

THE HONG KONG INSTITUTE OF SURVEYORS

PLANNING AND DEVELOPMENT DIVISION

REGULATIONS

1. DEFINITIONS

In these Regulations the following expressions shall, unless the context otherwise requires, have the meaning assigned to them namely:

- 1.1 “AGM” means Annual General Meeting of the Division.
- 1.2 “Associate Member” means any Associate Member of the Institute in the Division.
- 1.3 “Constitution” or “Bye-Laws” means the Constitution or Bye-Laws of the Institute as amended or supplemented from time to time.
- 1.4 “Corporate Member” means any Fellow or Member of the Institute in the Division.
- 1.5 “Division” means the Planning and Development Division of the Institute.
- 1.6 “Divisional Council” means the Council of the Division as formed under these Regulations.
- 1.7 “EGM” means Extraordinary General Meeting of the Division.
- 1.8 “General Council” means the General Council of the Institute.
- 1.9 “Institute” means The Hong Kong Institute of Surveyors.
- 1.10 “In writing” includes printing, lithography and other modes of representing and reproducing words in a visible and non-transitory form.
- 1.11 “Office Bearers” means the Chairman, Vice-Chairman, Honorary Secretary and Honorary Treasurer of the Divisional Council.

2. VALIDITY

Any or all of these Regulations shall be invalid without the approval in writing of the General Council or if any or all of them contravene any provisions of the Constitution or Bye-Laws from time to time in force.

3. DIVISIONAL COUNCIL

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

4. COMPOSITION OF DIVISIONAL COUNCIL

4.1 The Divisional Council shall be composed of the following members:

- (a) not more than 15 elected Corporate Members;
- (b) not more than two elected Associate Members;
- (c) one representative from the Young Surveyors Group; and
- (d) the immediate past Chairman as ex-officio.

4.2 The Divisional Council shall elect among the elected Corporate Members the following Office Bearers:

- (a) a Chairman;
- (b) not more than three Vice-Chairman;
- (c) an Honorary Secretary; and
- (d) an Honorary Treasurer.

4.3 Only Corporate Members shall be eligible to be Office Bearers. Both the Chairman and Vice-Chairman shall be Fellows of the Institute.

4.4 Members of Divisional Council will hold office for two years but shall be eligible for re-election.

4.5 The Divisional Council may co-opt any Corporate Member or Associate Member to serve on the Divisional Council.

4.6 If through any cause an Office Bearer is unable to carry out his or her duties, the Divisional Council shall elect from its own members a successor for the unexpired term of office of the Office Bearer.

5. FORMATION OF DIVISIONAL COUNCIL

- 5.1 Save its *ex-officio*, the representative from the Young Surveyors Group and co-opted members, the Divisional Council shall be formed by election in an AGM or EGM specially convened to include such election.
- 5.2 The representative from the Young Surveyors Group shall be nominated by the Young Surveyors Group and approved by the Divisional Council.

6. ANNUAL GENERAL MEETING

- 6.1 The AGM shall be held on the day not less than 14 days before the day on which the Annual General Meeting of the Institute is to be held.
- 6.2 The business of the AGM shall include:
- (a) Adoption of the minutes of the previous AGM.
 - (b) Presentation of the report of the Chairman for the year, and adoption of the Report by a proposer and a seconder.
 - (c) Presentation of the report of the Honorary Treasurer and divisional account for the year, and adoption of the same by a proposer and seconder.
 - (d) Election of members of the Divisional Council for the ensuing year.
 - (e) Such other matters:
 - (i) as the Divisional Council shall determine and given in the agenda for the meeting; or
 - (ii) of which due notice has been given to the Divisional Council and given in the agenda for the meeting; or
 - (iii) as may be brought forward by the Divisional Council or any Corporate Member with the consent of the meeting.

7. EXTRAORDINARY GENERAL MEETING

- 7.1 The Divisional Council may convene an EGM whenever it thinks fit.
- 7.2 The Divisional Council shall also upon a requisition in writing signed by 30% or more of the Corporate Members convene an EGM and shall take steps to

this end within 21 days of the Honorary Secretary receiving the requisition. The requisition shall clearly set out the object of the proposed EGM. If the Divisional Council fails to take the necessary action within the prescribed time, the requisitionists or any 30% of the Corporate Members may themselves convene an EGM and for this purpose shall have access to such records of the Division as will enable them to convene the EGM.

7.3 The business of an EGM shall be strictly confined to the matters set out in the notice of the EGM.

8. NOTICE, QUORUM AND VOTING

8.1 The Divisional Council shall, not less than 14 days before the day on which the AGM or EGM is to be held, send to all Corporate Members and Associate Members 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.

8.2 No business shall be transacted at any AGM or EGM unless a quorum is present when the meeting proceeds to business. The AGM or EGM shall be attended by not less than 20% of the members of the Division, or ten members, whichever is the less. If within half an hour after the time appointed for holding an AGM or EGM (including any resumed meeting after an adjournment) 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 Divisional Council may determine.

8.3 The Chairman, or failing him/her, the Vice-Chairman, shall preside as Chairman at every AGM and EGM but if neither the Chairman nor Vice-Chairman is present within thirty minutes after the time appointed for holding the AGM or EGM, those Corporate Members present may choose one other member of the Divisional Council as Chairman, or if no such member is present or if none of the members of the Divisional Council present agrees to take the chair they shall choose one Corporate Member from among themselves to preside.

- 8.4 At any AGM or EGM, 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 by the Chairman of the meeting, or by a Corporate Member present in person and holding proxy 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 is so demanded a declaration by the Chairman of the meeting that a resolution has been carried unanimously or by a particular majority or lost or not carried by a particular majority and an entry to the effect in the minutes 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.
- 8.5 If a poll is 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.
- 8.6 In the case of an equality of votes, whether on a show of hands or a poll, the Chairman of the meeting shall be entitled to a second or casting vote.
- 8.7 Any Corporate Member present at the meeting other than the one presenting the reports or accounts for adoption shall have the right to be a proposer or seconder.
- 8.8 Each Corporate Member shall have one vote which may be given either personally or by proxy.
- 8.9 The appointment of a proxy shall be made in the proxy form prescribed by the Divisional Council and signed under the hand of the appointer.
- 8.10 The signed proxy form shall be deposited with the Honorary Secretary of the Divisional Council not less than 48 hours before the time appointed for holding the meeting which the person named in the proxy form is to attend or, in the case of a poll, not less than twenty-four hours before the time appointed for the taking of the poll, in the case of election of council members, not less than three days before the date of the election, otherwise the proxy form shall not be valid. A proxy form shall not in any event be valid after the expiration of two months or after the adjournment of a meeting.

9. METHOD OF ELECTION

The method of election of members of the Divisional Council shall be as follows:

9.1 Nominations shall be made in writing to the Honorary Secretary of the Divisional Council in such form as the Divisional Council may prescribe.

Each nomination shall bear the signatures of the proposer and seconder both of whom shall be Corporate Members, together with the signature of the nominee who shall either be a Corporate Member or an Associate Member signifying his/her willingness to serve if elected.

9.2 The nomination form shall be sent by the Honorary Secretary of the Divisional Council to each Corporate Member and Associate Member not less than 28 days before the day on which the election is to be held.

9.3 All nomination forms shall be submitted to the Honorary Secretary not less than 14 days before the day on which the election is to be held.

9.4 Whenever the number of nominations exceeds the number of seats provided, taking of the seats shall be decided by election. 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 days before the day on which the election is to be held.

9.5 Election shall be made by ballot in such balloting form as the Divisional Council may prescribe. Members of the Divisional Council shall be elected by the Corporate Members present in person at the AGM or EGM.

9.6 In event of an equality of votes, the Chairman of the AGM or EGM holding the election shall be entitled to a second or casting vote.

9.7 Two scrutineers for the ballot shall be proposed, seconded and elected by show of hands at the AGM or EGM from the floor. They shall not be members of the Divisional 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 or EGM the names of those duly elected.
- 9.8 Where the number of nomination or nominations does not exceed the number of seat or seats provided, the nominees shall be deemed to have been elected, and his/her or their names reported accordingly to the AGM or EGM.
- 9.9 The retiring Divisional Council shall hold office until the conclusion of the AGM or EGM at which a new Divisional Council is formed or until such time as a new Divisional Council can be formed.
- 9.10 The Office Bearers shall be elected by Members of the Divisional Council present at the first meeting of the Divisional Council. For the avoidance of doubt, ex-officio member, representative of the Young Surveyors Group and Associate Members shall not be eligible to stand for election of Office Bearers but shall have the right to elect Office Bearers. The Divisional Council may elect not more than three Vice-Chairman if considered appropriate.

10. DUTIES OF OFFICE BEARERS

- 10.1 The Chairman shall:
- (a) represent the Planning & Development Division and guide the affairs of the Division in accordance with the Constitution and Bye-Laws of the Hong Kong Institute of Surveyors, Planning & Development Division Regulations and any regulations made by the General Council and Planning & Development Divisional Council;
 - (b) take the chair by right at all meetings of the Division and of the Divisional Council; and
 - (c) prepare a report for the year for the AGM.
- 10.2 The Vice-Chairman shall:
- (a) deputise in the absence of the Chairman;
 - (b) assist the Chairman in the discharge of his/her duties; and
 - (c) prepare the divisional report for each meeting of the General Council.

- 10.3 The Honorary Secretary shall:
- (a) conduct the ordinary business of the Divisional Council in accordance with the Constitution and Bye-Laws of the Hong Kong Institute of Surveyors, Planning & Development Division Regulations and any regulations made by the General Council and Planning & Development Divisional Council;
 - (b) keep an accurate record of the proceedings of the Divisional Council;
 - (c) keep the Members' Register of the Planning & Development Division;
 - (d) conduct the correspondence of the Divisional Council;
 - (e) give notices of all meetings of the Divisional Council, AGM and EGM of the Division; and
 - (f) carry out duties as provided for in these Regulations.
- 10.4 The Honorary Treasurer shall direct the receipt of funds due for the Division and the preparation of accounts of expenditure and present all the accounts of expenditure of the Division to the General Council for inspection and approval.
- 10.5 The Divisional Council may from time to time create additional offices and dictate the duties of the Office Bearers.

11. DUTIES OF DIVISIONAL COUNCIL

- 11.1 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 and any regulations made by the General Council and Divisional Council.
- 11.2 The Divisional Council shall be directly responsible to the Corporate Members and Associate Members for the duties as follows:
- (a) nominating representatives of the Division to hold offices of the General Council;
 - (b) carrying out duties assigned by the General Council;

- (c) organizing and co-ordinating all functions of the Division;
- (d) ensuring that adequate meetings of general interest are held within the Division;
- (e) 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;
- (f) approving all financial matters affecting the Division and keeping accounts of the Divisional Council; and
- (g) carrying out duties as provided for in these Regulations.

11.3 The Divisional 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 the effect and require compliance with the Constitution and these Regulations. Should any Office Bearer disregard such instructions, the Divisional Council may forthwith remove from office such Office Bearer and appoint another Office Bearer to carry out the duties for the unexpired term of office.

12. MEETING OF DIVISIONAL COUNCIL

- 12.1 The Divisional Council shall meet as often as the business of the Division may require but not less than four times in each calendar year.
- 12.2 The quorum for meetings of the Divisional Council shall be 30% of council members present in person, including either the Chairman or Vice-Chairman.
- 12.3 Meetings shall be chaired by the Chairman or in his or her absence the Vice-Chairman.
- 12.4 Matters arising at meetings of the Divisional Council shall be decided by a simple majority, the Chairman having a second or casting vote in the case of any equality of votes. For the avoidance of doubt, the co-opted members shall not have the right to vote in the meeting.

- 12.5 All members of the Divisional Council who are Corporate Members or Associate Members shall have equal voting power, except that the Chairman shall have a second or casting vote in the case of an equality of votes.
- 12.6 The Chairman shall take the chair at all meetings of the Divisional Council, and the Vice-Chairman doing so in his/her absence. In the absence of both the Chairman and the Vice-Chairman, the members present (except co-opted members) shall propose, second and elect by show of hands one among themselves to take the chair.
- 12.7 Subject to these Regulations aforesaid, the conduct of business, the method of voting on resolutions, and other matters of procedure at meetings of the Divisional Council shall be at the entire discretion of the Divisional Council.

13. VACANCY

- 13.1 Prior to the next AGM, any vacancy in the members of the Divisional Council caused through resignation, decease or inability to act may be filled by, and in ways at the discretion of the Divisional Council.
- 13.2 The member chosen to fill such a vacancy shall be of the same membership grade as the predecessor and may serve only for the residue of the term for which his/her predecessor was elected.

14. EFFECTIVE DATE

These Regulations shall subject to the approval of the General Council take effect on 22 January 2015.

First issued: 7 July 2004

Last revised on: 30 November 2010

This revision: 22 January 2015