



Dear Assignment / News / Business Section Editor

Hong Kong Institute of Certified Public Accountants takes disciplinary action against a certified public accountant (practising)

(HONG KONG, 2 December 2013) — A Disciplinary Committee of the Hong Kong Institute of Certified Public Accountants reprimanded Wallen Wu (membership number A09966) on 11 November 2013 for his failure or neglect to observe, maintain or otherwise apply a professional standard issued by the Institute. In addition, Wu was ordered to pay the costs of the disciplinary proceedings of HK\$23,481.

Wu is the sole proprietor of Eden & Co. The Institute found information about Eden & Co. provided fee information for professional services at its website's homepage. After considering the information available, the Institute lodged a complaint against Wu under section 34(1)(a)(vi) of the Professional Accountants Ordinance.

Wu admitted the complaint against him. The Disciplinary Committee found that Wu failed or neglected to observe, maintain or otherwise apply a professional standard issued by the Institute, namely section 450 *Practice Promotion* of the Code of Ethics for Professional Accountants.

Having taken into account Wu's admission and the circumstances of the case, the Disciplinary Committee made the above order against Wu under section 35(1) of the ordinance.

Under the ordinance, if Wu is aggrieved by the order, he may give notice of an appeal to the Court of Appeal within 30 days after he is served the order.

The order and findings of the Disciplinary Committee are available at the Institute's website under the "Compliance" section at www.hkicpa.org.hk.

Disciplinary proceedings of the Institute are conducted in accordance with Part V of the ordinance by a five-member Disciplinary Committee. The majority (three members) of each committee, including the chairman, are non-accountants chosen from a panel appointed by the Chief Executive of the HKSAR, and the other two members are CPAs.

Disciplinary hearings are held in public unless the Disciplinary Committee directs otherwise in the interests of justice. A hearing schedule is available at the Institute's website. A CPA who feels aggrieved by an order made by a Disciplinary Committee may appeal to the Court of Appeal, which may confirm, vary or reverse the order.

The Disciplinary Committees have the power to sanction members, member practices and registered students. Sanctions include temporary or permanent removal from

membership or cancellation of a practising certificate, a reprimand, a penalty of up to \$500,000, and payment of costs and expenses of the proceedings.

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About the Hong Kong Institute of Certified Public Accountants

The Hong Kong Institute of CPAs is the only body authorized by law to register and grant practising certificates to certified public accountants in Hong Kong. The Institute has nearly 36,000 members and more than 17,000 registered students. Members of the Institute are entitled to the description *certified public accountant* and to the designation CPA.

The Hong Kong Institute of CPAs evolved from the Hong Kong Society of Accountants, which was established on 1 January 1973.

The Institute operates under the Professional Accountants Ordinance and works in the public interest. The Institute has wide-ranging responsibilities, including assuring the quality of entry into the profession through its postgraduate qualification programme and promulgating financial reporting, auditing and ethical standards in Hong Kong. The Institute has responsibility for regulating and promoting efficient accounting practices in Hong Kong to safeguard its leadership as an international financial centre.

The Hong Kong Institute of CPAs is a member of the Global Accounting Alliance – an alliance of the world’s leading professional accountancy bodies, which was formed in 2005. The GAA promotes quality services, collaborates on important international issues and works with national regulators, governments and stakeholders.

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致：編採主任／新聞／財經版編輯

香港會計師公會對一名執業會計師作出紀律懲處

(香港，二零一三年十二月二日) — 香港會計師公會轄下一紀律委員會於二零一三年十一月十一日就鄔華倫先生(會員編號：A09966)沒有或忽略遵守、維持或以其他方式應用公會頒布的專業準則，對鄔先生作出譴責。此外，鄔先生須支付紀律程序的費用港幣二萬三千四百八十一元。

鄔先生為艾登會計師事務所的獨資經營者。公會發現艾登會計師事務所的網站主頁包含了為客戶提供專業服務的收費資料。公會經考慮所得資料，根據《專業會計師條例》第34(1)(a)(vi)條對鄔先生作出投訴。

鄔先生承認投訴中的指控屬實。紀律委員會裁定鄔先生沒有或忽略遵守、維持或以其他方式應用公會的專業準則 – **The Code of Ethics for Professional Accountants** 中的 **section 450 Practice Promotion**。

經考慮鄔先生承認指控及有關情況後，紀律委員會根據《專業會計師條例》第35(1)條向鄔先生作出上述的命令。

根據《專業會計師條例》，如鄔先生不服紀律委員會對他作出的命令，可於命令文本送達後30天內向上訴法庭提出上訴。

紀律委員會的書面判決可於公會網頁內**Compliance**部份查閱，網頁為 <http://www.hkicpa.org.hk>。

公會的紀律程序是根據《專業會計師條例》第V部份，由五位成員組成的紀律委員會執行。每個紀律委員會的大多數成員，即包括主席在內的三名成員，是由香港特別行政區行政長官從業外人士組成的紀律小組中選派委任，另外兩名成員由專業會計師出任。

除非負責的紀律委員會因公平理由認為不恰當，否則紀律聆訊一般以公開形式進行。紀律聆訊的時間表可於公會網頁查閱。如當事人不服紀律委員會的裁判，可向上訴法庭提出上訴，上訴法庭可確定、修改或推翻紀律委員會的裁判。

紀律委員會有權向公會會員、執業會計師事務所會員及註冊學生作出處分。紀律處分範圍包括永久或有限期地將違規者從會計師註冊紀錄冊中除名或吊銷其執業證書、對其作出譴責、下令罰款不多於五十萬港元，以及支付紀律程序的費用。

— 完 —

關於香港會計師公會

香港會計師公會是香港唯一獲法例授權負責專業會計師註冊兼頒授執業證書的組織，會員人數接近三萬六千，註冊學生人數逾一萬七千。公會會員可採用「會計師」稱銜（英文為 **certified public accountant**，簡稱 **CPA**）。

公會(**Hong Kong Institute of Certified Public Accountants**)於一九七三年一月一日成立，當時的英文名稱為 **Hong Kong Society of Accountants**。

公會根據《專業會計師條例》履行職責，以公眾利益為依歸。其職能廣泛，包括開辦專業資格課程(**Qualification Programme**)以確保會計師的入職質素，以及頒布香港的財務報告、審計及專業操守準則。此外，公會亦負責在香港監管和推動優良而有效的會計實務，以鞏固香港作為國際金融中心的領導地位。

香港會計師公會是全球會計聯盟 (**Global Accounting Alliance**，**GAA**) 的成員之一。全球會計聯盟於二零零五年成立，聯合了全球頂尖的專業會計團體，推動優質服務，並積極與各地監管機構、政府及關連人士就國際重要議題共同合作。

香港會計師公會聯絡資料

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IN THE MATTER OF

A Complaint made under Section 34(1)(a) of the Professional Accountants Ordinance (Cap.50) (“the PAO”) and referred to the Disciplinary Committee under Section 33(3) of the PAO

BETWEEN

The Registrar of the Hong Kong Institute of
Certified Public Accountants

COMPLAINANT

AND

Mr. Wallen Wu
Membership No. A09966

RESPONDENT

Before a Disciplinary Committee of the Hong Kong Institute of Certified Public Accountants (“the Institute”)

Members: Mr. Wong Tuk Ching Charles (Chairman)
Mr. Japhet Law Sebastian
Mr. Poon Chi Lik Eric
Mr. Tang Chak Yei
Mr. Yu Kwok Kuen Harry

REASONS FOR DECISION

1. This is a complaint made by the Registrar of the Hong Kong Institute of Certified Public Accountants (“the Institute”) against Mr. Wallen Wu as the Respondent, a certified public accountant. Section 34(1)(a)(vi) of the PAO applied to the Respondent.
2. The particulars of the Complaint as set out in a letter dated 10 April 2013 (“the Complaint”) from the Registrar to the Council of the Institute for consideration of referring the Complaint to the Disciplinary Panels, are as follows:-

- (1) On 21 September 2012, it came to the Institute's attention that Eden & Co. ("Eden") (firm no. 1979) had provided fee information at its website's homepage (www.edencpa.com.hk) ("Eden's Homepage") in breach of section 450 of the Code of Ethics for Professional Accountants (February 2012 Revision) (the "Code").
- (2) Eden is a sole proprietor firm owned by Mr. Wu.

RELEVANT PROFESSIONAL STANDARDS

- (3) Section 450 of the Code states:

"450.5 Members to whom this section applies will be held responsible for the form and content of any advertisement, publicity, or solicitation, whether undertaken personally or by another person or organisation on behalf of the member or his practice. Any practice promotion activity or material relating to a member or member practice shall be presumed, subject to proof by the member to the contrary, to have been issued (in the form in which it was issued) with his authority.

450.17 As the "Homepage" of a website of a member or member practice is considered analogous to a newspaper advertisement, it is not allowed to contain any references to scale charges or amounts of fees. However, information on scale charges or amounts of fees contained in a separate file on the website which is linked to "Homepage" is allowed as the user is required to act to gain access to such information by clicking the relevant "icon" on the "Homepage"."

THE COMPLAINT

- (4) Section 34(1)(a)(vi) of the Professional Accountants Ordinance applies to Mr. Wu in that, as the sole proprietor, he had failed or neglected to observe, maintain or otherwise apply a professional standard namely section 450 "Practice Promotion" of the Code in that Eden's Homepage contained information on fees.

FACTS AND CIRCUMSTANCES IN SUPPORT OF THE COMPLAINT

- (5) Eden's Homepage had contained the following information:

" 成立香港有限公司 (Translation: Incorporation of Hong Kong Limited Company)
HK\$2,000" (underline added)

- (6) On 8 October 2012, the Institute wrote to Mr. Wu seeking his representations.

(7) In his response to the Institute dated 10 October 2012, Mr. Wu did not deny the transgression and apologized for "the careless mistake". By way of explanation, Mr. Wu wrote:

"Refer to your letter on 8 Oct 2012 to us regarding the website issue, we feel very sorry for this careless mistake. After the year 2008 event, we outsource the company web design and maintenance work to third party companies. Since we don't have browse our own company website time by time, this minor issue was overlooked carelessly."

(8) Mr. Wu further confirmed that immediate corrective action had been taken and provided the Institute with the latest print out of Eden's Homepage which showed the removal of all fee information.

3. The Respondent admitted the Complaint against him. He did not dispute the facts as set out in the Complaint. The parties agreed that the steps set out in paragraphs 17 to 30 of the Disciplinary Committee Proceedings Rules be dispensed with.
4. On 5 September 2013, the Clerk to the Disciplinary Committee ("DC"), under the direction of the DC, informed the parties that they should make written submissions to the DC as to the sanctions and costs. Both parties have since put in their written submissions. Neither party requests for a hearing.
5. The Disciplinary Committee have carefully considered the Respondent's case that he had outsourced the company web design and maintenance work to third party companies, but hold the view that it is the duty of the Respondent to supervise the contractor's work. In any event, information in respect of the Respondent's scale charge could only have come from the Respondent. This accordingly does not amount to a mitigating factor.
6. The Disciplinary Committee gives weight to the fact that the Respondent has a record of improper practice promotion in 2008 which resulted in the Council issuing to the Respondent a letter of disapproval.
7. The Disciplinary Committee has nevertheless taken into account the fact that a formal hearing was dispensed with upon the Respondent's admission to the complaints which saved time and costs. The Respondent did take immediate corrective action. Further, the Respondent also agrees to pay the costs and expenses of and incidental to the proceedings.
8. Taking into account all the circumstances, the Disciplinary Committee regards that the appropriate disciplinary order is for the Respondent to be reprimanded.
9. On the question of cost, the Disciplinary Committee shall allow HK\$23,481 for the professional work of the complainant's legal advisor, the Institute's staff cost and clerk to the Disciplinary Committee and photocopying charges.

10. The Disciplinary Committee orders that :-

1. The Respondent be reprimanded under Section 35(1)(b) of the Professional Accountants Ordinance.
2. The Respondent do pay the allowed costs and expenses of and incidental to the proceedings in the sum of HK\$23,481 under Section 35(1)(iii) of the Professional Accountants Ordinance within 14 days of this Order.

Dated the 11th day of November 2013

IN THE MATTER OF

A Complaint made under Section 34(1)(a) of the Professional Accountants Ordinance (Cap.50) ("the PAO") and referred to the Disciplinary Committee under Section 33(3) of the PAO

BETWEEN

The Registrar of the Hong Kong Institute of
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RESPONDENT

Before a Disciplinary Committee of the Hong Kong Institute of Certified Public Accountants ("the Institute")

Members: Mr. Wong Tuk Ching Charles (Chairman)
Mr. Japhet Law Sebastian
Mr. Poon Chi Lik Eric
Mr. Tang Chak Yei
Mr. Yu Kwok Kuen Harry

ORDER

Upon reading the complaint against MR. WALLEN WU, a certified public accountant, as set out in a letter from the Registrar of the Hong Kong Institute of Certified Public Accountants ("the Complainant") dated 10 April 2013, the written submissions of the Complainant and the Respondent dated 9 and 16 September 2013 respectively and the relevant documents, the Disciplinary Committee is satisfied by the documentary evidence adduced before it that the following Complaint is proved:

Section 34(1)(a)(vi) of the PAO applies to the Respondent in that he failed or neglected to observe, maintain or otherwise apply a professional standard namely section 450 "Practice Promotion" of the Code in that Eden & Co.'s homepage contained information on fees. Mr. Wu is the sole proprietor of Eden & Co.

The Disciplinary Committee ORDERS that:-

1. The Respondent be reprimanded under Section 35(1)(b) of the PAO;
2. The Respondent do pay the costs and expenses of and incidental to the proceedings of the Complainant in the sum of HK\$23,481 under Section 35(1)(iii) of the PAO within 14 days of this Order.

Dated the 11th day of November 2013