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**LegCo Panel on Education and
LegCo Panel on Home Affairs**

**Minutes of Joint Meeting
held on Tuesday, 26 October 1999 at 10:45 am
in the Chamber of the Legislative Council Building**

Members Present : LegCo Panel on Education

Hon YEUNG Yiu-chung (in the chair)

Prof Hon NG Ching-fai

* Hon Cyd HO Sau-lan

Hon Mrs Selina CHOW LIANG Shuk-ye, JP

Hon CHEUNG Man-kwong

Hon LEUNG Yiu-chung

Hon Jasper TSANG Yok-sing, JP

* Hon Emily LAU Wai-hing, JP

* Hon Andrew CHENG Kar-foo

Hon SZETO Wah

LegCo Panel on Home Affairs

+ Hon CHOY So-yuk

Hon MA Fung-kwok

Hon James TO Kun-sun

Members Absent : LegCo Panel on Education

Hon SIN Chung-kai

* Hon Andrew WONG Wang-fat, JP

Dr Hon YEUNG Sum

LegCo Panel on Home Affairs

Hon Albert HO Chun-yan
Hon Edward HO Sing-tin, JP
Hon LEE Wing-tat
Hon Ambrose CHEUNG Wing-sum, JP
Hon Christine LOH
Hon Gary CHENG Kai-nam
Hon LAU Wong-fat, GBS, JP
Hon Timothy FOK Tsun-ting, JP

Member : Hon CHAN Yuen-han
Attending

Public Officers : Mr Joseph Y T LAI
Attending Deputy Secretary for Education and Manpower

Mr Patrick LI
Principal Assistant Secretary for Education and Manpower (2)

Mr K S LEE
Principal Assistant Secretary for Education and Manpower (10)

Mrs Fanny LAW, JP
Director of Education

Mr M Y CHENG
Assistant Director of Education (Schools)

Mr WONG Cheuk-ming
Principal Assistant Secretary for Home Affairs (Acting)

Attendance by : Equal Opportunities Commission
Invitation

Ms Anna WU Hung-yuk
Chairperson

Ms Priscilla K T CHUNG
Director (Gender)

Action

Ms Alexandra PAPADOPOULOS
Legal Adviser

Clerk in Attendance : Mrs Justina LAM
Assistant Secretary General 2

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

* Also member of the Panel on Home Affairs

+ Also member of the Panel on Education

Action

I. Report of the Equal Opportunities Commission on Secondary School Places Allocation System
[Papers Nos. CB(2)198/99-00(01) & (02) and CB(2) 290/99-00(01)]

The Chairman welcomed representatives of the Equal Opportunities Commission (EOC) and the Administration to the meeting.

2. The Chairman informed Members that the following papers were tabled at the meeting -

- (a) submission of the Hong Kong Women's Coalition on Equal Opportunities [Paper No. CB(2)201/99-00(01)];
- (b) submission of the Women's Studies Research Centre of the University of Hong Kong [Paper No. CB(2)201/99-00(02)];
- (c) submission of the EOC [Paper No. CB(2)201/99-00(03)]; and
- (d) the Administration's speaking note for the meeting [Paper No. CB(2)201/99-00(04)].

3. At the invitation of the Chairman, Ms Anna WU, Chairperson of EOC, briefed Members on EOC's investigation into the Secondary School Places Allocation System (SSPA). She highlighted that the following elements within the SSPA discriminated on the basis of sex -

Action

- (a) Scaling : giving single sex schools a school curve and giving co-educational schools a gender curve to derive the SSPA scaled scores might disadvantage an individual boy or girl within a co-educational school;
- (b) Processing boys and girls separately for banding purposes : processing boys and girls separately into different bands constituted sex bias. Individual boys and girls received less favourable treatment as a result of the fact that the band cutting scores in the different school districts were different for boys and girls within each band; and
- (c) Allocation in accordance with fixed number of boys and girls in each co-educational school : this resulted in a boy or girl being refused his or her choice of school on the basis of sex. The reason being that the school had no place for the boy or girl as all remaining places were designated for another sex.

4. Ms Priscilla CHUNG, Director (Gender) of EOC, then took Members through EOC's paper tabled at the meeting [Paper No. CB(2)201/99-00(03)]. Referring to table 9, Ms CHUNG explained that the Academic Aptitude Test (AAT) scores were not given to students who took the examination. Instead, they were used to scale the Internal Assessment (IA) scores. For single sex school a single curve was generated; for co-educational schools, a curve was generated for each gender. Because of the gender curve, students with a lower IA score could be given a higher scaled score. Ms CHUNG informed Members that students were first separated by sex and then divided into five bands (20% per band), and within each band each student was given a Computer Generated Random Number. Ms CHUNG pointed out that the student who was assigned the first number, and not the one with the highest score, was assigned his/her choice of school.

5. Ms CHUNG further explained that putting boys and girls into two separate rank orders of academic merit according to sex and into bands of 20% boys and 20% girls resulted in different band cutting scores for each sex. The 1998 student data showed that -

- (a) Girls needed higher SSPA scaled scores to get into Band 1 in 11 out of 18 school nets and boys needed higher scores than girls to get into Band 1 in seven school nets;
- (b) Excluding Band 5, girls needed higher scores to get into 60 out of all the district banding within the 18 school nets and boys needed higher scores to get into 12 of the bands;

Action

- (c) 2 155 more boys than girls got their first choice of school; and
- (d) 2 469 more boys than girls got their first three choices of schools.

6. Ms CHUNG said that allocation of secondary one places in co-educational schools based on a fixed proportion of boys and girls was unfair to both boys and girls, as illustrated in tables 25 and 26 of EOC's paper. She added that there was no research study to support the claim of the Education Department (ED) that boys developed intellectually later than girls did. As regards ED's assertion that an equal proportion of boys and girls in the secondary schools was needed to provide a proper environment for co-education, Ms CHUNG said that this was not borne out by facts as EOC's findings showed that the proportion of boys and girls in co-educational schools was not consistent. Moreover, the view of the Expert Panel (a panel of educational experts appointed by EOC to give advice on specialised areas of education in the course of the investigation) was that there was no research study to support ED's assertion.

7. Ms CHUNG added that despite ED's claim that changes in the proportion of boys and girls would upset present planning and facilities, EOC's findings were that current population in secondary schools was not of the same proportion allocation by ED as dissatisfied parents transferred their children to other schools. Principals concerned appeared to be coping with the infrastructure and planning difficulties.

8. Principal Assistant Secretary for Education and Manpower (10) (PAS/EM(10)) said that ED was aware there was an argument that the SSPA might have technically breached existing anti-discrimination legislation. However, he hoped to be able to explain the Administration's position from an education viewpoint. Referring to Paper No. CB(2)201/99-00(04) tabled at the meeting, PAS/EM(10) pointed out that SSPA aimed to reduce the pressure of examination on students, enable them to attend a school nearby, and ensure a mixed ability intake of students at secondary one level. He stressed that SSPA was for allocation of secondary one places and not for determining which student should or should not be given a place. It would therefore be unfair to only take into consideration the academic performance of a student within his/her school.

9. In response to EOC's point that there was no research study to support the difference in development between boys and girls, PAS/EM(10) informed Members that there was a very good article in the October 1997 issue of the "American Psychologist" which looked at the research studies on the subject conducted in the recent six to seven years. The article referred to a study which found that girls developed their speech and cognitive abilities more quickly than boys in their early childhood years. In addition, according to the findings of a study conducted by ED's Educational Research Section in 1989, girls at levels between primary four to secondary three were on average better than boys in language ability, while boys would overtake girls in mathematics, starting from secondary one level.

Action

10. Referring Members to the two charts tabled at the meeting (Appendices I and II), PAS/EM(10) explained that girls on average performed better in IA while boys were more able to attain the higher marks in standard examinations. If a common gender curve was used -

- (a) the scaled score of a girl with an AAT score of 80 studying in a co-educational school could be higher by as much as 15 points than the scaled score of a girl with the same AAT score studying in a girls school; and
- (b) the scaled score of a boy with an AAT score of 80 studying in a boys school could be higher by 4 to 5 points than the scaled score of a boy with the same AAT score studying in a co-educational school.

11. PAS/EM(10) added that an absolute fair and accurate assessment system on students' abilities on all aspects did not exist. Education should aim at achieving a balanced development of students in all aspects and academic results formed only one part. If students were given the message that allocation of secondary one places was based solely on academic results, all they would do would be to drill for tests and examination. PAS/EM(10) stressed that it would not be suitable to put in place a "high-risk" assessment based only on academic performance at the primary school stage.

12. PAS/EM(10) further explained that given that boys developed later than girls, their interests had to be protected in order to ensure that they had equal opportunities in later life. Moreover, a predetermined proportion of boys and girls in co-educational schools allowed both girls and boys an equal chance to be allocated secondary one places in certain schools; otherwise, girls would predominate at top ranked schools as they generally out-performed boys in the IA. PAS/EM(10) further pointed out that if there was no fixed proportion of places for boys and girls, and if boys and girls were ranked under one single queue, it might result in some students not being allocated a secondary one place. This was because the supply of secondary one places more or less matched the demand. Girls, for instance, could be allocated places in technical schools which they might not wish to take up. PAS/EM(10) added that in the pursuit of a fair system, other unfairness could be triggered. One should abide by the law, but should the law serve the society or should education and society become the slave of the law.

13. Director of Education (D of E) said that it was never intended that the SSPA should favour either the girls or the boys. The adjustments made to the SSPA in 1983 aimed to provide both girls and boys with equal opportunities given their development difference. D of E pointed out that since boys and girls tended to do well in different subjects, it would be inevitable that there would be some bias in any type of test or

Action

examination. She added that any changes to be introduced should be in the direction of fostering all-round development of students and reducing unnecessary examination pressure. She agreed that it could be argued that the SSPA which was in place before the enactment of the Sex Discrimination Ordinance (SDO) might be technically in breach of the legislation. The scope of the review of the education system undertaken by the Education Commission included reforming the allocation system for secondary one places. She hoped that the changes to be introduced as a result of the review would be able to address the concerns raised by the EOC.

14. Mrs Selina CHOW said that the SSPA was in breach of SDO. She pointed out that there were some fundamental problems with the SSPA. What ED should be doing was to address these problems and not use discriminatory measures to deal with the difference in development between boys and girls at childhood ages. She queried the ED's claim that if not for the fixed proportion, girls would predominate and occupy up to a maximum of 80% of the secondary one places in popular co-educational schools. She also asked whether such proportion was set, having regard to the percentage of boys and girls population at the age of secondary one, to facilitate equal opportunities for boys and girls to be enrolled in certain schools. Mrs CHOW opined that the SSPA was a complete failure and urged the Administration to review the allocation system as soon as possible.

15. In response, PAS/EM(10) explained that there needed to be some basis for the allocation of secondary one places which would not create additional examination pressure on students. Since internal assessments were handy and ready ones which met the need, it was decided that each participating school would have its own internal assessments as an element of the SSPA. These assessments took place at the end of the primary five school year, in mid-year and at the end of primary six. However, given the difference in standards among schools in awarding the IA scores, the AAT scores were needed to adjust the IA scores in order that a reasonable comparison could be made of the IA scores of different schools.

16. PAS/EM(10) added that the abilities and potentials of a student should not be judged simply on his/her academic performance at primary five and six. Moreover, since girls ranked higher in IA scores because they developed earlier than boys, the IA scores should not be relied on solely. He cited the example that if secondary one places were allocated according to the height of students, boys would lose out because on average girls at primary six level were taller than boys. Mrs CHOW said that she failed to see the relevance of PAS/EM(10)'s example. She was of the view that the Administration had not put forward any convincing argument that boys developed later than girls and hence the need to protect their interest.

17. D of E reiterated that the SSPA aimed to ensure that girls and boys were given equal opportunities to be allocated secondary one places in certain schools. SSPA was never intended to be discriminatory. However, as far as an individual student was

Action

concerned, the system might have given rise to unfairness because there were so many factors at play. That was the reason why there was an argument that the SSPA only constituted a technical breach of the SDO. She also informed Members that the Education Commission would hold a seminar on 2 November 1999 to discuss the proposed short-term, interim and long-term improvement measures. She undertook to raise the issue of sex discrimination within the SSPA for discussion.

18. Miss Emily LAU said that she was disturbed by PAS/EM(10)'s remarks that education should not be enslaved by the law. She stressed that one must abide by the law and urged the Administration not to use the SSPA in the next allocation exercise given that it was in breach of the SDO. She added that the Administration had kept on arguing about the need to protect the interests of the boys but failed to respond to EOC's findings that there were actual cases of girls being discriminated against in the SSPA.

19. Deputy Secretary for Education and Manpower responded that the Administration was appreciative of the work done by the EOC in respect of the SSPA. However, he wished to point out that the SSPA had been in operation well before the enactment of the SDO. The SSPA was introduced in response to the need for a practical solution to allocate secondary one places. He assured Members that the findings and recommendations of the EOC would be carefully considered in the comprehensive review of the overall education system currently undertaken by the Education Commission.

20. D of E pointed out that there would be difficulty in changing the allocation system next year as a better system could not be worked out within such a short time. She added that even if a better system could be worked out, the Administration needed time to undertake the preparation work such as designing the necessary computer program. She pointed out that the SDO had not specified any grace periods to enable transitional arrangements to be made.

21. Ms WU, Chairperson of EOC, said that educational ideals and equal opportunities could not be incompatible and there was also no question of one prevailing over the other. She pointed out that in other places, girls on average did better than boys in tests and examinations. The solution adopted in other places was to offer remedial courses instead of, like Hong Kong, resorting to adjusting the scores of students. Ms WU questioned why boys were not given more language lessons, if they tended to do less well in language. She considered the measures adopted by ED totally unacceptable and reiterated that there were three elements within the SSPA which discriminated on sex and to which ED could not provide any reasonable explanation.

22. Ms WU further pointed out that a scaled score derived by scaling an IA score by an AAT score was no more than a "hypothetical" score. The scaled score did not represent the score attained by any one student. Moreover, in arriving at this

Action

"hypothetical" score, a lot of assumptions were made by ED which she found worrying. She expressed astonishment at PAS/EM(10)'s remark that internal assessments were used because they were handy and ready. She asked the Administration to take a serious look at whether these assumptions were in fact correct. She informed Members that the ECO had invited experts to speak at a seminar on "Gender Equity in Secondary School Selection : Research and Policy" to be held in November 1999.

23. Ms Wu stressed that a stop must be put to the discriminatory practices in the SSPA expeditiously because they were in breach of the SDO. She added that EOC was currently handling a number of such cases, including one in which ED had already apologized to the student who had been unfairly treated. She opined that allowing the SSPA to continue was to allow more sad stories to happen. Students being discriminated against felt that they were complete failures when in actual fact they were not.

24. Mr CHEUNG Man-kwong said that it was inappropriate for PAS/EM(10) to say that education should not be enslaved by the law. He requested PAS/EM(10) to withdraw his remark. He pointed out that if there were problems with a piece of legislation, the proper way was to seek to amend the law. He found it horrifying that administrative measures were used to adjust legal requirements as in so doing the values of an individual officer prevailed over the law.

25. Mr CHEUNG pointed out that there were many loopholes in the SSPA which must be changed. He agreed that time should be given to the Education Commission to conduct the review on the education system. However, he considered it unacceptable for ED to defend the SSPA and to allow it to continue to operate. As for transitional arrangements, he suggested that the AAT scores of girls would only be used to scale the IA scores of girls, while the AAT scores of boys would only be used to scale the IA scores of boys. Both boys and girls should then be ranked and allocated secondary one places under one single queue.

26. PAS/EM(10) responded that if girls and boys were not separated into different queues, the outcome would be that some girls would be allocated places in certain co-educational schools, while some girls might not have places as the remaining ones were all in boys schools.

27. Ms CHUNG, Director (Gender) of EOC, reiterated that drawing separate gender curves was discriminatory. She pointed out that a method adopted overseas was to scale a student's IA score with his or her own AAT score. Mr CHEUNG Man-kwong commented that the method suggested by Ms CHUNG might result in students drilling not only for the IA but also for the AAT. Ms WU, Chairperson of EOC, said that in the EOC's investigation, it was found that a small number of schools had in fact asked the poor-performing students not to take part in the AAT. Such a

Action

phenomenon, although not discriminatory in nature, clearly demonstrated that the AAT score did not represent the ability of any student.

28. Mr LEUNG Yiu-chung said that the Administration, and not Members, should be making suggestions on how the system should be changed. He opined that the Administration had nothing to offer because its sole aim in attending the meeting was to defend itself and not to address the problem. He added that given there were three internal assessments, the SSPA had not achieved the purpose of reducing examination pressure on students.

29. D of E responded that if PAS/EM(10)'s remark that education should not be enslaved by the law was interpreted by Members to mean that ED had no intention of changing the SSPA, ED was willing to withdraw the remark. She explained that ED had not presented Members with any proposals to change the SSPA because a seminar would be held by the Education Commission on 2 November 1999 and options for replacing the SSPA would be raised for discussion. She informed Members that the public consultation on education reform would be completed by the end of December 1999. The Education Commission should be able to announce its recommendations sometime between the first and second quarter of 2000. PAS/EM(10) said that he wished to withdraw his remark. He clarified that he only meant to urge Members to understand the objectives and operation of the SSPA from an education viewpoint.

30. Mr SZETO Wah said that the adjustments made to SSPA in 1983 had not been made public and would not have been disclosed if not for the investigation conducted by EOC. He considered it a very serious matter for the Administration to undertake clandestine measures which affected a lot of people. He hoped that similar incidents would not happen again. Responding to the proposal made by Mr CHEUNG Man-kwong, Mr SZETO said that there was still the problem of providing adequate places for girls and boys within a school net which needed to be addressed.

31. Ms WU, Chairperson of EOC, pointed out that many members of the SSPA Advisory Committee was not aware of the separate processing and scaling by gender introduced in 1983.

32. Ms WU asked whether ED could conduct simulations on allocation of places using the computer. She also requested ED to retain the necessary data and records to enable such simulations to be carried out in the future. She pointed out that individual students' SSPA scaled scores and the banding information had been removed.

33. Miss HO Sau-lan enquired why ED was withholding information from EOC. She also expressed concern that a wrong message was given to students that hard work would not pay off. She urged the Administration to replace the SSPA as soon as possible and not to continue to resort to reducing the scores attained by girls as the solution.

Action

34. D of E responded that banding information was made public for the first time in 1998 which gave rise to much heated debate. Following extensive consultation, particularly on how the disclosure of such information would impact on the self-esteem and self-confidence of students, there was consensus among parents, the education sector, and the public at large that such information should not be disclosed this year. Both D of E and PAS/EM(10) pointed out that according to the provisions of the Personal Data (Privacy) Ordinance, the banding information, which had already served the purpose of banding allocation, could not be retained unless there was a reason to do so. D of E added that if the information was retained, it would have to be disclosed to the parents and students who sought access.

35. In response, Ms Alexandra PAPADOPOULOS, Legal Adviser of EOC, said that while the Personal Data (Privacy) Ordinance provided for the deletion of data which was no longer required, it did allow retention of data and records which could be useful for related purposes. In the case of the SSPA, one of the related purposes for retaining the banding information in the computer would be to cater for processing of any appeals against unfair banding allocation. She said that EOC had recommended organizations and employers to retain relevant data and records for a period of at least 12 months. D of E said that she would follow up the matter with the Privacy Commissioner for Personal Data.

Adm

36. Miss CHAN Yuen-han said that the Government should make use of the current Review of Education System to remove all possible forms of discrimination be they on the grounds of sex, disabilities or family status, from the education system.

37. D of E responded that the seminar on 2 November 1999 would discuss both short-term and long-term options for improving the SSPA. She pointed out single sex schools and the Primary One Admission Scheme had already been given exemptions under the existing anti-discrimination legislation. Miss CHAN pointed out that such exemptions had only been approved after much debate in LegCo. They should also be re-examined under the Review of Education System.

38. Ms WU, Chairperson of EOC, pointed out that the Primary One Admission Scheme was only given exemption under the Family Status Discrimination Ordinance and not the SDO.

39. The Chairman thanked representatives of EOC and the Administration for attending the meeting. He urged the Administration to work out transitional arrangements to resolve the problems as soon as possible.

Adm

II. Any other business

Action

40. There being no other business, the meeting ended at 12:35 pm.

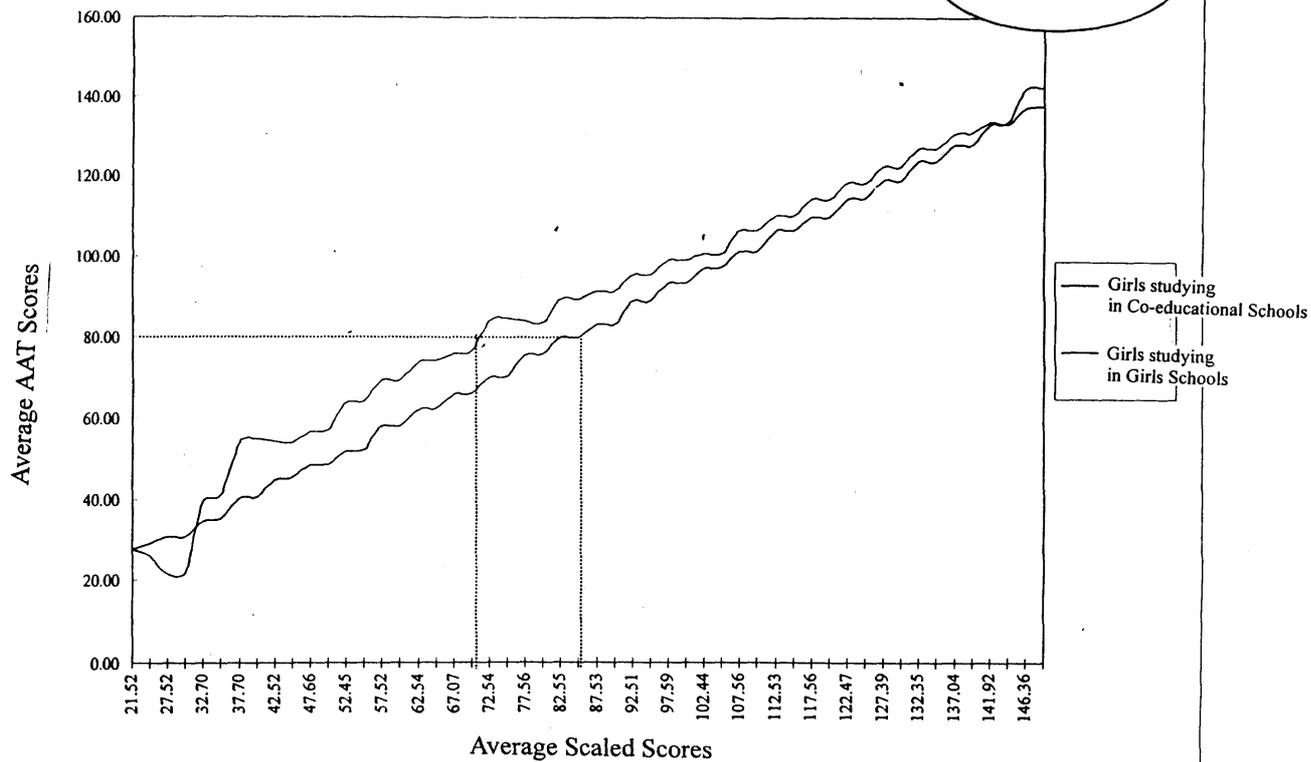
Legislative Council Secretariat

27 January 2000

SSPA 96/98

Comparison between Girls studying in Girls Schools and Girls studying in Co-educational Schools

Combined Adjustment



SSPA 96/98 Comparison between Boys studying in Boys Schools and Boys studying in Co-educational Schools

Combined Adjustment

