

《岭南大学条例》

(第 1165 章)

目录

条次		页次
	第 I 部 导言	
1.	简称	1-1
2.	释义	1-3
	第 II 部 大学	
3.	大学的设立	2-1
4.	校监	2-1
5.	大学印章	2-1
6.	大学的权力	2-3
	第 III 部 谘议会	
7.	谘议会的设立	3-1
8.	谘议会的责任等	3-1
9.	谘议会的成员	3-1
10.	谘议会的会议及程序	3-5
	第 IV 部 校董会	

Lingnan University Ordinance

(Cap. 1165)

Contents

Section		Page
	Part I Preliminary	
1.	Short title	1-2
2.	Interpretation	1-4
	Part II The University	
3.	Establishment of the University	2-2
4.	Chancellor	2-2
5.	Seal of the University	2-2
6.	Powers of the University	2-4
	Part III The Court	
7.	Establishment of the Court	3-2
8.	Duties, etc. of the Court	3-2
9.	Membership of the Court	3-2
10.	Meetings and procedures of the Court	3-6
	Part IV The Council	

T-3

第 1165 章

T-4

Cap. 1165

条次		页次	Section	Page	
11.	校董会的设立	4-1	11.	Establishment of the Council	4-2
12.	校董会的成员	4-1	12.	Membership of the Council	4-2
13.	校董会的会议及程序	4-5	13.	Meetings and procedures of the Council	4-6
14.	委员会的一般事宜	4-5	14.	Committees generally	4-6
	第 V 部 校长、副校长及其他雇员			Part V President, Vice-President and Other Employees	
15.	校长、副校长及其他雇员的委任	5-1	15.	Appointment of President, Vice-President and other employees	5-2
16.	校董会有权转授权力及责任予校长	5-1	16.	Power of the Council to delegate to the President	5-2
17.	校长有权转授权力及责任	5-3	17.	Power of the President to delegate	5-4
	第 VI 部 教务会			Part VI The Senate	
18.	教务会	6-1	18.	Senate	6-2
	第 VII 部 财政报表及报告			Part VII Financial Statements and Reports	
19.	帐目	7-1	19.	Accounts	7-2
20.	核数师	7-1	20.	Auditors	7-2
21.	将报表及报告呈交校监	7-1	21.	Statements and reports to be submitted to the Chancellor	7-2
	第 VIII 部 一般规定			Part VIII General	
22.	未经授权而使用大学名称	8-1	22.	Unauthorized use of title of the University	8-2

T-5

第 1165 章

T-6

Cap. 1165

条次		页次	Section		Page
23.	校董会订立规程的权力	8-1	23.	Power of the Council to make statutes	8-2
24.	附表的修订	8-3	24.	Amendment of Schedules	8-4
25.	归属	8-3	25.	Vesting	8-4
26.	过渡性条文	8-5	26.	Transitional	8-6
27.	保留条文	8-7	27.	Saving	8-8
28-39.	(已失时效而略去)	8-7	28-39.	(Omitted as spent)	8-8
附表 1	谘议会的会议及程序	S1-1	Schedule 1	Meetings and Procedures of the Court	S1-2
附表 2	校董会的会议及程序	S2-1	Schedule 2	Meetings and Procedures of the Council	S2-2

1-1
第 1165 章第 I 部
第 1 条Part I
Section 11-2
Cap. 1165

本条例旨在就设立岭南大学及相关事宜订定条文。

An Ordinance to provide for the establishment of Lingnan University and for matters connected therewith.

[1999 年 7 月 30 日] 1999 年第 211 号法律公告
(格式变更——2022 年第 1 号编辑修订纪录)

[30 July 1999] *L.N. 211 of 1999*
(*Format changes—E.R. 1 of 2022*)

鉴于——

WHEREAS—

- (1) 岭南学院于 1967 年设立并根据《教育条例》(第 279 章)注册为一所学校，以继续和促进于 1888 年在中国广州创立的岭南大学的传统与服务精神；
 - (2) 岭南学院于 1978 年根据《专上学院条例》(第 320 章)注册；
 - (3) 岭南学院于 1992 年根据《岭南学院条例》(第 422 章)以岭南学院的名称成立为法人团体；及
 - (4) 现认为岭南学院宜改称为岭南大学；
- (略去制定语式条文——2014 年第 2 号编辑修订纪录)

- (1) in 1967 Lingnan College was established and registered as a school under the Education Ordinance (Cap. 279) in order to continue and foster the tradition and spirit of service of Lingnan University founded in 1888 in Canton, China;
- (2) in 1978 Lingnan College was registered under the Post Secondary Colleges Ordinance (Cap. 320);
- (3) in 1992 Lingnan College was established in that name as a body corporate by the Lingnan College Ordinance (Cap. 422); and
- (4) it is considered desirable to retitle Lingnan College as Lingnan University:

(*Enacting provision omitted—E.R. 2 of 2014*)

第 I 部

Part I

导言

Preliminary

1. 简称

(编辑修订——2022 年第 1 号编辑修订纪录)

- (1) 本条例可引称为《岭南大学条例》。
- (2) (已失时效而略去——2014 年第 2 号编辑修订纪录)

1. Short title

(*Amended E.R. 1 of 2022*)

- (1) This Ordinance may be cited as the Lingnan University Ordinance.
- (2) (*Omitted as spent—E.R. 2 of 2014*)

2. 释义

在本条例中，除文意另有所指外——

大学 (University) 指根据第 3 条设立的岭南大学；

已废除条例 (repealed Ordinance) 指根据第 28 条废除的《岭南学院条例》(第 422 章)；

合资格的教职员 (eligible staff) 指大学的全职教学人员及全职导师人员，包括规程界定为属同等职级或职系的大学行政人员；

局长 (Secretary) 指教育局局长；(由 2007 年第 130 号法律公告修订)

校长 (President) 指根据第 15 条委任的校长，亦指当其时署理校长职位的人；

校董会 (Council) 指第 11(1) 条所设立的岭南大学校董会；

校监 (Chancellor) 指第 4 条所指的大学校监；

财政年度 (financial year) 指大学根据第 19(3) 条订定为其财政年度的期间；

副校长 (Vice-President) 指根据第 15 条委任的副校长，亦指当其时署理副校长职位的人；

教务会 (Senate) 指根据第 18 条设立的大学教务会；

规程 (statutes) 指校董会根据第 23 条订立的大学规程；

学生会 (Students' Union) 指岭南大学学生会；

谘议会 (Court) 指第 7 条所设立的岭南大学谘议会；

岭南大学香港同学会有限公司 (Lingnan University Alumni Association (Hong Kong) Limited) 指根据在《公司条例》(第 622 章)附表 9 第 2 条的生效日期* 之前不时有效的《公司条例》(第 32 章)以“岭南大学香港同学会有限公司”名称注册的法人团体；(由 2012 年第 28 号第 912 及 920 条修订)

2. Interpretation

In this Ordinance, unless the context otherwise requires—

Chancellor (校监) means the Chancellor of the University under section 4;

Council (校董会) means the Council of Lingnan University established under section 11(1);

Court (谘议会) means the Court of Lingnan University established under section 7;

eligible staff (合资格的教职员) 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 as defined by statutes;

financial year (财政年度) means the period fixed by the University under section 19(3) to be its financial year;

Lingnan Education Organization Limited (岭南教育机构有限公司) means the body corporate registered under the Companies Ordinance (Cap. 32) as in force from time to time before the commencement date* of section 2 of Schedule 9 to the Companies Ordinance (Cap. 622) as “Lingnan Education Organization Limited”; (Amended 28 of 2012 ss. 912 & 920)

Lingnan University Alumni Association (Hong Kong) Limited (岭南大学香港同学会有限公司) means the body corporate registered under the Companies Ordinance (Cap. 32) as in force from time to time before the commencement date of section 2 of Schedule 9 to the Companies Ordinance (Cap. 622) as “Lingnan University Alumni Association (Hong Kong) Limited”; (Amended 28 of 2012 ss. 912 & 920)

President (校长) means the President appointed under section 15 and any person for the time being acting in that capacity;

1-5

第 1165 章

第 I 部

第 2 条

岭南教育机构有限公司 (Lingnan Education Organization Limited) 指根据在《公司条例》(第 622 章)附表 9 第 2 条的生效日期之前不时有效的《公司条例》(第 32 章)以“岭南教育机构有限公司”名称注册的法人团体。(由 2012 年第 28 号第 912 及 920 条修订)

(编辑修订——2022 年第 1 号编辑修订纪录)

编辑附注：

* 生效日期：2014 年 3 月 3 日。

Part I

Section 2

1-6

Cap. 1165

repealed Ordinance (已废除条例) means the Lingnan College Ordinance (Cap. 422) repealed under section 28;

Secretary (局长) means the Secretary for Education; (*Amended L.N. 130 of 2007*)

Senate (教务会) means the Senate of the University established under section 18;

statutes (规程) means the statutes of the University made by the Council under section 23;

Students' Union (学生会) means the Lingnan University Students' Union;

University (大学) means Lingnan University established under section 3;

Vice-President (副校长) means the Vice-President appointed under section 15 and any person for the time being acting in that capacity.

Editorial Note:

* Commencement date : 3 March 2014.

第 II 部

大学

3. 大学的设立

- (1) 于紧接本条生效 * 前根据已废除条例名为岭南学院的法人团体，在本条生效当日及之后名为岭南大学，并以岭南大学的名称永久延续和可以该名称起诉与被起诉。
- (2) 大学的宗旨是提供文科、人文学科、商科、社会科学科、理科及其他学科的教育、研修、训练及研究。

编辑附注：

* 生效日期：1999 年 7 月 30 日。

4. 校监

大学设有一名校监，由行政长官出任。

5. 大学印章

- (1) 大学备有一个法团印章，使用该印章盖印须——
 - (a) 由校董会藉决议授权或藉决议追认其有效性；及
 - (b) 由以下人士签署认证——
 - (i) 校长或任何副校长；及
 - (ii) 校董会的一名成员，该成员须已获校董会的一般授权或特别授权作签署认证。
- (2) 一份看来是用大学的法团印章妥为签立的文件，须予接纳为证据，而且除非反证成立，否则须将该文件当作已妥为签立。

Part II

The University

3. Establishment of the University

- (1) The body corporate known as Lingnan College under the repealed Ordinance immediately before the commencement* of this section shall, on and after that commencement, be known as Lingnan University, which in that name shall have perpetual succession and may sue and be sued.
- (2) The objects of the University are to provide for education, studies, training and research in arts, humanities, business, social sciences, science and other subjects of learning.

Editorial Note:

* Commencement date: 30 July 1999.

4. Chancellor

There is a Chancellor of the University who is the Chief Executive.

5. Seal of the University

- (1) 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 by the signatures of—
 - (i) the President or of any Vice-President; and
 - (ii) 1 member of the Council, authorized by the Council either generally or specially to act for that purpose.

6. 大学的权力

大学有权为贯彻执行其职能而作出一切所需或附带需要的事情，或作出一切有助于贯彻执行其职能或与此目的相关的事情，在不损害前述条文的一般性的原则下，尤可——

- (a) 取得、承租、购买、持有和享有任何种类的财产，以及出售、出租或以其他方式处置或处理该等财产，其方式及范围为假使该等财产是由一名自然人按与大学相同的权益持有时法律所容许者；
- (b) 为其学生及所雇用或聘用的人提供合适的适意设备（包括住宿安排、社交及康体活动所需的设施）；
- (c) 建造、提供、装备、保养、改动、移去、拆卸、更换、扩大、改善、修缮与规管大学的建筑物、处所、家具及设备以及所有其他财产；
- (d) 雇用或聘用任何全职或非全职的教职员、专业顾问或专家顾问；
- (e) 订定教职员的薪酬条款及服务条件；
- (f) 收取与动用资金；
- (g) 以其认为需要或合宜的方式及规模，将大学的资金用于投资；
- (h) 以其认为合宜的方式，并以其认为合宜的保证或条款借入款项；
- (i) 为执行其职能而以其认为合适的条件申请与接受任何资助；
- (j) 就大学所提供的课程、设施及其他服务厘定与收取费用，并指明使用该等设施及服务的条件；

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

6. Powers of the University

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, without prejudice to the generality of the foregoing—

- (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) provide appropriate amenities (including residential accommodation, facilities for social activities and physical recreation) for its students and persons in its employment;
- (c) erect, provide, equip, maintain, alter, remove, demolish, replace, enlarge, improve, keep in repair and regulate the buildings, premises, furniture and equipment and all other property of the University;
- (d) employ or engage any staff, expert or professional adviser or consultant on a full-time or part-time basis;
- (e) set terms of remuneration and conditions of service for staff;
- (f) receive and expend funds;
- (g) invest its funds in such manner and to such extent as it thinks necessary or expedient;

2-5
第 1165 章

第 II 部
第 6 条

- (k) 在一般情况下或就任何个别情况或类别的情况减收、免收或退还如此厘定的费用；
- (l) 不论是以信托方式或其他方式，以大学名义接受与征求馈赠，以及担任以信托方式归属大学的款项或其他财产的受托人；
- (m) 为贯彻其宗旨以补助或贷款方式提供经济援助；
- (n) 与他人订立合约、成立合伙或其他形式的联营关系；
- (o) 按大学认为适当或合宜而印刷、制作或出版任何手稿、书籍、戏剧、音乐、剧本、节目或其他材料，包括影音材料及电脑软件；
- (p) 颁授学位及学术名衔，包括荣誉学位及荣誉名衔；
- (q) 核准大学的周年财政预算。

Part II
Section 6

2-6
Cap. 1165

- (h) borrow money in such manner and on such securities or terms as it thinks expedient;
- (i) apply for and receive any grant in aid for its functions on such conditions as it thinks fit;
- (j) 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;
- (k) reduce, waive or refund fees and charges so fixed generally or in any particular case or class of case;
- (l) receive and solicit gifts, whether on trust or otherwise, on its behalf and act as trustees of moneys or other property vested in it on trust;
- (m) provide financial assistance by way of grant or loan in pursuance of its objects;
- (n) enter into a contract, partnership or other form of joint venture with other persons;
- (o) print, produce or publish any manuscript, book, play, music, script, programme or other materials including video and audio materials and computer software as the University thinks appropriate or expedient;
- (p) confer degrees and academic awards including honorary degrees and honorary awards;
- (q) approve annual budget estimates of the University.

第 III 部

谘议会

7. 谘议会的设立

现设立名为岭南大学谘议会的谘议会。

8. 谘议会的责任等

谘议会 ——

- (a) 须就校长或副校长的委任获校董会征询意见；
- (b) 可审议周年财政预算并向校董会陈述意见；
- (c) 可审议周年帐目以及核数师作出的任何评注；
- (d) 可审议校董会向其作出的任何报告；及
- (e) 可讨论任何关于大学整体政策的动议。

9. 谘议会的成员

(1) 谘议会由以下成员组成 ——

- (a) 行政长官根据第 12(1)(a) 条委任的 10 名校董会成员，担任当然成员；
- (b) 由校董会提名并由行政长官委任的成员，以不逾 6 名为限；
- (c) 由岭南教育机构有限公司提名并由行政长官委任的成员 19 名；

Part III

The Court

7. Establishment of the Court

There is hereby established a Court to be known as the Court of Lingnan University.

8. Duties, etc. of the Court

The Court—

- (a) shall be consulted by the Council on the appointment of a President or Vice-President;
- (b) may consider the annual budget estimates and make representations to the Council;
- (c) may consider the annual accounts together with any comments that may have been made by the auditors;
- (d) may consider any reports made to it by the Council; and
- (e) may discuss any motion on general University policy.

9. Membership of the Court

(1) The Court shall consist of the following members—

- (a) 10 members of the Council appointed by the Chief Executive under section 12(1)(a), as ex-officio members;
- (b) up to 6 members nominated by the Council and appointed by the Chief Executive;
- (c) 19 members nominated by the Lingnan Education Organization Limited and appointed by the Chief Executive;

- (d) 由合格的教职员按照规程互选产生并由校董会委任的成员 2 名；
 - (e) 由教务会成员按照规程互选产生并由校董会委任的成员 1 名；
 - (f) 校长，担任当然成员；
 - (g) 副校长，担任当然成员；
 - (h) 学生会会长，担任当然成员；及
 - (i) 由岭南大学香港同学会有限公司提名，并由校董会委任的岭南学院（本条例弁言所提述者）或大学的毕业生或旧生一名。
- (2) 行政长官须从根据第 (1)(a)、(b) 或 (c) 款委任的成员中委任——
- (a) 1 名成员担任谘议会的主席；及
 - (b) 1 名成员担任谘议会的副主席。
- (3) 如谘议会主席不在香港或因任何其他理由而不能执行主席职务，即由谘议会副主席署理主席职位。如在任何期间，主席及副主席均不在香港或不能执行其各自的职务，或主席及副主席职位同时悬空，谘议会各成员可委任第 (1)(a)、(b) 或 (c) 款所提述的成员的其中一人，在该段期间署理主席职位。
- (4) 第 (1)(b) 或 (c) 款所提述的成员的任期为 3 年或行政长官所决定的较短期间。
- (5) 除第 (8) 款另有规定外，第 (1)(d)、(e) 或 (i) 款所提述的成员的任期为 3 年或校董会所决定的较短期间。
- (6) 第 (1)(b) 或 (c) 款所提述的成员可随时以书面通知行政长官或局长，辞去其在谘议会内的职位。
- (7) 第 (1)(d)、(e) 或 (i) 款所提述的成员可随时以书面通知校董会主席，辞去其在谘议会内的职位。
- (8) 根据第 (1)(d) 或 (e) 款成为谘议会成员的成员自以下情况出现时起，即不再是谘议会的成员——

- (d) 2 members elected by the eligible staff among themselves in accordance with statutes and appointed by the Council;
 - (e) 1 member elected by the Senate from among its members in accordance with statutes and appointed by the Council;
 - (f) the President as an ex-officio member;
 - (g) the Vice-President as an ex-officio member;
 - (h) the President of the Students' Union as an ex-officio member; and
 - (i) a graduate or past student of the Lingnan College referred to in the preamble to this Ordinance or of the University, nominated by the Lingnan University Alumni Association (Hong Kong) Limited and appointed by the Council.
- (2) The Chief Executive shall appoint from the members appointed under subsection (1)(a), (b) or (c)—
- (a) 1 member as Chairman of the Court; and
 - (b) 1 member as Deputy Chairman of the Court.
- (3) The Deputy Chairman of the Court shall act as Chairman of the Court if the Chairman is absent from Hong Kong or is, for any other reason, unable to act as Chairman. If for any period both the Chairman and the Deputy Chairman are absent from Hong Kong or unable to act in their respective offices, or if both of these offices are vacant, the members may appoint one of the members referred to in subsection (1)(a), (b) or (c) to act as Chairman during that period.
- (4) A member referred to in subsection (1)(b) or (c) shall hold office for a period of 3 years or such lesser period as the Chief Executive may determine.

3-5

第 1165 章

第 III 部

第 10 条

- (a) 他不再是推选他担任谘议会成员的团体的成员；或
- (b) 他不再符合由规程所界定的获选资格准则。
- (9) 任何成员的委任因预定限期届满、辞职或不再符合规程所界定的获选资格准则而失效时，则为填补该悬空的职位而作出的新委任或再度委任的程序，是犹如首次委任成员出任该职位者一样。

10. 谘议会的会议及程序

- (1) 附表 1 适用于谘议会的会议及程序。
- (2) 在符合本条例及规程的规定下，谘议会可自行决定其会议程序。

Part III

Section 10

3-6

Cap. 1165

- (5) Subject to subsection (8), a member referred to in subsection (1)(d), (e) or (i) shall hold office for a period of 3 years or such lesser period as the Council may determine.
- (6) A member referred to in subsection (1)(b) or (c) may at any time by notice in writing to the Chief Executive or the Secretary resign from the Court.
- (7) A member referred to in subsection (1)(d), (e) or (i) may at any time by notice in writing to the Chairman of the Council resign from the Court.
- (8) A member who became a member of the Court under subsection (1)(d) or (e) shall cease to be a member of the Court—
- (a) when he ceases to be a member of the body from which he is elected; or
- (b) when he ceases to meet the criteria of eligibility for election as defined by statutes.
- (9) Upon the expiry of the appointment of any member, whether by reaching pre-set time limits or as a result of resignation or ceasing to meet the criteria of eligibility for election as defined by statutes, the procedure for a new appointment or re-appointment will be as if the position thus vacated were being filled for the first time.

10. Meetings and procedures of the Court

- (1) Schedule 1 shall have effect with respect to the meetings and procedures of the Court.
- (2) Subject to this Ordinance and any statutes, the Court may determine its own procedures at its meetings.

第 IV 部

校董会

11. 校董会的设立

- (1) 现设立名为岭南大学校董会的校董会。
- (2) 校董会是大学的行政团体，可行使大学所获赋予的任何权力，亦须执行委予大学的所有责任。

12. 校董会的成员

- (1) 校董会由以下成员组成 ——
 - (a) 由行政长官委任而委任书亦指明他们是谘议会当然成员的成员 10 名；
 - (b) 由行政长官委任的成员 8 名；
 - (c) 由岭南教育机构有限公司提名并由行政长官委任的成员 7 名；
 - (d) 由合格的教职员按照规程互选产生并由校董会委任的成员 3 名；
 - (e) 由教委会成员按照规程互选产生并由校董会委任的成员 2 名；
 - (f) 校长，担任当然成员；
 - (g) 副校长，担任当然成员；及
 - (h) 学生会会长，担任当然成员。
- (2) 行政长官须从根据第 (1)(a) 款委任的成员中委任 ——
 - (a) 1 名成员担任校董会主席；
 - (b) 1 名成员担任校董会副主席；及

Part IV

The Council

11. Establishment of the Council

- (1) There is hereby established a Council to be known as the Council of Lingnan University.
- (2) The Council is the executive body of the University and may exercise any of the powers conferred and shall perform all the duties imposed on the University.

12. Membership of the Council

- (1) The Council shall consist of the following members—
 - (a) 10 members appointed by the Chief Executive who are specified in their appointments to be ex-officio members of the Court;
 - (b) 8 members appointed by the Chief Executive;
 - (c) 7 members nominated by the Lingnan Education Organization Limited and appointed by the Chief Executive;
 - (d) 3 members elected by the eligible staff among themselves in accordance with statutes and appointed by the Council;
 - (e) 2 members elected by the Senate from among its members in accordance with statutes and appointed by the Council;
 - (f) the President as an ex-officio member;
 - (g) the Vice-President as an ex-officio member; and

- (c) 1 名成员担任校董会司库。
- (3) 如校董会主席不在香港或因任何其他理由不能执行主席职务，即由校董会副主席署理主席职位。
- (4) 如在任何期间，主席及副主席均不在香港或不能执行其各自的职务，或主席及副主席职位同时悬空，校董会成员可委任根据第 (1)(a) 款委任的成员的其中一人，在该段期间署理主席职位。
- (5) 根据第 (1)(a)、(b) 或 (c) 款委任的成员，以及根据第 (2) 款委任的主席、副主席或司库，其任期为 3 年或行政长官所决定的较短期间。
- (6) 除第 (9) 款另有规定外，根据第 (1)(d) 或 (e) 款委任的成员的任期为 3 年或校董会所决定的较短期间。
- (7) 根据第 (1)(a)、(b) 或 (c) 款委任的成员，或根据第 (2) 款委任的主席、副主席或司库，可随时以书面通知行政长官或局长，辞去其在校董会内的职位。
- (8) 根据第 (1)(d) 或 (e) 款委任的成员可随时以书面通知校董会主席，辞去其在校董会内的职位。
- (9) 根据第 (1)(d) 或 (e) 款成为校董会成员的成员自以下情况出现时起，即不再是校董会成员——
- (a) 他不再是推选他担任校董会成员的团体的成员；或
- (b) 他不再符合由规程所界定的获选资格准则。
- (10) 任何成员的委任因预定限期届满、辞职或不再符合规程所界定的获选资格准则而失效时，为填补该悬空的职位而作出的新委任或再度委任，其程序犹如首次委任成员出任该职位一样。

- (h) the President of the Students' Union as an ex-officio member.
- (2) The Chief Executive shall appoint from the members appointed under subsection (1)(a)—
- (a) 1 member as Chairman of the Council;
- (b) 1 member as Deputy Chairman of the Council; and
- (c) 1 member as Treasurer of the Council.
- (3) The Deputy Chairman of the Council shall act as Chairman of the Council if the Chairman is absent from Hong Kong or is, for any other reason, unable to act as Chairman.
- (4) If for any period both the Chairman and the Deputy Chairman are absent from Hong Kong or unable to act in their respective offices, or if both of these offices are vacant, the members may appoint one of the members appointed under subsection (1)(a) to act as Chairman during that period.
- (5) A member appointed under subsection (1)(a), (b) or (c) as well as the Chairman, Deputy Chairman or Treasurer appointed under subsection (2) shall hold office for a term of 3 years or such lesser period as the Chief Executive may determine.
- (6) Subject to subsection (9), a member appointed under subsection (1)(d) or (e) shall hold office for a term of 3 years or such lesser period as the Council may determine.
- (7) A member appointed under subsection (1)(a), (b) or (c) or the Chairman, Deputy Chairman or Treasurer appointed under subsection (2) may resign from the Council at any time by notice in writing to the Chief Executive or the Secretary.
- (8) A member appointed under subsection (1)(d) or (e) may resign from the Council at any time by notice in writing to the Chairman of the Council.

4-5
第 1165 章

第 IV 部
第 13 条

Part IV
Section 13

4-6
Cap. 1165

13. 校董会的会议及程序

- (1) 附表 2 适用于校董会的会议及程序。
- (2) 在符合本条例的规定下，校董会可规管本身的程序。

14. 委员会的一般事宜

- (1) 校董会可为一般或特别目的而成立和委出任何委员会。委员会的部分委员可由非校董会成员的人出任，而委员会主席则须由校董会从校董会成员中委出。
- (2) 校董会可将其任何权力及责任以书面转授予委员会，如校董会认为合适，并可就转授附加限制或条件。但校董会不得将以下权力转授予委员会——
 - (a) 核准大学所雇用或聘用的人的服务条款及条件；
 - (b) 核准周年财政预算；
 - (c) 授权拟备第 19(2) 条所规定的报表；或
 - (d) 订立规程。

- (9) A member who became a member of the Council under subsection (1)(d) or (e) shall cease to be a member of the Council—
 - (a) when he ceases to be a member of the body from which he is elected; or
 - (b) when he ceases to meet the criteria of eligibility for election as defined by statutes.
- (10) Upon the expiry of the appointment of any member, whether by reaching the pre-set time limits or as a result of resignation or ceasing to meet the criteria of eligibility for election as defined by statutes, the procedure for a new appointment, or re-appointment, will be as if the position thus vacated were being filled for the first time.

13. Meetings and procedures of the Council

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

14. Committees generally

- (1) The Council may create and appoint any committee for any general or special purposes. The committee may consist partly of persons who are not members of the Council. The Chairman of the committee shall be appointed by the Council from among the members of the Council.
- (2) The Council may in writing, with or without restrictions or conditions as it thinks fit, delegate any of its powers and duties to the committee. However, the Council shall not delegate to the committee the power—
 - (a) to approve the terms and conditions of service of persons in the employment of the University;

4-7
第 1165 章

第 IV 部
第 14 条

(3) 在符合规程的规定下，各委员会可自行决定其会议程序。

Part IV
Section 14

4-8
Cap. 1165

- (b) to approve the annual budget estimates;
 - (c) to authorize the preparation of the statements required under section 19(2); or
 - (d) to make statutes.
- (3) Subject to any statutes, each committee may determine its own procedure at its meetings.
-

第 V 部**校长、副校长及其他雇员****15. 校长、副校长及其他雇员的委任**

- (1) 校董会须在征询谘议会意见后，委任一名校长。
- (2) 校长须受校董会监督。
- (3) 校长是大学的学术及行政方面的首长。
- (4) 校董会可在征询谘议会意见后，委任一名副校长，以协助校长执行职务。
- (5) 校董会有权在征询谘议会意见后，以行为不检、不称职或效率欠佳的理由，或其他好的因由，终止校长或副校长的委任。
- (6) 于校长不在香港或丧失履行职务能力期间，或其职位因任何原因而悬空期间，校董会可委任一人署理校长职位。
- (7) 校董会可委任其认为合适的其他人为大学雇员。
- (8) 校董会有权以行为不检、不称职、效率欠佳的理由，或其他好的因由，终止任何雇员的委任。

16. 校董会有权转授权力及责任予校长

- (1) 在符合第 (2) 款的规限下，校董会可将其任何权力及责任以书面转授予校长，如校董会认为合适，并可就转授附加限制或条件。
- (2) 校董会不得将以下权力转授予校长——

Part V**President, Vice-President and Other Employees****15. Appointment of President, Vice-President and other employees**

- (1) The Council shall, in consultation with the Court, appoint a President.
- (2) The President shall be subject to the control of the Council.
- (3) The President shall be the principal academic and administrative officer of the University.
- (4) The Council may, in consultation with the Court, appoint a Vice-President to assist the President.
- (5) The Council may, in consultation with the Court, terminate the appointment of the President or the Vice-President on the ground of misconduct, incompetence, inefficiency or other good cause.
- (6) The Council may appoint a person to act as President during the absence or incapacity of the President or if that office is vacant for any reason.
- (7) The Council may appoint other persons to be the employees of the University as the Council thinks fit.
- (8) The Council may terminate the appointment of an employee on the ground of misconduct, incompetence, inefficiency or other good cause.

16. Power of the Council to delegate to the President

- (1) Subject to subsection (2), the Council may in writing, with or without restrictions or conditions as it thinks fit, delegate to the President any of its powers and duties.
- (2) The Council shall not delegate to the President the power—

5-3
第 1165 章

第 V 部
第 17 条

- (a) 核准大学所雇用或聘用的人的服务条款及条件；
- (b) 核准周年财政预算；
- (c) 授权拟备第 19(2) 条所规定的报表；
- (d) 订立规程；
- (e) 委任校长或副校长；
- (f) 终止副校长的委任；
- (g) 校董会在第 15(6) 条下的权力。

17. 校长有权转授权力及责任

- (1) 在第 (2) 款的规限下，校长可将其权力及责任以书面转授予他认为合适的人士或委员会，包括将校董会根据第 16 条转授予他的权力或责任再转授，如校长认为合适，并可就再转授附加限制或条件。
- (2) 校长将校董会转授予他的权力或责任再转授的权力，须受校董会根据第 16 条施加于再转授的限制或条件所规限。

Part V
Section 17

5-4
Cap. 1165

- (a) to approve the terms and conditions of service of persons in the employment of the University;
- (b) to approve the annual budget estimates;
- (c) to authorize the preparation of the statements required under section 19(2);
- (d) to make statutes;
- (e) to appoint a President or Vice-President;
- (f) to terminate the appointment of the Vice-President;
- (g) of the Council under section 15(6).

17. Power of the President to delegate

- (1) Subject to subsection (2), the President 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 subdelegating any power or duty of the Council delegated to him under section 16.
- (2) The President's power to subdelegate any power or duty of the Council delegated to him shall be subject to any restriction or condition on subdelegation imposed by the Council under section 16.

第 VI 部 教务会

18. 教务会

- (1) 大学设有教务会。教务会是大学的最高教务机构。
 - (2) 教务会须——
 - (a) 检讨及发展学术课程；
 - (b) 指示及规管大学的教学和研究工作；
 - (c) 规管各认可课程取录学生及该等学生上课的事宜；
 - (d) 规管大学的学位及其他学术名衔的考试；及
 - (e) 决定获颁授学位、文凭、证书及其他学术名衔（荣誉学位或荣誉名衔除外）的资格。
 - (3) 关于教务会的成员及程序的事宜须符合规程的规定。
-

Part VI The Senate

18. Senate

- (1) There shall be a Senate which is the supreme academic body of the University.
 - (2) The Senate shall—
 - (a) review and develop academic programmes;
 - (b) direct and regulate the teaching and research at the University;
 - (c) regulate the admission of persons to approved courses of study and their attendance at such courses;
 - (d) regulate the examinations leading to the degrees and other academic awards of the University; and
 - (e) determine the eligibility of persons to receive degrees, diplomas, certificates and other academic awards other than honorary degrees or honorary awards.
 - (3) The membership and procedures of the Senate shall be in accordance with statutes.
-

第 VII 部

财政报表及报告

19. 帐目

- (1) 大学须就其所有收支备存妥善的帐目及纪录。
- (2) 在每个财政年度完结后，大学须拟备该年度的大学收支结算表和以该年度完结日为准的大学资产负债表。
- (3) 大学可不时订定某段期间为其财政年度。

20. 核数师

- (1) 大学须委任核数师。核数师有权随时取览大学的所有帐簿、付款凭单及其他财务纪录，并有权随时要求取得他们合理地认为必需的资料及解释。
- (2) 核数师须审计根据第 19(2) 条拟备的报表，并就该等报表向大学提交报告。

21. 将报表及报告呈交校监

大学须在每个财政年度完结后 6 个月内，或在校监就个别年度所容许的较后日期之前，向校监呈交一份大学校务报告、根据第 19(2) 条拟备的各报表的副本及根据第 20(2) 条作出的报告的副本。

Part VII

Financial Statements and Reports

19. Accounts

- (1) The University shall maintain proper accounts and records of all its income and expenditure.
- (2) After the end of each financial year, the University shall prepare statements of its income and expenditure during the previous financial year and of its assets and liabilities on the last day of the previous financial year.
- (3) The University may, from time to time, fix a period to be its financial year.

20. Auditors

- (1) The University shall appoint auditors, who are 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 as the auditors reasonably consider necessary.
- (2) The auditors shall audit the statements prepared under section 19(2), and shall report thereon to the University.

21. Statements and reports to be submitted to the Chancellor

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 19(2) and a copy of the report made under section 20(2).

第 VIII 部

一般规定

22. 未经授权而使用大学名称

- (1) 任何人不得组织 ——
 - (a) 伪称是或伪冒是 ——
 - (i) 大学或其任何分支或部分的团体；或
 - (ii) 与大学在任何方面有关连或联系的团体；或
 - (b) 以“岭南大学”或“Lingnan University”命名而意图欺骗或误导的团体，或使用任何语文中与该等名称非常相近的名称的团体，以致能欺骗或误导任何人相信该团体是 ——
 - (i) 大学或其任何分支或部分；或
 - (ii) 与大学在任何方面有关连或联系，或成立该团体为法团，或成为该团体的董事、高级人员、成员或筹办人，或从事和该团体有关的工作。
- (2) 任何人违反第 (1) 款的规定，即属犯罪，一经定罪，可处第 6 级罚款。

23. 校董会订立规程的权力

- (1) 在符合本条例的条文下，校董会可订立规程，以便更有效地执行本条例的条文，而在不影响前述条文的一般性的原则下，尤可订立规程，就以下事项作出规定 ——
 - (a) 规管谘议会、教务会及根据第 14 条成立的委员会的程序；

Part VIII

General

22. Unauthorized use of title of the University

- (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) with intent to deceive or mislead, uses the title “Lingnan University” or “岭南大学” or a title in any language which so closely resembles that title so as to be capable of deceiving or misleading any person into believing that the body of persons is—
 - (i) the University or any branch or part thereof; or
 - (ii) in any way connected or associated with the University.
- (2) A person who contravenes subsection (1) shall be guilty of an offence and is liable on conviction to a fine at level 6.

23. Power of the Council to make statutes

- (1) Subject to the provisions of this Ordinance, 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 make statutes providing for—

8-3
第 1165 章

第 VIII 部
第 24 条

- (b) 教务会及根据第 14 条成立的委员会的成员及法定人数；
 - (c) 教务会的权力及责任，以及根据第 14 条成立的委员会的权力及责任；
 - (d) 大学所雇用或聘用的人的纪律；
 - (e) 规管大学学生的操行及纪律；
 - (f) 学位及其他学术名衔（包括荣誉学位及荣誉名衔）的颁授；及
 - (g) 为根据第 9(1)(d) 或 (e) 条推选候选人以供委任晋身谘议会以及根据第 12(1)(d) 或 (e) 条推选候选人以供委任晋身校董会而举行和进行选举。
- (2) 根据本条订立的任何规程不属附属法例。

24. 附表的修订

局长可藉宪报刊登的命令修订附表 1 或 2。

25. 归属

- (1) 在符合第 3 条的规定下，在紧接该条生效*之前根据已废除条例名为岭南学院的法人团体，在该条生效当日及之后作为大学而继续存在；据此，所有在该条生效日期之前归属岭南学院的财产（不论是动产或不动产）、权利及特权，须按照其在该日期归属岭南学院所按照的条款及条件（如有的话）继续归属大学，而岭南学院在紧接该

Part VIII
Section 24

8-4
Cap. 1165

- (a) the regulation of the proceedings of the Court, the Senate and of any committee appointed under section 14;
 - (b) the membership and quorum of the Senate and of any committee appointed under section 14;
 - (c) the powers and duties of the Senate and the powers and duties of any committee appointed under section 14;
 - (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 other academic awards, including honorary degrees and honorary awards; and
 - (g) the holding and conduct of elections for the purpose of electing candidates for appointment to the Court under section 9(1)(d) or (e) and to the Council under section 12(1)(d) or (e).
- (2) Any statute made under this section is not subsidiary legislation.

24. Amendment of Schedules

The Secretary may by order in the Gazette amend Schedule 1 or 2.

25. Vesting

- (1) Subject to section 3, the body corporate known as Lingnan College under the repealed Ordinance immediately before the commencement* of that section continues in existence on and after that commencement as the University and, accordingly, all property, movable or immovable, rights and privileges vested in Lingnan College prior to that commencement shall continue to be vested in the University on the terms and

8-5
第 1165 章

第 VIII 部
第 26 条

日期前所承担的义务及法律责任，则同样地须由大学继续承担。

- (2) 在符合第 (1) 款的规定下，岭南学院在第 3 条生效之前所委任的雇员，须当作已获大学委任，而就各方面而言，该雇员的服务期须视为自他获岭南学院委任当日起连续不断。

编辑附注：

* 生效日期：1999 年 7 月 30 日。

26. 过渡性条文

- (1) 在第 11 条生效 * 之前，根据已废除条例设立的岭南学院校务会，可在不损害《释义及通则条例》(第 1 章)第 32 条的实施的原则上，行使本条例赋予校董会的任何权力 (包括校董会委任校董会成员的权力)，或执行本条例委予校董会的所有责任。
- (2) 在有待根据第 7 条设立谘议会的期间，须将根据已废除条例设立的校董会当作为谘议会。
- (3) 在有待根据第 18 条设立教务会的期间，须将根据已废除条例设立的教务会当作为教务会。
- (4) 在有待根据第 15 条委任校长的期间，须将根据已废除条例委任的岭南学院校长当作为校长。
- (5) 根据已废除条例订立而在紧接第 3 条生效 ** 前有效的所有规则，须在作出必要的变通后当作为根据第 23 条订立的规程，并可据此而被修订或废除。

编辑附注：

* 生效日期：1999 年 10 月 22 日。

Part VIII
Section 26

8-6
Cap. 1165

conditions, if any, on which the same were vested on that date, and likewise, the University shall continue to be subject to the obligations and liabilities to which the Lingnan College was subject to immediately prior to that commencement.

- (2) Subject to subsection (1), the appointment of any employee of Lingnan College made before the commencement of section 3 shall be deemed to have been made by the University, and for all purposes the service of such employee shall be regarded as continuous from the date on which he was appointed by Lingnan College.

Editorial Note:

* Commencement date: 30 July 1999.

26. Transitional

- (1) Where section 11 has not been commenced*, the Council of the Lingnan College as established under the repealed Ordinance may, without prejudice to the operation of section 32 of the Interpretation and General Clauses Ordinance (Cap. 1), exercise any of the powers conferred or perform all the duties imposed on the Council by this Ordinance (including any power of the Council to appoint any member of the Council).
- (2) The Board of Governors as established under the repealed Ordinance shall be deemed to be the Court pending the establishment of the Court under section 7.
- (3) The Academic Board as established under the repealed Ordinance shall be deemed to be the Senate pending the establishment of the Senate under section 18.
- (4) The President of Lingnan College appointed under the repealed Ordinance shall be deemed to be the President pending the appointment of the President under section 15.

8-7
第 1165 章

第 VIII 部
第 27 条

** 生效日期：1999 年 7 月 30 日。

27. 保留条文

本条例的条文不影响亦不得当作影响中央或香港特别行政区政府根据《基本法》和其他法律的规定所享有的权利或任何政治体或法人团体或任何其他人的权利，但本条例所述及者和经由、透过或藉着他们提出申索者除外。

28-39. (已失时效而略去——2022 年第 1 号编辑修订纪录)

Part VIII
Section 27

8-8
Cap. 1165

- (5) All rules made under the repealed Ordinance and in force immediately before the commencement** of section 3 shall, with all necessary modifications, be deemed to be statutes made under section 23 and are liable to be amended or repealed accordingly.

Editorial Note:

* Commencement date: 22 October 1999.

** Commencement date: 30 July 1999.

27. 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.

28-39. (Omitted as spent—E.R. 1 of 2022)

附表 1

[第 10 及 24 条]

谘议会的会议及程序

1. 谘议会会议在主席指定的时间及地点举行。
2. 主席收到由 10 名或以上的成员提出的请求后，须在 21 天内召开特别大会，以讨论该等成员所指明的事宜。
3. 谘议会会议的法定人数为当其时在任成员的半数。
4. 如谘议会会议须审议的事项，涉及出席会议的成员的直接或间接个人利害关系，则该成员须在会议开始后，尽快说明该利害关系及其性质；如有过半数出席成员要求他在会议审议该事项时避席，则该成员须遵办，且在任何情况下均不得就该事项投票表决。
5. 在第 4 段中，**利害关系** (interest) 包括金钱上的利害关系。
6. 主席或会议主持人可将谘议会会议押后；如出席成员以过半数通过决议，亦可将会议押后。

Schedule 1

[ss. 10 & 24]

Meetings and Procedures of the Court

1. Meetings of the Court shall be held at such times and places as the Chairman may appoint.
2. The Chairman shall, at the request of not less than 10 members, convene within 21 days after receiving the request an extraordinary meeting for the purpose of discussing such matters as are specified by the requesting members.
3. One half of the members for the time being holding office shall form a quorum at a meeting of the Court.
4. If a member has a personal interest, whether directly or indirectly, in any matter to be considered at a meeting of the Court and is present at the 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 a majority of the members present, withdraw from the meeting while the matter is being considered and in any case shall not vote thereon.
5. In paragraph 4, **interest** (利害关系) includes a pecuniary interest.
6. A meeting of the Court may be adjourned by the Chairman or the person presiding or, where a majority of the members present so resolves, by the members.

S1-3

附表 1

Schedule 1

S1-4

第 1165 章

Cap. 1165

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7. 在符合本条例及任何规程的规定下，谘议会可自行决定其会议程序，并可于主席或会议主持人认为是符合大学的最佳利益的情况下，不让校长、副校长或学生会会长或根据本条例第 9(1)(d) 或 (e) 条委任的任何成员参加谘议会的任何会议或会议的任何部分。
8. 在不损害第 7 段的一般性的原则下，学生会当其时的会长无权参与审议个别主管人员、教师及其他教职员的委任、晋升或个人事务，亦无权参与审议个别学生的录取或学业评核。
9. 谘议会可藉传阅文件的方式处理其任何事务。除非有 5 名成员以书面要求主席将正处理的事务的任何个别项目提交下次谘议会会议，否则由过半数成员以书面通过的书面决议，其效力及作用犹如该决议是在谘议会会议上通过的一样。
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7. Subject to this Ordinance and any statutes, the Court may determine its own procedure and may exclude from any of its meetings or any part thereof the President, the Vice-President or the President of the Students' Union or any member appointed under section 9(1)(d) or (e) of the Ordinance when, in the opinion of the Chairman or the person presiding, such exclusion is in the best interests of the University.
8. Without prejudice to the generality of paragraph 7, the President for the time being of the Students' 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.
9. The Court 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 Court a resolution in writing which is approved in writing by a majority of the members shall be valid and effectual as if it had been passed at a meeting of the Court.
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附表 2

[第 13 及 24 条]

校董会的会议及程序

1. 校董会会议在主席指定的时间及地点举行。
2. 主席收到由 7 名或以上的成员提出的请求后，须在 21 天内召开特别大会，以讨论该等成员所指明的事宜。
3. 校董会会议的法定人数为当其时在任成员的半数。
4. 主席或会议主持人可将校董会会议押后；如出席成员以过半数通过决议，亦可将会议押后。
5. 如校董会会议须审议的事项，涉及出席会议的成员的直接或间接金钱上的利害关系或其他的个人利害关系，则该成员须在会议开始后，尽快说明该利害关系及其性质；如有过半数出席成员要求他在会议审议该事项时避席，则该成员须遵办，且在任何情况下均不得就该事项投票表决。

Schedule 2

[ss. 13 & 24]

Meetings and Procedures of the Council

1. Meetings of the Council shall be held at such times and places as the Chairman may appoint.
2. The Chairman shall, at the request of not less than 7 members, convene within 21 days after receiving the request an extraordinary meeting for the purpose of discussing such matters as specified by the requesting members.
3. One half of the members for the time being holding office shall form a quorum at a meeting of the Council.
4. A meeting of the Council may be adjourned by the Chairman or the person presiding or, where a majority of the members present so resolves, by the members.
5. If a member has any pecuniary or other personal interest, whether directly or indirectly, 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 a majority of the members present, withdraw from the meeting while the matter is being considered and in any case shall not vote thereon.

S2-3

附表 2

Schedule 2

S2-4

第 1165 章

Cap. 1165

6. 校董会可自行决定其会议程序，并可于主席或会议主持人认为是符合大学的最佳利益的情况下，不让校长、副校长、学生会会长或根据本条例第 12(1)(d) 或 (e) 条委任的任何成员参加校董会的任何会议或会议的任何部分。
7. 在不损害第 6 段的一般性的原则下，学生会当其时的会长无权参与审议个别主管人员、教师及其他教职员的委任、晋升或个人事务，亦无权参与审议个别学生的录取或学业评核。
8. 校董会可藉传阅文件的方式处理其任何事务。除非有 5 名成员以书面要求主席将正处理的事务的任何个别项目提交下次校董会会议，否则由过半数成员以书面通过的书面决议，其效力及作用犹如该决议是在校董会会议上通过的一样。

6. The Council may determine its own procedure and may exclude from any of its meetings or any part thereof the President, the Vice-President, the President of the Students' Union or any member appointed under section 12(1)(d) or (e) of the Ordinance when, in the opinion of the Chairman or the person presiding, such exclusion is in the best interests of the University.
7. Without prejudice to the generality of paragraph 6, the President for the time being of the Students' 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.
8. 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 valid and effectual as if it had been passed at a meeting of the Council.