

THE UNIVERSITY OF HONG KONG ORDINANCE

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THE UNIVERSITY OF HONG KONG ORDINANCE

To repeal and replace the University Ordinance 1911.

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- Short title. 1. This Ordinance may be cited as the University of Hong Kong Ordinance.
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- Interpretation. 2. (1) In this Ordinance, unless the context otherwise requires—
 “Chancellor” means the Chancellor of the University and also any person acting as Chancellor of the University by virtue of section 12(3);
 “Court”, “Council”, “Senate” and “Convocation” respectively mean the Court, the Council, the Senate and Convocation of the University;
 “officers” and “teachers” respectively mean the officers and teachers of the University;
 “Pro-Chancellor” means the Pro-Chancellor of the University;
 “statutes” means the statutes of the University;
 “University” means the University of Hong Kong;
 “Vice-Chancellor”, “Deputy Vice-Chancellor”, “Pro-Vice-Chancellors”, “Treasurer”, “Deans of Faculties”, “Registrar” and “Librarian” respectively mean the Vice-Chancellor, Deputy Vice-Chancellor, Pro-Vice-Chancellors, Treasurer, Deans of Faculties, Registrar and Librarian of the University.
- (2) For the purposes of this Ordinance, “good cause”, when used with reference to removal from office, membership or place and with reference to such of the members of the University and of the officers and teachers as shall be designated by the Ordinance and statutes, means inability to perform efficiently the duties of the office, neglect of duty, or such misconduct, whether in an official or a private capacity, as renders the holder unfit to continue in office.
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3. [Repealed]
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- Incorporation. 4. Notwithstanding the repeal of the University Ordinance 1911, the University shall continue in being with the name and style of “*The University of Hong Kong*”, by which name the members of the University as defined from time to time by Statute IV of the statutes shall constitute one body politic and corporate with perpetual succession and a common seal, and with full power by and in such name to sue and be sued, and to take by gift or otherwise, purchase and hold, grant, demise or otherwise dispose of real or personal estate, and with the other powers conferred by, under or by virtue of this Ordinance.
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- Form of contracts. 5. (1) Contracts on behalf of the University may be made as follows—
 (a) a contract which, if made between private persons, would be required by law to be in writing under seal, may be made on behalf of the University in writing under the common seal of the University;
 (b) a contract which, if made between private persons, would be required by law to be in writing, and signed by the parties to be charged therewith, may be made on behalf of the University in writing signed by any person acting under the express or implied authority of the Council;

- (c) a contract which, if made between private persons would be valid by law, although made by parole only and not reduced into writing, may be made, by parole on behalf of the University by any person acting under the express or implied authority of the Council.
- (2) A contract made according to this section shall be effectual in law and shall bind the University and its successors and all other parties thereto.
- (3) A contract made according to this section may be varied or discharged in the same manner in which it is authorized by this section to be made.
- (4) Instruments under seal made on behalf of the University, sealed with the common seal of the University, signed by the Chancellor or Pro-Chancellor or Vice-Chancellor or Deputy Vice-Chancellor or Treasurer and countersigned by the Registrar shall be deemed to be duly executed.

6. No dividend or bonus shall be paid and no gift or division of money shall be made by or on behalf of the University to or among any of its members except by way of prize, reward, or special grant. Dividends prohibited.

7. (1) There shall be a Court, a Council and a Senate whose respective constitutions, powers, and duties shall be prescribed by this Ordinance and the statutes. Court, Council and Senate, their constitutions, powers and duties.

(2) The Court shall, subject to the provisions of this Ordinance and the statutes, be the supreme governing body of the University.

(3) The Council shall be the executive body of the University, and shall provide for the custody and use of the University seal, and subject to the provisions of this Ordinance and the statutes, it shall administer the property and manage the affairs of the University.

(4) Subject to the provisions of this Ordinance and the statutes, and to the financial control of the Council, the Senate shall have the regulation of all matters relating to education in the University.

(5) No act or resolution of the Court, the Council, or the Senate shall be invalid by reason only of any vacancy in, or any want of qualification by or invalidity in the election or appointment of any member of, any such body.

8. (1) There shall be Faculties of Arts, Social Sciences, Science, Medicine, Engineering, and such other Faculties as may be constituted by the Court on the recommendation of the Council and the Senate. In the Faculty of Arts due provision shall be made for the study of the Chinese language and literature. Faculties and Institutes.

(2) There shall be a Board and a Dean of each Faculty with such powers respectively as may be prescribed by this Ordinance and the statutes.

(3) The Council may, on the recommendation of the Senate, form, dissolve or reform such institutes, schools, centres, units and other sub-divisions of studies and learning as it may from time to time consider desirable.

- Convocation. 9. (1) There shall be a Convocation whose constitution, powers and privileges shall be as prescribed by the statutes.
- (2) Convocation shall have such and so many representatives in the Court and on such conditions as may be prescribed by the statutes.
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- Honorary Degrees Committee. 10. For the purpose of advising the Chancellor with regard to the award of honorary degrees, there shall be an Honorary Degrees Committee which shall consist of such persons as shall be provided by the statutes.
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- Committees generally. 11. (1) The Court, the Council, the Senate, and the Board of any Faculty respectively may establish such committees as they think fit.
- (2) Unless otherwise expressly provided, any committee may consist partly of persons who are not members of the Court, the Council, the Senate or the Board of any Faculty, as the case may be.
- (3) Subject to the provisions of this Ordinance and the statutes, the Court, the Council, the Senate, and the Board of any Faculty respectively may, with or without restrictions or conditions as they think fit, delegate any of their powers and duties to any committee.
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- Officers and teachers, their appointment, powers, duties and emoluments. 12. (1) The officers shall be the Chancellor, the Pro-Chancellor, the Vice-Chancellor, the Deputy Vice-Chancellor, the Pro-Vice-Chancellors, the Treasurer, the Deans of the Faculties, the Registrar, the Librarian, and such other persons as may be designated as officers by the statutes.
- (2) The Chancellor shall be the chief officer of the University.
- (3) The Chief Executive shall be the Chancellor. In the absence of the Chief Executive the person for the time being assuming the duties of the Chief Executive according to the provisions of Article 53 of the Basic Law shall be the Acting Chancellor, and as such shall have all the powers and duties of the Chancellor.
- (4) The Chancellor may appoint a person to be the Pro-Chancellor of the University. The Pro-Chancellor shall exercise such powers and perform such duties as may be prescribed by the statutes. In the absence of the Pro-Chancellor, the Chancellor may appoint a person to act as Pro-Chancellor. The person so appointed may exercise all or any of the powers, perform all or any of the duties, and have such of the privileges of the Pro-Chancellor as the Chancellor may determine.
- (5) The Vice-Chancellor shall be the principal academic and administrative officer of the University.
- (6) The Vice-Chancellor, the Deputy Vice-Chancellor, the Pro-Vice-Chancellors, the Treasurer, the Registrar, the Librarian, and the other officers designated as such by the statutes shall be appointed by the Council in accordance with the statutes, and the Council shall not terminate any such appointment except where after due enquiry into the facts there exists in the opinion of the Council good cause for such termination.

- (7) If, by reason of an amendment to the statutes, an officer ceases to be designated as such, he shall nevertheless continue to be entitled to the protection, with respect to the termination of his appointment, conferred by subsection (6).
- (8) The Deans of the Faculties shall be appointed in accordance with the statutes.
- (9) The teachers shall be the Professors, Readers, Lecturers, and such other persons as may be designated teachers by the statutes. The teachers shall be appointed by the Council. The Council shall not terminate the appointment of any teacher except where after due enquiry into the facts and after receiving the advice of the Senate on the findings of such enquiry there exists in the opinion of the Council good cause for such termination.
- (10) Notwithstanding the provisions of subsections (6) and (9), any officer or teacher —
 - (a) who is appointed after or continued in employment beyond a retiring age determined by the Council; or
 - (b) whose employment is temporary, part-time or probationary, may be removed from office in accordance with the terms of his contract of service or on any other lawful grounds, without any reason for such removal being assigned.
- (11) An appeal shall lie to the Chancellor from any decision of the Council to terminate the appointment of any officer or teacher.
- (12) Subject to the foregoing provisions of this section, the Council may appoint one or more Pro-Vice-Chancellors to exercise such powers and perform such duties as the Council may direct.
- (13) During any period when the office of Vice-Chancellor is vacant or the Vice-Chancellor is absent from Hong Kong or is for any other reason prevented from or incapable of performing the functions of his office, those functions shall, unless the Council otherwise directs, be performed by the Deputy Vice-Chancellor, or, failing him, by the Pro-Vice-Chancellor who is currently in Hong Kong and who has then held the office of Pro-Vice-Chancellor for the longest continuous period.
- (14) The powers and duties of the officers and teachers, the periods and conditions for and upon which they hold office and their emoluments shall be such as are prescribed by this Ordinance, the statutes, and the terms of their respective appointments; but the Council may assign to any officer or teacher, subject in the case of the Chancellor to his consent, such further powers and duties as it may think fit.
- (15) The contract of service or employment of any member of the staff of the University who is not an officer or teacher may be determined in accordance with the terms of his contract of service or employment, or on any other lawful grounds, without any reason for such termination being assigned.

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13. (1) Subject to the provisions of this Ordinance, the University shall be governed in accordance with the provisions of the statutes. Statutes.

- (2) The Council may propose to the Court additions to, or the amendment or repeal of, any of the statutes, whereupon on the recommendation by the Court to the Chancellor, the Chancellor may make any such addition, amendment, or repeal as recommended by the Court.
- (3) Every such addition, amendment and repeal made by the Chancellor in accordance with subsection (2), shall be published in the *Gazette*, and may be published in the *Gazette* of the University or in such other manner as the Chancellor may direct.
- (4) The statutes contained in the Schedule shall be deemed to have been made under this Ordinance.
- (Cap. 1). (5) The Interpretation and General Clauses Ordinance (Cap. 1) shall apply for the purposes of the interpretation of the statutes as it applies for the purposes of the interpretation of an Ordinance, and all expressions defined in this Ordinance shall bear the same meaning when used in the statutes, unless other provision is made in the statutes or a contrary intention otherwise appears.
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- Examiners. 14. All examinations held by the University shall be conducted in such manner as the statutes and any regulations made thereunder may prescribe:
Provided that for degree examinations for the final year and such other examinations for degrees as the Senate may from time to time recommend, at least one external and independent examiner shall be appointed for each subject or group of subjects forming part of the course of studies required, if practicable.
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- Power to confer degrees, etc. 15. The University shall have power —
- (a) to confer such degrees as may be specified in the statutes;
 - (b) to award diplomas and certificates and such other academic distinctions as may be specified in the statutes;
 - (c) to provide such lectures and instruction for persons not members of the University as the University may determine, and to grant certificates to such persons;
 - (d) after due enquiry, to deprive persons of such degrees, diplomas, certificates and other academic distinctions as may be specified in the statutes.
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- Saving. 16. 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 persons except such as are mentioned in this Ordinance and those claiming by, from or under them.