



## Bye-Laws

### Article 1 : Admission of members

#### 1.1 Application

- 1.1.1 A candidate for membership in any category of the Institute shall submit an application upon the official form to the Honorary Secretary of the Institute. The application form shall be accompanied by the first year's subscription fee plus the registration fee when applicable.
- 1.1.2 For Professional or Associate Membership application, it shall be endorsed by a total of two Professional Members and/or Fellows of the Institute, one of whom shall act as Proposer and make a written statement as to the suitability of the candidate as a member of the Institute. Another endorser shall act as Secunder. Each endorser shall vouch for the candidate's character, methods of practice, experience, and qualification as set out in the Constitution.

#### 1.2 Professional Members

A Professional Member shall have completed at least two year's working experience in landscape architecture, one year of which must have been in Hong Kong, and to have obtained professional status in landscape architecture either by having passed the Institute's Professional Practice Examination or the Professional Membership of a national Institute approved by the Council and listed in Article 10 of these Bye-laws, or a Registered Landscape Architect as accepted by the Landscape Architects Registration Board of Hong Kong under the Landscape Architects Registration Ordinance (Cap 516).

#### 1.3 Honorary Members

Nominations for Honorary Membership shall be made by a Professional Member, Fellow or Honorary Member to the Council. The Council shall review each such nomination and shall then vote on the election of the nominees to Honorary Membership. The affirmative vote of two-thirds of the Council shall be necessary for election. There shall be no more than two Honorary Members elected each Institute year.

#### 1.4 Fellows

Fellows must have minimum fifteen years of professional experience of which at least seven years shall have been in Hong Kong. A Fellow shall have made contributions in one or more of the following areas in Hong Kong: landscape research works, education, publications, and services to the Institute. Only Professional Members may become Fellows and advancement to Fellowship may occur when the Council endorses recommendations made by the Fellows Committee to the Honorary Secretary.

#### 1.5 Associate Members

Associate Members shall have graduated from an accredited course and such other courses which have been approved by the Council and listed in Article 8 of these Bye-laws.

## 1.6 Graduate Members

Graduate Members shall have obtained a higher diploma or higher qualification in landscape architectural studies from a university or tertiary institution and such other courses which have been recognised but not accredited by the Institute and listed in Article 9 of these Bye-laws.

## 1.7 Student Members

Student Members shall be in full time or part time education in landscape architecture and such other courses which have been approved by the Council and listed in Articles 8 and 9 of these Bye-laws.

## 1.8 Affiliate Members

Affiliate members need not have accredited professional qualification in landscape architecture/design, but should be employed in an associated discipline and shall have demonstrated an interest in landscape matters, e.g. landscape science, landscape management, landscape contracting, landscape supplying, architecture, engineering, planning etc.

## 1.9 Retired Members

Fellows or Professional Members intending to retire shall apply in writing to the Honorary Secretary giving sufficient indication of their circumstances to enable Council to agree the status of a Retired Member.

## 1.10 Registered Practices

A Registered Practice shall be a practice or an office which is engaged in providing services for landscape architecture, landscape design, landscape planning, or landscape management. At least one principal or director of the practice or office shall be a Professional Member or Fellow. This principal or director who is also a Professional Member or Fellow shall also have full legal, managerial and financial responsibility for the landscape architectural works carried out by the practice or office.

## 1.11 Accredited Arborists

Accredited Arborists shall have fulfilled the minimum academic qualification and work experience requirements detailed in the *Application form for Admission to be an HKILA Accredited Arborist* and have passed an assessment set by the HKILA's Panel on Accredited Arborists.

## 1.12 Resignation

1.12.1 Any member of the Institute from any category of membership (including Registered Practice) may resign from the Institute upon written notification to the Honorary Secretary at the correspondence address.

1.12.2 No member shall be permitted to resign from the Institute whilst the member is the subject of a disciplinary proceeding or if it appears to the Council that such member is likely to be or to become the subject of disciplinary proceedings.

### 1.13 **Arera**s

1.13.1 Any member will be automatically terminated if his or her annual subscription fee has not been paid within six (6) months of the due date. The terminated member's name may be published in the Institute's website or newsletter.

### 1.14 **Complaint and Disciplinary Actions**

1.14.1 The Honorary Secretary shall refer to the Council any complaint received or any disciplinary matter coming to his or her notice. A complaint to the Council shall be made in writing to the Honorary Secretary and signed by the complainant who shall state all matters of fact in support of the complaint.

1.14.2 The Council shall have power to reprimand, suspend or expel from the Institute, notify the Landscape Architects Registration Board, and award costs against any member of the Institute if that member has carried out one or more of the following misconducts:

1.14.2.1 The member has wilfully broken a rule of the Institute, including those listed in the Code of Professional Conduct.

1.14.2.2 By his or her conduct the member either professionally or otherwise renders him or her unfit to be a member of the Institute.

1.14.2.3 A member has caused the name of the Institute into disrepute.

1.14.2.4 A member is convicted by a Court of any offence.

1.14.3 The Council actions mentioned in clause 1.14.2 shall not take place unless the member's misconduct has been fairly investigated following clear proceedings set out in the Code of Professional Conduct.

1.14.4 The Council actions mentioned in clause 1.14.2 shall not take place unless the member in question has been provided an opportunity to present his or her defence against the allegations of misconduct.

1.14.5 Any Registered Practice will be automatically excluded from the List of Registered Practice if an action against the representing landscape principal or director has occurred in accordance with clause 1.14.2.

1.14.6 The Institute reserves the right to enquire into the activities and to investigate the actions of any past members which activities occurred during the time when the person was a member of the Institute.

### 1.15 **Appeal**

1.15.1 Any candidate for membership whose application has been disapproved may appeal to the Council upon written notification to the Institute's registered address. The Council shall make a decision on any appeal at the next Council Meeting after the appeal has been lodged. The decision of the Council in relation to the appeal shall be final.

1.15.2 Any member who has been notified of a decision by the Council of disciplinary investigation may appeal to the Council upon written notification to the Institute's registered address. The Council shall form a panel to review the appeal. The review panel's recommendation to the Council, and the Council's acceptance of the recommendation, shall become the final decision on the disciplinary investigation.

#### 1.16 Reinstatement

1.16.1 Where a person's membership has been terminated due to non-payment of subscription fee, or due to his or her previous resignation from membership, the person's membership reinstatement shall be accomplished in the same manner as an original admission to membership, subject to the levy of an additional administration fee amounting to half the annual fee.

1.16.2 The reinstatement of any category of membership terminated as a result of disciplinary proceedings shall be accomplished only through the Council's review of events following the disciplinary action, and where such review provides favourable results, the procedure in the same manner as an original admission to membership, plus a levy of an additional administration fee to be determined.

#### 1.17 Certificates, Distinctions and Identification of Membership Categories

1.17.1 Every Professional Member, Fellow, and Honorary Member who has been admitted to the Institute shall receive a certificate of the Institute stating his or her name, elected date and membership number appropriate to his or her category.

1.17.2 Every Professional Member and Fellow who has been admitted to the Institute shall receive an official stamp of the Institute stating his or her name and membership number appropriate to his or her category.

1.17.3 Any Certificate or Stamp granted by the Institute shall remain the property of the Institute, but shall be tenable by members as long as they remain members. The Certificate and Stamp shall, unless the Council otherwise determines, be returned to the Institute upon the holder ceasing to be a member.

1.17.4 With the exception of Professional Members, Honorary Members, Fellows, and Accredited Arborists, no other members may use any form of the HKILA Designation with their names on any letterhead, card, signature, or any other place or manner, unless with specific consent of the Council. Use of the HKILA Designation shall be limited to the following categories:

<u>Category</u>	<u>Designation</u>
President	PHKILA
Past President	PPHKILA
Professional Member	HKILA
Honorary Member	HonHKILA
Fellow	FHKILA
Accredited Arborist	AA



## **Article 2 : Fees**

### **2.1 Annual Subscription Fee**

- 2.1.1 The annual subscription fee for each category of membership shall be fixed during the Annual General Meeting. The Honorary Secretary shall issue a written notice to all members of payments due following the Annual General Meeting. Annual subscriptions shall be for financial year of the Institute as stated in the Constitution which is 1<sup>st</sup> April to 31<sup>st</sup> March of the following year.
- 2.1.2 If any annual subscription fee has not been paid within three (3) months of the due date a 5% surcharge shall be applied.

### **2.2 Registration Fee**

- 2.2.1 A Registration Fee for each category of membership shall be fixed by the Council.

### **2.3 Accredited Arborist Fee**

- 2.3.1 Application fee and annual subscription fee for Accredited Arborists shall be fixed by the Council.

## **Article 3 : The Council**

### **3.1 Authority of the Council**

- 3.1.1 The Council shall consider, report and act on policies, legislation and administration of the Institute, put into effect the votes of the Institute, be the custodian of all its assets, adopt the budget, approve nominees for office, create and abolish committees, confer awards and citations, be the final authority for interpretation of the Constitution, Bye-laws, Code of Professional Conduct and any other governance documents of the Institute, establish programmes and activities, recommend and carry out approved policies, invite as voting or non-voting participants to the Council such committee chairperson or delegates from allied organizations as required, and perform such other functions as are customary for the Council or as assigned to it by the membership.
- 3.1.2 The Council shall arrange for an annual examination of the Institute's accounts by an auditor who shall be a certified public accountant.
- 3.1.3 The Council consists of the Officers of the Institute, the Immediate Past President, three Council members elected at the AGM, and all chairpersons of the Committees listed in this Bye-Laws. All members of the Council shall be ordinary residents of Hong Kong. All members of the Council shall be Professional Members or Fellows or Associate Members or Retired Members except Professional Members and Fellows shall be the majority.
- 3.1.4 Any member of the Council may resign his or her office by notice in writing to the Council.



- 3.1.5 A Fellow/Professional Member is eligible for the Office of the President provided that he/she shall have served on the Council for at least two years prior to the presidency term. The President shall be elected for a term of two years and his/her office may be extended for a further two-year term should there be a lack of nomination for the President's office at the end of the second year. The President shall not be eligible for further terms of this office until four years has passed since his/her last presidency
- 3.1.6 In the event of the death or resignation of the President, one of the two Vice Presidents shall be elected by Council to take his/her office. The term of office of any person succeeding the President's office shall terminate at the forthcoming Annual General Meeting. The same person succeeding the President's office as aforesaid shall notwithstanding anything herein contained be eligible for immediate election to the President's office at the same Annual General Meeting.
- 3.1.7 A Vice President shall be elected for two years and his/her office may be extended to a further two-year term should there be a lack of nomination for the Vice President's office at the end of the second year. The Vice President shall not be eligible for further terms of this office until four years has passed since his/her last vice-presidency.
- 3.1.8 In the event of the death or resignation of one of the Vice Presidents, one of the Council members shall be elected by Council to take his/her office. The term of office of any person succeeding the Vice President's office shall terminate at the forthcoming Annual General Meeting. The same person succeeding the Vice President's office as aforesaid shall notwithstanding anything herein contained be eligible for immediate election to the Vice President's office at the same Annual General Meeting.
- 3.1.9 Honorary Treasurer and Honorary Secretary shall be elected for two years and he/she may be extended for two years at a time should there be a lack of nomination for Honorary Treasurer or Honorary Secretary's office at the end of their terms. The Honorary Treasurer and Honorary Secretary shall not hold office for more than a continuous length of four years but shall be eligible for the same offices again after four years has passed since their last office.
- 3.1.10 In the event of the death or resignation of the Honorary Treasurer or Honorary Secretary, the Council shall elect or appoint an eligible Institute member to take his/her office. The term of office of any person succeeding the Honorary Treasurer or Honorary Secretary's office shall terminate at the forthcoming Annual General Meeting. The same person succeeding the Honorary Treasurer or Honorary Secretary's office as aforesaid shall notwithstanding anything herein contained be eligible for immediate election to the Honorary Treasurer or Honorary Secretary's office at the same Annual General Meeting.

### 3.2 Meeting and Voting

- 3.2.1 There shall normally be monthly meetings of the Council throughout the Institute year. The format of the council meetings may be in-person gatherings, video conference, or telephone conference.
- 3.2.2 A quorum of the monthly Council meetings shall consist of not less than five members of the Council. The quorum shall comprise of at least one of the officers of the Institute.

- 3.2.3 The Chair at the Council meetings or Special Council Meeting shall be taken by the President, or in his/her absence by either one of the Vice Presidents, or in their absence by the Honorary Secretary in attendance.
- 3.2.4 Any member of the Council who cannot attend a Council meeting may be represented by proxy for that meeting. A proxy cannot be counted as a Council member for the purpose of a quorum. A proxy can be counted for the purpose of voting to decide upon resolutions.
- 3.2.5 Between Council meetings, any Council member may petition for a Special Council Meeting upon written request stating the business to be discussed to the Honorary Secretary. The written request shall be supported by signatures of two other Council members. The date, time, and location of the Special Council Meeting shall be set by the Honorary Secretary with at least fourteen days' notice to all Council members.
- 3.2.6 Issues not able to be amicably agreed upon during the Council meetings may be voted upon during the meetings. A motion shall carry if voting results in a two-thirds majority cast in favour of the motion.
- 3.2.7 Any Council member may petition for an email ballot vote of an emergency issue requiring urgent resolution. The petition shall be submitted in writing to the Honorary Secretary stating the business to be voted upon, together with signatures of two other Council members in favour of the email ballot. The closing date of the email ballot shall be determined by the Honorary Secretary but in no case shall the voting period be less than 48 hours. A two-third majority vote in favour of the ballots cast shall carry the motion forward.

### 3.3 Co-opted members

The Council may appoint co-opted members to fill committee chairperson positions if elections for these posts are not received at the Annual General Meetings. The Council may also co-opt other members from time to time to take the office of task forces, boards, and panels to aid the function of the Council.

## Article 4 : Committees

### 4.1 Appointments

The Council shall make all appointments and fill all vacancies to committees and task forces and designate the chairperson thereof. Committee chairperson appointments may result from favourable election by two-thirds of Council members. Terms of appointment for committee members shall expire upon the Annual General meeting. Each committee shall comprise of no less than three members of the Institute.

### 4.2 Committee Records

Each committee shall maintain authenticated records of its proceedings which shall be available for inspection at an Annual General Meeting.

#### 4.3 Education Committee

Its Terms of Reference shall be:

- 4.3.1 To promote professional development through considering, implementing and reporting to the Council on matters relating to landscape architectural education.
- 4.3.2 To organise and monitor the Institute's Professional Practice Examination, including establishing and processing examination entry requirements and procedures, appointing a board of examiners and/or adjudicators, and submit to the Council for approval its recommended results of all candidate's examinations.
- 4.3.3 To organise, monitor and advise the Council on academic qualifications required to the various membership categories of the Institute, including establishing a List of Accredited Courses.
- 4.3.4 To monitor and advise the Council the potentials of graduate and undergraduate training in landscape architecture.
- 4.3.5 To provide an annual report to Council on the work of the Committee including a financial report of income and expenditure during the year, and financial projection for the coming year to be approved and included in the Institute's Annual Budget.

#### 4.4 Functions and Events Committee

Its Terms of Reference shall be:

- 4.4.1 To advise, propose, and report to the Council of up-coming public and social events and functions as related to landscape architecture.
- 4.4.2 To organise and implement events and functions approved by the Council, including establishing an Annual Dinner Sub-committee to arrange an Annual Dinner to be held around the 4<sup>th</sup> quarter of each year.
- 4.4.3 To monitor and advise costs and expenditure of all proposed and implemented functions.
- 4.4.4 To provide an annual report to the Council including a list of events and functions organised by the Committee, a financial report of income and expenditure during the year, and a financial projection for the coming year to be approved and included in the Institute's Annual Budget.

#### 4.5 Public Affairs Committee

Its Terms of Reference shall be:

- 4.5.1 To promote the profession of landscape architecture as stated under the Objects of the Constitution to the Government, other sister professions and the general public.
- 4.5.2 To represent the Institute's views on matters relating to landscape architecture.
- 4.5.3 To raise awareness of issues of landscape architectural concerns.

- 4.5.4 To organise the Institute's Awards Scheme and to promote it widely amongst the community.
- 4.5.5 To provide an annual report to the Council on the work of the Committee including a financial report of income and expenditure during the year, and a financial projection for the coming year to be approved and included in the Institute's Annual Budget.

#### 4.6 **Publication Committee**

Its Terms of Reference shall be:

- 4.6.1 To produce a Newsletter of up-to-date information on the Institute's affairs and activities as well as any associated landscape matter of interest to members, usually two to three times annually.
- 4.6.2 To produce a journal "Yuanlin" usually once every one to two years.
- 4.6.3 To promote the profession through publications both within the territory and abroad and to develop its publications to professional journal standard.
- 4.6.4 To provide an annual report to the Council on the work of the Committee including a financial report of income and expenditure during the year, and a financial projection for the coming year to be approved and included in the Institute's Annual Budget.

#### 4.7 **Practice Committee**

Its Terms of Reference shall be:

- 4.7.1 To consider and report to the Council matters relating to the practice of landscape architecture.
- 4.7.2 To promote the highest standards of professional competence by defining standards and advising members on how to achieve them.
- 4.7.3 To be the custodian of the Code of Professional Conduct and associated disciplinary procedures and recommend to the Council revisions as necessary to ensure the document's effectiveness.
- 4.7.4 To receive, review and investigate in accordance with Code of Professional Conduct and associated disciplinary procedures and recommend to the Council the formulation of investigation sub-committees, disciplinary board, or appeal boards as necessary to process complaints against Members or Registered Practices forwarded to it by the Honorary Secretary and to settle the complaint as expeditiously as possible.
- 4.7.5 To provide an annual report to the Council on the work of the Committee including a financial report of income and expenditure during the year, and a financial projection for the coming year to be approved and included in the Institute's Annual Budget.

#### 4.8 **Registration Committee**

Its Terms of Reference shall be:

- 4.8.1 To vet applications from individuals for membership under the terms of the Constitution and Bye-laws for each category of membership.
- 4.8.2 To vet applications for Registered Practice under the terms of the Constitution and Bye-laws.
- 4.8.3 To retain and update a “Register of members”, which shall include each category of membership; it shall also keep records of unsuccessful applications.
- 4.8.4 To retain and update a “Register of practices”.
- 4.8.5 To submit all recommendations to the Council for approval.
- 4.8.6 To report when required to the Council on membership statistics and data.
- 4.8.7 To advise the Honorary Secretary and Honorary Treasurer of the approved “Register of members” and the “Register of practices”.
- 4.8.8 To refer to the Education Committee and Practice Committee on matters concerning registration applications from individuals and practices respectively.

#### 4.9 **Panel of Accredited Arborists**

Its Terms of Reference shall be:

- 4.9.1 To retain and update a List of Accredited Arborists.
- 4.9.2 To vet applications, organise and conduct assessment process as necessary for inclusion of individuals to the List of Accredited Arborists based on the criteria approved by Council.
- 4.9.3 To represent the views of the Institute as well as the Accredited Arborists on matters related to the practice of arboriculture to the government and to the public.
- 4.9.4 To consider and report to the Council matters related to the practice of arboriculture.
- 4.9.5 To prepare, maintain, and carry out annual review to the Code of Ethics and Conduct for Accredited Arborists or any other established list(s) and monitor its subsequent implementation and effectiveness.
- 4.9.6 Upon request by Council, or initiated by the Panel with Council’s agreement, to deal with and to investigate complaints on potential breach of the Code of Ethics and Conduct for Accredited Arborists; and to report findings and recommendation to Council including any recommended disciplinary action.



4.9.7 To carry out annual review, or more frequently as the Panel sees fit, on the requirements for inclusion to the accredited list(s) including the setting up of new list or re-arrangement of existing list(s) for the different categories of Accredited Arborists; as well as the renewal process of the accreditation, and advise the Council as to any necessary change to the requirements for inclusion or assessment process.

4.9.8 To provide an annual report to the Council on the work of the Committee including a financial report of income and expenditure during the year, and a financial projection for the coming year to be approved and included in the Institute's Annual Budget.

#### 4.10 **Fellows Committee**

4.10.1 The Fellows Committee consists of a Convener who shall oversee the list of Fellows. The Convener shall also be a Fellow. The Convener shall hold position for a period of three years. The Convener shall be nominated by the Council. The Convener may call meetings of the Fellows Committee from time to time to deal with relevant matters.

Its Terms of Reference shall be:

4.10.2 To invite suitable candidates to become Fellows.

4.10.3 To review nominations of candidates to become Fellows

4.10.4 To accept or reject applications of candidates to become Fellows.

4.10.5 To recommend to the Council by submitting to the Honorary Secretary suitable candidates whom it considers to be suitable as Fellows.

4.10.6 To provide an annual report to the Council on the work of the Committee including a financial report of income and expenditure during the year, and a financial projection for the coming year to be approved and included in the Institute's Annual Budget.

#### 4.11 **Young Landscape Architects' Group (YLAG)**

Its Terms of Reference shall be:

4.11.1 To act as a training ground for young members to familiarise with the Institute's operation and encourage participation of young members in matters relating to landscape architecture profession.

4.11.2 To provide a communication platform for young members of the Institute and external professional institutes.

4.11.3 To promote the profession to students of landscape architectural programmes by launching a mentorship scheme and conducting presentations in educational institutions.

4.11.4 To publish a newsletter no less than once per year.

4.11.5 To organise activities and events consistent with the Objects of the Constitution.

4.11.6 To organise student design competitions and promote knowledge sharing between local schools of landscape architecture.

- 4.11.7 To hold its own Annual General Meeting to select the Chairperson, Vice Chairperson, and Secretary to organise events and carry out terms of reference in this section.
- 4.11.8 To provide an annual report to the Council on the work of the Committee including a financial report of income and expenditure during the year, and a financial projection for the coming year to be approved and included in the Institute's Annual Budget.

#### 4.12 **Continuing Professional Development (CPD) Committee**

Its Terms of Reference shall be:

- 4.12.1 To review and update the CPD Policy.
- 4.12.2 To implement the CPD Policy and monitor members for fulfilling the CPD requirement.
- 4.12.3 To inform members of relevant CPD events organised by stakeholders with an interest to promote environmental quality and improve standards of the built environment.
- 4.12.4 To organise CPD events relevant to landscape architecture.
- 4.12.5 To provide an annual report to the Council on the work of the committee including a financial report of income and expenditure during the year, and a financial projection for the coming year to be approved and included in the Institute's annual budget.

#### 4.13 **Reports**

- 4.13.1 All committee chairpersons shall report to the Council at its regular meetings and committee chairpersons shall be encouraged to communicate with each other on matters of mutual concern.
- 4.13.2 Each chairperson shall submit a written report of the work of the committee during the term of office, submitting such report to the Honorary Secretary not later than four weeks prior to the Annual General Meeting.

### **Article 5 : Amendments to Bye-laws**

#### 5.1 **Amendments**

- 5.1.1 These Bye-laws shall be amended by the Council whenever necessary by its appropriate action at any of its meetings or by mail ballot. A proposed amendment shall require an affirmative vote of the Council to become effective.
- 5.1.2 A proposed amendment to be voted upon by mail ballot shall be submitted in writing by the Honorary Secretary to each member of the Council. At the expiration of fourteen (14) calendar days after the mailing of the ballot, the amendment shall be recorded as adopted by the Council if it shall have been approved by a majority of the Council.
- 5.1.3 A member of the Council may propose an amendment at any meeting of the Council or may submit it in writing to the Honorary Secretary, provided that the proposal has been seconded in writing by another member of the Council.



## **Article 6 : Address of the Institute**

### **6.1 Address**

The correspondence address of the Institute shall be:

The Hong Kong Institute of Landscape Architects  
P.O. Box 90550, Tsim Sha Tsui Post Office, Tsim Sha Tsui, Kowloon, Hong Kong

## **Article 7 : Code of Professional Conduct**

7.1 First published in March 1990

7.2 Amended in April 2016

## **Article 8 : Accredited Courses in Landscape Architecture**

### **8.1 Local:**

Master of Landscape Architecture, The University of Hong Kong

### **8.2 Non-local:**

An academic qualification in Landscape Architecture or equivalent accredited by the respective professional landscape institute/association of that country or region<sup>1</sup>.

## **Article 9 : List of Recognised Studies in Landscape Architecture for Graduate Membership**

9.1 Any higher diploma or degree course in landscape architecture from a university or tertiary educational institution, which diploma or degree course is not listed in Article 8.

## **Article 10 : List of Reciprocal Professional Qualifications**

10.1 Full Professional membership of the following national institutes:

10.1.1 The Australian Institute of Landscape Architects

10.1.2 The New Zealand Institute of Landscape Architects

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1 The "respective professional landscape institute/association of that country or region" refers to the International Federation of Landscape Architects (IFLA) member association representing that country/region.