

For information
On 17 February 2003

**LegCo Panel on Education
Education (Miscellaneous Amendments) Bill**

PURPOSE

This paper briefs Members on our proposals to amend the Education Ordinance and Education Regulations (Cap. 279).

BACKGROUND

2. Changing social environment and new developments under the education reform have rendered some of the provisions in the Education Ordinance and Education Regulations inadequate or outdated. We will be introducing an Education (Miscellaneous Amendments) Bill to amend the Education Ordinance and Education Regulations. The legislative proposals are set out in paragraphs 3 to 18 below.

PROPOSALS

(a) Registration for day and evening schools

3. At present, “day” and “evening” schools have to be registered separately even if they operate in the same premises and by the same school sponsoring body. The double registration procedure is not cost-effective. We propose one registration for the day and evening sessions of a private school. This will help to reduce the workload and speed up the processing of applications. Application procedure will also be simplified to create a more business friendly environment for private school operators.

(b) Change of school premises

4. The Director of Education (DE) [will be changed to Permanent Secretary for Education and Manpower (PSEM) upon the enactment of the Education Reorganization (Miscellaneous Amendments) Bill 2002] is currently not empowered to make amendments to the certificate of registration or provisional registration in respect of changes of school premises without prior

notification by the supervisors of schools. However, our experience showed that some of the operators failed to take the initiative to report the changes. The proposed amendment makes it the duty of the supervisor to notify the DE (PSEM in future) when the school no longer operates in the registered premises. Besides, the DE (PSEM in future) should be empowered to delete the premises from the certificate if it appears to him that the school no longer operates in the registered premises for a continuous period of not less than one school term. This would ensure that the registered premises of a school could be more accurately reflected on the certificate of registration/provisional registration.

(c) Appeals Board

5. Section 59 of the Education Ordinance provides for an Appeals Board to hear and determine appeals arising from a decision of the DE (PSEM in future) on registration of schools, managers, supervisors, principals and teachers, and applications from aided schools for permission to continue to employ a teacher or a principal after reaching the age of 60. The number of appeal cases received by the Appeals Board increased drastically in 2001 and 2002. These are mainly appeals from principals and teachers of aided schools for extension of service after the enactment of the legislative amendment which required them to retire at the age of 60.

6. The present mode of operation, involving a large number of board members in every appeal, is not cost-effective. We propose a panel system comprising a few core members with the necessary background and expertise. The new mode provides the Board more flexibility to meet its heavy workload so that more than one panel can operate concurrently to handle different appeal cases.

7. At present, Section 59(7) of the Education Ordinance requires that the Appeals Board may be assisted by a legal officer (i.e. a government counsel) appointed by the Secretary for Justice in the conduct of an appeal. As a result, the DE (PSEM in future), which is a party to proceedings before the Board, is required to seek legal representation in the private sector to avoid an appearance of bias. To provide more flexibility, it is therefore proposed that the Administration may appoint any legally qualified person as legal advisor to the Appeals Board.

(d) Raising the standards for teachers

8. Quality of teaching is essential to the provision of quality education. One of the key elements to assure the quality of teaching is teachers' qualifications and professional competency. To develop a professional teaching

force to meet the increasing demands on education, it is necessary to raise the minimum qualifications for teacher registration under the Education Regulations as well as require teachers (including principals) to meet changing professional competency requirements in response to changing social needs and expectations. The following amendments to the Education Ordinance and Education Regulations are thus proposed:

(i) Repealing the provision for permitted teachers to acquire registered teacher status by years of services

9. At present, no person shall teach in a school unless she/he is a registered teacher (RT) or a permitted teacher (PT). A person without an approved teacher education qualification may be issued with a permit to teach in a school where no suitable RT is available. An RT may teach in any school without restriction but a PT has to obtain a new permit upon change of school, subjects or levels of subjects taught. The minimum qualification for a PT is set out in Part 2 of the Second Schedule of the Education Regulations. Basically, it requires a pass in four or five subjects (depending on levels of attainment) taken in one or more sittings in the Hong Kong Certificate of Education Examination (HKCEE) or its equivalent. Normally, a person should possess a teacher certificate, a post-graduate diploma/certificate in education, or an approved degree in education for registration as an RT. However, Part I of the Second Schedule to the Education Regulations provides that a PT holding the above minimum qualification with 10 years' approved teaching experience or a PT holding an approved degree with 3 years' approved teaching experience may become an RT.

10. The Advisory Committee on Teacher Education and Qualifications (ACTEQ) has recommended, and the Administration has accepted, that a person should possess an approved teacher education qualification before being eligible for registration as an RT. It is proposed that paragraphs 3 and 9 of Part I of the Second Schedule to the Education Regulations should be repealed. Permitted teachers without an approved teacher education qualification will not be able to attain the RT status through years of services.

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

11. On the advice of ACTEQ, the Administration has also accepted that the minimum qualification for PTs should be raised. 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. We aim to implement this with effect from the beginning of the 2003/04 school year. The new requirement will not apply to PTs who are serving in schools up to and

including 31 August 2003. However, after the legislative amendment is effective, a PT who seeks to have a new permit to teach upon change of school, subjects or levels of subjects taught will be governed by the new qualification requirements. There will be no transitional period.

12. For practical consideration, the new higher qualification requirement will not extend to PTs seeking to teach in tutorial, commercial, computer and language schools, etc. However, we would like to propose two minor changes to the existing requirements for PTs. First, irrespective of levels of attainments, we propose a pass in not less than 5 separate subjects. Second, the five passes must be taken in not more than two sittings in the HKCEE.

(iii) Raising the qualifications for PTs in kindergartens

13. The Chief Executive announced in his 2000 Policy Address that the entry requirements of kindergarten teachers would be raised from two passes in the HKCEE (including one language subject) to five passes, including both English Language and Chinese Language, with effect from the 2001/02 school year and all newly appointed kindergarten teachers will be required to possess a pre-service qualified kindergarten teacher qualification with effect from the 2003/04 school year.

14. We have informed kindergartens of the new qualification requirement through Administration Circulars. It is necessary to amend paragraph 2 of Part IV of the Second Schedule to the Education Regulations which specifies the qualifications for a permitted teacher teaching in schools providing nursery or kindergarten education.

(iv) Professional competency requirements

15. In recent years, we have introduced pre-employment requirements on new principals and continuing professional development of serving principals. The ACTEQ is currently reviewing the professional competency requirements of teachers. To provide legal backing to the administrative measures, we propose to amend the Education Ordinance to include an enabling provision which will empower the CE in Council to make subsidiary legislation to stipulate the professional competency requirements of principals and teachers, as and when necessary.

(e) Operation of classes on Sundays and public holidays

16. Section 2 of the General Holidays Ordinance (Cap.149) provides that “general holiday” means a day which shall be kept as a holiday by all banks,

educational establishments, public offices and Government departments. "Sunday" is considered as a general holiday. Educational establishments, including schools and post-secondary colleges are required to comply with the provisions of the General Holidays Ordinance.

17. To tie in with the Government's policy to encourage life-long learning and to address the concerns of private school operators, it is proposed that the Education Ordinance and the Post Secondary Colleges Ordinance be amended to allow schools and post-secondary colleges to operate classes or courses on Sundays or public holidays. The proposed amendment will provide more flexibility to schools to accommodate the different needs of working adults and implement a more diversified curriculum in primary and secondary schools to suit individual modus operandi and interests.

(f) Teacher to pupil ratio in kindergarten

18. The CE pledged in the 2000 Policy Address to improve the teacher to pupil ratio in kindergartens from 1:30 (for half-day kindergartens) and 1:20 (for whole-day kindergartens) to 1:15 so as to enhance the quality of kindergarten education. Amendment to the Education Regulations is required to reflect the improvement.

TIMETABLE

19. We shall introduce the Education (Miscellaneous Amendments) Bill to the Legislative Council in the current legislative session. Proposals in paragraphs 3 to 18 above will come into operation on 1 September 2003 or a day to be appointed by the Secretary for Education and Manpower by notice published in the Gazette.

Education and Manpower Bureau
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