

LEGISLATIVE COUNCIL BRIEF

EDUCATION ORDINANCE (Cap.279)

EDUCATION ORDINANCE (AMENDMENT OF SCHEDULE 3)

NOTICE 2006

INTRODUCTION

The Secretary for Education and Manpower (SEM) will amend Schedule 3 to the Education Ordinance (Cap. 279) (the Ordinance) by the Education Ordinance (Amendment of Schedule 3) Notice 2006 (Notice) to be published in the Gazette. This brief explains the Notice at **Annex A**.

JUSTIFICATION

2. The Ordinance requires all aided schools to set up an Incorporated Management Committee (IMC) to enhance transparency and accountability of school management. Direct Subsidy Scheme (DSS) schools and a list of specified schools in Schedule 3 to the Ordinance can however decide whether to apply to the Permanent Secretary for Education and Manpower for establishing an IMC under the Ordinance.

3. Section 40AC of the Ordinance sets out the requirements which a school has to meet before being specified in Schedule 3 and provides that SEM may by notice published in the Gazette amend Schedule 3. In essence, these schools are non-DSS, non-aided primary or secondary

schools in receipt of government subsidies such as the Capital Grant and Per Caput Grant. Section 40AC of the Ordinance and Schedule 3 are at **Annex B**.

4. To bring Schedule 3 up-to-date, SEM needs to amend it by -
- (a) deleting Tai Po Sam Yuk Secondary School which has joined the DSS, and Fung Kai No. 2 Secondary School and Phoenix International School which have been closed;
 - (b) adding two new schools, namely, Renaissance College and Victoria Shanghai Academy, which meet all the requirements in section 40AC(2) of the Ordinance for being specified in Schedule 3; and
 - (c) updating the information of three other schools due to change of school name or address.

THE NOTICE

5. The Notice made under section 40AC of the Ordinance is to amend Schedule 3 to delete those schools that are no longer specified schools, add new specified schools, and update the information of existing specified schools.

LEGISLATIVE TIMETABLE

6. The Notice will be published in the Gazette on 15 December 2006 and tabled at the Legislative Council for negative vetting on 20 December 2006. Subject to negative vetting, the Notice will come into operation on 8 February 2007.

IMPLICATIONS

7. The amendments to Schedule 3 have no economic, sustainability, financial or civil service implications. The Notice is in conformity with the Basic Law, including the provisions concerning human rights. It will not affect the current binding effect of the Ordinance.

PUBLIC CONSULTATION

8. The amendments are to update the factual information of the list of specified schools in Schedule 3. Public consultation is not necessary.

ENQUIRIES

9. Enquiries on this brief may be referred to Ms Shirley Chan, Education Officer (School Registration)² at 2892 6331.

**Education and Manpower Bureau
December 2006**

**EDUCATION ORDINANCE (AMENDMENT OF
SCHEDULE 3) NOTICE 2006**

(Made by the Secretary for Education and Manpower under section 40AC(1)
of the Education Ordinance (Cap. 279))

1. Commencement

This Notice shall come into operation on 8 February 2007.

2. Specified schools

Schedule 3 to the Education Ordinance (Cap. 279) is amended –

(a) by repealing –

“Fung Kai No. 2 15 Jockey Club Road, Sheung
Secondary School Shui, New Territories”;

(b) in the item relating to “International Christian Quality
Music Secondary and Primary School”, by repealing “372
Shun Ning Road, Sham Shui Po, Kowloon” and
substituting “182 Po Kong Village Road, Diamond Hill,
Kowloon”;

(c) by repealing –

“ISF Academy 373 Queen’s Road East,
Wanchai, Hong Kong”

and substituting –

“Independent Schools (a) 373 Queen’s Road East,
Foundation Academy Wanchai, Hong Kong

(b) 3 Eastern Hospital Road,
Causeway Bay, Hong
Kong”;

(d) by repealing –

“Phoenix International 5 Tonkin Street, Shamshuipo,
School Kowloon”;

(e) by adding –

“Renaissance College No. 5 Hang Ming Street, Ma On
Shan, Shatin, New Territories”;

(f) by repealing –

- “Tai Po Sam Yuk Secondary School
(g) by adding –
“Victoria Shanghai Academy
2 Tai Po Tau Drive, Tai Po, New Territories”;
30 Oi Kwan Road, Wanchai, Hong Kong”.

Arthur K. C. LI
Secretary for Education and Manpower

4 December 2006

Explanatory Note

Schedule 3 to the Education Ordinance (Cap. 279) (“the Ordinance”) contains a list of specified schools.

2. Under section 40AC of the Ordinance, a school shall not be specified in Schedule 3 to the Ordinance unless –

- (a) the school is a primary school or secondary school;
- (b) the school is neither an aided school nor a school which has joined the Direct Subsidy Scheme;
- (c) the school is a school without incorporated management committee;
- (d) the school is not operated for the purpose of making profit;
- (e) the sponsoring body of the school is not a profit-making organization;
- (f) the school receives any subsidy from the Government; and
- (g) the school is, in the opinion of the Permanent Secretary for Education and Manpower, financially sound.

3. The Ordinance allows a specified school to establish an incorporated management committee in accordance with sections 40BJ to 40BN of the Ordinance.

4. This Notice amends Schedule 3 to the Ordinance –

- (a) to delete 3 schools from that Schedule;
- (b) to update the English name of one school set out in that Schedule;
- (c) to update the addresses of 2 schools set out in that Schedule; and
- (d) to add 2 schools to that Schedule.

Education Ordinance (Cap.279) - Section 40AC

Secretary for Education and Manpower may amend Schedule 3

- (1) The Secretary for Education and Manpower may by notice published in the Gazette amend Schedule 3.
- (2) A school shall not be specified in Schedule 3 unless –
 - (a) the school is a primary school or secondary school;
 - (b) the school is neither an aided school nor a Direct Subsidy Scheme school;
 - (c) the school is a school without incorporated management committee;
 - (d) the school is not operated for the purpose of making profit;
 - (e) the sponsoring body of the school is not a profit-making organization;
 - (f) the school receives any subsidy from the Government; and
 - (g) the school is, in the opinion of the Permanent Secretary for Education and Manpower, financially sound.

SCHEDULE 3
SPECIFIED SCHOOLS

School Name	School Address
Confucius Hall Middle School	77 Caroline Hill Road, Hong Kong
Fung Kai No.2 Secondary School	15 Jockey Club Road, Sheung Shui, New Territories
Hong Kong Sam Yuk Secondary School	17A Ventris Road, Hong Kong
International Christian Quality Music Secondary and Primary School	372 Shun Ning Road, Sham Shui Po, Kowloon
ISF Academy	373 Queen's Road East, Wanchai, Hong Kong
Kowloon Sam Yuk Secondary School	52 Boundary Street, Mongkok, Kowloon
Mu Kuang English School	55 Kung Lok Road, Kwun Tong, Kowloon
Phoenix International School	5 Tonkin Street, Shamshuipo, Kowloon
Po Leung Kuk Choi Kai Yau School	6 Caldecott Road, Shamshuipo, Kowloon
Sam Yuk Middle School	1111 Clear Water Bay Road, Sai Kung, New Territories
S.K.H. All Saints' Middle School	11 Pak Po Street, Kowloon
Tai Po Sam Yuk Secondary School	2 Tai Po Tau Drive, Tai Po, New Territories
United Christian College	9 & 11 Tong Yam Street, Tai Hang Tung, Shamshuipo, Kowloon