

For discussion
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Legislative Council on Education

REGULATION OF TUTORIAL SCHOOLS

PURPOSE

This paper briefs Members on the existing mechanism to regulate and monitor 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 and their teaching activities. Under the Ordinance, “school” is defined as an institution, organisation or establishment which provides for 20 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 educational course by any means, including correspondence delivered by hand or through the postal services (see also ^{Note}). Institutions, including those offering a full school curriculum (kindergartens, primary schools and secondary schools) and those which do not (such as tutorial schools), falling within the definition of “school” are required to registered with ED and to comply with the relevant requirements of the Ordinance.

3. Tutorial schools mainly provide tuition/supervision for primary and secondary students, and prepare students for taking public examinations. At present, there are about 900 registered tutorial schools.

^{Note} The Ordinance also provides that the following types of schools may be exempted from its provisions –

- (a) any school which provides education consisting only of a series of lectures, or a course of instruction in a particular subject or topic; and
- (b) any school which provides less than ten hours of academic instruction each week.

SCOPE OF CONTROL

4. In the case of kindergartens, primary schools and secondary schools which form part of the formal education system, ED plays two major roles. Apart from enforcing the Education Ordinance, it also proactively supports the development of the schools through formulating educational policies and guidelines, and providing professional support and advice. In the case of informal schools (including tutorial schools) which are not absolutely necessary for a child to attend in his or her education process, ED's main focus is to ensure that these institutions comply with the Education Ordinance, including compliance in the following areas –

- (a) safety, e.g. building and fire safety provisions, number of students in a classroom;
- (b) teachers' qualifications, e.g. teachers have to meet prescribed qualifications and register with ED;
- (c) sanitation, e.g. ventilation and meal provisions; and
- (d) charging of fees, e.g. school fees have to be approved by ED.

ENFORCEMENT

5. A central compliance team with seven ED officers and a retired police officer was set up by ED in May 2000 to conduct inspections to check whether schools, including tutorial schools, comply with the Education Ordinance. Complaints on tutorial schools are also referred to the team for investigation. If there is reasonable suspicion that any provision of the Education Ordinance is not complied with, the case may be referred to the Police for prosecution action. The more common malpractices of registered tutorial schools include charging unapproved school fees, over-enrolling students, and publishing false or misleading advertisements in relation to the school's premises. If school operators persistently contravene the Ordinance, ED may cancel their registration

and bar them from operating schools in the future.

6. To deter malpractices, the fines provisions in the Education Ordinance for various offences have been increased by 30% to 745% since June 2000. Under the Education (Amendment) Bill 2000 introduced into the Legislative Council on 10 January 2001, we have proposed further control measures. First, publication of any school advertisements containing false or misleading information will be made an offence. Secondly, school inspectors will be provided with the power to demand proof of identity and personal particulars of any person found in a school premises where illegal activities are suspected. This facilitates further investigation or prosecution. Thirdly, the time limit for making prosecution will be relaxed. At present, prosecution must take place within six months from the date an offence is committed. We propose to start the countdown of six months from the date of offences comes to the notice of ED instead. The above legislative measures are applicable to all schools, including tutorial schools.

7. Sometimes, some tutorial schools are found to carry out activities which, although not illegal, are either unethical or against administrative guidelines issued by ED. In such cases, ED will consider referring the names of operators of the tutorials schools to the Consumer Council. The Council will make these names public as a means of moral censure. ED will also work jointly with the Council to educate parents how to select tutorial schools.

WAY FORWARD

8. ED will continue, as now, to take necessary regulatory action to ensure that tutorial schools comply with the relevant provisions of the Education Ordinance. Given that resources are not unlimited, however, the Department's priority will have to be on the improvement of quality education in kindergartens, primary schools and secondary schools. In the long run, it is perhaps worth considering whether the scope of the Education Ordinance should be confined to kindergartens, primary schools and secondary schools. As for other types of schools, such as tutorial schools and institutions offering continuing education, consideration could be given to subjecting them to the same degree and

form of regulation as with other business undertakings. Indeed, this refocussing of the Department's resources is one of the observations made by the consultants in the study on the registration procedures for kindergartens and tutorial schools completed in March 2000.

Education Department
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