

立法會
Legislative Council

LC Paper No. LS2/06-07

**Paper for the House Committee Meeting
on 20 October 2006**

**Legal Service Division Report on
City University of Hong Kong (Amendment) Bill 2006
(Member's Bill)**

I. SUMMARY

1. **Objects of the Bill** To change the structure of the Council of the City University of Hong Kong (CityU), reduce the total number of Council members, make consequential amendments and provide for transitional matters.
2. **Comments**
 - (a) The provisions for appointing a maximum number of Vice-Presidents, Deans of faculties and public officers to be Council members are repealed.
 - (b) The Chairman of the Convocation and the President of the Students' Union shall cease to be members of the Council *ex officio*.
 - (c) The Chief Executive (CE) could only appoint not more than 15 members of the Council instead of 18.
 - (d) Members of Staff may only elect one person (instead of two persons) among themselves for appointment to the Council. The students would also elect one person among themselves for appointment to the Council.
 - (e) The existing members appointed under section 10(1)(f) will continue to be members until their respective current terms of appointment expire. They would be deemed to have been appointed by CE under the relevant new provisions.
3. **Public Consultation** No public consultation has been conducted.
4. **Consultation with LegCo Panel** No LegCo Panel has been consulted on the Bill. However, letters have been received from the City University of Hong Kong Staff Association and the staff representative at the Council respectively objecting to the reduction of the number of Council members elected from among the staff from two to one.
5. **Conclusion** Members may wish to consider the objection from the staff of CityU, otherwise the Bill is ready for resumption of the Second Reading debate.

II. REPORT

Objects of the Bill

To amend the City University of Hong Kong Ordinance (Cap. 1132) to change the structure of the Council of the City University of Hong Kong, reduce the total number of Council members, make consequential amendments and provide for transitional matters.

LegCo Brief Reference

2. No LegCo Brief has been issued.

Date of First Reading

3. 18 October 2006.

Comments

Member's Bill

4. This is a public bill presented by Ir. Dr. Hon. Raymond HO Chung-tai, SBS, S.B.St.J., J.P. According to the Member, the Bill seeks to implement the recommendations of the Review Committee on University Governance and Management, which is established by the CityU Council to review its governance and management structures to see if they are suitable for modern day needs.

5. The President has ruled that the Bill relates to Government's policy concerning the appointments of the CityU Council members and accordingly the written consent of the Chief Executive is required under Rule 51(4) of the Rules of Procedure. Dr. HO has obtained the necessary consent.

Changes in the structure of the Council and number of Council Members

6. The Bill proposes to change the structure of the Council and reduce the total number of Council members. The existing provisions for a maximum number of Vice-Presidents (4), Deans of faculties (5) and public officers (3) to be appointed as Council members are repealed (section 10(1)(c), (d) and (e) – Clause 3(1)). The definition of "Vice-President" in section 2 is consequently repealed (clause 2(2)). The Chairman of the Convocation will no longer *ex officio* be a Council member (section 10(1)(i) repealed – clause 3(4)). Members of staff will elect one person (instead of two persons) among themselves for appointment to the Council (new section 10(1)(h) – clause 3(3)). In the place of the President of the Students' Union,

a student is to be elected from among students for appointment by the Council to be a Council member (new section 10(1)(j) – clause 3(5)).

7. The overall number of Council members is further reduced as a result of amendments to the provisions governing the power of CE to appoint Council members (section 10(1)(f) – clause 3(2)). The changes are made in the following manner:-

Appointments by CE	Existing Provisions	New Provisions
Overall number	Not more than 18	Not more than 15
Persons not eligible	Public officers & employees of the University	Students & employees of the University
Minimum and maximum number of persons to be appointed	Not less than 10 who have experience in commerce and industry in Hong Kong	Nil
	Not more than 9 on recommendation of the Council	Not more than 8 on recommendation of the Council
	9 appointed by CE	No more than 7 appointed by CE

Transitional provisions

8. All persons who are Council members appointed under section 10(1)(f) immediately before the commencement of the amendment will continue to be such members until the expiry of their respective terms of appointment. They will be deemed to have been appointed by CE under the relevant new subparagraphs of the new section 10(1)(f) (clause 4). The Council Secretary has confirmed that the scenario of the number of the existing members allowed to remain in office under the transitional arrangements exceeding the number of members permitted to be appointed under the new provisions would not arise.

Commencement

9. Clause 1(2) of the Bill stipulates that the Ordinance is to come into operation on 1 January 2007.

Public Consultation

10. No public consultation has been conducted.

Consultation with LegCo Panel

11. No LegCo Panel has been consulted on the Bill. However, a letter dated 30 September 2006 (LC Paper No. CB(2)3176/05-06 (01)) has been sent to the Chairman of the Panel on Education of the last session from the City University of Hong Kong Staff Association objecting to the reduction of the number of Council members elected from among the staff from two to one. Another letter dated 17 October 2006 addressed to the President of LegCo has been received from the staff representative at the Council putting forth the same objection. Both letters (Chinese version only) are attached respectively as **Annex I and II** for Members' easy reference.

Conclusion

12. Members may wish to consider the objection from the staff of CityU, otherwise the Bill is ready for resumption of the Second Reading debate.

Encl

Prepared by

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19 October 2006

附件 I
Annex I

立法會 CB(2)3176/05-06(01)號文件
(只備中文本)(Chinese Version only)

立法會
教育事務委員會主席
楊森議員

楊森議員：

本會對近日憲報刊登有關 2006 年香港城市大學（修訂）條例草案有以下的意見，敬希 楊主席能代為轉告各議員。本會亦希望能出席立法會有關委員會的會議，以便反映我們的意見，敬希 楊主席能代為安排。

有關修訂條例中關於校董會組成部份 3(3)第 10(1)(h)，將原先規定由教職員互選選出並由校董會委任的教職員人數由 2 名減為 1 名，本會表示反對。原因是大學教職員人數眾多，且來自不同職級，各職級的工作範疇差異頗大，待遇也有差距，若只有一位代表，實在極不足夠。

事實上，本校校董會在 2002 年亦曾委任一委員會，專責檢討大學的管治問題。該委員會在校內進行諮詢，結果顯示同事強烈希望能維持校董會內員方的代表性。最後，委員會雖建議大幅減少校董會成員人數，同時也一併減少校內校董的人數至五名，但當中仍舊維持有兩名由教職員互選選出的職員代表（五名校內校董包括校長、副校長、兩名由教職員互選選出的職員代表及一名由學生互選選出的學生代表，詳細內容可參閱“Report of the Review Committee on University Governance and Management”）。

本會希望 楊主席能將本會上述的立場，交予教育事務委員會或相關的委員會，讓各議員討論。

祝
工作愉快。

香港城市大學教職員協會
主席 謝永齡

二零零六年九月三十日

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香港特別行政區
立法會主席
范徐麗泰女士

范主席：

《2006 年香港城市大學（修訂）條例草案

敬悉立法會將於 2006 年明日的會議上，就《2006 年香港城市大學（修訂）條例草案進行首讀及二讀，本人謹就草案建議提出以下意見，敬希 閣下考慮，並協助將意見轉告各議員。

一直以來，城大校董會均有 2 名由教職員互選選出的教職員代表，以便員工意見能在校董會中得到充份反映。事實上，在過往多年的運作中，此安排也確實能有效地讓校董會更明白同工的意見及想法，亦令大學的管治更為有效。

根據憲報刊登有關的修訂條文，關於校董會組成部份 3(3)第 10(1)(h)，建議將原先規定由教職員互選選出並由校董會委任的教職員人數由 2 名減為 1 名，本人表示強烈反對。原因是大學教職員人數眾多，且來自不同職級，各職級的工作範疇差異頗大，若只有一位代表，實在極為不足夠。

翻查紀錄，本校校董會於 2002 年曾成立專責委員會，檢討大學的管治問題。委員會曾在校內進行廣泛諮詢，結果顯示同事強烈要求能維持校董會內員方的代表性。儘管委員會最後建議大幅減少校董會的成員人數，包括減少校內校董的人數，但當中仍舊維持有 2 名由教職員互選選出的職員代表。

再者，校董會成員中雖然有一位由教務委員會（Senate）互選產生的代表，但該席位只是代表教務會，與教職員代表不能相提並論。事實上，檢討報告中已明確建議保留 2 名由職員選出的代表，若果將教務會的代表強說成是教職員代表，實屬牽強，亦違背了檢討報告的原意。

因此，本人促請立法會在審議相關的條文時，能尊重檢討報告及教職員的決定，在草案中保留 2 名由教職員互選選出的教職員代表。敬希 主席閣下能將上述的立場，交予相關委員會及議員考慮。祝

工作愉快。

香港城市大學校董會
教職員代表
馮偉華 博士敬上

二零零六年十月十七日

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