



Ref.: DGA09/0213/008

13 February 2009

By fax to 2509 0775 and by mail

The Honorable Cyd Ho Sau-lan
Chairman, Panel on Education
Legislative Council
Legislative Council Building
8 Jackson Road
Central, Hong Kong

Dear Ms. Ho,

Meeting of the LegCo Panel on Education on 9 February 2009

First, let me express the appreciation of Hong Kong Baptist University ("HKBU") for an opportunity to make submissions to the Panel with regard to governance structures and grievance and complaint mechanisms of the UGC-funded institutions.

2. While I find the submissions and the subsequent discussion at the Panel meeting interesting and useful, I would like to, on behalf of the University, register on record that I had not been given the chance to clarify the points made at the meeting by Mr. To Yiu-ming, representative of the HKBU Faculty and Staff Union, despite the fact that I had raised my hand three times indicating my wish to make a further submission. You made a response on my third attempt but decided that there was no time for any further submissions from the floor.

3. Much as I respect the ruling of the Chair of the Panel, I did find it puzzling that as Chair, you would allow the staff side of my University to address the Panel more than once but decided that, due to insufficient time, any attempt from the institutional side would have to be stopped. Furthermore, I would have expected that, as Chair of the meeting, after a direct accusation from the staff side was heard, you would give time to the institutional side to present their side of the story, so that members of the Panel, including your goodself, would have a chance to a better understanding of the

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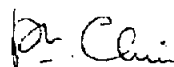
issues before voicing their views. As the procedure of the meeting on that day was that the institutional side spoke first and then the staff side followed, your ruling against my request to speak in response to Mr. To's submission would amount to taking away a chance for members of the Panel to get to the bottom of the issues. I respectfully submit that if time was insufficient, a continuation of the meeting would have been a much fairer option.

4. My colleague, the Director of Personnel of the University, has asked me to forward to you, and through you, to members of the Panel, the attached written submission to clarify the points made by Mr. To at the meeting.

5. The issues under discussion were complex, and without the opportunity for my University's representatives to address the meeting the complexity could only have been thickened. I hope the attached submission would help towards the further discussion of the issues.

6. Thank you for your attention.

Yours sincerely,



P.K. Chiu

Director of General Administration

Encl.

cc: President, Legislative Council
Under Secretary for Education (with encl)

Response from Hong Kong Baptist University
to Submission made at the LegCo Panel on Education meeting on 9 February 2009
by Mr. To Yiu Ming, representative of the HKBU Faculty and Staff Union

Responding to the presentation made by Mr. To Yiu Ming representing the Hong Kong Baptist University Faculty & Staff Union during the meeting on 9 February, which is not a correct representation of the actual situation, the University would like to provide the following information to clarify any misunderstanding which might have caused :

- (a) The comment that the President & Vice-Chancellor could terminate the appointment of a substantiated staff member is NOT TRUE. Under the existing policy guidelines and procedures governing the disciplinary proceedings for substantiated staff, and in accordance with the terms of service for substantiated staff, the President & Vice-Chancellor has the authority to recommend to the Chairman of the Personnel Committee of Council to set up a Committee on Termination of Appointment (CTA) to investigate into disciplinary matters involving a substantiated staff member. (The CTA comprises five members, two of whom are lay members of the Personnel Committee of Council, and is chaired by one of the lay members.) If, pursuant to investigation, CTA finds that the allegations against the staff member concerned are substantiated, the authority to terminate the appointment of a substantiated staff member rests with CTA but NOT the President & Vice-Chancellor. The University is NOT recommending any changes in this respect.

- (b) The University is reviewing the current set of policy guidelines and procedures governing the disciplinary proceedings of substantiated staff. Changes are proposed with the aim of bringing about overall improvement in the procedures based on past experience and taking into account changes in the University. The main procedures in handling disciplinary matters remain unchanged. To improve on procedural fairness, more opportunities are recommended for the staff involved to express and argue for his/her case during the procedures.

- (c) The University Administration (including the President & Vice-Chancellor) will not be offered more authority than they have at present in dealing with disciplinary matters of substantiated staff, and there is also NO CHANGE in the terms of service of substantiated staff.

The University is currently consulting staff on the policy guidelines and procedures. Staff members are welcome to express their views on the matter.

Submitted by Miss Leung Pui-man, Acting Director of Personnel, HKBU
12 February 2009