

Notice of the Commission of Inquiry on Allegations relating to The Hong Kong Institute of Education

On 15 February 2007, the Chief Executive in Council appointed the Honourable Mr Justice Woo VP GBS as Commissioner and Chairman, and Mr Lee Jark-pui SBS JP as Commissioner, of a commission of inquiry under section 2 of the Commissions of Inquiry Ordinance (Cap.86) (“the Commission”). The terms of reference of the Commission are as follows:

- (a) To ascertain the facts relevant to the following allegations made by Professor Bernard Luk Hung-kay, Vice President (Academic) of the Hong Kong Institute of Education (“the Institute”), in his undated letter to the teaching staff and students of the Institute which was published on the intranet of the Institute on 4 February 2007 and the internet website of Ming Pao News on 5 February 2007 -
 - (i) In January 2004, there was a telephone conversation between Professor Paul Morris, the President of the Institute, and Professor Arthur Li, the Secretary for Education and Manpower (“SEM”) in which the latter attempted to persuade Professor Paul Morris to take the initiative to propose a merger of the Institute with the Chinese University of Hong Kong. SEM indicated that otherwise he would then allow the then Permanent Secretary for Education and Manpower to have a free hand in cutting the number of students of the Institute (“The First Allegation”).
 - (ii) In the past few years, whenever some members of the Institute published articles in local newspapers which criticised the education reform or the education policy of the Government and its implementation, shortly afterwards senior Government Official(s) repeatedly called to request Professor Morris to dismiss such members of the Institute (“The Second Allegation”).
 - (iii) In late June 2004, in relation to a protest by a group of surplus teachers, SEM requested Professor Bernard Luk Hung-kay to issue a statement to condemn the teachers concerned and the Hong Kong Professional Teachers’ Union that assisted those teachers, as such assistance would inhibit the employment of fresh graduates of the Institute. Upon Professor Luk’s refusal, SEM said, “你唔肯出咁嗎? 好! I’ll remember this. You will pay! (我會記著, 慢慢跟你算帳)” (“The Third Allegation”).
- (b) To ascertain, on the facts as found, if there has been any improper interference by SEM or other Government Officials with the academic freedom or the institutional autonomy of the Institute.
- (c) On the basis of the findings in (a) and (b) above, to make recommendations, if any,

as to the ways and manner in which any advice by the Government to the Institute, with respect to the exercise of the Institute's powers or the achievement of its objects, might be given in future.

Any person who has any information relevant to the subject matter of the inquiry is invited to provide such information together with all relevant documents to the Secretariat of the Commission, either by post to 12/F, West Wing, Central Government Offices, 11 Ice House Street, Central, Hong Kong, or by fax (number 2151 2839) or by email (inquiry@cso.gov.hk). The Commission would be grateful if such information and documents could be provided to the Commission as soon as possible.

Notice is hereby given that the Commission will hold a preliminary hearing at 10.00am on Tuesday, 6 March 2007, at the hearing room on 38th floor, Immigration Tower, 7 Gloucester Road, Wanchai, Hong Kong. This hearing is open to the public. Any person who has information relevant to the subject matter of the inquiry is invited to attend. During this hearing, the Commission will deal, amongst other things, with the procedure and timetable for the inquiry. Any person whose conduct is the subject of the inquiry, or who is implicated or concerned in the subject matter of the inquiry is entitled to be represented by a barrister or solicitor at the inquiry. Whether, and if so the extent to which, a person is so implicated or concerned will be determined by the Commission. Whether, and if so the extent to which, other persons may participate or be legally represented at the inquiry is also a matter for the determination of the Commission.

Esmond Lee
Secretary to the Commission