

**Bills Committee on Education (Amendment) Bill 2002**  
**Administration's Response to Issues Raised at the Meeting**  
**on 18 September 2003**

**Part A : Issues related to specific category of stakeholders**

Issues	Members'/Deputations' concerns	Administration's Response
<b>Teacher managers</b>		
<i>Teacher managers in bi-sessional schools</i>	Whether the Bill should specify that the morning session and the afternoon session of a bi-sessional school should each have not less than one teacher manager in incorporated management committee (IMC) to represent the views and interests of their teachers. (18.9.2003)	<p>The proposed IMC composition requirement in the Bill aims to strike a balance between representation from different stakeholders and a reasonable and manageable size of IMC.</p> <p>Proposed section 40AD(1)(g) provides that the school sponsoring body (SSB) shall be responsible for drafting the constitution of IMC and proposed regulation 75A(2)(a) stipulates that the constitution shall provide for the number of each category of managers in IMC. Therefore, SSB is given the power or flexibility in determining, according to their own situation, the number of each category of managers in IMCs of their sponsored schools.</p> <p>As there can be two recognized parent-teacher-associations (PTAs) in a bi-sessional school, we propose that if this is the case, one parent manager be elected from the PTA of each of the two sessions. Since all the teachers in a bi-sessional school are employed by the same management committee, the teacher manager can be elected amongst the staff from both sessions in principle. Therefore, we do not recommend the same arrangement for teacher managers in bi-sessional schools.</p> <p>If a teacher manager is made mandatory for each session of a bi-sessional school, some SSBs will have to appoint more SSB</p>

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		<p>managers to maintain its 60% quota in IMC. If two teacher managers are included in IMC of a bi-sessional school, the SSB will have to appoint ten instead of nine SSB managers to IMC and the total number of managers in IMC will increase from 15 to 17. This will increase the burden of SSBs, especially large SSBs, which may have difficulties in appointing sufficient number of SSB managers to sit on IMCs of their sponsored schools.</p> <p>Therefore, the Bill does not require each session of a bi-sessional school to elect a teacher manager to sit on IMC so as to allow schools flexibility to decide, according to their own situation, the number of teacher managers in IMCs.</p>

## Part B : Other general issues

Issue	Members'/deputations' concerns	Administration's Response
<b>Legislation</b>		
<i><b>Justifications for establishing a statutory framework for implementation of school-based management (SBM)</b></i>	<p>To re-examine the need to legislate for implementation of SBM; and if a statutory framework was necessary, consider whether flexibility should be given for aided schools to decide whether and when they should establish an IMC in accordance with the proposals in the Bill (18.9.2003)</p> <p>To specify the proposals in the Bill that must be enforced by legislation; and those that could be implemented through administrative instructions or guidelines (18.9.2003)</p>	<p>The need to legislate a statutory framework for implementation of the SBM governance has been discussed and affirmed in para. 3, LC Paper 1570/02-03(04) and paras. 10 – 15, LC Paper 1983/02-03(01).</p> <p>As regards Members' request that we should consider implementing some provisions of the Bill through administrative instructions or guidelines, we are conducting a holistic review of the provisions of the Bill and shall report the results to the Bills Committee later on.</p>
<b>Implementation</b>		
<i><b>Implementation strategies during the transitional period</b></i>	<p>To elaborate on the Administration's measures proposed to be taken to prevent malpractices in school management during the five-year transitional period, as well as to facilitate implementation of the proposals in the Bill after the five-year transitional period. (18.9.2003)</p>	<p>During the transitional period, the Education and Manpower Bureau (EMB) will adopt measures to facilitate schools' implementation of the proposals in the Bill. Special attention will also be paid to schools with unsatisfactory performance to enhance their accountability and transparency.</p> <p><b>Measures to help schools with management malpractices</b></p> <p>EMB will:</p> <ul style="list-style-type: none"> <li>• require schools to draw up plans each year and, if necessary, submit periodic reports</li> <li>• provide professional support to help the school improve its measures and monitor the progress to ensure that the</li> </ul>

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		<p>problems can be resolved earliest possible</p> <ul style="list-style-type: none"> <li>• For schools in more serious situation, appoint in accordance with Section 41 of the Education Ordinance additional managers to improve school operation</li> <li>• If appointing additional managers cannot improve the management of the school, EMB may replace all the existing managers to ensure normal operation of the school</li> </ul> <p><b>Strategies and measures to implement the new governance framework during the transitional period</b></p> <p>After the enactment of the Bill, EMB will:</p> <ul style="list-style-type: none"> <li>• require all schools to pledge their own timeframe for implementing the new governance framework</li> <li>• require schools to report their progress of establishment of IMCs annually</li> <li>• provide assistance to schools in the establishment of IMC</li> <li>• help those new schools that have incorporated their management committees under the Companies Ordinance to establish their IMCs as soon as possible</li> <li>• require those new schools that have not incorporated their management committees under the Companies Ordinance to establish their IMCs within 6 months after the enactment of the Bill</li> <li>• negotiate with former SMI schools having approved constitution to establish their IMCs according to a time frame.</li> </ul>

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		<p data-bbox="1178 196 1518 228"><b>Other relevant measures</b></p> <ul data-bbox="1178 292 2069 938" style="list-style-type: none"> <li data-bbox="1178 292 2069 435">• develop relevant implementation guidelines such as a sample IMC constitution, election guidelines for parent and teacher managers and a School Managers' Handbook for schools' reference</li> <li data-bbox="1178 459 2069 531">• organise training programmes to help school managers better understand their own roles and responsibilities</li> <li data-bbox="1178 555 2069 627">• organise experience-sharing sessions to promote good practices under the new governance structure</li> <li data-bbox="1178 651 2069 754">• form a network of schools on a regional or sponsor basis so that schools can share their successful experiences in implementing the new governance framework</li> <li data-bbox="1178 778 2069 850">• provide assistance in election of parent/ teacher/ alumni managers if required</li> <li data-bbox="1178 874 2069 938">• if necessary, provide assistance to schools in identifying candidates for independent managers</li> </ul>

Education and Manpower Bureau  
October 2003