

Hong Kong Institute of Qualified Environmental Professionals Ordinance

Contents

Section	Page
Part 1	
Preliminary	
1. Short title.....	A 3279
2. Interpretation.....	A 3279
Part 2	
Hong Kong Institute of Qualified Environmental Professionals	
3. Incorporation of Hong Kong Institute of Qualified Environmental Professionals.....	A 3283
4. Objects of Institute.....	A 3283
5. Powers of Institute.....	A 3287
6. Vesting of property.....	A 3289
Part 3	
General Council	
7. Establishment of General Council.....	A 3291
8. Powers of General Council.....	A 3291
Part 4	
Membership and Constitution	
9. Membership.....	A 3293

Section	Page
10.	Existing constitution to become Constitution of Institute A3293

Part 5

General Provisions

11.	Particulars to be delivered to Registrar of Companies A3295
12.	Saving A3297

HONG KONG SPECIAL ADMINISTRATIVE REGION

ORDINANCE NO. 28 OF 2024



John KC LEE
Chief Executive
7 November 2024

An Ordinance to make provision for the incorporation of the Hong Kong Institute of Qualified Environmental Professionals and for related matters.

[8 November 2024]

Enacted by the Legislative Council.

Part 1

Preliminary

1. Short title

This Ordinance may be cited as the Hong Kong Institute of Qualified Environmental Professionals Ordinance.

2. Interpretation

In this Ordinance—

Constitution (章程) means the constitution and bye-laws of the Institute referred to in section 10 for the time being in force;

General Council (理事會) means the General Council of the Institute established under section 7;

Institute (學會) means the “Hong Kong Institute of Qualified Environmental Professionals” incorporated by section 3;

member (會員) means a person whose name is currently included in the Register;

President (會長) means the person referred to as President of the Institute in section 7 and any person acting as President in accordance with the provisions of the Constitution;

Register (名冊) means the Register of members of the Institute kept in accordance with the Constitution;

Secretary (秘書) means the honorary secretary of the Institute appointed under the provisions of the Constitution;

year (年度) means the financial year of the Institute commencing and ending on such dates each year in accordance with the Constitution except that the period from the incorporation of the Institute to 31 March next thereafter is to be considered as a financial year.

Part 2

Hong Kong Institute of Qualified Environmental Professionals

3. Incorporation of Hong Kong Institute of Qualified Environmental Professionals

- (1) Hong Kong Institute of Qualified Environmental Professionals is to become a body corporate and is to be known as “Hong Kong Institute of Qualified Environmental Professionals” which in that name is to have perpetual succession and is to be capable of suing and being sued and, subject to this Ordinance, of doing and suffering all such other acts and things as bodies corporate may lawfully do and suffer.
- (2) The Institute is to have a common seal which is not to be affixed except pursuant to a resolution of the General Council, and unless provided otherwise in the Constitution, in the presence of a member of the General Council and of the Secretary, or such other person appointed in his or her place by the General Council, each of whom is to sign his or her name.
- (3) Any document purporting to be duly executed under the common seal of the Institute authenticated in accordance with subsection (2) is to be received in evidence and is, unless the contrary is proved, to be considered as a document so executed.

4. Objects of Institute

The objects of the Institute are, subject to this Ordinance—

- (a) to promote, develop and maintain a qualification system for environmental professionals in Hong Kong;
- (b) to meet the current and future environmental expertise needs of Hong Kong;
- (c) to support the development of the environmental industry in Hong Kong;
- (d) to maintain a register as specified in section 9;
- (e) to promote continuous professional development of environmental professionals to meet the changing needs of the society and the environment;
- (f) to facilitate the exchange of ideas, knowledge and information between environmental professionals on current and emerging environmental-related challenges and risks, technologies, regulations, policies and stakeholder expectations by means of meetings or publications;
- (g) to promote the advancement of environmental knowledge across different professional and industry sectors for the betterment of the environment of Hong Kong;
- (h) to maintain the integrity and status of the environmental professionals and to represent them both to the public and to the Government;
- (i) to provide links between industry and the local governmental bodies and other organizations to ensure that environmental professionals remain dynamic and relevant to both industry and the society; and

- (j) to do all such other things as are incidental or conducive to the attainment of the above objects as the General Council may consider appropriate.

5. Powers of Institute

Subject to this Ordinance, the General Council may, on behalf of the Institute, do all such things as are necessary for, or incidental or conducive to the better carrying out of the objects of the Institute, and, in particular, but without prejudice to the generality of this Ordinance, may—

- (a) acquire, take on lease, purchase, hold and enjoy any property and sell, let or otherwise dispose of any property;
- (b) enter into any contract;
- (c) provide appropriate amenities for members;
- (d) employ staff;
- (e) provide residential accommodation for staff and visiting guests;
- (f) provide or contribute to pensions for staff;
- (g) act as trustee in relation to pension schemes and funds for scholarships and prizes;
- (h) borrow money in such manner and on such securities or terms as the General Council considers appropriate or expedient;
- (i) apply for and receive any grant in aid for the functions of the Institute on such conditions as the General Council considers appropriate or expedient; and
- (j) invest the funds of the Institute in such manner and to such extent as the General Council considers appropriate or expedient.

6. Vesting of property

On the commencement of this Ordinance, the Institute is to succeed to all property, rights, privileges, obligations and liabilities of the unincorporated Hong Kong Institute of Qualified Environmental Professionals.

Part 3

General Council

7. Establishment of General Council

- (1) There is established a General Council to be known as the “General Council of Hong Kong Institute of Qualified Environmental Professionals”.
- (2) At the commencement of this Ordinance, the General Council is to consist of the persons holding the offices of President, Vice-President, Honorary Secretary and Honorary Treasurer of the unincorporated Hong Kong Institute of Qualified Environmental Professionals immediately before the commencement of this Ordinance, and all other persons who were members of the general council of the unincorporated Hong Kong Institute of Qualified Environmental Professionals immediately before the commencement of this Ordinance.
- (3) The persons specified in subsection (2) are to hold office until the election of officers and members of the General Council at the first annual general meeting of the Institute or otherwise in accordance with the provisions of the Constitution.

8. Powers of General Council

The management of the Institute is to be vested in the General Council and all the powers of the Institute are to be vested in and exercisable by the General Council except so far as this Ordinance or the Constitution otherwise requires.

Part 4

Membership and Constitution

9. Membership

The members of the Institute are to be those persons whose names are included in the Register, being—

- (a) all the members of the unincorporated Hong Kong Institute of Qualified Environmental Professionals at the commencement of this Ordinance; and
- (b) other persons elected to membership in accordance with the Constitution.

10. Existing constitution to become Constitution of Institute

- (1) The constitution and bye-laws of the unincorporated Hong Kong Institute of Qualified Environmental Professionals at the commencement of this Ordinance are to be adopted as the Constitution of the Institute.
 - (2) Within 14 days after the commencement of this Ordinance, the President is to deliver to the Registrar of Companies for registration a copy of the Constitution adopted under subsection (1), certified by the President as being a true copy.
 - (3) The Constitution may be amended by the Institute at any time in accordance with its provisions.
 - (4) It is not necessary to publish the Constitution or any amendment of it in the Gazette.
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Part 5

General Provisions

11. Particulars to be delivered to Registrar of Companies

- (1) Within 14 days after the commencement of this Ordinance, the President is to deliver to the Registrar of Companies for registration—
 - (a) notice of the address of the Institute;
 - (b) a list containing the names and addresses of the members of the General Council; and
 - (c) the name and address of the Secretary.
- (2) Within 14 days after the Constitution has been amended at any time under section 10, the President is to deliver to the Registrar of Companies for registration a copy of the Constitution as amended, certified by the President as being a true copy.
- (3) Within 14 days following any change in any of the particulars required by subsection (1)(a), (b) or (c) to be delivered to the Registrar of Companies, the President is to deliver notice of change to the Registrar of Companies for registration.
- (4) Not later than 6 months after the end of each year, a statement of income and expenditure during that year and of the assets and liabilities of the Institute on the last day of that year prepared in accordance with the Constitution, and the report of the auditors made under the Constitution are to be delivered by the President to the Registrar of Companies for registration.

- (5) Any person may inspect any of the documents registered under this section on payment of such fees as may be payable under the regulations made under section 26 of the Companies Ordinance (Cap. 622) for the inspection of a document under section 45(3) of that Ordinance.
- (6) The Institute is to pay such fees for registering any document under this Ordinance as may be payable under the regulations made under section 26 of the Companies Ordinance (Cap. 622) as if the Institute were a company not having a share capital.

12. Saving

Nothing in this Ordinance shall affect or be deemed to affect the rights of the Central Authorities or the Government of the Hong Kong Special Administrative Region under the Basic Law and other laws, or the rights of any body politic or corporate or of any other person except such as are mentioned in this Ordinance and those claiming by, from or under them.