

## **Vocational Training Council (Amendment) Bill**

### **Introduction**

This paper sets out the Administration's response to the various points raised by Members of the Bills Committee at the meeting of 1 December 2004.

### **Accounts for Extra-territorial Activities**

2. The VTC will conduct its extra-territorial activities through the vehicle of limited companies and will keep separate accounts for these companies. We note Members' views that there could be complications in accounting and tax arrangements especially in the Mainland if the companies concerned have income generated both in Hong Kong and in the Mainland. The VTC will seek advice from legal and accounting professionals to devise the most appropriate arrangements, and will operate businesses in the Mainland through limited companies and separate from those for the self-financed activities in Hong Kong.

### **Costing Model**

3. The VTC has an established costing model for its self-financing activities. For each course to be offered on a self-financed basis, the total expenditure involved is estimated (expenditure items include costs of staffing, consumables, equipment including depreciation of capital items, hire of venue, other operating expenses such as printing, postage, publicity, etc. and administrative overhead); and the fee level is determined having regard to the maximum capacity of each class. The breakeven student number is then derived, which is the minimum number of students which has to be enrolled to collect the fee income that would be sufficient to meet the total expenditure incurred. A course will be cancelled if the student enrolment cannot reach the breakeven number.

### **Staff Reaction towards Extra-territorial Activities**

4. Subsequent to the second Bills Committee meeting on 1 December 2004, the VTC requested its 14 staff unions to confirm in writing their views on the proposal for the VTC to expand its services to outside Hong Kong. The matter was also further discussed at the Deputy Chairman's forum with staff unions on 10 December 2004, and at the Council's Consultative Committee meeting with staff representatives on 18 December 2004. Staff are generally supportive of the proposal. With the exception of the staff union representing

about some 60 civil servants working in the VTC, the bulk majority of the staff unions (13 out of 14) have confirmed in writing their support of the proposal. Annexes A1 to A9 are the copies of the written support from the staff unions to the VTC.

5. In respect of the concerns raised by the union SATEIT in its letter to the Bills Committee, attached at Annex B, the VTC's response is at Annex C.

### **Priority for Engaging Hong Kong Staff**

6. The VTC has undertaken that the proposed expansion of its services to outside Hong Kong will not adversely affect the job security and terms of service of its existing staff, and staff will be deployed to work outside Hong Kong only if they are willing and if they possess the necessary skills and expertise required of the jobs. Where it is necessary to recruit additional staff for the expanded activities outside Hong Kong, and where a Hong Kong person and a non-Hong Kong person are found equally suitable for appointment for certain training or educational programmes, the VTC will give priority to the Hong Kong person.

### **New Section 6(3)**

7. We note that Members are concerned about the use of the term "agent" in the proposed new section 6(3) in clause 4 of the Bill.

8. "Agent" in this clause refers to the limited companies for carrying out the extra-territorial activities. The VTC, unlike an individual, cannot act for itself, but can act through its officers or agents. The term "agent" is inserted to enable the limited companies under the VTC to carry out the respective functions as set out in the Ordinance.

### **New Section 17(4)**

9. The intention of adding the new section 17(4) is purely for allowing administrative flexibility for the VTC to conduct the procedural matter of signing the financial statement and the balance sheet. The Deputy Chairman's signing the financial statement and the balance sheet is conditional, i.e. either when the Chairman is absent from Hong Kong or is for any other reason unable to exercise the powers or perform the duties of a Chairman.

10. In practice, the examination of the VTC's financial statement and the balance sheet follows a well-established and strict procedure. They have to be deliberated by the VTC's

Finance Committee and then the full Council before acceptance. The signing of the statement and the balance sheet by the Chairman is procedural in nature but in the circumstances that the Chairman cannot undertake this task for reasons cited in the above, we propose that the job could be done by the Deputy Chairman in order not to hold up the submission of the statement and balance sheet which has completed the procedures of scrutiny and acceptance within the Council.

11. We consider that the current wordings of clause 5 serve our intention and we do not consider there is a need for amendment.

Education and Manpower Bureau

January 2005

### Vocational Training Council Staff Associations

Annex	Name of Staff Associations	Declared Membership (as at 31.12.2003)
A1	1. Hong Kong Institute of Vocational Education Teachers' Association 職業訓練局香港專業教育學院教師會	886
A2	2. Vocational Training Council Clerical Staff Association 職業訓練局文職人員協會	335
A2	3. Vocational Training Council Instructors and Workshop Instructors Association 職業訓練局教導員及工場導師協會	320
A3	4. Technical Education & Vocational Training Non-teaching Staff Union 工業教育及職業訓練非教職人員工會	312
A4	5. Hong Kong Institute of Vocational Education Staff Association 香港專業教育學院教職員協會	167
A5	6. Vocational Training Council Technicians' Association 職業訓練局技術員協會	150
A6	7. Technical Education Graduate Staff Association 工業教育學位教職員協會	142
A7	8. Vocational Training Council Student Affairs Office Staff Association 職業訓練局學生事務處員工協會	118
A2	9. Vocational Training Council Skills Centres Staff Association 職業訓練局技能訓練中心職員協會	68
A8	10. Vocational Training Council Executive Officer Grade Association 職業訓練局行政主任職系協會	58
A2	11. Association of Inspectors of Apprentices 學徒督察協會	33
A9	12. Vocational Training Council Industrial Training Officer Grade Association 職業訓練局工業訓練主任職級協會	29
A2	13. Federation of Trade Unions in Vocational Training Council (comprising 6 unions (No. 2, 3, 5, 9, 11 &12)) 職業訓練局職工會聯合會	952
	14. Education and Manpower Bureau Technical Education and Industrial Training Staff Association 教育統籌局工業教育及訓練職員協會	67



香港專業教育學院教師會

Hong Kong Institute of Vocational Education Teachers' Association

致：職業訓練局執行幹事  
邱霜梅女士

邱女士：

職訓局擴展服務至域外事宜

有關 閣下於12月7日致函本會有關上述事項的信件，本會對職訓局擴展服務至域外，尤其是國內事宜，意見如下。

『香港專業教育學院教師會（IVETA）是全力支持職業訓練局修訂現時的條例，清楚訂明職訓局能在域外提供職業教育培訓服務。』

有關 閣下在信中解說擴展服務到香港以外，尤其內地市場的好處及，如何處理員工若有機會在內地工作的方法，教師會是認同的，但希望 閣下可以：將這些好處，及職訓局員工或可能在國內就業的處理方法，能加以廣泛地以官方通訊方式傳達予職訓局各員工，並將其併入職訓局有關政策文件內。

此外，我們作為職訓局最大的工會，希望 閣下能要求立法會批准職訓局在域外提供職業教育培訓服務的草案條文不應比其他大專院校的條文苛刻，以免影響職訓局在域外（尤其是國內）工作的競爭平台。

香港專業教育學院教師會  
會長

（鄭慧筠女士）

日期：二〇〇四年十二月二十一日

職業訓練局職工會聯合會  
Federation of Trade Unions in Vocational Training Council

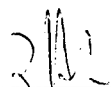
職業訓練局執行幹事  
邱霜梅女士  
香港灣仔活道二十七號  
職業訓練局大樓十九樓

邱執行幹事:

職訓局擴展服務至域外的計劃

就閣下於 12 月 7 日致函本聯合會及六個會員工會有關職訓局擴展服務至域外的計劃，本聯合會聯同六個會員工會（成員名稱列於本信東底部）現作統一回覆。

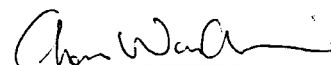
關於職訓局把服務範圍擴展至香港以外之計劃，經研究後，本聯合會及六個會員工會一致支持。惟在推行域外服務計劃時，職訓局必須遵行閣下於立法會審議草案委員會會議上所作出有關保障現有員工職位和服務條件的承諾。



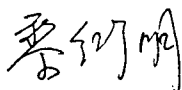
職業訓練局教導員及  
工場導師協會會長  
張復光



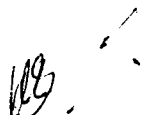
職業訓練局技能訓練  
中心職員協會主席  
吳樹龍



學徒督察協會主席  
陳偉超



職業訓練局  
文職人員協會主席  
黎衍明



香港專業教育學院  
教職員協會主席  
李鴻光



職業訓練局工業訓練  
主任職級協會主席  
曾慶樂

文件檔號：FTU 51/2004  
二〇〇四年十二月十七日

通訊地址：香港灣仔活道 27 號職業訓練局大樓 16 樓  
Contact Address: 16/F, VTC Tower, 27 Wood Road, Wanchai, Hong Kong

本聯合會現有成員：職業訓練局教導員及工場導師協會  
學徒督察協會  
香港專業教育學院教職員協會

職業訓練局技能訓練中心職員協會  
職業訓練局工業訓練主任職級協會  
職業訓練局文職人員協會

職業訓練局執行幹事  
邱霜梅女士  
香港灣仔活道二十七號  
職業訓練局大樓十九樓

邱執行幹事:

本工會已收到閣下於 2004/12/14 發出之函件，要求工會就局方擴展服務至國內市場一事表態。

經詳閱來函，閣下於說明事項之（1 - 4）點條文內表明不會對局內現有員工的職位保障和服務條件有任何不良影響。我會亦曾與其他工會商討，認為向境外發展是大勢所趨。

根據以上兩點，我會決定支持職訓局擴展服務至境外之計劃，惟需緊守來函向員工所作之各項承諾。

會長：姚松

工業教育及職業訓練非教職人員工會

2004/12/14

香港專業教育學院教職員協會

Hong Kong Institute of Vocational Education Staff Association

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香港灣仔活道二十七號  
職業訓練局大樓十九樓  
職業訓練局執行幹事  
邱霜梅女士


邱執行幹事：

二零零四年職業訓練局(修訂)條例草案

本年十二月七日來函收悉。就閣下徵詢本會對於上述修例，以容許職業訓練局擴展其服務至香港境外一事的意見，本會現謹就此議題，提出以下觀點：

- (一) 我們十分贊同及支持職訓局擴展其服務範圍至香港境外，特別是中國內地。
- (二) 在同一議題上，我們亦認同閣下在立法會審議草案委員會會議上提出，有關保障職訓局現有員工職位及服務條件不受任何負面影響的說明。
- (三) 我們同時要求閣下於現有之職訓局八年策略計劃內，及將來制訂其他職訓局策略計劃時，加入上述職業保障之條件及承諾，以便確保其得以落實執行，並最終成為職訓局之長遠策略的一環。

香港專業教育學院  
教職員協會主席



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李鴻光

二零零四年十二月十七日

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本會檔號：002001ex0406

來函檔號：L/M (3) to VTC – C50/1/1(pt. 2)

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職業訓練局執行幹事

邱霜梅女士

香港灣仔活道二十七號

職業訓練局大樓十九樓

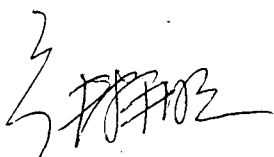
邱霜梅女士：

對《2004年職業訓練局(修訂)條例草案》的意見

對於修訂上列草案，本會認為此舉可以職業訓練局的專長造福更多需接受職業訓練人士，故本會並不反對。

本會留意到局方在本月10日與工會代表商談時曾口頭說明本港的課程將不會因發展境外課程而改變或收縮。如局方能以書面形式向員工承諾，當可令員工更安心。

多謝垂詢！



張振明

職業訓練局技術員協會會長

2004年12月18日



職業訓練局  
執行幹事  
邱霜梅女士

本人謹代表「工業教育學位教職員協會」，表達本會支持職業訓練局擴展服務到境外的法例修訂草案。

本會經深入探討及瞭解後，認為局方是項提議是合乎職訓局的員工利益，並且曾經多次在不同場合資詢工會及員工意見；因此本會同意及支持局方擴展服務到境外的法例修訂草案。

工業教育學位教職員協會  
主席  
宋寶光



二零零四年十二月十五日



職業訓練局學生事務處員工協會  
VTC Student Affairs Office Staff Association

職業訓練局執行幹事

邱霜梅女士

香港灣仔活道 27 號職業訓練局大樓

邱女士：

職業訓練局條例修訂

本會理事會經商議後，原則上同意修訂有關法律條文，令職業訓練局可以擴展服務/工作至其他地區，惟本會希望提出下列兩點要求：

- 一) 職業訓練局管理層向全體員工發放政策文件/通告，保證不會令現有員工的服務條件因此受不良影響。
- 二) 職業訓練局管理層保證，不會在合約員工更新合約時加上字句，令員工被逼往外地工作。

謝謝。

學生事務處員工協會主席

梁偉成 謹啓

二〇〇四年十二月廿三日

通訊地址：香港柴灣盛泰道 30 號教學樓地下 015 室

2004/05 年度理事會

主席：梁偉成 副主席：廖淑儀 秘書：鄧紹偉 司庫：鄭華棠 理事：朱正國 岑兆偉 林如君 蘇明玉 曹維新

職業訓練局行政主任職系協會

The VTC Executive Officer Grade Association

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檔案編號：(3) in VTCEOGA/1/2

香港灣仔活道 27 號

職業訓練局

執行幹事

邱霜梅女士

邱女士：

《2004 年職業訓練局(修訂)條例草案》

就局方二零零四年十二月七日來函解釋《2004 年職業訓練局(修訂)條例草案》的內容，我會理事會已有討論及諮詢會員。

在局方承諾擴展服務至境外後，職訓局內現有員工的職位保障及服務條件將不受影響，我會原則是支持修訂條例草案，讓職訓局可在域外擴展服務。



梁佩琮

職業訓練局行政主任職系協會理事長

二零零四年十二月十六日

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職業訓練局  
工業訓練主任職級協會

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職業訓練局執行幹事  
邱霜梅女士  
香港灣仔活道二十七號  
職業訓練局大樓十九樓

邱執行幹事：

職訓局在域外擴展服務計劃

對於局方在不影響員工的職位和服務條件下擴展服務，本會一向予以支持。

關於職訓局在域外擴展服務一事，本會經研究後，決定支持。本會並認同職訓局把服務範圍擴展至港外，對員工的發展或有裨益。惟在推行域外服務計劃時，職訓局必須遵行閣下於立法會審議草案委員會會議上所作出有關保障現有員工職位和服務條件的承諾。



職業訓練局  
工業訓練主任職級協會主席  
曾慶樂

文件檔號：ITOGA 101/2004

二〇〇四年十二月十四日

# SATEIT EMB

教育統籌局工業教育及訓練職員協會

香港灣仔軒尼詩道郵政局·郵政信箱編號20276·

Our reference 本會檔號：CB2/BC/1/04

Yours reference 來函檔號：2004/12/02

中華人民共和國香港特別行政區  
立法會  
法案委員會  
何鍾泰主席和各位委員

何主席：

《2004年職業訓練局(修訂)條例草案》  
擴大職業訓練局在香港以外地方提供服務意見

多謝法案委員會給予機會表達對職業訓練局擴大在香港以外地方提供服務意見，敝會的意見如下：

1. 職業訓練局由政府資助於香港特別行政區內提供工業教育及訓練服務。但在現時香港財政赤字嚴重的情況下，用特區政府的資源去從事境外服務，對香港市民很不公平；令特區政府的財政負擔百上加斤。
2. 職業訓練局的構思是大部分境外服務會以自負盈虧方式進行，透過有限公司運作模式以獨立帳項管理，增加職業訓練局的收入。但敝會認為職業訓練局是服務機構，不是商業機構，境外服務以自資方式營辦及自負盈虧方式進行的可行性成疑。假若出現虧蝕的情況，最終還是由特區政府承擔。
3. 現時香港的職業訓練服務正值百家爭鳴，各資助和私人機構都營辦不同課程和服務。而政府在近年亦投下不少資源開辦毅進計劃、展翅計劃、青年就業計劃和資助青年創業等計劃。而根據統計數字，年青人受聘到香港以外地方/國內工作的人數及機會均有限。故透過境外培訓和實習的效果成疑。
4. 香港現時正計劃更改為【三三四】學制，直接影響職業訓練局現有開辦的課程和服務。局方現階段理應全力配合【三三四】學制和改革工業教育及訓練服務迎合社會上的新情況及需要。職業訓練局反過來走出境外去辦服務，目的令人生疑。

5. 職業訓練局在資料中提及擴大香港以外地方提供服務的計劃，對生產力並無影響。但是敝會理解局方由構思至營辦境外活動，均會利用政府現時提供的資源，包括人力和設施等去進行。那麼局方認為對現時的生產力並無影響的論據怎可相信呢？
6. 雖然很多香港的公司和廠商在國內開辦公司，但是聘用香港員工的人數始終有限。職業訓練局提供短期過境實習，認為會增加青年就業機會的本意是良好的，但在實際市場環境和兩地薪酬水平差距下，未有實際工作經驗的年輕人獲受聘於國內工作的機會成疑，而年輕人返回國內工作的意慾亦成疑。現時本港的青年人失業率超過百分之二十，《雙失》青年隨處可見，而曾受短期過境實習的年輕人，能否切合本港勞動市場上的需要而獲聘用？效果成疑。敝會認為職業訓練局應該重點培訓青年人迎合社會上的需要及協助青年人在本港勞動市場就業，更為切實地去減低《雙失》青年的數目，對香港整體利益更有幫助。
7. 在理據(A)《主要修訂》中列出：「教育統籌局繼續確保政府提供予職業訓練局的資助，不會用於津貼這些自資的活動，也會確保資助的域外活動必須是為香港人提供的訓練及教育。」但在附件B《財政影響》第2段中卻列出：「職業訓練局以自資形式舉辦域外活動，無須政府額外撥款資助。」這兩點顯然已經互相矛盾。因為有關域外活動的營運開支由教育統籌局管理的開支封套撥付；而基本工程所需公帑撥款則須視每年資源分配的結果而定。

綜合上述各點，職業訓練局在香港以外地方提供服務最終是政府全資負責，但受惠的香港市民卻不多！敝會懇請何主席和各位法案委員會委員考慮敝會提出的意見。

祝工作愉快。

教育統籌局工業教育及訓練職員協會主席



譚偉強 謹上

二零零四年十二月二十三日

副本送交：

香港立法會陳婉嫻議員  
香港立法會王國興議員  
教育統籌局長  
職業訓練局執行幹事

## **Vocational Training Council (Amendment) Bill 2004**

### **Purpose**

On 23 December 2004, the Education and Manpower Bureau Technical Education and Industrial Training Staff Association (“SATEIT”) forwarded a seven-point submission on the VTC (Amendment) Bill 2004 to the Chairman of the Bills Committee. This paper presents the response of the Vocational Training Council (VTC) to these points.

### **Background**

2. The SATEIT is one of the 14 staff associations in the VTC. It comprises some 60 members, representing the small number of civil servants who remain working in the VTC.

### **Response of the Vocational Training Council**

3. The VTC’s response is as follows:
- 1) Most of the extra-territorial activities of the VTC will be run on a self-financing basis. Some of the extra-territorial activities may be subvented but solely for the training and education of Hong Kong persons (such as the training and working attachment in the Mainland for non-engaged youths). Public resources expended in this regard will not affect the services which the VTC provides in Hong Kong in response to the needs of the community. This will also not add to the Government’s financial burden.
  - 2) The VTC will set up limited companies to undertake extra-territorial activities and all associated liabilities will be shouldered by these independent legal entities. Separate accounts will be maintained for such activities. The VTC will not undertake self-financed activities that would not pass the “full cost recovery” test, i.e. there must be a sufficient number of students enrolled to ensure full cost recovery. The financial risks would thus be minimized. Any loss will be met from the accumulated surplus under the VTC’s account on self-financed activities and will not be borne by the HKSAR Government.



- 3) With the gradual economic integration of the HKSAR and the Mainland, more and more Hong Kong enterprises are expanding their business into the Mainland. We need to suitably equip Hong Kong young people so that they can be prepared for the possible needs to work in the Mainland in the future. Providing them with Mainland training and work attachment can help familiarize them with the life and developments in the Mainland, broaden their horizon, and further help them obtain Mainland qualifications. These will be most beneficial to the young people's personal development and future career.
- 4) The VTC proactively modernises and reforms its services and products in response to the needs of Hong Kong's developments, which include the proposed "3+3+4" education reform proposals. The expansion of the VTC's services to outside Hong Kong is exactly one of the reform measures introduced to better meet the needs of the new situation faced by Hong Kong, with its close economic integration with the Mainland.
- 5) The statement about "productivity implications" in the Legislative Council Brief refers to the effects of the proposal on the productivity of Hong Kong as a whole. As the VTC's expansion of services to outside Hong Kong will not involve additional public funding from the Government, the proposal will not have implications on Hong Kong's overall productivity.
- 6) Every year, the VTC offers over 30 000 pre-employment vocational education and training places in various disciplines, providing an alternative route of studies, outside the mainstream education system, to the Hong Kong young people of different educational attainments. In recent years, the VTC has also launched various training schemes for the non-engaged youths below Secondary 3 level. These include the "New Taster Programme", the "Teens", "Modern Apprenticeship", etc.. The expansion of the VTC activities to outside Hong Kong can further enrich the contents of these programmes.
- 7) The SATEIT may have misunderstood the LegCo Brief. The VTC's extra-territorial services will have to be operated on a self-financed basis, without any government subventions, if the students are non-Hong Kong persons. The proposal will not require any additional government funding.

4. The mainstream staff views within the Council support the expansion of the VTC's services to outside Hong Kong. 13 staff associations which represent the bulk of the VTC staff have already confirmed their support in writing.

Vocational Training Council

January 2005