

立法會
Legislative Council

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the Administration)

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LegCo Panel on Education

Minutes of Meeting
held on Monday, 17 April 2000 at 4:30 pm
in Conference Room A of the Legislative Council Building

Members Present : Prof Hon NG Ching-fai (Deputy Chairman)
Hon Cyd HO Sau-lan
Hon Mrs Selina CHOW LIANG Shuk-ye, JP
Hon CHEUNG Man-kwong
Hon LEUNG Yiu-chung
Dr Hon YEUNG Sum
Hon Emily LAU Wai-hing, JP
Hon CHOY So-yuk
Hon Andrew CHENG Kar-foo
Hon SZETO Wah

Members Absent : Hon YEUNG Yiu-chung (Chairman)
Hon SIN Chung-kai
Hon Andrew WONG Wang-fat, JP
Hon Jasper TSANG Yok-sing, JP

Public Officers Attending : Agenda item IV
Mrs Fanny LAW, JP
Director of Education

Mr Joseph LAI
Deputy Secretary for Education and Manpower

Mrs Margaret CHAN
Principal Assistant Secretary for Education and Manpower

Mr S K LEE
Assistant Director of Education (Services)

Agenda item V

Mrs Fanny LAW, JP
Director of Education

Mr Joseph LAI
Deputy Secretary for Education and Manpower

Mrs Margaret CHAN
Principal Assistant Secretary for Education and Manpower

Mr Stanley Y H YING
Senior Assistant Director of Education (Administration)

Mr M Y CHENG
Assistant Director of Education (Schools)

Mr David YEUNG
Partner
PricewaterhouseCoopers

Mr Michael MA
Project Manager
PricewaterhouseCoopers

Ms Jane HO
Consultant
PricewaterhouseCoopers

Professor Mark BRAY
Education Specialist
PricewaterhouseCoopers

Agenda item VI

Mrs Fanny LAW, JP
Director of Education

Mr Joseph LAI
Deputy Secretary for Education and Manpower

Mrs Margaret CHAN
Principal Assistant Secretary for Education and Manpower

Mr W H CHING
Senior Education Officer (Building)

Agenda item VII

Mrs Fanny LAW, JP
Director of Education

Mr Joseph LAI
Deputy Secretary for Education and Manpower

Mrs Margaret CHAN
Principal Assistant Secretary for Education and Manpower

Mr M Y CHENG
Assistant Director of Education (Schools)

Agenda item VIII

Mr Philip K F CHOK
Deputy Secretary for Education and Manpower

Ms Michelle LI
Principal Assistant Secretary for Education and Manpower

Mr Jack CHAN
Deputy Secretary General
University Grants Committee

Clerk in Attendance : Miss Mary SO
Chief Assistant Secretary (2) 5 (Acting)

Staff in Attendance : Mr Stanley MA
Senior Assistant Secretary (2) 6

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The Deputy Chairman reminded members that a special meeting of the Panel had been scheduled for 25 April 2000 at 2:30 pm. The meeting would discuss the proposed Grant Schools Provident Fund (Amendment) Rules 2000 and Subsidized Schools

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Provident Fund (Amendment) Rules 2000 which were made under section 85 of the Education Ordinance and tabled at the legislative Council on 12 April 2000.

I. Confirmation of minutes of meetings on 21 December 1999 and 20 March 2000 and matters arising

[LC Paper Nos. CB(2) 1690/99-00, 1691/99-00 and 1712/99-00 (01) & (02)]

2. The two sets of minutes were confirmed.

Revision to the fines for offences in the Education Ordinance and the Education Regulations

3. At the Deputy Chairman's invitation, Deputy Secretary for Education and Manpower (DS/EM) briefed members that in response to members' concern expressed at the last meeting on 20 March 2000 about the insufficient increase in fine for over-enrollment in kindergartens, the Administration had now revised the proposed increase from \$50,000 to \$250,000. The revised level of fine would be applied to each kindergarten class which had over-enrolled and was comparable to that for the offence of operating a school which was not registered or provisionally registered under section 87(1) of the Education Ordinance.

4. Mr CHEUNG Man-kwong expressed support for the Administration's revised proposal to increase the fine to HK\$250,000. He considered that in terms of the seriousness of the offence, over-enrollment was about the same as operating a school without a valid registration certificate since it would in effect put children's lives at risk. He enquired about the legislative timetable for the proposed revision of fines to become effective.

5. In response, DS/EM said that the Administration had proposed to set the commencement date of the amendments to the Education Regulations at the date of the gazettal prior to the 28-day vetting period to ensure that the new fines would take effect before the start of the 2000/01 school year.

6. Mr CHEUNG Man-kwong urged the Administration to bring the proposed new fines into effect within the current session. DS/EM undertook to further explore the feasibility of completing the necessary legislative procedures by the end of the current session.

7. Miss Cyd HO expressed support for the proposed revision of fines. She enquired whether kindergarten operators had expressed objection to the proposed level of fine for over-enrollment. Director of Education (D of E) responded that the Education Department (ED) had not received any complaint from kindergarten operators in this regard. Mr CHEUNG Man-kwong pointed out that except the few kindergartens which had a record of over-enrolling, the overwhelming majority of kindergartens were operated in accordance with the provisions of the Education Ordinance.

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8. In response to Mr Andrew CHENG, DS/EM said that the Administration would revise regulation 102 of the Education Regulations to provide for a maximum fine of \$250,000 for over-enrollment and a maximum fine of \$50,000 for all other offences under the Education Regulations.

Panel visit to schools

9. Members raised no objection to the proposed list of schools suggested for visits by the Panel.

II. Information paper issued since last meeting

[LC Paper No. CB(2)1616/99-00(01)]

10. The Deputy Chairman briefed members that the Administration had provided information on the number of new School Sponsoring Bodies which were allocated a school in the past three school allocation exercises.

III. Items for discussion at the next meeting

[Appendices I and II to LC Paper No. CB(2)1693/99-00]

11. Members agreed to discuss the consultation document on proposals for education reform which would be published by the Education Commission in May 2000.

12. In response to Mr SIN Chung-kai's proposal which was tabled at the meeting, members agreed to discuss Information Technology Education in Hong Kong at the Panel's meeting in June 2000.

IV. Government evening schools

[LC Paper No. CB(2) 1693/99-00(01)]

13. At the request of the Deputy Chairman, Assistant Director of Education (Services) (ADE(S)) briefed members on the salient points of the paper.

14. D of E supplemented that the long-term development of ED's evening schools established in the early fifties would be reviewed in the light of the proposals for education reform which would be available for public consultation in May 2000. She pointed out that in view of the emphasis on facilitating life-long learning through various channels, it appeared appropriate to review the role, curriculum, mode of operation of evening schools in the provision of adult education to ensure the cost-effective co-ordination of education resources in the future.

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15. Mr CHEUNG Man-kwong stressed the need to provide equal learning opportunity and environment as well as school facilities to students attending ED's evening school. He cited the newspaper reports that some evening school students were not allowed to access school computers, use school laboratories and facilities as frequent as their day school counterparts, and unlike students studying in day schools, they were not offered options to study arts, science or business subjects in the three-year senior secondary school education.

16. ADE(S) responded that in line with the Government's strategy to promote greater use of IT in teaching and learning, ED had planned to install computers in all of the 16 evening schools running Government Evening Secondary School Course (GESSC). He acknowledged that the computers already provided to day schools under the Government's five-year IT education strategy were currently not available for use by evening school students. He pointed out that letting evening school students to access these computers without supervision might bring about computer system failure, which would affect teaching and learning activities of day schools.

17. ADE(S) further said that evening schools were operated on the basis of "sharing culture" with day schools, and facilities of day schools were made available for use by evening school students as far as practicable. Teachers and students of evening schools were allowed to access various kinds of teaching aids and facilities including laboratories to facilitate the learning and teaching process and activities. Science subject students would be provided with the recommended number of practical periods in laboratories in compliance with the requirements of the Hong Kong Examination Authority. Due to time constraint of evening class schedules, consecutive lessons would be arranged for them to use the laboratories once in every two weeks. He added that the three-year matriculation course offered by GESSC incorporated options on arts, science and business subjects for evening school students.

18. Mr CHEUNG Man-kwong was of the view that the ultimate aim should be to provide evening school students with the same learning environment and access to school computers and facilities. Given that many day school teachers were now teaching evening schools on a part-time basis, he urged ED to improve data and system security of the school computer systems, and explore the feasibility of making these computer systems available for use by evening school students. Referring to a complaint that some evening schools had arranged only two laboratory lessons during the period from September 1999 to February 2000, he said that insufficient practice in a laboratory environment would affect students' learning and understanding of science subjects. He requested ED to investigate the complaint.

19. D of E responded that ED had taken initiatives to reinforce data and records security in day school computer systems and implemented administrative measures to enhance the effective co-ordination of school resources for shared use by both day and evening school students. However, she pointed out that evening school students were more concerned about the provision of computer subjects in the GESSE course than

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access to the computer system of day schools. She added that ED was currently examining the provision of computer studies in GESSC.

20. Miss Cyd HO expressed support for the implementation of administrative measures to facilitate the shared use of computers by both day and evening school students. Given that around 30% of women in Hong Kong had not completed primary education, she expressed concern about the low enrollment rates of 74.7% and 72.9% in the Adult Education Course (General Background) (AEC(G)) and English Course (EC) respectively. She enquired about the ED's policy on enrollment to these courses and asked whether ED would improve publicity and provide flexibility for interested adults to apply for enrollment at any time. As regards the provision of sufficient laboratory lessons, she suggested that ED should consider opening the laboratories on Saturdays and Sundays.

21. D of E said that subject to availability of places, enrollment to AEC(G) and EC were open to adults throughout the year. She pointed out that although the attendance of evening schools was not satisfactory, places could not be offered to applicants unless the students had confirmed their withdrawal from the courses. On the use of school laboratories on Saturdays and Sundays, D of E said that ED had consulted evening school teachers and students and found that the views were divided.

22. ADE(S) supplemented that the low enrollment rate in AEC(G) in recent years might be attributed to the provision of nine-year free education in Hong Kong. He agreed that increased publicity could improve the enrollment rates in AEC(G) and EC.

23. Miss CHOY So-yuk considered that in order to make effective use of school resources, more variety of subjects should be taught in evening schools. She suggested that the curriculum should be expanded to cover additional language subjects such as Putonghua, German and French, as well as physical education and technical subjects. She also asked whether ED would consider collaborating with the Vocational Training Council (VTC) and Employees Retraining Board (ERB) to provide vocational and retraining courses to working adults such as taxi drivers.

24. D of E responded that to facilitate the provision of life-long learning opportunities to the community, ED was considering the introduction of a variety of measures in co-operation with VTC and ERB to enhance shared use of school resources with various community and training institutions.

25. Mrs Selina CHOW pointed out that there were a wide variety of successful courses in the market which charged high fees and yet attracted a large attendance. She was of the view that ED should carry out a review to ascertain the educational needs of adults and re-structure its evening programmes accordingly.

26. D of E concurred with Mrs CHOW. She added that the courses designed for some minority groups funded by ED would also be included in the review.

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27. Dr YEUNG Sum said that ED should conduct an overall review of ED's policy and aims on the provision of adult education. He suggested that to facilitate life-long development, ED should consider giving due recognition to evening courses so that those who had successfully completed the courses would be eligible to pursue further study which would benefit their future career advancement.

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V. Consultancy study on registration of kindergartens and tutorial schools
[LC Paper No.CB(2)1693/99-00(02)]

28. The Deputy Chairman welcomed representatives of Pricewaterhouse Coopers who was commissioned by the Business and Services Promotion Unit to conduct a review of the registration procedures for kindergartens and tutorial schools. The Deputy Chairman invited members to raise questions on the Executive Summary provided by the consultants.

29. Mr CHEUNG Man-kwong expressed concern about the impact of the consultants' two recommended options on profit control of private kindergartens set out in page 11 of the Executive Summary, in particular the possibility that kindergarten fees might be substantially increased if both options were adopted simultaneously. He asked whether the consultants had considered the views of parents who would be more concerned about the financial implications arising from the implementation the two options.

30. In response, Project Manager of Pricewaterhouse Coopers (PM(PC)) explained that while the first option of increasing the profit margin could be implemented shortly, the second option of giving additional flexibility for setting of K1 fees was proposed for long-term policy consideration. He pointed out that although 60% of kindergartens were non-profit-making and providing affordable education, many parents preferred to enrol their children in private kindergartens which had an established reputation for providing quality pre-school education. He pointed out that raising the 10% profit margin would attract more high-quality educators to run kindergartens and enable private kindergartens to recruit more qualified teachers.

31. D of E supplemented that private kindergartens could increase fees to employ more qualified teachers so long as the profit margin did not exceed the current level of 10% of cost. She pointed out that the existing control on kindergarten fees might be too tight and many private kindergarten operators had resorted to increasing their profits through other means such as over-enrollment and charging other fees. She agreed that there was a need to review fee control of private kindergartens.

32. Mr CHEUNG Man-kwong pointed out that restricting the profit margin to a level of 10% of cost alone could not ensure that kindergartens would set school fees and miscellaneous charges at a reasonable level. He concurred with the consultants' view that kindergarten operators should be required to submit detailed cost information when major cost items appeared unreasonable or excessive. He urged the Administration to review the monitoring mechanism on kindergarten fees.

33. Miss Cyd HO was of the view that under the prevailing economic conditions, a 10% profit margin was relatively of a high level and should be adjusted downward. She enquired about the basis for calculating profits and asked whether the consultants had

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worked out the reasonable level of fees for a kindergarten providing good learning environment.

34. PM(PC) responded that according to the current legislation, the profit of a kindergarten would be calculated as a percentage of its total operating cost. He pointed out that the basic requirements of a kindergarten were stipulated in the Education Ordinance which included provisions on curriculum, fees and teaching facilities. In approving an application for registration, ED would check to ensure that the proposed level of fees was reasonable having regard to the cost of maintaining and operating the kindergarten as well as the standard of education to be provided.

35. PM(PC) further said that it would not be feasible to prescribe a reasonable level of fees since private kindergartens operated in a competitive environment and would try to distinguish themselves by establishing unique teaching styles and learning environment. He pointed out that ED could commission a separate study to determine whether the required market conditions existed that would allow the market forces to regulate fee setting of privately run kindergartens.

36. Mr SZETO Wah held a strong view that the calculation of profits based on total operating expenses was unreasonable. He added that kindergartens could incur high expenses under various expenditure items, such as renting a school premises at an exceedingly high rental. He enquired about the measures put in place to monitor kindergarten fees.

37. D of E responded that it might not be appropriate for ED to set too many rules for private kindergartens to observe in a free market environment. She was of the view that since private kindergartens would have to compete with the non-profit-making kindergartens, market forces would keep the majority of kindergarten fees at a reasonable level.

38. Senior Assistant Director of Education (Administration) (SAD(A)) supplemented that in approving the level of fees proposed by new kindergarten operators, ED would consider the fees of existing kindergartens in the same district and require the applicants to produce detailed cost estimates and information if necessary.

39. Miss Cyd HO said that private kindergartens might rent expensive premises to increase their operating costs. D of E responded that ED would check to ensure that the rental charges of the premises were in line with prevailing market rentals.

40. Dr YEUNG Sum said that the Administration should examine the need to increase the profit margin of kindergarten operators to attract more high-quality educators to run kindergartens. He expressed concern that some kindergarten fees were higher than university fees and suggested that Government should check whether the operators were deriving excessive profits from kindergarten operation.

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41. D of E reiterated that market forces would regulate the setting of fees by privately-run kindergartens. She pointed out that in giving kindergarten operators additional flexibility to set their K1 fees in accordance with market forces, ED could save much manpower resources which could be deployed to other duties. ED would, however, retain the authority to approve K2 and K3 fees. In addition, ED would consider including a kindergarten's other fees in ED's Kindergarten Profile for parents' reference.

42. Mr LEUNG Yiu-chung asked whether ED had assessed whether the fact that 60% of the existing kindergartens were non-profit-making would allow the market forces to regulate kindergarten fees at reasonable levels.

43. D of E said that the overall supply of kindergarten places exceeded the demand. She pointed out that except a few private kindergartens which charged very high fees, many private kindergarten operators had expressed the view that they had difficulty in competing with non-profit-making kindergartens. SAD(A) supplemented that the utilization rate of kindergarten places was around 70%.

44. Mr CHEUNG Man-kwong said that in considering K1 fees proposed by new operators, ED should have regard to the fees of existing kindergartens in the same district. He suggested that ED should examine the pros and cons of allowing kindergartens to set K1 fees and examine whether the existing market forces in the kindergarten sector could actually regulate the setting of K1 fees at reasonable levels. Mr SZETO Wah further suggested that ED should require each kindergarten to publish its K1, K2 and K3 fees for parents' reference.

45. Mr Andrew CHENG expressed concern that Government had no explicit policy to determine the right level of control over tutorial schools. He said that there was no provision in the Education Ordinance and Education Regulations dealing with the transfer of ownership of tutorial schools. He pointed out that the operator of a tutorial school could transfer the school's ownership to another operator who could apply to ED for changing the name of the school without the need to change the registration certificate number. This would allow the original operator to avoid making salary payments to the teachers of the school upon change of ownership. He requested the Administration to consider revising the relevant provisions of the Education Ordinance and Education Regulations to prevent occurrence of such a situation. D of E undertook to follow up the matter but pointed out non-payment of salaries should be dealt with under the Employment Ordinance.

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VI. Learning environment in primary and secondary schools
[LC Paper No. CB(2) 1693/99-00(03)]

46. The Deputy Chairman invited questions from members on the paper provided by the Administration.

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47. Miss Emily LAU expressed disappointment over Government's policy on space provision in primary and secondary schools. She held the view that the Year 2000 design, which included the provision of an open space of 2 m² per pupil, was still not satisfactory.

48. D of E responded that there were very few land sites in urban areas which met the site area requirements for aid primary and secondary schools as set out in the Hong Kong Planning Standards and Guidelines. She said that schools were designed to achieve maximum use of the land with the smallest footprint for the building. The height of primary and secondary schools adopting the Year 2000 designs had already exceeded the 24m statutory limit. She added that the development of school estates to enable a number of primary and secondary schools to share the use of common school facilities in selected sites was in progress. She pointed out that in bidding for new school sites, ED would have to compete with other applicants for land allocation.

49. D of E further said that some existing schools, including some in Shamshuipo had a site area of less than 2 000 m². To improve the physical space in these schools, ED would consider merging two or three existing schools into one. In so doing, some secondary school students would transfer to new schools located in new towns constructed in accordance with the new Year 2000 designs.

50. Mr CHEUNG Man-kwong said that the statement in paragraph 5 of the paper that the average area per classroom of international schools was on the whole lower than the current provision for local aided schools was misleading. He pointed out that international schools constructed before 1997 were generally more spacious than the existing local aided schools. Miss Emily LAU added that the class size of international schools was only about half of that of local aided schools.

51. D of E acknowledged that the class size of international schools was around 20-30 which was lower than the standard class size of 40 for aided secondary schools. In response to members' request, she undertook to provide a more detailed paper on the subject. She also agreed to include information on the physical space of special schools in the revised paper as requested by Mr LEUNG Yiu-chung.

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VII. Review of Student Travel Subsidy Scheme

[LC Paper Nos. CP 666/99-00 & CB(2) 1693/99-00(04)]

52. At the Deputy Chairman's request, Mr SZETO Wah briefed members that the Duty Roster Members (DRMs) of the LegCo Redress System had met a concern group which complained about the arrangements for transfer of primary students from a half-day school to a new school which was within the same school net and at a 30-minutes' walking distance from the existing school. The DRMs were of the view that the students concerned should be given travel subsidy upon transferring to the new school.

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53. Assistant Director of Education (Schools) (ADE(S)) said that the two schools concerned were located on Tsing Yi Island. He explained that under the existing scheme, a primary student below the age of 12 attending a school outside the school net was eligible for travel subsidy if the student passed a means test and resided beyond ten minutes' walking distance from school. The students in the case mentioned by Mr SZETO Wah were therefore not eligible for assistance.

54. ADE(S) further said that when a school sponsor was allocated a new school premises, the school would inform parents in the first instance. A survey to ascertain parents' wishes regarding the change to the new premises would be conducted. After consultation, ED would collaborate with the school to assist parents to resolve individual problems as far as possible.

55. Mr SZETO Wah responded that many parents had refused the offer of transferring their children to the new school on the ground that their children would not be eligible for travel subsidy. He stressed that the parents should be given options and the students should not be forced to transfer to the new school. Mr TANG Siu-tong echoed Mr SZETO's views and added that some 318 students of the school had refused transfer to the new school.

56. D of E responded that since all aided primary schools would ultimately be converted to whole-day operation, a large number of students and their parents would be affected. ED would work out alternatives to assist students who did not wish to transfer to new schools which were located at a distance from their home. ADE(S) added that ED would not force parents and students to accept transfer arrangements.

57. Mr CHEUNG Man-kwong said that the Administration should work out strategies to facilitate the conversion of half-day schooling into whole-day operation and provide financial assistance to needy families. Mr LEUNG Yiu-chung added that ED should consider providing financial assistance to needy students through the School Textbook Assistance Scheme (STAS) on a temporary basis.

58. D of E said that ED would continue to explore ways to facilitate the implementation of whole-day schooling, but pointed out that it might not be appropriate to make any changes to the STSS and STAS at this stage. She said that school sponsors concerned could consider providing assistance to needy parents on their own initiative. ADE(S) supplemented that the transfer arrangements for the nine schools which had switched to whole-day operation in 1999/2000 had been carried out smoothly. He pointed out that parents would change their views after they had visited the new school premises which were more spacious in design.

59. Dr YEUNG Sum stressed that the Administration should maintain close communication with parents and students on the arrangements for transfer to new schools and ensure that they could opt to stay in existing schools.

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60. Mr CHEUNG Man-kwong concurred with Dr YEUNG Sum. He pointed out that improper arrangements for transfer could result in misunderstanding between parents and schools, which might lead to low attendance in the new school. He suggested that ED should prepare a detailed checklist to ensue the smooth implementation of whole-day schooling.

61. ADE(S) said that the arrangements for converting half-day schooling into whole-day operation would vary from schools to schools. He added that ED had established procedures for schools converting to whole-day operation to follow.

62. In concluding the discussion, the Deputy Chairman urged the Administration to take appropriate steps to ensure the smooth implementation of whole-day schooling in primary schools.

VIII. Follow-up discussion on the supervision of University Grants Committee-funded tertiary institutions (Appeals mechanisms and release of attendance records)

[LC Paper No. CB(2) 1693/99-00(05)]

63. The Deputy Chairman and Dr YEUNG Sum declared interest as staff members of the Hong Kong Baptist University and the University of Hong Kong respectively.

64. At the Deputy Chairman's request, DS/EM briefed members on the salient points of the paper.

65. Mr CHEUNG Man-kwong enquired why the University Grants Committee-funded tertiary education institutions (UGC-funded institutions) had not consulted their academic and non-academic staff in their review of grievance and appeal procedures. In response, DS/EM said that the Administration welcomed staff members to express views on the grievance and appeal procedures, and would relay such views to the governing bodies of the respective UGC-funded institutions.

66. Mr CHEUNG Man-kwong said that he had received complaints from staff members in the Chinese University of Hong Kong (CUHK) that they were not aware of the grievance and appeal procedures of the CUHK. He expressed reservations about whether the UGC-funded institutions had adequately publicized the mechanisms for handling staff grievances and appeals. He then tabled a paper [LC Paper No. CB(2)1729/99-00(01)] summarizing his queries on the existing grievance and appeal procedures of UGC-funded institutions and requested the Administration to relay his queries to the respective UGC-funded institutions for a written response.

67. Miss Cyd HO said that the procedures for handling grievances and appeals should be widely publicized in UGC-funded institutions. She pointed out that the

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majority of staff complaints were related to non-renewal of contracts and there were reports about maladministration in some UGC-funded institutions. She pointed out that the staff members involved dared not lodge complaints for fear that their employment contracts would not be renewed.

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68. DS/EM thanked Mr CHEUNG Man-kwong for his paper and undertook to relay his enquiries to the UGC-funded institutions concerned.

69. Due to time constraint, Dr YEUNG Sum suggested that the Panel should continue discussion on the subject after the UGC-funded institutions had responded to Mr CHEUNG Man-kwong's queries. Members agreed.

IX Any other business

70. There being no other business, the meeting ended at 7:20 pm.

Legislative Council Secretariat

19 May 2000