

**THE COMMISSION OF INQUIRY ON ALLEGATIONS RELATING TO
THE HONG KONG INSTITUTE OF EDUCATION**

**ORDERS AND DIRECTIONS
MADE AT THE HEARING ON 22 March 2007**

I. On witness statements to be filed with the Commission

Professor Paul Morris, Professor Bernard Luk Hung-kay, Professor Arthur Li and Mrs Fanny Law Fan Chiu-fun are each to provide a witness statement with all relevant documentation to the Commission by 5 pm on Friday 23 March 2007. The parties are at liberty to obtain copies of such statements from the Commission Secretariat thereafter.

II. On additional hearing dates

In addition to the dates indicated in Part II(2) of the Orders and Directions made at the Preliminary Hearing on 6 March 2007, the Commission will hold the substantive hearing of the inquiry in public on Wednesday 4 April 2007, Tuesday 10 April 2007, Wednesday 11 April 2007 and Thursday 12 April 2007.

III. On claims of confidentiality and privilege on a number of documents

- (1) It is directed that the claim submitted by Messrs Johnson Stokes & Master for legal professional privilege in respect of two letters dated 26 and 27 October 2006 be accepted.
- (2) It is directed that the request from Messrs Johnson Stokes & Master for removing, on the ground of irrelevancy to the Inquiry, a document in Volume

8, Category 6 (being a letter from Professor Paul Morris to Mrs Fanny Law Fan Chiu-fun dated 16 August 2002) from the documents disclosed by The Hong Kong Institute of Education, be accepted.

- (3) It is directed that counsel for the Commission and counsel for involved parties try to reach agreement on how to deal with other claims of confidentiality and privilege before the hearing on Thursday 29 March 2007. Any dispute as to these claims may have to be dealt with at the hearing.
- (4) The documents so agreed to be confidential are still available for the perusal of the Commission, including its counsel and solicitors.
- (5) To further protect the parties who have supplied documents and materials to the Commission for the purpose of the Inquiry, each party to these proceedings and their legal representatives must each give a written undertaking to the Commission that no document, material or information obtained from the Commission or this Inquiry, save the Commission's report to the Chief Executive or any part thereof, shall be used for any purpose other than for this Inquiry. The form of undertaking will be settled by the Commission.

IV. On application for further particulars on the particulars of the 2nd Allegation which Messrs Boase Cohen & Collins supplied pursuant to the request under paragraph 11 of Messrs Wilkinson & Grist's letter dated 1 March 2007

It is ordered that the witness statements filed by the parties by 5 pm Friday 23 March 2007 will be perused by counsel for the Commission and if there is any need for any further reasonable particulars arising from such statements, the Commission will request the parties to provide such further and better particulars

and specify a time within which such particulars are to be provided.

V. On applications for the production of other tapes of telephone recordings relating to any conversations between Professor Paul Morris and Professor Bernard Luk Hung-kay and government officials of the Education and Manpower Bureau which are in the possession, custody or power of Professor Paul Morris and Professor Bernard Luk Hung-kay

It is ordered that Professor Paul Morris and Professor Bernard Luk Hung-hay provide to the Commission by 5 pm Thursday 22 March 2007 the tapes of which transcripts have been provided by them. If Professor Paul Morris and Professor Bernard Luk Hung-kay have possession of any other tape recordings of conversations between them or either of them and Professor Arthur Li and/or Mrs Fanny Law Fan Chiu-fun, they are to provide to the Commission by 5 pm Thursday 22 March 2007 such tapes. If they do not have such tapes, a statement to such effect should be filed by 5 pm Thursday 22 March 2007. Copies of the tapes can be released to the parties upon their request, subject to the usual undertaking as to the care and protection and non-interference with the tapes.

Dated this 22nd day of March 2007.

(Esmond LEE)
Secretary to the Commission