

**立法會**  
**Legislative Council**

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**Paper for the House Committee meeting  
on 17 June 2005**

**Report of the Bills Committee on  
Child Care Services (Amendment) Bill 2005**

**Purpose**

This paper reports on the deliberations of the Bills Committee on Child Care Services (Amendment) Bill 2005.

**Background**

2. The care and education needs of children up to the age of six are governed by two ordinances and two monitoring authorities. Kindergartens admitting children aged three to six are registered under the Education Ordinance (EO) and regulated by the Education and Manpower Bureau (EMB). Child care centres, comprising day nurseries which admit children aged two to six and day crèches for children up to the age of two, are registered under the Child Care Services Ordinance (CCSO) and supervised by the Social Welfare Department (SWD). As day nurseries and kindergartens are providing similar services to a similar target group, there are views that they should be subject to similar requirements, registered under the same ordinance and monitored by one single authority.

3. In September 1999, the Education Commission recommended that the Administration should examine the issue of unifying the systems of day nurseries and kindergartens. A Working Party on Harmonisation of Pre-primary Services was formed by the former Education Department and SWD in 2000 to advise the Government on matters relating to the harmonisation of pre-primary services. The Working Party issued a consultation document in April 2002 on its recommendations. Based on the views collected, the Working Party revised its recommendations. The revised recommendations were reported to the Panel on Education of the Legislative Council (LegCo), the Education Commission and the Social Welfare Advisory Committee. According to the Administration, they were, in general, supportive of the harmonisation measures.

4. The original plan of the Government was to implement the recommendations by the 2004-05 school year. Due to the Severe Acute Respiratory Syndrome epidemic in 2003, the implementation was deferred to the 2005-06 school year in order to allow a longer period of transition for the pre-primary services sector to recuperate from the adverse operating conditions at that time.

5. The implementation of the harmonisation of pre-primary services involves certain changes to be made to the respective financial assistance schemes for both pre-primary service providers and parents. Approval of the Finance Committee (FC) of LegCo will be required. In addition, CCSO and the Child Care Services Regulations (CCSR) will need to be amended.

### **The Bill**

6. The legislative proposals in the Bill include -

- (a) amending the definition of child care centre, so that SWD will supervise centres providing child care services to children aged below three, institutions for children with disability who are under the age of six, institutions providing overnight accommodation to children under the age of six, and these institutions and centres will only fall within the definition of child care centres if they receive more than five children at any one time for the purpose of care and supervision.;
- (b) allowing a person to 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;
- (c) requiring a person to complete a training course approved by the Director of Social Welfare (DSW) in order to be qualified as a supervisor of a child care centre or a child care worker;
- (d) repealing the definition of “trainee worker” and references to the term in CCSR on a date to be specified by DSW;
- (e) adopting the minimum staff to children ratio of 1:15 for non-resident children aged two or above in order to align the staffing requirement of kindergartens and child care centres;

- (f) conferring regulatory powers, currently provided for SWD staff under CCSO and CCSR, to EMB staff as well;
- (g) facilitating dual registration so that a kindergarten-cum-child care centre can operate in the same premise by bringing the physical and regulatory requirements imposed on child care centre premises in line with those on kindergartens under EO; and
- (h) making savings and transitional provisions.

### **The Bills Committee**

7. At the House Committee meeting on 29 April 2005, members formed a Bills Committee to study the Bill. The membership list of the Bills Committee is in **Appendix I**.

8. Under the chairmanship of Dr Hon YEUNG Sum, the Bills Committee has held four meetings with the Administration, and met with 23 deputations from the pre-primary services sector at one of these meetings. A list of the organisations which have presented/submitted views to the Bills Committee is in **Appendix II**.

### **Deliberations of the Bills Committee**

#### Governance of pre-primary services

##### *Scope of CCSO*

9. Upon harmonisation, the pre-primary services for children aged zero to three and three to six will be regulated through CCSO and EO and monitored by SWD and EMB respectively. The Administration proposes to amend CCSO so that it will only regulate pre-primary services for children under the age of three. The Administration recommends that the admission age for kindergarten education should remain at the age of three, having regard to the developmental and learning needs of the children. While most members have not raised queries on the Administration's proposed arrangement, Hon Tommy CHEUNG has expressed the view that pre-primary services for children aged six or below should be put under the purview of one policy bureau.

10. There are special institutions, i.e. special child care centres which provide care and supervision to children with physical or mental disability aged below six and residential child care centres which provide residential care to children aged below six. According to the Administration, these institutions are more focused on the provision of rehabilitative and child care services, and

are more suitable to be supervised by SWD and regulated under CCSO. The Administration proposes to amend the definition of child care centres in CCSO to ensure that these special institutions will continue to be governed by CCSO and supervised by SWD.

*Operation of kindergarten-cum-child care centre in the same premises*

11. According to the Administration, as a result of decreasing children population and the demand of one-stop service, many operators of pre-primary services sector have expressed interest in operating kindergarten-cum-child care centre in the same premises. Under the existing EO and CCSO, different physical and regulatory requirements are imposed for child care centres and kindergartens respectively.

12. To facilitate dual registration, the Administration proposes to amend CCSR to bring the physical and regulatory requirements imposed on child care centre premises in line with those imposed on kindergartens under EO. The Administration also proposes to apply uniform performance indicators to kindergartens and kindergarten-cum-child care centres.

*Setting up of a joint office under EMB*

13. A joint office of SWD and EMB will be established under EMB to handle the registration of kindergarten-cum-child care centres, child care workers and qualified kindergarten teachers, regulatory issues, the assistance scheme for service providers, etc. The Administration has explained that as staff will be transferred from SWD and EMB under the joint office arrangement, it proposes to amend CCSO and CCSR to confer regulatory powers, currently provided for SWD staff under both CCSO and CCSR, to staff of EMB as well.

14. DSW is given the power under clause 5 of the Bill to authorise any officer of EMB to exercise any function of DSW under CCSO to facilitate the work of the joint office. Hon CHEUNG Man-kwong has expressed doubt whether it is necessary to give DSW such wide power to appoint any officer of EMB. He has suggested the Administration to consider specifying the offices and ranks of the officers who may be authorised by DSW under the proposed provision.

15. The Administration has responded that after careful consideration, further amendment to clause 5 is not proposed, so as to allow administrative flexibility, and to cater for possible organisational change of the joint office. Members have raised no further queries.

*Long-term planning of pre-primary services*

16. Some members have expressed concern that provision of pre-primary

services after harmonisation would become market-driven, without any long-term planning on the basis of district population.

17. The Administration has informed the Bills Committee that it would review the provision standard of pre-primary services in the Hong Kong Planning Standards and Guidelines. SWD would continue to subvent and monitor the existing ancillary services, such as occasional child care services, extended hours service, and integrated programme for mildly disabled children. Moreover, a Steering Group on Harmonisation of Pre-primary Services (the Steering Group) comprising representatives of the sector and relevant government departments has been formed to consider the implementation details.

#### Qualifications of qualified kindergarten teachers and child care workers

18. Graduates of the pre-primary service courses developed according to the harmonised basic training programme introduced in 1997 are mutually recognised by EMB and SWD, so that they may qualify as qualified kindergarten teachers and child care workers at the same time to work in kindergartens, child care centres or kindergarten-cum-child care centres. Furthermore, with the harmonised pre-service requirement that came in place in 2003, all newly appointed child care workers and kindergarten teachers have to obtain the required qualification before taking up the their posts.

19. According to the Administration, there are still some 2 800 child care workers and 1 000 qualified kindergarten teachers registered before 1997 who cannot work in both kindergartens and child care centres interchangeably. Given their extensive experience and to ensure their livelihood upon implementation of the harmonisation measures, the Administration proposes that their qualifications be mutually recognized by both SWD and EMB without further qualification assessment or the requirement of receiving further training. The Administration also proposes that –

- (a) the employment of existing service coordinators of child care centres subvented by SWD be continued until their retirement/resignation; and
- (b) kindergarten-cum-child care centre should have at least one supervisor, who can either be a registered child care centre supervisor or a kindergarten principal.

20. As all newly appointed kindergarten teachers and child care workers have been required to complete at least one year of pre-service training starting from the 2003-04 school year, the post of trainee child care worker which is currently provided under CCSO will become obsolete. There are 106 trainee child care workers as at December 2004. Application for inclusion in the

register of trainee childcare workers would not be accepted after 1 September 2005. The Administration proposes to cancel these posts in September 2007, by which time all the existing trainee child care workers should have completed their required training.

21. Members note that according to clause 11 of the Bill, a person who, at any time during the period of six months immediately before the commencement date of the main part of the Bill, if enacted, was a principal (or recommended to be a principal) or a registered teacher of a school providing nursery or kindergarten education, is qualified to apply for registration as a supervisor of a child care centre or a child care worker respectively. However, he/she must apply within the time limit imposed by DSW. Under clause 20, if a person had been a principal or registered teacher before but for a reason acceptable to DSW was not respectively a principal or registered teacher at any time during the period of six months immediately before the commencement date, DSW may include that person in the registers of supervisors and child care workers under Regulation 3 of CCSR (the Registers), if it appears to DSW that the person is a suitable person for inclusion in the Registers.

22. Hon CHEUNG Man-kwong has enquired about the types of reasons which will be acceptable to DSW. He suggests that the Administration should consider specifying the reasons in the Bill.

23. The Administration has explained that the saving provision is proposed to address the concern of the pre-primary services sector. Due to certain reasons, e.g. sickness or between jobs, some persons who had been in the sector may not be a principal or a registered teacher during the period of six months immediately before the commencement date of the main part of the Bill, and it will be unfair to exclude these persons who are suitable for inclusion in the Registers. The Administration has further pointed out that it is not feasible to specify the reasons in the Bill as they will not be exhaustive.

#### Staff-to-children ratio

24. CCSO and EO at present have different requirements for the staff-to-children ratio. The improved ratio of 1:15 has been fully implemented in kindergartens since the 2003-04 school year by administrative measures. The Administration proposes to amend CCSR so that the minimum ratio of 1:15 will be adopted by day nurseries converting to become kindergarten-cum-child care centres for children aged two to six upon implementation of the harmonisation measures.

25. Some members have expressed concern about the possible adverse impact of the increase of the staff to children ratio from 1:14 to 1:15 on the quality of pre-primary services.

26. The Administration has explained that CCSO and EO have different requirements for staff-to-children ratio. The improved ratio of 1:15 for kindergartens was implemented in the 2003-04 school year by administrative measures. Given that the number of children attending kindergartens is far greater than those in day nurseries, the Administration proposes to adopt the ratio of 1:15 for all children aged two to six as the minimum standard. The Administration has pointed out that the ratio is only a minimum standard, and operators are free to adopt a lower ratio.

27. A majority of members are of the view that the Administration should review the staff-to-children ratio for kindergartens and child care centres, so as to improve quality of pre-primary services in the long term. Hon Tommy CHEUNG, however, has pointed out that as a result of a decline in pupil population, there is fierce competition for student enrolment within the kindergarten sector. He considers that the kindergarten sector should be left to determine the appropriate staff-to-children ratio in the light of the changing circumstances.

28. In view of members' concerns, the Administration has agreed that the staff-to-children ratio for non-resident children aged two or above in child care centres would remain at 1:14 upon harmonisation, while that for children aged three to six in kindergarten at 1:15. The Administration will move a Committee Stage amendment (CSA) to delete clauses 12(b) and 13 from the Bill. The Administration has also responded that it would consider conducting a review of the provision of pre-primary services two years after implementation of the harmonisation measures. Members have requested the Administration to review the staff-to-children ratio for kindergartens and child care centres in that overall review.

#### No smoking requirement

29. Members note that clause 19 of the Bill seeks to amend Regulation 38(1) of CCSR to provide that no person shall smoke in a child care centre during the hours that the centre is being operated. Members consider that smoking should be prohibited in a child care centre including any open air space at all times in order to ensure a healthy environment for children in the centre.

30. In view of members' comments, the Administration agrees to further tighten up the no smoking requirement in child care centres so that smoking is prohibited in the premises of any centre at all hours. The Administration will move a CSA to that effect.

31. In response to the enquiry of the legal adviser to the Bills Committee, the Administration has pointed out that while it is the policy to tighten up the no smoking requirement in schools, it does not consider appropriate at the present stage to propose a consequential amendment to Regulation 51(1) of the Education Regulations on the no smoking requirement. The Administration

has explained that the definition of “school” in EO covers not only nurseries and kindergartens, but also primary and secondary schools, etc. Although an amendment applying only to nurseries and kindergartens is within the scope of the Bill, it would pre-empt the deliberation of LegCo regarding the expansion of no smoking area in the Smoking (Public Health) (Amendment) Bill 2005.

32. Members have raised no objection to the Administration’s decision. They consider that any proposal to tighten up the no smoking requirement in schools should be carefully considered during the deliberation of the Smoking (Public Health)(Amendment) Bill 2005.

#### Requirement of operating a kitchen

33. Some members consider that full-day kindergartens or child care centres should operate a kitchen so that meals of good nutrition could be provided to children. They have suggested that the existing requirement for child care centres operating on a full-day basis to have a kitchen should apply to kindergartens after harmonisation. Hon Tommy CHEUNG, however, holds a different view. Referring to the experience of some primary schools, he has pointed out that schools can arrange meals of good quality to pupils through catering services, if proper hygienic measures are taken. Moreover, kindergartens or child care centres may face management difficulties if they are required to operate a kitchen for the provision of meals to children.

34. The Administration has informed the Bills Committee that the matter was discussed at the meeting of the Steering Group on 26 May 2005. It was agreed between the child care sector and the kindergarten sector at the meeting that as the existing requirement for full-day child care centres to operate a kitchen was not a legal requirement, there was no need to complicate the present legislative exercise. The Administration has also explained that the requirement for handling of meals (either through a kitchen or catering services) will be specified in the Operation Manual for Pre-primary Institutions to be issued in September 2005. Child care centres or kindergartens having kitchens can continue to operate their kitchens, and at the same time, are given the flexibility to provide meals to their children through catering services.

#### Financial implications on service providers and parents

35. Although changes to the financial assistance schemes to service providers and parents are administrative in nature and are outside the ambit of the Bill, members have discussed in detail the financial implications of the proposed changes to the financial assistance schemes on service providers and parents.

#### *Financial assistance to service providers*

36. Aided child care centres at present are eligible for reimbursement of rent,



rates and Government rent from SWD. In addition, they receive a direct subsidy equivalent to 5% of the fee approved on the basis of approved capacity from SWD. As for kindergartens (for children aged three to six), EMB provides non-profit making operators financial assistance in two forms –

- (a) reimbursement of rent, rates and Government rent; and
- (b) grants under the Kindergarten Subsidy Scheme (KSS).

37. Upon harmonisation, the Administration proposes to cease the 5% direct subsidy for child care centres, and expand the ambit of KSS to cover child care centres. The rate of subsidy for children aged two to six will be based on groups of 15 children or part thereof, while that for children aged zero to two will be based on groups of eight children or part thereof, taking full account of the statutory staff to children ratio of 1:8 applicable to day crèches. As KSS is approved by FC, EMB will seek its approval to expand the ambit of KSS.

38. Some members have expressed concern that many kindergarten-cum-child care centres and child care centres may encounter financial difficulties with the current level of subsidy under KSS.

39. The Administration has responded that child care centres with reasonable enrolment would receive a higher level of grant under KSS than the existing direct subsidy equivalent to 5% of the fee approved on the basis of approved capacity from SWD. In the course of consultation, the Administration has received little opposing views about harmonisation of pre-primary services and its financial implications on the operation of existing child care centres. In fact, about 390 child care centres have already indicated their intention to be registered as kindergartens upon harmonisation.

#### *Financial assistance to parents*

40. At present, the Child Care Centre Fee Assistance Scheme (CCCFAS) is available to parents of children attending day crèches and day nurseries, while the Kindergarten Fee Remission Scheme (KGFRS) provides assistance to parents of kindergarten pupils. CCCFAS provides assistance on a means-tested sliding scale with a parental contribution based on household income with no pre-set ceiling. The maximum assistance is the lower of the actual fee charged by a child care centre or the maximum level of fees approved by SWD. Financial assistance under KGFRS is also means-tested and has been enhanced since the 2002-03 school year to provide three levels of assistance, i.e. 100%, 75% or 50% fee assistance. The Administration proposes –

- (a) to put in place one single means-testing mechanism for determining financial assistance to all pre-primary children based on the enhanced KGFRS;

- (b) to expand the ambit of the existing KGFRS to cover –
  - (i) children aged below three attending full-day service with social needs;
  - (ii) children aged three to six attending full-day service without social needs (who are currently not covered under CCCFAS for half-day fee assistance);
  - (iii) children aged three to six attending half-day child care centres who are currently not covered under CCCFAS; and
- (c) to include air-conditioning, in addition to the meal charges, in the monthly fee, so that it will be covered by KGFRS; and
- (d) to apply the “no worse-off” principle to existing CCCFAS and KGFRS recipients, i.e. if they receive less assistance under the revised scheme after harmonisation, they will be allowed to opt to continue receiving assistance under the existing schemes until the children concerned leave the kindergartens/day nurseries/day crèches and proceed to primary one. This will last for six years the longest.

41. As KGFRS is approved by FC, EMB will seek approval from FC to expand the ambit of KGFRS and the scope of financial assistance under the Scheme. At members’ request, the Administration has agreed to make an undertaking regarding the application of the “no worse-off” principle in its financial proposal on the enhanced KGFRS to be submitted to FC.

42. While members welcome the Administration’s undertaking of applying the “no worse-off” principle to existing CCCFAS recipients, a majority of them have expressed concern about the financial implications on future applicant families.

43. At the request of the Bills Committee, the Administration has compared the remission levels of CCCFAS and KGFRS for a four-person family or a three-person single parent family at different levels of income for six different target groups. Members note with concern that based on the information provided by the Administration, families with relatively low income, e.g. an income level between \$8,056 and \$11,000, may receive less financial assistance under the enhanced KGFRS even if they have social needs to send their children to attend full-day service. They are worried that these families may be forced to send their children to attend half-day service because of a lack of means. Members have requested the Administration to consider any possible measures to support the applicant families with low income so that no children would be deprived of education and care due to lack of means.

44. The Administration has informed the Bills Committee that when the fee remission system of pre-primary services is aligned, low income families can continue to be eligible for 100%, 75% and 50% fee remission. Families under the Comprehensive Social Security Scheme which have social needs to place their children in day nurseries and day crèches will be given a special grant to pay the fees charged in full. In actual money term, a four-person family with an monthly income level of \$8,055 or below will receive full remission, while those with an monthly income level between \$8,056 and \$11,710 will receive 75%, and an monthly income level between \$11,711 and \$21,512 will receive 50% remission. The Administration has explained that 80% of serving targets of KGFRS are kindergarten pupils. The Administration must carefully consider the impact on these pupils, the resources implications and the overall policy of EMB in this respect. Moreover, it would be difficult to take care of the circumstances of individual families in an overall change to the fee remission system.

45. In order not to delay the implementation of the enhanced KGFRS and given that existing CCCFAS recipients will not be worse off under the Scheme, members have agreed that the Administration should submit the financial proposal on the enhanced KGFRS to FC for funding approval on 24 June 2005. The Administration has undertaken to explore any possible measures to support the low income applicant families, which would be affected by the change of financial assistance scheme, and revert to the Panel on Education with plausible suggestions, if any, in due course. The Administration has also undertaken to set out the above task in its financial proposal to FC.

#### Commencement dates for various provisions in the Bill

46. It is the Administration's plan to implement the harmonisation of pre-primary services in the 2005-06 school year (i.e. commencing 1 September 2005). The Administration has explained to the Bills Committee that it has not specified any relevant commencement dates in the Bill because it does not want to pre-empt deliberation by LegCo. However, the child care services and kindergarten sectors have been advised of the implementation schedule, and the Administration has been making the necessary preparation for accepting applications for inclusion in the Registers.

47. The Administration will move CSAs to clauses 2, 11, 14, 18, 20, 22 and 23 of the Bill to specify the respective commencement dates as follows –

- (a) the date for commencing the main part of the Bill is 1 September 2005;
- (b) the date for commencing the provisions which abolish trainee child care workers is 1 September 2007; and

- (c) the deadline for kindergarten teachers and principals to apply for recognition under CCSR will be within six months of the commencement date of the Bill, i.e. before 1 March 2006.

### **Committee Stage amendments**

48. A full set of the CSAs to be proposed by the Administration is in **Appendix III**. The Bills Committee does not object to these CSAs.

### **Follow-up actions by the Administration**

49. The Administration has undertaken –

- (a) to make an undertaking regarding the application of the “no worse-off” principle in its financial proposal on the enhanced KGFRS to be submitted to FC (paragraph 41 above refers); and
- (b) to explore any possible measures to support the low income families, which would be affected by change of financial assistance scheme, and revert to the Panel of Education with plausible suggestions, if any, in due course. The Administration has also undertaken to set out the above task in its financial proposal to FC (paragraph 45 above refers).

### **Date of resumption of Second Reading debate**

50. Subject to the CSAs to be moved by the Administration, the Bills Committee supports the resumption of the Second Reading debate on the Bill on 29 June 2005.

### **Advice sought**

51. Members are invited to note the deliberations of the Bills Committee.

**Bills Committee on Child Care Services (Amendment) Bill 2005**

**Membership list**

<b>Chairman</b>	Dr Hon YEUNG Sum
<b>Members</b>	Hon LEE Cheuk-yan Hon CHEUNG Man-kwong Hon CHAN Yuen-han, JP Hon Bernard CHAN, JP Hon Jasper TSANG Yok-sing, GBS, JP Hon Tommy CHEUNG Yu-yan, JP Hon Audrey EU Yuet-mee, SC, JP Dr Hon Fernando CHEUNG Chiu-hung Hon Patrick LAU Sau-shing, SBS, JP
	(Total : 10 Members)
<b>Clerk</b>	Miss Flora TAI
<b>Legal Adviser</b>	Ms Bernice WONG Sze-man
<b>Date</b>	12 May 2005

**Bills Committee on Child Care Services (Amendment) Bill 2005**

**List of organisations which have  
presented/submitted views to the Bills Committee**

**Name of organisation**

1. Caritas Pre-school Education and Child Care Service
2. Council of Non-profit Making Organizations for Pre-primary Education
3. Creative Kindergarten and Day Nursery
4. Hong Kong Baptist Kindergarten Education Convention Ltd
5. Hong Kong Christian Service
6. Hong Kong Council of Social Service
7. Hong Kong Early Childhood Educators Association
8. Hong Kong Kindergarten Association
9. Hong Kong Professional Teachers' Union
10. Hong Kong Teachers' Association
11. Hong Kong Young Women's Christian Association
12. Po Leung Kuk
13. Pok Oi Hospital, Board Office & Social Service Department
14. Public Services Union (Social Services), Hong Kong Confederation of Trade Unions
15. S.K.H. Kindergarten and Nursery Council
16. Tai Po Early Childhood Education (ECE) Principal Association
17. The Alumni Association of Pre-School Administration and Management Course, SPACE – University of Hong Kong

18. The Association of Evangelical Free Churches of Hong Kong
19. The Hong Kong Institute of Education Past Student's Association of Early Childhood Teacher Education Ltd.
20. The Non-Profit-Making Kindergarten Council of Hong Kong
21. The Salvation Army
22. Tung Wah Group of Hospitals (Child Care Services)
23. Victoria Education Organisation
24. World Organization for Early Childhood Education (OMEP – Hong Kong)

Council Business Division 2  
Legislative Council Secretariat  
16 June 2005

CHILD CARE SERVICES (AMENDMENT) BILL 2005

**COMMITTEE STAGE**

Amendments to be moved by the Secretary for  
Health, Welfare and Food

Clause

Amendment Proposed

2 By deleting the clause and substituting -

**"2. Commencement**

(1) Subject to subsection (2), this Ordinance shall come into operation on 1 September 2005.

(2) The following provisions of this Ordinance shall come into operation on 1 September 2007 -

- (a) section 9 (in relation to paragraphs (a), (b) and (c) of that section);
- (b) section 10 (in relation to paragraphs (a), (b)(iii), (c)(iii) and (d) of that section);
- (c) section 11 (in relation to paragraph (c) of that section);
- (d) section 12; and
- (e) section 20 (in relation to paragraph (d) of that section)."



11 In paragraph (d) -

- (a) in the proposed regulation 4(6)(a), by deleting "a date specified by the Director by notice published in the Gazette" and substituting "1 March 2006";
- (b) by deleting the proposed regulation 4(8).

12 By deleting paragraph (b).

13 By deleting the clause.

14 In paragraph (b) -

- (a) in the proposed regulation 21(4)(a) and (5)(a), by deleting "post-relevant date" and substituting "specified";
- (b) in the proposed regulation 21(6) -
  - (i) in the definition of "post-relevant date premises" -
    - (A) by deleting "post-relevant date" and substituting "specified";
    - (B) by deleting "在有關日期後啟用的" and substituting "指明";
    - (C) in subparagraphs (a) and (b), by deleting "the relevant date" and substituting "1 September 2005";

(D) by deleting the semicolon at the end and substituting a full stop;

(ii) by deleting the definition of "relevant date".

18 (a) In paragraph (b), in the proposed regulation 31(1A)(c), by deleting "post-relevant date" and substituting "specified".

(b) In paragraph (d), in the proposed regulation 31(4) -

(i) in the definition of "post-relevant date premises" -

(A) by deleting "post-relevant date" and substituting "specified";

(B) by deleting "在有關日期後啟用的" and substituting "指明";

(C) in subparagraphs (a) and (b), by deleting "the relevant date" and substituting "1 September 2005";

(D) by deleting the semicolon at the end and substituting a full stop.

(ii) by deleting the definition of "relevant date".

19 By deleting the clause and substituting -

**"19. Smoking and spitting**

Regulation 38(1) is amended -

- (a) by repealing "Except in a room specified by the Director, no person shall smoke in a" and substituting "No person shall smoke in the premises of any";
- (b) by repealing "during the hours that a centre is being operated".".

20

- (a) In paragraph (a), in the proposed Part IA, by deleting the definition of "relevant date".
- (b) In paragraph (b)(ii) -
  - (i) in the proposed paragraph 2(a), by deleting "during the period of 6 months immediately before the relevant date" and substituting "between 1 March 2005 and 31 August 2005 (both days inclusive)";
  - (ii) in the proposed paragraph 2(b) -
    - (A) in sub-subparagraph (i), by deleting "the relevant date" and substituting "1 September 2005";
    - (B) in sub-subparagraph (ii), by adding "on or after 1 September 2005" after "subsequently approved";
  - (iii) in the proposed paragraph 2(c) -
    - (A) in sub-subparagraph (i), by adding "at any time before 1 March 2005"

before "had been the principal of";

- (B) in sub-subparagraph (ii), by deleting "during the period of 6 months immediately before the relevant date" and substituting "between 1 March 2005 and 31 August 2005 (both days inclusive)".

(c) In paragraph (c)(ii) -

- (i) in the proposed paragraph 2(a), by deleting "during the period of 6 months immediately before the relevant date" and substituting "between 1 March 2005 and 31 August 2005 (both days inclusive)";

(ii) in the proposed paragraph 2(b) -

- (A) in sub-subparagraph (i), by adding "at any time before 1 March 2005" before "had been a registered teacher";

- (B) in sub-subparagraph (ii), by deleting "during the period of 6 months immediately before the relevant date" and substituting "between 1 March 2005 and 31 August 2005 (both days inclusive)".

By deleting everything after "accepted on or after" and substituting "1 September 2005."

- 23
- (a) By deleting "the day appointed for the commencement of section 3 of this Ordinance" and substituting "1 September 2005".
  - (b) By deleting "that commencement" and substituting "1 September 2005".