they themselves are not qualified and competent to discharge;

(f) when working outside Hong Kong show their professional conduct according to the recognized standards of conduct in that country, provided always that their conduct shall be such as to uphold the status and integrity of the Institute;

(g) have proper regard for the professional obligations and qualifications of those with whom they are professionally associated; and

(h) when working within the field of another profession pay due regard to the ethics of that profession.

13. Members must not hold, assume, accept or retain a position in which their interests are in conflict with their professional duty.

14. Members must not undertake any duties or carry out any instruction of an employer, client or supervisor which involve making statements purporting to be their own but which are contrary to their bona fide professional opinion.

C. Responsibility to Clients/Employers

15. Administration/ General

(a) It is the responsibility of Members to take all reasonable steps to ensure that all town planning matters are conducted in accordance with the Code.

(b) Members shall, where necessary, co-operate with or arrange for the services of other experts wherever an employer's or client's interest might best be served this way.

(c) Members shall not subcommission work for which they have been commissioned without the prior agreement of their client nor without defining the responsibilities of those concerned.

(d) Members shall not accept any financial or contractual obligation on behalf of their employer or client without their authority.

16. Remuneration

Members shall be remunerated for their planning services solely by professional fee paid by clients and/or a salary and other benefits of the conditions of employment with their employers. In particular, Members must not undertake any planning services, or participate in any actions, which run counter to the provisions of POBO. Members shall not solicit or accept any advantage, as defined under POBO, in relation to the professional services they are providing unless prior written consent has been obtained from their employer or client. Members shall also refrain from offering any advantage to a person on account of his doing or forbearing to do any action in relation to the business of his principal.

17. Conflict of Interest

(a) Members employed by a government department or agency must not undertake any private planning work or dealings in land, in any area where, by reason of his office, he is in a position to adjudicate or influence a decision. Provided that prior notice is given to their employer, Members are not prevented from undertaking planning work for a residence for themselves or members of their family.

(b) Members who prepare a planning scheme for a government department or agency either as an employee or a consultant, shall not engage in any dealings in land within the area covered or affected by the scheme. This restriction applies during the period of preparation of the scheme or thereafter so long as they are still advising the government department or agency on the implementation of the scheme. Provided that prior notice in writing is given to the government department or agency, Members are not prevented from applying for planning permission or dealing in land transaction of a residence for themselves or members of their family.

(c) Members shall ensure that they are not placing themselves in the position of adjudicating or influencing the decision of their own application to a government department or agency in any circumstances.

(d) Members who have undertaken planning work on behalf of a client must not, until that engagement has been terminated, undertake work for or on behalf of any other client if by so doing the interests of either client would be prejudiced or the Members' ability to act wholly in the interests of either client would be impaired.

(e) Members shall inform their employer or client in writing of any conflict between their personal or financial interest and faithful service to their employer or client, and obtain the agreement of the parties concerned to the continuance of their engagement.

18. Confidentiality

(a) Members shall safeguard confidential information relating to their employer or client and shall not disclose such information to other parties without the prior written consent of their employer or client. Members shall not solicit or accept any advantage, as defined under POBO, for disclosing such information to other parties nor make use of it for personal gain.

(b) Whatever the circumstances, Members must always be prepared to justify their action if they have disclosed confidential information. If Members are in doubt about disclosing information in a particular situation they will be wise to seek independent legal advice.

19. Competence /Negligence

(a) Members must not act or continue to act in circumstances where the client cannot be represented with competence or diligence.

(b) Members who have accepted instructions on behalf of a client are bound to carry out those instructions with diligence and must exercise reasonable care and skill.

(c) Members are under a duty to keep their client properly informed and to comply with reasonable requests from their client for information concerning their business affairs.

D. Responsibility to Other Members

20. Members shall, where appropriate seek, accept and offer honest criticism of work and properly credit the contributions of others. They shall not maliciously or recklessly injure the professional reputation of another Member. However, they shall bring to the notice of the Institute any evidence of unethical, illegal or unfair professional practice.
21. Members shall not attempt to supplant another Member, or collude with any person, to gain a commission or position by unfair means or inducement.
22. Members in private practice, on being approached or instructed to proceed with professional work upon which to their knowledge another Member is currently undertaking, shall notify the fact to such a Member.