

LCQ10: Students' unions of various universities

Following is a question by the Hon Cheung Kwok-kwan and a written reply by the Secretary for Education, Mr Kevin Yeung, in the Legislative Council today (September 1):

Question:

At its meeting held on July 7 this year, the Council of Hong Kong University Students' Union (HKUSU) passed a motion expressing appreciation for the "sacrifice for Hong Kong" by a man who earlier on killed himself right after stabbing and wounding a police officer with a sharp knife, and "paying tribute" to the man. The University of Hong Kong (HKU) subsequently issued a statement on the incident, strongly condemning the act of the HKUSU Council and announcing that it no longer recognises the role of HKUSU on campus. Regarding the students' unions (SUs) of the various universities, will the Government inform this Council:

- (1) given that under the Statutes of the University of Hong Kong (Schedule to the University of Hong Kong Ordinance (Cap. 1053)), the members of the Disciplinary Committee shall include two students appointed by the Registrar out of a student panel, and the student panel shall consist of 20 students appointed in a defined order of precedence by the HKUSU Council, whether the Government has assessed if HKU's non-recognition of the role of HKUSU on campus has impacted on the University's operation and contravened the aforesaid requirements, and hence may be subject to legal challenges; if it has assessed and the outcome is in the affirmative, whether it knows the corresponding measures put in place by HKU;
- (2) of the statuses held, as well as the roles and functions performed, by the SUs of the eight universities funded by the University Grants Committee in the governance structure of their respective universities; and
- (3) given that in recent years, the executive committees of the SUs of a number of universities have publicly made remarks against the State and in support of Hong Kong independence as well as those that incite violence and hatred, whether the Government will discuss with the management of various universities ways to ensure that the remarks made by the executive committees of SUs and the activities they engage in are in compliance with the law and meet the moral standards of society?

Reply:

President,

At its meeting held on July 7 this year, the Council of the Hong Kong University Students' Union (HKUSU) passed a motion to express "appreciation"

to the suspect (who committed suicide) of the lone-wolf terrorist attack of July 1 on Hong Kong Island, and some of the members of the HKUSU Council even "paid tribute" to the suspect. These acts of confounding right and wrong must be condemned in the strongest terms. After the incident, the Executive Committee members of the HKUSU and its Council tendered resignation. Moreover, the University of Hong Kong (HKU) issued two statements to condemn such behaviour and announced that the HKU would no longer recognise the HKUSU's role in the HKU, and that the HKU would investigate the matter and take follow-up action in accordance with the procedures. Law enforcement agencies are also following up on the suspected unlawful conduct of individual students.

I have to emphasise that freedom of speech or academic freedom is not an excuse for anyone or any organisation, including students' unions of universities and their members, to disregard the facts, cover up or sugarcoat violent speech and behaviour, and mislead others into supporting or even taking part in such behaviour.

The reply to different parts of the question is as follows:

(1) According to the HKU, the HKUSU is an independent society registered in accordance with the Societies Ordinance (Cap. 151) and does not form part of the governance structure of the HKU. In the HKU Ordinance (Cap. 1053), only Statute XXX.4 touches upon the role of the HKUSU in the appointment of student panel members of the Disciplinary Committee. Other than the abovementioned function set out in the HKU Ordinance, the HKU had invited the HKUSU in the past to nominate students to serve as members of certain committees of the HKU.

As the HKU no longer recognises the role of the HKUSU in the HKU, the HKUSU will cease to appoint student panel members of the Disciplinary Committee or participate in the nomination/appointment of student members in various organisations of the HKU. The management of the HKU is reviewing the relevant arrangements in order to determine the follow-up actions. Should there be a need to amend the HKU Ordinance, the Education Bureau (EDB) would provide appropriate assistance.

(2) Relevant information on the statuses held as well as the roles and functions performed by the students' unions of the eight University Grants Committee-funded universities in the universities' governance structures is at the Annex.

(3) All along, the Government respects institutional autonomy and academic freedom, and requires the institutions to uphold good governance and accountability to the public, and their operations have to comply with the law and meet the interests of students and the community at large. As repeatedly stressed by the EDB, universities are not above the law. Students and staff shall abide by the law, including The Law of the People's Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region, which came into effect last year. At the same time, risk management, discipline of students and student affairs are matters under

institutional autonomy to be so handled by the universities in accordance with the established mechanisms. As always, the EDB will liaise with the universities to ensure that their operations continue to meet the interests of the community at large.