



THE HONG KONG  
POLYTECHNIC UNIVERSITY  
香港理工大學

COUNCIL AND COURT SECRETARIAT  
校董會及顧問委員會秘書處

**By fax & by hand**

14 October 2011

Miss Carrie Wong  
Assistant Legal Adviser  
Legal Service Division  
Legislative Council Secretariat

Dear Miss Wong

**The Hong Kong Polytechnic University (Amendment) Bill 2011**

Thank you for your letter of 30 September 2011. I am pleased to set out below the University's response to the issues raised in your letter.

Clause 5 – Proposed section 6(b)

The University noted that the stipulations in paragraphs 6(b) and (m) of the existing PolyU Ordinance partially duplicate each other and therefore proposed merging the two paragraphs for the sake of simplicity with no intent to change the meaning of the original stipulations. In view of the concern raised and having made reference to similar provisions in the Hong Kong University of Science and Technology Ordinance, we will propose amendment to Clause 5 of the Bill to the effect of keeping paragraph (b) and revising paragraph (m) as “enter into a partnership or any other form of joint venture with any person;” (“與任何人成立合夥或任何其他形式的聯營關係；”).

Clause 6 – Proposed section 8(4A) and (4B)

The Chinese text of the proposed section 8(4A) and (4B) was prepared with reference to the wordings of section 8(4A)(b) of the existing PolyU Ordinance, which reads:

“(4A)(b) the President shall not be a member for the purpose of appointing or removing himself.  
就委任校長或免除其職務而言，校長不是成員。”

The University agrees with your suggestion and will propose amendment to Clause 6 of the Bill to revise the Chinese texts of 8(4A) and (4B) as:

“(4A) 就委任或免除其本人為校長而言，校長不是成員。  
(4B) 就委任或免除其本人為常務副校長而言，常務副校長不是成員。”

Clause 9 – Proposed section 10

1. Appointment of public officers to the Council

The University was advised by the then Education and Manpower Bureau in December 2006 that the Administration had made a conscious decision not to appoint

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public officers to the Council and they suggested that PolyU may take the opportunity to delete the phrase “of whom not more than 2 shall be public officers” in amending section 10(1)(d) of the existing PolyU Ordinance. The proposed section 10(1)(d)(i) was proposed with reference to the above information and advice from the Administration. It is true that the deletion of the phrase “of whom not more than 2 shall be public officers” will mean that the Chief Executive can appoint any number of public officers to the PolyU Council although the Administration has expressly indicated that this is not their intent.

As for section 10(1)(d)(ii), it is proposed with the intention of providing the PolyU Council with the autonomy to appoint members from the business, industrial and professional sectors in accordance with the needs of the University for expert advice. It is true that the proposed section 10(1)(d)(ii) may mean that the PolyU Council can appoint any number of public officers as Council members although this is not the intent for proposing section 10(1)(d)(ii).

## 2. Definition of full-time students

The University proposes to add in section 2 of the PolyU Ordinance the definition of “full-time students (全日制學生)” as persons who are deemed by the University to be full-time students of the University. According to the University’s Handbook on Academic Regulations and Procedures (section 24.4), full-time students currently means students with a study load of 9 credits or more in a semester. The definition of full-time students may be subject to change if deemed necessary by the University.

## 3. Term of office of a Council member

The existing PolyU Ordinance carries no specification on the number of terms a person may serve as a Council member, and the University does not find it necessary to add this specification in its Ordinance. We noted that there are no such specifications in the ordinances of almost all other local universities, with the exception of the University of Hong Kong.

### Clause 13 – Proposed transitional provision

#### 1. Council members appointed under section 10(1)(c)

The two Council members elected by the eligible staff from among their number shall continue to serve on the Council for a period of 90 days from the commencement of the amended PolyU Ordinance. The 90-day period will allow enough time to elect two persons by and from full-time staff for appointment to the Council under the new section 10(1)(c)(i). The term of the serving member will be shortened if his/her remaining term is more than 90 days from the commencement of the amended Ordinance, and will be lengthened if his/her remaining term is less than 90 days. In anticipation of possible changes to section 10 (Membership of Council) of the Ordinance, the two serving Council members elected by and from eligible staff have been duly informed that an election will be held for the two seats under section 10(1)(c)(i) upon passing of the Bill. The term of the two serving members elected by and from eligible staff are up to 31 December 2011 and 31 December 2012 respectively.

The term of office of the Council member elected by and from the Senate will not be affected.

2. Council member appointed under section 10(1)(f)

The serving member appointed under section 10(1)(f) of the Ordinance is a full-time undergraduate student.

3. Wordings of Clause 13(1)(2) and (3)

We agree that the wordings “A member of the Council appointed under... of the principal Ordinance who was serving immediately before the commencement of this Ordinance...continues to be a member...” more accurately denote the intended meaning and will propose amendment to the wordings of Clause 13 of the Bill.

Consistency issues

We noted the issues you raised and will propose the following amendments to the Bill for the sake of consistency:

- (a) Revise “staff members” as “staff” in the proposed section 18(g);
- (b) Revise the Chinese text of the proposed section 10(1)(c)(i) and (f)(i) and (ii) as:
  - “(c)(i) 2名須由全職員工從全職員工中選出；及”
  - “(f)(i) 1名須由全日制本科生及學位以下程度課程學生從全日制本科生及學位以下程度課程學生中選出；及
  - (ii) 1名須由全日制研究生從全日制研究生中選出。”
- (c) Revise subclause (3) of Clause 13 of the Bill as: “...from the commencement of this Ordinance for the remaining portion of the member’s term of appointment...”

Yours sincerely



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Council Chairman, PolyU  
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