

Bills Committee on Education (Amendment) Bill 2002
Administration's Response to Issues Raised at the Meeting
on 30 October 2003

Issues	Members' Concerns	Administration's Response
Appointment of IMC Chairperson and Principal		
<p><i>School sponsoring body (SSB) is responsible for the appointment of IMC chairperson and principal</i></p>	<p>Consider incorporating provisions in the Bill to expressly empower SSBs to determine the appointment of an IMC chairperson and the selection of a principal.</p>	<p>Proposed section 40AD(1)(g) provides that SSB shall be responsible for drafting the IMC constitution. Proposed regulation 75A(2)(d) also sets out that the constitution shall provide for the appointment or election of a manager to be or to act as the IMC chairperson. In order to define more clearly the power of SSB in appointing the IMC chairperson, we shall propose amendment to set out clearly in section 75A(2)(d) that the IMC chairperson can be appointed directly by SSB or elected among school managers.</p> <p>Proposed section 57A stipulates that IMC shall establish a principal selection committee consisting of representatives of SSB, IMC and (where applicable) such other persons provided for in the IMC constitution before recommending any person to be the principal of a school. This will help to ensure that the selection process is fair, open and transparent. Proposed section 57A(4) provides that the Permanent Secretary for Education and Manpower (PSEM) may, on an application and upon good causes shown to her satisfaction, exempt any IMC from the requirement. Such causes may include operational needs to deploy principals among sponsored schools in the case of class reduction. To ensure that the selection process is fair, open and transparent, the establishment of a principal selection committee as proposed in section 57A is necessary.</p>

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Implementation of SBM Governance Structure		
<i>Is the SBM governance structure applicable to DSS schools?</i>	Explain why Direct Subsidy Scheme (DSS) schools were not compulsorily required to establish an IMC and clarify whether the policy intent was to encourage SSBs who did not wish to establish an IMC to join the DSS.	<p>Subsidies are provided to DSS schools by the government depending on the number of students the schools could admit. Parents' voices are therefore influential. The "direct subsidy scheme" is a relatively new initiative. Thus, we suggest giving more flexibility to DSS schools, allowing them to choose, base on their own situation, whether or not to establish IMC under the Education Ordinance.</p> <p>Government's policy is to foster the development of a strong DSS sector to inject more variety into the school system, and to provide more choices to parents. Schools may choose to join DSS, having regard to their own needs. The Government would not encourage schools to join DSS just because they do not wish to establish IMC.</p>
Alumni Manager		
<i>Age limits of voters and nominees in election of alumni manager</i>	Consider whether to set minimum ages for voters and nominees in the election of alumni managers.	If alumni managers are elected through a fair, open and transparent process, we do not think that it is necessary to restrict the age of their voters and nominees. In fact, most of the members of alumni associations are adults and it is very rare that voters are not adults or a minor alumni member is elected to be the alumni manager.
<i>Recognition of an alumni association</i>	Explain the criteria for IMC to recognise an alumni association in case there were two or more alumni associations in a school.	<p>If there is more than one alumni association in a school, the school should accept one of them based on the principle of representation and recognition taking into account the number of their members and year groups of alumni covered.</p> <p>Nevertheless, having taken into consideration Members' views, we shall amend section 40AN(3) to specify that unless the alumni association allows alumni of all year groups to join, the association shall not be recognised by IMC.</p>

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Independent Manager		
<i>Nomination of independent manager</i>	Explain the meaning of “all reasonable steps” in complying with the requirements for nomination of an independent manager.	When the post of an independent manager is vacant, IMC should take all possible measures to fill the vacancy. Apart from the usual procedure and making reference to measures of other IMCs, IMC may approach professional organisations and EMB for assistance. If it has taken all these steps and still cannot find a suitable candidate to fill the vacant post, IMC can base on these reasons and evidences and apply to PSEM for exemption from the requirement of independent manager.
<i>Tenure of office of an independent manager</i>	Examine whether the Bill should specify a time limit for a serving independent manager to vacate his office when he became a parent of a current pupil of the school.	If a child of a serving independent manager becomes a pupil of the school, his/her status of being an independent manager will be affected. The concerned independent manager shall serve to the end of his tenure or the school year (whichever is the earlier). We shall propose amendment to reflect this arrangement in the Bill.

Education and Manpower Bureau

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