

# **RULES OF THE HONG KONG SPECIAL ADMINISTRATIVE REGION**

## **GOVERNMENT EXECUTIVE GRADE ASSOCIATION**

(Amendment version - approved by AGM 2001 held on 13 September 2001)

### 1. Name and Address

- (i) The English name of the Association shall be the Hong Kong Special Administrative Region Government Executive Grade Association and the Chinese name shall be 香港特別行政區政府行政主任協會 (hereinafter referred to as the Association).
- (ii) The registered office shall be the General Grades Office, Civil Service Bureau, Central Government Offices (West Wing), Ice House Street, Hong Kong and the postal address shall be G. P. O. Box 2939 or such other place as may be decided upon by the Executive Committee.

### 2. Objects

The objects of the Association shall be as follows: -

- (i) To secure the complete organization within the Association of all Executive Grade Officers employed by the Hong Kong Special Administrative Region Government;
- (ii) To regulate relations and settle disputes between Executive Grade Officers and the Hong Kong Special Administrative Region Government or between Executive Grade Officers and Executive Grade Officers;
- (iii) To promote a spirit of mutual respect and understanding between the Association and the Government, the Secretary for the Civil Service, the Head of the Executive Grade or other heads of government departments and to secure the establishment of recognized and permanent machinery for negotiation on all matters particularly affecting the Executive Grade, with the Government as represented by the officers named above;
- (iv) To improve where possible and maintain the efficiency of the Executive Grade in all departments within the Hong Kong Special Administrative Region Government Service;
- (v) To provide the best means for utilising the ideas and experience of members;

- (vi) To provide the means for securing to members a greater share in and responsibility for the determination and observance of the conditions under which their duties are carried out;
- (vii) For the encouragement of further education of members and their training in higher administration and organization;
- (viii) The improvement of office machinery and organization and the provision of opportunities for the full consideration of suggestions by members on this subject;
- (ix) To advance the professional status of the members by securing full recognition of the responsibilities they are called upon to undertake with a view to attainment of equitable remuneration and working conditions;
- (x) To submit to the Government, the Secretary for the Civil Service, the Head of the Executive Grade, or other heads of government departments, the opinions of the members on matters affecting the Service as it applies to their duties and on matters affecting the well-being and conditions of service of the members;
- (xi) To affiliate with other associations or institutions whose objects include the advancement of the status of Executive Grade Officers.

### 3. Membership

- (i) Full Membership: All serving Executive Grade Officers of the Hong Kong Special Administrative Government shall be eligible for full membership of the Association.
- (ii) Life Membership: All serving Executive Grade Officers can apply to become Life Members. When these members retire from the Hong Kong Special Administrative Region Government Executive Grade, their Life Membership shall automatically become Honorary Membership without the need to pay further prescribed fees.
- (iii) Associate Membership: All Government servants acting as Executive Grade Officers are eligible to be associate members. However, when these members' acting appointments in the Grade lapse, they shall ipso facto cease to be members, or when they shall have become substantive holders of their appointment, they shall be eligible for full member on application.

- (iv) Honorary Membership: Any member, except life member, who retires from the Government Service may, subject to the decision of the Executive Committee and payment of the appropriate fee, become an Honorary Member.
- (v) In any case of doubt the Executive Committee shall be eligible to make an affirmative decision that a Member or an applicant for Membership is qualified for Membership and such decision shall bind the Association.
- (vi) Where any person desires to be admitted to Membership of the Association, he must sign and deliver to the Secretary or Treasurer of the Association an Application for admission in such form and terms as the Executive Committee shall require.
- (vii) Every such application shall be considered by the Secretary or Treasurer.
- (viii) In case of doubt as to qualification for Membership or in case of an application by a person who has been expelled from Membership of the Association the Secretary shall refer the application for Membership to the Executive Committee for a decision.

#### 4. Fees

- (i) Subscriptions for various categories of membership are as follows :-

Full Membership

\$100(annual payment)

Life Membership

\$200 (single payment)

Associate Membership

\$100 (annual payment)

Honorary Membership

\$100 (single payment)

- (ii) All annual subscriptions shall become due and payable by the first day of October. Where a first-time new member is enrolled after the expiry of more than 9 months of the membership year his fee for that year will also be deemed to cover membership of the succeeding full year.

- (iii) Subscriptions due to the Association shall be paid to the Treasurer. On receipt of a Membership Subscription the Secretary or Treasurer with equal authority shall issue a Membership Card and such card shall be deemed to be a receipt.
- (iv) Any member whose annual subscription has been unpaid by the first day of March in any year shall cease ipso facto to be a Member of the Association but he may be reinstated at the discretion of the Executive Committee on payment of all arrears.

## 5. Rights & Privileges

Every Member shall be entitled to all the rights and privileges and be subject to all the duties and obligations of a Member of the Association. Only Life Members and paid up Full Members are Voting Members of the Association and shall have the right to nominate and to be nominated and elected as Chairman, Vice Chairman, Secretary, Treasurer or a Member of the Executive Committee and to vote at an Annual or Extraordinary General Meeting of the Association.

## 6. Resignation

Any Member wishing to resign his Membership of the Association shall give one month's notice in writing of his intention so to do to the Secretary of the Association, and upon the expiration of such notice he shall cease to be a member.

## 7. (i) Any Member who ceases to serve as an Executive Grade Officer either on promotion or otherwise, except retiring from the Hong Kong Special Administrative Region Government Service, shall ipso facto cease to be a Member of the Association.

(ii) If any Member shall wilfully refuse to comply with these Rules or shall be guilty of conduct prejudicial to the Association as the case may be he shall be liable to expulsion by resolution of the Members of the Executive Committee : Provided that at least one week before the meeting at which such resolution is passed, he shall have had written notice thereof and of the intended resolution and he shall at such meeting and before the passing of such resolution have had an opportunity of giving orally or in writing any explanation or defence he may think fit. A Member expelled under this Rule shall have a right of appeal to the Association in Annual or Extraordinary General Meeting, whose decision shall be final.

## 8. Executive Committee

- (i) The management of the Association in the periods between Annual General Meetings shall be vested in an Executive Committee consisting of Chairman, Vice-Chairman, Secretary, Treasurer and fourteen members all of whom shall be elected biennially by secret ballot at the Annual General Meeting. The fourteen committee members places shall be filled as follows:-

One member from Senior Principal Executive Officer and Principal Executive Officers

One member from Chief Executive Officers

Three members from Senior Executive Officers

Four members from Executive Officers I

Five members from Executive Officers II

The tenure of an Executive Committee shall be two years.

- (ii) The results of the balloting shall be minuted.
- (iii) Members elected to the Executive Committee shall continue to hold their respective places even when they have been promoted to higher ranks in the Executive Grade during their tenure of office.
- (iv) The function of the Executive Committee shall be to formulate the policies of the Association in accordance with its purpose and to carry out resolution of the Annual and Extraordinary General Meetings.
- (v) The Executive Committee shall be responsible to the Annual and Extraordinary General Meeting for all its actions.
- (vi) The Executive Committee shall have power to appoint sub-committee when necessary to carry out the work of the Association.
- (vii) The Executive Committee may suspend or dismiss any officer or Executive Committee member of the Association for neglect of duty, dishonesty, incompetence, refusal to carry out the decisions of the Executive Committee or for any other reason which it deems good and sufficient in the interests of the Association. Any officer or Executive

Committee member so suspended or dismissed shall have the right of appeal to the Annual or Extraordinary General Meeting whose decision shall be final.

- (viii) The Executive Committee shall have power to appoint legal adviser(s) when necessary for the administration of the work of the Association.
- (ix) The Chairman, Vice-Chairman, Secretary, and Treasurer may be re-elected to the same office for not more than two consecutive tenures.

## 9. Executive Committee Meetings

- (i) The Executive Committee shall meet at least once every two months and at other such times as may be deemed necessary.
- (ii) A quorum for Executive Committee meetings shall consist of a total of five members present.

## 10. Vacancies

- (i) If the Chairmanship, Vice-Chairmanship, Secretaryship or Treasurership falls vacant between elections the position will be filled from the Executive Committee by ballot of its members. Any consequent committee vacancy or any other committee vacancy shall be filled by the appropriate member of the Association from rank or ranks concerned who was the highest in the list of unsuccessful candidates at the elections.
- (ii) If there is no such member, the Executive Committee shall call an Extraordinary General Meeting to elect by secret ballot from the ranks concerned to fill the vacancy.

## 11. Chairman

- (i) The Chairman shall preside at all Annual or Extraordinary General Meetings and Executive Committee Meetings. He shall have a casting vote. He shall sign the minutes of all meetings after they are approved. If he is absent from an Annual or Extraordinary General Meeting an acting chairman shall be elected by the members present. The Chairman shall render a report of the Association's activities during the past year to the Annual General Meeting. He shall in conjunction with the Secretary superintend the

general administration of the affairs of the Association and shall endeavour to secure the observance of these rules by all concerned. He shall ensure at any Annual or Extraordinary General Meeting of the Association that every voting member shall have a reasonable opportunity of voting.

Vice-chairman

- (ii) The Vice-Chairman shall carry out his duties as defined by the Executive Committee. In the absence of the Chairman, he shall deputise until the Chairman returns or until the vacancy is filled in accordance with the provision of Rule 10.

Secretary

- (iii) The Secretary shall be responsible for recording the minutes of all meetings and, under the instruction of the Annual or Extraordinary General Meeting and of the Executive Committee, for conducting the Association's business and correspondence.

Treasurer

- (iv) The Treasurer shall keep full and accurate accounts and records of the Association's finances and shall render a report and an audited annual financial statement for the previous years to the Annual General Meeting and report to the Executive Committee on financial matters as required. The Treasurer shall have the right to speak and to vote on all matters except financial matters on which he shall have the right to speak but not to vote.
- (v) The Treasurer shall maintain the Register of Members of the Association and make the same available at all reasonable times for inspection by any Member of the Association in accordance with Rule 17.
- (vi) The Treasurer shall be responsible for the safety of all monies and the safe custody of all deeds and documents of investments belonging to the Association.
- (vii) The Treasurer shall give to every member of the Association requesting it a general statement of account of all the receipts and expenditure of the Association free of charge.
- (viii) The Treasurer shall deposit in the bank appointed by the Executive Committee all sums over \$1,000 and retain the remainder in a safe place.
- (ix) The Treasurer shall issue separate receipts for all money other than subscriptions received by the Association.

- (x) In the absence of either the Secretary or the Treasurer each will act on behalf of the other.

## 12. General Meetings

- (i) The Annual General Meeting shall be held in the month of September each year. The agenda prepared by the Secretary under the instruction of the Executive Committee together with the notice of the Meeting shall be sent to all Members at least seven days before the date of the meeting.
- (ii) The business of the Annual General Meeting shall be:-
  - (a) To receive reports from the Executive Committee, to review the past work of the Association, and to plan future policy.
  - (b) To elect by secret ballot the Chairman, Vice Chairman, Secretary, Treasurer and members of the Executive Committee in alternate years.
  - (c) To receive the audited accounts and auditors' report for the previous year and to consider the financial position of the Association.
  - (d) To consider any other business.
- (iii) The Annual General Meeting or an Extraordinary General Meeting shall be the authority to make, rescind, alter, and add to any of the Rules of the Association.
- (iv) An Extraordinary General Meeting may be called at the discretion of the Executive Committee or at the request of one fifth of the total number of voting members of the Association. The members shall be given at least seven days' notice of such meetings and an agenda showing the business to be discussed at the meeting shall accompany the notice. Discussion at the Extraordinary General Meeting shall be limited to those matters contained in the agenda. Decisions reached at the Extraordinary General Meeting shall have the same validity as decisions reached at the Annual General Meeting provided that, where any change in the Rules of the Association is contemplated, such change shall be specifically stated in the agenda of the meeting.
- (v) The quorum for all Annual and Extraordinary General Meetings shall be fifty voting members of the Association.
- (vi) With the exception of decisions regarding change of name of the Association or federation, or amalgamation or affiliation with another trade union or trade union

federation or association, all decisions taken at Annual or Extraordinary General Meetings will be valid if passed by a majority vote at the meetings. For the purpose of voting, a voting member may appoint a proxy to represent himself in the casting of vote in General Meetings. A proxy must also be a voting member of the Association. Letters of appointment of proxy must reach the Secretary before the respective meeting.

### 13. Auditors

At the same meeting when the Executive Committee is elected, the Annual General Meeting shall appoint two auditors who will be responsible for the annual auditing of accounts. They shall record their findings of the accounts on the Treasurer's annual financial statement and sign it. The Auditors shall not be members of the Executive Committee.

### 14. Funds

- (i) Cheques payable from Association Funds shall be signed by any two of the following four office bearers : Chairman, Vice Chairman, Secretary and Treasurer.
- (ii) Expenditure of more than one thousand dollars shall be submitted to the Executive Committee for approval before the expenditure is committed. Expenditure from the Association's funds shall be confined to :-
  - (a) payment of expenses of officers of the Association incurred on Association business;
  - (b) the payment of expenses for the administration of the Association including the audit of the accounts of the funds of the Association;
  - (c) the promotion of all the objectives of the Association;
  - (d) the conduct of disputes on behalf of the Association or any member thereof;
  - (e) the prosecution or defence of any legal proceeding to which the Association or any member thereof is a party when such prosecution or defence is undertaken for the purpose of securing or protecting any rights of the Association as such.

#### Investment Of Funds

- (iii) Any funds not required for current expenses shall be invested at the discretion of the Executive Committee. Such decisions shall be submitted to the Annual or Extraordinary General Meeting for approval.

## 15. Financial Year

The financial year of the Association shall be the calendar year commencing on the 1st August and ending on the 31st July the following year.

## 16. Establishment of Welfare Funds

- (i) The Executive committee shall have the power to establish and/or administer a Welfare Benefit Fund or to appoint a sub-committee to administer the Fund. The Fund shall, if established, be open to all members and give benefits to members and/or their families in the event of death, accident, sickness, distress, unemployment, maternity or retirement.
- (ii) If such a Fund shall be created it shall be used solely for welfare purposes approved at the Annual or Extraordinary General Meeting of the Association.

## 17. Inspection of Books

The Account Books, the Register of Members and the Rules of the Association shall be open to the inspection of any qualified member or any authorized agent of the member provided that prior application shall be made to the Treasurer who will be allowed reasonable time to have the Books and the said Register made available before such inspection shall take place.

## 18. Matters to be decided by secret ballot

Any decision in respect of the following items shall be by means of secret ballot.

- (a) appointment or dismissal of members of the Association and of the Executive Committee Members.
- (b) change in the name of the Association.

- (c) amalgamation of the Association with another trade union.
- (d) federation of the Association with any other trade union or trade union federation.
- (e) affiliation of the Association with other institutions.

## 19. Notices

Notice may be given by the Association to any Member either personally or by sending them by post to him at the address registered by such Member with the Association. Where notices are sent by post, service of the notice shall be deemed to be effected by properly addressing, preparing and posting letters containing the said notices, and shall be deemed to have been effected at the time at which the letters would be delivered in the ordinary course of the post.

## 20. Dissolution

- (i) The Association shall be dissolved if at an Annual or Extraordinary General Meeting of the Association held for the purpose, a resolution to that effect is passed by at least three-fourths of the voting members of the Association by means of a secret ballot.
- (ii) If the Association shall be dissolved, any surplus assets remaining after the satisfaction of all its liabilities shall be paid out or distributed in such manner as the Members shall by resolution direct.
- (iii) When the Association is dissolved notice of such will be sent by the Secretary to the Registrar of Trade Unions.

## 21. Constitution and Rules

A copy of the Rules of the Association shall be given to every person accepted into membership of the Association.

## 22. Contract and Common Seal

- (i) Contracts made by the Executive Committee on behalf of the Association shall bear the signatures of the Chairman and Treasurer (or of such member who for the time being and under the Rules of the Association act as Chairman and Treasurer) and such other member or members appointed by the Executive Committee for such purpose.
- (ii) The Association shall have a common seal which shall be in the safe custody of the Secretary and this common seal shall not be affixed to any instrument except by authority of the Executive Committee in resolution, and shall be affixed in the presence of the Chairman and Secretary (or of such members who for the time being and under the Rules of the Association act as Chairman and Secretary).

### 23. Interpretation of Rules

The Executive Committee shall interpret the Rules and when necessary, determine any point which the Rules do not adequately cover.