

立法會
Legislative Council

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(The minutes have been seen by
the Administration)

Ref : CB2/PL/ED

Panel on Education

**Minutes of special meeting
held on Monday, 22 June 2009, at 10:45 am
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
Prof Hon Patrick LAU Sau-shing, SBS, JP
Hon Starry LEE Wai-king
Hon Tanya CHAN
Hon WONG Sing-chi
Hon WONG Yuk-man
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
Hon Andrew LEUNG Kwan-yuen, SBS, JP
- Public Officers attending** : Agenda item I

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

Mr Kenneth CHEN, JP
Under Secretary for Education, Education Bureau

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

Mr Tony TANG
Principal Assistant Secretary (Quality Assurance)

Agenda item II

Mr Kenneth CHEN, JP
Under Secretary for Education

Mrs Michelle WONG
Deputy Secretary for Education (4)

Miss WU Po-ling
Principal Assistant Secretary (School Administration &
Support)

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

Staff in attendance : Mr Stanley MA
Senior Council Secretary (2)8

Ms Judy TING
Council Secretary (2)3

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

Action

Proposal for inviting deputations to give views on the subject of Liberal Studies under the new senior secondary curriculum

Before proceeding to the agenda item, the Chairman said that Mrs Regina IP had expressed views concerning the discussion of the subject of Liberal Studies under the new senior secondary curriculum at the special meeting on 9 July 2009. She invited Mrs IP to elaborate her views.

2. Mrs Regina IP thanked the Chairman for having included the subject in the agenda for the special meeting of the Panel on 9 July 2009. She noted that the Panel had already scheduled many special meetings before the end of the current legislative session and a special meeting dedicated to the discussion of the subject might not be feasible. As the Panel had allocated 45 minutes for the

Action

discussion of the subject, she suggested setting aside 25 minutes to receive views from deputations with each of them having three minutes to make oral presentation.

3. The Chairman said that it had been the normal practice of the Panel to invite deputations to give views on subjects of public interest in an open manner. Past experience showed that many deputations were ready to give views. With only 25 minutes for oral presentation, the Panel could only receive views from eight deputations. She believed that more deputations would wish to present views on the subject of Liberal Studies which was controversial.

4. Ms Audrey EU agreed with the proposal for inviting deputations to give views. Since 25 minutes would be too short for the purpose, she enquired if Mrs Regina IP had in mind certain deputations from a particular sector, such as school councils, which should be invited to give views. Ms EU suggested that a further meeting could be held at a later date for receiving views from other deputations.

5. Mr LEUNG Yiu-chung said that since the subject of Liberal Studies involved a broad spectrum of stakeholders, it would be difficult to divide deputations into particular groupings. Besides, many relevant issues should be discussed in an integrated manner, including content, pedagogies and support measures for accessing the internet. Instead of receiving deputations by batches, he suggested holding a special meeting to receive views on the subject in one go.

6. Echoing the view of Mrs Regina IP, Mr CHEUNG Man-kwong supported the proposal for inviting a few deputations to attend the special meeting. He said that a further meeting could be held in October 2009 after the implementation of the new senior secondary curriculum, and by then the discussion would be based on operational experience. He added that he would be away from Hong Kong from mid July 2009.

7. Mrs Regina IP suggested inviting the Committee on Home-School Cooperation, Education Convergence and other professional bodies to the special meeting. She agreed with Mr CHEUNG Man-kwong's proposal to convene a further meeting on the subject in October 2009.

8. In conclusion, the Chairman said that the Panel would receive views from a few deputations on the subject of Liberal Studies under the new senior secondary curriculum at the meeting on 9 July 2009, and would further hear views on the subject from stakeholders, including parents, teachers and students at a meeting in October 2009. Members agreed.

(Post-meeting note: the special meeting originally scheduled for 9 July 2009 had been rescheduled to 11 July 2009 on account of the continuation of the Legislative Council (LegCo) meeting of 8 July 2009.)

Action

I. Review of Pre-primary Education Voucher Scheme

[EDB(QA)/SCH/1/14/15(2) and LC Paper No. CB(2)1919/08-09(01)]

9. At the invitation of the Chairman, Secretary for Education (SED) said that after receiving the views and suggestions of various stakeholders on the Pre-primary Education Voucher Scheme (PEVS) at the Panel meeting on 20 March 2009, he had agreed to examine the issue of fee remission ceilings under the Kindergarten and Child Care Centre Fee Remission Scheme (KCFRS). EDB recognized the concern about the inadequacy of the fixed fee remission ceilings under KCFRS to meet the rising tuition fees. As a result, more needy families requiring additional financial support through KCFRS had to top up the difference by a greater amount of tuition fees. In view of this, EDB proposed to adjust annually the fee remission ceilings under KCFRS on the basis of the respective weighted average fees (WAF) levels and would submit the funding proposal to the Finance Committee for approval, subject to the views of members. As regards other issues on PEVS raised at the Panel meeting, SED added that EDB would kick start the review process later in the year.

10. The Chairman reminded members that the Panel had passed a motion at its special meeting on 20 March 2009 urging the Government to establish instantly a committee which included representatives of the pre-primary education sector and parents to immediately review the kindergarten fee subvention system, as well as to establish a remuneration system that was linked to teachers' training and qualifications.

Recurrent expenditure for PEVS

11. Ms Audrey EU drew SED's attention to a discussion paper provided by EDB [LC Paper No. CB(2)277/06-07(01)] in which the Administration had stated that the proposed voucher scheme, rationalisation of the existing subsidy schemes for operators and parents, and the implementation of other supporting measures led to a net additional recurrent expenditure of about \$2 billion per annum. However, during the motion debate on PEVS at the Council meeting on 10 June 2009, SED had mentioned that the relevant net recurrent expenditure would be about \$2 billion in 2011-2012. She sought clarification in this regard.

12. SED clarified that the \$2 billion was worked out on the basis that all eligible KGs would join PEVS and the fee subsidy of the voucher had reached \$16,000 per student per annum (pspa). As the voucher value had yet to be increased to \$16,000 pspa, and some KGs had not joined PEVS, the net additional recurrent expenditure per annum did not reach \$2 billion for the time being.

13. Ms Audrey EU said that according to her information, the net additional

Action

annual recurrent expenditure for PEVS for the 2007-2008 school year was about \$900 million. SED noted.

Review of PEVS

14. Ms Audrey EU welcomed EDB's decision to adjust annually the fee remission ceilings under KCFRS on the basis of the respective WAF of the non-profit-making half-day and whole-day kindergartens (KGs) eligible for PEVS. She pointed out that of about 900 KGs, 500 KGs, i.e. about 52%, had indicated that they would raise their school fees by around 30% to 40%. She considered it important to address the issue of rising school fees. She noted with concern that EDB had not responded to the motion passed by the Panel on 20 March 2009 urging for a review of PEVS, and asked when the Administration would carry out the review.

15. Mr CHEUNG Man-kwong said that the Council had also passed a motion at its meeting on 10 June 2009 urging the Administration to immediately conduct a comprehensive review of PEVS on five aspects. The Administration had responded to the first aspect by reinstating the fee remission ceilings under KCFRS to the respective WAF levels. However, the other four aspects remained to be addressed which included comprehensively reviewing the various subsidies for early childhood education institutions, including increasing the manpower and resources for whole-day KGs; offering subsidies under PEVS on a fair and equitable basis so that all KG children were benefited; formulating a pay scale for KG teachers which was commensurate with their qualifications in particular after they had obtained the Certificate in Early Childhood Education (C(ECE)), and relieving the work pressure on KG teachers, including simplifying the administrative work arising from self-evaluation, external evaluation and PEVS, as well as providing rest period between classes for teachers.

16. Mr CHEUNG Man-kwong further said that during the motion debate, the Administration had undertaken to establish a committee to review the pre-primary fee subvention system. He asked for a timetable for the review, and enquired whether the representatives of the pre-primary education sector would be invited to join the review committee, and whether the remaining four aspects covered in the motion would be considered by the committee. Miss Tanya CHAN raised concern about representation of the pre-primary sector in the review committee.

17. In reply, SED said that, as stated in paragraph 12 of the discussion paper, EDB would need to study carefully the other issues on PEVS as they might have profound policy implications. He assured members that the remaining four aspects covered in the motion would be considered in the review process. The pre-primary education sector would be consulted on improvement measures to PEVS but whether representatives of the pre-primary education sector would be

Action

invited to join the review committee had yet to be decided. The review process was expected to kick start in October 2009 and more concrete information on the timetable and mode of the review would be available in the next LegCo session.

18. Miss Tanya CHAN considered it important for the Administration to immediately start reviewing the teacher development subsidy. She asked whether any issues had been identified that would require immediate attention. SED replied that the issue of fee remission ceilings under KCFRS had been identified as a matter of urgency that required immediate review, and that issue had been addressed. Other issues raised by the deputations at the Panel meeting on 20 March 2009 would be considered in the review process.

19. Ms Audrey EU and the Chairman sought information on the timeframe for completing the review process. SED replied that it would depend on the scope and operational mode of the review committee. The Chairman said that the review on PEVS should be completed by around May 2010.

Provision of 15-year free education

20. Dr Priscilla LEUNG said that she had welcomed the decision of providing subsidy by PEVS on account of no subsidy being provided to the pre-primary education sector in the past. She, however, objected to any proposal of implementing an education voucher scheme in primary, secondary and university education, and considered such a scheme commercialized. She considered that in the long term, the Administration should provide free pre-primary education, and private independent KGs charging high tuition fees should not fall within the subvention category.

21. Mr LEE Cheuk-yan said that he supported EDB's decision to adjust annually the fee remission ceilings under KCFRS on the basis of the respective WAF levels to relieve the burden of many needy families to top up the difference between the fee remission under KCFRS and the tuition fees. Unlike primary and secondary education, pre-primary education was not fully subvented. Mr LEE asked whether the Administration would consider reviewing its policies with a view to providing 15-year free education. He also enquired about the financial implications of providing free pre-primary education, and how it compared with PEVS in terms of cost. Mr LEE considered it important for the Administration to provide the relevant financial information and let the community decide on the provision or otherwise of free pre-primary education.

22. SED stressed that the existing policy was to provide 12-year free primary and secondary education. Before implementing PEVS, the role of the Government in the provision of pre-primary education had been explored. PEVS was implemented after thorough deliberations by stakeholders on the understanding that pre-primary education would not be fully subsidized. PEVS was an endeavour to ease the financial burden of parents and to raise the quality

Action

of pre-primary education. SED admitted that EDB had been optimistic in assuming that the fee remission ceilings under KCFRS fixed at \$16,000 pspa for half-day KGs and \$25,400 for whole-day KGs and remained at those levels until the 2011-2012 school year would be sufficient for needy families to meet the cost of tuition fees. Given more and more KGs under PEVS were charging tuition fees above the fee remission ceilings, EDB had decided to adjust the fee remission ceilings annually.

23. SED further said that at the present stage, the Administration had no intention of providing free pre-primary education. It did not have the financial capability to meet the cost of free pre-primary education, in particular in the midst of the hardships brought about by the financial tsunami. Should free pre-primary education be implemented, the financial implications of covering private independent KGs charging high tuition fees would need to be taken into account. It had been agreed generally that the choice should leave to parents to select KGs charging tuition fees beyond the prescribed voucher value under PEVS.

24. Mr WONG Sing-chi disagreed to SED's saying, and opined that providing free pre-primary education did not necessarily involve subsidising private independent KGs charging high tuition fees. He was disappointed that the Administration had maintained its position to review PEVS in 2011-2012 notwithstanding that a large number of KG stakeholders were calling for an immediate comprehensive review. Mr WONG further pointed out that pre-primary education was indispensable to the overall development of children as shown by research, and the Administration should expeditiously review PEVS with a view to providing quality pre-primary education.

25. SED agreed to Mr WONG Sing-chi's view that pre-primary education was important to children's overall development. He said that it was on this basis that the Administration had decided to provide subsidy to pre-primary education by implementing PEVS. He stressed that the prescribed scope and amount of subsidies under PEVS were decided after deliberations by stakeholders of pre-primary education sector. After two years of its implementation, the Administration recognized that the issue of fee remission ceilings under KCFRS was a matter of urgency which needed to be promptly addressed. The Administration had undertaken to kick start a review on other issues relating to PEVS. In the Administration's view, it was not the right time to review the fundamental issues such as the provision of free pre-primary education. The provision of free pre-primary education had to be examined together with other policy commitments, and financial sustainability must be considered.

26. Mr WONG Yuk-man stressed the importance of providing free pre-primary education. Mr WONG said that although the Administration had undertaken to progressively review the relevant issues of PEVS, it was only the first step, and the ultimate aim was to provide free pre-primary education. He

Action

criticized the Administration for resorting to different excuses for not providing free pre-primary education. He urged the Administration to follow the policy adopted by the government of Macau to provide free pre-primary education. He enquired whether the Administration had ever considered providing free pre-primary education, and asked for a timetable for implementing free pre-primary education.

27. In reply, SED said that the issue of the provision of free pre-primary education had been considered in the context of introducing PEVS, and a consensus had been reached that such provision would not be implemented. A policy decision had been made to implement PEVS to provide a certain level of fee subsidy to parents.

28. In response to the Chairman and Mr WONG Yuk-man's views that the current financial tsunami should not be used as the reason for not providing free pre-primary education, SED further clarified that the provision of free pre-primary education had been considered by various parties including members of the Panel. While some members had remained of the view that free pre-primary education was necessary, a policy decision had been reached that only a certain level of fee subsidy would be provided. He stressed the need to respect policy decisions. SED emphasized that the Administration had no intention of implementing free pre-primary education for the time being. Financial consideration in the midst of the current financial tsunami was one of the many reasons for not reviewing such a policy.

29. Mr LEUNG Yiu-chung sought clarification on whether the Administration would not review the policy for not implementing free pre-primary education only for the time being, or whether it would not review the policy at all. Should the latter be the case, whether it was because of financial consideration or a matter of principle. If it was solely because of financial consideration, the issue could be reviewed when the economy improved. However, if it was a matter of principle, the Panel should further discuss the issue.

30. SED reiterated that a policy decision had been reached in launching PEVS that free pre-primary education would not be provided. There was also an understanding that PEVS was a worthwhile endeavour to provide fee subsidy to parents, facilitate them to choose suitable KGs for their children, and subsequently raise the quality of KG education.

31. Mr LEE Cheuk-yan remarked that the refusal of the Administration to admit its wrongdoing in calculating the fee remission ceilings under KCFRS had given a bad example to children. In his view, the Administration had not listened to the public view on the need to provide free pre-primary education but passed the buck to LegCo in stressing repeatedly that LegCo had accepted PEVS. Indeed, LegCo had not been given a choice between PEVS or free pre-primary

Action

education.

32. Mr WONG Yuk-man echoed the view that the Administration had only offered the option of PEVS to the Panel. He pointed out that PEVS was found to have generated many problems including fixed fee remission ceilings under KCFRS, rising tuition fees, increased administrative workload for KGs and KG teachers' work pressure, but the Administration had not responded to these issues in its discussion paper. He sought further information on the reasons for not considering free pre-primary education.

33. Ms Audrey EU stressed that the Panel was given no choice but to accept or not to accept PEVS. She further pointed out the incorrect figures given by the Administration. The Administration had said that the recurrent expenditure on pre-primary education prior to PEVS was about 2% of the total recurrent expenditure, and that it would reach about 6% following the implementation of PEVS. However, the recurrent expenditure on pre-primary education after the implementation of PEVS had only risen to 3% of the total recurrent expenditure. On this basis, it was evident that the Administration had not fulfilled its commitment in improving the quality of KG education.

34. Mr CHEUNG Man-kwong supplemented that when the former SED presented the proposal of PEVS to the Panel, he had not offered other alternatives. Were the Panel not to accept the proposal, the Administration would withdraw it altogether. He stressed that the acceptance of PEVS by the Panel did not mean that it did not support free pre-primary education.

Provision of direct subsidy

35. Mr LEUNG Yiu-chung said that as in the case of primary and secondary education, the provision of direct subsidy to pre-primary education could achieve the spirit of PEVS in allowing diversity in the school system and giving more choices to parents. In his view, the question was whether the Administration was open-minded and ready to accept new concepts.

36. Professor Patrick LAU considered that the suggestion of extending the application of a direct subsidy scheme to pre-primary education should be further examined as it would allow freedom, flexibility and autonomy in the pre-primary school system. SED replied that he was not aware of any discussion on the application of a direct subsidy scheme to pre-primary education when PEVS was under discussion. Even if there had been discussion on the subject, he believed that it was a minority view. SED added that the Administration would focus on refining the implementation of PEVS and would not consider the introduction of a direct subsidy scheme to pre-primary education.

37. Dr Priscilla LEUNG also echoed the view on the application of a direct subsidy scheme to pre-primary education, and added that private independent

Action

KGs charging high tuition fees should not be included into the scheme. She said that the Administration should be open to new ideas.

Professional upgrading of KG teachers

38. Dr Priscilla LEUNG opined that the Administration should attach importance to professional training of KG teachers given that pre-primary education was an integral part of education and KG teachers were the first teachers who provided guidance to children.

39. Principal Assistant Secretary (Quality Assurance) (PAS(QA)) replied that the Administration had attached great importance to professional upgrading of KG teachers. He pointed out that before 2000, new KG teachers were required to have completed form three of secondary education. From 2000 onwards, measures taken to upgrade the qualifications of KG teachers included requirements for new KG teachers to have obtained a pass in five subjects in the Hong Kong Certificate of Education Examination and serving KG teachers to possess a Qualified KG Teacher qualification. Under PEVS, KG teachers were required to obtain C(ECE) within five years by the 2011-2012 school year. As regards KG principals, PAS(QA) said that all new KG principals from the 2009-2010 school year must have a degree in early childhood education and complete a certification course before appointment, or exceptionally within the first year of their appointment.

40. Dr Priscilla LEUNG said the professional training for KG teachers had not adequately addressed her concern about the need to raise the qualifications of new and serving KG teachers.

Fee remission ceilings and voucher value

41. Mrs Regina IP said that the objectives of PEVS to ease the financial burden of parents and to raise the quality of KG education were commendable. However, the decision to fix the fee remission ceilings under KCFRS had caused public discontent. She asked whether the Administration would tender an apology for having wrongly calculated the fee remission ceilings with the result that many needy families had to top up the gap between the fee remission ceilings and WAF by a greater amount of tuition fees.

42. SED said that EDB had been over-optimistic in making certain assumptions with the result that more parents had to top up the tuition fee by a great amount. For example, the KG teachers' salaries were higher than expected and KG teacher-to-student ratio was assumed to be about 1:15, but it was less than 1:10. These factors had accounted for an increase in the operational cost of KGs.

43. Mrs Regina IP pointed out that PEVS had been implemented hastily by

Action

EDB and the responsible officials had overlooked the issues of KG teachers' remunerations as well as KG teacher-to-student ratio. She considered that the refusal of the Administration to admit wrongdoings was not conducive to its public image.

44. The Chairman noted that in the 2006-2007 school year, prior to the introduction of PEVS, 78% of the whole-day KG children receiving full fee remission and 76% of the half-day KG children receiving full fee remission under KCFRS did not need to top up the tuition fee. She sought information on the relevant percentages following the reinstatement of adjustment mechanism on the basis of the WAF.

45. In reply, PAS(QA) said that the respective percentages were estimated to be 71% and 75% respectively if WAF was applied as the fee remission ceilings in the 2008-2009 school year, and the actual percentages depended on parental choice of KGs. Should parents choose KGs charging fees above the respective WAF, the percentages would be lower. Noting that the percentages of receiving full fee remission were lower than those before the introduction of PEVS, the Chairman enquired about the availability of measures to assist KG children who were disadvantaged because of the introduction of PEVS. PAS(QA) reiterated that the choice of parents would affect the percentages.

46. Mr TAM Yiu-chung recalled that when PEVS was under discussion, the Panel had requested the provision of 15-year free education including pre-primary education. Instead of introducing comprehensive free pre-primary education, the Administration put forward PEVS to mitigate the financial burden of parents. The general public welcomed the introduction of PEVS because it was an improvement. He pointed out that the Elderly Commission under his chairmanship had considered the introduction of a fee subsidy scheme, i.e. "money following the users", but the scheme had not been implemented because many problems identified could not be resolved. In haste, PEVS had been implemented, with the result that many problems were unveiled gradually.

47. Mr Tam further said that one of the problems was the difference between the fee remission ceilings and tuition fees on which the Administration had recently reviewed. With rising tuition fees, the gap between tuition fees and the voucher value under PEVS was also expected to become wider, and this situation would persist. In other words, support to families by means of fee subsidy would become smaller. Mr TAM considered that the Administration should carefully study this issue. While recognizing that the provision of 15-year free education would pose a financial burden to the Administration, Mr TAM considered PEVS not an ideal solution as it would continue to generate problems which could not be solved easily.

48. SED said that it was a fact that a fee subsidy ceiling under PEVS had been set as PEVS was intended to support families by providing a fee subsidy to

Action

a certain level, and not set to cover the full tuition fees. The Administration was aware that when tuition fees increased and the voucher value remained unchanged, parents would need to pay more tuition fees. Should the gap become too great, action would be taken to address the problem. SED further said that at the current stage, the Administration did not consider an adjustment to the voucher value necessary.

49. Mr CHEUNG Man-kwong said that in order to refine PEVS, the Administration should relieve the financial burden of parents. Considerable improvement had been made by the Administration in this regard by reinstating the annual adjustment of fee remission ceilings under KCFRS on the basis of the respective WAF. To go further, the Administration should comprehensively review the subsidies for KGs including whole-day KGs and address the issues of remuneration, work pressure and rest period between classes for KG teachers.

Arrangements of class suspension under Human Swine Influenza

50. Mr CHEUNG Man-kwong enquired about the various arrangements of PEVS during class suspension under Human Swine Influenza. As it was expected that resumption of classes was very unlikely, he asked whether the Administration would continue to provide PEVS during class suspension, and whether the number of students for calculating the amount of subsidies under PEVS would be based on the student number as at June 2009. Mr CHEUNG was worried that when the upper level KG students finished KG education in July 2009, the student number of the month would be significantly lower than that of June 2009. He was concerned about the provision of assistance to KGs which would face financial hardship should parents refuse to pay tuition fees for the months of July and August 2009 when classes were suspended.

51. SED explained that EDB had announced on 11 June 2009 that classes of all KGs, kindergartens-cum-child care centres, primary schools and special schools would be suspended for 14 days from 12 to 25 June 2009 in view of the pandemic situation of Human Swine Influenza. EDB would decide on whether classes could be resumed or further suspended and make announcement before 23 June 2009. SED assured members that the Administration would continue to provide PEVS as well as fee remission under KCFRS during the period of class suspension, and the amount of voucher under PEVS would be on the basis of the student number as at 11 June 2009. EDB would immediately issue guidelines to KGs on special arrangements during class suspension following the announcement on 23 June 2009.

52. Mr CHEUNG Man-kwong requested EDB to liaise with KGs on the arrangements concerning meals and school buses before making any announcement on further class suspension.

53. The Chairman said that EDB should make reference to the arrangements

Action

adopted during the period of Severe Acute Respiratory Syndrome in 2003, and ensure that KGs would be well-equipped to address the various problems.

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54. In concluding the discussions, the Chairman urged SED to provide written information on questions and concerns raised by members.

II. School leaving arrangements for students studying in schools for children with intellectual disability

[LC Paper Nos. CB(2)1919/08-09(02) and CB(2)1946/08-09(01)-(08)]

55. The Chairman referred members to the submissions on the subject made by the various groups and individuals. She explained that owing to time constraint, the Panel had not scheduled to receive oral presentation from deputations at the meeting.

56. Mr Abraham SHEK expressed regret that SED had not attended the meeting to discuss the subject. He considered that the subject was very important as students with intellectual disability (ID students) who had reached the age of 18 might be forced to leave schools at the end of the current school year. He suggested that the Panel should hold a special meeting to receive views of deputations. The Chairman invited members' views on Mr SHEK's suggestion.

57. Ms Audrey EU was concerned that ID students whose applications for an extension of stay in the new school year were unsuccessful would have to leave the special schools for ID students (ID schools). In view of the urgency of the matter, she supported the suggestion of holding a special meeting to receive views of deputations as soon as practicable.

58. As members agreed to the holding of a special meeting, the Chairman invited members to indicate their availability to attend a special meeting to be held in the morning or afternoon of 27 June 2009 by a show of hands. The outcome was that more members would be available in the morning. Members agreed to hold the special meeting on Saturday, 27 June 2009, at 9:30 am to receive views of deputations. The Chairman advised members to provide the names of deputations to be invited to the meeting to the Secretariat by the following day.

Briefing by the Administration

59. Under Secretary for Education (US(Ed)) briefed members on the Administration's response to members' views raised at the meeting on 8 June 2009 as detailed in its paper. He highlighted that under the existing and the new academic structure, ID students enjoyed 12 years of education as other students in mainstream schools. ID students normally started Primary One (P1) at the age

Action

of six and completed six-year primary and four-year secondary education and two-year Extension of Year of Education (EYE) Programme at the age of 18. They would then be arranged post-school placement in the skills centres, sheltered workshops, day activity centres, health care service centres, etc, in the light of their needs and abilities.

Members' concerns

60. Mr CHEUNG Man-kwong said that the Administration had to amend the relevant provisions in the Code of Aid for Special Schools to allow ID students to remain in a primary and a secondary class of an ID school after reaching the age of 16 and 18 respectively. He pointed out that the Administration had acceded to the request of the Hong Kong Special Schools Council (HKSSC) to allow newly arrived children, non-Chinese-speaking children and students transferred to special schools from other schools who reached the age of 18 but had not received 12 years of education in the school system or taken the two-year EYE Programme, to extend their stay in the 2009-2010 school year. However, the Administration had not acceded to HKSSC's requests to extend ID student's stay in schools in the light of individual circumstances such as emotional and family problems that had impact on their learning outcomes; provide a quota for ID students to repeat a year of study at different levels; relax the criteria for approving extension of stay, and allow ID students to stay for one more year. Under the existing criteria, schools could let students extend their stay by making use of the vacancies in the approved classes without affecting the admission of school-age children.

61. Dr Priscilla LEUNG said that according to the information provided by the concern groups and ID schools, the number of applications for extension of stay in the 2009-2010 school year was about 200 more than the average number in the previous years. At an estimated average unit cost of \$300,000 per school place in ID schools, the total expenditure incurred for approving these 200 additional applications for an extension of stay in the new school year was about \$60 million. Should all the applications be approved, there were concerns about insurance coverage on transport service for ID students to attend schools as these students might not be accounted in the approved classes. She hoped that the Administration would approve all the applications for an extension of stay and help resolve the problem of insurance coverage to support ID students in learning.

62. In response, US(Ed) said that around 200 applications from ID students reaching the age of 18 for an extension of stay in ID schools in the 2009-2010 school year would likely be approved. The number covered those who were absent from school for half a school year or more due to health or other justifiable reasons, newly arrived children, non-Chinese-speaking children and students transferred to special schools from other schools who reached the age of 18 but had not received 12 years of education in the school system or taken the

Action

two-year EYE Programme. He undertook to follow up with the ID schools on insurance coverage on transport services for ID students to attend schools.

63. Ms Audrey EU said that in alignment with the arrangements in mainstream schools, the Administration should remove the age limits of 16 and 18 in the Code of Aid for Special Schools for ID students to remain in a primary and a secondary class respectively. With the implementation of the NSS academic structure in the 2009-2010 school year, the requirement for ID students to apply for an extension of stay in schools after reaching the age of 18 was apparently discriminatory against them as their counterparts in mainstream schools were not subject to such an age limit.

64. Referring to the Annex to the Administration's paper which was a submission from the Equal Opportunities Commission (EOC) dated 19 May 2005, Ms Audrey EU severely criticized the views stated therein. She agreed with EOC's view that the ultimate decision on whether a particular situation constituted disability discrimination or a breach of the Disability Discrimination Ordinance (DDO) rested with the courts. However, she was dissatisfied with the way EOC had avoided to give its views on whether the requirement for ID students to leave school at the age of 18 would constitute discrimination by setting out different interpretations. These interpretations included: ID students were offered with more choices than non-ID counterparts in mainstream schools as they could proceed along the usual exit pathways to the various post-school placement destinations or study at the appropriate level in mainstream schools if they could follow the mainstream curriculum. Ms EU pointed out that the ID students were not given any choice to continue learning in schools after reaching the age of 18. With the age limit of 18 for ID students to leave school, she considered it absurd for EOC to say that the requirement imposed by EDB on all students for further education was based on academic performance instead of age. She stressed that the Administration should review whether the requirement for application for an extension of stay in schools was consistent with the DDO immediately. Unless the situation was rectified, the Civic Party might consider seeking judicial review. The Chairman concurred with Ms EU, and said that the views of EOC in its submission were inconsistent with its role to enforce the provisions of the DDO and safeguard the interests of disabled persons.

65. US(Ed) explained that having consulted the special school sector including the HKSSC, the age limit to stay in special schools had been raised from 16 to 18 to facilitate the implementation of the EYE Programme in the 2002-2003 school year. Under the new senior secondary (NSS) academic structure, all students in mainstream and special schools enjoyed 12 years of education. There were separate mechanisms for handling exceptional cases in mainstream schools and special schools. While mainstream schools were provided with a quota of 3% to 5% places for repeaters at different levels, ID students could apply for an extension of stay in ID schools on justifiable grounds. He also pointed out that the mental age of ID students varied within a narrow

Action

range and ID schools had to tailor-make their curricula, support services and learning progression to suit individual students' learning needs and abilities. As the learning of individual ID students needed to be revised in the light of their progress, it would be difficult to determine the need for ID students to repeat a year of study solely on the basis of their learning outcomes.

66. US(Ed) further said that all ID students would be provided with 12 years of education, comprising six-year primary, three-year junior secondary and three-year senior secondary education under the NSS academic structure. ID schools would start to operate Senior Secondary One (SS1) classes in the 2009-2010 school year and progress up to SS3 year by year. Students in S3 lower classes in the current school year would progress to SS1 in the 2009-2010 school year. As agreed with HKSSC, the Administration would review the school leaving arrangements for ID students in the new school year, with a view to establishing a mechanism for the smooth processing of applications for an extension of stay under the NSS academic structure.

67. Miss Tanya CHAN asked whether the Administration had sought legal advice on the legality of imposing an age-based limit on the duration of studies for students with special educational needs (SEN), with a view to resolving the dispute over its consistency with the DDO.

68. US(Ed) responded that the Administration would continue to consider applications from ID students for an extension of stay in ID schools after reaching the age of 18, and roughly some 250 such applications could be accommodated this year. Legal advice obtained recently by EDB showed that the school leaving arrangements for students of ID schools under the existing or the NSS academic structure did not appear to have contravened the provisions of the DDO. He added that in response to EOC's recent enquiries on the matter, the Administration would provide a written response to EOC by the end of June 2009.

69. Miss Tanya CHAN remarked that there was also legal opinion that the existing practice of imposing an age-based limit for students with SEN to leave special schools was in breach of the provisions of the DDO. The Civic Party was seeking legal advice in this regard, and hoped that any inconsistency with the DDO could be rectified as soon as practicable. She stressed that students with SEN had the right to education and should be given a choice to continue learning in special schools after reaching the age of 18.

70. Miss Tanya CHAN further pointed out that currently, ID students were provided with six-year primary education, four-year junior secondary education, and two-year EYE Programme. This together made up a total of 12 years of education. However, with the introduction of the NSS academic structure, the total years of primary and secondary education for ID students remained at 12. She questioned in what aspects improvements had been made and whether the

Action

NSS curriculum was simply a replacement of the existing EYE Programme.

71. US(Ed) explained that ID students were generally admitted to schools at the age of six. After completion of six-year primary and four-year junior secondary education, and the two-year EYE Programme, they would normally leave school at the age of 18. ID student would then be arranged post-school placement in vocational training or rehabilitation service centres, including skills centres, sheltered workshops, day activity centres, healthcare service centres, etc, operated by the Vocational Training Council, the Social Welfare Department and other organizations. Under the NSS curriculum, students in S3 lower classes in special schools and students in S3 of mainstream schools would progress to SS1 in the new school year.

72. DS(Ed)4 explained that the EYE Programme was introduced in the 2002-2003 school year after consultation with the special education sector. It focused on the provision of practical skills training to enhance the abilities of students with SEN to lead an independent life after leaving schools at the age of 18. Under the new academic structure, the NSS curriculum for ID students were designed in collaboration with the special school sector to help ID students develop their potential and abilities that would enable them to transit smoothly from school to adult life.

73. Mr Abraham SHEK considered it unreasonable to set an age limit of 18 for ID students to leave schools. He pointed out the difficulties and sacrifices of parents in bringing up their ID children. He considered it necessary for the Administration to review its policies on the provision of education for students with SEN, in particular the policy on age limit for ID students to leave school. In his view, as a well-developed society, Hong Kong should adopt a compassionate approach to the provision of education and support services for children with SEN. The choice should rest with the parents/ID students and not the Administration on whether ID students should complete education at the age of 18 and proceed to another phase of life to receive vocational training. He highlighted that the concept on the provision of life-long learning opportunities should apply to ID students alike.

74. US(Ed) responded that the Administration had worked in partnership with the special school sector in the development of the NSS curriculum for ID schools. In the Administration's view, after completion of 12-year education in schools, ID students would be able to transit smoothly to receive post-school training and rehabilitation services that would help them to lead an independent life. Placement in the skills centres, sheltered workshops, day activity centres, healthcare service centres, etc was another form of life-long learning.

75. Ms Starry LEE expressed sympathy for parents who had to devote substantial time and efforts in looking after their children with SEN and supporting them in learning. She shared the view that like other children,

Action

children with SEN beyond the age of 18 should be provided with education opportunities as well as vocational training and rehabilitation services to enable them to lead an independent life as far as possible. She requested the Administration to provide detailed information on post-school placements and services for students with SEN, in particular the contents of skills and vocational training available to them. She stressed the importance of no children with SEN being left at home after reaching the age of 18 without receiving education or vocational training. The Chairman pointed out that the waiting time for admission to day activity centres could be as long as 27 months.

Admin

76. In response, US(Ed) undertook to provide detailed information on post-school training and rehabilitation services for children with SEN for discussion at the meeting on 27 June 2009. He added that EDB had been working closely with relevant departments to reduce the average waiting time for placement in various vocational and rehabilitation service centres.

Motion

77. Members noted the letter dated 18 June 2009 from Mr Tommy CHEUNG proposing the moving of a motion at the meeting. As Mr CHEUNG was unable to attend the meeting due to other engagement, Mr Abraham SHEK moved the following motion on his behalf, which was seconded by Professor Patrick LAU -

(Translation)

"That this Panel requests the Government to suspend the requirement under which the provision of aided schooling for students with intellectual disability aged 18 or above is subject to vetting and approval, and to make a decision after a year of adequate consultation and discussion."

78. The Chairman put the motion to a vote. Eleven members voted for the motion. The Chairman declared that the motion was passed unanimously.

79. Miss Tanya CHAN moved and Ms Audrey EU seconded the following motion –

(Translation)

"That, as students with intellectual disability may need a laxer timeframe for learning, and further learning opportunities should be provided for them under the new senior secondary education reform, this Panel requests the Government to:

(a) abolish immediately the requirement under which the provision of

Action

aided school places for students aged 18 or above is subject to vetting and approval, so that disabled students with learning needs may continue with their studies;

- (b) allow one year for adequate consultation with various stakeholders, including parents, students, schools, the Hong Kong Special Schools Council and the Special Education Society of Hong Kong etc., on the mechanism and conditions for repeating classes and leaving schools, with a view to catering for the best interests of students;
- (c) review whether imposing an age-based limit on the duration of studies for students with special educational needs is in breach of the law."

80. The Chairman put the motion to a vote. Twelve members voted for the motion. The Chairman declared that the motion was passed unanimously.

Admin

81. The Chairman requested the Administration to provide a written response to the two motions.

82. The meeting ended at 1:00 pm.

Council Business Division 2
Legislative Council Secretariat
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