

立法會

Legislative Council

LC Paper No. CB(2)477/09-10
(The minutes have been seen by
the Administration, The Hong
Kong Polytechnic University and
The Chinese University of Hong
Kong)

Ref : CB2/PL/ED

Panel on Education

Minutes of meeting
held on Monday, 9 November 2009, at 4:30 pm
in Conference Room A of the Legislative Council Building

- Members present** : Hon Cyd HO Sau-lan (Chairman)
Hon CHEUNG Man-kwong
Hon LEUNG Yiu-chung
Hon Abraham SHEK Lai-him, SBS, JP
Hon Tommy CHEUNG Yu-yan, SBS, JP
Hon Audrey EU Yuet-mee, SC, JP
Hon Andrew LEUNG Kwan-yuen, SBS, JP
Prof Hon Patrick LAU Sau-shing, SBS, JP
Hon Starry LEE Wai-king
Dr Hon LAM Tai-fai, BBS, JP
Hon Tanya CHAN
Hon CHEUNG Kwok-che
Hon WONG Sing-chi
Hon WONG Yuk-man
Hon Mrs Regina IP LAU Suk-yee, GBS, JP
Dr Hon Samson TAM Wai-ho, JP
- Members absent** : Dr Hon Priscilla LEUNG Mei-fun (Deputy Chairman)
Hon LEE Cheuk-yan
Hon TAM Yiu-chung, GBS, JP
- Public Officers attending** : Agenda item IV
Mr Kenneth CHEN, JP
Under Secretary for Education

Ms Amy WONG
Principal Assistant Secretary (Higher Education)

Mrs Dorothy MA CHOW Pui-fun
Deputy Secretary-General (1), University Grants
Committee

**Attendance by
invitation** : Agenda item IV

The Chinese University of Hong Kong

Professor CHING Pak-chung
Pro-Vice-Chancellor

Professor FUNG Tung
Associate Pro-Vice-Chancellor

Mr FUNG Siu-man
Deputy Director, Campus Development

Mr MA Wai-kong
Senior Architect, Campus Development Office

Agenda item V

The Hong Kong Polytechnic University

Mr Victor LO Chung-wing, GBS, JP
Council Chairman

Dr NG Tat-lun, BBS, JP
Deputy Council Chairman

Professor Timothy W TONG
President

Professor Thomas K S WONG, JP
Vice President (Management) and Assistant Secretary to
Council

Mr Louis HEUNG
Director of Finance

Mr Alan LI
Director of Human Resources

Dr Joseph LEE Heung-wing
Council Member and Vice Chairman of Polytechnic
University Staff Association

Ms Connie CHAN
Assistant Secretary to Council

Agenda item VI

The Chinese University of Hong Kong

Professor Michael K M HUI
Pro-Vice-Chancellor

Mr Eric S P NG
Registrar

Mr Jacob LEUNG
Secretary of the University

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

Staff in attendance : Mr Kelvin LEE
Assistant Legal Adviser 1

Ms Judy TING
Senior Council Secretary (2)8 (Acting)

Miss Jenny LEE
Legislative Assistant (2)6 (Acting)

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I. Confirmation of minutes
[LC Paper No. CB(2)119/09-10]

The minutes of the meeting held on 15 October 2009 were confirmed.

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

[LC Paper No. CB(2)133/09-10(01)]

2. Members noted the letter from the Secretary for Education dated 27 October 2009 seeking support for the proposal to increase the approved project estimate of the project 3261ES – Secondary School at Aberdeen Reservoir Road, Aberdeen. Members raised no objection to the Administration submitting the proposal to the Public Works Subcommittee for consideration at its meeting on 2 December 2009.

III. Items for discussion at the next meeting

[Appendices I and II to LC Paper No.CB(2)180/09-10]

3. Members agreed to discuss the following items proposed by the Administration at the next regular meeting scheduled for 14 December 2009 at 4:30 pm –

- (a) increasing the commitment for Start-up Loan Scheme;
- (b) injection into the Language Fund; and
- (c) Report of the Working Group on Textbooks and e-Learning Resources Development.

Items proposed for discussion

Review of Pre-primary Education Voucher Scheme

4. Mr CHEUNG Man-kwong suggested that the Panel should follow up the review of the Pre-primary Education Voucher Scheme. The Chairman said that the subject had been included in the list of outstanding items for discussion. She added that the discussion should cover the review of the qualifications of pre-primary teachers.

Exit pathways for students taking the 2010 Hong Kong Certificate of Education Examination

5. Mr CHEUNG Man-kwong considered it important to discuss the exit pathways for students taking the 2010 Hong Kong Certificate of Education Examination (HKCEE). He explained that in the past, Secondary (S) 5 graduates who were not admitted to S6 classes had the opportunity of repeating S5, as well as re-taking the HKCEE in the following year. However, candidates sitting for the last HKCEE held in 2010 would no longer have such an option. Members agreed to include the subject in the list of outstanding items for discussion.

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IV. Capital works project of the University Grants Committee-funded institutions – An integrated teaching building, The Chinese University of Hong Kong

[LC Paper Nos. CB(2)180/09-10(01), (02) and CB(2)210/09-10(01)]

6. Members noted the updated background brief entitled "Capital works projects for the implementation of four-year undergraduate programmes in the University Grants Committee (UGC)-funded institutions" prepared by the Legislative Council (LegCo) Secretariat.

Powerpoint presentation by The Chinese University of Hong Kong (CUHK)

7. Professor FUNG Tung, Associate Pro-Vice-Chancellor of CUHK, made a powerpoint presentation to explain the capital works project for CUHK to construct an integrated teaching building within its campus in Sha Tin (the Project). Members noted the powerpoint presentation materials provided to the Panel before the meeting.

8. Mr CHEUNG Kwok-che enquired whether the Project was the last capital works project for the implementation of the four-year undergraduate programmes in the UGC-funded institutions. Professor FUNG Tung answered in the affirmative.

Construction cost

9. Mr Tommy CHEUNG declared interest as a Council member of CUHK. He asked whether the estimated cost of the Project would be capped or subject to the changes of the market prices. He forecast that the market prices would rise in the light of a large number of infrastructures to be built by the Government.

10. Professor CHING Pak-chung, Pro-Vice-Chancellor of CUHK, replied that the estimated cost of the Project was supported by the UGC and the Architectural Services Department and calculated on the basis of the prevailing market prices at the time of planning. The contract price for the Project would be subject to upward or downward adjustment.

11. Under Secretary for Education (US(Ed)) supplemented that the Administration had agreed with the UGC-funded institutions to adopt contract price fluctuation (CPF) payments for their capital works projects to ensure effective use of public funds. The CPF payment allowed for upward/downward adjustment to contract payments in accordance with movements in the cost of labour and materials in Government civil engineering and building contracts. Should there be an increase in labour and material costs in future and the actual cost of the Project exceeded the approved project estimate, the Administration would seek approval of the Finance Committee (FC) for additional provision for

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CUHK.

12. Mr CHEUNG Man-kwong said that he supported the Project the estimated cost of which was lower than the construction cost of a quality secondary school building. He noted that the Project would provide some 4 300 square metres in net operational floor area which was comparable to the total area of a self-financing post-secondary institution. In his view, it would be extremely difficult for self-financing post-secondary institutions with a small campus to compete with the UGC-funded institutions.

13. Mr Abraham SHEK said that he supported the Project. He opined that the estimated cost of the Project was on the low side, and considered that the cost of the Project should be increased to provide better facilities.

14. The Chairman was of the view that the estimated cost of the Project at \$179.2 million was not low when compared with that of the approved capital works project – Secondary School at Aberdeen Reservoir Road, Aberdeen at \$182 million which included site formation works as well as construction of school premises. She sought information on the estimated construction unit cost of the Project as compared with other three capital works projects undertaken by CUHK for implementing the four-year undergraduate programmes. Mr FUNG Siu-man, Deputy Director, Campus Development of CUHK, replied that the estimated construction unit cost was about \$14,400 per square metre, comparable to the construction cost of quality secondary school premises.

15. Mr Tommy CHEUNG was of the view that the estimated construction unit cost was not expensive. He said that the Liberal Party was in support of the Project.

Environmental features

16. Ms Audrey EU noted the environmental features of the Project as detailed in the powerpoint presentation, and recalled that the student unions of CUHK had been concerned about the wall effects of the new integrated teaching buildings and the demolition of the pineyard at Chung Chi campus. She enquired whether the student unions had been consulted and had agreed to the Project. Professor FUNG Tung responded that several rounds of university-wide consultation had been carried out and no objection to the Project had been received from students.

17. The Chairman sought information on the cost of the environmental features as well as the pay-back period for the cost. Mr FUNG Siu-man replied that the relevant cost was about \$3.4 million, and it would take four to seven/eight years to pay back the cost depending on the individual designs and costs of the features. The average pay-back period was 5.8 years.

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Conclusion

18. In concluding the discussions, the Chairman said that members supported the submission of the proposal to the Public Works Subcommittee for consideration on 2 December 2009.

(The Chairman suspended the meeting as some representatives of the Hong Kong Polytechnic University (PolyU) had yet to arrive.)

V. The Hong Kong Polytechnic University (Amendment) Bill 2009
[LC Paper Nos. CB(2)180/09-10(03) and (04)]

19. Members noted the background brief entitled "Governance of the Hong Kong Polytechnic University" prepared by the LegCo Secretariat.

20. Dr LAM Tai-fai declared interest as an alumnus and a member of the Council of PolyU (the Council) and a number of committees of PolyU. He said that he had submitted The Hong Kong Polytechnic University (Amendment) Bill 2009 (the Bill) to the President of LegCo on 31 August 2009 and thanked members for including the Bill in the agenda for the meeting.

21. Dr LAM Tai-fai highlighted that the Bill sought to amend the Hong Kong Polytechnic University Ordinance, among others, to reduce the number of Council members from 29 to 25; increase the number of student members; give all full-time academic and non-academic staff members irrespective of rank the opportunity to be represented on the Council; allow Council members who were employees or students of PolyU to vote on the appointment or removal of the President and the Deputy President of PolyU; and define more clearly the role of the Council to set the policy governing the terms and conditions of service of staff members instead of determining and approving the terms and conditions of service of individual staff members.

22. Dr LAM Tai-fai also pointed out that thorough discussion had been carried out and the stakeholders had been extensively consulted before submission of the Bill. He believed that the Bill would further enhance the effectiveness of governance of PolyU, and the expansion of stakeholders' representation on the Council would improve the transparency of management of PolyU. Dr LAM appealed to members to support the Bill.

23. Mr Victor LO Chung-wing, Council Chairman of PolyU, thanked Dr LAM Tai-fai for sponsoring the Bill. He said that in the light of the recommendations of the Report on Higher Education in Hong Kong (the Report), PolyU had carried out a comprehensive review on its governance and management structure in May and June of 2004. The review committee comprised two overseas and two local experts who had extensive experience in

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university governance and management structures. PolyU proposed the introduction of the Bill after considering the recommendations of the Report, the Report of the Public Accounts Committee No. 40A, and views of different stakeholders, including members of the Council, senior management, the Senate, staff consultative groups, the Staff Association and representatives from student bodies.

24. Professor Thomas KS WONG, Vice President (Management) and Assistant Secretary to Council of PolyU, then briefed members on the content of the Bill as detailed in the paper provided by PolyU. He appealed to members to support the Bill.

Composition of the Council

25. Mr CHEUNG Man-kwong said that he had received views from staff associations concerning the representation of academic and non-academic staff as well as the representation of the Senate on the Council. He invited Dr Joseph LEE, Vice Chairman of PolyU Staff Association (the Association), to give his views on the Bill.

26. Dr Joseph LEE said that the Association objected to the proposal for separate election of representatives of academic and non-academic staff on the Council. He pointed out that the Association had all along upheld the tradition to treat its staff members equitably, irrespective of job nature and ranks, and both academic and non-academic staff were members of the Association and had the same opportunity to be elected to the Council. The proposal for providing separate seats each for academic and non-academic staff would jeopardize the tradition and the cordial relationship between academic and non-academic staff. The Association was concerned that the proposal would provide an opportunity for the management to manipulate staff members on the Council who were less articulate, and the voice of the Association would hence be weakened. Dr LEE further said that the staff member elected by and from the Senate could not represent the views of frontline staff members because the Senate comprised mainly senior staff members such as Chair Professors, Deans of Faculties and Heads of Departments. The only merit of the proposal was the broadening of the electorate. Dr LEE queried why PolyU would opt for the election of staff members on the basis of their functions, i.e. academic and non-academic nature, when the community was discussing the removal of functional constituencies in LegCo.

27. Dr Joseph LEE added that while welcoming the proposal for increasing the number of student members on the Council from one to two, the Association was concerned that students attending taught programmes and part-time programmes as well as non-local students of PolyU were excluded as the two student representatives would be elected by and from the full-time undergraduate and sub-degree students and full-time postgraduate students

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respectively. He urged the management of PolyU to review the provisions of the Bill.

28. Mr CHEUNG Man-kwong opined that the size and composition of the Councils of the UGC-funded institutions followed largely a formula, and PolyU proposed to reduce the number of Council members from 29 to 25 to align with the smaller size of the Councils of other UGC-funded institutions. The UGC-funded institutions adopted a general principle to have two student representatives on their Councils, one elected by and from full-time undergraduate students and the other from full-time postgraduate students. In his view, there was a genuine need to have representatives from various functional areas of a university to sit on its Council in order represent their different interests.

29. Mr CHEUNG Man-kwong recalled discussion by the Panel in May 2008 on the representation of student members on the Council of The Hong Kong University of Science and Technology (HKUST). The issue was whether the student member in the Council should be the president of the student union or whether the student member should be elected by universal suffrage among students. At LegCo's suggestion, HKUST conducted a poll among all students to settle the issue. Mr CHEUNG urged the Association to adopt the same approach and carry out a poll among its staff members to decide on the method of election of its staff representatives to the Council. Mr CHEUNG added that LegCo Members would respect the decision made thereupon.

30. Dr Joseph LEE said that the Association had carried out extensive consultation among its members, and the view obtained was that the two staff representatives on the Council should be elected by and from among all staff members, irrespective of whether they were academic or non-academic staff. Such a view had already been reflected to the management of PolyU.

31. Mr CHEUNG Man-kwong pointed out that the Senate of a university normally comprised academic staff of a certain rank and above. As such, the representatives of Senate in the Councils of many universities were not taken as the representatives of their staff members. As PolyU proposed to designate a seat in the Council to Senate and the seat would fall within the category for staff members, he urged PolyU to carefully consider the composition and election of its Senate as this could be another point of contention.

32. Professor Timothy TONG, President of PolyU, responded that PolyU acknowledged the need to improve the structure of its Senate. PolyU was in the process of appointing vice presidents, and one of the tasks was to review the structure of the Senate once the new vice presidents were in place.

33. Mr Tommy CHEUNG said that as a Council member of CUHK, he shared with members the experience of CUHK in reviewing the size and

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composition of its Council. He said that after extensive consultation, staff members of CUHK had agreed that there should be separate election of representatives from academic and non-academic staff on the Council having regard to the uneven number of staff in each category and their different functions and interests. He considered it appropriate for the Council of a university to have representatives from academic staff, non-academic staff and Senate respectively given their different functions and needs. He considered that in restructuring the Council of PolyU, the long-term development of the university should be the primary concern. He urged PolyU to settle the issue of staff representation on its Council before introducing the Bill into LegCo, otherwise lengthy scrutiny would ensue.

Legislative timetable

34. The Chairman informed members that the Bill was being considered by the President of LegCo. If the President was of the view that the Bill related to Government policies, the Chief Executive's written consent in respect of the Bill would need to be obtained. The passage of the Bill, as a Member's Bill, required a majority vote of each of the groups of Members present who were returned by functional constituencies and by geographical constituencies through direct elections.

35. At the invitation of the Chairman, Assistant Legal Adviser 1 advised that the President of LegCo had yet to rule whether the Bill related to Government policies. Should this be the case, the written consent of the Chief Executive for presentation of the Bill was required. After the introduction of the Bill, the legislative process would be the same as public officers' bills. Should Members consider it necessary, a bills committee would be appointed to study the Bill.

36. In concluding the discussions, the Chairman invited Dr Joseph LEE to submit any further views that the Association might have on the Bill to the Panel.

VI. Statutes of The Chinese University of Hong Kong (Amendment) Statutes 2009
[LC Paper Nos. CB(2)180/09-10(05) and (06)]

37. Members noted the background brief entitled "Reorganization of the Senate of The Chinese University of Hong Kong" prepared by the LegCo Secretariat.

Legislative timetable

38. At the invitation of the Chairman, Assistant Legal Adviser 1 explained that the Statutes of The Chinese University of Hong Kong (Amendment) Statutes 2009 (the Amendment Statutes) were made under section 13(1) of The

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Chinese University of Hong Kong Ordinance (the Ordinance). The Amendment Statutes were subsidiary legislation made by CUHK and not the Government. Similar amendments to the Statutes of the Ordinance had been made by CUHK in 2007.

39. The Chairman pointed out that the Amendment Statutes would be subject to negative vetting by LegCo. She enquired with CUHK about the timetable for gazettal of the Amendment Statutes.

40. Mr Jacob LEUNG, Secretary of the University of CHUK, responded that the Council of CUHK passed a special resolution in October 2009 in relation to the Amendment Statutes. It was intended that the Amendment Statutes would be confirmed by the Council at its meeting in December 2009. The Amendment Statutes would then be submitted to the Chancellor of CUHK for approval and gazetted. Mr LEUNG then briefed members on the proposed amendments under the Amendment Statutes as detailed in the paper provided by CUHK. He highlighted that the management of CUHK had conducted thorough discussions and extensive consultation with stakeholders on the reorganization of the Senate. The membership of the reorganized Senate would be reduced from 207 to 51 or 53. The flexible number was to enable the Senate to appoint up to two other teachers as members as deemed necessary.

41. Mr Jacob LEUNG supplemented that CUHK noted the views of the President of the Students Union of CUHK and the students unions of four constituent colleges concerning student members in the reorganized Senate. The Registrar's submission to the Chairman of the Panel dated 17 June 2009 had addressed the issues raised and provided background information on the University's recommendations. The Senate had convened an extraordinary meeting on 25 June 2009 at which it was agreed that the proposed method of electing student members to the reorganized Senate be adopted for implementation and that a review would be undertaken five years after the implementation of the Amendment Statutes.

42. As regards the request of instructors for inclusion in the definition of "teacher", Mr Jacob LEUNG said that under the Amendment Statutes, the Council of CUHK would be conferred with the power to determine any appointments to be a teacher from time to time.

Student representation in the Senate

43. Ms Audrey EU noted that under the reorganized Senate, the membership would be reduced from 207 to about 51 or 53 and the number of student representatives would be reduced from 13 to three. She enquired about the ratio of student members in the Senate before and after the reorganization and the criteria for selecting the three student members out of the existing 13.

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44. Miss Tanya CHAN said that the ratio of student members in the Senate would be reduced from 9% (13 seats out of 146 seats) to 6% (3 seats out of 51 or 53 seats) after the reorganization. She drew to members' attention of the request of the President of the Students Union of CUHK and the students unions of the four constituent colleges for their presidents to remain as ex officio members in the reorganized Senate because they were elected by universal suffrage and from among students of the colleges respectively. She queried whether the three student members to be elected as proposed in the Amendment Statutes would be in a better position to represent students than the presidents of the students unions.

45. Mr Eric NG, Registrar of CUHK, informed that as at May 2008, the Senate had 207 seats of which 12 were for student representatives. He pointed out that after the reorganization, there would be three student members in the Senate to be elected respectively by and from among all full-time undergraduate students, all full-time postgraduate students and student members of the Boards of Faculties. The seats for the Chairmen of Departments/Directors of Studies would be reduced from 72 to eight, and Professors or Readers in each department making up a total of 94 would no longer be ex officio members in the reorganized Senate. Mr NG stressed that CUHK had no intention of precluding the President of the Students Union of CUHK and the presidents of the students unions of the four constituent colleges from becoming student members of the reorganized Senate; he emphasized that they were indeed eligible to stand as candidates for the elections of student members to the reorganized Senate.

46. Mr CHEUNG Man-kwong suggested that CUHK might consider adopting the arrangement of the HKUST to conduct a poll among all its students to decide on the method of electing student representatives to the reorganized Senate.

47. Mr Jacob LEUNG reiterated that the Senate had convened an extraordinary meeting on 25 June 2009, with student members present, which decided to adopt for implementation the method of electing student representatives to the reorganized Senate as set out in the Amendment Statutes. It was also agreed that a review would be conducted five years after the implementation of the Amendment Statutes. He further informed that representatives of various stakeholders including two student members sat on the Ad Hoc Committee on Reorganization of the Senate.

CUHK

48. The Chairman requested CUHK to provide written information in tabular form on the membership of the Senate before and after the reorganization.

Definition of "teacher"

49. At the invitation of the Chairman, Assistant Legal Adviser 1 pointed out the discrepancy in the Ordinance and the proposed amended Statute 1 in respect

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of the definition of teacher. He explained that the definition of teacher was basically the same in the Ordinance and the proposed amended Statute 1. The Amendment Statutes amended the definition to the effect that a member would need to hold an appointment in the teacher grades of Professor, Associate Professor or Assistant Professor, in addition to being a full-time teaching staff of CUHK of the rank of Assistant Lecturer or above as provided in the existing Ordinance. This would constitute a fundamental difference to the existing definition of teacher in the Ordinance. The proposed conferment to the Council to determine appointments to be regarded as teacher would constitute another difference in the definition of teacher between the Ordinance and the proposed amended Statute 1.

50. Mr CHEUNG Man-kwong informed members that he had received written views from The Chinese University of Hong Kong Employees General Union (the Union) and the Teachers' Association of The Chinese University of Hong Kong (the Association) concerning the non-coverage of instructors in the definition of teacher. Both organizations were of the view that instructors constituted a large number of teaching employees of CUHK and many of them had outstanding achievements in teaching. The Association held the view that any members who were full-time staff of CUHK and undertook teaching duties should be regarded as teachers. The Union considered it discriminatory to exclude instructor in the definition of teacher in the Amendment Statutes. Mr CHEUNG said that although the Amendment Statutes would provide flexibility to the Council to determine appointments to be regarded as teachers from time to time, such an arrangement was not satisfactory.

51. In response, Professor Michael HUI, Pro-Vice-Chancellor of CUHK, said that CUHK had all along acknowledged the achievements and contributions of instructors to the University, and instructors were indisputably the teaching employees of CUHK. He explained that the provision of a definition of teacher in the Ordinance in 1976 was to clearly define the teaching staff who should be regarded as teachers and who would have the academic status and power to be eligible for membership of the Senate and the Assembly of Fellows. Once a certain rank of staff was included in the definition of teacher, the staff concerned would have the status equivalent to a professor. As such, the issue at stake was not simply the literal inclusion of instructor in the definition of teacher but also the associated impact on the academic governance, development and management of CUHK. It was therefore important to have thorough discussions and extensive consultation among stakeholders before any decision on the issue could be made.

52. While expressing understanding of the concern of CUHK, Mr CHEUNG Man-kwong considered that CUHK had to resolve the issue in an expeditious manner as the number of instructors was substantial and the request was made by the Union and the Association and not only the instructors. He stressed that he had no intention of infringing on the autonomy of CUHK. However, LegCo had

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to consider the issue in the context of the Amendment Statutes.

53. Professor Michael HUI informed members that a Pro-Vice-Chancellor had been tasked to examine the issue in-depth. CUHK would listen to the views of stakeholders including instructors and carry out extensive discussions before reaching a decision on the issue.

54. Mr CHEUNG Kwok-che shared the concern of Mr CHEUNG Man-kwong that the issue had to be addressed in the context of the Amendment Statutes. He pointed out the risk of human governance as the Council would have the power to determine appointments to be regarded as teachers. While acknowledging CUHK's concern about its academic governance, development and management, he pointed out the outstanding academic achievements of many instructors. Mr CHEUNG requested CUHK to explore the feasibility of adopting a broad definition of teacher under which any members of the full-time teaching staff of the university would be regarded as teachers.

55. Professor Michael HUI replied that the reason for conferring the Council with the power to determine appointments to be regarded as teachers was to avoid the need to amend the relevant Statute whenever there was an addition of titles to the definition of teacher. He pointed out that there were external members sitting on the Council monitoring the governance of CUHK. Professor HUI further explained that the appointment requirements, recruitment and promotion procedures, scope of work and responsibilities of staff of the rank of professors and instructors were very different. There should be careful and thorough consideration before any decision could be made on the issue.

56. Mr CHEUNG Kwok-che opined that CUHK could consider the option of including instructor in the definition of teacher for matters relating to the governance of the University such as membership in the Council. However, for academic matters such as eligibility for membership of the Senate, instructors could be excluded from the definition.

57. Professor Michael HUI replied that Mr CHEUNG Kwok-che's suggestion could be considered but this would involve a number of amendments to the Ordinance and the Statutes. Mr Jacob LEUNG supplemented that there had been discussions on such a proposal in CUHK but the issue could not be addressed by simply adopting a broad definition of teacher in the Amendment Statutes as suggested by Mr CHEUNG Kwok-che because material amendments to a number of provisions in the Ordinance needed to be made. Mr CHEUNG Kwok-che opined that CUHK could address the issue from the perspective of function of staff members, and should address the issue once and for all.

58. Mr WONG Yuk-man declared interest as a member of CUHK Council. He considered the request of instructors for inclusion in the definition of teacher legitimate because they undertook teaching duties in the University. He noted

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that the inclusion would bring along the issue of increase of remuneration. In his view, CUHK should first address the request of instructors for inclusion in the definition of teacher and the issue of remuneration at a later stage. He further said that he had recently met with Professor Joseph Jao-yiu SUNG, the candidate for the post of Vice-Chancellor of CUHK, who had indicated that he would support the request of instructors for being regarded as teachers.

59. Professor Michael HUI said that while the issue of literal inclusion of instructor in the definition of teacher in the Ordinance and the Statutes could be tackled with legal advice, CUHK understood in its discussion with instructors that their request was more than that.

60. At the invitation of the Chairman, Assistant Legal Adviser 1 explained that the Amendment Statutes were subsidiary legislation. Any Member could move a motion to amend the Amendment Statutes, and the passage of which would require a majority vote of each of the two groups of Members returned by functional constituencies and direct elections.

61. Ms Audrey EU considered it important for CUHK to conduct proper consultation with all stakeholders and to settle the issue of student representation in the Senate and the request of instructors before presenting the Amendment Statutes to LegCo. She requested CUHK to provide written information to elaborate in detail on the resource implications and impact on academic development should instructor be included in the definition of teacher.

CUHK

62. Professor Michael HUI said that CUHK would continue discussion with student representatives and instructors. He informed that the definition of teacher was only provided in The University of Hong Kong Ordinance and The Chinese University of Hong Kong Ordinance which were enacted a long time ago. The ordinances concerning other UGC-funded institutions were enacted at a later stage and did not provide for a definition of teacher. He reiterated his advice in paragraph 51 above about the impact of including instructors in the definition of teacher on the academic governance, development and management of the University. He added that effective resource allocation was another consideration.

63. Mrs Regina IP enquired about the functional differences between instructors and teachers and whether instructors had to undertake research work.

64. In response, Professor Michael HUI said that only The University of Hong Kong and CUHK provided for the definition of teacher in their respective ordinances. He explained that under the relevant terms and conditions of service of instructors, they were not required to carry out research. He pointed out that almost every local and overseas university recruited instructors for teaching purpose, and the respective ranks of professors and instructors were different. For CUHK, in addition to instructors, there were other ranks such as professional

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consultants and teaching fellows. Instructors in CUHK carried out a variety of duties, and some were appointed for providing physical and language education. At present, there were some 300 instructors in CUHK, and not 500 as claimed by some unions.

65. Mrs Regina IP said that like other universities, there were two types of teaching staff in CUHK. While both types had to undertake teaching duties, one of them had to create knowledge and conduct research. In view of this, she was concerned whether the title of teacher was misleading.

CUHK

66. Professor Michael HUI reiterated that the Amendment Statutes provided flexibility for the Council to determine appointments to be regarded as teachers from time to time, although such an approach might not be considered as entirely satisfactory. Mrs Regina IP requested CUHK to provide written information on the terms and conditions of service, scope of work and responsibilities, remuneration, etc. between teachers and instructors. The Chairman added that CUHK should provide the advice of its representatives at the meeting in writing and preferably information on overseas universities in handling the different titles of teaching and research staff.

Way forward

67. The Chairman said that as the Amendment Statutes were subject to the negative vetting procedure, and the scrutiny period would be short, she invited members' views on the way of scrutinizing the Amendment Statutes before gazettal.

68. Mr WONG Yuk-man suggested that instructors be invited to attend a Panel meeting to present their view. Miss Tanya CHAN considered that students unions should also be invited to attend the meeting. Mr CHEUNG Man-kwong considered it important to listen to the views of different stakeholders. He pointed out that members had to better understand the requests of instructors as to whether these related to the literal inclusion of their rank in the definition of teacher or their eligibility for membership in the Senate or an entitlement for an increase in remuneration.

69. After discussions, members agreed to revisit the Amendment Statutes at the regular meeting of the Panel scheduled for 11 January 2010 and to invite the relevant stakeholders to present their views at the meeting.

VII. Any other business

70. There being no other business, the meeting ended at 6:30 pm.