

The Hong Kong University Students' Union Council  
Session 2019  
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. "Arbitration 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 8<sup>th</sup> August to 9<sup>th</sup> August 2019 (If contingency plan is used, it shall include 10<sup>th</sup> August);
12. "Members" when referring to Orientation Affairs Committee shall include its Chairperson, Secretary and its members;
13. "Participating Unit" shall include Union Executives, Sub-organizations, Campus Media, Popularly Elected Union Councillors and special groups;
14. "Official representative" shall mean
  - a. Official representatives of Sub-organizations, Campus Media, shall be members of their executive committees or equivalent.
  - b. Official representatives of Popularly Elected Union Councillors shall be all Popularly Elected Union Councillors.
  - c. Official representatives of special groups shall be a list of at most fifteen people, which shall be submitted to the Orientation Affairs Committee for registration before the Orientation Period starts.
  - d. Official representatives of the Orientation Affairs Committee shall be its members.
  - e. Orientation Affairs Committee shall hand in the list of Official representatives with their contact information to the Secretary-General before Registration Day.

## 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 begin with the Registration Day and terminate when the last case was heard;
- b. Disputes may be referred to the Orientation Affairs Committee if the last hearing was not finished on Registration Day.

### 2. Jurisdiction

- a. The Orientation Affairs Arbitration Committee shall be responsible for:
  - i. Adjudicating upon prosecutions by the Orientation Affairs Committee against Participating Units and between different Participating Units according to the Arbitration Regulation;
  - ii. Arbitrating disputes between all Participating Units according to the Arbitration Regulation;
  - iii. Requiring and authorizing the Orientation Affairs Committee, and all Participating Units to execute its judgments and orders; and
  - iv. Executing its judgments and orders.
- b. The Orientation Affairs Arbitration Committee shall not be responsible for administering complaints against members of the Orientation Affairs Committee or its assigned helpers.
- c. The Orientation Affairs Arbitration Committee may hear cases on all Union regulations, agreements between Participating Units and any disputes on Registration Day.
  - i. For the avoidance of doubt, the matter that the Committee may hear does not need to arise from the Registration Day.
  - ii. For the avoidance of doubt, all clauses or part thereof in any regulations and agreements, insofar as it ousts the jurisdiction of or bars appeals to the Orientation Affairs Arbitration Committee, is hereby declared void for the purposes of this Regulation.
- d. Once a case is received by the Secretariat and accepted by the Orientation Affairs Arbitration Committee, all other Student Bodies, the Orientation Affairs Committee, and Participating Units to exercise its jurisdiction in that case unless the Orientation Affairs Arbitration Committee remits the case to that body.
- e. The Union Council, when exercising its appellate jurisdiction, assumes the full power and exclusive jurisdiction of the Orientation Affairs Arbitration Committee in 2(d).

### 3. Membership

- a. Members of the Orientation Affairs Arbitration Committee shall be 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 Committee and the Court;
- b. The Honorary Secretary of the Union Council or a member of the Union Council Secretariat may from time to time appoint shall be the Secretary-General;

#### 5. Court

- a. A court shall consist of:
  - i. Chairperson of the court;
  - ii. Secretary-General ;
  - iii. Five arbitrators..
- b. The court shall be formed by at least three arbitrators, Chairperson of the court and Secretary of the court.
- c. The Secretary-General shall act as Chairperson of the court if the Chairperson is absent.

#### 6. Prosecutions by the Orientation Affairs Committee and disputes between Participating Units

- a. Official Representatives
  - i. Any Official Representatives from the Orientation Affairs Committee may prosecute Participating Units for violating the Orientation Regulation by proposing and informing the Secretary-General;
- b. All Official Representatives as defined in Section I are deemed to be authorised to act for and on behalf of their respective Participating Units. It is the responsibility of the Participating Units to regulate its Official Representatives.
- c. A writ, in standard form as in Petition to the Orientation Affairs Arbitration Committee, HKUSU Council or in electronic form containing all its elements shall be handed in to the Secretary-General at the venue of the court or through email on Registration Day. The writ must be filled in or amended to the satisfaction of the Court.
- d. The Secretary-General shall provide a copy of the writ to the defendant within 15 minutes of its receipt and ask for its plea of “guilty” or “not guilty” in written or electronic form.
  - i. If the defendant does not respond within 30 minutes after the writ has been served on him, he is deemed to have entered a plea of “not guilty”.
  - ii. The defendant may plead guilty and accept the remedies sought by notifying the Secretary-General. The Chairperson shall then order the remedies be executed accordingly by any parties he deems fit.

- e. A hearing shall be convened by the Secretary-General under the direction of the Chairperson if the defendant pleads not guilty or if the defendant pleads guilty, but refuses to accept the remedy sought (including the penalties listed in Appendix II).;
- f. The Secretary-General shall decide the time of administering the cases and inform the Official Representatives of the petitioner and of the defendant.
- g. The Secretary-General shall forward the case to the Orientation Affairs Committee if the Chairperson deems that the disputes are not urgent with the consent of the petitioner;
- h. Should the hearing fail to form a quorum, the Secretary-General shall convene the hearing again in the period of the following list of arbitrators.

## 7. Minor Offences

- a. All cases, including those submitted by writ, falling under the “Violation of the Orientation Regulation” listed in Appendix II shall be Minor Offences and shall be administered by this section;
- b. Chairperson of the Court and members of the Orientation Affairs Committee may adjudicate according to Appendix II and issue a ticket stating the penalty to the defendant. A copy of the ticket and relevant evidence shall be submitted to the Secretary-General within 15 minutes after issuance.
- c. If the Secretary-General receives a writ on a minor offence, the Secretariat shall inform the official representative of the defendant and the Orientation Affairs Committee within 15 minutes and provide a copy of the writ. The Chairperson of the Orientation Affairs Committee shall assign a member of the Orientation Affairs Committee or a Previous Councillor of the Judicial Committee of the Union Council to adjudicate in accordance with the procedures in Article 7(b).
- d. The defendant may appeal against the ticket issued, the case shall be adjudicated under the procedures of the Court. The adjudicator shall inform the defendant the availability of the right to appeal.
- e. The approximate time spent by the adjudicator in administering each case shall be 15 minutes.

## 8. Arbitrators

- a. The arbitrators of each court shall be randomly picked by the Secretariat:
  - i. The number of arbitrators shall be five and they shall be changed every hour. They shall be picked before Registration Day and announced to all members of the Orientation Affairs Arbitration Committee;
- b. The five arbitrators shall consist of the following constituencies:
  - i. Representative from faculty societies;
  - ii. Representative from hall students’ associations;
  - iii. Representative from Sports Association, Cultural Association and Independent Clubs Association;
  - iv. Previous Councillor.

The five arbitrators shall include at least three of the above constituencies.
- c. Arbitrators shall not be changed during the hearing.

- d. For the purpose of collecting a fine for the absence of arbitrators according to Article 10(b), it shall be competent for the fine to be collected from their respective Student Bodies, if any, provided that a Previous Councillor shall not be deemed to be so vicariously connected to the Student Body of which he was a representative.
- e. An arbitrator anticipating his/her absence due to out of town shall inform the Chairperson of the Council Business Committee, HKUSU Council on or before 25 July 2019 and shall not be liable for the fine in Article 10(b).
- f. An arbitrator fined for absence may appeal to the Council Business Committee, HKUSU Council within 7 days.
- g.

## 9. Procedures of the Court

- a. The Chairperson begins the meeting after the plaintiff and the defendant or their Official Representatives have arrived;
- b. The Secretary reads out the full names of the prosecuting and defending units, the 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. Arbitrators state 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. Should the plaintiff or the defendant deem that any of the arbitrators has a direct conflict of interest, he shall request the Chairperson for leave of the arbitrator and must provide sufficient reasons. The Chairperson shall decide whether a conflict exists and order the arbitrator to leave if necessary.
- e. If two leaves have already been made, further requests shall not be allowed;
- f. The plaintiff and defendant shall make their case, followed by questioning by the Court. Each of the plaintiff(s) and defendant(s) shall have 3 minutes to make their case unless extra time is granted by the Court.
- g. The Official Representatives of the plaintiff and the defendant leave;
- h. The court discusses the case. Arbitrators vote by secret ballot and make the adjudication. No abstain is allowed. The defendant is acquitted if there is a tie;
- i. The Official Representatives return for the announcement of result;
- j. The Chairperson notifies both sides their right of appeal to the Union Council;
- k. The Court adjudicates on the absence of arbitrators after both sides retire (if necessary).
- l. The Secretary-General 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.

## 10. Standing Orders of the Court

- a. Procedures
  - i. Any person who wishes to speak in the Court, except members of the Court, shall sign an agreement as in Appendix I in duplicate;

- ii. The Chairperson of the Orientation Affairs Committee may attend the Court as an observer; and shall attend or appoint a member of the Orientation Affairs Committee to attend as intervening party if the Chairperson of the Court so orders.
  - iii. The Chairperson shall accord the right to speak to participants of the Court.
  - iv. No cross-examination is allowed unless permitted by the Court;
  - v. The regulation on interruptions in Section G Article 22 of the Standing Orders of the Union Council shall be in effect in the Court.
- b. Absence
- i. Unless otherwise specified, shall any side be absent for fifteen minutes after the hearing has been convened, the absent side shall be ruled against;
  - ii. 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;
  - iii. Should the plaintiff be absent while the Court is held, he shall pay an administrative fee of \$500 to the Orientation Affairs Arbitration Committee;
  - iv. Should an arbitrator be absent, the Chairperson of the Orientation Affairs Arbitration Committee shall charge him a fine of \$200 unless he/she provides a reasonable excuse.
  - v. Should an arbitrator be absent which lead to a failure in forming the quorum of the hearing, the Chairperson of the Orientation Affairs Arbitration Committee shall charge him a fine of \$500 unless he/she provides a reasonable excuse.
- c. Contempt
- i. Any person deliberately submitting false testimony or committing perjury in a hearing, or a petitioner or prosecution having maliciously brought proceedings without reasonable and probable cause shall be guilty of contempt..The Participating Unit shall be liable to the maximum penalty under Section I Article 5 of the Orientation Regulation.
  - ii. Any Participating Unit withholding information in perverting the course of justice or instigating others to do so shall be liable to the maximum penalty under Section I Article 5 of the Orientation Regulation.
  - iii. If all members of a court deem that a Participating Unit delay(s) the litigation procedures intentionally, the case shall be referred to and administered by the Union Council for further action.

## 11. 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.

## 12. Judgments

- a. Adjudicators shall refer to the penalties in Appendix II when Minor Offences are committed.
  - i. If the Court deems that the penalties in Appendix II are not applicable to the situation, they may decide other penalties.
- b. The Court may grant monetary compensation, declarations, injunctions, enforcement orders and other suitable remedies it deems suitable.
- c. The remedies may be condition or interim.
- d. The judgments and orders of the Court carries full weight and effect as a resolution of the Union Council carried by simple majority as defined by the Standing Order of the Union Council.
- e. If Participating Units or arbitrators refuse or fails to execute the orders issued by the Court, that party is guilty of contempt. The Secret shall inform the Union Council to follow up on the issue, including but not confined to move a regret motion to that Participating Unit or arbitrators, or consider a degradation or disaffiliation for that Sub-organization, or bar that Special Group from participating in future activities.

## 13. Appeal

- a. If either the plaintiff or the defendant is aggrieved by or dissatisfied with the adjudication of the Orientation Affairs Arbitration Committee, the case or complaint may be appealed to the Union Council according to the Judicial Procedure of the Union Council.

## 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.
2. Judgments of the Orientation Affairs Committee are not binding to the Orientation Affairs Arbitration Committee but should be of persuasive value to ensure consistency and fairness.

## IV. Interpretation and Amendment

1. The Chairperson shall make judgments on procedural matters in the Arbitration Regulation;
2. The interpretation of the Arbitration Regulation shall rest with the Orientation Affairs Arbitration Committee;
3. The Orientation Affairs Arbitration Committee may, at its discretion and being satisfied that there will be no adverse effect to justice rendered, waive any breach of the Arbitration Regulation.
4. The right to amend the Arbitration 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.
5. I note that I have the right to appeal to the Union Council if I am aggrieved by or dissatisfied with the decision of the Court.

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Name

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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 (8 <sup>th</sup> to 9 <sup>th</sup> August, 2019), 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 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)	A fine of \$400	Suspension of counter for at most one hour 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	<ul style="list-style-type: none"> <li>● A fine of maximum <del>\$HKD</del> 1,000;</li> <li>● Suspension of</li> </ul>	Not applicable

	<p>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)</p>	<p>counter for at most one and a half hours on Registration Day; and</p> <ul style="list-style-type: none"> <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>	
6.	<p>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)</p>	<p>A fine of \$600</p>	<p>Suspension of counter for at most one hour on Registration Day</p>
7.	<p>More than two helpers from each Participating Unit approach a freshman at the same time. (Section I Article 3.2.4 of the Orientation Regulation)</p>	<p>A fine of \$600</p>	<p>Suspension of counter for at most one hour on Registration Day</p>
8.	<p>Helpers do not wear a working pass while doing promotion.</p>	<ul style="list-style-type: none"> <li>● A fine of \$200; and</li> <li>● Confiscation of one working pass (if applicable)</li> </ul>	<p>Suspension of counter for at most one hour on Registration Day</p>
9.	<p>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)</p>	<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>	<p>Suspension of counter for at most two hours on Registration Day</p>
10.	<p>Violation of Regulation on Cooperation with External Organizations. (Section I Article 4 of the Orientation Regulation)</p>	<p>A fine of maximum \$400</p>	<p>Suspension of counter for at most one hour on Registration Day, or Confiscation of all assigned resources in the Orientation Period</p>
11.	<p>Helpers do not wear standardized clothing while promoting for any Sub-organization, Campus Media or special</p>	<ul style="list-style-type: none"> <li>● A fine of maximum \$2,000; and</li> <li>● Suspension of</li> </ul>	<p>Suspension of counter for at most three hours on Registration Day</p>

	group, or Popularly Elected Union Councillors.	counter for at most three hours on Registration Day; and <ul style="list-style-type: none"> <li>● Confiscation of 60% of working passes of the Sub-organization or special group during the three hours (if applicable)</li> </ul>	
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- Should there be any disputes between this Appendix and the Orientation Regulation, the Orientation Regulation shall prevail.