

立法會
Legislative Council

LC Paper No. CB(2)2266/08-09
(The minutes have been seen by
the Administration)

Ref : CB2/PL/ED

Panel on Education

**Minutes of special meeting
held on Monday, 30 March 2009, at 4:30 pm
in the Chamber of the Legislative Council Building**

- Members present** : Hon Cyd HO Sau-lan (Chairman)
Dr Hon Priscilla LEUNG Mei-fun (Deputy Chairman)
Hon LEE Cheuk-yan
Hon CHEUNG Man-kwong
Hon LEUNG Yiu-chung
Hon TAM Yiu-chung, GBS, JP
Hon Abraham SHEK Lai-him, SBS, JP
Hon Audrey EU Yuet-mee, SC, JP
Hon Andrew LEUNG Kwan-yuen, SBS, JP
Hon Starry LEE Wai-king
Hon Tanya CHAN
Hon WONG Sing-chi
Hon Mrs Regina IP LAU Suk-yee, GBS, JP
Dr Hon Samson TAM Wai-ho, JP
- Members absent** : Hon Tommy CHEUNG Yu-yan, SBS, JP
Prof Hon Patrick LAU Sau-shing, SBS, JP
Hon WONG Yuk-man
- Public Officers attending** : Agenda Item I

Mr Michael SUEN Ming-yeung, GBS, JP
Secretary for Education

Mr Kenneth CHEN, JP
Under Secretary for Education

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Mrs Betty IP
Deputy Secretary for Education (3)

Agenda Item II

Mr Kenneth CHEN, JP
Under Secretary for Education

Dr Catherine CHAN Ka-ki
Deputy Secretary for Education (5)

Dr CHEUNG Kwok-wah
Principal Assistant Secretary (Curriculum
Development)

Dr Francis CHEUNG Wing-ming
Secretary General, The Hong Kong Examinations and
Assessment Authority

**Attendance by
invitation** : Agenda Item I

Hong Kong Sheng Kung Hui

Mr Timothy HA
Representative

Rev Andrew CHAN
Representative

The Methodist Church, Hong Kong

Rev Prof LO Lung-kwong
President

Rev YUEN Tin-yau
Secretary, Executive Secretary of School Education
Division

Shun Tak Fraternal Association

Mr TSUI Kong-sang
Principal

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Hong Kong Federation of Education Workers

Mr WU Siu-wai
Vice Chairman

Mr FOONG Nim-yee
Deputy Secretary

Catholic Diocese of Hong Kong

Ms Alice WOO
Episcopal Delegate for Education

Ms Margaret LAM
Assistant, Episcopal Delegate for Education

Agenda Item II

Education Convergence

Mr HUI Wai-tin
Vice-Chairperson

Mr WONG Chung-man
Administrative Assistant

Hong Kong Federation of Education Workers

Mr WU Siu-wai
Vice Chairman

Mr FOONG Nim-yee
Deputy Secretary

Special Education Society of HK

Ms Maria WONG Yuen-ping
Chairperson

Dr Kenneth SIN
Vice-Chairperson

Hong Kong Professional Teachers' Union

Mr WONG Hak-lim
Vice-President

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Equal Opportunities Commission

Dr Ferrick CHU Chung-man
Head, Policy & Research

Hong Kong Association of Heads of Secondary Schools

Mr Michael WONG Wai-yu
Chairman

Dr Stanley HO Sai-mun
Convenor of New Secondary School

Hong Kong Association for Specific Learning Disabilities

Ms HUI Yuk-sim
Vice Chairperson

Miss IP Tsz-ying
Staff, Registered Social Worker

Clerk in attendance : Miss Odelia LEUNG
Chief Council Secretary (2)6

Staff in attendance : Mr Kelvin LEE
Assistant Legal Adviser 1

Mr Stanley MA
Senior Council Secretary (2)8

Ms Judy TING
Council Secretary (2)3

Miss Jenny LEE
Legislative Assistant (2)6 (Acting)

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I. Progress of implementation of incorporated management committees in schools
[LC Paper Nos. CB(2)1130/08-09(01) and (02)]

Members noted the background brief entitled "School-based management policy" prepared by the Legislative Council (LegCo) Secretariat.

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Oral presentation by deputations

Hong Kong Sheng Kung Hui (HKSKH)

2. Mr Timothy HA said that HKSKH welcomed the Administration's proposal to move a resolution to extend the deadline for the submission of draft constitutions by school sponsoring bodies (SSBs) to the Permanent Secretary for Education (PSED) for establishing Incorporated Management Committees (IMCs) from 1 July 2009 to 1 July 2011 as it would allow more time for HKSKH to consider the matter. However, HKSKH remained of the view that given the diversity of the Hong Kong society, the Administration should allow diversity in the management of schools. Mr HA pointed out that after the implementation of the Education (Amendment) Ordinance 2004 (the Amendment Ordinance), government schools, Direct Subsidy Scheme (DSS) schools, private independent schools and international schools continued to adopt different governance structures. HKSKH considered it inappropriate to compel aided schools to adopt only the IMC model. Moreover, such a model might not be feasible with the lapse of time. With an extended deadline for the setting up of IMCs, HKSKH was ready to discuss proactively with the Administration on the way forward.

3. Rev Andrew CHAN supplemented that while welcoming the participation of alumni, teachers and parents in the management of schools, HKSKH considered that the participation was not necessarily at the IMC level, and there could be other channels for direct participation of stakeholders.

The Methodist Church, Hong Kong
[LC Paper No. CB(2)1150/08-09(01)]

4. Rev YUEN Tin-yau said that the Methodist Church of Hong Kong strongly objected to the establishment of IMCs as the only way to achieve the spirit of school-based management. He pointed out that government schools were not required to establish IMCs to implement school-based management. The Methodist Church considered that the Amendment Ordinance had in effect deprived SSBs of their right to manage their schools. An obvious example was the appointment of principals by IMCs instead of SSBs. To encourage the setting up of IMCs, the Administration had provided financial incentives to IMC schools. Rev YUEN considered that the Administration should provide both IMC and non-IMC schools with the same kind of financial support for their operation of IMCs or School Management Committees (SMCs). He called on the Administration to make use of the two-year extension period to communicate with SSBs on effective ways to implement school-based management.

5. Rev Prof LO Lung-kwong supplemented that the Methodist Church fully supported the spirit of school-based management and democratization of school management, and had established SMCs in its schools with membership in line with that of IMCs. He highlighted that the establishment of an IMC in each

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school would certainly alienate SSBs from their schools, and parents and teacher managers were worried about their legal liabilities arising from their participation in school management. He stressed that there was no relationship between the setting up of IMCs and democratization of school management. In his view, IMCs were accountable to the Administration than to the SSBs of their schools. Democratization of school management would not be an issue once the political system of the HKSAR had been democratized.

Shun Tak Fraternal Association

[LC Paper No. CB(2)1130/08-09(03)]

6. Mr TSUI Kong-sang said that Shun Tak Fraternal Association wholly supported school-based management, and had fully complied with the relevant policies on its implementation. The Association had established an IMC in each of its aided schools in compliance with the Amendment Ordinance, and had received a certificate from the Education Bureau in this regard.

Hong Kong Federation of Education Workers

[LC Paper No. CB(2)1197/08-09(03)]

7. Mr WU Siu-wai said that Hong Kong Federation of Education Workers supported the Amendment Ordinance to enhance the development of school-based management and the participation of stakeholders in school management. As some 400 aided schools had not submitted draft constitutions to the Permanent Secretary for Education and the appeal of the Catholic Diocese of Hong Kong against the decision of the Court of First Instance was outstanding, the Federation accepted the proposed extension of the deadline for the submission of draft constitutions to 1 July 2011. However, the Federation regretted that the Administration had not tried its best to assist SSBs in establishing IMCs and resolve conflict with some SSBs on the matter. The Federation urged the Administration to provide sufficient room, time, channels and resources for the key stakeholders to progressively adapt to the IMC model, including the provision of adequate supply teachers and clerical staff. He also expressed concern that should a long time be taken to deal with the appeal, it was necessary to explore whether further extension of the deadline for schools to establish their IMCs was warranted.

Catholic Diocese of Hong Kong

8. Ms Alice WOO said that the Catholic Diocese of Hong Kong did not consider that the IMC model was the only effective model to enhance transparency and accountability of school management. The adoption of other models such as the SMC model could be equally effective for the purpose. Given their different traditions, backgrounds and commitment in education, SSBs should be given the flexibility in the adoption of governance models appropriate to them in the implementation of school-based management.

The Administration's response

9. Secretary for Education (SED) said that the Amendment Ordinance was enacted after extensive consultation in the community and thorough deliberations in LegCo. The Administration was well aware of the views of different stakeholders on the provisions of the Amendment Ordinance. The Administration held the view that the agreed principles for implementing school-based management in schools including the establishment of the IMCs should be adhered to. These principles included streamlining school administration, devolving schools with greater autonomy in school management, providing schools with greater flexibility in the deployment of funds, enhancing accountability of and stakeholders' participation in school management, and opening up the school governance. While upholding these principles, the Administration was ready to provide flexibility to schools on the arrangements for implementing school-based management under the existing relevant provisions of the Amendment Ordinance.

10. On the establishment of IMCs, SED advised that so far, about 52% of aided schools had established IMCs. The Administration would continue to discuss with the SSBs of the remaining 48% of schools with a view to addressing their concerns about the implementation of the Amendment Ordinance. The Administration proposed to extend the deadline for schools to submit their draft IMC constitutions from 1 July 2009 to 1 July 2011 so as to allow schools more time to set up their IMC. SED, however, stressed that the deadline could not be extended indefinitely under the Amendment Ordinance.

11. SED further said that he was surprised that the Catholic Diocese applied to resume the appeal against the decision of the Court of the First Instance to dismiss its application of a judicial review (the Appeal) on the constitutionality of sections 40BK (2) and (3)(a) and 40BU(2) and (3) in Part IIIB of the Education Ordinance added by the Amendment Ordinance, and their consistency with Articles 136(1), 137(1) and 141(3) of the Basic Law. He had hoped to settle the matter with the Catholic Diocese without the latter resorting to the Court. He believed that the judgment of the Court would be available before the extended deadline for the submission of draft constitutions. SED added that the Administration had confidence in the justifications for implementing the Amendment Ordinance. It would continue its dialogues with the major SSBs, and believed that the matter could be resolved within the next two years.

Models for implementing school-based management

12. Mr CHEUNG Man-kwong pointed out that so far, about 52% of aided schools had established IMCs and 48% had yet to do so. This reflected the controversial nature of the matter. In his view, legal proceedings could not resolve the dispute between the Administration and the SSBs in this regard.

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While he supported the participation of teachers and parents in school management, he considered that the IMC-model should not be the only model for the implementation of school-based management. He pointed out the problems with the IMC-model including the inadequate provision of supply teachers, the decisions made by some IMCs in contrary to SSBs' views and the non-compliance of the Codes of Aid in respect of staffing matters.

13. Mr CHEUNG Man-kwong suggested that the Administration should make use of the extended deadline for submitting draft constitutions to examine the different models for implementing school-based management. He suggested that the Administration should allow schools to adopt different models for implementing school-based management with the provision of the same level of funding support, and appoint independent tertiary institutions to assess the merits and demerits of the different models in achieving the objectives of school-based management. He stressed that these models should be competed on a fair basis, and the assessment of the various models adopted by different schools conducted in an impartial manner. In his view, fair and healthy competition would result in a win-win situation, without the need to resort to legal proceedings.

14. Mr TAM Yiu-chung said that as some 50% of aided schools had not established IMCs and the Appeal would be heard on 17 November 2009, Members belonging to the Democratic Alliance for the Betterment and Progress of Hong Kong supported the extension of the deadline for the submission of draft constitutions. He asked how the Administration would address the concerns of SSBs who had yet to establish IMCs in their schools, and whether it would arrange experience-sharing sessions for IMC schools and non-IMC schools and provide incentives to encourage non-IMC schools to establish IMCs. Mr TAM was also concerned whether the Administration had any contingency plan to deal with the situation where some schools had not submitted draft constitutions by the extended deadline.

15. SED responded that the Administration had commissioned an external professional consultancy company to conduct a three-year study to evaluate the operation of IMCs, to examine the adequacy or otherwise of EDB's support measures, and to assess the implementation of school-based management in IMC schools. The review was completed in March 2009 and the major findings of the review were annexed to the Administration' paper. The final report would be released later.

16. Deputy Secretary for Education (3) (DS(Ed)3) briefed members on the three-year study which covered both IMC and non-IMC schools and their key stakeholders. She highlighted that the report of the study would be finalized within one to two months. According to the responses from the IMC schools under the study, the transition, establishment and implementation of IMCs were on the whole smooth. The establishment of IMCs had not affected the

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relationship between schools and their SSBs. The operation of IMC schools had not deviated from the original vision and mission set by the SSBs. IMC schools, however, needed more time to realise and sustain the impact of IMCs.

17. DS(Ed)3 further said that while quite some school principals and teachers were worried that increased transparency and accountability in school management had brought about additional paper and administrative work, they were highly satisfied with the support measures provided by EDB, in particular the financial support and the flexibility in funding arrangements. Responses from parents, alumni and independent managers were also positive as participation in IMC work had enhanced their understanding of school operation. The Administration would continue to provide support for schools in the development of operational systems and a culture on school-based management. In parallel, the Administration would adopt a flexible approach to discuss with the SSBs with a view to resolving their problems in compliance with the Amendment Ordinance. To facilitate implementation, EDB would organize experience-sharing sessions for principals and teachers of IMC and non-IMC schools on a regular basis.

18. As regards the one-off lump-sum Teacher Relief Grant (TRG), DS(Ed)3 explained that TRG was introduced to simplify the administrative work of schools in claiming reimbursement for employing supply teachers to replace teachers on leave. Under TRG, an annual recurrent cash grant was provided to each IMC school for appointment of supply teachers to replace teachers on the permanent establishment with approved leave lasting less than 30 days. For leave periods longer than 30 days, IMC schools could apply to EDB for reimbursement of expenses for hiring temporary teachers, just as in the case of non-IMC schools. The rate of 2.5 man-days only served as the basis of calculating the annual recurrent cash grant and was determined according to the average annual expenditure on daily-rated supply teachers of aided schools in the past. In 2008, EDB had reviewed the situation and found it appropriate to continue to adopt 2.5 man-days as the basis of calculation of TRG. The provision of TRG should not affect teachers' entitlement to sick leave. In case of financial difficulties, schools might contact EDB for advice and assistance.

19. On funding flexibility, DS(Ed)3 said that given the increased transparency and accountability, IMCs were allowed to decide on the use of surplus funds to procure goods and services beyond the specified standards. In addition, IMCs could exercise discretion to make decisions in relation to certain administrative matters and trading operations, such as procurement of meals for students, without having to seek prior approval from EDB.

20. The Chairman considered that the flexibility in the use of surplus funds should be applicable to both IMC and non-IMC schools. DS(Ed)3 replied that IMC schools were given a wider range of flexibility in the use of surplus funds in view of their enhanced transparency and accountability in school management.

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21. Mr LEUNG Yiu-chung said that it was rare in the education sector that about half of the aided schools had yet to comply with a statutory requirement three months before the specified deadline. In his view, this reflected problems in the implementation of the Amendment Ordinance on the part of the SSBs and the ineffective approach taken by the Administration in resolving their problems. He doubted whether these problems could be resolved even if the deadline was extended. He asked how the Administration would resolve their problems.

22. SED responded that under the Amendment Ordinance, the deadline for submitting draft constitutions could only be extended for two years. He believed that the Court would be aware of the extended deadline and the legal proceedings would be completed in time. The Administration had discussed with the SSBs concerned and understood that some adopted a wait-and-see approach to the setting up of the IMC while others had encountered varying problems which might require different solutions. In his view, resorting to legal proceedings was a delaying tactic which would not make any material difference.

23. The Chairman reminded members and public officers not to comment on the Appeal pending in the court of law.

24. Rev Prof LO Lung-kwong regretted that SED had made the remarks that SSBs had adopted a delaying tactic in respect of the implementation of the Amendment Ordinance. He considered it odd to say that it would be unfair to those schools which had established IMCs should some aided schools be allowed not to establish IMCs. Since the establishment of IMCs was held by the Administration to be beneficial, there was no question of unfairness. Rev Prof LO reiterated that the issue at stake was not whether IMC schools were more independent, transparent and accountable in management but that the Administration had no trust in SSBs which had operated schools without IMCs for so many years. He pointed out that the majority of the SSBs which had established IMCs in compliance with the Amendment Ordinance operated only one to two schools. In contrast, large SSBs with a long history and good track record in school operation had reservations about the establishment of IMCs in their schools. He stressed that the Administration should respect these SSBs for their contributions in education, and for adopting alternative models of school-based management having regard to their principles and missions in education. It would be a lose-lose situation to resort to legal proceedings to resolve the dispute.

25. Mr LEE Cheuk-yan sought information on any differences in the quality of education provided by IMC schools and non-IMC schools after the implementation of the Amendment Ordinance for almost five years. He said that he had all along questioned the need to legislate for the establishment of IMCs as the only means for schools to implement school-based management. He expressed regret for SED's remarks that resorting to legal proceedings was a

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delaying tactic. Such remarks were disrespectful for the SSBs and would jeopardize the partnership relationship between EDB and SSBs. He considered that the Administration had been compelling SSBs to implement the Amendment Ordinance without regard to their successful experience in managing schools. He appealed to SED to be more accommodating in his discussions with SSBs on the matter.

26. SED responded that his major concern was to ensure compliance with the Amendment Ordinance which was enacted after thorough deliberations in LegCo. He pointed out that the Administration promoted school-based management through non-legislative means but to no avail. It had finally resorted to legislation, and there had been lengthy discussions and consultation with the key stakeholders on the merits of adopting only the IMC model or multiple models for the implementation of school-based management. The IMC model was ultimately adopted and endorsed by the Legislative Council. While acknowledging the difficulties envisaged by some SSBs in implementation, the Administration would continue to discuss with them the feasible ways to resolve their problems within the agreed framework for school-based management in the next two years.

27. The Chairman pointed out that the relevant bill was passed because of the support of LegCo members returned from the functional constituencies, and the Committee Stage amendments proposed by members were all voted down. According to the former SED and the former Permanent Secretary for Education and Manpower, the IMC-model would help eliminate malpractices in school management including misuse of funds and corruption practices. She asked whether any non-IMC schools had been found to have committed any such criminal offences after the implementation of the Amendment Ordinance.

28. In response, DS(Ed)3 said that she was not aware of any criminal offences committed by non-IMC schools after the implementation of the Amendment Ordinance. She clarified that the purpose of establishing IMCs was to enhance transparency and accountability in school management, and it was important to put in place a mechanism in this regard. She added that EDB officers conducted regular visits to schools and would report irregularities observed during their visits.

29. The Chairman asked whether the Administration would exercise flexibility in exploring the feasibility of adopting a two-tier structure to implement school-based management.

30. DS(Ed)3 explained that in line with the spirit of school-based management, the governing body of a school should comprise representatives from the key stakeholders and be conferred with the powers to manage the school. Under the Amendment Ordinance, IMCs were composed of the key stakeholders and empowered to manage their schools in a transparent and

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accountable manner. With the IMC being a legal entity, IMC managers were protected against liability claims arising from their participation in IMC work. Under the proposed two-tier structure, the upper-tier committee had the ultimate authority to manage a number of its schools but without the participation of key stakeholders and the lower-tier committee was playing only an advisory role, overseeing the operation of individual schools. This was not in line with the spirit of the school-based management, which promulgated participative decision-making by all key stakeholders.

31. The Chairman invited the Administration's response to the comments that some schools had not complied with the relevant Code of Aid on staff administration matters including termination of staff contracts and promotion of school teachers on the ground that the decisions were made by IMCs.

32. DS(Ed)3 explained that all IMC and non-IMC schools were required to comply with the requirements on staff administration matters in the Education Ordinance, the Education Regulations and the relevant Codes of Aid. Though IMC schools were allowed greater flexibility in certain areas of staff administration, they still needed to formulate their policies and guidelines within the framework of the above-mentioned documents, without contravening any of their provisions.

Way forward

33. Mr CHEUNG Man-kwong considered it essential that both the Administration and SSBs should adopt a friendly and sincere approach to resolve their dispute, and the Administration should take the initiative in this regard. He stressed that the Administration should ensure compliance of both IMC and non-IMC schools with statutory requirements including the Education Ordinance, Education Regulations and Codes of Aid. On the basis of healthy competition, SSBs should be allowed to adopt IMC-model or SMC-model as appropriate to manage their schools, and an independent tertiary institution should be appointed to examine the merits and demerits of IMC-model and other models in school management.

34. Mr LEUNG Yiu-chung said that as SED had acknowledged the different problems encountered by the SSBs in the establishment of IMCs, it was contradictory to say that resorting to legal proceedings was a delaying tactic. He considered that if non-IMC schools were performing as good as IMC schools or even better, there was no reason to force them to establish IMCs for the sake of complying with the Amendment Ordinance. He suggested that the Administration should provide an alternative for non-IMC schools to implement school-based management.

35. Rev YUEN Tin-yau considered it factually incorrect to say that the Amendment Ordinance was enacted because SSBs had not been able to

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implement school-based management in the previous decades. He pointed out that SSBs had been implementing school-based management but not in the mode as required by EDB. IMCs were legal entities and their managers were protected against liability claims. SSBs could arrange the same for protecting managers of non-IMC schools. He invited EDB to conduct inspections on the operation of non-IMC schools and identify the aspects which did not comply with the spirit of school-based management. In his view, IMCs and school-based management were two separate issues. Indeed, the requirement of establishing IMCs did not apply to public schools. He added that unless the Administration would seriously examine the essence of school-based management, it would unlikely arrive at a solution with SSBs in the next two years.

36. Mr CHEUNG Man-kwong appealed to the Administration and SSBs to collaborate with a view to reaching consensus on feasible options for implementing school-based management through friendly and sincere discussions.

37. Mr Timothy HA said that SED had assumed that those schools which had established IMCs were compelled to do so and they would be disappointed if other schools were allowed to adopt other models to implement school-based management. In his view, such assumption was unfounded and some schools might establish IMCs voluntarily without such a requirement. Only if the Administration discarded such an assumption could it discuss with SSBs on other feasible options for implementing school-based management within the extended deadline.

38. Mr TSUI Kong-sang said that Shun Tak Fraternal Association had thorough discussions before adopting the IMC model to increase transparency and accountability in school management. The Association considered it necessary to comply with the statutory requirements as long as they were in force.

39. Mr WU Siu-wai said that the Hong Kong Federation of Education Workers shared the view that SSBs should operate schools in accordance with the law and establish a good partnership relationship with EDB to provide quality education. Given a deadline for establishing IMCs, he hoped that EDB and the SSBs concerned could work out the feasible options through mutual trust and respect in discussions.

40. Ms Alice WOO said that while the Diocese would continue to discuss with EDB, it had to uphold its principles. The Diocese had established mechanisms in its schools to enhance transparency and accountability in school management. The Diocese considered that discussions with EDB on the matter should be premised on the interests of students and the community as a whole.

41. The Chairman hoped that EDB would adopt a flexible approach to

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discuss with the SSBs on the way forward. She added that the Administration should remind IMCs that their managers were protected against civil but not criminal liability.

42. SED responded that EDB had all along been adopting a friendly and sincere approach to discuss with SSBs on the implementation of school-based management in accordance with the provisions of the Amendment Ordinance. He stressed that IMCs should comply with the relevant Codes of Aid in managing their schools. The Administration was well aware of the difficulties encountered by some SSBs in establishing IMCs, and would aim to resolve their difficulties having regard to the agreed principles and the interests of the key stakeholders

II. Preparation for implementation of the new academic structure

[LC Paper Nos. CB(2)1130/08-09(04), (05) and CB(2)1193/08-09(01)]

43. Members noted the Administration's paper entitled "Progress of Preparation for the New Senior Secondary and Higher Education Academic Structure" and the background brief entitled "New academic structure for senior secondary education and higher education" prepared by the LegCo Secretariat.

Oral presentation by deputations

Education Convergence

[LC Paper No. CB(2)1175/08-09(02)]

44. Mr HUI Wai-tin presented the views of the Education Convergence as detailed in its submission. He highlighted that the Convergence supported the implementation of six-year secondary education and was concerned about the implementation of the new senior secondary (NSS) curriculum and assessment framework. The Convergence suggested that the Administration should let schools plan and decide the implementation of school-based assessment (SBA) for different subjects; review the assessment method for the subject of Liberal Studies (LS) with the grading of Outstanding, Pass or Fail; reduce the secondary school class size to 30 students starting at Secondary One (S1) from the 2010-2011 school year onwards; increase the teacher-to-class ratio to 2:1 at both junior and senior secondary levels; promulgate the minimum enrolment of S3 classes to facilitate school planning; provide free Applied Learning (ApL) courses at senior secondary levels and pathways for secondary school leavers; and increase the provision of first-year-first-degree places by 50% from the 2012-2013 academic year.

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*Hong Kong Federation of Education Workers
[LC Paper No. CB(2)1197/08-09(04)]*

45. Mr WU Siu-wai presented the views of the Hong Kong Federation of Education Workers as detailed in its submission. He highlighted that the Federation supported the implementation of the new academic structure (the 334 structure). The Federation had conducted a survey in end 2008 on courses offered at Senior Secondary One (SS1), and the results showed that many schools were not ready to offer ApL courses and elective subjects such as Health Management and Social Care, Design and Applied Technology and Tourism and Hospitality Studies because of the difficulties in recruiting qualified teachers. To facilitate the implementation of the 334 structure, the Administration should plan the provision of sufficient qualified teachers for teaching ApL subjects; expedite the arrangement for the recognition of the Hong Kong Diploma of Secondary Education (HKDSE) by overseas and Mainland universities; consider the provision of a one-off grant to self-financing post-secondary institutions to tie over the transitional period; promulgate the different articulation pathways for NSS graduates in pursuit of further education, including whether Project Yi Jin would continue to operate; and explain the justifications for charging fee for ApL courses and the formulae for calculating the teaching establishment under the 334 structure.

*Special Education Society of Hong Kong
[LC Paper No. CB(2)1175/08-09(03)](Revised)*

46. Ms Maria WONG Yuen-ping and Dr Kenneth SIN presented the views of the Special Education Society of Hong Kong as detailed in its submission. Ms WONG highlighted that the Society welcomed the provision of three-year senior secondary education for students with special educational needs (SEN) including students with intellectual disability (ID students). The Society suggested that the Administration should continue to provide 10-year basic education and then three-year senior education for ID students, relax the age limit for students with SEN to leave special schools, increase teaching establishment in special schools; and reduce the number of core subjects required for students with SEN in application for admission to university programmes.

47. Dr Kenneth SIN supplemented that the Society requested the Administration to plan the provision of sufficient pathways and support measures for students with SEN to pursue post-secondary education such as the Project Yi Jin and community colleges. The Administration should, in conjunction with tertiary institutions, set up an inter-institutional concern group to plan and co-ordinate the provision of post-secondary education for students with SEN. On the provision of employment opportunities, the Administration should facilitate the development of a wide range of social enterprises to cater for the different needs and abilities of persons with disabilities (PWDs).

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Hong Kong Professional Teachers' Union (HKPTU)
[LC Paper No. CB(2)1197/08-09(02)]

48. Mr WONG Hak-lim presented the views of the Hong Kong Professional Teachers' Union as detailed in its submission. He highlighted that the Administration had focused on the policies and logistical arrangements for the implementation of the 334 structure, but overlooked the healthy development and needs of students and teachers in education. HKPTU was concerned about the adverse impact of the consolidation policy on teachers' workload and student enrolment in secondary schools; the administrative work and psychological pressure on teachers in compliance with the requirements under school self-evaluations (SSEs) and external school reviews (ESRs) conducted by EDB; the teaching of LS as a core subject under the NSS curriculum with effect from the 2009-2010 school year when schools were not fully ready; and the high concentration of certain elective subjects offered by schools to cater for university admission that would result in the marginalization of subjects such as Home Economics, Music, Chinese History, Physical Education, etc.

Equal Opportunities Commission (EOC)
[LC Paper No. CB(2)1130/08-09(06)]

49. Dr Ferrick CHU Chung-man introduced the submission of the EOC and highlighted the right of PWDs in Hong Kong to learn in an educational setting free from disability discrimination and harassment with the coming into force of the United Nations Convention on the Rights of Persons with Disabilities (CRPD) for the People's Republic of China, including the Hong Kong Special Administrative Region (HKSAR) since 31 August 2008. Dr CHU said that EDB should seize the opportunity arising from the implementation of the 334 structure to adopt more new measures that were conducive to creating an inclusive education system for students with SEN. The existing discrimination ordinances required the carrying out of reasonable modifications to accommodate the need of PWDs and ethnic minorities. In this regard, the Administration should review the existing provision of education for non-Chinese-speaking (NCS) students and NCS students with SEN so that they would not be disadvantaged in pursuit of education due to the fact that they were less proficient in Chinese. In EOC's view, the concept of equal opportunity for all persons should be promoted as a mainstream concept which should be enshrined in the planning to the implementation of any projects or policies. EOC appealed to the Administration to establish a mechanism to enable the participation of NCS students and NCS students with SEN in matters relating to 334.

Hong Kong Association of Heads of Secondary Schools
[LC Paper No. CB(2)1130/08-09(07)]

50. Mr Michael WONG Wai-yu presented the views of the Hong Kong

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Association of Heads of Secondary Schools as detailed in its submission. He highlighted that the Administration should allocate sufficient resources to cater for student diversity at secondary levels, in particular students with SEN attending mainstream schools. To facilitate social development and increase the horizon of students, the Administration should discuss with the post-secondary institutions to modify the admission requirements with a view to facilitating the provision of a wide range of subjects in secondary schools to cater for the different needs and abilities of students. Given the implementation of the 334 structure in September 2009, the Administration should set out the detailed arrangements of different pathways for senior secondary leavers so that parents and students could make informed choice for elective subjects at SS1 level.

*Hong Kong Association for Specific Learning Disabilities
[LC Paper No. CB(2)1150/08-09(02)]*

51. Ms HUI Yuk-sim presented the views of the Hong Kong Association for Specific Learning Disabilities as detailed in its submission. She highlighted that the Administration should establish a territory-wide mechanism to ensure cost-effective provision of ApL courses for students with specific learning difficulties (SpLD students) starting from SS1 level. Selection of subjects in NSS education should be on the basis of their achievements on content subjects instead of language subjects. The Association requested the Administration to provide appropriate examination arrangements for SpLD students and to formulate comprehensive support measures to assist SpLD students in learning, assessment, and pursuit of post-secondary education including the adoption of a credit accumulation system for considering applications from SpLD students for admission to local universities.

Liberal Studies

52. Mrs Regina IP expressed concern about the implementation of LS curriculum at senior secondary levels. She had strong reservations about the contents of LS, in particular about the piece-meal inclusion of the history of China in the curriculum. In her view, Chinese History should be made a compulsory subject under the NSS curriculum, otherwise the adverse impact on local students' understanding of the history of the motherland would be profound. Mrs IP was given to understand that the Administration was considering reverting to norms-referencing reporting system on the assessment of students' performance in the subject of LS. She was concerned that there would be model answers to questions and this would defeat the purpose of implementing the NSS curriculum to develop students' critical thinking and analytical skills. She had also received complaints that the preparation work concerning the assessment system under the NSS curriculum had yet to be completed.

53. USED agreed that assessment of student learning in any subject should not be based on model answers. He stressed that the purpose of the NSS

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curriculum reform was to develop students' analytical power.

54. DS(Ed)5 explained that LS would be taught at senior secondary levels and its curriculum comprised core modules on "Hong Kong Today" and "Modern China" which covered, among others, areas on the historical and cultural developments of Hong Kong and China. LS was designed in such a way to enable students to make connections across knowledge areas and consider things from different perspectives. Furthermore, students could also choose to study Chinese History as an elective subject at senior secondary levels.

55. Secretary General, the Hong Kong Examinations and Assessment Authority (SG(HKEAA)) explained that the assessment of candidates' performance in public examinations had undergone changes in recent years, and candidates had expressed views on the design of examination questions to assess their critical thinking skills. After extensive discussions with schools and the post-secondary education sector in August 2008, HKEAA had uploaded the sample examination papers and level descriptors for different grades onto its website for public access. To enhance objectivity in the assessment of students' performance in LS, a double marking system would be adopted, and different questions in an examination paper would be assigned to different assessors through the electronic marking system.

56. Mrs Regina IP was given to understand that according to the sample assessment of LS examination papers, the marking of assessors varied greatly. She was concerned whether the smartest candidates with the highest critical thinking skills could possibly get the lowest scores in LS examination.

57. SG(HKEAA) responded that there would be no model answers to examination questions in LS. He stressed that the assessment of a student's performance in LS involved a professional judgment of the assessors who would be guided by detailed marking guidelines and the results would be balanced through double marking of examination scripts. Before marking, qualified assessors would need to discuss among themselves in order to reach consensus on the ways for marking the examination scripts.

58. Mrs Regina IP considered that simply incorporating a core module on "Modern China" in LS was inadequate to promote students' understanding of their motherland and develop their national identity and sense of belonging. She cautioned that the Administration should be held responsible for its failure to build up a sense of national identity among students as a result of not making Chinese History a compulsory subject under the NSS curriculum. She requested the Administration to name the countries where the study of their national history was not a compulsory subject in school education.

59. DS(Ed)5 responded that Chinese history was one of the mandatory subject areas of General Studies from Primary 2 (P2) to P6 and of Humanities

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Studies from S1 to S3. Overall, schools were required to allocate 5% of the total lesson time each year in junior secondary levels to teach Chinese history. According to the annual surveys conducted by EDB, some 85% of schools offered Chinese History as an independent subject, around 6% to 7% offered a subject on Chinese and world history, and a small number of schools had not allocated sufficient lesson time on the study of Chinese History in junior secondary levels. Like many overseas countries which had developed public examination systems, national history or world history was offered as an elective subject for students in Hong Kong.

60. Mrs Regina IP remarked that national history was a compulsory subject in the Mainland and the United States. She pointed out that as Chinese History was only an elective subject under the NSS curriculum, the number of junior secondary students taking this subject would decrease which would in turn affect the study of Chinese History in universities and have an adverse impact on the development of the discipline.

61. DS(Ed)5 replied that the NSS curriculum was finalized after extensive consultation. According to the annual surveys on teachers and students, their sense of national identity had been increasing in the past years. Apart from history, the learning of geography and economic development in the Mainland was also important for students to better understand ancient and modern China. Compared with the existing senior secondary curriculum (Secondary 4-7), incorporating a core module on modern China under LS which was a compulsory subject was an improvement in the understanding of China.

62. Mr CHEUNG Man-kwong expressed support for Mrs Regina IP's view that Chinese History should be made a compulsory subject in school education, at least for certain levels of studies.

School self-evaluation and external school review

63. Mr CHEUNG Man-kwong expressed concern about the workload and pressure on teachers arising from the implementation of the NSS academic structure and the NSS curriculum and assessment framework. He considered that the Administration should withhold the implementation of SSEs and ESRs for three years starting from the 2009-2010 school year, so that schools could concentrate their resources and efforts on the implementation of the NSS academic structure and curriculum. As the result of a survey on teachers' workload conducted by HKPTU had revealed that SSEs and ESRs had created the greatest pressure on teachers, the Administration should review the need to implement SSEs and ESRs three years later and if no adverse impacts were found, abolish them altogether.

64. USED responded that the school sector in general acknowledged the purpose of implementing SSEs and ESRs to help schools to identify their areas

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of strengths as well as areas for improvement by themselves and by external professionals respectively. However, both schools and their teachers had set extra requirements for themselves in the implementation, resulting in additional workload and pressure on the part of teachers. The Administration would collaborate with schools and teachers to eliminate the unnecessary workload and stress arising from SSEs and ESRs. In response to the feedback from secondary schools, the Administration had withheld the implementation of ESRs in the current school year, and would start a six-year cycle of ESRs for secondary schools from the 2009-2010 school year.

65. Mr CHEUNG Man-kwong remarked that the implementation of SSEs and ESRs had deviated from the intended purposes and had created tremendous workload on schools and teachers. He suggested that to rectify the situation, EDB should continue to conduct inspections instead of SSE and ESR to enhance school performance in the coming three school years.

66. USED responded that the Administration considered it appropriate to enable schools to reflect on their performance through SSEs and to receive professional advice through ESRs. The Administration would endeavour to remove the misconceptions of some principals and teachers about the purposes and processes of SSEs and ESRs. He also clarified that the Administration had no plan to announce the results of SSEs and ESRs in individual schools.

School-based assessment

67. Mr CHEUNG Man-kwong said that as the effectiveness of school-based assessment (SBA) in Hong Kong Diploma of Secondary Education (HKDSE) Examination remained to be verified, it was inappropriate to fix a timetable at this stage for the full implementation of SBA for the 24 NSS subjects by 2015. He suggested that the Administration should review the results of SBA in existing subjects before deciding the way forward.

68. USED explained that the central theme of SBA was "assessment for learning" with the purpose of identifying students' strengths and weaknesses and providing quality feedback and timely support to enhance teaching and learning on a continuous basis. The Administration had formulated a time-table for SBA implementation with a view to providing sufficient time for schools to plan their schedules and get familiar with the operation of SBA on a progressive basis.

69. DS(Ed)5 supplemented that SBA assessed learning elements at the school level which could not be achieved in examinations. It was also an integral component of the HKDSE Examination for benchmarking with overseas qualifications and for international recognition.

70. SG(HKEAA) responded that in 2008, the SBA Advisory Group comprising school principals and teachers was set up to coordinate the

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implementation of SBA and advise HKEAA on the SBA-related issues. In addition, subject working groups comprising school teachers, academics, EDB and HKEAA officers were set up to develop SBA-related requirements, guidelines and exemplars. HKEAA would provide specific guidelines on how to conduct SBA and allow schools to submit their assessment reports at stages. The provision of a SBA implementation time-table would facilitate schools to plan and implement SBA from the 2009-2010 school year. HKEAA would collect relevant data and conduct a review on SBA implementation in 2013.

71. Mr CHEUNG Man-kwong said that as the Administration would review the implementation of SBA in 2013, the time-table for its implementation should not go beyond that year in order to demonstrate the Administration's sincerity in conducting the review. In his view, full implementation of SBA would create tremendous workload on teachers.

72. USED explained that the purpose of SBA was to combine learning and assessment, and to reduce the need for written examinations. The adoption of SBA in HKDSE Examination was in line with the prevailing international trend on performance assessment, and had been implemented for certain subjects in schools. The review in 2013 would aim to improve SBA in HKDSE Examination.

73. Mr HUI Wai-tin of Education Convergence said that the understanding of Government officials on SBA was confusing. According to the surveys conducted by the Education Convergence, front-line teachers opposed the full implementation of SBA in 2015 and the teaching of LS as a core subject. He suggested that an independent institution should be appointed to conduct a study on the issues, and enquired whether LegCo could take on this task.

74. The Chairman said that LegCo was empowered to appoint select committees to inquire into certain issues of great public concern and in the past such appointment was for the purpose of investigating into incidents. There was no precedent for LegCo to conduct a study of the nature as suggested by Mr HUI Wai-tin. In her view, such studies should be conducted by the Administration by appointing independent consultants.

Teaching establishment

75. Mr CHEUNG Man-kwong noted that the details on recognition of ApL courses would be announced in early 2010. As the NSS curriculum would be implemented in the 2009-2010 school year, he was concerned that such late announcement would impact on selection of subjects. He was given to understand that schools offering more ApL courses under the NSS academic structure would have a smaller teaching establishment than before. He requested information on a breakdown of schools with more or fewer teachers upon the implementation of the NSS academic structure.

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76. USED replied that ApL courses would be offered as elective subjects at Secondary 5 and 6 commencing the 2010-2011 school year. Over 80% of secondary schools would increase their teaching establishment for the implementation of the 334 structure. The remaining 20% of schools would have lesser teachers than before because they would operate fewer classes after the implementation of the NSS academic structure. The Administration had consulted and agreed with the school sector on the new teacher-to-student ratio for the implementation of the NSS curriculum. In response to a LegCo question, the Administration had provided detailed information on the number of teachers in individual schools before and after the implementation of the 334 structure.

77. Mr CHEUNG Man-kwong requested the Administration to guarantee the provision of teaching establishment at the existing level for schools without class reduction in the 2009-2010 school year.

78. USED replied that as detailed in the Administration's paper, schools would be provided with different grants and funds to support their implementation of the NSS curriculum, in particular for teaching new subjects and the ApL courses to cater for students' needs.

Special schools

79. Mr CHEUNG Man-kwong said that he had received complaints from four special schools for ID students about the inadequate provision of classrooms for the implementation of the NSS structure.

80. USED replied that the Administration would follow up with the improvement works for special schools and provide additional resources to them to implement the NSS academic structure.

81. Mr CHEUNG Man-kwong said that with the consent of the special schools concerned, he would provide their names to EDB for follow-up.

Articulation to post-secondary education

82. The Chairman said that the Administration had allocated substantial resources for the UGC-sector to prepare for the implementation of the new four-year undergraduate programmes. However, she was not aware of resources allocated to other post-secondary institutions such as the Hong Kong Institute of Vocational Education (IVE) to provide articulation for secondary school leavers at different levels after the implementation of the NSS academic structure. She was concerned about the impact of the NSS academic structure on post-secondary institutions which offered courses other than degree programmes, in particular in the 2011-2012 and the 2012-2013 school years. She considered that the Administration should give the same regard to sub-degree and

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undergraduate programmes to meet the different needs of students. She sought information on the provision of post-secondary places in the 2012-2013 academic year (the double cohort year).

83. USED responded that in the double cohort year, the UGC-funded institutions would provide 14 500 first-year-first-degree places each in three-year and four-year undergraduate programmes for S7 and SS3 graduates respectively under the existing and the new academic structures.

84. DS(Ed)5 supplemented that the Administration had maintained close dialogues with post-secondary institutions including IVE and would meet with them again in April 2009 to discuss the admission requirements of their programmes. The post-secondary institutions were aware of the changes arising from the implementation of the 334 structure and would provide a wider diversity of programmes to cater for the needs of secondary school leavers at different levels under the existing and the new academic structure. Subject to available resources and taking into account the programmes available in the self-financing sector, the Administration would provide additional resources to post-secondary institutions including IVE to offer programmes to meet with the demand in the market.

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85. The Chairman requested the Administration to provide a paper on post-secondary articulation for secondary school leavers under the NSS academic structure for further follow up by the Panel.

III. Any other business

86. There being no other business, the meeting ended at 7:32 pm.

Council Business Division 2
Legislative Council Secretariat
24 July 2009