

Comments on the "Governance in UGC-funded Higher Education Institutions in Hong Kong" Report

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Background

The Education Bureau announced to endorse the “Governance in UGC-funded Higher Education Institutions in Hong Kong” report (the “Governance Report”) published by the University Grants Committee (UGC) on 30th March this year. This is a report on the governance of UGC-funded universities that the UGC published again after its publication “Aspirations for the Higher Education System in Hong Kong” in 2002. However, the Governance Report is lacked of practical suggestions on the improvement of the governance structure of universities, and the report was drafted at the beginning of last year which has made it impossible to respond to the lively discussions on reforming the structure of the Council and the role of the Chancellor of universities happened last year. It is very unfortunate for the Governance Report to look outdated when it has just been published.

Members of the Council should not be appointed by the Chief Executive

2. Despite the exclusion of the discussions that happened last year, the Governance Report has outlined some of the problems in the existing establishment. For example on the criticism on the appointment system in Hong Kong:

“Traditionally, in Hong Kong, the appointments to a university council has often been regarded as a civic honour, which means that appointments are made without a systematic consideration of the needs of the university to fill the requisite range of skills and expertise which they feel the council needs to discharge its responsibilities.”

(Page 23 of the Governance Report)

And “There are therefore important potential consequences for governance if the university is unable to draw upon the range of skills it needs”. It is clear that **Sir Howard Newby also agrees that the system of allowing the Chief Executive to appoint members of the Council is unsatisfactory, or can even have negative impacts, on the governance of the institutions.**

3. The practice of allowing the Chief Executive to appoint members of the Council has long been criticized. This is because such a system would give excuses the government to intervene with the governance of the institutions. It is a practice that lacks the safeguarding of academic freedom and institutional autonomy. Moreover, the practice decreases the credibility of the Council and increases the difficulty in the governance of a university. From the crisis on the appointment of the Pro-Vice-Chancellor of the University of Hong Kong, one can already see that the members of the Council who are appointed by the Chief Executive have already lost the trust from the staff, students and alumni. Yet, CY Leung appointed Arthur Li to be the Chairman of the Council of HKU on 31st December last year. This caused strong dissatisfaction in the whole of HKU. Before the announcement of the appointment by CY Leung, there was already a vote indicating that 90% of staff, students and alumni of HKU object Arthur Li to be the Chairman of the Council. But CY Leung still insisted on appointing Arthur Li by ignoring the voice of the staff, students and alumni. This incident shows that a direct appointed by the Chief Executive can be a person without any acceptability and extremely unpopular. How to achieve good governance?

4. The Hong Kong Professional Teachers’ Union has submitted our suggestions to the Panel on Education of the Legislative Council (LC Paper No. CB(4)454/15-16(01)). In the document, it has already analysed clearly the potential problem from having the Chief Executive to appoint directors. **An essential step to rebuild the credibility of the Council and the trust from staff and students on it is to amending laws to cancel or cutting the number of seats in the Council that are appointed by the Chancellor or the Chief Executive. The university Council should also invite the community according to its needs and increase the number of elected members. This is also an important step for reinforcing the governance of the university by the Council.**

The role of the Chief Executive in the governance of a university

5. Currently, the Chief Executive automatically becomes the Chancellor of the ten

statutory institutions. In the ordinance of some of the institutes¹, it has even been stated that the chancellor is the head or the chief officer of the university. We think that the arrangement of having the head of government to be the head or chief officer of a university is unreasonable. One should allow the university and the government to keep a distance from each other to ensure the deserved protected for academic freedom and institutional autonomy. Therefore, **we think that the Chief Executive should not be the Chancellor of a university, or only keeping a ceremonial role as a Chancellor if it is a must. The Chancellor should not enjoy any power that can intervene the daily governance of the university.** This is a point which the Governance Report did not touch on, yet is a very essential one.

Power of the Council may be too centralized

6. The Governance Report discussed the governance problem in universities with a major focus on the Council. Yet, the Council is only part of the university governance. Take the University of Hong Kong as an example; exclude for now the Court and the Convocation which are advising bodies, the governance of the whole university includes:

- The Council
- The Senate
- The Senior Management Team led by the Vice-Chancellor.

Among them, the Council is made up of mainly the external personnel, and the Senate and the Senior Management Team are made up of mainly professors from the university. The two different compositions should complementarity to each other. The Governance Report did not provide a clear explanation on this point, and has given an impression of the Council which is made up of mostly external personnel is condescending. This is a defect that essentially needs to explain supplementarily.

¹ Including the University of Hong Kong, the Chinese University of Hong Kong, University of Science and Technology, Hong Kong Polytechnic University, the City University of Hong Kong, the Education University of Hong Kong and the Open University of Hong Kong.