



秘書長室 Office of the Secretary

Our Ref.: SEC214/09

Your Ref.: CB2/PL/ED

November 2, 2009

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 November 9, 2009

1. As instructed by the Chairman of the University Council, I would like to furnish a reply to your letter dated October 21, 2009 on the subject.
2. The Chinese University of Hong Kong (CUHK) proposes to amend the Statutes contained in Schedule 1 of The Chinese University of Hong Kong Ordinance (CUHK Ordinance) as set out in the “Statutes of The Chinese University of Hong Kong (Amendment) Statutes 2009” (Attachment 1) which have been prepared by the Law Drafting Division of the Department of Justice.
3. Section 13(1) of the CUHK Ordinance stipulates that “The Council may by special resolution make Statutes, subject to the approval thereof by the Chancellor” The said Amendment Statutes (subsidiary legislations) when passed and confirmed by the University Council, approved by the Chancellor of the University and gazetted will be tabled for negative vetting by the Legislative Council. The University Council passed a special resolution on October 20, 2009 in relation to the said Amendment Statutes and before the matter proceeds further, it is submitted for reporting to the Panel on Education of the Legislative Council.

...../2

4. In the Explanatory Note of the said Amendment Statutes, it is stated that
- “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 change of the titles of teachers;
 - (d) 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;
 - (e) 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.”
5. The background information concerning the said Amendment Statutes are as follows:-

(a) Reorganization of the Senate

The Registrar of the University submitted to the Panel on Education of the Legislative Council in June 2009, the background information about the University’s proposal for reorganizing its Senate in line with the advice given by the Report on Higher Education in Hong Kong of the University Grants Committee (commonly known as the Sutherland Report). A copy of the Registrar’s submission is again attached (Attachment 2). The proposal for the reorganization of CUHK’s Senate and the related Amendment Statutes were recommended by an Ad Hoc Committee of CUHK comprising among its membership representatives of academic staff and students, and have been approved by the Senate and the Council of CUHK.

(b) Addition of New Members to the Board of Faculties

As one student member of the reorganized Senate shall be elected by, and from among, the student members of the Boards of Faculties, the Senate has recommended and the Council has approved that the student membership of the Boards of Faculties be formally established. It has also been proposed that all Associate Deans and Assistant Deans of each Faculty should be added to the membership of the Board of Faculty concerned. Hence, amendments have to be made to Statute 15.

(c) Titles of Teachers

Since 1995, CUHK has adopted the titles of Professor, Associate Professor and Assistant Professor for teachers of the University in line with the titles commonly adopted by major universities in Hong Kong and abroad, replacing the original titles of Lecturers, Senior Lecturers, Readers and Professors. Those teachers who chose to retain an old title (e.g. Senior Lecturer) which had been accorded to them in their contracts of appointment were allowed to do so on a personal basis. By now, very few teachers are still holding an old title and they can continue to retain their old titles without change. CUHK considers it appropriate to amend the relevant Statutes to reflect the change in the titles of teachers adopted in 1995 without any actual change in the composition of the group thus defined.

(d) Procedures for Appointment of Academic and Senior Administrative Staff

Section 7(d) of the CUHK Ordinance stipulates that the Council shall make such University appointments as it thinks proper, and sub-paragraphs (k) and (l) of Statute 11.8(2) also stipulate that it shall be the duty of the Council to make University appointments as the Council deems necessary. In order to streamline the administrative procedures for making such University appointments, it has been proposed that sub-paragraphs (j), (k) and (l) of Statute 11.8(2) and Statute 20 be amended to specify that all University appointments shall be made on such terms and conditions and in accordance with such procedures as the Council may determine. In line with the common practice in other major universities, the detailed procedures as contained originally in Statute 20 which are subject to change from time to time, have been

removed from the Statutes and rendered into Regulations which the Council may make and amend from time to time.

(e) New Postgraduate Degrees

The Senate of CUHK proposes to add two new degrees of Master of Nursing Science (M.N.Sc.) and Doctor of Nursing (D.Nurs.) under paragraph 2 of Statute 26 for the addition of new programmes of study.

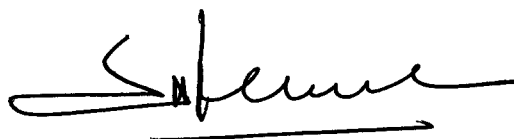
6. The following representatives of the University will attend the meeting of the Panel to be held on Monday, November 9, 2009:-

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

JL/mm

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

STATUTES OF THE CHINESE UNIVERSITY OF HONG KONG (AMENDMENT) STATUTES 2009

(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. Commencement

These Statutes come into operation on 1 April 2010.

2. 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”;

“teacher” (教師) 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;”.

3. Members of the University

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

4. The Vice-Chancellor

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

5. 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”.

6. 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”.

7. 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.

8. 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”.

9. The Convocation

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

10. Appointment of Academic and Senior Administrative Staff

Statute 20 is repealed.

11. 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”.

12. Removal from Office, Membership or Appointment

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

13. 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.)”.

14. Transitional provisions

(1) In this section –

“Amendment Statutes” (《修訂規程》) means the Statutes of The Chinese University of Hong Kong (Amendment) Statutes 2009;

“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 2009.

Secretary of The Chinese University
of Hong Kong

Approved this day of 2009.

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 change of the titles of teachers;
- (d) 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;
- (e) 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.



SHATIN · NT · HONG KONG
香港 新界 沙田

TEL 電話：(852) 2609 6000
(852) 2609 7000

FAX 圖文傳真：(852) 2603 5544
WEBSITE 網址：www.cuhk.edu.hk

教務長室 (電話號碼: 2609 7256)
(傳真號碼: 2603 5121)

本函檔號：049.09Jn

香港特別行政區立法會
教育事務委員會主席
何秀蘭議員

秀蘭議員尊鑒：

我校學生會近日致函立法會教育事務委員會，並聯同我校四間書院學生會發表聲明，指二零零八年九月經教務會全體成員無異議通過的教務會重組方案中，有關學生代表席位產生方法一項，在決定過程中沒有學生參與，又謂全體本科生以一人一票互選教務會代表方案不合理，應改由中大學生會會長當然出任。

有關說法既與事實不符，亦不尊重全體本科生選舉教務會代表的原則，尤其是學生會幹事會須由最少十人組閣參選產生，學生不能以個人身份參加選舉，而教務會代表候選人則應以個人身份參選，應屆學生會會長亦可參選。因此，教務會學生代表經全民選出方最有代表性。

其實，由我校教務會重組專責委員會經多次會議商討後建議，並經教務會無異議通過的學生代表產生方法乃由一名出任專責委員會成員的學生代表提出，出席會議並參加討論的學生代表還包括當時的學生會會長。有關方案獲當時學生會會長贊成，並在專責委員會及教務會均獲無異議通過。

大學已就有關事項發新聞稿公開澄清，以免引起誤會。

香港中文大學教務長室
049.09Jn

二

至於中大及四院學生會提出請求教務會重新考慮重組後教務會學生代表的產生機制，我校校長已於六月十日舉行教務會會議時宣佈在六月二十五日召開教務會特別會議討論有關事項。

謹將此事件的始末奉告(詳見附件)，藉此向 貴會同人報告事件真相和澄清可能引起的誤會。崑此奉達，敬候

台安

香港中文大學教務長



吳樹培 啟

二〇〇九年六月十七日

附件

副本送：香港中文大學校長劉遵義教授

就中大教務會重組過程的澄清

最近出現一項報導，謂香港中文大學在二零零八年重組教務會時，對學生代表席位的決定，過程中沒有學生參與。有關說法與事實不符，謹此澄清。

教務會改組背景

教務會為香港中文大學專責管理學術事務之重要組織。為了有效履行職能，並加強問責，中大教務會恆以國際優良範例為鏡。綜觀世界各地高等院校之教務會，其架構多精簡而高效。此外，本港大學教育資助委員會（教資會）在二零零二年三月發表《香港高等教育報告書》（宋達能報告書），要求各高等院校必須確保其管治方式切合所需；政府審計署復於二零零二年三月建議規模較大的教務會應予以重組。

校董會大學管治專責小組曾邀請校外專家小組就大學管治相關事宜提供意見。校外專家小組認為，中大教務會以約五十之數為宜。校董會認為，具體的重組方案應由教務會自行提出。

中大教務會成立重組專責委員會

教務會於二零零八年五月二十一日舉行特別會議，討論教務會重組事宜，當日共有四名學生代表出席，會上決定成立重組專責委員會，成員超過三十人，以協助教務會研議有關事宜。教務會建議應有兩名學生參加專責委員會，由教務會的學生成員（包括中大學生會會長、各書院及學院教務會學生成員）互選產生，獲選的兩名學生委員包括中大學生會會長。專責委員會亦包括各學院推選的教師代表和其他成員代表等，惟劉遵義校長不是專責委員會成員。

專責委員會內達致共識

專責委員會一共舉行了五次會議，委員理解教務會各組別成員的人數均須減少，在這個前提下，仔細審視和討論不同理據。在二零零八年六月二十六日舉行的第二次會議上，就學生代表席位列出了若干方案，擬在第三次會議定案。但在二零零八年七月三日舉行的第三次會議，兩名學生代表都缺席，專責委員會遂擱置討論學生代表席位事宜，絕對顯示委員會對學生意見之重視。專責委員會在二零零八年七月三十一日舉行了第四次會議，兩名學生代表均出席，該會議一致通過了學生代表席位的數目和產生方法，而最後採納的產生方法，乃由其中一名學生代表提出，而出席會議的中大學生會會長亦表示同意。

按照該方案，教務會將有三名學生代表（數字與香港其他大學相若），分別由各學院院務會的學生代表互選產生一名，所有全日制本科生互選產生一名，及所有全日制研究生互選產生一名，專責委員會一致認為合理。

專責委員會在二零零八年九月四日舉行的第五次（最後）會議，成員在無異議下通過了包含上述方案的專責委員會報告。

教務會及校董會接納建議

專責委員會的建議呈交教務會，列入二零零八年九月二十四日舉行的教務會議程，且按照正常程序，於會議前一星期將有關文件分發予所有教務會成員。共有兩名學生代表出席了該次教務會會議，其中包括中大學生會會長。教務會在無異議下，接納專責委員會的建議，同意以教務會的名義，經大學管治專責小組呈交校董會通過。該次教務會的紀錄於二零零八年十二月十七日舉行的下一次教務會上認可，所有委員當時及以後對會議記錄均無異議。

嚴謹程序，合理方案，廣泛共識

由此可見，教務會重組方案，是經過合理和嚴謹程序所達致的共識，獲得教務會師生成員通過接納。