

立法會
Legislative Council

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LegCo Panel on Education

**Minutes of special meeting
held on Monday, 11 December 2000 at 4:30 pm
in the Chamber of the Legislative Council Building**

- Members Present** : Dr Hon YEUNG Sum (Chairman)
Hon YEUNG Yiu-chung, JP (Deputy Chairman)
Hon David CHU Yu-lin
Hon Cyd HO Sau-lan
Hon Eric LI Ka-cheung, JP
Prof Hon NG Ching-fai
Hon LEUNG Yiu-chung
Hon Jasper TSANG Yok-sing, JP
Hon Emily LAU Wai-hing, JP
Hon SZETO Wah
Hon Tommy CHEUNG Yu-yan, JP
Hon Michael MAK Kwok-fung
Dr Hon LO Wing-lok
Hon WONG Sing-chi
- Members Absent** : Hon CHEUNG Man-kwong
Hon SIN Chung-kai
Hon Andrew WONG Wang-fat, JP
Hon LAU Kong-wah
- Public Officers Attending** : Mr Joseph LAI
Deputy Secretary for Education and Manpower (3)

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

Mr Matthew CHEUNG, JP
Director of Education

Mr H F LEE
Senior Assistant Director of Education (Support)

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

Mr Y K PANG
Chairman
Advisory Committee on School-based Management

Attendance by Invitation : Hong Kong Sheng Kung Hui (HKSKH)

Mr HA Wing-ho, Timothy
Education Secretary

Mr LAI Man
Chief Editor, Echo HKSKH

Hong Kong Council of the Church of Christ in China

Mr SOO Yee-yau
Associate General Secretary

Caritas - Hong Kong

Mr Peter S T LEE, JP
Coordinator of Caritas Vocational Training and
Education Services

Hong Kong Professional Teachers' Union

Mr WONG Hak-lim
Chief Officer, Organization Department

Miss LEE Lai-ming
Vice-president

Education Convergence

Mr TSO Kai-lok
Vice Chairman

Mr HO Hon-kuen
Vice Chairman

Hong Kong Teachers' Centre

Mr TAM Ping-yuen
Chairman

Mr LEUNG Siu-tong
Vice-Chairman

Committee on Home-School Cooperation
Education Department

Mr TIK Chi-yuen
Chairman

Mr MO Shek-keung
Co-opted Member

Parents' Concern for Education Group
Hong Kong University Graduates Association

Mr FUNG Ho-keung
Convenor

Mr Elson LI
Member

Federation of Parent-Teacher Associations of the Central
and Western District

Mr C W MAN
Vice-President

Mr W L KONG
Vice-President

Hong Kong Eastern Parents and Teachers Association
Federation

Mrs Shally CHAN
Chairman

Mr LEE Pui-tong
Consultant

Federation of Parent Teacher Association, Wong Tai Sin
District

Mr LAI Tsang-hing
Chairman

Mrs Louisa WONG
Secretary

The Joint Council of Parent-Teacher Association of the
Shatin District

Mr YU Wing-fai, Christopher
Vice Chairman

Ms HO Kit-wan
Committee Member

Clerk in Attendance : Miss Flora TAI
Chief Assistant Secretary (2)2

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

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- I. Meeting with deputations**
[Paper No. CB(2)432/00-01(01) - (07)]

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The Chairman welcomed representatives of the 12 deputations to the meeting. At the Chairman's invitation, deputations made their oral representations as summarized below.

Hong Kong Sheng Kung Hui (HKSKH) and Hong Kong Association of Sponsoring Bodies of Schools (HKASBS)

[Paper No. CB(2)432/00-01(01)]

2. On behalf of HKSKH and HKASBS, Mr HA Wing-ho said that both HKSKH and HKASBS supported the policy direction of moving towards greater transparency, more accountability and wider participation in school management. However, he said that both organizations believed that the same aims could be achieved by a variety of means and were strongly of the view that a multi-model approach should be adopted for school management. He highlighted the following views -

- (a) A two-tier governance structure, consisting of an upper level and lower level committees, should be adopted for schools of a SSB. The upper one would deal mainly with broad policy issues and set the vision and mission of the SSB, and the lower level committees would implement the vision and mission through day-to-day management of each school, and generally ensure the successful operation of the schools;
- (b) There was no need to set a limit on the number of schools served by a manager and the age of a manager. SSBs would decide the appointment of managers with the best interests of their schools in mind, since they would be held responsible for the performance of their schools, and not the parent, teacher or alumni managers in the School Management Committees (SMCs); and
- (c) In the event that a school had not been properly managed, the SMC should be held responsible. SSB should be given the authority to dissolve the SMC if necessary if it was not functionally well in the management of that school.

Hong Kong Council of the Church of Christ in China (HKCCCC)

[Paper No. CB(2)432/00-01(02)]

3. Mr SOO Yee-yau of HKCCCC said that HKCCCC supported the notion that SMCs should be made more transparent and accountable for their performance in school management. Currently, HKCCCC operated a two-tier management structure in which the central SMC and the local school-based

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management committees (SBMC) would co-operate to manage the schools. In line with the spirit of the School-based Management (SBM), 19 secondary and 30 primary schools of HKCCCC had already established SBMCs comprising school supervisors and principals, and parent, teacher, alumni and independent managers. He further highlighted the following views of the HKCCCC -

- (a) SSBs should be given the authority to appoint up to 60% of the SMC members and school principals;
- (b) SSBs should set the vision and mission for the local SBMCs, and have the authority to dissolve a SBMC in case its performance in managing the school concerned was not satisfactory;
- (c) The existing two-tier governance structure should remain when each school was required to establish a SMC. SSBs should be allowed to continue the operation of a central SMC, which would comprise managers from individual SMCs; and
- (d) SSBs should be consulted on matters related to the registration of the central SMCs.

Caritas - Hong Kong (CHK)

[Paper No. CB(2)432/00-01(03)]

4. Mr Peter LEE of CHK introduced the submission of CHK and said that CHK supported the concept of SBM and recognized the need to improve transparency and accountability of SMCs in school management. He highlighted the following views -

- (a) The existing two-tier management structure, which was accepted by the Education Department (ED) and implemented by CHK for six years, should be allowed to continue operation after the establishment of a SMC in each school; and
- (b) A multi-model approach would help SSBs to achieve their objectives in education. It would provide SSBs, particularly large SSBs, with the discretion to adopt the types of governance structure appropriate to their different traditions, backgrounds, visions, missions, sizes, management styles and practices, etc.

Hong Kong Professional Teachers' Union (HKPTU)

[Paper No. CB(2)454/00-01(01)]

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5. Mr WONG Hak-lim of HKPTU briefed the meeting on the main points of the HKPTU's submission. He stressed that as education was mostly publicly-funded, it was of primary importance to enhance the accountability and transparency of school management. All stakeholders should be given the opportunity to participate in school management. Referring to the fact that 85% to 95% of the respondents had expressed support for the proposals outlined in the Consultation Document on SBM, Mr WONG urged the Administration to introduce legislative proposals into the Legislative Council (LegCo) for early implementation of the SBM proposals.

Education Convergence (EC)

[Paper No. CB(2)432/00-01(04)]

6. Mr TSO Kai-lok of EC introduced the submission of EC and said that EC supported the proposals outlined in the SBM Consultation Document, particularly participation of teachers and parents in SMCs. He stressed that legislative amendments should be enacted within the current LegCo session so that implementation of SBM proposals could start in the 2001-02 school year.

Hong Kong Teachers' Centre (HKTC)

[Paper No. CB(2)492/00-01(01)]

7. Mr TAM Ping-yuen of HKTC said that HKTC supported the spirit of SBM and the preliminary proposals of the Advisory Committee on School-based Management (ACSBM). He expressed the views as set out in his speaking note.

[Post-meeting note : The speaking note of Mr Tam Ping-yuen was subsequently issued to members on 13 December 2000 vide Paper No. CB(2) 492/00-01(01)]

Committee on Home-School Cooperation, Education Department (CHSC/ED)

[Paper No. CB(2)432/00-01(05)]

8. Mr TIK Chi-yuen of CHSC/ED said that CHSC/ED supported the spirit of SBM. He stressed the importance of parent participation in SMC to improve quality of school education. Having at least two elected parents in the SMC had the benefits of improving family education to support school education, facilitating on-going school developments, reflecting the views of parents to schools, reducing unnecessary conflicts between schools and parents, and ultimately improving the transparency and accountability of school management as a whole.

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9. Mr TIK further said that parent participation would not affect the visions and missions of SSBs since SSBs would be empowered to appoint 60% of the managers in the SMCs as well as to independently manage their physical and financial assets. He appealed to members for urging the Administration to introduce the necessary legislative amendments into LegCo within the current session to facilitate implementation of SBM in the 2001-02 school year.

Parents' Concern for Education Group, Hong Kong University Graduates Association (PCEG/HKUGA)

[Paper No. CB(2)458/00-01(01)]

10. Mr FUNG Ho-keung of PCEG/HKUGA introduced the joint submission of PCEG/HKUGA and five parent-teacher associations. Mr FUNG referred to the results of an opinion survey conducted by PCEG/HKUGA and said that more than 60% of the parents supported that SMC should incorporate parent managers [see appendix to Paper No.CB(2)458/00-01(01)]. Mr FUNG added that PCEG/HKUGA and the five parent-teacher associations -

- (a) supported the ACSBM's preliminary proposal that parents should be represented in SMCs;
- (b) considered that SSBs should give up the traditional thought that education was the responsibility of schools, and adopt an open approach to collaborate with parents to improve quality of school education;
- (c) welcomed the two-tier structure as long as parents were represented in the SMCs responsible for policy decisions;
- (d) accepted that SSBs could appoint up to 60% of the SMC membership, but considered that there should be two to four parent managers in SMCs; and
- (e) suggested that all schools should be required in legislation to establish a parent-teacher association in the next two years so that these associations could elect parent representatives to join SMCs after a year's operation.

Federation of Parent-Teacher Associations of the Central and Western District (FPTA/CWD)

[Paper No. CB(2)432/00-01(06)]

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11. Mr C W MAN of FPTA/CWD said that FPTA/CWD supported the objectives of SBM to upgrade students' learning results and improve transparency of SMCs. However, it suggested that flexibility should be allowed in the structure and composition of SMCs. Although FPTA/CWD supported the inclusion of parents and teachers in SMCs, some parents had reservations to join. FPTA/CWD suggested that even if a school had not yet established a SMC with the participation of parents and teachers, it could set up an advisory committee comprising teachers, parents and students. Participation in this advisory committee would give teachers and parents the opportunities to interact with SMC managers, principal and ED, so as to learn the basic knowledge and concepts in school operation and management.

12. Mr C W MAN stressed that notwithstanding the concerns as described in the written submission, FPTA/CWD took the view that establishment of a SMC with the participation of parents and teachers should be the long-term goal.

Hong Kong Eastern Parents and Teachers Association Federation (HKEPTAF)
[Paper No. CB(2)458/00-01(01)]

13. Mrs Shally CHAN of HKEPTAF said that HKEPTAF had discussed the Consultation Document on SBM and was of the view that ED, schools and parents should co-operate to enhance successful implementation of SBM. In essence, ED should delegate more authority to schools and provide them with appropriate support in implementing SBM; schools should adopt a proactive and open approach to implement SBM; and parents should improve themselves and actively participate in the work of SMCs. In implementation, ED should continuously monitor schools' progress in SBM, and provide training and development for managers to participate in school management and activities. Mrs CHAN urged the Administration to maintain its original proposition to incorporate parent and teacher managers in the decision-making mechanism of school management starting from the 2001-02 school year.

Federation of Parent Teacher Association, Wong Tai Sin District (FPTA/WTS)
[Paper No. CB(2)458/00-01(01)]

14. Mr LAI Tsang-hing of FPTA/WTS said that legislation should specify the powers and functions of SMCs and school managers. In particular, parent and teacher managers should be elected and be provided with appropriate training in school operation. Mr LAI pointed out that although there were now some 800 parent-teacher associations in operation, the majority of the parent managers were still undergoing the learning process of school management. To avoid abuse of power and leakage of confidential information, he considered that parents should be trained and provided with guidelines and codes of

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practice for performing the role of managers in SMC. He also suggested that parent managers should be entitled to leave with pay for participation in SMCs.

The Joint Council of Parent-Teacher Association of the Shatin District (JCPTA/ST)

15. Mr YU Wing-fai of JCPTA/ST said that JCPTA/ST welcomed the inclusion of parents in SMCs, but was of the view that sufficient transitional period should be allowed for implementation. He pointed out that to effectively supervise school operation, parent managers should preferably be those with one to two year's experience in parent-teacher associations or SBMCs. According to the results of opinion surveys conducted by JCPTA/ST, the majority of parents were willing to join SMCs on the condition that they would be provided with appropriate training and support.

16. Members also noted the written submission from the Hong Kong Federation of Education Workers Limited which had been issued vide Paper No. CB(2)432/00-01(07).

Discussion

Two-tier governance structure

17. Miss Emily LAU expressed support for a one-tier governance structure proposed in the Consultation Document on SBM. Given the conflicting views between SSBs and other deputations on how parents and teachers should participate in SMCs, she requested representatives of SSBs to further elaborate on their concerns about including parents and teachers in SMC.

18. Mr HA Wing-ho of HKSKH clarified that SSBs supported the policy direction of involving all stakeholders in school education and welcomed parents to participate in school management. He stressed that SSBs were concerned how parent participation could be realized in school management. Mr HA pointed out that SSBs had not proposed the two-tier governance structure seeking to exclude parents and teachers from real participation in SMC. He explained that in 1997 the Education Commission's Report No.7 recommended each school to establish a SBMC under SMC to decide on school matters and be answerable to SMC. In response, ED had encouraged SSBs to practise the proposed school management initiatives which advocated the collaboration of key players in the school system. Accordingly, SSBs had then put in a lot of efforts and resources to establish and support the operation of SBMCs which were responsible to SMCs. These SBMCs and SMCs operated on the basis of a two-tier governance structure in school management.

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19. Mr Peter LEE of CHK said that as pointed out by Mr C W MAN of FPTA/CWD, a one-level governance structure would inevitably give rise to conflicting views in SMCs since parent and teacher managers were elected to represent the interest of parents and teachers. Since SMCs would be registered as a body corporate and assume collective responsibility for school management and performance, parents and past students had expressed reservation about personal liabilities in relation to school activities and responsibilities. Furthermore, the central SMCs of large SSBs were currently accountable for managing SSBs' private funds and assets. Compulsory devolution of such accountability to individual SMCs was disrespectful to SSBs' past contributions in education.

20. Mr TIK Chi-yuen of CHSC/ED said that it was essential to let stakeholders express their views through SMCs and subsequently resolve conflicts arising from different points of views. He pointed out that as parents did not have the opportunity to participate in school management, many parents had to express their grievances and seek assistance through LegCo Members and media, which often would complicate the issues to be resolved.

21. Mr HO Hon-kuen of EC said that a transitional period of three years for SBM implementation would suffice for parents to develop the necessary knowledge and experience in school management. He added that schools with parent and teacher managers in SMCs had achieved significant improvement in school management. Mr LEUNG Siu-tong of HKTC urged that the Administration should put in sufficient resources for the training and development of parent and teacher managers so that they would have an overall understanding of the education system and relevant policies.

22. Mr TAM Ping-yuen of HKTC said that he personally considered that the adoption of a one-tier or two-tier structure in school management was not an important issue. He pointed out that for economical reasons, small SSBs would not consider establishing a two-tier structure for managing their schools. On the other hand, it would be operationally more cost-effective for large SSBs to establish a central SMC for making major policy decisions to be implemented by individual SMCs or SBMCs in schools.

23. Mr FUNG Ho-keung of PCEG/HKUGA said that given the opportunities to participate, parent's complaints about school management would gradually decrease. Parents would become increasingly capable of contributing to the work of SMCs if they accumulated more experience. He stressed that parents would naturally strive to enhance the quality of education for their children. He considered that the issues of personal liabilities and asset management could be

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resolved by appropriate amendments to the EO. Mr FUNG stressed that schools which were publicly-funded should be managed by a legal entity.

24. Mr SOO Yee-yau of HKCCCC said that the two-tier structure of a central SMC and SBMCs with elected parent, teacher and alumni representatives could facilitate decentralization of school management and ensure compliance with the visions and missions of SSBs in schools. He pointed out that a central SMC could play the role of a coordinator for organizing joint school activities and deploying teachers and resources among schools. It would also serve the function of a grievance and appeal mechanism for handling conflicts among managers of individual SBMCs or SMCs.

25. Mr CHU Yu-lin expressed support for parents and teachers to participate in school management which would be achieved by different means such as participation in SMCs or parent-teacher associations. He objected to setting up a rigid governance structure across the board.

26. Mr Tommy CHEUNG asked whether SSBs would have a strong view against including a parent manager in SMC. Mr HA Wing-ho of HKSKH responded that SSBs welcomed parents to participate in school management and had proposed a multi-model approach for parents to participate and assist SSBs in pursuit of their visions and missions in education. He stressed that there was no need to stipulate a single governance model for school management because each SSB had its unique background and circumstances.

27. Mr WONG Hak-lim of HKPTU said that to improve transparency and accountability in school management, at least two parents and two teachers should participate in each SMC at the decision-making level, regardless of the governance structure of the schools concerned. He considered that the proposals put forward in SBM's Consultation Document had already provided flexibility in respect of the composition of SMCs by giving SSBs the discretion to appoint up to 60% of the managers in SMCs.

Restrictions on school manager

28. Noting that HKASBS disagreed with the proposal of limiting the number of schools to be served by a school manager to five, Mr Tommy CHEUNG asked whether HKASBS would propose any maximum number of schools to be served by a school manager. Mr HA Wing-ho of HKSKH responded that it would not be scientific to specify any rigid number given the fact that the circumstances of each case would differ. In response to Mr CHEUNG's further enquiry about the age limit of school managers, Mr HA was of the view that it would be unfair and inconsiderate to terminate the appointment of a school

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manager who had spent a lifetime in working for that school simply because he had reached the age of 70. He stressed that SSB had contributed considerable efforts and resources to school education for more than a century, they should be given the flexibility in determining the number of schools to be served by a manager and the age limit of a manager. In this connection, Mr CHU Yu-lin said that he also objected to the proposals of limiting the number of schools to be served by a school manager to five and the age of school managers to 70.

Legislative requirements

29. Mr MO Shek-keung of CHSC/ED said that given the increasing complexities and scope of legal liabilities, the Administration should amend the EO to require registration of SMCs as corporate bodies so that individual school managers would not be liable to any personal liabilities arising from the work of SMCs.

30. Mr YEUNG Yiu-chung asked whether SSBs would support the proposal of specifying the composition of SMCs in legislation or just the proposed legislative requirements to register SMCs as corporate bodies.

31. Mr HA Wing-ho of HKSKH said that there were already the EO and Education Regulations governing the operation of schools and their SMCs. SSBs would object to any legislative proposals which sought to implement government policies without flexibility against their wishes. Mr HA also pointed out that many SSBs were already corporate bodies governed by relevant ordinances. Given that some school supervisors might be held liable for accidents happened during school activities, he would support legislative amendments to protect individual managers from such personal liabilities.

II. Meeting with the Administration

32. With reference to Mr HA Wing-ho's saying that a two-tier governance structure in school management was proposed by the Administration to implement school management initiatives, the Chairman asked the Administration to clarify whether it had proposed and supported the operation of a two-tier governance structure in school management.

33. Deputy Secretary for Education and Manpower (3) (DS/EM(3)) responded that the prime objective of the Administration was to improve the transparency and accountability of SMCs by involving teachers, parents, alumni and community leaders in the school decision-making process and management. ACSBM was commissioned to examine and propose feasible options for

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achieving the objective. He pointed out that whether a school had a one-level or multi-level governance structure was not the issue. Rather, the issue was how all stakeholders would have meaningful participation in the decision-making process of school management. The spirit of SBM was that all stakeholders should participate in important decisions.

34. Miss Emily LAU enquired about the Administration's responses and legislative timetable in the light of the conflicting views between SSBs and representatives of parents and teachers.

35. Director of Education (DE) reiterated that the Administration aimed to introduce legislative amendments to the EO into LegCo before the end of the current session. He informed members that since ACSBM would hold a meeting on 20 December 2000 to conclude their deliberations, the Administration should refrain from giving comments at this stage.

36. Miss Cyd HO said that she agreed that parents and teachers would contribute to the work of SMCs and inject new thoughts and insights into school management. In light of the strong views expressed by SSBs, she asked how the Administration would address their concerns so that SSBs would remain as partners to Government in the provision of education.

37. DS/EM(3) reiterated that the prime target of the Administration was to improve the transparency and accountability of SMCs by involving teachers, parents, past students and community leaders in the school decision-making process. He added that SBM was proposed along with the Administration's policy to decentralize authorities in school management. As schools would become increasingly autonomous, the community as a whole would demand a more transparent and accountable governance mechanism in school management. The Administration hoped that ACSBM would come up with recommendations which would address the concerns of SSBs and echo the community's aspiration.

ACSBM's views

38. In response to Miss Emily LAU's enquiry about the ACSBM's view, Mr Y K PANG, Chairman of ACSBM said that ACSBM would further consider the views collected from the previous and current round of consultation at its meeting on 20 December 2000. It would then make final recommendations to DE for consideration. He hoped that the ACSBM's final recommendations could balance the interests of the stakeholders in school education. Although ACSBM had yet to finalize its views, he would like to make the following points in response to the deputations' views -

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- (a) Regardless of the levels of governance structure, ACSBM's primary concern was whether parents and teachers could have meaningful participation in school administration and operation in accordance with the spirit of SBM, i.e., the establishment of an independent SMC in each school comprising representatives of key players. The number of levels of the governance structure was not an issue. He stressed that in a mature community such as Hong Kong, such participation should enhance exchange of views and cooperation among stakeholders for a better quality of school education, instead of creating competition for interests between stakeholders;
- (b) Teachers as employees of the schools could contribute to the work of SMCs, when an appropriate mechanism for declaration of interest was in place to handle those few occasions when a conflict of interest arose;
- (c) SMCs as corporate bodies would protect individual managers from personal liabilities in relation to the activities and responsibilities of the schools;
- (d) Managers who were 70 of age could continue their membership with SMCs so long as they could produce a medical fitness certificate;
- (e) Managers should interact with students and participate in school activities as frequent as they could. It was unlikely that a person with a full-time job could actively participate in the governance and activities of more than five schools. However, DE could give special approval to a school manager to serve for more than five SMCs; and
- (f) A transitional period of three to five years would suffice for the development of a SBM culture in schools and among stakeholders. Given more time and practical experience, SBM culture would become mature.

The way forward

39. In concluding the discussion, the Chairman commented that given the changing circumstances in the society, SSBs should reconsider the role of SSBs, parents and teachers in school management in light of the community's

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aspiration. He requested the Administration to consult the Panel on the final recommendations of ACSBM before formulating its policies on SBM. Members expressed support for the Chairman's request.

40. DS/EM(3) responded that the Administration would definitely consult the Panel on the final SBM proposals before proceeding with preparing relevant legislative proposals.

41. The Chairman thanked representatives of deputations, the Administration and Chairman of ACSBM for attending the meeting.

III. Any other business

42. There being no other business, the meeting ended at 6:30 pm.

Legislative Council Secretariat
12 February 2001