

**Referendum Procedure Ordinance,
The Student Union of The Chinese University of Hong Kong**

(Formulated in November 2015)

(Amended in February 2018)

Formulated by the Council.

Long Title:

To supplement Cap. 3 of the Constitution of The Student Union of The Chinese University of Hong Kong and stipulate operating procedures of CUSU referendums.

Chapter I: Preamble

1. Short Title and Chinese Title

This ordinance may be cited as “Referendum Procedure Ordinance”; the Chinese title of this ordinance is “全民投票程序章則”.

2. Interpretation

“This ordinance”	means	<i>Referendum Procedure Ordinance, The Student Union of The Chinese University of Hong Kong.</i>
“Council”	means	The Council of The Student Union of The Chinese University of Hong Kong.
“Referendum”	means	a referendum by The Student Union of The Chinese University of Hong Kong, or multiple referendums executed simultaneously by The Student Union of The Chinese University of Hong Kong.
“Executive Committee”	means	Executive Committee of The Student Union of The Chinese University of Hong Kong.
“Provisional Executive Committee”	means	The Provisional Executive Committee of The Executive Committee of The Student Union of The Chinese University of Hong Kong.
“President”	means	President of The Student Union of The Chinese University of Hong Kong, also known as President of the Executive Committee.
“Referendum Host”	means	the organization or person presiding over a referendum.
“Referendum Executive Agency”	means	the agency responsible for executing referendum procedures.
“RC”	means	the Referendum Committee.

“Full Member”	means	any Full Members of The Student Union of The Chinese University of Hong Kong.
“Official Language”	means	the official language defined in <i>The Constitution of The Student Union of The Chinese University of Hong Kong</i> .
“Referendum Initiator”	means	the one to five petitioners designated as initiators in the petition demanding a referendum signed by Full Members.
“Election”	means	the same as what “election” means in the <i>Election Ordinance</i> .
“Committee Members”	means	committee members of the referendum executive agency.

3. Scope of Application

This ordinance applies to referendums excluded in the *Election Ordinance, The Student Union of The Chinese University of Hong Kong*.

Chapter II: Holding, Execution and Petitions

4. Holding of Referendum

- (1) Except as otherwise provided, the Council shall preside over referendums and handle all related matters.
- (2) In case of any of the following circumstances, the President shall serve as the referendum host, preside over the referendum and handle all related matters. The President shall announce the related arrangements within three days upon his acknowledgement of serving as the referendum host.
 - (a) The President has received a petition which is signed by a sufficient or exceeding number of Full Members as stipulated in *The Constitution of The Student Union of The Chinese University of Hong Kong* and which demands a referendum voting for a motion to dismiss the entire Council;
 - (b) the President notes that a motion has been passed at the General Meeting, the Joint Conference, or the Council which shall put the motion stated in subparagraph (a) of this paragraph to a referendum.

5. Execution of Referendum

- (1) When the Council serves as the referendum host, the Council may appoint any organizations under the Council as the referendum executive agency.
- (2) In the name of the referendum host, the referendum executive agency shall enforce this ordinance and referendum procedures and shall ensure that a referendum is held properly.
- (3) After the Chairperson of The Council has received a petition —

- (a) The Council may, within five days, resolve to appoint a temporary organization named “The Referendum Committee of The Council of The Student Union of The Chinese University of Hong Kong” as the referendum executive agency in pursuance of Article 6; or
- (b) Should the Council has not passed the motion specified in subparagraph (a) above, and at that time —
 - i. election procedures are underway, the election executive agency at the time will automatically become the referendum executive agency.
 - ii. no election procedures are underway, the Election Committee of the Council will automatically become the referendum executive agency.
- (4) The referendum executive agency may appoint one committee member as the Referendum Director of a referendum. Should no committee member is appointed, the chairperson of the referendum executive agency shall serve as the Referendum Director.

6. The Referendum Committee

- (1) The Council may resolve to appoint the Referendum Committee to assist in holding a referendum in pursuance of Article 5.
- (2) As a temporary organization under the Council, the RC’s term of office commences upon the appointment by the Council and lasts until a week after the referendum results have been released.
- (3) The Chairperson of the RC shall submit a work report and a finance report to the Council within three months after the end of term of office of the RC.
- (4) The RC shall be formed by the following persons —
 - (a) (one) chairperson who shall be a Representative of the Council;
 - (b) (one) secretary who shall be elected by, and from among, the committee members excluding the chairperson;
 - (c) (at least four) other committee members who shall be Representatives or other Full Members appointed by the Council, but who shall include four Representatives of the Council.
- (5) RC meetings are to be convened by the chairperson at a time which he/she deems appropriate. The quorum is two thirds or more of the committee members, and the referendum advocate and members of the Executive Committee must be invited as attendees. If requested by half or more of the committee members, the chairperson shall convene the meeting within 48 hours.

7. Functions and Powers of the Referendum Executive Agency

- (1) The referendum executive agency is responsible for handling referendum affairs, including petitioning, voting, vote counting, promotion of supervision, and other related matters, in order to ensure that the referendum is held openly, fairly, and honestly.
- (2) Matters for which the referendum executive agency is responsible include (but are not limited to) —

- (a) bulletining the schedule of a referendum;
 - (b) formulating registration procedures of advocate acknowledgement;
 - (c) enacting regulations of advocacy activities, and monitoring the advocacy activities of the acknowledged advocates and their teams so as to ensure that the events comply with the regulations;
 - (d) formulating the promotion locations, promotion funding, and limits of promotion costs of the advocacy activities;
 - (e) enacting regulations to prohibit the acknowledged advocates from conducting fundraising events publicly.
- (3) The Council may, through a resolution, instruct the referendum executive agency to provide the documents as requested.

8. Submission and Processing of Petitions

- (1) A petition must include the following information to be valid —
 - (a) the full text of the referendum motion; and
 - (b) detailed explanations for the referendum motion (if any); and
 - (c) basic personal information and signatures of one to five referendum initiators; and
 - (d) basic personal information and signatures of petitioners.
- (2) In terms of Paragraph 1 of this Article, the “basic personal information” of referendum initiators or petitioners refers to —
 - (a) student identification number; and
 - (b) full name; and
 - (c) affiliated College, Department/Major Program, year of study (“College, Department, Year”); and
 - (d) phone number.
- (3) From the effective date of this ordinance onwards, all petitions demanding a referendum must be filled out in accordance with the format in Schedule 1 of this ordinance.
- (4) When counting the number of petitioners, the referendum initiators are also counted as petitioners.
- (5) A petition shall be submitted to the room of CUSU in person, received by a staff present in the room or delivered to the Chairperson of the Council in person. A petition shall be enclosed in a sealed manila envelope upon submission. The cover of the envelope shall clearly display the words “To: The Council of The Student Union of The Chinese University of Hong Kong” and “Petition Demanding for a Referendum”.
- (6) Apart from numbers, petitions shall be written in an official language. Referendum initiators or petitioners whose student identity cards do not have a Chinese full name are exempted from this requirement when filling in their full names. However, such information must match the records of the university.

- (7) In a petition, should there be severe errors or omissions with the basic personal information of the petitioners, the petition shall be removed.
- (8) Should the same petitioner signs more than once in a petition, the second and subsequent signatures will be nullified and shall be disregarded.
- (9) The referendum executive agency is responsible for processing and verifying all petitions. The referendum executive agency shall complete the verification within ten days after the Chairperson of the Council has received a petition.
- (10) Should the number of petitioners in a petition is not less than the number of Full Members for a referendum as stipulated in *The Constitution of The Student Union of The Chinese University of Hong Kong*, the referendum executive agency shall commence a referendum to vote on the motion specified in the petition. Meanwhile, the full text of the motion, detailed explanations (if any), the full names of referendum initiators, and the full names of petitioners shall be disclosed at the locations designated in Schedule 2 of this ordinance.
- (11) In terms of referendums requested in petitions by Full Members, the time limit for announcing the referendum details in Cap. 10 of *The Constitution of The Student Union of The Chinese University of Hong Kong* takes effect once the referendum executive agency makes the announcement in pursuance of Paragraph 10 of this Article.
- (12) Should the last day of the ten-day period specified in Paragraph 9 is a public holiday, it shall be postponed to the closest date that is not a public holiday.
- (13) In the period during which the Council has not appointed a referendum executive agency as yet, all procedures conducted by the Election Committee to verify petitions shall not be questioned for the reason that the committee is not appointed later on. Such procedures shall be regarded as valid as those conducted by an appointed referendum executive agency.
- (14) The basic personal information of referendum initiators or petitioners may be modified; such modifications shall be endorsed by a nearby signature of the initiator or petitioner to which the information refers. Should the modification does not have a nearby signature concerned, the modified information will be regarded as void.
- (15) A submitted petition (regardless of entirety or a section) shall not be modified or withdrawn.
- (16) In terms of this Article, modification refers to addition, deletion, and replacement.

Chapter III: General Regulations

9. Motions to Dismiss the Council

Whenever a motion or a motion proposal of a referendum involves dismissing the entire Council

- (a) Paragraphs 1 and 4 of Article 5 in this ordinance become inapplicable. The President shall then appoint RC as the referendum executive agency in pursuance of Paragraph 3 of Article 5;

- (b) in Articles, 5, 6 and 8 of this ordinance, references to “the Council” shall be regarded as references to “the Executive Committee”; references to “the Chairperson of the Council” shall be regarded as references to “the President”; references to a “Representative of the Council” shall be regarded as references to a “Standing Officer of The Executive Committee”.

10. Administrative Neutrality Principle

The referendum executive agency must abide by the administrative neutrality principle. The referendum executive agency and its members shall not publicly support or oppose a referendum motion and shall not publicize any comments on the content of the motion that is unrelated to their need of duty fulfilment.

11. Withdrawal from Administration

- (1) Should a member of the referendum executive agency believe that he/she is unable to act in accordance with Article 10 of this ordinance, the member may apply in writing to the referendum host for withdrawal from the meetings and decisions of the referendum executive agency.
- (2) When meetings of the referendum executive agency or the sections related to a referendum are being conducted, members permitted to withdraw are automatically removed from the total number of members in a quorum count.

Chapter IV: Advocacy Activities

12. Establishment and Registration of Advocate Acknowledgement

- (1) The referendum executive agency possesses the discretion to establish a system of advocate acknowledgement to regulate advocacy activities.
- (2) Only the following individuals or organizations have the right to register as acknowledged advocates of a referendum —
- (a) the Executive Committee and organisations under the Executive Committee;
 - (b) the organizations under the Council (except the referendum executive agency);
 - (c) affiliated clubs and societies of CUSU;
 - (d) the Executive Committees, the Councils (or organizations with the same functions and powers), or affiliated clubs or societies of Student Unions of constituent Colleges of The Chinese University of Hong Kong; or
 - (e) the referendum initiators of the referendum.
- (3) Detailed registration procedures of advocate acknowledgement are to be enacted by the referendum executive agency and announced along with the referendum details at the same time.

13. Functions and Powers of Acknowledged Advocates

- (1) Acknowledged advocates may receive promotional funding from the referendum executive agency. However, related applications shall be examined and approved by the referendum executive agency.
- (2) Acknowledged advocates may also request the referendum executive agency to borrow, on their behalf, promotional spaces or supplies on campus for the acknowledged advocates.
- (3) Acknowledged advocates shall submit a deposit of HK\$500 when their registration is approved. The deposit with all fines deducted shall be returned within a month after the referendum results have been announced.
- (4) Acknowledged advocates shall abide by the regulations of advocacy activities.
- (5) Acknowledged advocates shall submit a finance report to the referendum executive agency within three days after the referendum results have been announced. The report shall be reviewed by the referendum executive agency and shall list the promotion costs in detail.
- (6) In terms of this Chapter, promotional funding refers to any Student Union resources obtained from the budget of the Council in order to advocate support for or opposition against a referendum motion. Promotion costs refer to the financial costs of advocacy activities conducted by the acknowledged advocates.

14. Consultation Forum

The referendum executive agency shall have held a consultation forum twice before the voting period commences, and shall invite all acknowledged advocates to attend the consultation forums. The referendum executive agency must announce details of the consultation forums at the locations designated in Schedule 2 of this ordinance.

Chapter V: Voting**15. Voting Period**

- (1) The voting period shall be as stipulated in the announcements posted or published by the referendum executive agency at the locations designated in Schedule 2 of this ordinance.
- (2) The referendum executive agency may appoint Full Members as polling station staff members to assist in presiding at the polling station. However, polling station staff members shall not be acknowledged advocates or their advocacy members.
- (3) At each polling station, there shall be a polling station director who is a committee member appointed by the Referendum Director.

16. Voting Procedures

- (1) Voters shall present valid student identity cards in order to obtain ballot papers.
- (2) Voting is to be conducted anonymously.

- (3) In terms of this Article, the ballot paper number shall be recorded in order to prevent repeated voting. Such records shall not disclose the identity of the voter of the individual ballot paper, and shall not cause the vote to be regarded as conducted on a named basis.
- (4) Anyone without the polling station director's permission shall not take a ballot paper out of a polling station.

17. Ballot Papers

The referendum executive agency is to announce ballot formats and the definition of valid ballots and exhibit samples of valid ballots at the locations designated in this ordinance, prior to the commencement of the voting period. Such samples shall be exhibited at visible locations at each polling station.

18. Advocacy Activities During a Voting Period

Regulations for the advocacy activities during a voting period shall be passed and promulgated by the referendum executive agency. The referendum executive agency shall also notify each acknowledged advocates in writing regarding the regulations.

Chapter VI: Opening Ballot Box

19. Vote Counting

- (1) Vote counting is to commence within 24 hours after the voting period has ended, is to be openly conducted under the supervision of the University and student representatives, and shall be completed within 24 hours.
- (2) Vote counting arrangements (among which shall include the method, time, and venue of the vote counting) are to be announced three days before the referendum executive agency conducts the vote counting.
- (3) The referendum executive agency may appoint Full Members as vote counting staff members to assist in vote counting.
- (4) The commencement and termination of vote counting procedures are to be announced by the Referendum Director.
- (5) The referendum executive agency shall post or publish bulletins of the vote counting results at the locations designated in Schedule 2 of this ordinance after the vote counting has terminated.

20. Adjudication of Problematic Ballot Papers

The validity of all problematic ballot papers shall be adjudicated by the Referendum Director as the final decision.

21. Referendum Result Appeals

Full Members may file appeals against the results of a referendum. Appeal letters shall be filed in the manner specified by the referendum executive agency within three days after the referendum results have been announced. Late appeals shall be disregarded.

Chapter VII: Complaints**22. Complaint Procedures**

- (1) Apart from the appeals against referendum results, all complaints must be filed to the referendum executive agency in writing and shall display evidence and complainants' names and signatures clearly.
- (2) The referendum executive agency shall commence processing of a complaint within 48 hours upon receipt and shall make a ruling within 24 hours after commencing the processing of the complaint.
- (3) The referendum executive agency shall post or publish the verdict at the locations specified in Schedule 2 of this ordinance.
- (4) Complainants unconvinced by the referendum executive agency's ruling may file an appeal to a judiciary stipulated in *The Constitution of The Student Union of The Chinese University of Hong Kong*; such appeals shall be final.

Chapter VIII: Enabling Provisions**23. Interpretation of This Ordinance**

The judiciary stipulated in *The Constitution of The Student Union of The Chinese University of Hong Kong* possesses the right of final interpretation of this ordinance.

24. Amendment of This Ordinance

Amendment bills of this ordinance or other bills sought to amend this ordinance are to be passed at a Council Meeting and to take effect from the promulgation date onwards.

25. Conflicts with the Constitution

Should this ordinance conflict with *The Constitution of The Student Union of The Chinese University of Hong Kong*, the latter shall prevail.

26. Commencement

This ordinance was passed on 26th November, 2015 (passed at the Fourth General Meeting of the 45th Council) with immediate effect.

(Note: The amendment of this ordinance was passed at the Sixth General Meeting of the 47th Council on 14th February, 2018 with immediate effect.)

**Referendum Procedure Ordinance,
The Student Union of The Chinese University of Hong Kong
Schedule 1
Petition Demanding a Referendum
(Page 1)**

Privacy Disclaimer

[In Pursuance of Personal Data (Privacy) Ordinance, Cap. 486 of Hong Kong Legislation]

- The information on this form is collected for the purpose of enforcing the *Referendum Procedure Ordinance, The Student Union of The Chinese University of Hong Kong* by The Council of The Student Union of The Chinese University of Hong Kong (data collector).
- If required by the *Referendum Procedure Ordinance, The Student Union of The Chinese University of Hong Kong*, the information collected on this form may be accessed by other organisations in The Student Union of The Chinese University of Hong Kong.
- Should any petitioners refuse to report the personal information concerned, the Union shall not process the petition concerned.
- Any persons signing this document consents to posting or publishing his or her personal information reported on this document at the locations designated in Schedule 2 of the *Referendum Procedure Ordinance, The Student Union of The Chinese University of Hong Kong*.
- Data subjects possess the right to request to confirm the keeping of, to access, or to modify the data. However, data subjects shall not exert any influence on executing *Referendum Procedure Ordinance, The Student Union of The Chinese University of Hong Kong*.

*Full text of the referendum motion: (**must** be written on every page)*

Detailed explanations for the referendum motion: to be attached separately if any

One to five referendum initiators (also counted as petitioners)

No.	Full Name	Student ID	College, Department, Year	Phone No.	Signature

Petitioners No. 1-2

No.	Full Name	Student ID	College, Department, Year	Phone No.	Signature

**Referendum Procedure Ordinance,
The Student Union of The Chinese University of Hong Kong
Schedule 2
Designated Locations for Posting or Publishing Bulletins**

Related bulletins shall be posted or published at the following locations to be regarded as legally binding. Bulletins posted elsewhere shall not be regarded as bulletins which are legally binding:

- Notice board of the Council at Benjamin Franklin Centre
- Exhibition boards managed by the Executive Committee or the Provisional Executive Committee at the bulletin boards at the entrance of Benjamin Franklin Centre
- Bulletin boards or exhibition boards managed by the Student Unions of constituent Colleges of The Chinese University of Hong Kong
- Newsletters of The Student Union of The Chinese University of Hong Kong
- Websites managed by The Student Union of The Chinese University of Hong Kong
- Website of The Council of The Student Union of The Chinese University of Hong Kong
- Official publications by The Council of The Student Union of The Chinese University of Hong Kong
- Publications of The Council of The Student Union of The Chinese University of Hong Kong
- Mass e-mails issued sent by The Council of The Student Union of The Chinese University of Hong Kong

Note: The English Translation is for reference only.