

## **Education (Amendment) Ordinance 2001**

**Background:** Amendments were made to delete archaic provisions, remove unnecessary restrictions on schools, streamline administrative procedures, safeguard the rights of parents and students, and facilitate more effective enforcement of the Ordinance and Regulations.

**Date of Gazette:** 12 April 2001

**Commencement date:** 1 June 2001

- Details of amendments:**
- (a) Power of Inspectors of Schools  
Section 10 empowers the Director of Education or any inspector of schools during inspection to require any person found in the premises whom he reasonably believes to be guilty of an offence under the Ordinance to produce proof of identity, residential address and contact telephone number. It will be an offence if the individual refuses to provide the information required or provide false information (section 15(d)). The maximum fine is \$10,000.
  
  - (b) Control of false advertising by schools  
Section 14 provides that it will be an offence for schools to publish any advertisements containing false or misleading information relating to the schools. A fine of up to \$100,000 has been set for this offence. The same penalty level will also apply to the offences under sections 86A and 86B of the existing Ordinance.

(c) Making prosecution

Section 26 allows prosecutions for over-enrolment and over-charging/ collection without permission be instituted within six months from the date of discovery of the offence by the Director or any inspector of schools. Prosecution action for other offences under the Ordinance and the Regulations will continue to be taken within six months after an offence is committed. Section 16(3) provides that section 26 will not apply to offences under regulations 61, 62, 65, 66 or 87(2) committed before 1 June 2001.

(d) Collection of school fees

Section 21 provides for collection of school fees on an equal monthly basis. School fees should be collected on or after the first school day of each month of the period during which the educational course is conducted. A supervisor may require a pupil to register for an educational course by paying the first monthly instalment not earlier than one month before the commencement of the course. According to regulation 101(3) of the Regulations, it will be an offence for contravention of the above requirements. The maximum fine is \$50,000.

(e) Documents prescribed in the Ordinance

Sections 2(c), 4, 28 and 29 provide that the forms prescribed in the Education Regulations will be replaced by forms specified by the Director.

(f) Issue of manager's certificate

Section 5 removes the statutory requirement to issue to each school manager a certificate.

(g) Performance of principal's functions

Sections 6 and 15(b) enable a teacher who has been recommended by the school management committee for the Director's approval as the principal of a school to perform the principal's functions.

(h) Review of Attendance Orders

Sections 8, 9, 16 and 31 substitutes the Administrative Appeals Board for the Board of Review as the authority to which an appeal against an attendance order or any variation thereof may be brought.

(i) Closure of schools in bad weather

Section 11 empowers the Director to suspend the operation of schools during bad weather by making public announcements.

(j) Fire drills

Section 17 reduces the frequency of fire drills from at least once every month to at least once every six months.

(k) Fire services installation and equipment

Section 18 removes the requirement of re-charging fire extinguishers every year and requires the principal of a school to ensure that fire service installation or equipment is kept in good condition at all times.

(l) Gazetting and collection of fees

- Sections 12(c) and 19 remove the existing requirement of publishing school fees in the Gazette.
- Sections 20 and 22 provide that fees other than inclusive fees may be charged if previously approved by the Director in writing. Such approval should be kept exhibited together with the fees certificate at a prominent position in the school.

(m) Control over pupils' association

Section 23 removes the requirement to register pupils' associations with the Director.

(n) Number of pupils in a classroom

Section 25 states explicitly the Director's authority to limit the maximum number of pupils permitted in every classroom.