

COUNCIL OF THE HONG KONG POLYTECHNIC UNIVERSITY

STATUTE GOVERNING THE HOLDING AND CONDUCT OF ELECTION OF STUDENT MEMBERS OF COUNCIL

I. PREAMBLE

1. Membership of the Council of The Hong Kong Polytechnic University (“PolyU”) includes two student members elected in accordance with The Hong Kong Polytechnic University Ordinance (Cap. 1075) (“Ordinance”):
 - (A) one student member elected by and from the full-time undergraduate and sub-degree students in accordance with Section 10(1)(f)(i) of the Ordinance; and
 - (B) one student member elected by and from the full-time postgraduate students in accordance with Section 10(1)(f)(ii) of the Ordinance.
2. Each election to elect a student member of Council shall be governed by this Statute made by Council in pursuance of Section 18(g) of the Ordinance.

II. ELIGIBILITY

1. Category A – one member to be elected by and from the full-time undergraduate and sub-degree students

All full-time undergraduate and sub-degree students of The Hong Kong Polytechnic University shall be eligible to vote or be elected.

2. Category B – one member to be elected by and from the full-time postgraduate students

All full-time postgraduate students of The Hong Kong Polytechnic University shall be eligible to vote or be elected.

3. The definitions of full-time students as stated in the prevailing version of the Student Handbook and the Research Student Handbook of The Hong Kong Polytechnic University shall apply for the purpose of this Statute.

III. TERM OF OFFICE

The term of office of the two student members shall be for a period of one calendar year, provided that they remain eligible members of their respective Category in accordance with Clause II of this Statute.

IV. ELECTION STATUTE FOR STUDENT MEMBERS OF COUNCIL

1. INTERPRETATION

- (i) “Ballot” shall mean the casting of votes in secret.
- (ii) “Candidate” shall mean a full-time student in accordance with Clause II of this Statute who is properly proposed and seconded for election as a member of Council and who has not withdrawn his/her consent to being so nominated.
- (iii) “Council” shall mean the Council of The Hong Kong Polytechnic University established under Section 5 of The Hong Kong Polytechnic University Ordinance (Cap.1075).
- (iv) “Elector” shall mean a full-time student of The Hong Kong Polytechnic University who has the right to vote in accordance with Clause II of this Statute.
- (v) “Nominee” shall mean a full-time student who is properly proposed and seconded for election.
- (vi) “President” shall mean the President of The Hong Kong Polytechnic University.
- (vii) “Vote” shall mean the formal expression of choice of a candidate, made in accordance with the provisions of this Statute.

2. SCHEDULE

The schedule of election set out below shall be carried out annually, and shall also apply to by-elections as and when the situation arises:

	<u>Event</u>	<u>Number of Calendar Days Allowed</u>	<u>Date Range</u>
A.	Preparation of the electoral roll	-	As near as is practicable before expiry of office of the current elected student member
B.	Announcement of election schedule, and invitation for nominations	-	As soon as possible after A
C.1	Nomination period	14	

[C.2]	[Second nomination period, if no nomination has been received or the number of nominations is less than the number of vacancy]	[14]	[To start not later than three calendar days after conclusion of C.1]
D.	Announcement of nomination(s)	-	Not later than three calendar days after conclusion of C
E.	Period allowed for withdrawal of nominations	7	To start immediately after D
F.	Confirmation of final list of nominations	-	As soon as possible after E
G.1	Polling period	5-14	To conclude not sooner than fourteen calendar days after F
[G.2]	[Second polling period if there is a tie of votes between candidates, or in case of a run-off polling]	[5-14]	[To start not later than fourteen calendar days after conclusion of G.1]
H.	Announcement of results	-	As soon as possible after G
I.	Period for lodging complaints	2	Immediately after H

3. ELECTION OFFICER AND RETURNING OFFICERS

- (i) For the election of Category A student member of Council stipulated in paragraph 1 of Clause II of this Statute, the President shall appoint the Chairman of the Annual Election Board of The Hong Kong Polytechnic University Students' Union or any other person as deemed appropriate by the President as Election Officer.

- (ii) For the election of Category B student member of Council stipulated in paragraph 2 of Clause II of this Statute, the President shall appoint an Executive Committee member of The Hong Kong Polytechnic University Postgraduate Association or any other person as deemed appropriate by the President as Election Officer.
- (iii) The President shall appoint two employees of The Hong Kong Polytechnic University as Returning Officers for each election.

4. ELECTORAL ROLL

The Election Officer is responsible for preparing the electoral roll which shall consist of the names of all eligible students of the respective Category that the election is conducted for in accordance with Clause II of this Statute.

5. NOTICE OF ELECTION

As near as is practicable before the date when a vacancy of elected student members arises, the Election Officer shall post an announcement for information of all full-time students of the respective Category that the election is conducted for in accordance with Clause II of this Statute giving the schedule of election, term of office of the vacancy, a copy of this Statute, and an invitation for nominations.

6. NOMINATIONS

- (i) Each elector may nominate one eligible student for election to the vacancy.
- (ii) Nominations shall be made on a designated nomination form available from the Election Officer. Each nomination shall be properly signed by the proposer and ten seconders (who must also be electors). The nomination must also be signed by the nominee to indicate his/her consent to be nominated. All nominations shall reach the Returning Officers within fourteen calendar days after nominations were open.
- (iii) After the nomination period has ended, the Election Officer shall verify the validity of each nomination received.
- (iv) If at the end of the nomination period, there is no nomination or an inadequate number of nominations, the nomination period shall be re-opened not more than three calendar days later. This second nomination period shall last for fourteen calendar days.
- (v) In the event of a further failure to receive the necessary nomination, the nomination process shall be repeated until the necessary nomination is received.

- (vi) Not later than three calendar days after the close of the nomination period(s), the Election Officer shall announce the nomination(s) received (showing also the names of proposers and seconders) to all full-time students of the respective Category that the election is conducted for in accordance with Clause II of this Statute. In the event that more than one nomination form has been returned in respect of the same nominee, the list shall include all the names of proposers and seconders.
- (vii) Any nominee may withdraw his/her consent to nomination should he/she so wish by notice in writing to the Election Officer within seven calendar days after the announcement of the list of nominees. Should all nominees withdraw within the specified period, the Election Officer shall again declare nominations open, and the provisions of paragraphs 6(i) to 6(vi) of Clause IV of this Statute shall again apply.

7. POLLING

Polling shall be conducted as soon as possible after the list of nominations is confirmed and unless all nominees withdraw within the specified period as stated in paragraph 6(vii) of Clause IV of this Statute. Polling shall be conducted by either one of the following means as determined by the Election Officer:

- (a) Polling by paper ballot
 - (i) The Election Officer or his/her delegate(s) shall issue a numbered ballot form to each elector at the designated polling station(s). The ballot form shall set out the nomination(s), the date and time fixed by the Election Officer at which votes are to be returned and when the result of the election will be announced. The ballot form shall also bear a mark of identification approved by the Election Officer.
 - (ii) Each elector shall mark on the ballot form (without revealing his/her identity) his/her vote by a tick (✓) in the space provided against the name of the candidate of his/her choice. The number of such ticks shall not exceed the number of vacancy.
 - (iii) The elector shall then put his/her ballot form in the ballot box provided by the Election Officer at designated polling station(s) before the close of the polling period.

- (iv) An elector who is not in Hong Kong during the polling period may authorize a representative (who must also be an eligible elector of the respective Category that the election is conducted for in accordance with Clause II of this Statute) to cast his/her vote. The representative must present a valid authorization document when casting the vote.
- (v) The following shall be a spoiled ballot form and the vote(s) marked on it shall not be counted by the Returning Officers:
 - a form received after the close of the polling period;
 - a form received torn;
 - a form received not numbered within the range of numbers specifically assigned for that particular election;
 - a form recording votes exceeding the number of vacancy;
 - a form recording vote (or votes) in any manner other than a tick (✓) (or ticks) in the space provided;
 - a form with mark(s) other than the vote(s).

(b) Polling via a designated electronic polling platform

- (i) The Election Officer shall invite electors to access the electronic polling platform with clear polling instructions.
- (ii) Each elector shall receive a ballot on the electronic polling platform which sets out the nomination(s), and the date and time fixed by the Election Officer at which votes are to be returned and when the result of the election will be announced.
- (iii) The elector shall mark on the electronic ballot (without revealing his/her identity) his/her vote against the name of the candidate of his/her choice, and submit the ballot through the electronic polling platform. Voting after the close of the polling period will not be accepted. Each elector can only submit one ballot, and the number of vote shall not exceed the number of vacancy.

8. DETERMINATION AND ANNOUNCEMENT OF THE RESULTS OF THE ELECTION

- (i) As soon as practicable after the close of the poll:
 - (a) for polling by paper ballot, the ballot boxes shall be handed to the Returning Officers, who shall open the ballot boxes and check the mark of identification and the range of numbers used on the ballot forms. The Returning Officers shall then count the votes in the presence of the Election Officer, who may call

for a recount if deemed necessary.

- (b) for polling conducted electronically, the Returning Officers shall enter the electronic polling platform and receive the voting result in the presence of the Election Officer.
- (ii) After the counting (or any recounting) of votes has been completed, the Returning Officers shall convey the results of the count, i.e. the number of votes cast for each candidate to the Election Officer. The total number of valid votes shall not be less than one tenth of the total eligible electors.
- (iii) In an election with only one candidate, the candidate shall be declared elected if he/she received more valid confidence votes than non-confidence votes.
- (iv) In an election with more than one candidate, the candidate receiving the highest number of valid confidence votes which exceed five per cent of the total eligible electors shall be declared elected.
- (v) In the case of a tie of votes between candidates, it shall be resolved by a further round of polling by electors. The ballot process detailed in paragraph 7 of Clause IV of this Statute shall be repeated not later than fourteen calendar days after the conclusion of the preceding ballot period.
- (vi) In an election with more than two candidates and no candidate received valid confidence votes which exceed five per cent of the total eligible electors in the first round of polling, the candidates receiving the highest and second highest number of valid confidence votes will enter as candidates in a second / run-off polling by electors. The ballot process detailed in paragraph 7 of Clause IV of this Statute shall be repeated not later than fourteen calendar days after the conclusion of the preceding ballot period. In case of a tie of votes or if no candidate received valid confidence votes which exceed five per cent of the total eligible electors in the second / run-off polling, the election shall be declared unsuccessful.
- (vii) At the conclusion of the count or any recounts of votes, the Election Officer shall announce the results of the election including the number of votes cast for each candidate, and the period of office of the successful candidate to all full-time students of the respective Category that the election is conducted for in accordance with Clause II of this Statute.
- (viii) Subject to receiving no complaint against the result of the election, the Election Officer shall submit the name of the candidate elected

and the period of office to Council via the Secretary to Council. The Secretary to Council shall arrange Council's proper appointment of the elected student member as soon as possible.

9. COMPLAINTS AND CONFIRMATION OF THE RESULTS OF THE ELECTION

- (i) Any complaint arising from the conduct of the election shall be lodged with the Election Officer within forty-eight hours after the announcement of the result of the election. The Election Officer shall investigate the complaint lodged.
- (ii) If the Election Officer is satisfied with the results of investigation into any complaint lodged, the result will be taken as confirmed. The Election Officer shall report to Council via the Secretary to Council in due course that the election has been properly conducted. The Secretary to Council shall arrange Council's proper appointment of the elected student member as soon as possible.
- (iii) If the Election Officer is not satisfied with the results of investigation into a complaint lodged, the matter shall be referred to Council for decision on a further course of action.

10. DESTRUCTION OF BALLOT FORMS

(a) For polling by paper ballot

- (i) After the counting (or any recounting) of votes has been completed, the Returning Officers shall return all ballot forms in a sealed cover to the Election Officer.
- (ii) The Election Officer shall destroy the ballot forms within seven calendar days after the confirmation of the result of the election.

(b) For polling conducted electronically

The Election Officer shall ensure that all electronic records of votes cast shall be permanently deleted within seven calendar days after the confirmation of the result of the election.

11. BY-ELECTIONS

- (i) A by-election shall be held if an elected student member of Council ceases to be a member by virtue of his/her resignation or by ceasing to be a full-time student of The Hong Kong Polytechnic University of the respective Category he/she is elected for in accordance with Clause II above.

- (ii) A by-election shall be held if the elected student member becomes a member of Council in another capacity.
- (iii) A new member elected through a by-election shall be appointed to take office immediately following Council's appointment and shall serve for the remaining term of office of the original student member in that seat.

V. SAVING

Council may at its absolute discretion amend this Statute generally or for the purpose of a particular election.

27 March 2020