

Social Workers Registration Board

Rules for Election of Board Members

1. Introduction

- 1.1 The Social Workers Registration Board (“the Board”), a statutory body established under the Social Workers Registration Ordinance (Cap. 505) (“the Ordinance”), consists of fifteen members, of whom eight are elected by registered social workers (“RSWs”) as provided under Sections 4(3)(a) and 5(5) of the Ordinance.
- 1.2 This set of Rules are made by the Board in accordance with Section 9(1)(b) of the Ordinance to govern the conduct of such elections.

2. Election Committee

- 2.1 The Board shall appoint from time to time and as required an Election Committee (“EC”) with membership of such a number the Board may think fit and shall delegate to it the powers for conducting an election or a by-election of any number of RSWs to be returned as Member(s) of the Board (“BMs”). The powers include but not limited to deployment of staff members of the Board, engagement of service vendors and seeking legal advice, whenever and wherever necessary for the conduct of election or by-election.
- 2.2 EC members can be of any profession, but none of them shall be RSWs unless they are not eligible to be elected at the relevant election or by-election as BMs as provided under Section 5(2) of the Ordinance or they have made a declaration to the Board that they will not be the candidates in the election or by-election to be conducted by that EC. There shall be at least one BM in each term of EC.
- 2.3 The presence of three of its members, or in case the EC is of a membership of less than three, the presence of all, shall form the quorum of a meeting of the EC. They shall elect among themselves a presiding member to chair a meeting or meetings of the EC. All matters for determination at a meeting of the EC shall be decided by a majority of votes of the members present and where there is an equality of votes the presiding member shall have a casting vote in addition to his/her original vote.
- 2.4 The tenure of an EC shall expire upon the BMs-elected from that election or by-election taking the office.
- 2.5 The Board may decide and grant an honorarium to each of these EC members provided that he/she is not a BM.

3. Timeline of Election

- 3.1 The Board shall have perpetual succession and the tenure of BM is normally for a term of three years with the first term run from 16 January 1998 to 15 January 2001, where the first ordinary election was conducted in year 1997. The ordinary election for elected BMs shall be held in each subsequent third year thereafter, and with results of the election announced not later than one month before the commencement of the term such election is conducted for.

- 3.2 A by-election shall be conducted and the date of vote counting held within a period of six months when an office of elected BM is vacant. But when such vacancy occurs on or after the appointment by the Board of an EC for the ordinary triennial election, no by-election shall be held for filling that casual vacancy.
- 3.3 When during the course of conducting a by-election, office of another elected BM is vacant, the Board may ask the EC to include this vacancy in the same election if the period of nomination is yet to commence. In case that the period of nomination has already commenced, the Board shall appoint another EC and conduct a separate by-election for the latter vacancy which shall not be run concurrently with the former one, and the period for conducting this latter by-election shall be extended from six months to eight months.
- 3.4 The period for nomination of candidates shall not be shorter than 15 working days. The EC may extend or re-open the period for nomination for at most another 5 working days if and only if the total number of candidates being nominated is less than the number of offices to be filled.
- 3.5 The EC shall confirm and publish the list of valid candidates (in alphabetical order of their names) for the election within 5 working days after the closure of nomination.
- 3.6 If the mode of voting includes postal ballot, the period for voting shall not be shorter than 15 working days.

4. Eligibility for Electors

- 4.1 All RSWs whose names are on the Register as on the date of one month prior to the date of vote counting for an election and theirs remain so on the date of vote counting are eligible to be electors for that election.

5. Eligibility for Candidates and their Nominations

- 5.1 All RSWs (Category 1) whose names are on the Register are eligible for being nominated to stand for an election, except those being not qualified to be a BM for the term to be elected for as specified under Section 5(2) of the Ordinance. To avoid any doubt, no existing BMs, elected or appointed, may be nominated to stand for a by-election until he/she has tendered his/her resignation with imminent effect from the Board in accordance with provisions under Section 5(1)(b) of the Ordinance.
- 5.2 Nomination of candidate shall be made in the form prescribed by the Board, where there shall be two RSWs each being the proposer and the seconder of such nomination, and the nominee shall also sign on the form to consent to the nomination.
- 5.3 Only nomination forms duly signed and in its original shall be accepted.
- 5.4 The completed nomination form with all required supporting documents shall be submitted to and be arriving at the Board office within the period for nomination. When it is submitted via postal or courier services, the nominee or his/her agency shall take into account the turnaround time for such delivery.

- 5.5 A nomination will be invalid when either the proposer, the seconder or the nominee ceases to be a RSW before the EC confirms and publishes the list of valid candidates for the election. To avoid any doubt, the cessation of either the proposer or the seconder as a RSW after the EC has confirmed and published the list of valid candidates will not affect the validity of the nomination concerned.
- 5.6 When a person ceases to be an RSW (Category 1), even his/her name has been entered into the confirmed list of valid candidates, he/she shall no longer be a valid candidate for the election. To avoid any doubt, even he/she manages to be an RSW (Category 1) soon afterwards and before the date of voting, his/her nomination as candidate remains invalid, and his/her name will not be entered into the ballot papers.
- 5.7 Even his/her name has been entered into the ballot papers, a person shall no longer be a valid candidate when he/she ceases to be an RSW (Category 1) before the vote counting commences. Any vote on him/her shall not be counted. To avoid any doubt, such cessation and the mark put against his/her name on the ballot paper, shall not void the ballot paper in its entirety, where votes on other candidates of the same ballot paper shall still be valid and be counted.
- 5.8 Upon the confirmation of valid candidates by the EC, if the total number of candidates equals to or is less than the number of offices to be filled, all the candidates will be declared elected with no voting required. Remaining vacancy, if any, shall be filled in by conducting a by-election afterwards.
- 5.9 If there are no valid candidates after the closure of nomination, or any extension of such, the EC shall declare the election to have failed and the Board shall appoint another EC to conduct the election anew and any timeframe to be observed for conducting this election should re-start as from the date of the declaration of failure by the former EC.
- 5.10 If the total number of candidates being nominated exceeds the number of offices to be filled, the EC will proceed with the work for voting.

6. Sequential Numbers of Candidates and Election Campaign

- 6.1 When voting is required, the EC shall draw lots for assigning sequential number to each candidate, so that the names of candidates will be printed in such sequence on the ballot papers. When a two-column listing on the ballot papers is required, the first half of the list will be printed on the left-hand side column and the latter half on the right-hand side. In case of any publicity materials on profile of candidates to be published by the Board, the same sequence will be used for such publication.
- 6.2 The EC shall fix a date for drawing lots to assign the sequential numbers, and invite all candidates or their election agencies to attend and to witness, whilst their attendance is not mandatory.
- 6.3 The EC shall prescribe the form and information to be included in a summary of personal particulars of candidates which the EC will compile and publish to voters.
- 6.4 The EC shall also publish to voters a leaflet containing publicity materials of the

candidates, as furnished by those candidates in accordance with the format prescribed by the EC.

6.5 The EC shall hold at least one election forum open to all voters to meet with, to hear from, and to question the candidates.

7. Vote Casting

7.1 The Board adopts the postal voting, supplemented with a half-day on-site voting usually held in the morning of the date for vote counting, as the usual method for vote casting.

7.2 In case of catastrophic incident or act of God that disallows the postal voting to proceed, such as postmen on strike, any number of ballot papers already returned and kept in custody being damaged in a fire, or ballot papers or ballot boxes keeping the papers (including the locks) being damaged or lost in a burglary, and when the remaining period of time for filling the office by the election is considered by the EC to be inadequate to conduct the postal voting anew, the EC may decide to conduct a full-day on-site voting instead.

7.3 No proxy is allowed to cast vote in any circumstances.

7.4 A ballot paper will be void in the following circumstances:-

- (1) Ballot paper under the postal voting scheme received by the Board after the prescribed end date and time of the period for voting;
- (2) Ballot paper in a bar-coded envelope received by the Board, where the identity of the elector as a RSW cannot be verified as a result of the barcode being spoilt;
- (3) All ballot papers in a number greater than one and returned together in one single bar-coded envelope;
- (4) Ballot paper (except those cast by way of on-site voting) returned to the Board Office by post or in person without being put in the bar-coded envelope;
- (5) Any duplicated ballot paper of the same elector;
- (6) Any form of copy of ballot paper (as only original ballot paper shall be accepted);
- (7) Ballot paper on which the number of candidates marked exceeding the number of office to be filled by the election;
- (8) Ballot paper with alterations, any other marks, or being torn or spoilt, or returned with any other materials in the bar-coded envelope that may construe as indication of the elector's identity;
- (9) Ballot paper which is decided by the Observers to be unclearly marked for vote counting.

7.5 Replacement

- 7.5.1 Under the postal voting scheme, when an elector has inadvertently torn or otherwise spoilt the ballot paper or the bar-coded envelope as provided, or he/she has wrongly marked on the ballot paper, or he/she claims to have lost either one or not to have received the complete set of instruments from the Board at all, on his/her reporting it, the EC will first void the set of instruments alleged or claimed to be damaged or lost, and having considered the lead time required may deliver a replacement set of instruments or instruct the elector to cast the vote on-site instead.
- 7.5.2 At the time of on-site voting, when an elector has inadvertently torn or otherwise spoilt the ballot paper or he/she has wrongly marked on it, on his/her reporting it and surrendering the spoilt ballot paper to the duty officer on-site, the duty-officer having verified such to be the case is with the authority from the EC to issue one replacement ballot, but not any more even the elector tears or otherwise spoils the replacement paper or wrongly marks on it again.
- 7.5.3 When an elector exercises his right to cast the vote on-site, regardless of whether he/she has cast the vote via the postal voting scheme, the duty-officer having verified the identity of the elector is with the authority of the EC to first void the set of instruments delivered to him/her under the postal voting scheme and to issue one replacement set of instrument to the elector for on-site voting.

7.6 Delivery and return of ballot paper

- 7.6.1 Under the postal voting scheme, the Board will send to each elector at his/her registered address by ordinary post an election pack at least one working day prior to the commencement of the period for voting. The pack will include a copy of this set of Rules, a copy of the instructions for electors prescribed by the EC, an original copy of ballot paper, a bar-coded envelope and a pre-paid return envelope. A public notice on this delivery and the commencement of the period for voting will be published simultaneously in at least one widely circulated newspaper in Hong Kong.
- 7.6.2 In case on-site voting is to be conducted in lieu of the postal voting one, the Board will send to each elector at his/her registered address by ordinary post a notice of such with details on the date, time and venue for voting to be specified by the EC. A public notice of such delivery in at least one widely circulated newspaper in Hong Kong will be published simultaneously. Electors will be given the ballot papers on-site.
- 7.6.3 Under the postal voting scheme, each elector should put only his/her ballot paper in the bar-coded envelope designated for him/her, seal the envelope and return it to the Board by using the pre-paid return envelope as provided by the Board. The return, by post or in person, should be within the period for voting, such that it will not be received by the Board after the prescribed end date and time of such period and becomes void.
- 7.6.4 For on-site voting, either conducted in lieu of the postal voting scheme or formed part of the postal voting scheme, electors are required to present their personal identification documents for verification at the site for conducting the voting.

7.6.5 After an elector's identity as a RSW is verified, he/she will be given a ballot paper and be invited to a designated area for his/her completing the ballot in secret. With no undue delay he/she shall complete the ballot and cast it himself/herself into the designated ballot box. No use of any communication or recording devices is permitted during this course of action. No ballot paper is allowed under any circumstances to be taken away from the site for voting.

7.6.6 On-site voting is only open during the period of time and at the venue specified by the EC and no request for on-site voting beyond that period of time or at other venue shall be entertained.

8. Vote Counting

8.1 The EC shall announce the date, time and venue for vote counting together with the public notice for announcing the commencement of the period for voting.

8.2 EC members shall among themselves appoint Observers of a number which they think fit to supervise and to oversee the vote-counting proceedings on-site.

8.3 The vote-counting proceedings shall be open for observation to the public. Any persons who are to observe the proceedings shall stay within a designated area at the voting counting venue.

8.4 Decision of the Observers on validity of any ballot, to be made by a simple majority among themselves, is final.

8.5 The Board adopts the "First Past the Post" as the voting system, i.e. in the ordinary triennial election, the candidates receiving the eight greatest numbers of votes will fill the total of eight offices of elected BMs, or when it is a by-election with only one office to be filled, the candidate who receives more votes than anyone else will fill the vacant office.

8.6 If the ballot fails to clearly fill the number of vacant office(s) as a result of an equal greatest number of votes being cast for two or more of the candidates, the filling of the office(s) will be determined by drawing lots among those contesting candidates with that equal greatest number of votes. The drawing of lots will be conducted by the Observers immediately after the vote-counting proceedings and in accordance with the following procedures:-.

8.6.1 The Observers shall ascertain whether all candidates, or in their absence their designated election agencies, are present at the vote counting venue for the purpose of drawing lots. In case of any candidates not being present in person or by their agencies, the Observers may designate any staff member of the Board office to act as the proxy election agency of such candidates in the lot drawing proceedings.

8.6.2 The lot drawing will make use of ten table-tennis balls each marked a number from one to ten. After being inspected by the Observers and the candidate(s) (or their agencies), the balls will be put into a proven empty opaque bag.

8.6.3 The sequential numbers for the election of the contesting candidates in the lot drawing

shall dictate the order of these candidates to draw lots, the candidate with the smallest sequential number draws first, and so on. He/she, or his/her agency, will draw one ball from the bag. The number marked on the ball drawn will be recorded by the Registrar and verified by the Observers. The ball should then be put back into the bag. Other candidate(s) or his/her agency(ies) eligible for the lot drawing will draw in the same manner.

8.6.4 Candidate(s) will be elected by drawing lot, based on the following rules:

- (1) Where there is only one office to be filled and there are two candidates or above, based on the principle of “1” is the smallest number, the candidate who draws the larger number will be elected. If two or more of the candidates have drawn the same larger number and the remaining candidates have drawn smaller numbers, there shall be a second draw, where only those candidates who have drawn the same larger number in the first draw shall participate.
- (2) Where there are three candidates having an equal greatest number of votes and there are two offices to be filled after the drawing of lots, if the three candidates draw respectively the largest, the larger and the smallest numbers, the two candidates who have obtained the largest and the larger numbers will be elected, and the remaining candidate will fail. If the three candidates draw respectively two larger equal and one smaller numbers, the two candidates who have drawn the larger equal number will be elected to fill the two offices. If the three candidates have drawn respectively a larger and two an equal smaller numbers, the candidate who has drawn the larger number will be elected and the remaining two candidates shall participate in a second draw. This same rule applies where there are N candidates having an equal number of votes and there are less than N offices to be filled.
- (3) If the second draw fails to determine the result, a third draw will be conducted based on the same proceedings as mentioned in (2) until all vacant offices are filled.

8.6.5 The result and the record of the drawing of lots shall be signed and confirmed by all the Observers.

8.7 After the counting of votes, and the drawing of lots if required, is completed, the Observers shall determine, confirm and announce the results of election by the appropriate means and within and for a reasonable period of time as prescribed by the EC.

9. Notice to be published in the Gazette for the BMs-elect

9.1 Upon the announcement of the results of election, the Registrar shall inform the office of the Secretary for Labour and Welfare of such results for the Secretary publishing the notice in the Gazette as required under Section 4(4) of the Ordinance.

9.2 Before the commencement of the new term he/she is elected for, if any BM-elect, for any reason, ceases to be an RSW (Category 1), hence no longer qualified as a BM, the Registrar shall inform immediately the office of the Secretary for Labour and Welfare

of such cessation, so that the Secretary may decide on the appropriate notice to be published in the Gazette.

- 9.3 Any vacant office as a result of such shall be filled in by conducting a separate by-election in accordance with these Rules.
- 9.4 Unless he/she is disqualified to be a BM for sake of cessation to be an RSW (Category 1), BM-elect shall by no means withdraw himself/herself from taking up the office of BM. He/she may tender resignation on the first day of the commencement of his/her term, then the Board is to conduct a by-election.

10. Disposal of returned ballot papers and etc

- 10.1 All returned ballot papers, valid or void, and all relevant materials shall be kept by the Registrar for a period of three calendar months as from the announcement of the results, or for any period of a longer duration as per order of any court of law. After then, the papers should be disposed.
- 10.2 After the disposal of such papers and the expiration of the period of time prescribed by the EC for the announcement of the results of election, the Board shall remove any notice of such published within its ambit and it is not obliged to re-publish it or to answer enquiries arising therefrom.

April 2018