

HKMA David Li Kwok Po College Parent-Teacher Association  
Procedure for Election of Parent Manager of the Incorporated Management Committee

(September 10, 2007)

The Procedure for Election of Parent Manager of the Incorporated Management Committee (the Election Procedure) of the HKMA David Li Kwok Po College (the College) is established by the HKMA David Li Kwok Po College Parent-Teacher Association (PTA) in accordance with the 'Guide for Parent Manager Election' (the Guide), the Education Ordinance (the Ordinance) and the 'Ethical Conduct Required in the Parent Manager Election' (the Ethical Conduct). PTA shall assign a Returning Officer and an election committee (EC) to conduct the Parent Manager Election (the Election), in accordance with this Election Procedure. The PTA shall nominate the parents elected to the IMC as the Parent Manager and the Alternate Parent Manager of the College.

### **1. Definition of Parents**

- 1.1 A parent in relation to a student includes a parent, guardian, and / or a person who is not the parent or guardian of the student but has the actual custody of the student.

### **2. The Candidature**

- 2.1 Candidates should be parents of current students;
- 2.2 A parent should not be nominated in the event of the following situations:
  - 2.2.1 He / she is a current staff of the College;
  - 2.2.2 He / she does not meet the registration requirements of managers set out in Section 30 of the Ordinance.
- 2.3 He / she should not be a manager of the IMC in any other capacity;
- 2.4 He / she should not participate in any other election of manager of the IMC at the same time.

### **3. Number and Tenure**

- 3.1 As specified in the constitution of the IMC, the number and tenure of office of Parent Manager:
  - 3.1.1 As set out in Section 5.1 (c) of the constitution, should be one Parent Manager and one Alternate Parent Manager;
  - 3.1.2 As set out in Section 6.2 (c) of the constitution, the term of office for the Parent Manager and the Alternate Parent Manager should be one year. All terms shall commence on the date on which the manager concerned is registered as being a manager.

- 3.2 The Parent Manager and the Alternate Parent Manager should not serve as a manager of the same category for more than five consecutive terms.

#### **4. Returning Officer**

- 4.1 Not less than thirty days before the Election, PTA shall appoint a Returning Officer. He / she may be a staff member of the College, or elected amongst the office-bearers of PTA;
- 4.2 He / she must not be a candidate for the Election;
- 4.3 He / she shall only be responsible for:
  - 4.3.1 Monitoring, verifying and approving the nominations;
  - 4.3.2 Issuing ballot papers, registering and counting the votes;
  - 4.3.3 Confirming the results of the Election.

#### **5. Election Committee**

- 5.1 Not less than thirty days before the Election, PTA shall appoint members to form an EC;
- 5.2 Members of EC must not be candidates for the Election;
- 5.3 EC should be formed by either five members (three parents and two staff members of the College) or three members (two parents and one staff member of the College). The Returning Officer can be one of the EC members;
- 5.4 EC shall be responsible for:
  - 5.4.1 Working out the election procedures;
  - 5.4.2 Assisting the Returning Officer in executing his / her duties;
  - 5.4.3 Handling enquiries and complaints in connection with the Election.

#### **6. Nomination**

- 6.1 The Returning Officer should issue a letter informing all parents of the election of parent manger including:
  - 6.1.1 Number of Parent Manager vacancies;
  - 6.1.2 Period and method of nomination;
  - 6.1.3 Date, time and location of voting, counting session and results announcement;
  - 6.1.4 Eligibility and responsibilities of candidates;
  - 6.1.5 A nomination form should be enclosed.
- 6.2 A parent may nominate oneself or other parents to stand for the Election. The maximum number of nominees that each parent can nominate is one;
- 6.3 The period of nomination should be within seven to fourteen days after the Returning Officer has issued the letter;

- 6.4 The Returning Officer shall verify the eligibility of the candidates and confirm whether they are willing to stand for the Election or not. Then the Returning Officer shall issue a list of candidates;
- 6.5 If there is only one candidate or no one is nominated, PTA may consider extending the deadline of nomination or conducting the Election again after a lapse of some time. If there is only one candidate, PTA may consider conducting the Election.

## **7. Candidates' Information**

- 7.1 Each nominated candidate should supply a brief statement of his / her personal information to the Returning Officer within the number of words as required by the Returning Officer;
- 7.2 Not less than seven days prior to the Election, the Returning Officer should issue another letter to all parents listing the names of the candidates. The brief introductory statements of the candidates including their declarations may be attached. The letter should also explain the procedures and the timetable of the Election;
- 7.3 The Returning Officer should guard against the risk of incurring any legal liability in publishing those statements.

## **8. Electors' Eligibility**

- 8.1 All parents of current students of the College are eligible to vote;
- 8.2 A teacher of the College who is the parent of a current student also has the right to vote;
- 8.3 Every eligible elector has equal voting right;
- 8.4 Every parent should vote individually and should have only one vote irrespective of the number of children the parent has at the College;
- 8.5 Every student shall be handed two ballot papers, which must be given to their parents. On request, one of the two ballot papers may be given to the guardian of the student or the person who has the actual custody of the student.

## **9. Procedures**

- 9.1 The period between the date of voting and the deadline of nomination should be at least two weeks;
- 9.2 Voting method:
  - 9.2.1 To ensure a fair election, voting should be conducted by secret ballot. Electors are not allowed to include their names or any other marks of identification on the ballot paper and should not let the other electors see whom they have voted for;

- 9.2.2 A ballot box shall be set up in the College. It should be locked and the key should be kept by the Returning Officer;
  - 9.2.3 If parents are requested to vote in person in the College, the Returning Officer should inform all parents in advance of such arrangements and specify clearly the voting methods, date, time and venue of the voting;
  - 9.2.4 If parents are allowed to ask their children to return their ballot papers to the class teachers, the Returning Officer should provide specified envelopes for ballot papers under seal before bringing them to the College;
  - 9.2.5 The Returning Officer may also specify any other means of returning the ballot papers, such as by post or in person;
  - 9.2.6 Completed or blank ballot papers should be returned to the College. The College should record those parents who have submitted the ballot papers and then arrange to put them in the ballot box.
- 9.3 Counting of Votes:
- 9.3.1 EC should arrange a counting session and invite all parents, candidates and staff members of the College to attend and witness;
  - 9.3.2 The representative (s) of PTA and the College, the Returning Officer as well as Principal should also participate in witnessing the counting process;
  - 9.3.3 The Returning Officer should be responsible for the counting process. He / She must make sure all ballot papers have been poured out from the ballot box before counting starts;
  - 9.3.4 A ballot paper will be deemed to be invalid if:
    - 9.3.4.1 the number of candidates marked on the ballot paper exceeds the number that is allowed;
    - 9.3.4.2 the ballot paper has not been marked properly;
    - 9.3.4.3 the ballot paper is marked in such a way that the identity of the elector can be distinguished.
  - 9.3.5 PTA shall nominate the candidate who obtains the greatest number of votes for registration as the Parent Manager, and the candidate who obtains the next greatest number of votes for registration as the Alternate Parent Manager;
  - 9.3.6 When two or more candidates obtain the same number of votes, the Returning Officer, witnessed by representatives of PTA and the Principal, shall draw lots to determine the successful candidate;
  - 9.3.7 After the conclusion of Election, the Returning Officer should put all the cast ballot papers in an envelope, which will then be signed and sealed by him / her and the representatives of PTA and the College. The envelope and cast ballot papers should be kept by PTA for at least six months;
- 9.4 Announcing Results:

- 9.4.1 The Returning Officer may issue a letter informing all parents of the Election results;
- 9.4.2 Candidates may, within one week of the announcement, appeal to PTA in writing together with the reasons. Under this situation, PTA should appoint an Appeals Committee which consists of three members. The Appeals Committee should give a report to PTA within two weeks. PTA shall then call for a Committee meeting to decide, by voting, whether the results of the Election have been affected, and whether reelection is needed.
- 9.4.3 The PTA should nominate to the IMC the parents elected as the parents manager and the Alternate manager of the College. The IMC shall then apply to the Permanent Secretary the registration of the elected parents as school managers.

#### **10. Filling of Casual Vacancies**

- 10.1 If a Parent Manager or Alternate Parent Manager whose child, or the student under his / her custody, is no longer a current student of the College during his / her term of office, he / she shall continue to be the manager until the term of office expires or the end of the school year, whichever is the earlier;
- 10.2 If a Parent Manager or Alternate Parent Manager vacancy arises as a result of his / her resignation during term of office, PTA shall conduct a by-election in the same manner to elect another Parent Manager to fill the vacancy within two months. If PTA cannot conduct the by-election accordingly, the IMC shall apply on good grounds to the Permanent Secretary for further extension of vacancy period.

The English version of this Election Procedures is for reference only. In the event of discrepancies between the Chinese and English versions, the Chinese version shall prevail.

## Education Ordinance

## Provisions relating to Election of Parent Managers

Section	Content
30	<p>The Permanent Secretary may refuse to register an applicant as a manager of a school if it appears to the Permanent Secretary that —</p> <ul style="list-style-type: none"> <li>• the applicant is not resident in Hong Kong for at least 9 months in each year;</li> <li>• the applicant is not a fit and proper person to be a manager;</li> <li>• the applicant is a person in respect of whom a permit to teach has previously been cancelled;</li> <li>• the applicant is under the age of 18 years;</li> <li>• the applicant has attained the age of 70 years and he fails to produce a valid medical certificate certifying that he is physically fit to perform the functions of a manager;</li> <li>• the applicant is under the age of 70 years and he fails to produce, upon a request by the Permanent Secretary, a valid medical certificate certifying that he is physically fit to perform the functions of a manager;</li> <li>• in making or in connection with any application — <ul style="list-style-type: none"> <li>(i) for registration of a school;</li> <li>(ii) for registration as a manager or a teacher; or</li> <li>(iii) to employ a person as a permitted teacher in a school,</li> </ul> the applicant has made any statement or furnished any information which is false in any material particular or by reason of the omission of any material particular;</li> <li>• the applicant is a bankrupt within the meaning of the Bankruptcy Ordinance (Cap. 6) or has entered into a voluntary arrangement under that Ordinance;</li> <li>• the applicant has previously been convicted in Hong Kong or elsewhere of a criminal offence punishable with imprisonment; or</li> <li>• the applicant has been registered as a manager of 5 or more schools.</li> </ul>
40AL	<ul style="list-style-type: none"> <li>• For an IMC school with a recognised PTA, at least one parent manager shall be provided.</li> <li>• If the school is a bi-sessional school, and a PTA is recognised for each session separately, at least one parent manager shall be provided for each session.</li> <li>• If there is only one parent manager for a school, one alternate parent manager shall be provided. If the school is a bi-sessional school, and there is only one parent manager for each session, one alternate parent manager shall be provided for each session separately.</li> </ul>
40AO	<ul style="list-style-type: none"> <li>• The IMC may recognise one body of persons as recognised PTA, but its constitution shall specify only the following persons— <ul style="list-style-type: none"> <li>(i) parents of current pupils of the school; or</li> <li>(ii) serving teachers of the school</li> </ul> may become office-bearers of the body.</li> </ul>

Section	Content
	<ul style="list-style-type: none"> <li>• Parent manager election and alternate parent manager election shall be conducted by the recognised PTA.</li> <li>• A recognised PTA may nominate such number of persons for registration as parent manager or alternate parent manager of the school as may be provided for in the constitution of the IMC of the school.</li> <li>• The system of election shall be fair and transparent.</li> <li>• A candidate must be a parent of a current pupil of the school.</li> <li>• A candidate must not be a teacher of the school.</li> <li>• In the election, all parents have equal voting right and right of candidature.</li> <li>• The voting for the election shall be conducted by secret ballot.</li> </ul>
40AS	<ul style="list-style-type: none"> <li>• A parent manager and an alternate parent manager shall be elected in the same manner for nomination for registration as a manager.</li> </ul>
40AU	<ul style="list-style-type: none"> <li>• The person who fills the vacancy of parent manager shall be nominated for registration as a manager in the same manner as the manager who ceased to hold the office concerned.</li> </ul>
40AV	<ul style="list-style-type: none"> <li>• If a parent manager ceases to be a parent of a current pupil of the school, his term of office as a manager shall continue until its expiry or the end of the school year, whichever is the earlier.</li> </ul>
40AX	<ul style="list-style-type: none"> <li>• On the ground that a manager is not suitable to continue to hold office, the recognised PTA of a school may pass a resolution, in a manner which is similar to the manner in which the manager concerned is elected, and make a written request to the IMC to cancel the registration of the manager. The IMC shall, upon receiving the request, issue a notice in writing to the Permanent Secretary as regards the cancellation of the registration of the parent manager.</li> </ul>

**Ethical Conduct Required in the Parent Manager Election**

**Nomination of Candidates**

1. Do not offer any advantage to get any person to stand or not to stand as a candidate.
2. Do not offer any advantage to get any person having been nominated as a candidate to withdraw his candidature.
3. Do not offer any advantage to get any candidate's not using his best endeavours to promote his candidature.
4. Do not solicit or accept any advantage for any person's standing or not standing as a candidate.
5. Do not solicit or accept any advantage for any person's withdrawal of his candidature.
6. Do not solicit or accept any advantage for any candidate's not using his best endeavours to promote his candidature.
7. Do not use or threaten to use force or duress to induce any person to stand or not to stand as a candidate, or to withdraw his candidature.
8. Do not induce by deception, any person to stand or not to stand as a candidate, or to withdraw his candidature.

**Electioneering**

1. Do not make any materially false or misleading statement of fact including but not limited to the character, qualifications or previous conduct of a candidate or candidates.
2. Do 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.
3. Do 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.

**Voting**

1. Do not offer any advantage to induce any person not to vote at an election.
2. Do not offer any advantage to induce any person to vote or not to vote for a particular candidate at an election.
3. Do not provide or pay for the provision of any food, drink or entertainment as an inducement to or a reward for any person's not voting at an election.
4. Do not provide or pay for the provision of any food, drink or entertainment as an inducement to or a reward for any person's voting or not voting for a particular candidate at an election.
5. Do not use or threaten to use force or duress against any person for the purpose of influencing his or any other person's voting decision.
6. Do not induce by deception any person not to vote at an election.
7. Do not induce by deception any person to vote or not to vote for a particular candidate at an election.