

THE UNIVERSITY OF HONG KONG



October 17, 2003

BY FAX

Miss Linda P S So
 Assistant Secretary (Higher Education)
 Education and Manpower Bureau
 Government of the Hong Kong Special Administrative Region
 9/F CGO (West Wing)
 Ice House Street
 Central
 Hong Kong

Dear Linda,

**Subcommittee on Statutes of the University of Hong Kong
 (Amendment) (No 2) Statutes 2003**

⑤ - Thank you for your fax letter of December 16, 2003, enclosing a letter from the Hon Cheung Man-kwong and a submission of the HKU Academic Staff Association in connection with the above-captioned Subcommittee. Our responses are as follows:

In regard to points 1-3 on the hearing of complaints, appeals and grievances, the intention of the revisions introduced in Statute XIX is to enable an independent group of experts, consisting of both external and internal members of the University, to deal with individual cases through a transparent due process. This will free the Council to focus on the strategic issues, rather than handling operational matters. However, the Council remains the final adjudicator in such cases, and the outcome of investigations by the independent group will still have to be presented to the Council to decide on any remedial or disciplinary action.

On the distinction between "academic" and "non-academic" issues, matters of an academic nature, such as those requiring an academic judgement like the grading of assignments, methods of teaching, contents of a course, etc., are dealt with by the Senate, whilst the Council is responsible for non-academic matters like procedures in resourcing, employment and administrative issues.

It should perhaps be pointed out that the University already has proper grievance procedures to deal with complaints from staff and students. These are separate procedures, but both involving an independent external person (neither an employee of the University, nor a member of our Council) as Chairman of the panel in dealing with the grievances.

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We note that point 4 is not addressed to HKU, and we therefore leave it to our UGC colleagues to deal.

In regard to point 5 of the Hon Cheung Man-kwong's letter, the composition of the new Council provides for members to be appointed by the Council itself on a personal basis as a trustee. The Niland report has recommended that a nominations committee should be set up to identify suitable candidates for appointment to the Council, and its remit is to assess the areas of expertise needed on the Council and the persons who meet the appropriate criteria. It is quite probable that the nominations committee may identify individual LegCo members as meeting the needs of the Council in certain areas of its responsibility, and recommend them for appointment by the Council. (It should also be noted, in this connection, that the composition of the Court provides for 5 members of the LegCo to be elected from its own number.)

信中第一至三點就投訴、上訴及申訴的聆訴機制提出了意見。在規程 XIX 中提出的修訂，其原意是希望能有獨立的專家小組，當中成員包括校內外人士，透過一個透明的過程來處理個案。此舉可讓校務委員會能更有效地發揮功能，集中力量應付策略性問題。然而，校務委員會在此等案件上仍是最終判決者，獨立小組的調查報告結果仍須呈交校務委員會以決定是否需要採取任何補救方法或紀律性行動。

就《學術》和《非學術》性質的個案之分辨，與學術有關的投訴事件，例如需要作出學術判決的情況，譬如學生作業的評分等級、教學方法、科目內容等，都會由教務委員會處理，而校務委員會則只會負責非學術性事務，如資源、僱用及行政各方面事務的處理程序。

大學已有適當的投訴程序用以處理教職員及學生的申訴。兩者各有不同程序，但均會邀請一名獨立的校外人士(該人士並非大學僱員或校務委員會成員)擔任申訴小組的主席。

至於信中第四點乃向教資會提出，本校盼由教資會同僚作覆。

張文光議員信函中第五點，提及在新校務委員會的成員組合問題。本校謹指出校務委員會成員均以個人身分委任。在賴能報告曾建議成立一提名委員會，以甄別合適人選擔任校務委員，其作用在匯集不同範疇的專才於校務委員會內，使委員會能有效地負起職責。因此提名委員會有可能基於個別立法會成員本身某方面的專業知識，而向校務委員會作出提名，甄選其加入校務委員會，協助委員會運作。(本校董會成員組合方面，現有五位成員由立法會議員自行選出。)

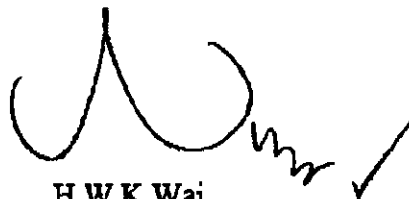
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Although we have not been asked to comment specifically on the submission of the Academic Staff Association, we should like to point out that it had been submitted to the Council (via a task group) during the consultation period after the publication of the Niland report and before it was approved for implementation. The Council has taken into account these comments before it decided in April 2003 to adopt the report. Indeed, as the Chairman of the ASA is aware, we have incorporated the views of the ASA in some of the implementation details, e.g. Heads of teaching departments will now be appointed by the Deans only with the concurrence of the Vice-Chancellor.

雖然立法會並未要求大學就教職員協會呈交之意見作出評論，但校方希望指出一點，在賴能報告書發表之後到校務委員會通過予以執行之前，曾安排一段諮詢期，教職員協會已於期間透過一工作小組將有關意見呈交校務委員會。校務委員會在二零零三年四月決定接納該份報告書前，已經考慮有關意見。事實上，正如教職員協會主席亦留意到，我們在若干執行細節上已融合教職員協會的意見，例如現時院長任命教學部門主管時須獲校長一致同意。

I should be most grateful if you could transmit our comments to the LegCo Secretariat.

Yours sincerely,



H W K Wai
Registrar

cc Secretary-General, University Grants Committee

HWKW/ESPN/ts