



Malaysian Institute *of* Estate Agents

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**CONSTITUTION**

**OF THE**

**INSTITUTE EJEN HARTANAH MALAYSIA**

**(MALAYSIAN INSTITUTE OF ESTATE AGENTS)**

Societies Act, 1966 & Regulations, 1984  
Registered on the 14th day of April, 1987  
Registration No : 2020 (Selangor)

(All amendments up to 31st December 2004)

**INSTITUT EJEN HARTANAH MALAYSIA**  
**(Malaysian Institute of Estate Agents)**  
**CONSTITUTION**

**1. TITLE**

The organisation shall be known as the Institut Ejen Hartanah Malaysia (THE MALAYSIAN INSTITUTE OF ESTATE AGENTS).

**2. DEFINITIONS**

In this constitution, unless the context otherwise specifies :

- "Institute" means the Institut Ejen Hartanah Malaysia (The Malaysian Institute of Estate Agents).
- "Council" means the Council of Management for the Institute.
- "Annual General Meeting" means the Annual General Meeting of the members of the Institute.
- "Extraordinary General Meeting" means an Extraordinary General Meeting of the member of the Institute.
- "Act" means the Valuers, Appraisers and Estate Agents Act 1981.
- "Board" means the Board of Valuers, Appraisers and Estate Agents set up under the Act.
  - "Registered Estate Agent" means a person who has been accepted for Registration under the Act and is given authority to practice under the Act.
- "Registered Office" means the address of the Institute as approved by the Registrar of Societies.
- "Financial Year" means the accounting year of the Institute, which will be from 1 January to 31 December.
- Words importing the masculine gender shall also apply to the feminine gender.
- Words importing the singular number shall also include the plural number and vice-versa.
- Words importing persons shall also include corporations.

**3. REGISTERED OFFICE**

The registered office of the Institute shall be No. 88-B, Jalan SS 21/39, 47400 Petaling Jaya, Damansara Utama, Selangor Baru Ehsan. The registered office of the Institute may be changed by the Council from time to time with prior approval of the Registrar of Societies.

**4. OBJECTS**

- To unite those engaged in the Estate Agency Practice for the purpose of extending beneficial influence on the profession and related interests.
- To promote and maintain a high standard of conduct amongst members in accordance with the Code of Ethics of the Institute.

- To improve the technical and general knowledge of persons engaged in the profession.
- To develop foster and maintain good relations between members of the Institute and to provide a platform for the networking and exchanging of ideas and opinions amongst practitioners.
- To provide for the upholding of the honour, reputation and status of members.
- To provide for the training, education, examination of persons practicing or intending to practice as estate agents, or who are otherwise employed or engaged in the profession.
- To represent members in discussion and dialogues with other trade/industry bodies and Government agencies.
- To safeguard and improve the welfare of real estate agents.
- To safeguard and protect the interest of the general public against fraud by practitioners or illegal agents.
- To elevate and encourage the maintenance of a high level of professionalism amongst practitioners.

## **5. MEMBERSHIP**

The membership of the Institute shall be in the following categories :

### **A. Ordinary Members**

Malaysian Citizens or Permanent Residents, who are over the age of 21, and registered with the Board.

Ordinary members shall be entitled to use the letters "M.M.I.E.A." after their names. Ordinary members shall be entitled to all the privileges of membership including the right to attend and vote at all meetings of the Institute and hold any positions in the Institute if so qualified under Rule 12.

### **B - Affiliate Members (Category 1)**

Malaysian Citizens or Permanent Residents who are over the age of 21, but who are not eligible for Ordinary Membership but who are Negotiators in the estate agency profession. Affiliate Members (Category 1) may, upon becoming Registered Estate Agents, have their category of membership changed to Ordinary Member without payment of any further Entrance Fee. Affiliate Members (Category 1) shall be entitled to attend all meetings of the Institute but shall not be entitled to vote at any meetings or hold any office in the Institute.

### **C - Affiliate Members (Category 2)**

Malaysian Citizens or Permanent Residents who are over the age of 21, but who are not eligible for Ordinary Membership nor Affiliate Members (Category 1) but who are employees of firms related in one way or another to the property industry such as

valuation, architecture, engineering, quantity surveying, land surveying, property management, property development etc. Students studying estate agency or any of the above disciplines or any other careers related to the property industry will also qualify to apply. Affiliate Members (Category 2) may upon becoming Negotiators or Registered Estate Agents, have their category of membership changed to Ordinary Member or Affiliate Members (Category 1) without payment of any further Entrance Fee. Affiliate members (Category 2) shall be entitled to attend all meetings of the Institute but shall not be entitled to vote at any meetings or hold any office in the Institute.

## **6 AWARD OF HONOURS**

### **a. Honorary Member**

The Council may confer the award of Honorary Member on any person, who is not a member of the Institute, as it deems fit and suitable by a vote of not less than three-fourths majority of the Council Members present. An Honorary Member shall enjoy all the privileges of an Ordinary Member except the right to vote at any meeting of the Institute or hold any office in the Institute. An Honorary Member shall not be required to pay any subscription.

An Honorary Member is entitled to use the designation "Honorary Member M.I.E.A." after such member's name but not after the name of such member's firm, if any

### **b. Fellow**

The Council may confer on any Ordinary Member the award designated as "Fellow": Such an award of Fellow may only be conferred on an Ordinary Member :-

(i) who has been an Ordinary Member for at least ten (10) years immediately preceding such member's nomination for the award of Fellow.

(ii) who has given outstanding service over a period of years to the profession in general and/or to the Institute in particular:

A Fellow is entitled to use the acronym "F.M.I.E.A." after such member's name.

## **7. APPLICATION FOR MEMBERSHIP**

All application for membership must be made on the official membership application form. Application for membership shall only be considered if all the requirements stated in the form are provided and the relevant Processing Fee and Entrance Fee is paid.

All application for membership shall be subject to approval by the Council whose decision shall be final. The effective date of membership shall be the date of approval of the application by the Council. In cases where applications are rejected the Entrance Fee shall be refunded in full.

## **8. APPLICATION FEE, ENTRANCE FEE & ANNUAL SUBSCRIPTION**

The application fee, entrance fee and annual subscription payable shall be determined by the AGM of the Institute and shall be as follows :

Application Fee	:	RM 10.00
Entrance Fee	:	RM200.00
Annual Subscription	:	RM200.00 - Ordinary Member
		RM 80.00 – Affiliate Member (Category 1)
		RM 80.00 - Affiliate Member (Category 2)

**The Annual Subscription as specified in the rules shall be payable in advance and any member whose subscription is in arrears for a period exceeding three (3) months from the beginning of the Institute’s financial year will have his membership classified as “Member In-Default”. Members who are such classified will until their dues are fully paid, be suspended from enjoying any benefits of membership such as the right to vote, serve as Councillor and/or any other benefits as may be declared by the Council from time-to-time.”**

Reinstatement of terminated membership shall be considered by the Council on payment of all arrears of Subscription and a Reinstatement Fee equivalent to half the Entrance Fee at that time.

## **9. CERTIFICATES**

Upon a person's membership application being accepted by the Council, a Certificate of Membership shall be forwarded to the person. This certificate shall always remain the property of the Institute and shall be returned to the Institute upon cessation of membership or change in the category of membership.

## **10. TERMINATION OF MEMBERSHIP**

A member shall have his membership of the Institute terminated :

- If the annual subscription is not paid within the period specified in Rule 8.
- If he is mentally incapacitated, convicted of a felony or misdemeanor or is an undischarged bankrupt or deregistered by the Board
- If found by the Council to act in detriment to the objects of the Institute.

In all instances of termination, other than termination for non-payment of subscriptions, all avenues of appeal must have been exhausted prior to such termination.

## 11. COMPOSITION OF COUNCIL OF MANAGEMENT

The Council of Management of the Institute shall consist of the following Ordinary Members: .

- 1 President
- 1 Deputy President
- 3 Vice Presidents
- 1 Honorary Secretary General
- 1 Honorary Treasurer
- 10 Ordinary Councillors
- 1 Immediate Past President
- The Chairman of the Branch Committee

## 12. ELIGIBILITY TO BE MEMBERS OF COUNCIL

Malaysian Citizens who have been Ordinary Members for a period of not less than one (1) year and whose principal profession is estate agency practice shall be eligible to be nominated for election as Councillors.

Malaysian Citizens who have served as Honorary Officers for a period of not less than one (1) year shall be eligible to be nominated for the following positions :

President  
Deputy President  
Vice Presidents (three positions)  
Honorary Secretary General  
Honorary Treasurer

## 13. TERM OF OFFICE

The term of office of such Honorary Officers of the Institute shall be from the date of the Annual General Meeting at which he is elected to the date of the Annual General Meeting two (2) years hence.

To ensure continuity in the Council, the election of the Honorary Officers shall be held in alternating years in the following manner :

Odd Year	:	President 2 Vice Presidents Hon. Treasurer <b>5 Ordinary Councillors</b>
Even Year Deputy	:	President Hon. Secretary General 1 Vice President <b>5 Ordinary Councillors</b>

No Ordinary Member shall be elected to the office of President for more than two (2) consecutive terms.

#### **14. NOMINATION OF OFFICERS**

Nominations of suitably qualified ordinary members, who must be Malaysian Citizens, for positions on the Council of Management shall be made on the official nomination form and must contain all information as determined by the Council.

Each nomination form must be signed by a Proposer and a Secunder who are Ordinary Members of the Institute.

Each nomination must also be accompanied by a statement for the Candidate for Election giving his consent for such nomination and personal details as determined by the Council.

All duly completed nomination forms, enclosed in a sealed envelope marked 'Nominations for Elections', must be received at the Institute's Registered Address not later than 10.00am fourteen (14) days prior to the date set for the Annual General Meeting or any such other earlier date that may have been fixed by the Honorary Secretary General.

The Council shall scrutinize each nomination received and if found correct include the nomination in the list of candidates for election.

#### **15. ELECTION OF HONORARY OFFICERS**

Honorary Officers of the Institute shall be elected at the Annual General Meeting of the Institute.

Ballot papers as approved by the Council shall be used and balloting shall be supervised by three (3) members from the floor.

A simple majority shall determine the result of all ballots for any position except in cases where there is more than one position to be filled in which case the most number of votes secured in descending order shall determine the results.

In cases where there is a lesser number of candidates than posts for election, all candidates so nominated shall be declared proposed and nominations shall be called from the floor for the remaining vacant posts. In any such cases the nominees from the floor, if greater than the number of posts remaining vacant, shall be elected by secret ballot.

## **16. CODE OF ETHICS AND CONDUCT**

All members shall comply with the Institute's Code of Ethics and Conduct and all rules and regulations imposed by the Valuers, Appraisers and Estate Agents Act 1981 and Rules, 1986.

Any breach of such Code of Ethics and Conduct or such rules and regulations as aforesaid shall render the member concerned liable to disciplinary action.

## **17. DISCIPLINARY ADMINISTRATION**

If a member **and or a Council member** commits a breach of the Code of Ethics and Conduct, the Council is empowered to take any of the following action :

- (1) Reprimand such member in writing;
- (2) Suspend such member for a period not exceeding one (1) year as it deems fit.
- (3) Withdraw any or all of the Institutes Award of Honours conferred on such member;
- (4) Expel such member from the Institute;
- (5) Recommend to the Board of Valuers, Appraisers and Estate Agents for cancellation or suspension of such members Authority to Practice;
- (6) To take such other course of action as the Council deems appropriate.

## **18. VACANCIES, TERMINATION AND RESIGNATION**

If a vacancy occurs due to resignation, termination or any other reason in any position during the term of office, the Council is empowered to fill the vacancy from within or without the Council. The person so appointed to fill the vacancy shall hold office for the remainder of the term of office.

## **19. HONORARY AUDITORS**

Two (2) members of the Institute shall be elected at the Annual General Meeting of the Institute to serve as Honorary Auditors. Their term of office shall be from one Annual General Meeting to the next.

The Honorary Auditors shall examine and sign the Annual Reports after the Professional Auditors have audited them.

## **20. PROFESSIONAL AUDITORS**

(1) At each Annual General Meeting; the Institute may appoint a Professional Auditor (or Auditors), who is a member of a body of accountants recognized by legislation of the country to hold office from one Annual General Meeting to the next.

(2) The Professional Auditor shall have a right of access at all times to the books, accounts and vouchers of the Institute and shall be entitled to require from any member or person or servant of the Institute with information or explanation as he thinks necessary for the performance of his duties.

(3) The Professional Auditor shall be entitled to receive all notices and to attend any Annual or Extraordinary General Meeting and shall be heard on any matters which concern him as a Professional Auditor:



(4) The Professional Auditor shall make a report in writing on the accounts examined by him on all Annual Accounts during his tenure of office. Such reports shall state whether in his opinion the Annual Accounts give a true and fair view of the state of the Institutes financial affairs at the end of the financial year, and of the income and expenditure for the financial year:

## **21. COMMITTEES**

The Council shall, at its first meeting after each Annual General Meeting, appoint the following Committees to administer and pursue the various aims, objects and policies of the Institute :

### **(1) Professional Practices Committee**

Who shall be responsible for investigating any complaints received from within or without the Institute on the conduct and behavior of its members and make suitable recommendations to the Council.

This Committee shall be headed by the Deputy President of the Institute and consist of **at least two (2)** other members of the Council.

### **(2) Membership Committee**

Who shall be responsible for reviewing all applications for membership to the Institute and making recommendations to the Council.

This Committee shall be headed by a member of the Council and consist of **at least four (4)** other members of the **Institute**.

### **(3) Building Fund Committee**

The Building Fund Committee shall be responsible for the setting up and raising of sufficient funds to acquire the Institute's office.

The Committee shall be headed by a Member of the Council and shall consist of **at least five (5)** members of the Council of the Institute.

Signatories for the bank account(s) **shall be the President, Honorary Secretary General and Honorary Treasurer of the Institute.**

### **(4) Education and Training Committee**

The Committee shall be responsible for the educational development of members of the Institute with the aim of enhancing the high professional standards amongst the members.

The Committee shall conduct training programmes, which will include courses, seminars, conventions, and forums, workshops and other related real estate activities.

The Committee shall be headed by a **Council member of the Institute and shall consist of at least two (2)** other members of the Council.

### **(5) Other Committees and Additional Members of Committees**

The Council may, at its first meeting after the Annual General Meeting or from time to time appoint other committees provided always that all such committees shall be headed by a Member of the Council and shall consist solely of members of the Institute.

All committees shall operate strictly on the terms of reference and procedures as embodied in the Bye-laws.

The Chairman of each Committee shall have power to co-opt additional Ordinary Members and any other persons as and when deemed necessary to work in such committees.

## **22. POWERS OF THE COUNCIL**

The Council shall be the supreme authority of the Institute between Annual General Meetings and shall have the power :

- To introduce rules, regulations and bye-laws to facilitate the proper functioning of the Institute.
- To take all necessary action to promote the objects of the Institute.
- To act on the reports of the Professional Practices Committee and take appropriate action based on such reports.
- To act on reports received from other Committees appointed by the Council.
- To authorize any expenditure that will further the aims and objects of the Institute.
- To make regulations for and to conduct such examinations as it may determine for members and persons employed or otherwise engaged in the profession.
- With a view to extending the benefits of the Institute to open communication from time to time with similar bodies and members of the same profession in other countries, for the purpose of obtaining and communicating information on all matters likely to be beneficial or of interest to members, and to negotiate and arrange with similar bodies for the reciprocal recognition and benefiting the members.
- To prescribe the wording of such standard forms or documents as it may from time to time decide and to indicate that they are approved by the Institute.

## **23. DUTIES OF THE PRESIDENT**

The President shall be the Chairman of all meetings of the Institute including Annual or Extraordinary General Meetings and Meetings of the Council.

The President shall be an ex-officio member of any Committee appointed by the Council and shall be entitled to attend all Meetings of such Committees.

The President shall be an ex-officio member of the State Branch Committee.

## **24. DUTIES OF THE DEPUTY PRESIDENT**

The Deputy President shall, in the absence of the President, chair any of the meetings of the Institute including Annual or Extraordinary General Meetings or Meetings of the Council.

## **25. DUTIES OF THE VICE PRESIDENTS**

Anyone of the Vice-Presidents shall, in the absence of the President or Deputy President, chair any meeting of the Institute including Annual or Extraordinary General Meetings or Meetings of the Council.

## **26. DUTIES OF THE HONORARY SECRETARY-GENERAL**

The Honorary Secretary-General shall be responsible for conducting all the correspondence and keeping all books, documents and records, except the Accounts and Financial Records of the Institute.

The Honorary Secretary-General may, with the consent of the Council, delegate such duties to other members of the Council or salaried staff of the Institute.

The Honorary Secretary-General shall be an Ex-officio member of any Committee appointed by the Council and shall be entitled to attend all meetings of such Committees.

The Honorary Secretary-General shall be an ex-officio member of the State Branch Committee.

## **27. DUTIES OF THE HONORARY TREASURER**

The Honorary Treasurer shall be responsible for the financial affairs of the Institute.

The Honorary Treasurer shall keep all financial records and books of the Institute and present at each meeting of the Council a statement giving the current financial position of the Institute.

The Honorary Treasurer shall also present to the Annual General Meeting of the Institute a set of Accounts of the Institute duly audited by the Honorary Auditors and the **Public Accountants**.

The Honorary Treasurer together with either the President or the Honorary Secretary-General shall be the signatories of the Institute's bank account(s).

The Honorary Treasurer may, with the prior approval of the Council, introduce various methods of receipts and payments, petty cash payment and reimbursement and other such accounting procedures and delegate the implementation of procedure to other members of the Council or salaried staff of the Institute.

The financial year of the Institute shall start on the 1st day of January of each year.

## **28. DUTIES OF ORDINARY COUNCILLORS**

Ordinary Councillors shall serve on the various Committees that the Council may set up and perform all of the duties that may be reasonably expected of them to further the objects of the Institute.

## 29. ANNUAL GENERAL MEETINGS

The supreme authority of the Institute shall be the Annual General Meeting, which shall be held once in each calendar year at a date not later than 30th April of that year.

Notice of the Annual General Meeting is to be given to all members not later than 28 days prior to the date set for such meeting.

The Notice of Meeting shall be accompanied by the following :

- The Agenda for the Meeting
- Minutes of the previous Annual General Meeting
- Report of the Council
- Audited Accounts of the previous year
- Forms for the nomination of Honorary Officers

-Invitation to submit motions or proposals

**All motions or proposals for discussion or nominations for the office of Honorary Officers of the Institute must be received at the Institute's registered office not later than 10.00am fourteen (14) days prior to the date set for the Annual General Meeting or any such earlier date that may have been fixed by the Honorary Secretary General.**

The Council shall vet, validate and approve all nominations and motions before circulation to members.

The Honorary Secretary-General shall, prior to ten (10) days of the date set for the Annual General Meeting, send to all members a list of all nominations, motions and proposals duly received.

All such notices shall be sent by ordinary post to the address shown in the Institute's records at that time.

All motions shall be decided by a simple majority arrived at by a secret ballot. In cases where there is an equality of votes, the Chairman shall have a casting vote to decide the outcome.

The Quorum of any Annual General meeting shall be at least one half of the total ordinary members or twice the number of the Honorary Officers, whichever is the lesser.

If half an hour after the time appointed for an Annual General Meeting a quorum is not present, the meeting shall be postponed to a date not exceeding thirty (30) days

determined by the Council and if a quorum is not present half an hour after the time appointed for the postponed meeting, the members present shall have the power to proceed with the business of the day but they shall not have the power to change or alter any of the Rules of the Institute or make any decisions that will affect the membership as a whole.

The Chairman of the Annual General Meeting may, with the consent of the majority of the members present and voting, adjourn the meeting from time to time or place to place provided always that no business shall be conducted at the recessed meeting other than the business remaining on the agenda at the time of such adjournment.

### **30. EXTRAORDINARY GENERAL MEETINGS**

An Extraordinary General Meeting may be convened :

- By the direction of the Council at such time and place the Council may decide.
- Upon the requisition, in writing, of not less than twenty (20) Ordinary Members.

In the event of an Extraordinary General Meeting being requisitioned by members, the Council is to convene the meeting within thirty (30) days of receipt of such requisition provided always that at least fourteen (14) days notice of the date, time, place and the nature of the business to be discussed is given to all members.

The quorum for any Extraordinary General Meeting shall be at least one half of the total of the Ordinary Members or twice the number of Honorary Officers, whichever is the lesser.

If a quorum is not present half an hour after the time appointed for the Extraordinary General Meeting, the meeting shall be cancelled and no Extraordinary General Meeting shall be requisitioned for the same purpose until a lapse of at least six (6) months.

### **31. INTERPRETATION OF RULES**

Between Annual General Meetings, the Council shall interpret the Rules of the Institute and, where necessary, determine any points on which the rules are silent.

Except where they are contrary to or inconsistent with any policy previously laid down by any General Meeting of the Institute, the decisions of the Council shall be binding on all members unless and until these decisions are rescinded by a subsequent General Meeting.

### **32. CHANGES TO THE RULES**

These rules shall not be added to, altered or rescinded except by a resolution passed at a General Meeting by a two-thirds majority of the Ordinary Members present at the Meeting.

Any such addition, alteration or rescission shall be conveyed to the Registrar of Societies within twenty eight (28) days and any such addition, alteration or rescission shall only take effect from the date of approval by the Registrar of Societies.

### **33. REGISTER OF MEMBERS**

The Council shall maintain a Register of all categories of members of the Institute and such Register shall be kept at the Registered Office of the Institute and made available for inspection by members during office hours.

### **34. HONORARY LEGAL OFFICERS**

The Council shall be empowered to appoint a person or persons to be Honorary Legal Advisor or Advisors to the Institute.

The duration of such appointment shall be at the Council's pleasure. Any person or persons so appointed shall not be entitled to attend any meeting of the Institute except by invitation and shall not be entitled to vote at any such meeting.

### **35. TRUSTEES**

A General Meeting may appoint three (3) persons, from within or without the membership of the Institute, who must be Malaysian Citizens of good stature to act as Trustees of the Institute.

The Trustees shall have vested with them all of the immovable property of the Institute upon execution of a deed of trust.

The Trustees shall not dispose of, withdraw or transfer any of the property so vested with them without the consent and authority of a General Meeting.

The Trustee or Trustees shall hold office during the pleasure of the Institute.

### **36. GENERAL PROVISIONS: COUNCILLORS**

The office of a Council Member shall be vacated :

(1) If such member dies or resigns from office, or ceased to be a member of the Institute or is expelled or suspended for any period from membership.

(2) If such member is absent from meetings of the Council for more than three (3) successive meetings without the consent of the Council.

(3) If such member has been convicted of a crime involving dishonesty; or has been adjudicated a bankrupt

(4) If such member's registration and authority to practice is cancelled or suspended by the Board of Valuers, Appraisers and Estate Agents.

A Council Member may resign from office by tendering his resignation in writing to the Honorary Secretary General and the resignation shall take effect on its acceptance by the Council.

**In any of the above instances the Council shall appoint a member to fill up such vacant position.**

## 37. BRANCHES AND BRANCH COMMITTEES

### (1) Formation

The Council may form Branches in each or in combination of two or more of the following

territorial areas :

Johor	Kedah	Kelantan
Melaka	Negeri Sembilan	Pahang
Penang	Perak	Perlis
Sabah	Sarawak	Selangor
Trengganu	Wilayah Persekutuan	

### (2) Membership

A Branch shall consist of at least 10 members of the Institute practicing within the territorial area of the Branches, provided that they shall have an address in the Branch territory and are not members of any other Branch.

### (3) Objects

A Branch Committee shall be appointed to consider questions of professional practice and other matters of interest in the profession, and to advise and report to the Council thereon.

The Branch Committee will act through the Council who will retain their authority with regard to all matters of general policy.

### (4) Branch Committee

A Branch Committee shall consist of a Chairman, a Branch Secretary, a Branch Treasurer and a minimum of two (2) or a maximum of eight (8) ordinary committee members who shall all be elected at each Branch annual general meeting which shall be facilitated by the Council and which must be held within two (2) months after the Annual General Meeting of the Institute, together with the following, who shall be ex-officio members without voting rights:

- (a) The President and Honorary Secretary General of the Institute.
- (b) Any immediate Past President of the Institute who is a member of the Branch.
- (c) The immediate Past Chairman of the Branch Committee.

The duties of the Branch Committee shall be to manage the affairs of the Branch in accordance with the Rules of the Institute and the instructions of the Council and the annual general meeting. It shall meet at least once a quarter, and one half of its number shall form a quorum. The Branch Secretary shall forward a copy of the Minutes of each meeting to the Honorary Secretary General not later than 14 days after the meeting.

### **(5) Duties of Branch Committee**

(1) The Chairman shall during his term of office preside at all general and committee meetings and shall be responsible for their proper conduct. He shall have a casting vote and shall sign the minutes of each meeting at the time they are approved. He shall, in conjunction with the Branch Secretary and Treasurer, sign all cheques on behalf of the Branch.

(2) The Secretary shall conduct the business of the Branch in accordance with the rules of the Institute, and shall carry out the instructions of the general meeting and of the Committee. He shall be responsible for conducting all correspondence and keeping all books, documents and papers except the accounts and financial records. He shall attend all meetings, and record the proceedings. In conjunction with the Chairman and Treasurer he shall sign all cheques on behalf of the Branch.

(3) The Treasurer shall be responsible for the finances of the Branch. He shall keep accounts of all its financial transactions and shall be responsible for their correctness. He shall, in conjunction with the Chairman and Secretary sign all cheques on behalf of the Branch.

(4) The Ordinary Committee Members shall carry out such duties as directed by the Branch Committee.

### **(6) Quorum for Branch Committee**

At every Branch Committee Meeting, 50% of the total members of the Branch Committee shall constitute a quorum.

### **(7) Election of Branch Committee**

(a) The Members of a Branch Committee shall be elected annually by members of the Branch and in the event the Branch shall fail to elect Branch Committee within two (2) months of the Annual General Meeting of the Institute then the Council shall appoint the Branch Committee. For the post of Branch Chairman, nominations shall be submitted to the Council at least one month before date of the Branch annual general meeting for approval before they are proposed for the forthcoming Branch annual general meeting. The procedure for the ballot for the part of the Branch Committee shall be the same as the procedure for the ballot for the election of the members of the Council, except that officers of the Branch Committee shall be elected directly by all members of the Branch and except that the ballot shall be completed not later than two (2) months after the Annual General Meeting of the Institute.

(b) In the event of a vacancy occurring in a Branch Committee, the Council shall direct how such vacancy shall be filled on the recommendation of the Branch Chairman.



## **(8) Branch Annual General Meetings**

### **(a) Quorum**

The quorum for any Branch Annual General Meeting shall be at least half of the total number of members of the Branch or twice the number of the members of the Branch Committee, whichever is the lesser.

### **(b) Notice of Branch Annual General Meetings**

Notice of the Branch Annual General Meeting is to be given to all members of the Branch not later than 28 days prior to the date set for such meeting. The Notice of Meeting shall be accompanied by the following :

- The Agenda for the Meeting
- Minutes of the previous Annual General Meeting
- Report of the Branch Committee
- Statement of Income and Expenditure of the previous year.
- Forms for nominations for positions in the Branch Committee
- Invitation to submit motions or proposals at least 14 days prior to the date set for the Annual General Meeting.

### **(c) Postponement**

If half an hour after the time appointed for a Branch Annual Meeting a quorum is not present, the meeting shall be postponed to a date not exceeding thirty (30) days determined by the Branch Committee and if a quorum is not present half an hour after the time appointed for the postponed meeting, the members present shall have the power to proceed with the business of the day but they shall have not the power to change or alter any of the Rules or make any decisions that will affect the membership of the Branch.

## **(9) Representation in Council**

The Chairman of the Branch Committee shall be a full member of the Council with voting rights.

## **(10) Register of Members**

The Branch Committee shall prepare and keep up to date a Register of the Branch, which shall contain the names of members and their relevant particulars.

## **( 11 ) Funds**

All funds received by way of membership fees and subscriptions shall be forwarded to the Council. The Council, at it discretion, shall allocate such sum(s) of money as may be appropriate to meet part of the administration expenses of the Branch. Any expenses for the Branch shall be approved by the Council.

## **(12) Prohibitions**

(a) Opium smoking on the premises of the Branch and the introduction of prostitutes and bad characters into the premises are strictly prohibited.

(b) None of the following games shall be played in the premises of the Branch: Roulette, lotto, Fan Tan, Poh Peh Bin, Belangkai, Pai Kau, Tau Ngau, Tien Kow, Chap Ji Kee, Sam Cheong, Twenty One, Thirty One, Ten and a half, and all games of mere chance.

(c) Neither the Branch nor its members shall attempt to restrict or in any other manner interfere with the trade or prices or engage in any Trade Union activities as defined in the Trade Union Ordinance 1959.

(d) The Branch shall not hold any lottery, whether confined to its members or not, in the name of the branch or its office-bearers, Committee or member.

(e) No university or university-college student can be allowed to be a member of the Branch without the prior written approval from the Vice-Chancellor of the University concerned.

## **(13) Dissolution of Branch**

The Council may dissolve a Branch :

(a) if for a consecutive period of six months the number of Branch Members is below ten; or

(b) if the Branch refuses to abide by the Constitution and Bye-laws of the Institute or the decisions of the General Meeting or the Council, or if it is, in the opinion of the Council, guilty of conduct detrimental to the Institute.

## **38. ACQUISITION AND DISPOSAL OF PROPERTY**

The Institute shall have full power by and in its name to acquire or dispose of any property belonging to the Institute provided that such acquisition or disposal shall be by prior approval of a General Meeting.

The income derived from any property or proceeds from the disposal of such property shall be used to promote the objects of the Institute including the maintenance, improvement or extension of any property the Institute may own or is acquiring or erecting.

## **39. DISSOLUTION**

The Institute may be voluntarily dissolved by a resolution passed by not less than three fifths of all members entitled to vote in the affairs of the Institute.

In any such event the General Meeting shall direct the Trustees to dispose of all of the immovable property of the Institute and use any proceeds from such disposal to settle any debts and liabilities legally incurred by the Institute and disburse any funds remaining in such manner as may be decided upon by the General Meeting.

The notice of dissolution shall be sent to the Registrar of Societies within fourteen (14) days of such decision being passed.

## **BYE-LAWS**

### **1. FEES**

In cases of new applications the Annual Subscription is payable on a pro-rata basis from the date of approval to the end of the Institute's financial year. For ease of calculation, the first day of the month of the approval date shall be used.

### **2. THE COUNCIL**

The Council shall meet at least once in every month and consider reports from the Professional Practices Committee, the Membership Review Committee and any other Committees appointed by the Council under Rule 21 and take any action it may deem necessary to uphold and preserve the Institute and its objects. The Council shall report to the Annual General Meeting of the members only. The quorum for all meetings of the Council shall be nine (9) Councillors.

### **3. PROFESSIONAL PRACTICES COMMITTEE**

The Professional Practices Committee shall meet only when required by the Council to consider any complaints received on the behaviour and conduct of any member of the Institute.

The Committee may only consider complaints if they are in writing and given full details of the alleged misconduct or misbehaviour and also details of the complaint.

The Committee may, in the course of its investigation, be authorized to request for any documents relating to the allegation, and/or call on the complaint and/or the member concerned to appear before it, with or without legal representation.

In case the Committee's request for documents or personal appearance is rejected by either party, such rejection shall be considered prejudicial to the case of that party.

The following procedure shall be strictly adhered to in all matters relating to this Committee.

-Immediately upon receipt of a complaint, the Hon. Secretary-General shall acknowledge the receipt of such complaint in writing and explain the Institute's

procedure in investigating such matters and the time will lapse before a decision is reached.

-The Hon. Secretary-General shall then refer the matter to the Chairman of the Committee who shall convene a meeting within fourteen (14) days of the receipt of the complaint. This shall be a preliminary meeting to determine the requirements of the Committee in the proper investigation of the complaint.

-The Committee, within thirty (30) days of the date of the preliminary meeting, shall have completed its investigation and made a report, in writing, to the Council either at its regular monthly meeting or at a meeting specifically called for that purpose.

-The Council shall, on acceptance of the Committee's report, convey the Committee's decision to both parties.

-In cases where the Committee has found in favour of the complaint, the Council shall determine the action to be taken against the member concerned and convey such decision to the said member by registered post within seven (7) days of the meeting.

-Any appeal by a member on any such action taken by the Council must be conveyed to the Hon. Secretary-General, in writing, within fourteen (14) days of the date of the letter informing the member of the decision.

-The appeal shall be considered by the Council at its next regular meeting. The decision reached at this meeting shall be final and no further appeals shall be considered.

-All communications between the Council or the Committee and the respective parties shall be strictly in writing.

#### **4. MEMBERSHIP REVIEW COMMITTEE**

The Membership Review Committee shall meet once a month on a date which will be before

that month's Council meeting to consider such applications for membership received.

Prior to the monthly meeting of this Committee, the chairman or a person so appointed shall scrutinize all applications to ensure that all information required has been supplied and, if not, to acquire such information before the meeting.

The Committee shall only consider applications that have complied strictly with every requirement.

The list of applicants recommended for acceptance as members is to be submitted to the Council's next scheduled meeting for approval.

All applicants for membership shall have been deemed to have been admitted to membership of the Institute on date of approval by the Council.

All applications for membership shall be acknowledged, in writing, immediately on receipt indicating time required to consider the application and shall be considered by the Committee within one (1) month of the date of receipt, other than in extenuating circumstances in which case reason for such delay is to be conveyed to the applicant.

#### **5. BUILDING FUND COMMITTEE**

The Building Fund Committee shall meet once a month to oversee the raising and management of funds.

There shall also be a discussion as to the appropriate method(s) to achieve the same.

An account of all funds shall be presented at each Annual General Meeting held by the Institute.

#### **6. EDUCATION AND TRAINING COMMITTEE**

- (1) The Education and Training Committee shall meet at least once a month to plan and organise educational and training programmes for members and others interested in the real estate profession and industry.
- (2) The Committee shall refer to the Council for approval before such programmes are conducted.

#### **7. OTHER COMMITTEES**

All other Committees shall meet at least once a month, unless otherwise specified at the time of appointment, on a date prior to that month's Council meeting.

Reports from each such Committee shall be forwarded to the Honorary Secretary General at least three (3) days prior to the date of each month's Council Meeting.

Recommendations of Committees shall only take effect after approval of the Council.

#### **8. PERMANENT STAFF**

The Council may appoint such staff as may be necessary for conducting the affairs of the Institute. The duties, salaries and remuneration of such staff of the Institute shall be determined by the Council from time to time.

#### **9. INSTITUTE'S SEAL**

The seal of the Institute shall at all times be in the custody of the Honorary Secretary General and shall not be affixed to any deed or writing except at a meeting of the Council or by their authority .