



HONG KONG SOCIETY OF COUNSELING AND PSYCHOLOGY LTD.

BYLAWS

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Hong Kong Society of Counseling and Psychology

BYLAWS

These Bylaws are subject to the Articles of Association of the Hong Kong Society of Counseling and Psychology and should for the purpose of these Bylaws be read with the Articles.

1. MEMBERSHIP AND SUBSCRIBER

Qualifications

- a. Honorary Fellow - Persons who have made significant contribution to the world of psychology and/or counseling. Fellow of the Society shall either be proposed by Fellows of HKSCP or overseas psychological societies.
- b. Full Member - To qualify for election as a Full Member shall have satisfied the Council that s/he possesses the requirements for Associate Member and has a Master or Doctoral degree in a Psychology or Counseling from a recognized academic institution.
- c. Associate Member - To qualify for election as an Associate Member a candidate shall have satisfied the Council that s/he possesses the requirements for Graduate Member and 2 years' full-time relevant post-qualification working experience.
- d. Graduate Member - To qualify for election as a Graduate member a candidate shall have satisfied the Council one of the following conditions:
 - i. An honors degree from an institution recognized by the Council with psychology or counseling as the major subject; or
 - ii. A postgraduate qualification in psychology or counseling from an institution recognized by the Council;
- e. Subscriber - No professional qualification shall be required on the part of a candidate for election as a Subscriber provided that s/her has a long standing interest in psychology or counseling. Subscribers are not Members of the Society, and shall not represent themselves as such.

2. MODE OF APPLICATION AND ELECTION

- a. Honorary Fellows may be elected at any time on the nomination of the Council at a Board Meeting of the Society. The decision of the board meeting shall be final.
- b. A candidate for election as a Full Member or Associate Member can complete the Membership Application Form stating the nature and duration of his/her interest in psychology or counseling and his/her present profession and occupation.
- c. A candidate for election as Graduate Member or Subscriber can complete the Membership Application Form stating the nature and duration of his/her interest in psychology or counseling and his/her present profession and occupation.
- d. The application and election shall be referred to the upcoming meeting of the board for election and the decision reached at the meeting shall be final.

3. TERMINATION OF MEMBERSHIP

- a. Any Member/ Subscriber may withdraw from the Society by giving notice in writing to the General Secretary of his/her intention to do so.
- b. Any Member/ Subscriber who, in the opinion of the Council, has willfully acted in breach of the Articles or By-Laws of the Society, or who has engaged in conduct that renders him/her unfit to continue to be a Member/ Subscriber of the Society, shall be liable to have his/her membership terminated if the Council shall so decide.

4. SUBSCRIPTIONS AND FEES

- a. Each Member/ Subscriber shall pay to the Society an annual subscription. There is no pro-rata payment of the annual subscription fee. However, members admitted to the Society in the last quarter of the year (January - March) can have their membership fee carried forward to the following year.
- b. The election for transferring of membership type from one category to another shall not become effective until the appropriate subscriptions and fees incurred from the action have been settled. And the decision of the transferring of membership type shall be revoked shall the incurred subscriptions and fees are remain unsettles from up to 3 months from which the member was being notified.
- c. Subscriptions are payable in advance on the first day of April in each year. A 5% discount is applied for advance payment for 3 years.

5. REGISTRATION BOARD

- a. The Registration board shall deal with the professional registration of psychologists and counselors by the Society, so that the general public will be provided with a method to identify qualified professional practitioners who are bound by the professional Code of Ethics & Conduct of the Society.
- b. The membership of the Registration Board shall comprise the Registrar as Chairperson, a Secretary, a Treasurer, and representatives from each Division. All members of the Registration Board shall be Registered Psychologists and/or Counselors of the Society. The Registrar shall be an Honorary Fellow of the Society.
- c. A list of the names of the Registered Psychologists or Counselors shall be published on the Society website and up-dated regularly.
- d. The application for inclusion in the professional registration shall be considered by the Registration Board and the applicant shall be officially informed by the board of the society upon receiving recommendation from the Registration Board.
- e. The determination of complaints against registered members shall be in accord with the Complaints Procedures.

6. PROFESSIONAL REGISTRATION OF PSYCHOLOGISTS OR COUNSELORS

- a. When a Member has been registered, the Registrar and Secretary of the Registration Board shall issue a Certificate of Registration in form of a letter.

- b. The Certificate shall include the name of the Holder and the period for which it is valid.
- c. The Certificate shall stipulate the Holder has agreed to abide by the Society's Code of Ethics & Conduct.
- d. An applicant for registration must
 - i. Be a Member other than an Honorary Fellow of the Society, must be in good standing; and
 - ii. Possess a higher degree in psychology and/or counseling obtained from an institution recognized by the Society; and
 - iii. Have satisfied the additional practicum and/or post-qualification criteria as per stated in the Membership Registration Form.
 - iv. Settle the subscriptions and fees as per incurred during the process of registration.
- e. Unless the Registration Board decides otherwise or the Member resigns or is deceased, the professional registration of the Member shall:
 - i. Remain in effect until the next renewal date as per specified by the Registration Board; and
 - ii. Be renewed annually upon payment of the registration fee as per specified by the Registration Board.
- f. Members of the Society whose names appear on the Professional Registry, are entitled to use the following titles:
 - i. Registered Clinical Psychologist - Reg. Psychol. (Clin. Psy), HKSCP
 - ii. Registered Counseling Psychologist - Reg. Psychol. (Counsel. Psy), HKSCP
 - iii. Registered Professional Counselor - Reg. Counselor, HKSCP
- g. Category of membership is abbreviated as follows:
 - i. Graduate Member - GHKSCP
 - ii. Associate Member - AFHKSCP
 - iii. Full Member - FMHKSCP
 - iv. Honorary Fellow - FHKSCP

7. PROFESSIONAL STANDARD COMMITTEE

- a. The Professional Standard Committee is responsible for the Code of Ethics & Conduct of the Society; and
- b. The Professional Standard Committee shall assist the Council in the preliminary investigation of a complaint case; shall promote the ethical practice of psychology or counseling; and
- c. The Professional Standard Committee shall advise the Council on ethical issues whenever necessary and/ or appropriate.
- d. The Professional Standard Committee shall comprise a Chairperson, who shall be an Honorary Fellow, and representatives from each Division.
- e. The Professional Standard Committee may invite persons with relevant expertise who may not be Members of the Society, to attend meetings in an advisory capacity as necessary.

8. CONTINUING PROFESSIONAL DEVELOPMENT COMMITTEE

- a. The Continuing Professional Development Committee shall consider and make recommendations to the Council regarding the Continuing Education policies and the establishment and implantation of a continuing professional development committee.
- b. The Committee shall comprise of a Chairperson, who shall be an Honorary Fellow and a representative from each Division.

9. EDITORIAL BOARD.

- a. The Editorial Board shall be responsible for all publications made by the Society
- b. The Editorial Board shall comprise of a Chairperson, who shall be an Honorary Fellow and a representative from each Division.

10. DIVISIONS

- a. Divisions of the Society, each being concerned with a specific aspect of psychology and/or counseling and can be form from time to time:
 - i. A proposal for the formation of new divisions must be made by at least a full member, who himself/ herself is working in the field concerned.
 - ii. An official proposal shall be submitted, stating the purposes intended for the formation of division.
 - iii. If the Board shall find 15 or more Members desire to become members of the Division and are qualified, the Division shall be formed
 - iv. A chairperson, a secretary and a committee of not less than three other members shall be assembled for the newly formed division.
- b. Only Members of the Society shall be eligible for membership of the division. Any Member considering himself/ herself qualified and wishing to become a Member of a Division shall apply to the Secretary of the Division.

11. DIVISION OF ASSESSMENT AND TESTING

- a. The division of assessment and testing shall be responsible for the professional and ethical use of psychometric tools in Counseling and Psychology.
- b. The division of assessment and testing shall comprise of a Chairperson, who shall be an Honorary Fellow and qualified psychometric user.
- c. A secretary shall be appointed within the division to serve solely as a recorder of events within the division and to process administrative handlings within the division.
- d. A Committee of not less than three other members shall be assembled.

12. PROCEDURES OF HANDLING COMPLAINTS

- a. General Operating Rules and Provisions
 - i. The fundamental objectives shall be to maintain the ethical conduct of Members in accordance with the Code of Ethics and Conduct as per established by the Society to protect the public and to enable the Society to achieve its scientific and professional

objectives. The principal concern is the protection of the public against any conduct by psychologists and/or counselors that is deemed unethical.

- ii. Any complaint files against Member(s) of the Society shall only be considered within 5 years from the time the alleged unethical conduct concerned occurred.
- iii. The Society shall not deal with a cross complaint from a Member being complained of against the complainant during the course of investigation of the complaint. Unless otherwise decided by the Society, a cross complaint shall be considered only after the main complaint is finalized, notwithstanding the time bar in point a.i. above.
- iv. All information concerning complaints shall be confidential. Investigation files pertaining to a complaint shall be available only to persons specifically authorized by the Board and shall be kept in the office of the Society during the investigation and for 5 years after the investigation has been completed. All personal information that can be used to identify individual involved in the investigation files shall be destroyed after such period. Documents related to complaints made to the Society about the professional activities of Member(s) shall be regarded as the property of the Society.

b. Procedures

- i. Any complaint must be made in writing accompanied by all available evidence and/or statements upon which the complaint is based, with signature, correspondence address or contact details of the complainant. No anonymous complaint shall be accepted. All complaint information shall be treated with strict confidence.
- ii. The society may lodge a complaint on its own motion when it appears to the Society that a Member appears to have breached the Code of Ethics & Conduct or has engaged in conduct(s) which adversely affects the public or brings dispute(s) to the Society.
- iii. Upon receiving a complaint, the General Secretary, or a person designated by the Committee (hereafter refer to as Committee designated person), shall inform the complainee about the nature of the complaint and invite the complainee to submit an initial response within 28 days of notification. The case shall be referred to the Professional Standard Committee thereafter. The General Secretary, or the Committee designated person, may also seek clarification or further information from the complainant.
- iv. The complaint, together with any initial response from the complainee, shall first be considered by the Professional Standard Committee. After considering all the available evidence, statement(s) and/or written reply, the Professional Standard Committee shall make a recommendation to the Council as to the followings:
 - (1) Whether the Member has prima facie breached the Code of Ethics & Conduct;
 - (2) In the affirmative, the specific Code of Ethics & Conduct breached; and
 - (3) Whether the complaint merits further investigation.
- v. If the Committee considers that the complaint does not merit further action, it may dismiss the complaint or adopt any other course to dispose of the complaint as it thinks fit.

- vi. If the Committee considers that the complaint merits further investigation, it shall set up a Discipline Board to look into the complaint.
- vii. Both the complainant and the complainee shall be duly informed of the recommendation of the Committee.

c. Discipline Board

- i. The Discipline Board shall consist of the following 3 members and a secretary:
 - (1) A Chairperson who shall be an Honorary Fellow of the Society;
 - (2) A Member of the Society who shall be an Honorary Fellow of the Society (other than the Chairperson)
 - (3) A person belonging to another profession or learned society; and
 - (4) A secretary appointed by the Board solely serving as a recorder of the proceedings. The members and the secretary of the Discipline Board shall declare, if any, actual, potential, or perceived conflict of interest at the formation of the Discipline Board.
- ii. The Committee shall appoint a legal advisor to provide advice on any legal issues arising from the enquiry and a Counsel for the Discipline Board to present the case on behalf of the Society, and may invite an expert in the field to give expert opinion.
- iii. Once the Discipline Board is set up, the General Secretary, or the Committee designated person shall inform the complainee and the complainant of the followings:
 - (1) The decision of the Committee to refer the complaint to a Discipline Board;
 - (2) The allegation, quoting the relevant provisions in the Code of Ethics & Conduct;
 - (3) Brief facts of the complaint;
 - (4) The composition of the Discipline Board; and
 - (5) The procedures of the Discipline Board Hearing.
- iv. When a date for the Discipline Board Hearing has been fixed, both the complainant and the complainee shall be invited to submit further material and correspondence to the Committee designated person as they deemed appropriate if they wish to call any witness to testify before the Discipline Board, they shall inform the Committee designated person no less than 7 working days before the hearing and provide the identity and contact details of witness(es) to be called.
- v. The Discipline Board shall provide the complainant and the complainee full and fair opportunities of being heard and of calling the cross-examining witness testifying before the Board Hearing. Both the complainant and the complainee may be accompanied by his/her legal representative or another person of his/her choice. The hearing of the Discipline Board shall consider all written information which is provided by the complainant and the complainee, and other relevant information such as expert opinion, provided that the complainee is given a fair opportunity to comment on such written information.

d. Procedural Guide of the Discipline Board Hearing

- i. The Discipline Board hearing shall be conducted in close doors.

- ii. The Chairperson introduces the member of the Discipline Board, the legal representative for the Discipline Board, the Legal Advisor of the Society.
- iii. If the complainee fails to attend in person before the Board Hearing, the Board shall satisfy itself that the complainee was duly given notice thereof and has not shown good cause for his/her failure to attend and if so satisfied may proceed in his/her absence and without further reference to him/her.
- iv. If the complainee attends in person, the Chairperson asks the complainee whether s/he admits the allegation. Such admission should be unequivocal and from the complainee.
- v. If the complainee admits the allegation, the Chairperson may proceed to hear any plea of mitigation or any representation from the complainee or his/her legal representative.
- vi. If the complainee does not admit the allegation, the Chairperson shall advise the complainee that later on in the proceedings s/he shall have the right to present his/her case.
- vii. The Chairperson shall invite the legal representative of the Discipline Board to present the case and may adduce evidence in support of his/her case.
- viii. The Chairperson shall then invite the complainee or his/her legal representative to present his/her case.
- ix. During the presentation of the complainant's case and the complainee's case, every witness shall be examined by the party calling him/her and may then be cross-examined by the other party and only upon matters arising out of the cross-examination may be re-examined by the party calling him/her.
- x. During the presentation of the complainant's case and the complainee's case, the Chairperson and members of the Discipline Board may put such questions to the parties or to any witness as they see fit.
- xi. Both parties may make a closing submission, with the complainee the right to make the last words. When the Board has considered all the relevant information and evidence as it is presented, the Chairperson shall bring the proceedings to a close.
- xii. The Discipline Board shall determine by simple majority, whether the complainee has infringed any provision of the Code of Ethics & Conduct as per upheld by the Society.
- xiii. The Chairperson of the Board shall forward a report to the Committee signed by all Discipline Board members, stating its findings of facts, the reasons for the decision with dissenting views, if any, and its recommendation for sanction within 28 days of the hearing.
- xiv. Depending on the severity of the breach, the sanction may consist of the imposition of one of the following actions: warning, reprimand, requirements to take specific continuing professional development course(s), suspension from the Society's Registry for a set duration of time, or expulsion from the Society. Such sanction shall appear on the Society's newsletter and website.
- xv. Once a report of the Discipline Board is received by the Committee, the Discipline Board shall be dissolved.

e. Follow Up Action

- i. If the Discipline Board finds that the complainee has infringed the Code of Ethics & Conduct, the Board designated person shall inform the complainant and the complainee of the decision and recommendation of the Discipline Board by registered mail.
- ii. If the Discipline Board finds that the complainee has not infringed any Code of Ethics & Conduct, the Board designated person shall formally dismiss the complaint and shall inform the complainee and the complainant of the decision.

f. Appeal

- i. Within 28 days of the mailing date pursuant to point e.i.(as per stated above), the complainee may appeal against the decision of the Discipline Board that s/he has infringed the Code of Ethics & Conduct and/or the decision on the sanction. The appeal application shall be made in writing and full reason(s) shall be given.
- ii. Upon receiving the appeal application, the Committee shall appoint an Appeal Board within 60 days to review with hearing, and to decide whether the decision of the Discipline Board should stand or not.
- iii. The composition of the Appeal Board shall include the followings:
 - (1) A Chairperson who shall be an Honorary Fellow of the Society;
 - (2) Two Members of the Society who shall be an Honorary Fellow (other than the Chairperson);
 - (3) Two persons belonging to other professionals or learned societies; and
 - (4) A secretary appointed by the Board solely serving as a recorder of the proceedings.

The members and secretary of the Appeal Board shall declare, if any, actual, potential, or perceived conflict of interest.
- iv. None of the members of the Appeal Board shall be a member of the Discipline Board hearing the case/
- v. The decision of the Appeal Board shall be by simple majority and shall be final
- vi. Once a report of the Appeal Board is forwarded to the Committee, the Appeal Board shall be dissolved.
- vii. Upon receiving the report of the Appeal Board, the Committee designated person shall inform the complainee the decision of the Appeal Board by registered mail.

g. The Outcome

- i. Once a decision on the complaints is finalized, the Committee may take appropriate steps to implement its decisions, and where necessary, to bring up to date the Society's registrar and its list of Members.
- ii. The general public shall be adequately informed of the decision through the Society's website which shall include:
 - (1) Name of the Member involved;

- (2) Complained behavior and date(s) of commission of such behavior;
- (3) Code of Conduct breached; and
- (4) Sanction as per decided by the Discipline Board.

h. Liability

All members of the Discipline Board, Appeal Board and the Committee shall be indemnified out of the assets of the Society against any liability and expense incurred by them, including without limitation that costs of legal representation in defending any court proceeding which may be taken by any person in regard to matters arising out of or in connection with these procedures.