

# 立法會 *Legislative Council*

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## **Paper for the House Committee**

### **Report of the Subcommittee on Statutes of the University of Hong Kong (Amendment) Statute 2013**

#### **Purpose**

This paper reports on the deliberations of the Subcommittee on Statutes of the University of Hong Kong (Amendment) Statute 2013 ("the Amendment Statute").

#### **Background**

2. The University of Hong Kong ("HKU") offers a wide range of undergraduate and postgraduate programmes. It has been working towards offering more diversified programmes to meet the demands of graduates geared for the future in the rapidly changing world. The Court of HKU, on the proposal of the Council of HKU, has made a resolution for making the Amendment Statute, which was approved by the Chancellor on 29 October 2013<sup>1</sup>. It has been proposed that certain degrees and academic distinctions be added to the relevant Statute in recognition of the rising needs of academic education and training in the respective disciplines.

3. The Amendment Statute also provides for more articulated Chinese titles for the programmes of "Master of Science in Computer Science" and "Postgraduate Diploma in Science (Computer Science)" which correspond with their respective English titles.

4. The Faculty of Dentistry of HKU is currently offering different disciplines of studies in the degree of Master of Dental Surgery, including Endodontics, Implant Dentistry, Oral and Maxillofacial Surgery, Orthodontics and Dentofacial Orthopaedics, Paediatric Dentistry, Periodontology and Prosthodontics. The

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<sup>1</sup> Section 13(2) of the University of Hong Kong Ordinance (Cap. 1053) stipulates that "[t]he Council may propose to the Court additions to, or the amendment or repeal of, any of the statutes, whereupon on the recommendation by the Court to the Chancellor, the Chancellor may make any such addition, amendment, or repeal as recommended by the Court".

specific discipline of study is not included in the degree title, and therefore not listed in the degree certificate. The Amendment Statute intends to allow disciplines of studies to be specified in the titles of the degrees to accord identity to the respective disciplines of studies.

5. As advised by HKU, proposals for new academic programmes from departments have first been endorsed by Faculty Boards, the Academic Board and the Senate; and the proposed provisions of the Amendment Statute have been endorsed by the Senate, the Council and the Court of HKU in accordance with the proper procedure. HKU has also consulted the Education Bureau and through the Bureau, the Law Draftsman. Their comments on the Amendment Statute have been incorporated as appropriate.

### **The Amendment Statute**

6. The Amendment Statute amends the Statutes of the University of Hong Kong ("the Statutes") in the Schedule to the University of Hong Kong Ordinance (Cap. 1053) ("the principal Ordinance") –

- (a) to add certain degrees and academic distinctions, which may be conferred and awarded by HKU; and
- (b) to change, and to provide for the specification of disciplines of studies in, the titles of certain degrees and academic distinctions.

7. Subject to negative vetting by the Legislative Council ("LegCo"), the Amendment Statute will come into operation on 10 January 2014.

### **The Subcommittee**

8. At the House Committee meeting held on 22 November 2013, Members agreed that a subcommittee should be formed to study the Amendment Statute. The membership list of the Subcommittee is in the **Appendix**.

9. Under the chairmanship of Hon MA Fung-kwok, the Subcommittee has held one meeting with representatives of HKU.

### **Deliberations of the Subcommittee**

10. In general, members are agreeable to the proposed amendments in the Amendment Statute. Their main concerns and views are summarized in the ensuing paragraphs.

### Need for legislative amendment

11. The Subcommittee notes that the Amendment Statute seeks, inter alia, to add certain new degrees and academic distinctions which may be conferred and awarded by HKU, as well as to provide for more articulated Chinese titles for certain postgraduate programmes. Members have sought confirmation from HKU as to whether all such changes in future would require legislative amendment.

12. As advised by HKU, the degrees and other academic distinctions which may be conferred by HKU are set out in Statute III of the Statutes in the Schedule to the principal Ordinance. Amendments to the Statutes are subsidiary legislation subject to scrutiny by LegCo and the Amendment Statute has been made to enable HKU to confer the relevant degrees and academic distinctions on the graduates.

13. Question has been raised as to whether there is similar requirement on other University Grants Committee ("UGC")-funded institutions to introduce legislative amendments for any addition or changes to the titles of degrees and academic distinctions which may be conferred by them. HKU has advised that this practice is historical, and that at least four of the UGC-funded institutions are not required by their governing legislation to introduce subsidiary legislation to effect similar additions/changes.

14. In this connection, some members consider that for the sake of efficiency and consistency in practice among UGC-funded institutions, the authorities concerned should examine whether relevant provisions under different governing ordinances should be aligned to provide for more streamlined and consistent arrangements for handling the addition and changes to the titles of degrees and academic distinctions.

### Consultation with stakeholders

15. In response to concerns about consultation with stakeholders leading to the Amendment Statute, HKU has explained that pursuant to the principle of academic autonomy, a bottom-up approach is adopted within the University. It is for individual departments and faculties in HKU to propose the programmes to be offered and the degrees and academic distinctions to be awarded, having regard to their respective strategic plans for academic development. All academic proposals originate from the academic departments, and are scrutinized by the respective Faculty Boards whose members include academic staff and students. The proposals also require quality assurance by the Academic Board comprising members of HKU Senior Management Team and senior academics. Thereafter, approval of the Senate, the Council and the Court

is also required for proposed amendments to the Statutes, prior to their introduction into LegCo.

#### Titles of certain degrees and academic distinctions

16. The Subcommittee notes from the Amendment Statute that for certain degrees, the relevant disciplines of studies are specified<sup>2</sup>, whereas for the degree of Master of Dental Surgery, the following formulation is used: "Master of Dental Surgery, in dental disciplines as determined by the Senate from time to time". According to HKU, a wide range of study disciplines are offered under the Master of Dental Surgery programme to meet the changing needs of the community. The above formulation will enable specific disciplines as determined by the Senate from time to time to be specified in the degree titles and in the degree certificates without the need to amend the relevant statute. Members also note that under the existing Statutes, there are similar formulations for certain degrees, such as "Bachelor of Engineering, in engineering disciplines as determined by the Senate from time to time" and "Master of Laws, in law disciplines as determined by the Senate from time to time".

17. Some members have expressed the view that HKU should consider the feasibility of adopting similar formulation in the titles of degrees and academic distinctions so as to obviate the need for amending the Statutes from time to time. HKU has noted the view for consideration and appreciated the advice.

18. Referring to the Chinese title of "Master of Psychological Medicine (Psychosis Studies)" as "精神醫學(思覺失調學)碩士", some members have enquired whether the title should be articulated as "精神醫學碩士(思覺失調學)" so as to align with the Chinese titles of other degrees, such as the degrees of "理科碩士(中藥學)" and "理科碩士(全科牙醫學)". Some other members do not have any strong view about the Chinese title of the degree as currently proposed, but are concerned about the time and procedures required by HKU if further amendments are to be made to the title.

19. In response, HKU agrees to convey members' views on the Chinese title of "Master of Psychological Medicine (Psychosis Studies)" to the relevant department and faculty for reference. It is understood that if necessary, HKU can make another amendment statute in future to amend the Chinese title of the master degree in question. The Subcommittee fully appreciates the principle of institutional autonomy, and would not propose any amendment to the Amendment Statute.

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<sup>2</sup> See, for example, section 3(4) of the Amendment Statute which adds a number of postgraduate degrees specifying the disciplines of studies, including Master of Science in Chinese Medicines, Master of Science in Community Dentistry, Master of Science in General Dentistry and Master of Science in Implant Dentistry.

**Advice sought**

20. Members are invited to note the deliberations of the Subcommittee.

Council Business Division 4  
Legislative Council Secretariat  
10 December 2013

**Subcommittee on  
Statutes of the University of Hong Kong (Amendment) Statute 2013**

**Membership list**

<b>Chairman</b>	Hon MA Fung-kwok, SBS, JP
<b>Members</b>	Hon Abraham SHEK Lai-him, GBS, JP Hon NG Leung-sing, SBS, JP Hon YIU Si-wing Hon Gary FAN Kwok-wai Hon Charles Peter MOK Dr Hon Kenneth CHAN Ka-lok Dr Hon Fernando CHEUNG Chiu-hung Hon IP Kin-yuen Hon Martin LIAO Cheung-kong, JP Hon Christopher CHUNG Shu-kun, BBS, MH, JP
	(Total : 11 Members)
<b>Clerk</b>	Miss Polly YEUNG
<b>Legal Adviser</b>	Mr Timothy TSO
<b>Date</b>	5 December 2013