

**THE HONG KONG INSTITUTE OF SURVEYORS
BUILDING SURVEYING DIVISION**

REGULATIONS

6 November 2020

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**THE HONG KONG INSTITUTE OF SURVEYORS
BUILDING SURVEYING DIVISION**

REGULATIONS

1. Name

The Name of the Division is “Building Surveying Division” hereinafter referred to as the “the Division”.

2. Definitions

Throughout these Regulations the following expressions shall, unless the context otherwise requires, have the meanings respectively assigned to them namely:-

- 2.1 “AGM” means Annual General Meeting of the Building Surveying Division.
- 2.2 “Corporate Member” means any Fellow or Member of The Hong Kong Institute of Surveyors.
- 2.3 “Council” means Building Surveying Divisional Council.
- 2.4 “Constitution” or “Bye-Laws” means the Constitution or Bye-Laws of The Hong Kong Institute of Surveyors as amended or supplemented from time to time.
- 2.5 “Division” means Building Surveying Division of the Institute.
- 2.6 “General Council” means the General Council of The Hong Kong Institute of Surveyors.
- 2.7 “General Meeting” means the Annual General Meeting or the Extraordinary General Meeting of the Council.
- 2.8 “Institute” means The Hong Kong Institute of Surveyors.
- 2.9 “In writing” includes printing, lithography and other modes of representing and reproducing words in a visible and non-transitory form.
- 2.10 “Office Bearers” means the Chairman, the Vice-Chairman, the Honorary Secretary and the Honorary Treasurer of the Division.
- 2.11 “Regulations” means these Regulations of the Building Surveying Division.

3. Validity

These Regulations are subject to the approval of the General Council and shall remain valid unless disapproved by the General Council.

4. Objects

4.1 To promote excellence in the practice of Building Surveying.

4.2 To advance the study of Building Surveying and of all kindred matters, arts and sciences.

4.3 To encourage the friendly exchange between members of knowledge of practical, technical and ethical subjects.

4.4 To uphold the dignity of the profession of Building Surveying and the status of the Hong Kong Institute of Surveyors.

5. Composition of the Division

5.1 The direction and management of the affairs of the Division shall be vested in a Council consisting of Corporate Members and Associate Members of the Division only.

5.2 The Council shall comprise the following Office Bearers and members:-

- (a) a Chairman;
- (b) not more than two Vice-Chairmen;
- (c) not more than two Honorary Secretaries;
- (d) an Honorary Treasurer;
- (e) the immediate past Chairman ex-officio;
- (f) at least five but no more than fifteen other members;
- (g) not more than two representatives from the Young Surveyors Group; and
- (h) not more than two Associate Members of the Division.

5.3 Only Corporate Members of the Division holding at least 3 years membership of the Division shall be eligible to be Office Bearers or members as described in 5.2(f) above of the Council. Both the Chairman and Vice-Chairman shall be Fellows of the Institute in the Division.

- 5.4 Council Members will hold office for one year but shall be eligible for re-election.
- 5.5 If through any cause an Office Bearer is unable to carry out his duties, the Council may elect from its own Corporate Members of the Council a successor for the unexpired term of the Office Bearer.
- 5.6 If through any cause an elected Council Member resigns from the Council, the Council shall have the authority to appoint any Corporate Member holding at least 3 years membership or Associate Member, whichever is appropriate, of the Division to the Council at any time. The member chosen to fill such a vacancy shall be a Corporate Member or an Associate Member, whichever is appropriate, of the Division, and may serve only for the residue of the term for which his predecessor was elected.
- 5.7 Other than the circumstance as described in 5.6 above, the Council may from time to time appoint co-opted Members to serve on the Council.

6. Annual General Meeting of the Division

- 6.1 The AGM shall be held before the day on which the Annual General Meeting of the Institute is to be held.
- 6.2 Notice in writing of the AGM shall be given to all Corporate Members and Associate Members of the Division not less than twenty-one (21) days before the day on which the AGM is to be held.
- 6.3 The business of the AGM shall include:-
- (a) adoption of the minutes of the previous AGM;
 - (b) report of the Chairman for the year;
 - (c) report of the Honorary Treasurer for the year;
 - (d) approval of the Divisional Account for the year;
 - (e) election of Office Bearers and Council Members for the ensuing year;
 - (f) election of representatives in General Council;
 - (g) such other matters:

- (i) as the Council shall determine;
- (ii) of which due notice has been given by the Council; and/ or
- (iii) may be brought forward by the Council or any Corporate Member of the Division with the consent of the meeting.

6.4 Only Corporate Members of the Division present in person or by proxy shall have the right to vote at the AGM on any matter save as otherwise provided.

6.5 Only Corporate Members holding at least 3 years membership of the Division present in person at the AGM shall have the right to stand for election of the Office Bearers and Council Members of the Council.

6.6 Only Associate Members of the Division present in person at the AGM shall have the right to stand for election of the Council Members of the Council.

7. Election of Office Bearers and Council Members

7.1 Save its Ex-officio and Co-opted Members, the Council shall be formed by election by the Corporate Members present in person or by proxy at an AGM.

7.2 The representatives of the Young Surveyors Group shall be nominated by the Young Surveyors Group, and Associate Members shall be nominated by the Associate Members or Corporate Members of the Division.

7.3 Nominations for Office Bearers and Council Members shall be made in writing to the Honorary Secretary of the Division in such form as the Council may prescribe. Each nomination shall bear the signatures of the proposer and seconder both of whom shall be Corporate Members of the Division (except for Associate Member representatives whom shall be nominated by Corporate Members or Associate Members of the Division), together with the signature of the nominees signifying his willingness to serve if elected. A list of all nominations received, with the name of the proposer and seconder of each nominee, shall be sent to each member not less than seven (7) days before the day on which the AGM is to be held and also made available for members present at the AGM.

- 7.4 The nomination form shall be sent by the Honorary Secretary of the Division to each Corporate Member and Associate Member of the Division not later than twenty-one (21) days before the date of the AGM at which the election is to take place. Duly completed nomination forms shall be submitted to the Honorary Secretary of the Division not less than ten (10) days before the AGM is to be held.
- 7.5 Whenever the number of nominations exceeds the number of seats provided, taking of the seats shall be decided by election at the AGM. In such cases, all Corporate Members and Associate Members shall be informed of the names of those standing for election together with the names of the proposers and seconders not less than seven (7) days before the day on which the AGM is to be held.
- 7.6 Election of Office Bearers and Council Members of the Division shall be by ballot and shall be in such voting form as the Council may prescribe. Proxy form shall be in such format as the Council may prescribe. The appointment of proxy shall be deposited with the Honorary Secretary of the Division not less than twenty-four (24) hours prior to the time of the AGM which is to be held.
- 7.7 In the event of an equality of votes, the result shall be determined by a vote of the Office Bearers and members as described in 5.2(e) & (f) above of the retiring Council.
- 7.8 The retiring Council shall hold office until the conclusion of the AGM at which a new Council is elected.
- 7.9 Two scrutineers for the ballot shall be proposed, seconded and elected by show of hands at the AGM from the floor. They shall not be Members of the Council or candidates for election and their duties shall be:-
- (a) to determine from the balloting lists the number of votes cast for each candidate for election;
 - (b) to take such measures as they deem necessary to prevent the identification of the voters; and
 - (c) to report to the AGM the name of those duly elected.

7.10 Where the number of nominations in any section of the balloting list does not exceed the number of seats to be filled, the members so nominated shall be deemed to have been elected, and his or their names reported to the AGM accordingly.

8. Duties of the Council

The Council shall be directly responsible to the Corporate Members and the Associate Members of the Division for the duties as follows:-

- (a) nominating representatives of the Division to hold office of the General Council;
- (b) carrying out duties assigned by the General Council;
- (c) organizing and coordinating all functions of the Division;
- (d) ensuring that adequate meetings of general interest are held within the Division;
- (e) considering all matters affecting membership of the Division;
- (f) appointing such committees and sub-committees as may be considered desirable to examine and report on special questions including obtaining and considering reports from them;
- (g) approving all financial matters affecting the Division and keeping accounts of the Council;
- (h) organizing AGM and Extraordinary General Meeting; and
- (i) carrying out duties as provided in these Regulations.

9. Duties of Office Bearers

9.1 The Chairman

The Chairman shall:-

- (a) represent the Division and guide the affairs of the Division in accordance with the Constitution and Bye-Laws of the Institute, these Regulations and any regulations made by the General Council and the Council;
- (b) take the chair by right at all meetings of the Division and of the Council; and
- (c) prepare a Chairman's Report for the AGM of the year.

9.2 The Vice-Chairman

The Vice-Chairman shall:-

- (a) deputise in the absence of the Chairman as authorized by the Chairman in the absence of the Chairman;
- (b) assist the Chairman in the discharge of his duties; and
- (c) prepare a Divisional Report for each General Council Meeting.

9.3 Honorary Secretary

The Honorary Secretary shall:-

- (a) under the direction of the Council conduct the ordinary business of the Institute in accordance with the Constitution and Bye-Laws of The Hong Kong Institute of Surveyors, these Regulations and any regulations made by the General Council and/ or the Council;
- (b) keep an accurate record of the proceedings of the Council;
- (c) keep a Register of Members of the Division;
- (d) conduct the correspondence of the Council; and
- (e) give notice of all the meetings of the Council and General Meetings of the Division.

9.4 Honorary Treasurer

The Honorary Treasurer shall:-

- (a) direct the receipt of funds due to the Division;
- (b) prepare the accounts of expenditure and present all the accounts of expenditure of the Division to the Council for inspection and approval; and
- (c) be responsible to keep the accounts of the Division in a good and proper order.

10. Management

10.1 The Council shall have the management and direction of the affairs of the Division and shall do all such acts as appear to be necessary or desirable for the purpose of carrying into effect the objects of the Institute so far as they relate to the Division subject to the provisions of the Constitution and Bye-Laws of the Institute and any regulations made by the General Council and/ or this Council.

10.2 The Council shall investigate any alleged or apparent irregularity or unconstitutional act of any Office Bearer coming within its knowledge and if it thinks fit shall call upon that Office Bearer for an explanation thereof. If the explanation be deemed insufficient the Council shall enquire further into the matter, and if satisfied that a breach has been committed, it shall notify the offending Office Bearer to that effect and require compliance with the Constitution and these Bye-Laws, and these Regulations. Should any Office Bearer disregard such instructions, the Council may forthwith remove from office such Office Bearer and elect from its own Corporate Members of the Council a successor for the unexpired term of office as described in 5.5 above.

11. Council Meetings

11.1 The Council shall meet as often as the business of the Council may require but not less than four (4) times in each calendar year.

11.2 The quorum for meetings of the Council shall be five (5) Council Members present in person including either the Chairman or Vice-Chairman.

11.3 Meetings shall be chaired by the Chairman or in his absence the Vice-Chairman or Office Bearer as authorized by the Chairman.

11.4 Matters arising at the meetings of the Council shall be decided by a simple majority, the Chairman presiding at the meeting shall have a second or casting vote in the case of any equality of votes.

11.5 The Council will have the authority to invite any person to attend the Council Meeting to report the progress of special interest groups but he/she has no right to vote in the Council Meeting.

11.6 Co-opted Members of the Council shall have no right to vote in the Council Meeting.

11.7 Subject to these Regulations, the conduct of business, the method of voting on resolutions, and other matters of procedure at meetings of the Council shall be at the entire discretion of the Council.

12. Extraordinary General Meeting

12.1 Upon a requisition in writing signed by not less than twenty (20) Corporate Members of the Division, the Council shall take steps to this end within twenty-one (21) days of the Honorary Secretary receiving the requisition and may convene an Extraordinary General Meeting whenever it thinks fit. The requisition shall clearly set out the object of the proposed meeting.

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

12.3 The Council shall not less than fourteen (14) days before the day on which the Extraordinary General Meeting is to be held, send to all Corporate Members and Associate Members of the Division a notice which shall include:-

- (a) the Agenda for the meeting;
- (b) the place, date and time of the meeting;
- (c) full details of any special resolutions; and
- (d) voting and proxy forms where these are required for the purpose of the meeting.

13. Transaction of Business at a General Meeting

- 13.1 No business shall be transacted at any General Meeting unless a quorum is present when the meeting proceeds to business. Save as herein otherwise provided at least thirty (30) Corporate Members personally present shall be a quorum. If within half an hour from the time appointed for holding of an General Meeting a quorum is not present at the meeting, it shall stand adjourned to the same day in the next month at the same time and place or at such other place as the Council may determine, and if at such adjourned meeting a quorum is not present within half an hour from the time appointed for holding the meeting the Corporate Members present shall be a quorum.
- 13.2 The Chairman, or failing him the Vice-Chairman, shall preside as Chairman at any General Meeting but if neither the Chairman nor Vice-Chairman in present within thirty minutes after the time appointed for holding of the General Meeting, those Corporate Members present may choose one other Corporate Member of the Council as Chairman, or if no such member is present or if none of the members of the Council present agrees to take the chair they shall choose one Corporate Member holding 3 years membership of the Division from among themselves who shall preside.
- 13.3 At any General Meeting a resolution put to the vote of the meeting shall be decided on a show of hands, unless a poll is before or upon the declaration of the result of the show of hands demanded by the Chairman of the meeting, or by a Corporate Member of the Division present in person or by proxy and representing one-tenth of the total voting rights of all the Corporate Members having the right to vote at the meeting, and unless a poll be so demanded a declaration by the Chairman of the meeting that a resolution has been carried or carried unanimously or by a particular majority or lost or not carried by a particular majority and an entry to the effect in the minute book of the Division shall be conclusive evidence of the fact without proof of the number or proportion of the votes recorded in favour of or against that resolution. The demand for a poll may be withdrawn.

- 13.4 If a poll be demanded in the manner as aforesaid it shall be taken at such time and place and in such manner as the Chairman of the meeting shall direct and the result of the poll shall be deemed to be the resolution of the meeting at which the poll was demanded.
- 13.5 The demand for a poll shall not prevent the continuance of a meeting for the transaction of any business other than the question on which a poll has been demanded.
- 13.6 In case of equality of votes, whether on a show of hands or on a poll, the Chairman of the meeting shall be entitled to a second or casting vote save as otherwise provided.
- 13.7 Each Corporate Member of the Division shall have one vote which may be given either personally or by proxy.
- 13.8 The appointment of proxy shall be made in the proxy form as may be prescribed by the Council under the hand of the appointer.
- 13.9 The instrument appointing a proxy shall be deposited with the Honorary Secretary of the Division not less than 48 hours before the time appointed for holding the meeting at which the person named in the instrument proposes to vote for or, in the case of a poll, not less than 24 hours before the time appointed for the taking of the poll, and in default the instrument of the proxy shall not be valid. An instrument of proxy shall not in any event be valid after the expiration of 2 months.

14. Alteration of Regulations

The Regulations of the Division may be altered, amended or added to only by a resolution passed by a majority of the Corporate Members of the Division present or by proxy and voting at a General Meeting of the Division specially called for the purpose. Not less than thirty (30) days notice in writing shall be given to all Corporate Members of the Division specifying the alterations, revocation, amendments or additions proposed.

15. Effective Date

These Regulations shall become effective as from 6 November 2020

26 January 1995 (1st draft)

6 June 1995 (2nd draft)

26 June 1995 (3rd draft)

16 Sept 1995 (EGM Discussion)

19 Oct 1995 (4th draft)

27 Oct 1995 (Adopted in AGM)

10 November 2006 (5th draft)

13 December 2006 (Adopted in AGM)

6 November 2020 (Adopted in EGM)