

立法會
Legislative Council

LC Paper No. CB(2)1918/11-12
(The minutes have been seen by the
Administration)

Ref : CB2/PL/ED

Panel on Education

Minutes of meeting
held on Monday, 12 March 2012, at 4:30 pm
in Conference Room 1 of the Legislative Council Complex

Members present : Hon Starry LEE Wai-king, JP (Chairman)
Hon Tanya CHAN (Deputy Chairman)
Hon LEE Cheuk-yan
Hon CHEUNG Man-kwong
Hon LEUNG Yiu-chung
Hon TAM Yiu-chung, GBS, JP
Hon Abraham SHEK Lai-him, SBS, JP
Hon Audrey EU Yuet-mee, SC, JP
Prof Hon Patrick LAU Sau-shing, SBS, JP
Hon KAM Nai-wai, MH
Hon Cyd HO Sau-lan
Hon Paul CHAN Mo-po, MH, JP
Dr Hon Priscilla LEUNG Mei-fun, JP
Hon CHEUNG Kwok-che
Hon WONG Yuk-man

Members absent : Hon Albert HO Chun-yan
Hon Tommy CHEUNG Yu-yan, SBS, JP
Hon Andrew LEUNG Kwan-yuen, GBS, JP
Dr Hon LAM Tai-fai, BBS, JP
Hon Mrs Regina IP LAU Suk-ye, GBS, JP
Dr Hon Samson TAM Wai-ho, JP

Members attending : Hon Emily LAU Wai-hing, JP

Public Officers : Agenda item IV
attending

Dr K K CHAN
Deputy Secretary for Education (5), Education Bureau

Ms Cora HO
Principal Assistant Secretary (Education Infrastructure),
Education Bureau

Hong Kong Examinations and Assessment Authority

Dr Tong Chong-sze
Secretary General

Dr George Pook
Deputy Secretary General/Director - Public
Examinations

Mr Victor CHENG
Director - Corporate Services

Agenda item V

Mr Kenneth CHEN, JP
Under Secretary for Education

Mr Steve Y F LEE
Principal Assistant Secretary (School Development),
Education Bureau

Miss Wendy CHUNG
Principal Assistant Secretary (Infrastructure & Research
Support), Education Bureau

Agenda item VI

Mr Kenneth CHEN, JP
Under Secretary for Education

Ms Michelle LI, JP
Deputy Secretary for Education (1), Education Bureau

Mrs Dorothy MA CHOW Pui-fun
Deputy Secretary-General (1), University Grants
Committee

Attendance by invitation : Hong Kong Professional Teachers' Union

Mr FUNG Wai-wah
President

Professor SING Ming

Associate Professor, School of Humanities and Social
Science, The Hong Kong University of Science and
Technology

The University of Hong Kong

Professor Roland T CHIN
Chair Professor of Computer Science / Deputy
Vice-Chancellor and Provost

Green Sense

Ms HO Ka-po
Project Manager

Dr Robert CHUNG

Director, The Public Opinion Programme, The
University of Hong Kong

Hong Kong Baptist University Faculty and Staff Union

Mr TO Yiu-ming
Spokesman

The Chinese University of Hong Kong

Professor HAU Kit-tai
Pro-Vice-Chancellor and Vice-President

D. Dong

Mr Charles C K CHONG
Policy Research Department Head

Mr MAK Tsz-man

Civic Party

Miss Karen MAK
Executive Committee, Community and Social
Development Policy Branch

University Education Concern Group

Mr CHAN Sze-chi
Representative

The Student Union of Chinese University of Hong Kong

Mr NGAN Mo-chau
External Vice President

University Student Academic Freedom Front

Mr LAI Ming-chak
Spokesperson

Academic Freedom Fans Club

Miss Queenie CHU Sui-lu
Secretary

City University of Hong Kong Students' Union

Mr POON Yat-long
External Vice President

Mr WONG Chuen-chi

The Hong Kong Polytechnic University Students' Union

Mr CHAN Man-fai
President

China Affairs Committee, The Hong Kong Polytechnic
University Students' Union

Mr TANG Wing-wai
Chairman

Mr LI Shing-hong

捍衛大學學術自由戰隊

Mr SIT Ka-ming
Captain

Hong Kong Baptist University Alumni Association

Mr TANG Wing-on
President

Labour Party

Mr CHENG Sze-lut
Executive Committee Member

The Hong Kong Federation of Students

Mr TANG Kin-wa
Vice Chairman

Hong Kong Baptist University Century Club Limited

Ms Marianna TSANG Wai-chun
President

Hong Kong Tertiary Education Policy Forum

Professor HO Lok-sang
Chairperson

The Student Union of The Hong Kong Baptist University

Mr LAU Wing-kin
Vice President

Hong Kong Baptist University

Professor Rick WONG Wai-kwok
Vice-President (Research and Development)

Teachers' Association of The Chinese University of Hong Kong

Professor WONG Chi-sum
President

City University of Hong Kong

Professor Paul K S LAM
Vice-President (Student Affairs)

The Hong Kong University of Science and Technology

Dr Eden WOON
Vice-President

The Hong Kong Polytechnic University

Professor Alex WAI
Vice President (Research Development)

Mr WONG Wai-kwok

Academic Staff Association of Hong Kong Institute of Education

Mr LI Chin-wa
Vice-president

Committee on Education Policies of Democratic Party

Mr LI Yiu-ki
Vice Convenor

Hong Kong Human Rights Monitor

Mr LAW Yuk-kai
Director

Clerk in attendance : Ms Amy YU
Chief Council Secretary (2)6

Staff in attendance : Ms Catherina YU
Senior Council Secretary (2)6

Ms Judy TING
Council Secretary (2)6

Miss Meisy KWOK
Legislative Assistant (2)6

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I. Confirmation of minutes
[LC Paper No. CB(2)1264/11-12]

The minutes of the meeting held on 9 January 2012 were confirmed.

II. Information paper issued since the last meeting
[LC Paper Nos. CB(2)1254/11-12(01), CB(2)1273/11-12(01) and CB(2)1289/11-12(01)]

2. Members noted the following papers issued since the last meeting –

- (a) submission from a member of the public concerning the monitoring of public examinations [LC Paper No. CB(2)1254/11-12(01)];

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- (b) submission from a member of the public concerning school-based assessment and rechecking of public examination results [LC Paper No. CB(2)1273/11-12(01)]; and
 - (c) submission from a member of the public concerning the eye care clinics of The Hong Kong Polytechnic University ("PolyU") [LC Paper No. CB(2)1289/11-12(01)].
3. Regarding 2(c) above, the Chairman informed members that PolyU's response to the submission was tabled at the meeting.

(Post-meeting note: PolyU's response was issued to members vide LC Paper No. CB(2)1358/11-12(01) on 15 March 2012.)

III. Items for discussion at the next meeting

[Appendices I and II to LC Paper No. CB(2)1272/11-12 and LC Paper No. CB(2)1170/11-12(01)]

4. Members agreed to discuss the following items at the next regular meeting scheduled for 20 April 2012 at 10:45 am –
- (a) Improvement measures to the administration and governance of Direct Subsidy Scheme Schools;
 - (b) Improvement measures to student loans for post-secondary students;
 - (c) Yi Jin Diploma under the New Academic Structure; and
 - (d) Self-financing post-secondary sector.
5. The Chairman suggested and members agreed that the next regular meeting be extended for 45 minutes to end at 1:30 pm so as to allow sufficient time for discussion.

Commercial operations of universities

6. Miss Tanya CHAN referred members to her letter dated 12 March 2012 concerning commercial operations of universities which was tabled at the meeting, the submission from the member of the concerning the eye

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care clinics of PolyU [LC Paper No. CB(2)1273/11-12(01)] and PolyU's response to the submission [LC Paper No. CB(2)1358/11-12(01)]. She expressed concern about the impact of commercial operations of universities on market competition and suggested that the Panel should discuss the policies and mechanisms adopted by the Government and universities to monitor such commercial operations.

(Post-meeting note: Miss Tanya CHAN's letter was issued to members vide LC Paper No. CB(2)1363/11-12(01) on 14 March 2012.)

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7. Prof Patrick LAU said that commercial operations of universities had developed for a long time and suggested that relevant information be sought from the Administration and universities first. Members agreed. The Chairman said that the Administration would be requested to coordinate with the universities to provide the requisite information to the Panel, and members could consider the need to follow up the matter after considering the information.

Students with special educational needs

8. Mr LEUNG Yiu-chung was concerned about inadequate support for students with special educational needs ("SEN") in the provision of specialist services such as educational psychology service and speech therapy service. He pointed to the shortage of such specialists and considered it necessary for universities to nurture more talents in the relevant professional disciplines to meet the needs in the community. He suggested that the subject matter be discussed as early as possible.

9. Prof Patrick LAU shared Mr LEUNG Yiu-chung's concern and said that there were inadequate universities places for many professional disciplines other than those mentioned by Mr LEUNG. In his view, the crux of the problem lay in the Administration's refusal to increase publicly-funded university places. He cautioned that increasing the provision of self-financing programmes would not resolve the problem. He stressed the importance for the Administration to formulate long-term plans in the training of talents in universities to complement the development of Hong Kong.

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10. The Chairman suggested and members agreed that the Administration should be requested to provide information on its strategy and efforts in nurturing and training talents in the provision of specialist services (such as educational psychology service and speech therapy

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service) for students with SEN, including the training of such talents in local universities. She added that integrated education was already on the Panel's list of outstanding items for discussion and the provision of specialist services for students with SEN could be discussed in the context of integrated education.

11. Ms Cyd HO expressed concern about inadequate support services to students with SEN in post-secondary education and suggested that the issue be included in the discussion of integrated education.

Native-speaking English Teacher Scheme

12. The Chairman referred members to the letter dated 20 February 2012 from Mrs Regina IP requesting the Panel to discuss the Native-speaking English Teacher Scheme for primary schools [LC Paper No. CB(2)1170/11-12(01)]. Members agreed that the subject matter be included in the list of outstanding items for discussion of the Panel.

IV. Mechanism for rechecking/remarking of the Hong Kong Diploma of Secondary Education Examination
[LC Paper Nos. CB(2)1272/11-12(01) to (02)]

13. Members noted the background brief entitled "Hong Kong Diploma of Secondary Education ("HKDSE") Examination" [LC Paper No. CB(2)1272/11-12(02)] prepared by the Legislative Council ("LegCo") Secretariat.

Briefing by the Administration

14. Secretary General, Hong Kong Examinations and Assessment Authority ("SG(HKEAA)") briefed members on the mechanism for rechecking/remarking the results of the HKDSE Examination.

Application procedures

15. Mr LEUNG Yiu-chung said that it was the established practice that school candidates were required to obtain the support of their schools in applying for remarking/rechecking. He queried the need for such an arrangement and enquired whether it would apply to the HKDSE Examination.

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16. SG(HKEAA) responded that the purpose of requiring school candidates to obtain their schools' support in applying for rechecking/remarking was to enable them to obtain their teachers' advice on their performance, the need for rechecking/remarking and the relevant arrangements. Having regard to the fact that it was the first time the HKDSE Examination was held and it might be difficult for teachers to give advice in this regard, school candidates would not be required to obtain their schools' support in their applications for rechecking/remarking of the 2012 HKDSE Examination results. This would also help streamline the application procedures. Teachers had been informed of the arrangement and a pamphlet on the application procedures for rechecking/remarking would be issued to students in due course. HKEAA would consider Mr LEUNG Yiu-chung's suggestion of announcing the new arrangement by press release.

Special examination arrangements

17. Mr LEUNG Yiu-chung expressed concern about examination arrangements for students with specific learning disabilities such as dyslexia. He said that candidates with dyslexia had difficulties in expressing themselves in writing particularly in subjects such as Liberal Studies ("LS"), and enquired whether HKEAA would consider providing them with suitable equipment such as "speech-to-text" software to assist them in answering examination papers.

18. SG(HKEAA) responded that candidates with special needs could apply for special examination arrangements, such as the use of special equipment and extra time allowance. HKEAA had formed an Expert Panel under the Task Group on Special Examination Arrangements for Candidates with Specific Learning Disabilities to assess and make recommendations on the applications for special examination arrangements.

19. Deputy Secretary General/Director (Public Examinations), HKEAA ("DSG(HKEAA))" supplemented that students should not regard LS as a language examination. The LS examination should be answered in writing rather than orally as it was a written examination and students were tested on their ability to make written analysis rather than oral presentation. Dyslexia should not interfere with the candidates' written presentation of their ideas in LS, but special allowance would be given to their language problems in that spelling and grammar would not be taken into account in the marking of their examination scripts. Their examination scripts would be marked fairly as long as they were able to get their ideas across.

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Admin 20. The Chairman requested HKEAA to consider Mr LEUNG Yiu-chung's suggestion and provide a written response to the Panel before the next regular meeting.

HKDSE Examination schedule for 2013

21. Mr CHEUNG Man-kwong said that HKEAA was consulting schools on some proposed changes to the 2013 HKDSE Examination schedule including advancing the oral examinations of English Language and Chinese Language to February, having each of the core subject of Chinese Language, English Language and Mathematics (compulsory plus extended modules) examined on a single day, and having more than one subject examined per day where there were no clashes. Some schools had objected to bringing forward the schedule for oral examinations and were concerned that under the proposed arrangements, candidates would need to sit for examination for up to six hours in one day for certain core subjects. He enquired whether it was the HKEAA's plan to take forward the proposed arrangements.

22. SG(HKEAA) responded that HKEAA had to liaise with schools on public examination schedule one year in advance and Easter holidays would be one of the factors for consideration. As schools would commence their Easter holidays on 27 March in 2013, many schools had suggested that the written examinations for the 2013 HKDSE Examination should commence in early April rather than late March as in this year. To enable written examinations to start in April instead of March on the one hand and earlier release of examination results on the other, HKEAA had come up with a number of possible measures and consulted schools on their viability. Apart from measures to streamline the processing of the examination by HKEAA such as computer operations development, HKEAA had proposed a number of measures in respect of the examination schedule. One of the measures was to have more than one subject examined per day, subject to no candidate being required to take examinations of two different subjects on the same day. He added that not all the proposed measures have to be adopted.

23. Mr CHEUNG Man-kwong said that many schools had objected to bringing forward the oral examinations to February as that period was critical for students' preparation for the examination. Revision classes might be arranged by schools near the examination period and scheduling the oral examinations as early as February would upset the revision timetable of schools and students. He urged HKEAA to take into account the views of schools.

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Financial assistance to needy students

24. Ms Cyd HO said that when she suggested the discussion of the subject matter, she had expressed concern about the level of the fees for rechecking/remarking and whether needy candidates would be deprived of the opportunity to apply for rechecking/remarking of HKDSE Examination results due to a lack of means. She expressed dissatisfaction that no information in this regard had been provided in the Administration's paper.

25. Mr WONG Yuk-man echoed the concern that students from economically disadvantaged families would not be able to apply for rechecking/remarking of examination results due to a lack of means. He noted that the remarking fee for some subjects was as high as \$720, and considered that the fees should be adjusted downward to alleviate the financial burden of needy candidates who wished to apply for remarking. He considered it important that a simple and user friendly mechanism should be in place to provide financial assistance to those who could not afford the rechecking/remarking fees.

26. Deputy Secretary for Education (5) ("DS(Ed)5") responded that the Examination Fee Remission Scheme administered by the Student Financial Assistance Agency ("SFAA") and the Comprehensive Social Security Assistance administered by the Social Welfare Department ("SWD") did not cover the fees for rechecking/remarking of examination results as these were supplementary services. Nevertheless, needy candidates could approach SFAA or SWD for financial assistance if necessary. HKEAA might consider waiving part of the rechecking/remarking fees on a case-by-case basis. Fees for rechecking/remarking would be refunded to candidates who got an upgrade in the examination result after the review. SG(HKEAA) supplemented that HKEAA had all along set the fees for supplementary services on a cost-recovery basis without any subsidization from its other examination fee income. Otherwise, candidates who did not require such services would, in a way, be subsidizing those using the services.

27. Ms Cyd HO was worried that the assessment of the applications from needy students for waiving the fees for rechecking/remarking would be more stringent given that schools' support for applications were no longer required. She called on the Administration to consider reducing the rechecking/remarking fees and granting all applications from students with financial difficulties for waiving such fees for the 2012 HKDSE

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Examination. The Administration undertook to provide its response to Ms HO's views before the next regular meeting.

28. Ms Cyd HO enquired whether audio records of oral examinations would be available for the purposes of rechecking/remarking. SG(HKEAA) responded that all HKDSE oral examinations would be recorded. Ms HO urged HKEAA to take steps to ensure the smooth operation of the recording system.

Marking schemes

29. Noting from the Administration's paper that samples of live answer scripts would be selected to further refine and finalise the marking scheme which would serve as a guide to markers on how marks should be awarded, Mr TAM Yiu-chung sought information on the sample size and how the samples were selected. He also enquired about the circumstances under which examination scripts would be marked for the third or fourth time under double marking.

30. SG(HKEAA) responded that the sample size would depend on the number of candidates sitting for the examination. There would be at least two rounds of sample selections of live answer scripts for each subject to ensure that markers were able to follow the agreed marking standards. In addition to collecting samples, control scripts (i.e. examination scripts which had already been marked and graded) would be used to monitor the marking standards and consistency of examination scripts which were marked onscreen, and guidance would be provided to markers to improve their marking quality when necessary. Under double marking, each examination script would be marked by two markers. Where there were significant differences in the results, the examination script in question would be marked by a third marker or even a fourth marker. The third marking would be activated automatically for examination scripts which were marked onscreen should major disparity be found between the first and second markings.

Upgrading criteria for rechecking/remarking

31. Mr CHEUNG Man-kwong noted that different upgrading criteria were adopted for rechecking and remarking. He considered it unreasonable that the final result after remarking would be upgraded only if the new mark reached a specified margin above the minimum cut-off score of the next higher grade, since the marks of the original marker(s) and remarker(s) had already been averaged out in calculating the new mark.

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In his view, the upgrading criteria for remarking should be the same as that for rechecking, i.e. the final result should be upgraded upon reaching the minimum cut-off score of the next higher grade. He sought information on the rationale for adopting different upgrading criteria for rechecking and remarking.

32. Ms Cyd HO said that as there was no objective marking standard for LS, there might be significant differences in the marks given by the original markers and the remarkers. Should this be the case, the final mark would be dragged down after averaging all valid marks.

33. SG(HKEAA) explained that marking involved professional judgment, especially for questions of an open-ended nature. It was well-established that slightly different marks might be given if a script was being marked twice, even when done by the same marker. As such, a small margin above the minimum cut-off score was necessary to take such marker variation into account in determining an upgrade. Otherwise, it would be unfair to the candidates who did not apply for remarking.

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34. Mr CHEUNG Man-kwong considered it necessary for HKEAA to explain clearly the different upgrading criteria for rechecking and remarking and the relevant justifications to students and parents. At the request of Mr CHEUNG, the Administration agreed to provide in writing the justifications for adopting different upgrading criteria for rechecking and remarking before the next regular meeting.

V. Arrangements for students affected by relocation of private schools

[LC Paper No. CB(2)1272/11-12(03)]

Briefing by the Administration

35. US(Ed) briefed members on the arrangements for students affected by relocation of private schools and an update on the proposed relocation of Lingnan Primary School and Kindergarten ("LPS&KG") and Lingnan Day Nursery ("LDN").

36. Noting that private schools had to identify suitable private premises/land by themselves before making arrangements for relocation, Miss Tanya CHAN said the Administration should consider providing vacant premises/land for temporary relocation of private schools with a reasonable charge. She enquired whether the Administration had made or would consider such arrangements.

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37. US(Ed) responded that in principle, the Government would not provide land/school premises including vacant school premises for the redevelopment and reprovisioning of existing private schools. According to the prevailing policy, vacant school premises and government land would be allocated through an established allocation mechanism to public sector schools, Direct Subsidy Scheme schools, non-profit making international schools and private independent schools for temporary relocation or reprovisioning. Nevertheless, for urgent cases (e.g. when there was structural danger on the school premises), the Administration would render assistance to the private school concerned as necessary. In the case of Lingnan Kindergarten and LDN, the Administration understood that the school sponsoring body ("SSB") had already identified suitable premises for relocation. As for LPS, the SSB and its School Management Committee were still exploring suitable premises for temporary relocation.

38. Miss Tanya CHAN said that given that the in-situ redevelopment of LPS&KG and LDN would take five years, she enquired whether the Administration would regard the case of LPS as urgent and provide assistance to the school in identifying suitable premises for relocation.

39. US(Ed) responded that the Administration had carried out professional assessments on the safety of the school premises and confirmed that there was no obvious and immediate structural danger on the two school premises. The SSB of LPS&KG and LDN had put forward a five-year plan for in-situ redevelopment and should also identify suitable premises for temporary relocation. The Chairman requested the Administration to keep in view the progress of the relocation of the two schools and provide them with the necessary assistance.

40. Mr CHEUNG Man-kwong expressed concern that suitable premises had yet to be identified for the relocation of LPS, as it would leave parents little time to make the necessary arrangements should they find the temporary school premises unsatisfactory and wish to look for another school for their children in the coming school year. He considered it unfair to the parents and suggested that the Administration should set a deadline for LPS. Should LPS not be able to identify suitable premises for relocation by the deadline, it should continue to operate in the existing premises. In his view, such an arrangement would be in the interest of students given that there was no structural danger on the school premises and the in-situ redevelopment plan would only be deferred for one year. He suggested that the relocation deadline should be set at the end of March 2012.

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41. US(Ed) stressed that LPS was a private school built on private land. While the Administration had not required LPS to identify suitable premises for relocation by a deadline, it agreed on the need for LPS to finalize its relocation arrangements as soon as possible. The Administration would continue to communicate with and relay the concerns and suggestions of parents and members to the SSB of LPS with a view to coming up with the most appropriate arrangements for the benefit of the students.

42. Ms Audrey EU shared the concern that LPS had yet to identify suitable premises for relocation, which she considered unfair to students and parents. She enquired whether EDB had any role in assessing the suitability of the premises identified by the SSB for relocation. She also asked whether there were similar cases in the past and measures to be taken by the Administration to prevent recurrence of similar incidents.

43. Referring to paragraph 7 of the Administration's paper, US(Ed) said that whether a premises was suitable for school use was subject to the assessment of the relevant government departments. Upon identification of a suitable premises, the School Management Committee concerned should submit updated layout plans of the premises to the government departments concerned. The Buildings Department would consider the layout plan and the Fire Services Department would make assessment on the safety of the premises. The school concerned could only operate on the premises upon obtaining the approval of relevant government departments and EDB.

44. Miss Tanya CHAN pointed out that parents were only informed of the relocation of Lingnan Kindergarten and LDN in June 2011 and considered Mr CHEUNG Man-kwong's suggestion of setting a deadline for LPS in identifying suitable premises for relocation reasonable. She added that when considering the application for registration of the new premises for LPS, the Administration should take into account not only the layout and safety issues but also compare the conditions of its existing premises such as the area available for students with that of the new premises. The Chairman requested the Administration to consider members' suggestions and render all possible assistance to students and parents as far as practicable.

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VI. Academic freedom of universities

[LC Paper Nos. CB(2)1272/11-12(04) to (05)]

45. Members noted the background brief entitled "Academic freedom and institutional autonomy of higher education" [LC Paper No. CB(2)1272/11-12(05)] prepared by the LegCo Secretariat.

Oral presentation by deputations/individuals

Hong Kong Professional Teachers' Union
[LC Paper No. CB(2)1316/11-12(01)]

46. Mr FUNG Wai-wah presented the views of Hong Kong Professional Teachers' Union as detailed in its submission

Prof SING Ming

47. Prof SING Ming said that at the end of last year, there were numerous articles in the leftist newspapers accusing him of, among others, expressing seditious and subversive views. Two of these articles had even been sent to the Hong Kong University of Science and Technology ("HKUST") where he worked putting pressure on the university to dismiss him. While academics' work should be open to criticism, such criticism should not be unfounded or involved personal attacks. He stressed that he did not promote the use of political violence as claimed by some critics. What he espoused was the attainment of real universal suffrage through education and non-violent mass participation.

The University of Hong Kong
[LC Paper No. CB(2)1359/11-12(01)]

48. Prof Roland T CHIN presented the views of The University of Hong Kong ("HKU") as detailed in its submission.

Green Sense
[LC Paper No. CB(2)1359/11-12(02)]

49. Ms HO Ka-po presented the views of Green Sense as detailed in its submission.

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Dr Robert CHUNG

[LC Paper Nos. CB(2)1316/11-12(02) and CB(2)1359/11-12(03)]

50. Dr Robert CHUNG presented his views as detailed in his submissions.

Hong Kong Baptist University Faculty and Staff Union

[LC Paper No. CB(2)1359/11-12(04)]

51. Mr TO Yiu-ming presented the views of Hong Kong Baptist University Faculty and Staff Union as detailed in its submission.

The Chinese University of Hong Kong

52. Prof HAU Kit-tai said that The Chinese University of Hong Kong ("CUHK") had all along upheld the principle of safeguarding academic freedom to ensure that its staff and students could freely express their views. In respect of staff appointment, promotion and substantiation, apart from considering the assessment of relevant departments and faculties, input from the academics at renowned international research universities was also invited to ensure that the procedure was fair and free from the prejudice of and interference by individual administrators. On the conduct of research, research topics and methodologies were determined by the staff concerned. All proposals for research funding by the Research Grants Committee or other funding sources were subject to a rigorous peer review process. On the teaching front, all the programmes of CUHK were reviewed by an external expert panel on a regular basis. He assured members that CUHK undertook to maintain its strong commitment to academic freedom and excellence in teaching and research.

D. Dong

[LC Paper No. CB(2)1316/11-12(03)]

53. Mr Charles C K CHONG presented the views of D. Dong as detailed in its submission.

Mr MAK Tsz-man

[LC Paper No. CB(2)1272/11-12(06)]

54. Mr MAK Tsz-man presented his views as detailed in his submission.

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Civic Party

[LC Paper No. CB(2)1359/11-12(05)]

55. Miss Karen MAK presented the views of Civic Party as detailed in its submission.

University Education Concern Group

[LC Paper No. CB(2) 1316/11-12(04)]

56. Mr CHAN Sze-chi presented the views of University Education Concern Group as detailed in its submission.

The Student Union of Chinese University of Hong Kong

57. Mr NGAN Mo-chau said that academic freedom, freedom of speech and other fundamental rights of Hong Kong residents were guaranteed under the Basic Law. However, the recent incidents regarding infringement of academic freedom raised question as to whether such guarantees were truly implemented. He considered the criticisms made against Prof SING Ming, Dr Robert CHUNG and Mr CHOY Chi-keung unfounded. He stressed that the role of academics was to pursue truth rather than serve the authority, and academic freedom was no longer guaranteed when the focus of academic research was directed by the authority.

University Student Academic Freedom Front

58. Mr LAI Ming-chak said that the barrage of criticisms made by the Mainland authorities against Dr Robert CHUNG, Prof SING Ming and Mr CHOY Chi-keung aimed to stop them from expressing dissenting views and create a chilling effect in the Hong Kong society. He expressed regret about the incidents regarding infringement of academic freedom and called on LegCo Members to safeguard academic freedom and freedom of speech in Hong Kong.

Academic Freedom Fans Club

59. Miss Queenie CHU Sui-lu said that it was important to defend academic diversity. She was concerned that The Hong Kong Polytechnic University ("PolyU")'s loss of 6% of its first-year-first-degree ("FYFD") places in the competitive allocation exercise for the 2012-2015 triennium would affect the university's freedom in developing academic programmes and result in its students having fewer choices of programme.

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City University of Hong Kong Students' Union

60. Mr POON Yat-long shared the concern about the competitive allocation for the FYFD places, which, in his view, would not only affect academic freedom but also the quality of teaching. He pointed out that the City University of Hong Kong ("CityU") had adopted a policy under which those courses with student enrolment less than the prescribed minimum would be cancelled. This had resulted in the cancellation of the less popular courses, undermining the academic diversity of the university and reducing the programme choices of students. He further pointed out that many teaching staff of CityU were employed on contract terms. In order not to affect contract renewal, they tended to be self-restraint in expressing their views, which had adverse impact on academic freedom.

Mr WONG Chuen-chi

61. Mr WONG Chuen-chi said that he was a first-year student of CityU. He considered that the essence of academic freedom was the free expression of views by staff and students. In his view, academic staff in the University did not enjoy as much academic freedom as students did because they were worried that their views on certain issues might jeopardize their employment. A university could hardly fulfill its mission to nurture the next generation when its academic staff could not express their views freely. He urged LegCo Members and the Administration to work out a mechanism to safeguard academic freedom of university staff.

The Hong Kong Polytechnic University Students' Union

62. Mr CHAN Man-fai said that the mission of a university was to ensure the freedom of its staff and students in academic pursuit rather than chase after international ranking. In his view, the University Grants Committee ("UGC")'s competitive allocation mechanism for FYFD places had interfered with the autonomy of the institutions in setting their academic directions, resulted in unhealthy competition among universities and undermined academic freedom. He called on UGC to abolish the competitive allocation mechanism.

China Affairs Committee, The Hong Kong Polytechnic University Students' Union

63. Mr TANG Wing-wai said that the mission of a university was to nurture students to be critical thinkers and contribute to the community.

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He was concerned that the recent attack on certain academics for their views would do harm not only to academics but also to students. He also noted with concern that in order to obtain more resources, the universities had been providing more services to and had developed closer ties with the business sector, which had exerted increasing influence over the development of universities.

Mr LI Shing-hong

64. Mr LI Shing-hong expressed regret that the management of universities had voluntarily ingratiated themselves with the rich and the powerful. Such ingratiating behaviour, as shown in the alleged government interference in the public opinion poll of Dr Robert CHUNG in 2000 ("the 2000 Incident") and the incident concerning the early release of a poll on the Chief Executive election by Prof ZHAO Xinshu, former Dean of School of Communications and Director of the HongCOMM Survey Lab of Hong Kong Baptist University ("HKBU") ("HKBU Incident"), would damage the reputation of a university and adversely affect its staff and students. It would also undermine the independence of academic pursuit.

捍衛大學學術自由戰隊

65. Mr SIT Ka-ming said that he was the president of the Student Union of Hang Seng Management College ("HSMC"). He pointed out that academic freedom should be enjoyed by all staff and students including those teaching and pursuing studies in self-financing post-secondary institutions. In his view, academic freedom included the freedom of research, teaching and learning. On the freedom of teaching, he expressed concern that the content of many programmes provided by self-financing institutions could not keep pace with the changing conditions of the society due to the lengthy procedure required for the vetting of applications for modification of programme content by the Hong Kong Council for Accreditation of Academic and Vocational Qualifications. He was also concerned that the lack of library facilities in self-financing institutions would adversely affect the freedom of learning of students in these institutions. He called on the Administration to resolve these problems.

Hong Kong Baptist University Alumni Association
[LC Paper No. CB(2)1272/11-12(07)]

66. Mr TANG Wing-on presented the views of Hong Kong Baptist University Alumni Association as detailed in its submission.

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Labour Party

67. Mr CHENG Sze-lut said that academic freedom and institutional autonomy were core social values. However, incidents, such as the 2000 Incident and HKBU Incident, had shown increasing political pressure on and interference in the academic freedom of institutions. Another problem faced by the universities was the lack of resources, which resulted in universities focusing their resources on programmes which were popular or cost-efficient. In his view, the solution to ensuring academic freedom and institutional autonomy lay in the democratization of the governance of universities by increasing the representation of students and staff as well as LegCo Members in the governing bodies of universities.

The Hong Kong Federation of Students
[LC Paper No. CB(2)1272/11-12(08)]

68. Mr TANG Kin-wa presented the views of The Hong Kong Federation of Students as detailed in its submission.

Hong Kong Baptist University Century Club Limited
[LC Paper No. CB(2)1272/11-12(09)]

69. Ms Marianna TSANG Wai-chun presented the views of Hong Kong Baptist University Century Club Limited as detailed in its submission.

Hong Kong Tertiary Education Policy Forum
[LC Paper No. CB(2)1272/11-12(10)]

70. Prof HO Lok-sang presented the views of Hong Kong Tertiary Education Policy Forum as detailed in its submission.

The Student Union of The Hong Kong Baptist University

71. Mr LAU Wing-kin said that students of HKBU were disappointed with the investigation conducted by the University into HKBU Incident, which was incomprehensive and unconvincing. He criticized that HKBU had failed to defend academic freedom, the cornerstone of university education and called on HKBU to provide specific responses to the unanswered questions in order to allay public concern. He also urged the community and LegCo Members to continue to monitor the HKBU Incident with a view to upholding academic freedom in Hong Kong.

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Hong Kong Baptist University
[LC Paper No. CB(2)1272/11-12(11)]

72. Prof Rick WONG Wai-kwok presented the views of HKBU as detailed in its submission.

Teachers' Association of The Chinese University of Hong Kong

73. Prof WONG Chi-sum said that academic freedom meant that the academia should operate as an independent system according to its own rules and should be free from political or economic interference. He considered it important for the heads of institutions, as the persons-in-charge of the academic system, to openly and steadfastly uphold the independence of the system when it was subject to challenge. However, he regretted that the heads of the institutions concerned had failed to do so in the recent incidents. In Prof WONG's view, this was partly attributable to the mechanism adopted by UGC in allocating resources to universities.

City University of Hong Kong
[LC Paper No. CB(2)1272/11-12(12)]

74. Prof Paul K S LAM presented the views of CityU as detailed in its submission.

The Hong Kong University of Science and Technology

75. Dr Eden WOON said that the mission of HKUST was to advance learning and knowledge through teaching and research, and to contribute to the economic and social development of Hong Kong. HKUST was committed to providing a free and open environment to facilitate the exchange of knowledge and ideas between students, teaching staff and visiting scholars. In fulfilling its mission, HKUST had all along been promoting cultural diversification, expression of views in peaceful and rational manner, and accommodation of different views. He stressed that academic freedom and institutional autonomy were core values and necessary conditions for continuous development of the higher education sector and must be firmly upheld.

The Hong Kong Polytechnic University

76. Prof Alex WAI said that PolyU attached great importance to academic freedom and had been striving to provide its staff and students

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with an environment in which they could enjoy freedom of speech, research and publication. PolyU had all along steadfastly upheld academic freedom and institutional autonomy which were protected under the Basic Law. The Notes on Procedures ("NOP") of UGC clearly spelt out the major areas of institutional autonomy enjoyed by the UGC-funded institutions, namely selection of staff; selection of students; curricula and academic standards; acceptance of research programmes; and allocation of funds within the institution. The interplay between UGC, the Administration and PolyU had along been based on the guidelines set out in NOP.

Mr WONG Wai-kwok

[LC Paper No. CB(2)1272/11-12(13)]

77. Mr WONG Wai-kwok presented his views as detailed in his submission.

Academic Staff Association of Hong Kong Institute of Education

78. Citing the incident relating to the alleged government interference with the academic freedom and institutional autonomy of Hong Kong Institute of Education ("HKIED") in 2007, Mr LI Chin-wa said that in his judgment on the judicial review relating to the HKIED incident, Hon Mr Justice Hartmann had referred to the four essential freedoms of a university, i.e. freedoms to determine for itself on academic grounds who might teach, what might be taught, how it should be taught and who might be admitted to study. He also referred to the book entitled "香港學術自由第一案" published by the University Education Concern Group after the HKIED incident. He added that at the commemorative ceremony on the fifth anniversary of the HKIED incident held in February 2012, participants had made a declaration that staff and students of HKIED would continue to uphold academic freedom and institutional autonomy, and be committed to publishing views and research on education policies without being affected by any pressure.

Committee on Education Policies of Democratic Party

79. Mr LI Yiu-ki criticized the Education Bureau ("EDB"), UGC and individual institutions for evading from dealing with the incidents regarding infringement of academic freedom. Such incidents had recurred owing to the lack of an effective mechanism for protecting academic freedom. To voice their frustration, 633 academics had recently issued a joint declaration to defend the core value of academic freedom. To resolve

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the problem, Mr LI considered it important to legislate on academic freedom and establish an independent inter-institutional redress mechanism to handle grievances relating to infringement of academic freedom.

Hong Kong Human Rights Monitor

80. Mr LAW Yuk-kai expressed concern about the internal and external threat to academic freedom of universities in Hong Kong. He was disappointed that the senior management of HKU and HKUST had not come forward to defend Dr Robert CHUNG and Prof SING Ming respectively who had been severely criticized for their views and publications. He stressed that senior management of universities had the responsibility to step forward and openly defend the academic freedom of their staff. He added that the universities should consider issuing a manifesto to safeguard academic freedom in Hong Kong.

Response of the Administration and the UGC

81. US(Ed) said that academic freedom was an important social value treasured by the Administration. The Administration had all along respected and upheld academic freedom and institutional autonomy enshrined in the Basic Law. Article 137 of the Basic Law ("BL 137") stated that "educational institutions of all kinds may retain their autonomy and enjoy academic freedom. They may continue to recruit staff and use teaching materials from outside the HKSAR ...". Furthermore, BL 34 stated that "Hong Kong residents shall have freedom to engage in academic research, literary and artistic creation, and other cultural activities". Freedom of speech was also a core value of Hong Kong guaranteed under BL 27. Hong Kong was a free, diversified and open society and the Administration attached great importance to freedom of expression.

82. Deputy Secretary-General of UGC ("DSG/UGC") said that the subject of academic freedom and institutional autonomy had been discussed in-depth in the 1996 Report on Higher Education in Hong Kong, which formed the basis of the major areas of institutional autonomy set out in UGC's NOP. The institutions should enjoy freedom of choice and of action so that they could properly undertake the work expected of them by the community, but this did not exempt them from public interest and criticism and they should be held accountable to the public for their decisions. It should also be noted that one of the recommendations put forward in the 2002 Report on Higher Education in Hong Kong was that

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the governing bodies of individual institutions should review the governance structures of the institutions having regard to the need for preserving institutional autonomy as well as public accountability.

83. Regarding the competitive allocation of FYFD places for the 2012-2015 triennium, DSG/UGC said that the exercise aimed to provide an opportunity for the institutions to review their academic development strategies with a view to enhancing the quality of higher education. International ranking of universities was not a criterion considered by UGC in the competitive allocation of FYFD places. As regards the concern about the PolyU's loss of 6% of its FYFD places in the competitive allocation exercise, DSG/UGC said that the recurrent funding allocated to PolyU in the 2012-2015 triennium amounted to some \$6.6 billion, representing about 16% of the total recurrent grants for UGC-funded institutions for the 2012-2015 triennium. She stressed that institutions had the freedom and responsibility to determine how the recurrent grants allocated to them were to be utilized within the institutions to meet the needs of their academic development. Indeed, allocation of funds within the institutions was one of the five main areas of institutional autonomy set out in the NOP.

84. DSG/UGC further said that to improve the redress mechanism of UGC-funded institutions, UGC had conducted a research on the grievance procedures of UGC-funded institutions and 10 institutions in other jurisdictions. It was found that there was no inter-institutional redress mechanism in these overseas institutions. Based on the findings of the research, UGC had developed the best practice guidelines for reference by UGC-funded institutions. The four specific recommendations made by UGC were (a) appointment of mediators; (b) stipulating the time limits for handling grievances; (c) guarding against retaliation; and (d) involvement of external parties in the final level of appeal. The UGC-funded institutions had already reviewed their grievance procedures and agreed to incorporate UGC's recommendations therein.

Discussions

85. Mr CHEUNG Man-kwong said that a number of recent incidents had aroused public concern about infringement of academic freedom and the institutions' commitment to academic freedom. These incidents included the criticisms made by Mr HAO Tie-chuan, Director General of the Department of Publicity, Culture and Sports of the Central People's Government's in Hong Kong on the public opinion poll on Hong Kong people's ethnic identity conducted by Dr Robert CHUNG of HKU; the

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criticisms made by leftist newspapers on Prof SING Ming of HKUST for supporting the referendum campaign triggered by the resignation of five LegCo Members in early 2010; and the HKBU Incident. Among the eight UGC-funded institutions, only HKU and HKUST had an explicit policy on academic freedom, and HKUST was the only institution which made reference to academic freedom in the employment contracts of its academic staff. Mr CHEUNG expressed grave concern about the failure of the senior management of HKU and HKUST to stand forward to defend the academic freedom of their staff, and the failure of HKBU to conduct a thorough and serious investigation into the HKBU Incident. He considered it important for institutions to take action to openly defend the academic freedom of their staff when such freedom was being infringed upon. He was also of the view that academic freedom should be written into the ordinances of the UGC-funded institutions with a view to providing legal protection to academic freedom.

86. Prof Roland CHIN said that HKU would not hesitate to offer assistance to Dr Robert CHUNG should he need any assistance. HKU considered it important to allow the relevant parties to conduct rational discussion and the public to form their judgment on the matter. Prof CHIN added that it was the assurance of HKU that Dr CHUNG would continue to enjoy academic freedom to conduct opinion polls.

87. Dr Eden WOON agreed on the importance of safeguarding academic freedom. He said that Hong Kong was characterized by freedom of speech and of press as well as academic freedom. He assured members that Prof SING Ming would continue to enjoy the freedom to express and publish his views.

88. Regarding the attack on the opinion poll conducted by Dr Robert CHUNG in December 2011, Prof SING Ming said that Dr CHUNG had been criticized in 87 articles published in leftist newspapers in less than 60 days. On three occasions, Mr HAO Tie-chuan had criticized Dr CHUNG's public opinion poll as illogical. He did not consider such criticism to be academic discussions. Given Mr HAO's background as a political figure, his criticism of Dr CHUNG would be seen as political interference in academic freedom. He expressed disappointment that the senior management of HKU had not stepped forward to defend academic freedom when its staff was subject to a barrage of criticism. He also raised concern about the chilling effect created by the criticisms made by leftist newspapers on local academics, in particular those whose employment were not on tenure or substantiated terms. He cautioned that Hong Kong's development as a regional education hub in Asia would be affected if no

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systematic changes were made to enhance protection for academic freedom.

89. Miss Tanya CHAN expressed disappointment about the inaction on the part of the senior management of the universities concerned and the Administration to the series of incidents regarding infringement of academic freedom. In her view, the extensive criticisms made by leftist newspapers against the academics concerned were far from academic discussion.

90. US(Ed) said that Hong Kong was a pluralistic society and everyone was entitled to freedom of speech. It was natural that the community might have diverse views on different issues. He reiterated that both academic freedom and freedom of speech were protected under the Basic Law.

91. In response to Miss Tanya CHAN's enquiry on whether and when HKUST would take action to defend the academic freedom of Prof SING Ming, Dr Eden WOON said that HKUST was committed to providing a free and open environment for staff and students to pursue knowledge. The communication between the senior management and staff of HKUST had all along been smooth and transparent. In terms of staff promotion, HKUST attached great importance to the academic achievements of staff. HKUST was concerned about the criticism against Prof SING, and he assured members that Prof SING would continue to enjoy the academic freedom to express and publish his views.

92. The Chairman asked the representatives of HKU and HKUST whether there was any mechanism within the universities under which the university management would take the initiative to meet with staff members or students who were subjected to severe outside criticism or pressure. She also asked representatives of HKBU whether it had provided any channel for its staff and students to reflect their views on the investigation into the HKBU Incident.

93. Prof Rick WONG said that the investigation relating to the HKBU Incident was conducted in a thorough and serious manner. The investigation panel had interviewed Prof ZHAO Xinshu, staff of the HongCOMM Survey Lab, staff of the School of Communication, the Council Chairman, and President and Vice Chancellor of HKBU. It had carefully analyzed the information and evidence before arriving at its conclusion. After the release of the investigation report, the investigation panel had met the staff and students of HKBU on a number of occasions, and a further meeting with students had been scheduled for 21 March 2012.

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The investigation panel was of the opinion that there was no evidence to warrant further investigation.

94. Prof Roland CHIN said that the academic freedom policy of HKU provided for a mechanism to deal with complaints on infringement of academic freedom. He undertook to conduct a review with a view to putting in place a more proactive mechanism, and would solicit the views of staff and students in this regard.

95. Dr Eden WOON said that in HKUST, there were established channels for staff and students to reflect their views to the university management. The senior management of HKUST met with students and staff respectively on a regular basis. Students and staff were free to sign up for these meetings to reflect their views or grievances. They could also express their views through emails and at other meetings. He added that HKUST would seriously review the incident and improve its handling of similar incidents in future.

96. Prof WONG Chi-sum of Teachers' Association of CUHK considered it important for a university to uphold its dignity and assert what was right and wrong. He opined that the senior management of HKUST should not remain silent in the face of the unreasonable request for the dismissal of Prof SING Ming.

97. Mr LI Chin-wah of Academic Staff Association of HKIEd pointed out that respect for different views could be a double-edged sword. When an individual was subject to a barrage of criticism, such attack would invariably create pressure and do damage to the individual.

98. Dr Robert CHUNG of The Public Opinion Programme of HKU said that he had neither lodged complaint nor sought help from HKU in respect of the criticism against his public opinion poll. He however was concerned that young academics might be scared by and did not know how to deal with similar criticism. He considered it important for the University to provide adequate assistance, including legal assistance, to staff members facing similar problems. The University should also hold more talks on such subjects as academic freedom and moral responsibilities of intellectuals.

99. Mr CHAN Man-fai of The Hong Kong Polytechnic University Students' Union considered that the management of the universities concerned should take a more proactive role in defending academic freedom and render assistance to the staff members who had been subject to criticisms.

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100. Mr TO Yiu-ming of HKBU Faculty and Staff Union considered that the investigation panel of HKBU had not fulfilled its responsibility to ascertain sufficient evidence on the HKBU Incident. In his view, the investigation had brought shame to HKBU's staff and students. He also questioned about the teaching ability of Prof ZHAO Xinshu given his deficiency in professional ethics.

101. Mr SIT Ka-ming of 悍衛大學學術自由戰隊 opined that the universities concerned should conduct a review on their mechanism for dealing with infringement of academic freedom expeditiously and a specific time frame should be set for such review.

102. Mr LAI Ming-chak of University Student Academic Freedom Front said that when HKU and HKUST chose to remain silent on the harsh criticisms made against their staff, they were actually giving tacit approval for such criticisms. Given that Mr HAO Tie-chuan was a government official of the Mainland, Mr LAI also questioned whether Mr HAO had interfered with the internal affairs of Hong Kong when he mounted severe criticisms against Dr Robert CHUNG. Mr LAI added that universities were not as autonomous as claimed by UGC as the rules of the funding mechanism were determined by UGC.

103. Mr LAW Yuk-kai of Hong Kong Human Rights Monitor welcomed the undertaking of HKU and HKUST to review their mechanism for safeguarding academic freedom, and requested the universities to make public and report to LegCo the outcome of their review. He reiterated his view that universities had the social responsibility to safeguard academic freedom.

104. Mr CHEUNG Man-kwong said that HKU and HKUST were the only UGC-funded institutions with explicit policy on academic freedom. He hoped that the two universities would seriously follow-up on the incidents concerned and make a clear stand in defence of academic freedom, which would go a long way towards enhancing protection for academics in their academic pursuit. He further said that many people had criticized the perfunctory investigation undertaken by HKBU into the HKBU Incident. He urged HKBU to review the investigation and take the necessary remedial measures to restore the university's credibility.

105. In conclusion, the Chairman requested the Administration to co-ordinate with HKU, HKUST and HKBU and provide information on the measures to be taken by these universities to protect and enhance academic freedom of their staff and students.

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VII. Any other business

106. There being no other business, the meeting ended at 8:03 pm.

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Legislative Council Secretariat
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