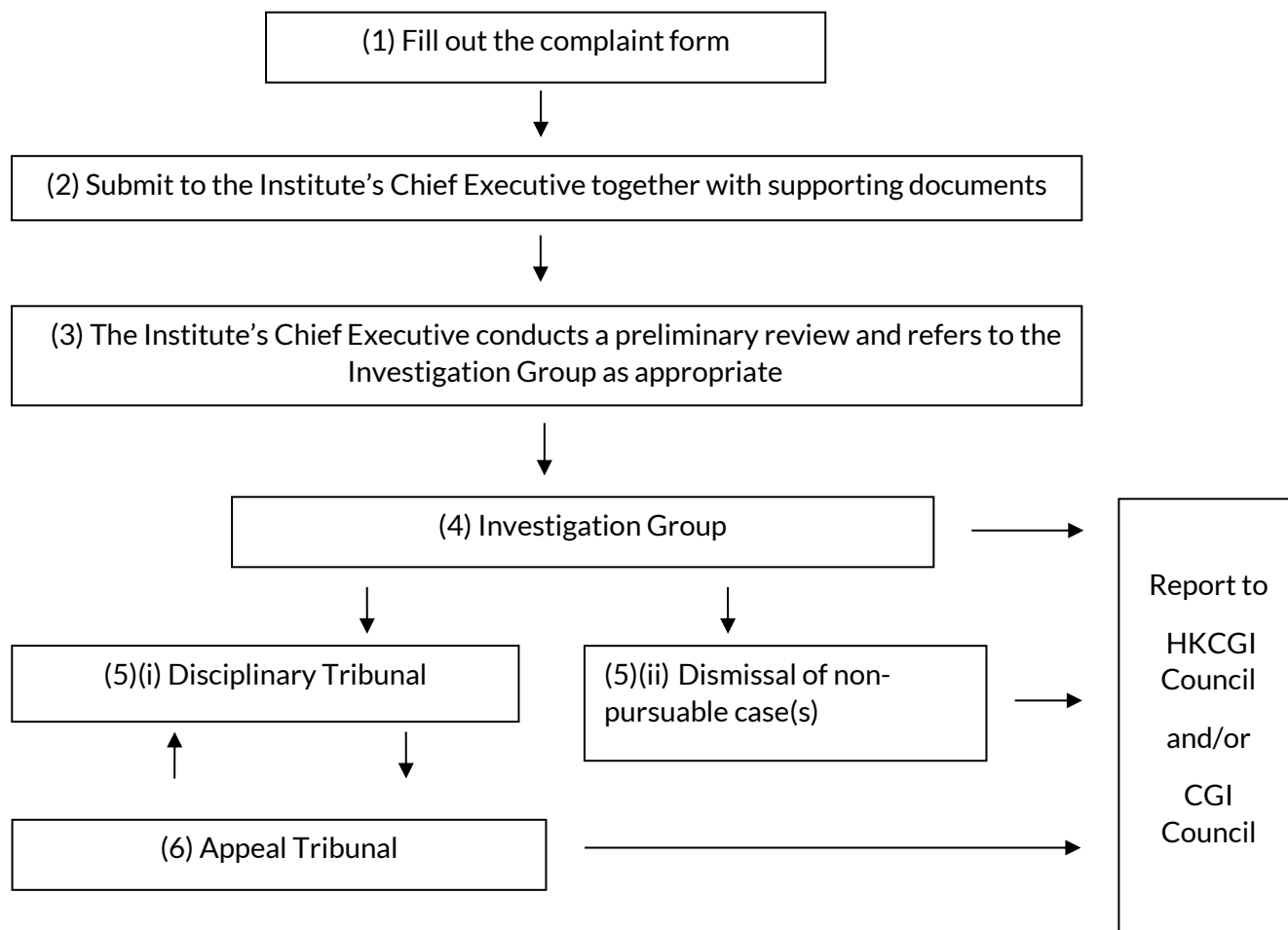


## THE HONG KONG CHARTERED GOVERNANCE INSTITUTE DISCIPLINARY PROCEDURES



# Disciplinary Proceedings Flow Chart

- (1)(i) External sources
- Written complaint received from a Complainant
    - which contains details of Complainant and the Member/Graduate/registered Student concerned (hereafter collectively referred to as individual concerned)
  - Checking with other external sources in the public domain
    - HKBA, HKEX, HKICPA, LSHK, SFC, Market Misconduct Tribunal, HKLII, Government Gazette, newspapers, journals etc.
  - Case referrals from external parties

- (1)(ii) Internal sources
- Professional Development Committee
    - CPD non-compliance cases
  - Education Committee
    - Students disciplinary issues
  - Other cases directed from Council

Origin of Complaint

- (2) Preliminary Investigation:
- Enquiries and information collection from various possible sources, about the Complaint, and/or the individual concerned.
  - Instructions from the Investigation Group (IG) Chairperson shall be sought where necessary.

Secretariat / Chief Executive

- (3) Investigation Group (IG) Meeting
- Receipt of Preliminary Investigation Report of the case prepared by the Secretariat.
  - IG members deliberate on the case, voting on whether to conduct investigation and enquire for more information.
  - IG members then voting for decisions, with IG Charge Sheet/ report including findings, evidence, charges where appropriate.

Investigation Group (IG)

Sufficient merits of case/grounds for bringing Charge(s) ?

YES

NO

- (3)(i) Dismissal of non-pursuable case(s)
- Notice of No Further Disciplinary Action be issued to the individual concerned and/or party(ies) where appropriate.

- (4) Disciplinary Tribunal (DT) Meeting
- Receipt of the case from IG together with IG Charge Sheet/ report to DT etc., DT members deliberate on the case, seek clarifications from IG, refer back to IG for amendments of charges where appropriate.
  - DT members voting on whether any DT Hearing to be held, after DT Hearing then voting for decisions where appropriate.

Disciplinary Tribunal (DT)

Any Disciplinary Tribunal (DT) Hearing ?

YES

NO

- (4)(i) Disciplinary Tribunal (DT) Hearing
- Before DT Hearing
    - Notice of DT Hearing to the individual concerned and/or party(ies), together with IG charge sheet(s)/report(s).
  - In the course of DT Hearing
    - Including but not limited to :- written submissions, representation of the individual concerned, call of witness(es), assistance or representations by legal adviser(s), cross-examination etc.
  - After DT Hearing
    - First, DT members deliberate and decide on the findings whether there is/are any proven breach(es).
    - Second, DT members further decide on penalties where appropriate.
    - Third, DT Order(s) together with DT Decision letter(s) be issued; Notice of No Further Disciplinary Action be issued to the individual concerned and/or party(ies) where appropriate.
    - Other follow-up actions by the Secretariat where appropriate.

- (4)(ii) Dismissal of no DT Hearing case(s)
- DT Order(s), DT Decision letter(s), and/or Notice of No Further Disciplinary Action be issued to the individual concerned and/or party(ies) where appropriate.
  - Other follow-up actions by the Secretariat where appropriate.

- (5) Appeal Tribunal (AT) Meeting
- In the event of Notice of Intention to Appeal to the DT decision made was received from the individual concerned within 28 days from the date of despatch of DT decision to the him/her, the detailed grounds of appeal in writing shall be filed to the AT within further six weeks from the original expiry date of the prescribed 28 days period.
  - AT members deliberate on whether there is sufficient grounds and merits for application or request to appeal, then voting for decisions.

Appeal Tribunal (AT)

Sufficient grounds and merits for application or request to appeal, then if any Appeal Tribunal (AT) Hearing ?

YES

NO

- (5)(i) Appeal Tribunal (AT) Hearing
- The appeal shall be by way of a re-hearing, and AT to conduct its investigation where appropriate.
  - Before AT Hearing: Notice of AT Hearing to the individual concerned and/or party(ies)
  - In the course of AT Hearing: written submissions, representation of the individual concerned, call of witness(es), assistance or representations by legal adviser(s), cross-examination etc.
  - After AT Hearing: AT members deliberate on whether there is/are any merits of appeal, make changes to the DT decided penalty(ies) where appropriate. Finally, AT Decision be issued to the individual concerned and with other follow-up actions by the Secretariat where appropriate.

- (5)(ii) Dismissal of application or request to appeal and/or no AT Hearing case(s)
- AT Decision letter(s) be issued to the individual concerned and/or party(ies), other follow-up actions by the Secretariat where appropriate.