

**Legco Panel on Education  
Special Meeting on 26 January 2006**

**Remuneration Systems in UGC-Funded Institutions after  
Deregulation of Universities Salaries**

**Who Gets What Power and How?  
Questions and Answers on University Governance  
Dr. Chan Ka Lok<sup>1</sup>**

The paper aims to provide the Panel with some basic facts to understand the nature of university governance. It warns that **an authoritarian style of governance**, which is alien to the idea of a university where reasons must speak louder than power, is now institutionally entrenched in the Council and its committees where powers are increasingly concentrated in the hands of the senior administration.

**1. Who sets the terms and conditions of service of persons in the employment of the University?**

- ☐ According to Hong Kong Baptist University Ordinance (hereinafter the Ordinance), the Council is the executive body of the University and, as such, may exercise all the powers conferred and perform all the duties imposed on the University by the Hong Kong Baptist University Ordinance.
- ☐ Specifically, the University Council has the power to set terms of remuneration and conditions of service for staff.
- ☐ Furthermore, the Ordinance has laid down the following rules explicitly:
  - Section 16(4)(a): If a member has an interest 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 the Council, withdraw while the matter is considered and in any case shall not vote thereon.
  - Section 16(4)(b): In this subsection "interest" includes a pecuniary interest.

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- o Section 18(4)(1): The Council shall not delegate to any committee appointed under subsection (1) the power to approve the terms and conditions of service of persons in the employment of the University.
- o Section 21(2)(a): The Council shall not delegate to the President & Vice-Chancellor the power to approve the terms and conditions of service of persons in the employment of the University.

## **2. Who are the Council Members? How often does the Council meet?**

- ☐ At the moment, there are altogether 33 members in the Council, including 17 lay members, 15 staff members and the President of the HKBU Student Union (Appendix A).
- ☐ According to the University's Academic Calendar, the Council is expected to meet 4 times in academic year 2005-2006 (October & December 2005, March and June 2006).
- ☐ Among 15 staff members, 11 of them are *ex-officio* members (including The President & Vice-Chancellor, 3 Vice-Presidents, 7 School/Faculty Deans), 2 nominated by the Senate and 2 staff-elected members.
- ☐ However, currently 1 of the Senate nominees and 1 of the staff-elected members are University Officers (senior administrators), thus putting the number of administrators at 13 in total.
- ☐ The Vice-President (Administration) is the Council Secretary.
- ☐ Lay members' participation in the 4 Council committees does not follow the same ratio as in the full Council (51%).

## **3. Who has the right to vote for the 2 staff-elected Council Members?**

- ☐ Although the Council sets terms of remuneration and conditions of service for staff, there are ONLY 2 staff-elected Council Members. Moreover, a vast majority of full-time University employees are disenfranchised. According to the University's *Facts and Figures 2004-2005*, there were 1,668 full-time employees. But only 400 or so full-time academic staff and senior administrators were eligible voters at the last Council election in November 2005.

## **4. What obligations do Council Members have?**

- ☐ The recently adopted "Code of Practice for Members of HKBU Council" (Appendix B) states, among other obligations, that:

- o The Council's decision on a motion, once made, has to be taken collectively and all members of the Council are expected to support that decision and refrain from speaking openly against it.
- o Council members shall not disclose to any person or party outside of the Council the details of Council decisions, including but not limited to who said what and balloting details, unless explicitly allowed by the Chairman of the Council.
- o Council members should not be influenced or seen to be influenced by any person or party in the discharge of their Council duties.
- o Failure to observe the Code of Practice may result in a verbal and/or written reprimand issued by the Council Chairman.

#### **5. Who sit in the Personnel Committee of the Council?**

- At the moment, there are altogether 14 members in the Personnel Committee, including 5 lay members and 9 staff members.
- 7 of the 9 staff members are University officers (the President, 2 Vice-Presidents, 1 School Dean, 1 Head of Department and 2 Heads of administrative units).
- The Director of the Personnel Office is the Secretary of the Personnel Committee.

#### **6. So how independent is the Council and its committees from the senior administration (especially the *ex-officio* members)?**

- As noted in Questions 2 and 5, the senior members of the administration constitutes a critical mass in the Council and an overwhelming majority in the Personnel Committee.
- Curiously, the recently adopted "Code of Practice for Members of HKBU Council" (Appendix B) stipulates that Council members are expected to stay detached from the day-to-day executive management of the University. Presumably, this can apply to the 17 lay members of the Council, the 2 non-University officers and the Student Union President only.
- Given (a) the Council meets about 4 times a year only, (b) the part-time, individualistic nature of participation by lay members, and (c) lay members' limited participation in committees, the Council and its committees are dependent on the team of staff members who are responsible for the day-to-day executive management of the University.
- Specifically, it is therefore not at all surprising that the Council has invariably given its blessing to the controversial deeds of the President and his team in

this incident (namely, setting up a Committee for Termination of Appointments for 6 tenured academics for their refusal to accept the Council's remuneration package).

**Questions for Further Investigation:**

7. Did the staff members who naturally had an "interest" in the new pay and reward system (NPRS) consider and vote on it notwithstanding Section 16(4)(a)(b) of the Ordinance? Why?

8. Is there a similar danger of an excessive concentration of powers in the hands of a few in local universities after deregulation?

9. How can the Council be strengthened in line with the principles of transparency, accountability and independence from the senior management team?

10. Whether or not the Council and/or the senior management team will be allowed use public money in a legal battle with the affected staff over NPRS?

# Memberships of the Council and the Council committees (as of current date)

## Council Members:

- (a) Chairman, appointed by the Chief Executive -  
Mr Moses M C Cheng<sup>2</sup>, GBS, OBE, JP
- (b) Deputy Chairman, appointed by the Chief Executive -  
Mr Wilfred Y W Wong<sup>2</sup>, JP
- (c) Treasurer, appointed by the Chief Executive -  
Dr Michael P K Wu<sup>2</sup>
- (d) 3 members nominated by the Baptist Convention of Hong Kong and appointed by the Chief Executive -  
Mr Cheng Sing Yip<sup>4</sup>  
Dr Cheng Sung Ko<sup>4</sup>  
Rev Sam H C Luk<sup>2</sup>
- (e) 5 members appointed by the Chief Executive -  
Mr Herman S M Hu<sup>4</sup>, JP  
The Hon Ms Miriam K Y Lau<sup>4</sup>, GBS, JP  
Dr Lo Chi Keung<sup>2</sup>, BBS  
Mr Kennedy Y H Wong<sup>4</sup>, BBS, JP  
(One seat vacancy)
- (f) 7 members, of whom not less than 4 shall have experience in commerce and industry in Hong Kong, appointed by the Chief Executive -  
Mr Cheng Yan Kee<sup>2</sup>, JP  
Ms May M G Fung<sup>4</sup>  
Dr Philip C K Kwok<sup>4</sup>, SBS, JP  
Ms Cecilia S W Lee<sup>4</sup>  
Mr Raymond R Wong<sup>2</sup>, SBS  
Mr Yeung Po Kwan<sup>2</sup>, OBE, OStJ, CPM, JP  
Mr Paul K W Yip<sup>2</sup>
- (g) 2 members elected by the eligible staff of the University from among their number and appointed by the Council -  
Dr Mark K Y Li<sup>2</sup>  
Prof Lo Ping Cheung<sup>4</sup>
- (h) 2 members nominated by the Senate from among its number and appointed by the Council -

Dr Eddie K W Ho<sup>1</sup>

Prof Mak King Sang<sup>3</sup>

- (i) The President and Vice-Chancellor *ex officio* -  
Prof Ng Ching Fai, GBS
- (j) The Vice-Presidents *ex officio* -  
Prof Fan Yiu Kwan, BBS, JP  
Mr Andy S C Lee  
Prof Herbert H Tsang
- (k) The Dean of each Faculty or School *ex officio* -  
Prof Chung Ling  
Prof Frank H K Fu, JP  
Prof Simon S M Ho  
Prof Liu Liang  
Prof Georgette C Wang  
Prof Rick W K Wong  
Dr Simon C H Wong
- (l) The President for the time being of the University's Student Union *ex officio* -  
Mr Pun Lung Hoi

Council Secretary:

Mr Andy S C Lee  
Vice-President (Administration) and Secretary

For the period ending:

1. 31 August 2006
2. 31 December 2006
3. 31 August 2007
4. 31 December 2007

## Council Committees

### *Personnel Committee*

Chairman: Mr Wilfred Y W Wong, JP (Deputy Chairman of Council, *ex officio*)  
Deputy Chairman: Mr Raymond R Wong, SBS  
Members: Prof Larry C H Chow  
Prof Fan Yiu Kwan, BBS, JP  
Ms May M G Fung  
Dr Eddie K W Ho  
The Hon Ms Miriam K Y Lau, GBS, JP  
Mr Andy S C Lee  
Prof Leung Mee Lee  
Prof Liu Liang  
Prof Mak King Sang  
Mr Kennedy Y H Wong, BBS, JP  
Prof Ng Ching Fai, GBS (President and Vice-Chancellor, *ex officio*)

Secretary:

Mrs Karan Chan

(Deputy Secretary)

(Appendix A)

( Appendix B )

**Code of Practice for Members of HKBU Council**

1. Council members are expected to maintain a rate of at least 50% for attendance at Council meetings in any given year unless prevented from doing so owing to reasons beyond their control.
2. Council members shall exercise their responsibility in a corporate manner for the overall interest of the University.
3. The Council's decision on a motion, once made, has to be taken collectively and all members of the Council are expected to support that decision and refrain from speaking openly against it.
4. Council members are expected to stay detached from the day-to-day executive management of the University.
5. Council members are obliged to fully observe paragraph 24 of the *Guidelines of Procedures of the Council*, which stipulates the need for Council members to treat documents of the Council in accordance with the level of confidentiality accorded to them. Furthermore, Council members shall not disclose to any person or party outside of the Council the details of Council discussions, including but not limited to who said what and balloting details, unless explicitly allowed by the Chairman of the Council.
6. Council members shall act impartially and in the overall interest of the University. They should not be influenced or seen to be influenced by any person or party in the discharge of their Council duties. Any member of the Council who has an interest or potential interest in any matter under discussion/circulation by the Council shall have the duty to disclose, as soon as practicable, the fact of his/her interest or potential interest in accordance with section 16(4)(a) of the *HKBU Ordinance* and paragraph 21 of the *Guidelines of Procedure of the Council*.
7. A Council member shall fully observe this *Code of Practice* and the *Guidelines of Procedure of the Council*. Failure to do so may result in the following sanctions determined by the Council Chairman:
  - (a) a verbal reprimand administered by the Council Chairman which shall be recorded in the minutes of a meeting of the Council; or
  - (b) a written reprimand to be issued by the Council Chairman.
8. Council members are expected to behave with perfect propriety at Council meetings. Should a Council member display unbecoming behaviour at a Council meeting, the Chairman of the Council may, as a last resort, decide on the removal of that member from that meeting. Unbecoming behaviour may include *inter alia* behaviour that is deemed to cause nuisance to other persons attending a Council meeting and/or disruption to the proper and smooth conduct of business of a Council meeting.