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

Background brief prepared by the Legislative Council Secretariat

Education (Amendment) Bill 2002

Purpose

This paper gives a summary of the issues and concerns raised by members of the Panel on Education on the proposals for school-based management of the Advisory Committee on School-based Management (ACSBM).

The original proposals for school-based management of ACSBM

Consultation with the Panel on Education

2. The original proposals of ACSBM which were more controversial included the following -

- (a) each school should have a school management committee (SMC) which should comprise, among others, managers nominated by the school sponsoring body (SSB) up to 60% of the total SMC membership, two or more teacher managers and two or more parent managers;
- (b) each school manager could not serve on more than five SMCs;
- (c) all school managers should be aged between 21 to 70;
- (d) the roles of SSBs, among others, were to set the vision for their sponsored schools, maintain full control of the use of their private funds and assets, and take part in the selection of the principal; and

- (e) a transitional period of three years was allowed for SSBs to put in place the proposed governance structure for school-based management.

3. The Panel on Education discussed the original proposals for school-based management of ACSBM at its meeting on 20 November 2000, and received views from deputations at its meeting on 11 December 2000.

Views of the deputations

4. A majority of the deputations, mostly parents' groups and teachers' associations, expressed support for the original proposals for school-based management of ACSBM. Other deputations which were SSBs, however, had expressed strong objection to imposing a one-tier governance structure. While these SSBs in general supported the policy direction of moving towards greater transparency, more accountability and wider participation in school management, they suggested that a two-tier governance structure should be adopted under which the upper SMC would deal mainly with broad policy issues and set the vision and mission of the SSB and the lower SMC would implement the vision and mission through day-to-day management of each school. These SSBs also considered that there was no need to set a limit on the number of SMCs served by a school manager and the age of a school manager.

Views and concerns of Panel members

5. Panel members in general agreed that the powers of SSBs to set visions and missions for their schools, and to control their private funds and assets should be protected in the legislation. Some Panel members expressed support for setting up a one-tier SMC in each school in which representatives of parents and teachers were able to have meaningful participation in school management. They stressed that there should be at least two parent and two teacher managers in each SMC. These Panel members considered that the proposal of a two-tier governance structure of some SSBs was only intended to exclude real participation of parents and teachers. A Panel member, however, was of the view that while participation of parents and teachers in school management should be supported, a rigid governance structure should not be imposed across the board.

6. Panel members also expressed the following views and concerns -

- (a) the proposed governance structure for school-based management framework should be established as soon as possible and a timeframe should be specified in the legislation for incorporating parent and teacher managers in SMCs;

- (b) there should be proper checks and balance over the power of a principal;
- (c) while the proposal of limiting the maximum number of SMCs served by a school manager should be implemented with flexibility, the school manager concerned must practicably be able to participate fully in school management; and
- (d) as some schools might have difficulty in finding sufficient parents who were willing to participate in the work of SMCs, the Administration must have measures to facilitate the establishment of SMCs in schools.

The final proposals for school-based management of ACSBM

Consultation with the Panel on Education

7. It was the ACSBM's view that whether a school had a one-tier or multi-tier governance structure was not the issue, but each school should have an SMC in which representatives of all key stakeholders were able to take part meaningfully in the making of decisions which were important to the running of a school.

8. ACSBM, however, had revised its original proposals in respect of the composition of SMC, the maximum number of SMCs served by a school manager, the maximum age of school managers, and the transition period for establishing the proposed governance structure for school-based management. These revised proposals (which had been incorporated, among others, in the Education (Amendment) Bill 2002) were -

- (a) each SMC would have one or more teacher managers, and one or more parent managers. Where there was only one teacher manager and/or one parent manager, there would be, in addition, one alternate teacher manager and/or one alternate parent manager. These alternate managers might attend SMC meetings and had the same rights and responsibilities as the full members, save the voting right. They would take the place of the full member (and be entitled to vote) when the latter could not attend SMC meetings;
- (b) a school manager generally could not serve on more than five SMCs, but the Director of Education (at present the Permanent Secretary for Education and Manpower) should be given the discretionary power to lift the ceiling on a case by case basis;

- (c) no upper age limit on school managers would be set, but those who were 70 or above should be able to prove their medical fitness by producing a medical certificate before they could serve on SMCs; and
- (d) the transitional period would be extended to five years.

9. The Panel on Education discussed the final proposals for school-based management of ACSBM and received views from deputations at its meeting on 19 February 2001.

Views of deputations

10. A majority of the deputations, mostly parents' groups and teachers' associations, in general were not supportive of the ACSBM's final proposal of introducing an alternate parent/teacher manager to a SMC. They considered that each SMC should at least have two parent managers and two teacher managers. These deputations also expressed the following views and concerns -

- (a) the Administration should provide appropriate training and better support for parents to participate in the work of SMCs;
- (b) extending the transitional period to five year would delay the implementation of school-based management;
- (c) there was no need for the discretion to allow a school manager to serve more than five SMCs and guidelines for exercising such discretion, if allowed, should be specified;
- (d) SSBs should only have discretion to nominate up to 40% or 50% of total SMC membership; and
- (e) a maximum age should be set for school managers.

11. Some SSBs which had submitted their views to the Panel reiterated their strong objection to any mandatory proposal of imposing a one-tier governance structure. Another SSB held a strong view that SSBs should have absolute discretion in appointing principals and terminating their appointment.

Views and concerns of Panel members

12. A Panel member had expressed concern that it seemed that parents, teachers and SSBs were unable to reach consensus on the proposals for school-based management. She opined that it would not be a healthy way to implement school-based management if SSBs were forced to accept a one-tier

governance structure by legislation. Another Panel member was of the view that parents and teachers who were elected to SMCs would endeavour to contribute towards improving quality of school education. He considered that while flexibility should be allowed during the interim period, there should be at least two parent and two teacher managers to be elected to each SMC. He also agreed that the powers of SSBs to set school visions and missions, and manage their private funds and assets should be protected in the Education Ordinance and the constitutions of SMCs.

13. Members may wish to refer to the minutes of the Panel meetings on 20 November 2000, 11 December 2000 and 19 February 2001 (issued vide LC Paper Nos. CB(2)668/00-01, CB(2)816/00-01 and CB(2)1324/00-01 on 12 January, 13 February and 20 April 2001 respectively) for further details.

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