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From : Clerk to the Legislative Council

To : All Members of the Legislative Council

Council meeting of 27 March 2019

**Amendments to Hon IP Kin-yuen's motion on
"Reviewing the implementation of school-based management"**

Further to LC Paper No. CB(3) 449/18-19 issued on 14 March 2019, three Members (Hon HO Kai-ming, Hon HUI Chi-fung and Hon CHEUNG Kwok-kwan) have respectively given notice of their intention to move separate amendments to Hon IP Kin-yuen's motion. As directed by the President, the amendments will be printed in the terms in which they were handed in.

2. The President will order a joint debate on the above motion and the amendments. To assist Members in debating the motion and the amendments, I set out below the procedure to be followed during the debate:

- (a) the President calls upon the mover of the motion to speak and move the motion;
- (b) the President proposes the question on the motion;
- (c) the President calls upon the Members who wish to move amendments to speak in the following order, but no amendment is to be moved at this stage:
 - (i) Hon HO Kai-ming;
 - (ii) Hon CHEUNG Kwok-kwan; and
 - (iii) Hon HUI Chi-fung;

- (d) the President calls upon the public officer(s) to speak;
- (e) the President invites other Members to speak;
- (f) the President calls upon the mover of the motion to speak on the amendments;
- (g) the President calls upon the public officer(s) to speak again;
- (h) in accordance with Rule 34(5) of the Rules of Procedure, the President has decided that he will call upon the Members concerned to move their amendments in the order set out in paragraph (c) above. The President invites the mover of the first amendment to move the amendment, and forthwith proposes and puts to vote the question on the first amendment;
- (i) after the first amendment has been voted upon, the Council deals with other amendments; and
- (j) after all amendments have been dealt with, the President calls upon the mover of the motion to reply. Thereafter, the President puts to vote the question on the motion, or the motion as amended, as the case may be.

3. For Members' reference, the terms of the original motion and the marked-up version of the amendments are set out in the **Appendix**.

(Dora WAI)
for Clerk to the Legislative Council

Encl.

(Translation)

**Motion debate on
“Reviewing the implementation of school-based management”**

1. Hon IP Kin-yuen’s original motion

That the recent incident of a teacher jumping to death in school has aroused extensive concern in society, and under the school-based management system, the teaching staff faces unfair treatment and their complaints are not handled effectively; the original intent of the school-based management system is to ‘put in place a more open, accountable and participatory school management structure’, and through the devolvement of responsibilities, schools can enjoy greater flexibility and autonomy in school management and use of resources, and schools can build up a management approach to complement school development based on their background, history and needs; in order to support the implementation of school-based management, the Government brought into effect the Education (Amendment) Ordinance 2004 on 1 January 2005 to provide the legal basis for the governance framework of school-based management and require all aided schools to each set up an Incorporated Management Committee (‘IMC’) for school management; in fact, most school principals in Hong Kong have worked wholeheartedly and shown excellent performance, but as greater autonomy and responsibilities are devolved to schools and due to a lack of check and balance in the school-based management system, incidents of alleged abuse of powers by IMCs or the school management have occurred one after another, and the complaints from the teaching staff and even those from school principals have not been handled effectively, and yet the Education Bureau has shirked its responsibilities on the pretext of showing respect to school-based management and returned the complaints to the schools for their own handling, arousing widespread discontent in the education sector; in fact, the Education Bureau has pointed out that there are ‘individual schools whose school managers lack the required knowledge and skills in school management, thus affecting the quality of school governance ... there are isolated cases in which supervisors cannot perform effectively the functions as stipulated in the Education Ordinance, or on certain occasions disregard the Education Bureau’s advice. Incompetent IMCs/supervisors may give room for school principals to wield too much power without proper check and balance or becoming too laid-back, thus adversely affecting the quality of school governance and management’; in this connection, this Council urges the Government to improve the policy of school-based management and the existing complaint mechanism, protect teachers from unfair treatment at an institutional level and foster a caring work environment with mutual trust in schools; the relevant measures should include:

- (1) while considering the views submitted by the Task Force on School-based Management Policy, conducting a comprehensive review of the school-based management system to ensure proper check and balance on the governance power of schools, increase the transparency of school governance and the participation by teachers, and value the views of teachers, thereby giving play to the concept of ‘participatory school management’;
- (2) proactively discharging the monitoring responsibilities in handling school complaints to ensure that schools will act in accordance with the requirements under the Codes of Aid, the relevant ordinances and so on, while proactively looking for the truth such that a fair outcome can be achieved for complaints;
- (3) urging IMCs to each establish an independent panel of inquiry for handling serious complaint cases, with the inclusion of independent persons in its membership;
- (4) increasing the opportunities for teachers to participate in school policies, and ensuring that teacher representatives in IMCs must be returned by democratic elections with full right of participation, and that they are afforded respect and protection in their expression of views and involvement in school policies;
- (5) restoring the consultative mechanism between teacher representatives and management committees and the one between teacher representatives and the Education Bureau;
- (6) positively promoting good management and a culture of participation in schools; and
- (7) facing up to the aspirations of the education sector over the years and expeditiously establishing an independent and professional General Teaching Council.

2. Motion as amended by Hon HO Kai-ming

That *although the school-based management system has been implemented for years, problems triggered by the relevant approach have still occurred in schools from time to time, such as* the recent incident of a teacher jumping to death in school has aroused extensive concern in society, and under the school-based management system, the teaching staff faces unfair treatment and their complaints are not handled effectively; the original intent of the school-based management system is to ‘put in place a more open, accountable

and participatory school management structure’, and through the devolvement of responsibilities, schools can enjoy greater flexibility and autonomy in school management and use of resources, and schools can build up a management approach to complement school development based on their background, history and needs; in order to support the implementation of school-based management, the Government brought into effect the Education (Amendment) Ordinance 2004 on 1 January 2005 to provide the legal basis for the governance framework of school-based management and require all aided schools to each set up an Incorporated Management Committee (‘IMC’) for school management; in fact, most school principals in Hong Kong have worked wholeheartedly and shown excellent performance, but as greater autonomy and responsibilities are devolved to schools and due to a lack of check and balance in the school-based management system, incidents of alleged abuse of powers by IMCs or the school management have occurred one after another, and the complaints from the teaching staff and even those from school principals have not been handled effectively, and yet the Education Bureau has shirked its responsibilities on the pretext of showing respect to school-based management and returned the complaints to the schools for their own handling, arousing widespread discontent in the education sector; in fact, the Education Bureau has pointed out that there are ‘individual schools whose school managers lack the required knowledge and skills in school management, thus affecting the quality of school governance ... there are isolated cases in which supervisors cannot perform effectively the functions as stipulated in the Education Ordinance, or on certain occasions disregard the Education Bureau’s advice. Incompetent IMCs/supervisors may give room for school principals to wield too much power without proper check and balance or becoming too laid-back, thus adversely affecting the quality of school governance and management’; in this connection, this Council urges the Government to improve the policy of school-based management and the existing complaint mechanism, protect teachers from unfair treatment at an institutional level and foster a caring work environment with mutual trust in schools; the relevant measures should include:

- (1) while considering the views submitted by the Task Force on School-based Management Policy, conducting a comprehensive review of the school-based management system to ensure proper check and balance on the governance power of schools, increase the transparency of school governance and the participation by teachers, and value the views of teachers, thereby giving play to the concept of ‘participatory school management’;
- (2) proactively discharging the monitoring responsibilities in handling school complaints to ensure that schools will act in accordance with the requirements under the Codes of Aid, the relevant ordinances and so on, while proactively looking for the truth such that a fair outcome can be achieved for complaints;

- (3) urging IMCs to each establish an independent panel of inquiry for handling ~~serious complaint cases~~ *each complaint case*, with the inclusion of ~~independent persons~~ *officials of the Education Bureau* in its membership;
- (4) increasing the opportunities for teachers to participate in school policies, and ensuring that teacher representatives in IMCs must be returned by democratic elections with full right of participation, and that they are afforded respect and protection in their expression of views and involvement in school policies; *and in the process of electing teacher representatives, all members of the top management of schools (including school principals and vice principals) must withdraw from the meeting and should not have the rights to vote and to stand for election, so as to ensure the impartiality of the teacher representative elections;*
- (5) *regularly monitoring the composition of IMCs to ensure that the membership of IMCs comprises various stakeholders;*
- ~~(5)~~(6) restoring the consultative mechanism between teacher representatives and management committees and the one between teacher representatives and the Education Bureau, *and assigning officials of the Education Bureau to conduct interviews annually with three teachers randomly selected from each school, so as to grasp the actual situation of governance in schools more effectively;*
- (7) *improving the appraisal mechanism by allowing teachers to rate school principals' performance in governance, so as to motivate school principals to fine-tune the school management approach;*
- ~~(6)~~(8) positively promoting good management and a culture of participation in schools; and
- ~~(7)~~(9) facing up to the aspirations of the education sector over the years and expeditiously establishing an independent and professional General Teaching Council.

Note: Hon HO Kai-ming's amendment is marked in *bold and italic type* or with deletion line.

3. Motion as amended by Hon CHEUNG Kwok-kwan

That *teachers in Hong Kong are under heavy work pressure, and* the recent incident of a teacher jumping to death in school has aroused extensive concern

in society, ~~and~~ **about whether**, under the school-based management system, the teaching staff faces unfair treatment and their complaints are not handled effectively; the original intent of the school-based management system is to ‘put in place a more open, accountable and participatory school management structure’, and through the devolvement of responsibilities, schools can enjoy greater flexibility and autonomy in school management and use of resources, and schools can build up a management approach to complement school development based on their background, history and needs; in order to support the implementation of school-based management, the Government brought into effect the Education (Amendment) Ordinance 2004 on 1 January 2005 to provide the legal basis for the governance framework of school-based management and require all aided schools to each set up an Incorporated Management Committee (‘IMC’) for school management; in fact, most school principals in Hong Kong have worked wholeheartedly and shown excellent performance, **and the school-based management system has also performed the function of upgrading school governance**, but as greater autonomy and responsibilities are devolved to schools ~~and due to a lack of check and balance in the school-based management system, incidents of alleged abuse of powers by IMCs or the school management have occurred one after another, and the complaints from the teaching staff and even those from school principals have not been handled effectively, and yet the Education Bureau has shirked its responsibilities on the pretext of showing respect to school-based management and returned the complaints to the schools for their own handling, arousing widespread discontent in the education sector,~~ **there have been problems of a lack of required knowledge and skills in school management on the part of some IMC members, poor school management or complaints not being handled effectively**; in fact, the Education Bureau has pointed out that there are ‘individual schools whose school managers lack the required knowledge and skills in school management, thus affecting the quality of school governance ... there are isolated cases in which supervisors cannot perform effectively the functions as stipulated in the Education Ordinance, or on certain occasions disregard the Education Bureau’s advice. Incompetent IMCs/supervisors may give room for school principals to wield too much power without proper check and balance or becoming too laid-back, thus adversely affecting the quality of school governance and management’; in this connection, this Council urges the Government to improve the policy of school-based management and the existing complaint mechanism, ~~protect teachers from unfair treatment at an institutional level and~~ **so as to better implement the original intent of the school-based management system, thereby enabling schools to foster a fair and caring work environment with mutual trust in schools**; the relevant measures should include:

- (1) while considering the views submitted by the Task Force on School-based Management Policy, conducting a comprehensive review of the school-based management system to ensure proper check and

balance on the governance power of schools, ~~increase the~~ **raise the standard and** transparency of school governance and, **assure** the participation by **various stakeholders, including school sponsoring bodies, school principals, teachers, parents and alumni**, and value the views of teachers **various stakeholders**, thereby giving play to the concept of 'participatory school management';

- (2) proactively discharging the monitoring responsibilities in handling school complaints to ensure that schools will ~~act~~, in accordance with the requirements under the Codes of Aid, the relevant ordinances and so on, ~~while proactively looking~~ **look** for the truth such that a fair outcome can be achieved for complaints, **and, where necessary, require intervention by the Education Bureau to rectify the management problems of the relevant schools;**
- (3) urging IMCs to each establish an independent panel of inquiry for handling serious complaint cases, with the inclusion of independent persons in its membership;
- (4) ~~increasing the opportunities for teachers to participate in school policies~~ **strengthening communication of the Education Bureau, IMCs and the school management with the stakeholders, including teachers, parents and alumni, in respect of school policies**, and ensuring that teacher representatives in IMCs ~~must be returned by democratic elections with full right of participation, and that they~~ **the views of these stakeholders** are afforded respect and ~~protection in their expression of views and involvement in school policies;~~ ; **measures include conducting studies on restoring the consultative mechanism between teachers and management committees and the one between teacher representatives and the Education Bureau;**
- ~~(5) restoring the consultative mechanism between teacher representatives and management committees and the one between teacher representatives and the Education Bureau;~~
- ~~(6)~~(5) positively promoting good management and a culture of participation in schools; and
- ~~(7) facing up to the aspirations of the education sector over the years and expeditiously establishing an independent and professional General Teaching Council~~
- (6) **before considering discussing the establishment of an independent and professional General Teaching Council, perfecting the functions of the Council on Professional Conduct in Education, and stepping up**

the promotion and application of the Code for the Education Profession of Hong Kong.

Note: Hon CHEUNG Kwok-kwan's amendment is marked in *bold and italic type* or with deletion line.

4. Motion as amended by Hon HUI Chi-fung

That the recent incident of a teacher jumping to death in school has aroused extensive concern in society, and under the school-based management system, the teaching staff faces unfair treatment and their complaints are not handled effectively; the original intent of the school-based management system is to 'put in place a more open, accountable and participatory school management structure', and through the devolvement of responsibilities, schools can enjoy greater flexibility and autonomy in school management and use of resources, and schools can build up a management approach to complement school development based on their background, history and needs; in order to support the implementation of school-based management, the Government brought into effect the Education (Amendment) Ordinance 2004 on 1 January 2005 to provide the legal basis for the governance framework of school-based management and require all aided schools to each set up an Incorporated Management Committee ('IMC') for school management; in fact, most school principals in Hong Kong have worked wholeheartedly and shown excellent performance, but as greater autonomy and responsibilities are devolved to schools and due to a lack of check and balance in the school-based management system, incidents of alleged abuse of powers by IMCs or the school management have occurred one after another, and the complaints from the teaching staff and even those from school principals have not been handled effectively, and yet the Education Bureau has shirked its responsibilities on the pretext of showing respect to school-based management and returned the complaints to the schools for their own handling, arousing widespread discontent in the education sector; in fact, the Education Bureau has pointed out that there are 'individual schools whose school managers lack the required knowledge and skills in school management, thus affecting the quality of school governance ... there are isolated cases in which supervisors cannot perform effectively the functions as stipulated in the Education Ordinance, or on certain occasions disregard the Education Bureau's advice. Incompetent IMCs/supervisors may give room for school principals to wield too much power without proper check and balance or becoming too laid-back, thus adversely affecting the quality of school governance and management'; in this connection, this Council urges the Government to improve the policy of school-based management and the existing complaint mechanism, protect teachers from unfair treatment at an institutional level and foster a caring work environment with mutual trust in schools; the relevant measures should include:

- (1) while considering the views submitted by the Task Force on School-based Management Policy, conducting a comprehensive review of the school-based management system to ensure proper check and balance on the governance power of schools, increase the transparency of school governance and the participation by teachers, and value the views of teachers, thereby giving play to the concept of ‘participatory school management’;
- (2) proactively discharging the monitoring responsibilities in handling school complaints to ensure that schools will act in accordance with the requirements under the Codes of Aid, the relevant ordinances and so on, while proactively looking for the truth such that a fair outcome can be achieved for complaints;
- (3) urging IMCs to each establish an independent panel of inquiry for handling serious complaint cases, with the inclusion of independent persons in its membership;
- (4) increasing the opportunities for teachers to participate in school policies, and ensuring that teacher representatives in IMCs must be returned by democratic elections with full right of participation, and that they are afforded respect and protection in their expression of views and involvement in school policies;
- (5) restoring the consultative mechanism between teacher representatives and management committees and the one between teacher representatives and the Education Bureau;
- (6) positively promoting good management and a culture of participation in schools; ~~and~~
- (7) facing up to the aspirations of the education sector over the years and expeditiously establishing an independent and professional General Teaching Council; *and*
- (8) *conducting studies on further increasing the opportunities for parents to participate in school policies under the framework of the Education Ordinance, so as to enable schools to fully address the needs of students and parents in school management and policies.*

Note: Hon HUI Chi-fung’s amendment is marked in *bold and italic type* or with deletion line.