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11 May 2007

Miss Odelia Leung
Clerk to Panel
Education Panel of LegCo
Legislative Council Building
8 Jackson Road, Central
Hong Kong

Dear Miss Leung,


Panel on Education
Meeting on 14 May 2007

I refer to your letter of 19 April 2007 to the Secretary for Education and Manpower, at which you have requested the Bureau to co-ordinate attendance of the Administration and the University Grants Committee (UGC) at the captioned meeting for the agenda item on “academic freedom and institutional autonomy”.

Since the subject is one of the matters being covered by the Commission of Inquiry on Allegations relating to the Hong Kong Institute of Education (C of I), we do not find it appropriate at this point of time for us to attend and discuss the matter at the captioned Panel meeting when the C of I is on-going. Nonetheless, I am providing (at **Annex**) relevant extract of sections of the latest UGC “Notes on Procedures” for your members’ reference.

We appreciate this is an important matter but hope the Panel will understand the special circumstances regarding our attendance. The Secretary-General, UGC will be happy to attend future Panel meetings after the conclusion of the C of I, if the Panel should find such helpful.

Yours sincerely,



(Miss Mary Tsang)
Atg Secretary-General

c.c. EMB (Attn. Miss Charmaine Lee)

Extracts of UGC Notes on Procedures

The Institutions

1.20 The eight higher education institutions funded through the UGC are statutorily autonomous corporations, each with its own Ordinance and Governing Council. They enjoy academic freedom and considerable institutional autonomy, subject to the constraints of financial dependence.

Institutional Autonomy

1.21 Institutional autonomy is a complex term, and the degree of autonomy required varies, but the essential point is that the institutions are legally entitled to freedom of action in managing their affairs within the restraints of the laws of Hong Kong. The claim for autonomy does not rest upon any assumption of special privileges, but upon the consideration (based on long experience) that the institutions can properly undertake the work expected of them by the community which supports them only if they have freedom of choice and of action. This does not exempt them from public interest and criticism, nor does it mean that their policies should not be under review by themselves, and by others.

1.22 The five main areas of institutional autonomy are -

(a) Selection of staff

The institutions have unfettered rights in the selection, promotion, and dismissal of their staff. In the case of appointment of the Head of the institution, however, the importance of the post is such that some degree of consultation with Government and community leaders is desirable and normal. Nevertheless, the institutions' Councils take the final decision, and make the formal appointment.

(b) Selection of students

Whatever may be the procedures for setting or controlling entrance examinations, or for setting total student number targets, or for setting student number intake targets, the institutions have unfettered rights in the selection or rejection of students presented as candidates for admission.

(c) Curricula and academic standards

The institutions will need to take into account the other developments and requirements in other fronts e.g. primary and secondary education, other further education facilities, requirements for practising certain professions, general or specific employment opportunities, etc. and these are areas in which the UGC and the Government also have interests. Moreover, some standards and qualifications can only be attained if appropriate finance is made available, and decisions may therefore be dependent on financial resources. Nevertheless, final decisions on their own curricula and standards rest with the institutions.

(d) Acceptance of research programmes

This includes the initiation of research programmes, subject to resources being available, as well as the acceptance of research proposed by others (for example, by the Government). In all cases, academic merit, the institution's role and community needs have to be given great weight but the institution is the only judge of whether its combined resources of people, accommodation, equipment and money can or should be deployed in the manner required.

(e) Allocation of funds within the institution

Apart from earmarked and indicated recurrent grants and earmarked capital grants, the institutions are free to allocate the funds available as they see fit. In practice, this freedom is considerably constrained by the fact that about three-quarters of

institutional funds are committed to staff costs, which cannot easily or quickly be changed and that part of the remaining quarter is also committed for repairs, maintenance, services, supplies etc. Nevertheless, the institutions are free to make such changes as they can manage, to decide on specific allocations, to draw up budgets accordingly, and to change such budgets.

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