

For information
14 May 2007

Legislative Council Panel on Education

The Administration's Response to the Allegations and Views made by Individual/Organizations Concerning Academic Freedom and Institutional Autonomy

Purpose

At the meetings of the Panel on Education held on 28 February and 13 April 2007, Members discussed issues relating to academic freedom and institutional autonomy. This paper sets out the Administration's response to the allegations and views made by individuals/organizations at the meetings.

Allegations relating to the Hong Kong Institute of Education

2. As the subject is under formal investigation by a statutory Commission of Inquiry, the Administration will not comment on the allegations made and views expressed at the Panel meetings.

Governance of University Grants Committee-funded Institutions

3. The eight University Grants Committee (UGC)-funded institutions are autonomous bodies governed by their own ordinances. These ordinances specify the composition of the Councils as the governing bodies of the institutions. Due to historical and other reasons such as the different philosophy, religion, culture and circumstances of individual institutions, the ordinances for the eight UGC-funded institutions, including the provisions setting out the composition of the Councils, do vary.

4. In general, each Council consists of a specified number of members appointed by the Chief Executive (CE) or CE in his capacity as Chancellor of the tertiary institutions, as well as a specified number of staff members to be appointed by the institutions. The institutions and CE appoint members to the Councils in accordance with the relevant ordinances.

5. Pursuant to the recommendations of the Higher Education Review

(the Review) conducted by the UGC in March 2002, the UGC-funded institutions are at various stages of reviewing their own governance and management structures to see if they are suitable for modern day needs. On receipt of the proposals from the institutions, the Administration may offer advice and observations as appropriate for the institutions' consideration having regard to the recommendations of the Review. But ultimately, decisions regarding the governance structure and operations of an institution rest with its Council, and the institution should be in the best position to decide on the most appropriate composition of its Council. The Administration may offer advice and assistance to the institutions where appropriate in the event legislative amendments to their governing ordinances are required.

6. On the role of the CE as Chancellor of our tertiary institutions, traditionally, the CE (and the former Governors) is the titular head of our tertiary institutions, the purpose of which is to maintain the linkages between the Administration and the institutions and to demonstrate the Government's support for the higher education sector. The main duties of the Chancellor are to confer degrees and other honorary awards as recommended by the institutions. Such powers are specified under the governing ordinances of the institutions.

Role, Functions and Composition of UGC

7. The UGC is a non-statutory advisory body which advises the Government on the funding and strategic development of higher education in Hong Kong. In this regard, the UGC works with its funded institutions, the Administration and the community to promote excellence in the higher education sector. Specifically, the UGC determines the allocation of recurrent grants and the distribution of student number targets amongst its funded institutions. It also provides institutions with the necessary developmental and academic advice by tapping the expertise and experience of the UGC members.

8. The UGC performs an important role in assuring the quality and value-for-money in the provision of higher education by its funded institutions. Over the past years, the UGC has conducted various reviews such as the Management Review, the Teaching and Learning Quality Process Reviews, and the Performance and Role-related Funding Scheme, to ensure that effective quality assurance mechanisms are in place in each of the institutions. Taking into account these valuable experiences, the growing importance attached by the community to quality assurance and the fact that UGC-funded institutions are increasingly active in the provision of self-financing

programmes at degree and above levels, the UGC has recently reviewed its role in this respect and decided to set up a Quality Assurance Council (QAC) under its aegis to assist the Committee in discharging its quality assurance responsibilities. The QAC will play a useful role in promoting quality enhancement and good practices across the sector as it accumulates experience. Nonetheless, as UGC-funded institutions enjoy self-accrediting status, they should be ultimately responsible for the quality of their programmes.

9. The UGC (and the UGC Secretariat) is the principal channel of communication between the Government and the UGC-funded institutions. The Committee has open channels to both the institutions and Government, and seeks to promote responsible understanding between the institutions, the Government and the community at large. Direct formal contacts between the institutions and the Government are limited to areas such as legislative matters regarding the institutions' ordinances, appointments to Councils, and contracts for services rendered.

10. As with most government advisory and statutory bodies, members of the UGC are appointed by the CE in their personal capacity having regard to the individual's experience and expertise. At present, roughly half of the UGC members are accomplished academics and higher education administrators from outside Hong Kong, and the other half are local members comprising eminent community leaders and academics of high standing. All Members of the UGC offer impartial and expert advice to the Government on the funding and development of higher education in Hong Kong.

Employment terms of staff of UGC-funded Institutions

11. Each UGC-funded institution is an autonomous body with its own governing ordinance. While these publicly-funded institutions are subject to financial constraints, they enjoy unfettered academic freedom as well as institutional autonomy in such areas including staff recruitment and their terms of employment, and internal allocation of resources. The Administration fully respects the autonomy of tertiary institutions in their academic development and internal management, and does not interfere with the internal affairs of individual institutions.

Projects/consultancy studies commissioned by Education and Manpower Bureau (EMB)

12. It is necessary to distinguish between academic researches and EMB commissioned projects. The former are conducted by institutions of

their own accord and are entirely within the institutions' purview and autonomy. The Administration does not intervene in or express opinions on academic research matters. Consultancy studies/projects commissioned by EMB are, on the other hand, awarded by way of contracts to address the Bureau's specific service requirements. Any institution entering into contracts with EMB to provide the required services does so by its own choice, for an agreed consideration and with knowledge and acceptance of terms and conditions agreed by both parties. As a matter of fact, the contract terms now of concern to some individuals or institutions, including the provisions on "Intellectual Property Rights" (IPR), are in line with similar clauses in other relevant EMB/Government contracts, which generally stipulate that the IPR of the materials/deliverables developed by the contractor under the contract shall be the exclusive property of the Government and shall vest in the Government at the time they are created.

Education and Manpower Bureau
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