

Bills Committee on the Education (Amendment) Bill 2002

Administration's Response to Issues Raised at the Meeting on 21 April 2004

Purpose

This paper sets out the Administration's response to the issues raised by Members at the Bills Committee meeting on 21 April 2004 about: (i) the terms of the service agreement of Direct Subsidy Scheme (DSS) schools and aided schools; (ii) the result of the Administration's consultation with school councils on the proposal of requiring new DSS schools to set up an incorporated management committee (IMC) in accordance with the provisions of the Bill; and (iii) clarifying the recent report on one-line vote by the press.

Terms of service agreement with DSS and aided schools

2. Members requested the Administration to set out clearly any differences in the terms of the service agreement of DSS and aided schools before and after the enactment of the Bill. Please refer to Annex 1 for a comparison of the terms of the relevant service agreements.

Consultation with school councils

3. Members asked the Administration to report the result of the consultation with school councils on the proposal of requiring new DSS schools to set up an IMC. The responses from school councils are at Annex 2.

One-line Vote

4. Members pointed out that the press reported recently that the Administration suggested a one-line vote to some SSBs, which was contradictory to the earlier response submitted to the Bills Committee, and requested us to clarify the issue.

5. In our written response on one-line vote to the Bills Committee in

March 2004, we had already clarified that we had no plans at all to implement a one-line vote, which included teachers' salaries at present. In view of the general support of a block grant for school development by the education sector, we are studying the integration of non-salary grants in order to allow schools to enjoy greater flexibility in using resources. Before the implementation of any funding models, we will consult the education sector and the Panel on Education of the Legislative Council. Also, we have to obtain the approval of the Finance Committee of the Legislative Council.

6. It was recommended in the 2003 Policy Address that we would rationalise and simplify the teaching grade structure of public sector schools. We are studying different proposals and conducting an initial collection of the views of the education sector at the present stage. The Government keeps an open mind on the issue for the time being. If there are any changes to the policy on teaching grade structure, we will consult the education sector and the Panel on Education of the Legislative Council.

7. Following the recommendation of Members, we have added a subsection (4) under s.40AE of the Bill to clearly state that the terms and conditions of service of teaching staff in the staff establishment of aided schools must conform with those provided for in the relevant Codes of Aid in relation to the post.

Education and Manpower Bureau
April 2004

Service Agreement of New Aided and DSS Schools

The Bill	Aided Schools		DSS Schools	
	Existing Schools	New Schools ^{Note}	Existing Schools	New Schools ^{Note}
Before enactment	<ul style="list-style-type: none"> Not required to sign a service agreement with the Government. 	<ul style="list-style-type: none"> Required to sign a service agreement with the Government. The School Management Committee (SMC) shall be a corporate body registered under the Companies Ordinance or under other relevant ordinances. The SMC shall comprise representatives from the school sponsoring body (SSB), the principal, parent(s), teacher(s), alumni and independent member(s). 	<ul style="list-style-type: none"> Not required to sign a service agreement with the Government. 	<ul style="list-style-type: none"> Required to sign a service agreement with the Government. The SMC shall be a corporate body registered under the Companies Ordinance or under other relevant ordinances. The SMC shall comprise representatives from the SSB, the principal, parent(s), teacher(s), alumni and independent member(s).
After enactment	<ul style="list-style-type: none"> Required to establish an IMC in accordance with the amended Education Ordinance and to comply with the composition requirements of the IMC. 	<ul style="list-style-type: none"> Required to sign a service agreement with the Government. Required to establish an IMC in accordance with the amended Education Ordinance and to comply with the composition requirements of the IMC. 	<ul style="list-style-type: none"> The SSB may choose to establish an IMC under the amended Education Ordinance or to manage the school in accordance with the provisions of the existing Education Ordinance. 	<ul style="list-style-type: none"> Required to sign a service agreement with the Government. They may choose to incorporate the SMC under the Companies Ordinance or under other relevant ordinances, or to establish an IMC in accordance with the amended Education Ordinance. If they choose to be incorporated under the Companies Ordinance or under other relevant ordinances, the SMC shall comprise representatives from the SSB, the principal, parent(s), teacher(s), alumni and independent member(s). If they choose to establish an IMC, they have to comply with the provisions in respect of IMC in the amended Education Ordinance.

Note: Refer to new aided and DSS schools with premises allocated by the EMB through the School Allocation Exercises since 1999.

Response from School Councils

At the Bills Committee meeting on 14 April 2004, Members requested the Administration to consult the relevant councils on the proposal of requiring new Direct Subsidy Scheme (DSS) schools to establish an incorporated management committee (IMC) in accordance with the provisions of the Bill. We consulted four major school councils on 15 April 2004 and their stance/focus are as follows:

School Councils	Stance/Focus
Hong Kong Direct Subsidy Scheme Schools Council	<ul style="list-style-type: none"> • Do not support requiring new DSS schools to establish an IMC. • The Bill has indicated that DSS schools can decide whether or not to establish an IMC. The Council has also indicated support to the proposal. • Being privately-run DSS schools, they should have autonomy in management and mode of operation. The principle of school-based decisions and free choice of its own are the essential components of the DSS operating mode. There should not be variations just because of joining the DSS at different time.
Subsidized Primary Schools Council	<ul style="list-style-type: none"> • Do not support requiring new DSS schools to establish an IMC. • If the Government's requirements for DSS schools are different before and after the enactment of the Bill, it may cause confusion when the Government implements the policy. • The Council endorses the spirit of SBM, but the Government should exercise flexibility when implementing the policy. Schools should be allowed to implement at different starting points and not be required to implement at the same time.
Hong Kong Subsidized Secondary Schools Council	<ul style="list-style-type: none"> • The Executive Committee agreed that new DSS schools (new applicants) shall set up an IMC in accordance with the relevant provisions of the Bill.
Grant Schools Council	<ul style="list-style-type: none"> • It is already very difficult for the operating schools to change to DSS status, so the Council does not support requiring new DSS schools to establish an IMC in accordance with the relevant provisions of the Bill. • There are differences between the operation of DSS schools and aided schools in many areas, e.g. student admission policy and the mode of receiving government subsidies. DSS schools should therefore enjoy greater freedom and autonomy in management.