

**Bills Committee on
The Hong Kong Polytechnic University (Amendment) Bill 2011**

In response to the issues raised by LegCo's Assistant Legal Advisor on 27 January 2012, The Hong Kong Polytechnic University is pleased to provide the following information:

1. The need for specific conditions over the use of the Council's power on various items in Section 6

The University is of the view that the leading paragraph of Section 6, which reads '*The Council is the governing body of the University with power to make policies and monitor their proper execution, to raise funds and develop resources and to do all such things as are necessary for, or incidental or conducive to, the better carrying out of the objects and policies of the University and may in particular, but without prejudice to the generality of the forgoing –*' has already made it clear that activities stated in paragraphs (a) to (o) should be '*conducive to the better carrying out of the objects and policies of the University*' and thus such activities should be carried out in an appropriate manner. Specific conditions – '*in such manner and to such extent*' and '*in such manner...as it thinks necessary or expedient,*' are considered necessary for paragraphs (g) and (h) only as both items involve 'financial resources'. For items (b) or (m), in case it involves the use of substantial financial resources, it will then become item (g) or (h) and hence the specific conditions – '*in such manner and to such extent*' and '*in such manner...as it thinks necessary or expedient*' will apply.

Please be assured that the University is mindful of the concern of the LegCo members.

2. The terms of service for student Council member

Section 10 (3B)(a) stipulates that a full-time student elected as a Council member may be appointed for '*a period of 3 years or such lesser period as the Council may in any particular case appoint*'. In practice and in accordance with the current statute made by Council for governing the holding and conduct of elections of student member

of Council, the term of office of the student member shall be one calendar year starting from 1 April to 31 March of the following year.

As stipulated in Section 10 (3C) of the Ordinance, at any time when a student Council member is no longer a full-time student, he / she will immediately cease to become a Council member. According to the election statute, a by-election among the full-time students will be carried out to elect another student Council member. We do not see the need to provide for the scenario about the change of full-time status to part-time status in Section 10 as this is just one of the possible scenarios. A student may change his full-time status because of graduation, de-registration or other reasons. The key point is whether he / she is a full-time student.

The term of office of the serving student Council member is one year, from 1 April 2011 to 31 March 2012.

3. Use of different terms in Section 8 (3) and 9 (3)(c) and 11 (c) for similar amendments

The University agrees that '*The remuneration and the terms and conditions of service*' in 8(3) is the same as '*the terms and conditions of service*' in 9(3)(c) and 11(c). Also, the term '*determine*' the said policy used in 8(3) carries the same meaning as '*to approve the policy*' used in 9(3)(c) and 11(c).

For the sake of standardization, we propose to change the terms used in 8(3) as follows:

'The policy governing ~~the remuneration and~~ the terms and conditions of service of persons in the employment of the University shall be ~~determined~~ approved by the Council.'

The Hong Kong Polytechnic University
1 February 2012