

## **LEGISLATIVE COUNCIL BRIEF**

### **EDUCATION ORDINANCE (Cap. 279)**

### **EDUCATION ORDINANCE (AMENDMENT OF SCHEDULE 3)**

### **NOTICE 2012**

## **INTRODUCTION**

The Secretary for Education (SED) will amend Schedule 3 to the Education Ordinance (Cap. 279) (the Ordinance) by the Education Ordinance (Amendment of Schedule 3) Notice 2012 (Notice) to be published in the Gazette. This brief explains the Notice at **Annex A**.

## **JUSTIFICATION**

2. The Ordinance requires all aided schools to set up an Incorporated Management Committee (IMC) to allow for participation of key stakeholders in school management, and to enhance transparency and accountability of school management. Direct Subsidy Scheme (DSS) schools and a list of specified schools in Schedule 3 to the Ordinance can however decide whether to apply to the Permanent Secretary for Education for establishing an IMC under the Ordinance.

3. Section 40AC of the Ordinance sets out the requirements which a school has to meet to be specified in Schedule 3, and provides that SED may by

notice published in the Gazette amend Schedule 3. In essence, these schools are non-DSS, non-aided primary or secondary schools in receipt of government subsidies such as the Capital Grant and Per Caput Grant. Copies of section 40AC of the Ordinance and Schedule 3 are at **Annex B**.

4. Since one school has become newly eligible and one existing specified school has become not eligible, SED needs to amend Schedule 3 to bring it up-to-date.

### **THE NOTICE**

5. The Notice made under section 40AC of the Ordinance is to amend Schedule 3 by adding the name and address of one newly eligible school to the Schedule and deleting the name and address of one existing specified school, which has become a DSS school, from the Schedule.

### **LEGISLATIVE TIMETABLE**

6. The Notice will be published in the Gazette on 16 March 2012 and tabled at the Legislative Council for negative vetting on 21 March 2012. Subject to negative vetting, the Notice will come into operation on 11 May 2012.

### **IMPLICATIONS**

7. The amendment to Schedule 3 has no economic, sustainability, financial or civil service implications. The Notice is in conformity with the

Basic Law, including the provisions concerning human rights. It will not affect the current binding effect of the Ordinance.

## **PUBLIC CONSULTATION**

8. The amendment is to update the factual information of the list of specified schools in Schedule 3. Public consultation is not necessary.

## **PUBLICITY**

9. As the amendment of Schedule 3 is technical in nature, there is no need of publicity.

## **ENQUIRIES**

10. Enquiries on this brief may be referred to Miss Bow Chi-fong, Senior Education Officer (School Registration and Compliance), at 2892 6337.

**Education Bureau**  
**March 2012**

**Education Ordinance (Amendment of Schedule 3)  
Notice 2012**

(Made by the Secretary for Education under section 40AC(1) of the  
Education Ordinance (Cap. 279))

**1. Commencement**

This Notice comes into operation on 11 May 2012.

**2. Education Ordinance amended**

The Education Ordinance (Cap. 279) is amended as set out in  
section 3.

**3. Schedule 3 amended (specified schools)**

(1) Schedule 3—

**Repeal**

“Confucius Hall Middle  
School

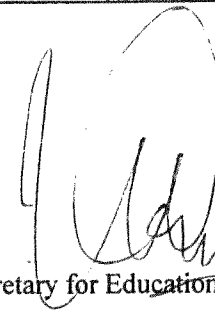
77 Caroline Hill Road,  
Hong Kong”.

(2) Schedule 3—

**Add in alphabetical order**

“Diocesan Girls’ Junior  
School

1 Jordan Road, Kowloon”.



Secretary for Education

*1 March* 2012

### Explanatory Note

Under sections 40BJ and 40BK of the Education Ordinance (Cap. 279), an aided school must establish an incorporated management committee, while a school that has joined the Direct Subsidy Scheme (*DSS school*) or that is a specified school in Schedule 3 to the Ordinance may establish an incorporated management committee. To be a specified school in the Schedule, a school must meet the conditions set out in section 40AC of the Ordinance, including that the school is not a DSS school.

2. This Notice amends the Schedule to—
  - (a) add 1 school to the Schedule; and
  - (b) delete 1 school, which has become a DSS school, from the Schedule.

**Education Ordinance (Cap. 279) - Section 40AC**

**Secretary for Education may amend Schedule 3**

- (1) The Secretary for Education may by notice published in the Gazette amend Schedule 3.
- (2) A school shall not be specified in Schedule 3 unless –
  - (a) the school is a primary school or secondary school;
  - (b) the school is neither an aided school nor a Direct Subsidy Scheme school;
  - (c) the school is a school without incorporated management committee;
  - (d) the school is not operated for the purpose of making profit;
  - (e) the sponsoring body of the school is not a profit-making organization;
  - (f) the school receives any subsidy from the Government; and
  - (g) the school is, in the opinion of the Permanent Secretary for Education, financially sound.

**SCHEDULE 3  
SPECIFIED SCHOOLS**

School Name	School Address
Confucius Hall Middle School	77 Caroline Hill Road, Hong Kong
Discovery College	38 Siena Avenue, Discovery Bay, Lantau Island, New Territories
The Independent Schools Foundation Academy	1 Kong Sin Wan Road, Pokfulam, Hong Kong
International Christian Quality Music Secondary and Primary School	182 Po Kong Village Road, Diamond Hill, Kowloon
International Christian School	1 On Muk Lane, Shatin, New Territories
Mu Kuang English School	55 Kung Lok Road, Kwun Tong, Kowloon
Po Leung Kuk Choi Kai Yau School	6 Caldecott Road, Shamshuipo, Kowloon
Renaissance College	No. 5 Hang Ming Street, Ma On Shan, Shatin, New Territories
S.K.H. All Saints' Middle School	11 Pak Po Street, Kowloon
United Christian College	9 & 11 Tong Yam Street, Tai Hang Tung, Shamshuipo, Kowloon
Victoria Shanghai Academy	19 Shum Wan Road, Aberdeen, Hong Kong
Yew Chung International School – Secondary	3 To Fuk Road, Kowloon Tong, Kowloon