

THE EDUCATION UNIVERSITY OF HONG KONG ORDINANCE

CHAPTER 444, LAWS OF HONG KONG

An Ordinance to establish a body corporate known as The Education University of Hong Kong to provide teacher education and facilities for research into and the development of education, and to provide for related matters.

(Amended 6 of 2016 s. 3)

[25 April 1994] L.N. 237 of 1994

PART I

Preliminary

1. Short title

- (1) This Ordinance may be cited as The Education University of Hong Kong Ordinance. *(Amended 6 of 2016 s. 4)*
- (2) *(Omitted as spent – E.R. 1 of 2016)*

2. Interpretation

In this Ordinance, unless the context otherwise requires –

Academic Board (教務委員會) means the Academic Board of the University established under section 13; *(Amended 6 of 2016 s. 5)*

Chairman (主席) and **Deputy Chairman** (副主席) mean respectively the Chairman and Deputy Chairman of the Council appointed under section 8(2);

Chancellor (校監) means the Chancellor of the University provided for under section 6; *(Added 23 of 2002 s. 44. Amended 6 of 2016 s. 5)*

committee (委員會) means a committee of the Council established under section 9;

Council (校董會) means the Council of the University established under section 7; (*Amended 6 of 2016 s. 5*)

financial year (財政年度) means the period fixed by the Council under section 17(2); (*Replaced 65 of 1996 s. 2*)

functions (職能) includes powers and duties;

President (校長) and **Vice President** (副校長) mean respectively the President and a Vice President of the University appointed under section 11(1); (*Added 23 of 2002 s. 44. Amended 6 of 2016 s. 5*)

University (大學) means the body corporate known as The Education University of Hong Kong by the operation of section 3(1). (*Added 6 of 2016 s. 5*)

(*Amended 23 of 2002 s. 44; 6 of 2016 s. 5*)

PART II

The Education University of Hong Kong

(*Amended 6 of 2016 s. 6*)

3. Title and objects of University

(*Replaced 6 of 2016 s. 7*)

- (1) On or after the specified date, the body corporate established under the former section 3(1) and known as The Hong Kong Institute of Education immediately before that date —
 - (a) is known as The Education University of Hong Kong; and
 - (b) may sue and be sued in that name. (*Replaced 6 of 2016 s.7*)
- (2) The objects of the University are to provide teacher education and facilities for research into and the development of education. (*Amended 6 of 2016 s.7*)
- (3) Despite the repeal of the former section 3(1), the body corporate established under that section continues in existence as the University

on or after the specified date. Accordingly, the rights, obligations and liabilities of that body corporate are not affected in any way by the change of title effected by subsection (1). *(Added 6 of 2016 s.7)*

(4) In this section—

former section 3(1) (原有第3(1)條) means section 3(1) of The Hong Kong Institute of Education Ordinance (Cap 444) that was in force immediately before the specified date;

specified date (指明日期) means the date on which section 7 of The Hong Kong Institute of Education (Amendment) Ordinance 2016 (6 of 2016) comes into operation. *(Added 6 of 2016 s.7)*

4. Powers of University

(Amended 6 of 2016 s. 8)

The University may, in furtherance of its objects— *(Amended 6 of 2016 s. 8)*

- (a) plan degree and other academic award programmes, either on its own or in conjunction with other institutions of higher education;
- (b) produce, develop, acquire and provide courses of study, either on its own or in conjunction with any other person
- (c) confer and revoke degrees and other academic awards including honorary degrees and honorary awards;
- (d) provide, whether for profit or otherwise, advisory, consultancy, research and development and other related services;
- (e) enter into any contract;
- (f) erect, provide, equip, maintain, alter, remove, demolish, replace, enlarge, improve, keep in repair and regulate its buildings, premises, furniture, equipment and other property;
- (g) take on lease, purchase or otherwise acquire, and hold, manage and enjoy property of any description, and sell, let or otherwise dispose of the same;

- (h) appoint such persons to be employees, advisers or consultants of the University as it thinks fit, either on a full or part-time basis, and decide the terms of remuneration and conditions of service of such persons;
(Amended 6 of 2016 s.8)
- (ha) pay to the Government the cost of pensions, allowances, gratuities and pension benefits payable by the Government under section 5 of the Pensions (Special Provisions) (The Education University of Hong Kong) Ordinance (Cap 477) for service under the University by a person transferred from service under the Government to service under the University; *(Added 38 of 1995 s. 8. Amended 6 of 2016 s.8)*
- (i) provide for its students and employees appropriate amenities;
- (j) borrow or otherwise raise money on such security as may be necessary and, for that purpose, charge all or part of the property of the University; *(Amended 65 of 1996 s.3; 6 of 2016 s.8)*
- (k) apply for and receive any grant in aid on such terms as may be expedient;
- (l) solicit and receive gifts, whether on trust or otherwise, and act as trustee of moneys or other property vested in it on trust;
- (m) fix fees and charges for courses of study, facilities and other services provided by it and specify conditions for the use of such facilities and services;
- (n) reduce, waive or refund such fees or charges either generally or in any particular case or class of cases;
- (o) pay the reasonable travelling and accommodation expenses of any member of the Council, of the Academic Board or of any committee incurred in connection with his duties as such member;
- (p) enter into partnership or any other form of joint venture with any person;
- (q) acquire, hold and dispose of interests in other bodies corporate and take part in forming bodies corporate;

- (qa) invest the funds of the University in such manner and to such extent as it thinks necessary or expedient; *(Added 65 of 1996 s. 3. Amended 6 of 2016 s.8)*
- (r) print, sell, reproduce or publish or arrange for the printing, sale, reproduction or publication of any manuscript, book, play, music, poster, advertisement or other material, including video and audio material and computer software;
- (s) do such other things as are provided for by this Ordinance or as are necessary or desirable for, or incidental or conducive to, the furtherance of the objects of the University. *(Amended 6 of 2016 s. 8)*

5. **Directions of the Chief Executive in Council**
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- (The Chief Executive in
1 Council may give to the
) University directions with
respect to the exercise of its
powers or the achievement
of its objects, either
generally or in any particular
case.
 - (In the exercise of its powers
2 and the achievement of its
) objects the University shall
comply with any directions
given by the Chief Executive
in Council under subsection
(1).
 - (The Chief Executive in
3 Council may delegate the
) powers conferred upon him
by this section to a public
officer. *(Added 65 of 1996 s.
4)*

PART III
The Chancellor and the Council

(Amended 23 of 2002 s. 45)

6. The Chancellor

- (1) There shall be a Chancellor of the University who shall be the head of the University.
- (2) The Chief Executive shall be the Chancellor of the University. (Amended 53 of 2000 s. 3)

(Amended 23 of 2002 s. 46; 6 of 2016 s. 11)

7. The Council and its functions

There shall be a Council of the University which, subject to this Ordinance—
(Amended 6 of 2016 s. 11)

- (a) shall be the executive governing body of the University;
- (b) shall have general control over the administration of the University and the conduct of its affairs; and
- (c) on behalf of the University, may exercise any of the powers conferred and shall perform all of the duties imposed by law on the University.

(Amended 6 of 2016 s. 11)

8. Membership of the Council

- (1) The Council shall consist of –
 - (a) the President;
 - (b) the Vice Presidents, if any have been appointed;
 - (c) at least one but not more than 3 public officers appointed by

the Chief Executive; (*Amended 53 of 2000 s. 3*)

- (d) at least one but not more than 3 persons nominated by the Academic Board from among its number and appointed by the Council;
 - (e) 3 members elected from among their number by- (*Amended 23 of 2002 s. 47*)
 - (i) the full-time teaching staff; and
 - (ii) the administrative staff whose rank or grade is equivalent to that of full-time teaching staff;
 - (f) not more than 14 other persons appointed by the Chief Executive, who shall be neither public officers nor employees of the University, and of whom- (*Amended 23 of 2002 s. 47; 6 of 2016 s. 11*)
 - (i) at least 5 shall be persons considered by the Chief Executive to have had relevant experience in commerce, industry or a profession in Hong Kong;
 - (ii) not more than 3 shall be persons considered by the Chief Executive to have had relevant experience in higher education either in Hong Kong or elsewhere; and
 - (iii) not more than 3 shall be persons considered by the Chief Executive to have had relevant experience in education, other than higher education, either in Hong Kong or elsewhere;
 - (g) a full-time student of the University appointed by the Council. (*Amended 6 of 2016 s. 11*)
- (2) The Chief Executive shall appoint, from among those members appointed under subsection (1)(f)(i)- (*Amended 23 of 2002 s. 47*)
- (a) the Chairman of the Council;
 - (b) the Deputy Chairman of the Council; and

- (c) the Treasurer of the Council.
- (3) A member of the Council appointed under subsection (1)(c) shall hold office at the discretion of the Chief Executive. *(Amended 53 of 2000 s. 3)*
- (4) A member of the Council appointed under subsection (1)(d) or (f) -
 - (a) shall be appointed for 3 years or such lesser period as the appointor may specify in any particular case;
 - (b) may resign by giving notice in writing to the appointor;
 - (c) may be reappointed.
- (4A) A member who became a member of the Council under subsection (1)(d) shall cease to be a member of the Council when he ceases to be a member of the Academic Board. *(Added 23 of 2002 s. 47)*
- (5) A member elected under subsection (1)(e) shall serve for a term of 3 years but shall cease to be a member of the Council when he ceases to be a member of the body that elected him.
- (5A) A member appointed under subsection (1)(g) shall serve for a term of one year. *(Added 65 of 1996 s. 5)*
- (6) Notice of all appointments under this section shall be published in the Gazette.

(Amended 23 of 2002 s. 47)

9. Committees of the Council

- (1) The Council may, in furtherance of its objects, establish, and appoint the members of, such committees as it thinks fit and any such committee may consist partly of persons who are not members of the Council.
- (2) The chairman of every committee shall be appointed by the Council from among the members of the Council.
- (3) The Council may in writing, with such restrictions or conditions as it thinks fit, delegate to a committee any of its functions, including the

appointment of an acting President or acting Vice President under section 11, except- (*Amended 23 of 2002 s. 48*)

- (a) its functions under section 7(a) and (b);
 - (b) the appointment or dismissal of the President or a Vice President; (*Amended 23 of 2002 s. 48*)
 - (c) decisions on terms of remuneration and conditions of service for employees of the University; (*Amended 6 of 2016 s. 11*)
 - (d) the duty to cause financial statements to be prepared as required by section 14(2);
 - (e) approval of the report required to be submitted to the Chief Executive under section 16(1); (*Amended 53 of 2000 s. 3*)
 - (f) the making of rules under section 22;
 - (g) the power to establish committees under this section or to appoint members to such committees.
- (4) Unless rules made under section 22 otherwise provide, sections 48 to 52 of the Interpretation and General Clauses Ordinance (Cap 1) shall apply to every committee and to the appointment of members to any committee.
- (5) Subject to this section and to any rules made under section 22, a committee established under this section may regulate its own procedure.

10. Meetings and procedures of the Council

- (1) The Schedule shall have effect with respect to the meetings and procedures of the Council.
- (2) Subject to this Ordinance, the Council may regulate its own procedure.

PART IV

President and Vice President

(Replaced 23 of 2002 s. 49)

11. Appointment of President and Vice President

- (1) The Council shall appoint a President of the University, and may appoint one or more Vice Presidents of the University, on such terms of remuneration and conditions of service as it may decide. *(Amended 6 of 2016 s. 11)*
- (2) The President shall, subject to any directions of the Council, be responsible for the management and administration of the University and for the discipline of students and employees thereof. *(Amended 6 of 2016 s. 11)*
- (3) The Vice Presidents, if any, appointed under subsection (1) shall perform such duties as the President may specify and one of them specified by the Council shall, during the incapacity or absence from Hong Kong of the President or if the office of President is temporarily vacant, perform the functions of the President.
- (4) During any period when a Vice President is performing the functions of the President, or during the incapacity or absence from Hong Kong of a Vice President, the Council may appoint any person to act as Vice President.
- (5) If no Vice President is appointed under subsection (1) then, during the incapacity or absence from Hong Kong of the President, or if the office of President is temporarily vacant, the Council may appoint any person to act as President.
- (6) The appointment or dismissal of the President or a Vice President shall be effected by a resolution passed by not less than 2/3 of the members of the Council who are present at a meeting of the Council and competent to vote on the matter.
- (7) A member of the Council appointed under section 8(1)(d) or (g) or

elected under section 8(1)(e) shall not participate in any deliberation or vote on the appointment or dismissal of the President or a Vice President.

(Amended 23 of 2002 s. 50)

12. Power of the Council to delegate to the President

The Council may in writing, with such restrictions or conditions as it thinks fit, delegate to the President any of its functions which under section 9(3) it may delegate to a committee, except the appointment of an acting President or acting Vice President.

(Amended 23 of 2002 s. 51)

PART V
Academic Board

13. Academic Board of University

(Amended 6 of 2016 s. 9)

- (1) There shall be an Academic Board of the University whose functions shall be to- *(Amended 6 of 2016 s. 9)*
 - (a) plan, develop, review and advise the Council on and, if so empowered by the Council under subsection (5), regulate the academic programmes of the University;
 - (b) advise the Council on and, if so empowered by the Council under subsection (5), regulate the admission of persons to courses of study provided by the University, and their continuance therein;

- (c) advise the Council on and, if so empowered by the Council under subsection (5), regulate examinations leading to degrees and other academic awards of the University and nominate persons for appointment as examiners;
 - (d) advise the Council on and, if so empowered by the Council under subsection (5), regulate the requirements for the conferring of degrees and other academic awards of the University;
 - (e) advise the Council on the ratio of degree to sub-degree courses provided by the University;
 - (f) advise the Council generally on and, if so empowered by the Council under subsection (5), regulate academic matters relating to the University. (*Amended 6 of 2016 s. 9*).
- (2) The members of the Academic Board shall be appointed and may be removed by the Council in accordance with rules made under section 22.
 - (3) Unless rules made under section 22 otherwise provide, sections 48 to 52 of the Interpretation and General Clauses Ordinance (Cap 1) shall apply to the Academic Board.
 - (4) Subject to this section and to any rules made under section 22, the Academic Board may regulate its own procedure.
 - (5) The Council may delegate to the Academic Board any of its functions relating to academic matters which under section 9(3) it may delegate to a committee, including the powers to make and enforce rules mentioned in section 22(1)(d), (e), (f) and (g) and (2).

PART VI

Account and Reports

14. Accounts

- (1) The Council shall keep proper accounts and records of the financial transactions of the University.
- (2) As soon as is practicable after the end of each financial year, the Council shall cause to be prepared statements of the income and expenditure of the University during that financial year and of the assets and liabilities of the University on the last day of that financial year.

(Amended 6 of 2016 s. 11)

15. Auditors

- (1) The Council shall appoint auditors, who shall be entitled at any time to have access to all books of accounts, vouchers and other financial records of the University and to require such explanations thereof and such other information as they think fit. *(Amended 6 of 2016 s. 11)*
- (2) The auditors shall, as soon as is practicable, audit the statements prepared under section 14(2) and shall report thereon to the Council in sufficient time for the Council to take the action required by section 16.

16. Statements and reports

- (1) The Council shall, not later than 6 months after the end of each financial year or by such later date as the Chief Executive may determine, submit to the Chief Executive a report on the activities of the University and copies of the statements prepared under section 14(2) and of the report made under section 15(2). *(Amended 53 of 2000 s. 3; 6 of 2016 s. 11)*
- (2) *(Repealed 65 of 1996 s. 6)*

17. Estimates and financial year

- (1) *(Repealed 65 of 1996 s. 7)*
- (2) The Council may, from time to time, with the prior approval of the Chief

Executive, fix a period to be the financial year of the University.
(Amended 53 of 2000 s. 3; 6 of 2016 s. 11)

18. (Repealed 65 of 1996 s. 8)

19. (Repealed 65 of 1996 s. 9)

20. Director of Audit's examination

- (1) The Director of Audit may carry out such examination as he thinks fit into the economy, efficiency and effectiveness with which the University has used its resources in discharging its functions and exercising its powers.
- (2) For the purpose of carrying out an examination under subsection (1), the Director of Audit shall –
 - (a) have a right of access at all reasonable times to any documents in the custody or under the control of the University which he may reasonably require; and
 - (b) be entitled to require from any person holding or accountable for any document referred to in paragraph (a) such information and explanation as are reasonably necessary.
- (3) The Director of Audit may submit to the President of the Legislative Council the results of any examination carried out by him under subsection (1), and the President of the Legislative Council shall, on receiving such results, cause them to be laid on the table of the Legislative Council.
- (4) Subsection (1) shall not be construed as entitling the Director of Audit to question the merits of the policy objectives established for the University.

(Amended 6 of 2016 s. 11)

PART VII

General

21. Unauthorized use of title of University

(Amended 6 of 2016 s. 10)

- (1) No person shall incorporate or form, or be a director, officer, member or organizer of, or work in connection with, any body of persons which-
 - (a) falsely purports or holds itself out to be-
 - (i) the University or any branch or part thereof; or
 - (ii) in any way connected or associated with the University; or
 - (b) uses the title "The Education University of Hong Kong" or a title in any language which so closely resembles that title as to be capable of deceiving or misleading any person into believing that the body of persons is- *(Amended 6 of 2016 s. 10)*
 - (i) the University or any branch or part thereof; or
 - (ii) in any way connected or associated with the University. *(Amended 6 of 2016 s. 10)*
- (2) Any person who contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 6. *(Amended E.R. 3 of 2021)*

22. Power of the Council to make rules

- (1) The Council may make rules for the better carrying out of the objects of the University and the provisions of this Ordinance and in particular, but without prejudice to the generality of the foregoing, may make rules regulating – *(Amended 6 of 2016 s. 11)*
 - (a) the powers and duties of any committee;
 - (b) the number, appointment and removal of members of the Academic Board and of any committee;

- (c) the quorum and procedures governing meetings of the Academic Board and of any committee;
- (d) the admission of persons to courses of study provided by the University and their continuance therein;
- (e) the conduct of examinations and of students attending such examinations;
- (f) the requirements for the award of degrees and other academic awards of the University;
- (g) the formalities for the conferring of degrees and other academic awards, including honorary degrees and honorary awards;
- (h) the conduct and discipline of students and employees of the University in relation to their activities as such students or employees;
- (i) financial procedures, including the method of payment of fees;
- (j) the procedures for –
 - (i) nomination by the Academic Board of some of its members for appointment to the Council under section 8(1)(d); and
 - (ii) election of a member of the Council by staff under section 8(1) (e), including rules defining "full-time teaching staff" and "administrative staff whose rank or grade is equivalent to that of full-time teaching staff" for the purposes of section 8(1)(e).

(2) Rules made under this section may –

- (a) provide in respect of a breach of any rule made under subsection (1) (d),(e) or (h) for the holding of a disciplinary inquiry by a committee established under section 9 and for the procedure to be followed in respect of any such inquiry;
- (b) empower any such committee, after the holding of a

disciplinary inquiry, to impose penalties for the breach of any rule made under subsection (1)(d), (e) or (h) by way of a fine not exceeding \$5,000, a requirement to make good any loss of or damage to property or premises of the University, suspension or dismissal from any course of study provided by the University and the withholding or revocation of a degree or other academic award; and

(c) provide for a right of appeal to the Council against any finding of or penalty imposed at such disciplinary inquiry.

(3) Rules made under this section shall be published for information, in such manner as the Council thinks fit and shall not be treated as subsidiary legislation for the purpose of section 34 of the Interpretation and General Clauses Ordinance (Cap 1). *(Amended 65 of 1996 s. 10)*

(Amended 6 of 2016 s. 11)

23. Admissibility of documents

(1) Any document purporting to be duly executed under the seal of the University or to be signed by the Chairman or President or some other person authorized by the Council to act in that behalf, shall be admitted in evidence in any court of law and shall, unless the contrary is proved, be deemed to have been duly executed or signed.

(2) A certificate signed by the Chairman or the President that an instrument of the Council purporting to be made or issued by or on behalf of the University was so made or issued shall be conclusive evidence in any court of law of that fact.

(3) In this section, "**President**" (校長), in relation to a document or certificate signed before the date of commencement of section 44 of the Statute Law (Miscellaneous Provisions) Ordinance 2002 (23 of 2002), includes Director within the meaning of section 2 as in force immediately before that date. *(Added 23 of 2002 s. 52)*

(Amended 23 of 2002 s. 52; 6 of 2016 s. 11)

24. Power of the Chief Executive in Council to make regulations

The Chief Executive in Council may make regulations for the better carrying out of the provisions of this Ordinance and in particular, but without prejudice to the generality of the foregoing, may provide for- (*Amended 53 of 2000 s. 3*)

- (a) the admission of persons other than students, staff or members of the Council to the premises of the University; and
- (b) regulating the conduct of persons admitted to the premises of the University and for the removal of any person who infringes any regulation made under this section.)

(Amended 6 of 2016 s. 11)

25-27. (*Omitted as spent – E.R. 1 of 2016*)

SCHEDULE

Provision with Respect to Meetings and Procedures of the Council

- 1. Meetings of the Council shall be held at such times and places as may be appointed by the person for the time being acting as Chairman, who shall preside at all such meetings.
- 2. The Deputy Chairman shall act as Chairman if the Chairman is absent from Hong Kong or is, for any other reason, unable to act as Chairman, or if the office of Chairman is vacant.
- 3. If for any period both the Chairman and the Deputy Chairman are absent from Hong Kong or are, for any other reason, unable to act as Chairman, or if the offices of Chairman and Deputy Chairman are vacant, the members of the

Council may elect one of their numbers appointed under section 8(1) (f)(i) of this Ordinance to act as Chairman for that period. *(Amended 65 of 1996 s. 11)*

4. At any meeting of the Council 1/2 of the members for the time being shall constitute a quorum.
5. A meeting of the Council may be adjourned by the person presiding or, if the meeting so resolves, by a decision of the meeting.
6. At meetings of the Council on any matter on which a decision is taken by vote—
 - (a) an affirmative vote of a majority of those members present qualified to vote on the matter shall be required for the passing of a resolution;
(Amended 65 of 1996 s. 11)
 - (b) the person presiding shall have a casting as well as a deliberative vote.
7. If the Chairman so decides in respect of a particular meeting, any member of the Council who is an employee, adviser, consultant or full-time student of the University may be excluded from the whole or part of that meeting. *(Amended 6 of 2016 s. 11)*
8. If a member present at a meeting of the Council has any pecuniary or other personal interest in any matter to be considered at that meeting, he shall—
 - (a) as soon as possible after the commencement of the meeting, disclose the existence and nature of the interest;
 - (b) if so required—
 - (i) by the person presiding; or
 - (ii) where the person presiding is the interested person, by a majority of the members of the Council who are present at the meeting, withdraw from the meeting while the matter is being considered; and
 - (c) not vote on that matter.
9. The Council may transact any of its business by circulation of papers and for that purpose a resolution in writing which is approved in writing by a majority of the

members for the time being shall be as valid and effectual as if it had been passed at a meeting of the Council, but a person to whom section 8 of this Schedule applies shall not vote and shall not be counted in calculating the majority for approval of such a resolution.

10. The powers of the Council shall not be affected by—
 - (a) any vacancy in its membership;
 - (b) any defect in the appointment or qualification of a person purporting to be a member; or
 - (c) any minor irregularity in the convening of any meeting of the Council.
11. The exercise of any power by the Council may be signified by the person presiding at the meeting or other deliberation at which such power was exercised, or by any person from time to time authorized by the Council to signify the exercise of such power.
12. The fixing of the seal of the University shall be— (*Amended 6 of 2016 s. 11*)
 - (a) authorized or ratified by resolution of the Council; and
 - (b) authenticated by the signature of any 2 members of the Council, authorized by the Council either generally or specially to act for that purpose.