

立法會
Legislative Council

LC Paper No. CB(2)2072/06-07
(These minutes have been
seen by the Administration and
The Chinese University of
Hong Kong)

Ref : CB2/PL/ED

Panel on Education

**Minutes of meeting
held on Monday, 14 May 2007, at 4:30 pm
in the Chamber of the Legislative Council Building**

- Members present** : Hon Jasper TSANG Yok-sing, GBS, JP (Chairman)
Dr Hon YEUNG Sum (Deputy Chairman)
Hon LEE Cheuk-yan
Hon CHEUNG Man-kwong
Hon LEUNG Yiu-chung
Hon SIN Chung-kai, JP
Hon Emily LAU Wai-hing, JP
Hon TAM Yiu-chung, GBS, JP
Hon Abraham SHEK Lai-him, JP
Hon Tommy CHEUNG Yu-yan, JP
Hon Audrey EU Yuet-mee, SC, JP
Hon Andrew LEUNG Kwan-yuen, SBS, JP
Dr Hon Fernando CHEUNG Chiu-hung
Prof Hon Patrick LAU Sau-shing, SBS, JP
- Members absent** : Hon Mrs Selina CHOW LIANG Shuk-ye, GBS, JP
Hon MA Lik, GBS, J P
- Public Officers attending** : Item IV
Ms Bernadette LINN
Deputy Secretary for Education and Manpower (2)
Ms Pecvin YONG
Assistant Secretary (Infrastructure & Research Support)2, Education and Manpower Bureau

Attendance by invitation : Item V

Professor LIU Pak-wai
Pro-Vice-Chancellor of The Chinese University of Hong Kong

Mr Jacob LEUNG
Secretary of The Chinese University of Hong Kong

Mr Wilfred C W LEE
Partner, Lo & Lo Solicitors & Notaries Public Solicitors
for The Chinese University of Hong Kong

Ms Winnie TSE
Trainee Solicitor, Lo & Lo Solicitors & Notaries Public
Solicitors for The Chinese University of Hong Kong

Clerk in attendance : Miss Odelia LEUNG
Chief Council Secretary (2)6

Staff in attendance : Mr Watson CHAN
Head (Research & Library Services)

Mr Kelvin LEE
Assistant Legal Adviser 1

Mr CHAU Pak-kwan
Research Officer 5

Mr Stanley MA
Senior Council Secretary (2)6

Miss Carmen HO
Legislative Assistant (2)6

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I. Confirmation of minutes
[LC Paper Nos. CB(2)1692/06-07 and CB(2)1782/06-07]

The verbatim record of the special meeting held on 13 April 2007 and the minutes of the meeting held on 16 April 2007 were confirmed.

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II. Information paper(s) issued since the last meeting

2. Members noted the following papers issued since the last meeting -
- (a) two submissions from Mr Des Moriarty, a Native-speaking English teacher (NET), concerning the NET Scheme [LC Paper No. CB(2)1598/06-07(01)]; and
 - (b) information paper provided by the Administration concerning a proposal to construct a 24-classroom primary school at the development near Choi Wan Road and Jordan Valley, Kwun Tong [LC Paper No. CB(2)1778/06-07(01)].

III. Items for discussion at the next meeting

[Appendices I and II to LC Paper No. CB(2)1781/06-07]

Items for the next meeting

3. Dr Fernando CHEUNG suggested the discussion of the prices of school textbooks which had been increasing above the inflation rates over the past years. Mr CHEUNG Man-kwong opined that the Administration should consider providing school textbooks for students as substantial resources were incurred in providing school textbook assistance to students with financial difficulties.

4. After discussion, members agreed to discuss the following items at the next meeting scheduled for 11 June 2007 -

- (a) Implementation of the School Development and Accountability Framework;
- (b) Strengthening support in language education at primary and pre-primary levels; and
- (c) Supply and prices of school textbooks.

5. Ms Emily LAU said that the publication of alleged indecent articles in the Chinese University Student Press had aroused controversy in the community and the Legislative Council (LegCo) should consider following up the subject. Dr YEUNG Sum and Mr CHEUNG Man-kwong said that as the matter related to the Control of Indecent Articles Ordinance which was not within the purview of the Panel on Education, it should be followed up by the relevant Panel. Members agreed.

[*Post-meeting note* : the matter was referred to the Panel on Information Technology and Broadcasting for follow up.]

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IV. Disposal and use of vacant school premises

[LC Paper Nos. CB(2)1781/06-07(01) and (02)]

6. Members noted the Administration's paper and the background brief prepared by LegCo Secretariat on the subject.

Briefing by the Administration

7. Deputy Secretary for Education and Manpower (DS(EM)2) briefed members on the main points of the Administration's paper.

Planning and provision of school places

8. Mr CHEUNG Man-kwong pointed out that apart from the 54 primary schools which had ceased or would cease operation up to the 2007-2008 school year, another 25 schools were anticipated to be closed beyond the 2007-2008 school year. In other words, a total of 79 school premises would become vacant within the next few years. Seven of these premises would be used as schools; five would be occupied by schools undergoing in-situ redevelopment or awaiting the availability of permanent premises; and nine would be used for other educational purposes. A total of 58 school premises would be left vacant without a designated use within the next few years. Mr CHEUNG queried the continuation of the school building projects, without regard to the increasing number of vacant school premises since the 2003-2004 school year. He considered that the Administration should admit the making of a mistake in the planning and provision of public sector school places.

9. DS(EM)2 explained that 21 of the 54 vacant school premises available in or before the 2007-08 school year would be re-cycled for school or other educational purposes, and 17 of the some 25 school premises which would become vacant after the 2007-08 school year were also suitable for educational purposes. Separately, under the School Building Programme, some 80 of the 90-odd new school premises constructed between the 2002-2003 and 2006-2007 school years were to facilitate the implementation of whole-day primary schooling, the reprovisioning and in-situ redevelopment of schools housed in sub-standard premises, and the injection of diversity into the education sector, all of which were established policy objectives quite independent of population projections. Only 11 new school premises had been constructed on the basis of the population projections at that time.

10. Mr CHEUNG Man-kwong said that apart from poor planning of the School Building Programme, the planning of School Improvement Programmes (SIP) in the past was also disappointing. He pointed out that according to the latest information provided by the Administration, some 41 primary school

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premises vacated as a result of under-enrolment in recent years had undergone SIP incurring a total cost of some \$900 million. Furthermore, a school operated on Year 2000 premises in Southern district was closed down after a few years of operation because of insufficient enrolment. Another new school premises in Yuen Long was also left vacant because no sponsor was willing to operate a school in the district with over-supply of school places.

11. DS(EM)2 explained that the majority of vacant school premises which had undergone SIP would be re-cycled for educational uses. As far as she could recall, only one to two sub-standard school premises with small-scale SIP would not be re-cycled for educational purposes. While some school premises had become vacant due to unforeseen circumstances, the Administration had strived to make the best use of the premises in a timely manner. For instance, the Administration had allocated the new school premises in Yuen Long in a very short time to re-provision a Direct Subsidy Scheme school operating on sub-standard premises in the vicinity.

12. Mr CHEUNG Man-kwong considered that in view of the large number of vacant school premises, the Administration should learn from experience to avoid a similar planning mistake in future and submit a report to LegCo. DS(EM)2 responded that the Administration had already been making its best endeavour to put suitable vacant school premises to further educational uses. However, some 40 out of the 70-odd premises were considered no longer suitable for educational purposes due to sub-standard facilities. She considered that not making further use of these premises by EMB should not be regarded as a waste of public resources.

Use of the vacant school premises

13. Professor Patrick LAU asked whether the vacant school premises could be converted as student hostels. DS(EM)2 responded that at present, educational purposes did not include student hostels because there were other priorities in terms of educational uses and using vacant school premises as student hostels would involve considerable conversion works. However, she did not rule out the possibility of converting vacant school premises into student hostels in future.

14. Professor Patrick LAU enquired about the physical conditions and locations of the 40-odd vacant school premises which would not be used for educational purposes. He also sought confirmation on whether the majority of the 54 vacant school premises in Annex A to the Administration's paper were located in the New Territories.

15. DS(EM)2 responded that the majority of some 40 vacant school premises which would not be used for educational purposes were sub-standard in structure and poor in physical conditions. Most of them were rural schools located in remote areas in the New Territories. These vacant school premises would be

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returned to the Government for disposal in accordance with established policy or relevant lease conditions. Should individual bureaux/departments indicate an interest to earmark any of these premises/sites that were on Government land for initiatives under their purview, the Lands Department and the Planning Department would verify whether there were any designated or competing uses for the site and, depending on the verification results, the Government Property Agency/the Lands Department would process requests from bureaux/departments in accordance with their policies and practices. Separately, she confirmed that the majority of the 54 vacant school premises in Annex A to the Administration's paper were located in the New Territories but among the some 25 premises to be vacated in the next few years, a considerable number were located in urban districts.

16. Ms Emily LAU expressed support for reprovisioning and in-situ redevelopment of old and sub-standard school premises which were built a few decades ago. She pointed out that many schools in Wan Chai and Causeway Bay had refused to relocate to new school premises in other districts. She sought information on the number of existing schools in sub-standard premises which should be reprovisioned to provide a better learning environment for students.

17. DS(EM)2 said that while the Administration would consider a number of factors including the age, size and physical conditions of the school premises in deciding the need for reprovisioning or redevelopment, there were no absolute criteria for schools to be eligible for the purpose since each case had to be assessed individually. She pointed out that most schools in urban districts would prefer in-situ redevelopment than relocation to new premises in other districts. The Administration would try to make greater use of vacant school premises in urban districts as decanting sites to facilitate in-situ redevelopment of existing school premises in the same district. She undertook to provide information concerning the number of schools currently housed in sub-standard premises thus requiring reprovisioning to the Panel.

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18. Dr Fernando CHEUNG requested the Administration to provide detailed information on the 79 school premises that had been or would be vacant, including their age, size, physical conditions, location and number of classrooms. He pointed out that many school sponsoring bodies and Non Governmental Organizations (NGOs) in the welfare sector had not been allocated suitable premises for the operation and provision of services. He suggested that EMB should coordinate with relevant bureaux such as the Health, Welfare and Food Bureau and departments to establish an open and transparent system to facilitate dissemination of information on vacant school premises which could be made available for use for various purposes.

19. DS(EM)2 agreed to provide the requested information and consider the member's suggestion. She pointed out that EMB had established a mechanism for allocation of school premises for educational uses. Other bureaux and

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departments might need to establish their own mechanisms for the allocation of vacant premises and land sites to NGOs and other social and welfare service providers. She also remarked that at present, some NGOs approached the lands authority directly to apply for use of vacant school premises and the relevant bureaux/departments might then be requested to indicate policy support or otherwise for the application.

20. Ms Audrey EU considered that the information on vacant school premises should also be made available to the District Offices and District Councils so that local communities could apply to use the facilities in these school premises, such as school halls and function rooms for various social, cultural and recreational activities at the district level.

21. DS(EM)2 responded that EMB had been sharing with the Home Affairs Department information on the availability of school premises for use by local communities. She added that EMB noted members' views and would consider circulating the list of vacant school premises not suitable for further educational purposes to bureaux/departments on a regular basis with a view to enabling them to identify suitable premises to implement their policy initiatives and/or to share the information with NGOs/local communities as appropriate.

Allocation of primary one classes

22. Dr YEUNG Sum said that in view of the large number of vacant school premises, the Administration should review and apply flexibly the implementation of the policy on allocation of primary one (P1) classes on the basis of a minimum enrolment of 23 students. He suggested that the Administration should review and improve the quality of school education through the implementation of small class teaching by phases, having regard to the demand and supply of school places in individual districts. Ms Emily LAU and Ms Audrey EU also expressed support for the early implementation of small class teaching.

23. DS(EM)2 responded that the Administration noted the concern of the school sector about the impact of the SARS outbreak on the number of student population and would consider its views regarding the allocation of P1 classes in the 2008-2009 school year. As regards the implementation of small class teaching, DS(EM)2 said that the Administration would continue the study on small class teaching and decide on the way forward upon completion of the study in end 2008.

24. Mr CHEUNG Man-kwong sought clarification on whether the Administration would flexibly apply the policy concerning allocation of P1 classes on the basis of a minimum enrolment of 23 students in the 2008-2009 school year. DS(EM)2 explained that a number of schools councils and sponsoring bodies had written to EMB to express concern about the effect of

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SARS in 2003 on Primary 1 student population in the 2009-2010 school year. The Administration noted their concern and had undertaken to take into account their views when reviewing the arrangements for allocation of P1 classes under the Primary One Admission system in the 2008-2009 school year and thereafter. Since the allocation of P1 classes on the basis of a minimum enrolment of 23 students was part and parcel of the standing arrangements, this aspect would be considered as well. Mr CHEUNG Man-kwong said that flexible application of the policy on allocation of P1 classes would be welcomed by the school sector. He urged the Administration to announce its decision as soon as practicable.

V. The Chinese University of Hong Kong (Declaration of Morningside College and S. H. Ho College as Constituent Colleges) Bill
[LC Paper Nos. CB(2)1781/06-07(03) and CB(2)1859/06-07(01)]

25. Members noted the background information concerning the Chinese University of Hong Kong (Declaration of Morningside College and S. H. Ho College as Constituent Colleges) Bill (the Bill) provided by the Council of the Chinese University of Hong Kong (the CUHK Council), and the Chinese University of Hong Kong Ordinance with marked-up provisions of the Bill provided by Mr CHEUNG Man-kwong which was tabled at the meeting.

Briefing by Mr CHEUNG Man-kwong

26. Mr CHEUNG Man-kwong said that as one of the three LegCo members appointed to the CUHK Council, he was invited by the CUHK Council to introduce the Bill into LegCo. He pointed out that CUHK currently comprised four constituent Colleges with an enrolment of about 2 500 undergraduates each. Upon the implementation of four-year undergraduate programmes in the 2012-2013 academic year, CUHK's student population would increase by over 3 000 and the student number of each College would have to increase to over 3 200. CUHK considered it more appropriate to increase the number of constituent Colleges than to increase the capacity of each of the four Colleges by about 700 students.

27. Mr CHEUNG Man-kwong further said that the purpose of the Bill was to declare Morningside College and S. H. Ho College as constituent colleges of CUHK. Apart from Morningside College and S. H. Ho College, new constituent colleges of CUHK might be declared in future. In line with the Government policy to simplify the governance structure of the UGC-funded institutions, the membership of the existing CUHK Council would remain unchanged. The CUHK Council was reviewing its membership size and would introduce legislative amendments to reduce its number at an appropriate time.

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Briefing by the Council of the Chinese University of Hong Kong

28. Professor LIU Pak-wai, Pro-Vice-Chancellor of The Chinese University of Hong Kong, said that subject to the raising of fund, CUHK might have two to three more constituent Colleges. As three of the existing constituent Colleges were original colleges, they had representatives in CUHK Council. Professor LIU pointed out that unlike the existing four Colleges, there was no need for the two new constituent Colleges to manage estate properties.

Governance structure

29. Ms Emily LAU enquired about the latest development of the review of the governance structure of CUHK. She pointed out that the City University of Hong Kong had reviewed its governance structure and a Bill had been introduced to streamline its governing body. However, some UGC-funded institutions such as CUHK had made little progress in this regard. She considered that institutions should review the terms of office for council members and their attendance rate at council meetings. Dr Fernando CHEUNG declared interest as an elected staff representative in the Council of the Polytechnic University of Hong Kong and expressed a similar concern.

30. Professor LIU Pak-wai responded that the CUHK Council was reviewing its membership size but was yet to make a decision on the matter. Any reduction on its membership size would have effect on the different categories of members represented in the CUHK Council. Mr Jacob LEUNG, Secretary of CUHK added that the CUHK Council would consider the advice of the three LegCo Members appointed to the CUHK Council, and aim to reduce its membership size from the existing 57 to about 25 as soon as practicable. He undertook to relay Ms Emily LAU's views to the CUHK Council for consideration.

31. Dr Fernando CHEUNG considered that the Council of CUHK should have a balanced representation from each constituent College, and students and teachers in individual Colleges should be adequately represented in the CUHK Council. He considered it important to maintain parity treatment of individual Colleges. Dr YEUNG Sum said that the representation of students in the CUHK Council was essential. Professor LIU Pak-wai responded that the two new Colleges would have their own governing bodies and structures and they would be on a par with other Colleges in terms of teacher-student ratio and resource allocation.

New constituent colleges

32. The Chairman sought confirmation on whether there would be new constituent colleges, apart from the two under discussion. Professor LIU Pak-wai replied that the Morningside College and the S. H. Ho College would accommodate around 900 students. Depending on the progress in securing

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private donations, new colleges would be needed by the 2012-2013 academic year. Declaration of new colleges as constituent colleges would be required but consequential amendments to the Ordinance would not be necessary.

Conclusion

33. Mr CHEUNG Man-kwong said that the CUHK Council hoped that the Bill could be passed by LegCo in the current session to put in place the legal framework for inclusion of constituent colleges. Given that the drafting and legal aspects of the Bill had been examined and found in order and there was no change to the existing composition of the CUHK Council, he considered it unnecessary to form a Bills Committee to scrutinise the Bill. He appealed to members to support the Bill.

34. Dr YEUNG Sum expressed support for Mr CHEUNG Man-kwong's view. Mr Abraham SHEK said that the Alliance supported the Bill. Ms Emily LAU also expressed support for the Bill, but pointed out that whether a Bills Committee would be formed would depend on the views of the stakeholders, if any, on the Bill.

35. Concluding the discussion, the Chairman said that the Panel supported the Bill.

VI. Academic freedom and institutional autonomy

[LC Paper Nos. CB(2)1752/06-07(01) and CB(2)1781/06-07(04)]

Research on academic freedom and institutional autonomy

36. Head (Research & Library Services) (H(RL)) briefed members on the proposed outline of the research on academic freedom and institutional autonomy of higher education in the United Kingdom, New Zealand and Hong Kong (the Research).

37. Ms Emily LAU expressed support for the conduct of the Research to study the role and functions of UGC and the mechanisms adopted by the United Kingdom and New Zealand for allocation of higher education resources and protection of academic freedom and institutional autonomy. She suggested that the Research should cover the governance structure of the UGC-funded or publicly-funded tertiary institutions and how they interacted with UGC and the Government in the resource allocation process. In addition, the Research should also examine the role of organizations formed by members of the public in these places in monitoring the protection of academic freedom and institutional autonomy.

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38. H(RL) responded that the Research would examine the issues suggested by Ms Emily LAU. He added that both the United Kingdom and New Zealand no longer had a setup such as UGC as the resource allocation agency for higher education. The Research would examine the role and functions of their former UGC-like institutions and their existing mechanisms in resources allocation for higher education.

39. Dr Fernando CHEUNG said that the development of higher education in the United Kingdom and New Zealand had undergone significant changes in the past seven to eight years. He considered that the Research should incorporate information on controversial issues involved in the evolution and development of their current mechanisms for resource allocation and protection of academic freedom and institutional autonomy of higher education. He suggested that the pros and cons of having UGC-like institutions and the current mechanisms in the context of their historical development be incorporated in the Research. H(RL) replied that the Research would contain information on the historical developments on resource allocation for higher education in the United Kingdom and New Zealand.

40. Ms Audrey EU said that the role and functions of UGC as a resource allocation agency for higher education had a long history of evolution, and many countries, such as the United Kingdom and New Zealand, had replaced it with other mechanisms. She enquired about the overseas places which had a UGC-like setup, apart from the United Kingdom and New Zealand, and the reasons for selecting the United Kingdom and New Zealand for detailed study.

41. H(RL) explained that the Research and Library Services Division (RLSD) had considered various overseas places which had a UGC-like setup in the past or at present, and proposed to examine the experience in the United Kingdom and New Zealand because the concept of UGC was first initiated in the former and the higher education system in the latter had undergone a series of reform in the past. Research Officer 5 (RO5) supplemented that overseas places such as India and some African countries still had institutions like UGC in operation. Since the Research was scheduled for completion in July 2007, RLSD considered it necessary to confine its scope to a few places only.

42. Ms Audrey EU expressed understanding of the time constraint for conducting the Research. She requested RLSD to include in the Research report a list of the overseas places which had a UGC-like setup in the past and at present. RO5 agreed.

43. Dr YEUNG Sum considered that the Research should focus on the mechanisms adopted in overseas places to protect academic freedom and institutional autonomy, and how these mechanisms had been reformed and the merits, demerits and cost-effectiveness of such reforms. He pointed out that as a consequence of the emphasis on cost-effective management of resources in

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recent years, performance-based funding had been used increasingly which had impacted on academic freedom and institutional autonomy of higher education. Ms Emily LAU expressed a similar concern.

44. Dr YEUNG Sum further said that as a result of the emphasis on managerial effectiveness in institutional management, the quantity of research was now considered more important than the quality. He requested RLSD to cover this aspect in the Research. Professor Patrick LAU added that the Research should also examine why research on international issues had been given priority over research on local issues in the provision of funding support. H(RL) agreed to include relevant information on these issues, if available, in the Research.

45. Professor Patrick LAU suggested that the Research should examine the cost-effectiveness of the UGC-like setup in overseas places and Hong Kong. Mr Abraham SHEK suggested that the Research should include an overseas place which did not have a UGC-like setup but had been very successful in protecting academic freedom and institutional autonomy.

46. H(RL) responded that both the United Kingdom and New Zealand had operated a UGC system in the past, and had replaced it with other systems. He envisaged that the study on the historical developments of their higher education systems would shed light on the protection of academic freedom and institutional autonomy in places with or without a UGC system.

47. Ms Emily LAU suggested that the Research should examine the impact of private donations and staff employment on protection of academic freedom and institutional autonomy of higher education. H(RL) replied that the Research would examine these issues.

Way forward

48. The Chairman said that the Administration and the University Grants Committee had declined the invitation to attend the meeting on the ground that the subject of academic freedom and institutional autonomy was under the investigation of the Commission of Inquiry (the Commission) on the Allegations relating to the Hong Kong Institute of Education (HKIEd). The Administration had provided its response to the allegations and views made by the individuals and organisations on the subject at the meetings on 28 February and 13 April 2007. The Chairman invited views and suggestions from members on the discussion of academic freedom and institutional autonomy at future meetings.

49. Dr YEUNG Sum considered that UGC should review its role and effectiveness in the higher education sector in the past decade and provide a report to the Panel for consideration. He considered that the Panel could invite the Administration and UGC to attend meetings to respond to members'

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questions on academic freedom and institutional autonomy concerning the UGC-funded institutions other than HKIEd. If necessary, the Panel could seek the approval of LegCo to exercise the authority under the Legislative Council (Powers and Privileges) Ordinance to summons the Administration and UGC to attend meetings of the Panel. Alternatively, the Panel might invite them to attend its meetings after the Commission had published its report in June 2007.

50. Dr Fernando CHEUNG expressed regret that the Administration and UGC had refused to attend the meeting to give response to the allegations and views expressed by the individuals and organizations. He considered that the Administration and UGC had a constitutional obligation to attend meetings of the LegCo committees.

Clerk

51. Ms Audrey EU also considered it unacceptable for the Administration and UGC not to attend the meeting on the ground that the Commission's inquiry was in progress. She suggested that the Clerk should prepare a list of major issues and views raised by the individuals and organizations about academic freedom and institutional autonomy for follow-up discussions at future meetings. She considered that the Administration and UGC should be requested to give detailed written responses on the major issues and views.

52. Members agreed with Ms Audrey EU' suggestion. Dr YEUNG Sum and Ms Emily LAU suggested that the relevant parties should be invited to give views on the major issues when the Panel discussed the subject.

VII. Any other business

53. The meeting ended at 6:30 pm.

Council Business Division 2
Legislative Council Secretariat
7 June 2007