

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

WITNESS STATEMENT OF BERNARD LUK HUNG KAY

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

1. I am the Vice-President (Academic) of the Hong Kong Institute of Education ("HKIED" or "the Institute"). I have been serving in this capacity since 15 September 2003, until 30 April 2007. I am currently on leave from my position in York University in Canada, and am obligated to return to serve there from 1 May 2007.

Education Background

2. I graduated from The Chinese University of Hong Kong ("CUHK") in 1969, and subsequently pursued postgraduate studies at Indiana University in the USA, obtaining both a PhD in History and a Master of Science in Education in Comparative Education in 1977.

Experience in Education

Area of Interest

- 2.1 My scholarly interest lies in the history of Sino-Western cultural relations, with a particular focus on the history of education in Hong Kong. I have published numerous books and articles, both in Chinese and in English, in these areas, and have served as external examiner for doctoral theses in different countries, and as peer reviewer of a number of major international journals.

### Teaching Experience

- 2.2 I began teaching in the School of Education of CUHK in 1977 and stayed there until my emigration to Canada in 1990. Almost all my students there were of the postgraduate level and were studying for the Diploma in Education or Master of Arts (Education).
- 2.3 In the 1980s, I initiated at CUHK the first Bachelor of Education programme in Hong Kong. The programme focused on primary education and aimed at nurturing leaders among serving teachers. I also took the lead in working to upgrade the School of Education to Faculty status within CUHK, and conceived the structure of the Faculty of Education ("the Faculty") as Academic Departments. The Faculty has retained this structure to this day.
- 2.4 Subsequently, I was promoted from Lecturer to Senior Lecturer. I was the first among the colleagues of my generation to receive this promotion.
- 2.5 During my time at CUHK, beyond my teaching position, I also played active roles in the committees of the Hong Kong Examinations Authority and the then Curriculum Development Committee of the Education Department (now known as the Curriculum Development Council). I contributed to the development of school syllabi and examination papers in History and other social subjects.
- 2.6 Later, I left CUHK. In 1991, I became a professor in the History Department of York University in Canada. I held this position until my return to Hong Kong, when I took up my present position. During my time in Canada, I was heavily involved in promoting Hong Kong Studies among Canadian and international scholars and academic linkages between Hong Kong and Canada. I also worked on a number of projects that drew on collaboration between Canadian universities and representatives of the Hong Kong government in Canada. During the late 1990s, when the government of Ontario decided to restructure the senior secondary curriculum by abolishing grade 13, I served on the relevant expert panels as a representative of the Council of Ontario Universities.

### Background of becoming Vice-President

3. In 2002, I served as External Examiner to two programmes of HKIEd. However, this was not the reason why I eventually took up my present position. Instead, it was Professor Ruth Hayhoe, former President of HKIEd and an academic colleague in Toronto, who recommended me to Professor Paul Morris of HKIEd. Having observed my concern for and commitment to education in Hong Kong, especially my work in the education of serving and future teachers in the first 12 years of my career, she persuaded me to consider to become Vice-President (Academic) of the HKIEd.
- 3.1 In February 2003, I attended an interview at the HKIEd, during which I was impressed by the dedication and professionalism of Professor Paul Morris and other colleagues of the Institute. Therefore, when I was offered the position, I decided to accept it. In the meantime, York University was kind enough to grant me three years of no-pay leave to enable me to carry out my work as Vice-President (Academic) without giving up my tenure there.

### Role and Functions of the HKIEd

#### The Establishment of HKIEd

4. The HKIEd was established in 1994 by the Hong Kong Institute of Education Ordinance, Cap. 444. As a provider of teacher education, the HKIEd replaced the former colleges of education which were directly under the wings of the Education Department.
- 4.1 The then colleges provided sub-degree Certificate courses for training primary and junior secondary school teachers. One of the reasons of the establishment of HKIEd was to respond to the declining popularity of sub-degree courses during an era of rapid expansion of university education. The other objective was to create an autonomous institution that was not operating under the Civil Service.
- 4.2 The Government, following the advice of the Education Commission given in

its 5<sup>th</sup> Report (File A: Document 33), intended that the HKIEd and its programme offerings to be independent of the Education Department. The Government also intended to upgrade HKIEd so that teacher education could be made more attractive to school-leavers.

#### Programmes and Staff of the HKIEd

- 4.3 Between 1994 and 2007, the HKIEd gradually replaced almost all of its sub-degree Certificate courses with Bachelor of Education ("BEd") programmes (except in the area of Early Childhood Education), and has successfully launched a Master of Education ("MEd") programme. A Doctor of Education ("EdD") programme will begin this September.
- 4.4 The HKIEd also pioneered tertiary-level programmes in Early Childhood Education, and holds a commanding position in this area as well as in Primary Education. The staff profile of the HKIEd also upgraded impressively during this period of time. The percentage of its academic staff who hold doctorates has increased from 14% in 1994 to over 75% nowadays.
- 4.5 In 1996, the Institute was brought under the University Grants Committee ("UGC"), making it a part of Hong Kong's publicly funded higher education system.

#### Achievements of the HKIEd

- 4.6 In 2004, following the conduct of an Institutional Review of the HKIEd in October 2003, and on the recommendation of the UGC, the HKIEd was granted Self-Accrediting status by the HKSAR Government. The significance of acquiring self-accreditation is that the HKIEd has attained university status in all but name.
- 4.7 Currently, HKIEd is the largest and only independent institution dedicated to teacher education in Hong Kong. The other teacher education institutions ("TEIs") that exist in Hong Kong are sub-units within comprehensive

universities.

### DEALINGS WITH PROFESSOR ARTHUR LI

5. Although I became Vice-President (Academic) of the HKIED, owing to established protocol as well as to the division of labour between Professor Morris and me, he has been responsible for most of the dealings with the top echelon of the Education and Manpower Bureau ("EMB") and the UGC. My own contact with these bodies were mainly confined to communication with officials at a more operational level, such as the Principal Assistant Secretary of EMB who is in charge of teacher education, i.e., Ms. Susanna CHEUNG Sau-man.
- 5.1 Therefore, over the past three and a half years, my actual dealings with the Secretary for Education and Manpower ("SEM"), i.e., Professor Arthur LI Kwok-cheung, and the Permanent Secretary of the Education and Manpower Bureau ("PSEM"), i.e., Mrs. Fanny LAW FAN Chiu-fun were limited. Most of what I reported in my Intranet Letter published on 3 February 2007 about Professor Arthur Li and Mrs. Fanny LAW was information which I had learnt from Professor Morris.
- 5.2 Specifically, since September 2003, other than social or ceremonial occasions where polite greetings were normally exchanged, I have had contact with Professor Arthur Li only on three occasions, namely: (1) the meeting on 3 January 2004, (2) the meeting on 23 February 2004 and (3) the telephone conversation that took place on 29 June 2004.

#### Meeting on 3 January 2004

- 5.3 The first contact which I had with Professor Arthur Li took place in the morning of 3 January 2004. Professor Arthur Li, accompanied by Mrs. Fanny Law and the Secretary-General of UGC, Mr Michael STONE, convened a meeting of the Heads as well as staff and student leaders of the eight UGC-funded institutions for the purpose of persuading them to accept further cuts to the institutions' budgets. The meeting took place in the EMB

headquarters located in Wu Chung Building.

- 5.4 I represented HKIEd in my capacity as Acting President. The other institutions were represented also by their Heads or Acting Heads. All the Students' Unions of the eight institutions were also represented, but most staff associations stayed away, and only that of Hong Kong Baptist University attended.
- 5.5 The meeting was the first move towards what subsequently became Professor Arthur Li's proposed formula known as "0-0-X" for budget cuts throughout the 2005-08 triennium. The first part of the meeting was used by Professor Arthur Li and Mrs. Fanny Law to persuade the institutional participants to accept cutbacks of up to 30%. The Heads said little, while student and staff representatives demanded from Professor Arthur Li and Mrs. Fanny Law to provide the rationale to justify the suggested cuts. The discussion lasted for nearly two hours, during which none of the institutions' representatives acceded to the proposed cutbacks.
- 5.6 At this point, Professor Arthur Li invited everyone at the meeting to meet the press together and announce an agreement to reduce funding for higher education. Upon making this invitation, discussions between the two officials and the representatives present resumed and continued for almost another hour, largely revisiting the topics that were covered during the first part of the meeting. Subsequently, it was agreed that the meeting would end, and the officials, Heads, students and staff would speak to the media separately. (File B: Document 2)

#### Second Meeting on 23 February 2004

##### Background to Meeting: Telephone Conversation of 21 January 2004

- 5.7 The meeting on 23 February 2004 was intended to be a follow-up to the telephone conversation between Professor Arthur Li and Professor Paul Morris that took place on 21 January 2004 (which relates to the "The First Allegation" in the Terms of Reference). Therefore I shall first describe what

went on during and after the telephone conversation before I move on to give the details of the subsequent meeting with Professor Arthur Li.

- 5.12 What Professor Arthur Li said was troubling to both Professor Morris and me. The idea of following the model of Chung Chi College was not a desirable one.
- 5.13 Some time after the telephone conversation, in around March or April 2004, Professor Morris told me in strict confidence what he had learned earlier from Mr. Simon Ip, who was the former Council Chairman.
- 5.14 According to Professor Morris, Mr Ip related to him that, around the time when Professor Arthur Li became SEM, Mr. Ip had a lunch meeting with Professor Arthur Li and Mr Alfred Chan, then Deputy Council Chairman. Mr. Ip said that Professor Li told him and Mr Chan that, unless HKIED merged with CUHK, HKIED would be “raped”. Mr Ip told Professor Morris that he and Mr Chan were very upset with this threat.
- 5.15 On 29 September 2003, I paid a courtesy call on Professor Ambrose KING Yeo-chi, the then Vice-Chancellor of CUHK, who told me that his university had no intention to merge with HKIED. Not long afterwards, the Honourable TUNG Chee-hwa, the then Chief Executive, stated publicly in his speech at the CUHK 40<sup>th</sup> anniversary banquet that the government had no plan to merge tertiary institutions; (File B: Document 1). Subsequently, on 19 December 2003, I had lunch with the Honourable Stephen LAM Sui-lun, Secretary for Constitutional Affairs. We had a friendly chat over many topics, including the development of HKIED within the context of Hong Kong higher education. I learnt from him that there was no government policy for a merger.
- 5.16 In the light of this confirmation, Professor Morris and I could only conclude that Professor Arthur Li’s approach about a merger was his personal agenda, and not that of the Government.
- 5.17 Professor Morris told only a very small number of colleagues about the pressure exerted on him for a merger and the demands made upon him to



dismiss colleagues (i.e. matters relating to “The First and Second Allegations”), and he did so in the strictest confidence. The colleagues to whom Professor Morris told about such matters were me, Professor Phillip Moore (formerly Acting Vice-President, now Associate Vice-President), Ms. Katherine MA Miu-wah, Director of the Communications and Institutional Advancement Office (who has been working at another institution since November 2006), and occasionally Ms. Doreen CHENG Siu-fong, Senior Personal Secretary.

- 5.18 Most of the time, Professor Morris spoke with each of us separately. Occasionally, he would call for a meeting in his office with me, Professor Moore and/or Ms. Ma. The configuration of colleagues was different in each meeting, and it depended on the urgency of the matter and who was available at the time. (I do not believe that anyone among us knew all about the episodes which related to all of the “Allegations” in the Terms of Reference, although I probably learnt more than the other colleagues because I worked very closely with Professor Morris.)
- 5.19 Professor Morris and all of us who knew about the pressure and demands all agreed that it was necessary to keep what we knew confidential, because we did not want to give rise to anxious speculation and panic within HKIED.
- 5.20 Since the Lunar New Year holidays had already started, and since we were expecting to receive the “Start Letter” from UGC to begin the planning exercise for the 2005-08 triennium right after the holidays, we decided to wait a few days to see what the “Start Letter” might actually contain before we make up our minds on the approach towards the pressure and demands.

#### Our Actions Following the Telephone Conversation

- 5.21 A few days after Professor Arthur Li’s telephone call, Professor Morris and I met following the Lunar New Year holidays. With the help and advice of the few colleagues mentioned above and also with Dr Lai Kwok-chan (the then Head of the Office of Planning and Academic Implementation), we began to work on our response. Our response focused on four interrelated lines of action, viz., (1) studying the federal models, (2) seeking dialogue on the issue

with the Council Officers and with Professor Arthur Li, (3) exploring deep collaboration with other institutions under UGC, and (4) working on the 2005-08 triennium plan.

*Research on Federal Models*

5.22 First, we wanted to prepare for any eventuality by researching into the constitutions of federal arrangements, especially such arrangements as applied to teacher education institutions and a comprehensive university. Professor Morris enquired with friends who were familiar with the Columbia Teachers College, London Institute of Education, Singapore National Institute of Education and other federal arrangements (File B: Document 24).

5.23 In any case, in those days, before the Niland Report (i.e. the UGC-commissioned study on inter-institutional integration published in April 2004) (File A: Document 41) was published, the word “merger” was used rather loosely. So while we felt that Professor Arthur Li probably would not be satisfied with anything less than a full merger, we also hoped that a federal type of “merger” which protects the necessary autonomy of a teacher education institution could pass muster as a compromise that he would accept.

*Exploring and Agreeing on Deep Collaboration*

5.24 In that spirit, Professor Morris asked me to explore the possibilities of deep collaboration with other UGC-funded institutions. Therefore, starting in March 2004, I held talks with two UGC-funded institutions— sometimes on my own, more often accompanied by Professor Phillip Moore and Dr. LAI Kwok-chan, and some other colleagues. Eventually, those talks led to the Deep Collaboration Agreement signed between HKIEd and CUHK on 9 July 2005 (File A: Document 46).

Meeting with Professor Arthur Li on 23 February 2004

5.25 Soon after the Lunar New Year holidays, Professor Morris reported to the Council Chairman, Dr Thomas Leung, about Professor Arthur Li’s telephone call, and appealed to him to discuss the matter with Professor Arthur Li. Therefore, Dr Thomas Leung made an appointment to see Professor Arthur Li

on 23 February 2004.

- 5.26 Professor Arthur Li and I met again on that day. A HKIEd delegation led by Council Chairman Dr Thomas LEUNG Kwok-fai and consisting of Mr. Anthony WU, then Council Treasurer, President Paul Morris and myself, visited Professor Arthur Li in the Government Headquarters in Central.
- 5.27 The meeting was held in a sitting room on the 8<sup>th</sup> floor of Government Headquarters, West Wing. At the start of the meeting, Dr. Thomas Leung made a short introductory speech, following which Professor Arthur Li and Professor Morris did most of the talking. Mr Anthony Wu and I said little. Professor Arthur Li expressed the view that a merger of HKIEd with CUHK would raise the quality of student intake with the “brand-name effect” of CUHK and cut costs, especially in administrative areas such as the Finance Office and Registry of the HKIEd.
- 5.28 In response, Professor Morris said that, from international experience, a full merger of a teacher education institution with a comprehensive university usually resulted in asset stripping of the former by the latter, and would not help raise the quality of teacher education. Deep collaboration would be more beneficial educationally than merger. He also pointed out to Professor Arthur Li that the quality of student intake at HKIEd, as measured by JUPAS scores, actually had been improving from 2000 to 2002, but experienced a sharp drop in the aftermath of the announcement of LPATE results in June 2003.
- 5.29 Professor Morris, then raised questions about the manner in which those results were announced by EMB. He opined that, once HKIEd attained self-accrediting status, as was likely to happen soon, the granting of a “university” title would bring, at little cost to the Government, many benefits, including a boost to the quality of student intake.
- 5.30 Then, at some stage during the conversation, Professor Arthur Li raised the possibility of merging the Faculties and Departments of Education of the other TEIs with HKIEd, rather than just merging HKIEd with CUHK. When I asked him if he meant to set up a University of Education with HKIEd as its core, he

immediately said no. He claimed that it was because there were already too many universities, and he wanted there to be fewer, not more.

- 5.31 Although the meeting provided an occasion for the voicing of ideas on both sides, obviously, there was little meeting of the minds. Professor Morris spoke eloquently on the need for an autonomous teacher education institution, and how that would benefit the community, but he received little support from Dr. Thomas Leung.
- 5.32 When the meeting ended, Professor Morris and I went away with a clear message from Professor Arthur Li that he was insistent for HKIEd to be taken over by CUHK, but he had not shown us that he had thought through the implications of such a move for teacher education. We also felt that the Council Chairman was not ready to help us defend the autonomy of the HKIEd.

#### Developments Following the Meeting

- 5.33 On 19 March 2004, the Principals' Conference was held, with HKIEd as its venue. During this gathering of school heads from across Hong Kong, a great deal of criticism of the education reforms was voiced.

#### *Grant of Self-Accrediting Status to HKIEd*

- 5.34 On 23 March 2004, we received notice that the Executive Council of the HKSAR Government had accepted the UGC's recommendation to grant self-accrediting status to HKIEd. This was an important milestone which indicated that the HKIEd had come of age and was functioning as a university. I was on leave in Canada at the time.
- 5.35 When I returned from Canada, I shared the joy of my colleagues as well as their worry about the effects of what happened at the Principals' Conference. I understood from Professor Morris that Professor Arthur Li and Mrs Fanny Law were very upset by the criticism leveled at the education reforms and were angry with us. Professor Morris also told me that Professor Arthur Li

called again after the Conference and told him that there would be dire consequences for the HKIEd.

*Lunch on 7 April 2004*

- 5.36 On 7 April 2004, Professor Morris had lunch with Professor Arthur Li in an attempt to deal with the aftermath of the Principals' Conference. Professor Morris related the substance of the conversation they had to me either on the day of the lunch or during the following couple of days.
- 5.37 Professor Morris told me that he asked Professor Arthur Li about the conferment of "university" title on the HKIEd. Professor Arthur Li rejected the idea but did not give any valid reason for his refusal, except to say that self-accreditation and university title were separate processes. Professor Arthur Li then raised the proposal of merger again with Professor Morris, which was declined by Professor Morris.
- 5.38 We were disappointed, but not surprised by Professor Arthur Li's continuous refusal to support the conferment of university title upon HKIEd and his continuous push for a merger.

*Institutional Review by the UGC*

- 5.39 We learnt that Professor Arthur Li had in the summer of 2003 attempted to stop the Institutional Review exercise from taking place, so that HKIEd would not be able to attain self-accreditation and thereby remain in a weaker position vis-à-vis any proposal to merge. But Professor Arthur Li was prevented from doing so by UGC. So it did not surprise us at this stage that he would use procedural excuses to deny the HKIEd the conferment of a "university" title in order to force a merger.
- 5.40 About this time, the UGC published the Niland Report on *Integration Matters* (File A: Document 41), which examined issues of institutional integration in higher education, and distinguished different levels of integration, namely affiliation, deep collaboration, federation and merger. We found it to be a

useful approach to the issue and for coping with the pressure from Professor Arthur Li. The UGC website on the Niland Report also noted that there was no government policy which pushed for the merger of institutions. (File B: Document 36)

- 5.41 However, the publication of the Niland Report did not prevent the pressure to merge from appearing again in another guise. In April 2004, the Council Chairman Dr. Thomas Leung instructed the Council Secretariat to organize a retreat in the Jockey Club at Beas River to push for merger. The retreat held on 24 April 2004 brought together some 40 persons, including outgoing and incoming Council Members, senior management, staff and students of the HKIEd. The list of participants prepared by HKIEd Council Secretariat is at File B: Document 18. Dr Thomas Leung started the discussion with a speech in which he said that in what he called the new environment the HKIEd needed new thinking, and that EMB had made clear that unless HKIEd was prepared to merge with another institution, it would suffer "death by a thousand cuts". His speech received vigorous questioning and rebuttal from a number of outgoing Council Members, such as Mrs. (now Dr.) Angela CHEUNG WONG Wan-yiu and Professor Amy TSUI Bick-may. Dr. Lai Kwok-chan, then gave his scheduled presentation on the Niland Report scheme of different forms of institutional integration, which set the framework for further discussion. By the end of the day, the consensus reached was that HKIEd would welcome deep collaboration, but should reject merger. I was afraid that if other people heard our Chairman saying the HKIEd would suffer "death by a thousand cuts", it could have dire consequences. I therefore pleaded with Dr. Thomas Leung to ask the assembled company not to quote this phrase after the meeting. He complied. He also asked Ms Katherine Ma to issue an Intranet message on the consensus of the retreat. Dr Thomas Leung subsequently asked Senior Management to organize another retreat on 5 June 2004; but the result was the same: i.e. a consensus to explore deep collaboration up to the level of federation, but no merger. This consensus was then reported formally to the Council on 21 June 2004, and recorded as a Council resolution. This provided Professor Morris and me with the necessary mandate and guidance for our talks with other institutions, but did not resolve our problem with Professor Arthur Li. (File A: Document 43)

Working on the 2005-08 Triennium Plan

- 5.42 The fourth line of action the HKIED took to cope with Professor Li's telephone call of 21 January 2004 was to work on the 2005-08 triennium plan. Dr Lai Kwok-chan was responsible for the exercise.
- 5.43 The "Start Letter" dated 21 January 2004 for the 2005-08 triennium which we received from UGC immediately after the Lunar New Year holidays (File B: Document 3) did contain some unexplained cuts of places in the HKIED, such as the disappearance of 200 part-time Certificate places for Early Childhood Education (ECE) in-service teachers, and the reduction in provision for professional upgrading courses for Primary and Secondary teachers. On the other hand, the total number of places for BEd(Primary) across the four TEIs in Hong Kong were actually going to be increased. We breathed a collective sigh of relief and hoped that the threat contained in Professor Arthur Li's telephone call might not materialize. Then all of a sudden, and highly unusually, there came a second letter dated 17 February 2004 from UGC (File B: Document 7) specific to the four TEIs, which changed the indicative student numbers significantly. Especially notable for us was the drop of BEd(Primary) places from 1330 in the "Start Letter" to 1050 in the second letter. Since HKIED provides more than 80% of the BEd(Primary) places in Hong Kong, the drop would hurt us the most. We tried to find out about the 200 ECE Certificate places that disappeared, and learnt from one senior EMB official that he did not know why, and another said he heard it had been a clerical error which was then upheld at a higher level (File B: Document 5). As we continued with our work to prepare the triennium plan, those of us who knew about Professor Arthur Li's telephone call were rather anxious about the outcome of the exercise.
- 5.44 Our worries grew when on 20 April 2004 we presented to the "ADP Core Group" of UGC our ideas and our own projections of teacher supply and demand (which differed from those of the EMB) (File B: Document 17). The members of the "ADP Core Group", including Sir Brian Fender, told us they were impressed with our projections and our ideas. However, they had to

follow the “advice” from EMB. One of the UGC officials told us that “EMB said they know what they’re doing”. That means the UGC officials were not able to do very much for the HKIED.

- 5.45 The result, contained in the UGC “Allocation Letter” dated 7 May 2004, was a more than 15% reduction of the fulltime equivalent student places for HKIED, most of which could not be justified on demographic grounds (File B: Document 19).
- 5.46 I believe that such a deep and unexplained reduction represented the cuts that Professor Arthur Li had said Mrs. Fanny Law wanted to inflict on HKIED unless he intervened.

*The telephone conversation of 29 June 2004 (“The Third Allegation”)*





### DEALINGS WITH MRS. FANNY LAW

6. Since September 2003, other than social or ceremonial occasions where polite greetings were exchanged, I have met with the PSEM, Mrs Fanny Law five times. Mrs. Fanny Law never spoke to me about dismissing particular colleagues, and “The Second Allegation” in the Terms of Reference refers only to such conversations she had with Professor Morris and which Professor Morris related to me from time to time. In my own dealings with her (as related in the following paragraphs), I have found her to be intolerant and unheeding of opinions different from her own, and to hold negative attitudes towards HKIED which she would not substantiate with facts or reasons.
- 6.1 On 21 October 2003, Mrs. Fanny Law had lunch at HKIED with me and my colleague Professor CHAN Wing-ming, Dean of the School of Languages in Education. This was my first meeting with Mrs. Fanny Law since I took up the Vice President (Academic) position. She was studying for the MEd degree at CUHK at the time, and planned to collect data from the HKIED Jockey Club Primary School for her degree work. Hence she was on our campus a number of times that semester, and wanted to meet with me “to discuss education issues”. As it turned out, there was very little discussion. The conversation consisted of Mrs. Fanny Law raising an issue for us to comment, but before I or my colleague had said more than a couple of sentences in response, she would raise another issue, usually without responding to what we said. This was the pattern throughout the meal. Hardly any dialogue took place.
- 6.2 On 19 February 2004, Mrs. Fanny Law, accompanied by Mr Michael Stone (Secretary General of UGC), Ms Susanna Cheung (Principal Assistant

Secretary of EMB) and a number of senior officials from UGC and EMB, convened a meeting of representatives from the four TEIs, viz., HKIEd, the Faculties of Education of CUHK and Hong Kong University ("HKU"), and the Department of Educational Studies of Baptist University ("HKBU"). Dr. LAI Kwok-chan, head of our planning office, and I represented HKIEd.

- 6.3 The main purpose of the meeting was to discuss issues surrounding the indicative student numbers for teacher education given in the Start Letter dated 21 January 2004 from UGC which initiated the planning cycle for triennium 2005-08, and which all the TEIs had found to be problematic (File B: Document 3).
- 6.4 During the meeting on 19 February 2004, the discussion did not touch on issues of particular concern to HKIEd, but on issues of common concern to all four TEIs, viz., the inflexibility of indicating student numbers down to levels of operational details which did not allow for much autonomy to the TEIs, the unrealistically large number of places to be given to one subject—English—at the expense of all other subjects and to expect this to happen within a short period of time, and above all, the lack of consultation between EMB and the TEIs prior to the formulation of the Start Letter. The discussion which lasted for some three hours did not allay the concerns of the TEIs; although Mrs. Fanny Law had started the discussion by promising a great deal of flexibility, so much was taken back or reserved by her in the course of the meeting, that by the end it was not at all clear how much she had conceded. And the TEIs—least of all HKIEd—also came away from the meeting without any better understanding of how EMB had arrived at the indicative student numbers assigned to various programmes and subjects. (Documents 10, 12; cf. Document 14). Some of the aftermath of that meeting was followed up in another TEI meeting with her, as related in paragraph 6.10 below.
- 6.5 On 26 February 2004, Professor Morris and I reported on the peculiar difficulties of the triennium planning exercise to the HKIEd Council. We did not receive a sympathetic hearing from the Council Chairman who asserted that since most our graduates would be employed by schools paid for with public funds, the Government had every right to set the directions and

priorities of the Institute, and that we must not rely on academic freedom to hold views contrary to the Government's. (This was three days after Dr. Leung went with us to the meeting with Professor Arthur Li in Government Headquarters reported in paragraph 5.26 to 5.32 above.) (Document 13) (Cf. "The First Allegation")

- 6.6 On 26 June 2004, Mrs. Fanny Law was the guest of honour at a ceremony marking the completion of courses for Mentoring Teachers. These courses had been run by Dr. (now Professor) LO Mun-ling and her team at HKIEd, and sponsored by EMB. I was Acting President and represented the Institute to welcome the PSEM Mrs. Fanny Law. This was a celebratory occasion; no business was discussed. However, there was a notable happening. Mrs. Fanny Law in her speech for the occasion was full of praise for Professor Lo and her team, and wondered aloud why they would remain at a place like HKIEd rather than move to some more prestigious institution where she would provide them with even more funding. Professor Lo and her colleagues were deeply offended. I found this incident to be consistent with Mrs. Fanny Law's pattern of behaviour, as I knew that she tried on various occasions to entice persons that she considered to be excellent staff to leave HKIEd, claiming that she could place them in jobs at other institutions. (Cf. "The Second Allegation")
- 6.7 My third encounter with Mrs. Fanny Law took place in the context of the budget cuts crisis of 2005. The 2005-08 triennium planning exercise resulted in the Allocation Letter of 7 May 2004 (File B: Document 19) which inflicted a cut of over 15% in total fulltime equivalent student places for HKIEd. During the summer and autumn of 2004, we at the HKIEd prepared for the implementation of the triennium plan, the most painful part of which was to be the redundancy of some 16% of the teaching staff—some 60 colleagues—at the start of the 2005-08 cycle. While the students places were only cut by 15% in total, the UGC funding turned out to be reduced by 33%. No satisfactory explanation was given by UGC for that.
- 6.8 Throughout January 2005, students and staff protested the budget cut, while Senior Management tried hard to find out from our contacts in UGC, EMB,

the Heads of Universities Committee (HUCOM), leaders of the broader education sector and Members of the Legislative Council, how such a large percentage was arrived at, and if there was anything we could do to alleviate the cutback or its effects. The Council Officers stood on the sideline throughout the month, until Professor Morris appealed to Council Chairman Dr. Thomas Leung on 27 January 2005 to mediate. On 31 January 2005, Professor Morris, myself, and Professor Phillip Moore (another VP of HKIEd) met with Mrs. Fanny Law (who was accompanied by Ms. Susanna Cheung,) in Central. The meeting was arranged by Dr Thomas Leung, who, however, spoke very little.

- 6.9 During the meeting, we were not able to obtain from Mrs. Fanny Law any explanation for the deep cuts, other than her expression of dissatisfaction with the HKIEd and its student intake. One of our objectives for the meeting was to arrive at some compromise with her prior to the special meeting of the Education Panel of the LegCo which had been scheduled for 7 February 2005. We were hoping to obtain a promise from her to (1) not to make any unsubstantiated criticisms of HKIEd, and (2) to reduce the level of budget cut, or at least to make available a substantial sum from EMB funds to alleviate partly the UGC cutback. The meeting which lasted for nearly two hours was tense, and did not result in any firm conclusions.
- 6.10 On 16 June 2005. Mrs. Fanny Law, accompanied by Mr. Michael Stone, Ms. Susanna Cheung and other officials of EMB and UGC, convened a meeting of representatives of the TEIs in a conference room at EMB. This was, in a way, a follow up for the meeting with her on 19 February 2004 related in paragraphs 6.2-6.4 above. The TEIs had been unhappy with the lack of consultation prior to the start of the planning cycle, which was the result of their exclusion from the Advisory Committee on Teacher Education and Qualifications ("ACTEQ"), the EMB consultative body for matters related to teacher training. A joint letter signed by all four TEIs was sent to the SEM Professor Arthur Li, asking for TEI representatives to be reinstated on ACTEQ. That request was denied (File B: Documents 29 & 30). Instead, PSEM, i.e., Mrs. Fanny Law, was to convene a meeting, every half year or so, with the four TEIs for a high level exchange of views on matters related to teacher

education, qualifications and professional development. This meeting in June 2005 was the only one held before Mrs. Fanny Law left the office of PSEM in late 2006. (The present PSEM, Mr. Raymond Wong, convened his first TEIs meeting on 8 February 2007.)

- 6.11 The 16 June 2005 meeting covered a wide range of topics concerning teacher education. By this time, many of the problems anticipated by the TEIs when they voiced their concerns in the 19 February 2004 meeting were already apparent (paragraph 6.3 above), and Mrs. Fanny Law was prepared to be much more flexible and accommodating than on the earlier occasion. There was, however, a notable episode concerning the issue of criticism (Re. "The Second Allegation"). In response to comments from the TEIs about the relatively low level of interest from secondary school leavers to apply for admission to teacher education programmes because of the climate of negative publicity surrounding teaching and the frequent closure of classes and schools, Mrs. Fanny Law said she was keen to promote a positive image of the teaching profession, and she did not want to see the academic staff of the TEIs write any more articles to say that teachers were overworked. She said such articles would have two bad effects: (i) the business community would laugh at teachers because business employees all worked harder compared to teachers, and (ii) students reading such articles might be discouraged from seeking to become teachers. She felt that the negative images of teaching in the community resulted from the newspaper articles written by some academics, and wanted the TEIs to promise to stop their staff members from writing such articles in future. The TEIs replied that there were different views in the community as to whether or not teachers were overworked and overstressed and why, and it would not be right for the TEIs to stop their colleagues from commenting. Mrs. Fanny Law then went on to lay the blame at one (unnamed) school principal for misinterpreting EMB directives on the External School Review, leading many other principals to follow suit and resulting in an inordinate amount of paperwork for many teachers. (File B: Document 31 contains the minutes of that meeting agreed among the four TEIs, as well as the EMB version of minutes of the same meeting, prepared by officials.)

- 6.12 In addition to these face-to-face dealings with Mrs. Fanny Law, there were also numerous instances of paperwork with which she and I were the signatories. These were the contracts signed between EMB and HKIEd for tendered projects or Quality Education Fund (QEF) grants. Many of the draft contracts for research or service projects contained terms which greatly restricted the right of the project holders to publish their findings, gave the PSEM exclusive rights over all the research instruments and materials developed by the project holders and even over the raw questionnaires filled in confidentially by interviewees. Other EMB contracts for tendered courses give the EMB final control over the course contents (down to each Powerpoint slide) and over the choice of individual speakers; some stipulate that all course contents, once taught, would become the exclusive property of EMB; some even require videotaping of all sessions of a course, with the videos to be owned by EMB. Since such stipulations contravened internationally accepted scholarly norms, academic freedom and privacy protection, I have from time to time refused to sign such contracts, especially for the more sizeable projects for which we entertained hopes for significant academic achievements. I would ask my colleagues to negotiate with EMB officials for more reasonable and acceptable terms, and in some instances compromises were reached; but more often, the EMB attitude was one of "take it or leave it" (File B: Document 28). In an era of UGC budget cuts, when the economic survival of an institution or some of its sub-units may be at stake, "leaving it" may not always be a viable alternative. Such contract terms may amount to infringing on academic freedom and integrity by economic means.
- 6.13 As for the names of the persons involved specifically with "The Second Allegation", I have already submitted to the Commission on 3 March 2007 that the "high official" I referred to in my Intranet Letter was Mrs. Fanny Law, and that the HKIEd colleagues she had asked Professor Morris at various times to fire were Mr. IP Kin-yuen, Professor CHENG Yin-cheong, Dr. Lai Kwok-chan, and Dr. WONG Ping-man.

(a) The demand to dismiss IP Kin-yuen and Dr. Lai Kwok chan on 30 October 2002

(b) Mrs. Law questioned the employment of Professor Cheng Yin-cheong, November 2004

(c) Mrs. Law questioned the employment of Dr. Wong, late 2004 (probably on 19 November 2004)

(d) Mrs. Law questioned why Mr. Ip Kin-vuen and Professor Cheng Yin-cheong were not put on the redundancy list, 21 April 2005



#### Why I wrote the Intranet Letter

7. I wrote the Intranet Letter *Me and Paul Morris* to HKIEd Staff and Students on 3 February 2007, from about 4:30 am to about 6:30 pm, in response to a press conference held by 10 external members of the HKIEd Council the previous afternoon. The reports on that press conference indicated that some members of the Council were now attempting to smear the senior management generally and Professor Morris specifically (File B: Document 41). I saw that press conference as the culmination of a long series of unhappy and unjust events starting with Professor Arthur Li's telephone call on 21 January 2004

(“The First Allegation”), and culminating in the unfair and unprofessional manner in which Dr Thomas Leung and the other Council Officers handled the review for re-appointment (and eventual non-reappointment) of Professor Paul Morris as President of HKIEd. Since the Council Officers had been given at least \$300,000 of HKIEd funds to spend to hire a public relations firm to help them disseminate their version of the story, I had no recourse but to rely on the limited resources at my disposal to try to keep the record straight and to let our colleagues and students know what was happening. Here, in brief, is my version of the story of the Presidential review, which I believe is relevant to the Inquiry in so far as it provides the background for my Intranet Letter, and presents the consequences of the events which constituted the three allegations I made.

- 7.1 As mentioned above, I have reported on the actions which we undertook to respond to Professor Arthur Li’s pressure to merge as conveyed in his telephone call to Professor Morris on 21 January 2004 (“The First Allegation”). All these actions proved to be futile in the end, as the pressure to merge became tied to Professor Morris’s contract renewal exercise, and the persons who channeled much of that pressure was the Council Chairman Dr. Thomas Leung who, as noted in paragraph 5.41 above, had tried to push for a merger in April 2004 until he was overwhelmed by the consensus opinion of outgoing Council Members, staff and students, and subsequently wavered back and forth between merger and other options. Complicit with him in this exercise to coerce Professor Morris were his fellow Council Officers, Mr. Eddie Ng and Mr. Pang Yiu-kai.
- 7.2 Professor Morris’s appointment as President is a five year contract which expires on 15 September 2007. It is customary for presidential appointment reviews to take place some two years before the contract expiry, so that adequate time could be allowed for a proper search for a successor, in case either side does not want to renew the appointment. On 6 April 2006, with some 18 months remaining on Professor Morris’s term, the HKIEd Council appointed a committee to consider “the reappointment or otherwise” of the President. This committee consisted of five members, viz., the three Council Officers (Chairman Dr. Thomas Leung, Deputy Chairman Mr. Eddie Ng, and

Treasurer Mr. Pang Yiu-kai) and two staff Council Members elected among themselves (Professor David GROSSMAN and Dr WONG Ping-ho). It was expected that, with some 18 months remaining on Professor Morris's term, the committee would embark on its work with no delay. However, for six months the Council Chairman never called a meeting. At the Council meeting on 28 September 2006, with less than a year remaining on Professor Morris's term, staff Council Members raised the question, and the Chairman Dr. Thomas Leung spoke ex tempore under Any Other Business to the effect that it was not proper for staff Council Members to be too much involved in the presidential review, but he also did not want to set aside the committee which had been appointed by the Council. So he would start the review process himself with the other two Council Officers, to consult with external persons during October 2006 and internal persons during November 2006, and only then meet with the committee to come up with a report on the President's performance, which would be presented to the 1 December 2006 meeting of the Council. Council Members were surprised by such a move, and raised a number of questions. However, since it is not illegitimate for the Council Officers to discuss with any person about the President's performance, it was not possible to raise any firm objection. After the meeting, Dr. Thomas Leung called together some of the staff Council Members for a pep talk, in which he said again that in the new environment the HKIED needed new thinking in order to avoid being cut to death, and identified Professor Morris and me as the obstacles in the way of HKIED enjoying better relations with EMB, but without referring to Professor Arthur Li's and Mrs. Fanny Law's respective pressures on Professor Morris to merge or to dismiss outspoken colleagues, of which he was well aware, as the reasons for the unsatisfactory relationship with Professor Arthur Li and Mrs. Fanny Law.

- 7.3 I may note here that between March and September 2006, when Dr. Thomas Leung held in abeyance the Presidential review exercise, there were nine occasions (twice in March, thrice in April-May, thrice times in June and once in September) when merger between HKIED and CUHK was discussed, of which eight involved either Dr. Thomas Leung, or Professor Arthur Li, or both, meeting with Professor Morris to pressure him to initiate a merger of HKIED with CUHK ("The First Allegation"). On some of these occasions, there

were also some other participants. The message was basically the same each time: merger. On 10 June 2006, Professor Morris was given the ultimatum by Dr. Thomas Leung: no merger, no contract renewal. When Professor Morris refused, Dr. Thomas Leung was apparently at a loss; he asked Professor Morris to reconsider. Then on 16 June 2006, Professor Morris again refused to initiate a merger. Instead, he would rather not be the President if the Council should formally adopt a position to seek a merger, but would not himself initiate one under pressure and act against the Council's previously adopted position on no merger. On his final refusal, Dr. Thomas Leung told him the contract would not be renewed, and that the review process would be conducted towards that end without any reference to the merger issue.

- 7.4 After each such meeting, Professor Morris would usually tell me about it within one or two days. (In March, he had suffered a neck injury and was often in pain, and sometimes had to work from home. We did not see each other as frequently as we used to, but kept in close contact by telephone. Also, I was away on holiday in Canada for two weeks in June; so some of his June meetings I learnt about only on my return.) On 26 June 2006, Professor Morris convened a meeting of all academic and administrative unit heads within the HKIEd to let them know that the HKIEd was coming under renewed pressure for merger. He insisted to our colleagues that he had refused to initiate a merger, but did not divulge information on the linkage to his contract.
- 7.5 After one of these meetings (following the June ultimatum), Professor Morris advised Dr. Thomas Leung to ask to see the Chief Executive for clarification about the Government stance on merger. Dr. Thomas Leung eagerly accepted the suggestion. My colleague Ms Katherine Ma and I drafted the briefing materials for Professor Morris to help Dr Leung prepare for the meeting in early August. After he had met with the Honourable Donald Tsang, Dr. Thomas Leung related to Professor Morris he had informed the Chief Executive that Professor Arthur Li was "not an honest broker" on the merger issue, since merger was his personal agenda. He also told Professor Morris that the Chief Executive said that the Government did not have an agenda to merge the HKIEd and he kept an open mind on the matter. This I learnt from Professor Morris immediately after he learnt it from Dr. Thomas Leung.

- 7.6 Meanwhile, I continued with my ongoing contacts with various persons connected with the Government, and to try to ascertain if there was any Government policy for HKIED to merge with CUHK. Persons that I contacted in the course of the year 2006 included Mr. Irving KOO (Chairman of the Examinations and Assessment Authority), the Honourable Stephen Lam, Messers. Cheung Man-kwong, Tsang Yok-sing and Yeung Yiu-chung (current and former Legislative Councillors). None of them told me there was such a policy.
- 7.7 The above was the background to the delay of the process of Presidential review which should have started in April in 2006. My contention is that Dr. Thomas Leung delayed the review process in the hope of being able to force Professor Morris into initiating the merger with CUHK that Professor Arthur Li persistently and forcefully demanded since at least the telephone call on 21 January 2004. This was to be done secretly in order that Professor Arthur Li would not have to run the political risk of failing again as he had done with both his attempts to merge CUHK with HKUST and to merge the Polytechnic and City Universities. When Professor Morris steadfastly held on to his principles, his conviction and his dignity, in October and November 2006, the Council Officers proceeded with their "consultations" on the President's performance in the manner outlined by Dr. Thomas Leung during the September Council meeting.
- 7.8 What I heard about these "consultations" was quite disturbing. In at least some of these sessions, Chairman Dr. Thomas Leung, sometimes in association with either Deputy Chairman Mr Ng or the Treasurer Mr Pang, would raise questions that were not structured as objective interviews to ascertain people's views about Professor Morris's performance, but as leading questions to elicit statements of doubt and dissatisfaction, or of racial divisions.
- 7.9 By late November, there was so much concern among senior academics, many of whom had attended the "consultation" sessions conducted by the Council Officers, that the Academic Board (the highest academic body in the Institute, consisting of all Deans, Department and Centre Heads, professors, and student

representatives) passed by almost unanimous votes in secret ballot two resolutions: (1) to support Professor Morris for his contract renewal; and (2) to question the review process and to ask the Council Chairman not to have the Council make its decision on reappointment or otherwise at the meeting scheduled on 1 December 2006 (File B: Document 38). The students of HKIEd also voted about 60% in support of Professor Morris to continue as President. Meanwhile, press coverage of the presidential review process and the questions raised about it brought the issue to the wider campus community as well as to the general public. While no decision was made on 1 December 2006 because there was not enough time for all the related presentations and discussions, there were further questions raised about the review report which had been prepared by the three Council Officers and presented to the Council-appointed five-person review committee only shortly before the 1 December 2006 meeting. In his self-review during the Council meetings on 1 December 2006 and 25 January 2007, Professor Morris had raised the issues of merger and academic freedom, but the Chairman, the other two Council Officers and some of the external Council Members refused to recognize that such issues existed, and would not discuss them. Finally, at the Council meeting on 25 January 2007, where staff and student Council Members were not allowed to attend the “deliberations and voting”, the decision was made not to renew Professor Morris’s appointment. The draft minutes of that meeting has not been circulated, although the entire session was audio-recorded. As Vice President (Academic) I was allowed to participate in the closed door deliberations and voting, and I observed that the decision turned on Professor Morris’s “insubordination” to the Council Officers on a few minor matters, his “inflexibility” with regard to the idea of merger, and his poor relations with “major stakeholders”. The Council Officers did not refer to the revelations he made in his self-evaluation about the pressures to merge and his need to defend the academic freedom of colleagues from abusive government officials. There was also no criticism of his performance according to the job description of the President (File B: Document 39).

- 7.10 Following the fateful decision, the Council Officers had arranged for a staff forum and a student forum, both on 26 January 2007, the day after the Council meeting. This they did presumably on the advice of the public relations firm

they hired at great expense of HKIEd's funds, to explain their position on the Presidential review and non-reappointment to the campus community. But the staff and students refused to meet separately with the Council Officers, and the Council-organized forum turned into a protest meeting attended by some 1000 staff and students against the Council Officers' role in the presidential non-renewal, their lack of support for the HKIEd over the years, particularly with regard to the common aspiration to change the name of the HKIEd to University. During nearly three hours of debate, the meeting seriously questioned the credibility of the three Council Officers, and ended with loud calls for the Council Chairman to step down.


- 7.11 At this time, I still cherished hope that the Council might extend Professor Morris's term for one year, so that a proper search for his successor could be undertaken. Indeed, Council Chairman Dr. Thomas Leung had said as much to the media following the forum on the 26 January 2007. For me, this would be important also for another reason. Being keenly aware of the incessant pressure for merger, I believe a leadership vacuum at the HKIEd would be the perfect opportunity for Professor Arthur Li and Dr. Thomas Leung to engineer such a move. So, for me and some others, it was important for Professor Morris to remain another year to forestall such a leadership vacuum, in order for the HKIEd to survive. Unfortunately, in the week following the Council meeting, Dr. Thomas Leung's position hardened, especially after Professor Arthur Li held a briefing session with some newspaper editors to voice his support for Dr. Thomas Leung (File B: Document 40) The press conference of 2 February 2007 organized by the Council Officers and a group of external Council Members followed soon afterwards. (File B: Document 41) I felt that I was left with no alternative for preserving the autonomy of HKIEd and the academic freedom and integrity which we all cherish, but to go public with what I know. I was certain that the pressures exerted on HKIEd by Professor Arthur Li and Mrs Fanny Law, either directly or via their appointees on our Council, were not government policy; going public would serve to let the government know what unjust and unprofessional treatment we were experiencing. I had not consulted with Professor Morris in any detail when I sat down to write on 3 February 2007. I did tell him, though, that I was writing something on academic freedom and autonomy, when he telephone me

that morning about some other issue while I was concentrating on the Intranet Letter. It was only after I had posted it on the Intranet the same evening that I told Ms Doreen Cheng, his secretary, to let him know what I had done.

- 7.12 A note on the date of the Intranet Letter. It was written on 3 February 2007 and posted on the HKIED Intranet immediately after it was completed, at about 6:30 pm on that day. Since it was posted only for a two-week duration at that time, it was taken down and re-posted on the following Monday on a "permanent" basis. Hence, it is shown as dated 5 February 2007.

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

Dated this 23rd day of March 2007



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Professor Bernard Luk