

From Chairman of The Council 校董會主席
Mr. Simon S.O. IP 葉錫安先生
OSE, JP

9th October, 2001

By FAX: 2603 5154

Professor K.P. Shum
Chairman
Federation of Hong Kong Higher Education
Staff Associations
c/o Department of Mathematics
The Chinese University of Hong Kong
Shatin
New Territories

Dear Professor Shum,

Thank you for your letter of 8th October. I appreciate your concern for the improvement of education in Hong Kong, and your positive comments on the efforts we have undertaken to upgrade the Institute of Education. I also appreciate your recognition that 'the early retirement scheme may be one of the steps that may have to be taken during the upgrading process'. In the view of the Council the scheme is a vital step in the process of upgrading which will allow the Institute to play its role in improving education in Hong Kong. The Director and her colleagues have thus been implementing the policy of the Council and have our full support.

With regard to your claim that there was no proper consultation with the Association of Lecturers nor with the staff directly affected, I would like to provide you with further information on how the scheme was developed, and the consultation that did take place with staff and with the ALHKIEd in the process of its development.

The Council initially pursued the possibility of developing a voluntary scheme for early retirement, but after two years of effort by senior management to negotiate such a scheme, it became clear that to offer our academic staff who are former civil servants immediate pension benefits a mandatory scheme was necessary. Thus in early 2001, we decided to develop a management-initiated scheme which would provide the best possible benefits for those staff offered early retirement.

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As soon as this decision was made, in March of 2001, the Institute's directorate held a forum for all staff, letting them know of this new direction, and discussing with them the criteria that would be adopted for the scheme. From that time up till the Council's final approval of the scheme, a number of meetings were held with the ALHKIED, where many details of the plan were discussed. Staff members also participated in the Council decision to implement the plan on July 7. The Council considered the views of all members, as expressed at the meeting, and the overall development of the Institute, before arriving at the decision. There was thus considerable consultation with staff and the ALHKIED in the development of the scheme.

The timing of the scheme was not a matter of preference, but a result of the fact that final government approval to go ahead was only given in early September of this year. Management then had to decide whether to go ahead and inform those staff who had been identified on a preliminary basis immediately, and implement the approved procedures of the scheme, or to wait until April of 2002, which would have left about 200 staff in a state of uncertainty for a further 8 months. The decision to go ahead was made in the interests of staff, and with the consideration that those offered early retirement would be given a number of choices about the timing of their retirement, including the possibility of completing the teaching year, to June of 2002.

On the first day of being identified, affected staff were told they could be relieved of their teaching duties for the two week period, in order to enable them time to prepare a challenge to the preliminary decision, if they so wished, or to otherwise make preparations for their future. Once management learned, the following day, that some affected staff were upset by this decision and wished to continue teaching, all were given a choice as to whether to teach or not over that two week period. The Director issued an apology for this incident even though it was well-intentioned.

The two criteria on which staff were selected for early retirement were decided on after much careful discussion and debate. The upgrading of qualifications has been an important part of preparation for institutional upgrading, yet all staff have been given support for graduate study, and have had the academic freedom to choose their area of study, while being aware of the strategic development of their department through its strategic plan. There has never been a promise made that the provision of support for graduate study was a guarantee of lifelong employment either for contract or permanent staff. The Institute has also had to take into account the fact of overstaffing in a number of departments, and understaffing in others, and thus the criteria of discipline/expertise

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being surplus to the future needs of the Institute as an institution predominantly teaching at degree and postgraduate levels is an important one. In each case the Institute's Review Committee has made a careful and complex professional judgement, taking into account both criteria, and looking at the future teaching needs, in identifying those who are being offered early retirement.

The involvement of a consultant in the process of notifying staff that they were being offered early retirement, and providing them detailed information on their entitlements and choice about the time of departure was at the request of staff themselves. This was raised as a request by staff at the March forum referred to above.

Finally, may I say that our present Director, Professor Ruth Hayhoe, felt it was her responsibility to implement this scheme, while still in office, as it would have been extremely difficult for a new director to take this on at the beginning of his/her term of office. The Institute has a very clear academic development plan, approved and funded by the UGC, up to the end of the present triennium in 2004, and its contents are well known within the Institute. It makes clear the Institute's trajectory of development towards a situation where over 70% of the teaching is at degree and postgraduate level, with the only sub-degree teaching remaining in the School of Early Childhood Education. It is with this plan in mind, that the Institute Review Committee has made its difficult and complex judgements about those who should be offered early retirement.

Once again, thank you for your letter and the concerns expressed in it.

Yours sincerely,



Simon S.O. Ip
Council Chairman

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From Chairman of The Council 校董會主席
Mr. Simon S.O. IP 葉錫安先生
CBE, JP

19 October 2001

By FAX: 2603 5154

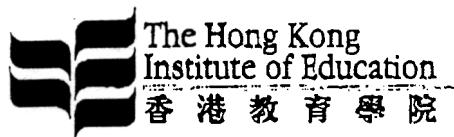
Professor K.P. Shum
Chairman
Federation of Hong Kong Higher Education
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Shatin
New Territories

Dear Professor Shum,

Management-Initiated Retirement Scheme

Thank you for your letter of 12 October 2001. I write to provide you with further clarification concerning the Institute's Management-Initiated Retirement Scheme ("MIRS").

The Institute's management has been communicating with staff and the Association of Lecturers of the HKIEd ("ALHKIEd") on a regular basis. At the open forum in March of this year, when staff were informed that it had become clear the early retirement scheme would need to be changed from voluntary to management-initiated, all staff were invited to express their views. There were preliminary discussions of the criteria that would be used and other aspects of a management-initiated retirement scheme, and all staff were invited also to send written comments or suggestions either directly to the Institute management or through the ALHKIEd. The same invitation was made through an electronic communication to all staff, attaching the PowerPoint materials presented at the forum. Comments and suggestions were subsequently received from the ALHKIEd and these were carefully considered during the months of May and June when the Council's Staffing Committee discussed the scheme in detail. For your information, there are two staff representatives (who happen to be academic staff members) on the Council's Staffing Committee who participated in these discussions. There are also 6 staff representatives (who happen to be all academic staff members) on the Council itself.



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The Council had a meeting on 28 June 2001, when there were discussions of all aspects of the scheme. The Council then met again on 5 July 2001, specifically to discuss the management-initiated retirement scheme, and at that meeting the scheme was given the Council's final approval.

Concerning the process whereby staff members have been identified under the MIRS, all such staff members were provisionally identified through complex and careful professional and academic judgements made first at the School level, and then either confirmed or rejected by the Institute Review Committee ("IRC"). Both criteria, which had been approved by the Council and stated in the MIRS procedure sent to all staff, were taken into careful account by the review committees at the School and Institute level in arriving at the provisional decision. Identified staff members were then given the opportunity to respond by making a written submission to and, if they so wished, meeting the IRC to present a challenge to the provisional decision. The IRC is chaired by the Director, and made up of the three Deputy Directors, the four Deans of the Schools and Professor Amy Tsui, a member of the Institute's Council and a chair professor of education at the University of Hong Kong. Almost all members of the IRC are professors of high standing, and many have had extensive experience in internationally recognized universities around the world. I have full confidence in their integrity and their ability to make fair academic and professional judgements.

I believe that the IRC has taken into careful account both of the stated criteria in their final decision as to those who should be offered early retirement, and those whose presentation and supplementary information have demonstrated that they will be able to meet the Institute's future teaching needs at the degree and postgraduate level. In no cases were the decisions mechanistic ones, dealing only with matters of qualification - they were careful academic and professional judgements, based on the intimate knowledge possessed by members of the IRC of the requirements of university level teaching and of the future needs of the Institute. The full participation of Professor Amy Tsui as a Council member in the work of the IRC indicates the Council's involvement in the process itself and its desire to ensure that it is fair and equitable. I have received a letter dated 13 October 2001 from Professor Tsui, who attested that the decision-making processes were very fair and objective and that each case was carefully examined and thoroughly debated. Professor Tsui has also advised me that she was very impressed by the professionalism that members of the IRC have demonstrated.



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The situation of redundancy in a number of the Institute's departments and teaching areas has been well known to staff for some time, and is a result of historic conditions in the former colleges and rapid changes in both society's and Government's expectations of the Institute. These have become particularly evident since the Government's stated commitment to an all graduate teaching profession in the Chief Executive's policy address of 1997, which has been confirmed in the most recent policy address with a date of 2005 for all graduates of the Institute to be degree holders. At the time of the Institute's founding in 1994, it was envisaged that sub-degree teaching would continue for a lengthy period of time, with only a small proportion of the Institute's teaching moving to the degree and postgraduate level. These new demands and expectations have required the Institute and its IRC to make careful comparisons and judgements on all staff in over-staffed departments as to those best suited to university-level teaching needs. In informing identified staff members of the final decision of the IRC, it is thus not possible to give detailed and concrete reasons beyond the stated criteria, as this could constitute a breach of confidentiality for other staff members.

Concerning the "natural justice" of the process, I would like to point out to you that all those offered early retirement have the right to make an appeal to the Staff Review and Selection Sub-committee of the Council's Staffing Committee, which is chaired by a Council member who is a prominent business leader. As in all other staffing decisions, only appeals relating to procedural issues will be entertained.

On the matter of the alternative date of April of 2002 for implementing the scheme, this might have been another possible time but to us no time is a good time to implement such a scheme. As explained before, we did not wish to subject all staff to an unnecessarily lengthy period of uncertainty regarding the MIRS, after they were advised that the Government had approved the implementation of the scheme. Thus, the decision was made to inform those provisionally selected within a short period in September 2001 and to complete the entire process in October 2001.

Concerning the choices available to staff members who are offered early retirement, the Institute will do its best to meet their requests concerning the timing of their departure. The original intention to revise the contract of those teaching until June 2002 was to provide them with a break clause, if they wished to take up other employment, such that any early departure before 30 June 2002 would not affect their pension rights. As a result of concerns expressed by the ALHKIED, we have now removed this point of revision and



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informed all identified staff members that there will be no change in the terms of their appointment for those who teach until June 2002. We appreciate efforts of the ALHKIED to provide support to colleagues being offered the MIRS, and to negotiate with management in their interests. We also appreciate the participation of a few of our staff members in the process as observers during the challenge meetings.

Finally, with regard to students, I am pleased to let you know that teaching at the Institute continues as normal. Students have publicly expressed their wish that all matters related to the MIRS should be resolved internally within the Institute.

At the Council Meeting held on 18 October 2001, the Council received a full report from the Director on the implementation of the MIRS. The Council reaffirmed that the scheme should be fully implemented in accordance with the original policy, and expressed its confidence in the Directorate and management of the Institute.

Thank you again for providing me with this opportunity to give you further information about the Institute's early retirement scheme, and its implementation.

Yours sincerely,

Simon S.O. Ip
Council Chairman

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c.c. Dr. Thomas Leung, Vice-Chairman, Council, HKIED (fax: 2537 3188)
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DEPARTMENT OF CURRICULUM STUDIES The University of Hong Kong
香港大學課程學系

13 October 2001

Mr. Simon Ip, JP
Chairman
The Council
Hong Kong Institute of Education
10 Lo Ping Road
Tai Po
N.T.

Dear Simon

I am very sorry that I will not be able to attend Council meeting on 18 October 2001 because I have to attend a conference in Tuscany.

I understand that Council will be receiving a report on the implementation of the Management-Initiated Retirement Scheme. In view of the controversy that the implementation has generated in the press, I would like to express my views as a member of Council and as a member of the Institute Review Committee (IRC).

I participated in the discussions of the recommendations put forward by each School with regard to staff members who should be offered the MIRS. I also participated in meetings in which staff members who have been offered the MIRS challenged the decision made by the IRC either just in writing or both in writing and by oral presentation. I would say that the decision-making processes were very fair and objective. Each case was carefully examined and thoroughly debated.

The implementation of the MIRS is a process in which members have to exercise *academic judgement* with regard to the suitability of individual staff members for the future development of the Institute. It is not a process in which mechanistic application of criteria can and should be made. Therefore, it is most appropriate that the Committee should consist of the Directorate and the Deans of the Schools. The fairness of the process lies in the fact that it is a collective decision made by the entire Committee. I was very impressed by the professionalism that members of the Committee have demonstrated.

As we all agree, this is a very painful process but it is necessary if the Institute is to move forward. The senior management of the Institute has acted in the best interest of the Institute and they fully deserve our strongest support.

Best wishes

Amy B.M. Tsui (Professor)

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