



中華人民共和國香港特別行政區政府總部教育局
Education Bureau
Government Secretariat, The Government of the Hong Kong Special Administrative Region
The People's Republic of China

本局檔號 Our Ref. : EDB(HE)CR 3/21/2041/89 電話 Telephone : 3540 7468
來函檔號 Your Ref. : CB 2/PL/ED 傳真 Fax Line : 2804 6499

7 November 2008

Clerk to Panel
(Attn: Miss Odelia Leung)
Legislative Council Building
8 Jackson Road, Central
Hong Kong

Dear Miss Leung,

**Panel on Education
Grievance and complaint mechanism of
The University Grants Committee-funded institutions**

Thank you for your letter of 18 July 2008, requesting this bureau to coordinate with the University Grants Committee (UGC) and the UGC-funded institutions a written response to the motion passed by the Panel on Education at its special meeting on 17 July 2008.

The Heads of Universities Committee (HUCOM) has considered the question of an inter-institutional complaints committee and a copy of the Committee's response is enclosed. We are separately asking HKUCOM to prepare a Chinese translation of the response and will forward it to you when it is ready.

Concerning the other matter raised in the motion relating to making public the minutes of and papers for the meeting, we are given to understand that the Councils of individual institutions are still in the process of considering the matter.

Yours sincerely,

(Amy Wong)
for Secretary for Education

cc SG,UGC (Attn : Ms Jenny Chan)

HUCOM response to the motion of the LegCo Panel on Education urging the UGC-funded institutions to establish an elected independent inter-institutional complaints committee

- 1 Review and appeal mechanisms are already in place in all eight member universities of HUCOM for handling staff and student grievances and complaints. These mechanisms involve elaborate procedures conferring on the parties concerned substantial rights and opportunities to be heard, to defend and to appeal. Whilst such mechanisms can always be improved in the light of changing environments and the changing expectations of staff and students, the principles of openness, fairness and justice have been and will continue to be upheld. There are also proper channels for staff and students to monitor and question the policies and operations of their universities.
- 2 Considering the complexities of university operation and management and the wide range of institutional differences that exist across the UGC-funded sector, it will be extremely difficult if not impossible for such an inter-institutional complaints committee to function effectively and achieve its intended objective. We are of the view that complaints and appeals from staff and students can be more effectively and expeditiously handled by members of the same institution, who have a better understanding of the mission, tradition, and culture of their own university. We fail to see how an inter-institutional complaints committee would improve our mechanisms, except to prolong the processes and time in settling any disputes or problems.
- 3 All UGC-funded universities enjoy institutional autonomy and their Councils are vested with statutory powers to deal with appeals. Any party who still feels 'aggrieved' after the Councils have ruled can lodge further complaints/appeals to the judicial bodies. It is difficult to conceive how an inter-institutional complaints committee can super-impose its rulings on these bodies. It will be tantamount to usurping the legal powers of the university councils, infringing on the autonomy of the institutions, and slighting the judgements of the courts.
- 4 Whilst not all grievances and complaints are directly related to employer/employee relations, the solution to many disputes essentially depends on the readiness of both parties to accept or enforce the decisions/agreements reached. It is questionable whether the mediation or decision from such an inter-institutional complaints committee will carry enough weight to be binding on the employer or the employee.
- 5 An inter-institutional complaints committee would therefore be an extraneous channel for appeal. It can replace neither the existing appeal mechanisms in the universities nor the judicial processes. It is highly unlikely that its decisions would be respected or readily executed by the parties concerned. Given the above concerns, HUCOM cannot support the proposal to establish such a committee.