

公 共 啟 事  
**PUBLIC NOTICES**

《**2010 年香港大學 (修訂)  
條例草案**》

**UNIVERSITY OF HONG KONG  
(AMENDMENT) BILL 2010**

# 本條例草案

## 旨在

修訂《香港大學條例》。

由立法會制定。

### 1. 簡稱

本條例可引稱為《2010 年香港大學(修訂)條例》。

### 2. 校董會、校務委員會和教務委員會及其章程、權力及職責

(1) 《香港大學條例》(第 1053 章)第 7(2)條現予修訂，廢除“管治”而代以“諮詢”。

(2) 第 7(3) 條現予修訂，廢除“行政團體”而代以“最高管治團體”。

(3) 第 7(3) 條現予修訂，廢除“管理大學的財產與處理大學的事務”而代以“可行使大學的所有權力，及須執行大學的所有職責，但藉本條例或規程而歸於或委予大學其他權力單位或任何主管人員的權力及職責除外”。

### 3. 主管人員和教師及其聘任、權力、職責及薪酬

(1) 第 12(9) 條現予修訂，廢除“教師指講座教授、教授、講師及規程指定為教師的其他人。教師由校務委員會聘任。”而代以“教師指大學的講座教授、教授、副教授及助理教授，及規程指定為教師的其他人。教師由校務委員會按其認為合適的條款聘任。”。

# A BILL

## To

Amend the University of Hong Kong Ordinance.

Enacted by the Legislative Council.

### **1. Short title**

This Ordinance may be cited as the University of Hong Kong (Amendment) Ordinance 2010.

### **2. Court, Council and Senate, their constitutions, powers and duties**

(1) Section 7(2) of the University of Hong Kong Ordinance (Cap. 1053) is amended by repealing “governing” and substituting “advisory”.

(2) Section 7(3) is amended by repealing “executive body” and substituting “supreme governing body”.

(3) Section 7(3) is amended by repealing “it shall administer the property and manage the affairs of the University” and substituting “the Council may exercise all the powers and is to perform all the duties of the University other than those vested or imposed by this Ordinance or the statutes in some other authority of the University or in an officer”.

### **3. Officers and teachers, their appointment, powers, duties and emoluments**

(1) Section 12(9) is amended by repealing “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.” and substituting “The teachers are the Chairs, Professors, Associate Professors and Assistant Professors of the University, and such other persons as may be designated as teachers by the statutes. The teachers are to be appointed by the Council on such terms as it thinks fit.”.

(2) 第 12(10)(b) 條現予修訂，廢除“試用”而代以“固定任期”。

#### 4. 《香港大學規程》

(1) 附表內的《香港大學規程》規程 XII 現予修訂，在第 1 段中，廢除“高級講師、副講師、”。

(2) 規程 XIX 現予修訂，在第 1 段中，廢除“校務委員會須管理大學的事務，但藉本條例或規程置於大學其他權力機關或任何主管人員管理下的事務”而代以“校務委員會可行使大學的所有權力，及須執行大學的所有職責，但藉本條例或規程而歸於或委予大學其他權力單位或任何主管人員的權力及職責”。

(3) 規程 XIX 現予修訂，廢除第 2(s) 段而代以——

“(s) 為行使藉本條例或規程而歸於校務委員會的權力或執行藉本條例或規程而委予校務委員會的職責，而作出一切有需要或附帶的作為和事情，及執行一切有需要或附帶的職責。”。

(4) 規程 XXVIII 現予修訂，廢除第 1(1)(b) 段而代以——

“(b) 大學的講座教授、教授、副教授、助理教授、高級講師、講師、助理講師、導師及助教；”。

#### 5. 過渡性條文

(1) 凡任何人在緊接本條例生效之前是教師，並有權獲《香港大學條例》(第 1053 章) 第 12(9) 條所描述的關於終止聘任的保障，則校務委員會不得終止該人的聘任，但如該委員會在對有關事實妥為作出調查，及在接獲教務委員會就該項調查結果所提供的意見後，認為有好的因由終止聘任，則不在此限。

(2) 任何人倘若在緊接本條例生效之前，是具有教授、高級講師或講師名銜的教師，則只要該人在本條例生效之後仍然在大學的另一受僱職級工作，即准沿用該名銜。

(2) Section 12(10)(b) is amended by repealing “or probationary” and substituting “or for a fixed term”.

#### **4. Statutes of the University of Hong Kong**

(1) Statute XII of the Statutes of the University of Hong Kong in the Schedule is amended, in paragraph 1, by repealing “the senior lecturers, the assistant lecturers,”.

(2) Statute XIX is amended, in paragraph 1, by repealing “The Council shall administer the affairs of the University other than those vested by the Ordinance” and substituting “The Council may exercise all the powers and is to perform all the duties of the University other than those vested or imposed by the Ordinance”.

(3) Statute XIX is amended by repealing paragraph 2(s) and substituting—

“(s) to do all such acts and things and perform all such duties as may be necessary for or incidental to exercising the powers or performing the duties vested or imposed on the Council by the Ordinance or the statutes.”.

(4) Statute XXVIII is amended by repealing paragraph 1(1)(b) and substituting—

“(b) the Chairs, Professors, Associate Professors, Assistant Professors, Readers, Senior Lecturers, Lecturers, Assistant Lecturers, Tutors and Demonstrators of the University;”.

#### **5. Transitional provision**

(1) The Council must not terminate the appointment of a person who was a teacher and entitled to the protection on termination of appointment described in section 12(9) of the University of Hong Kong Ordinance (Cap. 1053) immediately before the commencement of this Ordinance except where after due enquiry into the facts and after receiving the advice of the Senate on the findings of such enquiry there exists in the opinion of the Council good cause for such termination.

(2) Any person who was a teacher holding a title of Reader, Senior Lecturer or Lecturer immediately before the commencement of this Ordinance is permitted to retain the title after the commencement of this Ordinance as long as the person remains in the same grade of employment in the University.

## 6. 保留條文

本條例的條文不影響亦不得當作影響中央或香港特別行政區政府根據《基本法》和其他法律的規定所享有的權利或任何政治體或法人團體或任何其他人的權利，但本條例所述及者和經由、透過或藉著他們提出申索者除外。

### 摘要說明

本條例草案的目的是對《香港大學條例》(第 1053 章)(“《條例》”)作出修訂，以消除《條例》與《香港大學規程》(“《規程》”)之間有關香港大學(“大學”)的校董會與校務委員會的角色及權力的不相符之處，及實施大學的人力資源改革中有關採用新學術名銜的部分。

2. 草案第 2 條對《條例》第 7(2) 及 (3) 條作出修訂，以消除《條例》與《規程》之間有關大學的校董會與校務委員會的角色及權力的不相符之處，說明校董會須描述為大學的“最高諮詢團體”，而校務委員會則為大學的“最高管治團體”。

3. 草案第 3(1) 條廢除先前的“講座教授”(Professors)、“教授”(Readers)及“講師”(Lecturers)的學術名銜而代以“講座教授”(Chairs)、“教授”(Professors)、“副教授”(Associate Professors)及“助理教授”(Assistant Professors)的新名銜。然而，倘若教師選擇的話，可保留其先前的學術名銜，除非其在大學的受僱職級改變或直至出現該等改變為止(見草案第 5(2) 條)。採用新名銜的教師仍然享有須以好的因由方可免職的保障，除非他們已超過校務委員會所決定的退休年齡(見《條例》第 12(10)(a) 條)，或他們的受僱屬固定任期或臨時或兼任性質(見經草案第 3(2) 條修訂的《條例》第 12(10)(b) 條)。然而，緊接經制定的本條例草案生效之前享有保障的人士均不會受到影響(見草案第 5(1) 條)。

## 6. Saving

Nothing in this Ordinance shall affect or be deemed to affect the rights of the Central Authorities or the Government of the Hong Kong Special Administrative Region under the Basic Law and other laws, or the rights of any body politic or corporate or of any other person except such as are mentioned in this Ordinance and those claiming by, from or under them.

### Explanatory Memorandum

The purpose of this Bill is to amend the University of Hong Kong Ordinance (Cap. 1053) (“the Ordinance”) to remove inconsistencies between the Ordinance and the Statutes of the University of Hong Kong (“the Statutes”) with regard to the roles and powers of the Court and the Council of the University of Hong Kong (“the University”), and to give effect to the adoption of new academic titles as part of the University’s human resources reform.

2. Clause 2 amends section 7(2) and (3) of the Ordinance to remove inconsistencies between the Ordinance and the Statutes with regard to the roles and powers of the Court and the Council of the University to the effect that the Court is to be described as the “supreme advisory body” of the University and the Council as the “supreme governing body” of the University.

3. Clause 3(1) repeals the previous academic titles of “Professors” (講座教授), “Readers” (教授) and “Lecturers” (講師) and substitutes them with the new titles of “Chairs” (講座教授), “Professors” (教授), “Associate Professors” (副教授) and “Assistant Professors” (助理教授). However, teachers may, if they so choose, retain their previous academic titles unless or until their grade of employment in the University changes (see clause 5(2)). Teachers adopting the new titles are still entitled to protection against dismissal without good cause, unless they are beyond a retiring age as determined by the Council (see section 12(10)(a) of the Ordinance) or their employment is for a fixed term or is temporary or part-time (see section 12(10)(b) of the Ordinance as amended by clause 3(2)). However, no person who has been entitled to the protection immediately before the commencement of the Bill when enacted is to be affected (see clause 5(1)).

4. 草案第 4 條刪除於《條例》附表內的《規程》規程 XII 中出現的對“高級講師”(senior lecturers) 及“副講師”(assistant lecturers) 的舊有學術名銜的提述，及擴大《規程》規程 XXVIII 以包括新的學術名銜。該條亦對《規程》規程 XIX 第 1 及 2(s) 段作出相應的修訂。
5. 草案第 5 條是過渡性條文。
6. 草案第 6 條是保留條文。

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4. Clause 4 removes reference to the old academic titles of “senior lecturers” (高級講師) and “assistant lecturers” (副講師) appearing in Statute XII of the Statutes in the Schedule to the Ordinance and expands Statute XXVIII of the Statutes to include the new academic titles. The clause also introduces consequential amendments to paragraphs 1 and 2(s) of Statute XIX of the Statutes.
5. Clause 5 is a transitional provision.
6. Clause 6 is a saving provision.

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