

立法會
Legislative Council

LC Paper No. CB(2)1578/06-07

(These minutes have been
seen by the Administration)

Ref : CB2/BC/1/06

**Bills Committee on
City University of Hong Kong (Amendment) Bill 2006**

**Minutes of meeting
held on Monday, 12 February 2007, at 8:30 am
in Conference Room A of the Legislative Council Building**

- Members present** : Hon Emily LAU Wai-hing, JP (Chairman)
Ir Dr Hon Raymond HO Chung-tai, SBS, S.B. St.J, JP
Hon CHEUNG Man-kwong
Dr Hon YEUNG Sum
Prof Hon Patrick LAU Sau-shing, SBS, JP
- Members absent** : Hon LEE Cheuk-yan
Hon Tommy CHEUNG Yu-yan, JP
Dr Hon Fernando CHEUNG Chiu-hung
- Public Officers attending** : Miss Charmaine LEE
Principal Assistant Secretary for Education and
Manpower (Higher Education)
- Miss Joyce LEE
Assistant Secretary-General (Capital), University Grants
Committee Secretariat
- Attendance by invitation** : City University of Hong Kong
Mr CHUNG Shui-ming, GBS, JP
Chairman of the Council

Prof CHANG Hsin-kang, GBS, JP
President

Mr Vincent CHOW Wing-shing, BBS, JP
External Council member

Dr Ellen KO LAW Yin-lan
Internal Council member

Mr John DOCKERILL
Secretary to Council

Resource Person

Miss Beatrice LEE Yin-ling
Assistant Secretary to Council

City University Postgraduate Association

Mr Vincent TAI
Career Development Leader

City University Provisional Standing Committee of Convocation

Mr Patrick LEE Chung-wah
Vice-Chairman (Internal Affairs) Provisional Standing
Committee Convocation

Mr Will MA Wai-kit
Vice-Chairman (Communication) Provisional Standing
Committee Convocation

Clerk in attendance : Miss Odelia LEUNG
Chief Council Secretary (2)6

Staff in attendance : Mr Arthur CHEUNG
Senior Assistant Legal Adviser 2

Mr Stanley MA
Senior Council Secretary (2)6

Miss Carmen HO
Legislative Assistant (2)6

Action

I. Confirmation of minutes of meeting

[LC Paper No. CB(2)1017/06-07]

The minutes of the meeting held on 22 December 2006 were confirmed.

II. Meeting with deputations and the Administration

[LC Paper Nos. CB(2)785/06-07(01), CB(2)842/06-07(01),
CB(2)1038/06-07(01) and (02)]

2. The Bills Committee deliberated (Index of proceedings attached at **Annex**).

Membership of the Council of the City University of Hong Kong (the CityU Council)

3. Members expressed support for the CityU Council's latest proposal to increase its composition from 20 to 23 members to include an additional elected staff representative, the President of the City University Convocation and the President of the City University Postgraduate Association. Members considered that the proposed composition was in line with the spirit of the review of the fitness for purpose of the governance and management structure of the University Grants Committee (UGC)-funded institutions and the recommendation of the Public Accounts Committee Report No. 40A that the UGC-funded institutions should reduce the size of and include more external members in their governing bodies to enhance accountability, transparency and openness.

4. As the President of the CityU Students' Union and the President of the CityU Postgraduate Association would be ex officio members of the CityU Council, members sought detailed information on the mechanism adopted for dealing with the situation where these offices became vacant. The CityU Council agreed to follow up the matter and provide a written response.

III. Clause-by-clause examination of the Bill

[LC Paper Nos. CB(3)1/06-07, CB(2)219/06-07(02) and
CB(2)1038/06-07(03)]

Committee Stage amendments

5. Members completed clause-by-clause examination of the Bill, and agreed to the draft Committee Stage amendments (CSAs) provided by the CityU Council.

Action

Resumption of Second Reading debate

6. Members noted the draft CSA to clause 1 that the Bill should come into operation on 23 March 2007. In this connection, the Chairman advised that subject to the provision of the requested information from the CityU Council, the Bills Committee would report its deliberations to the House Committee on 23 February or 2 March 2007 to recommend the resumption of the Second Reading debate on the Bill on 7 March or 14 March 2007 respectively. However, in the event that the requested information could not be timely provided to the Bills Committee, the draft CSA to clause 1 would need to be revised.

7. Members noted the advice of the Legal Adviser on different ways to deal with the commencement date of a bill. One of the ways was to provide that the commencement date should be on the date of gazettal.

IV. Any other business

8. There being no other business, the meeting ended at 9:30 am.

Council Business Division 2
Legislative Council Secretariat
13 April 2007

**Proceedings of the meeting of Bills Committee on
City University of Hong Kong (Amendment) Bill 2006
on Monday, 12 February 2007, at 8:30 am
in Conference Room A of the Legislative Council Building**

Time marker	Speaker	Subjects	Action required
000000 - 000243	Chairman	Confirmation of minutes	
000244 - 000439	Chairman	Welcome to representatives of the Administration and the deputations.	
000440 - 000746	Chairman of the Council of the City University of Hong Kong (CityU Council) Chairman	Briefing by Chairman of CityU Council on the latest proposal of the CityU Council to increase its restructured membership from 20 to 23 members (the latest proposal). The proposal was voted on at the special meeting of the CityU Council on 4 January 2007 with 12 Council members voting for the proposal and 10 members against the proposal.	
000747 - 000835	Dr YEUNG Sum	Dr YEUNG's expression of support for the latest proposal and appreciation of the efforts of the CityU Council on the matter.	
000836 - 001034	Mr CHEUNG Man-kwong	Mr CHEUNG's expression of support for the latest proposal as it had balanced the interests of internal and external stakeholders. His expression of appreciation of the efforts of the CityU Council members and staff on the matter.	
001035 - 001144	Ir Dr Raymond HO	Ir Dr HO's appreciation of the cooperation between the Bills Committee and the CityU Council in deliberating the Bill and preparing the latest proposal.	
001145 - 001924	Chairman Chairman of CityU Council President of the City University of Hong Kong (CityU) Admin Mr Vincent CHOW	Chairman's appreciation of the efforts of the CityU Council members and CityU staff, and expression of her concern about the 10 votes against the latest proposal. Chairman of CityU Council's response that the five Deans of CityU had expressed disappointment with the latest proposal but accepted the voting result as the proposal was endorsed in accordance with the established procedures. Two Vice Presidents and the Deputy President of CityU, the President of the CityU	

Time marker	Speaker	Subjects	Action required
		<p>Students' Union (the Union) and the President of the CityU Provisional Standing Committee of Convocation also voted against the latest proposal.</p> <p>President of CityU's view that despite their objection to the latest proposal, the five Deans would collaborate with CityU Council members to ensure the smooth operation of the restructured CityU Council in the future.</p> <p>Mr Vincent CHOW's remark that the CityU Council would invite the Deans to attend meetings of the CityU Council to express views as and when appropriate.</p>	
001925 - 002038	Chairman	Chairman's appreciation of the CityU Council for proposing the reduced membership size, and her view that other universities should likewise reduce the size of their governing bodies.	
002039 - 002250	Prof Patrick LAU	Prof Patrick LAU's view that the Presidents of universities should consult the deans, represent their interests and express their views at meetings of the governing bodies.	
002251 - 002739	Secretary of CityU Council Ir Dr Raymond HO Chairman	<p><u>Clause-by-clause examination of the Bill and CSAs</u></p> <p>Clause 1 - Short title and commencement</p> <p>Clause 2 - Interpretation</p>	
002740 - 004554	Chairman Mr CHEUNG Man-kwong Secretary of CityU Council President of CityU Chairman of CityU Council City University Provisional Standing Committee of Convocation Dr YEUNG Sum CityU Postgraduate Association Prof Patrick LAU SALA2 Admin	<p>Clause 3 - Membership of the Council</p> <p>Mr CHEUNG Man-kwong's concern about representation in the CityU Council when the office of the President of the Union or the CityU Postgraduate Association(CUPA) was vacant, or when the President of the Union or CUPA was absent for a particular CityU Council meeting.</p> <p>Secretary to CityU Council's response that the President of the Union might nominate an acting President to attend a CityU Council meeting in case he could not attend the meeting. Where the office of the President was vacant, the Union should elect a new President.</p>	

Time marker	Speaker	Subjects	Action required
		<p>Mr CHEUNG Man-kwong's concern whether an acting President of the Union could attend CityU Council meetings as the President would become an ex-officio member after commencement of the Bill.</p> <p>President of CityU Council's explanation that according to the Union's Charter, the Union's Council was empowered to delegate an acting President of the Union.</p> <p>Mr CHEUNG Man-kwong's view that a mechanism should be adopted by the Union and CUPA to cope with the situation when the office of the President became vacant.</p> <p>Mr Will MA Wai-kit's remark that the Union's Charter specified that the President of the Union's Council should act as the President of the Union in case the office of the President was vacant.</p> <p>Dr YEUNG Sum's acceptance of the arrangements for the President of the Union's Council to attend CityU Council meetings when the office of the Union's President was vacant.</p> <p>Mr Vincent TAI's response that a provisional CUPA would be established in case a CUPA had not been established after the Bill came into effect. The President of the provisional CUPA could attend CityU Council meetings in the interim.</p> <p>Prof Patrick LAU's view that the respective charters of the Union and CUPA should specify that their Presidents should be ex officio members of the CityU Council and the official delegate to attend CityU Council meetings in the event of temporary absence of the Presidents.</p> <p>The request of the Chairman and Mr CHEUNG Man-kwong that CityU Council should liaise with the Union and CUPA and provide a paper on the mechanism to deal with vacant offices or temporary absence of the President of the Union or CUPA for the purpose of the Bill.</p>	

Time marker	Speaker	Subjects	Action required
		<p>Chairman of CityU Council's agreement to follow up with the Union and CUPA on the matter.</p>	<p>See para 4 of the minutes</p>
004555 - 005829	<p>Chairman Chairman of CityU Council Dr YEUNG Sum SALA2 City University Postgraduate Association</p>	<p>Chairman's advice that in order for the Bill to come into operation on 23 March 2007, the Second Reading debate on the Bill need to be resumed at the Council meeting on 7 or 14 March 2007, and the Bills Committee should report its deliberations to the House Committee on 23 February or 2 March 2007.</p> <p>View of Chairman of CityU Council and President of CityU that the charter of CUPA should provide for the arrangement for an official delegate to attend CityU Council meetings when the office of its President was vacant.</p> <p>In response to Dr YEUNG Sum's question about the legality of an acting President of the Union or CUPA to attend CityU Council meetings after the commencement of the Bill, SALA2's advice that CityU Council might follow the existing practice or request the Union and CUPA to specify in their charters the arrangements for an acting President to sit on the CityU Council as ex-officio members when the office of the President was vacant, or in the temporary absence of the President.</p> <p>SALA2's advice on different ways to provide for the commencement date of a bill, for example on the date of gazettal.</p> <p>Mr Vincent TAI's view that CUPA should be able to work out with the CityU Council the arrangements for an acting President to represent CUPA in the CityU Council before the intended commencement date of the Bill on 23 March 2007.</p>	
005830 - 005839	<p>Chairman Administration</p>	<p>The Administration's confirmation that the CityU Council members to be appointed by the Chief Executive would not exceed 15.</p>	

Time marker	Speaker	Subjects	Action required
005840 - 010208	Chairman Ir Dr Raymond HO	Ir Dr Raymond HO's advice that he would move the Committee Stage amendments proposed by CityU Council.	

Council Business Division 2
Legislative Council Secretariat
13 April 2007