

**Extract of the Minutes of Meeting of
LegCo Panel on Education on 15 January 2001**

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VI. Regulation of tutorial schools

[LC Paper No. CB(2)666/00-01(02)]

38. At the invitation of the Chairman, Assistant Director of Education (Special Duties) (ADE(SD)) briefed members on the salient points of the Administration's paper on the subject.

Registration requirements

39. Mr YEUNG Yiu-chung enquired about the registration requirements for tutorial schools and asked whether teachers of tutorial schools were subject to the same qualification and registration requirements applicable to institutions offering a full school curriculum (i.e. kindergartens, primary and secondary schools).

40. ADE(SD) responded that tutorial schools falling within the definition of "school" under the Education Ordinance (EO) would have to register with ED and comply with the relevant requirements of EO as other schools. Premises which were not purpose-built for school operation should meet the fire safety, building safety and sanitation requirements set out under the relevant rules and regulations of the Fire Services Department, Buildings Department and Department of Health. Teachers of tutorial schools would be required to meet the prescribed qualifications and register with ED. They had to be either permitted or registered teachers.

False or misleading advertisement

41. Mr CHEUNG Man-kwong said that he was in support of legislation against false or misleading advertisements of tutorial schools. He expressed concern that some tutorial schools had falsely claimed in their advertisements that they were linked to some popular schools/colleges and that their teachers were members of the authority responsible for setting the public examination papers. He suggested that ED should set up a registration system for teachers of tutorial schools to declare their qualifications and public engagements so that it could identify false and misleading advertisements in a proactive manner.

42. ADE(SD) said that such a system of declaration would mean additional requirements for tutorial schools which did not apply to other schools. Since there were some 900 registered tutorial schools, the administration of such a declaration system might incur substantial manpower resources and recurrent expenditure. He

Action

considered that the Education (Amendment) Bill 2000 (the Bill) which was introduced into the LegCo on 10 January 2001 would enhance prosecution against false or misleading advertisement and achieve adequate deterrent effects. He added that ED would work jointly with the Consumer Council to educate parents and students on how to select tutorial schools.

43. Mr CHEUNG Man-kwong expressed dissatisfaction with the Administration's response. He said that it was unsatisfactory that ED would only take action against the tutorial school for publishing false or misleading advertisement upon receipt of a complaint after the parents and student had been misled for months. Mr CHEUNG maintained the view that apart from relaxation of the time limit for making prosecution, ED should consider establishment of the proposed registration system in order to deter malpractices of tutorial schools.

44. In response to the Chairman's enquiry about compliance with legislative requirement, ADE(SD) informed members that ED had set up a central compliance team with seven ED officers and a retired police officer in May 2000 to inspect schools for compliance with the EO. Complaints on tutorial schools were also referred to the team for investigation. Subject to reasonable suspicion of non-compliance, ED would refer the case to the Police for further investigation or prosecution action. He clarified that under the existing EO, only false or misleading advertisements in relation to the school's premises were prohibited. In view of this loophole, the Bill had incorporated a provision to prohibit schools from publishing any advertisements containing false or misleading information. The Bill would also empower school inspectors to demand proof of identity and personal particulars from persons found in a school premises where illegal activities were suspected.

Scope of the Education Ordinance

45. With reference to paragraph 8 of the Administration's paper, Ms Audrey EU expressed reservations on the proposal of confining the scope of EO to kindergartens, primary schools and secondary schools and legislating other types of schools such as tutorial schools and institutions offering continuing education as business undertakings. ADE(SD) explained that considering the huge resources required for ensuring compliance with EO, the consultant commissioned to study the registration procedures for kindergartens and tutorial schools had recommended exploring feasibility of the proposal as a long-term measure to re-focus the ED's resources.

46. The Chairman suggested that members could propose setting up a Bills Committee to scrutinize the Bill if they wished to follow up on the issues relating to regulation of tutorial schools.

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