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City University
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By fax
(Fax No.: 2509 0775)

11 May 2007

Ms Odelia Leung
Clerk to Bills Committee
Legislative Council Secretariat
3/F, Citibank Tower
3 Garden Road, Hong Kong

杜國維先生
校董會秘書
Mr John Dockerill
Secretary to Council

Dear Odelia

**Re: Bills Committee on
City University of Hong Kong (Amendment) Bill 2006**

I attach a paper on the conduct of the poll to elect a postgraduate student to the Council. The paper contains the detailed election rules. These rules were approved by the Council when considering the election of a student to the Council as proposed in the original Amendment Bill. I would be grateful if you could pass the paper to the members of the Bills Committee for their information. We have tried to provide a comprehensive statement which I hope can satisfy members concerns. If there are any further queries I will be happy to deal with them. Since this matter appears to be quite straightforward, and appreciating that the members of the Committee are extremely busy people, I wonder if a further meeting of the Committee is necessary. The attached CSA was revised to indicate that the postgraduate student who serves on the restructured Council will be elected from among the postgraduate students of CityU, which has been sent to Mr Arthur Cheung, LegCo Senior Assistant Legal Adviser, for comment. Further to our earlier report on the progress of formation of the Court, I am happy to report that the Court has been formally established early this year with all categories of membership in place. It will soon convene its first meeting.

Yours sincerely

John Dockerill
Secretary to Council

Encls

cc The Hon Emily Lau, Chairman of Bills Committee
Ir Dr Hon Raymond Ho
Chairman of Council

CITY UNIVERSITY OF HONG KONG

Election of a postgraduate student to the University Council

1. Introduction

The election of the postgraduate student will be conducted in accordance with the Rules Governing the Election of a Student representative to the Council as passed by the Council at its 40th Meeting held on the 26th June 2006. These rules were based on the original Amendment Bill which called for a single student representative elected from the whole student body. In the present case they will be used to elect a postgraduate student to the Council. A copy of the election rules is attached for members' information. The following summarises the main features of the rules and the logistics which will be employed in running the election.

2. Electoral Roll

The Electoral Roll for the election will be all those students registered on programmes leading to a postgraduate award of the University as approved by the Senate. These include taught postgraduate, MPhil and PhD programmes. The Roll can be identified and extracted from the University student record system.

3. Timetable

The timetable presented in the rules is based on our experience in administering staff elections to Council and includes the provision for students who may be away from Hong Kong to cast their vote. The rules state that the polling period will be not less than 4 days. Since many of the postgraduate students are part-time studying in the evenings, it is proposed that a period of 5 days will be used to facilitate the voting for those who only attend for one evening per week and the polling booths will be open until 10:00 pm.

4. Period of Office

The rules state that the period of office for the student will be one year or otherwise determined by the Council and would normally run from the 1st January. Depending on the date of enactment of the Bill, it may be necessary for the Council to adjust the period of office of the first elected student to phase in the annual appointment as the 1st January.

5. Announcement and Call for Nominations

The Secretary to Council (the Election Officer) will be responsible for announcing the election and calling for nominations. The announcement will be placed on the University intranet and all members of the electoral roll will be informed individually using the University e-mail system. The opportunity will be taken to explain the role of the Council and to encourage students to stand for election or to nominate candidates. Emphasis will

be placed on the need for the Council to be informed of the views of the postgraduate students and for their needs to be addressed by the University. In particular, since many of the students are part-time, their needs and concerns may be somewhat different from the full-time students and therefore would need to be addressed differently.

For a nomination to be valid it must have ten seconders and be properly submitted to the Secretary to Council. The requirement for ten seconders is in line with the practice of the Students' Union in their elections and is designed to ensure that the nominee is serious about the election and has a reasonable base of support.

We will provide facilities for the nominated candidates to publish their platforms to the electorate by posting these on the University notice boards and e-mailing them to the electorate.

To widely publicise the event and ensure that the postgraduate students are aware of the election, the announcement and call for nominations can be sent to the students through the programme leaders and class representatives of each programme.

6. Voting Procedure

In view of the size of the electorate, voting will be conducted using the "Smart Vote" system developed by the University. This is a computer-based voting system and votes are cast in person at workstations set up on the campus. The system has been used since 2002 for all the Council elections and the Students' Union used the system last year for its own internal election. In the latter case over 3,000 votes were cast. The system ensures strict confidentiality and has proved extremely secure. The elector registers using his/her student smart ID card which enables the system to check that they are a valid member of the electoral roll. A manual check is also used to ensure that the individual is a valid voter using a printed list of eligible voters. Individuals are required to show their ID cards to the independent scrutineers who are tasked to oversee the conduct of the polling.

The student then proceeds to workstation to cast his/her vote. Each station is housed in a separate and private booth. The system itself is designed to ensure that it is impossible to link the individual with the vote cast.

It is proposed that the booths will be set up in a prominent position in the University to ensure that the students are aware that a poll is taking place.

Attachments

Rules Governing the Council Election of Representative of Postgraduate Student

1. Preamble

- 1.1 The Council of the University includes one postgraduate student elected from among postgraduate students and appointed by the Council.
- 1.2 All elections of postgraduate students to the Council shall be governed by these Rules.

2. Interpretation

- 2.1 The following terms used in these Rules shall have the meanings ascribed to them in the City University of Hong Kong Ordinance: "University", "Council", "Senate" and "Ordinance".
- 2.2 "Candidate" shall mean a person who, having been properly nominated for membership of the Council, has signified his willingness to be nominated.
- 2.3 "Elector" shall mean a person who has the right to vote in accordance with the provisions of the Ordinance.
- 2.4 "Ballot" shall mean the casting of votes in secret.
- 2.5 "Vote" shall mean the formal expression of choice for a candidate, made in accordance with the provision of these Rules.

3. Election Officer

The Secretary to Council shall be the Election Officer for elections to the Council and, unless stated otherwise, shall be responsible for the implementation and interpretation of these Rules and for the proper conduct of the elections. In order to maintain his impartiality as Election Officer, the Secretary to Council shall not be included in the electoral roll.

4. Timetable

- 4.1 Elections shall be held in accordance with the following timetable.
 - 4.1.1 Preparation of Electoral Roll : at least one month prior to the date on which a normal vacancy is expected to occur.
 - 4.1.2 Nomination Period : 14 days, after the announcement of an election.
 - 4.1.3 Second Nomination Period : not earlier than seven days, and not later than 10 days, after the conclusion of the Nomination Period.
 - 4.1.4 Period for Withdrawal : not more than two days after the conclusion of the Nomination Period or the Second Nomination Period.
 - 4.1.5 Publication of Nominations : not later than three days after the conclusion of the Period for Withdrawal.
 - 4.1.6 Special Polling Period (for postgraduate students who will be away from Hong Kong during the Normal Polling Period) : the period between the Publication of Nominations and the Normal Polling Period.
 - 4.1.7 Normal Polling Period : not less than four days, commencing not earlier than four days after the Publication of Nominations.
 - 4.1.8 Publication of Results : not later than three days after the conclusion of the Polling Period.
- 4.2 By-elections shall follow a similar sequence of events.

5. Electoral Roll

- 5.1 The Secretary to Council shall be responsible for ensuring that the electoral roll is prepared at the appointed time. His decision on eligibility for inclusion in the roll shall be final.
- 5.2 The electoral roll shall consist of all postgraduate students who are registered on a postgraduate programme of study leading to the degrees or other academic awards of the University as approved by the Senate, as defined in the Statutes.

6. Period of Office

- 6.1 A postgraduate student shall be elected from among postgraduate students, to serve for a period of one year, or as otherwise determined by the Council.
- 6.2 The period of office of a postgraduate student elected and appointed as a member of the Council shall run from 1 January next following the election and appointment, unless otherwise determined by the Council.
- 6.3 A member of the Council elected and appointed as a result of a by-election shall serve for a new term, unless otherwise determined by the Council.
- 6.4 A member's period of office shall terminate immediately he ceases to be a member of the body that elected him.
- 6.5 A postgraduate student elected to the Council under these Rules may resign by notice in writing to the Chairman of the Council, in accordance with section 10(3B)(c) of the Ordinance.

7. Announcement of Election

- 7.1 On the appointed day, the Secretary to Council shall issue an Announcement of the election stating the reason for the election, the period of office of the candidate(s) to be elected, and the timetable for specific stages of the election, as set out in Section 4 above.
- 7.2 The Secretary to Council shall instruct that a copy of the Announcement, together with a copy of these Rules be placed on the University Intranet.

8. Nominations

- 8.1 Only electors may put forward nominations and each elector may participate, as proposer or seconder, in no more nominations than the number of vacancies to be filled. Nominations will be accepted only on Nomination Forms available from the Secretary to Council, and shall be signed by the proposer and by ten seconds, and by the candidate, who shall thereby confirm his willingness to stand.
- 8.2 If the candidate is not in Hong Kong during the Nomination Period, the proposer shall provide evidence of the candidate's consent, the validity of which shall be decided by the Secretary to Council.
- 8.3 Nominations must be submitted in a sealed envelope, to reach the Secretary to Council by 5:00 pm on the appointed day. Late nominations will be declared invalid.
- 8.4 After the closing of the Nomination Period, candidates will be informed of all nominations received.
- 8.5 If no nominations are received, a Second Nomination Period shall be declared. The length of the Second Nomination Period shall follow the timetable as stipulated in section 4.1.3 above. In the event of a further failure to receive the necessary number of nominations, the nomination process shall be repeated with a new electoral roll after not less than six months have elapsed.
- 8.6 If there is only one nomination, the candidate nominated shall be deemed to have been elected and, notwithstanding the provision under Section 4 above, his name shall be published not later than three days after the conclusion of the period for withdrawal.
- 8.7 In all other cases the Secretary to Council shall publish on the University Intranet an Announcement which shall include the names of candidates nominated, together with the names of proposers and seconds, and details of the Voting Procedure. Where more than one nomination forms are received for the same candidate, the first nomination form for the candidate received by the Secretary to Council shall be regarded as the operative nomination.
- 8.8 Candidates, or their proposers, may submit for publication by the Secretary to Council such biographical data as they deem appropriate in a form to be specified by the Secretary to Council.

9. Voting Procedure

- 9.1 Elections shall take place on the appointed days at Polling Stations or other venues designated for the purpose by the Secretary to Council.
- 9.2 Each elector will have as many votes as there are vacancies to be filled, and electors may vote for one candidate only for each vacancy. The preference expressed by each elector shall be secret, and no attempt shall be made to identify the preference of other electors. Any postgraduate student who is found to violate this rule will be subject to disciplinary action.
- 9.3 Postgraduate students who will be away from Hong Kong during the Normal Polling Period may obtain a ballot form from the Secretary to Council and cast their vote, in person only, within the Special Polling Period. They will be required to furnish evidence that they will not be in Hong Kong during the Normal Polling Period. The completed ballot forms will then be kept in a ballot box until the appointed day for the counting of votes.
- 9.4 Each elector shall cast his vote in person and no proxy vote will be accepted.

10. Determination and Publication of Results

- 10.1 The Secretary to Council shall designate two employees of the University to act as independent Scrutineers for the election. The Scrutineers shall not participate in the election and their names shall not be published.
- 10.2 All candidates shall be notified of the day and time fixed for counting the votes, and shall have the right to be present at the count or to nominate their proposer or one of their seconds to attend in their place.
- 10.3 On the appointed day, the Secretary to Council with the assistance of the Scrutineers shall proceed to count the votes cast.
- 10.4 Decisions on the validity of a vote, or the intention of a vote where this is not clear, shall rest with the Secretary to Council.
- 10.5 At the conclusion of the count, the Secretary to Council shall confirm the number of votes cast and the number of invalid votes, and sign a statement to this effect.
- 10.6 The Secretary to Council shall publish an Announcement of the name of the successful candidate, the number of votes cast for each candidate and the total number of valid and invalid votes. This Announcement shall be placed on the University Intranet.

11. Confirmation of Results

- 11.1 Any complaint concerning the conduct of an election shall be lodged with the Secretary to Council not later than 48 hours after the publication of the result. The Secretary to Council shall investigate any complaint so lodged and, if he finds it to be substantiated, shall report the same to the Chairman of the Council, who may then appoint two persons from the Council to further investigate the complaint if he thinks fit.
- 11.2 If no complaint is received by the appointed day, the Secretary to Council shall submit the names of the elected postgraduate student to the Chairman of the Council for appointment on behalf of the Council.
- 11.3 When the Chairman of the Council confirms the appointment, the Secretary to Council shall inform the candidates concerned accordingly.
- 11.4 The polling records shall be destroyed by the Secretary to Council one month after the publication of the results unless any complaint is substantiated, when they shall be retained until the outcome of the investigation into the complaint has been confirmed by the Council.

12. Revision of Rules

The Council may, at its absolute discretion, change these Rules generally or for the purpose of a particular election. Where a change involves a matter of principle, the view of the Executive Committee of the Council shall be made known to the Council before such changes are confirmed.

CITY UNIVERSITY OF HONG KONG AMENDMENT BILL 2006

COMMITTEE STAGE

Amendments to be moved by Ir Dr Hon Raymond Ho

<u>Clause</u>	<u>Amendment Proposed</u>
1	By deleting subclause (2).
3	(a) By deleting subclause (3).
	(b) By deleting subclause (4) and substituting – “(4) Section 10(1)(i) is amended by repealing “and”.”.
	(c) By deleting subclause (5) and substituting – “(5) Section 10(1)(j) is amended by repealing the full stop and substituting “; and”.”.
	(d) By adding – “(5A) Section 10(1) is amended by adding – “(k) 1 postgraduate student elected from among postgraduate students and appointed by the Council.”.”.
	(e) By deleting subclause (7) and substituting – “(7) Section 10(3B) is amended by repealing “subsection (1)(g) or (h)” and substituting “subsection (1)(g), (h) or (k)”.”.

《2006年香港城市大學(修訂)條例草案》

委員會審議階段

由何鍾泰議員動議的修正案

條次

建議修正案

- 1 刪去第(2)款。
- 3 (a) 刪去第(3)款。
(b) 刪去第(4)款而代以－
“ (4) 第 10(1)(i) 條現予修訂，廢除“及” 。”。
(c) 刪去第(5)款而代以－
“ (5) 第 10(1)(j)條現予修訂，廢除句號而代以“；及” 。”。
(d) 加入－
“ (5A) 第 10(1)條現予修訂，加入－
“ (k) 由研究生互選選出並由校董會委任的研究生 1
名。” 。”。
(e) 刪去第(7)款而代以－
“ (7)第 10(3B)條現予修訂，廢除“第 (1)(g)或(h)款” 而代
以“第(1)(g)、(h)或(k)款” 。”