

22 November 2007

By Fax and Email kmho@legco.gov.hk

Your Ref : CB2/BC9/06

Miss Odelia Leung
Clerk to Bills Committee
Legislative Council
Legislative Council Building
8 Jackson Road
Central
Hong Kong

Dear Miss Leung,

**Bills Committee on
The English Schools Foundation (Amendment) Bill 2007**

Fourth Meeting on 1 December 2007

Thank you for your letter of 13 November 2007 and your invitation to the 4th Meeting on 1 December 2007.

I attach a brief note to remind the Committee of ESF's position on the Committee Stage Amendments under discussion. I have consulted the Chairman of ESF, Professor Felice Lieh Mak, and our legal advisers about the Chairman's request that ESF consider, in consultation with Dr Fernando Cheung, how the use of the word 'objective' may be reflected in the drafting.

I am afraid that we do not see that as an appropriate way forward. My note points out that there is already a reference to our commitment to the education of children with special educational needs in our Mission Statement. Some members of the Committee have previously suggested in discussion that it is in the Mission Statement rather than in the Objects and Powers that such a commitment should be expressed. We agree with that approach and I attach a copy of the Mission Statement in an Appendix to my note.

I look forward to further discussion with the Committee at the next meeting.

Yours sincerely,

Heather Du Quesnay
Chief Executive

Att

To: LegCo Bills Committee

**Note from ESF in preparation for the meeting
of the Committee on 1 December 2007**

Response to Committee Stage Amendments proposed by members

Response to Committee Stage Amendments proposed by Hon. Fernando Cheung (LC Paper No. CB(2)235/07-08(02))

- 1 Proposal to include in the 'mission statement' of the Foundation in proposed section 4(1)(a) of the Ordinance the provision of educational services for the disabled**
 - 1.1 ESF does not accept this proposal. Our legal adviser has made clear his view that proposed section 4(1) of the Ordinance cannot be characterised as a 'mission statement', and that any such amendment to that provision would increase our risk of exposure to judicial review, a time-consuming and resource-intensive process.
 - 1.2 In fact, the Foundation's Mission Statement (a non-legislative document) already reflects ESF's commitment to the education of children with special educational needs -- see Appendix A, para 1.
- 2 Proposal to add a representative of parents of students with special educational needs to School Councils**
 - 2.1 ESF does not accept the proposal. School Councils are too small for this to be practicable, and about half of ESF schools do not have specialist SEN provision.

Response to Committee Stage Amendments proposed by Hon. Tommy Cheung (LC Paper No. CB(2)2797/06-07(01))

- 3 Proposal to add a representative of parents of students with special educational needs to the Board of Governors**
 - 3.1 ESF's stake-holders do not agree with this proposal because they do not believe that any individual interest group should be given preferred treatment.

- 3.2 If the Committee is minded to disregard these views, and to add an eighth parent to the Board of governors, we would ask members to consider the overall balance of the Board. We suggest that two further members should be added: one additional School Council Chairman; and, if the Committee is so minded, a representative of the Education Bureau. This would increase the size of the Board to 28, including the non-voting CEO.
- 3.3 We also suggest that the parent of a student with Special Educational Needs should be elected by all parents, not by the parents of students with Special Educational Needs alone. This would promote unity and be more practicable administratively. Creating and keeping up-to-date an electoral roll for parents with Special Educational Needs would be administratively complex and time-consuming.
- 3.4 Any definition of Special Educational Needs should conform with that used by the Education Bureau and/or the Disability Discrimination Ordinance. The definition used in the latter is so broad as to make it impossible to identify a separate constituency of parents of children with Special Educational Needs.

Heather Du Quesnay
Chief Executive
22 Nov 07

Our Mission

Excellent English, Improving Chinese

ESF provides schools and other educational services in the medium of English to children and young people who can benefit from them, including those with special educational needs, in Hong Kong. Strengthening our Chinese language provision is a major priority and we intend that, within 5 years, students who want it will leave secondary school with a level of Chinese that would enable them to function at a basic level in a business situation.

High Quality Teachers

Our curriculum is taught by highly qualified teachers from diverse backgrounds supported by experienced and talented leaders and managers. We reward our teachers well and offer professional development based on best international practice. We hope that many teachers will stay with us life-long or for several contracts but however long the period we want ESF to have a positive impact on their career and they on our students.

Teacher-Student Relationships

ESF education is characterized by the open and supportive relationships between students and teachers, and the opportunities for students and teachers to work together beyond the classroom. We will introduce more strategies to enhance the support teachers will give students.

Strong Schools

Each of our schools will be encouraged to develop its individual ethos and identity within the ESF family. We shall devolve greater management freedom to schools to release creativity and initiative, subject to their capacity to take on more responsibility and with a sensible regard to economies of scale.

Affordability

We are committed to keep our education affordable to our parents so, while we shall have to increase fees from time to time in order to maintain the quality of our facilities, infrastructure and professional resources, affordability will always be a touch-stone.

Accountability

We shall seek to make our management processes transparent and comprehensible and look for appropriate ways to measure our performance so that we can be held to account for what we achieve.

Corporate Responsibility

We take seriously our role as a corporate citizen of Hong Kong, the region and globally. We will pursue policies to reduce our carbon footprint, promote environmental awareness among all members of our community and encourage ethical practices in sourcing of materials. We will seek to give a lead in introducing family friendly HR policies and encourage people to find a work/ life balance.

Growth

We shall continue to explore opportunities to expand inside Hong Kong and beyond both to earn income to support ESF schools and to enhance our reputation in the Asia Pacific Region.