

立法會
Legislative Council

LC Paper No. CB(2)486/99-00

(These minutes have been
seen by the Administration)

Ref : CB2/PL/ED

LegCo Panel on Education

Minutes of Meeting
held on Monday, 17 May 1999 at 4:30 pm
in the Chamber of the Legislative Council Building

- Members Present** : Hon YEUNG Yiu-chung (Chairman)
Prof Hon NG Ching-fai (Deputy Chairman)
Hon Mrs Selina CHOW LIANG Shuk-ye, JP
Hon CHEUNG Man-kwong
Hon LEUNG Yiu-chung
Hon SIN Chung-kai
Hon Andrew WONG Wang-fat, JP
Dr Hon YEUNG Sum
Hon Emily LAU Wai-hing, JP
Hon CHOY So-yuk
Hon SZETO Wah
- Member Attending** : Hon Howard YOUNG, JP
- Public Officers Attending** : Item III
Ms Michelle LI
Principal Assistant Secretary for Education and Manpower (1)
Mr K C NG
Assistant Director of Education (Information Systems)

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Mr CHAN Chung-yi
Deputy Controller (2), Student Financial Assistance Agency

Mr Nigel FRENCH
Secretary-General of University Grants Committee

Mrs Eva POON Scott
Deputy Secretary of Hong Kong Examination Authority

Item IV

Mr J W P WONG, JP
Secretary for Education and Manpower

Mr Philip CHOK
Deputy Secretary for Education and Manpower (1)

Ms Michelle LI
Principal Assistant Secretary for Education and Manpower (1)

Mr Nigel FRENCH
Secretary-General of University Grants Committee

**Attendance by :
Invitation**

Item III

City University of Hong Kong

Mrs YU CHAN Wan-kam
Associate Director of Computing Services Centre

Hong Kong Baptist University

Mr Joseph LEUNG
Director of Computing and Telecommunications Services Centre

Lingnan College

Mr Rosiah HO
Manager, Technical Support Group

The Chinese University of Hong Kong

Dr Stanislaus HU Yung-chi
Director, Computer Services Centre

The Hong Kong Institute of Education

Mr Victor CHENG
Head of Information Technology and Services Office

The Hong Kong Polytechnic University

Mr Richard LI
Director of Information Technology Services

The Hong Kong University of Science & Technology

Mr Peter CHOW
Internal Auditor

The University of Hong Kong

Dr NG Nam
Director of Computer Centre

Item IV

Staff Associations of tertiary education institutions

University Reform Action Group

Ms P M F LEUNG
Vice-convenor

Mr H M WONG
Member

Academic Staff Association of the University of Hong Kong

Dr C W CHAN
Chairman

Mr W S SZE
Vice-Chairman

Non-academic Staff Association of the University of Hong Kong

Mr Stephen CHAN Chit-kwai
Chairman

Dr Pierre SZETO Kit
Vice-Chairman

The Teachers' Association of the Chinese University of
Hong Kong

Prof CHANG Song-hing
President

Prof KWAN Hoi-shan
Chairman

Prof SHUM Kar-ping
Council Member of CUTA

The Staff Association of the Chinese University of Hong Kong

Mr Aaron W Y LI
President

Mr MAN Yiu-mo
Vice President

The Hong Kong University of Science & Technology

Ms Helen CHAN
University Ombudsman

Mr King CHENG

Polytechnic University Staff Association

Mr LO Terence
Chairman

Ms WONG Colleen
Vice-chairman

City University of Hong Kong Staff Association

Dr David MOLE
Chair

Prof Joseph LAI
Vice-Chair

Hong Kong Baptist University Staff Association

Dr Jack C K CHAN
Representative

Lingnan College Staff Association

Ms Klare NG Kit-yee
Chairperson

Dr LI Pang-kwong
External Vice-Chair

Association of Lecturers at the Hong Kong Institute of Education

Mr WONG Ping-ho
President

Mr Derek SANKEY
Hon Assistant Secretary

Representatives of the governing bodies of UGC-funded tertiary education institutions

City University of Hong Kong

Mr Norman LEUNG Nai-pang, OBE, JP
Council Chairman

Prof Y S WONG
Vice-President for Institutional Advancement

Mr C Y YIP
Director of Human Resources

Mr MAK Hoi-wah
Council Member

Hong Kong Baptist University

Mr Moses CHENG
Chairman, University Council

Dr M H MOK
Vice-President (Administration) & Secretary

Mrs Karen CHAN
Director, Personnel Office

Lingnan College

Dr CHIU Hin-kwong
Chairman of Board of Governors and Council

Mr Joseph PANG Yuk-wing
Deputy Chairman of Board of Governors and Council

Mr K K LI
Director of Administration

Mr Timothy HA Wing-ho
Member of Board of Governors and Council

The Chinese University of Hong Kong

Dr Thomas CHEUNG
Council Member

Mr Jacob LEUNG
Secretary of the University

Mrs Sophie LAU
Director of Personnel

The Hong Kong Institute of Education

Mr Simon S O IP, JP
Chairman of the Council

Dr Thomas K F LEUNG, JP
Deputy Chairman of the Council

Ms Maggie M K KOONG
Council Member

Mr Norman W Y NGAI
Associate Director (Resources & Administrative Services)

The Hong Kong Polytechnic University

Dr Sir Gordon Y S WU
KCMG, Chairman of Council

Prof E J HEARN
Vice President (Planning)

Mr Alan LI
Director of Personnel

The Hong Kong University of Science & Technology

Dr Steven POON
Vice-Chairman of Council

Prof Leroy CHANG
Vice-President for Academic Affairs

Mrs Alice FOK
Director of Personnel

The University of Hong Kong

Dr Philip WONG
Member of Council

Prof K M CHENG
Pro-Vice-Chancellor (Staffing)

Ms Judy CHUNG
Acting Head, Staffing

Mrs Rebecca CHING
Assistant Registrar (Appointment)

Clerk in Attendance : Mrs Constance LI
Chief Assistant Secretary (2) 2

Staff in Attendance : Mr Stanley MA
Senior Assistant Secretary (2) 6

I. Confirmation of minutes of meetings and matters arising
[LC Paper Nos. CB(2)1973/98-99 and CB(2)1974/98-99]

The minutes of the meetings held on 18 January 1999 and 12 February 1999 were confirmed.

II. Date of next meeting and items for discussion
[Paper No. CB(2)1940/98-99(01) and (02)]

2. Members agreed to discuss the following items at the next regular meeting scheduled for 21 June 1999 -

- (a) Benchmark qualification for English language teachers;
- (b) Policies on integrated education and the outcome of the 2-year pilot scheme; and
- (c) Report of the Subcommittee on facilities in special schools for physically handicapped children.

III. Progress of Year 2000 (Y2K) compliance exercise in Government, Government-funded and Government-regulated organizations
[Paper No. CB(2)1940/98-99(03)]

3. Mr CHEUNG Man-kwong expressed concern that the progress of Year 2000 (Y2K) compliance in certain departments, government regulated

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organizations and University Grants Committee-funded (UGC-funded) tertiary education institutions appeared to have lagged behind other departments. According to the Annex of the Administration's paper, the non-compliance percentages of mission-critical computer and embedded systems in these organizations as at 15 April 1999 were relatively high: Hong Kong Examinations Authority (42%), Lingnan College (41%) and Chinese University of Hong Kong (32%). Given that most Government bureaux and departments had aimed at completing the Y2K compliance exercise in June 1999, Mr CHEUNG enquired about the plan of the Administration and those organizations in question to speed up the progress of Y2K compliance.

4. Principal Assistant Secretary for Education and Manpower (PAS for EM) said that the Administration had attached importance to the progress of Y2K compliance within government and non-government organizations providing essential services to the public. A Steering Committee on Year 2000 Compliance under the chairmanship of Secretary for Information Technology and Broadcasting had been established to closely monitor the progress. In this connection, non-government organisations in the education sector including UGC-funded tertiary education institutions were required to submit monthly progress reports on Y2K compliance to the Education and Manpower Bureau (EMB) for onward transmission to the Steering Committee. According to the work schedules of UGC-funded institutions, they would complete Y2K compliance exercises and the contingency plans by the end of September 1999.

5. Responding to Mr CHEUNG, Dr HU of the Chinese University of Hong Kong (CUHK) clarified that in tertiary education institutions, Y2K compliance of computer systems would mean that the systems had been rectified successfully, passed all necessary tests and put back in normal operation with an appropriate contingency plan in place. The systems in CUHK would be Y2K compliant around July-August 1999, but a cushion period of two months had been allowed to resolve any unforeseen operational irregularities which might emerge when the rectified computer systems resumed real-life operation. The target date of Y2K compliance was therefore set at September 1999.

6. Mr HO of the Lingnan College (LC) explained that their systems were scheduled to be upgraded in June 1999. For cost-effectiveness, the Y2K rectification work for the remaining 13 non-compliant computer systems were included as part of the upgrading work and scheduled to be carried out in June 1999.

7. Assistant Director of Education (Information Systems) (ADE(IS)) said that Education Department (ED) had completed the rectification work for most computer systems in ED including the School Administration and Management System. Rectification of the remaining four computer systems was in progress and should be completed before end June 1999. These systems were for

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maintaining records of students requiring remedial services or attending special schools, and administrative records for the Mortgage Interest Subsidy Scheme and the Pay List of the Provident Fund System.

8. Mrs Selina CHOW asked whether EMB had differentiated mission-critical systems from the less important systems so that priority could be given to those important systems in the Y2K compliance exercise.

9. PAS for EM responded that the Administration's paper only included the important or mission-critical systems. The returns from the institutions indicated that these institutions had given priority to the mission-critical systems. For those systems which were still under rectification, some institutions had set up special task forces to monitor progress and formulate contingency plans to ensure continuity of services in the run up to the new millennium. She assured members that EMB was closely monitoring the progress of Y2K compliance in these institutions. At the request of Mrs Selina CHOW, PAS for EM undertook to provide a further progress report to the Panel on the progress made by individual UGC-funded tertiary education institutions and other organisations under the purview of EMB. Secretary-General of University Grants Committee (SG/UGC) supplemented that monthly reports were already submitted to the Steering Committee on Y2K Compliance and the June report could be provided to the Panel.

Adm

10. The Deputy Chairman enquired whether the eight UGC-funded tertiary education institutions shared their experience when planning and implementing Y2K compliance programmes. SG/UGC informed members that the Joint University Computer Centre (JUCC) had conducted a technical study on Y2K compliance for all centrally managed information technology systems and had submitted an application on behalf of the UGC-funded institutions in late 1997. A commitment of \$56.26 million had been approved by the Finance Committee for the rectification works required.

11. Dr NG of the University of Hong Kong, in his capacity as Director of JUCC, supplemented that JUCC had been co-ordinating the provision of resources and sharing of experience on Y2K compliance among UGC-funded institutions since end of 1997. Y2K progress was regularly discussed in their monthly meetings. He said that the most complicated task in the institutions was to ensure Y2K compliance in the campus computer networks and the administrative applications systems.

12. Given the availability of computer experts in universities, Mr SIN Chung-kai said that he had high expectations on the tertiary education institutions in the Y2K compliance exercise, hoping that the universities could set an example for other organisations to follow. However, he was rather disappointed with the low compliance percentages of UGC-funded institutions as shown in the

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Administration's paper. SG/UGC responded that while there were computer experts in local universities, the problem mainly lay in the external suppliers because the various packages and programmes acquired for use by the universities were not Y2K compliant according to the industry standards at that time.

13. Dr HU of CUHK stressed that the universities adopted a stringent definition of Y2K compliance based on the definition of the British Standards Institution. Substantial progress had actually been made in most of the systems although the rectification work of some other systems might have to be completed later. He assured members that those systems which had passed the Y2K compliance tests were 100% Y2K compliant and had already been implemented back into the production environment even though contingency plans would soon be in place.

14. Referring to ADE(IS)'s earlier remarks about the Provident Fund System in paragraph 7, Mr LEUNG Yiu-chung asked whether the payments of staff provident funds would be affected. ADE(IS) replied that the rectification work only involved changing the listing of calendar years from two-digits to four-digits. He assured members that payments of provident fund would not be affected.

Adm

15. The Chairman thanked representatives of the Administration and the institutions for attending the discussion and requested a further progress report on Y2K compliance in June.

IV. Supervision of the administration of UGC-funded tertiary education institutions including staff recruitment and administration of employment contracts

16. The Chairman informed members that discussion of this item would be in two parts: the Panel would discuss with representatives of the staff associations in the first part, and with representatives of the governing bodies of UGC-funded institutions in the second part. Members noted that representatives of the Administration were in attendance to respond to questions raised by members.

Meeting with representatives of staff associations

17. At the invitation of the Chairman, representatives of 11 staff associations of the UGC-funded institutions presented their views on the administration of their institutions.

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University Reform Action Group (URAG)
[Paper No. CB(2)1940/98-99(04)]

18. With the aid of transparencies, Dr C W CHAN of University Reform Action Group (URAG) highlighted the following concerns in his written submission -

- (a) the absence of an appeal mechanism to deal with termination of employment and renewal of employment contracts in tertiary education institutions;
- (b) the lack of monitoring over the administration of UGC-funded institutions; and
- (c) the absence of procedures for the selection and appointment of President/Chancellor and members of the governing bodies.

19. Dr CHAN quoted some recent cases concerning termination of contract and retirement of teaching staff in tertiary education institutions. To ensure a fair, open and consistent system for the administration of employment contracts and proper utilization of resources in UGC-funded institutions, URAG proposed that the following measures be adopted -

- (a) establishment of an independent Appeals Council comprising members of public standing, staff and management representatives to deal with complaints and grievances from staff of the UGC-funded institutions;
- (b) establishment of an Administration Committee under the respective governing councils of the tertiary education institutions to study and advise on important policies concerning academic development, resource allocation and conditions of appointment; and
- (c) establishment of a Selection Committee for the appointment of President, Chancellor and members of the governing councils.

20. Dr CHAN also suggested that the Panel might consider whether a subcommittee should be set up to study the issues in detail.

Academic Staff Association of the University of Hong Kong

21. Mr W S SZE representing the Association expressed support of the views of URAG. He considered that URAG's suggestions would help solve the problems in tertiary education institutions.

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Non-academic Staff Association of the University of Hong Kong
[Paper No. CB(2)2012/98-99(02)]

22. Members noted that the Association had tabled its submission at the meeting. Mr Stephen CHAN representing the Association raised four major concerns as follows -

- (a) the Non-academic Staff Association was not represented on some important committees such as the Council and Committee on General Affairs of the university;
- (b) the Chancellor should delegate sufficient authority to his deputy to carry out effective dialogue with the staff;
- (c) the management staff concerned should not deal with appeals lodged by staff; the appeals board should comprise representatives from amongst staff or independent members; and the appeals board should also deal with cases involving contract and probationary staff; and
- (d) there should be internal guidelines that the number of contract staff should not exceed a fixed ratio of the staff establishment to provide stability and job security to staff.

The Teachers' Association of the Chinese University of Hong Kong
[Paper No. CB(2)1940/98-99(05)]

23. Professor SHUM Kar-ping representing the Association highlighted the following concerns in the written submission -

- (a) there should be an appeal mechanism comprising independent members to deal with appeals and complaints to increase the transparency and fairness of the administration of employment contracts;
- (b) there should be uniform procedures for termination of employment contract, staff appointment and staff retirement, specifying the criteria and steps required before decision-making;
- (c) there should be better use of local talents and the number of contract staff should not exceed a certain ratio; and
- (d) there should be a system to evaluate the performance of Chancellors and Vice-Chancellors including their abilities to put resources to maximum use.

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The Staff Association of the Chinese University of Hong Kong

24. Mr Aaron LI of the Association supported Professor SHUM's proposals to enhance transparency and fairness of the performance assessment system.

The Hong Kong University of Science and Technology

25. Ms Helen CHAN of the University said that her staff were considering forming a staff association and the reason of attending the Panel meeting was to learn from the experience of other institutions. She welcomed views from other universities and Panel members on the supervision of administration in UGC-funded institutions.

Polytechnic University Staff Association

[Paper No. CB(2)1940/98-99(06)]

26. Mr Terence LO of the Association referred members to the written submission. He stressed that in view of the budget cuts, contract staff were worried about non-renewal of contract, particularly when the authority for contract renewal rest with the department heads. In the absence of a fair and open appeal mechanism to deal with matters relating to the administration of employment contracts, contract staff would be inhibited from expressing their views for fear of being victimized by management. This would hamper the academic development, the sense of social responsibility and critical thinking in universities.

City University of Hong Kong Staff Association

27. Dr David MOLE said that the Association had yet to consult its members on their views concerning supervision of the administration of tertiary education institutions. He said that there were adequate checks and balances in the committee structure of the City University of Hong Kong for dealing with staff administration and employment matters. He stressed that it was critical for universities to maintain their autonomy and that there should be detailed consultation with universities and concerned parties on the division of responsibilities among Government, UGC Secretariat and the Legislative Council (LegCo) should there be a policy change concerning the supervision of UGC-funded institutions.

Hong Kong Baptist University Staff Association

28. Dr Jack CHAN of the Association said that his teaching colleagues were well aware of the community expectation on tertiary education and the need to provide quality education within financial constraints. Nonetheless, a fair, objective and open system for performance evaluation and appeals would boost

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staff morale and enhance productivity. He hoped LegCo Members could assist the universities to develop a proper and consistent appeal system in this respect.

Lingnan College Staff Association

[Paper Nos. CB(2)1940/98-99(07) and (09)]

29. Members noted that the Association had provided a detailed submission. Dr LI Pang-kwong representing the Association supported the need for an open and effective mechanism to supervise the administration of UGC-funded institutions. In this connection, the Association made the following suggestions -

- (a) inclusion of Legislative Council Members in the governing bodies of UGC-funded institutions;
- (b) enhanced transparency in the appointment of Chancellors/Presidents and publication of attendance records of members of the governing bodies of UGC-funded institutions;
- (c) inclusion of elected staff members in the governing councils and its standing committees; and
- (d) enlarging the functions of the appeals mechanism for contract termination to include other personnel decisions such as promotions.

30. In general, Dr LI supported enhanced transparency and staff participation in staff administration. He also welcomed URAG's suggestion of further discussion by a task force under the Panel to assist development of tertiary education and effective use of public money.

Association of Lecturers at the Hong Kong Institute of Education

[Paper No. CB(2)1940/98-99(08)]

31. Mr WONG Ping-ho said that there were three elected staff members in the governing council but they were acting in their personal capacity rather than as staff representatives. To enhance accountability and transparency of the deliberation of council business, the Association had made the following proposals -

- (a) to facilitate consultation within faculties and departments, all agenda items, resolutions and minutes of meetings of the Council of Hong Kong Institute of Education (HKIE) should be non-confidential except for matters related to personal privacy or upon instruction of the Chairman;

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- (b) there should be representatives from the Staff Association on the Staff Selection and Review Sub-committee, and the appellant should be allowed to bring a "friend" to attend the hearing; and
- (c) an independent appeal mechanism should be put in place to deal with complaints and grievances from staff in all UGC-funded institutions.

Discussion

32. The Chairman then invited members to raise questions on the views expressed by representatives of the staff associations.

33. Mr CHEUNG Man-kwong referred to a statement made by the Secretary for Education and Manpower (SEM) before the meeting that the latter did not receive any complaints from staff of UGC-funded institutions regarding staff administration. He asked whether the staff representatives present at the meeting would agree with SEM's statement. Dr C W CHAN of URAG said that he had dealt with about seven or eight appeals concerning staff employment. Mr WONG Hak-ming of URAG said that he had written to the Chief Executive about his case and SEM should be aware of the correspondence over his appeal. Professor SHUM of the Chinese University remarked that no appeal was addressed to SEM probably because the staff did not know that SEM would deal with staff appeals. Concerning the statistics of the UGC Secretariat that only two complaints had been received in the past 12 months from staff who considered their service had been terminated on unreasonable grounds, Secretary General of UGC Secretariat (SG/UGC) confirmed that the figures were provided by the institutions themselves.

34. Responding to Mr CHEUNG Man-kwong's enquiry about the proposed appeal mechanism, Dr C W CHAN of URAG stressed that the system must be open and fair and that those staff/council members involved in making the original decision should not deal with the appeal.

35. Ms Emily LAU expressed concern about remarks made by some representatives that some teaching staff in universities had refrained from expressing their views in fear of losing their jobs. Professor Joseph LAI of the City University responded that the case of Mr WONG Hak-ming was very complicated and it might not be appropriate to discuss individual cases at this forum.

36. Ms Emily LAU asked the staff representatives present whether they considered the present system effective in supervising the administration of UGC-funded institutions. Dr C W CHAN of URAG said that the system of the University of Hong Kong would need improvement and quoted a case in which the Senate failed to discuss an issue which was directly forwarded to the Council for a

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decision. Dr Jack CHAN of the Baptist University was of the view that each university might have its own system and it would be inappropriate to generalize the criticism. As an elected Council member, he considered the consultation mechanism in the Baptist University adequate, as reflected in the recent staff consultation on staff provident fund. Nevertheless, he accepted there was still room for improvement in the system. Dr LI Pang-kwong of Lingnan College agreed with Dr Jack CHAN that many Council members performed their duties diligently and conscientiously. However, he suggested that Government might have to review the appointment of some members who were often unable to attend Council meetings due to their other commitments.

37. Mr SZETO Wah asked the staff representatives whether they considered that the appeal system should cover non-renewal of contracts. He was of the view that there should be established procedures to deal with non-renewal of contracts, such as issue of warnings and investigation of appeals. Mr Stephen CHAN of the University of Hong Kong said that there were procedures for renewal of fixed term employment contracts in his university but no procedures existed for appeals against non-renewal of contracts. Dr SZETO Kit added that while contract terms were necessary for management flexibility, there should only be a reasonable proportion of contract staff. Mr Terence LO of the Polytechnic University said that as no reason needed to be given for non-renewal of contracts, the department heads should be cautious in exercising their authority in this respect. Professor SHUM of the Chinese University referred to the United States model and commented that tenure after a period of evaluation or probation would be beneficial to the long-term development of universities. SG/UGC responded that the desirability of tenure had become increasing questionable and many institutions were now against preserving the tenure policy for all teaching staff in tertiary education institutions.

38. Responding to Mr SZETO Wah's enquiry about setting an official retirement age for staff in UGC-funded institutions, SG/UGC said that there was no statutory retirement age in the legislation governing the universities which could set their own rules on retirement age and extension of service.

39. The Chairman thanked representatives of the staff associations for attending the discussion.

Meeting with representatives of the governing bodies of UGC-funded institutions and the Administration

[Paper No. CB(2)1940/98-99(10)]

40. The Chairman welcomed representatives of the Administration and representatives of the governing bodies of the eight UGC-funded institutions. At the invitation of the Chairman, SEM briefed members on the Administration's

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paper [Paper No. CB(2)1940/98-99(10)]. SEM highlighted the following considerations in the supervision of the administration of UGC-funded institutions -

- (a) UGC-funded institutions were statutory autonomous bodies governed by the respective ordinances. The Government respected the autonomy of these institutions and would not interfere with their internal administration including staff matters. However, these institutions were also subject to the regulation of other legislation such as the Employment Ordinance and anti-discrimination ordinances, as well as the supervision of UGC Secretariat, Audit Commission and Independent Commission Against Corruption, etc.
- (b) The composition of the governing bodies and appointment of members were stipulated in the respective governing ordinances, which were based on the education objectives and historical development of individual institutions. The Government had no intention to interfere with or change the composition of these governing bodies at the present stage.

Appeal mechanism

41. Mr CHEUNG Man-kwong expressed much concern about the effectiveness of the appeal mechanism in UGC-funded institutions. He said he had received views of several staff members of these institutions concerning their dissatisfaction over the appeal system for non-renewal of contract and retirement matters in the past two weeks. Mr CHEUNG referred members to paragraph 4 on the Staff Appeals and Grievance Procedures of the Polytechnic University [Enclosure 1 to Annex (6) to Paper No. CB(2)1940/98-99(10)] which stated that an appeal or complaint should be submitted in writing to the Head of Department even if the latter was a subject of complaint. He also quoted the procedures in the City University at Annex A(1) to the Administration's paper that the decision of whether an appeal authority would be made by the President. In this connection, Mr CHEUNG expressed serious reservations about the impartiality of the appeal mechanism if it could only be activated after vetting by the management in most circumstances. The requirement for a Head of Department or the President to be involved in the screening of an appeal would also cast doubt on the objectivity of the appeals system.

42. SEM responded that individual institutions could formulate their own procedures for handling complaints and appeals. He reiterated that it would be inappropriate for Government to interfere with the appeal procedures or individual staff appointments in universities in view of their autonomous status. In this connection, he would encourage staff to discuss with the university management the establishment of a fair and open appeals mechanism. If a staff member was dissatisfied with the outcome of an appeal, he/she could seek judicial review.

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43. Mr CHEUNG Man-kwong was of the view that there should be elected staff representatives in the governing bodies to deal with staff appeals so that the aggrieved staff needed not resort to the media or the court for a fair hearing. He pointed out that litigation was costly and most staff members of the university would not be eligible for legal aid. In view of the representation of staff associations, he hoped the Administration could review its position and advise UGC-funded institutions on the formulation of an effective and objective appeals and grievance procedure. He considered that the President, or Vice-Chancellor of some universities had been given too much power in staff dismissal and activation of the appeals mechanism.

44. Dr Sir Gordon WU of the Polytechnic University responded that he was not aware of staff dissatisfaction about the appeals procedure as mentioned by Mr CHEUNG Man-kwong. He said that the requirement for a written complaint to be made through the Head of Department was only to facilitate the process of data verification. If the Head of Department was a party to the complaint, he should refrain from participating in the proceedings. He informed members that in the past academic year, the Appeals and Grievance Committee of the Polytechnic University had only received one appeal from staff. He stressed that the Polytechnic University had a well-established mechanism with adequate checks and balances for handling staff complaints and appeals.

PolyU

45. In view of Dr WU's comments, Mr CHEUNG requested Dr WU to follow up with the Polytechnic University to incorporate in the appeals procedure the requirement for a management member to refrain from dealing with the complaint if the latter was a party to the complaint. In this connection, SG of UGC Secretariat said that paragraph 5 of the Staff Appeals and Grievance Procedures of the Polytechnic University had provided for exceptions so that a written complaint could be forwarded directly to the Faculty Dean. Mr CHEUNG pointed out, however, that the exceptional circumstances only referred to allegations of corruption, physical harassment or assault to which the Head of Department was a party. Mr CHEUNG therefore urged the Administration and the institutions to give serious consideration to the views and suggestions of the staff associations in relation to the appeals procedures.

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46. In response to Mr CHEUNG Man-kwong, Dr Sir Gordon WU of Polytechnic University said that it was important for universities to retain the best teaching staff in order to provide quality education to our next generation. At the same time, universities also faced other changes in curriculum development and resource allocations. To meet these demands, the universities had developed fair and reasonable mechanisms for evaluating staff performance and dealing with staff complaints and appeals. Under the current mechanism, the President only played a part in the appeals mechanism and he could not dominate the decision of other parties. Professor HEARN considered the present mechanism satisfactory and

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his preliminary view was that an Appeals Council as suggested by URAG would not be necessary. Mr Alan LI added that the present design of the appeals mechanism was to facilitate conciliation, in order to save time and resources in dealing with appeals. However, a complainant could still bring his/her case to the Appeals and Grievance Committee if not satisfied with the President's decision.

47. Mr CHEUNG noted that the appeals mechanism in some UGC-funded institutions did not deal with matters relating to non-renewal of contracts. For example, contract staff represented about 60% of the staff establishment of the Polytechnic University; its appeals mechanism should therefore also include contract renewal matters. Mr Alan LI of the Polytechnic University responded that the present arrangement was based on the concept that contract renewal should not be regarded as automatic. So far there had only been four non-renewal cases and the decision was arrived at after careful consideration of the President and the relevant committees.

48. Noting that the University of Science and Technology was the only UGC-funded institution without a staff association, Mr CHEUNG Man-kwong inquired about the appeals procedures in the institution and whether its staff recruitment boards included staff members. In response, Dr Steven POON of the University of Science and Technology said that staff associations were to be formed by the staff themselves, and the university would not participate in the process. Professor Leroy CHANG supplemented that there were well-defined systems at three levels (i.e. department, school and university) for staff appointment and performance reviews in the University. Staff assessment was normally based on their performance in teaching, research and other services. Appeals could be made to the committee at the department or school levels, or to the Vice-President for academic affairs as appropriate. Further appeals could be made to the committee at the next higher level, and the decision of the University Appointments and Substantiation Committee (or the ad hoc Appeals Committee formed to hear the appeal) would be final. He said that the University Appointments and Substantiation Committee had reviewed 166 cases, of which 20 were denied; for the 20 denied, 6 had appealed and 2 of them had the decision upheld. Professor CHANG stressed that the existing appeal mechanism was fair and reasonable.

49. Mr MAK Hoi-wah of the City University said that as an elected council member, he personally received complaints and sought discussion of these cases at Council meetings. He considered that there should be a more representative appeal mechanism comprising staff members and greater transparency in its operations.

50. Referring to the case of Mr WONG Hak-ming quoted by URAG, Mr Norman LEUNG of the City University said that the decision was made after very detailed examination by the administration committee under the University

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Council. An independent member had been appointed to investigate the case and report to the administration committee. The latter had discussed the report and reviewed the case before making the decision. He said that the University welcomed views and suggestions for further improvement of its systems. For example, the University had set up a committee to follow up Mr MAK Hoi-wah's suggestions on the award on honorary degrees. Mr C Y YIP further elaborated the appeals procedures relating to disciplinary matters in the City University. He said that the Human Resources Department would try to conciliate on receipt of a complaint, and if such efforts failed, the case would be referred to the Staffing and Conditions of Service Committee for setting up a disciplinary board. The disciplinary board would comprise staff representatives, independent members and academic staff. The staff member concerned would then have the chance to make representation, attend the hearing with a "friend" and comment on statements/reports made by the other party. The investigation report would be submitted to the President. If the staff member was dissatisfied with the decision of the disciplinary board, he/she could appeal to the President for a final decision. Mr YIP stressed that the existing appeals system was already very comprehensive and representative.

51. Dr CHIU of Lingnan College informed members that a standing Appeals Committee had been established following a complaint in 1994. It was chaired by a council member and comprised members from outside the Staffing Committee. The President had no vote in the Appeals Committee although he was a member. Dr CHIU said that since the establishment of the Appeals Committee, there had not been unresolved disputes on employment-related matters in Lingnan College.

52. Mr Jacob LEUNG of the Chinese University said that the performance assessment and appeals systems were developed after consultation with the two staff associations. The Administrative and Planning Committee would carefully consider each case on termination of employment, and the staff member concerned could make representation and bring a friend to attend the hearing before the Committee. The staff member could also appeal to the Vice-Chancellor against the decision of the Committee and the Committee report would then be forwarded to the University Council for a final decision. Mr LEUNG considered the present consultation and appeal mechanism effective.

Statistics on staff resignation and retirement

53. Professor Y S WONG of the City University pointed out that there had been inaccurate press reports on the number of retirements in the City University. He clarified that the number of "resignations" had been misquoted as "retirement". Mr CHEUNG Man-kwong and Ms Emily LAU said that the information was based on the Administration's written reply to a question at the special Finance Committee meeting. In this connection, SG-UGC apologized for an error in the

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Chinese translation of the Administration's reply to a question on the subject for the special Finance Committee meeting on 19 March 1999. He confirmed that the 34 cases of "retirement" in the City University should read 34 cases of "resignation".

Operation of the governing bodies of UGC-funded institutions

54. Ms Emily LAU expressed concern about the lack of transparency in the operation of the governing bodies of UGC-funded institutions. Mr CHEUNG Man-kwong also asked whether there were elected staff members in the governing councils and the appeals mechanisms of these institutions.

55. Mr Simon IP of Hong Kong Institute of Education responded that the Council of the Institute was now reviewing whether its agenda and documents could be made non-confidential as suggested by the elected staff members. He explained that the current arrangement of making the items confidential was to prevent unauthorized release of information to the public before the Council had the chance of discussing the papers. He added that the Council already included three elected staff representatives, three nominated members from the academic board and one students' representative. There had been adequate communication between the council and staff representatives, and the systems had operated well.

56. Mr Norman LEUNG of the City University said that the Council of his university was very transparent. Apart from two elected staff members, the President of the Students Union was ex-officio member of the Council. The Council papers were passed to all members for discussion and consultation with staff and students. Moreover, the deliberations and decisions of the Council were also published in the institution's newsletter "Linkage". Mr MAK Hoi-wah added that as an elected staff member of the Council, he would welcome greater transparency of Council papers and agenda items for staff consultation. For example, some staff had suggested discussion of the conferment of honorary degrees. He also welcomed Mr Norman LEUNG's views that there would be more consultation on Council business.

57. Dr CHIU Hin-kwong of Lingnan College said that there was high transparency of the deliberations of the Board of Governors which included three elected members from the academic board and one member from the College alumni. All members of the Board were provided with papers before the meetings unless the member had direct conflict of interest in the agenda item. He stressed that Board members had a high attendance record, and that the deliberations and outcome of Board meetings were published in the College newsletter.

58. Professor CHENG Kai-ming of the University of Hong Kong informed members that the Council of the University had frequent dialogue with staff

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associations. The University would welcome discussion with LegCo Members on improvements required. He remarked that as a public-funded organisation, the University was accountable to the community, rather than individual staff members, for the provision of quality tertiary education and cost-effective services to the community. He said that as university administration had become increasingly complicated, the university management often shared their experience with overseas universities on ways to improve effectiveness in fulfilling their social responsibilities.

59. Mr Jacob LEUNG of the Chinese University stated that the University Council had adequate consultation with the two staff associations and that effective communication had contributed to the harmonious relationship between the University Council and staff.

UGC-funded
institutions

60. Ms Emily LAU suggested that the records or minutes of meetings of the governing bodies should also be made open to staff and the public. She also asked the UGC-funded institutions to provide attendance records of individual members of their governing bodies in the past two years.

61. Dr Steven POON of Hong Kong University of Science and Technology responded that the overall attendance rate of Council members was about 76.3% in 1998-99 academic year. He undertook to relay Ms LAU's concerns to the Council for consideration.

62. Mr Moses CHENG of Baptist University agreed to relay to the Council Ms LAU's request for individual members' attendance records. As regards internal communication, Mr CHENG and Dr M H MOK said that effective consultation mechanisms were in place but further improvements could be considered by their Council.

63. Professor E J HEARN of Polytechnic University reported that the overall attendance rates of Council members ranged from 62% to 75% in the previous four academic years, while that of individual members ranged from 50% to 82%.

64. Given the autonomous status of UGC-funded institutions, Mr LEUNG Yiu-chung inquired whether Government considered it had a role in supervising the administration of UGC-funded institutions. As the governing councils of these institutions now comprised mostly of appointed members, Mr LEUNG urged for the provision of more elected members in these councils and greater transparency of council papers. Mr SZETO Wah also called for enhanced accountability of the university councils, emphasizing that university autonomy was not in conflict of equity and accountability, and that university education should aim at upholding social justice.

65. In response, SEM reiterated that while UGC-funded institutions enjoyed

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autonomy in their internal administration, they were still subject to the provisions in their governing ordinances, as well as other conditions in resource allocations and other sanctions. The Government's primary role in the supervision of these institutions was to ensure proper allocation, and optimum utilization, of resources for the provision of quality tertiary education. In this respect, tertiary education institutions were given flexibility in their administration to achieve these objectives. With regard to URAG's suggestion of an Appeals Council, SEM said that as institutions were governed by their respective ordinances, he had doubts on the practicability and usefulness of establishing an inter-institution council to deal with internal staff administration matters of all tertiary education institutions. Nevertheless, he undertook to seek the views of the UGC-funded institutions on the proposals and to provide a consolidated written response to the Panel.

66. The Chairman thanked representatives of the Administration and the governing councils for attending the discussion.

The way forward

67. Members then discussed the approach to follow up the supervision of the administration of UGC-funded institutions. Ms Emily LAU and Mr CHEUNG Man-kwong suggested establishing a subcommittee under the Panel on Education to further discuss the issues with individual institution.

68. Deputy Chairman strongly objected to the suggestion on the grounds that tertiary education institutions were autonomous bodies and LegCo should not interfere too much with their internal administration. He suggested that the Panel could continue to seek further information from institutions on matters of concern. Mrs Selina CHOW also objected to the proposal of establishing a subcommittee under the Panel, considering that tertiary education was a subject of concern to the whole Panel which should follow up the discussion as and when necessary. She was of the view that individual cases of staff complaints of these institutions could be dealt with by the Complaints Division or Members of LegCo. Miss CHOY So-yuk held similar views and agreed that the Panel could hold special meetings to follow up the policy discussion if necessary.

69. The Chairman concluded the discussion by advising that the Panel could seek further information from the Administration in the first instance. The Panel could consider convening further meetings to follow up issues which might require more detailed deliberations. Members agreed to the approach.

70. The meeting ended at 7:45 pm.

Legislative Council Secretariat

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