

The Hong Kong University Students' Union Council  
Session 2018  
Orientation Affairs Arbitration Regulation

*The Chinese version shall prevail if there is any discrepancy of meaning between the Chinese and English versions of this Orientation Affairs Arbitration Regulation.*

I. Definition

1. "Union" shall mean the Hong Kong University Students' Union;
2. "Union Council" shall mean the Hong Kong University Students' Union Council;
3. "Regulation" shall mean the Orientation Affairs Arbitration Regulation of the Hong Kong University Students' Union Council;
4. "Orientation Affairs Arbitration Committee" shall mean the Orientation Affairs Arbitration Committee of the Union Council;
5. "Orientation Affairs Committee" shall mean the Orientation Affairs Committee of the Union Council;
6. "Orientation Regulation" shall mean of Orientation Regulation of the Union;
7. "Sub-organizations" shall mean organizations directly or indirectly affiliated to the Union;
8. "Campus Media" shall mean Undergrad, HKUSU and Campus TV, HKUSU;
9. "Popularly Elected Union Councillors" shall mean Popularly Elected Union Councillors, HKUSU who are allowed to participate in the Orientation Period and Registration Day as one unit;
10. "Special groups" shall mean organizations that are not affiliated to the Union and are allowed to participate in the Orientation Period and Registration Day by the Orientation Affairs Committee;
11. "Registration Day" shall mean 9<sup>th</sup> August to 10<sup>th</sup> August, 2018 (If contingency plan is used, it shall include 11<sup>th</sup> August);
12. "Official representative" shall mean
  - a. Official representatives of Sub-organizations, Campus Media, Popularly Elected Union Councillors shall be members from the executive committees or equivalent.
  - b. Official representatives of special groups shall be a list of at most fifteen people, which shall be submitted to the Orientation Affairs Arbitration Committee for registration before the Orientation Period starts.
  - c. Official representatives of the Orientation Affairs Committee shall be members with voting right.

## II. Orientation Affairs Arbitration Committee, the Hong Kong University Students' Union Council

### 1. Term of Office

- a. The term of office of the Orientation Affairs Arbitration Committee shall be on Registration Day;
- b. Shall the last hearing be not finished on Registration Day that disputes shall be forwarded to Orientation Affairs Committee.

### 2. Responsibility

- a. The Orientation Affairs Arbitration Committee shall be responsible for:
  1. Administering prosecutions by the Orientation Affairs Committee and Sub-organizations, Campus Media, Popularly Elected Union Councillors or special groups and between different participating units according to the Regulation;
  2. Arbitrating the disputes between Sub-organizations, Campus Media, Popularly Elected Union Councillors or special groups according to the Regulation;
  3. Requiring and authorizing the Orientation Affairs Committee, Sub-organizations, Campus Media, Popularly Elected Union Councillors or special groups to execute the adjudication made by the Orientation Affairs Arbitration Committee;
  4. Executing the adjudication of point 3 as an alternative;
  5. Referring the part of alleged violation of the Orientation Regulation to the Orientation Affairs Committee when executing point 4.
- b. The Orientation Affairs Arbitration Committee shall not be responsible for:
  1. Administering complaints about members of the Orientation Affairs Committee or its assigned helpers.

### 3. Membership

- a. Members of the Orientation Affairs Arbitration Committee shall include all members of the Judicial Committee of the Union Council.

#### 4. Positions

- a. The Council Chairperson of the Union Council shall be the Chairperson of the court;
- b. The Honorary Secretary of the Union Council shall be the Secretary of the court;
- c. The General Secretary of the Union Executive Committee shall be the Secretary-General.

#### 5. Secretary-General

- a. Function of the Secretary-General shall be:
  1. To receive and inspect the cases;
  2. To work according to the demand of the court;
  3. To arrange venue for the court, and notify all Sub-organizations, Campus Media, Popularly Elected Union Councillors and Special Groups before Registration Day;
  4. To become the Acting Chairperson of the court if the Chairperson of the court is absent.

#### 6. Court

- a. The court shall consist of:
  1. Chairperson of the court;
  2. Secretary of the court;
  3. Seven arbitrators.
- b. The Chairperson and the Secretary of the court shall be fixed.
- c. The court shall be formed by at least five arbitrators, Chairperson of the court and Secretary of the court.

#### 7. Secretariat

- a. The Secretariat shall consist of:
  1. Secretary-General;
  2. Secretary of the court.

#### 8. Administering prosecutions by the Orientation Affairs Committee against Sub-organizations, Campus Media, Popularly Elected Union Councillors or special groups by the Secretariat

- a. Two official representatives from the Orientation Affairs Committee can prosecute Sub-organizations, Campus Media, Popularly Elected Union Councillors or special groups for violating the Orientation Regulation by proposing and informing the Secretary-General of the Orientation Affairs Committee;
- b. The prosecution shall be handed in manner of a “writ” to the Secretariat of the Orientation Affairs Arbitration Committee by written notice or through email no

matter Sub-organizations, Campus Media, Popularly Elected Union Councillors or special groups plead guilty or not. The “writ” shall include the name of the prosecuted Sub-organization, Campus Media, Popularly Elected Union Councillors or special group, articles from the Orientation Regulation to be allegedly violated, detailed evidence, a list of witnesses, a list of evidence, responsible person from the Orientation Affairs Committee and the drafted penalty (shall the defendant plead guilty immediately) shall be provided;

- c. The Secretariat shall decide the time of administering the cases and inform the responsible person of the Orientation Affairs Committee and official representatives of the defendant.
- d. Shall the defendant plead innocent, and the Summary Procedures are not applicable, ; or shall the defendant plead guilty, but refuse to accept the drafted penalty (including the penalties listed in summary procedures), a hearing shall be convened by the Secretariat;
- e. The Secretariat shall decide the time of administering the cases and the hearing and inform the arbitrators, the responsible person of the Orientation Affairs Committee and official representatives of the defendant;
- f. Official representatives of the defendant shall be present at the assigned time. Shall there be witness(es) and evidence, they shall be present too;
- g. Shall the hearing fails to form a quorum, the Secretariat shall convene the hearing again in the period of the following list of arbitrators;
- h. Shall there be no official representatives representing the defendant after thirty minutes the hearing has been convened, the defendant shall be considered guilty;
- i. The defendant can plead guilty by filling in a form and its attendance to the hearing shall not be required.

9. Disputes between Sub-organizations, Campus Media, Popularly Elected Union Councillors or special groups

- a. Sub-organizations, Campus Media, Popularly Elected Union Councillors and special groups can require the Orientation Affairs Arbitration Committee to administer urgent disputes between different participating units;
- b. Shall the official representative of Sub-organizations, Campus Media, Popularly Elected Union Councillors and special groups shall submit the details, argumentation(s) of holding the court and demands to the Secretary-General of the Orientation Affairs Arbitration Committee and shall be the plaintiff;
- c. The Orientation Affairs Arbitration Committee shall inform the official representative of the prosecuted Sub-organization, Campus Media, Popularly Elected Union Councillors or special group, which shall be the defendant, about the demands of the plaintiff;
- d. The official representative of the plaintiff shall submit a writ to the Secretariat through email or by written notice. The document shall include the defendant, the plaintiff,

details of the dispute, argumentation(s) of holding the court, demands and a list of evidence and witness(es);

- e. The Secretariat shall forward the case to the Orientation Affairs Committee if the Secretariat deem that the disputes are not urgent;
- f. The Secretariat shall inform the official representative of the defendant and the plaintiff the details of the dispute, argumentation(s) of holding the court and demands 15 minutes after receiving the writ;
- g. Shall the court must handle the disputes according to Summary Procedures unless that disputes are not applicable to Summary Procedures;
- h. The Secretariat shall arrange time for a hearing if Summary Procedures are not applicable; with the exception of there are more than one dispute, the hearing time shall be arranged between 30 - 60 minutes after the writ is received or the defendant refuses to adopt Summary Procedures;
- i. Shall the defendant wish to defend itself, its official representative shall submit a statement of defence which contains a list of evidence and witnesses and the justification for submitting them to the Secretariat before the hearing;
- j. Shall the defendant wish not to defend itself, its submission of a statement of defence and attendance to the hearing shall not be required, then is not required to attend the hearing and will be regarded as a plea of guilty;
- k. The official representative from both sides shall be present at the time of the hearing.

#### 10. Summary Procedures

- a. All cases shall enter summary procedures unless the concerned prosecution or dispute does not fall into any of the "Violation of the Orientation Regulation" listed in Appendix 2;
- b. The quorum of Summary Procedures shall be formed by Chairperson and Secretary of the court;
- c. The Secretariat shall inform the official representative of the defendant of the plaintiff, the details of the dispute, argumentation(s) of holding the court and demands with 15 minutes after receiving the "writ". The Secretariat shall also inform the plaintiff or the Orientation Affairs Committee, and defendant of the designated time to arrive at the defendant's location within 60 minutes after receiving the "writ";
- d. Should the defendant reject the summary procedures, the case shall enter Procedures of the Court immediately and the Secretariat shall arrange a time for the case;
- e. The plaintiff or the Orientation Affairs Committee shall only supplement to the content on the "writ", and the defendant shall respond;
- f. Questioning by the Chairperson;
- g. The Chairperson shall make the adjudication according to Appendix 2, and provide the plaintiff or the Orientation Affairs Committee, the defendant and the Orientation Affairs Arbitration Committee each a copy of written judgement based on Appendix 2;
- h. The approximate time spent by the court in administering each case shall be 15 minutes.

## 11. Arbitrators

- a. The arbitrators of each court shall be randomly picked by the Secretariat:
  1. The number of arbitrators shall be seven and they shall be changed every hour. They shall be picked before Registration Day and announced to the Orientation Affairs Arbitration Committee;
- b. The seven arbitrators shall consist of the following constituencies:
  1. Representative from faculty societies;
  2. Representative from hall students' associations;
  3. Representative from Sports Association, Cultural Association and Independent Clubs Association;
  4. Representative from Union Executive Committee;
  5. Popularly Elected Union Councillor;
  6. Past Councillor.

The seven arbitrators shall include as least four of the above constituencies.

- c. Arbitrators shall not be changed during the hearing;
- d. Shall an arbitrator be absent without specific reasons, his absence shall be considered as contempt of the Orientation Affairs Arbitration Committee. The Chairperson of the Orientation Affairs Arbitration Committee shall charge him a fine of \$200;
- e. Shall an arbitrator be absent without specific reasons and lead to a failure in forming the quorum of the hearing, his absence shall be considered as contempt of the Orientation Affairs Arbitration Committee. The Chairperson of the Orientation Affairs Arbitration Committee shall charge him a fine of \$500.

## 12. Procedures of the Court

- a. The official representatives from both sides enter;
- b. The Secretary reads out the full names of the prosecuting and the defending units, the full names of their official representatives, the reason(s) to hold the court and the argumentation(s) provided by the requester of holding the court;
- c. The Chairperson begins the meeting after the plaintiff and the defendant have arrived. Arbitrators read out their faculty, major/minor (if applicable), hall (if applicable), all Sub-organizations, Campus Media, Popularly Elected Union Councillors and special groups that they belong to and any other interests that may be involved;
- d. Unless with the court request, members of the Orientation Affairs Committee are not obliged to be present at the court.
- e. Shall the plaintiff or the defendant deem that any of the arbitrators has direct conflict of interest, he shall make a request to the Chairperson for leave of the arbitrator and must provide sufficient reasons. The Chairperson can decline requests without sufficient reasons; if two leaves have already been made, further requests shall not be allowed;
- f. Witnesses and evidence from both sides enter;

- g. The plaintiff and the defendant make their speeches (3 minutes each);
- h. Questioning by the Chairperson and arbitrators;
- i. The official representatives of the plaintiff and the defendant leave;
- j. The court discusses the case. Arbitrators vote by secret ballot and make the adjudication. No abstain is allowed. The accusation is defeated if there is a tie;
- k. Announcement of the adjudication;
- l. The Secretary shall keep brief records after each case, and post it outside the Union Office in 24-hour time;
- m. The approximate time spent by the court in administering each case shall be 30 minutes.

### 13. Standing Orders of the Court

- a. Any person who wishes to speak in the court shall sign an agreement that is made in two originals;
- b. The plaintiff and the defendant shall not speak without the Chairperson's permission. Their actions shall be considered as contempt of the Orientation Affairs Arbitration Committee. The Chairperson of the Orientation Affairs Arbitration Committee has the right to charge the offender a fine of no more than \$200;
- c. No cross-examination is allowed in the court;
- d. The regulation on interruptions in Section G Article 22 of the Standing Orders of the Union Council shall be in effect in the Court.

### 14. Supplementary Articles

- a. Unless otherwise specified, shall any side be absent for fifteen minutes after the hearing has been convened, the absent side shall be ruled against;
- b. Unless otherwise specified, shall both sides be absent for fifteen minutes after the hearing has been convened, the hearing shall be immediately cancelled. The Orientation Affairs Arbitration Committee shall not administer the case anymore;
- c. Shall the plaintiff be absent while the litigation is held, he shall pay an administrative fee of \$500 to the Orientation Affairs Arbitration Committee;
- d. Shall the plaintiff be absent while the dispute between Sub-organizations, Campus Media, Popularly Elected Union Councillors or special groups is being administered, he shall pay an administrative fee of \$500 to the Orientation Affairs Arbitration Committee;
- e. Shall the Orientation Affairs Arbitration Committee discover any person deliberately submitting false testimony or committing perjury in a hearing, the Orientation Affairs Arbitration Committee has the right to charge him a fine of no more than \$1000.
- f. If it is proven that any Sub-organization, Campus Media or special group, or Popularly Elected Union Councillors instigate(s) others to pervert the course of justice or withholding cases of perverting the course of justice, the participating unit shall be

subjected to the maximum penalty under Section I Article 5 of the Orientation Regulation.

- g. If all members of a court deem that a Sub-organization, Campus Media or special group, or Popularly Elected Union Councillors delay(s) the litigation procedures with intent, the case shall be transferred to and administered by the Union Council for further action.

#### 15. Report

- a. The Orientation Affairs Arbitration Committee shall submit a report within one month after its term of office has ended. Apart from what is stated in the By-laws of the Union Council, the report shall also include a brief report of all cases.

#### 16. Penalty

- a. The Court shall refer to the penalties in Appendix II when Summary Procedures are adopted for the case.
- b. If the Court deem that the penalties in Appendix II are not applicable to the situation, they shall decide other penalties, including but not confined to injunction and enforcement order.
- c. If Sub-organizations, Campus Media, Popularly Elected Union Councillors, Special Groups or arbitrators reject to execute the penalties promulgated by the Court, the Orientation Affairs Arbitration Committee shall request the Union Council to follow up on the issue, including but not confined to move a regret motion to that Sub-organizations, Campus Media, Popularly Elected Union Councillors or arbitrators, or consider a degradation for that Sub-organizations, or put that Special Groups into blacklist.

#### 17. Appeal

- a. If either the plaintiff or the defendant would like to complain about the adjudication of the Orientation Affairs Arbitration Committee, the case or complaint shall be transferred to the Union Council according to the Union Council Judicial Procedure.

### III. Responsibility of the Orientation Affairs Committee towards the Orientation Affairs Arbitration Committee

1. The Orientation Affairs Committee shall execute the adjudication of the Orientation Affairs Arbitration Committee.

### IV. Interpretation And Amendment

1. The interpretation of the Regulation shall rest with the Orientation Affairs Arbitration Committee;
2. The right to amend the Regulation shall rest with the Union Council. Amendments shall be passed with a two-thirds majority in the Union Council.

## Appendix I

### Orientation Affairs Arbitration Committee, HKUSU Council Agreement for Litigation by the Court

1. I have read and understood the “Orientation Affairs Arbitration Regulation”
2. I declare that my speech in the court shall be the truth, the whole truth and nothing but the truth.
3. I understand that if I was instigated by any Sub-organization, Campus Media or special group, or Popularly Elected Union Councillors to pervert the course of justice, the respective Sub-organization, Campus Media or special group, or Popularly Elected Union Councillors would be subjected to the maximum sentence under the Orientation Regulation.
4. I understand that if I violate point 2, the Orientation Affairs Arbitration Committee has the right to charge a fine of no more than \$1000.

\_\_\_\_\_  
Name

\_\_\_\_\_  
Date

## Appendix II

Violation of the Orientation Regulation		Penalty for Sub-organizations and special groups	Penalty for Campus Media and Popularly Elected Union Councillors
1.	Helpers of Sub-organizations, Popularly Elected Union Councillors or special groups take the initiative in mentioning, comment on other participating units. (Section I Article 3.1.7 to 3.1.8 of the Orientation Regulation)	A fine of \$600	Suspension of counter for at most one hour on Registration Day (not applicable to Campus Media)
2.	Sub-organizations, Campus Media, Popularly Elected Union Councillors or special groups serve freshmen with food or drink (except water) on Registration Day (10 <sup>th</sup> to 11 <sup>th</sup> August, 2017), without the approval of exemption from the Orientation Affairs Committee. (Section I Article 3.1.3 of the Orientation Regulation)	A fine of \$400	Suspension of counter for at most one hour on Registration Day
3.	Promotion to freshmen by helpers of Sub-organizations, Popularly Elected	A fine of \$400	Suspension of counter for at most one hour

	Union Councillors and special groups is done outside areas assigned by the Orientation Affairs Committee. (Section I Article 4.2.3 of the Orientation Regulation)		on Registration Day (not applicable to Campus Media)
4.	Sub-organizations or special groups lead freshmen to leave the route or skip zone(s) arranged by the Orientation Affairs Committee, provided that they are aware that freshmen have not completed the previous registration process. (Section I Article 4.2.1 and 4.2.2 of the Orientation Regulation) (Not applicable to Campus Media and Popularly Elected Union Councillors)	<ul style="list-style-type: none"> <li>• A fine of maximum \$2,000;</li> <li>• Suspension of counter for at most three hours on Registration Day; and</li> <li>• Confiscation of 60% of working passes of the Sub-organization or special group during the three hours (if applicable)</li> </ul>	Not applicable
5.	Sub-organizations or special groups fail to instruct freshmen to complete previous registration(s) and continue the registration process, provided that they are aware that freshmen have not completed the previous registration process. (Section I Article 4.2.2 of the Orientation Regulation) (Not applicable to Campus Media and Popularly Elected Union Councillors)	<ul style="list-style-type: none"> <li>• A fine of maximum <del>\$HKD</del> 1,000;</li> <li>• Suspension of counter for at most one and a half hours on Registration Day; and</li> <li>• Confiscation of 30% of working passes of the Sub-organization or special group during the one and a half hours (if applicable)</li> </ul>	Not applicable
6.	Sub-organizations, Campus Media, Popularly Elected Union Councillors or special groups obtain freshmen's contact information without their consent. (Section I Article 3.1.9 of the Orientation Regulation)	A fine of \$600	Suspension of counter for at most one hour on Registration Day
7.	More than two helpers from each participating unit approach a freshman at the same time. (Section I Article 3.2.4 of the	A fine of \$600	Suspension of counter for at most one hour on Registration Day

	Orientation Regulation)		
8.	Helpers do not wear a working pass while doing promotion.	<ul style="list-style-type: none"> <li>• A fine of \$200; and</li> <li>• Confiscation of one working pass (if applicable)</li> </ul>	Suspension of counter for at most one hour on Registration Day
9.	Helpers of Sub-organizations, Campus Media, Popularly Elected Union Councillors or special groups serve more than one participating unit at the same time. (Section I Article 3.2.2.1 of Orientation Regulation)	<ul style="list-style-type: none"> <li>• Sub-organization: A fine of maximum \$1,000</li> <li>• Special group: A fine of maximum \$2,000</li> </ul>	Suspension of counter for at most two hours on Registration Day
10.	Violation of Regulation on Cooperation with External Organizations. (Section I Article 4 of the Orientation Regulation)	A fine of maximum \$400	Suspension of counter for at most one hour on Registration Day, or Confiscation of all assigned resources in the Orientation Period
11.	Helpers do not wear standardized clothing while promoting for any Sub-organization, Campus Media or special group, or Popularly Elected Union Councillors.	<ul style="list-style-type: none"> <li>• A fine of maximum \$2,000; and</li> <li>• Suspension of counter for at most three hours on Registration Day; and</li> <li>• Confiscation of 60% of working passes of the Sub-organization or special group during the three hours (if applicable)</li> </ul>	Suspension of counter for at most three hours on Registration Day

- Shall a violation of the Orientation Regulation does not belong to any one of the above, the Secretariat shall convene a Court to determine a suitable penalty. .