

THE UNIVERSITY OF HONG KONG

Follow-up to the third meeting of the
Bills Committee on University of Hong Kong (Amendment) Bill 2010

To provide information on the University's discussion with the ASA and HKUEU on ways to address their concerns and advise whether they consider the measures/arrangements proposed by the University acceptable

- (a) The University has been liaising closely with the Academic Staff Association of the University of Hong Kong (ASA) and the University of Hong Kong Employees Union (HKUEU) to address their concerns about the proposed University of Hong Kong (Amendment) Bill 2010 (the "Bill").

As approved in principle by the HKU Council in 2004 about the various recommendations in the HRM (Phase I) Reform, certain rights would be granted to the group of academic-related staff with the implementation details to be worked out. Both the ASA and HKUEU have indicated their support in principle of the Bill, on the understanding that the University would consider granting certain rights that are currently given to "Teachers" (such as membership of Faculty Board and Board of Examiners, rights to nominate and vote for Department Headship/Faculty Board Chairmanship/Senate members etc.) to the academic-related staff when they are given the title of "Lecturer I/II/III". The Chairmen of the two staff associations wrote to the Chairman of the Bills Committee on May 9, 2011 to indicate that their respective staff association/union have no objection to the amendments proposed in the Bill.

To advise the legislative intent of the provision in The University of Hong Kong Ordinance (Cap.1053) for having five members of the LegCo elected from among their own number in the Court

- (b) The representation of five members of the LegCo on the Court of HKU has been in place since 1958 when the University Bill (the "Bill of 1958") was passed by the LegCo. Before that, all LegCo members were *ex-officio* members of the Court.

In 1953, Sir Ivor JENNINGS and Dr. D.W. LOGAN were invited to review the constitution, function and financial requirements of the University. In their report, it was pointed out specifically that the Court was too "official" due to having the entire number of LegCo members and a number of Government members (viz. the Chief Justice, the Director of Public Works, the Director of Medical and Health Services, and the Director of Education) as *ex-officio* members (Jennings & Logan's Report p.63). This led to a review of the University Ordinances and Statutes. A bill was presented to the LegCo in 1958 with one of its chief objects being the conferment upon the University a

greater autonomy in the management of its affairs. Major changes were made to the composition of the HKU Court, including, *inter alia*, the provision of the present membership category of five members from the LegCo.

To confirm that the functions of the Court and Council of the University have not been changed since their establishment, albeit that these may not be consistent with their role descriptions in the Ordinance

- (c) As observed in the review by Sir Ivor JENNINGS and Dr. D.W. LOGAN in 1953, in spite of its wide powers, the Court was not playing a very effective part in the affairs of the University. It was commented in the report that this might be attributed to the fact that the composition of the Court was too “official”; and that such a large body was not a convenient instrument for the exercise of executive functions. The largely unused powers of the Court in the University seemed to have deprived the Council and the Senate of their essential responsibilities without making adequate alternative provision for the proper exercise of those responsibilities.

In the Bill of 1958, one of the principal changes introduced was a clearer division of powers between the Court and Council for the purpose of enhancing the governing effectiveness of the University. The passing of the Bill of 1958 has provided the Council with increased powers, which have since then been exercised by the Council while the Court has continued to undertake its role in recommending Ordinance and Statutory amendments, the approving of the University’s annual accounts, *etc.*

The fundamental functions of the Court and Council have not been changed since 1958.

May 13, 2011