

Hong Kong Institute of Planners

Bye-laws

BYE-LAWS

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DEFINITIONS

1. In these Bye-laws, the following expressions shall, unless the context otherwise requires, have the following meanings :

“Bye-laws” means the Bye-laws of the Institute;

“Constitution” means the Constitution of the Institute.

“Code of Professional Conduct” means the Code of Professional Conduct adopted under these Bye-laws to guide the conduct of Fellows, Full Members, and Students of the Institute in their daily duties as persons engaged in town planning in Hong Kong;

“Council” means the Council of the Institute for the time being constituted under the Constitution and the Bye-laws of the Institute;

“Honorary Members”, “Fellows”, “Full Members”, “Retired Members”, “Visiting Members” and “Students” constitute the different classes of membership of the Institute as defined in the Constitution and Bye-laws of the Institute;

“Institute” means the Hong Kong Institute of Planners;

“Students” means persons listed as Students in accordance with the Constitution and Bye-laws of the Institute;

“Affiliates” means persons listed as Affiliates in accordance with the Constitution and Bye-laws of the Institute;

“Examination Board” is a committee appointed by the Council under Clause 30 of the Constitution to administer the Qualifying Examination;

“Membership Board” is a committee appointed by the Council under Clause 30 of the Constitution to assess the suitability of a candidate for election as Full Member or for acceptance as Student or Affiliate, and to make recommendations to the Council to approve or reject an application for election as Full Member, or for acceptance as Student or Affiliate;

“Review Board” is a committee appointed by the Council under Clause 30 of the Constitution to review the decisions in respect of applications to sit for the Qualifying Examination, admission to be Full Members and Fellows, and suspension or cancellation of the listing of Affiliates; and

“Mutual Professional Recognition” means professional

recognition by the Institute of professional qualifications from other professional organizations as meeting part or whole of the requirements for full membership of the Institute.

THE COUNCIL, OFFICERS AND OTHER COUNCIL MEMBERS **- NOMINATION AND ELECTION**

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| Officers | <p>2. The Officers of the Institute shall be :</p> <p>2.1 A President who shall be a Fellow or a Full Member;</p> <p>2.2 Two Vice-Presidents who shall be Fellows or Full Members;</p> <p>2.3 An Honorary Secretary, who shall be a Fellow or a Full Member; and</p> <p>2.4 An Honorary Treasurer, who shall be a Fellow or a Full Member.</p> |
| Council | <p>3. The Council shall consist of the following Council Members:</p> <p>3.1 The five Officers of the Institute;</p> <p>3.2 Eight to 10 other Fellows or Full Members;</p> <p>3.3 Two Students, elected by the Students; and</p> <p>3.4 The Immediate Past President, who shall be an ex-officio Council Member.</p> |
| Eligibility for Council Membership | <p>4. All Council Members shall be elected or appointed from Fellows, Full Members and Students who for the time being reside in Hong Kong and who have fully paid up all their fees and subscriptions to the Institute.</p> |
| Term of Office | <p>5. (1) A term of office of any Council Member, unless otherwise specified, shall be the duration from the close of the Annual General Meeting at which his election is announced or when he is elected, as the case may be, to the close of the second coming Annual General Meeting.</p> <p>(2) The President, after serving his term of office, shall remain as an ex-officio Council Member for another term.</p> <p>(3) All Council Members, after serving their term of office, shall be eligible for re-election provided that no person shall hold office as President continuously for more than one term.</p> |
| Election and Appointment | <p>6. All Council Members shall be elected or appointed in the manner hereafter prescribed in Clauses 7 to 13 hereof.</p> |
| Nomination | <p>7. The nomination of candidates for the Council as Officers and</p> |

other Council Members shall be conducted annually by the sitting Council. To this effect the Council shall give each Fellow, Full Member and, as the case may be, Student not later than 12 weeks before the Annual General Meeting a written election notice containing (i) a list of the Council posts open for election, (ii) a nomination form, and (iii) the address of the location for the nomination forms to be returned to. The nomination form, which shall be duly filled in, signed by each nominee and the nominator, shall be returned to and shall reach the return location not later than nine weeks before the Annual General Meeting. The list of the nominees shall be submitted by the Honorary Secretary to the Council for confirmation not later than seven weeks before the Annual General Meeting.

8. [Revoked in 2008]

Election of
Council
Members

9. In the completion of the procedures prescribed in Clause 7 hereof, Council Members shall be elected in the manner prescribed in this Clause :

Elected by that
very fact

9.1 For any vacancies in the Council, if the number of nominees are equal to or less than the number of vacancies, the nominees shall be elected by that very fact. The chairman of the Annual General Meeting shall announce at the meeting the election of these nominees as Council Members and the posts they respectively hold.

Postal Voting

9.2 The Council shall give each Fellow, Full Member and Student not later than five weeks before the Annual General Meeting a written notice containing (i) the candidates elected by that very fact pursuant to Clause 9.1 hereof, (ii) the vacancies that require voting, (iii) the confirmed list of nominees for these vacancies, (iv) a ballot form with the confirmed list of candidates, (v) the location for ballot forms to be returned to and (vi) a return envelope bearing the address of such location. These ballot forms, sealed in the return envelopes, shall be returned to and shall reach the return location not later than two weeks before the Annual General Meeting.

9.3 The Council shall give all classes of membership not less than one week's written notice of the time and place of the counting of the votes, and shall have a right, subject to the Bye-laws, to attend and observe the counting.

Vote Counting

9.4 The Council shall appoint any three persons to act as scrutineers, and any number of Council Members as witnesses in the vote counting, provided that such appointees shall not be candidates for the election being held. The scrutineers shall supervise the counting of the

votes not less than three days before the Annual General Meeting, in the presence of the appointed Council Members. The scrutineers may adopt for this purpose such procedure as they shall deem fit, and in case there is any doubt on the validity of a ballot or a vote, the scrutineers shall decide on the validity by consensus or majority, and their decisions shall be final. The scrutineers shall endorse the result of the counting of votes, and the chairman of the Annual General Meeting shall announce the election result at the Annual General Meeting.

Elected by
Highest Vote

9.5 Pursuant to Clause 9.4 hereof, the Council Members, other than the two Students, shall be elected from Fellows or Full Members by the highest votes from Fellows or Full Members. The two Students who receive the highest votes from the Students shall be Council Members.

Further
Nominations
and Election of
Council
Members

10. In the eventuality that, after the process prescribed in Clause 7 hereof, there is no candidate nominated for a Council post open for election, further nominations and election shall be made at the Annual General Meeting, in the manner prescribed hereafter :

10.1 The Council, in issuing the written notice and agenda of the Annual General Meeting pursuant to Clause 32 hereof, shall announce the further nominations and election that shall be held at the Annual General Meeting.

10.2 The chairman of the Annual General Meeting shall issue nomination forms to the Fellows and Full Members, or Students as the case may be, present in person at the Annual General Meeting to nominate candidates from those present. The nomination forms with nominations shall be duly filled in, signed by each nominee and the nominator, and submitted to the chairman.

10.3 The Council shall appoint any three persons to act as scrutineers to supervise the counting of the votes, provided that they shall not be candidates for election at the same meeting. The scrutineers may adopt for this purpose such procedure as they shall deem fit, and in case there is any doubt on the validity of a ballot or a vote, the scrutineers shall decide on the validity by consensus or majority, and their decisions shall be final.

10.4 Pursuant to Clauses 10.1 to 10.3 hereof, the Council Members, other than the two Students, shall be elected from Fellows or Full Members by the highest votes from Fellows and Full Members. The two Students who

receive the highest votes from the Students shall be Council Members.

11. [Revoked in 2008]

Loss of Postal
Voting Notices

- (1) Where a Fellow, Full Member or Student
 - (a) has not received any or all of the notices referred to in Clauses 7 and 9.2 hereof, or any or all of the documents contained therein, or
 - (b) has received the notices referred to in Clauses 7 and 9.2 hereof and lost the notices, or any or all of the documents contained therein,

he may apply to the Council for the notice and/or any or all of the documents contained therein not less than one week before the respective due date for the nomination forms and ballot forms referred to in Clauses 7 and 9.2 to reach the return location, and any such application shall be made in writing in a prescribed form.

- (2) Such an application shall include evidence of the voter's identity.
- (3) Where the application is received by the Council not less than one week before the respective due date for the nomination forms and ballot forms referred to in Clauses 7 and 9.2 to reach the return locations, and the Council
 - (a) is satisfied as to the voter's identity; and
 - (b) has no reason to doubt that the postal voter did not receive any or all of the notices referred to in Clauses 7 and 9.2 hereof, or any or all of the documents contained therein, or
 - (c) has no reason to doubt that the postal voter lost any or all of the notices referred to in clauses 7 and 9.2 hereof or any or all of the documents contained therein,

the Council shall issue another notice and/or any or all of the documents contained therein to the voter.

Casting Vote

12. Pursuant to Clauses 9 and 10, in the event of any equality of votes, the President shall have a casting vote and shall exercise the vote immediately after vote counting, except that in the event of there being an equality of votes in an election in which the President is himself one of the candidates, the Immediate Past

President shall exercise the casting vote, and if he too shall be involved, either one of the two Vice-Presidents, as determined by a majority of other Council Members, shall make the casting vote.

Appointment
of Council
Members

13. (1) In the event of a Council Member being unable to continue to function for any reason, or a vacancy in a Council post open for election still remains after the completion of the process prescribed in Clause 10 hereof, the Council shall appoint a Fellow, Full Member or, as the case may be, a Student to fill the said vacancy, except that a vacancy in the post of President shall be filled by either one of the two Vice-Presidents, as determined by a majority of other Council Members, and the vacancy of that Vice-President shall then be filled by a Council Member appointed by the Council.
- (2) Council Members so appointed pursuant to Clause 13(1) hereof shall hold office, in the case of filling in the post of a Council Member not being able to function, for the remainder of the term of the Council post into which they are appointed, and in the case of filling the vacancy of a Council post that still remains after the completion of the process prescribed in Clause 10 hereof, to the close of second coming Annual General Meeting.

Suspending or
Dismissing

14. The Council may suspend or dismiss any Council Member of the Institute for neglect of duty, dishonesty, incompetence, refusal to carry out the decisions of the Council, or for any other reasons which the Council deems good and sufficient in the interest of the Institute. Any Council Member so dismissed or suspended shall have the right to appeal to an Annual General Meeting or Extraordinary General Meeting whose decision shall be final.

THE COUNCIL, OFFICERS AND OTHER COUNCIL MEMBERS – DUTIES OF OFFICERS, MEETINGS AND POWERS OF COUNCIL

President

15. (1) The President shall preside at all Annual General and Extraordinary General Meetings and Council Meetings and shall regulate the proceedings of these Meetings.
- (2) With the assistance of the two Vice-Presidents, the Honorary Secretary and the Honorary Treasurer, he shall superintend the general administration of the affairs of the Institute.
- (3) He shall sign, in conjunction with either the Honorary Secretary or the Honorary Treasurer as specified in

Clause 17(4) and Clause 18(6) hereof, every Institute instrument to which the common seal of the Institute is affixed.

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| Vice-President | 16. | In the absence of the President, either one of the two Vice-Presidents shall preside in his place as determined by a majority of other Council Members. |
| Honorary Secretary | 17. | <ol style="list-style-type: none">(1) The Honorary Secretary shall deal with general correspondence, keep all records of the Institute (except financial) and minutes of all Council, Annual General Meetings and Extraordinary General Meetings, and handle such matters as the Council may from time to time determine.(2) He shall keep the common seal of the Institute in safe custody and maintain a List of all Members in all classes of membership and Affiliates.(3) He shall prepare the Annual Reports of the Institute for submission to the Annual General Meetings and any other reports necessary for the Extraordinary General Meetings.(4) He shall, in conjunction with the President, sign every Institute instrument to which the common seal of the Institute is affixed, except those instruments on financial matters. |
| Honorary Treasurer | 18. | <ol style="list-style-type: none">(1) The Honorary Treasurer shall be responsible for the safety of all Institute monies and shall keep full and accurate record of all transactions conducted in the name of the Institute.(2) He shall report to each meeting of the Council on the financial situation of the Institute and shall prepare an annual statement of accounts for audit and for presentation to the Annual General Meetings.(3) He shall have the right to vote on all matters except financial matters.(4) He shall demand and receive all monies due to the Institute and deposit those received in the name of the Institute in a bank account or accounts approved by the Council or make investment of Institute monies as determined by the Council.(5) He shall have power to retain in his hand for current expenses of the Institute a sum of money not exceeding an amount approved by the Council from time to time. |

- (6) He shall, in conjunction with the President, sign every Institute financial instrument to which the common seal of the Institute is affixed.
 - (7) He shall give to every Fellow, Full Member, Retired Member or Student requesting it an annual audited statement of account of all receipts and expenditures and of the assets and liabilities of the Institute.
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| Signing of Cheques | 19. | Cheques of the Institute shall be signed by any two of the Officers of the Council. |
| Honorary Auditor | 20. | <ul style="list-style-type: none"> (1) The Honorary Auditor of the Institute shall be appointed at the Annual General Meeting for a term ending at the close of the first coming Annual General Meeting. (2) In the event when no Honorary Auditor is appointed at an Annual General meeting or in the event when an appointed Honorary Auditor is unable to complete his tenure of office, the Council may appoint an Honorary Auditor and the Honorary Auditor so appointed shall hold office until the close of the first coming Annual General Meeting. (3) The Honorary Auditor shall have access at all reasonable times to the accounts and securities of the Institute. He shall examine and certify the annual accounts of the Institute before submission to an Annual General Meeting for approval. |
| Honorary Legal Advisor | 21. | <ul style="list-style-type: none"> (1) The Honorary Legal Advisor of the Institute shall be appointed at the Annual General Meeting for a term ending at the close of the first coming Annual General Meeting. (2) In the event when no Honorary Legal Advisor is appointed at an Annual General meeting or in the event when an appointed Honorary Legal Advisor is unable to complete his tenure of office, the Council may appoint a Honorary Legal Advisor and the Honorary Legal Advisor so appointed shall hold office until the close of the first coming Annual General Meeting. |

COUNCIL MEETINGS

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| Frequency of Meetings | 22. | The Council shall meet as often as the business of the Institute may require, but there shall be a meeting of the Council not less than once every three months at such time and place as the President may decide. The President and one other Officer shall |
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convene emergency meetings of the Council should the circumstances so require.

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| Notice | 23. Council Members shall be given not less than seven days' written notice of each Council Meeting. |
| Quorum | 24. 9 Council Members personally present shall constitute a quorum for a Council Meeting. |
| Decision | 25. Decisions taken at a Council Meeting shall be valid if passed by a majority of votes of those present constituting the requisite quorum. In the case of an equality of votes, the chairman shall have a second or casting vote. The decisions of the Council shall be binding on all classes of membership and Affiliates. |

DUTIES AND POWERS OF THE COUNCIL

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| Annual Report | 26. The Council shall prepare an annual report on the state of affairs in the Institute and shall present such report to the Annual General Meeting. |
| Powers and Duties | <p>27. In addition to the powers and duties of the Council as laid down in Clauses 9, 14, 17, 21, 23, 25 26, 27, 28, 29, 30, 31, 32, 33, and 37 in the Constitution and the powers and duties of Council Members as provided in these Bye-laws, the Council shall have the following additional powers and duties :</p> <p>27.1 To appoint and dismiss employees of the Institute;</p> <p>27.2 To prescribe the form to be used, and procedure to be adopted by applicant for admission to the Institute, and to prescribe the form of declaration to be signed by applicants;</p> <p>27.3 To prescribe the form of certificates of membership of the Institute;</p> <p>27.4 To do all such other things as are in the opinion of the Council, incidental or conducive to the performance of the duties or the exercise of the powers given in the Constitution and the Bye-laws;</p> <p>27.5 To make final decision on applications for membership and affiliateship, disciplinary action against all classes of membership and Affiliates, and any recommendations of the Committees, Boards or Working Parties of the Institute; and</p> <p>27.6 To make rules, regulations or guidelines for the</p> |

establishment and implementation of a mandatory continuing professional development scheme.

ANNUAL AND EXTRAORDINARY GENERAL MEETINGS

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| | 28. | The General Meetings of the Institute shall be the Annual General Meetings and the Extraordinary General Meetings. |
| Annual General Meeting | 29. | The Annual General Meeting shall be held in the month of May in every year at such place and time as the Council may decide. The meeting may be postponed to any time before the end of June of the same year as decided by the Council. |
| Extraordinary General Meeting | 30. | An Extraordinary General Meeting may be convened either by the Council at any time when the Council deems it necessary or at the request of not less than 20 percent of the qualified voting Members. Any request from the qualified voting Members shall be in writing signed by those making the request and shall specify the object of the meeting. |
| Entitled to vote | 31. | Fellows, Full Members and Students who are qualified by the Constitution or these Bye-laws to vote are entitled to attend and to vote at an Annual General Meeting or an Extraordinary General Meeting. |
| Agenda and Notice | 32. | The Honorary Secretary, on the instruction of the Council, shall prepare the agenda of the Annual General Meeting or Extraordinary General Meeting and, notwithstanding Clause 35 of the Constitution, shall give all classes of membership not less than <u>14 days</u> ' written notice of the Meeting. |
| Scope of Discussion | 33. | The agenda shall specify the nature of the business to be transacted at the Meeting. Discussion at any Extraordinary General Meeting shall be limited to the matters specified in the agenda. |
| Chairman | 34. | The chairman of the Annual General Meeting or Extraordinary General Meeting shall be the President of the Institute. Should he be absent, he should nominate either one of the two Vice-Presidents present to preside. If the President and the two Vice-Presidents are all absent, Fellows and Full Members present at the Meeting shall elect among themselves a Fellow or Full Member to be a chairman to preside at the Meeting. |
| Business | 35. | The business of an Annual General Meeting shall be:-

(1) To receive reports from the Officers and other Council Members;

(2) To review the work of the Institute in the past Institute |

		year;
	(3)	To plan future policy;
	(4)	To note the result of the election of the Council Members of the Institute pursuant to Clause 9.4 hereof;
	(5)	To, if necessary pursuant to Clause 10 hereof, further nominate and elect Council Members;
	(6)	To appoint the Honorary Auditor;
	(7)	To appoint the Honorary Legal Advisor;
	(8)	To receive the audited accounts for the previous financial year of the Institute and to consider the financial position of the Institute; and
	(9)	To consider any other business.
Quorum	36.	The presence in person of at least thirty Fellows and/or Full Members present and entitled to vote shall constitute a quorum for all Annual General Meetings or Extraordinary General Meetings of the Institute.
Reconvening after Insufficient Quorum	37.	In the event of insufficient number of Fellows and Full Members present to form a quorum at a General Meeting, such Meeting shall be reconvened at such time and place as the Council may decide, but must be held within one month from the date of postponement. A written notice to this effect shall be sent out to all classes of membership at least <u>14 days</u> in advance. Whatever number of Members present at that reconvened meeting shall constitute a quorum.
	38.	[Revoked in 2008]
	39.	[Revoked in 2008]
Failure to Convene Meeting (see Clause 30)	40.	If the Council fails to convene the Meeting at the end of a 14-day period after the request is made, those making such request may themselves convene the meeting: provided that an agenda and written notice of the meeting shall be given to all classes of membership not less than <u>four weeks</u> before the meeting to be convened.
Voting at General Meetings	41.	The manner of voting at an Annual General Meeting or Extraordinary General Meeting shall be at the discretion of the chairman of the meeting.
	42.	At a General Meeting every Fellow, Full Member or Student who is qualified to vote on a particular item as prescribed in the Constitution or these Bye-laws shall have one vote and no more on every item requiring voting: provided that, in the case of an

equality of votes, the chairman shall have a second or casting vote.

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| Decision of
General
Meetings | 43. Decision reached in a General Meeting shall be binding on all classes of membership and Affiliates of the Institute. |
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MEMBERSHIP AND AFFILIATESHIP

Fellow

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| Qualifications | 44. Every applicant for election as a Fellow shall have been a Full Member for not less than 10 years and shall satisfy the Council that he :

(a) has been in a senior position in the public or private sector for not less than five years; and

(b) has made significant contribution to the work of the Institute or town planning in Hong Kong. |
| Application | 45. Application for election as a Fellow shall be carried out in the manner prescribed by the Council from time to time and in accordance with these Bye-laws. Alternatively, the Council may offer to suitably qualified Full Members to become Fellows. |
| Election in
Council | 46. The election of Fellows shall be by the Council at a Council Meeting, the decision of which shall be valid if passed by a majority of votes of those present constituting the requisite quorum. |
| Rights of
Fellows | 47. Every Fellow shall be eligible for election to the Council, for election or appointment to all offices of the Institute, and shall be entitled to all his rights and privileges, including voting at all General Meetings and in all meetings of the Committees, Boards, Working Parties or Council of which he is a member. |

Full Member

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| Qualifications | 48. To be eligible for election as a Full Member, a person shall produce evidence to the satisfaction of the Council that:-

(a) he possesses full membership of a professional town planning institute, and has not less than one year of practical experience in Hong Kong town planning work after (i) conferment of a degree or diploma in town planning or (ii) obtaining such professional town planning institute membership. Such experience shall have been gained within the last five years before application for full membership. In case the full membership of the professional town planning institute is based on a |
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one-year full-time post-graduate degree or post-graduate diploma, he should have no less than three years of practical town planning experience, not less than one year of which shall be practical experience in Hong Kong town planning work.

OR

- (b) he possesses a graduate or graduate equivalent academic qualification with acceptable planning content and has not less than 10 years of post-qualification planning experience demonstrated to the satisfaction of the Institute, and not less than one year of which shall be practical experience in Hong Kong town planning work that shall have been gained within the last five years before application for full membership.

OR

- (c) he has been a Student for not less than one year, and
 - (i) he possesses a two-year full-time postgraduate degree or postgraduate diploma in town planning and has not less than two years of practical town planning experience, at least one year of which shall be in Hong Kong town planning work that shall have been gained after conferment of the degree or diploma but within the last five years before application for full membership; or
 - (ii) he has a first degree in town planning and has not less than four years of practical town planning experience, at least one year of which shall be practical experience in Hong Kong town planning work that shall have been gained after the conferment of the degree but within the last five years before application for full membership; or
 - (iii) he has passed all the necessary examinations required for full membership of a professional town planning institute and has not less than four years of practical town planning experience, at least one year of which shall be practical experience in Hong Kong town planning work that shall have been gained after passing of the examinations but within the last five years before application for full membership; or
 - (iv) he possesses a one-year full-time post-graduate degree or post-graduate diploma in town planning recognized by a professional town planning institute

recognized by the Institute and has no less than three years of practical town planning experience at least one year of which shall be practical experience in Hong Kong town planning work.

AND

- (d) he has passed such Qualifying Examination as may be prescribed by the Institute, unless otherwise exempted.

AND

- (e) he has satisfied the Council that he has suitable breadth and depth of planning experience and knowledge and is suitable for election as a Full Member.

Qualifying
Examination

- 49. The Qualifying Examination prescribed under Clause 48(d) hereof shall consist of two parts:

- (a) Part I – Planning theory and techniques
- (b) Part II – Planning law and planning practices in Hong Kong

Exemption
from
Examination

- 50. For the purpose of Clause 48(d) hereof the list of exemptions is:

- (a) For a candidate who has obtained outside Hong Kong a professional town planning institute full membership recognized by the Institute, or a degree or diploma in town planning recognized by the Institute, or who has passed the necessary examinations required for full membership of a professional town planning institute outside Hong Kong but recognized by the Institute, Part I of the Qualifying Examination is exempted.
- (b) For a candidate who has obtained in Hong Kong a degree or diploma in town planning recognized by the Institute, Parts I and II of the Qualifying Examination are exempted.
- (c) A candidate possessing a town planning degree or diploma, which is not recognized or not accredited by a professional town planning institute recognized by the Institute, or constitutes only part of the programme that leads to a professional qualification in town planning and professional town planning institute full membership recognized by the Institute, shall not be entitled to sit for the Qualifying Examination.

- (d) A candidate applying under Clause 48(b) hereof may be exempted from Parts I and II of the Qualifying Examination.
51. A candidate with a professional town planning full membership not recognized by the Institute, or a town planning degree or diploma or a pass in all the necessary examinations required for full membership of a professional town planning institute not recognized by the Institute, or a degree or diploma in town planning obtained outside Hong Kong at a territory which has no professional town planning institute, shall have to pass Parts I and II of the Qualifying Examination subject to the satisfaction of the Examination Board of the Institute on the planning content of his town planning degree or examinations.
52. The form and conduct of the Qualifying Examination shall be embodied in the examination regulations to be prescribed and issued by the Council from time to time. These regulations shall be valid after confirmation by a General Meeting.
- Review of
Council Decision
53. A candidate, whose application to sit for the Qualifying Examination has been rejected by the Council on recommendation of the Examination Board, may seek a review of the decision by a Review Board within four weeks after being notified of the decision.
54. Upon receipt of an application for review, the Council shall appoint a Review Board comprising two Fellows and one Full Member who are not members of the Council or members of the Examination Board involved in determining the planning content of the applicant's planning degree or examination.
55. The Review Board may approve or reject an application for review. The decision of the Review Board shall be final.
56. Notwithstanding Clauses 48, 49, 50, 51, 53, 54 and 55 hereof, a candidate who has satisfied the requirements under Clause 7 of the Constitution may apply for full membership.
- Recognized
Degrees,
Diplomas,
Examinations
and
Professional
Qualifications
57. For the purpose of Clauses 48, 50 and 51 hereof, the Council shall make available to the public:
- (a) A list of professional town planning institute full memberships recognized by the Institute;
 - (b) A list of degree or diploma courses in town planning outside Hong Kong recognized by the Institute;
 - (c) A list of degree or diploma courses in town planning in Hong Kong recognized by the Institute;

- (d) A list of examinations of professional town planning institutes recognized by the Institute;
- (e) A list of the types of practical town planning experience recognized as relevant by the Institute; and
- (f) Guidelines for determining the planning content of planning degrees.

Amendments to these lists shall be proposed by the Council and shall be approved by a General Meeting.

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| | 58. | For the purpose of Clause 57(b) hereof, a degree or diploma in town planning obtained outside Hong Kong which is recognized by the professional town planning institutes specified under Clause 57(a) hereof, is deemed to be a degree or diploma recognized by the Institute. |
| | 59. | For the purpose of Clause 57(d) hereof, examinations recognized by the Institute are those examinations recognized by town planning institutes specified under Clause 57(a) hereof. |
| Application for Election | 60. | Every candidate for election as a Full Member shall complete such application form or forms, undertake such procedure and supply such information as prescribed by the Council from time to time. Every application shall be supported by not less than two persons who are Fellows or Full Members and who shall sign on the appropriate form or forms. |
| Interview | 61. | For the purpose of Clause 48(e) hereof, a candidate for election as a Full Member shall attend an interview by the Membership Board under procedures as stipulated by the Council. |
| | 62. | Guidelines setting out the procedures for interview as stated in Clause 61 hereof shall be made available for inspection. |
| Review of Decision | 63. | The Membership Board shall make recommendation to the Council on whether an application for election as a Full Member should be approved or rejected. Within <u>four weeks</u> after being notified of the decision of the Council in writing to reject his application, a candidate may apply to the Council to seek a review of the decision. |
| Review Board | 64. | Upon receipt of an application for review, the Council shall appoint a Review Board comprising two Fellows and one Full Member who are not members of the Council or members of the Membership Board involved in interviewing the candidate. |
| | 65. | The Review Board may approve or reject an application for review. The decision of the Review Board shall be final. |

Election in Council 66. Election of Full Members in Council shall be in the same manner as outlined in Clause 46 hereof for the election of Fellows.

Rights of Full Members 67. Every Full Member shall be eligible for election to the Council, for election or appointment to all offices of the Institute, and shall be entitled to all his rights and privileges, including voting at all General Meetings and in all meetings of Committees, Boards, Working Parties or Council of which he is a member.

Affiliate

Qualifications 68. Candidates for listing as Affiliates shall possess qualifications or experience related to town planning as deemed appropriate by the Council.

Application 69. Every candidate for listing as an Affiliate shall complete such application form or forms, undertake such procedure and supply such information as prescribed by the Council from time to time. Every application shall be supported by not less than two persons who are Fellows or Full Members and who shall sign on the appropriate form or forms.

Student

Qualifications 70. A candidate for election as a Student shall produce evidence to the satisfaction of the Council that:

- (a) he is engaged in town planning practice and possesses qualifications required to take town planning examinations of institutes or universities recognized by the Institute; or
- (b) he is engaged in studies in town planning such as would qualify him on completion for transfer to a higher grade of membership of the Institute; or
- (c) he has completed studies in town planning but has not satisfied all other requirements of the Institute to qualify him for application for a higher class of membership of the Institute.

Period of being a Student 71. A person shall not remain as a Student:

- (a) if he has become eligible for transfer to Full Member; or
- (b) for more than 10 years from the date of his election to be a Student.

Application 72. Any candidate for election as a Student shall complete such

application form or forms, undertake such procedure and supply such information as prescribed by the Council from time to time. Every application for election as a Student shall be supported by not less than two persons who are Fellows or Full Members and who shall sign on the appropriate form or forms.

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| Election in Council | 73. Election of Students in Council shall be in the same manner as outlined in Clause 46 hereof for the election of Fellows. |
| Rights of Students | 74. Every Student shall be eligible for election to the Council but only as a representative of the Students in the Institute, for election or appointment to all offices and membership of the Committees, Boards and Working Parties of the Institute but shall not be an Officer of the Institute. |

Diploma

75. Every Honorary Member, Fellow or Full Member shall be provided with a diploma of the particular class of membership.

Retired Member

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| Qualifications | 76. A Fellow or Full Member who has completely retired from planning practice and has ceased to receive remuneration for his town planning services, can apply to the Council to become a Retired Member. |
| Application | 77. Application for election as a Retired Member shall be carried out in the manner prescribed by the Council from time to time and in accordance with these Bye-laws. |
| Rights | <p>78. A Retired Member shall not have the right to vote at a General Meeting or to be a Council Member of the Institute. He may participate in all activities of the Institute or be appointed by the Council as an Advisor to the Council or serve on any Committees, Boards or Working Parties of the Institute.</p> <p>79. If a Retired Member wishes to revert back to become a Fellow, procedures under Clauses 44, 45, 46 and 47 hereof shall apply; or a Full Member, procedures under Clauses 60, 61, 62, 63, 64, 65 and 66 hereof shall apply, as the case may be.</p> |

FEES AND SUBSCRIPTIONS

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| Entrance Fees and Annual Subscriptions | 80. The Entrance Fees and Annual Subscriptions of Fellows, Full Members, Retired Members, Students and Affiliates may be varied from time to time as shall be recommended by the Council and confirmed by resolution in an Annual General Meeting or an Extraordinary General Meeting convened for the |
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purpose.

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| Due by | 81. | All annual subscriptions shall be paid by the 31 st day of January every year. |
| | 82. | Annual subscriptions of newly elected Fellows, Full Members and Retired Members as well as newly accepted Students and Affiliates shall be payable in advance. For any election approved by Council in the period from 1 st January to 30 th June, the full year's subscriptions of that same year shall be paid. For any election approved in the period from 1 st July to 31 st December, half a year's subscriptions of that same year shall be paid. |
| Entrance Fees | 83. | Full entrance fees shall be paid irrespective of the date of election. |
| | 84. | The date of election shall be the date of the Council Meeting in which the application for election is approved. |
| Special Fees | 85. | The Council may recommend any special fees to be payable by Members for a specific purpose related solely to the welfare of the Institute. The recommendation shall be confirmed by resolution in an Annual General Meeting or an Extraordinary General Meeting convened for the purpose. |
| Refund | 86. | No entrance fees or annual subscriptions shall be refunded when a Fellow, Full Member, Retired Member, Student or Affiliate resigns or is suspended or expelled from the Institute. |
| Fees and Subscriptions to be Paid on Transfer | 87. | Every person transferred from one class of membership to another shall pay:- |
| | 87.1 | the difference in entrance fees, if any, between the new and the old classes of membership; and |
| | 87.2 | the difference in annual subscriptions for the remainder of the current year of the new and old classes of membership as calculated in accordance with Clause 82 hereof. |
| | 88. | Every Fellow, Full Member, Retired Member, Student or Affiliate shall remain liable to the payment of his annual subscriptions for the remainder of the current year of the new and old classes of membership as calculated in accordance with Clause 82 hereof. |
| Arrears | 89. | Any Fellow, Full Member, Retired Member, Student or Affiliate whose membership is terminated for whatever reasons shall have to pay all arrears. |
| | 90. | The Honorary Treasurer shall on behalf of the Council issue an |

appropriate written warning to those Fellows, Full Members, Retired Members or Students whose subscriptions shall not have been paid by 1st of February. In the event of these subscriptions continuing in arrears on 1st of March of the same year, the Council shall decide on the course of action that shall be taken including suspensions and expulsion of the Fellows, Full Members, Retired Members or Students concerned.

91. An Affiliate whose subscription has not been paid by the end of the first half of any financial year shall by that very fact cease to be an Affiliate.
92. The Honorary Treasurer shall on behalf of the Council issue an appropriate written warning to those Fellows, Full Members or Students, who fail to pay the required special fees within three months from the Annual General Meeting or Extraordinary General Meeting at which the resolution on the special fees is passed, specifying a date by which the special fees must be paid.
93. Where, by the date specified under Clause 92 hereof, the said special fees are still in arrear, the Council shall decide on the course of action that shall be taken, including suspensions and expulsion of the Fellows, Full Members or Students concerned.

DISCIPLINE

Code of
Professional
Conduct

94. The Council shall adopt a Code of Professional Conduct which upon ratification by the Institute in a General Meeting shall be binding on all Fellows, Full Members and Students so far as provided under these Bye-laws.
95. Fellows, Full Members and Students shall as far as their position allows, but without prejudice to the Code of Professional Conduct or its equivalent of any other professional body of which they may be members, uphold the aims and objects of the Institute and shall not knowingly act contrary to the spirit of the Code of Professional Conduct or prejudice the reputation of the Institute.
96. No Fellow, Full Member or Student shall in any way be connected with any occupation or business if such connection is, in the opinion of the Council, inconsistent with the aims and objects of the Institute.

Enquiry

97. The Council may upon the receipt of written complaints from any person hold or order to hold such enquiry into the conduct of a Fellow, Full Member or Student if the Council thinks that the complaints are made on sufficient valid evidence and that the conduct of the Fellow, Full Member or Student which is the cause of the complaints is against the aims and objects of the

Institute, contrary to the spirit of the Code of Professional Conduct or prejudicial to the reputation of the Institute.

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| Power of Council | <p>98. Subject to the overriding decision of the Appeal Board, the Council shall have the power to suspend, expel or reprimand a Fellow, Full Member or Student who shall have been proved to have acted against the aims and objects of the Institute contrary to the spirit of the Code of Professional Conduct or prejudicial to the reputation of the Institute.</p> <p>99. The Council shall have the power to suspend, expel or reprimand a Retired Member or an Affiliate who, in the opinion of the Council, has acted against the aims and objects of the Institute, or prejudicial to the reputation of the Institute.</p> |
| Review | <p>100. A Retired Member or an Affiliate, who has been suspended, expelled or reprimanded by the Council, may apply for a review of the decision within <u>four weeks</u> after being notified of the decision of the Council.</p> |
| Review Board | <p>101. Upon receipt of an application for review, the Council shall appoint a Review Board comprising two Fellows and one Full Member who are not members of the Council involved in suspending, expelling or reprimanding a Retired Member or an Affiliate.</p> <p>102. The Review Board may approve or reject an application for review. The decision of the Review Board shall be final.</p> |
| Rules of Enquiry (Annex A) | <p>103. The Council shall prepare Rules of Enquiry on the conduct of Fellows, Full Members and Students. These Rules shall be valid after confirmation by a General Meeting.</p> |
| Disciplinary Committee | <p>104. The Council shall as required appoint from Council Members a Disciplinary Committee, which shall be responsible for investigation into all matters of professional conduct of the Fellows, Full Members or Students.</p> |
| Decisions of Disciplinary Committee | <p>105. The Disciplinary Committee shall make one of the following decisions:-</p> <p style="padding-left: 40px;">105.1 To recommend to the Council to dismiss the charges; or</p> <p style="padding-left: 40px;">105.2 To recommend to the Council to admonish the Fellow, Full Member or Student and warn him not to repeat or continue the conduct on which the charge is founded; or</p> <p style="padding-left: 40px;">105.3 To recommend to the Council to suspend or expel the Fellow, Full Member or Student concerned.</p> |

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| Appeal Board | 106. The Council shall as required appoint an Appeal Board. The Appeal Board shall comprise a practising barrister or solicitor or a judge of the Supreme Court and two Past Presidents or Fellows of the Institute nominated by the Council. No member of the Appeal Board shall be a member of the Council making the decision which is appealed against. The Appeal Board may affirm, vary, amend or reverse the decision of the Council. |
| Decisions of Council | 107. Decisions of the Council on disciplinary matters shall be deemed valid if passed by a majority of votes of those Council Members present constituting the requisite quorum. |
| Expulsion | 108. If the Council shall resolve to expel a Fellow, Full Member or Student, his name shall be erased from the List of the Institute and he shall thereupon cease for all purposes to be a Fellow, Full Member or Student. He shall not use any designation or description implying membership or former membership of the Institute. |

REINSTATEMENT

109. The Council shall have the power to reinstate in his former rank as Fellow, Full Member or Student any person whose membership has previously been terminated. Provided the application for reinstatement is submitted within five years from the date of the termination of membership and subject to Clause 110 hereof, such reinstatement may be approved subject to his payment of all subscriptions which would be due had he continued to be a Fellow, Full Member or Student up to the date of such reinstatement, plus a reinstatement fee equal to that of the current applicable membership entrance fee. Applications for reinstatement submitted after five years from the termination of membership shall be treated as new applications for membership and Clauses 45, 60, and 72 hereof shall apply.
110. An application for reinstatement may be referred to the Disciplinary Committee for investigation and report.
111. The reinstatement decision shall be publicly announced by the Council through any communication means as the Council shall deem appropriate.

SERVICE OF NOTICE

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| Written Notice | 112. (1) Any notice to be given or issued referred to in the Constitution and Bye-laws shall be in writing and may be given to a Member either personally or by sending it by post to the Member at his or her registered address or by electronic communication to an address provided by the |
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Member for that purpose. However, a notice referred to in clause 9.2 hereof may only be given to a Member either personally or by sending it by post to the Member at his or her registered address.

Deemed Given

- (2) A notice shall be deemed to have been given at the expiration of forty eight hours after the envelope containing it was posted or in the case of a notice contained in an electronic communication at the expiration of forty eight hours after the time it was transmitted.
- (3) A Member present at any meeting of the Institute shall be deemed to have received notice of the meeting and, where requisite, of the purpose for which it was called.

Accidental
Omission

- (4) Any accidental omission to give notice of any meeting to or the nonreceipt of such notice by any Member or other person entitled to receive notice shall not invalidate the proceedings at any meeting to be held under the provisions of these Bye-laws.

**RULES OF ENQUIRY
FOR THE DISCHARGE OF COMPLAINTS
(APPROVED BY EGM ON 13.12.1990 AND REVISED BY EGM ON 21.6.2005)**

- (1) (a) In these Rules, except where the context otherwise requires, the following words shall have the meanings respectively attributed to them below:

<u>Words</u>	<u>Meanings</u>
“Committee”	the Disciplinary Committee referred to in Clause 104 in these Bye-laws.
“complaint”	a complaint or allegation of improper conduct under Clause 97 in these Bye-laws and Code of Professional Conduct.
“complainant”	any person or persons making a complaint.
“alleged offender”	any member or members against whom a complaint is made including persons who are applying for membership.

- (b) References to Rules and Clauses are to be construed respectively as references to these Rules of Enquiry and to Clauses of the Constitution. Words importing the plural shall include the singular and vice versa. Words importing the masculine gender shall include the feminine gender. Unless the context otherwise requires words referred to in the Constitution shall bear the meaning attributed to them therein.
- (2) The Council shall as required appoint the Committee in accordance with Clause 104 of the Bye-laws for the adjudication of complaints.
- (3) The Council shall appoint from Council Members to form the Committee. The Committee shall comprise not less than three Council Members and shall continue in office until the complaint is finally disposed of when it shall be disbanded, unless the Council replaces any member of the Committee whose premature retirement is unavoidable. Any retiring member of the Committee shall be deemed to continue as a member of the Committee for the purpose of investigation of a particular complaint until the same shall have been finally disposed of.
- (4) The Council shall appoint a Chairman and Deputy Chairman of the Committee to deal with the matter in confidence. Unless the Council otherwise decides the President will normally be the Chairman or in his absence, either one of the 2 Vice Presidents as determined by a majority of other Council Members. Should both the Chairman and Deputy Chairman be unable to carry out their functions, the Council may appoint a member of the Committee to act as Chairman for such period as and upon such terms and conditions may be necessary.
- (5) Any act done by a Deputy Chairman or by a person appointed by the Council under Rule (4) shall be valid and effectual and shall not be questioned on the ground that no occasion had arisen for the deputy to act in place of the Chairman or for a person to be so appointed.
- (6) Subject to the Constitution and these Rules each Committee shall have the power to

regulate its own practice and procedures. The Committee may appoint a secretary.

- (7) Any complaint shall be made in writing with supporting evidence, full name of the complainant and his personal particulars. This shall be addressed to the Honorary Secretary of the Institute under confidential cover. Anonymous complaints are not dealt with unless the President or either one of the 2 Vice-Presidents as determined by a majority of other Council Members in his sole discretion thinks otherwise upon referral from the Honorary Secretary.
- (8) Upon receipt of a complaint with supporting evidence the Honorary Secretary shall refer the matter to the President or either one of the 2 Vice-Presidents as determined by a majority of other Council Members for regulatory comment and guidance. If he is satisfied that a prima facie case exists, he shall order that the complaint be referred to the Committee for investigating.
- (9) If a complaint is made against a member of the Council or a member of the Committee, the alleged offender shall be deemed suspended without prejudice to his membership of the Council or the committee, as the case may be, until the investigation of the complaint has been concluded.
- (10) Where a complaint appears to disclose a prima facie case of improper conduct, the Honorary Secretary shall send written notice to the alleged offender of the nature and particulars of the complaint and invite him to put forward his observations in writing to the Committee within 28 days. The alleged offender shall at the same time be informed that he is under no obligation to make any observations to the Committee, but that, if he does not do so or if the Committee does not regard any explanations of his as satisfactory, the matter will be referred to the Committee, which will then invite him to a hearing.
- (11) On receiving the alleged offender's observations the Committee may dismiss the complaint if satisfied that it is unfounded or does not disclose a prima facie case of improper conduct. It may also dismiss the complaint if it considers that the alleged improper conduct is of such a trivial nature that it should not call for any action.
- (12) As soon as the Committee has decided to proceed with hearing of a complaint, a date and place shall be fixed for the complaint to be heard.
- (13) Not less than 28 days nor more than 42 days prior to the date of the hearing of the complaint the Honorary Secretary shall send by registered post, to the alleged offender concerned a notice stating:
 - (a) That the complaint has been referred to the Committee.
 - (b) A summary of the evidence submitted in support of the complaint.
 - (c) The time and place of the hearing.
 - (d) That he is entitled to :
 - (i) attend.
 - (ii) conduct his own case or be represented by a legal practitioner but not by any other person.
 - (iii) be heard, call witnesses and cross-examine other witnesses appearing before the Committee.

- (e) That subject to any observations he may have with regard to the date, if he fails to appear at the appointed time and place the hearing may proceed in his absence.
- (f) That he may submit representations in writing, but that in his absence the Committee may disregard any written representations not in the form of a statutory declaration.

At the same time, the Honorary Secretary shall also inform the complainant of the time and place of the hearing and that he is entitled to attend and be represented, as in (d)(ii) above, or submit written representations subject to the conditions of (f) above.

- (14) The Council may appoint a legal practitioner to advise the Committee on points of law and procedure that arise before, during or after an enquiry.
- (15) The Committee shall hear the evidence of the witnesses who have been made available and may hear the evidence of such other persons as they think fit.
- (16) The Committee may receive any evidence which they consider relevant to the matter referred to the Committee, whether oral or written.
- (17) Evidence given before the Committee shall be admissible against any person in proceedings before a civil court or other authority having power to deal with the case.
- (18) Subject to paragraph (20), any document or thing produced to the Committee by a witness when giving his evidence shall be made an exhibit.
- (19) When an original document or book is produced to the Committee by a witness, the Committee may, at the request of the witness, compare a copy of it or an extract therefrom of the relevant parts with the original and, after they have satisfied themselves that such a copy or extract is correct and the Chairman has certified thereon that the Committee has compared it with the original and found it correct, the Committee may return the document or book to the witness and attach the copy or extract to the record of the proceedings as an exhibit.
- (20) Every exhibit shall:
 - (a) be marked with a number of letter and be signed by the Chairman or have a label affixed to it bearing a number of letter and the signature of the Chairman; and
 - (b) be attached to or kept with the record of proceedings unless in the opinion of the Committee it is not expedient to attach it or keep it with the record.
- (21) When exhibit is not attached to or kept with the record of the proceedings under sub-paragraph 20(b) above, the Chairman shall ensure that proper steps are taken for its safe custody.
- (22) The Committee may, in deciding whether the alleged offender is guilty of a disciplinary offence, have regard to the Code of Professional Conduct currently in use by the Institute.
- (23) The Institute shall not be liable for travel and legal expenses or any other expenses whatsoever incurred by any person in connection with the hearing of a complaint, but the Council may at its discretion, and without being deemed to make any admission of liability by so doing, reimburse any person or persons any expenses incurred in connection with any complaint.

- (24) Any notice directed to be given under these Rules shall be deemed to be properly served if sent by registered post to the last known address of the alleged offender. If no reply shall be received from him within 28 days after the time when such letter might be expected to have been delivered to him and a reply by return received from him in the ordinary course of post, the Committee may proceed in default. Provided that if an alleged offender shall, either before or after the complaint has been disposed of, satisfy the relevant body that any notice to him was not in fact delivered or was delivered later than delivery might have been expected in the ordinary course of the post and that in consequence he was ignorant of the proceedings being taken against him, or unable to take appropriate action in connection therewith, the relevant body shall at his request reopen the relevant proceedings notwithstanding that they may have been concluded, subject to costs, if the relevant body thinks fit, being payable by him.
- (25) The Committee may in any case where it appears just or expedient to do so extend the time for doing anything under these Rules or may dispense with service of any notice or abridge the length of any notice and may adjourn any hearing from time to time.
- (26) The Chairman shall have the proceedings of the Committee recorded in writing and in sufficient detail to enable the Council to follow the course of proceedings.
- (27) A record of the proceedings shall be signed by the Chairman and other members of the Committee and forwarded to the Council with its report.
- (28) If in the opinion of the Committee a complaint is substantiated, the Committee shall make recommendations to the Council as to the action to be taken under Clauses 105.2 and 105.3 of the Bye-laws.
- (29) If in the opinion of the Committee a complaint is not substantiated, thus decision shall be transmitted to the Council for endorsement and from the Council to the parties concerned.
- (30) The Committee has the power to order or award costs against or for any person appeared before the Committee.
- (31) The Honorary Secretary shall notify the alleged offender of the decision of the Council in writing by registered post. The Honorary Secretary shall at the same time inform the alleged offender that he must submit written representations in support of his appeal within 60 days from date of notification of review.
- (32) Upon receipt of an appeal, which may be an appeal against a finding of improper conduct or the decision of the Council or both, the Honorary Secretary shall refer the appeal to an Appeal Board comprising a practicing barrister or a judge of the Supreme Court and two Past President/Fellows of the Institute nominated by the Council and in connection with such appeal the Honorary Secretary may require any sum payable as security for costs.
- (33) Unless the Appeal Board otherwise directs it shall not recall witnesses who gave evidence before the Committee or call other witnesses, and the material before the Appeal Board shall be the record of the proceedings of the Committee and its report and any documents which supported such record or report together with any additional written submissions made in support of the appeal.
- (34) The Appeal Board may affirm, vary, amend or reverse the decision of the Council and may in addition make such order as to the costs payable relating to the complaint or the appeal as it thinks fit.
- (35) The decision of the Appeal Board shall be communicated in writing to the Honorary

Secretary who shall lay it before the Council and shall then inform the parties concerned.

- (36) In the case where the Council decides that a member has been guilty of improper conduct, and the member does not appeal, or the member appeals yet allegation affirmed by the Appeal Board, it shall, unless it sees special reason to the contrary, cause the fact and particulars of its decision to be posted in the Institute's premises and published in the Institute's journal. It may, and at the request of the alleged offender shall, similarly publish the fact that a complaint has been dismissed.
- (37) Any decision or order of the Council or of an Appeal Board may be subject to review in the light of new evidence available only after the relevant proceedings have been concluded.

- End-