

Appeal Panel

1. Constitution

The Appeal Panel (“the Panel”) shall consist of the Official Receiver (“OR”) (as the Chairman), two members to be nominated by the HKICPA (at least one of whom shall be a member of the HKICPA Council or permanent staff) and two other members who are independent lay persons to be determined by the OR. Any meeting at which the Chairman and all members present shall be competent to exercise all the functions and powers conferred upon such a panel. The Chairman may exercise a casting vote at any meeting at which no majority can be obtained.

2. Responsibilities

The Panel shall be responsible for hearing and determining any appeal against the decisions of the Admission Committee of the Administrative Panel of Insolvency Practitioners for Court Winding-up (“APIPCW”) in accordance with the Rules to reject application for admission, reprimand, suspend or remove any firm, AT or IP from the APIPCW.

3. Powers

The Panel shall have all the powers of the Admission Committee of the APIPCW in discharging its responsibility in accordance with the Rules for consideration of applications for admission, review of complaints and taking of any actions including reprimands, suspension or removal of any firm, AT or IP from the APIPCW and may exercise its discretion in any such matter brought before it as an appeal.

4. Appeal Procedure

- (a) An applicant aggrieved by any decision of the Admission Committee of the APIPCW notified to him may appeal to the Panel within 21 days after the date of issuing the notice of the decision by giving notice to the OR.

- (b) A written statement (“Statement”) setting out the circumstances in which the appeal is made and the matters or facts relied upon by the Appellant, the submissions of the Appellant, the decision or requests to which the Appellant objects shall be submitted by the Appellant to the Panel together with a statutory declaration verifying the facts set out in the Statement.
- (c) The appeal shall be without oral hearing unless the Panel so directs. If the Panel directs that there will be an oral hearing, such direction shall be made in writing and a written notice of such direction shall be served on the Appellant within seven days of the Panel’s decision to direct an oral hearing by post. The notice shall set out the date and place of the oral hearing. There shall be at least 21 days between the date of the Panel’s decision to direct an oral hearing and the date of the oral hearing.
- (d) The appeal shall be determined or heard as soon as practicable but in any event within three months from the date of the lodging of the Statement.
- (e) If the appeal is determined without oral hearing, the Panel may determine the appeal on the basis of the documents before it or require further documentation to be produced.
- (f) If the appeal is by oral hearing, the Appellant may appear at the hearing in person or by a solicitor, counsel or other representative. The Appellant shall notify the Panel at least 14 days prior to the hearing how he proposes to appear.

- (g) The Panel may make such order as it sees fit in respect of the appeal, including any costs of the appeal, and shall give the Appellant a written statement of its reasons for the making of such order.
- (h) Any such order shall be signed by the Chairman of the Panel and shall be filed with the ORO and notified to the HKICPA or any other relevant professional bodies to be determined by the OR. The ORO and the HKICPA or the other relevant professional body to be determined by the OR shall forthwith on the filing of the order take all steps as may be necessary to give effect to the said order.
- (i) The procedure to be adopted in relation to any appeal shall, subject to the foregoing paragraphs, be such as the Panel shall in its absolute discretion determine.

5. Power to Suspend Operation of Decision Pending Appeal

- (a) The Panel in its absolute discretion shall have the power to suspend the operation of any decision made by the Admission Committee of the APIPCW pending the hearing and determination of any appeal.
- (b) Where the operation of a decision of the Admission Committee of the APIPCW is suspended pending appeal and that decision is confirmed on appeal, then it shall take effect on the date of the decision of the Panel.