

CONSTITUTION OF THE HONG KONG PROFESSIONAL TEACHERS' UNION

(The Chinese version of the Constitution shall prevail wherever there is a discrepancy between the Chinese and English versions)

(9/2020)

RULE 1 **NAME AND OFFICE**

- (1) The name of the union shall be “Hong Kong Professional Teachers’ Union”, (香港教育專業人員協會) hereinafter referred to as the union.
- (2) The registered office of the union shall be at 8/F GOODHOPE BUILDING, 618 NATHAN ROAD, MONGKOK, KOWLOON, or such other place as may be decided by the Executive Committee.

RULE 2 **OBJECTS**

- (1) To secure in the union a complete organisation of all education workers and administrative staff named in Rule 3 (1)(a) of this Constitution.
- (2) To raise the status of the professional teachers and to enable them to have a sound trade union organisation.
- (3) To obtain and maintain just and proper rates of wages, or salary, hours of work, and other terms of service and to widely protect the interests of members.
- (4) To regulate relations and to settle disputes between members and employers, between one member and another, and between members and other employees by amicable agreements whenever possible.
- (5) To promote a spirit of mutual respect and understanding between the employers and the union, and to secure the establishment of a recognised and permanent machinery for negotiation with the management.
- (6) To provide, for members, and in certain circumstances their families, any or all of the following benefits and such others as the General Meeting of Members’ Representatives may decide:-
 - (a) Monetary relief or such other benefits as may be decided for sickness, accident, disablement, distress, unemployment, maternity, retirement and so on;
 - (b) Death gratuities and funeral expenses;
 - (c) Education fees;
 - (d) Relief and benefits for victimisation and trade disputes;
 - (e) Legal advice and legal assistance in connection with the employment of members.
- (7) To establish schools, training classes, clinics, library, nursery, travel department, publication society, co-operative society or other undertakings which the General Meeting of Members’ Representatives may deem expedient so as to promote the material, cultural, educational and recreational welfare of members and their families in any lawful manner.
- (8) To promote education and trade union activities in Hong Kong; to establish close relations with the professional teachers and officers of trade unions and their organizations in Hong Kong and in various places of the world; to strengthen understanding and co-operation.
- (9) The union may further, financially or otherwise, the activities of any trade union or lawful association or federal body having for its objects the promotion of either developments in education or the interests of labour.
- (10) To establish, carry on, jointly establish, maintain and participate in other manners in the business of printing and publishing newspapers, journals, or books etc. with the main purpose of furthering the interests of the union or trade union in general. To compile and publish text books, books specialized in education or other reading matters to meet the demands of schools and education organisations so as to improve the union’s service to the community.

- (11) To organise activities including discussions, symposia, talks, seminars and exhibitions etc. in connection with problems in education and union affairs.
- (12) To promote legislation in the interests of its members and trade unionism.
- (13) To advance the democratic development of society by supporting capable candidate(s) or potential candidate(s) who are willing to represent, directly or indirectly, the interests of its members to contest in District Council or Legislative Council Elections.

RULE 3 MEMBERSHIP AND SUBSCRIPTIONS

- (1)
 - (a) Professionals employed as registered teachers or permitted teachers or administrative staff in Government, subsidized, grant-in-aid, direct subsidy scheme schools and private schools in Hong Kong, or teachers or administrative staff in those institutions which are exempted from registration under the Education Ordinance, and those (with equivalent qualifications) employed as headmasters or employed as education workers in the Education Bureau or other organisations in Hong Kong, who are willing to abide by the rules of the union, may join the union as members.
 - (b) An applicant for admission to the union shall have to fill in an application form in the first instance. When the application is approved by the Executive Committee, he shall become a full member of the union only when he has duly paid the subscription and obtained a membership card.
 - (c) A member who retires on reaching the statutory retirement age or on account of ill-health and is not fully employed in another trade, industry or occupation, may become an honorary member subject to the decision of the Executive Committee. Honorary members shall not have the right to vote on any decision of the union (except those stipulated in Rule 3 (1) (d)). However, they shall be entitled to the benefits of the union.
 - (d) An honorary member may in accordance with the Trade Unions Ordinance and Rule 8 (2) (a) and (b) as well as Rule 8 (A) (2) (a) and (b) of the union, be elected an officer of the union. Being in that position, the honorary member shall be entitled to vote during Executive Committee Meetings or Senate Meetings, but otherwise he shall have no voting right on any decisions to be made by the union. The stipulations of the present rule are also applicable to Rule 9 (1) (a) and 9 (5) (a) of the union.
- (2)
 - (a) Subscriptions shall be at \$80 per annum.
 - (b) Honorary members shall pay a subscription fee of \$40 per annum; whereas the annual subscription fee for every honorary member of age 70 or above shall be \$10.
- (3) The Annual or Extraordinary General Meeting of Members' Representatives shall have the power to alter the amount of subscriptions and to impose additional fees for the purpose of providing further benefits for members.
- (4) Payment of subscriptions shall commence on 1st September of each year. Members who have not paid their subscriptions by 31st October of the same year shall be unqualified members and shall not be entitled to all the rights and benefits, including the voting right, of the union. Members who have not paid the arrears of subscriptions by 31st August of the ensuing year shall be regarded as having withdrawn from the union of their own accord. Payment of arrears of subscriptions by unqualified members shall require the approval of the Executive Committee. Reinstatement of qualified membership shall take place one week after such approval. Members who join the union during the course of the year shall have to pay subscriptions for the year in full. Members referred to in the rules are all qualified members.
- (5)
 - (a) Members of the union who have left the teaching profession or who are fully employed in another industry, trades, or occupation, shall immediately cease to be members of the union.
 - (b) Members who have left the union whether of their own accord or being expelled, shall not be refunded any fees previously paid by them.
 - (c) Unemployed members of the union who have found temporary work in another industry, trade or occupation may be permitted to retain their membership up to a maximum period of one year after securing the new appointment.
- (6) Member of the union shall abide by the rules and the ethics of the teaching profession. In violation of such rules and ethics, members shall be warned in writing or appropriately punished or expelled by the Executive Committee depending on the gravity of their offence. Members who have been so warned or punished or expelled may appeal to the Annual General Meeting of Members' Representatives or the Extraordinary General Meeting of Members' Representatives whose decision shall be final.

RULE 4 CONSTITUTION AND GOVERNMENT

The Annual General Meeting of Members' Representatives shall be the supreme authority of the union and, subject to this authority the union shall be governed by the Executive Committee, and safeguarded by the Senate.

RULE 5**MEMBERS' REPRESENTATIVES**

- (1) (a) Members' Representatives shall be elected biennially by secret ballot by the qualified members of the union in the period from November to the following February during the election year under the supervision of the Election Sub-Committee.
- (b) If a unit (Rule 5 (3) refers.) cannot elect members' representatives in accordance with Rule 5 (1) (a) owing to members joining the union after the period of election of members representatives or for any other reasons, members in that unit may elect their representatives, or elect additional representatives, at any time under the supervision of the Election Sub-Committee. Tenure of office of such representatives shall be the same as that of the members' representatives of the same term.
- (2) Members' representatives must be qualified member of the union.
- (3) Members' representatives shall be elected from qualified members of the various units of the union shown below:-
 - (a) Each secondary school, primary school or kindergarten shall be a unit.
(A school with A.M. and P.M. sessions shall count as two units.)
 - (b) A unit shall be formed respectively by principals of:
 - (1) government secondary schools
 - (2) government primary schools
 - (3) subsidized secondary schools
 - (4) subsidized primary schools
 - (5) private secondary schools
 - (6) private primary schools
 - (7) special schools
 - (8) kindergartens
 - (9) nurseries
 - (10) tertiary institutions
 - (11) other educational organisations not included in (1) to (10) above.
 - (c) Each department of a tertiary institution shall be registered as a unit.
 - (d) Each section in the Education Bureau shall be a unit.
 - (e) A unit shall be formed by educational workers in each section of any other organisation.
- (4) Members' representatives shall be elected by qualified members of the various units by secret ballot. One members' representative may be elected from each unit with one to fifteen qualified members and two members' representatives from sixteen to thirty members and thereafter, one additional members' representative for every fifteen members or less.
- (5) The name list of elected members' representatives together with their own consent in writing shall be sent to the Election Sub-committee within two weeks after the election.
- (6) Members' representatives shall serve a term of two years and be eligible for re-election. When members' representatives leave their original units on account of death, sickness, resignation or transfer or vacate their posts for other reasons during the course of the term, a unit may elect members' representatives at any time to fill the vacated posts, election being conducted under the supervision of the Election Sub-Committee.
- (7) Members' representatives who leave their original unit on account of transfer or for other reasons shall cease to be members' representatives.
- (8) A unit may, at the joint request of not less than two-thirds of its members, dismiss its members' representatives. Posts vacated by the dismissed members' representatives shall be filled as provided in Rule 5 (6).

RULE 6**ANNUAL GENERAL MEETING OF MEMBERS'****REPRESENTATIVES AND EXTRAORDINARY****GENERAL MEETING OF MEMBERS' REPRESENTATIVES**

- (1) The Annual General Meeting of Members' Representatives shall be held in April to June every year.
- (2) (a) All the qualified members' representatives shall have the right to attend the Annual General Meeting of Member' Representatives and the Extraordinary General Meeting of Members' Representatives.
- (b) Only members' representatives qualified by the rules of the union shall be entitled to vote in any decisions at the Annual General Meeting of Members' Representatives and the Extraordinary General Meeting of Members' Representatives.

- (3) The business of the Annual General Meeting of Members' Representatives shall be:
 - (a) To receive reports from the Executive Committee and the Senate, to review the past work of the union, and to make plans and policies for the future development of the union.
 - (b) To receive report from the Election Sub-Committee.
 - (c) To receive the audited accounts for the previous financial year and to consider the financial position of the union.
 - (d) To consider other business.
- (4) The Executive Committee shall announce to members the date of the Annual General Meeting at least forty-five days prior to the meeting.
Notice for calling the Annual General Meeting of Members' Representatives shall be sent to each qualified members' representative fourteen days prior to meeting.
- (5) An Extraordinary General Meeting of Members' Representatives may be called at the request of the Executive Committee or the Senate, or of one-tenth of the total number of qualified members' representatives or 50 qualified members' representatives (whichever is the less). If the request is made by the Senate or members' representatives, the Executive Committee must call such a meeting within one month after receiving the request.
- (6) Discussion at the Extraordinary General Meeting of Members' Representatives shall be limited to those matters contained in the agenda. Decisions reached at the Extraordinary General Meeting of Members' Representatives shall have the same validity as decisions reached by the Annual General Meeting of Members' Representatives after receiving the request.
- (7) In calling an Extraordinary General Meeting of Members' Representatives, the notice for calling the meeting together with the agenda shall be sent to each qualified members' representative seven days prior to the General Meeting. If change of rules of the union is included in the matters for discussion, the proposals on the change of rules shall be specified in the agenda.
- (8) The quorum for the Annual General Meeting of Members' Representatives and the Extraordinary General Meeting of Members' Representatives shall be formed by one-fourth of the number of qualified members' representatives or above 100 qualified members' representatives (whichever is the less). With the exception of decisions regarding change of name of the union, federation or amalgamation of the union with other trade unions or dissolution, which shall be carried out in accordance with the Trade Unions Ordinance and the rules of the union, all decisions taken shall be valid if passed by over half of the qualified members' representatives attending the meeting.
- (9) Where an Annual General Meeting of Members' Representatives or the Extraordinary General Meeting of Members' Representatives becomes abortive when the number of members' representatives attending the meeting is still insufficient to form a quorum one hour behind the time scheduled for the meeting to be held, the meeting shall be called again by the Executive Committee within one month. However, a notice specifying the reasons and the agenda shall again be sent to each qualified members' representative seven days prior to the meeting. At that time, the quorum shall be formed by whatever number of members' representatives present. Decisions, with the exception of those provided otherwise according to the law or the rules, shall be valid if passed by over half of the number of members' representatives present. If the Extraordinary General Meeting of Members' Representatives is called at the request of members' representatives, the summoning of the meeting is no longer necessary.

RULE 7 ELECTION AND SECRET BALLOT

- (1)
 - (a) The election of members' representatives, Executive Committee members, Senate members shall be conducted under the supervision of the Election Sub-Committee once every two years. The Election Year shall be from 1st September of the odd-numbered year to 31st August of the following year.
 - (b) If an agenda item of the Annual General Meeting of Members' Representatives or Extraordinary General Meeting of Members' Representatives must be decided by secret ballot, the Executive Committee shall be responsible for its administration.
- (2) ALL decisions in respect of the following items shall be taken by secret ballot in accordance with the Trade Unions Ordinance :-
 - (a) Election of members' representatives, Executive Committee members, Senate members and officers;
 - (b) Change in the name of the union;
 - (c) Amalgamation of the union with another trade union;
 - (d) Federation of the union with any other trade union or trade union federation.
- (3) The Election Sub-Committee or other members appointed for the purpose shall be responsible for issuing ballot forms. Ballot forms shall be issued only to those members qualified by the rules of the union to exercise their vote.

- (4) All ballot forms must not be signed by the voters and they must be placed in a sealed ballot box provided for the purpose at the specified time. The Election Sub-Committee shall appoint persons to supervise and safeguard the ballot box.
- (5) The Proposed Executive Committee constituted in accordance with Rule 8 (2) (b) may appoint not more than two scrutineers; and the candidates of Senate member may all together appoint not more than two scrutineers. Scrutineers must not be candidates of the Proposed Executive Committee, candidates of the Senate or members of the Election Sub-Committee. The scrutineers shall be responsible for supervising the collection, counting and checking of ballot forms by the Election Sub-Committee.
- (6) The Election Sub-Committee is composed of three members nominated by the Executive Committee and another three members nominated by the Senate, with their term of office lasting for two years, starting from January of each odd-numbered year. Members of the Election Sub-Committee must not be candidates for election of the Executive Committee or the Senate. The Election Sub-Committee shall elect a chairman and a secretary from among themselves, to be responsible for conducting meetings, taking minutes as well as performing other relevant duties.
- (7) During the election of members' representatives or Senate members, when candidates obtain the same number of votes for limited places, the result of the election shall be decided by drawing lots. During the election of the Executive Committee, when Proposed Executive Committees obtain the same number of votes, the Election Sub-Committee shall, in accordance with Rule 8 (2) (c), conduct within 30 days a second round of election among the original Proposed Executive Committees. In the event of obtaining the same number of votes during the second round of election, the result shall be decided by drawing lots.

RULE 8 EXECUTIVE COMMITTEE

- (1) The government of the union in the periods between Annual General Meetings of Members' Representatives and the conduct of its business shall be vested in the Executive Committee.
- (2) (a) The Executive Committee shall consist of 35 office bearing members and 4 non-office bearing members, all of whom shall be elected biennially among the qualified members by secret ballot on one-person-one-vote basis. The office bearing members and the non-office bearing members are entitled to equal enjoyment of rights in the Executive Committee, including the rights to exercise their vote. Of the 39 members in the Executive Committee, not more than one-third (i.e. 13) shall be headmasters or employees of the Education Bureau or other organisations, and not more than one-fourth (i.e. 9) shall be honorary members. The total number of members from the above two categories shall not exceed one-half (i.e. 19).
The organisational chart of the Executive Committee is shown as follows,
 - President- 1 Vice - President (Internal Affairs)
 - 3 Vice - Presidents
 - Secretary General - 3 secretaries
 - Chief Treasurer - 2 Treasurers
 - Organization Department Director - 1 Deputy Director
 - Computer Department Director - 1 Deputy Director
 - Publication Department Director - 1 Deputy Director
 - Recreation Department Director - 1 Deputy Director
 - Welfare Department Director - 2 Deputy Directors
 - Travels Department Director - 2 Deputy Directors
 - Rights, Privileges & Complaints Department Director - 2 Deputy Directors
 - Academic Department Director - 2 Deputy Directors
 - Education Research Department Director - 2 Deputy Directors
 - 4 Ordinary Executive Committee Members
- (b) The Election Sub-Committee shall send notice to all qualified member inviting nominations for the Proposed Executive Committee 60 days or more prior to the calling of the Annual General Meeting of Members' Representatives during the year of election. The nomination shall not be valid unless each candidate is a qualified member (honorary members included), and the posts which constitute the Proposed Executive Committee in accordance with Rule 8 (2) (a) is presented, and is nominated by not less than 50 qualified members, and provided that its nomination together with a letter of consent from each nominee are duly presented before the appointed date specified in the notice. Members being nominated for the election of the Executive Committee shall neither be a candidate of two or more Proposed Executive Committees, nor a candidate for election of the Senate.
- (c) Each qualified member (honorary members excluded) shall elect one Proposed Executive Committee by secret ballot on one-person-one-person-one-vote basis. Whichever obtains the highest number of votes shall be the Executive Committee for the next term. In the event of only one Proposed Executive Committee being nominated, each qualified member (honorary members excluded) shall cast a vote of confidence by secret ballot on one-person-one-vote basis. If the vote of confidence exceeds in number, the Proposed Executive Committee shall be the elected Executive Committee for the next term. If the vote of non-confidence exceeds in number, the Election Sub-Committee shall sent notice within 30 days to all qualified members inviting

nominations again and conduct, in accordance with the Rule 8 (2) (a) and (b), the re-election of the Executive Committee. In the event that no Proposed Executive Committee is elected during the re-election, the third or more election in accordance with the same rules shall be held unless in the end a Proposed Executive Committee is being elected.

- (d) Except that that second round of election or is more to be held, the Election Sub-Committee shall announce at the Annual General Meeting of Members' Representatives the result of the election for the Executive Committee, and the outgoing Executive Committee shall, within 30 days after the close of the Annual General Meeting of Members' Representatives, complete the hand over procedure and let the newly elected Executive Committee take over completely.
 - (e) In the event of a second round of election, it shall be held within 90 days after the close of the Annual General Meeting of Members' Representatives; In the event of a third round of election or more, it shall be held within 60 days after the end of the last election. The Election Sub-Committee shall announce to all members the result of the election. The outgoing Executive Committee shall govern the union before a new Executive Committee is formed, and complete the hand over procedure within 30 days after the new Executive Committee being elected.
- (3) Members of the Executive Committee shall serve a term of 2 years and be eligible for re-election. Regardless of the date the election held, the term of the new office shall commence from the Annual General Meeting of Members' Representative and shall terminate at the Annual General Meeting of Members' Representative during the year of next election.
- (4) The Executive Committee Meeting shall be held at least once a month. The agenda and the notice of meeting shall be sent to each Executive Committee member and the senate seven days prior to the meeting. A special meeting may be held when the President considers necessary or at the written request of five Executive Committee members. The quorum for the meeting shall be half or over half of the number of the Executive Committee members. With the exception of those matters relating to federation or amalgamation of the union with other trade unions and the Trade Unions Ordinance, or those that require a different method of counting votes as stipulated in the relevant rules of the union, decisions made shall be valid if passed by over half of the Executive Committee members present at the meeting.
- (5)
- (a) In the event of the death, resignation or dismissal of the President or when he is absent from Hong Kong and such absence is likely to be permanent or unduly prolonged or absent for any other reasons, one of the Vice-Presidents shall succeed as President through the resolution adopted by the Executive Committee.
 - (b) In the event of the death, resignation or dismissal of the Vice-presidents or the office bearing Executive Committee members, or when one of them is absent from Hong Kong and such absence is likely to be permanent or unduly prolonged or absent for any other reasons, the vacancy thus arisen shall be filled by an office bearing Executive Committee member or a non-office bearing Executive Committee member through the resolution adopted by the Executive Committee.
 - (c) The office of the members in the Executive Committee, with exception of the President and the Vice-presidents, is transferable through the resolution adopted by the Executive Committee.
 - (d) When more than 4 members being absent from the Executive Committee and all the non-office bearing Executive Committee members having filled the vacancies of the office bearing Executive Committee members (Vice-Presidents included), other Executive Committee members shall hold the office concurrently. When more than 13 members being absent, the Election Sub-Committee shall fill the vacancies by conducting a by-election and the Executive Committee shall nominate, in accordance with Rule 8 (2) (a), the qualified members (honorary members included) equivalent to the number of vacancies for the by-election of the Executive Committee. Each qualified member (honorary members excluded) shall cast a vote of confidence by secret ballot on one-person-one-vote basis. When vote of confidence exceeds the vote of non-confidence in number, all of the candidates in the by-election shall be elected as the members of the Executive Committee for the current office. When vote of non-confidence exceeds in number, the Election Sub-Committee shall conduct, in accordance with the same rules, a by-election again unless in the end vacancies of the Executive Committee are being filled. When the member of the Executive Committee is absent within the last 6 months of the office, no by-election shall be necessary and other member in the Executive Committee shall hold the office concurrently.
- (6) The Executive Committee shall pursue the objects of the union and shall protect its funds against extravagance or misappropriation. It shall give instructions as to the investment of the funds of the union subject to Rule 10 (4).
- (7) The Executive Committee shall give instructions to the General Secretary and other members of the Executive Committee or clerical staff for the conduct of the affairs of the union. It may appoint such clerical staff as it may consider necessary and dismiss such clerical staff for reasons deemed good and sufficient. It shall appoint sub-committees where necessary to carry out the routine work and other business of the union.

- (8) The Executive Committee may, subject to the approval of two-thirds or above two-thirds of the members of the Executive Committee, suspend or dismiss and Executive Committee member or officer of the union for negligence of duty, dishonesty, refusal to carry out the decisions of the Executive Committee, or for any reason which it deems good and sufficient in the interests of the union. Any Executive Committee member or officer so suspended or dismissed shall have the right of appeal to the Annual General Meeting of Members' Representatives or the Extraordinary General Meeting of Members' Representatives for final decision. If an Executive Committee member or officer who has been suspended or dismissed demands that the Executive Committee should call an Extraordinary General Meeting of Members' Representatives to deal with matters concerning his suspension or dismissal, the Executive Committee shall not turn down his request and shall call the meeting within one month after receiving his written request.
- (9) The Executive Committee may give written warning to any member or appropriately punish or expel any member who is proved, to the satisfaction of the Committee, to have been guilty of conduct prejudicial to the interests of the union. Any member so warned, or punished or expelled shall have the right of appeal to the Annual General Meeting of Members' Representatives or the Extraordinary General Meeting of Members' Representatives, whose decision shall be final.
- (10) The decision of the Executive Committee shall be binding on all members of the union.
- (11) All officers and members of the Executive Committee must fully pay up all subscriptions and contributions to the union.
- (12) The Executive Committee may appoint not more than five virtuous and enlightened social celebrities and prominent members of the education profession as honorary advisers for the current year. The honorary advisers may, at the invitation of the Executive Committee, attend all meetings of the union for the purpose of consultation. However, they shall not have the right to vote and shall not interfere in the administration of the union.
- (13) Members who were ex-Presidents of the Executive Committee of the union and who are no longer holding an office in the Executive Committee may, with his own consent, be appointed honorary advisers of the union. If they are qualified members, they shall retain the right to vote.
- (14)
 - (a) A Joint Meeting of the Executive Committee and the Senate shall be held to promote better communication between the two bodies when the resolution is passed by half or over half of the members of the Executive Committee. The President of the Executive Committee shall preside over such a meeting called at the request of the Executive Committee.
 - (b) The Joint Meeting of the Executive Committee and the Senate shall not have any statutory power or institute any voting procedure.
- (15) In the event of the Senate demanding that the Executive Committee should review its previous decisions, the Executive Committee shall, upon receipt of the Senate's written request, arrange to carry out the review at the next Executive Committee meeting.

RULE 8 (A) SENATE

- (1) When the Annual General Meeting of Members' Representatives is not in session, the Senate shall be responsible for making the Executive Committee accountable for its arrangement and conduct of union affairs.
- (2)
 - (a) The Senate consists of 19 members who shall be elected biennially among the qualified members by secret ballot on one-person-one-vote basis. Of the 19 members of the Senate, not more than one-third (i.e. 6) shall be headmasters or employees of the Education Bureau or other organisations, and not more than one-half (i.e. 9) shall be honorary members. The total number of members from the above two categories shall not exceed two-third (i.e. 12).
 - (b) The Election Sub-Committee shall sent notice to all qualified members inviting nomination of candidates for the Senate 60 days or more prior to the calling of Annual General Meeting of Members' Representatives during the year of election. The nomination shall not be valid unless each candidate is a qualified member (honorary members included), and is nominated by not less than 5 qualified members, and provided that his nomination together with a letter of consent from each nominee are duly presented before the appointed date specified in the notice. The candidates of the Senate must not be a candidate of any Proposed Executive Committee. When the total number of candidates being not more than 19, the qualified members (honorary members excluded) shall cast a vote of confidence for each candidate. Whoever obtains vote of confidence exceeding vote of non-confidence in number shall be a Senate member for the next term. When less than 19 members of the Senate are being elected, the Election Sub-Committee shall fill the vacancy or vacancies, in accordance with Rule 8 (A) 2 (a) and (b), by means of by-election within 90 days after the close of the Annual General Meeting of Members' Representatives.

- (c) The Election Sub-Committee shall announce in the Annual General Meeting of Members' Representatives the result of the election for the Senate. The elected members of the Senate shall, within 30 days after the close of the Annual General Meeting of Members' Representatives, elect from among themselves a Chairman, a Vice-Chairman and a Secretary by secret ballot on one-person-one-vote basis.
 - (d) The outgoing Senate members shall, within 30 days after the close of the Annual General Meeting of Members' Representatives, complete the handover procedure and let the newly elected Senate members take over completely.
- (3) Members of the Senate shall serve a term of two years and be eligible for re-election. Regardless of the date the election held, the term of office shall commence from the Annual General Meeting of Members' Representatives and shall end at the Annual General Meeting of Members' Representative held in the year of next election.
 - (4) The Senate Meeting shall be held at least once every two months. The agenda and the notice of meeting shall be sent to each member of the Senate seven days prior to the meeting. A special meeting may be held when the Chairman, considers it necessary or at the written request of three Senate members. The quorum for the meeting shall be half or over half of the number of the Senate members. Decisions shall be valid if they are passed by over half of the Senate members present at the meeting.
 - (5) In the event of the death, resignation or dismissal of any Senate members, or when any one of them is absent from Hong Kong and such absence is likely to be permanent or unduly prolonged or absent for any other reasons, the candidate with the highest number of votes next to the elected Senate members during the last election shall fill the vacancy. In the event of absence of more than 6 Senate members and with no candidates from the last election to fill the vacancy or vacancies, the Election Sub-Committee shall, in accordance with Rule 8 (A) 2 (a) and (b), fill the vacancy or vacancies by means of by-election. When the Senate member is absent within the last 6 months of the office, no by-election shall be necessary. When the vacancy involves one of the officers of the Senate, a member shall be elected from among the Senate members by secret ballot on one-person-one-vote basis to fill the office. Any subsequent vacancies that may arise as a result shall be filled by similar methods.
 - (6) Members of the Senate shall have the right to attend Executive Committee Meetings as observers and, with the consent of the Executive Committee, to address the meeting. However, members of the Senate shall not have the right to vote at Executive Committee Meetings.
 - (7) When the Senate considers it necessary, it shall have the right to publish an independent newsletter to communicate with members of the union. In connection with the publications of such newsletter, the Senate may approach the Executive Committee for assistance and the Executive Committee shall not by any means turn down its request.
 - (8) The Senate may, subject to the approval of two-thirds of the members of the Senate, suspend or dismiss any Senate member for negligence of duty, dishonesty, refusal to carry out the decisions of the Senate, or for any reason which it deems good and sufficient in the interests of the union. Any member of the Senate so suspended or dismissed shall have the right of appeal to the Annual General Meeting of Members' Representatives or Extraordinary General Meeting of Members' Representatives for final decision. If a Senate member who has been suspended or dismissed demands that the Executive Committee should call an Extraordinary General Meeting of Members' Representatives to deal with matters concerning his suspension or dismissal, the Executive Committee shall not turn down his request and shall call the meeting within one month after receiving his written request.
 - (9) All members of the Senate must fully pay up all subscriptions and contributions to the union.
 - (10) A Joint Meeting of the Senate and the Executive Committee shall be held in accordance with Rule 8 (14) (b) of the union when the resolution is passed by half or over half of the members of the Senate. The Chairman of the Senate shall preside over such a meeting called at the request of the Senate.
 - (11) The Senate may, when it considers necessary, demand that the Executive Committee should review its decisions. Such demands made by the Senate shall not, however, impose any restrictions on the Executive Committee in the management of union affairs so long as the latter abides by the rules of the union.

RULE 9 OFFICERS OF THE UNION

- (1) President:
 - (a) The President shall preside over all Annual General Meetings of Members' Representatives, Extraordinary General Meetings of Members' Representatives and Executive Committee meetings and shall be responsible for the proper conduct of business. He shall have a casting vote. He shall sign the minutes of each meeting after they are approved.
 - (b) With the assistance of the Secretary General and the Chief Treasurer, he shall superintend the general administration of the affairs of the union and shall endeavour to secure the observance of the union rules by all concerned.

- (c) The President shall in accordance with the Rules 21 (2) of the union be entitled to countersign, in conjunction with the Secretary General or the Chief Treasurer and an officer or a voting member specifically appointed by the Executive Committee for such purpose, every instrument of the union to which the common seal of the union is affixed.
 - (d) The President or Vice-President (Internal Affairs) or the Secretary General shall, in conjunction with the Chief Treasurer or Treasurer, sign cheques on behalf of the union.
 - (e) Whenever necessary, the President of the Executive Committee may, with the consent of the Chairman of the Senate, call a Joint Meeting of the Executive Committee and the Senate in accordance with Rule 8 (14) (b). The President of the Executive Committee shall preside at the meeting.
- (2) The Vice-President (Internal Affairs) and Vice-Presidents shall carry out their duties as defined by the Executive Committee and assist the President in the administration of union business. In the absence of the President due to union business or for any other reason, the Executive Committee shall nominate one of the Vice-Presidents, including Vice-President (Internal Affairs), to deputize for the President until such time as the President returns or the Executive Committee appoints a member to fill the vacancy in accordance with the rules. The Vice-President (Internal Affairs) or President or Secretary General shall, in conjunction with the Chief Treasurer, or Treasurer, sign cheques on behalf of the union.
- (3) Secretary General:
- (a) The Secretary General shall conduct the business of the union in accordance with the rules and shall carry out the instructions of the Annual General Meeting of Members' Representatives, the Extraordinary General Meeting of Members' Representatives and of the Executive Committee.
 - (b) The Secretary General shall keep the common seal of the union in safe custody.
 - (c) The Secretary General shall keep a membership register of the union.
 - (d) The Secretary General shall, in accordance with the instructions given by the Executive Committee, prepare an agenda for presentation to the Annual General Meeting of Members' Representatives or the Extraordinary General Meeting of Members' Representatives, and for distribution to the qualified members' representatives.
 - (e) The Secretary General shall prepare the Annual Report of the union for presentation to the Annual General Meeting of Members' Representatives and any other reports necessary for the Extraordinary General Meeting of Members' Representatives.
 - (f) The Secretary General shall attend all meetings of the Executive Committee and shall prepare an agenda and record the minutes.
 - (g) The Secretary General shall in accordance with the Rules 21 (2) of the union be entitled to countersign, in conjunction with the President and an officer or a voting member specifically appointed by the Executive Committee for such purpose, every instrument of the union to which the common seal of the union is affixed.
 - (h) The Secretary General or the President or Vice-President (Internal Affairs) shall, in conjunction with the Chief Treasurer or Treasurer, sign cheques on behalf of the union.
- (4) The Secretaries shall assist the Secretary General in carrying out the relevant secretarial work.
- (5) Chief Treasurer :
- (a) The Chief Treasurer shall be responsible for the safety of all monies and the safeguarding of all investments belonging to the union and shall keep full and accurate accounts of all transactions conducted in the name of the union. He shall prepare a financial statement for each meeting of the Executive Committee and an annual statement of accounts for audit and for presentation to the Annual General Meeting of Members' Representatives. He shall have the right to speak and to vote on all matters except financial matters.
 - (b) The Chief Treasurer shall in accordance with the Rules 21 (2) of the union be entitled to countersign, in conjunction with the President and an officer or a voting member specifically appointed by the Executive Committee for such purpose, every instrument of the union to which the common seal of the union is affixed.
 - (c) The Chief Treasurer shall give, free of charge, an annual audited statement of accounts of receipts and payments and of the assets and liabilities to every member of the union on request.
 - (d) The Chief Treasurer or the Treasurer shall, in conjunction with the President or the Secretary General, sign cheques on behalf of the union.
 - (e) The Chief Treasurer shall deposit cash exceeding an amount designated in an Annual General Meeting of Members' Representatives in a bank appointed by the Executive Committee, whereas the remainder should be retained by the Chief Treasurer in a safe place.
- (6) The Treasurer shall assist the Chief Treasurer in sharing the financial work concerned.
- (7) The Director and Deputy Directors of Organisation Department, the Director and Deputy Director of Computer Department, the Director and Deputy Director of Publication Department, the Director and Deputy Director of Welfare Department, the Director and Deputy Director of Recreation Department, the Director and Deputy Director of Travels Department, the Director and Deputy Director of Right, Privileges & Complaints Department, the Director and Deputy Director of Academic Department, the Director and Deputy Director of Education Research Department shall, according to the jurisdiction of their titles, carry out the respective items of work as decided by the Executive

Committee.

- (8) (a) The Chairman of the Senate shall call and preside over the Senate meetings and be responsible for their proper conduct. He shall have a casting vote during the meeting. He shall sign the minutes of each meeting after they have been approved. Whenever necessary, the Chairman of the Senate may, with the consent of the President of the Executive Committee, call a Joint Meeting of the Senate and the Executive Committee in accordance with Rule 8 (14) (b). The Chairman of the Senate shall preside over such a meeting.
- (b) The Vice-Chairman of the Senate shall assist the Chairman in carrying out the decisions of the Senate.
- (c) The Secretary of the Senate shall prepare the Annual Report of the Senate for presentation to the Annual General Meeting. He shall attend all meetings of the Senate and be responsible for preparing the agenda and minutes of meetings.
- (d) Other members of the Senate shall also carry out the decisions of the Senate.
- (9) Any officer whose duties call for his full-time services on behalf of the union may be compensated for loss of hours of work or salary. Such compensation shall be decided by the Executive Committee.
- (10) The Executive Committee may require any officer whose duties involve financial responsibility to produce security to a certain extent.
- (11) No one shall be allowed to be a concurrent member of both the Executive Committee and the Senate of the union.

RULE 10 USE OF FUNDS

- (1) The funds of the union shall be divided into two sections : -
- (a) General fund, which may be used by the Executive Committee for any lawful purpose approved at the Annual General Meeting of Members' Representatives or Extraordinary General Meeting of Members' Representatives.
- (b) Welfare Fund, which shall be used solely for welfare purposes approved at the Annual General Meeting of Members' Representatives or Extraordinary General Meeting of Members' Representatives and shall not be used as the general fund or for other purposes.
- (2) The General Fund shall be used for :
- (a) The payment of salaries to clerical staff of the union and of allowances and expenses to officers of the union to reimburse them for any expenses incurred in carrying out the official business of the union.
- (b) The payment of expenses for the administration of the union, including audit of the accounts of the union.
- (c) The payment of expenses required for the prosecution or defence of any legal proceedings to which the union or any member is a party, when such prosecution or defence is undertaken for the purpose of securing and protecting any rights of the union as such or any rights arising out of the relations of any member with his employer.
- (d) The payment of expenses for the conduct of trade disputes on behalf of the union or any member.
- (e) Compensation of members for loss arising out of trade disputes.
- (f) The payment of donations or grants to registered trade unions or other lawful bodies in Hong Kong and subscriptions, fees, and contributions necessary for affiliation to any trade union federation or other lawful trade union organisation in Hong Kong.
- (g) The payment of fines imposed on the union for breach of the Trade Unions Ordinance or any other ordinances.
- (h) The payment of all expenses for the administration and attainment of other objects specified in Rule 2 of the union.
- (i) The payment of election-related expenses under the following conditions:
- (1) The payment of the following expenses shall be authorized only if passed by a majority of the members' representatives with voting right present in an Annual General Meeting of Members' Representatives in a secret ballot voting:
- (1) Direct or indirect expenses incurred by candidate(s) or potential candidate(s) contesting District Council or Legislative Council Elections.
- (2) Expenses incurred in holding meetings, preparing and distributing materials to support candidate(s) or potential candidate(s) contesting District Council or Legislative Council Elections
- (3) Expenses incurred in promoting voter registration or candidate selection for District Council or Legislation Council Elections.
- (2) The authorized payment of expenses listed in Rule 10 (2) (i) (1) must be limited to a specific election and expressly bounded by an upper limit.
- (3) The payment of expenses listed in Rule 10 (2) (i) (1) must be authorized in writing by the candidate or his/her election agent and comply with all relevant laws and regulations in Hong Kong.
- (3) The welfare fund shall be used for : -
- (a) Payment of expenses for the provision of welfare benefits set out in Rule 2 (6) (a) (b) and (c) and Rule 11.
- (b) Payments of relief to members or their dependants and / or their families on account of death (including funeral expenses), sickness, accident, disablement, distress, unemployment, maternity and retirement etc.

- (c) The payment of educational fees for members and their children.
 - (d) Payment of expenses incurred in the promotion of recreational, cultural and social pursuits in the interests of members.
- (4) Investment of Funds : - The surplus, if any, remaining after the appropriation of the union's general fund for current expenses, may on the direction of the Executive Committee, be invested in company shares or be used for the purchase of real estates or union premises or for other investments, as the Executive Committee may think fit, subject to the approval of the Annual General Meeting of Members' Representatives, or the Extraordinary General Meeting of Members' Representatives.
- (5) The financial year of the union shall commence on 1st January of each year and terminate on 31st December in the same year.

RULE 10 (A) MORTGAGE OF PROPERTY

The Executive Committee may, if necessary, decide to mortgage its property for loan from a bank so as to buy property and office subject to the approval of the Annual General Meeting of Members' Representatives or the Extraordinary General Meeting of Members' Representatives.

RULE 11 ESTABLISHMENT OF WELFARE BENEFITS FUND

The Executive Committee shall have the power to establish and administer a Welfare Benefits Fund or to appoint a sub-committee to administer the fund. The fund shall be open to all members and give benefits to members or their families in the event of death, accident, sickness, distress, unemployment, maternity or retirement and provide education subsidies to members or their children in accordance with Rule 2 (6) (a), (b) and (c). (The rules of the Welfare Benefits Fund, if any, shall be provided separately).

RULE 12 LEVIES

- (1) The Executive Committee may, if necessary, impose a levy upon all members of the union and all members shall be required to pay such levy provided that, if members object to payment of the levy, they shall have the right to refer the matter to the Annual General Meeting of Members' Representatives or the Extraordinary General Meeting of Members' Representatives for discussion.
- (2) If any member fails to pay a levy within three months of its imposition, the amount shall be treated as arrears of subscription (see Rule 3 (4)).

RULE 13 AUDITORS

- (1) One or more auditors shall be appointed or elected at the Annual General Meeting of Members' Representatives. Non-members of the union may also be appointed.
- (2) The auditor shall audit all the accounts of the union, general, welfare and subsidiary accounts (if any) as soon after the close of each financial year as possible and at other times when necessary. All books and accounts of the union shall be examined and a certification as to their correctness or otherwise be given by the auditor. A report by the auditor shall be made to the members at the Annual General Meeting of Members' Representatives. A copy of the auditor's report shall be conspicuously placed at the office of the union for inspection by the members.

RULE 14 INSPECTION OF BOOKS

Any qualified member of the union or any authorized agent of the member shall be allowed to inspect the account books, the registered rules, and the membership register of the union. Application must be made in advance to the Secretary General or the Chief Treasurer who shall be allowed a reasonable time to make the necessary documents available.

RULE 15 TRADE DISPUTES

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

RULE 16 COMPLAINTS BY MEMBERS

- (1) Any member who is not satisfied with the business of the union, may lodge his complaint with the Senate or the Executive Committee in writing. Under no circumstances shall the Senate or the Executive Committee turn down such a complaint until a formal decision is made and the complainant summoned to give an account of the matter. The Senate or the Executive Committee shall be required to give a reply in writing when it considers that such complaints are not worth pursuing.

- (2) Any member whose complaint is turned down by the Executive Committee may lodge his complaint with the Senate.
- (3) Any member whose complaint is turned down by the Senate may take his complaint to the Annual General Meeting or Extraordinary General Meeting of Members' Representatives.

RULE 17 **LEGAL ASSISTANCE**

Consistent with the provisions of Rule 2 (6) (e), the Executive Committee shall have power to provide legal advice and assistance to any qualified member on any matter connected with the prosecution or defence undertaken for the purpose of securing or protecting any rights arising out of the relations of the member with his employer, provided that the Executive Committee is satisfied that the case is one which justifies legal advice or assistance and also provided that the necessity for legal assistance is not caused by drunkenness, willful neglect of duty or by any criminal act on the part of the member.

RULE 18 **EDUCATION WORK**

The union may undertake the education of its members through meetings or training classes or periodicals reporting the activities of the union. It may publish journals or take such other actions as will promote cultural and social knowledge.

RULE 19 **UNION RULES**

- (1) A copy of these registered rules shall be given to every person accepted into membership of the union.
- (2) A copy of these registered rules shall be readily available at the union premises for perusal by any member.
- (3) The Annual General Meeting of Members' Representatives or Extraordinary General Meeting of Members' Representatives shall have the power to make, alter, amend and rescind any of the rules. However, no rules providing for matters specified in the Second Schedule to the Trade Unions Ordinance shall be rescinded. Any motion to change the rules of the union in the Annual General Meeting shall be submitted in writing to the Executive Committee at least 28 days prior to the meeting in order that it can be included in the agenda of the meeting.
- (4) The power to interpret any rules of the union shall belong to the Annual General Meeting of Members' Representatives or the Extraordinary General Meeting of Members' Representatives. However, between General Meetings of Members' Representatives, the Executive Committee shall interpret the rules when necessary, and determine any point which the rules do not adequately cover.

RULE 20 **DISSOLUTION**

- (1) The union shall not be dissolved, except with the consent of two-thirds of the qualified membership of the union obtained by means of a secret ballot.
- (2) In the event of the union being dissolved, all debts and liabilities legally incurred on behalf of the union shall be fully discharged and the remaining funds divided among all qualified members in equal proportions or shall be dealt with in such a manner as decided by the General Meeting of Members' Representatives.
- (3) When the union is dissolved, notice of such shall be sent by the Secretary General to the Registrar of Trade Union

RULE 21 **COMMON SEAL AND CONTRACT**

- (1) The union shall have a common seal which shall be kept in safe custody of the Secretary General and which shall only be used by the authority of the Executive Committee in resolution.
- (2) Any contract or instrument made by the Executive Committee on behalf of the union to which the common seal of the union shall be affixed, shall be signed by an officer or a voting member specifically appointed by the Executive Committee for such purpose and shall be countersigned by the President in conjunction with the Secretary General or the Chief Treasurer of the union (or by such member who for the time being and under the rules of the union, act as President, Secretary General or Chief Treasurer).