

# Hong Kong Institute of Utility Specialists - Constitution

香港管綫專業學會 - 憲章

First Draft Written on 31 October, 2002 (approved by Steering Committee), Revision 1: 31 March, 2003 (approved by Executive Committee), Revision 2: 28 September, 2004 (approved by Executive Committee), Revision 3: 1 April, 2005 (approved by Executive Committee), Revision 4: 1 July, 2006 (approved by Executive Committee), Revision 5: 26 February, 2007 (approved by Executive Committee), Revision 6: 1<sup>st</sup> July, 2008 (Approved by Council), Revision 7: 1<sup>st</sup> April, 2011 (Approved by AGM), revision 8: 1<sup>st</sup> April, 2012 (Approved by AGM), revision 9: 1<sup>st</sup> September, 2014 (Approved by Executive Committee); revision 10: 9 Sep 2016 (Approved by Executive Committee); revision 11: 22 Mar 2019 (Approved by AGM); revision 12: 1st January 2020 (Approved by Executive Committee)

## Hong Kong Institute of Utility Specialists 香港管綫專業學會

### HKIUS Constitution



**Hong Kong Institute of Utility Specialists**

**Last Revision: 1<sup>st</sup> January 2020**

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## CONSTITUTION (2007 revision)

### Part I. Organization

#### 1. Name and Logo

- 1.1 The English name of the organization shall be “The Hong Kong Institute of Utility Specialists”
- 1.2 The Chinese name of the organization shall be “香港管綫專業學會”.
- 1.3 The abbreviated name of the organization is “HKIUS”.



- 1.4 The logo of the organization is “  ”

#### 2. Address

- 2.1 The registered office of HKIUS is Suite 209 Favor Industrial centre, No. 2-6 Kin Hong Street, Kwai Chung, NT, Hong Kong SAR.
- 2.2 The correspondence address of HKIUS is the same as the registered office of HKIUS.

#### 3. Objectives

- 3.1 To promote and advance the knowledge and practice of underground utility management profession;
- 3.2 To develop and maintain a high standard professional qualification for underground utility management;
- 3.3 To provide technical advisory service on underground utility management for members of HKIUS and supportive advice for members of the public in general;
- 3.4 To facilitate exchange of opinions with other professional bodies on underground utility management;
- 3.5 To promote professional ethics in the utility management industry;
- 3.6 To build and develop the role and status of underground utility management profession in the community.
- 3.7 To cooperate and confer with, or otherwise assist and advise, government authorities, quasi-governmental organizations, public utilities organizations, universities, colleges and other public or private bodies or corporations in the utility management industry.

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## Part II: Membership

### 4. Membership

#### 4.1 Disciplines

4.1.1 The Institute shall consist of the following types of disciplines:-

##### HKIUS Disciplines

##### 香港管綫專業學會專業名稱

- |                  |  |
|------------------|--|
| A) CCE(CCTV&ME): | Conduit Condition Evaluation (CCTV and ME Survey)<br>管道狀況評價〔排水〕                            |
| B) MHICS:        | Manhole Internal Condition Survey<br>沙井狀況評價  |
| C) US(PCL):      | Utility Survey (Pipe Cable Locator Survey, PCL)<br>管綫測量〔PCL〕                               |
| D) WLD:          | Water Leakage Detection and Control<br>漏水監控  |
| E) BWCS:         | Advanced Leakage Detection of Buried Water Carrying<br>Services Affecting Slopes<br>斜坡管道測漏 |
| F) PR:           | Pipe Rehabilitation by Trenchless Technology<br>管綫維修〔非開挖工程技術喉管修補〕                          |
| G) GPR:          | GPR(Ground Penetrating Rader) Survey<br>管綫雷達探測   |
| H) FLOW:         | Flow Study in Drainage Conduit<br>流量監控   |
| I) PCS:          | Pipe Condition Surveys by other non-destructive methods<br>管道狀況評價                          |
| J) DM:           | Data Management for Utility Records<br>管綫資料管理  |
| K) UM:           | Utility Management<br>管綫管理   |
| L) PM:           | Project Management for Utility Industries<br>管綫項目管理  |
| M) BIM:          | Building Information Modeling<br>建築資訊模擬(基建)  |
| N) IRS:          | Infrared Scanning<br>紅外線檢測   |
| O) NDT:          | Non-Destructive Testing<br>非破壞性試驗  |
| M) Others:       | Membership without Discipline  |

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## 非管綫專業會員

### 4.2 Categories

#### 4.2.1 The Institute shall consist of the following categories of membership:-

Individual Member, Company Member and Recognized Professional Utility Specialist.

### 4.3 Individual Member

#### 4.3.1 The Institute shall consist of the following classes of individual membership:-

Honorary Fellow, Fellow, Manager Member, Operative Member, Associate Member, Student Member

#### 4.3.2 Corporate Members shall be Fellows, Manager Members and Operative Members;

#### 4.3.3 Corporate (Professional) Members shall be Fellows and Manager Members.

4.3.4 Non-Corporate Members shall be Honorary Fellows, Associate Members and Student Members;

#### 4.3.5 In this Constitution the use of the word "Member" (with a capital M) shall refer to the class of Corporate (Professional) Member, but the use of the words "member", "members" or "membership" (with a small m in each case) shall refer to all members of the Institute except where the context otherwise requires.

### 4.4 Company Member

#### 4.4.1 The Institute shall consist of the following classes of company membership:-

Corporate Company Member (Group C), Corporate Company Member (Group B), Corporate Company Member (Group A) and Sponsor Company Member

### 4.5 Voting Rights

#### 4.5.1 For avoidance of doubt, the following classes of memberships have full voting rights in the Institute:-

Fellows, Manager Members, Operative Members, Corporate Company Member (Group C), Corporate Company Member (Group B) and Corporate Company Member (Group A).

### 4.6 Authority for membership changes

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In addition to those original members of the Institute, the Q & M Board may admit to membership or transfer to a higher class of membership such persons as may be qualified (as hereinafter defined) and make application in the form and manner prescribed by the Council & the Constitution.

### 4.7 Rights not transferable

The rights and privileges of every member shall be personal to himself, and shall not be transferable or transmissible by his own act or by operation of law.

### 4.8 Designatory titles

4.8.1 The following members of the Institute may use abbreviated distinctive titles to indicate the class of membership to which they belong as follows:-

<b>Honorary Fellow</b>	- <b>Hon.FHKIUS</b>
<b>Fellow</b>	- <b>FHKIUS</b>
<b>Manager Member</b>	- <b>MHKIUS</b>
<b>Operative Member</b>	- <b>OMHKIUS</b>
<b>Associate Member</b>	- <b>AMHKIUS</b>
<b>Corporate Company Member</b>	- <b>CCMHKIUS</b>
<b>Sponsor Company Member</b>	- <b>SCMHKIUS</b>
<b>Recognized Professional Utility Specialist</b>	- <b>RPUS</b>

4.8.2 Such abbreviations may not be used by any member who has resigned or whose name has been removed from the Roll.

4.8.3 Abbreviated distinctive titles shall not be used by any class of membership other than those described in 4.1 of this Article.

### 4.9 Issue of Certificates of Class of Membership under Seal

The Council shall issue to every member a certificate showing the class of membership into which he is admitted and thereafter, upon transfer to a higher class of membership, a certificate showing the class of membership to which he is then transferred. To each such certificate of membership issued by the Council, there shall be affixed the Common Seal of the Institute signed by the President and the Secretary. Every such certificate shall remain the property of the Institute and shall, upon a member ceasing to be a member for any reason whatsoever, or at any other time, on demand, be returned to the Institute.

## 5 Qualifications for membership

### 5.1 Individual Member

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### 5.1.1 Honorary Fellow

Any person holding a senior position who has made a significant contribution to the knowledge and practice of or closely related to Utility Industry may, by invitation of the Council, be elected to the Institute as an Honorary Fellow.

Not more than two Honorary Fellows may be elected each year from those who, by reason of their special services to the Institute or to engineering generally or by virtue of their occupying distinguished positions in science or industry related to Utility Industry, merit such recognition. Any proposal to elect an Honorary Fellow shall be approved by at least three-fourths of the Council Members present and voting (i.e. three-fourths of the total number of votes for and against the proposal).

An Honorary Fellow Member shall be exempted from payment of entrance and subscription fees.

Apart from serving as Honorary Advisors to the Institute, Honorary Fellow Members do not have the right to elect or to accept election to any voting post on the Executive Committee of the Institute.

All Honorary Fellow Members will be entitled to use the designation “Hon.FHKIUS” after their name.

### 5.1.2 Fellow

With effect from 1 April, 2007, Candidates for election to the class of Fellow shall be supported by four Fellow Members, at least two of whom shall be Fellows of the same Discipline. Candidates shall generally be not less than 35 years of age and shall satisfy the Council that by their attainments they have acquired an established reputation as professional utility specialists, that they have been engaged for a sufficient period in an important position of responsibility to which they have brought superior knowledge and practice of a Discipline and that they are, disregarding temporary unemployment, currently engaged in or associated with a Discipline.

In addition they shall:-

- (a) possess the qualifications for election to the class of Member; or
- (b) have high educational qualifications and have either made some noteworthy contribution to the science or engineering related to the utility industry or have materially advanced the practice of engineering from the technical point of view; or
- (c) for non-degree holder, applicant shall have been a Full Voting Member for at least 10 years and with at least 15 years working experiences;



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- (d) have worked in the utility industry for at least 10 years in one of the Disciplines;
- (e) hold valid certificates for compulsory safety training (Green Card) and entry into confined spaces;
- (f) have presented recognized utility related papers in at least 5 occasions;
- (g) be in a management and responsible level for at least 8 years;
- (h) are willing to promote the future development of the industry.

All Fellow Members are Full Voting Members and those who have paid the entrance fee and the annual subscription under 13 of this constitution shall be obliged to attend, and shall be entitled to elect, accept election, propose and vote at all activities organized by the Institute.

Each Fellow Member shall have 1 vote at the Annual General Meeting and at any Extra-Ordinary Meeting.

A Fellow Member shall be entitled to use the designation “FHKIUS” after his name.

### 5.1.3 Manager Member

Candidates for election to the class of Manager Member shall be supported by four Corporate Members, at least one of whom shall be a Fellow and two of them must be in the same discipline. Exceptionally, the requirement of having a Fellow as one of the supporters may be waived by the Q & M Board, provided Board members are satisfied that the supporters, in the same Discipline as the candidate, have sufficient seniority as professional utility specialists. Candidates shall satisfy the Council that they have received good general education and adequate practical training in a Discipline and are, disregarding temporary unemployment, currently engaged in or associated with a Discipline. Generally, they shall have obtained a recognized Degree or the equivalent in an acceptable discipline or for non-degree holders, they shall have been a Full Voting Member for at least 5 years. In addition, they shall have either:-

- (a) reached the age of 25 at the date of application and:-
  - (i) for not less than five years, including the requisite practical training period, have been engaged in the practice of a Discipline;
  - (ii) for a sufficient period have held a position of responsibility requiring a knowledge and practice of a Discipline;
  - (iii) have passed the Membership examination or such exempting examination as prescribed by the Council's examination regulations for the time being; or

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- (b) reached the age of 35 at the date of application and have:-
  - (i) had experience in posts of increasing responsibility in a relevant Discipline over a period of at least 15 years;
  - (ii) attained a position demonstrating a level of competence that would admit them to the class of Member had they satisfied the normal academic requirements;
  - (iii) after acceptance of their submission covering their experience and position, satisfied the academic requirements for Membership by submitting a paper to the satisfaction of the Council on an approved utility specialty subject, and normally by attending a professional interview which will include an oral examination.

In addition, they shall:

- (a) have completed an Advanced Training Course (at least 35 hours) for the utility specialty discipline;
- (b) have worked in the utility industry for at least 5 years;
- (c) hold valid certificates for compulsory safety training (Green Card) and entry into confined spaces;
- (d) be in a management and responsible level for at least 3 years;
- (e) are willing to take part in the future development of the industry.

All Manager Members are Full Voting Members and those who have paid the entrance fee and the annual subscription under Article 13 of this constitution shall be obliged to attend, and shall be entitled to elect, accept election, propose and vote at all activities organized by the Institute.

Each Manager Member shall have 1 vote at the Annual General Meeting and at any Extra-Ordinary Meeting.

A Manager Member shall be entitled to the exclusive use of the designation “MHKIUS” after his name.

#### 5.1.4 Operative Member

Candidates for election to the class of Operative Member shall be supported by four Corporate Members, at least one of whom shall be a Fellow. Exceptionally, the requirement of having a Fellow as one of the supporters may be waived by the Q & M Board, provided

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Board members are satisfied that the supporters, in the same Discipline as the candidate, have sufficient seniority as professional utility specialists. Candidates shall satisfy the Council that they have received good general education and adequate practical training in a Discipline and are, disregarding temporary unemployment, currently engaged in or associated with a Discipline. Generally, they shall have obtained a Higher Certificate, or equivalent, or higher, from an accredited / recognized organization in an acceptable discipline. In addition, they shall have either:-

- (a) reached the age of 23 at the date of application and:-
  - (i) for not less than three years, including the requisite practical training period, have been engaged in the practice of a Discipline;
  - (ii) for a sufficient period have held a position of responsibility requiring a knowledge and practice of a Discipline;
  - (iii) have passed the Membership examination or such exempting examination as prescribed by the Council's examination regulations for the time being. In addition, they shall:
- (b) have completed an Advanced Training Course (at least 35 hours) for any utility management discipline;
- (c) have worked in the utility management industry for at least 3 years;
- (d) hold valid certificates for compulsory safety training (Green Card) and entry into confined spaces;
- (e) are willing to take part in the future development of the industry.

All Operative Members are Full Voting Members, and those who have paid the entrance fee and the annual subscription under Article 13 of this constitution shall be obliged to attend, and shall be entitled to elect, accept election, propose and vote at all activities organized by the Institute.

Each Operative Member shall have 1 vote at the Annual General Meeting and at any Extra-Ordinary Meeting.

An Operative Member shall be entitled to use the designation "OMHKIUS" after his name.

### 5.1.5 Associate Member

Candidates for election to the class of Associate Member shall be supported by one Corporate Member. They shall be not less than 21 years of age and shall satisfy the Council that:-

## Hong Kong Institute of Utility Specialists - Constitution

### 香港管綫專業學會 - 憲章

First Draft Written on 31 October, 2002 (approved by Steering Committee), Revision 1: 31 March, 2003 (approved by Executive Committee), Revision 2: 28 September, 2004 (approved by Executive Committee), Revision 3: 1 April, 2005 (approved by Executive Committee), Revision 4: 1 July, 2006 (approved by Executive Committee), Revision 5: 26 February, 2007 (approved by Executive Committee), Revision 6: 1<sup>st</sup> July, 2008 (Approved by Council), Revision 7: 1<sup>st</sup> April, 2011 (Approved by AGM), revision 8: 1<sup>st</sup> April, 2012 (Approved by AGM), revision 9: 1<sup>st</sup> September, 2014 (Approved by Executive Committee); revision 10: 9 Sep 2016 (Approved by Executive Committee); revision 11: 22 Mar 2019 (Approved by AGM); revision 12: 1st January 2020 (Approved by Executive Committee)

- (a) they have had such periods of practical training and experience (at least 1 year after training, depending on educational qualifications) as authorized by the Council. Experience shall involve responsibility in the application and utilization of utility specialty techniques whilst engaged in or associated with the practice of a Discipline;
- (b) they are, disregarding temporary unemployment, engaged in or associated with a Discipline;
- (c) they have passed such examination or exempting examination as may be prescribed by the Council's examination regulations for the time being.
- (d) have obtained a Form Five Certificate, or equivalent, or higher, from an accredited / recognized organization in an acceptable discipline;
- (e) have completed an Introductory or Basic Course (at least 10 hours) for any utility management discipline;
- (f) have worked in the utility management industry for at least 1 year after training;
- (g) hold valid certificates for compulsory safety training (Green Card) and entry into confined spaces;
- (h) are willing to take part in the future development of the industry.

All Associate Individual Members who have paid the entrance fee and the annual subscription under Article 13 of this constitution shall be entitled to participate in all activities organized by this Institute but shall not have a right to vote in any meetings of the Institute.

An Associate Individual Member shall be entitled to the exclusive use of the designation “AMHKIUS” after his name.

#### **5.1.6 Student Member**

Candidates for election to the class of Student member shall be supported by one Corporate Member. They shall not be less than 15 years of age and shall not be older than 30 years of age and shall satisfy the Council that:-

- (a) they have an interest in the utility industry, engineering or in a technology represented in the Institute;
- (b) they have an understanding of the Rules of Conduct with which they will be required to comply on becoming members.

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- (c) are willing to promote the future development of the industry. (a) Candidates for election to the class of Student Member shall be supported by one Corporate Member. They shall satisfy the Council that they have received a good general education and that they are following, or have completed, a form of engineering education approved by the Council.

Student Members, on attaining such age and other qualifications as may be necessary, may apply for transfer to a higher class of membership, but no person may remain a Student Member beyond 30 years of age.

All Student Individual Members do not need pay the entrance fee and the annual subscription and shall be entitled to participate in all activities organized by this Institute but shall not have a right to vote in any meetings of the Institute.

#### 5.1.7 Others

- (a) Membership without Discipline

Candidates for election to the class of Membership Without Discipline shall be subject to the approval of the Q & M Board, provided Board members are satisfied that the applicants have sufficient knowledge and experience, shall apply to those applicants who are yet to be qualified in any discipline but may possibly qualified as a professional member. Candidates for election to the class of Membership Without Discipline shall be supported by one Corporate Member of the same grade or above. They shall not be less than 25 years of age and shall satisfy the Q & M Board that:-

- (i) they have an interest in the utility industry, engineering or in a technology represented in the Institute;
- (ii) they have an understanding of the Rules of Conduct with which they will be required to comply on becoming members.
- (iii) are willing to promote the future development of the industry.

All Members without discipline who have paid the entrance fee and the annual subscription under Article 13 of this constitution shall be entitled to participate in all activities organized by this Institute and the right to elect, the right to vote and to be elected as executive committee members or council members but shall not have the right to be a candidate of President or Vice President of the Institute.

- (b) Accredited Mediators

This category of membership shall be assessed and accredited by the Mediation committee. Candidates applying for this election shall be concurrently either a Corporate Member or

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Corporate (Professional) Member of a particular discipline and has attained a relevant training course as a mediator.

(c) Accredited Training Providers.

This category of membership shall be assessed and accredited by the Accreditation committee. Candidates/Company applying for this election shall be/have concurrently a Corporate (Professional) Member of a particular discipline.

(d) Accredited Trainers.

This category of membership shall be assessed and accredited by the Accreditation committee. Candidates applying for this election shall be a Corporate (Professional) Member of a particular discipline.

(e) Accredited Professional Auditors.

This category shall be applicable to all corporate members with discipline and to be appointed by the Accreditation committee. Candidates applying for this election shall be concurrently either a Corporate Member or Corporate Member of a particular discipline.

(f) Recognized Professional Utility Specialist

Candidates for election to the class of Recognized Professional Utility Specialist shall satisfy the Council that they have met the following requirements:

- (a) Are eligible or have been an Individual Corporate (Professional) Member of HKIUS;
- (b) Have been working in Hong Kong for the utility related industry for not less than 2 years.

All Recognized Professional Utility Specialist (apart from those also as Individual Corporate Members) are NOT Voting Members, and those who have paid the entrance fee and the annual subscription under Article 13 of this constitution shall be obliged to attend, but shall not be entitled to elect, accept election, propose and vote at all activities organized by the Institute.

An Recognized Professional Utility Specialist shall be entitled to use the designation “RPUS” after his name.\

## **5.2 Company Member (Effective on the 1<sup>st</sup> April, 2009)**

### **5.2.1 Corporate Company Member (Group C)**

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Company candidates for election to the class of Corporate Company Member (Group C) shall be supported by four Corporate Company Members of the same group, at least two of those shall be of same discipline. Exceptionally, the requirement of having the Corporate Company Member of the same group as the supporters may be waived by the Q & M Board, provided Board members are satisfied that the supporters have sufficient seniority as professional utility specialists. Candidates shall satisfy the Council that they have met the following minimum requirements:

- (a) A minimum gross turnover of HK\$5 Million per discipline or HK\$10 Millions per year in total of operation in Hong Kong for 3 consecutive years;
- (b) Has been a Group B (or Associate) Corporate Company Member of HKIUS for at least 5 years;
- (c) Have at least 10 voting members belonging to a particular discipline.

In addition, they shall:

- (a) have at least 10 years practical experience in the related discipline(s);
- (b) have at least five (5) Individual Corporate (Professional) Members for the discipline(s);
- (c) have at least 5 sets of survey equipment (unless otherwise stated);
- (d) have a sound company Safety Management System (preferred to have OHSAS18001);
- (e) have a sound Environmental Management System (Preferred to have ISO14001)
- (f) have a sound company Quality Management System (Preferred to have ISO9001);
- (g) have good safety record;
- (h) have good company and individual members' reputation.

In addition, company candidates shall satisfy the Council that they have met the following other requirements in specific Disciplines:

### Utility Survey, US(PCL)

- (a) Possess 10 sets of the respective survey equipment, namely, PCL;
- (b) Possess 1 set of the respective survey equipment, namely, GPR.

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### Water Leakage Detection, WLD

**At least one member is required to attend the HKIC training course – “Certificate in Leak Detection on Water Mains” and pass the test, applying to both of the existing and the new Corporate Company Members.**

Every Corporate Company Member who has paid the entrance fee and the annual subscription of this constitution shall be obliged to send representative to attend, and shall be entitled to elect, accept election, propose and vote at all activities organized by this Institute.

Each Corporate Company Member (Group C) shall have Three (3) votes both at the Annual General Meeting and at any Special/Extra-Ordinary General Meeting.

Corporate Company Members may send one representative to all Meetings.

A Corporate Company Member shall be entitled to use the designation “CCMHKIUS” after his name.

### **5.2.2 Corporate Company Member (Group B)**

Company candidates for election to the class of Corporate Company Member (Group B) shall be supported by four Corporate Company Members of the same group or higher, at least two of those shall be of same discipline. Candidates shall satisfy the Council that they have met the following minimum requirements:

- (a) A minimum gross turnover of HK\$3.5 Million per discipline or HK\$7.5 Millions per year in total of operation in Hong Kong for 3 consecutive years;
- (b) Has been operating in the utility specialists industry for at least 5 years;
- (c) Has been a Group A (or Associate) Corporate Company Member for at least 3 years;
- (d) Have at least 6 voting members belonging to a particular discipline.

In addition, they shall:

- (a) have at least 5 years practical experience in the related discipline(s);
- (b) have at least three (3) Individual Corporate (Professional) Members for the discipline(s);
- (c) have at least 5 sets of survey equipment (unless otherwise stated);
- (d) have a sound company Safety Management System (preferred to have OHSAS18001);



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- (e) have a sound Environmental Management System (Preferred to have ISO14001)
- (f) have a sound company Quality Management System(Preferred to have ISO9001);
- (g) have good safety record;
- (h) have good company and individual members' reputation.

In addition, company candidates shall satisfy the Council that they have met the following other requirements in specific Disciplines:

### Utility Survey, US(PCL)

- (a) Possess 5 sets of the respective survey equipment, namely, PCL;
- (b) Possess 1 set of the respective survey equipment, namely, GPR.

### Water Leakage Detection, WLD

At least one member is required to attend the HKIC training course – “**Certificate in Leak Detection on Water Mains**” and pass the test, applying to both of the existing and the new Corporate Company Members.

Every Corporate Company Member who has paid the entrance fee and the annual subscription of this constitution shall be obliged to send representative to attend, and shall be entitled to elect, accept election, propose and vote at all activities organized by this Institute.

Each Corporate Company Member (Group B) shall have Two (2) votes both at the Annual General Meeting and at any Special/Extra-Ordinary General Meeting.

Corporate Company Members may send one representative to all Meetings.

A Corporate Company Member shall be entitled to use the designation “CCMHKIUS” after his name.

### **5.2.3 Corporate Company Member (Group A)**

Company candidates for election to the class of Corporate Company Member (Group A) shall be supported by four Corporate Company Members, at least two of those shall be of the same discipline. Candidates shall satisfy the Council that they have met the following minimum requirements:

- (a) A minimum gross turnover of HK\$2 Million per discipline or HK\$5 Millions per year of operation in Hong Kong;

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- (b) Have been operating in the utility specialists industry for at least 3 years;
- (c) Have at least 3 voting members belonging to a particular discipline.

In addition, they shall:

- (a) have at least 3 years practical experience in the related discipline(s);
- (b) have at least one (1) Individual Corporate (Professional) Members full time working in the company;
- (c) have at least 3 sets of survey equipment (unless otherwise stated);
- (d) have a sound company Safety Management System (preferred to have OHSAS18001);
- (e) have a sound Environmental Management System (Preferred to have ISO14001)
- (f) have a sound company Quality Management System(Preferred to have ISO9001);
- (g) have good safety record;
- (h) have good company and individual members' reputation.

In addition, company candidates shall satisfy the Council that they have met the following other requirements in specific Disciplines:

### Utility Survey, US(PCL)

Possess 3 sets of the respective survey equipment, namely, PCL.

### Water Leakage Detection, WLD

At least one member is required to attend the HKIC training course – “**Certificate in Leak Detection on Water Mains**” and pass the test, applying to both of the existing and the new Corporate Company Members.

Every Corporate Company Member who has paid the entrance fee and the annual subscription of this constitution shall be obliged to send representative to attend, and shall be entitled to elect, accept election, propose and vote at all activities organized by this Institute.

Each Corporate Company Member (Group A) shall have one (1) vote both at the Annual General Meeting and at any Extra-Ordinary General Meeting.

Corporate Company Members may send one representative to all Meetings.

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A Corporate Company Member shall be entitled to use the designation “CCMHKIUS” after his name.

#### 5.2.4 Sponsor Company Member

Company candidates for election to the class of Sponsor Company Member shall satisfy the Council that they have met the following requirements:

- (a) Willing to support vision, mission and objectives of HKIUS;
- (b) Have a sound Safety Management System;
- (c) Have a sound Quality Management System;
- (d) Have good safety record;
- (e) Have good company reputation.

All Sponsor Company Members who have paid the entrance fee and the annual subscription under Article 13 of this constitution shall be entitled to participate in all activities organized by this Institute but shall NOT have a right to vote in any meetings of the Institute.

A Sponsor Company Member shall be entitled to use the designation “SCMHKIUS” after his name.

## 6 Application for membership

**6.1** At least two of the four Corporate Members supporting a candidate for Corporate Membership shall be in the same Discipline as the candidate. For all other membership classes the Corporate Member supporting the candidate must be in the same Discipline as the candidate or one closely related. The supporters on signing the application form shall certify that they consider the candidate worthy of consideration for election and shall endorse the correctness of those parts of the application form which they identify by their initials. Supporters may be called upon to supply additional information as to a candidate's suitability for election.

**6.2** It shall be a condition of the election of every candidate and the continuation of his membership that his application contains no false representation or untrue or misleading statement; and the election of any candidate may be set aside by a resolution of the Council expressing the belief that the particulars given in such person's or company's application or recommendation were in some respect untrue or misleading and/or declaring that such election or membership be annulled. However before the candidate is notified of the intention to propose any such resolution, the Council shall first consider any statement or explanation in regard to the matter

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in question which such person may think fit to give, either orally or in writing at his option, and shall make such other investigation as it may think proper. Forthwith after the passing of any such resolution the name of the person to whom it relates shall be removed from the Roll, and this fact published in the Journal or website or other HKIUS' publications or media, thus nullifying his election and/or membership.

## **7 Professional Assessment**

**7.1** Candidates for election as Corporate Members who appear to satisfy the education and training qualifications will be interviewed and tested in order to determine whether they have acquired during their practical training and experience adequate knowledge of the appropriate Discipline.

**7.2** The Council shall determine the fees (if any) to be paid or deposited by the candidates in respect thereof and shall also fix the remuneration (if any) to be paid to interviewers.

## **8 Election of members**

**8.1** Election of members shall be by the Council, and shall take place at least 4 times each year.

**8.2** The Council shall at its first meeting after each Annual General Meeting appoint a committee for the purpose of considering and making recommendations to the Council in regard to each application for election to any class of membership. The committee which shall be known as the "Q & M Board" shall comprise at least ten Corporate Members, a majority of whom shall be Discipline Representatives or Fellows or representatives from Group A B & C Corporate Company Members, one shall be an Officer and at least two others shall be Council Members. The Q & M Board shall have the power to co-opt a nominee of any Discipline, from which candidate(s) are to be considered but which is not ordinarily represented on the Q & M Board. The quorum for meetings of the Q & M Board shall be four. The Q & M Board shall be responsible for arranging professional interviews, regulating their conduct and appointing qualified persons as interviewers. The Q & M Board shall be responsible for the allocation of members to Disciplines.

**8.3** The Council shall ensure that the members of the Q & M Board are as representative as possible of the principal Disciplines. Each Discipline may nominate one Corporate Member either to the Q & M Board or for co-option to the Q & M Board as required. A representative of a Discipline may require any decision taken by the Q & M Board in respect of a candidate for his Discipline to be referred to the Council for endorsement prior to its implementation.

**8.4** The Council shall cause successful candidates to be notified of their election, but the names of the candidates shall not be entered in the Roll, nor will the admission, transfer or inclusion take place, until the fees and subscriptions, or difference between fees and subscriptions as between those classes of membership concerned, notified to them have been paid. Failure to pay such amounts within three months of notification shall nullify the election and/or membership of a candidate and a minute to this effect shall be recorded in the minutes of a subsequent Council

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meeting.

**8.5** In the case of non-election or non-transference, no mention thereof shall be made in the Council minutes.

**8.6** The Council may from time to time make, vary or rescind regulations for reinstatement of the membership of any person who has ceased to be a member pursuant to Article 12 notwithstanding any of the provisions of this Constitution. Upon the reinstatement of the membership of any person, he shall be deemed to be elected or admitted as a member and his name shall be restored in the Roll.

**8.7** All those admitted to membership of the Institute in any class shall be considered as belonging thereto until their names have been removed from the Roll and having agreed to observe and being bound by the provisions of this Constitution.

## **9 Roll of members**

**9.1** The Council shall cause to be kept a Roll of members of the Institute in such form as may be specified by the Council and the Secretary shall be responsible for the safe custody thereof.

**9.2** Upon election of a candidate and receipt by the Institute of the appropriate entrance fee and subscription or charges, or the difference between fees and subscriptions as between those classes concerned (as the case may be), admission or transfer shall be deemed to have taken place and the following particulars shall be recorded in the Roll:

(a) For admission:-

(i) name and any aliases;

(ii) address, e-mail address, telephone & fax number (home & office), mobile number for correspondence;

(iii) class of membership to which the candidate is elected in the first instance and the date of election;

(iv) Discipline(s) to which the candidate is/are elected;

(v) such other particulars as the Council may direct.

(b) For transfer:-

(i) class of membership to which the candidate is transferred;

(ii) date of transfer.

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(c) For election to additional Disciplines:-

(i) Discipline to which the candidate is elected.

**9.3** Any member who changes his name or alias or address or others for correspondence shall forthwith inform the Secretary who shall thereupon record the change or changes in the Roll.

**9.4** The names of elected candidates shall be published in the Journal or website referred to in Article 36.

## **10 Membership of Disciplines**

Subject to rules for Disciplines determined by the Council, all Corporate Members, Associate Members, Corporate Company Members and Recognized Professional Utility Specialists of the Institute shall become members of the Discipline in which they are, at the time of election, deemed competent to practice.

## **11 Conduct of members**

**11.1** To facilitate the advancement of the science, surveying, engineering, management and safety of the utility industry by preserving the respect in which the community holds persons who are engaged in the practice of utility specialties, every member shall at all times so order his conduct as to uphold the dignity and reputation of the Institute, and act with fairness and integrity towards all persons with whom his work is connected and towards other members.

**11.2** Every member shall at all times so order his conduct as to uphold the dignity and reputation of his profession and to safeguard the public interest in matters of safety and health and otherwise. He shall exercise his professional skill and judgment to the best of his ability and discharge his professional responsibilities with integrity.

**11.3** For the purpose of ensuring the fulfillment of the requirements of Article 11.1 and 11.2 of this Article, but without prejudice to their generality, the Council may make, vary and rescind rules to be observed by members of any class with regard to their conduct. No such rule, variation or rescission shall be in any way repugnant to this Constitution.

## **12 Resignation, expulsion and suspension**

**12.1** Any member on sending written notice to the Secretary that he is desirous of resigning from the Institute shall cease to be a member upon receipt of such notice by the Institute and his name shall be removed forthwith from the Roll subject to any regulations for reinstatement as provided under Article 8.6.

**12.2** If any member shall leave his annual subscription in arrear for six months from the

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commencement of the financial year, and shall fail to pay such arrear within three months after a written application has been sent to him at his last known address, his name shall be struck off the Roll pursuant to a resolution by the Council in that behalf at any time afterwards, and he shall thereupon cease to be a member subject to any regulations for reinstatement as provided under Article 8.6.

**12.3** No member whose subscription is more than six months in arrear shall be entitled to attend or take part in any meeting of the Institute or to enjoy or exercise any of the privileges of membership, provided always that the Council shall be free, at its discretion, to waive the enforcement of this provision.

**12.4** (a) The Council shall, at its first meeting after each Annual General Meeting, appoint a panel from which Boards of Inquiry may be formed for the purpose of considering and making recommendations to the Council in regard to any case of improper conduct of a member.

(b) The panel shall include Past Presidents and such senior Fellows of the Institute as the Council may deem appropriate. A Board of Inquiry shall be chaired by the President, the Immediate Past President or a Past President and shall have the power to call witnesses. Any investigation of improper conduct shall be conducted by such person, body or Committee as provided and dealt with in accordance with such regulation as the Council may specify pursuant to 12.6 of this Article.

(c) If any member ceases to be a member, any pending investigation or proceedings relating to his alleged improper conduct may be suspended or terminated by such person, body or Committee having conduct of such investigation or proceedings as it deems fit. In particular, in respect of any member whose membership is reinstated after he has ceased to be a member under Article 12.1 or 12.2, investigation or proceedings relating to his alleged improper conduct which were suspended or terminated at the time when he so ceased to be a member may be re-activated and/or continued by such person, body or Committee as newly appointed in accordance with such regulation as the Council may specify pursuant to 12.6 of this Article.

(d) If a member of any class shall be found by the Board of Inquiry to have been guilty of improper conduct, the Council may, by a resolution passed at a meeting of the Council at which at least three-fourths of the Members thereof present and voting vote in favour of the resolution (i.e. three-fourths of the total number of votes for and against the proposed resolution), order him to be expelled from the Institute, or that his membership be suspended for any period, or that he be reprimanded or admonished and/or that he be removed from the Roll.

**12.5** (a) An appeal by an accused member against any order of the Council under Article 12.4(d) (including for this purpose any finding of the Board of Inquiry) for improper conduct shall lie to an Appeal Committee comprising a barrister or solicitor under the Legal Practitioners Ordinance (Cap.159) of at least 7 years' standing and two (2) Past Presidents

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or senior Fellows to be nominated by the Executive and approved by the Council. The decision of the Appeal Committee shall be by simple majority thereof (which however must comprise the decision of the barrister).

- (b) The Council may from time to time make, vary or rescind regulations for the purpose of regulating the practice and procedures of the Appeal Committee provided that notwithstanding such regulations, the Appeal Committee may at its discretion from time to time adopt and regulate its own practice and procedures as it deems fit. No such regulation, or variation or rescission thereof, or such practice or procedures regulated or adopted by the Appeal Committee shall be in any way repugnant to this Constitution.
- (c) Upon any such appeal, the Appeal Committee may confirm, amend, add to, or reverse the order of the Council and/or order that the costs of and incidental to the proceedings of the Appeal Committee to be payable to the Institute by the accused member or an amount that the Appeal Committee considers is a reasonable contribution towards those costs shall be paid by the accused member. The decision of the Appeal Committee shall be final.

**12.6** Any order of costs made by the Appeal Committee against the accused member may be recoverable by the Institute as a debt against the accused member.

**12.7** For the purposes of this Article "improper conduct" shall include:-

- (a) the making of any false representation or untrue or misleading statement in works or in applying for election or transfer to any class of membership of the Institute or inclusion on the Register; or
- (b) any breach of this Constitution or of any regulation, rule or direction made or given thereunder; or
- (c) conviction by a competent tribunal of a criminal offence which in the opinion of the Council renders a member unfit to be a member; or
- (d) any conduct injurious to the Institute.

**12.8** The Council may make, vary or rescind regulations for the purpose of:-

- (a) regulating the procedure of proceedings, investigation and inquiries relating to any member's alleged improper conduct; and
- (b) providing for any other matter relating to the conduct of members.

No such regulation, or variation or rescission thereof shall be in any way repugnant to this Constitution.



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**12.9** The said regulations shall be designed to secure that any case of improper conduct of a member shall be adjudicated by impartial tribunals consisting either wholly or partly of Council Members; that an accused member shall be informed of the complaint or allegation before being called on to comment upon it; that before adjudication is made, the accused member shall be given a full and fair opportunity of being heard and of calling witnesses and of cross-examining any other witness; that in all respects the adjudication shall be made and the proceedings conducted and the decision reached in accordance with natural justice; that any decision shall be made known to the accused member and to members and others so far as may appear to be necessary or desirable with a view to the furtherance of the objects of the Institute; and that member shall not be expelled or have his membership suspended or be removed from the Roll unless at least three-fourths of the Council Members present and voting (i.e. three-fourths of the total number of votes for and against the proposed resolution for such expulsion, suspension or removal) upon his case so resolve after having received the report of the Board of Inquiry.

### **13 Fees and Subscriptions**

**13.1** The Council shall from time to time determine and publish entrance fees, transfer fees, subscriptions and any other fees to be charged along with regulations regarding their payment

**13.2** In order to secure admission, new members on election shall pay an entrance fee.

**13.3** In order to secure admission to a higher class of membership, members on election shall pay a transfer fee.

**13.4** In order to secure admission to additional discipline, members on election shall pay a transfer fee.

**13.5** A member of the Institute, other than an Honorary Fellow, shall pay an annual subscription, due at the commencement of the financial year, in respect of each year.

**13.6** Every member of any class, other than Honorary Fellow or Student Member, whose place of residence is abroad and who wishes to maintain contact with the Institute through the receipt of the Institute's Journal and Annual Report, may pay a reduced annual subscription known as the "non-resident subscription" and become a non-resident member.

**13.7** Any member who has retired from the practice of his profession or business, and is not in full time employment, may apply to the Council to pay a reduced annual subscription, dependent on the length of his continuous membership.

**13.8** The Council may charge other fees as may be required.

### **Part III: The Council**

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## **14 Composition of the Council:-**

### **14.1 The Council shall consist of:-**

(a) Officers

The President (as Chairman)  
The First Vice President (as Deputy Chairman)  
The Vice President (as Vice Chairman)  
The Immediate Past President  
Secretary General or Hon. Secretary in the absence of the Secretary General

(b) Council Members

The Chairman  
Deputy Chairman  
Vice Chairman  
Hon. Secretary  
Hon. Treasurer  
Elected Ordinary Members  
Chairmen of Committees/Boards  
Chairmen of Discipline Representative(s)  
Co-opted members (usually corporate company members' representatives)  
One Honorary Auditor (Non-Corporate Company Member, Nominated member by the Executive Committee)  
A maximum of two Honorary Legal Advisors (Non-Corporate Company Member, Nominated member by the Executive Committee )

(c) Elected Ordinary Members

Not more than five for each session and not less than two Elected Ordinary Members.  
(be effective on 1 April 2009)

(d) Ex-officio Associate Member

The elected Chairman of the Associate Members Committee when incorporated.

(e) Ex-officio Young Member

The elected Chairman of the Junior Committee.

(f) Co-opted Members

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The Council may co-opt not more than two Corporate Members other than those corporate company members' representatives if deemed necessary.

(g) Honorary Members

The Patron for the time being of the Institute and the closest ten (10) Past Presidents (excluding the Immediate Past President) of the Institute shall be honorary Council Members, without voting rights.

(h) Advisory Board

The Advisory Board may comprise of any number by invitation to the Institute, without voting rights. Advisors may be representatives from different related bodies.

**14.2** All Council Members, except where stated to the contrary above, shall have full voting rights, but so that no Council Member shall have more than one vote.

## **15 Nomination and Election of Council Members**

The vacancies on the Council shall be filled in accordance with the following requirements:-

**15.1** The President shall be elected by the outgoing Council from among those who is or have been the First Vice President, normally in order of seniority; failing whom, from among those who have been Vice Presidents or those Fellows who are or have been Council Members for at least two years. The President shall normally hold office for one year but, should the Council determine that circumstances are appropriate, he may be re-elected for a maximum of one further year.

**15.2** The Vice Presidents shall be nominated by the Council from among the Fellows who have been Council Members for at least two years for election by Corporate Members on the day of the Annual General Meeting. Incumbent Vice President(s) may be re-elected for up to two further consecutive years provided that the total period of service as Vice President shall not exceed three consecutive years.

**15.3** The Immediate Past President shall be the person who most recently has vacated the office of President.

**15.4** All Council Members must be:

- (a) a Corporate Member, and
- (b) a Corporate Member of the Institute for at least three years, and
- (c)(i) a past or current Discipline representative, or  
(ii) a past or current Committee chairman who had or has served on any of the Committees

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for at least two years.

- 15.5** The Council shall determine from time to time the number of Elected Ordinary Members of the Council. No member shall be eligible for election to the Council without having been a Corporate Member of the Institute for at least three years (Note: Prior to 31 March, 2009, the Executive Committee (or now the council and other committees) will hold the office for a Session of two years. Effective from 1 April, 2009, all such positions will only be for one year).
- 15.6** Normally such number as is nearest to one-fourth of the Elected Ordinary Members of the Council shall retire each year and shall not be eligible for re-election in that capacity until at least eleven months have elapsed following retirement, those to retire being those who shall have been longest in office since the date of their last election but as between persons who became Council Members on the same date, those to retire being determined by lot. For the purpose of this Article, the number of Elected Ordinary Members retiring shall include those ceasing to be Elected Ordinary Members for any reason, e.g. resignation, promotion, vacation of office or death. No person shall serve as an Elected Ordinary Member for more than four years consecutively.
- 15.7** At no time shall the Council include in its Membership in any capacity such a number of persons employed by or otherwise engaged with any one company, public service, undertaking, firm or other organisation as to constitute a majority of the voting Council Members.
- 15.8** Not later than twenty-eight (28) days before the date of the Annual General Meeting the Council shall circulate to all Corporate Members the names of the President, the Immediate Past President and the Council Members for the ensuing year, and a list of Council's nominations for the other Officers. Not later than twenty-one (21) days before the Annual General Meeting any two Corporate Members may submit to the Secretary in writing a nomination, accompanied by the nominee's consent to serve if elected, of any other person duly qualified to fill a vacancy for Elected Ordinary Member for the Council. Not later than fourteen (14) days before the Annual General Meeting the Council shall circulate a list of all nominations for Officers and for Elected Ordinary Members of the Council to be elected pursuant to Article 15.10.
- 15.9** Council Members (discipline) shall normally be the Chairmen of the Discipline Representatives of that Discipline. Only Corporate (Professional) Members of the corresponding Discipline will be eligible to be elected as a member of the Council. The term of office for a Council Member (Discipline) shall normally be two years from the Institute's Annual General Meeting immediately following the election and the incumbent shall not be eligible for re-election in the capacity of Council Member (Discipline) until at least eleven months have elapsed following retirement.
- 15.10** The Vice President(s) and Elected Ordinary Members shall be elected on the day of the Annual General Meeting by the Corporate Members voting in person (or letter of Authority signed by

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the Chairman or Managing Director of the company in case of Corporate Company Members) at voting centre(s) by way of secret ballot. The new Council shall assume office immediately after the closure of the Annual General Meeting. The venue of the Annual General Meeting and voting centre(s) shall be determined by the Council.

**15.10.1** To be re-elected as Vice President, each incumbent Vice President must receive a simple majority of the total number of valid votes (i.e. total number of votes for and against) cast in his favour.

**15.10.2** In the event that the number of new candidates (excluding any incumbent Vice President) for election as a Vice President

(a) is the same or less than the number of vacancies (including any vacancy not filled by any incumbent Vice President), each such new candidate must satisfy the condition provided in Article 15.9 & 15.10 as if he was an incumbent Vice President; or

(b) is more than the number of vacancies (including any vacancy not filled by any incumbent Vice President), the method of election for such new candidates shall be on "first past the post" basis provided that where there is equality of votes among such new candidates, their election shall be determined by lot.

**15.10.3** In the event that there shall still remain any vacancy in respect of Vice President, the vacancy shall be filled by applying Article 16.1 (b)(i) as if a casual vacancy in respect thereof had occurred.

**15.10.4** The method of election of Elected Ordinary Members shall be on "first past the post" basis. In the event that the number of candidates for election as Elected Ordinary Members is the same as or less than the number of vacancies, a ballot shall not be required to be held for their election and such candidates shall be deemed to be elected at the Annual General Meeting. In the event that there is equality of votes among the candidates for election as Elected Ordinary Members whose number is more than the remaining number of vacancy or vacancies, their election shall be determined by lot.

**15.11** The term of office for Co-opted members shall normally be for up to one year to be determined by the Council upon appointment, although they shall be eligible for a successive co-option for up to one further year.

**15.12** The term of office of the ex-officio elected Chairman of the Associate Members Committee shall be the period during which he is the holder of that office.

**15.13** The term of office of the ex-officio elected Chairman of the Junior Members Committee shall be the period during which he is the holder of that office.

## **16 Casual vacancies**

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**16.1** Without prejudice to the generality of the provisions contained in Article 15, any casual vacancies which may occur on the Council shall be filled in accordance with the following requirements:-

- (a) If a casual vacancy shall occur in the office of the President, it shall be filled by the Council as soon as practicable by appointing one of the Vice Presidents for the time being in the order of their seniority on the Council and who is able and willing to serve the Institute as the new President, provided that any President so appointed shall hold office for the remainder of the term left vacant; and for one further year subject to confirmation by the outgoing Council.
- (b) (i) If a casual vacancy shall occur in the office of any of the Vice Presidents, the Vice Presidents in the order of seniority will move up to fill the relevant vacant position in any of the Committees as referred to in Article 24.3. The Council shall appoint one of the three non-office bearing Council Members on the Executive; failing this, one from among their number, to be the acting Vice President and perform the duties that are pertinent to that of the most recently elected Vice President or such duties as the Council may otherwise assign to him until the next Annual General Meeting.
- (ii) If a casual vacancy shall occur in the office of any of the Elected Ordinary Members, the election of the new Elected Ordinary Member to fill the remaining term of the vacancy will take place in the following Annual General Meeting.
- (c) If a casual vacancy shall occur in the office of any of the Council Members, Ex-officio Associate Member and Ex-officio Young Member, the mechanism to fill the vacant position shall follow the same manner when such a position was filled.
- (d) If a casual vacancy shall occur in the office of the Immediate Past President, it shall be filled by the Council as soon as practicable by appointing a most recent Past President who is able and willing to serve the Council as the new Immediate Past President.

**16.2** The continuing Council Members may act notwithstanding any vacancies in the Council, provided that if the number of Council Members (including Officers) shall be reduced below twelve (12), the continuing Council Members may act for the purpose of filling vacancies in their body or of summoning a Special General Meeting but for no other purpose.

**16.3** A Council Member shall vacate his office if (a) he becomes bankrupt or of unsound mind or resigns his office by notice in writing to the Secretary or if he ceases for any reason to be a member of the Institute or (b) he is absent from more than three consecutive meetings of the Council without giving adequate reason and the Council thereupon resolves that he has vacated office.

## **17 Proceedings, powers and duties of the Council**

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- 17.1** The Council shall meet as often as the business of the Institute requires at such times and places as shall be determined by the Council from time to time. Provided however that upon the written request of three (3) Council Members given at any time, the Secretary shall summon a meeting of the Council by notice served upon the Council Members. Council Members shall be given at least seven (7) days notice in writing of all meetings of the Council.
- 17.2** Only Council Members shall be entitled to receive notice of and attend meetings of the Council. Notwithstanding the aforesaid, the Council may invite observers (including visitors and members) to meetings of the Council in such manner as it deems appropriate and such observers may provide information on their respective areas. Any Committee may invite any of its members to attend meetings of the Council on matters or issues relating to such Committee which are to be discussed at such meetings. Such attendance upon the invitation of the Council or any Committee shall not constitute the observer a Council Member nor afford him any right to vote at such meetings.
- 17.3** The Council shall direct and manage the property and affairs of the Institute except those matters that are required by this Constitution to be exercised or done by the Institute in General Meeting. No resolution passed in General Meeting shall invalidate any prior act of the Council.
- 17.4** Unless and until otherwise determined by the Council, six (6) voting Council Members shall form a quorum. Questions arising at a meeting of the Council shall be determined by a majority of those present and voting (i.e. a majority of the total number of votes for and against the proposed resolution), except as otherwise provided for in this Constitution. Any resolution involving a proposal to revoke, amend or add to this Constitution shall not be carried unless three-fourths of the Council Members then present and voting shall vote in favour of the resolution (i.e. three-fourths of the total number of votes for and against the proposed resolution). At meetings of the Council every Council Member shall have one vote even though he may be serving in more than one capacity. In the case of an equality of votes, the President of the meeting shall have a second or casting vote.
- 17.5** The Council shall have power to invite and appoint any person of prominence to act as the Patron of the Institute and to terminate his appointment at any time.
- 17.6** Implementation of the policy and direction of the Council and urgent matters arising between Council meetings shall be dealt with by the Executive, which shall comprise the President, who shall be the Chairman; the Immediate Past President, the Vice Presidents, three Council Members, at most three (3) representatives belonging to different Disciplines, to be elected by the Council, and the Secretary. Two more Council Members may be co-opted to the Executive with the approval of the Council. Terms of reference and duties of the Executive shall be laid down from time to time by the Council. The Executive may invite observers (including visitors and members) to meetings of the Executive in such manner as it deems appropriate and such observers may provide information on their respective areas. Any

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Committee may invite any of its members to attend meetings of the Executive on matters or issues relating to such Committee which are to be discussed at such meetings. Such attendance upon the invitation of the Executive or any Committee shall not constitute the observer a member of the Executive nor afford him any right to vote at such meetings. Any decision affecting policy made at an Executive meeting shall be notified as soon as possible to all members of the Executive. Any one member of the Executive may require any decision taken to be referred to the Council for endorsement prior to its implementation. The Executive, being ex-officio, shall come into existence immediately after the closure of the Annual General Meeting.

- 17.7** (a) The Council shall appoint standing or temporary Committees to deal with such matters as the Council may deem necessary and may delegate authority to such Committees. The terms of reference, constitution, regulations, rules, powers and duties of each standing or temporary Committee together with powers to appoint sub-committees, or any variation or rescission in respect thereof shall be made from time to time by the Council. The President of each such Committee shall be appointed by the Council. The President of a standing Committee shall retire at the end of each session and shall be eligible for reappointment each year up to three consecutive years but under exceptional circumstances may serve not more than five consecutive years in that capacity.
- (b) All members shall be eligible for service on standing or temporary Committees, subject to any restrictions stated elsewhere in this Constitution. The term of re-appointment of members of standing and temporary Committees should be the same as for the President unless otherwise specified in the Management & Administration Manual for ex-officio posts.
- (c) The Officers shall have the right to attend the meetings of all standing or temporary Committees.
- (d) Save as provided for in clause (2) of Article 8, the quorum for any meeting of a standing Committee shall not be less than three (3) Corporate Members, unless otherwise approved by the Council.
- 17.8** The Council may sub-divide the membership of the Institute for learned society or kindred purposes into Divisions, sections, chapters or other form, at its discretion, if sufficient evidence is produced of the demand for the formation of such Divisions, sections, chapters or other form.
- 17.9** The number and composition of Divisions shall be determined by the Council which shall also determine their rules. Any change in the number of Divisions must be approved by a resolution passed at a meeting of the Council at which at least three-fourths of the Members thereof present and voting vote in favour of the resolution (i.e. three-fourths of the total number of votes for and against the proposed resolution). Division rules shall be common



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and applicable to all Divisions respectively. The Council shall also determine the rules for any sections or chapters that may be formed. A general section for young members may operate under special rules approved by the Council. The Council shall also determine the rules for the Associate Members Committee.

**17.10** The office of a member of a Committee or a sub-committee shall be vacated if (a) he ceases to be a member of any class of the Institute or (b) he is absent from more than three consecutive meetings of the body concerned without giving adequate reason and the Council thereupon resolves that he has vacated office.

**17.11** No act done by the Council, whether ultra vires the Council or not, which shall have received the sanction of a General Meeting, shall be afterwards impeached by any member on any ground whatever, but shall be deemed to be an act of the Institute, provided that, although ultra vires the Council, it be within the powers of the Institute.

**17.12** All acts done by any meeting of the Council or a Committee or by any person acting as a Council Member or member of a Committee shall, notwithstanding that it be afterwards discovered that there was some defect in the appointment or continuance in office of any such body or person acting as aforesaid or that they or any of them were disqualified, but as valid as if every such body or person had been duly appointed or had duly continued in office and been qualified.

**17.13** The Council shall draw up an annual report on the state of the Institute and shall present it together with a statement of income and expenditure of the Institute during the financial year to which the annual report relates and a statement of the assets and liabilities of the Institute made up to the last day of the financial year, together with the report of the Auditors thereon, at each Annual General Meeting.

**17.14** It shall be the duty of the Council to take all necessary steps to protect the Institute's intellectual property rights (including but not limited to rights in the Institute's insignia) from being infringed or otherwise violated and to procure strict observance of the terms and conditions on which any licence in respect of such rights is granted.

## **18 Regulations**

The Council may from time to time make, vary or rescind any regulations, rules, procedures, directions, guidance notes, guidelines or manuals governing academic requirements, examinations, training, continuing professional development, professional interviews, election, conduct and other matters incidental to the objects or business of the Institute. Such regulations, rules, procedures, directions, guidance notes, guidelines or manuals shall be interpreted by the Council whose decisions in respect thereof shall be conclusive and binding. No such regulations, rules, procedures, directions, guidance notes, guidelines or manuals, or variation or rescission in respect thereof shall be in any way repugnant to this Constitution.

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## **19 Duties of President and Vice President**

- 19.1** To preside over the Executive Committee meetings and to be responsible for the proper conduct of the business at all such meetings.
- 19.2** To represent HKIUS in dealing with outside organizations; provided that, before any agreements, contracts or undertakings are made on behalf of HKIUS, the approval must be obtained from at least 5 Executive Committee members or during the committee meetings.
- 19.3** To conduct any correspondence on behalf of HKIUS and to sign all documents as the President of HKIUS, save that s/he may, at her/his discretion, direct the Vice-President or the Secretary of HKIUS to sign on her/his behalf.
- 19.4** To supervise the functions organized by HKIUS, to superintend the general administration of the affairs of HKIUS, and to endeavor to secure the observance of HKIUS rules by all members.
- 19.5** To give guidance to other members of the Executive Committee or other co-opted organizers on matters relevant to the running of HKIUS.
- 19.6** To nominate any Council or Executive Committee Member to be the Chairperson of an ad hoc Sub-committee for specified activities.
- 19.7** To delegate such responsibilities as may be relevant to the interest of HKIUS to any member of the Council and the Executive Committee or Chairperson of a Sub-committee.
- 19.8** The First Vice-President shall deputize for the President and, in the President's absence or in the event of his inability to perform his duties, shall assume the responsibilities of the President.
- 19.9** To appoint members of the Executive Board to sit on outside organized committees when invited.
- 19.10** To be eligible as a candidate for Vice President, the member must have served for the Council for at least 4 years.
- 19.11** To be eligible as a candidate for First Vice President, the member must have served as Vice President for at least 1 year.
- 19.12** To be eligible as a candidate for President, the member must have served as First Vice President for at least 1 year.
- 19.13** All members to be elected or re-elected and be elected must have fully paid their annual subscription on time, otherwise their power and right will not be entitled.

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## **20 The Secretary**

The Secretary of the Institute shall be appointed by the Council, which shall determine the terms and conditions of the appointment. It shall be the duty of the Secretary in person or by deputy, under the direction of the Council, to conduct the correspondence of the Institute, attend all meetings of the Council and other committees as directed by the Council, take minutes of the proceedings of such meetings and conduct the collection of all entrance fees, subscriptions and other charges. He shall also engage and be responsible for persons employed under him. He shall keep the Roll up-to-date and provide for the security of the same in accordance with the instructions of the Council. He shall conduct the ordinary business of the Institute in accordance with this Constitution and the directions of the Committee responsible for the administration. (???) With the approval of the Committee responsible for the administration, the Secretary may make arrangements to employ deputies or assistants or the professional services of Certified Public Accountants, lawyers, other professional advisers and firms undertaking secretarial services.

## **21 Duties of Honorary Treasurer**

- 21.1** To be responsible for the safety of all moneys belonging to HKIUS and to keep full and accurate accounts of all moneys received or paid out on behalf of HKIUS
- 21.2** To prepare a financial statement for each meeting of the Executive Committee and to submit a financial report for the past year and an audited statement of account at the Annual General Meetings.
- 21.3** To give the auditor all necessary assistance and to make documents available for the audit of the accounts of HKIUS.
- 21.4** To arrange the payment of all bills and accounts payable by HKIUS and issue receipts for all moneys received by HKIUS, provided that he shall not make any payment until the expenditure has been approved by the Executive Committee.
- 21.5** To be responsible for the collection of all subscriptions and other moneys due to HKIUS.
- 21.6** To keep a register of all properties of HKIUS and of the names of members in whom any property has been vested.

## **22 Assessors/Discipline Representative(s)**

- 22.1** The Council shall appoint assessors/Discipline Representatives in each discipline to assess and maintain membership qualifications and standards in the utility profession.
- 22.2** Assessors/Discipline Representatives will be invited and appointed by HKIUS council from time to time and the List of Assessors/Discipline Representatives will be confirmed

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and updated at the Executive Committee Meetings.

## **23 The Seal**

The Common Seal of the Institute shall not be affixed to any instrument except by the authority of a resolution of the Council, and in the case of all instruments the seal shall be affixed only in the presence of the President and of the Secretary or such other persons as the Council may appoint for the purpose; the President and the Secretary or other person as aforesaid shall sign every instrument to which the Common Seal of the Institute is so affixed.

## **24 Duties of the Officers of the Institute**

**24.1** The President, or in his absence the Immediate Past President, or in his absence one of the Vice Presidents, shall take the chair at all General Meetings of the Institute and at the Council meetings and shall regulate the proceedings. If, however, neither the President, the Immediate Past President nor any of the Vice Presidents are present within fifteen (15) minutes of the time appointed for a meeting of the Council or within thirty (30) minutes of the time appointed for a General Meeting of the Institute, then, in the case of a meeting of the Council, the Members present may elect one of their number to take the chair for that meeting; in the case of a General Meeting of the Institute the President shall be determined in accordance with Article 35.4.

The President shall personally act in all matters between the Institute and the Government or the Institute and any other Institute or society, unless he shall have specifically delegated his authority to another Officer, Council Member, or the Secretary.

## **25 Auditors**

**25.1** At each Annual General Meeting, the Institute shall appoint a recognised firm of Certified Public Accountants as the Auditors of the Institute who shall hold office until the next Annual General Meeting.

**25.2** The Auditors shall be entitled, at any time, to have all books of account, vouchers and other financial records of the Institute and to require information and explanations thereon as they think fit.

**25.3** The Auditors shall audit the annual accounts drawn up as required by Article 17.12 as soon as possible and shall make a report to the Council.

**25.4** A copy of the signed and audited statement of accounts together with the Auditors' report shall be:

(a) sent to each member at least seven (7) days prior to the Annual General Meeting; and

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(b) submitted for approval to the Annual General Meeting following the end of the financial year to which it relates.

**25.5** Auditors shall be eligible for re-appointment and shall be deemed to have been nominated for re-election unless a representative of the firm for the time being in office informs the Council in writing, not less than fourteen (14) days before the Annual General Meeting, that the firm does not wish to be reappointed.

**25.6** The Institute may, at an Annual or Special General Meeting, by resolution passed by not less than half of the Corporate Members present and voting thereon (i.e. half of the total number of votes for and against the proposed resolution), remove a firm of auditors from office and may, by resolution passed at the same Meeting by a majority of the Corporate Members present and voting thereon (i.e. a majority of the total number of votes for and against the proposed resolution), appoint another firm of auditors in its place. If no such appointment is made, the Council may appoint another firm of auditors in place of the firm so removed.

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## **Part IV: The Executive Committee**

### **26 Executive Committee**

- 26.1** The Executive Committee of HKIUS shall consist of not less than 8 Corporate Members and representatives from voting Company Members, but shall not exceed 20 Members in total (Members of Sub-committees are excluded).
- 26.2** Members of the Executive Committee shall be appointed to the following positions:  
One Chairman (Nominated member by the Executive Committee)  
One Deputy Chairman (Nominated member by the Executive Committee)  
Other Committee Members (Appointed or elected at the AGM/EGM)
- 26.3** All members of the Executive Committee shall hold office for at most two (2) terms. All resigned members of the Executive Committee may be re-elected. All members of the Executive Committee may hold office in the same post but for a maximum of 4 consecutive years.
- 26.4** Should vacancies occur, for any reason, in the elected member of the Executive Committee, the Executive Committee shall appoint those candidates who obtained the next highest number of votes at the election preceding the Annual General Meeting to take up the post, and the persons so appointed shall continue in the post for the remaining period in which the Executive Committee is in office. In the absence of such candidates, the Executive Committee shall, at its discretion, appoint any Member willing to serve as co-opted members.
- 26.5** The Executive Committee may appoint Sub-committees of two or more members to deal with specific activities of HKIUS. They will promulgate their own by-laws, but these must receive the approval of the Executive Committee before becoming effective. These by-laws will be posted in a conspicuous place showing the date when they come into force.
- 26.6** The Executive Committee may appoint an ad hoc Sub-committee when necessary but it will be dissolved on the completion of its assignment.
- 26.7** An elected member of the Executive Committee who wishes to tender his/her resignation shall do so by letter addressed to the Executive Committee. A nominated member of the Executive Committee who wishes to resign shall do so by letter addressed to the Chairman of the Executive Committee.
- 26.8** The Executive Committee Members shall not become salaried employees of HKIUS, nor receive from it any remuneration.
- 26.9** If the Chairman vacates his office, he shall be acted by the Deputy Chairman, and the office of the Deputy Chairman shall be taken over by one of the other Executive Committee

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Members elected by the Executive Committee.

**26.10** Between 1 April 2003 and 31 March 2009 office holders will be appointed for duration of 2 years for each term.

**26.11** With effect from 1 April 2009, 50% of the Executive Committee Members will be elected or re-elected annually (50% of the Executive Committee Members will be elected or re-elected on the Annual General Meeting for year 2009/2010 and serve for two (2) years. The rest of the current Executive Committee Members will be elected or re-elected at the Annual General Meeting for year 2010/2011 and serve for two (2) years).

**26.12** Chairman and Deputy Chairman will be elected or re-elected bi-annually from 1<sup>st</sup> April, 2011.

## **27 Executive Committee Meeting**

**27.1** The Honorary Secretary shall call for Executive Committee Meetings in regular basis with at least 7 days prior notice. The Honorary Secretary shall send the agenda together with the minutes of previous meeting to all Executive Committee Members at least 4 days prior to the meeting. The meeting will normally be held outside office hours.

**27.2** A meeting may be initiated by two or more members of the Executive Committee subject to the submission of written notice of intention to the Honorary Secretary at least 10 days in advance.

**27.3** The Chairman, or in his absence the Deputy Chairman, shall normally preside over Executive Committee meetings. In the absence of both the Chairman and the First Vice-Chairman or the Deputy Chairman at a particular meeting, the Executive Committee shall elect from those presentees a temporary Chairman for that meeting.

**27.4** A quorum of 30% of the total number (or 6 members whichever is smaller) of Executive Committee members shall be satisfied for any Executive Committee meetings.

**27.5** Questions arising at any meetings shall be decided by a majority of votes. In case there is a tied vote, the Chairman of the meeting shall have the casting vote.

## **28 Role of Executive Committee**

**28.1** To promote the objectives of HKIUS.

**28.2** To delegate as necessary and to promote HKIUS objectives to Sub-committees

## **29 Duties of Honorary Secretary**

**29.1** To call for Executive Committee meetings and Annual General Meetings and Extraordinary

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General Meetings and follow the rules set in this constitution.

- 29.2** To keep minutes of the proceedings of all Executive Committee meetings, and all Annual and Extraordinary General Meetings.
- 29.3** To prepare and deliver at the Annual General Meeting a report of the past year.
- 29.4** To conduct all correspondence on behalf of HKIUS in accordance with the resolutions passed at the Executive Committee meetings and any other meetings held.
- 29.5** To maintain a register of all members and issue membership certificates.
- 29.6** To keep the seals and documents in safe custody.
- 29.7** If the Secretary is absent from a particular meeting, the Executive Committee shall elect from those present a temporary Secretary for that meeting.

### **30 Duties of Executive Committee Members**

- 30.1** To attend Executive Committee Meetings.
- 30.2** To conduct any business delegated to them by the Chairman.
- 30.3** To maintain liaison between the Executive Committee and all members.
- 30.4** To constitute a quorum at any meeting of the Executive Committee.
- 30.5** To appoint, and determine the remuneration of, any full or part time staff of HKIUS.

### **31 Sub-Committees**

- 31.1** All Sub-committees appointed by the executive Committee shall consist of at least 1 Full Member of HKIUS, who normally should also be a member of the Executive Committee.
- 31.2** Any Sub-committee so formed shall conform to any regulation that may from time to time be imposed upon it by the Executive Committee.
- 31.3** The Chairperson of any Sub-committee shall prepare a budget for the approval of the Executive Committee, and shall be responsible for funds used solely to meet the expenditure necessary for the effective running of that Sub-committee, and shall submit a Treasury report of that Sub-committee as directed by the Executive Committee for the Committee's information.
- 31.4** The Chairperson of any Sub-committee shall keep the Executive Committee informed of the progress of current events.



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## **32 Nomination And Election Of Committee Members**

- 32.1** New Executive Committee Members shall be proposed at least 7 days before each Annual General Meeting by nomination and by ballot. Balloting shall be supervised by Returning Officers to be appointed by the Chairman and his delegate officer.
- 32.2** Any member desirous of being nominated for the Executive Committee at the Annual General Meeting should give notice in writing to the Honorary Secretary not less than 14 days before the date of such meeting, stating the Member's name, and the proposer and seconders' names. Such notice shall be signed by the nominator.
- 32.3** The Members proposed shall signify their willingness to accept the proposal by appending their signature to the notice. By doing so they agree to serve on the Executive Committee if elected and approved.

All members to be elected or re-elected and be elected must have fully paid their annual subscription on time, otherwise their power and right will not be entitled.

## **Part V: Meetings**

### **33 Annual General Meetings**

- 33.1** Annual General Meeting shall be held in accordance with Article 33.2 and shall be specified as such in the notice convening it. All other General Meetings shall be called Special General Meetings.
- 33.2** An Annual General Meeting shall be held in each calendar year at such time and place as shall be determined by the Institute in General Meeting or by the Council provided that it is not less than nine (9) months nor more than fifteen (15) months after the previous Annual General Meeting.

### **34 Extra-Ordinary General Meetings (EGM)**

A EGM may be convened at any time by the Council and shall be convened by it on the requisition of not less than twenty (20) Corporate Members. Any such requisition must state the objects of the Meeting and must be signed by the requisitionists and be deposited with the Secretary of the Institute but may consist of several documents in like form each signed by one or more requisitionist. If the Council shall not, within twenty-one (21) days from the date of the deposit of the requisition, proceed to convene a Meeting the requisitionist or any of them representing more than half their total may themselves convene a Meeting but any such Meeting so convened shall not be held after the expiration of three months from the said date of deposit. A Meeting convened by requisitionists under this Article shall be convened in the same manner, as nearly as possible, as that in which

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meetings are to be convened by the Council and the reasonable expenses incurred by the requisitionists by reason of the failure of the Council duly to convene a Meeting shall be repaid to the requisitionists by the Institute.

### **35 Notice of and procedure at General Meetings**

- 35.1** Twenty-eight (28) days notice in writing of every Annual and Special General Meeting (exclusive both of the day on which the notice is given or deemed to be given and of the day fixed for the Meeting), specifying the place, day and hour of the Meeting, and the general nature of any special business to be transacted thereat, shall be given to the Auditors and to every person on the Roll (except as provided by Article 37) and no other special business shall be transacted at any such Meeting save that a vote on any amendment to the proposal may be accepted by the President provided that the amendment is formally proposed and seconded by Corporate Members present at the Meeting but the President shall not accept any amendment which in his opinion will have the effect of making a major change in the substance of the original proposal. Accidental omission to give the notice described above to, or the non-receipt of such a notice by, any person entitled to receive the same shall not invalidate the proceedings of any such Meeting.
- 35.2** The quorum for Annual and Special General Meetings shall be twenty (20) Corporate Members votes. For any Special General Meeting convened on the requisition of Corporate Members, if a quorum be not present within thirty (30) minutes from the time appointed for the Meeting, the Meeting shall be dissolved. In any other Annual or Special General Meeting, if a quorum be not present within thirty (30) minutes from the time appointed for the Meeting, the Meeting shall stand adjourned and the Corporate Members shall be notified in writing of the revised time, date and place for the Meeting, which shall be within two (2) weeks of the adjournment. If at the adjourned Meeting a quorum is not present within thirty (30) minutes from the time appointed for the Meeting, the Corporate Members present shall be a quorum.
- 35.3** Special business shall include all business for transaction at a Special General Meeting, and all business for transaction at an Annual General Meeting except for the consideration of the Annual Report of the Council, the annual accounts and report of the Auditors, the elections to fill vacancies on the Council and the appointment of Auditors which shall be deemed ordinary business.
- 35.4** The President, or failing him the Immediate Past President, or failing him a Vice President, shall preside as Chairman at every Annual or Special General Meeting of the Institute. If none of such Officers is present within thirty (30) minutes from the time appointed for holding any such Meeting, the members present shall choose a Council Member, and if none is present one of their number, to act as chairman.
- 35.5** The chairman may, with the consent of an ordinary resolution of the Meeting, adjourn the Meeting from time to time and from place to place.

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- 35.6** All Corporate Members (except Retired Corporate Members) shall have the right to vote in person at any Annual or Special General Meeting of the Institute and each such Corporate Member shall have one or relevant number of vote(s). In the case of any equality of votes, the chairman of any such Meeting shall have a second or casting vote. All votes shall be given personally and proxies shall not be allowed.
- 35.7** No member whilst he is in receipt of any salary or emoluments from the Institute shall be entitled to vote at any General Meeting, Council or Committee meeting, although he may express his views at such a meeting.
- 35.8** At any Annual or Extra-Ordinary General Meeting of the Institute, a resolution put to the vote of the Meeting shall be decided on a show of hands unless a ballot is demanded by at least twelve (12) Corporate Members present and entitled to vote before the declaration of the result of the show of hands. Unless a ballot is so demanded, a declaration by the chairman that a resolution has, on a show of hands, been carried, or carried unanimously, or by a particular majority, or lost, or not carried by a particular majority, and any entry to that 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. If a ballot is duly demanded, it shall be taken at such time and place and in such manner as the chairman shall direct and the result of it as determined by two scrutineers appointed by the Council shall be deemed to be the resolution of the Meeting at which it was demanded. The result of the ballot shall be notified to the members in the manner provided in Articles 36 and 37. No ballot may be demanded on the election of a chairman of an Annual or Special General Meeting, or on a question of adjournment which shall be decided by a show of hands.

## **Part VI: Miscellaneous**

### **36 The Journal**

- 36.1** The Council shall cause to be published an official publication of the Institute (hereinafter called "the HKIUS Journal") which as and when published shall be sent to each member. Papers read before the Institute or any of its technical groups, Divisions or chapters may be published in the HKIUS Journal, as appropriate, and where possible the publication shall include any recorded discussion. At the discretion of the Council or Committee nominated by the Council, papers not read before the Institute or Divisions may be published. The HKIUS Journal may be used by the Council or by the Secretary of the Institute for the publication of such notices, including notices of General Meetings, results of ballots, and other information as the Council or the Secretary of the Institute shall think fit.
- 36.2** To defray the cost of publication of the HKIUS Journal, the Council may in its absolute discretion to appoint an Agent to run the Journal and allow advertising of a commercial nature in the HKIUS Journal but the Council shall ensure that any such advertisements are of a

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proper nature.

### **37 Service of notices**

- 37.1** A notice, which may or may not be contained in the HKIUS Journal, may be served by the Institute upon any member, either personally or by sending it by prepaid letter post addressed to the member at his address for correspondence on the Roll. It is the obligation of each member to update the Secretary of any changes to his address for correspondence from time to time.
- 37.2** Any notice, if served by post, shall be deemed to have been served on the day following that on which the letter or wrapper containing the same was posted and in proving such service it shall be sufficient to prove that the letter or wrapper containing the notice was properly addressed, stamped and posted.
- 37.3** Only a member who has an address for correspondence within Hong Kong shall be entitled to receive notices.

### **38 Property and funds**

- 38.1** HKIUS is a not-for-profit organization.
- 38.2** Donations may be accepted by the Institute.
- 38.3** All the monies of the Institute in excess of such current balance in the hands of the Secretary as the Council shall from time to time require the Secretary to keep in current account or in hand to meet the current expenses of the Institute shall be invested subject to the provisions of this Constitutions.
- 38.4** The funds of HKIUS shall be used solely to meet the expenses incurred for the efficient running of HKIUS generally.
- 38.5** Funds will be deposited at a bank or invested as decided by the Executive Committee. Two signatures (either of the President, the First Vice-President, the Vice-President, the Honorary Treasurer or the Honorary Secretary) shall be required on cheques drawn on the funds of HKIUS.
- 38.6** The property of HKIUS shall be vested in such members as the Committee may from time to time direct, and when any such property has been vested in any member, that member shall be responsible for its safe custody and return as appropriate. Each member shall keep a full record of all the property vested in him, and a register of all property vested shall be kept by the Honorary Treasurer, and submitted to the Executive Committee for audit before the Annual General Meeting.

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### **39 Council Members and members not to incur personal liability**

**39.1** Each Council Member shall be accountable in respect of his own acts only and shall not be accountable for any acts done or authorised to which he shall not have expressly assented. Subject as hereinafter provided, no Council Member shall incur any personal liability in respect of any loss or damage incurred through any act, matter or thing done, authorised or suffered by him, being done in good faith for the benefit of the Institute, if believed by him to be within, although actually in excess of, his legal power, provided nevertheless that no Council Member shall be exempted from or indemnified against any liability which by virtue of any rule or law would otherwise attach to him in respect of any negligence, default, breach of duty or breach of trust of which he may be guilty in relation to the Institute, but the Institute may indemnify him against any liability incurred by him in defending any proceedings, whether civil or criminal, in which judgement is given in his favour, or in which he is acquitted.

**39.2** The Institute shall indemnify Council Members individually and collectively against claims by third parties in any matter connected with the affairs of the Institute to such amount as the Council from time to time shall agree.

### **40 Amalgamation**

The Institute may enter into agreements for the purposes of amalgamating with any kindred Institute, or society, having objects similar to those of the Institute. Any such amalgamation must be approved by a resolution passed by not less than three-fourths of the Corporate Members present and voting (i.e. three-fourths of the total number of votes for and against the proposed resolution) at an Annual or Special General Meeting of the Institute called for this purpose, in accordance with the Constitution. Thereafter the members of such kindred Institute or society shall, subject to such conditions as the agreements may prescribe, be Corporate or Non-Corporate Members of the Institute.

### **41 Amendment of Constitution**

A resolution to amend, revoke or add to this Constitution shall not be valid unless:-

**41.1** the intention to propose it shall have been specified in a notice convening a Special General Meeting at which it is proposed;

**41.2** it shall have been set forth in the notice convening such Special General Meeting; and

**41.3** it is carried by not less than three-fourths of the Corporate Members present and voting (i.e. three-fourths of the total number of votes for and against the proposed resolution).

### **42 Dissolution**

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- 42.1** HKIUS shall not be dissolved except by resolution to that effect, at an Annual General Meeting or Extra-ordinary General Meeting, by at least half (50%) votes of Fully Paid-up Voting Members of HKIUS who are present and are entitled to vote
- 42.2** The Annual General Meeting or Extra-ordinary General Meeting, at which any such dissolution of HKIUS is resolved, shall appoint a liquidator who shall release the assets of HKIUS and settle all accounts and debts.
- 42.3** No money realized on HKIUS' assets shall be paid to any member, and all surplus moneys, if any, in a winding-up of HKIUS shall be donated to a charitable Association to be named at the Annual General Meeting or Extra-ordinary General Meeting at which the winding-up of HKIUS is approved.
- 42.4** If, on winding-up, HKIUS is found to have a deficit of liabilities over assets, the liquidator shall call upon all Full Members, both Company and Individual Members, whose names appear on the register from 6 months before the Annual General Meeting or Extra-ordinary General Meeting approving the winding-up of HKIUS, to bear a share of the deficit, the amount born to be in proportion to their voting rights. The limit of such amount for each member shall be HK\$1,000.

#### **43 Continuing Professional Development**

- 43.1** The HKIUS believes it is incumbent on every individual Member of the Institute to be sensitive to the requirements of society and the profession, and consequently, to develop a self continuing professional development programme to respond to local and international requirements and to provide opportunities for oneself to be able to develop their skills so that they can deliver programmes meeting local and international professional and academic standards.
- 43.2** It is the requirement of HKIUS that members shall achieve not less than 35 hours of CPD learning in every calendar year or not less than 70 hours within two consecutive years, 10 hours of which shall be relevant to safety issues.
- 43.3** Members of HKIUS are required to maintain clear records of their CPD and present them to HKIUS when requested.
- 43.4** Members shall provide evidence of CPD when requested during the annual review, otherwise their register will not be maintained. Members shall keep their survey records for at least 5 years and can be required by the Executive Committee to submit them for verification in the event of a complaint.
- 43.5** Members should submit to the Executive Committee in the case of a review of the quality of work in accordance with the requirements as stated in the approved training manual or specification of HKIUS.

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**43.6** The Executive Committee shall approach not less than 1% of the members annually for evaluation of quality and verification of CPD records

**43.7** In any case of failure, members will be required to improve over a fixed duration after which they will be re-evaluated. Any member failing again on re-evaluation will be disqualified.

#### **44 Special Notes (effective on 1<sup>st</sup> April, 2012)**

**44.1** In the first 6 months (and for applications submitted not later than 31st December, 2002) from the formation of HKIUS, the Steering Committee or the elected Executive Committee have the right to waive some of the requirements of this constitution in order to acquire qualified and active company or individual members.

**44.2** The membership fee for all types of new member will, for applications submitted between the First January and the 31st March in any calendar year, be waived in respect of the remaining portion of that year, i.e., from the date of application to the 31<sup>st</sup> March.

**44.3.** HKIUS members should submit the following two items on or before 31<sup>st</sup> December of each session year:

(i) Job Reference in current session year.

(ii) CPD record with a minimum of 35 hours in current session year with at least 10 hours safety related.

**44.4.** Annual subscription fee should be made on or before 28<sup>th</sup> February of each session year.

**44.5.** In order to reserve the voting right in the Annual General Meeting and Extra-Ordinary Meeting, clause (44.3i) & (44.3ii) must be complied.

**44.6.** Membership card shall be printed on or before 30<sup>th</sup> April of each session year for corporate members (Operative, Manager and Fellow) who hold an education qualification of Diploma or above related to engineering, safety, surveying, architecture and are complied with clause (1) & (2). The membership card will be valid till 31<sup>th</sup> May of the next session year.

**44.7.** The Application fee for all classes except Student members shall be HK\$500 and;

**44.8.** the application fee for upgrading and additional discipline shall be HK\$1,000 with effect on 1<sup>st</sup> April, 2012.

#### **45 Recognized and Accredited Training Courses and Trainers**

**45.1** A list of recognized and accredited training courses is shown in Appendix 1 which will be updated by confirmation of the Executive Committee when new information is arisen.

**45.2** When any application for recognition or accreditation is received, the Executive Committee shall have the right to approve or reject the application, or to request for further information.

**45.3** All individual applicants for entering to HKIUS shall, if they have not already done so, attend the recognized training courses or equivalent when they wish to become or remain full

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members of HKIUS.

#### **46 List of Abbreviation**

BWCS: Buried Water Carrying Services  
CCTV: Colour Closed Circuit Television  
ELD: Electronic (with amplifier) Listening Device  
GPR: Ground Penetrating / Probing Radar  
LNC: Leak Noise Correlator/Leak Noise Correlation  
ME: Man-Entry  
MHICS: Manhole Survey Internal Condition Survey  
MLD: Mechanical Listening Device  
PCL: Pipe and Cable Locator  
US: Utility Survey by PCL  
WLD: Water Leakage Detection  
DM: Data Management for Utility Industries  
UM: Utility Management  
PM: Project Management for Utility Industry

#### **47 List Of Appendices**

The following appendices shall not form part of the constitution. However, they shall become effective upon the approval of Executive Committee.

Appendix 1: Organization-chart of HKIUS  
Appendix 2: Schedule of Fees and Subscriptions  
Appendix 3: Summary of requirements for corporate company members  
Appendix 4: Membership application form  
Appendix 5: List of Recognized & Accredited Courses and Trainers (to be updated from time to time during Executive Meetings)

Please access the HKIUS official webpage ([www.hkius.org.hk](http://www.hkius.org.hk)) for the updated documents.

#### **48 Definitions**

In this Constitution, except where the context otherwise requires, the following words and expressions shall have the meanings respectively attributed to them below:

"Appeal Committee" means the appeal tribunal as may from time to time be established by the Council pursuant to Article 12.5 (a).

"Committee" means any of the Executive, Q & M Board, or any other committee as may from time to time be established or appointed by the Council pursuant to Article 17.7 (a), but for this purpose, excluding the Appeal Committee.



## Hong Kong Institute of Utility Specialists - Constitution

### 香港管綫專業學會 - 憲章

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"Council Member" means any member of the Council and the reference to "Member" in this Constitution when describing any particular Council Member as provided in Article 14.1 shall be construed accordingly.

"Discipline" means a field of utility specialty in which a member can practically be competent to practise, as determined by the Council.

"Executive" means the executive committee of the Council established under Article 26.5.

"Q & M Board" means the Qualification and Membership Board being a committee appointed by the Council pursuant to Article 8.2 for the purpose of considering and making recommendations to the Council in regard to each application for election to any class of membership.

"Register" means the register established under this Constitution (as the same may from time to time be amended, modified or re-enacted) and registerable shall be construed accordingly.

"Roll" means the register of the list of members of the Institute established under Article 9.

In this Constitution the word "year" or "session" shall refer to a period from the closure of an Annual General Meeting of the Institute to the closure of the next succeeding Annual General Meeting, unless the context otherwise requires.

When the masculine gender is used in the text, it is intended that this should embrace both the masculine and feminine genders.

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	<b>Revision date</b>	<b>Section</b>	<b>Details of revision</b>
	9 Sep 2016		Amend charge to HKD5,000
	1 Jan 2020		New requirement for Corporate Members in WLD discipline