

LEGISLATIVE COUNCIL BRIEF

EDUCATION ORDINANCE (Cap. 279)

EDUCATION ORDINANCE (AMENDMENT OF SCHEDULE 3)

NOTICE 2013

INTRODUCTION

The Secretary for Education (SED) has amended Schedule 3 to the Education Ordinance (Cap. 279) (the Ordinance) by the Education Ordinance (Amendment of Schedule 3) Notice 2013 (the Notice) published in the Gazette. This brief explains the Notice at **Annex A**.

JUSTIFICATIONS

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

3. Section 40AC of the Ordinance sets out the criteria which a school has to meet to be a specified school in Schedule 3, and provides that SED may by notice published in the Gazette amend Schedule 3. In essence, these schools are non-DSS, non-aided primary or secondary schools in receipt of government subsidies such as the Capital Grant and Per Caput Grant. Copies of section 40AC and Schedule 3 are at **Annex B**.

4. Since one of the existing specified schools has become a DSS school and no longer meets the criteria for inclusion in the Schedule 3, SED needs to amend Schedule 3 to bring it up-to-date.

THE NOTICE

5. The Notice made under section 40AC of the Ordinance amends Schedule 3 by deleting the name and address of one existing specified school, which has become a DSS school, from the Schedule.

LEGISLATIVE TIMETABLE

6. The Notice was published in the Gazette on 13 December 2013 and tabled at the Legislative Council on 18 December 2013. Subject to negative vetting, the Notice will come into operation on 14 February 2014.

IMPLICATIONS

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

PUBLIC CONSULTATION

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

PUBLICITY

9. As the amendment of Schedule 3 is factual and technical in nature, there is no need for publicity arrangement.

ENQUIRIES

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

Education Bureau
December 2013

**Education Ordinance (Amendment of Schedule 3)
Notice 2013**

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

1. Commencement

This Notice comes into operation on 14 February 2014.

2. Education Ordinance amended

The Education Ordinance (Cap. 279) is amended as set out in
section 3.

3. Schedule 3 amended (specified schools)

Schedule 3—

Repeal

“Mu Kuang English
School

55 Kung Lok Road, Kwun Tong,
Kowloon”.



Secretary for Education

4 December 2013

Explanatory Note

Under sections 40BJ and 40BK of the Education Ordinance (Cap. 279), an aided school must establish an incorporated management committee, while a school that has joined the Direct Subsidy Scheme (*DSS school*) or that is a specified school in Schedule 3 to the Ordinance may establish an incorporated management committee. To be a specified school in the Schedule, a school must meet the conditions set out in section 40AC of the Ordinance, including that the school is not a DSS school.

2. This Notice amends the Schedule to delete 1 school, which has become a DSS school, from the Schedule.

Education Ordinance (Cap. 279) - Section 40AC

Secretary for Education may amend Schedule 3

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

**SCHEDULE 3
SPECIFIED SCHOOLS**

School Name	School Address
Diocesan Girls' Junior School	1 Jordan Road, Kowloon
Discovery College	38 Siena Avenue, Discovery Bay, Lantau Island, New Territories
International Christian Quality Music Secondary and Primary School	182 Po Kong Village Road, Diamond Hill, Kowloon
International Christian School	1 On Muk Lane, Shatin, New Territories
Mu Kuang English School	55 Kung Lok Road, Kwun Tong, Kowloon
Po Leung Kuk Choi Kai Yau School	6 Caldecott Road, Shamshuipo, Kowloon
Renaissance College	No. 5 Hang Ming Street, Ma On Shan, Shatin, New Territories
S.K.H. All Saints' Middle School	11 Pak Po Street, Kowloon
The Independent Schools Foundation Academy	1 Kong Sin Wan Road, Pokfulam, Hong Kong
United Christian College	9 & 11 Tong Yam Street, Tai Hang Tung, Shamshuipo, Kowloon
Victoria Shanghai Academy	19 Shum Wan Road, Aberdeen, Hong Kong
Yew Chung International School – Secondary	3 To Fuk Road, Kowloon Tong, Kowloon