

# THE HONG KONG POLYTECHNIC UNIVERSITY STAFF ASSOCIATION CONSTITUTION

(Incorporating amendments passed in December 2006)

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## *Rule 1*

### **TITLE AND OFFICE**

#### *Name*

- (1) The name of the Association shall be The Hong Kong Polytechnic University Staff Association

香港理工大學教職員協會

(hereinafter referred to as 'the Association').

#### *Address*

- (2) The registered office of the Association shall be at The Hong Kong Polytechnic University (hereinafter called 'the University'), Hung Hom, Kowloon, Hong Kong or such other place as may be decided upon by the Executive Council subject to the approval of the general meeting of the Association.

## *Rule 2*

### **OBJECTS**

#### *Objects*

The objects of the Association shall be:

- (1) To negotiate and/or consult, on behalf of the members, with persons in whom the control and management of the University shall be vested from time to time (hereinafter called 'the management') on all matters concerning rates of remuneration, hours of work, conditions of service and, generally, to protect the interests of members.
- (2) To foster relations with other Institutions of Education, to endeavour to increase efficiency within the University and to promote progress in the field of Education, particularly the development of the University.
- (3) To regulate the relations and to settle disputes between members and the management, between one member and another, and between members and other employees, by amicable agreement whenever possible.
- (4) To improve all the amenities available to members.
- (5) To encourage members to take part in the activities of any other lawful association in which they may be entitled to membership and to establish relationships with similar associations, both locally and abroad, for the promotion of the interests of the members.

- (6) The furtherance, financial or otherwise, of the work or purpose of any lawful association or federal body having for its objects the promotion of the interests of labour, trade unionism, or trade unionists.
- (7) The establishment of, carrying on or participation in, financial or otherwise, the business of printing or publishing of a general newspaper or of journals, books, pamphlets, or publications, in the interests, and with the main purpose, of furthering the interests of the Association or of trade unionism generally.
- (8) The promotion of legislation in the members' interests.

*Rule 3***MEMBERSHIP***Membership*

- (1)
  - (i) Membership of the Association shall be open to all full-time staff employed by the University on any terms of service with the exception of the President, his Deputies, the Vice Presidents and any other person or persons in whom the overall control and management of the University may be vested from time to time.
  - (ii) Full-time staff employed by subsidiaries of the University (institutions or companies wholly under the control of the Council of the University) on any term of service may join the Association as associate members. They shall not have the right to vote in any decisions of the Association or be an officer of the Association. They may participate in the benefits provided by the Association.
  - (iii) Members retiring from the University on account of age, ill health or any other reason, and not being fully employed elsewhere may, subject to the decision of the Executive Council, be retired members. They shall not have the right to vote in any decisions of the Association or be an officer of the Association. They may participate in the benefits provided by the Association. They shall pay 50% of the membership subscription, referred to in Rule 3 (2) below, applicable to the grade that they were in at the time of retiring from University employment.
  - (iv) Members whose University employment ceases, with the exception of those referred to in Rule 3 (1) (ii) above, shall cease to be members of the Association as from the end of the month in which their University employment ceases. Any fee, subscription or contribution paid shall not be refunded.

*Membership subscription* (2) The membership subscription shall be HK\$10 per calendar month for all members in academic and equivalent administrative grades and HK\$4 per calendar month for all other members. The subscription for associate members shall be HK\$5 per calendar month for those who are teachers or equivalent administrative/professional staff, HK\$2 for others. The membership subscription is payable on admission, for the whole month of admission, at the end of each month thereafter for each month that the member is in receipt of salary payment by the University and, on resignation from the Association or retirement from the University, for the whole month in which such resignation or retirement takes place.

*Members breaking rules* (3) All members must abide by the rules of the Association. Any member breaking the rules may be liable to expulsion. Any member expelled shall have the right of appeal to the general meeting, whose decision shall be final.

*Arrears* (4) Members who are more than three months in arrears of subscriptions shall cease to be members of the Association.

*Rule 4*

**CONSTITUTION AND GOVERNMENT**

The supreme authority of the Association shall be vested in the general meeting and, subject to that authority, the Association shall be governed by the Executive Council.

*Rule 5*

**THE GENERAL MEETING**

*Date of annual general meeting* (1) The Association shall, in each year, hold a general meeting during the month of November as its annual general meeting (AGM) and shall specify the meeting as such in the notices calling it. There shall be only one AGM held in each financial year.

*Attendance and voting* (2) All members may attend a general meeting. All members, except associated or retired members, may vote.

*Calling general meetings* (3) A general meeting may be called by the Executive Council, or at the request of not less than twelve members of the Association.

*Business of annual general meeting* (4) The business of the annual general meeting shall be:-

- (i) To receive reports from the Executive Council, to review the past work of the Association and to plan the future policy and programme.
- (ii) To receive the audited accounts for the previous financial year, to receive the auditors' report and to consider the financial position of the Association.
- (iii) To appoint auditors.

- (iv) To elect by secret ballot the Chairman, two Vice-Chairmen, the Secretary, the Treasurer, two Assistant Secretaries and an Information Officer. (Election of Assistant Secretaries and Information Officer will only be conducted when nominations for the posts are received.)
- (v) To consider any other business.

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| <i>Amendment of rules</i>                              | (5) The general meeting shall be the only authority to make, rescind, alter, amend and add to any of these rules.  |
| <i>Notice required for general meetings</i>            | (6) Notice of the AGM shall be sent to all members at least 14 days before the meeting. Notice of a general meeting, other than an AGM, shall be sent to all members at least 7 days before the meeting except that, when deemed essential by the Executive Council, the notice may be sent at least 2 days before the meeting.  |
| <i>Agenda of general meeting</i>                       | (7) The Secretary, on the instructions of the Executive Council, shall prepare agendas for general meetings and make them known to members in such manner as the Executive Council shall decide.   |
| <i>Business of a general meeting other than an AGM</i> | (8) Discussion and decisions at a general meeting other than the AGM shall be limited to those matters contained in and arising from the agenda provided that, where any change in the rules of the Association or subscriptions are to be discussed, such change shall be specifically stated in the agenda of the meeting.   |
| <i>Quorum</i>  | (9) The quorum for a general meeting shall be one tenth of the total membership or 75 members whichever is the lesser. In the event of an insufficient number of members being present to form a quorum at a general meeting, the meeting shall be reconvened, in accordance with rule 5(6). Any number of members present at the reconvened meeting shall constitute a quorum and decisions taken, except those proscribed by the Trade Unions Ordinance and the rules of the Association, shall be binding on all members. |
| <i>Decisions valid at general meetings</i>             | (10) Decisions regarding change of name of the Association, federation or amalgamation with another association or dissolution (see Rules 16 and 17) may not be taken at a general meeting. Changes to the rules of the Association and changes in subscriptions will be valid if passed by an absolute majority of those present at the meeting, there being a quorum present. All other decisions taken at the general meeting will be valid if passed by a simple majority vote, there being a quorum present.            |

*Rule 6***ELECTIONS AND SECRET BALLOTS***Ballots  
Subcommittee*

- (1) All elections, or other matters for decision by secret ballot, shall be held under the authority of a standing Ballots Subcommittee appointed specifically for the purpose by, and under the authority of, the Executive Council. The Ballots Subcommittee shall be responsible for the publication of election results.

*Matters to be  
decided by secret  
ballot*

- (2) All decisions in respect of the following shall be taken by secret ballot:-
- (i) election of the Officers of the Association and Staff Representatives;
  - (ii) change in the name of the Association;
  - (iii) amalgamation of the Association with another trade union;
  - (iv) federation of the Association with any other trade union, or trade union federation;
  - (v) matters which are agreed by the meeting to require a secret ballot;
  - (vi) matters which are decided by the Executive Council to require a secret ballot.

*Responsibility for  
issuing ballot  
forms*

- (3) The Secretary, or other officer appointed for the purpose by the Ballots Subcommittee, shall be responsible for issuing ballot forms. Ballot forms will be issued only to those members qualified to vote.

*Rule 7***EXECUTIVE COUNCIL***Government of  
Association in  
Executive  
Council*

- (1) The government of the Association in the periods between general meetings and the conduct of its business shall be vested in an Executive Council.

*Composition of  
Executive  
Council*

- (2) (i) Only members of the Association can be members of the Executive Council. It shall consist of Officers as stated in Rule 5(4)(iv) and Staff Representatives as stated in Rule 7(3).
- (ii) The names of Executive Council members shall be made known to all members of the Association within 28 days of the AGM.

*Staff  
Representatives*

- (3) (i) Staff Representatives from each organizational department/unit of the University shall be elected biennially, during the period 7 days before to 21 days after the AGM, by members in the respective department/unit.

- (ii) A department/unit with more than 199 members shall be entitled to elect two Staff Representatives. A department/unit with less than 200 members and more than 14 members shall be entitled to elect one Staff Representative. Where a department/unit has less than 15 members, the members in that department/unit shall be combined with other members, in a manner decided by the Executive Council, so as to form a group of more than 14 members which shall then be entitled to elect one Staff Representative.
- (iii) Associate members of the Association may elect representatives into the Executive Council in a manner as determined by the Executive Council from time to time.
- (iv) Where a vacancy for Staff Representative exists, an election for Staff Representative shall be held to fill the vacancy.
- (v) The results of the election shall be made known to all members in the respective department/unit within 7 days of the election.

*Meetings and  
quorum of  
Executive  
Council*

- (4) The Executive Council shall meet at least once a month. The quorum shall be one-third except for matters declared by the Chairman to be policy matters when the quorum shall be one-half. All decisions will be valid if passed by a simple majority vote. No person shall have more than one vote, except the Chairman who shall have a casting vote.

*Temporary  
replacement of  
Executive  
Council members*

- (5) (i) In the event of the absence from the University of an Officer of the Association, such absence being likely to be prolonged, the Executive Council shall elect a temporary replacement among its members by secret ballot.
- (ii) In the event of a Staff Representative being temporarily unable to attend an Executive Council meeting, he may give written authorisation for a substitute from his department/unit to attend. A substitute so authorised shall not have voting rights on the Executive Council.

*Vacancies among  
the Officers*

- (6) A vacancy among the Officers shall be filled by the holding of an election, for that purpose, at the general meeting at which the vacancy occurs or, in the event of a vacancy occurring between general meetings, at the next general meeting until which time the vacancy shall be filled temporarily in accordance with Rule 7(5)(i).

*Protection of  
funds*

- (7) The Executive Council shall pursue the objects of the Association and shall protect its funds against extravagance or misappropriation.

- Suspension or dismissal of Executive Council members* (8) The Executive Council may suspend or dismiss, from the Executive Council, any Executive Council member for neglect of duty, dishonesty, incompetence, refusal to carry out the decisions of the Executive Council, or for any other reason which it deems good and sufficient in the interests of the Association. Any Executive Council member so suspended or dismissed shall have the right of appeal to a general meeting whose decision shall be final.
- Appointment and dismissal of staff* (9) The Executive Council shall give instructions to the Secretary and other Officers for the conduct of the affairs of the Association. It may appoint clerks and such staff as it may consider necessary and dismiss such clerks and staff for reasons deemed good and sufficient.
- Sub-Committees* (10) The Executive Council shall appoint Sub-Committees where necessary to carry out the work of the Association. Any member of the Association may be appointed to a Sub-Committee by the Executive Council with the provision that at least one member so appointed shall be an Executive Council member. The Chairman of the Association may attend Sub-Committee meetings ex-officio.
- Suspension or expulsion of members* (11) The Executive Council may suspend or expel from the Association any member who is proved, to the satisfaction of the Executive Council, to have been guilty of conduct prejudicial to the interests of the Association. Any member so suspended or expelled shall have the right of appeal to a general meeting whose decision shall be final.
- Decisions of Executive Council binding on all* (12) The decisions of the Executive Council, except those proscribed by the Trade Unions Ordinance and the rules of the Association, shall be binding on all members of the Association.
- Interpretation of rules* (13) Between general meetings the Executive Council shall interpret the rules when necessary and determine any point which the rules do not adequately cover.
- Welfare Benefit Fund* (14) The Executive Council shall have the power to establish and/or administer a Welfare Benefit Fund. The Fund shall be open to all members and give benefits to them and their families in the event of death, accident, sickness, or retirement. The Welfare Fund shall only be used for Welfare Business and shall not be used as a General Fund or for any other business. (The Rules of the Welfare Benefit Fund shall be made separately).
- Common Seal* (15) The Association shall have a common seal which shall be in the safe custody of the Secretary, and this common seal shall only be used by the authority of the Executive Council in resolution.

- (16) Contracts or instruments made by the Executive Council on behalf of the Association to which the common seal of the Association shall be affixed shall be signed by an officer or voting member appointed by the Council for the purpose and countersigned by the Chairman, Treasurer or Secretary (or by the members who for the time being, under the rules of the Association, act as Chairman, Treasurer or Secretary).

*Rule 8***OFFICERS OF THE ASSOCIATION***Honorary Officers*

- (1) All officers of the Association shall be honorary officers. The maximum period of office for any one position of Officer of the Association shall be four consecutive years.

*Duties of Chairman*

- (2) (i) The Chairman shall be elected biennially in accordance with these rules and shall be eligible for re-election, subject to Rule 8(1).
- (ii) The Chairman shall preside at all general meetings and Executive Council meetings and shall be responsible for the proper conduct of business. He shall sign the minutes of each meeting after they are approved. He shall carry out the instructions of the general meeting and the Executive Council.
- (iii) With the assistance of the other Officers, he shall superintend the general administration of the affairs of the Association and shall endeavour to secure the observance of the Association's rules by all concerned.
- (iv) He shall in conjunction with the Secretary or Treasurer countersign every instrument of the Association to which the common seal of the Association is affixed.
- (v) The Chairman, or the Secretary, shall in conjunction with the Treasurer sign all cheques on behalf of the Association.
- (vi) He shall, in conjunction with the Secretary, prepare the Annual Report of the Association for submission to the AGM.

*Duties of Secretary*

- (3) (i) The Secretary shall be elected biennially in accordance with these rules and shall be eligible for re-election subject to Rule 8(1).
- (ii) He shall conduct the business of the Association in accordance with the rules and shall carry out the instructions of the general meeting and of the Executive Council.
- (iii) He shall keep a register of all members and the common seal of the Association in safe custody.
- (iv) He shall attend all meetings of the Executive Council and shall ensure that the Minutes are recorded. He shall have the right to speak and to vote.



- (v) He shall, in conjunction with the Chairman, prepare the Annual Report of the Association for submission to the AGM. He shall prepare other reports as required by the Executive Council.
- (vi) He shall, in conjunction with the Chairman, countersign every instrument of the Association to which the common seal of the Association is affixed.
- (vii) The Secretary, or the Chairman shall, in conjunction with the Treasurer, sign cheques on behalf of the Association.

*Duties of  
Treasurer*

- (4) (i) The Treasurer shall be elected biennially in accordance with these rules and shall be eligible for re-election subject to Rule 8(1). He has the right to attend all Executive Council meetings, to speak and to vote.
- (ii) He shall be responsible for the safety of all monies and the safeguarding of all investments belonging to the Association and shall keep full and accurate accounts of all transactions conducted in the name of the Association.
- (iii) He shall prepare a financial statement at the request of the Executive Council and an Annual Statement of Accounts for audit and for presentation to the AGM.
- (iv) He shall give, free of charge to every member of the Association requesting it, an audited statement of account of all the receipts and expenditure and of the assets and liabilities of the Association.
- (v) He shall, in conjunction with the Chairman, countersign every instrument of the Association to which the common seal of the Association is affixed.
- (vi) He shall, in conjunction with the Chairman or Secretary, sign cheques on behalf of the Association.
- (vii) He shall deposit in the bank appointed by the Executive Council all sums over \$1000 retaining the remainder in a safe place.
- (viii) He shall carry out the instructions of the general meeting and the Executive Council.

*Duties of Vice-  
Chairmen*

- (5) The Vice-Chairmen shall be elected biennially in accordance with these rules and shall be eligible for re-election subject to Rule 8(1). They shall assist the Chairman in the conduct of the affairs of the Association; one of them shall be nominated by the Executive Council to act as Chairman when the latter is temporarily absent, such absence being unlikely to be prolonged. They shall carry out the instructions of the general meeting and the Executive Council.

*Duties of  
Assistant  
Secretary*

- (6) The Assistant Secretaries shall be elected biennially in accordance with these rules and shall be eligible for re-election subject to Rule 8(1). They shall assist the Secretary in the conduct of business within his responsibility.

*Duties of  
Information  
Officer*

- (7) The Information Officer shall be elected biennially in accordance with these rules and shall be eligible for re-election subject to Rule 8(1). He shall be responsible for collecting, collating and disseminating information to members.

*Rule 9***USE OF FUNDS***General Fund*

- (1) The funds of the Association shall be in a general fund, and shall be used for any lawful purpose to further the aims of the Association and may, at the direction of the Executive Council, be invested in Government Bonds, Public Stocks or other such securities subject to the approval of the general meeting.
- (2) Funds may also be used, at the direction of the Executive Council, for:
- (i) the payment of salaries to clerks of the Association and expenses of members of the Association incurred on official business subject to the approval of the Executive Council.
  - (ii) the payment of expenses for the administration of the Association, including audit of the account of the funds of the Association.
  - (iii) the prosecution or defence of any legal proceedings to which the Association or any member is a party, when such prosecution or defence is undertaken for the purpose of securing or protecting any rights of the Association as such or any rights arising out of the relations between any member and the University.
  - (iv) The conduct of trade disputes on behalf of the Association or any member.
  - (v) Compensation of members, at a rate agreed by the Executive Council, for loss arising out of a trade dispute which has been sanctioned by the Executive Council.
  - (vi) The payment of fines imposed on the Association for any offence of which it is convicted under the Trade Union Ordinance or any other Ordinance.
  - (vii) The payment of donations or grants to registered trade unions or other lawful bodies in Hong Kong or overseas and subscriptions, fees, and contributions necessary for affiliations to any trade union federation or other lawful trade union organization in Hong Kong or overseas. Affiliation to overseas organizations is subject to the approval of the Governor and payment of such subscriptions, fees and contributions to an overseas body is subject to the approval of the Governor.
- (3) The financial year of the Association shall commence on the 1st day of October of each year and terminate on the 30th day of September of the following year.

*Financial Year*

*Rule 10***LEVIES***Imposition of Levy*

- (1) The Executive Council may, if it deems necessary, impose a levy upon all members of the Association and all members shall be required to pay such levy provided that, if members object to payment of the levy, they shall have the right to refer the matter to a general meeting called under rule 5(3).

*Failure to pay Levy*

- (2) If a member fails to pay a levy within three months of its imposition, the amount shall be treated as subscription arrears (see rule 3(4)).

*Rule 11***AUDITORS***Auditors need not be members*

- (1) One or more Honorary auditors, who need not be members of the Association, shall be appointed biennially by decision of an AGM. No member of the Executive Council shall be an auditor.

*Audits of accounts*

- (2) The auditor shall audit all the accounts of the Association, as soon after the close of each financial year as possible and at other times when necessary. All books and accounts of the Association will be examined and certification as to their correctness or otherwise will be given by the auditor. A report by the auditor will be made to the members at the annual general meeting.

*Replacement of auditors*

- (3) If an auditor is unable to perform his duties, the Executive Council shall have the authority to terminate his appointment and appoint a replacement until the next AGM which shall appoint auditors in accordance with these Rules.

*Rule 12***INSPECTION OF BOOKS***Inspection of books*

Any member or his agent will be allowed to inspect the account books, the register of members and the registered rules of the Association. Applications must be made in advance to the Secretary or Treasurer, who will be allowed reasonable time to make the necessary documents available.

*Rule 13***DISPUTES***Disputes*

In the event of any dispute arising, the members concerned shall make the same known to the Secretary of the Association, who shall report the same to the Executive Council, but in no case shall a cessation of work be threatened or take place without the sanction of the Executive Council.

*Rule 14***LEGAL ASSISTANCE***Legal advice or assistance*

The Executive Council shall have power to provide legal advice and assistance to any member on any matter connected with the prosecution or defence undertaken for the purpose of securing or protecting any rights arising from the relations between the member and the management.

*Rule 15***RULE BOOK***Rules to be available*

- (1) A copy of these rules shall be given to every person accepted into membership of the Association.
- (2) The Secretary shall provide, on demand, a copy of these rules for members to peruse.

*Rule 16***CHANGE OF NAME, AMALGAMATION AND FEDERATION**

A change in the name of the Association, amalgamation or federation of the Association with another Trade Union must be carried out in accordance with the Trade Unions Ordinance.

*Rule 17***DISSOLUTION***Dissolution*

- (1) The Association shall not be dissolved except with the consent of 5/6ths of the membership of the Association obtained by means of a secret ballot.

*Discharge of Debts and Liabilities*

- (2) In the event of the Association being dissolved, its funds shall be used to discharge all debts and liabilities legally incurred on behalf of the Association after which any remaining funds shall be divided amongst all members in equal proportions.

*Notice sent to Registrar of Trade Unions*

- (3) When the Association is dissolved notice of such will be sent by the Secretary to the Registrar of Trade Unions.

## Notes:

1. At the time of amending this Constitution, the appointment of an auditor is subject to approval by the Registrar of Trade Unions.
2. At the time of amendment, the Trade Unions Ordinance requires that the amount of subscription be stated explicitly in the Constitution.