



香港大學學生會

The Hong Kong University Students' Union

THE JUDICIAL PROCEDURE OF THE HONG KONG UNIVERSITY STUDENTS' UNION COUNCIL

(Last revised in CM7 1996)

In this Judicial Procedure:

“Judicial Procedure”	shall mean the Hong Kong University Students' Union Council Judicial Procedure.
“Union”	shall mean the Hong Kong University Students' Union.
“Union Council”	shall mean the Hong Kong University Students' Union Council.
“Council Chairperson”	shall mean the Chairperson of the Union Council.
“Honorary Secretary”	shall mean the Honorary Secretary of the Union Council.
“Councillor”	shall mean the member of the Union Council.
“Previous Councillor”	shall mean the past member of the Union Council, who has been a member for not less than six months and has attended at least 3 Union Council Meetings, and shall not be a present Councillor.

(Amended in CM7 1996)

1. Any Union Member of sub-organizations shall have exhausted all the possible channels to resolve the grievance before lodging complaint to the Council Chairperson. *(Amended in CM7 1996)*
2. The complainant may lodge the complaint with the Council Chairperson in the event
 - a. that he is not satisfied with the findings and actions of the bodies concerned; or
 - b. he believes on reasonable grounds that the complaint has not been or will not be properly dealt with.

3. The complainant must submit his complaint in writing to the Council Chairperson. In addition to details of the complaint and the grounds on which the complaint is made, the written submission must also explain:
 - a. why he is not satisfied with the outcome of the investigation by the bodies concerned; or
 - b. why he believes that the complaint has not been or will not be dealt with in accordance with the regular procedure.

4. The Council Chairperson shall, on receipt of a complaint, take appropriate action which may include the following:
 - a. considering the complaint informally and, with the consent of the complainant, deciding not to further the referral of the complaint; or
 - b. referring the complaint to the relevant Union sub-organization(s) or Council Committee for investigation or action; or
 - c. referring the complaint to an outside body, e.g., the police or ICAC, if appropriate; or
 - d. referring the complaint to the Judicial Committee; or
 - e. referring the complaint to the Union Council if he thinks necessary.

The Council Chairperson shall notify the complainant accordingly. (*Amended in CM7 1996*)

5. Terms of reference of Judicial Committee (JC):
 - a. It shall follow the Judicial Procedure.
 - b. It shall, as decided by the chairperson or instructed by the Union Council, form working groups to enquire into any complaint which has been made by any Union member or sub-organization.
 - c. The working group shall determine the relevant facts and shall hence determine whether the complaint is a genuine one.
 - d. The working group shall, on completion of its investigation, arbitrate as it deems desirable.
 - e. The working group shall, report its findings and make recommendations to the Union Council.
 - f. The working group shall have the power in its sole discretion to have access to such documents from any Union sub-organizations as are relevant for the purposes of its investigations.
 - g. Membership:
 - i. Council Chairperson [Chairperson]
 - ii. Honorary Secretary [Secretary]
 - iii. All Councillors
 - iv. 6 previous Councillors (*Amended in CM7 1996*)

6. In the event that there is a decision to refer the complaint to the Judicial Committee, it shall set up a working group to investigate the complaint.

7. The working group shall include:
 - a. One Popularly Elected Union Councillor as the convener. In case of absence of Popularly Elected Union Councillor, one Councillor shall be appointed to take up this post, ignoring the alphabetical order.
 - b. Two Councillors in the highest order of precedence. The order of precedence shall be in accordance with an alphabetical order of the abbreviation of the posts of the Union Councillors. (see Appendix)
 - c. Two previous Councillors, being two members of the previous Councillors in the highest order of precedence. The order of precedence shall be in accordance with an alphabetical order of the names of the previous Councillors.

The six previous Councillors shall be appointed by the Union Council at its last meeting of the corresponding Union Council Session.

The Chairperson shall have the right to observe all the meetings of the working group.
(Amended in CM7 1996)

8. The quorum of the working group at any of its meetings shall be four. (Amended in CM7 1996)
9. The working group shall have the power, in its discretion, to co-opt members, including not more than two Union members, when the complaint is made against the Union Council.
10. The convener and members of the working group shall be persons not otherwise involved in the complaint. The chairperson shall decide whether there exists conflict of interest between the convener and members, and the complaint. If this is the case, the order of precedence should be followed to replace the member. (Amended in CM7 1996)
11. The convener of the working group shall be submitted the membership list for the receipt by the Union Council.
12. The working group shall also have the power to determine, in its sole discretion, the procedure for its enquiry, in accordance with the following guidelines:
 - a. The working group shall be fair and impartial;
 - b. The working group shall act as an inquisitorial body and shall make such enquiries as it thinks fit and receive any evidence it considers relevant. It shall ask any question it wants to of the complainant and any other person appearing before it. It shall not permit the complainant to examine or cross-examine the respondent or any of the witnesses or persons concerned; and vice-versa. The working group is not expected to permit or request either the complainant or the respondent to be present at all its meetings. It may see the complainant or the respondent separately.

- c. The complainant and the respondent shall be given an opportunity to respond to any information or evidence which is brought to the attention of the working group by either party or from any third party during its investigation and which appears, in the working group's sole discretion, to call for response, clarification or confirmation.
13. If the working group is set up, the complainant and respondent shall be notified of this in writing. They shall, at the same time, be informed:
 - a. of the membership of the working group;
 - b. of their right to appear before the working group, and their obligation to do so if so required by the working group;
 - c. of the fact that the respondent involved will receive details of the complainant's written submission and that the complainant will be provided, also in confidence, with the written statement from that respondent referred in paragraph;
 - d. of their right to present evidence and/or to call witnesses (or request the working group to do so on their behalf);
 - e. of their right to bring with them a friend or adviser, who may speak on their behalf, when appearing before the working group;
 - f. of the procedures to be adopted, and the powers and duties of the working group (including the fact that the working group reports its findings to the Union Council, and does not have the power to dispose of the complaint itself in whatever manner);
 - g. of the fact that they will receive a report from the working group on the completion of its investigation.
14. The working group shall complete its investigation and proceedings as quickly as possible. On completion of its investigation, the working group shall arbitrate if it deems desirable, and shall report its findings of fact and its recommendations to the Union Council. On receipt of the report, the Union Council shall decide upon the appropriate action to be taken. The complainant and respondent shall be notified in writing of the decision of the Union Council within two clear working days.
15. On completion of its investigation, the working group's report containing its findings of fact and its recommendations shall be released to both the complainant and the respondent.
16. At the end of each Union Council Session, the Council Chairperson shall submit to the Union Council a general report on complaints received during the year. *(Amended in CM7 1996)*

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