

The Convocation of City University of Hong Kong

Election Regulations

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The Convocation of City University of Hong Kong

Election Regulations

PREAMBLE

The Election Board is delegated by the Provisional Standing Committee and/or the Standing Committee of Convocation to make these election regulations, and work together with the Returning Officer to plan and oversee the election.

PART I

PRELIMINARY

Section: 1 Interpretation

- (1) In these Regulations, unless the context otherwise requires-
- (a) “Annual General Meeting” means the annual general meeting of the Convocation referred to in section 38 of the Constitution;
 - (b) “Candidate” means a candidate who is validly nominated to be returned as either the Chairman, a Vice-Chairman or a Member of the Standing Committee;
 - (c) “Chairman” means the chairman of the Convocation who is at the same time also the chairman of the Standing Committee elected under section 13 of the Constitution (c.f. s.14 of the Constitution);
 - (d) “Constitution” means the Constitution of the Convocation;
 - (e) “Convocation” means the Convocation of the City University of Hong Kong established under the Ordinance;
 - (f) “Election” means an election to elect a Chairman, a Vice-Chairman or a Member of the Standing Committee at a general election or a by-election in an Annual General Meeting or Special General Meeting, and “By-Election” shall be construed accordingly;
 - (g) “Elector” means a person who is validly registered under section 13 to vote as an elector in an election and who is not disqualified from being registered or from voting at an election;
 - (h) “General Meeting” includes, unless otherwise specified, all Annual General Meetings and Special General Meetings of the Convocation;

- (i) “Identity Document” means
 - (i) an identity card issued to a person under the Registration of Persons Ordinance (Cap. 177);
 - (ii) a valid passport establishing to the satisfaction of the Returning Officer the identity of the holder;
 - (iii) a certificate of award granted by the Polytechnic or University; or
 - (iv) or any other document issued to a person that is acceptable to the Returning Officer as proof of the person’s identity;
 - (j) “Member” means a person elected as a member of the Standing Committee;
 - (k) “Offices” means offices of the Chairman, the Vice-Chairmen or other Members of the Standing Committee;
 - (l) “Ordinance” means the City University of Hong Kong Ordinance (Cap 1132) currently in force;
 - (m) “Polytechnic” means City Polytechnic of Hong Kong;
 - (n) “Provisional Standing Committee” means the Provisional Standing Committee of the Convocation referred to in section 41 of the Constitution;
 - (o) “Regulations” means these Convocation Election Regulations;
 - (p) “Returning Officer” means the Secretary of the Convocation with section 3 (c.f. s.25 of the Rules);
 - (q) “Rules” means the Rules of Meeting of the Convocation;
 - (r) “Secretary” means the Secretary of the Convocation appointed under section 19 of the Constitution;
 - (s) “Special General Meeting” means any general meeting other than the Annual General Meeting;
 - (t) “Standing Committee” means the standing committee of the Convocation referred to in section 23 of the Constitution;
 - (u) “University” means City University of Hong Kong established under the Ordinance;
 - (v) “Vice-Chairman” means the vice-chairman of the Convocation who is at the same time the vice-chairman of the Standing Committee elected under section 13 of the Constitution (c.f. s.14 of the Constitution).
- (2) Unless otherwise specified, references to section numbers herein are internal references to section numbers in these Regulations.
 - (3) Unless the context otherwise requires,
 - (a) words and expressions herein importing the masculine gender include the feminine and neuter genders; and
 - (b) words and expressions herein in the singular include the plural and words and expressions in the plural include the singular.

Section: 2 Conduct of Elections

(1) All elections and by-elections of the Chairman, any Vice-Chairmen and any Members of the Standing Committee to be held at a General Meeting shall be conducted in accordance with the Constitution, the Rules and the Regulations (c.f. s.22 of the Rules).

(2) The Secretary must by notice specify a date, a place and a time of a General Meeting in which an election is to be held.

Section: 3 Election Board and Returning Officer

(1) The Secretary shall serve as the Returning Officer overseeing any election (c.f. s.25 of the Rules).

(2) The Returning Officer may appoint any other officer(s) he considers suitable to assist him in the conduct of an election.

(3) The Returning Officer or any other electoral officers appointed under this section, in relation to the election for which he is appointed, or any members of the Election Board shall not stand as a candidate in that election.

(4) The Returning Officer or any other electoral officers appointed under this section, in relation to the election for which he is appointed, or any members of the Election Board, shall not act as an agent or a representative of any candidate in that election.

(5) A person who acts as a Returning Officer, any other electoral officers or any members of the Election Board at an election for which the candidate stands for election shall not be in the employment of a candidate.

PART II

ENTITLEMENT TO VOTE

Section: 4 Who is entitled to vote

(1) Subject to section 13, a person is entitled to vote at an election only if the person-

(a) is a member of the Convocation whose name is registered in the register of the members of the Convocation kept under section 8 of the Constitution; and

(b) has not tendered resignation from his Convocation membership under section 10 of the Constitution.

Section: 5 A person entitled to vote to appoint proxy

(1) A person who is entitled to vote under section 4 (i.e. the appointor) may appoint another person who is also entitled to vote under section 4 by proxy as his authorized representative (i.e. the proxy-holder) to vote at an election on his behalf in relation to election item(s) which has/have listed on the agenda.

(2) The appointor must complete a specified proxy form, duly signed by him to be received by the Returning Officer by post (or in person) at least 7 working days (Monday to Friday, excluding public holidays) prior to the scheduled time for holding the General Meeting in which an election is to be held (c.f. s.18 of the Rules).

(3) The appointor who has validly appointed a proxy holder to vote on his behalf shall cease to be entitled to be registered to vote as an elector at an election under section 13 even if he is otherwise so entitled under section 4.

(4) A proxy holder appointed under subsection (1) must sign the specified proxy form referred to in subsection (2) to declare that he is entitled to be registered to vote as an elector under section 4.

(5) A proxy-holder appointed under subsection (1) shall vote in accordance with the instructions given to him by the person appointing him as contained in the specified proxy form. However, the fact that the proxy-holder did not vote in accordance his instructions shall not constitute a ground for questioning the Election under section 12.

(6) A proxy-holder duly appointed may be replaced by the person appointing him by giving notice of a new appointment to the Returning Officer in accordance with subsections (2).

(7) The proxy-holder appointed under subsection (6) shall abide by subsections (4) and (5).

(8) Each proxy-holder shall not represent more than 50 persons who are entitled to vote under section 4 at the same election (c.f. s.19 of the Rules).

PART III

NOMINATIONS OF CANDIDATES

Section: 6 Who is eligible to be nominated as a candidate

(1) A person is eligible to be nominated as a candidate at an election

only if the person-

- (a) is a member of the Convocation whose name is registered in the register of the members of the Convocation kept under section 8 of the Constitution;
- (b) has not tendered resignation from his Convocation membership under section 10 of the Constitution; and
- (c) is entitled to vote under section 4.

(2) Eligibility of candidacy for different positions in the Standing Committee is as prescribed by the Constitution (c.f.s. 27 of the Rules and 28, 30 and 33 of the Constitution)-

- (a) a member of the Standing Committee shall not be a full-time staff member of the University at the time of his/her election for or during his/her term of office as a member of the Standing Committee. However, a member of the Convocation who is a full-time staff member of the University may stand for election for a member of the Standing Committee if he/she has declared his/her willingness to resign from the University's full-time employment should he/she be elected;
- (b) any retiring members of the Standing Committee shall be eligible for re-election except for the retiring Chairman who has, at the time of such retirement, held an office for two consecutive full terms;
- (c) the office of a member of the Standing Committee shall be vacated if the person concerned:-
 - i. ceases to be a member of the Convocation; or
 - ii. becomes or remains an undischarged bankrupt; or
 - iii. is convicted of a criminal offence in Hong Kong and punishable by imprisonment for more than 12 months; or
 - iv. has suffered from actual physical or mental incapacity which shall be judged by the Standing Committee or the Council as not suitable for his/her office; or
 - v. resigns his/her office by notice in writing to the Standing Committee.

Section: 7 Returning Officer to publish a notice specifying a period and place for submitting nomination forms

- (1) As soon as practicable after the publication of the notice appointing the election day under section 2, the Returning Officer must publish a notice which complies with subsection (2).
- (2) A notice referred to in subsection (1) must state in relation to each election-
 - (a) the period within which nomination forms are to be submitted to the Returning Officer. Unless otherwise determined by the Standing Committee, the period shall commence at least six weeks (i.e. 42 days) before the meeting date of the General

Meeting in which an election is to be held and end three weeks (i.e. 21 days) before the meeting date of the General Meeting in which an election is to be held (c.f. s.28 & 29 of the Rules);

- (b) the address at which the nomination forms are to be submitted either by registered mail or in person;
- (c) that nomination forms must be submitted during specified business hours; and
- (d) the date of the General Meeting in which an election is to be held.

Section: 8 How to nominate a candidate

(1) A person is to be nominated as a candidate by submitting to the Returning Officer a nomination form.

(2) The nomination form must be in the specified form and subscribed by at least 10 subscribers who are members of the Convocation and entitled to vote under section 4 (c.f. s.26 of the Rules).

(3) For the same election, a subscriber shall only nominate one candidate for the Chairman's office, one candidate for each Vice-Chairman's office, and any other such number of candidates not exceeding the total number of other vacant offices of the Members of the Standing Committee (c.f. s.30 of the Rules).

(4) For the same election, a candidate shall not stand for election for more than one vacant office of the Members of the Standing Committee.

(5) The nomination form must contain a declaration by each candidate to the effect that he:-

- (a) is eligible to be nominated as a candidate;
- (b) is not disqualified from being so nominated; and
- (c) consents to being so nominated.

(6) The nomination form must contain the name and identity document number of each candidate as shown on the candidate's identity document.

(7) The nomination form must be signed by each candidate in each place the candidate's signature is required on that form (c.f. s.29 of the Rules).

(8) The nomination form must be signed by each subscriber. It must contain the name and identity document number of each subscriber.

(9) The nomination form must contain other particulars (if any) required to be furnished on that form.

(10) The Returning Officer may require a candidate to furnish any other information that Officer considers appropriate to be satisfied-

- (a) that he is eligible to be nominated as a candidate; or
- (b) as to the validity of the nomination.

(11) The nomination form must be submitted to the Returning Officer within the nomination period at the specified address.

(12) The Returning Officer may require a candidate to furnish, for publication by the Returning Officer, such biographical data as they deem appropriate.

Section: 9 Who are validly nominated candidates

(1) The Returning Officer must, as soon as practicable after receiving a nomination form, decide in accordance with the Constitution and these Regulations whether or not a person is validly nominated as a candidate (c.f. s.27 of the Rules).

(2) Should there be any dispute as to the eligibility of any candidate, it shall be resolved by the Election Board and the Returning Officer in the absence of the candidate(s) in question.

Section: 10 Returning Officer to publish a notice of particulars of validly nominated candidates

(1) The Returning Officer must, at least one week (i.e. 7 days) prior to the General Meeting in which an election is to be held publish a notice which complies with this section (c.f. s.5 and 31 of the Rules).

- (2) A notice published for an election must state(c.f.s.31 of the Rules):-
- (a) the name of each validly nominated candidate for different offices ; and
 - (b) nominators of each validly nominated candidate.

Section: 11 What is to happen if insufficient candidates are nominated

(1) If, after the close of nomination of candidates for election, the number of validly nominated candidates is equal to or less than the number of vacant offices to be returned, the Returning Officer shall publicly declare the candidate or candidates to be duly elected for the vacant office he was nominated (c.f. s.35 of the Rules).

(2) If, after the close of nomination of candidates for election, no candidates were validly nominated or the number of validly nominated candidate was less than the number of vacant offices to be returned, and the retiring officer consents to continue in his office for a further term, the Standing Committee shall act in accordance with Section 36 of the Rules and Section 31 of the Constitution (c.f. s.36 of the Rules and 31 of the Constitution).

(3) If, after the close of nomination of candidates for election, no candidates were validly nominated, or the number of validly nominated candidate was less than the number of vacant offices to be returned, and no

retiring officer consents to continue in his office for a further term, the Returning Officer must declare the election to have failed or, as the case may be, to have partially failed to the extent that the number of candidates validly nominated was less than the number of vacant offices to be returned.

PART IV

CONTESTED ELECTION

Section: 12 How contested election is to be conducted

(1) At every contested election a poll is to be taken of the electors at a General Meeting in which an election is to be held; and the voting at the poll is to be by secret ballot and which may be conducted by electronic voting (c.f. s.23 of the Rules).

Section: 13 Registration of electors

(1) A person is eligible to vote as an elector at an election only if the person-

- (a) is eligible to vote under section 4; and
- (b) within half an hour after the scheduled time for holding the General Meeting in which an election is to be held, presents himself to the Returning Officer for registration and verification of his Convocation membership status by furnishing to the Returning Officer a valid identification document. Convocation members who have not registered their attendance within half an hour after the scheduled time of the meeting shall be allowed to attend the meeting as observers, but shall not be entitled to vote (c.f. s.8 of the Rules).

(2) This section takes effect even though a person would otherwise be entitled to be registered to vote at an election under section 4.

(3) An elector registered is entitled to vote as an elector only once at an election unless otherwise expressly provided.

(4) An elector may vote at an election by its authorized representative by a specified proxy form filed with the Returning Officer in accordance with section 5 (c.f. s.16 & 17 of the Rules).

Section: 14 Time of Election

- (1) All elections shall be conducted during a General Meeting.
- (2) At a General Meeting where elections of more than one category of offices are to be held, the election of different offices shall be conducted separately in accordance with the following order(c.f. s.33 of the Rules):-
 - (a) election of the Chairman;
 - (b) elections of Vice-Chairmen; and
 - (c) elections of other Members of the Standing Committee.
- (3) The polling hours shall not start within half an hour of the scheduled time of the meeting of the General Meeting (c.f. s.7 of the Rules).
- (4) The Returning Officer shall fix the time for the close of ballot. After the close of ballot, the Returning Officer shall examine the votes cast by members and his/her decision on whether a vote has been validly cast shall be final (c.f. s.37 of the Rules).

Section: 15 Returning Officer to provide equipments for electronic polling or ballot papers for paper polling

- (1) If electronic polling is adopted, the Returning Officer shall provide such equipments considered necessary to facilitate electronic polling.
- (2) If electronic polling is adopted, votes would be counted electronically by computers.
- (3) If electronic polling is adopted, Part V of these Regulations shall apply unless it is inapplicable.
- (4) If paper polling is adopted, the Returning Officer shall supply the number of ballot papers in a form prescribed by the Returning Officer and ballot boxes considered necessary for the polling.
- (5) The Returning Officer must not give a ballot paper to any elector unless a quorum for the General Meeting in which an election is to be held is present within half an hour from the time scheduled for the General Meeting (c.f. s.11 of the Rules). The quorum for a general meeting shall be thirty members of the Convocation. No business shall be transacted at any general meeting unless a quorum of members is present at the time when the meeting proceeds to business. If a quorum is not present within half an hour from the time scheduled for a general meeting, the chairman of the meeting shall at his/her own discretion dissolve or postpone the meeting until further notice or to a specified date and time. The same applies when attendance is below a quorum during the course of the meeting. It shall not be necessary to give any notice of an adjourned meeting or of the business to be transacted at an adjourned meeting (c.f. s.10 & 11 of the Rules).
- (6) The Returning Officer must not give a ballot paper to a person unless that person is validly registered to vote as an elector under section 13.

(7) No record is to be made of the particular ballot paper or ballot papers issued to an elector or authorized representative.

PART V

COUNTING OF VOTES

Section: 16 Counting of votes and casting vote of Chairman

(1) As soon as practicable after the close of the poll, the Returning Officer must declare that the poll has been closed and that counting of the votes is to begin. The Returning Officer shall have the right to appoint staff members to assist in counting the votes (c.f. s.38 of the Rules).

(2) A candidate must not be permitted under this subsection to inspect a ballot paper.

(3) When the counting of the votes and re-counts, if any, are completed and the result of the election determined, the Returning Officer is to record on prescribed form which shall be confirmed in signature by the Returning Officer(c.f. s.39 of the Rules):-

- (a) the total number of votes;
- (b) the total number of valid votes;
- (c) the total number of invalid votes; and
- (d) the number of votes for each candidate

(4) At the conclusion of the counting of votes, the Returning Officer will announce the result of the election.

(5) If two or more candidates receive the same number of votes in respect of an office and only one of them can be elected, the Chairman shall have a second or casting vote (c.f. s.42 of the Rules).

(6) If the Chairman fails or refuses to cast a second vote or casting vote, the Returning Officer shall determine the result of the election by drawing lots. The candidate on whom the lots falls is to be returned at the election for the office he was nominated and should be so declared by the Returning Officer.

(7) Unless a recounting is demanded, the declaration of the result of election by the Returning Officer shall be final. In case of a recounting, the second count shall be final and conclusive (c.f. s.41 of the Rules).

Section: 17 Result of the counting of votes and re-count

(1) After the votes are counted, the Returning Officer must make known the result of the counting of the votes.

(2) No less than 20 members of the Convocation who are entitled to vote present in person or by proxy may, with good reason, request the Returning Officer to recount the votes (c.f. s.40 of the Rules).

(3) The Returning Officer must comply with the request unless the Officer is of the opinion that the request is unreasonable. The decision of that Officer whether to re-count the votes shall be final (c.f. s.40 of the Rules).

Section: 18 Election to be presumed to be valid and disposal of documents

(1) An election is presumed to be valid until it is questioned by an election complaint within the period permitted, on the hearing of the complaint, determines that the election is invalid under Part VI.

(2) The Secretary must retain in his custody all the documents used in the election until the next General Meeting from the date of the election to which they relate. The Secretary must thereafter destroy them (c.f. s.43 of the Rules).

Section: 19 Assumption of the office by the newly elected

The candidate who is returned at the election for the office he contested shall assume his office on the 1st of January of the next calendar year.

PART VI

ELECTION COMPLAINTS

Section: 20 Election may be questioned only by election complaint made on specified grounds

(1) An election may be questioned only by an election complaint lodged under this section.

(2) An election complaint may only be lodged by 5 or more electors entitled to vote at the election.

(3) An election complaint questioning an election may be lodged with the Election Board not later than 48 hours after the announcement of result of the election by the Returning Officer.

(4) An election may be questioned only on the grounds the person declared by the Returning Officer to have been elected as a Member at the

election was not duly elected because-

- (a) the person was ineligible to be, or was disqualified from being, a candidate at the election; or
- (b) corrupt or illegal conduct was engaged in by or in respect of that person at or in connection with the election; or
- (c) corrupt or illegal conduct was generally prevalent at or in connection with the election; or
- (d) material irregularity occurred in relation to the election, or to the polling or counting of votes at the election.

(5) In this section “corrupt or illegal conduct” means corrupt or illegal conduct in contravention of the Elections (Corrupt and Illegal Conduct) Ordinance (Cap 554).

(6) Any person whose election is questioned by an election complaint and the Returning Officer in respect of the election may be made a respondent to the complaint.

Section: 21 Election Board to have jurisdiction to determine election complaint

(1) The Election Board shall have the jurisdiction to determine an election complaint.

(2) The Election Board shall determine that election complaint within 28 days.

(3) An election complaint shall be determined in a hearing unless the Election Board otherwise directs.

(4) The Election Board may make rules providing for giving effect to this Part and for regulating matters relating to the preparation, lodgement, service, determination and withdrawal of election complaints, and the practice and procedure concerning the determination of those complaints.

(5) In relation to an election complaint that relates to an election that was not contested, the Election Board must determine whether any decision of the Returning Officer as to the validity of a nomination was correct and, if not correct, determine whether the person declared by that Officer to have been elected in that election was or was not duly elected.

(6) In relation to an election complaint that relates to an election that was contested, the Election Board must determine whether the person whose election is questioned was or was not duly elected and, if not duly elected, determine whether some other person was duly elected instead.

(7) The Election Board must certify the determination of the Board in writing. The determination as certified is final as to the matters at issue concerning the election complaint.

(8) If, at the end of the hearing of an election complaint, it appears to the Election Board that a specified person may have engaged in corrupt or illegal conduct at or in connection with the election, the Election Board will report the

matter to the University Council, and if necessary, the University will report to the authority.

Section: 22 What is to happen if Member is determined not to have been duly elected

(1) If, on the hearing of an election complaint, the Election Board determines that a person who was originally declared to have been elected at an election was not duly elected, that person ceases to be in the office for which he was elected and, subject to subsection (2), that person's office becomes vacant from the date of the determination.

(2) If, on the hearing of an election complaint, the Election Board determines that a person was duly elected in place of a person that the Election Board has determined not to have been duly elected at the election, the first-mentioned person assumes the office of the second-mentioned person originally elected to assume from the date of the determination.

PART VII

INTERPRETATION AND AMENDMENTS OF THE REGULATIONS

Section: 23 Interpretation and amendments of the Regulations

The interpretation and amendments of these Regulations shall rest with the Election Board.

Prepared by:
Election Board
Convocation of City University of Hong Kong

(Revised and endorsed as at 6 October 2011)