

LEGISLATIVE COUNCIL BRIEF

EDUCATION ORDINANCE (Cap. 279)

EDUCATION ORDINANCE (AMENDMENT OF SCHEDULE 3)

NOTICE 2008

INTRODUCTION

The Secretary for Education (SED) will amend Schedule 3 to the Education Ordinance (Cap. 279) (the Ordinance) by the Education Ordinance (Amendment of Schedule 3) Notice 2008 (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 may however decide whether to apply to the Permanent Secretary for Education 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 SED 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. Owing to changes of school premises, joining of the DSS by a school, addition of new eligible schools and the need to correct a clerical error in a school name, SED needs to amend Schedule 3 to bring it up-to-date.

THE NOTICE

5. The Notice made under section 40AC of the Ordinance is to amend Schedule 3 by –

- (a) deleting Kowloon Sam Yuk Secondary School which has joined the DSS;
- (b) adding two new schools, namely, International Christian School and Yew Chung International School - Secondary, which meet all the requirements in section 40AC(2) of the Ordinance for being specified in Schedule 3;
- (c) revising the reference to the English name of a school; and
- (d) updating the addresses of three schools.

LEGISLATIVE TIMETABLE

6. The Notice will be published in the Gazette on 23 May 2008 and tabled at the Legislative Council for negative vetting on 28 May 2008. Subject to negative vetting, the Notice will come into operation on 27 June 2008.

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 Miss Josephine W Y Ding, Senior Education Officer (School Registration and Compliance) at 2892 6328.

Education Bureau
May 2008

**EDUCATION ORDINANCE (AMENDMENT OF
SCHEDULE 3) NOTICE 2008**

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

1. Commencement

This Notice shall come into operation on 27 June 2008.

2. Specified schools

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

(a) by repealing –

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

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

and substituting –

“The Independent Schools 1 Kong Sin Wan Road, Pokfulam, Hong
Foundation Academy Kong”;

(b) by adding –

“International Christian 1 On Muk Lane, Shatin, New Territories”;
School

(c) by repealing –

“Kowloon Sam Yuk 52 Boundary Street, Mongkok, Kowloon”;
Secondary School

(d) in the item relating to “Po Leung Kuk Choi Kai Yau School”, by
repealing “6 Caldecott Road, Shamshuipo, Kowloon” and
substituting “5 Kwong Lee Road, Shamshuipo, Kowloon”;

(e) in the item relating to “Victoria Shanghai Academy”, by repealing
“30 Oi Kwan Road, Wanchai, Hong Kong” and substituting “19
Shum Wan Road, Aberdeen, Hong Kong”;

(f) by adding –

“Yew Chung International 3 To Fuk Road, Kowloon Tong,
School – Secondary Kowloon”.

Michael M. Y. SUEN
Secretary for Education

20 May 2008

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, financially sound.

3. Where a school is specified in Schedule 3 to the Ordinance as a specified school, the sponsoring body of the school may apply to establish an incorporated management committee in respect of the school in accordance with sections 40BJ to 40BN of the Ordinance.

4. This Notice amends Schedule 3 to the Ordinance –

- (a) to update the address of one school set out in that Schedule and revise the reference to the English name of that school;
- (b) to delete one school from 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 may amend Schedule 3

- (1) The Secretary for Education 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, financially sound.

SCHEDULE 3
SPECIFIED SCHOOLS

School Name	School Address
Confucius Hall Middle School	77 Caroline Hill Road, Hong Kong
Hong Kong Sam Yuk Secondary School	17A Ventris Road, Hong Kong
Independent Schools Foundation Academy	(a) 373 Queen's Road East, Wanchai, Hong Kong (b) 3 Eastern Hospital Road, Causeway Bay, Hong Kong
International Christian Quality Music Secondary and Primary School	182 Po Kong Village Road, Diamond Hill, Kowloon
Kowloon Sam Yuk Secondary School	52 Boundary Street, Mongkok, Kowloon
Mu Kuang English School	55 Kung Lok Road, Kwun Tong, Kowloon
Po Leung Kuk Choi Kai Yau School	6 Caldecott Road, Shamshuipo, Kowloon
Renaissance College	No.5 Hang Ming Street, Ma On Shan, Shatin, New Territories
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
United Christian College	9 & 11 Tong Yam Street, Tai Hang Tung, Shamshuipo, Kowloon
Victoria Shanghai Academy	30 Oi Kwan Road, Wanchai, Hong Kong