

LEGISLATIVE COUNCIL BRIEF

ST. JOHN'S COLLEGE (AMENDMENT) BILL 2019

Background and Purpose

1. St. John's College (the "College") is a statutory body incorporated under the St. John's College Ordinance (Cap. 1089, the "Ordinance"). The College was founded in 1912 and it was the first residential hall in the University of Hong Kong.
2. St. John's College (Amendment) Bill 2019 (the "Bill"), aims to revamp some of the terms to be in line with similar institutions. The purpose of the Bill is to give protection to members of the body corporate incorporated under the Ordinance (College) and some other persons mentioned in the Ordinance, and to give the College certain express powers.
3. To give effect to the proposed changes, the Bill will be introduced as a Member's Bill into the Legislative Council by the Hon Jimmy Ng Wing-ka, JP.

The Bill

4. The key provisions of the proposed Bill are summarized in the following paragraphs:

Part 1 – Preliminary

Clause 2 sets out that both the Ordinance will be amended according to the Bill.

Part 2 – Amendments to Ordinance

Clause 3 adds new subsections (3), (4) and (5) to section 4 of the Ordinance —

- (a) to include express powers to the College —
 - (i) to borrow or raise moneys and to do so on the securities or terms that it thinks expedient; and
 - (ii) to invest money belonging to the College in the manner and to the extent that it thinks expedient;
- (b) to avoid doubt, to state expressly that the powers contained in section 4(1) and (2) of the Ordinance include the powers for the College to acquire, hold and dispose of interest in other corporate bodies and take part in forming corporate bodies; and

- (c) to provide that the College may exercise its powers either alone or in association with any other person or body corporate.

Clause 4 adds a new section 8A to the Ordinance to give protection to certain persons, namely, any person who is within the definition of members of the College, any person who is a member of any committee established under section 8 of the Ordinance and any person who is an officer of the College as referred to in section 3 of the Schedule to the Ordinance. The person acting in good faith, is not to be held personally liable for any act done or default made by the College or the person—

- (a) in the exercise or purported exercise of the powers conferred by the Ordinance; or
(b) in the performance or purported performance of the functions or duties imposed under the Ordinance.

The new section 8A (2) expressly preserves the liability of the College.

This Clause also adds a new section 8B to the Ordinance. The intention of the new section 8B is to remove any doubt by stipulating expressly that a person who is within the definition of members in section 2 of the Ordinance is not personally liable for any liability of the College solely because he or she is one of the members of the College.

Part 3 – Saving

Clause 5 is a saving provision required under Rule 50(8) of the Rules of Procedure of the Legislative Council of the Hong Kong Special Administrative Region.

Consultation

5. The administration, including the relevant government bureau and departments, together with relevant statutory authorities, is in support of the Bill.

Legislative Timetable

6. The Legislative timetable is as follows:

Publication in the Gazette for the first time	6 June 2019
Publication in the Gazette for the second time	14 June 2019
First Reading and adjournment of Second Reading debate	10 July 2019

Publicity

7. The Bill was published in the Gazette on 6 June 2019 and 14 June 2019 and notice of the Bill has been given by way of advertisements in South China Morning Post and Mingpao on 6 June 2019 and 21 June 2019.

Enquiries

8. Any enquiries about this brief can be directed to Mr. Tim Wong at the Office of Legislative Councilor, Hon Jimmy Ng Wing-ka, JP at 3614 6154.

Hon Jimmy Ng Wing-ka, JP

28 June 2019