

**IN THE MATTER OF THE COMMISSION OF INQUIRY
ON ALLEGATIONS OF IMPROPER INTERFERENCE
WITH ACADEMIC FREEDOM
AND INSTITUTIONAL AUTONOMY
AT THE HONG KONG INSTITUTE OF EDUCATION**

SUPPLEMENTAL STATEMENT OF DR. LEUNG KWOK FAI, THOMAS

I, Leung Kwok Fai, Thomas, c/o the Hong Kong Institute of Education, 10 Lo Ping Road, Tai Po, New Territories, Hong Kong DO SAY as follows:-

1. I have made a statement for this inquiry dated 19 March 2007 (“my 1st Statement”). I adopt the same abbreviations used in my 1st Statement. I have seen copies of Prof. Paul Morris’s Statement dated 23 March 2007 (“Prof. Morris’ Statement”) and documents disclosed by Prof. Morris in this inquiry. I make this Supplemental Statement for the purposes of:- (a) responding to a number of issues raised in Prof. Morris’ Statement and documents; and (b) also giving additional comments on the Letter (i.e., the undated letter of Prof. Luk).

Comments on Prof. Morris’ Statement

(Unless otherwise stated, the paragraph and page references as appear in the following sub-headings refer to the paragraph and page numbers of Prof. Morris’ Statement)

2. The role differentiation exercise undertaken by the UGC in 2004 (paragraph 5, pages 3 & 4)
 - (i) In response to the 5th point on p.3, I wish to say that I was concerned about the Institute’s capability in the secondary school sector. The role given to the Institute reinforced the need for it to collaborate with other tertiary institutions.

- (ii) Besides, Prof. Morris also stated in the 1st and 2nd points in page 4 that the role given to the Institute included-

“Pursue actively deep collaboration in its areas of strength with other higher education institutions in Hong Kong or the region or more widely so as to enhance the Hong Kong higher education system; and

“Manager in the most effective and efficient way the public and private resources bestowed upon the institution, employing collaboration whenever it is of value.”

In fact, it was a requirement on the part of the Institute to proactively pursue deep collaboration. The role differentiation statement did not mean that the Institute could maintain its status quo.

I also repeat the matters mentioned in paragraphs 11 and 12 of my 1st Statement.

3. UGC Notes on Procedures (paragraph 7)

Prof. Morris mentioned UGC's Notes on Procedures relating to institutional autonomy, and exhibited the Notes on Procedures in File A: Document 35 [MLA2-0277]. I wish to emphasize that the said Notes on Procedures are the governing notes of the UGC.

4. Prof. Morris' use of the terms defined in the Niland Report (paragraph 12, p.8)

- (i) The terms referred to here are defined in even more specific terms in the Niland Report. The different models were discussed at length in the Council Retreat in April, 2004 which led to the recommendation to the Council to pursue affiliation, deep collaboration and federation models, whilst rejecting the full merger mode. The recommendation was subsequently endorsed by the Council in the ensuing Council meeting held on 21 June, 2004.
- (ii) However, it appears to me that Prof. Morris tended to use the term "merger" very loosely when I discussed with him about matters concerning possible deep collaboration or federal arrangements. I enclose a copy of the email from Prof. Morris to me dated 16 March 2004

which is marked "LKFT-15".

(iii) I also repeated the 1st Retreat which was set out at great length at paragraphs 29 to 35 of my 1st Statement.

5. Lunch meeting at JSM on 19 July 2002 (paragraphs 15 & 16)

Since I was not present at the lunch meeting, I am not in a position to comment on Prof. Morris' allegation about what had been said by the SEM at the lunch meeting.

6. Institutional review of the Institute (paragraph 20)

Prof. Morris asserted that there were attempts by senior officials of EMB to slow down or stop the institutional review of the HKIE. I was not involved in the institutional review as the matter was handled between the Institute's management and UGC. I recall Prof Morris complaining to me about delay by EMB of the process but he did not give me any explanation. I was also aware that there was some delay in arranging reviewers from overseas universities due to the SARS outbreak. In any event, the matter was later resolved between the Institute's management and UGC.

7. Lunch on 1 September 2003 (paragraph 21)

Upon checking my record, I confirmed that the lunch on 1 September 2003 was attended by Dr. Alice Lam, Mr. Michael Stone, Prof. Morris and me. I deny Prof. Morris' claim that I had stated my concern about the major problem in his (Prof. Morris') relationship with Mrs. Fanny Law being that he had defended staff's academic freedom.

8. Email from Prof. Morris to Mr. Alfred Chan and me on 8 October 2003 (paragraphs 22 & 52)

(i) Prof. Morris mentioned his email to Mr. Alfred Chan and me relating to his interaction with Mrs. Fanny Law (the said email was exhibited in Document 6 (A 120) [MLA1-0120]). I had no specific recollection about this email as it was dated more than 3 years ago.

- (ii) I only recalled that, at the time, the LPAT results of the Institute's students came up poorly. Prof. Morris' defence was that most of the students were not the Institute's degree programme students, but certificate programme students (i.e. students with Form 5 or Form 6 level of education). Prof. Morris' point was that the result unfairly portrayed the quality of education provided by the Institute due to the quality of student intake for its certificate programmes.

9. Meeting between SEM, PSEM, Mr. Alfred Chan and me in October 2003 (paragraph 23)

Upon reviewing my record, I confirm that the meeting was held at lunch time on 13 October 2003. I am aware of the response from Prof Morris during the hearing on April 4 that he was not aware of the discussion on merger with the SEM and PSEM during the meeting. I would like to respond as follows:

- (i) At that time, we were highly concerned about the projected financial picture of the Institute in the next few years. Mr. Alfred Chan, as Chairman of the Task Force on the Institute's Future Development, had analyzed the situation and had concluded that we might have to further downsize in the next two years. This would have been very damaging to staff morale and the subject was raised to express our anxiety about this with the SEM and PSEM. There was no intention to link this to any discussion on merger, as reported by some media.
- (ii) In the 3rd meeting of the Focus Group on Long Term Role and Positioning (*Focus Group was a working group under the Task Force on the Institute's Future Development*) held on 18 September, 2003, there was extensive discussion on the issue of institutional merger and it was further agreed that a number of specific issues relating to merger should be further addressed on any future discussion on merger. I enclose a copy of the minutes of the meeting which is marked "LKFT-16". Prof. Morris was present at the meeting as a member and was fully aware of the outcome of the meeting.
- (iii) In a confidential e-mail sent to me by Prof. Morris dated 8 June, 2003, Prof. Morris stated to me the following : *'With regard to the longer term picture, I agree with you that we have little choice but to pursue*

discussions on the merger prospects. It is invaluable that you have good communications with Arthur and Fanny. I have instructed my colleagues to draw up a paper spelling out the pre-conditions we would be seeking to take this further. If what emerges is a genuine federal arrangement, which ensures a high degree of autonomy for the Institute, it will have my full support.’ I enclose a copy of the email from Prof. Morris to me dated 8 June, 2003 which is marked “LKFT-17”.

- (iv) Further, in a confidential e-mail sent to me by Prof. Morris dated 19 September, 2003 [MLA1-0206], Prof. Morris said to me the following: *‘I agree with your view that strategically we should take the initiative now as to wait could result in us being in a very weak bargaining position. We should however not give the initial impression that we have decided to merge and wish to negotiate the terms. I think we should take the line that – we believe that if certain conditions were satisfied, a merger could be beneficial and help the HKIED to better achieve its mission. Accordingly, the key task is to establish those conditions.’*
- (v) From (ii), (iii), (iv) above, it would be hard to understand why Prof. Morris should claim to be totally surprised that the subject of the ‘direction of merger’ would be raised at the October, 2003 meeting with the SEM and PSEM.
- (vi) In fact, at the meeting, we did not indicate that HKIED would accept a merger, but only that we would be ready to explore the different options to take this forward. In this connection, I specifically enquired about the progress of the Niland Study commissioned by UGC, as it would provide a clear definition of the different models of institutional integration for us to consider.
- (vii) It is important to re-iterate that prior to the Council’s retreat in April and June 2004, the term merger was used loosely by different people and does not necessarily mean a full merger as later clearly defined in the Niland Report. Toward the end of 2003, it was only logical to attempt to explore the different models under this loosely defined term.

10. Telephone conversation between SEM and Prof. Morris on 21 January 2004 (paragraph 24)

I cannot comment on Prof. Morris' allegations in paragraph 24 as I was not party to the said telephone conversation.

11. Prof. Morris' phone call with SEM on 21 January 2004 and Meeting of SEM, Mr. Anthony Wu, Prof. Luk, Prof. Morris and me on 23 February 2004 (paragraph 27)

- (i) I do not recall that Prof. Morris contacted me to explain the situation about the SEM's phone call (i.e. 1st Allegation concerning merger).
- (ii) The meeting on 23 February 2004 was mentioned in details at paragraph 13 of my 1st Statement. I particularly deny that the meeting was arranged in response to the said telephone conversation between Prof. Morris and the SEM on January 21, 2004.
- (iii) I am not sure if Mr. Anthony Wu did attend the meeting on 23 February 2004, although it would be normal for him to be invited to attend as a Council Officer.

12. Dinner on 20 April 2004 (paragraph 33)

The dinner was merely a social gathering, and the participants discussed very broadly about collaboration.

13. Retreat on 24 April 2004: secretly organized (Paragraph 34)

- (i) There was no secrecy about this Retreat. I initiated to organize this retreat and Prof. Morris agreed. In fact, Prof. Morris was also involved in its preparation as well as presentation at this Retreat. I have set out the details of this Retreat (which was defined as "the 1st Retreat") at paragraphs 29 to 36 of my 1st Statement.
- (ii) Moreover, Prof. Morris' account of this Retreat does not capture the discussion and conclusions of the Retreat. His allegation toward me on my conduct at the Retreat is untrue.

14. Council meeting on 27 January 2005 (paragraph 38)

I confirm that there was a Council meeting on 27 January 2005. However, I do not recall any specific meeting on that date between the Council Officers and those participants whom Prof. Morris mentioned at the said paragraph 38.

15. Meeting on 31 January 2005 (Paragraph 39)

I confirm that there was such a meeting on 31 January 2005. I recall that the discussion was about the funding cuts, with Mrs. Fanny Law explaining the rationale behind the proposed cuts by EMB.

16. Pressure from Mrs. Fanny Law to get rid of staff (paragraph 55/Document 18 (A206))

- (i) I do not recall that I had been verbally informed by Prof. Morris at various times about pressure from Mrs. Fanny Law to get rid of staff.
- (ii) In respect of the email from Prof. Morris to me on 19 September 2003 [MLA1-0206], I have the following comments:-
 - (a) Prof. Morris mentioned '*Constant attempts by EMB to maximize any possible negativity with regard to HKIED*'. Prof. Morris was very upset about the negative media reporting on LPAT results (English benchmark test for teachers) and blamed the EMB for 'smearing' the Institute. Prof. Morris asked me to raise this with Mrs. Fanny Law in person. I therefore met with Mrs. Fanny Law and conveyed Prof. Morris' anger to her. Mrs. Fanny Law explained to me that it was not EMB speaking negatively about HKIE, but speculations and reports from the media as well as someone from the school sector.
 - (b) I did not raise the issue of 'getting rid of staff' with Mrs. Fanny Law for the following reasons:
 - (b)(i) Prof. Morris constantly expressed his very strong negative feelings towards EMB and his complaints about being persecuted by EMB were a constant affair.

He even complained to me on more than one occasion that he was very unhappy with the new appointments of external Council Members to the Institute and that they were 'agents' of EMB appointed to undermine the HKIEd. There were specifically five external Council members he named, all of whom were from the educational sector.

- (b)(ii) I had never previously heard anything of this sort (i.e., pressure from Mrs. Fanny Law to get rid of staff) from any source.
- (b)(iii) Prof. Morris had previously sent an e-mail to me on 22 May 2003 (a copy of which is attached and marked "LKFT-16") complaining bitterly about critical newspaper articles of the Institute written by an external Council Member, Ms Ada Wong. Prof. Morris followed by verbally requesting me on two occasions to tell Ms Ada Wong to stop writing such articles and suggested informing EMB not to renew the term of Ms. Ada Wong. I did not take any action and in fact, I advised Prof. Morris that freedom of expression should not be suppressed by the Institute. Prof. Morris did not agree with me.
- (b)(iv) Given the reasons listed in (b)(i), (ii) & (iii), I found it difficult to take Prof. Morris' allegations seriously, unless he could provide specific details on the pressure from Mrs. Fanny Law to get rid of staff (e.g., date, time, person, situation, etc).
- (b)(v) In fact, Prof. Morris did not follow up his e-mail with any further briefing to me, in person or even a telephone call, to explain what he meant by the allegation and request me to confront Mrs. Fanny Law with the matter.
- (b)(vi) Subsequent to my meeting with Ms Fanny Law on ¹³~~27~~ ~~January 2005~~, I mentioned to Prof. Morris about the *October 2003*

outcome of the discussion. I do not recall that Prof. Morris had asked me further about this particular point (i.e., pressure from Mrs. Fanny Law to get rid of staff). In fact, I totally forgot about this until the said email of 19 September 2003 re-surfaces now.

17. Pang I-wah (paragraph 60)

Prof. Morris alleged that he kept me fully informed of the situation with regard to Dr. Pang I-wah. I deny it and actually, I have no idea who Dr. Pang I-wah is. Besides, I was not copied the email of 2 March 2006 from Prof. Morris to HUCOM as contained in File A: Document 21 [MLA1-0216].

18. Further pressure to merge via me (paragraph 62)

- (i) Prof. Morris alleged that I actively took on the role of trying to ensure the merger of the Institute with CUHK and in his view, I was acting as an agent for the SEM. I consider this to be a very serious and wrong accusation and a personal attack on my integrity as Council Chairman and a servant to the public.
- (ii) I have served as a Council Officer of the Institute from its inception in 1994 and have worked with the previous Council Chairman and two Directors (now titled President). I am fully committed to the Institute and have tried my best to serve in the best interest of teacher education in Hong Kong. As Council Chairman, it is my duty to pursue collaboration with the other institutions under the affiliation, deep collaboration and federation models. This undertaking follows the broad policy laid down by UGC and a specific decision by the Council made in June, 2004.
- (iii) My relationship with both the SEM and Mrs. Fanny Law is purely professional in nature and strictly in line with the normal protocol between the Council Chairman of a tertiary institution and the Senior Government Officials in charge of the education portfolio. As Council Chairman, I take it as my duty to maintain good relationship and ensure effective communication with all stakeholders.

19. My alleged task of implementing the merger (paragraph 63)

Prof. Morris' allegations against me are entirely untrue. I was re-appointed as Council Chairman around March/April 2006. I had never said to Prof. Morris that I agreed to accept reappointment only for a year and that the task given by the SEM was to implement the merger of the Institute with CUHK. Moreover, I did not tell Prof. Morris that his future and that of the Institute depended on a merger being implemented. My decision to extend for only one year instead of the normal term was due entirely to my work and family commitment and also the fact that I had served on the Institute's Council for more than 10 years.

20. My discussion with the media (paragraph 67/Document 22)

- (i) I believe that my discussion with the media (Document 22) [MLA1-0218] was clarified in the subsequent reports in the media (Document 23) [MLA1-0226].
- (ii) When the media addressed the question to me, the term merger was used in a 'loose' sense, as the media normally did not consider it important to differentiate the different models as described in the Niland Report. Under the highly compressed and impromptu circumstance, I responded that we should not exclude any option to be considered. I did not advocate merging the Institute with CUHK.

21. Breakfast at Ritz Carlton on 23 March 2006 (paragraph 73)

- (i) As I have stated at paragraph 56 of my 1st Statement, the breakfast meeting was a general update of the Institute's affairs and briefing by Prof. Morris on the progress of deep collaboration between the Institute and CUHK.
- (ii) Prof. Morris informed me that little progress had been made on implementing deep collaboration with CUHK, other than one joint degree programme (secondary). He put the blame largely on the obstructive stance of the Education Faculty of CUHK. I was highly concerned about the lack of progress after almost a year.

22. Drinks at Hong Kong Club on 29 March 2006 (paragraph 73(ii))

I have given an account for this meeting at paragraph 57 of my 1st Statement. The SEM was anxious to know the progress at the time, as the parties had signed the Deep Collaboration Agreement some 9 months ago.

23. Dinner at Hong Kong Club on 17 April 2006 (paragraph 73(iii))

I repeat the matters stated at paragraphs 58 to 60 of my 1st Statement.

24. My telephone conversation with Prof. Morris on 16 June 2006 (paragraph 73(vii))

I do not recall having this telephone conversation with Prof. Morris. There was no further discussion on the subject of deep collaboration with CUHK after the dinner on 10 May 2006.

25. Dinner with Prof. Morris and Mr. Y K Pang at the Hong Kong Jockey Club, Happy Valley on 14 September 2006 (paragraph 73(x))

I repeat the matter mentioned in paragraph 74 of my 1st Statement. In briefing Prof. Morris on the review process of his contract renewal, I reiterated the need for him to articulate a clear vision for the future and how he planned to implement it. I also further stressed to Prof. Morris that he would need to convince two-thirds of the voting members to cast a positive vote for him.

26. Meetings with the Chief Executive and Mr. John Tsang (paragraph 74)

- (i) Before I attended the meeting with the Chief Executive, I had met with Prof. Morris and Ms. Katherine Ma who provided me with data and information on the achievement of the Institute.
- (ii) The Chief Executive was generally supportive of institutional integration. However, the Chief Executive felt that it was up to the Institute and CUHK to work out the exact arrangements. The Chief Executive did not give specific directives to the parties, but encouraged all parties to have in their mind the best interest of the community in teacher education.

- (iii) I am aware of the comment made by Prof. Morris during the hearing on April 2 that I had conveyed the message to the Chief Executive that Prof. Arthur Li was not an ‘honest broker’ of the Government’s policy on merger. I deny using this term myself and having mentioned this to the Chief Executive.
- (iv) The term ‘honest broker’ was used by Prof. Morris when he urged me to meet with the Chief Executive, to seek clarification on Government’s policy on merger. At that time, there was a complete lack of trust on the part of Prof. Morris of Prof. Arthur Li, and he repeatedly asserted that Prof. Arthur Li harboured a personal agenda to merge HKIEd with CUHK.

Comments on Prof. Morris’ Documents

[Unless otherwise stated, the document references as appear in the sub-headings below are adopted from the references used in Prof. Morris’ Statement]

27. Document Ref. A0017: p 12 of Prof. Morris’ “Self Review” [MLA1-0017]

- (i) Prof. Morris had been constantly complaining about unfair treatment from EMB and disagreements with EMB in relation to many issues including funding cuts, student numbers, programmes, public statements, release of English benchmark test results. I was not in a position to verify these complaints. On various occasions when I tried to raise these issues with EMB, they assured me that there had been no unfair treatment and were able to provide me with logical rationale for their decisions.
- (ii) On some occasions, Prof. Morris had remarked that his relationship with EMB was not good due to critical newspapers articles written by the staff of the Institute. At that time, he did not put it across as a serious breach of academic freedom nor did he suggest that we should take it up as a major concern.
- (iii) My reading at that time was that these “complaints” were probably due to a combination of miscommunication and over-sensitivity. So far I have not been given any concrete evidence and I am not aware of any subsequent response or actions on the part of HKIEd management to these issues.

28. Document Ref. A098 and A099: Newspapers cuttings dated 31 March 2002 [MLA1-0098 to 0099]

I did not recall that I had heard from the SEM about his views regarding there being too many tertiary institutions in Hong Kong, or that such views were ever discussed at the Council meetings.

29. Document Ref. A0111: Letter of 7 October 2002 from Dr. Simon Ip to the SEM [MLA1-0111 to 0112]

I only have a vague recollection about this letter, but no specific recollection of its content. I think that the letter could be triggered by a comment on the potential merger (UST-CUHK, the Institute could also be part of this) in a Radio HK talk show earlier.

30. Document Ref. A0115: Newspapers article dated 5 October 2002 [MLA1-0114 to 0115]

As far as I know, Mr. Yeung Kim-wai was not and is not a member of the Council.

31. Document Ref. A121: Newspapers cuttings dated 20 March 2004 [MLA1-0121]; A128: Email of 20 March 2004 from Prof. Morris to Cheng Yin Cheong [MLA1-0128]; A129: Email of 27 March 2004 from Cheng Yin Cheong to Prof. Morris [MLA1-0129]

I was not involved in the "school principals conference 2004" at all. Prof. Morris did mention to me afterwards that, due to the views expressed in the conference, EMB would probably be unhappy with HKIEd. I cannot verify whether it was his own assumption of the Government's reaction or if something had actually happened.

32. Document Ref. A158-164: Transcript of taped telephone conversation on 16 November 2005 between the SEM and Prof. Morris [MLA1-0158 to 0164]

I was not aware of the telephone conversation between the SEM and Prof. Morris on 16 November 2005.

33. Document Ref. A187-188: Letter of 31 October 2002 from Mrs. Fanny Law to Prof. Morris [MLA1-0187 to 0188]

I was not aware of, nor had Prof. Morris told me, the incident or situation where Mrs. Fanny Law was allegedly upset with the Institute's press conference in October 2002.

34. Document Ref. A215: Email from Prof. Morris to me on 25 February 2006 [MLA1-0215]

I did not follow up on the email. As a consultant for many years, I am quite used to clients video-taping our training sessions for their staff. The clients would also provide input on our slide presentations. I really did not see this as an academic freedom issue. Again, this was another one of Prof Morris' complaints that he did not specifically request me to do anything about.

35. Document Ref. A231: Email from Prof. Morris to Mr. Y K Pang and me on 27 March 2006 [MLA1-0231]

- (i) This email was just an attempt on the part of Prof. Morris to share with us about his thoughts on our position in regard to the federation model. The issues raised were very pragmatic and largely in line with our thinking during the Council retreat.
- (ii) The other comments made by Prof. Morris in this email is consistent with his deep distrust of EMB. I cannot confirm exactly what he meant by his comments as we have never really discussed them.

36. Document Ref. A234: Letter of 9 October 2006 from Prof. Morris to Prof. Luk and Prof. Phil Moore [MLA1-0234]

There was such a dinner on 17 April 2006 at the Hong Kong Club, but the contents of this email relating to the discussion were totally untrue. The details are covered in paragraphs 58 to 60 of my 1st Statement.

- (i) I found it very extraordinary that Prof. Morris would choose to write this in the form of a letter (to 2 of his closest subordinates - Bernard Luk & Phil Moore - whom he sees almost everyday) five months after the actual

event had taken place. The timing coincided with the early phase of the review of his contract renewal when we were interviewing many internal stakeholders to collect their views on his performance. As President of the Institute, Prof. Morris is clearly aware that the contents of his letter (*which are untrue*) would create a fresh round of resentment and suspicion regarding the 'merger' issue.

- (ii) Also, around the same time, I and other Council Officers were informed by the Council Secretariat that the Institute was suddenly rife with rumours that it would be 'merged into' CUHK in April 2007 and that many jobs in the Institute would be placed in jeopardy. It caused considerable panic as we had close to 100 staff contract renewals coming into the pipeline in 2007. Subsequently, the Council had to issue an internal statement to all staff and students categorically denying that any merger was in the making.
- (iii) Concurrent to this, there were a lot of rumours circulating within the Institute, and in particular among senior management and academic staff that Prof. Morris' contract renewal was pre-determined and that he would not be re-appointed due to his opposition to the merger.
- (iv) All these rumours led to a series of negative staff and student reactions, and persistent attack on the review process. It created a great deal of turmoil and an atmosphere of deep distrust within the Institute, and exerted undue pressure on an otherwise fair and rigorous review conducted by the Council.
- (v) In fact, throughout the review process, we found it necessary to repeatedly clarify that there was no impending merger and that the President's contract renewal was not in any way linked to the merger issue. The final voting (10 against, 3 for and 3 abstain) was the result of independent decisions by individual voting members.
- (vi) Subsequent to the Council's decision, Prof. Morris continued to publicly claim that the non-renewal of his contract was due to his opposition to merger. I reiterate that his claim is totally untrue. In this process, no one can have control over the voting of independent Council members.

37. Document Ref. A236: Briefing note [MLA1-0236]

I do not recall having received this briefing note. The contents of the briefing note appear to be just some exploratory discussions at the early stage of engagement between the Institute and CUHK at the working level. I cannot confirm Prof. Morris' comment on the Vice-President of CUHK as I was not party to the discussion.

Further Comments on the Letter (i.e., the undated letter by Prof. Luk)

38. Prof. Morris' lunch with the SEM on 7 April 2004

According to Prof. Luk, the SEM at this lunch meeting with Prof. Morris raised the issue of merger with CUHK. I do not think that I was present at this lunch meeting. According to my secretary's diary, I had a lunch meeting with a client of my company on that day.

39. Retreat on 24 ^{April} ~~June~~ 2004

Prof. Luk alleged that I had advised him in private at the retreat not disclose to third parties about my remark on "death by a thousand cuts". This allegation is untrue. I do not recall that I had ever made such a remark to him.

40. Post-Graduation Ceremony on 18 November 2005

Prof. Luk alleged that after the graduation ceremony on 18 November 2005, I told the press that if the Institute were to press for university status, it could merge.

I recall that I was asked by a reporter on merger with CUHK as a way of gaining university title. I answered that we should not rule out any options when considering the way forward. I had in mind a federation model as a possible solution. Nonetheless, it was widely reported afterwards that I would not rule out merger, a statement which was further extrapolated later as being (me) in favour of a full merger with CUHK.

41. Announcement of Merger

- (i) I deny that I had requested Prof. Morris to hold a staff and student forum for both of us to announce the Institute's merger with CUHK, but Prof Morris refused, as alleged in the Undated Letter.
- (ii) In fact, I had on more than one occasion requested Prof. Morris to jointly hold a staff forum to explain about going forward with deep collaboration and federation model as options. The request was made for the following reasons:-
 - (a) There was widespread fear about merger and many unfounded rumours about what 'would happen' to the Institute and the staff if this occurred.
 - (b) This fear needed to be dispelled so that we could engage the staff and students on a rational discussion of strategic partnership and collaboration/federation with other institutions.
 - (c) We needed to explain to the staff and the students that we were not pursuing a merger option but a collaboration/federation model – and the difference between the two.
 - (d) We should use the occasion to hear the concerns of the staff and the students directly, so that we could take these concerns into consideration when going forward
- (iii) Despite my repeated requests, Prof. Morris refused to hold such a forum to engage the staff and the students on this topic.
- (iv) However, in November 2006, during the review of his contract renewal, Prof. Morris expressed his support for the federation model at a press interview. This led to an uproar on campus, particularly among the student body. Subsequently, Prof. Morris held a staff and student forum on his own on 16 November 2006 to explain his position and pronounce his support for the federation model as the 2nd best option (first option being a totally independent institution). A copy of the Institutional Announcement posted by Prof. Morris on 16 November 2006 (in both

English and Chinese) is enclosed and marked "LKFT-19".

42. Merger vs Federation Model

Prof. Luk's allegation that I insisted on the merger and refused to consider a federation model is totally untrue. All our related discussions were about deep collaboration and the federation model. More specifically, there was a great deal of discussions on the 'Columbia University Model' (a federation model recommended by Prof. Morris) and how it could be adapted for the Institute.

43. Advice on not to offend Government Officials

According to Prof Luk, I told him in one Council meeting that he should not offend Government Officials on the basis of institutional autonomy or academic freedom. This allegation is totally untrue. I did not make such a statement.

Dated the 1st day of April 2007.


Dr. Leung Kwok Fai Thomas

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**SUPPLEMENTAL STATEMENT OF
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Dated the *14* day of April 2007

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