

**立法會**  
**Legislative Council**

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**LegCo Panel on Education**

**Minutes of special meeting  
held on Tuesday, 2 April 2002 at 9:00 am  
in the Chamber of the Legislative Council Building**

- Members Present** : Hon YEUNG Yiu-chung, BBS (Chairman)  
Hon Cyd HO Sau-lan  
Hon Eric LI Ka-cheung, JP  
Hon CHEUNG Man-kwong  
Hon LEUNG Yiu-chung  
Hon Jasper TSANG Yok-sing, JP  
Hon LAU Kong-wah  
Hon Emily LAU Wai-hing, JP  
Hon SZETO Wah  
Hon WONG Sing-chi  
Hon Audrey EU Yuet-mee, SC, JP  
Hon MA Fung-kwok
- Members Attending** : Ir Dr Hon Raymond HO Chung-tai, JP  
Hon LAU Ping-cheung
- Members Absent** : Dr Hon YEUNG Sum (Deputy Chairman)  
Dr Hon David CHU Yu-lin, JP  
Hon Abraham SHEK Lai-him, JP  
Hon Tommy CHEUNG Yu-yan, JP  
Hon Michael MAK Kwok-fung  
Dr Hon LO Wing-lok

**Public Officers Attending** : Mr Clement LEUNG  
Acting Deputy Secretary for Education and Manpower (2)

Mr Peter CHEUNG, JP  
Secretary General, University Grants Committee

**Attendance by Invitation** : University Grants Committee team

Mr John DOCKERILL  
Vice-President (Planning and Information Services) and  
Secretary to Council, City University of Hong Kong

Dr Ellen KO  
Acting Director of Human Resources  
City University of Hong Kong

Hong Kong Tertiary Education Action Group

Dr Priscilla LEUNG  
Vice President

Federation of Hong Kong Higher Education Staff Associations

Mr Derry H M WONG  
Honorary Legal Adviser

Academic Staff Association, the University of Hong Kong

Dr C W CHAN  
Chairman

City University of Hong Kong Students' Union

Mr Sunny WONG Man-kit  
President

City University of Hong Kong Staff Association

Mr Nicholas TAM Pui-ho  
Chairman

Mr David MOLE  
Vice-Chairman

Hong Kong Polytechnic University Staff Association

Dr Gillian HUMPHREYS  
Vice-Chairman

Hong Kong Professional Teachers' Union

Professor CHAN King-ming  
Executive Councillor

Student representatives of School of Law  
City University of Hong Kong

Miss Wendy YU

Mr David LAW

Mr Johnny SO

Mr Joy LUK

Individuals

Dr John Shijian MO  
Associate Professor of School of Law  
City University of Hong Kong

Mr GU Minkang  
Assistant Professor of School of Law  
City University of Hong Kong

**Clerk in Attendance** : Miss Flora TAI  
Chief Assistant Secretary (2)2

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

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**I. The City University of Hong Kong : Review and appeal mechanism for non-renewal of contract**

The Chairman welcomed representatives of the University Grants Committee (UGC) and the nine deputations, and two individuals to the meeting.

2. Members noted that the President of the City University of Hong Kong (CityU) had written to the Panel Chairman enclosing the following in his letter [LC Paper No. CB(2)1460/01-02(01)] -

- (a) explanatory notes relating to non-renewal of contract of teaching staff in its School of Law [LC Paper No. CB(2)1460/01-02(01A)];
- (b) an outline of the reappointment and appeal procedures for academic staff at CityU [LC Paper No. CB(2)1460/01-02(01B)];
- (c) report of the Appeal Committee appointed by CityU to consider appeals lodged by seven teaching staff in its School of Law [LC Paper No. CB(2)1460/01-02(01C)]; and
- (d) information relating to non-renewal of contract of teaching staff in its School of Law [LC Paper No. CB(2)1460/01-02(01D)].

Meeting with deputations

3. Members noted the submission of the Concern Group of the City University Law School [LC Paper No. CB(2)1461/01-02(01)].

4. The Chairman reminded the representatives of deputations and individuals attending the meeting that when addressing the Panel, they were not covered by the protection and immunity provided under the Legislative Council (Power and Privileges) Ordinance and their submissions would also not be covered by the Ordinance. At his invitation, representatives of the deputations and individuals presented their views and suggestions to the Panel, a gist of which is set out in paragraphs 5 to 15.

*Federation of Hong Kong Higher Education Staff Associations (the Federation)*  
[LC Paper Nos. CB(2)1460/01-02(05) and CB(2)1500/01-02(01)]

5. Mr Derry WONG of the Federation introduced the submission of the Federation which set out why the Federation took the view that the Appeal Committee's reasoning was in essential respects seriously flawed and could not adequately support the ultimate decisions made. He said that the Federation was

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disappointed that the President of CityU had not responded to the Federation's letter dated 5 February 2002. In addition, although the Appeal Committee had concluded that there were procedural and other flaws in the evaluation process undertaken by the School Staffing Committee, no follow-up action was recommended to rectify the deficiencies.

6. Dr CHAN Chi-wai of the Federation added that the Federation hoped that CityU would have the courage to set up an independent committee to investigate into the role and responsibility of the President and the Dean of the School of Law in the recent events relating to non-renewal of contract in its School of Law.

*Hong Kong Tertiary Education Action Group (the Action Group)*  
*[LC Paper Nos. CB(2)1460/01-02(04) and 1461/01-02(04)]*

7. Dr Priscilla LEUNG, Vice-President of the Action Group, introduced the submissions of the Action Group. She cited three legal cases to illustrate the need for social justice in every community. Dr LEUNG pointed out that the Appeal Committee appointed by the CityU management was not empowered to follow up on the procedural and other flaws in the performance evaluation process undertaken by the School Staffing Committee, nor to handle the issues highlighted in the submission of the Concern Group of the City University Law School previously submitted for the Panel meeting on 18 March 2002 [LC Paper No. CB(2)1333/01-02(04) sent to members vide LC Paper No. CB(2)1362/01-02 on 15 March 2002]. She quoted the allegations in the joint submission and urged that CityU should investigate whether there was mal-administration in the recent events relating to non-renewal of contract in its School of Law. She considered that the Dean of the School should be held responsible for all these flaws and mal-administration.

*Academic Staff Association, the University of Hong Kong (HKU Staff Association)*

8. Dr C W CHAN, Chairman of the HKU Staff Association, said that the Association considered that given the procedural flaws identified by the Appeal Committee, implementation of the recommendations of the School Staffing Committee and the decision of the Approving Committee on non-renewal of contracts should be suspended. HKU Staff Association strongly suggested that CityU should set up an independent committee to conduct a new evaluation exercise for the renewal of contracts for staff of the School of Law in an open and transparent manner. He stressed that the independent committee should comprise reputable CityU staff and external members whose integrity and impartiality were accepted by the CityU community. As an interim measure, all affected staff members should be provided with a one-year temporary contract so that the

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independent committee could have sufficient time to work through the stipulated procedures for performance assessment and renewal of staff employment contracts.

*City University of Hong Kong Staff Association (CityU Staff Association)*

9. Mr Nicholas TAM, Chairman of the CityU Staff Association, said that the Association appreciated the efforts of the CityU management and the Appeal Committee in handling and investigating into the appeals of the staff members in its School of Law against non-renewal of contract. He pointed out that the CityU management had announced the findings and approved the recommendations of the Appeal Committee in an open manner. In response to the findings of the Appeal Committee, the Staff Consultation Committee of CityU comprising representatives of the CityU Staff Association and elected representatives of different staff grades would follow up the necessary policy adjustments at its future meetings. Mr TAM added that the CityU Staff Association had not sent a representative to the Panel meeting on 18 March 2002 because the work of the Appeal Committee was still in progress at that time.

*City University of Hong Kong Students' Union (the Students' Union)*

10. Mr Sunny WONG, President of the Students' Union, said that the Students' Union suggested that CityU should follow up with the School Staffing Committee and the Approving Committee on the procedural flaws in the evaluation of staff performance, i.e., omission in the re-appointment form and lack of assessment of scholarly work in Chinese. The Students' Union urged that CityU should take appropriate action to prevent recurrence of similar event in the future.

*Hong Kong Professional Teachers' Union (the Union)*

[LC Paper No. CB(2)1484/01-02(01)]

11. Professor CHAN King-ming of the Union introduced the Union's submission. He said that the Union considered that the interest of the CityU management and the teachers and students in the School of Law had all been adversely affected in the dispute between the School of Law and the affected teaching staff. The Union supported that the Panel on Education should play a role to ensure that all UGC-funded institutions would achieve an appropriate balance between institutional autonomy and public accountability, and that public resources were spent or used in a cost-effective manner. He cautioned that institutions should not resist external supervision in the name of protecting institutional autonomy. The Union hoped that the CityU management would proactively communicate with students and teachers to resolve the disputes arising from recent events relating to non-renewal of contracts in the School of Law. The Union shared the view of the Federation, suggesting that CityU should consider

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establishing an independent committee comprising external members to investigate into the events and recommend appropriate measures to improve institutional management and staff administration.

*Student representatives of School of Law, City University of Hong Kong  
[LC Paper No. CB(2)1461/01-02(05)]*

12. Mr Johnny SO said that teaching and learning activities in the School of Law would be affected by the non-renewal of contracts of the 10 serving teachers. Citing a few cases to illustrate that CityU seemed to have turned a blind eye and a deaf ear to students' voices about the recent events, he was disappointed that the CityU management did not value the views of students. Mr SO pointed out that the Asian staff members who were not recommended by the School Staffing Committee for renewal of contract were highly rated by students in the teaching evaluation, while some staff recommended for renewal of contract was not. Mr SO held a strong view that proper supervision over UGC-funded institutions was essential for upholding institutional autonomy in order to ensure public accountability.

13. Mr David LAW said that institutional autonomy should not be taken as a shield to disregard public supervision and views. He stressed that students were concerned about the future development and reputation of the School of Law of CityU. He considered that the CityU management should arrange a venue to exchange views with teachers and students together in order to resolve the disputes and misunderstanding arising from the recent events

*Individuals*

*Dr John Shijian MO, Associate Professor of the School of Law, City University of Hong Kong  
[LC Paper No. CB(2)1461/01-02(02)]*

14. Dr John MO said that the recent events relating to non-renewal of contracts in the School of Law of CityU had revealed the flaws in CityU's staff administration system. Citing his personal experience, Dr MO questioned whether the School Staffing Committee and the Approving Committee had recommended and decided matters relating renewal and non-renewal of staff contracts in a fair manner. He cited chapter 3 of the Report on Higher Education in Hong Kong to stress that UGC-funded institutions should operate in an open, fair and transparent manner, and their staff should observe the principle of probity in exercising their duties and responsibilities. Dr MO considered that there were suspected element of racial discrimination and conflict of interest in the evaluation exercise of the School Staffing Committee. He strongly suggested that the CityU management

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should follow up the findings of the Appeal Committee by appointing an independent committee to investigate into the recent events. He also urged that CityU should take appropriate actions against the malpractices in the events and give sincere apologies to staff affected as necessary.

*Mr GU Min-kang, Assistant Professor of the School of Law, City University of Hong Kong*  
[LC Paper No. CB(2)1461/01-02(03)]

15. Mr GU Min-kang described how his application for renewal of contract was handled. He considered that there were unfairness and "black-box" operation of the School Staffing Committee and the Approving Committee in the determination of contract renewals or non-renewals of staff. He added that there were suspected element of discrimination and conflict of interest in the work of the School Staffing Committee and CityU should appoint an independent committee to investigate the events.

Discussion

16. Mr SZETO Wah and Mr CHEUNG Man-kwong considered that in ignoring the Chinese publications of the staff members concerned, the School Staffing Committee might be considered as having discrimination against scholarly work published in Chinese. Mr SZETO asked whether staff members in the School of Law would be willing to appear before an independent committee to testify in respect of the allegations highlighted in the submission of the Concern Group of the City University Law School [LC Paper No. CB(2)1333/01-02(04) sent to members vide LC Paper No. CB(2)1362/01-02 on 15 March 2002]. Dr Priscilla LEUNG responded that she believed that some colleagues would be willing to come forward if the creditability of the committee was commonly accepted.

17. Ir Dr Raymond HO asked whether the Students' Union and student representatives in the School of Law had approached the Council of CityU to express their views and suggestions about the recent events relating to non-renewal of contract. Miss Wendy YU responded that Mr David LAW, Mr Joy LUK and herself had taken the matter up with Professor Edmond KO, the Vice-President for Education and the Dean of Students of CityU in November 2001, but it appeared that CityU management had not accepted their views and suggestions. She added that Mr Johnny SO had also relayed the views of students to the Students' Union and a member of CityU Council but again, no follow-up actions had been taken.

18. In response to Mr SZETO Wah's enquiry, Mr Joy LUK explained that a representative of the Students' Union was allowed to observe the proceedings of the press conference held by the President of CityU about the recent events

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relating to non-renewal of contract only after negotiation with the CityU management. He considered it unnecessary to prevent other students from attending the press conference. Mr LUK added that the President of CityU had arranged to meet staff, students and the press separately, but students were not provided with the opportunity to raise any questions at their meeting with the President. Mr Sunny WONG pointed out that CityU had established mechanisms to consult students on university administration matters. However, in the case of non-renewal of contracts, it appeared that CityU had made no sufficient communications with staff and students in the School of Law. He pointed out that all UGC-funded institutions had established similar mechanisms to collect feedback from students through the respective student unions, but had not provided an effective channel for individual students to approach the relevant authority to express their views.

19. Ms Cyd HO expressed concern about freedom of expression of staff and students in the recent events relating to non-renewal of contracts of the teaching staff in the School of Law. She pointed out that the teaching staff and student representatives attending the meeting had criticized the CityU management for its lack of response to their views. Ms HO pointed out that in the absence of an appropriate grievance channel, these staff and students had no alternative but to seek assistance from Legislative Council (LegCo) Members. Ms HO stressed that LegCo Members had no intention to interfere with the autonomy of CityU in its staff administration.

20. In response to members' concerns over the administration of CityU, Mr David MOLE, Vice-Chairman of the CityU Staff Association, said that the CityU Staff Association did not consider that staff and students as a whole had lost confidence in the CityU management and the existing evaluation mechanism for renewal of staff contracts. He stressed that the Chairman, Vice-Chairman and other staff representatives of the Association were elected to represent staff interests of different grades. Mr MOLE said that he also represented the Association in the CityU Council. He considered that members of the Association shared the mainstream view of students that renewal or non-renewal of a contract was a private and confidential matter which should be discussed between the staff member and the relevant authority in a discreet and prudent manner. Taking such a point of view, the disputes arising from non-renewal of contract in the School of Law should be resolved within the CityU community rather than at meetings of the Panel.

21. Mr Nicholas TAM of the CityU Staff Association described the major features including the elements of peer and student assessments in the existing mechanism for evaluating staff performance. He named a number of channels available for staff and students to express their concerns and exchange views with

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other staff and students within the university campus. Mr TAM stressed that the Association hoped that further discussion of the disputes between staff and management in the School of Law should be held within the CityU community.

22. Ms Cyd HO remarked that she believed that staff and students would prefer to discuss the recent events relating to non-renewal of contract with the management on an open and equal basis. She considered that it was unlikely that closed-door discussion between the CityU management and staff or students would be carried out on an equal basis. Mr CHEUNG Man-kwong echoed that the disputes could hardly be resolved if the discussion between the opposite sides was not held in an open manner. He added that the Panel would not have brought the issue up for discussion at its meeting if CityU had established an independent committee to consider the views of students and staff from the very beginning.

23. Dr Priscilla LEUNG of the Action Group said that the CityU staff Association had been provided with the joint submission of the seven affected staff members [LC Paper No. CB(2)1333/01-02(04) sent to members vide LC Paper No. CB(2)1362/01-02 on 15 March 2002] but made no response. She pointed out that only two members of the CityU Council had expressed concern about the recent events relating to non-renewal of contract in the School of Law. She hoped that LegCo Members would follow up the issue to uphold justice and fairness in CityU's staff administration. She also hoped that the Council of CityU would appoint an independent committee to review the recent events as well as the operation of the existing mechanism for the renewal and termination of contract.

24. Professor CHAN King-ming of the Union expressed disappointment about the CityU management in staff administration in the light of the allegations made by students and staff at the meeting. He also urged CityU to establish an independent committee to review the staff appraisal system and follow up the deficiencies identified by the Appeal Committee in the events related to the non-renewal of contracts.

Meeting with the Administration and the University Grants Committee (UGC)

25. Secretary General, University Grants Committee (SG(UGC)) advised the meeting that Mr John DOCKERILL, Vice-President (Planning and Information Services) and Secretary to Council, and Dr Ellen KO, Acting Director of Human Resources represented the Council and the management of CityU respectively.

26. At the Chairman's invitation, Acting Deputy Secretary for Education and Manpower (2) said that CityU had announced the decisions made by the Appeal Authority, as assisted by the Appeal Committee, regarding the appeal cases lodged by seven staff members of the School of Law on 21 March 2002. He believed that

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CityU had made a comprehensive explanation on the whole case in a co-operative and open manner. As far as the system was concerned, UGC had published its review report on Higher Education in Hong Kong (the Report) on 26 March 2002 which covered institutional governance. One of the recommendations was that the governing body of each university carried out a review of the fitness for purpose of its governance and management structure. Relevant policy issues could be discussed during the public consultation period on the Report in the following two months.

*Performance evaluation and appeals*

27. Mr CHEUNG Man-kwong noted that renewal of contracts in CityU should base on four elements, namely, teaching, research, professional activities and campus and community citizenship. However, the report of the Appeal Authority revealed that the School Staffing Committee had committed three major mistakes. Firstly, it had not recorded specific comments under the respective performance criteria in the re-appointment forms. Secondly, it had not considered previous performance evaluations of the staff members concerned. Lastly, it had not attempted to assess scholarly work written in Chinese. Mr CHEUNG considered that given these procedural flaws, the recommendation of the School Staffing Committee and the decision of the Approving Committee should not be taken as valid.

28. In response, Dr Ellen KO of CityU said that as a resource person providing information to the Panel, she would like to point out that the School Staffing Committee had carefully considered all aspects of the staff members' teaching, research and administration and general engagement with the Law of School, CityU and the wider community, in the light of the documentation accompanying the respective applications for re-appointment. She, however, acknowledged that the Committee had not recorded its specific comments under the respective performance criteria in the re-appointment form. She pointed out that the Appeal Committee did not consider the evaluation of the eligibility of renewal of contract of the seven teaching staff comprehensive mainly because the School Staffing Committee had not attempted to consider their publications written in Chinese. She added that the CityU Council had accepted the conclusions of the Appeal Committee and made appropriate announcement at the earliest opportunity.

29. Mr CHEUNG Man-kwong said that he accepted the findings of the Appeal Committee, but not its conclusion that the procedural and other flaws in the evaluation process were minor. Mr CHEUNG considered that the Chinese translation "瑕疵" did not correctly reflect the seriousness of the flaws committed. He asked how UGC would interpret the seriousness of the flaws and how UGC

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would supervise CityU to ensure fairness and justice in staff performance evaluation in the School of Law.

30. SG(UGC) responded that the Appeal Committee had followed CityU's established procedures for appraising staff performances in its review of the performances of the appellants. It had proved the effectiveness of the existing appeal mechanism in CityU. He shared the view that the procedural and other flaws identified by the Appeal Committee could not be regarded as minor mistakes. He agreed that the Chinese translation "瑕疵" did not accurately convey the meaning of "flaw".

31. Mr LEUNG Yiu-chung asked how UGC would follow up the findings of the Appeal Committee that the School Staffing Committee had not followed the established procedures for staff performance evaluation. Mr LEUNG also asked how UGC would supervise UGC-funded institutions to ensure transparent and impartial staff administration.

32. SG(UGC) responded that UGC would take the initiative to liaise with the Council of CityU on follow-up actions to be taken. He considered that the Appeal Committee had thoroughly examined the appeals lodged by the seven teaching staff, and its conclusions were based on the comprehensive information provided by the appellants. What should be followed up arising from the events should be a decision of the CityU management. He pointed out that UGC should not interfere with the internal affairs of UGC-funded institutions, such as evaluation of scholarly work or staff administration matters. He hoped that members would focus the discussion on the future development of the higher education sector, instead of the internal administration of individual institutions.

33. Mr LEUNG Yiu-chung asked about UGC's expectation of the UGC-funded institutions. SG(UGC) said that UGC would expect the whole higher education system to function in a cost-effective manner. In line with the principle of institutional autonomy and academic freedom, institutions should manage their public resources and internal affairs including evaluation of teaching and research performance, decision on contract renewals or non-renewals, and disciplinary matters in an open and transparent manner. He added that the Report had a chapter on institutional autonomy highlighting the importance of effective management and the role of the governing bodies and heads of UGC-funded institutions in the development of higher education in the long term. The Report also recommended that future allocation of resources should base on the performance of the institutions.

34. Mr LAU Kwong-wah questioned how the School Staffing Committee could recommend renewal or non-renewal of contracts for the teaching staff in the

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School of Law, without considering their past performance evaluations and Chinese publications. He considered that to avoid a management crisis, CityU should follow up with the findings of the Appeal Committee and provide a response to staff and students as soon as practicable. Mr LAU suggested that CityU should review the staff administration mechanisms in the light of the events and take appropriate disciplinary actions in case there were unfairness and injustice in the School Staffing Committee's evaluation process. He held a strong view that the President of CityU should take immediate actions to restore public confidence in the CityU's internal administration, as well as to re-establish trust among staff and students in the School of Law.

35. Dr Ellen KO of CityU responded that CityU had established mechanisms for assessment of staff performance. The adoption and announcement of the Appeal Committee's recommendations on the appeals should put an end to the disputes arising from non-renewal of contracts of the staff members in the School of Law. The CityU management was well aware that some teaching staff and students in the School of Law were not satisfied with the outcome of the appeal. She hoped that these staff and students would make use of the established channels in CityU to express their concerns, if they suspected there was possibility of mal-administration.

*Student and staff feedback*

36. Mr SZETO Wah asked why student representatives were refused entrance to the press conference to observe the President of CityU's briefing with the media on the results of the deliberations of the Appeal Committee. Dr Ellen KO of CityU replied that a student representative had been arranged to observe the press conference after discussion with the Students' Union. CityU had provided the student representative with the briefing materials, and offered to arrange meeting with the press if necessary.

37. Mr SZETO Wah asked about the weight of teaching assessment made by students in the evaluation of staff performance. Dr Ellen KO of CityU said that the Appeal Committee had taken into account the element of student assessment in its evaluation of the teaching performance of the seven appellants. In fact, the appellants were provided with relevant information on the teaching assessments made by students in the School of Law.

38. Mr LEUNG Yiu-chung said that according to the views of student representatives, the School Staffing Committee had not considered students' views in evaluation of staff performance. He added that the Appeal Committee also had not considered the views of students in evaluating the performance of the appellants. He asked whether the collection of students' assessment on staff's

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teaching performance was only a routine exercise which had nothing to do with the evaluation in respect of renewal of staff contracts.

39. Dr Ellen KO of CityU said that CityU appreciated that students had respect and affection towards their teachers. She reiterated that the evaluation mechanism for staff performance in CityU incorporated students' assessment of the performance of staff in teaching, in addition to research, professional activities and campus and community citizenship of the staff. She stressed that the Appeal Committee had considered students' assessment of the teaching performance of the appellants in its deliberation of the appeals.

40. Ir Dr Raymond HO said that he was a former Chairman of the Council of the CityU and the former City Polytechnic of Hong Kong. He pointed out that during his Chairmanship, he attached great importance to communication with students and representatives of students were invited to observe Council meetings. He asked why the CityU management did not communicate with the affected staff members and concern students in the School of Law for a peaceful discussion and settlement of the disputes.

41. Mr John DOCKERILL of CityU explained that the CityU management was obliged to respect the independence of the Appeal Committee in the course of the appeal process. The CityU management had not responded to enquiries from teachers, students and the press for fear that such responses might unnecessarily affect the work of the Appeal Committee and its members, which was still in progress at that time. Once the Appeal Committee had completed its deliberations and submitted its recommendations, the CityU management had announced the results of the appeals and communicated with the students and staff in the School of Law and concerned parties including UGC and the Panel at the earliest opportunity. Dr Ellen KO of CityU supplemented that whilst the work of the Appeal Committee was in progress, the President of CityU had made responses to enquiries from the Federation and the Students' Unions [LC Paper No. CB(2)1461/01-02(01D) refers]. It shown that the CityU management had strived to respond to the concerns of student and staff as far as possible.

42. Ms Emily LAU said that the arrangements made by the CityU management to meet with its staff and students separately to announce the decision of the Appeal Authority could hardly be regarded as a dialogue. She expressed dissatisfaction that the CityU management had refused to meet its staff and students together to facilitate two-way communication of various parties.

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*Decision of the CityU Council on recent events in respect of non-renewal of contract*

43. Ir Dr Raymond HO referred to a news reporting that Mr LAU Ping-cheung had commented that the operation of the CityU Council was more or less a "rubber stamp" to endorse proposals at its meetings. In response to his enquiry, Mr John DOCKERILL of CityU said that he did not consider that the CityU Council was a "rubber stamp" in carrying out its functions at meetings. He stressed that the CityU Council mainly dealt with policy and strategic issues, and not with individual staffing matters. He pointed out that the CityU Council would normally endorse proposals because they had been thoroughly discussed and were recommended by relevant Standing Committees. Having said that, members of the CityU Council had the right to propose items for discussion at meetings. In fact, the case of non-renewal of contracts in the School of Law was brought to the attention of the City U Council at its last meeting in November 2001. After discussion, the CityU Council had decided that staff appeals on non-renewal of contracts should follow the established procedures for review and appeal.

44. Mr LAU Ping-cheung declared interest as a member of the CityU Council and said that he had no relationship with any of the affected staff members. He confirmed that he had proposed to discuss the disputes arising from non-renewal of contract in the School of Law at the meeting of the CityU Council in November 2001. He said that he did not consider the events individual staffing matters because one-fourths of the teaching staff were involved, which would inevitably affect the interest of students. However, the CityU Council had concluded that individual staffing matters should not be discussed at a meeting of the CityU Council. Mr LAU pointed out that the major difference between the undergraduate programmes of the Faculty of Law in the University of Hong Kong and the School of Law in CityU was that the former placed greater emphasis on common law studies and the latter incorporated more studies on Chinese-related law. He asked how CityU could ensure the quality of education in the School of Law if the contracts of one-fourths of the serving teaching staff were not renewed at the same time. Dr Ellen KO of CityU responded that CityU would follow the established procedures to recruit replacement staff, and would invite renowned experts in Chinese Law from the Mainland to teach in CityU on a short-term basis.

*Establishment of an independent committee*

45. Mr CHEUNG Man-kwong suggested that the CityU Council should set up an independent committee to investigate the allegations made by the affected staff members, if the Appeal Committee was not empowered to investigate into whether the School Staffing Committee and the Approving Committee had followed the established procedures. He considered that the contract of the affected staff

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members should first be extended until the independent committee had completed its investigation. Ms Emily LAU also asked why the Appeal Committee did not interview the appellants for a better understanding of the facts and circumstances in each case.

46. In response, Dr Ellen KO of CityU said that the terms of reference of the Appeal Committee was to consider the appeal lodged by the seven teaching staff in the School of Law and make recommendations of its findings to the Appeal Authority. In fact, the Appeal Committee had carefully examined the appeals on the basis of the appellants' full written submissions. The appellants were notified of the Appeal Committee's work procedures and were asked to submit reasons in writing if they did not accept the modus operandi. In response, no appellant had raised any objection and some of them had provided additional materials to the Appeal Committee for consideration. Most importantly, the Appeal Committee had notified each appellant about the result of the performance evaluation in strict confidence.

47. Mr CHEUNG Man-kwong held the view that those who had committed serious mistake in the course of the performance evaluation should be disciplined. Mr CHEUNG stressed that racial discrimination was a serious, sensitive and delicate issue involving social injustice and should be carefully addressed. Judging from the fact that the School Staffing Committee had not considered Chinese publications of its staff in evaluation of staff's performance, it appeared reasonable that the School Staffing Committee could be criticised as having a tendency to discriminate against scholarly work in Chinese. He considered that the CityU Council should investigate the allegation and explain to the staff, students and the community on its stance and interpretation of the matter. Mr SZETO Wah expressed a similar view.

48. SG(UGC) said that the CityU Council and the President of CityU were responsible for the governance and management of CityU respectively. UGC would play a role in the supervision of the administration of UGC-funded institutions, but would not interfere with its internal affairs such as staff disciplinary matters. The CityU Council and the CityU management were expected to take appropriate follow-up action. He added that there was not always a direct relationship between responsibility and discipline, and it was in practice not uncommon to hold someone responsible for a decision or an act, without imposing a disciplinary action.

49. Ms Emily LAU and Ms Cyd HO expressed support for the establishment of an independent committee to investigate the procedural and other flaws identified by the Appeal Committee. Ms LAU considered that the independent committee

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should comprise members of high standing and good credibility who were well accepted by students and staff of the School of Law of CityU.

50. Dr Ellen KO of CityU responded that CityU did not rule out the possibility to appoint an investigator to conduct preliminary investigations into the recent events in respect of non-renewal of contracts in the School of Law. In line with the established practices of CityU, the investigator would be appointed by the President. Ms Emily LAU was of a strong view that the independent committee must be appointed by the CityU Council. Dr KO of CityU undertook to relay members' views to the CityU management. Mr John DOCKERILL of CityU supplemented that the CityU Council would hold its meeting on 15 April 2002, and he expected that the matter could be brought up for consideration at that meeting. At Ms Emily LAU's request, he also undertook to inform the Panel of the decision of the CityU Council as soon as possible.

*Way forward*

51. Members shared the view that LegCo should not interfere with the institutional autonomy of UGC-funded institutions. Mr CHEUNG Man-kwong, Ms Emily LAU, Ms Cyd HO and Mr LAU Kwong-wah considered that if CityU did not provide an appropriate venue for staff and students in the School of Law to express their concerns, LegCo should provide an opportunity for them to do so. Ir Dr Raymond HO and Mr LAU Ping-cheung opined that it should be preferable for the CityU Council to take the lead in resolving the disputes arising from non-renewal of contract in its School of Law.

52. Members agreed that the Panel should keep in view the development of the matter, and consider further actions, if necessary, after the CityU Council had discussed the matter at its meeting on 15 April 2002.

*(Post-meeting note : SG(UGC) had written to the Clerk on 17 April 2002 to confirm that the Council of CityU had decided at its meeting on 15 April 2002 to set up an independent committee to review the issues surrounding the recent events involving the School of Law [LC Paper No.CB(2)1642/01-02(01) circulated to members on 18 April 2002].)*

**II. Any other business**

53. There being no other business, the meeting ended at 11:45 am.