

**立法會**  
**Legislative Council**

LC Paper No. CB(1)547/05-06  
(These minutes have been seen  
by the Administration)

Ref: CB1/BC/13/04

**Bills Committee on Financial Reporting Council Bill**

**Minutes of the fifth meeting held on  
Thursday, 17 November 2005, at 8:30 am  
in Conference Room A of the Legislative Council Building**

- Members present** : Hon TAM Heung-man (Chairman)  
Hon Albert HO Chun-yan  
Hon Bernard CHAN, JP  
Hon CHAN Kam-lam, SBS, JP  
Dr Hon Philip WONG Yu-hong, GBS  
Hon Emily LAU Wai-hing, JP  
Hon Jeffrey LAM Kin-fung, SBS, JP  
Hon Andrew LEUNG Kwan-yuen, SBS, JP
- Members absent** : Dr Hon LUI Ming-wah, SBS, JP  
Hon SIN Chung-kai, JP  
Hon Ronny TONG Ka-wah, SC
- Public officers attending** : Mr Albert LAM  
Deputy Secretary for Financial Services and the Treasury  
(Financial Services)
- Mr Alan LO  
Principal Assistant Secretary for Financial Services and the  
Treasury (Financial Services)
- Mr Jackie LIU  
Assistant Secretary for Financial Services and the Treasury  
(Financial Services)

Mr Gordon JONES, JP  
Registrar of Companies

Mr Lawrence PENG  
Senior Assistant Law Draftsman  
Department of Justice

Miss Selina LAU  
Government Counsel  
Department of Justice

**Clerk in attendance :** Miss Salumi CHAN  
Chief Council Secretary (1)5

**Staff in attendance :** Mr KAU Kin-wah  
Assistant Legal Adviser 6

Ms Connie SZETO  
Senior Council Secretary (1)4

- 
- I. Confirmation of minutes of meetings**  
(LC Paper No. CB(1)284/05-06 — Minutes of fourth meeting held on 31 October 2005)
- The minutes of the fourth meeting held on 31 October 2005 were confirmed.
- II. Meeting with the Administration**  
(LC Paper No. CB(1)286/05-06(01) — “Follow-up to the fourth meeting on 31 October 2005” prepared by the Legislative Council Secretariat
- LC Paper No. CB(1)286/05-06(02) — Paper provided by the Administration on “Follow-up actions arising from the meeting held on 31 October 2005”

- LC Paper No. CB(1)307/05-06(01) — Construction Industry Council (No. 2) Bill — The Administration’s draft proposed Committee Stage amendments to Clause 9, New Schedule 1A, Schedule 2
- LC Paper No. CB(1)166/05-06(02) — Paper provided by the Administration on “(I) Appointment to; and (II) Checks and Balances on the Proposed Financial Reporting Council”
- LC Paper No. CB(1)2368/04-05(03) — Paper provided by the Administration on “Component One — Establishment of the Financial Reporting Council”
- LC Paper No. CB(1)2288/04-05(34) — Paper provided by the Administration on “Functions of the Financial Reporting Council”
- LC Paper No. CB(1)166/05-06(03) — Paper provided by the Administration on “Summary of submissions and Administration’s responses”

2. The Bills Committee deliberated (Index of proceedings attached at **Appendix**).

Follow-up actions to be taken by the Administration

3. At the request of the Bills Committee, the Administration agreed to take the following actions:

Admin

(a) Composition of the Financial Reporting Council (FRC)

On the proposal to set out explicitly in clause 7(1)(c)(iv) the backgrounds and disciplines that the Chief Executive (CE) should consider in the appointment of the four to six other members of the FRC, the Administration undertook to finalize the draft proposed Committee Stage amendment (CSA) for consideration of the Bills Committee in due course (paragraph 4 of LC Paper No. CB(1)286/05-04(02)). In this connection, the Administration was requested to take into account a member’s view that some of the words in the Chinese text of the draft proposed CSA appeared to be superfluous (e.g. “因而行政長官覺得

適合獲委任”);

(b) Written directions of CE

The Administration agreed to consider the request set out in item 3(c) of the “List of follow-up actions to be taken by the Administration” after the fourth meeting on 31 October 2005 (LC Paper No. CB(1)286/05-06(01)), i.e. to incorporate in the Secretary for Financial Services and the Treasury’s speech resuming the Second Reading debate on the Bill the gist of paragraphs 13 and 14 of the paper on “Appointment to and Checks and Balances on the Proposed Financial Reporting Council” (LC Paper No. CB(1)166/05-06(02));

(c) Interface between the investigation and disciplinary proceedings

The Administration was requested to consider members’ views and suggestions, as follows:

- (i) Noting that the Administration maintained its proposal that FRC’s function should be purely investigatory and it would be empowered to refer cases to the Hong Kong Institute of Certified Public Accountants (HKICPA) for disciplinary action, some members suggested that administrative arrangements should be put in place for the HKICPA to inform the FRC of the follow-up actions taken on the cases and the outcome; and
- (ii) Noting that the Disciplinary Committee of the HKICPA might conduct its own investigation into a case referred by the FRC, a member was concerned that the Disciplinary Committee might arrive at a conclusion which was different from that of the FRC if the two bodies adopted different principles in conducting their investigations and/or the relevant parties provided fresh evidence to the Disciplinary Committee after referral of the case. The member suggested that the relevant parties should be required to submit fresh evidence, if any, to the FRC to enable the FRC to review the case.

Date of next meeting

4. The Chairman reminded members that the next meeting would be held on Tuesday, 6 December 2005, at 8:30 am.

**III. Any other business**

5. There being no other business, the meeting ended at 10:40 am.

Council Business Division 1  
Legislative Council Secretariat  
19 December 2005

**Proceedings of the fifth meeting of the  
Bills Committee on Financial Reporting Council Bill  
on Thursday, 17 November 2005, at 8:30 am  
in Conference Room A of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action Required
000000-000120	Chairman	Confirmation of minutes of meeting (LC Paper No. CB(1)284/05-06)	
000121-000829	Administration Ms Emily LAU Chairman Mr Jeffrey LAM	<p>Part 1 (Preliminary), Part 2 (Establishment, composition, functions, powers, and checks and balances of the Financial Reporting Council (FRC), Schedules 2 and 3 to the Bill)</p> <p><u>Composition of the FRC</u></p> <p>(a) The Administration's briefing on the paper on "Follow-up actions arising from the meeting held on 31 October 2005" (Paragraphs 2 to 5 of LC Paper No. CB(1)286/05-06(02))</p> <p>(b) Member's view that the draft proposed Committee Stage amendment (CSA) to clause 7(1)(c)(iv) was an improvement on the original provision, as it set out the backgrounds and disciplines that the Chief Executive (CE) should consider in the appointment of the four to six other members of the FRC (paragraph 4 of LC Paper</p>	

Time marker	Speaker	Subject(s)	Action Required
		<p>No. CB(1)286/05-06(02))</p> <p>(c) Member’s view that some of the words in the Chinese text of the draft proposed CSA to clause 7(1)(c)(iv) appeared to be superfluous (e.g. “因而行政長官覺得適合獲委任”)</p> <p>(d) The Administration’s undertaking to finalize the draft proposed CSA for consideration of the Bills Committee in due course, taking into account the view in item (c) above</p>	<p>The Administration to take action under paragraph 3(a) of the minutes</p>
000830-002134	<p>Chairman Administration Ms Emily LAU Assistant Legal Adviser 6 (ALA6)</p>	<p><u>Transparency of the FRC’s work</u></p> <p>(a) The Administration’s briefing on the paper on “Follow-up actions arising from the meeting held on 31 October 2005” (Paragraphs 6 to 10 of LC Paper No. CB(1)286/05-06(02))</p> <p>(b) Member’s enquiry on whether The Ombudsman or the proposed Process Review Panel (PRP) would make investigation into or review the FRC’s decisions of not initiating investigations or enquiries into suspected auditing irregularities or financial non-compliances (i.e. “non-pursued” cases)</p> <p>(c) The Administration’s advice,</p>	

Time marker	Speaker	Subject(s)	Action Required
		<p>as follows:</p> <ul style="list-style-type: none"> <li data-bbox="778 439 1190 864">(i) Clause 76 of the Bill included an amendment to Part I of Schedule 1 to The Ombudsman Ordinance (Cap. 397) to the effect that complaints against the actions of the FRC might be lodged with the Office of The Ombudsman;</li> <li data-bbox="778 909 1190 1447">(ii) The proposed PRP would conduct reviews of the FRC's operational procedures. It might call for and review FRC's files to verify whether the decisions made and actions taken in relation to "non-pursued" cases had adhered to and were consistent with the relevant procedures and guidelines;</li> <li data-bbox="778 1491 1190 1960">(iii) Given that it was not envisaged that there would be a large number of complaints or referrals to the FRC, the proposed PRP should be able to review all "non-pursued" cases to see whether the decisions were made in accordance with proper</li> </ul>	

Time marker	Speaker	Subject(s)	Action Required
		<p>procedures; and</p> <p>(iv) The Ombudsman and the proposed PRP for the FRC, coupled with other proposed measures such as tabling of FRC’s annual report before LegCo, would provide an effective check and balance on the performance of FRC’s functions</p> <p>(d) In response to a member’s query, ALA6’s advice that The Ombudsman would investigate into complaints against maladministration of the FRC and was not empowered to review FRC’s decisions on “non-pursued” cases, if such decisions did not amount to maladministration</p> <p>(e) Member’s view that as both The Ombudsman and the proposed PRP were not empowered to review the FRC’s decisions on non-pursued cases, the concern expressed by members at previous meetings was not fully addressed, i.e. the concern about the need to put in place a mechanism for reviewing such decisions. As such, there would be a defect in the</p>	

Time marker	Speaker	Subject(s)	Action Required
		checks and balances measures for the FRC. The member requested that this point be reflected in the report of the Bills Committee	
002135-002639	Chairman Administration Ms Emily LAU	<p><u>Written directions of the CE</u></p> <p>(a) The Administration’s briefing on the paper on “Follow-up actions arising from the meeting held on 31 October 2005” (Paragraphs 11 to 14 of LC Paper No. CB(1)286/05-06(02))</p> <p>(b) Member’s views, as follows:</p> <p>(i) The Administration should make reference to section 6E(3) of the Mandatory Provident Fund Schemes Ordinance (MPFSO) (Cap. 485) to provide in clause 14 that the FRC was required to comply with the CE’s written directions only if the directions were not inconsistent with FRC’s functions; and</p> <p>(ii) Given that the CE’s written directions to the FRC might be controversial and could be subject to judicial review, clause 14 should provide that such written directions</p>	

Time marker	Speaker	Subject(s)	Action Required
		<p>would be made public, and specify the circumstances under which non-disclosure might be allowed</p> <p>(c) The Administration's responses, as follows:</p> <p>(i) Clause 14 as it was drafted had already prescribed the necessary checks and balances on the CE's power (i.e. clause 14(1)), which was not intended to be used lightly;</p> <p>(ii) To avoid any inconsistency with clause 14(3), the present drafting of clause 14 was appropriate and did not require amendment;</p> <p>(iii) There was no provision in the Bill prohibiting the disclosure of written directions given by the CE to the FRC; and</p> <p>(iv) To make the disclosure of the CE's written directions a statutory requirement might undermine the CE's flexibility in deciding whether to make public such written directions</p>	

Time marker	Speaker	Subject(s)	Action Required
		in light of actual circumstances	
002640-002650	Mr Jeffrey LAM	Member's view that it might not be appropriate to provide in the Bill for the CE's written directions to the FRC to be made public in order to avoid jeopardizing the interests of the parties involved in the directions	
002651-003004	Ms Emily LAU Administration	<p>(a) Members' suggestion that clause 14 be amended to the effect that the CE's written directions would be made public at the appropriate time</p> <p>(b) The Administration's advice that the suggestion in item (a) above would undermine the Administration's flexibility as some written directions might be considered not appropriate for public disclosure</p>	
003005-003159	Mr CHAN Kam-lam Dr Philip WONG	<p>Members' views, as follows:</p> <p>(a) Clause 14 had provided sufficient safeguards against the possible abuse of the CE's reserve power;</p> <p>(b) It was unnecessary to provide in the Bill for the CE's written directions to the FRC be made public; and</p> <p>(c) The CE should decide whether and in what manner to make public such written</p>	

Time marker	Speaker	Subject(s)	Action Required
		directions in the light of actual circumstances	
003200-003459	Ms Emily LAU Administration	<p>(a) Member's enquiry on whether the Administration had made reference to section 6E(3) of the MPFSO in drafting clause 14</p> <p>(b) The Administration's advice that provisions similar to clause 14 were found in section 11 of the Securities and Futures Ordinance (Cap. 571) and section 10 of the Clearing and Settlement Systems Ordinance, which were enacted after the MPFSO and of a similar nature to that of the Bill</p> <p>(c) Member's advice that she would consider proposing CSAs to clause 14</p>	
003500-003634	Mr CHAN Kam-lam Mr Jeffrey LAM	Members' support for clause 14	
003635-003907	Chairman Administration	The Administration's undertaking to consider the request set out in item 3(c) of the "List of follow-up actions to be taken by the Administration" after the fourth meeting on 31 October 2005 (LC Paper No. CB(1)286/05-06(01)), i.e. to incorporate in the Secretary for Financial Services and the Treasury's speech resuming the Second Reading debate on the Bill the gist of paragraphs 13 and 14 of the paper on "Appointment to and	The Administration to take action under paragraph 3(b) of the minutes

Time marker	Speaker	Subject(s)	Action Required
		Checks and Balances on the Proposed Financial Reporting Council” (LC Paper No. CB(1)166/05-06(02))	
003908-004128	Chairman Administration Ms Emily LAU	<p><u>Proposed PRP for the FRC</u></p> <p>(a) The Administration’s briefing on the paper on “Follow-up actions arising from the meeting held on 31 October 2005” (Paragraphs 15 to 19 of LC Paper No. CB(1)286/05-06(02))</p> <p>(b) Member’s reiteration of her concern that the proposed PRP would focus on the process rather than reviewing the merits of “non-pursued” cases, and the member’s request that this point be reflected in the report of the Bills Committee</p>	
004129-005049	Chairman Administration Ms Emily LAU	<p><u>Functions of the FRC</u> (LC Paper No. CB(1)2288/04-05(34))</p> <p>(a) The Chairman’s enquiry about referral of cases by the FRC to the Hong Kong Institute of Certified public Accountants (HKICPA) and law enforcement agencies given the Administration’s proposal that FRC’s function should be purely investigatory (Paragraphs 4 to 9 of LC Paper No. CB(1)2288/04-05(34))</p>	

<b>Time marker</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action Required</b>
		<p>(b) The Administration’s advice, as follows:</p> <ul style="list-style-type: none"><li>(i) The FRC would be empowered to refer cases after investigation to the HKICPA for disciplinary action, and the FRC should not play the role of “prosecutor” (i.e. to present a case) against HKICPA’s members in the disciplinary proceedings; and</li><li>(ii) For cases of a criminal nature, the FRC might refer them to law enforcement agencies, e.g. the Police, or the Independent Commission Against Corruption, for further investigation or other necessary law enforcement action, or to the Department of Justice (DoJ) for considering and undertaking prosecution as appropriate</li></ul> <p>(c) Member’s concerns about how the FRC would assist in the disciplinary proceedings of the HKICPA and proceedings of other law enforcement agencies, and be made aware of the follow-up</p>	

Time marker	Speaker	Subject(s)	Action Required
		<p>actions taken and the outcome of referred cases</p> <p>(d) The Administration's responses that there were provisions in the Bill to ensure a smooth interface between the investigation of the FRC and necessary follow-up actions taken by the HKICPA or other law enforcement agencies, including:</p> <ul style="list-style-type: none"> <li>(i) Clause 4 (definition of "relevant irregularity");</li> <li>(ii) Sub-clauses (f) and (g) of clause 9 (referral of cases and provision of assistance by the FRC);</li> <li>(iii) Clause 10(2)(d) (Memorandum of Understanding (MoU) with the HKICPA and other parties); and</li> <li>(iv) Clauses 35(5) and 47(5) (admissibility of the investigation/enquiry report in proceedings) (Paragraph 10 of LC Paper No. CB(1)2288/04-05(34))</li> </ul>	
005050-005957	Chairman Administration Ms Emily LAU Mr Albert HO	<u>Views from organizations on the functions of the FRC</u> (Items 3.18 to 3.40 of LC Paper No. CB(1)166/05-06(03))	

Time marker	Speaker	Subject(s)	Action Required
		<p>(a) Members' concern/enquiry, as follows:</p> <p>(i) The proposal that the function of the FRC should be purely investigatory was inconsistent with the International Organization of Securities Commissions (IOSCO) Principles for Auditor Oversight, which provided that "[a] mechanism should exist to require auditors to be subject to the discipline of an auditor oversight body that is independent of the audit profession, or if a professional body acts as the oversight body, is overseen by an independent body" (Comment by the Association of Chartered Certified Accountants (Hong Kong, Item 3.31 of LC Paper No. CB(1)166/05-06(03)); and</p> <p>(ii) Whether regulatory regimes for the accountancy profession in other jurisdictions were in compliance with the IOSCO principles</p>	

Time marker	Speaker	Subject(s)	Action Required
		<p>(b) The Administration's responses, as follows:</p> <ul style="list-style-type: none"> <li>(i) The FRC's functions were built upon Hong Kong's existing self-regulatory regime for the accountancy profession;</li> <li>(ii) If the disciplinary function was taken away from the HKICPA, at least in respect of listed entities, this could have adverse implications on the continued viability of the whole self-regulatory regime;</li> <li>(iii) The IOSCO principles in item (a)(i) above provided that "...if a professional body acts as the oversight body, is overseen by an independent body". The commencement of the Professional Accountants (Amendment) Ordinance 2004, which provided that the majority of the members of a Disciplinary Committee (DC) under the HKICPA must be lay persons and in general</li> </ul>	

Time marker	Speaker	Subject(s)	Action Required
		<p>the proceedings of the DC were opened to the public, had enhanced the independence and transparency of the disciplinary proceedings of the HKICPA. As such, the HKICPA's disciplinary process complied with the IOSCO principles; and</p> <p>(iv) The regulatory regimes for the accountancy professions of overseas jurisdictions and Hong Kong had been developed with regard to their respective economic and social circumstances and it was inappropriate to make direct comparisons of the regimes</p>	
005958-010837	Ms Emily LAU Administration	<p>(a) Member's concern/enquiry, as follows:</p> <p>(i) The Council of the HKICPA, upon receipt of a case referred by the FRC, might not constitute a DC to take necessary disciplinary action; and</p> <p>(ii) Whether the Administration would consider providing in</p>	

Time marker	Speaker	Subject(s)	Action Required
		<p>the Bill a requirement for the HKICPA to inform the FRC of the follow-up actions taken and the outcome on the cases</p> <p>(b) The Administration’s advice, as follows:</p> <p>(i) The proceedings and decisions of a DC were independent of the Council of the HKICPA, and the existing self-regulatory regime of the accountancy profession of Hong Kong was consistent with the spirit of the IOSCO principles;</p> <p>(ii) Given that the proceedings of the DC were opened to the public in general, the FRC would be aware of the follow-up actions and the outcome on the cases; and</p> <p>(iii) The FRC might enter into MoU with the HKICPA setting out the arrangements for provision of assistance in the disciplinary proceedings</p> <p>(c) Member’s suggestion that</p>	<p>The Administration</p>

Time marker	Speaker	Subject(s)	Action Required
		administrative arrangements should be put in place for the HKICPA to inform the FRC of the follow-up actions and the outcome on the cases	to take action in paragraph 3(c)(i) of the minutes
010838-011149	Mr CHAN Kam-lam Clerk	Member's support for the Administration's proposal that FRC's function should be purely investigatory given that it was the position agreed by the HKICPA and supported by the majority of the respondents to the public consultation conducted in 2003	
011150-012014	Mr Albert HO Administration Chairman Mr CHAN Kam-lam Clerk Ms Emily LAU	<p>(a) Member's enquiry on whether it was provided in the Bill that the FRC might provide assistance to the HKICPA in its disciplinary proceedings</p> <p>(b) The Administration's advice, as follows:</p> <p>(i) Clause 9(g) provided that the FRC might provide assistance to a specified body on the body's investigation or enquiry; and</p> <p>(ii) "Specified body" referred to in clause 9, as defined in clause 2, included the HKICPA</p>	
012015-012819	Ms Emily LAU Administration	(a) Member's concern on whether the Council of the HKICPA might, upon receipt of a case referred by the FRC,	

Time marker	Speaker	Subject(s)	Action Required
		<p>not refer the case to a DC</p> <p>(b) The Administration’s advice that the Professional Accountants Ordinance (PAO) (Cap. 50) provided that the Council of the HKICPA must constitute a DC to take necessary disciplinary action for a complaint if a prima facie case had been established</p>	
012820-014324	<p>Mr Bernard CHAN Administration Chairman Ms Emily LAU ALA6</p>	<p>(a) Members’ view that administrative arrangements should be put in place for the HKICPA to inform the FRC of the follow-up actions taken and the outcome on the referred cases</p> <p>(b) ALA6’s advice, as follows:</p> <p>(i) Section 34(1AAA) of the PAO provided that “if the Council decides not to refer the complaint to the Disciplinary Panels, the complainant who is aggrieved by the Council’s decision may request the Council to refer the complaint to the Disciplinary Panels, whereupon the Council shall, unless it is of the opinion that no prima facie case has been shown for the complaint, or that the</p>	<p>The Administration to take action under paragraph 3(c)(i) of the minutes</p>

Time marker	Speaker	Subject(s)	Action Required
		<p>complaint is frivolous or vexatious, refer the complaint to the Disciplinary Panels”; and</p> <p>(ii) Under the existing arrangement, HKICPA was the regulatory body that would refer complaints to its Investigation Committee (IC) and then upon receipt of the report from IC refer the complaint to the Disciplinary Panels. The proposed FRC would take the place of the HKICPA’s IC in respect of investigation of auditors’ irregularities concerning listed entities. In such context it might not be appropriate to provide in the Bill the requirement for the HKICPA to report to the FRC on the follow-up actions taken and the outcome on the cases</p> <p>(c) The Administration’s confirmation of the advice in item (b) above and its undertaking to consider the view in item (a) above</p>	

Time marker	Speaker	Subject(s)	Action Required
014325-014939	Mr CHAN Kam-lam Administration ALA6 Mr Bernard CHAN	<p>(a) Members' enquiries, as follows:</p> <ul style="list-style-type: none"> <li>(i) Whether the FRC might raise objection to the disciplinary decisions of the DC; and</li> <li>(ii) Whether there were any channels for lodging appeal against the disciplinary decisions of the DC</li> </ul> <p>(b) The Administration's advice that the FRC had no power to review the disciplinary decisions of the DC</p> <p>(c) ALA6's advice, as follows:</p> <ul style="list-style-type: none"> <li>(i) Recent court decision had held that there was no mechanism under the PAO for appeal against the disciplinary decisions of the DC by the "prosecutor" (i.e. the HKICPA). The "prosecutor" might apply to the Court for a judicial review but the scope of the review was rather narrow; and</li> <li>(ii) The complainant might seek civil remedy for damage arising from an auditor's misconduct</li> </ul>	

Time marker	Speaker	Subject(s)	Action Required
014940-015304	Ms Emily LAU Administration	<p><u>Interface between the investigation and disciplinary proceedings</u></p> <p>(a) Member’s concern about the means for ensuring a smooth interface between the investigation work of the FRC and the disciplinary proceedings of the HKICPA</p> <p>(b) The Administration’s advice that there were provisions in the Bill to address the concern, the details of which were set out in paragraph 10 of LC Paper No. CB(1)2288/04-05(34)</p>	
015305-020131	Mr Albert HO Administration	<p><u>Proposed PRP for the FRC</u></p> <p>(a) Member’s concern that given the proposed ambit of the PRP for the FRC, it would not fully address some members’ call for a mechanism for reviewing FRC’s decisions on “non-pursued cases”</p> <p>(b) The Administration’s advice, as follows:</p> <p>(i) The proposed PRP for the FRC would provide an additional “checks and balances” measure on the operation of the FRC; and</p>	

Time marker	Speaker	Subject(s)	Action Required
		<p>(ii) The details of the proposed ambit and the draft terms of reference of the proposed PRP for the FRC were provided in the Administration's papers (LC Paper Nos. CB(1)166/05-06(02) and 286/05-06(02)) for the purpose of illustration</p> <p>(c) Member's reservation on the proposal of establishing the PRP for the FRC as it might not fully address the concern in item (a) above</p>	
020132-020614	Mr CHAN Kam-lam Administration	<p><u>Interface between the investigation and disciplinary proceedings</u></p> <p>(a) Member's concern that as the DC of the HKICPA might conduct its own investigation into a case referred by the FRC, the DC might arrive at a conclusion which was different from that of the FRC if the two bodies adopted different principles in conducting their investigations and/or the relevant parties provided fresh evidence to the DC after referral of the case</p> <p>(b) Member's suggestion that the relevant parties should be required to submit fresh evidence, if any, to the FRC</p>	The Administration to take action under paragraph 3(c)(ii) of the minutes

Time marker	Speaker	Subject(s)	Action Required
		<p>to enable the FRC to review the case</p> <p>(c) The Administration’s advice, as follows:</p> <p>(i) The Audit Investigation Board (AIB) of the FRC would be provided with sufficient investigatory powers for conducting investigations into auditing irregularities; and</p> <p>(ii) If disciplinary proceedings had commenced for a case, it might be more appropriate for the relevant parties to submit fresh evidence, if any, to the HKICPA, instead of the FRC</p>	
020615-020812	Chairman Ms Emily LAU ALA6	<p><u>Subjects for discussion at the next meeting</u></p> <p>Members’ agreement to discuss the following subjects at the next meeting:</p> <p>(a) Referral of cases by the FRC (Paragraph 7 of LC Paper No. CB(1)2288/04-05(34)); and</p> <p>(b) The AIB (LC Paper No. CB(1)286/05-06(03))</p> <p><u>Date of next meeting</u></p>	

<b>Time marker</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action Required</b>

Council Business Division 1  
Legislative Council Secretariat  
19 December 2005