

立法會
Legislative Council

LC Paper No. CB(2)358/98-99

Ref : CB2/SS/3/98

Paper for the House Committee

**Report of the Subcommittee on
Statutes of the University of Hong Kong (Amendment) Statutes 1998**

Purpose

This paper reports on the deliberations of the Subcommittee on Statutes of the University of Hong Kong (Amendment) Statutes 1998 (the Amendment Statutes).

Background

2. Section 13 of the University of Hong Kong Ordinance (the Ordinance), Cap. 1053, provides that subject to the provisions of the Ordinance, the University of Hong Kong (HKU) shall be governed in accordance with the provisions of the statutes. It also provides that the Council of HKU may propose to the Court of HKU additions to, or amendments or repeal of any of the statutes, and that upon the recommendation of the Court to the Chancellor, the Chancellor may make any such addition, amendment or repeal.

3. Under Section 13 (3) of the Ordinance, every addition, amendment or repeal made by the Chancellor to the statutes shall be published in the Gazette. The Amendment Statutes were gazetted on 7 August 1998 and tabled in the Legislative Council on 9 September 1998. Under the negative vetting procedures, the Amendment Statutes have come into operation on the day of gazetting, and the Legislative Council may amend them by resolution passed at a Legislative Council meeting not later than 28 days as from the date the Amendment Statutes were laid on the table of the Legislative Council (9 September 1998).

The Amendment Statutes

4. The Amendment Statutes seek to :
- (a) provide for the change of the Faculty of Dentistry into a single organizational entity following the dissolution of all constituent departments and units in the Faculty;
 - (b) add certain new degrees and diplomas to be awarded by the University;

- (c) provide for the system of an appointed Dean in the Faculty and remove the limit on the number of Associate Deans in all Faculties;
- (d) provide teachers status to full-time appointed Deans, who unlike the elected Deans, are not teachers by virtue of their primary appointments;
- (e) revise the composition of the Council and the Senate to allow for official representation from the Postgraduate Students Association of the University of Hong Kong; and
- (f) provide for the election of the Chairman of the Board of Faculty, where the Dean is an appointed one, from members of the Board other than the appointed Dean.

The Subcommittee

5. At the House Committee meeting on 4 September 1998, Members agreed to form a subcommittee to examine the Amendment Statutes. Hon Andrew WONG Wang-fat was elected Chairman of the Subcommittee. The Subcommittee held two meetings with HKU and the Administration. The membership list of the Subcommittee is in **Appendix I**.

Deliberations of the Subcommittee

6. Members have expressed concern about one of the Amendment Statutes which provides for the system of an appointed Dean in a Faculty. Prior to the introduction of the Amendment Statute, the Dean of a Faculty was to be elected from amongst teachers of the relevant Faculty, and only failing such election would the Dean be appointed by the HKU Council. Amendment Statute IX(a)(1) appeared to have introduced a new system of appointment to replace the election system for the selection of the Dean of Faculty. The Subcommittee has therefore sought clarifications from the HKU and the Administration about the reasons for the amendments.

7. At a Subcommittee meeting on 11 September 1998, the Acting Deputy Vice-Chancellor, Acting Pro-Vice-Chancellor and Deputy Registrar of HKU have explained the background leading to the Amendment Statutes. According to HKU, the Amendment Statutes were largely necessitated by a major overhaul of the structure of the Faculty of Dentistry following a review in 1996. The review report recommended the dissolution of all constituent departments and units of the Faculty of Dentistry, in favour of a single organizational entity. In view of the heavy administrative responsibilities to be undertaken by the Dean following re-organization of the Faculty of Dentistry, the report also recommended the provision of a full-time appointed Dean in this Faculty. The recommendations were supported by the Board

of the Faculty of Dentistry, the Senate and the Council of HKU. To implement these recommendations, amendments have to be made to the HKU Statutes.

8. Some members are concerned that while Amendment Statute IX(a)(1) is meant to cater for the situation of the Faculty of Dentistry, it actually applies to all other Faculties whose views are yet to be consulted. These members have pointed out that Amendment Statute IX(a)(1) has not mentioned the role of the relevant Faculty Board in the appointment or election of a Dean. It will therefore have the effect of removing the option of having an elected Dean in a Faculty even if the Faculty Board concerned wishes to do so. Responding to members' concern, representatives of the HKU have clarified that the Amendment Statute actually provides for both the election and appointment options. The Dean may be elected or appointed as the relevant Faculty Board determines, subject to the Senate endorsement and decision of the Council of HKU. According to HKU, it has been increasingly difficult to find suitable members of the Faculty Board to stand for election as the Dean of Faculty. Many experienced teaching staff, especially those of large Faculties, do not wish to take on the heavy administrative responsibilities incumbent on the Dean of Faculty. In accordance with international trend, it has become more acceptable to Faculties to appoint the Dean on a full-time basis to take care of the administrative matters. The Amendment Statute in question is only to make clear that both options are available to Faculties from the beginning, in order to obviate the need for going through the election procedures even when it is obvious that no candidate in the Faculty will stand for election as the Dean of Faculty.

9. Some members have sought clarification on the division of responsibilities and working relationship between the Dean of Faculty and the Chairman of Faculty Board. HKU has advised that the Dean is responsible for Faculty administration while the Board Chairman directs curriculum development of the Faculty. To achieve this, Statute XXVI has been amended to the effect that an appointed Dean, unlike the elected one, cannot be the Chairman of the Faculty Board although he is a member of the Faculty Board under Amendment Statute XII. The arrangement guarantees that the Chairman of the Faculty Board will still be elected from among teachers (except the appointed Dean) of the relevant Faculty.

10. A member has asked whether Amendment Statute IX (a)(1) is to pave the way for implementing the recommendations of a recent consultancy study on University structure. Representatives of HKU have responded that the Amendment Statutes were drafted long before publication of the consultancy report on University structure and there is no direct relationship between the two exercises. To avoid frequent revision of the HKU Statutes, the Amendment Statutes have been drafted in such a way that all Faculty Boards have discretion in deciding on the method of selecting its Dean. Individual Faculty Boards can also reverse their decision of having an elected or appointed Dean under the Amendment Statutes. As regards the consultancy report on University structure, HKU is still collating views from individual Faculties on the recommendations and a decision is yet to be taken.

11. While the Subcommittee agrees to the rationale behind the Amendment Statutes, some members have queried that both the English and Chinese drafting of Statute IX(a)(1) do not accurately reflect the decision process and the role of the Faculty Board in selecting the Dean of Faculty. The Subcommittee therefore suggests HKU to consider re-drafting Statute IX(a)(1). In this connection, some suggestions on the text were made by the Chairman and Hon Martin Lee at the Subcommittee meeting on 11 September 1998. Representatives of HKU undertook to seek the views of its management on the re-drafting.

12. HKU subsequently informed the Subcommittee in its letter of 22 September 1998 that its Court, Senate and Council have agreed on a revised version (**Appendix II**) which was largely modelled on the Subcommittee Chairman's proposal. On further deliberations, some members of the Subcommittee consider that the revised version still does not adequately reflect the intention and practice of HKU. The main concern of these members is that the revised text has not highlighted the fact that the recommendation must first come from the relevant Faculty Board before it is passed to the Senate and Council for endorsement.

13. To address this concern, the Chairman has proposed some textual improvements to Amendment Statute IX(a)(1). The new version (**Appendix III**) is agreed by other members of the Subcommittee and the University representatives at an urgent meeting convened on 24 September 1998. To allow time for the HKU approval process, the Subcommittee has agreed to seek extension of the scrutiny period of the Amendment Statutes to the Legislative Council meeting on 14 October 1998, in accordance with section 34(4) of the Interpretation and General Clauses Ordinance, Cap. 1. HKU representatives have undertaken to make their best endeavours to complete the approval process and advise the Subcommittee on or before 13 October 1998 of the decision of HKU. Noting that HKU still has to go through a relatively long process of about two months to arrange for gazetting of the new version following Court approval, the Subcommittee has agreed that the Chairman will move the amendment in the Legislative Council on 14 October 1998, with the agreement of HKU.

14. The Subcommittee has noted that there may be insufficient time to give notice of amendments based on the new version. To overcome this technical problem, the Chairman will give notice to move an amendment based on the original version which has already been agreed by HKU on 22 September 1998, pending written confirmation from HKU on its acceptance of the new version as discussed on 24 September 1998. If HKU can confirm by 13 October 1998 that the new version is agreed to, the Chairman will withdraw his notice for amendment based on the original version, and seek the President's permission to waive the notice for moving an amendment based on the new version.

Recommendation of the Subcommittee

15. The Subcommittee supports extending the scrutiny period of the Amendment Statutes to the Legislative Council meeting on 14 October 1998 and will move an amendment to Amendment Statute IX (a)(1) with the agreement of HKU, in the manner as described in paragraph 14.

Advice of the House Committee

16. The Chairman of the Subcommittee has made a verbal report to the House Committee at the meeting on 25 September 1998. The House Committee has endorsed the Subcommittee's recommendations in paragraph 15.

Legislative Council Secretariat
29 September 1998

**Subcommittee on Statutes of the
University of Hong Kong (Amendment) Statutes 1998**

Membership List

Hon Andrew WONG Wang-fat, JP (Chairman)

Hon Martin LEE Chu-ming, SC, JP

Hon CHEUNG Man-kwong

Hon YEUNG Yiu-chung

Hon SZETO Wah

Total : 5 Members

Date : 11 September 1998

對香港大學規程IX(a)(1)的修訂建議草擬文本

在 1998 年 9 月 22 日已獲得香港大學同意的修訂建議

“在獲得校務委員會的同意下，每間學院的院長須按有關學院的院務委員會及教務委員會的建議——

- (a) 由有關學院的院務委員會委員從該學院的教師中選出，任期為 3 年；或
- (b) 由校務委員會委任，任期由校務委員會決定。

院長有資格再度當選或再獲委任。”

Amendment already agreed by HKU on 22 September 1998

"Subject to the approval of the Council, on the recommendation of the Senate and the relevant Board of Faculty, the Dean of each Faculty shall either

- (a) be elected, for a period of three years, by the members of the relevant Board of the Faculty, from among the teachers in the Faculty; or
- (b) be appointed by the Council, for such period as the Council shall determine.

A Dean shall be eligible for re-election or re-appointment."

對香港大學規程IX(a)(1)的修訂建議草擬文本

黃宏發議員在 1998 年 9 月 24 日提出的新修訂建議

“在獲得校務委員會的同意下，每間學院的院長須按有關學院的院務委員會的建議及經教務委員會通過

- (a) 由有關學院的院務委員會委員從該學院的教師中選出，任期為 3 年；或
- (b) 由校務委員會委任，任期由校務委員會決定。

院長有資格再度當選或再獲委任。”

New amendment proposed by Hon Andrew WONG on 24 September 1998

"Subject to the approval of the Council, on the recommendation of the relevant Board of Faculty and endorsed by the Senate, the Dean of each Faculty shall either be

- (a) elected, for a period of three years, by the members of the relevant Board of the Faculty, from among the teachers in the Faculty; or
- (b) appointed by the Council, for such period as the Council shall determine.

A Dean shall be eligible for re-election or re-appointment."