

立法會 *Legislative Council*

LC Paper No. LS91/06-07

**Paper for the House Committee Meeting
on 15 June 2007**

**Legal Service Division Report on
The Chinese University of Hong Kong (Declaration of Morningside College and
S.H. Ho College as Constituent Colleges) Bill
(Member's Bill)**

I. SUMMARY

- 1. Objects of the Bill** To declare Morningside College and S.H. Ho College as constituent Colleges of the Chinese University of Hong Kong ("the University") and to provide for consequential and related amendments.

- 2. Comments** The Member in charge is Hon CHEUNG Man-kwong.

The Bill declares Morningside College and S.H. Ho College as constituent Colleges of the University. In line with the Government policy of simplifying governance structure of UGC-funded institutions, the membership of the existing University Council would remain unchanged. No Boards of Trustees will be incorporated nor will Heads of College be appointed for the two new colleges. Thus, there will not be any ex officio members of the University Council, the Senate and other committees of the University as specified in the Statutes of the University coming from the two new colleges.

- 3. Public Consultation** The public has not been consulted on the provisions of the Bill.

- 4. Consultation with LegCo Panel** The Panel on Education was briefed on the provisions of the Bill at its meeting on 14 May 2007.

- 5. Conclusion** No difficulties in the legal and drafting aspects have been identified. Subject to Members' view, the Bill is ready for resumption of Second Reading debate.

II. REPORT

Objects of the Bill

To declare Morningside College and S.H. Ho College as constituent Colleges of The Chinese University of Hong Kong ("the University") and to provide for consequential and related amendments to The Chinese University of Hong Kong Ordinance (Cap. 1109) (the Ordinance) and the Prevention of Bribery (Exclusion of Bodies and Members of Bodies of Educational Institutions) Notice (Cap. 201 sub. leg. B).

LegCo Brief Reference

2. There is no LegCo Brief but two information papers were tabled at the meeting of the Education Panel on 14 May 2007 (LC Paper Nos. CB(2)1781/06-07(03) and CB(2)1859/06-07(01)).

Date of First Reading

3. 13 June 2007.

Comments

Background

4. The University was incorporated in 1963 as an university with a federal constitution with three original Colleges (Chung Chi College, New Asia College and The United College of Hong Kong). Subsequently, the Council of the University, by special resolution, resolved that Shaw College be added as a constituent College of the University. In view of the Government policy of reversion to a four-year curriculum in 2012, the University's undergraduates will increase by over 3,000. The University has considered it more appropriate to increase the number of colleges than to expand the capacity of each of the colleges. Morningside College and S.H. Ho College are established against this background.

The Bill

5. This is a Member's Bill and the Member in charge is Hon CHEUNG Man-kwong. The Administration has confirmed that the Bill does not relate to public expenditure, political structure, the operation of the Government, or Government policies.

6. Clause 3 of the Bill provides for the declaration of Morningside College and S.H. Ho College as constituent Colleges. Schedules to the Bill set out the consequential and related amendments to be made to the Ordinance and its Schedules, including the Statutes of the University. The amendments are to preserve the existing membership of the Council, Senate, and other committees specified by the Statutes of the University. Further, no Boards of Trustees will be incorporated for Morningside College and S.H. Ho College and that the Council will not appoint Heads of College for them. The effect of the amendments is that no member from Morningside College and S.H. Ho College will be appointed as ex officio members of the Council, the Senate and other committees of the University as specified in the Statutes.

7. The heading of Schedules 3 to 4 will be amended to better reflect the contents of the Schedules.

8. Another proposed amendment is to consequentially amend the second column of item 2 of the First Schedule to the Prevention of Bribery (Exclusion of Bodies and Members of Bodies of Educational Institutions) Notice (Cap. 201 sub. leg. B) so that the Boards of Trustees of the original Colleges and Shaw College are specifically excluded for the purpose of the definition of "public servant" in section 2(1) of the Prevention of Bribery Ordinance (Cap. 201). This replaces the existing exclusion expressed in general terms as "The Boards of Trustees of the constituent Colleges".

Public Consultation

9. The public has not been consulted on the provisions of the Bill.

Consultation with LegCo Panel

10. The Hon CHEUNG Man-kwong briefed the Panel on Education at its meeting on 14 May 2007 on the draft provisions of the Bill. He explained that in line with the Government policy to simplify the governance structure of the UGC-funded institutions, the membership of the University Council would remain unchanged. However, the University was reviewing its membership size and would introduce legislative amendments to reduce its number at an appropriate time. The University hoped that the Bill could be passed by LegCo in the current session without the need to form a Bills Committee to scrutinize the Bill.

11. Some Members expressed concerns at the meeting about the progress of the review of the governance structure of the University. Further, the Council should have a balanced representation from each constituent College and adequate representation from students and teachers in individual Colleges. Nevertheless, the

Panel supported the Bill. Members may refer to paragraphs 25 to 35 of the minutes of the meeting of the Panel for further information (LC Paper No. CB(2)2072/06-07).

Conclusion

12. No difficulties in legal and drafting aspects have been identified. Subject to Members' view, the Bill is ready for resumption of Second Reading debate.

Prepared by

LEE Ka-yun, Kelvin
Assistant Legal Adviser
Legislative Council Secretariat
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