

立法會
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Tel : 2869 9205

Date : 30 April 2009

From : Clerk to the Legislative Council

To : All Members of the Legislative Council

Council meeting of 20 May 2009

**Proposed resolution under
the Education Ordinance**

I forward for Members' consideration a proposed resolution which the Secretary for Education will move at the Council meeting of 20 May 2009 under the Education Ordinance. The President has directed that "it be printed in the terms in which it was handed in" on the Agenda of the Council.

2. The speech, in both English and Chinese versions, which the Secretary for Education will deliver when moving the proposed resolution, is also attached.

(Mrs Justina LAM)
for Clerk to the Legislative Council

Encl.

EDUCATION ORDINANCE

RESOLUTION

(Under section 40BK(5) of the Education Ordinance (Cap. 279))

RESOLVED that section 40BK(3)(a) of the Education Ordinance (Cap. 279) be amended by repealing “1 July 2009” and substituting “1 July 2011”.

**Speech by the Secretary for Education
at the Legislative Council on 20 May 2009**

Education Ordinance (Cap. 279)

**Extend Submission Deadline for
Draft Constitutions of Incorporated Management Committees**

President,

I hereby commend to the Honourable Members the proposed resolution to amend Section 40BK(3) of the Education Ordinance by repealing “1 July 2009” and substituting “1 July 2011”.

2. The Education Ordinance stipulates that the sponsoring body of an aided school shall submit to the Permanent Secretary a draft of the constitution of a proposed incorporated management committee (IMC) by 1 July 2009. This resolution is to extend the deadline by two years to 1 July 2011.

3. The provisions concerning the IMC have come into effect for almost four and a half years. At present, about 53% of the aided schools have either set up their IMC, submitted or undertaken to submit draft IMC constitutions. Although in an earlier survey, most of the school sponsoring bodies indicated that they would submit draft IMC constitutions before the deadline in accordance with the statutory requirement, it is now less than one and a half months from the deadline, yet more than 40% of the schools have not submitted their draft IMC constitution.

4. Besides, a consultancy study on the review of the implementation and operation of IMCs shows that major school sponsoring bodies need to take longer time to prepare for the setting up of IMCs and recommends that consideration be given to extend the deadline for submission of draft IMC constitutions to allow more time for these school sponsoring bodies to make preparation.

5. In view of the above, we have decided to extend the deadline by two years by way of a resolution of the Legislative Council in accordance with the power conferred by the Ordinance. On 30 March 2009, we consulted the Panel on Education on the proposal to extend the deadline by two years and the Panel had no objection to it. We

have also consulted school sponsoring bodies, Schools Councils, the Federation of Incorporated Management Committees of Hong Kong Schools and District Federations of Parent-Teacher Associations. They have expressed understanding and support for the proposal to extend the deadline by two years.

6. We understand the difficulties encountered by individual school sponsoring bodies in setting up IMCs for their schools. Under the framework of school-based management and the premise of not contravening the existing legislation, we are willing to adopt an open, liberal and prudent approach to the matter. We are also willing to show our goodwill and continue our discussion with school sponsoring bodies in order to reach a consensus. We will, where appropriate and practicable, allow schools more flexibility in order to facilitate the implementation of school-based management. Nevertheless, as the Ordinance does not allow indefinite extension of the timetable for schools to set up their IMC, we must enforce the legislative requirements.

7. Subject to the passage of the resolution, the Education Bureau will continue the disbursement of the relevant subsidies and provision of support measures to help schools to submit their draft IMC constitutions and set up their IMC before the deadline.

8. President, I commend to the Honourable Members the Government's proposed resolution to extend the deadline for submission of draft IMC constitutions by two years. Thank you.