

CAP. 50A PROFESSIONAL ACCOUNTANTS BY-LAWS

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Empowering section

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(Cap 50, section 8(4))

[1 January 1973]

(L.N. 266 of 1972)

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Heading Citation

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These by-laws may be cited as the Professional Accountants By-laws.

Bylaw Num:	2	Version Date	08/09/2004
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Heading Nominations of members of Council

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PART I

THE COUNCIL

(1A) Only a certified public accountant, who shall on the day of the annual general meeting of the Institute be ordinarily resident in Hong Kong, shall become a candidate for election as an elected member of the Council. (L.N. 359 of 1996; 23 of 2004 s. 55)

(1) A certified public accountant who is a candidate for election as an elected member of the Council shall be nominated by 2 certified

public accountants. (23 of 2004 s. 55)

(2) The nomination referred to in paragraph (1) shall be-

(a) in writing;

(b) proposed by one certified public accountant and seconded by another certified public accountant; and (L.N. 137 of 1977; 23 of 2004 s. 55)

(c) accompanied by a notice in writing signed by the candidate that he is willing to offer himself for election to the Council.

(3) The nomination paper and notice referred to in paragraph (2) shall be lodged with the Registrar not less than 24 days prior to the annual general meeting. (L.N. 137 of 1977; 23 of 2004 s. 55)

(4) A candidate may withdraw at any time before the election is held.

(5) The Registrar shall, not less than 17 days prior to the annual general meeting, send to each certified public accountant, a notice containing the names of the candidates who have been nominated for election. (L.N. 137 of 1977; 23 of 2004 s. 55)

(6) In addition to applying for the purposes of sections 10 and 29A of the Ordinance, subsection (5)(b) of section 29A of the Ordinance shall apply for the purpose of this by-law. (L.N. 359 of 1996)

[cf. S. Rhodesia by-law 4]

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Heading **Ballot for elected members of Council**

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(1) If a ballot is to be held under section 13(1)(b) of the Ordinance, the Registrar shall, not less than 17 days prior to the annual general meeting, send a ballot paper to each certified public accountant. (L.N. 137 of 1977; 23 of 2004 s. 55)

(2) The ballot paper shall contain-

(a) the names of the candidates, in alphabetical order of surnames, for election as members of the Council; and

(b) a statement of the number of vacancies in respect of elected members of the Council.

(3) A certified public accountant shall be entitled to cast one

vote in respect of each vacancy. (23 of 2004 s. 55)

(4) Completed ballot papers shall be returned to the Registrar not less than 72 hours before the annual general meeting at which the election is to be held. (L.N. 51 of 2006)

(4A) The auditor of the Institute shall count the number of votes cast for each candidate and shall furnish to the Council a confidential report in writing on the number of votes so cast. (L.N. 137 of 1977; 23 of 2004 s. 55)

(5) The Council shall meet before the annual general meeting to receive from the auditor of the Institute the confidential report referred to in paragraph (4A) and to eliminate the candidates receiving the lowest number of votes until the number of candidates left equals the number of vacancies, and those candidates shall be deemed to have been elected. (L.N. 137 of 1977; 23 of 2004 s. 55)

(6) If an equality of votes is found to exist between any candidates, and the addition of one vote would entitle any candidate to be declared elected, the President shall have a casting vote to determine which of such candidates shall be deemed to have been elected.

(7) The Council may permit ballot papers to be sent and votes to be cast by electronic communication subject to such terms and conditions as the Council may determine. (23 of 2004 s. 55)

(8) For the purpose of this by-law-

(a) "ballot paper" (選票) shall be deemed to include any electronic form of the same;

(b) "electronic address" (電子地址) means any number or address used for the purposes of electronic communication;

(c) "electronic communication" (電子通訊) means a communication sent by electronic transmission in any form through any medium; and

(d) a ballot paper shall be deemed to have been sent or delivered on the day on which it is transmitted from the server or other device used by the Registrar or his agent; in proving such service or delivery by the Registrar it shall be conclusive to prove that the electronic address used for the electronic communication was the last known electronic address supplied by the certified public accountant for such purpose unless the Registrar or his agent is aware that there has been a failure of delivery

to such address, in which case the ballot paper shall be sent to the certified public accountant by post or such other means at the absolute discretion of the Registrar; completed ballot papers shall be considered to be returned to the Registrar upon actual receipt by the Registrar at the electronic address designated by him for such purpose. (23 of 2004 s. 55)

[cf. S. Rhodesia by-law 6]

Bylaw Num:	4	Version Date	08/09/2004
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Heading Meetings of Council

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(1) Subject to paragraph (2), the Council shall meet at such times and places as it may determine.

(2) The Council shall meet at least once in every 3 months to discuss the management and affairs of the Institute. (23 of 2004 s. 55)

(3) A meeting of the Council, other than the first meeting of the first Council, may be called-

(a) on the order of the President; or

(b) at the request in writing, addressed to the Registrar, of 5 members of the Council. (96 of 1994 s. 32)

Bylaw Num:	5	Version Date	26/11/2004
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Heading Quorum of Council

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11 members of the Council shall form a quorum at a meeting of the Council. (L.N. 137 of 1977; 96 of 1994 s. 33; 23 of 2004 s. 55)

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Heading Notice of meetings of Council

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- (1) Except in the case of the first meeting of the first Council, the Registrar shall give to each member of the Council-
- (a) not less than 7 days notice in writing of an ordinary meeting of the Council; and
- (b) not less than 2 days notice of a special meeting.
- (2) A notice given under paragraph (1) shall specify the time and place for the holding of the meeting and the business to be transacted thereat.

Bylaw Num:	7	Version Date	08/09/2004
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Heading Chairman of meetings of Council

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- (1) The President shall be chairman at a meeting of the Council.
- (1A) (a) In this paragraph, "longest serving Vice-President" (年資最長的副會長) means, as between the Vice-Presidents-
- (i) the Vice-President who has in aggregate served the longest period as a Vice-President; and
- (ii) if both Vice-Presidents have in aggregate served the same period as Vice-Presidents, the Vice-President who has in aggregate served the longest period as a member of the Council.
- (b) In the absence of the President-
- (i) the longest serving Vice-President who is present shall be chairman at a meeting of the Council;
- (ii) if the longest serving Vice-President is not present, the other Vice-President who is present shall be chairman of the meeting; and
- (iii) if both Vice-Presidents are present but between them neither is the longest serving Vice-President, the members of the Council present shall elect one of the Vice-Presidents to be chairman of the meeting. (23

of 2004 s. 55)

(2) If, 15 minutes after the time appointed for any meeting of the Council, neither the President nor any of the Vice-Presidents is present, the members of the Council present may elect one of their number to be chairman of the meeting.

(96 of 1994 s. 34)

Bylaw Num:	8	Version Date	30/06/1997
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Heading **Voting at meetings of Council**

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(1) Subject to section 4(6) of the Ordinance, a question arising at a meeting of the Council shall be decided by a majority vote of the members present and voting.

(2) At a meeting of the Council, each member present shall have one vote on any question before the Council and, in the event of an equality of votes, the chairman shall have a second or casting vote.

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Heading **Adjournment of meetings of Council**

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(1) A meeting of the Council may be adjourned from time to time and from place to place, but no business shall be transacted at an adjourned meeting other than the business left unfinished at the meeting which was adjourned.

(2) It shall not be necessary to give notice of an adjourned meeting unless the meeting which was adjourned has by resolution so directed.

[cf. S. Rhodesia by-law 16]

Bylaw Num:	10	Version Date	30/06/1997
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Heading Minutes of meetings of Council

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Minutes of all proceedings of meetings of the Council and all committees thereof shall be entered in records kept for that purpose and any such minutes, if purporting to be signed by the chairman of the meeting at which the proceedings were held or by the chairman of the next succeeding meeting, shall be evidence of the proceedings.

[cf. S. Rhodesia by-law 17]

Bylaw Num:	11	Version Date	08/09/2004
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Heading Custody and use of the common
seal of the Institute

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Custody and use of the common seal of the Institute
(23 of 2004 s. 55)

(1) The Council shall provide for the safe custody of the common seal of the Institute.

(2) The common seal of the Institute shall not be used or affixed to any instrument except on the authority of the Council.

(23 of 2004 s. 55)

Bylaw Num:	12	Version Date	30/06/1997
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Heading **Manner of election of President and Vice-President**

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PART II

ELECTION OF PRESIDENT AND VICE-PRESIDENT

(1) A member of the Council may propose an elected member as President or Vice-President if the elected member is willing to serve if elected.

(2) A proposal under paragraph (1) shall be seconded by another member of the Council.

(3) No debate shall be allowed on such a proposal.

(4) If more than 1 member of the Council is proposed for election as President or if more than 2 members of the Council are proposed for election as Vice-Presidents, the election shall be determined by ballot.

(96 of 1994 s. 35)

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Heading **General meetings of Institute**

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PART III

MEETINGS OF THE INSTITUTE

(23 of 2004 s. 55)

(1) The Council may, whenever it thinks fit, call a general meeting of the Institute.

(2) The Council shall call a general meeting of the Institute on receipt of a request in writing signed by not less than whichever is the lower of 100 certified public accountants and 0.5% (in case of a fraction rounded up to the next whole number) of the total number of certified

public accountants, specifying the object of the proposed meeting.

(3) The notice calling a general meeting under paragraph (2), shall be issued by the Registrar within 28 days of the receipt of such request.

(4) At a general meeting, no business other than that specified in the notice shall be transacted.

(23 of 2004 s. 55)

[cf. S. Rhodesia by-law 31]

Bylaw Num:	14	Version Date	08/09/2004
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Heading Notice of meetings of Institute

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The Registrar shall give not less than 28 days notice of any general meeting of the Institute to each certified public accountant at his registered address, specifying the day, place and hour of the general meeting and the general nature of the business to be transacted.

(23 of 2004 s. 55)

[cf. S. Rhodesia by-law 32]

Bylaw Num:	15	Version Date	08/09/2004
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Heading Resolution

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(1) A certified public accountant shall, if he wishes to propose a resolution unrelated to the ordinary annual business at an annual general meeting, give to the Registrar not less than 21 days before the annual general meeting notice of such resolution in accordance with paragraph (2).

(2) Notice of a resolution shall be in writing and shall contain-

(a) the name and signature of the certified public accountant who wishes to propose the resolution;

(b) the name and signature of the certified public accountant who wishes to second the resolution;

(c) the names and signatures of at least 48 other certified public accountants who support the resolution; and

- (d) a declaration that the motion relates to matters affecting the Institute or the accountancy profession.
- (3) No resolution shall be discussed at an annual general meeting unless notice under paragraph (1) has been given.
- (4) The Registrar shall, not less than 17 days before the annual general meeting, send to each certified public accountant a notice containing-
- (23 of 2004 s. 55)
- (a) the proposed resolution;
- (b) the names of the proposer, the seconder and the certified public accountants who support the resolution under paragraph (2)(c).
- (23 of 2004 s. 55)

Bylaw Num:	16	Version Date	08/09/2004
Heading	Quorum of general meetings of Institute	Back to Individual Section Format	

Quorum of general meetings of Institute
(23 of 2004 s. 55)

- (1) Subject to paragraph (3), 25 certified public accountants shall constitute a quorum at a general meeting of the Institute. (23 of 2004 s. 55)
- (2) Subject to paragraph (4), if 15 minutes after the time appointed for a general meeting, there is no quorum, the meeting shall stand adjourned for not less than 1 week and not more than 4 weeks, to be held on such date and at such hour and place as the Council may determine.
- (3) Subject to paragraph (4), at a meeting adjourned under paragraph (2), the certified public accountants present shall form a quorum and shall have full power to transact the proposed business of the adjourned meeting. (23 of 2004 s. 55)
- (4) Paragraph (2) shall not apply to a general meeting called under by-law 13(2).
- [cf. S. Rhodesia by-law 35]

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Heading	Chairman of general meeting of the Institute	Back to Individual Section Format	

Chairman of general meeting of the Institute
(23 of 2004 s. 55)

(1) The President shall be chairman at a general meeting of the Institute.

(1A) (a) In this paragraph, "longest serving Vice-President"

(年資最長的副會長) has the same meaning as in by-law 7(1A)(a).

(b) At a general meeting of the Institute, in the absence of the President-

(i) the longest serving Vice-President who is present shall be the chairman;

(ii) if the longest serving Vice-President is not present, the other Vice-President who is present shall be the chairman; and

(iii) if both Vice-Presidents are present but neither is the longest serving Vice-President, the certified public accountants present at the meeting shall elect one of the Vice-Presidents as the chairman.

(L.N. 51 of 2006)

(2) If, 15 minutes after the time appointed for a general meeting of the Institute, neither the President nor any of the Vice-Presidents is present, the certified public accountants present at the meeting may elect-

(a) a member of the Council who is present; or

(b) if no member of the Council is present, a certified public accountant who is present,

to be chairman of the meeting.

(96 of 1994 s. 36; 23 of 2004 s. 55)

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Heading Procedure at meetings of Institute

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(1) A resolution or amendment thereto proposed and seconded at a general meeting of the Institute shall be put to the meeting by the chairman and, subject to the provisions of paragraph (2), shall be decided by a show of hands. (23 of 2004 s. 55)

(2) Each certified public accountant shall have 1 vote on a question coming before or arising at a general meeting and in the event of an equality of votes either on a show of hands or on the holding of a poll under paragraph (3), the chairman shall have a second or casting vote. (23 of 2004 s. 55)

(3) Subject to paragraph (7), a poll shall be taken on a resolution or amendment thereto proposed and seconded at a general meeting if requested-

(a) by not less than 10 certified public accountants immediately after the declaration by the chairman of the result of a show of hands under paragraph (1); or (23 of 2004 s. 55)

(b) upon the request in writing, signed and submitted before the dissolution or adjournment of the meeting by not less than 10 certified public accountants present. (23 of 2004 s. 55)

(4) Unless a poll is held under paragraph (3), a declaration by the chairman that a resolution or amendment thereto has, on a show of hands, been carried, or carried unanimously, or lost, and an entry to that effect in the minutes relating to that meeting shall be conclusive evidence of the fact without proof of the number or proportion of the votes recorded in favour of or against such resolution or any amendment thereto.

(5) If a poll is held under paragraph (3) it shall be held in such manner as the chairman may direct.

(6) The chairman shall appoint scrutineers from among the certified public accountants present, not being proposers or seconders of the resolution or any amendment thereto, or persons the subject of or mentioned in the resolution or amendment thereto, and the scrutineers shall sign their report on the result of the poll, which shall be declared by the chairman. (23 of 2004 s. 55)

- (7) No poll shall be taken for the election of the chairman or the adjournment of a general meeting.
- (8) The votes of a certified public accountant on a poll may be given either personally or by proxy. (23 of 2004 s. 55)
- (9) The instrument appointing a proxy (who shall be a member of the Institute) shall be in writing signed by the appointer or his attorney duly authorized in writing. (23 of 2004 s. 55)
- (10) The appointment of a proxy shall have no effect unless the instrument appointing the proxy, and the power of attorney or other authority (if any) under which it is signed, is lodged with the chairman not less than 48 hours before the time for holding the meeting at which the proxy proposes to vote, or within such lesser time as the chairman may allow.
- (11) Minutes of all proceedings at a general meeting of the Institute shall be entered in records kept for that purpose and any such minutes, if purporting to be signed by the chairman of the meeting at which the proceedings were held or by the chairman of the next succeeding meeting, shall be evidence of the proceedings. (23 of 2004 s. 55)
[cf. S. Rhodesia by-law 36]

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[Heading](#) [Interpretation](#)

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PART IV

REGISTRATION

In this Part, "registration committee" (註冊委員會) means a committee appointed under by-law 20(1).

Bylaw Num:	20	Version Date	08/09/2004
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Heading Appointment and functions of registration committee

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(1) The Council may appoint a committee of not less than 5 certified public accountants, who shall hold office until they resign or are removed from office by the Council, to examine the qualifications of an applicant for registration under sections 25, 28A(1) and (2), 28B and 28D(4) of the Ordinance. (L.N. 137 of 1977; 96 of 1994 s. 37; L.N. 359 of 1996; 23 of 2004 s. 55)

(1A) A majority of the certified public accountants appointed under paragraph (1) shall be elected members. (L.N. 137 of 1977; 23 of 2004 s. 55)

(2) The registration committee shall examine the qualifications of the applicant and shall advise the Council as to whether the applicant should be registered or whether the application should be rejected.

(3) The Council shall not be bound to accept the advice of the registration committee.

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Heading Meetings of registration committee

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(1) The registration committee shall meet at least once in every 3 months, and at more frequent intervals if it so determines or if the Council so requires.

(2) Three members of the registration committee shall form a quorum at a meeting thereof.

(3) If at a meeting of the registration committee the number of members of the committee present is insufficient to form a quorum, the meeting shall stand adjourned for 1 week to be then held at the same hour and place.

(4) The registration committee may, if it thinks fit, transact any of its business by the circulation of papers, and a resolution in writing approved in writing by a majority of the members thereof present in Hong

Kong shall be as valid and effectual as if it had been passed at a meeting of the registration committee by the votes of the members so approving the resolution. (L.N. 137 of 1977)

Bylaw Num:	22	Version Date	08/09/2004
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Heading CPA and Fellows

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PART V

DESIGNATION OF CERTIFIED PUBLIC ACCOUNTANTS

(23 of 2004 s. 55)

(1) Subject to paragraph (2), a certified public accountant shall-
(23 of 2004 s. 55)

- (a) be designated as a Certified Public Accountant (會計師);
- (b) be entitled to use the initials "CPA" after his name; and
- (c) be issued by the Registrar with a certificate, signed by the President, certifying that he is a certified public accountant.

(2) A certified public accountant who satisfies the conditions specified in paragraph (3) shall on application to the Council in such form as it may specify and on payment of the fee fixed by the Council-
(L.N. 137 of 1977; L.N. 395 of 1981; 23 of 2004 s. 55)

(a) be designated as a Fellow of the Hong Kong Institute of

Certified Public Accountants (資深會計師);

- (b) be entitled to use the initials "FCPA" after his name; and
- (c) be issued by the Registrar with a certificate, signed by the President, certifying that he is a Fellow of the Institute.

(3) The conditions referred to in paragraph (2) are that the certified public accountant- (23 of 2004 s. 55)

- (a) has been a certified public accountant for not less than 7 years; or
- (b) has, in the opinion of the Council, a standing equivalent to that of a professional accountant before the relevant day or of a

certified public accountant for not less than 7 years, by reason of his standing as a member of-

- (i) another accountancy body with which there is in force an agreement of mutual or reciprocal recognition between the accountancy body and the Institute; or
 - (ii) another accountancy body accepted by the Council by resolution approved by two-thirds of its members as being of a standard similar to that of the Institute. (23 of 2004 s. 55)
- (23 of 2004 s. 55)

Bylaw Num:	22A	Version Date	08/09/2004
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[Heading](#) [Affiliates](#)

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PART VA

AFFILIATES

- (1) The Institute may on application to the Council in such form as it may specify and on payment of the fee fixed by the Council admit a person in good standing as a member of an accountancy body which is a member of the International Federation of Accountants as an international affiliate of the Institute ("affiliate").
 - (2) The Council may-
 - (a) require an affiliate to pay such admission and periodic fee to the Institute as the Council may determine;
 - (b) revoke the admission of an affiliate.
 - (3) An affiliate shall be designated as an International Affiliate of the Hong Kong Institute of Certified Public Accountants.
- (Part VA added 23 of 2004 s. 55)

Bylaw Num:	23	Version Date	30/06/1997
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Heading Interpretation

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PART VI

PRACTICE OF PUBLIC ACCOUNTANCY

In this Part, "practising committee" (執業委員會) means a committee appointed under by-law 26(1).

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Heading (Repealed L.N. 137 of 1977)

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Bylaw Num:	25	Version Date	08/09/2004
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Heading Certified public accountants

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(1) A certified public accountant holding a practising certificate may describe himself as a "Certified Public Accountant (會計師)" or a "Certified Public Accountant (Practising) (執業會計師)" and use the initials "CPA" or "CPA (practising)".

(2) A firm registered under sections 28B and 28C of the Ordinance or a corporate practice registered under sections 28D(4) and 28E of the Ordinance may describe itself as "Certified Public Accountants" or

"Certified Public Accountants (Practising)" or in Chinese "會計師事務所" or "會計師行".

(23 of 2004 s. 55)

Bylaw Num:	26	Version Date	08/09/2004
Heading	Appointment and functions of practising committee		Back to Individual Section Format

(1) The Council may appoint a committee of not less than 5 certified public accountants, who shall hold office until they resign or are removed from office by the Council, to advise the Council on applications by certified public accountants for practising certificates.

(L.N. 137 of 1977; 96 of 1994 s. 39; 23 of 2004 s. 55)

(1A) A majority of the certified public accountants appointed under paragraph (1) shall be elected members. (L.N. 137 of 1977; 23 of 2004 s. 55)

(2) The practising committee shall-

(a) make such inquiries as it may consider necessary to ascertain whether a certified public accountant applying for a practising certificate has had the experience required by section 29A of the Ordinance and is otherwise eligible to hold a practising certificate; and (L.N. 137 of 1977; 23 of 2004 s. 55)

(b) advise the Council as to the acceptance or rejection of the application of such accountant.

(3) The Council shall not be bound to accept the advice of the practising committee.

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Heading Meetings of practising committee

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- (1) The practising committee shall meet at least once in every 3 months, and at more frequent intervals if it so determines or if the Council so requires.
- (2) Three members of the practising committee shall form a quorum at a meeting thereof.
- (3) If at a meeting of the practising committee the number of members of the committee present is insufficient to form a quorum, the meeting shall stand adjourned for one week, to be then held at the same hour and place.
- (4) The practising committee may, if it thinks fit, transact any of its business by the circulation of papers, and a resolution in writing approved in writing by a majority of the members thereof present in Hong Kong shall be as valid and effectual as if it had been passed at a meeting of the practising committee by the votes of the members so approving the resolution. (L.N. 137 of 1977)

Bylaw Num:	28	Version Date	08/09/2004
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Heading Certified public accountants not to practise with or employ certain persons

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PART VII

RESTRICTIONS IN CONNECTION WITH PRACTICE

Save with the approval in writing of the Council, a certified public accountant holding a practising certificate who knowingly- (23 of 2004 s. 55)

- (a) permits his name to be made use of in connection with the practice of public accountancy by a person who is not a certified public

accountant holding a practising certificate; (23 of 2004 s. 55)

(b) employs, in or in connection with his practice as an accountant, a person whose name has been removed from the register under section 35(1)(a) of the Ordinance and has not been restored thereto; or

(c) practises in partnership or through a corporate practice as an accountant with a person who is not entitled to practise as a certified public accountant (practising), (L.N. 359 of 1996; 23 of 2004 s. 55) shall be guilty of professional misconduct.

Bylaw Num:	29	Version Date	08/09/2004
Heading	Restrictions on name in which practice may be carried on		Back to Individual Section Format

Save with the approval in writing of the Council, a certified public accountant who, either on his own account or in partnership with any other certified public accountant or through a corporate practice, practises as a certified public accountant (practising) other than- (23 of 2004 s. 55)

(a) in his own name;

(b) in the case of a firm of certified public accountants (practising), in his own name in association with the names of his partners; or in the case of a corporate practice, in his own name in association with the names of the other members of such corporate practice, save and except the name of any such member who is not a certified public accountant; (L.N. 359 of 1996; 23 of 2004 s. 55)

(c) in the name of a firm in which he was lawfully practising at the commencement of these by-laws;

(d) in the name of a firm lawfully registered under section 28A of the Ordinance; or (96 of 1994 s. 40; 23 of 2004 s. 55)

(e) in the name of a corporate practice lawfully registered under sections 28D(4) and 28E of the Ordinance, provided that such a name or any part thereof shall not contain or include any reference to the name of any member of such corporate practice who is not a certified public accountant, (L.N. 359 of 1996; 23 of 2004 s. 55)

shall be guilty of professional misconduct.

(96 of 1994 s. 40; L.N. 359 of 1996)

Bylaw Num:	29A	Version Date	08/09/2004
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Heading **Death of certified public accountant**

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Without prejudice to the powers of the Council under by-laws 28 and 29 the Council may permit a certified public accountant holding a practising certificate to practise as a certified public accountant (practising) in the name or style in which a certified public accountant (practising) was lawfully practising immediately prior to his death and as an employee of the personal representative of the deceased certified public accountant (practising), for such period and subject to such conditions as the Council may impose.

(23 of 2004 s. 55)

Bylaw Num:	30	Version Date	08/09/2004
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Heading **Meaning of registered student**

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PART VIII

REGISTERED STUDENTS

In this Part-

"registered student" (註冊學生) means a student registered with the Institute.

(23 of 2004 s. 55)

Bylaw Num:	31	Version Date	08/09/2004
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Heading **Consent to registration**

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- (1) A person desiring to become a registered student shall-
- (a) apply to the Council in such form as it may specify;
- (b) furnish to the Council such evidence as the Council may require that he-
- (i) is 16 years of age or more;
- (ii) has attained the requisite standard of education; and
- (iii) is of good character; and
- (c) pay to the Council-
- (i) the fee fixed by the Council; and
- (ii) the fee fixed by the Council for annual registration with the Institute. (23 of 2004 s. 55)
- (2) The Council shall, if satisfied that such a person has reached the age of 16 years, has attained the requisite standard of education prescribed by paragraph (3), and has a good character, authorize the Registrar to register such person as a student.
- (3) A person shall be deemed to have attained the requisite standard of education-
- (a) in the case of a person who applies under paragraph (1)(a) before 1 January 1982-
- (i) if he is the holder of a Hong Kong Certificate of Education (English) with credits in at least 5 subjects (including English and Mathematics) or if he has passed such examinations (including English and Mathematics) which in the opinion of the Council are of an equivalent standard to such Hong Kong Certificate of Education (English); or
- (ii) if he is a graduate of a university approved by the Council; or
- (iii) if he is the holder of a diploma in accountancy awarded by an educational institute approved by the Council; (L.N. 344 of 1998)
- (b) in the case of a person who applies under paragraph (1)(a) on or after 1 January 1982 but before 1 January 1999-
- (i) if he is the holder of a General Certificate of Education (England) with 2 Advanced Level passes and 3 Ordinary Level passes, or 3 Advanced Level passes and 1 Ordinary Level pass, (including English and

Mathematics) or if he has passed such examinations (including English and Mathematics) which in the opinion of the Council are of an equivalent standard to such General Certificate of Education (England); or

(ii) if he is a graduate of a university approved by the Council; or

(iii) if he is the holder of a diploma in accountancy awarded by an educational institute approved by the Council; (L.N. 344 of 1998)

(c) in the case of a person who applies under paragraph (1)(a) on or after 1 January 1999-

(i) if he is the holder of a degree in accountancy awarded by an educational institute approved by the Council; or

(ii) if he has completed a study programme approved by the Council: (L.N. 344 of 1998)

(d) (Repealed L.N. 344 of 1998)

Provided that the Council may in its absolute discretion exempt from compliance with the requisite standard of education a person who-

(i) is over the age of 25 years;

(ii) has attained a standard of education acceptable to the Council; and

(iii) has undergone 5 years practical experience as defined in by-law 41. (L.N. 395 of 1981)

(L.N. 137 of 1977)

Bylaw Num:	32	Version Date	30/06/1997
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Heading Registration

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(1) Registration of a person as a registered student shall-

(a) remain in force until 1st day of January in the year following the year in which he was so registered; and

(b) be renewable annually not later than 31st day of January in each year. (L.N. 137 of 1977; L.N. 587 of 1995)

(2) A registered student shall sign an undertaking, in the specified form, to abide by such of these by-laws as are applicable to him.

Bylaw Num:	33	Version Date	08/09/2004
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Heading Register

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(1) The Registrar shall keep a register of registered students and shall advise the Council of the name of a registered student whose annual registration fee or other fee or money due to the Institute is more than 2 months in arrear. (L.N. 137 of 1977)

(2) The Council may direct the Registrar to remove from the register of registered students the name of a student whose annual registration fee or other fee or money due to the Institute is more than 3 months in arrear. (L.N. 137 of 1977)

(3) The Registrar shall in writing notify a student of a direction of the Council under paragraph (2), and if the annual registration fee or other fee or money due to the Institute remains unpaid for more than 14 days after such notice the Registrar shall remove the name of the student from the register.

(96 of 1994 s. 42; 23 of 2004 s. 55)

Bylaw Num:	34	Version Date	26/11/2004
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Heading Disciplinary provisions

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(1) A complaint that a registered student- (L.N. 395 of 1981)

(a) has been convicted of an offence under Part V (Perjury) of the Crimes Ordinance (Cap 200);

(b) has been convicted in Hong Kong or elsewhere of any offence involving dishonesty;

(c) has been guilty of misconduct in carrying out his duties;

(d) has been guilty of conduct which renders him unfit to become a certified public accountant; or (23 of 2004 s. 55)

(e) has refused, or neglected without reasonable excuse, to comply with such of these by-laws as are applicable to him,

shall be made to the Registrar who shall submit the complaint to the Council which may, in its discretion, constitute a Disciplinary Committee to deal with the complaint. (23 of 2004 s. 55)

(1A) If the Council decides not to constitute a Disciplinary Committee to deal with the complaint, the complainant who is aggrieved by the Council's decision may request the Council to constitute a Disciplinary Committee to deal with the complaint, whereupon the Council shall, unless it is of the opinion that no prima facie case has been shown for the complaint, or that the complaint is frivolous or vexatious, constitute a Disciplinary Committee to deal with the complaint. (23 of 2004 s. 55)

(2) Where the Registrar has reason to believe that paragraph (1) applies to a registered student, he shall submit the facts to the Council which may, in its discretion, constitute a Disciplinary Committee to deal with the complaint. (23 of 2004 s. 55)

(3) Every hearing of the Disciplinary Committee shall be held in public unless the Disciplinary Committee-

- (a) on its own motion; or
 - (b) on the application of-
 - (i) the complainant; or
 - (ii) the registered student against whom the complaint is made,
- determines that in the interests of justice a hearing or any part thereof shall not be held in public in which case it may hold the hearing or the part thereof (as the case may be) in private. (23 of 2004 s. 55)

Bylaw Num:	35	Version Date	08/09/2004
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Heading Powers of Disciplinary Committee

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(1) If, after due inquiry, a Disciplinary Committee is satisfied that a complaint under by-law 34 is proved the Disciplinary Committee may, in its discretion, make any one or more of the following orders against the registered student- (96 of 1994 s. 44; 23 of 2004 s. 55)

- (i) that he be declared unfit to remain a registered student, and that the Registrar remove his name from the register of registered students;
- (ii) that he be declared ineligible for such period (not exceeding 2 years) to sit for such examinations of the Institute as shall be specified in the order; (23 of 2004 s. 55)

- (iii) that he be reprimanded;
 - (iv) that he be admonished,
- and may in an order under subparagraph (i) or (ii) provide for the order to take effect on or from such date as the Disciplinary Committee thinks fit and may in any case make such order as the Disciplinary Committee thinks fit with regard to the payment of costs and expenses of and incidental to the proceedings, whether of the Institute (including the fees and expenses of the Disciplinary Committee) or of any complainant or of the registered student, and any costs and expenses ordered to be paid may be recovered as a civil debt. (23 of 2004 s. 55)
- (1A) In addition, the Disciplinary Committee may in any case provide for an order to take effect only upon the happening or non-happening of such event within such period as may be specified by the Disciplinary Committee (23 of 2004 s. 55)
- (2) The Registrar shall cause a copy of an order made under this by-law to be served forthwith upon the registered student concerned and shall forward a copy to the Council
- (3) For the purposes of an inquiry under this by-law the Disciplinary Committee shall have the powers specified in section 36 of the Ordinance.

Bylaw Num:	35A	Version Date	08/09/2004
Heading	Payment of fees to members of Disciplinary Committee		Back to Individual Section Format

The Institute may pay fees at such rates as the Council may from time to time fix and such expenses as the Council may deem fit to any members of a Disciplinary Committee for the performance by them of their duties or for any work done by them, and such fees and expenses shall for the purpose of by-law 35(1) form part of the costs and expenses of the Institute of and incidental to the disciplinary proceedings.

(23 of 2004 s. 55)

Bylaw Num:	35B	Version Date	26/11/2004
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Heading **Consent order**

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(1) Where a complaint that by-law 34(1)(c) or (e) applies to a registered student is referred to the Disciplinary Committee and the Disciplinary Committee, without hearing either the complainant or the registered student, is of the view that the complaint is of such a nature that if the complaint is proved, the appropriate order or orders to be made should fall within one or more of the following orders under by-law 35-

- (a) an order that the registered student be reprimanded;
- (b) an order that the registered student be admonished;
- (c) an order that the registered student pay the costs and expenses of and incidental to the proceedings, whether of the Institute (including the costs and expenses of the Disciplinary Committee) or of the complainant,

the Disciplinary Committee may give notice to the complainant and the registered student.

(2) A notice given by the Disciplinary Committee under paragraph (1) shall state-

- (a) the order or orders, being order or orders no more than those referred to in paragraph (1), which the Disciplinary Committee proposes to make if the registered student admits to the complaint; and
- (b) the time (being not earlier than 14 days from the date when the notice was given, or such further time as the Disciplinary Committee may allow) within which each of the complainant and the registered student is required to inform the Disciplinary Committee as to whether he will consent to the proposed order or orders.

(3) If the complainant and the registered student consent to the proposed order or orders, the Disciplinary Committee shall make an order or orders in terms of the proposed order or orders and such order and orders shall be deemed to be an order or orders made under by-law 35, save that by-law 36(1) shall not apply to such order or orders.

(4) If the complainant or the registered student informs the Disciplinary Committee that he does not consent to the proposed order or

orders, or if the Disciplinary Committee considers that the consent of either the complainant or the registered student is not forthcoming notwithstanding the notice under paragraph (2)(b), the Disciplinary Committee shall inform the Council and the following shall apply-

- (a) the Disciplinary Committee shall be dissolved;
- (b) the Council shall constitute a new Disciplinary Committee to deal with the complaint with which the dissolved committee was concerned by directing the Disciplinary Committee Convenor to appoint the chairman and other members of the new Disciplinary Committee;
- (c) a person who was a member of the dissolved committee shall not be eligible for membership of the new Disciplinary Committee; and
- (d) the new Disciplinary Committee shall deal with the complaint afresh without regard to this by-law and, accordingly, it shall not have any regard to any proceedings of the dissolved committee, including the proposed order or orders of the dissolved committee or any failure or refusal of the complainant or the registered student to consent to the proposed order or orders.

(23 of 2004 s. 55)

Bylaw Num:	36	Version Date	30/06/1997
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Heading **Appeal to Council**

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- (1) A registered student aggrieved by an order made under by-law 35 may, within 21 days of the date of service upon him of the order, appeal to the Council.
- (2) The practice and procedure on an appeal to the Council shall be such as the Council may determine.
- (3) On an appeal the Council may-
- (a) affirm or vary the order;
 - (b) rescind the order and substitute any other order which might have been made by the Disciplinary Committee under by-law 35.
- (4) The Registrar shall notify the registered student concerned of the decision of the Council.

Bylaw Num:	36A	Version Date	08/09/2004
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Heading **Conduct of proceedings and representation**

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At the hearing of a complaint, a registered student whose conduct is the subject of such proceedings shall be entitled to be represented by counsel or a solicitor, or, with the approval of the Disciplinary Committee, by some other person appointed by the registered student to represent him throughout the proceedings.

(23 of 2004 s. 55)

Bylaw Num:	37	Version Date	08/09/2004
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Heading Power of Council to make rules

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PART IX

EXAMINATIONS

The Council may make rules prescribing-

- (a) the examinations of the Institute; (23 of 2004 s. 55)
- (b) the syllabuses therefor;
- (c) the sections into which the examinations are to be divided;
- (d) the times for holding the examinations;
- (e) examination fees;
- (f) the period within which any examination must be passed;
- (g) exemptions from examinations or concessions which may be granted; and
- (h) any other matter incidental to the holding of examinations.

Bylaw Num:	38	Version Date	08/09/2004
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Heading Restriction on taking examinations

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Section Format](#)

- (1) Subject to paragraphs (2), (3), (4) and (5), a person is not entitled to enter for an examination of the Institute unless he- (23 of 2004 s. 55)
 - (a) is a registered student; or
 - (b) is a person required or permitted to sit an examination under or pursuant to-
 - (i) any of the provisions of the Ordinance; or
 - (ii) any agreement of mutual or reciprocal recognition between another accountancy body and the Institute. (23 of 2004 s. 55)
- (2) Subject to paragraphs (3) and (4), a registered student is not entitled to enter for an examination of the Institute unless he- (23 of

2004 s. 55)

(a) has paid his annual registration fee to the Institute for the year in which the examination is held; and (23 of 2004 s. 55)

(b) complies with such regulations relating to the examination as the Council may specify.

(3) A registered student whose application for registration is made before 1 January 1999 is not entitled to enter for the examination known as the "HKSA professional programme and examinations" held between 1 January 1999 and 31 December 2001.

(4) A registered student whose application for registration is made before 1 January 1999 is not entitled to enter for the "HKSA or HKICPA professional programme and examinations" held on or after 1 January 2002 unless, in addition to complying with paragraph (2)(a) and (b), he- (23 of 2004 s. 55)

(a) holds a degree in accountancy awarded by an educational institute approved by the Council; or

(b) has completed a study programme approved by the Council.

(5) A person is not entitled to enter for an examination of the Institute unless he complies with such regulations relating to the examination as the Council may specify. (23 of 2004 s. 55)

(L.N. 344 of 1998)

Bylaw Num:	39	Version Date	08/09/2004
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[Heading](#) [Removal from register](#)

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(1) Subject to paragraph (2), the Registrar shall remove from the register the name of any registered student who-

(a) has not presented himself for any of the examinations of the Institute within 5 years from the date of his registration as a registered student; or (23 of 2004 s. 55)

(b) has not passed the final section of the examinations of the Institute within 10 years from the date of his registration as a registered student. (23 of 2004 s. 55)

(2) The Council may extend the period of time specified in paragraph (1)(a) or (b) in any particular case.

Bylaw Num:	40	Version Date	08/09/2004
Heading	Establishment of Examinations Board	Back to Individual Section Format	

(1) There is hereby established an Examinations Board, the members of which, whether members of the Institute or not, shall be appointed by the Council and shall hold office until they resign or are removed from office by the Council. (23 of 2004 s. 55)

(2) The functions of the Examinations Board shall be to advise the Council on-

(a) the conduct and control of examinations of the Institute; (23 of 2004 s. 55)

(b) the appointment and remuneration of examiners; and

(c) such other functions as may be specified by the Council from time to time.

(3) Members of the Examinations Board shall be paid such fees as the Council may determine.

Bylaw Num:	41	Version Date	08/09/2004
Heading	Restriction on registration as a certified public accountant	Back to Individual Section Format	

Restriction on registration as a certified public accountant
(23 of 2004 s. 55)

(1) Subject to paragraph (2), neither a registered student who passes the examinations of the Institute nor a member of an accountancy body accepted by the Council under section 24(1A) shall be registered as a certified public accountant unless he has not less than 5 years practical experience. (23 of 2004 s. 55)

(2) The Council may, in the case of the holder of a degree awarded by an educational institute approved by the Council, or the holder of a diploma in accountancy awarded by an educational institute approved by the Council who has attended a full time course for not less than 3 years,

reduce the period of practical experience required by paragraph (1) by such amount as it thinks fit, not being more than 2 years. (L.N. 137 of 1977)

(3) In this by-law-

"practical experience" (實際經驗) means experience whether in Hong Kong or elsewhere acceptable to the Council as an employee of person practising public accountancy or in the financial or management accountancy department of an organization in industry, commerce or the public service or in a similar department.

(96 of 1994 s. 45)

Bylaw Num:	42	Version Date	08/09/2004
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Heading Appointment of auditor

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PART X

AUDITORS

(1) The Institute shall at each annual general meeting appoint an auditor, who shall hold office until the next annual general meeting. (23 of 2004 s. 55)

(2) The Council may fill any casual vacancy in the office of auditor.

Bylaw Num:	43	Version Date	08/09/2004
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Heading Qualification etc.

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(1) A person shall not be eligible for appointment under by-law 42 as auditor unless he is a certified public accountant holding a practising certificate. (23 of 2004 s. 55)

(2) The following persons shall not be qualified for appointment as

auditor-

- (a) a member of the Council; and
- (b) a partner of a member of the Council.
- (3) The remuneration of the auditor shall be fixed by the Council.

(23 of 2004 s. 55)

Bylaw Num:	44	Version Date	08/09/2004
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Heading Retirement of auditor

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The auditor shall be eligible for reappointment and shall be deemed to have been nominated for reappointment unless he informs the Council in writing, not less than 21 days before the annual general meeting, that he does not wish to be so nominated.

(23 of 2004 s. 55)

Bylaw Num:	45	Version Date	08/09/2004
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Heading Nomination of auditors

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(1) A person, other than a retiring auditor, shall not be capable of being appointed auditor at an annual general meeting unless notice of intention to nominate him for appointment as auditor has been received by the Registrar not less than 14 days before the annual general meeting.

(2) Every such notice shall be signed by 2 or more certified public accountants and shall be accompanied by notice in writing from the person who is nominated that he is willing to be appointed as auditor. (23 of 2004 s. 55)

(3) The Registrar shall send a copy of such a notice to the retiring auditor.

(4) Notice of the names of all persons nominated for appointment, or deemed to have been nominated for reappointment, shall be sent to all certified public accountants not less than 17 days before the annual general meeting. (23 of 2004 s. 55)

Bylaw Num:	46	Version Date	08/09/2004
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Heading Removal of auditor

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(1) The Institute may, at a general meeting, by resolution passed by not less than two-thirds of the voting members voting thereon, remove the auditor from office and may, by resolution passed at the same meeting by a majority of the voting members voting thereon, appoint in his place another auditor. (23 of 2004 s. 55)

(2) If no such appointment is made, the Council may appoint another auditor in his place.

Bylaw Num:	47	Version Date	08/09/2004
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Heading Indemnification of members of the
Council and others

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PART XI

INDEMNIFICATION

A member of the Council (which expression in this by-law and by-law 48 includes a member of a committee or sub-committee of the Council), an officer employed by the Council and the auditor shall each be indemnified by the Institute against any liability incurred by him in consequence of the performance of his duty as such, unless the same is caused by his wilful default, or, in the case of an auditor, his negligence or wilful default or that of his partner or employee.

(23 of 2004 s. 55)

Bylaw Num:	48	Version Date	30/06/1997
Heading	Members of Council and others not to be liable for losses	<u>Back to Individual Section Format</u>	

A member of the Council, an officer employed by the Council and the auditor shall be liable only if liability arises from his own wilful default or, in the case of an auditor, from his own negligence or wilful default or that of his partner or employee.

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