



The Hong Kong University of Science and Technology (Amendment) Bill 2008 (Decision on 29 May 2008)

Since the last issue (December 2007), the LegCo President has made one decision under Rule 51(3) and (4) of the Rules of Procedure of the LegCo¹ on 29 May 2008 in respect of The Hong Kong University of Science and Technology (Amendment) Bill 2008 (the Bill). The Bill was proposed by Hon Abraham Shek Lai-him. The Bill aims to revise the composition of the University Council of The Hong Kong University of Science and Technology. The Bill will reduce the composition of the Council of the University from a maximum of 34 seats to a maximum of 27 seats.

Having considered the views of the Secretary for Education (SED) and the advice of Counsel to the Legislature on the Bill, as well as Hon Abraham Shek Lai-him's response that he had no comment on the SED's views, the LegCo President ruled that the Bill related to Government policies within the meaning of Rule 51(4) of the Rules of Procedure and required the written consent of the CE for its introduction.

SED considered that the Bill related to Government policies as it would affect CE's power to appoint members to the Council of the University in that CE's power to appoint public officers to the Council would be removed and the number of members to be appointed by CE would be reduced.

Counsel to the Legislature advised that the issue raised by the Administration in respect of the Bill was substantially identical to that considered by the LegCo President when making a ruling under Rule 51(4) of the Rules of Procedure on the City University of Hong Kong (Amendment) Bill 2006 on 2 May 2006. In relation to that amendment bill, the LegCo President accepted Counsel's advice that it related to the Government's policy concerning the appointment of the City University Council members.

Counsel further advised that clause 4(1)(d) of the Bill repealed paragraph (e) of section 9(1) of The Hong Kong University of Science and Technology Ordinance (Cap 1141) which provided that the Council of the University shall consist of, among others, not more than three members, who shall be public officers, appointed by CE. The effect of the repeal was that the power of CE to appoint public officers into the Council of the University would be removed, and as a result there would be no public officer in the revised composition of the Council.

As the Bill, if enacted, would remove CE's power to appoint public officers to the Council of the University, the LegCo President was of the view that the Bill would have substantive effect on the Government's policy concerning the appointment of Council members of the University.

¹ For further discussion on the operation of Rule 51 of the Rules of Procedure of the LegCo, please refer to *The Focus* at p 15 of Issue No 1 of the Bulletin.