

公 共 啟 事
PUBLIC NOTICES

《2023 年嶺南大學（修訂）條例草案》

Lingnan University (Amendment) Bill 2023

《2023 年嶺南大學 (修訂) 條例草案》

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Lingnan University (Amendment) Bill 2023

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本條例草案

旨在

修訂《嶺南大學條例》，闡明雖然校董會仍保留核准有關員工的服務條款及條件的政策之權力，但校董會可將核准個別僱員的服務的條款及條件之權力轉授予委員會或校長；明定教務會有責任指示及規管與知識產權和知識轉移有關的事項；容許委任最多 3 名副校長；修訂校董會和諮議會的學生成員；及就相關事宜作出規定。

由立法會制定。

1. 簡稱

本條例可引稱為《2023 年嶺南大學 (修訂) 條例》。

2. 修訂《嶺南大學條例》

《嶺南大學條例》(第 1165 章) 現予修訂，修訂方式列於第 3 至 12 條。

A BILL

To

Amend the Lingnan University Ordinance to clarify that while the Council still preserves the authority to approve the policies governing the terms and conditions of service of staff, the Council may delegate to its committee(s) or the President the power to approve the terms and conditions of service of individual employees; to stipulate the Senate's duty to direct and regulate matters relating to intellectual property rights and knowledge transfer; to allow appointment of up to three Vice-Presidents; to amend the student membership in the Council and the Court; and to provide for related matters.

Enacted by the Legislative Council.

1. Short title

This Ordinance may be cited as the Lingnan University (Amendment) Ordinance 2023.

2. Lingnan University Ordinance amended

The Lingnan University Ordinance (Cap. 1165) is amended as set out in sections 3 to 12.

3. 修訂第 2 條 (釋義)

- (1) 第 2 條，**副校長**的定義，在“委任的”之後——
加入
“一名”。
- (2) 第 2 條——
廢除**學生會**的定義。

4. 修訂第 9 條 (諮議會的成員)

- (1) 第 9(1) 條——
廢除 (g) 及 (h) 段
代以
“(g) 1 名由校長按照規程提名並由校董會委任的副校長；
(h) 由本科學生按照規程互選產生並由校董會委任的全日制學生 1 名；
(ha) 由研究生學生按照規程互選產生並由校董會委任的全日制學生 1 名；及”。
- (2) 第 9(5) 條，在“(e)”之後——
加入
“、(h)、(ha)”。
- (3) 第 9(7) 條，在“(e)”之後——
加入
“、(h)、(ha)”。

3. Section 2 amended (interpretation)

- (1) Section 2, definition of *Vice-President*—

Repeal

“means the”

Substitute

“means a”.

- (2) Section 2—

Repeal the definition of *Students’ Union*.

4. Section 9 amended (membership of the Court)

- (1) Section 9(1)—

Repeal paragraphs (g) and (h)

Substitute

“(g) 1 Vice-President nominated by the President in accordance with statutes and appointed by the Council;

(h) 1 full-time student elected by and from the undergraduate students in accordance with statutes and appointed by the Council;

(ha) 1 full-time student elected by and from the postgraduate students in accordance with statutes and appointed by the Council; and”.

- (2) Section 9(5), after “(e)”—

Add

“, (h), (ha)”.

- (3) Section 9(7), after “(e)”—

Add

“, (h), (ha)”.

- (4) 第 9(8) 條——
廢除
“或 (e)”
代以
“、(e)、(h) 或 (ha)”。

5. 修訂第 12 條 (校董會的成員)

- (1) 第 12(1) 條——
廢除 (g) 及 (h) 段
代以
“(g) 1 名由校長按照規程提名並由校董會委任的副校長；
(h) 由本科學生按照規程互選產生並由校董會委任的全日制學生 1 名；及
(i) 由研究生學生按照規程互選產生並由校董會委任的全日制學生 1 名。”。
- (2) 第 12(6) 條——
廢除
“或 (e)”
代以
“、(e)、(h) 或 (i)”。
- (3) 第 12(8) 條——
廢除
“或 (e)”
代以

(4) Section 9(8)—

Repeal

“or (e)”

Substitute

“, (e), (h) or (ha)”.

5. Section 12 amended (membership of the Council)

(1) Section 12(1)—

Repeal paragraphs (g) and (h)

Substitute

“(g) 1 Vice-President nominated by the President in accordance with statutes and appointed by the Council;

(h) 1 full-time student elected by and from the undergraduate students in accordance with statutes and appointed by the Council; and

(i) 1 full-time student elected by and from the postgraduate students in accordance with statutes and appointed by the Council.”.

(2) Section 12(6)—

Repeal

“or (e)”

Substitute

“, (e), (h) or (i)”.

(3) Section 12(8)—

Repeal

“or (e)”

Substitute

“、(e)、(h) 或 (i)”。

(4) 第 12(9) 條——

廢除

“或 (e)”

代以

“、(e)、(h) 或 (i)”。

6. 修訂第 14 條 (委員會的一般事宜)

(1) 第 14(2)(a) 條，在“核准”之後——

加入

“有關”。

(2) 在第 14(2) 條之後——

加入

“(2A) 即使有第 (2)(a) 款的規定，校董會可將按照該等政策核准大學所僱用或聘用的人的服務條款及條件的權力轉授予委員會。”。

7. 修訂第 15 條 (校長、副校長及其他僱員的委任)

(1) 第 15(4) 條——

廢除

“一名副校長”

代以

“最多 3 名副校長”。

(2) 第 15(5) 條，在“校長或”之後——

“, (e), (h) or (i)”.

(4) Section 12(9)—

Repeal

“or (e)”

Substitute

“, (e), (h) or (i)”.

6. Section 14 amended (committees generally)

(1) Section 14(2)(a), after “to approve”—

Add

“the policies relating to”.

(2) After section 14(2)—

Add

“(2A) Despite subsection (2)(a), the Council may delegate to the committee the power to approve the terms and conditions of service of persons in the employment of the University in accordance with such policies.”.

7. Section 15 amended (appointment of President, Vice-President and other employees)

(1) Section 15(4)—

Repeal

“a Vice-President”

Substitute

“up to 3 Vice-Presidents”.

(2) Section 15(5)—

加入

“一名”。

8. 修訂第 16 條 (校董會有權轉授權力及責任予校長)

(1) 第 16(2)(a) 條，在“核准”之後——

加入

“有關”。

(2) 第 16(2)(f) 條，在“終止”之後——

加入

“任何”。

(3) 在第 16(2) 條之後——

加入

“(3) 即使有第 (2)(a) 款的規定，校董會可將按照該等政策核准大學所僱用或聘用的人的服務條款及條件的權力轉授予校長。”。

9. 修訂第 18 條 (教務會)

第 18(2)(b) 條——

廢除

“和研究工作”

代以

“、研究工作及所有有關知識產權和知識轉移的事宜”。

Repeal

“the Vice-President”

Substitute

“a Vice-President”.

8. Section 16 amended (power of the Council to delegate to the President)

- (1) Section 16(2)(a), after “to approve”—

Add

“the policies relating to”.

- (2) Section 16(2)(f)—

Repeal

“the Vice-President”

Substitute

“any Vice-President”.

- (3) After section 16(2)—

Add

“(3) Despite subsection (2)(a), the Council may delegate to the President the power to approve the terms and conditions of service of persons in the employment of the University in accordance with such policies.”.

9. Section 18 amended (Senate)

Section 18(2)(b)—

Repeal

“and research”

Substitute

“, research, and all matters relating to intellectual property rights and knowledge transfer”.

10. 修訂第 23 條 (校董會訂立規程的權力)

- (1) 第 23(1)(g) 條——
廢除
“9(1)(d) 或 (e)”
代以
“9(1)(d)、(e)、(h) 或 (ha)”。
- (2) 第 23(1)(g) 條——
廢除
“12(1)(d) 或 (e)”
代以
“12(1)(d)、(e)、(h) 或 (i)”。

11. 修訂附表 1 (諮議會的會議及程序)

- (1) 附表 1，第 7 段——
廢除
“學生會會長或”。
- (2) 附表 1，第 7 段——
廢除
“或 (e)”
代以
“、(e)、(h) 或 (ha)”。
- (3) 附表 1，第 8 段——
廢除
“學生會當其時的會長”
代以
“根據本條例第 9(1)(h) 或 (ha) 條委任的全日制學生”。

10. Section 23 amended (power of the Council to make statutes)

- (1) Section 23(1)(g)—

Repeal

“9(1)(d) or (e)”

Substitute

“9(1)(d), (e), (h) or (ha)”.

- (2) Section 23(1)(g)—

Repeal

“12(1)(d) or (e)”

Substitute

“12(1)(d), (e), (h) or (i)”.

11. Schedule 1 amended (meetings and procedures of the Court)

- (1) Schedule 1, paragraph 7—

Repeal

“the President of the Students’ Union or”.

- (2) Schedule 1, paragraph 7—

Repeal

“or (e)”

Substitute

“, (e), (h) or (ha)”.

- (3) Schedule 1, paragraph 8—

Repeal

“the President for the time being of the Students’ Union”

Substitute

“the full-time student appointed under section 9(1)(h) or (ha) of the Ordinance”.

12. 修訂附表 2 (校董會的會議及程序)

- (1) 附表 2，第 6 段——

廢除

“、學生會會長”。

- (2) 附表 2，第 6 段——

廢除

“或 (e)”

代以

“、(e)、(h) 或 (i)”。

- (3) 附表 2，第 7 段——

廢除

“學生會當其時的會長”

代以

“根據本條例第 12(1)(h) 或 (i) 條委任的全日制學生”。

13. 保留條文

本條例的條文不影響亦不得當作影響中央或香港特別行政區政府根據《基本法》和其他法律的規定所享有的權利或任何政治體或法人團體或任何其他人的權利，但本條例所述及者和經由、透過或藉著他們提出申索者除外。

12. Schedule 2 amended (meetings and procedures of the Council)

- (1) Schedule 2, paragraph 6—

Repeal

“, the President of the Students’ Union”.

- (2) Schedule 2, paragraph 6—

Repeal

“or (e)”

Substitute

“, (e), (h) or (i)”.

- (3) Schedule 2, paragraph 7—

Repeal

“the President for the time being of the Students’ Union”

Substitute

“the full-time student appointed under section 12(1)(h) or (i) of the Ordinance”.

13. Saving

Nothing in this Ordinance shall affect or be deemed to affect the rights of the Central Authorities or the Government of the Hong Kong Special Administrative Region under the Basic Law and other laws, or the rights of any body politic or corporate or of any other person except such as are mentioned in this Ordinance and those claiming by, from or under them.

摘要說明

本條例草案的主要目的，是修訂《嶺南大學條例》(第 1165 章) (《**主體條例**》) 以——

- (a) 闡明雖然校董會仍保留核准有關員工的服務條款及條件的政策之權力，但校董會可將核准個別僱員的服務的條款及條件之權力轉授予委員會或校長；
- (b) 明定教務會有責任指示及規管與知識產權和知識轉移有關的事項；
- (c) 容許委任最多 3 名副校長；
- (d) 修訂校董會和諮議會的學生成員；及
- (e) 就相關事宜作出規定。

- 2. 草案第 1 條列出簡稱。
- 3. 草案第 3 條廢除《主體條例》第 2 條中**學生會**的定義，因隨着對校董會和諮議會的學生成員的建議的修訂，學生會主席將不再是校董會和諮議會的成員。
- 4. 草案第 3 條亦修訂《主體條例》第 2 條中**副校長**的定義，以訂立可委任多於一名副校長。
- 5. 草案第 4(1) 條修訂《主體條例》第 9(1)(g) 條以——

Explanatory Memorandum

The object of this Bill is to amend the Lingnan University Ordinance (Cap. 1165) (*principal Ordinance*)—

- (a) to clarify that while the Council still preserves the authority to approve the policies governing the terms and conditions of service of staff, the Council may delegate to its committee(s) or the President the power to approve the terms and conditions of service of individual employees;
- (b) to stipulate the Senate's duty to direct and regulate matters relating to intellectual property rights and knowledge transfer;
- (c) to allow appointment of up to three Vice-Presidents;
- (d) to amend the student membership in the Council and the Court; and
- (e) to provide for related matters.

- 2. Clause 1 sets out the short title.
- 3. Clause 3 repeals the definition of *Students' Union* in section 2 of the principal Ordinance, as following the proposed changes to the student membership in the Council and the Court, the President of the Students' Union will no longer be a member of the Council and the Court.
- 4. Clause 3 also amends the definition of *Vice-President* in section 2 of the principal Ordinance to provide that more than one Vice-Presidents could be appointed.
- 5. Clause 4(1) amends section 9(1)(g) of the principal Ordinance to—

- (a) 訂立雖然最多可委任 3 名副校長，但僅有一名副校長可被委任至校董會和諮議會，以維持校董會和諮議會的成員人數，並賦予校董會作出該委任的權力；及
- (b) 對校董會就由校長提名副校長以委任至校董會和諮議會訂立規程的權力作出規定。

6. 草案第 4(1) 條亦修訂《主體條例》第 9(1)(h) 條以——

- (a) 容許由從本科學生中推選出的學生代表作為校董會和諮議會的成員以鼓勵本科學生參與大學事務；及
- (b) 就校董會訂立規程以規定推選及進行委任的權力作出規定。

7. 草案第 4(1) 條另在《主體條例》中加入第 9(1)(ha) 條以——

- (a) 擴大校董會和諮議會的學生成員，以包括研究生，以使他們的意見可以更好地反映在大學的管治架構中。此外，鑑於大學的研究生人數顯著增加，而“增強研究生教育”是大學 2022-28 策略發展計劃中的策略領域之一，這將更好地讓大學反映學生的整體代表性；及

- (a) provide that although up to three Vice-Presidents may be appointed, only one Vice-President will be appointed to the Council and the Court in order to maintain the number of members in the Council and the Court, and the Council is empowered to make such appointment; and
 - (b) provide for the Council's power to make new statutes to govern the nomination of the Vice-President by the President for appointment to the Council and the Court.
- 6. Clause 4(1) also amends section 9(1)(h) of the principal Ordinance to—
 - (a) allow a student representative to be elected from the undergraduate students to be a member in the Council and the Court to encourage participation of the undergraduate students in university business; and
 - (b) provide for the Council's powers to make statutes to govern the election and to make the appointment.
- 7. Clause 4(1) further adds section 9(1)(ha) to the principal Ordinance to—
 - (a) expand the student membership in the Council and the Court to include postgraduate students to the effect that their views could be better reflected in the University's governance structure. Furthermore, given that there is a significant increase of the number of postgraduate students in the University and that "Augmenting Postgraduate Studies" is one of the strategic areas in the University's Strategic Plan 2022-28 this will better allow the University to reflect overall student representation; and

(b) 就校董會訂立規程以規定推選及進行委任的權力作出規定。

8. 草案第 4(2)、4(3) 及 4(4) 條修訂《主體條例》第 9(5)、9(7) 及 9(8) 條以符合本摘要說明第 6 及第 7 段中提述的對《主體條例》第 9(1) 條的修訂。
9. 草案第 5 條出於與本摘要說明第 5 至第 8 段相同的理由修訂《主體條例》第 12 條。
10. 草案第 6 條修訂《主體條例》第 14(2)(a) 條以闡明雖然校董會仍保留核准有關員工的服務條款及條件的政策之權力，並在《主體條例》中第 14 條加入新訂第 14(2A) 條以明確校董會仍可將核准個別僱員的服務的條款及條件之權力轉授予委員會或校長，因為由校董會核准每個僱員的條款和條件是不切實際的，而通過容許校董會轉授權力予委員會或校長，可提高效率。
11. 草案第 7 條修訂《主體條例》第 15(4) 及 15(5) 條以容許委任最多 3 名副校長，以加強大學管理團隊及促進大學發展。
12. 草案第 8 條出於與本摘要說明第 10 段相同的理由修訂《主體條例》第 16 條。

- (b) provide for the Council's powers to make statutes to govern the election and to make the appointment.
8. Clauses 4(2), 4(3) and 4(4) amend sections 9(5), 9(7) and 9(8) of the principal Ordinance in line with the amendments to section 9(1) of the principal Ordinance referred to in paragraphs 6 and 7 of this Explanatory Memorandum.
 9. Clause 5 amends section 12 of the principal Ordinance for the same justifications as paragraphs 5 to 8 of this Explanatory Memorandum.
 10. Clause 6 amends section 14(2)(a) of the principal Ordinance to clarify that while the Council still preserves the authority to approve the policies governing the terms and conditions of service of staff and adds a new subsection (2A) to section 14 of the principal Ordinance, to clarify that the Council may still delegate to its committee(s) or the President the power to approve the terms and conditions of service of individual employees as it is impractical for the Council to approve terms and conditions of every individual employee. By allowing the Council to delegate to the committee or the President it will improve their efficiency.
 11. Clause 7 amends sections 15(4) and 15(5) of the principal Ordinance to allow appointment of up to three Vice-Presidents to strengthen the University's management team for the University's development.
 12. Clause 8 amends section 16 of the principal Ordinance for the same justifications as paragraph 10 of this Explanatory Memorandum.

13. 草案第 9 條修訂《主體條例》第 18(2)(b) 條以給予教務會權力以指示及規管與知識產權和知識轉移有關的事項，以配合大學已開始註冊其研究工作產生的商標和專利，並釐清教務會的職能。
14. 草案第 10 至 12 條修訂《主體條例》第 23 條，附表 1 及附表 2，以符合本摘要說明第 5 至第 9 段中提述的對《主體條例》第 9 至 12 條的修訂。
15. 草案第 13 條為《香港特別行政區立法會議事規則》第 50(8) 條要求下的保留條文。

13. Clause 9 amends section 18(2)(b) of the principal Ordinance to empower the Senate to direct and regulate matters relating to intellectual property rights and knowledge transfer, given that the University has started to register trademark and patent that resulted from its research work and to clarify the role of the Senate.
14. Clauses 10 to 12 amend section 23, Schedule 1 and Schedule 2 of the principal Ordinance in line with the amendments to sections 9 and 12 of the principal Ordinance as referred to in paragraphs 5 to 9 of this Explanatory Memorandum.
15. Clause 13 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.