

立法會
Legislative Council

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the Administration)

Ref : CB2/PL/ED

Panel on Education

**Minutes of special meeting
held on Thursday, 17 July 2008, at 2:30 pm
in the Chamber of the Legislative Council Building**

- Members present** : Hon Jasper TSANG Yok-sing, GBS, JP (Chairman)
Dr Hon YEUNG Sum, JP (Deputy Chairman)
Hon LEE Cheuk-yan
Hon Mrs Selina CHOW LIANG Shuk-ye, GBS, JP
Hon CHEUNG Man-kwong
Hon SIN Chung-kai, SBS, JP
Hon Emily LAU Wai-hing, JP
Hon TAM Yiu-chung, GBS, JP
Hon Abraham SHEK Lai-him, SBS, JP
Hon Tommy CHEUNG Yu-yan, SBS, JP
Hon Albert CHAN Wai-yip
Hon Audrey EU Yuet-mee, SC, JP
Hon Andrew LEUNG Kwan-yuen, SBS, JP
Dr Hon Fernando CHEUNG Chiu-hung
Prof Hon Patrick LAU Sau-shing, SBS, JP
- Members absent** : Hon LEUNG Yiu-chung
Hon LI Kwok-ying, MH, JP
- Public Officers attending** : Agenda item I

Mr Daniel CHENG
Deputy Secretary for Education(1)(Acting)

Miss Agnes KWAN
Assistant Secretary for Education (Further Education)

Mr Michael V Stone
Secretary-General, University Grants Committee

Agenda item II

Mr Daniel CHENG
Deputy Secretary for Education(1)(Acting)

Ms Amy WONG
Principal Assistant Secretary for Education (Higher
Education)

Mr Michael V Stone
Secretary-General, University Grants Committee

Ms Jenny CHAN
Assistant Secretary-General (Quality Assurance)1

**Attendance by
invitation** : Agenda item I

The University of Hong Kong

Professor Enoch YOUNG
Director Emeritus, Special Advisor to the Director, and
Chief Adviser of HKU SPACE Center for Research
in Continuing Education and Lifelong Learning

Mr John Cribbin
School Secretary and Registrar

Community College of City University

Ms Jennifer NG Glok-hong
Principal

Mrs WONG CHAN Pik-yuen
Vice Principal (Staffing)

College of Professional and Continuing Education,
Hong Kong Polytechnic University

Professor Peter YUEN
Dean

Ms Cathy HO Shuk-ying
Head of Administration

The Hong Kong Institute of Education

Professor LEE Wing-on
Vice President (Academic)/Deputy to the President

Dr Edwin WONG King-por
Director, School of Continuing and Professional
Education

Caritas Community and Higher Education Service

Mr YAU Sun-kit
Head

Professor Reggie KWAN
College President, Caritas Francis Hsu College and
Bianchi College of Careers

Hong Kong College of Technology

Dr CHAN Cheuk-hay
President and Principal

Miss Jessica CHEUNG
Head of Registry Affairs Office

The Student Union of Hong Kong Shue Yan University

Mr CHEUNG Wai
President

Miss LEUNG Ka-fung
External Vice-President

The Student Union of The Chinese University of Hong
Kong

Miss CHOW Ching
External Vice-President

Mr AU Nok-hin
Internal Secretary

Hong Kong Federation of Students

Mr LI Yiu-kee
Secretary-General

The Hong Kong Polytechnic University Students' Union

Mr LEUNG Hiu-pong
External Vice-President

Lingnan University Students' Union

Mr TANG Kai-lun
Representative Council Chairperson

Hong Kong University Students' Union

Mr LO Chung-hong
University Affairs Secretary II

Hong Kong University of Science and Technology
Students' Union

Miss Iris LAM Wing-to
External Vice-President

Hong Kong Professional Teachers' Union

Mr CHAN Kwok-kuen
Deputy Director of Publication Department

The Alliance for the Concern of Sub-degree Education

Miss CHAN Hoi-chi
Representative

Associate Degree Concern Group, City University of
Hong Kong

Mr CHENG Yiu-tung
Representative

Associate Degree Alliance, City University of Hong
Kong

Miss KWOK Po-yee
Representative

Programme Quality Concern Group, Community
College of City University of Hong Kong

Mr YAU Chi-hang
Representative

Associate Degree Concern Group, Hong Kong Baptist
University

Mr LEUNG Yip-hon
Representative

Y Talk!

Miss IP Ho-yee
Representative

Miss SIU Yee-shun
Representative

Mr KONG Ho-ming

Mr CHUNG Yiu-hong

Mr LO Wai-ming

Hong Kong Institute of Technology

Dr K S CHAN
Vice President

Ms Aster CHEUK Hiu-nam
Vice President

Mr LEE Ching

Agenda item II

The Hong Kong University of Science and Technology

Ms Stella NG
Associate Director of Human Resources

Mrs Catherine LAI
Director, Court, Council & Senate Secretariat

City University of Hong Kong

Mr John Dockerill
Secretary to Council

Mrs Eva NG LI Yee-wah
Acting Director of Human Resources

Lingnan University

Mr LI Kam-kee
Director of Administration, Office of the President /
Secretary to the Council and the Court

Hong Kong Baptist University

Dr Karen CHAN
Director of Personnel Office

The Hong Kong Institute of Education

Mr Chris MONG
Vice President (Administration)

The Chinese University of Hong Kong

Mr Jacob LEUNG
Secretary of the University

Mrs Sophie LAU
Director of Personnel

The Hong Kong Polytechnic University

Mrs Dorothy HUNG
Acting Director of Human Resources

Miss Connie CHAN
Senior Administrative Officer, President Office

The University of Hong Kong

Mr Henry WAI
Registrar

Ms Dora YUE
Assistant Registrar, Registry

The University of Hong Kong Employees Union

Mr CHU Kee-tung
Chairman

Mr WONG Kam-sing
Vice-Chairman

The University of Hong Kong Academic Staff
Association

Mr Albert YEUNG Tak-chung
Vice-Chairman

CUHK Alumni Concern Group

Mr MAU Chi-wang
Member

Mr Raymond LUK Yiu-man
Member

The University of Hong Kong Staff Association

Mr Stephen CHEN Chit-kwai
President

Dr YANG Mo
Vice-President

The Student Union of The Chinese University of Hong
Kong

Miss CHOW Ching
External Vice-President

Mr AU Nok-hin
Internal Secretary

Staff Association of The Chinese University of Hong Kong

Ms Memie KWOK
Vice-President

Ms Louisa TSOI Yuk-yin
Welfare Officer

The Teachers' Association of The Chinese University of Hong Kong

Professor CHANG Song-hing
Chairman of Executive Committee

Hong Kong Professional Teachers' Union

Mr CHAN Kwok-kuen
Deputy Director of Publication Department

The Hong Kong University of Science and Technology Staff Association

Dr ZHU Lijing
Chairman

Mr LAM Kin-lai
Vice Chairman

Mr WONG Juen-kon

Hong Kong Federation of Students

Mr LI Yiu-kee
Secretary-General

University Education Concern Group

Dr CHOI Po-king
Representative

Dr MAK Chiu-ling
Representative

Federation of Hong Kong Higher Education Staff Associations

Professor SHUM Kar-ping
Chairman

The Chinese University of Hong Kong Employee's General Union

Miss Emily NG Hiu-chun
President

City University of Hong Kong Teachers' Union

Dr CHENG Lee-ming
President

Academic Staff Association of the Hong Kong Institute of Education

Mr LEUNG Yan-wing
President

Mr WONG Ping-ho
Vice-President

Hong Kong Polytechnic University Staff Association

Dr Joseph LEE
Vice Chairman

Hong Kong Baptist University Faculty and Staff Union

Mr TO Yiu-ming
Spokesman

Clerk in attendance : Miss Odelia LEUNG
Chief Council Secretary (2)6

Staff in attendance : Mr Stanley MA
Senior Council Secretary (2)6

Miss Josephine SO
Council Secretary (2) 1

Miss Carmen HO
Legislative Assistant (2)6

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I. Report of the Phase 2 Review of the Post-secondary Education Sector
[LC Paper No. CB(2)2387/07-08(01)]
[File Ref.: EDB (MPE)CR 8/2041/04]
[Report of the Phase 2 Review of the Post-secondary Education Sector]

Members noted the Administration's paper providing an update on the subject of sub-degree education pursuant to the discussions at the meetings on 14 and 28 April 2008.

Oral presentation by deputations

The University of Hong Kong

2. Professor Enoch YOUNG said that the rapid development of the self-financing sub-degree sector since 2000 had provided secondary school leavers with more opportunities to access post-secondary education. The University of Hong Kong (HKU) offered a wide variety of self-financing sub-degree programmes with a tuition fee ranging between \$40,000 and \$50,000 per annum, which was about 20% of the average unit cost of publicly-funded degree programmes. He supported the 22 recommendations made by the Steering Committee in the Report of the Phase 2 Review of the Post-secondary Education Sector (the Report) which would help facilitate the healthy and sustainable development of the post-secondary education sector. As a knowledge-based society, the higher education participation rate in Hong Kong was still low as compared with other developed countries. The development of sub-degree education was relatively short in Hong Kong, and members of the public had misunderstanding about its role and quality. HKU suggested that the Administration should promote the recognition of the sub-degree qualifications for further study and employment purposes, implement support measures including providing a legislative framework to facilitate the development of the self-financing degree sector and allow more students from the Mainland to pursue education in Hong Kong.

Community College of City University

3. Ms WONG CHAN Pik-yuen said that the Community College of City University welcomed the recommendations in the Report. The College considered that more focus should be placed on the articulation of sub-degree programmes to degree programmes. For this purpose, the College suggested that the Administration should assist course providers to devise and refine their sub-degree programme curriculum to tie in with the respective undergraduate

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programme curricula in the University Grants Committee (UGC)-funded institutions, in particular the new curricula for the four-year undergraduate programmes starting from the 2012-2013 academic year.

College of Professional and Continuing Education, Hong Kong Polytechnic University

4. Professor Peter YUEN said that the College of Professional and Continuing Education supported the recommendations in the Report. He pointed out the public misunderstanding of the quality of self-financing sub-degree programmes, and highlighted that the self-financing sub-degree programmes offered by the College were of high quality and were accredited by the Hong Kong Polytechnic University (PolyU) under PolyU's self-accrediting mechanism. The College had invested substantial resources in constructing purpose-built premises and employing qualified teachers. The College considered that given the limit of providing top-up degree places in the UGC sector, the Administration should review the existing policies and procedures with a view to facilitating the development of self-financing degree-awarding institutions and private universities to provide more articulation opportunities for sub-degree graduates.

*The Hong Kong Institute of Education
[LC Paper No. CB(2)2670/07-08(01)]*

5. Professor LEE Wing-on said that the Hong Kong Institute of Education (HKIEd) and its School of Continuing and Professional Education supported the major recommendations in the Report. HKIEd considered that the value of the sub-degree education including Associate Degree (AD) and Higher Diploma (HD) qualifications should be affirmed in the light of an increasingly knowledge-based economy, and sub-degree programmes should tie in with the implementation of the new academic structure. HKIEd considered it important to promote the quality and recognition of sub-degree qualifications for articulation to further study and employment purposes. Professor LEE highlighted the quality assurance mechanism applied to HKIEd's self-financing programmes. He added that HKIEd supported the promulgation of a set of "Good Practices for the Sub-degree Sector"; the involvement of employers in the development of sub-degree programmes to provide pre-employment job experiences for sub-degree students; and the various improvement measures including the financial assistance and support to providers and students of the self-financing sub-degree sector.

*Caritas Community and Higher Education Service
[LC Paper No. CB(2)2387/07-08(02)]*

6. Professor Reggie KWAN said that the Caritas Community and Higher Education Service (Caritas) supported the recommendations in the Report.

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Caritas suggested that the funding for the Quality Enhancement Grant Scheme should become recurrent; the sub-degree programmes offered by self-accrediting and non-self-accrediting institutes should be subject to the same quality assurance mechanism; the development of self-financing degree-awarding institutions and private universities should be supported; and resources should be allocated to promote public understanding and recognition of sub-degree qualifications.

Hong Kong College of Technology

7. Dr CHAN Cheuk-hay said that the Hong Kong College of Technology welcomed the conclusions and recommendations in the Report, in particular the affirmation of the value and contributions of the self-financing sub-degree sector and the proposed measures to enhance the quality of sub-degree education. The College considered it crucial to provide students with equal opportunities and equal treatment to pursue education. Institutions should aim to maintain the quality of their programmes and ensure that their students were value-added after attending the programmes. He invited members and other concern parties to visit the College to meet and discuss with teachers and students to better understand issues relating to sub-degree education.

The Student Union of Hong Kong Shue Yan University

8. Miss LEUNG Ka-fung said that the Student Union of Hong Kong Shue Yan University supported the development of private universities. However, she pointed out that private universities could hardly compete with the publicly-funded institutions in terms of hardware and software because of the limited resources available to them. As a result, students of private universities could not enjoy an all-rounded campus life. Miss LEUNG considered that the Administration should allocate suitable land sites and adequate resources to support self-financing institutions with a reputable track record to develop into private universities in the long run. Providing direct subsidy according to the number of students enrolled could be one of the modes of subsidy.

The Student Union of The Chinese University of Hong Kong

9. Miss CHOW Ching said that the Administration should step up efforts to remove the misconception about AD qualification and promote its recognition for further study and employment purposes. The Student Union suggested that the Administration should publish the employment statistics of AD and HD graduates by programmes and trades with the average remuneration earned; take the lead in recognising AD qualifications by increasing the number of civil service grades accepting AD qualification for recruitment purposes; increase the number of publicly-funded articulated places for sub-degree graduates; and review and increase the provision of first-year-first-degree (FYFD) places in the UGC-funded institutions.

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Hong Kong Federation of Students
[LC Paper No. CB(2)2438/07-08(01)]

10. Mr LI Yiu-kee said that the Hong Kong Federation of Students considered the recommendations in the Report to enhance financial assistance to students inadequate to address their concerns. The Federation suggested that the Administration should remove the current maximum grant of \$58,000 under the Financial Assistance Scheme for Post-secondary Students (FASP) and the age limit of 25 for application of the means-tested grants. In addition, the non-means-tested loans under FASP should be interest-free during the study period. The Federation called on the Administration to remove the risk adjustment factor of 1.5% on top of the no-gain-no-loss interest rate for the non-means-tested loans under FASP. On repayment of loans, the Federation objected to the proposal under consideration to provide credit reference agencies with information on loan borrowers who had defaulted two or more consecutive repayments.

The Hong Kong Polytechnic University Students' Union

11. Mr LEUNG Hiu-pong said that the Hong Kong Polytechnic University Students' Union supported the extension of the repayment period for loans under the Start-up Loan Scheme (SLS) from 10 to 20 years to mitigate the financial burden of self-financing course providers but considered that such a measure would have the effect of making more students share the burden of repayment. The Union suggested that the Administration should waive the outstanding loans of providers under SLS to enable them to devote more resources to upgrade the quality of their sub-degree programmes.

Lingnan University Students' Union

12. Mr TANG Kai-lun said that the Lingnan University Students' Union was concerned about the quality and the quality assurance mechanism of self-financing sub-degree programmes. The Union considered it necessary for providers to uphold the principle of "lenient entry, stringent exit" so that more students could pursue post-secondary studies without compromising the quality of sub-degree education. The Union suggested that the Administration should introduce measures to enhance quality assurance of sub-degree education and allocate resources to increase articulation and employment opportunities for sub-degree graduates. Providers should be required to disclose relevant information about their courses to enhance monitoring. To improve the quality of sub-degree education, the Administration should consider providing subsidies to providers of sub-degree programmes on the basis of not less than \$20,000 per student per annum. In addition, the Administration should review and introduce improvement measures to upgrade the learning environment.

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Hong Kong University Students' Union

13. Mr LO Chung-hong said that without any guidelines or control over the delineation and use of tuition fees and administrative fees of self-financing courses, some providers aimed to make profits and charged exceptionally high administrative fees. It was reported that some self-financing institutions charged administrative fees as high as 7% to 20% of the tuition fees. The Hong Kong University Students' Union called on the Administration to set up mechanisms to monitor the increase in tuition and administrative fees of self-financing sub-degree and degree courses. The Students' Union considered that tuition fees should be used to improve the quality of teaching and learning rather than to repay the loans of providers. In the view of the Students' Union, the extension of the repayment period from 10 to 20 years under SLS would have the effect of catching more students to repay the loans. The Students' Union suggested that the Administration should waive the outstanding loans of providers under SLS to enable them to devote more resources to upgrade the quality of their self-financing programmes.

Hong Kong University of Science and Technology Students' Union

14. Miss Iris LAM Wing-to said that the Hong Kong University of Science and Technology Students' Union suggested that the Administration should compile and release employment statistics in respect of sub-degree graduates by institutes, programmes and trades; take the lead in recognising sub-degree qualifications for civil service appointment; employ more sub-degree graduates to encourage the private sector to follow suit; and review and increase the provision of publicly-funded FYFD places progressively until all qualified sub-degree graduates could be articulated to university studies

Hong Kong Professional Teachers' Union
[LC Paper No. CB(2)2438/07-08(02)]

15. Mr CHAN Kwok-kuen said that the Hong Kong Professional Teachers' Union considered that the crux of self-financing sub-degree education rested with subsidy, quality and articulation. The Union was disappointed that the 22 recommendations in the Report had not included the provision of direct subsidy to improve the quality of sub-degree education or the increase of articulation places in the UGC-funded institutions. The Union had all along considered that self-financing sub-degree students should be treated fairly and on a par with their publicly-funded tertiary students. Without direct subsidy from the Administration, providers could not be expected or afford to use their limited resources on the courses and the quality of self-financing could hardly be improved. Without adequate articulation places in publicly-funded institutions, the prospect of sub-degree holders for further studies was limited. The Union suggested that as an interim measure, the Administration should allow the UGC-funded institutions to flexibly deploy the quota for non-local students to

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admit sub-degree graduates who should be required to pay tuition fees on the basis of the marginal costs of the studies.

*The Alliance for the Concern of Sub-degree Education
[LC Paper No. CB(2)2669/07-08(01)]*

16. Miss CHAN Hoi-chi said that the Alliance for the Concern of Sub-degree Education was disappointed about the lack of commitment on the part of the Administration in sub-degree education as shown in the Report. The major issues of resources and articulation had not been addressed. The Alliance considered it paramount to provide sufficient resources to improve the quality of sub-degree education and to increase the number of articulation places in the UGC-funded institutions for sub-degree graduates. The Alliance suggested that the Administration should set out a timetable for increasing articulation places and allow institutions to flexibly deploy non-local intake quota to admit sub-degree graduates in the short term; waive the outstanding loans of providers under SLS to enable them to devote more resources to upgrade the quality of their sub-degree programmes; and provide direct subsidies to providers on the basis of \$20,000 per annum per student enrolled in recognized courses. The Alliance also considered that the principle of "lenient entry, stringent exit" should be adhered to. The Alliance did not accept the development of private universities as a way to resolve the articulation problem.

Associate Degree Concern Group, City University of Hong Kong

17. Mr CHENG Yiu-tung said that the establishment of the Tripartite Liaison Committee comprising the Education Bureau (EDB), the Hong Kong Council for Accreditation of Academic and Vocational Qualifications (HKCAAVQ) and the Joint Quality Review Committee (JQRC) could not address the quality issue of the sub-degree sector. Being an advisory body, the Committee lacked the authority to regulate the operation of sub-degree programme providers. The Concern Group considered that the Administration should set up a mechanism with statutory authority to enforce compliance with the principle of "lenient entry, stringent exit" in respect of sub-degree programmes to improve their quality and take the lead in recognising sub-degree qualifications by employing more sub-degree graduates which would encourage the private sector to follow suit.

Associate Degree Alliance, City University of Hong Kong

18. Miss KWOK Po-yee said that many sub-degree graduates had aspirations to pursue publicly-funded undergraduate programmes, but only a total of 1 927 year two undergraduate places in the UGC-funded institutions were provided by the 2008-2009 academic year. The Alliance was disappointed that the quota for non-local student intake in the UGC-funded institutions had increased thirty folds over the years but the number of articulation places for sub-degree

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graduates had increased only slightly. The Alliance considered that instead of introducing measures to further promote non-local student intake in order to develop Hong Kong into a regional education hub, the Administration should allow the UGC-funded institutions to use the non-local intake quota to enrol meritorious sub-degree graduates. In addition, the Administration should review the provision of FYFD places to enhance the opportunities for undergraduate studies.

Programme Quality Concern Group, Community College of City University of Hong Kong

19. Mr YAU Chi-hang said that in the view of the Programme Quality Concern Group, Community College of City University of Hong Kong (CityU), the Administration had not projected the long-term manpower needs of Hong Kong or planned for the supply of post-secondary programmes accordingly, resulting in over-expansion of the self-financing sub-degree sector and unbalanced development of programme types. The types of programmes offered by providers were dictated by market forces, without regard to programme continuity and accumulation of experience. Under such circumstances, sub-degree education could hardly attain quality or be developed in a healthy manner. The Concern Group called on the Administration to take the initiative to regulate the supply and monitor the quality of sub-degree programmes, instead of leaving it entirely to the market forces.

Associate Degree Concern Group, Hong Kong Baptist University

20. Mr LEUNG Yip-hon said that many students were unaware that a large portion of the tuition fees were used by course providers for loan repayment under SLS, and the resources left for programme delivery were few. The Associate Degree Concern Group of Hong Kong Baptist University considered that the recommendation in the Report to extend the loan repayment period from 10 to 20 years would aggravate the problem as interest would be charged after the first 10 years. The Concern Group suggested that to resolve the problem, the Administration should waive the outstanding loans of providers under SLS to enable them to devote more resources to upgrade the quality of their sub-degree programmes.

Y Talk!

[LC Paper No. CB(2)2693/07-08(01)]

21. Miss IP Ho-yee said that while the Government had a policy commitment to expand the post-secondary education sector, it had not provided sufficient resources for the purpose, resulting in the unhealthy development of the sub-degree education. Y Talk pointed out that the average unit cost of a quality sub-degree programme should be around \$60,000 per annum. However, the current tuition fee of self-financing sub-degree programmes was around \$40,000

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per annum. This could explain why the quality of self-financing sub-degree programmes was often called into question. The recommendations in the Report to launch a Quality Enhancement Grant Scheme for three years and to extend the repayment period under SLS from 10 to 20 years could not address the root problems of the quality issue of sub-degree education. Y Talk considered that to improve the quality of sub-degree programmes, the Administration should provide direct subsidies to providers on the basis of \$20,000 per student per annum.

Mr KONG Ho-ming

[LC Paper No. CB(2)2694/07-08(01)]

22. Mr KONG Ho-ming said that the establishment of a Tripartite Liaison Committee without statutory powers would not enhance the quality of sub-degree education. Despite the development of the common descriptors in 2001 and the establishment of the JQRC in 2005, the quality of sub-degree education had remained unsatisfactory. He quoted a series of complaints lodged by students against individual sub-degree programmes over the years. Mr KONG considered the lack of monitoring on the part of the Administration the main reason for the present unsatisfactory situation. He suggested that the Administration should strengthen regulation of the sub-degree programmes to ensure quality and impose penalty for non-compliance with the common descriptors. In addition, the Administration should provide direct subsidies to providers on the basis of student enrolment to enable them to devote more resources to improve the quality of their sub-degree programmes.

Mr CHUNG Yiu-hong

23. Mr CHUNG Yiu-hong described his personal experience in seeking post-secondary education and employment to illustrate how the various initiatives introduced by the Administration in these areas in the past decade had failed to address the needs of secondary school leavers. He highlighted the major problems in the self-financing sub-degree sector including quality and accreditation of programmes, articulation to publicly-funded undergraduate programmes and recognition of sub-degree qualifications for further studies and employment purposes. He cautioned that the Administration should learn from the experience of the development of sub-degree education and formulate appropriate regulatory and support measures for the development of a self-financing degree sector. In his view, a self-financing degree sector should not be developed hastily to avoid recurrence of problems with sub-degree education.

Mr LO Wai-ming

24. Mr LO Wai-ming said that like the pre-primary sector, it was necessary for the Administration to regulate the development of a self-financing degree

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sector. He highlighted the lack of diversity of self-financing sub-degree programmes as providers considered only the market demand without regard to the manpower needs of Hong Kong. To avoid recurrence of problems with the sub-degree sector in the development of a self-financing degree sector, Mr LO considered that the Administration should formulate measures to regulate the development of programme types; prevent misleading advertisements on self-financing degree courses; establish mechanisms to monitor the financial position of providers and the quality of their programmes; and provide sufficient subsidies and support to course providers and students.

Hong Kong Institute of Technology
[LC Paper No. CB(2)2670/07-08(02)]

25. Dr K S CHAN said that the Hong Kong Institute of Technology welcomed the recommendations in the Report to enhance the quality of sub-degree education and support the development of post-secondary institutes. In particular, the Institute supported the recommendation to review the Post Secondary College Ordinance (Cap. 320) with a view to providing a more up-to-date, streamlined and comprehensive legislative framework for regulating the non-statutory education providers operating local programmes. According to his understanding, the Ordinance did not require the institutes applied for registration under the Ordinance to be accredited by HKCAAVQ. The existing fee for accreditation by HKCAAVQ under the Ordinance was costly, amounting to one million. The Institute suggested that institutes operating sub-degree programmes which had been accredited by HKCAAVQ should be recognised for the purpose of registration under the Ordinance. These institutes would only need to apply for accreditation should they operate degree programmes.

Mr LEE Ching

26. Mr LEE Ching said that the over-expansion of the self-financing sub-degree sector since 2000 had resulted in the low quality of programmes and inadequate recognition of sub-degree qualifications for further study and employment purposes. He considered that the recommendations in the Report, including implementing improvement measures to support providers and students, would not resolve the various problems in the sub-degree sector. These problems included the use of tuition fees for loan repayment, the charge of interest for non-means-tested loans during study period, the provision of inadequate articulation opportunities, and the inadequate recognition of sub-degree qualifications. He requested members and the deputations to continue to keep an eye on the on-going development of the self-financing sub-degree sector.

The Administration's response

27. Deputy Secretary for Education(1) (Acting) (DS(Ed)1)(Atg) thanked the

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deputations for their views and suggestions on the recommendations in the Report. He made the following responses -

- (a) the Administration had all along taken the view that quality was the cornerstone of the development of the self-financing post-secondary education sector. Over half of the 22 recommendations in the Report were related to enhancing the quality of sub-degree programmes. Sub-degree programmes were subject to quality review conducted by HKCAAVQ or JQRC. To be eligible for the various support schemes to providers and students, the self-financing sub-degree programmes must have undergone successful local accreditation. This was an effective mechanism to ensure the quality of providers and their programmes;
- (b) most sub-degree graduates, including AD and HD graduates, were able to find a job within three months after graduation with comparable remunerations;
- (c) improvements had been made to the provision of financial assistance to sub-degree students under FASP after completion of the Phase 1 Review of the Post-secondary Education Sector in 2006 and the Phase 2 Review in 2008;
- (d) the Administration was open and had not set a timetable concerning the development of self-financing degree-awarding institutions and private universities. The Administration considered it imperative to uphold the quality and standards of the self-financing degree programmes; and
- (e) the Administration had allocated substantial resources to support the development of the post-secondary education sector including introduction of the Land Grant Scheme, extension of the repayment period under SLS, and the launch of the Quality Enhancement Grant Scheme.

The self-financing degree sector

28. Mr CHEUNG Man-kwong said that the development of a self-financing degree sector was a matter of quality and not pace. With the number of FYFD places and articulated places in the UGC-funded institutions maintaining at 14 500 and 1 927 respectively, the demand and supply of self-financing degree places could be expected to increase with the increase in the number of sub-degree graduates in the next few years. At present, there were only 1 629 self-financing degree places, and the average unit costs of self-financing and publicly-funded degree places were around \$42,000 to \$96,000 and \$160,000 to

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\$200,000 per annum respectively. Given the large difference in the unit cost, the quality of self-financing programmes could hardly be compared with that of the publicly-funded programmes. Mr CHEUNG suggested that to improve the situation, the Administration and students should equally share the unit cost of the self-financing degree programmes. Alternatively, the Administration should allow the UGC-funded institutions to use the unfilled non-local intake quota as articulation places for sub-degree graduates in the interim.

29. DS(Ed)1(Atg) responded that the provision of subsidy to self-financing programmes would be a fundamental change to the Government policy. The increase of the non-local intake quota from 10% to 20% in the UGC-funded institutions would only take effect from the 2008-2009 academic year. The Administration had advised members previously that it would review the situation and consider Mr CHEUNG Man-kwong's suggestion in due course.

30. Mr LEE Cheuk-yan said that the crux of the matter was whether the Administration had commitment in education. He shared the view that the Administration should provide subsidies to facilitate the healthy and sustainable development of the self-financing degree sector. He urged the Administration to review the provision of FYFD places in the UGC-funded institutions and waive the loans of providers of self-financing programmes for constructing purpose-built campuses and facilities. In his view, instead of introducing measures to attract overseas talents to come to Hong Kong, the Administration should facilitate the development of local talents by such way as the increase of FYFD places and articulation places in the UGC-funded institutions.

31. DS(Ed)1(Atg) responded that the Administration had allocated substantial resources to education. Around 25% of the recurrent public expenditure was on education. The Administration had sought the approval of the Finance Committee on 23 May 2008 to allocate some \$400 million in 2008-2009, increasing to some \$900 million in 2012-2013, to improve the provision of financial assistance to post-secondary students as recommended in the Report

32. Dr YEUNG Sum said that investment in human resources was crucial to the long-term development of Hong Kong in an increasingly knowledge-based economy. The quality of self-financing programmes could hardly be compared with that of the publicly-funded programmes in terms of both hardware and software. He considered it shameful on the part of Hong Kong for not providing students with aspirations and ability of pursuing higher education affordable opportunities. He expressed strong reservations about the development of a self-financing degree sector to cater for the needs of sub-degree graduates. He urged the Administration to review and increase the provision of publicly-funded articulation places for sub-degree graduates, or alternatively, provide subsidies to providers offering degree programmes.

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33. DS(Ed)1(Atg) explained that the Administration had already allocated more than \$50 billion to education each year and it would not be practical to provide publicly-funded articulation places for all qualified sub-degree graduates. He pointed out that in many developed countries in SouthEast Asia, the self-financing education sector constituted a larger share of the market than the publicly-funded sector.

The self-financing sub-degree sector

34. Ms Emily LAU expressed regret that both the Secretary for Education and the Permanent Secretary for Education had not attended the meeting. She shared the view that the Administration should allocate sufficient resources to facilitate the healthy and sustainable development of the self-financing sub-degree sector. She invited representatives from the continuing education arms of the UGC-funded institutions to respond to the views and concerns of the students about the problems with the sub-degree education sector.

35. Professor Enoch YOUNG responded that the fostering of talents was important in Hong Kong. The Administration should allocate resources to increase the post-secondary participation rate in Hong Kong in the light of its manpower needs. However, there was a limitation on resources. Like other developed countries, the responsibility could not rest solely on either the Government or the private sector. In his view, both the Government and the community had to join hands and put in efforts and resources to support the provision of education.

36. Ms Jennifer NG Glok-hong responded that she shared the views and concerns of students about the problems with the self-financing sub-degree education sector. She concurred with Mr CHEUNG Man-kwong's view that unless resources were provided, quality could not be improved.

37. Professor Peter YUEN responded that there were two major reasons enabling the College of Professional and Continuing Education of PolyU to operate quality sub-degree programmes at lower costs. Firstly, the College concentrated efforts on teaching. Secondly, the College was a subsidiary of PolyU and could use its teaching and learning facilities at marginal costs.

38. Dr Fernando CHEUNG declared interest as a staff member of PolyU. He considered that self-financing sub-degree programmes operated at around 25% of the unit cost of publicly-funded degree places could hardly attain high standards. Coupling with the need for loan repayment, the resources leaving for teaching and learning were few. Given the resources constraints, these programmes were operated like senior secondary classes without diversity. With the number of publicly-funded FYFD places maintaining at 14 500, the Administration resorted to the development of a self-financing degree sector to address the articulation needs of sub-degree graduates. Dr CHEUNG was

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concerned that without Government subsidy, the problems with the self-financing sub-degree education would likely arise in the self-financing degree sector. He pointed out that Hong Kong could not develop into a regional education hub without a commitment on the part of the Administration to put in resources in education. He considered it necessary for the Panel to follow up on the subject matter in the new term.

39. Mr Albert CHAN considered that students had been misled to waste their time and money to pursue sub-degree programmes without due returns. Many students attending self-financing sub-degree programmes were in great hardship as they owed big debts and their qualifications were not well-recognized for further study and employment purposes. To assist these students and improve the quality of sub-degree education, the Administration should allocate additional resources to support the development of the self-financing sub-degree sector. He appreciated the Community College of City University for frankly stating the truth that without subsidy from the Administration, the quality of sub-degree education could not be improved. He pointed out that the cost of funding 3 000 sub-degree places at a unit cost of \$80,000 was \$240 million. He asked how the Administration would cater for the financial and articulation needs of students.

40. DS(Ed)1(Atg) responded that the Administration had conducted two phases of review on the post-secondary education sector and introduced a basket of measures to support the development of the sub-degree sector. In the years ahead, the Administration would concentrate its efforts on the implementation of the 22 recommendations in the Report to support providers and students in the sector.

41. Ms Audrey EU invited the deputations from the continuing education arms of the UGC-funded institutions to comment on the feasibility of operating sub-degree programmes at about 25% of the average unit cost of publicly-funded degree places; the impact of the market forces on programme design; and the transparency of self-financing sub-degree programmes and accessibility of information, including the employment statistics in respect of sub-degree graduates.

42. Professor Enoch YOUNG responded that with an annual tuition fee at around \$42,000, it was financially difficult to run self-financing sub-degree programmes and the quality of teaching could hardly be compared with that of publicly-funded programmes. Whilst the provision of subsidies would definitely help improve the quality of sub-degree education, the development of the self-financing sub-degree sector had provided an alternative path for capable students to pursue post-secondary education. He acknowledged that the development of institutes was affected by the market forces. Professor YOUNG considered that the Administration should reinforce its policy to continue to give funding support for sub-degree programmes requiring high start-up and

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maintenance costs, meeting manpower needs or being regarded as endangered species, i.e., courses that lacked market appeal to the provider and the average student.

43. Ms Jennifer NG Glok-hong responded that it would be very difficult to operate quality sub-degree programmes at around 25% of the average unit cost of publicly-funded degree places. She did not consider it viable for the UGC-funded institutions to run quality programmes at such a cost, notwithstanding the shared use of university facilities at marginal costs. In her view, it was necessary for the teaching staff to undertake research in order to enhance the quality of teaching. She considered that capable sub-degree graduates should enjoy equal opportunities to access quality university education.

44. Professor Peter YUEN responded that the College of Professional and Continuing Education of PolyU was able to operate quality sub-degree programmes because it had a higher teacher-to-student ratio, focused on teaching, and enjoyed the use of PolyU's facilities at marginal costs. By adopting a similar model, the College also run taught post-graduate courses at about half of the unit costs of the publicly-funded courses at the same level.

45. Professor LEE Wing-on responded that the fundamental question was how the Administration would determine the resources for education and how much would be allocated to sub-degree education. He expressed concern that some sub-degree students had run into serious debts and some meritorious students were financially incapable of pursuing further education. He pointed out that the self-financing sub-degree sector was expanding at a period of low costs owing to the outbreak of SARS, and providers were then able to operate programmes at lower costs. With the rising inflation, the problems with the sector raised by the students would emerge sooner or later. He considered it necessary for the Administration to provide direct subsidies to providers and students in the sector.

46. Mr CHEUNG Man-kwong called on the UGC-funded institutions and other course providers to unite together to urge the Administration to provide additional funding to support the healthy and sustainable development of the self-financing sub-degree and degree sectors in the long run. He considered it detrimental to the interests of students and the quality of teaching and learning if providers were to adopt measures to lower the costs of operation in order to be self-financing.

47. Dr YEUNG Sum requested the UGC-funded institutions to consider the problems in the sub-degree sector and unite together to urge the Administration to review the resources allocated to the sector.

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48. Concluding the discussions, the Chairman requested the Administration to consider the views and suggestions of members and the deputations raised at the meeting, in particular about the adequacy of resources allocated to the sub-degree sector which affected the quality of sub-degree programmes.

II. Governance structure and grievance and complaint mechanisms of the University Grants Committee-funded institutions

[LC Paper Nos. CB(2)1655/07-08(01) and CB(2)2387/07-08(03)]

Introduction

49. Members noted the background brief prepared by the LegCo Secretariat [LC Paper No. CB(2)2387/07-08(03)].

50. The Chairman reminded all parties that deputations/individuals attending the meeting were not covered by the protection and immunity provided under the Legislative Council (Powers and Privileges) Ordinance (Cap. 382) when addressing the Panel. As the representatives of the eight UGC-funded institutions chose not to make any oral presentation, they only participated in the discussion session. At the invitation of the Chairman, the 18 deputations/individuals made oral presentation to the Panel.

Views of deputations/individuals

University of Hong Kong Employees Union (HKUEU)
[LC Paper No. CB(2)2387/07-08(05)]

51. Mr CHU Kee-tung and Mr WONG Kam-sing presented the views of HKUEU, as detailed in its submission. HKUEU considered HKU's existing governance and management structure and mechanism for handling complaints lodged by staff ineffective, and suggested that improvements be made by cutting the red tape and streamlining the procedures.

The University of Hong Kong Academic Staff Association (HKUEU)

52. Citing cases where unfairness was found in employment-related issues, Mr Albert YEUNG Tak-chung stressed the importance of university management putting in place a fair and transparent mechanism to handle staff-related issues in the development of a higher education institute. This was far more important than implementing a grievance and complaint mechanism. He suggested that the UGC-funded institutions should make reference to the overseas practices and set out in detail the assessment criteria for re-appointment and promotion. The operation of the assessment system should be made transparent to the public.

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CUHK Alumni Concern Group (CUHKACG)
[LC Paper No. CB(2)2415/07-08(01)]

53. Mr MAU Chi-wang presented the view of CUHKACG, as detailed in its submission. He stressed that the University management should continue to enhance its transparency and accountability so as to safeguard the interests of the stakeholders.

54. Mr Raymond LUK Yiu-man hoped that the external Council members of The Chinese University of Hong Kong (CUHK), particularly those three LegCo members sitting on the Council of CUHK, could help monitor the situation.

The University of Hong Kong Staff Association (HKUSA)
[LC Paper No. CB(2)2415/07-08(02)]

55. Mr Stephen CHEN Chit-kwai presented the views of HKUSA, as detailed in its submission. Mr CHEN said that HKUSA supported the recommendation of Federation of Hong Kong Higher Education Staff Associations to extend the jurisdiction of the Office of The Ombudsman to cover all UGC-funded institutions.

56. Dr YANG Mo supplemented that heads of departments in HKU were given too much power in staff management and resource allocation. He held the view that the University should strengthen its monitoring mechanism to prevent the abuse of power by heads of departments. In addition, a fair, impartial and transparent promotion process should be put in place.

The Student Union of The Chinese University of Hong Kong (SU(CUHK))
[LC Paper No. CB(2)2438/07-08(03)]

57. Mr AU Nok-hin took members through the submission of SU(CUHK), and highlighted the following views and suggestions -

- (a) the Administration should review the reasonableness of recommendations made in the Sutherland Report, and set out a direction for the UGC-funded institutions to strengthen their governance structure;
- (b) information relating to the institutional change of the UGC-funded institutions, especially the proposed changes to the CUHK's Council, should be made available for public inspection; and
- (c) the management of CUHK should allow staff members and student representatives to participate in the formulation of policies.

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Staff Association of The Chinese University of Hong Kong (SA(CUHK))

58. Ms Memie KWOK said that members of the Investigation Committee formed by CUHK to undertake formal investigation into various types of complaints and grievances were appointed by the Vice-Chancellor. SA(CUHK) strongly requested that representatives of SA(CUHK) be invited to join the Investigation Committee. For consistency, SA(CUHK) suggested that all the UGC-funded institutions should adopt a standardized system for resolving complaints and grievances lodged by staff of the institutions.

*The Teachers' Association of The Chinese University of Hong Kong (TA(CUHK))
[LC Paper No. CB(2)2700/07-08(01)]*

59. Professor CHANG Song-hing presented the views of TA(CUHK) as set out in the submission which was tabled at the meeting. Professor CHANG said that TA(CUHK) supported the Federation of Hong Kong Higher Education Staff Association's proposal to set up a fair, independent and higher level mechanism to deal with complaints, including appeals, from staff who felt aggrieved by the decisions of the University management.

*Hong Kong Professional Teachers' Union (the Union)
[LC Paper No. CB(2)2616/07-08(01)]*

60. Mr CHAN Kwok-ken presented the views of the Union, as detailed in its submission. In gist, the Union was of the view that the Administration should respect academic freedom, and make all reasonable efforts to ensure that the UGC-funded institutions could maintain their institutional autonomy. Appropriate improvements should be considered and made to various aspects including corporate governance of the institutions, the proportion of council members appointed by the Government, the percentage of academic staff on substantive terms and fixed-term contracts, and disputes handling mechanisms for staff.

Hong Kong University of Science and Technology Staff Association (HKUSTSA)

61. Dr ZHU Lijing said that HKUSTSA hoped that the management of Hong Kong University of Science and Technology (HKUST) could increase the transparency and independence of its grievance and complaint mechanism.

*Mr WONG Juen-kon
[LC Paper No. CB(2)2589/07-08(01)]*

62. Mr WONG Juen-kon presented his views, as detailed in his submission. He criticized the management of the UGC-funded institutions for adopting a secretive approach in their operation and staff administration. He strongly requested for the establishment of an inter-institutional redress mechanism to deal with complaints from staff of all UGC-funded institutions.

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Hong Kong Federation of Students (HKFS)
[LC Paper No. CB(2)2616/07-08(02)]

63. Mr LI Yiu-kee took members through the submission of HKFS. He alleged that there were cases of Government interference with the academic freedom in tertiary institutions. HKFS specifically requested that the appointment of Chancellor should be determined by LegCo. In Hong Kong, the Chief Executive was the Chancellor of the UGC-funded institutions. HKFS considered this arrangement not appropriate, and requested that the Chancellor should not be a government official or civil servant. In addition, the governing bodies/management committee of all UGC-funded institutions should be revamped to include members of the public, representatives elected from among staff members and students of individual institutions. HKFS was also of the view that the composition of the Council/Senate of all UGC-funded institutions should be revised to ensure that students and staff members were adequately represented in the councils.

University Education Concern Group
[LC Paper No. CB(2)2387/07-08(07)]

64. Dr CHOI Po-king and Dr MAK Chiu-ling presented the views of University Education Concern Group, as detailed in its submission. They strongly requested UGC to review its existing policy in respect of allocation of funding for the purpose of conducting research. In addition, the UGC-funded institutions should address the problem encountered by junior teaching staff in that they were having increasing workload in the area of teaching, making it very difficult for them to engage in research and development activities.

Federation of Hong Kong Higher Education Staff Associations (the Federation)
[LC Paper No. CB(2)2669/07-08(02)]

65. Professor SHUM Kar-ping presented the views of the Federation which were detailed in the submission tabled at the meeting. Pointing out the problems with the governance structure of the UGC-funded institutions, Professor SHUM said that the Administration should consider -

- (a) establishing an independent inter-institutional redress mechanism for handling complaints from staff of all UGC-funded institutions; and
- (b) extending the jurisdiction of the Office of The Ombudsman to cover all UGC-funded institutions.

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66. Professor SHUM further said that the university heads should ensure that at the system level, appropriate mechanisms and incentives were put in place to ensure fairness and equity.

*The Chinese University of Hong Kong Employee's General Union (CUHKEGU)
[LC Paper No. CB(2)2387/07-08(06)]*

67. Miss Emily NG Hiu-chun took members through the submission of CUHKEGU, and highlighted the following suggestions of CUHKEGU to improve the governance structure of the UGC-funded institutions -

- (a) all UGC-funded institutions should allow interested parties access to papers, including agenda and minutes of meetings of their governing bodies;
- (b) all UGC-funded institutions should improve information flow and the integrity of information disclosure by preparing a code of practice, as in the case of CityU, for stakeholders to require the production of information or materials where necessary;
- (c) the UGC-funded institutions should improve their consultation process and follow the same principles/standards in carrying out the consultation; and
- (d) the Administration should put in place in the UGC-funded institutions a collective bargaining system which enabled employers and employees to negotiate and agree on terms and conditions of employment and other staff-related issues.

*City University of Hong Kong Teachers' Union (CityUTU)
[LC Paper No. CB(2)2669/07-08(03)]*

68. Dr CHENG Lee-ming presented the views of CityUTU as detailed in the submission which was tabled at the meeting. CityUTU suggested that the Administration should require all UGC-funded institutions to make available the agendas, papers and minutes of meetings of their governing bodies for public access, as this could help enhance their accountability and transparency. The management of the institutions should also open up the meetings to the staff members as the latter had the right to know. As the established mechanisms in all institutions to handle grievances and complaints were considered ineffective, the Administration should extend the jurisdiction of the Office of The Ombudsman to cover all UGC-funded institutions.

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Academic Staff Association of the Hong Kong Institute of Education (ASA(HKIEd))
[LC Paper No. CB(2)2616/07-08(03)]

69. Mr LEUNG Yan-wing briefed members on the views of ASA(HKIEd), as detailed in the submission. He highlighted the following points -

- (a) the Administration should introduce legislation to implement Articles 34, 39 and 137 of the Basic Law in order to protect academic freedom and institutional autonomy;
- (b) the Government should not interfere with the administration of any institutions in the higher education sector;
- (c) no government official or public officers should be appointed as members of the governing bodies of the UGC-funded institutions;
- (d) the number of government-appointed Council members in the UGC-funded institutions should be reduced and kept to the minimum;
- (e) the chairperson of the governing bodies should only be elected from among the external/independent members; and
- (f) the Chief Executive should not be the Chancellor of any UGC-funded institutions.

Hong Kong Polytechnic University Staff Association (PolyUSA)

70. Dr Joseph LEE said that he had been a member of PolyU's Grievance and Appeal Committee (GAC). According to his own experience, the established mechanism in PolyU for handling grievances and complaints in relation to staff matters were far from effective, since GAC was operating under the influence of the President. PolyUSA shared the view of other deputations that an independent inter-institutional redress mechanism should be established to deal with complaints from staff of all UGC-funded institutions, and the Administration should consider extending the jurisdiction of the Office of The Ombudsman to cover all UGC-funded institutions.

Hong Kong Baptist University Faculty and Staff Union (HKBUFSU)
[LC Paper No. CB(2)2669/07-08(02)]

71. Mr TO Yiu-ming presented the views of HKBUFSU as detailed in the submission which was tabled at the meeting. HKBUFSU shared the views of other deputations that -

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- (a) all UGC-funded institutions should increase the transparency and accountability of their governance structure;
- (b) a fair, open and independent inter-institutional redress mechanism should be established to deal with complaints from staff of all UGC-funded institutions;
- (c) the management of all UGC-funded institutions should make arrangement to foster a fair, equitable and participatory governance structure by including more staff and student representatives in their governing bodies; and
- (d) all UGC-funded institutions should make available the agendas, papers and minutes of meetings of their governing bodies for public access.

72. Members noted a written submission provided by Lawrence Lau Monitor (The Chinese University of Hong Kong) [LC Paper No. CB(2)2616/07-08(03)].

Briefing and response by the Administration

73. At the invitation of the Chairman, Secretary-General, University Grants Committee (SG(UGC)) briefed members on the latest development in respect of the reviews of governance and management structures, including the internal grievance and complaint mechanisms, conducted by the UGC-funded institutions as set out in the paper [LC Paper No. CB(2)1655/07-08(01)].

74. In response to the views and concerns expressed by the deputations, DS(Ed)1(Atg) said that the Administration respected the principles of institutional autonomy and academic freedom. Each of the eight UGC-funded institutions was governed by a separate piece of ordinance. The governing bodies of all UGC-funded institutions had completed their reviews of the fitness for purpose of their governance and management structures, and had been implementing the recommendations made under the reviews. As some of the recommendations required legislative changes, the relevant legislative proposals had been or would be introduced into LegCo for scrutiny.

Discussion

75. Mr LEE Cheuk-yan said that staff members of the institutions would not have confidence in their internal grievance and complaint mechanisms if they were not provided with a right to bargain collectively with the management of the universities. In his opinion, disputes over staff-related issues could only be resolved when staff associations/unions had a role to play in the complaint handling system, including representing the employees to negotiate with the employer and accompanying staff members to attend the hearing of the cases.

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He asked whether any institutions allowed their staff associations/unions to participate in the relevant processes.

76. Mr Henry WAI of HKU responded that according to HKU's established procedures for handling staff grievances and complaints, a complainant or a staff member under complaint might be accompanied by a lawyer or a person who could offer assistance to the staff member, such as relative, friend, colleague or staff union member, in attending a formal hearing arranged by the Grievances Panel or the Committee of Enquiry. The staff member could also make statement through his/her representative. In the case of PolyU, Mrs Dorothy HUNG advised that the PolyU Council approved in June 2007 a new policy on handling staff grievances and appeals as proposed by the University management. Under the new policy, GAC, which was tasked to investigate staff complaints and grievances, consisted of four members, namely, a member appointed by the Senate as the Chairman, one member representing the teaching staff, one member representing non-teaching staff and also a representative of PolyUSA. For CityU, Mrs Eva NG said that the complainant and the respondent appearing before the Appeal Committee might be accompanied by a person, such as a colleague or a trade union representative.

77. Dr YEUNG Sum said that the Administration should take into account the deputations' views and introduce appropriate measures to improve the transparency and accountability of the governance structure of all UGC-funded institutions. He agreed with the deputations' views and considered that all UGC-funded institutions should model on the practice adopted by LegCo to make available agendas, relevant papers and minutes of meetings of their governing bodies for public access.

78. In response, SG(UGC) said that UGC respected institutional autonomy of the five areas which were set out in the UGC Notes on Procedure, i.e. the design of curricula and monitoring of academic standards, selection of staff and students, initiation and acceptance of research, and the internal allocation of resources. In striking a balance between respecting institutional autonomy and enhancing accountability and transparency, UGC had no intention of dictating what should be done by the UGC-funded institutions. The UGC welcomed the institutions' introduction of "fit for purpose" governance structure, having regard to their different roles and missions and individual circumstances, as well as local and international good management practices as suggested in the report on Higher Education in Hong Kong 2002.

79. Dr YEUNG Sum clarified that he had not used the word "dictate". He expressed dissatisfaction that SG(UGC) had used such a word in his response. He was strongly of the view that the management of the institutions should be more proactive in enhancing transparency, and they should not continue the present governance and management mode under the pretext of academic freedom and institutional autonomy.

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80. Mr CHEUNG Man-kwong echoed Dr YEUNG's view and said that he had received a number of complaints from employees of the UGC-funded institutions appointed on fixed-term contracts who claimed that they were being treated less favourably, in respect of appointment, promotion and renewal of contract, than their counterparts on substantive terms. Mr CHEUNG further said that most contract staff members dared not express their views about administration in the institution as they were worried about non-renewal of their employment contracts. He was very concerned about the impact of appointment of academic staff on contract terms on academic freedom, especially when the proportion of such academic staff was increasing. Citing the case of PolyU where the percentage of academic staff on fixed-term contracts was some 50%, he asked whether there was a policy in the UGC-funded institutions stipulating that a staff member appointed on fixed-term contract should be offered employment on substantiated terms should he/she be considered suitable for re-appointment after the expiry of the second contract. He considered that strong justifications should be provided to the staff member concerned should he/she not be offered employment on substantiated terms upon the completion of two consecutive 3-year contracts. Regarding the grievance handling mechanisms, Mr CHEUNG called on the Administration to consider extending the jurisdiction of The Ombudsman to cover the UGC-funded institutions and establishing an inter-institutional redress mechanism to deal with complaints from staff of all UGC-funded institutions.

81. Dr Fernando CHEUNG declared that he was a teaching staff of PolyU. He said that he was appointed on fixed-term contracts, and had been offered consecutive contracts over a long period of time. Echoing Mr CHEUNG Man-kwong's concern about appointment and re-appointment of academic staff on contract terms, Dr CHEUNG said that from his observation, most staff members on contract terms would refrain from expressing their views for fear of losing their jobs. While expressing support for the establishment of an independent inter-institutional redress mechanism, he sought views from the UGC-funded institutions on this suggestion.

82. In response, Mr Henry WAI of HKU, Mr Jacob LEUNG of CUHK, Ms Stella NG of HKUST, Mrs Dorothy HUNG of PolyU, Mrs Eva NG of CityU, Mr LI Kam-kee of Lingnan University, Dr Karen CHAN of Hong Kong Baptist University (HKBU) and Mr Chris MONG of HKIEd all said that they would relay the views and suggestions of members and deputations to the governing bodies of their respective UGC-funded institutions for consideration.

83. Responding to Dr Fernando CHEUNG's further question, Mrs Dorothy HUNG of PolyU, Mr LI Kam-kee of Lingnan University and Dr Karen CHAN of HKBU explained how their existing grievances and complaints mechanisms worked. According to the information provided by these institutions, the final decision on all complaints, including appeals, rested with the Council or the

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respective committee tasked to investigate the complaints, rather than the President.

84. Ms Emily LAU recalled that over the past few years, the Panel had held a number of meetings to discuss and receive views from deputations on matters relating to the governance structure and grievances and complaints mechanisms of the UGC-funded institutions. She was disappointed that so far, the Administration and the management of the eight UGC-funded institutions had not responded positively to various issues of concern raised by the deputations. She suggested that the Panel should follow up the subject matter at a future meeting. She requested the governing bodies of the UGC-funded institutions to deliberate further and come up with a stance on the following issues -

- (a) the composition of the council, including the method of selecting its members and chairperson;
- (b) measures to enhance the public accountability and transparency of the institutions;
- (c) measures to improve information flow. Consideration should be given to compiling and making public a code of practice as recommended by the deputations;
- (d) the proposal of establishing an elected independent inter-institutional redress mechanism; and
- (e) the definition and protection of academic freedom.

85. Dr YEUNG Sum and Mr CHEUNG Man-kwong expressed strong support for the establishment of an elected independent inter-institutional complaints committee. They hoped that all UGC-funded institutions would be positive about the suggestion. Dr YEUNG added that as a retired university teaching staff, he understood the negative effect on academic staff if staff could not be appointed on substantive terms. He hoped that the management of the UGC-funded institutions would critically review and adjust the percentage of academic staff on fixed-term contracts.

86. Mr Jacob LEUNG of CUHK stressed that the Human Resources Office of CUHK had been maintaining close communication with the staff associations/unions on staff-related issues. CUHK had established procedures for handling various types of complaints and grievances. Generally, the formal procedures consisted of: establishing whether there was a prima facie case; forming an Investigation Committee to undertake formal investigation; allowing representation/defense by the complainant/complaine; allowing appeal or review as applicable; and approving final decision/action.

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87. Mrs Dorothy HUNG of PolyU informed members that initial appointment to academic posts in PolyU was usually on fixed-term contract. Staff members would normally be offered two consecutive 3-year contracts before appointment on substantiated terms. Dr Fernando CHEUNG, however, quoted his personal experience and cast doubt on whether this was really the case in PolyU that staff members would be offered substantive appointment upon the completion of two consecutive 3-year contracts.

The motion

88. Dr YEUNG Sum moved the following motion -

"本事務委員會要求各大學教育資助委員會資助院校的校董會和行政部門提高管治透明度，包括公開會議紀錄及文件，以及設立跨院校的民選獨立申訴委員會。"

(Translation)

"That this Panel urges the councils and administrative arms of all University Grants Committee-funded institutions to enhance the transparency of their governance by, inter alia, making public the minutes of and papers for their meetings, as well as establishing an elected independent inter-institutional complaints committee."

89. The Chairman put the motion to vote. Five members voted in favour of the motion, and no member voted against it. The Chairman declared that the motion was carried.

Conclusion

90. Summing up the discussion, the Chairman said that as the representatives of the eight UGC-funded institutions had undertaken to relay the views and suggestions of members and deputations to the governing bodies of the respective UGC-funded institutions for consideration, he hoped that the governing bodies of all UGC-funded institutions would deliberate further on the issues set out in paragraph 84 above and come up with a stance. The Panel would follow up the subject matter in the next term of LegCo.

Admin

91. There being no other business, the meeting ended at 6:46 pm.