



**Submission to Hong Kong SAR Legislative Council Panel on Education
Special Hearing on the Newby Report 2015
June 18, 2016**

1. Overview

HKU Vigilance 港大警覺 is a staff group at the University of Hong Kong that advocates for institutional autonomy, academic freedom, and governance review.

We welcome the publication of the Newby Report and hope that its recommendations can inform discussion of governance reform in the UGC-funded universities in Hong Kong.

We endorse all 6 recommendations in the Report, but in this submission we will focus on those recommendations that are relevant to our concerns about the relation between good governance, institutional autonomy and academic freedom.

2. Institutional Autonomy & Academic Freedom – Underpinned by Good Governance

Newby affirms the core values of institutional autonomy and academic freedom within the Hong Kong higher education system and makes the crucial point that these values are “underpinned and protected by clear and effective governance of institutions” (p.1).

Newby notes that good governance matters because: “Robust accountability helps to guarantee university autonomy which, it seems, is positively correlated with overall performance on those measures (principally research output) where international comparisons can be made” (p.12). In other words, evidence shows that university autonomy, guaranteed through good governance, actually improves university performance, when measured in terms of research output.

Recent events in Hong Kong have undermined confidence in the capacity of current governance structures to effectively protect these values. We believe it is now time to introduce reforms that will restore both public confidence and the confidence of those who work and study in the sector.

Newby has identified a number of key areas for concern with suggested reforms. All of these recommendations are based on a commitment to “good conduct, transparency, and communication” (p.3).

3. Recruitment, Appointment, Induction of Council Members

If we accept the view that effective governing councils should comprise 20-30 members, of whom a little more than half should be external/lay members, an immediate question is how will those members, especially the external members, be chosen.

Newby notes that the current situation in Hong Kong is anomalous when compared to international practice. In other comparative countries “governing bodies are responsible for their own recruitment” and these appointments are made on the basis of “a skills template where the governing body itself seeks to ensure, on a flexible basis, that the mix of skills and experience on the governing body is one which is appropriate to the affairs of the university” (p.14).

In Hong Kong, in contrast, many such appointments are made directly by the Chief Executive, in his capacity as Chancellor, and are “often regarded as a civic honour” (p. 20). This means that councils often lack the requisite expertise and, importantly, are unable to maintain “a healthy arm’s length relationship between the world of higher education and the world of political affairs” (p.15). We agree that the current arrangement, whereby the Chief Executive is the Chancellor, leads to an unhealthy relationship between politics and the universities. In line with Newby’s recommendations, we therefore suggest that university Chancellors should be purely ceremonial, non-political figures.

Newby recommends that individual councils, through an appointments sub-committee, should appoint their own external members, in accordance with an established skills template. We support this recommendation.

Newby further notes that when external members are appointed they currently receive insufficient training to familiarise themselves with the realities of higher education in the 21st century. He recommends that both the UGC and individual institutions should provide appropriate regular training for all members of university governing councils.

We endorse the recommendation that councils themselves should appoint all of their own external members through appropriately established sub-committees with regard to an agreed skills template. We believe this is the single most important reform that would guarantee appropriate institutional autonomy and, therefore, academic freedom.

4. Delegation

Newby notes the importance of maintaining good practice in establishing internal sub-committees of councils, since these sub-committees play a

crucial role in governance. This must be done in a way that is transparent both to council members and to the university community.

We endorse Newby's recommendation that "all councils review from time to time how far their own schemes of delegation are fit for purpose" (p.18). Sub-committees "should have clear terms of reference, criteria of membership, and, crucially, clear mechanisms for reporting back to council under a scheme of delegation" (p.31).

In our experience, this has not always been the case at HKU. If councils are to take responsibility for appointing all their own external members through a nominations sub-committee, this need would become even more urgent.

5. Code of Practice

Newby considers the possibility of institutions in Hong Kong adopting a voluntary Code of Practice. Such a code would not only codify current practice, but would also act as "a point of reference for the proper conduct of university affairs and as a clear statement of the irreducible duties and responsibilities of the governing body" (p.34).

We believe that such a code could provide a helpful point of reference for individual institutions in developing their own more detailed codes. As Newby notes, this would provide "a useful reassurance for external stakeholders that good governance is being taken seriously in the institution" (p.34).

6. Additional Issues

Two additional issues which have not been considered by the Newby report should, we believe, be taken into consideration by the Legco Education Panel.

First, at all the Universities in Hong Kong there is a glaring gender imbalance throughout the professoriate ranks, but especially at the higher levels (Professors, Heads, Deans, Senior Management). This is a problem that needs to be acknowledged and addressed at every level, but especially at the highest levels of University governance. The principle of gender balance should be enshrined in the founding principles of all Universities in Hong Kong.

Second, the current mandatory retirement age of 60 has serious consequences for academic freedom. Since staff members begin to apply for extension beyond retirement age at age 55, there is in effect only a very few years when it is 'safe' for them to express opinions or engage in research that may displease their employers. We believe this policy should be brought into line with international practice both on grounds of good policy and to more robustly protect academic freedom.

HKU Vigilance: hkuvigilance@hku.hk

Convenor (Professor Timothy O'Leary): teoleary@hku.hk