

**Legislative Council Bills Committee:
the Education Reorganisation (Miscellaneous Amendments) Bill 2002**

**Merger of the Education Commission
and the Board of Education**

Purpose

During the discussion on the Education Reorganisation (Miscellaneous Amendments) Bill 2002 on 16 December, some Members expressed concern about the future role of the Education Commission (EC) following the merger of the EC and the Board of Education (BoE). This paper will address the various concerns raised.

Role of the EC

2. The existing Terms of Reference (ToRs) of the EC and BoE and the revised ToR of the EC are at Annexes A and B respectively. A comparison of the two Annexes shows that, following the merger, there would in fact be a clarification and an expansion of the role of the EC. In particular, -

- (a) the EC will remain the body advising the Government on overall educational objectives and policies as well as the priorities of their implementation having regard to the resources available;
- (b) the EC will continue with its present role of coordinating the development in different educational sectors through working closely with other advisory bodies. Of note is the fact that, with the exception of the BoE, all advisory bodies listed in the existing ToR of the EC still feature in the revised ToR of the EC;
- (c) the existing ToR of the EC does not have a specific reference to early childhood and school education. However, following the merger of the EC and the BoE, we consider it appropriate to add such a reference in the revised ToR of the EC. The intention is to put beyond doubt the prominent role of the EC in not only coordinating, but also advising the Government on, the developments in these two key educational sectors.

3. Some Members asked if the EC's future work would be confined to just early childhood and school education, with no role in giving advice on the coordination of developments in other education sectors. It has never been our intention to take away the EC's role in advising on the coordination of education policies across-sectors since this role, in our view, is an integral part of the EC's role to advise the Government on "the overall educational objectives and policies" as well as "the priorities for implementation". It is also in recognition of this continued role of the EC that the EC will continue to coordinate the work of the various education bodies. In fact, keeping the non-exhaustive approach to listing the bodies whose work the EC will coordinate underlines our intention that the role of the EC in advising the Government on overall education policies (including their coordination) will not be affected by the merger with BoE and the dynamic developments that may take place in the education sector. Some Members also specifically asked whether the EC would continue to have a role in giving advice on developments in the higher education and sub-degree sectors. The answer, again, is that this role of the EC would remain unchanged following the merger, as reflected in paragraph 2(b) above.

4. A few Members also wondered if reporting to the Secretary for Education and Manpower (SEM) instead of to the Chief Executive (CE) would imply the EC's diminished importance. This cannot be further away from the truth if one takes into account the deliberation process within the Government. SEM has been and still is the principal official supporting the CE in the formulation and implementation of education policies, with the EC being one of the key advisory bodies whose counsel the Government treasures. As has always been, still is and will be the case, the CE benefits from the advice of SEM in considering the recommendations from the educational advisory bodies, including the EC. Major educational policies will still have to be approved by the CE-in-Council. Therefore, the proposed change in the line of reporting is more apparent than real, and is intended to reflect the realities of Government deliberation process and to bring the arrangements in line with the implementation of the accountability system.

EC as a Non-statutory Body

5. The BoE was established in 1920. Its functions are provided for in Section 7 of the Education Ordinance (Chapter 279) and are purely advisory. The scope of the Education Ordinance covers mainly early

childhood and school education. The legislative frameworks of other education sectors are governed by other Ordinances. Since the ambit of the EC extends beyond the early childhood and school education sectors, it would be inappropriate to place the EC under the Education Ordinance without affecting the EC's role in advising on the coordination of other sectors.

6. Since its establishment in 1984, the EC has been operating as a non-statutory body. Despite its non-statutory status, it has proven itself to be one of the most important sources of Government's education initiatives. A few examples will suffice to illustrate this. On the recommendation in the Education Commission Report No.1 (ECR 1) that some Government assistance was justified to ensure that all children could have access to pre-primary education, the kindergarten fee remission scheme was introduced in 1990. The setting up of the Hong Kong Institute of Education was largely prompted by ECR 5 which recommended that a new unitary Institute of Education, comprising the colleges of education and Institute of Language in Education be set up as soon as the necessary legislative and administrative amendments allowed. ECR 7 recommended the adoption of school-based management, the follow-up work on which has culminated in the Education (Amendment) Bill introduced in November 2002 for implementing the school-based management governance framework. The wide-ranging education reform agenda now implemented by the Administration also has its genesis in the EC's report endorsed by the Government in full in October 2000. In short, its non-statutory role notwithstanding, the EC's importance is beyond doubt. And there is no reason to doubt that the EC will not be able to continue to play a key role in advising the Government on the future development of education in Hong Kong.

Transparency of the EC

7. A member expressed the view that the operation of the EC was very transparent. She was concerned that following its merger with the BoE, the EC might become less transparent in its operation. This concern is totally unwarranted as neither the Administration nor, we believe, the EC Members would go for diminished transparency. We fully realise that the credibility and successful implementation of any education initiatives would hinge on, among other things, consultation and transparency in order to help build consensus among education stakeholders and community support. We wish to emphasise that the merger between the EC and BoE is a pure streamlining attempt.

Conclusion

8. The role, importance and transparency of the EC will not be affected by the merger of the EC and the BoE. The revised ToR of the EC expands and clarifies the role of the EC in respect of early childhood and school education. The EC will continue to coordinate developments in different sectors through working closely with other advisory bodies including the University Grants Committee. Asking the EC to report to SEM rather than the CE direct is just a rationalisation attempt to bring the arrangement in line with the accountability system. The EC has functioned well as a non-statutory body and we see no reason for changing it.

Existing Terms of Reference

Board of Education (BoE)

The Board of Education is a statutory body established under the Education Ordinance to advise the Hong Kong Government, through the Director of Education, on educational matters at school level. Its main tasks are to advise on the implementation of approved policies, to review existing policies and to propose changes.



Education Commission (EC)

The Education Commission advises the Government on the following :

- the overall educational objectives and policies, and the priorities for implementation having regard to resources available;
- the co-ordination and monitoring of the planning and development of education at all levels.

In carrying out these tasks, the Commission will co-ordinate 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. Specifically, it will –

- receive and comment on the periodic reports submitted to the Government by BoE, UGC, VTC and other major advisory bodies on education;
- request the above-mentioned bodies to initiate discussion on issues falling within their respective purview as necessary;
- receive regular reports from the Government on the introduction and implementation of major education policies and initiatives; and
- initiate educational research as appropriate.

The Commission oversees the operation of the Quality Education Fund, with advice from the Quality Education Fund Steering Committee.

The Commission submits its reports and recommendations to the Chief Executive.

Education Commission
Proposed Terms of Reference

I. The Education Commission advises the Secretary for Education and Manpower on –

- (a) the overall educational objectives and policies, and the planning and development of early childhood and school education; and
- (b) the priorities for implementation of its recommendations having regard to resources available;

II. In carrying out its tasks, the Commission will co-ordinate but not seek to direct the work of University Grants Committee (UGC), Vocational Training Council (VTC) and other education advisory bodies. Specifically, it will –

- (a) receive and comment on the periodic reports submitted to the Government by UGC, VTC and other major advisory bodies on education;
- (b) request the above-mentioned bodies to initiate discussion on issues falling within their respective purview as necessary;
- (c) entertain requests from the Government for advice on educational issues; and
- (d) initiate education research as appropriate.

III. The Commission oversees the operation of the Quality Education Fund, with advice from the Quality Education Fund Steering Committee.

IV. The Commission submits its reports and recommendations to the Secretary for Education and Manpower.