

Legislative Council Brief on the
Statutes of The Chinese University of Hong Kong (Amendment) Statutes 2012

INTRODUCTION

1. The Chinese University of Hong Kong (CUHK) proposes to amend the Statutes contained in Schedule 1 of The Chinese University of Hong Kong Ordinance (CUHK Ordinance) as set out in the “Statutes of The Chinese University of Hong Kong (Amendment) Statutes 2012” (the Amendment Statutes).
2. Section 13(1) of the CUHK Ordinance stipulates that “The Council may by special resolution make Statutes, subject to the approval thereof by the Chancellor...”. The CUHK Council passed and confirmed a special resolution on November 29, 2011 and January 17, 2012 respectively for making the Amendment Statutes, which were approved by the Chancellor on March 28, 2012. The Amendment Statutes are now submitted to the Legislative Council for negative vetting.

THE AMENDMENT STATUTES

3. In the Explanatory Note of the Amendment Statutes, it is stated that:

“These Statutes amend the Statutes of The Chinese University of Hong Kong in Schedule 1 of The Chinese University of Hong Kong Ordinance (Cap. 1109) to provide for –

- (a) the inclusion of School of Studies to have the same status as Departments;
 - (b) the inclusion of the Provost;
 - (c) the removal of the power and duty of the Senate to make recommendation to the Council relating to all teaching posts and assignment of teachers;
 - (d) the revised composition of the Board of Faculty; and
 - (e) the revised composition of the Board of Department.”
4. The background information concerning the Amendment Statutes is as follows:-

- (a) School of Studies

At present, CUHK has 48 Departments and 10 Schools of Studies which are of equivalent status to a Department. The Head of a Department is the “Chairman of the Department” whereas the Head of a School is known as the “Director of the School”. The purpose of the statutory amendments in Statutes 1 and sub-paragraph 1(e) of Statute 14 is to clarify that a Department also refers to a School of Studies and the Chairman in relation to a Department also refers to the Director of a School.

(b) Inclusion of the Provost

Currently the term of office of a Pro-Vice-Chancellor is 2 years and may be re-appointed for further periods not exceeding 2 years. The statutory amendment will provide flexibility for the period and terms of future re-/appointment of the Provost (which has recently been established as a senior management position and the incumbent is concurrently appointed as a Pro-Vice-Chancellor) and the Pro-Vice-Chancellors.

(c) Teaching Posts and Assignment of Teachers

It is proposed that the power and duty of the Senate to make recommendation to the Council relating to the institution, abolition or holding in abeyance of all teaching posts and the assignment of teachers to a College in Statute 14 sub-paragraph 4(j) be removed, as the Senate is no longer responsible for such matters.

(d) Revised Composition of the Boards of Department and of Faculty

The University has recently reviewed matters associated with staff on instructional grades, and decided *inter alia* that these staff members should be re-titled so that they can be regarded as “teachers” under the CUHK Ordinance and Statutes. Accordingly, statutory amendments have to be made to sub-paragraph 6(ea) of Statute 15, and sub-paragraphs 3(1)(b) and (c) of Statute 17 so that these re-titled staff on instructional grades may also serve as members of the Boards of Department and of Faculty.

CONSULTATION

5. All the teaching staff members have been consulted on the proposed change of titles and revised composition of the Boards of Department and of Faculty, and there is general support for the recommendation of the review mentioned in paragraph 4(d) above.

LEGISLATIVE TIMETABLE

6. The legislative timetable is as follows –

Publication in the Gazette	April 13, 2012
Tabling at the Legislative Council	April 18, 2012

Subject to negative vetting by the Legislative Council, the Amendment Statutes will come into operation on June 8, 2012.

ENQUIRIES

7. Any enquiry on this brief can be addressed to Mr. Eric Ng, Registrar and Secretary of CUHK (Telephone: 3943 7256).