

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

SUPPLEMENTAL WITNESS STATEMENT OF
BERNARD LUK HUNG KAY

I, Bernard LUK Hung Kay, of 10 Lo Ping Road, Taipo, will say as follows:-

1. I refer to the letter of Messrs. Wilkinson & Grist addressed to Messrs. *[attached]* Boase Cohen & Collins dated the 11th April, 2007.
2. The answer to Question 1 is "No". For my views on merger were well-known to both the Council Chairman, Dr. Thomas Leung, and the Education and Manpower Bureau ("EMB"). I suppose that was why they did not lobby me to support merger.
3. As to Question 2, Professor Phillip Moore, Ms Katherine Ma and I attended a meeting on the 14th November, 2006 with Dr. Thomas Leung and Mr. Eddie Ng. The meeting was supposed to be in

furtherance of the Council Officers' assessment of Professor Morris' performance as President. At this meeting, many questions were raised by Dr. Leung and Mr. Ng in respect of what they must have regarded as Professor Morris' weaknesses, inadequacies, or failings, including his "poor relationship" with the LMB, and consequently the reduction of student numbers, especially in Early Childhood Education. Their attitude, as revealed by the nature and manner of their questions suggested that they wanted a change of leadership for HKIEd, including the possibility suggested by Mr. Ng of appointing a non-academic as President. When the three of us pointed out, one after the other, that they had been asking leading questions in order to elicit statements of doubt and dissatisfaction from us on Professor Morris, they became very angry and refused to explain their attitude. I do not remember if Dr. Leung specifically brought up "merger". I do not think that he would do so, because he knew that Professor Moore and I were not sympathetic at all to merger, and that both of us had instead been working towards deep collaboration.

4. During that meeting, the Council Officers did not appear to me to be interested at all in our views of the President. Subsequently, I found out from other colleagues that they also had the same experience.

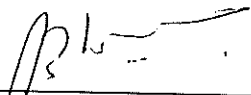
5. I became very concerned about the way the “consultation” was being conducted. The original schedule of meetings prepared by Ms Sarah Wong (Acting VP Admin) was changed on the instructions of Dr. Leung, apparently so as to divide staff into different groups along racial lines. I was told by Professor Louisa Lam and verily believe that although she had not requested to be interviewed individually, she was in fact so interviewed, and that during that interview the question of the renewal of her own contract was brought up by Dr. Leung while soliciting her views on Professor Morris’ performance as President.
6. The answer to Question 3 is “No”. But I wish to point out that during the “deliberations” prior to voting on the reappointment of Professor Morris at the Council meeting on 25th January, 2007, “merger” and “re-appointment” were effectively linked by the Dr. Leung who used Professor Morris’ opposition to merger (which was in line with the Council’s own position) as an example of his “inflexibility”. Since Professor Morris had said during his self-review prior to the “deliberations” that he would not seek re-appointment should the Council officially adopt a policy for merger, he was considered to be inflexible and therefore not suitable for re-appointment.
7. Nowhere in my Intranet Letter or Witness Statement has it been stated

that Dr. Leung or any EMB official had given explicit instructions to Council Members on merger and/or re-appointment. Suffice it to say that all external Council Members were nominated by EMB for appointment by the CE, and hence some of them might be expected to share the same pre-dispositions as their nominators – especially those chosen from the education sector or who were closely associated with the EMB.

8. Throughout the period from October 2006 to February 2007, there were open discussions among the staff and students of HKIEd on the linkage between the question of reappointment of the President and the question of merger of HKIEd. Whenever the question of “merger” was brought up, whether or not in connection with the question of re-appointment, Dr. Leung would vehemently deny that there was such a linkage. I refer in particular to the 26th January 2007 Forum.

The contents of this statement are true to the best of my knowledge and belief.

Dated this 13th day of April 2007.



WILKINSON&GRIST



Wilkinson & Grist

SOLICITORS & NOTARIES • AGENTS FOR TRADEMARKS & PATENTS

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URGENT

BY FAX (2529 5035) & BY HAND

Messrs. Boase Cohen & Collins
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Hong Kong

Date: 11 April 2007

Attn.: Mr. Collin COHEN

Dear Sirs,

Re: **Commission of Inquiry on Allegations relating to
The Hong Kong Institute of Education**

We refer to the hearing today.

At the examination of Prof. Morris by Senior Counsel for the Commission, reference was made to the meeting of the Council held on 25 January 2007 where re-appointment of Prof. Morris was discussed and debated. We understand that Prof. Bernard Luk is one of the voting members of the Council.

In light of the answers given by Prof. Morris at the hearing today, we write to request Prof. Luk to make a statement on the following issues:-

1. did he receive any communication from either the Council Chairman or any EMB official (including the SEM or PSEM) on the question of merger of the HKIED at any time between January 2006 and February 2007; and if so, please give full particulars of the date when, the manner how, the identity of the official, and the gist of the communication. Please also provide copies of any relevant documents to the Commission;
2. did he receive any communication from either the Council Chairman or any EMB official (including the SEM or PSEM) on the question of re-appointment of the President at any time between January 2006 and February 2007; and if so, please give particulars of the date when, the manner how, the identity of the official, and the gist of the communication. Please also provide copies of any relevant documents to the Commission; and in particular:-
3. did he receive any communication from either the Council Chairman or any EMB official (including the SEM or PSEM) in which the question of re-appointment of the President was linked to the question of merger of the HKIED; and if so, please give full particulars of the date

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Patent Attorney/Registered Foreign Lawyer: James Y. Wan (NSW, AUST)

269

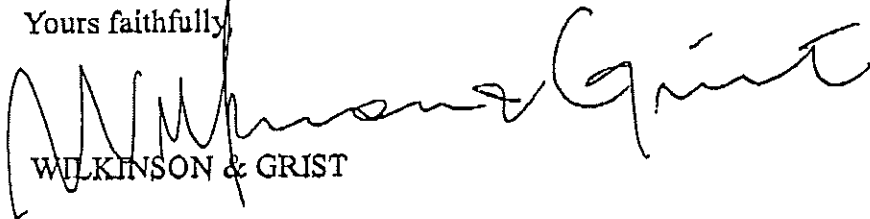
11 April 2007

- 2 -

when, the manner how, the identity of the official, and the gist of the communication. Please also provide copies of any relevant documents to the Commission.

We would be grateful if you could provide us with Prof. Luk's statement within 3 days from the date hereof.

Yours faithfully



WILKINSON & GRIST