

**Meeting of the Panel on Education
of the Legislative Council
on Monday, May 14, 2007**

**Background Information concerning The Chinese University of Hong Kong
(Declaration of Morningside College and S.H. Ho College
as Constituent Colleges) Bill**

Q1. What are the purposes of The Chinese University of Hong Kong (Declaration of Morningside College and S.H. Ho College as Constituent Colleges) Bill (“the Bill”)?

A1. The purposes of the Bill are to declare Morningside College and S.H. Ho College as constituent Colleges of The Chinese University of Hong Kong (“CUHK”) in accordance with Section 3(1) of The Chinese University of Hong Kong Ordinance (Cap. 1109) (“the principal Ordinance”) and to provide for consequential and related amendments to the principal Ordinance and the Prevention of Bribery (Exclusion of Bodies and Members of Bodies of Educational Institutions) Notice (Cap. 201 sub. leg. B) (“the Prevention of Bribery Notice”).

Q2. How many constituent Colleges does CUHK have at present? Why does CUHK want to add new constituent Colleges?

A2. CUHK now has four constituent Colleges (namely, Chung Chi, New Asia, United and Shaw). The Government has stated that upon the reversion to a four-year curriculum in 2012, the total undergraduate intake by all local universities (14,500) will remain unchanged. By then, with the same intake and one extra year, CUHK’s undergraduate population will increase by over 3,000. Without new Colleges, each of the four existing Colleges will have to increase its student number from the present level of about 2,500 to over 3,200. This will reduce the interaction among students and staff, and affect the quality of college education and college life. Deeply committed to education and sharing CUHK’s vision, two benefactors recognized the value of CUHK’s college system, and have made generous donations for the establishment of Morningside College and S.H. Ho College.

Q3. What are the objectives and functions of the constituent Colleges of CUHK?

A3. CUHK’s college system has a long cherished tradition. The four constituent Colleges are widely acknowledged for their important role in enriching students’ learning experience. Their mission is to foster an intimate community where students and academic staff learn, share and grow intellectually; to provide an environment for congenial college life and learning for students; to provide pastoral care, whole-person education, and general education; to broaden students’ perspective through formal and non-formal education. The two new Colleges will share CUHK’s educational ideals, but will also have their own distinctive characters. Morningside College will seek to cultivate among its students a commitment to serve the community of Hong Kong, the nation and the world. S.H. Ho College will seek to cultivate among its students a commitment to personal responsibility and integrity which will lay the foundation for contributions to society and an enriching life.

A BILL

To

Provide for the declaration of Morningside College and S. H. Ho College as constituent Colleges of The Chinese University of Hong Kong; and to make consequential and related amendments.

Enacted by the Legislative Council.

1. **Short title**

This Ordinance may be cited as The Chinese University of Hong Kong (Declaration of Morningside College and S. H. Ho College as Constituent Colleges) Ordinance.

2. **Interpretation**

In this Ordinance, unless the context otherwise requires -
"constituent Colleges" (成員書院), "Council" (大學校董會) and
"University" (香港中文大學) have the same meanings as in the
principal Ordinance;

"principal Ordinance" (主體條例) means The Chinese University of
Hong Kong Ordinance (Cap. 1109).

**3. Declaration of Morningside College and
S. H. Ho College as constituent
Colleges of University**

Morningside College and S. H. Ho College are, in accordance with a special resolution of the Council, declared to be constituent Colleges of the University.

4. Saving

Nothing in this Ordinance shall affect or be deemed to affect the rights of the Central Authorities or the Government of the Hong Kong Special Administrative Region under the Basic Law and other laws, or the rights of any body politic or corporate or of any other person except such as are mentioned in this Ordinance and those claiming by, from or under them.

5. Consequential and related amendments

(1) The principal Ordinance is amended in the manner and to the extent set out in Schedule 1.

(2) The Prevention of Bribery (Exclusion of Bodies and Members of Bodies of Educational Institutions) Notice (Cap. 201 sub. leg. B) is amended in the manner and to the extent set out in Schedule 2.

SCHEDULE 1

[s. 5]

AMENDMENTS TO THE CHINESE UNIVERSITY
OF HONG KONG ORDINANCE

1. Long title amended

The long title to The Chinese University of Hong Kong Ordinance (Cap. 1109) is amended by adding ", Morningside College and S. H. Ho College" after "Shaw College".

2. Preamble amended

The preamble is amended, in paragraph (da), by repealing "by special resolution, resolved that Shaw College shall be a constituent College" and substituting "by special resolutions, resolved that Shaw College, Morningside College and S. H. Ho College shall be constituent Colleges".

3. Definitions

(1) Section 2(1) is amended, in the definition of "Board of Trustees", by repealing "a constituent College" and substituting "an original College or Shaw College".

(2) Section 2(1) is amended, in the definition of "constituent College", by repealing everything after "section 3" and substituting a semicolon.

(3) Section 2(1) is amended by repealing the definition of "Head" and substituting -

"Head" (院長) means, in relation to an original College or Shaw College, the Head of the College concerned;".

4. **Officers**

Section 5(1) is amended by repealing "the Head of each constituent College" and substituting "the Heads of the original Colleges and of Shaw College".

5. **Powers and duties of the Council**

Section 7(c) is amended by repealing everything after "immovable property" and substituting "of any original College or Shaw College, the Council shall not alter the use of any such property without the prior consent of the Board of Trustees of the College concerned;".

6. **Repeals**

(1) The heading of section 20 is amended by repealing "Repeals" and substituting "Miscellaneous provisions".

(2) Section 20(2) is repealed and substituted by -

"(2) The constitution and powers of the Boards of Trustees of the original Colleges are set out in Schedule 3."

(3) Section 20(3) is repealed and substituted by -

"(3) The constitution and powers of the Board of Trustees of Shaw College are set out in Schedule 4."

7. Statutes of The Chinese University of Hong Kong

(1) Statute 1 of the Statutes of The Chinese University of Hong Kong in Schedule 1 is amended -

(a) in the definition of "College", by repealing everything after "section 3" and substituting a semicolon;

(b) by adding -

"additional College" (新增書院) means a constituent College other than an original College or Shaw College;"

(2) Statute 3(g) is amended by repealing "Colleges" and substituting "original Colleges and of Shaw College".

(3) Statute 9 is amended -

(a) in the heading, by repealing "COLLEGES" and substituting "ORIGINAL COLLEGES AND OF SHAW COLLEGE";

(b) by adding immediately before paragraph 1 -

"1A. This Statute only applies to and in relation to the original Colleges and Shaw College."

(4) Statute 11 is amended -

(a) in paragraph 1(e), by adding "in relation to the original Colleges and Shaw College," before "2 members";

(b) in paragraph 1(f), by repealing "Head of each College" and substituting "Heads of the original Colleges and of Shaw College";

- (c) in paragraph 1(h), by adding "in relation to the original Colleges and Shaw College," before "one";
- (d) in paragraph 8(1)(g), by adding "in relation to the original Colleges and Shaw College," before "to require".

(5) The Statutes are amended by adding -

"STATUTE 11A

CONSTITUTIONS OF ADDITIONAL
COLLEGES

1. There shall be a constitution for each additional College. The constitution shall be subject to the approval of the Council.
2. The name, structure and organization of each additional College shall be determined by the Council."

(6) Statute 12 is amended -

- (a) in paragraph 2(c), by repealing "Head of each College" and substituting "Heads of the original Colleges and of Shaw College";
- (b) in paragraph 4 -
 - (i) by repealing "concerning a College" and substituting "concerning an original College or Shaw College";
 - (ii) by repealing "that College" and substituting "the College concerned".

(7) Statute 13 is amended, in paragraph 1(c), by repealing "Head of each College" and substituting "Heads of the original Colleges and of Shaw College".

(8) Statute 14 is amended -

- (a) in paragraph 1(c), by repealing "Head of each College" and substituting "Heads of the original Colleges and of Shaw College";
- (b) in paragraph 1(g), by adding "in relation to the original Colleges and Shaw College," before "2 Fellows";
- (c) in paragraph 1(m), by adding "in relation to the original Colleges and Shaw College," before "1 student";
- (d) in paragraph 2, by repealing "Fellows and student members elected under paragraph 1(l) or (m)" and substituting "Fellows elected under paragraph 1(g) and student members elected under paragraph 1(l) or (m)".

(9) Statute 15 is amended, in paragraph 6(g), by adding "in relation to the original Colleges and Shaw College," before "one".

(10) Statute 16 is amended -

- (a) by repealing paragraph 2 and substituting -
 - "2A. In relation to the original Colleges and Shaw College, the Fellows of each College appointed under paragraph 1 shall, together with the Head of that College, form an Assembly of Fellows of that College.

2B. In relation to the additional Colleges, the Fellows of each College appointed under paragraph 1 shall form an Assembly of Fellows of that College.";

(b) by repealing paragraph 3 and substituting -

"3. In relation to the original Colleges and Shaw College, the Head of a College shall be the Chairman of the Assembly of Fellows of that College.";

(c) by repealing paragraph 6 and substituting -

"6. In relation to the original Colleges and Shaw College, the Assembly of Fellows of each College shall -

(a) elect one of their number to be a member of the Council; and

(b) when necessary, elect 6 Fellows of varying academic seniority for the purposes of serving on the Committee constituted under paragraph 1 of Statute 9.

6A. The Assembly of Fellows of each College shall be responsible for -

(a) arranging the tutorial instruction, pastoral counselling and student -

orientated teaching of the students assigned to the College;

- (b) the supervision of residential accommodation for certain students at the College; and
- (c) the maintenance of discipline within the College."

(11) Statute 19(c) is amended by repealing "Head of each of the Colleges" and substituting "Heads of the original Colleges and of Shaw College".

(12) Statute 20 is amended -

- (a) by repealing paragraph 2(d) and substituting -

"(d) (if the College to which the appointee will be assigned is an original College or Shaw College) the Head of the College concerned;"

- (b) by repealing paragraph 3(d) and substituting -

"(d) (if the College to which the appointee will be assigned is an original College or Shaw College) the Head of the College concerned;"

- (c) by repealing paragraph 4(d) and substituting -

"(d) (if the College to which the appointee will be assigned is an original College or Shaw College) the Head of the College concerned; and".

(13) Statute 24 is amended, in paragraph 3, by repealing "Head of each of the Colleges" and substituting "Heads of the original Colleges and of Shaw College".

(14) Statute 26 is amended -

(a) in paragraph 12(c), by repealing "Heads of the Colleges" and substituting "Heads of the original Colleges and of Shaw College";

(b) by repealing paragraph 12(f) and substituting -

"(f) 4 members elected by the Senate from among its own members."

8. Constitution of the Original Colleges

(1) The heading of Schedule 3 is amended by adding "AND POWERS OF THE BOARDS OF TRUSTEES" after "CONSTITUTION".

(2) Schedule 3 is amended, within the square brackets, by repealing "ss. 19(2) & 20(2)" and substituting "s. 20(2)".

9. Schedule 4 heading amended

The heading of Schedule 4 is amended by adding "AND POWERS OF THE BOARD OF TRUSTEES" after "CONSTITUTION".

SCHEDULE 2

[s. 5]

AMENDMENTS TO PREVENTION OF BRIBERY (EXCLUSION OF BODIES AND MEMBERS OF BODIES OF EDUCATIONAL INSTITUTIONS) NOTICE

1. First Schedule amended

The First Schedule to the Prevention of Bribery (Exclusion of Bodies and Members of Bodies of Educational Institutions) Notice (Cap. 201 sub. leg. B) is amended, in the second column of item 2, by repealing "The Boards of Trustees of the constituent Colleges"

and substituting "The Boards of Trustees of Chung Chi College, The United College of Hong Kong, New Asia College and Shaw College".

Explanatory Memorandum

The purposes of this Bill are to declare Morningside College and S. H. Ho College as constituent Colleges of The Chinese University of Hong Kong ("the University") in accordance with section 3 of The Chinese University of Hong Kong Ordinance (Cap. 1109) ("the principal Ordinance") and to provide for consequential and related amendments to the principal Ordinance and the Prevention of Bribery (Exclusion of Bodies and Members of Bodies of Educational Institutions) Notice (Cap. 201 sub. leg. B) ("the Prevention of Bribery Notice").

2. Clause 1 provides for the short title to this Bill when enacted.

3. Clause 2 provides for the definitions adopted in this Bill.

4. Clause 3 provides for the declaration of Morningside College and S. H. Ho College as constituent Colleges of the University under section 3 of the principal Ordinance.

5. Clause 4 is the saving provision required under Rule 50(8) of the Rules of Procedure of the Legislative Council of the Hong Kong Special Administrative Region.

6. Clause 5 provides that consequential and related amendments are to be made to the principal Ordinance and the Prevention of Bribery Notice as set out in the Schedules.

7. Schedule 1 sets out the consequential and related amendments to be made to the principal Ordinance upon the declaration of Morningside College and S. H. Ho College as constituent Colleges of the University. In particular -

- (a) section 1 of Schedule 1 amends the long title to the principal Ordinance;
- (b) section 2 of Schedule 1 amends the preamble of the principal Ordinance;
- (c) section 3 of Schedule 1 amends section 2(1) of the principal Ordinance by revising, among others, the definitions of "Board of Trustees" and "Head" in order to address the fact that no Board of Trustees and Head of College will be incorporated and appointed for Morningside College and for S. H. Ho College;
- (d) section 4 of Schedule 1 amends section 5(1) of the principal Ordinance relating to the officers of the University, so as to reflect the fact that no Head of College will be appointed for Morningside College and for S. H. Ho College;
- (e) section 5 of Schedule 1 amends section 7(c) of the principal Ordinance to the effect that the Council of the University is required to obtain the prior consent of the Board of Trustees of a constituent College of the University for altering the use of any immovable property of that constituent College

only if that constituent College has a Board of Trustees;

- (f) section 6 of Schedule 1 amends section 20 of the principal Ordinance by -
 - (i) changing the heading to "Miscellaneous provisions" to better reflect the contents of that section 20; and
 - (ii) revising subsections (2) and (3) of that section 20 to explain what are set out in Schedules 3 and 4 to the principal Ordinance;
- (g) section 7 of Schedule 1 amends the Statutes of the University in Schedule 1 to the principal Ordinance, mainly by -
 - (i) revising various Statutes to reflect the fact that no Board of Trustees and Head of College will be incorporated and appointed for Morningside College and for S. H. Ho College, and that there will not be any ex officio members of the Council, the Senate and other committees of the University as specified in the Statutes coming from those Colleges; and
 - (ii) adding a new Statute 11A, which provides that -
 - (A) Morningside College, S. H. Ho College and any other additional College will each have a constitution which shall be subject to the approval of the Council of the University; and

(B) the name, structure and organization of each of those Colleges shall be determined by the Council of the University;

- (h) section 8 of Schedule 1 amends the heading of Schedule 3 to the principal Ordinance by changing it to "Constitution and Powers of the Boards of Trustees of the Original Colleges" to better reflect the contents of that Schedule 3; and
- (i) section 9 of Schedule 1 amends the heading of Schedule 4 to the principal Ordinance by changing it to "Constitution and Powers of the Board of Trustees of Shaw College" to better reflect the contents of that Schedule 4.

8. Schedule 2 sets out the consequential amendment to be made to the Prevention of Bribery Notice upon the declaration of Morningside College and S. H. Ho College as constituent Colleges of the University.

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