

To: Hon. Lam Tai Fai, Chair, Panel of Education, Legco
Fm: Ip Kin-yuen
Date: Nov 11, 2013

Dear TF,

Meeting of Legco Panel of Education (Nov 11, 2013):
Statutes of the Chinese University of Hong Kong
(Amendment) Statute 2013 – Comments from CUHK Staff

Regarding the above agenda in the panel meeting today, I am obliged to pass the opinions of CUHK staff members to you and our fellow members for your and their kind consideration. Below are two key comments I have received from them. Thanks for your attention.

Best regards,

Kin-yuen

Comment 1

Dear Hon. Mr. Ip,

Please find the following opinion on CUHK statute amendment for your reference:

As a publicly funded university, the CUHK Ordinance has stipulated three mechanisms (the Council, the Senate and the Convocation) to ensure good governance of the university. Among these, the Council has the highest authority with a regulatory and accountable role for the use of public funding in “the management and control of the affairs, purposes and functions of the University” (The Chinese University of Hong Kong Ordinance, 7(b)).

The current composition of the Council consists of senior administrators of the university and those of the member colleges (CUHK Ordinance, Statute 11, 1(b)-(i)), and other non-official members, including the Chairman appointed by the Chancellor (CUHK Ordinance, Statute 11, 1(a)), and four other different categories, such as 3

members of Legislative Council, and 3 members of the Convocation (CUHK Ordinance, Statute 11, 1(k)-(n)). The diversity of its membership has an advantage of "a very wide representation of political, administrative, lay and academic members, including students and graduates" (The Sutherland Report, 2002, p.20) as a distinctive feature characterizing good governance of the University.

The amendment of downsizing the number of the Council from 55 to 25 poses a potential threat to capacity building in accountability by limiting community participation.

In the new CUHK council structure, there are too many members with just one year term: 5 out of 17 of the external members and 4 out of 8 internal members, i.e. 9 out of 25 members. Even they may or can be re-appointed, these members will not be able to contribute significantly, especially the long term visionary plan or even execute a continuous governing role. A minimum of 3 year term is necessary, as compared to other institution, e.g. HKU.

In addition, the reduction of 3 members of Legco Councillors to only 1 member will also pose another threat to "enhancing public engagement in the governance of the University". The Legco Councillors have indeed representing a wider community of Hong Kong.

Similarly, the downsizing of 3 members from the Convocation to only 1 member and the members to be appointed by the Chancellor will also be reduced from 6 to 4.

All the above downsizing significantly reduce the strengths of good governance by discouraging participation of the alumni and community leaders as significant stakeholders.

In conclusion, only 14 members (excluding Vice Chancellor, Provost and 9 one-year appointment members) is actually in the position of exerting governance of the whole publicly funded University. There is risk of lack of representation, unbalance view and instability.

Name withheld

Comment 2

Dear Kin-yuen,

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- 一、校方立即撤回《2013 年香港中文大學規程(修訂)規程》草案，重新成立委員會專責處理校董會改組，並諮詢各方，廣納意見；
- 二、各書院校董會及院監會之大學校董席位統一處理，促進九所書院間平等共處；
- 三、取消各學生校董須就讀滿十二個月之限制，並由中大學生會會長擔任當然本科生校董，不設另行委任；

四、取消校董會，以至教務會、各學院院務會、學系系務會等決策組織中的「保留事項」限制，停止閹割學生代表。#

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For the 上述各點，I support most of the above points, especially the first point, i.e. 重新成立委員會專責處理校董會改組，並諮詢各方，廣納意見.

My observation and findings are as follows:

1). The Council did conduct a consultation for the 校董會改組BUT they never gave a feedback to the comments/suggestions. They did not update us on the final version and seek for further comments from staff associations, e.g. CUSA <http://www.cuhk.edu.hk/cusa/> and CUTA. 閉門作業!

2). Although the leaders (e.g. Council Chairman and VC) of CUHK strive to promote the social responsibility (so-called marketing), a lot of unfair cases were received from many staff. You may refer to their newsletters at 2013 年 7 月號, 2013 年 2 月號, 2012 年 7 月, 2012 年 2 月號, 2011 年 5 月號, etc.*

3). For the “Sexual Harassment” matter, the Council conducted two forums BUT they received a lot of complaints from staff, students and alumnus during the two forums. I was there once. The most important issue is they are NOT in a right position to do the exercise, like the case for 余卓文醫生. You may see the newsletter 2013 年 7 月號.

4). LegCo, Education Bureau and UGC do not conduct a regular review in the accountability (大學的問責) of eight universities. However, Macau University Council (led by Dr. 謝志偉) has proposed “大學在學術上和行政上都必需有可見的問責機制給公眾查核...” to the SAR of Macau. I think LegCO should enforce this for CUHK and other seven universities from now onwards.

Please DO follow this part.

1). 大學管治國際論壇：競爭力之關鍵 (2012 年 2 月 21 日 -- 2 月 22 日) 演講重點分享
http://www.umac.mo/crtf/doc/SUMMARY_Chinese.pdf

2). 澳大修章工作小組主席在報章刊登的文章(二) (2012 年 2 月 8 日)
大學管治的改革趨勢
http://www.umac.mo/crtf/doc/news_chinese_2.pdf

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#Opinions expressed by the Students' Union of CUHK

*Newsletters refer to the 香港中文大學職員協會通訊