

LEGISLATIVE COUNCIL BRIEF

EDUCATION ORDINANCE (Cap. 279)

EDUCATION ORDINANCE (AMENDMENT OF SCHEDULE 3)

NOTICE 2009

INTRODUCTION

The Secretary for Education (SED) will amend Schedule 3 to the Education Ordinance (Cap. 279) (the Ordinance) by the Education Ordinance (Amendment of Schedule 3) Notice 2009 (Notice) to be published in the Gazette. This brief explains the Notice at **Annex A**.

JUSTIFICATION

2. The Ordinance requires all aided schools to set up an Incorporated Management Committee (IMC) to enhance transparency and accountability of school management. Direct Subsidy Scheme (DSS) schools and a list of specified schools in Schedule 3 to the Ordinance can however decide whether to apply to the Permanent Secretary for Education for establishing an IMC under the Ordinance.

3. Section 40AC of the Ordinance sets out the requirements which a school has to meet before being specified in Schedule 3, and provides that SED may by notice published in the Gazette amend Schedule 3. In essence, these schools are non-DSS, non-aided primary or secondary schools in

receipt of government subsidies such as the Capital Grant and Per Caput Grant. Copies of section 40AC of the Ordinance and Schedule 3 are at **Annex B**.

4. Owing to cessation of operation of two schools and addition of a new eligible school, SED needs to amend Schedule 3 to bring it up-to-date.

THE NOTICE

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

- (a) deleting Hong Kong Sam Yuk Secondary School and Sam Yuk Middle School which have ceased operation; and
- (b) adding a new school, namely, Discovery College, which meets all the requirements in section 40AC(2) of the Ordinance for being specified in Schedule 3.

LEGISLATIVE TIMETABLE

6. The Notice will be published in the Gazette on 27 March 2009 and tabled at the Legislative Council for negative vetting on 1 April 2009. Subject to negative vetting, the Notice will come into operation on 21 May 2009.

IMPLICATIONS

7. The amendments to Schedule 3 have no economic, sustainability, financial or civil service implications. The Notice is in conformity with the Basic Law, including the provisions concerning human rights. It will not affect the current binding effect of the Ordinance.

PUBLIC CONSULTATION

8. The amendments are to update the factual information of the list of specified schools in Schedule 3. Public consultation is not necessary.

ENQUIRIES

9. Enquiries on this brief may be referred to Miss Josephine W Y Ding, Senior Education Officer (School Registration and Compliance) at 2892 6328.

Education Bureau
March 2009

**EDUCATION ORDINANCE (AMENDMENT OF
SCHEDULE 3) NOTICE 2009**

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

1. Commencement

This Notice comes into operation on 21 May 2009.

2. Specified schools

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

(a) by adding –

“Discovery College 38 Siena Avenue, Discovery
Bay, Lantau Island, New
Territories”;

(b) by repealing –

“Hong Kong Sam Yuk 17A Ventris Road, Hong
Secondary School Kong”;

(c) by repealing –

“Sam Yuk Middle School 1111 Clear Water Bay Road,
Sai Kung, New Territories”.

Michael M. Y. SUEN
Secretary for Education

20 March 2009

Explanatory Note

This Notice amends Schedule 3 to the Education Ordinance (Cap. 279) (“the Ordinance”) –

(a) to add one school to that Schedule; and

(b) to delete 2 schools from that Schedule.

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

Education Ordinance (Cap.279) - Section 40AC

Secretary for Education may amend Schedule 3

- (1) The Secretary for Education may by notice published in the Gazette amend Schedule 3.
- (2) A school shall not be specified in Schedule 3 unless –
 - (a) the school is a primary school or secondary school;
 - (b) the school is neither an aided school nor a Direct Subsidy Scheme school;
 - (c) the school is a school without incorporated management committee;
 - (d) the school is not operated for the purpose of making profit;
 - (e) the sponsoring body of the school is not a profit-making organization;
 - (f) the school receives any subsidy from the Government; and
 - (g) the school is, in the opinion of the Permanent Secretary for Education, financially sound.

SCHEDULE 3 SPECIFIED SCHOOLS

School Name	School Address
Confucius Hall Middle School	77 Caroline Hill Road, Hong Kong
Hong Kong Sam Yuk Secondary School	17A Ventris Road, Hong Kong
The Independent Schools Foundation Academy	1 Kong Sin Wan Road, Pokfulam, Hong Kong
International Christian Quality Music Secondary and Primary School	182 Po Kong Village Road, Diamond Hill, Kowloon
International Christian School	1 On Muk Lane, Shatin, New Territories
Mu Kuang English School	55 Kung Lok Road, Kwun Tong, Kowloon
Po Leung Kuk Choi Kai Yau School	5 Kwong Lee Road, Shamshuipo, Kowloon
Renaissance College	No.5 Hang Ming Street, Ma On Shan, Shatin, New Territories
Sam Yuk Middle School	1111 Clear Water Bay Road, Sai Kung, New Territories
S.K.H. All Saints' Middle School	11 Pak Po Street, Kowloon
United Christian College	9 & 11 Tong Yam Street, Tai Hang Tung, Shamshuipo, Kowloon
Victoria Shanghai Academy	19 Shum Wan Road, Aberdeen, Hong Kong
Yew Chung International School - Secondary	3 To Fuk Road, Kowloon Tong, Kowloon