

**Matters Arising - Revisions to the fines provisions in
the Education Ordinance and the Education Regulations**

At the last meeting on 20 March, Members supported the Administration's proposal to increase the fines for offences on the basis of inflation, except for the proposed revision in section 84(3) of the Education Ordinance. Members were concerned that the proposed increase of the fine provided in section 84(3) on the basis of inflation, i.e. from \$5,000 to \$50,000, would not be sufficiently significant to deter kindergartens from over-enrolling. Members considered over-enrollment to be a particularly serious offence because children's lives could be put at risk. The Administration undertook to explore the feasibility of further increasing the penalty for over-enrollment. This note reports back on the outcome.

Revised Proposal

2. We agree with Members that, because of the safety implications, over-enrollment is a far more serious offence than other breaches of regulatory requirements stipulated in the Education Regulations. We therefore propose to increase the fine for over-enrollment from \$5,000 to \$250,000. This level of fine is comparable to that for the offence of operating a school which is not registered or provisionally registered as stipulated in section 87(1). The penalty will be applied to each kindergarten class which has over-enrolled. Apart from an amendment to section 84(3), it is also necessary to amend regulation 102 to provide for a fine of \$250,000 for over-enrollment. The fine for contravening other regulatory requirements in the Education Regulations will be increased on the basis of inflation.

Commencement Date

3. Since any person committing offences before the new fines come into effect will only be liable to the old fines, we also propose to set the commencement date of the amendments to the Education Regulations at the date of gazettal prior to the 28-day vetting period to ensure that the new fines take effect before the start of the 2000/01 school year. The amendments will be tabled at the LegCo sitting immediately following the date of gazettal.