

**立法會**  
*Legislative Council*

LC Paper No. CB(2)2451/08-09  
(The minutes have been seen by  
the Administration)

Ref : CB2/PL/ED

**Panel on Education**

**Minutes of special meeting  
held on Saturday, 27 June 2009, at 9:30 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 Abraham SHEK Lai-him, SBS, JP  
Hon Tommy CHEUNG Yu-yan, SBS, JP  
Hon Audrey EU Yuet-mee, SC, JP  
Hon Andrew LEUNG Kwan-yuen, SBS, JP  
Prof Hon Patrick LAU Sau-shing, SBS, JP  
Hon Starry LEE Wai-king  
Hon WONG Sing-chi  
Hon Mrs Regina IP LAU Suk-yee, GBS, JP
- Member attending** : Dr Hon Margaret NG
- Members absent** : Hon TAM Yiu-chung, GBS, JP  
Hon Tanya CHAN  
Hon WONG Yuk-man  
Dr Hon Samson TAM Wai-ho, JP
- Public Officers attending** : Mr Kenneth CHEN, JP  
Under Secretary for Education

Mrs Michelle WONG  
Deputy Secretary for Education (4)

Mr Godwin LAI Kam-tong  
Principal Inspector (SES2), Special Education Support 2  
Section, School Administration and Support Branch

Vocational Training Council

Mr KWOK Yi-lai  
Acting Head, Vocation Training for People with  
Disabilities Section

**Attendance by invitation** : The Parents' Association of Pre-School Handicapped Children

Ms LAU Chu-lai  
Vice Chairperson

The Hong Kong Down Syndrome of Association  
Parents' Committee

Ms CHAN Fung-yee  
Chairperson of Parent's Committee

Ms CHEUNG Lai-man  
Vice Chairperson of Parents' Committee

The Association of Parents of the Severely Mentally  
Handicapped

Ms CHENG Yee-man  
Chairman

The Special Education Society of Hong Kong

Mr Andrew TSE  
Former Chariman

Mr YUNG Ka-kui  
Executive Committee

Hong Kong Association for Parents of Persons with  
Physical Disabilities

Ms HO Bo-ching  
Vice-Chairman

Ms TAM Wan-ching  
Secretary

關注特殊教育權益家長大聯盟

Mr Richard LEE Pak-ying  
Parent

Ms Esther LEUNG WONG Kee-loon  
Parent

關注學生留校權校長小組

Ms Ada HO How-sim  
Principal

Miss CHAN Chau-ha  
Student

Hong Kong Special Schools Council

Ms Rita MANSUKHANI AU Hay-lun  
Chairperson

Ms SHUM Siu-fong  
Secretary

Civic Party

Mr Bill LAY  
Exco Member

Hong Chi Association

Mr WONG Siu-kee  
General Manager

Forthright Caucus

Mr Fernando CHEUNG  
Chair

SAME Society

Mr LEE Cheuk-hong  
Principal

Equal Opportunities Commission

Dr Ferrick CHU Chung-man  
Head, Policy & Research

**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

- 
- I. School leaving arrangements for students studying in schools for children with intellectual disability**  
[LC Paper Nos. CB(2)2029/08-09(01), (02) and CB(2)1946/08-09(01)]

The Chairman welcomed representatives of the 14 deputations and one individual to the meeting.

Oral presentation by deputations

*The Parents' Association of Pre-School Handicapped Children*  
[LC Paper No. CB(2)1946/08-09(03)]

2. Ms LAU Chu-lai referred members to the submission of the Parents' Association of Pre-School Handicapped Children. She added that the Education Bureau (EDB) should allow students with special educational needs (SEN) to complete the seed programmes even though they had reached the age of 18;

Action

inform parents of the details of the school leaving arrangements for students with intellectual disability (ID students) under the new senior secondary (NSS) academic structure in its review; allow ID students to extend their stay regardless of the vacant places in the approved classes; provide schools with the necessary resources to support these students; and ensure fair and equitable treatment for students to study in mainstream and special schools.

*The Hong Kong Down Syndrome of Association Parents' Committee*  
[LC Paper No. CB(2)1946/08-09(07)]

3. Ms CHEUNG Lai-man referred members to the views of the Hong Kong Syndrome of Association Parents' Committee as detailed in its submission. She added that the choice should rest with the parents/SEN students to decide whether SEN students should continue to receive school education after reaching the age of 18. Under the new academic structure, students with SEN should be provided with opportunities to pursue four-year university education.

*The Association of Parents of the Severely Mentally Handicapped*  
[LC Paper Nos. CB(2)1977/08-09 (05) and CB(2)2046/08-09(03)]

4. Ms CHENG Yee-man presented the views of the Association of Parents of the Severely Mentally Handicapped as detailed in their submissions.

*The Special Education Society of Hong Kong*  
[LC Paper No. CB(2)1977/08-09(03)]

5. Mr Andrew TSE presented the views of the Special Education Society of Hong Kong as detailed in its submission.

*Hong Kong Association for Parents of Persons with Physical Disabilities*  
[LC Paper No. CB(2)1977/08-09(04)]

6. Ms HO Bo-ching presented the view of the Hong Kong Association for Parents of Persons with Physical Disabilities as detailed in its submission.

*關注特殊教育權益家長大聯盟*  
[LC Paper Nos. CB(2)1977/08-09(01)-(02) and CB(2)2030/08-09(01)]

7. Mr Richard LEE Pak-ying presented the views of 關注特殊教育權益家長大聯盟 as detailed in its submissions. He highlighted that the Administration should remove the imposition of an age limit for students with SEN to leave special schools, and enable them to continue learning in schools after reaching the age of 18.

Action

*關注學生留校權校長小組*

*[LC Paper No. CB(2)1977/08-09(08)]*

8. Ms Ada HO How-sim presented the views of the 關注學生留校權校長小組 as detailed in its submission.

*Miss CHAN Chau-ha*

9. Miss CHAN Chau-ha said that she was an ID student and had reached the age of 18. She highlighted that as an ID student, she would very much like to continue her school education in the new school year and learn diligently in order to lead an independent life in future. She appealed to members and the Administration to help her on the matter. With the aid of a video broadcast, she showed members the same appeal from her four classmates who were eager to continue their studies in school after reaching the age of 18.

*Hong Kong Special Schools Council*

*[LC Paper No. CB(2)2046/08-09(01)]*

10. Ms Rita MANSUKHANI AU Hay-lun presented the views of the Hong Kong Special Schools Council as detailed in its submission.

*Civic Party*

11. Mr Bill LAY said that all children including children with SEN should enjoy equal rights and opportunities in education under the NSS academic structure. He queried whether the Administration had fulfilled its obligations in this regard as shown by the views expressed by the deputations. He stressed that the requirement for ID students after reaching the age of 18 to leave schools in the new school year would apparently deprive them of their right to education under the NSS academic structure. He pointed out that on 30 March 2007, the People's Republic of China had become a member state of the United Nations Convention on Rights of Persons with Disabilities (the UN Convention) which had become applicable to the Hong Kong Special Administrative Region on 3 May 2008. In compliance with Article 24 of the UN Convention, member states should ensure the provision of an inclusive education system for students with SEN at all levels and life-long learning directed to develop the full potentials of persons with disabilities on an equal basis with others in the community.

*Hong Chi Association*

*[LC Paper No. CB(2)2123/08-09(01)]*

12. Mr WONG Siu-kee presented the views of the Hong Chi Association as detailed in its submission.

Action

*Forthright Caucus*

[LC Paper No. CB(2)2046/08-09(04)]

13. Dr Fernando CHEUNG referred members to the views of the Forthright Caucus as detailed in its submission. He highlighted the personal experience of his daughter to illustrate the right and the need of SEN children to receive education and indeed, longer years of school education. He stressed that ID students should be given the choice to stay in school after reaching the age of 18, and the decision as to whether they should leave school to receive vocational training should rest with SEN students and their parents, and not the Administration.

*SAME Society*

[LC Paper No. CB(2)2030/08-09(02)]

14. Mr LEE Cheuk-hong presented the views of the SAME Society as detailed in its submission.

*Equal Opportunities Commission (EOC)*

[LC Paper No. CB(2)2030/08-09(03)]

15. Dr Ferrick CHU Chung-man presented the views of the EOC as detailed in its submission. He added that EOC had just received information relating to judicial review on school leaving arrangements for ID students who had reached the age of 18, and EOC would participate in the judicial review.

Judicial review

16. At the invitation of the Chairman to respond to the views of the deputations, Under Secretary for Education (US(Ed)) said that as legal proceedings for judicial review on the existing school leaving arrangements for ID students had commenced, the Administration would only respond to questions on the existing policies and practices and would not give comments on views and suggestions on the matter including individual applications for an extension of stay in schools. He added that the existing school leaving arrangements and the post-school placement services for ID students and the Administration's response to the motions passed by the Panel at the last meeting were detailed in the Administration's papers.

17. Mr Abraham SHEK considered it necessary for the Administration to respond to the requests of the parents and the five ID students for staying in schools after reaching the age of 18. In his view, the judicial review on school leaving arrangements for ID students was a separate issue that should not affect the discussion on the matter.

Action

18. Dr Margaret NG said that she was shocked by the Administration' saying that it could not respond to views and suggestions on the matter because of the pending judicial review. She asked whether EDB had consulted the Department of Justice (D of J) in this regard.

19. US(Ed) replied that EDB had consulted D of J and was advised that in view of the pending legal proceedings, the Administration should only respond to issues about the policies and practices on school leaving arrangements for ID students aged 18 or above.

20. Dr Margaret NG considered US(Ed)'s response unacceptable. She said that being public officials representing the Administration to attend the meeting, US(Ed) and his colleagues were accountable to respond to members' enquiries on the subject matter under discussion. In her view, the requirement for ID students to apply for an extension of stay in order to continue learning in schools after reaching the age of 18 was a policy issue and not a legal issue.

21. The Chairman said that members were unaware of the scope and details of the judicial review. The deputations had raised and members would raise issues concerning policy matters which did not relate to the judicial review. She considered that the Administration should respond to such questions.

22. Mr Tommy CHEUNG considered it absurd to say that the Administration would not respond to views and suggestions on the ground of the pending judicial review, while members did not know the details of the judicial review. He pointed out the precedents where LegCo committees discussed policy issues with which there were pending legal proceedings. He considered that EDB should have invited representatives of D of J to attend the meeting so that it could seek their advice in the course of discussion. He stressed that it would be meaningless to continue discussion on the matter without responses from the Administration.

23. Mr LEE Cheuk-yan shared the view of Mr Tommy CHEUNG that the Administration should inform members of the scope of the judicial review and respond to members' views and suggestions. He considered that the Administration was resorting to the pretext of judicial review to avoid discussion on the matter. Such an approach showed the retaliatory attitude adopted by the Administration in response to the request of parents for removal of the age limit for their ID children to leave schools. In his view, the Administration should adopt a positive approach to resolve the problem and revise the policy so that the judicial review would be overtaken by events.

24. Mrs Regina IP said that she joined the civil service in 1975 and public officers were then advised to observe the sub judice rule by refraining from making comments on any case pending in a court of law. In her view, such an approach was not workable and acceptable here and now.



Action

25. Professor Patrick LAU considered it unreasonable to set an age limit of 18 for ID students to leave school when there was no similar age limit for students in mainstream schools. In his view, the issue at stake was for the Administration to respond positively to the motions passed by the Panel at its meeting on 22 June 2009. Legal proceedings on the matter could be dealt with at a later stage.

26. Dr Margaret NG considered it morally despicable and legally ignorant on the part of the Administration to use the sub judice rule as an excuse to refrain from responding to questions on a subject matter with pending legal proceedings. She pointed out that the completion of a court case might take a few years; and the principle of the sub judice rule should apply only when public discussion and comments on the matter might prejudice the case. She considered it meaningless to continue the discussion should the Administration insist on adopting such an approach; and suggested that members and the deputations should withdraw from the meeting to protest against the Administration's stance.

27. In response to Mr CHEUNG Man-kwong's enquiry, Dr Margaret NG said that the onus should rest with the Administration to inform members of the content of the judicial review and the reasons for not responding to certain questions.

28. The Chairman said that the principle of the sub judice rule was that pending legal proceedings would not be prejudiced. As the Panel had passed the motions on 22 June 2009, certainly the Administration should respond to the motions from the policy and resource perspective. She added that being an official appointed under the Political Appointment System, US(Ed) should respond to members' questions and deputations' views as far as practicable.

29. Mr Abraham SHEK considered it perfectly in order for the Administration to explain the rationale for formulating a policy on an age-based limit for ID students to leave schools from the perspective of equal opportunities and humanity, and how the policy had benefited the ID students and the community as a whole.

30. Mr LEE Cheuk-yan suggested that the Panel should adjourn the meeting for 10 minutes to enable the Administration and members to discuss among themselves the way to proceed with the discussion at the meeting. Members agreed.

31. The Chairman adjourned the meeting at 10:37 am, and the meeting was resumed at 10:49 am.

32. At the invitation of the Chairman, US(Ed) said that the Administration would respond to members' enquiries and deputations' views as far as practicable,

Action

including the policy-related issues and the arrangements for ID students to extend their stay in schools in the new school year. However, in view of the pending legal proceedings, the Administration would not comment on the individual cases involved.

The Administration's response to depositions' views

33. In response to the views of the depositions, US(Ed) said that the existing school leaving arrangements for ID students had been implemented for years and would remain unchanged under the NSS academic structure which would be introduced in all schools on a one-grade-per-year basis starting from the 2009-2010 school year. At present, ID students were normally admitted to school at the age of six and would complete 12 years of education at the age of 18. Since ID students were pursuing an adapted curriculum, ID schools had to set learning objectives and draw up an individualized education programme (IEP) for each ID student based on individual development and ability, and review and revise the IEPs regularly to reflect their actual learning progress and academic achievements by the time they left school. As ID students approached the school leaving age, ID schools would arrange post-school placement for them for vocational training or rehabilitation services.

34. US(Ed) further said that ID students aged 18 or above who were absent from school for half a school year or more within one school year due to health or other justifiable reasons would be allowed to stay on in the next school year. Students, including newly arrived children, NCS children and students transferred to special schools from other schools who had yet to receive 12 years of education, would be allowed to extend their stay for one year in the new school year as long as there were vacancies in the approved classes. Under the NSS academic structure, the established school leaving arrangements, including the flexible mechanism for handling applications for extension of stay, would continue to apply.

Members' concerns and suggestions

35. Mrs Regina IP sought clarification on whether the provision of education for ID students in special schools was subject to an age limit or 12-year of study. She pointed out that according to parent associations, ID students were required to leave schools at the end of the school year in which they had reached the age of 18.

36. US(Ed) explained that students in special schools or mainstream schools under the existing or the NSS academic structure were entitled to 12 years of education. There were separate mechanisms for handling exceptional cases for repeating class in mainstream schools and special schools. He pointed out that mainstream primary and secondary schools were given a quota of 3% and 5% places respectively for repeaters at different levels, and special schools could, on

Action

behalf of their ID students, apply for an extension of stay on justifiable grounds. Based on these criteria, EDB would consider the applications for extension of stay in the light of the available places in special schools each year. Having considered the latest supply and demand situation, EDB was prepared to approve the applications from newly arrived children, NCS 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 had not completed the two-year EYE Programme.

37. Mrs Regina IP remarked that although the Administration claimed that students in special schools or mainstream schools under the existing or the NSS academic structure were entitled to 12 years of education, in practice, ID students who had reached the age of 18, except those who met the prescribed criteria for extension of stay, had to leave school. She asked about the additional costs incurred for allowing all ID students to stay in schools to complete 12-year education regardless of their age.

38. US(Ed) explained that the existing policies on school leaving arrangements for ID students were in practice for years and accepted by the special school sector including HKSSC. He highlighted that in formulating the different mechanisms for handling exceptional cases in ID schools and mainstream schools, the Administration had considered the difference in academic ability between the ID students and other students in mainstream schools. Under the NSS academic structure, the Administration would review the school leaving arrangements for ID students with a view to enhancing the mechanism for the smooth processing of applications for extension of stay.

39. Deputy Secretary for Education (4) (DS(Ed)4) supplemented that the average annual unit costs per school place in schools for children with mild, moderate and severe ID were \$100,000, \$167,500 and \$235,000 respectively. She added that apart from the average unit costs, the Administration had considered a basket of factors in formulating policy on school leaving arrangements for ID students, including the provision of boarding places and specialist staff such as speech therapists in special schools, the different assessment mechanism and post-school placements for ID students, etc.

40. Mr LEUNG Yiu-chung considered it conceptually unsound to provide the same duration of 12-year education for ID students in special schools and other students in mainstream schools to complete secondary education. In his view, special education by definition should incorporate specific provisions and features such as longer years of studies to support students with SEN who learnt at a slower pace than students in mainstream schools. He questioned how the Administration would consider it fair and equitable to provide 12-year education for all children regardless of their difference in learning ability. He also considered that the need for ID students reaching the age of 18 to apply for extension of stay was in itself an unfair arrangement. Whether they could stay

Action

would be subject to a vetting process and the availability of places in the approved classes.

41. US(Ed) responded that under the NSS academic structure, all students would be provided with 12-year education. However, the education for students in ID schools was different from that for students in mainstream schools. EDB had all along adopted a flexible approach in considering applications for extension of stay in ID schools and approved a large number of such applications every year in the past. Having considered the views and suggestions of HKSSC and members, EDB would approve more than 200 applications for extension of stay in the 2009-2010 school year. In addition, EDB would also review the school leaving arrangements under the NSS academic structure as agreed with HKSSC.

42. Mr LEE Cheuk-yan considered that the current school leaving arrangements for ID students were in breach of the provisions of the Disability Discrimination Ordinance (DDO) and the Race Discrimination Ordinance. First, a quota was provided for students at different levels to repeat a year of study in mainstream schools without an age limit but students in ID schools had to apply for an extension of stay after reaching the age of 18. This was a discrimination against disability. Second, approving applications for an extension of stay from NCS students but not other students in ID schools in the new school year was a discrimination against race. He agreed with the view that ID students should learn and be assessed through IEPs and teachers should review and revise the IEPs in the light of the abilities and needs of individual ID students on a continuous basis. He suggested that when ID students had completed 12 years of education or reached the age of 18, the schools and teachers concerned should evaluate the learning outcomes of individual ID students and determine whether the ID students should be allowed to repeat a year of study to achieve the desired learning objectives as set out in their IEPs. He considered such arrangements in line with the existing policy, and sought EDB's view on his suggestion. In his view, as long as the ID students had to apply for an extension of stay in schools, this would constitute discrimination.

43. DS(Ed)4 explained that the mental age of ID students varied within a narrow range. It was difficult to apply the generally agreed learning objectives and standards to assess their academic performance for the purpose of repeating a year of study. To facilitate teaching and learning, ID schools had to tailor their curricula, support services and learning progression to suit individual students' learning needs and characteristics. Specifically, these schools would set learning targets for each student based on his abilities and draw up for him an IEP which would be subject to regular review and refinement in the light of the student's progress. Like many overseas jurisdictions, the Administration delineated the age of 18 for ID students to transit to vocational training or rehabilitation services, and had provided the flexibility for them to extend their stay in schools. Based on these premises, EDB had implemented the existing school leaving

Action

arrangements for ID students.

44. Mr CHEUNG Man-kwong considered that the Administration should respond to the three suggestions in HKSSC's submission. He highlighted that according to HKSSC, the policies and procedures for ID students to repeat a year of study and leave school should be consistent with those applicable to students in mainstream schools. Whether the ID students had completed the academic structure and the school curriculum and not their age should be the determining factor. In this connection, the Administration should amend the relevant provisions in the Code of Aid for Special Schools to ensure consistency with those in the Code of Aid for Aided Schools so that ID students could remain in a primary and a secondary class of an ID school after reaching the age of 16 and 18 respectively.

45. Mr CHEUNG Man-kwong further said that the Administration had acceded to the request of HKSSC to allow newly arrived children, NCS 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 request to allow ID students to repeat a year of study to achieve the learning outcomes as specified in IEPs, having regard to individual circumstances including emotional and family problems that had impacted their learning outcomes. Like the provision of a quota for repeaters in mainstream schools, the Administration should discuss with HKSSC in respect of providing a similar quota for repeaters in ID schools at different levels, and the decision should rest with the ID schools. For the 2009-2010 school year, EDB should relax the criteria for approving extension of stay in view of the implementation of the NSS academic structure, in response to the motions passed by the Panel on 22 June 2009.

46. US(Ed) responded that having considered the latest supply and demand of school places, EDB was prepared to allow ID students aged 18 or above who were newly arrived, NCS or transferred to special schools from other schools 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. In addition, EDB would set up a task group in the coming months to discuss with HKSSC, among others, the suggestion to allow ID students to stay in schools having regard to individual circumstances including their learning outcomes with reference to their IEPs. In the 2009-2010 school year, EDB would approve over 200 applications for extension of stay in schools.

47. Mr CHEUNG Man-kwong remarked that as less than 100 applications for extension of stay had yet to be approved, EDB should expedite the discussion with HKSSC on school leaving arrangements, with a view to resolving all the applications for extension of stay in the 2009-2010 school year. US(Ed) agreed to follow up the matter immediately.

Action

48. Mr WONG Sing-chi welcomed the agreement of EDB to immediately review the school leaving arrangements for ID students. Referring to EOC's submission, he considered that given the provision of three-year senior secondary education on top of the existing 12-year education for students with SEN, the age limit for them to leave special schools should at least be increased to 21. He requested EDB to respond to the views of EOC in its latest submission which had taken into account key changes and developments since the discussion on the NSS academic structure in late 2004.

49. US(Ed) replied that EDB had provided a written response to EOC's enquiries about the school leaving arrangements for ID students on 26 June 2009. He considered it more appropriate for the Administration to exchange views with EOC on the matter before commenting on EOC's submission.

50. Responding to Mr WONG Sing-chi, Dr Ferrick CHU Chung-man said that EOC had received a complaint on school leaving arrangements for ID students and therefore sought EDB's response on the matter. He pointed out that in 2005, the EDB's position was to offer students of mainstream schools or special schools following mainstream curriculum with three-year junior secondary education plus three-year senior secondary education, whereas ID students following a non-mainstream curriculum would be provided with six-year secondary education which meant that the proposed NSS education did not apply to them. However, as the discussion progressed and after having listened to views expressed by all relevant stakeholders concerned, EDB had finally agreed to provide six-year primary, three-year junior secondary and three-year senior secondary education to ID students under the NSS academic structure. This was one of the key changes that EOC had to take into account.

51. Mr WONG Sing-chi considered it a regression that EDB had given special consideration to students with SEN in the provision of four-year junior secondary education and the two-year EYE Programme under the existing academic structure but did not provide for additional years of study to support students with SEN under the NSS academic structure. He considered such arrangements contrary to the intention of the NSS academic structure to enhance the quality of education for all students.

52. Mr Tommy CHEUNG said that in line with the mainstream system, the Administration should establish a mechanism for handling students with SEN to repeat their studies at different levels in the light of their learning progress and individual circumstances. As the existing system provided SEN students with 10-year basic education and two-year EYE Programme, it was reasonable to provide them with at least three more years to complete the NSS curriculum and extend the school leaving age to 21. He thanked Mr Abraham SHEK for moving the motion on his behalf at the meeting on 22 June 2009 urging EDB to suspend the requirement for ID students to apply for extension of stay in school after

Action

reaching the age of 18 or above and make a decision on the way forward after extensive consultation with the key stakeholders. As the costs incurred for approving the remaining 50 to 80 ID students to stay in school in the 2009-2010 school year was small in terms of the total education budget, he suggested that EDB should act in line with the motion and work out a system for ID students to repeat studies from compassionate perspective.

53. In response, US(Ed) explained that as stated in the consultation documents entitled "The New Academic Structure for Senior Secondary Education and Higher Education - Action Plan for Investing in the Future of Hong Kong" and "Action for the Future - Career-oriented Studies and the New Senior Secondary Academic Structure for Special Schools" published in May 2005 and August 2006 respectively, the Administration had extensively consulted the key stakeholders in the development of the NSS academic structure and curriculum for special education. The transformation of the existing "6+4+2" to the "6+3+3" academic structure for ID students under the concept of "one curriculum for all" was well accepted by the special school sector. In response to the views of members and HKSSC, EDB had implemented the criteria with more flexibility for approving the applications of ID students to extend their stay in school in the coming school year, and would immediately review the handling of applications for extension of stay in the light of individual circumstances.

54. Mr Abraham SHEK expressed appreciation of US(Ed)'s positive responses to members' views. He asked whether EDB would ensure that all ID students age 18 or above who wished to continue their schooling would be allowed to stay in school in the 2009-2010 school year.

55. US(Ed) replied that there were also students in mainstream schools who wished to pursue studies but could not do so. He stressed the need to have mechanisms for dealing with applications for repeating class in mainstream and special schools.

56. While expressing understanding of the Administration's need to retain the power to control, Mr Abraham SHEK considered that the exercise of such power must not jeopardize the rights and dignity of ID students in pursuit of education. He urged the Administration to act in line with Mr Tommy CHEUNG's motion to resolve the current problem at once. The Administration should then review its provision of special education from both educational and philosophical perspectives. Mr SHEK stressed that special education was not second-class education, and the learning objectives of ID students should not be measured in terms of their education attainments, as in the case of mainstream school students. The Administration should ensure that students with SEN were not discriminated in receiving education.

57. US(Ed) replied that EDB had consulted and worked closely with the key

Action

stakeholders in the design of the NSS curriculum for special schools in the light of the needs of students with SEN including ID students.

58. Mr Abraham SHEK said that according to some deputations, the Administration had not consulted the special schools on the school leaving arrangements for ID students.

59. DS(Ed)4 explained that as the number of applications for extension of stay in the new school year had increased, EDB had consulted and agreed with HKSSC to implement the criteria with more flexibility for approving the applications and would set up a task group to review the school leaving arrangements for ID students under the NSS academic structure. EDB had all along communicated with HKSSC and was happy to discuss with individual schools concerned on the school leaving arrangements for their students. Mr Abraham SHEK requested the Administration to provide a paper concerning its communication with the special school sector.

60. Ms Audrey EU expressed regret for EDB's response to the two motions passed by the Panel. According to EDB, students of ordinary and ID schools had different learning abilities and these schools differed significantly from each other in their curriculum, class structure, resources and other administrative arrangements. It was inappropriate to make a direct comparison between the school leaving arrangements of these two types of schools, and it was more appropriate to handle with flexibility applications for extension of stay in ID schools. She stressed that the rights of ID students to education was enshrined in the UN Convention and flexibility could not replace their rights. With the implementation of the NSS academic structure, ID students should at least be allowed to stay in schools until the age of 19 in the 2009-2010 school year.

61. US(Ed) replied that as discussed and agreed in 2006, all students would enjoy three-year junior secondary and three-year senior secondary education. In other words, ID students in S3 lower classes in the current school year would progress to SS1 in the 2009-2010 school year. He stressed that the Administration complied with the UN Convention in respect of the rights of ID students to education.

62. Ms Audrey EU sought information from EOC on when it would respond to her letter concerning the matter and how it would do its part in implementing the UN Convention with regard to the protection of the rights of SEN students upon the implementation of the NSS academic structure in the 2009-2010 school year.

63. Dr Ferrick CHU Chung-man replied that EOC had received a complaint case and would participate in the judicial review on the existing school leaving arrangements for students studying in ID schools. EOC would formulate its views and stance in the course of its investigation into the complaint case and



Action

involvement in the judicial review. Responding to the Chairman, he added that EOC would aim to resolve the complaint case and support any improvement on the existing school leaving arrangements for ID students in ID schools. EOC had pointed out in its submission that if ID students were to be provided with NSS education on par with the three-year NSS education for non-ID students, it should be logical to conclude that they should be provided with another three (or six) years on top of the existing six years spent in junior secondary education. With the setting of an exit age limit, EDB had to explain whether ID students were really treated in the same way as their non-ID counterparts with the provision of three additional years of senior secondary education and the disparity in treatment.

64. Dr Priscilla LEUNG said that the Administration should review its policy on school leaving arrangements for ID students, and not just relax the criteria for approving the applications for extension of stay in the new school year. She considered that the wish of ID students to stay in schools should be respected. She asked about the progress on the provision of insurance coverage and transport service for ID students who could extend their stay in schools.

65. US(Ed) replied that EDB would provide the necessary resources to support the ID students who had been approved to extend their stay in ID schools. The Administration would follow up with ID schools on insurance coverage and transport service for ID students.

Follow-up

66. Mr CHEUNG Man-kwong said that as HKSSC was familiar with the existing school leaving arrangements for ID students, EDB should collaborate with it to resolve the current problem by considering the applications for extension of stay in the light of the learning progress of ID students with respect to their IEPs.

67. Mr LEE Cheuk-yan expressed disappointment that so far, EDB had not agreed to approve all the applications of ID students aged 18 or above for extension of stay in the 2009-2010 school year. He hoped that EDB could resolve the matter with HKSSC before the Chief Executive's Question and Answer Session scheduled for 7 July 2009.

68. Mr Abraham SHEK said that the policies on special education should be legally sound and reasonable. He requested the Administration to provide a paper on its policies and philosophy in the provision of special education for follow-up in the new LegCo session.

69. Mr Tommy CHEUNG said that to relieve parents' anxieties, the Administration should allow all ID students who wished to stay in school to continue their learning in the new school year. In addition, the Administration

Action

should explain the policy change from the provision of six-year secondary education to three-year junior secondary and three-year senior secondary education for ID students as pointed out by EOC.

70. In view of members' concerns, the Chairman suggested that the Panel should follow up the matter at the special meeting scheduled for 9 July 2009. Members raised no objection.

71. The meeting ended at 12:03 pm.

Council Business Division 2  
Legislative Council Secretariat  
10 September 2009