

LEGISLATIVE COUNCIL BRIEF

Education Ordinance
(Chapter 279)

Hong Kong Examinations and Assessment Authority Ordinance
(Chapter 261)

**EDUCATION (AMENDMENT) REGULATION 2012
EDUCATION (EXEMPTION) (PRIVATE SCHOOLS
OFFERING NON-FORMAL CURRICULUM) (AMENDMENT)
ORDER 2012
HONG KONG EXAMINATIONS AND ASSESSMENT
AUTHORITY ORDINANCE (AMENDMENT OF SCHEDULE 1)
ORDER 2012**

INTRODUCTION

At the meeting of the Executive Council on 7 February 2012, the Council ADVISED and the Chief Executive ORDERED that –

- (a) the Education (Amendment) Regulation 2012, at Annex A, should be made under section 84 of the Education Ordinance (EO);
- (b) the Education (Exemption) (Private Schools Offering Non-Formal Curriculum) (Amendment) Order 2012, at Annex B, should be made under section 9(3) of EO; and
- (c) the Hong Kong Examinations and Assessment Authority Ordinance (Amendment of Schedule 1) Order 2012, at Annex C, should be made under section 8 of the Hong Kong Examinations and Assessment Authority Ordinance (HKEAAO).

JUSTIFICATIONS

2. Under the New Senior Secondary (NSS) curriculum, all students will have the opportunity to study up to Secondary six. The NSS has been implemented since September 2009 with the first cohort of students taking the Hong Kong Diploma of Secondary Education Examination (HKDSEE) in 2012. The present Hong Kong Certificate of Education Examination (HKCEE) and Hong Kong Advanced Level Examination (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. Consequential upon the implementation of the NSS curriculum, legislative amendments by way of the following three pieces of subsidiary legislation are necessary for the reasons set out below.

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 (Chapter 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”, as stipulated respectively in Regulations 69A, 70 and 70A and Parts IIA, III and IV of Schedule 2. Separately, one of the conditions for exemption specified in Part 2 of Schedules 2 and 3 to the Education (Exemption) (Private Schools Offering Non-Formal Curriculum) Order (Chapter 279F) (the Order) regarding the employment and qualifications of teachers teaching in exempted schools¹ is that the teachers shall possess the minimum qualifications for PTs.

¹ “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.

Future Minimum HKDSEE Qualifications for PTs

4. Under the HKDSEE, students can enter for a maximum of eight subjects from the following categories² -

- (a) 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 5³ being the highest level;
- (b) 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
- (c) 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 recognise 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 recognised 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 –

- (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.”

² 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.

³ Top candidates within Level 5 will be awarded Level 5* and 5** as appropriate.

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.

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

6. According to section 7(1A)(a) of 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.

7. 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.

8. 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.

9. The main provisions of the subsidiary legislation are set out below –

- (a) the Education (Amendment) Regulation 2012 amends the Second Schedule to the Regulations to enable a person who has attained certain levels in the HKDSEE be employed as a teacher to teach –
 - (i) educational courses other than nursery, kindergarten, primary, secondary or post secondary education;
 - (ii) English; and
 - (iii) pupils undergoing nursery or kindergarten education;

- (b) the Education (Exemption) (Private Schools Offering Non-Formal Curriculum) (Amendment) Order 2012 amends the Order to enable a person who has attained certain levels in the HKDSEE to teach in an exempted school; and
- (c) the Hong Kong Examinations and Assessment Authority Ordinance (Amendment of Schedule 1) Order 2012 repeals the reference to HKCEE and HKALE in Schedule 1 to the HKEAAO.

LEGISLATIVE TIMETABLE

10. The legislative timetable will be –

Publication in the Gazette 17 February 2012

Tabling at the Legislative Council 22 February 2012
for negative vetting

IMPLICATIONS OF THE PROPOSAL

11. In line with the sustainability principle that Hong Kong should foster a stable, equitable and progressive society and enable present and future individuals to contribute to and fulfill their potential by providing universal access to adequate and appropriate educational opportunity and social infrastructure, the subsidiary legislation would recognise the HKDSEE qualifications as the qualifications for PTs, thereby enabling interested persons to enter the teaching profession.

12. The subsidiary legislation will not affect the binding effect of the existing provisions of the EO and the HKEAAO. It is in conformity with the Basic Law, including the provisions concerning human rights. It has no financial, economic, productivity, civil service or environmental implications.

PUBLIC CONSULTATION

13. We have consulted the Legislative Council Panel on Education about the subsidiary legislation. We have also consulted the Advisory Committee on Teacher Education and Qualifications about the proposed minimum HKDSEE qualifications for PTs. Both the Panel and the Committee have endorsed our proposals.

PUBLICITY

14. We will publish the subsidiary legislation in the Gazette.

ENQUIRIES

15. Any enquiries on this brief may be addressed to Ms Cora Ho, Principal Assistant Secretary for Education, at 3509 8521.

Education Bureau
17 February 2012

**EDUCATION (AMENDMENT) REGULATION 2012
EDUCATION (EXEMPTION) (PRIVATE SCHOOLS OFFERING
NON-FORMAL CURRICULUM) (AMENDMENT) ORDER 2012
HONG KONG EXAMINATIONS AND ASSESSMENT
AUTHORITY ORDINANCE (AMENDMENT OF SCHEDULE 1)
ORDER 2012**

Education (Amendment) Regulation 2012

(Made by the Chief Executive in Council under section 84 of the Education Ordinance (Cap. 279))

1. Commencement

This Regulation comes into operation on 19 April 2012.

2. Education Regulations amended

The Education Regulations (Cap. 279 sub. leg. A) are amended as set out in sections 3, 4 and 5.

3. Second Schedule, Part IIA amended (qualifications for a permitted teacher who is permitted to teach other educational courses)

(1) Second Schedule, English text, Part IIA, paragraph (1)—

Repeal

“Hong Kong Certificates”

Substitute

“certificates of the Hong Kong Certificate”.

(2) Second Schedule, English text, Part IIA, paragraph (1)(a)—

Repeal

“Certificate”

Substitute

“certificate”.

(3) Second Schedule, Part IIA, paragraph (1)(b)—

Repeal

“or”.

(4) Second Schedule, Part IIA, after paragraph (1)—

Add

“(1A) one or two certificates of the Hong Kong Diploma of Secondary Education Examination with an aggregate of 5 separate subjects consisting of—

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- (a) English Language or Chinese Language at Level 2 or a higher level;
 - (b) 2 subjects each of which is—
 - (i) a subject from the New Senior Secondary subjects at Level 2 or a higher level;
 - (ii) a subject from the Applied Learning subjects with an “Attained” or “Attained with Distinction” result; or
 - (iii) a subject from the Other Language subjects at Grade E or a higher grade; and
 - (c) 2 subjects each of which is—
 - (i) a subject from the New Senior Secondary subjects at Level 2 or a higher level; or
 - (ii) a subject from the Other Language subjects at Grade E or a higher grade; or”.
- (5) Second Schedule, Part IIA, paragraph (2)—

Repeal

“paragraph (1)”

Substitute

“paragraph (1) or (1A)”.

4. Second Schedule, Part III amended (qualifications for a permitted teacher who is permitted to teach English)

- (1) Second Schedule, Chinese text, Part III, paragraph (1) —

Repeal

“證書英國語文”

Substitute

“英國語文科”.

- (2) Second Schedule, Part III, after paragraph (1)—

Add

“(1A) Level 2 or a higher level in English Language in the Hong Kong Diploma of Secondary Education Examination;”.

- (3) Second Schedule, Part III, paragraph (3)—

Repeal

“equivalent to Grade E in English Language (Syllabus B) in the Hong Kong Certificate of Education Examination.”.

Substitute

“equivalent to—

- (a) Grade E in English Language (Syllabus B) in the Hong Kong Certificate of Education Examination; or

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(b) Level 2 in English Language in the Hong Kong Diploma of Secondary Education Examination.”.

5. Second Schedule, Part IV amended (qualifications for a permitted teacher who is permitted to teach pupils undergoing nursery or kindergarten education)

(1) Second Schedule, English text, Part IV, paragraph (2)—

Repeal

“Hong Kong Certificates”

Substitute

“certificates of the Hong Kong Certificate”.

(2) Second Schedule, Part IV, paragraph (2)—

Repeal

“Language; or”

Substitute

“Language;”.

(3) Second Schedule, Part IV, after paragraph (2)—

Add

“(2A) one or two certificates of the Hong Kong Diploma of Secondary Education Examination with an aggregate of 5 separate subjects consisting of—

(a) English Language at Level 2 or a higher level;

(b) Chinese Language at Level 2 or a higher level;

(c) 2 subjects each of which is—

(i) a subject from the New Senior Secondary subjects at Level 2 or a higher level;

(ii) a subject from the Applied Learning subjects with an “Attained” or “Attained with Distinction” result; or

(iii) a subject from the Other Language subjects at Grade E or a higher grade; and

(d) either of the following—

(i) a subject from the New Senior Secondary subjects at Level 2 or a higher level;

(ii) a subject from the Other Language subjects at Grade E or a higher grade; or”.

(4) Second Schedule, Part IV, paragraph (3)—

Repeal

“paragraph (1) or (2)”

Section 5

Substitute

“paragraph (1), (2) or (2A)”.

Clerk to the Executive Council

COUNCIL CHAMBER

2012

Explanatory Note
Paragraph 1

Explanatory Note

The main purpose of this Regulation is to amend the Second Schedule to the Education Regulations (Cap. 279 sub. leg. A) so that a person who has attained certain levels in the Hong Kong Diploma of Secondary Education Examination may be employed as a teacher to teach—

- (a) educational courses other than nursery, kindergarten, primary, secondary or post secondary education (see section 3);
- (b) English (see section 4); and
- (c) pupils undergoing nursery or kindergarten education (see section 5)

**EDUCATION (AMENDMENT) REGULATION 2012
EDUCATION (EXEMPTION) (PRIVATE SCHOOLS OFFERING
NON-FORMAL CURRICULUM) (AMENDMENT) ORDER 2012
HONG KONG EXAMINATIONS AND ASSESSMENT
AUTHORITY ORDINANCE (AMENDMENT OF SCHEDULE 1)
ORDER 2012**

**Education (Exemption) (Private Schools Offering Non-Formal
Curriculum) (Amendment) Order 2012**

(Made by the Chief Executive in Council under section 9(3) of the Education
Ordinance (Cap. 279))

1. Commencement

This Order comes into operation on 19 April 2012.

2. Education (Exemption) (Private Schools Offering Non-Formal Curriculum) Order amended

The Education (Exemption) (Private Schools Offering Non-Formal Curriculum) Order (Cap. 279 sub. leg. F) is amended as set out in sections 3, 4 and 5.

3. Section 2 amended (interpretation)

(1) Section 2, definition of *public examination*, after paragraph (a)—

Add

“(ab) the Hong Kong Diploma of Secondary Education Examination;”.

(2) Section 2, definition of *public examination*, paragraph (d)—

Repeal

“, (b)”

Substitute

“, (ab), (b)”.

4. Schedule 2, Part 2 amended (conditions for exemption)

(1) Schedule 2, Part 2, section 1—

Repeal

“that is, one or two Hong Kong Certificates”

Section 5

Substitute

“that is—

(a) one or two certificates of the Hong Kong Certificate”.

(2) Schedule 2, Part 2, section 1 –

Repeal

“(a) English”

Substitute

“(i) English”.

(3) Schedule 2, English text, Part 2, section 1 –

Repeal

“that Certificate”

Substitute

“that certificate”.

(4) Schedule 2, Part 2, section 1 –

Repeal

“(b) Chinese Language.”

Substitute

“(ii) Chinese Language; or”.

(5) Schedule 2, Part 2, after section (1a) –

Add

“(b) one or two certificates of the Hong Kong Diploma of Secondary Education Examination with an aggregate of 5 separate subjects consisting of—

- (i) English Language or Chinese Language at Level 2 or a higher level;
- (ii) 2 subjects each of which is—
 - (A) a subject from the New Senior Secondary subjects at Level 2 or a higher level;
 - (B) a subject from the Applied Learning subjects with an “Attained” or “Attained with Distinction” result; or
 - (C) a subject from the Other Language subjects at Grade E or a higher grade; and
- (iii) 2 subjects each of which is—
 - (A) a subject from the New Senior Secondary subjects at Level 2 or a higher level; or
 - (B) a subject from the Other Language subjects at Grade E or a higher grade.”.

5. Schedule 3, Part 2 amended (conditions for exemption)

(1) Schedule 3, Part 2, section 1—

Repeal

Section 5

“that is, one or two Hong Kong Certificates”

Substitute

“that is—

(a) one or two certificates of the Hong Kong Certificate”.

(2) Schedule 3, Part 2, section 1 –

Repeal

“(a) English”

Substitute

“(i) English”.

(3) Schedule 3, English text, Part 2, section 1 –

Repeal

“that Certificate”

Substitute

“that certificate”.

(4) Schedule 3, Part 2, section 1 –

Repeal

“(b) Chinese Language.”

Substitute

“(ii) Chinese Language; or”.

(5) Schedule 3, Part 2, after section 1(a) –

Add

“(b) one or two certificates of the Hong Kong Diploma of Secondary Education Examination with an aggregate of 5 separate subjects consisting of—

(i) English Language or Chinese Language at Level 2 or a higher level;

(ii) 2 subjects each of which is—

(A) a subject from the New Senior Secondary subjects at Level 2 or a higher level;

(B) a subject from the Applied Learning subjects with an “Attained” or “Attained with Distinction” result; or

(C) a subject from the Other Language subjects at Grade E or a higher grade; and

(iii) 2 subjects each of which is—

(A) a subject from the New Senior Secondary subjects at Level 2 or a higher level; or

(B) a subject from the Other Language subjects at Grade E or a higher grade.”.

Clerk to the Executive Council

COUNCIL CHAMBER

2012

Explanatory Note
Paragraph 1

Explanatory Note

The main purpose of this Order is to amend the Education (Exemption) (Private Schools Offering Non-Formal Curriculum) Order (Cap. 279 sub. leg. F) (***principal order***) so that a person who has attained certain levels in the Hong Kong Diploma of Secondary Education Examination may teach in an ***exempted school*** as defined under section 2 of the principal order.

**EDUCATION (AMENDMENT) REGULATION 2012
EDUCATION (EXEMPTION) (PRIVATE SCHOOLS OFFERING
NON-FORMAL CURRICULUM) (AMENDMENT) ORDER 2012
HONG KONG EXAMINATIONS AND ASSESSMENT
AUTHORITY ORDINANCE (AMENDMENT OF SCHEDULE 1)
ORDER 2012**

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

(Made by the Chief Executive in Council under section 8 of the Hong Kong Examinations and Assessment Authority Ordinance (Cap. 261))

1. Commencement

- (1) Subject to subsection (2), this Order comes into operation on 19 April 2012.
- (2) Section 3(2) comes into operation on 1 January 2014.

2. Hong Kong Examinations and Assessment Authority Ordinance amended

The Hong Kong Examinations and Assessment Authority Ordinance (Cap. 261) is amended as set out in section 3.

3. Schedule 1 amended (examinations)

- (1) Schedule 1—

Repeal

“The examination known at the commencement of this Ordinance as The Hong Kong Certificate of Education Examination.”

- (2) Schedule 1—

Repeal

“The examination known at the commencement of the Hong Kong Examinations Authority (Amendment) Ordinance 1987 (14 of 1987) as The Hong Kong Advanced Level Examination.”

Clerk to the Executive Council

COUNCIL CHAMBER

2012

Explanatory Note
Paragraph 1

Explanatory Note

This Order amends Schedule 1 to the Hong Kong Examinations and Assessment Authority Ordinance (Cap. 261). The Schedule specifies the examinations that The Hong Kong Examinations and Assessment Authority (**Authority**) is required to conduct. The Authority will no longer conduct The Hong Kong Certificate of Education Examination after 2011 and The Hong Kong Advanced Level Examination after 2013. Therefore, this Order repeals the references to those 2 examinations in the Schedule.