

For discussion  
on 9 November 2015

## **Legislative Council Panel on Education**

### **Role of Chancellor and Composition of Councils of University Grants Committee-funded Institutions**

#### **Purpose**

This paper briefs Members on the role of the Chancellor and the composition of the Councils of institutions funded by the University Grants Committee (UGC).

#### **Background**

2. The eight UGC-funded institutions are all independent autonomous statutory bodies. They have their own governing ordinances and statutes which set out their objectives, functions and governance structure. The legislation provides the institutions with the power and freedom to carry out their objectives and functions.

3. The institutions enjoy academic freedom and institutional autonomy under the law. Article 137 of the Basic Law states that “educational institutions of all kinds may retain their autonomy and enjoy academic freedom. They may continue to recruit staff and use teaching materials from outside the Hong Kong Special Administrative Region. ...”. Furthermore, Article 34 of the Basic Law states that “Hong Kong residents shall have freedom to engage in academic research, literary and artistic creation, and other cultural activities”.

4. The UGC also safeguards academic freedom and institutional autonomy. In fact, the roles of the UGC, the Government and the institutions in the higher education sector are clearly defined in the UGC Notes on Procedures. In particular, the Notes on Procedures set out five major areas of institutional autonomy, namely-

- (a) selection of staff;
- (b) selection of students;
- (c) curricula and academic standards;
- (d) acceptance of research programmes; and

- (e) allocation of funds within the institution.

5. While institutions enjoy academic freedom and considerable institutional autonomy in the above areas, the Notes on Procedures also state that this does not exempt institutions from public interests and criticism. In fact, in view of the significant funding the institutions receive in the form of Government subvention, as well as the importance of higher education to the overall development of society, it is incumbent upon the Government and the community at large to have a legitimate interest in the operation of the institutions. Therefore, while the Government and the UGC attach great importance to safeguarding academic freedom and institutional autonomy, institutions are expected to remain committed to transparency and accountability in their operation with due regard to good governance, to ensure that funding is put to appropriate uses that serve the best interests of the community and students.

### **Role of Chancellor**

6. According to the respective ordinances governing the eight UGC-funded institutions, the Chief Executive is the Chancellor to maintain the linkages between the Government and the institutions and to demonstrate the Government's support to the higher education sector. Relevant provisions in the ordinances and statutes of the institutions specify the powers and duties of the Chancellor in order to meet the needs of the institutions. These powers and duties primarily include the conferment of degrees and other academic awards, presiding at congregations, appointment of a portion of Council members, as well as acceptance of annual reports submitted by institutions. This statutory system has been operating effectively over the years.

### **Composition of Councils**

7. The respective ordinances and statutes of the eight UGC-funded institutions provide for the composition of their Councils, which shall be their supreme governing bodies. Details of the statutory composition of the Councils of these institutions are set out in the Annex.

8. As a matter of fact, the UGC's Higher Education Review Report issued in March 2002 recommended, among others, that each institution carry out a review of the fitness for purpose of its governance and management structures, including the Council. The recommendation was accepted by the Government. With the efforts over the past ten years or so, the institutions have completed the review of governance

structures. Among them, three have concluded that their governance structures are fit for purpose; and four others, following extensive consultations, have submitted to the Legislative Council (LegCo) their proposals for amendments to their ordinances / statutes to change the statutory composition of their Councils. Their proposals have been approved by the LegCo. For the remaining institution, it has completed the review of Council composition and put forward a fit-for-purpose restructuring proposal, with corresponding proposed amendments to its statutes. In sum, all institutions have carried out comprehensive reviews of the statutory composition of their Councils, the results of which ensure that the statutory composition is fit for purpose.

9. The Councils of all the eight UGC-funded institutions consist of a certain number of members appointed by the Government or the Chancellor. All along, appointments are made by the Government on a merit basis, taking into consideration the operation of institutions and the needs of higher education development of Hong Kong, with a view to appointing suitable candidates as Council members in accordance with the respective ordinances of the institutions.

#### **Advice sought**

10. Members are invited to note the content of this paper.

**Education Bureau**  
**November 2015**

**Statutory Composition of Councils of Institutions  
Funded by the University Grants Committee (UGC)**

According to relevant ordinances and subsidiary legislation governing the UGC-funded institutions, the statutory composition of the Councils of various institutions is as follows:

<b>Ordinance</b>	<b>Provision</b>	<b>Statutory composition of the Council</b>
City University of Hong Kong Ordinance (Cap 1132)	Section 10(1)	<p>The Council shall consist of the following members-</p> <ul style="list-style-type: none"> <li>(a) the President;</li> <li>(b) the Deputy President;</li> <li>(c)-(e) (Repealed)</li> <li>(f) not more than 15 members who are not students or employees of the University of whom- <ul style="list-style-type: none"> <li>(i) not more than 8 are appointed by the Chief Executive on the recommendation of the Council; and</li> <li>(ii) 7 are appointed by the Chief Executive;</li> </ul> </li> <li>(g) an academic member of the Senate nominated by the Senate and appointed by the Council;</li> <li>(h) 2 members of staff elected from among their number and appointed by the Council;</li> <li>(i) the Chairman of the Convocation;</li> <li>(j) the President of the Students' Union; and</li> <li>(k) 1 postgraduate student elected from among postgraduate students and appointed by the Council.</li> </ul>
	Section 10(2)(a)	<p>The Chief Executive shall appoint from the members appointed under subsection (1)(f)-</p> <ul style="list-style-type: none"> <li>(i) 1 member as Chairman;</li> <li>(ii) 1 member as Deputy Chairman; and</li> <li>(iii) 1 member as Treasurer.</li> </ul>
Hong Kong Baptist University Ordinance (Cap 1126)	Section 15(1)	<p>The Council shall consist of the following members-</p> <ul style="list-style-type: none"> <li>(a) 3 members nominated by the Baptist Convention of Hong Kong and appointed by the Chief Executive;</li> <li>(b) 8 members appointed by the Chief Executive;</li> <li>(c) 7 members, of whom not less than 4 shall have experience in commerce and industry in Hong Kong, appointed by the Chief Executive;</li> </ul>

Ordinance	Provision	Statutory composition of the Council
		<p>(d) 2 members elected by the eligible staff from among their number in accordance with relevant statutes and appointed by the Council;</p> <p>(e) 2 members nominated by the Senate from among its number and appointed by the Council;</p> <p>(f) the President and Vice-Chancellor ex officio;</p> <p>(g) the Vice-Presidents ex officio;</p> <p>(h) the holder of the office of Dean of each of the faculties, schools and equivalent bodies of the University ex officio;</p> <p>(i) the President for the time being of the University's Student Union ex officio.</p>
	Section 15(2)(a)	<p>The Chief Executive shall appoint from the members appointed under subsection (1)(b)-</p> <p>(i) 1 member as Chairman;</p> <p>(ii) 1 member as Deputy Chairman; and</p> <p>(iii) 1 member as Treasurer.</p>
Lingnan University Ordinance (Cap 1165)	Section 12(1)	<p>The Council shall consist of the following members-</p> <p>(a) 10 members appointed by the Chief Executive who are specified in their appointments to be ex-officio members of the Court;</p> <p>(b) 8 members appointed by the Chief Executive;</p> <p>(c) 7 members nominated by the Lingnan Education Organization Limited and appointed by the Chief Executive;</p> <p>(d) 3 members elected by the eligible staff among themselves in accordance with statutes and appointed by the Council;</p> <p>(e) 2 members elected by the Senate from among its members in accordance with statutes and appointed by the Council;</p> <p>(f) the President as an ex-officio member;</p> <p>(g) the Vice-President as an ex-officio member; and</p> <p>(h) the President of the Students' Union as an ex-officio member.</p>
	Section 12(2)	<p>The Chief Executive shall appoint from the members appointed under subsection (1)(a)-</p> <p>(a) 1 member as Chairman of the Council;</p>

<b>Ordinance</b>	<b>Provision</b>	<b>Statutory composition of the Council</b>
		(b) 1 member as Deputy Chairman of the Council; and (c) 1 member as Treasurer of the Council.
Statutes of The Chinese University of Hong Kong in the Schedule to The Chinese University of Hong Kong Ordinance (Cap 1109)	Paragraph 1 of Statute 11	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; (e) in relation to Chung Chi, United, New Asia and Shaw Colleges, 2 members elected by the Board of Trustees of each College from among its own members; (f) the Heads of Chung Chi, United, New Asia and Shaw Colleges; (g) the Dean of each Faculty and of the Graduate School; (h) in relation to Chung Chi, United, New Asia and Shaw Colleges, one Fellow of each College elected by the College's Assembly of Fellows; (i) 3 members elected by the Senate from among the academic members of the Senate; (j) (Repealed) (k) 6 persons nominated by the Chancellor; (l) 3 persons elected by the Members of the Legislative Council from among their own number; (m) not more than 6 other persons, normally resident in Hong Kong; who shall be elected by the Council; (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.
	Paragraph 7 of Statute 11	The Council shall elect from among its members a Vice-Chairman.
	Statute 8	The Treasurer shall be appointed by the Council.

<b>Ordinance</b>	<b>Provision</b>	<b>Statutory composition of the Council</b>
The Hong Kong Institute of Education Ordinance (Cap 444)	Section 8(1)	<p>The Council shall consist of-</p> <ul style="list-style-type: none"> <li>(a) the President;</li> <li>(b) the Vice Presidents, if any have been appointed;</li> <li>(c) at least one but not more than 3 public officers appointed by the Chief Executive;</li> <li>(d) at least one but not more than 3 persons nominated by the Academic Board from among its number and appointed by the Council;</li> <li>(e) 3 members elected from among their number by- <ul style="list-style-type: none"> <li>(i) the full-time teaching staff; and</li> <li>(ii) the administrative staff whose rank or grade is equivalent to that of full-time teaching staff;</li> </ul> </li> <li>(f) not more than 14 other persons appointed by the Chief Executive, who shall be neither public officers nor employees of the Institute, and of whom- <ul style="list-style-type: none"> <li>(i) at least 5 shall be persons considered by the Chief Executive to have had relevant experience in commerce, industry or a profession in Hong Kong;</li> <li>(ii) not more than 3 shall be persons considered by the Chief Executive to have had relevant experience in higher education either in Hong Kong or elsewhere; and</li> <li>(iii) not more than 3 shall be persons considered by the Chief Executive to have had relevant experience in education, other than higher education, either in Hong Kong or elsewhere;</li> </ul> </li> <li>(g) a full-time student of the Institute appointed by the Council.</li> </ul>
	Section 8(2)	<p>The Chief Executive shall appoint, from among those members appointed under subsection (1)(f)(i)-</p> <ul style="list-style-type: none"> <li>(a) the Chairman of the Council;</li> <li>(b) the Deputy Chairman of the Council; and</li> <li>(c) the Treasurer of the Council.</li> </ul>
The Hong Kong Polytechnic University Ordinance	Section 10(1)	<p>The Council consists of the following members-</p> <ul style="list-style-type: none"> <li>(a) the President and the Deputy President;</li> <li>(b) (Repealed)</li> <li>(c) 3 members from staff elected in accordance with</li> </ul>

<b>Ordinance</b>	<b>Provision</b>	<b>Statutory composition of the Council</b>
(Cap 1075)		<p>relevant statutes and appointed by the Council of whom-</p> <p>(i) 2 are to be elected by and from the full-time staff; and</p> <p>(ii) 1 is to be elected by and from the Senate;</p> <p>(d) 17 members who are not employees or students of the University or public officers of whom-</p> <p>(i) 9 are to be appointed by the Chief Executive; and</p> <p>(ii) 8 are to be appointed by the Council;</p> <p>(e) 1 member from the alumni who is not an employee of the University and who shall be appointed by the Council;</p> <p>(f) 2 members from the full-time students appointed by the Council of whom-</p> <p>(i) 1 is to be elected by and from the full-time undergraduate and sub-degree students; and</p> <p>(ii) 1 is to be elected by and from the full-time postgraduate students.</p>
	Section 10(2)	The Chief Executive shall appoint one of the members appointed under subsection (1)(d) as Chairman.
	Section 10(5)	The Chief Executive shall appoint one of the members appointed under subsection (1)(d) as Deputy Chairman.
	Section 3A(3)	Treasurer of the University shall be appointed by the Chief Executive from one of the members appointed under subsection 10(1)(d).
The Hong Kong University of Science and Technology Ordinance (Cap 1141)	Section 9(1)	<p>The Council shall consist of-</p> <p>(a) the President;</p> <p>(aa) the Provost;</p> <p>(b) 1 Vice-President who shall be appointed by the Council by rotation among the Vice-Presidents;</p> <p>(c) 2 members who shall be appointed by the Council by rotation among the Deans of Faculties and Schools and the Dean of Undergraduate Education;</p> <p>(d) the Chairman of Convocation;</p> <p>(e) (Repealed)</p> <p>(f) not more than 2 academic members of the Senate who shall be nominated by the Senate and appointed by the Council;</p> <p>(g) not more than 17 members, who shall not be employees or</p>



Ordinance	Provision	Statutory composition of the Council
		<p>students of the University, of whom-</p> <ul style="list-style-type: none"> <li>(i) not less than 10 shall have experience in commerce or industry in Hong Kong and not more than 5 shall be from other tertiary institutions in or outside Hong Kong;</li> <li>(ii) not more than 9 shall be appointed by the Chancellor; and</li> <li>(iii) not more than 8 shall be appointed by the Chancellor on the recommendation of the Council;</li> <li>(h) 1 member who shall be elected by and from full-time employees of the University and appointed by the Council; and</li> <li>(i) 1 member who shall be elected by and from full-time students of the University and appointed by the Council.</li> </ul>
	Section 9(2)(a)	<p>The Chancellor shall appoint, from the members appointed under subsection (1)(g) who have experience in commerce or industry in Hong Kong, 3 members as follows-</p> <ul style="list-style-type: none"> <li>(i) 1 member as Chairman of the Council;</li> <li>(ii) 1 member as Vice-Chairman of the Council; and</li> <li>(iii) 1 member as Treasurer of the University.</li> </ul>
Statutes of the University of Hong Kong in the Schedule to University of Hong Kong Ordinance (Cap 1053)	Paragraph 1 of Statute XVIII	<p>The Council shall consist of-</p> <ul style="list-style-type: none"> <li>(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;</li> <li>(b) 6 persons, not being students or employees of the University, appointed by the Council; ;</li> <li>(c) 2 persons, not being students or employees of the University, elected by the Court in accordance with regulations;</li> <li>(d) the Vice-Chancellor;</li> <li>(e) the Treasurer;</li> <li>(f) 4 full-time teachers elected in accordance with regulations;</li> <li>(g) 1 full-time employee of the University, not being a teacher, elected in accordance with regulations;</li> <li>(h) 1 full-time undergraduate student elected in accordance with regulations; and</li> </ul>

<b>Ordinance</b>	<b>Provision</b>	<b>Statutory composition of the Council</b>
		(i) 1 full-time postgraduate student elected in accordance with regulations.
	Statute VIII	The Treasurer shall be appointed by the Council.