

Procedure for Lodging a Complaint Against an Adjudicator

A complaint must refer to a breach of the HKICM Code of Conducts for Adjudicators. Such a complaint shall be lodged within 30 working days from the date of occurrence or publication of the decision by the adjudicator against whom the complaint is levied.

If any person is dissatisfied with the conduct of HKICM member or adjudicator and wishes to lodge a complaint against that member or adjudicator, the complaint shall be made in writing stating the reasons for the complaint and all supporting information relied upon in the complaint shall be provided with the complaint and addressed to the Secretariat of HKICM (“the Secretariat”) via email adjudication@hkicm.org.hk, marked private and confidential.

The Secretariat will acknowledge receipt of the complaint and forward the complaint to the Secretariat for establishing a Review Committee of three persons (HKICM President, Vice President and a Senior Member) to handle the matter. The Review Committee, having reviewed the complaint, will decide if there is a prima facie case for further investigation within five working days. If there is not sufficient evidence to justify further investigation, the Review Committee may dismiss the complaint. If further investigation is considered appropriate, procedure of lodging complaints is as follows.

1. The Review Committee may request further written comments from the complainant, the member, adjudicator, or other parties if it considers appropriate prior to forming its decision.
2. The Review Committee will decide whether the complaint has been established.
3. The Review Committee shall conduct the proceedings on documents only and there shall be no in-person hearings in relation to the complaint, unless under exceptional situation.
4. If the Review Committee decides that the complaint has been established, it will exercise its discretion as to what sanctions to order against the adjudicator. Such sanctions may include (but are not limited to): written warnings; suspension from HKICM panel of adjudicators; or removal from HKICM panel of adjudicators.
5. The Review Committee may order refund of the application fee should the complaint be established.
6. The Review Committee will report its decision to the Secretariat, who will write to the parties concerned informing them of the Review Committee's decision, within 10 working days.
7. Unless otherwise agreed by the complainant, member, adjudicator or required by any applicable law, all documents, information, and decisions submitted or produced in respect of the complaint shall be kept confidential and shall be disposed of after one year when the decisions are made by the Review Committee.
8. Where no complaint has been made but the Secretariat is aware of any information which calls into question the HKICM panel of an adjudicator, the Review Committee may review that listing and determine whether to order any sanctions after consideration of any comments from the member or adjudicator concerned. Such sanctions may include (but are not limited to):
 - a written warning or censure; or
 - suspension from the HKICM panel of adjudicators; or
 - removal from the HKICM panel of adjudicators.
9. In the event of any complaint against an adjudicator, the adjudicator shall afford all assistance to enable any panel, committee, or tribunal to determine the merits of the complaint.
10. Notwithstanding the Review Committee has no obligation to give reasons for any decision it makes, it will normally provide briefly the bases for its conclusion to the concerned parties.
11. All decisions made by the Review Committee are final and, to the extent permitted by any applicable law, not subject to appeal.