

**The Hong Kong Federation
of Private Educators**



Report prepared for the

Bills Committee on Education
(Miscellaneous Amendments) Bill 2003
for meeting on 25 October, 2003

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1 Summary

The Legislative Council, Bills Committee on Education, has requested views from interested parties in relation to amending the Education Ordinance (Cap. 279) (EO), the Education Regulation (Cap. 279 subsidiary legislation A) and the Post Secondary Colleges Ordinance (Cap. 320) -

- to permit schools and post secondary colleges to conduct courses on general holidays;
- to abolish the requirement for registration as a separate school for institutions that also provide evening instructions;
- to enable the Chief Executive to make regulations for continuing education and training for teachers and to make different provisions for different types of schools or teachers;
- to empower the Permanent Secretary for Education and Manpower to waive the requirements of any regulations made under section 84 of EO;
- to revise the qualification requirements of registered and permitted teachers;
- to establish an Appeal Boards Panel and provide for the composition, appointment and terms of office of its members;
- to revise the composition of the Appeals Board

The Hong Kong Federation of Private Educators has provided the following reply:

2 Conducting Courses on General Holidays

Specifically, the Federation supports the amendment of the current Education Ordinance and Post Secondary Colleges Ordinance to permit schools, including PSNFCs, to conduct courses on general holidays (including Sundays).

The Federation conducted a survey of 5,000 students in June 2002 and reported that of adult students surveyed, 87% indicated that they would like to have the choice of attending lessons on Sunday. Furthermore, an additional 700 student signatures were obtained in the form of a petition in favour of amending the current Ordinance to make provision for schools to open on Sundays.

The provision of lessons on Sunday, and public holidays, will provide students with more freedom to choose when students would like to study. The results of the Federation's survey last year indicated a clear demand for such lessons. The Federation believes that as students are already legally able to study computer classes as extra curricular lessons on Sundays, they should equally be able to attend other classes on Sundays such as language courses and exam preparation courses.

Simple market demand factors mean that extra curricular courses such as computer courses and other "skills" courses would not exist if there was not already considerable student demand for them. However, the current system

prevents students from learning other subjects, such as languages or tutorial lessons, on Sundays and public holidays.

The Federation believes that in a free market economy, it should be market forces that dictate which courses run on Sundays and public holidays, rather than redundant ordinances. In addition, in order to foster the idea of “life long learning”, the Federation supports amendment of the Education Ordinance.

3 Registration of Day and Evening Schools

The current situation requires schools to be registered separately as “day” and “evening” schools if they run courses during the day and/or evening time. This is the case even if the school operates in the same premises, uses the same curriculum and is run by the same operator.

The Federation fully supports repealing section 10 (2) of the Education Ordinance in order to eliminate the need for separate registration of day and evening schools. This will remove unnecessary duplication of registration, speed up school applications and facilitating greater efficiency in the relevant government department and schools themselves.

4 Appeals Board

The Federation is in favour of streamlining the Appeals Board so that multiple appeal cases can be heard at the same time, thus expediting the appeals process. It is essential that the board should still contain a broad representation of members.

The Federation believes that in relation to section 59 (7) of the Education Ordinance, it may be beneficial to retain the requirement for all legal assessors assisting the Appeals Board to be a legal officer, rather than utilising “any legally qualified person”. This would help ensure impartiality, which the Federation believes should be of paramount importance in any appeals procedure.

5 Waiving Requirements of Regulations under section 84 of Education Ordinance

The Federation believes that institutions teaching students 18 years and above should no longer be required to register with the EMB and agrees with the proposal to empower the Permanent Secretary for Education and Manpower to have the power to waive the requirements of any regulations currently made under section 84 of EO. In regard to schools teaching students under the age of 18, schools should still be required to register with the EMB, unless they teach less than 8 students at any one time and no more than 20 students in a day.

The registration process should be streamlined considerably as it adds significant cost savings to both the government and the Private Schools industry.

The Federation proposes that a Working Group be established to prepare appropriate safety standards for schools on the basis of being “*rigorous and reasonable*”. The Working Group should be made up of:

1. An Authorised Person (AP) with extensive experience in establishment of schools
2. Fire Services Department Representative
3. Building Department Representative

The aim of the Working Group is to **prepare the rigorous and reasonable safety standards** for its members.

Application of those standards will be achieved via a **Vetting Board** process similar to the one used in the Food & Beverage sector. Having gone through the Vetting Board, a school will be given a provisional “Licence/Inspection Certificate”, with any outstanding requirements to be addressed within 3 months and signed off by an AP.

Additionally, the Federation believes that health inspections should be carried out at the same time as the FSD and BD inspections in order to streamline the whole registration procedure and save Government resources.

Such a move would place Hong Kong in the same situation as other major jurisdictions in the world, which do not require the registration of private schools.

6 Raising the Professional Standards of Teachers

6.1 Teacher Qualifications & Maintenance of Teacher Quality

The Federation agrees with the proposal to upgrade the professional standard of teachers. However, at the same time the Federation believes that a teacher’s suitability for a particular post should not be solely dependant upon their academic qualifications, but should also take into account the subject nature being taught and other relevant experience the candidate possess within that subject area. To this regard, the Federation members will continue to screen applications from teachers, applying stringent quality control criteria, and strive to provide quality teachers to facilitate quality education programmes. In the light of this, the Federation supports the proposal to not extend higher qualification requirements to PTs seeking to teach in tutorial, commercial, computer and language schools (which shall include PSNFCs).

The Federation believes that PSNFCs (as private sector employers) should be the party responsible for verifying teachers in terms of their qualifications and suitability for the post. Moreover, if this policy were implemented then it should only be

necessary for teachers to be interviewed by Government Departments in rare cases where there was a complaint received about a particular teacher.

The Federation believes that when ascertaining the qualification of teachers, we must treat all teachers equally, whether expatriate or local. Moreover, teachers would be better separated into two groups:

- a) Those teaching formal Hong Kong examination -oriented courses
- b) Those teaching other subjects. Teachers of examination-orientated courses must be degree-holders in a relevant discipline, while teachers of other subjects should possess relevant academic qualifications and/or skills and experience to the satisfaction of the principal of the PSNFC concerned.

6.2 Teacher Registration Procedure

The current process demands duplicate forms be submitted for each and every school location and for day and evening school of the same location. In this regard, the Federation additionally proposes that in future each teacher should only have to fill out one set of documents in order to teach in any school(s) in Hong Kong. In addition, the current registration process is prolonged for PSNCs by a teacher interview in person with an ED officer for verification of academic certificates. It is proposed that the default procedure for PSNFCs, as is the case with other school categories in Hong Kong, is changed so that the principal of the relevant PSNFC becomes the party responsible for verifying academic qualifications submitted by potential teachers. Subsequently, the ED teacher interviews will then only be necessary when there is an obvious problem or where clarification of documentation is necessary. The principal's qualifications should be checked directly with the Education Department.