

# 立法會

## *Legislative Council*

LC Paper No. CB(2) 4/08-09

Ref: CB2/T/1

### **Paper for House Committee meeting on 10 October 2008**

### **Nomination and election of Members of the Legislative Council to advisory bodies and governing bodies of educational institutions**

#### **Purpose**

This paper invites Members to consider the nomination and election procedure for Members of the Legislative Council (LegCo) to be nominated to serve on the following advisory bodies and governing bodies of educational institutions -

- (a) Disaster Relief Fund Advisory Committee;
- (b) Po Leung Kuk Advisory Board;
- (c) Tung Wah Group of Hospitals Advisory Board;
- (d) Council of The Chinese University of Hong Kong; and
- (e) Court of the University of Hong Kong.

#### **Functions and composition of the advisory or governing bodies**

##### Disaster Relief Fund Advisory Committee

2. The Disaster Relief Fund was established on 1 December 1993 by resolution under the Public Finance Ordinance (Cap. 2) to provide a mechanism to enable the Government to act quickly to provide aid in relief of disasters that occur outside Hong Kong. The resolution provides, inter alia, for the appointment of the Disaster Relief Fund Advisory Committee to advise the Financial Secretary on disbursements from the Fund. The terms of reference of the Advisory Committee are detailed in **Appendix I**.

3. The Disaster Relief Fund Advisory Committee is chaired by the Chief Secretary for Administration and comprises, among others, the Secretary for Financial Services and the Treasury, the Secretary for Labour and Welfare, two Members of the Executive Council and two LegCo Members. The term of office of the LegCo Members nominated to serve on the Advisory Committee corresponds with that of the LegCo term. The Advisory Committee meets as and when required.

Pok Leung Kuk Advisory Board  
Tung Wah Group of Hospitals Advisory Board

4. The Po Leung Kuk Advisory Board was established under the Po Leung Kuk Ordinance (Cap. 1040) to advise the Po Leung Kuk Board of Directors on matters affecting the Kuk and its administration. The duties and composition of the Advisory Board, as set out in paragraph 18 of the Schedule to the Ordinance, are detailed in **Appendix II**. The Advisory Board consists of not more than 15 persons and the Chairman is the Secretary for Home Affairs. In accordance with paragraph 18(2)(e), one person shall be nominated by LegCo Members from among their own number as an ex officio member of the Advisory Board.

5. The Tung Wah Group of Hospitals Advisory Board was established under the Tung Wah Group of Hospitals Ordinance (Cap. 1051) to advise the Tung Wah Group of Hospitals Board of Directors on matters affecting the Group and its administration. The duties and composition of the Advisory Board, as set out in paragraph 19 of the Schedule to the Ordinance, are detailed in **Appendix III**. The Advisory Board consists of not more than 14 persons and the Chairman is also the Secretary for Home Affairs. As provided in paragraph 19(2)(c), one person shall be nominated by LegCo Members from among their own number as an ex officio member of the Advisory Board.

6. The term of office of the LegCo Members nominated to serve on the two Advisory Boards corresponds with that of the LegCo term.

The Council of The Chinese University of Hong Kong

7. Under Statute 11 of The Chinese University of Hong Kong Ordinance (Cap. 1109), the University Council shall consist of, among others, three persons elected by Members of LegCo from among their own number. The term of office is three years. A Member will cease to hold office if he or she ceases to be a LegCo Member during the three-year term. The Council meets several times a year. The powers, duties and composition of the University Council, as provided in section 7 of the Ordinance and subparagraphs 1 and 8 of Statute 11, are in **Appendix IV**.

The Court of the University of Hong Kong

8. Under Statute XV of the University of Hong Kong Ordinance (Cap. 1053), the University Court shall consist of, among others, five persons elected by LegCo Members from among their own number. The term of office is three years. A Member shall be deemed to have resigned from the Court if he or she ceases to be a LegCo Member during the three-year term. The Court meets once a year in December and most business is conducted by

circulation of papers. The composition and powers of the University Court, as provided in Statutes XV and XVII of the Ordinance respectively, are in **Appendix V**.

9. Since Members elected to serve on the Council of The Chinese University of Hong Kong and the Court of the University of Hong Kong shall hold office for three years, the nomination and election of LegCo Members to serve on these two bodies for the fourth year will be conducted again in the last session of the Fourth LegCo.

### **Nomination and election procedure**

10. It is recommended that the nomination and election of Members for appointment to the five advisory or governing bodies be conducted at a House Committee meeting. A valid nomination shall be made orally by a Member, seconded by at least one other Member, and accepted by the Member being nominated. A Member who nominates a Member who is absent from the meeting when the nomination is made shall state that the absent Member's acceptance of the nomination has been secured. If the number of nominations exceeds that required for appointment, a vote will be taken by a show of hands. Members may vote for as many nominees as, but not more than, the number required for appointment, and the nominees who get the highest number of votes will be declared elected.

11. As the President is also a LegCo Member who is eligible for appointment to these bodies, his view has been sought separately on the content of this paper. His view is that he would agree to the proposed arrangements provided that it is agreed by members of the House Committee.

### **Date of election**

12. Subject to Members' agreement to the nomination and election procedure, it is proposed that Members be invited to make the following nominations at the meeting of the House Committee on 17 October 2008 for the purpose of electing –

- (a) two Members to serve on the Disaster Relief Fund Advisory Committee;
- (b) one Member to serve on the Po Leung Kuk Advisory Board;
- (c) one Member to serve on the Tung Wah Group of Hospitals Advisory Board;
- (d) three Members to serve on the Council of The Chinese University of Hong Kong; and
- (e) five Members to serve on the Court of the University of Hong Kong.

13. The names of the Members elected in the Third LegCo to these advisory or governing bodies and their attendance records are in **Appendix VI** for Members' reference.

14. Members are invited to note that Dr Hon David LI Kwok-po, who is the Pro-Chancellor of the University of Hong Kong, sits on the Court of the University of Hong Kong.

### **Advice sought**

15. Members' endorsement is sought on –

- (a) the nomination and election procedure proposed in paragraph 10 above; and
- (b) the nomination and election detailed in paragraph 12 to take place at the House Committee meeting on 17 October 2008.

Council Business Division 2  
Legislative Council Secretariat  
9 October 2008  
4<sup>th</sup> Term Advisory Bodies

**Disaster Relief Fund Advisory Committee**

**Terms of reference**

1. To advise on the policy and practices regarding the disbursements from the Disaster Relief Fund for disaster relief outside the Hong Kong Special Administrative Region.
2. To advise on the awards of grants of specified amounts from the Disaster Relief Fund to specified recipients.
3. To monitor the use of grants by the recipients of the disbursements from the Disaster Relief Fund.

**Extract from Po Leung Kuk Ordinance (Cap. 1040)**

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**18. Advisory board**

(1) There shall be an advisory board whose duty shall be to advise the directors on any matter affecting the corporation or its administration.

(2) The advisory board shall consist of not more than 15 persons of whom the following shall be ex officio members-

- (a) the Secretary for Home Affairs, who shall be chairman; (Amended L.N. 67 of 1985; L.N. 262 of 1989)
- (b) the Secretary for Labour and Welfare; (Amended L.N. 18 of 1983; L.N. 106 of 2002; L.N. 130 of 2007)
- (c) the Director of Social Welfare;
- (d) 1 person nominated by the Members of the Executive Council, other than Official Members, from among their own number; (Replaced 67 of 1987 s. 2. Amended 4 of 2000 s. 3)
- (e) 1 person nominated by the Members of the Legislative Council from among their own number; (Replaced 67 of 1987 s. 2. Amended 80 of 1997 s. 45)
- (f) the immediate past chairman of the board.

(3) The following persons shall also be members of the advisory board-

- (a) not more than 8 persons appointed by the Chief Executive, who shall hold office for a period of not more than 3 years and shall be eligible for re-appointment; (Amended 4 of 2000 s. 3)
- (b) 1 person elected by the board from the persons who in the year preceding the year in respect of which he is elected were directors, who shall hold office for a period of 1 year.

(4) The advice of the advisory board shall be given at a joint meeting of the board and the advisory board, such joint meetings shall be called by the chairman-

- (a) when the chairman so requires;
- (b) when the board desires the advice of the advisory board;
- (c) whenever the advisory board gives the chairman notice in writing that it desires to discuss with the board any specified matter affecting the corporation or its administration.

(5) The chairman shall give the directors and the members of the advisory board at least 4 clear days' notice in writing of any such joint meeting.

(6) At a joint meeting of the board and the advisory board the quorum shall be-

(a) the same number of directors as would have been required to form a quorum if it were a meeting of the board; and

(b) 4 members of the advisory board. (Replaced L.N. 253 of 1974)

(7) The Secretary for Home Affairs shall be the chairman of the joint meeting of the board and the advisory board. In his absence the Secretary for Labour and Welfare shall be the chairman, and in the absence of both the Secretary for Home Affairs and the Secretary for Labour and Welfare members present at the meeting shall elect a chairman from amongst the members of the advisory board present. (Amended L.N. 18 of 1983; L.N. 67 of 1985; L.N. 262 of 1989; L.N. 106 of 2002; L.N. 130 of 2007)

(8) The persons who are members of the Board of Direction of the Society at the commencement of this Ordinance shall be members of the advisory board until 1 April 1974.

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**Extract from Tung Wah Group of Hospitals Ordinance (Cap. 1051)**

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**19. Advisory board**

(1) There shall continue to be an advisory board whose duty shall be to advise the directors on any matter affecting the corporation or its administration and to consider appeals which may be brought by any director in accordance with the agreement between the Government and the corporation.

(2) The advisory board shall consist of not more than 14 persons of whom the following shall be ex officio members- (Amended L.N. 236 of 1974)

(a) the Secretary for Home Affairs, who shall be chairman; (Amended L.N. 67 of 1985; L.N. 262 of 1989)

(aa) the Secretary for Food and Health; (Added L.N. 236 of 1974. Amended L.N. 18 of 1983; L.N. 106 of 2002; L.N. 130 of 2007)

(b) 1 person nominated by the Members of the Executive Council, other than Official Members, from among their own number; (Replaced 67 of 1987 s. 2. Amended 4 of 2000 s. 3)

(c) 1 person nominated by the Members of the Legislative Council from among their own number; (Replaced 67 of 1987 s. 2. Amended 80 of 1997 s. 46)

(d) the immediate past chairman of the board.

(3) The following persons shall also be members-

(a) not more than 8 persons appointed by the Chief Executive, who shall hold office for a period of 3 years and shall be eligible for re-appointment; (Amended 4 of 2000 s. 3)

(b) 1 person elected by the Board from the persons who in the year preceding the year in respect of which he is elected were directors, who shall hold office for a period of 1 year.

(4) The advice of the advisory board shall be given at a joint meeting of the board and the advisory board. Such joint meetings shall be called by the chairman-

(a) when the chairman so requires;



- (b) when the board desires the advice of the advisory board;
- (c) whenever the advisory board gives the chairman notice in writing that it desires to discuss with the board any specified matter affecting the corporation or its administration.

(5) The chairman shall give the directors and the members of the advisory board at least 4 clear days' notice in writing of any such joint meeting.

(6) At a joint meeting of the board and the board the quorum shall be-

- (a) the same number of directors as would have been required to form a quorum if it were a meeting of the board; and
- (b) 4 members of the advisory board. (Replaced L.N. 236 of 1974)

(7) The Secretary for Home Affairs shall be the chairman of the joint meeting of the board and the advisory board. In his absence the Secretary for Food and Health shall be the chairman, and in the absence of both the Secretary for Home Affairs and the Secretary for Food and Health members present at the meeting shall elect a chairman from amongst the members of the advisory board present. (Replaced L.N. 236 of 1974. Amended L.N. 18 of 1983; L.N. 67 of 1985; L.N. 262 of 1989; L.N. 106 of 2002; L.N. 130 of 2007)

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Extract from The Chinese University of Hong Kong Ordinance (Cap. 1109)

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7. Powers and duties of the Council

Subject to this Ordinance and the Statutes, the Council shall-

- (a) be the governing and executive body of the University;
- (b) have the management and control of the affairs, purposes and functions of the University;
- (c) have the control and management of the property and financial affairs of the University including the property of the constituent Colleges, but in the exercise of such power of control and management in respect of any immovable property of any original College or Shaw College, the Council shall not alter the use of any such property without the prior consent of the Board of Trustees of the College concerned; (Amended 59 of 1986 s. 4; 18 of 2007 s. 5)
- (d) make such University appointments as it thinks proper;
- (e) have power to approve the fees charged by the University in respect of approved courses of study;
- (f) provide for the custody and use of the University's seal.

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STATUTE 11

THE COUNCIL

- 1. The Council shall consist of-
  - (a) the Chairman, who shall be appointed by the Chancellor on the nomination of the Council from persons under subparagraphs (k), (l), (m) and (n);
  - (b) the Vice-Chancellor;
  - (c) the Pro-Vice-Chancellors;
  - (d) the Treasurer;
  - (da) life members appointed by the Council; (L.N. 31 of 1981)
  - (e) 2 members elected by the Board of Trustees of each College from among its own members;
  - (f) the Head of each College;
  - (g) the Dean of each Faculty and of the Graduate School;
  - (h) one Fellow of each College elected by the College's Assembly of Fellows;
  - (i) 3 members elected by the Senate from among the academic members of the Senate;
  - (j) (Repealed L.N. 481 of 1997)
  - (k) 6 persons nominated by the Chancellor; (L.N. 481 of 1997)
  - (l) 3 persons elected by the Unofficial Members of the Legislative Council, other than Official Members, from among their own number; (67 of 1987 s. 2)

- (m) not more than 6 other persons, normally resident in Hong Kong; who shall be elected by the Council; (L.N. 481 of 1997)
- (n) after a date to be appointed by the Council, such number of members of the Convocation not exceeding 3 as shall be determined by the Council from time to time, to be elected by the Convocation in the manner determined by the Council.

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8. Subject to the Ordinance and the Statutes and without derogating from the generality of its power, it is specifically prescribed-

- (1) that the Council shall have the power-
  - (a) to make Statutes, provided that no Statute shall be made until the Senate shall have had an opportunity of reporting thereon to the Council;
  - (b) to make decrees for any purpose for which decrees are or may be authorized to be made, provided that no decree shall be made until the Senate shall have had an opportunity of reporting thereon to the Council;
  - (c) to invest any money belonging to the University;
  - (d) to borrow money on behalf of the University;
  - (e) to sell, buy, exchange, lease or accept leases of any real or personal property on behalf of the University;
  - (f) to enter into, vary, perform and cancel contracts on behalf of the University;
  - (g) to require the Board of Trustees of each College annually to produce its audited accounts in such form and at such time as the Council may determine;
  - (h) to receive from public sources grants for capital and recurrent expenditure;
  - (i) to receive annually and for such longer periods as the Council may determine from time to time from the Vice-Chancellor, after he has consulted the Senate, and to approve, estimates of expenditure;
  - (j) to receive gifts and to approve, subject to such conditions as the Council thinks fit, the receipt of gifts by the Colleges;
  - (k) to provide for the welfare of persons employed by the University and the wives, widows and dependants of such persons, including the payment of money, pensions, or other payments and to subscribe to benevolent and other funds for the benefit of such persons;
  - (l) to provide for the discipline and welfare of students;
  - (m) to recommend the award of degrees honoris causa;
  - (n) after report from the Senate to establish additional Faculties or Departments or to abolish, combine or subdivide any Faculty or Department; (L.N. 452 of 1994)
  - (na) on the recommendation of the Senate, to determine the organization or structure of each Faculty and its Departments and to make such alterations to such organization or structure as deemed fit by the Council; (L.N. 452 of 1994)
  - (o) to prescribe fees of the University;
- (2) that it shall be the duty of the Council-
  - (a) to appoint bankers, auditors and any other agents whom it deems expedient to appoint;
  - (b) to appoint an Administrative and Planning Committee;

- (c) to cause proper books of account to be kept for all sums of money received and expended by the University and for the assets and liabilities of the University so that such books give a true and fair statement of financial transactions and position of the University;
- (d) to cause the accounts of the University to be audited within 6 months after the termination of each financial year as the Council may determine;
- (e) to provide the buildings, libraries, laboratories, premises, furniture, apparatus and other equipment needed for the University;
- (f) in consultation with the Senate to encourage and provide for research by members of the University;
- (g) to review the instruction and teaching in courses of study leading to degrees, diplomas, certificates and other awards of the University;
- (h) after consultation with the Senate, to institute all teaching posts;
- (i) to administer or cause to be administered a Superannuation Fund or Funds for the benefit of persons employed by the University;
- (j) to establish Boards of Advisers and to appoint external experts thereto on the recommendation of the Senate;
- (k) to appoint on such terms and conditions as the Council may determine each Professor, Reader and Senior Lecturer and the Secretary, the Registrar, the Librarian and the Bursar on the recommendation of duly constituted Boards of Advisers;
- (l) to make, on such terms and conditions as the Council may determine, such other University appointments as the Council deems necessary;
- (m) on the recommendation of the Senate, to appoint a Chairman for each Department and a Director of Studies for each academic subject not subsumed under a Department; (L.N. 452 of 1994)
- (n) to appoint external examiners on the recommendation of the Senate;
- (o) to provide for the printing and publication of works which may be issued by the University; and
- (p) to consider reports from the Senate, and if the Council deems it proper to do so, to take action thereon.

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Extract from the University of Hong Kong Ordinance (Cap. 1053)

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STATUTE XV

THE COURT

1. The Court shall consist of-
  - (a) the Chancellor, the Pro-Chancellor, the Vice-Chancellor, the Deputy Vice-Chancellor, the Pro-Vice-Chancellors and the Treasurer; (G.N.A. 59 of 1960; L.N. 69 of 1968; L.N. 159 of 1970; L.N. 167 of 1992)
  - (b) life members;
  - (c) the following members ex officio:  
the members of the Council,  
the members of the Senate,  
the Registrar,  
the Chairman, Deputy Chairman and Clerk of Convocation; (L.N. 15 of 1973; L.N. 186 of 2003)
  - (d) the following elected members:
    - (i) 5 persons elected by the Members of the Legislative Council from among their own number, (67 of 1987 s. 2; L.N. 99 of 1997)
    - (ii) 12 members elected from among its number by the Standing Committee of Convocation; provided that no member of that committee who is a member of the Court by virtue of any other paragraph of this Statute shall be eligible for election, (L.N. 44 of 1985)
    - (iii) 5 members elected by the Court,
    - (iv) 3 members elected by the Grant Schools Council from among its number, (L.N. 82 of 1979; L.N. 165 of 1999)
    - (v) 3 members elected by the Hong Kong Subsidized Secondary Schools Council from among its number; and (L.N. 56 of 1986; L.N. 165 of 1999)
  - (e) not more than 20 members, not being already included in any of the foregoing classes, appointed by the Chancellor.
2. Vacancies shall be filled as they occur or as soon thereafter as conveniently may be.
3. Any member of the Court except an ex officio member may resign by written notice addressed to the secretary to the Court. (L.N. 58 of 1976)
4. The ex officio members shall continue members so long only as they hold the office in virtue of which they became members of the Court.
5. The elected members shall hold office for 3 years at a time and shall be eligible for re-election.

6. The appointed members shall hold office for 3 years at a time and shall be eligible for re-appointment.

7. The Registrar shall be the secretary to the Court. (L.N. 58 of 1976; L.N. 167 of 1992)

8. If any appointed or elected member leaves Hong Kong and either remains absent for 3 months or more or gives notice of his intended absence for 3 months or more the appointing or electing person or body may appoint or elect, as the case may require, another person to act as member in his place during his absence. The acting member shall vacate his office either on the return of the absent member to Hong Kong, or on the expiry of the absent member's term of office, whichever first happens. (L.N. 32 of 1987)

9. A member elected under paragraph 1(d)(i), (ii), (iv) or (v) of this Statute shall be deemed-

- (a) to have resigned from the Court if he ceases to be a member of the body which elected him;
- (b) to have resigned from his membership of the Court in that capacity if he becomes a member of the Court in another capacity. (L.N. 44 of 1985; L.N. 165 of 1999)

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STATUTE XVII

POWERS OF THE COURT

Subject to the provisions of the Ordinance and the statutes, the Court shall have power-

- (a) to recommend to the Chancellor additions to, or the amendment or repeal of any of the statutes on the proposal of the Council;
- (b) (Repealed L.N. 186 of 2003)
- (ba) to elect, in accordance with regulations, its members to be members of the Council and to, on the recommendation of the Council, give the approval referred to in paragraph 2 of Statute XVIII; (L.N. 186 of 2003)
- (c) to consider the annual accounts together with any comments that may have been made by the auditors;
- (d) to consider any reports that may be made by the Council to the Court;
- (e) to discuss any motion on general University policy that may be introduced by a member; and
- (f) to appoint life members and to prescribe the procedure for making such appointments

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**Attendance records of Members elected in the Third Legislative Council (LegCo)  
to serve on advisory bodies or governing bodies of educational institutions**

<b>Advisory/governing bodies</b>	<b>Name of Members</b>	<b>Total number of meetings held during the Third LegCo</b>	<b>Total number of meetings attended</b>
(a) Disaster Relief Fund Advisory Committee <sup>(Note 1)</sup>	Hon Mrs Sophie LEUNG LAU Yau-fun, GBS, JP	6	2
	Dr Hon KWOK Ka-ki	6	6
(b) Po Leung Kuk Advisory Board <sup>(Note 2)</sup>	Hon WONG Ting-kwong, BBS	3	2
(c) Tung Wah Group of Hospitals Advisory Board <sup>(Note 2)</sup>	Hon LEE Cheuk-yan	4	1
(d) The Council of The Chinese University of Hong Kong	Hon James TIEN Pei-chun, GBS, JP	18	17
	Hon CHEUNG Man-kwong	18	14
	Hon KWONG Chi-kin (term of office: 29 October 2004 to 28 October 2007)	15	10
	Hon LI Kwok-ying, MH, JP (term of office: 29 October 2007 to 30 September 2008)	3	2
(e) The Court of the University of Hong Kong	Hon Mrs Selina CHOW LIANG Shuk-ye, GBS, JP	4	2
	Hon James TO Kun-sun	4	3
	Hon LAU Chin-shek, JP	4	2
	Hon CHOY So-yuk, JP	4	4
	Hon Abraham SHEK Lai-him, SBS, JP	4	4

Note 1: As advised by the Secretary to the Committee, as the major business of the Committee is to process applications for grants under the Disaster Relief Fund, in order to expedite the process, decisions are usually made by circulation of papers and meetings are mostly called urgently.

Note 2: As advised by the Director of Home Affairs, the majority of businesses of the two Advisory Boards are carried out by circulation of papers, whereas the advice of the Advisory Boards are given at their joint meetings with the respective Boards of Directors.