

**For Information on
15 November 1999**

**Practices of employees of tertiary institutions funded
by the University Grants Committee
and of primary and secondary schools
taking up public offices**

Background

This paper provides Members with information on the practices of employees of tertiary institutions funded by the University Grants Committee (UGC) and of primary and secondary schools taking up public offices.

UGC-funded institutions

2. As set out in LC Paper CB(2) 168/99-00(02) submitted to the Panel, UGC-funded institutions have established and promulgated to staff procedures and guidelines governing their employees' engagements in outside practice (including taking up public office). Details of such practices adopted by the eight institutions funded by the University Grants Committee taking up public offices are enclosed at Annex 1-8. The salient points are summarised below.

City University of Hong Kong

3. City University of Hong Kong has a set of policy guidelines on staff taking up public office, including service as members or chairmen of the 3-tier representative councils.

4. In taking up remunerated public office, the staff members are required to contribute 20% of any non-accountable allowance to the University. If there is any reduction in output against the University's normal requirements and such reduction is less than 50%, the staff members should receive a reduction in salary by the same percentage of the reduction in output, while retaining all normal staff benefits in full.

5. If the reduction in output against the University's normal requirements is 50% or more, the staff member will be required to –

- (i) take no-pay leave (for a maximum period of three years); or
- (ii) change his/her appointment at the University to a part-time status during the tenure of the public office.

Hong Kong Baptist University

6. Hong Kong Baptist University has a set of regulations governing staff engagement in public offices, under which "public offices" is defined as membership in the 3-tier representative councils. The following options are available under these regulations :

- (i) if a staff member is approved to assume public office which is expected to take up less than 50% of the time he/she should be spending on his/her appointment at the University, he/she should contribute 40% of the non-accountable allowance he/she receives for the public office without reduction in salary/benefits;
- (ii) if a staff member intends to assume a public office which is expected to take up 50% or more of the time he/she should be spending on his/her appointment at the University, he/she may apply for no-pay leave, normally for up to 3 years to take up the service. Alternatively, the University may require him/her to take no-pay leave, normally up to 3 years, to take up the office; or, if the circumstances so warrant, to change his/her appointment at the University to a part-time appointment during the tenure of his/her public office.

Lingnan University

7. In the case of Lingnan University, the cases of staff taking up public offices are dealt with under the University's Regulations and Procedures Governing Outside Practice by Full Time Staff. If the remunerated public services involve application of a staff's professional knowledge or skill outside of or in addition to the application of such knowledge or skill to his/her University duties, the staff member's remuneration received from the public service will be shared by the University as follows:

Net Annual Income	Staff/Centre	Department	University
First \$50,000	100%	-	-
Next \$100,000	80%	(A) 10% (B) -	(A) 10% (B) 20%
Next \$100,000	60%	(A) 20% (B) -	(A) 20% (B) 40%
Excess over \$250,000	-	-	100%

(A) denotes projects administered by a member of staff

(B) denotes projects administered by a University Centre

Lingnan University has prepared a policy paper setting out guidelines for staff taking up public office. The policy paper will be submitted to the University Council for its consideration in the near future.

The Chinese University of Hong Kong

8. The Chinese University has a set of Regulations Governing Outside Practice. For a staff who applies his/her own professional knowledge to provide public service, he/she may opt to have the service recognised and treated as outside practice. Applications may be approved subject to compliance with the relevant regulations which include, inter-alia a requirement that such service is provided without interference to his/her normal university duties. The income received from such service shall be divided between the staff and the University in accordance with the relevant regulations.

9. For a staff whose remunerative public services does not involve the application of his/her professional knowledge or an appointee who opts not to be covered under the Regulations Governing Outside Practice, his/her salaries will be adjusted as follows:

- (i) if time spent on public service is so little that there is no interference with the normal duties, the engagement in public service will be approved without pro-rating of salaries and benefits;
- (ii) if time spent is 50% or less, the University may consider pro-rating the staff's salary and benefits;
- (iii) if the amount of time spent is more than 50% of the staff's normal duty, the staff may be asked to apply for no-pay leave during the period of public service.

The Hong Kong Institute of Education

10. The Hong Kong Institute of Education has in place a set of guidelines for staff serving on the 3-tier representative councils and other government advisory bodies. For staff who wish to take up elected and/or paid public office, the Institute makes available the following arrangements:

- (i) If the staff member's engagement in public office takes up a significant amount of time but less than 50% of their time for work in the Institute, their salaries and fringe benefits will be paid on a pro-rata scale;

- (ii) If the staff member's engagement in public office takes up 50% or more of their time of work in the Institute, they may be granted no pay leave for up to a maximum of three years upon application.

The Hong Kong Polytechnic University

11. The Hong Kong Polytechnic University has in place a set of policy guidelines on the engagement of its staff in remunerated public offices. The arrangements are set out below:

Option 1: The staff member may apply to the President for a period of no-pay leave equivalent to the length of the period of the public office (usually 3 or 4 years), and may use earned leave to cover the initial period of such absence. Application for no-pay leave to cover a second term of office will not normally be approved, but for special cases which warrant exceptional consideration, the President will focus sharply on the staff member's long-term career aspiration vis-à-vis the University's interest.

Option 2: He/she may apply to the President for retention of the current employment status but with the level of remuneration adjusted on a pro-rata basis depending on the proportion of time he/she will spend in the discharge of normal duties at the University. Eligibility for normal fringe benefits and annual increments will be retained except in the case of such a staff member working for less than a half-time appointment.

Option 3: Same as for Option 2 except that the Head of Department may consider that despite the external commitment, the amount of time which the staff member will devote to the University is still considered to fall within an acceptable level required of a full-time appointment. The Head may then recommend to the President that adjustment of salary for this member of staff can be waived, with an assurance that the quality of delivery of work of the Department will not be jeopardised.

Option 4: He/she may resign from the University, and the 3-month notice period may be waived; for staff on contract who departs without completion of the contract period, the requirement to forfeit gratuity and leave may also be waived.

Besides resorting to any of the above Options, a staff member may also seek approval exceptionally from the President through his Head of Department, to spread out his earned leave over the period of the term of office, for the purpose of performing his public duty. The

approval for taking vacation leave in this unusual manner will be subject, as in all normal applications for leave, the exigency of the Department and the University as a whole. If all earned leave has been used up before the end of his/her term of public office, the staff member can apply for any of the four Options.

The Hong Kong University of Science and Technology

12. The Hong Kong University of Science and Technology (HKUST) has in place a set of policy guidelines for staff engaging in public offices, under which the following options are available:

- (i) if the staff member's engagement in public office takes up less than 50% of their time for University work, their University salaries and other benefits will be paid on a pro-rata basis.
- (ii) if the involvement in public office takes up 50% or more of their time for University work, the staff member may be granted no-pay leave upon application.

The University of Hong Kong

13. In the case of the University of Hong Kong, there are no institutional guidelines for staff serving on any public advisory board or committee. This is because the amount of time involved is generally limited, thus imposing relatively minor impact on the overall smooth functioning of the University and on the appointee's performance.

14. In the case of the Legislative Council, it was agreed with the two University appointees who serve on the LegCo that they would each contribute 40% of their LegCo salary to the departmental budget to compensate for the time which they would otherwise have spent on departmental work.

Standardised Guidelines

15. As shown in paragraphs 3 to 14 above, UGC-funded institutions have general guidelines on dealing with their staff taking public service or other outside practices. Whilst there is no standardised guideline for all UGC-funded institutions, some institutions are already adopting similar practices but make adjustments to suit their individual circumstances. The arrangements usually take one or more of the following three modes:

- (i) requiring the staff taking up outside practice to contribute a percentage of the income derived from such position to the

University;

- (ii) reducing their salaries on a pro-rata basis commensurate with the reduction in output against the University's normal requirements, if the reduction in output is 50% or below; and/or
- (iii) requiring the staff to take no-pay leave or change his/her appointment at the University to a part-time status during the tenure of the public office, if the reduction in output exceeds 50%.

16. Each UGC-funded institution is an autonomous statutory body governed by its own governing Ordinance. It has the autonomy to manage its internal affairs including prescribing terms and conditions of service and regulating its relationship with its staff.

17. In view of the above, the Administration does not consider it necessary and appropriate to prescribe further guidelines for the institutions. Should staff members have suggestions to fine-tune the existing arrangements, they may raise these through the normal channel within the universities.

Primary and Secondary Schools

18. According to the Codes of Aid for Primary, Secondary and Special Schools issued by the Education Department, a teacher (including a principal) employed full-time in a school administered under the terms of the Codes of Aid shall not engage in duties other than teaching or lecturing except with the prior approval of the Supervisor. In giving approval for a teacher to engage in outside duties including the taking up public office, the Supervisor must be satisfied that such duties contribute to the public good and are not such as to interfere with the efficient performance of the teacher's normal duties.

19. Aided schools have established staff-management consultative committee to discuss contractual matters and grievances of school staff. Staff complaints arising from arrangements concerning engagement in public offices can be handled by such staff-management committee. In case where the matter cannot be resolved in the committee, the Education Department will look into the matter upon the request of the committee.

**Education and Manpower Bureau
November 1999**

**Practices of employees of tertiary institutions funded
by the University Grants Committee
taking up public offices**

Annex	Institutions
1.	City University of Hong Kong
2.	Hong Kong Baptist University
3.	Lingnan University
4.	The Chinese University of Hong Kong
5.	The Hong Kong Institute of Education
6.	The Hong Kong Polytechnic University
7.	The Hong Kong University of Science and Technology
8.	The University of Hong Kong

City University of Hong Kong
Administrative Note No. C2/04/MAY98

Policy on Staff Holding Public Office

1. The Council at its meeting held on 23 March 1998 approved a set of policy guidelines for staff holding remunerative public offices. The policy guidelines will be adopted with immediate effect.

Definition and Principles

2. Under these policy guidelines, public office is defined as membership or chairmanship of the Executive Council, the Legislative Council, the municipal councils (i.e. the Urban Council and the Regional Council), District Boards or such other organisations which the University Council may from time to time add to this list. The list will be reviewed periodically in the light of local political development.

3. The policy only aims at governing staff members holding remunerative offices and is not intended to restrict staff from taking up community work. The needs of the student body are a major consideration in establishing the policy to ensure that the quality of teaching and other functions delivered by staff members would not be disproportionately affected by their public service. The set of policy guidelines on staff holding public office was established against the following principles :

- a) That the University should facilitate staff's participation in public offices;
- b) That the facilitation should be balanced against the University's public accountability in deploying its resources;
- c) That the University's primary concern should be in respect of the staff's capability to fulfill their University duties, whether they hold public office or otherwise; and
- d) That staff's capability to fulfill their University duties should be measured against criteria on contributions to teaching, output in research/applied work, service to community/professional discipline as well as administrative responsibilities, etc. as defined for their respective ranks and grades.

Guidelines

4. Staff members holding remunerative public offices shall :
 - a) contribute to the University 20% of any non-accountable allowance receivable for holding the public office, and
 - b) where there is any reduction in output against the University's normal requirements and if such reduction is less than 50%, receive a reduction in salary by the same percentage of the reduction in output, while retaining all normal staff benefits in full.

5. Where engagement in a public office results in a reduction in output of 50% or more on the part of a staff member, however, the University shall :

- a) require the staff member to take no pay leave, which may be granted for a period normally up to three years or for the entire period of office as the case might be, or
- b) change his/her appointment at the University to a part-time appointment during the tenure of the public office.

6. Engagement in public office will have no bearing on consideration for promotion, contract renewal, and other personnel decisions.

Implementation

7. In terms of implementation, performance output will be planned and agreed between the staff member and the Head of Department concerned at the beginning of each academic year, and endorsed by the Line Manager. (In the case of a Head of Department taking up a public office, the next two higher levels of authority will be the agreeing and endorsing parties.) Measuring against the normal requirements of the specific rank concerned, rigorous examination is to be made on any possible reduction in University output (in terms of teaching load, research output, reduced level of administrative duties, etc.) as a result of taking up the public office. Any agreed reduction in output is to be expressed as a percentage on the standard output level required.

8. The approved percentage of output reduction, including nil reduction, will be reviewed every six months initially between the staff member and the parties above stated, and be revised to every twelve months if circumstances warrant. A consolidated report to be compiled by the Human Resources Office on all cases undertaken will be submitted to the Management Board for information every year.

Enquiries

9. Should you have any queries, please contact the respective Human Resources Manager responsible for servicing your Department or Mrs. Eva Ng at ext. 9278.

Human Resources Office

16 May 1998
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HONG KONG BAPTIST UNIVERSITY

P697/OP3

PERSONNEL POLICIES & PROCEDURES/OUTSIDE PRACTICE

Regulations Governing Staff Engagement in Public Offices

Introduction

As a public institution of higher education, the University will support and facilitate staff participation in public services insofar as the University's missions and the obligation to maintain full accountability to the public in the use of public fund are not compromised. Towards these ends, this document will set out policy guidelines for reference of staff who wish to engage in public offices.

2. For the purpose of these regulations, "public office" is defined as elected or appointed membership in the Executive Council, Legislative Council, Urban Council, Regional Council, or one of the District Boards (and including such bodies in their provisional status).

3. Staff members who wish to engage in public offices should acquaint themselves with regulations set out in this document and to follow the required procedures for seeking the necessary approval from the appropriate authority.

Application Procedures

4. In making an application for engagement in public office, the staff member concerned should provide clear and complete information in respect of the following areas :

- (i) The name, nature and function of the public office;
- (ii) The estimated amount of time to be spent on the public office - The staff member concerned should declare the proportion of time which he/she will spend on discharging University duties vis-a-vis his/her commitment to the public office, to be supported by a clearly presented time schedule;
- (iii) Clear breakdown of the types of allowances received for the public office; and
- (iv) The reason for engaging in the public office.

5. The application should be presented, in the first instance, to the respective Head of Department/Office of the staff member concerned for recommendation before it is passed to the appropriate approving authority for consideration.

Time Commitment to the Public Office

6. Based upon the declaration by the staff member concerned on the proportion of time to be spent on the public office, approval may be granted for the staff member concerned to engage in the public office in accordance with the guidelines set out below.

1. Less than 50% of Time Committed

In the case where a staff member is given approval to assume a public office which is expected to take up less than 50% of the time he/she should be spending on his/her appointment at the University :-

- (i) He/she will need to contribute to the University 40% of the non-accountable allowance he/she receives for the office. This contribution will be used at the discretion of the Administration, in consultation with his/her Dean and Head of Department/Office as appropriate, and could be used for employing temporary staff to take up some of his/her duties.
- (ii) There will be no reduction in his/her salary/benefits.
- (iii) He/she may apply for leave to attend official functions/meetings related to the public office. Such leave will be treated as absence on duty (or official leave) and be subject to the existing regulations for official leave as below :

Duration of leave	Approving Authority
For duration of leave up to 3 weeks in any one year : <ul style="list-style-type: none"> • for up to one week • for 8 days up to 3 weeks 	Head of Department/Office Dean/Vice-President concerned
<u>Exceptionally</u> , for leave exceeding 3 weeks in a year	For academic staff - Academic Vice-President; For non-teaching staff - Vice-President (Administration) and Secretary

- (iv) Approving Authority - For a staff member in a Faculty/School, the approval of the Dean concerned is required prior to taking up a public office; while for a Dean, the Academic Vice-President is the approving authority. For a staff member in the non-teaching offices, the approval of one of the Vice-Presidents or the President and Vice-Chancellor in accordance with the reporting relationship of the office concerned is required prior to taking up a public office. For the President & Vice-Chancellor, the approving authority is the Council.

II. Time Commitment of 50% or More

In the case where a staff member intends to assume a public office which is expected to take up 50% or more of the time he/she should be spending on his/her appointment at the University -

- (i) He/she may apply for no-pay leave, normally of up to 3 years to take up the office.
- (ii) Alternatively, the University may require him/her to take no-pay leave, normally of up to 3 years, to take up the office; or, if the circumstances so warrant, to change his/her appointment at the University to a part-time appointment during the tenure of his/her public office.
- (iii) Approving Authority - The authority to approve the grant of no-pay leave for, or to change the appointment status of, a staff member shall rest with one of the Vice-Presidents or the President & Vice-Chancellor in accordance with the reporting relationship of the office.

7. As the proportion of time to be spent by a staff member concerned on the public office will affect how his/her application will be dealt with under the above guidelines, the staff member's declared time schedule will be subject to monitoring by the approving authority. The staff member should also take the initiative to inform the approving authority of any change in the proportion of time declared.

Participation in Public and Community Service Other Than Those Defined as "Public Office"

8. For participation in public and community service other than those defined as "Public Office" such as membership in public consultative/advisory bodies or non-profitable charitable organizations, the staff member concerned is normally not expected to contribute a percentage of the honorarium/non-accountable allowance arising thereof, if any, to the University. However, Deans/Heads should be informed of the involvement, and the staff concerned is expected to apply for leave to attend to the related meetings/functions.

9. In the event that in the judgment of the Dean or Head of Office, the participation in any public/community service is expected to take up a substantial portion of time that the staff member should be spending on his/her University duties, the case should be referred to one of the Vice-Presidents or the President & Vice-Chancellor (as in accordance with the reporting relationship of the office) for consideration and approval.

10. In the case where participation in a "public consultative/advisory body" is considered to attract a remuneration which is comparable to that of participating in a "public office" as defined above, and to demand similar commitment and involvement of the staff concerned, a recommendation could be made by the Administration to the Council to classify a particular public consultative/advisory body as "public office" such that the regulations governing engagement in public office shall apply.

11. The University Administration will keep these Regulations under review and to recommend appropriate revisions/amendments in future whenever necessary.

Personnel Office
June 1997

Pub-Off.Doc NC AC

Lingnan University

Regulations and Procedures Governing Outside Practice By Full-Time Staff (as approved by the former Lingnan College Council on 6 November 1997)

1. Introduction

Regulations governing outside practice undertaken by members of staff are stipulated in the College Terms of Service; the definition and categories of outside practice and the detailed regulations and procedures to be observed by members of staff are set out below.

2. Definition of Outside Practice

Outside practice is defined as the use for reward, including fees, honoraria, retainers, and any other remuneration whatsoever, by a member of staff of his/her professional knowledge or skill outside of or in addition to the application of such knowledge or skill to his/her College duties. All such activities shall be regarded as outside practice whether or not they are contracted through the College.

3. Regulations

3.1 The Council shall give favourable consideration to approving outside practice which contributes to the professional development of members of staff through the enrichment of their teaching and research and which will be of benefit to the College and to the community as a whole.

3.2 Engagement in outside practice should be occasional and should not be undertaken solely for pecuniary gain.

3.3 Outside practice may not be undertaken through the medium of a limited company or partnership external to the College.

3.4 No member of staff may engage in outside practice without having obtained prior approval, except for General Educational Work. Such approval is given by the President on behalf of the Council.

3.5 A member of staff, who fails to comply with the regulations and procedures governing outside practice, shall be in breach of contract and subject to disciplinary action.

4. Categories of Outside Practice

Outside Practice includes but is not limited to the following:

4.1 *General Educational Work*

This category encompasses the dissemination and application of knowledge by a member of staff in settings where there is no contract of employment with a client, it includes:

- 4.1.1 occasional professional advice and service through invitation e.g. external examining, peer group review, membership of advisory panels, giving expert advice in legal proceedings;
- 4.1.2 occasional consultation on, and/or participation in, Radio and TV broadcasting and casual journalism;
- 4.1.3 Authorship of books, monographs, articles, scripts for publication for a general readership (as distinct from those commissioned by a specific client);
- 4.1.4 occasional seminars and lectures to outside bodies;

4.2 *Consultancy and Professional Practice*

This provides for members of staff who engage in professional activities related to their fields or disciplines where a fee-for-service or equivalent relationship with a third party (client) exists;

This category includes:

- 4.2.1 consultancy and/or professional practice undertaken on behalf of a specified client/clients;
- 4.2.2 authorship of technical, research and other reports, books, chapters of books, surveys commissioned by a specific client;
- 4.2.3 contracted research services except those funded by the College, the UGC or the Research Grants Council;
- 4.2.4 the writing of course materials for external bodies;
- 4.2.5 media work (Radio, TV and Journalism) which includes a contract of employment (or equivalent) for the provision of services over a period of time;
- 4.2.6 the production of teaching aids and computer programmes except those funded by teaching development grants;

4.2.7 modification for external use of any materials developed for use within the College;

4.2.8 direct engagement in a company's business.

4.3 *Outside Teaching*

This refers to teaching activities outside a member of staff's regular full-time teaching at the College, normally organised on a regularly scheduled basis. It includes the following activities:

4.3.1 the teaching of courses for self-financed centres of the College but excluding those leading to academic awards of Lingnan College;

4.3.2 the teaching of on-going programmes, or courses of lectures, whether for other tertiary institutions, private bodies or organisations in Hong Kong or outside Hong Kong;

4.3.3 academic employment (teaching and/or research) in another tertiary institution whether in or outside Hong Kong, during periods of leave from the College.

5. **Criteria for Approval of Outside Practice**

A member of staff may be given approval to engage in outside practice provided that the following criteria have been met:

5.1 the outside practice is of a nature which will contribute to the effectiveness of his/her normal duties;

5.2 the outside practice will not interfere with his/her normal duties and will be of benefit to the College and of service to the wider community;

5.3 the outside practice is appropriate to his/her particular area/s of expertise and at a professional level commensurate with his/her College employment;

5.4 there will be no conflict of interests;

5.5 the aggregate amount of time spent on outside practice will not normally exceed an average of one working day a week and for outside teaching, three hours a week and 50 hours in any year (for the purpose of these regulations the outside practice accounting year shall be from 1 July to 30 June);

- 5.6 the applications for classification and approval of outside practice will have been endorsed by the member of staff's immediate supervisor;
- 5.7 where appropriate, agreement will have been reached with the Head of Unit concerned and/or the Comptroller for the use of College resources;
- 5.8 the Comptroller where appropriate will have approved charges to cover direct cost (i.e. use of resources), administrative costs (i.e. administrative services and access to College facilities) and the remuneration/fee;
- 5.9 the member of staff where appropriate will have agreed to the sharing of income.

6. Application & Approval Procedures

- 6.1 While General Education Work is deemed to be implicitly approved, members of staff are advised to inform where practicable their immediate supervisor of their outside involvement and to seek their advice on whether any official approval is needed whenever in doubt. A member of staff will be regarded as being in breach of these regulations and subject to possible disciplinary action if the outside practice that is not explicitly approved is subsequently determined as falling outside the category of General Education Work.
- 6.2 A member of staff, proposing to engage in outside practice which is either Consultancy and Professional Practice or Outside Teaching shall obtain an Application Form for Outside Practice Approval as in Form HRO/OP1 from the Human Resources Office.
- 6.3 The completed application form shall be submitted to the President through the Human Resources Office at least two weeks before the proposed date of commencement of the outside practice.
- 6.4 The Human Resources Office shall subsequently advise the member of staff of the outcome of the application for approval.

7. Outside Practice outside Hong Kong

The President shall consider each case on its merits and may make special provision for outside practice undertaken outside Hong Kong.

8. Discretion of the President

- 8.1 Notwithstanding any provisions in section 5, the President may in special circumstances exercise his discretion not to invoke these regulations or any part thereof in respect of a particular case.

- 8.2 The President may at any time at his discretion withdraw his consent or approval for a member of staff to engage in outside practice.

9. **Legal Responsibility**

- 9.1 A member of staff who is permitted to engage in outside practice under the terms of these regulations shall be acting as an individual and not as an agent or employee of the College or on behalf of the College, and no liability whatsoever shall be attached to the College in respect of his engagement in outside practice.
- 9.2 Prior to the commencement of an approved outside practice in the category of Consultancy and Professional Practice, the member of staff shall arrange for the organisation or person (hereinafter 'client') making use of his service to sign an undertaking as in Form HRO/OP3, which shall be returned to the Human Resources Office by the member of staff.
- 9.3 The member of staff shall be required to indemnify the College against any liability, loss, claim or proceedings whatsoever arising as a result of the death of or personal injury to any person or any loss or damage to real or personal property arising out of or in the course of carrying on the outside practice.
- 9.4 The member of staff shall also consider maintaining a policy of insurance to cover himself against possible claims for such matters.
- 9.5 College notepapers bearing letter heads should not be used, but notepapers may quote "from the desk of (the staff concerned), c/o the (the staff's unit), Lingnan College".

10. **Administrative and Financial Arrangements**

- 10.1 Prior to submitting the application form for approval the member of staff shall where appropriate have agreed the following with the Comptroller:
- 10.1.1 the charges for all direct costs incurred by the College, e.g. support staff time, use of College's specialized equipment, consumable, and premises etc;
- 10.1.2 the appropriate remuneration/fee;
- 10.1.3 an administrative charge which shall normally be 15% of the total of direct costs and the remuneration/fee which shall be levied only on projects which are to be managed by the College;

- 10.1.4 the arrangements for income sharing (see section 11 below).
- 10.2 The service of College support staff, such as secretaries and technicians, shall not be used within normal office hours on outside practice if such use interferes with internal operations of the unit(s) concerned. Subject to the Unit Head's being satisfied that no such interference would result, there will be no objection to such staff providing assistance, but those staff concerned shall not be paid for whatever services they may give within normal working hours. They may, however, be paid at normal College overtime rates for any service rendered outside normal working hours. Time off in lieu of overtime work is not permitted.
- 10.3 The member of staff shall normally be responsible for dealing with all financial arrangements directly with the client. However, all income derived from outside practice shall be accountable to the College.
- 10.4 By the end of July the member of staff shall make to the Comptroller via his Unit Head a declaration of all outside practice undertaken, including General Education Work, giving appropriate details of the work done, time spent and total income received during the outside practice accounting year (1 July to 30 June) using a prescribed form as in Form HRO/OP4; all relevant supporting documentation must be attached.
- 10.5 The Comptroller shall compute where appropriate the distribution of surplus/income in accordance with the schedule given in section 11.2 below and a copy of the calculations shall be forwarded to the staff members concerned for each approved outside practice.
- 10.6 The Comptroller shall at the end of the accounting year forward to staff members concerned (with copies to the Human Resources Office for retention on the staff member's personal file) a consolidated report on the calculations for all outside practices undertaken in that year.
- 10.7 The payment of fees to staff for projects administered by the College shall be made at the end of the accounting year.

11. Income Sharing Arrangement

11.1 Categories

- (a) General Educational Work is not subject to income sharing.
- (b) Consultancy and Professional Practice and Outside Teaching are subject to income sharing.

11.2 Procedures

11.2.1 Net income shall be defined as the total cost of the activity less where appropriate, direct costs (which excludes fees) and administrative charges.

11.2.2 Net income shall be shared on the following basis:

Net Income	Staff/Centre	Department	College
First \$50,000	100%	--	--
Next \$100,000, i.e. \$50,001-\$150,000	80%	(A) 10% (B) --	(A) 10% (B) 20%
Next \$100,000, i.e. \$150,001-\$250,000	60%	(A) 20% (B) --	(A) 20% (B) 40%
Excess over \$250,000	--	--	100%

(A) denotes projects administered by a member of staff;

(B) denotes projects administered by a College Centre.

12. Report

12.1 The President shall submit to the Council an annual report of all approved outside practice.

13. Outside Practice by Administrative Staff

13.1 Administrative staff may engage in outside practice provided that

13.1.1 the work is beneficial to both the College and the community and is based on the specialised knowledge of the member of staff;

13.1.2 the work is not done at the expense of the time required for performing College duties; and

13.1.3 all regulations applicable to academic staff are also observed.

14. Conclusion

The College shall keep these regulations under constant review; and will promulgate to all staff any revisions/amendments to these regulations as approved by the Council.

THE CHINESE UNIVERSITY OF HONG KONG

Regulations Governing Outside Practice

PREAMBLE

1. Outside practice is defined as the use for reward (which shall include fees, honoraria, retainers and any other remuneration whatsoever) by an appointee of his/her professional knowledge outside of or in addition to the application of this knowledge to his/her University duties. All such practices shall be regarded as outside practice whether or not they are contracted through the University.
2. Subject to the appointees' normal duties not being disrupted, the University encourages its appointees to engage in outside practice to enhance their professional knowledge and expertise and the contribution of such to other sectors of the community. The smooth operation of the relevant departments/units is however the key prerequisite before the approval for appointees to engage in outside practice should be granted.
3. Outside practice is an appointee's own personal activity. The appointee therefore assumes personal liability, if any, in such activities. It is the responsibility of the appointee to keep a good record of the outside practices and the amount of income derived therefrom.

**REGULATIONS GOVERNING OUTSIDE PRACTICE
(OTHER THAN PRIVATE CLINICAL PRACTICE)**

Categorisation

4. In terms of application procedures, outside practices are classified in the following two categories:
 - (a) Category A: Activities deemed approved; and
 - (b) Category B: All outside practices other than Category A which are subdivided as
 - (i) Category B(1) – Those with Cumulative Outside Practice Income at or Below the Bar
 - (ii) Category B(2) – Those with Cumulative Outside Practice Income Above the Bar
5. For the purpose of these regulations, the Bar¹ is set at 20% of the annual non-clinical professional average salary (hereinafter referred to as the Bar), which may be adjusted by the University from time to time.

Category A : Activities Deemed Approved

6. The University shall be deemed to have given consent for an appointee to engage in the following forms of outside practices, where no reporting to the University is required:
 - (a) occasional broadcast or televised talks;
 - (b) preparation of manuscripts as author, editor or translator;
 - (c) casual journalism;
 - (d) royalties or profits from intellectual properties (subject to the Letter of Appointment and any supplemental contracts and to the Policy on Research, Consultancies and Intellectual Property, Regulations on Patent Policy and other relevant regulations as approved and amended by the University from time to time);
 - (e) subject to paragraph 13 below, remunerative outside practices of not more than HK\$1,000 per occasion and with cumulative outside practice income not more than HK\$10,000 per year (July 1 to June 30 of the following year); and

¹ For the purpose of classifying Category B(1) and B(2) outside practices, cumulative annual outside practice income accrued from July 1 of a year to June 30 of the following year will be taken into account. To avoid doubt, the annual bar will be determined at the salary level of the preceding calendar year.

- (f) such further forms of outside practice as the University may from time to time determine.

7. It is the responsibility of the appointees concerned to ensure that the outside practice indeed falls into the above category. An appointee will be regarded as being in breach of these regulations and subject to possible disciplinary action if the outside practice which is not reported or not explicitly approved is eventually determined to fall outside the category cited in the above paragraph. Moreover, the University reserves the right to review and approve/disapprove any particular application if the Unit Head concerned or the Personnel Office believes that a ruling is required concerning either the nature of the outside practice or the amount of time spent thereon. It is expected that appointees in this category observe the spirit of paragraph 20 below.

Category B : Other Outside Practices

8. Engagement in outside practices under this category requires explicit University approval. Such activities include

- (a) part-time or extra-mural teaching;
- (b) professional consultative practice;
- (c) all other forms of outside practices.

Part-time teaching

9. For the purpose of these Regulations, part-time teaching shall include, in addition to the teaching activity itself, the following teaching-related services

- (a) serving as Examiner/Assessor/Interviewer for course participants;
- (b) serving as Co-ordinator/Director/Chairman/Adviser of a course;
- (c) serving as Project Supervisor;
- (d) preparing course materials;
- (e) conducting tutorials/practicums;
- (f) marking scripts and rendering other examination-related services;
- (g) other teaching-related services as may be identified from time to time.

10. An appointee shall not engage in part-time teaching that exceeds the load equivalent of a 3-hour term course. Under the 3-hour term course equivalent rule, an appointee may be allowed to teach up to 14 hours in any one week (provided that at least one day of which is a Saturday, Sunday, or Public Holiday), subject to a maximum of 84 hours in a year (July 1 to June 30 of the following year). In determining the limits of 14 hours in any one week and 84 hours per year, all scheduled and intensive types of extra-mural, part-time and management training/teaching as well as the teaching-related services shall be included. Where the teaching-related services are not remunerated on an hourly basis, the effective time spent will be determined, for this purpose, as honorarium divided by teaching fee per hour.

11. Part-time teaching that exceeds the stipulated annual maximum of 84 hours is discouraged and in general not approved. Even if it is approved exceptionally, such part-time teaching will be on a non-remunerative basis and the income derived therefrom, if any, will be entirely credited to the University's central fund.

12. Part-time teaching (which is on top of the appointee's normal duties) for courses offered to students of the University that form part of a programme which leads to a degree or other formal awards as approved by the Graduate School/Senate are treated as extra teaching duties. Appointees engaging in such extra teaching duties may be allowed to receive extra remuneration under certain circumstances as summarised in the *Schedule*. Remunerative extra teaching duties will be subject to the 3-hour term course equivalent rule and the related regulations as described in paragraphs 9 to 11 above, and to the following arrangement:-

- (a) Department Chairmen / Unit Heads of appointees engaging in such part-time teaching are required to certify that the appointees' normal duties (e.g. full load teaching in the case of teachers) will not be disrupted or reduced, and that for non-teaching and research staff, they have already fulfilled their applicable weekly working hours.
- (b) Extra teaching duties for courses funded by the block grant shall be remunerated at the University-approved Part-time Lecturer rate.

13. Part-time teaching (including that for extra-mural courses) at other tertiary institutions funded by the University Grants Committee is normally not approved. In exceptional circumstances where there is a need in another institution, the request for an appointee of the University to render such service should come from the Head of that institution before the University will exceptionally consider the appointee's application.

Professional consultative practice

14. These outside practices generally include the following:

- (a) consultative practice in which the services of the appointee are engaged only through the medium of a professional colleague;
- (b) practice in which the services of the appointee are engaged direct;
- (c) laboratory tests and services at the request of either a lay or a professional client; and
- (d) such other forms of professional practice as the University may from time to time determine.

Sub-Categorisation of Outside Practices under Category B

15. Outside practices under Category B are sub-divided as follows, by reference to an annual outside practice income bar as defined in paragraph 5 above.

Category B(1) : Those Outside Practices with Cumulative Outside Practice Income at or Below the Bar

16. Application and approval

- (a) Applications for engaging in outside practice for which the cumulative income derived therefrom is at or below the bar within a financial year should be made on the prescribed form prior to the commencement of the activities.
- (b) Applicants are required to undertake that the income derived from the outside practice under application will not bring the cumulative outside practice income above the bar.
- (c) Completed application form should be submitted to the Department Chairman/Unit Head for endorsement and onward transmission to the Faculty Dean or, in the case of non-teaching staff, the equivalent supervising officer for approval. Approved applications should be sent to the Personnel Office for verification and recording. Approval of the Faculty Dean or the supervising officer will be final, unless the Personnel Office indicates otherwise within one week (from the date of receipt of the approved application).
- (d) The Faculty Dean or the supervising officer may refer any special case to the Academic Staff Review Committee (ASRC) or the Administrative Affairs Committee (AAC) as appropriate for consideration.

Category B(2) : Those Outside Practices with Cumulative Outside Practice Income Above the Bar

17. Application and approval

- (a) Applications should be made on the prescribed form prior to the commencement of the activities.
- (b) Completed application form, if endorsed by the Department Chairman/Faculty Dean or the equivalent supervising officer, should be sent to the Personnel Office for

18. Appointees who wish to engage in outside practice under Category B(2) should obtain approval from the relevant committee before the activity commences, or before making an agreement (written or oral) with the outside party concerned. If there are special circumstances where prior application is not feasible, the following guidelines will apply:

- (a) If in the end committee approval is not given, the appointee concerned will bear the consequence of either (i) failing to deliver to the outside party services committed according to the agreement; or (ii) completing the outside practice but forfeiting the entire income to the University's central fund.
- (b) If in the end approval is given retroactively, the appointee will abide by the level of charges levied for the use of University facilities or equipment. Where such a level of charges is not built into the original agreement with the outside party, the charges will be deducted from the income. Where such charges exceed the level of outside practice income, the appointee will still be liable, and will in effect suffer a net loss personally.

Report to Council

19. An annual statistical summary of all approved outside practices under Category B(2) will be reported to the Council via the Administrative and Planning Committee.

Approval Criteria

20. In general, approval for an appointee to engage in outside practice may be granted provided that

- (a) the nature of the outside practice is
 - (i) beneficial to the appointee's teaching, research and/or his/her professional development relevant to his/her appointment at the University;
 - (ii) beneficial to the University;
 - (iii) beneficial to the development of business and industry or other sectors of the community;
- (b) the outside practice does not interfere with the normal duties of the appointee;
- (c) the aggregate amount of time spent on outside practices by an appointee does not exceed an average of one working day per week;
- (d) the application is endorsed by the Department Chairman/Unit Head and the Faculty Dean concerned or the equivalent supervising officer.

Accounting Requirements

21. Except as may be otherwise agreed between the appointee and the University, all income derived from outside practices under Category B shall in the first instance accrue to the University. All moneys relating to these outside practices should be sent direct to the Bursar who will make out an appropriate receipt. Cheques should be made payable to "The Chinese University of Hong Kong".

22. Upon receipt of outside practice income, the Bursary, after making the deduction for any outgoing and charges (see paragraph 26 below) and the division of income in accordance with the scale below, will arrange for the balance to be paid to the appointee concerned. All other accounting functions and disbursements shall be handled by the appointee concerned in his/her personal capacity. Appointees who wish to contribute the whole or part of their outside practice income (after making appropriate income deduction to the University) to special project/designated accounts for their future disbursements should indicate their intention on the prescribed application form mentioned in paragraphs 16(a) and 17(a) above.

Division of Income

23. Subject to paragraph 25 below, all outside practices under Category B are subject to division of income in accordance with the following scale:-

Outside Practice	To Appointee	To University Central Fund	To Department Outside Practice Account
Category B1	90%	10%	Nil
Category B2	Fixed department rate ² with a maximum up to 45%	10%	Fixed department rate ² with a minimum of 45%

24. Division of income is based on the gross amount of remuneration paid into the University account referred to in paragraph 21 above, irrespective of whether there are expenses or other disbursements included therein.

25. Outside practices/Extra teaching duties for the University's self-funded programmes (subject to complying with the 3-hour term course equivalent rule and the University's stipulated maximum hourly teaching rate, currently at HK\$2,000 per hour which may be amended by the University from time to time) or consultancy contracts on which a full rate of overhead has been levied, are not subject to division of income under this Regulation.

Additional Charges

26. If University facilities and equipment are used, additional charges may be levied on outside practice to cover the related costs. The level of charges and the division of income between the Department/Unit concerned and the University shall be determined at the time when approval is given for engaging in the outside practice.

27. The approval and additional charges for the use of facilities/equipment are in principle separate from outside practice income. Appointees concerned are liable for these charges when the facilities are used for purposes other than those encountered in the course of normal University duties. If there is no provision for such charges in the outside practice, or if such provision is inadequate, or if there is failure to collect the same from the client, the appointees concerned may incur a net loss personally in carrying out the project.

28. Income from such additional charges shall accrue to the Department/Unit(s) concerned in the case of departmental facilities/equipment used. In case where University space or central facilities are used, the income shall accrue to the University's central account.

Outside Practice as Individual Activity

29. Outside practice is an appointee's own personal activity. He/She assumes all personal liability, if any, in such activities:-

- (a) An appointee shall not enter into any employment contract or any contractual commitment of employment nature without the University's consent. The name of the University and its letterhead must not be used in any correspondence, reports, publicity or commercial presentations whatsoever involving the appointee's outside practice at anytime. Correspondence may however be sent c/o the Department/Unit of the appointee.
- (b) He/She should fully understand and acknowledge that while being permitted to engage in outside practice under the terms of these regulations, he/she shall act as an individual in his/her own personal capacity and not as a servant, employee or agent

² The fixed ratio of income-split between the Department and the appointee concerned should be decided by the Faculty Executive Committee upon the recommendation of the Department Chairman. A uniform rate, which may be revised from time to time, will be applied to all appointees in the same Department. As a guideline, the departmental rate of income-split for non-clinical

of the University and that no liability whatsoever shall be attached to the University in respect of or in connection with his/her engagement in outside practice.

- (c) He/She is advised to ask his/her client to sign an acknowledgement as set out below and submit to the University the signed acknowledgement before commencement of the outside practice:

"As a condition of the offer, we acknowledge and confirm that [name of the appointee concerned] will be carrying out the work ("the said work") for us as an individual in his/her own personal capacity, and not as a servant, employee or agent of The Chinese University of Hong Kong ("the University"), or on behalf of the University and that the carrying out of the said work by [name of the appointee concerned] is outside the scope of his/her employment with the University. We hereby acknowledge and agree that no liability whatsoever arising out of his/her undertaking of the said work shall attach to the University at any time and we undertake not to make any claims, demands, law suits whatsoever against the University in respect of or in connection with [name of the appointee concerned]'s undertaking of the said work in any circumstances whatsoever even though he/she is carrying out the work with the University's full permission."

Insurance Arrangement

30. An appointee who is permitted to engage in outside practice under Category B shall be required to contribute a lump sum¹, as determined by the University from time to time, as payment of premium for a policy of professional indemnity insurance to provide cover for the University and the appointee in respect of any liability, loss, claim or proceedings whatsoever which the University or the appointee may howsoever incur or sustain as a result, or in the course of, or arising out of such outside practice. Such a requirement will only be exempted if the appointee has arranged to maintain a policy of insurance in the joint names of the University and the appointee to indemnify the University in this respect and to deposit such joint-named policy with the Bursar.

REGULATIONS GOVERNING PRIVATE CLINICAL PRACTICE

31. There shall be two separate areas of private (outside) practice open to appointees in the clinical departments of the Faculty of Medicine (including the Departments of Chemical Pathology, Microbiology and Anatomical & Cellular Pathology):

- (a) private patients who are referred for consultation in the teaching hospital and/or those who receive in-patient treatment within the hospital in the private wards;
- (b) consultations outside of the hospital usually at the request of a doctor in private practice.

32. Private practice in the clinical Departments is to be conducted on a departmental basis officially under the name of the Department Chairmen, who may at their discretion designate certain members of their Departments as consultants and give them the privilege of private practice. Requests for services are to be sent to the Department Chairmen or the consultants.

33. In respect of such private clinical practice, the following requirements will apply:

- (a) All such practice is to be organised on a departmental basis.
- (b) Fees charged shall be the same as those chargeable in public hospitals which are published in the Government Gazette from time to time.
- (c) As a matter of professional etiquette, members of the medical profession and their families will not normally be charged for services rendered under private clinical practice.
- (d) Where possible, bills will be sent and fees collected by the Bursary, but on occasions it may be necessary to collect such fees direct, in which case the receipt will be given and the amounts collected will be sent to the Bursary.

¹ The prevailing amount of contribution is fixed at 1% of the appointee's income from his/her outside practice under application, subject to a minimum and a maximum amount of HK\$30 and HK\$2,000 respectively.

- (e) In respect of each appointee who is permitted to engage in private clinical practice, an outside practice account shall be opened and credited with all moneys received and shall be debited with the related expenses.

34. At the end of each quarter of the year, the balance of the outside practice accounts shall be determined and divided between the appointee and the University in accordance with the following scale:

Balance	To Clinical Appointee	To University Central Fund	To Department Outside Practice Account
Below bar	Fixed department rate ⁴	10%	Fixed department rate
All additional amount above bar	Fixed department rate with a maximum up to 45%	10%	Fixed department rate with a minimum of 45%

35. Income which is credited to departmental special accounts can be used for the following departmental purposes:

- (a) purchase of special equipment required for departmental research;
- (b) purchase of books and journals for departmental research;
- (c) assistance for research projects where appropriate;
- (d) travel by teachers to and from, and attendance at, conferences and training courses;
- (e) fees and subsistence allowances for attending conferences and training courses; and
- (f) entertainment of official visitors at departmental level, in accordance with normal University standards for such expenditure.

TAX REPORTING

36. Appointees who have engaged in outside practice are responsible to include such outside practice income in their annual "Salaries Tax Return" (April 1 to March 1 of the following year). The University as the ultimate paying institution (see paragraph 22) will include the outside practice income (less the amount(s) having been deducted, if applicable) in the employer's annual return to the Inland Revenue Department (IRD). In situations where their clients will take this reporting role to IRD, the appointees should notify the Bursary so as to avoid double tax reporting.

COMPLIANCE WITH REGULATIONS

37. Persistent neglect or contravention of these Regulations by an appointee, or his/her failure to remedy a serious breach thereof promptly when it is drawn to his/her attention, shall be deemed to be good cause for his/her removal from appointment.

REVIEW

38. The University may review, amend or make additions to these regulations from time to time.

⁴ The fixed ratio of income split between the Department and the appointee concerned should be decided by the Faculty Executive which may be revised from time to time.

Extra Teaching Duties Attracting Extra Remuneration

Appointees engaging in part-time teaching within the University (which is on top of their normal duties) may be allowed to receive extra remuneration under certain circumstances, as summarised below:

Appointee	Part-time Teaching with Extra Remuneration Permissible				
	Programmes offered by appointee's own department		Programmes offered by another academic department		Self-funded programmes offered by another unit (e.g. APIB ¹ , SCS ²) (v)
	Funded by block grant (i)	Self-funded (ii)	Funded by block grant (iii)	Self-funded (iv)	
(a) Teachers (Assistant Lecturer and above)	X	✓	✓	✓	✓
(b) Research staff (Postdoctoral Fellows, Research Fellows/ Associates/ Assistants)	✓	✓	✓	✓	✓
(c) Instructors and Teaching Assistants	X (except as provided in note 3 below)	✓	✓	✓	✓
(d) Administrative /technical and other non-teaching/ non-research appointees	✓	✓	✓	✓	✓

Notes:

1. Asia Pacific Institute of Business
2. School of Continuing Studies
3. Language instructors teaching College language enhancement courses and summer language courses are exempted from this policy for the time being, pending further review.
4. Permitted only if undertaken outside of the appointees' stipulated working hours or using their earned leave.

The Hong Kong Institute of Education

Guidelines for staff serving on the three-tier Representative Councils and on other Government Advisory Bodies (including the ExCo)

11. The Institute seeks to maintain a balance between the Institute's role to support service to the community and its accountability to the public in the disbursement of public funds. For staff who are invited by the Government or nominated by the Institute to serve on government advisory bodies, they may serve as a member / adviser / consultant to a government committee / working party provided that such participation would not interfere with their normal duties in the Institute. For staff who wish to take up elected and/or paid (involving a fair amount of remuneration) public office, the Institute makes available the following options:

- (a) If the staff member's engagement in public office takes up less than 50% of their time for work in the Institute, they may retain their employment status at the Institute on a shared time basis, with their salaries and fringe benefits paid on a pro-rata scale.
- (b) If the staff member's engagement in public office takes up 50% or more of their time for work in the Institute, they may be granted no pay leave for up to a maximum period of three years upon application.

As a general guideline, the levels of time engagement that would likely be taken up in various public offices are:

Membership of District Board	10% or more
Chairmanship of District Board	15% or more
Membership of Urban / Regional Council	20% or more
Chairmanship / Vice Chairmanship of Urban / Regional Council	30% or more
Membership of Legislative / Executive Council	up to 50%
Presidency / Deputy Presidency of Legislative Council	over 50%

Each application by a staff member will be considered by the Director on its merits. A staff member may also seek approval exceptionally from the Director through the Head of Department and School Dean, to spread out earned vacation leave over the period of the term of office, for the purpose of performing the public duty. The approval for such exceptional arrangement will be subject to the exigency of the School/Department and the Institute as a whole.

THE HONG KONG POLYTECHNIC UNIVERSITY
Administrative Note No. 26/99

Policy Guidelines in support of Staff Engaging in Public Offices

The Council of the then Hong Kong Polytechnic, in view of the democratisation of the District Boards, Urban/Regional Council and Legislative Council to become wholly elected at that time, approved a set of policy guidelines on staff engagement in public office through election in 1994. With the re-introduction of appointed memberships to the District Boards in early 2000, the University Council recently approved that this set of guidelines be applicable to staff members engaging in remunerated public offices through election or through appointment by government (other than those appointments where only a token honorarium is paid). Details on the policy guidelines are set out below for easy reference:

2. Being supportive of the political development of Hong Kong but also mindful of its obligation in respect of public accountability, the policy guidelines were drawn up to meet two major objectives as follows:

- (a) to lay down clear guidelines and procedures in support of those colleagues who engage in public offices that are remunerated, while remaining in the employ of the University on a full-time or part-time basis; and
- (b) to ensure that the University's interest is safeguarded in terms of its fulfilment of teaching and research functions, and its accountability to the community for the effective use of public funds.

3. The options available to staff members engaging in public offices that are remunerated are as follows:

Option 1: The staff member may apply to the President for a period of no-pay leave equivalent to the length of the period of the public office (usually 3 or 4 years), and may use earned leave to cover the initial period of such absence. Application for no-pay leave to cover a second term of office will not normally be approved, but for special cases which warrant exceptional consideration, the President will focus sharply on the staff member's long-term career aspiration vis-a-vis the University's interest.

Option 2: He/she may apply to the President for retention of the current employment status but with the level of remuneration adjusted on a pro-rata basis depending on the proportion of time he/she will spend in the discharge of normal duties at the University. Eligibility for normal fringe benefits and annual increments will be retained except in the case of such a staff member working for less than a half-time appointment.

Option 3: Same as for Option 2 except that the Head of Department may consider that despite the external commitment, the amount of time which the staff member will devote to the University is still considered to fall within an acceptable level required of a full-time appointment. The Head may then recommend to the President that adjustment of salary for this member of staff can be waived, with an assurance that the quality of delivery of work of the Department will not be

jeopardised.

Option 4: He/she may resign from the University, and the 3-month notice period may be waived; for staff on contract who departs without completion of the contract period, the requirement to forfeit gratuity and leave may also be waived.

4. In the case of Options 2 and 3, the staff member will be required to declare the proportion of time which he/she will spend on discharging University duties, such declaration to be subject to review by the President from time to time, and open to scrutiny by Management and the public, in accordance with the law. The staff member should also take the initiative to inform the President of any change in the proportion of time declared.

5. Besides resorting to any of the above Options, a staff member may also seek approval exceptionally from the President through his Head of Department, to spread out his earned leave over the period of the term of office, for the purpose of performing his public duty. The approval for taking vacation leave in this unusual manner will be subject, as in all normal applications for leave, to the exigency of the Department and the University as a whole. If all the earned leave has been used up before the end of his/her term of public office, the staff member can apply for any of the four Options.

6. Should special circumstances arise that are not covered by any of the above Options, submission should be made to the President for special consideration



Alan Li
Director of Personnel

21 October 1999

The Hong Kong University of Science and TechnologyAppendix
(to Personnel Circular No. 3/99)**POLICY GUIDELINES ON HKUST STAFF ENGAGEMENT IN PUBLIC OFFICES****Principles**

The University was established with the mission to advance learning and knowledge through teaching and research. As a public-funded institution, the University has to maintain full accountability to the public in the effective use of its funds.

2. The University Council advocates that as a public institution of higher education, the University should be accommodating and facilitative towards staff members' contributions to community service, insofar as the support is given without compromising the University's missions and its obligation to direct public resources in an accountable manner.

3. Drawn up in the above spirit, the following policy guidelines will apply to staff members who take up public office whether by appointment or through election.

Options

4. For staff members who wish to take up public office, the following options shall be available:

- (a) If the staff members' engagement in public office takes up less than 50% of their time for University work, they may retain their employment status at the University on a shared time basis, with their University salaries, other salary-related remuneration and fringe benefits paid on a pro-rata scale in the manner as set out in the Annex to these guidelines.
- (b) If the staff members' engagement in public office takes up 50% or more of their time for University work, they may be granted no-pay leave for up to a maximum period of three years upon application.

The University Council considered 50% an appropriate cut-off point in relation to the ability to continue to contribute to the University position at a reasonably adequate level.

Commitment of University Time for Various Public Offices

5. As some general points of reference, the University Council has also drawn up the level of University time that would likely be taken up for engagement in various public offices, as follows:

Membership of District Board	10%
Chairmanship of District Board	15%
Membership of Urban / Regional Council	20%
Chairmanship / Vice-Chairmanship of Urban / Regional Council	30%
Membership of Legislative Council	40%
Presidency / Deputy Presidency of Legislative Council	over 50%

It is emphasised that these percentages are for general reference only. If staff members concerned consider the above level not appropriate in their circumstances, they may declare to the Vice-President for Administration and Business (VP-AB) through their supervisors the percentage of University time taken up in their individual case, giving justifications in support of the declaration. Records of the declared percentage time would be accessible, on request, to the public. The supervisors shall monitor the actual time spent by the staff members concerned and report any deviations to the VP-AB.

Arrangements for "Holder of an Office"

6. Considering the key administrative positions held and the degree of commitment and accountability required, the University Council felt that a "holder of an office" (as defined in the appointee's letter of appointment) would not have time to engage in public offices. In any case, approval by the Council on the basis of individual circumstances to continue as a holder of an office while holding public office is required. Should "holders of an office" successfully apply for retreat into their sole academic or research capacity (if any) subject to the relevant rules and regulations, the guidelines for engagement in public offices as set out in paragraphs 4 and 5 above will apply.

Consulting Activities and Other Public Services

7. This policy does not apply to consulting activities and public service appointments related to the staff members' scholarly and professional expertise, which are governed by the University's policy on consultancies.

Review

8. The University will keep in view developments in this matter and shall seek Council's approval to modify this set of guidelines as and when necessary.

8 April 1999

Annex
(to Enclosure A(7))

**Salary and Conditions of Service for Staff Members
Whose Engagement in Public Offices Takes up
Less than 50% of Their Time for University Work**

Appointment Fraction

For staff members whose engagement in public offices takes up less than 50% of their time for University work, their employment status at the University shall be retained. Their appointment shall however be assigned an appointment fraction, such fraction being the percentage of time the staff member concerned will devote to the required University duties. The appointment fraction governs the level of the staff member's salary and other benefits, as compared to a full-time appointee.

Salary

2. Salary otherwise payable for a full-time appointment shall be pro-rated through multiplication by the appointment fraction.

Conditions of Service

3. The conditions of service for staff members who cannot devote full-time to the University's duties on account of engagement in public offices shall be based on the standard conditions of service for full-time appointees, but to be pro-rated on the appointment fraction.

4. Convertible Benefits For benefit items which are convertible in cash terms (including for instance home financing allowance, private tenancy allowance, housing allowance, education allowance, passages, etc.) or are expressed in terms of periods of leave of absence (including for instance annual leave, short leave, sick leave, etc.), the benefits shall be granted at a rate being the full rate applicable for a full-time staff member multiplied by the appointment fraction, subject to normal eligibility of the staff members concerned.

5. Housing For appointees who are eligible for University quarters, the quarters shall be provided subject to the appointee paying a rent comprising the following two components:

- (i) the standard charge of 7.5% of salary; and
- (ii) the notional commercial rent of the accommodation (as assessed by the University or its appointed agent) multiplied by a fraction equal to 1 minus the appointment fraction.

6. Sabbatical Leave For academic staff engaging in public offices, they shall continue to earn sabbatical leave credits at the standard rate of 1/6 of a period of leave-earning service, to be pro-rated on the appointment fraction and subject to the usual regulations. A staff member will however not be eligible to apply for sabbatical leave and approval originally granted for sabbatical leave shall automatically be rescinded while that staff member's appointment at the University is carrying an appointment fraction on account of engagement in public offices.

THE UNIVERSITY OF HONG KONG

香 港 大 學



Our Ref: PF-L (S/N: 8793)

December 11, 1998

By Fax: 2845 1596

Mr. Jack Chan,
University Grants Committee,
Suite 202, 2/F., Hutchison House,
10 Harcourt Road,
Hong Kong.

Dear Mr. Chan,

**Taking up of Remunerated Public Service by
Employees of Subvented Organisations**

I refer to your fax of December 9, 1998.

2. I write to confirm that Dr. Law Chi Kwong and Dr. Yeung Sum of the Department of Social Work and Social Administration, the University of Hong Kong, have been re-elected as Legislative Council Members.
3. Dr. Law and Dr. Yeung are required to contribute 40% of their Legislative Council salary to the Department's one-line budget so that the Department can employ teaching assistance to cover some of their teaching duties.

Yours sincerely,

(Miss) Violet Tang
Head
Staffing Section

VT/JC/mh

cc Vice-Chancellor

THE REGISTRY (PERSONNEL UNIT) 註冊處 (人事處)

POKFULAM ROAD, HONG KONG. TEL: (852) 2859 2232 FAX: (852) 2559 2098