

本函檔號 Our Ref. : EOC/CR/FMI/01/07
來函檔號 Your Ref. : ED(PRD) 73/1/00 (N) Pt. 5
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7 December 2001

Director of Education
Education Department
11/F, Wu Chung House
213 Queen's Road East
Wanchai
Hong Kong
(Attention: Mrs. Fanny Lam, School Places Allocation Section)

Dear Mrs. Lam,

Re: Consultation Document on Secondary School Places Allocation

I refer to your letter dated 5 December 2001, in which you seek our views on the consultation document by 8 December 2001.

Our comments are offered as general guidance to you while you are still in the early stages of mapping out what course you intend to take. Naturally, whether or not what you ultimately decide to implement complies with the Sex Discrimination Ordinance (“SDO”) is a matter on which you should consult your own legal advisers.

We note that the only definite change for the 2002 allocation is the removal of the three sex discriminatory elements of the SSPA, which the court has found to be unlawful.

In discussing the possible effects that the removal of these elements would have on allocation, you make the comment at paragraph 11(d) on page 6 that “*some co-educational schools may have unbalanced ratios of boys and girls*” as shown. The implication of this comment, and the tenor of paragraph 11(d) as a whole, is that this will be a new side effect of the removal of

discriminatory features of the SSPA, which would not have otherwise resulted had it not been for the court induced changes.

Clearly, this is not the case. During our formal investigation into the SSPA, it was found that 50:50 ratios in co-educational schools were the desired quota, but not necessarily the reality. Many schools had unbalanced gender ratios and principals told us that they did their best and managed. The EOC was informed by principals that the ratio of boys to girls in some co-educational schools was 70:30. Furthermore, during our investigation into complaints lodged with the EOC, we have found many further examples of unbalanced gender ratios. In one extreme case, the ratio of boys to girls was 2:1. The present wording in your consultation document, therefore, may be misleading, as it suggests that, ordinarily, there is balanced gender ratio in co-educational schools.

In your consultation document, you propose short and long term measures in dealing with the SSPA. I deal with these below as follows.

Short Term Measures

As far as short term measures are concerned, it appears that there is really only one measure you wish to introduce, relating to performance in the internal assessments (“IA”), which becomes the overriding factor that determines students’ priority order in central allocation (with the removal of the sex discriminatory features of the SSPA). In your consultation document, you therefore recommend that the IA practices of the schools be changed to include new concepts and examples on assessment for different subjects to properly assess students’ *diversified potential and abilities* fairly. This is based on your view that the present method of IA – emphasizing verbal skills and rote learning – is advantageous to girls.

Implementation of this change in IA practices is already in the pipeline and a guidebook on IA at P5 and P6 is to be revamped to include new concepts and guidelines, with examples on assessment for different subjects, and which will be issued to schools in early 2002. This should not have an impact on the 2002 allocation, since the P5 and P6 IA’s would already be underway. We are, however, concerned about impact on the 2003 allocation and beyond, for the following reasons.

The type of assessment that is devised will determine the IA scores of boys and girls for placement in secondary schools. Therefore, any new

concepts and guidelines introduced should ensure that there is no gender bias. Gender bias may amount to unlawful sex discrimination under the SDO. Furthermore, the new IA process should be fair to all boys and all girls.

Your consultation document appears to disregard weighting changes, and both Professor Halpern and Professor Hau also recommend against them. We simply make the observation that, in the event that you are minded to making weighting changes in the future, such changes that are not related to changes in the curriculum would need to be justified and not be intended to introduce gender bias.

It also appears from your consultation document that you do not intend to increase the existing Discretionary Places (DP) Quota in the short term measures, as you are of the view that principals may not be ready to leave aside the consideration of academic achievement and concentrate purely on “*potential and abilities not reflected in IA*”.

However, in the event that the Education Department takes this path, you need to ensure that you are not substituting “protection of high achieving boys” with the euphemisms of students’ “*potential and abilities not reflected in IA*” and “*diversified potential and abilities*”. If the population of students admitted under these criteria is predominantly boys, it may be construed as indirect discrimination against girls. You would also need to ensure that the criteria for discretionary placement are fair, objective, consistently administered and transparent. The ICAC has recently undertaken a review of the admission processes at the tertiary institutions in Hong Kong to ensure that they are fair and transparent. If you plan to increase the DP quota, you may wish to consult the ICAC on the criteria to be used. This would not only assist in the development of fair and objective criteria, but would encourage schools to keep proper and accurate records reflecting the reasons why certain decisions to admit certain students were made.

We also have some observations to make regarding additional DP quota for students recommended by primary schools principals on grounds of student’s abilities other than IA. Whilst you do not prefer this measure at the present time, we note that, if you were minded to introducing this concept, primary schools would need to ensure that resources allocated to support extra curricular activities were fairly distributed and boys and girls would have equal opportunities to excel in abilities outside of the academic arena, and thus compete for such places. If resources were not fairly allocated, the schools could be vulnerable to complaints of sex discrimination.

Overall, we commend your efforts to improve curriculum and teaching and we encourage the implementation of the recommendations by Professor Halpern and Professor Hau to add Science and Computer Studies from P1 onwards and to review stereotyping in curriculum materials. In fact, the EOC hopes soon to have the results of a study it has commissioned on stereotypes in textbooks. We are happy to provide you with a copy once it is available and to offer training courses to your staff in the curricular section.

Long Term Measures

These are the measures recommended by your experts for 2006 onwards, which you have included in the consultation exercise but prefer to leave to the Education Commission's deliberation in its review.

Professor Halpern strongly favours the concept of neighbourhood schools as it is practised overseas. We make the simple observation that this practice in most developed countries has ensured that there is no discrimination and protects students who have potentials and abilities not yet developed at a certain point in time. In its favour is the fact that the through train would automatically move students into the directly linked secondary schools, and the fact that resources in Hong Kong are appropriated centrally so there would be no inequity in schools' resources. The Education Department would need to take care that, in drawing up the "neighbourhood" dividing lines, "ghetto" schools are not formed.

In respect of the recommendation for 100% discretionary admission, we make the same observations as above at page 3: the admission process must be fair, objective and transparent, and accurate and proper records must be kept by schools to support their decisions and protect themselves against criticisms and complaints.

Professor Hau recommends a centrally set test paper. All we say about this is that, should such a test be used to replace past AAT averages that are frozen in time, you would need to be extremely careful that gender bias is not introduced – either within the school or between school comparisons.

Finally, please note that we have done our best – in the very short space of time which you have allowed us – to offer a substantive response to your consultation document. Given the importance of the subject matter, we would have appreciated a more reasonable time frame in which to offer our views.

If you have any queries in respect of any of the above, please call me on 21062180.

Yours sincerely,

Priscilla Ching Chung, PhD
Director (Gender)