

立法會
Legislative Council

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From : Clerk to the Legislative Council

To : All Members of the Legislative Council

Council meeting of 25 April 2012

**Amendments to motion on
“Defending academic freedom and institutional autonomy”**

Further to LC Paper No. CB(3) 638/11-12 issued on 13 April 2012, Hon Audrey EU and Hon Albert CHAN have respectively given notices of their intention to move separate amendments to Hon CHEUNG Man-kwong’s motion on “Defending academic freedom and institutional autonomy” scheduled for the Council meeting of 25 April 2012. As directed by the President, Hon Audrey EU’s and Hon Albert CHAN’s amendments will be printed in the terms in which they were handed in on the Agenda of the Council.

2. The President will order a joint debate on the above motion and two amendments. To assist Members in debating the motion and amendments, I set out below the procedure to be followed during the debate:

- (a) the President calls upon Hon CHEUNG Man-kwong to speak and move his motion;
- (b) the President proposes the question on Hon CHEUNG Man-kwong’s motion;
- (c) the President calls upon the two Members, who intend to move amendments, to speak in the following order, but no amendment is to be moved at this stage:
 - (i) Hon Audrey EU; and
 - (ii) Hon Albert CHAN;

- (d) the President calls upon the designated public officer(s) to speak;
- (e) the President invites other Members to speak;
- (f) the President gives leave to Hon CHEUNG Man-kwong to speak for the second time on the amendments;
- (g) the President calls upon the designated public officer(s) again to speak;
- (h) in accordance with Rule 34(5) of the Rules of Procedure, the President has decided that he will call upon the two Members to move their respective amendments in the order set out in paragraph (c) above. The President invites Hon Audrey EU to move her amendment to the motion, and forthwith proposes and puts to vote the question on the amendment;
- (i) after Hon Audrey EU's amendment has been voted upon, the President deals with Hon Albert CHAN's amendment to the motion; and
- (j) after Hon Albert CHAN's amendment has been dealt with, the President calls upon Hon CHEUNG Man-kwong to reply. Thereafter, the President puts to vote the question on Hon CHEUNG Man-kwong's motion, or his motion as amended, as the case may be.

3. For Members' ease of reference, the terms of the original motion and of the motion, if amended, are set out in the **Appendix**.

(Mrs Justina LAM)
for Clerk to the Legislative Council

Encl.

(Translation)

**Motion debate on
“Defending academic freedom and institutional autonomy”
to be held at the Council meeting of 25 April 2012**

1. Hon CHEUNG Man-kwong’s original motion

That this Council condemns HAO Tiechuan, Director-General of the Publicity, Culture and Sports Department of the Liaison Office of the Central People’s Government in the Hong Kong Special Administrative Region, for publicly criticizing a number of times the public opinion poll on Hong Kong people’s ethnic identity under the charge of Robert CHUNG, scholar of The University of Hong Kong, as ‘unscientific’ and ‘illogical’, and creating a chilling effect through political interference in academic pursuit, which is in contravention of the spirit of Article 137 of the Basic Law which provides that ‘[e]ducational institutions of all kinds may retain their autonomy and enjoy academic freedom’, as well as the provision of Article 22 of the Basic Law, i.e. ‘[n]o department of the Central People’s Government and no province, autonomous region, or municipality directly under the Central Government may interfere in the affairs which the Hong Kong Special Administrative Region administers on its own in accordance with this Law’; in this connection, this Council urges the Government and educational institutions to legislate for safeguarding academic freedom and to ensure that scholars can enjoy academic freedom in accordance with law, free from any interference and fear; academic freedom is the cornerstone for promoting social civilization and progress as well as an integral part of the autonomy of educational institutions, and therefore universities must not respond in silence to the interference and intimidation faced by their teaching staff and students, and not curry favour with and bow to the rich and powerful in the face of their enticement and pressure, in order to defend the legitimate autonomy and dignity of universities.

2. Motion as amended by Hon Audrey EU

That this Council condemns HAO Tiechuan, Director-General of the Publicity, Culture and Sports Department of the Liaison Office of the Central People’s Government in the Hong Kong Special Administrative Region, for publicly criticizing a number of times the public opinion poll on Hong Kong people’s ethnic identity under the charge of Robert CHUNG, scholar of The University of Hong Kong, as ‘unscientific’ and ‘illogical’, and creating a chilling effect through political interference in academic pursuit, which is in contravention of

the spirit of Article 137 of the Basic Law which provides that '[e]ducational institutions of all kinds may retain their autonomy and enjoy academic freedom', as well as the provision of Article 22 of the Basic Law, i.e. '[n]o department of the Central People's Government and no province, autonomous region, or municipality directly under the Central Government may interfere in the affairs which the Hong Kong Special Administrative Region administers on its own in accordance with this Law'; ***this Council expresses deep concern over the opinions expressed by 'leftist newspapers' about two academics in Hong Kong, Ming SING and CHOY Chi-keung, such as strongly insinuating that Ming SING is a follower of Falun Gong who opposes China, stirs up trouble in Hong Kong and even advocates political violence, and alleging that the two of them are 'politicians posing as academics who are against China and stir up trouble in Hong Kong under the guise of academic research'***; in this connection, this Council urges the Government and educational institutions to legislate for safeguarding academic freedom and to ensure that scholars can, ~~enjoy academic freedom~~ in accordance with law, ***be*** free from any interference and fear, ***and to strive to reduce the ratio of members directly appointed by the Government to the governing bodies of higher educational institutions, so as to promote the democratic management of institutions by teaching staff and students***; academic freedom is the cornerstone for promoting social civilization and progress as well as an integral part of the autonomy of educational institutions, and therefore universities must not respond in silence to the interference and intimidation faced by their teaching staff and students, and not curry favour with and bow to the rich and powerful in the face of their enticement and pressure, in order to defend the legitimate autonomy and dignity of universities.

Note: Hon Audrey EU's amendment is marked in ***bold and italic type*** or with deletion line.

3. Motion as amended by Hon Albert CHAN

That this Council condemns HAO Tiechuan, Director-General of the Publicity, Culture and Sports Department of the Liaison Office of the Central People's Government in the Hong Kong Special Administrative Region, for publicly criticizing a number of times the public opinion poll on Hong Kong people's ethnic identity under the charge of Robert CHUNG, scholar of The University of Hong Kong, as 'unscientific' and 'illogical', and creating a chilling effect through political interference in academic pursuit, which is in contravention of the spirit of Article 137 of the Basic Law which provides that '[e]ducational institutions of all kinds may retain their autonomy and enjoy academic freedom', as well as the provision of Article 22 of the Basic Law, i.e. '[n]o department of the Central People's Government and no province, autonomous region, or municipality directly under the Central Government may interfere in

the affairs which the Hong Kong Special Administrative Region administers on its own in accordance with this Law'; in this connection, this Council *expresses deep regret that the heads of various universities did not openly condemn the aforesaid acts of infringing academic freedom, strongly condemns those academics who clung onto the rich and powerful and failed to stand forward to defend academic freedom, and* urges the Government and educational institutions to legislate for safeguarding academic freedom and to ensure that scholars can enjoy academic freedom in accordance with law, free from any interference and fear; academic freedom is the cornerstone for promoting social civilization and progress as well as an integral part of the autonomy of educational institutions, and therefore universities must not respond in silence to the interference and intimidation faced by their teaching staff and students, and not curry favour with and bow to the rich and powerful in the face of their enticement and pressure, in order to defend the legitimate autonomy and dignity of universities.

Note: Hon Albert CHAN's amendment is marked in *bold and italic type*.