

S.H. Ho College Student Union of
The Chinese University of Hong Kong

CONSTITUTION

FOURTH EDITION AMENDMENT BILL

Passed by General Poll on 15Nov, 2013

This English version is published as reference only.

The Traditional Chinese version prevails.

CHAPTER 1 GENERAL RULES

Article 1 Name

This Constitution aims to establish and operate an organization, with the Traditional Chinese name of “香港中文大學善衡書院學生會”; and the Simplified Chinese name of “香港中文大學善衡書院學生會”; the English name of “S.H. Ho College Student Union of The Chinese University of Hong Kong”.

Article 2 Objective

The Union, based on the College spirit, the belief of equality among members, democracy and autonomy, aims to serve the members, to strive for the members welfares, to serve as communication bridge between the members and the College and the University, to cultivate the members awareness towards the affairs of the campus and society, to unite the members, to promote the members' whole-person developments.

Article 3 Status

The Union shall be the highest student autonomous organization in the College, all other student autonomous organizations in the College shall be members of the Union.

Article 4 Address

Address of the Union shall be situated within the College.

Article 5 Language

The official language of the Union shall be Traditional Chinese. All documents binding on the operation of the Union shall have the Traditional Chinese version, which shall be of the exclusive and the highest authority.

CHAPTER 2 MEMBER

Article 6 Eligibility

All undergraduates of the College shall be members of the Union. The Union does not have other membership.

Article 7 Termination of Membership

All students of the College shall automatically be members of the Union at the first teaching day. The membership shall be automatically terminated on the occurrence of the following events:

- A. Lapse of the University student status (including graduation and withdrawal from the University);
- B. Cease to be one of the College students;
- C. Death.

Article 8 Suspension of Membership

The membership shall be suspended on the occurrence of any of the following events until the time mentioned herein below otherwise upon termination of the membership:

- A. Participating in overseas exchange program or in suspension of studies: until resuming studies in the University;
- B. Failing to discharge members duties: until discharge of the duties (to be adjudged by the Representative Council).

Members being suspended nonetheless shall enjoy the rights and discharge the duties, however, they shall not be counted as members at General Institution or in any elections¹.

Article 9 List of Members

¹ “Any elections” in the above regulation refers to the whole nomination and election period, including but not limited to the election of Ex-officio Officers in Representative Council by all institutions (Interpreted in the 18th meeting of 3rd Representative Council on 18 January, 2014).

In General Institution or election, the Representative Council shall compile a new list of members so as to reveal a list of all members, including suspended members as at a particular date.

Article 10 Rights

Members shall have the following rights:

- A. To be served by the Union;
- B. To use facilities of the Union;
- C. To participate in activities held by the Union;
- D. To exercise the highest right of decision-making through General Institution;
- E. To be eligible for joining Representative Council or Executive Council;
- F. To attend Joint Conferences and meetings of Representative Council or Executive Council;
- G. Members belong to hostels can be eligible for joining Resident Councils;
- H. To join affiliated associations of the Union.

Article 11 Responsibilities

Members shall be under the following duties:

- A. To observe the articles of this Constitution;
- B. To pay membership fees.

CHAPTER 3 GENERAL POLL

Article 12 Definition

General Poll shall be one of the highest institutions of the Union, possessing the same authority as General Assembly. General Poll enables all members to vote together on a motion. Such motion passed by General Poll shall automatically be the highest decision and stance of the Union, which shall be abided by members and all institutions. General

Poll shall be held by Representative Council.

Article 13 Motion Initiation

Motion of General Institution shall be initiated according to this Constitution, and shall satisfy one of the following conditions:

- A. Requested by General Institution, Joint Conference, Representative Council or Executive Council;
- B. Requested in writing signed jointly by not less than forty-five members;
- C. Requested in writing signed by twenty to forty-four members to Representative Council for initiating the motion.

Representative Council shall hold the General Poll or the General Assembly in relation to the motion as stated by the requesting party. Except for the condition C mentioned above, Consultation Forum and General Poll can be held by the motion initiator if Representative Council does not execute Article 14 and 15 properly. There shall be only three options under the motion at the General Poll, namely “agree”, “reject” and “abstain”; while there may not be any options under the motion of the General Assembly.

Article 14 Consultation Forum

There shall be Consultation Forum in General Poll enabling all members to understand the motion, the requesting party and Representative Council are obliged to attend. Representative Council shall within three days upon receipt of the motion, announce the motion and the date and the time of the first Consultation Forum. The first Consultation Forum shall be convened within three days after the announcement. Consultation Forum may be repeatedly held, with intervals not exceeding three days. If the last day of the period is not a teaching day it shall be the first teaching day thereafter.

Article 15 General Poll Announcement

If the accumulative total attendance by members attending at all Consultation Forums is not less than 20% of all members, Representative Council shall within 3 days announce the motion and the day of of General Poll to be held within five to ten days after the announcement. If the last day of the period is not a teaching day, it shall be the first teaching day thereafter. If there is still insufficient accumulative total attendance after ten Consultation Forums, no General Poll shall be held for the motion.

Article 16 Voting Time

General Poll shall enable all members to vote anonymously within five teaching days, and the total voting time shall be not less than eighteen hours. One or more motion(s) can be voted on within the same General Poll.

Article 17 Minimum Votes

To be effective, the total number of votes of General Poll shall be not less than 25% of all members. If the total number of votes of General Poll are inadequate, Representative Council shall hold another General Poll again pursuant to Article 15, without Consultation Forums. If the total number of votes are inadequate again, no General Poll shall be held for the motion.

Article 18 Passing Threshold

A motion shall be passed if agreed to by more than 50% of the total valid votes; otherwise it shall be rejected. The motions proposed pursuant to Articles 108 and 114 shall be subject to the requirements under the article respectively.

Article 19 Voting Results Announcement

Counting of votes and the provisional voting results announcement shall be carried out immediately after voting. Representative Council shall prepare to resolve any complaints after the announcement of the provisional voting results. Official voting results shall

only be announced if there is no complaint or all complaints are resolved.

CHAPTER 4 GENERAL ASSEMBLY

Article 20 Definition

General Assembly shall be one of the highest institutions of the Union, possessing the same authority as General Poll. General Assembly enables all members to discuss and vote together on a motion. The motion passed by General Assembly shall automatically be the highest decision and stance of the Union, which shall be abided by members and all institutions. General Assembly shall be held by Representative Council.

Article 21 Motion Initiation

Upon receipt of the motion initiated under Article 13, Representative Council shall announce the agenda including the motion, the date and the time of General Assembly to all members within 3 days. General Assembly shall be held within 5 to 10 days after the announcement. If the last day of the period is not a teaching day, it shall be the first teaching day thereafter.

Article 22 Annual General Assembly

An Annual General Assembly shall be held once a year, within 28 days after the newly elected Executive Council assume their offices. The following documents and motions shall be discussed and resolved at the Annual General Assembly:

- A. Annual Report and Financial Report of the present (or the preceding term if the Meeting is held on or after 1st March) Representative Council;
- B. Annual Report and Financial Report of the preceding-term of Executive Council;
- C. Annual Plan and Financial Budget of the newly elected Executive Council;
- D. Other motion under Article 21.

Annual General Assembly shall also be held within twenty-eight days after Executive Council assumes their office if Executive Council is elected and formed by by-election. If

Representative Council is acting as Executive Council, Representative Council may decide whether to convene the Annual Assembly for resolving Annual Plan and Financial Budget. If it is not held, Representative Council shall adopt the existing plan and budget of the preceding-term of Representative Council².

Article 23 Arrangement upon Rejection of the Document

If Annual Plan or Financial Budget of the new Executive Council is rejected, the same shall be amended and re-submitted to General Assembly within 7 days. Representative Council shall hold General Assembly pursuant to Article 21. If Annual Report or Financial Report of the present (or the preceding term if the Meeting is held on or after 1st March) Representative Council or the preceding-term of Executive Council is rejected, Annual General Assembly may consider suspending membership of related members according to Articles 8 and 11.

Article 24 Holding of Annual General Assembly

General Assembly shall be held on a teaching day. If decision is to be made all attendees shall vote anonymously. There shall be only three options to be voted for, namely “agree”, “object” and “abstain”. One or more motion(s) may be discussed and voted on at the same Annual General Assembly.

Article 25 Quorum

The quorum of General Assembly shall be not less than 25% of all members. If no quorum is present Representative Council shall re-convene according to Article 21. If no quorum is present at the adjourned General Assembly, no further meeting shall be held for the motion. However, in the case involving the documents under Items A, B and C of Article 22, the same shall be submitted to Joint Conference for resolution if there are insufficient quorum in General Assembly twice. Such resolution of Joint Conference shall be as binding as

² Representative Council can actively utilize existing financial resources, including cash, bank deposit and capital income (Interpreted in the 18th meeting of 4th Representative Council on 5 February, 2015).

passed by General Assembly.

Article 26 Passing Threshold

Motion in General Assembly shall be passed upon receipt of more than 50% of the total valid votes; otherwise it shall be rejected. Motions initiated pursuant to Articles 108 and 114 shall be subject to the respective requirements under the articles.

Article 27 Voting Results Announcement

Counting of votes in General Assembly shall be carried out immediately after voting. Voting results shall only be announced if there is no complains or all complaints are resolved.

Article 28 Presider and Recorder

The Chairperson of Representative Council shall conduct General Assembly. Representative Council Secretary shall prepare minutes of the Assembly, which shall be published to all members within seven days after General Assembly.

Article 29 Extension

If there are business left unfinished at General Assembly, Representative Council shall continue to hold that Assembly. The agenda, the date and the time of extended Assembly shall be announced to all members according to Article 21. Extended Assembly shall be conducted in conformity with the requirements under Article 25.

CHAPTER 5 JOINT CONFERENCE

Article 30 Definition

Joint Conference shall be the highest daily operation institution of the Union, consisting

Representative Council and Executive Council, and shall be accountable to General Institution. All motions passed in Joint Conference shall be observed by both Representative Council and Executive Council. Joint Conference shall be held by Representative Council.

Article 31 Powers

Joint Conference shall have the powers of Representative Council and Executive Council, and other powers conferred by this Constitution. Joint Conference shall exercise the powers of Representative Council or Executive Council, and shall have the powers to approve, vary or repeal any decisions resolved by Representative Council or Executive Council.

Article 32 Calling of Joint Conference

Representative Council shall have the powers to call Joint Conference, and to notify the Representative Council Officers and Executive Council Officers of the Joint Conference within 5 to 10 days. If decision of Representative Council affects Executive Council, Executive Council shall also have the powers to call Joint Conference. Representative Council shall notify Representative Council Officers and Executive Council Officers the holding of Joint Conference within 5 to 10 days and announce to all members.

Article 33 Voting Right

Representative Council Officers and Executive Council Officers shall be members of Joint Conference. Each of Representative Council and Executive Council shall hold 50% of the voting rights, and such rights shall be respectively distributed to the Officers present equally.

Article 34 Voting

All attendees shall vote anonymously for any motion during Joint Conference. There shall only be three options to vote for, namely, “agree”, “object” and “abstain”. Constituents

shall not be obliged to vote according to the decision or stance of the institution they belong to.

Article 35 Quorum

Not less than two thirds of total voting rights of all constituents present shall form the necessary quorum at a Joint Conference. Should there be no quorum Representative Council shall hold that Joint Conference again within five to ten days. Should there be still no quorum, no Joint Conference shall be held for the motion.

Article 36 Passing Threshold

Not less than two-thirds of total voting rights is required for passing a motion in Joint Conference Otherwise, the motion shall be defeated. Once the motion is defeated, the original decisions of Representative Council or Executive Council in respect thereof shall stand.

Article 37 Presider and Recorder

Joint Conference shall be presided by Representative Council Chairperson provided that Executive Council may preside instead when attendees holding more than half of the voting rights so voted. Representative Council Secretary shall prepare minutes of the Joint Conference.

CHAPTER 6 REPRESENTATIVE COUNCIL

Article 38 Definition

Representative Council is the highest body for daily supervision and representative for members of the Union responsible for supervising Executive Council, Resident Councils and Affiliated association, and other affairs as provided by this Constitution, answerable to General Institution and Joint Conference.

Article 39 Powers and Duties

The powers and duties of Representative Council are stipulated as follows:

- A. Implement this Constitution and decisions of General Institution and Joint Conference;
- B. Interpret this Constitution, review the operation of this Constitution and submit to General Institution for amendment of this Constitution;
- C. Draft or amend subsidiary Regulations and Rules;
- D. Manage membership affairs;
- E. Hold General Institution and Joint Conference;
- F. Supervise Executive Council, Resident Councils and Affiliated Societies;
- G. Manage financial affairs of the Union;
- H. Co-ordinate affairs of the Union;
- I. Appoint Election Committee for holding election;
- J. Approve resignations of Representative Council Officers, and submit to Joint Conference dismissal of Representative Council Officers.

Article 40 Supervision of Executive Council

For supervising Executive Council, the powers and duties of Representative Council are stipulated as the follows:

- A. Summon Executive Council Officers to attend Representative Council meetings for reporting and answering questions;
- B. inspect agenda, minutes and related documents of Executive Council meetings;
- C. inspect financial budget, record, receipts and payments proofs and related documents of Executive Council;
- D. manage the available funds of Executive Council;
- E. approve amendment of annual plan of Executive Council;
- F. submit to Joint Conference for reviewing decisions of Executive Council;
- G. submit to Joint Conference for the dismissal of Executive Council Officers;
- H. submit to General Institution for dissolving Executive Council;

- I. suspend the duties and powers of Executive Council temporarily in an emergency.

Article 41 Management of Executive Council Funds

As for managing the available funds of Executive Council, the powers and duties of Representative Council are stipulated as follows:

- A. Should it be necessary to increase the total financial budget, Executive Council may amend it once during September of every year and submit for review and approval by Representative Council;
- B. Should it be necessary to adjust amounts of sub-items in the financial budget without increasing the total sum (including a budget amended under Item A), Executive Council may do so and submit for review and approval by Representative Council;
- C. If Executive Council has paid for sub-items not exceeding the amount allowed in the budget (including the one amended under Items A and B), it shall be reimbursed for such payments upon the approval of Representative Council Chairperson and Treasurer and their joint signatures with production of valid receipts or proof of payment.

Article 42 Suspension of Executive Council Duties and Powers

Should Representative Council opine that Executive Council would inflict severe damage to the Union in a short period of time, or that it has breached this Constitution with severe adverse impact on the Union, it shall upon the consent of not less than 75% of those attending the meeting suspend all its duties and powers with immediate effect temporarily and turn to General Institution for dissolving Executive Council. In the interim, Representative Council shall assume the role of Executive Council. The duties and powers shall be resumed by Executive Council immediately after the motion is rejected by General Institution or when the temporary suspension has exceeded twenty-eight days. Representative Council may only exercise under this Article once during its term of office.

Article 43 Term

The term of Representative Council shall last from 1st March of every year (or the day of announcement of the official election results, whichever is the later), until the last day of the upcoming February.

Article 44 Meeting

Representative Council shall hold at least four meetings within a year. Not less than two thirds of its Officers shall attend each meeting. Decision shall only be made if no less than two thirds of the attendees agree, save and except for decision under Article 13 Item C in which case only more than half of the attendees agreement will suffice. Meeting agenda should be promulgated in three days.

Article 45 Composition

Representative Council shall consist of Ex-officio Officers and Elected Officers. There shall be a Chairperson, a Vice-chairperson, a Secretary a Treasurer and an Affiliated Society Conservator to be elected among all the Officers of Representative Council.

Article 46 Chairperson

The powers and duties of Representative Council Chairperson shall include the following:

- A. Preside over General Assembly and Joint Conference;
- B. Lead Representative Council;
- C. Call Representative Council meetings;
- D. Preside Representative Council meetings;
- E. Draft agenda for Representative Council meetings;
- F. Act as Representative Council during an emergency provided that his/her decisions shall be ratified in the next Representative Council meeting to be effective.

Representative Council Chairperson may be addressed in short as Chairperson of the Union without conferring any other extra powers and duties by reason thereof.

Article 47 Other Posts

Powers and duties of Representative Council Vice-chairperson include assisting Chairperson in carrying out his/her duties;

Powers and duties of Representative Council Secretary include taking minutes for meetings of General Assembly, Joint Conference and Representative Council;

Powers and duties of Representative Council Treasurer include executing financial affairs of Representative Council, and supervising institutions at all levels so as to ensure the financial standing of the Union duly complies with requirements as set out in Chapter 10.

Powers and duties of Representative Council Affiliated Society Conservator include inspecting and supervising operations of the Affiliated Societies.

Article 48 Ex-officio Officers

There shall be four Ex-officio Officers of Representative Council to be elected by and among the members of the previous-term's Representative Council, previous-term's Executive Council, previous-term's Self-governing Ho Tim Hall Resident Council and previous-term's Self-governing Lee Quo Wei Hall Resident Council. The Previous-term's Representative Council and Executive Council shall complete their elections on time without any excuse. There shall be no Ex-officio Officer in the first term of Representative Council.

Article 49 Elected Officers

Elected Officers of Representative Council shall be appointed by elections. Candidates shall be nominated by not less than 3% of all members jointly. Each member may nominate only one candidate provided that no self-nomination shall be allowed. All member may run for candidacy save and except for Election Committee Officers and the

cabinet members of the candidates for Executive Council.

Article 50 Nomination Period

Nomination period for Representative Council elections shall last for seven to fourteen days. Should there be no candidates during such period, nomination period shall be extended to a date as Election Committee deems appropriate.

Article 51 Insufficient Candidates

If not more than five candidates are nominated after the nomination period, all of them will be elected uncontested.

Article 52 Voting

If more than five candidates are nominated after the nomination period, an election will be held. Election method for Representative Council is comparable to General Poll. Voting period shall be no more than five teaching days and total voting time shall be not less than eighteen hours. No voting result shall be valid unless not less than 25% of all members have cast their votes.

Article 53 Election Results

Votes counting and announcement of provisional voting results of Representative Council election shall be carried out immediately after the voting. Election Committee shall be prepared to resolve any complains after such announcement. No announcement of the official voting results shall be made unless there is no complains or all complaints are resolved.

Article 54 How to be Elected

Each member shall cast his/her votes on one candidate only, or abstain from voting. Candidate who has received votes from not less than 5% of all members shall be elected.

If there are not less than five candidates being elected as aforesaid, all of the remaining candidates shall be deemed to have lost the election. Should there be less than five candidates being elected, each of the remaining candidates with the next highest votes shall be elected, until the total number of the elected candidates is five.

Article 55 Inadequate number

If the number of Elected Officers of Representative Council is less than five for whatever reason Representative Council shall nevertheless commence office and appoint forthwith the Election Committee for holding by-election so that there shall be not less than five Elected Officers.

Article 56 No one is Elected

Should no Representative Council Officers be elected for whatever reason, there shall be an extension of the term of the preceding Representative Council which shall appoint forthwith the Election Committee for holding by-election. Should no Representative Council Officer be elected in the by-election, its term shall be further extended until expiry.

Article 57 Resignation and Dismissal

Resignation of Representative Council Officer shall take effect upon Representative Council's approval. Representative Council shall be entitled to submit to Joint Conference for dismissal of any Representative Council Officer who is in breach of this Constitution, does not honestly fulfil his/her duties or misbehaves. Any Representative Council Officer with post may resign or be dismissed from the post whilst retaining his/her Officer status, or may resign or be dismissed from their posts as well. Any Representative Council Officer who has been dismissed from his/her post shall not hold any post at all during the current term. Any Former Representative Council Officer who has been dismissed shall not become Representative Council Officer during the current term.

Article 58 Post Vacancy

Should the post of Representative Council Chairperson, Vice-chairperson, a Secretary, a Treasurer and an Affiliated Society Conservator be permanently vacant, then Representative Council shall elect one person among themselves to fill in the posts. Should the post of Chairperson be temporarily vacant, Vice-chairperson shall be the acting Chairperson. Should the posts of Vice-chairperson, a Secretary, a Treasurer and an Affiliated Society Conservator be temporarily vacant, Representative Council shall elect one person among themselves to fill in the posts in an acting capacity.

Article 59 Officer Vacancy

Should the post of any Representative Council Ex-officio Officer be permanently vacant, it shall be filled in by re-election under Article 48. Should there be no qualified candidate that post shall be left vacant. Should the number of elected Officers be reduced to less than five resulting from such permanent vacancies Representative Council shall appoint forthwith the Election Committee for holding a by-election so that the number of Elected Officers shall be no less than five. Should the number of elected Officers be not less than five despite such permanent vacancies, there shall be no by-election. No by-election shall be held in respect of a post of Representative Council Officer which is temporarily vacant.

Article 60 Dissolution

General Institution shall be empowered to dissolve Representative Council which is in breach of this Constitution or does not honestly fulfil its duties, and appoints the Election Committee responsible for holding Representative Council by-election forthwith. The Election Committee shall assume the role of Representative Council in an acting capacity before the commencement of the terms of the new Representative Council following the by-election. Under this circumstance, the members recalled still enjoy the right to be elected. Representative Council shall not be dissolved merely because of its insufficient number.

Article 61 Concurrent Post

Representative Council Officers shall not concurrently serve as Executive Council or Resident Councils Officers or constituent of Executive Council or its Subsidiaries. Representative Council Chairperson and Treasurer shall not concurrently serve as cabinet constituent or hold any equivalent post in any Affiliated Societies. Other Officers of Representative Council who concurrently serves as a cabinet constituent or hold any post in any Affiliated Societies shall not take part in any decision-making of Representative Council on matter affairs related to those Affiliated Societies.

Article 62 Subsidiary

Representative Council may establish Subsidiaries constituted by members which shall be led by Representative Council Officers. Should Representative Council expressly delegate some powers and duties to a Subsidiary, the latter shall be entitled to the same powers and subject to same duties as of the former All actions and decisions shall be deemed to have been made by Representative Council. Representative Council shall have absolute discretion as to whether to establish any Subsidiaries, and the extent to which the powers and duties to be delegated. Representative Council retains the right of recall and modification. Election Committee is subject to Article 62.

Article 63 Election Committee

Election Committee is a subsidiary of Representative Council. Representative Council shall for every single election appoint an Election Committee which shall be responsible for all matters in relation thereto. Should there be General Poll held concurrently, similar powers and responsibilities may also be delegated to Election Committee.

CHAPTER 7 EXECUTIVE COUNCIL

Article 64 Definition

Executive Council is the highest daily executive operation institution of the Union, and shall be supervised by General Institution, Joint Conference and Representative Council.

Article 65 Powers and Duties

The powers and duties of Executive Council shall be stipulated as follows:

- A. Execute this Constitution and decisions of General Institution and Joint Conference;
- B. Submit motions to General Institution and Joint Conference;
- C. Manage executive operation matters of the Union;
- D. Represent the Union in College, University and to the public, and express members' opinions;
- E. Submit to Joint Conference for review of decisions of Representative Council;
- F. Approve resignations of Executive Council Officers, and submit to Joint Conference for dismissal of Executive Council Officers.

Article 66 Annual Plans of Union Affairs

Executive Council shall establish an Annual Plan, which shall be submitted in Annual General Assembly as defined in Article 22 for approval. Annual Plan shall only be executed upon approval in Annual General Assembly, except for those which had been approved in the previous term. Amendments on approved Annual Plans shall only be made upon the approval of Representative Council. Plans not included in the Annual Plan (including in the amended Annual Plan) shall not be implemented or executed by Executive Council.

Article 67 Financial Budget

Executive Council shall draw up the Financial Budget, and submit for approval in Annual General Assembly as defined in Article 22. All financial resources³ shall only be used by

³ "Financial resources" include cash, bank deposit and capital income (Interpreted in the 18th meeting

the Executive Council when the Financial Budget is approved in Annual General Assembly. Amendments of the approved Financial Budget shall only be made by Executive Council in accordance with Article 41. The Expenses of Executive Council shall not exceed Financial Budget (including amended Financial Budget). Amount in excess shall be borne by Executive Council Officers personally.

Article 68 Term

The term of Executive Council shall last from 1st February of every year (or the day of official election results announcement, whichever is later), until the next 31st January.

Article 69 Meeting

Executive Council shall hold at least eight meetings in a year. To be effective meetings shall be attended by not less than two thirds of the Officers. Meeting agenda should be promulgated in three days.

Article 70 Composition

Executive Council shall adopt the cabinet system formed by eight to fifteen persons. There shall be in the Cabinet one President, one Vice-president, one External Vice-president, one Secretary and one Treasurer. Posts of other Officers shall be determined by the Cabinet.

Article 71 President

The Powers and duties of President of Executive Council shall include the follows:

- A. Lead Executive Council;
- B. call Executive Council meetings;
- C. preside Executive Council meetings;
- D. draft agenda for Executive Council meetings;

of 4th Representative Council on 5 February, 2015).

E. act as Executive Council in emergency provided that his or her decisions shall only be valid upon ratification by Executive Council in the following Executive Council meeting.

Executive Council President may be addressed in short as President of the Union, provided that no extra powers and duties shall be attached thereto by reason thereof.

Article 72 Other Posts

Powers and duties of Executive Council Vice-president include assisting the President in discharging his or her duties, and being responsible for internal affairs of the Union;

Powers and duties of Executive Council External Vice-president include being responsible for external affairs of the Union;

Powers and duties of Executive Council Secretary include compiling minutes of Executive Council Meetings;

Powers and duties of Executive Council Treasurer include executing financial affairs of Executive Council, and ensuring the financial standing of Executive Council meet with the requirements set out in Chapter 10.

Article 73 Election

Executive Council election also adopts cabinet system, eight to fifteen members interested in running for election may form a cabinet. Posts of all constituents shall be decided in accordance with Article 70 when running for election.

Article 74 Nomination

Cabinet Candidate interested in the election of Executive Council shall be jointly nominated by not less than 5% of all members. Each member may nominate only one cabinet candidate. Self-nomination shall not be allowed. Each member may only join one

cabinet candidate. Election Committee Officers, Representative Council Officer and candidates of Representative Council Officers shall not be constituent of Cabinet Candidates.

Article 75 Nomination Period

Nomination period of Executive Council election shall last for seven to fourteen days. It may be extended to a date deemed appropriate by Election Committee if no cabinet candidate is established during the period.

Article 76 Voting

Election method of Executive Council shall be comparable to General Poll, where voting period shall be no more than five teaching days, and total voting time no less than eighteen hours. Voting shall be valid only if the total votes received are not less than 25% of all members.

Article 77 Voting Results

Vote counting and the announcement of provisional voting results of Executive Council Election shall be carried out immediately after the voting. Election Committee shall prepare to resolve all complains after the announcement of provisional voting results. The Announcement of voting results shall only be made when there are no complains or all complaints are resolved.

Article 78 Conditions to be Elected

- A. Where there is only one cabinet candidate, the cabinet candidate shall be elected only when there are not less than 50% of the total valid votes for the cabinet candidate;
- B. Where there are two or three cabinet candidates, the cabinet candidate obtaining the highest votes that are not less than 30% of the total valid votes shall be elected;

- C. Where there are more than three cabinet candidates, the two-round voting system shall be adopted. All cabinet candidates shall join the first round election. Cabinet candidate receiving votes not less than 50% of the total valid votes shall be elected. Otherwise the two cabinet candidates receiving the highest and second highest votes would enter the second-round election. In the second-round election, the cabinet candidate obtaining the highest votes that are not less than 30% of total valid votes shall be elected.

Article 79 Not Elected

Where there is no Executive Council cabinet elected for whatever reasons, Representative Council shall act as Executive Council, and shall forthwith appoint the Election Committee for holding by-election. Where there is no Executive Council elected in the by-election, Representative Council shall assume the role of Executive Council until expiry of the term.

Article 80 Resignation and Dismissal

The resignation of Executive Council Officer shall be effective upon approval of Executive Council. Representative Council and Executive Council shall have the power to submit to Joint Conference for dismissing any Executive Council Officer who violates this Constitution, does not honestly resume duties or misbehaves. Executive Council Officer may retain his or her officer status while resign or being dismissed from the posts, or resign at the same time or be dismissed from both. Executive Council Officer resigning or being dismissed from the original post shall be assigned of a new post by Executive Council. Executive Council Officer being dismissed from the post shall not hold the same post within the same term. Former Executive Council Officer having been dismissed shall not be Executive Council Officer within the same term.

Article 81 Post Vacancy

Where the posts of Executive Council President, Vice-president, External Vice-president,

Secretary or Treasurer become permanently vacant, Executive Council shall elect one person among themselves for the vacant post. Where the post of President is temporarily vacant, Vice-president shall act as President. Where the post of Vice-president, External Vice-president, Secretary or Treasurer is temporarily vacant, Executive Council shall elect one person among themselves to act for the post.

Article 82 Officer Vacancy

Where the post of Executive Council Officer becomes permanently vacant resulting in being less than eight persons in the cabinet, Executive Council shall forthwith nominate among its members to act as an Executive Council Officer, whom shall be approved and appointed by Representative Council, until the cabinet is of eight persons. Where the post of Executive Council Officer is permanently vacant but does not result in less than eight persons in cabinet, there shall be no such appointment. There shall be no such appointment in case of temporary vacancy.

Article 83 Dissolution

General Institution shall have the power to dissolve Executive Council which violates this Constitution or does not resume duties honestly. Where there are less than eight persons in Executive Council and the Executive Council fails to make appointment so that the total number of person is not less than 8 for more than twenty-eight days, Executive Council shall automatically be dissolved. After the dissolution of Executive Council, Representative Council shall forthwith appoint the Election Committee for holding Executive Council by-election, and act as Executive Council before the by-elected Executive Council term commences.

Article 84 Concurrent Post

Executive Council Officers shall not concurrently serve as Representative Council Officer or constituent of Representative Council Subsidiaries, and shall not serve as cabinet constituent or equivalent post in more than one Affiliated Societies or other student organizations in the University.

Article 85 Subsidiary

Executive Council may establish Subsidiary constituted by members, on condition that its leader shall be Executive Council Officer. Where Executive Council expressly assigns some powers and duties to a Subsidiary, that Subsidiary shall have the same powers and duties as that of Executive Council in the related matters, its actions and decisions shall be deemed to be made by Executive Council. To establish any Subsidiaries, and/or the extent of powers and duties to be assigned is entirely at the decision of Executive Council.

Article 86 Short-term Activities

The definition of a short-term activity is that the activity has a tendency to be held consistently, is targeted to members and is approved in an Executive Council meeting. A short-term activity committee may be formed by Executive Council when it holds such an activity. The committee reports to Executive Council. Committee members are either elected in a way acknowledged by Executive Council or appointed by the Executive Council. The chairperson or his representative of a short-term activity committee must sit in on at least three Executive Council meetings to report the plan, progress and reviews of the activity. The budget plan and activity plan should be submitted to Executive Council for approval before the activity. The financial report and activity reviews should be submitted to Executive Council for approval after the activity. Executive Council should list the expense allocated to short-term activity committees in its budget plan.

CHAPTER 8 RESIDENT COUNCIL

Article 87 Definition

A Resident Council is an independent executive operation institution composed of Union members of the same hostel, and shall be supervised by General Institution, Joint Conference and Representative Council. There are two Resident Councils in the Union, namely Ho Tim Hall Self-governing Resident Council and Lee Quo Wei Hall Self-governing Resident Council.

Article 88 Powers and Duties

The powers and duties of a Resident Council shall be stipulated as follows:

- A. Execute this Constitution and decisions of General Institution and Joint Conference, as well as decisions of Representative Council upon exercising its supervisory powers and duties;
- B. Manage the Resident Council Office;
- C. Deal with daily affairs within the hostel area, such as hostel facilities, hostel regulation and room allocation, etc.;
- D. Provide welfare and hold activities for Union members of the same hostel.

Article 89 Finance

A Resident Council may collect Resident Council Fee from Union members of the same hostel and be supervised by Representative Council. Representative Council must constantly examine and approve the use of Resident Council Fee according to the budget plan of the Resident Council. A Resident Council may also claim for financial resources from College and other institutions. However, Union Membership Fee must not be claimed by a Resident Council.

Article 90 Divergence

Resident Councils shall not be the subsidiaries of Executive Council, and are not obliged to follow decisions of Executive Council in areas within its own powers and duties. However, Resident Councils should follow decisions of Executive Councils in non-daily affairs which affects not only the hostel area. Where there are serious divergence between Resident Councils and Executive Council, either of them may submit to Representative Council for judgment. If needed, Executive Council can appeal to Joint Conference to review the judgment of Representative Council.

Article 91 Concurrent Post

Resident Councils Officers shall not concurrently serve as Representative Council Officer or constituent of Representative Council Subsidiaries.

CHAPTER 9 AFFILIATED SOCIETY

Article 92 Definition

Self-governing College student association comprised mainly of members based on a specific interest or common belief shall be registered as Affiliated Society of the Union. Upon the establishment and founding of its constitution, the association shall become an Affiliated Society upon the approval of Representative Council.

Article 93 Administration

Affiliated Societies shall enjoy administration autonomy. Affiliated Societies shall obey this Constitution and decisions of General Institution, as well as decisions of Joint Conference and Representative Council upon exercising their supervisory powers and duties. The powers and duties of Representative Council on supervising Affiliated Societies shall be the same as its powers and duties on supervising Executive Council (except for management of funds). Moreover, amendment of the constitution of Affiliated Societies shall be submitted to Representative Council for approval.

Article 94 Finance

Affiliated Societies shall enjoy financial autonomy bearing its own surpluses and deficits. They may collect subscription from their constituents, as well as claiming for financial resources from College and other institutions. The financial standing of Affiliated Societies shall meet with the requirements set out in Chapter 9, and be supervised by

Representative Council.

Article 95 Divergence

Affiliated Societies shall not be the subsidiaries of Executive Council, and are not obliged to follow decisions of Executive Council. Where there are serious divergence between Affiliated Societies and Executive Council that affect operations of both, either of them may submit to Representative Council for mediation so as to accomplish a fair decision. Both shall try their utmost thereto.

CHAPTER 10 FINANCE

Article 96 Usage

All incomes, funds and assets of the Union shall only be used to attain the Union's objectives.

Article 97 Loans

The Union shall not borrow any loans repayable with interests or exceeding one year. Even where the loan is without interests and repayable within one year, the total liabilities of the Union shall not exceed five thousand Hong Kong Dollars at all time.

Article 98 Membership Fees

The Union may collect subscription from members, annually and upon admission. Annual subscription may be collected in each academic year, while admission fee may be collected once upon joining the Union. The amount of membership fees shall be recommended by Executive Council and approved by Representative Council. Annual fee shall be managed by Representative Council for daily operation of the Union and granted to Executive Council according to Financial Budget. Surplus of annual fee and admission fee shall be managed by Representative Council for long-term operation uses of the Union such as purchase of fixed assets, which may be claimed by Executive Council case by case

as may be necessary upon the approval of Representative Council.

Article 99 Cash flow

Executive Council has three thousand Hong Kong Dollars in cash for its interim payment to be made inclusive of such amount approved in Financial Budget. Executive Council may freely utilise such cash without approval of Representative Council provided that it shall transfer the full amount of three thousand Hong Kong Dollars to Executive Council of the following term. Should the total assets of the Union be less than five thousand Hong Kong Dollars Representative Council may exercise its discretion to amend the amount of such cash as required.

Article 100 Prohibition of Distribution of Assets

No incomes, funds and assets of the Union shall be distributed in any manner to members or workers. Should the Union be dissolved, all remaining incomes, funds assets shall be donated to charitable organization recognised by the laws of Hong Kong. No remaining assets shall be distributed in any manner to members or workers.

Article 101 Responsible Institution

Incomes and expenses of General Institution, Joint Conference, Representative Council and its Subsidiary are managed directly by Representative Council. Incomes and expenses of Executive Council and its Subsidiary shall be managed by Executive Council under the supervision of Representative Council that also manages the available funds. Incomes and expenses of Resident Councils and its Subsidiary shall be managed by Resident Councils under the supervision of Representative Council that also manages the available funds. Affiliated Societies shall manage its incomes and expenses under the supervision of Representative Council.

Article 102 Insolvency

Should General Institution, Joint Conference, Representative Council and its Subsidiary be

insolvent, all Representative Council Officers shall be liable for payment of all remaining debts. Should Executive Council and its Subsidiary be insolvent, they may seek additional funds from Representative Council. Should the additional funds sought be insufficient or Representative Council refuse to provide them, all Executive Council Officers shall be liable for payment of all remaining debts. Should Resident Councils or Affiliated Society be insolvent, all of their constituents shall be liable for payment of all remaining debts.

Article 103 Financial Report

Representative Council shall prepare and publish financial reports three times regularly within its term for its members, and shall also prepare financial report in respect of its incomes and expenses for the whole term to be submitted to Annual General Assembly as prescribed under Article 22. Executive Council shall also prepare financial report in respect of its incomes and expenses for the whole term to be submitted to Annual General Assembly.

Article 104 Record

Representative Council Treasurer shall keep all financial reports of the Union, accounts, record of donation receipts and other financial documents for a period of not less than three years.

CHAPTER 11 OTHERS

Article 105 Representatives in the Representative Council of CUSU

The representatives of the Union in the Representative Council of the Student Union of The Chinese University of Hong Kong are elected according to the relevant regulations in the Constitution of the Student Union of The Chinese University of Hong Kong. All representatives of the Union should be elected by an election, except for the appointed representatives.

Article 106 Regulations and Rules

Regulations and Rules shall regulate affairs of the Union and thereby implement this Constitution and facilitate operations of the Union. Representative Council shall draft or amend Regulations and Rules. Executive Council has the right to submit objection to Joint Conference within one month. If Executive Council does not submit any objections to Joint Conference after one month, the drafted or amended Regulations and Rules would become effective.

Article 107 Constitution Interpretation

Representative Council shall be empowered to interpret this Constitution on a usual basis. Should Executive Council be unsatisfied with its interpretation, it may submit to Joint Conference for review of such interpretation. Should members be unsatisfied with that interpretation, they may submit to General Institution for the interpretation of the highest authority upon their joint signatures for that purpose.

Article 108 Amendment of Constitution

The power to amend this Constitution shall be vested in General Institution Representative Council shall be entitled to submit to General Institution for amendment thereof. Any motion to amend this Constitution shall be passed on not less than two thirds of the total valid votes.

Article 109 Order of Authority

Members and all institutions shall comply with the documents and decisions in the following sequence as a manifestation of the levels of authority of from top to bottom:

- A. This Constitution;
- B. Interpretation on this Constitution by General Institution;
- C. Other decisions by General Institution;
- D. Interpretation on this Constitution by Joint Conference;
- E. Regulations;
- F. Rules;

- G. Other decisions by Joint Conference;
- H. Interpretation on this Constitution by Representative Council;
- I. Other decisions by Representative Council.

Items G and I are limited to affairs within the scope of powers and duties of Representative Council. Those in lower levels shall not violate those in higher levels. Should there be conflict between different levels, the higher level shall prevail over the lower level.

Article 110 Assumption of Binding Effect

Documents and decisions of all institutions shall, unless otherwise specified, be assumed to be binding and effective immediately. Documents and decisions listed in Article 109 shall, unless otherwise specified, be assumed to have permanent binding effect irrespective of any change in term of office. Any other documents and decisions of an institution shall, unless otherwise specified for a time not exceeding the end of its term of office, be assumed to have binding effect until the expiry of its term of office.

Article 111 Threshold for Passage

The vote necessary to pass a motion in all institutions shall, unless otherwise specified be more than half of the total valid votes in valid voting.

Article 112 Repeal

Decision of any institution having been repealed by a new motion, shall lose its binding effect. General Institution shall be entitled to repeal its own decisions. Decision of Joint Conference, Resident Councils or Affiliated Societies may be repealed by General Institution or itself. Decision of Representative Council or Executive Council may be repealed by General Institution, Joint Conference or itself.

Article 113 Highest Authority

General Institution has the highest authority notwithstanding it has already delegated authority to any institutions under this Constitution. General Institution shall be entitled to make any decisions on any matters and to exercise all such powers of Joint Conference, Representative Council, Executive Council and their Subsidiaries, Resident Councils and Affiliated Societies. The right to make an ultimate decision on all matters is vested in General Institution. Notwithstanding any express provision in this constitution that a certain institution may return to General Institution for determination of certain matters, members by way of submitting their joint signatures may submit that matters for General Institution.

Article 114 Dissolution

General Institution shall be empowered to dissolve the Union. Not less than 90% of total valid votes shall be required to pass a motion for such dissolution General Institution shall concurrently select the charitable organization to which all residual assets shall be donated under Article 100.

Article 115 Interpretation

The following interpretations shall be adopted throughout this Constitution, unless inconsistent with the literal meaning:

“**this Constitution**” means this document, the latest version of Constitution of S.H. Ho College Student Union of The Chinese University of Hong Kong;

“**the Union**” means S.H. Ho College Student Union of The Chinese University of Hong Kong;

“**University**” means The Chinese University of Hong Kong;

“**College**” means S.H. Ho College of The Chinese University of Hong Kong;

“**member**” means person with membership under Article 7;

“**General Institution**” means General Poll or General Assembly;

“**Representative Council**” means the incumbent Representative Council formed under Chapter 6, or the preceding Representative Council which term has been extended under Article 56, or Election Committee which fills in for the role of Representative Council in an acting capacity under Article 60;

“**Representative Council Officer**” means all Officers of Representative Council, including Chairperson, Vice-chairperson and others;

“**Executive Council**” means the incumbent Executive Council formed under Chapter 7 or Representative Council which fills in for the role of Executive Council in an acting capacity under Articles 42, 79 or 83;

“**Executive Council Officer**” means all Officers of Executive Council, including President, Vice-president, External Vice-president and others;

“**Affiliated Society**” means an institution affiliated to the Union under Chapter 9;

“**all institutions**” means General Institution, Joint Conference, Representative Council, Executive Council, Resident Councils, Affiliated Societies and all Subsidiaries;

“**workers**” means constituents of all institutions and volunteers who assist in running activities;

“**previous-term**” means the pervious valid institution immediately preceding the current term;

“**permanently vacant**” means termination of membership, approval of resignation, or dismissal;

“**temporarily vacant**” means suspension of membership, resignation not yet been

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approved or rejected, dismissal not yet been passed or rejected, those who fail to execute their powers or duties on time, or those who cannot be contacted within twenty-four hours⁴;

Any expressions not included above shall be interpreted according to College rules, University rules or the laws of Hong Kong law.

Total 11 Chapters with 115 Articles

⁴ Members who are “temporarily vacant” will be not counted in the total number of officers and the number of attendees. If members who are “temporarily vacant” appear at the meeting, they will not be counted as attendees (Interpreted in the 18th meeting of 3rd Representative Council on 18 January, 2014).