

立法會
Legislative Council

LC Paper No. CB(2)1690/99-00

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by the Administration)

Ref : CB2/PL/ED

LegCo Panel on Education

Minutes of Meeting
held on Monday, 21 December 1999 at 8:30 am
in Conference Room A of the Legislative Council Building

Members Present : Hon YEUNG Yiu-chung (Chairman)
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 SIN Chung-kai
Hon Jasper TSANG Yok-sing, JP
Hon CHOY So-yuk
Hon Andrew CHENG Kar-foo

Members Absent : Hon LEUNG Yiu-chung
Hon Andrew WONG Wang-fat, JP
Dr Hon YEUNG Sum
Hon Emily LAU Wai-hing, JP
Hon SZETO Wah

Public Officers Attending : Item II
Mr Joseph Y T LAI
Deputy Secretary for Education and Manpower (3)

Mr Thomas CHAN
Principal Assistant Secretary for Civil Service (Appointments)

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Mr Anthony K H TONG
Deputy Director of Education

Mr M Y CHENG
Assistant Director of Education (Schools)

Item III

Mr Raymond YOUNG, JP
Deputy Secretary for Education and Manpower (2)

Mrs Avia LAI
Principal Assistant Secretary for Education and Manpower

Mr Anthony K H TONG
Deputy Director of Education

Mr M Y CHENG
Assistant Director of Education (Schools)

Ms Susanna S M CHEUNG
Assistant Director of Education (School Based Management)

Item IV

Mr Joseph Y T LAI
Deputy Secretary for Education and Manpower (3)

Mr Raymond YOUNG, JP
Deputy Secretary for Education and Manpower (2)

Mrs Avia LAI
Principal Assistant Secretary for Education and Manpower

Mr Anthony K H TONG
Deputy Director of Education

Mr C K TAM
Assistant Director of Education (Chief Inspector of Schools)

Clerk in Attendance : Mrs Constance LI
Chief Assistant Secretary (2) 2

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

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I. Items for discussion at the next meeting

[Appendix I and II to LC Paper No. CB(2)342/99-00]

Members agreed to discuss the following items at the next regular meeting scheduled for 17 January 2000 -

- (a) Progress of the School Improvement Programme;
- (b) Funding of capital works projects of the Open University of Hong Kong; and
- (c) Follow-up discussion on the supervision of the administration of University Grants Committee-funded tertiary education institutions.

(Post-meeting note : The Chairman subsequently acceded to the Administration's request to defer discussion of item (c) which was replaced by "Home Financing Scheme for eligible staff in the University Grants Committee-funded Institutions: Progress report on its implementation".)

Education (Amendment) Bill 1999

2. The Chairman informed members that two deputations would like to meet with Panel members on the Education (Amendment) Bill 1999. As the Panel had already discussed the general principles of the legislative proposal, members agreed to hold a special meeting in January 2000 to meet the deputations if no Bills Committee was to be formed to discuss the Bill.

(Post-meeting note : At the House Committee meeting on 7 January 2000, Members agreed that a Bills Committee would be formed to scrutinize the Education (Amendment) Bill 1999. The special meeting scheduled for 14 January 2000 was therefore cancelled.)

II. Employment of retired officers of Education Department in aided schools

[Paper No. CB(2)655/99-00(01)]

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3. Mr CHEUNG Man-kwong expressed concern that more senior public officers of the Education Department (ED) had taken up appointment in aided schools and school sponsoring bodies during pre-retirement leave and upon retirement. He pointed out that between 1997 and 1999, approval had been given for a total of 10 retired ED officers, six of whom were directorate officers, to take up appointment as principals in aided schools. Mr CHEUNG was worried that such officers might use their positions in ED to develop personal contacts with aided schools or to influence policy decisions to the advantage of their new employers. He asked whether ED would consider that there would be possible conflict of interest and whether it would have adverse impact on the image and integrity of the ED. He also inquired whether the Government had ever rejected any application for senior officers of ED to take up employment in aided schools upon retirement.

4. Deputy Director of Education (DD of E) responded that applications from ED senior officers to take up employment after retirement were subject to the same regulations as other civil servants. Each application was given careful consideration, and ED would assess whether there was any conflict of interest for the retired officer to take up the appointment. He stressed that information on the ED policies and procedures was open and accessible to the public. There should be no question of retired ED officers having an unfair advantage over others in obtaining information in relation to educational matters. He added that existing regulations had already provided adequate control and monitoring over the employment of senior government officers after retirement. Although none of the applications from ED senior officers for employment in aided schools upon retirement had been rejected, the approval given in some of these cases was subject to conditions or restrictions.

5. Mr CHEUNG Man-kwong said that while he respected the right of individuals in employment, he was concerned that serving officers might make use their positions to pave way for new employment after retirement. He said that the increased number of retired ED officers taking up employment in aided schools while on pre-retirement leave or immediately after retirement had attracted public criticism. He considered that the Administration should uphold the two-year sanitization period and adhere to the four principles in considering applications for employment after retirement. Mr CHEUNG said that he had raised the issue with the Chief Secretary for Administration and the Financial Secretary who also expressed concern.

6. Mr CHEUNG Man-kwong added that ED should pay particular attention to the following when considering applications for taking up employment after retirement, in accordance with the four principles as described in paragraph 5 of the Administration's paper -

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- (a) some staff in aided schools had worries that their complaints might not be fairly handled by the ED if their school principals were former senior officers of the ED;
- (b) possibility of serving ED officers giving preference to their prospective employers; and
- (c) public perception of the integrity of the ED, and whether the appointment would embarrass the Government or give rise to any suggestion of impropriety.

7. DD of E responded that civil servants and non-civil servants had the same rights in employment and participation in public affairs. He re-assured members that when recommending or approving applications for taking up employment after retirement, ED had closely adhered to the four principles to ensure that there would be no conflict of interest.

8. Responding to Mr CHEUNG Man-kwong, Deputy Secretary for Education and Manpower (DS/EM) said that the Administration's paper had explained the mechanism governing the employment of retired civil servants including officers of the ED. He considered that the mechanism was appropriate and that both the ED and Civil Service Bureau had given careful consideration to applications from ED officers. Nevertheless, he noted the concerns expressed by Members and the public over the propriety of retired ED officers taking up employment in aided schools and would take these into account when considering future applications. Principal Assistant Secretary for the Civil Service (Appointments) (PAS/CS(A)) added that the existing rules and regulations had clearly set out the guidelines for retired civil servants to follow in taking up employment after retirement, as well as the criteria and procedures for seeking approval for post-retirement employment. Retired civil servants were well-informed of these rules and regulations, and Civil Service Bureau would investigate alleged breaches of the rules. Approval for post-retirement employment could be subject to sanitization periods and/or appropriate conditions where necessary.

9. Mr CHEUNG Man-kwong drew members' attention to the fact that there were only four rejection cases out of a total of 433 applications from retired directorate officers during the past eleven years in 1987-1998. It would appear from the low rejection rate that Government might not have strictly followed the principles for approving employment after retirement.

10. PAS/CS(A) explained that out of the 429 approved applications, 75 applicants were subject to a sanitization period and another 26 were subject to restrictive conditions. He added that since January 1999, one more case had been rejected while a number of applications had been approved on conditions. Civil

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servants were well aware of the need to avoid conflict of interest in taking up employment after retirement and the small number of rejected case was perhaps not surprising.

III. School Management Committees of primary and secondary schools

[Paper No. CB(2)655/99-00(02)]

11. Mr CHEUNG Man-kwong expressed concern about the unclear delineation of responsibilities and some recent incidents of abuse of power by school management committees (SMCs). He supported the proposal that open and fair procedures should be promulgated for the SMCs with a view to enhancing their accountability and transparency. Referring to paragraph 8 of the Administration's paper, Mr CHEUNG asked about the operation of the proposed internal monitoring mechanism for the SMCs.

12. Assistant Director of Education (School-based Management) (ADE(SBM)) responded that to ensure transparency and accountability of the SMCs, the proposals of the Advisory Committee on School-based Management (ACSBM) would include the following -

- (a) declaration of personal and pecuniary interests by all school managers;
- (b) disclosure of personal information of school managers including their names, tenure and the sector they represented; and
- (c) establishment of clear, open and fair procedures for financial and personnel management, including a mechanism to deal with grievances and complaints.

13. Mr CHEUNG Man-kwong commented that while these measures would help improve the accountability and transparency of SMCs and individual school managers, an effective internal monitoring mechanism would still be necessary to supervise their performance and conduct. In this respect, ADE(SBM) responded that ED would also deal with complaints against SMCs, and any of the school managers, as appropriate.

14. On the proposal to transfer the responsibilities of school supervisors to the SMCs, the Chairman asked whether it would involve legislative amendments and what would be the proposed content and timetable for implementation. ADE(SBM) replied that ED intended to table the proposed amendments in the 2000-01 legislative session, with a view to implementing the proposals in the 2001-02 school year.

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15. Mr SIN Chung-kai expressed support for reforms in school management. However, he had reservations about the proposed composition of SMCs which allowed the School Sponsoring Bodies (SSBs) to nominate managers in excess of 50% of the membership. To encourage parent participation in school management, he suggested that the two parent managers in SMCs should be elected from amongst all parents, instead of from members of the parent-teacher association. He further suggested that the alumni representatives could also be elected.

16. ADE(SBM) responded that the two parent managers could be elected from among parents or from members of the parent-teacher associations, and ED would require the respective SMCs to devise a fair and open mechanism for the election of parent and alumni managers. She added that the ACSBM would further consult the stakeholders on the composition of SMC.

17. Deputy Secretary for Education and Manpower (2) (DS/EM(2)) said that the Administration was still fine-tuning the proposal, and he agreed that the number of managers nominated by SSBs should be capped probably not exceeding 50% of the membership of SMC. He envisaged that the ACSBM would modify its proposals after further consultation with the stakeholders.

18. Prof NG Ching-fai agreed that the number of members to be nominated by the SSBs should not exceed 50% of the SMC membership. As regards election of parent managers, he considered that different approaches could be adopted by primary and secondary schools, depending on the level of participation of parents. He said that direct election could pose practical difficulty if there were only a few participating parents.

19. Mr CHEUNG Man-kwong pointed out that the proposed guidelines were unclear as to the maximum number of appointed members in a SMC. He considered that SSBs should not appoint more than 50% of the membership of the SMCs. As regards the parent and teacher managers, he supported Mr SIN Chung-kai's proposal that they should be directly elected from among parents and teachers concerned. Nevertheless, he agreed that there should be flexibility for the election of alumni representatives, as some primary and new schools might not have alumni associations. He stressed that a proper system should be put in place to provide independent opinions in SMCs, in order to effectively monitor the school management, and that community members and professionals should be encouraged to participate in SMCs.

20. Mr Andrew CHENG noted that according to the present proposal, SMCs would become body corporate under the Education Ordinance. In this connection, he expressed reservations about holding parent managers, who were users of the school service, accountable for the performance of the SMCs. If parent managers

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were to be held accountable for the performance of the SMCs, he considered that there should be a higher proportion of parent managers who should be directly elected from among the parents. To ensure that SMC managers were fully aware of their responsibilities, Mr CHENG requested the Administration to provide more detailed information in this respect, including examples on controversial issues previously dealt with by SMCs.

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21. Assistant Director of Education (Schools) responded that he did not recollect any controversial issues handled by SMCs. If the SMC encountered difficulties in school management, they could seek advice and assistance from the ED. He added that the proposal was to clearly define the role and responsibilities of the SMCs to facilitate the implementation of school-based management. ADE(SBM) supplemented that as the SMC was responsible for the day-to-day operation of the school, the existing practice of holding the school supervisor accountable for all school management matters was unfair. The present proposal therefore sought to delineate the responsibilities, and to hold the SMC accountable for the school management.

22. Mr TSANG Yok-sing enquired about the mechanism for nominating community/professional members to the SMCs. He considered that parent managers could be elected from among parents, but they should not be held responsible for the performance and management of the school. He stressed that it should be the responsibility of SMCs and not parents to ensure proper management of schools. As regards the number of members to be appointed by the SSBs, he said that this should be further considered by the ACSBM as the SMC would need a balanced composition to enable the SSB to implement its educational ideals. He hoped the ACSBM would further consult the stakeholders and come up with a reasonable proposal.

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23. DS/EM(2) responded that the ACSBM would further consult the stakeholders and consider modifying the composition of SMCs to provide for community representatives and to avoid domination by the SSBs. The ACSBM would also take into account members' views in recommending the nomination or election methods of such members. DD of E stressed that the objective of the proposal was to enhance the accountability and transparency of the SMCs. It would be necessary to provide some flexibility for individual schools to decide the composition of their SMCs and the election methods appropriate to their circumstances.

24. Mr CHEUNG Man-kwong asked whether the constitution of SMCs had any legal status. He was of the view that there should be clear provisions in the legislation on important issues such as the percentage of nominated members by the SSBs. The composition and functions of the SMCs and essential features of the accountability mechanism should also be specified in law. He held a strong view that nominated and elected members should each occupy about 50% of the

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membership, otherwise parent and independent members would become the minority and lose their interests in participating in SMC meetings. He also considered that the posts of supervisor and principal of a school should be filled by different persons to ensure effective monitoring of the school management.

25. ADE(SBM) replied that, under the provision of the Education Ordinance, the SMC constitution would specify the composition, membership and tenure of the managers etc. She added that the ACSBM initially agreed in principle that a person should not be appointed as both the supervisor and principal of a school.

26. In reply to the Chairman, ADE(SBM) said that there would be mandatory provisions in the SMC constitution stipulating the operation of the SMCs, such as the frequency of meetings, voting procedures and the composition and tenure of members of the SMCs. Responding to Miss CHOY So-yuk, ADE(SBM) said that the initial view of the ACSBM was that the SMC should hold at least 3 to 4 meetings a year and that there would be provisions for urgent meetings to be held as and when necessary. As regards the attendance requirements, managers who were absent without leave from three consecutive meetings might be disqualified.

27. Miss Cyd HO sought clarification on the regulatory role of ED in school management, given that the schools or SMCs would be given more responsibilities in their own management. She commented that the present system for allocation of primary one and secondary one school places had determined the future development of private independent schools to a large extent. She expressed concern that these schools might be in a less favourable position if a through train model was to be adopted for other schools.

28. DD of E responded that the present proposal to enhance the accountability and transparency of SMCs was part and parcel of the delegation of powers from the ED to schools. The ED would in future play the role of a regulator and professional partner of schools. The proposed mechanism for SMCs aimed at encouraging key stakeholders in school education to participate in the SMCs, with a view to increasing their accountability and transparency. The ED would continue to set rules and guidelines on general educational issues for schools to follow. He acknowledged that there would be differences among schools and adjustments would be allowed in individual schools. The ED would also ensure that a fair system was adopted for allocation of primary one and secondary one places in all schools.

29. Mrs Selina CHOW expressed concern that the proposed "collective responsibility" of the SMC might result in nobody taking the responsibility when things went wrong. Since the proposed mechanism introduced significant changes to the existing system, she considered that the ED should arrange seminars and issue guidelines for school managers to ensure that they were fully aware of their responsibilities under the new mechanism.

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30. ADE(SBM) agreed with Mrs CHOW that important changes had been proposed in the new system. She said that ED would conduct a series of seminars and provide training courses especially for new school managers.

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31. At the request of Mr CHUENG Man-kwong, the Administration agreed to provide a written response to members' views expressed at the meeting.

IV. Provision of libraries in primary schools

[Paper No. CB(2)655/99-00(03)]

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32. As the policy decision to provide public sector primary schools with central libraries was made as early as in 1993, Mr CHEUNG Man-kwong expressed disappointment that after six years, only 192 school premises were provided with central libraries. He requested the Administration to provide a breakdown on the number of whole-day and half-day primary schools which had been provided with central libraries. He also asked about the timetable for the provision of central libraries in the remaining schools.

33. Deputy Secretary for Education and Manpower (3) (DS/EM(3)) responded that the provision of central libraries in existing schools was made in the course of the School Improvement Programme (SIP). The SIP was implemented in eight phases and was expected to be completed by the 2002-03 school year.

34. Mr CHEUNG Man-kwong expressed dissatisfaction with the slow progress of the SIP. He informed members that some projects under Phase IV of the SIP had been suspended, and that the subject would be further discussed in the coming Council meeting when the Administration would give reply to a written question of the LegCo on the issue. Mr CHEUNG was concerned that, given the slow progress of the works, these schools might have to wait for another six years before they could have central libraries.

35. DS/EM(3) explained that the average reprovisioning cost for each school under the SIP had increased significantly from the initial estimate of \$10 million to about \$30 million, and that for future phases the costs could be as high as \$50-60 million for some schools. To ensure that public funds were expended in a cost-effective manner, the Administration had commissioned a consultant study to review the SIP and make recommendations in three months. The Administration would then decide on the future delivery strategies for the SIP. On the provision of central libraries in schools, DS/EM(3) stressed that there was no change in policy and that works for provision of central libraries in primary schools under SIP would continue.

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36. Mr CHEUNG Man-kwong and Mrs Selina CHOW were of the view that Government should allow flexibility in the provision of central libraries in primary schools in order to advance the timetable. In this connection, Mr CHEUNG asked whether the ED would provide funds to convert some of the classrooms to central libraries.

37. DD of E responded that ED would consider such applications on the merits of individual cases. However, he envisaged that given the growth in student population and implementation of the whole-day primary schooling, it was unlikely that many schools could make available classrooms for conversion into libraries. He said that the SIP would be reviewed in the light of the consultancy recommendations. For those old design schools which required substantial modification works, consideration might be given to relocating them to another school for a temporary period to minimize disturbance to teachers and students when the conversion works were in progress.

38. Mr CHEUNG Man-kwong commented that the provision of central libraries in schools should not be affected by the review of the SIP. He urged the ED to adopt proactive measures to explore alternatives for the provision of central libraries in schools. Mrs Selina CHOW echoed his views. The Administration noted these comments.

39. Miss HO Sau-lan asked whether the financial provisions for schools to purchase library materials were adequate. She said that the one-off grant of \$60,000 to \$150,000 for each school and the annual subsidy of \$30 for each pupil would not be sufficient to build up a decent collection of books in school libraries.

40. ADE(CIS) explained that in addition to the one-off grant, a recurrent provision was made available under the School and Class Grant for the purchase of library materials. He added that collections of library books could be built up over a period of time.

41. Mrs Selina CHOW considered that new schools should be given more funds for the purchase of library books as a one-off measure. DD of E responded that new schools were required to budget for central libraries and the provisions should be spent over a three-year period. ADE(CIS) supplemented that the amount of the one-off grant would depend on the number of classes in a new school. For a new primary school with 30 classes, the one-off grant for purchase of library books would be \$150,000. He added that based on past experience, schools had been able to maintain sufficient books in central libraries to meet the needs of students with the current level of subsidies.

42. Miss Cyd HO and Miss CHOY So-yuk asked about the arrangement for pupils to make use of the central libraries in schools. Miss CHOY suggested that

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schools should designate some library lessons for pupils to read in central libraries. ADE(CIS) responded that ED had all along encouraged primary schools to arrange regular sessions for pupils to make use of the facilities in central libraries.

43. On the provision of teacher-librarians in schools, ADE(CIS) said that resources had been made available for about 600 teacher-librarian posts to promote the Extensive Reading Scheme in schools. These posts would be provided to all half-day primary schools with 12 classes or more and to whole-day primary schools with three classes or more, irrespective of whether these schools were provided with central libraries.

44. On the selection of library books by schools, ADE(CIS) said that ED had recommended a list of library books for reference by schools. However, the schools would have discretion to select their own library books. The teacher-librarians had been also advised to maintain a balanced mix of different categories of books in the central libraries.

V. Any other business

Overseas visits

45. The Chairman asked members whether they had any proposals for overseas visit by the Panel in the coming year. As members made no suggestions at the meeting, the Chairman advised that members could forward their suggestions to the Panel Clerk.

46. There being no other business, the meeting ended at 10:45 am.

Legislative Council Secretariat

20 March 2000