

立法會

Legislative Council

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Paper for House Committee meeting on 16 October 2015

Nomination and election of Members of the Legislative Council to serve on the Council of The Chinese University of Hong Kong and the Court of the University of Hong Kong

Purpose

This paper invites Members to make nominations at the meeting of the House Committee ("HC") on 16 October 2015 for the purpose of electing Members of the Legislative Council ("LegCo") to serve on the Council of The Chinese University of Hong Kong ("CUHK Council") and the Court of the University of Hong Kong ("HKU Court").

Background

CUHK Council

2. Under Statute 11.1(l) of The Chinese University of Hong Kong Ordinance (Cap. 1109) ("CUHK Ordinance"), the CUHK 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 and a Member will cease to hold office if he or she ceases to be a LegCo Member during the three-year term. According to section 7(a) of the CUHK Ordinance, the CUHK Council is the governing and executive body of the University. The CUHK Council meets several times a year. The powers, duties and composition of the CUHK Council, as provided in section 7 of the CUHK Ordinance and paragraphs 1 and 8 of Statute 11, are in **Appendix I**.

HKU Court

3. Under Statute XV 1.(d) of the University of Hong Kong Ordinance (Cap. 1053) ("HKU Ordinance"), the HKU Court shall consist of, among others, five persons elected by LegCo Members from among their own number. Under Statute XV 5, the term of office is three years. Statute XV 9 provides that a Member shall be deemed to have resigned from the HKU Court if he or she ceases to be a LegCo Member during the three-year term. 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 HKU Court, as provided in Statutes XV and XVII of the HKU Ordinance respectively, are in **Appendix II**.

4. At the last HC meeting on 9 October 2015, Members endorsed the amendment to the procedure for nomination and election of LegCo Members to serve on the CUHK Council and the HKU Court. Members also agreed that the nomination and election be held at the HC meeting on 16 October 2015.

LegCo Members serving on the CUHK Council and the HKU Court

CUHK Council

5. At the HC meeting on 19 October 2012, Hon Tommy CHEUNG, Hon Gary FAN and Dr Hon Elizabeth QUAT were elected to serve on the CUHK Council. Their term of office will expire on 18 October 2015.

HKU Court

6. At the HC meeting on 19 October 2012, the following five Members were elected to serve on the HKU Court -

Hon James TO
Hon Abraham SHEK
Hon Paul TSE
Hon IP Kin-yuen
Hon Christopher CHUNG

Their term of office will expire on 19 October 2015.

7. The attendance records of the Members concerned at meetings of the CUHK Council and the HKU Court are in **Appendix III**.

LegCo Member currently serving on the Council of the University of Hong Kong

8. In accordance with a resolution passed by the Council of the University of Hong Kong ("HKU Council") in June 2011¹, the five LegCo 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 on a personal basis. The HKU Council is the governing body of the University. 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.

9. Currently, Hon Abraham SHEK is the Member nominated to serve on the HKU Council². His attendance record at meetings of the HKU Council is included in **Appendix III** for Members' reference.

Members serving on other advisory bodies

10. The names of the Members elected by HC to serve on other advisory bodies in the current term are in **Appendix IV** for Members' reference. Their term of office corresponds with that of the LegCo term.

Advice sought

11. Members are invited to make nominations at the HC meeting on 16 October 2015 for the purpose of electing three Members to serve on the CUHK Council and five Members to serve on the HKU Court.

Council Business Division 2
Legislative Council Secretariat
14 October 2015

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.

² In October 2014, the five Members serving on the HKU Court nominated Hon Abraham SHEK for consideration by the HKU Council for appointment as its member on a personal basis. Subsequently, Hon Abraham SHEK was appointed by the HKU Council and his current term of appointment will expire on 22 November 2017.

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) 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 Unofficial 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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**Attendance records of Members elected in the Fifth Legislative Council
to serve on the Council of The Chinese University of Hong Kong,
the Court of the University of Hong Kong
and the Council of the University of Hong Kong**

	Name of Members	Total number of meetings held	Total number of meetings attended
(a) The Council of The Chinese University of Hong Kong	Hon Tommy CHEUNG Yu-yan, GBS, JP	14	13
	Hon Gary FAN Kwok-wai	14	11
	Dr Hon Elizabeth QUAT, JP	14	7
(b) The Court of the University of Hong Kong	Hon James TO Kun-sun	3	3
	Hon Abraham SHEK Lai-him, GBS, JP	3	2
	Hon Paul TSE Wai-chun, JP	3	3
	Hon IP Kin-yuen	3	2
	Hon Christopher CHUNG Shu-kun, BBS, MH, JP	3	1
(c) The Council of the University of Hong Kong	Hon Abraham SHEK Lai-him, GBS, JP	39	29

**Members elected in the Fifth Legislative Council ("LegCo")
to serve on other advisory bodies**

Advisory bodies	Term of office	Members (Date of appointment)	Date of Expiry
Disaster Relief Fund Advisory Committee	Corresponds with that of the LegCo term	1. Dr Hon Priscilla LEUNG Mei-fun, SBS, JP (31 October 2012) 2. Hon CHEUNG Kwok-che (31 October 2012)	End of LegCo Term
Po Leung Kuk Advisory Board	Corresponds with that of the LegCo term	Hon WONG Ting-kwong, SBS, JP (19 October 2012)	End of LegCo Term
Tung Wah Group of Hospitals Advisory Board	Corresponds with that of the LegCo term	Hon Albert CHAN Wai-yip (19 October 2012)	End of LegCo Term