

Your Ref: CB2/BC/4/02  
Our Ref: PA 03/10-240

10<sup>th</sup> October, 2003

Chairman  
Bills Committee on Education (Amendment) Bill 2002  
Legislative Council  
Hong Kong Special Administrative Region of the  
People's Republic of China  
Legislative Council Building  
8 Jackson Road  
Central  
Hong Kong

Dear Chairman,

**Bills Committee on Education (Amendment) Bill 2002**

Thank you for your letter of 23<sup>rd</sup> September, 2003 inviting our comments on the Administration's response [LC Paper No. CB(2) 3055/02-03(01)] to the concerns of Members and deputations.

We wish to state again that we support the general philosophy of the bill, namely, to enhance accountability, transparency and participation of the stake-holders in the governance of schools, particularly, the governance of aided schools.

However, we do not agree that the Proposed Model is only possible model or that it is necessarily the best model for all schools. We also do not share many of the views of the Administration given in the response paper.

Diversity in Governance Structure

In our previous submissions to your committee we stressed the need to maintain diversity in the governance structure of schools and expressed our opposition to imposing a unitary and rigid structure on all schools.

In our letter of 10<sup>th</sup> March, 2003 we stated:

“In constituting the Incorporated Management Committee (IMC) of each individual school, we are strongly of the view that a multi-modelled approach be adopted. Throughout the last two centuries, the varied traditions, backgrounds, visions, sizes and practices of the many sponsors and the schools under their charge have all contributed to the diversity and richness of the school system in Hong Kong and it is most essential that a flexible and multi-faceted rather than a rigid and unitary approach, such as the one envisaged in the Bill, be taken.”

We are therefore very unhappy with the response of the administration to this point (para. 15, page 24) because it may mislead your committee:

“Schools may depending on their own circumstances, set up advisory bodies to advise on aspects of school operations or policies.”

Our point was that given the diversity in tradition and modes of governance which obtains in Hong Kong schools, more than one model should be allowed, and among such models one which is multi-tiered, such as that proposed in Education Commission Report No. 7 of 1997, be included.

Report No. 7 recommends: “that to facilitate efficient school management, schools may consider to establish a School Executive Committee (SEC) under the School Management Committee (SMC) to decide on school matters and answerable to the SMC”.

It is therefore clear from the above that a genuine multi-tiered structure is meant, and not the proliferation of a number of internal advisory committees, as alluded to in the Response [LC Paper No. CB(2) 3055/02-03(01)]. Whether intended or not, the Response might mislead your committee into thinking that all we are asking for is the freedom to appoint a number of internal advisory committees, which we strongly deny.

If your committee agrees that more than one model should be considered, then we may comment on the contents of the Administration’s Model on the understanding that it is not the only model allowed, to the exclusion of others. When more than one model is available, schools may then opt for the most appropriate one. Among the schools under our charge, some might indeed adopt the Administration’s Model.

### Administration's Model

In our submission of 10<sup>th</sup> March, 2003 we raised a number of points relating to the Administration's Model and these are quoted below for your convenience:

#### 1. Power of Veto or Dissolution and Reconstitution

"When a school is established, the SSB sets a clear vision and mission for the school. However, in the course of the school's development, there is the possibility that it may deviate from the direction or goals originally intended for it. There may also be crucial decisions which if taken might go against fundamental principles which the SSB holds dear.

Moreover, a situation may arise where the IMC is not longer functioning properly due, for instance, to serious internal conflict. The IMC might then best be dissolved so that a new beginning could be made.

It must be noted that a teacher, a parent and an independent manager may resign anytime and then walk away from the IMC while the SSB cannot. Furthermore, when a school is adjudged to be malfunctioning, which may even be due to an impasse reached with the teachers or parents, the SSB may have its sponsorship withdrawn by the government. If the SSB is to discharge its responsibility well, it must be given the power to so.

We therefore wish to see included in the amendment bill provisions which will empower the SSB a) to veto certain resolutions or decisions if necessary b) to dissolve and to re-constitute an IMC."

#### 2. The School Supervisor

"The post of the School Supervisor is well-established and has served Hong Kong well for many years. The Bill now proposes to do away with the office altogether. We wish to have the office re-instated. The Supervisor has a very important part to play in working as a conduit between the SSB, the IMC, the principal as well as the government. Also, in unusual circumstances, such as when the principal is new, or when there is an interregnum between an outgoing and incoming principal, or when there is disagreement between the staff and the principal, the Supervisor will prove to be invaluable.

Therefore, the Bill should re-instate the post of Supervisor and make it a regular and properly recognized office, which is entrusted with clear functions and authority.”

### 3. Appointment of the Principal

“We recognize that the Principal has a very important part to play in the management of the school and to further its vision and mission. We therefore feel strongly that the Principal should be appointed directly by the SSB. In large sponsoring bodies this prerogative is absolutely necessary to enable suitable Principals to be deployed on a collective basis. For example, an SSB may wish to deploy an experienced Principal to open a new school. Schools losing or gaining students will also require Principals to be moved according to grade adjustment. Therefore, the formation of a principal selection committee should only be an optional model which the SSB may adopt at its discretion.

Indeed the proposal of forming a principal selection committee as a prerequisite, as far as we can recall, has been simply imposed by the Education and Manpower Bureau and has never been included in previous consultations.”

In the Response, the above issues have not been directly addressed. In some places the issues have been cleverly side-tracked.

We hope that our points will receive the full attention of your committee, and suffice it to say, we are far from satisfied with the explanations.

### Liability

In the Response (para. 12 page 21), it is claimed that managers will be given greater protection to ensure immunity from litigation. The Response gives the erroneous impression that ‘immunity from legal suit to IMC managers’ is sought. We have not asked for this special immunity. What we wish to have is the same treatment for school managers whether the school adopts the Administration’s Model or any other model of school governance and that whatever protection that is granted should not be exclusively reserved for schools using the Administration’s Model.

### Statutory Framework

In the Response (para. 16 page 25) it is claimed that the justification for legislation to give firm legal backing to the SBM governance framework is to afford the framework a 'higher and credible status' (sic) and protection for the managers.

We have no objection to raising the status of management committees by incorporation. However, our view is that the same treatment be extended to schools opting for any model other than the Administration's Model.

Your kindly indicated in your letter that you would welcome an oral presentation to the Bills Committee. We would appreciate any such opportunity and would be glad to attend your meeting.

We wish to thank the Bills Committee again for consulting us.

Yours sincerely,



Timothy W. H. Ha  
Chairman