

**THE UNIVERSITY OF HONG KONG**

COUNCIL

Regulations and Procedures  
for Casting of Votes by Personal Ballot in the Election to  
the Chairmanship of the Board of a Faculty, and to Certain Categories  
of Membership of the Council, the Senate and the Boards of the Faculties

I. STATUTORY PROVISION

The following Statutes of the University of Hong Kong Ordinance (Chapter 1053 of 1964) provide for the Chairmanship of the Board of a Faculty, and for certain categories of membership of statutory bodies to be filled by election:

<u>The Council</u>	Statute XVIII
sub-paragraph 1(f) :	“4 full-time teachers elected in accordance with regulations;”
sub-paragraph 1(g) :	“1 full-time employee of the University, not being a teacher, elected in accordance with regulations;”
sub-paragraph 1(h) :	“1 full-time undergraduate student elected in accordance with regulations;”
sub-paragraph 1(i) :	“1 full-time postgraduate student elected in accordance with regulations;”
 <u>The Senate</u>	 Statute XXII
sub-paragraph 1(f) :	“12 Professors elected in accordance with regulations;”
sub-paragraph 1(g) :	“6 teachers, not being Professors, elected in accordance with regulations;”
sub-paragraph 1(l) :	“3 full-time students, at least one of whom shall be an undergraduate and one of whom shall be a postgraduate, elected in accordance with regulations.”
 <u>The Boards of the Faculties</u>	 Statute XXVI
sub-paragraph 1(b) :	“a Chairman, who shall be a member of the Board of the Faculty other than the Dean or a member referred to in sub-subparagraph (g), elected by the members of the Board for a period of 3 years;”

sub-paragraph 1(g) : “In respect of a Faculty in which the number of registered undergraduate students exceeds the number of registered postgraduate students, ... 1 postgraduate student, not being an officer or a teacher or a person employed by the University whose employment is permanent and full time or a member of the Board in any other category of membership, who shall be registered in that Faculty, such postgraduate student being elected by the postgraduate students similarly so registered; and, in respect of a Faculty in which the number of registered postgraduate students exceeds the number of registered undergraduate students, ... 3 postgraduate students, not being officers or teachers or persons employed by the University whose employment is permanent and full-time or members of the Board in any other category of membership, who shall be registered in that Faculty, such postgraduate students being elected by the postgraduate students similarly so registered.”

## II. MEMBERSHIP

A person elected as Chairman of the Board of a Faculty or as a member of the Council, of the Senate or of the Board of a Faculty under the provisions of one of the Statutes referred to at the above shall take office on the day following the cessation of his/her predecessor's term of office, or on the day immediately after the announcement of the result of the election, whichever is the later, and shall serve for a period of three years, except that:

no person elected under Statute XVIII, sub-paragraphs 1(f) and (g) may serve more than three consecutive terms without the approval of the Court;

a student elected under Statute XVIII, sub-paragraphs 1(h) and (i) and Statute XXII, sub-paragraph 1(l) shall serve for a period of one year, provided that he/she remain a full-time student of the University, and in the case of Statute XVIII, sub-paragraph 1(h) and (i), a full-time undergraduate student and postgraduate student of the University respectively;

a postgraduate student elected under Statute XXVI, sub-paragraph 1(g) shall take office on the day following the announcement of the result of the election, and shall hold office until the day of the announcement of the result of the next following election, provided that he/she remain a postgraduate student of the Faculty in which he/she was registered at the time of the election.

The Chairman of the Board of a Faculty may resign by written notice addressed to the Board of the Faculty. A member of a statutory body may resign his/her membership by written notice addressed to the Registrar.

Each election to elect such a Chairman or member shall be governed by the following regulations made by the Council in pursuance of Statute XIX, sub-subparagraph 3(1)(e).

### III. ELECTION REGULATIONS

Regulations made by the Council under Statute XIX, sub-subparagraph 3(1)(e), Governing the Conduct of Elections under Statute XVIII, sub-paragraphs 1(f), 1(g), 1(h) and 1(i); Statute XXII, sub-paragraphs 1(f), 1(g) and 1(l); and Statute XXVI, sub-paragraphs 1(b) and 1(g)

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#### 1. Interpretation

##### (a) In these regulations,

“Registrar” shall have the same meaning as in the University of Hong Kong Ordinance and the Statutes of the University (The Registrar may however delegate in respect of any election any or all of his responsibilities under these regulations, save only those under Regulations 3, 10 and 13, to the Secretary of the Board of the Faculty concerned in that election.);

“ballot” shall mean the casting of votes in secret;

“candidate” shall mean a person who, having been properly nominated for membership of the body concerned, has not withdrawn his/her consent to being so nominated;

“election” shall mean the whole of the process by which a member is elected to serve on the body concerned;

“elector” shall mean a person who has a right to vote or who is expected to have that right in accordance with the provisions of these regulations;

“member” shall mean a person elected to be a member of a statutory body under the provisions of these regulations;

“nominee” shall mean a person properly proposed and seconded for election;

“vote” shall mean the formal expression of choice of a candidate, made in accordance with the provisions of these regulations.

- (b) The ballot forms and the nomination forms shall follow the style of those attached as a schedule to these regulations.

2. Timetable

- (a) An election in respect of each category of membership to which these regulations apply shall be held according to the following summary timetable:

<u>Event</u>	<u>No. of days allowed</u>	<u>Date range</u>
A. Preparation of rolls of persons eligible to be (i) electors; and (ii) candidates.	-	Not later than 3 months before expiry of office of current Chairman or member.
B. Announcement of election timetable, and nominations called for.	-	As soon as possible after A.
[C. 1. Nomination period.	21	-
C. 2. Second nomination period, if no nomination made during C.1.]	[21]	[To start not later than 28 days after conclusion of C.1.]
D. Announcement of nominations.	-	Not later than 3 days after conclusion of C.
E. Period for possible withdrawal of nominations.	7	To start immediately after D.
F. Polling day.	1	Not sooner than 7 days after E.
G. Announcement of result.	-	As soon as possible after F.
H. Period for lodging complaints.	1	Immediately after G.

- (b) Any necessary by-election shall follow a similar sequence of events to that set out in the summary timetable.

3. Polling Station Officers, Returning Officers and Election Officer

- (a) The Registrar shall appoint one member or employee of the University (who shall not be an elector) as Polling Station Officer for each polling station.
- (b) The Registrar shall appoint two members or employees of the University (who shall not be electors) as Returning Officers.
- (c) The Registrar may appoint one officer of the University to act as Election Officer.

4. Electoral Roll

The Registrar shall prepare the lists of eligible electors and candidates as they are expected to be at the date of the opening of the polling period: the lists may subsequently be amended at the discretion of the Registrar to take account of any necessary changes which will take effect before the date of opening of the polling period. The Registrar shall have the final decision in case of any dispute as to the eligibility of any elector or any nominee.

5. General Notification of Election

- (a) As near as is practicable to three months prior to the date on which a membership vacancy is expected to occur on a body to which these regulations apply, the Registrar shall notify each elector of the election, providing:
  - (i) a statement of the reason for the election;
  - (ii) an announcement of the period of membership; and
  - (iii) a timetable setting out the dates on which specific stages of the election procedure shall be completed.
- (b) The Registrar shall make available a list of the eligible electors and candidates, clearly indicating the number of such persons for perusal by the electors of the election.
- (c) The Registrar shall at the same time announce that each nominee
  - (i) may provide for subsequent distribution to the electors such autobiographical data as the nominee may choose; and/or

- (ii) may organise an election meeting for the purpose of speaking to the electors and answering their questions.
- (d) The Registrar shall on the same day also post a copy of each of these documents together with these regulations on the notice-board at the Office of any Faculty concerned, and on such other notice-boards as he deems fit.

6. Nominations

- (a) Each elector may nominate one candidate for each vacancy. Nominations may be made either on a form available on request from the Registrar, or by letter. Each nomination shall be signed by the proposer and by a seconder (who must also be an elector) and by the nominee giving consent to be nominated. If the nominee is not in Hong Kong at the time of nomination, the proposer and the seconder shall obtain his/her written, faxed or cabled consent and return it together with the nomination form to the Registrar. The Registrar shall require that nominations reach him before noon of the day 21 days after he has declared nominations open. In the event that no nomination is received at the expiration of 21 days from the time at which nominations were declared open, the nomination period shall be re-opened not more than 28 days later. This second nomination period shall last for 21 days.
- (b) Not later than three days after the close of the nomination period (or the second nomination period if one be necessary), the Registrar shall inform each elector by individual notice of nominations received (showing also the names of proposers and seconds). He shall also post such a notice on the notice-boards of any Faculty Office concerned and on such other notice-boards as he deems fit.
- (c) Any nominee may withdraw his/her consent to nomination should he/she so wish by letter, fax or cable addressed to the Registrar within seven days of the posting of the list of nominees. Should all nominees withdraw within the specified period, the Registrar shall again declare nominations open, and the provisions of paragraphs (a) and (b) of this regulation shall again apply.
- (d) If at the closing date for withdrawal of consent to nominations there should be only one candidate for the vacant seat, such candidate shall forthwith be declared elected unopposed, and Regulations 7-11 below shall not apply.

7. Distribution of Election Material

- (a) At the close of the period allowed for the withdrawal of consent to nominations, the Registrar shall provide to each of the candidates a copy of these regulations.
- (b) The Registrar shall also distribute to the electors such autobiographical data as has been provided by any or all of the candidates.

8. The Ballot

- (a) The Registrar shall provide one locked ballot box for each place of ballot, but shall retain the keys of such boxes.
- (b) On the day of the ballot, each place of ballot shall be opened by the Polling Station Officer to allow for the casting of votes, for a period to be decided by the Registrar. Such period shall not be less than four hours and shall not exceed eight hours. The stated hours shall not necessarily be consecutive, and shall lie between the hours of 9:00 a.m. and 7:00 p.m. A Polling Station Officer shall be present at each place of ballot during the whole of the voting period or periods.
- (c) Each elector shall prove his/her identity to the Polling Station Officer. His/Her identity shall be checked by the Polling Station Officer against a list of eligible electors provided by the Registrar, and suitably marked.
- (d) The Polling Station Officer shall give each eligible elector a ballot form setting out the nominations to which consent still stands. Each ballot form so issued shall bear a mark of identification approved by the Registrar. Each elector shall be entitled to one ballot form only, on which he/she may record (without revealing his/her identity) his/her vote by marking a cross in the space provided against the name of the candidate of his/her choice, the number of such crosses in a multi-seat election not to exceed the number of vacant seats. Each candidate is entitled to one vote from each elector.
- (e) The elector shall then place his/her ballot form into the ballot box provided before leaving the place of ballot.
- (f) Should an elector be not in Hong Kong or confined to hospital in Hong Kong by reason of sickness on polling day he/she may if he/she so wishes cast his/her vote in advance by post, with an accompanying letter, or by cable or fax. Such letter, cable or fax should be addressed to the "Returning Officers, c/o the Registrar,

The University of Hong Kong”, and should state unambiguously the name of the election concerned; the name of the candidate for whom the vote is to be cast; and the name of the elector. The Registrar shall, on receipt of such letter, cable or fax, authorize the Returning Officers to transfer the postal, cabled or faxed vote in private to a ballot form and to place such ballot form in the ballot box provided before the ballot box is opened for the counting of the votes. If there is any doubt about the identification of the person sending the letter, cable or fax, the Returning Officers shall immediately report the matter to the Registrar for an investigation, and the Registrar shall have the full discretion to decide whether or not to accept the vote.

- (g) The following shall be a spoiled ballot form and the vote(s) recorded on it shall not be counted by the Returning Officers:
- a form not bearing a mark of identification approved by the Registrar;
  - a form which is torn when removed from the ballot box;
  - a form recording more than one vote for each candidate;
  - a form recording votes in excess of the number of vacancies;
  - a form recording a vote or votes in any manner other than by a cross or crosses (X) in the spaces provided.

A letter, cable or fax containing the data required by sub-paragraph 8(f) above shall not be a “spoiled ballot form”.

9. Determination and Announcement of the Result of the Election

- (a) At the closing time of the ballot, the ballot boxes shall be given to the Registrar by the Polling Station Officers. The Registrar shall then give the ballot boxes to the Returning Officers, and shall also inform them of the mark of identification used on the ballot forms. The Returning Officers shall open the ballot boxes and shall count the votes. The Election Officer, if appointed, shall observe, and the candidates may observe the counting of the votes, and any of them may require a recount at the conclusion of the count.
- (b) The Returning Officers shall determine the result of the election as follows and shall as soon as possible convey such result (including the number of votes cast for each candidate) to the Registrar. Those candidates (not exceeding in number the number of vacant seats) who receive most valid votes shall be the winners of the



election except that in the case of election of four full-time teachers to the Council:

where there is no professor serving in this category of membership at the time a vacancy arises, the candidate who receives the highest number of votes among candidates who are professors will first take the seat; or

where there is no non-professorial teacher serving in this category of membership, the candidate with the highest number of votes among candidates who are non-professorial teachers will first take the seat.

If two or more candidates each receive the same number of valid votes, and only one of them can be elected, a further election shall be held.

- (c) At the conclusion of the count or of any recounts, the Returning Officers shall return all of the ballot forms in a sealed cover to the Registrar.
- (d) The Registrar shall then announce by publicly posted notice the result of the election, including the number of votes cast for each candidate, and the period of office of each successful candidate.

10. Confirmation of the Result of the Election

- (a) Any complaint concerning the conduct of the ballot or of the count shall be lodged with the Registrar within 24 hours of the announcement of the result of the election. If a complaint is so lodged, the Registrar shall investigate it.
- (b) If no complaint is received, or if the Registrar is satisfied with the results of his investigation into any complaint which has been lodged in accordance with these regulations, he shall report to the Council in due course that the election has been properly conducted.
- (c) If the Registrar is not satisfied with the results of his investigation into such a complaint, he shall refer the matter to the Council which shall decide on a further course of action.

11. Destruction of Ballot Forms

The Registrar shall destroy the sealed cover containing the ballot forms within seven days of the announcement of the result of the election.

12. By-elections

By-elections shall be held should the Chairman of the Board of a Faculty or a member of the Council, of the Senate or of the Board of a Faculty under the provisions of one of the Statutes referred to in Section I above cease to be member by virtue of resignation, or

for a Chairman of the Board of a Faculty, become a Dean of that Faculty or a member of that Board under Statute XXVI.1(g);

for a member of the Council and of the Senate under Statute XVIII, sub-paragraphs 1(f) and 1(g) and Statute XXII, sub-paragraphs 1(f) and 1(g) respectively, become a member of that statutory body in another capacity, or cease to be a member of the constituency which elects him/her;

for a student member of the Council and of the Senate under Statute XVIII, sub-paragraph 1(h) and (i) and Statute XXII, sub-paragraph 1(l) respectively, cease to be registered as a full-time student of the University, and in the case of Statute XVIII, sub-paragraph 1(h) and (i), a full-time undergraduate student and postgraduate student of the University respectively;

for a member of the Board of a Faculty under Statute XXVI, sub-paragraph 1(g), cease to be registered as a postgraduate student in the Faculty in which he/she was registered at the date of the election.

13. Saving

If circumstances arise which prevent the exact application of any of these regulations, the Registrar may authorize a departure from such regulations, subject to report to the Council.