

Legislative Council Bills Committee
The Education Reorganisation (Miscellaneous Amendments) Bill 2002

Merger of the Education Commission
and the Board of Education

Purpose

At the Bills Committee meeting held on 23 December 2002, Members discussed LC Paper No. CB(2)742/02-03(01) on the Merger of the Education Commission (EC) and the Board of Education (BoE). During the discussion, Members made further comments regarding the terms of reference (TOR) and the non-statutory status of the EC. This paper aims to respond to the comments made.

Terms of Reference of the EC

2. It is important to note that the merger does not affect the key role of the EC, which is to advise the Government on the overall educational objectives and policies. Since the EC's establishment, care has been taken to underline its overall coordination role through ensuring that its ToR do not duplicate those of the other advisory bodies. This explains the statement in the EC ToR that – "In carrying out these tasks, the Commission will coordinate but not seek to direct the work of Board of Education(BoE), University Grants Committee (UGC), Vocational Training Council (VTC) and other education advisory bodies." Members will note that, save for the deletion of the reference to the BoE, this statement remains unchanged in the revised EC ToR.

3. It would therefore be inappropriate for the EC to advise on the planning and development of higher education and sub-degree sectors, which are the direct responsibility of the UGC and the Manpower Development Committee. To include them under the remit of the EC would result in unnecessary duplication of work.

4. The scope of the Education Ordinance (Cap 279) covers mainly early childhood and school education. Hence, these two sectors have always been

the focus of the BoE. Since the adoption of the education reform package, the EC has, in practice, in the context of monitoring the implementation of the reform package, paid close attention to advising on the formulation and execution of key policies in respect of early childhood and school education. This has created considerable duplication. Following the merger of the EC and BoE, the EC will have direct responsibility for, rather than just co-ordinating early childhood and school education. We therefore see merit in including an explicit reference to these two sectors in the EC revised ToR, which do not now fall within the ToR of any other advisory bodies. Highlighting these two sectors does not detract from the EC's role of advising the Government on "overall educational objectives and policies and the priorities of implementation". Nevertheless, we note that some Members, at the last Bills Committee meeting on 23 December 2002, proposed dropping reference to these two sectors in the revised ToR of the EC. Should Members still feel strongly about this after taking note of the above explanation, we have no objection to amending the EC's ToR accordingly.

EC as a Non-statutory Body

5. As explained in LC Paper No. CB(2)742/02-03(01), the EC, being a non-statutory advisory committee, has been operating very effectively since its inception in 1984. The EC has made significant contribution to the formulation of education policies, the latest example being the comprehensive review of the education system leading to the package of far-reaching education reform initiatives being progressively implemented since 2000. The Administration highly values the advice of EC members who are drawn from different backgrounds. Under the new accountability system, Principal Officials will be even more responsive to the views of advisory committees and members of the public. Experience across the Government also indicates that there is no correlation between the legal status and the importance/influence of an advisory body.¹ Moreover, since the scope of the Education Ordinance covers mainly early childhood and school education, placing the EC under the Education Ordinance would restrict its role in coordinating the development beyond the early childhood and school education sectors.

¹ An example, apart from the EC, is the Textiles Advisory Board which advises the Government on the textiles and garment industries, including the strategies for bilateral and multilateral negotiations on textiles and clothing.

6. Some Members suggested that a memorandum be signed between the EC and the Government to set out the respective roles of the two parties. In fact, the TOR of the EC already serve this purpose.

Transparency of the EC

7. Community support is needed for the successful implementation of education policies. Therefore, both the Government and the EC have always attached great importance to the transparency of EC's work and to fostering communication with the stakeholders. Over the past years, the EC has introduced several initiatives to enhance its transparency. These include a three-stage public consultation which led to the formulation of the Education Reform package endorsed by the Government in 2000, and the publication of the annual progress report on the key areas of the education reform coupled with a reporting session for the stakeholders. Action is in hand to prepare for the 2003 annual report and stakeholders' meeting.

8. Some Members have requested the Secretary for Education and Manpower (SEM) to pledge in his speech at the resumption of the Second Reading of the Bill to increase the transparency and representativeness of the EC. As this is in line with the principles of transparency, consultation and consensus-building under the Accountability System, the SEM will be pleased to consider this.

Education and Manpower Bureau
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