

COUNCIL OF THE HONG KONG POLYTECHNIC UNIVERSITY

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

I. PREAMBLE

1. Membership of Council of The Hong Kong Polytechnic University (“the University”) includes three elected staff members in accordance with Section 10(1)(c) of The Hong Kong Polytechnic University Ordinance (Cap. 1075):
 - (A) two of whom shall be elected by and from the full-time staff; and
 - (B) one of whom shall be elected by and from the Senate.
2. Each election to elect a staff member of Council shall be governed by this Statute made by Council in pursuance of Section 18(g) of The Hong Kong Polytechnic University Ordinance (Cap. 1075).

II. ELIGIBILITY

1. Category A – two members to be elected by and from the full-time staff

All full-time staff of the University, with the exception of the President and Deputy President, who by Ordinance are ex-officio members of Council, are eligible to vote or be elected. “Full-time staff” is defined in Section 2 of The Hong Kong Polytechnic University Ordinance (Cap. 1075) as “persons who are deemed by the University to be full-time employees of the University”.

2. Category B – one member to be elected by and from the Senate

All members of Senate of the University (including any co-opted members) shall be eligible to vote or be elected except for those specified below:

The President, the Deputy President & Provost, the Executive Vice President, the Vice Presidents, and student members shall not have the right to nominate or be nominated as a candidate for election to Council, but shall have the right to vote.

III. TERM OF OFFICE

1. The term of office of all three members shall be for a period of two calendar years, provided that they remain eligible members of their respective Category in accordance with Clause II of this Statute.
2. Election for Category A members in accordance with Clause II of this Statute shall be held annually to return one member, to operate a staggered membership system to maintain continuity.

IV. ELECTION STATUTE FOR TWO MEMBERS “ELECTED BY AND FROM THE FULL-TIME STAFF”

1. INTERPRETATION

- (i) “Ballot” shall mean the casting of votes in secret.
- (ii) “Nominee” shall mean a full-time staff member in accordance with Clause II paragraph 1 of this Statute who is properly proposed and seconded for election as a member of Council.
- (iii) “Candidate” shall mean a nominee who has not withdrawn his/her consent to be nominated.
- (iv) “Council” shall mean the Council of The Hong Kong Polytechnic University established under Section 5 of The Hong Kong Polytechnic University Ordinance (Cap. 1075).
- (v) “Elector” shall mean a full-time staff member who has the right to vote in accordance with Clause II paragraph 1 of this Statute.
- (vi) “President” shall mean the President of The Hong Kong Polytechnic University.
- (vii) “University” shall mean The Hong Kong Polytechnic University established under Section 3 of The Hong Kong Polytechnic University Ordinance (Cap. 1075).
- (viii) “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	-	
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]	[7]	[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.	Issue of final list of nominations and ballot forms	-	As soon as possible after E
G.1	Polling period	14	
[G.2]	[Second polling period, if there is a tie of votes between candidates]	[14]	[To start as soon as possible after conclusion of G.1]
H.	Announcement of results	-	As soon as possible after E or G

- I. Period for lodging complaints 1 Immediately after G

Note: Events F and G are applicable only if more than one nomination are received.

3. ELECTION OFFICER AND RETURNING OFFICERS

- (i) The President shall appoint the Deputy President & Provost of the University as Election Officer.
- (ii) The Director of Human Resources (DoHR) shall appoint two staff members of the University (who shall not be candidates, nominees withdrawn from election, proposers or seconders) as Returning Officers.

4. ELECTORAL ROLL

The Human Resources Office (HRO) is responsible for preparing the electoral roll consisting of names of all full-time eligible staff members of the University.

5. NOTICE OF ELECTION

As near as is practicable before the date when a vacancy of elected staff members of Council arises, HRO shall provide each elector with relevant information giving the schedule of election, the term of office of the vacancy, and an invitation for nominations.

6. NOMINATIONS

- (i) Each elector may nominate one eligible staff member of the University as a candidate to the vacancy.
- (ii) Nominations shall be made on a designated nomination form properly signed by the proposer and four 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 HRO 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, and announce the list of nominations. Nominees who wish to withdraw their consent to be nominated can do so by writing to the Election Officer within seven calendar days after the announcement of the list of nominees.

- (iv) If at the closing date for withdrawal of nominations, there is only one eligible candidate, such a candidate shall be declared elected *ipso facto*.
- (v) Should all nominees withdraw within the specified period, the Election Officer shall declare nominations re-open, and the provisions of Clause IV paragraphs 6(i) to 6(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 where the situations in Clause IV paragraphs 6(iv) and 6(v) of this Statute do not arise. Polling shall be conducted by either one of the following means as determined by the Election Officer:

- (a) Polling by paper ballot
 - (i) Each elector shall be issued with a ballot form, a numbered ballot envelope addressed to the Returning Officers, and a blank acknowledgement card. The ballot form shall set out the nomination(s), the date and time when votes are to be returned and when the result of the election will be announced.
 - (ii) Each elector shall mark on the ballot form 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 ballot form (to be inserted in the numbered ballot envelope provided and sealed) and the acknowledgement card shall be returned to the Returning Officers before the close of the polling period. The Returning Officers shall return the acknowledgement card to the elector.
 - (iv) An elector who anticipates his/her absence from Hong Kong during the polling period should inform the Election Officer as early as possible so that special arrangement for returning the ballot to a designated facsimile number can be arranged.

(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 without a cover or in any cover other than the numbered envelope provided;
- a form recording votes exceeding the number of vacancy;
- a form recording a 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).

(vi) A ballot form received by facsimile shall be considered spoiled under the following circumstances:

- a form received after the close of the polling period;
- a form received blurred;
- a form recording votes exceeding the number of vacancy;
- a form recording a vote in any manner other than a tick 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), the date and time when votes are to be returned and when the result of the election will be announced.

(iii) The elector shall mark on the electronic ballot 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 is practicable after the close of the poll:
 - (a) for polling by paper ballot, the Returning Officers shall check the number marked on each returned ballot envelope to ascertain whether it falls within the range of numbers specifically assigned for that particular election. The Returning Officers shall then open the envelopes and count the votes (including those received via facsimile, if any) 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 result of the count, i.e. the number of votes cast for each candidate, to the Election Officer. The candidate receiving the highest number of valid votes shall be declared elected.
- (iii) In the case of a tie of votes between candidates, it shall be resolved by a further casting of votes by electors. The process detailed in Clause IV paragraph 7 of this Statute shall be repeated as soon as possible after the conclusion of the preceding polling period.
- (iv) At the conclusion of the count or any recounts of votes, the Election Officer shall request HRO to announce the result of the election including the number of votes cast for each candidate, and the period of office of the successful candidate to all staff members of the University.

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 twenty-four hours of the announcement of the result of the election. The Election Officer shall investigate the complaint lodged.

- (ii) If no complaint is received, or if the Election Officer is satisfied with the result of investigation into any complaint lodged, the result will be taken as confirmed. The Election Officer shall then report to Council via the Secretary to Council in due course that the election has been properly conducted with the name of the candidate elected and the period of office. The Secretary to Council shall arrange Council's proper appointment of the elected staff member as soon as possible.
- (iii) If the Election Officer is not satisfied with the result 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 or his/her delegate for safe custody. Any re-examination of the ballot forms thereafter has to be approved by and conducted in the presence of the Election Officer.
- (ii) The Election Officer or his/her delegate shall destroy all 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 staff member of Council under Category A in Clause II of this Statute ceases to be an eligible full-time staff member of the University by virtue of his/her retirement or resignation or for whatever other reasons.
- (ii) A by-election shall be held if an elected staff member under Category A in Clause II of this Statute 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 member in that seat.

V. ELECTION STATUTE FOR A MEMBER “ELECTED BY AND FROM THE SENATE”

1. INTERPRETATION

- (i) “Ballot” shall mean the casting of votes in secret.
- (ii) “Nominee” shall mean a member of Senate who is eligible to be nominated in accordance with Clause II paragraph 2 of this Statute and who is properly proposed and seconded for election as a member of Council.
- (iii) “Candidate” shall mean a nominee who has not withdrawn his/her consent to be nominated.
- (iv) “Council” shall mean the Council of The Hong Kong Polytechnic University established under Section 5 of The Hong Kong Polytechnic University Ordinance (Cap. 1075).
- (v) “Elector” shall mean a member of Senate who has the right to vote in accordance with Clause II paragraph 2 of this Statute.
- (vi) “Senate” shall be the Senate of The Hong Kong Polytechnic University established under Section 8A of The Hong Kong Polytechnic University Ordinance (Cap. 1075).
- (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 every two years, 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 electoral roll	-	

B.	Announcement of election schedule, and invitation for nominations	-	As soon as possible after the commencement of the new term of office of Senate's elected staff members
C.1	Nomination period	7	
[C.2]	[Second nomination period, if no nomination has been received]	7	[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	2	To start immediately after D
F.	Issue of final list of nominations and ballot forms	-	As soon as possible after E
G.1	Polling period	2	
[G.2]	[Re-commence election, if there is a tie of votes between candidates]	2	[To start from A as soon as possible after conclusion of G.1]
H.	Announcement of results	-	As soon as possible after E or G Immediately after H
I.	Period for lodging complaints	1	

Note: Events F and G are applicable only if more than one nomination are received.

3. ELECTION OFFICER AND RETURNING OFFICERS

- (i) The President shall appoint the Senate Secretary as Election Officer.
- (ii) The Senate Secretary shall appoint two staff members of the University (who shall not be electors) as Returning Officers.

4. ELECTORAL ROLL

The Senate Secretary is responsible for preparing the electoral roll, consisting of names of all eligible Senate members in accordance with Clause II paragraph 2 of this Statute.

5. NOTICE OF ELECTION AND CALL FOR NOMINATIONS

- (i) The election shall be held as soon as possible after the commencement of the new term of office of Senate's elected staff members.
- (ii) The Senate Secretary shall issue to each Senate member a notice on the schedule of the election, together with a nomination form. The period of nomination is seven calendar days.
- (iii) Nominations shall be made on a designated nomination form properly signed by a proposer and two seconders, all of whom shall be eligible Senate members in accordance with Clause II paragraph 2 of this Statute, and they should not all come from the same Faculty as the nominee. For the purpose of this Statute, those members from the non-academic units shall constitute a Faculty, and an independent School will be considered a Faculty. The nomination must also be signed by the nominee to indicate his/her consent to be nominated.
- (iv) After the nomination period has ended, the Election Officer shall verify the validity of each nomination received, and announce the list of nominations. Nominees who wish to withdraw their consent to be nominated can do so by writing to the Election Officer within two calendar days after the announcement of the list of nominees.
- (v) If at the end of the withdrawal period, there is only one eligible candidate, such a candidate shall be declared elected *ipso facto*.
- (vi) Should all nominees withdraw within the specified period, the Election Officer shall declare nominations re-open, and the provisions of Clause V paragraphs 5(i) to 5(v) of this Statute shall again apply.

6. POLLING

Polling shall be conducted as soon as possible after the list of nominations is confirmed and where the situations in Clause V paragraphs 5(v) and 5(vi) of this Statute do not arise. Polling shall be conducted by either one of the following means as determined by the Election Officer:

(a) Polling by paper ballot

- (i) Each elector shall be issued with a ballot form, a ballot envelope addressed to the Returning Officers, and a blank acknowledgement card. The ballot form shall set out the nomination(s), the date and time when votes are to be returned and when the result of the election will be announced.
- (ii) Each elector shall mark on the ballot form 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 ballot form (to be inserted in the ballot envelope provided and sealed) and the acknowledgement card shall be returned to the Returning Officers before the close of the polling period. The Returning Officers shall return the acknowledgement card to the elector.
- (iv) An elector who anticipates his/her absence from Hong Kong during the polling period should inform the Election Officer as early as possible so that special arrangement for returning the ballot form to a designated facsimile number can be arranged.
- (iv) The following shall be a spoiled ballot 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 without a cover or in any cover other than the one provided by the Election Officer;
 - a form recording votes exceeding the number of vacancy;
 - a form recording a vote in any manner other than a tick in the space provided;
 - a form with mark(s) other than the vote(s).

(v) A ballot form received by facsimile shall be considered spoiled under the following circumstances:

- a form received after the close of the polling period;
- a form received blurred;
- a form recording votes exceeding the number of vacancy;
- a form recording a vote in any manner other than a tick 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), the date and time when votes are to be returned and when the result of the election will be announced.

(iii) The elector shall mark on the electronic ballot 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.

7. DETERMINATION AND ANNOUNCEMENT OF RESULTS OF THE ELECTION

(i) As soon as practicable after the close of the poll:

(a) for polling by paper ballot, the Returning Officers shall open the ballot envelopes and count the votes (including those received via facsimile, if any) 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 result of the count, i.e. the number of votes cast for each candidate, to the Election Officer. The

candidate receiving the highest number of valid votes shall be declared elected.

- (iii) In the case of a tie of votes between candidates, it shall be resolved by a further round of election to be conducted as soon as possible after the conclusion of the preceding polling, following the same schedule as set out in Clause V paragraph 2 of this Statute.
- (iv) At the conclusion of the count or any recounts of votes, the Election Officer shall announce the result of the election including the number of votes cast for each candidate, and the period of office of the successful candidate.

8. COMPLAINTS AND CONFIRMATION OF THE RESULT OF THE ELECTION

- (i) Any complaint arising from the conduct of the election shall be lodged with the Election Officer within twenty-four hours after the announcement of the result of the election. The Election Officer shall investigate the complaint lodged and report the result to the Chairman of Senate.
- (ii) If no complaint is received, or if the Chairman of Senate is satisfied with the report of investigation into the complaint lodged, the result will be taken as confirmed. The Election Officer shall then report to Council via the Secretary to Council in due course that the election has been properly conducted with the name of the candidate elected and the period of office.
- (iii) If the Chairman of Senate is not satisfied with the report of investigation, the matter shall be referred to Council for decision on a further course of action.

9. 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 for safe custody. Any re-examination of the ballot forms thereafter has to be approved by and conducted in the presence of the Election Officer.

(ii) The Election Officer or his/her delegate shall destroy all ballot forms within seven calendar days of 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.

10. BY-ELECTIONS

- (i) A by-election shall be held if an elected staff member of Council under Category B of Clause II of this Statute ceases to be an eligible Senate member by virtue of his/her retirement or resignation or for whatever other reasons.
- (ii) A by-election shall be held if an elected staff member of Council under Category B of Clause II of this Statute 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 member in that seat.

VI. SAVING

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

27 March 2020