



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

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2 February 2009

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

Dear Miss Leung,

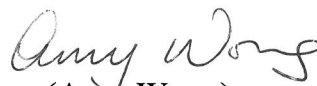
Panel on Education
Follow-up to meeting on 17 July 2008

Thank you for your letter of 17 November 2008.

The Councils of individual institutions have considered the matter raised in the motion passed by the Panel on Education on 17 July 2008 in relation to making public the minutes of and papers for their meetings. A summary of their response is attached. It can be seen from the summary that decisions of the Councils are made known to members of the respective institutions or the public through different means. We welcome the institutions' continuous effort to increase the transparency of their governance.

Separately, further to my letter of 7 November 2008 enclosing a copy of the response of the Heads of Universities Committee on the proposal to establish an inter-institutional complaints committee, attached please find the Chinese translation.

Yours sincerely,


(Amy Wong)

for Secretary for Education

cc: SG-UGC (Attn: Mrs. Dorothy Ma)

教育統籌局已於二零零七年七月一日重組為教育局。為免浪費，我們繼續使用舊文具，直至存貨用罄為止。

The Education and Manpower Bureau has been re-organised as Education Bureau since 1 July 2007.

To minimize waste, we are using our old stationery while stock lasts.

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Summary of University Grants Committee-funded institutions' position in enhancing transparency of their governance

Institution	Position
City University of Hong Kong	The University will continue its existing practice to lodge in the University library copies of the minutes and papers of the Council, which are not of a confidential nature, for the information of members of the University.
The Chinese University of Hong Kong	The Council has agreed that a summary report of the Council's decisions will be placed on the University's web after each Council meeting, except decisions relating to personal privacy, plans and proposals not yet finalized and any item the immediate release of which after the meeting or disclosure of such an item is considered inappropriate by the Council.
The University of Hong Kong	The Council has agreed to release through Internet and after each meeting, a report summarizing all its decisions, except those on personnel matters relating to individuals and plans and proposals not yet finalized, on the understanding that for the latter, the disclosure would be made at a later stage when the proposals are finalized.
Hong Kong Institute of Education	The Council will continue its existing practice to place the Council meeting agenda, Council papers other than those classified as confidential and summaries of the Council's decisions on the Intranet and in the Staff Newsletters. In addition, the Council has recently resolved to place on the Institute's website relevant open documents of the Institute.
Hong Kong Polytechnic University	The University will continue its existing practice to upload major decisions at Council meetings, other than those classified as confidential, onto the University's intranet.
Hong Kong University of Science and Technology	The Council has agreed to announce through the intranet after each Council meeting the decisions taken, except where it relates to personnel or other sensitive matters that are subject to protection. Press releases will continue to be used as appropriate for communication outside of the University.

Hong Kong Baptist University	The Council has agreed to post the decisions made at the Council meetings (except those which are classified documents) on the University website for public viewing.
Lingnan University	The Council will discuss on 16 February 2009 whether minutes of or a report summarizing the decisions of a Council meeting should be put on the web. Currently, decisions of the Council are made known within the university through its internal communication channels and, if appropriate, decisions of the Council are made known to the public.

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.