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LegCo Panel on Education

**Subcommittee on the Management-Initiated Retirement Scheme
of the Hong Kong Institute of Education**

**Minutes of meeting
held on Monday, 26 August 2002 at 10:45 am
in Conference Room B of the Legislative Council Building**

Members Present : Hon SZETO Wah (Chairman)
Hon Cyd HO Sau-lan
Hon CHEUNG Man-kwong
Hon LEUNG Yiu-chung
Dr Hon YEUNG Sum
Dr Hon LO Wing-lok
Hon MA Fung-kwok, JP

Members Absent : Hon Emily LAU Wai-hing, JP
Hon Abraham SHEK Lai-him, JP
Hon Michael MAK Kwok-fung
Hon WONG Sing-chi

Public Officers Attending : Mr Gordon LEUNG
Principal Assistant Secretary for Education and
Manpower

University Grants Committee

Mr Peter P T CHEUNG, JP
Secretary General

Mr Norman NGAI
Vice President (Resources and Administrative
Services) and
Member of the Management-Initiated Retirement
Scheme Working Group
Hong Kong Institute of Education

Dr Derek SANKEY
Senior Lecturer of the Department of Education Policy
and Administration,
Vice President of the Association of Lecturers and
Member of the Management-Initiated Retirement
Scheme Working Group,
Hong Kong Institute of Education

Mr HAU Shu-kau
Head of Human Resources Department and
Secretary of the Management-Initiated Retirement
Scheme Working Group,
Hong Kong Institute of Education

Clerk in Attendance : Miss Flora TAI
Chief Assistant Secretary (2)2

Staff in Attendance : Mr Stanley MA
Senior Assistant Secretary (2)6

I. The Management-Initiated Retirement Scheme of Hong Kong Institute of Education

The Chairman welcomed representatives of the Administration and the University Grants Committee to the meeting. Secretary General, University Grants Committee (SG(UGC)) introduced that Mr Norman NGAI, Dr Derek SANKEY and Mr HAU Shu-kau were staff members of the Hong Kong Institute of Education (HKIEd) who joined the UGC delegation to participate in the discussion as resource persons. SG(UGC) added that Mr NGAI who was the secretary to the HKIEd's Council and Dr SANKEY who was the representative of

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the Association of Lecturers of HKIEd were members of the Management-Initiated Retirement Scheme (MIRS) Working Group set up by HKIEd, and Mr HAU who was the Head of the HKIEd's Human Resources Department was the secretary of the Working Group.

Situation of the staff members affected by MIRS

2. Members noted the interim and final reports of the Working Group which had been issued vide LC Paper Nos. CB(2)1607/01-02(01) and CB(2)2605/01-02(01) respectively.

3. Mr CHEUNG Man-kwong sought clarifications about the number of staff members who had left HKIEd as a result of the implementation of MIRS, and the number of affected staff members who had approached the Working Group for assistance in seeking employment. The Chairman also asked whether HKIEd would continue to assist these staff members in seeking employment.

4. In response, Mr Norman NGAI of HKIEd said that a total of 39 staff members had been provisionally identified by the Review Committee of HKIEd for early retirement under MIRS. Four of these staff members had subsequently convinced the Review Committee of their suitability for the future needs of HKIEd. Among those 35 staff members who were finally identified under MIRS, 10 had approached the Working Group for assistance in seeking employment. Mr NGAI informed members that with the assistance of the Working Group, two of these staff members had taken up non-academic positions in HKIEd and another two had taken up teaching positions in the Division of Continuing Professional Education of the HKIEd. He pointed out that a total of 31 staff members had left HKIEd as a result of implementing MIRS but HKIEd would continue to provide assistance to these ex-employees upon their request.

5. Mr CHEUNG Man-kwong asked whether a supplementary ex-gratia payment had been given to all affected staff members who were on frozen pension terms, including those who had been offered employment in HKIEd. Mr Norman NGAI of HKIEd responded in the affirmative. He added that seven of the 35 affected staff members were on frozen pension terms.

6. At members' request, Mr Norman NGAI of HKIEd agreed to provide a detailed breakdown of the number of affected staff members who had approached the Working Group for assistance and their present situation as a result of the assistance rendered by the Working Group, i.e. the number of staff members who had been offered employment and given supplementary ex-gratia payment.

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[*Post-meeting note* : The relevant information was circulated to members vide LC Paper No. CB(2)2772/01-02(01) on 18 September 2002.]

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7. Mr CHEUNG Man-kwong asked whether HKIEd would continue to help the six affected staff members who had approached the Working Group for assistance but had yet been offered any employment. He stressed that it would be a satisfactory result if all of them were able to find employment. Mr CHEUNG also asked whether HKIEd would give priority consideration to these ex-employees in its future recruitment exercises.

8. Mr Norman NGAI of HKIEd responded that HKIEd would continue to help the affected staff members who approached the Institute for assistance in seeking employment. He said that he was willing to give an undertaking that HKIEd would give priority consideration to applicants who were ex-employees leaving HKIEd as a result of implementing MIRS, if they possessed the same qualifications, expertise and experience as other suitable applicants for the vacant posts. Mr HAU Shu-kau of HKIEd supplemented that according to his contacts, two of the remaining six staff members who had approached the Working Group for assistance had also been offered employment outside the HKIEd. Mr CHEUNG Man-kwong remarked that it would help restore trust and understanding between the staff and the management of HKIEd if all those affected staff members who had sought assistance from the Working Group could find employment. He considered that it was quite possible that suitable posts might arise in the future development of HKIEd which could accommodate these staff members.

9. Dr YEUNG Sum expressed support for HKIEd to give priority consideration to ex-employees leaving the Institute as a result of the implementation of MIRS in its future recruitment exercises, if they were equally suitable as other applicants for the vacant posts. He also asked whether HKIEd had considered re-employing all the affected staff members if they met the future development of HKIEd.

10. Mr Norman NGAI of HKIEd responded that in line with the Government's commitment to upgrade the teaching profession, the role of HKIEd would be changed from providing predominantly sub-degree programmes to degree and postgraduate programmes by 2005. Mr NGAI added that although HKIEd would also run a number of associate degree programmes, the proposed programmes would have to be validated by the Hong Kong Council for Academic Accreditation. It was difficult at the present stage to say whether the affected staff members would be suitable for filling vacant positions arising from the operation of new associate degree programmes.

11. Mr LEUNG Yiu-chung expressed regret that HKIEd had failed to follow proper procedures and adopt the correct attitude for implementing MIRS. He considered that HKIEd should find out why only 10 of the 35 affected staff members had approached the Working Group for assistance. Mr LEUNG pointed

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out that the 25 affected staff members might have decided not to approach the Working Group because of poor relationship with the management of HKIED.

12. Mr Norman NGAI of HKIED responded that the Working Group had not approached these 25 staff members to find out their present situation because of privacy consideration. To his knowledge, some of them had chosen to retire and some had engaged in non-teaching fields. Mr HAU Shu-kau of HKIED supplemented that HKIED had all along kept the 35 affected staff members informed of the assistance and services rendered by HKIED. In particular, they were each provided with a guest e-mail account to maintain close and direct communication with the management of HKIED.

13. Dr Derek SANKEY of HKIED expressed his gratitude to those on LegCo who had come to the aid of colleagues when they had been faced with the reality of MIRS, as he knew how much that had been appreciated by staff. He confirmed that the attitude of the Working Group had been very open and positive towards all members. The reason not every detail was known about every individual was simply one of confidentiality. Staff had been invited to approach the Working Group, just as they had been invited to approach the Association of Lecturers of HKIED for help. Some colleagues chose to make such an approach, while others chose not to.

14. In response to Mr LEUNG Yiu-chung's query whether HKIED had complied with the Employment Ordinance by re-deploying its staff members who were made redundant before implementing MIRS, SG(UGC) said that HKIED had considered the requirements under the Employment Ordinance and explored a number of possible alternatives, including re-deployment of its teaching staff before implementing MIRS. He stressed that improving quality of education was a major policy commitment of the Government, and improving the quality of the teaching workforce was an essential step to achieve the policy objective. As a result, HKIED needed to implement MIRS in order to adjust its staffing profile in the light of future teaching needs

Review of the implementation of MIRS and development of the teaching profession

15. Ms Cyd HO expressed disappointment that neither the interim nor the final report had mentioned the need for a review of the procedures for implementing MIRS. She considered that the Council of HKIED should learn a lesson from the implementation experience in case another MIRS had to be introduced. Ms HO pointed out that the former Director of HKIED had acknowledged her misjudgment in the initial stage of implementing MIRS which had resulted in serious confrontation between the staff and the management of HKIED. She suggested that HKIED should review the procedures for implementing MIRS in an

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open manner in order to avoid recurrence of similar situation in the future. Ms HO further pointed out that the University of Hong Kong and the City University of Hong Kong (City U) had appointed an independent committee to investigate into the "opinion poll incident" of Dr Robert CHUNG and the issues surrounding cases of non-renewal of contracts in the School of Law of City U respectively.

16. Mr Norman NGAI of HKIEd responded that the Institute had followed closely the implementation process of MIRS and discussed thoroughly the issues arising from the process. While he personally did not want to see another MIRS, he assured members that the Institute would adopt appropriate measures to avoid recurrence of similar situation if MIRS had to be implemented again in the future.

17. SG(UGC) said that the Council of HKIEd had learnt a lesson in the course of implementing MIRS. He considered that the community should have confidence in the ability and sincerity of the Council to maintain a high level of accountability to the public and institutional autonomy.

18. Mr CHEUNG Man-kwong said that HKIEd should also review the training and development needs of its staff in the light of future development. Mr CHEUNG considered that HKIEd should carefully plan its funding allocations in support of the professional development of its serving staff, particularly those non-graduate teachers, to meet the future teaching needs. He stressed that HKIEd should keep staff informed of its future development and advise them to pursue relevant advancement studies at the earliest opportunity. Ms Cyd HO suggested that HKIEd should provide sabbatical leave for staff to pursue further studies which were relevant to the future development of HKIEd.

19. Dr YEUNG Sum said that in the face of a knowledge-based economy, he believed that no staff of HKIEd would question that the Institute should move towards providing predominantly degree and postgraduate programmes in the future. He pointed out that the issue was how MIRS was implemented. Given some 40% of HKIEd's existing programmes were delivered at sub-degree level, it was likely that another MIRS might have to be implemented at a later stage. Dr YEUNG also stressed that HKIEd should review the implementation of MIRS with a view to improving manpower planning and staff development strategies. Mr Norman NGAI said that he was not in a position to pre-empt any future decision by the Council, but personally he hoped the Institute would not have to do another MIRS.

20. The Chairman expressed concern that the need for teachers would decrease in the next few years as the number of students of different age groups had been on the down size because of a drop in birth rate. He suggested that HKIEd should learn from the experience of implementing MIRS and adopt appropriate manpower planning strategies and measures well in advance to minimise the need

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to lay off redundant staff. In this connection, the Chairman said that the Hong Kong Professional Teachers' Union (the Union) was discussing with the Secretary for Education and Manpower on matters related to the supply and demand of teachers, and provision of in-service training and lifelong development opportunities for serving teachers. He suggested that HKIED should also discuss with the Union on the future development of the teaching profession in Hong Kong.

21. Mr CHEUNG Man-kwong pointed out that serving teachers should pursue further studies in order to meet the community's rising expectations for excellence in the teaching profession. He pointed out that some 50 000 to 60 000 serving teachers were non-graduate teachers who obtained their teaching diplomas twenty to thirty years' ago. In order to increase competitiveness, many of these teachers would be prepared to bear part of the costs to receive further training and pursue further studies in other areas. Mr CHEUNG considered that the provision of continuing education to serving teachers would create considerable room for further development of HKIED. He added that HKIED should not only rely on the funding allocation on the basis of student headcount because additional funding could be obtained by providing in-service training to teachers.

22. SG(UGC) thanked members for their views and suggestions. He pointed out that in anticipation of a decreasing demand for teachers, a subcommittee had been set up under the Advisory Committee on Teacher Education and Qualifications to review the supply and demand of teachers in the light of a decreasing trend of student population. UGC would take the recommendations of the subcommittee into account when determining the class sizes of HKIED and allocating recurrent funding to HKIED for the next triennium.

Institutional autonomy and accountability to the public

23. Members noted a chronological account of the developments in respect of arranging meetings between the Subcommittee and the Working Group [LC Paper No. CB(2)2567/01-02(01)] and a summary of views expressed by the Chairman and other members of the Subcommittee at the press briefing held on 12 July 2002 [LC Paper No. CB(2)2682/01-02(01)].

24. The Chairman expressed dissatisfaction that despite repeated invitations, HKIED had all along refused to meet with the Subcommittee nor submit reports of the Working Group to the Subcommittee directly. The Chairman pointed out that the concerns of Legislative Council (LegCo) Members over the issue by no means represented an intervention into the internal administration of HKIED and would not undermine the principle of institutional autonomy. He stressed that the Subcommittee only wished to give views direct to HKIED on the issue and ultimately it would be up to HKIED to make its own decision.

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25. Echoing the Chairman's views, Mr CHEUNG Man-kwong pointed out that if LegCo Members did not get involved into the issue, the confrontation between the staff and the management of HKIED might result in more serious consequences, which would possibly jeopardise the future development of HKIED. Dr YEUNG Sum stressed that LegCo Members were obliged to act on complaints from members of the public including employees of UGC-funded tertiary institutions. He considered that if HKIED had taken a proactive approach to consult affected staff members during the implementation process of MIRS, HKIED might have been able to avoid any confrontation with its staff. Dr YEUNG and Mr CHEUNG urged that HKIED should reflect on the issue and appreciate the role of LegCo Members in resolving the issue.

26. SG(UGC) responded that both UGC and HKIED respected the role and functions of LegCo Members in settlement of disputes or conflicts between the management and the staff of higher education institutions. He explained that in order to achieve its mission and provide the community with the quality graduate teachers, HKIED would have to tackle the problem of redundant staff and implement MIRS. Under the principle of institutional autonomy, the management of HKIED should be given a free hand to tackle the problems arising from implementing MIRS.

27. Mr LEUNG Yiu-chung expressed regret that HKIED had repeatedly refused to meet with the Subcommittee. He wondered whether HKIED had intentionally deferred discussion with the Subcommittee until implementation of MIRS was completed. Mr LEUNG considered that HKIED had shown its disrespect for the Subcommittee as well as the responsibility of LegCo Members to maintain social justice, by refusing to meet with the Subcommittee even after the release of the interim report of the Working Group. He hoped that if similar incidents occurred in the future, UGC-funded tertiary institutions would agree to discuss with LegCo Members direct at an appropriate time. Dr YEUNG Sum and Mr CHEUNG Man-kwong expressed a similar view.

28. SG/UGC responded that HKIED had all along considered it more appropriate to discuss the matter with the Subcommittee after the Working Group had completed its work and submitted its final report. HKIED therefore had agreed to send representatives to attend the meeting once the Working Group had completed its work. He considered that HKIED had struck a right balance between maintaining institutional autonomy and accountability to the public. As regards similar incidents in the future, SG(UGC) said that the institution concerned would determine the best course of action in its internal administration having regard to the facts and circumstances in each case. With reference to the joint statement issued by Heads of Universities Committee expressing grave concern at the motion passed by the Panel on Education at its meeting on 22 October 2001, he

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stressed that institutional autonomy was essential to the protection of academic freedom.

29. The Chairman clarified that LegCo Members was only aiming to give their views and suggestions on MIRS, and had no intention to interfere with the autonomy of HKIED Council. He stressed that while Members and the media had the responsibility to comment on any suspected maladministration in higher education sector, institutions had the autonomy to decide their follow-up actions. The Chairman considered the HKIED's refusal to have direct contact with the Subcommittee impolite and unreasonable. He pointed out that if discussion in the form of an open meeting was not considered appropriate, HKIED should propose an alternative arrangement to exchange views with the Subcommittee.

30. Echoing the Chairman's view, Mr CHEUNG Man-kwong referred to the joint statement issued by Heads of Universities Committee and said that LegCo would not give instruction to an academic institution. He stressed that LegCo Members got involved in the issue because they considered the complaint lodged by the staff members affected by the implementation of MIRS a substantiated one.

31. SG(UGC) responded that in fulfilment of their accountability to the public, UGC-funded tertiary institutions would certainly consider the views and suggestions of LegCo Members. However, institutions were concerned that LegCo Members sometimes might not mean to give their views only. The Chairman responded that LegCo Members would not give instructions for institutions to follow. SG(UGC) expressed appreciation of the Chairman's clarification, saying that a consensus on the role of LegCo Members in holding institutions accountable to the public would enhance communications between LegCo and institutions in the future.

32. Mr CHEUNG Man-kwong stressed that LegCo Members were well aware of the importance of institutional autonomy and would not give instructions for an UGC-funded tertiary institution to follow. He pointed out that after the joint statement of the Heads of Universities Committee, representatives of City U had attended meetings of the Panel on Education in respect of the issues surrounding cases of non-renewal of contracts in its School of Law. He was concerned that if LegCo Members did not get involved, aggrieved staff in the higher education sector would be helpless in front of the management under the name of institutional autonomy. Mr CHEUNG emphasised that LegCo Members had an obligation to help maintain social justice, and LegCo should provide a forum for open and transparent discussion on controversial issues. He considered that UGC-funded tertiary institutions should proactively explain and exchange views with LegCo Members for effective settlement of the disputes.

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33. SG(UGC) responded that under the principle of institutional autonomy, individual institutions should have discretion on when and how to consult LegCo Members on controversial issues and UGC would play an advisory role. However, he would relay members' views to institutions for consideration.

II. Any other business

34. There being no other business, the Chairman thanked representatives of the Administration and UGC including staff members of HKIEd for meeting with the Subcommittee.

35. The meeting ended at 12:05 pm.

Council Business Division 2
Legislative Council Secretariat
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