

LegCo Panel on Education

Regulation of Tutorial Schools

PURPOSE

This paper briefs Members on the existing mechanism for supervising and regulating the operation of tutorial schools.

BACKGROUND

2. The Education Department (ED) is responsible for enforcing the Education Ordinance (Cap.279) which regulates the operation of “schools” (see NOTE). Institutions offering a full school curriculum such as kindergartens, primary schools and secondary schools and those which do not, such as tutorial schools, that fall within the definition of a “school” under the Ordinance are required to comply with the relevant requirements of the Ordinance.

3. Schools which do not offer a full school curriculum and do not form part of the formal education system (including tutorial schools) mainly provide tuition or courses of a certain duration for students, some prepare students for public examinations.

NOTE Under section 3 of the Education Ordinance (Cap. 279), “school” is defined as an institution, organization or establishment which provides for twenty or more persons during any one day or eight or more persons at any one time, any nursery, kindergarten, primary, secondary or post secondary education or any other education course by any means, including correspondence delivered by hand or through the postal services.

REGULATORY MECHANISM

Scope of Control

4. In the case of schools within the formal education system (kindergartens, primary and secondary schools), ED is responsible for enforcing the Education Ordinance and proactively supporting the development of the schools through providing professional support and advice. For informal schools (including tutorial schools) which are not mandatory for children to attend during their education process, ED's main concern is to ensure that these institutions comply with the Education Ordinance, in particular compliance on safety requirements including classroom accommodation, teachers' qualifications and collection of fees.

5. The role and responsibility of the ED in the supervision and regulation of tutorial schools are :

- a. to scrutinize and approve applications for school registration, managers and teachers;
- b. to handle complaints against unregistered schools and to take prosecution action if necessary;
- c. to inspect registered schools for the purpose of ascertaining whether the Education Ordinance is being complied with and whether schools are being conducted satisfactorily; and
- d. to handle complaints about contravention of the Education Ordinance by registered schools and to take prosecution action if necessary.

Enforcement

6. Common types of malpractices of registered tutorial schools detected during school visits include over-enrolling students, charging unapproved school fees, operating unapproved courses and publishing false or misleading advertisements. Besides the routine monitoring by district staff, the ED has set up a Central Compliance Team (CCT) to

investigate serious cases on contravention of the Ordinance. Cases, with sufficient evidence, that warrant prosecution will be referred to the Police for action. From September 2000 to May 2001, 25 such cases (14 on unregistered schools and 11 on registered schools) have been handled. Up to May 2001, the operators and teachers in six cases had been successfully prosecuted and were each fined from \$3,000 to \$15,000.

Measures to Tighten Control

7. ED has taken the following steps to facilitate and tighten the control of tutorial schools:

- a. The CCT has been set up since May 2000 to take enforcement action against unregistered schools and serious malpractices of schools contravening the Education Ordinance. The team conducts investigation and prosecution visits, gives warnings to school operators who have breached the Education Ordinance and institute proceedings for cases which warrant prosecutions.
- b. The fines provisions in the Education Ordinance for various offences have been increased by 30% to 745% since June 2000. For example, the maximum fines for over-enrolment have been increased from \$5,000 to \$250,000 and to imprisonment for one year.
- c. The Education (Amendment) Ordinance 2001, which comes into effect on 1 June 2001, provides for further control measures. These include: making publication of any school advertisement containing false or misleading information an offence; providing school inspectors power to demand proof of identity, address and contact telephone number from any person found in the premises whom they reasonably believe to be guilty of an offence under the Ordinance; and relaxing the time limit for prosecutions of over-enrolment and over-charging/collection of fees without permission to be instituted within six months from the date of discovery of the offence by any inspector of schools.

- d. Barring convicted offenders from new registration, and keeping under-performing operators under surveillance.
- e. To encourage tutorial schools to register, school registration procedures have been streamlined and the processing time for issuing the provisional registration certificate has been shortened from 25 to 10 working days since August 2000. A revised Guideline on registration procedures was also promulgated and made available on the ED homepage in August 2000.
- f. ED will adopt a high profile transparency policy to disseminate information on registered tutorial schools and to advise parents and students to check the registration of the school and the approved courses and school fees before enrolling. ED launched publicity programmes in July and August 2000 which included briefings to schools, publication of a pamphlet, broadcasting a radio API and issuing a press release. Similar programmes to alert parents and students of the possible malpractices of private schools will be launched this summer to enhance consumer awareness.
- g. Briefing sessions on the relevant provisions of the Education Ordinance have been conducted regularly since August 2000 to remind operators of newly registered tutorial schools and those interested the importance of complying with the law.
- h. To enable parents or students to check school fees approved by ED before enrolling, information on the approved school fees of all schools will be made available on ED's homepage for public reference by the end of June 2001.
- i. The Director of Education will consider cancelling the registration of the school managers or the school or appointing additional managers to the school management committee if the school has not been properly managed. He may also direct the school to take remedial measures within a specified period.

- j. ED will work closely with the Consumer Council to protect the consumer rights of students and parents.

WAY FORWARD

8. ED will continue to take necessary action to regulate any malpractices of tutorial schools. At the same time, it will continue its publicity efforts to advise parents and students on how to distinguish registered tutorial schools from the unregistered ones and to increase their awareness of possible malpractices of registered tutorial schools. As consumers, parents and students are in the best position to decide whether they are getting value for money and to exercise the responsibility of consumers when choosing tutorial schools. As operators, managers of tutorial schools will be charged with the obligation to provide sound education, honour their contractual obligations with their students and teachers and comply with the law in their operation of schools.

Education Department
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