

10<sup>th</sup> March, 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,

### **Education (Amendment) Bill 2002**

The Hong Kong Association of Sponsoring Bodies of Schools welcomes the opportunity of being consulted on Education (Amendment) Bill 2002. Our association represents twenty-seven major sponsoring bodies of schools in Hong Kong and our members together have about one thousand schools of various levels under their care. A list of our members is in the appendix.

#### Membership of the School Management Committee

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.

As recently as 1997, the Education Commission in its Report No. 7 on the topic of Quality School Education specifically recommends: 'that to facilitate efficient school management, schools may consider to establish a School

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Executive Committee (SEC) under the School Management Committee (SMC), to decide on school matters and be answerable to the SMC'. We consider this to be a viable option in principle and would recommend that at least one alternative model, based on the philosophy of the above recommendation, be included.

This means that under the School Sponsoring Body (SSB), on the basis of any one individual school, a dual level management be set up.

The committee of the first level shall have the following characteristics:

1. It deals mainly with broad policy issues and sets the vision and mission of the schools.
2. It has oversight of the budget of the school involving Government grants proposed and drawn up by the second level.
3. It manages any private financial resources and raises funds from the public for major development.
4. It has final authority over important personnel matters.
5. Its members are generally appointed by the SSB according to conditions agreed between the two bodies.
6. It holds general meetings about two to three times a year.

The committee of the second level shall have the following characteristics:

1. It implements the vision and mission of the school, puts policy into practice and generally ensures the successful operation of the school.
2. The SSB shall appoint from the committee of the first level members of the second level committee, and shall appoint a chairman from among them.
3. One member to be elected from among the full-time teachers of the school.
4. One parent member to be nominated by the PTA.

5. One past student member to be nominated by the alumni association.
6. One independent member to be co-opted by the committee.

Apart from the alternative model above, it should be possible for SSBs to propose further alternative models according to individual needs and circumstances.

#### 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.

### Liability of IMC and SSB

Although the Bill proposes some protection for individual members of an IMC, it is not entirely clear whether such persons, especially those who are serving as a public service in their personal capacities, are immune from litigation. Clear provision should be made to ensure such immunity.

Similarly, although the IMC collectively may now be the target of litigation, the SSB may not be entirely immune. Dissatisfied litigants who fail to seek satisfaction from the IMC may direct the action up to the SSB. This is of course very unfair to the SSB. Therefore, clear provision should be included in the Bill to ensure complete immunity for the SSB.

### 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.

### Appointment of the Principal

We recognise 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.

### Conclusion

In conclusion, we wish to thank the Bills Committee for letting us put forward our views and would like to emphasize again that the rich diversity of the school system in Hong Kong can only be preserved by an equally flexible and multi-faceted system of governance and management.

Yours sincerely,



Timothy W. H. Ha  
Chairman

## **Hong Kong Association of Sponsoring Bodies of Schools**

### **Membership List**

The Baptist Convention of Hong Kong  
Caritas – Hong Kong  
The Catholic Diocese of Hong Kong  
Congregation of the Immaculate Heart of Mary Scheut Mission Hong Kong Limited (C.I.C.M.)  
Daughters of Charity of the Canossian Institute, Inc.  
The Director in Hong Kong of Saint Joseph's College  
The Evangelical Lutheran Church of Hong Kong  
Evangelical School Development Incorporation Limited  
Hong Kong Buddhist Association  
The Hong Kong Council of the Church of Christ in China  
Hong Kong Red Cross  
Hong Kong Sheng Kung Hui  
Hong Kong Taoist Association  
Kowloon Tong Church of the Chinese Christian & Missionary Alliance  
The Lok Sin Tong Benevolent Society Kowloon  
Lung Kong World Federation School (Hong Kong) Limited  
The Lutheran Church - Hong Kong Synod  
The Methodist Church, Hong Kong  
Po Leung Kuk  
Shun Tak Fraternal Association  
Sik Sik Yuen  
Sisters of the Precious Blood  
Sisters of St Paul De Chartres  
Society of St Francis De Sales  
Tsung Tsin Mission of Hong Kong  
The Tung Koon District General Association  
Tung Wah Group of Hospitals

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香港辦學團體協會會員名單

香港浸信會聯會  
香港明愛  
天主教香港教區  
聖母荏聖心會  
嘉諾撒仁愛女修會  
香港聖若瑟書院校董會  
基督教香港信義會  
基督教興學會  
香港佛教聯合會  
中華基督教會香港區會  
香港紅十字會  
香港聖公會  
香港道教聯合會  
香港九龍堂基督教中華宣道會  
九龍樂善堂  
世界龍岡學校(香港)有限公司  
香港路德會  
循道衛理聯合教會  
保良局  
順德聯誼會  
畚色園  
寶血女修會  
沙爾德聖保祿女修會  
鮑思高慈幼會  
基督教香港崇真會  
東莞同鄉總會  
東華三院

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