

## HEARING

### DISCIPLINARY COMMITTEE OF THE ASSOCIATION OF CHARTERED CERTIFIED ACCOUNTANTS

#### REASONS FOR DECISION

**In the matter of:** Miss Cheong Yin Mun

**Heard on:** Thursday, 05 June 2025

**Location:** Virtual hearing via Microsoft Teams

**Committee:** Ms Ilana Tessler (Chair)  
Mr Geoff Baines (Lay)  
Ms Andrea White (Accountant)

**Legal Adviser:** Ms Jane Kilgannon

**Persons present  
and capacity:** Dr Lucie Danti (ACCA Case Presenter)  
Ms Anna Packowska (Hearings Officer)

**Summary:** Allegations 1, 2(a), 2(b), 2(c) and 3(a) proved  
Exclusion from membership

**Costs:** Miss Yin Mun to pay £6,000 towards ACCA's costs

#### ACCA



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1. The Disciplinary Committee (the Committee) convened to consider the case of Miss Cheong Yin Mun (Miss Yin Mun).
2. Dr Lucie Danti (Dr Danti) represented the Association of Chartered Certified Accountants (ACCA). Miss Yin Mun did not attend the hearing and was not represented.
3. The Committee had confirmed that it was not aware of any conflicts of interest in relation to the case.
4. In accordance with Regulation 11(1)(a) of the Chartered Certified Accountants' Complaints and Disciplinary Regulations 2014 (the Regulations), the hearing was conducted in public.
5. The hearing was conducted remotely through Microsoft Teams.
6. The Committee had considered in advance the following documents:
  - a. a Hearing bundle (pages 1 to 101);
  - b. a (not completed) Case Management Form (pages 1 to 11);
  - c. a Tabled Additional bundle (pages 1 to 3); and
  - d. a Service bundle (pages 1 to 16).

#### **SERVICE OF PAPERS**

7. The Committee considered whether the appropriate documents had been served on Miss Yin Mun in accordance with the Regulations.
8. The Committee accepted the advice of the Legal Adviser, who referred it to Regulations 10 and 22 of the Regulations, and in particular the requirement that notice of the hearing must be served no later than 28 days before the date of the hearing unless there are exceptional circumstances.
9. The Committee noted the written notice of the hearing scheduled for today, 5 June 2025, that had been sent by electronic mail (email) to Miss Yin Mun's

registered email address on 8 May 2025. It also noted the subsequent emails sent to her with the necessary link and password to enable her to gain access to the letter and the documents relating to this hearing.

10. As the notice of hearing was sent by email, the Committee noted that service may be proved by confirmation of delivery of the notice, which had been provided to the Committee, and that the notice would be deemed as having been served on the day that it was sent, that is, 8 May 2025. On the basis of that documentation, the Committee was satisfied that the notice of hearing had been served on Miss Yin Mun on 8 May 2025, 28 days before the date of today's hearing.
11. The Committee noted the contents of the notice of hearing and was satisfied that it contained all of the information required by Regulation 10 of the Regulations.
12. The Committee concluded that service of the notice of hearing had been effected in accordance with Regulations 10 and 22 of the Regulations.

#### **PROCEEDING IN ABSENCE**

13. Dr Danti made an application that the hearing proceed in the absence of Miss Yin Mun.
14. The Committee, having satisfied itself that the requirements of Regulations 10 and 22 of the Regulations had been complied with, went on to consider whether to proceed in the absence of Miss Yin Mun.
15. The Committee took into account the submissions of Dr Danti. The Committee accepted and took into account the advice of the Legal Adviser, who referred it to Regulation 10(7) of the Regulations, the ACCA document 'Guidance for Disciplinary Committee hearings' and the relevant principles from the cases of *R v Jones* [2002] UKHL 5, and *GMC v Adeogba and GMC v Visvardis* [2016] EWCA Civ 162.

16. The Committee bore in mind that its discretion to proceed in the absence of Miss Yin Mun must be exercised with the utmost care and caution.
17. The Committee noted that ACCA had sent a notice of hearing and further correspondence to Miss Yin Mun at her registered email address. It also noted that ACCA had made an attempt to contact Miss Yin Mun by telephone on 4 June 2025, but that the call had not been answered and there was no facility to leave a voicemail message. The Committee noted that ACCA followed up with further email correspondence to Miss Yin Mun asking her to confirm whether or not she planned to attend today's hearing, but it had received no response. The Committee noted that Miss Yun Mun had previously been in touch with ACCA using her registered email address (in relation to her application for a reduced subscription fee) and so the Committee was satisfied that Miss Yin Mun was aware of how to use and access correspondence provided by ACCA via its case management system.
18. On the basis of the evidence set out above, the Committee was satisfied that ACCA had made reasonable efforts to notify Miss Yin Mun about today's hearing and that Miss Yin Mun knew or ought to know about the hearing.
19. The Committee noted that Miss Yin Mun had not applied for an adjournment of the hearing and there was no indication that such an adjournment would secure her attendance on another date. Furthermore, there was no evidence that Miss Yin Mun was absent due to incapacity or illness. The Committee therefore concluded that it was more likely than not that Miss Yin Mun had voluntarily absented herself from the hearing.
20. The Committee considered that any disadvantage to Miss Yin Mun in not being present at the hearing to provide her account of the relevant events could be addressed by the Committee's thorough assessment of the evidence presented by ACCA and the opportunity for Committee questions to test the evidence presented by ACCA.
21. The Committee was mindful that there is a public interest in dealing with regulatory matters expeditiously.

22. Having balanced the public interest with Miss Yin Mun's own interests, the Committee decided that it was fair, appropriate and in the interests of justice to proceed in Miss Yin Mun's absence.

## **BACKGROUND**

23. Miss Yin Mun became a member of ACCA on 31 March 2020.
24. In April 2024 ACCA received an application from Miss Yin Mun for a 'Reduced Subscription'. The documentation that she provided to support her application included a 'Supplemental Proposal for a Voluntary Arrangement' to the High Court of the Hong Kong Special Administrative Region Court of First Instance, originally signed by Miss Yin Mun on 19 April 2023 and filed on 20 April 2023 and then re-signed by Miss Yin Mun on 17 and 18 July 2023 and re-filed on 20 July 2023. The Individual Voluntary Arrangement (IVA) was proposed to last for 5 years. ACCA later obtained a document from the Home Kong Official Receiver's Office. That indicated that an IVA in Miss Yin Mun's name was approved on 13 July 2023 and was registered on 24 July 2023.
25. On 22 July 2024 ACCA wrote to Miss Yin Mun by encrypted email through its case management system asking her to respond to a number of questions about her IVA proposal by 5 August 2024. On the same day ACCA also contacted Miss Yin Mun by unencrypted email to alert her to the encrypted email.
26. No response was received so ACCA sent further encrypted and unencrypted emails to Miss Yin Mun on 22 August 2024, requiring a response by 5 September 2024.
27. No response was received so ACCA sent further encrypted and unencrypted emails to Miss Yin Mun on 28 October 2024, requiring a response by 11 November 2024. No response was received.

28. On 12 and 18 November 2024 ACCA made attempts to contact Miss Yin Mun by telephone. However, these were unsuccessful as the calls would not connect.

## **ALLEGATIONS**

***Miss Cheong Yin Mun, an ACCA Member:***

- 1. Pursuant to bye-law 8(a)(vii), is liable to disciplinary action by virtue of the fact that on or about 17 July 2023, she entered into an Individual Voluntary Arrangement in Hong Kong.***
- 2. Contrary to Regulation 3(1) of the Complaints and Disciplinary Regulations 2014, failed to cooperate fully or at all with the investigation into a complaint in that she failed to provide a response to any of ACCA's correspondence dated:***
  - a. 22 July 2024;***
  - b. 22 August 2024;***
  - c. 28 October 2024.***
- 3. By reason of her conduct set out at allegation 2, Miss Cheong Yin Mun is:***
  - a. guilty of misconduct pursuant to bye-law 8(a)(i) or***
  - b. liable to disciplinary action pursuant to bye-law 8(a)(iii).***

## **DECISION ON FACTS AND REASONS**

***Admissions***

29. As there were no formal admissions, the Committee required ACCA to prove all of the allegations.

#### *Evidence of ACCA*

30. Dr Danti provided the Committee with a description of the background of the case and took the Committee to documents within the hearing bundle that were relevant to the allegations against Miss Yin Mun.

#### *Evidence of Miss Yin Mun*

31. Miss Yin Mun did not attend the hearing to give oral evidence to the Committee, nor had she provided any documentary evidence for the consideration of the Committee.

#### *Submissions of ACCA*

32. Dr Danti provided written and oral submissions to the Committee. In outline, she submitted that the documentary evidence provided was sufficient to prove the allegations against Miss Yin Mun. She submitted that the official documents from Hong Kong indicated that Miss Yin Mun had entered into an IVA in July 2023, and the documentation from ACCA indicated that ACCA had written to Miss Yin Mun on the three relevant dates and no response had been received. She directed the Committee to bye-law 8 and Regulation 3 of the Regulations. In relation to the allegation of misconduct, Dr Danti submitted that Miss Yin Mun's conduct, in failing to respond to ACCA's investigation correspondence, was very serious in that it prevented ACCA from being able to effectively carry out its function as a regulator. She submitted that the conduct was a clear breach of the Regulations and brought discredit to the Member, ACCA, and the wider profession of accountancy. As such, she submitted that the conduct was sufficiently serious to amount to misconduct.

#### *Submissions of Miss Yin Mun*

33. Miss Yin Mun did not attend the hearing to provide oral submissions, nor had she provided any written submissions for the consideration of the Committee.

### *Decision and reasons*

34. The Committee took into account all of the evidence that had been provided and the submissions of Dr Danti.
35. The Committee accepted the advice of the Legal Adviser. The Committee bore in mind that it was for ACCA to prove its case and to do so on the balance of probabilities.

### **Allegation 1 - Proved**

36. The Committee noted that Miss Yin Mun had sent to ACCA copies of her own proposal to the Hong Kong courts for an IVA.
37. The Committee noted that it had been provided with a copy of the register from the Hong Kong Official Receiver's office recording Miss Yin Mun's IVA as having been approved on 13 July 2023 and registered on 24 July 2023.
38. The Committee noted that bye-law 8(a)(vii) provided that a member "*shall be liable to disciplinary action if [...] he [...] has [...] entered into a voluntary arrangement, administration or liquidation, in each case where applicable under the Insolvency Act 1986, or other similar or analogous event has occurred in relation to him or it under applicable legislation*".
39. The Committee found that the arrangement entered into by Miss Yin Mun fell within the circumstances set out at bye-law 8(a)(viii) because:
  - a. the Hong Kong documentation indicated that Miss Yin Mun had entered into an arrangement to satisfy creditors over a period of time;
  - b. the Hong Kong documentation described the arrangement as an IVA; and
  - c. although the IVA had been entered into in Hong Kong and not in the UK, the Committee was satisfied that it would have been administered under a legislative regime "*similar or analogous*" to the UK's Insolvency Act 1986.



40. Taking all these matters into account, the Committee found that Miss Yin Mun had entered an IVA and was therefore liable to disciplinary action.
41. Accordingly, the Committee found Allegation 1 proved.

**Allegations 2(a), 2(b) and 2(c) – Proved**

42. Copies of the letters sent by email to Miss Yin Mun following the referral of the matter to ACCA's investigation team were provided. They were dated 22 July 2024, 22 August 2024 and 28 October 2024. The Committee noted that the ACCA letters were sent to Miss Yin Mun via encrypted emails using the ACCA case management system. The Committee noted that on each of those dates ACCA also sent an unencrypted email to Miss Yin Mun alerting her to the encrypted email that had been sent. All of the emails were sent to the email address provided to ACCA by Miss Yin Mun as her registered email address.
43. The Committee noted that reference was made in the emailed letters to the part of the Regulations that require ACCA members to cooperate fully with ACCA investigations.
44. Given that the emailed letters had been sent to Miss Yin Mun's registered email address, and the ACCA case management system indicated that the encrypted emails had been opened on the days that they were sent, the Committee was satisfied that it was more likely than not that Miss Yin Mun did receive and open the emailed letters from ACCA.
45. Having read the emails, the Committee considered that Miss Yin Mun would have been aware of the ACCA investigation into her conduct and the requirement to respond to ACCA's questions.
46. The Committee noted that Regulation 3 of the Regulations placed a duty on Miss Yin Mun, as an ACCA member, to cooperate with ACCA's investigation. The Regulation also provides that a "*failure or partial failure to cooperate fully with the consideration nor investigation of a complaint shall constitute a breach*

*of these regulations and may render the relevant person liable to disciplinary action”.*

47. The Committee considered that Miss Yin Mun was under a duty to cooperate fully with the ACCA investigation into her conduct. The Committee considered that full cooperation with ACCA required a full and prompt response to each of ACCA’s questions.
48. As Miss Yin Mun had been aware of the ACCA letters but provided no response at all to ACCA’s letters, the Committee considered that Miss Yin Mun had deliberately failed to discharge her duty to fully cooperate with the ACCA investigation.
49. Accordingly, Allegations 2(a), 2(b) and 2(c) were found proved.

### **Allegation 3(a) – Proved**

50. The Committee found that, in deliberately and repeatedly failing to fully co-operate with ACCA’s investigation into her conduct, Miss Yin Mun’s conduct had fallen far short of what would be expected of an ACCA member and was serious enough to amount to misconduct. Miss Yin Mun’s failure had the potential to undermine ACCA’s ability to function effectively as a regulator and therefore risked bringing both ACCA and the profession as a whole into disrepute.
51. Accordingly, Allegation 3(a) was found proved in respect of Allegations 2(a), 2(b) and 2(c).
52. Given its finding in relation to Allegation 3(a), it was not necessary for the Committee to consider the alternative matter set out at Allegation 3(b).

### **DECISION ON SANCTION AND REASONS**

53. In reaching its decision on sanction, the Committee took into account all of the documentation before it, and the submissions made by Dr Danti. The

Committee also referred to the ACCA document 'Guidance for Disciplinary Sanctions' (14 February 2024).

54. The Committee accepted the advice of the Legal Adviser including the following principles:
  - a. The purpose of a sanction is not to punish, but to protect the public, maintain public confidence in the profession and to maintain proper standards of conduct;
  - b. Any sanction must be proportionate, so the Committee must balance the interests of the member with the interests of wider ACCA membership and the public; and
  - c. The Committee must consider the sanctions in order of severity, starting with the least severe first.
55. When deciding on the appropriate sanction, the Committee carefully considered whether there were any aggravating and mitigating features in this case.
56. The Committee identified the following aggravating features:
  - a. The misconduct had been deliberate;
  - b. The misconduct had been repeated / continued over an extended period of time;
  - c. No evidence of remorse or corrective steps in relation to the misconduct;
  - d. A continuing lack of engagement with ACCA's investigation and disciplinary process, indicating a lack of insight into the seriousness and potential impact of the misconduct; and
  - e. The misconduct had the potential to cause harm to the public since it frustrated ACCA's ability to effectively carry out its regulatory function.
57. The Committee identified the following mitigating feature:
  - a. No previous regulatory findings.

58. Applying its factual findings, and with reference to Section F of the Sanctions Guidance document, the Committee assessed the conduct set out at Allegation 1 to be serious and the misconduct set out at Allegations 2(a), 2(b) and 2(c) to be very serious.
59. The Committee considered the available sanctions in increasing order of severity.
60. The Committee considered taking no action against Miss Yin Mun. However, given the seriousness of the conduct, the Committee considered that it would be inappropriate to take no action.
61. The Committee considered imposing an admonishment on Miss Yin Mun. The Committee noted that the guidance indicated that an admonishment would be appropriate in cases where most of the following are present: evidence of no loss or adverse effect on client / members of the public; early admission of the facts alleged; insight into failings; isolated incident; not deliberate; genuine expression of remorse/apology; corrective steps have been taken promptly; subsequent work satisfactory; and relevant and appropriate testimonials and references. The Committee considered that none of these factors were present in this case. The Committee therefore concluded that an admonishment would be an inappropriate response.
62. The Committee considered imposing a reprimand on Miss Yin Mun. The Committee noted that the guidance indicated that a reprimand would be appropriate in cases where the conduct is of a minor nature and there appears to be no continuing risk to the public. The Committee noted that the conduct in this case was not of a minor nature and, given the lack of remorse, insight or corrective steps, the Committee considered that there was a continuing risk to the public. Therefore, the Committee concluded that an admonishment would be an inappropriate response.
63. The Committee considered imposing a severe reprimand. The Committee noted that the guidance indicated that a severe reprimand would be appropriate in cases where the conduct is of a serious nature but where the circumstances

of the case or mitigation advanced satisfies the Committee that there is no continuing risk to the public. The Committee noted paragraph C4.1 of the guidance indicating that a severe reprimand may be appropriate where most of the following factors are present:

- a. The misconduct was not intentional and is no longer continuing;
- b. Evidence that the conduct would not have caused direct or indirect harm;
- c. Insight into failings;
- d. Genuine expression of regret/apologies;
- e. Previous good record;
- f. No pattern of failure/conduct – it was an isolated incident;
- g. Rehabilitative / corrective steps taken to cure the conduct and ensure future errors do not occur;
- h. Relevant and appropriate references;
- i. Co-operations during the investigations stage.

64. The Committee noted that, apart from previous good record, none of the factors listed applied in this case. The conduct and misconduct found proved were serious and the Committee had found that there was a risk of repetition so there was a continuing risk to the public. Accordingly, the Committee decided that a severe reprimand would not be an appropriate and proportionate response in this case. It would not sufficiently address the risks to the public and the wider public interest.

65. The Committee considered whether to exclude Miss Yin Mun from membership. The Committee referred to section C5.1 of the guidance document and considered that many of the factors listed appeared to be present in this case, including:

- a. Serious departure from relevant professional standards;
- b. Lack of understanding and insight into the seriousness of the acts/omissions and the consequences thereof;
- c. Conduct continued over a period of time.

66. The Committee referred to its earlier assessment that Miss Yin Mun's deliberate misconduct was a very serious matter. The Committee considered Miss Yin Mun's misconduct – a deliberate, repeated, and continuing failure to fully cooperate with her regulator – to be so serious as to be fundamentally incompatible with being an ACCA member.
67. Taking into account the seriousness of the conduct, the lack of remorse, insight and corrective steps, and the resultant ongoing risk to the public, the Committee concluded that the only appropriate and proportionate sanction in this case was exclusion from membership.
68. The Committee acknowledged that exclusion from membership was the most severe sanction available and had the potential to cause professional and financial hardship to Miss Yin Mun. However, in the circumstances of this case, the Committee considered that the public interest (both in terms of public protection and in maintaining standards and confidence in the profession) outweighed Miss Yin Mun's own interests, and therefore exclusion from membership was the only appropriate and proportionate sanction available.
69. Accordingly, the Committee decided to impose an order excluding Miss Yin Mun from membership of ACCA.
70. The Committee decided that, given the circumstances of the case and the continuing risk to the public, it was in the interests of the public that the order for exclusion from membership should have immediate effect.
71. The Committee considered that the circumstances of the case did not require an order restricting Miss Yin Mun's right to apply for re-admission beyond the normal minimum period.
72. The Committee considered whether to also impose a fine on Miss Yin Mun. However, referring to the guidance on fines and the factors listed at paragraph C6.3, the Committee considered that this was not a case which required a fine in order to adequately address the public interest.

## **DECISION ON COSTS AND REASONS**

73. Dr Danti, on behalf of ACCA, applied for Miss Yin Mun to make a contribution to the costs of ACCA in bringing this case. Dr Danti applied for costs in the sum of £6,896.00. The application was supported by a schedule breaking down the costs incurred by ACCA in connection with the investigation and the hearing.
74. Miss Yin Mun had not provided the Committee with a completed Statement of Financial Position.
75. The Committee accepted the advice of the Legal Adviser who referred the Committee to Regulation 15(1) of the Regulations and the ACCA document 'Guidance for Costs Orders' (September 2023).
76. The Committee was satisfied that ACCA was entitled to costs in principle and had been justified in investigating these matters. Having reviewed the schedule, the Committee considered that the costs claimed appeared to have been reasonably and proportionately incurred.
77. The Committee had regard to the fact that Miss Yin Mun had previously entered into an IVA, which may have impacted on her ability to pay any costs awarded against her. However, the Committee noted that the IVA had been entered into approximately two years ago in July 2023 and Miss Yin Mun's circumstances may have changed in the intervening period. As Miss Yin Mun had not provided any updated information as to her current financial position by completing a Statement of Financial Position, the Committee found no basis for reducing any costs to be awarded on the basis of her ability to pay.
78. The Committee did make a reduction to the costs to be awarded on the basis that the hearing today was slightly shorter than the time estimated in the costs schedule.
79. Taking all of these circumstances into account, the Committee decided that Miss Yin Mun should be ordered to make a contribution to the costs of ACCA in the sum of £6,000.00.

## **ORDER**

80. The Committee made the following order:
- a. Miss Yin Mun shall be excluded from ACCA membership; and
  - b. Miss Yin Mun shall make a contribution to ACCA's costs in the sum of £6,000.00.

## **EFFECTIVE DATE OF ORDER**

81. In accordance with Regulation 20(1)(b) of the Regulations, the Committee decided that, in the interests of the public, the order relating to exclusion from ACCA membership shall take effect immediately.
82. In accordance with Regulation 20(2) of the Regulations, the order relating to costs shall take effect immediately.

**Ms Ilana Tessler**  
**Chair**  
**05 June 2025**