

**立法會**  
*Legislative Council*

LC Paper No. LS35/11-12

**Paper for the House Committee Meeting  
on 24 February 2012**

**Legal Service Division Report on  
Subsidiary Legislation Gazetted on 17 February 2012**

**Date of tabling in LegCo** : 22 February 2012

**Amendment to be made by** : 21 March 2012 (or 18 April 2012 if extended  
by resolution)

**PART I SUBSIDIARY LEGISLATION RELATING TO EDUCATION**

**Education Ordinance (Cap. 279)**

**Education (Amendment) Regulation 2012 (L.N. 23)**

**Education (Exemption) (Private Schools Offering Non-Formal Curriculum)  
(Amendment) Order 2012 (L.N. 24)**

**Hong Kong Examinations and Assessment Authority Ordinance (Cap. 261)**

**Hong Kong Examinations and Assessment Authority Ordinance  
(Amendment of Schedule 1) Order 2012 (L.N. 25)**

Background

According to the Administration, the present Hong Kong Certificate of Education Examination (HKCEE) and Hong Kong Advanced Level Examination (HKALE) will be replaced by the Hong Kong Diploma of Secondary Education Examination (HKDSEE) by phases, with the final run of HKCEE and HKALE for private candidates held in 2011 and 2013 respectively. Under the New Senior Secondary curriculum, the first cohort of students will take HKDSEE in 2012.

L.N. 23

2. The Regulation is made by the Chief Executive in Council under

section 84 of the Education Ordinance (Cap. 279) (EO) to amend the Second Schedule to the Education Regulations (Cap. 279 sub. leg. A) to enable a person who has attained certain levels in HKDSEE be employed as a teacher to teach educational courses (other than nursery, kindergarten, primary, secondary or post secondary education), English and pupils undergoing nursery or kindergarten education.

3. The Regulation will come into operation on 19 April 2012.

#### L.N. 24

4. The Order is made by the Chief Executive in Council under section 9(3) of EO to amend the Education (Exemption) (Private Schools Offering Non-Formal Curriculum) Order (Cap. 279 sub. leg. F) to enable a person who has attained certain levels in HKDSEE to be qualified to teach in an exempted school<sup>1</sup>.

5. The Order will come into operation on 19 April 2012.

#### L.N. 25

6. The Order is made by the Chief Executive in Council under section 8 of the Hong Kong Examinations and Assessment Authority Ordinance (Cap. 261) (HKEAAO) to repeal the reference to HKCEE and HKALE in Schedule 1 to the HKEAAO. The Schedule specifies the examinations that The Hong Kong Examinations and Assessment Authority (Authority) is required to conduct.

7. The Administration has stated that the Authority will no longer conduct HKCEE after 2011 and HKALE after 2013. The Order will come into operation on 19 April 2012, except the repealing of the reference to HKALE which will come into operation on 1 January 2014.

8. Members may refer to the LegCo Brief (File Ref.: EDB(SCR) 25/58/11 Pt. 4) issued by Education Bureau and dated 17 February 2012 for background information.

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<sup>1</sup> "exempted school" is defined in section 2 of the Education (Exemption) (Private Schools Offering Non-Formal Curriculum) Order (Cap. 279 sub. leg. F) to mean a school that -

- (a) provides any educational course other than nursery, kindergarten, primary, secondary or post secondary education; and
- (b) is not funded wholly or partly by any subsidy from the Government.

9. The Panel on Education has been consulted on L.N. 23 to 25 at its meeting on 12 December 2011. Panel members raised no queries on the relevant legislative proposals.

## **PART II MISCELLANEOUS**

### **Protection of Children and Juveniles Ordinance (Cap. 213) Protection of Children and Juveniles (Places of Refuge) (Amendment) Order 2012 (L.N. 26)**

10. The Order is made by the Chief Executive under section 2A of the Protection of Children and Juveniles Ordinance (Cap. 213) (PCJO) after consultation with the Executive Council. The Order amends the list of places of refuge in the Schedule to the Protection of Children and Juveniles (Places of Refuge) Order (Cap. 213 sub. leg. B) by repealing "Wing Lung Bank Golden Jubilee Sheltered Workshop and Hostel" (Wing Lung) and adding "Po Leung Kuk Wing Lung Bank Golden Jubilee Sheltered Workshop and Hostel".

11. Under PCJO, a place of refuge provides temporary care for children and juveniles in need of care or protection e.g. children or juveniles who have been or are being assaulted, ill-treated, neglected or sexually abused. According to paragraph 5 of the LegCo Brief, upon the recommendation of the Director of Audit<sup>2</sup> that the Social Welfare Department (SWD) should outsource the operation of the rehabilitation service units to non-governmental organisations for achieving more cost-effectiveness in service delivery, SWD has decided to hive off Wing Lung and hand it over to a non-governmental organisation for continuous operation with effect from 1 April 2012, and The Po Leung Kuk was selected as the future operator of Wing Lung.

12. Members may refer to the LegCo Brief (File Ref.: LWB 9/3939/97) issued by Labour and Welfare Bureau in February 2012 for background information.

13. The Order will come into operation on 1 April 2012.

14. The Panel on Welfare Services has not been consulted on the Order.

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<sup>2</sup> Paragraph 2.13 in Chapter 9 "Training, Employment and Residential Services for People with Disabilities" of "Report No. 42 of the Director of Audit" (2004).

**Guardianship of Minors (Amendment) Ordinance 2012 (1 of 2012)**  
**Guardianship of Minors (Amendment) Ordinance 2012 (Commencement)**  
**Notice (L.N. 27)**

15. By the Notice made under section 1(2) of the Guardianship of Minors (Amendment) Ordinance 2012 (1 of 2012) (the Amendment Ordinance) which was published in the gazette on 20 January 2012, the Secretary for Labour and Welfare has appointed 13 April 2012 as the day on which the Amendment Ordinance comes into operation.

16. The Amendment Ordinance amends the Guardianship of Minors Ordinance (Cap. 13) to simplify the legal arrangements for the appointment and removal of a guardian and provide for the revocation and disclaimer of appointment as a guardian, the assumption of guardianship and the resolution of disputes between guardians.

17. Before the passage of Guardianship of Minors (Amendment) Bill 2011 (the Bill) at the Council meeting on 11 January 2012, the Bill had been scrutinized by a Bills Committee. Members may wish to refer to the report of the Bills Committee (LC Paper No. CB(2)588/11-12) for further information.

18. The Bills Committee urged for early implementation of the Bill when enacted. Neither the public nor any LegCo Panel has been consulted on the Notice.

***Concluding observation***

19. No difficulties have been identified in the legal or drafting aspects of the above items of subsidiary legislation.

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