



香港城市大學
City University
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By Fax & By Post
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6 December 2006

杜國維先生
校董會秘書
Mr John Dockerill
Secretary to Council

Hon Emily LAU Wai-hing, JP
Chairman, Bills Committee on
City University of Hong Kong (Amendment) Bill 2006
Legislative Council
8 Jackson Road
Central
Hong Kong

Dear Madam Chairman

Progress Report on the Formation of the City University Court

Following the report of the Director of Audit in 2003, the University decided to establish the University Court. The Court is covered by University Statute No.5; a copy of the Statute, as it existed in 2003, is attached for information.

The Statute required that the Chancellor, i.e. the Chief Executive, should preside at meetings of the Court. However, the University was advised at that time that the Chancellor would not be available to chair the meetings of the Court. Consequently the University decided to invoke the provision in the Ordinance to seek the appointment of a Pro-Chancellor who, with the delegated authority of the Chancellor, could exercise the powers and duties of the Chancellor. The University was informed in December 2004 that Dr Norman Leung was appointed as Pro-Chancellor from January 2005. He will Chair the Court in the absence of the Chancellor.

The Statute covering the composition of the Court calls for 20 members to be appointed by the Chancellor on the recommendation of the University Council. The University duly submitted a list of names to the Chancellor for his approval. For various reasons the full list of names was not approved, for example it was considered that there were too few female nominees in the list. A total of three submissions of nominees have been made and the University is awaiting the result of its most recent submission of five names to complete the process.

There were other technical reasons for not being able to establish the Court as quickly as the University wished. For example in October 2005, the Administration advised that the Court could not be formed since their legal advisor opined that there was a legal requirement for all categories of membership proposed in the Statute to be present when the Court was formed.

Since the proposed constitution included 5 members appointed by the Court itself, the University was faced with a "Catch 22" situation, i.e. the Court would not be legal if there were no members appointed by the Court but such members could not be appointed until the Court was formed. The composition also included the Chairman and 12 members of the University Convocation which, at that time, had yet to be formed and organized. The University therefore sought the approval of the Council to amend the Statute to remove the category of members appointed by the Court itself and the members coming from the Convocation so that the Court can be formed.

The remaining five nominations have recently been submitted for approval by the Chief Executive. If the names are approved, the Court will be formed forthwith and it is intended to hold its first meeting early in the New Year.

Yours sincerely

A handwritten signature in black ink, appearing to read "John Dockerill". The signature is fluid and cursive, with a large initial "J" and "D".

John Dockerill
Secretary to the Council

cc: Pro-chancellor, City University of Hong Kong
Chairman of the Council, City University of Hong Kong
President, City University of Hong Kong
Ms Charmaine Lee, Principal Assistant Secretary, EMB
Miss Joyce Lee, Assistant Secretary General (Capital), UGC Secretariat

CITY UNIVERSITY OF HONG KONG

Statute 5: The Court (as at 2003)

1. The Court shall discharge the functions assigned to it under Section 8A of the Ordinance.
2. The membership of the Court shall comprise:
 - (a) the Principal Officers of the University;
 - (b) the Deputy President, the Vice-Presidents, the Deans and their equivalent;
 - (c) the Members of the Council;
 - (d) the Members of the Senate;
 - (e) the Chairman of Convocation;
 - (f) five members nominated by the Court and appointed by the Chancellor;
 - (g) not more than 12 members of Convocation elected from among its members, other than those who are members of the Court by virtue of any other clause of this Statute;
 - (h) not more than 20 members, appointed by the Chancellor, on the recommendation of the Council.
3. The Secretary to the Court shall be appointed by the President.
4. The Chancellor shall preside at meetings of the Court. In the absence of the Chancellor, the Pro-Chancellor or, in his absence, the Chairman of the Council, shall preside.
5. Ex officio members shall continue as members so long as they hold the office by virtue of which they are members of the Court.
6. Members elected under Section 2(g) shall hold office for three years and shall be eligible for re-election.
7. Members appointed under Section 2(f) and (h) shall hold office for three years and shall be eligible for re-appointment.
8. Vacancies shall be filled as they occur or as soon thereafter as may be convenient, and such persons appointed shall normally hold office for the unexpired term of the person replaced.
9. Any member of the Court other than an ex officio member may resign in writing addressed to Secretary to the Court.
10. The Court shall meet at least once in each academic year, although the Chancellor may convene a meeting at any time.
11. One-fourth of the membership of the Court for the time being shall form a quorum for meetings.
12. The President may require any member of the University to be present at a meeting of the Court for the purpose of providing supplementary information on matters being considered by the meeting. Such persons shall not have the right to vote, nor shall they form part of the quorum required for the meeting.