

立法會
Legislative Council

LC Paper No. CB(2)2207/04-05
(These minutes have been
seen by the Administration)

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**Subcommittee to Study Issues Relating to the Provision of
Boarding Places, Senior Secondary Education and Employment
Opportunities for Children with Special Educational Needs**

**Minutes of meeting
held on Monday, 30 May 2005 at 10:45 am
in Conference Room A of the Legislative Council Building**

- Members present** : Dr Hon Fernando CHEUNG Chiu-hung (Chairman)
Hon LEE Cheuk-yan
Hon Mrs Selina CHOW LIANG Shuk-ye, GBS, JP
Hon CHEUNG Man-kwong
Hon CHAN Yuen-han, JP
Hon LEUNG Yiu-chung
Hon Jasper TSANG Yok-sing, GBS, JP
Hon Audrey EU Yuet-mee, SC, JP
- Public Officers attending** : Item III
- Mrs Fanny LAW
Permanent Secretary for Education and Manpower
Bureau
- Mr Christopher WARDLAW
Deputy Secretary for Education and Manpower (5),
Education and Manpower Bureau
- Dr Catherine K K CHAN
Principal Assistant Secretary (Curriculum
Development), Education and Manpower Bureau

Mrs Betty IP TSANG Chui-hing
Principal Assistant Secretary (School Administration
and Support), Education and Manpower Bureau

Mrs Mary MA LO To-wan
Commissioner for Rehabilitation, Health, Welfare and
Food Bureau

Miss Ophelia CHAN Chiu-ling
Assistant Director (Rehabilitation and Medical Social
Services), Social Welfare Department

**Attendance by
invitation** : Item III

Equal Opportunities Commission

Mr Joseph LI
Acting Director (Operations)

Dr Ferrick CHU
Head, Policy & Research Unit

Parents' Alliance on Special Education System

Mrs LEUNG KONG Wai-ying
Secretary

Ms Eva MOK
Convenor

Hong Kong Special Schools Council

Dr Simon LEUNG
Chairman

Mr LAW Kai-hong
Executive Committee Member

The Special Education Society of Hong Kong

Mr Andrew TSE
Chairperson

Ms Maria WONG
Vice-Chairperson

- Clerk in attendance** : Miss Flora TAI
Chief Council Secretary (2)2
- Staff in attendance** : Mr Watson CHAN
Head (Research and Library Services)
- Ms Diana WONG
Research Officer 2
- Mr Stanley MA
Senior Council Secretary (2)6
- Miss Sherman WOO
Legislative Assistant (2)2

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I. Confirmation of minutes

[LC Paper No. CB(2)1650/04-05]

The minutes of the meeting held on 30 April 2005 were confirmed.

II. Proposed research outline on special education in selected places

[LC Paper No. CB(2)1649/04-05(01)]

2. At the invitation of the Chairman, Head (Research and Library Services) (HRLS) briefed members on the proposed research outline on special education in selected places.

Scope of study

3. Mr CHEUNG Man-kwong suggested that the research study should include Asian countries such as Japan, Singapore and Taiwan which were close to Hong Kong in terms of location and culture. He considered that the study should examine the provision of vocational rehabilitation services including sheltered workshops and support employment services for people with different types of special educational needs (SEN), including persons with different types of disabilities and mental handicap. The Chairman added that the study should include Western Australia which had a good reputation in the provision of special education.

4. The Chairman referred to the submission from the Special Education Society of Hong Kong (the Society) [LC Paper No. CB(2)1724/04-05(03)] and suggested that the research study should incorporate the information on the

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provision of special education in different jurisdictions as detailed in the second last page of the submission.

5. HRLS responded that the research study would include some Asian countries and the information, if available, on provision of special education in different jurisdictions as suggested by members. He added that the research report would be available in October 2005.

6. Subject to the comments made, members endorsed the research outline.

III. Follow-up discussion on issues relating to the proposed new academic structure for senior secondary education and higher education

[LC Paper No. CB(2)1649/04-05(02) to (05) and The New Academic Structure for Senior Secondary Education and Higher Education (Sections A and C of Chapter 6 and Section E of Chapter 11)]

7. At the Chairman's invitation, Permanent Secretary for Education and Manpower (PSEM) briefed members on the proposals in sections A and C of chapter 6 and section E of chapter 11 of the consultation report on the New Academic Structure for Senior Secondary Education and Higher Education (the consultation report).

Meeting with the Equal Opportunities Commission

Non-compliance with the Disability Discrimination Ordinance

8. At the invitation of the Chairman, Dr Ferrick CHU, Head, Policy & Research Unit of the Equal Opportunities Commission (H(PRU)EOC) briefed members on the views of EOC on whether the following would constitute discrimination against children with SEN in education or a breach of the Disability Discrimination Ordinance (DDO) –

- (a) the provision of a three-year junior secondary and a three-year senior secondary education (the “3+3” academic structure) to students in ordinary schools but a six-year secondary education to children with SEN in special schools under the proposed new academic structure for senior secondary education and higher education (the “3+3+4” academic structure); and
- (b) the requirement of students with SEN to leave special schools at the age of 18 whereas students in ordinary schools were not subject to such age limitation.

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9. Mr LEUNG Yiu-chung pointed out that compared to a six-year secondary education, the provision of the “3+3” academic structure would mean the provision of different levels of resources for junior secondary and senior secondary education. He asked whether the provision of a six-year secondary education to students with SEN instead of the “3+3” academic structure would constitute discrimination against students with SEN on the ground of their disability.

10. H(PRU)EOC responded that according to the Administration’s paper [LC Paper No.CB(2)1317/04-05(02)], three-year senior secondary education would be provided to all students except students with mental handicap (MH students) in special schools. He explained that although MH students appeared to be treated differently under the new academic structure, whether they were treated less favourably than other students in comparable circumstances was less certain. He pointed out that as MH students would be provided with individualised education programmes, it might be difficult to provide a standard three-year senior curriculum for MH students in special schools.

11. H(PRU)EOC pointed out that the ultimate decision on whether a particular situation constituted disability discrimination or a breach of the DDO rested with the courts. What was at issue was not so much the labels given to the arrangements (i.e. the “3+3” academic structure and the six-year secondary education) but the contents of the respective arrangements.

12. The Chairman pointed out that under the policy of integrated education, students with SEN were allowed to apply for a switch from special schools to ordinary schools and vice versa. He asked whether students with SEN would be subject to certain restrictions in their application for such switching, given that special schools and ordinary schools were providing a six-year secondary education and the “3+3” academic structure respectively under the new academic structure.

13. PSEM responded that as stated in chapter 6 of the consultation report, the Administration would collaborate with parents, teachers and professionals in the special education sector to work out the senior secondary curriculum for students with SEN under the new academic structure. She pointed out that MH students would be provided with individualised education programmes based on their intellectual developments. Like any other students, they would be allowed to repeat their studies in accordance with the existing provision of 5% repeaters in aided secondary schools. In line with the policy on integrated education, ordinary schools with enrolment of students with SEN would be supported with special grants.

14. The Chairman asked why students with SEN were required to leave special schools at the age of 18 whereas students in ordinary schools were not subject to such age limitation.

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15. PSEM explained that under the existing system, MH students were provided with 10-year basic education, comprising a six-year primary education and a four-year junior secondary education, plus a two-year Extension of Years of Education Programme (the EYE). The EYE was introduced to enhance the abilities of MH students to lead an independent life after leaving schools at the age of 18.

Oral representation by deputations

Parents' Alliance on Special Education System
[LC Paper No. CB(2)1724/04-05(01)]

16. Mrs LEUNG KONG Wai-ying and Ms Eva MOK presented the views of the Parents' Alliance on Special Education System (the Alliance) as detailed in its submission. Mrs LEUNG stressed that the Alliance opposed the proposed arrangement under which students with SEN who would participate in the Hong Kong Diploma of Secondary Education (HKDSE) examination would be provided with the "3+3" academic structure, while students with SEN such as MH students who would not participate in HKDSE examination could only enjoy a six-year secondary education. Mrs MOK highlighted the concerns of the Alliance about allocation of resources for special education, the choice of parents and their children with SEN in pursuit of special or integrated education and career-oriented studies, and the age limitation for MH students to receive education, under the new academic structure.

Hong Kong Special Schools Council
[LC Paper No. CB(2)1724/04-05(02)]

17. Dr Simon LEUNG and Mr LAW Kai-hong presented the views of the Hong Kong Special Schools Council as detailed in its submission. They highlighted that students with SEN should be provided with appropriate years of secondary education, curriculum including career-oriented studies, and individualised education programmes. They considered that the Education and Manpower Bureau (EMB) should collaborate with the special education sector to work out the appropriate curriculum and education programmes, assessment criteria and methodologies, support measures and arrangements to provide students with SEN with equal opportunities in education.

The Special Education Society of Hong Kong
[LC Paper No. CB(2)1724/04-05(03)]

18. Ms Maria WONG and Mr Andrew TSE presented the views of the Society as detailed in its submission. They highlighted that the Administration should give equal emphasis to mainstream and special education, consult the stakeholders and the professionals in the design of the curriculum and a blueprint

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for the future development of special education. The Society also suggested that the LegCo Secretariat should include Japan and Taiwan in its research on special education in selected place and collect the information on special education in different places as highlighted in the submission. He hoped that the research report would be made available to the public and discussed on a rational basis.

Administration's response to views of deputations

19. In response to the views and suggestions of deputations, PSEM said that the Administration was committed to improving the quality of special education for students with SEN. She pointed out that at present, the learning outcomes of students with SEN were not assessed in a public examination and in some special schools, some students might not be provided with sufficient opportunities to develop their potentials to the full. The Administration would take the opportunity of the reform under the proposed "3+3+4" academic structure to review the provision of special education in a comprehensive manner. The Administration would aim to collaborate with the stakeholders to design suitable curriculum for students with different SENs, and set realistic learning objectives for them to achieve in a six-year secondary education. PSEM said that the allegation that the Administration had ignored the rights of children with SEN to education was unfounded. The Administration was committed to providing six years of secondary education for all students with SEN.

20. PSEM further said that the new senior secondary curriculum and assessment framework would cater for students with different needs, abilities and interests, and develop their potential to the full. They should build upon the curriculum framework in basic education and provide the flexibility to accommodate the needs of students, including students with SEN who followed the new senior secondary curriculum and those who followed the individualised education programmes over six years of secondary education. She pointed out that in essence, students with different SEN should enjoy the same years of secondary education as other students, but the curriculum and assessment would need to be adjusted to match their capability and interests. The Administration would make reference to overseas experience and the findings of the research on special education conducted by the LegCo Secretariat, and consult the stakeholders on the way forward.

The "3+3" academic structure or a six-year secondary education

21. Mr CHEUNG Man-kwong said that the Subcommittee had been discussing the provision of the "3+3" academic structure or a six-year secondary education for children with SEN in its last three meetings. The discussion should not be dragged on so that the Subcommittee could start the discussion of other important issues such as the provision of rehabilitation services for students with SEN after leaving secondary schools. He considered that students with different types of learning needs or disabilities, including those with mild,

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moderate or severe mental handicap, should be provided with appropriate secondary curriculum and education programmes under the “3+3” academic structure or a six-year secondary education. He suggested that the stakeholders should strive for reaching a consensus on the provision of special education under the new academic structure. The Administration and LegCo would ensure fair and reasonable provision of resources and supports for students with SEN in both ordinary and special schools.

22. Mr CHEUNG Man-kwong asked how EMB would consult and agree with the key stakeholders on the duration of secondary education to students with SEN under the new academic structure. He considered it controversial and unwise to provide the “3+3” academic structure for students with SEN who would participate in HKDSE examination, and a six-year secondary education for other students with SEN. He also invited deputations to comment on the provision of the “3+3” academic structure and a six-year secondary education to students with SEN on the basis of their capability to prepare for the HKDSE examination.

23. Mrs LEUNG KONG Wai-ying said that the Alliance had been disappointed with the Administration’s response to its request for the provision of the “3+3” academic structure to students with SEN at previous meetings. She stressed that the Alliance could not accept the principle that students with SEN who were academically incapable of taking the HKDSE examination should not be provided with a three-year senior secondary education. She added that the Alliance wished to reach a consensus with the Administration on the matter through open and sincere discussion. However, in the absence of positive response from the Administration, the Alliance could hardly give a commitment at this stage.

24. Dr Simon LEUNG said that the stakeholders in the special education sector considered that students with SEN had the right to enjoy the “3+3” academic structure, with appropriate pedagogies and curriculum adaptation. He pointed out that junior secondary education and senior secondary education were two separate and important key learning stages in education which should equally apply to students in both special and ordinary schools. In particular, the resources allocated for the provision of the senior secondary education should be higher than that of the junior secondary education. Dr LEUNG added that he shared the view of the Alliance that the Administration had not responded to the concerns and needs of parents in a positive manner.

25. Ms Maria WONG considered it more appropriate to focus the discussion on the provision of special education to students with SEN on their learning outcome rather than the academic structure or the age restriction. She suggested that the Administration should make reference to overseas experience in assessing the learning outcome of students with SEN, and make adjustment to the existing assessment mechanism to suit the needs of students with different

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SEN. She added that EMB should play a more proactive role in monitoring the quality of special education and assessment of student performance in special schools.

26. PSEM agreed that the provision of special education should have regard to the ability of students with SEN and the expected learning outcome, which would vary among students with mild, moderate and severe mental handicap. She suggested that the Subcommittee should put an end to the debate over the structure and duration of the secondary education as well as the resources allocation for special education under the new academic structure at this stage, and concentrate on the design of appropriate curriculum, assessment criteria and individualised education programmes for students with SEN at different stages of the six-year secondary education.

27. The Chairman considered that the special education sector anticipated that all students, including students with SEN, should receive education under the “3+3” academic structure, with curriculum adaptation for students with different types of learning needs or disabilities. Mr CHEUNG Man-kwong suggested that the Administration should provide all students with the “3+3” academic structure, and work out with the special education sector the appropriate curriculum framework for students with different SEN, i.e., different curriculum adaptation for PD, HI and MH students, etc. under the “3+3” academic structure.

28. PSEM stressed that students with different SEN should be provided with appropriate curriculum and choices of subjects in the light of their needs, interests and abilities, within the overall curriculum framework. In particular, MH students should have individualised education programmes and assessment criteria as tailored by the teachers and specialist staff. She emphasised that it was unrealistic to expect all students to attain the senior secondary level outcome of the mainstream curriculum. While the Administration had no objection to introducing a “3+3” academic structure for students with SEN, it had to be recognised at the outset that the “senior” secondary curriculum for MH students would be different from the mainstream curriculum and the resource considerations applicable to the latter would not apply.

29. Mr LEE Cheuk-yan expressed support for the adoption of a “3+3” academic structure in provision of special education to students with SEN. He agreed that the junior and senior secondary curriculum for MH students might have to be tailor-made by teachers and specialists staff with clear learning outcomes and assessment standards. He asked whether different level of resources support should be provided for the provision of a three-year junior secondary and a three-year senior secondary education to students with SEN.

30. Dr Simon LEUNG responded that the special education sector was most concerned about whether the provision of a six-year secondary education for

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special education would mean the provision of the same level of resources support at different secondary levels. He pointed out that the existing resources provision for senior secondary classes were greater than the provision for junior secondary classes in ordinary schools.

31. Dr Simon LEUNG said that the special education sector did not accept the principle of providing senior secondary education to students with SEN on the basis of their capability to participate in the HKDSE examination. The sector considered that while mainstream students were provided with a wide range of academic subjects for higher level studies and professional development, student with SEN should also be provided with the choice of subjects including career-oriented studies which would enable them to transit smoothly from school to adult life.

32. PSEM responded that the Administration would have to work out the curriculum for students with SEN before the resource implications could be worked out. She highlighted that the “3+3+4” academic reform was a major reform in education which should be planned and implemented with an incremental approach. The Administration would start with the design of the new senior curriculum framework, and work out in collaboration with the special education sector on a set of curricula with appropriate adaptations for students with different types of learning needs or disabilities. The Administration had set aside resources to support integrated education and would explore with the Vocational Training Council (VTC) and the Social Welfare Department (SWD) the interface arrangements for students with SEN to receive training and transit to adult life. The Administration would also collaborate with the Hong Kong Examinations and Assessment Authority to work out special accommodation arrangements for students with SEN to participate in the HKDSE examination.

33. Mr LEE Cheuk-yan said that according to his perception, it seemed that EMB would agree to the introduction of a “3+3” academic structure for students with different SEN, subject to two conditions, namely, the senior secondary curricula for students with different SEN would be different from the mainstream curriculum and there was no commitment in resources implications. Mr LEE considered that the Administration intended to discuss with the special education sector the senior secondary curricula for students with different SEN on the basis of a “3+3” academic structure. After there was a consensus on the curricula for students with SEN, the Administration would then discuss the resources implications of providing the curricula. Mr LEE asked whether his interpretation of the Administration’s stance was correct or not.

34. PSEM responded that she did not wish to continue the debate on the provision of the “3+3” academic structure in order to save time. She stressed that members and deputations must understand that the curricula for students with different SEN would be different from the mainstream curriculum and there was no commitment in financial implications at the present stage. In response to

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Mr LEE Cheuk-yan, PSEM confirmed that Mr LEE's interpretation of the Administration's stance was correct.

35. Mr LEE Cheuk-yan invited deputations to comment on the Administration's agreement to provide the "3+3" academic structure for students with SEN with curriculum adaptation or individualised education programmes without any commitment on resources implications. Mr LEUNG Yiu-chung said that he was not convinced that the resources required for implementing the "3+3" academic structure could only be determined on the basis of the curriculum design for special education.

36. Mr LAW Kai-hong said that both the academic structure and the curriculum were important consideration in the provision and development of special education under the new academic structure. He agreed that severe MH students should be provided with individualised education programmes and assessment criteria as tailored by teachers and specialist staff.

37. Mr Andrew TSE said that if a consensus on the academic structure for special education was reached, the Administration should proceed to discuss with the special education sector on the design of the curriculum for students with SEN. He agreed that the financial implications of the "3+3" academic structure should be assessed on the basis of the curriculum design and structure for special education.

38. Ms Eva MOK and Mrs LEUNG KONG Wai-ying said that the Alliance would discuss the provision of a "3+3" academic structure for special education with curriculum adaptation, without any financial commitment at this stage. Mrs LEUNG considered that the Administration should consider the allocation of sufficient resources for implementation of the new curriculum for special education, in particular the teaching of Liberal Studies in special schools. She added that the Administration had not provided additional funding to special schools in the implementation of EYE from the 2002-03 school year.

39. PSEM responded that the teacher-to-student ratios in special schools were considerably more favourable than those of ordinary schools. Principal Assistant Secretary (School Administration and Support) (PAS(SAS)) pointed out that the Administration had allowed special schools to use the savings arising from a decline of student enrolment to implement EYE.

The provision of a 10-year basic education and a three-year senior secondary education for students with physical disability or hearing impairment

40. Mr CHEUNG Man-kwong considered that the Administration should consult the special education sector on the provision of a three-year senior secondary education on top of the existing 10-year basic education for students with SEN, including MH students and student with physical disability (PD

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students) and students with hearing impairment (HI students). The Chairman pointed out that similar to the provision of remedial programmes for low academic achievers in ordinary schools, MH students with slower development should be provided with a four-year junior secondary education and a three-year senior secondary education (the “4+3” academic structure).

41. PSEM explained that PD students were required to attend various therapies, medical attention and hospitalisation, and HI students were normally slower in language acquisition and had serious disability in language reception and expression. As a result, their learning was frequently and regularly disrupted. The Administration considered it appropriate to maintain the current provision of 10-year basic education for PD and HI students who were intellectually capable of coping with the ordinary three-year senior secondary education.

42. PSEM considered it premature to conclude the provision of a seven-year secondary education for MH students at this stage when the consultation on curriculum and assessment for students with SEN had just begun. She pointed out that the intellectual developments and learning progress of MH students would vary from individuals to individuals. The Administration would examine the levels of achievements of MH students after completion of 10-year basic education, and collaborate with the special education sector to re-structure the curriculum with clear learning outcomes and assessment standards for the following two years. EMB would also coordinate with the Health, Welfare and Food Bureau, SWD and VTC to provide students with SEN, who were not inclined to pursue an academic curriculum leading to HKDSE, with different pathways to further studies or training leading to recognisable qualifications

43. The Chairman asked whether PD or HI students with MH in special schools would be provided with a 10-year basic education and a three-year senior secondary education.

44. PAS(SAS) responded that EMB would discuss with individual PD and HI schools about the educational needs of their students, and work out the appropriate arrangements for their students. PD and HI students with average or limited intelligence but were academically capable to participate in the HKDSE examination would follow the mainstream curriculum and they might integrate into ordinary schools after completion of the 10-year basic education when ready and appropriate as under the existing practice. PD or HI students with MH who were less academically inclined would be provided with adapted curriculum and individualised education programmes tailored by teachers and specialist staff as appropriate.

45. The Chairman asked how EMB would work out the senior secondary curriculum for students in PD and HI schools. PAS(SAS) responded that the Administration would work this out jointly with schools concerned with due reference to the recommended curriculum framework and their student profiles.

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The Administration would also make reference to the EYE which was implemented in MH schools in the 2002-03 school year and extended to PD and HI schools in the 2004-05 school year as and when appropriate. She added that the consultation report had set out the directions for the arrangements of special education under the new academic structure. EMB would conduct detailed discussions with the key stakeholders in the special school sector in the second half of 2005, and aimed to set out the way forward in more detail by the end of 2005.

46. Mr Andrew TSE said that the dispute over the provision of the “4+3” or the “3+3” academic structure for students with SEN would be resolved if the “3+3” academic structure was adopted for all ordinary and special schools. He pointed out that in line with the policy of integrated education and the principle of “one curriculum for all”, there was no longer the need for a mainstream curriculum and an alternative curriculum. Instead, students with SEN should be provided with appropriate curriculum and individualised education programmes under the new curriculum framework.

Concluding remark

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47. In summing up discussion, the Chairman requested the Administration to consult parents and other stakeholders on the design of the curriculum and assessment criteria for students with SEN. He agreed that the financial implications of adopting a “3+3” academic structure for students with different types of learning needs or disabilities should be assessed on the basis of the curriculum framework. He anticipated that the Administration would work with the key stakeholders in partnership in the development of the curriculum for special education.

48. PSEM responded that the Administration was committed to providing students with SEN with equal opportunities in education. She highlighted that EMB staff would make reference to successful local and overseas experiences in the provision of special education. She requested the Subcommittee and deputations to allow a reasonable period of time for EMB staff to conduct a comprehensive study on the curriculum design and assessment criteria for students with SEN and consult the special education sector.

IV. Any other business

49. There being no other business, the meeting ended at 12:55 pm.