

# **THE REPORT OF THE REVIEW PANEL ON THE CENTENARY CEREMONY HELD ON AUGUST 18**

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# Chapter 1 – The Panel and This Report

## Introduction

1.1. On 18 August 2011, Vice-Premier Li Keqiang (李克強) of the State Council of the People's Republic of China attended The University of Hong Kong Centenary Ceremony which featured an academic procession, a series of speeches and a plaque-unveiling in Loke Yew Hall.

1.2. In Vice-Chancellor Tsui Lap-chee's speech<sup>1</sup>, he said that one of the missions of the University of Hong Kong ("**HKU**" or "**the University**") was to be "a cultural crossroads where East meets West" and spoke of the University's core values saying that "HKU is a community that cherishes openness, diversity and freedom, which have evolved into our core values."

1.3. In Vice-Premier Li's speech<sup>2</sup>, he confirmed in English that "The University of Hong Kong was to be for China and the World." It was a crowning moment in the history of the University in that the simple act of having the Vice-Premier visit the University put it on par with Tsinghua University and Peking University in the eyes of many people in China.

1.4. When the ceremony ended, the organisers congratulated themselves on a job well done. Little did they know that elsewhere on the HKU campus, Li Shing-hong (李成康) and two other students, Tang Kin-wa (鄧建華) of Lingnan University and Wong Kai-hing (黃佳鑫) of the Polytechnic University, (together "**the Three Students**") had been pushed into the stairwell area of LG2 of the KK Leung Building ("**the Stairwell**") by the Police ("**the Stairwell Incident**").

1.3 The Stairwell Incident sparked off widespread media attention and strong community criticism.<sup>3</sup> The criticism soon spread from alleged abuse of police power to the surrender of core values by the University. The criticisms centred around two major issues. First, whether the University had given up its autonomy to the Police on the day in question, and secondly, whether the University, in handling the ceremony, had focused too much on ingratiating itself with the rich and the powerful and hence had forsaken its core values.

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<sup>1</sup> See <http://100.hku.hk/818/wp/?p=10> for the speech of Prof. Tsui.

<sup>2</sup> See <http://100.hku.hk/818/wp/?p=15> for the speech of Vice-Premier Li.

<sup>3</sup> See [www.hku.hk/rpanel/](http://www.hku.hk/rpanel/) for access to a list of headlines of newspaper articles about the August 18 event.

1.4 The incident continued to attract sustained media interest in the following few days. Between 18 and 23 August 2011, the University issued no less than four public statements on this incident.<sup>4</sup> On 23 August 2011, a petition signed by over 1,540 people, which described 18 August 2011 as the darkest day in the University's history, appeared in major newspapers.<sup>5</sup> On 25 August 2011, 270 HKU alumni published a full-page newspaper advertisement in response to affirm their support for the Vice-Premier's visit to the University and called upon the University community to move on.<sup>6</sup>

1.5 On 26 August 2011, over 1,000 people, including HKU alumni, students and staff, participated in a vigil at HKU protesting against the actions of the Police on campus on August 18 and criticised the University for failing to uphold its core values. Many of the participants observed a minute of silence to mourn the loss of freedom at the University.

## Appointment of the Panel

1.5. On 30 August 2011, the Council of the University of Hong Kong resolved to set up a panel ("**the Panel**") to review issues arising from the Ceremony and to make recommendations on the lessons to be learned. The terms of reference of the Panel were as follows<sup>7</sup>:

*In the light of the controversy surrounding the Visit of the Vice-Premier Li Keqiang to the University of Hong Kong, to review the areas of concerns with a view to making recommendations to the Council on means of improving arrangements and establishing appropriate mechanisms and policies for future University events to make sure that HKU will continue its commitment to freedom, liberty and diversity and will always remain a place for freedom of expression.*

1.6. The Council further resolved that the members of the Panel would be chosen from the HKU community, including students, staff, alumni, and Council Members and that Lester Huang, who is a Council member, be appointed as the Convenor of the Panel.

## Membership of the Panel

1.7. On 7 September 2011, the Panel was formed with the following membership:

Convenor

- Mr. Lester Huang, a Council member

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<sup>4</sup> See Appendix 14, Appendix 15, Appendix 17 and Appendix 20.

<sup>5</sup> See Appendix 21 for the wording of the petition.

<sup>6</sup> See Appendix 25 for the wording of the advertisement.

<sup>7</sup> See also Appendix 1.

#### Student

- Mr. Zhang Yi, nominated by the Postgraduate Student Association (PGSA)

#### Staff

- Prof. Cecilia LW Chan, Si Yuan Professor in Health and Social work, Faculty of Social Sciences
- Prof. Johannes MM Chan SC (Hon), Dean of Faculty of Law

#### Alumni

- Mr. Simon Fung Shing-cheung (BSocSc 1978)
- Mr. Patrick C S Wong (BEng 1998)

#### Council members

- Mr. Stephen Cheung Pok-yin, a full-time non-teaching staff of the University elected to the Council in accordance with regulations
- Mr. Man Cheuk Fei, a lay Council member elected by the Court

1.8. The HKU Students' Union (“**HKUSU**”) had been invited to nominate an undergraduate student to join the Panel, but despite repeated invitations, they refused to do so.

### **The Concerns of the HKUSU**

1.9. The HKUSU declined the Panel’s invitation as it took the view that the Panel comprised only of ‘internal members’ and hence was not independent. It also expressed the concern that the Panel did not have sufficient powers of investigation and its work might not be sufficiently transparent.<sup>8</sup>

1.10. While the Panel does not share all the concerns of the HKUSU, the Panel does respect the HKUSU’s views. The Panel recognises the limits of its power and has taken steps to ensure the transparency of its work and the engagement of the community through its periodic progress reports, public forum, and solicitation of views from the public through its website. Despite these limits, the Panel has in general received good co-operation from all parties concerned and these limits have not hampered its work and deliberation.

1.11. Nonetheless, the Panel has still tried its best to engage the students. After its first meeting on 19 September 2011, the Panel extended a standing invitation to the

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<sup>8</sup> See letter from the HKUSU to the University dated 18 September 2011 in the Appendix 26.

HKUSU to nominate a student to join the Panel as a member, or alternatively as an observer. On 8 October 2011, the Panel reiterated its standing invitation to HKUSU to nominate a member. On 18 October 2011, at the invitation of the HKUSU, six Members of the Panel attended a HKUSU Council meeting to listen to the views of the student representatives and to explain to the HKUSU Council the approach that the Panel had adopted. Both sides found the meeting helpful and constructive. At the meeting the Panel again extended its invitation to the HKUSU to nominate a member to join the Panel either as a participant or an observer. The invitation was not accepted. The Panel has decided to proceed with its work without undergraduate student participation.

## **The Panel's Approach**

1.12. The Panel held 40 meetings during the period from 17 September 2011 to 31 January 2012. It has interviewed 33 witnesses and has received a large number of written comments from a variety of sources. In this regard, despite the absence of any formal power to summons witnesses or to call for information, the Panel had received full cooperation of the University administration, and helpful assistance from all the interviewees, including various students and the Police. For this, the Panel would like to express its gratitude.

1.13. At its first meeting on 17 September 2011, the Panel identified three main areas of concern, which should be examined against the University's core values: (a) event arrangements; (b) security arrangements; and (c) crisis handling and management. The Panel also resolved to conduct its review in three stages: (1) finding facts, (2) collecting views, and (3) formulating recommendations.

1.14. At the Panel's second meeting on 4 October 2011, the Panel conducted a site visit, which included a visit to the Stairwell. Other places visited included the area outside the Swire Building where protests were held; the narrow underpass from behind the car park spaces of the Swire Building to the side of KK Leung Building; the Swire Bridge; the car park area on the roof of Hung Hing Ying Building; and the podium area near Kadoorie Biological Sciences Building.

1.15. The Panel has interviewed the following persons (ordered alphabetically by surname):

	Name	Name	Job Title
1	Ms. Irene CHAN	陳滴雯小姐	Clerk II, Academic Liaison Section
2	Prof. Ming K CHAN	陳明錄教授	Visiting Fellow, Centre for East Asian Studies, Stanford University
3	Prof. Ying CHAN	陳婉瑩教授	Director of the Journalism and Media Studies Centre
4	Dr. Albert CHAU	周偉立博士	Dean of Student Affairs
5	Prof. CHENG Yiu-chung	鄭耀宗教授	former Vice-Chancellor
6	Prof. Roland CHIN	錢大康教授	Deputy Vice-Chancellor
7	Mr. Kevin CHOI	蔡傑銘先生	Deputy Private Secretary to the Chief Executive
8	Mr. CHOI Yuen-ting	蔡沅庭先生	outsourced security guard
9	Prof. SP CHOW	周肇平教授	Pro-Vice-Chancellor (University Relations)
10	Ms. Trinini CHOY	徐佩瑩女士	Assistant Director (Media)
11	Ms. Winnie CHIU	趙慧賢女士	Assistant Commissioner (Support) of Police
12	Ms. Janet CHUNG	鍾佩芬女士	Director (Alumni Affairs)
13	Mr. FUNG Chi-choi	馮志才先生	Head Guard
14	Mr. David HODSON		former Honorary Director of the Centre for Criminology and former Assistant Commissioner (Crime) of Police
15	Ms. Esther KWOK	郭瑛琪女士	Student Recruitment Counsellor (Academic Liaison)
16	Ms. Josephine LAI	黎小芬女士	Senior Clerk, Academic Liaison Section
17	Ms. Winnie LAI	黎慧霞女士	Deputy Director of China Affairs
18	Mr. Frankie LAW	羅錦連先生	Assistant Security Manager
19	Dr. LEONG Che-hung	梁智鴻醫生	Council Chairman
20	Mr. LI Shing-hong, Samuel	李成康先生	one of the Three Students, Current Affairs Secretary of the HKUSU
21	Mr. LI Tsz-shu, James	李子樹先生	President of the HKUSU
22	Ms. Katherine MA	馬妙華女士	Director of Communications
23	Prof. John MALPAS	麥培思教授	Pro-Vice-Chancellor (Infrastructure)
24	Ms. MOK Kwan-ling	莫坤菱小姐	Editor-in-chief of the <i>Undergrad</i>
25	Mr. Walter NGAI	倪啓瑞先生	Director of Shenzhen Projects Office, Versitech Limited
26	Mr. TO Kin-tong	杜建堂先生	Head Guard
27	Ms. Bernadette TSUI	徐詠璇女士	Director of Development & Alumni Affairs
28	Prof. TSUI Lap-chee	徐立之教授	Vice-Chancellor
29	Mr. Henry WAI	韋永庚先生	Registrar
30	Dr. Clement WONG	黃禮華博士	Senior Assistant Director of Estates
31	Ms. Isabella WONG	黃依倩女士	Director of Academic Liaison Section
32	Ms. Anita YIU	姚素嫻女士	Senior Manager (Events & Marketing)
33	Mr. ZHENG Huayan	鄭華炎先生	outsourced security guard

1.16. The Panel has met Li Shing-hong, one of the Three Students involved in the Stairwell Incident on two occasions. The Panel had also invited by letters the other two students, Tang Kin-wa (鄧建華) of Lingnan University and Wong Kai-hing (黃佳鑫) of the

Polytechnic University, who had been involved in the Stairwell Incident to meet with the Panel. Neither of them responded directly to the Panel. According to Li Shing-hong, the two students did not want to attend an interview with the Panel in view of pending civil litigation by the Three Students against the Police.

1.17. The Panel also wrote to various people and organisations for assistance, including: (1) the HKUSU; (2) Lord David Wilson of Tillyorn; (3) Patrick Tang (Campus Life of CEDARS<sup>9</sup>); (4) Prof. Siu Yum-tong (Harvard University); (5) the Director of Protocol of the Government Secretariat of the HKSAR; and (6) the 400+ student helpers who were enlisted to help at the event.

1.18. The Panel further sought views from and met with people with expertise in event protocols, security, and media, including Prof. Ming K Chan (Visiting Fellow, Center for East Asian Studies, Stanford University), David Hodson (former Honorary Director of the HKU Centre for Criminology and former Assistant Commissioner (Crime) of Police) and Prof. Ying Chan (Director of the Journalism and Media Studies Centre).

1.19. The Panel also set up a website and solicited information and views from the community on the August 18 event. The Panel received comments from 22 different people through its email address [reviewpanel@hku.hk](mailto:reviewpanel@hku.hk). Some people replied to the Panel's progress reports or other bulk emails.

1.20. The Panel held a public forum on 23 November 2011 to solicit views on what is expected of the University when national leaders visit; the actions to be taken to ensure that the University's values are not compromised; security arrangements on and around the campus when national leaders visit; and communications with University stakeholders relating to visits by national leaders.

1.21. The Panel had further considered precedents from some other universities around the world, including other universities in Hong Kong, on protocol, security arrangement and crisis-handling.

## **Transparency**

1.22. The Panel was eager to ensure its work was as transparent as possible, being mindful at the same time of the need to encourage witnesses to be forthcoming, especially when it does not have any formal power to summon witnesses or to call for documents. Accordingly, the Panel did not find it practical to have public meetings if open meetings would not be conducive to frank disclosure of information and open discussion of issues.

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<sup>9</sup> 'CEDARS' stands for Centre of Development and Resources for Students.



1.23. Instead, the Panel decided to make regular and periodic progress reports on its work. These progress reports were sent to HKU stakeholders by email, publicised through the media, and posted on the Panel's webpage [www.hku.hk/rpanel/](http://www.hku.hk/rpanel/). A total of three monthly progress reports have been made.

1.24. As pointed out above, the Panel also held a public forum to engage the community on 23 November 2011. There were about 60 participants, 21 of whom spoke at the forum. The Panel also separately met with the HKUSU Council on 8 October 2011 to gauge their views.

## **Investigations and Proceedings Undertaken by Others**

1.25. The Panel is aware of three other related and concurrent proceedings. On 4 October 2011, the Three Students applied for legal aid to take out civil action against Andy Tsang Wai-hung (Commissioner of Police). It was apparently because of such pending civil action that two of the Three Students had declined the Panel's invitation for an interview. As at the end of December 2011, the Panel understands that the legal aid application was still pending consideration by the Legal Aid Department.

1.26. For the same reason, the Police, which have been very helpful in appearing before the Panel, declined to answer any questions relating to the details of the Stairwell Incident.

1.27. At the same time, the Police had received various complaints from members of the public regarding its high-handed manner in handling security and media coverage during the three-day visit of Vice-Premier Li Keqiang. For instance, during the Vice-Premier's tour of the Laguna City residential estate, the Police had arrested a resident who was wearing a T-shirt with a June Fourth slogan. The Panel notes that there is apparently no formal complaint about the handling of the Vice-Premier's visit to HKU. The Police have been investigating these complaints and are expected to submit its report to the Independent Police Complaints Council (IPCC) in due course.

1.28. Arising from concerns over the security measures and media coverage arrangements during the official visit, including those at the University and at Laguna City, the Legislative Council's Panel on Security ("**the LegCo Security Panel**") held two special meetings on 29 August 2011 and 12 September 2011 to discuss the security arrangements and handling of public meeting and public processions during visits of political dignitaries to Hong Kong. The Registrar and Albert Chau (Dean of Student Affairs) attended these meetings on behalf of the University. The LegCo Security Panel is scheduled to meet on 7 February 2012 to discuss the Government's review of security arrangements during visits of political dignitaries to Hong Kong.

## **Standard of Proof**

1.29. While the Panel's work is not a disciplinary hearing, the Panel has decided to adopt the civil standard of proof of a balance of probabilities as explained by the Court of Final Appeal in *A Solicitor v The Law Society of Hong Kong* [2008] 2 HKLRD 576 for disciplinary proceedings, in which Bokhary PJ held:

*"116. In my view, the standard of proof for disciplinary proceedings in Hong Kong is a preponderance of probability under the Re H approach. The more serious the act or omission alleged, the more inherently improbable must it be regarded. And the more inherently improbable it is regarded, the more compelling will be the evidence needed to prove it on a preponderance of probability. If that is properly appreciated and applied in a fair-minded manner, it will provide an appropriate approach to proof in disciplinary proceedings. Such an approach will be duly conducive to serving the public interest by maintaining standards within the professions and the services while, at the same time, protecting their members from unjust condemnation."*

## **The Structure of This Report**

1.30. This report is structured in the following manner. Chapter 2 sets out the Panel's finding on the background leading to the visit of the Vice-Premier. Chapter 3 discusses some of the core values of the University. Chapters 4 and 5 set out the Panel's findings on the event arrangements and the security arrangement, respectively, for the August 18 event. The Panel's findings on the Stairwell Incident are set out in Chapter 6. Chapter 7 addresses crisis handling and management for the August 18 event, while Chapter 8 summarises the Panel's conclusions and recommendations.

1.31. The report refers to appendices, which are published in a separate booklet. An executive summary of this report is also available separately.

## Chapter 2 – The Visit of the Vice-Premier

### Background Leading to the Invitation of a National Leader

2.1. The August 18 event was triggered by the visit of Vice-Premier Li Keqiang of the State Council of the People's Republic of China. Questions have been raised as to why a national leader was invited to visit HKU and who initiated the visit. This chapter sets out the Panel's finding on the background leading to the visit of the Vice-Premier.

2.2. Broadly speaking, there were three distinct phases in the preparations leading to the visit of the Vice-Premier. The first phase ran from 2009 to early May 2011 and was the gestation period when the idea of inviting a national leader was conceived. The second phase ran from early May 2011 to early July 2011 when the idea of the visit of a national leader took shape, and the third phase ran from early July 2011 to 18 August 2011 when there was intense preparation for the visit.

### The First Phase: The Gestation Period (2009 – early May 2011)

2.3. In 2009, the HKU Centenary Celebrations Implementation Group (**“the Implementation Group”**) was formed as a committee to oversee and coordinate the Centenary Celebrations events, which were to comprise a series of events starting from a kick-off ceremony in January 2011 to the opening of the Centennial Campus at the end of 2012.

2.4. The Implementation Group comprised:

- Prof. SP Chow (Pro-Vice-Chancellor (University Relations)) as Convenor;
- Henry Wai (Registrar) as Co-Convenor;
- Philip Lam (Director of Finance);
- Albert Chau (Dean of Student Affairs);
- Isabella Wong (Director of Academic Liaison Section);
- Katherine Ma (Director of Communications); and
- Bernadette Tsui (Director of Development & Alumni Affairs) as Secretary.

2.5. Although students were not members of the Implementation Group, Prof. SP Chow, the Convenor of the Implementation Group, explained that the Implementation Group did consult students, as well as alumni and the Faculties, on a regular basis. However, as Albert Chau observed, while attempts to engage students in the Centenary Celebration events had been made, it was in general difficult for students to participate in committee work as they had little time and too many commitments.

2.6. The Centenary Celebration events were not intended for fundraising. As Prof. SP Chow pointed out, the theme for the Centenary Celebrations was to demonstrate the impact of HKU on China and internationally. In the first meeting of the Implementation Group held on 28 April 2009, it was noted that *“the Vision should encompass Hong Kong, China and the World”* and among the events listed for 2011 was *“Grand Reunion Dinner + Event in Beijing, possible Joint Event with Tsinghua + Mainland campus launching (if applicable)”*.

2.7. The theme of reaffirming HKU’s position as a premier national university and a truly eminent international university within China kept recurring. Thus, in *Strategic Development 2009-2014* in which the University articulates its 5-year strategic plan, it was stated under the heading of “Enhancing Our Mainland Presence” that:<sup>10</sup>

*“There is widespread agreement within the University community that HKU must further enhance its profile and activities in the Mainland if it is to become a truly eminent international university within China.”*

2.8. Likewise, on 9 January 2011, at the HKU 100 Kick-Off Ceremony, which marked the official beginning of the Centenary Celebrations, the banner *“The University of Hong Kong. For China. For the World”* was prominently displayed.

2.9. It was in this context that the idea of inviting a national leader to visit HKU was conceived. In the third meeting of the Implementation Group held on 15 December 2009, the *“Registrar suggested that ALO [Academic Liaison Section of the Registry] coordinate opportunities for PRC leader’s presence in Centenary events, either in Hong Kong or in Mainland. This is to reaffirm HKU’s strategic position as a national university.”*

2.10. In the early days of discussions in the Implementation Group, inviting a national leader to HKU was considered very ambitious but in line with the broad vision of the University. The initial view was that it was unlikely that a national leader would come to Hong Kong to participate in a HKU event. At best, the national leader would probably only agree to attend a HKU event in Beijing if it was organised jointly with Tsinghua University. It was not until April 2011 that there was a breakthrough.

2.11. During their trip to Beijing in April 2011 to attend the centennial ceremony of Tsinghua University, the Vice-Chancellor and Prof. SP Lee (Dean of Medicine) had the opportunity to speak with the Director of the Hong Kong and Macau Affairs Office, Wang Guangya (王光亞). They expressed the wish to invite a national leader to visit HKU and Wang Guangya agreed to look into the possibility.

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<sup>10</sup> *Strategic Development 2009-2014* (HKU, Dec 2009) at page 28.

2.12. The Vice-Chancellor reported this discussion to the HKU Council at its meeting on 26 April 2011. The proposal of inviting a national leader to visit HKU was formally endorsed by the Council. The minutes of the meeting of the Council recorded the decision as follows:

*“The Council*

*(a) RECEIVED a report from the Vice-Chancellor on the recent activities of the University (document 323/411); and HEARD him elaborate on these activities, including ...*

*(iii) the Global Summit of University Presidents and the 15<sup>th</sup> Annual Presidents Meeting of the Association of Pacific Rim Universities the held at Tsinghua University from April 22 to 24, 2011 as well as the Tsinghua Centenary Celebrations, which he attended; and his courtesy visit paid to Mr. WANG Guanya [sic], Director of the Hong Kong and Macau Affairs Office, during which the possibility for high officials of the Central Government to attend the activities of the University’s Centenary celebrations was mentioned;*

*(b) AGREED that the Centenary Celebrations Secretariat be invited to follow up with the invitation of high officials of the Central Government to join the activities of the University’s Centenary celebrations;...”*

2.13. It is also to be noted that, in a gathering with alumni bodies in May 2011 (attended by some 150 alumni representatives), “visit by a PRC leader” was one of the top items on the list of suggestions for Centenary programmes.

*Panel’s Observations*

2.14. A few observations could be made. First, the idea of a visit from a national leader was formally endorsed by the Council in its meeting on 26 April 2011, and the Vice-Chancellor and his team was charged to work out the details. The Panel further notes that it was unfortunate that the purpose of the visit had not been more fully articulated to or by the Council when it endorsed the idea of the visit. Some members did not even recall the endorsement when asked by the Panel. This reflects the very brief nature of the discussion in the Council.

2.15. Secondly, this idea of inviting a national leader was conceived long before the August 18 event. It could be traced back to December 2009 and had evolved over a period of time. Various stakeholders had contributed to this idea, which could be said to have been a collective decision of alumni and the Council.

2.16. Thirdly, two student representatives were present at the Council meeting on 26 April 2011, namely, undergraduate student representative Li Tsz-shu and postgraduate student representative Wong Chung-lim (黃仲廉). Accordingly, it was suggested that student bodies were informed of the visit of the national leader at this stage. However, when Li Tsz-shu met with the Panel, he did not remember the discussion in the Council about a national leader's visit. In any event, Li Tsz-shu pointed out that it would be incorrect to say that the HKUSU was represented in the Council because Council members serve in their personal capacity. There is a separate election for membership in the Council (he was a member of the Council before he became the President of the HKUSU) so HKUSU does not formally have a seat on the Council. Moreover, he was constrained from bringing back information to the HKUSU due to confidentiality rules.

2.17. The Panel agrees with Li Tsz-shu in this regard. All members of the Council serve in their individual capacity under the trusteeship principle. Therefore, informing Li Tsz-shu and the other student member on the Council could not be taken as informing the student bodies in general. Accordingly, the Panel takes the view that student bodies were not sufficiently informed of the visit of the national leader at this stage.

2.18. Finally, the Panel notes that, at this stage, there was no date of the proposed visit. Nor was the national leader who would visit HKU identified. With the endorsement in principle of the Council, this was an idea to be further worked on.

## **The Second Phase: Idea Taking Shape (early May 2011 – early July 2011)**

2.19. It was first thought that a national leader could be asked to join one of the planned events of HKU, for example, the Centenary Gala Dinner on 18 December 2011 or the Foundation Day celebrations on 16 March 2012. However, it later became clear that the national leader's visit would be a visit to Hong Kong, and not just to HKU (which could be one of the activities during his visit to Hong Kong), and hence HKU would have to accommodate the national leader insofar as the date of visit was concerned. As the visit to HKU was part of the national leader's visit to Hong Kong, the Office of the Chief Executive (**"the CE Office"**) was involved.

2.20. On 23 May 2011, a meeting was held at HKU between the CE Office and HKU senior officials. The HKU team was led by the Vice-Chancellor and included the Registrar, Bernadette Tsui and Isabella Wong. The representatives from the CE Office included Raymond Tam (譚志源) (then the Director of the CE Office), Bernadette Linn (甯漢豪) (Private Secretary to the Chief Executive) and Andy Ho (何安達) (Information Coordinator for the CE Office). At the meeting, HKU was informed of the likely visit of a senior national leader in mid-July (with no exact date and no name of the leader) and the meeting discussed the possible format of a ceremony.

2.21. On 27 June 2011, a second meeting took place at HKU between HKU senior officials and the HKSAR Government officers. The HKU team was again led by the Vice-Chancellor, and included Bernadette Tsui and Isabella Wong. The representatives from the CE Office attending this meeting included Kenneth Mak (Permanent Secretary) and Kevin Choi (Deputy Private Secretary to the Chief Executive). At the meeting HKU was informed of the likely visit of a senior national leader in mid-August, probably in the week starting on August 15 (again with no exact date and no name).

2.22. While these two meetings were attended by the most senior officers of the CE Office, it appears that the message of the likely visit of a national leader had not led anyone at HKU to start any serious efforts in making any preparation until July 2011. As a result, two months of preparation time were lost and HKU had put itself into a very tight time schedule when the date of the visit of the national leader was finally confirmed in July 2011. In contrast, the Panel was told by Kevin Choi, who represented the CE Office, that the HKSAR Government had started the preparation for the visit of the national leader about the time of the May meeting even though they did not know the identity of the national leader or the exact date of his visit.

2.23. The Registrar said that what was disclosed at the May meeting led him to believe that the visit was unlikely to be in mid-July. Isabella Wong told the Panel that, with her experience in dealing with China affairs, she was sceptical as to whether the visit would materialise, and consequently, no serious preparation was undertaken after the May meeting. The Panel finds this approach a bit surprising. Firstly, the message came from the highest ranking administrative official of the CE Office. Secondly, the message was clearly about an imminent visit of a national leader. The time frame was put in terms of two or three months, and not years. Kevin Choi confirmed that this was the understanding of the CE Office. Thirdly, no one had ever considered the possibility of inadequate preparation time, even though the visit of a very senior national leader was being contemplated. It may well be that the HKU administrators were very confident of their capacity to handle a visit of a very senior national leader in a short time. Such confidence is to be applauded, but it could also easily have led to an underestimation of the complexity of the issues involved. As will be seen later, a general lack of a sense of urgency was quite prevalent.

### **The Third Phase: Intense Preparation (early July 2011 – 18 August 2011)**

2.24. In early July 2011, the Registrar, after consulting Bernadette Tsui and Isabella Wong, decided to second Walter Ngai from Versitech Limited to assist in the organisation of the event. This was the first serious step of preparation for the August 18 event.

2.25. On 7 July 2011, the Vice-Chancellor raised the matter of a visit of a national leader at an SMT meeting. The main focus of the discussion was about the kind of gifts or support HKU wished to receive from the Mainland government for the occasion.

2.26. On 19 July 2011, the Vice-Chancellor was informed by the HKSAR Government that the visit would likely be on 18 August 2011 (but the identity of the leader was still not known). It was on 19 July 2011 that preparation truly began in earnest. On that day, Isabella Wong met with her colleagues requesting them to start to organise the event: she contacted Walter Ngai to brief him on guidelines for the stage setting and asked Winnie Lai to be responsible for the History Exhibition in Room M217. Bernadette Tsui and her colleagues were assigned to be responsible for inviting external guests.

2.27. On 20 July 2011, the Vice-Chancellor and Isabella Wong attended a meeting with the Liaison Office of the Central People's Government in the Hong Kong Special Administrative Region (中聯辦) (“**the CLO**”), in which they were informed of the possible visit of a senior national leader on 18 August 2011, with no identity given of the leader, and discussed the format of the event.

2.28. On 21 July 2011, the Vice-Chancellor briefly reported again on the visit of the national leader at another SMT meeting. According to Mable Chiu (Senior Assistant Registrar, Vice-Chancellor’s office), who was secretary of the SMT meetings, the identity of the national leader and the exact date of the visit were not made known to the SMT at that time.

2.29. It is not clear when exactly HKU knew of the identity of the national leader. Walter Ngai indicated that he was told of the identity of the national leader on 19 July 2011. In the invitation letter sent by the Vice-Chancellor to the heads of overseas institutions dated 26 July 2011, it appears that the Vice-Chancellor knew the identity of the national leader but he was restrained from disclosing it for security reason. Nonetheless, it is clear that, by the end of July 2011, HKU already knew of the identity of the national leader, although it was restrained from disclosing it until a formal announcement had been made by the HKSAR Government.

2.30. On 9 August 2011, the HKSAR Government and Xinhua News Agency formally announced the visit of Vice-Premier Li to Hong Kong, this being just seven days before the start of the visit.

2.31. Thus, the event organisers claimed that they had only about four weeks (between the time they first learned of the exact date of visit, to the visit itself) to prepare for the event. They identified the shortness of time for preparations as one of the key problems, and attributed the tight time schedule to the working style of the Beijing Government and the HKSAR Government – the former made the visit seem uncertain (with the date made known to HKU only on 19 July 2011) and the latter imposed the



constraint that the identity of the person, when known, could not be revealed until the official announcement by the HKSAR Government of the visit (which was not made until August 9). This is evidenced by the Registrar's email dated 10 August 2011, sent to the Deans of Law and Dentistry responding to their queries about the academic procession and the short notice, which reads:<sup>11</sup>

*"...The short notice is a different story. The University has been given very short notice of the date of the visit and the person who is going to visit. I do not know whom to blame – the HK SAR Government or the Beijing Government. What I know is that the HK Government and the central government are having a working style that is very different from ours."*

**2.32. The Panel accepts that HKU first knew of the exact date of visit of the national leader on 19 July 2011 and the identity of the national leader before the end of July. It also accepts that the event organisers had only about four weeks to organise this major event. However, when the entire sequence of events is taken into account, the Panel is of the view that preparations for the August 18 event could and should have started much earlier and in any event immediately after the meeting on 23 May 2011 with representatives of the CE Office. It is clear that the organisers had underestimated the complexity of organising the event and left the preparation only to early July.<sup>12</sup>**

**2.33. This sequence of events also explains the confusion as to who invited Vice-Premier Li to visit HKU. It is clear that the invitation of a national leader came from HKU, though HKU did not direct its invitation to a particular national leader, and indeed did not know of the identity of the national leader until a very late stage.**

## **Should HKU Invite the Visit of a National Leader?**

2.34. There were some queries from the public as to whether HKU should have invited a national leader. Virtually everyone interviewed by the Panel, ranging from the Chairman of the Council, the Senior Management Team of the University, and students, agreed that it was appropriate for HKU to do so. As Prof. Roland Chin (Deputy Vice-Chancellor) put it, the question is not whether we should invite a national leader but why we did so.

2.35. As an international university, HKU is ideally placed to cultivate East-West interaction and to engage China and the West. This is in line with HKU's vision and mission statements.

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<sup>11</sup> See email in Appendix 6.

<sup>12</sup> For further discussion on other issues arising from the August 18 event arrangements, see Chapter 4 below.

2.36. Since its establishment in 1911, one of the visions of HKU has been to train talent for China. At present, there are a large number of Mainland students studying at HKU. HKU also offers various academic programmes and engages in various research projects in the Mainland. The most recent example would be HKU's participation in the Shenzhen Binhai Hospital, a project which involves not only transfer of knowledge and skills but also management of a modern hospital and the import of a public health model into the Mainland. All these activities are in line with the University's vision and mission. In realising its vision and mission, engagement with the Mainland is thus inevitable, necessary and healthy if resources permit. It is thus natural for HKU to maintain contact with the national government. Indeed, the visit of the Vice-Premier is conducive to the recruitment of students in the Mainland, expansion of exchange and internship opportunities for HKU students in the Mainland, and further collaboration in academic and research projects in the Mainland. As the Vice-Chancellor and the Council Chairman put it, the visit of the Vice-Premier enhanced the status of HKU as a premier national university.

**2.37. *HKU should continue to invite and receive national leaders to visit HKU so long as the visit is in the interests of HKU and will further the vision and mission of the University.***

2.38. As most of the public criticisms against HKU were directed at its failure to uphold the core values of the University, the Panel will, in the next chapter, first identify and discuss the core values of the University before it moves on to address in detail various aspects of the August 18 event.

## Chapter 3 – The University’s Core Values

### The Need to Address the University’s Core Values

3.1. The Panel’s terms of reference requires it to make recommendations ...” *to make sure that HKU will continue its commitment to freedom, liberty and diversity and will always remain a place for freedom of expression.*”

3.2. Furthermore, one of the harshest criticisms of the University’s handling of the August 18 event was that the University had forsaken its core values. In particular, some critics have said that

- (1) the University had allowed the Police to take over the HKU campus, and in doing so, the University had lost its autonomy;
- (2) the inability of staff and students to have free access to the campus on 18 August 2011 due to identification checking, was an affront to the freedom to pursue academic endeavours;
- (3) the constraints put on protesters were constraints on freedom of expression;
- (4) the on-stage seating arrangement, which placed Vice-Premier Li at the centre and in the most prominent seat, the PRC Minister of Education in the front row and Lord Wilson in the second row, was an attempt to ingratiate the University with those in power in the Mainland;
- (5) the special treatment given to Mainland officials reflected the ‘Mainlandisation’ of the University;
- (6) the seating that placed major donors including a number of property tycoons in the first two rows of the audience was an attempt to ingratiate the University with the super rich in Hong Kong;
- (7) the special treatment given to donors reflected the heavy focus on fundraising and the commercialisation of the University; and
- (8) the Vice-Chancellor’s repeated public apologies diminished the dignity of the University.

3.3. The above list is not exhaustive but is sufficient to suggest that the Panel should answer the question of whether or not the University’s core values were damaged in the handling of the August 18 event.

3.4. The Panel concludes that there is no evidence of conscious efforts to forsake the University’s core values on the part of the University administration. Nonetheless, the widespread criticism, like the ones mentioned, has damaged the reputation of the University, which is the cornerstone of the University’s relationship with the community, and thus, the allegations must be addressed.

## What Are the University's Core Values?

3.5. In the course of its work, the Panel has identified various universities with core values posted on their websites. The stated core values of these universities include freedom of expression and thought; pursuing knowledge, understanding, independent thinking, truth, innovation and excellence; acting with fairness, integrity, responsibility and ethics; embracing openness and diversity.

3.6. The University of Hong Kong does not explicitly state its core values, although the Vice-Chancellor's speech at the Ceremony did state "HKU is a community that cherishes openness, diversity and freedom, which have evolved into our core values." HKU has explicitly stated Vision and Mission Statements which appear in the University's publication entitled *2009-2014 Strategic Development*<sup>13</sup> articulating its 5-year strategic plan.

### *Manifesting virtue and extending knowledge*

3.7. Some say that the core values of HKU are sufficiently embodied in the Chinese motto and Latin motto found on the University's insignia, Coat of Arms and logo. The Chinese motto "明德格物" is taken from the Confucian classic *The Great Learning* (「四書」中的《大學》) and refers to the moral and intellectual enrichment of human lives, while the Latin motto (Sapientia et Virtus) translates the spirit of the Chinese motto. As to the meaning of the Chinese motto "明德格物":<sup>14</sup>

*"The first phrase, mingde 明德 ('to manifest virtue'), occurs in the opening sentence: 'The Great Learning teaches the display of illustrious virtue, the renewal of the people, and repose in the highest good.' (大學之道，在明明德，在親民，在止於至善。) In a gloss on this sentence, the Song Dynasty philosopher Zhu Xi (朱熹) explained that these were the three great duties of a ruler. Scholars of the Confucian school have traditionally believed that "virtue" is the perfect nature that man is born with. This nature becomes perverted by the various temptations of life, and the great task of education is to restore it to its original purity. The display of the characters mingde on the University's shield therefore alludes to the noble function of education in 'manifesting virtue.'*

*The second phrase, gewu 格物 ('to investigate things'), occurs in a description of how wise rulers set about cultivating wisdom and virtue: 'Wishing to rectify their hearts, they first sought to be sincere in their thoughts. Wishing to be sincere in their thoughts, they first extended to the*

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<sup>13</sup> See <http://www3.hku.hk/strategic-development/eng/index.php>

<sup>14</sup> See <http://www.hku.hk/uid/background.html>

*utmost their knowledge. Such extension of knowledge lay in the investigation of things.'* (欲正其心者，先誠其意。欲誠其意者，先致其知。) Zhu Xi glossed this phrase as 'exhausting by examination the principles of things and affairs.' (致知在格物)"

3.8. The UGC's report dated December 2010 entitled *Aspirations for the Higher Education System in Hong Kong*<sup>15</sup> also reminds us of the significant task undertaken by universities:

*"1.13 Universities also undertake an important task beyond the transmission of academic, disciplinary or professional knowledge. Students should acquire a greater sense of the wider world and the moral or ethical tools with which they can contribute to that world. The experience of university should firmly root an individual's sense of personal and social responsibility. Time spent at university should also be time used to develop adults full of curiosity about life, conscious of their capacity to contribute to and be equipped with a personal and social value system appropriate to their time. All of these are qualities that a mature society requires in its citizens. More than that, universities operate on the basis of seeking to distinguish between the true and the seemingly true, of testing assumptions and values to discern what is sound and what is false. Society requires that its best-educated citizens bring this capacity to their civic engagement. ...*

*1.15 Investment in universities and other forms of post-secondary education is for Hong Kong much more than an investment in general economic success and individual life-chances. ... Equally important are the development of creativity and new ways of thinking. ... Furthermore, higher education produces not just knowledge-rich students but also citizens capable of social and civic responsibility. ..."*

*Freedom, liberty and diversity as well as freedom of expression and autonomy*

3.9. The Panel's terms of reference refers to "freedom, liberty and diversity" (自由，開放，多元化), which are the same three words used in the Vice-Chancellor's public pledge on 23 August 2011<sup>16</sup>, in which he promised that he would "make sure that HKU continues to stand by its belief in freedom, liberty and diversity". The Vice-Chancellor also mentions safeguarding the autonomy of the University and guaranteeing freedom of expression.

3.10. Indeed this emphasis on the autonomy of the University is in line with the hard

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<sup>15</sup> See <http://www.ugc.edu.hk/eng/ugc/publication/report/her2010/her2010.htm>.

<sup>16</sup> See <http://www.hku.hk/hkumedia/818/statement.html>.

lessons learned from the history of the development of universities worldwide. In his book entitled 《大學之理念》 (*The Ideal Concept of an University*), Prof. Yeo-Chi King (金耀基) concludes “*the university’s quest for independence and freedom has been historically, and is destined to be, a difficult struggle against church and state...<sup>17</sup> ...academic independence and freedom should be a university’s highest principle and only by maintaining and safeguarding this principle will a university be able to discover truth...<sup>18</sup>*” The sad story of Galileo Galilei (see Box below) also reminds us of the importance of academic independence and freedom in discovering truth.

#### Importance of academic independence and freedom<sup>19</sup>

Galileo Galilei (1564–1642), the great Italian scientist praised by Albert Einstein as ‘the father of modern science’, had walked a very rough road because of the lack of academic freedom in his times.

Being a strong believer in the theory of Copernicus that the Earth moves around the Sun, he published in late 1632 his famous paper ‘Dialogues on the Two Chief World Systems’. As his teachings went against the beliefs held by the Church, Galileo was ordered to go to Rome to be examined by the Holy Office of the Inquisition. In January 1633, a very ill Galileo made an arduous journey to Rome. Finally, in April 1633 Galileo was called before the Holy Office to answer to a charge of heresy, and he was urged to repent. Specifically, he had been charged with teaching and defending the Copernican doctrine that holds that the Sun is at the centre of the universe and that the Earth moves around the Sun. This doctrine had been deemed heretical in 1616, and Copernicus’ book had been placed on the list of prohibited books, pending correction.

Galileo was called four times for a hearing; the last was on June 21, 1633. The next day, June 22, Galileo was taken to the church of Santa Maria sopra Minerva, and ordered to kneel while his sentence was read. It was declared that he was “vehemently suspect of heresy”. Galileo was not imprisoned but had his sentence commuted to house arrest.

On 31 October 1992, Pope John Paul II issued a declaration acknowledging the errors committed by the Catholic Church tribunal that judged the scientific positions of Galileo Galilei. In March 2008 the head of the Pontifical Academy of Sciences, Nicola Cabibbo, announced a plan to honour Galileo by erecting a statue of him inside the Vatican walls.

<sup>17</sup> 金耀基: “中古以來，大學求獨立自由，經過無數的奮鬥與努力，它們向教會爭自由，向皇室爭自由，向一切世俗的權勢爭自由。一部世界大學的發展史可說是一部爭學術獨立自由的歷史。大學之學術獨立自由是不可視為當然的，是相當脆弱的。” 頁 13

<sup>18</sup> 金耀基: “英哲羅素認為在教育過程中，不能免於有爭論性的意見，也不能避免與當代有關的問題，在學校中即使有政治性的宣傳也不足為害，但真正足害於教育者是「單面的宣傳」，是一種聲音，一種獨斷的聲音。的確確，學術的獨立與自由應該是大學的「最高的原則」，只有在這個原則的堅持與維護下，大學才能致力於真理的探索，才能在辯難析理的過程中將錯誤、獨斷的假知識減至最低程度，而有可能一磚一石的建立起「知識的金廟」來。” 頁 14

<sup>19</sup> Information sourced from the *Stanford Encyclopedia Of Philosophy*, <http://plato.stanford.edu/entries/galileo/> and [http://en.wikipedia.org/wiki/Galileo\\_Galilei](http://en.wikipedia.org/wiki/Galileo_Galilei)

### *The purpose of the University*

3.11. In any discussion of core values, the question to be asked is: what is the purpose of having a university? The answer must be that a university exists for the purpose of teaching and research (and in modern day terms, knowledge transfer, which is a form of teaching). A university is expected to be the reservoir of knowledge. It not only transmits knowledge to students and makes available its expertise for public good, but it also creates knowledge through its research. The university acknowledges that mankind's knowledge is limited, and hence it may be wrong. Therefore, in the process of teaching and research, it is committed to the pursuit of truth and committed to do so in an objective and rational manner. However, truth may not always stand well with the establishment (e.g., the government, the church, the rich and the powerful). Therefore, in order for the university to discharge its missions, and to ensure that it can carry out its missions, it is necessary to safeguard its autonomy and freedom. As it does not monopolise the truth, the University embraces freedom of expression and diversity.

3.12. It is beyond the scope of the Panel's terms of reference to give an exhaustive list of the University's core values, but it is clear from the above discussion that the following would be among the University's core values:

- (1) the pursuit of truth through its teaching and research;
- (2) academic freedom and institutional autonomy;
- (3) upholding freedom, liberty, and diversity; and
- (4) guaranteeing freedom of expression.

3.13. Item (4) could come within (2) or (3), but it is so fundamental to academic freedom and institutional autonomy that it deserves a separate mention. These values may not be exhaustive, e.g., whether pursuing social justice is a core value is debateable. It may be so in light of the particular history of HKU, but it does not necessarily come within the mission of a university in general. This could be left for future debates and discussions, as the Panel recommends, but the above four items of core values would be sufficient for the purposes of this report.

3.14. What is said to have happened on this particular occasion was the failure to uphold diversity and freedom of expression (as evidenced by a protest area where protesters could be neither seen nor heard); the failure to uphold autonomy (as evidenced by the presence of the Police); and allowing the Police to violate individual liberty (as evidenced by the Stairwell Incident and the limited access to campus on 18 August 2011).

## Were the University's Core Values Damaged?

3.15. The University's 'core business' is teaching and learning, research, and knowledge transfer.<sup>20</sup> ***The Panel has seen no evidence of any academic endeavour that has been meaningfully affected by the University's controversial handling of August 18 event.***

3.16. ***Based on the totality of the evidence the Panel has considered, the Panel concludes that (1) there was no conscious compromise of core values by the organisers of the August 18 event; (2) however, there was a strong impression in the community that core values were forsaken and this was due to a series of bad decisions (which will be identified later in this report) made without thought to the implications of these choices and without thought to the University's core values; and (3) there is a need to increase awareness on the University's core values.***

3.17. As a reminder of the University's core values, Ching Cheung (程翔), an alumnus wrote to the Panel to recommend the engraving of the Vice-Chancellor's pledge that the University will always be the bastion of freedom of expression (港大永遠是言論自由的堡壘)<sup>21</sup> on a stone tablet to be placed in Loke Yew Hall. The Panel supports this idea. ***Along these lines, the Panel sees scope for forum discussions on core values especially as the University celebrates its centenary, which may eventually lead to the identification of a more exhaustive list of core values that the University could post on its website. Building on this, the University can consider formulating a charter between the University and the community to embody the Vice-Chancellor's pledge.***

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<sup>20</sup> These are main headings of the University's website. Related to this are HKU's three strategic themes for 2009-2014, namely: (1) enhancing the student learning experience; (2) advance research and innovation; and (3) promoting knowledge exchange and demonstrating leadership in communities across the region.

<sup>21</sup> See Appendix 20.



## Chapter 4 – The Event Arrangements

### The Ceremony

#### 4.1. “Please rise for the procession.”

As the Police Band began to play, over 500 guests at Loke Yew Hall of the Main Building rose to greet the academic procession. The Great Hall, as Loke Yew Hall used to be known in 1911, was restored to its former glory on stage. About 90 seats were placed in a few rows on the stage for the members of the procession. In the middle of the front row there was a Ceremonial Chair which was conspicuously different from all the other chairs. As the audience came into the Hall, there were whispers as to who would take the central seat. The suspense did not last long. As members of the procession filled up the front row, the Ceremonial Chair was taken by Vice-Premier Li Keqiang, with the Chancellor The Hon Donald Tsang on his right (facing the audience), and the Pro-Chancellor the Hon David Li Kwok-bo on his left. Next to the Chancellor was the Minister of Education, followed by the Vice-Chancellor and the Deputy Vice-Chancellor. Next to the Pro-Chancellor sat the Council Chairman, and two Pro-Vice-Chancellors.<sup>22</sup> The second row seated the heads of various overseas institutions, with Lord David Wilson, Chancellor of the University of Aberdeen, sitting at the first seat from the right (facing audience) in the second row.

4.2. Below the stage, there were about 500 guests, comprising a variety of people from different walks of life. The seats in the first two rows were reserved and taken up largely by tycoons. Their presence was given extensive coverage in the local media.

4.3. The Ceremony began with a welcoming speech by the Vice-Chancellor, followed by the congratulatory remarks of Lord Wilson, who began his speech in Putonghua.<sup>23</sup> Lord Wilson was introduced as the Chancellor of the University of Aberdeen, a renowned scholar on China, once Editor of the prestigious journal *China Studies*, and an alumnus of HKU. At no time was the fact that he was a former Governor of Hong Kong mentioned.

4.4. A plaque was then unveiled and the Ceremony concluded with a speech of the Vice-Premier. He praised the achievements of HKU and encouraged the University to continue to contribute to the development of China. He presented a gift in the form of offering 1,000 exchange places for HKU staff and students each year to visit the Mainland.

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<sup>22</sup> For the first row on-stage seating plan, see paragraph 4.62 below.

<sup>23</sup> See <http://100.hku.hk/818/wp/?p=12> for Lord Wilson's speech.

Towards the conclusion of his speech he spoke in English, giving the moment a special touch.

4.5. The Ceremony ended in a jubilant atmosphere. Many guests were overcome with joy and pride. This was a crowning moment for HKU, with the Vice-Premier firmly acknowledging the distinguished and important role of HKU as a pre-eminent national university and a leading international university in China. The organisers were relieved, after a month of intense work. Little did they expect what was to come in the following few days.

4.6. Apart from the Ceremony, the Vice-Premier also visited a History Exhibition which was specifically put up to show to him the history of HKU, and met with Prof. Jao Tsung-I (饒宗頤教授) and the heads of overseas universities.

## **The Criticism**

4.7. The criticism centred on the seating arrangement for the Vice-Premier, the treatment of Lord Wilson, and the choice of guests, particularly the preferential treatment of the tycoons. The central theme was that HKU had ingratiated itself with the rich and the powerful and had as a result compromised its core values and principles. There were also suggestions that the Chinese Government had put pressure on HKU on the seating arrangements of the Ceremony.

4.8. The Panel would like to set out its conclusions at the outset, and to put on record that all members of the organising team had done their best for the event. There is no doubt that every one of them was trying to put up a good show, and there was no conscious intent for HKU to ingratiate itself with the rich and the powerful. Indeed, there was positive evidence to the contrary. Unfortunately, this impression of ingratiation has, rightly or wrongly, been conveyed as a result of a series of administrative blunders, some of which are reflective of deep-rooted systemic issues.

## **The Coordinator of the Event and the Organic Structure**

4.9. There is no single event-organising unit within the University. The major events are generally organised by one of three units.

- Academic Liaison Section (“**ALS**”);
- Development & Alumni Affairs Office (“**DAAO**”); or
- Communications & Public Affairs Office (“**CPAO**”).

4.10. The ALS would generally organise events where the CLO is involved since the China Affairs Office is a part of the ALS. The DAAO is responsible for general liaison with

alumni and fundraising. It was also the Centenary Celebrations secretariat and has successfully organised the Centenary Kick-Off Ceremony and many other Centenary Celebration events. The CPAO handles events such as the Congregation and the Honorary Fellowship Presentation Ceremony. The ALS and the CPAO are under the Registry, whereas the DAAO, which was formerly under the Registry as well, now reports to Prof. SP Chow (Pro-Vice-Chancellor (University Relations)).<sup>24</sup>

4.11. In or about May/June 2011, both the ALS and the DAAO were preoccupied with other major events, such as the Presidents' Summit and the Centenary Gala Dinner in December 2011, and were reluctant to take on the task of organising the August 18 event. Given the relatively small size of the CPAO, it was considered inappropriate to have the CPAO shoulder the primary responsibility of the event.

4.12. In the circumstances, the Registrar, at the request of the Vice-Chancellor, assumed responsibility of coordinating the event. The Registrar is not normally involved in the organisation of events. Being the head of the University administration, he was considered to be an appropriate person who could coordinate the three different units.

4.13. According to Prof. SP Chow, since the event involved many different people – e.g. staff, students, the Estate Office – it was appropriate that the Registrar should take charge. Although the Registrar was the Co-Convenor of the Implementation Group, Prof. SP Chow clarified that the Implementation Group, despite its name, did not actually implement events but only served as the coordinator of events and assigned funding to the respective organisers; those units that did implement events would report to the Implementation Group, which in turn would report any major problems to the Senior Management Team (“SMT”), which is the Steering Committee.<sup>25</sup> It should be added that Prof. SP Chow was on medical leave during the critical times for the preparation of the event and therefore played a very marginal role in the organisation of the August 18 event.

### ***An Organic Structure***

4.14. There was no formal structure or committee to oversee the organisation of the August 18 event. Instead, the Registrar relied on informal contact to monitor progress and to deal with matters arising. The Registrar first decided, in consultation with Bernadette Tsui and Isabella Wong, to enlist the assistance of Walter Ngai in early July 2011. The Registrar believed that a loose and flexible organic structure would be most appropriate as long as there was a clear division of labour among the units.

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<sup>24</sup> According to the proposal by the Vice-Chancellor in February 2011, the CPAO will be placed under the Pro-Vice-Chancellor (University Relations). See Chapter 8 below for more details.

<sup>25</sup> The SMT comprises the Vice-Chancellor; the Deputy Vice-Chancellor; three Pro-Vice-Chancellors responsible respectively for (a) teaching and learning, (b) University relations, and (c) infrastructure; the Registrar and the Director of Finance.

4.15. Accordingly, only three formal steps could be discerned. First, there was a rough division of labour as follows:

- the Vice-Chancellor was responsible for inviting the university heads including Lord Wilson;
- the Registrar was responsible for the procession and the on-stage seating arrangements;
- the ALS was responsible for liaising with the CLO, the CE Office and students;
- the DAAO was responsible for inviting the external guests;
- the CPAO was responsible for media and public relations;
- Winnie Lai was responsible for the History Exhibition;
- Walter Ngai was responsible for the venue and the stage design;
- Anita Yiu was responsible for liaising with the Police.

4.16. Secondly, on 24 July 2011, Room 230 of the Knowles Building (“KB230”), which is a classroom, was designated as a temporary “working office” for the organisation of the event. Walter Ngai was stationed in KB230, and the relevant staff would go there after 5:00 pm for daily informal meetings. There was no record or minutes of any of these meetings. The attendance was haphazard and irregular; different meetings on different days might be attended by different staff. The Registrar himself visited KB230 only a number of times, as he put it, to “show support to the colleagues working there.” Once the work had been divided, it was basically left to the individuals in charge to implement the relevant task. There was little reporting back, at least not formally. The whole set up was a rather loose and informal structure.

4.17. Thirdly, on 29 July 2011, it was decided to name the Ceremony as The University of Hong Kong Centenary Ceremony (香港大學百週年校慶典禮). According to the Registrar, Walter Ngai had suggested four names which were circulated. Given little feedback, the Registrar chose what he thought to be the most sensible name among the options proposed by Walter Ngai.

4.18. Apart from these “formal” steps, there were only two other plenary meetings. On 10 August 2011, the Registrar convened a meeting with all colleagues who were invited to help organise the Ceremony, thanking them for their assistance and discussing issues relating to the division of labour.

4.19. Then, on 12 August 2011, there was a briefing session at 2:30 pm in the Convocation Room on the run down and the division of labour on the day. The meeting was chaired by the Registrar and attended by some 50 staff members from the Registry, CEDARS, DAAO, Faculty Offices and Estates Office. The briefing was done primarily by Walter Ngai. It was at this meeting that a few staff were designated to handle possible protests in the Loke Yew Hall. Protesters would be allowed to stand up, make their point

so long as the Ceremony was not unduly disrupted, and then be invited to sit down by the designated HKU staff. It was also stressed at the meeting that physical confrontation should be avoided.

4.20. Apart from these efforts, it did not appear that there was any occasion where the main event organisers had discussed among themselves as a group the objectives of the Ceremony. Nor was there any regular reporting of progress so that the group as a whole could provide suggestions or point out problems. This is not to say that there was no discussion among the key event organisers, but such discussions typically took place in the hallway or in other informal settings and usually involved only one to two persons each time so that not everyone involved in the organisation was equally briefed on different aspects of the organisation. When asked by the Panel on the wisdom of having a committee to oversee event arrangements, the Registrar expressed the view that (1) a committee structure was cumbersome and would slow progress; (2) the organisation work was undertaken under great time pressure; and (3) this was how HKU had worked in the past and the model had proved to be successful and effective. The various teams were experienced, and once the work was divided, it could be left to individual teams to carry out the task. He called this an 'organic structure'.

4.21. It was as a result of this organic structure that there were no minutes of any of the 'meetings'. Each individual member might have kept their own notes, and the reconstruction of the preparatory steps was compiled after the event and provided to the Panel, for which the Panel was grateful, on the basis of these notes.

4.22. While the Panel appreciates the problem of bureaucracy associated with a formal committee structure and does not intend to recommend adopting a rigid approach of having a committee structure for all events, the Panel finds such loose organic structure to be the source of many problems. The Panel can discern at least three major problems with a loose organic structure. First, important decisions might have been made without full discussion and consideration. One example is the naming of the event as 'The' Centenary Celebration. Billed as 'The' Centenary Ceremony, there would have been expectations from some HKU stakeholders that this would be the pinnacle event among the Centenary Celebrations. However, from the point of view of Prof. SP Chow, the Registrar and many of those who participated in the organisation of the event, the August 18 event was only one of the many Centenary Celebration events and not the pinnacle of these events. Indeed, the ALS and the DAAO were unwilling to put aside their work on the Centenary Gala Dinner and the Presidents' Summit, which were scheduled for December, to assume overall responsibility for this event. The event was not widely advertised to the extent that some critics alleged that the planning of the event was secretive. The gap in expectations is clear.

4.23. Secondly, there were serious communication problems. While each of the units involved was working to the best of their ability, one did not know what the other

was working. Miscommunication and misunderstanding became inevitable. The confusion on the status of Lord Wilson was a classic example. There were different understandings among different key members on whether there was one guest or two guests of honour. The Vice-Chancellor thought that there was only one principal Guest of Honour, whereas the Registrar and Bernadette Tsui thought that there were two Guests of Honour (see further below).

4.24. Thirdly, a major event like the August 18 event would require a strong and effective coordinator who is sensitive to the implications of any potentially controversial decisions, but there was only loose coordination and low degree of sensitivity. Insufficient attention had been given to important details such as the naming of the event and the wording on the invitation letter, and insufficient consideration was given to the possible implications of various choices (as will be further elaborated). Delegation of responsibilities is essential, but delegation without reporting could easily result in abdication of responsibilities. This would particularly be the case when there was no formal structure so that there was no regular reporting to a committee. The role of a coordinator would be particularly onerous without regular reporting to a committee, as he would be deprived of the benefit of the collective wisdom of committee members in detecting problems. Moreover, on this occasion, knowing that there was little coordination and communication between the ALS, the DAAO and the CPAO in the past, the Registrar should have been alert to the need for greater effort on his part to coordinate and communicate with different parties.

## **The Objectives to be Achieved**

4.25. It was surprising that the objectives to be achieved in inviting a national leader had never been properly discussed. The question was not addressed when the Council first endorsed the decision to invite a national leader in April 2011. Nor had the objectives been clearly articulated later.

4.26. In response to a query from the Dean of Law, which was echoed by the Dean of Dentistry, on why an academic process was organised in the middle of summer, the Registrar replied by an email on 10 August 2011<sup>26</sup> in these terms:

*"The suggestion of an academic process was from us, not from the Chancellor's office.*

*The visit of a senior official from the central government to HKU during the centennial year has been raised for some time. When we were asked that we would like to show the Chinese leader(s), we said that we wanted to*

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<sup>26</sup> See Appendix 6 for the full text.

*show the HKU's academic side and the University's tradition to the visitor(s). This leads to the suggestion of ceremony with an academic procession (instead of the type of celebration ceremonies held in Mainland institutions)."*

4.27. This idea of showcasing HKU's academic excellence and best traditions was shared at least between the Registrar, Isabella Wong and Walter Ngai, and perhaps to some extent by the Vice-Chancellor. It was unclear how far it had gone beyond these few persons. At least this objective did not seem to be apparent when it came to the invitation of external guests for the Ceremony.

### **The Communication of the Vice-Premier's Visit**

4.28. It may be recalled that the University was first informed on 19 July 2011 of the exact date of the visit of the national leader. It knew of the identity of the national leader shortly thereafter but was restrained from revealing the information until the visit was formally announced.

4.29. On 4 August 2011, the Registrar sent emails to Professors, Associate Professors and Deans to invite them to attend the Ceremony, which made reference to Lord David Wilson and "a senior leader from the Central Government in Beijing".

4.30. On 9 August 2011, the HKSAR Government and Xinhua News Agency formally announced the visit of Vice-Premier Li to Hong Kong.

4.31. On 10 August 2011, the Registrar sent emails to (1) teachers, informing them of the name of the national leader attending the Ceremony; (2) Council members, inviting them to the Ceremony; and (3) the Director of Finance, Director of Estates, Librarian, Dean of Student Affairs, Registry Section Heads, Faculty Secretaries, and Director of IT Services, asking them to invite colleagues to the Ceremony.

4.32. Apart from the Ceremony inside Loke Yew Hall, the Vice-Premier also met with Prof. Jao Tsung-I before the Ceremony, was shown a HKU History Exhibition at Room M217 of the Main Building and met with the heads of the overseas institutions after the Ceremony.

### **Invitation of On-stage Guests and Lord Wilson**

4.33. On 18 July 2011, the Vice-Chancellor invited through email 13 overseas university heads to "witness the historical event" marking "the first time a top [national] leader is delivering an official address at a university in Hong Kong", such event to be held

“in the week beginning August 15”.<sup>27</sup>

4.34. According to the Vice-Chancellor, the idea of inviting overseas university heads to the event was aligned with the concept of showcasing the international strength of HKU. Since the details of the event were scanty at that stage, these letters were necessarily addressed to university heads whom the Vice-Chancellor knew very well personally. They included Prof. Malcolm Grant (University College London), Sir Richard Trainor (King’s College London), Sir Timothy O’Shea (University of Edinburgh) and Prof. Henry Yang (University of California, Santa Barbara). By way of further background, the Vice-Chancellor was already in contact with a number of overseas university heads already for the December 18 Presidents’ Summit which the University had been planning at the time.

4.35. On 19 July 2011, as mentioned before, the Vice-Chancellor was informed by the HKSAR Government that the visit would be likely on 18 August 2011 (identity of the national leader was still unknown at that time).

4.36. On 26 July 2011, the Vice-Chancellor invited by email another 11 overseas heads to “witness the historical event” and to join “in an academic procession”. The Vice-Chancellor stated that the “date of the visit of the State Leader has just been confirmed to be Thursday, 18 August 2011” but “I still cannot reveal the identity of the State Leader for national security reasons”.<sup>28</sup> This email suggested that the HKU knew of the identity of the national leader at least by this date, although it could not reveal his identity.

4.37. Having attended the Tsinghua University centennial celebration and considered the format of their ceremony, the Vice-Chancellor was keen to have one of the overseas university heads give a speech at the August 18 event. His proposals for the speaker included Prof. Malcolm Grant (a member of the Hong Kong University Grants Committee and a frequent visitor to Hong Kong), Sir Rick Trainor and Sir Tim O’Shea. Then, at a meeting he had with the Registrar, Katherine Ma, Mable Chiu (Senior Assistant Registrar, Vice-Chancellor’s Office) and Philip Lam (Director of Finance) in late July, it was suggested that Lord Wilson, who is the Chancellor of the University of Aberdeen, be the speaker.

4.38. The Vice-Chancellor considered Lord Wilson to be an excellent choice because (1) Lord Wilson was conversant with the history of HKU; (2) he was an alumnus; and (3) HKU had a strong historical link with Aberdeen that could be traced back to the time of Patrick Manson of Aberdeen, Dr. Sun Yat-sen and James Cantlie of Aberdeen, and the Xinhai Revolution. The Vice-Chancellor knew Lord Wilson reasonably well as a friend of the University. According to the Vice-Chancellor, there was a change of the

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<sup>27</sup> See Appendix 2 for the full text of the email.

<sup>28</sup> See Appendix 4 for the full text of the email.



Vice-Chancellor of the University of Aberdeen. He knew fairly well the former Vice-Chancellor of the University of Aberdeen but not the new one. Thus, when the name of Lord Wilson was proposed, he did not think of Lord Wilson as a former Governor of Hong Kong but only the Chancellor of the University of Aberdeen and a HKU alumnus.

4.39. On 1 August 2011, Lord Wilson agreed, subject to his being able to make some rearrangement of existing commitments, to attend the Ceremony in a telephone conversation with the Vice-Chancellor, who sent an email to confirm and thank him, which read:<sup>29</sup>

*“Pursuant to our telephone conversation earlier today, I wish to thank you for agreeing to make arrangement if at all possible to attend our Centennial Ceremony to be held in the morning of August 18, 2011 at Loke Yew Hall of the University.*

*The Ceremony will be officiated by our Chancellor (who, as you know, is the Chief Executive of the HK SAR), and one of the guests of honour will be, as I mentioned over the phone, a senior leader of the China Mainland. He will give a speech at the ceremony.*

*I very much wish to have you as the other guest of honour on this occasion, to give a short speech at the Ceremony about your views on HKU. My colleagues and myself all feel that you are the most qualified person to give such a speech, since you are the Chancellor of Aberdeen University which played an important role in helping the establishment of HKU a century ago, you were our Chancellor during 1987-1992 as well as a student of the University few decades ago, and also a very close friend of us who is aware of the development of HKU in recent years. ...*

*The ceremony will be attended by our staff and students, and community leaders in Hong Kong. There will be an academic procession in which you will participate. ...”*

It should be noted that Lord Wilson was invited as ‘the other guest of honour on this occasion’. We will come back to this later in a moment.

4.40. On 10 August 2011, the Vice-Chancellor invited by letters 26 Fellows of the Chinese Academy of Science and Chinese Academy of Engineering (within and outside HKU), to join the Ceremony, stating in his invitation letter that the Vice-Premier would “visit us on this auspicious occasion” and “Lord David Wilson, Chancellor of the University of Aberdeen, will represent our partner institutions and address the

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<sup>29</sup> See Appendix 5 for the email correspondence between the Vice-Chancellor and Lord Wilson.

Ceremony.”<sup>30</sup>

4.41. On 11 August 2011, the Vice-Chancellor received an email from Lord Wilson, acknowledging receipt of the Vice-Chancellor’s draft speech, sending his draft speech, and indicating that he had no objections to showing his speech to the Vice-Premier’s Office.

## One Guest or Two Guests of Honour?

4.42. The Panel was astonished to find that there was no clear understanding among the organisers on whether there was one Guest or two Guests of Honour in the Ceremony. The Vice-Chancellor stressed that he had always regarded Lord Wilson as a guest who was not in any way different from other university heads whom he had invited to join the Ceremony. Lord Wilson gave a speech in his capacity as the Chancellor of the University of Aberdeen on behalf of all other overseas university heads. Thus, in his mind, he thought that there was only one Guest of Honour, namely the Vice-Premier, and the Registrar and others had misunderstood this point. It was for this reason that he said that Lord Wilson should sit with other university heads.

4.43. Unfortunately, this was not the understanding of other people. The Registrar told the Panel that even up to the time of meeting the Panel he still thought that there were two Guests of Honour.

4.44. On 4 August 2011, the Registrar, in his email to all Professors, Associate Professors, and Deans, stated that “*A senior leader from the Central People’s Government in Beijing and Lord David Wilson (the Chancellor of the University of Aberdeen who is also a HKU alumnus) will be guests of honours and will address the Ceremony*”,<sup>31</sup> thus confirming both of them as ‘guests of honours’.

4.45. The DAAO considered that there were two Guests of Honours. On 10 August 2011, the DAAO sent out invitation letters (with RSVP by 13 August 2011) to external guests, which read:<sup>32</sup>

“The University cordially invites you to the following event:

### **The University of Hong Kong Centenary Ceremony**

Date: Thursday, August 18, 2011  
Time: 9:30 am to 10:30 am (to be seated by 9:00 am)  
Venue: Loke Yew Hall, The University of Hong Kong

The event will be officiated by the Chancellor, **Dr the Hon Donald Tsang**.

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<sup>30</sup> See Appendix 7.

<sup>31</sup> See, for example, email dated 4 August 2011 in Appendix 6.

<sup>32</sup> See invitation letter in Appendix 8.

**Vice Premier Li Keqiang** of the State Council of the People's Republic of China (中華人民共和國國務院副總理李克強) and **Lord David Wilson**, Chancellor of the University of Aberdeen and HKU alumnus, will be the Guests of Honour to address the Ceremony."

4.46. This formal invitation letter constituted the official pronouncement that both Vice-Premier Li and Lord Wilson were the Guests of Honour, and that the Ceremony was to be officiated by the Chancellor. The pronouncement conveyed a reasonable message to the outside world that there were two Guests of Honour. This formed the basis of subsequent public criticism that HKU had treated Lord Wilson disrespectfully.

4.47. The Vice-Chancellor said that by the time he had seen this invitation letter, it had already gone out. The Panel finds that the DAAO could not be criticised for preparing such invitation letter. The invitation letter was apparently based on the email by the Vice-Chancellor to Lord Wilson in which Lord Wilson was described as 'the other guest of honour'. It was also consistent with the invitation letter sent by the Vice-Chancellor to the heads of overseas institutions. When he was asked about his email to Lord Wilson, the Vice-Chancellor said that the reference to the 'guest of honour' was in the lower case, which was distinguished from the 'Guest of Honour'. With respect, the Panel finds this distinction too subtle.

4.48. In contrast, Walter Ngai took it that there was only one Guest of Honour as there would not be such a Ceremony without the attendance of the national leader. This affected his design of the stage and the choice of the Ceremonial Chair (see further below).

4.49. The Panel finds the confusion over the status of Lord Wilson most astonishing and unfortunate. While the Panel believes that the Vice-Chancellor might, in his subjective mind, treat Lord Wilson in the same way as other university heads, he had failed to convey clearly to other members of the organising team the status of Lord Wilson. When this was later conveyed to the Registrar in relation to the seating arrangement, the Registrar was not sensitive enough to point out the implications that would have arisen when Lord Wilson was described as one of the 'Guests of Honour'. The problem was partly a result of the organic structure that an issue as fundamental as this was not clarified before the invitation.

4.50. Before the Panel turns to how the seating arrangements came about, it would be helpful to look at the stage setting first.

## **The Stage and "the Ceremonial Chair"**

4.51. In early July, Walter Ngai was asked by the Registrar whether he could help

with an event that was to take place in around mid-August. According to the Registrar and Isabella Wong, Walter Ngai was chosen because of his experience in organising the Centennial Campus foundation stone laying ceremony as well as his experience as Director of the Shenzhen Projects Office.

4.52. On 19 July 2011, Walter Ngai was next approached by Isabella Wong and was asked more specifically to help direct the Ceremony. He was told that (1) the Ceremony would be comprised of four components: the Vice-Chancellor would give a speech, the overseas universities' representative would give a speech, there would be a plaque-unveiling ceremony (揭牌儀式) and then the national leader would give a speech; and (2) the Ceremony would be a showcase of the best of HKU in terms of academics and tradition.

4.53. Within these parameters and the challenges posed by time constraints, Walter Ngai said that he was given a freehand in planning the Ceremony. Walter Ngai said that the Registrar had chosen him for an event which had no precedents. To him, the Ceremony was a show, and he regarded himself as the 'director' (導演) of the stage show.

4.54. Walter Ngai decided to re-create the 'Great Hall' on the stage in Loke Yew Hall. The Great Hall, which was the name of Loke Yew Hall before the Hall was named, was then decorated along the lines of great halls in England.<sup>33</sup> Walter Ngai's vision of the 'great hall' concept is shown in Figure 4.1(1) and the final stage setting is shown in Figure 4.1(2).

4.55. Walter Ngai believed that the stage needed a focal point. He chose the stage props. They included a special chair, which the Registrar has called "the Guest Chair" but which the Panel prefers to call "**the Ceremonial Chair**". According to Walter Ngai, he chose the Ceremonial Chair because it was a beautiful chair with a historic flavour and could be the focal point, with the Coat of Arms highlighting it from above, of his stage.

4.56. There were criticisms that it was wrong to offer the Ceremonial Chair to the Vice-Premier, as the chair symbolised the power and dignity of the University. Those who made this criticism might have confused the Ceremonial Chair with the chair used by the Chancellor in congregations ("**the Chancellor's Chair**"). The Chancellor's Chair is used normally only in formal functions such as congregation ceremonies. It is not used on other occasions. It is richly ornate and is accompanied by a raised platform and a mace-holder. The Ceremonial Chair was not as ornate and cumbersome as the Chancellor's Chair. There is no protocol governing the use of the Ceremonial Chair. The University has a total of three Ceremonial Chairs, and they have been used alone or together on different occasions. The chair adopted by Walter Ngai on this occasion was a

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<sup>33</sup> A great hall is the main room of a royal palace or a nobleman's castle, and universities such as Cambridge and Oxford in England and St Andrews in Scotland have halls designed based on the great hall model and are used to host 'high table' dinners as well as for daily dining.

Ceremonial Chair. Figure 4.2 shows photographs of the Chancellor’s Chair (which was not used for event) and one of the Ceremonial Chairs (one of which was used for the event).

4.57. While it was technically correct that the chair offered to the Vice-Premier at the Ceremony was not the Chancellor’s Chair, the question remains why the Vice-Premier should be seated in a way as to give rise to an impression that he was in charge of the University. During his interview, Walter Ngai explained that the choice was entirely out of aesthetical considerations. He was aware that Lord Wilson would give a speech at the Ceremony, but he thought that the main Guest of Honour was the Vice-Premier. Finally, he said that, with the benefit of hindsight, had he not used the Ceremonial Chair, or had he used two Ceremonial Chairs, the public impression might have been very different.

4.58. The use of the Ceremonial Chair raised the problem of who should be seated in the Ceremonial Chair and the question of how was the seating arrangement decided.

## The Seating Arrangement

4.59. Walter Ngai was only responsible for the physical setting of the stage with props, including the placement of the chairs, but he was not responsible for the on-stage seating arrangement. However, as he needed to decide on the flow of people during the Ceremony, he needed to know the seating arrangements. On 12 August 2011, as he still did not receive any instructions from the University on the seating arrangements, he proposed by an email dated 12 August 2011<sup>34</sup> to the Registrar, the following first row seating which featured 11 seats in the first row, with Vice-Premier Li in the middle and Lord Wilson in the first row:

Stage 1<sup>st</sup> Row Seating

		Lord David Wilson	VC	CE	Li Ke Qiang	Pro-Chancellor	Council Chairman				[sic]
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4.60. Not having seen the invitation letter, in Walter Ngai’s mind there was only one Guest of Honour, even though he knew that Lord Wilson would be attending as an on-stage guest. He assumed that Vice-Premier Li was the Guest of Honour on the basis of the format of the Ceremony (i.e. the Vice-Chancellor’s speech, the overseas representative’s speech, and the plaque unveiling, ending with the Vice-Premier’s speech) and his belief that, if Vice-Premier Li Keqiang had not been able to attend, the Ceremony would have been cancelled, while the same could not have been said of Lord Wilson. Walter Ngai’s proposal of 12 August 2011 was, according to him, compiled simply on the basis of names then available to him.

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<sup>35</sup> For the on-stage seating, see Appendix 13.

4.61. On 15 August 2011, in relation to the standing arrangement for the photograph session in Room M218, the Vice-Chancellor sent an email to Francisca Kwok (Administrative Assistant, ALS) indicating that “Lord Wilson will be considered as representing Aberdeen University”.

4.62. On 16 August 2011, a new stage seating plan was shown to the Vice-Chancellor by the Registrar. Under the new seating plan, the Vice-Premier continued to occupy the middle seat in the first row. Lord Wilson sat together with representatives from other universities on the second row; the procession order (such procession order to consequently determine the seating order) of all university representatives be arranged in the alphabetic order of their institutions. The Minister of Education was seated in the front row between the Chancellor and the Vice-Chancellor.

Stage 1<sup>st</sup> Row Seating

Deputy Vice- Chancellor	Vice- Chancellor	Minister of Education	Chancellor	Vice-Premier Li Ke Qiang	Pro- Chancellor	Chairman of Council	PVC Amy Tsui	PVC SP Chow	[sic]
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4.63. As far as the seating of Lord Wilson was concerned, the Registrar explained that he decided to put him in the second row as he was instructed, on or about 16 August 2011, by the Vice-Chancellor that Lord Wilson, as Chancellor of the University of Aberdeen, should sit with the heads of overseas institution, and that Lord Wilson should sit near the lectern. The Registrar then put Lord Wilson at the end of the second row near the lectern. The Registrar stressed to the Panel that he had simply taken instructions from the Vice-Chancellor and that at the time such was his only consideration in making the proposal. No comments were received from the Vice-Chancellor, who was prepared to leave these protocol matters to the Registrar.

4.64. The Vice-Chancellor confirmed his instructions regarding Lord Wilson to the Registrar. To showcase HKU’s international stature, the Vice-Chancellor felt that it was appropriate to have a speech from a representative of overseas institutions. After some discussion, he thought Lord Wilson was an excellent choice and was indeed very pleased that Lord Wilson would be able to join the Ceremony despite the short notice. As far as the Vice-Chancellor was concerned, Lord Wilson came in his capacity as Chancellor of the University of Aberdeen, and not in any other capacity. Thus, he was adamant that Lord Wilson should sit together with other heads of overseas institutions. According to the Vice-Chancellor, he had no strong view whether Lord Wilson should sit on the first or the second row, so long as he sat with the delegation of heads of overseas institutions and was close to the lectern. He added that he had seen in similar ceremonies elsewhere where the representative of overseas institutions sat in the second or third row.

4.65. When meeting the Panel, the Vice-Chancellor explained that he considered

seating a matter of protocol and he trusted the Registrar's judgment in deciding on the appropriate seating arrangements, including the Registrar's decision on the Minister of Education. When asked, the Vice-Chancellor said that he could not recall that there was an earlier draft seating plan prepared by Walter Ngai in which Lord Wilson was placed in the first row. He agreed that it would be fine for him if Lord Wilson were seated at the end of the first row, so long as this would comply with his two principles. It was the Registrar's application of his two principles that Lord Wilson was put in the second row.

4.66. The rehearsals on 16 August 2011 and 17 August 2011 were attended by the Vice-Chancellor and other members of the SMT, the Council Chairman, various administrative staff and students. Representatives from the CE Office and CLO also attended the August 17 rehearsal during which they were briefed on the detailed arrangement for the procession – e.g. the robing arrangements, position in the procession line (which determined the stage seats) etc. The three chairs – one for the Chancellor, one for the Pro-Chancellor and the Ceremonial Chair for Vice-Premier Li who was to sit in between them – were displayed at the rehearsals. Students and staff playing the role of the relevant procession members sat in these chairs. Though various people had attended the rehearsals, no one raised any queries about or objections to the use of the Ceremonial Chair and the seating of Vice-Premier Li in the middle of the first row.

4.67. On 17 August 2011, the Vice-Chancellor attended the rehearsal in Loke Yew Hall. He did not notice the significance of the Ceremonial Chair on the stage as his attention was drawn to the backdrop which he thought was too elaborate. Also, he noticed the absence of a logo at the backdrop for the plaque-unveiling ceremony and for the speeches at the lectern. Subsequently, the 'HKU100' logo and the coat of arms were added on his suggestions. He was also told who was to sit on the Ceremonial Chair.

4.68. Apart from those in the first row and the overseas university heads in the second and third rows, other guests on stage included local university heads, Fellows of the Academy of Science and Academy of Engineering and staff of HKU. Prof. Roland Chin (Deputy Vice-Chancellor), Prof. Amy Tsui (Pro-Vice-Chancellor (Teaching and Learning)) and Prof. SP Chow (Pro-Vice-Chancellor (University Relations)), who was indeed on leave, were on the stage.<sup>35</sup> Prof. John Malpas (Pro-Vice-Chancellor (Infrastructure)) sat in the last few rows of the audience at the back of Loke Yew Hall and participated in the Room M218 activity, all in accordance with his own wishes.

### *The Minister of Education*

4.69. The Vice-Premier was accompanied by a large delegation which included many high ranking officials such as the Director of the Hong Kong & Macau Affairs Office, the Governor of the People's Bank of China, and the Minister of Science and Technology and

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<sup>35</sup> For the on-stage seating, see Appendix 13.

various other ministers. According to Isabella Wong, the CLO initially suggested during their first site visit that HKU seat all the ministers of the Mainland delegation on stage. This suggestion was immediately turned down by Isabella Wong. Being fully aware that it was the practice in the Mainland that ministers would be seated on stage in a ceremonial function, Isabella Wong was adamant to organise a ceremony that was different from that in the Mainland. The stage was also very crowded already and there were many ministers in the delegation. Accordingly, Isabella Wong explained to the CLO that it was the tradition of HKU that only academics would participate in an academic procession and hence only academics would be on stage. This was accepted by the CLO during their second visit on 14 August 2011. Later, on the same day, the Mainland delegation requested that the Minister of Education be seated on stage as he was an academic and there would be an education-related policy 'gift' that was within the portfolio of the Minister of Education. The gift would be announced at the Ceremony. The Minister of Education was also prepared to wear his academic gown. Isabella Wong felt that it was difficult to resist this request. On or around 15 August 2011 or 16 August 2011, Isabella Wong gave his name to the Registrar for possible seating on stage, subject to the decision of the Vice-Chancellor and the Registrar.

4.70. The Registrar agreed to put the Minister of Education on stage and placed him between the Chancellor and the Vice-Chancellor. No particular reason had been given for this arrangement save that it was a matter of courtesy. The decision was made by the Registrar himself.

#### *The Panel's Findings*

4.71. There were two major criticisms on the seating arrangements.<sup>36</sup> The first was that the Vice-Premier should not be seated in the middle as if he presided over the University. Although the Chief Executive is junior to the Vice-Premier in terms of official ranking, he appeared on this occasion in his capacity as the Chancellor of the University and the host of the event. Therefore, the Chancellor should take the middle seat to preside over the event as the host. The guest should not be seen to be presiding over the event. This is a matter of respect for the office of the Chancellor.

4.72. The second criticism was that there was a deliberate attempt to put down Lord Wilson, a former Governor, in order to please the Mainland authorities. A slight variation of the second criticism was that HKU had not paid sufficient respect for its former Chancellor, whom Lord Wilson was, irrespective of his position as a former Governor of Hong Kong.

4.73. The first criticism gives rise to the issue of an appropriate protocol for ceremonial events at the University. Unfortunately, apart from honorary degree

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<sup>36</sup> See Appendix 19 for a representative article putting forward these criticisms, by Shen Xu Hui Simon published in *Ming Pao* on 22 August 2011.



congregations, there is no protocol in the University in this regard. The Panel will return to the issue of protocol in Chapter 8. The criticism was partially based on the fact that the Vice-Premier was offered the Chancellor's Chair. The Panel has already pointed out that the Vice-Premier's chair was not the Chancellor's Chair but a Ceremonial Chair. The Ceremonial Chair was chosen entirely for aesthetical reasons. Nonetheless, the Ceremonial Chair, which was different from all other chairs on stage, did single out the Vice-Premier in a prominent position.

4.74. On the second criticism, the Panel found no evidence of a deliberate attempt to put down Lord Wilson. Lord Wilson was all along invited to join the Ceremony in his capacity as the Chancellor of the University of Aberdeen. He was asked to make a speech on behalf of all the heads of overseas institutions that took part in the Ceremony. The Registrar had seated him near the lectern on the far end of the second row with the heads of the overseas institutions aligned alphabetically in order of their university. The problems arose, partly from the fact that Lord Wilson was described as a Guest of Honour in the invitation letter, and partly due to insensitivity on the part of the organiser, and in particular the Registrar. As a result, while there was no deliberate attempt to put down Lord Wilson, it did create an unfortunate impression that Lord Wilson was treated in an inferior manner. The Panel will return to this issue in the following section.

4.75. In this regard, the Panel has written to Lord Wilson. Lord Wilson himself has expressed no complaints but expressed compliments about the way he was treated. His reply letter dated 9 November 2011<sup>37</sup> read:

*"In view of my own long association with the University of Hong Kong, I felt very pleased and honoured to be invited to attend the celebration on 13 August. [sic] So far as I am concerned personally, I have no problems or complaints about the way I was treated. Quite the contrary.*

*So far as any other aspects of the celebration are concerned, that is a matter for the University. Personally I enjoyed the occasion. I do not think it would be right for me, as a guest, to make any additional comments."*

## **The Involvement of the CLO and the CE Office**

4.76. The Panel has already referred to the public criticism that the seating arrangement for Lord Wilson and the Vice-Premier was a deliberate attempt to undermine Lord Wilson. The Panel has found no evidence to support this allegation, although it accepts that this impression may have been an unintended consequence of a number of insensitive decisions. There were also suggestions that the University was

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<sup>37</sup> See Appendix 34.

under pressure from the CLO or the Mainland authorities to make such an arrangement. In order to address this concern, it is necessary to consider the involvement of the CLO and other Mainland authorities, as well as the CE Office.

4.77. Given the level of seniority of the national leader, it was not surprising that both the CLO and the CE Office were involved. Apart from the CLO and the CE Office, the Vice-Premier's Office of the State Council was also involved. On the evidence before the Panel, their involvement was confined mainly to the logistical arrangement before, during and after the Ceremony.

4.78. Isabella Wong was the designated contact person between the University and the CE Office and the CLO.

4.79. On 20 July 2011, 21 July 2011, 2 August 2011 and 9 August 2011, Isabella Wong attended meetings with the CLO, together with the Vice-Chancellor and Registrar, in which there were discussions on the 'gifts' to HKU. As the handling of the gift was the responsibility of the Registrar and the Vice-Chancellor, her role was limited in these meetings. The names of the various people in the CLO they met included: 殷曉靜 (中聯辦副主任), 楊建平 (中聯辦秘書長), 潘永華 (中聯辦教育部科技部部长), 曹國英 (中聯辦教育部科技部副部长), 李魯 (中聯辦教育部科技部副部长), 紀建軍 (中聯辦教育部科技部处长). Isabella Wong confirmed that the focus of the meetings with the CLO was mainly about the gift to HKU.

4.80. Additionally, Isabella Wong attended various site visits involving the CLO and/or the CE Office and the State Council, including:

- (1) on 11 August 2011, there was a site visit by representatives from the State Council, the CLO and HKSAR Government, accompanied by Isabella Wong and Walter Ngai;
- (2) on 13 August 2011, the Chief Executive and government officers inspected Room MG07 and Loke Yew Hall during 4:00-4:30 pm (accompanied by the Registrar, Isabella Wong and Walter Ngai);
- (3) on 14 August 2011, there was a site visit in the morning by the Chief Secretary and members from the CE Office, the Government's Information Services Department, the CLO and the Vice-Premier's office (accompanied by the Registrar, Isabella Wong and Walter Ngai);
- (4) on 15 August 2011, there was a visit of the sites by CLO representatives (accompanied by the Vice-Chancellor and Isabella Wong);
- (5) on 16 August 2011, there was a site visit by CLO representatives (accompanied

by Isabella Wong).

4.81. According to the Registrar, he participated in the aforementioned site visits on 13 August 2011 and 14 August 2011 because the Vice-Chancellor was unavailable to accompany the Chief Executive and the Chief Secretary on those respective days. The Chief Executive was mainly concerned with the arrangement in Room MG07 and his role at the Ceremony, particularly when he needed to unveil the plaque. As the Chief Secretary was involved in other activities during the visit of the Vice-Premier, the Chief Secretary decided to conduct a site visit himself, together with the delegation from the Vice-Premier's Office.

4.82. According to Isabella Wong, the CLO treated the University's views with respect. They were primarily interested in the rundown for the Ceremony.<sup>38</sup> The only requests made by the CLO or the Mainland delegation were as follows:

- (1) On 2 August 2011, there was a request from the CLO for the national leader to meet Prof. Jao Tsung-I, and as a consequence of this request, a room in the Main Building (Room G07) was set up to accommodate the meeting;
- (2) As noted before, the CLO initially wanted all the ministers of the China delegation to be on stage, but they accepted HKU's explanation that this was an academic procession so that only academics would be on stage. Later, on 14 August 2011, they requested to have the Minister of Education on the stage as he was an academic and there would be an education-related policy gift to HKU that was within the portfolio of the Minister of Education. Isabella Wong felt it was difficult to resist this request, especially after they had agreed that the Minister of Education would wear an appropriate academic gown. On around 15 August 2011 or 16 August 2011, Isabella Wong passed on the request to the Registrar for the Minister of Education's possible seating on stage, subject to

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<sup>38</sup> Simpler rundown shown to the CLO at the July 21 meeting appears in Appendix 3.

Time	Activity
09:20	Vice-Premier's motorcade arrives at the West Gate of the HKU campus
09:22	The motorcade arrives at the Main Building and is welcomed
09:24	The Vice-Chancellor leads the Vice-Premier to Room G07
09:25	The Vice-Premier meets with Prof. Jao in Room G07
09:40	The Vice-Chancellor and the Vice-Premier wait in front of the stairs leading to Loke Yew Hall
09:42	The Master of Ceremony announces the opening of the Ceremony; Police Band begins to play; the academic procession ascends the stairs and enters Loke Yew Hall
09:48	The Vice-Premier reaches the stage and sits, the Ceremony officially begins
10:35	The Ceremony ends, the Vice-Chancellor leads the Vice-Premier to the 2/F
10:40	The Vice-Premier tours the History Exhibition in M217
11:00	The Vice-Premier leaves the History Exhibition
11:01	The Vice-Premier meets with university heads, academicians & others in Room M218
11:07	Photograph session
11:10	The Vice-Premier is seen off by the Pro-Chancellor, Council Chairman and Vice-Chancellor
11:11	The Vice-Premier's motorcade leaves HKU campus by the East Gate

the decision of the Vice-Chancellor and the Registrar.

- (3) They also asked for more places in Room M218 for Chinese academicians, and this request was accommodated.

4.83. The CLO was most concerned about what gifts the national leader should give to HKU as this was regarded as usual protocol. These gifts eventually included the donation of Chinese Rare Books Reprints (i.e. 中華再造善本), 1,000 exchange places per year for HKU staff and students to visit the Mainland, and two laboratories (Stem Cell and Regenerative Medicine Research Centre and Laboratory of Emerging Infectious Disease in the Shenzhen Binhai Hospital).

4.84. Despite suspicions from critics about keeping the protesters far from the venue of the Ceremony, Isabella Wong confirmed that there were no requests from the CLO or the Mainland delegation to keep any unpleasantness away from the Ceremony. She told the Panel that the issue of protesters was raised only on one occasion in a meeting with the CLO when a relatively junior person from the CLO asked how protests in Loke Yew Hall would be handled, and either the Vice-Chancellor or the Registrar replied that they would be allowed unless they became disruptive to the conduct of the Ceremony. There were no further questions or discussions on this matter.

4.85. The Vice-Chancellor confirmed that he had little direct dealing with the CLO. He attended three meetings with the CLO, but the meetings were primarily about the gifts to HKU. No one from the CLO had ever made any suggestions to him about the seating arrangements for Lord Wilson. The CLO knew about the visit of Lord Wilson. At one of the meetings with the CLO, they asked for input from HKU on what should be included in the speech of the Vice-Premier. The Vice-Chancellor then volunteered, as a matter of courtesy, to provide a copy of his speech and that of Lord Wilson to the State Council so that the Vice-Premier could have reference to what they would say. In an email to the Vice-Chancellor on 11 August 2011, Lord Wilson expressed his consent to supply a copy of his speech to the Vice-Premier's Office of the State Council. According to the Vice-Chancellor, that was the extent of his discussion with the CLO relating to Lord Wilson.

4.86. Walter Ngai said that he was surprised by the extent of freedom that he enjoyed in organising the event. There were no questions or constraints from the Mainland delegation. He was impressed by the fact that Vice-Premier Li used English in part of his speech, which had great significance as a sign of respect for HKU.

4.87. The Panel was also assisted by Kevin Choi (Deputy Private Secretary to the Chief Executive) who was involved in the preparation of the visit of the Vice-Premier on behalf of the CE Office. Kevin Choi explained the role of the CE Office in the visit of any national leader. As early as in February 2011, HKU had approached the CE Office for

help to invite a national leader to join the Centenary Celebrations of HKU. The CE Office supported the idea and passed on the request to the State Council. The CE Office also pointed out that it was unlikely that the national leader would come just for the HKU's event, so that there should be other activities for the national leader in Hong Kong.

4.88. The CE Office is responsible for the liaison and coordination of the visits of any national leaders. It mainly deals with the State Council and the CLO. In Hong Kong, it is responsible for liaising and coordinating various units within the HKSAR Government and any outside organisation that would be involved in the visit. For activities organised by an outside body, the CE Office's general principle is that the guest should accommodate the host (客隨主便), subject to the compliance of any appropriate protocol.

4.89. In May 2011, the CE Office formally informed the University that a national leader had agreed to visit HKU and to participate in one of its Centenary Celebration activities. The national leader was not identified at that time, and the exact time of the visit was unknown, although it was expected that the visit would take place within two to three months.

4.90. The CE Office continued to play the liaison role in the following months. As far as the CE Office was concerned, it needed to know the flow of events, what the Chief Executive and the national leader should do, and what role they would play in different parts of the Ceremony. In early August, the CE Office was informed of where the national leader and the Chief Executive would sit. It noted that the national leader would sit in the middle of the first row and the Chief Executive on his right. As this was in accordance with the usual protocol of the Government, the CE Office just noted the arrangement without any comment.

4.91. At the site visit on 14 August 2011, Kevin Choi recalled that You Quan (Deputy Secretary of the State Council) did ask HKU through one of his CE Office staff whether it was appropriate for the Vice-Premier to sit in the middle of the front row, to which Kevin Choi heard someone from HKU, whom he could not remember, reply that there was no problem.

4.92. The CE Office was aware of the invitation of Lord Wilson and made no comments. It had, as a matter of protocol, informed the CLO and the State Council of the participation of Lord Wilson, and was not aware of any comment made by the CLO or the State Council. Kevin Choi was aware that there was some discussion between the CLO and HKU on the seating of the ministers but he did not know the details. As the focus was on what the Vice-Premier would do at the Ceremony, none of the CE Office, the CLO or the State Council had paid much attention to the involvement of Lord Wilson, let alone where he would be seated. The CE Office did not ask any questions about the visit of Lord Wilson, though it was aware by the time of the rehearsal on 17 August 2011 that Lord Wilson would not sit in the front row.

4.93. Kevin Choi confirmed that the CLO/State Council had asked HKU what the Vice-Premier should do, what he should include in his speech, and what gifts he should bring to HKU. These are usual questions to be raised whenever there is a visit of a national leader. He had an impression that CLO/State Council was quite ready to comply with what HKU suggested.

#### *Panel's Finding*

4.94. The Panel has gone into considerable details on the seating arrangements at the Ceremony. It was clear that it was decided at the very beginning that the Vice-Premier (or the national leader when the identity was not known) would sit in the middle of the front row, and no one had ever queried this decision. The seating arrangement for Lord Wilson was unfortunate, which was a result of a combination of insensitivity and a breakdown of communication. There was no reason to doubt that anyone at HKU intended to ingratiate itself with the Mainland authorities. Indeed, the evidence suggests the contrary. Both the Vice-Premier's Office and the CE Office respected the principle of the guest should accommodate the host. The organising team was eager to organise a ceremony that was distinct from ceremonies commonly held in the Mainland. Yet this preoccupation blinded them to how certain aspects of the Ceremony would be perceived by the public.

4.95. ***The Panel concludes that:***

- (1) The decision to put Vice-Premier Li in the middle and in the most prominent chair was made out of courtesy to the guest, rather than a conscious attempt to ingratiate. With hindsight, this was inappropriate.***
- (2) On the basis of the Panel's protocol recommendations (see Chapter 8), the Chancellor should have sat in the middle with Vice-Premier Li to his right and Lord Wilson to his left and the Minister of Education could have sat in the second row. This symbolises a respect for the institution and the office of the Chancellor, and is not dependent on the official ranking of the Chancellor vis-à-vis the Vice-Premier or any other Guest of Honour.***
- (3) The public perception of the University ingratiating itself with the powerful was reinforced by the use of the Ceremonial Chair and aggravated by the absence of a protocol on seating arrangement. The choice of the Ceremonial Chair was based on aesthetical considerations only.***
- (4) The seating of the Minister of Education on stage and in a more honoured position than the Vice-Chancellor was also motivated by courtesy to the***

*guest. This decision was made most insensitively by the Registrar himself who had not given the decision much thought. There was no compelling reason to put the Minister in a more honoured position than all other invited guests.*

- (5) The seating of Lord Wilson was decided by the Registrar, who finalised the seating according to the instructions of the Vice-Chancellor. This arrangement was made independently of the seating arrangement for the Minister of Education. Both the Vice-Chancellor and the Registrar were insensitive to the possible public reaction to the differential treatment between Lord Wilson and the Vice-Premier, especially when both of them were described and perceived to be the Guests of Honour. The Vice-Chancellor had failed to explain clearly his understanding of the role of Lord Wilson to the Registrar.*
- (6) Although the final seating was shown to the Vice-Chancellor, there was no attempt to draw the Vice-Chancellor's attention to the implications of the seating arrangements when the Registrar maintained a view that there were two Guests of Honour, and therefore, it would be unfair to lay the blame entirely on the Vice-Chancellor. It is unfortunate that the Registrar had not given him proper and adequate advice.*
- (7) Further, on the material before it, the Panel concludes that there is no evidence to support any suggestion that the CE Office, the CLO or the Mainland delegation had exerted any undue pressure on the seating arrangements on the stage. Instead, there was great respect for HKU and the arrangement of the Ceremony was largely left to HKU, save for a request from the CLO to have the Minister of Education on the stage.*

## **The Allocation of Seats on the Floor of Loke Yew Hall**

4.96. On or before 22 July 2011, the Registrar, Bernadette Tsui and Isabella Wong determined the allocation of the seats in the audience. On the basis of the previous visit of Premier Wen Jiabao, the Registrar had initially thought that the Ceremony would be attended by staff and students only, but Bernadette Tsui proposed to take advantage of the occasion to thank all those people involved in various activities of the Centenary Celebration for their help. Her proposal received the endorsement of the Vice-Chancellor. According to the Registrar, there was heated debate on the number of seats to be allocated to different groups. The seating capacity of Loke Yew Hall (excluding the balcony) was around 500. Walter Ngai insisted that the live Police Band should be seated in the main hall and not on the balcony, as this would create a very different atmosphere. The remaining seats were eventually allocated to different groups in the following manner: the

students (~100), the staff (~100), the external guests (~130-160) and the Mainland delegation (~100). See Figure 4.3 for the allocation of seats on the floor of Loke Yew Hall. The 100-odd seats in the balcony were allocated to the media.<sup>39</sup>

4.97. On 18 August 2011, a total of 714 persons took part in the Ceremony, including 113 reporters who were seated mainly on the balcony. There were 91 members on stage. The remaining 510 persons were seated inside Loke Yew Hall. The distribution of guests was as follows:

	Participants	Participants
1) Guests on stage		91
<i>Vice-Premier, Chancellor, Pro-Chancellor, Vice-Chancellor, Chairman of Council, Minister of Education, heads from overseas universities, heads from mainland universities, other local universities heads, professors of HKU, Fellows of Academy of Sciences and Engineering, Fellows of Academy of Social Sciences, PRC</i>		
2) Guests at the floor		510
- External guests (including 103 alumni & 7 honorary degree recipients)	150	
- Faculty and staff members	110	
- HKU students	90	
- Mainland delegation	86	
- Hong Kong Police Band	29	
- HK Police (G4)	21	
- Scholars from local & overseas universities	16	
- HK Government	8	
3) Guests on the balcony (mainly reporters)		113
<b>Total number of participants</b>		<b>714</b>

4.98. One of the public criticisms was that only the rich and the powerful were invited to the Ceremony. As the breakdown above shows, the external guests comprised only 150 out of 510 guests inside Loke Yew Hall. These 150 external guests were invited by the DAAO. Who were they? And how were they selected?

#### *Invitation of External Guests*

4.99. It would be recalled that on or before 22 July 2011, 130-160 seats were allocated for external guests. It was further agreed that DAAO, under the leadership of Bernadette Tsui, would be responsible for inviting these external guests. On 22 July 2011, the DAAO considered that, as this was an important high-powered Centenary Celebration event, it would be appropriate to extend an invitation to all those who had helped or

<sup>39</sup> Given the limited seating in Loke Yew Hall, RTHK was contracted to provide a live broadcast. On 17 August 2011, the Registrar sent an email at 3:15 am inviting alumni, and at 3:17 am inviting students and staff, to watch the Ceremony live online. See Appendix 12.



contributed to various Centenary Celebration activities as a way to express HKU's gratitude for their contribution and support. Accordingly, it was decided that invitations would be sent to: (1) members of various Centenary Celebration committees, working groups, and advisors, etc. (i.e. those who were involved in the planning and implementation of Centenary Celebration activities and initiatives); and (2) Centenary sponsors, partners and donors (i.e. those who are giving various types of support to the Centenary).<sup>40</sup> The list that was drawn on these principles came to around 440 people, and as not everyone would be free to join the Ceremony given that it was held in the morning of a weekday, it was expected that this list would be able to fill up the 130-160 seats.

4.100. According to Bernadette Tsui (and confirmed by the Registrar), the principle of allocation adopted by her office had been endorsed by the Vice-Chancellor and the Registrar. The Panel was shown the full list of people who were invited. Bernadette Tsui further stressed that the membership of various Centenary Celebration committees, working groups and advisors was determined at least 12 months before the Ceremony.

4.101. On 10 August 2011, after the HKSAR Government and Xinhua News Agency announced the visit of Vice-Premier Li to Hong Kong on the day before, the DAAO sent out about 440 invitation letters to external guests (with RSVP by 13 August 2011).

4.102. On 12 August 2011, the Vice-Chancellor decided to personally invite the Secretary of Education, the-then Chairlady of the University Grants Committee, and the Commissioner for Innovation and Technology to the Ceremony who were not on the guest list.

4.103. By noon time of 13 August 2011 (the deadline for reply), a total of 150 'Yes' replies were received. A breakdown of the number of people invited in each category, and the number of acceptances in each category, is set out below.

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<sup>40</sup> See Fact Sheet on Inviting External Guests for 818 Event in Appendix 29.

	Invited	Acceptances	Of which, # of alumni*
1) HKU 100 committees, working groups and advisors	319	112	87
- <i>SERVICE 100 (22)</i>	22	6	6
- <i>Community Engagement Group</i>	12	4	4
- <i>Gala Dinner Convenors</i>	50	22	22
- <i>Impact Study</i>	25	5	5
- <i>Various projects / programmes</i>	50	25	20
- <i>Young Alumni Committee</i>	25	6	6
- <i>Convocation Standing Committee</i>	17	9	9
- <i>advisors</i>	20	6	3
- <i>Host Committee</i>	48	15	10
- <i>Honorary Patrons</i>	40	14	2
2) HKU 100 partners, sponsors and donors	114	35	14
- <i>Endowed Professorships donors</i>	32	9	4
- <i>Other donors / sponsors / partners</i>	82	26	10
3) Personally invited by the Vice-Chancellor	3	3	2
<b>Total</b>	<b>436</b>	<b>150</b>	<b>103</b>
<i>* does not include holders of honorary degrees</i>			

4.104. On 15, 16 and 17 August 2011, 150 Confirmation Letters were delivered to those who had replied 'Yes' to the invitation.

#### *Panel's Observations*

4.105. The breakdown of the participants inside the Loke Yew Hall and the breakdown of the different categories of external guests could put an end to the query that only the rich and the powerful were invited. The external guests represented only 150 out of 510 participants inside Loke Yew Hall and 103 of the 150 were alumni (excluding holders of HKU honorary degrees). The rest of the participants included students, staff and other guests. The external guests were drawn up on the basis of pre-existing membership of various committees.

4.106. Therefore, when Bernadette Tsui was asked why no prominent alumni such as Martin Lee, Anson Chan and various LegCo members were invited, her response was that they were not on any of the Centenary Celebration committees or advisory groups or sponsors to any of the Centenary Celebration activities.

4.107. The Panel notes Bernadette Tsui's explanation of her principle of drawing up the guest list, but the Panel has reservations whether she had adopted the correct principle. The objectives of the Ceremony were said to be to showcase the academic excellence and best traditions of HKU, and not to thank those who have contributed to the

two-year long Centenary Celebrations. If the guest list reflected the objectives of the Ceremony, the Panel would have thought that it should have included distinguished alumni from different walks of life. While she had no intention to exclude politically controversial people in her guest list, the unintended result of her adopting the principle was that many politically controversial figures were not included.

4.108. According to Bernadette Tsui, in the many years she had worked for HKU spanning its 80<sup>th</sup> and 90<sup>th</sup> anniversaries, the guest list in various functions was seldom questioned. She did not seem to have adopted the objective that the guest list had to showcase the academic excellence and the best traditions of HKU, which led the Panel to wonder how widely the objectives of the August 18 event were shared. At the same time, the Panel notes that the principle was endorsed by the Vice-Chancellor and the Registrar, who should be familiar with the objectives of the August 18 event. Bernadette Tsui further queried if it would be possible to draw up a list of distinguished alumni in different walks of life. The Panel would not underestimate the complexity of such a task, but this had been done in the 90<sup>th</sup> Anniversary Commemoration Volume (by singling out some distinguished alumni in different fields). The point is that no thought had been given to this possibility at all.

#### *Seating in the First Two Rows*

4.109. The main reason why the public had the perception that only the rich and the powerful were invited to the Ceremony (and they were the only people that HKU cared about) was that the first two rows were occupied mainly by property tycoons. The seating was arranged by the DAAO, and the seats were reserved for specific individuals.

4.110. The external guests who were invited by the DAAO to sit in the first two rows of the audience were:

S T A G E							
G4	Sir TL Yang	Li Ka Shing	Rita Fan	Lawrence Fung	Pansy Ho	Stanley Ho	G4
Lee Shau Kee	Cheng Yu Tong	Sin Wai Kin	Mrs. Sin Wai Kin	Thomas Kwok	David Mong	Leonie Ki	Stanley Ho's nurse

4.111. This list speaks for itself. It cannot be denied that the property tycoons of Hong Kong were well represented in those 14 seats of the first two rows, which were reserved for specific individuals. The first two rows of guests were captured repeatedly by the media.

4.112. Bernadette Tsui accepted that many of them were major donors, but she emphasised that they had indeed made major contributions to HKU. She did not think

that the first two rows of guests should be regarded as a “reflection of the core values of the University”. It was unfortunate that the media only focused on the first two rows when there were many distinguished guests among the audience. As to the specific seating, she said that these tycoons were used to being afforded front row seats on any occasion, and it was only a matter of courtesy to put them in the front row. She further confirmed that HKU did not show its guest list to the CE Office. Nor was the list vetted by the Vice-Chancellor or the Registrar, as this was not the usual practice, especially when the principle of inviting the guests had already been agreed. Bernadette Tsui also said that, when she was queried by the media about a week after the event, she had wanted to explain the rationale of drawing up the guest list but was advised not to do so as it could only fuel the media when security was the main issue at that time.

4.113. While the Panel accepts that there is nothing inherently wrong in seating major donors in the first few rows, it is a matter of balance. If the objectives of showcasing the academic excellence and best traditions of HKU were upheld, then the composition of the first two rows would have to be very different. As it has been suggested, it would have conveyed a very different impression if Anson Chan, one of HKU’s most distinguished alumni who could represent HKU’s contribution to the civil service, or the President of HKUSU, were seated in the first two rows.

4.114. This incident also highlights, though somewhat tangentially, the proper relations between the University and its donors. Donation plays an important part in university life these days and helps the university realise its vision and missions. Yet it also raises delicate issues on what should or should not be expected of the donors and the University in relation to donations. There are no doubt ethical practices in place at the University already. As the University expands its work on community partnership, it will be of increasing importance for the University to clearly define its approach to donations and to set out the appropriate expectations of both parties. The Panel notes that this is a delicate and complex issue which many universities have to face, and recommends that the University prepare a Code of Ethics on Donations.

4.115. ***Thus, the Panel concludes that:***

- (1) it would be unfair to say that the guests included only the rich and powerful given that (a) the DAAO only had 150 seats out of the 510 on the main floor of Loke Yew Hall and (b) the event was attended by students, staff and others;***
- (2) the overall allocation of seats in the audience did not give effect to the stated objectives of showcasing the University’s academic excellence and best traditions;***
- (3) the guest list was drawn according to an explicit but inappropriate principle, resulting in the absence of prominent alumni and giving rise to an unfortunate perception of discrimination against politically***

- controversial figures from the Ceremony;*
- (4) the seating in the first two rows did reflect a bias in favour of major donors, which created the public perception that the University is preoccupied by donations and major donors;*
  - (5) a replacement of some of the tycoons by other guests (such as students) in the first two rows would have given the public a very different impression;*
  - (6) the University should prepare a Code of Ethics on Donations to provide guidance on the proper relationship with donors and the proper handling of donations.*

## **The Role of the Students**

4.116. After meeting with students, the Panel arrived at the distinct impression of a very strong feeling that they were left out from the event. Apart from communications problems, this also gives rise to some more deep-rooted issues.

4.117. Students were involved mainly in the History Exhibition at Room M217 of the Main Building and more generally as escorts and helpers in the Ceremony throughout the campus. This section will set out the Panel's findings on how students were recruited, what their roles were, and what the problems were.

### *Recruitment of Students for the History Exhibition in Room M217*

4.118. On 19 July 2011, Winnie Lai (Deputy Director of China Affairs) of the ALS was asked to plan the History Exhibition in Room M217. The purpose of the Exhibition was to introduce to the national leader the long and rich history of HKU. At the time, there were many unknown factors, so she worked on the assumption that the exhibition would go ahead; that the students would present the display items to the national leader; and that there would be an opportunity for students to have a two-way interaction with the national leader and possibly a photograph session. Given the size of Room M217 where the History Exhibition would be held, which limited the number of items that could be displayed, Winnie Lai aimed to recruit 30+ helpers. She hoped to recruit students of different nationalities, who were confident in making presentations and fluent in Putonghua, in order to promote the image of HKU as an international university.

4.119. Winnie Lai's idea was to recruit, with the help of her ALS colleagues, 10 Mainland students, 10 international students and 10 local students as well as some students who were presenters for the Sun Yat-sen exhibition in the Medical Faculty and student representatives from the Council and the Senate. The Registrar took on the responsibility of briefing the student representatives separately. The Dean of Student Affairs was not involved in recruiting these student helpers.

4.120. By the end of July or early August, Winnie Lai had already managed to recruit about 40 students through her own contact and that of her colleagues at the ALS. She spoke to each of them individually, and required them to keep the visit confidential (as the visit had not yet been formally announced) and to attend a few briefings and rehearsals in mid August. Those who failed to turn up for the briefings and rehearsals would be dropped. At the end, she managed to recruit about 30 students, who were spread across the different categories that she had planned for. The role of these students was to introduce to the Vice-Premier the various exhibits and their significance in the history of HKU.

#### *The Representatives of the Student Bodies*

4.121. On 10 August 2011, Li Tsz-shu (President of the HKUSU) and the other student representatives on the Senate and the Council were contacted (the same day invitations to the external guests were sent), and were invited to participate in the History Exhibition. On 11 August 2011, they were briefed by the Registrar on the History Exhibition.

4.122. On 12 August 2011, the two undergraduate student representatives on the Senate informed the Registrar that they would not be able to participate in the History Exhibition.

4.123. On 15 August 2011, only three days before the Ceremony, an invitation was sent to the Chairperson of the Postgraduate Student Association (PGSA) to help in the History Exhibition. This was to make up for the absence of the two undergraduate student representatives in the Senate.

4.124. According to Li Tsz-shu, he found the short notice for the August 18 event unusual as students were usually given three to four months of notice. He understood that he was given a choice of either participating in the History Exhibition or of sitting in the audience at the Ceremony. At one stage he thought mistakenly that the choice involved sitting on the stage rather than in the audience. He was debating with himself whether or not he should participate in the event at all since it involved greeting a national leader on the one hand in view of the HKUSU's position on the June 4 incident and participating in the celebration of the University's birthday on the other hand as a representative of the students. Time was too short to have a formal meeting with the Executive Committee. No one had asked him not to speak out at the History Exhibition. At the end, he decided to participate in the event and to play his part in the History Exhibition. Given that this was a celebration of the birthday of HKU, he considered it would not be an appropriate occasion to express the view of the HKUSU on June 4 or other China-related matters to the Vice-Premier. Li Tsz-shu said he understood that he was asked by the Registrar to participate because he was a student representative, and he had not thought of counter-proposing for more active student participation.

4.125. According to Albert Chau, he spoke with Li Tsz-shu several times on the phone on or around 10 August 2011 or 11 August 2011 because Li Tsz-shu was feeling pressure from his peers and was having difficulties deciding whether or not to attend the August 18 event. Albert Chau advised Li Tsz-shu that he would have two to three minutes with the Vice-Premier at the Exhibition and he could say whatever he wanted to say to Vice-Premier Li. Indeed, Li Tsz-shu was arranged to be the last presenter at the History Exhibition so that he would have ample opportunity to speak to the Vice-Premier or to present a letter to the Vice-Premier setting out the view the HKUSU should he choose to do so.

4.126. *No one in the HKU administration exerted any pressure on Li Tsz-shu on what he should say to the Vice-Premier. On the contrary, he was positively encouraged and was given an opportunity to do whatever he wished, and the Panel applauds Albert Chau for encouraging Li Tsz-shu to speak his mind. Likewise, Winnie Lai also arranged for Li Tsz-shu to meet the Vice-Premier last in Room M217 so that he could have more time with the Vice-Premier.*

4.127. *The Panel respects the courage of Li Tsz-shu, who was later severely attacked by his peers in making his own decision not to express the stance of the HKUSU to the Vice-Premier at the History Exhibition. His reason for his decision was best captured by his speech at the Inauguration Ceremony on 24 August 2011.<sup>41</sup>*

4.128. *Moreover, had student representatives been involved at an earlier stage, they would have probably raised the issue of having a separate session to meet with the Vice-Premier. In this regard, it is also unfortunate that the Dean of Student Affairs was not involved until the day before the Ceremony. There was clearly insufficient communication and understanding between the University and the student bodies regarding the Ceremony.*

*The recruitment of other student helpers*

4.129. The ALS was responsible for recruiting students to help with the event and to participate in the Ceremony. There are three teams in the ALS which handle respectively the recruitment and admission of students in Hong Kong (School Liaison Office), Mainland China (China Affairs Office) and overseas (International Students Office). All these teams made attempts to recruit students to participate in the event.

4.130. On or before 22 July 2011, about 100 seats were allocated to students (such number was on par with the 100 seats allocated to staff). The ALS was given the task to fill up these student seats. A rider should be added that, although 100 seats were allocated to the students, it was understood that the allocation was fluid and the final number was

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<sup>41</sup> See Li Tsz-shu's speech in Appendix 24.

dependent on how the other categories of guests were filled up. Thus, if fewer external guests or staff turned up, there would be more seats for students and vice versa.

4.131. According to Isabella Wong, in order to fill up 100 available seats she would have to recruit about 300 students, as in her experience students were unreliable and it was not uncommon that students who had agreed to help did not turn up or were unable to help on the day.

4.132. The aim was to find enough students. Given the shortage of time, the ALS considered a decentralised approach to be the most efficient and they asked Faculties to help. They considered that there was insufficient manpower and time to follow up on any enquiries if a bulk email lacking in details were sent to all students. The main task for the student helpers was to escort the guests of the Ceremony. They had to be fluent in English and Chinese, and there was a preference for second and third year students for introducing HKU to guests.

4.133. The students were recruited by various means. The means to reach the students by different Faculties and Halls varied. Some Faculty Offices only approached the student representatives; some Faculty Offices approached students whom they knew well; some Faculty Offices sent a general invitation by bulk email. As a result, some students received an invitation and some did not. It was noticeable that the Dean of Student Affairs was again not involved. The main efforts to recruit students included:<sup>42</sup>

- (1) on 25 July 2011, the ALS invited Student Ambassadors (local Hong Kong) by way of phone calls;
- (2) on 28 July 2011, the ALS invited Student Ambassadors (Mainland) by way of email;
- (3) on 2 August 2011, the ALS called the Faculties of Science and Engineering, requesting their help to find student helpers;
- (4) on 4 August 2011, the ALS (a) invited, by way of email, the Faculties of Social Sciences and Business & Economics to find more helpers; (b) sent invitations by email to Mainland students; and (c) invited international students by phone calls;
- (5) on 5 August 2011, the ALS (a) met with the representatives of the Chinese Students and Scholars Association, Undergraduate Department (CSSAUD) to invite assistance in recruiting student helpers; and (b) sent emails to international students;
- (6) on 8 August 2011, the ALS sent invitations by email to (a) the member of St. John's College responsible for publicity, with follow up calls on the same day and (b) the External Vice President of SKY Hall, with follow up calls on the same day;

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<sup>42</sup> See also Fact Sheet on Invitation of Students in Appendix 29.



- (7) on 9 August 2011, the ALS (a) sent invitations by email to the Chairlady of Lee Shau Kee Hall Students' Association and the Manager of Swire Hall and Simon KY Lee Hall and (b) visited Swire Hall to invite students to join;
- (8) on 10 August 2011, the ALS (a) invited, by way of email, the Faculty of Education to find helpers; (b) sent invitation email to the External Vice Presidents of Wei Lun Hall, Lady Ho Tung Hall, Lee Hysan Hall and St. John's College, with various follow up calls on the same day.

4.134. Although it was summer vacation and many students had other commitments, a total of 399 students were recruited. The ALS then adopted the policy of not turning away any student recruited by the Faculties for fear that otherwise the Faculties would not help in future. This meant that they had more students than they needed, but they thought that, by having more students around, the event would be livelier. A breakdown of the students according to their Faculties is given below:

Faculty	Students	Comments on recruitment method
Architecture	3	
Arts	27	
Business & Economics	140	email sent to all full time undergraduates on Aug 4
Dentistry	4	
Education	14	email sent to chair of Education Society on Aug 12
Engineering	69	email sent to ~ 500 students via departments on Aug 4
Law	15	
Medicine	10	
Science	62	Faculty phoned around 20 students on around Aug 8
Social Science	41	email sent to all full time undergraduates on Aug 5
Graduate School	14	
<b>Total</b>	<b>399</b>	

4.135. Students were grouped into three batches of 40 students each that morning starting at around 6:45 am on a first come first served basis. Shortly before the Ceremony began, each of these three batches of students was allowed to take seats in Loke Yew Hall. Only about 90 of the students were eventually admitted to Loke Yew Hall for the Ceremony. A special photograph session with Vice-Premier Li was arranged for the other 20 or so students who could not be allocated seats in the Hall.

4.136. According to the feedback from the student helpers, while some of them were pleased to be helpers, some others expressed the view that they did not understand why they were needed and what was expected of them.<sup>43</sup>

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<sup>43</sup> See Appendix 36 for the three responses to the Panel Secretary's email to around 400 student helpers.

## *Communications with Students*

4.137. Apart from the above haphazard approach to recruiting students as helpers, there was no general involvement of the students. The Panel has previously concluded that the mere fact that there were student representatives on the Council who knew about the visit of the national leader was insufficient notice to the student bodies of the event. There was no formal notice informing students of the Ceremony, apart from the bulk emails from the Registrar on 17 August 2011, informing the students of the traffic control measures on 18 August 2011 and of the live broadcast of the Ceremony.<sup>44</sup> The response of Mok Kwan-ling (Editor-in-Chief of the *Undergrad*) was typical. According to her, there was no bulk email sent to students about the event. She only received a map on traffic restrictions, which was inaccurate (because of last-minute changes according to the HKU administration), and it was only then that she realised there was an event.

4.138. On around 16 August 2011, Li Shing-hong (Current Affairs Secretary of the HKUSU and one of the Three Students pushed into the Stairwell) contacted the Registrar about attending the Ceremony but was told that there were no more available seats and that he could watch the Ceremony live online.<sup>45</sup>

4.139. In response to the Panel's request for information in its letter dated 19 September 2011, the HKUSU replied in a letter dated 25 September 2011<sup>46</sup> that:

*"HKUSU hereby reasserts that we have not participated nor been informed of any prior arrangement for the student protests on August 18, 2011. The student protests were voluntarily participated by a group of current students, alumni and one of our Students' Union Executive in his personal capacity. Neither had the University communicated with us about any student protests arrangements on or before the event. The only communication which the University had with us was sending an invitation to the President by phone on August 10, 2011 for the event on August 18, 2011 and invited him to attend a meeting on August 11, 2011 with the student members of the Senate and Council, asking him to be one of the tour guides at the Centenary Exhibition. ..."*

4.140. At the meeting between the Panel Members and the HKUSU Council on 18 October 2011, the students expressed a strong feeling that they were left out from fair participation in the August 18 event and were offended by being asked only to be helpers and not guests.

4.141. In his interview, Li Tsz-shu commented that the timing of the event in August clashed with the orientation activities for students and questioned whether this was

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<sup>44</sup> See Appendix 11 and Appendix 12.

<sup>45</sup> See Appendix 10 for the email correspondence between the Registrar and Li Shing-hong.

<sup>46</sup> See letter in Appendix 27.

deliberate. He later understood that HKU only knew of the exact timing of the visit very late in time. Likewise, when the Panel met with the Council of the HKUSU, the Panel found that the students were not adequately informed of the Ceremony or its aftermath. Had there been better communications, this kind of misunderstanding could have been avoided.

4.142. The Panel had a long discussion with Albert Chau on the relationship with students. On the one hand, there was a strong relationship of trust between HKU and its students. In the past, the representatives of the HKUSU would work closely with the University on any proposed protests, and the University had adopted a positive approach to facilitate such activities. The University was also very accommodating to the students. That explained why the Vice-Chancellor was prepared to accept the students' petition immediately after the Ceremony. The University was also very protective of its students. Thus, despite the fact that the University was aware of the provocative behaviour of the students inside the Stairwell (see Chapter 6), the University had chosen not to disclose them in public.

4.143. At the same time, this kind of trust relationship is gradually changing. While the University would have had a good understanding of the students' mood through the HKUSU in the past, this may no longer be the case. Student activities have become more spontaneous and more disperse. The protest at the Swire Building on 18 August 2011 was called via Facebook. With the advent of Facebook and internet, many activities are organised by different students, some of them loosely organised groups (if they could be called as 'groups' at all). There is no longer any clear leader or structure, and activities are spontaneous. Sometimes these activities are organised for the sake of organising; the students enjoy the process more than the outcome, with protests on the demolition of the Star Ferry being cited as an example. HKUSU may not be as representative as it used to be. As a result, it becomes more difficult to engage students.

4.144. Among the students, there are challenges to the representativeness of HKUSU. The composition of the student body has changed quite drastically in the last decade. A decade ago HKU was still largely comprised of undergraduate students. Now postgraduate students represent almost half of the entire student population. The University has not paid enough attention to the communications with the postgraduate student body. The postgraduate student body has not been given the same recognition within the University on many occasions. The Panel has received strong representations from the Postgraduate Student Association (PGSA) of the disparity in treatment, recognition and resources between the PGSA and HKUSU.<sup>47</sup> All along HKU has been dealing with undergraduates only, and its approach to students has not adequately reflected the rapidly changing composition of the student body.

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<sup>47</sup> See the Submission by the HKU Postgraduate Student Association in the Appendix 40.

4.145. On a different level, there is also mistrust between the students and the University. Many HKU staff who appeared before the Panel told the Panel that the students are unreliable. They are not willing to help with University functions, and for those who have agreed to help, it is not uncommon that some of them do not turn up whenever they have some other things to do. This explains why the ALS tried to recruit many more students than they needed.

4.146. According to Albert Chau, HKUSU was not interested in participating in administration-initiated events such as the visit of the People's Liberation Army on 4 November 2011. Prof. SP Chow had made a few attempts to enhance student participation through HKUSU in the Centenary Celebration events, but he was met with rather cool responses. In general, it was difficult for students to participate in committee work as they had little time and too much other commitments. While there are opportunities for students to participate, it is difficult to expect them to read the voluminous documents, analyse the content, form an opinion and participate in a meaningful way in the committee discussions. As a result, student involvement has been typically confined to being helpers, and the August 18 event was typical in this regard.

4.147. The Panel appreciates the difficulties in engaging the students, and is of the firm view that, if students expect to be more engaged, they have to discharge their own responsibility. This is part of the education process. On the other hand, the Panel believes that there are different levels of engagement. The minimum would be to keep the students informed of major activities and be consulted. Then students could be involved as helpers, and on occasions like the Ceremony, they could be involved also as guests. Students are an important part of the University, and there was no reason why they could not have participated as guests in the Ceremony. Students could be assigned specific roles in major activities and could be fully involved as an organising committee member. In short, there are various levels of involvement, and different levels of involvement may be appropriate for different types of activities. As far as the August 18 event was concerned, it appeared that the organisers had not considered any role for students apart from being helpers and a green-gowned backdrop.

4.148. ***Accordingly, the Panel concludes that***

- (1) the haphazard way in which student helpers were recruited could be seen as being unfair;***
- (2) the HKU administration had underestimated the desire of some students to participate as guests, or as hosts, of the August 18 event; there was inadequate involvement of the students in the event as it seemed as if student helpers were treated as little more than a green-gowned backdrop and fillers for empty seats;***
- (3) for an event of this nature, it would be appropriate to involve the Dean of Student Affairs at the outset;***

- (4) *there was generally insufficient communication between the students and the University; the students were not even properly informed of the Ceremony, let alone afforded an opportunity for any meaningful participation.***

4.149. On the wider issue, the Panel believes that there are serious issues regarding the communications between the University and the students. In the cherished tradition of HKU, there is still a very strong sense of trust between the University and the students. At the same time, the way the students organise themselves and the composition of the student bodies have changed quite dramatically over the last decade. In particular, because of the significant increase in postgraduate student numbers in the last decade, the University should pay greater attention to its communications with postgraduate students and their representative body. There are changes in technology, the mode of communications and expectations. ***This is a much bigger issue which is outside the purview of the Panel, and the Panel recommends that this issue be separately explored and reviewed.***<sup>48</sup>

## **The Handling of the Media**

4.150. According to Katherine Ma, the handling of the media inside Loke Yew Hall was left mainly to the Government's Information Services Department ("ISD") so that the CPAO could focus on handling the media outside the Hall.

4.151. Katherine Ma and Trinni Choy explained that, as a normal practice for all visits of dignitaries, especially those from the Central Government, ISD would take care of media registration, since there is a need to regulate the number of reporters for security reasons and a need to work alongside the Police. CPAO simply did not have sufficient manpower to handle the media on its own.

4.152. The arrangement made by the ISD was that the media was restricted to the balcony of Loke Yew Hall. They were not allowed to sit in the first 3 rows for fear that objects might be dropped onto the Hall below. The Panel understands that there was dissatisfaction among the media at the balcony, and there was no HKU staff that the reporters could turn to on site. The CPAO did not have any staff on the balcony.

4.153. The electronic media on the floor of Loke Yew Hall were confined to RTHK and CCTV, and RTHK would provide all the feeders to other media. There were a few rounds of discussions with the HKSAR Government teams and no objection was raised, as CPAO felt that it was useless to argue with these security-based arrangements. The arrangements turned out to be the standard practice adopted by ISD across the board

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<sup>48</sup> See Appendix 38 for the Submission by Albert Chau.

during the visit of the Vice-Premier.

4.154. In response to the Panel's question whether it was appropriate to leave the handling of the media inside Loke Yew Hall entirely to the ISD, Katherine Ma and Trinni Choy said that, with hindsight, the arrangements were not ideal and they could have asked for a stronger presence of HKU, but at that time they felt they had to give way to normal practice involving dignitaries.

4.155. As to the loss of control of the video production, Katherine Ma explained that the University did have a four-person team, U-Vision, who were only responsible for TV channel programming and small-scale video shooting. They did not have the manpower or the equipment to handle such a big event. In this case, the contractor, contracted by Walter Ngai of the event team, produced the video and distributed or fed the signal through RTHK's network.

4.156. This explanation is not convincing. There was always the possibility of contracting out if HKU did not have the manpower itself. By losing control over the video production, HKU would not have its own clips for its archives on such an important occasion. It also meant that HKU would only have what RTHK chose to cover.

4.157. According to Bernadette Tsui, the sightline of the media, who were all on the balcony, was blocked by security personnel and they could only see the stage and first two rows of guests. They were not aware of the students sitting below them or the presence of external guests other than the tycoons in the front rows. RTHK's cameras were also fixed at only the first few rows of the audience and did not pan the entire audience or zoom in on the faces of other guests. As a result, the overall impression was that there were no students at the Ceremony and only the rich and the powerful attended the Ceremony.

4.158. HKUSU's *Campus TV* or *Undergrad* were not involved. Katherine Ma said that the *Undergrad* members were stationed near the Swire Bridge. The CPAO had not asked the *Undergrad* whether they wanted to be with the media inside Loke Yew Hall. Trinni Choy added that advisories were sent to the mass media and confirmed that neither the *Campus TV* nor the *Undergrad* were on the media list as these two media would normally come to know about University events through other channels. They agreed that the two media should be included in future.

4.159. ***The Panel concludes that (1) the CPAO gave up media-handling inside Loke Yew Hall – there should have been at least a HKU media liaison person in Loke Yew Hall to monitor the situation; (2) they should not have relied entirely on RTHK for the filming of the occasion as their choice of focus would be determinative of the impression to be created – in consequence, a less than ideal account of the event is archived; and (3) it was wrong to take for granted that the campus media would***

***know of on-campus events. The Panel also notes that the media arrangement by ISD during the visit of the Vice-Premier had attracted strong criticism from the media. It is unfortunate that HKU, being the host of the event, had not insisted on having its own video footage.***

## **Conclusion**

4.160. The central criticism of the event was that HKU showed too much ingratiation with the rich and the powerful. The two aspects that have attracted the most criticisms were the seating arrangements for the Vice-Premier and Lord Wilson, and the dominance of the tycoons in the front rows among the audience. Having gone through all the evidence, the Panel rejects the criticism of any deliberate attempt of HKU ingratiating itself with the rich and the powerful. This was not in the minds of the organisers. Indeed, everyone was doing their best to organise a dignified ceremony that could showcase HKU. In this regard, HKU is fortunate to have a group of very dedicated staff and their efforts in organising the event are affirmed and appreciated. Indeed, there were strong grievances among the staff after the event. There is certainly a morale issue which needs to be addressed.

4.161. Having said that, the way the event was organised did give rise to a legitimate impression that HKU has forsaken its core values by ingratiating itself with the rich and the powerful. This is not a result of any deliberate intent, but the consequence of a series of administrative blunders, each of which by itself may not be serious enough to create this impression, but their overall and cumulative effect conveys this unfortunate impression. In the first place, there is no overall structure or committee to oversee the event. The Panel accepts that a committee structure could be cumbersome and is not always the best model, but the absence of a committee could easily result in overlooking aspects that do not naturally fall within the scope of responsibility of the individual units. The Panel has no objection to delegation as well, but delegation without reporting or accounting could easily become abdication. The 'organic' structure which had been adopted would work for a major function only if there is strong and effective coordination, but unfortunately this is precisely what was lacking for the event, resulting in insufficient attention to important details and insensitivity to the implications of various choices.

4.162. There was no clear understanding of the objectives to be achieved by the event among different organisers, and there was no attempt to ensure that the objectives were reflected in different aspects of the event. As a result, those responsible for inviting external guests work on the basis of inviting people who have helped with the Centenary Celebrations rather than on the basis of how the external guests would showcase the academic excellence and best traditions of HKU.

4.163. There was miscommunication between the Vice-Chancellor and the rest of the

team on how many guests of honour there would be. It is almost unbelievable that there was no clear understanding on such an important issue in any major function, which is another typical result of the absence of a formal structure. The coordinator had failed to clarify this matter. When the Vice-Chancellor suggested that Lord Wilson should sit with the delegation of heads of overseas institutions, no one was able to point out the implications or the impression that could be conveyed to the public, especially when the invitation letters clearly stated that there were two Guests of Honours.

4.164. The choice of the Ceremonial Chair was decided entirely by aesthetic considerations without considering how it could be perceived by the public. There was not much thought or discussion on the seating of the Vice-Premier. The seating arrangement is probably one of the most sensitive issues in any major function, which could reflect the values of an institution, yet it was approached single-mindedly without showing any sensitivity. This problem was further exacerbated by the absence of any protocol at HKU. The Panel accepts that paying respect to the guest is an important consideration, but there is only a fine line between paying respect and ingratiation. There was insufficient consideration to paying respect to the institution and the office of the Chancellor representing the institution, and to some extent it is surprising that there is no established protocol for an institution with a hundred years of history!

4.165. Apart from the seating arrangements of the Vice-Premier and Lord Wilson, another blunder was the seating of the Minister of Education. The ALS's effort in resisting the suggestion of putting all the Ministers on stage is most appreciated, but the seating of the Minister of Education, who was placed by the Registrar even before the Vice-Chancellor on stage, was another example of utmost insensitivity.

4.166. The seating in the first two rows of the audience is a further example of insensitivity. There is nothing wrong in inviting the tycoons who after all have made important contributions to the University. The question is how the seating should reflect the purpose of the function. The Panel is not convinced that it would be offensive to the tycoons if they were not seated in the first two rows. There were many other important people who were not assigned a seat and were seated a few rows behind. The impression of ingratiation with the rich and powerful could have easily been avoided if more thought had been given to this matter. The Panel accepts that to some extent this was the result of the focus of the media, but there would not have been such a focus had this not been arranged as it was.

4.167. It is also unacceptable that media arrangement was left entirely to ISD. While the Panel appreciates that there could be manpower shortage, this by itself is not a satisfactory explanation. Among other things, HKU has to rely on someone else's video footage for a very important event.

4.168. The communications with students were poorly done. While students are an



important part of the University, it appears that they were not considered for any significant or meaningful role apart from being helpers. This does raise more serious issues about the relationship between the University and its students, which is outside the purview of the Panel, and the Panel recommends that this issue be separately pursued.

4.169. ***In summary, the Panel would like to stress that everyone involved had done their best, and this is most appreciated. Yet there was a serious underestimation of the complexity of organising this event, a serious underestimation of the expectations of HKU stakeholders for this event, and an overestimation of the effectiveness of the 'organic' structure in managing such a major event.***

## Chapter 5 – The Security Arrangements

### Introduction

5.1 One of the major criticisms against HKU is that it had surrendered its autonomy to the Police on 18 August 2011. As a preface, the Panel considers this statement as too sweeping and emotive. It stems from the fact that HKU has always been a place of free access, and that on 18 August 2011, access had been restricted. At the same time, one has to accept some limits on free access when there is a visit of a senior national leader. The question is how to achieve the right balance and extent. It is in this context that the Panel examines what has or has not been done adequately or at all by HKU in its dealings with the Police in relation to the security arrangements. This chapter sets out the Panel's findings and conclusions in relation to the security arrangements. The important episode of the confrontation of the Police with the Three Students at the Stairwell will be dealt with separately in the next chapter.

5.2 The key persons interviewed in relation to the security arrangements included:

- (1) "The HKU Security Team" as described by the Registrar, which comprised mainly those people who attended the site visits and/or meeting with the Police, namely:
  - Albert Chau (Dean of Student Affairs);
  - Frankie Law (Assistant Security Manager);
  - Katherine Ma (Director of Communications);
  - Walter Ngai (seconded from Versitech Limited);
  - Henry Wai (Registrar);
  - Clement Wong (Senior Assistant Director of Estates);
  - Isabella Wong (Director of ALS); and
  - Anita Yiu (Senior Manager (Events and Marketing) of the CPAO).
- (2) Winnie Chiu (Assistant Commissioner (Support) of the Police), who was the representative for the Police.<sup>49</sup> She was not personally involved in any of the site visits, meetings or any other arrangements in relation to the August 18 event.
- (3) David Hodson (former Honorary Director of the HKU Centre for Criminology and former Assistant Commissioner (Crime) of Police), who provided the Panel

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<sup>49</sup> She came with Eddy SIT Ka-ho (Chief Inspector (Licensing)) and Thomas WONG Kin-ye (Superintendent) to meet with the Panel

with useful opinions as a former Assistant Commissioner of Police.

5.3 The relevant documentary evidence includes a letter dated 23 September 2011 from the Registrar, in which the University provided various notes on meetings and site visits conducted before 18 August 2011. Its notes on the meetings with the Police on 4 August 2011, 8 August 2011 and 17 August 2011 were more detailed than those given to LegCo. Its notes on the site visits on 27 July 2011, 28 July 2011, 1 August 2011, 3 August 2011, and 14 August 2011 were not included in the submissions to LegCo. The Registrar explained that the discrepancies were due to a tight time frame to prepare the submission to LegCo (and hence shorter notes for LegCo). The Panel was informed that these notes were compiled after the event and were based on notes that individual staff members had taken. There were no formal minutes or records of these site visits and meetings.

5.5 The Panel also relies on letters dated 12 October 2011 and 4 November 2011 from the Police (“**the First Letter**” and “**the Second Letter**” respectively).<sup>50</sup> The First Letter broadly addressed four topics: (1) the working relationship between the Police and the University administration; (2) deployment of Police officers; (3) meetings between the Police and HKU; and (4) a brief account of the incident at the Stairwell. The Second Letter contains the Police’s response to 39 sets of questions posed by the Panel to the Police.

5.4 The Panel also considered the relevant publicly-available LegCo documents, including the written submissions to and verbatim transcripts of the LegCo Security Panel meetings on 29 August 2011 and 12 September 2011.

## **The Chronology of Site Visits and Meetings**

5.5 A striking feature of the University’s dealings with the Police is HKU’s relatively inattentive and cavalier approach to the security arrangements. According to the Registrar, the University’s contact with the Police was conducted mainly through Anita Yiu (Senior Manager (Events and Marketing) of the CPAO). At the meeting with the Panel, both the Registrar and Isabella Wong referred to the meetings with the Police as largely a public relations exercise. For instance, there were three important meetings with the Police, and each meeting was attended by different members of HKU. Even at the crucial meeting on 17 August 2011, neither the Registrar nor Isabella Wong sat through the entire meeting. As Winnie Chiu politely put it to the Panel, “the feedback from her colleagues was that different persons with different responsibilities from HKU attended the three meetings and it was not very clear who was overall in charge of the security arrangement at the outset”. The Panel observes that there was insufficient appreciation of the complexity and sensitivities of the security arrangements required.

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<sup>50</sup> The First Letter and the Second Letter appear in Appendix 28 and Appendix 33.

5.6 The arrangements on security could broadly be divided into two main phases: an early phase involving various site visits and informal discussions, and a later phase which involved three key meetings held respectively on 4, 8 and 17 August 2011. Anita Yiu, who had attended most of the site visits and meetings, explained that two sets of Police were involved, initially the G4 (VIP Protection Unit) only and later the Western Police District, which joined the G4 as from 4 August 2011. There were also separate site visits attended by representatives from the CE Office CE Office and the CLO.

*The site visits before the August 4 meeting*

5.7 The following accounts of the site visits on 27 July 2011, 28 July 2011, 1 August 2011 and 3 August 2011 are primarily taken from the notes given by the HKU Security Team, supplemented by additional information obtained during the interview with the HKU Security Team on 4 October 2011. The Police did not provide any notes on these site visits. These four site visits were attended by the G4 only.

5.8 On 25 July 2011, the G4 contacted Walter Ngai to arrange their first site visit. Walter Ngai explained his focus was on the impact of security arrangements on the conduct of the Ceremony inside Loke Yew Hall. As the ‘director’ of the Ceremony, he needed to know the security arrangements at the beginning and the end of the Ceremony and at the entrance and exit for the procession.

5.9 On 27 July 2011, at around 6:30 pm, there was a site visit by three members of the Police, who were accompanied by Isabella Wong, Walter Ngai, Anita Yiu and several other HKU staff members. This visit involved a general exchange of information, a walk through the Main Building, and the noting of one-way and two-way roads in the vicinity. HKU representatives briefly mentioned providing a protest area at the car park on the roof of the Hung Hing Ying Building (“**HHY carpark**”)<sup>51</sup> or at a nearby area under the flyover leading to the East Gate. The Police proposed to conduct a security search of all offices in the Main Building by the Police in the morning of 18 August 2011, and a University representative opposed this. The Annex I map (Figure 5.1 at page F-4 below) depicts the traffic control proposal made during the July 27 site visit.

5.10 On 28 July 2011, at around 2:30 pm, there was another site visit by the Police, accompanied by many people from the Estates Office staff and Anita Yiu. During this visit, there was a walkthrough of the Main Building and a visit to the Library Extension, and the Police made some suggestions of where to position security guards. They also suggested designating Sun Yat-sen Place as the protest area in the place of the HHY carpark. No decisions were made during these two visits.

5.11 On 1 August 2011, at around 11:00 am, there was another site visit by three

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<sup>51</sup> HHY carpark is opposite to the main entrance of Main Building, in which Loke Yew Hall is located.

members of the Police, who were accompanied by Isabella Wong, Walter Ngai, Anita Yiu, Frankie Law and other staff of the Estates Office. Revised traffic arrangements were discussed and a “Red Zone” was proposed, resulting in the Annex II map (Figure 5.2 at page F-5 below and page 60 of the Appendices (Appendix 28)). Students and staff could pass through the “Red Zone” on production of their identification, but they would not be permitted to hang around. Further, there was discussion of various possible protest areas with HKU representatives proposing again the HHY car park and the area under the flyover leading to the East Gate. The Police indicated that for security reasons, it was necessary to make sure that the national leader’s motorcade would not be stopped by protesters and that it was not possible for the protesters to throw items at the motorcade. HKU representatives indicated that the protest area should be a location where protesters would be seen and heard by the national leader and noticed by the media. At this visit, the podium at Kadoorie Biological Sciences Building (“**the Kadoorie podium**”) was also considered as a possible protest area. Meanwhile, the Police indicated that a security search of all the public areas of the Main Building was to take place between 0.00 am and 6:30 am on 18 August 2011.

5.12 On 3 August 2011, at around 4:00 pm, there was a fourth site visit by the Police, who were accompanied by Walter Ngai and the Estates Office staff. The purpose of this site visit was mainly to check the physical environment of places that were to be visited by the national leader.

#### *The August 4 meeting*

5.13 On 4 August 2011, there was a site visit followed by a sit-down meeting which started at around 11:00 am. Four members of the Police including representatives from the Western Police District joining for the first time, Anita Yiu, Frankie Law and other HKU staff attended the meeting.

5.14 According to Winnie Chiu, at this meeting, HKU produced an initial plan (Annex II map (Figure 5.2)) for regulating traffic and persons to be admitted to the restricted zone. The Police and the University reached an understanding that as the University was a private place, the security staff of HKU would be called in first should there be any incident, and only if there was a breach of the peace or upon a request from the University, would the Police intervene. The use of loudhailers was a concern until the University staff pointed out that it already had a regulation in place governing the use of loudhailers on campus. HKU also proposed the Kadoorie podium as a protest area and expressed a concern that there may not be sufficient University security staff to manage traffic at both the East and the West Gates and hence Police assistance may be required. There was a site visit after the meeting to walk through the proposed restricted zone.

5.15 Winnie Chiu explained that the University no longer put forward the HHY carpark as a protest area because it was near where the Vice-Premier would

embark/disembark, and as advised by the Police, this might pose an unacceptable security risk.

#### *The August 8 meeting*

5.16 On 8 August 2011, four members of the Police, Isabella Wong, Walter Ngai and Anita Yiu attended a meeting at around 8:30 pm. There were further changes to the traffic arrangements resulting in the Annex III map (Figure 5.3 at page F-6 below and page 62 of Appendices (Appendix 28)). The Police also requested HKU to provide 80 security staff and two tow trucks on the date of the event.

5.17 Winnie Chiu informed the Panel the difference between the Annex II map and the Annex III map was that a part of the Green Zone (one-way traffic control) in the Annex II map was turned into an Orange Zone which represented a restricted area from 9:00 am to 9:35 am.

5.18 As to the concept of a restricted area, Winnie Chiu said that initially the restricted area proposed was largely to regulate vehicular movement; by the August 8 meeting, it was clear that the restricted area applied to traffic as well as pedestrians. Both parties reached a consensus that unauthorised persons would not be allowed to stay within the restricted area without reasonable cause and the University staff would direct protesters to the protest area at the Kadoorie podium for protest activities. Following the meeting, HKU provided the Police with a revised map (the Annex III map (Figure 5.3)) which was subsequently uploaded onto the University website on 17 August 2011. According to this plan, only the entrances/exits at the East Gate and the West Gate and the section of the road running between the Main Building and the Library were declared to be restricted areas.

#### *The August 13 and 14 site visits*

5.19 As was described in paragraph 4.19, on 12 August 2011, there was a meeting at 2:30 pm in the Convocation Room to brief colleagues helping to organise the event on the operational rundown and the division of labour. The meeting was chaired by the Registrar and attended by some 50 staff members from the Registry, CEDARS, the DAAO, the Faculty Offices and the Estates Office. At this meeting, how they would handle possible protests inside the Loke Yew Hall was discussed. The idea was that protesters, so long as they did not cause disruption, they would be allowed to stand up, express their views and then encouraged to sit down by designated staff members.

5.20 There were two other site visits on 13 August 2011 and 14 August 2011 respectively by the Chief Executive and the Chief Secretary with their staff. According to the Registrar, these site visits were not security-focused as both were conducted by top government officials who wished to familiarise themselves with their roles in the event.

These are the same site visits mentioned in the previous chapter concerning the Event Arrangements.

### *The August 17 meeting*

5.21 On 17 August 2011, a crucial meeting with the Police took place and major changes were made at this meeting. In the morning of 17 August 2011, Anita Yiu received phone calls from the Police, proposing further changes to the arrangements and requesting that the number of HKU security guards be increased from 80 to 120. This was prompted by a call on Facebook for a protest to take place at 8:00 am on 18 August 2011 at the Swire Bridge, which would be followed by a march to Loke Yew Hall. In light of these changes, a meeting with the Police was arranged urgently at around 5:30 pm. The meeting was attended by five to six members of the Police and 10 to 15 HKU staff, followed by a site visit ending at the Swire Bridge. It lasted for almost four hours, with representatives of both sides coming in and out of the meeting from time to time.

5.22 According to the Registrar, in light of the call on the Facebook, Albert Chau (Dean of Student Affairs), who previously had no involvement in the site visits or meetings with the Police, was asked to attend the August 17 meeting and to step in and manage the situation in the vicinity of the Swire Building on 18 August 2011 (instead of being the mace-bearer at the Ceremony as originally planned).

5.23 The following was discussed at the August 17 meeting:

- (1) HKU representatives proposed to set up a protest area on the Swire Bridge by closing vehicular access on the Swire Bridge. The Police indicated that they had “security concerns” and pointed out that it was absolutely necessary to make sure all the roads leading to the three University exits (Bonham Road, Pokfulam Road and Kotewall Road) from Loke Yew Hall would remain open and clear for the national leader’s motorcade. So, in addition to the access control already applied on the roads from the Main Building leading to the East and the West Gates, the Police wanted to ensure that University Drive leading to the Kotewall Road exit would remain open and clear so that the motorcade could, if required, leave the University through the Kotewall Road gate. Consequently, the Police disagreed with the HKU proposal to close vehicular access on the Swire Bridge. The Police did not disclose the information leading to their heightened “security concerns”.
- (2) The Police further insisted that the protest area be pushed inward from the Swire Bridge towards the direction of the Global Lounge so as to ensure protesters could not throw items at the motorcade or physically block the Swire Bridge road, which links to University Drive. HKU expressed its reservations about such a proposal and reiterated its wish that the protest

area should be on, or as close as possible to, the Swire Bridge because of the “historical significance” of the Swire Bridge.<sup>52</sup> HKU also requested that representatives of the protesters should be allowed to go to the Swire Bridge and hand their petition letters to a representative from HKU senior management. The Police agreed to the receipt of petitions, but maintained its stance on keeping the Swire Bridge clear.

- (3) There were discussions on how to ensure the safety of the protesters. Both HKU and the Police were concerned about the possibility of people falling over the railing of the Swire Bridge (see Figure 6.4), particularly if there were a large number of protesters and reporters. According to Winnie Chiu, the Police and HKU had learned from the Internet of the proposed protest on the Swire Bridge. It was not possible to predict how many protesters there would be. There were two considerations – firstly, safety because of the dangers of persons accidentally falling off the Swire Bridge, which was a viaduct that is over 60 feet from the ground level (see Figure 6.2(2)); and secondly, the blocking of one of the motorcade routes. HKU and the Police eventually came to a consensus that the Swire Bridge was not a suitable location for protest activities.
- (4) After on-site inspection and a few more rounds of negotiations up till around 9:00 pm on 17 August 2011, the Police proposed a protest area in front of the Swire Building, which was some distance away from the head of the Swire Bridge. The Police rejected HKU’s proposal to set the protest area at the parking bay at LG2 of KK Leung Building, as the Police feared that people in this area could throw items at the motorcade.
- (5) To ensure that University Drive would remain open, the Police also proposed that the Swire Bridge section of University Drive be treated as a restricted area to ensure the road remained clear. Under the new arrangement, only students and staff showing their ID, and guests and media would be allowed to pass through the Swire Bridge section to their destinations but they would not be allowed to remain in the restricted area.
- (6) To reduce the number of passersby on the Swire Bridge section, it was agreed to close the lift lobby at LG2 of the KK Leung Building. The staircase would be looked after by HKU security staff.
- (7) In response to an enquiry by the Police representatives, it was pointed out that the University regulations did not allow the use of loudhailers on campus except during lunch hours or with special permission. It was agreed that if

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<sup>52</sup> A slogan about the June 4 event was painted on the Swire Bridge in 1989, and the characters are re-painted every year in commemoration of the June 4 event in Beijing.



protesters used loudhailers, the University staff/security guards should be responsible for requesting them not to do so.

- (8) Albert Chau, Katherine Ma and other HKU staff appealed to the Police not to use any violence or engage in any physical confrontation on the campus, including moving students or alumni away by force. If the Police, however, must move people away, it was utterly inappropriate for such persons to end up in a Police station. Instead, the University would provide such persons with a place to rest in the Global Lounge (located on the ground floor of the Swire Building). The Police indicated that they understood the concern.
- (9) With regard to the Police's request to increase the number of HKU security staff from 80 to 120, Frankie Law told the meeting that he had made attempts to hire additional staff from security companies, but they were unable to provide the required number at such short notice. The Police indicated they could help.
- (10) The Police proposed that the "Red Zone" be extended to cover the Library Extension. The proposal was not properly discussed (as HKU representatives at the meeting did not quite understand the proposal), but there was in general no objection to the suggestion of identification checking in this area by HKU security staff as necessary.
- (11) During the entire meeting and site visit on 17 August 2011 and earlier communications with the Police, there was no information or discussion about the number of police officers that would be stationed on the campus on 18 August 2011, apart from a request by the Police to reserve 21 seats in Loke Yew Hall for the G4.

5.24 The Panel finds that the parties left the August 17 meeting with a very different understanding of the nature of the agreement. Albert Chau and the Registrar believed, on the basis of how the negotiations went in the meeting, that, if not too many protesters showed up on 18 August 2011, there would be leeway for negotiation and changes of what they had agreed.<sup>53</sup> Given the lateness in time, it was also decided not to send out any notice of the change of the restricted area.

5.25 On the other hand, as far as the Police were concerned, the parties had agreed on the new restricted area and a protocol on how to handle protest activities. As a

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<sup>53</sup> Between 8:30 am and 9:30 am on 18 August 2011, he did ask the Police a few times about allowing protesters outside the Swire Building to move to the Swire Bridge, but the Police would only allow them to access to the Swire Bridge on the guarantee that they would immediately return but the protesters were unable to guarantee this: see Appendix 23, Figure 5.5 and paragraphs 6.11-6.14 in Chapter 6 below.

disciplinary force they worked on clear command and instructions, and once an agreement was reached, it would not be hastily changed; otherwise there would be confusion and misunderstanding among Police officers and University security staff.

5.26 Thus, as a result of this meeting, both parties agreed (1) to change the Green Zone and the Orange Zone in the Annex III map to be a Red Zone; and (2) the Red Zone be further extended to cover the KK Leung Building and the Swire Bridge (the Annex IV map (Figure 5.4 at page F-7 below and page 64 of the Appendices (Appendix 28))). Since the Kadoorie podium was too far from the intended protest location, both sides agreed that the area in front of the Swire Building be designated as an alternative protest area.

5.27 In the Annex IV map (Figure 5.4), the Parking Bay of LG2 of KK Leung Building was not coloured as a Red Zone. Winnie Chiu explained to the Panel that the Parking Bay was also agreed to be a Red Zone, and this was not disputed by HKU at the LegCo Security Panel meeting. This arrangement was made in response to the latest risk assessment and considering the throwing distance of an object to the possible motorcade route.

5.28 As to the difference between the Blue Zone and the Red Zone, Winnie Chiu said that the Red Zone was a restricted area for unauthorised persons and traffic, effective starting at 7:00 am. The Blue Zone was designated for two-way traffic. If pedestrians blocked a road in the Blue Zone, University security staff would ask them to leave. The Police would only intervene when there was a breach of the peace or upon request by the HKU. As to why the Blue Zone was not designated as a restricted area in the first place, Winnie Chiu reiterated that police's concern to protect the personal safety of the visiting dignitary while minimising inconvenience to staff and students of the University. It was considered too much of an inconvenience to the staff and students to designate all Blue Zones as Red Zones. The Panel notes that, in practice, the Blue Zones were no different from the Red Zones.

#### *Panel's Observations*

5.29 Pausing here, the negotiations with the Police on the security arrangements reveal a number of issues. Firstly, the organisers had attached insufficient attention or priority to security arrangements. Both the Registrar and Isabella Wong regarded liaison with the Police as a matter of public relations. Therefore, it was left to Anita Yiu (Senior Manager (Events and Marketing) of the CPAO) and later Frankie Law (Assistant Security Manager) to handle liaison with the Police.

5.30 With no disrespect to Frankie Law, he was relatively junior (of clerical level) and was inexperienced in security matters. It was surprising that neither his immediate supervisor, Clement Wong, nor a more senior member of the University such as the Pro-Vice-Chancellor (Infrastructure) who oversees the Estates Office, was involved in the

negotiation with the Police on security arrangements. The Registrar, who was also the coordinator of the August 18 event, only attended the last meeting on 17 August 2011 with the Police. The absence of any key person in charge was noticed by the Police. Winnie Chiu told the Panel that the feedback from her colleagues involved in the discussions with HKU was that different persons with different responsibilities from HKU attended the three meetings and it was not very clear who was the person in charge of the security arrangements at the outset. It was considered beneficial if the overall coordinator or person in-charge could be identified early on to facilitate communications. This reflects certain structural issues which the Panel would address later in this chapter.

5.31 Secondly, the organisers failed to address details of the Police operations. Thus, even the Registrar himself admitted that he was surprised to find so many uniformed police officers on campus on 18 August 2011. When the Police requested HKU to increase the number of security guards from 80 to 120, which HKU was unable to find on short notice, the Registrar unilaterally assumed without clarifying that the shortfall would probably be the number of police officers that would be deployed on campus. To be fair to the Registrar, even if he had addressed his mind to this issue, as Winnie Chiu told the Panel, the Police would normally not disclose information about the number of police officers to be deployed in advance so as not to undermine Police operations. However, she did accept that it would be helpful if the Police could at an early stage be in contact with the head of the institution or his senior delegate to discuss the Police operation so that the University could be better prepared for the extent of the Police presence on campus.

5.32 Thirdly, partly as a result of attaching insufficient priority to security arrangements, the complexity of the security measures caught the organisers by surprise. The organisers claimed inexperience in that this was the first time a national leader came to HKU to join a ceremony, and distinguished the cases of previous visits by national leaders on the ground that their visits were of a shorter duration and more focused at one place such as a laboratory, therefore involving a lesser extent of security. This is not convincing, as HKU has been visited by many dignitaries in the past, including Princess Alexandra for an Honorary Degree before the Handover, and Bill Clinton also for an Honorary Degree after the Handover. In any event, the site visits by the Chief Executive and the Chief Secretary personally, the requests by the Police for additional HKU security guards, the number of which was, as admitted by the Registrar and Frankie Law, unprecedented, should have put the HKU Security Team on alert that a much heightened scale of security was required.

5.33 Fourthly, to the credit of the HKU Security Team, they did not submit themselves to all requests made by the Police. On the contrary, they did try to negotiate with the Police with a view to ensuring that the protesters would be seen and heard. Whether they could have stood firmer is a different issue. In this regard, the following efforts had been made, namely: (1) they had initially proposed the HHY carpark as a possible protest area; (2) they had proposed Kadoorie podium as a protest area although

the Panel has great reservations if this would be an appropriate protest area, since it was too far away from the motorcade route leading to the Main Building and the national leader would at best have nothing more than a glimpse of the protesters, if he noticed their presence at all; (3) the HKU Security Team had rejected Sun Yat-sen Place as being too far for protesters to be seen or heard; (4) they had insisted that there be no search of staff offices in the Main Building; (5) they repeatedly stressed no confrontation, no use of force and no arrest on campus; (6) they had maintained that the first approach in handling untoward incidents would be made by HKU security; (7) the briefing in the Convocation Room had taken into account the handling of protests inside Loke Yew Hall; (8) they opened up the Global Lounge for protesters who were moved away by the Police.

5.34 On the other hand, the HKU Security Team might not have sufficiently stood firm and might have conceded too quickly on certain issues. It was particularly unrealistic to expect the Police to change the agreed arrangements on 18 August 2011 on the spot, given that the arrangements had been concluded only on 17 August 2011 after almost four hours of discussions. The Panel will come back to these issues later in this chapter.

5.35 Finally, given that many protests on campus would involve students, it is unfortunate that the Dean of Student Affairs was only involved in the security arrangement on the very last day. ***The Panel recommends that the Dean of Student Affairs should be involved as soon as possible in any negotiations with the Police on security arrangements relating to students.***

## Security on 18 August 2011

5.36 On 18 August 2011, about 300 uniformed Police officers were present on campus. According to the Police's Second Letter:<sup>54</sup>

*"The Police deployed about 2,000 to 3,000 officers daily during the three-day visit of the Vice-Premier. Police officers were deployed to various venues over the territory for security and crowd management purposes throughout the visit. On 18th August 2011, around 300 officers were deployed within the University's precincts for the purposes of dignitary's protection, traffic regulation, security checks, manning of command and coordination post and supporting the University security staff on the management of protest activities.*

*...*

*Police officers were flexibly deployed in the University's main campus and other areas of the campus and there is no record of detailed breakdown of their deployment available."*

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<sup>54</sup> See Appendix 33.

5.37 The whole Police action was inexplicably aggressive, causing great inconvenience to the population and traffic jams in the Pokfulam and Western areas. Many staff, students and guests of the University complained that they had never seen so many Police officers on and surrounding the campus. There was tight traffic and pedestrian control at both the East and the West Gates and the pedestrian bridge over Pokfulam Road during the designated time. All persons who entered the University main campus were requested to provide identification. On some occasions staff members were asked to produce their identification three times before they could reach their office. Not all staff or students had brought relevant identification that morning, and Frankie Law had to run between the East and the West Gates to help with such cases. There were Police officers everywhere on the main campus.

5.38 The Police action on the day on the main campus went beyond the agreement with the University. While the understanding was that no person would be allowed to stay in the Red Zone, the Panel received reports that, in some instances, people were denied access to the main campus even outside the Red Zone (e.g. up the staircase leading to the Fung Ping Shan Museum) or subject to identification checks (e.g. the lifts to the podium between Knowles Building and KK Leung Building).<sup>55</sup> Control of vehicular access through the West Gate was also imposed ahead of the agreed time.

5.39 In any event, guests attending the Ceremony were required to produce their invitation letter, or otherwise they would only be allowed to enter Loke Yew Hall upon confirmation and escort by relevant HKU staff. Together with the Stairwell Incident which will be dealt with in the next chapter, there were strong criticisms against the University for handing over control of the campus to the Police and thereby surrendering its autonomy.

5.40 In defence, the Police said that they were invited by the University to assist and did so only upon request. At the same time, the University admitted that it had no expertise in handling security for dignitaries and would have to defer to the expertise of the Police. This raises the delicate issue of the proper relationship between the University and the Police when it comes to the protection of dignitaries on campus.

## **Relationship between the University and the Police**

### *Updated and Adequate Notice*

5.41 The Panel accepts that some degree of inconvenience to the staff and students of the University would have to be expected and tolerated whenever there is a visit by a national leader. The question is whether such inconvenience could be reduced to a minimum and whether the University community is properly notified of such

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<sup>55</sup> See, for example, <http://www.youtube.com/watch?v=GwJXQsd7jLU>.

inconvenience in advance.

5.42 Notice was issued in the early morning hours of 17 August 2011 about access arrangements to the University main campus on 18 August 2011.<sup>56</sup> This notice contained no mention of the need to produce an identification card for staff and students to be admitted to the main campus. There was only mention of access to the Main Building being extended to those with special passes. The Panel finds this unacceptable as many staff and students were caught by surprise when asked to produce identification at the East and West Gates. This might have resulted from the Registrar's flawed understanding of whether identification was required for access to the main campus.

5.43 Subsequent to the August 17 meeting, when arrangements had been changed late in the night, no further notice to staff and students was given. Therefore, there was no up-to-date information for the University community, including the extension of the restricted area to the Swire Bridge. The Registrar explained to the Panel that it was late in the evening and they could just post up the notice at the venue on the morning of 18 August 2011. The Panel notes, but does not accept, the Registrar's explanation. Firstly, it notes that no notices were put up on 18 August 2011; secondly, the restricted area had been substantially extended; and thirdly, there was no reason why a notice could not have been issued by bulk email irrespective of the hour of the day, especially when there was a call for protest on the Facebook on the evening of 16 August 2011. Many people today access information on mobile devices at all hours of the day and even a late notice is better than no notice at all. ***The Panel recommends that there should be updated and timely notice with adequate details of any restrictions to access to the campus for all major functions. The Panel also recommends that the University consider making better use of social media.***

#### *Negotiation and Collaboration*

5.44 The Panel accepts that the University has to work with the Police to ensure the safety of the dignitaries. The duty to protect dignitaries rests primarily with the Police, who has the necessary expertise, experience and intelligence which the University does not possess. Thus, the debate on whether the Police were 'invited' by HKU is somehow misconceived. It has to be a collaborative relationship, and it is impractical and unrealistic not to involve or 'invite' the Police despite the fact that HKU premises are private. The real issue is, bearing in mind the special nature of the University, what the terms of the collaboration should be and how to uphold the core values and principles of the University without undermining the safety of the dignitaries.

5.45 This is indeed the understanding of the Police, whose position is set out in the

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<sup>56</sup> See Appendix 11 for the email.

First Letter.<sup>57</sup> It states:

*“Both Police and the University administration were in close partnership in working out the security arrangements of the Centenary Ceremony (the Ceremony). In view of the fact that the precincts of the University of Hong Kong (HKU) are regarded as private place, the security arrangements for any event to be conducted within its campus rests with the University Administration. However, it is the responsibility of the Police to ensure the personal safety of the political dignitaries visiting Hong Kong. The security arrangements within the HKU campus were therefore decided upon by both working parties following a series of liaison meetings and actual site visits prior to the Ceremony.”*

5.46 The position is further elaborated in the Second Letter<sup>58</sup>, which states:

*“The precincts of the University of Hong Kong (the University) are regarded as private place. It is an accepted principle that the public, including the Police, are not allowed to enter private premises without the permission of the occupier.*

*Nevertheless at common law, police may enter a private place to keep the peace upon the invitation of the owners or occupiers, and may also enter private place to prevent the commission of a serious crime or a breach of the peace within the place (In HKSAR v Au Kwok Kuen [2010] 3 HKLRD 371).*

*It must be pointed out that for the visit of political dignitary to the Centenary Ceremony on 18th August 2011, the designation of restricted zone in the campus was the result of interactive discussions and mutual agreement between the University and the Police with the common objective to ensure the personal safety of the visiting political dignitary.”*

5.47 From the security point of view, it is understandable that the Police would like, as far as practicable, to have fool-proof security arrangements, which takes into account any risk assessment. This is explained in the Second Letter from the Police:

*“In planning operations for the protection of political dignitaries, it is an international practice that corresponding protection measures will be drawn up on the basis of risk assessment to ensure the personal safety of the protected dignitaries. According to international practices, such measures include close personal protection, residential safety, venue security, convoy route safety, security checks and medical protection, etc. One of the crucial*

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<sup>57</sup> See Appendix 28.

<sup>58</sup> See Appendix 33.

*aspects is to set up core security zone at a place in which a political dignitary stays, visits or through which he travels to safeguard his/her personal safety. The extent to the core security zone is determined with regards to the risk assessment and depends on the safety distance between the dignitaries and the object or weapon that the assailants may use. In addition, all persons (including guests, staff and reporters) entering the security zone are subject to security checks to ensure that they are not in possession of any dangerous items or weapons. The standard of security checks is determined in accordance with the risk assessment. Factors to be taken into account in the actual implementation of the security checks include the arrangements of the event to be attended by the political dignitaries, site constraints and the prevailing circumstances."*

5.48 The cited passages of the Second Letter highlight that the exact arrangements would have to depend on circumstances and negotiations, and could not always be the most ideal from the Police's point of view. Winnie Chiu stressed repeatedly the importance of close cooperation and communications and mutual understanding of the security arrangements with the common aim of ensuring the safety of the dignitary and the smoothness of the event, and that, from past experience, the Police and the event organisers had never failed to reach an agreement over the security arrangements. On further discussion on the security arrangements on 18 August 2011, Winnie Chiu explained that the security protocol and/or risk assessment required three open and clear passageways. Members pointed out that, even if the University had insisted on using the Swire Bridge as a protest area, there would still be two exits for the visiting dignitary. Winnie Chiu explained that there were security protocols on the protection of political dignitaries. In planning operations for the protection of political dignitaries, it was a global practice that corresponding protection measures would be drawn up on the basis of a risk assessment to ensure the personal safety of the protected dignitaries. When asked what would have happened if HKU decided to designate a protest area which was not agreeable to the Police, Winnie Chiu explained that the Police would conduct further risk assessments and make recommendations accordingly, including possibly cancelling the visit altogether.

5.49 The concept of negotiation and collaboration was indeed shared by HKU. In the Registrar's speaking notes for his address to LegCo on 12 September 2011, the University's position was stated as follows:

“每逢有政要來訪港大，保安的安排一向是由警方提出建議，與港大討論磋商，最後雙方決定方案。警方是經過對風險的評估，作出專業的判斷，提出所需保安的規格和安排。港大考慮警方建議時，最重要的考慮是：(a) 對學校和師生活動的影響要減到最小；(b) 安排確是爲了保護政要的安全；(c) 港大本身保安編制可否符合所需保安規格。”



*[Each time a dignitary visits HKU, the Police would give advice as to the security arrangements, discuss with HKU and finally both parties would decide on a plan. The Police would go through a risk assessment to make professional judgment and put forward the necessary security requirements and arrangements. In the considering the Police's proposals by HKU, the most important considerations are: (a) minimising the impact on the campus, staff and students; (b) the arrangement truly is for the safety of the dignitary; (c) whether HKU's own security unit can satisfy the security requirements. (Panel's translation)]*

5.50 This is consistent with what the Registrar told the Panel. In relation to past arrangements, the Registrar informed the Panel that (1) in past events involving dignitaries, the Police (in particular, the G4 and traffic police) were involved in giving expert advice about security arrangements, doing site visits to the University and searching the premises, because the University has no professional expertise or information; (2) the Police would make proposals and the University would make counter-proposals in order to work out satisfactory arrangements, mainly for traffic control; (3) the main concerns were (a) to minimise interference to staff and students, (b) whether arrangements were reasonable, and (c) whether the University's own security force and arrangements would be able to be satisfy the Police's requirements; (4) disagreements did occur in the past which were resolved; and (5) the Police would normally initiate by calling the University with information about the dignitary's visit. Among the dignitaries who visited HKU in the past were Singapore Senior Minister Lee Kuan Yew in 1992, PRC Premier Wen Jiabao in 2003, US former President Bill Clinton in 2008 and PRC State Councillor Liu Yandong in 2009.

5.51 The Registrar further clarified that the University had never issued any invitation, oral or written, to the Police for the August 18 event or any previous events to participate in the security arrangements. The Panel notes that this clarification arises from suggestions in the press that "HKU invited the police 'to take over the campus'", which the University strongly regards as an unacceptable claim. In light of the substantial agreement in approach between the Police and the University, the argument about the 'invitation' is largely semantic.

#### *The University's Difficulties: Disparity in Information, Expertise and Intelligence*

5.52 According to Albert Chau, part of the difficulty throughout the negotiations on 17 and 18 August 2011 with the Police was the lack of expertise in security arrangement for receiving such a high level guest on the University's side. As a result, there was no basis on which the University could realistically assess whether the Police's proposal were necessary and reasonable, or make suitable counter-proposals. This was apparent in the negotiations with the Police, as the University was quite ready to concede when what they suggested was opposed by the Police. The choice of protest area was one prime

example. The HHY carpark was initially proposed. It was close to the venue of the Ceremony and the protesters would certainly be heard and seen by the national leader. Yet it was withdrawn even before the first formal meeting with the Police. The Kadoorie podium was then chosen as it was said by the Police to be an area where the protesters could see the motorcade. This is true, but probably not the other way round: the national leader may not notice the protesters at the Kadoorie podium at all. According to Winnie Chiu, the location of protest area would be decided upon with the overriding considerations being the safety of the political dignitaries, the relevant risk assessment, prevailing circumstances and the physical layout of the event venue. Alternative locations for protest activities could be considered as long as they do not affect the national leader's personal safety.<sup>59</sup> Thus, the flyover leading from the Main Building to the Knowles Building and the Swire Bridge were considered inappropriate for safety reasons. The area immediately outside the Swire Building was eventually chosen, which was far away from the Main Building where the Ceremony took place. The University's effort on deciding a protest area enabling protesters to be seen and heard became increasingly feeble as the negotiations continued.

5.53 Another reason given for the weak position of the University was that the University's former Security Manager, who previously had been on the Police Force, had left the job a few weeks before the August 18 event. Furthermore, the University was not privy to Police intelligence and could not shoulder the consequences if the safety of the Vice-Premier were jeopardised as a result of the University's failure to heed Police advice.

5.54 While the Panel is sympathetic about the departure of the former Security Manager just before the preparations started for the August 18 event, ***the Panel is of the view that there is readily available expertise within the University community or among its alumni that the University could tap into.*** The Panel, not being experts in security, sought expert opinion from David Hodson, a former Assistant Commissioner (Crime) of the Police and former Honorary Director of the HKU Centre for Criminology. He made the following valuable observations:

- (1) Firstly, from the point of view of the Police, the most important consideration was the protection of the dignitary. The Police are bound by law to protect dignitaries. Hence, the starting point could be the United Nations' Convention on the Prevention and Punishment of Crimes Against Internationally Protected Person, which was signed in 1973 and addressed the intentional commission of "*a murder, kidnapping or other attack upon the person or liberty of an internationally protected person*". Both this UN Convention and the local legislation, namely the Internationally Protected Persons and Taking of

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<sup>59</sup> An example given by Winnie Chiu was that when the students later wanted to go to the podium of the KK Leung Building and then to Sun Yat-sen Place to continue to protest on the way to the University Lodge – that was facilitated. With respect, the protesters could not have been seen by the dignitaries at all in these locations.

Hostages Ordinance (Chapter 468 of the Laws of Hong Kong) refer to “*special protection from any attack on his person, freedom or dignity*”. In other words, the protection to be given actually goes beyond any attack on the dignitary’s person to his freedom and dignity.

- (2) Secondly, the objective of security is ensuring the absence of insecurity. There is a tendency to over-protect, especially when there is no perceived downside for the Police to be overly cautious. Therefore, in order to prevent that from happening, the Police must be convinced that there is a downside. Linking up with the first observation, the downside is that over-protecting may hurt the dignity of the event, leading to damage to the dignity of the dignitary which the Police is required by law to protect. Protesters should be seen and heard as long as they do not affect the dignity of the event.
- (3) Thirdly, the G4 should have contacted the number one person in the University, i.e. the Vice-Chancellor, to brief him on the intended security arrangements and to listen to his concerns. Although the Vice-Chancellor would likely delegate the task of handling security arrangements to others, as normal practice, the Vice-Chancellor should have been approached initially and it would have been a misjudgment if the Vice-Chancellor were not consulted by the G4, the reason being that the G4 would tend to suggest extreme measures (e.g. Plan A, B, C and so on) and endorsement from the top would have been better.
- (4) Fourthly, much would have to depend on the threat. David Hodson could not say whether having 300 police officers on campus was excessive without more information about the threat. The G4 would be concerned with evacuation, including rapid medical emergency routes to, in this case, Queen Mary Hospital; and the escorting convoy would include medical personnel and a trauma team.
- (5) Fifthly, the Police and the University were two diametrically dissimilar organisations, the former known for regimented thinking and the latter for diversity of thoughts – there was bound to be a communication problem.

5.55 As to the protest areas, David Hodson said that the HHY carpark could be appropriate and, if there were fears of objects being thrown, a net could be put in place to intercept the objects; there are limitations with access to the site and much would depend on the threat assessment and the number of the protesters expected. As to the suitability of the Swire Bridge as a protest area, David Hodson said that it was difficult to say not knowing how many protesters there would be, but he could see the significance of having the protest on the Swire Bridge given the slogans painted on the ground.

5.56 While some of David Hodson’s suggestions may have to be further explored, the point here is that expertise is available even within HKU.

5.57 This may be a convenient point to address some of the management issues.

#### *Management Issues*

5.58 As noted above, one of the key frontline contacts with the Police was Frankie Law, who used to be in charge of traffic. He was asked to take up role of the former Security Manager, who was a former experienced Senior Inspector of the Police and left only weeks before the Ceremony. Frankie Law was fully aware that he was inexperienced in handling security arrangement and was doing his best.

5.59 The Panel noticed that the post of Security Manager has been filled. As the holder of this position may have to deal with the Police, it is desirable that whoever holds this position should have adequate Police experience and be sufficiently senior (both in terms of his Police experience and his position in HKU) that he is able to do so adequately.

5.60 When there is a major function involving substantial security arrangements and the Police, senior members of the University should arrange to meet with the Police as soon as practicable to work out the parameters and protocols of the Police operations on campus. According to former Vice-Chancellor Prof. Cheng Yiu-chung, such practice existed for some previous visits of the dignitaries to HKU with the G4 directly approaching him as the Vice-Chancellor at an early stage. This is a useful practice that should be re-adopted. The University should at the outset ask for a risk assessment from the Police, which is easier if the exchange takes place at the highest level. There should be a designated person, with sufficient experience and seniority, to follow up on the first meeting with the senior members of the University and to liaise and deal with the Police.

5.61 It would also be desirable to set up a command centre where someone with appropriate authority from HKU could liaise directly with others on the ground and with the Police whenever necessary. Had a command centre been set up on 18 August 2011, Frankie Law would not have had to run around the campus and could have turned to the person in charge at the command centre for instructions. As the Police generally do ask for space for a command centre for major operations, a joint command centre could be considered. The Police also considered a joint command centre for major operation a good practice so that the Police could liaise directly with someone who could make decisions.

5.62 On a more general level, the Panel was told that there were only 17 security guards per shift, who have to take care of the main campus. As many consider it important for HKU to maintain an open campus, and in light of the imminent completion of the Centennial Campus, the existing body of security guards will be even more overstretched. Given its open character, there are outsiders on the campus. Some of them may be professional protesters and the mode of protest has undergone dramatic changes in recent years which may point to the need for strengthened internal security. The Panel

was further informed that there has been an increase of minor crimes such as petty theft throughout the University recently, which increase has attracted the attention of the Western Police District. In comparative terms, the security resources per square metre for HKU compares least favourably with that of other tertiary institutions in Hong Kong. At the same time, any need to strengthen security should be considered also in the light of the cherished principle of a free and open campus. This is an issue which is beyond the terms of the Panel, and the University may wish to consider the whole issue of security separately.

#### *Core Values and Principles*

**5.63** It has been pointed out at the outset that the real challenge is to uphold the core values and principles of the University without undermining the safety of the visiting dignitaries. It has also been shown that the relationship between the University and the Police is one of collaboration, with the exact terms of the collaboration being the outcome of negotiation and agreement. ***While the exact arrangement will depend on the particular circumstances of each case, the Panel believes that the following core values and principles should guide and form the baseline of HKU in any such negotiations:***

- (1) HKU is an open campus and should remain so. Therefore, any restriction on access to the campus should be kept to the minimum.***
- (2) Any interference with the normal activities of the University as a result of the security arrangements on campus should be reduced to the minimum.***
- (3) HKU has a strong tradition of respect for freedom of expression, liberty and diversity. Such tradition should be fully respected in any security arrangement.***
- (4) Accordingly, HKU should facilitate peaceful assembly and protests and should ensure that protesters could be heard and seen by dignitaries.***
- (5) As a free place, HKU should not tolerate unnecessary use of force or restraint of personal liberty in the absence of any breach of the peace or other unlawful activities. Physical confrontation should be avoided as much as possible, and if it is necessary to resort to physical force, such physical force should be most restrained and should not go beyond what is strictly necessary.***
- (6) It may be helpful to designate in advance some places as protest areas. The choice of any protest area should be guided by the principle that protesters should be seen and heard, without compromising the safety of the protesters and the dignitaries.***
- (7) A strong presence of uniformed Police officers on campus will not be compatible with the nature and image of the University as the bastion of freedom and liberty, including the freedom of the University to criticise the establishment.***

- (8) Any untoward incident on campus should first be handled by HKU security.***
- (9) Any attempt to impose restrictions on free access to the University or freedom of expression and liberty on campus should not be lightly accepted, and if such restrictions are strictly necessary, they should be confined to what is proportionate to the attainment of the objectives in question. Alternative and less restrictive measures should be explored. Routine or indiscriminate search of staff offices should normally be resisted. If the restrictions are such that the University may not, or may not be seen to, be able to uphold its core values, the University should seriously consider whether it should continue to host the event.***
- (10) Any protests on campus should not interfere with the normal teaching, learning and research activities of the University.***

## **Conclusions and Recommendations**

5.64 The organisers had not attached as much importance to security arrangements as they should have. They regarded the meetings with the Police as a public relations endeavour and assigned a public relations person to the task. Notwithstanding many indications, the organisers had failed to appreciate or had underestimated the requirements of security arrangements on this occasion.

5.65 Having Frankie Law as the highest-ranking person in the security unit negotiating with the Police was insufficient. Clement Wong (Senior Assistant Director of Estates) did not play any meaningful role in the negotiations despite being Frankie Law's superior. When it became clear that the former Security Manager would not be able to help, no further steps were taken and no senior person stepped in to monitor the negotiations or provide instructions and support to Frankie Law.

5.66 The organisers failed to ascertain the scale or extent of the Police operations and to sufficiently impress on the Police the unique character and core values of the University. Likewise, the Police failed to appreciate the sensitivity of the University in posting an aggressive number of Police officers on the main campus. This had a major impact, either apparent or real, on the University's autonomy as the University lost control of its own premises.

5.67 The Police also failed to explain the need for such numbers of Police officers and the extension of control of access within the campus area that is outside the Red Zone, which unduly affected the normal activities of the HKU staff and students.

5.68 The organisers had failed to provide adequate and timely notice on the latest extension of restricted area after this had been agreed in the meeting on 17 August 2011.

5.69 There was inadequate understanding of Police operations and wishful thinking on the part of the HKU Security Team about further changing the arrangements on 18 August 2011.

5.70 The Panel accepts that one of the difficulties faced by the University in its negotiations with the Police was the great disparity in terms of information, expertise and intelligence between the University and the Police. There was, however, outside expertise and resources available, which the University could have tapped into.

5.71 The Panel further accepts that the University had taken steps to uphold its core values and principles, although such efforts may not have been sufficient in the circumstances, resulting in an impression that HKU had given up its control over the campus to the Police and thereby failed to uphold its core values and principles.

5.72 ***When organising a major event that involves the Police, the Panel recommends:***

- (1) The University works in collaboration with the Police on any security arrangements. In negotiating security arrangements, the University should be guided by its core values and the principles as set out in paragraph 5.63 above.***
- (2) The University should arrange a meeting of its most senior official with the Police as soon as practicable to work out the parameters and protocols of Police operations on campus. The University should ask for a risk assessment from the Police.***
- (3) There should be a designated person, with sufficient experience and seniority, to liaise and deal with the Police.***
- (4) The Dean of Student Affairs should be involved as soon as practicable in any discussion on security arrangement which may involve students.***
- (5) There should be a clear understanding on the respective roles of the University and the Police. It should be clarified in advance when Police presence becomes necessary.***
- (6) There should be adequate, updated and timely notice to the University community on any restrictions of access or lawful activities for any major function.***
- (7) It is desirable to set up a security command centre, singly or jointly with the Police, for all major functions.***

**5.73      *In addition to the above, the Panel recommends that the University should review the adequacy of security on campus in light of the increased crime rates, the significant expansion of the campus, and the changing mode of protests.***



## Chapter 6 – The Stairwell Incident

### Introduction

6.1. The Stairwell Incident in which the Three Students were pushed by the Police to the ground at the Stairwell of KK Leung Building was probably the most sensational part of the August 18 event, especially when the incident was repeatedly broadcast and extensively reported by the media. The organisers believed that the public outcry upon witnessing the incident through the media became the triggering point of the crisis and that the community response to the August 18 event would have been less sensational or emotive had there not been this episode of confrontation. This chapter sets out the findings of the Panel in relation to the Stairwell Incident. In particular, it focuses on three key issues: (1) whether the Police had used unnecessary force; (2) whether the Police had falsely imprisoned the Three Students; and (3) whether the HKU security guards had falsely imprisoned the Three Students.

6.2. The key persons interviewed by the Panel in relation to the Stairwell Incident included:

- (1) Li Shing-hong, one of the Three Students who had been pushed into the Stairwell;
- (2) Frankie Law (Assistant Security Manager) who conversed with the Three Students while they were at the parking bay of LG2 of KK Leung Building (“**the Parking Bay**”);
- (3) Fung Chi-choi (Head Guard) who was in the Stairwell with the Three Students most of the time they were there, including when the Police were in the Stairwell;
- (4) Mok Kwan-ling (Editor-in-Chief of the *Undergrad* (學苑)) who visited the Three Students at the Stairwell; and
- (5) Winnie Chiu (Assistant Commissioner (Support) of the Police) who represented the Police to meet the Panel.<sup>60</sup>

6.3. The Panel also relies on the following evidence:

- (1) the video footage (“**the HKU Clips**”)<sup>61</sup> from a closed-circuit surveillance

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<sup>60</sup> She came with Eddy SIT Ka-ho (Chief Inspector (Licensing)) and Thomas WONG Kin-ye (Superintendent) to meet with the Panel.

<sup>61</sup> See Figure 6.1 for still images from the HKU Clips and Figure 6.2(1) for the location of the surveillance camera.

camera which was installed at the Parking Bay and was pointed directly at the Stairwell;

- (2) news footage (“**the Public Videoclips**”)<sup>62</sup> of the Three Students being pushed into the Stairwell;
- (3) the photographs supplied by Mok Kwan-ling and taken by Chiu Hei-tong (趙希彤), a photographer of the *Undergrad* (see Figure 6.6);
- (4) the incident reports<sup>63</sup> prepared by the security guards, especially the incident report dated 23 August 2011 prepared by Fung Chi-choi; and
- (5) the diagrams drawn by Li Shing-hong on the position of Police officers and security guards in the Stairwell at the material times (see Figure 6.7).

#### *Comments on the evidence*

6.4. While the Panel had the assistance of Li Shing-hong, it is unfortunate that the other two students, Tang Kin-wa (鄧建華) and Wong Kai-hing (黃佳鑫), declined twice through Li Shing-hong to accept the Panel’s invitation for a meeting on the ground, as reported by Li Shing-hong, that litigation was being contemplated.<sup>64</sup> This said, it would seem that Li Shing-hong had compared notes with Tang Kin-wa and Wong Kai-hing before coming to his interview with the Panel as he was able to point out where his evidence differed from one of the other two.<sup>65</sup>

6.5. The Panel is greatly assisted by the HKU Clips (see Figure 6.1), which have captured what had happened at the Parking Bay. As a matter of practice, video footage from surveillance cameras would normally be stored for only ten days. An external contractor would have to be engaged to retrieve such footage for viewing, failing which, after ten days, the footage would be overwritten by new material. After the Stairwell Incident, the Estates Office had retrieved the footage from only one camera for the period from 8:59:59 am to 9:54:57 am on 18 August 2011. While the footage captured the pushing of the Three Students by the Police which took place at 9:53:10 am, the Panel was unable to see any more footage after 9:54:57 am. A more complete picture would have given if the retrieved footage had covered the entire period when the Three Students were inside the Stairwell until the withdrawal of the Police from the Stairwell. The Panel accepts that the failure to retrieve sufficient footage on this occasion was a result of insufficient sensitivity and cost concerns. ***The Panel considers it important to obtain evidence of any untoward incident that takes place on campus, and recommends that the University should ensure the retrieval of a sufficient length of surveillance***

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<sup>62</sup> See Figure 6.3 for the still images of the video provided by the courtesy of iCable News Limited.

<sup>63</sup> See incident reports in the Appendix 22.

<sup>64</sup> See paragraph 1.25 above.

<sup>65</sup> Li Shing-hong told the Panel that, toward the end of their stay in the Stairwell, one of the security guards had said to them, “your protest friends have gone to the concourse area of KK Leung Building, you can go up to meet them”. He thought this statement was triggered by a call received by the guard (via walkie-talkie) but Wong Kai-hing thought it was triggered by someone speaking to the guard through Door A and the guard calling to confirm.

***camera footage from all possible sources, to be kept for a reasonable period of time subject to any requirements of the Personal Data (Privacy) Ordinance.***

6.6. Li Shing-hong disclosed to the Panel that during the incident, he and the other two students had taken four video clips with their mobile phones. Some of these video clips would have been of great assistance to the Panel as they should have captured what had happened inside the Stairwell. Despite repeated requests from the Panel, Li Shing-hong refused to make available to the Panel any of the four video clips.

6.7. The Panel is grateful to the Police for their assistance. However, in light of the potential civil litigation and the pending investigations on various complaints against the Police, the Police declined to provide any details to any questions relating to the Stairwell Incident. The Police also declined the Panel's request to meet with the officers at the Stairwell at the material time. The Police's position on the Stairwell Incident was set out in their letter dated 12 October 2011 to the Panel as follows:

*"In the incident, Police was only assisting the University to prevent the three persons from entering the restricted area from the rear staircase of KK Leung Building. There was no express indication or hint from the Police to the three persons that they could not leave. The handling of the situation was promptly handed back to the University for follow up and your staff had then repeatedly advised the three persons to leave the area. The accusation of false imprisonment of the individuals is therefore unfounded."*

6.8. Despite these limitations, the Panel was able to form a good picture of what had happened at the Stairwell from various sources of evidence.

## **The Scene**

6.9. It may be recalled that at the meeting between the University and the Police on 17 August 2011, the restricted area had been extended to cover the entire Swire Bridge, including the Parking Bay. All the lifts at KK Leung Building were blocked for access to LG2 on the morning of 18 August 2011. Thus, the two staircases became the only access from the ground floor podium of KK Leung Building to LG2, a route which indeed had been used by many people that morning. The Stairwell was a small space of about 25 square feet. It has two doors (see Figure 6.5 at page F-17 below). Door A opens to the Parking Bay. Door B opens to the stairs leading to the ground floor podium of KK Leung Building.

6.10. It may also be recalled that on 17 August 2011, there was a call on Facebook for a protest in front of the Swire Building on 18 August 2011. The convenor of the protest was Kwok Wing-kin (郭永健), an alumnus (BEcon&Fin 2010) and a former President of the HKUSU in 2008. Albert Chau (Dean of Student Affairs) was in contact with

Kwok Wing-kin on the evening of 17 August 2011, and had arranged for Prof. Roland Chin (the Deputy Vice-Chancellor) to receive a petition from the protesters on the morning of 18 August 2011.

6.11. On 18 August 2011, Albert Chau arrived at the Swire Building at around 7:40 am, by which time the Police had already set up the protest area outside the Swire Building (“**the Protest Area**”). Albert Chau successfully negotiated with the Police for an extension of the Protest Area by around two metres towards the Swire Bridge.

6.12. At around 8:30 am, there were about 10 odd protesters (see also Figure 5.5 at page F-8 below). They chanted slogans and began using loudhailers, and handed a petition letter to the Deputy Vice-Chancellor. Thereafter, they continued using loudhailers. The Police objected to the use of loudhailers and at one stage wanted to take away the loudhailers. This did not occur after discussions with Albert Chau. At 9:07:43 am, a Police van that was parked at the Parking Bay was driven out to apparently block the Swire Bridge. It returned to the Parking Bay at 9:14:25 am.

6.13. At around 9:30 am, some protesters requested Albert Chau to ask the Police to allow them to go onto the Swire Bridge. The Police were prepared to allow protesters to go onto the Swire Bridge only on condition that they had to return to the Protest Area immediately, which condition was rejected by the protesters. The atmosphere became tense, and more Police came onto the scene.

6.14. Albert Chau was wary that the situation might get out of hand; a Police officer said that force might have to be used if the protesters rushed out of the Protest Area, to which Albert Chau replied “No matter what happens, don’t use force, I will speak to the students again.”<sup>66</sup> The situation calmed down a bit afterwards.

## **The Confrontation**

6.15. At 9:42:05 am, Li Shing-hong, who, together with Tang Kin-wa and Wong Kai-hing – i.e. the Three Students – arrived at the Parking Bay through the Stairwell. The Three Students are identified in the HKU Clips (see Figure 6.1 at pages F-9 to F-13 below): Li Shing-hong wore eyeglasses; Wong Kai-hing was in a light-coloured T-shirt carrying a loudhailer, and Tang Kin-wa wore a dark-coloured T-shirt without eyeglasses.

6.16. According to Li Shing-hong, they intended to go to the Protest Area “to have a look”. He said that they had not yet decided whether to join the protest.

6.17. As soon as the Three Students emerged from the Stairwell, they were stopped

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<sup>66</sup> See Appendix 23 for Albert Chau’s account published in *Ming Pao* on 24 August 2011.

by a man in a black suit (“**the Man**”). According to Li Shing-hong, this Man asked who they were, where they were going and asked them to produce identification. Li Shing-hong replied that he was a HKU student and the other two were also students, without identifying which universities they were attending. The Three Students did not say where they wanted to go and did not produce identification. He then asked why they were not allowed to move forward, to which the Man asked if they wanted to go to the Protest Area and said he would escort them there. The Man did not reveal his identity. Li Shing-hong assumed the Man to be a police officer based on the red badge on his lapel. Li Shing-hong replied that “they had hands and feet” (有手有腳) and could go there themselves. According to the HKU Clips, this Man was joined by another man in a black suit.

6.18. In accordance with the agreed arrangements with the Police that the University administration would deal with all incidents including public order activities, the Police called Frankie Law (Assistant Security Manager) to the Parking Bay to deal with the Three Students. According to the HKU Clips, Frankie Law arrived at 9:42:43 am.

6.19. Frankie Law identified himself as the security manager and asked the Three Students how he could help them. The Three Students said they wanted to go there and pointed towards the Swire Bridge.<sup>67</sup> He told them that they could not go there as there was an event going on and it would not be convenient. Li Shing-hong responded by asking why he was not allowed to go there since he had been taking the same route for the past two years.

6.20. According to Frankie Law, he asked the Three Students to leave as they had entered a restricted area where, as agreed with the Police before, no unauthorised person was allowed to stay. Frankie Law also said that he did not know that the Three Students were students. Nor had they told him that they would like to go to the Protest Area, although given their indication that they wanted to go to the Swire Bridge and their carrying a loudhailer, he reckoned that they might have been protesters. Frankie Law further said, in reply to the questions from the Panel, that if the Three Students had told him that they wanted to go the Swire Building Protest Area, he would have escorted them there, but the Three Students appeared to indicate that they wanted to go to the opposite direction from the Swire Building.

6.21. There were some minor disputes on what was actually been said by Frankie Law. According to Li Shing-hong, Frankie Law asked them to leave the University, a request which shocked him and caused him to start videoing with his phone camera. Li Shing-hong thought Frankie Law had no authority to ask them to leave the University. Frankie Law denied asking them to leave the University at that stage and said that he just asked them to leave the restricted area. He admitted that he had asked them to leave the

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<sup>67</sup> See Figure 6.4 for a photograph of the Swire Bridge and the Swire Building Protest Area.

University only at a later stage when they were in the Stairwell. It is not important to resolve this dispute.

6.22. Unable to convince the Three Students to leave, Frankie Law called for uniformed security staff to help and left the Three Students at 9:43:24 am.

6.23. At 9:44:00 am, Frankie Law, Fung Chi-choi (Head Guard) and To Kin-tong (another Head Guard) arrived on the scene. Frankie Law repeated his request that the Three Students leave through the Stairwell. When the Three Students did not leave, Frankie Law left the scene at 9:45:13 am.

6.24. Between 9:45-9:50 am, Li Shing-hong called Chan Sin-ying (陳倩瑩), who was Secretary-General of the HK Federation of Students, and Liu Sze-ming (廖思銘), whom he was supposed to meet earlier that morning, and gave them directions on how to get to the Parking Bay in order to join the Three Students. Wong Kai-hing and Tang Kin-wa were the Chairperson and Vice-Chairperson, respectively, of the Council of the HK Federation of Students. Li Shing-hong was also seen on the HKU Clips to be taking videos with his phone.

6.25. At 9:48:14 am, Frankie Law returned to the Three Students and tried once again to ask them to leave without success. At around 9:50 am, Fung Chi-choi joined in to ask the Three Students to leave as well. At 9:51:14 am, Frankie Law was still urging the Three Students to leave and motioned them towards Door A and one of the Three Students yelled, "Don't touch me!" (你唔好掂我呀!). Frankie Law then went to Door A and continued to speak to the Three Students. The Three Students stood their ground and continued to argue with Frankie Law and Fung Chi-choi. Nothing untoward happened. There were about ten Police officers around at that time. At 9:52:07 am, uniformed Police officers began to encircle the Three Students. At 9:52:16 am, a Police officer in a white shirt went up to Frankie Law, and Frankie Law told that Police officer that he (Frankie Law) could not handle the Three Students (搞唔掂佢哋).

6.26. At 9:52:32 am, more officers encircled the Three Students. The HKU Clips show the Police officers speaking to the Three Students, and at 9:52:41 am, the Three Students started raising both of their arms in the air. At 9:52:51 am, a Police officer wearing a vest was seen to push one of the Three Students and caused him to lose his footing. That student stood up again, and the officers encircled the Three Students more tightly. At 9:53:02 am, the Police officer in white shirt was seen to come around to the back of the circle of Police. According to both Frankie Law and Li Shing-hong, it was about this time that they heard a 'push' command being given. At 9:53:10 am, the Police began to push the Three Students through Door A into the Stairwell. Throughout this time, the Three Students had their arms raised.

6.27. The security guards, who were standing in front of the Three Students, were

pushed to one side, and layers of police officers forced their way to the Three Students. Tang Kin-wa was on the left of Li Shing-hong and tried to lock arms with him. However, Li Shing-hong broke free from Tang Kin-wa and lifted his arms high above his head to avoid being accused later of assaulting the Police officers. He also yelled for the media to come. Wong Kai-hing was on his right. All Three Students fell to the ground inside the Stairwell. Media arrived as from 9:53:22 am. The scene was promptly captured by the cameras of the media who had been alerted by the yelling. By 9:53:43 am, the Three Students had been pushed inside the Stairwell and Door A was closed.

### **Whether the Police Had Used Unnecessary Force at the Parking Bay?**

6.28. The entire episode from when the Three Students entered the Parking Bay to the moment when they were pushed into the Stairwell had been captured by the HKU Clips. While there were some disagreements with Frankie Law, the atmosphere, at least up to 9:51 am, was generally non-confrontational. The Police officers were standing at a distance from the Three Students, who were themselves 8 to 10 feet from Door A. The Three Students were able to stand around unimpeded at the Parking Bay close to the Stairwell for about ten minutes, and Li Shing-hong and another student were seen to talk on the phone. There was no untoward behaviour on the part of the Three Students.

6.29. It had been agreed between the University and the Police that the Parking Bay was a part of the restricted area, which means no unauthorised person would be allowed to remain there. However, any person would still be permitted to pass through the restricted area to go to another destination. Thus, while the Three Students were at the Parking Bay, there were other people going in and out of the Stairwell. Some people headed toward the Swire Building. In some instances, the Police did stop and question them, while some others were allowed to pass without any interference.

6.30. It was also not in dispute that there was no notice that the Parking Bay and the Swire Bridge were restricted areas. These areas were designated as restricted areas only at the meeting between the University and the Police the night before. Li Shing-hong argued that he had not received any notice that the Parking Bay or the Swire Bridge was designated as a restricted area.

6.31. According to Li Shing-hong, he intended to go to the Swire Building Protest Area by crossing the Swire Bridge from the Parking Bay. He had not told Frankie Law that he intended to go to the Swire Building. Instead, Frankie Law was of the impression that the Three Students only wanted to go to the Swire Bridge. On being asked whether he had considered taking a diagonal route to the Swire Building Protest Area which would avoid going onto the Swire Bridge, Li Shing-hong replied that he had not thought of doing so, as his habit was to cross the road and walk along the bridge to the Swire Building.

6.32. As revealed from the HKU Clips, the Three Students behaved in a relatively civil manner. They were negotiating with Frankie Law on whether they could go to the Swire Bridge, and apparently there was a deadlock. Apart from this, there was no provocative action on their part, and this was confirmed by Frankie Law and Fung Chi-choi.

6.33. According to Winnie Chiu (Assistant Commissioner (Support) of the Police), the understanding between the University and the Police on 4 August 2011, which was affirmed on 17 August 2011, was that if the HKU security staff indicated that they could not get an unauthorised person to leave a restricted area and made a request for assistance, the Police would step in to help. When asked whether there was zero tolerance for entry into a restricted area, Winnie Chiu simply repeated the understanding between the University and the Police. As far as the Police were concerned, they would, if necessary, take preventive measures and would not wait till a physical encounter between the students and the security staff erupted to intervene.

6.34. While Winnie Chiu did not comment specifically on this particular incident, it appears that the Police officers on the scene took Frankie Law's remark that 'he could not handle the Three Students' (搞唔掂佢哋) as an indication that HKU security was unable to handle the situation and requested for Police action. Accordingly, they took action and pushed the Three Students out of the Parking Bay into the Stairwell.

6.35. As to whether a warning would be given before action is taken, Winnie Chiu said it would be up to the commander on the scene to make a decision based on the prevailing circumstances. Winnie Chiu stated that a chief superintendent and a senior superintendent were the field commanders on the HKU campus on 18 August 2011 but declined to disclose the rank of police officers that were deployed at the Stairwell.

6.36. Frankie Law was taken aback by the Police action. He had felt under pressure from the Police to handle the situation, and had no supervisor that he could turn to. He might have intended to hand over the matter to the Police and seek their support, but he did not expect the Police to respond with force in the way that they did, as he had thought that the Police could have continued to talk to the Three Students without allowing them to move forward until the Ceremony was over.

6.37. The Panel accepts that there could be a misunderstanding between the Police and Frankie Law when he told the Police that he could not handle the Three Students, and this remark of Frankie Law was interpreted as a request for help and triggered the 'push' command.

6.38. However, even if the Police were justified to take that remark as a request for help, it does not appear to the Panel that it was necessary for the Police to use force to push the Three Students into the Stairwell. Firstly, the students were not armed. Secondly, they were arguing forcefully but did not act in an otherwise provocative manner. Thirdly,



they did not display any intention to push their way to the Swire Bridge. Indeed, they remained at the Parking Bay at all material times. Fourthly, there were other passersby and the Three Students posed no danger or obstruction to any person. Finally, the University had previously emphasised that it did not want to see any physical confrontation or violence on campus. There were clearly other options to contain the situation without having to resort to physical confrontation. ***In the circumstances, the Panel concludes that there was no reasonable justification to use force and the Police, by pushing the Three Students into the Stairwell, had used unnecessary force.***

6.39. In reaching this conclusion, the Panel has taken into account that the atmosphere at the Swire Building was at one stage a bit tense, and the Police van had backed out of the Parking Bay to block the attempted advance of the student protesters onto the Swire Bridge. However, this took place at least some forty minutes before the Three Students arrived on the scene, and the atmosphere had since calmed down, as evidenced by the return of the Police van to the Parking Bay. There were also a small number of protesters. The Panel is also aware that the Police had chosen not to give its account to the Panel on this issue. ***Nonetheless, taking into account all these circumstances, it would still not justify the use of force by the Police to push the Three Students into the Stairwell, and in doing so, the Police had failed to respect the repeated requests of the University to refrain from any physical confrontation.***

## **Inside the Stairwell**

6.40. Tang Kin-wa and Wong Kai-hing were first pushed into the Stairwell. According to Li Shing-hong, when the Police pushed him into the Stairwell, Tang Kin-wa tried to support him from the back. When Tang Kin-wa was pulled into the Stairwell and fell to the ground, Li Shing-hong fell on Tang Kin-wa. Before falling, Li Shing-hong said he felt a kick at the back of his right calf. Wong Kai-hing held onto the door frame and fell separately. All three of them were on the floor and then got up.

6.41. As soon as they got up, Tang Kin-wa filed some foul language against the Police, and attempted to make a move to hit the Police. Li Shing-hong immediately yelled to Tang Kin-wa and told him to calm down.

6.42. Li Shing-hong's version was supported by Fung Chi-choi (Head Guard) who stated in his incident report to the University dated 24 August 2011:

“... 當我再推開後梯之防煙門(以下稱為 B 門)後，便聽到一陣嘈雜人聲，跟住見到一群人從保安室旁之 A 門擁入了後梯 B 門與 A 門之間位置，當中包括較早時的李成康等三人，他們三人當中其中一名穿黑衣的年青人失去平衡差點跌在地上。當時我見到李成康三人中其中一名長髮穿黑色上衣及無戴眼鏡的男子大叫：「小你老母臭西。」並手握拳頭衝向警察。與此

同時我聽到李成康大叫：「唔好咁衝動呀！」該名手握拳頭的男子便停止衝向警察。...

*[... After I opened the smoke-tight door of the back staircase (hereafter called Door B), I heard some loud voices and then saw a group of people enter the area between Door A and Door B through Door A, among them were the three including Li Shing-hong. Among the three of them, there was a youth wearing black who lost his balance and almost fell. Then, I saw one of them wearing a black top without eyeglasses say loudly '[profanity]' and also make a fist and rush toward the Police. At the same time, I heard Li Shing-hong say loudly 'don't be so impulsive!' That man making a fist stopped rushing toward the Police. ... (Panel's translation)]*

6.43. Once the Three Students were inside the Stairwell, the Police took no further action. There were about four to six Police officers inside the Stairwell. The Police officers guarded Door A. It was not in dispute that Door B was kept open at all material times. The Police left at around 10:05 am and handed over the situation to HKU Security Guards. The Three Students left the Stairwell between 10:35 am and 10:45 am.

6.44. The period of time the Three Students spent inside the Stairwell has given rise to allegations of false imprisonment. It was reported in the media on 18 August 2011 and the following day that Li Shing-hong had been falsely imprisoned for nearly an hour.<sup>68</sup> He later corrected himself and said that they were falsely imprisoned by the Police for about 10 to 15 minutes. He also clarified that he made no allegation of false imprisonment against HKU security guards. He confirmed with the Panel that he had full sympathy for HKU security staff and made no complaint of their conduct.

## **Whether the Police Had Falsely Imprisoned the Three Students**

6.45. False imprisonment in law means the unlawful imposition of constraint on a person's freedom of movement from a particular place. To constitute false imprisonment, it is necessary to prove (1) the fact of imprisonment, and (2) the absence of lawful authority to justify imprisonment.<sup>69</sup> A mere partial interference with freedom of movement does not amount to an imprisonment. Thus, if a road is blocked so that a man is prevented from exercising a right of way and he is compelled to turn back, he has not been imprisoned.<sup>70</sup> Restraint of movement could be express or implied. Imprisonment could be shown when the victim was expressly told that he could not leave or was physically restrained from leaving. It could also be shown if the circumstances

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<sup>68</sup> For example, the *Commercial Radio* interview with Li Shing-hong on 18 August 2011 and an article in *Ming Pao* on 19 August 2011.

<sup>69</sup> *Clerk & Lindsell on Tort* (20<sup>th</sup> edition, 2010) at paragraph 15-23

<sup>70</sup> *Clerk & Lindsell on Tort* (20<sup>th</sup> edition, 2010) at paragraph 15-23

were such that the victim would have been stopped had he attempted to leave the place being controlled by the defendant.<sup>71</sup> To be liable in false imprisonment, it must further be demonstrated that the defendant had the necessary intention, as well as the ability, to detain the claimant.

6.46. The Three Students were in the Stairwell with the Police from around 9:53 am to around 10:05 am. There were around four to six Police officers in the Stairwell, six according to Li Shing-hong and four to five according to Fung Chi-choi. The Police officers blocked Door A thereby preventing the Three Students from entering the Parking Bay again. Door B, however, was kept opened and it was possible to pass between the two police officers standing at the two corners of the Stairwell nearest to Door B. The relative position of the Police officers and the Three Students was indicated in Figure 6.7(1).

6.47. It is not in dispute that there was no express prohibition against the Three Students from leaving the Stairwell. Indeed, the Police officers did not talk to the Three Students throughout the entire period in the Stairwell. Fung Chi-choi gave evidence that there was no intention on the part of the Police to keep the Three Students inside the Stairwell. He went into the Stairwell before the push and held open Door A as the push occurred. Once the Police and the students were in the Stairwell, the Police told him to keep Door B open for the purpose of allowing the Three Students to leave, and according to Fung Chi-choi, the Police were only interested in preventing the re-entry of the Three Students into the Parking Bay. In his incident report, he stated:

“其後有大約四至五名警察企於 A 門後防止上述三名年青男子從該門進入梁鈺珦樓停車場，當時其中一名警察面向我的方向講：「你用嘢攝住度門。」當時我意會到該名警察是指我一直推開緊的 B 門。我當時回答他：「無嘢攝！」而我繼續用身體保持將後梯防煙門(即 B 門)打開，以便該三名年青男子從後樓梯離開。”

*[Afterwards around four to five Police officers stood behind Door A to prevent the three young men from entering the parking bay of KK Leung Building. At the time, a Policeman turned to me and said 'you use something to jam open the door'. At the time, I thought the Police officer was directing me to open Door B. I answered 'there's nothing to jam it open' and continued to use my body to keep the smoke door (i.e. Door B) open in order to allow the three young men to leave the stairwell (Panel's translation)]*

6.48. Indeed, Frankie Law did tell the Three Students that they could leave when they were in the Stairwell with the Police, although the message might not be as clear as it could have been. According to both Li Shing-hong and Frankie Law, while the Three Students were in the Stairwell with the Police, Frankie Law came into the Stairwell and

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<sup>71</sup> *Clerk & Lindsell on Tort* (20<sup>th</sup> edition, 2010) at paragraph 15-27

told the Three Students to leave: "You have to leave the University. You have violated the University's regulation. You have made too much noise (喧嘩)." In response, Li Shing-hong challenged the authority of Frankie Law to ask them to leave the University. Frankie Law left the Stairwell with a view to calling a colleague to help locate the relevant regulation. Before the Panel, Frankie Law was unable to identify the relevant University regulation. Instead, he relied on a document titled "Notice to Visitors" which said, "You will be asked to leave if you are a nuisance to others".<sup>72</sup>

6.49. ***Thus, the evidence suggested that there was no attempt on the part of the Police to prevent the Three Students from leaving the Stairwell. Door B was kept open at all material times. The evidence of Fung Chi-choi and Frankie Law suggested that there were indeed positive indications that the Three Students could and should leave the Stairwell, albeit through Door B.***

6.50. Li Shing-hong's case was that there were six police officers and three students within a highly confined space. He told the Panel that he felt threatened, and was scared that if he tried to leave, the Police would stop him and even assault him. He did not think he could leave the Stairwell. His allegation has to be assessed in light of the behaviour of the Three Students in the Stairwell.

6.51. After Li Shing-hong successfully stopped Tang Kin-wa from attempting to hit the Police, the Three Students spoke to the Police but the Police remained silent. Wong Kai-hing asked the Police for their names and identification and told the Police they had to give this information to him. Wong Kai-hing wanted to know the name and the ID number of the Police officer who gave the order to 'push them'. Li Shing-hong said he also wanted to have the identification information of those Police officers outside the Stairwell because it could be false imprisonment; he repeatedly asked the Police if it was false imprisonment (非法禁錮).

6.52. Fung Chi-choi gave a more detailed account in his incident report which he repeated before the Panel. When the Police ignored the demands of the Three Students for information of their names and identification, Li Shing-hong took pictures of the Police officers at close distance, and various provocative remarks were made. Quoting Fung Chi-choi's incident report:

跟住李成康用手提電話近距離(約四吋左右)放於在場其中一名警察面前狀似進行拍攝，並大聲喝問該名警察的編號，而在場的所有警察並沒有出聲回應。跟住聽到有人大叫：「做乜唔出聲呀？扮學警雄心呀？」在場警察仍然沒有出聲回應或作出任何動作。跟住有一把男聲講：「影面都唔好玩，影佢 NUMBER 好玩啲。」於是李成康便將手機移向剛才被他拍攝面部之警察的肩章編號上，而該數名警察仍然沒有作出任何反應。

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<sup>72</sup> See Notice to Visitors in Appendix 32.

稍後李成康等三人在上址輕鬆地傾談，我記得其中一段內容為「西區班警民關係組個個都咁樣衰，都唔夠上次旺角嗰班好。」

*[Then, Li Shing-hong placed a mobile phone at close distance (around four inches) in front of the face of one of the Police officers, appearing to take photographs and demanded in a loud voice for the registration number of the Police officer. All of the Police officers there kept silent. Then, I heard someone loudly say, 'Why don't you say something? Pretending to be in The Academy?' The Police officers there did not reply or move. Then, a male voice said, 'Photographing the face is not fun, photographing his NUMBER is more fun.' So Li Shing-hong directed the mobile phone to the registration number of the Police officer. Again, none of the police officers made any response.]*

*Later the three including Li Shing-hong talked among themselves in a relaxed manner. I remember a part of the contents was 'This group from Western District Police Community Relations Office look so bad, not as good-looking as the group from Mongkok last time.' (Panel's translation)]*

6.53. In his first appearance before the Panel, Li Shing-hong admitted that:

- (1) He asked the Police repeatedly, "Is this false imprisonment?" (這是否非法禁錮?)
- (3) Tang Kin-wa also said, "Using 20 some people to push 3 people, you should be ashamed! Why don't you answer? You are public servants!" (用成二十幾人推三個人，你哋醜唔醜！點解你哋唔答？你哋是公僕！)
- (4) He made the comment aloud at one point that the combination of "stairwell, young people and the Police" (後樓梯，後生仔，警察) was a dangerous situation.

6.54. In his second appearance before the Panel, Li Shing-hong was given an opportunity to comment on the evidence of Frankie Law and Fung Chi-choi. On being questioned, Li Shing-hong admitted that Tang Kin-wa had indeed said, "Why don't you say something? Pretending to be in *The Academy*?" (做乜唔出聲呀？扮《學警雄心》呀？)<sup>73</sup> On further questioning, Li Shing-hong said he could not remember if he or any of the two other students had said, "Photographing the face is not fun, photographing his NUMBER is more fun." (影面都唔好玩，影佢 NUMBER 好玩啲。) He further denied, with some hesitation, that anyone had said, "This group from Western District Police Community Relations Office look so bad, not as good-looking as the group from Mongkok last time." (西區班警民關係組個個都咁樣衰，都唔夠上次旺角嗰班好。)

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<sup>73</sup> Tang Kin-wa was alluding to the television drama series *The Academy*.

6.55. The behaviour of the Three Students as admitted by Li Shing-hong, and his taking of photographs of the Police at close distance, was difficult to reconcile with the allegation that they were so scared and felt so threatened that they dare not leave the Stairwell. This is reinforced by other evidence from Mok Kwan-ling (the Editor-in-Chief of the *Undergrad*) and Fung Chi-choi. Li Shing-hong received a phone call from Mok Kwan-ling at around 10:00 am, in which he informed her of his location at the Stairwell and asked her to meet him at the Stairwell as “things were getting fun.”<sup>74</sup> (好好玩) According to Mok Kwan-ling, Li Shing-hong wanted a third party to make a record of the incident. He was expecting her, but she and her photographer Chiu Hei-tung (趙希彤) arrived only after the Police had left the Stairwell. Chan Sin-ying (陳倩瑩) and Liu Sze-ming (廖思銘)<sup>75</sup> also arrived after the Police had left the Stairwell. This suggested that Li Shing-hong indeed wanted to stay in the Stairwell.

6.56. According to Fung Chi-choi, the Three Students did not seem afraid, nor were they in a hurry to leave.

6.57. Li Shing-hong’s response to the pushing by the Police (e.g., immediately raising his arms to avoid any accusation that he assaulted the Police; taking video in a moment of commotion) suggested that he was not as inexperienced as he portrayed himself to be. He was calm enough to stop Tang Kin-wa from attempting to hit the Police when they were pushed inside the Stairwell. He also told the Panel that Tang Kin-wa and Wong Kai-hing were not inexperienced in dealing with the Police. While the Panel appreciates Li Shing-hong’s assistance in appearing before the Panel, the Panel notes that he refused to provide the Panel with his written account of the incident, from which he read out a substantial portion to the Panel, and declined to provide his video footage.<sup>76</sup> The Panel further notes that he had not been entirely forthcoming in various aspects of his evidence in relation to the behaviour of the Three Students in the Stairwell. In contrast, the Panel found Frankie Law and Fung Chi-choi honest and forthcoming witnesses, whose evidence was supported by other witnesses. Hence, if there is a conflict of evidence between them and Li Shing-hong, the Panel prefers the evidence of Fung Chi-choi and Frankie Law, particularly when their accounts were supported by relatively contemporaneous records.

6.58. ***The Panel is aware that whether the students had been falsely imprisoned in the Stairwell by the Police could be a live issue in possible litigation in the future, and hence the Panel prefers not to express any definitive view on this issue, especially when the Panel did not have the benefit of assistance from the Police and two of the Three Students on the details of this incident. On the basis of the information***

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<sup>74</sup> This was admitted by Li Shing-hong, but he explained to the Panel that he meant to be sarcastic.

<sup>75</sup> See paragraph 6.24.

<sup>76</sup> The Panel accepts that Li Shing-hong has no obligation to provide his notes and video footage to the Panel and does not draw adverse inference against him merely on account of his refusal to provide the same to the Panel.

*available to the Panel, the Panel finds no express prohibition from the Police that the Three Students could not leave the Stairwell through Door B, which was kept open by Fung Chi-choi at all material times. The Three Students were explicitly told by Frankie Law to leave (via Door B up the staircase). Li Shing-hong remained in the Stairwell to wait for Mok Kwan-ling and/or others to come to record the incident. The conduct and attitude of the Three Students were inconsistent with the allegation that they were so scared and felt so threatened that they dare not leave the Stairwell.*

## **Whether HKU Security Guards Had Falsely Imprisoned Them**

6.59. As Li Shing-hong has confirmed that he does not intend to make any allegations of false imprisonment against HKU security guards, the Panel could deal with this issue briefly. Shortly before 10:05 am, the Police withdrew upon HKU security guards entering the Stairwell. There were four security guards inside the Stairwell other than Fung Chi-choi who was still holding open Door B.

6.60. When the security guards were inside the Stairwell, Li Shing-hong asked the security guards about false imprisonment and did not receive an answer. He also asked for the ID of the guards and tried to take photographs of their identification badges. At this time, the atmosphere in the Stairwell was somewhat tense. Some guards initially turned themselves around to avoid having details of their IDs taken down by the Three Students, but after one of the guards said it was okay, the guards allowed the students to copy their IDs. Li Shing-hong had indeed keyed-in the ID of a guard into an SMS message but the message has been lost. He used his phone to take photographs of the guards' IDs but the resolution was not good.

6.61. The atmosphere relaxed after 10-15 minutes. The Three Students chatted with the guards about their work shifts. They even asked for Door A to be opened to allow air in but a guard said 'ah sir wouldn't let me'. Tang Kin-wa went outside Door B to sit on the steps at around 10:30 am for about five to ten minutes.

6.62. Li Shing-hong admitted that Door B was kept open throughout the period when the Three Students were with the security guards inside the Stairwell. During the time the Three Students were in the Stairwell with the security guards (from around 10:05 am to around 10:45 am), they were visited by Mok Kwan-ling (莫坤菱), Chiu Hei-tung (趙希彤), Chan Sin-ying (陳倩瑩), Liu Sze-ming (廖思銘) and Mak Yuen-fung (麥元豐) as well as briefly by Patrick Tang of CEDARS<sup>77</sup>.

6.63. Li Shing-hong added of his own volition that, with hindsight, he thought the security guards had no intention to imprison them and would not have prevented the Three Students from leaving.

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<sup>77</sup> See Chapter 7 for details of Patrick Tang's visit.

6.64. Mok Kwan-ling has provided the Panel with some very helpful photographs (**"the Stairwell Photographs"**). These were taken by Chiu Hei-tung and carried timestamps from 10:05 am to 10:09 am.<sup>78</sup> The Stairwell Photographs (that were taken at around 10:06 or 10:07 am) show To Kin-tong (Head Guard) holding his identification badge up for Li Shing-hong to inspect. One of the Stairwell Photographs shows Chan Sin-ying standing in the doorway of Door B. From the Stairwell Photographs, it would appear that Chan Sin-ying and Liu Sze-ming were also taking photographs, which the Panel has not seen.

6.65. The most interesting of the Stairwell Photographs is the one taken at 10:09 am depicting four security guards, Wong Kai-hing and Li Shing-hong inside the Stairwell. The photograph gives a virtually complete view of the Stairwell and it is noteworthy that Tang Kin-wa was absent. When asked about this particular photograph in his second interview with the Panel, Li Shing-hong said it was possible that Tang Kin-wa was outside the Stairwell.

6.66. At around 10:35 am to 10:45 am, the Three Students were told by the security guards that the protesters were at the podium of the ground floor of KK Leung Building, at which point the Three Students left the Stairwell by way of Door B and made their way to the ground floor of KK Leung Building escorted by the security guards.

6.67. ***The Panel is satisfied that there was no false imprisonment of the students on the part of the security guards in that (1) it was clear that the Three Students were free to leave the Stairwell at all material times; alternatively, if the Three Student had tried to leave by way of Door B, the security guards would not have stopped them; and (2) indeed, at least one of the Three Students did go out of the Stairwell and there were a stream of visitors coming and leaving the Stairwell in the meantime.***

6.68. ***The Panel is satisfied that HKU security staff had done the best they could in the circumstances, and in particular, wishes to make clear that it intends no criticism of Frankie Law, who used to be in charge of traffic control and was inexperienced in dealing with the Police on site. It was unfortunate that he made the remark to the Police that he could not deal with the situation, but he was under immense pressure at the time and had no senior supervisor that he could turn to. The Panel recommends that in future operations there should be a senior supervisor in a command centre to whom the officer on the ground could turn for instructions if necessary.***

6.69. In addition and on a separate note, there appears to be no University regulations governing disruptive behaviour on campus. On request by the Panel, Frankie

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<sup>78</sup> See Figure 6.6(1) to 6.6(4). Mok Kwan-ling has confirmed the timestamps to be consistent with the time shown on the camera, which in turn appears to be correct.



Law was only able to produce a “Notice to Visitors” issued by the Estates Office.<sup>79</sup> ***One would expect there to be regulations to empower HKU security staff to act when there is disruptive conduct. The Panel recommends that the University should review its regulations in this regard.***

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<sup>79</sup> See Appendix 32.

## **Chapter 7 – Crisis Handling and Management**

### **Introduction**

7.1. The moment that the Police had pushed the Three Students into the Stairwell the University had a crisis on its hands. Visual images of the incident were replayed repeatedly in the media. Because these images depicted force being used on students who were not putting up any resistance, who were outnumbered and pushed against their will into the Stairwell, followed by Li Shing-hong accusing the University of forsaking core values through tears, a strong reaction from the University community and the public signalled a crisis which had to be addressed.

7.2. In reviewing the manner in which the University administration dealt with the crisis, the Panel considered firstly, its plans to assess and deal with the risks of an adverse public relations incident, such as the Stairwell Incident; secondly, how the University responded to the critical stakeholders in the subsequent days; and lastly the steps taken to contain harm and rebuild morale to recover from the adverse incident.

### **Risk Assessment**

7.3. Katherine Ma (Director of Communications of the CPAO) disclosed to the Panel that a risk assessment was conducted prior to 18 August 2011, and Trinni Choy said that, when she first learned that a national leader was to visit HKU, her first reaction was there would be big challenges because there was bound to be a clash of values among various stakeholders. Her worries reflected on her assessment of the wide disparity of expectations on how the University should interact with the leadership of China.

7.4. According to Katherine Ma:

- (1) At the meeting on 12 August 2011 in Room M218 (Convocation Room), members of the organising staff to be stationed in Loke Yew Hall were specifically briefed on how to handle possible protest in Loke Yew Hall; protesters would be allowed to stand up, express their views and then would be encouraged by HKU staff to sit down. Staff were posted in Loke Yew Hall for this purpose.
- (2) Her unit monitored potential student protest activities (as well as possible actions on campus by some political groups) but they did not identify any relevant information until 17 August 2011 on Facebook.

- (3) On 17 August 2011, Albert Chau (Dean of Student Affairs) was enlisted to help deal with protesters on 18 August 2011 and attended the meeting with the Police on 17 August 2011, which was the day before the event.
- (4) At the August 17 meeting with the Police, it was clear that the Kadoorie podium that had earlier been designated as a protest area was redundant since there was a call for a protest on the Swire Bridge.
- (5) To monitor the situation, seven staff members were stationed by the CPAO along the route from the Swire Building to the Kadoorie podium.
- (6) As in most University public events, a stand-up media briefing plan was put in place for the Vice-Chancellor to speak to the media after the August 18 event at Sun Yat-sen Place.

7.5. The University administration has not presented to the Panel any information that the risk assessment was discussed any further than beyond Katherine Ma and Trinni Choy. The risk assessment was not formally conducted with input from any Pro-Vice-Chancellor nor was the Council Chairman aware of this being done.

7.6. In any event the risk assessment was inadequate. It failed to assess the extent of inconvenience that might be caused to the University community and how the University should prepare for it. It did not contain any plan to address any untoward incident that might happen on the main campus outside Loke Yew Hall, especially in light of the call for a protest at the Swire Bridge two days before the event. There was no plan on how the University should handle any untoward incident, including how to and who should respond to such incidents. Further, it did not result in any consideration being given to the option of aborting the event should the risks become too great. When discussing his reflections with the Panel, the Council Chairman said that everyone in each administrative unit involved in the preparation for the August 18 event was eager to do his/her best but crisis-preparedness might not have been very strong. The Panel agrees with his observation that the capacities of signal detection of a crisis situation as well as awareness and appreciation of organisational vulnerability in such an event were not clearly demonstrated.

***7.7. If a risk assessment had been properly conducted and effectively communicated to relevant stakeholders, and if the University had a risk appraisal procedure under an established crisis-preparation system, the results might have been different. There was also no explicit plan to manage any adverse public relations incident and the administration had to decide what to do as matters were evolving following the August 18 event.***

## General Crisis Management Issues

### *The Ad Hoc Crisis Management Team*

7.8. There was no established crisis mechanism in the University, and so the event was handled by an ad hoc crisis management team, which, according to Katherine Ma, met almost daily on over 20 occasions during the period from 19 August 2011 to 13 September 2011. Katherine Ma used the word ‘organic’ to describe the manner in which this crisis management team operated. There was no clear division of labour among the team members. Indeed, there was no organisational structure, no fixed membership, no formal minutes and no terms of reference.

7.9. The participants of the crisis management team changed from time to time. The frequent participants included the Council Chairman, the Vice-Chancellor, the Deputy Vice-Chancellor, the Registrar, Katherine Ma, Trinni Choy, Albert Chau and Bernadette Tsui. Less frequent participants included Prof. Ying Chan, Prof. SP Chow and Kitty Wong. The involvement of the Deputy Vice-Chancellor and Prof. Ying Chan was coincidental. The Deputy Vice-Chancellor, who happened to be working in his office on Sunday (21 August 2011), was rolled onto the team. On her own initiative, Prof. Ying Chan attended the daily morning meetings since 20 August 2011 for about one week. The Deans were involved on one occasion.

7.10. Trinni Choy and Melanie Wan of CPAO were responsible for monitoring the media responses, and took proactive steps to discuss the University’s position with key commentators and editors. Some people who had the relevant public relations experience were seconded from the Faculties to help with transcription, media and social network monitoring, writing and translation.

7.11. ***The University may face crises in a variety of situations. These range from major natural disasters to incidents involving a single individual. While it is difficult to cater for all situations, the Panel recommends that a standing crisis management structure be established to monitor the immediate situation and decide on the crisis management mechanism to be triggered. Each mechanism should set out the terms of reference, membership, accountability, protocols and procedures, and dissolution of the crisis management body that is brought into action.***

### *Participation of the Council Chairman*

7.12. As to his daily participation in the crisis management team, the Council Chairman said that he considered it his responsibility to step in given the extent of the crisis and the considerable pressures faced by the Vice-Chancellor. Furthermore, with his previous experience in crisis management, the Council Chairman felt his involvement could introduce new and more objective perspectives as he was not personally involved in

the organisation of the August 18 event.

7.13. The participation of the Council Chairman has led to concern about the role of the Council Chairman in the day-to-day operations of the University. This is a difficult and sensitive issue, to which the Panel will return in Chapter 8.<sup>80</sup> ***It suffices to note here that the initiative take by the Council Chairman to help in the time of crisis should be applauded. It was a reasonable step to take given that there was no structure in place to deal with crises at the time. With a proper crisis management structure in place, the need for the Council Chairman to participate would be reduced.***

#### *Spokespersons*

7.14. The Panel notes that the Vice-Chancellor was the main spokesperson speaking on behalf of the University on the August 18 matters. Trinni Choy said that having a spokesperson was normal in a crisis situation but the post-August 18 crisis management team did not designate one. A ‘ghost’ spokesperson (without attribution to a particular individual) was used. There were several considerations: the Vice-Chancellor had experienced unpleasant encounters; other members of the SMT were not intimately involved in the details of the event and so it would have been hard for anyone from the SMT to be the spokesperson. If the spokesperson did not know all the facts, there could be a high risk. Katherine Ma added that, in an academic setting, experts in the particular field would be the spokespersons for the University when the matters discussed touched on their areas of expertise. For non-academic subject matters, the Vice-Chancellor, SMT and the Deans would usually speak for the University.

7.15. ***The Panel accepts that, in this age of technology-enabled media, response must be quick and spokespersons should be appraised of all relevant facts and aware of the public sentiment. It may not be appropriate to make the most senior member the spokesperson of the University at first instance or the only spokesperson of the University. On this occasion it was inappropriate to make the Vice-Chancellor the only spokesperson of the University during the first two or three days of the crisis.***

### **The Steps Taken in the First 48 Hours**

7.16. Katherine Ma very helpfully submitted a summary of the crisis-handling steps taken by the University after the Stairwell Incident.<sup>81</sup> The Panel identified the University administration as having taken the following steps in the first 48 hours (i.e. up to 20 August 2011): (1) before noon on 18 August 2011, the Vice-Chancellor gave a stand-up interview to the media in Sun Yat-sen Place; (2) there were efforts to contact Li

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<sup>80</sup> See paragraphs 8.20 and 8.21

<sup>81</sup> See Appendix 37

Shing-hong; (3) a press release was issued on 18 August 2011; (4) preparations for a meeting with HKUSU Executive Committee on 19 August 2011, which turned out to be a public forum attended by the Vice-Chancellor and Albert Chau; (5) a press release and press statement were issued on 19 August 2011; and (6) a press release was issued on 20 August 2011.

*The Vice-Chancellor's encounter with reporters on 18 August 2011*

7.17. When speaking to the media for the first time after the Ceremony, the Vice-Chancellor was in the awkward position of not appearing to know about the Stairwell Incident. When surrounded by a large number of reporters and angry students, the Vice-Chancellor also made a statement that the University is “no longer a Hong Kong university” (“唔再係香港的大學...”) when he actually meant “no longer only a Hong Kong university” (“唔再只係香港的大學...”). The Panel considered it necessary to examine the support offered to the Vice-Chancellor leading to this media encounter.

7.18. The Ceremony in Loke Yew Hall took place at about the same time as the Stairwell Incident. After the Ceremony, Albert Chau informed the Vice-Chancellor that the protesters were not satisfied with having Prof. Roland Chin (Deputy Vice-Chancellor) receive their petition and they wanted the Vice-Chancellor to go to the KK Leung podium to receive it. Accordingly, the Vice-Chancellor, together with Katherine Ma and the Registrar, headed from the Main Building toward the KK Leung podium. On the way, they received a message that the protesters would head toward the University Lodge. At this time neither the Vice-Chancellor nor any of those around him knew of the Stairwell Incident.

7.19. By the time the Vice-Chancellor had arrived at Sun Yat-sen Place, he was immediately surrounded and confronted by the media, and there was no way to reach the protesters. The Vice-Chancellor was caught unprepared. The situation was chaotic and the Vice-Chancellor could not hear the questions asked, resulting in the Vice-Chancellor appearing to be disorderly. He eventually delivered the remark incorrectly.

7.20. According to Katherine Ma, the Vice-Chancellor was under tight time pressure: immediately after the Ceremony in Loke Yew Hall, he had to join the students in Room M217, introduce the academicians in Room M218, and bid farewell to Vice-Premier Li before conducting a preconceived media briefing after the event. He then had to dash to University Lodge to meet the overseas university heads who would be waiting for him for lunch. Despite the time pressure, he still decided that he should receive the students' petition as this was what the students had demanded. The Vice-Chancellor, Katherine Ma and the Registrar were going from the Main Building and were expecting to receive a briefing by Albert Chau on the way.

7.21. Albert Chau recalls that at around 11:15 am, he met the Vice-Chancellor at the

ground floor of Knowles Building. He only had an opportunity to say a few words about the protesters to the Vice-Chancellor before the media approached him. He did not have the chance to inform the Vice-Chancellor that students had been pushed by the Police.

7.22. The Vice-Chancellor did respond to a shout from someone when speaking to the media to the effect that the Police had pushed students. If he had been less flustered it may have been possible for him to realise the seriousness of this, and the sentiment of the students around him and to respond more empathetically. However, the manner in which such information was conveyed to him, and the context in which he found himself in, did not reasonably enable him to take in the implications of this statement. A better arrangement to meet the press would have given him a chance to reflect. On reflection, the Vice-Chancellor himself has resolved that henceforth good pre-arrangements would have to be made when University spokespersons speak to the press.

*Developing information on the Stairwell Incident in the immediate aftermath*

7.23. There were at least four staff who were in a position to gain a better understanding of what had happened with the Police pushing students for the purpose of briefing the Vice-Chancellor: (1) Albert Chau (Dean of Student Affairs); (2) Patrick Tang (Campus Life of CEDARS); (3) Trinni Choy (Assistant Director (Media) of the CPAO) and (4) Clement Wong (Senior Assistant Director of Estates).

7.24. On 18 August 2011, Albert Chau was at the Swire Building Protest Area from about 7:40 am. When he heard the commotion at the Stairwell, he asked Patrick Tang of his unit to find out more. Patrick Tang went to the Stairwell and returned to report that there was one HKU student in the Stairwell and no one was hurt. The Panel did not interview Patrick Tang, but in response to a request by the Panel, he wrote the following:<sup>82</sup>

*"... I was actually on leave on August 18... I ... dropped by the scene on my own initiative, thinking that Dr Albert Chau ... might need my assistance as I happened to know that he was there talking to those HKU alumni and students who came back to protest. I stood at the Police's controlled area ... somewhere near the east end of Swire Bridge leading to the Swire Building... When I was there for a while, there were loud noise and shouting at the Stairwell concerned. The protesters on this site did not know what happened, so they shouted "What happens", "Any HKU students there" and "Anyone hurt"? As they could not go over there to see what happened, they turned to seek assistance from Dr Chau who asked me to go over there to take a look...When I opened the outer door of the Stairwell at LG2, KKL Building, I was asked by the protesters/students inside "Why you came*

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<sup>82</sup> See Appendix 30.

*here?”. I said, “I came here because Dr Chau and the protesters on the other side were very much concerned what had happened with them.” Then I asked, “Was there any HKU students here?” and “Was there anyone hurt?” The protesters/students looked around themselves and said, “5 students here with 1 (Mr Li Shing-hong said he was) from HKU” and “No one hurt”... I reported this to Dr Chau and the very protesters accordingly.”*

7.25. The Panel concludes that the safety of the students was the primary concern of Patrick Tang. From what Patrick Tang had said, Albert Chau may not have realised that the Police had pushed the Three Students. He only found out about the Stairwell Incident from one of the protestors when they were at the KK Leung podium.

7.26. Trinni Choy (Assistant Director (Media) of the CPAO) was also in the vicinity of the KK Leung Building. When the media rushed in to record the Police pushing the Three Students into the Stairwell, Trinni Choy sensed that something untoward might have happened, but could not see what it was. But because the media had dispersed quickly afterwards, she formed the impression that it could not have been anything much. If something earth-shattering had happened, the media would have lingered around that area to capture more information. Since they did not do so, she had not thought of asking the media what had happened. It did not occur to her that students would be pushed as she thought that the Police had training on how to deal with protesters without having to resort to physical contact. Her attention soon turned to the negotiation between Albert Chau and the protesters at the Swire Building Protest Area. By the time that the students were heading to Sun Yat-sen Place, she returned to KK Leung Building without realising the pushing incident. Trinni Choy only came to know about the Stairwell Incident when she saw it on television news at around lunchtime by which time the Vice-Chancellor had already met the press.

***7.27. The Panel takes the view that if Trinni Choy had asked the media representatives what had happened, she may have been able to find out about the Stairwell Incident earlier so as to alert others in the University administration – this was a lost opportunity.***

7.28. Clement Wong was Frankie Law’s supervisor. On 18 August 2011, He was at the Main Building handling an air conditioning problem in Room G07, where Prof. Jao was to meet Vice-Premier Li. He called Frankie Law after the Ceremony, as a matter of routine checking. Frankie Law did mention the Stairwell Incident but only in a manner such that Clement Wong could not have appreciated its significance. He was given the impression that all was under control.

*The arrangements for the Vice-Chancellor’s media interview on 18 August 2011*

7.29. According to Katherine Ma, the original plan was for the Vice-Chancellor to



give a stand-up interview at Sun Yat-sen Place after he had bid farewell to the Vice-Premier. Trinni Choy added that the set-up did not involve any arrangement (such as a microphone stand or cordoned area) for the Vice-Chancellor as there would normally not be any problems with reporters.

7.30. Katherine Ma said that it was impossible to postpone the media session until after the function at the University Lodge. The Vice-Chancellor had little option but to speak to the press once he was surrounded by reporters. Furthermore, asking the media to wait another one to two hours after they had already waited for three hours in the sun was not a preferable option.

7.31. On reviewing video footage of the Vice-Chancellor's encounter with the media on 18 August 2011, the Panel could see that the Vice-Chancellor was ill-prepared to handle the pressure, and could hardly hear questions put to him (a difficulty which he pointed out to reporters when they likewise surrounded him on 19 August 2011). He did hear the shout from an unidentified person that the Police had pushed students but responded saying (truthfully) that he did not know of anything to do with that, and went on to complete his sentence. With a more collected frame of mind, and a sense of the implications of that remark, the Vice-Chancellor could have asked for details from the person who had shouted out. To do this, however, was more demanding than appears given the stress that the Vice-Chancellor must have been under, with overseas guests waiting for him while surrounded by reporters. The Panel does not fault the Vice-Chancellor for his performance whatsoever. Indeed, as at that time, none in the Vice-Chancellor's company had any idea of the Stairwell Incident, and even after the Vice-Chancellor had reached the University Lodge, he still did not know of the Stairwell Incident.

7.32. ***The Panel however recommends that all interviews with the media should be in an organised setting, enabling the person being interviewed to appear in a dignified setting where questions from the reporters can be properly heard. It is preferable to have a cordon so that the physical distance between the person interviewed and reporters is suitably maintained. The lesson learnt is not to enter the scene until someone has had a look first at the situation so that the person being interviewed one can be better prepared.***

*The August 18 press release*

7.33. The initial press releases of 18 August 2011 and 19 August 2011 were drafted by Katherine Ma and the Registrar and were approved by the Vice-Chancellor.

7.34. The August 18 press release read:

*"A Spokesperson of the University of Hong Kong, in response to media*

*enquiries about the suggestion that 'HKU invited the police "to take over the campus"', says that the University regards this claim as unacceptable. The University's current campus security operations are not designed for providing security services of extremely high standards. The University therefore could only rely on the professional judgment of the police, trusting that their deployments on campus would be based on their experience and judgment, and the University would cooperate with their decisions."*

7.35. By the late afternoon of 18 August 2011, the Stairwell Incident was already extensively reported by the media. Members of the University administration should have known of it before the press release was issued. Yet there was no attempt to address this. From the August 18 press release, it appears that the University was more concerned about the significant presence of the Police on campus, and the University's relationship with the Police on the security arrangements, rather than the protection of students on campus. Katherine Ma identified the issue as follows: "*Various commentaries in media and social media groups criticised the University for 'surrendering the freedom of speech and expressions' on campus and for trying to please the Chinese regime.*" There was no focus on the Stairwell Incident, the thinking being that this was a problem for the Police, not the University.

***7.36. The Panel concludes that the August 18 press release was inadequate because it failed to address the Stairwell Incident which had already dominated media coverage and to state the University's position on what had happened. In any event, the press release did not answer the public concerns about the surrendering of freedom of speech and expressions on campus and for trying to please the Chinese regime. The University's response failed to grasp the community's concern relating to the Police's use of force, and skirted the key issues such as ensuring the safety of students on campus or institutional autonomy, thereby effectively foregoing the opportunity to give input and perspective to the press. This failure on the part of the University administration allowed the crisis to escalate.***

*Failure to ascertain the Stairwell Incident in a timely manner*

7.37. The Panel was surprised to find that there was no attempt to ascertain what had happened in the Stairwell in a timely manner. Once the Vice-Chancellor had learnt of the Stairwell Incident in the late afternoon of 18 August 2011, he immediately asked Albert Chau to contact Li Shing-hong. Albert Chau eventually managed to contact Li Shing-hong after some unsuccessful attempts and scheduled a meeting for 20 August 2011 (Saturday), but according to Katherine Ma, Li Shing-hong later declined to attend the meeting, saying that he felt uncomfortable meeting the Vice-Chancellor privately.

7.38. Apart from Li Shing-hong, there were other people who could have helped the University administration to ascertain the details of the Stairwell Incident, such as the

security guards at the Stairwell. However, no concerted effort was made until a few days later. Clement Wong (Senior Assistant Director of Estates) asked for statements from the guards only on 22 August 2011 some four days after the Stairwell Incident and the request was made only for the purpose of the Estates Office's internal use. The Vice-Chancellor was supplied with the statements of Frankie Law and Fung Chi-choi on 23 August 2011. Prof. Malpas (Pro-Vice-Chancellor (Infrastructure)) was briefed about the incident reports on 24 August 2011, but it did not appear that he had taken any action on the information. Albert Chau spoke separately with the guards on 22 August 2011, but the information he gathered was apparently not fed to the Vice-Chancellor or Katherine Ma who were handling the crisis at the initial stage. Thus, no one in the so-called crisis management team had tried to find out on 18 or 19 August 2011 exactly what had happened to the Three Students in the Stairwell. While the Estates Office provided very useful footage to the Panel, it is unfortunate that the full footage of all surveillance cameras that captured the entire Stairwell Incident was not retrieved and has now been lost.

**7.39. *The first step to address any crisis must be to ascertain the relevant facts as soon as possible after the crisis. This was apparently not in the mind of the CPAO and there was no serious or concerted effort to ascertain the fact until a few days later. As a result, it put the University in a position of having to address public criticisms without the benefit of the facts that it should have been able to ascertain. The Panel recommends that the University administration should enhance the awareness of the importance of gathering relevant facts and evidence without any delay in handling any crisis.***

#### *The August 19 meeting*

7.40. The August 19 meeting was arranged by the HKUSU. Albert Chau intended to arrange a private meeting between HKUSU representatives and the Vice-Chancellor. This was not the understanding of the students. According to Li Tsz-shu (President of the HKUSU), he understood the meeting was meant to be with students in general. Given the level of controversies at that time, he considered it inappropriate for only the HKUSU Executive Committee to meet with the Vice-Chancellor. Accordingly, he caused a notice of the meeting to be posted on Facebook.

7.41. By late morning when Li Tsz-shu called Albert Chau to arrange a bigger room, Katherine Ma and others (Albert Chau and Bernadette Tsui) realised that it would be a larger meeting that might be attended by some press. It would be impossible to turn away the media by then as the meeting had already become public knowledge. The Vice-Chancellor had a luncheon meeting that day and decided not to cancel or postpone it contrary to advice. This left him with only about 45 minutes to an hour after lunch to prepare for the meeting.

7.42. The meeting was attended by a large number of people, including a large presence of media, and was broadcast live. The atmosphere of the meeting soon turned hostile and went out of control. The Vice-Chancellor was confronted and interrogated with hostility. He was helpless and unprepared for the verbal aggression. He was heckled continually and was unable to express his thoughts clearly. He said that Vice-Premier Li Keqiang had invited himself to HKU when what he had meant to say was that the University had invited a senior leader of the State Council to visit the University, and it was not until close to the visit that the University knew the identity of the national leader. He also apologised to Li Shing-hong (for not having been able to prevent the incident at the Stairwell from happening) and apologised for his statement on 18 August 2011 that the University “*is no longer a Hong Kong university*” (唔再係香港的大學...) when intending to say “*is no longer only a Hong Kong university*” (唔再只係香港的大學...).

7.43. The Panel asked why the University administration did not invite the students to the University Lodge or some other venue for the meeting in the first place. Katherine Ma explained that they could have requested another venue but they had underestimated the situation, and before they knew it, it had gone beyond their control. Trinni Choy added that they were haunted by the incident of former Vice-Chancellor Prof. Cheng Yiu-chung and were worried if they cancelled the meeting at that late stage, it might trigger a demand from the students for the Vice-Chancellor’s resignation. They thought that the Vice-Chancellor could just listen to the students at the August 19 meeting and did not expect it to be a forum for his ‘interrogation’.

7.44. The Panel finds that the meeting of 19 August 2011 was disastrous and caused further damage to the reputation of the University. Katherine Ma and her team had failed to appreciate the political sensitivity of meeting with a few student representatives at that time when the matter had already become a public controversy. The team also failed to arrange an appropriate meeting, and when they knew that the meeting would turn public, little preparation had been done to prepare the Vice-Chancellor for the meeting. The team had underestimated the strength of public sentiment, and when the meeting became hostile, it was unable to make appropriate responses on site.

7.45. ***The Panel notes that the Vice-Chancellor was not adequately prepared for the meeting on 19 August 2011. In setting up this meeting, Albert Chau did not establish a clear understanding of the expectations of the students and did not give sufficient thought to the choice of venue. The Vice-Chancellor did not expect that the press would be covering the meeting live and was not prepared for a hostile audience. The unpleasant experience in the meeting with the media on 18 August 2011 was repeated at the August 19 meeting which had caused further damage to the reputation of the University. On this incident, the Panel concludes that Albert Chau and Katherine Ma should bear primary responsibility.***

*The August 19 Press Statement on the invitation of the Vice-Premier*

7.46. In the evening of 19 August 2011, the CPAO issued a press statement<sup>83</sup> to the assignment editors of all major local media via an email. The principal aim of the press statement was to clarify the Vice-Chancellor's remarks regarding Vice-Premier Li Keqiang's visit. This press statement read:

“就港大學生關注邀請李克強副總理出席百周年校慶典禮一事，香港大學校長徐立之教授澄清，李克強副總理是應港大之邀請來訪。香港大學立足香港，與內地交流緊密，邀請領導人來訪，有助促進了解溝通。”

*[Regarding the invitation of Vice-Premier Li Keqiang to the Centenary Ceremony, which is of concern to students, the Vice-Chancellor Tsui Lap-chee clarifies that Vice-Premier Li Keqiang was invited by HKU to visit. HKU stands in Hong Kong and has close exchanges with the Mainland. Inviting leaders to visit will facilitate understanding and communication. (Panel's translation)]*

7.47. Such clarification would probably have been unnecessary had the Vice-Chancellor been properly prepared for the August 19 meeting. HKU also lost another opportunity to address the public criticisms that had been directed at the University.

*The Press Release on August 19 regarding the Police*

7.48. After the Stairwell Incident, the University had a disagreement with the Police/Security Bureau of the Government. On 19 August 2011, the Vice-Chancellor received what he thought was a courtesy call from the Secretary for Security Ambrose Lee Siu-kwong (who was calling from Beijing), in which the Vice-Chancellor erroneously interpreted the Secretary as expressing regret for the inconvenience caused to HKU on the day before. The Vice-Chancellor was conciliatory and responded to the effect that he understood the position of the Police.

7.49. Accordingly, a press release was made on 19 August 2011<sup>84</sup>, which reads:

*“In response to the incident caused by the demonstration on the University's campus yesterday, HKU Vice-Chancellor Professor Lap-Chee Tsui has expressed his deep concern and believed that the police will also review its deployment operations.*

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<sup>83</sup> See Appendix 16.

<sup>84</sup> See Appendix 15.

*Professor Tsui said, "HKU has always been a place of knowledge and diverse views. The University has been firm on our traditions of freedom, openness and diversity, and will continue to encourage and protect the freedom of independent thought and speech. The University is a place where facts are discussed and the truth is sought. We encourage different opinions and have always insisted on being open and inclusive. We appreciate the peaceful and rational manner of expression by HKU students and alumni yesterday, which was an excellent example of peaceful demonstration." .... [3 paragraphs more]"*

7.50. There was apparently a misunderstanding on the part of the Vice-Chancellor on the attitude of the Police/Security Bureau. On 20 August 2011, upset by the press reports that the Secretary for Security had reportedly said that the security measures had been arranged by the University and the Police were only there to provide assistance, the Vice-Chancellor called the Secretary for Security back to clarify the University's position. On around 22 August 2011, the Vice-Chancellor sent a letter to the Secretary for Security. However, this letter, which was conciliatory in tone,<sup>85</sup> failed to convey the sentiment of the Vice-Chancellor in his phone conversation with the Secretary for Security on 20 August 2011.

*The August 20 press release*

7.51. On 20 August 2011, crisis management meetings began to take place on a daily basis every morning, with the Council Chairman participating. A press release of 20 August 2011<sup>86</sup> was published, and for the first time the University expressed clearly its stance on the Stairwell Incident. It read:

*"Based on the available evidence of the confrontation between the Police and students on August 18, 2011 at KK Leung Building, Vice-Chancellor Professor Lap-Chee Tsui announced today (August 20) that the University has found the Police's measures used in handling the student protest unacceptable. The University is of the view that the physical contact leading to a student being pushed onto the ground was unnecessary.*

*The University agrees that a review of the Police action, as announced last evening, is necessary. The University will liaise with the Police to ensure that similar incidents will not occur again on campus.*

*Professor Tsui found the incident regrettable, and expressed his apologies to students and graduates for not having been able to prevent it. ..."*

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<sup>85</sup> See Appendix 18.

<sup>86</sup> See appendix 17.

7.52. The Panel finds the series of press releases confusing and lacking in focus. It is undesirable to make cross exchanges with the Police through the media, which appears to be what happened in the first two days. The stance and focus of the University changed over the course of first few days, reflecting a lack of adequate and proper perspective of the problem and the University's position. The statements failed to address the issues adequately and therefore failed to contain the crisis in time. ***The Panel finds that if the University had been able to adopt the position as stated in the August 20 press release on an earlier date, preferably on 18 August 2011, the University's stance would have been much clearer and the damage to the University's reputation might have been contained.***

## **Steps Taken After the First 48 Hours**

### *The Vice-Chancellor's repeated public apologies on 23 and 24 August 2011*

7.53. According to Katherine Ma, in addition to the public apologies made on 19 August 2011 and on 20 August 2011, the Vice-Chancellor made another two apologies making a total of four apologies, which were:

- (1) On 19 August 2011, at the meeting with students initiated by HKUSU Council, the Vice-Chancellor apologised to student Li Shing-hong (for not having been able to prevent the incident at the Stairwell from happening) and apologised for saying "*is no longer a Hong Kong university*".
- (2) On 20 August 2011, the Vice-Chancellor expressed his apologies in the August 20 press release (as cited above) which states: "*Professor Tsui found the incident regrettable, and expressed his apologies to students and graduates for not having been able to prevent it...*"
- (3) On 23 August 2011, when the Vice-Chancellor expressed his apologies in a newspaper advertisement and by way of a bulk email to members of the University community. He stated: "*... I am sorry about the above incident and, as the head of this institution, would like to offer my sincere apologies to our students and alumni for not having been able to prevent it.*"
- (4) On 24 August 2011, the Vice-Chancellor expressed his apologies in a speech during the Inauguration Ceremony and meeting with the press after the Ceremony, stating: "*...I should perhaps not repeat the details here because it can be found in the message I wrote two days ago to the University community. There, I expressed my regrets in our oversight in the handling of security on campus.....*"

7.54. According to Katherine Ma, the public apologies made by the Vice-Chancellor carried the same consistent message. They were however conveyed through different communication channels, targeted at different stakeholders. As to whether the Vice-Chancellor could have issued an apology once and for all on only one day, Katherine Ma explained that the August 24 Inauguration for new students was a natural occasion for the apology, followed by a stand-up interview with the media. The August 23 bulk email was sent out at midnight with no reinforcing event during the day. Hosting a media event on 23 August 2011 would have entailed taking questions from reporters and it would not have been satisfactory for the Vice-Chancellor to only read out the press release.

7.55. The Vice-Chancellor's sincere public apologies had won him respect from some members of staff, students and the public. In doing so, he was regarded as a true gentleman, willing to own up to responsibility. At the same time some people thought his repeated apologies may have compromised the dignity of the University. ***The Panel appreciates the Vice-Chancellor's courage in making public apologies but takes the view that any public apology should be disseminated in a manner that upholds the dignity of the University.***

#### *The August 26 Forum*

7.56. A group of alumni, led by Carmen Chan, proposed to organise a public forum on the evening of 26 August 2011 on campus, to which the University administration promptly agreed to have it hosted at the podium outside of the Main Library. The organisers invited the Vice-Chancellor to attend this forum.

7.57. The Vice-Chancellor was originally scheduled to go to Shanghai on that day. According to the Deputy Vice-Chancellor, he called a meeting with the SMT and the Deans on 22 August 2011 to brief them on the invitation from the organisers to attend the planned forum on 26 August 2011. The Vice-Chancellor decided to cancel his trip and attend the forum.

7.58. Eventually, over 1500 people attended the forum, including the Vice-Chancellor, the Council Chairman and many senior members of the University, alumni and friends of HKU, and others. Strict ground rules were set by the organisers, including a random selection of speakers, limited time for each speaker and calling off the forum immediately if there was any violence. The whole forum was widely covered by the media. While some aggressive remarks were directed against the Vice-Chancellor, he patiently restated the University's position and remained to listen to different views until the end of the forum.

7.59. ***The Panel concludes that:***

***(1) It is healthy to hold public forums for stakeholders to air their views and***



- such can be organised by the University. The participation of the Vice-Chancellor on 26 August 2011 was appropriate and courageous.*
- (2) *As HKU maintains an open campus, whoever appears in any public forum should be well prepared for any untoward incidents and be able to respond appropriately.***
- (3) *Finally, the Panel fully endorses the paramount importance of freedom of expression and would like to stress the freedom includes the right to be heard.***

#### *Allegation of Destroyed Minutes*

7.60. Throughout the work of the Panel, many allegations have been raised from different quarters. At the public forum on 23 November 2011, Au Yiu-kai, an alumnus, made an allegation in public that he had received information from a friend ("Individual A", who was not immediately identified to the Panel) working at HKU to the effect that an instruction had been given to destroy the minutes of meetings related to the August 18 event shortly after the event. In light of the gravity of the allegation and its implications on the integrity of University personnel, the Panel decided to look into this matter. Since this allegation is quite separate from the Panel's principal work, the Panel dealt with the allegation separately and reported its tentative conclusion on 3 January 2012. Au Yiu-kai raised the allegation at the forum in the following manner:

“歐耀佳，1983 年醫學院畢業。頭先個校友講咗嗰啲，好多係講出嚟個事實個問題。我想委員會可唔可以澄清，第一就係我哋係發生事第二日，就好匪夷所思咁樣，就會聽到即係報導就話所有啲安排嘅 minute 係冇晒，曾經係有報導過，咁我唔知委員會係咪有冇機會接觸到呢個資料？定係有冇？我希望好想知道。因為我自己得到一個我唔知可唔可以叫內幕消息定係點樣，總之係有我嘅朋友喺大學裡頭工作，佢會同我講，佢就話，係好短嘅時間，即刻係有人係用，即係訊息係將所有呢啲資料係消滅咗。呢個係 hearsay，我唔可以肯定。咁想問吓委員會你哋宜家可唔可以答到我哋你哋擺唔擺到嗰啲嘅 minute？因為係有報導過有咗啲 minute，所以係解釋唔到架。唔該。”

*[Au Yiu-kai, 1983 graduate of the Medical Faculty. Just now many alumni have already pointed out the problems with the event. I want the Panel to clarify first what happened two days after the incident; I heard reports that minutes on the event arrangements were gone. It has been reported so I don't know whether the Panel has had opportunity to be in contact with this information, or not? I hope to know because I myself received, I don't know whether it is called insider information; in any event I heard from a friend working in the University, who said in a very short time, someone had used... that is the message is all this information was destroyed. I don't know if it is hearsay. So I want to ask the Panel whether they can now answer us if they*

*can obtain the minutes. Since it has been reported that the minutes are gone, there is no explanation. Thanks. (Panel's translation)]*

7.61. On 29 November 2011, a letter was sent to Au Yiu-kai requesting further details of the allegation and the source of his information. On the same day, the Secretary of the Panel also wrote to the Registrar for information on how documents relating to University affairs were handled in general and how documents relating to the August 18 event in particular were handled.

7.62. By a telephone conversation with Au Yiu-kai on 30 November 2011, the Panel was informed by Dr. Au that Individual A had referred to the existence of an email and that he would try to find the sender or receiver of the said email. On 1 December 2011, Au Yiu-kai informed the Convenor that Individual X was the information source and the Convenor contacted Individual X and learned that the information did not come from any email but was based on what Individual X had orally heard from another person, Individual Y.

7.63. On 2 December 2011, twelve members of the HKU staff collectively wrote to the Panel in the following terms: *"We are very disturbed by Dr. Au's statement... we did not prepare minutes for our internal working meetings or the meetings with the Police... Since there were no meeting minutes ... the allegation that such meeting minutes were instructed to be destroyed... is obviously groundless... With regard to the working documents and communications relating to the 818 event, we are keeping the necessary papers in accordance with our normal office practice... We would like to point out that none of us has sent any message to request the destroying of papers or has received such a message..."*<sup>87</sup>

7.64. After unsuccessful attempts to contact Individual Y, on 13 December 2011, the Secretary of the Panel again wrote to Au Yiu-kai to seek further information, to which he promptly replied that he had nothing further to add.

7.65. On 16 December 2011, the Panel met the Registrar and five members of the HKU administrative staff to discuss the handling of all documents relating to the August 18 event. They confirmed categorically that they had not given or been given, or caused anyone to give instructions to destroy documents relating to the August 18 event. The Panel was given details of the office practices for dealing with documents. The Registrar also offered to provide copies of any additional documents that the Panel wished to have.

7.66. On 21 December 2011, the Panel was eventually able to contact Individual Y, who was unwilling to meet the Panel. However, Individual Y was able to confirm that Individual Y had never heard or received any instruction from any person relating to the destruction of documents relating to the August 18 event. Individual Y further denied

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<sup>87</sup> See letter dated 2 December 2011 signed by the twelve members of HKU staff, which responds to the letter dated 29 November 2011, both of which are in the Appendix 35.

having said anything about the destruction of any documents to any person, including Individual X.

7.67. On 2 January 2012, the Secretary of the Panel again wrote to Au Yiu-kai to solicit more information from him relating to his allegation. On the same day, the Panel issued a progress report setting out the allegation and the Panel's work. The Panel also called for further relevant evidence relating to the allegation. No one has provided the Panel any further relevant information.

7.68. ***On the material available to the Panel, the Panel has no reason to doubt the information given by the Registrar and the members of the HKU administrative staff. The allegation is based on multiple hearsay evidence and none of this evidence has been substantiated. The Panel accordingly concludes that there is no reliable evidence to support the allegation that any instruction was given to destroy minutes of meetings relating to the August 18 event and hence the allegation is unfounded.***

#### *Rejuvenation efforts*

7.69. The morale of the staff involved in the organisation of the August 18 event has suffered a major blow after the event. The Vice-Chancellor and the Deputy Vice-Chancellor have spoken to the relevant staff to encourage them to continue with their good work. The Vice-Chancellor and the Deputy Vice-Chancellor have had meetings with Deans and attended Faculty Board Meetings to explain what had happened.

7.70. ***The Panel concludes that the episode had disrupted the morale of the University administration. The Panel appreciates the feelings of the staff involved and would like to stress that there is no evidence of any integrity issues whatsoever. It is important for the University to rebuild morale and to guard against staff adopting the mentality of 'do less, less mistakes' (少做少錯). It is time for closure and healing. The University can rise from this episode to be much stronger with the concerted support of its staff, students and alumni.***

## Chapter 8 – Conclusion and Recommendations

### Overview

8.1. In the last seven chapters, the Panel has reviewed various aspects of the August 18 event. This chapter intends to be forward looking and sets out the recommendations of the Panel, some of which have already been foreshadowed in the previous chapters.

8.2. The Panel has focused on three major aspects of the August 18 event, namely (a) event arrangements; (b) security arrangements; and (c) crisis handling and management. The major findings are:

- (1) The handling of the Ceremony did convey to the public an impression that HKU ingratiated itself with the rich and the powerful. It also raised many doubts in the community as to whether the University had upheld its core values, namely, freedom, liberty and diversity. Hence, the reputation of the University has been impacted.
- (2) However, the Panel finds no evidence of any conscious attempt by HKU or any of its staff to ingratiate the University with either the rich or the powerful. All HKU staff involved in the event had tried to do their best to showcase HKU in the Ceremony. There were no integrity issues. The impression of ingratiation was sadly a result of a series of bad judgments and administrative blunders, some of which were long-standing and systemic in nature.
- (3) The seating of the Vice-Premier in the middle of the front row on stage and in the most prominent chair could not be faulted in the absence of an established protocol, but with hindsight, the Panel considers this to be an inappropriate arrangement in that such might have conveyed the wrongful impression that the autonomy of the University was other than in the University's hands.
- (4) However, the seating arrangements for Lord Wilson and the Minister of Education of the Central Government were clearly most inappropriate. Lord Wilson, who was described as a Guest of Honour, was seated in the second row, whereas the Minister of Education, who was one of the many other guests on stage, was seated prominently in the first row.
- (5) The external guest list for the audience was drawn up with a narrow focus,

namely to thank those who had helped or contributed to various centenary celebration activities; however, this had little relevance to the objectives of the Ceremony, which was to showcase the University's academic excellence and best traditions.

- (6) Reservation of the first two rows of seats in the audience mainly for tycoons (with 12 out of the 14 seats were reserved for major donors) conveyed an unfortunate impression that HKU only cared for major donors.
- (7) There was a failure to adequately engage students in a timely and meaningful way. Student helpers were recruited in a manner that left some students feeling left out. Notice of the event was only given to students the day before the event. Some students were engaged as helpers and some served as backdrop.
- (8) HKU had not given sufficient priority or weight to the issue of security in organising the Ceremony. Security was treated as a public relations endeavour and was left largely to relatively junior or middle-level administrative staff. As a result, it was inadequately equipped or prepared to deal with the Police on security matters.
- (9) While some efforts had been made to ensure that protesters could be seen and heard, HKU could have devoted more effort to upholding its autonomy and core values in the negotiations with the Police, particularly at the final stage when major changes were being introduced.
- (10) After the Stairwell Incident, the HKU administration had failed to assess the situation promptly and accurately, and had failed to respond appropriately, particularly within the first 48 hours of the crisis.

8.3. The seating arrangement of the Vice-Premier raises issues relating to the appropriate protocols for the University, which will be addressed more fully below.

8.4. As to the Stairwell Incident, the Panel regrets that the Police had used unnecessary and unjustifiable force to push the students into the Stairwell. The Panel is aware that whether the students had been falsely imprisoned by the Police could be a live issue in possible litigation in the future, and hence the Panel prefers not to express any definitive view on this issue, especially when the Panel did not have the benefit of input on details of this incident from the Police and two of the three students. However, the Panel notes that there was no express prohibition that the students could not leave the Stairwell, and the behaviour of the students was inconsistent with their allegation that they were so scared of their personal liberty that they believed they would not be permitted to leave the Stairwell.

8.5. After the HKU security guards took over from the Police, they chose to remain in the Stairwell for a considerable period of time. There is no allegation of false imprisonment against the University security team, which, if made, would be unsubstantiated in any event.

8.6. There was no evidence to suggest that any external party, including the CE Office, the CLO or any other Mainland authorities, had exerted any undue pressure on HKU in organising the Ceremony, including the seating arrangements.

8.7. As to the University's core functions of teaching, research and knowledge transfer, the Panel has seen no evidence of any academic endeavour that has been meaningfully affected or compromised by the University's handling of the August 18 event. Nonetheless, the clumsy handling of the event and its aftermath had caused damage to the reputation of the University.

8.8. A main cause of the administrative problems lies in the rather loose 'organic' structure used to organise the event. The Panel has already pointed out the problems arising from this loose 'organic' structure, namely (1) decisions being made without collective input, (2) one unit not knowing what the other units were doing, and (3) turning delegation into abdication of responsibilities.<sup>88</sup> In other words, the 'organic' structure underpins more serious governance and management issues.

## **Invitation of National Leaders**

8.9. The Panel endorses the efforts of HKU to engage world leaders and should continue to invite and receive national leaders to visit HKU so long as the visit is in the interests of HKU and will further the vision and mission of the University. The problem lies not in inviting national leaders to visit the University but how to make the best out of such visits through appropriate arrangements.

## **Governance and Management Issues**

8.10. HKU is fortunate to have the service of many dedicated, loyal and competent staff. There is also a very strong culture or spirit that 'HKU can do it' or 'HKU cannot lose' so that once it is committed to a certain cause, everyone would put in the extra effort to make things happen. This is the strength of HKU which should be preserved and nurtured. Properly channelled, it enables HKU to stretch its limits, to challenge its creativity, to fuel its enthusiasm, and to sustain its dynamism and vitality. This is something that HKU should strive to maintain.

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<sup>88</sup> See paragraphs 4.22 to 4.24

8.11. At the same time, confidence and past records of success can easily breed complacency. Such complacency abounded at the preparatory stage of the August 18 event. No serious effort was made to prepare after HKU was informed by the CE Office in May 2011 of the pending visit of the national leader. The attitude was that the visit might not take place so there was no point in wasting time to do any preparation until the date of the visit was confirmed. Based on past records of success, the organisers believed that HKU would be able to organise the event within a short time after the date was confirmed. In the past visits of national leaders, including those from the Mainland, security was never a serious undertaking, and therefore the organisers believed that security would not present difficulties this time either. In a similar vein, an 'organic' structure worked well in the past, and therefore it was believed that an 'organic' structure would work smoothly this time as well. So as long as the work was divided and assigned, the organisers believed that each of the different teams would be able to deliver and that coordination was limited to ironing out arguments that could erupt between the various units. The complexity of the event was grossly underestimated. Indeed, the organisers failed to appreciate, at least at the early stage of the preparation, the significant difference between brief visits of national leaders in the past and a full-scale ceremonial event this time. The use of more confrontational forms of protest in Hong Kong in recent months was not considered also.

8.12. Complacency aside, the Panel was struck by the prevalence of a 'silo mentality', in which each team works independently, defines its own territory, and shows little concern about what happens outside its territory. The corollary of the silo mentality is that one team would be reluctant to step into areas taken up by another team. No problem may arise if an event is undertaken by one team in which there is a clear hierarchy of authority and accountability. However, when different teams have to work together, problems arise from the poor communications among the teams and become more serious when there are no culture of reporting back, a poor notion of accountability, weak coordination and weak leadership.

8.13. On this occasion, once the work was divided, there was little reporting back or accountability. There was no formal and explicit articulation of what the objectives of the Ceremony were. Nor was there discussion on the number of Guests of Honour. The DAAO decided on the invitation letter with little discussion or input from other teams about the officiating guest or the guests of honour. There was little discussion on the guest list or seating arrangements. Security negotiations with the Police were delegated to mid-level staff at the CPAO and a junior staff at clerical level of the Estates Office. On the day itself, the junior staff member was left in a helpless situation on site to deal with the Three Students and the Police, with no senior member to turn to; meanwhile, a senior member of the Estates Office was busy with air-conditioning at Loke Yew Hall.

8.14. The silo mentality extends well beyond the organising team. Prof. John Malpas was in charge of the campus and had daily meeting with the Director of Estates; yet he

said that no report was made to him of the discussions with the Police on the event until very close to the day of the Ceremony. When asked, Prof. John Malpas said that no one had approached him to help on the security arrangement, and therefore he did not bother to ask.

8.15. The Panel was also astonished to learn that a major event involving the visit of a national leader was not properly discussed at the meetings of the SMT, apart from some brief oral reports from the Vice-Chancellor. Indeed, most members of the SMT had no particular role in the preparation of the Ceremony.

8.16. The prevalence of a silo mentality raises serious management issues in the University.

8.17. In the year 2002, the University appointed Prof. John Niland to lead a review to ensure that HKU's governance and management system were fit for the challenges of the 21<sup>st</sup> century. The Niland Report, as it was known, made far-reaching recommendations on the governance of the University, including downsizing and streamlining the Council and the Senate and the introduction of executive Deans, which have been implemented. However, the Niland Report had little to offer on the operation of and relationship between these various structural units, or the enhancement of the capacity and accountability of mid-level management. These two issues call for special attention.

8.18. The Panel had met with various members of the SMT. One striking feature was that there were diverging views on how the SMT should operate. There was no organisational chart setting out clearly the portfolio and accountability of different members of the SMT as well as the Registrar. The Panel is also aware that the Council has already approved a re-structuring of the SMT by redefining (or defining) the role of the Deputy Vice-Chancellor and by introducing a new Executive Vice President (Administration & Finance), who should oversee human resources and finance (see Figure 8.1). While the Panel considers this a right step forward, it is necessary to further define and rationalise the system, addressing, for example, whether human resources could be separated from financial planning, or whether the DAAO and the CPAO should come under the portfolio of one single person or be separately accountable to two different persons.

8.19. The absence of clearly defined roles is not confined to the SMT. The role of the DAAO and the CPAO needs to be further clarified. While the ALS should support and implement the policy of the University in relation to the Mainland, there is no senior member in the SMT who has overall responsibility over China Affairs.

8.20. Furthermore, there is considerable ambiguity regarding the relationship between the Vice-Chancellor/SMT and the Council. One of the issues arising from the post-crisis management was the extensive involvement of Council Chairman. While the



Vice-Chancellor and the Council Chairman may understand each other's role, the role differentiation may not be obvious to many people within and outside the University. The Council used to be an advisory body. As a result of a recent amendment to the HKU Ordinance, the Council is now formally recognised as the supreme governing body of HKU. But it is unclear what 'supreme governing body' means; nor has any step been taken to clarify the relationship between the Vice-Chancellor and the Council in light of these structural changes. Thus, some people queried whether the Vice-Chancellor could issue public statements without the endorsement or approval of the Council Chairman whilst others asked why not. Another ironic example is that, despite the Council being the supreme governing body of the University, there was, until recently, no role for the Council Chairman in congregation ceremonies. He was not even included as a member of the academic procession. In short, the changes in the Niland Report were made at a formal level only, and little has been done since to work out the detailed relationship between the Vice-Chancellor/SMT and the Council.

8.21. The post-crisis management of the August 18 event accentuated the problem of lack of clarity in the relationship between the Vice-Chancellor/SMT and the Council, and in particular, it has led to many queries on whether the Council Chairman had overstepped boundaries and interfered with the administration of the University. In general, Council should not be involved in academic matters, but the dividing line between academic affairs and administration/policy could be very fine at times. It is also said that Council should not be involved in micro-management and should be concerned primarily with policy setting, but policy could be out of touch or impractical if it is formulated without a good understanding of the actual practices. From the feedback on the August 18 event, the Panel discerns misunderstandings on the respective roles of the Vice-Chancellor and the Council, and there is an urgent need to clarify these roles.

8.22. Since HKU has been established for over a century, one would expect established practices and procedures on many issues. This is sadly not the case. There are no established protocols for visiting dignitaries, notwithstanding the many visits of national leaders in the past. Practices and protocols rely on the memory of long-serving staff members. There is no mechanism to deal with crises, and every time the response has been ad hoc in nature. More astonishing is the absence of any established criteria and procedure for the appointment of the Vice-Chancellor, implying that the wheel has to be reinvented every time a new Vice-Chancellor is to be appointed.

8.23. ***Accordingly, the Panel recommends a separate review of these management issues with a view to clarifying the roles of and relationships between various administrative units and to enhancing the capacity, transparency and accountability of the management system. In particular, it is necessary to clarify the role and portfolio of the members of the SMT and the relationship between the Vice-Chancellor/SMT and the Council. No doubt there are cultural, institutional and personnel issues that need to be addressed in this kind of review. Indeed, in 2009, in***

*the 5-year review after the publication of the Niland Report, Prof. Niland recommended that ‘it is time to develop programs to enhance their capacity to contribute to the further implementation of Fit for Purpose’. As a senior member of the University put it, a review is long overdue and would complete the unfinished work of the Niland Report. The review should also consider how to promote cooperation and guard against the apparently prevalent ‘silo mentality’ in the University.*

## **Core Values of the University**

8.24. The Panel was asked to review the August 18 event in light of the core values of the University. The Panel has identified these core values to include academic freedom, institutional autonomy and respect for individual liberty and diversity. These core values are manifested through upholding freedom of expression and thoughts; pursuing knowledge, understanding, independent thinking, truth, innovation and excellence; acting with fairness, integrity, responsibility and ethics; and embracing openness and diversity.

8.25. The August 18 event provides a valuable opportunity for HKU to reflect upon and to reaffirm its core values. It may be meaningful to round up the Centenary Celebrations with a charter of core values to reaffirm the University’s position. The charter should be drawn up with the benefit of full debate and discussion among all stakeholders.

8.26. To mitigate the damage done to the reputation of the University, the University should seriously consider a suggestion of installing an engraved stone tablet with the pledge that ‘the University will always be the bastion of freedom of expression’.<sup>89</sup>

## **Protocols for Ceremonial Events**

8.27. According to the Registrar, there are no University guidelines on the order of procession or seating arrangement in ceremonial functions of the University, except in Honorary Degree Congregations, for which guidelines were last updated in July 1976. The Ceremony was not an Honorary Degree Congregation. Even with Honorary Degree Congregations, protocols are not always consistently followed. In the Honorary Degree Congregation in 1961, the then-Chancellor came out of the Chancellor’s Chair to bow his head to Princess Alexandra when Princess Alexandra received her Honorary Degree (Figure 8.2(1)). More recently, Bill Clinton did not join the procession and came out from backstage and shook hands with the Chancellor instead of being tapped on the head when he received his Honorary Degree in 2008 (Figure 8.2(3)). Until recently, the Council

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<sup>89</sup> The Panel’s English translation of 港大永遠是言論自由的堡壘

Chairman was not a member of the academic procession and his order of precedence within the University hierarchy has not yet been clarified.

8.28. Insofar as on-stage seating arrangements for recent congregations are concerned (see Figure 8.3), sometimes the guest of honour sits to the right-hand side and sometimes to the left-hand side of the Chancellor. For recent inauguration ceremonies (Figure 8.4), the student on the stage is sometimes at the right and sometimes at the left of the stage.

8.29. Protocols ideally reflect the values of a university. As HKU has become more internationalised, and as it will continue to have the honour of receiving distinguished national leaders and dignitaries, it is important for the University to develop its own protocols.

8.30. In devising appropriate protocols for the University, the Panel has adopted a few important principles. Firstly, the protocols should reflect the independence and autonomy, as well as the history and tradition, of the University. This means that while the University may take into account the HKSAR Government's protocols, the University does not necessarily have to follow the HKSAR Government's protocols. Likewise, given the particular constitutional history of Hong Kong and the tradition of the University, the University may take note of the prevailing practices and protocols in the Mainland in devising its own protocols, but it should not be dictated by them. Secondly, the protocols should reflect respect for the University as an institution. Therefore, when the Chancellor presides over a University event, he represents the University in his capacity as the Chancellor, and not his political office. The protocols should pay respect to the office and not the person who occupies the office. Thirdly, when the University is the host, the guest should normally suit the convenience of the host. Fourthly, the University should pay the appropriate respect to the guest as appropriate to his official status without undermining the dignity of the University as a host. Finally, the protocols should serve as guidelines only. As there could be many unforeseeable circumstances, the protocols should be applied with some discretion.

8.31. The Panel has considered the seating arrangements of various institutions, including local, overseas and Mainland institutions, and notes in particular the following events:

- (1) The Queen of England visited the University of Cambridge on 19 November 2009 in celebration of Cambridge's 800<sup>th</sup> anniversary. On this occasion, the Queen and the Chancellor (who happened to be Prince Philip) sat together in the middle of the stage with approximately equal prominence. A mace (held by a mace-bearer) that represents the power and authority of the University was placed between the Queen and the Chancellor.

- (2) National leaders visited Tsinghua University on 24 April 2011 for Tsinghua's centennial celebrations. On this occasion, President Hu Jintao took the middle seat in the front row, and the seats of the front row were largely occupied by leading members of the Politburo.

8.32. There appears to be three possible approaches:

- (1) the principal guest sits in the middle seat<sup>90</sup> and/or takes the most prominent chair<sup>91</sup>;
- (2) the principal guest and host both sit in the middle, with two chairs of approximately equal prominence<sup>92</sup> - with or without something symbolic in-between<sup>93</sup>; and
- (3) the host sits in the middle and/or takes the most prominent chair,<sup>94</sup> with the guest taking the next most honoured seat on either the left or the right of the host.

8.33. The Panel has also considered the protocols adopted by the Protocol Division of the Government Secretariat in government functions, which the Panel finds very helpful. On the other hand, the Panel thinks that they should not be adopted by the University as government protocols respect a political hierarchy of positions, rather than academic freedom and institutional autonomy. However, the Panel is pleased to note the approach of the Protocol Division of the Government Secretariat in its reply to the Panel, stating that *'seating arrangements may vary according to specific situations... The seating may vary in accordance with the convention and practice of that organization.'*<sup>95</sup>

8.34. The Panel has considered a number of possibilities. When the University is the host of an event, the person acting as the host represents the University, reflects the dignity and the autonomy of the University, and projects its core values. Therefore, ***the Panel recommends that, irrespective of who the principal guest is, the host should occupy the central seat on the front row on the stage*** (and an odd number of seats is recommended).

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<sup>90</sup> This was the case for President Hu Jintao (胡锦涛) when was guest at Tsinghua University's centennial celebrations on 24 April 2011 – see <http://100.tsinghua.edu.cn/cn/infoSingleArticle.do?articleId=19429&columnId=17936> .

<sup>91</sup> This was the case for Queen Elizabeth II when she was the guest at Guildhall – see <http://www.britishpathe.com/record.php?id=40179>

<sup>92</sup> This was the case for King Faisal of Saudi Arabia when he was the principal guest at Guildhall as well as for the King of Thailand – see <http://www.britishpathe.com/record.php?id=44699> and <http://www.britishpathe.com/record.php?id=67783> respectively.

<sup>93</sup> The mace (held by a mace-bearer) stood between the Queen and the Chancellor at the University of Cambridge's 800<sup>th</sup> anniversary celebrations on 19 November 2009 – see <http://www.admin.cam.ac.uk/reporter/2009-10/weekly/6168/section1.shtml> and [http://www.zimbio.com/pictures/5p\\_StxNQrLG/Queen+Visits+King+College+Cambridge/1ujr0y4wgU](http://www.zimbio.com/pictures/5p_StxNQrLG/Queen+Visits+King+College+Cambridge/1ujr0y4wgU)

<sup>94</sup> This was the case for the Duke of Edinburgh when he was the principal guest at Guildhall – see <http://www.britishpathe.com/record.php?id=67450> .

<sup>95</sup> Letter from Protocol Division, Government Secretariat, dated 4 January 2012.

8.35. The principal guest should sit in the most honoured position for a guest, namely at the immediate right of the host.

8.36. As to the remaining seats of the first row, they should be filled by members of the University, in accordance with a well-defined order of precedence, in which (1) the Chancellor is the highest-ranked in the University, followed by (2) the Pro-Chancellor, (3) the Council Chairman<sup>96</sup>, (4) the Vice-Chancellor, (5) the Deputy Vice-Chancellor, (6) the Pro-Vice-Chancellors ordered by firstly their date of appointment and then by seniority in term of years of service in the University, (7) the Deans ordered by the date of establishment of his/her Faculty, and (8) the Registrar.

8.37. If there is more than one Guest of Honour, the University will have to decide on the principal Guest of Honour. ***The principal Guest of Honour should be placed to the immediate right of the host, and the second Guest of Honour to the immediate left of the host. They are then followed by the officers of the University in accordance with the precedence order in paragraph 8. 36 above.***

8.38. A diagrammatic representation of the seating arrangement (from the point of view of the audience looking up to the stage) is as follows:

(1) One Principal Guest of Honour

7 <sup>th</sup> Highest University Official	5 <sup>th</sup> Highest University Official	3 <sup>rd</sup> Highest University Official	<b>PRINCIPAL GUEST</b>	<b>HOST – Highest University Official</b>	2 <sup>nd</sup> Highest University Official	4 <sup>th</sup> Highest University Official	6 <sup>th</sup> Highest University Official	8 <sup>th</sup> Highest University Official
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(2) Two Guests of Honour

6 <sup>th</sup> Highest University Official	4 <sup>th</sup> Highest University Official	2 <sup>nd</sup> Highest University Official	<b>PRINCIPAL GUEST</b>	<b>HOST – Highest University Official</b>	<b>2<sup>nd</sup> PRINCIPAL GUEST</b>	3 <sup>rd</sup> Highest University Official	5 <sup>th</sup> Highest University Official	7 <sup>th</sup> Highest University Official
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(3) Three Guests of Honour

5 <sup>th</sup> Highest University Official	3 <sup>rd</sup> Highest University Official	<b>3<sup>rd</sup> PRINCIPAL GUEST</b>	<b>PRINCIPAL GUEST</b>	<b>HOST – Highest University Official</b>	<b>2<sup>nd</sup> PRINCIPAL GUEST</b>	2 <sup>nd</sup> Highest University Official	4 <sup>th</sup> Highest University Official	6 <sup>th</sup> Highest University Official
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8.39. Furthermore, depending on the event, it may be appropriate to have a student representative in the front row of the stage.

<sup>96</sup> The Council Chairman is included here since the Council is the supreme governing body of the University – see section 7(3) of The University of Hong Kong Ordinance (Cap. 1053)

8.40. Similar principles can be applied to devising protocols for events other than stage ceremonies (e.g. seating at dinners).

## **The Establishment of a Protocol Officer**

8.41. A protocol officer is someone who ensures that rules of protocol and etiquette are observed. It is said that protocol is the combination of good manners and common sense and is an evolving science, while etiquette is accepted as correct behaviour when people deal with each other.<sup>97</sup> Public expectations are such that there is a need to study protocol arrangements and adopt protocols that reflect the University's core values. Protocols should be set out clearly and should not rely upon the memory of long serving members, and may have to be occasionally reviewed.

8.42. Not only are protocol officers employed by the executive branch of governments (e.g. the HKSAR Government has a Protocol Division), but universities also sometimes employ protocol officers. Many protocol officers also engage in the coordination and organisation of events. ***The Panel recommends that a person be designated and trained as the Protocol Officer of the University.*** This may not necessarily be a full-time staff, but someone in the University should have such designated responsibility. If necessary, the University could always seek external advice on the proper protocols for a particular occasion.

## **The Use of “the Chancellor’s Chair” and “the Ceremonial Chair”**

8.43. The Chancellor’s Chair should only be used in formal congregation ceremonies so as to preserve the dignity of the Chancellor’s Chair. It is important to note that the mace-holder is part and parcel of the Chancellor’s Chair, and historically the mace symbolises the Chancellor’s power to confer degrees.

8.44. While the Ceremonial Chairs do not carry the same symbolism as the Chancellor’s Chair, it should be noted that the Ceremonial Chairs may convey a sense of solemnity and dignity of the University. One of the Ceremonial Chairs (such as was used in the August 18 event) should, in general, be reserved for the host if any such chairs are used in a formal University function. However, given that the University hosts a variety of functions of very different nature and the Panel does not wish to stifle creativity, some discretion should be preserved for the use of the Ceremonial Chairs.

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<sup>97</sup> See US Department of Army’s *A Guide to Protocol and Etiquette for Official Entertainment* at [http://www.apd.army.mil/jw2/xmldemo/p600\\_60/cover.asp](http://www.apd.army.mil/jw2/xmldemo/p600_60/cover.asp)

## **The Organisation of Events and Management Philosophy**

8.45. The Panel understands that there are over 100 events associated with the Centenary Celebrations and are held alongside other academic and non-academic functions on campus. While this is a sign of dynamism and vitality of a global University, an extensive number of activities would require considerable human resources and infrastructural support. Having so many celebration functions may also suggest a lack of focus. One of the reasons why the DAAO and the ALS declined to take charge of the August 18 event was that each of them was already in charge of a major event, namely the Gala Dinner and the Presidents Summit respectively. Given stretched resources, the University may wish to reconsider its priorities and how to best utilise its limited resources to produce the maximum impact. The Panel has no intention whatsoever to stifle the enthusiasm of HKU staff or to undermine the value of different types of activities on campus. It also appreciates that not all activities are organised by the HKU central administration. ***The Panel recommends that the University should review whether a more focused approach would be more effective and appropriate to further its vision and mission without overstretching its limited resources. The Panel further recommends that an appropriate risk assessment should be undertaken for all major events.***

8.46. While academic freedom lies at the heart of the University in relation to academic pursuits, the same concept of autonomy may not necessarily be appropriate when it comes to administrative units. Accountability is an equally important concept in this respect. The Panel has already addressed this issue of accountability in the context of governance and management. It suffices to stress that coordination does not mean division of labour alone. A coordinator should follow up on the division of labour, set overall directions and objectives, provide timely solutions to problems, ensure proper reporting and accountability, and engage all the parties involved. In short, coordination and leadership are inseparable. Coordination involves far more than being a post-box for passing information from one unit to another, and while delegation is necessary and inevitable, one must guard against abdication of responsibilities, which can arise when there is delegation without accountability. ***The Panel recommends that the above-recommended management review should consider how to promote accountability and guard against abdication of responsibility.***

## **The Guest List and the Seating Arrangement of Guests**

8.47. ***The guest list and the seating arrangement of guests in any event are matters of great sensitivity that require careful consideration, and they should be drawn up in a way that reflects the stated purpose or theme of the event.***

8.48. The Panel acknowledges the important contribution of donors to the University,

and they deserve the respect of the University. At the same time, the University should avoid conveying an impression that the University only cares about tycoons and major donors. It is one thing to have no intention to serve only the rich and the powerful. It is quite another thing to create such an impression. The organiser should take into account how certain arrangements could be perceived by the public. It is accepted that in a highly diverse society like Hong Kong, there are bound to be a wide spectrum of views. However, this is not an excuse for the organiser to not exercise independent judgment on whether the proposed arrangement is the most appropriate one in the circumstances.

8.49. In this regard, the Panel observes that most of the signatories to the public statement on 23 August 2011 criticising the University are graduates in the last decade, whereas the signatories to the public statement on 26 August 2011 supporting the University tend to be more established alumni. The Panel has heard complaints from recent graduates that, not being major donors, the University has paid less attention to them. The Panel does not have sufficient information to assess whether this complaint is valid and whether this could explain the different composition of the signatories to these two public statements. However, the fact that such complaints have been made may serve as an early warning of a problem with the University's approach to alumni relations and fundraising, which do overlap but do not have to be bundled together. ***The Panel recommends that the University should review its approach to alumni relations, especially its relationship with recent graduates.***

## **Guidelines for Negotiations with the Police in Future**

8.50. One of the main problems of the August 18 event was that the University treated security as primarily a public relations exercise. Therefore, negotiations with the Police were largely left to a mid-level staff from the CPAO and a relatively junior staff from the Estates Office. It was astonishing that no one on the organising team or no one responsible for security had paid sufficient attention and emphasis to this issue.

8.51. Looking forward, security on campus deserves careful consideration. It is inevitable that the University will have to work with the Police on security arrangements on campus in future. In negotiating security arrangements, the University is both a collaborator with the Police and the host of an event to be held on its private property, and should be guided by its core values and the following principles:

- (1) HKU is an open campus and should remain so. Therefore, any restriction on access to the campus should be kept to the minimum.
- (2) Any interference with the normal activities of the University as a result of the security arrangements on campus should be reduced to the minimum.
- (3) HKU has a strong tradition of respect for freedom of expression, liberty and diversity. Such tradition should be fully respected in any security



arrangement.

- (4) Accordingly, HKU should facilitate peaceful assembly and protests and should ensure that protesters could be heard and seen by dignitaries.
- (5) As a free place, HKU should not tolerate unnecessary use of force or restraint of personal liberty in the absence of any breach of the peace or other unlawful activities. Physical confrontation should be avoided as much as possible, and if it is necessary to resort to physical force, such physical force should be most restrained and should not go beyond what is strictly necessary.
- (6) It may be helpful to designate in advance some places as protest areas. The choice of any protest area should be guided by the principle that protesters should be seen and heard, without compromising the safety of the protesters and the dignitaries.
- (7) A strong presence of uniformed police officers on campus will not be compatible with the nature and image of the University as the bastion of freedom and liberty, including the freedom of the University to criticise the establishment.
- (8) Any untoward incident on campus should first be handled by HKU security.
- (9) Any attempt to impose restrictions on free access to the University or freedom of expression and liberty on campus should not be lightly accepted, and if such restrictions are strictly necessary, they should be confined to what is proportionate to the attainment of the objectives in question. Alternative and less restrictive measures should be explored. Routine or indiscriminate search of staff offices should normally be resisted. If the restrictions are such that the University may not, or may not be seen to, be able to uphold its core values, the University should seriously consider whether it should continue to host the event.
- (10) Any protests on campus should not interfere with the normal teaching, learning and research activities of the University.

8.52. In terms of procedure, senior members of the University should arrange to meet with the Police as soon as practicable to work out the parameters and protocols of police operation on campus. It should at the outset ask for a risk assessment from the Police, which is easier if the exchange takes place at the highest level. For the August 18 event, neither the Vice-Chancellor nor any Pro-Vice-Chancellor was involved in the negotiations with the Police, and the Registrar was present at a meeting with the Police only on the day before the event.

8.53. There should be a designated person, with sufficient experience and seniority, to follow up on the first meeting between the senior members of the University and the Police, and to liaise and deal with the Police.

8.54. The Dean of Student Affairs should be involved as soon as practicable in any discussion on security arrangement which may involve students.

8.55. There should be a clear understanding on the respective roles of the University and the Police. It should be clarified in advance when Police involvement becomes necessary, and the University should impress upon the Police the special nature of the University as a bastion of freedom of expression whenever there is to be presence of the Police on campus.

8.56. There should be adequate, updated and timely notice to the University community on any restrictions on access (both vehicular and pedestrian) or lawful activities for any major function. This may be a particularly serious issue when the MTR station exits at the Centennial Campus are open in 2014.

8.57. It is desirable to set up a security command centre, singly or jointly with the Police, for all major functions. The command centre should be staffed by a sufficiently senior member of the University who can make decisions on the spot and liaise with the most senior Police commander on site.

### **Upgrading the HKU Security Unit**

8.58. The University should look into the adequacy of security on campus in light of the increased crime rates, the significant expansion of the campus, and the changing modes of protests.<sup>98</sup>

8.59. In this regard, the Panel notes that HKU's security unit is underfunded compared to other universities in Hong Kong. Additional manpower could be further justified given the MTR expansion, the increase in crime rate on campus by 30% last year, and the demands of the Centennial Campus such as its 24-hour learning commons.

8.60. The head of the HKU security unit should have adequate and relevant experience in the Police Force.

8.61. HKU should, when appropriate, tap into the relevant expertise of its alumni as advisers to the University's security unit.

8.62. It is important to preserve evidence of any untoward incident that takes place on campus, and the University should ensure the preservation of a sufficient length of closed-circuit television footage from all relevant cameras for a reasonable period of time, subject to the compliance with the requirements of the Personal Data (Privacy) Ordinance.

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<sup>98</sup> See Appendix 39 for budget allocations per gross sq.m.

## **Designated Protest Areas**

8.63. It is desirable to identify possible protest areas on campus for different events. The designation of protest areas has to be flexible, taking into account, among other things, the nature of the event, the nature and any historical or political significance of the designated protest area, and the safety of the protesters and other lawful visitors on campus in case of conflicts. It is also an important principle that the protesters should normally be able to be seen and heard by the target of protest, and that the protest should not disrupt the normal teaching and academic activities of the University.

8.64. There should be adequate and timely communications or notice of the designated protest areas to all parties concerned.

8.65. For an event to be held in the Main Building, the Panel notes (1) David Hodson's positive views on the carpark of Hung Hing Ying Building as a possible protest area and (2) the possibility of the carpark spaces near the West Gate being used as a protest area. If the concern is that the protesters may be able to throw objects at the target of protest, this can be prevented by erecting an appropriate safety net.

## **Media and Crisis Handling**

8.66. There should be training on media handling skills for the SMT, the Deans, relevant heads of academic and administrative units and senior academics of the University who speak from time to time on behalf of the University.

8.67. Timely response is critical in crisis management. As the first 48 hours will always be the most critical period to deal with any crisis, there should be a well-defined mechanism within the University to deal with crises. The relevant mechanism should automatically come into operation when a defining event is triggered. The mechanism should spell out the triggering event, as well as the membership, practice, remits, accountability and dissolution of any relevant committee, and should be subject to regular testing.

8.68. The first step in preparing the University for any crisis is to gather and analyse facts without delay. Such action should be taken promptly and immediately after the event. For the August 18 event, no attempt was made to ascertain what had happened at the Stairwell until about four days later. Reports were requested only on 22 August 2011 and some reached the Vice-Chancellor on 23 August 2011, nine days after the event. Some members of the crisis management team were not aware of such written reports. The video footage from the surveillance camera is another example of the failure to retrieve evidence in a complete and timely manner. The Estates Office had only retrieved footage from approximately 9:00 am to 10:00 am from one camera, when it would have been

better to have retrieve footage beyond 10:00 am and from more than one camera.

8.69. In light of the changing operations and the instantaneous nature of the media, the University spokesman should be properly briefed and adequately prepared before they are put before the media or appear on any occasion where the media is invited or present. In any event, stand-up debriefings by key University personnel should be carefully arranged in advance.

8.70. There should be a designated spokesperson for the University. The spokesperson could be changed for different issues depending, among other things, on the expertise and experience of the spokesperson. The Vice-Chancellor should not be the single spokesperson for the University.

## **Relationship with Students and Student Participation in Events**

8.71. Students are an important part of the University. There should be a fair opportunity for students to participate in any major event of the University. As a prelude to any meaningful participation, the students should be given adequate notice of such event.

8.72. There are different levels of student participation and the organiser of an event should consider the appropriate level of student participation for the occasion. The minimum level of participation would involve informing students of the event. At a higher level of participation, students could be involved as helpers, and on occasions like the August 18 event, there was no reason why they could not have participated as guests in the Ceremony. Students could be assigned specific roles in major activities. They could also be consulted and be fully involved as a member of the organising committee.

8.73. In enlisting the assistance of students as helpers or participants to a major event, ***it is important to ensure that all students are afforded a fair and open opportunity to participate***, which does not preclude the targeting of specific students to help.

8.74. ***Whenever appropriate, the Dean of Student Affairs should be involved in the organising structure to provide student perspectives.***

8.75. Given the large number of postgraduate students in the University, and depending on the theme and purpose of the event, it may be appropriate to have representatives of both undergraduate and postgraduate students on the stage.

8.76. The Panel appreciates the frustrations of University administrators in engaging students, some of whom may not be as responsible and reliable as they should be. Yet this valuable opportunity to educate students on the virtues of being responsible and reliable

should not be foregone. At the same time, the Panel wishes to convey a strong and clear message to all students that rights and privileges come with responsibilities, and that students should take seriously their responsibilities in order to dispel any image of their being unreliable.

8.77. There are serious issues regarding the communications between the University and the students in light of many changes including the popularity of social media and the change in the composition and expectations of students. It is a cherished tradition in HKU that there is still a very strong sense of trust between the University and its students. However, the way the students organise themselves and the composition of the student bodies have changed quite dramatically over the last decade. Strategies on communication need to be developed keeping in mind the rapid development of the social media. At the same time, the Panel has received strong views on the disproportionate allocation of resources and treatment between the HKUSU and HKU PGSA, especially in light of the significant increase in postgraduate students on campus in recent years. ***The Panel recommends a separate and thorough review on the communications and the relationship between the University and its students.***

## **Responsibilities**

8.78. The Panel is impressed by the dedication, loyalty and enthusiasm of the staff in organising the August 18 event. These are important assets and strengths of HKU, and properly channelled, this dedication, loyalty and enthusiasm will continue to underpin the success of HKU. The Panel discerns a significant fall in morale among the frontline staff, and urges that rehabilitative efforts be taken to encourage, reassure and support the staff. It would be a sad day if HKU staff lose their creativity and enthusiasm and resile to the approach of ‘less creativity, less mistakes; no creativity, no mistakes’.

8.79. The Panel finds no evidence of any conscious attempt by HKU or any of its staff to ingratiate the University with either the rich or the powerful. All HKU staff involved had tried to do their best to showcase HKU in the Ceremony and there was no integrity issues involved. On the other hand, as a result of a series of misjudgments and administrative blunders, some of which were systemic in nature, the impression of ingratiation has indeed been conveyed to the public and the reputation of the University has been impaired. The question then is whether any person or persons should be responsible for the outcomes?

8.80. Various administrative misjudgements and mistakes were made by different people of different units at different times. The Panel has identified in the previous chapters who was responsible for what decisions. Taking everything into consideration, the Panel considers that only the Vice-Chancellor, as head of the institution, and the Registrar, as the coordinator of the event, should take primary responsibility.

8.81. As head of the institution, the Vice-Chancellor has already shouldered most of the responsibility. The Panel appreciates the courage, commitment, capacity and the positive attitude on the part of the Vice-Chancellor to face the crisis and to shoulder all responsibility on himself after the event. The Panel also accepts that the Vice-Chancellor could not be personally responsible for most of the decisions which were legitimately delegated to other members of the staff.

8.82. There are, however, four main aspects for which the Vice-Chancellor should take a greater responsibility. The first aspect is his failure to initiate the necessary preparation work for the Vice-Premier's visit after he was told by the CE Office in May 2011 of the visit. The second aspect is that he condoned the 'organic structure' of operation and took no steps to ensure its adequacy or effectiveness. The third aspect is his failure to clearly communicate to the organising team the status of Lord Wilson and the possible implications. Finally, he was also personally responsible for some of the misstatements he made immediately after the event. He failed to appreciate the gravity of the situation and to handle the crisis that the University faced appropriately.

8.83. The Registrar is highly respected by his staff in the University for his dedication and hard work. However, as the coordinator of the event, he has to shoulder the greatest responsibility for the administrative blunders. He took too lightly the communication by the CE Office in May 2011 of the possible visit of the national leader, and did not initiate the necessary preparation work until two months later. He failed to properly discharge the role of a coordinator. Instead, he was content to leave important decisions to his staff without giving much thought to assessment of possible risks. He failed to exercise appropriate judgment and failed to appreciate the sensitivity of various decisions, including the seating of Lord Wilson and the Minister of Education. He failed to advise the Vice-Chancellor of the possible implications of the seating arrangement for Lord Wilson. He underestimated the complexity of the visit of the national leader, including the security arrangements. He did not adequately defend the core values of the University in dealing with the Police, and hence was too ready to concede on the security arrangements when major changes were made by the Police on 17 August 2011. He failed to appreciate the problem with the principles adopted by the DAAO in inviting external guests and exercised no supervision on the arrangement of guest seating in the front rows of the audience. He was not seen to have played any significant leading role in the post-crisis management besides his usual support to his subordinates. Many of these problems are symptomatic of long-standing systemic issues, and as the senior leader and head of administration, he has failed to address these systemic issues (such as the absence of formal structure, silo mentality, absence of established procedures and protocols, absence of pre-existing crisis management). It is unfortunate that these systemic issues flared up together on this occasion.

8.84. At the same time, the Panel appreciates that the Registrar has an extremely

heavy workload, and that event management was normally not within his portfolio. It was unfortunate that the Pro-Vice-Chancellor (University Relations), who was also the convenor of the Centenary Celebrations Implementation Group, was on medical leave at the critical stage of the preparation. The event had to be organised within a very tight time schedule, and with the best of intentions, the Registrar took it upon himself to coordinate a large number of people both within and outside the University. ***The Panel thus recommends that the role and portfolio of the Registrar should be reviewed.***

8.85. ***The Panel considers that recommending sanctions may not be within its terms of reference. This matter should best be left to the Council. However, taking into consideration that an adoption of this report by the Council would be tantamount to a public censure of the persons concerned, the absence of any integrity issues, and the need for the University to move forward, the Panel recommends no further disciplinary sanctions be taken against any of the staff involved.***

## **Epilogue**

8.86. The Panel has made a number of recommendations, which aim to avoid repeating the same mistakes. It has also highlighted the need to review certain systemic problems, in particular the governance and management issues and communications with students. The Panel notes that the University will face the challenges of a double cohort of students in September 2012. A major curriculum reform is also at its critical stage. It further notes that the University is in the process of changing its leadership. The Panel hopes that this report would provide HKU an opportunity to further reflect on its strengths and challenges, and set the course for a new chapter for HKU. As one distinguished alumna put it, this report should “*help bring some sort of closure to this whole unfortunate episode and allow our alma mater to move forward*”. The University can rise from this episode to be much stronger with the concerted support of its staff, students, alumni and supporters. In this regard, ***the Panel recommends that this report be made available to the public.***

8.87. To some extent, the August 18 event highlights conflicts of values between Hong Kong and the Mainland, which conflicts would only be intensified as the University deepens its involvement in the Mainland. These conflicts could arise in the context of cultural values, expectations, protocols, practices and *modus operandi*. The leadership of the University should enhance its awareness and be prepared for challenges posed by such conflicts, and hence it becomes even more important for the University to clarify and affirm its own values and principles.

8.88. The Panel would like to thank all the people who have given the Panel their time, experience, and valuable assistance, without which the work of the Panel would not

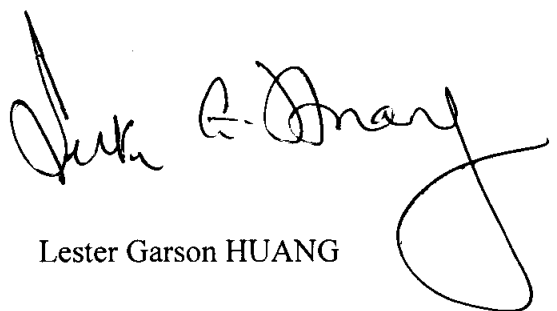
be possible. In the course of the Panel's deliberations, a number of serious allegations, which impinge on the integrity and moral fibres of certain personnel of the University, had been made to the Panel. The Panel has investigated all of these allegations carefully and fairly. It is one thing to make, based on limited facts, a serious allegation which subsequently turns out to be inaccurate or untrue. It is quite another to make serious accusations on integrity based on multiple hearsay or make reckless allegations with little evidential support at all. When appropriate, the Panel has exonerated the staff concerned if the allegations were made in public, and noted the voluntary withdrawal of the allegations when they were made in private to the Panel. The Panel has full respect for freedom of expression, but such freedom should be exercised responsibly and carefully whenever there is an attack on the integrity and moral fibres of others, especially by people in authority, as an irresponsible remark may cause irreparable harm and have serious repercussions on the reputation of the people being accused.

8.89. A crisis could be a challenge, and an unfortunate affair could become a motivating force to start a new chapter. Despite the public controversies surrounding the August 18 event, the episode reaffirms that many staff, students, alumni and supporters care about HKU and its core values. The episode also provides a valuable opportunity for HKU to reflect upon and reaffirm the values and principles true and dear to its heart. It may be appropriate to recall the pledge made by HKU in its public statement on 23 August 2011 before the Panel closes this last chapter: the University will always be the bastion of freedom of expression (港大永遠是言論自由的堡壘).

Dated this the 3<sup>rd</sup> day of February 2012



**Signatures of the Convenor and Members of  
the Review Panel on the Centenary Ceremony Held on August 18**



Lester Garson HUANG



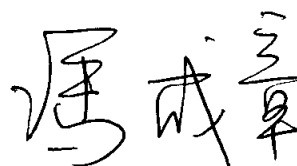
Cecilia CHAN Lai-wan



Johannes CHAN Man-mun



Stephen CHEUNG Pok-yin



Simon FUNG Shing-cheung



MAN Cheuk-fei



Patrick WONG Chun-sing



ZHANG Yi

## Brief Chronology for the August 18 Event

Date	What happened
Early 2009	Formation of the Centenary Implementation Group
28.04.2009	First meeting of the Centenary Implementation Group
21.07.2009	Second meeting of the Centenary Implementation Group
15.12.2009	Third meeting of the Centenary Implementation Group
09.01.2011	HKU 100 Kick-Off Ceremony
In 02.2011	HKU had approached the CE Office for help in inviting a national leader to join a Centenary Celebration event
22-24.04.2011	Vice-Chancellor's visit to Tsinghua University
26.04.2011	Council endorses attendance of high officials of the Central Government at a HKU event
05.2011	Alumni leaders' luncheon at which "visit by a PRC leader" was one of top suggestions
23.05.2011	CE Office meets HKU about possible visit in mid-July
27.06.2011	CE Office meets again with HKU about possible visit but in mid-August
Early 07.2011	Walter Ngai enlisted to help with the stage
07.07.2011	Vice-Chancellor informs the SMT of the visit at SMT meeting
18.07.2011	Vice-Chancellor emails 13 overseas university heads
19.07.2011	CE Office informs Vice-Chancellor that the date of visit would be 18.08.2011 Work begins in earnest - Isabella Wong approaches Walter Ngai with guidelines & enlists help of Winnie Lai
20.07.2011	CLO confirms date of visit would be 18.08.2011
21.07.2011	Vice-Chancellor briefly updates SMT of the visit at SMT meeting Meeting with the CLO about setting up of labs in the Mainland and the 'gift'
b/f 22.07.2011	Seats in Loke Yew Hall allocated to staff, students, external guests, live band, etc
22.07.2011	Agreement on principles for inviting 130-160 external guests
24.07.2011	Room KB230 established as the "working office" for the organisation of the event
25.07.2011	ALS invites Student Ambassadors (local) to help by way of phone calls G4 contacts Walter Ngai to arrange site visit on 27.07.2011
26.07.2011	Vice-Chancellor emails another 11 overseas university heads

27.07.2011	Site visit of the Police (G4) at 6:30 pm – resulting in Annex I map
28.07.2011	ALS invites Student Ambassadors (Mainland) to help by way of email Site visit of the Police (G4) at 2:30 pm
29.07.2011	Naming of the Ceremony as ‘The University of Hong Kong Centenary Ceremony’
01.08.2011	Vice-Chancellor calls Lord Wilson to invite him to give a speech at the Ceremony and emails to confirm Site visit of the Police (G4) at 11:00 am – resulting in Annex II map
02.08.2011	Meeting with the CLO about labs, tangible ‘gift’, Shenzhen Hospital agreement and CLO’s request for national leader to meet Prof. Jao Tsung-I ALS calls Faculties of Science and Engineering to help find student helpers
03.08.2011	Site visit of the Police (G4) at 4:00 pm
04.08.2011	HKU Professors, Associate Professors and Deans invited to Ceremony ALS asks Faculties of Social Sciences and Business & Economic to help find student helpers ALS emails Mainland students to help ALS calls international students to help Site visit followed by sit-down meeting with police (G4 and Western Police District)
08.08.2011	ALS contacts halls to help find student helpers Meeting with the Police – resulting in Annex III map
09.08.2011	HKSAR Government and Xinhua News Agency announce the visit of Vice-Premier to HK ALS contacts more halls to help find student helpers Meeting with the CLO about event arrangement, two labs, ‘gift’ and the possible signing of the Shenzhen Hospital agreement at the Ceremony
10.08.2011	Invitation letters sent to external guests Teachers, Council members informed of the Ceremony Lord Wilson and overseas heads informed of the name of the leader Invitations to 26 CAS/CAE Fellows First plenary meeting of organisers Li Tsz-shu and other student representatives on the Senate and the Council were contacted ALS contacts more halls to help find student helpers ALS emails Faculty of Education for help to find helpers
10 or 11.08.2011	Li Tsz-shu consults Albert Chau on what to do
11.08.2011	Vice-Chancellor receives email from Lord Wilson with Lord Wilson’s speech Site visit by representatives of the State Council, CLO and HKSAR Government

	Registrar briefs Li Tsz-shu and other student representatives on the Senate and the Council
12.08.2011	Second plenary meeting of organiser, in which policy for protests in Loke Yew Hall was discussed Vice-Chancellor invites Secretary of Education, the-then Chairlady of the UGC and the Commissioner for Innovation and Technology to the Ceremony HKU receives letter from the Ministry of Science and Technology, approving the setting up in the Shenzhen Hospital the Laboratory of Emerging Infectious Disease The two undergraduate student representatives on the Senate inform Registrar they could not attend
13.08.2011	RSVPs received from external guests, a total of 150 'Yes' replies Site visit of CE and HKSAR government officers
14-16.08.2011	Confirmation Letters sent to those who replied 'Yes'
14.08.2011	Site visit of CS, CE Office, GIS, CLO and V-P's Office CLO asked for Minister of Education to sit on stage
15.08.2011	Vice-Chancellor emails Francisca Kwok about the standing arrangements for the photo session in M218 Invitation was sent to the Chairperson of the PGSA to help in the History Exhibition in M217
16.08.2011	Vice-Premier Li arrives in Hong Kong Registrar informs Librarian of the gift of Chinese Rare Books Reprints On-stage seating plan shown to the Vice-Chancellor Rehearsal in Loke Yew Hall Site visit by CLO at 10:00 pm Li Shing-hong contacts Registrar about attending the Ceremony and was told to watch live online
17.08.2011	Registrar sends email at 3:15 am inviting alumni & at 3:17 am inviting students/staff to watch Registrar sends bulk email to students and staff about the traffic arrangements on August 18 Ceremony live online Rehearsal in Loke Yew Hall Meeting with the Police at 5:30 pm – police later produce Annex IV map
18.08.2011	Vice-Premier Li attends the Ceremony Three Students are pushed by the Police Vice-Chancellor meets with reporters for the first time following the Stairwell Incident HKU issues press release
19.08.2011	Pre-forum meeting

	Vice-Chancellor attends forum arranged by students – Vice-Chancellor makes his first public apology at the forum HKU issues press release and press statement
20.08.2011	Vice-Chancellor originally scheduled to meet with Li Shing-hong but Li had cancelled Council Chairman joins post-crisis meetings HKU issues press release – wherein Vice-Chancellor makes his second public apology
21.08.2011	Deputy Vice-Chancellor joins post-crisis meetings
22.08.2011	Albert Chau talks to security guards about what happened Estates Office asks guards to file incident reports about the Stairwell Incident
23.08.2011	Guard Fung files his incident report Petition signed by 1500+ alumni is published calling 8.18 the darkest day in HKU history Vice-Chancellor publishes pledge in newspapers – wherein Vice-Chancellor makes his third public apology
24.08.2011	HKU Inauguration Ceremony –Vice-Chancellor makes his fourth public apology in his speech and in meeting with the press afterwards Frankie Law and 3 other security guards file their incident reports Pro-Vice-Chancellor Malpas is briefed about the incident reports of the security guards
25.08.2011	270 HKU alumni publish a full page advertisement in response
26.08.2011	Vigil at HKU organised by alumni in protest
27.08.2011	Vice-Chancellor receives the incident reports of the security guards
29.08.2011	LegCo Panel on Security holds a special meeting re Vice-Premier Li's visit to HK
30.08.2011	Council resolves to set up the Panel
07.09.2011	Membership of the Panel is announced
12.09.2011	LegCo Panel on Security holds another special meeting re Vice-Premier Li's visit to HK – the Registrar and Albert Chau attend on behalf of HKU
17.09.2011	Panel has its first meeting
19.09.2011	Panel extends standing invitation to HKUSU to nominate a member or an observer to the Panel
04.10.2011	Three Students apply for legal aid to take out a civil action against the Commissioner of Police
08.10.2011	Panel re-extends its standing invitation to HKUSU
18.10.2011	Members of the Panel meet with the HKUSU Council

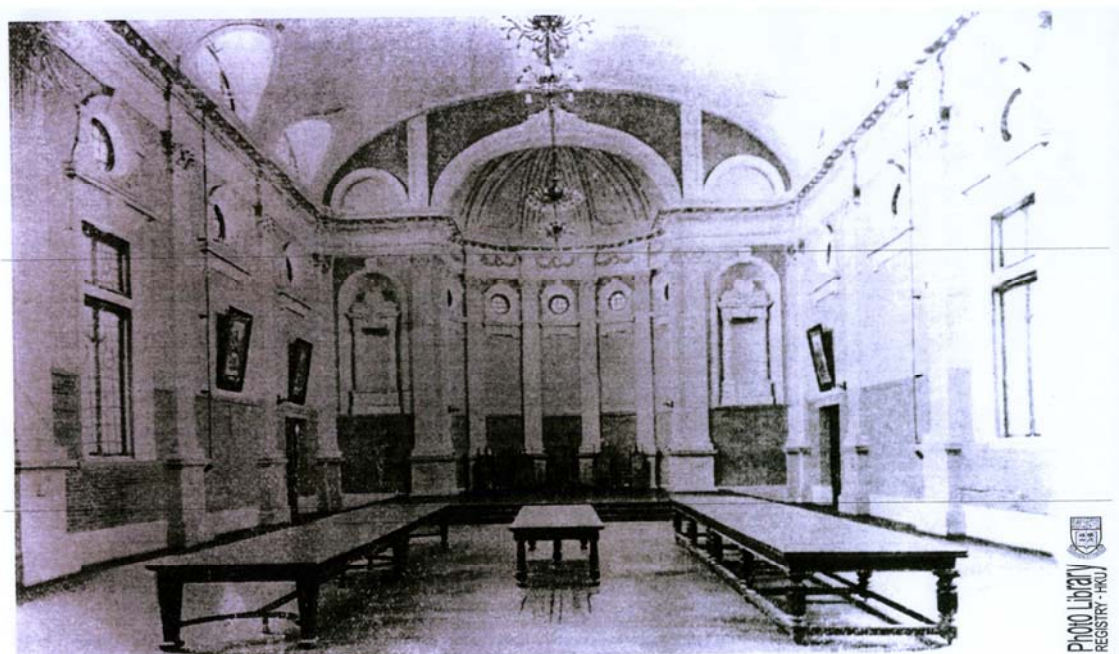
23.11.2011	Panel holds a forum for HKU stakeholders, Au Yiu-kai makes allegation about destruction of minutes
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# Figures

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(1) Great Hall concept



(2) The actual stage setting on 18 August 2011

**Figure 4.1 Great Hall concept and its realisation**

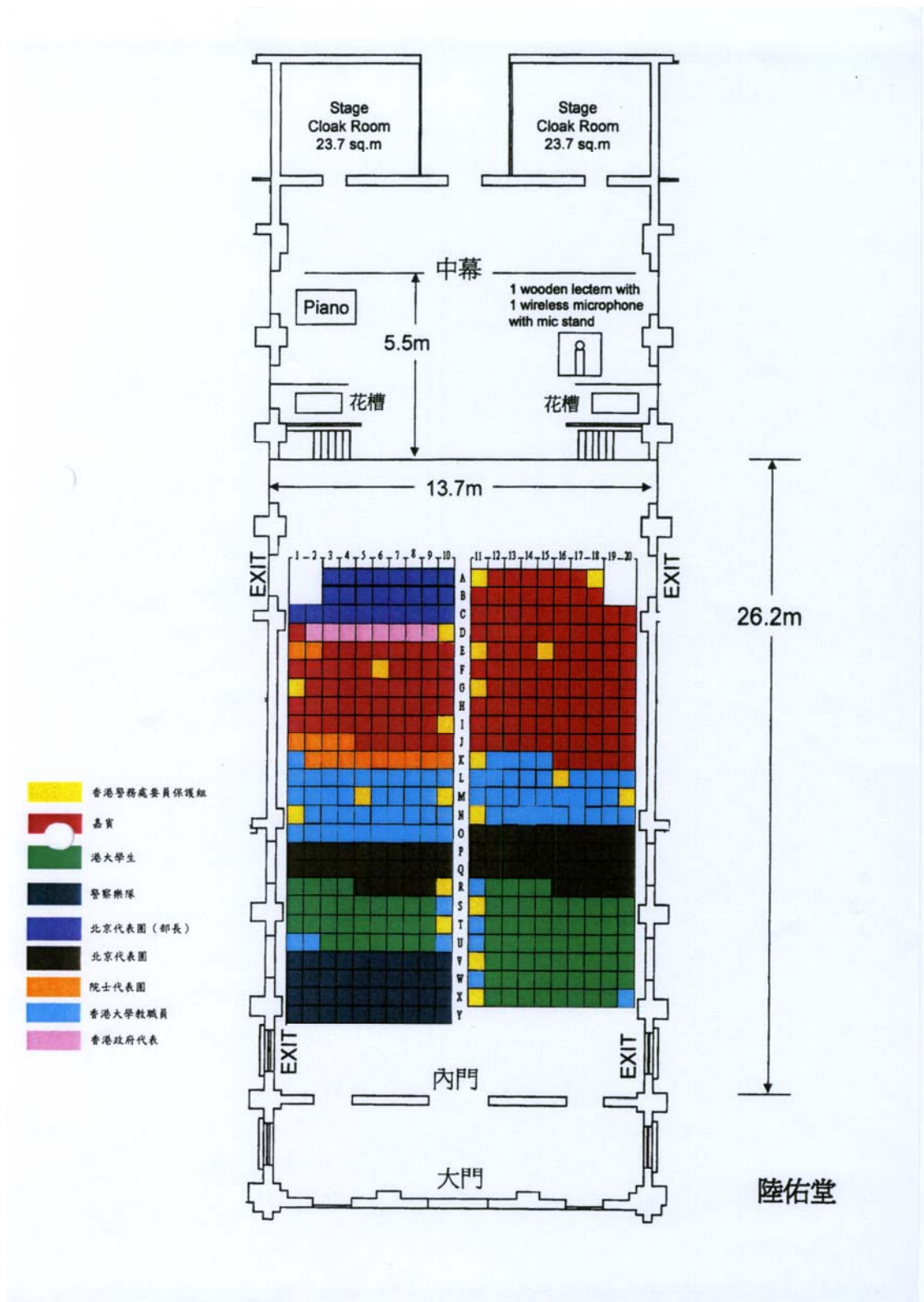


(1) The Chancellor's Chair – photograph as provided by the Registrar



(2) The Ceremonial Chair – photograph as provided by the Registrar

**Figure 4.2 The Chairs**



**Figure 4.3 Seating allocation in Loke Yew Hall**

*English Translation of the legend (from top to bottom):*

VIP Protection Unit (G4) of the Hong Kong Police Force  
 Guests  
 HKU students  
 Hong Kong Police Band  
 Beijing delegation (Ministers)  
 Beijing delegation  
 Honorary Fellows delegation  
 HKU Staff  
 Representatives of the HKSAR Government





## Annex II

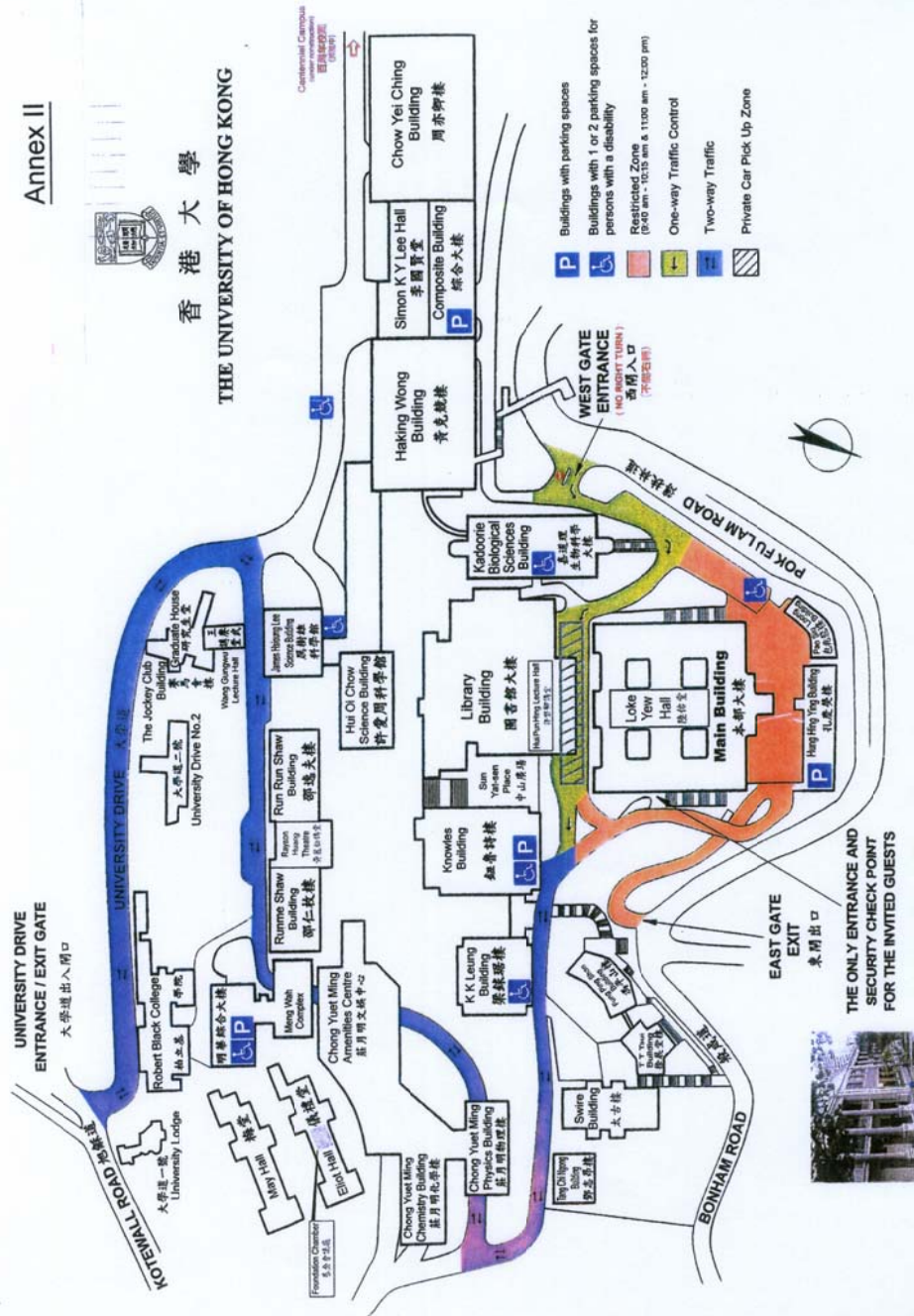


Figure 5.2 The Annex II map (produced by HKU after August 1 site visit)

**Figure 5.3 The Annex III map (produced by HKU after August 8 meeting)**



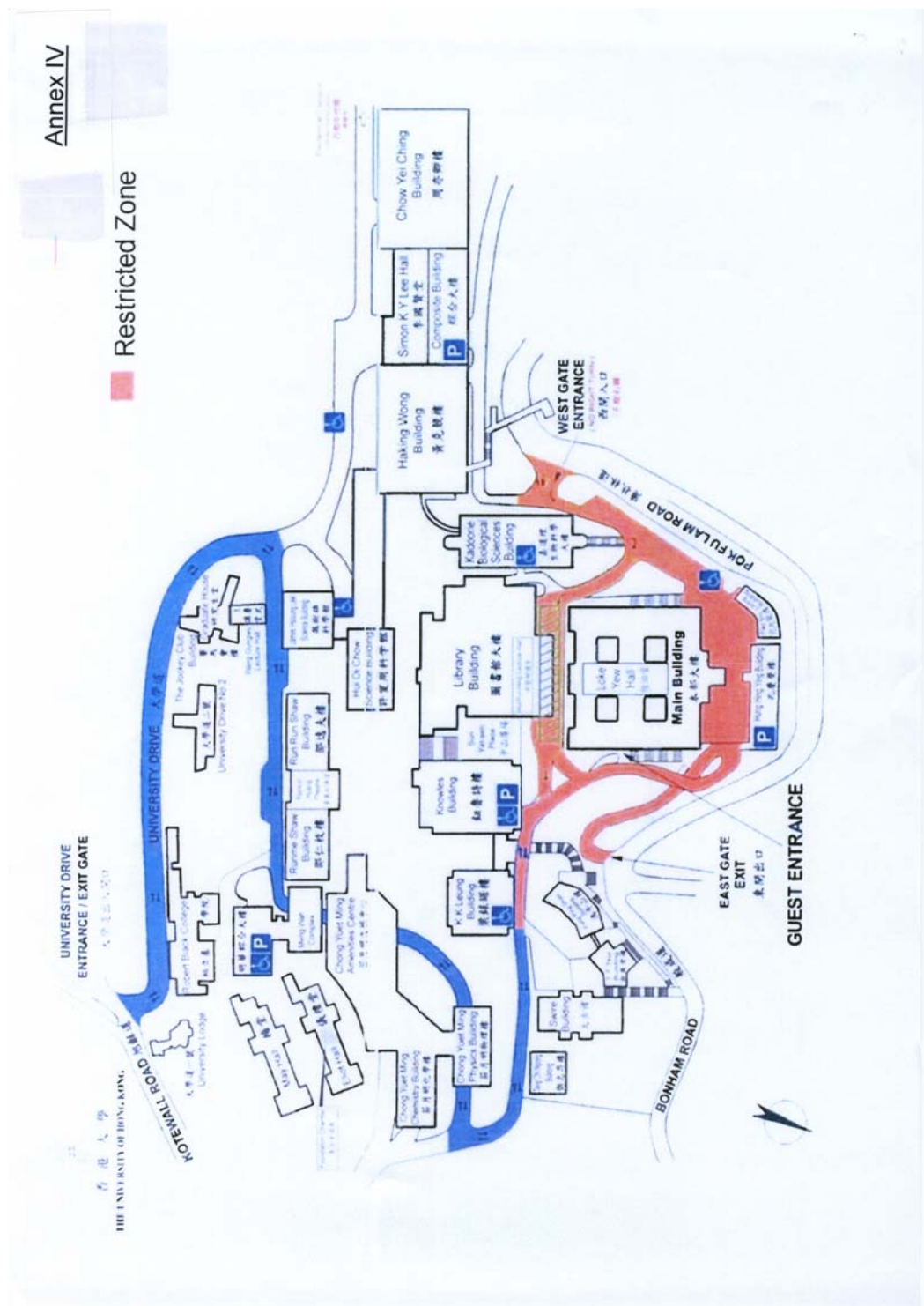


Figure 5.4 The Annex IV map (produced by Police after August 17 meeting)



**Figure 5.5** Protesters surrounded by Police and reporters on the open area between Swire Building and Swire Bridge in the morning on 18 August 2011 - photograph provided by Editor-in-Chief of the *Undergrad*, Mok Kwan-ling, which also appeared on page 24 of the special edition of the *Undergrad* on the 818 event





(1) Three students arrive



(2) They are accosted by a man in black suit

**Figure 6.1 Selected still images from HKU Clips**



(3) Frankie Law (HKU Assistant Security Manager) arrives



(4) Frankie Law calls for more HKU guards

**Figure 6.1 (cont'd) Selected still images from HKU Clips**



(5) Frankie Law leaves the scene



(6) Frankie Law returns with Guard Fung

**Figure 6.1 (cont'd) Selected still images from HKU Clips**



(7) Frankie Law leaves; Guard Fung & Guard To remain



(8) Frankie Law returns

**Figure 6.1 (cont'd) Selected still images from HKU Clips**



(9) Students are encircled by uniformed Police; Li Shing-hong raises his arms



(10) Media arrive; Li Shing-hong's arms remain raised

**Figure 6.1 (cont'd) Selected still images from HKU Clips**



(1) Photograph showing location of the closed circuit television camera aimed at Door A



(2) Swire Bridge and its elevation – photograph provided by the Registrar

**Figure 6.2 Photographs of Parking Bay at KK Leung Building and Swire Bridge**





(1) Li Shing-hong with arms up; Door A and Door B are open



(2) Li Shing-hong being pushed; Guard Fung at Door B



(3) Li Shing-hong being pushed; Guard Fung at Door B

**Figure 6.3 Selected still images of video provided by iCABLE News Limited**

## SECURITY ARRANGEMENT – Swire Bridge

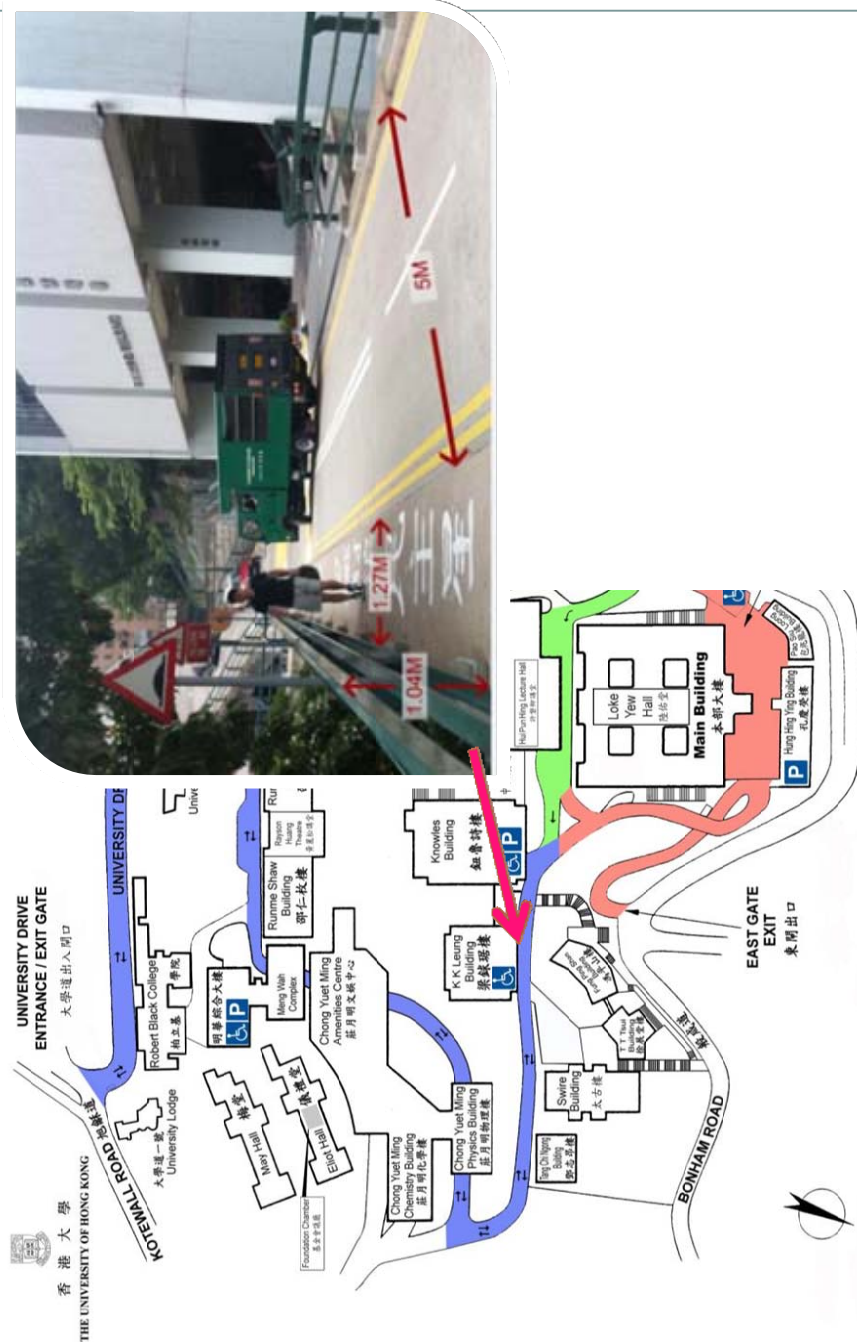
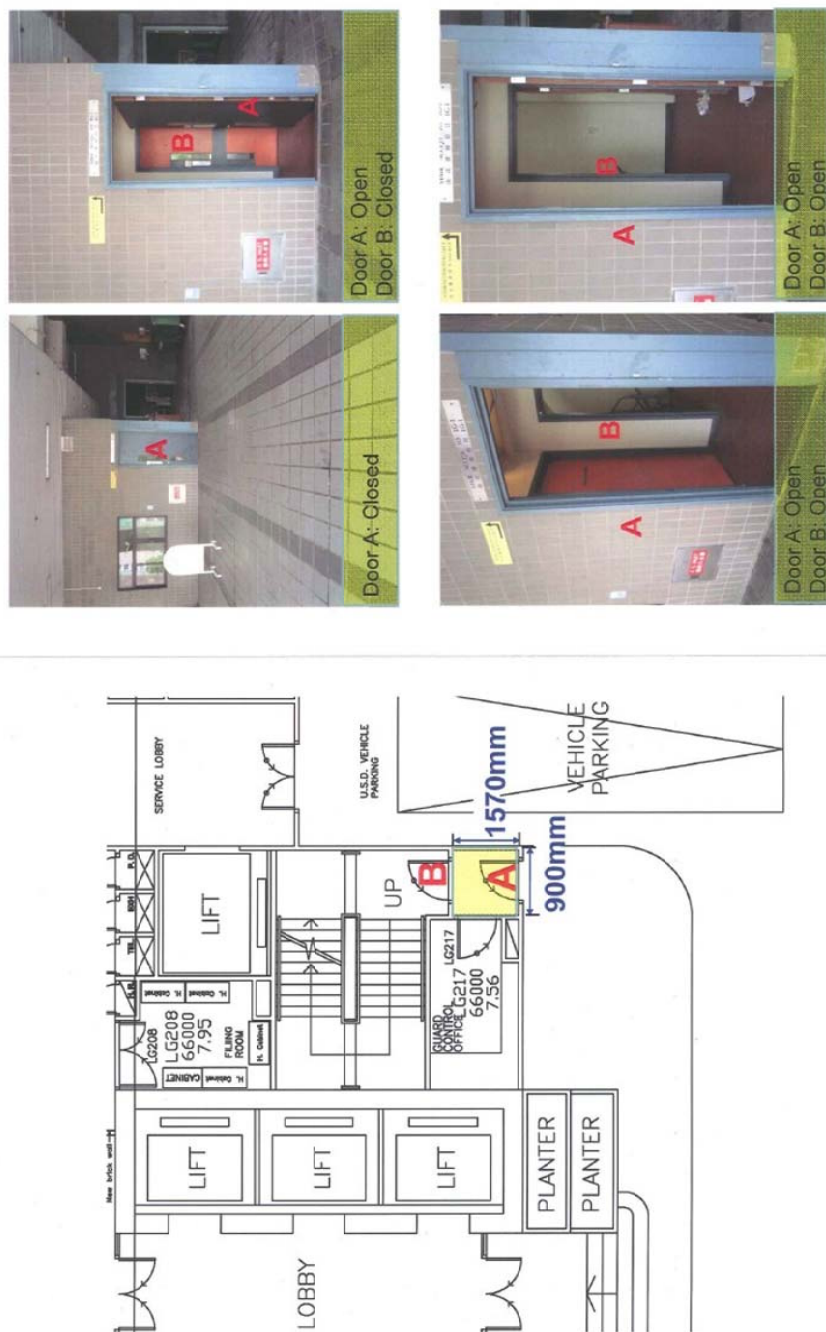


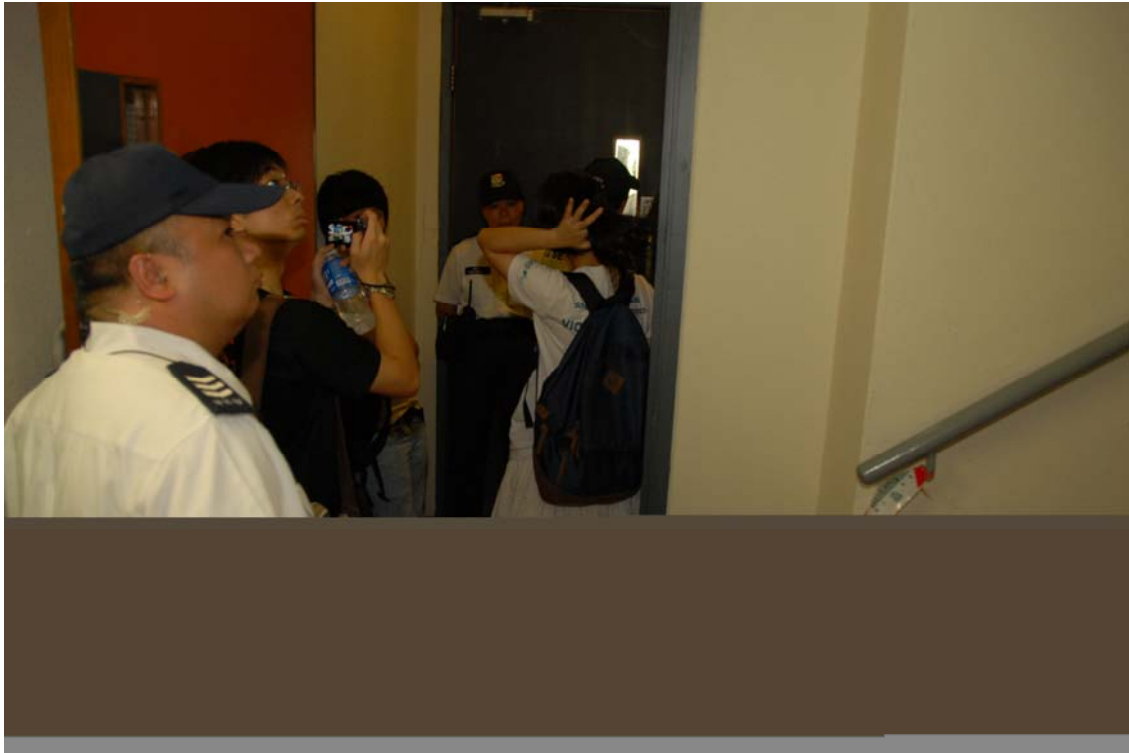
Figure 6.4 Plan and photograph of Swire Bridge – provided by the Registrar



## SECURITY ARRANGEMENT – KK Leung stairway details



**Figure 6.5 Plan and photographs of Stairwell – Door A (outer) and Door B (inner) – provided by the Registrar**



(1) Taken at 10:05 am, showing Guard Fung, Liu Sze-ming (holding camera) and Chan Sin-ying (touching her hair) (photograph quality as provided to the Panel)



(2) Taken at 10:09 am, showing Wong Kai-hing (in a white T-shirt) and Li Shing-hong (in a black T-shirt) with four guards inside the Stairwell Area

**Figure 6.6 Stairwell photographs – provided by Mok Kwan-ling**

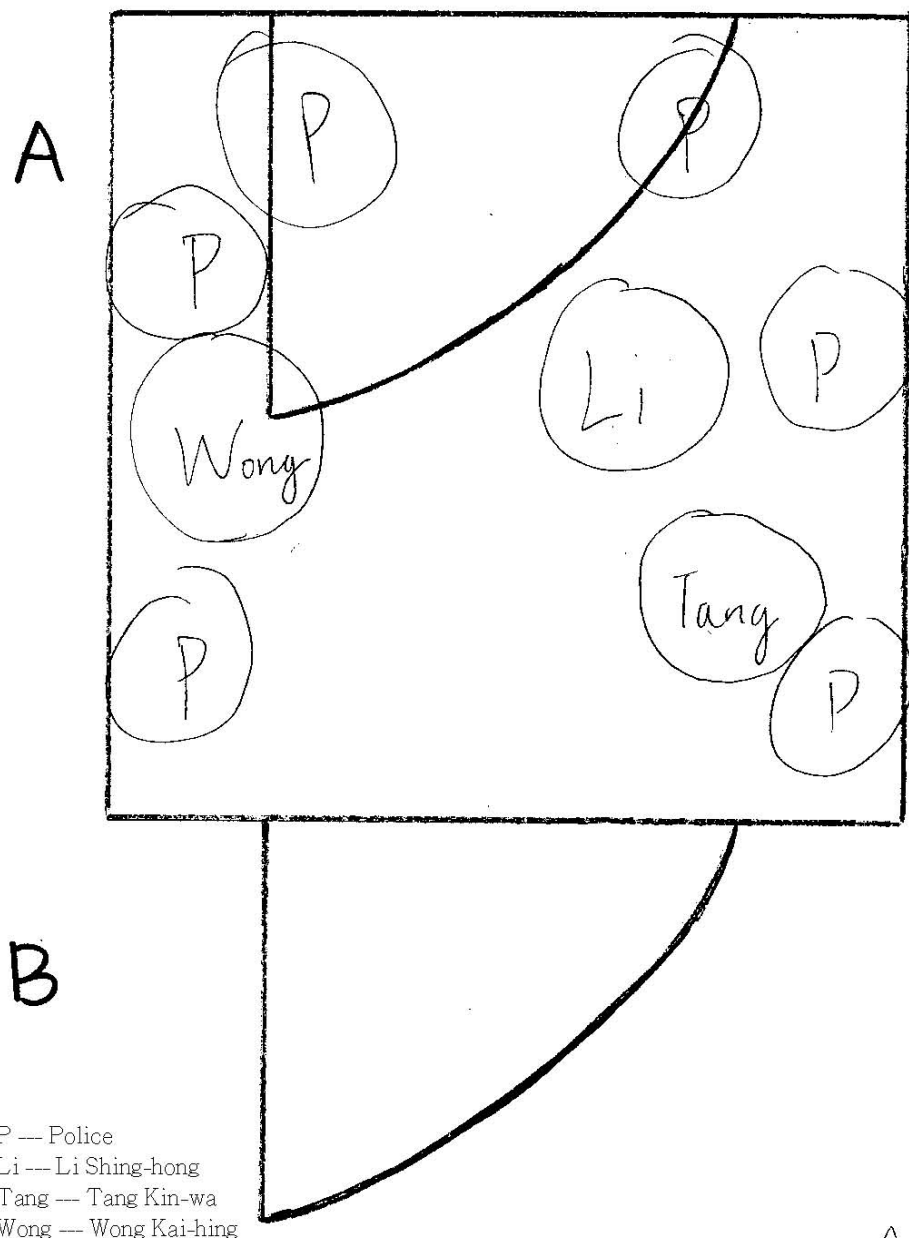


(3) Taken at 10:06 am, Li Shing-hong looking at his phone



(4) Taken at 10:07 am. Li Shing-hong looking at the identification card of security guard

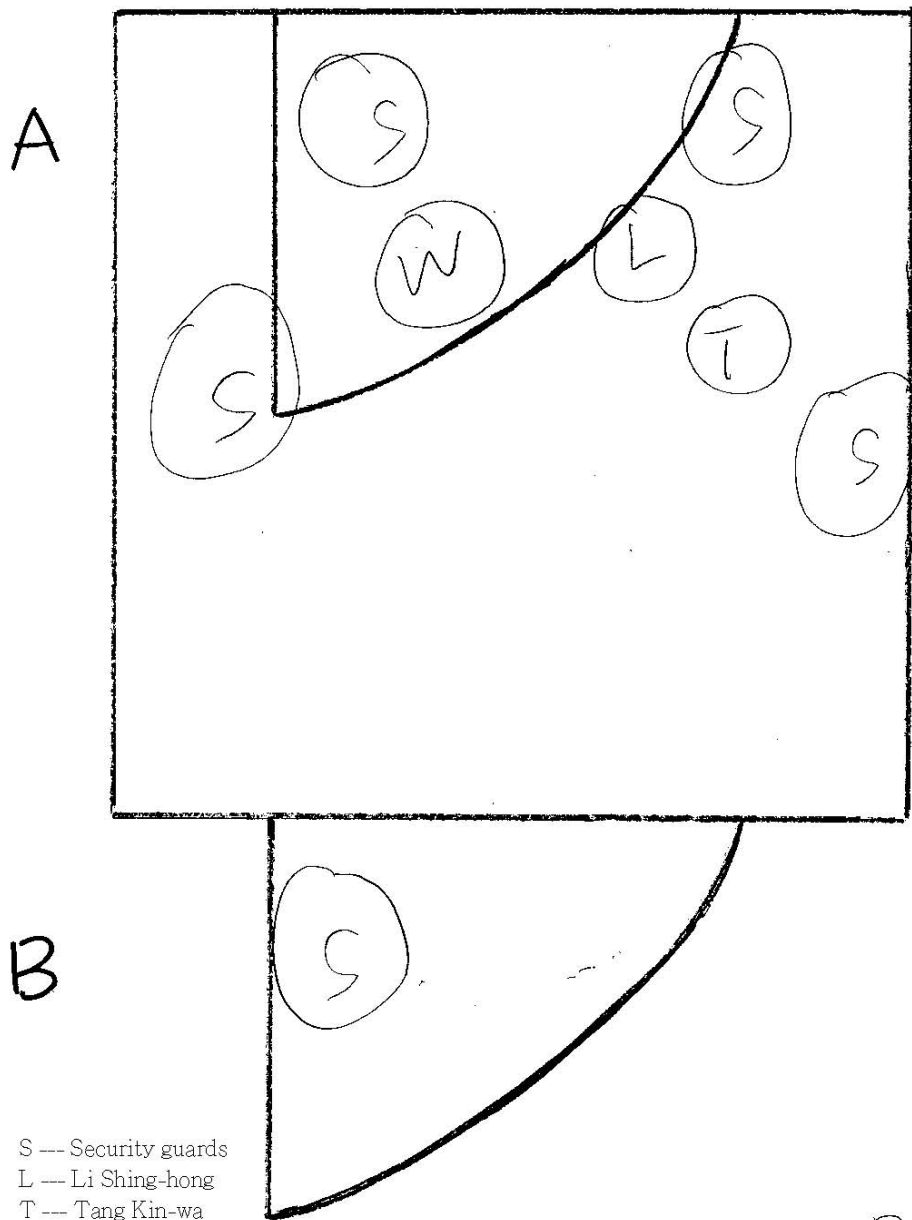
**Figure 6.6 (cont'd) Stairwell photographs – provided by Mok Kwan-ling**



A 圖  
 (剛被推入後)

(1) Students just being pushed into the stairwell area

**Figure 6.7 Diagrams showing position of police, security guards and students  
 (drawn by Li Shing-hong)**

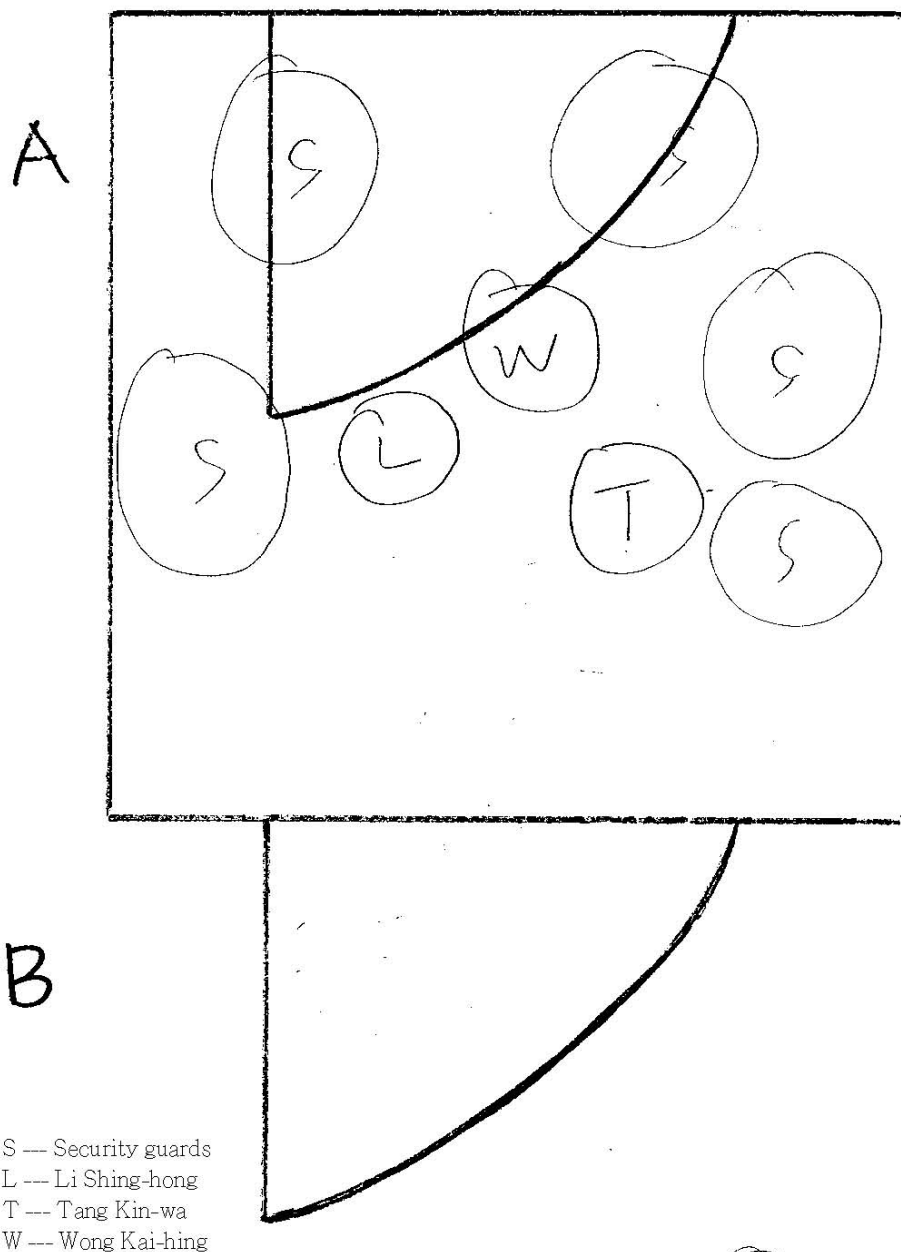


S --- Security guards  
 L --- Li Shing-hong  
 T --- Tang Kin-wa  
 W --- Wong Kai-hing

B 圖  
 保安人員位置

(2) Police were replaced by the security guards

**Figure 6.7 (cont'd) Diagrams showing position of police, security guards and students (drawn by Li Shing-hong)**

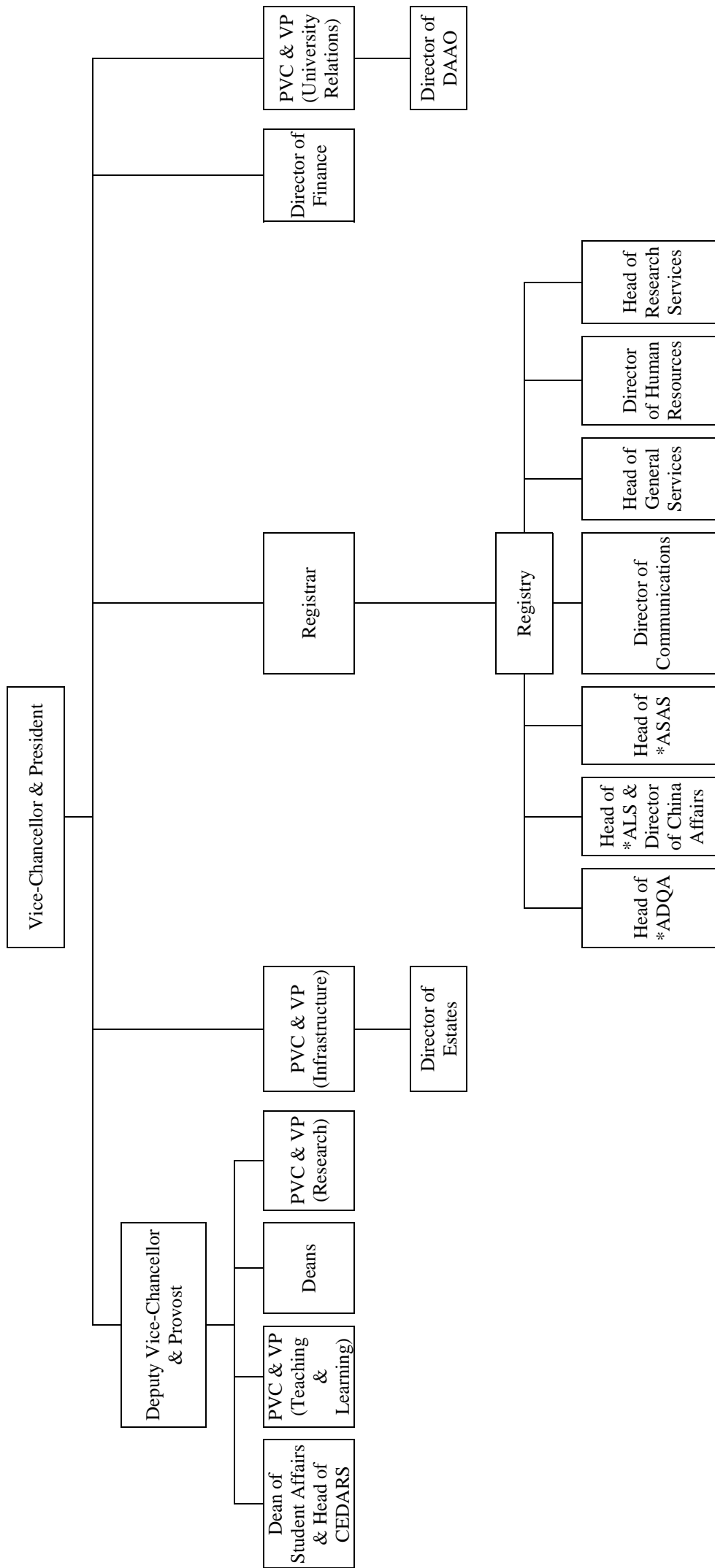


後報 C圖

(3) Latter situation

**Figure 6.7 (cont'd) Diagrams showing position of police, security guards and students (drawn by Li Shing-hong)**

# (1) Organisation Chart



\* ADQA – Academic Development and Quality Assurance Section  
 ALS – Academic Liaison Section  
 ASAS – Academic Support and Admissions Section

Figure 8.1 Organisation and reorganisation charts

(2) Proposed organisation (redrawn for clarity)

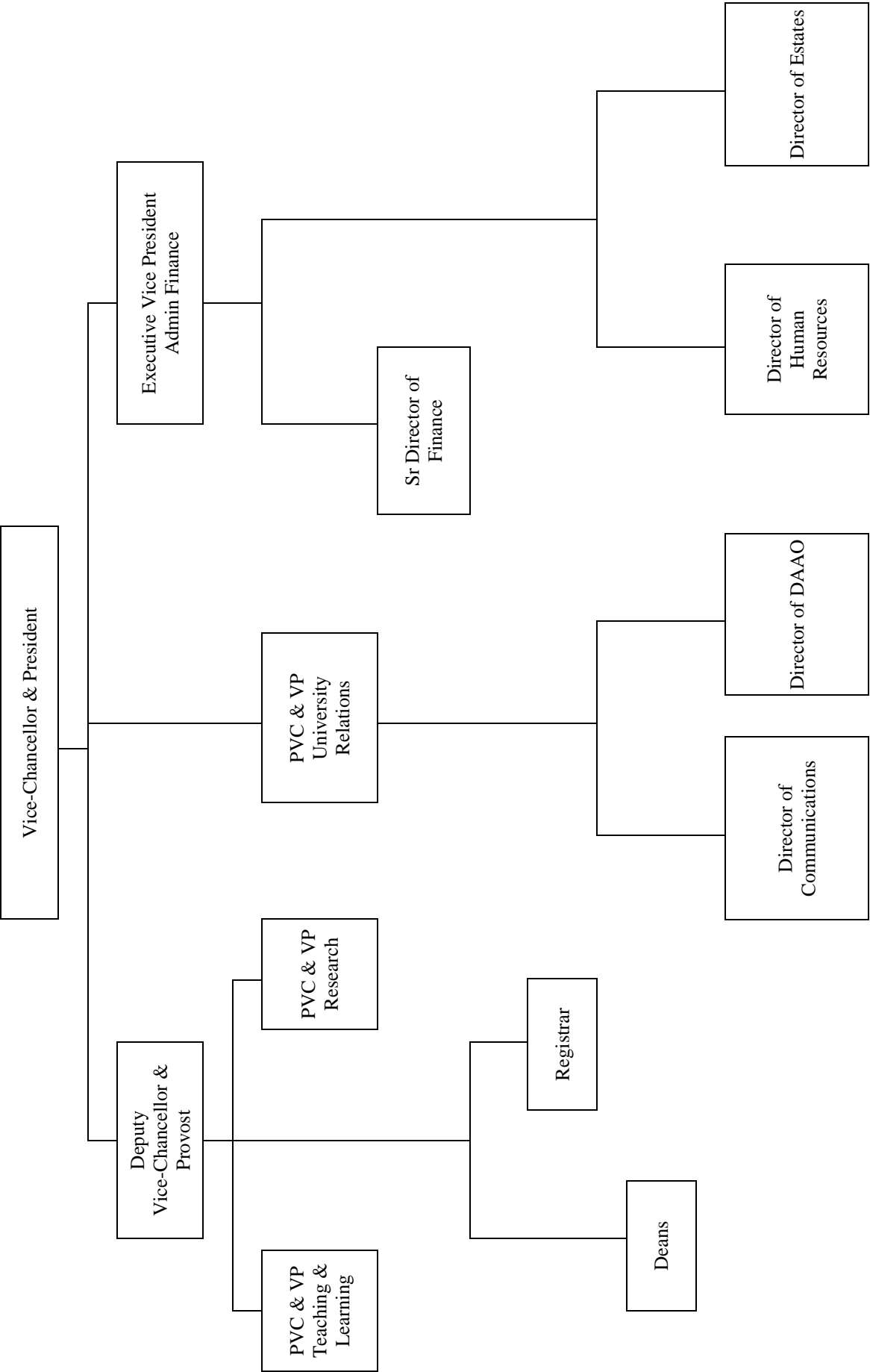
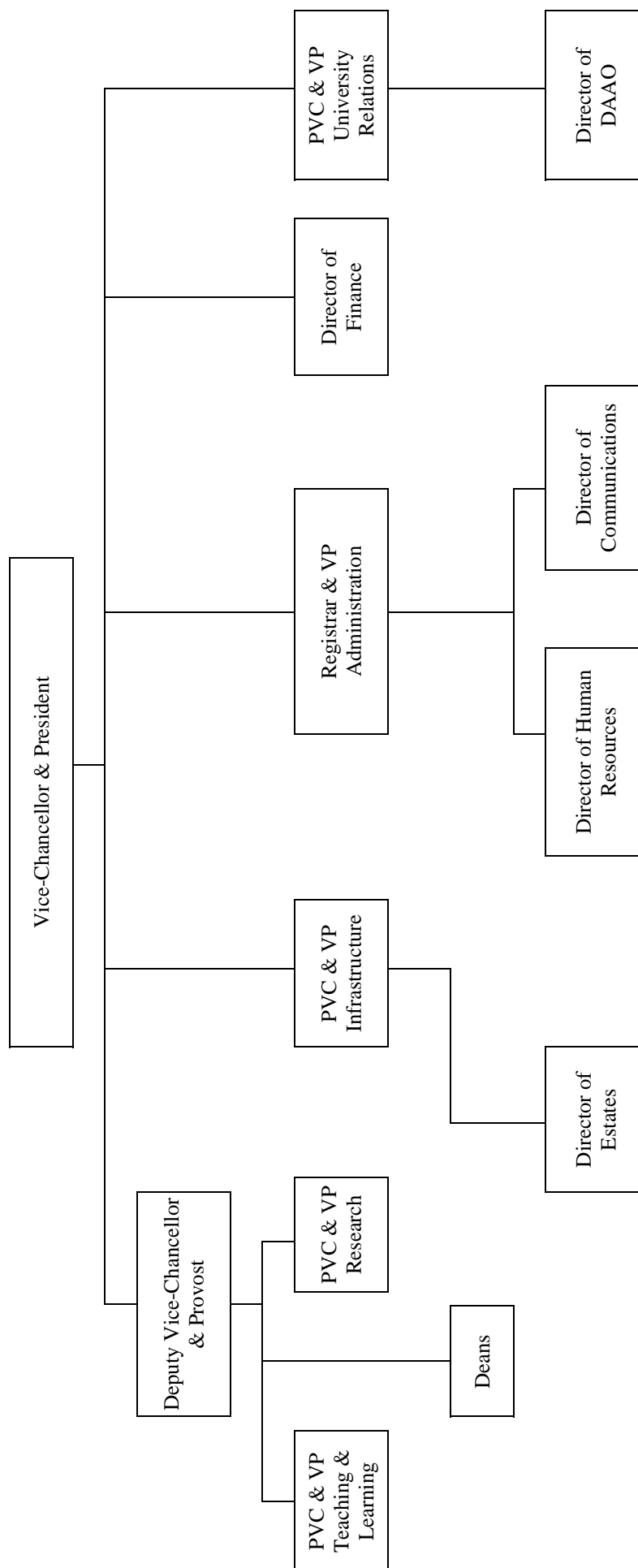


Figure 8.1 (cont'd) Organisation and reorganisation charts



**(3) In the interim (redrawn for clarity)**



**Figure 8.1 (cont'd) Organisation and reorganisation charts**



(1) Princess Alexandra (1961) (standing on the left)

**Figure 8.2 Photographs of past honorary degree congregations**



(2) Hsing Yun (星雲大師) (2010)



(3) Bill Clinton (2008)

**Figure 8.2 (cont'd) Photographs of past honorary degree congregations**



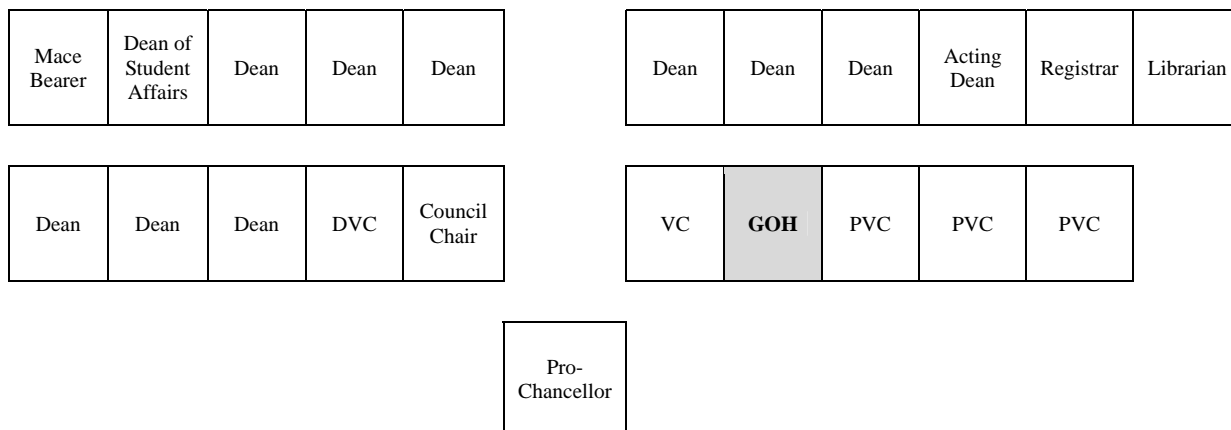


(1) 2011 Inauguration Ceremony – student (encircled) on the right (when facing audience)

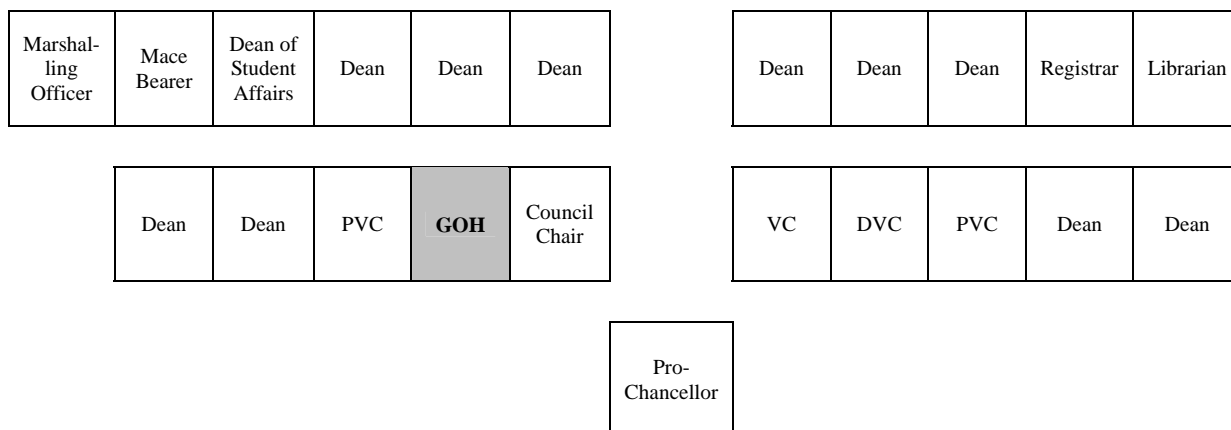


(2) 2010 Inauguration Ceremony – student (encircled) on the left (when facing audience)

**Figure 8.3 Position of student – Inauguration Ceremonies**



(1) The 183<sup>rd</sup> Congregation (30 November 2010) – Guest of Honour (GOH) on the left



(2) The 185<sup>th</sup> Congregation (29 November 2011) – Guest of Honour (GOH) on the right

**Figure 8.4 Position of the Guest of Honour - Congregations**