

For information on  
17 March 2003

## **LegCo Panel on Education**

### **Proposed Amendments to the Hong Kong Examinations and Assessment Authority Ordinance**

#### **PURPOSE**

This paper briefs Members on our proposals to amend the Hong Kong Examinations and Assessment Authority Ordinance (HKEAAO) (Cap 261).

#### **BACKGROUND**

2. The Hong Kong Examinations and Assessment Authority (HKEAA) is a statutory body established under the HKEAAO enacted in 1977. The HKEAAO empowers HKEAA to conduct specified and approved examinations and assessment in Hong Kong.

#### **PROPOSALS**

(a) Empower HKEAA to conduct examinations and assessment outside Hong Kong

3. At present, the HKEAAO does not contain any express provision that enables the HKEAA to provide examination and

assessment services outside Hong Kong.

4. With an increase in returned emigrants including their children from overseas countries, there have been increased inquiries and expressions of interest in taking HKCEE and the HKALE outside Hong Kong. The demand is especially strong in respect of the Chinese Language. If the HKEAA is able to provide such services, it would help returning children fit into senior secondary education or work in Hong Kong more smoothly.

5. With the opening of schools which use Hong Kong curriculum in the Mainland, there is also an emerging demand for HKEAA to administer examinations and assessment in the Mainland. In fact, one Mainland school started to present students for the HKCEE in 2002. Such demand is likely to grow given the substantial number of Hong Kong people living in the Mainland and who also maintain connection to their residence in Hong Kong.

6. Apart from the HKCEE and HKALE, which are HKEAA's mainstream business, the HKEAA has also received requests from overseas examination authorities and professional bodies to conduct examinations for them, mainly in Macau and the Mainland. These include the GCE examinations conducted by the then University of London Examinations and Assessment Council, the Associated Board of the Royal Schools of Music practical examinations, the Hong Kong Association of Accounting Technicians examinations, and so on.

7. Under the existing provisions of HKEAAO, there is no express power given to HKEAA to respond to the above requests. As the HKEAA is recognised in the region as a well established examination and assessment agency, demands from overseas bodies and professional organisations to capitalise on HKEAA's experience and expertise in conducting examinations in

neighbouring jurisdictions are likely to continue. Enabling the HKEAA to conduct examinations outside Hong Kong will bring it closer to its declared vision of becoming a world-renowned examination and assessment services provider. This will also facilitate local education institutions in recruiting bright students to Hong Kong. These talents will enrich the student mix in local education institutions and enhance the quality of the Hong Kong's workforce if they decide to stay and work in Hong Kong upon graduation.

8. Having considered the above, the Administration intends to introduce amendments to the HKEAAO so as to empower HKEAA to provide examination and assessment services outside Hong Kong.

(b) Raise Penalty Level

9. At present, it is an offence under HKEAAO for a person who is appointed or employed or who assists in the work of the HKEAA to breach the secrecy with regard to matters coming to his knowledge about HKEAA's business. It is also an offence if any person impersonates as an employee or agent of HKEAA. Conviction of any one of these two offences is subject to a fine of \$10 000 (equivalent to the existing fine level at Level 3) and 6 months' imprisonment.

10. The above level of fine was set in 1977 and has not been adjusted since then. Similar offences in other ordinances usually attract higher fines than those in the HKEAAO. Given the relative severity of the relevant offences, the Administration intends to peg the fine level of the above offences under HKEAAO to Level 4 which is equivalent to \$10 001 to 25 000 of present day prices. This is necessary to reflect the intended deterrent effect.

## **TIMETABLE**

11. We shall introduce the Hong Kong Examinations and Assessment Authority (Amendment) Bill to the Legislative Council in the current legislative session. Proposals in paragraphs 8 and 10 above will come into operation on 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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