

HKUGA Primary School Parent-Teacher Association Constitution (Rev 6)- November 2016

1. NAME

The name of the Association shall be “HKUGA Primary School Parent-Teacher Association 港大同學會小學家長教師會” (hereinafter referred to as “the Association”). The Association shall register itself in this name under the Societies Ordinance.

2. ADDRESS

The address of the Association shall be HKUGA Primary School, 9 Yee Shing Street, Chai Wan, Hong Kong.

3. AIM AND OBJECTIVES

3.1 Aim: To promote home-school cooperation for the greatest benefit of the students of HKUGA Primary School (hereinafter referred to as “the School”).

3.2 Objectives:

3.2.1 To create an environment and space for children to unfold their potentials.

3.2.2 To promote personal growth for parents, as role models for our children.

3.2.3 To develop mutual trust and promote collaboration among the teaching staff and parents.

3.2.4 To act as a bridge between the School management and parents and to make suggestions and lend such support as would further the objects of the School and its sponsoring body, taking due cognizance of guidelines of the School and in compliance with the Constitution of the Association and the Education Ordinance.

4. MEMBERSHIP

4.1 Membership of the Association

4.1.1 Honorary Member

Any Incorporated Management Committee (hereinafter referred to as “IMC”) member, former Supervisor, former Principal, former Vice-Principal of the School, and any person who has contributed to the well-being of the School or the Association may be invited by the Standing Committee (refer to Clause 5.1.1 & 5.2 for the functions and the composition of the Committee) of the Association to be an Honorary Member. No membership fee shall be payable by an Honorary Member.

4.1.2 Ex-officio Member

The Supervisor, the Principal, the Vice-Principal and all the teaching staff of the School are Ex-officio Members. No membership fee shall be payable by an Ex-officio Member.

4.1.3 Ordinary Member

All parents or guardians of students for the time being enrolled in the School (excluding those who are Ex-officio Members under Clause 4.1.2, and those who have applied in writing for exemption and have been approved by the School) shall become Ordinary Members automatically. Regardless of the number of children studying at the School, each family may have one membership only. Membership fee shall be payable by an Ordinary Member.

4.2 Rights and Obligations of Members

4.2.1 All Ordinary Members and Ex-officio Members are eligible to elect, and to be elected as, members of the Standing Committee of the Association and to propose, second or vote, in addition to other general rights and privileges.

4.2.2 All Honorary Members are not entitled to elect, or to be elected as, members of the Standing Committee or to have any voting rights in respect of any decision of the Association.

4.2.3 All Ordinary Members and Ex-officio Members should participate in the Annual General Meeting, and all other General Meetings of the Association.

4.2.4 All members of the Association shall fulfill the following obligations:
(a) To abide by the Constitution of the Association; and
(b) To abide by the resolutions of General Meetings.

4.2.5 No member of the Association shall act on behalf of the Association without the authorization of the Association.

4.2.6 All Ordinary Members must pay membership fee punctually. Ordinary Members are not entitled to elect, or to be elected as, members of the Standing Committee or to have any voting rights in the General Meetings if their membership fees are not paid at the time of the meeting.

4.2.7 All members are not obliged to make any donations or provide any financial assistance to the Association. Members are free to donate money or other property to the Association. All donations and financial assistance of any kind to the Association shall be subject to the approval of the Standing Committee.

4.2.8 The Association shall not refund membership fee previously paid by any member to the Association.

4.3 Membership Fee

4.3.1 The annual membership fee payable by an Ordinary Member shall be HK\$100. The Standing Committee has the right to revise the membership fee as it thinks fit.

4.3.2 The annual membership fee is payable after joining the Association and thereafter on the 1st day of September of each year. For the avoidance of doubt, the annual membership fee for a member joining the Association at any time of a year is required to be fully paid.

4.3.3 Members can apply to exempt the membership fee because of financial reason.

4.4 Cancellation and Cessation of Membership

4.4.1 The membership of a member shall be cancelled if by a vote of not less than two-thirds (2/3) of all members of the Standing Committee, it is satisfied that sufficient evidence has been adduced that such member is under any one of the following circumstances:

- (a) When the member is in breach of the Constitution of the Association or the resolutions of General Meetings; or
- (b) When the member acts in a way that is prejudicial to or jeopardizes the reputation, rights or interests of the Association.

4.4.2 Any member who, through whatever cause, ceases to be a member shall pay to the Association all outstanding payment which may be due by him / her to the Association and shall return to the Association all property belonging to the Association.

4.4.3 The membership of a Member shall cease upon:

- (a) Any Ex-officio Member resigning from the School;
- (b) Any Ordinary Member whose child (the last one on the school roll where more than one) ceasing study in the School except that if the Ordinary Member is a current member of the Association's Standing Committee, his/ her membership shall cease upon the first General Meeting held after his/ her child cease studying in the School.

5. ORGANIZATION

5.1 The General Meeting

- 5.1.1 The General Meeting shall consist of all members and shall be the highest authority of the Association. The business of the Association shall be managed by the Standing Committee which may pay all such expenses of, preliminary and incidental to, promotion, formation, establishment and registration of the Association as it thinks fit. The Standing Committee may exercise all such powers of the Association, and do on behalf of the Association such acts as may be exercised and done by the Association, and as are not by the Constitution required to be exercised or done by the Association in General Meetings.
- 5.1.2 The Association shall for each year ending 30th November hold a General Meeting as its Annual General Meeting in addition to any other meetings in that year, and shall specify the meeting as such in the notices calling it. The Annual General Meeting shall be held not later than the end of November of the current year. All General Meetings other than the Annual General Meeting shall be called Extraordinary General Meetings. The Annual General Meeting shall be held at such time and place as the Standing Committee shall appoint.
- 5.1.3 The businesses of the Annual General Meeting shall include, but not limited to:
- (a) approving or amending the Constitution of the Association;
 - (b) examining and approving the Annual and Financial Report of the Association;
 - (c) dealing with any matter relating to the policy and management of the Association;
 - (d) electing members of the First Standing Committee or members of the Standing Committee in place of those retiring;
 - (e) appointing Honorary Auditor(s).

Not less than fourteen (14) days' notice specifying the place, the day and the hour of the meeting, and in the case of special business the general nature of such business, shall be given by the Secretary to all members. Provided that with the consent of the majority members entitled to receive notice thereof, a meeting may be convened by such notice and in such manner as the Standing Committee may think fit.

The accidental omission to give notice of a meeting to, or the non-receipt of such notice by, any such member shall not invalidate any resolution passed, or proceeding conducted, at any meeting.

5.1.4 No business shall be transacted at any General Meeting unless a quorum is present when the meeting proceeds to business. The quorum for all General Meetings shall be not less than 10% of the total number of Ordinary Members and 10% of the total number of Ex-officio Members for the time being. At all General Meetings a resolution put to the vote of the meeting shall be decided by a majority of the voting members and there shall be no proxy votes at any General Meeting. In the case of an equality of votes on any issue, the Chairperson may at his / her discretion exercise a second or casting vote.

5.1.5 All resolutions passed at General Meetings shall not be inconsistent with the aim and objectives of the Association.

5.1.6 The Chairperson of the Association shall, on the written requisition of the members of the Association being not less than 20% of the total number of Ordinary Members and 20% of the total number of Ex-officio Members, proceed duly to convene an Extraordinary General Meeting of the Association within thirty (30) days from the day of receipt of the written requisition. The requisition signed by the requisitionists must state the objects of the meeting and must be submitted to the Secretary. The requisitionists must state their names in block letters. Only matters pertaining to such objects will be discussed at the said meeting. The requisite notice period for convening an Extraordinary General Meeting is not less than seven (7) days. The composition of a quorum shall be the same as that for the Annual General Meeting.

5.1.7 If within half an hour from the time appointed for the holding of a General Meeting a quorum is not present, the meeting, if convened on the requisition of members, shall be dissolved. In any other case it shall stand adjourned. The adjourned General Meeting shall be convened with at least seven (7) days' notice given by the Secretary within thirty (30) days after the first meeting, at the same time and place, or at such other time or place as the Chairperson shall appoint. If at such adjourned meeting, a quorum is not present within half an hour from the time appointed for holding the meeting, the members present in person be a quorum.

5.2 The Standing Committee

5.2.1 The number of members of the Standing Committee shall be not less than 15 and the Standing Committee shall consist of not less than 9 Ordinary Members and not less than 6 Ex-officio Members.

5.2.2 The Chairperson of the Standing Committee shall also be the Chairperson of the Association. The Principal shall be the Honorary Advisor of the Standing Committee. All members of the Standing Committee (hereinafter referred to as “the Committee Members”) are representatives of either the Ordinary or the Ex-officio Members of the Association. The Ordinary Members of the Standing Committee (hereinafter referred to as “the Ordinary Committee Members”) shall be elected by the members in a General Meeting. The Ex-officio Members of the Standing Committee (hereinafter referred to as “the Ex-officio Committee Members”) shall be appointed by the Principal. Two Auxiliary Ordinary Committee Members shall also be elected by the members in a General Meeting. There shall not be more than one Ordinary Committee Members coming from the same family in the same Standing Committee. Both Ordinary Committee Members and Ex-officio Committee Members are eligible to vote. The Principal is not entitled to vote.

The Committee Members shall elect, amongst themselves, the following office bearers:

- (a) One Chairperson (Ordinary Committee Member),
- (b) Two Vice-Chairpersons (one Ordinary Committee Member and one Ex-officio Committee Member),
- (c) Two Secretaries (Ordinary Committee Members),
- (d) Two Treasurers (one Ordinary Committee Member and one Ex-officio Committee Member).

5.2.3 The Standing Committee shall hold at least three (3) meetings every year. No business shall be transacted at any meeting of the Standing Committee unless a quorum is present at the time when the meeting proceeds to business and continues to be present until the conclusion of the meeting. The quorum shall consist of not less than 50% of the total number of Ordinary Committee Members and not less than 50% of the total number of Ex-officio Committee Members.

5.2.4 The term of office of a Committee Member shall be two years commencing from the 1st December after being elected at the Association’s Annual General Meeting. Two existing Ordinary Committee Members shall hold office for another term by election within the Committee. No Ordinary Committee Member shall hold office for more than 2 consecutive terms by this means. Retiring Ordinary Committee Members shall be eligible for re-election as long as they remain members of the Association.

- 5.2.5 The Standing Committee shall have power to appoint advisors to the Committee on such special subjects for such period and subject to such conditions as it may think fit. The advisors can attend and speak at meetings of the Standing Committee but such advisors shall not be entitled to vote.
- 5.2.6 The Standing Committee shall have power to form Sub-Committees constituted of members of the Standing Committee and to delegate to any Sub-Committee such powers as it thinks fit. A Sub-Committee may not commit the Standing Committee of the Association to any expenditure without the consent of the Standing Committee.
- 5.2.7 All decisions of the Standing Committee shall be taken by majority. In the case of the equality of votes, the Chairperson of the Standing Committee shall be entitled to a further or casting vote in addition to the vote (if any) to which he / she may be entitled as a member.
- 5.2.8 All office bearers in the Standing Committee are honorary. Members of the Committee shall not be entitled to receive remuneration in respect of their holding a position as a member of the Committee.
- 5.2.9 The office of a member of the Standing Committee shall be ipso facto vacated:-
- (a) If by notice in writing to the Association, he / she resigns his / her office; or
 - (b) If a special resolution to remove him / her has been passed by a majority of not less than two-thirds (2/3) of the total number of members of the Standing Committee; or
 - (c) If he/ she ceases to be a member of the Association.
- 5.2.10 The Association may accept the resignation of any Committee Member or by a special resolution remove any member of the Standing Committee before the expiration of his / her term of office. A vacancy created by the cessation, removal or resignation of an Ordinary Committee Member may be filled as a casual vacancy. If the vacancy is created more than six months before the end of the term of office, the vacancy will be filled first by Auxiliary Ordinary Committee Members and if there is still a vacancy, the vacancy shall be filled by election within the Ordinary Members. Any Ordinary Member filling such a vacancy of the Standing Committee shall be subject to retirement at the same time as if he / she had become a member of the Standing Committee on the day on which the member who was replaced was last elected.

5.2.11 The Standing Committee shall keep minutes of its meetings and records of all resolutions as well as minutes of all General Meetings in books provided for the purpose. The Committee Members shall maintain strict confidentiality with regard to the business and deliberations of the Standing Committee, provided always that any member of the Association shall have the right to examine the confirmed minutes of Committee Meetings.

5.2.12 To enhance communication and co-operation between Parent Managers and the Standing Committee, Parent Manager and Alternate Parent Manager shall be invited to attend meetings of the Standing Committee but are not entitled to vote in the capacity as Parent Manager.

6. FINANCE

6.1 The financial year of the Association shall be from 1st September to 31st August.

6.2 The funds of the Association may be used for any purpose approved by the Standing Committee, relating to the general operation of the Association or in line with the aim and objectives of the Association.

6.3 The Treasurer shall keep a record of all funds received and disbursed by the Association.

6.4 The Treasurer shall prepare an annual statement of accounts and balance sheet for each financial year which shall be submitted to the Annual General Meeting of the Association after being reviewed by an Honorary Auditor appointed at the previous Annual General Meeting.

6.5 Unless otherwise determined by the Standing Committee, all cheques and other financial documents shall be signed on behalf of the Association by either the Chairperson PLUS any Ex-officio Committee Member or the Treasurer who is an Ordinary Committee Member PLUS any Ex-officio Committee Member.

6.6 All payments from the Association must have prior authorization from the Standing Committee, and monies required by a Sub-Committee must first be approved by the Standing Committee, provided that the Standing Committee may give a general authorization of expenditure up to an agreed limit.

7. DEBTS AND LIABILITIES

No Committee Member or servant of the Association shall assume or be deemed to have assumed any additional liability by virtue of being a Committee Member or servant, in the absence of fraud.

8. ALTERATION OF THE CONSTITUTION

Any alteration, amendment or addition to this Constitution shall be subject to the approval of a General Meeting of the Association. Not less than two-thirds (2/3) of those members present and eligible to vote shall be necessary to approve such alteration, amendment or addition.

9. DISSOLUTION

9.1 The Association may be dissolved only by a resolution of not less than two-thirds (2/3) of the total members present and by voting at a General Meeting.

9.2 Upon the dissolution of the Association, the assets, after satisfying any outstanding debts and liabilities, shall be disposed of in such manner as is consistent with the aim and objectives of the Association and shall be decided in a General Meeting, provided always that none of the assets shall be distributed to any member of the Association.

10. AVAILABILITY OF THE CONSTITUTION OF THE ASSOCIATION

10.1 A copy of this Constitution may, upon request, be made available to any member of the Association.

10.2 If there is a difference of opinion arising over the interpretation of any Clause herein contained, the Standing Committee's interpretation shall be definitive.

11. PARENT MANAGER AND ALTERNATE PARENT MANAGER

11.1 The Association, being a recognized parent teacher association ("RPTA"), is required under s. 40AO of the Education Ordinance to conduct elections for nomination of a parent manager and an alternative parent manager to the Incorporated Management Committee ("IMC") of the School according to the IMC Constitution. Parent Manager is a parent and, at the same time, one of the Managers of the IMC which manages the School and promotes education in the School. He/ She shall act in his/ her personal capacity for the interests and benefits of the students of the School. He/ She will represent parents of the School to participate as key stakeholder in school management and decision-making.

11.2 The Association appreciates the need for the School to appoint a senior staff to be the Returning Officer making polling regulations and arrangements to ensure that the parent manager election is conducted in a fair and transparent manner, and shall render him/her all reasonable assistance.

- 11.3 The election shall be conducted in accordance with the Parent Managers Election Bylaws (“Bylaws”) at the Annex (November 2014) drafted in the spirit of the *Guide for Parent Manager Election* (“the Guide”) of the Education and Manpower Bureau, taking into consideration the need to have a procedure easy for all to understand and also the resources and other constraints.
- 11.4 Election of Parent Managers may be conducted in May or June of each year, or concurrently with election of office bearers of the Association provided care is taken not to cause confusion to non-members. The chairperson (or any officer bearer) of the Association so elected shall not automatically become a parent manager or vice versa.
- 11.5 The Bylaws may be amended in accordance with the provisions of this Constitution (refer to Clause 8) or when called for by a simple majority of all parents in a referendum conducted by the Returning Officer for the purpose of reviewing the parent managers election process.
- 11.6 All parents of students for the time being enrolled in the School are eligible to become candidates. For the avoidance of doubt, parents who have been elected as Ordinary Committee Members are not excluded from this eligibility for election as Parent Manager.
- 11.7 Parent Managers once elected shall act on behalf of all parents for the overall educational interest and benefits of the students of the School and shall, amongst other things,
(a) attend meetings of the IMC;
(b) promote communication and co-operation between the IMC and the parents. He/ she may promote such through the Association which shall provide collaboration and support;
(c) relate parents’ opinions to the IMC; and
(d) attend at least 50% of Standing Committee meetings.
- 11.8 The term of office of a Parent Manager or Alternate Parent Manager shall cease upon:
(a) his/ her resignation from the role of Parent Manager in writing to the IMC to this effect;
(b) His/ her child (the last one on the school roll where more than one) ceasing study in the School.
- 11.9 In the event that a Parent Manager is considered not suitable to continue to hold office, the Association shall conduct an Extraordinary General Meeting to pass a resolution for making a written request to the IMC to cancel the registration of the Parent Manager concerned.

- 11.10 If a Parent Manager vacancy arises as a result of a Parent Manager resigning during his/ her term of office or in other circumstances, such vacancy shall be filled up by the Alternate Parent Manager, and the Alternate Parent Manager so vacated shall be filled by the reserve candidate (if any) elected in the manner as described in Section 5.4 of the Bylaws. In the event that such Alternate is not available, the Association shall conduct a by-election in the same manner to elect another Parent Manager to fill the vacancy within three months.
- 11.11 If the Association cannot conduct the by-election, the Association shall inform the IMC accordingly for an application to the Permanent Secretary for further extension of the period for filling the vacancy.

ANNEX: Parent Manager and Alternate Parent Manager Election Bylaws
(November 2014)

1. OBJECT

- 1.1 The object of these bylaws is to set out the procedure to elect one parent manager and one alternate parent manager (either a “Parent Manager”, collectively “Parent Managers”) for nomination to the Incorporated Management Committee (“IMC”) as representatives of all parents.
- 1.2 The election will be conducted by the Association with the assistance of the Returning Officer.
- 1.3 A reference to “he” or “him” in these bylaws shall include “she” or “her”, and vice versa.

2. CANDIDATURE

- 2.1 All parents of current pupils of the school are eligible to become candidates for the election. Where legal custody of a pupil is granted to a parent or a guardian, that parent or guardian, as the case may be, shall have exclusively eligibility. The eligibility of a person who is neither a parent nor a guardian but who has actual custody of a pupil shall be determined by the Returning Officer.
- 2.2 No parent **or guardian (as the case may be)** is eligible for candidature if he :
 - a. is on the teaching establishment of the School,
 - b. is a manager of the School in another capacity; or
 - c. does not meet the registration requirements of manager set out in section 30 of the Education Ordinance.

3. NOMINATION

- 3.1 Except for the academic year 2014-2015, the election cycle will begin in around April / early May of each year. Timelines in the election cycle are for guidance only and may be adjusted when circumstances so require. For academic year 2014-2015, the Election Bylaws at the Annex (November 2010 version) continue to apply whereby the election cycle begins in around late September of 2014. The election cycle should begin no less than 3 months before the start of office term of Parent Manager in accordance to the latest decision made by the IMC.
- 3.2 Notice inviting nomination of candidates together with an explanatory letter from the Returning Officer will be sent to all current students’ parents through the students at the start of the election cycle enclosing a nomination form. A reference to “Week [#]” below shall refer to the week number in the election cycle, with Week Zero being the week when nomination forms (setting out all dates/details of the election cycle) are dispatched.

- 3.3 Subject to the immediate following sentence, each **parent** can nominate up to three candidates after securing their signed consent in the nomination form. Where legal custody of a pupil is granted to a parent or a guardian, that parent or guardian, as the case may be, shall have the exclusive right to nominate. Completed nomination forms shall be returned by post or fax to the Returning Officer or deposited in a designated drop box not later than the end of Week 2.
- 3.4 The Association, under the supervision of the Returning Officer, shall collate the nomination received and announce the candidates running for election not later than the end of the Week 3. Nominated candidates shall before the end of Week 4 submit a brief summary of his personal information to the Returning Officer on a pre-designed form (“CV Form”).
- 3.5 Not later than the end of Week 5 the Returning Officer shall issue a candidate list together with their CV forms and blank ballot forms to all current students’ parents through the students.

4. VOTING

- 4.1 Subject to Clause 4.2, each **parent** shall have one vote irrespective of how many of his/her children are attending the School, and parents who teach at the School shall enjoy the same voting right.
- 4.2 Where legal custody of a pupil is granted to a parent or a guardian, that **parent** or guardian, as the case may be, shall cast the vote. In the event of a dispute over a person’s eligibility to vote, including a contest by a person claiming actual custody of a pupil, the Returning Officer shall make the final decision.
- 4.3 Election date shall be determined by the Chairperson of the Association. Election shall be conducted not earlier than two weeks from the deadline of nomination and not later than the end of Week 6.
- 4.4 Votes shall be cast by way of secret ballot. The ballot forms shall be dropped in a designated ballot box. Voting closes at prescribed time and day served by the Returning Officer.

5. COUNTING

- 5.1 Counting shall take place immediately after voting closes, witnessed by the chairperson of the Association, the Returning Officer and/or the School Supervisor. All parents and candidates shall be invited to attend the counting of votes.
- 5.2 A ballot paper will be deemed to be invalid if –
 - (i) the number of candidates marked on the ballot paper exceeds the number that is allowed;

- (ii) the ballot paper has not been marked properly; or
- (iii) the ballot paper is marked in such a way that the identity of the elector can be traced.

5.3 The candidate who obtains the greatest number of votes will be nominated for registration as Parent Manager whereas the one who obtains the next greatest number of votes will be nominated for registration as the Alternate Parent Manager.

5.4 The candidate with the third greatest number of votes shall become a reserve candidate. He will be eligible for nomination as the Alternate Parent Manager should a casual vacancy in that post arises during the term of the incumbent due to his :

- (i) leaving that post for any reasons, or
- (ii) being nominated for registration as the Parent Manager when the latter post becomes vacant for any reasons.

5.5 Where two or more candidates obtain the same number of votes, the result will be determined by drawing of lots under the supervision of the Returning Officer.

6. PRONOUNCEMENT

6.1 The election results shall be posted publicly on the School notice board and School webpage without delay.

6.2 After the election, the Returning Officer shall seal all the cast ballot papers in an envelope which will be signed by him and the chairperson of the Association. The sealed envelope should be kept by the Association for at least six months to facilitate investigations in case of allegations against voting irregularity.

7. APPEAL

7.1 Any candidate may, within one week of the pronouncement of the election results, appeal to the Association in writing giving reasons.

7.2 The chairperson, the School Supervisor and the Returning Officer shall conduct a joint review of the election process to determine within two weeks of the appeal whether it is substantiated.

7.3 If substantiated, they shall announce the finding together with suitable and fair remedial measures which may include the annulment of the election results and conducting a new election. If unsubstantiated, they shall notify the appellant in writing giving reasons and no further action need be taken.

8. TENURE

- 8.1 The Association shall nominate the candidates receiving the two highest votes to the IMC for registration as Parent Managers under the Education Ordinance.
- 8.2 Except for the academic year 2014-2015, upon registration a parent manager shall serve a term of one academic year starting from 1st of September of the current year (or thereabouts from the day of registration) to 31st August of the following year. For the academic year 2014-2015, the term of service shall be 7 months (or such shorter period) starting from February/ March 2015 to 31st August 2015.
- 8.3 A elected candidate shall remain so nominated until the earlier of :
 - (a) the registration of his elected replacement as a Parent Manager under the Education Ordinance, or
 - (b) the happening of the events at Clause 2.2.
- 8.4 Where no sufficient interest is received when candidature nomination closes, or where a new election is to be held as a result of a substantiated appeal, the term of the incumbent Parent Managers shall be extended by three months to enable the new election cycle to begin after a reasonable time.