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23 January 2017

Mr Anthony Chu  
Clerk  
Public Accounts Committee  
Legislative Council  
Legislative Council Complex  
1 Legislative Council Road  
Central  
Hong Kong

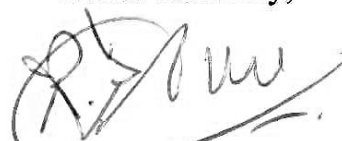
Dear Mr Chu,

**Public Accounts Committee**  
**Consideration of Chapter 6 of the Director of Audit's Report No. 67**  
**Funding of Academic Research Projects by Research Grants Council**

I refer to your letter dated 16 January 2017 requesting us to provide information related to the handling of alleged misconduct cases. The requested information is now set out at the **Annex** for reference by the Public Accounts Committee. As requested, my colleagues will send you soft copies of the information by email.

Should you need further clarifications on the above, please feel free to contact Mr David Leung, Deputy Secretary-General (2) on 2844 9942.

Yours sincerely,



(Richard T ARMOUR)  
Secretary-General

c.c. Secretary for Education (fax no. 2810 7235)  
Secretary for Financial Services and the Treasury (fax no. 2147 5239)  
Director of Audit (fax no. 2583 9063)

**Public Accounts Committee**  
**Consideration of Chapter 6 of the Director of Audit's Report No. 67**  
**Funding of Academic Research Projects by Research Grants Council**

**Replies to Written Questions**

**For the Secretary-General, University Grants Committee**

**Part 3 : Project management**

- 1. The mechanism, including the guidelines on the procedures and performance pledges, in handling alleged misconduct cases, such as plagiarism, related to the Research Grants Council (“RGC”) funded projects and those discovered during the processing of the funding applications and the level of penalty for the substantiated cases.**

A1. The RGC attaches great importance to research integrity. Researchers are expected to observe the highest standard of integrity in the conduct of their researches funded under the funding schemes administered by the RGC. Any research improprieties found will be dealt with seriously. To this end, the RGC has set up three Disciplinary Committees (DCs) to handle alleged research improprieties, namely DC (Investigation), DC (Penalty) and DC (Appeal). The DC (Investigation) oversees the conduct of investigations of cases arising from allegations; the DC (Penalty) determines the level of penalty for substantiated cases; and the DC (Appeal) handles appeal cases if they arise. Each of the DCs comprises five overseas members, including three non-RGC / Panel / Committee members and two non-local RGC and / or lay members. The membership lists of the three DCs are available on the RGC's website.

For each alleged impropriety case, the DC (Investigation) will appoint an Investigation Working Group (IWG), which normally comprises three RGC / Panel / Committee members who are distinguished scholars, experts in the subject area and who are familiar with the RGC assessment procedures. The IWG will impartially examine the written representations of the respondent and related parties, the research proposals and the institutional investigation report, which usually includes expert evidence, interview records and other

relevant documents. The IWG will carefully consider the evidence to come to a view. After considering the findings and views of the IWG, the DC (Investigation) will make its recommendations to the RGC for decision. Cases found substantiated by the RGC will be forwarded to the DC (Penalty) for consideration on the level of penalty. The DC (Penalty) will take into consideration a number of factors pertinent to the case, including the nature and gravity of the impropriety, level of penalty of precedent cases and any other mitigating factors, etc. and make a recommendation to the RGC on the penalty level. The levels of penalty range from warning letter, disqualification of the related funding application, to debarment from all RGC research funding schemes for one to five years.

If the researcher of a substantiated impropriety case is not satisfied with the RGC's decision, he / she may appeal within 14 calendar days from the date of receipt of the RGC's notification. For every appeal case, the DC (Appeal) will appoint an Appeal Board comprising three or more RGC / Panel / Committee members with membership different from that of the IWG to examine the case. After considering the report submitted by the Appeal Board, the DC (Appeal) will make its recommendation to the RGC on whether the previous decision should be upheld, overturned or modified. The decision of the RGC will be final.

According to the RGC guidelines, if any DC member has perceived conflict of interests with the researchers being investigated, the DC member concerned should be excused from the relevant meeting and should not participate in the discussion. If any IWG / Appeal Board member has perceived conflict of interests, the DC (Investigation) / DC (Appeal) will appoint another member as replacement.

**2. With reference to Table 17 in paragraph 3.53 of Chapter 6 of the Audit Report, the follow-up actions taken / penalties imposed on the 19 substantiated cases.**

A2. A total number of 28 researchers were involved in the 19 substantiated cases. The penalties imposed on them are as follows:

| <b>Nature</b>  | <b>No. of cases</b> | <b>No. of researchers involved</b> | <b>Penalty (No. of researchers)</b>  |
|--|---------------------|------------------------------------|--|
| Non-disclosure of similar / related projects in the application form | 6                   | 7                                  | <ul style="list-style-type: none"> <li>• Disqualified in the related funding exercise (1)</li> <li>• Disqualified and debarred from all RGC research funding schemes for one year (4)</li> <li>• Disqualified and debarred from all RGC research funding schemes for five years (2)</li> </ul>                                     |
| Non-disclosure of relationship with nominated reviewers              | 10                  | 18                                 | <ul style="list-style-type: none"> <li>• Disqualified in the related funding exercise (11)</li> <li>• Disqualified and debarred from all RGC research funding schemes for one year (5)</li> <li>• Disqualified and debarred from all RGC research funding schemes for two years (2)</li> </ul>                                     |
| Plagiarism   | 3                   | 3                                  | <ul style="list-style-type: none"> <li>• Disqualified and debarred from all RGC research funding schemes for two years (1)</li> <li>• Disqualified and debarred from all RGC research funding schemes for three years (1)</li> <li>• Disqualified and debarred from all RGC research funding schemes for five years (1)</li> </ul> |
| <b>Total</b>   | <b>19</b>           | <b>28</b>                          |  |

**3. Whether the investigation report and / or the results of investigation on the cases in (1) above would be made available to the public, such as uploading on the University Grants Committee's website, with a view to enhancing public accountability and transparency of RGC's handling of alleged misconduct cases. If yes, details of the existing arrangements; if no, the reasons for that.**

A3. At present, alleged misconduct cases involving RGC grants, which are public money, and reported to the RGC are handled on a confidential basis and the investigation reports are not published. That said, we agree that there is a need to enhance public accountability and transparency of the RGC's handling of such cases. Starting from January 2017, we will upload the related guidelines and procedures on the RGC's website.

Looking ahead, we will also consult RGC on whether and how to further enhance public accountability and transparency, with reference to the practices of international research funding bodies. Possible measures that we might explore with RGC include:

- (a) publishing statistics on RGC's handling of alleged misconduct cases; and
- (b) publishing gists of RGC's decisions on misconduct cases (with the names of individuals involved redacted if necessary).