

Date: March 19, 2007

To: Commission of Inquiry
On Allegations relating to the Hong Kong Institute of Education
("the Commission")

From: MA Miu-wah, Katherine (Ms)

Dear Members of the Commission,

In response to the Notice of the Commission posted in the South China Morning Post on 1 March 2007, I would like to submit a statement herewith, for your reference.

My name is MA Miu-wah, Katherine; I was employed by The Hong Kong Institute of Education ('HKIEd') between 1 August 2002 and 26 November 2006. I was appointed as Director of Communications and Institutional Advancement. My responsibilities included, among others, strategic counsel on communication issues to the Senior Management, internal and external communications and media relations.

Before I provide detailed information pertaining to the investigation by the Commission, I would like to outline my relations with the personnel involved in the case in question.

1) Relations with personnel involved in the case in question

I reported directly to Professor Paul Morris, President of The Hong Kong Institute of Education ('the Institute') and, by natural extension, worked closely with the Senior Management Team, including the Vice Presidents and Associate Vice Presidents. The Senior Management took communications seriously and often sought for timely, strategic and contextual communication advices from me.

During my tenure, the Institute had to manage a lot of difficult and sensitive issues, and communications became a key part of consideration in the

decision-making process. In this connection, the President Professor Paul Morris and the Vice President (Academic) Professor Bernard Luk often asked me to go to their offices and gave me detailed background briefs on issues that were vital to the Institute's development, including those which were sensitive and confidential. They treated me as a trusted member of staff that could ensure confidentiality.

I know neither Professor Arthur Li, the Secretary of Education and Manpower ("SEM") nor Mrs Fanny Law, the then-Permanent Secretary of Education and Manpower ("ex-PSEM") personally. We only met briefly when there were institutional activities to which they were invited as guests.

2) Declaration of capacity in providing this statement

I have left the Institute on 26 November 2006 and have since worked in another University Grants Committee ('UGC')-funded institution as Director of Communications. I hereby declare that this statement, and any other subsequent statement(s) or provisions of information to the Commission are and will be made in personal capacity and they have no relation to the University that I serve now.

3) The statement

3.1 Information relating to merger and the President's reappointment review

3.1.1 Focus of the inquiry

Merger has been an ongoing issue that was discussed in various ways during my four-year tenure at HKIEd. There were different individuals or groups who advocated or rejected a merger between HKIEd and another institution. I understand that this is not the crux of the matter of this inquiry. The focus of the Inquiry is whether there has been any improper interference by any Government official(s) with the institutional autonomy of HKIEd, and in this case, forcing a merger through the use of power and resources. My statement will be centred on this point.

3.1.2 Background of the merger issue

I have never been involved in any meeting with the SEM directly. However, as the pressure to merge with another institution had always been one of the most difficult issues that the Institute faced between 2002 and 2006, the President Professor Paul Morris had been giving me briefings almost every time when there were major meetings or contacts between him and the SEM, between him and the Council Chairman, and between him, other related parties with the SEM.

The first account came in August 2002, during my first month in the office. Professor Morris told me at length about the historical background of the development, including the SEM's wish to see HKIEd merging with the CUHK, in his previous capacity as the Vice Chancellor of the CUHK, then as SEM-designate and finally in the capacity as SEM. He also briefed me the Council's deliberation on the merger issue, leading to the publishing of a paper in mid 2002 outlining various issues and concerns surrounding merger.

Between 2002 and early 2006, there were a number of merger-related happenings. They included the SEM's public statement on mergers on 4 October 2002; his presence at the HKIEd's Council meeting on 28 November 2002; a meeting between the three then Council Officers with the SEM in late 2002 / early 2003; an attempt of the new Council Chairman, Dr. Thomas Leung, to discuss merger in a retreat in April 2004; a series of preparatory meetings between HKIEd and CUHK to establish an agreement of deep collaborations (with stipulations of no intention of merger) in 2005, and a public statement made by the Council Chairman to the media in November 2005 that merger could be a way for the Institute to attain a university title that the students desired for. I have been present or involved in many of these activities or events either as a participant, or as a working party. For some cases, I have received detailed briefs from the President. They formed the background to a series of incidents in 2006 where the pressure of merger was seen to be tied to the decision of the President's reappointment or otherwise.

I would like to devote the main part of my statement on the final part of the development, i.e. between March and November 2006. (If Members of the Commission of Inquiry would also like me to elaborate on the accounts before 2006, I'm obliged to support the investigation in due course).

3.1.3 The merger issue and the President's reappointment

In early 2006, there were a number of Heads of UGC-funded institutions who had their terms of contracts coming close to an end. It became a frequently-asked question by journalists filed to HKIEd as Professor Morris' term would end in September 2007. The Council established a President Reappointment Review Committee in April 2006. Convened by the Chairman, its membership included lay and staff Council members. Between then and up to November 2006, pressure on HKIEd to respond to the progress of the Committee built up. Journalists started to enquire if the Committee has ever met. I've reported several times to the Chairman, Dr. Thomas Leung, the heightened media interests and sought advice from him as to when it would commence the review, and if not starting yet, what the reasons were, and how we should answer the press. He did not give me any specific answer.

In parallel, the President started to give me a number of latest updates verbally. The updates were centred on the pressure of merger, and subsequently on the President's reappointment, and its relations with his willingness to drive or lead a merger. I sensed that the issue would linger on so I started to jot down hand-written notes which were locked up in my office for future reference.

According to my recollection and records, there were at least 7 briefings related to the aforesaid subjects between March and September 2006.

On March 28, the President told me and a few other colleagues that there was a heightened interest or inclination to see a merger between HKIEd and CUHK. The SEM was setting up some meetings.

On May 08, the President told me that the Chairman told him that the President's job would be 'at stake' if he's not agreeing to pursue a merger'.

On May 12, the President told me that the Council Chairman hinted that the President's willingness to arrange a merger would be made a condition for his reappointment. The President said he told the Chairman that: "I will not do this". I asked him what his plan would be. He said he would indicate to the Council in the June 2006 meeting that he would not agree to a merger and he would not resign. The Council would then have to decide not to re-appoint

him and they had to explain why.

Around June 10, the President said he understood from the Council Chairman that the SEM has suggested the President to tell the Institute staff a merger plan. The Chairman indicated that, if the President was willing to do it, the Chairman would stand beside him (at a staff forum to announce such a plan). If not, the Chairman would step down in April in the following year.

On June 20, the President told me that the Chairman has relayed the President's decision of not taking on the merger task to the SEM. The SEM said that the task was in line with the Government's thinking. If the Chairman and / or the President did not believe it, they could check with the Chief Executive's Office. The Chairman proceeded to arrange a meeting with Mr. John Tsang, Director of the Chief Executive's Office, with a view to setting up a meeting with the Chief Executive.

The issue appeared to be very acute and it was only known by very few people. I've suggested the President to consider sharing the broad picture of the challenges that he faced with the management, the Deans and Heads, without giving away the confidential details, so that the later development could be understood in context by internal stakeholders.

The President held a meeting on 26 June 2006, attending by around 20 participants. He told the Deans and heads that the deep collaboration with CUHK went on, but: 'Pressure on a merger has increased. I'm indicating I'm not willing to lead a merger', 'I decline to take on the task of merger' and 'Pressure is on the Council, and through the Council, on me.'

In July 2006, the President was injured and went on leave for a surgery and recovery.

On 4 August 2006, there was a meeting scheduled for the Council Chairman and the Chief Executive to discuss issues about the HKIEd. To prepare for the meeting, the Chairman requested a brief from the HKIEd management. In the morning of the day, the Chairman and the President planned to hold a pre-meeting in the Chairman's office. Since the President has lost his voice temporarily after the operation, he asked me to join him in the pre meeting so that I could help him explain his views and the information that we've brought

along. At the meeting, we tabled a number of facts and figures to prepare the Chairman. Based on the information tabled, the Chairman and the President agreed to convey a few key messages to the Chief Executive. They included 1) the problems that HKIEd faced in education-related programmes was not unique to HKIEd. The problems were in general common to all Teacher Education Programme providers among UGC-funded institutions, and 2) a merger with CUHK would not solve such problems as student admission scores.

After the Chairman met the Chief Executive, he phoned up the President, and the President debriefed the Vice President (Academic) Professor Bernard Luk. Professor Morris and Professor Luk each gave me a debrief, the content of which were exactly the same. According to their accounts, the Chairman said the meeting went very well. The Chief Executive appeared to be very positive and listened to his views which he presented according to the pre-meeting agreement with the President. He told the Chief Executive that teacher education is a 'Hong Kong problem', not just a 'HKIEd problem'. A merger would only 'relocate the problem' and merger would not work politically. The Chairman said the Chief Executive asked him how he felt about the SEM. The Chairman told the Chief Executive that the SEM was "not an honest broker".

On September 20, I asked the President the latest situation as the Council would meet on September 28. He said he had made himself clear to the Council and related parties that he would not lead a merger. He said: "I indicated that I'm willing to contribute until I have to go against my conscience. If the Council decides on a merger, I will not seek a contract renewal". He said the Chairman would engineer the presidential reappointment review process to a conclusion of having to go for a search for a new President.

As it turned out, the Presidential Reappointment Review Committee had not met until November 2006 since it was established in April 2006, despite repeated queries by staff Council members.

All the briefings that I referred to were conducted in a confidential manner. From time to time, I felt strongly that because of the lack of information of such a sensitive matter, staff members, including those who are working closely with the senior management, felt lost and the situation apprehensible. The case of

lack of progress of the President's reappointment or otherwise drew a lot of speculation but the Council Chairman did not make any effort in driving for progress nor communicating on issues that had hindered the progress to staff, students and the media. The seven-month period of in-action of the committee process coincided with the meetings and contacts that the Chairman, the President, and reportedly, the SEM and other related parties that the President told me, as I have outlined above.

3.2 Information relating to a Government official's request for HKIEd to issue a statement to condemn surplus teachers

In the few years before 2004, the Institute will-be-graduates' fear of difficulty to find jobs because of the surplus teachers' priority placement of jobs, as a matter of Government policy, has always been an issue that the management has to tackle. After some discussion, the Management established a general consensus that it would not make public statements against the incumbent teachers in order to help will-be-graduates to obtain jobs. It's because it is felt that the issue had more to do with government policy, and also the fact that a number of incumbent teachers were the Institute's own past graduates.

In June 2004 (I cannot recall the exact date), Acting President Professor Bernard Luk requested to meet me in his office. At that time, the surplus teachers' actions to protest against the Government has become an issue widely reported by the press. Professor Luk told me that the SEM had tried to contact Professor Morris, and when finding that he was on leave, the SEM talked to him, in his acting capacity, over the phone. He said the SEM would like the Institute to make a statement to condemn surplus teachers who went on protest. I told Professor Luk that I could not understand how the Institute could do so because it was very unusual for an Institute to take on such a high profile on this contentious issue which might dampen our relations with the teaching profession. He said he told the SEM on the phone that he could not do so because both parties included the Institute's own past students. He told me that the SEM sounded very angry over the phone. I asked Professor Luk if I should do anything (such as adjusting our response strategy to enquiring press on this matter, etc). He told me to continue with our usual stance and I would not have to do anything special arising from the SEM's phone call.

3.3 Information relating to the attempts by a senior Government official to ask the President to dismiss staff members of the Institute

Throughout the four years that I served the Institute, the President Professor Paul Morris has told me for several times (I cannot recall how many) that there was a senior official who has asked him to dismiss members of the staff for various reasons, including what they said, wrote or did. The names of the staff members that I have heard of included Mr. Ip Kin-yuen, a lecturer in the Education Policy and Administration Department, Professor Cheng Yin-cheong, Director of the Centre of Research and International Collaboration, and Dr. Lai Kwok-chan, Head of the Strategic and Academic Planning Department. Professor Morris told me that the official he referred to was Mrs Fanny Law, the ex-PSEM. It was Mrs Fanny Law who initiated contacts with him and asked him to dismiss each of them, every time when such a contact was made.

The earliest case I could recall was concerning Mr. Ip Kin-yuen. The time that Professor Morris told me of the case was around 2003. Professor Morris told me that Mrs Fanny Law, the ex-PSEM, has personally contacted him to ask him to dismiss Mr Ip. I told him that I was very surprised because I was told by other colleagues that Mr Ip had been seconded to work in the EMB a few years back and was reported to be very much liked by Mrs Law. I asked him what made Mrs Law made such a request. He said the ex-PSEM was not happy with Mr Ip's continued commentaries and active initiatives in organising various workshops and research on small class teaching. In fact, there were activities which I was requested to help in terms of publicity.

Professor Cheng Yin-cheong was also mentioned by Professor Morris as a staff member that the ex-PSEM wanted him to dismiss. I cannot recall when he told me Mrs Law's request.

Separately, Professor Cheng Yin-cheong told me that he was invited by a Chinese newspaper to write article series to provide contextual analysis of the education reforms. He was widely known as a high profile critic of the reforms and the Government officials who drove the reforms.

I also recalled that Professor Morris said that the Government was not happy with the First Principal's Conference held on 19 March 2004, organised by the Institute's Centre for Research and International Collaboration, the Subsidised

Primary School Council and the Subsidised Secondary School Council. Professor Cheng was a key organiser (I recalled he was the convenor of the organising committee). I understood that it was the first of its kind and it attracted over 1,000 principals and education related scholars. My department was asked to take care of the venue decoration and media relations.

I did not attend the Conference, but subsequently learned that a number of speakers, including at least one from HKU, was widely quoted by the press, as criticising the Government and the conference was described as becoming a 'grievance forum' by the media.

A while after the conference (I recalled it was around late March to early April), I recalled the President tell me that the Education and Manpower Bureau (EMB) was very unhappy about the outcome of the conference, and started to draw up 'a list of punishment' on HKIEd. One of them included the plan to undermine the Institute's leading role and share of teacher training places in early childhood education. I was very surprised and I briefed the President that the most vocal and critical opinion as reported by the press actually came from scholars from other universities. Also, it was co-organised by one of the Centres of the Institute, not the Institute itself. It was just another academic activity that took place throughout the year among UGC-funded institutions. Before the event, since I was involved in media relations preparation, I did not notice any planned action to make the conference as a platform to embarrass the Government. I also asked the President whether someone should tell Professor Cheng Yin-cheong especially in view of future activities. He said no because it might exert undue pressure on him and the conference organisers.

The third name that I was aware of as being named was Dr Lai Kwok-chan. He had been following Government's earlier policy of "All Gradates, All trained", first promulgated by the then Chief Executive Mr. Tung Chee-hwa but was somewhat not realised in Government's subsequent policies. He was also an active researcher on small class teaching. Dr Lai and Mr Ip initiated to set up a small class teaching research and development centre. I was asked to help promote the Centre through various channels and assist in fundraising.

I recalled that I have asked Professor Morris a few times what we should do

with the named staff, specifically, whether it would be desirable to tell them. He said telling them would only cause fear and pressure upon them. He said more than one time: "I have rejected Fanny's request right away". At about the second or third time I heard of such development, I shared with the President that I found such actions even more serious than the "Robert Chung Incident", meaning that it contravened with the academic freedom that higher education institutions and their academic staff are entitled to. He agreed. We had discussed for a few times what to do with the ongoing situation. We came up with a few ideas including informing the University Grants Committee and the Council Chairman. He did not say conclusively yes or no. We both doubted the effectiveness of such a move given the fact that the Council Chairman was appointed by the Government and that the UGC was not acting exactly as a buffer between the Government and the UGC-funded institutions as it was supposed to be. I did recall that during a breakfast meeting in around January 2005 between the Council Chairman, the President, Vice Presidents, Associate Vice President and myself, when we were discussing the funding cut by the Government, the President brought up the concerns of interference of academic autonomy by Mrs Law to the Council Chairman. I could not recall the Chairman's reaction on spot and I had no knowledge if he had done anything to address this issue.

According to my recollection, such instances of staff being named to be dismissed ceased to come to my knowledge in the last 12 months or so of my service in the Institute.

4. Conclusion

The above is the information pertaining to the subjects of inquiry by the Commission. I have held a number of hand written notes related to some of the cases and happenings mentioned in this statement which I jotted down when having meetings with the President and / or the Senior Management, for my own reference.

If the Commission of Inquiry finds it necessary for me to appear before the Commission, as a citizen, and in accordance with the Commission of Inquiry Ordinance (Cap 86), I am obliged to give evidence before the Commission under oath. There may be other issues or happenings that the Commission will be investigating, of which I have knowledge. I will make my best possible

efforts to support the investigation in this regard.

Ends