

立法會
Legislative Council

LC Paper No. CB(2)1044/99-00
(These minutes have been seen
by the Administration)

Ref : CB2/PL/ED

LegCo Panel on Education

**Minutes of special meeting
held on Monday, 27 September 1999 at 11:00 am
in Conference Room A of the Legislative Council Building**

- Members Present** : Hon YEUNG Yiu-chung (Chairman)
Hon Mrs Selina CHOW LIANG Shuk-ye, JP
Hon CHEUNG Man-kwong
Hon SIN Chung-kai
Dr Hon YEUNG Sum
Hon Emily LAU Wai-hing, JP
- Members Absent** : Prof Hon NG Ching-fai (Deputy Chairman)
Hon LEUNG Yiu-chung
Hon Andrew WONG Wang-fat, JP
Hon CHOY So-yuk
Hon SZETO Wah
- Public Officers Attending** : Mr Philip CHOK
Secretary for Education and Manpower (Acting)
- Ms Michelle LI
Principal Assistant Secretary for Education and Manpower
- Mr Nigel FRENCH
Secretary-General of University Grants Committee
- Clerk in Attendance** : Mrs Constance LI
Chief Assistant Secretary (2) 2
- Staff in Attendance** : Mr Stanley MA
Senior Assistant Secretary (2) 6
-

I. Supervision of the administration of the University Grants Committee-funded tertiary education institutions (UGC-funded institutions)

[LC Paper Nos. CB(2)2875/98-99(01), 2895/98-99(01) and (02)]

Mr CHEUNG Man-kwong and Miss Emily LAU expressed dissatisfaction that the Administration's papers only arrived in the evening of the Mid-Autumn Festival while the meeting was to be held in the morning immediately after the holidays. They said that very little time had been allowed for members to read the bulky papers which contained some 60 pages. Miss Emily LAU said that the Administration should inform the LegCo Secretariat in advance on the delivery of late papers from the Administration. Dr YEUNG Sum remarked that the Administration had already been given sufficient time to prepare the papers since the last meeting on the subject was held in May 1999.

2. Acting Secretary for Education and Manpower (Ag SEM) apologized for the late papers and undertook to provide papers as early as possible to members in future. Principal Assistant Secretary for Education and Manpower (PAS(EM)) explained that the management of the UGC-funded institutions had to seek the approval of their governing councils on the disclosure of attendance records of the council members, and the governing councils only held a few meetings a year.

Discussion with the Administration

3. Dr YEUNG Sum declared interest as a member of the teaching staff of the University of Hong Kong (HKU).

Management Review Reports

4. Responding to Mr CHEUNG Man-kwong's concern that the management review reports of some UGC-funded institutions were not available on the Internet, Secretary-General of the University Grants Committee (SG/UGC) said that the Management Review reports in respect of three institutions were still being finalized, but they were expected to be published on the web by the institutions concerned shortly. While it was up to the institutions themselves to decide how to publicize these reports, the UGC had made it clear that it expected them to be published, with or without a response from the institutions, within a reasonable period after the reports were finalized.

(Post-meeting note : The Administration has subsequently advised that all Management Review reports, except those of Lingnan University and the Hong Kong Institute of Education, have been published on the web.)

5. Mr CHEUNG Man-kwong expressed doubt about the comprehensiveness of the management reviews conducted by UGC. He said that according to the lists of interviewees in the four review reports which were available to the public, the Review Panel had only consulted the senior management of the institutions and no representatives of the academic and non-academic staff had been interviewed. That being the case, he queried the basis of the Review Panel's conclusion that staff of these institutions in general supported the existing management systems and resource allocation processes. Mr CHEUNG pointed out that the Academic Staff Association of HKU had in fact expressed opposite views and requested to present their views to members of the Review Panel at a meeting. He therefore expressed reservations about the Review Panel excluding front-line teaching staff and the staff association from the review process.

6. SG/UGC explained that the management reviews were targeted at improving management processes and resource utilization in the seven UGC-funded institutions. The review panel had therefore not consulted the academic staff. In the review process, the review panel had visited the institutions and discussed with senior management at the council, faculty and department levels. He agreed that consideration could be given to including representatives of academic and non-academic staff of the institutions in future reviews.

7. Mr CHEUNG Man-kwong opined that exclusion of front line staff from any review process would lead to inaccurate assessment of the staff views. He cited the example that while the Academic Staff Association of HKU had opposed to the selection of faculty deans by appointment, the review report still made the conclusion that HKU staff were in support of the appointment system. He commented that the review report had not accurately reflected the views of the teaching staff of HKU.

8. In response, SG/UGC clarified that UGC Secretariat and the Government had not advocated the appointment system for the selection of dean of faculty. The report only pointed out that appointment of faculty dean was the international trend and that many overseas tertiary education institutions had adopted the new practice. It was generally accepted that an appointed dean, as full-time administrator, could devote more time to ensure effective resource management and this would enhance accountability in this respect. He stressed that UGC-fund institutions were autonomous statutory bodies which had the discretion to decide the method for selecting their faculty deans. He added that the legislative proposal to provide the alternative option for selection of faculty dean by appointment in HKU was supported by the Legislative Council (LegCo) in 1998.

9. Mr CHEUNG Man-kwong remarked that the LegCo Subcommittee formed to scrutinize the HKU Amendment Statutes in 1998 had accepted the need to provide a mechanism to cater for the unique situation of the Dental

Faculty of HKU where a dean had been appointed on a temporary basis since no suitable candidate stood for election. He pointed out that representatives of the HKU management had undertaken at the Subcommittee's meetings in 1998 that the other faculties still had discretion to continue with the election arrangement for the selection of the faculty dean.

Appeals and Grievances Procedures

10. The Chairman noted that the Government did not consider it necessary to establish a central appeals council for staff of higher education institutions as suggested by the University Reform Action Group (URAG), on grounds that there were already established channels and mechanisms in all UGC-funded institutions to handle staff grievances and appeals. The Chairman therefore inquired what actions could be taken by staff of the UGC-funded institutions if they were not satisfied with the decision of the internal appeals mechanism. In this connection, he asked whether the Education and Manpower Bureau (EMB) would deal with appeals from these staff.

11. PAS(EM) responded that as the governing bodies of UGC-funded institutions had the responsibility to deal with complaints and grievances of their staff, complaints received by the EMB would be referred to the relevant institutions in the first place. If a member of the governing council or appeals committee was the subject of an appeal, an independent committee would normally be set up by the concerned institution to investigate the complaint.

12. Miss Emily LAU noted that the tertiary education sector in the USA, Australia and the United Kingdom also did not provide for a central independent mechanism to deal with staff appeals and grievances. Nevertheless, she considered it necessary to put in place such a mechanism in Hong Kong in the light of recent complaints concerning staff in the UGC-funded institutions.

13. Mr CHEUNG Man-kwong stressed that there should be a fair, open and reasonable system to deal with staff appeals and grievances in the universities. Based on his experience in dealing with these cases and the views expressed by deputations at the previous Panel meeting, Mr CHEUNG opined that the Administration should, in consultation with the UGC-funded institutions, review the effectiveness of existing appeals mechanisms in dealing with staff matters. He also requested the Administration to provide the findings of such reviews to the Panel for further discussion.

14. PAS(EM) agreed that it was important that the appeals mechanisms in the institutions must be fair and open. She undertook to relay members' concerns to the UGC-funded institutions and work jointly with them on a set of guidelines for dealing with complaints and appeals. However, she stressed that these institutions, as autonomous statutory bodies, had the authority to take decision on matters relating to staff appointment and management. The Chairman advised the

Admin Administration to provide the Panel with copies of such guidelines and the response of the institutions.

15. Mrs Selina CHOW also urged the Administration to ensure that a reasonable, transparent and fair mechanism was put in place in all UGC-funded institutions to deal with staff complaints and grievances. She stressed that these institutions were funded by public money and must be accountable to the public. Ag SEM responded that an appeal and grievances mechanism had already been established in each institution but he agreed that there would be room for further improvements.

Attendance at council meetings of UGC-funded institutions

16. Miss Emily LAU considered that there would be a potential conflict of interest if appointment of members to the governing councils was based on the recommendations of the management of the institutions, since the governing council was to supervise the administration of these institutions. She also expressed concern about the low overall attendance rates of university council members at council meetings, and asked whether the Administration would consider not to re-appoint those members who had taken up too many public service appointments.

17. Ag SEM said that the Administration would consider the suitability of appointees on the basis of their abilities, experience and expertise. These members were selected to represent different sectors and they all had a record of outstanding personal achievements and public service. In deciding the appointment or re-appointment of council members, the Chief Executive (CE), as the Chancellor/President of the UGC-funded institutions, would consider the views of various parties including the recommendation/feedback of the respective institutions. Ag SEM said that the attendance rate of a member could not reflect fully the member's contribution to the institution. The Administration would consider the member's overall performance when considering re-appointment.

18. Miss Emily LAU reiterated her view that as the governing council was to supervise the administration of the institution, there should be an independent mechanism to appoint members to these governing councils. She was of the view that appointment of these members should not be made on the basis of the recommendation of the institution management, and that a more proactive approach should be adopted to evaluate the members' performance and this should include their attendance at council meetings. She also expressed disappointment that the Hong Kong Baptist University (HKBU) and the Chinese University of Hong Kong (CUHK) had not released the attendance rates of their council members. She suggested the Administration to discuss with the Privacy Commissioner as to whether and how such information could be disclosed. She also suggested more flexibility in the term of appointment for individual council members.

19. Ag SEM responded that the Administration would take into account the attendance records of individual members of the governing councils and their contributions to the institutions when considering re-appointment. To enhance transparency of the operation of these governing councils and other government advisory bodies, these members would be advised on appointment that their attendance records would be disclosed to the public upon request. In this connection, he said that an internal government circular had been issued advising government bureaux and departments of the new arrangement. The Administration would also draw the attention of the tertiary institutions to the new practice. As regards the term of appointment of individual members, Ag SEM said that it was specified in the letter of appointment and could not be varied subsequently unless the member himself chose to resign if he/she was overloaded. Nevertheless, he agreed to relay Miss LAU's views to the management of the tertiary institutions.

Admin

20. Mr CHEUNG Man-kwong expressed support for the new practice. He stressed that appointments to the governing councils of the UGC-funded institutions should follow the same practice and that appointees would be advised that their attendance rates at council meetings would be released to the public on request. As for serving council members, he suggested the Administration to seek their written consent on the release of such information for reference in considering re-appointment.

Admin

21. With regard to the disclosure of attendance records of members of the governing councils of HKBU and CUHK, Miss Emily LAU urged the Administration to follow up with the management of these institutions. SG/UGC undertook to convey her concerns to these two universities. He said that as the Council of CUHK had already taken a decision not to release such records, CUHK would have to arrange another meeting to reconsider the issue.

22. Mrs Selina CHOW considered it more appropriate for the university councils themselves to decide whether to release their members' attendance records. However, she agreed that a fair mechanism should be put in place to deal with grievances and complaints of university staff.

Way Forward

23. As the Administration had been requested to ask the UGC-funded institutions to review their existing appeals and grievance procedures in accordance with the Administration's guidelines, the Chairman suggested and members agreed to await their response before deciding on the way forward. Where necessary, the management of these institutions would be invited to discuss with the Panel at a future meeting.

II. Any other business

24. There being no other business, the meeting ended at 12:25 pm.

Legislative Council Secretariat
17 January 2000