

立法會

Legislative Council

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Paper for House Committee meeting on 17 October 2003

Nomination of Members of the Legislative Council to serve on the Council of the Chinese University of Hong Kong and Court of the University of Hong Kong

Purpose

This paper invites the House Committee to nominate -

- (a) three Members to serve on the Council of the Chinese University of Hong Kong; and
- (b) five Members to serve on the Court of the University of Hong Kong.

Background

Council of the Chinese University of Hong Kong

2. 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 (LegCo) 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 LegCo Member during the three-year term. The University Council meets several times a year. The composition, power and duties of the University Council, as provided in subparagraphs 1, 4 and 8 of Statute 11, are set out in **Appendix I**.

Court of the University of Hong Kong

3. Under Statute XV of the University of Hong Kong Ordinance (Cap. 1053), the University Court shall consist of, among others, five persons elected by LegCo Members from among their own number. The term of office is for three years. A Member shall be deemed to have resigned from

the Court if he or she ceases to be a LegCo 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 II**.

Members serving on the Council of the Chinese University of Hong Kong and Court of the University of Hong Kong

4. At the House Committee meeting on 27 October 2000, the following members were nominated to serve on the Council of the Chinese University of Hong Kong and Court of the University of Hong Kong -

Council of the Chinese University of Hong Kong

Hon James TIEN Pei-chun, GBS, JP
Hon CHEUNG Man-kwong
Hon CHAN Kam-lam, JP

Court of the University of Hong Kong

Hon Mrs Selina CHOW LIANG Shuk-yee, GBS, JP
Hon James TO Kun-sun
Hon LAU Chin-shek, JP
Dr Hon TANG Siu-tong, JP
Hon IP Kwok-him, JP

Their terms of office will expire on 27 October 2003.

Nomination procedure

5. The nomination procedure, as agreed to by Members at the House Committee meeting on 20 October 2000, is that the nomination shall be held 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 nomination exceeds that required for appointment, a vote will be taken by a show of hands.

Advice sought

6. Members are invited to nominate -
 - (a) three Members to serve on the Council of the Chinese University of Hong Kong; and
 - (b) five Members to serve on the Court of the University of Hong Kong.

7. For Members' easy reference, the names of the Members serving on other governing bodies of educational institutes and advisory bodies are in **Appendix III**.

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) (*Repealed L.N. 481 of 1997*)
 - (k) 6 persons nominated by the Chancellor; (*L.N. 481 of 1997*)
 - (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 6 other persons, normally resident in Hong Kong, who shall be elected by the Council; (*L.N. 481 of 1997*)
 - (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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4. (1) The nominated and elected members of the Council shall hold office for 3 years from the date of their nomination or election and shall be eligible for re-nomination or re-election:
 Provided that a member elected under subparagraphs (e), (h), (i), (l) or (n) of paragraph 1 shall cease to be a member of the Council if he ceases to be a member of the body from among whose members he was elected. (*L.N. 438 of 1993*)
- (1A) If an elected member of the Council ceases to be a member under the proviso to subparagraph (1), the body which elected him shall duly elect a successor whose membership of the Council shall be for a period not exceeding 3 years. The successor shall be eligible for re-election to which subparagraph (2) shall apply. (*L.N. 438 of 1993*)
- (2) A body re-nominating or re-electing a member may re-nominate or re-elect, as the case may be, such member for a period of 3 years or for a period of less than 3 years. (*L.N. 20 of 1988*)

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

Statute 11 The Council

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.

Extract from The 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 from among their own number, (*67 of 1987 s. 2; L.N. 99 of 1997*)
 - (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 from among its number, (*L.N. 82 of 1979; L.N. 165 of 1999*)
 - (v) 3 members elected by the Hong Kong Subsidized Secondary Schools Council from among its number; and (*L.N. 56 of 1986; L.N. 165 of 1999*)
 - (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*)
8. If any appointed or elected member leaves Hong Kong and either remains absent for 3 months or more or gives notice of his intended absence for 3 months or more the appointing or electing person or body may appoint or elect, as the case may require, another person to act as member in his place during his absence. The acting member shall vacate his office either 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. (*L.N. 32 of 1987*)
9. A member elected under paragraph 1(d)(i), (ii), (iv) or (v) of this Statute shall be deemed—
 - (a) to have resigned from the Court if he ceases to be a member of the body which elected him;
 - (b) to have resigned from his membership of the Court in that capacity if he becomes a member of the Court in another capacity. (*L.N. 44 of 1985; L.N. 165 of 1999*)

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

Appendix III

Members nominated in the second Legislative Council term to serve on other governing bodies of educational institutes and advisory bodies

<u>Governing Bodies of Educational Institutes/Advisory Bodies</u>	<u>Name of Members</u>
(a) Disaster Relief Fund Advisory Committee	Hon CHAN Yuen-han, JP Hon Mrs Sophie LEUNG LAU Yau-fun, SBS, JP
(b) The English Schools Foundation	Hon Jasper TSANG Yok-sing, GBS, JP Hon Tommy CHEUNG Yu-yan, JP
(c) Po Leung Kuk Advisory Board	Hon HUI Cheung-ching, JP
(d) Tung Wah Group of Hospitals Advisory Board	Hon YEUNG Yiu-chung, BBS
(e) Council of the Chinese University of Hong Kong	Hon James TIEN Pei-chung, GBS, JP Hon CHEUNG Man-kwong Hon CHAN Kam-lam, JP
(f) Court of the University of Hong Kong	Hon Mrs Selina CHOW LIANG Shuk-ye, GBS, JP Hon LAU Chin-shek, JP Hon James TO Kun-sun Dr Hon TANG Siu-tong, JP Hon IP Kwok-him, JP