

立法會教育事務委員會主席  
梁美芬議員

梁主席：

### **擬議修訂《香港中文大學規程》的議員法案**

我們計劃聯名向立法會提交議員法案，修訂載於《香港中文大學條例》（第 1109 章）附件 1 的《香港中文大學規程》。

#### **背景資料**

2002 年，教資會發表了《香港高等教育報告》（又稱《宋達能報告》），要求香港的大專院校必須審慎檢討其管治及管理架構，以確定其管治及管理模式能配合廿一世紀大學的發展。2003 年，中大校董會設立了一個「大學管治專責小組」以作回應；2009 年，校董會成立了「大學校董會重組專責委員會」（「2009 年專責委員會」），就精簡校董會及提高管理效率事宜提出建議。同年，大學校董會通過專責委員會的建議，並徵詢大學監督的意見，監督原則上不反對校董會的建議。

2013 年 11 月，中文大學正式向當時的立法會教育事務委員會提交落實 2009 年專責委員會建議的《2013 年香港中文大學規程(修訂)規程》（《2013 年修訂規程》）擬稿，在提交立法會進行先訂立後審議的程序前，諮詢委員會的意見。《修訂規程》考慮了中大同學的意見、徵詢了大學監督，也經大學校董會藉特別決議通過及確認，修訂擬稿亦已獲得法律草擬專員批准。

然而，即使如此，《修訂規程》並未獲當時的教育事務委員會大部份成員支持。會議紀要顯示，「由於絕大部分委員對多個事項均表達關注及保留，副主席要求中大考慮這些意見和關注，以及重新仔細研究是否按目前的計劃提交有關的立法建議」，《修訂規程》精簡架構的努力遂告夭折。迄今，中大校董會的組成和管理架構，仍在原地踏步。

時間不留人。2015 年，教資會發表了《香港教資會資助高等教育院校的管治》（又稱《Newby 報告》），進一步就大學在決定改變管治制度時必須考慮的問題進行研究及作出建議。《報告》強調，「管治意指機構如何做事…如何組織決策程序…還涉及如何連繫在院校事務上具有合理權益的校外主要持份者」；「有效的管治，可使院校內外持份者對大學如何管理帶來信心…大學自主之餘，也須向公眾負責…良好管治支持大學續享自主；差劣管治則有損自主。若管治差劣（並非單單管理欠佳），定必招致更嚴格的規管呼聲…」當中，

《報告》特別提出關於「風險管理」（尤以「校譽風險」為然）的關注，指出大學校董會業外成員（尤其是具專業背景的）普遍對大學界別風險管理發展之善頗感意外。

誠然，中大校董會確曾於 2016 年就精簡校董會事宜成立「檢討大學校董會規模及成員組織專責小組」（「2016 年專責小組」），檢討 2009 年專責委員會提出的修訂方案。2017 年，專責小組提出經調整後的諮詢方案（《2016 年專責小組諮詢方案》），諮詢結果意見紛紜；專責小組在向大學校董會提交工作報告後暫停運作至今。此後，中大校董會再未曾就精簡大學校董會及提高效率事宜提出其他方案，更遑論在改善管治方面提出確切想法。其後，中大更在急劇惡化的政治漩渦中不能自己。

2019 年反政府動亂期間，中大校園內發生了人神共憤的暴動事件，中大校方在事件中所持態度及處理手法叫人驚訝，不單有損校譽，更嚴重沖擊公眾對中文大學的信任，叫校外主要持份者極度失望，充份引證了《Newby 報告》所力圖表達的憂慮和警告。其後，中大校董會在校長續任和校徽改動等公眾關注的議題上所表現出的我行我素，更叫校外持份者深感沮喪。《宋達能報告》發表至今已 20 年，教資會其他院校已進行相應改革，唯獨中文大學校董會的組成、管理架構和管治方式仍舊陳封不動，與香港時代脫節；作為一個接受公帑資助的機構，情況不能接受。對此，作為中大學董會內的立法會議員代表，我們認為，立法會有責任對此等亂象採取行動，撥亂反正，以向公眾交代。

### 修訂建議

我們小心比較了《2013 年修訂規程》擬稿和《2016 年專責小組諮詢方案》的差異，發現兩者的核心區別，在於前者將校董會校外、校內成員人數比例定於 2:1，後者則少於 2:1（而非在於如何回應 2013 年教育事務委員會委員所關注的問題，包括獲委任為重組後的大學校董會學生代表的資格、「保留事項」、大學校董會內的新增成員書院代表，及教職員參與大學校董會等議題；兩者立場基本相同）。

參考了香港其他教資會院校校董會的情況，及《Newby 報告》所列出的其他地方參考案例，我們認為，經整頓改革後的中大校董會校外、校內成員人數比例應維持於 2:1。同時，考慮了中大校董會改革舉步為艱的前因後果，和香港特區的實際情況，我們認為，應加強大學監督的角色，為大學改革提供必要的領導力和執行力。按此，在《2013 年修訂規程》擬稿和《2016 年專責小組諮詢方案》的基礎上，我們提出修訂《香港中文大學規程》的建議總結如下：

- (1) 大學校董會成員人數由 55 名減至 34 名；
- (2) 重組後，大學校董會校外成員（即非大學的學生或僱員）佔大多數，與校內成員數目的比例約為 2 : 1；
- (3) 重組後，校董會校內成員的組成和人數採納《2016 年專責小組諮詢方案》的建議（11 人）；
- (4) 重組後，校董會校外成員的人數定於 23 人，比《2016 年專責小組諮詢方案》建議的人數增加 5 人，組成方式詳見 附件 1；
- (5) 大學校董會的主席和副主席由監督委任；
- (6) 校長和常務副校長須由大學校董會藉不少於當其時全部成員的四份之三投票通過的決議聘任；
- (7) 司庫由總監委任；及
- (8) 明文規定大學受薪僱員不能獲委任為司庫或校董會副主席。

### 其他參考文件

為方便對比和討論，隨函附上《香港中文大學規程》修正案擬稿的中、英文文本（附件 2），藍色標示文字為《2013 年修訂規程》提出的修訂條文；紅色標示及黃色突出顯示文字為我們擬議提出的優化修訂部分（當中包含部份《2016 年專責小組諮詢方案》的建議）。

敬希垂注。

立法會議員

張宇人 GBM, GBS, JP

劉國勳議員, MH, JP

鄧家彪議員, BBS, JP

2022 年 12 月 13 日

## 香港中文大學主管人員的聘任和委任

類別	現行規定	「2009 年專責委員會」 建議方案 (《2013 年香港中文大學規程(修訂)規程》 建議方案)	「2016 年專責小組」 諮詢方案	擬議《2023 年議員法案》 修訂建議
校長	規程6： 由大學校董會在接獲有關委員會的意見後聘任。	(不變)	(不變)	修訂規程 6： 由大學校董會在接獲有關委員會的意見後，藉不少於當其時全部成員的四分之三投票通過的決議聘任。
常務副校長	規程7： 由大學校董會聘任。	(不變)	(不變)	修訂規程 7： 由大學校董會藉不少於當其時全部成員的四分之三投票通過的決議聘任。
司庫	規程8： 由大學校董會委任。	(不變)	(不變)	修訂規程8： 由監督委任。

## 香港中文大學校董會主席、副主席的委任

主席	規程 11(1)(a)： 由監督根據大學校董會的提名從(k)、(l)、(m)及(n)分節所指的人士當中委出。	修訂規程 11(1)(a)： 由監督根據大學校董會的提名委任。	與 2009 年方案相同	修訂規程 11(1)(a)： 由監督委任。
副主席	規程 11(7)： 由大學校董會從其校董當中選出副主席 1 名。	(不變)	(不變)	修訂規程 11(1)及(7)： 由監督委任。

## 香港中文大學校董會的組成和人數

類別	現有組成	「2009 年專責委員會」 建議方案 (《2013 年香港中文大學規程(修訂)規程》 修訂建議)	「2016 年專責小組」 諮詢方案	擬議《2023 年議員法案》 修訂建議
<b>校內人士</b>				
校長	規程 11(1)(b)： (1 名)	(不變) (1 名)	(不變) (1 名)	與 2016 年方案相同 (1 名)
副校長	規程 11(1)(c)： (現共 6 名)：	修訂規程11(1)(c)： 常務副校長，如常務副校長不 在，則1名由校長決定的副校長 (1名)	修訂規程11(1)(c)： 常務副校長及 1 名由校長決定 的副校長 (共 2 名)	與 2016 年方案相同 (共 2 名)
書院院長	規程11(1)(f)： 各原有書院的及逸夫書院的院 長 (共4名)	修訂規程11(1)(f)： 由各原有書院的及逸夫書院的 院長及由各新增書院的院長按 大學校董會決定的方式互選產 生的人士1名 (1名)	修規程11(1)(f)： 由各原有書院的及逸夫書院的 院長及由各新增書院的院長按 大學校董會決定的方式互選產 生的人士 2 名 (共 2 名)	與 2016 年方案相同 (共 2 名)
學院院長及研究院 院長	規程11(1)(g)： 每一學院的院長及研究院院長 (共9名)	修訂規程11(1)(g)： 由學院院長及研究院院長按大 學校董會決定的方式互選產生 的人士1名 (1名)	修訂規程11(1)(g)： 由學院院長及研究院院長按大 學校董會決定的方式互選產生 的人士 2 名 (共 2 名)	與 2016 年方案相同 (共 2 名)
書院院務委員會選 任成員	規程11(1)(h)： 就各原有書院及逸夫書院而 言，每一書院的院務委員會所 選出的院務委員1名 (共4名)	(廢除)	(廢除)	(廢除)

教務會選任成員	規程11(1)(i)： 教務會從其教務成員當中所選出的成員3名 (共3名)	(廢除)	(廢除)	(廢除)
教職員成員	(無)	新訂規程11(o)： 由屬中大教務人員的中大全職僱員按大學校董會決定的方式互選產生、並由大學校董會委任的人士1名 (1名)	與 2009 年方案相同 (1 名)	與 2016 年方案相同 (1 名)
教職員成員	(無)	新訂規程11(p)： 由並非屬中大教務人員的中大全職僱員按大學校董會決定的方式互選產生、並由大學校董會委任的人士1名 (1名)	與 2009 年方案相同 (1 名)	與 2016 年方案相同 (1 名)
學生成員	(無)	新訂規程11(q)： 由大學校董會委任為校董的中大學生會會長 (1名)	與 2009 年方案相同 (1 名)	與 2016 年方案相同 (1 名)
學生成員	(無)	新訂規程11(r)： 由全時間修讀中大碩士或博士學位或其他高於中大學士學位的學術名銜的認可課程的研究生按大學校董會決定的方式互選產生、並由大學校董會委任的研究生1名 (1名)	與 2009 年方案相同 (1 名)	與 2016 年方案相同 (1 名)
	小結：共 27 人	小結：共8人	小結：共 11 人	小結：共 11 人

## 校外人士

校外人士				
主席	規程11(1)(a)： (不算入總人數)	修訂規程11(1)(a)： (1名)	與 2009 年方案相同 (1名)	修訂規程 11(1)(a)： (1名)
副主席	規程11(7)： (不算入總人數)	(不變) (不算入總人數)	(不變) (不算入總人數)	新訂規程 11(1)(ab)： (1名)
司庫	規程11(1)(d)： (1名)	(不變) (1名)	(不變) (1名)	修訂規程 11(1)(d)： (1名)
終身校董	規程11(1)(da)： 大學校董會所委任的終身校董 (現1名)	(廢除)	(廢除)	(廢除)
書院校董會及院監 會成員	規程11(1)(e)： 就各原有書院及逸夫書院而 言，每一書院的書院校董會從 其校董當中所選出的校董2名 (共8名)	修訂規程11(1)(e)： 由大學校董會根據各原有書院 的及逸夫書院的書院校董會及 各新增書院的院監會從其成員 當中所作出的提名而委任的人 士5名，但須符合下列規定—— (i) 各原有書院的及逸夫書院的 書院校董會須各自提名1名 人士；及 (ii) 各新增書院的院監會須共同 提名1名人士 (共5名)	修訂規程11(1)(e)： 由大學校董會根據各原有書院 的及逸夫書院的書院校董會及 各新增書院的院監會從其成員 當中所作出的提名而委任的人 士6名，但須符合下列規定—— (i) 各原有書院的及逸夫書院的 書院校董會須各自提名1名 人士；及 (ii) 各新增書院的院監會須共同 提名2名人士 (共6名)	與 2016 年方案相同 (共 6 名)
監督委任成員	規程11(1)(k)： 監督所指定的人士 6 名 (共 6 名)	修訂規程11(1)(k)： 監督所委任的人士 4 名 (共 4 名)	修訂規程11(1)(k)： 監督所委任的人士 3 名 (共 3 名)	修訂規程11(1)(k)： 監督所委任的人士 6 名 (共 6 名)
立法會議員互選成 員	規程11(1)(l)： 由官守議員以外的立法會議員 互選產生的人士3名 (共3名)	修訂規程11(1)(l)： 由立法會議員互選產生的人士 1 名 (1名)	修訂規程11(1)(l)： 由立法會議員互選產生的人士 2 名 (共 2 名)	修訂規程11(1)(l)： 由立法會議員互選產生的人士 3 名 (共 3 名)

校董會選任成員	規程11(1)(m)： 大學校董會所選出的通常在香港居住的人士不超過6名 (共6名)	修訂規程11(1)(m)： 由大學校董會委任的、通常在香港居住的人士((a)、(b)、(c)、(d)、(e)、(f)、(g)、(k)或(l)分節提述的人士除外)不超過4名，而獲委任的人士中最少1名須為中大的畢業生 (共4名)	與 2009 年方案相同 (共 4 名)	與 2016 年方案相同 (共 4 名)
校友評議會選任成員	規程11(1)(n)： 在大學校董會指定的日期後，由校友評議會按大學校董會決定的方式選出的校友評議會成員，人數由大學校董會不時決定，但不得超逾3名 (共3名)	修訂規程11(1)(n)： 由校友評議會按大學校董會決定的方式選出的校友評議會成員1名 (1名)	與 2009 年方案相同 (1 名)	與 2016 年方案相同 (1 名)
	小結：共28人	小結：共17人	小結：共 18 人	小結：共 23 人
<b>總結</b>				
	(1) <u>校董會成員總人數</u> ：55 名 (2) <u>校內成員</u> ：27 名 (3) <u>校外成員</u> ：28 名 (4) <u>校內校外成員比例</u> ： 27：28	(1) <u>校董會成員總人數</u> ：25名 (2) <u>校內成員</u> ：8名 (3) <u>校外成員</u> ：17名 (4) <u>校內校外成員比例</u> ： 8：17	(1) <u>校董會總人數</u> ：29名 (2) <u>校內成員</u> ：11名 (3) <u>校外成員</u> ：18名 (4) <u>校內校外成員比例</u> ： 11：18	(1) <u>校董會成員總人數</u> ：34名 (2) <u>校內成員</u> ：11名 (3) <u>校外成員</u> ：23名 (4) <u>校內校外成員比例</u> ： 11：23



**Appointment of the CUHK Officers**

<b>Title</b>	<b>Statute Provision</b>	<b>2009 Ad Hoc Committee Proposal</b> (Proposed Amendments in the Statutes of The Chinese University of Hong Kong (Amendment) Statute 2013)	<b>2016 Taskforce Consultation Proposal</b>	<b>Proposed Amendments under the Proposed Members' Bill</b>
The Vice-Chancellor	<u>Statute 6:</u> Appointed by the Council after receiving the advice of a committee established by the Council.	(No change)	(No change)	<u>Statute 6 amended:</u> Appointed by resolution of the Council passed by the votes of not less than three quarters of its members for the time being after receiving the advice of a committee established by the Council.
The Provost	<u>Statute 7:</u> Appointed by the Council.	(No change)	(No change)	<u>Statute 7 amended:</u> Appointed by resolution of the Council passed by the votes of not less than three quarters of its members for the time being.
The Treasurer	<u>Statute 8:</u> Appointed by the Council.	(No change)	(No change)	<u>Statute 8 amended:</u> Appointed by the Chancellor.

**Appointment of the CUHK Council Chairman and Vice-Chairman**

The Chairman	<u>Statute 11(1)(a):</u> Appointed by the Chancellor on the nomination of the Council from persons under subparagraphs (k), (l), (m) and (n).	<u>Statute 11(1)(a) amended:</u> Appointed by the Chancellor on the nomination of the Council.	Same as the 2009 Proposal.	<u>Statute 11(1)(a) amended:</u> Appointed by the Chancellor.
The Vice-Chairman	<u>Statute 11(7):</u> The Council elect from among its members.	(No change)	(No change)	<u>Statute 11(1) and (7) amended:</u> Appointed by the Chancellor.

**Composition and Size of the CUHK Council**

<b>Category</b>	<b>Existing Composition</b>	<b>2009 Ad Hoc Committee Proposal</b> (Proposed Amendments in the Statutes of The Chinese University of Hong Kong (Amendment) Statute 2013)	<b>2016 Taskforce Consultation Proposal</b>	<b>Proposed Amendments under the Proposed Members' Bill</b>
<b>Internal Members</b>				
Vice-Chancellor	<u>Statute 11(1)(b):</u> (1 seat)	(No Change) (1 seat)	(No Change) (1 seat)	Same as the 2016 Proposal (1 seat)
Pro-Vice-Chancellor	<u>Statute 11(1)(c):</u> (Currently 6 seats)	<u>Statute 11(1)(c) amended:</u> The Provost, or in the Provost's absence, a Pro-Vice-Chancellor as determined by the Vice-Chancellor. (1 seat)	<u>Statute 11(1)(c) amended:</u> The Provost and a Pro-Vice-Chancellor as determined by the Vice-Chancellor. (2 seats)	Same as the 2016 Proposal (2 seats)
College Head and Master	<u>Statute 11(1)(f):</u> The Heads of the original Colleges and of Shaw College (4 seats)	<u>Statute 11(1)(f) amended:</u> 1 person elected by, and from among, the Heads of the original Colleges and of Shaw College and the Masters of the additional Colleges. (1 seat)	<u>Statute 11(1)(f) amended:</u> 2 persons elected by, and from among, the Heads of the original Colleges and of Shaw College and the Masters of the additional Colleges. (2 seats)	Same as the 2016 Proposal (2 seats)
Faculty Dean and Dean of the Graduate School	<u>Statute 11(1)(g):</u> The Dean of each Faculty and of the Graduate School. (9 seats)	<u>Statute 11(1)(g) amended:</u> 1 person elected by, and from among, the Deans of the Faculties and the Dean of the Graduate School. (1 seat)	<u>Statute 11(1)(g) amended:</u> 2 persons elected by, and from among, the Deans of the Faculties and the Dean of the Graduate School. (2 seats)	Same as the 2016 Proposal (2 seats)

College Fellows	Statute 11(1)(h): In relation to the original Colleges and Shaw College, one Fellow of each College elected by the College's Assembly of Fellows. (4 seats)	(To be repealed)	(To be repealed)	(To be repealed)
Senate Member	Statute 11(1)(i): 3 members elected by the Senate from among the academic members of the Senate. (3 seats)	(To be repealed)	(To be repealed)	(To be repealed)
Academic Staff Member	(Nil)	Statute 11(1)(o) added: 1 person elected by, and from among, full-time employees of the University who are members of the academic staff of the University. (1 seat)	Same as the 2009 Proposal. (1 seat)	Same as the 2016 Proposal (1 seat)
Non-academic Staff Member	(Nil)	Statute 11(1)(p) added: 1 person elected by, and from among, full-time employees of the University who are not members of the academic staff of the University. (1 seat)	Same as the 2009 Proposal. (1 seat)	Same as the 2016 Proposal (1 seat)
Undergraduate Student Member	(Nil)	Statute 11(1)(q) added: the President of the University Students Union, appointed by the Council. (1 seat)	Same as the 2009 Proposal. (1 seat)	Same as the 2016 Proposal (1 seat)

Postgraduate Student Member	(Nil)	<u>Statute 11(1)(r) added:</u> 1 student elected by, and from among, full-time postgraduate students pursuing approved courses of study for a degree of Master or Doctor of the University, or for any other academic award higher than a degree of Bachelor of the University. (1 seat)	Same as the 2009 Proposal. (1 seat)	Same as the 2016 Proposal (1 seat)
	Subtotal: 27 seats	Subtotal: 8 seats	Subtotal: 11 seats	Subtotal: 11 seats
<b>External Members</b>				
Chairman	<u>Statute 11(1)(a):</u> (Subsumed)	<u>Statute 11(1)(a) amended:</u> (1 seat)	Same as the 2009 Proposal (1 seat)	<u>Statute 11(1)(a) amended:</u> (1 seat)
Vice-Chairman	<u>Statute 11(7):</u> (Subsumed)	(No Change) (Subsumed)	(No Change) (Subsumed)	<u>Statute 11(1)(ab) added:</u> (1 seat)
Treasurer	<u>Statute 11(1)(d):</u> (1 seat)	(No Change) (1 seat)	(No Change) (1 seat)	<u>Statute 11(1)(d) amended:</u> (1 seat)
Life Member	<u>Statute 11(1)(da):</u> Life members appointed by the Council. (Currently 1 seat)	(To be repealed)	(To be repealed)	(To be repealed)
College Board of Trustees and Committee of Overseers	<u>Statute 11(1)(e):</u> 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. (8 seats)	<u>Statute 11(1)(e) amended:</u> 5 persons appointed by the Council on the nomination of the Boards of Trustees of the original Colleges and of Shaw College and the Committees of Overseers of the additional Colleges from among their own members, subject to the following— (i) the Boards of Trustees of the original Colleges and of	<u>Statute 11(1)(e) amended:</u> 6 persons appointed by the Council on the nomination of the Boards of Trustees of the original Colleges and of Shaw College and the Committees of Overseers of the additional Colleges from among their own members, subject to the following— (i) the Boards of Trustees of the original Colleges and of	Same as the 2016 Proposal (6 seat)

		Shaw College are to each nominate 1 person; and (ii) the Committees of Overseers of the additional Colleges are to jointly nominate 1 person. (5 seats)	Shaw College are to each nominate 1 person; and (ii) the Committees of Overseers of the additional Colleges are to jointly nominate 2 person. (6 seats)	
Chancellor-appointed Member	<u>Statute 11(1)(k)</u> : 6 persons nominated by the Chancellor. (6 seats)	<u>Statute 11(1)(k) amended</u> : 4 persons appointed by the Chancellor. (4 seats)	<u>Statute 11(1)(k) amended</u> : 3 persons appointed by the Chancellor. (3 seats)	<u>Statute 11(1)(k) amended</u> : 6 persons appointed by the Chancellor. (6 seats)
Legislative Council Members	<u>Statute 11(1)(l)</u> : 3 persons elected by the Members of the Legislative Council, other than Official Members, from among their own number. (3 seats)	<u>Statute 11(1)(l) amended</u> : 1 person elected by, and from among, the Members of the Legislative Council. (1 seat)	<u>Statute 11(1)(l) amended</u> : 2 persons elected by, and from among, the Members of the Legislative Council. (2 seats)	<u>Statute 11(1)(l) amended</u> : 3 persons elected by, and from among, the Members of the Legislative Council. (3 seats)
Council-elected Member	<u>Statute 11(1)(m)</u> : Not more than 6 other persons, normally resident in Hong Kong to be elected by the Council. (6 seats)	<u>Statute 11(1)(m) amended</u> : not more than 4 persons (other than the persons referred to in subparagraph (a), (b), (c), (d), (e), (f), (g), (k) or (l)), normally resident in Hong Kong, appointed by the Council, and at least one of those persons is a graduate of the University. (4 seats)	Same as the 2009 Proposal (4 seats)	Same as the 2016 Proposal (4 seats)
Convocation-elected Member	<u>Statute 11(1)(n)</u> : Such number of members of the Convocation not exceeding 3, to be elected by the Convocation. (3 seats)	<u>Statute 11(1)(n) amended</u> : 1 member of the Convocation elected by the Convocation. (1 seat)	Same as the 2009 Proposal (1 seat)	Same as the 2016 Proposal (1 seat)
	Subtotal: 28 seats	Subtotal: 17 seats	Subtotal: 18 seats	Subtotal: 23 seats

**Summing Up**

(1) Council Size: 55 seats (2) Internal Members: 27 seats (3) External Members: 28 seats (4) Ratio between Internal and External Members: 17:28	(1) Council Size: 25 seats (2) Internal Members: 8 seats (3) External Members: 17 seats (4) Ratio between Internal and External Members: 8:17	(1) Council Size: 29 seats (2) Internal Members: 11 seats (3) External Members: 18 seats (4) Ratio between Internal and External Members: 11:18	(1) Council Size: 34 seats (2) Internal Members: 11 seats (3) External Members: 23 seats (4) Ratio between Internal and External Members: 11:23
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## 附表1

### 香港中文大學規程

#### 規程1

#### 釋義

在本規程中，除文意另有所指外——

**研究院** (Graduate School)指香港中文大學的研究院； (由1995年第101號法律公告增補)

**書院** (College)指第3條所規定的香港中文大學成員書院； (由1986年第59號第4條增補。由2007年第18號第5條修訂)

**院長** (Dean)指學院院長或研究院院長(視屬何情況而定)； (由1995年第101號法律公告增補)

**院長 (Master)**就新增書院而言，指有關書院的院長；

**專業學院院長** (Director of a School)指專業學院的院長； (由2010年第174號法律公告增補)

**常務副校長** (Provost)指由大學校董會聘任的香港中文大學常務副校長； (由2012年第53號法律公告增補)

**教授** (Professor)指教授及該等在2010年1月1日前獲聘任的講座教授； (由2010年第174號法律公告增補)

**條例** (Ordinance)指《香港中文大學條例》(第1109章)；

**單位** (unit)指大學校董會根據條例第12條設立或成立的機構； (由2002年第25號法律公告增補)

**新增書院** (additional College)指除原有書院或逸夫書院外的成員書院； (由2007年第18號第5條增補)

**學系** (Department)指大學校董會根據教務會建議而在學院設立的學系，而**各學系** (Departments)須據此解釋，如文意准許，學系亦指專業學院，而就學系的系主任而言亦指專業學院院長。 (由1994年第452號法律公告增補。由2012年第53號法律公告修訂)

(編輯修訂——2012年第2號編輯修訂紀錄)

#### 規程6

#### 校長

1. 校長由大學校董會在接獲有關委員會的意見後，**藉不少於當其時全部成員的四分之三投票通過的決議**聘任；該委員會由大學校董會設立，並由大學校董會主席、大學校董會在其成員當中指定的3名大學校董及教務會在其成員當中指定的3名教務會成員組成。
2. 校長的任期及聘任條款由大學校董會決定。
3. 校長——

- (a) 有權及有責任就任何影響香港中文大學的政策、財政及行政的事宜，向大學校董會提供意見；
- (b) 就維持香港中文大學的效率及良好秩序以及確保規程、校令及規例的妥善執行，向大學校董會全面負責；
- (c) 如已着令任何學生暫時停學或將任何學生開除，則須於教務會舉行下次會議時向教務會報告；
- (d) 有權委任一人在副校長、學院院長、系主任、專業學院院長、秘書長、教務長、圖書館館長或財務長的職位暫時懸空期間，或在擔任任何上述職位的人暫時不在或暫無能力期間，履行該人的職能和職責； (由1994年第452號法律公告修訂；由2002年第23號第59條修訂；由2010年第174號法律公告修訂)
- (e) 有權在緊急情況下委任校外考試委員。

## 規程7

### 常務副校長及副校長

~~常務副校長及副校長須按大學校董會所決定的任期及條款由大學校董會聘任。~~

~~(由2012年第53號法律公告代替)~~

1. 常務副校長由大學校董會藉不少於當其時全部成員的四分之三投票通過的決議聘任，任期及聘任條款由大學校董會決定。

2. 副校長須按大學校董會所決定的任期及條款由大學校董會聘任。

## 規程8

### 司庫

司庫由大學校董會監督委任，任期為3年，並可再獲委任，而每次再獲委任的任期為3年。

## 規程11

### 大學校董會

1. 大學校董會由下列人士組成——

(a) 主席，由監督根據大學校董會的提名而從(k)、(l)、(m)及(n)分節所指的人士當中委出委任；

(ab) 1名副主席，由監督委任；

(b) 校長；

~~(c) 副校長；~~



- (c) 常務副校長，如常務副校長不在，則及1名由校長決定的副校長；
- (d) 司庫；
- ~~(da) 大學校董會所委任的終身校董；(由1981年第31號法律公告增補)~~
- ~~(e) 就各原有書院及逸夫書院而言，每一書院的書院校董會從其校董當中所選出的校董2名；(由2007年第18號第5條修訂)~~
- ~~(f) 各原有書院的及逸夫書院的院長；(由2007年第18號第5條修訂)~~
- ~~(g) 每一學院的院長及研究院院長；~~
- (e) 由大學校董會根據各原有書院的及逸夫書院的書院校董會及各新增書院的院監會從其成員當中所作出的提名而委任的人士5.6名，但須符合下列規定 —
- (i) 各原有書院的及逸夫書院的書院校董會須各自提名1名人士；及
- (ii) 各新增書院的院監會須共同提名1.2名人士；
- (f) 由各原有書院的及逸夫書院的院長及由各新增書院的院長按大學校董會決定的方式互選產生的人士1.2名；
- (g) 由學院院長及研究院院長按大學校董會決定的方式互選產生的人士1.2名；
- ~~(h) 就各原有書院及逸夫書院而言，每一書院的院務委員會所選出的院務委員1名；(由2007年第18號第5條修訂)~~
- ~~(i) 教務會從其教務成員當中所選出的成員3名；~~
- ~~(j) (由1997年第481號法律公告廢除)~~
- (k) 監督所指定的人士6名委任的人士4.6名；(由1997年第481號法律公告修訂)
- ~~(l) 由立法會議員(官守議員除外)互選產生的人士3名；(由1987年第67號第2條代替。由2000年第53號第3條修訂)~~
- ~~(m) 大學校董會所選出的通常在香港居住的人士不超過6名；(由1997年第481號法律公告修訂)~~
- ~~(n) 在大學校董會指定的日期後，由校友評議會按大學校董會決定的方式選出的校友評議會成員，人數由大學校董會不時決定，但不得超過3名。(由2005年第10號第26條修訂)~~
- (l) 由立法會議員互選產生的人士1.3名；
- (m) 由大學校董會委任的、通常在香港居住的人士((a)、(ab)、(b)、(c)、(d)、(e)、(f)、(g)、(k)或(l)分節提述的人士除外)不超過4名，而獲委任的人士中最少1名須為香港中文大學的畢業生；
- (n) 由校友評議會按大學校董會決定的方式選出的校友評議會成員1名；
- (o) 由屬香港中文大學教務人員的香港中文大學全職僱員按大學校董會決定的方式互選產生、並由大學校董會委任的人士1名；
- (p) 由並非屬香港中文大學教務人員的香港中文大學全職僱員按大學校董會決定的方式互選產生、並由大學校董會委任的人士1名；
- (q) 由大學校董會委任為校董的香港中文大學學生會會長；及
- (r) 由全時間修讀香港中文大學碩士或博士學位或其他高於香港中文大學學士學位的學術名銜的認可課程的研究生按大學校董會決定的方式互選產生、並由大學校董會委任的研究生1名。
2. ~~(1) 在香港中文大學任職的人士，沒有資格根據第1(k)、(l)、(m)或(n)段獲指定或被選舉為大學校董。~~

- (1) 在香港中文大學任職的受薪人士或香港中文大學的學生，均沒有資格根據第1(a)、(ab)、(d)、(e)、(k)、(l)、(m)或(n)段獲委任或被選舉。
- (2) (由1997年第481號法律公告廢除)
- (3) 學生須全時間修讀香港中文大學認可課程，而為期不少於12個月，方有資格根據第1(q)或(r)段獲委任。
3. 大學校董會主席的任期為3年，並可再獲委任，每次任期為3年。
- 3A. 大學校董會主席可以香港中文大學的名義頒授學位。 (由2002年第23號第61條增補)
- ~~4. (1) 獲指定或經選舉產生的大學校董，任期由獲指定或當選的日期起計為3年，並有資格再獲指定或再被選舉；~~  
~~但根據第1段(e)、(h)、(i)、(l)或(n)分節選出的大學校董，如停止出任選出他的團體的成員，即須停止出任大學校董。 (由1993年第438號法律公告代替)~~
- ~~(1A) 經選舉產生的大學校董如根據第(1)節的但書停止出任大學校董，則選出該名校董的團體須妥為選出一名繼任人出任大學校董，任期不得超逾3年。該名繼任人有資格再被選舉，而第(2)節對其再被選舉一事適用。 (由1993年第438號法律公告增補)~~
- ~~(2) 再度指定或再度選出某人出任大學校董的團體，可再度指定或再度選出(視屬何情況而定)該人出任大學校董，任期為3年或少於3年。 (由1988年第20號法律公告增補)~~
- ~~5. 如任何獲指定或經選舉產生的大學校董在任內去世或辭職，則指定或選出該名校董的團體須妥為指定或選出(視屬何情況而定)一名繼任人出任大學校董，任期不得超逾3年。該名繼任人有資格再獲指定或再被選舉，而第4(2)段對其再獲指定或再被選舉一事適用。 (由1988年第20號法律公告修訂；由2000年第257號法律公告修訂)~~
4. (1) 在第(4)節的規限下，根據第1(k)、(l)、(m)或(n)段委任或選出的大學校董 —  
(a) 任期自獲委任或當選(視屬何情況而定)的日期起計，為期3年；及  
(b) 有資格再獲委任或再被選舉(視屬何情況而定)，每次任期為3年。
- (2) 在第(5)節的規限下，根據第1(o)或(p)段選出及委任的大學校董 —  
(a) 任期自獲委任的日期起計，為期3年；及  
(b) 有資格再被選舉及再獲委任，每次任期為3年。
- (3) 在第(4)及(5)節的規限下，根據第1(e)、(f)或(g)段委任或選出的大學校董 —  
(a) 任期自獲委任或當選(視屬何情況而定)的日期起計，為期1年；及  
(b) 有資格再獲委任或再被選舉(視屬何情況而定)，每次任期為1年。
- (4) 任何根據第1(e)、(l)或(n)段委任或選出的大學校董，如停止出任委任或選出(視屬何情況而定)該名校董的團體的成員，即須停止出任大學校董。
- (5) 任何根據第1(f)或(g)段選出或根據第1(o)或(p)段選出及委任的大學校董，如不再符合被選舉的資格準則，即須停止出任大學校董。
- (6) 如任何根據第1(l)或(n)段選出的大學校董在其任內去世或辭職，或根據第(4)節停止出任大學校董，則選出該名校董的團體或從其成員當中選出該名校董的團體(視屬何情況而定)須根據同一段，妥為選出一名繼任人，該名繼任人 —  
(a) 任期不得超逾3年；及  
(b) 有資格根據第(1)(b)節再被選舉。
- (7) 如任何根據第1(o)或(p)段選出及委任的大學校董在其任內去世或辭職，或根據第(5)節停止出任大學校董，則通過互選而選出該名校董的香港中文大學全職僱員須根據同一段，妥為選出一名繼任人，該名繼任人 —  
(a) 任期不得超逾3年；及

- (b) 有資格根據第(2)(b)節再被選舉及再獲委任。
- (8) 如任何根據第1(c)段委任的大學校董在其任內去世或辭職，或根據第(4)節停止出任大學校董，則大學校董會須根據第1(c)段，妥為委任一名繼任人，該名繼任人——
- (a) 任期不得超逾1年；及
- (b) 有資格根據第(3)(b)節再獲委任。
- (9) 如任何根據第1(f)或(g)段選出的大學校董在其任內去世或辭職，或根據第(5)節停止出任大學校董，則通過互選而選出該名校董的各原有書院的及逸夫書院的院長及各新增書院的院長或學院院長及研究院院長(視屬何情況而定)須根據同一段，妥為選出一名繼任人，該名繼任人——
- (a) 任期不得超逾1年；及
- (b) 有資格根據第(3)(b)節再被選舉。
5. 如任何根據第1(k)或(m)段委任的大學校董在其任內去世或辭職，則監督或大學校董會(視屬何情況而定)須根據同一段，妥為委任一名繼任人，該名繼任人——
- (a) 任期不得超逾3年；及
- (b) 有資格根據第4(1)(b)段再獲委任。
6. 按第1(b)、~~(e)~~、~~(d)~~、~~(f)~~及~~(g)~~ (c)或(d)段的規定出任大學校董的人士，在擔任其藉以成為大學校董的職位的期間繼續出任大學校董。
- 6A. (1) 在第(3)節的規限下，根據第1(q)段委任或根據第1(r)段選出及委任的大學校董會的學生成員——
- (a) 任期自獲委任的日期起計，為期1年；及
- (b) 有資格再獲委任，或再被選舉及再獲委任(視屬何情況而定)，但任何學生不得連任大學校董超過2屆。
- (2) 如大學校董會的任何學生成員在其任內去世或辭職，或根據第(3)節停止出任大學校董，則——
- (a) (如該名學生成員剩餘的任期尚有6個月或以上)須按大學校董會決定的方式，委任或選出及委任(視屬何情況而定)一名繼任人在該段剩餘的任期內出任大學校董；或
- (b) (如該名學生成員剩餘的任期少於6個月)無須委任或選出及委任(視屬何情況而定)繼任人在該段剩餘的任期內出任大學校董。
- (3) 大學校董會的任何學生成員，如不再符合獲委任或被選舉的資格準則，即須停止出任大學校董。
7. 大學校董會得從其校董當中選出副主席1名，的任期為2年，任滿後可再被選舉並可再獲委任，每次任期為2年。
8. 在符合條例及規程的規定下，以及在不減損大學校董會權力的一般性的原則下，現特別訂明——
- (1) 大學校董會具有權力——
- (a) 訂立規程，但任何一則規程不得在教務會有機會就該則規程向大學校董會作出報告之前訂立；
- (b) 在獲得授權或可能獲得授權為某個目的訂立校令的情況下，為該目的訂立校令，但任何校令不得在教務會有機會就其向大學校董會作出報告之前訂立；
- (c) 將屬於香港中文大學的任何款項投資；

- (d) 代香港中文大學借入款項；
  - (e) 代香港中文大學出售、購買、交換或租賃任何土地財產或非土地財產，或接受任何土地財產或非土地財產的租賃；
  - (f) 代香港中文大學訂立、更改、履行和取消合約；
  - (g) 就各原有書院及逸夫書院而言，規定每一書院的書院校董會按大學校董會所決定的格式及時間，每年交出其經審計的帳目； *(由2007年第18號第5條修訂)*
  - (h) 接受來自公共來源而用於資本開支及經常開支的資助；
  - (i) 每年並依照大學校董會不時決定的較長時間收取與批准由校長經諮詢教務會後提交的開支預算；
  - (j) 接受饋贈，並批准各書院接受饋贈(但可附加大學校董會認為適合的條件)；
  - (k) 為香港中文大學僱用的人士及其妻子、遺孀和受養人提供福利，包括付予金錢、退休金或其他款項，並為該等人士的利益而供款予僱員福利基金及其他基金；
  - (l) 就學生的紀律及福利事宜作出規定；
  - (m) 建議頒授榮譽學位；
  - (n) 在教務會作出報告後，設立額外的學院、學系或專業學院或取消、合併或分拆任何學院、學系或專業學院； *(由1994年第452號法律公告修訂；由2010年第174號法律公告修訂)*
  - (na) 根據教務會的建議決定每一學院及其屬下學系及每一專業學院的組織或結構，並對該組織或結構作出大學校董會認為適合的更改； *(由1994年第452號法律公告增補。由2010年第174號法律公告修訂)*
  - (o) 訂明香港中文大學的各項收費；
- (2) 大學校董會的職責為 ——
- (a) 委任銀行、核數師及大學校董會認為宜於委任的其他代理人；
  - (b) 委出行政與計劃委員會；
  - (c) 就香港中文大學的一切收入及支出以及香港中文大學的資產及債務，安排備存妥善的帳簿，使該等帳簿真實而公正地反映香港中文大學的財務往來情況及財務狀況；
  - (d) 安排於大學校董會所決定的每個財政年度完結後6個月內審計香港中文大學的帳目；
  - (e) 提供香港中文大學需用的建築物、圖書館、實驗室、處所、家具、儀器及其他設備；
  - (f) 於諮詢教務會後，鼓勵香港中文大學成員從事研究工作，並為香港中文大學成員從事研究工作提供條件；
  - (g) 檢討香港中文大學的學位課程、文憑課程、證書課程及為香港中文大學其他資格頒授而設的課程的授課及教學事宜；
  - (h) 於諮詢教務會後，設立所有教學職位；
  - (i) 管理或安排管理為香港中文大學僱用的人士的利益而設的一項或多於一項公積金；
  - (ia) 按照大學校董會不時決定的條款及條件及程序，為香港中文大學作出大學校董會認為需要的委任或聘任，以及在諮詢教務會或教務會為聘任教師的目的而指定的教務會成員後，作出教師的聘任； *(由2010年第174號法律公告增補)*

- (j)-(l) (由2010年第174號法律公告廢除)
- (m) 根據教務會的推薦，為每一學系委任一名系主任、為每一專業學院委任一名專業學院院長以及為每個不隸屬某一學系或專業學院的學科委任一名學科主任； (由1994年第452號法律公告修訂；由2010年第174號法律公告修訂)
- (n) 根據教務會的推薦，委任校外考試委員；
- (o) 為印刷和出版香港中文大學發行的作品提供條件；及
- (p) 審議教務會的報告，如大學校董會認為適宜就該報告採取行動，則採取有關行動。
9. 大學校董會每學年須最少舉行會議3次，並須於大學校董會主席、校長或任何5名大學校董提出書面要求時，舉行額外會議。
- 9A. 大學校董會可藉傳閱文件的方式處理其任何事務。除非校長或有5名大學校董，以書面要求大學校董會主席將正如此處理的事務的某個別項目提交大學校董會下次會議，否則由過半數大學校董以書面通過的書面決議的有效性及效力，均猶如該決議是在大學校董會會議上通過的一樣。 (由1998年第256號法律公告增補)
- 9B. (1) 大學校董會可決定—
- (a) 是否容許大學校董會的學生成員或大學校董會所設立的委員會或其他團體的學生成員，參與會議中審議保留事項的部分；及
- (b) (如有關學生成員獲容許參與)該等學生成員參與的方式。
- (2) 該等獲容許參與會議中審議保留事項的部分的大學校董會的學生成員，可在大學校董會決定的條件規限下，取用和閱讀與該等事項有關的文件。
- (3) 就本則規程而言，保留事項即以下各項—
- (a) 影響香港中文大學教職員中個別教師及成員的聘任、晉升及其他事務的事宜；
- (b) 影響個別學生的取錄及學業評核的事宜；
- (c) 開支預算及其他與香港中文大學財政有關的事宜。
- (4) 對於某項事宜是否屬第(3)節提述的各保留事項之一，如有疑問，可由大學校董會主席或大學校董會所設立的委員會的主席或大學校董會所設立的其他團體的主席 (視屬何情況而定) 作出決定，而其決定為最終決定。
10. 秘書長須就大學校董會會議的舉行，向每名有權接收該會議通知的人士發出7天書面通知，並將該會議的議程一併送交；如主席或任何2名與會的校董反對，則不得處理任何不在議程內的事務。
11. 大學校董會可為妥善處理其事務而訂立常規，並可在大學校董會任何會議上藉過半數票而修訂或撤銷該等常規，但秘書長須已就有關修訂或撤銷的建議，向大學校董會發出不少於7天的書面通知。
12. 大學校董會會議的法定人數為12人。



## Schedule 1

# Statutes of The Chinese University of Hong Kong

### STATUTE 1

#### INTERPRETATION

In these Statutes, unless the context otherwise requires—

**additional College** (新增書院) means a constituent College other than an original College or Shaw College; (*Added 18 of 2007 s. 5*)

**College** (書院) means a constituent College of the University as provided by section 3; (*Added 59 of 1986 s. 4. Amended 18 of 2007 s. 5*)

**Dean** (院長) means the Dean of a Faculty or of the Graduate School, as the case may be; (*Added L.N. 101 of 1995*)

**Department** (學系) means a Department of a Faculty established by the Council on the recommendation of the Senate and **Departments** (各學系) shall be construed accordingly and, where the context permits, a Department also refers to a School of Studies and Chairman in relation to a Department also refers to Director of a School; (*Added L.N. 452 of 1994. Amended L.N. 53 of 2012*)

**Director of a School** (專業學院院長) means the Director of a School of Studies; (*Added L.N. 174 of 2010*)

**Graduate School** (研究院) means the Graduate School of the University; (*Added L.N. 101 of 1995*)

**Master** (院長) means, in relation to an additional College, the Master of the College concerned;

**Ordinance** (條例) means The Chinese University of Hong Kong Ordinance (Cap. 1109); (*Amended L.N. 38 of 2007*)

**Professor** (教授) means Professors carrying the Chinese title of “教授” and those appointed before 1 January 2010 carrying the Chinese title of “講座教授”; (*Added L.N. 174 of 2010*)

**Provost** (常務副校長) means the Provost of the University appointed by the Council; (*Added L.N. 53 of 2012*)

**unit** (單位) means an institution established or formed by the Council under section 12 of the Ordinance. (*Added L.N. 25 of 2002*)

### STATUTE 6

#### THE VICE-CHANCELLOR

1. The Vice-Chancellor shall be appointed by **resolution of** the Council **passed by the votes of not less than three quarters of its members for the time being** after receiving the advice of a committee established by the Council and composed of the Chairman of the Council, 3 members nominated by the Council from among its number and 3 members nominated by the Senate from among its number.

2. The Vice-Chancellor shall hold office for such period and on such terms as may be determined by the Council.
3. The Vice-Chancellor shall—
  - (a) have the right and duty to advise the Council on any matter affecting the policy, finance and administration of the University;
  - (b) be generally responsible to the Council for the maintenance of the efficiency and good order of the University and for ensuring the proper enforcement of the Statutes, decrees and regulations;
  - (c) report to the Senate at its next meeting if he has suspended or expelled any student;
  - (d) have power to appoint a person to discharge the functions and duties of the Pro-Vice-Chancellors, a Dean of a Faculty, the Chairman of a Department, the Director of a School, the Secretary, Registrar, the Librarian or the Bursar during a temporary vacancy in any such appointment or during the temporary absence or inability of the holder of any such appointment; (*Amended L.N. 452 of 1994; L.N. 174 of 2010*)
  - (e) have power in case of emergency to appoint external examiners.

## STATUTE 7

### THE PROVOST AND THE PRO-VICE-CHANCELLORS

~~The Provost and the Pro-Vice-Chancellors shall be appointed by the Council for such period and on such terms as may be determined by the Council.~~

*(Replaced L.N. 53 of 2012)*

1. The Provost shall be appointed by resolution of the Council passed by the votes of not less than three quarters of its members for the time being, for such period and on such terms as may be determined by the Council.

2. The Pro-Vice-Chancellors shall be appointed by the Council for such period and on such terms as may be determined by the Council.

## STATUTE 8

### THE TREASURER

The Treasurer shall be appointed by the ~~Council~~ Chancellor and shall hold office for 3 years, and may be re-appointed and when he is re-appointed he shall hold office for a further period or periods of 3 years.

## 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);
  - (ab) a Vice-Chairman, who shall be appointed by the Chancellor;**
  - (b) the Vice-Chancellor;
  - ~~(c) the Pro Vice Chancellors;~~
  - ~~(c) the Provost, or in the Provost's absence, and~~ a Pro-Vice-Chancellor as determined by the Vice-Chancellor;
  - (d) the Treasurer;
  - ~~(da) life members appointed by the Council; (Added 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; (Amended 18 of 2007 s. 5)~~
  - ~~(f) the Heads of the original Colleges and of Shaw College; (Amended 18 of 2007 s. 5)~~
  - ~~(g) the Dean of each Faculty and of the Graduate School;~~
  - ~~(e) 5~~ **6** persons appointed by the Council on the nomination of the Boards of Trustees of the original Colleges and of Shaw College and the Committees of Overseers of the additional Colleges from among their own members, subject to the following—
    - ~~(i) the Boards of Trustees of the original Colleges and of Shaw College are to each nominate 1 person; and~~
    - ~~(ii) the Committees of Overseers of the additional Colleges are to jointly nominate 1~~ **person 2 persons;**
  - ~~(f) 1 person~~ **2 persons** elected by, and from among, the Heads of the original Colleges and of Shaw College and the Masters of the additional Colleges, in a manner to be determined by the Council;
  - ~~(g) 1 person~~ **2 persons** elected by, and from among, the Deans of the Faculties and the Dean of the Graduate School, in a manner to be determined by the Council;
  - ~~(h) in relation to the original Colleges and Shaw College, one Fellow of each College elected by the College's Assembly of Fellows; (Amended 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~~ ~~4~~ **6** persons appointed by the Chancellor; (Amended 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; (Replaced 67 of 1987 s. 2)~~
  - ~~(m) not more than 6 other persons, normally resident in Hong Kong; who shall be elected by the Council; (Amended 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.~~
  - ~~(l) 1 person~~ **3 persons** elected by, and from among, the Members of the Legislative Council;
  - ~~(m) not more than 4 persons (other than the persons referred to in subparagraph (a), (ab), (b), (c), (d), (e), (f), (g), (k) or (l)), normally resident in Hong Kong, appointed by the Council, and at least one of those persons is a graduate of the University;~~
  - ~~(n) 1 member of the Convocation elected by the Convocation, in a manner to be determined by the Council;~~
  - ~~(o) 1 person elected by, and from among, full-time employees of the University who are members of the academic staff of the University, in a manner to be determined by the Council, and appointed by the Council;~~



- (p) 1 person elected by, and from among, full-time employees of the University who are not members of the academic staff of the University, in a manner to be determined by the Council, and appointed by the Council;
- (q) the President of the University Students Union, appointed by the Council; and
- (r) 1 student elected by, and from among, full-time postgraduate students pursuing approved courses of study for a degree of Master or Doctor of the University, or for any other academic award higher than a degree of Bachelor of the University, in a manner to be determined by the Council, and appointed by the Council.
2. ~~(1) Persons who hold appointments in the University shall not be eligible for nomination or election under paragraph 1(k), (l), (m) or (n).~~
- (1) Persons who hold salaried appointments in the University or who are students of the University are not eligible for appointment or election under paragraph 1(a), (ab), (d), (e), (k), (l), (m) or (n).
- (2) *(Repealed L.N. 481 of 1997)*
- (3) To be eligible for appointment under paragraph 1(q) or (r), the student must be a full-time student pursuing an approved course of study of the University for a period of not less than 12 months.
3. The Chairman of the Council shall hold office for 3 years and may be re-appointed for further periods of 3 years.
- 3A. The Chairman of the Council may confer degrees in the name of the University. *(Added 23 of 2002 s. 61)*
- ~~4. (1) The nominated and elected members of the Council shall hold office for 3 years from the date of their nomination or election and shall be eligible for re-nomination or re-election:~~
- ~~Provided that a member elected under subparagraphs (e), (h), (i), (l) or (n) of paragraph 1 shall cease to be a member of the Council if he ceases to be a member of the body from among whose members he was elected. *(Replaced L.N. 438 of 1993)*~~
- ~~(1A) If an elected member of the Council ceases to be a member under the proviso to subparagraph (1), the body which elected him shall duly elect a successor whose membership of the Council shall be for a period not exceeding 3 years. The successor shall be eligible for re-election to which subparagraph (2) shall apply. *(Added L.N. 438 of 1993)*~~
- ~~(2) A body re-nominating or re-electing a member may re-nominate or re-elect, as the case may be, such member for a period of 3 years or for a period of less than 3 years. *(Added L.N. 20 of 1988)*~~
- ~~5. Should a nominated or elected member of the Council die or resign during his period of membership, the body which nominated or elected him shall duly nominate or elect, as the case may be, a successor whose membership of the Council shall be for a period not exceeding 3 years. Such successor shall be eligible for re-nomination or re-election, and paragraph 4(2) shall apply thereto. *(Amended L.N. 20 of 1988; L.N. 257 of 2000)*~~
4. (1) Subject to subparagraph (4), members of the Council appointed or elected under paragraph 1(k), (l), (m) or (n)—
- (a) hold office for a period of 3 years from the date of their appointment or election, as the case may be; and
- (b) are eligible for re-appointment or re-election, as the case may be, for further periods of 3 years.

- (2) Subject to subparagraph (5), members of the Council elected and appointed under paragraph 1(o) or (p)—  
 (a) hold office for a period of 3 years from the date of their appointment; and  
 (b) are eligible for re-election and re-appointment for further periods of 3 years.
- (3) Subject to subparagraphs (4) and (5), members of the Council appointed or elected under paragraph 1(e), (f) or (g)—  
 (a) hold office for a period of 1 year from the date of their appointment or election, as the case may be; and  
 (b) are eligible for re-appointment or re-election, as the case may be, for further periods of 1 year.
- (4) A member of the Council appointed or elected under paragraph 1(e), (l) or (n) ceases to be a member of the Council if the member ceases to be a member of the body from among whose members the member was appointed or elected, as the case may be.
- (5) A member of the Council elected under paragraph 1(f) or (g), or elected and appointed under paragraph 1(o) or (p), ceases to be a member of the Council if the member ceases to meet the criteria of eligibility for election.
- (6) If a member of the Council elected under paragraph 1(l) or (n) dies or resigns during the member's period of membership, or ceases to be a member of the Council under subparagraph (4), the body that elected the member, or from among whose members the member was elected, as the case may be, must duly elect a successor under the same paragraph—  
 (a) whose membership of the Council must be for a period not exceeding 3 years; and  
 (b) who is eligible for re-election under subparagraph (1)(b).
- (7) If a member of the Council elected and appointed under paragraph 1(o) or (p) dies or resigns during the member's period of membership, or ceases to be a member of the Council under subparagraph (5), the fulltime employees of the University from among whom the member was elected must duly elect a successor under the same paragraph—  
 (a) whose membership of the Council must be for a period not exceeding 3 years; and  
 (b) who is eligible for re-election and re-appointment under subparagraph (2)(b).
- (8) If a member of the Council appointed under paragraph 1(e) dies or resigns during the member's period of membership, or ceases to be a member of the Council under subparagraph (4), the Council must duly appoint a successor under paragraph 1(e)—  
 (a) whose membership of the Council must be for a period not exceeding 1 year; and  
 (b) who is eligible for re-appointment under subparagraph (3)(b).
- (9) If a member of the Council elected under paragraph 1(f) or (g) dies or resigns during the member's period of membership, or ceases to be a member of the Council under subparagraph (5), the Heads and the Masters, or the Deans, as the case may be, from among whom the member was elected must duly elect a successor under the same paragraph—  
 (a) whose membership of the Council must be for a period not exceeding 1 year; and  
 (b) who is eligible for re-election under subparagraph (3)(b).
5. If a member of the Council appointed under paragraph 1(k) or (m) dies or resigns during the member's period of membership, the Chancellor or the Council, as the case may be, must duly appoint a successor under the same paragraph—  
 (a) whose membership of the Council must be for a period not exceeding 3 years; and  
 (b) who is eligible for re-appointment under paragraph 4(1)(b).
6. Members of the Council whose membership derives from paragraph 1(b), ~~(c), (d), (f) and (g)~~ ~~(c) or (d)~~ shall remain members of the Council for so long as they hold the office ~~or appointment~~ by reason of which they became members of the Council.
- 6A. (1) Subject to subparagraph (3), student members of the Council appointed under paragraph 1(q), or elected and appointed under paragraph 1(r)—

- (a) hold office for a period of 1 year from the date of their appointment; and
    - (b) are eligible for re-appointment, or re-election and re-appointment, as the case may be, but no student may be a member of the Council for more than 2 consecutive terms of office.
  - (2) If a student member of the Council dies or resigns during the student member's period of membership, or ceases to be a member of the Council under subparagraph (3)—
    - (a) (if the student member's unexpired period of membership is 6 months or longer) a successor is to be appointed, or elected and appointed, as the case may be, in a manner to be determined by the Council for that unexpired period of membership;  
or
    - (b) (if the student member's unexpired period of membership is shorter than 6 months) no successor is to be appointed, or elected and appointed, as the case may be, for that unexpired period of membership.
  - (3) A student member of the Council ceases to be a member of the Council if the student member ceases to meet the criteria of eligibility for appointment or election.
- 7. ~~The Council shall elect from among its members a~~ **The** Vice-Chairman **of the Council** ~~who~~ shall hold office for a period of 2 years and ~~who~~ may be ~~re-elected~~ **re-appointed for further periods of 2 years**.
- 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; (*Amended 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; (*Amended 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; (*Added L.N. 452 of 1994. Amended 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; (*Added 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; (*Amended 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.
9. The Council shall meet at least 3 times in each academic year and additionally on the written request of the Chairman of the Council or the Vice-Chancellor or any 5 members of the Council.

- 9A. The Council may transact any of its business by circulation of papers, and unless the Vice-Chancellor or 5 members of the Council in writing request the Chairman of the Council to refer any particular item of the business being so transacted to the next meeting of the Council, a resolution in writing which is approved in writing by a majority of the members shall be as valid and effectual as if it had been passed at a meeting of the Council. (*Added L.N. 256 of 1998*)
- 9B. (1) The Council may determine—  
(a) whether student members of the Council or of any committees or other bodies the Council may establish are allowed to participate in that part of meetings considering any reserved areas of business; and  
(b) (if they are so allowed) the manner of their participation.
- (2) Those student members of the Council who are allowed to participate in that part of meetings considering any reserved areas of business may, subject to any conditions the Council may determine, access and read the papers relating to those areas.
- (3) For the purposes of this Statute, the reserved areas of business are the following—  
(a) matters affecting the appointment, promotion and other affairs relating to teachers and members of the University staff as individuals;  
(b) matters affecting the admission and academic assessment of students as individuals;  
(c) expenditure estimates and other matters concerning the finances of the University.
- (4) The Chairman of the Council, or the Chairman of the committee or other body established by the Council, as the case may be, may decide in any case of doubt whether or not a matter falls within one of the reserved areas of business referred to in subparagraph (3) and the Chairman's decision is final.
10. 7 days' notice in writing of any meeting of the Council shall be sent by the Secretary to each person entitled to receive notice of the meeting with the agenda thereof, and no business not included in the agenda shall be transacted if the Chairman or any 2 members present object.
11. The Council may make for the proper conduct of its business Standing Orders which it may amend or rescind by simple majority at any of its meetings provided that not less than 7 days' notice has been given in writing by the Secretary to members of the Council of the proposal so to amend or rescind.
12. The quorum at any meeting of the Council shall be 12.