

立法會

Legislative Council

LC Paper No. CB(2) 7/12-13

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Paper for House Committee meeting on 12 October 2012

Procedure for the nomination and election of Members of the Legislative Council to advisory/governing bodies

Purpose

This paper invites the House Committee to consider the nomination and election procedure for Members of the Legislative Council ("LegCo") to be nominated to serve on the following advisory/governing bodies:

- (i) Disaster Relief Fund Advisory Committee;
- (ii) Po Leung Kuk Advisory Board;
- (iii) Tung Wah Group of Hospitals Advisory Board;
- (iv) Council of The Chinese University of Hong Kong ("CUHK Council"); and
- (v) Court of the University of Hong Kong ("HKU Court").

Functions and composition of the advisory/governing bodies

Disaster Relief Fund Advisory Committee

2. The Disaster Relief Fund was established on 1 December 1993 by resolution under the Public Finance Ordinance (Cap. 2) to provide a mechanism to enable the Government to act quickly to provide aid in relief of disasters that occur outside Hong Kong. The resolution provides, inter alia, for the appointment of the Disaster Relief Fund Advisory Committee to advise the Financial Secretary on disbursements from the Fund. The terms of reference of the Advisory Committee are detailed in **Appendix I**.

3. The Disaster Relief Fund Advisory Committee is chaired by the Chief Secretary for Administration and comprises, among others, the Secretary for Financial Services and the Treasury, the Secretary for Labour and Welfare, two Members of the Executive Council and two LegCo Members. The term of office of the LegCo Members nominated to serve on the Advisory Committee corresponds with that of the LegCo term. The Advisory Committee meets as and when required.

Pok Leung Kuk Advisory Board

Tung Wah Group of Hospitals Advisory Board

4. The Po Leung Kuk Advisory Board was established under the Po Leung Kuk Ordinance (Cap. 1040) to advise the Po Leung Kuk Board of Directors on matters affecting the Kuk and its administration. The duties and composition of the Advisory Board, as set out in paragraph 18 of the Schedule to the Ordinance, are detailed in **Appendix II**. The Advisory Board consists of not more than 15 persons and the Chairman is the Secretary for Home Affairs. In accordance with paragraph 18(2)(e), one person shall be nominated by LegCo Members from among their own number as an ex officio member of the Advisory Board.

5. The Tung Wah Group of Hospitals Advisory Board was established under the Tung Wah Group of Hospitals Ordinance (Cap. 1051) to advise the Tung Wah Group of Hospitals Board of Directors on matters affecting the Group and its administration. The duties and composition of the Advisory Board, as set out in paragraph 19 of the Schedule to the Ordinance, are detailed in **Appendix III**. The Advisory Board consists of not more than 14 persons and the Chairman is also the Secretary for Home Affairs. As provided in paragraph 19(2)(c), one person shall be nominated by LegCo Members from among their own number as an ex officio member of the Advisory Board.

6. The term of office of the LegCo Members nominated to serve on the two Advisory Boards corresponds with that of the LegCo term.

CUHK Council

7. Under Statute 11.1(1) of The Chinese University of Hong Kong Ordinance (Cap. 1109) ("CUHK Ordinance"), the University Council shall consist of, among others, three persons elected by LegCo Members from among their own number. Under Statute 11.4, the term of office is three years. The election of LegCo Members to serve on the CUHK Council for the fourth year will therefore be conducted again in the last

session of the Fifth LegCo. Statute 11.4 also provides that a Member will cease to hold office if he or she ceases to be a LegCo Member during the term of office. According to section 7(a) of the CUHK Ordinance, the CUHK Council is the governing and executive body of the University. The University Council meets several times a year. The powers, duties and composition of the University Council, as provided in section 7 of the CUHK Ordinance and paragraphs 1 and 8 of Statute 11, are in **Appendix IV**.

HKU Court and Council

8. Under Statute XV 1.(d) of the University of Hong Kong Ordinance (Cap. 1053) ("HKU Ordinance"), the University Court shall consist of, among others, five persons elected by LegCo Members from among their own number. Statute XV 9 provides that a Member shall be deemed to have resigned from the University Court if he or she ceases to be a LegCo Member during the term of office. The HKU Court which is the supreme advisory body of the University normally 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 HKU Ordinance respectively, are in **Appendix V**.

9. In accordance with a resolution passed by the HKU Council in June 2011¹, the five Members elected to serve on the HKU Court will make a nomination from among themselves for consideration by the HKU Council for appointment as its member. The HKU Council is the governing body of the University. The composition and powers of the HKU Council, as provided in Statutes XVIII and XIX of the HKU Ordinance respectively, are in **Appendix VI**. As the appointment of a LegCo Member to the HKU Council on a personal basis is conditional on his/her membership in the Court, the Member should resign from the office as a member of the HKU Council upon the cessation of his/her membership in the HKU Court.

¹ According to the resolution, the HKU Council would invite one of the five LegCo Members in the HKU Court to be a member of the Council under Statute XVIII 1.(b), i.e. "*6 persons, not being students or employees of the University, appointed by the Council*", on the understanding that the appointment should be on a personal basis. While the HKU Council should have full discretion on the Member to be invited from amongst the five LegCo Members for membership appointment, it would take into consideration possible suggestions from these Members in making its decision.

10. In accordance with Statute XV 5 and Statute XVIII 2 of the HKU Ordinance, Members elected to serve on the HKU Court and the Member appointed by the HKU Council shall hold office for three years. The election and nomination of LegCo Members to serve on these two bodies for the fourth year will therefore be conducted again in the last session of the Fifth LegCo.

Nomination and election procedure

11. It is recommended that the following nomination and election procedure which is largely based on that adopted in the past four terms of the Legislative Council be adopted:

- (a) the nomination and election of Members for appointment to the five advisory/governing bodies as set out in paragraph 1 above shall be conducted at a meeting of the House Committee, the date of which shall be appointed by the House Committee;
- (b) a valid nomination shall be made orally by a Member, seconded by at least one other Member who should not be the Member being nominated, and accepted by the Member being nominated. A Member who nominates a Member who is absent from the meeting when the nomination is made may only do so if the former states that the absent Member's acceptance of the nomination has been secured;
- (c) if the number of nominations exceeds that required for appointment, a poll shall be taken at the House Committee meeting at which the election is conducted; and Members shall cast their votes by using the Electronic Voting System. A Member may vote for as many nominees as, but not more than, the number required for appointment. If a Member has voted for the number of nominees which exceeds the number required for appointment, the vote(s) which the Member has cast in excess of the required number will not be counted. The nominees who get the highest numbers of votes will be declared elected;
- (d) in cases where a nominee would have been elected but for there being one or more other nominees having been given the same number of votes, a separate poll shall be taken in respect of that nominee and such other nominee(s) in accordance with the manner of election provided in paragraph 11(c) above; and

- (e) if, after a separate poll is held under paragraph 11(d) above, there is still a nominee who would have been elected but for there being one or more other nominees having been given the same number of votes, lots shall be drawn by the Chairman of the House Committee among such nominees to determine which of them will take up the remaining place/places.

12. As the President is also a LegCo Member who is eligible for appointment to these bodies, his view has been sought separately on the content of this paper. His view is that he would agree to the proposed nomination and election procedure provided that it is agreed by members of the House Committee.

Date of election

13. Subject to Members' agreement to the nomination and election procedure, it is proposed that Members be invited to make the following nominations at the meeting of the House Committee on 19 October 2012 for the purpose of electing –

- (a) two Members to serve on the Disaster Relief Fund Advisory Committee;
- (b) one Member to serve on the Po Leung Kuk Advisory Board;
- (c) one Member to serve on the Tung Wah Group of Hospitals Advisory Board;
- (d) three Members to serve on the CUHK Council; and
- (e) five Members to serve on the HKU Court.

14. The names of the Members elected in the Fourth LegCo to these advisory or governing bodies and their attendance records are in **Appendix VII** for Members' reference. In the Fourth LegCo, Hon Abraham SHEK was nominated by the five LegCo Members elected to serve on the HKU Court in October 2011 for appointment as member of the HKU Council. His attendance record is also in **Appendix VII** for Members' reference.

Advice sought

15. Members are invited to –
- (a) endorse the nomination and election procedure proposed in paragraph 11 above; and
 - (b) endorse the nomination and election detailed in paragraph 13 to take place at the House Committee meeting on 19 October 2012.

Council Business Division 2
Legislative Council Secretariat
11 October 2012

Disaster Relief Fund Advisory Committee

Terms of reference

1. To advise on the policy and practices regarding the disbursements from the Disaster Relief Fund for disaster relief outside the Hong Kong Special Administrative Region.
2. To advise on the awards of grants of specified amounts from the Disaster Relief Fund to specified recipients.
3. To monitor the use of grants by the recipients of the disbursements from the Disaster Relief Fund.

Extract from Po Leung Kuk Ordinance (Cap. 1040)

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18. Advisory board

(1) There shall be an advisory board whose duty shall be to advise the directors on any matter affecting the corporation or its administration.

(2) The advisory board shall consist of not more than 15 persons of whom the following shall be ex officio members-

- (a) the Secretary for Home Affairs, who shall be chairman; (Amended L.N. 67 of 1985; L.N. 262 of 1989)
- (b) the Secretary for Labour and Welfare; (Amended L.N. 18 of 1983; L.N. 106 of 2002; L.N. 130 of 2007)
- (c) the Director of Social Welfare;
- (d) 1 person nominated by the Members of the Executive Council, other than Official Members, from among their own number; (Replaced 67 of 1987 s. 2. Amended 4 of 2000 s. 3)
- (e) 1 person nominated by the Members of the Legislative Council from among their own number; (Replaced 67 of 1987 s. 2. Amended 80 of 1997 s. 45)
- (f) the immediate past chairman of the board.

(3) The following persons shall also be members of the advisory board-

- (a) not more than 8 persons appointed by the Chief Executive, who shall hold office for a period of not more than 3 years and shall be eligible for re-appointment; (Amended 4 of 2000 s. 3)
- (b) 1 person elected by the board from the persons who in the year preceding the year in respect of which he is elected were directors, who shall hold office for a period of 1 year.

(4) The advice of the advisory board shall be given at a joint meeting of the board and the advisory board, such joint meetings shall be called by the chairman-

- (a) when the chairman so requires;
- (b) when the board desires the advice of the advisory board;
- (c) whenever the advisory board gives the chairman notice in writing that it desires to discuss with the board any specified matter affecting the corporation or its administration.

(5) The chairman shall give the directors and the members of the advisory board at least 4 clear days' notice in writing of any such joint meeting.

(6) At a joint meeting of the board and the advisory board the quorum shall be-

- (a) the same number of directors as would have been required to form a quorum if it were a meeting of the board; and
- (b) 4 members of the advisory board. (Replaced L.N. 253 of 1974)

(7) The Secretary for Home Affairs shall be the chairman of the joint meeting of the board and the advisory board. In his absence the Secretary for Labour and Welfare shall be the chairman, and in the absence of both the Secretary for Home Affairs and the Secretary for Labour and Welfare members present at the meeting shall elect a chairman from amongst the members of the advisory board present. (Amended L.N. 18 of 1983; L.N. 67 of 1985; L.N. 262 of 1989; L.N. 106 of 2002; L.N. 130 of 2007)

(8) The persons who are members of the Board of Direction of the Society at the commencement of this Ordinance shall be members of the advisory board until 1 April 1974.

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Extract from Tung Wah Group of Hospitals Ordinance (Cap. 1051)

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19. Advisory board

(1) There shall continue to be an advisory board whose duty shall be to advise the directors on any matter affecting the corporation or its administration and to consider appeals which may be brought by any director in accordance with the agreement between the Government and the corporation.

(2) The advisory board shall consist of not more than 14 persons of whom the following shall be ex officio members- (Amended L.N. 236 of 1974)

- (a) the Secretary for Home Affairs, who shall be chairman; (Amended L.N. 67 of 1985; L.N. 262 of 1989)
- (aa) the Secretary for Food and Health; (Added L.N. 236 of 1974. Amended L.N. 18 of 1983; L.N. 106 of 2002; L.N. 130 of 2007)
- (b) 1 person nominated by the Members of the Executive Council, other than Official Members, from among their own number; (Replaced 67 of 1987 s. 2. Amended 4 of 2000 s. 3)
- (c) 1 person nominated by the Members of the Legislative Council from among their own number; (Replaced 67 of 1987 s. 2. Amended 80 of 1997 s. 46)
- (d) the immediate past chairman of the board.

(3) The following persons shall also be members-

- (a) not more than 8 persons appointed by the Chief Executive, who shall hold office for a period of 3 years and shall be eligible for re-appointment; (Amended 4 of 2000 s. 3)
- (b) 1 person elected by the Board from the persons who in the year preceding the year in respect of which he is elected were directors, who shall hold office for a period of 1 year.

(4) The advice of the advisory board shall be given at a joint meeting of the board and the advisory board. Such joint meetings shall be called by the chairman-

- (a) when the chairman so requires;
- (b) when the board desires the advice of the advisory board;

(c) whenever the advisory board gives the chairman notice in writing that it desires to discuss with the board any specified matter affecting the corporation or its administration.

(5) The chairman shall give the directors and the members of the advisory board at least 4 clear days' notice in writing of any such joint meeting.

(6) At a joint meeting of the board and the board the quorum shall be-

(a) the same number of directors as would have been required to form a quorum if it were a meeting of the board; and

(b) 4 members of the advisory board. (Replaced L.N. 236 of 1974)

(7) The Secretary for Home Affairs shall be the chairman of the joint meeting of the board and the advisory board. In his absence the Secretary for Food and Health shall be the chairman, and in the absence of both the Secretary for Home Affairs and the Secretary for Food and Health members present at the meeting shall elect a chairman from amongst the members of the advisory board present. (Replaced L.N. 236 of 1974. Amended L.N. 18 of 1983; L.N. 67 of 1985; L.N. 262 of 1989; L.N. 106 of 2002; L.N. 130 of 2007)

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**Section 7 of
The Chinese University of Hong Kong Ordinance (Cap. 1109)**

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Section:	7	Powers and duties of the Council	18 of 2007	13/07/2007
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Subject to this Ordinance and the Statutes, the Council shall-

- (a) be the governing and executive body of the University;
- (b) have the management and control of the affairs, purposes and functions of the University;
- (c) have the control and management of the property and financial affairs of the University including the property of the constituent Colleges, but in the exercise of such power of control and management in respect of any immovable property of any original College or Shaw College, the Council shall not alter the use of any such property without the prior consent of the Board of Trustees of the College concerned; (Amended 59 of 1986 s. 4; 18 of 2007 s. 5)
- (d) make such University appointments as it thinks proper;
- (e) have power to approve the fees charged by the University in respect of approved courses of study;
- (f) provide for the custody and use of the University's seal.

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**Paragraph 1 of Statute 11 of
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) in relation to the original Colleges and Shaw College, 2 members elected by the Board of Trustees of each College from among its own members; (*18 of 2007 s. 5*)
 - (f) the Heads of the original Colleges and of Shaw College; (*18 of 2007 s. 5*)
 - (g) the Dean of each Faculty and of the Graduate School;
 - (h) in relation to the original Colleges and Shaw College, one Fellow of each College elected by the College's Assembly of Fellows; (*18 of 2007 s. 5*)
 - (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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**Paragraph 8 of Statute 11 of
The Chinese University of Hong Kong Ordinance (Cap. 1109)**

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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) in relation to the original Colleges and Shaw College, 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; (*18 of 2007 s. 5*)
 - (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, Departments or Schools of Studies or to abolish, combine or subdivide any Faculty, Department or School of Studies; (*L.N. 452 of 1994; L.N. 174 of 2010*)

- (na) on the recommendation of the Senate, to determine the organization or structure of each Faculty and its Departments and each School of Studies and to make such alterations to such organization or structure as deemed fit by the Council; (*L.N. 452 of 1994; L.N. 174 of 2010*)
- (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;
 - (ia) to make, on such terms and conditions and in accordance with such procedures as the Council may determine from time to time, such University appointments as the Council deems necessary, and for the appointment of teachers, after consulting the Senate or member or members of the Senate designated by the Senate for the purpose of appointment of teachers; (*L.N. 174 of 2010*)
 - (j)-(l) (*Repealed L.N. 174 of 2010*)
 - (m) on the recommendation of the Senate, to appoint a Chairman for each Department, a Director for each School and a Director of Studies for each academic subject not subsumed under a Department or a School of Studies; (*L.N. 452 of 1994; L.N. 174 of 2010*)
 - (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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**Statute XV of
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 of
the University of Hong Kong Ordinance (Cap. 1053)**

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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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**Statutes XVIII and XIX of
the University of Hong Kong Ordinance (Cap. 1053)**

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* STATUTE XVIII

THE COUNCIL

1. The Council shall consist of-
 - (a) 7 persons, not being students or employees of the University, appointed by the Chancellor, one of whom shall be appointed the Chairman by the Chancellor;
 - (b) 6 persons, not being students or employees of the University, appointed by the Council;
 - (c) 2 persons, not being students or employees of the University, elected by the Court under sub-subparagraph (ba) of Statute XVII;
 - (d) the Vice-Chancellor;
 - (e) the Treasurer;
 - (f) 4 full-time teachers elected in accordance with regulations;
 - (g) 1 full-time employee of the University, not being a teacher, elected in accordance with regulations;
 - (h) 1 full-time undergraduate student elected in accordance with regulations; and
 - (i) 1 full-time postgraduate student elected in accordance with regulations. (L.N. 186 of 2003)

- 1A. The Registrar shall be the secretary to the Council but shall not be a member thereof. (L.N. 58 of 1976; L.N. 167 of 1992)

2. A member referred to in paragraph 1(a), (b), (c), (e), (f) or (g)-
 - (a) shall serve for a term of 3 years;
 - (b) shall be eligible for re-appointment or re-election but no member may serve more than 3 consecutive terms without approval of the Court; and
 - (c) may resign by written notice addressed to the Registrar. (L.N. 186 of 2003)

- 2A. (Repealed L.N. 44 of 1985)

3. A member referred to in paragraph 1(h) or (i)-
 - (a) shall serve for a term as determined by the Council from time to time;
 - (b) shall be eligible for re-election;
 - (c) may resign by written notice addressed to the Registrar; and
 - (d) shall cease to be a member when he ceases to be a full-time student of the University. (L.N. 186 of 2003)

4. (Repealed L.N. 186 of 2003)

5. Not less than one third of the members of the Council shall constitute a quorum at any meeting of the Council. (L.N. 186 of 2003)

6. The powers of the Council may be exercised notwithstanding any vacancy in its number, but if at any time and as long as the number of members of the Council is less than 10 the Council shall discontinue the exercise of its powers.

7. The Chairman may require any officer or teacher to be present at a meeting of the Council. (L.N. 137 of 1967)

8. (Repealed L.N. 186 of 2003)

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STATUTE XIX

POWERS OF THE COUNCIL

1. The Council may exercise all the powers and is to perform all the duties of the University other than those vested or imposed by the Ordinance or the statutes in some other authority of the University or in an officer. (20 of 2011 s. 4)

2. Notwithstanding the generality of the powers vested in the Council by paragraph 1 and subject to the provisions of the Ordinance and the statutes, the Council shall have power-

- (a) to administer and manage the finances, accounts, investments, property, business, and all affairs whatsoever of the University, and for that purpose to appoint bankers, counsel, solicitors, and such officers or agents as it may be expedient to appoint;
- (b) (Repealed L.N. 490 of 1997)
- (c) to invest the moneys of the University, including any unapplied income, in such stocks, funds, fully paid-up shares or securities, mortgages, or debentures or debenture stock as the Council shall think fit, whether such investments be authorized by the general law for the investment of trust moneys or not, and whether such investments be within Hong Kong or not, and to invest such moneys in the purchase of leasehold property in Hong Kong, and to vary any investments by sale and reinvestment or otherwise; (L.N. 32 of 1987)
- (d) to purchase, grant, sell, convey, assign, surrender, and yield up, exchange, partition, mortgage, demise, reassign, transfer, and accept leases of real and personal property on behalf of the University;
- (e) to provide the buildings, premises, furniture, apparatus, and other means needed for the University;
- (f) to borrow money on behalf of the University and for that purpose to mortgage all or any part of the property of the University, whether real or personal, or give such other security, whether upon such real or personal property or otherwise, as it thinks fit:

Provided that the moneys borrowed and owing by the University shall not at any time exceed in the whole the sum of \$100000 except with the sanction of a resolution passed at a meeting of the Council and confirmed by the vote of three-fourths of the members present and voting at a subsequent meeting of the Council specially convened for the purpose and held not less than 7 days after the former meeting;

- (fa) to accept and execute, and to appoint any officer of the University or any trust company to accept and execute, the office of trustee, or other like office of a fiduciary nature, of any trust or unit trust in which the University, officers, teachers or other employees or students of the University have a beneficial interest whether directly or indirectly including any superannuation fund or pension scheme for the benefit of employees of the University; (L.N. 72 of 1993)
- (fb) to incorporate a trust company to accept and execute the office of trustee, or other like office of a fiduciary nature, of any trust or unit trust in which the University, officers, teachers or other employees or students of the University have a beneficial interest whether directly or indirectly, and to act as investing or financial agent and receive money in trust for investment and to allow interest thereon until invested; (L.N. 72 of 1993)
- (fc) to incorporate or set up a unit trust and appoint trustees thereof; (L.N. 72 of 1993)
- (g) to enter into, vary, carry out, and cancel contracts on behalf of the University;
- (h) to maintain a University printing press and publish books and other matter on behalf of the University;
- (i) to give directions to the Senate or to any officer or teacher of the University in any financial matter or any matter affecting the property of the University;
- (j) in consultation with the Senate to review the instruction and teaching of the University;
- (k) to co-operate with other Universities and authorities for the regulation and conduct of examinations, for the examination and inspection of schools and other academic institutions, for the extension of University teaching, and for other purposes;
- (l) to appoint any person or committee to entertain and, if appropriate, adjudicate upon, on its behalf, complaints from members of the University and persons employed in it and to redress their grievances: (L.N. 186 of 2003; L.N. 246 of 2003)

Provided that the Council shall not entertain or adjudicate upon any complaint which falls within the jurisdiction of the Disciplinary Committee; (L.N. 19 of 1971)

- (la) to allow or dismiss an appeal from the Disciplinary Committee and to vary any penalty imposed by the Disciplinary Committee, or to appoint any person or committee to discharge those duties; (L.N. 19 of 1971; L.N. 186 of 2003)
- (m) to propose to the Court additions to, or the amendment or repeal of any of the statutes;
- (n) to draft statutes;
- (o) to prescribe fees;
- (p) to prescribe the duties of officers, teachers, and other employees whom it may appoint and to fix their remuneration and the terms and conditions of their appointments;
- (pa) to grant loans, whether secured or unsecured and in such amounts and on such terms and conditions as it thinks fit, to officers, teachers and other employees whom it may appoint; (L.N. 115 of 1991)
- (q) to appoint committees within or without Hong Kong to select candidates for any office to which the Council may appoint; (L.N. 32 of 1987)
- (r) to delegate any of its powers to any member of the Council or to any committee thereof or to any officer or teacher;
- (s) to do all such acts and things and perform all such duties as may be necessary for or incidental to exercising the powers or performing the duties vested or imposed on the Council by the Ordinance or the statutes. (20 of 2011 s. 4)

3. (1) The Council may by regulation provide for any of the following matters or for any of the following purposes-

- (a) the administration of the affairs of the University;
- (b) the form of contracts;
- (c) the University press and publications;
- (d) fees;
- (e) the conduct of elections and the mode of appointments prescribed by the Ordinance and the statutes; (L.N. 186 of 2003)
- (f) the prescribing of anything which is by the Ordinance or the statutes to be prescribed by regulations made by the Council; and
- (g) generally, all matters which by the Ordinance or the statutes it is empowered to regulate.

(2) All such regulations shall come into operation on the day on which they are made, unless otherwise provided by the Council.

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**Attendance records of Members elected/nominated
in the Fourth Legislative Council ("LegCo") to serve on advisory or governing bodies**

Advisory/governing bodies	Name of Members	Total number of meetings held during the Fourth LegCo	Total number of meetings attended
(a) Disaster Relief Fund Advisory Committee ^(Note 1)	Hon Mrs Sophie LEUNG LAU Yau-fun	0	
	Hon WONG Sing-chi	0	
(b) Po Leung Kuk Advisory Board ^(Note 2)	Hon WONG Ting-kwong	4	0
(c) Tung Wah Group of Hospitals Advisory Board ^(Note 2)	Hon Cyd HO	4	2
(d) The Council of The Chinese University of Hong Kong	Hon Tommy CHEUNG Yu-yan ^(Note 3)	20	17
	Hon CHAN Hak-kan	20	13
	Hon Paul CHAN Mo-po <i>(from 26 February 2010 to 29 July 2012)</i>	12	10
	Hon WONG Yuk-man <i>(from 17 October 2008 to 28 January 2010)</i>	8	5
(e) The Court of the University of Hong Kong	Hon LEE Cheuk-yan	4	2
	Hon James TO Kun-sun	4	3
	Hon Abraham SHEK Lai-him	4	4
	Hon IP Kwok-him	4	4
	Dr Hon PAN Pey-chyou <i>(from 18 October 2011 to 30 September 2012)</i>	1	0
	Hon Mrs Regina IP LAU Suk-yee <i>(from 18 October 2008 to 17 October 2011)</i>	3	0
(f) The Council of the University of Hong Kong	Hon Abraham SHEK Lai-him	9 <i>(from 23 November 2011 to 30 September 2012)</i>	9

Note 1: As advised by the Secretary to the Committee, no Disaster Relief Fund Advisory Committee meeting was held for the period from 24 October 2008 to 30 September 2012.

Note 2: As advised by the Director of Home Affairs, the majority of businesses of the two Advisory Boards are carried out by means of circulation of papers, whereas the advice of the Advisory Boards is given at joint meetings of the respective Board of Directors and the Advisory Board. For both Advisory Boards, they normally hold Joint Meetings with the Board of Directors once a year.

Note 3: As advised by The Chinese University of Hong Kong, Hon Tommy CHEUNG, who was also a member of the Ad Hoc Committee on the Reorganization of the University Council, had also attended all the five meetings of the Ad Hoc Committee and participated in the transaction of business of the Ad Hoc Committee by circulation of papers.