



# CONSTITUTION

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# **CONSTITUTION**

## **OF**

### **THE HONG KONG INSTITUTE OF SURVEYORS**

#### **1. NAME**

The Name of the Institute is "The Hong Kong Institute of Surveyors" ("香港測量師學會"), hereinafter referred to as "the Institute".

#### **2. OBJECTS**

The objects of the Institute are to secure the advancement and facilitate the acquisition of that knowledge and expertise which constitutes the profession of a surveyor, including, but not limited to, the arts, sciences and practice of:

- (a) determining the value of all descriptions of landed and house property and of all kinds of rights and interests therein;
- (b) managing and developing real estates and all other matters concerned with or incidental to the management of landed property;
- (c) researching, examining, reporting upon and securing the optimal use of land and its associated resources to meet social, economic and other needs;
- (d) surveying the structure and condition of buildings and their services and advising on their maintenance, alteration, improvement, preservation, rehabilitation, re-construction and demolition;
- (e) measuring, recording and delineating the geomatic information of the earth;
- (f) managing, developing and surveying easements and other property rights;
- (g) researching, examining, reporting upon and determining the economic acquisition and use of resources of the construction industry, and the financial appraisal and measurement of construction work;
- (h) selling whether by auction or otherwise, buying or letting, and promoting or encouraging the sale, buying or letting, as an agent, of real or personal property or any interest therein;
- (i) managing development and construction projects from inception to completion;
- (j) planning, organizing and managing accommodation, services, supplies and other facilities relating to building occupancy;

- (k) resolving dispute arising from the engagement in the above practices by way of mediation, adjudication, arbitration, etc,

to promote, support and protect the character, status and interests of surveyors in Hong Kong; to maintain and promote the usefulness of the profession for the public advantage; and to do all such other things as are incidental or conducive to the attainment of the above objects or any of them.

### **3. PROPERTY**

The property of the Institute other than cash shall be vested in the President, the Honorary Secretary and the Honorary Treasurer for the time being of the Institute as trustees who will deal with the property of the Institute in the manner determined from time to time by the General Council. The President, the Honorary Secretary and the Honorary Treasurer as such trustees shall be indemnified against risk and expense out of the property of the Institute.

### **4. MEMBERSHIP**

4.1 Membership of the Institute shall consist of:

- (a) Those persons being professionally qualified surveyors who joined together to, sponsor the formation of the Institute and were present at its first meeting for the adoption of the Constitution; and
- (b) Those persons who from time to time may be elected to membership in accordance with the Bye-Laws of the Institute provided that for the purpose of the Bye-Laws, "elected to membership" under this clause shall be construed as "admitted to membership".

4.2 The qualifications and procedures for and terms of admission, privileges and obligations of members including liability to expulsion, removal of name from the Register of the Institute or suspension, and conditions of registration for membership shall be such as the Bye-Laws of the Institute shall prescribe from time to time.

### **5. GRADES OF MEMBERSHIP**

5.1 Membership of the Institute shall comprise:

- (a) the Honorary Grade (名譽會員級) consisting of Honorary Fellows (名譽會員);
- (b) the Professional Grade (專業會員級) consisting of Fellows (資深專業會員) and Members (專業會員);

- (c) the Technical Grade (技術會員級) consisting Associate Members (副會員); and
- (d) the Training Grade (培訓會員級) consisting of Probationers (見習測量師) and Students (學生),

provided that only members in the Professional Grade are referred to herein as Corporate Members (正式會員).

- 5.2 The rights, privileges or obligations of members in the various grades shall be as provided herein or in the Bye-Laws.
- 5.3 The procedure for transfer from one grade to another grade or from one rank to another rank within a grade shall be as prescribed in the Bye-Laws.
- 5.4 A member of the Institute except a member in the Training Grade shall be entitled to use the appropriate abbreviated designation after his name as follows:
  - (a) An Honorary Fellow — Hon. FHKIS
  - (b) A Fellow — FHKIS
  - (c) A Member — MHKIS
  - (d) An Associate Member — AMHKIS
- 5.5 A member in the Professional Grade may also present himself as a Professional Surveyor (專業測量師).

## 6. STRUCTURE OF THE INSTITUTE

- 6.1 Members of the Institute shall be divided by reference to their professional practice into groups which shall be known as Divisions as follows:
  - (a) General Practice;
  - (b) Quantity Surveying;
  - (c) Building Surveying;
  - (d) Land Surveying;
  - (e) Planning and Development; and
  - (f) Property and Facility Management

and such other Divisions as from time to time may be created by resolution at a General Meeting of the Institute, provided that without prejudice to the Divisions, for the furtherance of cross-divisional

expertise, Specialist Forums may be created from time to time by resolution of the General Council.

- 6.2 Upon admission to membership, a member is required to indicate the Division in which the member wishes to be registered, which must be in keeping with the type of qualification held. Subject to the provisions of the Bye-Laws, a member may be registered in more than one Division.
- 6.3 Subject to the provisions of the Bye-Laws each Division shall have exclusive rights and responsibilities in respect of matters particular to its own affairs.
- 6.4 Subject to the provisions of the Bye-Laws, the Institute shall have a Young Surveyors Group which shall comprise those Members and Associate Members whose ages shall not exceed such age as the General Council may from time to time prescribe. All Probationers and Students will be attached to and may participate in the activities of the Young Surveyors Group.

## **7. MANAGEMENT OF THE INSTITUTE**

- 7.1 The affairs of the Institute shall be managed by a body called "The General Council" which shall be the governing body of the Institute.
- 7.2 The General Council shall have the sole control, management and superintendence of the property income affairs and concerns of the Institute and may appoint such Officers as it shall in its discretion deem necessary and if not contrary to or inconsistent with the provisions of this Constitution or any Bye-Laws made hereunder may do all such acts as may appear to it to be necessary or desirable for the purpose of carrying into effect the objects of the Institute and in particular and without prejudice to the foregoing powers the General Council shall have the following powers:
  - (a) To accept any gift or property for any of the objects of the Institute;
  - (b) To invest any moneys of, or belonging to the Institute in such manner as may from time to time be determined by the General Council;
  - (c) To borrow, raise or secure the payment or repayment of moneys in such manner as it may think fit;
  - (d) To rent, purchase, take on lease or licence, construct, manage, maintain, improve, develop or alter any buildings or works, land, premises and property rights and interests necessary or convenient for the purpose of the Institute;
  - (e) To sell, lease, mortgage, charge, encumber, dispose of or otherwise deal with, all or any part of the property of the Institute;

- (f) To control and conduct examinations in surveying and cognate subjects and issue certificates subject to such regulations as may from time to time be determined in General Meeting;
- (g) To appoint such Committees and delegate to any such Committee such of the powers of the General Council as may be deemed necessary or appropriate for the better conduct of the Institute's business. Such Committees shall operate under and conduct their proceedings in accordance with any direction given by the General Council and shall report to the General Council as required;
- (h) [*Revoked on 19<sup>th</sup> September 2016*]
- (i) To procure the Institute to be incorporated;
- (j) To arrange social, educational and recreational activities for members of the Institute and their guests.

7.3 The exercise of all powers exercisable by the General Council shall be subject to the control of the members in General Meeting but so that any act done by the General Council before any resolution of a General Meeting shall not be invalidated by any such resolution.

## **8. MEMBERSHIP OF GENERAL COUNCIL**

8.1 The General Council shall consist of such Corporate Members of the Institute holding such qualifications and elected or nominated in such manner holding office for such periods and on such terms as to re-election or re-nomination and otherwise as may be prescribed by the Bye-Laws.

8.2 [*Revoked on 18<sup>th</sup> July 2011*]

## **9. MEETINGS**

9.1 The meetings of the Institute shall be of such classes and shall be held for such purposes as may from time to time be prescribed by the Bye-Laws of the Institute and the rights of the several grades of members shall except as herein otherwise provided be such or subject to such restrictions as may be prescribed by the Bye-Laws of the Institute.

## **10. ALTERATION OF CONSTITUTION AND BYE-LAWS**

10.1 This Constitution may be altered, amended or added to only by a resolution passed by a three-fourths majority of the Corporate Members present or by proxy and voting at a General Meeting of the Institute specially called for the purpose. Not less than 30 days notice in writing

shall be given to all Corporate Members specifying the alterations, amendments or additions proposed.

- 10.2 Subject to clause 10.3 hereof, a majority of the Corporate Members present in person or by proxy and voting at a General Meeting of the Institute specially called for the purpose of which due notice has been given, shall have power from time to time to make Bye-Laws or to revoke, alter or amend any Bye-Laws to be made under this Constitution.
- 10.3 No part of the Bye-Laws relating to membership as referred to in clause 4 of the Constitution shall be amended unless by a resolution passed by a three-fourths majority of the Corporate Members present in person or by proxy and voting at a General Meeting of the Institute specially called for the purpose. Not less than 30 days notice in writing shall be given to all Corporate Members specifying the amendments proposed.

## **11. DISSOLUTION**

- 11.1 The Institute shall continue until a resolution shall be passed by an affirmative vote of 66% of the Corporate Members of the Institute for its dissolution. Voting on such a resolution may be by postal vote conducted in such manner as the Bye-Laws, failing which the General Council, may prescribe.
- 11.2 If on the winding up or dissolution of the Institute there remains after the satisfaction of all its debts and liabilities any property whatsoever the same shall not be paid to or distributed among the members of the Institute but shall be given or transferred to some other Institution or Association to be determined by the members of the Institute at or before the time of dissolution and in default thereof by such court of Hong Kong as may have or acquire jurisdiction in the matter.





## **BYE-LAWS**

First Edition on 26<sup>th</sup> April 1984  
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5<sup>th</sup> Amended on 27<sup>th</sup> October 2005  
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8<sup>th</sup> Amended on 9<sup>th</sup> November 2015  
9<sup>th</sup> Amended on 19<sup>th</sup> September 2016  
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# BYE-LAWS

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**BYE-LAWS**  
**OF**  
**THE HONG KONG INSTITUTE OF SURVEYORS**

**PART I**

**DEFINITIONS**

- 1.1 In these Bye-Laws the following expressions shall, unless the context otherwise requires, have the meanings respectively assigned to them, namely:

“Corporate Member” means any Fellow or Member of the Institute;

“Councillor” means any member of the General Council for the time being;

“General Council” means the General Council of the Institute as constituted under Part III;

“In writing” and “written” include printing, lithography and other modes of representing and reproducing words in a visible and non-transitory form;

“Institute” means the Hong Kong Institute of Surveyors;

“Office Bearer” means any member holding honorary office in the Institute;

“The profession” means the profession of duly qualified surveyors.

- 1.2 Unless otherwise specifically provided, words and expressions importing the masculine gender include the female and words and expressions in the singular include the plural and words and expressions in the plural include the singular.

- 1.3 “Admitted” as Fellows or Members in these Bye-Laws shall be construed as “elected” as Fellows or Members, as the case may be, for the purpose of The Hong Kong Institute of Surveyors Ordinance, Chapter 1148 of Hong Kong.

**PART II**

**MEMBERSHIP**

- 2.1 Registration of Membership

The Honorary Secretary shall keep a Register of all members in the various grades in which will be recorded such particulars as the General Council may from time to time prescribe. No name or designation shall be entered in the

Register save on the authority of a resolution of the General Council recorded in the minute books nor shall any name be removed from the Register except under the provision of these Bye-Laws, or in the event of the resignation or decease of a member in the Register, nor shall any designation entered therein be changed save on like authority. Every person admitted into membership shall furnish the General Council with all required information to enable it to compile a record of his qualifications and place of residence and business and any alteration thereto.

#### Qualifications for Membership

#### 2.2 Honorary Grade:

##### *Honorary Fellows*

2.2.1 Those persons who in the opinion of the General Council have rendered outstanding service to the Institute or the profession and those persons who by reason of either their position or experience or eminence may be enabled to render assistance in promoting the objects of the Institute may be elected as Honorary Fellows.

#### 2.3 Professional Grade:

##### *Fellows*

2.3.1 Those persons who joined together to sponsor the formation of the Institute and who were Fellows of the Royal Institution of Chartered Surveyors, the Hong Kong Institute of Land Surveyors, the Australian Institute of Valuers or the New Zealand Institute of Valuers at that time and who had been engaged in their branch of the profession in Hong Kong, or mainly in Hong Kong for a minimum of two years are founding Fellows.

2.3.2 Those persons who are Members of the Institute who since attaining membership of the Institute have been engaged in the profession for a minimum of seven years, three years of which being in senior positions and the last year of which being in Hong Kong, and who have attained the level of professional achievement as may be prescribed by the General Council from time to time may be admitted as Fellows. The General Council may, at its discretion, require the candidate to submit to a professional interview administered by the Board of Membership.

##### *Members*

2.3.3 Those persons who joined together to sponsor the formation of the Institute and who were members or associates of the Royal Institution of Chartered Surveyors, the Hong Kong Institute of Land Surveyors, the Australian Institute of Valuers or the New Zealand Institute of Valuers at that time and who had been engaged in their branch of the profession in Hong Kong, or mainly in Hong Kong for a minimum of two years are founding Members.

2.3.4 Those persons who are at least 21 years of age who are corporate members of such professional bodies as the General Council may recognize from time to time as being of equal status, and who have been engaged in the profession in Hong Kong for a minimum of one year since attaining corporate membership of the recognized professional body as aforesaid may be admitted as Members. The General Council may, at its discretion, substitute the aforesaid requirement of local experience by a requirement of local knowledge, and require the candidate to submit to a professional interview administered by the Board of Membership.

2.3.5 Those persons who are at least 21 years of age and –

- (a) have obtained either
  - (i) a cognate graduate degree or equivalent as may be approved by the General Council from time to time as being of sufficient academic standard for entry to the profession; or
  - (ii) a non-cognate but relevant graduate degree or equivalent as may be approved by the General Council from time to time as being of sufficient academic standard for entry to the profession; or
  - (iii) any other graduate degree and after having obtained such degree been engaged in surveying practices for not less than one year; or
  - (iv) associate membership of the Institute; and
- (b) have undertaken a minimum of two years or, for candidates offering a qualification under Bye-Law 2.3.5(a)(ii), (iii) or (iv), three years professional training of an approved nature of Hong Kong surveying practice; and
- (c) have undergone an Assessment of Professional Competence as may be determined by the Board of Education from time to time, which will also provide for a professional interview administered by the Board of Education,

may be admitted as Members.

2.3.6 [*Revoked on 18<sup>th</sup> July 2011*]

2.3.7 In determining what constitutes a recognized professional body, an approved or relevant academic qualification for the purpose of this Bye-Law, the General Council's decision shall be final.

## 2.4 Technical Grade:

### *Associate Members*

2.4.1 Those persons who are at least 21 years of age who are technical members of such professional bodies as the General Council may recognize from time to time as being of equal status, and who have been engaged in the profession in Hong Kong at technical level for a minimum of one year since attaining technical membership of the recognized professional body as aforesaid may be admitted as Associate Members. The General Council may, at its discretion, require the candidate to submit to an assessment interview administered by the Board of Membership.

2.4.2 Those persons who are at least 21 years of age and –

(a) have obtained a cognate sub-degree or diploma or equivalent as may be approved by the General Council from time to time as being of sufficient academic standard for entry to the profession; and

(i) [Revoked on 18<sup>th</sup> July 2011]

(ii) [Revoked on 18<sup>th</sup> July 2011]

(iii) [Revoked on 18<sup>th</sup> July 2011]

(b) have undertaken technical training of an approved nature of Hong Kong surveying practice for a minimum of two years or such longer period as may be determined by the Board of Education for the respective academic qualification; and

(c) have undergone the relevant stages of the Assessment of Professional Competence as may be determined by the Board of Education from time to time, which will also provide for an assessment interview administered by the Board of Education,

may be admitted as Associate Members.

2.4.3 Those persons who are at least 21 years of age and –

(a) have obtained a qualification under Bye-Law 2.3.5(a)(i), 2.3.5(a)(ii) or 2.3.5(a)(iii); and

(b) have undertaken a minimum of one year technical training of an approved nature of Hong Kong surveying practice; and

(c) have undergone the relevant stages of the Assessment of Professional Competence as may be determined by the Board of Education from time to time, which will also provide for an assessment interview administered by the Board of Education,

may be admitted as Associate Members.

2.4.4 In determining what constitutes a recognized professional body, an approved or relevant academic qualification for the purpose of this Bye-Law, the General Council's decision shall be final.

## 2.5 Training Grade:

### *Probationers*

2.5.1 Those persons who are at least 18 years of age who have the educational attainments as may be laid down from time to time by regulation by the General Council and are undergoing suitable professional training for the profession may be admitted as Probationers.

2.5.2 The maximum period during which a person may remain a Probationer shall be limited to a total of 8 years, provided always that the General Council shall have power to vary the period in particular cases.

2.5.3 No person shall remain as a Probationer or an Associate Member if he becomes eligible for election as a Member.

2.5.4 [*Revoked on 18<sup>th</sup> July 2011*]

2.5.5 [*Revoked on 18<sup>th</sup> July 2011*]

2.5.6 [*Revoked on 18<sup>th</sup> July 2011*]

### *Students*

2.5.7 Those persons who are at least 18 years of age and are undergoing suitable academic training for the profession may be admitted as Students.

2.5.8 No person shall remain as a Student if he becomes eligible for admission as a Probationer.

## Admission to Membership

### 2.6 Honorary Fellows

2.6.1 The General Council may nominate any person meeting the requirements of Bye-Law 2.2.1 for election as an Honorary Fellow by the Corporate Members at a General Meeting of the Institute. A person so nominated shall be duly elected as an Honorary Fellow if so voted by a simple majority of the number of Corporate Members present who are entitled to vote and exercise such right at the meeting.

## 2.7 Fellows

- 2.7.1 Any person desirous of being admitted as a Fellow shall sign and deliver to the Honorary Secretary an application in the relevant form subscribed by five Fellows of the Institute. Subject to the person meeting the requirements of Bye-Law 2.3.2 the application will be placed before the Board of Membership and, if approved, he shall be duly admitted as a Fellow, provided that the General Council shall retain the authority to reject applications.
- 2.7.2 In case an application for admission as a Fellow is rejected, the General Council shall not be required to give any reason for the rejection. Any such applicant not admitted may not again submit an application for admission as a Fellow until 12 calendar months shall have elapsed from the date the application was rejected.

## 2.8 Members

- 2.8.1 Any person desirous of being admitted as a Member shall sign and deliver to the Honorary Secretary an application in the relevant form subscribed by four Corporate Members of the Institute, at least one of whom must be a Fellow. Subject to the person meeting the requirements of Bye-Law 2.3.4 or 2.3.5 the application will be placed before the Board of Membership and, if approved, he shall be duly admitted as a Member, provided that the Board of Membership shall have the authority to reject applications.
- 2.8.2 In case an application for admission as a Member is rejected, the Board of Membership shall not be required to give any reason for the rejection. Any such applicant not admitted may not again submit an application for admission as a Member until 12 calendar months shall have elapsed from the date the application was rejected.

## 2.9 Associate Members

- 2.9.1 Any person desirous of being admitted as an Associate Member shall sign and deliver to the Honorary Secretary an application in the relevant form subscribed by four Corporate Members of the Institute. Subject to the person meeting the requirements of Bye-Law 2.4.1, 2.4.2 or 2.4.3, the application will be placed before the Board of Membership and, if approved, he shall be duly admitted as an Associate Member, provided that the Board of Membership shall have the authority to reject applications.
- 2.9.2 In case an application for admission as an Associate Member is rejected, the Board of Membership shall not be required to give any reason for the rejection. Any such applicant not admitted may not again submit an application for admission as an Associate Member until 12 calendar months shall have elapsed from the date the application was rejected.

## 2.10 Probationers

2.10.1 Any person desirous of being admitted as a Probationer shall sign and deliver to the Honorary Secretary an application in the relevant form subscribed by his employer or an authorized officer of his employer. Subject to the person meeting the requirements of Bye-Law 2.5.1, the application will be considered by the Board of Membership and, if approved, he shall be duly admitted as a Probationer, provided that the Board of Membership shall have the authority to reject applications.

## 2.11 *[Revoked on 18<sup>th</sup> July 2011]*

## 2.12 Students

2.12.1 Any person desirous of being admitted as a Student shall sign and deliver to the Honorary Secretary an application in the relevant form subscribed by the Head of Department or an authorized officer at the institution where he is undergoing academic training. Subject to the person meeting the requirements of Bye-Law 2.5.7, the application will be considered by the Board of Membership and, if approved, he shall be duly admitted as a Student, provided that the Board of Membership shall have the authority to reject applications.

## 2.13 Resignation

2.13.1 A Corporate Member, Associate Member, Probationer or Student desiring to discontinue his membership of the Institute, as the case may be, shall tender his resignation in writing to the Honorary Secretary. Upon receipt of a resignation the Honorary Secretary shall, if necessary, determine the amount of money owing by the resigning member and require settlement before the resignation becomes effective.

2.13.2 Should no settlement be made the General Council may take whatever steps it considers necessary for recovery of the amount due. The General Council may set aside a resignation, if it considers that Bye-Law 9.3.1 or 9.3.2 may apply. The name of a member shall be removed from the Register as from the date on which his resignation is approved by the General Council.

## 2.14 Re-Admission

The General Council may re-admit under any such conditions as it may prescribe a person who has resigned as a Corporate Member, Associate Member, Probationer or Student of the Institute, as the case may be.

## 2.15 Diplomas

Every Corporate Member and Associate Member shall be entitled to such diploma or certificate of membership as may be prescribed from time to time by the General Council, but any such diploma or certificate shall remain the property of the Institute and must on request be returned by a person whose membership ceases for any reason.

## PART III

### THE GENERAL COUNCIL

#### 3.1 Constitution of the General Council

##### 3.1.1 The General Council shall comprise the following Office Bearers:

- (a) the President,
- (b) the Senior Vice-President,
- (c) the Vice-President,
- (d) the Honorary Secretary, and
- (e) the Honorary Treasurer;

and the following members ex-officio:

- (f) the immediate Past President,
- (g) the Chairman of the Board of Education,
- (h) the Chairman of the Board of Membership, and
- (i) the Chairman of the Board of Professional Development;

and all the following members:

- (j) three representatives of the General Practice Division,
- (k) three representatives of the Quantity Surveying Division,
- (l) three representatives of the Building Surveying Division,
- (m) three representatives of the Land Surveying Division,
- (n) one representative of the Planning and Development Division,
- (o) three representatives of the Property and Facility Management Division,
- (p) two representatives of the Young Surveyors Group, and
- (q) [*Revoked on 18<sup>th</sup> July 2011*]

##### 3.1.2 Only Corporate Members shall be eligible to be Office Bearers or members of the General Council. Both the President and Vice-Presidents shall be Fellows of the Institute.

- 3.1.3 Councillors will hold office for one year but shall be eligible for re-election.
  - 3.1.4 If through any cause an Office Bearer is unable to carry out his duties, the General Council shall elect from its own members a successor for the unexpired term of the Office Bearer.
  - 3.1.5 In the event that a particular Division is not formed or has no members or for any reason the Division ceases to function, the General Council may in their discretion leave the office representing such Division vacant.
  - 3.1.6 As far as is practicable the offices of President and Vice-Presidents shall be held by persons from different Divisions.
  - 3.1.7 As far as is practicable no Office Bearer shall concurrently hold office in any Divisional Council.
- 3.2 Election of Councillors
- 3.2.1 Office Bearers shall be elected by the Corporate Members present in person at an Annual General Meeting.
  - 3.2.2 The representatives of Divisions shall be nominated by their respective Divisional Councils prior to an Annual General Meeting in accordance with Bye-Law 4.2.4. Should a representative of any Division not be nominated prior to an Annual General Meeting, nominations may be made at the Annual General Meeting and an election held as under Bye-Law 3.2.1. Provided that if a Division is formed under Clause 6.1 of the Constitution after the General Council is elected at an Annual General Meeting, the representatives of the newly formed Division shall be those who are nominated by the Divisional Council of the new Division and approved by the General Council. Notwithstanding Bye-Law 3.1.3, the tenure of the representatives of the new Division shall expire at the same time as the General Council.
  - 3.2.3 The representatives of the Young Surveyors Group shall be nominated by the Organization prior to an Annual General Meeting in accordance with Bye-Law 4.3.4. Should a representative not be nominated prior to an Annual General Meeting, nominations may be made at the Annual General Meeting and an election held as under Bye-Law 3.2.1.
  - 3.2.4 Nominations for Office Bearers shall be made in writing duly proposed and seconded by Corporate Members in such form as the General Council may prescribe not later than one month before the date of the Annual General Meeting at which the election is to take place. A list of all nominations received, together with the name of the proposer and seconder of each nominee, shall be sent to each member not less than 14 days before the Annual General Meeting.
  - 3.2.5 Voting for the election of Office Bearers of the Institute shall be by ballot.
  - 3.2.6 In the event of an equality of votes the result shall be determined by a vote of the Office Bearers of the retiring General Council.

3.2.7 The retiring General Council shall hold office until the conclusion of the Annual General Meeting at which a new General Council is elected.

### 3.3 Duties of Office Bearers

#### 3.3.1 The President

The President shall represent the Institute and guide the affairs of the Institute in accordance with the Constitution and Bye-Laws.

#### 3.3.2 The Vice-Presidents

The Vice-Presidents shall assist the President in handling the affairs of the Institute provided that the Senior Vice-President shall deputize the President in the event the President is incapacitated from discharging his duties.

#### 3.3.3 Honorary Secretary

- (a) It shall be the duty of the Honorary Secretary under the direction of the General Council to conduct the ordinary business of the Institute in accordance with the Constitution and Bye-Laws.
- (b) He shall keep an accurate record of the proceedings of the Institute and the General Council.
- (c) He shall keep the Membership Register of the Institute.
- (d) He shall conduct the correspondence of the Institute.
- (e) He shall give notice of all meetings of the General Council and General Meetings of the Institute.

#### 3.3.4 Honorary Treasurer

The Honorary Treasurer shall direct the collection of the subscriptions and the preparation of the accounts of expenditure of the funds and present all the accounts of expenditure of the Institute to the General Council for inspection and approval.

#### 3.3.5 Creation of Additional Office Bearers

The General Council may from time to time create additional offices and prescribe the duties of the Additional Office Bearers.

### 3.4 Management

3.4.1 The General Council shall have the management and direction of the affairs of the Institute and shall do all such acts as appear to it necessary or desirable for the purpose of carrying into effect the objects of the Institute subject to the provisions of the Constitution and these Bye-Laws.

- 3.4.2 The General Council shall investigate any alleged or apparent irregularity or unconstitutional act of any Board, Committee or Office Bearer coming within its knowledge and if it thinks fit shall call upon that Board, Committee or Office Bearer for an explanation thereof. If the explanation be deemed insufficient the General Council shall enquire further into the matter and if satisfied that a breach has been committed it shall notify the offending Board, Committee or Office Bearer to that effect and require compliance with the Constitution and these Bye-Laws. Should any Board, Committee or Office Bearer disregard such instructions the General Council may forthwith dissolve such Board, Committee or remove from office such Office Bearer and appoint another Board, Committee or Office Bearer to carry out the duties for the unexpired term of office.

## **PART IV**

### **DIVISIONS, YOUNG SURVEYORS GROUP AND SPECIALIST FORUMS**

#### **4.1 Divisional Membership**

- 4.1.1 Each Corporate Member and Associate Member shall be a member of one Division and shall be entitled to vote only at meetings of the Division of which he is a member, provided that he may also be registered in another Division. A member of the Training Grade shall be a member of one Division and shall only be entitled to vote at meetings of that Division as provided for in the constitution of that Division.
- 4.1.2 The qualifications for membership of each Division and the procedure for transfer between Divisions or registration in another Division shall be laid down by regulations made from time to time by the General Council.
- 4.1.3 The Honorary Secretary shall for each Corporate Member and Associate Member, and for each member of the Training Grade, record the Division or Divisions of which he is for the time being a member.
- 4.1.4 Subject as aforesaid and subject to Bye-Law 4.2 the constitution and function of each Division shall be laid down by regulations made from time to time by the General Council.

#### **4.2 Divisional Organization**

- 4.2.1 There shall be a Divisional Council of each Division which shall have sole responsibility for the direction and management of affairs of the Division in all matters affecting the Division alone and not otherwise provided for by the Constitution or these Bye-Laws. In matters affecting the Institute generally including finance and the constitution of the Divisional Councils and in matters affecting more than one Division, the General Council shall have overriding authority.

- 4.2.2 Each Divisional Council shall have power subject to the approval of the General Council to make regulations for the nomination, appointment or election of its Chairman and members; provided that such regulations shall:
- (a) prescribe the number of members of the Divisional Council;
  - (b) prescribe the proportion of Divisional Council members to be elected from members of different grades, various sectors and, where appropriate, in respect of those holding different principal entry qualifications for membership;
  - (c) prescribe the procedures for transacting its business including the quorum for Divisional Council meetings.
- 4.2.3 The Divisional Council Chairman who shall be a Fellow of the Institute shall take the chair by right at Divisional Council meetings.
- 4.2.4 The representatives of Divisions to serve on the General Council shall be nominated by the Divisional Council prior to the Annual General Meeting at which the General Council is to be elected. Provided that if a Division is formed under Clause 6.1 of the Constitution after the General Council is elected at an Annual General Meeting, nomination of representatives by the newly formed Division shall take place as soon as practicable.
- 4.3 Young Surveyors Group
- 4.3.1 There shall be a Young Surveyors Group Committee which shall have sole responsibility for the direction and management of affairs of the Young Surveyors Group (hereinafter in this Part called YSG) in all matters affecting the YSG alone and not otherwise provided for by the Constitution or these Bye-Laws. In matters affecting the Institute generally including finance and the constitution of the YSG and in matters affecting the Divisions, the General Council shall have overriding authority.
- 4.3.2 The YSG Committee shall have power subject to the approval of the General Council to make regulations for the nomination, appointment or election of its Chairman and members; provided that such regulations shall:
- (a) prescribe the number of members of the YSG Committee;
  - (b) prescribe the proportion of YSG Committee members to be elected from members of different grades;
  - (c) prescribe the procedures for transacting its business including the quorum for YSG Committee meetings.
- 4.3.3 The YSG Committee Chairman who shall be a Corporate Member of the Institute shall take the chair by right at YSG Committee meetings.

4.3.4 The representatives of the YSG to serve on the General Council shall be nominated by the YSG prior to the Annual General Meeting at which the General Council is to be elected.

#### 4.4 Specialist Forums

4.4.1 For the furtherance of specialist expertise common across divisions, there shall be established Specialist Forums. The Specialist Forum Committee shall have sole responsibility for the direction and management of affairs of the respective Specialist Forum in all matters affecting the Forum alone and not otherwise provided for by the Constitution or these Bye-Laws. In matters affecting the Institute generally including finance and the constitution of the Forum Committees and in matters affecting Divisions, the General Council shall have overriding authority.

4.4.2 Each Forum Committee shall have power subject to the approval of the General Council to make Regulations for the nomination, appointment or election of its Chairman and members; provided that such Regulations shall:

- (a) prescribe the number of members of the Forum Committee; and
- (b) prescribe the procedures for transacting its business including the quorum for Forum Committee meetings.

4.4.3 The Forum Committee Chairman who shall be a Fellow of the Institute shall take the chair by right at Forum Committee meetings.

4.4.4 The Forum Committee Chairman or a representative of each Forum Committee may attend General Council meetings for the deliberation of matters affecting the respective Specialist Forum.

## **PART V**

### **MEETINGS**

#### 5.1 Annual General Meetings

5.1.1 A General Meeting to be called the Annual General Meeting shall be held once in each calendar year at such time and place as the General Council shall determine provided that an Annual General Meeting shall be held not more than fifteen months after the holding of the last preceding Annual General Meeting.

5.1.2 Notice in writing of such General Meeting shall be given to all members not less than 21 days before the day the meeting is due to take place and such notice shall include details of any resolution to be put to members.

5.1.3 The business of the Annual General Meeting shall include:

- (a) Adoption of the minutes of the previous meeting;
- (b) Report of the President for the year;
- (c) Presentation of the audited accounts for the year;
- (d) Election of Office Bearers for the ensuing year;
- (e) Declaration or election of other Councillors for the ensuing year;
- (f) Appointment of Auditors for the ensuing year;
- (g) Such other matters:
  - (i) as the General Council shall determine;
  - (ii) of which due notice has been given to the General Council; and
  - (iii) as may be brought forward by the General Council or any member with the consent of the meeting.

## 5.2 Extraordinary General Meetings

5.2.1 The General Council may convene an Extraordinary General Meeting whenever it thinks fit. The General Council shall also upon a requisition in writing signed by 30% or more of the Corporate Members convene an Extraordinary General Meeting and shall take steps to this end within 21 days of the Honorary Secretary receiving the requisition. The requisition shall clearly set out the object of the proposed meeting. If the General Council fails to take the necessary action within the prescribed time, the requisitionists or any 30% of the Corporate Members may themselves convene a meeting and for this purpose shall have access to such records of the Institute as will enable them to convene the meeting.

5.2.2 The business of all Extraordinary General Meetings shall be strictly confined to the matters set out in the notice of the meetings.

## 5.3 Notice of General Meetings

5.3.1 Notice in writing of a General Meeting shall be given to all members not less than 30 calendar days or more than 45 days before the General Meeting other than the Annual General Meeting and such notice shall include:

- (a) the Agenda for the meeting;
- (b) the place, date and time of the meeting;
- (c) full details of any special resolutions;

(d) voting and proxy forms where these are required for the purpose of the meeting.

5.3.2 Such notice shall also be given not less than 30 days or more than 45 days before the General Meeting in at least one newspaper in the English language and one newspaper in the Chinese language circulating in Hong Kong.

5.3.3 The non-receipt of such notice by any member or the accidental omission to give notice to any member shall not invalidate the proceedings of the meeting.

#### 5.4 Transaction of Business at a General Meeting

5.4.1 No business shall be transacted at any General Meeting unless a quorum is present when the meeting proceeds to business. Save as herein otherwise provided twenty-five Corporate Members personally present shall be a quorum. For any General Meeting specially called for the amendment of the Constitution, or the Bye-Laws relating to membership, one hundred Corporate Members personally present shall be a quorum.

5.4.2 If within half an hour from the time appointed for the holding of a General Meeting a quorum is not present at the meeting, it shall stand adjourned to the same day in the next month at the same time and place or at such other place as the General Council may determine, and if at such adjourned meeting a quorum is not present within half an hour from the time appointed for holding the meeting the members present shall be a quorum.

5.4.3 The President, or failing him the Senior Vice-President, shall preside as Chairman at every General Meeting but if neither the President nor the Senior Vice-President is present within fifteen minutes after the time appointed for the holding of the same, those Corporate Members present may choose some other member of the General Council as Chairman, or if no such member be present or if none of the members of the General Council present agrees to take the chair they shall choose a Corporate Member from among them who shall preside.

5.4.4 At any General Meeting a resolution put to the vote of the meeting shall be decided on a show of hands, unless a poll is before or upon the declaration of the result of the show of hands demanded by the Chairman, or by a Corporate Member or Corporate Members present in person or by proxy and representing one-tenth of the total voting rights of all the Corporate Members having the right to vote at the meeting, and unless a poll be so demanded a declaration by the Chairman of the meeting that a resolution has been carried or carried unanimously or by a particular majority or lost or not carried by a particular majority and an entry to the effect in the minute book of the Institute shall be conclusive evidence of the fact without proof of the number or proportion of the votes recorded in favour of or against that resolution. The demand for a poll may be withdrawn.

- 5.4.5 If a poll be demanded in manner aforesaid it shall be taken at such time and place and in such manner as the Chairman of the meeting shall direct and the result of the poll shall be deemed to be the resolution of the meeting at which the poll was demanded.
  - 5.4.6 In the case of an equality of votes, whether on a show of hands or on a poll, the Chairman of the meeting shall be entitled to a second or casting vote.
  - 5.4.7 The demand for a poll shall not prevent the continuance of a meeting for the transaction of any business other than the question on which a poll has been demanded.
  - 5.4.8 Each Corporate Member shall have one vote which may be given either personally or by proxy.
  - 5.4.9 The appointment of a proxy shall be made in the proxy form under the hand of the appointor.
  - 5.4.10 The proxy forms appointing a proxy shall be deposited with the Honorary Secretary not less than forty-eight hours before the time appointed for holding the meeting or adjourned meeting at which the person named in the proxy form proposes to vote or, in the case of a poll, not less than twenty-four hours before the time appointed for the taking of the poll, and in default the proxy forms shall not be valid. A proxy form shall not in any event be valid after the expiration of two months from the date of its execution.
  - 5.4.11 For the purpose of clause 11.1 of the Constitution where voting is by postal vote, the motion and the voting paper shall be circulated to the last known address of all Corporate Members not less than 30 days before a General Meeting specifically called for that matter when all postal votes shall be counted and the result ratified.
- 5.5 Meetings of General Council
- 5.5.1 The General Council shall meet as often as the business of the Institute may require but not less than four times in each calendar year.
  - 5.5.2 The quorum for meetings of the General Council shall be nine Councillors present in person including either the President or a Vice-President.
  - 5.5.3 Meetings shall be chaired by the President or in his absence a Vice-President.
  - 5.5.4 A Councillor who is unable to attend a meeting of the General Council may nominate in writing a Corporate Member to represent him at such meeting and such representative shall have the same rights and powers at such meeting as the Councillor he is representing.
  - 5.5.5 Matters arising at meetings of the General Council shall be decided by a simple majority, the Chairman having a second or casting vote in the case of an equality of votes.

## PART VI

### PROFESSIONAL CONDUCT

#### 6.1 Standard of Conduct

All Corporate Members of the Institute shall observe a high and honourable standard of professional conduct. Guidance notes on such standards shall be issued by the General Council from time to time which shall be subject to ratification by resolution at a General Meeting.

#### 6.2 Suspension/Expulsion

The General Council shall have power to suspend (for such period as it thinks fit) or expel any Corporate Member who has been found to have failed to observe a high and honourable standard of professional conduct or to be guilty of any act of professional misconduct as specified under the Rules of Conduct or any other conduct detrimental to the best interests of the Institute or its members.

#### 6.3 Investigation of Complaints

6.3.1 All complaints of professional misconduct received by the Institute of any Corporate Member shall initially be reviewed by the Preliminary Review Committee appointed under the Rules of Conduct. If the Preliminary Review Committee considers the complaint to be frivolous, vexatious or manifestly without merit, it shall forthwith dismiss the complaint. The Institute need not communicate to the member the fact of such a complaint or the summary determination for the reasons stated above.

6.3.2 If the Preliminary Review Committee does not consider that the complaint should be disposed of in the manner referred to under paragraph 6.3.1 above, it shall then refer the matter to the Committee of Investigation appointed under the Rules of Conduct.

6.3.3 The Committee of Investigation shall conduct a full investigation of the complaint in the manner as provided for under the Rules of Conduct and shall thereupon:

- (a) notify the member of the complaint;
- (b) request the member to make an explanation either in writing and/or in person and, if the member under investigation so wishes, he may attend in the company of his legal representative, at a time and place to be specified;
- (c) request the member or any other person to provide such documentary or other evidence of the matter as may be thought fit;
- (d) consider all aspects of the complaint; and

- (e) if the Committee recommends that a formal charge should be laid, cause the formal charge to be drawn up by the Institute's solicitor (who shall act as the prosecutor) for hearing by the Disciplinary Board appointed under the Rules of Conduct.

#### 6.4 Action following Investigation of Complaint

- 6.4.1 If the Disciplinary Board determines after due inquiry by its disciplinary procedures under the Rules of Conduct that the complaint is proven it shall notify the member accordingly, and determine whether to expel or suspend the member for such period as it thinks fit, and shall recommend the General Council to remove his name from the Register in case of expulsion or may remark against his name on the Register in case of suspension, and may cause his changed status to be published in the journals, newsletters, and/or on the website of the Institute.
- 6.4.2 If the Disciplinary Board determines the complaint is not proven it shall notify the member accordingly, and the case shall be closed.
- 6.4.3 Any Corporate Member suspended under this Part shall have no right to vote at any meeting or to hold any office in the Institute or to present himself as a member of the previously appropriate grade of the Institute or to present himself as a Professional Surveyor or to use the previously appropriate abbreviated designation after his name or to have or exercise any of the other rights or privileges of membership during the period of his suspension. Nevertheless, his obligations under Part VII and Part IX shall stand, and he shall be entitled to receive the publications of the Institute.
- 6.4.4 Any Corporate Member expelled from the Institute under this Part shall cease to be a Corporate Member of the Institute and shall have thenceforth no rights whatsoever in the Institute.
- 6.4.5 The Honorary Secretary shall forthwith give to any member suspended or expelled under this Part notice in writing of such suspension or expulsion, and every member shall be notified in writing of the General Council's decision.

#### 6.5 Decision of Disciplinary Board and General Council is Final

- 6.5.1 The decision of the Disciplinary Board finding a member guilty or not guilty of the charged misconduct, and the penalty imposed, is final in nature and is not subject to appeal. The General Council's decision in implementing the decision of the Disciplinary Board as to liability and penalty, including with respect to the suspension or expulsion of a member under Part VI of the Bye-Laws, is also final in nature and is not subject to appeal.
- 6.5.2 *[Revoked on 21<sup>st</sup> November 2017]*
- 6.5.3 *[Revoked on 21<sup>st</sup> November 2017]*

## 6.6 Technical and Training Grades

The conduct of Associate Members, Probationers and Students will be judged similarly to that of Corporate Members, and in the case of professional misconduct as specified under the Rules of Conduct, action will proceed as under Bye-Laws 6.1 to 6.5.

## **PART VII**

### **PROFESSIONAL DEVELOPMENT**

- 7.1 All Corporate Members and Associate Members of the Institute shall maintain a high level of competence in professional practice and technical performance and are obligatory to undertake continuing professional development and lifelong learning to enhance their professional and technical competence. The General Council may from time to time issue regulations and guidance notes on mandatory continuing professional development administered by the Board of Professional Development.
- 7.2 All persons undertaking professional or technical training shall endeavour to achieve a high level of competence in performance and are obligatory to undertake such pre-qualification structured learning as may be prescribed by the Board of Education.

## **PART VIII**

### **ACCOUNTS**

#### 8.1 General

- 8.1.1 The General Council shall cause proper books of account to be kept with respect to all sums of money received and expended by the Institute and the matters in respect of which the receipt and expenditure takes place and the assets and liabilities of the Institute. Proper books of account shall not be deemed to be kept if there are not kept such books as are necessary to give a true and fair view of the state of the Institute's affairs and to explain its transactions.
- 8.1.2 The books of account shall be kept at the headquarters of the Institute or at such other place or places as the General Council thinks fit and shall always be open to the inspection of the Auditors, the members of the General Council and the members of any Committee appointed by the General Council for the purpose.
- 8.1.3 The General Council shall from time to time determine whether and to what extent and at what times and places and under what conditions the books of account of the Institute or any of them shall be open to the inspection of members not being persons entitled to inspect the books of account pursuant to paragraph 8.1.2 of this Bye-Law and no member (not being a person so entitled) shall have any right of inspecting any

account, book or document relating to the financial affairs of the Institute except as authorized by the General Council or by the Institute in a General Meeting.

8.1.4 The General Council shall lay before the members at each Annual General Meeting:

- (a) an Income and Expenditure Account giving a true and fair view of the income and expenditure of the Institute for the period of the preceding financial year;
- (b) a Balance Sheet giving a true and fair view of the state of the financial affairs of the Institute as at the end of the preceding financial year; and
- (c) a Report with respect to the Institute's financial affairs.

8.1.5 The annual accounts of the Institute as laid before members in accordance with Bye-Law 8.1.4 shall have been audited by persons appointed for the purpose at the preceding Annual General Meeting, and their report shall accompany the accounts. It shall be the duty of the auditors to state whether in their opinion the annual accounts have been properly prepared and whether they give a true and fair view of the state of the Institute's financial affairs as at the end of its financial year and of the income and expenditure for the financial year.

## 8.2 Financial Year

The financial year of the Institute shall run from the 1st August in one year to 31st July in the next following year.

## 8.3 Custody of Institute's Funds

All moneys belonging to the Institute shall be deposited in the accounts of the Institute to be opened at a bank or banks approved by the General Council and payment of all accounts that are certified as correct shall be made therefrom by cheques on such bank or banks signed by any two of the President, Vice-Presidents, Honorary Secretary, Honorary Treasurer or such other person as may be authorized by the General Council from time to time.

## 8.4 Auditing of Accounts

8.4.1 The accounts of the Institute shall be subject to annual auditing in accordance with the prevailing accounting practices and as may be required by law.

8.4.2 Auditors shall be appointed at the Annual General Meeting. Retiring Auditors shall be eligible for re-appointment.

8.4.3 In the event of an Auditor being or becoming unable to act the General Council may appoint another Auditor to act in his place.

- 8.4.4 A member of the General Council shall not be eligible for appointment as an Auditor.
- 8.5 Duties of Auditors
- 8.5.1 The Auditors shall have the right of access at all times to the books of account and all relevant documents of the Institute and shall be entitled to require from the General Council and Officers of the Institute such information and explanations as may be necessary for the performance of their duties as Auditors.
- 8.5.2 As required by Bye-Law 8.1.5 and as the General Council may direct the Auditors shall make a report to the General Council on other records which the Institute is required to keep by law or by its Bye-Laws and in connection with every balance sheet so prepared the report shall state:
- (a) whether or not they have obtained all the information and explanations they require;
  - (b) whether in their opinion the balance sheet referred to in the report is properly drawn up so as to exhibit a true and correct view of the state of the Institute's affairs according to the best of their information and the explanations given to them as shown in the books of the Institute; and
  - (c) whether in their opinion the records which the Institute is required to keep by law or by its Bye-Laws have been properly kept.

## **PART IX**

### **FEEES AND SUBSCRIPTIONS**

- 9.1 Determination
- 9.1.1 Unless otherwise determined on the proposal of the General Council confirmed (with or without amendment in reduction of any proposed increase) by a resolution of a General Meeting, the amounts of application fees and subscriptions shall be those determined from time to time by the members in a General Meeting.
- 9.1.2 Where it is proposed to increase application fees or subscriptions at least 30 days' notice in writing shall be given to members of the place, date and time of the meeting at which the resolution to increase such fees or subscriptions is to be put.
- 9.1.3 Separate fees and subscriptions shall be prescribed for
- (a) membership in different grades and in different ranks within a grade;
  - (b) local members and non-local members; and

- (c) registration of membership in one division and multiple registration of membership in more than one division,

provided that the mode of subscription may be prescribed from time to time.

- 9.1.4 For the purpose of Bye-Law 9.1.3(b), local members refer to those members who normally reside and work in Hong Kong, and non-local members refer to those members who normally reside and work outside Hong Kong. For the avoidance of doubt, non-local members shall not be entitled to the non-resident concession allowable under Bye-Law 9.4(a).

## 9.2 Liability

- 9.2.1 Any person applying for admission into membership shall pay an application fee which shall be non-refundable whether or not such person is admitted into membership.
- 9.2.2 Any Corporate Member, Associate Member, Probationer, or Student shall be liable to pay the annual subscription for the ensuing year upon admission into membership and upon expiry of the annual subscription for the current year.
- 9.2.3 Honorary Fellows shall pay no application fee or annual subscription.
- 9.2.4 Save as aforesaid, annual subscriptions shall be due to the Institute and payable on the first day of April in each year.

## 9.3 Exemptions

- 9.3.1 Any member having been a member in the Professional or Technical Grade of the Institute for not less than 5 years who has reached the age of 60 years may, upon application, be exempted from the annual subscription at the discretion of the General Council, but in any case such a member having reached the age of 65 years, shall be exempted from the payment of further annual subscriptions.
- 9.3.2 The General Council may exempt from year to year from the payment of his annual subscription a member in any grade who from ill health, advanced age or other sufficient cause is unable to carry on the full time practice of his profession. The General Council may also exempt any such individual from the payment of any subscriptions which may be in arrears.
- 9.3.3 The General Council may exempt the estate of any deceased member from the payment of arrears of subscriptions.

## 9.4 Concessions

Any member having been a member in the Professional Grade or the Technical Grade of the Institute for not less than 5 years who:

- (a) is resident outside Hong Kong for not less than nine months in a subscription year; or
- (b) has ceased active relevant practice for whatever reason for not less than nine months in a subscription year,

may claim a non-resident or non-practising concession of 50% of the respective annual subscription for that subscription year.

## 9.5 Arrears

9.5.1 Any member in any grade who is in arrears with his subscription for more than six months shall not be entitled to receive any publication or ballot list of the Institute or to vote at a General Meeting or to be elected or appointed to any office in the Institute, as the case may be, unless exemption from the payment of such subscription has been granted by the General Council.

9.5.2 A member in any grade whose subscription has not been paid for more than six months after the due date shall be notified by the Honorary Secretary in writing. In the event of his continuing in default for three months after such notification and failing to provide satisfactory explanation by letter, the General Council shall expunge the name of the defaulter from the Register after a final 14-day notice is issued to such member and the same is not complied with.

9.5.3 The General Council may reinstate or re-admit under such conditions as it may prescribe a person whose name has been removed from the Register under the provisions of Bye-Law 9.5.2.

## **PART X**

### **BOARD OF EDUCATION**

#### 10.1 Constitution

10.1.1 The Board of Education (hereinafter in this Part called the Board) shall comprise two representatives from each Division.

10.1.2 Divisional representatives who shall be Corporate Members shall be appointed for a term of two years provided that the term of appointment of the representatives from the same Division shall be staggered.

10.1.3 One representative each from any University in Hong Kong offering academic training in surveying may be co-opted at the discretion of the Board.

10.1.4 One representative from the Young Surveyors Group may be co-opted at the discretion of the Board.

10.1.5 Other members may be co-opted for specific duties at the discretion of the Board.

10.1.6 Co-opted members shall be Corporate Members of the Institute and shall be appointed annually.

10.1.7 Retiring members are eligible for re-appointment without restriction of tenure.

10.1.8 The Chairman of the Board shall be elected annually among all members of the Board provided that the Board may co-opt a relevant Divisional member to fill the post vacated by the elected Chairman.

10.1.9 The Chairman of the Board shall be ex-officio member of the General Council.

## 10.2 Structure

10.2.1 The Board shall be accountable to the General Council for all education matters, subject to any condition that may be imposed by the General Council.

10.2.2 Divisional Education Committees shall be appointed by the respective Divisional Councils and shall be accountable to the Board for all education matters relating to the respective practices. Divisional Education Committees shall observe the Standing Instructions which may be issued by the Board from time to time.

## 10.3 Objectives

The general objectives of the Board shall be:

- (a) to scrutinize, validate and keep under review academic qualifications for admission to the Training Grade of the Institute;
- (b) to develop, implement and control the qualifying mechanism to corporate and technical membership of the Institute.

# **PART XI**

## **BOARD OF MEMBERSHIP**

### 11.1 Constitution

11.1.1 The Board of Membership (hereinafter in this Part called the Board) shall comprise the following members:

- (a) Two representatives from each Division who shall be appointed for a term of two years provided that the term of appointment of the representatives from the same Division shall be staggered;

- (b) Two representatives from the Young Surveyors Group who shall be appointed for a term of two years provided that their term of appointment shall be staggered;
  - (c) Such other members who may be co-opted for specific duties at the discretion of the Board.
- 11.1.2 All members shall be Corporate Members of the Institute and all Divisional representatives shall be Fellows. Retiring members are eligible for re-appointment without restriction of tenure.
- 11.1.3 The Chairman and the Deputy Chairman of the Board shall be elected annually among all members of the Board provided that the Board may co-opt relevant Divisional members to fill the posts vacated by the elected Chairman and Deputy Chairman.
- 11.1.4 The Chairman of the Board shall be ex-officio member of the General Council.
- 11.2 The Board shall meet as often as may be required and at least once every three months. The Chairman or the Deputy Chairman and one representative each of any three Divisions or the Young Surveyors Group shall form a quorum.
- 11.3 The Board shall be accountable to the General Council for all matters relating to membership of the Institute, subject to any condition that may be imposed by the General Council.

## **PART XII**

### **BOARD OF PROFESSIONAL DEVELOPMENT**

- 12.1 Constitution
  - 12.1.1 The Board of Professional Development (hereinafter in this Part called the Board) shall comprise two representatives from each Division and the Young Surveyors Group who shall be Corporate Members of the Institute.
  - 12.1.2 Divisional and Young Surveyors Group representatives shall be appointed for a term of two years provided that the term of appointment of the representatives from the same Division or the Young Surveyors Group shall be staggered.
  - 12.1.3 One representative each from any University in Hong Kong offering continuing professional education programmes may be co-opted at the discretion of the Board.
  - 12.1.4 Other members may be co-opted for specific duties at the discretion of the Board.
  - 12.1.5 All co-opted members shall be Corporate Members of the Institute and shall be appointed annually.

12.1.6 Retiring members are eligible for re-appointment without restriction of tenure.

12.1.7 The Chairman of the Board shall be elected annually among all members of the Board provided that the Board may co-opt a relevant Divisional member to fill the post vacated by the elected Chairman.

12.1.8 The Chairman of the Board shall be ex-officio member of the General Council.

## 12.2 Objectives

The Board shall be accountable to the General Council, subject to any condition that may be imposed by the General Council, for all matters relating to the following objectives:

- (a) to establish and maintain a high standard of professional competence of members; and
- (b) to organize and promote continuing professional development of members.

## **PART XIII**

### **MISCELLANEOUS**

#### 13.1 Serving of Notices

A notice to be given under these Bye-Laws may be served personally or by despatch through the post in a prepaid letter addressed to the person concerned at his address as entered in the Register or at his last known business address or place of abode.

#### 13.2 Notice by Post deemed to have been served

A notice if served by post shall be deemed to have been served at the time when the envelope or wrapper containing it would be delivered in the ordinary course of post and in proving such service it shall be sufficient to prove that the envelope or wrapper containing the notice was properly addressed and posted in the normal manner.

#### 13.3 Seal of the Institute

13.3.1 The Common Seal of the Institute shall be in the custody of the General Council.

13.3.2 The Seal will not be affixed to any instrument except by the authority of a resolution of the General Council and in the presence of the President and the Honorary Secretary or such other persons as the General Council may from time to time appoint for that purpose.

13.3.3 The President and Honorary Secretary or other persons as aforesaid shall sign every instrument to which the seal is so affixed in their presence.

13.4 Journal of the Institute

13.4.1 The Institute may publish journals, newsletters or other publications at regular intervals for the dissemination of information regarding the activities of the Institute and for the publication of any matters incidental to the promotion of the objects of the Institute or otherwise of interest to its members.

13.4.2 Each incoming General Council shall at its first meeting, appoint a Corporate Member as the Honorary Editor of the journals, newsletters or other publications referred to in Bye-Law 13.4.1 for such term as the General Council may decide.

13.4.3 If not a Councillor the Editor may nevertheless attend meetings of the General Council but may not take part in its deliberations or vote.

13.4.4 Each Division may subject to the approval of the General Council and any condition that may be imposed publish its own specialized journal or journals for the promotion of expertise and furtherance of professional practice of its members.

