

立法會

Legislative Council

LC Paper No. LS94/07-08

**Paper for the House Committee Meeting
on 13 June 2008**

**Legal Service Division Report on
The Hong Kong University of Science and Technology (Amendment) Bill 2008
(Member's Bill)**

I. SUMMARY

- 1. Objects of the Bill** To amend The Hong Kong University of Science and Technology Ordinance (Cap. 1141) to –
 - (a) make provisions for the appointment and removal of a new position "Provost";
 - (b) change the composition of the University's Council; and
 - (c) make consequential and related amendments.

- 2. Comments** The Bill seeks to –
 - (a) add the new position of "Provost" in the senior management structure and make the Provost an ex-officio member of the University's Council; and
 - (b) reduce the maximum number of members of the University's Council from 34 to 27 and change the composition of the University's Council to reflect operational needs and the recommendations of the "Sutherland Report".

- 3. Public Consultation** No public consultation has been conducted.

- 4. Consultation with LegCo Panel** The Panel on Education was briefed on the Bill at its meeting on 8 May 2008. Members attending the panel indicated that the forming of a Bills Committee is not necessary if the views of the students and staff can be reflected in the Bill or related provisions.

- 5. Conclusion** The Bill is ready for resumption of the Second Reading debate.

II. REPORT

Objects of the Bill

To amend The Hong Kong University of Science and Technology Ordinance (Cap. 1141) to -

- (a) make provisions for the appointment and removal of a new position "Provost";
- (b) change the composition of the University's Council; and
- (c) make consequential and related amendments.

LegCo Brief

2. Members may refer to the LegCo Brief dated 5 June 2008 issued by the Council Secretariat of The Hong Kong University of Science and Technology (HKUST).

Date of First Reading

3. 11 June 2008.

Comments

Member's Bill

4. This is a Member's bill presented by Hon Abraham Shek. The Bill seeks to implement the recommendations of the Report on Higher Education in Hong Kong commissioned by the University Grants Committee (the "Sutherland Report"), and Chapter 1 of the Report of the Public Accounts Committee No. 40A.

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

Provost

6. To prepare for the change to a four-year degree system, at the recommendation of a management consultant engaged by the University's Council, a new position "Provost", who is commonly understood as the chief academic officer responsible for oversight of all educational affairs and activities including academic personnel, will be added to the senior management structure. The Provost will be an ex-officio member of the University's Council.

Composition of Council

7. The Bill would reduce the size of the University's Council from 34 to 27 members. A comparison between the current composition and the proposed changes is given at Annex A to the LegCo Brief. The more significant changes are to –

- (a) include the Provost as an ex-officio member;
- (b) limit the number of Vice-Presidents/Deans;
- (c) remove the requirement for the University's Council members to include not more than three public officers appointed by the Chief Executive; and
- (d) make membership of the University's Council available to one full-time employee and one full-time student of HKUST.

Commencement

8. Clause 2 of the Bill provides that the Ordinance shall come into operation on 1 September 2009.

Public Consultation

9. There has been no public consultation. However, HKUST has consulted stakeholders, students and employees, etc on the proposed amendments. The students and employees of HKUST welcome the proposed changes. Alumni and the University Court and Council are supportive to the proposed changes. The Senate, the Education Bureau and the University Grants Committee indicate no objection to the proposed changes.

Consultation with LegCo Panel

10. The Panel on Education was briefed on the Bill at its meeting on 8 May 2008. Representatives of the HKUST Students' Union, HKUST Staff Association and HKUST Alumni Association had attended the meeting. All expressed support for the Bill.

11. Members noted that HKUST was then conducting email polls among staff and students on the method for election. Members attending the Panel meeting were of the view that it would not be necessary to form a Bills Committee to study the Bill provided that the outcomes of the polls would be reflected in the Bill or related provisions.

12. The President of HKUST has confirmed in writing that the outcomes of the email polls indicate that the staff and students both prefer direct election. HKUST has completed the drafting of the University Statutes and Regulations to govern the staff election and student election. These documents have been approved by the University's Council and are attached to the LegCo Brief. The Statutes are required to be published in the Gazette under section 23 of the principal Ordinance. The letter of the President was circulated to the Panel vide LC Paper No. CB(2)2201/07-08(01) dated 6 June 2008.

Conclusion

13. No difficulties relating to the legal and drafting aspects have been identified.

14. The Bill is ready for resumption of the Second Reading debate.

Prepared by

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