
The Chinese University of Hong Kong (Amendment) Ordinance 2023

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HONG KONG SPECIAL ADMINISTRATIVE REGION

ORDINANCE NO. 28 OF 2023



John KC LEE
Chief Executive
9 November 2023

An Ordinance to amend The Chinese University of Hong Kong Ordinance and the Statutes of The Chinese University of Hong Kong in Schedule 1 to the Ordinance to provide for the role and status of the Masters of additional Colleges of The Chinese University of Hong Kong; to revise the methods of appointing the Vice-Chancellor, the Provost, the Treasurer, and the Chairman and the Vice-Chairman of the Council, of the University; to provide for the reorganization of the Council; and to provide for matters connected with these purposes.

[10 November 2023]

Enacted by the Legislative Council.

1. Short title and commencement

- (1) This Ordinance may be cited as The Chinese University of Hong Kong (Amendment) Ordinance 2023.
- (2) Subject to subsection (3), this Ordinance comes into operation on the day on which it is published in the Gazette.
- (3) Section 10(24) comes into operation on a day to be appointed by the Council of The Chinese University of Hong Kong by notice published in the Gazette.

2. The Chinese University of Hong Kong Ordinance amended

The Chinese University of Hong Kong Ordinance (Cap. 1109) is amended as set out in sections 3 to 18.

3. Section 2 amended (definitions)

(1) Section 2(1)—

Add in alphabetical order

“additional College (新增書院) means a constituent College other than an original College or Shaw College;

Master of an additional College (新增書院的院長) means, in relation to an additional College, the Master of the College concerned;”.

(2) Section 2(2)(b), after “the Council”—

Add

“for the time being”.

4. Section 5 amended (officers)

Section 5(1), after “the Heads of the original Colleges and of Shaw College,”—

Add

“the Masters of the additional Colleges,”.

5. Schedule 1, Statute 1 amended (interpretation)

(1) Schedule 1, Statute 1—

Repeal

“In these Statutes, unless the context otherwise requires—
additional College”

Substitute

- “1. In these Statutes, unless the context otherwise requires—
additional College”.
- (2) Schedule 1, Statute 1, paragraph 1, definition of ***Provost***—
Repeal
“by the Council”
Substitute
“under paragraph 1 of Statute 7”.
- (3) Schedule 1, Statute 1, paragraph 1—
Repeal the definition of *additional College*.
- (4) Schedule 1, Statute 1, paragraph 1—
Add in alphabetical order
“***Committee of Overseers*** (院監會) means the Committee of Overseers of an additional College;”.
- (5) Schedule 1, Statute 1, after paragraph 1—
Add
- “2. The Provost is at all times one of the Pro-Vice-Chancellors.”.
- 6. Schedule 1, Statute 3 amended (members of the University)**
Schedule 1, after Statute 3(g)—
Add
“(ga) the Masters of the additional Colleges;”.
- 7. Schedule 1, Statute 6 amended (the Vice-Chancellor)**
(1) Schedule 1, Statute 6, paragraph 1—

Repeal

“The Vice-Chancellor shall be appointed by the Council”

Substitute

“The Vice-Chancellor is to be appointed by resolution of the Council passed by the votes of not less than three-fourths of the whole membership of the Council for the time being”.

- (2) Schedule 1, Statute 6, paragraph 2—

Repeal

“shall hold office for such period and on such terms as may be determined by the Council”

Substitute

“is to hold office for such period and on such terms as may be determined by resolution of the Council passed by the votes of not less than three-fourths of the whole membership of the Council for the time being”.

- (3) Schedule 1, English text, Statute 6, paragraph 3—

Repeal

“shall”

Substitute

“is to”.

8. Schedule 1, Statute 7 substituted

Schedule 1—

Repeal Statute 7

Substitute

“STATUTE 7

THE PROVOST AND THE PRO-VICE-CHANCELLORS

1. The Provost is to be appointed by resolution of the Council passed by the votes of not less than three-fourths of the whole membership of the Council for the time being, for such period and on such terms as may be determined by resolution of the Council passed by the votes of not less than three-fourths of the whole membership of the Council for the time being.
2. The Pro-Vice-Chancellors are to be appointed by the Council for such period and on such terms as may be determined by the Council.”.

9. Schedule 1, Statute 8 substituted

Schedule 1—

Repeal Statute 8

Substitute

“STATUTE 8

THE TREASURER

The Treasurer is to be appointed by the Chancellor and is to hold office for a period of 3 years and may be re-appointed for further periods of 3 years.”.

10. Schedule 1, Statute 11 amended (the Council)

- (1) Schedule 1, English text, Statute 11, paragraph 1—

Repeal

“shall consist”

Substitute

“is to consist”.

- (2) Schedule 1, Statute 11, paragraph 1(a)—

Repeal

“shall be appointed by the Chancellor on the nomination of the Council from persons under subparagraphs (k), (l), (m) and (n);”

Substitute

“is to be appointed by the Chancellor;”.

- (3) Schedule 1, Statute 11, after paragraph 1(a)—

Add

“(ab) the Vice-Chairman, who is to be appointed by the Chancellor;”.

- (4) Schedule 1, Statute 11, paragraph 1—

Repeal subparagraph (c)

Substitute

“(c) the Provost;

(ca) one Pro-Vice-Chancellor (other than the Provost) as determined by the Council;”.

- (5) Schedule 1, Statute 11, paragraph 1—

Repeal subparagraph (da).

- (6) Schedule 1, Statute 11, paragraph 1—

Repeal subparagraphs (e), (f) and (g)

Substitute

- “(e) 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, subject to the following—
- (i) the Boards of Trustees of the original Colleges and of Shaw College are to each nominate 1 person from among their own members; and
 - (ii) the Committees of Overseers of the additional Colleges are to jointly nominate 2 persons from among their own members;
- (f) 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) 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;”.

- (7) Schedule 1, Statute 11, paragraph 1—

Repeal subparagraphs (h) and (i).

- (8) Schedule 1, Statute 11, paragraph 1(k)—

Repeal

“6 persons nominated”

Substitute

“6 persons appointed”.

- (9) Schedule 1, Statute 11, paragraph 1—

Repeal subparagraphs (l), (m) and (n)

Substitute

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- “(l) 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), (ca), (d), (e), (f), (g), (k) or (l)), ordinarily 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) 1 student elected by, and from among, full-time undergraduate students pursuing approved courses of study for a degree of Bachelor of the University, in a manner to be determined by the Council, and 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.”.

- (10) Schedule 1, Statute 11, paragraph 2—

Repeal subparagraph (1)

Substitute

“(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), (e), (k), (l), (m) or (n).”.

- (11) Schedule 1, Statute 11, at the end of paragraph 2—

Add

“(3) To be eligible for election and 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.”.

- (12) Schedule 1, English text, Statute 11, paragraph 3—

Repeal

“shall”

Substitute

“is to”.

- (13) Schedule 1, Statute 11—

Repeal paragraphs 4 and 5

Substitute

- “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), a member of the Council elected and appointed under paragraph 1(o) or (p)—
 - (a) holds office for a period of 3 years from the date of his or her appointment; and
 - (b) is 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 full-time 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).”.

(14) Schedule 1, Statute 11, paragraph 6—

Repeal

“(c), (d), (f) and (g) shall”

Substitute

“(c), (ca) and (d) are to”.

(15) Schedule 1, English text, Statute 11, paragraph 6—

Repeal

“or appointment”.

(16) Schedule 1, Statute 11, after paragraph 6—

Add

- “6A. (1) Subject to subparagraph (3), a student member of the Council elected and appointed under paragraph 1(q) or (r)—
- (a) holds office for a period of 1 year from the date of his or her appointment; and
 - (b) is eligible for re-election and re-appointment, 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 elected and appointed under paragraph 1(q) or (r) 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 elected in a manner to be determined by the Council and appointed 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 elected and appointed for that unexpired period of membership.
- (3) A student member of the Council elected and appointed under paragraph 1(q) or (r) ceases to be a member of the Council if the student member ceases to meet the criteria of eligibility for election and appointment.”.
- (17) Schedule 1, Statute 11—

Repeal paragraph 7

Substitute

- “7. The Vice-Chairman of the Council is to hold office for a period of 3 years and may be re-appointed for further periods of 3 years.”.
- (18) Schedule 1, English text, Statute 11, paragraph 8—
Repeal
“shall” (wherever appearing)
Substitute
“is to”.
- (19) Schedule 1, English text, Statute 11, paragraph 9—
Repeal
“shall”
Substitute
“must”.
- (20) Schedule 1, Statute 11, paragraph 9A—
Repeal
“shall”
Substitute
“of the Council for the time being is to”.
- (21) Schedule 1, Statute 11, after paragraph 9A—
Add
- “9B. (1) The Council may determine—
- (a) whether student members of the Council or of any committees or other bodies as 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 who are allowed to participate in that part of meetings considering any reserved areas of business may, subject to any conditions as 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.”.
- (22) Schedule 1, English text, Statute 11, paragraph 10—

Repeal

“shall be sent”

Substitute

“must be sent”.

(23) Schedule 1, English text, Statute 11, paragraph 10—

Repeal

“shall be transacted”

Substitute

“is to be transacted”.

(24) Schedule 1, Statute 11, paragraph 12—

Repeal

“shall be 12”

Substitute

“is not less than one-half of the whole membership of the Council for the time being”.

11. Schedule 1, Statute 13 amended (the Administrative and Planning Committee)

Schedule 1, Statute 13, after paragraph 1(c)—

Add

“(ca) the Masters of the additional Colleges;”.

12. Schedule 1, Statute 14 amended (the Senate)

Schedule 1, Statute 14, after paragraph 1(c)—

Add

“(ca) the Masters of the additional Colleges;”.

13. Schedule 1, Statute 15 amended (the Faculties and the Graduate School)

Schedule 1, Statute 15, paragraph 6(d), after “the Dean”—

Add

“of the Faculty”.

14. Schedule 1, Statute 16 amended (Fellows)

Schedule 1, Statute 16, paragraph 6—

Repeal subparagraph (a).

15. Schedule 1, Statute 18 amended (the Convocation)

(1) Schedule 1, English text, Statute 18, paragraph 4—

Repeal

“normally”

Substitute

“ordinarily”.

(2) Schedule 1, Statute 18, paragraph 7—

Repeal subparagraph (1)

Substitute

“(1) Subject to subparagraph (2), the Convocation is to elect 1 member of the Convocation, in a manner to be determined by the Council, to be a member of the Council.”.

16. Schedule 1, Statute 19 amended (academic staff)

Schedule 1, after Statute 19(c)—

Add

“(ca) the Masters of the additional Colleges;”.

17. Schedule 1, Statute 22 amended (retirement of certain officers and academic staff)

Schedule 1, Statute 22—

Repeal

“The Vice-Chancellor, the Pro-Vice-Chancellors and all other salaried officers”

Substitute

“All salaried officers (other than the Vice-Chancellor and the Provost)”.

18. Schedule 1, Statute 24 amended (removal from office, membership or appointment)

- (1) Schedule 1, Statute 24, heading—

Repeal

“OFFICE,”.

- (2) Schedule 1, Statute 24, paragraph 1—

Repeal

“the Treasurer from his office and”.

- (3) Schedule 1, Statute 24, paragraph 1, after “the Chairman”—

Add

“, the Vice-Chairman, the Treasurer”.

- (4) Schedule 1, Statute 24, paragraph 3, after “Shaw College,”—

Add

“the Masters of the additional Colleges,”.

19. Transitional provisions

- (1) A person who was the Vice-Chancellor immediately before the commencement date under paragraph 1 of Statute 6 of the pre-amended Statutes—

- (a) continues to be the Vice-Chancellor on and after the commencement date for the unexpired period of vice-chancellorship; and

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- (b) is deemed to have been appointed under paragraph 1 of Statute 6 of the amended Statutes.
 - (2) A person who was the Provost immediately before the commencement date under Statute 7 of the pre-amended Statutes—
 - (a) continues to be the Provost on and after the commencement date for the unexpired period of provostship; and
 - (b) is deemed to have been appointed under paragraph 1 of Statute 7 of the amended Statutes.
 - (3) A person who was the Treasurer immediately before the commencement date under Statute 8 of the pre-amended Statutes—
 - (a) continues to be the Treasurer on and after the commencement date for the unexpired period of treasurership; and
 - (b) is deemed to have been appointed under Statute 8 of the amended Statutes.
 - (4) A person who was the Chairman of the Council immediately before the commencement date under paragraph 1(a) of Statute 11 of the pre-amended Statutes—
 - (a) continues to be the Chairman of the Council on and after the commencement date for the unexpired period of chairmanship; and
 - (b) is deemed to have been appointed under paragraph 1(a) of Statute 11 of the amended Statutes.
 - (5) A person who was the Vice-Chairman of the Council immediately before the commencement date under paragraph 7 of Statute 11 of the pre-amended Statutes—

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- (a) continues to be the Vice-Chairman of the Council on and after the commencement date for the unexpired period of vice-chairmanship; and
 - (b) is deemed to have been appointed under paragraph 1(ab) of Statute 11 of the amended Statutes.
- (6) Those persons who were members of the Council immediately before the commencement date under paragraph 1(k) of Statute 11 of the pre-amended Statutes—
- (a) continue to be members of the Council on and after the commencement date for their unexpired periods of membership; and
 - (b) are deemed to have been appointed under paragraph 1(k) of Statute 11 of the amended Statutes.
- (7) Those persons who were members of the Council immediately before the commencement date under paragraph 1(l) of Statute 11 of the pre-amended Statutes—
- (a) continue to be members of the Council on and after the commencement date for their unexpired periods of membership; and
 - (b) are deemed to have been elected under paragraph 1(l) of Statute 11 of the amended Statutes.
- (8) Those persons who were members of the Council immediately before the commencement date under paragraph 1(c), (da), (e), (f), (g), (h), (i), (m) or (n) of Statute 11 of the pre-amended Statutes cease to be members of the Council on the commencement date.

(9) In this section—

amended Statutes (《經修訂的規程》) means the Statutes of The Chinese University of Hong Kong in Schedule 1 to The Chinese University of Hong Kong Ordinance (Cap. 1109) as amended by this Ordinance;

commencement date (生效日期) means the date on which this Ordinance comes into operation under section 1(2) of this Ordinance;

pre-amended Statutes (《原有規程》) means the Statutes of The Chinese University of Hong Kong in Schedule 1 to The Chinese University of Hong Kong Ordinance (Cap. 1109) as in force immediately before the commencement date.

20. 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.