

---

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

## **Contents**

Clause		Page
1.	Short title .....	C3753
2.	The Hong Kong Polytechnic University Ordinance amended.....	C3753
3.	Section 2 amended (Interpretation) .....	C3753
4.	Section 3 amended (Establishment and objects of the University) .....	C3755
5.	Section 6 amended (The powers of the Council) .....	C3755
6.	Section 8 amended (Appointment of President and other staff) .....	C3757
7.	Section 8A amended (Senate of the University) .....	C3759
8.	Section 9 amended (Committees generally) .....	C3759
9.	Section 10 amended (Membership of the Council).....	C3761
10.	Section 11 amended (Power of the Council to delegate to the President) .....	C3765
11.	Section 12 substituted .....	C3767
12.	Fees and charges.....	C3767
12.	Section 18 amended (Power of the Council to make statutes).....	C3767

---

Clause	Page
13. Transitional provisions relating to certain existing members of the Council.....	C3767

# A BILL

## To

Amend The Hong Kong Polytechnic University Ordinance.

Enacted by the Legislative Council.

**1. Short title**

This Ordinance may be cited as The Hong Kong Polytechnic University (Amendment) Ordinance 2011.

**2. The Hong Kong Polytechnic University Ordinance amended**

The Hong Kong Polytechnic University Ordinance (Cap. 1075) is amended as set out in sections 3 to 12.

**3. Section 2 amended (Interpretation)**

(1) Section 2—

**Repeal the definition of *eligible staff*.**

(2) Section 2—

**Add in alphabetical order**

**“*Chief Executive* (行政長官) means the Chief Executive of the Hong Kong Special Administrative Region;**

Clause 4

---

**Chief Executive Officer** (首席執行官) means the officer of the University who is empowered by the Council with full executive authority to manage the affairs of the University;

**full-time staff** (全職員工) means persons who are deemed by the University to be full-time employees of the University;

**full-time students** (全日制學生) means persons who are deemed by the University to be full-time students of the University;”.

**4. Section 3 amended (Establishment and objects of the University)**

Section 3—

**Repeal subsection (3)**

**Substitute**

“(3) The objects of the University are to provide for application-oriented education, training and research in technology, science, commerce, arts and other subjects of learning, as well as services to business, industry and professional sectors.”.

**5. Section 6 amended (The powers of the Council)**

(1) Section 6—

**Repeal everything before paragraph (a)**

**Substitute**

“The Council is the governing body of the University with power to make policies and monitor their proper execution, to raise funds and develop resources and to do all such things as are necessary for, or incidental or conducive to, the better carrying out of the objects and policies of the University and may in particular, but without prejudice to the generality of the foregoing—”.

Clause 6

---

(2) Section 6—

**Repeal paragraph (b)**

**Substitute**

“(b) enter into any contract, partnership or other form of joint venture with other persons;”.

(3) Section 6—

**Repeal paragraph (m).**

**6. Section 8 amended (Appointment of President and other staff)**

(1) Section 8(1)(a)—

**Repeal**

“appoint a President”

**Substitute**

“appoint a President as the Chief Executive Officer of the University”.

(2) Section 8(1)(a), after “vested”—

**Add**

“with full executive authority for”.

(3) Section 8(2)—

**Repeal**

“14 members”

**Substitute**

“two-thirds of all members for the time being”.

(4) Section 8(3)—

**Repeal**

“The remuneration and the terms and conditions of service”

Clause 7

---

**Substitute**

“The policy governing the remuneration and the terms and conditions of service”.

- (5) Section 8(4)—

**Repeal**

“14 members”

**Substitute**

“two-thirds of all members for the time being”.

- (6) Section 8—

**Repeal subsection (4A)**

**Substitute**

“(4A) The President is not a member for the purpose of appointing or removing himself or herself.

(4B) The Deputy President is not a member for the purpose of appointing or removing himself or herself.”.

**7. Section 8A amended (Senate of the University)**

Section 8A(1), English text—

**Repeal**

“an”

**Substitute**

“a”.

**8. Section 9 amended (Committees generally)**

- (1) Section 9(3)(b)—

**Repeal**

“authorize the preparation of”

**Substitute**

Clause 9

---

“approve and issue”.

(2) Section 9(3)(c)—

**Repeal**

“terms and conditions of service”

**Substitute**

“the policy governing the terms and conditions of service”.

**9. Section 10 amended (Membership of the Council)**

(1) Section 10(1)—

**Repeal paragraph (b).**

(2) Section 10(1)—

**Repeal paragraph (c)**

**Substitute**

“(c) 3 members from staff elected in accordance with statutes made under section 18(g) and appointed by the Council of whom—

(i) 2 are to be elected by and from the full-time staff;  
and

(ii) 1 is to be elected by and from the Senate;”.

(3) Section 10(1)—

**Repeal paragraph (d)**

**Substitute**

“(d) 17 members who are not employees or students of the University of whom—

(i) 9 are to be appointed by the Chief Executive; and

(ii) 8 are to be appointed by the Council;”.

(4) Section 10(1)—

**Repeal paragraph (f)**

Clause 9

---

**Substitute**

- “(f) 2 members from the full-time students appointed by the Council of whom—
- (i) 1 is to be elected by and from the full-time undergraduate and sub-degree students; and
  - (ii) 1 is to be elected by and from the full-time postgraduate students.”.

- (5) Section 10(2)—

**Repeal**

“who is not a public officer”.

- (6) Section 10—

**Repeal subsection (3).**

- (7) Section 10(3A)—

**Repeal**

“subsection (1)(d) who is not a public officer”

**Substitute**

“subsection (1)(d)(i)”.

- (8) Section 10(3B)—

**Repeal**

“subsection (1)(c), (e) or (f)”

**Substitute**

“subsection (1)(c), (d)(ii), (e) or (f)”.

- (9) Section 10(6)—

**Repeal**

“14 members”

**Substitute**



Clause 10

---

“More than one half of the total membership for the time being”.

(10) Section 10(9), English text—

**Repeal**

“The member elected by the students is”

**Substitute**

“The members elected by the students are”.

(11) Section 10(9)—

**Repeal**

“he is”

**Substitute**

“they are”.

**10. Section 11 amended (Power of the Council to delegate to the President)**

(1) Section 11(1)—

**Repeal**

“in writing”.

(2) Section 11(2)(b)—

**Repeal**

“authorize the preparation of”

**Substitute**

“approve and issue”.

(3) Section 11(2)(c)—

**Repeal**

“terms and conditions of service”

**Substitute**

Clause 11

---

“the policy governing the terms and conditions of service”.

**11. Section 12 substituted**

Section 12—

**Repeal the section**

**Substitute**

**“12. Fees and charges**

- (1) The Council is to fix fees for government-funded courses of study provided by the University.
- (2) The authority to approve concession and refund of course fees so fixed is vested with the President.
- (3) The authority to fix, approve, modify, waive and refund charges for facilities, self-financed courses of study and services provided by the University is vested with the President.”.

**12. Section 18 amended (Power of the Council to make statutes)**

Section 18(g)—

**Repeal**

“eligible staff members”

**Substitute**

“staff members”.

**13. Transitional provisions relating to certain existing members of the Council**

- (1) A person who was a member of the Council appointed under section 10(1)(c) of the principal Ordinance immediately before the commencement of this Ordinance, other than the member elected by and from the Senate, continues to be a member from the commencement of this

Clause 13

---

Ordinance for a period of 90 days and is deemed to have been appointed under section 10(1)(c)(i) of The Hong Kong Polytechnic University Ordinance (Cap. 1075).

- (2) A person who was a member of the Council appointed under section 10(1)(d) of the principal Ordinance immediately before the commencement of this Ordinance continues to be a member from the commencement of this Ordinance for the remaining portion of the member's term of appointment and is deemed to have been appointed under section 10(1)(d)(i) of The Hong Kong Polytechnic University Ordinance (Cap. 1075).
- (3) The student who was a member of the Council appointed under section 10(1)(f) of the principal Ordinance immediately before the commencement of this Ordinance continues to be a member from the commencement of this Ordinance up to the end of the member's term of appointment and is deemed to have been appointed under section 10(1)(f)(i) of The Hong Kong Polytechnic University Ordinance (Cap. 1075).
- (4) In this section—

*principal Ordinance* (《主體條例》) means The Hong Kong Polytechnic University Ordinance (Cap. 1075) as in force immediately before the commencement of this Ordinance.

---

### Explanatory Memorandum

The purpose of this Bill is to amend The Hong Kong Polytechnic University Ordinance (Cap. 1075)—

- (a) to allow the members of the Council of The Hong Kong Polytechnic University (*the Council*) who are employees or students of The Hong Kong Polytechnic University (*the University*) to vote on the appointment and removal of the President and the Deputy President of the University;
- (b) to reduce the number of members of the Council from 29 to 25;
- (c) to change the composition of the Council, and in particular—
  - (i) to remove the membership category of “Deans of the faculties or equivalent bodies of the University nominated by the President”;
  - (ii) to give all full-time staff members irrespective of rank the opportunity to be represented on the Council;
  - (iii) to reduce the total number of lay members of the Council from 20 to 17, and to empower the Council to appoint 8 out of the 17 lay members;
  - (iv) to increase the number of student members of the Council from 1 to 2, specifically 1 from the full-time undergraduate and sub-degree students and 1 from the full-time postgraduate students;
- (d) to define more clearly that the Council’s role is to set the policy on the terms and conditions of service of staff while the Management’s role is to determine and approve the terms and conditions of service of individual staff members;

Explanatory Memorandum

Paragraph 1

---

- (e) to make modifications to the objects of the University in line with the University's development and changes in the social environment; and
- (f) to make consequential amendments and to provide for transitional matters.