

立法會

Legislative Council

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(The minutes have been seen by
Christian Zheng Sheng
Association (Item I only) and the
Administration)

Ref : CB2/PL/ED

Panel on Education

**Minutes of special meeting
held on Friday, 30 April 2010, at 10:45 am
in Conference Room A of the Legislative Council Building**

- Members present** : Hon Cyd HO Sau-lan (Chairman)
Dr Hon Priscilla LEUNG Mei-fun (Deputy Chairman)
Hon LEE Cheuk-yan
Hon CHEUNG Man-kwong
Hon LEUNG Yiu-chung
Hon TAM Yiu-chung, GBS, JP
Hon Abraham SHEK Lai-him, SBS, JP
Hon Audrey EU Yuet-mee, SC, JP
Hon Andrew LEUNG Kwan-yuen, SBS, JP
Prof Hon Patrick LAU Sau-shing, SBS, JP
Hon Starry LEE Wai-king
Dr Hon LAM Tai-fai, BBS, JP
Hon CHEUNG Kwok-che
Hon WONG Sing-chi
Hon Mrs Regina IP LAU Suk-yeet, GBS, JP
Dr Hon Samson TAM Wai-ho, JP
- Member absent** : Hon Tommy CHEUNG Yu-yan, SBS, JP
- Members attending** : Hon James TO Kun-sun
Hon Paul CHAN Mo-po, MH, JP
- Public Officers attending** : Agenda item I

Education Bureau

Mr Michael SUEN, GBS, JP
Secretary for Education

Mr Kenneth CHEN, JP
Under Secretary for Education

Mrs Betty IP
Deputy Secretary for Education (3)

Security Bureau

Ms Sally WONG, JP
Commissioner for Narcotics

Social Welfare Department

Mr FUNG Man-lok
Assistant Director (Youth and Corrections)

Civil Engineering and Development Department

Mr Herman SHIU
Chief Geotechnical Engineer/Mainland W

Mr Gary MA
Senior Geotechnical Engineer/Mainland W 5

Home Affairs Department

Mr Byron LAM Saint-kit
District Officer (Islands)

Agenda item II

Education Bureau

Mr Kenneth CHEN, JP
Under Secretary for Education

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

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

**Attendance by
invitation** : Agenda item I

Christian Zheng Sheng Association

Mr LAM Hay-sing
Chief Executive Officer

Mr CHAN Siu-cheuk
Chief Operation Officer

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

**Staff in
attendance** : Ms Judy TING
Senior Council Secretary (2)7 (Acting)

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

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- I. Education for young drug abusers and relocation of the centres of the Christian Zheng Sheng Association**
[LC Paper Nos. CB(2)1085/09-10(03), CB(2)1307/09-10(01), CB(2)1381/09-10(01) and(02)]

Members noted the updated background entitled "Education for young drug abusers" prepared by the Legislative Council ("LegCo") Secretariat.

2. The Chairman drew to members' attention the revised submission made by the Christian Zheng Sheng Association ("CZSA") which was tabled at the meeting.

Briefing by the Administration

3. The Secretary for Education ("SED") briefed members on the background and the way forward concerning the reprovisioning of the drug treatment and rehabilitation centres ("DTRCs") of CZSA as detailed in the Administration's paper. He said that the Civil Engineering and Development Department ("CEDD") had been carrying out the necessary inspections of slopes in the vicinity of the DTRCs in Ha Keng and would carry out the boulder

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stabilization works to address the safety concern. Regarding the Christian Zheng Sheng College (CZSC)'s request for operating the New Senior Secondary ("NSS") courses for the residents of the existing DTRs in Ha Keng and Cheung Chau, SED stressed that it should be considered separately from the CZSA's relocation proposal. The Administration had received the latest information from CZSC, and would need to clarify certain issues, such as the subjects to be taught by the relevant teachers and remuneration for teachers, etc. CZSC had registered two classrooms in Ha Keng and another two in Cheung Chau under the Education Ordinance (Cap. 279). However, the School refused to use all four classrooms to cater for all proposed classes, thus causing the problem of insufficient classrooms for the operation of the proposed NSS courses in the 2009-2010 school year. The Administration would further discuss with CZSC. As regards CZSA's proposal to re-provision its DTRCs at Ha Keng, SED added that the information required for addressing the various issues of public concern had been set out in the Administration's paper.

4. Deputy Secretary for Education (3) ("DS(Ed)3") supplemented that the Administration had received on 26 April 2010 the latest information from CZSC in relation to its application for operating the NSS courses, which, among others, pointed out that only the two registered classrooms in Ha Keng would be used for teaching purpose. The Administration had held a meeting with CZSA on 28 April 2010 and discussed with it about the feasibility of also using the two registered classrooms in Cheung Chau instead of applying for exemption for running the NSS courses in the unregistered classrooms in Ha Keng. According to the information provided by the Social Welfare Department ("SWD"), which had visited CZSA in late March 2010, CZSA had admitted about 110 residents, with some 80 in Ha Keng and some 30 in Cheung Chau. As some course participants were residing in Cheung Chau, it was legitimate for CZSC to use the two classrooms at Cheung Chau as well. DS(Ed)3 further pointed out that under Cap. 279, no school should operate in premises other than the premises specified in the certificate of the registration. The Administration had also requested CZSC to clarify the subjects to be taught by the relevant teachers, remuneration for teachers, rental payable by CZSC for other premises used by the School, percentage of time spent by teaching staff for teaching and other duties, such as providing rehabilitation service, for the purpose of assessing the tuition fees to be charged by the CZSC, etc. DS(Ed)3 said that a letter had been sent to CZSC, setting out in details the information the School had to provide.

5. Chief Geotechnical Engineer/Mainland W ("CGE/MW") gave a powerpoint presentation to explain the boulder stabilization works being carried out in Ha Keng. He elaborated that the DTRCs in Ha Keng, located in the bottom of a valley, were surrounded by natural hillsides. These natural hillsides and the man-made slopes in the vicinity of the DTRCs did not pose a particularly high landslide risk as compared with the hillsides in other areas of Hong Kong. Although three boulders were identified on the western natural hillside as potentially unstable, they did not pose an immediate danger to the premises. The

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long distance and the dense vegetation between the boulders and the DTRCs could serve as a buffer zone. Inspection would be carried out to identify any potentially unstable boulders on the eastern natural hillside. If such boulders were found, they would be stabilized.

6. As for the three boulders on the western natural hillside, CGE/MW advised that continued inspections of the boulders had been carried out since 2002, and no major movement had been noticed so far. Works for stabilizing the boulders had been carried out since mid April 2010. It was a common stabilization method to erect temporary formwork around the boulders, and build concrete buttress to support the boulders before removing the formwork. For areas in the vicinity of the boulders where signs of surface erosion were observed, erosion control mesh would be installed to mitigate soil erosion and foster the growth of plants. CGE/MW further said that minor incidents of rockfall had been reported on the man-made slopes along the footpath leading to the DTRCs, and maintenance works would be carried out on the slopes to prevent further rockfall.

Presentation by CZSA

7. Mr CHAN Siu-cheuk, Chief Operation Officer of CZSA, said that providing education for young drug abusers during rehabilitation was very important. The drug treatment programmes provided by CZSA were unique because it had combined drug treatment and rehabilitation with education. The number of residents of CZSA had increased from 103 to 118 since 2009. CZSC had applied for operation of Secondary 6 and 7 in the DTRCs in Cheung Chau in 2003. However, given the distance between Cheung Chau and Ha Keng and the safety concern, the classrooms in Cheung Chau had not been used for five years. CZSC had been using the two registered classrooms in Ha Keng, as well as the sheds and dormitories for teaching. As exemption had been given to other DTRCs for running education programmes currently, CZSA requested the Administration to consider granting exemption for operating education programmes in the DTRC premises in Ha Keng which had not been registered as classrooms.

8. Mr CHAN Siu-cheuk further said that while CSZC could provide information concerning remuneration for teachers, there were practical difficulties for CZSC to delineate the percentage of time spent by its staff for teaching and other duties as requested by EDB. He explained that the teachers of CZSC worked about 100 hours per week performing both teaching and other duties.

9. Mr LAM Hay-sing, Chief Executive Officer of CZSA, supplemented that the eight-year grace period granted to CZSA under the Drug Dependent Persons Treatment and Rehabilitation Centres (Licensing) Ordinance (Cap. 566) would soon expire. CZSA needed to move to new premises as the existing sites

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were unsafe and crowded. As exemption had been granted to other DTRCs which currently ran education programmes, there was no reason for the Administration not to exercise its discretion to allow CZSC, which had been registered as a private school, to run education programmes using the yet-to-be registered classrooms in Ha Keng. Indeed, allowing youngsters aged 15 or below to receive education programmes in DTRCs did not comply with the law as these youngsters should receive education in a formal school environment. Under the circumstances, the Administration should not follow rigidly the rules and regulations and require CZSC to fully meet the statutory requirements for registration of premises in Ha Keng for operating the NSS courses. He stressed that youth receiving drug rehabilitation could not afford to wait for the completion of the bureaucratic procedures to receive education.

Reprovisioning of DTRCs in Ha Keng

10. Mr LEE Cheuk-yan said that the Administration had polarized the issues of reprovisioning of the DTRCs in Ha Keng and the provision of secondary school places for South Lantau residents. It should strive to achieve a win-win situation to meet the needs of the residents of DTRCs in Ha Keng and in South Lantau. He noted with concern that CZSA had been requested to provide a number of documents in order to fulfill the requirements for reprovisioning, and it might take a long time before the reprovisioning of CZSA could be effected. In his view, the low intake of students in the ex-Heung Yee Kuk South District Secondary School ("ex-SDSS") was due to the high turnover of its principals. Should there be a quality secondary school in the area, more local students would choose to study there instead of selecting schools in other districts. Mr LEE was concerned about the slow progress in resolving the issues. He enquired about the timetable and plans to be implemented by the Administration in this regard.

11. In reply, SED said that the primary purpose of DTRCs was to provide drug treatment and rehabilitation. CZSA operated two DTRCs in Ha Keng and had included the provision of education courses as a component of its rehabilitation programmes. Currently, there were 40 DTRCs providing residential treatment services for drug abusers with 11 offering education programmes subvented by EDB. The Administration had all along provided subvention for some DTRCs to operate education programmes for school-age drug abusers at a rate of some \$300,000 per annum for each unit of 10 students. Referring members to the background of the setting up of CZSC, SED said that in 1996, CZSA applied for registration of one classroom with 15 places in Ha Keng as a private school named CZSC under Cap. 279. The application was approved in 1998 on the basis of the capacity of the classroom then. There was a capacity for each school, and CZSC should be no exception. It might be necessary to examine why CZSA's DTRCs had over-enrolled. SED stressed that the Administration had to monitor the operation of all schools, including CZSC, under Cap. 279.

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12. Mr LEE Cheuk-yan proposed that the Panel should discuss the provision of secondary school places for South Lantau/Mui Wo residents. The Chairman said that as members would later discuss the subjects to be discussed by the Panel before the end of the current session, Mr LEE's proposal could be considered in that context.

13. Mr LEUNG Yiu-chung opined that the Administration's stance on the issues of reprovisioning of the DTRCs in Ha Keng and the provision of school places for South Lantau residents was unclear, and the Administration had so far been resorting to a delaying tactic. While the Administration had indicated its support for the reprovisioning, it required CZSA to provide a large amount of information such as its operating account before effecting the reprovisioning. On the other hand, the Administration had expressed that it would consider viable proposals for a local secondary school in Mui Wo but the proposals should ensure that a sufficient number of students could be enrolled for sustainable operation. In his view, these remarks led to nowhere and had caused uncertainties to stakeholders, including CZSA, South Lantau residents and members of the Panel. Noting the boulder stabilization works to be carried out by CEDD in Ha Keng, Mr LEUNG asked whether it was the intention of the Administration to reprovision the DTRCs in Ha Keng in-situ; and, if yes, how and when it would proceed with the project.

14. In reply, SED elaborated that Cap. 566 came into operation in 2002 to provide for a framework on the safety and management of voluntary residential DTRCs. DTRCs which fulfilled the statutory requirements under Cap. 566 had been licensed. For those DTRCs not meeting the statutory requirements, they were operating under a Certificate of Exemption ("CoE") issued by the Director of Social Welfare ("DSW"). Referring members to paragraph 12 of the Administration's paper, SED pointed out that for DTRCs which found it infeasible to upgrade or redevelop the premises in-situ to meet the licensing requirements, their operators might identify vacant Government sites or premises and approach relevant departments for assistance and support for allocation for reprovisioning. Each case was considered on its own merits. SED stressed that this mechanism applied to the reprovisioning of the DTRCs in Ha Keng. In considering CZSA's request for reprovisioning to the ex-SDSS site, the Administration had to take into account the view of the local community including their view on the provision of a secondary school for South Lantau residents. SED remarked that such a school could be in any locations and not necessarily at the ex-SDSS site. He stressed the importance for the Administration to balance the needs of different stakeholders within limited public resources.

15. Dr Priscilla LEUNG said that she had raised a written question concerning CZSC at the Council meeting on 21 April 2010. She reiterated her support for the new service mode of drug rehabilitation-cum-education. In her

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view, the existing operation mode of DTRCs could no longer meet the changing needs of young drug abusers. She called on the Administration to adopt a new mindset for providing drug rehabilitation. Given that both CZSA and the residents of South Lantau were competing for the same ex-SDSS site, Dr LEUNG enquired about the feasibility of CZSA using its classrooms in Cheung Chau for teaching and the Administration identifying other sites for CZSA and the residents of South Lantau. Reiterating her opposition to the closing down of the ex-SDSS, she was disappointed that the Administration had maintained its position, claiming that the current demand did not justify a secondary school in Mui Wo as there were only around 50 Primary 6 students in the Islands District School Net participating in the Secondary School Places Allocation System annually.

16. Mr LAM Hay-sing clarified that the DTRC project in Cheung Chau and the proposed relocation of DTRCs in Ha Keng to ex-SDSS were separate issues. CZSA had applied for reprovisioning of the DTRCs in Cheung Chau some 10 years ago, and some land title issues had yet to be clarified. The 90-place DTRCs in Cheung Chau had been approved by the Islands District Council about two years ago and would occupy an area of about 18 000 square feet which would be too small to accommodate the 118 students in Ha Keng.

(Post meeting note : according to the Administration, the Home Affairs Department had reviewed the minutes of meetings of Islands District Council (IsDC) and its relevant committees since 2006 but failed to find any records that substantiated Mr LAM Hay-sing's claim about the IsDC consultation and its endorsement of the 90-place DTRCs in Cheung Chau. It was however noted that the proposed land exchange relating to the land at Lot 252 S.A. in DD Cheung Chau was approved in Islands District Lands Conference in March 2006 and October 2007 respectively.)

17. Mr LAM Hay-sing further explained that the proposed relocated DTRCs at Mui Wo with a capacity of 200 places had been supported by the SWD and the Narcotics Division. CZSA had worked with the departments concerned to identify other sites for relocation of its centres since last year. Many of the identified sites were either too small or poorly equipped to meet with the requirements of CZSA. In response to Mr WONG Sing-chi's enquiry about the feasibility of merging the DTRCs in Ha Keng with those in Cheung Chau, Mr LAM reiterated that the site in Cheung Chau was too small to accommodate all the residents in Ha Keng. The ex-SDSS was an ideal site as its playground already had an area of about 70 000 square feet. As regards the concern about over-enrolment of CZSA, he explained that over 90% of the DTRCs' residents were referred by probation officers. CZSC admitted them as students as many of them were eager to receive education. Should CZSA refuse to admit them, they would end up in jail.

18. In view of the effective mode of services provided by CZSA, Mr WONG

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Sing-chi requested the Administration to consider extending such a mode to other DTRCs. Commissioner for Narcotics ("C for N") said that education service was also provided in other DTRCs. In fact, EDB had been providing subvention to 11 DTRCs to operate education programmes for school-age drug abusers. EDB was considering enhancing the support to DTRCs to facilitate them to provide more diverse education programmes to meet the changing needs of school-age drug abusers.

19. On the issue of over-enrolment, SED said that while the Administration appreciated the good intention of CZSA of helping school-age drug abusers, CZSA should not exceed its capacity when admitting drug-abusers as the safety of residents was of importance.

20. Ms Starry LEE stressed that both the needs of CZSA and the residents of South Lantau/Mui Wo were urgent and genuine, and it was important to achieve a win-win situation for both parties. As the problem of youth drug abuse was prevalent, the Administration should proactively handle the reprovisioning. On the other hand, the South Lantau/Mui Wo residents had a genuine need for a local school as their children had to travel long distance daily to go to school in other districts. In her view, a win-win situation could be achieved by reprovisioning the DTRCs in Ha Keng in-situ or to a new site other than the ex-SDSS. A direct subsidy secondary school using English as the medium of instruction could be built in the ex-SDSS site or other sites. Both CZSA's DTRCs and a secondary school could co-exist in Mui Wo. She asked whether the Administration would consider all these different means to resolve the problems.

21. SED stressed that it was necessary for the Administration to consult the views of the local community in accordance with the established procedures in considering CZSA's reprovisioning request. During consultation, it transpired that the reprovisioning was opposed by some Mui Wo residents who considered that the ex-SDSS site should be used as a secondary school for local children. In addition, issues of public concern raised during the consultation process had to be addressed. The reprovisioning did not only affect CZSA but also the residents of Mui Wo, as well as the community at large. It was therefore important to reach a consensus among the stakeholders as far as practicable. The Administration would consider the different views of stakeholders and the relevant information before making a decision. The primary concern was to safeguard the interest of the general public. SED added that the proposal for reprovisioning the DTRCs in Ha Keng in-situ would be considered.

22. Mr CHEUNG Kwok-che said that he did not regard CZSA as either a DTRC or a school, but a drug rehabilitation centre-cum-school. The Administration should adopt a new mindset to the effective service mode of drug treatment provided by CZSA. Given its unique nature, the Administration should not adopt a conventional approach in considering the application of

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CZSC for operating NSS courses and allocating resources to it. Mr CHEUNG proposed that to expedite the reprovisioning of the DTRCs in Ha Keng including their registration and licensing, a working group should be appointed under the Panel to take up the co-ordination and adjudication work among the various stakeholders.

23. Professor Patrick LAU said that he was impressed by the services provided by the two DTRCs visited by the Panel on 20 April 2010. Despite their crude teaching facilities, the education programmes provided by these DTRCs were of good standard. He considered that the Government had already stated its stance on CZSA's relocation in paragraph 17 of the Administration's paper for the Panel meeting on 18 March 2010. Noting that the boulder stabilization works would be carried out soon to address the safety concern, Professor LAU was of the view that reprovisioning of the DTRCs in-situ was appropriate as the environment was conducive to residential drug treatment. With the help of building professionals, students could learn to design and build the new centres. This learning process might inspire students to join the building profession which was in great need of new blood. He asked whether the Administration would offer assistance in this regard.

24. SED said that in view of the latest development, including the carrying out of the boulder stabilization works which should allay the concern about the safety of the DTRCs in Ha Keng, he would welcome any viable proposals. While the Administration did not object to the different modes of drug rehabilitation services, it had no intention of implementing a policy on drug rehabilitation schools in a wide scale given the financial implications. He pointed out that the subvention for a student in a mainstream school was some \$30,000 per annum, whereas the tuition and boarding fees charged by CZSA per student per month amounted to some \$10,000, adding up to over \$100,000 per annum.

25. Mr CHEUNG Man-kwong pointed out that the reprovisioning of the DTRCs in Ha Keng involved a number of issues including the safety of their residents, the interest of school-age drug abusers, the request of South Lantau residents for a local secondary school and the concerns of LegCo Members. He echoed the view of Ms Starry LEE on the need to achieve a win-win situation. He supported the view of Mr CHEUNG Kwok-che that the Administration should apply flexibility in considering CZSC's application for operating NSS courses as it was not a school per se. He requested the Administration to clearly indicate whether the slow progress of the reprovisioning was attributed to the opposition of Mui Wo residents, or the fact that CZSA had yet to provide the requisite information, such as the need to separate the operating accounts of CZSA and CZSC.

26. Mr CHEUNG stressed that members attached great importance to the background and accounts of the services operated by CZSA. The annual sum

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received by CZSC through payments of Comprehensive Social Security Assistance ("CSSA") to its students was substantial. For enrolment of 300 students, i.e. 200 in Ha Keng and 90 in Cheung Chau and with the annual tuition and boarding fees of some \$120,000 per student, the total sum received by CZSC would be some \$36 million per annum which was comparable to the annual expenditure of a subsidized secondary school. It was necessary for CZSA to make clear its accounts, and it was reasonable for the general public to know how the funds of CZSA were spent. Should CZSC wish to apply for full subvention from the Government in future, it should uphold the transparency and accountability of its services so as to alleviate the concerns of the public. The Administration should formulate a subvention mode for CZSA and monitor its accounts as public resources were involved.

27. Mr CHEUNG considered the present situation unsatisfactory as the issue of reprovisioning remained unsettled. He stressed the need for the Administration to clearly state the directions for the way forward, which in his view, included relocation of the DTRCs in Ha Keng to ex-SDSS or another site, improvement of the DTRCs in-situ as a temporary measure, and development of the DTRCs in Cheung Chau.

28. Mrs Regina IP considered it unsatisfactory for the issue of reprovisioning to remain unsettled for a long time. She said that as the issue involved both EDB and the Security Bureau, one of the Bureaux had to take the lead and make a final decision. For example, should the Administration agree on a pressing need for drug rehabilitation, the ex-SDSS should be used by CZSA and a new site should be identified for a new secondary school for residents of South Lantau. In her view, it should be the Administration and not the Panel which should set up a working group to sort out the administrative matters as the role of LegCo was to monitor the Government. It was irresponsible on the part of the Administration to simply say that there was no policy for drug rehabilitation schools as this only reflected that the existing policy fell behind the present situation.

29. In reply, SED said that the bureaux and departments concerned had been coordinating the efforts to take forward the reprovisioning. He pointed out that the established procedures, including consultation with the local community, had to be followed. During the consultation process, issues of public concern had been raised which included the background and accounts of the services operated by CZSA, the transparency and accountability of the running of the DTRCs if reprovisioned, registration and licensing of the future operation of the DTRCs, the request of the residents of South Lantau for a local secondary school, etc. These issues needed to be addressed before approving the use of the ex-SDSS premises. SED added that the Administration would take into account the views of members and the stakeholders in order to achieve a win-win situation.

30. Mrs Regina IP remained unconvinced and said that SED was simply

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following the bureaucratic procedures in addressing the issues. The request of the residents of South Lantau for a local secondary school and the request of CZSA for reprovisioning were not new. These issues should not have been outstanding for such a long time.

31. Mr Paul CHAN said that although he was not a Panel member, he had been concerned about the reprovisioning of the DTRCs in Ha Keng. In his view, the issue should not be bundled with the separation of accounts between CZSA and CZSC. The focus of the issue was whether there was a need to help school-age drug abusers, and whether the service mode of CZSC was effective. If the answers were positive, the Administration should then develop the service mode of CZSC.

32. To better understand the financial issues relating to the reprovisioning, Mr CHAN requested CZSA to provide further information on the use of the annual tuition and boarding fees. Acknowledging that the Independent Commission Against Corruption ("ICAC") had advised that no evidence of corruption or malpractice had been found after the investigation, he requested CZSA to advise whether the accounting firm previously appointed by CZSA to separate the accounts had indicated any irregularities in carrying out the task. Should irregularities be found, this was a matter concerning with the management and not the students. The interest of students should not be affected. As such, the reprovisioning and the separation of the operating accounts of CZSA should be carried out in parallel.

33. Supporting the view of Mr CHEUNG Man-kwong, Mr CHAN stressed the need for LegCo Members and the general public to know how public funds were spent. In his view, a legal entity should be set up to take over the operation of DTRCs. Referring to the respective papers provided by the Administration and CZSA, Mr CHAN did not find many points of contention between them. The Administration had stated that it required information from CZSA on whether a new legal entity incorporated with charitable status under s.88 of the Inland Revenue Ordinance would be set up to take over the management and operation of the facilities at Ha Keng and to run the new facilities at ex-SDSS if reprovisioning of the DTRCs was materialized. In its reply CZSA stated that it had applied for the setting up of a new legal entity incorporated with charitable status under s.88 of the Inland Revenue Ordinance, and that it would consider inviting different stakeholders as well as professionals to join its management team. He was concerned about the progress of the application. He called on the Administration and CZSA to work together with a view to expeditiously effecting the reprovisioning.

34. Mr LAM Hay-sing pointed out that Ernst and Young Hong Kong, the accounting firm previously appointed by CZSA to separate its accounts, had not found any irregularities. It had resigned from the work due to internal reasons. He said that the Companies Registry had recently approved CZSC's application

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for setting up a new legal entity, and its application for incorporation with charitable status under s.88 of the Inland Revenue Ordinance had yet to be approved by the Inland Revenue Department. He reiterated that CZSA welcomed full subvention for and monitoring of its services.

35. Ms Audrey EU said that the outcome of the investigation of ICAC had allayed public concern on the financial issues of CZSA. In her view, the Administration had been adopting double standards in addressing public issues. It did not take forward the proposal for reprovisioning under the pretext of public consultation. However, on some other issues, it simply proceeded without conducting any public consultation. Ms EU pointed out that as there had been consensus on the genuine need for drug rehabilitation schools and general public support for the service mode of CZSC, the reprovisioning of the DTRCs should be expeditiously effected. The Administration should clearly state the requisite information from CZSA. Ms EU sought information from CZSA on whether the Administration had communicated with it and whether it had provided the requisite information. She requested the Administration to state clearly the way forward. She urged the Administration not to avoid resolving the issue on the ground of no policy for drug rehabilitation schools.

36. Mr LAM Hay-sing pointed out that the student unit cost of special schools was about \$150,000 per annum, which was calculated on the basis of the teacher-student ratio at 1:15. The teacher-student ratio at CZSC was 1:10, and the approved yearly tuition fee was some \$84,000. The boarding fee was separately charged. Mr LAM stressed that CZSC welcomed full subvention and monitoring by the Government. However, if CZSC's students paid tuition and boarding fees by means of CSSA payments, he did not see the need for monitoring as CSSA recipients had the freedom to use the payments.

37. The Chairman said that it was not adequate for the Administration to focus on prevention of youth drug abuse only, drug treatment and rehabilitation should be accorded with equal importance. It was necessary to formulate a policy for drug rehabilitation schools as such schools could offer formal education which would help school-age drug abusers restore confidence and reintegrate into the community. However, the current education programmes provided by most DTRCs were not formal and could not help students in sitting public examinations or seeking jobs. She considered it unacceptable on the part of the Administration to negate the value of and the need for drug rehabilitation schools on the mere ground of high costs.

38. The Chairman further said that CZSA should be prepared for full monitoring of its services as CSSA payments were public resources and how its students which were CSSA recipients spent the payments was of public concern. The Chairman said that CZSA should seriously consider in-situ reprovisioning of its DTRCs in Ha Keng. On the other hand, a local secondary school for the residents of South Lantau did not necessarily need to be at the ex-SDSS site. She

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stressed that the needs of Mui Wo residents and CZSA's residents should not be opposing.

39. Dr Priscilla LEUNG said that "time was against us". The issue of reprovisioning should be resolved expeditiously. She had reservations about the setting up of a working group by the Panel in this regard as LegCo should be neutral and its role was to monitor the work of the Administration. She further said that the reprovisioning of the DTRCs and the provision of a local secondary school for the residents of South Lantau were two different issues.

40. While agreeing to the view that the spending of CSSA payments should be subject to monitoring, Mr WONG Sing-chi said that the crux of the problem was the absence of a policy for drug rehabilitation schools. Without such a policy, the Administration could not monitor CZSA services effectively.

41. Mr CHEUNG Man-kwong said that irrespective of whether CZSA's services were fully subvented or supported by CSSA payments, they should be monitored. The Administration should ensure that the CSSA payments were fully spent on the services for CZSC students. He reiterated his views on the way forward as detailed in paragraph 27 above. He added that LegCo could play a role in this regard.

42. Mr James TO was greatly disappointed at the incompetence of the relevant government departments in handling the issue of reprovisioning which had been outstanding for a long time. He said that unless the Administration could resolve the issue expeditiously, the community could only arrive at such a conclusion.

43. Regarding the proposal for reprovisioning of the DTRCs in Ha Keng in-situ, Mr LAM Hay-sing said that CZSA had already considered this option in 1997 and it was only a few years ago that the Administration had arrived at the view that the DTRCs in Ha Keng should be reprovisioned to other sites. He explained to members the difficulties for in-situ reprovisioning. He elaborated that the boulders were a major safety concern. The stabilization works to be carried out by CEDD were only urgent and temporary measures. Should the DTRCs be reprovisioned in-situ, the standard required would be different. Should permanent buildings be established in Ha Keng, the Fire Services Department had indicated that a road should be built near Chi Ma Wan for the access of fire engines. As for the sanitary facilities, a septic tank should be installed. In fact, CZSA had applied for such an installation some 10 years ago with funds being earmarked for the purpose. However, due to the topographical problems, the septic tank had not been installed. The other option would be to install a sewage pipe leading to the sea which might involve a large sum of money. If the DTRCs in Ha Keng were to accommodate 200 residents, this issue had to be addressed. Should the Administration or LegCo Members opt for the reprovisioning in-situ, all the relevant issues including safety of students,

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provision of temporary measures during construction and need for resources had to be resolved.

44. SED said that the Administration would consider the proposals put forward by members. He pointed out that CZSA had originally operated two DTRCs in Ha Keng. In view of the educational needs of young drug abusers, CZSA initiated actions to provide education by registering CZSC as a private school. The reprovisioning would fundamentally involve the DTRCs, and the private school would only be consequential. Before effecting the reprovisioning, public consultation with the local community was required according to the established procedures. As issues of public concern had been raised during the consultation, the Administration had been following up these issues with a view to effecting the reprovisioning.

45. C for N said that where necessary, DSW could exercise discretion in approving the extension of the CoE for operation of DTRCs after the expiration of the grace period.

46. The Chairman regretted that two-thirds of the DTRCs currently operated under a CoE had yet to be issued with a licence. As the Administration and CZSA did not have sufficient time to respond to members' questions and concerns, she requested them to provide written information after the meeting if required.

Appointment of a subcommittee under the Panel

47. Mr CHEUNG Kwok-che proposed the moving of the following motion which was seconded by Mr CHEUNG Man-kwong :

"基於解決基督教正生會的發牌和搬遷的逼切性，同時亦要照顧梅窩居民的升中需要，本會建議成立工作委員會協調及解決以上的矛盾。"

(Translation)

"That, in view of the urgency in resolving the issues concerning the granting of licenses to and the relocation of the Christian Zheng Sheng Association, as well as the need to cater for the demand of Mui Wo residents for secondary school places at the same time, this Panel proposes that a working committee be set up to reconcile and resolve the above conflicts."

48. At the invitation of the Chairman, the Clerk explained that there were no provisions under the House Rules for the appointment of a working committee by the Panel. The House Rules provided for the appointment of subcommittees to study specific issues. House Rules 22(u) stipulated that should any Panel consider it necessary to appoint a subcommittee, a proposal to appoint such a

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subcommittee should contain sufficient information on the proposed terms of reference, time frame, work plan and extent of work involved in the study of the specific issue or project to facilitate consideration by the Panel concerned. Rule 26 of the House Rules stipulated that the maximum number of subcommittees on policy issues that might be in operation at any one time should be eight. When eight or more subcommittees were in operation, approval had to be obtained from the House Committee for the activation of the subcommittees on the waiting list. As of the date of the Panel meeting, there were 12 subcommittees in operation. In other words, should the Panel decide to appoint a subcommittee, the subcommittee could not be activated unless the approval of the House Committee had been obtained.

49. Mr CHEUNG Man-kwong noted the relevant rules. He considered it necessary to appoint a subcommittee under the Panel to follow up the issues as the Administration and CZSA had not been communicating effectively. He agreed that the approval of the House Committee should be sought for the activation of the subcommittee under the Panel after its appointment.

50. While appreciating the good intention of Mr CHEUNG Kwok-che and Mr CHEUNG Man-kwong, Mrs Regina IP disagreed with the proposal for the setting up of a subcommittee. She said that the role of LegCo was to monitor issues of public concern and approve the relevant funding proposals. She considered that the wordings of the motion should be amended to urge the Administration to appoint a high-level working group to expeditiously coordinate the work relevant to the reprovisioning of the DTRCs in Ha Keng with a view to achieving a win-win situation.

51. Dr Priscilla LEUNG was concerned whether LegCo could appoint a subcommittee with the function of assuming the role of an arbitrator. She shared the view that the Administration and not LegCo should be urged to set up the relevant working group.

52. Mr CHEUNG Kwok-che explained that the purpose of appointing a subcommittee was to facilitate discussion between the Administration and CZSA to expedite the reprovisioning. Should the Administration agree to effect the reprovisioning within a short time, there was no need for appointing a subcommittee.

53. Mr TAM Yiu-chung said that members should follow the relevant rules and procedures in proposing the appointment of a subcommittee under the Panel. He agreed with the view that the Administration should be urged to set up the relevant working group. He added that LegCo normally would set up subcommittees to study policy issues and not individual cases.

54. The Chairman invited Mr CHEUNG Kwok-che and Mr CHEUNG Man-kwong to set out the details of their proposal for the setting up of a

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subcommittee for consideration by the Panel at its meeting on 13 May 2010. Mr CHEUNG Kwok-che and Mr CHEUNG Man-kwong agreed.

II. The progress of local and international recognition and promotion of the Hong Kong Diploma of Secondary Education qualification
[LC Paper Nos. CB(2)1381/09-10(03) and (04)]

55. Members noted the updated background brief entitled "Recognition and articulation of the Hong Kong Diploma of Secondary Education qualification" prepared by the LegCo Secretariat.

Briefing by the Administration

56. Under Secretary for Education ("US(Ed)") briefed members on the progress of the recognition and promotion of the Hong Kong Diploma of Secondary Education ("HKDSE") qualification under the New Academic Structure ("NAS") as detailed in the Administration's paper.

Comparison of HKDSE standards with international qualifications

57. Mrs Regina IP pointed out that according to the outcome of the study commissioned by the Hong Kong Examinations and Assessment Authority ("HKEAA") and conducted by the Universities and Colleges Admissions Service ("UCAS") of the United Kingdom ("UK") for setting up a point system in the UCAS Tariff for HKDSE results, HKDSE results lacked those levels awarded with tariff points which were comparable to Grades B and D in the current General Certificate Education ("GCE") A Level Examination. Noting that the Administration had conducted various overseas duty visits to promote the recognition of HKDSE qualification, she enquired about the assessment outcome made by Canada and the United States ("US"). She said that the admission to US universities was determined mainly by students' performance in the Scholastic Aptitude Test or Advanced Placement Program ("AP") which had not been benchmarked with HKDSE results. She was concerned about the impact on local students wishing to pursue further studies overseas.

58. US(Ed) said that the Administration aimed at explaining to overseas universities the structure and assessment standards of HKDSE. The objective was not to obtain a direct grade by grade comparison with the qualifications in other countries but to gain international recognition of HKDSE. The Administration had achieved the objective in this regard. He clarified that as in the case of AP and International Baccalaureate ("IB"), there was no direct grade by grade comparison with GCE A Level Examination. So far, overseas institutions including Canadian universities visited by the Administration was very positive to HKDSE.

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59. Secretary General, The Hong Kong Examinations and Assessment Authority (SG/HKEAA) explained that there were two examinations in the GCE system, namely, the General Certificate of Secondary Education ("GCSE") and GCE A Level. The standard of GCSE was similar to that of Hong Kong Certificate of Education Examination ("HKCEE") while that of GCE A level was comparable to that of the Hong Kong Advanced Level Examination ("HKALE"). Grade A* was added to GCSE many years ago but to GCE A Level only in 2010. The standard of local students with top performance in HKALE was higher than the UK students with top performance in GCE A Level Examination. This was also reflected in the outcome of the UCAS study.

60. Mr CHEUNG Man-kwong said that as HKDSE results lacked those levels which were comparable to Grades B and D in the GCE A Level Examination, this would have great impact on those students who wished to apply for admission to UK universities. Most of the renowned UK universities required a candidate to have a grade equivalent to Grade B or above in GCE A Level Examination. Without a level equivalent to Grade B in GCE A Level Examination, Hong Kong students would need to obtain Level 5 in HKDSE examination in order to gain admission or even to get an application form to these renowned UK universities. He opined that the lack of comparable grades in HKDSE with GCE A Level was a regression. Noting the wide range between Level 4 (tariff 80) and Level 5 (tariff 120) in HKDSE results, he suggested adding a Level 4* which was comparable to Grade B in GCE A Level Examination to tackle the problem.

61. Dr Priscilla LEUNG said that some local universities had stringent requirements and might not consider Grade A* in GCE A Level Examination on a par with Grade A in HKALE. Noting that the current 4-year senior secondary curriculum (Secondary 4 to 7) would be replaced by a 3-year senior secondary curriculum (Secondary 4 to 6) under NAS, she enquired about the views of local universities in this aspect and on UCAS.

62. US(Ed) said that similar to the case of HKDSE, there were no direct grade by grade comparisons of IB and AP with GCE A Level Examination. Nevertheless, students taking these examinations were admitted by UK universities. A point system in the UCAS for the HKDSE results had been set up which could benchmark with different types of accredited qualifications in the Tariff. US(Ed) added that any two systems would unlikely be totally comparable. SG/HKEAA supplemented that each qualification was unique in its design. There was normally no direct grade by grade comparison between two qualifications unless the design of a system was modelled on another system such as the HKALE being modelled on GCE A Level. For example, there was no grade in IB comparable to Grade B in GCE A Level Examination.

63. As regards the proposal for adding a Level 4* to HKDSE results, SG/HKEAA responded that in the initial stage of designing the HKDSE levels,

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more levels had been suggested. Having gone through extensive consultations in the past 10 years, HKEAA did not recommend too many levels to avoid labelling effect. SG/HKEAA stressed that the proposed levels for HKDSE results were commensurate with many international accredited qualifications. He disagreed with Mr CHEUNG Man-kwong's view that the grading of HKDSE results was a regression. On the contrary, it was a move with foresight. In fact, UK had modified the grading structure of GCE A Level earlier this year and further changes would be expected. It was therefore not advisable to make reference to UK alone and change the levels of HKDSE at this stage. Both the Administration and UCAS would review the HKDSE levels after the first HKDSE examination in 2012 and would make adjustments to the levels if necessary. He remarked that the NAS curriculum could cater for the learning needs of local students and had its own merit.

Mathematics as a core subject for university admission

64. Mr CHEUNG Man-kwong pointed out that currently Mathematics was not a mandatory subject for university admission. Students who excelled in arts subjects such as English Language and Chinese Language but were weak in Mathematics could be admitted by local universities. However, after the implementation of NAS, students had to attain Level 2 in Mathematics in HKDSE in order to apply for university admission. Such a requirement would deprive the chance of students who were outstanding at other subjects but weak in Mathematics for local university education. He considered it necessary for the University Grants Committee-funded institutions to exercise flexibility in considering applications for university admission.

65. Dr Priscilla LEUNG shared Mr CHEUNG Man-kwong's views. She said that the computer systems of many local universities would automatically reject students who did not meet with the minimum admission requirements and these students would not be invited for an interview. The inclusion of Mathematics as an admission requirement would jeopardize those students who were weak in Mathematics but had potential in other areas. She considered that in addition to the existing combination of the four core subjects (i.e. Chinese Language, English Language, Mathematics and Liberal Studies), the Administration should consider broadening the combination of core subjects to include other science and arts subjects.

66. SG/HKEAA responded that UK universities gave very high rating to the academic results of Hong Kong students and the NAS curriculum. Some UK universities had indicated that they would not compare the grades in GCE A Level Examination directly with the levels in HKDSE and understood that Levels 3 to 5* in HKDSE results were comparable to Grades A to E in GCE A Level Examination. On the admission requirements, some UK universities would take into account the students' overall performance in at least six subjects and some would also consider the students' other learning experience. For

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Science and Mathematics faculties, although some UK universities required a candidate to have at least one Grade A and two Grade B in GCE A Level Examination, they would consider the application of a candidate who had attained one Level 5 and two Level 4 in Science or Mathematics subjects in HKDSE examination. HKEAA was collating information on admission requirements from UK universities and expected the receipt of their responses in September/October 2010.

67. US(Ed) said that it was necessary for Mathematics to become one of the core subjects in the 21st century. The curriculum of Mathematics was designed to comprise both foundation and advanced levels to suit students' standards. Local universities also agreed that students could develop their analytical skills and logical thinking through studying Mathematics and hence supported that it should be one of the core subjects.

68. SG/HKEAA supplemented that in working with EDB and local universities (represented by Registrars) in a 334 liaison committee ("the Committee"), he was given to understand that local universities would exercise flexibility in considering the applications for admission on a case-by-case basis. He would relay members' suggestion to the Committee.

Promotion of HKDSE qualification

69. Dr LAM Tai-fai said that students getting a passing mark in five subjects in HKCEE were regarded as obtaining a "full certificate". As there would be no pass/fail level in the new reporting system in HKDSE, it would be very difficult for employers to evaluate the academic performance of a candidate. He opined that in addition to facilitating local students to study abroad through gaining international recognition of HKDSE, the Administration should also help students who chose to join the work force after graduating from high schools to find employment. Hence, it was important for the Administration to explain to the general public, in particular to the employer sector, the comparability of the levels in HKDSE to the grades in HKCEE. Such information would be very useful to employers and students in recruitment and job seeking respectively. Dr LAM added that he was not aware of any publicity work undertaken by the Administration to promote the HKDSE to business associations.

70. Dr Priscilla LEUNG shared Dr LAM Tai-fai's view that the Administration should put more efforts in promoting the HKDSE qualification. She commented that as the level structure of HKDSE was complicated, the promotion should be extended to parents so as to alleviate their worries. To enhance effectiveness, she suggested that the promotion be conducted through television programmes.

71. US(Ed) responded that the Administration had provided information concerning the HKDSE qualification to the employer sector and local schools

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for reference. The Education Bureau ("EDB") had been communicating with the Civil Service Bureau concerning the HKDSE qualification for civil service appointment. Detailed arrangements would be promulgated in the latter half of 2010. Employers normally would make reference to these arrangements in recruitment. The Administration had met with or briefed the employer sector on NAS and would be pleased to arrange briefings to individual business associations if needed. US(Ed) assured members that the Administration would endeavour to obtain the recognition of HKDSE from the community before the first HKDSE examination in 2012. The Chairman requested the Administration to provide written information on the number of meetings and briefings arranged for the employer sector for members' reference.

72. On the question of "full certificate", SG/HKEAA said that there was a universal pass concept in the past. However, this concept was no longer applicable. Different stakeholders had different requirements for students' attainment in HKDSE for different purposes. Users could set their requirements according to their needs. To facilitate stakeholders to better understand the different levels of attainment in HKDSE, HKEAA would strengthen the promotion of HKDSE, in particular the standards-referenced reporting system, to the public.

The Mainland recognition of HKDSE qualification

73. Ms Starry LEE noted that the Administration and HKEAA had conducted visits mainly to overseas countries to promote the HKDSE qualification. As pursuing further studies in the Mainland was one of the pathways for local students, in particular for those from low-income families, she was concerned whether the Administration had done any work in gaining recognition of HKDSE qualification from the Mainland universities.

74. US(Ed) said that the Administration had regular contacts with the Ministry of Education concerning the HKDSE qualification. There were currently three ways for local students to gain admission to Mainland universities. Some universities only recognized the results of the joint admission examination in the Mainland; some universities required applicants to take the examination conducted by the universities; and three Mainland universities recognized the public examinations in Hong Kong and exempted the students with good results from taking their admission examinations. The Administration would continue to promote the HKDSE qualification with a view to obtaining wider recognition in the Mainland.

75. Ms Starry LEE was disappointed that there was no mentioning in the Administration's paper of the views of the Mainland universities on HKDSE and the work done by the Administration so far in promoting HKDSE in the Mainland. She requested the Administration to provide information in this regard. The Chairman requested the Administration to provide the required

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information in writing.

Suspected leakage of examination papers

76. Mrs Regina IP expressed grave concern about the suspected leakage of the HKCEE examination papers in Chinese Language to a tutorial institution for two consecutive years. She said that such leakage had serious impact on candidates, and she had requested the Secretary for Civil Service to report the matter to the Independent Commission Against Corruption for investigation of any corruption involved.

77. SG/HKEAA replied that HKEAA was very concerned about the issue and had put in place measures to prevent leakage of examination papers. The parties involved in setting the questions and handling the examination papers must not have any connection with any tutorial institutions and publishers. HKEAA was reviewing its internal system to ascertain if security requirements had been strictly adhered to. He further said that HKEAA was investigating the matter and would inform members of the outcome in due course.

78. To deter leakage of examination papers in future, Mrs Regina IP suggested that the candidates should be required to retake the examination if the papers had been leaked out to tutorial institutions. The Chairman opined that it would be very difficult to determine whether tutorial institutions had tipped the examination questions correctly or had obtained the examination papers illegally.

Outstanding items for discussion

79. Mrs Regina IP was concerned that Applied Learning was not recognized by local universities for admission purpose. She considered it necessary to discuss the matter.

80. The Chairman said that at the next meeting to be held on 13 May 2010, members would be invited to go through the outstanding items for discussion and decide on the priority for discussing them. She suggested that Mrs IP could raise the matter for discussion.

III. Any other business

81. There being no other business, the meeting ended at 1:05 pm.