

**就立法會教育事務委員會於 2009 年 6 月 8 日會議
提交有關
智障兒童學校學生的離校安排意見書**

智障學生須於 18 歲離校的爭議，其實可以用很簡單的道理去分析：

1. 智障與非智障學生應同樣享有十二年免費基礎教育的權利，但基於個別學生的教育需要，學生應可留班，以完成這個學習階段。
2. 決定學生應否留班的機制和考慮條件，應該一致地適用於智障及非智障學生身上，
3. 但目前留班機制有異：智障學生達 18 歲，如要留班必須向教育局申請，但非智障學生則不用。為何有此差異？教育局在文件上表示對智障學生 18 歲留校申請彈性處理，那麼，為何智力正常的學生卻連申請也不用，更用不着教育局的彈性？
4. 學童應否留班的決定，不是應該根據學童的學習需要嗎？2007 年資助則例 15.4 列明，學生留班與否應以是否對學生有利為原則。為甚麼教育局要用年齡限制智障學童？為甚麼教育局可以不依循教育資助則例辦事？
5. 智障學童的智力發展及學習過程往往較緩慢，需要比一般人更長的學習時間。為甚麼教育局對此不但不願意寬鬆處理，反而要收緊智障學童的學習時期？
6. 根據已實行十多年的教育資助則例（見附錄），特殊學校學生完成中學（初中）的年齡上限是 20 歲；反而主流中學的學生則沒有年齡上限。為甚麼？
7. 就算根據這不平等的教育資助則例，特殊學校學生年齡超過 20 歲留班才須向教育局申請，學生 20 歲前留班的決定權應在於學校，為甚麼教育局要求 18 歲智障學生留班要先向政府申請？

以上的問題，顯示教育局對智障學童的教育政策並不公允。請教育局以書面回答以上問題，向立法會及公眾交代。

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附錄：教育資助則例

Excerpt from Code of Aid: Code of Aid for Special Schools Suspension and Expulsion of Pupils

12. (a) Pupils admitted into a course in an aided special school should normally be allowed to complete that school course. No pupil shall be dismissed under the age of 15 without proper warning and notice to parents and without the prior approval of the Permanent Secretary.
- (b) Pupils must not be expelled solely on the ground that they are academically weak.
- (c) Except with the approval of the Permanent Secretary, no pupil shall be allowed to remain in a primary class of a special school after the end of the school year during which he reaches the age of 16 and no pupil shall be allowed to remain in a secondary class of a special school after the end of the school year during which his 20th birthday occurs.

Code of Aid for Secondary Schools Suspension and Expulsion of Pupils

12. (a) Pupils admitted into an aided secondary school in the junior secondary course (Secondary 1 - 3) and the senior secondary course (Secondary 4 - 7) should normally be allowed to complete that course. No junior secondary pupil (Secondary 1 - 3) aged under 15 years should be expelled without proper warning and notice to parents and without the approval of the Permanent Secretary. No senior secondary pupil (Secondary 4 - 7) should be expelled without proper warning and notice to parents. However the Permanent Secretary should be kept informed of all such cases at the warning stage.
- (b) Pupils must not be expelled solely on the ground that they are academically weak.
- (c) In appropriate cases, pupils with persistent lack of academic progress or behaviour problems may be referred to the Education Bureau for assessment and advice.