

**BRIEF FOR THE PANEL ON EDUCATION
OF 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. HKUST 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 American and Canadian universities 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. The consultation has included 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.

(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.

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. They are eager to know how this student member would be selected, and are aware that once LegCo approval has been obtained to add this seat, HKUST will consult them to determine the appointment procedure.

(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 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 each for a full-time employee and a full-time student. They are eager to know how the employee who is to serve on the University Council will be elected. The University Administration will consult employees on details of implementation.

(e) University Court and Council

Court and Council members having met on 12 March 2008 to consider the subject 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 is expected to issue a certificate under Rule 51(2) of the LegCo Rules of Procedure in early May 2008. Arrangements will be made in due course to obtain the written consent of the Chief Executive as appropriate under Rule 51 (4) of the LegCo Rules of Procedure, should the President of LegCo rule that the Bill relates to government policy concerning the appointments of HKUST Council Members.

THE BILL

11. 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”.
12. A comparison table showing the current version of the Ordinance and the proposed changes is at **Annex C**.

INVITATION FOR SUBMISSIONS

13. HKUST has written to its Students’ Union, Staff Association and Alumni Association to invite them to submit their views directly to the LegCo Panel on Education by 30 April 2008.

ENQUIRIES

14. Any enquiries about this brief can 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
30 April 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) [new], 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 [new]
Students	--	1 [new]
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 –

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- (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

Draft

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

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- to provide for the appointment and removal of a Provost by the University;
- (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) 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—

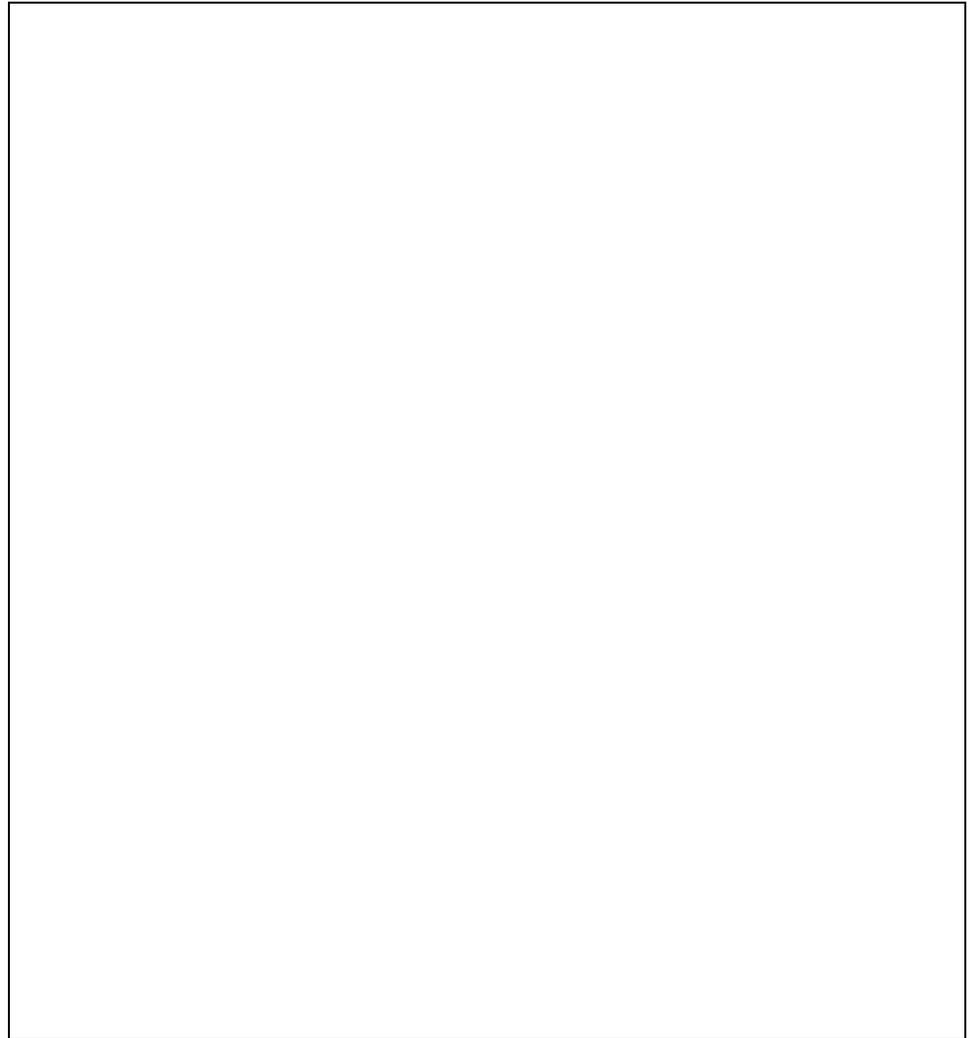
- (a) to advance learning and knowledge through teaching and research, particularly—
 - (i) in science, technology, engineering, management and business studies; and
 - (ii) at the postgraduate level; and
- (b) to assist in the economic and social development of Hong Kong.

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.

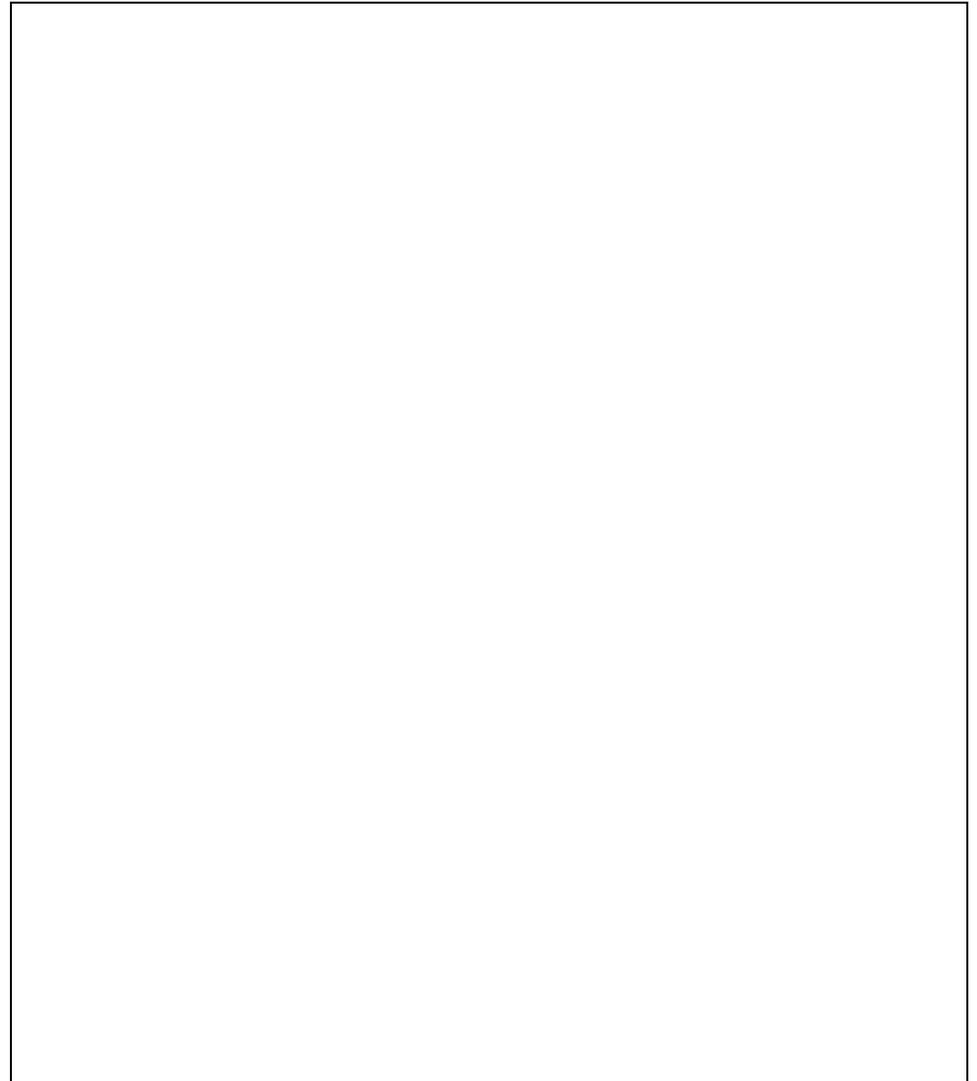
(3) The Chancellor may appoint a person to be the Pro-Chancellor of the University. The Pro-Chancellor may, on the authorization of the Chancellor and on his behalf, exercise any of the powers and perform any of the duties conferred or imposed on the Chancellor.

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

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

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.

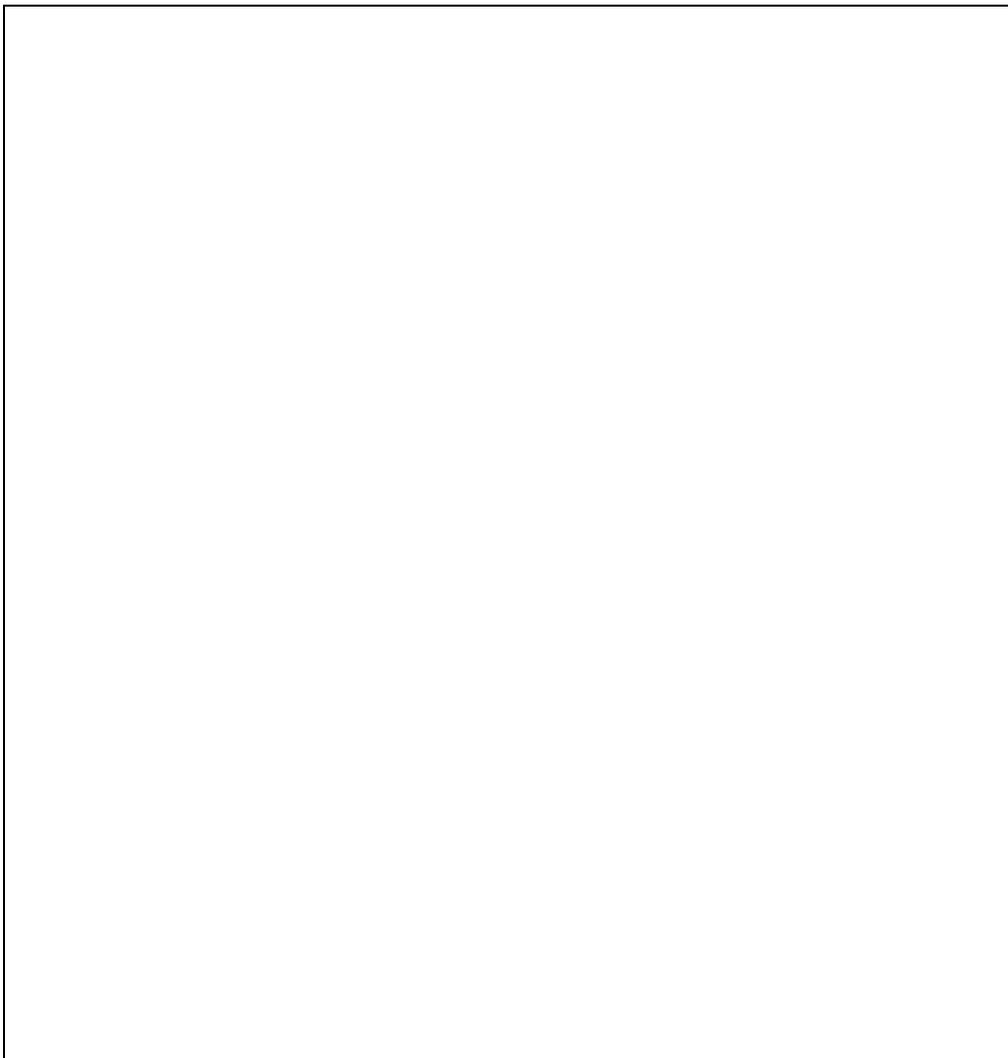
19. Auditors

(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.

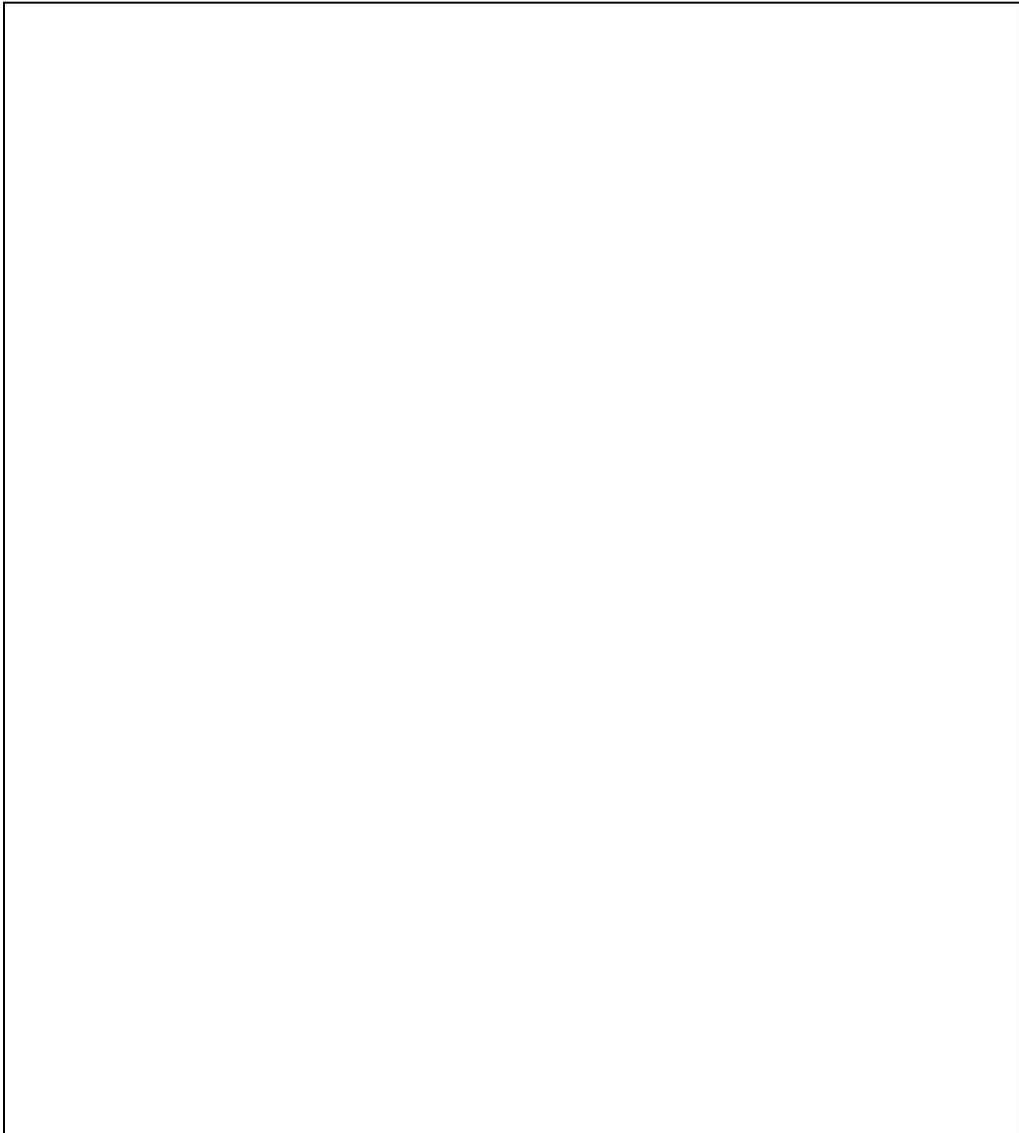


23. Power of Council to make statutes

(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*)

