

For discussion  
on 12 December 2011

## **Legislative Council Panel on Education**

### **The Education (Amendment) Regulation 2012; The Education (Exemption) (Private Schools Offering Non-Formal Curriculum) (Amendment) Order 2012; and The Hong Kong Examinations and Assessment Authority Ordinance (Amendment of Schedule 1) Order 2012**

#### **Purpose**

There are certain legislative amendments required following the cessation of the Hong Kong Certificate of Education Examination (HKCEE) in 2011 and the Hong Kong Advanced Level Examination (HKALE) in 2013 amidst the first Hong Kong Diploma of Secondary Education Examination (HKDSEE) in 2012. This paper seeks Members' views on those legislative amendments.

#### **Background**

2. Under the New Senior Secondary (NSS) curriculum, all students will have the opportunity to study up to Secondary 6. The NSS has been implemented since September 2009 with the first cohort of students taking HKDSEE in 2012. The present HKCEE and HKALE will be replaced with HKDSEE by phases, with the final run of HKCEE and HKALE for private candidates held in 2011 and 2013 respectively. Legislative amendments by way of the following three pieces of subsidiary legislation are necessary to reflect these changes.

#### **The Proposed Subsidiary Legislation**

##### **A. The Education (Amendment) Regulation 2012 and the Education (Exemption) (Private Schools Offering Non-Formal Curriculum) (Amendment) Order 2012**

##### *Existing Minimum HKCEE Qualifications for Permitted Teachers (PTs)*

3. Under the Education Regulations (Cap. 279A) (the Regulations), the minimum qualifications for PTs teaching (a) other educational courses (i.e. educational courses other than nursery, kindergarten, primary, secondary or post-secondary

education); (b) English; and (c) pupils undergoing nursery or kindergarten education are “one or two HKCEEs with an aggregate of 5 separate subjects at Grade E or a higher grade, including English Language or/and Chinese Language”. Separately, one of the conditions for exemption specified in the Education (Exemption) (Private Schools Offering Non-Formal Curriculum) Order (Cap. 279F) (the Order) regarding the employment and qualifications of teachers teaching in exempted schools<sup>1</sup> is that the teachers shall possess the minimum qualifications for PTs.

#### *Future Minimum HKDSEE Qualifications for PTs*

4. Under the HKDSEE, students can enter for a maximum of eight subjects from the following categories<sup>2</sup>.

- Category A – NSS subjects (there are four core subjects and 20 elective subjects). Results will be reported in five levels (Levels 5 to 1), with Level 5<sup>3</sup> being the highest level;
- Category B – Applied Learning subjects (a total of 30 subjects in the 2010-12 cohort). Results will be reported as either “Attained with Distinction” or “Attained”; and
- Category C – Other Language subjects (a total of six subjects in the 2010-12 cohort). Results will be reported in five grades (Grades A to E), with Grade A being the highest grade.

5. While it is not possible to make direct equivalence between the results of HKDSEE and those of HKCEE due to the different academic structure and reporting system, it is necessary to recognize the comparable qualifications of HKDSEE as one of the qualifications for PTs with the introduction of HKDSEE (the relevant qualifications of HKCEE held by people would continue to be recognized for being PTs after the replacement of HKCEE with HKDSEE). The proposed HKDSEE qualifications for PTs are “one or two certificates of HKDSEE with an aggregate of 5 separate subjects including Level 2 or a higher level in English Language or/and Chinese Language and any combination of the following --

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<sup>1</sup> “Exempted school” is defined in the Order to mean a school that (a) provides any educational course other than nursery, kindergarten, primary, secondary or post secondary education; and (b) is not funded wholly or partly by any subsidy from the Government.

<sup>2</sup> For candidates entering eight subjects, at least one of the subjects must be Ethics and Religious Studies, Music, Visual Arts, Physical Education, Applied Learning subjects or Other Language subjects.

<sup>3</sup> Top candidates within Level 5 will be awarded Level 5\* and 5\*\* as appropriate.

- (a) Level 2 or a higher level in NSS subjects;
- (b) “Attained” or “Attained with Distinction” in Applied Learning subjects (subject to a maximum of two Applied Learning subjects); and
- (c) Grade E or a higher grade in Other Language subjects.”

The proposed PT qualifications are generally consistent with those accepted by the Civil Service Bureau for the purpose of civil service appointments from July 2012 onwards. Details of the amendments to the relevant provisions of the Regulations and the Order are set out at Annex.

6. The Regulations were made in 1971 pursuant to section 84(1) of the Education Ordinance (Cap. 279) (the EO) which stipulates that the Chief Executive in Council may make regulations providing for the matters specified therein. Under section 28(1)(c) of the Interpretation and General Clauses Ordinance (Cap. 1), where an Ordinance confers power on a person to make subsidiary legislation, the subsidiary legislation may at any time be amended by the same person and in the same manner by and in which it was made. By virtue of this provision, the Regulations may be amended by the Chief Executive in Council by way of the Education (Amendment) Regulation.

7. The Order was made in 2004 under section 9(3) of the EO which empowers the Chief Executive in Council to, by order published in the Gazette, exempt any school or class or description of school from all or any of the provisions of the Ordinance. Pursuant to section 28(1)(c) of the Interpretation and General Clauses Ordinance (Cap. 1) (see paragraph 6 above), the Order may be amended by the Chief Executive in Council by way of the Education (Exemption) (Private Schools Offering Non-Formal Curriculum) (Amendment) Order published in the Gazette.

**B. The Hong Kong Examinations and Assessment Authority Ordinance (Amendment of Schedule 1) Order 2012**

8. According to section 7(1A)(a) of the Hong Kong Examinations and Assessment Authority Ordinance (the HKEAAO), the Hong Kong Examinations and Assessment Authority (the Authority) shall conduct the specified examinations which are defined in section 2 of the Ordinance as “the examinations specified in Schedule 1”. At present, the examinations specified in Schedule 1 are HKCEE, HKALE and HKDSEE. According to section 8 of the HKEAAO, the Chief Executive in Council may, by order published in the Gazette, amend Schedule 1.

9. Following the implementation of the NSS curriculum, the last cohort of students already took HKCEE in 2010 while the last cohort of students will take HKALE in 2012. To provide an opportunity for private candidates to achieve better results, the Authority conducted the final HKCEE specifically for them in 2011 and will conduct the final HKALE in 2013.

10. In other words, HKCEE will no longer be held after 2011 and the reference to it should be removed from Schedule 1 to the HKEAAO. While the last run of HKALE for private candidates will only take place in 2013, the reference to it will also be deleted in the present exercise with the amendment to take effect later.

### **Consultation**

11. We have consulted the Advisory Committee on Teacher Education and Qualifications about the proposed minimum HKDSEE qualifications for PTs, and the Committee has endorsed our proposals.

### **Way Forward**

12. Following the established legislative procedures, the Education (Amendment) Regulation 2012, the Education (Exemption) (Private Schools Offering Non-Formal Curriculum) (Amendment) Order 2012 and the Hong Kong Examinations and Assessment Authority Ordinance (Amendment of Schedule 1) Order 2012 will be published in the Gazette and tabled in the Legislative Council in February 2012 for negative vetting.

**Education Bureau**  
**December 2011**

**Table of the Existing and Proposed Minimum Qualifications for PTs**

<b>Legislative Provisions</b>	<b>PTs / Teachers Teaching</b>	<b>Existing Minimum HKCEE Qualifications</b>	<b>Proposed Minimum HKDSEE Qualifications</b>
Part IIA of Schedule 2 to the Regulations	Other educational courses	One or two HKCEEs with an aggregate of 5 separate subjects at Grade E or a higher grade, including English Language (Syllabus B) or Chinese Language	One or two certificates of HKDSEE with an aggregate of 5 separate subjects including Level 2 or a higher level in English Language or Chinese Language and any combination of the following – (a) Level 2 or a higher level in NSS subjects; (b) “Attained” or “Attained with Distinction” in Applied Learning subjects (subject to a maximum of two Applied Learning subjects); and (c) Grade E or a higher grade in Other Language subjects
Part III of Schedule 2 to the Regulations	English	The qualifications specified in Part II or IIA and Grade E or a higher grade in English Language (Syllabus B) in HKCEE	The qualifications specified in Part II or IIA and Level 2 or a higher level in English Language in HKDSEE

<b>Legislative Provisions</b>	<b>PTs / Teachers Teaching</b>	<b>Existing Minimum HKCEE Qualifications</b>	<b>Proposed Minimum HKDSEE Qualifications</b>
Part IV of Schedule 2 to the Regulations	Pupils undergoing nursery or kindergarten education	One or two HKCEEs with an aggregate of 5 separate subjects at Grade E or a higher grade, including English Language (Syllabus A or B) and Chinese Language	One or two certificates of HKDSEE with an aggregate of 5 separate subjects including Level 2 or a higher level in English Language and Chinese Language and any combination of the following – (a) Level 2 or a higher level in NSS subjects; (b) “Attained” or “Attained with Distinction” in Applied Learning subjects (subject to a maximum of two Applied Learning subjects); and (c) Grade E or a higher grade in Other Language subjects
Part 2 of Schedule 2 and Part 2 of Schedule 3 to the Order	Pupils in exempted schools	One or two HKCEEs with an aggregate of 5 separate subjects at Grade E or a higher grade, including English Language (Syllabus B) or Chinese Language	One or two certificates of HKDSEE with an aggregate of 5 separate subjects including Level 2 or a higher level in English Language or Chinese Language and any combination of the following – (a) Level 2 or a higher level in NSS subjects; (b) “Attained” or “Attained with Distinction” in Applied Learning subjects (subject to a maximum of two Applied Learning subjects); and (c) Grade E or a higher grade in Other Language subjects