

立法會

Legislative Council

LC Paper No. LS58/04-05

Paper for the House Committee Meeting on 29 April 2005

Legal Service Division Report on Child Care Services (Amendment) Bill 2005

I. SUMMARY

- 1. Object of the Bill** To amend the Child Care Services Ordinance (Cap. 243) and its subsidiary legislation to harmonize the services provided to pre-primary school children by child care centres and kindergartens.
- 2. Comments**
 - (a) The definition of “child care centre” would be amended to mean premises receiving more than 5 children under the age of 3 years, or premises receiving more than 5 children under the age of 6 years in cases of children with disability or where overnight accommodation is provided.
 - (b) To be qualified for registration as a supervisor of a child care centre or a child care worker, a person has to complete a training course approved by the Director of Social Welfare. The Bill provides for recognition of principals and registered teachers of a school providing nursery education or kindergarten education. There are also savings and transitional provisions.
 - (c) Other operational requirements are amended.
- 3. Public Consultation** Public consultation was carried out by the Working Party on Harmonization of Pre-primary Services.
- 4. Consultation with LegCo Panel** The Panel on Education was briefed on 26 April 2002, 3 March 2003 and 14 March 2005. Members of the Panel on Welfare Services were invited to attend these meetings.
- 5. Conclusion** Subject to Members’ views on the policy aspect, the decision of setting up a Bills Committee may be deferred pending our further report on clarification of certain drafting issues.

II. REPORT

Object of the Bill

To amend the Child Care Services Ordinance (Cap. 243) (“the Ordinance”) and its subsidiary legislation to harmonize the services provided to pre-primary school children by child care centres and kindergartens.

LegCo Brief Reference

2. HWF CR2/5091/05 Pt. 2 issued by the Social Welfare Department, Education and Manpower Bureau and Health, Welfare and Food Bureau in April 2005.

Date of First Reading

3. 27 April 2005.

Comments

Governance of pre-primary services

4. At present, kindergartens admitting children aged 3 to 6 are registered under the Education Ordinance (Cap. 279) and regulated by the Education and Manpower Bureau (“EMB”). Child care centres comprising day nurseries which admit children aged 2 to 6 and day crèches for children up to the age of 2, are registered under the Ordinance and supervised by the Social Welfare Department (“SWD”).

5. The Bill proposes to amend the definition of “child care centre” to mean:

- (a) premises receiving more than 5 children who are under the age of 3 years for the purposes of care and supervision; or
- (b) premises receiving more than 5 children who are under the age of 6 years in cases of children with disability or where overnight accommodation is provided.

6. Kindergartens and child care centres operating in the same premises for children aged 0 to 6 or 2 to 6 would be registered both under the Education Ordinance and the Ordinance and monitored by a joint office to be staffed by both SWD and

EMB under the management of EMB. The Bill seeks to empower the Director of Social Welfare (“the Director”) to authorize any EMB officer to exercise his functions under the Ordinance. The Chief Executive would also be empowered to appoint any EMB officer to be an inspector of child care centres.

Qualifications of supervisors and child care workers

7. The Bill proposes that a person must successfully complete a training course approved by the Director to be qualified for registration as a supervisor of a child care centre or a child care worker.

8. According to the LegCo Brief, despite the introduction of harmonized basic training programme in 1997, there are about 1000 qualified kindergarten teachers and 2800 child care workers registered before 1997 who cannot work in both sectors interchangeably. The Bill therefore provides that a person may apply for registration as a supervisor by virtue of his qualifications as a principal of a school providing nursery education or kindergarten education or his being recommended to be such a principal, or as a child care worker by virtue of his qualifications as a registered teacher teaching pupils undergoing nursery education or kindergarten education in a school. The Director may refuse such application unless it is made before a date specified by notice published in the Gazette, the notice not being subsidiary legislation.

9. The effect of the savings provision in the Bill is that a person whose name has been included in the registers or who has submitted an application for registration before the day appointed for commencement of Clause 3 of the Bill if enacted (“the Relevant Date”) would not be affected by the new qualification requirements.

10. The definition of “trainee worker” and references to the term would be repealed in September 2007 when all the existing trainee child care workers (106 workers as at December 2004) should have completed their required pre-service training. Application for inclusion in the register of trainee workers would not be accepted after the Relevant Date.

Operational Requirements

11. The Bill amends other operational requirements such as the minimum staff to children ratio for child care centres which receive non-resident children of 2 or more years of age would be changed from 1:14 to 1:15. Child care centres wholly or partly situated in premises which were not used as a child care centre immediately before the Relevant Date have to comply with new ceiling height and new floor space requirements.

Financial Implications

12. Although not directly related to the Bill, the implementation of the harmonization of pre-primary services involves certain changes to the financial assistance schemes to service providers and parents which would require the approval of the Finance Committee. Members may refer to Annex C to the LegCo Brief for details.

Public Consultation

13. In 2002, the Working Party on Harmonization of Pre-primary Services formed by EMB and SWD issued a Consultation Document and carried out public consultation. Members may refer to paragraphs 19 to 22 of the LegCo Brief for background information. According to the Administration, a briefing session was conducted in December 2004 to update the pre-primary services sector, which supported in general the implementation of harmonization in the 2005/06 school year. The Social Welfare Advisory Committee and the Education Commission were also in support of the proposals.

Consultation with LegCo Panel

14. The Panel on Education was briefed on the implementation of the recommendations of the Working Party at its meetings on 26 April 2002, 3 March 2003 and 14 March 2005. Members of the Panel on Welfare Services were also invited to attend these meetings.

15. At the meeting on 14 March 2005, the Administration also informed members of its proposals to amend the Child Care Services Ordinance and the Child Care Services Regulations as part of the harmonization measures. A member expressed concern that the reduction of the staff-to-children ratio from 1:14 to 1:15 would adversely affect the quality of services in child care centres. Another member was concerned about the salary administration for child care workers upon harmonization. The Administration explained that serving child care workers would be eligible to enjoy the same recommended pay scale of qualified kindergarten teachers, the ceiling of which was one point higher than the salary scale of serving child care workers. Some members also raised questions on the future physical and operational requirements of kindergartens and child care centres. Members were generally concerned with the impact of changes to the financial assistance schemes.

16. Members may refer to the minutes of the Panel meeting on 14 March 2005 (issued vide LC Paper No. CB(2)1324/04-05) for further details.

Conclusion

17. We are seeking clarification with the Administration on certain drafting issues. Subject to Members' views on the policy aspect, the decision of setting up a Bills Committee may be deferred pending our further report.

Prepared by

Wong Sze-man, Bernice
Assistant Legal Adviser
Legislative Council Secretariat
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