

**立法會**  
**Legislative Council**

LC Paper No. CB(2)965/11-12  
(The minutes have been seen by  
the Administration)

Ref : CB2/PL/ED

**Panel on Education**

**Minutes of meeting**  
**held on Monday, 12 December 2011, at 4:30 pm**  
**in Conference Room 3 of the Legislative Council Complex**

**Members present** : Hon Starry LEE Wai-king, JP (Chairman)  
Hon Tanya CHAN (Deputy Chairman)  
Hon Albert HO Chun-yan  
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 Tommy CHEUNG Yu-yan, SBS, JP  
Hon Audrey EU Yuet-mee, SC, JP  
Hon Andrew LEUNG Kwan-yuen, GBS, JP  
Prof Hon Patrick LAU Sau-shing, SBS, JP  
Hon KAM Nai-wai, MH  
Hon Cyd HO Sau-lan  
Dr Hon LAM Tai-fai, BBS, JP  
Hon Paul CHAN Mo-po, MH, JP  
Dr Hon Priscilla LEUNG Mei-fun, JP  
Hon CHEUNG Kwok-che  
Hon Mrs Regina IP LAU Suk-ye, GBS, JP  
Dr Hon Samson TAM Wai-ho, JP  
Hon WONG Yuk-man

**Members attending** : Hon Emily LAU Wai-hing, JP

**Public Officers attending** : Agenda item IV

Mr Kenneth CHEN, JP  
Under Secretary for Education

Miss Linda SO  
Principal Assistant Secretary (Further Education),  
Education Bureau

The Chinese University of Hong Kong

Dr Victor LEE Sze-kuen  
Director, School of Continuing and Professional Studies

Dr CHAN Shui-kin  
Associate Director, School of Continuing and  
Professional Studies

Agenda item V

Mr Kenneth CHEN, JP  
Under Secretary for Education

Mrs Michelle WONG  
Deputy Secretary for Education (4), Education Bureau

Mr Tony TANG  
Principal Assistant Secretary (Support Services),  
Education Bureau

Agenda item VI

Mr Kenneth CHEN, JP  
Under Secretary for Education

Mr S K LEUNG  
Principal Assistant Secretary (Professional  
Development & Training), Education Bureau

Ms Cora HO  
Principal Assistant Secretary (Education  
Infrastructure), Education Bureau

Miss Stella CHANG  
Assistant Secretary (Legislation Review), Education  
Bureau

Agenda item VII

Mr Kenneth CHEN, JP  
Under Secretary for Education

Ms Mable CHAN  
Deputy Secretary for Education (2), Education Bureau

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

Ms IP Ling-bik  
Principal Assistant Secretary (Education Commission &  
Planning), Education Bureau

Mr Hubert LAW Hin-cheung  
Principal Assistant Secretary (Constitutional &  
Mainland Affairs) 5, Constitutional and Mainland  
Affairs Bureau

Equal Opportunities Commission

Mr LAM Woon-kwong, GBS, JP  
Chairperson

**Clerk in  
attendance** : Ms Amy YU  
Chief Council Secretary (2)6

**Staff in  
attendance** : Mr Kelvin LEE  
Assistant Legal Adviser 1

Ms Catherina YU  
Senior Council Secretary (2)6

Ms Judy TING  
Council Secretary (2)6

Miss Meisy KWOK  
Legislative Assistant (2)6

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**I. Confirmation of minutes**

[LC Paper No. CB(2)495/11-12]

The minutes of the meeting held on 21 October 2011 were confirmed.

**II. Information paper(s) issued since the last meeting**

[(LC Paper Nos. CB(2)329/11-12(01) to (04), CB(2)434/11-12(01) and CB(2)524/11-12(01)]

2. Members noted the following papers issued since the last meeting –

(a) submissions from members of the public concerning Hong Kong Examinations and Assessment Authority [LC Paper Nos. CB(2)329/11-12(01) to (04)];

(b) referral from the Public Complaints Office of the Legislative Council ("LegCo") Secretariat concerning the views of students of Ng Wah Catholic Secondary School on the contents of Sharp Daily [LC Paper No. CB(2)434/11-12(01)]; and

(c) letter from the Secretary for Commerce and Economic Development dated 6 December 2011 concerning free newspapers containing indecent contents [LC Paper No. CB(2)524/11-12(01)].

**III. Items for discussion at the next meeting**

[Appendices I and II to LC Paper Nos. CB(2)486/11-12 and CB(2)486/11-12 (01)]

3. Members agreed to discuss the following items at the next regular meeting scheduled for 9 January 2012 at 4:30 pm –

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- (a) Proposed creation of one supernumerary Principal Education Officer post in the Education Bureau, and
- (b) Infrastructure enhancement for Education Information System.

4. Having regard to members' earlier request that the Panel should be briefed on the policy and progress on the development of self-financing degree-awarding institutions and private universities in Hong Kong (item 12 on the Panel's list of outstanding items for discussion), the Chairman suggested that the subject matter be discussed at the next regular Panel meeting. She requested the LegCo Secretariat to ascertain with the Administration whether it was in a position to brief members on the subject matter at the next meeting.

*(Post meeting note: Members were informed vide LC Paper No. CB(2)671/11-12 on 22 December 2011 that given the establishment of a Committee on Self-financing Post-secondary Education in the first quarter of 2012 to discuss strategic issues of common interest to and formulate and promote good practices for the self-financing post-secondary education sector, the Administration had proposed to brief members on the latest development of the self-financing post-secondary education sector in the second quarter of 2012. )*

Provision of international school places

5. Ms Audrey EU referred members to her letter dated 1 December 2011 [LC Paper No. CB(2)486/11-12(01)] requesting the Panel to discuss jointly with the Panel on Economic Development ("EDEV Panel") issues relating to the provision of international school places. She said that chambers of commerce of foreign countries had long raised concern about the shortage of international school places and expressed wishes to present their views on the subject matter to the Panel. As the tight supply of international school places would affect the competitiveness of and the business environment in Hong Kong, she suggested that a joint meeting with the EDEV Panel be held to discuss the subject matter as early as practicable and deputations be invited to give views.

6. The Chairman said that the view of the Chairman of the EDEV Panel had been sought on the proposal of holding a joint Panel meeting. As issues relating to the provision of international school places had all along been followed up by the Panel on Education, the Chairman of the EDEV Panel considered it more appropriate for the subject matter to be discussed

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by the Panel on Education. The Chairman added that the subject "International schools" was already on the Panel's list of outstanding items for discussion. Upon the enquiry of the LegCo Secretariat, the Administration had advised that it was conducting a comprehensive survey in the international school sector and would be in a better position to brief members on the latest developments on the subject matter in February 2012.

7. Ms Audrey EU suggested that the Administration be requested to advance the discussion as far as possible. Mrs Regina IP shared the view that issues relating to international school places should be discussed as early as possible. Mrs IP said that Google had recently announced its plan to set up a data centre in Hong Kong. She was concerned that the inadequate supply of international school places would make overseas professionals reluctant to come to Hong Kong and hamper foreign investments. The Chairman requested the Clerk to relay to the Administration members' request for discussing the subject matter as early as practicable.

Indecent contents in Sharp Daily

8. Dr Priscilla LEUNG said that members had agreed at an earlier meeting that the Panel should discuss issues arising from the complaints by parents and education organizations on the indecent contents of Sharp Daily and representatives of the relevant bureaux and law enforcement bodies responsible for monitoring obscene and indecent articles should be invited to attend the meeting to respond to members' questions. Some parent and education organizations had expressed dissatisfaction that a meeting had yet to be arranged for them to give views on the matter. Referring to a joint submission from 121 deputations dated 7 October 2011 to the Chairman requesting the Panel to hold a meeting and invite deputations to give views on the matter, she requested that a meeting be arranged as soon as possible given the strong demand from a large number of organizations.

9. The Chairman said that having regard to the concern about the indecent contents in Sharp Daily, she had requested the Clerk to write to the Commerce and Economic Development Bureau requesting provision of information relating to the enforcement of the law relating to free newspapers. The information provided by the Administration was issued to members vide LC Paper No. CB(2)524/11-12(01) on 6 December 2011. The Chairman requested the Clerk to liaise with the Administration on the timing for discussion of the subject matter.

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Declining secondary student population

10. Mr LEUNG Yiu-chung said that given the declining secondary student population, he was concerned whether there would be significant reduction in the number of classes and closure of secondary schools in the 2012-2013 academic year, and suggested that the Panel should discuss the relevant issues at an early opportunity.

**IV. Start-up loan for post-secondary education providers**

[LC Paper Nos. CB(2)486/11-12(02) to (03)]

11. Members noted the updated background brief entitled "Start-up Loan Scheme for post-secondary education providers" [LC Paper No. CB(2)486/11-12(03)] prepared by the LegCo Secretariat.

12. The Chairman drew members' attention to Rule 83A of the Rules of Procedure ("RoP") concerning personal pecuniary interest to be disclosed which provided that, in the Council or in any committee or subcommittee, a Member should not move any motion or amendment relating to a matter in which he had a pecuniary interest, whether direct or indirect, or speak on any such matter, except where he disclosed the nature of that interest. She reminded members to declare interests in the matter under discussion, if any.

Briefing by the Administration

13. Under Secretary for Education ("US(Ed)") briefed members on the Administration's proposals –

- (a) to extend the ambit of the Start-up Loan Scheme ("SLS") to support the development of student hostels for the self-financing tertiary education sector;
- (b) to increase the commitment of SLS by \$2 billion; and
- (c) to provide a start-up loan of \$40 million to The Chinese University of Hong Kong ("CUHK") for its School of Continuing and Professional Studies ("CUSCS") to operate full-time locally-accredited post-secondary programmes.

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Criteria for approving start-up loan applications

14. Noting that student hostels for self-financing institutions/programmes were expected to operate on a self-financing basis and charges levied on hostel places would be determined by the institutions themselves, the Chairman enquired whether the level of charge for hostel places would be a factor taken into account in vetting the applications for start-up loans, and whether the Administration would monitor the level of charges for hostel places.

15. US(Ed) responded that the Administration would take into account a host of factors, including the proposed number of hostel places and complementary facilities, when considering loan applications for the development of student hostels. As the student hostels were expected to operate on a self-financing basis, institutions concerned were given flexibility in deciding the charges for the hostel places.

Regulation of self-financing post-secondary programmes

16. Mr CHEUNG Man-kwong said that there were cases where start-up loans were granted to institutions for the construction of campus buildings for the operation of sub-degree programmes but the institutions concerned had subsequently used such buildings to run self-financing undergraduate or master degree programmes. As the institutions would use a certain percentage of the tuition fee income to repay the start-up loans, the students in effect had to shoulder part of the loans. He was concerned that some of these programme providers had earned huge profits at the expense of the students who had to borrow loans to pay for the high tuition fees and as a result, were in heavy debt. He considered this unfair to the students and sought information on measures regulating changes in the use of start-up loans by institutions. US(Ed) responded that the Administration was actively following up the cases with the institutions concerned.

17. On the operation of the self-financing higher education sector, US(Ed) said that different types of self-financing programmes were offered by different institutions and the data provided by the institutions on their self-financing programmes were not directly comparable. The Administration would call on the institutions to use the surplus on students.

18. Mr CHEUNG Man-kwong opined that even if the institutions undertook to use the profits on prospective students, it was still unfair to existing students, especially the needy ones. According to the information

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provided in the Administration's written reply to his question on self-financing programmes offered by the University Grants Committee ("UGC")-funded institutions, the profit margins made by some institutions was as high as 20%, and the total surplus received by the institutions from the programmes amounted to some \$1 billion in the last academic year. He also expressed concern about the proliferation in the number of self-financing programmes in recent years. There were 15 000 publicly-funded undergraduate places but 18 000 self-financing master degree places, which he considered unreasonable. He considered it necessary for the Administration to regulate the profits made by the institutions from their self-financing programmes as well as the quality of such programmes.

19. Ms Audrey EU considered it inadequate for the Administration to merely call on the institutions to use their profits on students. She concurred with Mr CHEUNG Man-kwong's view that the Administration had the responsibility to take steps to regulate the profits of self-financing programmes and ensure that such profits would be used on students. Consideration should be given to including certain conditions on the grant of start-up loans, such as setting a cap on the profit margin of such programmes or requiring that the profits be used for improving the quality of the programmes. She also sought information on the percentage of tuition fee income of individual self-financing programmes used by institutions for the repayment of start-up loans.

20. US(Ed) responded that institutions had the autonomy to determine the tuition fees for self-financing programmes which were market-driven. He explained that start-up loans would only be granted to non-profit-making post-secondary education providers and the Administration would consider the impact of the start-up loans on the institutions' financial position in vetting such applications. As different types of programmes (including sub-degree, degree and taught postgraduate programmes) were offered by different institutions, it would be difficult to generalize the situation and set a cap on the tuition fee of these programmes. He further said that a balance had to be struck between regulating self-financing post-secondary programmes and preserving the autonomy of the institutions concerned. As the cost structure of the self-financing programmes varied among institutions, it would be difficult for the Administration to set the level of tuition fees for these programmes.

21. Ms Audrey EU clarified that she was not suggesting that the Administration should set the level of tuition fees for self-financing programmes. Her view was that the Administration should work out

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measures to prevent institutions from making huge profits from the self-financing programmes, for instance by setting a cap on the profit margin.

Admin

22. The Chairman requested the Administration to provide the information sought by Ms Audrey EU on the percentage of tuition fee income of individual self-financing programmes used by institutions for the repayment of start-up loans.

Private universities and self-financing degree-awarding institutions

23. Mrs Regina IP said that according to recent media reports, Hang Seng School of Commerce had insufficient fund to meet the high cost for employing quality teaching staff and intended to seek the Administration's financial support amounting to \$40,000 per student. She expressed doubt as to whether there could be good private universities in the absence of financial support from the Administration save the provision of land. Apart from teaching, a university had to undertake research, for which substantial funding was required. A good university should also foster students' all-round development. Apart from student hostels, there should also be adequate facilities for a variety of extracurricular activities such as sports, performance, etc. As the quality of self-financing post-secondary institutions was generally regarded as lower than that of the publicly-funded universities, the graduates might not have as good career opportunities as their counterparts in publicly-funded universities. She urged the Administration to critically examine the resources allocated to the development of private universities and self-financing degree-awarding institutions to ensure the provision of quality tertiary education.

24. US(Ed) responded that some self-financing post-secondary institutions had a long history in Hong Kong and a number of them had been operating successfully, such as Hong Kong Shue Yan University, Chu Hai College of Higher Education and The Open University of Hong Kong. The Administration had strived to promote the development of the self-financing education sector in recent years with a view to increasing the number of degree places for local students. Since the self-financing post-secondary institutions had different development strategies and programmes, their costs of operation varied. When assessing applications for the registration of self-financing degree-awarding institutions, the Administration would consider the academic and development plans of the applicants. He stressed that the Administration attached great importance to the quality of the self-financing programmes which would be assured

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through the accreditation by the Hong Kong Council for Accreditation of Academic and Vocational Qualifications and the quality assurance mechanisms of the UGC-funded institutions.

25. Miss Tanya CHAN considered the Administration's monitoring of the self-financing post-secondary education sector inadequate. She stressed the importance of quality assurance of the self-financing programmes and considered it inadequate to rely solely on the quality assurance mechanisms of the institutions. She was of the view that the Administration should work out concrete and sustainable measures to ensure the quality of the self-financing post-secondary education sector for the benefit of students. She enquired whether the Administration would consider providing recurrent fund to private universities with a view to reducing the level of tuition fees.

26. US(Ed) responded that in addition to land grant and SLS, the \$2.5 billion Self-financing Post-secondary Education Fund ("the Fund") was established in 2011 to support the further development of the self-financing post-secondary education sector. In addition to offering scholarships to outstanding students, the Fund also provided support for the enhancement of the quality assurance mechanisms of the self-financing post-secondary institutions. Issues relating to the quality assurance of both the publicly-funded and self-financing post secondary education sectors had been studied in depth during the Higher Education Review 2010. The quality of post secondary programmes had all along been a prime concern of the Administration and the Administration would continue to monitor closely the quality of these programmes.

27. Dr Victor LEE, Director of CUSCS, said that CUSCS had maintained a steady balance of its books over the years. In the 2010-2011 academic year, there was a small surplus from its self-financing sub-degree programmes. CUSCS had maintained about the same level of tuition fees in the past few years and the average tuition fee for the 2011-2012 academic year was about \$45,300. Given the increase in the remuneration of its teaching staff, the tuition fees of CUSCS for the 2012-2013 academic year were expected to increase by a few hundred dollars. He appealed to members to support the provision of start-up loan to CUSCS for improvement of the learning environment of its students and enhancement of the quality of teaching.

28. Mrs Regina IP said that the School of Professional and Continuing Education of the University of Hong Kong ("HKUSPACE"), the equivalent of CUSCS, made substantial profits, and sought information on

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the revenue generated by CUSCS. She noted that many self-financing master degree programmes charged high tuition fees and admitted a large number of Mainland students. The fees of Executive Master of Business Administration ("EMBA") programmes ranged from some \$600,000 to \$900,000. Yet many LegCo Members including herself had been invited by these self-financing programmes to give free lectures. She expressed disapproval of the institutions commercializing their self-financing programmes.

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29. Dr Victor LEE responded that CUSCS operated on a self-financing basis and was not a profit-making unit. It had no plan to spin off into an independent institution. CUSCS did not run EMBA and MBA programmes and offered mainly sub-degree programmes and programmes for the continuing development of people who were working. In response to Mrs Regina IP's further enquiry, he said that CUSCS's programmes were targeted at local students. Over 98% of its students were local students, with an annual intake of only about 10 to 15 Mainland students. At the request of members, he agreed to provide information on the fees of and the surplus made by the self-financing master degree programmes operated by CUHK after the meeting.

30. Mr Albert HO said that unless the Administration took action to regulate the profits made by institutions from their self-financing operation to prevent them from reaping excessive profits, he would not support the funding proposal when it was submitted to the Finance Committee ("FC").

Admin

31. The Chairman sought members' views on the submission of the financial proposals to FC. Mr CHEUNG Man-kwong expressed grave dissatisfaction that on the one hand, some institutions had made huge profits from their self-financing programmes but on the other hand, many students had to borrow money to pay for the high tuition fees. He cautioned that should the Administration fail to provide a satisfactory response to the concerns and views raised by members on regulating the profits made by institutions from self-financing programmes and the quality of such programmes, he would not support any of the funding proposals put forward by the Administration in relation to these programmes until a regulatory mechanism was put in place. The Chairman requested the Administration to provide a paper addressing the concerns and views raised by members before submitting its funding proposals to FC.

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**V. Injection into the Education Development Fund**  
[LC Paper Nos. CB(2)486/11-12(04) to (05)]

32. Members noted the updated background brief entitled "School-based professional support programmes financed by the Education Development Fund" [LC Paper No. CB(2)486/11-12(05)] prepared by the LegCo Secretariat.

33. The Chairman drew members' attention to RoP 83A concerning personal pecuniary interest to be disclosed which provided that, in the Council or in any committee or subcommittee, a Member should not move any motion or amendment relating to a matter in which he had a pecuniary interest, whether direct or indirect, or speak on any such matter, except where he disclosed the nature of that interest. She reminded members to declare interests in the matter under discussion, if any.

Briefing by the Administration

34. US(Ed) briefed members on the Administration's proposal to inject \$550 million into the Education Development Fund ("EDF") to continue providing support for five years from 2012-2013 to the school sector in making necessary adjustments arising from the education reform initiatives through school-based professional support ("SBPS") programmes.

School Support Partners (Seconded Teacher) Scheme

35. Mr CHEUNG Man-kwong said that many schools had benefited from the SBPS programmes financed by EDF and expressed support for the funding proposal. He noted that under the School Support Partners (Seconded Teacher) ("SSPs") Scheme, experienced local teachers were seconded to provide peer support to teachers in other schools and Mainland teachers would be invited to work with local schools teachers. To his understanding, given that there was little demand for Chinese-speaking teacher secondees for the Mathematics subject in secondary schools, 16 seconded places originally allocated to the Mathematics subject in secondary schools had been transferred to primary schools. He enquired about the reasons for that and whether the Administration would consider extending the SSPs Scheme to include English-speaking teachers from other countries in view of the demand for English-speaking teacher secondees for Mathematics by many schools.

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36. Deputy Secretary for Education (4) ("DS(Ed)4") responded that the Mainland-Hong Kong Teachers Exchange & Collaboration ("Mainland-Hong Kong TEC") Programme under the SSPs Scheme was mainly implemented in the subjects of Chinese Language and Mathematics in primary schools and had been extended to kindergartens ("KGs") in recent years. While there had been some changes in the needs of schools in this regard over the past few years, there was continuous demand for the exchange activities under the SSPs Scheme. Aside from the Mainland-Hong Kong TEC programme, a small-scale pilot scheme on Hong Kong Teachers' Exchange Activities to the Mainland was launched since 2010 for local English Language teachers to share experience with Mainland teachers. In addition to the professional training for the participant teachers under the pilot scheme, the exchange and collaborative activities had greatly stimulated the professional growth of the participants. The Administration would closely monitor the SSPs Scheme to ensure the professional development of the participating teachers.

37. Principal Assistant Secretary (Support Services) ("PAS(SS)") supplemented that unlike primary schools, there was little demand for Mainland teacher secondees for the Mathematics subject in secondary schools. Hence, the secondment of Mathematics teachers was arranged only for primary schools in the past two years.

Evaluation of the SBPS Programmes

38. Mrs Regina IP sought information on the mechanism for evaluating the effectiveness of the SBPS Programmes.

39. US(Ed) responded that the Administration had commissioned a consultant to conduct a review on the effectiveness of the SBPS Programmes in 2009, and improvements had been made having regard to the findings of the review report. DS(Ed)4 supplemented that apart from the external review in 2009, the Administration had undertaken an evaluation study on the achievements of the SBPS Programmes in 2011 by making reference to information collected through opinion surveys distributed to participant schools, the reports on different schemes under the SBPS Programmes submitted by participating schools and focus group discussion. Data from different sources were analyzed and triangulated. As outlined in Annex B to the Administration's paper [LC Paper No. CB(2)486/11-12(04)], the SBPS programmes had achieved various objectives at the school level, teacher level and student level. Evidence collected from various channels suggested that in general, the participant schools and teachers considered the SBPS programmes effective. The

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popularity of the SBPS programmes was evidenced by a continuous high participating rate over the years and for certain schemes, special arrangements had to be made to ensure that the schools' needs for support would be met.

Support for KG students with special educational needs

40. The Chairman said that she had long advocated that support for students with special educational needs ("SEN") should be extended to KG students. Noting from paragraph 10 of the Administration's paper that additional resources would be allocated to the SBPS Programmes for students with SEN, she enquired whether the Administration had any new initiatives in this regard.

41. PAS(SS) responded that currently, school based professional support was provided also to KGs through the various schemes under the SBPS Programmes. It was the Administration's plan to enhance the support for learner diversity in KGs with the new injection of fund into the EDF. Assistance to teachers and schools to cater for learner diversity would be enhanced through experience sharing among teachers and schools. Collaboration programmes with tertiary institutions could also be considered, where appropriate, to enhance support to KGs in this regard.

42. The Chairman stressed that early identification and intervention was important for students with SEN. She had repeatedly urged the Administration to set up a professional team comprising educational psychologists and pre-primary education experts to render assistance to KG teachers in handling students with learning diversity. She requested the Administration to provide supplementary information on support to KGs to cater for learner diversity before submitting the funding proposal to FC.

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43. Mr Tommy CHEUNG said that Members belonging to the Liberal Party supported the funding proposal.

44. Concluding the discussions, the Chairman said that the Panel supported the submission of the funding proposal to FC for consideration on 13 January 2012.

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**VI. The Education (Amendment) Regulation 2012; The Education (Exemption)(Private Schools Offering Non-Formal Curriculum) (Amendment) Order 2012; and The Hong Kong Examinations and Assessment Authority Ordinance (Amendment of Schedule 1) Order 2012**  
[LC Paper No. CB(2)486/11-12(06)]

45. US(Ed) briefed members on the Administration's proposal to amend three items of subsidiary legislation to reflect the changes arising from the introduction of the Hong Kong Diploma of Secondary Education Examination ("HKDSE") in 2012, and the cessation of the Hong Kong Certificate of Education Examination in 2011 and the Hong Kong Advanced Level Examination in 2013. The relevant Amendment Orders would be published in the Gazette and tabled in LegCo in February 2012 for negative vetting.

46. Mr CHEUNG Man-kwong expressed support for the submission of the legislative proposals to LegCo. He said that the proposed technical amendments were necessary following the implementation of HKDSE.

47. At the invitation of the Chairman, Assistant Legal Adviser 1 said that at the present stage, he did not have any particular view on the Administration's legislative proposals. The Legal Service Division would scrutinize the detailed provisions of the Amendment Orders after their gazettal and report to Members should any issues be identified.

48. Members raised no queries on the legislative proposals.

**VII. Education support for non-Chinese speaking students**  
[LC Paper Nos. CB(2)486/11-12(07) and (08),  
CB(2)570/11-12(01)) and (02), and CB(2)590/11-12(01)]

49. Members noted the background brief entitled "Education for non-Chinese speaking students" [LC Paper No. CB(2)486/11-12(08)] prepared by the LegCo Secretariat.

50. The Chairman drew members' attention to the respective submissions from Hong Kong Unison Limited ("HK Unison") [LC Paper No. CB(2)570/11-12(01)] and Ms Puja Kapai of the Centre for Comparative and Public Law ("CCPL"), The University of Hong Kong [LC Paper No. CB(2)570/11-12(02)], and the Administration's response dated 12 December 2011 to the Report of the Equal Opportunities

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Commission's ("EOC") Working Group on Education for Ethnic Minorities ("WG Report") [LC Paper No. CB(2)590/11-12(01)], which were tabled at the meeting.

Briefing by the Administration

51. US(Ed) introduced the Administration's paper [LC Paper No. CB(2)486/11-12(07)] setting out the progress and way forward for education support for non-Chinese speaking ("NCS") students, in particular the measures relating to the learning of the Chinese language under a common curriculum framework, support to schools and promotion of an early start for NCS students to study the Chinese language. US(Ed) said that the Administration would provide an overall response to the WG Report after the discussion with members and EOC at the meeting.

52. Referring to the submission from HK Unison stating that the Secretary for Education and the Permanent Secretary for Education were unwilling to meet with EOC to discuss the WG Report despite repeated requests, the Chairman sought clarification whether the Administration had followed up with EOC on issues raised in the WG Report.

53. US(Ed) responded that the Education Bureau ("EDB") represented by him and the Deputy Secretary for Education (2) ("DS(ED)2") had exchanged views with EOC both before and after the issuance of the WG Report. They had also apprised the Secretary for Education and the Permanent Secretary for Education respectively on the outcome of the discussions with EOC.

Presentation of views by EOC

54. Chairperson of EOC briefed members on EOC's views on education for ethnic minorities ("EM") children, as detailed in its submission [LC Paper No. CB(2)552/11-12(01)]. In the context of EOC's concern, EM children referred largely to South Asians from low income families who could not afford the choice of international schools. He pointed out that those who were concerned about education for EM children were groping in the dark owing to the lack of statistical information on the educational attainment of EM students including their attendance in tertiary education and the effectiveness of the support measures provided by the Administration to facilitate EM children's learning of the Chinese language. No such information was available as EDB had not undertaken any systemic data collection or longitudinal study in this regard. This notwithstanding, it was clear that the rate of lower

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academic achievement of EM students was much higher than that of local ethnic Chinese students and the ratio of EM students attaining tertiary education was very low. He considered the Administration's policy on education for EM children a failure, and queried the effectiveness of its piecemeal remedial approach. He urged the Administration to tackle the problems at source.

55. Chairperson of EOC further said that EM students' lack of proficiency in the Chinese language was the main reason for their lower academic achievement rate in the education system. The General Certificate of Secondary Education ("GCSE") (Chinese) Examination, an alternative Chinese qualification for EM students, could hardly help school leavers meet vocational requirements as it was equivalent to only about primary two level. Furthermore, although the GCSE Chinese qualification was considered by the University Grants Committee ("UGC")-funded institutions as an alternative Chinese language requirement for admission since the 2008-2009 academic year, there had been no noticeable increase in the percentage of EM students being admitted to these institutions. In the view of EOC, the Administration should implement an alternative Chinese curriculum and qualification that was attainable and met the different needs of EM students. Reference could be made to the International English Testing System ("IELTS") and the Chinese Proficiency Test administered by the China National Committee for Chinese Proficiency Test in developing an alternative Chinese curriculum and qualification which offered a range of language attainment standards to suit the different abilities of EM children.

56. Chairperson of EOC stressed the importance of providing Chinese language support programmes to EM children at kindergarten level to help them build a solid language foundation for learning Chinese. He called on the Administration to provide financial incentives to kindergartens ("KGs") under the Pre-primary Education Voucher Scheme to provide Chinese language support to EM students and support to KGs in developing Chinese language curriculum for these students.

Response by the Administration to EOC's views

57. US(Ed) said that the Administration shared EOC's concern about education for NCS children and had been enhancing its support measures in this regard. The Administration had studied the difficulties encountered by teachers and NCS students in teaching and learning the Chinese language and taken different stakeholders' views into account. The Supplementary Guide to the Chinese Language Curriculum for NCS

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Students ("the Supplementary Guide") was issued to support NCS students' learning of the Chinese language at different stages of development. He stressed the need to allow time for the Supplementary Guide to take root and be recognized by relevant stakeholders.

58. US(Ed) further said that to help NCS students pursue higher education, the GCSE (Chinese) Examination was administered in Hong Kong with its qualification accepted by the Government for appointment to civil service posts and by UGC-funded institutions as an alternative Chinese qualification for consideration for admission. In this sense, the GCSE (Chinese) would be an alternative assessment of Chinese proficiency. In tandem, the multiple curriculum modes of the Supplementary Guide might lead to different exits such as the Hong Kong Diploma of Secondary Education ("HKDSE"), GCSE and International General Certificate of Secondary Education ("IGCSE") to meet different aspirations and needs of NCS students in the multiple progression pathways. In the view of the Administration, NCS students would be put at a disadvantageous position by studying a curriculum with pre-set simpler contents and lower standards.

59. US(Ed) added that the Administration would enhance its support measures for NCS students to learn the Chinese language at pre-primary level. Teaching NCS students to learn the Chinese language was in essence adopting different pedagogies to cater for learner diversity for students with different cultural and family backgrounds, apart from varying learning abilities. It was the Administration's view that learning the Chinese language under a common curriculum framework would facilitate NCS students' integration into the community. Currently, there were about 13 000 NCS students and the number had been increasing rapidly. The Administration would conduct a longitudinal study which would cover the academic attainment of NCS students concerned.

Discussions

60. Mr LEUNG Yiu-chung considered it useful to invite principals of both designated and non-designated schools admitting NCS students and the relevant school sponsoring bodies to give views on the subject. He said that the support provided by The University of Hong Kong to the designated schools in the development of teaching and learning materials was welcomed by many designated schools and considered that such support should also be provided to non-designated schools. He sought information on the criteria for selection of designated schools.

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61. US(Ed) responded that more and more NCS students were attending mainstream schools. In the 2006-2007 school year, about 70% of the total number of NCS students were attending designated schools, whereas in the current school year, the percentage of NCS students in non-designated schools had increased to about 40%. Regarding support for non-designated schools, US(Ed) said that the Administration had launched a three-year pilot project of After-school Extended Chinese Learning under the Language Fund in the 2010-2011 school year to provide funds for non-designated schools to put in place extended Chinese learning programmes for NCS students. Currently, about 60% to 70% of NCS students in non-designated schools had participated in the project. With increasing number of NCS students studying in mainstream schools, EDB would take into account the needs of these schools when conducting a comprehensive assessment of the support measures for NCS students. DS(Ed)2 supplemented that EDB's School-based Support Services Office ("the SBSS Office") had also extended its support services to cover non-designated schools, in addition to designated schools.

62. On the criteria for selection of designated schools, US(Ed) said that the first batch of designated schools had included the eight schools which had traditionally admitted a large number of NCS students. Since then, more schools admitting a sizeable number of NCS students had become designated schools. These schools were provided with focused support to facilitate their development of expertise in the teaching of NCS students and sharing of experiences with other schools. Currently, there were 30 designated schools but there was no ceiling set on the number of designated schools.

63. In response to the Chairman's enquiry on support measures for NCS students to learn the Chinese language at pre-primary level, DS(Ed)2 said that the Pre-primary Education Support Section of EDB had all along provided school-based support programmes to pre-primary institutions. In the current school year, 31 of the KGs participating in these programmes had admitted a certain number of NCS students. The Administration would focus its support measures more on the needs of NCS children to learn the Chinese language through the provision of school-based programmes to these KGs. Furthermore, to enhance parents' awareness of the support services for NCS students at pre-primary level, dedicated briefing sessions were conducted in EM languages and relevant information leaflets had also been translated into major EM languages. The Administration would continue to enhance its promotion to NCS parents on learning the Chinese language at pre-primary level.

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64. Referring to the submission from HK Unison proposing the implementation of a "Chinese as a Second Language" ("CSL") curriculum for NCS students, Mrs Regina IP said that the proposed CSL curriculum was similar to the "English as a Second Language" ("ESL") curriculum adopted in many countries as a transitional measure to facilitate new arrivals' learning of the English language and their articulation to mainstream education. In her view, the Administration should develop an alternative Chinese language curriculum for NCS students which allowed flexibility for them to progress through different levels, so as to cater for their different needs and abilities. She pointed out that some jobs, such as the Rank and File grades of the General Disciplined Services of the civil service, did not require a high level of proficiency in the Chinese language.

65. US(Ed) agreed that the pedagogy for a second language should be adopted in the teaching of the Chinese language to NCS students. In this sense, the Supplementary Guide including four different curriculum modes (i.e. immersion in Chinese language lessons; bridging/transition; specific learning purposes; and integration) could meet NCS students' need of learning a second language. There were NCS students who had achieved good results in learning the Chinese language after receiving focused support from teachers for a few years. US(Ed) stressed that the adoption of the pedagogy for teaching Chinese as a second language was different to the implementation of an alternative Chinese language curriculum. The Administration did not recognize the need for an alternative Chinese language curriculum. He added that the qualifications of GCSE (Chinese) and IGCSE (Chinese) had already been considered by the Police Force for appointment to the relevant posts. Recently, some EMs had been appointed as Police Community Liaison Assistants.

66. Ms Emily LAU said that the Government was duty bound by its international legal obligations under Article 13 of the International Covenant on Economic, Social and Cultural Rights, which protected the right of access to education for all children in Hong Kong including EM children. The issue of education for EM children had been a long-standing concern of Members. She had called on the Administration to conduct a tracking survey on the academic development of EM students for many years but to no avail. Statistics on the education attainment of EM students remained unavailable.

67. Citing from the WG Report that the policy of designated schools might in itself be discriminatory as it reinforced segregation pursuant to section 4(3) of the Race Discrimination Ordinance (Cap. 602) ("RDO") which stated that segregating a person from other persons on the ground of

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the race of that person was treating that person less favourably than the other persons, Ms Emily LAU asked whether EOC would consider taking legal action against the Government.

68. Chairperson of EOC responded that under RDO, EOC was conferred with the power to conduct investigation into complaints lodged under the legislation. However, it was not empowered to initiate legal proceedings on a particular case. EOC's approach was to urge the Administration, through rational discussions, to enhance equal opportunities of EM children to enjoy quality education at the policy level. EOC considered that such an approach would allow greater flexibility and achieve faster results than resorting to legal actions.

69. Chairperson of EOC further said that while the Administration had put in resources and efforts to enhance support measures for EM students in recent years, the outcome was disappointing. The Administration should face up to the reality that its measures were not effective and the majority of EM students failed in the education system. A common Chinese language curriculum had failed to take into account the difficulties encountered by EM students in learning the Chinese language. Their poor results in the Chinese language had dragged down their overall academic performance and adversely affected their opportunities of receiving higher education. Many EM students did not have difficulties in learning the English language and could do well academically if their families had the financial means to send them to international schools. While there were public schools using English as the medium of instruction, EM students were unlikely to get admitted to these schools because their overall academic attainment was affected by their poor performance in the Chinese language.

70. Ms Audrey EU referred to the submission from Ms Puja Kapai of CCPL highlighting the Administration's legal obligations to provide equal access to quality education for children from EM communities. She said that as pointed out by EOC, the Administration's actions in the past five years or so had failed to improve the situation. She asked how much longer would EOC wait before it would resort to legal action to ensure EM children's equal access to education, pointing out that time spent waiting was time wasted for EM students.

71. Chairperson of EOC responded that given the complexity of education issues and the many different stakeholders involved, EOC would not lightly resort to legal actions. He reiterated that EOC had the power to conduct formal investigation into complaints lodged under RDO and

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depending on the outcome of the investigation and the merit of the case, it might grant legal assistance to aggrieved persons to take their case to the court. However, EOC was not empowered to initiate legal actions.

72. Miss Tanya CHAN referred to the submission from Ms Puja Kapai of CCPL stating that the existing learning support provided by the Administration had failed to help EM students compete on an equal footing with their local counterparts in both the realms of higher education and employment. She requested the Administration to respond to the four recommendations put forward in the executive summary of the submission.

73. On the first recommendation of allocating resources to enable all schools, both designated and non-designated ones, to develop effective language teaching and learning approaches for EM children, US(Ed) referred members to the Administration's paper for details of its enhanced support measures to help EM students learn the Chinese language. Regarding the second recommendation of providing enhanced training to teachers in teaching Chinese to EM children, the SBSS Office had been providing school-based support services to schools, including training for teachers to cater for learner diversity. The Administration agreed to the third recommendation that it should make reference to the experiences of other countries that have successfully implemented official-language learning programmes for minority groups. As regards the fourth recommendation that the Administration should ensure adequate opportunities for meaningful engagement between local and EM communities, US(Ed) said that the Administration had all along attached great importance to building an inclusive society. Through the support service centres for ethnic minorities and the work of NGOs, the Administration had been encouraging engagement between EM communities and the local population. He reiterated the Administration's view that it was not truly in the best interest of NCS students to implement an alternative Chinese curriculum and assessment with pre-set simpler contents and lower standards.

74. Mr LEE Cheuk-yan criticized the Administration for its arrogance and inflexibility. He urged the Administration to admit that its measures had failed to provide EM students with equal access to opportunities for higher education and to take on board the suggestion of providing an alternative Chinese language curriculum for EM students.

75. DS(Ed)2 said that following the implementation of the revised secondary school places allocation arrangement for NCS students in 2004,

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more NCS students attended mainstream schools and the Administration had started to put in place measures to support NCS students to learn the Chinese language. The measures had only been implemented for a few years and there was certainly room for improvement. Regarding members' request for systemic data, DS(Ed)2 provided the statistics on the results of NCS students in Chinese language examinations. Up to 2011, a total of 190 NCS students at Secondary 5 had sat for the GCSE (Chinese) examination, of which 170 had obtained Grade D or above. Of the 94 NCS students who sat for the Chinese language examination in the Hong Kong Certificate of Education Examination ("HKCEE") in 2010, 62 obtained a pass or above, representing a passing rate of 60%. Furthermore, based on the performance of Primary 3 and 6 NCS students in some designated schools taking part in the Chinese language test in the Territory-wide System Assessment ("TSA"), there was evidence of their improvements in some basic competency indicators in the Chinese language. While acknowledging that improvement had to be made, she considered it necessary to recognize the efforts of schools and teachers in enhancing support to EM students in learning Chinese, hence the success cases.

Admin 76. Mr LEE Cheuk-yan requested the Administration to provide relevant statistics on the educational attainments and Chinese language competency of NCS students, including the respective numbers and percentages of NCS students who had achieved basic competency in the Chinese language at Primary 3 and 6 levels in the TSA. The Chairman also requested the Administration to provide written information on the percentage and number of Secondary 5 NCS students who had sat for the Chinese Language examination in the 2010 HKCEE and the grades they obtained.

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77. Mr CHEUNG Man-kwong agreed with EOC's view on the importance of strengthening Chinese language support to EM children at pre-primary level. The existing six-month support programme provided to NCS children before enrolling to schools including KGs was hardly sufficient. He suggested that EM teachers should be engaged at KGs which had admitted NCS children to provide focused support to them.

78. Mr CHEUNG Man-kwong further said that the approaches to Chinese language learning in terms of an immersed Chinese environment adopted by all the three types of schools admitting NCS students were unsatisfactory. Firstly, there were designated schools enrolling a large number of NCS students, which did not facilitate their integration into the community. These schools did not group NCS students into different classes according to their level of proficiency in the Chinese language,

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which was not conducive to their effective learning of the language. Secondly, there were mainstream schools with only a small number of NCS students. While there were more opportunities for these students to integrate with their Chinese counterparts, they might not catch up with the learning of the Chinese language, which eventually dragged down their overall academic performance. Thirdly, there were some non-designated schools which had enrolled a sizeable number of NCS students. While these schools facilitated integration, they might provide inadequate focused support for NCS students to learn the Chinese language.

79. Mr Abraham SHEK stressed that all children, including EM children, should have equal access to quality education. While recognizing the efforts of EDB in enhancing support for NCS students, he considered the resources allocated by the Administration inadequate. He also shared the view that EDB did not understand the crux of the problem and did not fully appreciate the difficulties faced by EM children in learning the Chinese language, given the lack of support from their families. He urged the Administration to listen to the views of members and deputations and work out measures to ensure that EM children had equal access to education. He said that the Administration should also consider the dropout rate of NCS students in different levels of study in secondary school.

80. US(Ed) responded that the Administration had upheld equal access to education for NCS students. While he shared members' views on the policy of designated schools, he pointed out that some stakeholders supported the policy to facilitate the provision of focused support for NCS students while others considered that NCS students should be encouraged to study in other mainstream schools to facilitate their integration into the community. US(Ed) elaborated that under the existing system for allocation of school places, NCS students had equal access to all mainstream schools including designated schools which were mainstream schools as their local counterparts. In other words, NCS students could also choose to study in designated schools. He stressed the importance of providing more schools appealing to NCS parents while respecting their wishes.

81. Chairperson of EOC criticized EDB for holding on to its view that the increase in designated schools was a result of parental choice. The truth was that parents were forced to send their children to designated schools as they had failed in the mainstream education system.

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82. Prof Patrick LAU said that when he was studying secondary school, his school grouped the NCS students of each form into one class to facilitate teaching and learning. These NCS students were not mandated to study the Chinese language. There was no problem with their learning and integration and many of them had entered local universities. He pointed out that not all NCS students could master the Chinese language and he did not see the reason why they were required to study the Chinese language in order to pursue higher education in Hong Kong.

83. US(Ed) responded that schools were allowed to devise the appropriate school-based medium of instruction arrangements with regard to students' learning needs. On Prof Patrick LAU's enquiry on whether NCS students in mainstream schools could be given the choice of not studying the Chinese language, US(Ed) said that proficiency in the Chinese language was becoming more important in today's world and employers had higher requirement for Chinese language skills. In tandem, the Administration recognized the importance of providing multiple pathways to NCS students. The Pilot Scheme on Workplace Chinese Language to be launched in the 2011-2012 school year aimed at helping NCS students who could not attain an acceptable level in terms of Chinese proficiency under HKDSE to enhance their competitiveness in the workplace.

84. Dr Priscilla LEUNG said that there were a small number of mainstream secondary schools offering the French language in lieu of the Chinese language for one class of students, including NCS students, at each level. According to her experience, NCS students integrated well with their Chinese counterparts at these schools. She considered that the Administration should explore the feasibility of encouraging and providing assistance to some mainstream schools to adopt such arrangements with a view to providing more options for NCS students. She further opined that while the learning of Chinese language could help EM students integrate into the community, they did not necessarily have to be examined on the subject.

85. US(Ed) responded that while acknowledging that a small number of schools had been offering other languages such as French to NCS students, it was the Administration's policy to facilitate the integration of NCS students studying in mainstream schools through the learning of the Chinese language. To meet different needs of NCS students, the qualification of the GCSE (Chinese) Examination were accepted as an alternative qualification for admission to local universities.

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86. DS(Ed)2 supplemented that individual schools admitting NCS students had adopted different teaching modes having regard to their schools' including students' specific circumstances. While some NCS students opted for the learning of the French language in lieu of the Chinese language, many others chose to study in mainstream schools to learn the Chinese language with a view to pursuing further education and employment locally. She stressed that the learning of the Chinese language was pivotal to their study of other subjects in school as well as their integration into the community and due consideration should be given to the wish and need of NCS students to learn the Chinese language. The Administration would continue to examine how best to deploy resources to help NCS students learn the Chinese language effectively. She added that the different types of schools admitting NCS students mentioned by members would be taken into account in the longitudinal study to be conducted by the Administration.

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87. At the request of Miss Tanya CHAN, the Administration agreed to provide supplementary information on support services for NCS students with special educational needs.

88. Mr CHEUNG Man-kwong requested the Administration to respond to the following six suggestions:

- (a) engaging EM teachers at KGs admitting EM children to help EM children to adapt and integrate more effectively;
- (b) setting aside a certain number of publicly-funded university places for EM students and relaxing the Chinese language admission requirement for these students;
- (c) putting in place a Chinese language proficiency test with different levels, modeled upon IELTS, to facilitate NCS students with different needs and abilities to obtain the qualifications in stages;
- (d) the Administration should develop an effective standardized data collection system to capture relevant information such as the enrolment rate and academic results of NCS students at different levels of study, including KGs, primary and secondary schools as well as post-secondary institutions;
- (e) the three types of schools admitting NCS students mentioned should group NCS students into different classes and arrange

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after-school tutorial classes for them according to their level of proficiency in the Chinese language; and

- (f) the Administration should compare the effectiveness of the teaching and learning approaches adopted by the three types of schools admitting NCS students and work out ways to enhance NCS students' learning of the Chinese language.

89. The gist of the response from US(Ed) and DS(Ed)2 was as follows:

- (a) designated primary and secondary schools could use the additional recurrent funding granted to them for engaging teaching assistants with EM background. Furthermore, in the 2010-2011 school year, the Administration had piloted a three-year project of After-school Extended Chinese Learning under which non-designated schools might seek funds to put in place extended Chinese learning programmes for NCS students, including engaging teaching assistants with EM backgrounds. The Administration had undertaken to assess the support measures for NCS students in mainstream schools and enhance the provision of professional support to KGs to cater for the needs of NCS students;
- (b) the proposal of setting aside certain university places for EM students which had been deliberated before was controversial. At the present stage, the Administration had no plan to do so;
- (c) under the pilot scheme on Workplace Chinese Language for NCS students to be implemented in the 2011-2012 school year, programmes would be pegged at Levels 1 to 3 of the Qualifications Framework to meet the needs of specific trades for different levels of Chinese proficiency;
- (d) the Administration had undertaken to conduct a longitudinal study including assessment on the academic attainment of NCS students;
- (e) schools should be allowed to decide on their own the appropriate arrangements for the teaching of the Chinese language and after-school tutorial classes for NCS students having regard to their school-based circumstances; and

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- (f) the Administration would conduct a comprehensive assessment on its support measures to designated and non-designated schools particularly in respect of the learning of the Chinese language of NCS students.

Way forward

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90. The Chairman said that it was the wish of many EM parents for their children to achieve upward mobility through education. However, the reality was that the majority of EM children failed in the education system and had to take up low-paid jobs. To facilitate the Panel to further follow up on the matter, she requested the Administration to provide a detailed written response to the views and suggestions raised by members at the meeting and in the written submissions, including whether the Administration would take on board the suggestions, and if not, the reasons for that. Mr CHEUNG Man-kwong said that should the Administration decide not to take on board certain suggestions raised by members, it should also put forward other alternative solutions for resolving the problems.

91. Chairperson of EOC believed that significant progress would be made should the Administration respond positively to the six suggestions raised by Mr CHEUNG Man-kwong in paragraph 88 above.

92. In response to the Chairman's enquiry, DS(Ed)2 undertook to provide the requisite information as far as practicable within one month. She explained that a longitudinal study on NCS students would normally take at least three to five years before meaningful data and findings could be available.

93. The Chairman suggested that upon receipt of the Administration's response, the Panel would further consider how to follow-up the matter, including whether relevant stakeholders such as front-line teachers and schools should be invited to give views to the Panel. Members agreed.

**VIII. Any other business**

94. There being no other business, the meeting ended at 7:15 pm.