

立法會
Legislative Council

LC Paper No. CB(2)902/02-03
(These minutes have been seen
by the Administration)

Ref : CB2/PL/ED

Panel on Education

Minutes of meeting
held on Monday, 16 December 2002 at 4:30 pm
in Conference Room A of the Legislative Council Building

- Members Present** : Dr Hon YEUNG Sum (Chairman)
Dr Hon David CHU Yu-lin, JP
Hon Cyd HO Sau-lan
Hon Eric LI Ka-cheung, JP
Hon CHEUNG Man-kwong
Hon LEUNG Yiu-chung
Hon Jasper TSANG Yok-sing, GBS, JP
Hon Emily LAU Wai-hing, JP
Hon CHOY So-yuk
Hon SZETO Wah
Hon Tommy CHEUNG Yu-yan, JP
Hon WONG Sing-chi
Hon Audrey EU Yuet-mee, SC, JP
Hon MA Fung-kwok, JP
- Members Absent** : Hon YEUNG Yiu-chung, BBS (Deputy Chairman)
Dr Hon LO Wing-lok
- Public Officers Attending** : Item IV
Mr H F LEE
Director of Education

Mr Chris WARDLAW
Senior Assistant Director of Education (Development)

Mr Andrew C S POON
Assistant Director of Education (Chief Inspector of
Schools)

Item V

Mr H F LEE
Director of Education

Mr Chris WARDLAW
Senior Assistant Director of Education (Development)

Mr Steve LEE
Principal Education Officer (New Territories)

Item VI

University Grants Committee team

Mr Peter CHEUNG, JP
Secretary-General

Mr Norman LEUNG, GBS, JP
Chairman of Council
City University of Hong Kong

Mr John DOCKERILL
Secretary to Council
City University of Hong Kong

Mrs Betty CHAN
Director of Public Affairs
City University of Hong Kong

Ms Becky MAK
Assistant Secretary to Council
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. Confirmation of minutes

[LC Paper No. CB(2)627/02-03]

The minutes of the meeting held on 18 November 2002 were confirmed.

II. Information paper issued since the last meeting

2. Members noted the following -

- (a) report of the Subcommittee on the Management-Initiated Retirement Scheme of the Hong Kong Institute of Education which was issued to members on 20 November 2002 [LC Paper No. CB(2)429/02-03]; and
- (b) the Administration's paper entitled "Services for students with specific learning difficulties" which was issued to members on 12 December 2002 [LC Paper No. CB(2)666/02-03(01)].

III. Items for discussion at the next meeting

[Appendix I to LC Paper No. CB(2)625/02-03]

3. Members agreed to discuss the following at the regular meeting scheduled for 20 January 2003 at 4:30 pm -

- (a) Accreditation Grant for providers of post-secondary programmes (proposed by the Administration);
- (b) Language Education Review (proposed by the Administration); and
- (c) Reservation of school sites (proposed by Ms Emily LAU).

IV. Quality indicators for measuring value-added improvement in student performance

[LC Paper No. CB(2)625/02-03(01)]

4. At the Chairman's invitation, Assistant Director of Education (Chief Inspector of Schools) (ADE(CIS)) briefed members on the development and proposed use of the Academic Value-added Indicator (AVAI) and the Affective and Social Outcome Indicators (ASOI) developed by the Education Department (ED) with the aid of power-point presentation.

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[*Post-meeting note* : A set of the presentation materials was subsequently issued to members vide LC Paper No.CB(2)706/02-03 on 17 December 2002].

5. Mr CHEUNG Man-kwong said that there were concerns about the reliability and accuracy of the Schools Value-added Information System (SVAIS) in calculation of the expected attainment, as any errors would lead to incorrect measurement of the value-added performance of individual schools and students for the learning stage under assessment. He pointed out that parents were constantly in pursuit of quality education for their children, and would send their children to secondary schools with the best value-added performance. When the two sets of indicators were implemented in schools, some secondary schools might concentrate on improving their value-added performance and selectively publicise the value-added information for student recruitment purpose. Mr CHEUNG expressed concern that secondary schools would not give equal emphasis on ASOI and tools, and would organise fewer extra-curricular activities for their students. Mr CHEUNG urged that the Administration should be careful in using the AVAI and guard against any possibility of "alienation".

6. In response, ADE(CIS) stressed that ED would not encourage schools to publish their value-added information for the purpose of attracting students. He pointed out that schools were now required to perform self-evaluation which involved a number of processes by which a school would review the quality and effectiveness of its programmes so as to achieve continuous improvement and development. The two sets of indicators and tools were intended to enable schools to assess their strengths and weaknesses in both academic and non-academic areas by comparison with the performances of other schools, and subsequently implement suitable strategies for improvement. In line with the spirit of school-based management, schools would also be requested to report their value-added information in their annual reports as one means of holding schools accountable for the academic performance of their students. He added that the two sets of indicators and tools would be made available to schools at the same time, enabling schools to know better the whole person development of their students.

7. ADE(CIS) further said that ED was aware that incorrect use of the two sets of indicators would result in adverse consequences. ED would organise briefing sessions for school heads and subsequently a series of training programmes for schools to familiarise them with the knowledge and skills for interpretation and proper use of the indicators and tools. The Quality Assurance Inspection teams would give advice and assistance to schools in the use of the indicators and tools, as well as in development of appropriate strategies for implementation.

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8. Referring to paragraph 5 of the Administration's paper, Mr CHEUNG Man-kwong asked how the Administration could accurately assess the expected attainment in Hong Kong Certificate of Education Examination (HKCEE) for individual schools. Mr CHEUNG considered it unrealistic to expect schools with good value-added performance not to release the relevant information for publicity purpose. He suggested that the Administration should work out appropriate measures to prevent misuse of value-added information for improving student enrolment.

9. ADE(CIS) responded that AVAI was developed on the basis of a statistical model tailor-made to the local school context. In brief, the indicator measured the difference between the actual academic attainment and an expected academic attainment based on the prior performance of a student in a relevant assessment of academic ability. For instance, for the learning stage from Secondary 1 to 5 (S1-S5), a student's prior academic ability would be measured by his/her "Secondary Schools Placement Allocation (SSPA)" standard scores. By way of statistical calculations, an expected HKCEE result of reasonable accuracy for individual students could be deduced from SSPA standard scores of all students in the same cohort together with their actual results in HKCEE. The difference between the actual result and the expected result in HKCEE would be the student's academic value-added performance for the S1-S5 learning stage, and the average value-added of all students in a particular subject would be the value-added of that subject at school level.

10. ADE(CIS) further said that ED would monitor the use of the two sets of indicators and tools in schools. It would check to ensure that schools would not selectively publicise their value-added information in specific areas to mislead parents or promote student intake. He added that parent education on the correct interpretation of the value-added performance of individual students and schools were essential for ensuring smooth implementation of the two sets of indicators and tools.

11. The Chairman asked whether ED would allow schools to publicise value-added information on the Internet. ADE(CIS) responded that ED would follow up with the schools concerned on the accuracy of the value-added information made available on the Internet.

12. The Chairman expressed reservations about the reliability of the system in deducing an expected result for students based on their standard scores in SSPA. He pointed out that individual students' academic performance would not necessarily follow the expected pattern of academic results as generated by SVAIS for the S1-S5 learning stage.

13. Director of Education (DE) clarified that AVAI was not intended for measuring the expected results of individual students in HKCEE based on their SSPA standard scores. He stressed that the expected result was only the

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projection on the average value-added performance of the group of students in the same cohort for the learning stage concerned. Schools participating in the pilot scheme had been advised on the correct interpretation of the expected results. By comparison with the average value-added performance, individual schools would know whether they had achieved a level of performance which was above, equal or below the average performance level for the S1-S5 learning stage.

14. Mr LEUNG Yiu-chung expressed doubt above the objectivity and reliability of the two sets of indicators and tools in assessment of the academic and non-academic performance of individual students. He pointed out that individual students and groups of students would undergo different intellectual and psychological developments in their S1-S5 learning stage. He considered that the student performance indicators would shift the attention of schools from implementing school-based management to following the two sets of indicators to assess the performance of students in academic and non-academic areas. He also considered that some schools with a large intake of academically low achievers might concentrate on the use of the ASOI and tools, and give little efforts in improving the academic performance of the students.

15. DE explained that AVAI and ASOI and tools were designed to assess student performance in schools. They were part of the Schools Performance Indicators System which was first produced in 1998 to support schools' self-evaluation. The revised version of performance indicators for Hong Kong Schools 2002 was published in October 2002. The indicators covered the work of a school under four domains, namely, management and organisation, learning and teaching, student support and school ethos, and student performance. To obtain a full picture of the performance of the schools, a balanced use of different indicators covering the various aspects of a school's work in respect of the four domains was essential.

16. Senior Assistant Director of Education (Development) (SADE(D)) said that AVAI was developed after rigorous testing within ED and tryout in pilot schools. The statistical model was by far the most valid model in the field and had gained much support from overseas educators. Similar models had been adopted by government bodies or educational organisations in overseas countries. Schools should make use of the data available in SVAIS to conduct self-evaluation and subsequently adopt appropriate strategies to achieve continuous improvement and development. On the other hand, ASOI would help schools understand their students' attitudes towards the schools and concepts about learning in school. He added that during the development of the two sets of indicators, schools of Hong Kong had been widely consulted during seminars and meetings. The schools in general were positive and supportive on the provision of student performance information for their self-evaluation.

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17. Mr LEUNG Yiu-chung remarked that the views of parents on the importance of the academic and non-academic performance of schools as assessed by the two sets of indicators would have substantial impact on the development of the schools. He also expressed reservations about the objectivity of using questionnaires to assess students' performance in non-academic areas.

18. ADE(CIS) responded that the questionnaires were designed on the basis of relevant theories and findings of empirical studies on students' performance in non-academic areas for different age groups under different circumstances. Schools should make use of the information collected to analyse their students' performance with the aid of a computer programme and hence develop appropriate student counselling and development schemes to suit the development needs of their students. Responding to the Chairman, ADE(CIS) added that ED had tested the reliability and objectiveness of the questionnaires in local primary and secondary schools in a systematic manner. Some 18 000 and 37 000 students had completed the questionnaires during the two development phases and the results were consistent and indicative of the students' performance in non-academic areas.

19. Mr TSANG Yok-sing asked whether value-added indicators for specific learning areas or subjects could be generated by grouping of relevant school samples in SVAIS. He pointed out that schools were now encouraged to develop their strengths and special features in education on the one hand, but had to face the reality that parents expected good value-added performance on the other. He shared the view expressed by some members that since some schools would disclose their value-added information to increase student intake, other schools would then be forced to concentrate on achieving good results in value-added performance and sacrifice their traditional strengths and uniqueness in provision of school education.

20. ADE(CIS) responded that value-added performance could be analysed on different school samples as and when needed. He highlighted that the value-added information were provided to assist schools in self-evaluation and development, but not to set norms for schools to follow. ED would monitor the value-added performance of schools and provide supportive actions when a school was found consistently performing below the expected results in a particular subject or area. DE added that ED would encourage schools to develop their strengths and special features to enrich diversity in school education. Nevertheless, ED would also encourage schools to develop a balanced curriculum as well as teaching and learning strategies tailored for the needs and abilities of their students.

21. Ms Audrey EU asked about the purposes and implementation of the two sets of indicators for school education. She said that the two sets of indicators were acceptable if they were not developed for allocation of resources to

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schools or publication of schools' value-added performance. She, however, expressed concern that schools would be moulded by the Government by way of setting the two sets of indicators as norms and standards in the provision of education. In this connection, the Chairman asked whether the value-added performance of a school would play a part in allocation of resources for the school.

22. ADE(CIS) reiterated that the two sets of indicators were designed to provide value-added information for schools to conduct self-evaluation, plan improvement actions and formulate development targets. He pointed out that the indicators were jointly developed by ED and academics from the Hong Kong Institute of Education and the University of Melbourne in Australia. The Government had no intention to disclose the student performance information and the two sets of indicators were not intended for determination of resources allocation for individual schools. The value-added information would be stored in the web-based computer system SVAIS where individual schools could, with the use of a password, securely access their own information. In addition, schools would be advised to avoid using the information for publicity purpose. Information on students' non-academic performance would be collected through questionnaires administered by schools themselves.

23. Mr Tommy CHEUNG asked whether similar statistical models were still being used for measurement of students' value-added performance in Australia. He also asked about the confidence level or the standard deviation of the statistical models which were used for assessment of the indicators.

24. SADE(D) responded that similar statistical models had been used by schools in Australia for 3-4 and 7-8 years for assessment of the academic and non-academic performance of students respectively. ADE(CIS) added that the statistical models adopted by ED for value-added measurements would provide data with a confidence level of 95%.

25. Mr SZETO Wah expressed doubt about the reliability of ASOI and tools as human beings were very complicated creature for a set of ASOI to assess or predict. At his request, the Administration agreed to provide samples of the questionnaires for members' reference.

26. Ms Emily LAU asked when the two sets of indicators and tools would be provided to schools and how schools had responded in the briefing sessions and series of training programmes organised for principals and schools to get familiar with the knowledge and skills for interpretation and proper use of the indicators and tools.

27. DE responded that ED had started to conduct the briefing sessions for school heads in December 2002. ADE(CIS) supplemented that the two sets of indicators were developed in collaboration with academics, frontline educators,

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professionals in other fields and community members. The questionnaires for assessing students' performance in non-academic areas had been developed after extensive consultation and field tests. The Administration would organise a series of training programmes for schools and in particular emphasise the correct interpretation and proper use of the indicators and tools. He stressed that the indicators and tools were overall well received by participating schools and stakeholders in the school sector.

28. Mr CHEUNG Man-kwong cautioned that misuses of AVAI by some schools to promote student intake were inevitable. In addition, the press media would collect value-added information on schools and publish lists of schools with the highest value-added performance. Schools which had not disclosed their value-added information would be considered as low achievers in academic value-added performance. In the long run, all schools would develop or adopt similar teaching and learning strategies for achieving better value-added performance. As a result, schools would concentrate on drilling for students to achieve value-added performance, and there would be little diversity in school education. He suggested that the Administration should thoroughly examine the implications of the two sets of indicators on the long term development of school education and take appropriate measures during implementation.

29. Mr CHEUNG Man-kwong also pointed out that the performance indicators would form part of the School Performance Indicator system which was the basis for both external and internal evaluation of a school's performance under the Schools Quality Assurance Framework. He considered that schools would endeavour to improve their value-added performance in order to avoid being labelled as a low achiever in value-added performance.

30. SADE(D) responded that the performance of a school should not be interpreted by its achievement in a single indicator. There were different sets of indicators for measuring the performance of a school under the four domains in school education and it was unlikely that a school could achieve satisfactory results in all areas. ED would publish a set of protocols for schools to observe in the implementation of the two sets of indicators and tools. ADE(CIS) supplemented that ED would consider value-added information in assessing a school's performance, and would make reference to the information in external school evaluation. ED would aim to produce a wide range of indicators for schools to conduct self-evaluation.

V. Recruitment of native-speaking English teachers
[LC Paper No. CB(2)625/02-03(02) to (03)]

31. Ms Emily LAU noted that in the recruitment of school-based primary native-speaking English teachers (NETs) for the 2002-03 school year, one of

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the reasons for the high attrition rate from application to final appointment was that some selected candidates had got other job commitments before being notified of the selection results. She asked how the Administration would improve the recruitment process in the 2003-04 school year.

32. Principal Education Officer (New Territories) (PEO(NT)) responded that the Administration would make conditional offers of appointment to suitable candidates before the qualification assessments were completed in order to allow more time for them to arrange for relocation. He added that recruitment of secondary and primary NETs for the 2003-04 school year had started three months earlier than the previous recruitment exercise. The Administration had adopted a number of improvement measures as set out in paragraph 13 of the Administration's paper [LC Paper No. CB(2)625/02-03(02)] with a view to achieving the target number of NETs for the 2003-04 school year.

33. Mr CHEUNG Man-kwong expressed support for implementing the NET and the English Language Teaching Assistant (ELTA) Scheme in primary schools. He considered it essential to provide opportunities for local students to interact with native-speaking English teachers in schools. He pointed out that enhancing students' language ability was crucial to further development of Hong Kong into a world-class cosmopolitan city in the long run. He urged the Administration to work out effective strategies to compete with overseas countries and improve the recruitment process so that each school would be provided with a NET in the long term.

34. DE responded that ED would contract out the service of recruitment to an overseas agency to recruit primary school NETs from Australia and New Zealand for the 2003-04 school year. The arrangement would facilitate a continuous supply of quality candidates throughout the school year.

35. Mr CHEUNG Man-kwong remarked that to make better use of the contracting out arrangement, ED should adopt a flexible approach for appointment of qualified NETs. He suggested that qualified NETs should be appointed to commence duty in the first or second term of a school year. DE said that the Administration would consider Mr CHEUNG's suggestion, and would be flexible as far as possible, having regard to the situation of individual schools.

36. Miss CHOY So-yuk asked how "native-speaking" was defined for the recruitment of NETs. She asked whether local candidates as well as Chinese immigrants in overseas countries would be considered in recruitment of NETs and if selected, be offered with the same terms and conditions of services for NETs recruited from overseas.

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37. PEO(NT) responded that both local and overseas candidates of a Chinese nationality would be considered for recruitment of NETs as far as they possessed near native-speaker English competence. They would be assessed by the local interview boards established for recruitment of NETs with other native-speaking English candidates in accordance with the recruitment criteria. He added that NETs of a Chinese nationality recruited in Hong Kong were few and would be offered with appropriate terms and conditions of services on a case-by-case basis.

38. Ms Emily LAU said that she supported that each primary school should be provided with a NET. She asked about the recruitment progress of NETs for primary schools and the cash grant for primary schools without a NET. She also urged ED to adopt all feasible measures to improve the recruitment process of NETs for primary schools.

39. DE responded that the current policy was to provide one NET for two public sector primary schools. Depending on the recruitment progress, the Government would consider allocating a NET for every two primary schools on a sharing basis. He referred members to the recruitment figures in the appendix to the Administration's paper to illustrate the difficulty in recruitment of NETs for primary schools.

40. PEO(NT) supplemented that 350 school-based primary NETs were targeted for recruitment to meet the needs of the NET and ELTA Scheme in primary schools starting in September 2002. Since only 169 NETs were recruited, about 50% of the primary schools were currently sharing a NET with another school and the remaining 50% of schools were provided with a cash grant of \$150,000 for recruitment of part-time NETs and ELTAs.

41. To conclude the discussion, the Chairman said that learning English should start at an early age. To address the problem of inadequate provision of NET for each school, the Administration should put in extra effort in improving the recruitment of NETs.

VI. Follow-up discussion on the review and appeal mechanism for non-renewal of contract of the City University of Hong Kong
[LC Paper Nos. CB(2)524/02-03(03), CB(2)625/02-03(04) and CB(2)2542/01-02]

42. Members noted that as she was the chairman of the Independent Committee on Review of Recent Events in the School of Law appointed by the Council of the City University of Hong Kong (the Independent Committee), Ms Audrey EU withdrew from the meeting for the discussion of the item.

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43. The Chairman welcomed representatives of the University Grants Committee (UGC) team to the meeting. Secretary General, UGC informed members that the Chairman of the Council and three senior staff members of the City University of Hong Kong (CityU) attended the meeting as members of the UGC team.

44. Mr CHEUNG Man-kwong tabled a paper which summarised the different conclusions drawn by the Independent Committee and the Appeal Committee established by CityU to consider the appeals lodged by the affected staff members [LC Paper No. CB(2)705/02-03(01)]. Members also noted the seven submissions from the Hong Kong Federation of Higher Education Staff Associations; some students, graduates, staff and ex-employees of the School of Law of CityU which were tabled at the meeting [LC Paper Nos. CB(2)705/02-03(03)-(09)].

45. At the invitation of the Chairman, the Council Chairman of CityU said that as the President of CityU was out of town for business, he took the initiative to attend the meeting in order to show his respect to the concerns of LegCo Members about the matter. He hoped that the report of the Independent Committee would bring the whole matter to a close. The Council Chairman of CityU then briefed members on the major decisions of and actions taken by the CityU Council in relation to the incident as detailed in his speaking note which was tabled at the meeting [LC Paper No. CB(2) 705/02-03(02)].

[Post-meeting note : The speaking note was subsequently issued to members vide LC Paper No. CB(2)705/02-03 on 17 December 2002.]

46. Mr CHEUNG Man-kwong said that the President of CityU had indicated in his open letter to the staff that the Management Board agreed to accept the findings of the Independent Committee with the exception of its determination that language discrimination was tantamount to indirect racial discrimination. He asked why the Council of CityU and the Management Board held different views on the matter.

47. Council Chairman of CityU stressed that at its meeting held on 25 November 2002 in which the President of CityU had attended, CityU Council had unanimously resolved to accept the report of the Independent Committee, including its finding that failure to take into account scholarly work written in Chinese would constitute indirect racial discrimination to those staff who were of the Chinese race.

48. Mr CHEUNG Man-kwong asked whether CityU Council would on the basis of the findings of the Independent Committee review again the cases of the four staff members who did not get contract renewal after their appeals had been considered by the Appeal Committee. He highlighted some of the different conclusions drawn by the Independent Committee and the Appeal

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Committee. He considered that the different conclusions should constitute sufficient grounds for a review of the cases again.

49. In response, the Council Chairman of CityU said that CityU Council considered that the existing three-tier mechanism for review and appeal on renewal and non-renewal of staff contract had provided a sufficient channel for staff who felt aggrieved by a decision of the Staffing Committee or the Approving Committee to lodge a complaint or appeal. He stressed that the Appeal Committee had examined the appeals lodged by the four staff members in a comprehensive manner and the CityU Council's 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. He pointed out that the Independent Committee was set up to investigate the allegations made by some staff members that the Staffing Committee and the Approving Committee had not followed the established procedures. Council Chairman of CityU considered that the findings of the Independent Committee and the Appeal Committee were the same, but added that the report and recommendations of the Independent Committee were presented in greater detail because of its extensive hearing and deliberations on the allegations and related issues.

50. Mr CHEUNG Man-kwong said that he appreciated the positive attitude of the CityU Council in handling the issues. He, however, could not agree that the findings of the Independent Committee and the Appeal Committee were the same. He pointed out that the Appeal Committee did not consider that the Staffing Committee had discriminated against scholarly work written in Chinese, and its composition was questionable as it comprised a member whose contract was also recommended for substantiation by the Committee. Mr CHEUNG stressed that he had been very cautious in dealing with the issue in order not to interfere with the internal administration of CityU. He, however, suggested that CityU Council should review again the cases of the four staff members concerned in the light of the findings of the Independent Committee and take appropriate follow-up actions for any unfair assessment or decision made by the Staffing Committee, the Approving Committee or the Appeal Committee.

51. Council Chairman of CityU responded that he wished to point out that the Independent Committee found that failure to take into account scholarly work written in Chinese would constitute indirect racial discrimination. The Appeal Committee had also considered that the evaluation of the eligibility of the seven staff members for renewal of contract was not comprehensive mainly because the Staffing Committee had not attempted to consider their scholarly work written in Chinese. As regards the cases of the four staff members who did not get contract renewal, he stressed that the Appeal Committee had conducted comprehensive evaluation of each case on the basis of full

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submission from each staff member concerned. Their cases therefore could not be re-opened.

52. Mr CHEUNG Man-kwong expressed concern about the future development of the School of Law in view of the finding of the Independent Committee as stated in paragraph 123 of Chapter Four of the report that there was hostility and mistrust amongst staff members in the School of Law. He also noted that the Council Chairman of CityU had been reportedly said that follow-up action would be taken against any groundless and unreasonable allegations against colleagues in the future. Mr CHEUNG pointed out that it was appropriate to take action against a staff member who made groundless allegation, but it might not be the case if the allegation was only considered to be unreasonable. He added that a staff member might make the allegation on the basis of misleading information or due to misunderstanding. Mr CHEUNG hoped that CityU Council would not discipline staff members who had raised complaints and allegations in the recent disputes arising from non-renewal of contract in the School of Law in the future.

53. Council Chairman of CityU said that he must firmly point out that university was a place for free academic discussions and expressions of views. CityU Council accepted criticisms of any nature, including those on its internal administration practices and procedures, as long as the criticisms were made in good faith. He pointed out that CityU Council could have disciplined those who had made groundless allegations against their colleagues in CityU in accordance with the established disciplinary procedures, but had not done so because the work of the Independent Committee was in progress. However, CityU Council would in future hold any staff member who made serious but groundless allegations against their colleagues responsible.

54. Ms Emily LAU expressed concern that given the report of the Independent Committee, there were still staff and students expressing grievances and complaints against the management of the School of Law. Referring to the 10 wrongful acts committed by the head of the School of Law as listed in an anonymous submission, Ms LAU asked whether the sanction imposed, as decided by the CityU Council, was appropriate for his wrongful acts.

55. Council Chairman of CityU responded that the CityU Council had spent three hours to discuss the findings and recommendations of the Independent Committee. Apart from deciding to refer the possible implementation of the Committee's recommendations on academic matters to the Senate and those relating to management issues to the Management Board, CityU Council had also discussed the appropriate sanctions which should be imposed on staff members who had committed the wrongful acts identified by the Committee. He pointed out that the proposed sanction suggested by the Management Board against the wrongful acts committed by the head of the Law of School was

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more severe than a reprimand. However, members of CityU Council attending the meeting including two staff representatives, representative of the senate and chairman of the students' union had decided after careful deliberations that, in the interest of the students and the future development of the School of Law, a reprimand was appropriate for a renowned professor.

56. Ms Emily LAU asked whether CityU Council would in future discipline the staff members who had expressed dissenting views against the decisions of the CityU management in the recent disputes surrounding non-renewal of contracts in the School of Law.

57. Council Chairman of CityU responded that all staff disciplinary actions should follow the established mechanism. He stressed that he did not believe that the CityU management would take disciplinary actions against staff members who had expressed a dissenting view on the matter in the future and any such action would not be permitted under the established mechanism.

58. Ms Emily LAU asked how CityU Council would respond to the views and allegations in the submissions expressing grievances against the School of Law and the management of CityU which were tabled at the meeting.

59. In response, Council Chairman of CityU said that the recent events surrounding non-renewal of contracts in the School of Law had been an unpleasant and unhappy experience for the Council and the university. He said that he was not surprised by the views and allegations expressed in the submissions. He then referred members to paragraphs 121 and 123 of Chapter Four of the report of the Independent Committee to illustrate that serious mistrust and acrimony were found among many staff of the School of Law. Council Chairman of CityU considered that given the circumstances, he sincerely appealed to the staff members in the School of Law to put aside their past differences and to work together for the good of the School of Law and the University. He added that despite the high creditability of its members, the work of the Independent Committee was still criticised by some staff members of the School of Law.

60. Ms Emily LAU remarked that LegCo Members would respect the autonomy of CityU in following up the recommendations of the Independent Committee. She asked whether CityU had put in place a fair and transparent mechanism to receive staff grievances and complaints which were accepted by staff and students as a whole. The Chairman also asked whether CityU would take measures to improve the effectiveness of its appeal mechanism.

61. In response, Council Chairman of CityU explained the operation of the existing three-tier mechanism to handle staff complaints and appeals to members. He said that the mechanism was well accepted by staff and students as a whole. He added that CityU would follow up the recommendations of the

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Independent Committee on improvement measures for the performance evaluation process and its appeal mechanism. At the Chairman's request, Council Chairman of CityU undertook to provide the Panel through UGC with information on the work of CityU Council on relevant follow-up measures in due course.

62. Mr SZETO Wah said that the Independent Committee had expressed deep concern about the current atmosphere within the School of Law which was described by one witness as "toxic". He asked how CityU would remove the "toxic" elements from the School of Law and subsequently establish a normal academic collegial community within the School. He also asked the Council Chairman of CityU to explain the phrase "cannot be imposed from outside" in his speech addressed to the Panel.

63. In response, Council Chairman of CityU referred members to paragraphs 122 - 123 of Chapter Four of the report of the Independent Committee to illustrate how the reputation of the School of Law as well as the CityU had been affected by an act of two staff members who had written to the People's Daily and copied the letter to some mainland officials. He acknowledged that up to the present moment he did not have a clue to work out an effective strategy for building up a normal collegial community within the School of Law. He assured members that the CityU Council would proactively work on it.

64. Mr CHEUNG Man-kwong considered that the disputes arising from the non-renewal of contract in the School of Law would have been settled earlier if CityU Council had taken the initiative to intervene earlier in the disputes over the unfair decisions of the Staffing Committee and the recommendations of the Appeal Committee. He reiterated that CityU Council should reconsider whether the four cases should be re-opened in the light of the findings of the Independent Committee. Even if their cases should not be re-opened, CityU Council should write to staff members who were aggrieved in the whole process explaining the findings of the Independent Committee, and expressing apologies to them if there were mistakes on the part of the CityU management. He held the view that the courage to acknowledge mistakes would promote the creditability of CityU Council in handling similar disputes in the future.

65. Secretary General, UGC said that CityU Council had demonstrated its determination and sincerity to follow up the staff disputes in the School of Law. He pointed out that after the recent Higher Education Review, university councils were asked to review their governance structure which would be the direction to fundamentally address the problems arising from disputes surrounding non-renewal of contract in the School of Law of CityU. CityU had already appointed a review panel to review its governance structure to ensure "fitness for purpose". Secretary General, UGC assured members that UGC would continue to play a monitoring role. UGC would not sit back and do

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nothing if the School of Law was found unable to operate normally in performing its functions as public money was involved.

66. Ms Emily LAU and Mr SZETO Wah expressed concern that CityU Council so far had not worked out feasible measures for establishing a harmonious academic collegial community within the School of Law. Mr SZETO considered that UGC should assist CityU Council in resolving the issue.

67. Council Chairman of CityU said that he had been serving on the Council of CityU for 18 years and participated in the inauguration of the School of Law. It was heartrending for him to see the disputes and hostility amongst staff in the School of Law. He acknowledged that the staff disputes had not only jeopardised the reputation of the School of Law, but had also affected the contributions of CityU to the community. He assured members that CityU Council recognised the adverse effects of the staff disputes in the School and would instruct the Management Board to follow up the issue and submit recommendations for resolving the issue.

68. Mr CHEUNG Man-kwong said that he had no doubt about the determination of CityU Council to resolve the staffing disputes in the School of Law. He stressed that CityU should ensure fairness in its grievance and complaints procedures and establish consistent rules and procedures to prevent recurrence of similar disputes in the future.

69. Council Chairman of CityU responded that CityU Council had appointed Hon Mr Justice P CHAN, Permanent Judge of the Court of Final Appeal, as the chairman of the review panel to review the governance structure of CityU. The review would cover the staffing issues in the School of Law.

70. The Chairman thanked the UGC team for attending the meeting. He said that the Panel had concluded its discussion on the matter.

VII. Any other business

71. There being no other business, the meeting ended at 7:30 pm.

Council Business Division 2
Legislative Council Secretariat
15 January 2003