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協會檔號 OUR REF: (5) in SF(1) in SS/C 1/21 Pt.7

來件編號 YOUR REF: CB2/BC/9/06

LC Paper No. CB(2)2748/06-07(01)

立法會 CB(2)2748/06-07(01)號文件

27 September 2007

Miss Carmen HO,
Clerk to Bills Committee,
Legislative Council,
Legislative Council Building,
8 Jackson Road, Central.

Dear Mr. MA,

Police Force Council

Submission to Legislative Council Bills Committee - 8th October 2007

In reference to your letter of 16th July, please find below the submission from the Police Force Council Staff Side. Mr. David Williams, Chairman of the OIA and Mr KWOK Yam-shu, of the SPA will attend the meeting on 8th October to answer any questions the committee may have.

On 3rd July 2007, the Overseas Inspectors' Association of the Hong Kong police addressed the Secretary for Education in respect of The English Schools Foundation (Amendment) Bill 2007 ("the bill"). The response dated 30th July is attached for reference. This submission expresses the views of the Police Force Council Staff Side (PFC SS) but also reflects the concerns of many civil servants who have children in ESF schools.

There are two main concerns about the bill. The first is that it seeks to allow the administration to relinquish any role in the running of the ESF, a role that it has maintained since the inception of the ESF. It is apparent that this provision has been included at the behest of the former Secretary for Education. The PFC SS is concerned that, by allowing the Government to abdicate its position in the management of the ESF, the interests of civil servants will be severely prejudiced.

Secondly, the ESF seeks to introduce a Board of Governors comprising 26 members and the Chief Executive of the ESF (ex-officio). Of that 26, ten will be nominated by a committee made up of six persons. It is the composition of this nominating committee that concerns the PFC SS, specifically the inclusion of two members nominated by the Hong Kong General Chamber of Commerce (HKGCC) and

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JUNIOR POLICE OFFICERS'
ASSOCIATION
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the British Chamber of Commerce (BCC) respectively. The PFC SS is very concerned about the role of these bodies in nominating members of the proposed Board of Governors.

The PFC SS appreciates that the bill has been introduced with the aim of improving governance of the ESF, in light of recommendations made by the Director of Audit, Public Accounts Committee and the ICAC. We also appreciate the efforts made on that front by the ESF, albeit they have yet to take action in respect of each and every recommendation. In addition, we note that the Government refuses to make any decision on subvention to the ESF until the ESF has completed governance reform. The failure of Government to give any specific target in that respect is of concern and while this threat of removal of subvention remains, the ESF is in an extremely difficult position. However, none of the above can be used to justify the two provisions that are the subject of this submission. Our specific concerns are addressed below.

The Role of the Government in ESF

The Administration has itself noted the historical role of Government in managing the ESF. In an apparent attempt to deny accountability for its failure to monitor ESF governance in the past, the Administration acknowledged in January 2005 that its membership of the foundation and the ESF Executive Committee was historical by nature and "to ensure the interests of (British) civil servants whose children attended the ESF schools were well served". The Government clearly has a responsibility to look after the interests of all employees and that responsibility cannot and must not be abdicated through enactment of this bill.

On the contrary, as a responsible employer, the Government must ensure that its workers can afford to educate their children. Both local and expatriate civil servants send their children to ESF schools. As "Asia's World City", the Government is striving for a multi-lingual civil service, with English an official language. The Administration must retain an interest in making sure that ESF schools are properly governed and do not become cost prohibitive to civil servants. This is particularly so as civil servants receive pay and allowances according to civil service policy, and not according to market conditions. Civil servants' remuneration is not within their control and, as such, the Government needs to control how much the ESF will charge to educate each child. This is especially relevant to civil servants who cannot send their children to local schools, and therefore would not be able to afford to stay in Hong Kong if the ESF became as expensive as other "international" schools. The assertion that the Administration's role in the ESF is only a hangover from the British administration is therefore fundamentally flawed.

Unfortunately the Administration has continued to fail its employees. The ESF has reacted to pressure in respect of its subvention by raising school fees for two successive years. The fees do not appear to have been used to improve Governance or teaching standards. Between 2002 and 2005, the Administration introduced legislation to cut civil servants' pay by over 10% and has also placed a cap on education allowances. Because of this, the cumulative 15% increase in ESF fees since 2006 has, in very real terms, been felt even harder by civil servants.

The Nominating Committee

The PFC SS cannot understand the rationale for allowing the HKGCC and BCC a one third stake in nominating ten members of the proposed Board of Governors. Why have the HKGCC and BCC been selected? The number of British citizens in Hong Kong has decreased since 1997 so why is the BCC being allowed a role in the running of Hong Kong schools? Big business and education do not mix well; the furore over "debenture trading" at other international schools gives a prime example of the problems that can arise.

This proposal will leave the children of civil servants in a precarious position. The civil servants with children at ESF schools are permanent residents of Hong Kong or others who have chosen Hong Kong as their home. Many are police officers, charged with keeping Hong Kong safe and stable. All are taxpayers. These same parents now face rising education fees and their influence in their children's education is being marginalised by rich and influential businessmen who have no long-term commitment to Hong Kong.

Big-business interests have signalled that they wish to reserve ESF places for expatriate employees who they intend to "parachute" into Hong Kong for short-term stays of a few years before moving on elsewhere. The ESF has already started a scheme in concert with the BCC to facilitate this course of action. The business sector is attempting to use the ESF to foster children whose parents have little long-term connection to, or interest in, Hong Kong. This is detrimental to the long-term development of the ESF and Hong Kong.

The management of the ESF themselves appear to have been blinded by the potential short-term gains that may arise from increased funds from the private sector. They have allowed themselves to be lulled into ignoring the interests of core users. Civil servants with children in the ESF system likely represent the largest single "block" of parents and yet the proposed bill will exclude their views in favour of big-business interests.

In short, the corporate world has identified the ESF as a suitable target for a hostile take-over. In what appears to be a cynical and short-sighted manoeuvre, the ESF seems happy to oblige. Meanwhile, the Government is wilfully turning a blind-eye to the situation and foregoing the interests of civil servants and their children.

Conclusion

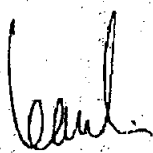
The Government cannot be allowed to write off its monitoring role in the ESF as an historical anomaly. This is not what the ESF originally proposed when considering the bill and it is certainly not in the interests of Government employees. The ESF is charged with providing an affordable English language education and it is a fact that it was set up with the interests of civil servants in mind. However it develops in the future, it must not lose sight of that core responsibility.

Worse still, big-business interests cannot be allowed to interfere in the governance of the ESF. This is detrimental not only to the interests of civil servants but

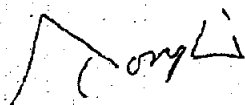
also to the ESF itself.

The PFC SS is seeking the assistance of the Bills Committee in ensuring that the interests of police officers (and all civil servants) with children at ESF schools are well served. Those interests are not served by the current wording of the proposed sections 6 and 8 of the amended ordinance. The PFC SS seeks Government or civil service representation on the proposed Board of Governors and strongly opposes the inclusion of any business sector interests in the composition of the Nominating Committee.

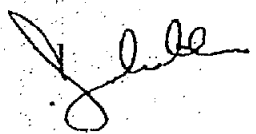
Yours sincerely,



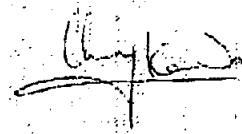
WONG Chi-hung
Chairman
SPA



LIU Kit-ming
Chairman
HKPIA



David WILLIAMS
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OIA



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30 July 2007

Mr David Williams
Chairman
Overseas Inspectors' Association
Hong Kong Police Force
39/F Arsenal House
Police Headquarters,
1 Arsenal Street,
Wanchai,
Hong Kong

Dear Mr Williams,

The English Schools Foundation (Amendment) Bill 2007

Thank you for your letter of 3 July 2007 to Secretary for Education setting out your Association's views on The English Schools Foundation (Amendment) Bill 2007 and other issues.

The Amendment Bill, introduced by the Honourable Abraham Shek, is an initiative of the English Schools Foundation ("ESF") to follow up the recommendations of the LegCo Public Accounts Committee for improving ESF's governance structure. It is therefore primarily a matter for the ESF to draw up its proposals in consultation with stakeholders including parents of prospective and current students. We believe members of your Association who are ESF parents have had the opportunities to express views.

This bureau has also been consulted as a current representative on the supreme body of the ESF. In the process we have made it clear that the Government should no longer be represented on ESF's future governing body. Our view is premised on an established and widely-accepted policy that the

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Government should refrain from micro-managing individual schools, and certainly not through seeking representation on the boards of school sponsoring bodies or on the school management committees of schools (except for the management of government schools). As a matter of fact, having government representatives on ESF's governing bodies is a unique arrangement which is not repeated in other school sponsors, including those operating schools with government subvention. Other than this question of government representation, we have deferred to the ESF to consider its future governance structure, including the form by which the business sector should be involved.

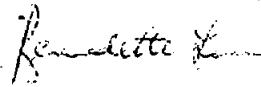
We wish to highlight that the current government representation on the ESF is historical by nature. It is implemented by Regulations of The English Schools Foundation which were made by the Foundation itself and were not subject to Government's approval. It should not be regarded as a government measure although circumstances suggest that the intent of such historical arrangement might have something to do with the interests of (British) civil servants of the time. In fact, as the education authority in Hong Kong, this Bureau attaches great importance to quality education and is keen to ensure that quality services are available to all children indiscriminately irrespective of their background, regardless of whether they are British and whether they come from civil service families. For the same reason, it would not be appropriate for us to consider funding arrangements for individual schools in Hong Kong just for the purpose of protecting the interests of civil service families with children attending those schools.

On subvention, you are probably aware that our prevailing position is to start substantive discussion with the ESF on the longer term arrangements after ESF has implemented its governance reform. At the present moment no decision has been made on the future subvention arrangements. I should make it clear, however, that the review is entirely independent of any changes in the allowances and benefits for civil servants.

As regards ESF's recent requirement for families to pay the September school fees in advance, I understand that the requirement is applicable to all students and not just to civil service families. The purpose is to facilitate ESF's planning of the enrolment position for the coming school year, not for the purpose of guaranteeing receipt of tuition income. I understand the ESF management has been explaining the case to your Association separately.

Thank you for sharing your views with us and we hope this letter has addressed your concerns.

Yours sincerely,



(Ms Bernadette Linn)
for Secretary for Education

c.c. SCS