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Panel on Education

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

Purpose

This paper reports on the deliberations of the Subcommittee on the Management-Initiated Retirement Scheme (MIRS) of the Hong Kong Institute of Education (HKIEd).

Background

2. The Panel on Education discussed MIRS of HKIEd with the Administration, the University Grants Committee (UGC) and representatives of the Council of HKIEd at its meeting on 22 October 2001. The Panel also received views at the meeting from deputations, including the Association of Lecturers of HKIEd, the Federation of Hong Kong Higher Education Staff Associations, the Anti-MIRS Committee, elected staff representatives of the Council of HKIEd, the Hong Kong Professional Teachers' Union and the Hong Kong Federation of Education Workers.

3. Members of the Panel expressed support for the upgrading of HKIEd to enhance teacher quality, and considered that there was a need for HKIEd to progressively phase out its sub-degree programmes and to redeploy its manpower resources in the light of the future teaching needs. Members, however, expressed grave concern that MIRS had not been implemented with thorough consideration and adequate planning, resulting in adverse impact on the staff concerned. Members passed the following motion at the meeting -

"That, with grave concern about the impact of MIRS implemented by HKIEd, this Panel urges HKIEd to suspend the Scheme immediately and solve the problems through peaceful negotiations with all its staff; and that a Subcommittee under the Legislative Council Panel on Education should be set up to follow up the responses from the Council of HKIEd."

4. In response to the motion passed by the Panel, the Heads of Universities Committee issued a statement expressing concern about the implications of the motion on the autonomy of academic institutions in Hong Kong. The Council of HKIEd endorsed the statement, and resolved to continue the implementation of MIRS. The Council of HKIEd also agreed to form a Working Group comprising a non-staff Council member and representatives of the Directorate and staff to explore the possibility of improving the retirement package for affected staff members who are on frozen pension terms and assist them in seeking other employment opportunities.

The Subcommittee

5. The Subcommittee comprises 11 members of the Panel and Hon SZETO Wah was elected Chairman. The membership of the Subcommittee is in the **Appendix**. The Subcommittee held two meetings on 14 November 2001 and 26 August 2002 respectively, and met with the Administration and UGC at the second meeting.

6. The Subcommittee decided at its first meeting that it should hold discussions with the MIRS Working Group on its progress of work. An invitation was sent to the MIRS Working Group but HKIEd replied that the MIRS Working Group had been established by and reported to the Council of HKIEd. It was thus inappropriate for the MIRS Working Group to meet with the Subcommittee until the Council of HKIEd had considered and decided on any recommendations of the Working Group. HKIEd also responded that it would be happy to furnish any report of the MIRS Working Group to the Subcommittee through UGC. Despite repeated invitations from the Subcommittee, HKIEd maintained its position that it was inappropriate for the MIRS Working Group to meet with the Subcommittee. The Subcommittee only obtained an interim report of the MIRS Working through UGC.

7. The Chairman and some members of the Subcommittee held a press briefing on 12 July 2002 to express dismay at HKIEd's refusal to meet with the Subcommittee and to provide the Subcommittee with any report of the Working Group directly. They have also expressed dissatisfaction that HKIEd has procrastinated its submission of the MIRS Working Group's final report to UGC. Representatives of HKIEd eventually met with the Subcommittee at its second meeting on 26 August 2002 as members of the UGC delegation.

Deliberations of the Subcommittee

Institutional autonomy and accountability to the public

8. Members of the Subcommittee have expressed regret that HKIEd has repeatedly refused to meet with the Subcommittee. They are dissatisfied that

although the Subcommittee has repeatedly extended invitations, the Council of HKIED has maintained that it is not appropriate for the MIRS Working Group and/or representatives of HKIED to discuss MIRS with the Subcommittee before the work of the Working Group is completed. Most disappointingly, the Council of HKIED has all along refused to provide any report of the Working Group to the Subcommittee directly.

9. Members stress that they only wish to give their views and suggestions to HKIED on MIRS, and have no intention to interfere with autonomy of HKIED. They consider that while UGC-funded tertiary institutions have the autonomy to decide their internal affairs, Legislative Council (LegCo) Members and the media have the responsibility to follow up with any allegation of maladministration in the higher education sector. Members also stress that LegCo should provide a forum for discussing controversial issues openly. Members have pointed out that if LegCo has not been involved, the confrontation between the staff and the management of HKIED arising from the implementation of MIRS might result in serious consequences which would possibly jeopardise the future development of HKIED. Members are of a strong view that if similar incidents occur in the future, the institution concerned should discuss with LegCo Members at the earliest possible time.

10. UGC has responded that both UGC and HKIED respect the role and functions of LegCo Members in resolving disputes or conflicts between the management and the staff of UGC-funded tertiary institutions. In fulfilment of their accountability to the public, UGC-funded tertiary institutions will certainly consider the views and suggestions of LegCo Members.

11. UGC has further explained that in order to achieve its mission and provide the community with quality graduate teachers, HKIED will 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. Individual institutions should also have discretion to decide when and how to consult LegCo Members on controversial issues and UGC would play an advisory role.

12. UGC has also pointed out that HKIED considers that it is more appropriate to discuss the matter with the Subcommittee after the Working Group has completed its work and submitted its final report. UGC is of the view that HKIED has struck a right balance between maintaining institutional autonomy and accountability to the public in this regard.

Situation of the staff members affected by MIRS

13. Members are very concerned about the employment prospects of the staff members who are affected by MIRS. They consider that HKIED should continue to assist these staff members until they have found employment. In response to

members' enquiries, HKIED has informed the Subcommittee that a total of 39 staff members have originally been identified by the Review Committee of HKIED for early retirement under MIRS. Four of these staff members have subsequently convinced the Review Committee of their suitability for the future needs of HKIED. Among those 35 staff members who are finally identified under MIRS, 10 have approached the Working Group for assistance in seeking employment. Four of them have taken up positions in HKIED and its Division of Continuing Professional Education. Another three have secured employment with organisations outside HKIED. HKIED has also informed the Subcommittee that a supplementary ex-gratia payment has been given to all the seven staff members identified under MIRS who were formerly employed by HKIED on frozen pension terms.

14. Some members consider that HKIED should in its future staff recruitment give priority consideration to ex-employees who left HKIED under MIRS. Representatives of HKIED have given an undertaking that HKIED will give priority consideration to these ex-employees if they possess the same qualifications, expertise and experience as other suitable applicants for the vacant posts.

15. A member has expressed concern about the situation of the remaining 25 affected staff members who have not approached the Working Group for assistance. Representatives of HKIED have explained that the Working Group has not proactively approached these 25 staff members for information on their current employment because of privacy consideration. Nevertheless, the Working Group is aware that some of these ex-employees have chosen to retire and some are engaged in non-teaching fields. Representatives of HKIED have also confirmed that all staff members affected by MIRS have been invited to approach the Working Group and the Association of Lecturers of HKIED for assistance, and have each been provided with a guest e-mail account to maintain close and direct communication with the management of HKIED.

Review of the implementation of MIRS

16. Some members have expressed concern that HKIED will need to implement another MIRS to meet its future development needs, given that some 40% of HKIED's existing programmes are delivered at sub-degree level. They stress that HKIED should review the implementation of MIRS with a view to improving manpower planning and staff development strategies. These members consider that the Council of HKIED should learn a lesson and review in an open manner the procedures for implementing MIRS, in order to avoid recurrence of a similar situation in the future.

17. Representatives of HKIED have responded that HKIED has followed closely the implementation process of MIRS and discussed thoroughly the issues arising from the process. HKIED will adopt appropriate measures to avoid recurrence of a similar situation, if another MIRS has to be implemented in the future.

18. Some members consider that HKIEd should review staff training and development needs in the light of its future development. They stress that HKIEd should keep staff informed of its future development and advise them to pursue relevant advancement studies at the earliest opportunity. A member has suggested that HKIEd should provide sabbatical leave for staff to pursue further studies which are relevant to the future development of HKIEd

Future development of the teaching profession

19. The Subcommittee has discussed the supply and demand of teachers, and provision of in-service training and lifelong development opportunities for serving teachers. Some members note with concern that the need for teachers will decrease in the next few years as the number of students of different age groups has been in decline because of a drop in birth rate. They have pointed out that some 50 000 to 60 000 serving teachers are non-graduate teachers who obtained their teaching diplomas 20 to 30 years ago. In order to enhance their competitiveness, many of these teachers would be prepared to bear part of the costs of training or further studies in other areas. These members consider that the provision of continuing education to serving teachers would create considerable room for further development of HKIEd. These members have 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 to lay off redundant staff.

20. UGC has informed the members that in anticipation of a decreasing demand for teachers, a subcommittee has 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 will 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.

Advice sought

21. Members of the Panel are invited to note the deliberations of the Subcommittee.

Panel on Education

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

Membership List

Chairman	Hon SZETO Wah
Members	Hon Cyd HO Sau-lan Hon CHEUNG Man-kwong Hon LEUNG Yiu-chung Dr Hon YEUNG Sum Hon Emily LAU Wai-hing, JP Hon Abraham SHEK Lai-him, JP Hon Michael MAK Kwok-fung Dr Hon LO Wing-lok Hon WONG Sing-chi Hon MA Fung-kwok, JP (Total : 11 Members)
Clerk	Miss Flora TAI Yin-ping
Legal Adviser	Mr Arthur CHEUNG Ping-kam
Date	2 July 2002