

立法會

Legislative Council

LC Paper No. CB(4)709/2023(02)

Ref : CB4/BC/9/23

Bills Committee on The Chinese University of Hong Kong (Amendment) Bill 2023

Background brief

Purpose

This paper sets out the background to The Chinese University of Hong Kong (Amendment) Bill 2023 and summarizes the areas of concern of the Panel on Education (“the Panel”) on the proposed legislation.

Background

2. The Chinese University of Hong Kong (“CUHK”), one of the eight University Grants Committee (“UGC”)-funded universities, was inaugurated in 1963 through the enactment of The Chinese University of Hong Kong Ordinance (Cap. 1109).

3. The Bill is a Members’ Bill introduced jointly by Hon Tommy CHEUNG Yu-yan, Hon LAU Kwok-fan and Hon TANG Ka-piu. According to the Legislative Council Brief, the Bill is introduced to give effect to certain recommendations made by UGC in 2002 and 2016 (including issues concerning governance of universities), taking into consideration the relevant comments given by a taskforce established by the Council of CUHK (“the Council”) on 12 December 2022 (“Task Force”), and the relevant views expressed by stakeholders of CUHK.

The Bill

4. The Bill seeks to amend Cap. 1109, including the Statutes of CHUK in Schedule 1 to Cap. 1109, to

- (a) provide for the role and status of the Masters of additional Colleges of the University;
- (b) revise the methods of appointing the Vice-Chancellor, the Provost, the Treasurer of CUHK, and the Chairman and the Vice Chairman of the Council;
- (c) provide for the reorganization of the Council; and
- (d) provide for matters connected with these purposes.

Deliberations of the Panel

5. The Panel discussed the proposed legislative amendments to Cap. 1109 at its meeting on 16 December 2022. The major concerns of Members on the Bill are set out in the ensuing paragraphs.

Governance of The Chinese University of Hong Kong

6. In the light of the incidents which took place in CUHK in 2019, most of the Members supported the proposed amendments to Cap. 1109, which aimed to improve transparency and accountability of the governance of CUHK. There was however worry that the proposed amendments might not be effective in ensuring CUHK's top management to uphold the principle of "one country, two systems" and preventing the recurrence of similar incidents in 2019.

7. Chairman of the CUHK Council ("Council Chairman") undertook to relay Members' concerns to the Council and advised that the principles and standards set out pursuant to and under the relevant Ordinance of a university were the blueprint for good university governance, which was critical to a university's effective operation and sustainable development.

8. Members noted that UGC had issued the Report on Higher Education in Hong Kong (commonly known as the Sutherland Report) in March 2002, which recommended "That the governing body of each university carry out a review of the fitness for purpose of its governance and management structures. Such an exercise will necessarily include a review of the relevant Ordinances and, where appropriate, proposals for legislative changes should be made." Some Members enquired why CUHK and the Education Bureau had not proposed any amendments to Cap. 1109 according to the recommendation of the Report.

9. Council Chairman advised that the Council had been putting great efforts in proposing amendments to the Statutes of CUHK to effect its reorganization. Multiple attempts had been made but in vain due to various reasons. Nevertheless, CUHK's willingness to reorganize the Council had not been affected. On 12 December 2022, Council members exchanged views on the proposal of the three Legislative Council Members to reorganize the Council and agreed that a Task Force would be established to follow up the same.

Composition of the Council

10. Given the prevailing ratio of 28:27 between external and internal members in the Council, some Members pointed out that such a composition would give the public an impression that CUHK was an independent kingdom operating in a black box. In addition, there was doubt about the need for CUHK to adopt a micro-management approach by including so many top management staff (viz. Pro-Vice-Chancellors, College Heads, Faculty Deans and the Dean of the Graduate School) as internal Council members. In some Members' view, many university staff had the perception that expressing concerns about the policies of their universities would result in consequences for the faculty/college they represented, in terms of resource allocation. Therefore, if the Council consisted of a large number of internal members, it would not be able to serve its purpose of monitoring the effectiveness of CUHK in achieving its goals and operation targets.

11. While Members considered it necessary to increase the number of external members in the Council, there was a view that the proposed ratio of 2:1 between external and internal members should not follow rigidly. Given CUHK's unique College system, it would be more desirable to have more internal members represented on its Council so that each College's independency and autonomy could be respected. As such, the Council should handle the ratio with flexibility according to practical needs.

Appointment of Vice-Chancellor

12. Members noted that according to the proposed amendments to Cap. 1109, 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. There was concern that the threshold of "not less than three quarters" of the Council members was too high, thereby making CUHK difficult to attract suitable candidates. However, there was a view that as CUHK was one of the best global universities, the appointment of Vice-Chancellor should be well acknowledged by its Council and the public. The requirement of "votes of not less than three quarters of the Council members" was considered appropriate. In fact, the

appointment of Presidents of some local universities even required the votes of not less than three quarters of their external Council members. Moreover, management was the responsibility of the Vice-Chancellor. He/she should demonstrate academic as well as governance excellence to ensure he/she could lead CUHK in accordance with its missions in the overall interests of students and the community.

13. Council Chairman advised that based on his experience, universities would adopt stringent procedures for recruiting and appointing Presidents. Taking The Hong Kong University of Science and Technology as an example, a search committee for President which comprised both external and internal members would be appointed. Several rounds of interview would be held with the shortlisted candidates. After the search committee had submitted the report on recommended candidate to the Council, the President shall be appointed by resolution of the Council passed by the votes of not less than three quarters of its non-executive (i.e. external) members.

14. To restore public confidence in CUHK, there was a suggestion that the appointment of Vice-Chancellor should be finally confirmed by the Chief Executive as the Chancellor of all universities in Hong Kong. Council Chairman undertook to convey members' suggestion to the Council for its consideration.

Relevant papers

15. A list of relevant papers is in the **Appendix**.

Council Business Division 4
Legislative Council Secretariat
13 July 2023

Appendix

Bills Committee on The Chinese University of Hong Kong (Amendment) Bill 2023

List of relevant papers

Committee	Date of meeting	Paper
Panel on Education	16.12.2022 (Item III)	Agenda Minutes
---	21.6.2023	Legislative Council Brief
	9.6.2023	The Bill
	29.6.2023	Legal Service Division Report

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