



Hong Kong University Students' Union Council,
Session 2013
5th Emergency Council Meeting [ECM5]
Minutes

Date: 22/6/2013 (Sat)

Time: 19:17

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

Attendance:

CC, HS, P, EAS2, ICAP, RICA1, RICA2, RCA2, LHHR, LHTHR, LSKHR, MHR*, RCLHR, RHR, SCSHR, SJCR, SKYLHR, STHR, SWHR, UHR, WLHR, ASR, BEAR, DSR, EDSR, ENSR, LAR, MSR, SSR (sub), SSSR (sub)

Late:

EVP (with apology), AAR (without apology), ECU (without apology), PC3 (with apology)

Absent:

IVP (with apology), GS (with apology), FS (with apology), UAS1 (with apology), EAS1 (with apology), SWS (with apology), PPS (with apology), SS (with apology), CAS (without apology), AS (with apology), SAP (with apology), CAP (without apology), RSA1 (with apology), RSA2 (without apology), RCA1 (without apology), HHR* (with apology), LCHHR (with apology), PP (without apology), CTVC (with apology), PC1 (with apology), PC2 (with apology), PC4 (with apology), PC5 (with apology)

0. Meeting called to order and Sing the Union Song

Session A

1. To read out the correspondences

Absent

- IVP would be absent due to personal issue.
- GS would be absent due to prior appointment.
- FS would be absent since he would not be in HK.
- UAS1 would be absent since he would not be in HK.
- EAS1 would be absent due to personal issue.
- SWS would be absent due to family issue.
- PPS would be absent since she would not be in HK.

- SS would be absent.
- AS would be absent.
- SAP would be absent due to hall function.
- RSA1 would be absent due to personal matter.
- HHR would be absent since he would be in Mainland.
- LCHHR would be absent due to executive committee meeting.
- PC1 would be absent since he would not be in HK.
- PC2 would be absent due to important family issues.
- PC4 would be absent since he would not be in HK.
- PC5 would be absent since he would not be in HK.

Substitution

- SSR would be substituted by Leung Chi Fung, the Chairman of Science Society (UID:3035064914).
- SSSR would be substituted by WONG Tung Yi, Current Affairs Secretary of SSS, HKUSU, Session 2013 (UID: 3035063312).

Late

- EVP would be late due to delayed HKFS meeting.
- PC3 would be 1-2 hours late due to family issue.

2. To receive and adopt the agenda

- CC introduced that she had received an email from P, with a request to have a motion approved by circulation. EDSR would like to know more about the issue before granting passage to the motion, thus ECM5 was held.

Motion 1

To receive and adopt the agenda.

Proposer: TANG Laurence Yat Long (P)

Seconder: WONG Zoi Lam (EAS2)

Time Received: 19:27

No objection.

Resolution: Motion Carried.

Time Resolved: 19:27

Session B

1. To discuss the authorization for handling the labor dispute with Lam Ka Jin

- P stated that Jason had gone to the labor department for salary claimant, and requested for mediation. In accordance with the notice, P and AS went for the mediation, only to discover that Jason had already had mediation with a so-called Mr. Chan (believed to be Mr. Dan Chan). According to the record, only the salary in the period 1/4 to 22/4 would need to be paid. For those after, since Jason did not attend to his work, there would be no need for them to pay. Then Jason Lam referred the case to the Labor Tribunal, and needed to have P representing HKUSU in the case suit. He had already notified the Financial Office to pay back the salaries of those 23 days and payment in lieu of notice for 1 month.
- LAR asked for the rationale behind in deciding whether to let P or AS to represent HKUSU, since there was clarification made to decide to have AS to deal with issues related to staff.
- P classified Jason no longer as a staff, so it would not be under the scope of work for AS. He had the work distribution with AS by consensus.
- AAR wanted to clarify the responsibility scope of P and AS.
- P queried that if the scope of responsibility would be too complicated to classify it all under AS, for example, there would possibly be a need to clarify to the Judge on the reason for the delay of payment, which would be related to FS, but it would be unreasonable to get everyone involved into the representation.
- AAR suggested to have this dealt with by the Dispute Resolution Committee (DRC).
- P stated that our side had already had the rationale to explain on this delay of payment, and there were already the resources and ability to pay, it was just that Jason did not recognize.
- EDSR asked if the case finally was referred to the Union Session Dispute, how could it be settled.
- P clarified that labor tribunal would not settle civil lawsuit.
- EDSR asked if the possible outcome would only be either to pay or need not pay the owing salaries.
- P confirmed yes.
- AAR suggested appointing DRC instead of P.
- CC clarified that it must be a person to be appointed to attend the hearings.
- AAR suggested passing 2 motions, one appointing the DRC to discuss on this issue, another one appointing a person to attend the hearing.
- P queried that the DRC was set up to settle the issue generated by the Societies Office, but this labor tribunal case has nothing to do with legitimacy issue, it would be inappropriate to link these 2 issues up ourselves
- LAR explained that when a person got appointed to attend hearings, there would be a court order issued, what left to be done would just be acting according to the court order, which would not be complicated enough to be settled by the DRC.
- P explained that after being appointed to attend the hearings, he would present related documents and council resolution on Lam's employment issue.

- SKYLHR asked when the case reaches the labor tribunal, and the judge knew that it was in another legal lawsuit, whether or not the latter would influence the former in return.
- P stated that they were different issues theoretically, but the Judge would be at a position to make personal judgment, so he could not confirm that there would be entirely no influence.
- RCLHR asked what “all the matters arising” referred to, what would be the things rose up apart from representing HKUSU in the hearings.
- CC asked P the same question, and the motion was written in this way because P could not predict in a whole picture what would be happening. There would not be only one hearing on 4/7.
- P reinforced that the defendant should be a person.
- EDSR asked if there were cases to follow, whether it would duplicate with the scope of responsibility of the DRC.
- CC stated if a person got chosen, then the Union Council could discuss upon his scope of authority.
- P stated that the case number would be added back into the motion.
- AAR asked what the possible follow up actions would be.
- P stated he should just be attending hearing and making payment.
- AAR agreed that the person to be appointed could be P, but the scope of authority should be confined to representing HKUSU to attend hearings.
- CC stated then the motion would refer actions other than that to be handled in the DRC.

Motion 2

Tang Laurence Yat Long (HKID No.: R187530(1)) be and is hereby authorized to deal with ,on behalf of the Hong Kong University Students' Union , the labor dispute with Lam Ka Jin (Claim No.: LBTC 1943/2013).

Proposer: TANG Laurence Yat Long (P)

Seconder: WONG Zoi Lam (EAS2)

Time Received: 20:04

No objection

Resolution: Motion Carried.

Time Resolved: 20:09

- The meeting ends at 20:09.

Prepared by,

Approved by,

Leung Lai Kwok Yvonne
Honorary Secretary
HKUSU Council, Session 2013

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