

THE HONGKONG BUDDHIST ASSOCIATION

Comments on the Education (Amendments) Bill 2002

1. We appreciate and support the rationale of the Bill to enhance operation of the School Management Committee. Issues relevant to this include:
 - a) The limited liability of the ISMC and the non-responsible clauses appearing in various part of the Bill are meant to absolve managers of liabilities from claims through civil actions. However, there is still nothing to stop claimants from instituting civil proceedings against individual managers or the ISMC as a body.
 - b) The perspective of the ISMC will be widened with additional representatives from different sectors: teachers, parents, alumni, and an independent person. This is good to the school but has yet to be tried out. The expanded structure may give rise to problems like difficulties with getting consensus of views and conflict of interests.
 - c) Enhance the sense of responsibilities of Managers: The possibility of PSEM de-registering a manager who had been absent from three consecutive ISMC meetings does serve to instil a higher sense of responsibility among schools managers. It should, however, be more effective if de-registration becomes mandatory after a manager has been absent, without a reasonable excuse, from three consecutive ISMC meetings or for a school year*, without the need for PSEM to exercise her discretion to de-register at the request of the ISMC.
(*NB: Some schools have only two SMC meetings each year.)

2. We have the following additional comments on the Bill:
 - a) The Bill seriously limits the source of fund for compensation. The school or the government should have measures to protect the interest of rightful claimants through insurance or other schemes.
 - b) The revised structure of the ISMC and its relationship with the SSB will invariably bring about conflict of interest between the two bodies. This can be minimized through well-defined and unambiguous terms and clauses in their constitutions and in the agreement between them.

- c) Frontline experience indicates that the absence of a helmsman (Supervisor) to steer the school will undoubtedly give rise to problems. This effect is minimal if all managers act diligently, conscientiously and intelligently. However, the school will run into trouble if one or more managers attempt to evade responsibilities through absence at meetings where important decisions have to be taken. A more desirable position is to re-instate the post of supervisor (with all its responsibilities) who is as well, if not better, protected against liabilities as other managers.
- d) The drastic changes proposed in the Bill will have teething and/or long-term problems. It should be wise to monitor the situation for a few more years; e.g. extend the trial period for 2 years, during which the effect of the changes will be carefully monitored, evaluated and adjusted as necessary.
- e) We note that many bodies have put forth very constructive comments to the Bill. We hope the Bills Committee will, apart from giving careful consideration to all of them, not view the comments as a gesture of objection to the Bill and have it shelved. Taking our Association as an example, in addition to endorsing all the proposed amendments to smoothen the operation of the School Management Committee, we also put forth additional suggestions in the hope to bring the amended Education Ordinance closer to perfection.