

# **BRIEF FOR THE LEGISLATIVE COUNCIL**

## **The Hong Kong University of Science and Technology Ordinance (Cap. 1141)**

### **The Hong Kong University of Science and Technology (Amendment) Bill 2008**

#### **INTRODUCTION**

The Hong Kong University of Science and Technology (“HKUST” or “the University”) is one of the eight local universities funded by the University Grants Committee. It was established in 1988 through the enactment of The Hong Kong University of Science and Technology Ordinance (Chapter 1141 of the Laws of Hong Kong) (“the Ordinance”).

2. At a meeting of the Council of HKUST (“University Council”) held on 12 March 2008, it was agreed that the composition of the University Council, the University’s supreme governing body, be amended. In essence: a new position of Provost is to be created; a seat each for an employee and a student be added; and the overall number of Council seats be reduced with external members occupying a majority of the seats.

3. To give effect to the proposed changes, The Hong Kong University of Science and Technology (Amendment) Bill 2008 (“the Bill”) will be introduced into the Legislative Council (“LegCo”) by the Hon Abraham Shek, who is currently a Council Member of HKUST, as a Member’s Bill.

#### **JUSTIFICATION**

##### **The Sutherland Report and Report of the Public Accounts Committee**

4. The Bill provides for the amendment of the Ordinance to revise the composition of University Council in the light of recommendations in:

(a) The Report on Higher Education in Hong Kong commissioned by the University Grants Committee (“the Sutherland Report”) dated March 2002; and

(b) Chapter 1 of the Report of the Public Accounts Committee No.40A dated November 2003,

as well as operational needs of HKUST.

##### **Current composition of the University Council**

5. The current composition of the University Council is listed in the left-hand column of the table at Annex A. Arising from the Sutherland Report, local universities have been urged to review the fitness for purpose of their governance and management structures and, where appropriate, propose legislative changes. The general consensus is that Councils of universities should not be too large in size for efficient operation and that external members should

outnumber internal members by a sufficiently large margin to ensure proper governance of the universities.

### **Newly-added post of ‘Provost’**

6. To prepare for the change to a four-year degree system, the HKUST Council has engaged a management consultant to review its senior management structure. The recommendations of the consultant have been accepted. One of the recommendations is to add a new position of ‘Provost’ to the senior management structure. Provost is a title commonly understood in renowned universities in the world for the chief academic officer who is responsible for oversight of all educational affairs and activities, including academic personnel. HKUST wishes to include the Provost as one of the *ex-officio* members of the Council.

### **Additions and consequential changes to Council composition**

7. When the Ordinance was first enacted in 1988, no Council seats had been provided for students and employees other than the senior management and academic representatives on the Senate of the University (the University’s highest academic body). HKUST submits that as stakeholders, students and employees should have a voice in the Council. To make room for the additional seats, for a student and an employee respectively, the HKUST Council proposes to reduce the number of members in other categories of its membership.

### **Proposed changes to the composition of the HKUST Council**

8. A summary of the proposed changes to the composition of the HKUST Council is given in the right-hand column of the table at **Annex A**. Details are in the Bill at **Annex B**.

### **The consultation process**

9. HKUST has consulted widely the various University stakeholders to gauge their views on, and seek their support for, the proposed amendments. Details are in the following:-

#### **(a) Internal consultation**

Emails on the subject from the President have been sent three times (on 22 February, 6 March and 10 March 2008) to each and every student (undergraduate / postgraduate) and twice to employees and alumni (on 22 February and 6 March 2008). Face-to-face meetings with employee representatives (on 11 February 2008), student representatives (on 18 February 2008) and alumni representatives (on 23 February 2008) have been held by Vice-Presidents. Formal consultation sessions with the University Senate consisting of representatives of faculty members (on 19 February 2008), and the University Council and the University Court, the later being the highest advisory body (on 12 March 2008), have been conducted. Two open forums on the subject on 10 March 2008 (one for all students and alumni, and the other for all employees) have been held to hear views and answer questions. In addition, there is a designated email account for all students, employees and alumni to provide feedback. A 2-week on-line survey was conducted from 5 to 19 May 2008 among staff and students respectively to poll their opinions on the method for electing the full-time employee and the full-time student to the HKUST Council, i.e., either by direct election (one person one vote) or indirect election (the Chairman of the HKUST Staff Association and the President of the HKUST Students’ Union to be the *ex-officio* Council Members).

- (b) External consultation  
The Education Bureau and the University Grants Committee have been invited to examine the proposed amendments from a policy perspective while the Department of Justice from the point of law drafting.
- (c) LegCo Panel on Education  
The LegCo Panel on Education was briefed on 8 May 2008. Panel Members expressed appreciation of the HKUST Council for having proactively consulted staff, students and alumni on the proposals of the Bill. The Panel did not find it necessary to form a Bills Committee to scrutinize the Bill provided that the outcomes of the polls among the staff and students on the election method for their respective representatives in the HKUST Council would be reflected in the Bill and other relevant provisions.

10. The outcome of the consultation is summarized as follows:

- (a) Students  
HKUST students (both undergraduates and postgraduates) welcome the provision of a Council seat for a full-time student.
- (b) Alumni  
HKUST alumni are supportive of the proposed package of changes. They understand that a seat has been earmarked for the Chairman of the Convocation which will be a body consisting predominantly of HKUST alumni. This body has not yet been formed because the alumni base, typical of a young university, remains relatively small. The University Administration will work with the alumni on the details for the formation of the Convocation.
- (c) Senate  
The Senate met on 19 February 2008 to discuss the proposed changes to the Ordinance. Members of the Senate, mostly academics and researchers, support the creation of a new position of “Provost” and have no objection to the reduction of the number of Senate representatives on the University Council from three to two.
- (d) Employees  
HKUST employees welcome the proposed changes, particularly the proposal relating to the addition of a seat for a full-time employee and a full-time student respectively.
- (e) University Court and Council  
Court and Council members are supportive of the proposed additions and other changes.
- (f) Government bureau and departments  
No objection to the proposed changes has been received from the Education Bureau and the University Grants Committee. The Department of Justice issued a certificate under Rule 51(2) of the LegCo Rules of Procedure on 6 May 2008. The Chief Executive’s written consent under Rule 51(4) of the LegCo Rules of Procedure was also available on 2 June 2008.

11. The outcomes of the on-line polls conducted during 5-19 May 2008 are thus:

Staff : 65.0% in favour of direct election, 35.0% for indirect election;  
Students : 75.9% in favour of direct election, 24.1% for indirect election.

HKUST has pledged to abide by the wishes of the staff and students and will conduct the direct elections accordingly to determine the Staff Council Member and the Student Council Member. The direct election arrangement is in accord with the proposed provisions as originally drafted in the Bill.

## **THE BILL**

12. The key provisions of the Bill in **Annex B** are as follows:
- (a) **Clause 2** appoints 1 September 2009 as the date of commencement of the Ordinance.
  - (b) **Clause 3** adds “Provost” to the Interpretation Section (section 2) of The HKUST Ordinance.
  - (c) **Clause 4** amends section 9 of the Ordinance to revise the composition of the HKUST Council.
  - (d) **Clause 5** amends section 11(4)(d) of the Ordinance as a consequential amendment arising from the addition of the post of “Provost”.
  - (e) **Clause 6** amends the heading of Part V of the Ordinance as a consequential amendment arising from the addition of the post of “Provost”.
  - (f) **Clause 7** amends section 12 of the Ordinance as a consequential amendment arising from the addition of the post of “Provost”.
  - (g) **Clause 8** amends section 13(2)(d) of the Ordinance as a consequential amendment arising from the addition of the post of “Provost”.
13. A comparison table showing the current version of the Ordinance and the proposed changes is at **Annex C**.

## **SUBMISSIONS**

14. The HKUST Staff Association, HKUST Alumni Association and HKUST Students’ Union have submitted their views directly to the LegCo Panel on Education in April 2008. Copies of these three submissions are in **Annex D** (English only), **Annex E** (English only) and **Annex F** (Chinese only).

## **HKUST STATUTES AND REGULATIONS FOR THE ELECTIONS**

15. Following the meeting of the LegCo Panel on Education on 8 May 2008, University Statutes and Regulations governing elections among full-time employees and full-time students have been drawn up, posted on-line for all staff and students to view and comment, and received the approval of the HKUST Council on 4 June 2008. These Statutes and Regulations are attached in **Annex G** (University Statute 9), **Annex H** (Regulations for Staff Election), **Annex I** (University Statute 10) and **Annex J** (Regulations for Student Election) for LegCo Members’ information.

## **ENQUIRIES**

16. Any enquiries about this brief may be directed to the office of the Hon Abraham Shek, Member of the Legislative Council, at Room 806, Manning House, 48 Queen's Road Central, Hong Kong, telephone number 2588 1060, fax number 2588 1623 or Ms Catherine Lai, Council Secretary of The Hong Kong University of Science and Technology, at Room 6376, The Hong Kong University of Science and Technology, Clear Water Bay, Kowloon, Hong Kong, telephone number 2358 6322, fax number 2358 0545.

Council Secretariat  
The Hong Kong University of Science and Technology  
5 June 2008

Current and proposed composition of the Council of  
The Hong Kong University of Science and Technology

	Current composition	Proposed changes
Appointed members not being public officers, employees or students of the University	not more than 18	not more than 17
Public officers	not more than 3 [Government has ceased to fill these seats]	0 [Government may appoint public officers under a revised provision in Section 9(1)(g)]
President / Vice-Presidents / Deans	President (1), all Vice-Presidents (VPs) (3), & all Deans of schools (5)	President (1), Provost (1) <b>[new]</b> , VP (1) [by rotation among VPs], & Deans (2) [by rotation among Deans]
Academic members of Senate	not more than 3 elected faculty members from the Senate	not more than 2
Alumni (counted also as external member)	Chairman of the Convocation [The Convocation, not yet established, will be a body consisting predominantly of alumni]	1 [no change]
Employees	--	1 <b>[new]</b>
Students	--	1 <b>[new]</b>
Total	Maximum 34 seats  [As the seats for 3 public officers and Chairman of the Convocation are unfilled, the actual number of members is 30]	Maximum 27 seats

## **A BILL**

### **TO**

Amend The Hong Kong University of Science and Technology Ordinance, to –

- (a) include a definition of “Provost” and provide for the appointment and removal of a Provost by The Hong Kong University of Science and Technology;
- (b) preclude the University’s Council from delegating to a committee or the President the power to –
  - (i) appoint and remove the Provost; or
  - (ii) approve the duties to be undertaken by the Provost;
- (c) reduce the maximum number of the University’s Council members;
- (d) change the composition of the University’s Council; and
- (e) make consequential and related amendments.

Enacted by the Legislative Council.

#### **1. Short title**

This Ordinance may be cited as The Hong Kong University of Science and Technology (Amendment) Ordinance 2008.

#### **2. Commencement**

This Ordinance shall come into operation on 1 September 2009.

#### **3. Interpretation**

Section 2 of The Hong Kong University of Science and Technology Ordinance (Cap. 1141) is amended by repealing the definition of “President” and “Vice-Presidents” and substituting –

““President” (校長), “Provost” (首席副校長) and “Vice-Presidents” (副校長) respectively mean the President, Provost and Vice-Presidents of the University;”.

#### **4. Membership of the Council**

- (1) Section 9(1) is amended –

- (a) by adding –
  - “(aa) the Provost;”;
- (b) by repealing paragraph (b) and substituting –
  - “(b) 1 Vice-President who shall be appointed by the Council by rotation among the Vice-Presidents;”;
- (c) by repealing paragraph (c) and substituting –
  - “(c) 2 members who shall be appointed by the Council by rotation among the Deans of Faculties and Schools and the Dean of Undergraduate Education;”;
- (d) by repealing paragraph (e);
- (e) by repealing paragraph (f) and substituting –
  - “(f) not more than 2 academic members of the Senate who shall be nominated by the Senate and appointed by the Council;”;
- (f) by repealing paragraph (g) and substituting –
  - “(g) not more than 17 members, who shall not be employees or students of the University, of whom –
    - (i) not less than 10 shall have experience in commerce or industry in Hong Kong and not more than 5 shall be from other tertiary institutions in or outside Hong Kong;
    - (ii) not more than 9 shall be appointed by the Chancellor; and
    - (iii) not more than 8 shall be appointed by the Chancellor on the recommendation of the Council;
  - (h) 1 member who shall be elected by and from full-time employees of the University and appointed by the Council; and
  - (i) 1 member who shall be elected by and from full-time students of the University and appointed by the Council.”.

(2) Section 9(3)(a) is repealed.

## 5. Committees of the Council

Section 11(4)(d) is repealed and the following substituted –

“(d) to appoint or remove from office the President, the Provost or any Vice-President under section 12, or to approve the duties to be undertaken by the Provost or any Vice-President under that section.”.

**6. Part heading amended**

The heading of Part V is amended by adding “PROVOST,” after “PRESIDENT,”.

**7. Appointment of President, Vice-Presidents and other staff**

(1) The heading of section 12 is amended by adding “**Provost,**” after “**President,**”.

(2) Section 12(1)(b) is amended by adding “1 Provost and” after “appoint”.

(3) Section 12(2)(c) is amended by repealing “section 9(1)(a), (b), (c) or (f)” and substituting “section 9(1)(a), (aa), (b), (c), (f), (h) or (i)”.

(4) Section 12(3)(a) is amended by adding “Provost and the” before “Vice-Presidents”.

(5) Section 12(3)(b) is amended by repealing “A Vice-President” and substituting “The Provost or a Vice-President”.

(6) Section 12(3)(c) is amended by repealing “section 9(1)(b), (c) or (f)” and substituting “section 9(1)(aa), (b), (c), (f), (h) or (i)”.

(7) Section 12(4)(b) is repealed and the following substituted –

“(b) The Council may appoint any person to act as the Provost or as a Vice-President on a temporary basis during the incapacity or absence from Hong Kong of the Provost or any Vice-President, as the case may be, or if the office of the Provost or any Vice-President, as the case may be, is vacant for any reason.”.

**8. Power of Council to delegate to President**

Section 13(2)(d) is amended by adding “the Provost or” before “any Vice-President”.

**Explanatory Memorandum**

The purpose of this Bill is to amend The Hong Kong University of Science and Technology Ordinance (Cap.1141) (“the Ordinance”) –

(a) to introduce the new position of “Provost” in the senior management structure of The Hong Kong University of Science and Technology and

- to provide for the appointment and removal of a Provost by the University;
- (b) to preclude the University's Council from delegating to a committee or the President the power to –
    - (i) appoint and remove the Provost; or
    - (ii) approve the duties to be undertaken by the Provost;
  - (c) to reduce the maximum number of the University's Council members from 34 to 27;
  - (d) to change the composition of the University's Council, and in particular to –
    - (i) include the Provost as a Council member;
    - (ii) limit the number of Vice-Presidents represented on the Council to 1;
    - (iii) limit the number of Deans represented on the Council to 2;
    - (iv) remove the requirement for the Council members to include not more than 3 public officers appointed by the Chief Executive;
    - (v) reduce the total number of academic members of the Senate represented on the Council from not more than 3 to not more than 2;
    - (vi) reduce the total number of external Council members from not more than 18 to not more than 17, by reducing the total number of external Council members appointed by the Chancellor on the recommendation of the Council from not more than 9 to not more than 8;
    - (vii) remove the restriction on public officers being appointed as external Council members;
    - (viii) confirm the current practice of excluding employees and students of the University from appointment as external Council members; and
    - (ix) make membership of the Council available to 1 full-time employee and 1 full-time student of the University; and
  - (e) to make consequential and related amendments to the Ordinance.

( shall come into operation on 1 September 2009 )

## CHAPTER 1141

### THE HONG KONG UNIVERSITY OF SCIENCE AND TECHNOLOGY

To provide for the establishment of The Hong Kong University of Science and Technology and for connected matters.

#### PART I

#### PRELIMINARY

##### 1. Short title

(1) This Ordinance may be cited as The Hong Kong University of Science and Technology Ordinance.

(2) (*Omitted as spent*)

##### 2. Interpretation

In this Ordinance, unless the context otherwise requires—

“Chancellor” (監督) means the Chancellor of the University and also any person acting as Chancellor of the University by virtue of section 6(2);

“Court” (顧問委員會), “Council” (校董會), “Senate” (教務委員會) and “Convocation” (評議會) respectively mean the Court, Council, Senate and Convocation of the University;

“financial year” (財政年度) means the period fixed by the University under section 18(3);

“President” (校長) and “Vice-Presidents” (副校長) respectively mean the President and Vice-Presidents of the University;

“statutes” (規程) means the statutes of the University;

“University” (大學) means The Hong Kong University of Science and Technology established by section 3.

SUBSTITUTE “President” (校長), “Provost” (首席副校長) and “Vice-Presidents” (副校長) respectively mean the President, Provost and Vice-Presidents of the University;

## PART II

### THE HONG KONG UNIVERSITY OF SCIENCE AND TECHNOLOGY

#### **3. Establishment and incorporation of the University**

There is hereby established a body corporate with perpetual succession to be known in English as The Hong Kong University of Science and Technology and in Chinese as 香港科技大學, which in its name either in English or Chinese may sue and be sued.

#### **4. Objects of the University**

The objects of the University are—

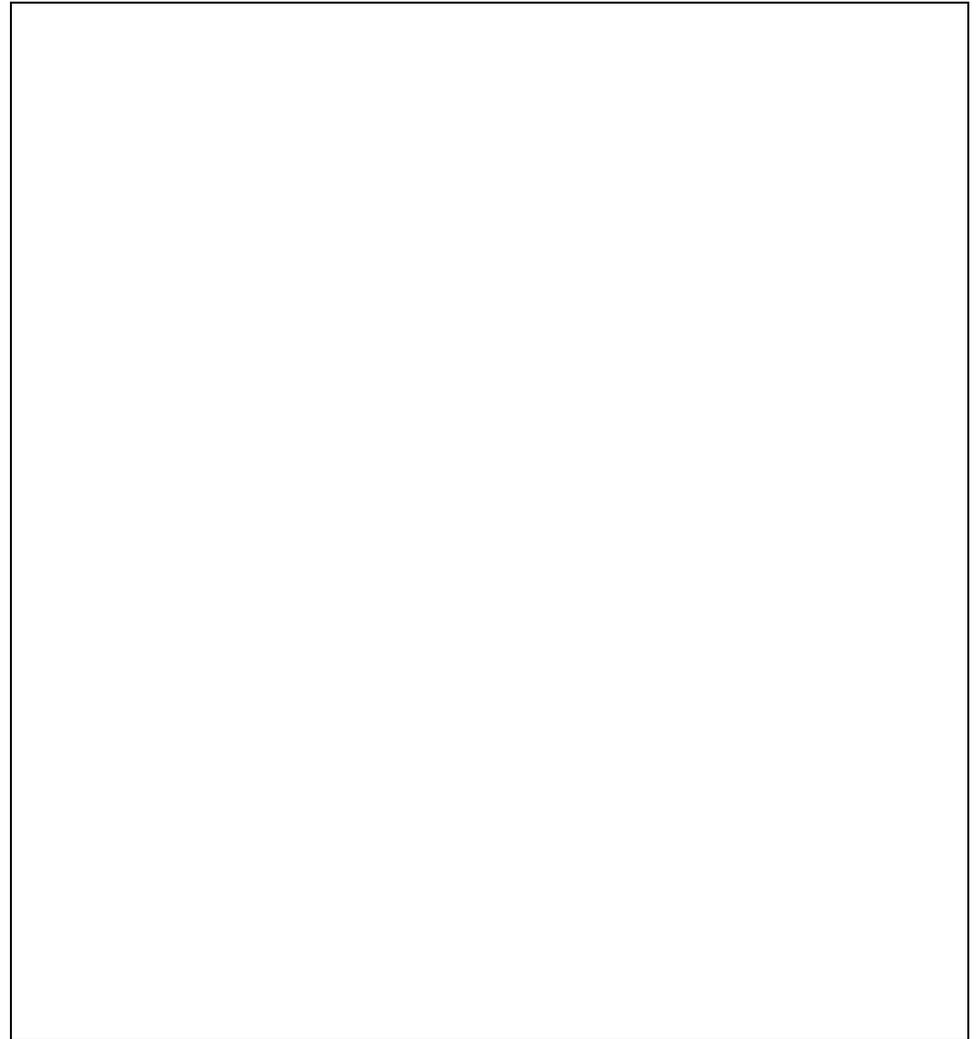
- (a) to advance learning and knowledge through teaching and research, particularly—
  - (i) in science, technology, engineering, management and business studies; and
  - (ii) at the postgraduate level; and
- (b) to assist in the economic and social development of Hong Kong.

#### **5. Powers of the University**

The University may do all things that are necessary for, or incidental or conducive to, the furtherance of its objects and in particular, but without prejudice to the generality of the foregoing, may—

- (a) acquire, hold and dispose of interests in property of any description;
- (b) enter into any contract;
- (c) erect, provide, equip, maintain, alter, remove, demolish, replace, enlarge, improve, keep in repair and regulate its buildings, premises, furniture, equipment and other property;
- (d) employ staff, advisers and consultants, whether on a full or part time basis;
- (e) provide appropriate amenities (including facilities for social activities and physical recreation and residential accommodation) for its students and employees;

- (f) invest its funds in such manner and to such extent as it thinks appropriate or expedient;
- (g) borrow money in such manner and on such security or terms as it thinks appropriate or expedient;
- (h) apply for and receive any grant in aid on such terms as it thinks appropriate or expedient;
- (i) fix and collect fees and charges for courses of study, facilities and other services provided by it and specify conditions for the use of such facilities and services;
- (j) generally or in any particular case or class of case, reduce, waive or refund such fees and charges;
- (k) receive and solicit gifts, whether on trust or otherwise, and act as trustee of moneys or other property vested in it on trust;
- (l) confer degrees and other academic awards including honorary degrees and honorary awards;
- (m) provide, for profit or otherwise, advisory, consultancy, research and other related services;
- (n) enter into a partnership or any other form of joint venture with any person;
- (o) acquire, hold and dispose of interests in other corporate bodies and form or take part in forming corporate bodies;
- (p) print, reproduce, or publish or arrange for the printing, reproduction or publishing of any manuscript, book, play, music, script, programme, poster, advertisement or other material, including video and audio material and software for computers, as it thinks appropriate or expedient; and
- (q) provide financial assistance, by way of grant or loan, in pursuance of its objects.



## PART III

### THE CHANCELLOR AND THE COURT

#### 6. The Chancellor

(1) There shall be a Chancellor of the University who shall be the head of the University and who may confer degrees and other academic awards in the name of the University.

(2) The Chief Executive shall be the Chancellor. In the absence of the Chief Executive, the person for the time being assuming the duties of the Chief Executive according to the provisions of Article 53 of the Basic Law shall be the Acting Chancellor and shall have all the powers and duties of the Chancellor.

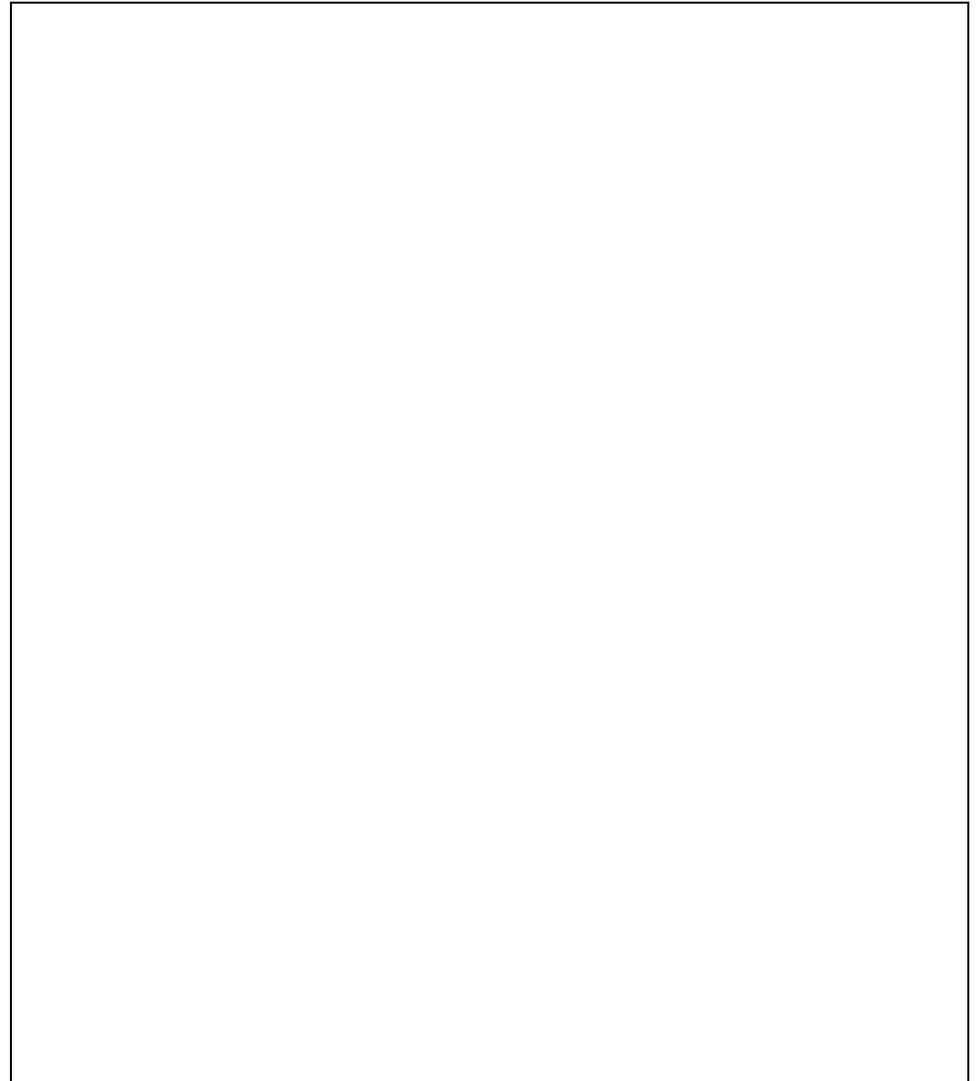
(3) The Chancellor may appoint a person to be the Pro-Chancellor of the University. The Pro-Chancellor may, on the authorization of the Chancellor and on his behalf, exercise any of the powers and perform any of the duties conferred or imposed on the Chancellor.

#### 7. The Court

(1) There shall be a Court, which shall be the supreme advisory body of the University.

(2) The functions of the Court shall be to—

- (a) receive an annual report from the President;
- (b) consider any reports made to it by the Council;
- (c) discuss any motion made at the Court on general University policy;
- (d) raise funds for the University; and
- (e) promote the interests of the University in Hong Kong and elsewhere.



PART IV  
THE COUNCIL

8. **Functions of the Council**

There shall be a Council, which –

- (a) shall be the supreme governing body of the University; and
- (b) may exercise any of the powers conferred and shall perform all of the duties imposed on the University by this Ordinance, other than those powers conferred and those duties imposed by this Ordinance on some other authority or person.

9. **Membership of the Council**

(1) The Council shall consist of –

- (a) the President;
- (b) the Vice-Presidents;
- (c) the holder of each office (if any) of Dean of a Faculty and Dean of a School;
- (d) the Chairman of Convocation;
- ~~(e) not more than 3 members, who shall be public officers, appointed by the Chief Executive;~~
- (f) not more than 3 academic members of the Senate nominated by the Senate and appointed by the Council; and
- (g) not more than 18 members, who shall not be public officers or employees of the University, of whom –
  - (i) not less than 10 shall have experience in commerce or industry in Hong Kong and not more than 5 shall be from other tertiary institutions in or outside Hong Kong;
  - (ii) not more than 9 shall be appointed by the Chancellor; and
  - (iii) not more than 9 shall be appointed by the Chancellor on the recommendation of the Council.

- ADD (aa) the Provost;
- SUBSTITUTE (b) 1 Vice-President who shall be appointed by the Council by rotation among the Vice-Presidents;
- SUBSTITUTE (c) 2 members who shall be appointed by the Council by rotation among the Deans of Faculties and Schools and the Dean of Undergraduate Education;
- REPEAL paragraph (e)
- SUBSTITUTE (f) not more than 2 academic members of the Senate who shall be nominated by the Senate and appointed by the Council;
- CHANGE from 18 to 17
- CHANGE from public officers or employees to employees or students
- CHANGE from 9 to 8
- CHANGE from . to ;
- ADD (h) 1 member who shall be elected by and from full-time employees of the University and appointed by the Council; and
- ADD (i) 1 member who shall be elected by and from full-time students of the University and appointed by the Council.

- (2) (a) The Chancellor shall appoint, from the members appointed under subsection (1)(g) who have experience in commerce or industry in Hong Kong, 3 members as follows—
- (i) 1 member as Chairman of the Council;
  - (ii) 1 member as Vice-Chairman of the Council; and
  - (iii) 1 member as Treasurer of the University.
- (b) The Vice-Chairman shall act as Chairman if the Chairman is absent from Hong Kong or is, for any other reason, unable to act as Chairman, or if the office of Chairman is vacant.
- (c) If both the Chairman and the Vice-Chairman are absent from Hong Kong or are, for any other reason, unable to act as Chairman, or if the offices of Chairman and Vice-Chairman are vacant, the members may appoint one of the members appointed under subsection (1)(g) to act as Chairman.
- (3) ~~(a) A member who is appointed under subsection (1)(e) shall hold office at the discretion of the Chief Executive.~~
- (aa) Without prejudice to section 42 of the Interpretation and General Clauses Ordinance (Cap. 1), a member who is appointed under subsection (1)(f)—
- (i) shall be appointed for a period of 3 years or such lesser period as the Council may in any particular case specify;
  - (ii) may from time to time be reappointed; and
  - (iii) may at any time by notice in writing to the Chairman of the Council resign from the Council.
- (ab) A member who became a member of the Council under subsection (1)(f) shall cease to be a member of the Council when he ceases to meet the criteria of eligibility for nomination by the Senate.
- (b) Without prejudice to section 42 of the Interpretation and General Clauses Ordinance (Cap. 1), a member who is appointed under subsection (1)(g)—
- (i) shall be appointed for a period of 3 years or such lesser period as the Chancellor may in any particular case specify, but may from time to time be reappointed; and
  - (ii) may at any time by notice in writing to the Chancellor resign from the Council.

REPEAL Section 9(3)(a)

## 10. Meetings and procedure of the Council

(1) Meetings of the Council shall be held at such times and places as the Chairman may appoint.

(2) At any meeting of the Council, 50% of the members of the Council for the time being shall form a quorum.

(3) The Council may determine its own procedure.

(4) If a member has any pecuniary or other personal interest in any matter to be considered at a meeting of the Council and is present at such meeting, he shall as soon as possible after the commencement of the meeting disclose to the Council the fact and nature of the interest and shall, if required by the Council, withdraw from the meeting while the Council is considering the matter and in any case shall not vote thereon.

## 11. Committees of the Council

(1) The Council may create such committees as it thinks fit and any such committee may consist partly of persons who are not members of the Council.

(2) The chairman and vice-chairman of any committee appointed under subsection (1) shall be appointed by the Council from among the members of the Council.

(3) Subject to subsection (4), the Council may in writing, with or without restrictions or conditions as it thinks fit, delegate any of its powers and duties to any committee created under subsection (1).

(4) The Council shall not delegate to any committee created under subsection (1) the power—

(a) to approve the terms and conditions of service of persons in the employment of the University;

(b) to cause the preparation of the statements required under section 18(2);

(c) to make statutes under section 23;

(d) to appoint or remove from office the President or any Vice-President under section 12, or to approve the duties to be undertaken by any Vice-President under that section.

(5) Subject to the directions of the Council, each committee may determine its own procedure at its meetings.

SUBSTITUTE (d) to appoint or remove from office the President, the Provost or any Vice-President under section 12, or to approve the duties to be undertaken by the Provost or any Vice-President under that section.

PART V

PRESIDENT, VICE-PRESIDENTS AND OTHER STAFF

12. Appointment of President, Vice-Presidents and other staff

- (1) The Council—
  - (a) shall, in accordance with subsection (2), appoint a President who shall be the chief executive and academic officer of the University;
  - (b) may, in accordance with subsection (3), appoint not more than 3 Vice-Presidents who shall undertake such duties as are recommended by the President and approved by the Council;
  - (c) may appoint such other persons to be employees of the University as it considers expedient.
- (2) (a) The President shall be appointed by resolution of the Council passed by the votes of not less than three-quarters of its members for the time being.
  - (b) The President may be removed from office by resolution of the Council passed by the votes of not less than three-quarters of its members for the time being on the ground of his misconduct, incompetence, inefficiency or other good cause.
  - (c) In this subsection “members” (成員) does not include members appointed under section 9(1)(a), (b), (c) or (f).
- (3) (a) The Vice-Presidents shall be appointed on the recommendation of the President by resolution of the Council passed by the votes of not less than three-quarters of its members for the time being.
  - (b) A Vice-President may on the recommendation of the President be removed from office by resolution of the Council passed by the votes of not less than three-quarters of its members for the time being on the ground of his misconduct, incompetence, inefficiency or other good cause.
  - (c) In this subsection “members” (成員) does not include members appointed under section 9(1)(b), (c) or (f).

SUBSTITUTE	PRESIDENT, PROVOST, VICE-PRESIDENTS AND OTHER STAFF
SUBSTITUTE	<b>12. Appointment of President, Provost, Vice-Presidents and other staff</b>
CHANGE TO	appoint 1 Provost and not more than 3 Vice-Presidents
CHANGE TO	section 9(1)(a), (aa), (b), (c), (f), (h) or (i)
CHANGE TO	The Provost and the Vice-Presidents
CHANGE TO	The Provost or a Vice-President
CHANGE TO	section 9(1)(aa), (b), (c), (f), (h) or (i)

- (4) (a) The Council may appoint any person to act as President on a temporary basis during the incapacity or absence from Hong Kong of the President or if that office is vacant for any reason.
- (b) The Council may appoint any person to act as a Vice-President on a temporary basis during the incapacity or absence from Hong Kong of any Vice-President or if that office is vacant for any reason.
- (c) An appointment under this subsection shall be made on the recommendation of the President, except where the President is for any reason prevented from or incapable of making such a recommendation or where that office is vacant for any reason.

CHANGE TO the Provost or as a Vice-President

CHANGE TO the Provost or any Vice-President, as the case may be, or if the office of the Provost or any Vice-President, as the case may be,

### 13. Power of Council to delegate to President

(1) Subject to subsection (2), the Council may in writing, with or without restrictions or conditions as it thinks fit, delegate to the President any of its powers and duties.

- (2) The Council shall not delegate to the President the power—
  - (a) to approve the terms and conditions of service of persons in the employment of the University;
  - (b) to cause the preparation of the statements required under section 18(2);
  - (c) to make statutes under section 23;
  - (d) to make appointments and removals from office under section 12, other than under section 12(1)(c), or to approve the duties to be undertaken by any Vice-President under section 12.

CHANGE TO the Provost or any Vice-President

### 14. Power of President to delegate

(1) Subject to subsection (2), the President may in writing, with or without restrictions or conditions as he thinks fit, delegate, to such person or committee of persons as he thinks fit, his powers and duties, including any power or duty of the Council delegated to him under section 13.

(2) The power conferred by this section on the President to delegate any power or duty of the Council delegated to him under section 13, and the exercise by any person or committee of persons of any such power or duty delegated by the President under this section, shall be subject to any restriction or condition imposed in respect thereof by the Council under section 13.

PART VI

SENATE, FACULTIES, SCHOOLS AND CONVOCATION

**15. Senate**

There shall be a Senate which shall be the supreme academic body of the University and which shall, subject to the availability of funds provided by the Council,—

- (a) plan, develop and review academic programmes;
- (b) direct and regulate the teaching and research conducted in the University;
- (c) regulate the admission of persons to approved courses of study and their attendance at such courses; and
- (d) regulate the examinations leading to the degrees and other academic awards of the University.

**16. Faculties and Schools**

(1) There shall be such Faculties and Schools as may be constituted by the Council.

(2) There shall be a Board of each Faculty and School.

**17. Convocation**

There shall be a Convocation.



## PART VII

### FINANCIAL STATEMENTS AND REPORTS

#### **18. Accounts**

(1) The University shall maintain proper accounts and records of all income and expenditure.

(2) After the end of each financial year, the University shall cause to be prepared statements of income and expenditure during the previous financial year and of the assets and liabilities of the University on the last day thereof.

(3) The University may, from time to time, fix a period to be its financial year.

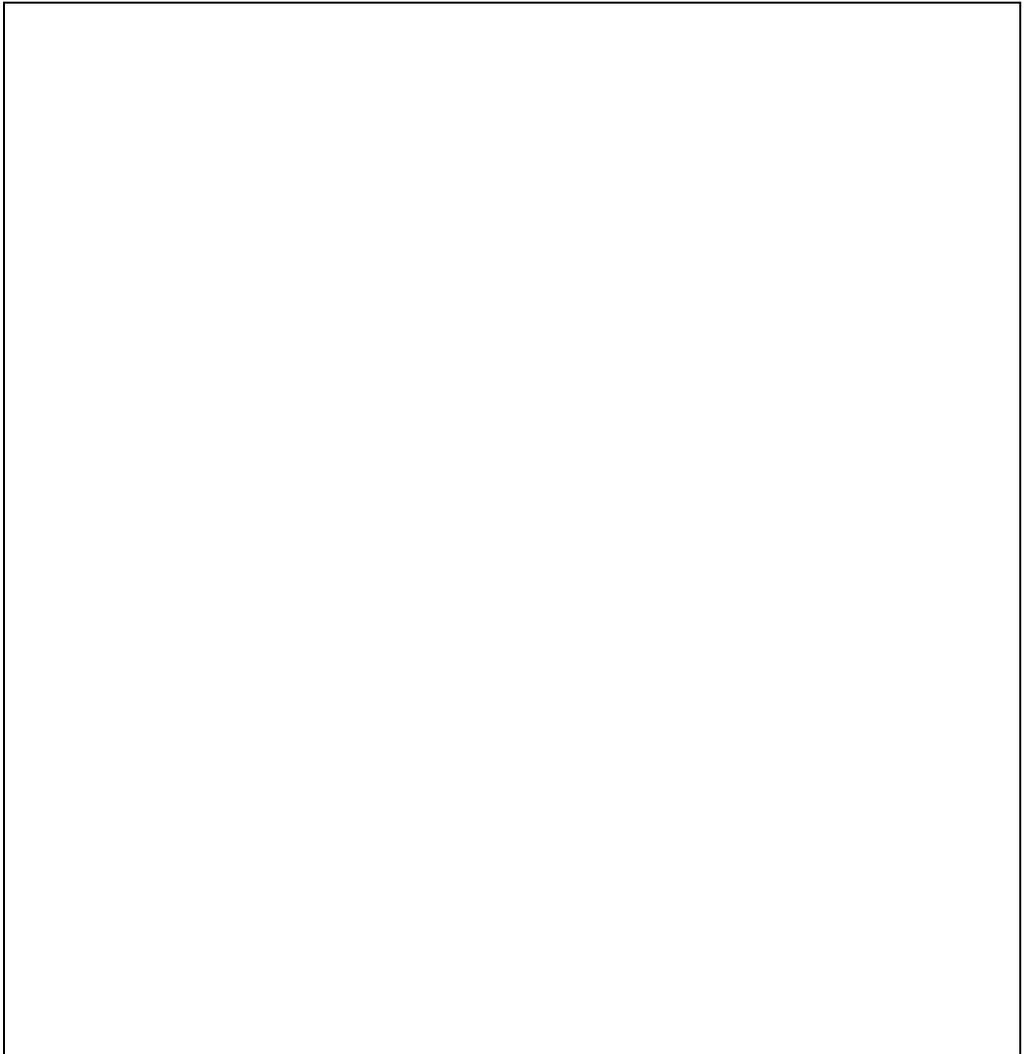
#### **19. Auditors**

(1) The University shall appoint auditors, who shall be entitled at any time to have access to all books of account, vouchers and other financial records of the University and to require such information and explanations thereof as they think fit.

(2) The auditors shall audit the statements prepared under section 18(2) and shall report thereon to the University.

#### **20. Statements and reports to be submitted to Chancellor**

The Council shall, not later than 6 months after the end of each financial year, submit to the Chancellor a report on the activities of the University and copies of the statements prepared under section 18(2) and the report made under section 19(2).



PART VIII

GENERAL

**21. Committees generally**

(1) The Court, the Senate, and the Board of each Faculty and School may establish such committees as they think fit.

(2) Unless the statutes provide otherwise, the chairman and vice-chairman of any committee shall be members of the Court, the Senate, or the Board of the Faculty or School, as the case may be.

(3) Unless the statutes provide otherwise, any committee may consist partly of persons who are not members of the Court, the Senate, or the Board of the Faculty or School, as the case may be.

(4) Unless the statutes provide otherwise, the Court, the Senate, and the Board of each Faculty and School may, with or without restrictions or conditions as they think fit, delegate any of their powers and functions to any committee.

**22. Seal of the University**

The fixing of the common seal of the University shall be—

- (a) authorized by resolution of the Council; and
- (b) authenticated by the signature of 2 members of the Council authorized by the Council to act for that purpose, one of whom shall not be an employee of the University.



### 23. Power of Council to make statutes

(1) The Council may make statutes for the better carrying out of this Ordinance and in particular, but without prejudice to the generality of the foregoing, may make statutes in relation to—

- (a) the administration of the University;
- (b) the membership of the University;
- (c) the academic membership of the University;
- (d) the constitution of the Court and the Senate;
- (e) the constitution, powers and functions of the Faculties, the Boards of the Faculties, the Schools, the Boards of the Schools and the Convocation;
- (f) the regulation of the proceedings of any body referred to in paragraphs (d) and (e) above;
- (g) the offices of Dean of a Faculty and Dean of a School and the powers and functions of persons holding such offices;
- (h) the welfare and discipline of students and employees of the University;
- (i) the conferring of degrees and other academic awards, including honorary degrees and honorary awards;
- (j) the nomination of academic members from the Senate for appointment to the Council under section 9(1)(f);
- (k) financial procedures;
- (l) fees payable to the University as a condition of admission to any examinations held by the University or for the conferring of any degree or other academic award of the University or for attendance at any course of the University or any similar purpose; and
- (m) generally, the carrying into effect of this Ordinance.

(2) Every statute made under subsection (1) shall be published in the Gazette.



**24. Unauthorized use of title of the University**

(1) No person shall incorporate or form, or be a director, office bearer or organizer of, work in connection with, or be a member of, any body of persons, corporate or unincorporate, that, without the written consent of the Council—

- (a) holds itself out to be—
  - (i) the University or any part thereof; or
  - (ii) in any way connected or associated with the University;or
- (b) uses the title “The Hong Kong University of Science and Technology” or “香港科技大學” or a title in any language which so closely resembles the title “The Hong Kong University of Science and Technology” or “香港科技大學” as to be capable of misleading any person into believing that the body of persons is—
  - (i) the University or any part thereof; or
  - (ii) in any way connected or associated with the University.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine of \$10,000.

**25. ( Omitted as spent )**





香港科技大學教職員協會  
The Hong Kong University of Science and Technology Staff Association  
電話/傳真 Tel & Fax: (852) 2358 8389 電郵 E-mail: staff@ust.hk

LC Paper No. CB(2)1793/07-08(02)

25 April 2008

Clerk to LegCo Panel on Education  
Legislative Council Secretariat  
3<sup>rd</sup> floor Citibank Tower  
3 Garden Road  
Central  
Hong Kong

Dear Sir/Madam,

The Hong Kong University of Science and Technology (Amendment) Bill 2008

We understand that the LegCo Panel on Education will be briefed on the above Amendment Bill at its regular meeting on 8 May 2008.

I am writing on behalf of the HKUST Staff Association to give the Staff Association's full support for all the proposed changes detailed in the Amendment Bill. We are particularly glad that it has been proposed that a seat on the University Council will be provided for a member of the staff.

Membership of the HKUST Staff Association (Website address: <http://www.ust.hk/~webstaff/>) is open to all staff members (academic and non-academic) of the University. The objectives of the Association are to promote social, cultural, and recreational activities among staff members of the University; to promote and protect the welfare of HKUST staff; and to act as a communication link between the University and its staff members. Over the years, we have been able to achieve our objectives through a close working relationship with the University Management.

We sincerely hope that the Legislative Council can pass expeditiously the Amendment Bill.

Yours sincerely,

Lijing ZHU (Dr.)

Chairman of HKUST Staff Association



LC Paper No. CB(2)1793/07-08(03)

April 28, 2008

Clerk to Education Panel  
Legislative Council Secretariat  
3<sup>rd</sup> floor, Citibank Tower  
3 Garden Road  
Central  
Hong Kong

Dear Sir/Madam

**Submission to the Panel on Education of The Legislative Council  
Hong Kong University of Science and Technology (Amendment) Bill 2008**

On behalf of the HKUST Alumni Association, I would like to express our support of the above Member's Bill by The Hon. Abraham SHEK Lai-Him.

The Hong Kong University of Science and Technology ("HKUST") had, since February 2008, conducted extensive consultation to alumni, students and staff on the proposed changes to the University Council arising from the Bill. In terms on alumni consultation, the alumni community had been consulted by way of e-mails (Feb, Mar 2008), Open Forum (Mar 2008) and face-to-face interactions (Feb, Apr 2008).

The HKUST Alumni Association welcome the amendments and believe that the enhanced governance structure of the University will further her educational mission in Hong Kong.

Yours sincerely,

(Sean Lin)  
President

*"Live in excellence, forwarding our best."*



Hong Kong University of Science and Technology

# STUDENTS' UNION

Clear Water Bay, Kowloon, Hong Kong

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Homepage: [http://home.ust.hk/~su\\_union](http://home.ust.hk/~su_union)

## 香港科技大學學生會就《2008年香港科技大學(修訂)條例草案》之回應

致：立法會教育事務委員會

由：香港科技大學學生會

日期：2008 年4 月30 日

香港科技大學管理架構分為校董會、顧問委員會及教務委員會。

校董會 - 主要工作包括管理大學的資產和財務、遴選高級教職員、頒授學位及學術榮銜、簽訂契約、及根據《香港科技大學條例》賦予的權力制訂法規。是科大最高決策機構。

顧問委員會 - 主要工作包括審閱校長及校董會提交的校務發展報告，為科大的發展提供意見，協助科大拓展本地和國際合作網絡及籌募經費。

教務委員會 - 職責包括制訂大學的學術政策、教研設施和學生宿舍的管理，以及學生福利事宜。

根據現時《香港科技大學條例》，顧問委員會及教務委員會均有學生代表議席，並由學生會會長擔任該議席，教務委員會更有一位本科生代表議席及一位研究生代表議席。但校董會中暫時並未有任何學生代表議席。

為鞏固香港科技大學管理架構，增加校董會代表多向性，及更重要的達成本會"校園共治"的目標。香港科技大學學生會支持《2008 年香港科技大學(修訂)條例草案》中的第 9(1)節(i)於校董會中增加一名全日制學生議席。

此致

立法會教育事務委員會秘書處

香港科技大學學生會會長楊智勇謹啓

二零零八年四月三十日

**The Hong Kong University of Science and Technology**

**(Statute created under section 23(1) of The Hong Kong University of Science and Technology Ordinance by authority of the University Council on 4 June 2008)**

**Statute 9**

**Election for appointment of a full-time employee to the Council**

1. One full-time employee of the University shall be elected from among full-time employees for appointment by the Council to the Council.
2. A full-time employee of the University means a person who is employed directly by the University and whose contractual hours of work is not less than 39 hours per week.
3. Each eligible employee shall be on the electoral roll and shall be entitled to vote and to be nominated as a candidate.
4. The election shall be co-ordinated by the Council Secretary who shall act as the Election Officer with responsibility for organising and overseeing the election process.
5. The Election Officer shall determine the election timetable and the nomination and polling procedures subject to the approval of the Council.
6. If there is only one candidate for election, that candidate shall be declared elected unopposed. Where there is more than one candidate, the Election Officer shall organise a poll.
7. Voting shall be done by secret ballot and no proxy shall be allowed.
8. The candidate who receives the most votes shall be declared elected. If the polling results in a tie, the Election Officer shall determine the result of the election by drawing lots.
9. Results of the election shall be announced by the Election Officer.
10. An elected employee shall be appointed to the Council for three years and shall be eligible for re-appointment.
11. In the event of a vacancy for appointment of a full-time employee to the Council, the Election Officer shall determine whether to conduct a by-election or full election to fill the vacancy. The candidate who is elected in a by-election shall serve the remaining term of the previous holder of the vacated seat.
12. The Council may create or amend additional regulations governing the election process from time to time.

**THE HONG KONG UNIVERSITY OF SCIENCE AND TECHNOLOGY**  
**Regulations Governing the Election of ONE Full-time Staff Member to the Council**  
**(approved by the HKUST Council on 4 June 2008)**

1. Introduction

- 1.1 The Council of the University shall include one full-time employee elected from among full-time employees and appointed by the Council (called “the Staff Council Member” thereafter).
- 1.2 All elections relating to the Staff Council Member shall be governed by these Regulations.

2. Definition of terms

- 2.1 The following terms used in these Regulations shall have the meanings ascribed to them in The Hong Kong University of Science and Technology Ordinance: “University”, “Council” and “Ordinance”.
- 2.2 “Candidate” shall mean a full-time employee who, having been properly nominated for membership of the Council, has signified his/her willingness to be nominated.
- 2.3 “Elector” shall mean a full-time employee who has the right to vote in accordance with the provisions of the Ordinance.
- 2.4 “full-time employee” shall have the meaning ascribed thereto in Statute 9 of the statutes of the University.
- 2.5 “vote” shall mean the formal expression of choice for a candidate, made in accordance with the provision of these regulations.
- 2.6 “working day” shall mean Monday to Friday excluding any public holiday in Hong Kong.

3. Election Officer

The Secretary of the Council shall be the Election Officer for any election of the Staff Council Member and, unless stated otherwise, shall be responsible for the implementation and interpretation of these Regulations, in consultation with the Council, and for the proper conduct of the elections. In order to maintain his/her impartiality as Election Officer, the Secretary of the Council shall not be included in the electoral roll.

4. Election Schedule

- 4.1 Elections shall be held in accordance with the following timetable.
- 4.1.1 Preparation of Electoral Roll: at least two months prior to the date on which a normal vacancy is expected to occur or upon the instruction of the Council.
- 4.1.2 Nomination Period: 14 calendar days, after the announcement of an election.
- 4.1.3 Second Nomination Period: not earlier than seven calendar days, and not later than 10 calendar days, after the conclusion of the Nomination Period.
- 4.1.4 Period for Withdrawal: not more than two working days after the conclusion of the Nomination Period or the Second Nomination Period, as the case may be.
- 4.1.5 Publication of Nominations: not later than three working days after the conclusion of the Period for Withdrawal.
- 4.1.6 Polling Period: not less than two calendar days, commencing not earlier than seven calendar days after the Publication of Nominations.

4.1.7 Publication of the Results: not later than three working days after the conclusion of the Polling Period.

4.2 By-elections shall follow a similar sequence of events.

5. Electoral Roll

5.1 The Election Officer shall be responsible for ensuring that the electoral roll is prepared at the appointed time. His/her decision on eligibility for inclusion in the roll shall be final.

5.2 The electoral roll shall consist of all full-time employees excluding the Election Officer.

6. Duration of Appointment

6.1 The Staff Council Member shall be elected from among full-time employees, to serve for a period of three years.

6.2 The duration of appointment of a full-time employee elected and appointed as a member of the Council shall run from 1 January following the election and appointment, unless otherwise determined by the Council.

6.3 The Staff Council Member elected and appointed as a result of a by-election shall serve the remaining term of the outgoing Staff Council Member who has vacated the seat.

6.4 The Staff Council Member's term shall terminate immediately when he/she ceases to be a full-time employee of the University.

6.5 The Staff Council Member may resign at any time by giving notice in writing to the Chairman of the Council.

7. Announcement of Election

7.1 On the appointed day, the Election Officer shall issue an Announcement of the election stating the reason for the election, the duration of appointment of the Candidate to be elected, and the timetable for specific stages of the election, as set out in Section 4 above.

7.2 The Election Officer shall instruct that a copy of the Announcement, together with a copy of these Regulations be placed on the University Intranet and designated notice boards.

8. Nominations

8.1 Only Electors may put forward nominations and each Elector may participate, as proposer or seconder, in only one nomination. Nominations will be accepted only on Nomination Forms available from the Election Officer, and shall be signed by the proposer and by ten seconds (who must all be Electors), and by the Candidate, who shall thereby confirm his/her willingness to stand.

8.2 If the Candidate is not in Hong Kong during the Nomination Period to sign the Nomination Form, the proposer shall provide evidence of the Candidate's consent, the validity of which shall be decided by the Election Officer.

8.3 Nominations must be submitted in a sealed envelope, to reach the Election Officer by 8:00 pm on the last day of the Nomination Period. Late nominations will not be accepted.

- 8.4 If no nomination is received, a Second Nomination Period shall be declared. The length of the Second Nomination Period shall follow the timetable as stipulated in Section 4.1.3 above. In the event that the Second Nomination Period expires without receipt of a nomination, the nomination process shall be repeated with a new electoral roll after not less than six months have elapsed.
- 8.5 If there is only one nomination, the candidate nominated shall be deemed to have been elected unopposed and, notwithstanding Section 4 above, his/her name shall be published not later than three working days after the conclusion of the Period for Withdrawal.
- 8.6 If there are two or more nominations, the Election Officer shall publish on the University Intranet and designated notice boards an announcement which shall include the names of Candidates nominated, together with the names of proposers and seconders, and details of the voting procedure. Where two or more nomination forms are received for the same Candidate, the first nomination form for the Candidate received by the Election Officer shall be regarded as the operative nomination.
- 8.7 Candidates, or their proposers, may submit for publication by the Election Officer such biographical data as they deem appropriate in a form to be specified by the Election Officer.

9. Campaigning activities

Subject to any conditions set by the Election Officer in consultation with the Council, a Candidate may conduct campaigning activities, provided that such activities are in line with conventional election practices, appropriate to an institution of higher education and do not contravene the spirit of fair play.

10. Voting Procedure

- 10.1 Elections shall take place on the appointed days at Polling Stations or other venues designated for such purpose by the Election Officer.
- 10.2 Each Elector will be entitled to cast one vote and may vote for one Candidate only. The vote cast by each Elector shall be secret and no attempt shall be made to identify the votes cast by other Electors. Any full-time employee who is found to have violated this regulation will be subject to disciplinary action.
- 10.3 Each Elector shall cast his/her vote in person by presenting his/her HKUST staff identity card at a Polling Station and no proxy vote will be accepted.

11. Determination and Publication of Results

- 11.1 The Election Officer shall appoint and publish the names of two persons, who shall not be Electors, to serve as independent Returning Officers for the election. The Returning Officers shall not participate in the election.
- 11.2 All Candidates shall be notified of the day and time fixed for counting the votes, and shall be present at the count.
- 11.3 On the appointed day, the Returning Officers shall proceed to count the votes cast. The Election Officer shall observe the counting and may call for a recount at the conclusion of the count.
- 11.4 Decision on the validity of a vote shall rest with the Election Officer.

- 11.5 In the event of a tie in which no single Candidate has received more votes than any other Candidate, the Election Officer shall determine the result of the election by drawing lots. If any candidate receiving the same highest number of votes fails to be present at the count, the Election Officer may draw the lot on behalf of the candidate. The Election Officer shall declare the candidate on whom the lot falls as elected.
- 11.6 At the conclusion of the count, the Election Officer shall confirm the number of votes cast and the number of invalid votes, and sign a statement to this effect.
- 11.7 The Election Officer shall publish an announcement of the results including the name of the successful Candidate, the number of votes cast for each Candidate and the total number of valid and invalid votes. This announcement shall be placed on the University Intranet and designated notice boards.

## 12. Complaints and Confirmation of Results

- 12.1 A complaint against any of the Electors, Candidates, and/or the persons who execute the various procedures in the election (excluding the Election Officer) must be lodged in writing with the Election Officer at any time but not later than 48 hours after the Publication of the Results. The Election Officer and a Vice-President to be appointed by the President shall investigate any complaint so lodged.
- 12.2 A complaint against the Election Officer must be lodged with the Chairman of the Council at any time but not later than 48 hours after the Publication of the Results. The Chairman of the Council, together with the President, shall investigate such complaint.
- 12.3 If, in the view of the Election Officer and the appointed Vice-President or the Chairman of the Council and the President (as the case may be), the results of the investigation indicate that the complaint is not justified, then the Election Officer or the Chairman of the Council (as the case may be) shall rule that the election result as already announced should stand.
- 12.4 If, in the view of the Election Officer and the appointed Vice-President or the Chairman of the Council and the President (as the case may be), the results of the investigation indicate that there are reasonable grounds to believe that the complaint is justified, then the Election Officer or the Chairman of the Council (as the case may be) shall, depending on the circumstances of each case, adopt any one of the following courses of action in his/her absolute discretion as he/she thinks fit without disclosing any reason for the decision to the complainant(s):-
  - (i) that the Candidate against whom the complaint has been lodged and found justified, be disqualified and the person who has received the next highest number of valid votes be declared elected instead; or
  - (ii) that the polling which has taken place be declared null and void, and that a new polling exercise be conducted; or
  - (iii) that the whole election which has taken place be declared null and void, and that a new election be conducted.
- 12.5 An appeal, if any, against the decision made in Section 12.4 will be dealt with by the Standing Committee of the Council, whose decision shall be final and conclusive.
- 12.6 If no complaint is received by the appointed day, the Election Officer, who is the Secretary of the Council, shall submit the name of the elected full-time employee to the Chairman of the Council for appointment.

12.7 When the Chairman of the Council confirms the appointment, the Secretary of the Council shall inform the Candidate accordingly.

12.8 The polling records shall be destroyed by the Election Officer one month after the publication of the results unless any complaint is substantiated. In the event a complaint is substantiated, the polling records shall be retained until the outcome of the investigation into the complaint has been confirmed.

13. Revision of Regulations

The Council may, at its absolute discretion, change these Regulations generally or for the purpose of a particular election. Any change to these Regulations shall be published on the University Intranet and designated notice boards.

Council Secretariat  
The Hong Kong University of Science and Technology  
June 2008

**The Hong Kong University of Science and Technology**

**(Statute created under section 23(1) of The Hong Kong University of Science and Technology Ordinance by authority of the University Council on 4 June 2008)**

**Statute 10**

**Election for appointment of a full-time student to the Council**

1. One full-time student of the University shall be elected from among full-time students for appointment by the Council to the Council.
2. A full-time student of the University means a person who is registered on any full-time programme of study leading to a degree, degrees or other academic award(s) of the University as approved by the Senate.
3. Each eligible student shall be on the electoral roll and shall be entitled to vote and to be nominated as a candidate.
4. The election shall be co-ordinated by the Director of Admissions, Registration and Records who shall act as the Election Officer with responsibility for organising and overseeing the election process.
5. The Election Officer shall determine the election timetable and the nomination and polling procedures subject to the approval of the Council.
6. If there is only one candidate for election, that candidate shall be declared elected unopposed. Where there is more than one candidate, the Election Officer shall organise a poll.
7. Voting shall be done by secret ballot and no proxy shall be allowed.
8. The candidate who receives the most votes shall be declared elected. If the polling results in a tie, the Election Officer shall determine the result of the election by drawing lots.
9. Results of the election shall be announced by the Election Officer.
10. An elected student shall be appointed to the Council for one year and shall be eligible for re-appointment.
11. In the event of a vacancy for appointment of a full-time student to the Council, the Election Officer shall determine whether to conduct a by-election or full election to fill the vacancy. The candidate who is elected in a by-election shall serve the remaining term of the previous holder of the vacated seat.
12. The Council may create or amend regulations governing the election process from time to time.

**THE HONG KONG UNIVERSITY OF SCIENCE AND TECHNOLOGY**  
**Regulations Governing the Election of ONE Full-time Student Member to the Council**  
**(approved by the HKUST Council on 4 June 2008)**

1. Introduction

- 1.1 The Council of the University shall include one full-time student elected from among full-time students and appointed by the Council (called “the Student Council Member” hereafter).
- 1.2 All elections relating to the Student Council Member shall be governed by these Regulations.

2. Definition of terms

- 2.1 The following terms used in these Regulations shall have the meanings ascribed to them in The Hong Kong University of Science and Technology Ordinance: “University”, “Council” and “Ordinance”.
- 2.2 “Candidate” shall mean a full-time student who, having been properly nominated for membership of the Council, has signified his/her willingness to be nominated.
- 2.3 “Elector” shall mean a full-time student who has the right to vote in accordance with the provisions of the Ordinance.
- 2.4 “full-time student” shall have the meaning ascribed thereto in Statute 10 of the statutes of the University.
- 2.5 “vote” shall mean the formal expression of choice for a candidate, made in accordance with the provision of these regulations.
- 2.6 “working day” shall mean Monday to Friday excluding any public holiday in Hong Kong.

3. Election Officer

The Director of Admissions, Registration and Records shall be the Election Officer for any election of the Student Council Member and, unless stated otherwise, shall be responsible for the implementation and interpretation of these Regulations, in consultation with the Council, and for the proper conduct of the elections.

4. Election schedule

- 4.1 Elections shall be held in accordance with the following timetable.
- 4.1.1 Preparation of Electoral Roll: at least two months prior to the date on which a normal vacancy is expected to occur or upon the instruction of the Council.
- 4.1.2 Nomination Period: 14 calendar days, after the announcement of an election.
- 4.1.3 Second Nomination Period: not earlier than seven calendar days, and not later than 10 calendar days, after the conclusion of the Nomination Period.
- 4.1.4 Period for Withdrawal: not more than two working days after the conclusion of the Nomination Period or the Second Nomination Period, as the case may be.
- 4.1.5 Publication of Nominations: not later than three working days after the conclusion of the Period for Withdrawal.

4.1.6 Polling Period: not less than two calendar days, commencing not earlier than seven calendar days after the Publication of Nominations.

4.1.7 Publication of the Results: not later than three working days after the conclusion of the Polling Period.

4.2 By-elections shall follow a similar sequence of events.

## 5. Electoral Roll

5.1 The Election Officer shall be responsible for ensuring that the electoral roll is prepared at the appointed time. His/her decision on eligibility for inclusion in the roll shall be final.

5.2 The electoral roll shall consist of all full-time students.

## 6. Duration of appointment

6.1 The Student Council Member shall be elected from among full-time students, to serve for a period of one year.

6.2 The duration of appointment of a full-time student elected and appointed as a member of the Council shall run from 1 July following the election and appointment, unless otherwise determined by the Council.

6.3 The Student Council Member elected and appointed as a result of a by-election shall serve the remaining term of the outgoing Student Council Member who has vacated the seat.

6.4 The Student Council Member's appointment shall terminate immediately when he/she ceases to be a full-time student of the University.

6.5 The Student Council Member may resign at any time by giving notice in writing to the Chairman of the Council.

## 7. Announcement of Election

7.1 On the appointed day, the Election Officer shall issue an Announcement of the election stating the reason for the election, the duration of appointment of the Candidate to be elected, and the timetable for specific stages of the election, as set out in Section 4 above.

7.2 The Election Officer shall instruct that a copy of the Announcement, together with a copy of these Regulations, be placed on the University Intranet and designated notice boards.

## 8. Nominations

8.1 Only Electors may put forward nominations and each Elector may participate, as proposer or seconder, in only one nomination. Nominations will be accepted only on Nomination Forms available from the Election Officer, and shall be signed by the proposer and by ten seconders (who must all be Electors), and by the Candidate, who shall thereby confirm his/her willingness to stand.

8.2 If the Candidate is not in Hong Kong during the Nomination Period to sign the Nomination Form, the proposer shall provide evidence of the Candidate's consent, the validity of which shall be decided by the Election Officer.

- 8.3 Nominations must be submitted in a sealed envelope, to reach the Election Officer by 8:00 pm on the last day of the Nomination Period. Late nominations will not be accepted.
- 8.4 If no nomination is received, a Second Nomination Period shall be declared. The length of the Second Nomination Period shall follow the timetable as stipulated in Section 4.1.3 above. In the event that the Second Nomination Period expires without receipt of a nomination, the nomination process shall be repeated with a new electoral roll after not less than six months have elapsed.
- 8.5 If there is only one nomination, the Candidate nominated shall be deemed to have been elected unopposed and, notwithstanding Section 4 above, his/her name shall be published not later than three working days after the conclusion of the Period for Withdrawal.
- 8.6 If there are two or more nominations, the Election Officer shall publish on the University Intranet and designated notice boards an announcement which shall include the names of Candidates nominated, together with the names of proposers and seconders, and details of the voting procedure. Where two or more nomination forms are received for the same Candidate, the first nomination form for the Candidate received by the Election Officer shall be regarded as the operative nomination.
- 8.7 Candidates, or their proposers, may submit for publication by the Election Officer such biographical data as they deem appropriate in a form to be specified by the Election Officer.

## 9. Campaigning activities

Subject to any conditions set by the Election Officer in consultation with the Council, a Candidate may conduct campaigning activities, provided that such activities are in line with conventional election practices, appropriate to an institution of higher education and do not contravene the spirit of fair play.

## 10. Voting Procedure

- 10.1 Elections shall take place on the appointed days at Polling Stations or other venues designated for such purpose by the Election Officer.
- 10.2 Each Elector will be entitled to cast one vote and may vote for one Candidate only. The vote cast by each Elector shall be secret and no attempt shall be made to identify the votes cast by other Electors. Any full-time student who is found to have violated this regulation will be subject to disciplinary action.
- 10.3 Each Elector shall cast his/her vote in person by presenting his/her HKUST student identity card at a Polling Station and no proxy vote will be accepted.

## 11. Determination and Publication of Results

- 11.1 The Election Officer shall appoint and publish the names of two persons, who shall not be Electors, to serve as independent Returning Officers for the election. The Returning Officers shall not participate in the election.
- 11.2 All Candidates shall be notified of the day and time fixed for counting the votes, and shall be present at the count.

- 11.3 On the appointed day, the Returning Officers shall proceed to count the votes cast. The Election Officer shall observe the counting and may call for a recount at the conclusion of the count.
- 11.4 Decision on the validity of a vote shall rest with the Election Officer.
- 11.5 In the event of a tie in which no single Candidate has received more votes than any other Candidate, the Election Officer shall determine the result of the election by drawing lots. If any candidate receiving the same highest number of votes fails to be present at the count, the Election Officer may draw the lot on behalf of the candidate. The Election Officer shall declare the candidate on whom the lot falls as elected.
- 11.6 At the conclusion of the count, the Election Officer shall confirm the number of votes cast and the number of invalid votes, and sign a statement to this effect.
- 11.7 The Election Officer shall publish an announcement of the results including the name of the successful Candidate, the number of votes cast for each Candidate and the total number of valid and invalid votes. This announcement shall be placed on the University Intranet and designated notice boards.

## 12. Complaints and Confirmation of Results

- 12.1 A complaint against any of the Electors, Candidates, and/or the persons who execute the various procedures in the election (excluding the Election Officer) must be lodged in writing with the Election Officer at any time but not later than 48 hours after the Publication of the Results. The Election Officer and the Director of Student Affairs shall investigate any complaint so lodged.
- 12.2 A complaint against the Election Officer must be lodged with the Chairman of the Council at any time but not later than 48 hours after the Publication of the Results. The Chairman of the Council, together with the President, shall investigate such complaint.
- 12.3 If, in the view of the Election Officer and the Director of Student Affairs or the Chairman of the Council and the President (as the case may be), the results of the investigation indicate that the complaint is not justified, then the Election Officer or the Chairman of the Council (as the case may be) shall rule that the election result as already announced should stand.
- 12.4 If, in the view of the Election Officer and the Director of Student Affairs or the Chairman of the Council and the President (as the case may be), the results of the investigation indicate that there are reasonable grounds to believe that the complaint is justified, then the Election Officer or the Chairman of the Council (as the case may be) shall, depending on the circumstances of each case, adopt any one of the following courses of action in his/her absolute discretion as he/she thinks fit without disclosing any reason for the decision to the complainant(s):-
  - (i) that the Candidate against whom the complaint has been lodged and found justified, be disqualified and the person who has received the next highest number of valid votes be declared elected instead; or
  - (ii) that the polling which has taken place be declared null and void, and that a new polling exercise be conducted; or
  - (iii) that the whole election which has taken place be declared null and void, and that a new election be conducted.

- 12.5 An appeal, if any, against the decision made in Section 12.4 above will be dealt with by the Standing Committee of the Council, whose decision shall be final and conclusive.
- 12.6 If no complaint is received by the appointed day, the Election Officer shall submit, through the Secretary of the Council, the name of the elected full-time student to the Chairman of the Council for appointment.
- 12.7 When the Chairman of the Council confirms the appointment, the Secretary of the Council shall inform the Candidate accordingly.
- 12.8 The polling records shall be destroyed by the Election Officer one month after the publication of the results unless any complaint is substantiated. In the event a complaint is substantiated, the polling records shall be retained until the outcome of the investigation into the complaint has been confirmed.

13. Revision of Regulations

The Council may, at its absolute discretion, change these Regulations generally or for the purpose of a particular election. Any change to these Regulations shall be published on the University Intranet and designated notice boards.

Council Secretariat  
The Hong Kong University of Science and Technology  
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