

立法會
Legislative Council

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**Paper for the House Committee Meeting
on 6 July 1998**

**Nomination and Election of Members of
the Legislative Council to Advisory Bodies**

Purpose

This paper invites Members to consider the nomination and election procedure for Members of the Legislative Council to be elected to serve on the following advisory bodies -

- (a) Disaster Relief Fund Advisory Committee;
- (b) Po Leung Kuk Advisory Board;
- (c) Tung Wah Group of Hospitals Advisory Board;
- (d) Council of the Chinese University of Hong Kong;
- (e) Court of the University of Hong Kong; and
- (f) The English Schools Foundation.

Background

Disaster Relief Fund Advisory Committee

2. The Disaster Relief Fund was established on 1 December 1993 by resolution under the Public Finance Ordinance (Cap. 2) to provide a mechanism to enable the Hong Kong Administration to respond swiftly to international appeals for humanitarian aid. The resolution also provides for the appointment of the Disaster Relief Fund Advisory Committee by the Chief Executive to advise the Financial Secretary on disbursement from the Fund. The terms of reference of the Advisory Committee are in **Appendix I**.

3. The Disaster Relief Fund Advisory Committee is chaired by the Chief Secretary for Administration and comprises the Secretary for the Treasury, Secretary for Health and Welfare, two Members of the Executive Council and two Members of the Legislative Council. The Advisory Committee meets as and when required.

Po Leung Kuk Advisory Board
Tung Wah Group of Hospitals Advisory Board

4. The Po Leung Kuk Advisory Board was established under the Po Leung Kuk Ordinance (Cap. 1040) to advise the Board of Directors on matters affecting the Kuk and its administration. The duties and composition of the Advisory Board, as provided under paragraph 18 of the Schedule to the Ordinance, are set out in **Appendix II**. The Advisory Board consists of not more than 15 persons and the chairman is the Secretary for Home Affairs. In accordance with paragraph 18(2)(e), one person shall be nominated by Members of the Legislative Council from among their own number as an ex officio member of the Board.

5. As regards the Tung Wah Group of Hospitals Advisory Board, it was established under the Tung Wah Group of Hospitals Ordinance (Cap. 1051) to advise the Board of Directors on matters affecting the Group and its administration. The duties and composition of the Advisory Board, as set out in paragraph 19 of the Schedule to the Ordinance, are detailed in **Appendix III**. The Advisory Board consists of not more than 14 persons and the chairman is also the Secretary for Home Affairs. As provided in paragraph 19(2)(c), one person shall be nominated by Members of the Legislative Council from among their own number as an ex officio member of the Board.

6. Most business of the two Advisory Boards is carried out by means of circulation of papers but meetings may be convened as and when necessary. The Po Leung Kuk Advisory Board holds an annual joint meeting with the Kuk's Board of Directors in March each year. There is no such arrangement for the Tung Wah Group of Hospitals Advisory Board.

Council of the Chinese University of Hong Kong

7. Under Statute 11 of the Chinese University of Hong Kong Ordinance (Cap. 1109), the University Council shall consist of, among others, three persons elected by Members of the Legislative Council from among their own number. The term of office is for three years. A Member will cease to hold office if he or she ceases to be a Member of the Legislative Council during the three-year term. The Council meets four to five times a year. The composition, power and duties of the University Council, as provided in subparagraphs 1 and 8 of Statute 11, are set out in **Appendix IV**.

Court of the University of Hong Kong

8. Under Statute XV of the University of Hong Kong Ordinance (Cap.1053), the University Court shall consist of , among others, five persons elected by Members of the Legislative Council from among their own number. Once a Member has become an elected member of the University Court, the Member holds office for three years even if he or she ceases to be a Legislative Council Member during the three year-term.

The Court meets once a year in December and most business is conducted by circulation of papers. The composition and powers of the University Court, as provided in Statutes XV and XVII of the Ordinance, are set out in **Appendix V**.

The English Schools Foundation

9. Regulations made under section 10 of The English Schools Foundation Ordinance (Cap. 1117) provide, inter alia, that two members of the Foundation shall be nominated by Members of the Legislative Council among their own number. The composition, powers and duties of the Foundation, as set out in Regulation 3 of The English School Foundation Ordinance, are detailed in **Appendix VI**. Regulation 3.3 provides that a nominated member shall hold office for not more than three years at a time. The Foundation meets twice a year, in June and December.

Nomination and Election Procedure

10. It is recommended that the nomination and election of Members for appointment to the six advisory bodies be conducted at a House Committee meeting. A valid nomination shall be made orally by a Member, seconded by at least one other Member, and accepted by the Member being nominated. A Member who nominates a Member who is absent from the meeting when the nomination is made shall state that the absent Member's acceptance of the nomination has been secured. If there is objection to a nomination or if the number of nominations exceeds that required for appointment, a vote will be taken by a show of hands.

Advice Sought

11. Members' view is sought on the nomination and election procedure proposed in paragraph 10 above.

Dates of Election

12. Subject to Members' agreement to the nomination and election procedure, Members will be invited to make the following nominations at the meeting of the House Committee on 10 July 1998 -

- (a) Two Members to serve on the Disaster Relief Fund Advisory Committee;
- (b) One Member to serve on the Po Leung Kuk Advisory Board;
- (c) One Member to serve on the Tung Wah Group of Hospitals Advisory Board; and

- (d) Three Members to serve on the Council of the Chinese University of Hong Kong.

13. As regards the Court of the University of Hong Kong and The English Schools Foundation, Members will be invited to make the following nominations at a House Committee meeting in October 1998 -

- (a) Three Members to serve on the Court of the University of Hong Kong, as the terms of office of three of the five Members elected by Members of the former Legislative Council will expire on 19 October 1998. The terms of office of the other two Court members, Hon James TO and Mrs Peggy LAM, will expire on 29 April 1999 and 23 October 2000, respectively; and
- (b) Two Members to serve on The English Schools Foundation as the terms of office of the two members elected by Members of the former Legislative Council will expire on 19 October 1998.

Legislative Council Secretariat
3 July 1998

Disaster Relief Fund Advisory Committee

Terms of Reference

1. To advise on the policy and practices regarding the disbursements from the Disaster Relief Fund for disaster relief outside Hong Kong.
2. To advise on the award of grants of specified amounts from the Disaster Relief Fund to specified recipients.
3. To monitor the use of grants by the recipients of the disbursements from the Disaster Relief Fund.

Extract from Po Leung Kuk Ordinance (Cap. 1040)

18. Advisory board

- (1) There shall be an advisory board whose duty shall be to advise the directors on any matter affecting the corporation or its administration.
- (2) The advisory board shall consist of not more than 15 persons of whom the following shall be ex officio members--
 - (a) the Secretary for Home Affairs, who shall be chairman; (*Amended L.N. 67 of 1985; L.N. 262 of 1989*)
 - (b) the Secretary for Health and Welfare; (*Amended L.N. 18 of 1983*)
 - (c) the Director of Social Welfare;
 - (d) 1 person nominated by the Members of the Executive Council, other than ex officio Members or Official Members, from among their own number; (*Replaced 67 of 1987 s. 2*)
 - (e) 1 person nominated by the Members of the Legislative Council, other than Official Members, from among their own number; (*Replaced 67 of 1987 s. 2*)
 - (f) the immediate past chairman of the board.
- (3) The following persons shall also be members of the advisory board--
 - (a) not more than 8 persons appointed by the Governor, who shall hold office for a period of not more than 3 years and shall be eligible for re-appointment;
 - (b) 1 person elected by the board from the persons who in the year preceding the year in respect of which he is elected were directors, who shall hold office for a period of 1 year.
- (4) The advice of the advisory board shall be given at a joint meeting of the board and the advisory board, such joint meetings shall be called by the chairman--
 - (a) when the chairman so requires;
 - (b) when the board desires the advice of the advisory board;
 - (c) whenever the advisory board gives the chairman notice in writing that it desires to discuss with the board any specified matter affecting the corporation or its administration.
- (5) The chairman shall give the directors and the members of the advisory board at least 4 clear days' notice in writing of any such joint meeting.
- (6) At a joint meeting of the board and the advisory board the quorum shall be--
 - (a) the same number of directors as would have been required to form a quorum if it were a meeting of the board; and
 - (b) 4 members of the advisory board. (*Replaced L.N. 253 of 1974*)
- (7) The Secretary for Home Affairs shall be the chairman of the joint meeting of the board and the advisory board. In his absence the Secretary for Health and Welfare shall be the chairman, and in the absence of both the Secretary for Home Affairs and the Secretary for Health and Welfare members present at the meeting shall elect a chairman from amongst the members of the advisory board present. (*Amended L.N. 18 of 1983; L.N. 67 of 1985; L.N. 262 of 1989*)
- (8) The persons who are members of the Board of Direction of the Society at the commencement of this Ordinance shall be members of the advisory board until 1 April 1974.

Extract from Tung Wah Group of Hospitals Ordinance (Cap. 1051)

19. Advisory board

(1) There shall continue to be an advisory board whose duty shall be to advise the directors on any matter affecting the corporation or its administration and to consider appeals which may be brought by any director in accordance with the agreement between the Government and the corporation.

(2) The advisory board shall consist of not more than 14 persons of whom the following shall be ex officio members-- (*Amended L.N. 236 of 1974*)

- (a) the Secretary for Home Affairs, who shall be chairman; (*Amended L.N. 67 of 1985; L.N. 262 of 1989*)
- (aa) the Secretary for Health and Welfare; (*Added L.N. 236 of 1974. Amended L.N. 18 of 1983*)
- (b) 1 person nominated by the Members of the Executive Council, other than ex officio Members or Official Members, from among their own number; (*Replaced 67 of 1987 s. 2*)
- (c) 1 person nominated by the Members of the Legislative Council, other than official Members, from among their own number; (*Replaced 67 of 1987 s. 2*)
- (d) the immediate past chairman of the board.

(3) The following persons shall also be members--

- (a) not more than 8 persons appointed by the Governor, who shall hold office for a period of 3 years and shall be eligible for re-appointment;
- (b) 1 person elected by the Board from the persons who in the year preceding the year in respect of which he is elected were directors, who shall hold office for a period of 1 year.

(4) The advice of the advisory board shall be given at a joint meeting of the board and the advisory board. Such joint meetings shall be called by the chairman--

- (a) when the chairman so requires;
- (b) when the board desires the advice of the advisory board;
- (c) whenever the advisory board gives the chairman notice in writing that it desires to discuss with the board any specified matter affecting the corporation or its administration.

(5) The chairman shall give the directors and the members of the advisory board at least 4 clear days' notice in writing of any such joint meeting.

(6) At a joint meeting of the board and the advisory board the quorum shall be--

- (a) the same number of directors as would have been required to form a quorum if it were a meeting of the board; and
- (b) 4 members of the advisory board. (*Replaced L.N. 236 of 1974*)

(7) The Secretary for Home Affairs shall be the chairman of the joint meeting of the board and the advisory board. In his absence the Secretary for Health and Welfare shall be the chairman, and in the absence of both the Secretary for Home Affairs and the Secretary for Health and Welfare members present at the meeting shall elect a chairman from amongst the members of the advisory board present. (*Replaced L.N. 236 of 1974. Amended L.N. 18 of 1983; L.N. 67 of 1985; L.N. 262 of 1989*)

Extract from The Chinese University of Hong Kong Ordinance (Cap. 1109)

STATUTE 11

THE COUNCIL

1. The Council shall consist of--
 - (a) the Chairman, who shall be appointed by the Chancellor on the nomination of the Council from persons under subparagraphs (k), (l), (m) and (n);
 - (b) the Vice-Chancellor;
 - (c) the Pro-Vice-Chancellors;
 - (d) the Treasurer;
 - (da) life members appointed by the Council; (*L.N. 31 of 1981*)
 - (e) 2 members elected by the Board of Trustees of each College from among its own members;
 - (f) the Head of each College;
 - (g) the Dean of each Faculty and of the Graduate School;
 - (h) one Fellow of each College elected by the College's Assembly of Fellows;
 - (i) 3 members elected by the Senate from among the academic members of the Senate;
 - (j) not more than 4 persons from Universities or education organizations outside Hong Kong who shall be nominated by the Council;
 - (k) 4 persons nominated by the Chancellor;
 - (l) 3 persons elected by the Members of the Legislative Council, other than Official Members, from among their own number; (*67 of 1987 s. 2*)
 - (m) not more than 4 other persons, normally resident in Hong Kong; who shall be elected by the Council;
 - (n) after a date to be appointed by the Council, such number of members of the Convocation not exceeding 3 as shall be determined by the Council from time to time, to be elected by the Convocation in the manner determined by the Council.

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8. Subject to the Ordinance and the Statutes and without derogating from the generality of its power, it is specifically prescribed--

(1) that the Council shall have the power--

- (a) to make Statutes, provided that no Statute shall be made until the Senate shall have had an opportunity of reporting thereon to the Council;
- (b) to make decrees for any purpose for which decrees are or may be authorized to be made, provided that no decree shall be made until the Senate shall have had an opportunity of reporting thereon to the Council;
- (c) to invest any money belonging to the University;
- (d) to borrow money on behalf of the University;
- (e) to sell, buy, exchange, lease or accept leases of any real or personal property on behalf of the University;
- (f) to enter into, vary, perform and cancel contracts on behalf of the University;
- (g) to require the Board of Trustees of each College annually to produce its audited accounts in such form and at such time as the Council may determine;
- (h) to receive from public sources grants for capital and recurrent expenditure;
- (i) to receive annually and for such longer periods as the Council may determine from time to time from the Vice-Chancellor, after he has consulted the Senate, and to approve, estimates of expenditure;
- (j) to receive gifts and to approve, subject to such conditions as the Council thinks fit, the receipt of gifts by the Colleges;
- (k) to provide for the welfare of persons employed by the University and the wives, widows and dependants of such persons, including the payment of money, pensions, or other payments and to subscribe to benevolent and other funds for the benefit of such persons;
- (l) to provide for the discipline and welfare of students;
- (m) to recommend the award of degrees honoris causa;
- (n) after report from the Senate to establish additional Faculties or Departments or to abolish, combine or subdivide any Faculty or Department; (*L.N. 452 of 1994*)
- (na) on the recommendation of the Senate, to determine the organization or structure of each Faculty and its Departments and to make such alterations to such organization or structure as deemed fit by the Council; (*L.N. 452 of 1994*)
- (o) to prescribe fees of the University;

(2) that it shall be the duty of the Council--

- (a) to appoint bankers, auditors and any other agents whom it deems expedient to appoint;
- (b) to appoint an Administrative and Planning Committee;
- (c) to cause proper books of account to be kept for all sums of money received and expended by the University and for the assets and liabilities of the University so that such books give a true and fair statement of financial transactions and position of the University;
- (d) to cause the accounts of the University to be audited within 6 months after the termination of each financial year as the Council may determine;
- (e) to provide the buildings, libraries, laboratories, premises, furniture, apparatus and other equipment needed for the University;
- (f) in consultation with the Senate to encourage and provide for research by members of the University;
- (g) to review the instruction and teaching in courses of study leading to degrees, diplomas, certificates and other awards of the University;
- (h) after consultation with the Senate, to institute all teaching posts;
- (i) to administer or cause to be administered a Superannuation Fund or Funds for the benefit of persons employed by the University;
- (j) to establish Boards of Advisers and to appoint external experts thereto on the recommendation of the Senate;
- (k) to appoint on such terms and conditions as the Council may determine each Professor, Reader and Senior Lecturer and the Secretary, the Registrar, the Librarian and the Bursar on the recommendation of duly constituted Boards of Advisers;
- (l) to make, on such terms and conditions as the Council may determine, such other University appointments as the Council deems necessary;
- (m) on the recommendation of the Senate, to appoint a Chairman for each Department and a Director of Studies for each academic subject not subsumed under a Department; (*L.N. 452 of 1994*)
- (n) to appoint external examiners on the recommendation of the Senate;
- (o) to provide for the printing and publication of works which may be issued by the University; and
- (p) to consider reports from the Senate, and if the Council deems it proper to do so, to take action thereon.

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Extract from University of Hong Kong Ordinance (Cap. 1053)

STATUTE XV

THE COURT

1. The Court shall consist of--
 - (a) the Chancellor, the Pro-Chancellor, the Vice-Chancellor, the Deputy Vice-Chancellor, the Pro-Vice-Chancellors and the Treasurer; (*G.N.A. 59 of 1960; L.N. 69 of 1968; L.N. 159 of 1970; L.N. 167 of 1992*)
 - (b) life members;
 - (c) the following members ex officio:
 - the members of the Council,
 - the members of the Senate,
 - the Registrar,
 - the Deputy Chairman and Clerk of Convocation; (*L.N. 15 of 1973*)
 - (d) the following elected members;
 - (i) 5 persons elected by the Members of the Legislative Council, L.N. 99/9 from among their own number, (*67 of 1987 s. 2*)
 - (ii) 12 members elected from among its number by the Standing Committee of Convocation; provided that no member of that committee who is a member of the Court by virtue of any other paragraph of this Statute shall be eligible for election, (*L.N. 44 of 1985*)
 - (iii) 5 members elected by the Court,
 - (iv) 3 members elected by the Grant Schools Council, (*L.N. 82 of 1979*)
 - (v) 3 members elected by the Hong Kong Subsidized Secondary Schools Council; and (*L.N. 56 of 1986*)
 - (e) not more than 20 members, not being already included in any of the foregoing classes, appointed by the Chancellor.
2. Vacancies shall be filled as they occur or as soon thereafter as conveniently may be.
3. Any member of the Court except an ex officio member may resign by written notice addressed to the secretary to the Court. (*L.N. 58 of 1976*)
4. The ex officio members shall continue members so long only as they hold the office in virtue of which they became members of the Court.
5. The elected members shall hold office for 3 years at a time and shall be eligible for re-election.
6. The appointed members shall hold office for 3 years at a time and shall be eligible for re-appointment.
7. The Registrar shall be the secretary to the Court. (*L.N. 58 of 1976; L.N. 167 of 1992*)

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STATUTE XVII

POWERS OF THE COURT

Subject to the provisions of the Ordinance and the statutes, the Court shall have power--

- (a) to recommend to the Chancellor additions to, or the amendment or repeal of any of the statutes on the proposal of the Council;
- (b) to consider the annual budget estimates and to make representations thereon to the Council;
- (c) to consider the annual accounts together with any comments that may have been made by the auditors;
- (d) to consider any reports that may be made by the Council to the Court;
- (e) to discuss any motion on general University policy that may be introduced by a member; and
- (f) to appoint life members and to prescribe the procedure for making such appointments.

Extract from The English Schools Foundation Regulations

Regulation 3**The Foundation**

3.1 Subject to the provisions of the Ordinance, the Foundation shall be the supreme governing body over the Executive Committee, the Standing Committees, the School Councils, the schools and any other committees established thereunder, and the Executive Committee, the Standing Committees, the School Councils, the schools and any other committee shall comply with any resolutions made by the Foundation.

3.2 Membership

The members of the Foundation shall be --

(a) Government and Community

- (i) two persons nominated by the Unofficial Members of the Legislative Council from among their own number;
- (ii) the Chief Secretary or his appointed representative;
- (iii) the Director of Education or his appointed representative;
- (iv) two persons nominated by the Director of Education as advisers;
- (v) three persons appointed by the Executive Committee to represent the interests of professional groups;
- (vi) three persons nominated by the Hong Kong General Chamber of Commerce;
- (vii) the Vice Chancellor of the University of Hong Kong or his appointed representative;
- (viii) the Vice Chancellor of the Chinese University of Hong Kong or his appointed representative;
- (ix) the Director of the Hong Kong Polytechnic or his appointed representative;
- (x) the Director of the City Polytechnic or his appointed representative;
- (xi) the Bishop of Victoria, Hong Kong, or his appointed representative;
- (xii) the Roman Catholic Bishop of Hong Kong or his appointed representative;
- (xiii) one person appointed by the Ministers of the Union Church, Hong Kong, the Kowloon Union Church and the English Methodist Church jointly;
- (xiv) one person nominated by the Association of European Civil Servants in Hong Kong;
- (xv) one person nominated by the Senior Non-Expatriate Officers' Association;
- (xvi) such persons, or representatives of organisations, as shall be appointed by the Foundation to be permanent members of the Foundation;
- (xvii) such other persons, not exceeding six in number at any one time, as may be co-opted by the Foundation from time to time. Such persons may be selected to represent national, business or professional groups, or persons with special knowledge of education, not otherwise included among members of the Foundation and shall serve for a period not greater than three years. At the expiry of that period they shall be again eligible for co-option:

(b) Parents

- (i) three persons, who shall be parents of pupils at the school, nominated by the Parent Teacher Association of each secondary school of the Foundation;
- (ii) two persons, who shall be parents of pupils at the school, nominated by the Parent Teacher Association of each primary school of the Foundation;
- (iii) two persons, who shall be parents of pupils in any of the special units managed by the Foundation, nominated by the Joint Council of Parent Teacher Associations:

(c) Teachers

- (i) three persons, who shall be teachers at the school, nominated by the teaching staff of each secondary school of the Foundation;
- (ii) two persons, who shall be teachers at the school, nominated by the teaching staff of each primary school of the Foundation;
- (iii) two persons, who shall be teachers in special units, nominated by the teaching staff of the special units jointly;
- (iv) the Chairman and the Vice-Chairman of the Association of Professional Teachers in English Schools Foundation Schools:

(d) School Management

- (i) the Principal of each of the secondary schools of the Foundation;
 - (ii) the Principal of each of the primary schools of the Foundation;
 - (iii) the head of The Jockey Club Sarah Roe Centre;
 - (iv) the Chairman of the Council of each of the secondary schools of the Foundation;
 - (v) the Chairman of the Council of each of the primary schools of the Foundation;
 - (vi) the Chairman of the Council for The Jockey Club Sarah Roe Centre;
 - (vii) the Chairman and the Vice-Chairman of the Association of the Non-Teaching Staff in English Schools Foundation schools;
 - (viii) the person appointed by the Executive Committee as Secretary of the Foundation;
 - (ix) the person appointed by the Executive Committee as Treasurer of the Foundation.
- 3.3 Nominated, elected and co-opted members shall hold office for not more than three years at a time and shall be eligible for re-appointment on expiry of their term of office.
- 3.4 Any member of the Foundation except an ex-officio member may resign by written notice addressed to the Secretary of the Foundation.
- 3.5 A nominated member of the Foundation shall continue to act at the expiry of his term of office until his successor has been appointed.
- 3.6 Vacancies shall be filled as soon as they occur or as soon after as convenient.
- 3.7 If a member gives notice of his intended absence from Hong Kong for three months or more the nominator or electing body of the Foundation may nominate, elect or co-opt as the case may require another person to act as member in his place during his absence. The acting member shall vacate office on the return of the absent member to Hong Kong, or on the expiry of the absent member's term of office, whichever first happens.
- 3.8 The ex-officio members and their representatives shall continue members so long only as such ex-officio members hold the office by virtue of which they became appointed members of the Foundation.

Duties and Powers

- 3.9 Subject to the provisions of the Education Ordinance and Regulations, and of the English Schools Foundation Ordinance and these Regulations, the Foundation shall --
- (a) consider the annual budget estimates and make representations thereon to the Executive Committee;
 - (b) consider the annual accounts together with any comments that may have been made by the auditors;
 - (c) consider any reports that may be made by the Executive Committee to the Foundation;
 - (d) discuss any motion on general policy that may be introduced by a member;
 - (e) decide upon such matters as may be referred to the Foundation by the Executive Committee or the School Councils;
 - (f) receive the advice of the Arbitration Board upon any appeal against a decision of the Executive Committee and note the resolution of the difference;
 - (g) appoint permanent members to the Foundation and prescribe the procedure for making such appointments;
 - (h) elect the Chairman and Vice-Chairman of the Foundation from among their own members;
 - (i) appoint auditors;
 - (j) make such other appointments as may be required by the Ordinance or Regulations;
 - (k) by special resolution, approve additions to, or the amendment or revocation of any of the regulations on the proposal of the Executive Committee.

Meetings

- 3.10 The Foundation shall meet at least once in each academic year.
- 3.11 The Chairman may convene a meeting of the Foundation at any time provided always that not less than fourteen days notice shall be given of such meeting.
- 3.12 The Chairman shall call a meeting of the Foundation at the written request of at least twelve members of the Foundation. In this case seven clear days notice of such meeting shall suffice: such notice shall state the nature of the business to be discussed at the meeting, which shall be held within fourteen days of the request.
- 3.13 No meeting of the Foundation shall be valid unless at least two Officers are present in person and a quorum of one quarter of the members of the Foundation for the time being.
- 3.14 The Secretary may require any member of the staff of the Foundation to be present at a meeting to assist him.