

Saint Joseph's College Old Boys' Association

Alumni Manager Election Bye-laws

for the Election of Nominee to Register as Alumni Manager

for the Purpose of Education Ordinance, Cap. 279

[Passed by resolution of the Executive Committee on 2 December 2013]

[Amended by resolution of the Executive Committee on 19 April 2021]

1. These Bye-laws are made pursuant to Article 72 of the Memorandum and Articles of Association of Saint Joseph's College Old Boys' Association ("**SJCOBA**") and shall apply to every election of nominee to register as alumni manager and every by-election of nominee to fill up the vacancy of the office of the alumni manager howsoever arises ("**Nominee**") of the Incorporated Management Committee ("**IMC**") of Saint Joseph's College ("**the School**") for the purpose of Education Ordinance, Cap 279 ("**the Ordinance**") to be held by the SJCOBA ("**Election**").
2. The Executive Committee of the Saint Joseph's College Old Boys' Association ("**the Executive Committee**") may decide whether or not to hold an Election at its sole discretion.

General Rule

3. At every Election that is contested:-
 - (a) a poll shall be taken of the electors;
 - (b) the voting at the poll shall be by secret physical ballot; and
 - (c) the Election shall be conducted in accordance with these Bye-laws.

Formation of the Election Sub-Committee and Appeal Committee

4. There shall be an Election Sub-Committee ("**ESC**") responsible for implementation of these Bye-Laws and to oversee the general conduct of the election proceedings.
5. The ESC shall consist of a Returning Officer /Convenor ("**Convenor**") and 2 members.
6. The Convenor must be a member of and elected by the Executive Committee and the members of the ESC ("**the ESC Members**") shall be appointed by the President of the SJCOBA after consultation with the Convenor. The Convenor and the ESC Members are not eligible to stand for an Election.
7. The ESC shall be formed within 28 days after the Executive Committee has decided to hold an Election.
8. There shall be an Appeal Committee consisting of 3 members to deal with any appeal against the result of an Election.

9. All members of the Appeal Committee must be members of and be elected by the Executive Committee. The Appeal Committee members are not eligible to stand for an Election.
10. The Appeal Committee shall be formed within 28 days after the Executive Committee has decided to hold an Election.
11. The Convenor and the ESC Members are not eligible to be elected as members of the Appeal Committee.
12. Any notice or publication required to be given or made by these Bye-laws may be given or made at the SJCOBA website only unless otherwise provided in these Bye-laws.

Timetable of the Election Proceedings

13. The ESC shall appoint a date for holding the Election within 28 days after its formation and shall notify all alumni (also known as old boys) of the School such date within 7 days thereafter by publication of notice at the SJCOBA website and once in the English language in either an English or Chinese newspaper circulating in Hong Kong. Further notices or publications regarding the Election, such as, without limitation, the number of vacancies for alumni manager, the eligibility, term of office and responsibilities of candidates, registration of voters, the method of nomination, the timetable of the Election including without limitation, the period of nomination, date of voting and counting, date of announcement of results and other relevant information, shall be at the SJCOBA website only to save advertisement expenses.
14. The period of nomination of candidates shall not be less than 2 weeks.
15. The Election shall take place at least 2 weeks after the closure of nomination of candidates.

Nomination of Candidate

16. All alumni or old boys of the School whose names are included in the Final Register of Voters established in the section Registration of Voters below (“**FRV**”) are eligible to nominate or to be nominated as a Candidate at an Election. “**Alumnus**” and “**Old boy**” shall mean any ex- pupil of Saint Joseph’s College who has studied in the said College, and/or its primary school section at the said College at 7 Kennedy Road, Hong Kong, for at least one Scholastic Year.
17. A Candidate must be nominated by a Proposer and seconded by a Secunder. The names of both the Proposer and the Secunder must be included in the FRV. Each Old boy, in his capacity either as Proposer or Secunder, can nominate a maximum of 2 Candidates. For the purpose of these Bye-laws and the Election Guidelines (defined below), “**Candidate**” includes a person who has publicly declared an intention to stand for an Election, or such an intention could be inferred, at any time before the close of nominations for the Election, whether or not he has submitted a Nomination Form (defined below).

18. An Old boy should not be nominated in the event of the following situations, namely, he is a serving teacher of the School (because teachers can join the IMC in the capacity of teacher managers), or he does not meet the registration requirements of managers set out in section 30 of the Ordinance.
19. An intended Candidate shall complete the Nomination Form as prescribed together with such declaration(s) and personal information as may be required by the ESC and submit it to the ESC before a date to be specified by the ESC. Without limiting the generality of the above, a Candidate shall submit with his Nomination Form his written confirmation that his nomination to the IMC for registration as an alumni manager of the IMC of the School does not infringe s40AL(5) [serving the IMC in more than one capacity], s40AP(6) [not a teacher of the School] and he meets all the registration requirements of an alumni manager in that none of the grounds of refusal under s30 of the Ordinance applies to him or would apply to him for the full term of office as such alumni manager if so elected and registered.
20. Nomination submitted after the specified date or without any of the required documents or information specified hereinabove will be invalid for the purpose of the relevant Election.
21. If an Election is a contested one, the ESC shall assign a candidate number to each Candidate by drawing lots and publish, at the SJCOBA website only, a notice to all Old boys setting out and/or attaching a Candidate List, with the names, personal information of the Candidate(s), election process and/or procedures and time-table of the Election not less than 7 days before the Election day.
22. If no one is nominated, the SJCOBA may, in its entire discretion, consider extending the deadline of nomination, or conducting the Election again after a lapse of a reasonable time.

Registration of Voters

23. Only registered voter whose name is included in the Final Register of Voters (“**FRV**”) is entitled to vote at an Election. Such person is hereinafter referred as “**Voter**”.
24. The ESC shall appoint a period of not less than 28 days (“**Registration Period**”) for Old Boys to apply to the ESC to be registered as a Voter. The ESC shall publish notice of the appointment at the SJCOBA website with detail information as to the registration procedure and requirements.
25. All Old Boys are eligible to apply to be registered as a Voter. Notwithstanding anything to the contrary, all SJCOBA Members (except Associate Members) who have provided the SJCOBA with their full name and Hong Kong Identity Card or other identification document numbers before the expiration of the Registration Period are automatically registered as a Voter without further application. Any Old boy admitted as a member of the SJCOBA during the Registration Period shall still be required to apply to the ESC to be registered as a Voter unless where he satisfies the requirement for automatic registration as a Voter.

26. The ESC may at any time at its discretion seek verification of identity, name and year of graduation /leaving school from any SJCOBA Member and/or Old boy in case of any doubt arising from similar, incomplete or inaccurate names or year of graduation /leaving school. The ESC may refuse to register the Old Boys/ SJCOBA Members who fail to comply with reasonable requests for such verification as a Voter or remove that person from the Register of Voters, whether Provisional or Final.
27. The ESC shall register the Old Boys who have complied with the registration procedure and requirements as a Voter.
28. The ESC shall not entertain any application for registration if the application is not made within the Registration Period.
29. The ESC shall publish a Provisional Register of Voters (“**PRV**”) listing out the names and year of graduation /leaving school of the Voters by the date of publication within 14 days after the closure of the Registration Period (“**the Cut-Off Date**”).
30. Any Old boy who is of the opinion that his name should be but is not on the PRV shall within 14 days after the publishing of the PRV inform the ESC of the same in writing. The ESC shall make an investigation, with or without hearing the relevant Old boy, as it thinks fit and if it is satisfied that the person is an Old Boy and has applied to register as a Voter during the Registration Period or he is a SJCOBA Member who satisfies the requirement for automatic registration as a Voter as on the Cut-Off Date, the ESC shall rectify the PRV accordingly. The decision of the ESC shall be final.
31. The ESC shall not entertain any complaint not made within time as stated hereinabove.
32. The ESC shall within 28 days after the publication of the PRV (i) publish the FRV listing out the names and year of graduation /leaving school of all Voters; and (ii) specify the venue and time of the Election and counting of votes. Notwithstanding anything to the contrary, the FRV may be published on the SJCOBA website and/or in print versions thereof for use at the Election in 2 or more parts containing in substance (1) Old boys who are already on the register of SJCOBA Members and have satisfied the requirement for automatic registration as Voters and (2) additional Old boys who are not SJCOBA Members and have satisfied the requirement for registration as Voters.
33. Old boys registered as Voters under the FRV for one Election need not re- register for subsequent Elections unless he has a change of name or identification document.

Election Rules

34. The ESC may, for the purpose of an Election, designate one or more places as:
 - (a) polling station,
 - (b) ballot sorting and counting station, and
 - (c) no canvassing zone.
35. Apart from voting in person, the ESC may at its sole discretion allow other additional/alternative methods of voting including but not limited to electronic voting and voting by mail.
36. The following shall be prohibited in no canvassing zone on the Election day, namely, anything which may promote or prejudice the election of a Candidate or Candidates at the Election including but not limited to canvassing of votes, staying or loitering, use of sound amplifying system or device, or in which sound or noise of any canvassing activity from outside the no canvassing zone could be heard.
37. No person shall, on the Election day, in the no canvassing zone or in the polling station, display or wear any clothing, headwear, badge or emblem which may promote or prejudice the election of a Candidate or Candidates at the Election, or move therein otherwise than in accordance with the directions and flow as prescribed by the ESC.
38. No one shall, on the Election day, communicate with a Voter, and vice versa, by whatever means whilst the Voter is within the polling station, except for the ESC and its authorized persons and except with the express permission of the ESC for official business of the Election. .
39. No one shall, on the Election day, take film or take photographs or make any audio or video recordings within the polling station.
40. If a person misconducts himself or herself on the Election day, whether in or from outside the no canvassing zone, or in the polling station, the ESC or any of its authorized persons shall be entitled to order that person to stop the misconduct and/or to leave immediately, and if necessary, to make a report to the Hong Kong Police for assistance in stopping the misconduct and/or removing that person. Where a person leaves on his or her own accord or is so removed, that person shall not be allowed to return for the rest of the Election day.
41. The Election Guidelines at Appendix I of these Bye-Laws (“**Election Guidelines**”) shall govern every Election. The ESC may at any time give such directions as it considers necessary or desirable for securing the Election be conducted in a just, expeditious and economical manner (“**the Directions**”). The Directions must be in writing and provided to all Candidates of an Election.
42. All Candidates, and all persons, whether or not Alumni or Old boys, promoting the election of any Candidate, must observe and abide by these Bye-laws, the Election Guidelines and the Directions.

43. Any Candidate who infringes these Bye-laws or the Election Guidelines or the Directions, or is the subject of promotion by any such infringement by any person, may be disqualified for the relevant Election and all votes casted in his favour shall be regarded null and void but without prejudice to the other results of the Election.
44. All complaints in relation to infringement of these Bye-laws or the Election Guidelines or the Directions, shall be in writing and made to the ESC before the announcement of the results of an Election. No complaint shall be entertained by the ESC after the announcement of the results.
45. The ESC shall be entitled to, on its entire discretion, deal with any possible misconduct or contravention of these Bye-laws or the Election Guidelines or the Directions, whether upon complaint or on its own motion, in such a way as it deems fit and take such action as it deems fit including but not limited to disqualifying a Candidate to stand for the Election involved. The decision of the ESC is final.
46. The ESC shall submit its confidential report to the Executive Committee of the SJCOBA on all actions it took by virtue of paragraph 44 hereinabove together with the cause and reason for the same (“**ESC Report**”) within 7 days after the announcement of the results of the Election. The ESC Report shall not by itself affect the results of the relevant Election and shall only be for the internal reference of the SJCOBA in holding future Elections, but in the event of an Appeal on the results of the Election, the Appeal Committee shall be entitled to call for the ESC Report from the Executive Committee of the SJCOBA which shall be entitled to release the same to the Appeal Committee.

Election Process

47. In case of physical voting, a ballot is to be issued to the Voter who attends the venue of the Election personally during the time specified by the ESC and have his identification verified by presentation of his Hong Kong Identity Card or other identification document submitted on registration as Voter. There shall be no re-issuance of ballot for whatever reason unless in exchange for a spoilt or void ballot.
48. Notice of the time and venue where the votes are to be counted shall be put up at a conspicuous place in the vicinity of the voting boxes.
49. At an Election, the Voters may vote for not more than the number of Nominee(s) to be returned.
50. The ESC shall ensure that the voting boxes and the ballots therein are free from tampering.
51. The vote counting shall be conducted in public by the ESC Members and those persons under their authorization.
52. Only those ballots which are (i) placed into the specified voting boxes during the time specified by the ESC, (ii) properly marked in accordance with the instructions given by the ESC and accepted by the ESC as a valid ballot shall be counted in the Election.

53. The ESC shall declare the following as an invalid ballot and not to be counted in the Election: (i) blank ballots; (ii) a ballot voting for more than the number of Nominee(s) to be returned; (iii) a ballot which contains anything marked by the voter that reveals the identity of the voter; or (iv) a ballot which contains anything other than a mark or marking allowed.
54. If more than one Nominee is to be returned, the Candidates to be elected are those who obtain the greatest number of votes at the Election and then the next greatest and so on until the required number of Nominee(s) is elected.
55. Should any additional/alternative methods of voting be allowed, directions which are necessary and appropriate for the purpose of conducting such voting in a fair and transparent manner may be given by the ESC.
56. If, after the counting of votes in respect of the Election is finished, a Nominee is still to be returned and the most successful Candidates or the most successful Candidates remaining (as the case may be) have an equal number of votes, the ESC shall determine the result of the Election by drawing lots. The person on whom the lot falls shall be returned as elected.
57. The ESC shall within 24 hours after determining the results of the Election, announce the results of the Election at the SJCOBA website, stating the number of ballots issued, the number of ballots returned, the number of ballots exchanged for spoilt or void ballots, the number of votes obtained by the respective Candidates and the number of invalid ballots.
58. The ESC shall, after the announcement of the results of the Election, put all ballots, whether valid or invalid ones, into an envelope and seal the same. The envelope shall be handed over to either the President, Vice- President, Secretary or Legal Adviser of the SJCOBA, in descending order of priority, who is not a Candidate of the Election for safe keeping. The ESC shall be dissolved after it has submitted the ESC Report.
59. The successful Candidate shall within 7 days after the announcement of the results of the Election, provide a statutory declaration to the Executive Committee of the matters covered under his written confirmation submitted with his Nomination Form.
60. The Executive Committee shall, if no Appeal is received by the Appeal Committee after expiration of the Appeal Period (defined below), nominate to the IMC of the School the successful Candidate as the Nominee to register as its alumni manager for the purpose of the Ordinance.

Appeal

61. Only an unsuccessful Candidate is entitled to lodge an objection or appeal in respect of the results of an Election, and the only ground for this must be based on a complaint against infringement of these By-laws or the Election Guidelines or the Directions ("**the Appeal**").
62. An Appeal must be lodged, together with written Grounds of Appeal (accompanied by all relevant supporting particulars and evidence), to the Appeal Committee within 7 days ("**the Appeal Period**") after the announcement of the results of the Election.
63. No Appeal shall be entertained unless it is brought within the Appeal Period and the Appeal Committee is of the reasonable opinion that the outcome of the appeal will materially affect the results of the Election.
64. If the Appeal Committee entertains the Appeal, it shall deal with the Appeal in such manner as it directs and at its sole discretion including but not limited to, taking evidence from the appellant, other Candidates and/or any person (whether or not a Voter), considering the ESC Report, dismissing or allowing the Appeal, disqualifying any Candidate, declaring the results of the relevant Election void, declaring that the appellant and/or any other unsuccessful Candidate shall be deemed elected in the relevant Election, and/or ordering a fresh Election.
65. The Appeal Committee must determine an Appeal and inform the appellant and other Candidates of the outcome within 28 days after the lodging of the Appeal. The determination of the Appeal Committee shall be final.
66. The Appeal Committee shall be dissolved after expiration of the Appeal Period or after it had determined all Appeals whichever is later.

Filling of casual vacancies

67. If an alumni manager vacancy arises as a result of an alumni manager resigning during his term of office or arises by any other reason, the SJCOBA shall conduct a by-election in the same manner to elect another alumni manager to fill the vacancy within three months. If the SJCOBA cannot conduct the by-election in time, the SJCOBA shall apply to the IMC on good grounds for further extension of the period for filling the vacancy.

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Appendix I

Election Guidelines

Definition

In this Guidelines, unless the context otherwise requires –

Election shall have the meaning defined in the Bye-laws.

Election Advertisement (EA) includes:

- (a) a publicly exhibited comment, notice, leaflet, circular, bill, booklet, placard or poster; or
- (b) a comment, notice, leaflet, circular, bill, booklet, placard or poster delivered by hand, electronic transmission or by any media; or
- (c) a public announcement made by radio or television or by video or cinematographic film or by internet or similar network; or
- (d) any other form of publication, published for the purpose of promoting or prejudicing the election of a candidate or candidates at the election.

Candidate shall have the meaning defined in the Bye-laws.

Publish means print, display, exhibit, distribute, post up, publicly announce or make publicly known by any other means, and include continue to publish. Any person who authorizes the publication of an EA is taken to have published the EA. Publication shall be construed accordingly.

Election expenses means expenses incurred or to be incurred, before, during or after the election period, by or on behalf of the candidate for the purpose of-

- (a) promoting the election of the candidate; or
- (b) prejudicing the election of another candidate,

and includes the value of election donations consisting of goods and services used for that purpose.

Guidelines

1. No Candidate shall act in any way to affect a person's candidature or voting preference by bribery, force, duress, deception or any other corrupt conduct. Candidature includes standing as candidate, not standing as a candidate, or withdrawal of nomination. Voting preference includes voting for a Candidate, not voting for a Candidate, voting or not voting at an Election.

2. It will be a corrupt conduct if a person:
 - (a) offers an advantage to another person as an inducement or reward to affect his candidature or for not using his best endeavours to promote his election;
 - (b) offers an advantage to another person as an inducement or reward to affect the candidature of a third person or get the third person not to use his best endeavours to promote his election;
 - (c) solicits or accepts an advantage from another person as an inducement or reward to affect the candidature of himself or for not using his best endeavours to promote his election; or
 - (d) solicits or accepts an advantage from another person as an inducement or reward to affect the candidature of a third person or get the third person not to use his best endeavours to promote his election.
 - (e) uses or threatens to use force or duress against another person to affect the candidature or voting decision of that person or of a third person.
 - (f) uses deception to induce another person to affect the candidature of that person or a third person, to vote or not to vote at an election, or to vote or not to vote for a particular candidate at an election.
 - (g) defaces or destroys a completed or partly completed nomination paper with intent to prevent or obstruct another person from standing for election.
 - (h) offers an advantage to induce any person to vote or not to vote at an election, or to vote or not to vote for a particular candidate at an election.
 - (i) solicits or accepts an advantage from another person as an inducement or reward to vote or not to vote at an election, or to vote or not to vote for a particular candidate at an election.
3. A Candidate must not publish any statement that a candidate is no longer a candidate at an election if he is a candidate, or that another person who has been nominated as a candidate is no longer a candidate at the election, or that he or another person is a candidate at an election, knowing that the statement is false.
4. A Candidate must not publish any materially false or misleading statement of fact about himself or another candidate or other candidates for the purpose of promoting the election of himself or prejudicing the election of another candidate or other candidates. It should be noted that materially false or misleading statements about a candidate or candidates include, but are not limited to, statements concerning the character, qualifications or previous conduct of the candidate or candidates to promote or prejudice the election of the candidate, for example, a person who makes a materially false or misleading statement of fact, thereby calling into question the integrity and honesty of that candidate.
5. A Candidate must not take part in any activity that is likely to give rise to criticism and allegation of malpractices and should abide by the principle of fairness in election.

6. A Candidate must not state overtly or covertly the support of any person or organisation in any campaign activities, especially in the campaign literature before written consent has been obtained.
7. A Candidate must not at any time, whether at election meetings or otherwise, provide or meet all or part of the cost of providing another person any food, drink or entertainment for the purpose of influencing any person's voting preference, namely, to vote or not to vote at an election, or to vote or not to vote for a particular candidate at an election.. An election meeting is any meeting held to promote or prejudice the election of a particular candidate or particular candidates.
8. A Candidate shall not incur more than HK\$20,000 as his election expenses for the Election. All the costs and expenses incurred by the Candidate or on his behalf for the Election from the time the Candidate submits his nomination form or publicly declares his intention to stand as a candidate, or such an intention could be inferred, whichever is earlier until the determination of all Appeals from the Election shall count towards election expenses. The cost of removal of EA will also be construed as election expenses.
9. The Candidates must declare their election expenses in the prescribed form and submit the same to the SJCOBA Executive Committee within 3 days after the expiration of the Appeal Period or the determination of all Appeals from the Election, whichever is later. A Candidate may apply to the SJCOBA Executive Committee for an extension of time to make the submission.
10. If a person publishes a document before he submits his nomination form or publicly declares his intention to stand as a candidate without promoting or prejudicing the election of a candidate or candidates at the election, the document will not be construed as an EA. On such basis, the expenditure incurred in the publication of such a document would not be counted as election expenses.
11. Materials published by any person, including a Candidate, for the purpose of promoting or prejudicing a candidate or candidates are treated as EAs, if reference or inference could be made from the materials to identify the candidate(s) being promoted or prejudiced. The Candidate who is promoted by the EAs shall remove all relevant EAs from all relevant media on which the EAs are published within 3 days after the expiration of the Appeal Period or the determination of all Appeals from the Election, whichever is later.
12. The reference of Candidate herein shall include all persons, whether or not Alumni or Old boys, promoting the election of any Candidate.