

The Incorporated Management Committee of ELCHK Lutheran Secondary School Guide for Parent Manager Election (7-2023 amended)

Introduction

1. This election guide is set according to the Education Ordinance (the Ordinance). Please refer to Annex I for the relevant provisions of election of parent managers in the Ordinance.

The Candidature

2. All parents of current pupils of the school are eligible to become candidates. Parents in relation to a pupil include a guardian of the pupil and a person who is not the parent or guardian of the pupil but has the actual custody of the student.
3. According to section 40AO(5)(b) of the Education Ordinance, a parent should not be nominated as a parent manager if he / she is a serving teacher of the school. Candidates should also note the registration requirements of managers set out in section 30 of the Education Ordinance.
4. No manager shall serve in an IMC in more than one capacity, for example, no one can serve as a parent manager and an alumni manager at the same time. Thus, if there are two elections under different categories to be conducted concurrently in a school, no one should stand as candidate in more than one election.

Number and Tenure

5. The IMC constitution of our school has stipulated one Parent Manager and one Alternate Parent Manager, both with a tenure of two years beginning from the day one is registered as a Parent Manager. Nomination Procedures Returning Officer
6. The recognized parent-teacher association (the RPTA) should assign a person, who may be elected amongst the office-bearers of the RPTA or a teacher appointed by the school, to serve as the Returning Officer. The Returning Officer should oversee the different aspects of work including making of nominations, issuance of ballot papers and counting of votes, but he / she must not be a candidate for the parent manager election.

Period of Nomination

7. The deadline for nomination must be at least 14 days before the day of the parent manager election.

Nomination

8. The Returning Officer will inform all parents in notice of the details of the parent manager election at least 7 days before the deadline of nomination with a nomination form enclosed. Current parents or guardians of our school can nominate themselves or nominate another one parent or guardian, and second one candidate. Every candidate must be seconded in signature by at least one other parent or guardian besides the nominator
9. If no one stands for candidature in the election, the RPTA will extend the deadline of nomination or conducting the election again after a lapse of some time.

Candidates' Information

10. Each nominated candidate should supply a brief statement of his / her personal information to the Returning Officer within 200 words as specified by the RPTA. In the statement, each nominated candidate should read section 30 of the Education Ordinance. Not less than 7 days before the election day, the Returning Officer should notify all parents the names of the candidates being nominated and the brief introductory statements of the candidates in writing, including their declarations where applicable. The RPTA is not responsible for any liability incurred in the statements published.

Electors' Eligibility

11. All parents of current students registered under/by the school are eligible to vote. All eligible electors have equal voting right. Every parent should vote individually and should have only one vote irrespective of the number of children the parent has at the school. Each family is entitled to not more than two votes. Parents in relation to a student include a guardian of the student and a person who is not the parent or guardian of the student but has the actual custody of the student are entitled to voting under the same requirements.

Election Procedures Date of Voting

12. The period between the date of voting for parent manager election and the deadline of nomination should at least be 14 days.

Voting method

13. According to the Ordinance, the voting shall be conducted by secret ballot, i.e. electors are not allowed to put down their names or any other marks of identification on the ballot paper and should not let the other electors see whom they have voted for. Parents may return the ballots through their children or in

person.

Counting of votes

14. The Returning Officer should invite all parents, candidates, and / or the principal to witness the counting of votes.
15. The chairperson of RPTA, the Returning Officer and / or the principal shall be present to witness the counting. During the time of counting the votes, the Returning Officer must make sure that all ballot papers have been poured out from the ballot box before counting starts. The RPTA should specify in advance the circumstances under which ballot paper will be declared invalid, for example — (i) the number of candidates being voted on the ballot paper exceeds the number of vacancy for that election; (ii) the ballot paper has not been marked properly; or (iii) the ballot paper is marked in such a way that the identity of the elector can be traced.
16. The candidate who obtains the greatest number of votes will be nominated for registration as the parent manager whereas the one who obtains the next greatest number of votes will be nominated for registration as the alternate parent manager. Should the number of votes for two or more candidates be the same, the Parent Manager will be selected by means of sortition. After the election, the Returning Officer should put all the cast ballot papers in an envelope, which will then be signed and sealed by him / her and the chairperson or vice chairperson of the RPTA. The envelope and the cast ballot papers should be kept by the RPTA for at least six months as they might be needed for investigation purposes in case of allegations against voting irregularity. **Announcing Results**
17. The Returning Officer should inform all parents of the results of the election by parents' notice.
18. Unsuccessful candidate may, within one week of the announcement of results, appeal to the RPTA in writing together with the reasons. If two-third of the RPTA committee attending meeting accept the appeal, the election will be declared null and void.

Follow-up Action after Election

19. The RPTA shall nominate the parent(s) elected as the parent manager(s) of the school in accordance with section 40AO(4) of the Ordinance, and notify the IMC of the result of the parent manager election. Meanwhile, the elected parent(s) shall apply to the Permanent Secretary for registration as manager of the school in a specified form.

Filling of Vacancies

20. If a parent manager whose child is no longer a current student of the school during his / her term of office, he / she shall continue to be the manager until the term of office expires or the end of the school year, whichever is the earlier.
21. If a parent manager vacancy arises out of either the expiry of term of office or resignation tendered by the manager during the term of office, the RPTA shall conduct an election and make nomination of parent managers to fill the vacancy within two months. If the RPTA cannot make such nomination accordingly, the IMC may apply on good grounds to the Permanent Secretary for extension of the period for filling the vacancy.

Education Ordinance Provisions relating to Election of Parent Managers

The following is a summary of the relevant provisions of the Education Ordinance and is for reference purpose. Please refer to the Education Ordinance if a specific provision is to be quoted.

Education Ordinance 30

The Permanent Secretary may refuse to register an applicant as a manager of a school if it appears to the Permanent Secretary that —

- the applicant is not resident in Hong Kong for at least 9 months in each year;
- the applicant is not a fit and proper person to be a manager;
- the applicant is a person in respect of whom a permit to teach has previously been cancelled;
- the applicant is under the age of 18 years;
- the applicant has attained the age of 70 years and he fails to produce a valid medical certificate certifying that he is physically fit to perform the functions of a manager;
- the applicant is under the age of 70 years and he fails to produce, upon a request by the Permanent Secretary, a valid medical certificate certifying that he is physically fit to perform the functions of a manager;
- in making or in connection with any application — (i) for registration of a school; (ii) for registration as a manager or a teacher; or (iii) to employ a person as a permitted teacher in a school, the applicant has made any statement or furnished any information which is false in any material particular or by reason of the omission of any material particular;
- the applicant is a bankrupt within the meaning of the Bankruptcy Ordinance (Cap. 6) or has entered into a voluntary arrangement under that Ordinance;
- the applicant has previously been convicted in Hong Kong or elsewhere of a criminal offence punishable with imprisonment; or
- the applicant has been registered as a manager of 5 or more schools.

Education Ordinance 40AB

Parent, in relation to a pupil, includes — (i) a guardian of the pupil; and (ii) a person who is not the parent or guardian of the pupil but has the actual custody of the pupil.

Education Ordinance 40AL

For an IMC school with a recognised PTA, at least one parent manager shall be provided.

- If the school is a bi-sessional school, and a PTA is recognised for each session

separately, at least one parent manager shall be provided for each session.

- If there is only one parent manager for a school, one alternate parent manager shall be provided. If the school is a bi-sessional school, and there is only one parent manager for each session, one alternate parent manager shall be provided for each session separately.

Education Ordinance 40AO

- The IMC may recognise one body of persons as recognised PTA, but its constitution shall specify only the following persons — (i) parents of current pupils of the school; or (ii) serving teachers Note 1 of the school may elect or become office-bearers of the body.
- Parent manager election and alternate parent manager election shall be conducted by the recognised PTA.
- A recognised PTA may nominate such number of persons for registration as parent manager or alternate parent manager of the school as may be provided for in the constitution of the IMC of the school.
- The system of election shall be fair and transparent.
- A candidate must be a parent of a current pupil of the school.
- A candidate must not be a teacher of the school.
- In the election, all parents have equal voting right and right of candidature.
- The voting for the election shall be conducted by secret ballot.

Education Ordinance 40AS

- A parent manager and an alternate parent manager shall be elected in the same manner for nomination for registration as a manager.

Education Ordinance 40AU

- The person who fills the vacancy of parent manager shall be nominated for registration as a manager in the same manner as the manager who ceased to hold the office concerned.

Education Ordinance 40AV

- If a parent manager ceases to be a parent of a current pupil of the school, his term of office as a manager shall continue until its expiry or the end of the school year, whichever is the earlier.

Education Ordinance 40AX

- On the ground that a manager is not suitable to continue to hold office, the

recognised PTA of a school may pass a resolution, in a manner which is similar to the manner in which the manager concerned is elected, and make a written request to the IMC to cancel the registration of the manager. The IMC shall, upon receiving the request, issue a notice in writing to the Permanent Secretary

Note 1 The definition of “teachers” shall follow the stipulations at Section 40AB of the Education Ordinance. For special schools, the definition of “teachers” in this aspect does not include the “specialist staff” of the school.