

**Opinions from the Hong Kong University Students' Union
on the Statutes of the University of Hong Kong
(Amendment)(No.2) Statutes 2003**

The Legislative Council is currently discussing the Statutes of the University of Hong Kong (Amendment)(No.2) Statute 2003. We are glad to be invited to present our views on the proposed amendments of the Statutes and would like to draw the attention of the Legislative Council to the fact that the amendments, especially B2109 point 6.(a).(1).(f-i), is not a separate action, but merely a step of the reform to the Governance and Management Structure of the University.

Background

Hong Kong University Students' Union has been dealing with the Niland Report (*Fit For Purpose*) for more than half year. In our view, the report has 2 main themes:

- The management structure of the University is found as highly inefficient and redundant, therefore the University should review its structure in order to increase the efficiency;
- Members of the University Council should make decision in the interest of the whole University.

The Students' Union recognizes the above themes of the report, therefore we, in general, agree with the whole proposal. Yet we hold different view with the University on the interpretation of some concepts in the report so that we suggest some amendments should be made. In view of this, the Students' Union disagrees that the proposal should be adopted as a whole package.

What is the best system to represent the interest of the whole University?

The Niland Report suggest that in order to have the Council members make their decisions in the interest of the whole university, trusteeship should be introduced (Recommendation 1). However, we question whether trusteeship is the only way, or even the best way, to achieve this aim.

In our opinion, students and staff are the major components of a university. To achieve the best interest of the whole university, the preferences and the opinions of these parties should be taken in serious consideration, or even at top priority. The question is: who can best represent the opinions and preferences of students and staff? The answer should be the popularly elected representatives from respective bodies.

The system not only can best represent the opinions of the majority, but also provide a room for members from different sectors of the University to have checks and balances to their representatives and also the Council.

Therefore we have a very strong belief that the Council should run in a representative system instead of trusteeship. On the other hand, we also feel a bit disappointed that the University thinks the interest of students and staff is always on the opposite side to the interest of the “whole” university.

The importance of “real” checks and balances

After adopting the system of trusteeship, the representation element is removed from the University Council. It is an unfair scenario: the trustees are accountable to the Council, yet, disappointingly, the Council cannot function checks and balances back to the members of the University.

Is it good for a place where to pursue freedom and fairness like university?

In our opinion, even if the University adopts trusteeship in the Council, it should, in its governance structure, establish a “real” checks and balances system which is accountable to the members of the University.

A big question: why office bearer of student and staff associations cannot be the trustee in the Council?

Though the Students’ Union believes that the representative is the best system in the Council, we recognize that the trusteeship is trying to strike a balance between interest representation and increasing efficiency.

However, to the trusteeship concept, Niland Report suggests:

“No student or staff member shall serve on Council whilst an office holder of the Students’ Union or Staff Associations respectively.” (Recommendation 2)

Yet even if we accept that trusteeship is another way out, we are strongly against depriving the rights and the possibility of the office bearers from student and staff representing bodies to become a trustee in the Council.

Firstly, the University argues that the representatives may have conflict of interests whenever there is a policy affecting the interest of their sectors. Again, the Students’ Union would like to emphasize that there is no contradiction between the interest of the whole university and the interest of its students and staff, the bodies which the University management team should cater for.

On the other hand, it is not reasonable to assume that, whenever there is a policy causing negative influence on their sectors, the respective representative bodies will always stand on their own interest instead of considering the interest of the whole University. For example, though against the proposal of “delink” University salaries from Civil Service Scales, the staff associations still stated that they would accept a reasonable salary cut in order to share the burden of budget cut with the University.

Request for amendments

Aiming at maximizing the benefits stated in the Niland Report, the University suggested that the Report should be adopted as a whole package. We, however, think that the statement is nearly a tautology.

The meaning of consultation is to collect different opinions other than the suggestions from the Working Group, and make related amendments even concerning the main concepts. Therefore, we cannot see why there is a must to adopt the Report as a whole package even when several parties in the University have shown their objections to some recommendations in the Report.

Nevertheless, the proposed amendments of the Statutes of the University of Hong Kong literally do not embody any concepts we found problematic. However, **in the amendments B2109 point 6.(a.)(1)(f-i), the implication of respective members “elected in accordance with regulations” is to compile regulations in a later stage, which would introduce a trusteeship concept which excludes the possibility of students and staff representatives to be members in the Council.**

Our recommendations

Therefore, the Students' Union has no objection for the proposed amendments of the Statutes of the University of Hong Kong. We, however, would like the Legislative Council to recommend the University to reconsider the compilation of the regulations in accordance with the opinions collected from different parties, especially concerning the concept of trusteeship.

HONG KONG UNIVERSITY STUDENTS' UNION

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