

立法會 *Legislative Council*

LC Paper No. LS98/02-03

**Paper for the House Committee Meeting
on 2 May 2003**

Legal Service Division Report on Hong Kong Examinations and Assessment Authority (Amendment) Bill 2003

I. SUMMARY

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| 1. Objects of the Bill | To -
(a) empower The Hong Kong Examinations and Assessment Authority ("the Authority") to conduct examinations and assessments on its own, jointly with or as agent for other persons and organizations in Hong Kong or elsewhere, and to award certificates to candidates who attain a standard determined by the Authority in such examinations and assessments;

(b) increase the fines for breach of secrecy and impersonation from \$10,000 to level 4 (\$25,000). |
| 2. Comments | (a) The Bill enables the Authority to conduct examinations and assessments outside Hong Kong. The approval of the Chief Executive is required for certain examinations and assessments.

(b) The Bill proposes to increase the fines for breach of secrecy and impersonation from \$10,000 to level 4 (\$25,000). |
| 3. Public Consultation | According to the Administration, the Authority is fully supportive of the proposal. |
| 4. Consultation with LegCo Panel | The Panel on Education was briefed on the Bill at its meeting on 17 March 2003. |
| 5. Conclusion | In view of the concerns raised at the meeting of the Panel on Education, Members may wish to set up a Bills Committee to discuss the mechanism to prevent leakage of examination papers. |

II. REPORT

Objects of the Bill

To amend the Hong Kong Examinations and Assessment Authority Ordinance (Cap. 261) ("the Ordinance") to -

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

LegCo Brief Reference

- 2. EMBCR1/29/2041/67 issued by the Education and Manpower Bureau in April 2003.

Date of First Reading

- 3. 30 April 2003.

Comments

- 4. Under the Ordinance, the Authority has the power to conduct in Hong Kong -

- (a) the Hong Kong Certificate of Education Examination and the Hong Kong Advanced Level Examination (collectively "the specified examinations");
- (b) other examinations and assessments as the Chief Executive may approve.

- 5. According to the LegCo Brief, the purpose of the Bill is to enable the Authority to conduct examinations and assessments, including examinations for overseas examination authorities and professional bodies, outside Hong Kong. The Bill proposes to empower the Authority to conduct examinations and assessments on its own, jointly with or as agent for other persons and organizations in Hong Kong or elsewhere. The requirement for the Chief Executive's approval where the examinations are not specified examinations remains unchanged. The Authority is also empowered to award certificates to candidates who attain a standard determined by it in such examinations and assessments.

6. The Bill also seeks to increase the fines for :
- (a) breach of secrecy on the part of a person appointed under or who is or has been employed in carrying out or assisting any person to carry out the provisions of the Ordinance;
 - (b) falsely pretending to be an employee, servant, agent or member of the Authority;
 - (c) aiding and abetting, counseling or procuring either of the above offences.

The Bill proposes to increase the fine from \$10,000 to level 4 (\$25,000). The existing fine was set in 1977. Members may refer to paragraph 6 of the LegCo Brief for justifications for the proposed increase.

Public Consultation

7. According to the Administration, the Authority is fully supportive of the proposal.

Consultation with the LegCo Panel

8. The Panel on Education was briefed at its meeting on 17 March 2003. While some Panel members expressed support for the proposal of empowering the Authority to conduct examinations and assessment outside Hong Kong, some other Panel members were concerned about possible leakage of examination papers and suggested the Administration to consider a mechanism to prevent any such leakage. Members may refer to minutes of the meeting (LC Paper No. CB(2) 1828/02-03) for details.

Conclusion

9. In view of the concerns raised at the meeting of the Panel on Education, Members may wish to set up a Bills Committee to discuss the mechanism to prevent leakage of examination papers.

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