

**立法會**  
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**Bills Committee on  
Hong Kong Examinations and Assessment Authority  
(Amendment) Bill 2003**

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

**The Administration's proposals to amend the Hong Kong Examinations  
and Assessment Authority Ordinance (Cap. 261)**

**Purpose**

This paper gives a summary of the issues and concerns raised by members of the Panel on Education on the Administration's proposals to amend the Hong Kong Examinations and Assessment Authority Ordinance (the Ordinance).

**The Administration's proposals presented to the Panel on Education**

2. The Panel on Education was briefed by the Administration on 17 March 2003 on its proposals to amend the Ordinance which included -

- (a) to empower the Hong Kong Examinations and Assessment Authority (the Authority) to conduct examinations and assessment on its own, jointly with or as agent for other persons and organisations in Hong Kong or elsewhere, and to award certificates to candidates who attained a standard determined by the Authority in such examinations and assessments; and
- (b) to increase the fines for breach of secrecy and impersonation from \$10,000 to level 4 (\$25,000).

Concerns raised by Panel members

3. Panel members had not raised any objection to the proposals in the Bill. A Panel member had expressed support for enabling the Authority to conduct

examinations and assessments, including examinations for overseas examination authorities and professional bodies, outside Hong Kong. Some members, however, had expressed concern about possible leakage of examination papers in the Mainland as examination papers leaked in the Mainland could soon be made available to Hong Kong students through the Internet at a low cost. They suggested that the Administration should establish a mechanism to prevent leakage of examination papers outside Hong Kong. The Administration responded that only reputable local examination authorities, not commercial operations, would be authorized by the Authority as its agents/partners to avoid the possible problem of leakage. Other technical arrangements for conducting parallel examinations would be dealt with in accordance with current practices.

4. Some Panel members had enquired about the criteria and charges for providing examination and assessment services outside Hong Kong, and whether such services would be provided in overseas countries such as Canada and Australia where there was a large number of Hong Kong emigrants. The Administration responded that the Authority would provide the services in response to the market demand, and would liaise with the relevant overseas authorities to determine the service charges in accordance with the user-pay principle.

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

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

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**IV. Proposed amendments to the Hong Kong Examinations and Assessment Authority Ordinance**

[LC Paper No. CB(2)1441/02-03(01)]

6. At the invitation of the Chairman, Secretary for Education and Manpower (SEM) briefed members on the proposed amendments to the Hong Kong Examinations and Assessment Authority Ordinance (the Ordinance) as detailed in the Administration's paper. In response to the Chairman, SEM said that the Administration intended to introduce the Hong Kong Examinations and Assessment Authority (HKEAA) (Amendment) Bill into the Legislative Council (LegCo) on 30 April 2003.

7. Mr SZETO Wah asked in which Mainland cities HKEAA intended to provide examination and assessment services.

8. SEM responded that HKEAA would initially provide examination and assessment service in Shenzhen and Guangzhou because there were schools in these cities that had started to follow the Hong Kong curriculum. In fact, one of these schools had presented students for the Hong Kong Certificate of Education Examinations (HKCEE) in 2002.

9. Principal Assistant Secretary for Education and Manpower (Quality Assurance) (PAS(EM)QA) supplemented that apart from HKCEE and the Hong Kong Advanced Level Examination (HKALE), HKEAA had also received requests from overseas examination authorities and professional bodies to conduct examinations for them in places like Macau and the Mainland.

10. Mr Tommy CHEUNG asked whether HKEAA would provide the examination and assessment service at overseas countries such as Canada and Australia where there were a large number of Hong Kong emigrants. He also asked whether the charges of the service would be linked to the charges levied by the relevant overseas authorities for provision of similar service, or set in accordance with the user-pay principle.

11. PAS(EM)QA responded that HKEAA would provide the service in response to the market demand. HKEAA would liaise with the relevant

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overseas authorities to determine the service charges in accordance with the user-pay principle. He pointed out that with an increase in returned emigrants including their children from overseas countries, there had been more inquiries and an increasing interest in taking HKCEE and HKALE outside Hong Kong, and the demand was particularly strong in respect of Chinese Language. He added that enabling HKEAA to conduct examinations outside Hong Kong would bring it closer to its declared vision of becoming a world-renowned examination and assessment services provider.

12. Mr YEUNG Yiu-chung expressed support for enabling HKEAA to provide examination and assessment services outside Hong Kong. He asked about the criteria for provision of such service outside Hong Kong.

13. SEM responded that HKEAA would provide the service subject to demand. He pointed out that the demand from the Mainland would continue to grow given the increasingly significant number of Hong Kong people living in the Mainland but maintaining their connection to Hong Kong. He added that the provision of such service would facilitate local education institutions to recruit bright students from the Mainland and the region. These talents would enrich the student mix in local education institutions and enhance the quality of Hong Kong's workforce in the long run.

14. Mr SZETO Wah asked how HKEAA would prevent leaking of examination papers in the Mainland.

15. PAS(EM)QA responded that HKEAA would collaborate with relevant authorities in the Mainland to prevent leaking of examination papers. If the number of candidates taking the examinations was large, HKEAA might send staff to the Mainland to co-ordinate the arrangements for conducting the examinations.

16. Ms Cyd HO asked whether all candidates taking the same subject under HKCEE or HKALE would be required to attend the examination at selected venues in Hong Kong or the Mainland at the same time. She also asked whether the Ordinance had an extra-territorial rights in the Mainland. SEM responded that provisions of the Ordinance could not be applicable to acts taking place outside Hong Kong.

17. Ms Cyd HO expressed concern that if adequate precautionary measures had not been taken, examination paper leaked in the Mainland could soon be made available to Hong Kong students through the Internet at a low cost. The Chairman and Mr LEUNG Yiu-chung suggested that to address Ms HO's concern, the Administration should ensure that HKEAA would have a mechanism to prevent leaking of examination papers. PAS(EM)QA responded that only reputable local examination authorities, not commercial operations, would be authorized by HKEAA as its agents/partners to avoid the

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possible problem of leakage. Other technical arrangements for conducting parallel examinations would be dealt with in accordance with current practices. The Chairman added that detailed arrangement in respect of providing examination and assessment services outside Hong Kong could be discussed when the Bill was scrutinized. SEM undertook to consider members' views expressed at the meeting.

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Council Business Division 2  
Legislative Council Secretariat  
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