



Hong Kong Academy of Medicine

Bylaws

November 2012

PROPOSED AMENDMENTS TO HKAM BYLAWS

Hong Kong Academy of Medicine Bylaws

(Pursuant to Hong Kong Academy of Medicine Ordinance,
Cap. 419, Part IV, Section 13(2))

Bylaw 1 **Interpretation**

1. In these Bylaws, unless the context otherwise requires -
 - 1.1 “Academy” means the Hong Kong Academy of Medicine established under section 3 of the Ordinance;
 - 1.2 “Academy College” means any Academy College recognized under section 6(1) or (3) of the Ordinance;
 - 1.3 “Council” means the Council of the Academy established under section 9(1) and constituted pursuant to section 9(2) or 10(1) of the Ordinance;
 - 1.4 “Fellowship” means a diploma admitting a person as Fellow of the Academy, or the status of being a Fellow of the Academy;
 - 1.5 “Education Committee” means the Education Committee established under section 11 of the Ordinance;
 - 1.6 “Officer” means the holder for the time being of any of the Offices referred to in section 9(5) of the Ordinance;
 - 1.7 “Ordinance” means the Hong Kong Academy of Medicine Ordinance;
 - 1.8 “Faculty” means a Faculty recognized under section 6(2) of the Ordinance.

Bylaw 2 **Membership**

- 2.1 The membership of the Academy shall consist of Fellows, Honorary Fellows, Members, Associates, and such other categories of membership as the Council may provide for.
- 2.2 The Council shall determine the criteria including examinations, assessments, qualifications, experience, training and continuing medical education where appropriate for admission to various categories of membership and may from time to time amend such criteria.
- 2.3 The Council of the Academy (the “Academy”) may, on the recommendation of an Academy College, admit as a Fellow any full member of an Academy College who has fulfilled the admission criteria as stated in Bylaw 2.4. The Academy will, however, retain absolute discretion over which nominees should be admitted as Fellows of the Academy.
- 2.4 **Fellows** shall have:

- (a) completed at least six years of supervised post-registration training in a manner approved by the Academy; and
- (b) where appropriate, passed a relevant intermediate examination accredited by the Academy; and
- (c) passed the exit examination or assessment conducted by the relevant College and accredited by the Academy.

2.5 It will be for the Academy to decide in its absolute discretion whether a particular nominee's training or any part of it is of sufficient standard to be allowed to be considered as appropriate post-registration training.

2.6 Fellowship of the Academy may cease unless the requirements for continuing medical education and/or assessment as determined by the Academy from time to time are satisfied.

2.7 A Fellow may at the same time hold more than one Fellowship of the Academy.

2.8 **Honorary Fellows** shall be persons of eminence or persons who have rendered outstanding service to medical science or to the Academy.

2.9 **Members** shall have completed at least 3 years of supervised specialist training and passed such intermediate examinations as recognized by the Academy. The continued membership of a Member shall be subject to review after 5 years.

2.10 **Associates** shall satisfy the Academy that they are interested or engaged in postgraduate medical education or continuing medical education.

Bylaw 3

Admission of members

- 3.1 The Council shall determine the procedure for admission of members of the Academy and may amend these procedures from time to time.
- 3.2 The admission of a Fellow shall be upon the award of a diploma of Fellowship in a particular specialty, duly attested by the signatures of the President and Vice-President (Education & Examinations) under the seal of the Academy.
- 3.3 A candidate for admission as Honorary Fellow shall be proposed by not less than 25% of the members of the Council. Admission of an Honorary Fellow shall be by election by the Council in meeting, provided that
 - 3.3.1 not less than 21 days' written notice shall have been served to all Council members of the intention of such election; and
 - 3.3.2 at least 3/4 of the Council members present and voting at the meeting vote in favour of the admission.

Bylaw 4

Subscriptions

4.1 The Council shall determine the entrance and annual subscription fees for different

categories of membership of the Academy from time to time.

4.2 Separate fees shall be charged for each Fellowship.

Bylaw 5

Resignation of members

- 5.1 Any member may resign by written notice to the Honorary Secretary.
- 5.2 Resignation shall take effect not earlier than the date on which such written notice is received by the Honorary Secretary.
- 5.3 Fees paid to the Academy are not refundable. Fees shall be payable up to the date of resignation.

Bylaw 6

Termination of membership

- 6.1 Subject to Bylaws 6.2 and 6.3 the Academy Council has the power and discretion to terminate a person's membership, if a member
 - 6.1.1 has been convicted of an offence punishable by imprisonment, and such offence is considered serious by the Academy Council;
 - 6.1.2 has been found guilty of misconduct in a professional respect or unprofessional conduct or professional misconduct of any other description by the Medical Council of Hong Kong or the Dental Council of Hong Kong, and such unprofessional conduct or misconduct is considered serious by the Academy Council;
 - 6.1.3 has acted in a manner prejudicial to the objectives or the good name of the Academy;
 - 6.1.4 has become bankrupt;
 - 6.1.5 has become of unsound mind;
 - 6.1.6 has ceased to be a member of the Academy College in which the specialty of his Fellowship belongs; or
 - 6.1.7 has failed to satisfy the requirements for continuing medical education and/or assessment as determined by the Academy from time to time.
- 6.2 The resolution to terminate a person's membership shall be passed by a majority of at least two-thirds of the whole number of councillors.
- 6.3 Prior to any meeting at which a resolution to terminate a person's membership is proposed the member shall be given at least 30 days' written notice of the intention and the reasons to terminate his membership. Such member shall have the opportunity to defend himself by written submission or in person at the time of the meeting, with or without legal representation.
- 6.4 If a member's fee or any other moneys due by a member to the Academy is not received by the Academy within 9 months after such payment falls due, despite two

written reminders by the Academy to pay, the member shall automatically forfeit his membership.

6.5 The membership of the Academy of a person, whose name is on the General Register kept under the Medical Registration Ordinance (Cap. 161) or the Dentists Registration Ordinance (Cap. 156), shall cease upon the removal of his name from the General Register in consequence of a disciplinary inquiry by the Medical Council of Hong Kong under the Medical Registration Ordinance or the Dental Council of Hong Kong under the Dentists Registration Ordinance.

Bylaw 6A

Reinstatement of membership

6A.1 A person, whose membership of the Academy has been terminated or has ceased under these Bylaws, may apply to the Council for reinstatement of membership.

6A.2 The Council may, in its absolute discretion, reinstate a person as a member of the Academy in the category of membership that the person was before the termination or the cease of membership.

6A.3 The Council may impose such conditions as it may consider appropriate on the reinstatement of membership including, but not limited to, payment of moneys due to the Academy and the completion of continuing medical education.

Bylaw 7

Awards, conferment or revocation

7. The Council may specify particulars of academic awards, distinctions, or certifications to be awarded by the Academy and provide for matters relating to their grant, conferment or revocation.

Bylaw 8

Specialist designation

8. The specialist designation of the Academy shall be the Fellowship of the Hong Kong Academy of Medicine, i.e. FHKAM (designated specialty).

Bylaw 9

Emblem, seal and academic dress

9.1 The emblem of the Academy shall be in colour as follows :



9.2 The design of the Academy seal shall be determined by the Council and the seal shall be in the custody of the Honorary Secretary. The seal may only be used with the authority of the Council.

9.3 The approval of the academic dress of the members of the Academy and Academy Colleges shall be at the absolute discretion of the Council.

Bylaw 10
Code of conduct

10. The Council shall cause a code of conduct to be established and such code shall be updated, published and issued from time to time.
 - 10.1 All members are urged to familiarize themselves with and abide by the prevailing code of professional conduct (of whatever description) of the Medical Council of Hong Kong, for medical members, and the Dental Council of Hong Kong, for dental members.
 - 10.2 Fellows shall accord to their professional colleagues proper respect. In particular, Fellows shall not exploit the services of their junior colleagues.
 - 10.3 Fellows should obtain the approval of an appropriate ethics committee before carrying out any research involving animals or human beings.
 - 10.4 Fellows should obtain the informed consent in writing of the patients before conducting research on them involving invasive procedures.
 - 10.5 Fellows should not plagiarize the work of others or claim originality of invention or discovery or acquisition of scientific data which are not the result of their own work.
 - 10.6 Any breach of the code of professional conduct of either the Academy, the Dental Council of Hong Kong or the Medical Council of Hong Kong may be a cause for the Academy Council to withdraw a person's membership.

Bylaw 11
Membership services and welfare of employees

11. The Council shall provide for the welfare of the members of the Academy and its employees.
 - 11.1 The use of the Academy's premises, services, and facilities are subject to the House Rules which shall be observed by all members.
 - 11.2 The House Rules shall be determined by the House Committee and approved by the Council from time to time.
 - 11.3 The House Committee shall be responsible for overseeing the management and welfare of employees of the Academy.

Bylaw 12
Duties of Officers

12. The six Officers shall be supported by salaried staff who will not be Council members but may be present at Council meetings without voting rights. The duties of the six Officers are as follows :-
 - 12.1 The President shall -
 - 12.1.1 be the person with overall responsibility for the administration and work of the Academy;

- 12.1.2 provide the leadership to ensure the objectives of the Academy are promoted; and
- 12.1.3 be the Chairman and have a casting vote at Council meetings.

12.2 The Vice-President (General Affairs) shall -

- 12.2.1 act for the President in his absence;
- 12.2.2 organize conferences, exhibitions, and social functions of the Academy as directed by the Council;
- 12.2.3 represent the President whenever necessary;
- 12.2.4 represent the Academy or the President in meetings concerning health care, legislation and other medical matters whenever necessary; and
- 12.2.5 assist the President in international affairs of the Academy.

12.3 The Vice-President (Education and Examinations) shall -

- 12.3.1 be the Chairman of the Education Committee;
- 12.3.2 be responsible for co-ordinating and monitoring postgraduate education and training and continuing medical education programmes of the Colleges to ensure that they are of the standard set by the Academy;
- 12.3.3 ensure the proper organization and conduct of examinations;
- 12.3.4 be responsible for liaising with the Colleges where matters relating to education and examinations are concerned.

12.4 The Honorary Secretary shall -

- 12.4.1 assist the President in the administration of the Academy;
- 12.4.2 cause proper minutes of every Council meeting or any other committee meetings as directed by the Council to be recorded;
- 12.4.3 maintain the register of Fellows;
- 12.4.4 give proper notice to each member of the Academy of general meetings and of any duly made and approved Regulation or Bylaw.

12.5 The Honorary Treasurer shall -

- 12.5.1 manage the financial affairs of the Academy as directed by the Council;
- 12.5.2 be a member of the Finance Committee;
- 12.5.3 cause proper accounts to be kept of the moneys received and expended by the

Academy and of its assets and liabilities.

12.6 The Editor shall -

- 12.6.1 cause a scientific journal of the Academy to be published regularly;
- 12.6.2 act as the Editor-in-chief and the Chairman of the Editorial Board of the journal;
- 12.6.3 be responsible for such publications as the Council directs.

Bylaw 13

Withdrawal of recognition of an Academy College or Faculty

- 13.1 The Council may decide to recommend to the Academy the withdrawal of its recognition of an Academy College or Faculty. The Academy College or Faculty shall be notified by registered post within 14 days of such decision.
- 13.2 The Academy College or Faculty concerned shall be given at least 30 days from the date of the notice to respond to the notification, subject to section 6(5)(a) & (b) of the Ordinance.
- 13.3 If the Council decides that its recommendation shall remain unchanged, a postal ballot shall be conducted. The College reply shall be included with the ballot paper.
- 13.4 The Academy shall withdraw its recognition of an Academy College or Faculty only if :
 - 13.4.1 not less than 1/5 of all eligible Fellows vote in such postal ballot; and
 - 13.4.2 2/3 of the Fellows who vote vote in favour of it in the postal ballot.
- 13.5 The Academy shall inform the Academy College or Faculty within 14 days of the result of the ballot by certified post.

Bylaw 14

Financial policy

14. The financial policy of the Academy shall be under the direction and control of the Finance Committee.

Bylaw 15

Postal ballots

- 15.1 Where, under the Ordinance, a postal ballot is to take place, the following provisions of this Bylaw shall have effect (save where specific provisions governing the postal ballot for the election of Council Members have been provided for under the relevant Regulations or where, in the reasonable contemplation of the Council, particular amendments to these standard procedures should be introduced for that particular postal ballot).
- 15.2 Notice of a postal ballot shall be given not less than 14 days before the date which the Academy specifies as the final date for the receipt of completed ballot papers (referred to in this Bylaw as “the voting day”). Where the notice of a postal ballot is sent by

post (whether ordinary or registered, as decided upon by the Academy in its absolute discretion), it shall be deemed that such notice will have been received on the next working day (which, for the avoidance of doubt, will not include a Saturday) following the day of posting (save for addresses outside Hong Kong, when such notice will be deemed to have been received 5 working days after the day of posting).

15.3 Subject to the provisions of this Bylaw, notice of a postal ballot shall be given to every Fellow of the Academy who would be entitled to vote in the postal ballot if the voting day for the postal ballot fell on the date of the notice.

15.4 Notice of a postal ballot:-

- (a) may contain such other notice relating to the postal ballot; and
- (b) may be accompanied by such other documents,

as thought necessary by the Council to inform the Fellows of the substance of the vote in question.

15.5 The accidental omission:-

- (a) to give notice of a postal ballot; or
- (b) to send any document required by sub-paragraph 15.4 above to accompany such a notice,

to any person entitled to receive it, or non-receipt of such a notice or document by such a person, does not invalidate the postal ballot.

15.6 Notice of the postal ballot, together with the ballot paper and such other notices and documents as referred to in sub-paragraph 15.4 above, shall be sent either by ordinary or by registered mail to every Fellow entitled under sub-paragraph 15.3 above to vote in the postal ballot, and the address to which these documents will be sent shall be the address of that particular Fellow listed in the current edition of the Gazette pursuant to Section 15 of the Medical Registration Ordinance (Cap. 161) (and for the avoidance of doubt, with regard to Fellows who are dental surgeons under the parallel Dentists Registration Ordinance, to the address of that particular Fellow listed in the current edition of the Gazette pursuant to Section 13 of the Dentists Registration Ordinance (Cap. 156)) (unless the Fellow has properly notified the Academy in writing 14 days prior to the date of posting of the notice of the postal ballot that such documents should be sent to an alternative address).

15.7 The voting day shall be specified in the notice of the postal ballot. Only ballot papers received by the Academy by close of business on the voting day shall be valid. Ballot papers may be returned to the Academy by hand or by post, but proof of posting is not proof of receipt.

15.8 Only original ballot papers must be returned and will be considered valid. Photocopies of ballot papers will be invalid as will faxed ballot papers.

15.9 The ballots shall be counted by the Honorary Auditor and/or Honorary Legal Adviser of the Academy or its delegated members or staff as the Council may direct. The Honorary Auditor and/or the Honorary Legal Adviser shall have the right to determine

the validity of any ballot paper returned in accordance with, *inter alia*, the provisions in sub-paragraph 15.8 above. Their reasonable decision or decisions (as the case may be) will be final. The Honorary Auditor/Honorary Legal Adviser (as the case may be) shall then inform the Council of the Academy of the result of the postal ballot, who shall then arrange for the publication of such results in whichever way they think best to voting Fellows, and also to other parties as decided by the Council in their absolute discretion.

15.10 Shown below are general forms of the Notice of postal ballot and the ballot paper, but it shall be in the absolute discretion of the Council to adopt any form most suited to and to make such amendments to the general forms as necessary for the postal ballot in question.

Notice of postal ballot - general form

HONG KONG ACADEMY OF MEDICINE

TAKE NOTICE THAT in accordance with Bylaw 15 of the Academy, the following matter(s) *is/are* to be decided on a postal ballot of Fellows.

1. [Regulations/Bylaws] of the Academy

The following [regulation/bylaw] is proposed:-

(here set out the text of the [regulation/bylaw])

This resolution will not be effective unless it is passed by [*two-thirds/half*] of the Fellows in a postal ballot in which not less than 1/5 of such Fellows have voted.

COMMENTS OF THE COUNCIL

(here state the comments, if any, of the Council)

[Repeat if more than one regulation/bylaw]

2. Voting papers

A voting paper is enclosed with this notice. Fellows are urged to vote on all resolutions.

3. Voting date

To vote, Fellows must complete the voting paper and send it to the Academy to be received by the Academy by [*final date for receipt of voting paper*]. Only original ballot papers must be returned and will be considered valid. Photocopies of ballot papers will be invalid as will faxed ballot papers.

4. Announcement of results

The Academy will announce the result of the postal ballot by [*means to be determined by Council*] as soon as practicable after the voting day.

Dated the..... day of

By order of the Council
Honorary Secretary

Voting Paper for use in a postal ballot

HONG KONG ACADEMY OF MEDICINE

Form for use in the postal ballot of the Academy as announced in the attached Notice dated [date]. To be valid, this form must be completed and sent to the Academy to be received by the Academy by [final date for receipt of voting papers] ("the Voting Date").

I, the undersigned, being a Fellow of the Academy and entitled to vote on this postal ballot, vote as follows:-

[*Regulation/Bylaw*] proposed

Resolution number: For/Against (delete as appropriate)

[repeat as necessary]

HKID No./Passport No.

.....Signature of Fellow

..... Name in BLOCK CAPITALS

.....Date

17 December, 1993;

15 July, 1994;

17 March, 1995;

19 May, 1995;

7 November, 1997;

15 November, 2012