



Dear Assignment / News / Business Section Editor

Hong Kong Institute of Certified Public Accountants takes disciplinary action against a certified public accountant (practising)

(HONG KONG, 14 August 2017) — A Disciplinary Committee of the Hong Kong Institute of Certified Public Accountants ordered on 6 July 2017 that the practising certificate issued to Charles Pearson Fearn (membership number F00753) be cancelled on 15 August 2017 and a practising certificate shall not be issued to him for twelve months. The Committee further ordered Fearn to pay costs and expenses of the disciplinary proceedings of the Institute of HK\$60,069.

Fearn was the sole proprietor of a CPA firm which audited the financial statements of a company for four consecutive periods. The company was registered and regulated under the Trustee Ordinance to provide trust services. There were significant deficiencies in the procedures carried out by Fearn in planning the audits, obtaining evidence and preparing audit documentation. As a result, he did not properly verify the company's compliance with the relevant legal and regulatory framework, the nature of significant balances between the company and related parties, and the implications of large sums of client monies not being held separately at a bank. After considering the information available, the Institute lodged a complaint under section 34(1)(a)(vi) and 34(1)(a)(viii) of the Professional Accountants Ordinance (Cap 50).

Fearn admitted the complaints against him. The Disciplinary Committee found that Fearn was in breach of Hong Kong Standard on Auditing ("HKSA") 300, HKSA 500, HKSA 230 and the Fundamental Principle of *Professional Competence and Due Care* in the Code of Ethics for Professional Accountants. The Committee further found that, as Fearn's breach of numerous professional standards was serious and fundamental, he was guilty of professional misconduct.

Having taken into account the circumstances of the case, the Disciplinary Committee made the above order against Fearn under section 35(1) of the ordinance.

Under the ordinance, if the respondents are aggrieved by the order, they may give notice of an appeal to the Court of Appeal within 30 days after he is served the order.

The order and findings of the Disciplinary Committee are available at the Institute's website under the "Compliance" section at <http://www.hkicpa.org.hk>.

Disciplinary proceedings of the Institute are conducted in accordance with Part V of the Professional Accountants Ordinance by a five-member Disciplinary Committee. Three members of each committee, including a chairman, are non-accountants chosen from a panel appointed by the Chief Executive of the HKSAR, and the other remaining two members are CPAs.

Disciplinary hearings are held in public unless the Disciplinary Committee directs otherwise in the interest of justice. A hearing schedule is available at the Institute's website. A CPA who feels aggrieved by an order made by a Disciplinary Committee may appeal to the Court of Appeal, which may confirm, vary or reverse the order.

Disciplinary Committees have the power to sanction members, member practices and registered students. Sanctions include temporary or permanent removal from membership or cancellation of a practicing certificate with (where appropriate) an order that a practice certificate shall not be issued either permanently or temporarily, a reprimand, a penalty of up to \$500,000, and payment of costs and expenses of the proceedings.

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About the Hong Kong Institute of Certified Public Accountants

The Hong Kong Institute of CPAs is the only body authorized by law to register and grant practising certificates to certified public accountants in Hong Kong. The Institute has more than 40,000 members and 20,000 registered students. Members of the Institute are entitled to the description *certified public accountant* and to the designation CPA.

The Hong Kong Institute of CPAs evolved from the Hong Kong Society of Accountants, which was established on 1 January 1973.

The Institute operates under the Professional Accountants Ordinance and works in the public interest. The Institute has wide-ranging responsibilities, including assuring the quality of entry into the profession through its postgraduate qualification programme and promulgating financial reporting, auditing and ethical standards in Hong Kong. The Institute has responsibility for regulating and promoting efficient accounting practices in Hong Kong to safeguard its leadership as an international financial centre.

The Hong Kong Institute of CPAs is a member of the Global Accounting Alliance – an alliance of the world's leading professional accountancy bodies, which was formed in 2005. The GAA promotes quality services, collaborates on important international issues and works with national regulators, governments and stakeholders.

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