



香港中文大學 THE CHINESE UNIVERSITY OF HONG KONG

秘書長室 Office of the Secretary

Our Ref.: SEC001/10

Your Ref.: CB2/PL/ED

January 4, 2010

Miss Odelia Leung  
Clerk to Panel  
Panel on Education  
Legislative Council  
Legislative Council Building  
8 Jackson Road  
Central  
Hong Kong

Dear Miss Leung,

Panel on Education  
Meeting on January 11, 2010

As instructed by the Chairman of the University Council, I would like to furnish a reply to your letter dated December 17, 2009 on the captioned subject. The details are set out in the Attachment.

The following representatives of the University will attend the meeting of the Panel to be held on Monday, January 11, 2010:-

Professor Michael K.M. Hui  
Pro-Vice-Chancellor

Mr. Eric S.P. Ng  
Registrar

Mr. Jacob Leung  
Secretary of the University

Yours sincerely,

Jacob Leung  
Secretary of the University

Enc.  
c.c.

Ms. Amy Wong, PAS (Higher Education), Education Bureau  
The Honourable Cheung Yu-yan, Tommy  
The Honourable Chan Hak-kan  
The Honourable Wong Yuk-man  
Dr. Vincent H.C. Cheng, Chairman of the Council, CUHK  
Professor Lawrence J. Lau, Vice-Chancellor, CUHK

Amendment of the Statutes of  
The Chinese University of Hong Kong Ordinance

1. The Chinese University of Hong Kong (CUHK) has made several proposals for amending the Statutes of the CUHK Ordinance which have been consolidated into one set of Amendment Statutes, to cater to the development of the University and its present-day needs. According to the provisions of The Chinese University of Hong Kong Ordinance (Laws of Hong Kong CAP 1109), the amendment of the Statutes of The CUHK Ordinance, as subsidiary legislation to the principal Ordinance, has to be passed and confirmed at two meetings of CUHK's Council, and approved by CUHK's Chancellor. The approved Amendment Statutes will then be gazetted and submitted to the Legislative Council for negative vetting.
2. CUHK submitted in advance the proposed Amendment Statutes to the Panel on Education of the Legislative Council to seek members' views on November 9, 2009. Some members of the Panel requested CUHK to conduct further consultation within the University on the proposed definition of "teacher" in the proposed Amendment Statutes. The Panel would continue to hear views on the said Amendment Statutes on January 11, 2010. CUHK respects the views expressed by members of the Panel.
3. CUHK acknowledges that its Instructors are teachers in accordance with the normal meaning of the term and has arranged several meetings for the University's representatives to exchange views with some Instructors and representatives of the staff association/union. At present, an Ad Hoc Working Group consisting of two Pro-Vice-Chancellors and a Professor is contacting all the Instructors and employees on related grades of CUHK, to hear their views on the statutory definition of "teacher", as well as on other matters not necessarily related to the proposed Amendment Statutes.
4. As the Ad Hoc Working Group would need sufficient time to complete its tasks, conduct consultation within the University and prepare its report, CUHK has decided not to proceed with that part of the proposed Amendment Statutes related to the statutory definition of "teacher" for the time being.
5. Recently, CUHK's Council has decided to remove that part related to the statutory definition of "teacher" from the present Amendment Statutes and put forward only the remaining parts of the proposed Amendment Statutes for processing. A copy of the Amendment Statutes after making the revision as aforesaid ["Statutes of The Chinese University of Hong Kong (Amendment) Statutes 2010"] is set out in Annex 1. The present Amendment Statutes are therefore restricted to several other proposals such as the reorganization of the Senate, enhancement of certain administrative procedures and the introduction of new degree designations, after removal of the part on the statutory definition of "teacher", which we hope can be processed without further delay.

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6. CUHK has made it clear repeatedly that the definition of “teacher” as contained in The CUHK Ordinance is historical and has been adopted since 1976 by way of enactment of the CUHK Ordinance by the then Legislative Council. The University is willing to listen to the concerns expressed. Sufficient time will be given to resolve the issues in a reasonable manner, for the benefit of the development of CUHK. CUHK will review the said statutory definition when it amends its Ordinance.
7. As explained before to the Panel on Education of the Legislative Council, the proposal for the reorganization of CUHK’s Senate had been made on the basis of a consensus reached after broad-based consultation and careful deliberations. In the reorganized Senate, all three student members will be elected by way of “one person one vote” to ensure their representativeness. The said proposal was recommended to the Senate by an Ad Hoc Committee in accordance with normal procedures. It was endorsed without any dissenting vote by the Senate, and then approved by the Council, for implementation.
8. The Ad Hoc Committee that recommended the proposal for reorganizing the Senate was established by the Senate and included in its membership elected representatives of teachers and students [including the then President of The Chinese University Students Union (CUSU)]. After many rounds of in-depth discussion, a consensus was reached, without dissent, that the present proposal be put forward. The size of the Senate will be reduced from over 200 seats to just over 50 seats after the reorganization (Annex 2). There will be three representatives of the student body as a whole (the number is comparable to that in other local universities). They will be elected by and from among student members on all the Faculty Boards, all full-time undergraduate students, and all full-time postgraduate students respectively. The reorganized Senate will have over half of its members determined by elections. The proportion of student members on the Senate before and after reorganization is 5.8% (12/207) and 5.7% (3/53) respectively.
9. The suggestion to make the President of CUSU an *ex officio* Senate member will run counter to the principle of election of a representative to the Senate by and from among all the full-time undergraduate students. It should be noted that candidates for the officer positions of CUSU must form a slate of 10 to 15 members of CUSU to stand for election to the cabinet, with the Presidency predetermined by that slate rather than directly by the voters. In other words, no student can directly run for the office of President of CUSU as an individual. CUHK believes that candidates who will be the representative of the undergraduate students on the Senate should run for election as an individual person. The President of CUSU, like any other officer of CUSU, is of course eligible as a candidate for such an election.
10. The University will continue to conduct dialogue with the Panel on Education of the Legislative Council to enable its members to understand the related arrangements.

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## **STATUTES OF THE CHINESE UNIVERSITY OF HONG KONG (AMENDMENT) STATUTES 2010**

(Made by the Council of The Chinese University of Hong Kong under section 13 of The Chinese University of Hong Kong Ordinance (Cap. 1109) with the approval of the Chancellor of The Chinese University of Hong Kong)

### **1. Interpretation**

Statute 1 of the Statutes of The Chinese University of Hong Kong in Schedule 1 to The Chinese University of Hong Kong Ordinance (Cap. 1109) is amended by adding –

““Director of a School” (專業學院院長) means the Director of a School of Studies;

“Professor” (教授) means Professors carrying the Chinese title of “教授” and those appointed before 1 January 2010 carrying the Chinese title of “講座教授”;

### **2. Members of the University**

Statute 3 is amended in paragraph (i) in the Chinese text by repealing “講座” wherever it appears.

### **3. The Vice-Chancellor**

Statute 6 is amended in paragraph 3(d) by adding “the Director of a School,” after “the Chairman of a Department,”.

### **4. The Council**

(1) Statute 11 is amended in paragraph 8(1)(n) by repealing “or Departments” and substituting “, Departments or Schools of Studies”.

(2) Statute 11 is amended in paragraph 8(1)(n) by repealing “or Department” and substituting “, Department or School of Studies”.

(3) Statute 11 is amended in paragraph 8(1)(na) by adding “and each School of Studies” after “its Departments”.

(4) Statute 11 is amended in paragraph 8(2) by adding –

“(ia) to make, on such terms and conditions and in accordance with such procedures as the Council may determine from time to time, such University appointments as the Council deems necessary, and for the appointment of teachers, after consulting the Senate or member or members of the Senate designated by the Senate for the purpose of appointment of teachers;”.

(5) Statute 11 is amended by repealing paragraph 8(2)(j), (k) and (l).

(6) Statute 11 is amended in paragraph 8(2)(m) by adding “, a Director for each School” after “a Chairman for each Department”.

(7) Statute 11 is amended in paragraph 8(2)(m) by adding “or a School of Studies” after “a Department”.

## 5. The Senate

(1) Statute 14 is amended by repealing paragraph 1(c) and substituting –

“(c) 6 members nominated by, and from among, the Heads of the original Colleges and of Shaw College and Masters of additional Colleges;”.

(2) Statute 14 is amended by repealing paragraph 1(e).

(3) Statute 14 is amended by repealing paragraph 1(f) and substituting –

“(f) 1 teacher elected by, and from among, the Chairmen of Departments, Directors of Schools and Directors of Studies within each Faculty of the University;”.

(4) Statute 14 is amended by repealing paragraph 1(g), (h), (k), (l) and (m).

(5) Statute 14 is amended in paragraph 1 by adding –

- “(n) 1 teacher of each Faculty of the University elected by, and from among, teachers of the Board of the Faculty concerned;
- (o) 9 teachers elected by, and from among, teachers of the University, not less than 5 of whom shall hold an appointment as Associate Professor or Assistant Professor at the time of their election as members of the Senate;
- (p) not more than 2 teachers appointed by the Senate on the nomination of the Chairman of the Senate from among teachers of the University;
- (q) 1 undergraduate student elected by, and from among, full-time undergraduate students pursuing approved courses of study for a degree of the University;
- (r) 1 postgraduate student elected by, and from among, full-time postgraduate students pursuing approved courses of study for a degree of the University;
- (s) 1 student elected by, and from among, full-time students pursuing approved courses of study for a degree of the University who are also student members of the Boards of Faculties.”.

(6) Statute 14 is amended in paragraph 2 by repealing “Fellows elected under paragraph 1(g) and student members elected under paragraph 1(l) or (m)” and substituting “members nominated, elected or appointed under paragraph 1(c), (f), (n), (o) or (p) and student members elected under paragraph 1(q), (r) or (s)”.

(7) Statute 14 is amended by repealing paragraph 3(a) and (b) and substituting –

- “(a) Members nominated, elected or appointed under paragraph 1(c), (f), (n), (o) or (p) shall be nominated, elected or

appointed in such manner as the Council may in its absolute discretion determine and shall hold office for 2 years from the date of their nomination, election or appointment and shall be eligible for re-nomination, re-election or re-appointment. Should a nominated, elected or appointed member die or resign from the Senate or cease to be a member of the Senate for other reasons, a successor shall be duly nominated, elected or appointed who shall be a member of the Senate for the unexpired period of membership of his predecessor.

(b) Student members elected under paragraph 1(*q*), (*r*) or (*s*) shall be elected in such manner as the Council may in its absolute discretion determine.”

(8) Statute 14 is amended in paragraph 3(*c*) by repealing “paragraph 1(*l*) or (*m*)” and substituting “paragraph 1(*q*), (*r*) or (*s*)”.

(9) Statute 14 is amended in paragraph 3 by adding –

“(e) In addition to fulfilling the eligibility requirements stipulated in paragraph 1(*c*), (*f*), (*n*), (*o*) or (*p*), members of the Senate nominated, elected or appointed under paragraph 1(*c*), (*f*), (*n*), (*o*) or (*p*) shall be nominated, elected or appointed from among eligible persons who will not be members of the Senate by virtue of another capacity at any time during the period of Senate membership for which such eligible persons are nominated, elected or appointed under paragraph 1(*c*), (*f*), (*n*), (*o*) or (*p*).

(f) In addition to fulfilling the eligibility requirements stipulated in paragraph 1(*q*), (*r*) or (*s*), student members of the Senate elected under paragraph 1(*q*), (*r*) or (*s*) shall be elected from among students who will not be members of the Senate by virtue of another capacity at any time during

the period of Senate membership for which such students are elected under paragraph 1(*q*), (*r*) or (*s*).”.

(10) Statute 14 is amended in paragraph 4(*f*) by adding “and the Boards of the Schools of Studies” after “the Boards of the Departments”.

(11) Statute 14 is amended in paragraph 4(*g*) by adding “and the Boards of the Schools of Studies” after “the Boards of the Departments”.

(12) Statute 14 is amended by repealing paragraph 4(*k*).

(13) Statute 14 is amended in paragraph 8 by repealing “24” and substituting “not less than one-third of the members of the Senate for the time being”.

## **6. The Faculties and the Graduate School**

(1) Statute 15 is amended in paragraph 6 by adding –

“(da) the Associate Deans and Assistant Deans of the Faculty;”.

(2) Statute 15 is amended in paragraph 6(*e*) by adding “, the Director of each School and the Directors of Studies” after “the Chairman of each Department”.

(3) Statute 15 is amended in paragraph 6 by adding –

“(ea) such number of teachers representing varying teacher grades within the Faculty nominated in accordance with regulations approved by the Senate from time to time;”.

(4) Statute 15 is amended by repealing paragraph 6(*f*), (*h*) and (*i*).

(5) Statute 15 is amended in paragraph 6 by adding –

“(j) 1 student elected by, and from among, full-time students of the Faculty pursuing approved courses of study for a degree of the University.”.

(6) Statute 15 is amended by repealing paragraph 6A(1) and substituting –



“(1) A student member elected under paragraph 6(j) shall be elected in such manner and for such period as the Senate may in its absolute discretion determine.”.

(7) Statute 15 is amended in paragraph 7 by adding “and Schools of Studies” after “the Departments” where it twice appears.

#### **7. Fellows**

(1) Statute 16 is amended in paragraph 1(b) by repealing “, Readers or Senior Lecturers nominated by staff in those grades,” and substituting “nominated by Professors”.

(2) Statute 16 is amended in paragraph 1(c) by repealing “Lecturers or Assistant Lecturers” and substituting “Associate Professors or Assistant Professors”.

#### **8. The Convocation**

Statute 18 is amended in paragraph 3B in the English text by adding “of Studies” after “School”.

#### **9. Appointment of Academic and Senior Administrative Staff**

Statute 20 is repealed.

#### **10. Honorary and Emeritus Professors**

(1) Statute 21 is amended in the heading in the Chinese text by repealing “講座”.

(2) Statute 21 is amended in paragraph 1 in the Chinese text by repealing “講座” wherever it appears.

(3) Statute 21 is amended in paragraph 2 by repealing “or of any Department” and substituting “, Department or School of Studies”.

(4) Statute 21 is amended in paragraph 2 in the Chinese text by repealing “講座”.

### **11. Removal from Office, Membership or Appointment**

Statute 24 is amended in paragraph 3 by repealing “or Readers or Senior Lecturers”.

### **12. Degree and Other Awards**

- (1) Statute 26 is amended in paragraph 2(1)(b) by adding –  
“Master of Nursing Science (M.N.Sc.)”.
- (2) Statute 26 is amended in paragraph 2(1)(d) by adding –  
“Doctor of Nursing (D.Nurs.)”.

### **13. Transitional provisions**

- (1) In this section –

“Amendment Statutes” (《修訂規程》) means the Statutes of The Chinese University of Hong Kong (Amendment) Statutes 2010;

“Ordinance” (《條例》) means The Chinese University of Hong Kong Ordinance (Cap. 1109);

“principal Statutes” (《主體規程》) means the Statutes of The Chinese University of Hong Kong in Schedule 1 to the Ordinance;

“Senate” (教務會) means the Senate of The Chinese University of Hong Kong.

(2) Those persons who were members of the Senate immediately before the commencement of the Amendment Statutes (except for those persons referred to in subsection (3)) shall, subject to the provisions of the principal Statutes as amended by the Amendment Statutes and to the terms of their offices or appointments as provided under the Ordinance, remain as members of the Senate for so long as they hold the offices or appointments by reason of which they became members of the Senate.

(3) Those persons who were members of the Senate under the repealed paragraph 1(c), (e), (f), (g), (h), (k), (l) and (m) of Statute 14 of the principal Statutes immediately before the commencement of the Amendment Statutes

shall cease to be members of the Senate upon the commencement of the Amendment Statutes.

Made this            day of            2010.

Secretary of The Chinese University  
of Hong Kong

Approved this            day of            2010.

Chancellor of The Chinese University  
of Hong Kong

#### **Explanatory Note**

These Statutes amend the Statutes of The Chinese University of Hong Kong in Schedule 1 to The Chinese University of Hong Kong Ordinance (Cap. 1109) to provide for –

- (a) the reorganization of the Senate;
- (b) the inclusion of Associate Deans and Assistant Deans of the Faculty concerned and one student member to the membership of each Board of Faculty;
- (c) the removal of the detailed administrative procedures for making University appointments from the Statutes, to

allow such procedures to be determined by the Council from time to time;

- (d) the conferring of a new master's degree, the Master of Nursing Science (M.N.Sc.) and a new doctoral degree, the Doctor of Nursing (D.Nurs.) by the University.

## THE CHINESE UNIVERSITY OF HONG KONG

## Structure of the Senate

Composition	Number of members as at May 2008	Number of members as at Nov 2009	Number of members in the reorganized Senate
<b>A. <i>Ex Officio Members</i></b>			
Vice-Chancellor	1	1	1
Pro-Vice-Chancellors	4	5	6*
College Heads/Masters	4	4	6
Deans of the Faculties and of the Graduate School	8	9	9
Registrar	1	1	-
Librarian	1	1	1
University Dean of Students	1	1	1
Director of the School of Continuing and Professional Studies	1	1	1
<b>Sub-total:</b>	<b>21</b>	<b>23</b>	<b>25</b>
<b>B. <i>Teachers</i></b>			
Department Chairmen / Directors of Studies	72	69	8
A teacher from each Faculty Board	-	-	8
Other teachers, elected at large (including at least 5 Assistant/Associate Professors)	-	-	9
Professors, or the Readers in each Department in which there is no professor	94	99	-
2 Fellows from each Original College and Shaw College	8	8	-
Not more than two other teachers to be nominated by the Vice-Chancellor and appointed by the Senate	-	-	0-2
<b>Sub-total:</b>	<b>174</b>	<b>176</b>	<b>25-27</b>
<b>C. <i>Students</i></b>			
President of the Students Union	1	1	-
One student representing the Students Union of each Original College and of Shaw College	4	4	-
Student of each Faculty of the University elected by, and from among, full-time students in that Faculty	7	8	-
Student member to be elected by and from among all full-time undergraduate students	-	-	1
Student member to be elected by and from among all full-time postgraduate students	-	-	1
Student member to be elected by and from among the student members of the Boards of Faculties	-	-	1
<b>Sub-total:</b>	<b>12</b>	<b>13</b>	<b>3</b>
<b>Total No. of Senate Members:</b>	<b>207</b>	<b>212</b>	<b>53-55<sup>△</sup></b>

## Notes:

\* The Provost, who is also appointed as Pro-Vice-Chancellor, is included in this category.

△ At the time when recommendations were made by the Ad Hoc Committee, there were only 4 PVCs. Starting from 1 January 2010, the total number of PVCs (including the Provost) will be 6. Therefore the total number of members in the reorganized Senate will range from 53 to 55.

November 2009