

**Bills Committee on Education (Amendment) Bill 2002**  
**Administration's Response to Issues Raised at the Meetings**  
**on 18 September and 10 October 2003**

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

| Issues  | Members'/Deputations' concerns  | Administration's Response   |
|---|---|---|
| <b>Parent managers</b>                            |   |   |
| <b>Recognition of PTAs</b>                        | Explain the existing procedures for registration of a parent-teacher association (PTA) and the legal status of a recognized PTA in the context of school administration; and clarify whether two or more PTAs could register as the PTA of the same school.<br>(10.10.2003) | At present, PTAs in schools are established by one of the following means: (a) registered under the Societies Ordinance, (b) registered under the Companies Ordinance; and (c) as an affiliated body to the school.<br><br>Since there is no specific restriction and everyone has the freedom of association, we cannot rule out the possibility that there will be two or more PTAs in the same school. However, according to the existing records, no school claims to have more than one PTA. |
|   | Explain the criteria for an IMC to recognize a PTA in case there were two or more PTAs in a school.<br>(10.10.2003)   | Generally speaking, the chance of a school having to recognize a PTA among two or more PTAs is very slim. If there is more than one PTA, the school should base on the principle of representation and recognition to accept one of them as the recognized PTA. The Education and Manpower Bureau (EMB) will provide assistance whenever necessary.   |
| <b>Nomination and election of parent managers</b> | Explain the rationale for restricting the right of vote in the election of a parent manager to members of the recognized PTA who were parents of the current pupils of the school.<br>(10.10.2003)  | One of the roles of parent manager is to form a vital link between school management and other parents. In general, PTAs have greater representation and are more easily organized. Therefore, we propose that parent manager(s) should be elected by members of the PTA.   |

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|  | <p>Examine whether the exclusion of parents who for various reasons were not members of the recognized PTA from the election and nomination process of a parent manager was compatible with the relevant provisions of the Bill of Rights Ordinance.<br/>(10.10.2003)</p> <p>Consider the provision of an election system which would allow every parent of a current pupil of a school to vote or to be nominated for the election of a parent manager; as well as to vote for the cancellation of registration of a parent manager of the school.<br/>(10.10.2003)</p> | <p>Nevertheless, having taken into consideration Members' views, we will propose amendment to allow parents of all current pupils of a school to have the right to vote and be elected in the election of parent managers organized by the PTA. Also, when a parent manager is to be removed, they will have voting right.</p>   |
| <b>Teacher managers</b>                                |  |  |
| <b><i>Teacher managers in bi-sessional schools</i></b> | <p>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 IMC to represent the views and interests of their teachers.<br/>(18.9.2003)</p>   | <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</p> |

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|  |   | <p>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 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> |
| <b><i>Election of teacher managers</i></b> | Clarify whether serving teaching staff on probation or temporary appointment were eligible to vote in the election of a teacher manager of a school;<br>(10.10.2003)  | The Bill defines “teacher” as a person employed as a permitted teacher or registered teacher in the school. At present, serving teachers in the school, whether on probation or on temporary contract term, should either be permitted teachers or registered teachers. Therefore, any person who falls within the definition of “teacher” should have the right to participate in the election of teacher managers.  |
|  | Consider whether non-teaching staff e.g. laboratory technicians, administrative staff, janitors etc employed by the school on a permanent or contract basis, should be given the voting right in the election of a teacher manager of the school.<br>(10.10.2003) | <p>We have explained clearly the roles and responsibilities of teacher managers in Appendix I to LC Paper CB(2)3055/02-03(01).</p> <p>A teacher manager:</p> <ul style="list-style-type: none"> <li>• brings to IMCs experience in curriculum development, classroom instruction, student activities and educational</li> </ul>   |

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|        |                                | <p>enrichment.</p> <ul style="list-style-type: none"> <li>• provides professional expertise for the improvement of student learning and associated school management.</li> <li>• forms a solid link between the management committee and the staff of the schools.</li> </ul> <p>We therefore require that professional teaching staff of the school elect amongst themselves a candidate to shoulder the above responsibilities.</p> |

## Part B : Other general issues

| Issue  | Members'/deputations' concerns  | Administration's Response   |
|--|---|---|
| <b>Legislation</b>   |   |   |
| <i>Justifications for establishing a statutory framework for implementation of school-based management (SBM)</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>Implementation strategies during the transitional period</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, 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 problems can be resolved earliest possible</li> </ul> |

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|-------|--------------------------------|--|
|       |                                | <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><b>Other relevant measures</b></p> <ul style="list-style-type: none"> <li>• 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>• organise training programmes to help school managers better understand their own roles and responsibilities</li> <li>• organise experience-sharing sessions to promote good practices under the new governance structure</li> <li>• 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>• provide assistance in election of parent/ teacher/ alumni managers if required</li> <li>• if necessary, provide assistance to schools in identifying candidates for independent managers</li> </ul> |
| <b>Supporting measures for schools</b> | Give an account of the legal service which could be provided to the incorporated management committees (IMC) and their members in support of the implementation of the proposals in the Bill.<br>(10.10.2003) | We will provide on-site and web-base services to help schools set up their IMCs. These include the provision of a sample IMC constitution and solutions to common problems for reference of school sponsoring bodies (SSBs) in drawing up the details of the IMC constitution and establishing IMCs for their sponsored schools. At the same time, we will encourage SSBs to invite committed legal professionals to join IMCs. We will also explore the provision of other voluntary legal services, such as forming a legal professional supporting network which may make use of the Internet to provide professional advice to schools.  |