

# **The Hong Kong Polytechnic University (Amendment) Ordinance 2012**

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**HONG KONG SPECIAL ADMINISTRATIVE REGION**

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**ORDINANCE NO. 10 OF 2012**

L.S.

Donald TSANG  
Chief Executive  
3 May 2012

An Ordinance to amend The Hong Kong Polytechnic University Ordinance.

[4 May 2012]

Enacted by the Legislative Council.

**1. Short title**

This Ordinance may be cited as The Hong Kong Polytechnic University (Amendment) Ordinance 2012.

**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;

*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—”.

(2) Section 6—

**Repeal paragraph (m)**

**Substitute**

“(m) enter into a partnership or any other form of joint venture with any person;”.

**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—

**Repeal subsection (3)**

**Substitute**

“(3) The policy governing the terms and conditions of service of persons in the employment of the University shall be approved by the Council.”.

(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.

(4C) A Council member who is proposed for appointment as President or Deputy President is not a member for the purpose of the appointment.”.

**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**

“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 or public officers 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)**

**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**

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

(10) After section 10(7)—

**Add**

“(7A) For the purpose of section 8(2) and (4) and subsection (7), the acting President or the acting Deputy President who is not a Council member has the right to vote.”.

(11) Section 10(9), English text—

**Repeal**

“The member elected by the students is”

**Substitute**

“The members elected by the students are”.

(12) 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**

“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”.

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

- (1) A member of the Council appointed under section 10(1)(c) of the principal Ordinance who was serving 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 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 member of the Council appointed under section 10(1)(d) of the principal Ordinance who was serving 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) A member of the Council appointed under section 10(1)(f) of the principal Ordinance who was serving 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)(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.