

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

In response to the issues raised at the fourth meeting on 28 February 2012, The Hong Kong Polytechnic University (PolyU) is pleased to provide the following information:

(a) Voting right of the acting President and the acting Deputy President

PolyU agrees with the view of the Legal Adviser and will propose adding the following new section 10(7A) to more clearly specify the voting right of the acting President and the acting Deputy President:

“(7A) For the purpose of section 8(2) and (4) and subsection (7), the acting President or the acting Deputy President who is not a Council member has the right to vote.”

(b) The then Education and Manpower Bureau’s advice in December 2006

The then Education and Manpower Bureau informed PolyU in December 2006 that the Administration had made a conscious decision not to appoint public officers to the PolyU Council. The Bureau’s advice is in the attachment.

(c) The intention of the Administration and the PolyU Council not to appoint public officers to the Council

As both the Administration and the PolyU Council do not intend to appoint any public officer to the PolyU Council, PolyU will propose to revise section 10(1)(d) as follows:

“(d) 17 members who are not employees or students of the University or public officers of whom –
(i) 9 are to be appointed by the Chief Executive; and
(ii) 8 are to be appointed by the Council;”

(d) PolyU's position about the need to specify the party/parties for refund in the proposed sections 12(2) and 12(3)

According to our record, while most refund of course fees were made to the students, there were cases that refund was made to family members of a student in the unfortunate case of student death. As for the refund of charges for facilities, it can be made both to the students or organizations as a result of the cancellation of events and / or cancellation of venue booking.

The President will act with prudence in approving the refund of course fees and the charges for facilities, self-financed courses of study and services provided by the University. The University does not see the need to specify the party / parties in the said sections as the focus of this section should be on the 'approval authority' for refund, not the 'recipient' of the refund.

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.