

《2011年香港理工大學(修訂)條例草案》委員會

就立法會議員於2012年2月28日舉行的第四次法案委員會會議所提出的問題，香港理工大學謹覆如下：

(a) 署理校長及署理常務副校長的投票權

理大同意法律顧問的意見，並會建議加入以下的第10(7A)條，令條文更清晰說明署理校長和署理常務副校長的投票權：

“(7A) 就第8(2)及(4)條及第(7)款而言，並非校董會成員的署理校長或署理常務副校長有投票權。”

(b) 前教育統籌局於2006年12月的指示

前教育統籌局於2006年12月告知理大不再委任公職人員擔任理大校董。局方的有關指示，請參閱附件。

(c) 不委任公職人員加入校董會的意向

教育局和理大雙方均無意委任任何公職人員加入校董會。為了更清晰地反映局方和校方的意向，理大建議將第10(1)(d)條修訂為：

“(d) 17名並非大學的僱員或學生或公職人員的成員，其中—
(i) 9名須由行政長官委任；及
(ii) 8名須由校董會委任；”

(d) 有關是否需要在建議的第12(2)條及第12(3)條明確指出退款對象

根據校方的紀錄，大學處理退還學費的個案，大部分是將學費退還給學生本人，但也有因為學生身故，而需向其家人退還學費的情況出現。至於退還設施的費用，大學會因取消活動和/或取消場地租賃而向學生或機構退還費用。

校長會謹慎地審批退還學費、設施收費，以及自負盈虧課程及服務的收費。基於上述條例的重點在於退還費用的「審批權限」而非「退款的對象」，校方認為不需要在上述條文明確指出退款的對象。

EMB's observation: The Administration has made a conscious decision not to appoint public officers to the Council a few years ago. PolyU might wish to take this opportunity to amend section 10(1)(d) to delete the phrase "of whom not more than 2 shall be public officers" and to delete references to "who is not a public officer" under sections 10(2), and 10(3A), and to repeal s.10(3) accordingly.

- (d) 20 members appointed by the Chief Executive of whom not more than 2 shall be public officers;
- (e) 1 member from the alumni who is not an employee of the University and who shall be appointed by the Council;
- (f) 1 member elected by and from the full-time **undergraduate and sub-degree** students and who shall be appointed by the Council. *[GMRC Recommendation 28(c) as amended by Council]*
- (g) 1 member elected by and from the full-time postgraduate students and who shall be appointed by the Council. *[GMRC Recommendation 28(c)]***

(c) the appointment of student representative be increased from 1 to 2 with one member elected by and from full-time undergraduate students and one member elected by and from full-time postgraduate students*;*

** including students from UGC-funded and self-financed programme*

- (2) The Chief Executive shall appoint one of the members appointed under subsection (1)(d) who is not a public officer as Chairman.
- (3) A member of the Council appointed under subsection (1)(d) who is a public officer shall hold office at the discretion of the Chief Executive.
- (3A) A member appointed under subsection (1)(d) who is not a public officer -
 - (a) shall be appointed for a period of 3 years or such lesser period as the Chief Executive may in any particular case appoint, but may from time to time be reappointed;
 - (b) may at any time by notice in writing to the Chief Executive resign from the Council.