

# **立法會**

## ***Legislative Council***

LC Paper No. CB(2)2755/02-03(03)

Ref : CB2/BC/8/02

### **Bills Committee on Education (Miscellaneous Amendments) Bill 2003**

#### **Background brief prepared by the Legislative Council Secretariat**

#### **The Administration's proposals to amend the Education Ordinance and the Education Regulations (Cap. 279)**

#### **Purpose**

This paper gives a summary of the concerns raised by members of the Panel on Education on the Administration's proposals to amend the Education Ordinance and the Education Regulations.

#### **The Administration's proposals**

2. The Administration briefed the Panel on Education at the Panel meeting on 17 February 2003 on its proposals to amend the Education Ordinance and the Education Regulations which included the following -

- (a) requiring only one registration for the day and evening sessions of a private school;
- (b) imposing a statutory duty on the supervisor of a school to notify the Permanent Secretary for Education and Manpower (PSEM) when the school no longer operated in the registered premises;
- (c) empowering PSEM to delete the premises from the certificate of registration or provisional registration if it appeared to him that the school no longer operated in the registered premises for a continuous period of not less than one school term;
- (d) providing for a panel system for the Appeal Board established under section 59 of the Education Ordinance to hear and determine appeals arising from a decision of PSEM on registration of schools, managers, supervisors, principals and

teachers, and applications for extension of service of teachers and principals in aided schools;

- (e) allowing the Administration to appoint any legally qualified person to assist the Appeal Board;
- (f) repealing the provision for permitted teachers to acquire registered teacher status by years of services;
- (g) raising the minimum qualifications of permitted teachers to post secondary level;
- (h) raising the qualifications for permitted teachers in kindergartens;
- (i) empowering the Chief Executive in Council to make subsidiary legislation to stipulate the professional competency requirements of principals and teachers as and when necessary;
- (j) allowing schools and post-secondary colleges to operate classes or courses on Sundays or public holidays; and
- (k) specifying the teacher to pupil ratio in kindergarten.

### **Concerns raised by Panel members**

3. While Panel members were generally supportive of the proposal of raising the minimum qualifications for permitted teachers serving in schools offering primary, secondary and post-secondary education to post-secondary level, they had raised the following concerns -

- (a) a serving permitted teacher who needed to apply for a new permit to teach upon change of school, subjects or levels of subjects taught would lose his job, if he failed to meet the new qualification requirements;
- (b) no transitional arrangement was provided for abolishing the existing arrangements whereby serving teachers could become registered teachers by accumulating years of services without going through proper teacher training; and
- (c) the proposed qualification requirement for permitted teachers teaching in tutorial, commercial, computer and language schools i.e. a pass in not less than five separate subjects taken in not more than two sittings in the Hong Kong Certificate of Education Examination was too low.

4. In response to members' concern about the impact of raising the minimum qualification requirement on serving permitted teachers, the Administration had undertaken to consider granting permits to serving permitted teachers who were attending a relevant training but for some justifiable reasons had to change school, subject or the level of subject taught after the commencement of the proposed provision.

5. Members may wish to refer to the extract from the minutes of the Panel meetings on 17 February 2003 in the **Appendix** for details of the discussion.

Council Business Division 2  
Legislative Council Secretariat  
4 July 2003

**Extract from the minutes of meeting of  
the Panel on Education held on 17 February 2003**

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**V. Education (Miscellaneous Amendments) Bill**  
[LC Paper No. CB(2)1125/02-03(03)]

Raising the minimum qualifications of Permitted Teachers (PTs) to post secondary level

41. Mr CHEUNG Man-kwong expressed support for the proposal of raising the minimum qualifications of PTs to post secondary level with effect from the beginning of the 2003-04 school year. He, however, expressed reservations that no transitional arrangement was provided for PTs holding the minimum qualification as set out in Part II of the Second Schedule of the Education Regulations with substantial approved teaching experience which was slightly below the specified requirement of 10 years to become registered teachers (RTs).

42. Permanent Secretary for Education and Manpower (PSEM) explained that it would be more realistic to encourage continuing education than to prescribe a minimum requirement of approved teaching experiences for provision of transitional arrangements in the proposed legislative amendment for serving PTs to become RTs. Currently, PTs holding the minimum qualifications with 10 years approved teaching experience and PTs holding an approved degree with three years approved teaching experience could apply for registration as a RT. According to records, some 400 PTs had become eligible for registration as RTs each year but only 10-odd of them had actually applied for registration as RTs. This illustrated the fact that the job of teachers was very challenging today and most PTs would prefer to pursue a formal teacher qualification through continuing education.

43. Mr CHEUNG Man-kwong noted that the Advisory Committee on Teacher Education and Qualifications (ACTEQ) recommended that PTs in primary schools, secondary schools or schools offering post-secondary education should possess at least a higher diploma or an associate degree or its equivalent. The Administration intended to implement the recommendation with effect from the beginning of the 2003-04 school year which would apply to serving PTs. This would mean that after enactment of the Bill, a PT who sought to have a new permit to teach upon change of school, subjects or levels of subjects taught would be governed by the new qualification requirement.

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Since no transitional period would be given, Mr CHEUNG considered the requirement unreasonable as a serving PT might lose his job if for some reasons he was required to change school, the subject or the level of subject he taught. He asked how the Administration would assist PTs with substantial approved teaching experience such as nine years to become RTs after the commencement of the proposed provision. He pointed out that PTs with a long service had a reasonable expectation to become a RT when they had acquired 10 years of service. In other words, it was unfair to change the existing rule without providing a transitional arrangement for these PTs to become RTs.

44. In response, PSEM said that the Administration did not want to see that serving PTs would lose their job as a result of the legislative amendments. The recommendation of ACTEQ that a person should possess an approved teacher education qualification before being eligible for registration as a RT was made with the intention to motivate serving PTs to pursue an approved qualification. Having said that, PSEM agreed that PTs with substantial approved teaching experience should be given priority in enrolment to recognised teacher training courses. She also undertook to give special consideration to granting permits to serving PTs who were attending a relevant training but for some justifiable reasons had to change school, subject or the level of subject taught after the commencement of the proposed provision. Mr CHEUNG Man-kwong and Mr SZETO Wah expressed support for PSEM's suggestion.

45. Mr CHEUNG Man-kwong suggested that the qualification requirement for PTs teaching in tutorial, commercial, computer and language schools, etc should at least be comparable to those required for kindergarten teachers. He considered that the proposed requirement i.e. having a pass in not less than five separate subjects taken in not more than two sittings in the Hong Kong Certificate of Education Examination (HKCEE) too low for PTs teaching general subjects. He held the view that a PT should at least possess five passes in HKCEE, including English Language and Chinese Language.

46. PSEM explained that the minimum qualifications for PTs teaching in tutorial, commercial, computer and language schools was a controversial issue which had been thoroughly discussed by ACTEQ. She pointed out that many serving PTs in these private schools had special attributes and merits in the subjects they taught, but had not acquired five passes in one sitting of HKCEE. Operators of these private schools held a strong view that the minimum qualifications for their PTs should be set realistically, having regard to the qualifications of most serving PTs. The Administration considered it appropriate to adopt an incremental approach in raising the qualification requirements of these PTs.

47. Mr CHEUNG Man-kwong did not concur with the Administration's view. He stressed that PTs teaching academic subjects in these private schools

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should at least possess the same level of qualifications as their counterparts in kindergartens. Mr SZETO Wah expressed a similar view.

48. PSEM responded that the Administration had taken into account the views of serving PTs and operators of private schools in recommending an incremental approach to raise the minimum qualifications of PTs teaching in tutorial, commercial, computer and language schools. PSEM explained that operators of private schools had expressed concern that if the requirement of having five passes in HKCEE including English Language and Chinese Language applied to their PTs, they would have recruitment difficulties, and some serving PTs who did not meet the requirement would lose their jobs. She pointed out that a PT teaching geography in private school might have achieved excellent result in geography in HKCEE but failed in other subjects. The Administration therefore considered it appropriate to provide some flexibility for the operators of private schools. In light of members' views, PSEM suggested that if the proposed qualification for PTs in kindergarten had to apply to PTs in the private schools, there must be discretion for the executive authority to waive the requirement where necessary.

Professional competency requirements

49. Mr SZETO Wah enquired about the purpose of empowering the Chief Executive (CE) in Council to make subsidiary legislation to stipulate the professional competency requirements of principals and teachers.

50. PSEM explained that in recent years, the Administration had introduced pre-employment requirements on new principals and continuing professional development of serving principals in the light of changing circumstances and community expectations. In fact, ACTEQ was currently reviewing the professional competency requirements of teachers. To provide legal backing to the administrative measures, which should apply to both private and subsidised schools, the Administration proposed to amend the Education Ordinance to include an enabling provision for the CE in Council to make subsidiary legislation to stipulate the professional competency requirements of principals and teachers as and when necessary.

Legislative timetable

51. Ms Cyd HO expressed doubts about the Administration's target to implement the proposals in the Education (Miscellaneous Amendments) Bill (the Bill) with effect from the 2003-04 school year. She asked about the legislative timetable for the Bill and whether the Administration would take out some of the proposals to facilitate early enactment of the Bill.

52. PSEM responded that the Administration intended to introduce the Bill into the Legislative Council on 9 April 2003 and hoped that the Bill would be

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enacted in the current session. She stressed that the proposals, such as raising the qualifications of teachers, were made in the light of community expectations and were not controversial in nature. The Administration welcomed any suggestions from members on the Bill.

Operation of classes on Sundays and public holidays

53. In response to Mr LEUNG Yiu-chung, PSEM confirmed that the Administration intended to amend the Education Ordinance and the Post Secondary Colleges Ordinance to the effect that all schools and post-secondary colleges could operate classes or courses on Sundays or public holidays.

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Council Business Division 2  
Legislative Council Secretariat  
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