

CHAPTER 1126

HONG KONG BAPTIST UNIVERSITY ORDINANCE

To repeal the Hong Kong Baptist College Board of Governors Incorporation Ordinance and to provide for the incorporation of the Hong Kong Baptist University and for matters connected therewith.

(Amended 93 of 1994 s. 2)

[1 January 1984] *L.N. 421 of 1983*

Preamble

WHEREAS—

- (a) The Hong Kong Baptist College was established by the Hong Kong Baptist Convention and registered as a school under the Education Ordinance (Cap. 279) in 1956;
- (b) By the Hong Kong Baptist College Board of Governors Incorporation Ordinance (Cap. 1126, 1969 Ed.) the Board of Governors of the Hong Kong Baptist College was established as a body corporate and in 1970 the College was registered under the Post Secondary Colleges Ordinance (Cap. 320);
- (c) By the said Hong Kong Baptist College Board of Governors Incorporation Ordinance (Cap. 1126, 1969 Ed.) one of the objects of the College was stated to be –
“to maintain an environment and atmosphere that is thoroughly Christian in which moral and spiritual teaching and training is provided, which will give students an understanding of the Christian philosophy of life”;
- (d) It is considered desirable that the Hong Kong Baptist College should continue to provide education in Hong Kong in accordance with those principles but that the College should be incorporated under a new Ordinance and the assets and liabilities formerly standing in the name of the Board of Governors should be vested in the Hong Kong Baptist College;
- (e) It is considered desirable to retitle the Hong Kong Baptist College as the Hong Kong Baptist University. *(Added 93 of 1994 s. 3)*

PART I

PRELIMINARY

1. Short title

This Ordinance may be cited as the Hong Kong Baptist University Ordinance.

(Amended 93 of 1994 s. 4)

2. Interpretation

- In this Ordinance, unless the context otherwise requires –
- “academic year” (教學年度) means the academic year determined by the Council;
- “Chancellor” (監督) means the Chancellor of the University established by section 4 and includes a person acting as the Chancellor; (*Added 93 of 1994 s. 5*)
- “Convention” (聯會) means the Baptist Convention of Hong Kong;
- “Council” (校董會) means the Council of the University established by section 14; (*Amended 93 of 1994 s. 5*)
- “Court” (諮議會) means the Court of the University established by section 9; (*Added 93 of 1994 s. 5*)
- “eligible staff” (有資格的教職員) means the full-time teaching and instructional staff of the University, and includes members of the administrative staff of the University of equivalent rank or grade; (*Amended 93 of 1994 s. 5*)
- “financial year” (財政年度) means the period fixed by the University under section 25(3); (*Amended 93 of 1994 s. 5*)
- “President and Vice-Chancellor” (校長) means the President and Vice-Chancellor appointed under section 20 and any person for the time being acting in that capacity; (*Amended 93 of 1994 s. 5*)
- “Senate” (教務議會) means the Senate of the University established by section 23; (*Added 93 of 1994 s. 5*)
- “statutes” (規程) means the statutes of the University made by the Council under section 30; (*Added 93 of 1994 s. 5*)
- “University” (大學) means the Hong Kong Baptist University established by section 3. (*Added 93 of 1994 s. 5*)
- (*Amended 93 of 1994 s. 5*)

PART II

THE UNIVERSITY

(*Amended 93 of 1994 s. 6*)

3. Incorporation and objects of the University

(1) The Hong Kong Baptist University (香港浸會大學) shall in that name be a body corporate with perpetual succession and be capable of suing and being sued.

(2) The objects of the University shall, subject to this Ordinance, be to provide for studies, training and research in science, commerce, social science, arts and other subjects of learning.

(*Amended 93 of 1994 s. 7*)

4. Chancellor

(1) There is a Chancellor of the University who is the Chief Executive. (*Amended 53 of 2000 s. 3*)

(2) The Chancellor may confer degrees and other academic awards in the name of the University.

(*Replaced 93 of 1994 s. 8*)

5. Seal of the University

The University shall have a common seal, and the affixing of the seal shall –

- (a) be authorized or ratified by resolution of the Council; and
- (b) be authenticated –
 - (i) by the signature of the President and Vice-Chancellor or of any Vice-President; and
 - (ii) by the signature of 1 member of the Council, authorized by the Council either generally or specially to act for that purpose.

(Amended 93 of 1994 s. 9)

6. Documents of the University

(1) The University may make and execute any document in the performance or exercise of its functions or powers or in connection with any matter reasonably incidental to or consequential upon the performance or exercise of its functions or powers.

(2) Any document purporting to be duly executed under the seal of the University shall be admitted in evidence and shall, unless the contrary is proved, be deemed to have been duly executed.

(Amended 93 of 1994 s. 10)

7. The powers of the University

Subject to section 8, the University shall have power to do all such things as are necessary for, or incidental or conducive to, or connected with, the furtherance of its functions and may in particular, but without prejudice to the generality of the foregoing –
(Amended 93 of 1994 s. 11)

- (a) acquire, take on lease, purchase, hold and enjoy property of any description and sell, let or otherwise dispose of or deal with the same in such manner and to such extent as the law would allow if the property were held by a natural person in the same interest;
- (b) enter into any contract;
- (c) erect, provide, equip, maintain, alter, remove, demolish, replace, enlarge, improve, keep in repair and regulate its buildings, premises, furniture and equipment and other property;
- (d) set terms of remuneration and conditions of service for staff;
- (e) engage persons on a part-time basis;
- (f) provide appropriate amenities (including residential accommodation, facilities for social activities and physical recreation) for its students and persons in its employment;
- (g) receive and expend funds;
- (h) invest its funds in such manner and to such extent as it thinks necessary or expedient;
- (i) borrow money in such manner and on such securities or terms as it thinks expedient;
- (j) apply for and receive any grant in aid for its functions on such conditions as it thinks fit;

- (k) engage any professional or expert person to advise it on any matter;
- (l) fix and collect 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;
- (m) reduce, waive or refund fees and charges so fixed generally or in any particular case or class of case;
- (n) receive and solicit gifts, whether on trust or otherwise, on its behalf and act as trustee of moneys or other property vested in it on trust;
- (o) confer degrees and academic awards including honorary degrees and honorary awards; *(Replaced 40 of 1988 s. 2)*
- (p) acquire, hold and dispose of interests in other corporate bodies and form or take part in forming corporate bodies; *(Added 93 of 1994 s. 11)*
- (q) provide for profit or otherwise advisory, consultancy, research and other related services; *(Added 93 of 1994 s. 11)*
- (r) print, produce or publish any manuscript, book, play, music, script, programme or other materials, including video and audio material and computer software as the University thinks appropriate or expedient. *(Added 93 of 1994 s. 11)*

8. *(Repealed 93 of 1994 s. 12)*

PART III

THE COURT

(Amended 93 of 1994 s. 13)

9. Establishment of the Court

(1) There is hereby established a Court to be known as the Court of the Hong Kong Baptist University.

(2) The Court shall be the supreme advisory body of the University.

(Amended 93 of 1994 s. 14)

10 – 11. *(Repealed 93 of 1994 s. 15)*

12. Functions of the Court

The Court has the following functions –

- (a) to receive an annual report from the President and Vice-Chancellor;
- (b) to consider reports made to it by the Council;
- (c) to discuss any motion on general University policy;
- (d) to raise funds at the request of the University to further the University's objects; and
- (e) to promote the interests of the University in Hong Kong and elsewhere.

(Replaced 93 of 1994 s. 16)

13. *(Repealed 93 of 1994 s. 17)*

PART IV

THE COUNCIL

14. Establishment of the Council

(1) There is hereby established a Council, to be known as the Council of the Hong Kong Baptist University.

(2) The Council shall be the executive body of the University and, as such, may exercise all the powers conferred and shall perform all the duties imposed on the University by this Ordinance.

(Amended 93 of 1994 s. 18)

15. Membership of the Council

- (1) The Council shall consist of the following members –
- (a) 3 members nominated by the Convention and appointed by the Chief Executive; *(Replaced 93 of 1994 s. 19)*
 - (b) 8 members appointed by the Chief Executive; *(Replaced 93 of 1994 s. 19)*
 - (c) 7 members, of whom not less than 4 shall have experience in commerce and industry in Hong Kong, appointed by the Chief Executive;
 - (d) 2 members elected by the eligible staff from among their number in accordance with statutes made under section 30 and appointed by the Council; *(Replaced 93 of 1994 s. 19. Amended 23 of 2002 s. 66)*
 - (e) 2 members nominated by the Senate from among its number and appointed by the Council; *(Amended 93 of 1994 s. 19; 23 of 2002 s. 66)*
 - (f) the President and Vice-Chancellor *ex officio*; *(Amended 93 of 1994 s. 19)*
 - (g) the Vice-Presidents *ex officio*; *(Added 93 of 1994 s. 19)*
 - (h) the holder of the office of Dean of each of the faculties, schools and equivalent bodies of the University *ex officio*; *(Added 93 of 1994 s. 19)*
 - (i) the President for the time being of the University's Student Union *ex officio*. *(Added 93 of 1994 s. 19)*
- (2) (a) The Chief Executive shall appoint from the members appointed under subsection (1)(b) –
- (i) 1 member as Chairman;
 - (ii) 1 member as Deputy Chairman; and
 - (iii) 1 member as Treasurer. *(Replaced 93 of 1994 s. 19)*
- (b) – (c) *(Repealed 93 of 1994 s. 19)*
- (d) 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.

- (e) If for any period both the Chairman and the Deputy Chairman are unable by reason of absence from Hong Kong or incapacity to perform the functions of their respective offices, or if for any period both of those offices are vacant, the members may appoint one of the members appointed under subsection (1)(b) to act as Chairman during that period.
- (3) (a) Without prejudice to section 42 of the Interpretation and General Clauses Ordinance (Cap. 1), a member appointed by the Chief Executive shall be appointed for a period of 3 years or such lesser period as the Chief Executive may in any particular case appoint, but may from time to time be reappointed.
- (b) A member appointed by the Chief Executive may at any time, by notice in writing to the Chief Executive, resign from the Council. *(Amended 23 of 2002 s. 66)*
- (3A) (a) Without prejudice to section 42 of the Interpretation and General Clauses Ordinance (Cap. 1), a member appointed by the Council shall be appointed for a period of 3 years or such lesser period as the Council may in any particular case appoint, but may from time to time be reappointed.
- (b) A member appointed by the Council may at any time, by notice in writing to the Council, resign from the Council. *(Added 23 of 2002 s. 66)*
- (3B) A member who became a member of the Council under subsection (1)(d) or (e) shall cease to be a member of the Council when he ceases to be a member of the body that elected or nominated him. *(Added 23 of 2002 s. 66)*
- (4) Upon the expiry of the appointment of any member, other than an *ex officio* member, whether by effluxion of time or as a result of resignation or otherwise, the procedure for a new appointment, or reappointment, as the case may be, shall be as if the position thus vacated were being filled for the first time.
- (Amended 53 of 2000 s. 3)*

16. Meetings and procedure of the Council

- (1) Meetings of the Council shall be held at such times and places as the Chairman may appoint.
- (2) *(Repealed 93 of 1994 s. 20)*
- (3) One half of the members for the time being holding office shall form a quorum at a meeting of the Council.
- (4) (a) If a member has an interest in any matter to be considered at a meeting of the Council and is present at such meeting, he shall as soon as possible after the commencement of the meeting state the fact and the nature of the interest and shall, if required by the Council, withdraw while the matter is considered and in any case shall not vote thereon.
- (b) In this subsection “interest” (利害關係) includes a pecuniary interest.
- (5) A meeting of the Council may be adjourned by the Chairman or person presiding, or, where the Council so resolves, by the Council.
- (6) Subject to this Ordinance, the Council may determine its own procedure.

(7) The President for the time being of the University's Student Union is not entitled to participate in considering the appointment, promotion or personal affairs of individual officers, teachers and other staff members or the admission or academic assessment of individual students. *(Added 93 of 1994 s. 20)*

(Amended 93 of 1994 s. 20)

17. Transaction of business by circulation of papers

The Council may transact any of its business by circulation of papers, and unless 5 members in writing request the Chairman to refer any particular item of the business being transacted to the next meeting of the Council a resolution in writing which is approved in writing by a majority of the members shall be as valid and effectual as if it had been passed at a meeting of the Council.

18. Committees generally

(1) The Council may create and appoint such committees for any general or special purposes as it thinks fit and any such committee may consist partly of persons who are not members of the Council.

(2) The Chairman of any committee appointed under subsection (1) shall be appointed by the Council from among the members of the Council.

(3) Subject to subsection (4), the Council may in writing, with or without restrictions or conditions as it thinks fit, delegate any of its powers and duties to any committee appointed under subsection (1).

(4) The Council shall not delegate to any committee appointed under subsection (1) the power –

(a) to approve the terms and conditions of service of persons in the employment of the University; *(Amended 93 of 1994 s. 21)*

(b) to approve the programme and estimates required to be submitted under section 24;

(c) to authorize the preparation of the statements required under section 25(2);

(d) to make statutes under section 30. *(Amended 93 of 1994 s. 21)*

(5) Subject to any statutes made under section 30, each committee may determine its own procedure at its meetings. *(Amended 93 of 1994 s. 21)*

19. Interpretation

In this Part, unless the context otherwise requires –

(a) “Chairman” (主席) means the Chairman of the Council;

(b) “Deputy Chairman” (副主席) means the Deputy Chairman of the Council;

(c) “member” (成員) means a member of the Council.

PART V

PRESIDENT AND VICE-CHANCELLOR, VICE-PRESIDENTS AND STAFF

(Amended 93 of 1994 s. 22)

20. Appointment of President and Vice-Chancellor, etc.

(1) The Council shall appoint a President and Vice-Chancellor who is the principal academic and administrative officer of the University.

(2) The Council shall appoint 1 or more Vice-Presidents to assist the President and Vice-Chancellor.

(3) The Council may appoint teachers, administrators and other employees of the University as the Council thinks fit.

(4) The Council may appoint a person to act as President and Vice-Chancellor during the absence or incapacity of the President and Vice-Chancellor or if the office is vacant for any reason.

(Replaced 93 of 1994 s. 23)

21. Power of the Council to delegate to the President and Vice-Chancellor

(1) Subject to subsection (2), the Council may in writing, with or without restrictions or conditions as it thinks fit, delegate to the President and Vice-Chancellor any of its powers and duties.

(2) The Council shall not delegate to the President and Vice-Chancellor the power to –

- (a) approve terms and conditions of service of persons in the employment of the University;
- (b) approve the programme and estimates required to be submitted under section 24;
- (c) authorize the preparation of the statements required under section 25(2);
- (d) make statutes under section 30.

(Amended 93 of 1994 s. 24)

22. Power of the President and Vice-Chancellor to delegate

(1) Subject to subsection (2), the President and Vice-Chancellor may in writing, with or without restrictions or conditions as he thinks fit, delegate, to such person or committee of persons as he thinks fit, his powers and duties, including any power or duty of the Council delegated to him under section 21.

(2) The power conferred by this section on the President and Vice-Chancellor to delegate any power or duty of the Council delegated to him under section 21, and the exercise by any person or committee of persons of any such power or duty delegated by the President and Vice-Chancellor under this section, shall be subject to any restriction or condition imposed in respect thereof by the Council under section 21.

(Amended 93 of 1994 s. 25)

PART VI

SENATE, FACULTIES AND SCHOOLS

(Amended 93 of 1994 s. 26)

23. Senate

(1) There is established a Senate, which is the supreme academic body of the University, to –

- (a) review and develop academic programmes;
- (b) direct and regulate teaching and research conducted at the University;
- (c) regulate the admission of persons to approved courses of study and their attendance at the courses;
- (d) conduct examinations leading to the conferring of degrees and academic awards of the University.

(2) The Council may make statutes to set out the membership, procedure, powers and duties of the Senate.

(Replaced 93 of 1994 s. 27)

23A. Faculties and schools

(1) The Council may constitute faculties and schools on the recommendation of the Senate.

(2) A faculty and a school each have a board with the membership, powers and procedure set out in the statutes.

(Added 93 of 1994 s. 28)

PART VII

FINANCIAL STATEMENTS AND REPORTS

(Amended 93 of 1994 s. 29)

24. *(Repealed 93 of 1994 s. 30)*

25. Accounts

(1) The University shall maintain proper accounts and records of all income and expenditure.

(2) After the end of each financial year, the University shall cause to be prepared statements of its income and expenditure during the previous financial year and of its assets and liabilities on the last day thereof.

(3) The University may, from time to time, fix a period to be its financial year.

(Amended 93 of 1994 s. 31)

26. Auditors

(1) The University shall appoint auditors, who shall be entitled at any time to have access to all books of account, vouchers and other financial records of the University and to require such information and explanations thereof as they think fit.

(2) The auditors shall audit the statements prepared under section 25(2) and shall report thereon to the University.

(Amended 93 of 1994 s. 32)

27. Statements and reports to be submitted to Chancellor

(1) The University shall, not later than 6 months after the end of each financial year, or before such later date as the Chancellor may allow in any particular year, submit to the Chancellor a report on its activities, copies of the statements prepared under section 25(2) and the report made under section 26(2). *(Amended 93 of 1994 s. 33)*

(2) *(Repealed 93 of 1994 s. 33)*

PART VIII

GENERAL

28. *(Repealed 93 of 1994 s. 34)*

29. Unauthorized use of title of the University

(1) No person shall incorporate or form, or be a director, office bearer or organizer of, work in connection with, or be a member of, any company, body corporate, firm or organization which, without the written authority of the University –

- (a) purports or holds itself out to be –
 - (i) the University or any branch or part thereof; or
 - (ii) connected or associated with the University in any manner whatsoever; or
- (b) uses the title “Hong Kong Baptist University” or “香港浸會大學” or a title in any language which so closely resembles the title “Hong Kong Baptist University” or “香港浸會大學” so as to be capable of deceiving or misleading any person into believing that the company, body corporate, firm or organization is –
 - (i) the University or any branch or part thereof; or
 - (ii) connected or associated with the University in any manner whatsoever. *(Amended 93 of 1994 s. 35)*

(2) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable to a fine of \$10,000.

30. Power of the Council to make statutes

The Council may make statutes 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 –

- (aa) the membership and regulation of the proceedings of the Court;
(Added 93 of 1994 s. 36)
- (a) the regulation of the proceedings of the Senate and of any committee appointed under section 18;
- (b) the membership and quorum of the Senate and of any committee appointed under section 18;
- (c) the powers and duties of the Senate and the powers and duties of any committee appointed under section 18;
- (ca) the membership, powers, and regulation of the proceedings of the boards of the faculties and schools of the University;
(Added 93 of 1994 s. 36)
- (d) the discipline of persons in the employment of the University;
- (e) the regulation of the conduct and discipline of students of the University;
- (f) the conferring of degrees and academic awards including honorary degrees and honorary awards;
(Replaced 40 of 1988 s. 4)
- (g) the holding and conduct of elections for the purpose of electing members of the eligible staff for appointment to the Council under section 15(1)(d) and to the Court in accordance with the statutes.
(Amended 93 of 1994 s. 36)

31. 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 persons except such as are mentioned in this Ordinance and those claiming by, from or under them.

(Amended 53 of 2000 s. 3)

32. *(Repealed 93 of 1994 s. 37)*

33. Vesting

(1) All property, whether movable or immovable, rights and privileges vested in the Board of Governors of the Hong Kong Baptist College immediately prior to the commencement of the Hong Kong Baptist College Ordinance 1983 (50 of 1983) are hereby transferred to and vested in the University upon the same terms and conditions, if any, as those upon which they were held by the said Board of Governors.
(Amended 93 of 1994 s. 38)

(2) The University shall be liable for all debts and liabilities of the Board of Governors of the Hong Kong Baptist College.
(Amended 93 of 1994 s. 38)

(3) In this section the “Board of Governors of the Hong Kong Baptist College” (香港浸會學院校董會) means the Corporation incorporated in that name by the Hong Kong Baptist College Board of Governors Incorporation Ordinance (Cap. 1126, 1969 Ed.).