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Panel on Education

Background brief prepared by the Legislative Council Secretariat for the meeting on 9 November 2009

Reorganization of the Senate of The Chinese University of Hong Kong

Purpose

This paper summarizes the background to the proposed reorganization of the Senate of The Chinese University of Hong Kong (CUHK) and the written views received by the Panel on Education on the matter.

The Senate

2. The Senate is the academic supervisory body of CUHK. Section 8 of The Chinese University of Hong Kong Ordinance (Cap. 1109) (the Ordinance) stipulates that, subject to the Ordinance, the Statutes of CUHK and review by the CUHK Council, the Senate shall have the control and regulation of –

- (a) instruction, education and research;
- (b) the conducting of examination for students;
- (c) the award of degrees other than degrees *honoris causa*; and
- (d) the award of diplomas, certificates and other academic distinctions of the University.

3. The details of these powers are provided in paragraph 4 of Statute 14 in Schedule 1 to the Ordinance in **Appendix I**.

4. Paragraph 1 of Statute 14 provides for the composition of the Senate. The Senate shall comprise of –

- (a) the Vice-Chancellor who shall be Chairman;
- (b) the Pro-Vice-Chancellors;
- (c) the Heads of the original Colleges and of Shaw College;

- (d) the Dean of each Faculty and of the Graduate School;
- (e) the Professors, or the Readers in each Department in which there is no professor;
- (f) the Chairman of each Department and the Directors of Studies if not a member under subparagraph (e);
- (fa) the Director of the School of Continuing and Professional Studies of the University;
- (g) in relation to the original Colleges and Shaw College, two Fellows of each College elected by the College's Assembly of Fellows;
- (h) the Registrar;
- (i) the Librarian;
- (j) the University Dean of Students;
- (k) the President of the University Students Union;
- (l) one student of each Faculty of the University elected by, and from among, full-time students in that Faculty pursuing approved courses of study for a degree of the University; and
- (m) in relation to the original Colleges and Shaw College, one student representing the Students Union of each College of the University elected by, and from among, full-time students pursuing approved courses of study for a degree of the University who are members of that Students Union.

5. As at May 2008, the Senate had 207 seats of which 12 were for student representatives.

Review on the governance structure of the University Grants Committee (UGC)-funded institutions

6. In May 2001, the then Secretary for Education and Manpower commissioned the UGC to launch a comprehensive review of higher education in Hong Kong. The review covered all aspects of higher education provision, including the corporate governance of the UGC-funded institutions. In March 2002, the UGC published the review report entitled "*Higher Education in Hong Kong: Report of the University Grants Committee*" (the Report). The Report recommended that the UGC-funded institutions should ensure the fitness for purpose of their governance and management structures.

7. Against this background, the Audit Commission (Audit) conducted a value for money audit on the UGC-funded institutions including their corporate governance. The findings were contained in Report No. 40 of the Director of Audit which was released in March 2003. Audit noted that the Senate of CUHK was relatively large in comparison with that of other UGC-funded institutions which had less than 100 members. As at 1 December 2002, the Senate of CUHK had 146 members. Audit recommended that the UGC should request CUHK to review whether the size of the Senate should be reduced to make it function more effectively.

8. According to CUHK, it had set up a Task Force on University Governance of

the Council. The Task Force invited a panel of external experts to offer suggestions on university governance. The panel was of the view that the membership of the Senate should stand at around 50. The CUHK Council decided that it should be left to the Senate to propose a plan for reorganization. At the Extraordinary Meeting of the Senate held on 21 May 2008, an Ad Hoc Committee on Reorganization of the Senate with over 30 members was established. Two students members sat on the Ad Hoc Committee.

Proposed reorganization of the Senate

9. In a press release made by CUHK on the reorganization of its Senate on 18 May 2009, it was stated that under the proposed reorganization, the Senate would have three student members, including a student to be elected by and from among all full-time undergraduate students, a student to be elected by and from among all full-time postgraduate students, and a student to be elected by and from among the student members of the Boards of Faculties.

Views received by the Panel

10. The Panel has not discussed the subject of reorganization of the Senate of CUHK. It had received two written submissions respectively from the President of The Students Union of CUHK and the student unions of four constituent colleges. The submissions had been circulated to members of the Panel vide LC Paper Nos. CB(2)1718/08-09 and CB(2)1824/08-09. The student unions raised objection to the proposed student representation in the reorganized Senate. The main points of the two submissions are summarized below.

Reduced student representation

11. While agreeing to the need to streamline the structure of the Senate, the student unions were gravely concerned about the student representation in the reorganized Senate and the manner in which the student representatives would be elected. Under the reorganized structure, the number of student representatives would be reduced from a maximum of 13 to three. The student unions stressed the importance of adequate student representation in the Senate to reflect the views of students to the University. They were of the view that the reduced student representation in the reorganized Senate would significantly diminish its role as an established channel for communication between students and teachers.

Election of student representatives

12. The student unions considered it important for the President of the Students Union of CUHK and the representatives of the respective student unions of the original four constituent colleges to remain as members of the reorganized Senate. The student unions pointed out that it was an established practice for the presidents of the student unions of the four constituent colleges to be the ex officio members of the

Senate. The President of the Students Union of CUHK was elected by universal suffrage, and the presidents of the student unions of the constituent colleges were elected from among students of the respective colleges. The elected presidents were in the best position to represent the students of their respective colleges. The student unions queried why the Ad Hoc Committee proposed the election of the undergraduate student representative in the reorganized Senate from among full-time undergraduate students. In their view, such a proposal relegated the role and representation of student unions.

College system

13. The student unions stressed that college system was the tradition and cornerstone of CUHK. They were dissatisfied that the spirit of college system was totally disregarded in the proposed composition of the reorganized Senate. Student representatives of the four constituent colleges would no longer be ex officio members of the reorganized Senate. Instead the Ad Hoc Committee went for a proposal to elect one of the three student representatives in the reorganized Senate from the student members of the Board of Faculties. The student unions pointed out that the seats for student representatives of Faculties in the Senate were always left vacant in the past years.

Consultation

14. The student unions alleged that the proposal on the membership of the reorganized Senate was made hastily without the full participation of students. They criticized the Ad Hoc Committee for having held its meetings in the summer break when consultation with students could not be conducted effectively. The student unions requested CUHK to further discuss and consult the stakeholders about the reorganization of its Senate.

Relevant papers

15. A list of the relevant papers on the Legislative Council website is in **Appendix II**.

Statute 14**The Senate**

4. Subject to the Ordinance and Statutes, the Senate shall have the following powers and duties —
- (a) to promote research by members of the University;
 - (b) to regulate the admission of persons to approved courses of study and their attendance at such courses; and to assign students to Colleges with due regard to the preferences of both the students and the Colleges;
 - (c) to direct and regulate the instruction and teaching in approved courses of study and to conduct the examinations leading to degrees, diplomas, certificates and other awards of the University;
 - (d) to consider, upon the advice of the Assembly of Fellows of each College, measures necessary for the conduct of student-orientated teaching, and to consider also measures necessary for the conduct of subject-orientated teaching;
 - (e) to make, after report from the Faculties concerned, all regulations for giving effect to the Statutes and decrees relating to approved courses of study and examinations;
 - (f) to appoint internal examiners after report from the Boards of the Departments concerned; (L.N. 452 of 1994)
 - (g) to recommend after report from the Boards of the Departments concerned external examiners for appointment by the Council; (L.N. 452 of 1994)
 - (h) to recommend the conferment of degrees (other than degrees *honoris causa*) and to award diplomas, certificates and other distinctions;
 - (i) to fix, subject to any conditions made by the donors and accepted by the Council, the times, the mode and the conditions of competition for University scholarships, bursaries and prizes, and to award the same;
 - (j) to recommend to the Council the institution, abolition or holding in abeyance of all teaching posts and the assignment of teachers to a College after consultation with the Assembly of Fellows (where one has been established) of the College concerned; (L.N. 25 of 1987)
 - (ja) to assign teachers —
 - (i) to Faculties, Departments and Schools of Studies; and

- (ii) to units, if the Senate thinks it fit in relation to such units; (L.N. 25 of 2002)
- (k) to recommend to the Council external experts to serve as members of Boards of Advisers; (L.N. 100 of 1984)
- (l) to report to the Council on all Statutes and Decrees and proposed changes thereof;
- (m) to report to the Council on any academic matter;
- (n) to discuss any matter relating to the University and to report its views to the Council;
- (o) to report to the Council on any matters referred to the Senate by the Council;
- (p) to consider estimates of expenditure prepared in respect of the University, and to report thereon to the Council;
- (q) to formulate, modify or revise schemes for the organization of Faculties and to assign to such Faculties their respective subjects; also to report to the Council on the expediency of establishing at any time other Faculties or as to the expediency of abolishing, combining or sub-dividing any Faculties;
- (r) (Repealed L.N. 452 of 1994)
- (s) to supervise the libraries and laboratories;
- (t) to require any undergraduate or student on academic grounds to terminate his studies at the University;
- (u) to determine—
 - (i) the academic year which shall be a period not exceeding 12 consecutive months, and
 - (ii) the academic terms which shall be part of an academic year;
- (v) to exercise such other powers and perform such other duties as the Council may authorize or require.

Note : Extracted from the Statutes of The Chinese University of Hong Kong in Schedule 1 to The Chinese University of Hong Kong Ordinance (Cap. 1109)

**Relevant papers on reorganization of the Senate of
The Chinese University of Hong Kong**

Meeting	Date of meeting	Paper
Public Accounts Committee	--	<p><u>Chapter 8 of the Report No. 40 of the Director of Audit</u></p> <p><u>Chapter 1 of the Supplemental Report of the Public Accounts Committee No. 40A</u></p> <p><u>Chapter IV of the Report of the Public Accounts Committee No. 43</u></p>
		<p><u>The Students Union of The Chinese University of Hong Kong's letter dated 21 April 2009 concerning the reorganization of the Senate of The Chinese University of Hong Kong (Chinese version only)</u></p>
		<p><u>Joint declaration on the reorganization of the Senate of The Chinese University of Hong Kong from five student unions of The Chinese University of Hong Kong (Chinese version only)</u></p>