

## Polling of Proposal to add a subsection 67A under Rule 67 in “The Rules of The Institute” for option of electronic communications

表決修訂《學會規則》第 67 條：新增第 67A 條 – 以電子形式的通訊提案

### Background

Currently, notices or other documents required by the Rules of the Institute (“Rules”) are served by sending by post in hard copy form as specified in Rule 67. These notices or other documents include:

Documents	Delivery	Ref.
<b>Communications from the Institute/Council to Members</b>		
(a) Reminder notice for annual subscription payment	By registered post	Rule 22A
(b) Reminder notice on CPD requirements	By letter	Rule 22B
(c) Notice(s) in writing to a Member regarding a disciplinary proceeding against him, the right to appeal thereof and the appeal decision	By post	Rule 24B (a), (b), (c), (d)
(d) Ballot papers sent to Members for election of Council office-bearers enclosed in a sealed envelope	By post	Rules 36 & 39
(e) Notice of General Meeting (GM), Annual General Meeting (AGM) and Special General Meeting (SGM) sent to Members according to Rule 67	By post	Rule 58
(f) Notice of adjourned GM, AGM and SGM sent to Members	By post	Rule 60
(g) Notice to Members by Council of proposed amendment of rules	By post	Rule 63
(h) Copy of HKIA annual report sent to Members 14 days before AGM	By post	Rule 64
<b>Communications from Members to the Institute/Council</b>		
(i) Notice of appeal in writing given by a Member to the Honorary Secretary	By post	Rule 24D
(j) Notice in writing of resignation by a Council member to the Council	By post	Rule 27
(k) Member’s requisition for summoning a Special General Meeting (SGM)	By post	Rule 57

In order to provide more options of communication, as well as to reduce the time and cost in despatching, the Council proposed to amend Rule 67 in the 2<sup>nd</sup> HKIA Council meeting held on 27 March 2021 by adding a subsection Rule 67A under Rule 67 to allow notices or other documents required by the Rules to be served in electronic form, e.g. by email.

## Amendment of Rule 67

Rule 67 says:

Any notice or other document(s) required by these Rules shall be written or printed and shall be deemed to have been duly sent when it has been put into the post or otherwise despatched and shall be deemed to be received by a member of the Institute if left or sent to a Member, Corporate Member, Associate, Affiliate, Graduate Member, Student Member, Honorary Fellow, Retired or Non-Resident Member by post at their last known business or residential address in Hong Kong and, except where otherwise specifically provided by these Rules, shall be deemed to be received by the Institute if left with or sent by post to the Honorary Secretary of the Institute at the Institute's address. A notice or document sent by post shall be deemed to have been received by the addressee at the time when in due course of posting it will be delivered at the address to which it was sent.

### **Rule 67A – to be added under Rule 67:**

- (a) For the purpose of this Rule, "Inapplicable Rules" include Rules 22A, 22B and 36. For the avoidance of doubt, this Rule does not apply to notice, document or information sent by the Member to the Institute.
- (b) Apart from the document, notice or information sent or supplied under or pursuant to the Inapplicable Rules, any document, notice or information required to be sent or supplied by the Institute to a member of the Institute under these Rules may be sent or supplied by electronic means if the Member agrees that such document, notice or information may be sent or supplied to him by electronic means (including but not limited to email) and has not revoked the agreement. The Institute shall obtain the Member's agreement under this Rule 67A(b) in the written form as the Council may from time to time prescribe.
- (c) The document, notice or information sent by electronic means pursuant to Rule 67A(b) above shall be deemed to be received by the Member when the document, notice or information leaves the sender's electronic transmission system to the electronic address (including but not limited to an email address) specified for the purpose of this Rule 67A by the Member, whether generally or specifically, regardless of the format, form and means of the document, notice or information.
- (d) A Member has not revoked the agreement for the purpose of Rule 67A(b) or changed the particulars of the specified electronic address referred to in Rule 67A(c) above unless he has given the Institute a notice of revocation or change of not less than [7] working days by post and/or by leaving at the Institute's address in accordance with Rule 67.
- (e) Upon the written request of a Member who has given and has not revoked his agreement under this Rule 67A, the Institute may, at its sole discretion, provide the Member with a hard copy of the document, notice or information which has already been sent or supplied to that Member by electronic means but such provision is for the Member's reference only and shall not in any way derogate the sending or supplying of the document, notice or information under other parts of this Rule 67A.

### For voting

Members are invited to vote for the adoption of the proposal to add a subsection 67A under Rule 67 in "The Rules of The Institute" for option of electronic communications.