



Dear Assignment / News / Business Section Editor

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

(HONG KONG, 20 March 2015) — A Disciplinary Committee of the Hong Kong Institute of Certified Public Accountants reprimanded Lau Wai Yui, Jimmy (membership number A35961) on 10 March 2015 for his failure or neglect to observe, maintain or otherwise apply professional standards issued by the Institute, and ordered him to pay a penalty of HK\$10,000 to the Institute. In addition, Lau was ordered to pay costs of the disciplinary proceedings of HK\$64,265.

The Institute received information about Lau falsely claiming, on a number of public occasions, that he held a degree of Master of Professional Accounting awarded by a University in Hong Kong when in fact he was only a student of that programme at the relevant time. After considering the information available, the Institute lodged a complaint against Lau under section 34(1)(a)(vi) of the Professional Accountants Ordinance.

Lau admitted the complaint against him. The Disciplinary Committee found that Lau failed or neglected to observe, maintain or otherwise apply the fundamental principle of "integrity" in sections 100.5 and 110 of the Code of Ethics for Professional Accountants.

Having taken into account the circumstances of the case, the Disciplinary Committee made the above order against Lau under section 35(1) of the ordinance.

Under the ordinance, if Lau 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. 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 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.

– End –

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 more than 38,000 members and more than 18,000 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.

Hong Kong Institute of CPAs' contact information:

Stella To
Deputy Director, Communications
Phone: 2287 7209
Mobile: 9027 7323
Email: stella@hki CPA.org.hk



致：編採主任／新聞／財經版編輯

香港會計師公會對一名會計師作出紀律處分

(香港，二零一五年三月二十日) — 香港會計師公會轄下紀律委員會於二零一五年三月十日就劉偉銳先生(會員編號：A35961)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，對劉先生作出譴責，並命令他須繳付罰款一萬港元予公會。此外，劉先生須支付紀律程序的費用六萬四千二百六十五港元。

公會收到資料，指劉先生曾數次在公開場合中冒稱他持有由一間香港的大學頒發的專業會計碩士學位，但事實上，他在有關期間只是該課程的學生。公會經考慮所得資料，根據《專業會計師條例》第34(1)(a)(vi)條對劉先生作出投訴。

劉先生承認投訴中的指控屬實。紀律委員會裁定劉先生沒有或忽略遵守、維持或以其他方式應用公會頒布的專業準則 – **Code of Ethics for Professional Accountants** 中第100.5條及110條的**Fundamental Principle - "Integrity"**。

經考慮有關情況後，紀律委員會根據《專業會計師條例》第35(1)條向劉先生作出上述的命令。

根據《專業會計師條例》，如劉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，會員人數超過三萬八千，註冊學生人數逾一萬八千。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

杜幼儀

副傳訊總監

直線電話：2287 7209

手提電話：9027 7323

IN THE MATTER OF

A Complaint made under section 34(1)(a) and section 34(1A) of the Professional Accountants Ordinance (Cap. 50) ("**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

Lau Wai Yui, Jimmy (A35961) RESPONDENT

Members: Mr. KO, Ming Tung, Edward (Chairman)
Mr. LIU, Ling Hong, Stephen
Ms. WAN, Yuen Yung
Mr. LIU, Yun Bonn
Mr. PHILLIPS, Warren Peter

REASONS FOR DECISION

1. This is a complaint made by the Registrar of the Hong Kong Institute of Certified Public Accountants (the "**Institute**") as Complainant against the Respondent, who is 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 26 June 2014 ("the Complaint") from the Registrar of the Institute to the Council of the Institute for consideration of the Complaint for referral to the Disciplinary Panels were as follows:-

BACKGROUND

- 1) On 29 September 2013, the Institute received a complaint lodged by one Mr. C that the Respondent had falsely claimed on a number of occasions that he held a degree of Master of Professional Accounting ("**MPA**") awarded by the Hong Kong Polytechnic University ("**Poly U**") when in fact he was only a student of that programme at the relevant time.

- 2) It was alleged that the Respondent had associated himself with the false claim of holding an MPA degree on the following occasions:
 - a. In speaking at a seminar called "QP Exam Skills and Sharing Seminar" on 25 May 2013 organized by Lingnan University, the Respondent showed a PowerPoint slide which stated that he was an MPA holder. The handouts distributed to the audience during the Seminar, apparently being copies of the Respondent's presentation slides, also referenced the MPA degree.
 - b. A picture of the Respondent taken in the Seminar which appeared in his Facebook account also showed the PowerPoint slide with the MPA reference.
 - c. A print out of the Respondent's LinkedIn profile dated 22 September 2013 showed "MPA (Poly U with distinction)".
- 3) A copy of the Respondent's academic transcript shows that he only completed the MPA degree in January 2014.
- 4) By letters dated 9 October 2013, 23 January 2014, 6 February 2014, 4 March 2014 and 13 March 2014, the Institute sought representations from the Respondent in respect of the matter. The Respondent replied on 16 October 2014 ("1st Reply") and 27 January 2014, and his solicitor replied by open letters dated 28 February 2014 and 10 March 2014 and by a without prejudice letter dated 4 April 2014.

RELEVANT PROFESSIONAL STANDARDS

- 5) Section 100.5 of the Code of Ethics for Professional Accountants ("**Code**") states:

"100.5 A professional accountant shall comply with the following fundamental principles:

 - (a) Integrity – to be straightforward and honest in all professional and business relationships."*
- 6) Section 110 "Integrity" of the Code states:

"110.1 The principle of integrity imposes an obligation on all professional accountants to be straightforward and honest in all professional and business relationships. Integrity also implies fair dealing and truthfulness.

110.2 A professional accountant shall not knowingly be associated with reports, returns, communications or other information where the professional accountant believes that the information:

- (a) *Contains a materially false or misleading statement;*
- (b) *Contains statements or information furnished recklessly;
or*
- (c) *Omits or obscures information required to be included
where such omission or obscurity would be misleading.*

When a professional accountant becomes aware that the accountant has been associated with such information, the accountant shall take steps to be disassociated from that information."

THE COMPLAINT

- 7) Section 34(1)(a)(vi) of the PAO applies to the Respondent in that he had failed or neglected to observe, maintain or otherwise apply a professional standard, namely sections 100.5 and 110 of the Code, when he made statement(s) to the effect that he was a holder of an MPA degree when, at the time, that was not true.

FACTS AND CIRCUMSTANCES IN SUPPORT OF THE COMPLAINT

- 8) The Respondent does not deny that he only obtained his MPA qualification after completing the study programme in January 2014. Prior to that time, the Respondent was clearly not entitled to use the academic designation and any use of the designation by him, at that time, would give the false or misleading impression that the Respondent had completed and successfully passed the study programme.
- 9) However, the Respondent did portray himself as an MPA degree holder by using the "MPA" reference on a number of occasions even though he had yet to complete the study programme.

The Seminar

- 10) On 25 May 2013, the Respondent was a speaker at a seminar "*QP Exam Skills and Sharing Seminar*" organized by the Lingnan University (the "**Seminar**"). To assist his presentation, the Respondent had prepared and used a set of PowerPoint slides.
- 11) Within these slides, the Respondent had prepared a slide containing details of his qualifications and experience. This slide represented that the Respondent was *inter alia* the holder of an MPA degree.
- 12) Hardcopies of the PowerPoint slides, including the slide containing his personal qualification and experience, were distributed at the Seminar to all attendees.

Facebook

- 13) **The Respondent maintained a Facebook account with 770 connections.** Given the way Facebook operates as an internet communication platform, it is reasonable to expect the postings would be accessible to more than just the Respondent's 770 connections.
- 14) The Respondent's Facebook page contained a picture of the Respondent standing in front of the slide from his PowerPoint presentation which claimed that he was the holder of an MPA degree. The picture was taken during the Seminar and had been uploaded by the Respondent to his Facebook account.
- 15) As noted above, this picture would have been available for view by any one of the Respondent's 770 Facebook friends which included "*prominent people in the accounting sector, such as Council Members and Committee Members of our Institute, Legco Councilor, my friends, my tutors, and my students*" in addition to, possibly, others in the Facebook network.

LinkedIn

- 16) **The Respondent maintained a LinkedIn account with 120 connections.** Given the way LinkedIn operates as an internet communication platform especially for professionals, it is reasonable to expect that the page would be accessible to more than just Respondent's 120 connections.
 - 17) As shown in a snapshot of the Respondent's own LinkedIn profile page taken on 22 September 2013, he had been representing that he was the holder of an MPA degree from Poly U which he claimed to have passed with distinction.
3. The Respondent admitted the Complaint against him. He did not dispute the facts as set out in the Complaint and withdrew his defence submitted in his Case. He agreed that the steps set out in paragraphs 26 to 30 of the Disciplinary Committee Proceedings Rules be dispensed with.
 4. By a letter dated 6 January 2015 addressed to the Complainant and the Respondent, 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 and that the DC would not hold a hearing on sanctions and costs unless otherwise requested by the parties.
 5. In considering the proper order to be made in this case, the DC has had regard to all the aforesaid matters, including the particulars in support of the Complaint, the Respondent's personal circumstances, and the conduct of the Complainant and the Respondent throughout the proceedings.
 6. The DC orders that:-

- 1) the Respondent be reprimanded under section 35(1)(b) of the PAO;
- 2) the Respondent do pay a penalty of HK\$10,000 under section 35(1)(c) of the PAO; and
- 3) the Respondent do pay the costs and expenses of and incidental to the proceedings of the Complainant in the sum of HK\$64,265 under section 35(1)(iii) of the PAO.

Dated the 10th day of March 2015

IN THE MATTER OF

A Complaint made under section 34(1)(a) and section 34(1A) of the Professional Accountants Ordinance (Cap. 50) ("**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

Lau Wai Yui, Jimmy (A35961) RESPONDENT

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

Members: Mr. KO, Ming Tung, Edward (Chairman)
Mr. LIU, Ling Hong, Stephen
Ms. WAN, Yuen Yung
Mr. LIU, Yun Bonn
Mr. PHILLIPS, Warren Peter

ORDER

Upon reading the complaint against Mr. Lau Wai Yui, Jimmy, being a certified public accountant, as set out in a letter from the Registrar of the Institute (the "**Complainant**") dated 26 June 2014, the written submissions of the Respondent dated 23 September 2014 and 27 January 2015, the written submissions of the Complainant dated 2 September 2014 and 20 January 2015, and other relevant documents, the Disciplinary Committee is satisfied by the admission of the Respondent and the 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 had failed or neglected to observe, maintain or otherwise apply a professional standard, namely sections 100.5 and 110 of the Code, when he made statement(s) to the effect that he was a holder of an MPA degree when, at the time, that was not true.

IT IS ORDERED that:-

1. the Respondent be reprimanded under section 35(1)(b) of the PAO;
2. the Respondent do pay a penalty of HK\$10,000 under section 35(1)(c) of the PAO; and
3. the Respondent do pay the costs and expenses of and incidental to the proceedings of the Complainant in the sum of HK\$64,265 under section 35(1)(iii) of the PAO.

Dated the 10th day of March 2015