

**立法會**  
**Legislative Council**

LC Paper No. CB(4)197/13-14  
(The minutes have been seen by  
the Administration and The  
Chinese University of Hong Kong)

Ref : CB4/PL/ED

**Panel on Education**

**Minutes of meeting**  
**held on Monday, 11 November 2013, at 4:30 pm**  
**in Conference Room 3 of the Legislative Council Complex**

**Members present** : Dr Hon LAM Tai-fai, SBS, JP (Chairman)  
Hon IP Kin-yuen (Deputy Chairman)  
Hon LEUNG Yiu-chung  
Hon TAM Yiu-chung, GBS, JP  
Hon Abraham SHEK Lai-him, GBS, JP  
Hon Tommy CHEUNG Yu-yan, SBS, JP  
Hon WONG Kwok-hing, BBS, MH  
Hon Cyd HO Sau-lan  
Hon Starry LEE Wai-king, JP  
Dr Hon Priscilla LEUNG Mei-fun, SBS, JP  
Hon CHEUNG Kwok-che  
Hon Mrs Regina IP LAU Suk-yee, GBS, JP  
Hon Paul TSE Wai-chun, JP  
Hon LEUNG Kwok-hung  
Hon WONG Yuk-man  
Hon Claudia MO  
Hon Michael TIEN Puk-sun, BBS, JP  
Hon Steven HO Chun-yin  
Hon WU Chi-wai, MH  
Hon MA Fung-kwok, SBS, JP  
Hon Charles Peter MOK  
Hon CHAN Chi-chuen  
Dr Hon Kenneth CHAN Ka-lok  
Hon Dennis KWOK  
Dr Hon Fernando CHEUNG Chiu-hung  
Dr Hon Helena WONG Pik-wan

Dr Hon Elizabeth QUAT, JP  
Hon Christopher CHUNG Shu-kun, BBS, MH, JP  
Hon Tony TSE Wai-chuen

**Members attending** : Hon Gary FAN Kwok-wai  
Hon KWOK Wai-keung

**Member absent** : Hon IP Kwok-him, GBS, JP

**Public Officers attending** : Agenda item IV

Mr Kevin YEUNG  
Under Secretary for Education

Ms Pecvin YONG Pui-wan  
Principal Assistant Secretary (Further Education)  
Education Bureau

Professor Ronald CHUNG Chi-kit  
Deputy Executive Director (D)  
Vocational Training Council

Mr Gary AU Kam-hung  
Senior Assistant Executive Director  
(Corporate Governance)  
Vocational Training Council

Mr Oliver SHA Chun-yip  
Acting Head, Information Technology Services  
Division  
Vocational Training Council

Agenda item V

The Chinese University of Hong Kong

Professor Michael HUI  
Pro-Vice-Chancellor

Mr Eric NG  
Registrar and Secretary

Mrs Amelia WONG  
Deputy Secretary

Agenda item VI

Mr Kevin YEUNG  
Under Secretary for Education

Mrs Michelle WONG  
Deputy Secretary for Education (4)

Mr Tony TANG  
Principal Assistant Secretary (School Development)  
Education Bureau

**Clerk in attendance** : Miss Polly YEUNG  
Chief Council Secretary (4) 4

**Staff in attendance** : Mr KWONG Kam-fai  
Senior Council Secretary (4) 4

Mr Ian CHOW  
Council Secretary (4) 4

Ms Sandy HAU  
Legislative Assistant (4) 3

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Action

The Deputy Chairman informed members that Dr Hon LAM Tai-fai, Panel Chairman, would join the meeting at a later time. He would chair the meeting during the absence of the Chairman.

**I. Confirmation of minutes**

(LC Paper No. CB(4)106/13-14 -- Minutes of meeting on 10 October 2013)

2. The minutes of the meeting held on 10 October 2013 were confirmed.

**II. Information paper(s) issued since the last meeting**

(LC Paper No. CB(4)16/13-14(01) -- Paper provided by the Education Bureau concerning the Administration's decision to lease the former Royal Air Force Station on Kwun Tong Road to the Hong Kong Baptist University

LC Paper No. CB(4)42/13-14(01) -- Letter dated 26 September 2013 from Hon KWOK Wai-keung concerning the application for UGC-funded FYFD programmes by 2013 HKALE candidates

LC Paper No. CB(4)42/13-14(02) -- Administration's written response dated 16 October 2013 to the letter from Hon KWOK Wai-keung dated 26 September 2013

LC Paper No. CB(4)116/13-14(01) -- Letter from Hong Kong Baptist University on the leasing of the Former Royal Air Force Station on Kwun Tong Road to the Hong Kong Baptist University)

3. Members noted the above papers issued since the last meeting.

### **III. Items for discussion at the next meeting**

(Appendix I to LC Paper No. CB(4)120/13-14 -- List of outstanding items for discussion

Appendix II to LC Paper No. CB(4)120/13-14 -- List of follow-up actions)

4. The Deputy Chairman informed members that the Administration had proposed to discuss the following items at the next regular meeting to be held on 9 December 2013 at 4:30 pm –

- (a) Redevelopment of Ying Wa Girls' School at Robinson Road, Hong Kong;
- (b) Injection into the Language Fund; and
- (c) Supporting schools to adopt e-textbook to facilitate learning and teaching and upgrading of the Web-based School Administration and Management System.

5. The Deputy Chairman said that he would finalize the agenda after discussion with the Chairman. Members noted and raised no objection.

6. Before proceeding to the discussion items, the Deputy Chairman drew members' attention to Rule 83A of the Rules of Procedure which provided that a Member shall not move any motion or amendment relating to a matter in which he had a pecuniary interest, whether direct or indirect, or speak on any such matter, except where he disclosed the nature of that interest. He reminded members to declare interests, if any, in the matter under discussion.

### **IV. Vocational Training Council's Proposed Enhancement of IT Infrastructure and Services and Longitudinal Study on Students**

(LC Paper No. CB(4)120/13-14(01) -- Paper provided by the Administration)

7. Due to the heavy agenda and time constraint, the meeting agreed that since the Administration/Vocational Training Council ("VTC") had no

further information to provide in addition to its paper, it would not be necessary for them to give an introduction. Members noted that the Administration planned to seek funding approval from the Finance Committee ("FC") in December 2013.

*Enhancement of information technology infrastructure and services*

8. Mr Charles MOK expressed support for VTC's proposal to enhance its information technology ("IT") infrastructure and services, and enquired on the priority of the various initiatives under the enhancement project. In response, Senior Assistant Executive Director (Corporate Governance), VTC advised that enhancements to the IT infrastructure and services were required to address the demands for mobile access for learning and teaching and support services, the support for the new curriculum structures and to counter increasing risks of cyber attacks and unauthorized access.

9. Dr Elizabeth QUAT remarked that further information should be provided on the item of "IT Service Development on Career Development and Advisory" scheduled to commence in the second quarter of 2014. She was also concerned whether other publicly-funded higher education institutions had carried out similar enhancements.

10. The Deputy Chairman indicated that he did not have any special view on the proposed enhancement of IT infrastructure and services.

*Longitudinal study on the Hong Kong Diploma of Secondary Education graduates*

11. Referring to VTC's proposal to conduct a longitudinal study on the Hong Kong Diploma of Secondary Education ("HKDSE") graduates who decided to pursue vocational education and training ("VET") programmes at VTC ("the longitudinal study"), Mr Charles MOK queried whether it would be more appropriate for VTC to commission an independent institute to conduct the longitudinal study for the sake of independence and effectiveness.

12. Whilst indicating support for the purpose of the longitudinal study, Mr WU Chi-wai queried the cost-effectiveness of VTC's decision to set up an in-house research team comprising full-time staff, instead of commissioning the study to a university. Dr Priscilla LEUNG asked whether VTC had decided to conduct the longitudinal study because its existing VET programmes were unable to meet students' needs.

13. In this regard, Under Secretary for Education ("US(Ed)") said that the proposed longitudinal study aimed at enabling VTC to explore ways for the VET sector to improve pedagogical and curriculum design to meet the vocational education needs of the new generation of HKDSE graduates. Deputy Executive Director(D), VTC ("DED(D)/VTC") elaborated that the study would involve tracking the performance of the first cohort of some 2 000 higher diploma students and 500 degree students admitted in the 2013-2014 academic year. Being the largest VET provider in Hong Kong, VTC was well-placed in conducting the study. There were also overseas institutes having a full time office to conduct studies of a similar nature. DED(D)/VTC pointed out that even if the study was outsourced, VTC's input would still be required in overseeing and monitoring the work of the researchers, which would also have resource implications and might not be conducive to achieving cost-effectiveness.

14. The Deputy Chairman said that he had received a letter from the president of the Vocational Training Council Academic Staff Association ("the Association") expressing serious doubts about the costly budget as well as the value-for-money of setting up a full-time, in-house research team to conduct the longitudinal study. According to the Association, as VTC was not a research institute, it might not have the necessary expertise. At an open meeting on 20 June 2013, the VTC management had referred to confidentiality and quality issues to justify its decision to conduct the study in-house. The Association was concerned that the study would become a self-congratulating account of VTC. The Deputy Chairman sought VTC's response in this regard.

*(Post-meeting note: The letter from the Association was circulated to members of the Panel vide LC Paper No. CB(4)141/13-14 on 13 November 2013.)*

15. DED(D)/VTC informed members that VTC had held at least two meetings in June 2013 and explained the rationale and details of the proposed longitudinal study in response to the queries and concerns raised by staff. Most of the attendees did not oppose the conduct of the study. He stressed that the longitudinal study was forward-looking, with the objective of identifying ways to improve the provision of VET programmes for the benefit of HKDSE graduates. It was not meant to give recognition to the past performance of VTC.

16. Dr Elizabeth QUAT asked whether other publicly-funded higher education institutions in Hong Kong had conducted similar studies, and whether consideration had been given to entrusting the Research Grants

Council ("RGC") to co-ordinate an overall study on all publicly-funded post-secondary institutions.

17. Dr Helena WONG said that she did not object to the conduct of a longitudinal study, but disagreed that it should be undertaken by a team of full-time staff within VTC. She considered that VTC should invite bids from local universities through RGC or the Central Policy Unit, and decide on how best to proceed with the longitudinal study in the light of the bids received, if any.

18. In this connection, US(Ed) advised that longitudinal studies of a comparable scope and duration had not been carried out by other University Grants Committee ("UGC")-funded institutions. VTC, being the largest VET provider in Hong Kong, would focus its research on VET programmes and services. If individual UGC-funded institutions considered it necessary, they could conduct similar studies on their students by deploying their own resources.

19. Mr LEUNG Yiu-chung did not see the need for VTC to conduct a longitudinal study of such a scale, and queried whether there was any hidden agenda behind the study to revamp VTC. DED(D)/VTC assured members that there was no hidden agenda. He pointed out that a systematic study would help identify HKDSE graduates' needs for VET programmes, and areas of improvement to the existing pedagogical and curriculum design for the benefit of all future cohorts of VET programmes.

20. Regarding Mr LEUNG Yiu-chung's question on whether an overall longitudinal study should be conducted by the Education Bureau ("EDB") on all HKDSE graduates, US(Ed) said that the Administration would collect relevant data in the context of reviewing the New Academic Structure and the New Senior Secondary Curriculum.

21. Mr Tony TSE enquired whether VTC had estimated the cost if the proposed longitudinal study was commissioned to external researchers. He would have reservation on the proposal if such estimate was not available for reference. DED(D)/VTC said that although VTC had considered the option of outsourcing the longitudinal study, it had not made an estimate on the cost involved.

22. Mr Tommy CHEUNG also considered that VTC should estimate the costs involved in outsourcing the study. He remarked that similar tracking studies were carried out by many schools and universities without incurring such a high budget.



23. Dr Kenneth CHAN referred to his experience in scrutinizing requests for research funding, and highlighted the need for prudence and sufficient justification. As an academic, he shared the Association's view that the proposed budget of \$19.48 million was extravagant. He expressed reservation on the current proposal and considered that VTC should revert with more detailed information.

24. Dr Fernando CHEUNG shared members' view that the proposed longitudinal study was very costly, and questioned the need to engage such high-ranking research staff. He commented that since the subjects of the longitudinal study would be VTC students, much of the requisite information could well be captured if an efficient management information system ("MIS") was in place.

25. Regarding the staff costs, DED(D)/VTC said that the research team comprising five full-time staff would be headed by a project manager pitched at the rank of "assistant professor" in UGC-funded institutions. The remuneration package of these staff members, at an annual cost of about \$3 million spanning over a period of six years, was comparable to the mid-point salary of similar positions in local universities.

26. DED(D)/VTC further advised that the longitudinal study aimed at obtaining information in addition to students' background, family income etc. which were captured by MIS. For instance, the interaction of students with their teachers and their views on the usefulness or otherwise of the theoretical and practical components of VET programmes would also be studied. In addition to questionnaire surveys, it was also necessary to conduct face-to-face interviews to obtain information on the development and preferences of the students concerned.

27. In reply to Mr Tommy CHEUNG's question on whether the team of research staff would be dissolved upon completion of the study, DED(D)/VTC advised that if funding was approved, the staff concerned would be engaged on time-limited contracts to carry out the longitudinal study.

28. Regarding the stance of the Administration, US(Ed) said that EDB supported VTC's proposal to conduct the longitudinal study because VTC was currently the major VET provider in Hong Kong well-versed in the provision of VET services. Although the study would take six years to complete, if VTC identified areas for improvement in the course of the study, it would be in a position to respond swiftly by making necessary adjustments to its services and programmes.

29. Mr Charles MOK asked whether the findings of the longitudinal study would be made public. In reply, US(Ed) said that the findings of the longitudinal study would be made public to facilitate reference by other VET providers to enhance their services.

30. Dr Priscilla LEUNG enquired whether the subjects of the proposed longitudinal study would include persons in employment attending VTC courses. In response, DED(D)/VTC advised that the proposed study would be conducted among two cohorts of VTC's post-secondary programmes (degree students admitted in the 2013-2014 and 2015-2016 academic years and higher diploma students admitted in the 2013-2014 and 2014-2015 academic years). Currently, VTC had no plan to extend the longitudinal study to include persons who were in employment and taking VTC courses for career advancement or other purposes.

31. Noting that participation in the longitudinal study would be voluntary and measures would be taken to encourage participation and minimize attrition over time, Dr Kenneth CHAN asked whether VTC would provide financial incentives to encourage participation. In response, DED(D)/VTC confirmed that VTC would not offer financial incentives. Instead, the interaction and rapport between the teaching staff and students would be conducive to encouraging the latter to participate in the study.

*Submission to FC*

32. Dr Helena WONG asked the Administration to either withdraw the funding request for the longitudinal study, or submit it to FC as a separate item for voting instead of bundling it with the other proposal on IT enhancement. She stated that Members of the Democratic Party would object to the funding request for the longitudinal study.

33. Mr Tommy CHEUNG said that Members of the Liberal Party had reservation, and would unlikely support the funding proposal for the longitudinal study when it was considered at FC.

34. US(Ed) confirmed that the proposed enhancement to IT infrastructure and services and the proposed longitudinal study would be submitted to FC for approval as two separate items.

35. Concluding the discussion, the Deputy Chairman said that in principle, members had no objection to the funding proposal for enhancement of IT infrastructure and services. However, there were doubts over the longitudinal study as currently proposed. The Deputy

Chairman requested the Administration/VTC to carefully consider members' views before deciding on the way forward.

**V. Statutes of The Chinese University of Hong Kong (Amendment) Statute 2013**

(LC Paper No. CB(4)120/13-14(02) -- Paper provided by The Chinese University of Hong Kong

LC Paper No. CB(4)129/13-14(01) -- Submission dated 5 November 2013 from the Student Union of The Chinese University of Hong Kong

LC Paper No. CB(4)130/13-14(01) -- Submission dated 7 November 2013 from Mr Raymond LUK)

36. Members noted the submissions from the Student Union ("SU") of The Chinese University of Hong Kong ("CUHK") and Mr Raymond LUK [LC Paper Nos. CB(4)129/13-14(01) and CB(4)130/13-14(01) respectively], and a letter from Mr IP Kin-yuen to the Panel Chairman containing comments on the Amendment Statute received from two individuals (tabled at the meeting and subsequently issued to members vide LC Paper NO. CB(4)135/13-14(01) on 12 November 2013).

Briefing by CUHK

37. At the invitation of the Deputy Chairman, Professor Michael HUI, Pro-Vice-Chancellor of CUHK, briefed members on the proposed amendments under the Statutes of The Chinese University of Hong Kong (Amendment) Statute 2013 ("the Amendment Statute"), as set out in the paper provided by CUHK [LC Paper No. CB(4)120/13-14(02)]. Professor HUI highlighted that the Amendment Statute sought to reorganize the Council of CUHK ("University Council") by, among others, reducing the number of members from 55 to 25 and at a ratio of about two external members to one internal member; giving all full-time academic and non-academic staff members, irrespective of rank, to be represented on the University Council; and providing for representation of all full-time

undergraduate and postgraduate students on the University Council. On the issue of undergraduate representation on the reorganized University Council, the University Council had taken into account the views of students and had resolved that the undergraduate students be represented on the reorganized University Council by the President of SU of CUHK, to be appointed by the University Council.

### Discussion

#### *Eligibility for appointment as student representatives on the reorganized University Council*

38. Mr Steven HO said that Members of the Democratic Alliance for the Betterment and Progress of Hong Kong had met with SU of CUHK recently. He was given to understand that the students were dissatisfied with the proposed requirement that, to be eligible for appointment under Statute 11.1(q) or (r), the student must be a full-time student pursuing an approved course of study of CUHK for a period of not less than 12 months ("12-month requirement"). SU of CUHK considered the 12-month requirement unfair as it was only imposed on the student members but not other categories of Council members. Mrs Regina IP said that Members of the New People's Party had doubt on the 12-month requirement, as it would deprive first-year undergraduates of the opportunity for appointment.

39. Dr Kenneth CHAN declared interest as an alumnus of CUHK. He considered it unfair to assume that students in their first year of study were inexperienced and not ready to sit on the University Council. Dr Fernando CHEUNG shared similar concern, and remarked that if a qualifying period was imposed on student members, then, similar requirement should also be applied to other external members of the University Council. Dr CHEUNG queried whether other universities had specified a similar requirement.

40. Dr Helena WONG declared interest as an alumna of CUHK. She was in support of streamlining the governance structure of CUHK. However, Dr WONG disagreed with the 12-month requirement and urged for its withdrawal. Mr LEUNG Kwok-hung commented that the 12-month requirement, which was only applicable on the appointment of student representatives on the University Council, was unacceptable.

41. Mr Eric NG, Registrar and Secretary of CUHK, referred to paragraph 27(4) of Annex A to CUHK's paper, and advised that the

12-month requirement was a recommendation of the Ad Hoc Committee on the Reorganization of the Council ("the Ad Hoc Committee") to ensure that student members had an in-depth understanding of the University's affairs.

42. Mr Gary FAN declared that he sat on the University Council as the representative of Legislative Council ("LegCo"). He supported the reorganization proposal with a view to enhancing the effectiveness of governance. However, Mr FAN noted with concern section 4(6) of the Amendment Statute which added a new Statute 11.1(q) stating that the President of SU of CUHK was to be "appointed by the Council". He was of the view that the President of SU of CUHK should be an ex officio member, instead of one to be appointed by the University Council. Dr Kenneth CHAN said that the relevant provision should be drafted in such a way that the President of SU of CUHK was a member of the University Council.

43. Mr Eric NG advised that under the reorganized University Council, only three members were ex officio members. Most other members were appointed, upon election, nomination, etc., by the Council.

*"Reserved areas of business"*

44. Mrs Regina IP sought explanation on the rationale for the newly added Statute 11.9B which provided that student members of the University Council might not participate in that part of meetings which considered certain reserved areas of business.

45. Dr Fernando CHEUNG expressed his reservation on the restriction on student members to participate in the consideration of reserved areas of business. In his view, student members should enjoy the same rights as other Council members. Mr CHAN Chi-chuen enquired whether other universities had similar restriction. Whilst expressing support for the reorganization of the University Council to enhance governance, Mr WU Chi-wai was concerned that such restriction might reflect CUHK's lack of confidence in the student members.

46. Noting members' concerns, Mr Eric NG advised that it was a common practice among universities to define reserved areas of business in which student participation could be limited, although the relevant arrangements might be set out in their standing orders for meetings, and not necessarily in the respective governing Statutes. As far as CUHK was concerned, there were provisions for "reserved areas of business" in the

existing Statutes for meetings of the Senate, Faculty Boards and Department Boards. The addition of Statute 11.9B sought to align the practice of the University Council with that of the other governing bodies. Mr NG added that, as an example, student members had not been precluded from full participation in meetings of the Senate.

47. If the governing legislation of other universities did not contain similar restriction on student participation, the Deputy Chairman was of the view that CUHK should seriously consider removing the relevant provisions on "reserved areas of business" from the Amendment Statute.

48. Dr Helena WONG referred to the newly added paragraphs 9B(1), (2) and (3) under Statute 11 on participation in committees set up by the University Council and matters concerning the finances of the University. She was gravely concerned that by virtue of the new provisions, the student members on the reorganized University Council would be precluded from participating in any future meetings of the Search Committee at which the selection and appointment of the University's Vice-Chancellor was considered. Dr Helena WONG urged for withdrawal of the proposed restrictions. Ms Cyd HO shared similar view that the Amendment Statute should not deprive the student members of their right to participate in the selection of Vice-Chancellor, which was of great concern to the students.

49. In this connection, Mr Eric NG advised that under the existing mechanism, the membership of the Search Committee for the University's Vice-Chancellor would include representatives from the Senate. The student representatives in the Senate had the opportunity to participate in meetings in which the selection of Vice-Chancellor was considered.

*Representation of new constituent colleges on the University Council*

50. Dr Helena WONG noted that pursuant to proposed amendments to Statute 11.1(e), the five new constituent colleges could only jointly nominate one representative among them to the University Council. However, each of the three original colleges and Shaw College could nominate one representative. Dr WONG was of the view that all constituent colleges should have equal representation on the University Council, and disagreed with the difference in representation between the original colleges and Shaw College and the new constituent colleges as set out in the Amendment Statute.

51. Ms Cyd HO concurred that all constituent colleges should be equally represented on the University Council. Mr WU Chi-wai stressed

the importance of fairness in the composition of the reorganized University Council, and opined that all nine constituent colleges should have equal representation.

52. In this regard, Professor Michael HUI explained that there were considerable differences between the original colleges and Shaw College and the new constituent colleges in terms of their history, governance structure, number of students and teaching staff. For example, each of the original colleges and Shaw College had a student body of more than 3 000 students while the number of students in each of the new constituent colleges ranged from 300 and 1 200. Professor HUI stressed that recommendations on the composition of the reorganized University Council had been formulated by the Ad Hoc Committee after due consideration of all relevant factors and following extensive consultation with stakeholders.

*Participation of staff members in the University Council*

53. Mr Gary FAN was concerned about the right of academic staff to participate in the University Council under the Amendment Statute. He sought explanation on the right to vote and the right to be nominated for staff holding the position of Professional Consultant. Noting that there were different categories of staff members on the University Council, Mr FAN was concerned that the same individual staff member would not be nominated or elected under more than one category.

54. In reply, Mr Eric NG confirmed that the University Council had already resolved that teaching staff holding the position of Professional Consultant would be designated as full-time teaching staff of the rank of Assistant Lecturer and above, falling within the definition of "teacher" under Section 2(1) of The Chinese University of Hong Kong Ordinance (Cap. 1109). Hence, full-time Professional Consultants would be entitled to stand and vote in the election of academic staff on the reorganized Council under the Amendment Statute.

55. Noting that certain categories of members on the University Council, namely the members representing constituent colleges, College Heads/Masters, Faculty Deans and Dean of the Graduate School, could only hold office for only one year while most of the other members could serve for three years, the Deputy Chairman enquired about the reasons for the difference in tenure.

56. Mr Eric NG advised that the majority of Council members were appointed for a period of three years. However, since there were nine College Heads/Masters and nine Deans, the Ad Hoc Committee had recommended that these members should serve for a period of one year instead of three years. This would enable other eligible staff members to have reasonable opportunities to stand for election to the University Council. Nevertheless, the incumbent members were eligible for re-election for a further period of one year.

*Consultation with stakeholders and legislative timetable*

57. Dr Priscilla LEUNG declared interest as a former office-bearer of the student union of a college of CUHK. She said that as far as she had understood, the proposed amendments were at variance with the views expressed by the constituent colleges and students. Dr LEUNG enquired whether CUHK had properly consulted and gauged the views of stakeholders when preparing the amendments in the past few years. She expressed reservation on the Amendment Statute.

58. Dr Elizabeth QUAT declared that she was nominated by LegCo to serve as a member of the University Council, and expressed support for streamlining the governance structure of CUHK. Noting the concerns raised at the meeting in particular the limitation on participation of student members in considering "reserved areas of business", Dr QUAT highlighted the importance of fairness, and urged CUHK to further discuss the relevant proposed amendments with students.

59. Professor Michael HUI explained that the Amendment Statute had been prepared in the light of the Ad Hoc Committee's findings and recommendations which were formulated after thorough review and consultation. In proposing the changes, the Ad Hoc Committee had considered the views of different stakeholders. The University had consulted relevant stakeholders including students, alumni, staff and constituent groups of the governing bodies on the Amendment Statute. In accordance with the established procedures, the Amendment Statute had been endorsed by the Senate where there were student representatives prior to its consideration by the University Council. The University was seeking the views of the Panel before submitting the Amendment Statute to the Chancellor for consideration.

60. Mr Steven HO said that according to SU of CUHK, CUHK had not released any solid proposal regarding the election of student representative for consultation. He enquired about the time required for conducting another round of consultation and where necessary, revising the current



proposed amendments. Mr CHAN Chi-chuen enquired about the workflow and timetable if further revision had to be made to the proposed amendments.

61. Professor Michael HUI advised that the Ad Hoc Committee had conducted a six-month consultation in 2009 through various means, such as setting up a designated website, conducting consultation sessions and forums with representatives of different stakeholders including students. The recommendations of the Ad Hoc Committee had been approved by the University Council unanimously in June 2009. Subsequently, the University Council had also revisited the issue of undergraduate representation on the reorganized Council. Mr Eric NG further explained that upon the election to office of each cabinet of SU, CUHK would brief the newly elected executive committee members accordingly so that SU was kept informed of the latest progress in the reorganization of the University Council and the Senate. After the Law Draftsman had provided the draft Amendment Statute in May/June 2013, the draft was submitted to the Senate, the meetings of which were attended by student representatives. In endorsing the legislative proposal, the Senate had addressed the concerns raised by student representatives.

62. On the way forward, Mr Eric NG said that the views of the Panel would be conveyed to the University Council for consideration. If further amendments were to be introduced, CUHK would need to follow up with EDB and the Department of Justice. When drafted, the revised amendments would be submitted to the Senate and the University Council for approval. The entire process might take at least one year before the revised legislative proposal could be submitted to the Panel again.

63. Mr Tommy CHEUNG declared that he was nominated by LegCo to serve as a member of the University Council and had been a member of the Ad Hoc Committee set up in 2009 to study the reorganization of the University Council. Mr CHEUNG said that as every newly elected President of SU of CUHK might hold views which were different from his predecessor, it might not be practicable or fruitful for CUHK to consult year after year on the same subject. He considered that the Amendment Statute, in its current form, had struck a reasonable balance taking into account the views of different stakeholders. He pointed out that if it was necessary to go through the process of consultation, re-drafting and obtaining the endorsement of the governing bodies again, improvements to the governance structure of CUHK could not materialize in the near future.

64. Ms Cyd HO was of the view that as there were outstanding concerns on the Amendment Statute to be addressed, CUHK should not insist on introducing the Amendment Statute into LegCo at this juncture. Dr Fernando CHEUNG noted that CUHK was the last UGC-funded institution to reorganize its Council in response to the findings and recommendations of the Report on Higher Education in Hong Kong published by UGC in 2002. He would urge CUHK to critically re-examine the Amendment Statute and make the necessary revisions to address the concerns of members in a timely manner.

65. Dr Kenneth CHAN remarked that on account of the important principle of institutional autonomy, it might not be desirable for the legislature to propose amendments to the Amendment Statute. Instead, he would urge CUHK to revisit the matter taking into account members' views. Dr CHAN believed that the Amendment Statute, as currently drafted, could hardly receive enough support from LegCo Members.

66. Professor Michael HUI took note of the views of members, and undertook to convey them to the University Council for consideration.

#### Concluding remarks

67. Concluding the discussion, the Deputy Chairman remarked that Members might wish to form a subcommittee to scrutinize details of the Amendment Statute upon its gazettal and introduction into LegCo. However, since a vast majority of members had expressed their concerns and reservation on a number of issues, the Deputy Chairman asked CUHK to take into account these views and concerns, and to carefully re-consider whether or not to submit the legislative proposal as currently planned.

## **VI. Mechanism of handling complaints against special schools**

(LC Paper No. CB(4)120/13-14(03) -- Paper provided by the Administration

LC Paper No. CB(4)120/13-14(04) -- Letter dated 11 October 2013 from Dr Hon Fernando CHEUNG Chiu-hung to the Chairman of Panel on Education

LC Paper No. CB(4)133/13-14(01) -- Referral from the Public Complaints Office of the Legislative Council Secretariat regarding issues related to the mechanism of handling complaints against a special school  
(*Chinese version only*)  
(*Restricted to members only*)

68. Members noted the paper provided by the Administration and a letter from Dr Fernando CHEUNG [LC Paper Nos. CB(4)120/13-14(03) and (04)]. They also noted a referral memo from the Public Complaints Office of the Legislative Council Secretariat regarding issues related to the mechanism of handling complaints against a special school [LC Paper No. CB(4)/133/13-14(01)].

#### Briefing by the Administration

69. At the invitation of the Deputy Chairman, US(Ed) briefed members on the mechanism adopted by EDB for handling complaints against special schools, details of which were set out in the Administration's paper [LC Paper No. CB(4)120/13-14(03)].

#### Discussion

70. The Deputy Chairman reminded members that the discussion should focus on the mechanism for handling complaints and not individual complaint cases. To allow sufficient time for discussion, the Deputy Chairman directed that the meeting be extended for 15 minutes beyond the appointed time.

#### *Complaint handling procedures*

71. Noting that cases of corporal punishment and assault of students had happened in special schools, Dr Helena WONG was concerned that students in special schools were in a disadvantaged position as they might not know how to seek assistance or lodge complaints. Dr Fernando CHEUNG enquired about the circumstances under which EDB would conduct direct investigation into complaint cases.

72. US(Ed) said that if the complaint cases were of a serious nature, such as alleged physical contacts causing injury to students, EDB might initiate direct investigation and, if necessary, refer the cases to the Police for handling. For established cases of unsatisfactory performance or misconduct, the School Management Committee ("SMC") / Incorporated Management Committee ("IMC") of aided schools might take disciplinary actions against the teachers concerned. Depending on the severity of the case, the disciplinary actions might take the form of verbal or written warnings, suspension of duties, dismissal or summary dismissal. Depending on the situation of individual cases, EDB would require the school to follow up on its evaluation and improvement proposals. EDB would examine the case and review the registration status of the teacher concerned upon conclusion of the case.

73. Ms Cyd HO considered that if the complainants agreed, the investigation reports of complaint cases, in particular those on substantiated cases, should not be kept confidential. The identity of the teachers involved in substantiated cases should be disclosed so as to deter similar recurrence. Ms Cyd HO further asked whether EDB would consider making available the investigation reports to complainants.

74. US(Ed) explained that under the established practice, investigation reports were kept confidential because they contained details of cases which involved the personal particulars of individual persons. The complainants would be informed of the result of the investigation and the proposed remedial actions, if any, in response to the issues identified in the complaint cases concerned. US(Ed) further said that for cases involving teachers which were not of a serious nature, the school authorities had the discretion to retain the service of the teacher concerned while the latter would make necessary improvements under appropriate supervision and guidance. In some cases, disclosure of the identity of the teacher concerned would render it difficult for him/her to take corrective actions and might not be in the best interest of students, the teacher and the school. Where necessary, EDB would appoint members to the school management committee for the purpose of monitoring and improving the operation of the school and ensuring appropriate supervision on the teachers concerned.

75. The Deputy Chairman noted that for complaints involving other legislation in Hong Kong, EDB would advise the complainant to lodge the complaint with the relevant department/organization direct, or EDB might make a direct referral of the case to the relevant department/organization. As the teacher under investigation could still perform his teaching duties as usual, the Deputy Chairman enquired whether EDB would assume a more

proactive role and take necessary measures to safeguard the interest of students. Dr Helena WONG remarked that appropriate safeguards should be put in place to prevent the teachers involved in complaint cases from contacting the students concerned.

76. Deputy Secretary for Education(4) ("DS(Ed)4") explained that when a complaint case was referred to other department/organization for investigation, EDB would require the school concerned to undertake to improve its supervision on the performance of the teacher concerned and take measures to prevent recurrence of similar complaints. If further complaints were received against the same teacher while investigation by other department/organization was still in progress, EDB would require the school to follow up such complaints in a more vigorous manner.

*Follow-up actions on substantiated complaint cases*

77. In response to Dr Helena WONG's enquiry about disciplinary actions that could be taken against the teachers in substantiated complaint cases, US(Ed) said that subject to the findings of the investigation and the severity of the case, the disciplinary actions might take the form of verbal or written warning, suspension of duties or dismissal.

78. Dr Fernando CHEUNG pointed out that according to Regulation 58 of the Education Regulations (Cap.279A), teachers were not allowed to administer corporal punishment to students. He considered that this statutory requirement should be effectively enforced. He also enquired how EDB could ensure that schools would comply with section 62(f) of the Code of Aid for Special Schools which stipulated that the school management committee might suspend a teacher from his normal duties for a period of not exceeding 14 days in cases where criminal proceedings of a serious nature had been, or were likely to be instituted or in cases where the teacher's serious misconduct was under investigation.

79. In response, US(Ed) said that whilst suspension of a teacher's duties was a possible course of action under the Code of Aid, schools had the discretion to take other forms of appropriate follow-up action taking into account all relevant factors including the nature and severity of the case concerned. DS(Ed)4 supplemented that the school management committee, as the employer of the teachers, was obliged to take appropriate follow-up actions with reference to the Codes of Aid. EDB would put forward recommendations to the school concerned if EDB found that the decisions or the way of handling the cases by the school authorities were not reasonable or not in compliance with relevant legislation or Codes.

Where referral to the Police had been made or criminal proceedings had been instituted, EDB would closely monitor the progress and follow up with the school authorities as and when necessary.

80. Dr Fernando CHEUNG referred to the Council on Professional Conduct in Education and remarked that the Council was only tasked to advise the Permanent Secretary for Education on cases of alleged professional misconduct. It played only an advisory role and was not empowered to take disciplinary action against teachers who had committed misconduct. In this regard, Dr CHEUNG enquired whether consideration would be given to setting up an independent body by the teaching profession to oversee the conduct and professional development of teachers.

81. US(Ed) advised that currently, the statutory authority to register teachers was vested in the Permanent Secretary for Education. He noted that members had expressed concerns about the appropriateness or otherwise of the disciplinary actions taken against teachers under certain circumstances. US(Ed) considered that the existing mechanism had been working effectively, and it might not be necessary to set up another organization to handle disciplinary actions against teachers.

*Provision of resources for special schools*

82. Mr Dennis KWOK was concerned about the provision of resources for special schools, and considered that the Administration should provide adequate resources and support for special schools and strengthen the training for teachers. In his view, the resources allocated to special education as well as the overall expenditure on education should be increased.

83. US(Ed) said that additional resources were provided to special schools as well as ordinary schools admitting students with special educational needs. EDB would make the best endeavour to strengthen resources and support for schools.

84. Concluding the discussion, the Deputy Chairman asked EDB to carefully consider members' views and concerns raised at the meeting.

**VII. Award of bonus to staff by the Hong Kong Examinations and Assessment Authority**

(LC Paper No. CB(4)120/13-14(05) -- Paper provided by the Administration)

For reference

Administration's reply to a written question raised by Hon CHEUNG Kwok-che at the Council meeting of 23 October 2013

Administration's reply to a written question raised by Hon CHAN Chi-chuen at the Council meeting of 23 October 2013

85. Owing to insufficient time, members agreed with the Deputy Chairman's suggestion to defer discussion on this item to the next regular meeting.

**VIII. Any other business**

86. The Deputy Chairman informed members that the Subcommittee on Integrated Education had agreed that it would need to continue its work in this session to complete its study. A draft paper for submission to the House Committee had been circulated to the Panel on 30 October 2013 and no comments from members had been received. The Subcommittee would therefore submit the paper to the House Committee for consideration in due course.

87. There being no other business, the meeting ended at 6:43 pm.