

**Response to Issues related to the  
Education (Miscellaneous Amendments) Bill 2003  
Raised at the Meeting on 16 July 2003**

**Purpose**

This paper sets out the Administration's response to the issues in relation to the Education (Miscellaneous Amendments) Bill 2003 (the Bill) raised by Members of the Bills Committee at the meeting held on 16 July 2003.

**Raising the professional standards of teachers**

(a) Justification for abolishing the existing arrangements

2. Teachers play a pivotal role in the delivery of quality education. Quality teachers will make a significant and lasting impact on our children's lives and future. It is important that our teaching force is made up of knowledgeable and dedicated individuals, and teachers' professional training stands at the heart of this matter. Under current legislations, permitted teachers (PTs) can obtain registered teacher (RT) status by merely accumulating the years of approved teaching experience required: a degree holder can do so with 3 years of experience whereas a non-degree holder can achieve this with 10 years. Bearing in mind the benefit of students and the need for quality education, which are of paramount importance to the public at large, the Administration sees an urgent need to introduce the amendment bill to provide impetus for permitted teachers to obtain RT status through upgrading their qualifications. The proposal also has full support from the Advisory Committee on Teacher Education and Qualifications.

(b) Grace period for serving PTs

3. Under current legislations, a degree-holding PT can acquire RT status with 3 years of recognised teaching experience whereas a non-degree-holding PT can achieve this with 10 years of experience. In other words, it will take 3 to 10 years for such persons to acquire their RT status. Bearing in mind the benefit of students and the need for quality education, which are of paramount

importance to the public at large, the Administration sees an urgency in demanding the completion of formal training as a basis for RT registration and hence does not wish to introduce any grace period.

(c) Deadline for pursuing an approved teacher education programme

4. Taking into view the time required for enrolment and completion of an approved teacher education programme, the Administration will allow a period of five years from September 2004 (i.e. up to August 2009) for PTs to complete qualifications. In the event that a PT who has enrolled in these courses is obliged to change schools or subjects taught, the Bureau may exercise its discretion in granting special permission for the teacher in question to maintain his/ her PT status until he/ she has acquired the necessary qualifications to become a registered teacher.

(d) Priority to serving PTs

5. The Education and Manpower Bureau will liaise closely with various teacher education institutions to operate relevant upgrading courses on a self-funding basis and encourage these institutions to give priority to enrolling under-qualified permitted teachers onto such courses.

(e) Qualification requirements for PTs teaching secondary school courses in tutorial schools

6. Ever since January 1998, the qualification of PTs for Secondary 4 to 5 levels (including those serving in tutorial centres) has been set at the minimum of an Approved Post Secondary College (APSC) diploma or equivalent. A teacher who does not possess such qualifications will be allowed to teach up to Secondary 3 only. Upon issuance of the teaching permit, the school supervisor is also reminded to assign teaching duties according to the level limitation set on the permit. Monitoring of school compliance with this requirement is carried out by the Regional Education Office of the Bureau. As it is already current practice to impose APSC diploma or equivalent qualification requirements on all teachers of Secondary 4 and 5, the Administration sees no need in consulting tutorial school operators on this issue.

## **Registration of day and evening schools**

### **(a) Application for registration**

7. Upon repealing s.10(2), private schools with both day and evening sessions may be registered under one school registration. However, the Administration would still require any private evening session of a school which receives subsidy from the Government (e.g. an aided school or a Direct Subsidy Scheme (DSS) school) to be registered as a separate school in view of the following:

- The subsidized “day” and private “evening” sessions operating in the same school premises may be managed by different school management committee (SMC). As s.32 of the Education Ordinance provides that “every school shall be managed by its management committee”, the evening session of a school which is not managed by the same SMC as the day session is required to be separately registered.
- Under the letter of assurance/ service agreement issued by the Administration and accepted by an aided or DSS school upon school allocation, one of the conditions is that “each school shall be operated as an aided/ DSS co-educational secondary/primary school to be run in one daily session.” Based on this limitation, even if the subsidized “day” and private “evening” sessions are managed by the same managers, the “evening” session has to be registered as another school.
- The private “evening” session is to be offered in a different financing mode from the subsidized “day” session.

### **(b) Accounting arrangements and requirements**

8. As a general rule, any organization which hires the premises of an aided or DSS school for operating an “evening” session has to be charged to avoid hidden Government subsidy incurred. When renting the premises of these schools to private organizations, the charges set out in the circular in force concerning “Hire of Accommodation” shall apply. All aided and DSS schools have to keep a record of all hiring charges for inspection by the Administration and follow the required accounting procedures in handling the charges. Since an “evening” school operating in premises hired from an aided or DSS school is also required to bear its own operating expenses, any accounting matters: hire of accommodation, water, electricity, maintenance, staff salary

charges should be self-financed and properly recorded in a different account which is distinctive from the daytime school. Aided and DSS schools have to submit audited account to EMB annually.

## **Appeals Boards Panel**

### **(a) Justifications for the Appeals Boards Panel**

9. The proposed Appeal Boards Panel can operate more flexibly to meet heavy workload. In addition to the chairman, one, or more than one, deputy chairman could be appointed so that more than one board could be constituted and to hear appeals concurrently. This mode of operation can hear a large number of appeals within a short period of time and this kind of panel system is similar to other statutory appeal boards.

10. The functions of the proposed Appeal Boards Panel provide a pool of suitable persons to hear and determine appeals arising from Permanent Secretary for Education and Manpower (PSEM)'s decision to approve, withdraw or cancel the registration of schools, teachers, principals, managers and supervisors; and applications from aided schools for permission to continue to employ a teacher or a principal after reaching the age of 60. The Appeal Boards Panel comprises a Chairman, one, or more than one deputy chairman and a number of members. The Appeal Boards may at its request be assisted in the conduct of an appeal by a legally qualified officer appointed by the Secretary for Justice (S for J) to act as legal advisor. A secretary is also appointed to serve the panel. When an appeal is received, an Appeal Board is constituted by appointing persons from the panel for the purpose of hearing and determining an appeal, with the chairman or the deputy chairman of the panel presiding.

11. Persons from different sectors of the community including principals or teachers who have participated in community service and are considered suitable for appointment as members of the proposed Appeal Board Panel would be appointed to the panel. Similar to other statutory appeal board panels, there should not be a limit to the number of persons in the panel so as to provide flexibility in constituting appeal boards.

(b) RTs in an Appeal Board

12. To address the concerns of Members, Committee Stage Amendment will be proposed. A subsection will be added to section 59 along the line that "An Appeal Board shall not hear or determine any appeal concerning the registration of a teacher or the cancellation of the registration of a teacher unless at least 3 of the members are registered teachers. "

(c) Rationale for appointing legally qualified person to assist an Appeal Board

13. Section 59(7) as currently worded requires the Appeals Board be represented by a legal officer. As a result, the PSEM, a party to proceedings before the Board, is required to seek legal representation in the private sector to avoid an appearance of bias. It would therefore be better to have the Government represented by government counsel and for the Appeal Board to be represented by counsels or solicitors from the private sector if required. The proposed amendment will help S for J expand the pool of suitable persons to assist the Appeal Boards in giving legal advice on each case.

Education and Manpower Bureau  
September 2003