ROYAL INSTITUTION OF CHARTERED SURVEYORS

Disciplinary Panel Hearing by way of written representations

Case of

Mr Hoi Cheung Mak [6757181]
Hong Kong

On

30 July 2026

At

Held remotely via Microsoft Teams

Panel

Jason Tucker (Lay Chair)
Miriam Karp (Lay Member)
Mark Griffin (Surveyor Member)

Legal Adviser

Peter Steel

Tribunal Executive

Jae Berry

Introduction

1. The formal charge is:-

<u>Allegation 1</u>

On or around 3 November 2023, Mr Hoi Cheung Mak acted dishonestly when he submitted a formal Assessment of Professional Competence (APC) Submission to RICS, with the intention of representing it as his own original work, knowing that his submission had been copied in part from another source.

Contrary to Rule 1 of the Rules of Conduct with effect from 2 February 2022

Mr Mak is therefore liable to disciplinary action under RICS Bye-Law 5.2.2 (c)

<u>Allegation 2</u>

On or around 3 November 2023, Mr Hoi Cheung Mak acted without integrity when he submitted a formal Assessment of Professional Competence (APC) Submission to RICS, with the intention of representing it as his own original work, when he knew or ought to have known that his submission had been copied in part from another source.

Contrary to Rule 1 of the Rules of Conduct with effect from 2 February 2022

Mr Mak is therefore liable to disciplinary action under RICS Bye-Law 5.2.2 (c)

Response

2. Mr Cheung Mak denied that he was dishonest and/or that he lacked integrity. He stated "*I had no intention of misrepresenting my work. The submission of an incorrect draft was a genuine oversight, having completely forgotten to paste my own work into the final file. I believed in good faith that I was submitting my own work*." The Panel therefore proceeded on the basis that the allegations were denied.

Background and procedural history

3. On or around 3 November 2023, Mr Cheung Mak made an APC submission ("the Submission") to RICS in order to achieve the status of a Member of RICS (MRICS). This Submission was made electronically to RICS which requires the candidate to accept a professional declaration that the work submitted is their own:

   "*By uploading this document, I declare that this submission is my own work; it represents my own learning and was written by me in my own words. I declare that where other sources of information have been used, I have acknowledged and referenced this. I understand that failing to acknowledge other materials will be treated as plagiarism*."

4. On or around 14 December 2023, as a matter of routine, Mr Cheung Mak's submission was analysed using online plagiarism software, namely "Turnitin". RICS uses Turnitin to verify that candidates are submitting their own work. The analysis includes comparing the submission against past submissions submitted by other candidates as well as resources online. Turnitin identified a high level of similarities between the Submission and the application made previously by an existing RICS Member, Chan Tsui Chi Jojo ("Ms Jojo").

5. The Turnitin report identified overall 40% of the content of the Submission to papers previously submitted to RICS by Ms Jojo on 1 June 2022. As a result, Alan Smithers, RICS' Assessment Process and Systems Manager, referred the matter to RICS Regulation. RICS Regulation then opened an investigation into this matter.

6. An investigation was started by RICS Regulation. On 19 January 2024 RICS wrote to Mr Cheung Mak informing him of the alleged plagiarism and enclosing a comparison table showing the similarities between the Submission and Ms Jojo's submission.

7. Mr Cheung Mak responded on 27 January 2024. He stated that he had attended a training session run by a company called APC Development and had obtained Ms Jojo's submission as part of the session. He stated that he did not know it was another candidate's paper and he thought it was a sample for reference purposes. Mr Cheung Mak confirmed that he did not know Ms Jojo.

8. On 8 March 2024, RICS emailed Ms Jojo. Ms Jojo replied on 11 March 2024. She confirmed that she had shared her submission with a company named APC Development. Ms Jojo stated that she had given her consent for the company to share her submission as a sample but had asked that only extracts were shared and that personal information was removed. Ms Jojo confirmed that she had not known that the company had shared her full submission and she did not authorise anyone to copy it. Ms Jojo confirmed that she did not know Mr Cheung Mak.

9. On 3 April 2024, RICS sent the proposed allegations to Mr Cheung Mak. Mr Cheung Mak responded on 7 April 2024. Mr Cheung Mak denied that he was dishonest and/or that he lacked integrity. He stated:

   "*I had no intention of misrepresenting my work. The submission of an incorrect draft was a genuine oversight, having completely forgotten to paste my own work into the final file. I believed in good faith that I was submitting my own work.*"

10. Mr Cheung Mak stated that this was an inadvertent contravention of RICS rules. He said that he appreciated the seriousness of the matter and was willing to accept appropriate disciplinary action.

11. Mr Cheung Mak asked that he be given the chance to undergo a panel interview before any final decision was made. He stated that this would demonstrate that the contents of his submission were his own experiences and insights.

12. On 21 November 2025, solicitors acting on behalf of RICS emailed Mr Cheung Mak to ask whether he wished to have his case considered at an oral hearing or on the papers. The email explained that if Mr Mak opted for a hearing on the papers, this Panel would meet in private to consider the case and make a decision.

13. Mr Cheung Mak responded on 24 November 2025 confirming that he would prefer the case to be considered on the papers. Accordingly, RICS applied under Rule 67(c) of RICS Regulatory Tribunal Rules - Version 2 (with effect 2 February 2022) ("the Rules") on 19 March 2026. That application was granted by the Panel Chair on 9 June 2026

Burden and standard of proof

14. The Legal Adviser reminded the Panel that RICS was required to prove the factual allegations to the civil standard of proof; that it was more likely than not that any fact alleged occurred. The burden of proof was upon RICS, which brought the charges, and it was not for Mr Cheung Mak to prove his innocence.

Preliminary matters

<u>Service</u>

15. The Panel had in front of it a statement from Jae Berry, Regulatory Tribunal Manager dated 24 July 2026 which established that notice of this hearing had been served on Mr Cheung Mak on 9 June 2026 in accordance with Rule 53(b)(ii) of the Regulatory Tribunal Rules (Version 2 with effect from 2 February 2022) ("the Rules").

16. Mr Cheung Mak had subsequently returned a completed Statement of Means form to RICS dated 24 July 2026 in anticipation of the hearing today. The Panel therefore concluded that Mr Cheung Mak had been given proper notice of this hearing, had previously indicated his consent to the case being dealt with on the papers, and it was therefore right for it to proceed to consider the case today.

Evidence

17. The Panel was provided with two statements from Jamie Edwards, Regulatory Investigation Manager at the RICS dated 11 April 2024 and 10 February 2026 and from Alan Smithers, RICS' Assessment Process and Systems Manager dated 12 January 2026. These described the progress of Mr Cheung Mak's APC application and the subsequent investigation by RICS and exhibited the Submission and Ms Jojo's submission, along with the correspondence between RICS, Mr Cheung Mak and Ms Jojo.

18. Ms Edwards' first statement also exhibited Mr Cheung Mak's responses to RICS' investigation dated 27 January and 7 April 2024.

Findings of Fact

19. The Panel read the Bundle of evidence with great care and took full account of the Case Summary provided by RICS. It accepted the advice of the Legal Adviser, who advised it as to the test for dishonesty set out in Ivey v Genting Casinos (UK) Ltd t/a Crockfords [2017] UKSC 67 and the concept of lack of integrity as described in the leading case of Wingate and Evans v Solicitors Regulation Authority; Solicitors Regulatory Authority v Malins [2018] EWCA Civ 366.

20. Having done so, the Panel found as follows:

    Allegation 1

21. The Panel noted that all candidates uploading an APC submission through the APC web portal were required to agree the following declaration:

    "*By uploading this document, I declare that this submission is my own work; it represents my own learning and was written by me in my own words. I declare that where other sources of information have been used, I have acknowledged and referenced this. I understand that failing to acknowledge other materials will be treated as plagiarism*."

22. The Panel also observed that the Submission asserted that Mr Cheung Mak had attended 14 formal training sessions on the APC submission between November 2022 and July 2022, including specific sessions on the APC process and on RICS' Global Professional and Ethical Standards. Further, although he indicated in his response dated 27 January 2024 to RICS that he assumed Ms Jojo's submission was "…*a sample paper provided for reference purposes*", he also stated that the Submission "…*incorporated information from a variety of sources*…[including] *sample paper from online sources*".

23. The Panel accepted that Mr Cheung Mak had not obtained Ms Jojo's submission in an underhand way, and that it had been provided as part of a training course. It seemed plausible that that he might therefore have believed that it was appropriate to use it as a guide or template in drafting the Submission. However, the Panel concluded that even on his

own account, Mr Cheung Mak had to be aware that the Submission was not entirely his own work.

24. The Panel had regard to the Turnitin report exhibited to Ms Edward's first statement, which flagged the content of the Submission that was similar to other submissions received by RICS including Ms Jojo's submissions. The Panel noted that some of the content so flagged was standard text on the APC form such as section headings. Similarly, the Turnitin software had flagged other content that was likely to appear in many APC submissions, such as listing the RICS Rules of Conduct.

25. On the Panel's analysis, the controversial content in the Submission appeared in the CPD, Competencies and Case Study sections. Some elements of the CPD section of the Submission were indeed similar to Ms Jojo's application in describing the learning outcomes of the APC Development seminars that both Mr Cheung Mak and Ms Jojo had attended. The Panel considered that these instances of copying were relatively trivial on the basis that there were only so many ways a candidate might describe the nature of a course they had attended. Mr Cheung Mak had also adopted the same or similar wording for the learning outcomes of apparently private study, which was more concerning though again the Panel accepted that it was possible Mr Cheung Mak had followed a similar study path and had the same learning outcomes as Ms Jojo.

26. The Panel's main area of concern was the Competencies section of the Submission. In a number of instances this demonstrated that Mr Cheung Mak had apparently had exactly the same experience as Ms Jojo and had also adopted the same solution or derived the same lesson from that experience.

27. For instance, in the "Ethics, rules of conduct and professionalism competency" section at Level 3, Mr Cheung Mak asserted that like Ms Jojo he had received a gift of money from a sub-contractor which he declined, had reported the gift to the HR Officer and senior management and had resolved the dilemma by recording the money and setting it aside for a departmental dinner.

28. The Panel considered that it was implausible that this example derived from Mr Cheung Mak's own experience. It was clear to the Panel from comparing the Submission with Ms Jojo's submission that in this instance (as well as others in the Competencies section), Mr Cheung Mak had tailored Ms Jojo's wording, i.e. he had adapted it to make it less like her submission, presumably to avoid the accusation of plagiarism. This suggested to the Panel that Mr Cheung Mak had deliberately copied the sample he had obtained from APC Development with the intention of representing it as his own original work.

29. The tailoring of the wording also gave the lie to Mr Cheung Mak's claim that he had submitted this version of the Submission by mistake and that he had always intended to insert his own experience into these sections (as, if that were the case, why would he go to the trouble of editing Ms Jojo's words?).

30. As for the Case Study, the Panel concluded that this was in fact Mr Cheung Mak's own work. It was clear that the format of the Case Study in the Submission had been adopted from elsewhere (and was similar to Ms Jojo's) but the Panel considered that would be a standard approach in APC submissions. Certain phrases had also appeared in Ms Jojo's submission, but these seemed to be generic technical descriptions in the main.

31. Based on the similarities between in particular the Competencies sections of the Submission and Ms Jojo's submissions, the Panel were satisfied on the balance of probabilities that the Submission had been copied in part from another source. It was also clear to the Panel that Mr Mak knew this fact, given his own evidence about the content of the Submission and the evidence outlined above that this was deliberate plagiarism.

32. The Panel considered that ordinary, decent members of the public would consider such behaviour objectively dishonest and thus found the allegation proved in its entirety on the basis of the documentary evidence produced.

<u>Allegation 2</u>

33. On the basis that it had found that Mr Cheung Mak had deliberately copied others' work in the Submission, and that he had acted dishonestly, the Panel was satisfied on the balance of probabilities that he had also acted without integrity.

34. The Panel noted that even on his own account, Mr Cheung Mak accepted that he had submitted a version of the Submission that he had intended to edit to insert his own experience. In order to do so, he had made the declaration that the Submission was his own work and written in his own words. For Mr Cheung Mak to have done so was a breach of his professional obligations imposed on aspiring members of RICS, and this was behaviour lacking in integrity.

Liability to Disciplinary Action

35. The Panel took account of the fact that Mr Cheung Mak is part of the Attached Classes as set out at Regulation 2.1.2 (a) and can therefore be found liable to disciplinary action in line with Bye-Laws 5.1 and 5.2.2. The Panel noted that all members agree to adhere to the RICS Rules, Regulations and Bye-Laws and accept that they may be subject to disciplinary action if they fail to do so.

36. The Panel had found that Mr Cheung Mak was in breach of Rule 1 of the Rules of Conduct in that it found he had acted dishonestly and without integrity. Any breach of Rule 1 was inevitably a serious matter, as Mr Cheung Mak himself had acknowledged in his correspondence with RICS.

37. Accordingly, the Panel was satisfied that Mr Cheung Mak was liable to disciplinary action in accordance with Bye-law 5.2.2(c).

Decision as to sanction

<u>Panel's Approach</u>

38. The Panel took into account the submissions of RICS as set out in the Case Summary in the bundle. It accepted the advice of the Legal Advisor and had regard to the RICS Sanctions Policy (Version 9 with effect from 2 February 2022).

39. The Panel bore in mind that the purpose of sanctions is not to be punitive, although it may have that effect. The purpose of sanctions is to declare and uphold the standards of the profession, to safeguard the reputation of the profession and of the RICS as its regulator and to protect the public. Sanctions must be proportionate to the breach and all the circumstances, and a decision should be reached having taken into account any mitigating and/or aggravating factors.

Decision

40. As regards mitigation, the Panel noted Mr Cheung Mak's stressful personal circumstances at the time of these events. It also noted that he had not obtained Ms Jojo's APC submissions in an underhand way and that it had been supplied to him as part of legitimate training. The Panel also took account of the fact that Mr Cheung Mak did not have any disciplinary history with RICS.

41. The Panel considered that the following aggravating factors were present in this case:

- Mr Cheung Mak's behaviour was clearly dishonest;
- The Submission demonstrated substantial and deliberate plagiarism; and
- Had Mr Cheung Mak obtained chartered membership on the basis of false claims to experience, this had at least the potential to create a risk to members of the public who might otherwise rely on his professional qualification.

42. The Panel first considered whether it was appropriate not to impose any sanction at all. The Panel concluded that dishonesty is inevitably serious, particularly when it is aimed at undermining RICS' role in protecting the public as gatekeeper to the surveying professions.

43. The Panel went on to consider whether to impose a caution. The Panel concluded that a caution would not adequately reflect the seriousness of the case, recognising that this would not demonstrate an adequate response to Mr Cheung Mak's effort to obtain membership of RICS on false grounds. The Panel also considered the imposition of a reprimand but concluded that on its own similarly this did not reflect the seriousness of Mr Cheung Mak's behaviour in dishonestly submitting others' work as his own.

44. In considering whether to require Mr Cheung Mak to give an undertaking, the Panel took into account the fact that as Rule of the Rules of Conduct demonstrate, honesty and integrity are core expectations of all those working under the regulation of RICS and it was difficult to see what purpose an undertaking would serve in maintaining public trust and confidence in the regulatory process.

45. The Panel then considered whether to impose a fine. The Panel considered it significant that Mr Cheung Mak had not obtained Ms Jojo's APC submission dishonestly. This differentiated his case from similar cases of plagiarism before RICS which had frequently resulted in expulsion. Given that fact, the Panel narrowly concluded that a fine, combined with a condition requiring Mr Cheung Mak to undergo ethics training before submitting any further APC application would be an appropriate sanction which was proportionate to the serious misconduct in this case.

46. The Panel took account of the Sanctions Policy and the emphasis it places on the seriousness of dishonesty. However, given its findings in this case, it concluded that to go beyond the sanction of a fine and conditions in this case would be disproportionate and merely punitive.

47. Accordingly, having taken full account of his ability to pay as set out in the Statement of Means he completed dated 24 July 2026, the Panel determined that Mr Cheung Mak should pay a fine of £10,000 to RICS and imposed the following condition on his continued membership of the Attached Classes:

    "You must attend and provide confirmation of satisfactory completion of a RICS approved course on professional ethics prior to any further APC submission you make and in any event within 12 months of this order."

Publication and Costs

Publication

48. The Panel considered the policy on publication of decisions contained in the Sanctions Policy Supplement 3 - Publication of Regulatory Disciplinary Matters. It accepted the advice

of the Legal Adviser. The Panel was unable to identify any reason to depart from the usual presumption that decisions will be published on the RICS' website.

Costs

49. RICS made an application for costs in this matter in the total sum of £5,853.

50. The Panel considered carefully the issue of costs. The costs figure represents a contribution towards the costs incurred by RICS in preparation for the hearing and the hearing itself. The Panel had no reason to doubt that the costs application was fair and reasonable.

51. Having again carefully considered his ability to pay, the Panel concluded that it was appropriate for Mr Cheung Mak to make a contribution towards the costs of bringing this case, otherwise the full cost of these proceedings would fall on the profession as a whole.

52. The Panel orders that Mr Cheung Mak pays to RICS its costs in the sum of £5,853.

53. Absent any agreement to the contrary by the parties, the total sum of £15,853 must be paid to RICS within 35 days

Appeal Period

54. Mr Cheung Mak may appeal to an Appeal Panel against this decision within 28 days of notification of this decision, in accordance with Rule 152 of the Regulatory Tribunal Rules.