



Hong Kong University Students' Union Council,
Session 2013
4th Emergency Council Meeting [ECM4]
Minutes

Date: 5/6/2013 (Wed)

Venue: Union Council Chamber, 2/F, Union Building

Time: 12:19

Attendance:

CC, HS, P, IVP, GS, FS, UAS1, EAS1, EAS2, SWS (Early leave without apology), AS, ICAP, CAP, RSA2 (Early leave with apology), RICA1, RICA2, RCA1 (sub), RCA2, LCHHR (Early leave with apology), LHHR, LHTHR, LSKHR (sub), MHR (sub), RCLHR (Early leave with apology), RHR, SCSHR, SJCR, SKYLHR, STHR, SWHR, UHR, WLHR (sub), ASR, BEAR, DSR, EDSR, ENSR (sub), LAR (sub) (Early leave with apology), MSR (sub), SSSR (Early leave with apology), ECU, PC2, PC3

Late:

SAP (Without apology), RSA1 (With apology), HHR (Early leave with apology), AAR (Early leave with apology)

Absent:

EVP (With apology), PPS (With apology), SS (With apology), CAS (With apology), SSR (With apology), PP (Without apology), CTVC (with apology), PC1 (With apology), PC4 (With apology), PC5 (With apology)

0. Meeting called to order and Sing the Union Song

Section A

1. To read out the correspondences

Substitution

- RCA1 would be substituted by IDP of the Cultural Association, Mr. Ching Kam Hung.
- LSKHR would be substituted by Mr. Kan Tat Lam, Ethen, the chairperson of Lee Shau Kee Hall Students' Association.
- MHR would be substituted by Henry Kung Hang Chi, the General Secretary of Morrison Hall Students' Association.
- WLHR would be substituted by Chan Wai Cheung, Internal Vice-Chairperson of Wei Lun Hall Students' Association.
- ENSR would be substituted by Mr. Lam Zhao Lang, UID: [3035072129](#) the Internal Vice-

Chairperson of Engineering Society.

- LAR would be substituted by the Chairman of the Law Association HKUSU, Yeung Sze Ivy (UID:[3035066037](#)).
- MSR would be substituted by Mr. Wong Kin Yiu, Wesly (UID:[3035039397](#)), the Internal Vice-Chairperson of Executive Committee, Medical Society.

Early Leave

- RSA2 would leave early at 2-3pm due to personal matter.
- HHR would leave early at 1:45 pm due to training course.
- LCHHR would leave early at 1pm due to personal matter.
- AAR would leave early at 1:30pm for passport collection.
- LAR would leave early at 2pm.
- SSSR would leave early at 2pm due to working issues.
- PC2 would leave early at 2-3pm due to working issues.

Late

- HHR would arrive at 12:30 due to a training course.
- AAR would be late for 30 minutes.

Absent

- EVP would be absent due to sickness.
- PPS would be absent due to part-time job.
- SS would be absent since she has returned to Singapore.
- CAS would be absent due to family issue.
- RSA1 would be absent due to personal matters.
- SSR would be absent due to family issue.
- PC4 would be absent due to sickness.
- PC5 would be absent due to overseas internship programme.
- PC1 would be absent due to Engineering Training course.
- CTVC would be absent due to internship programme.

Motion 1

To receive and adopt the agenda.

Proposer: Chau Dickson Ka Faat (GS)

Seconder: Wong Yee Man (IVP)

Time Received 12:28

Resolution: No objection

Time Resolved 12:28

- P stated that the Societies office had provided the latest reply on 31/5, then the Union Executives replied based on that again. The first step that the Union Council needed to take would be reappointing Mr. Eric Chan as the lawyer representing the HKUSU once

again, since he had changed the company he worked for. The second would be appoint all Union Executives to deal with the legal issues, the reasons behind would be the heavy workload that P could not handle on one self, and the preferred low profile of the discussion, discussion in council may bring disadvantage to the case. If the money exceeded the budget of \$800000, the executives would definitely bring up to the Union Council and pass again.

Motion 2

To endorse Mr. Eric CHAN Kai Leung of K.L.Chan & Co to represent The Hong Kong University Students' Union to handle the handover disputes.

Proposer: Tang Laurence Yat Long (P)

Seconder: Chau Dickson Ka Faat (GS)

Time Received 12:33

Resolution: No objection

Time Resolved 12:35

- RCA2 asked for the details of legal opinion received.
- CC reminded that the motion was on table, should request for information only after the motion was passed.
- P stated that a number of alumni found it weird to sue societies office instead of Tam and Chan. They have accepted after explanation was provided though.
- RCA2 asked whether or not they had discussed on the alternative methods.
- CC asked if granting executives the full authority to handle legal issues equaled to having no restriction.
- P stated that the only restriction would be on the budget, i.e. \$800000.
- SSSR asked if it meant no matter it was Judicial Review or Civil lawsuit that was adopted, there would be no need to consult council beforehand.
- P explained that it would be much more efficient to be decided among executives. He himself was not professional in law, there might be discrepancy in message transmission to the councillors. He reinforced on the importance of being low profile in the discussion related to legal issues.
- RCA2 asked if the motion passed last time, which authorized P to handle all legal issues related to the Union meant that there would be no need for him to notify council upon the actions he has decided to take.
- P promised to inform councillors and schoolmates once there were actions to be taken, and press conference would definitely be held. It would only be the decision making part to be decided by the executives.
- SSSR asked if the Union Council would only have the details of the Judicial Review discussed, or the case of civil lawsuit would also be included in the discussion.
- P stated that if there was discussion like last time's, since council was public and open, being high profile would be a disadvantage to the case. He was raising this appointment to let executives decide in collective sense, but not P alone.

- UHR opposed to let Union Executives to decide it alone, with council as a monitoring body. He suggested setting up a legal advising committee.
- AAR reminded that this would set a precedent case, which would be letting the committee to decide, and consequently bypassing council discussion. In the past, usually committees were set up to decide on practical arrangements, but not legally-related issues. Although the present cabinet was trustworthy, this might set an example for future cabinets too.
- P reinforced the confidential nature of the committee discussion, since the legal action would be really sensitive. There was really a need to be settled in fastest speed.
- CC asked that if P believed this was not to be decided alone, then why would he choose to suggest appointing union executives, but not a bunch of councillors.
- P stated actually a few members of the executive committee had been following the procedures with P for quite a period of time.
- LCHHR suggested Union Council to have closed door meeting for this issue.
- P suggested that if more people knew about the progress of discussion, there would be a higher chance of leakage. He also reminded that it might be unhealthy for Union Council to have closed door meeting.
- RCLHR agreed that setting up a committee would be a better choice, since there would be more representatives to discuss, but this would only be the remedy on some especially sensitive issues.
- P insisted that it would be better for the union executives to deal with it, since they had been following the case for quite some time.
- EDSR worried that the Union Councillors would not know the rationale of the decisions.
- ECU suggested that under Checks and Balances, the budget passage would be a counter measure controlled by the Council. If rationale would not be presented completed, he queried on what ground shall the use of financial resources be approved.
- RCA2 agreed that with more opinions it would be better. She questioned that even if a committee was to be set up, there would be councillors involved anyway, so she preferred having closed door meetings.
- EDSR suggested the composition to be 2 Union Executives and 3 non-executive councillors.

Motion 3

To request for a break of 10 minutes.

Proposer: Chau Dickson Ka Faat (GS)

Seconder: Wong Yee Man (IVP)

Time Received 13:00

Resolution: No objection.

Time Resolved: 13:00

- The meeting restarted at 13:11.
- ECU asked if anything needed to be done before setting up this committee.
- CC reminded that terms of reference to regulate the operation of the committee shall be drafted.

- AAR suggested the following aspects were to be covered in the terms of reference: responsibility of the committee, composition of the membership, report was to be handed into CC. He suggested the membership to be having 4 councillors.
- CC asked for the proportion in between faculties, halls and 3As.
- AAR suggested drawing the ratio in terms of non-executive councillors and executive councillors. He also raised that HS was usually included in a committee membership to jot minutes in the By-Laws, but the councillors preferred not to include HS.
- P agreed that this would be acceptable, but council must delegate all authority to this committee.
- RCA2 asked if all actions would be decided in this committee, and whether or not there would be a need for the primary decisions to be passed in council in form of motions.
- P confirmed there would be such a need, but whether to adopt Judicial Review or civil lawsuit, would be discussed in the committee.
- PC2 asked for the current progress and how much time would still be needed. She intended to compare the time needed with or without a committee set up.
- AS replied that the comparison would be as mentioned in ECM3 (around 4-6 months).
- PC2 stated that hypothesis would not be useful.

To establish the Dispute Resolution Committee, HKUSU Council, Session 2013

Terms of Reference for Dispute Resolution Committee (the "Committee")

Purpose:

To handle all matters regarding the disputes concerning the lawfulness and validity of the office of the incumbent office-bearers of HKUSU (the "Disputes")

Duration:

The session of the Committee shall commence at the approval of the HKUSU Council and terminate immediately after the adoption of final report by the HKUSU Council.

Membership:

1. Chairperson of the HKUSU Council (Chairperson of the Committee)
2. Four (4) HKUSU Union councillors (include both Union Executives and non-executive councillors, at least one for each)

Meeting, Quorum and Resolution:

1. Meeting of the Committee shall be convened by the Chairperson of the Committee at his/her initiative or at the request of any member of the Committee by sending to all members of the Committee a notice of meeting at any time before the meeting.
2. Three members of the Committee shall form a quorum at any meeting of the Committee.
3. Any resolution of the Committee shall be passed by a majority of votes of the members of the Committee attending the meeting at which the resolution is proposed.

Responsibilities:

1. To be responsible for dealing with all matters arising from and in connection with the

Disputes and make proper decisions; and

2. Any one member of the Committee as shall be elected amongst the members thereof be and is hereby authorized to sign all such documents and do all such acts on behalf of HKUSU as the committee deems necessary, expedient or desirable to give effect to the purpose of the Committee.

Reports:

The Committee shall submit a report to the HKUSU Council after the Disputes are resolved.

Confidentiality:

All committee members agree that any confidential information will not be disclosed, whether directly or indirectly, for the member's own benefit or for any purpose except for performance of the duties and in such cases of disclosure, the member shall ensure an appropriate non-disclosure agreement is entered into with the counterparty.

- SWHR asked if there would be a need to introduce a quorum.
- ECU suggested adding confidentiality clause.
- CC asked for clarification on "do all such acts".
- GS defined that representing the HKUSU to go to court and on behalf of the HKUSU, do the respective necessary actions.
- RHR suggested changing "he/she deems necessary" to "the committee deems necessary".

- P stated that since the Honorary Treasurer did not intend to inform the police and insisted that faculty and hall representatives should confirm that they did not have any meeting with Tam Chun Sing on signature issues first, then be the HKUSU representatives who report to police, while Honorary treasurer should be the one just answering the questions posed by the police. He asked for 5 councillors whose identities had no dispute to accompany the executives to report this to the police (e.g. SWHR, STHR, AAR, SSSR, BEAR, DSR, SSR, EDSR)

- CC announced a recess for 15 minutes.
- Meeting restarted at 14:49

Motion 4

To receive and adopt the Terms of Reference for the Dispute Resolution Committee, HKUSU Council, Session 2013

Proposer: Yu Lok Nam (SWHR)

Secunder: Tso Kwan Yi (LHTHR)

Time Received 14:53

Resolution: No objection.

Time Resolved 14:53

Motion 5

To establish the Dispute Resolution Committee, HKUSU Council, Session 2013

Proposer: Yu Lok Nam (SWHR)

Seconder: Tso Kwan Yi (LHTHR)

Time Received 14:54

Resolution: No objection.

Time Resolved 14:54

Motion 6

To appoint Lo John (2010256358) as the member of the Dispute Resolution Committee, HKUSU Council, Session 2013

Proposer: Tang Laurence Yat Long (P)

Seconder: Chau Dickson Ka Faat (GS)

Time Received 14:56

Resolution: No objection.

Time Resolved 14:56

Motion 7

To appoint Tang Laurence Yat Long (2010033861) as the member of the Dispute Resolution Committee, HKUSU Council, Session 2013

Proposer: Lo John (AS)

Seconder: Chau Dickson Ka Faat (GS)

Time Received 14:56

Resolution: No objection.

Time Resolved 14:57

Motion 8

To appoint Li Chee Wing (UID:3035042605) to be the non-executive member of the Dispute Resolution Committee, HKUSU Council, Session 2013

Proposer: Ng Chi Hin (EDSR)
Seconder: Ho Chun Hin (UHR)

Time Received 14:57
Resolution: No objection.
Time Resolved 14:58

Motion 9

To appoint Yu Lok Nam (UID:2012531154) to be the non-executive member of the Dispute Resolution Committee, HKUSU Council, Session 2013

Proposer: Ho Chun Hin (UHR)
Seconder: Tso Kwan Yi (LHTHR)

Time Received 14:58
Resolution: No objection.
Time Resolved 14:58

- FS stated that the Honorary Treasurer had not received any instruction from the Union Council concerning the signature matter before, the executives would report this to the Police in name of the use of fake documents by Tam Chun Sing. They intended to report to the Police on Friday morning.
- The meeting ends at 15:00.

Prepared by,

Approved by,

Leung Lai Kwok Yvonne
Honorary Secretary
HKUSU Council, Session 2013

Li Wai Yan, Vivian
Council Chairperson
HKUSU Council, Session 2013