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**Bills Committee on
Child Care Services (Amendment) Bill 2005**

Background brief prepared by the Legislative Council Secretariat

**The Administration's proposals to amend the Child Care Services
Ordinance and the Child Care Services Regulations**

Purpose

This paper provides a summary of the issues and concerns raised by members of the Panel on Education on the Administration's proposals to amend the Child Care Services Ordinance (the Ordinance) and the Child Care Services Regulations (the Regulations).

Background

2. The care and education needs of children up to the age of six are governed by two ordinances and two monitoring authorities. A Working Party on Harmonisation of Pre-primary Services was formed by the former Education Department and Social Welfare Department (SWD) in 2000 to advise the Government on matters relating to the harmonisation of pre-primary services. The Working Party issued a consultation document in April 2002 on its recommendations. Based on the views received from the pre-primary services sectors and the general public, the Working Party revised its recommendations. The Panel on Education was briefed on the recommendations of the Working Party and their implementation at its meetings on 26 April 2002, 3 March 2003 and 14 March 2005. Members of the Panel on Welfare Services were also invited to these meetings.

Issues and concerns raised by members on the Administration's proposals to amend the Ordinance and the Regulations

The Administration's proposals

3. At the meeting of the Panel on Education on 14 March 2005, the

Administration informed members of the progress on the implementation of the harmonisation of pre-primary services from the 2005-06 school year. The Administration also briefed members on its proposals to amend the Ordinance and the Regulations in order to implement the harmonisation measures. These proposals mainly included -

- (a) amending the definition of child care centre so that SWD would supervise centres providing child care services to children aged below three and pre-primary institutions for children who were under the age of six with special needs, including special child care centres for physically and/or mentally disabled children and residential child care centres;
- (b) amending the scope of application of the Ordinance for the purpose of allowing the same premises to be registered as child care centres and kindergartens without the need of delineating the specified areas for kindergarten section and child care centre section;
- (c) conferring regulatory powers, currently provided for SWD staff under both the Ordinance and the Regulations, to staff of the Education and Manpower Bureau;
- (d) providing for mutual recognition of serving child care workers and qualified kindergarten teachers without further qualification assessment or the requirement of attending conversion courses;
- (e) imposing a common minimum staff-to-children ratio of 1:15 for child care centres and kindergartens; and
- (f) bringing the physical and regulatory requirements imposed on child care centre premises in line with those on kindergartens under the Education Ordinance.

4. In addition to the legislative measures, the implementation of the harmonisation of pre-primary services also involved some changes to the different financial assistance schemes to both parents and pre-primary service providers.

Legislative amendments

5. A member expressed concern that the reduction of the staff-to-children ratio from 1:14 to 1:15 would adversely affect the quality of services in child care centres. The Administration had explained that given that the number of children attending kindergartens was far greater than those attending child care centres, it was decided to adopt the staff-to-children ratio currently adopted by kindergartens after harmonisation. It was also considered that the marginal

difference would not constitute a significant operational problem to child care centres.

6. Another member expressed concern about the salary administration for child care workers upon harmonisation. The Administration had explained that child care workers serving in child care centres which had joined the Kindergarten Subsidy Scheme (KSS) would be eligible to enjoy the same recommended pay scale of qualified kindergarten teachers, the ceiling of which was one point higher than the salary scale of serving child care workers.

7. As regards the future physical and operational requirements of kindergartens and child care centres, the Administration had explained that the new floor area requirements would ensure that all new premises for children aged two to six would follow the current requirement of 1.8 m² per child inclusive of indoor activity areas but exclusive of other ancillary areas, and the ceiling height for new child care centres would be increased from the existing 2.5 metre to 2.75 metre for non-purpose built premises and 3 metre for purpose built premises.

8. A member asked whether flexibility in ceiling height would be allowed for the operation of child care centres in existing premises. The Administration had pointed out that waiving the requirement of ceiling height would be considered if air ventilation within the premises was upgraded to the required standard by way of the installation of appropriate mechanical ventilation system in the premises.

9. Another member pointed out that the child care sector considered it necessary to maintain the operation of a kitchen in child care centres. He requested that the relevant provision should be retained after harmonisation. The Administration had explained that kindergartens/child care centres with a kitchen could continue the operation of a kitchen to facilitate provision of meals for their children.

Financial assistance schemes to parents and service providers

10. Members noted that upon harmonisation, the Administration planned to provide financial assistance to all pre-primary children based on an enhanced Kindergarten Fee Remission Scheme (KGFRS) by expanding the scope of the existing KGFRS to cover all eligible children aged six or below in day nurseries, day crèches and kindergartens. The Administration would apply the “no worse-off” principle for existing Child Care Centre Fee Assistance Scheme (CCCFAS) recipients to opt to continue receiving assistance under the existing CCCFAS if they would receive less under the enhanced KGFRS, until their children left day nurseries, day crèches and kindergartens. The Administration also planned to expand the ambit of KSS to cover grants to child care centres so that government subsidies to service providers of

pre-primary services would be provided under one scheme.

11. A few members expressed concern that some new applicant families which should be eligible for assistance under the existing CCCFAS would become ineligible under the enhanced KGFRS upon harmonisation. Some other members also pointed out that due to a decline in student population in recent years, kindergartens and kindergartens-cum-child care centres might operate a small class of less than 10 students at different levels upon harmonisation. They expressed concern that these service providers would encounter financial difficulties as the current provision of subsidy for small classes on a pro-rata basis would not be sufficient to meet the costs of a teacher and other operational overheads incurred for the operation of a small class of nine pupils or less. These members considered that the Administration should review the existing criteria for provision of subsidy under KSS.

Relevant papers

12. A list of relevant papers is in **Appendix** for members' easy reference.

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List of relevant papers

Papers provided by the Administration

LC Paper No. CB(2)1727/01-02(01) - Paper provided by the Administration on "Harmonisation of Kindergartens and Child Care Centres"

<http://www.legco.gov.hk/yr01-02/english/panels/ed/papers/ed0426cb2-1727-1e.pdf>

LC Paper No. CB(2)1125/02-03(01) – Paper provided by the Administration on "Way Forward for Harmonisation of Kindergartens and Child Care Centres"

<http://www.legco.gov.hk/yr02-03/english/panels/ed/papers/ed0217cb2-1125-1e.pdf>

Consultation document of the Working Party on Harmonisation of Pre-primary Services issued by the Education Department and Social Welfare Department

<http://www.legco.gov.hk/yr02-03/english/panels/ed/papers/ed0217cb2-1727-1a-e.pdf>

LC Paper No. CB(2)1030/04-05(01) - Paper provided by the Administration on "Implementation of the harmonisation of pre-primary services"

<http://www.legco.gov.hk/yr04-05/english/panels/ed/papers/ed0314cb2-1030-1e.pdf>

LC Paper No. CB(2)1240/04-05(01) - Administration's response to the members' request on "Harmonisation of pre-primary services" at the meeting on 14 March 2005

<http://www.legco.gov.hk/yr04-05/english/panels/ed/papers/ed0314cb2-1240-1e.pdf>

Minutes of meeting of the Panel on Education

LC Paper No. CB(2)2338/01-02 - Minutes of special meeting on 26 April 2002
<http://www.legco.gov.hk/yr01-02/english/panels/ed/minutes/ed020426.pdf>

LC Paper No. CB(2)1705/02-03 - Minutes of special meeting on 3 March 2003
<http://www.legco.gov.hk/yr02-03/english/panels/ed/minutes/ed030303.pdf>

LC Paper No. CB(2)1324/04-05 – Minutes of meeting on 14 March 2005
<http://www.legco.gov.hk/yr04-05/english/panels/ed/minutes/ed050314.pdf>

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