

立法會

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Paper for the Meeting of the Education Panel on 11 January 2010

The use of the term "Teacher" in the Ordinances establishing Universities

At the meeting of the Education Panel on 9 November 2009, Members discussed the proposed amendments to the Statutes of the Chinese University of Hong Kong, and requested the legal adviser to the Panel to provide information on the use of the term "teacher" in the ordinances establishing universities in Hong Kong. The term "teacher" is only used in the University of Hong Kong Ordinance (Cap. 1053) (HKUO) and The Chinese University of Hong Kong Ordinance (Cap. 1109) (CUHKO). This paper sets out the relevant information for Members.

University of Hong Kong Ordinance (Cap. 1053)

2. Section 12(9) of HKUO provides that –

"The teachers shall be the Professors, Readers, Lecturers, and such other persons as may be designated teachers by the statutes. The teachers shall be appointed by the Council...".

3. Statute I of Statutes of The University of Hong Kong (at Schedule to HKUO) provides that "teacher" has the same meanings as it has in HKUO.

4. Statute XII(1) (The Teachers of The University) also provides that –

"In addition to the persons designated as such by the Ordinance, the senior lecturers, the assistant lecturers, the appointed Deans of Faculties and the Heads and Deputy Heads of the Institutes, Schools, Centres and Units and other subdivisions of Studies and Learning appointed under the provisions of Statute XXV shall be teachers.".

The Roles of Teachers

5. Teachers are members of the University (Statute IV(1)(i)). Full-time teachers are eligible to be elected as members of the Council (Statute XVIII(1)(f)) and as members of the Senate (Statute XXII).

6. Teachers who are members of a Faculty and who are full-time employees of the University, and such other teachers as may be appointed to the Board by the Senate are also eligible, among others, to be elected as members of the Board of a Faculty (Statute XXVI(1)(c) and (d)).

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

7. "Teacher" in section 2(1) of CUHKO means –

"a member of the full-time teaching staff of the University of the rank of Assistant Lecturer and above;"

8. "Teachers" in the proposed amendments to the Statutes of CUHK means –

"a member of the full-time teaching staff of the University of the rank of Assistant Lecturer or above holding an appointment in the teacher grades of Professor, Associate Professor or Assistant Professor or such other appointments as the Council may determine to be a teacher from time to time;"

The Roles of Teacher

9. Under CUHKO, teachers are members of CUHK (Statute 3(j)) and academic staff of CUHK (Statute 19(d)). A teacher may be eligible to be elected as a member of the Board of a Department (Statute 17(3)(2)).

10. At present, there is no express provision in CUHKO or the Statutes according to which a teacher is eligible to be elected as a member of the Senate. In the proposed amendments to Statutes of CUHK, a teacher is eligible to be elected as a member of the Senate.

Other Universities

11. Instead of "teacher", some universities use the term "eligible staff", which means –

"the full-time teaching and instructional staff of the university, and includes members of the administrative staff of the University of equivalent rank or grade;"¹

12. Members of "eligible staff" are eligible to be elected as members of the Court² and the Council³.

13. In The Hong Kong Polytechnic University Ordinance (Cap. 1075), the Hong Kong Baptist University Ordinance (Cap. 1126) and the Lingnan University Ordinance (Cap. 1165), there is no clear provision according to which members of "eligible staff" may be elected as members of the Senate. However, the said ordinances provide that the statutes of the universities shall set out, among other things, membership of the Senate.

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¹ Section 2 of The Hong Kong Polytechnic University Ordinance (Cap. 1075), Hong Kong Baptist University Ordinance (Cap. 1126). Section 2 of the Lingnan University Ordinance (Cap. 1165) also define "eligible staff" similarly.

² Section 9(1)(d) of the Lingnan University Ordinance (Cap. 1165)

³ Section 10(1)(c) of The Hong Kong Polytechnic University Ordinance (Cap. 1075)
Section 15(1)(d) of the Hong Kong Baptist University Ordinance (Cap. 1126)
Section 12(1)(d) of the Lingnan University Ordinance (Cap. 1165)