

**Bills Committee on
English Schools Foundation (Amendment) Bill 2007**

**The Administration's Response to the Committee Stage Amendment
proposed by the Honourable Tommy Cheung**

Purpose

In response to the request of the Bills Committee on the English Schools Foundation (Amendment) Bill 2007 (hereafter referred to as "The Amendment Bill"), this note sets out the Administration's stance on the Committee Stage Amendment ("CSA") proposed by the Honourable Tommy Cheung. Our response is confined to that part of the CSA which is relevant to the Administration, i.e. the proposal to add a representation from the Education Bureau to the Board of Governors of The English Schools Foundation ("ESF").

The Administration's Response

General

2. The Amendment Bill is an initiative of the ESF to follow up the recommendations of the Legislative Council Public Accounts Committee ("PAC"). It aims to improve the governance structure of the ESF. The Amendment Bill reflects the consensus of the ESF community after taking into account the PAC recommendations and other considerations within the ESF.

3. Under the principle of quality education, Government is generally supportive of the Amendment Bill which seeks to improve the governance and hence operating standard of the ESF.

ESF's Governance Reform and Government's representation on the ESF

4. As a measure to address the PAC's recommendation to improve the governance structure of the ESF, the supreme governing body of the ESF, now being vested in the Foundation comprising 132 members, is to be replaced by a Board of Governors with significant down-sizing to 27

members.

5. This bureau has been consulted as a current representative on the supreme body of the ESF. In the process we have made it clear that the Government should no longer be represented on the ESF's future governing body. Our views are set out as follows –

- (a) Premised on an established and widely-accepted policy that the Government should refrain from micro-managing individual schools, we should not seek representation on the boards of school sponsoring bodies or on the school management committees of schools (except for government schools operated by the Government and for which Government is the school sponsor).
- (b) As a matter of fact, having government representatives on the ESF's governing bodies is a unique arrangement which is not repeated in other school sponsors, irrespective of whether the school sponsors are operating schools fully/partially subsidized by the Government or operating private schools. For consistency, the same should apply to the ESF. This parity treatment is also important for underscoring the Administration's impartiality when monitoring the performance of schools operated by different school sponsors and dealing with their requests.
- (c) The current government representation on the ESF is historical by nature. It is implemented by Regulations of The English Schools Foundation which were made by the Foundation itself and were not subject to Government's approval. It should therefore not be regarded as a deliberate government measure.
- (d) We have assured the ESF that we value our partnership in promoting the delivery of quality education. Similar to our treatment of other school sponsors, Government's representation on the ESF's governing body is not a prerequisite for maintaining this partnership. We would continue to foster such partnership through other established channels.

6. The Administration is of the view that the proposed CSA to add representation from the Education Bureau to the Board of Governors of the ESF is neither justified nor consistent with our established practice. Should the CSA be moved and passed, it would have read-across

implications for the Administration's relationship with other school sponsors.

Education Bureau
November 2007