

# 立法會 *Legislative Council*

LC Paper No. CB(2) 10/07-08

Ref: CB2/T/1

## **Paper for House Committee meeting on 12 October 2007**

### **Nomination of Members of the Legislative Council to serve on the Council of The Chinese University of Hong Kong, the Court of the University of Hong Kong and The English Schools Foundation**

#### **Purpose**

This paper invites the House Committee to nominate -

- (a) three Members to serve on the Council of The Chinese University of Hong Kong;
- (b) five Members to serve on the Court of the University of Hong Kong; and
- (c) two Members to serve on The English Schools Foundation.

#### **Background**

##### The 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 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 Council meets several times a year. The composition, powers and duties of the University Council, as provided in subparagraphs 1, 4 and 8 of Statute 11, are in **Appendix I**.

##### The 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 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 respectively, are in **Appendix II**.

#### The English Schools Foundation

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

5. Having regard to the findings of the Director of Audit in Report No. 43 and the recommendations of the Public Accounts Committee, the Foundation conducted a review of its governance and the administration of its schools in 2004. Pursuant to the review, the Foundation has proposed a series of measures to reform its governance and the administration of its schools. To effect the proposals, Hon Abraham SHEK Lai-him presented the English Schools Foundation (Amendment) Bill 2007 to LegCo on 30 May 2007. The draft English Schools Foundation (General) Regulation attached to the LegCo Brief on the Bill has a provision to the effect that the position of a member elected to serve on the Foundation will be declared vacant if the member ceases to be eligible for nomination or election as such. A Bills Committee has been formed to study the Bill at the House Committee meeting on 1 June 2007.

#### **Members serving on the Council of The Chinese University of Hong Kong, the Court of the University of Hong Kong and The English Schools Foundation**

6. The following Members have been elected, at the House Committee meeting on 29 October 2004, to serve on the Council of The Chinese University of Hong Kong, the Court of the University of Hong Kong and The English Schools Foundation -

##### The Council of The Chinese University of Hong Kong

Hon James TIEN Pei-chun, GBS, JP  
Hon CHEUNG Man-kwong  
Hon KWONG Chi-kin

The 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  
Hon CHOY So-yuk, JP  
Hon Abraham SHEK Lai-him, SBS, JP

The English School Foundation

Hon Tommy CHEUNG Yu-yan, SBS, JP  
Hon Albert Jinghan CHENG, JP

Their attendance records are in **Appendix IV**, and their terms of office will expire in October 2007.

7. Dr Hon David LI Kwok-po, who is the Pro-Chancellor of the University of Hong Kong, sits on the Court of the University of Hong Kong.

**Members serving on other governing bodies of educational institutions and advisory bodies**

8. The names of the Members elected by the House Committee to serve on other governing bodies of educational institutions and advisory bodies in the current term are in **Appendix V** for Members' reference. Their terms of office correspond with that of the LegCo term.

**Nomination procedure**

9. According to the nomination procedure agreed by Members at the House Committee meeting on 15 October 2004, 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 the number of nominations exceeds that required for appointment, a vote will be taken by a show of hands. Members may vote as many times as, but not more than, the number required for appointment.

**Advice sought**

10. Members are invited to nominate -

- (a) three Members to serve on the Council of The Chinese University of Hong Kong;
- (b) five Members to serve on the Court of the University of Hong Kong; and
- (c) two Members to serve on The English Schools Foundation.

Council Business Division 2  
Legislative Council Secretariat  
10 October 2007

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

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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 Unofficial 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)

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

(1) that the Council shall have the power-

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

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

- (a) to appoint bankers, auditors and any other agents whom it deems expedient to appoint;
- (b) to appoint an Administrative and Planning Committee;
- (c) to cause proper books of account to be kept for all sums of money received and expended by the University and for the assets and liabilities of the

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

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

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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 Chairman, Deputy Chairman and Clerk of Convocation; (L.N. 15 of 1973; L.N. 186 of 2003)
  - (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)

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## STATUTE XVII

### POWERS OF THE COURT

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

- (a) to recommend to the Chancellor additions to, or the amendment or repeal of any of the statutes on the proposal of the Council;
- (b) (Repealed L.N. 186 of 2003)
- (ba) to elect, in accordance with regulations, its members to be members of the Council and to, on the recommendation of the Council, give the approval referred to in paragraph 2 of Statute XVIII; (L.N. 186 of 2003)
- (c) to consider the annual accounts together with any comments that may have been made by the auditors;
- (d) to consider any reports that may be made by the Council to the Court;
- (e) to discuss any motion on general University policy that may be introduced by a member; and
- (f) to appoint life members and to prescribe the procedure for making such appointments

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## Extract from the English Schools Foundation Regulations

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**Regulation 3**                      **The Foundation**

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

3.2 **Membership**

The members of the Foundation shall be —

(a) **Government and Community**

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

(b) **Parents**

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

(c) **Teachers**

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

**(d) School Management**

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

**Duties and Powers**

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

**Meetings**

- 3.10 The Foundation shall meet at least once in each academic year.
- 3.11 The Chairman may convene a meeting of the Foundation at any time provided always that not less than fourteen days notice shall be given of such meeting.

- 3.12 The Chairman shall call a meeting of the Foundation at the written request of at least twelve members of the Foundation. In this case seven clear days notice of such meeting shall suffice: such notice shall state the nature of the business to be discussed at the meeting, which shall be held within fourteen days of the request.
- 3.13 No meeting of the Foundation shall be valid unless at least two Officers are present in person and a quorum of one quarter of the members of the Foundation for the time being.
- 3.14 The Secretary may require any member of the staff of the Foundation to be present at a meeting to assist him.

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**Attendance records of Members elected in the Third Legislative Council (LegCo)  
to serve on the Council of The Chinese University of Hong Kong,  
the Court of the University of Hong Kong and The English Schools Foundation**

<b>Governing bodies of educational institutions</b>	<b>Name of Members</b>	<b>Total number of meetings held during the Third LegCo</b>	<b>Total number of meetings attended</b>
(a) The Council of The Chinese University of Hong Kong	Hon James TIEN Pei-chung, GBS, JP	14	14
	Hon CHEUNG Man-kwong	14	11
	Hon KWONG Chi-kin	14	10
(b) The Court of the University of Hong Kong	Hon Mrs Selina CHOW LIANG Shuk-ye, GBS, JP	3	2
	Hon James TO Kun-sun	3	3
	Hon LAU Chin-shek, JP	3	2
	Hon CHOY So-yuk, JP	3	3
	Hon Abraham SHEK Lai-him, SBS, JP	3	3
(c) The English Schools Foundation	Hon Tommy CHEUNG Yu-yan, SBS, JP	5	4
	Hon Albert Jinghan CHENG, JP	5	4

**Members elected in the Third Legislative Council  
to serve on other governing bodies  
of educational institutions and advisory bodies**

<b>Governing bodies of educational institutions/advisory bodies</b>		<b>Name of Members</b>
(a)	Disaster Relief Fund Advisory Committee	Hon Mrs Sophie LEUNG LAU Yau-fun, GBS, JP Dr Hon KWOK Ka-ki
(b)	Po Leung Kuk Advisory Board	Hon WONG Ting-kwong, BBS
(c)	Tung Wah Group of Hospitals Advisory Board	Hon LEE Cheuk-yan