

HKFPE Position Paper:

Registration of Private Schools

The Issue

An unacceptable level of bureaucratic inflexibility is undermining the procedures deemed necessary for registering schools. This is an issue that has constituted a major drawback in the development of private sector education for many years. Remarkably, registering a private school in Hong Kong can take more than a year. The procedure is onerous and expensive, and discourages investment in the sector. The Federation believes there are ways the process can be improved.

Background

- Registration of all schools, including “Schools with Non-Formal Curriculum”, also known as “Private Schools”, is governed by the Education Ordinance, Chapter 279 (the “Ordinance”).
- A “**school**” is defined as “*an institution, organization or establishment which provides for 20 or more persons during any one day or 8 or more persons at any one time, any nursery, kindergarten, primary, secondary or post secondary education or any other educational course by any means, including correspondence delivered by hand or through the postal services.*” (Sec. 3)
- “*Every School shall be registered or provisionally registered*” (Sec. 10)
- Provisional registration requires that all documents and procedures required for full registration be produced. In other words, in order to comply with the requirements of Provisional Registration, one has to have all the government department approvals that are required for a Full Licence. The only difference between Provisional and Full licence is that for Full registration, the applicant must have a nominated Principal, who must be a registered teacher.
- The procedures for application to register a school are set out in Part II of the Ordinance.
- In practice, the requirements are for approvals to be obtained from at least the following bodies:
 1. The Town Planning Board
 2. The District Lands Office
 3. The Building Department
 4. The Fire Services Department
 5. The Health Department

6. The Education Department

- The major problem is that these Departments effect their investigations sequentially – that is, no department will visit to inspect premises until the previous department in the list has approved and chopped its approval document. Incidentally, there is no requirement in the Ordinance that necessitates this modus operandi.
- Members of the Federation have an extensive collective bank of experience in this area. In all cases known to members, Departments will **not** issue an approval on the first visit. Even if a location has been fitted out by a qualified and experienced contractor, with overview from an Authorised Person (AP) with extensive experience in schools, the department will find something to fault. Clearly, government departments believe that they must always find something objectionable to justify their existence.
- The result is a protracted process – first comes the application, then the request for inspection, then the inspection and “fault” -finding, fixing of “fault” , time taken for re-inspection, possible new “faults” found, in which case further work and inspection is involved, and so on. Only when all this has been negotiated is the chopped approval issued. Then the next Department on the list must be handled and in much the same manner. .
- This procedure is cumbersome and unnecessary. It is clearly unnecessary even on the strictest reading of the Ordinance, which nowhere requires that approvals be effected sequentially.
- Until recently, these bureaucratic obstacles were also shared by bar and restaurant owners but their problems have been largely eradicated by the establishment of a vetting board, which brings together all government departments to examine a licensing application simultaneously. Provided major criteria are satisfied, a license can be approved on a provisional basis and the owner can be operating legally in a week instead of the many months it took previously. The F&B operator then has six months in which to fix the issues identified and to apply for the full licence.
- The Federation believes that the government should streamline the procedures for Registration as a School.
- The Federation believes that such streamlining can be done in a way fully compliant with the requirements of the Ordinance. There will be nothing done that would in any way impact unfavourably on the safety, protection and welfare of students. On the contrary, if streamlined procedures were adopted, currently unregistered (and therefore unregulated and potentially dangerous) schools would be encouraged to come within the ambit of the Ordinance.

The Federation proposes:

- Concurrent inspection of proposed premises by relevant departments.
- Departments report to a “Vetting Board” comprising representatives of all the relevant Departments.
- The Vetting Board make its comments and identifies any deficiencies to be rectified, and, assuming that these deficiencies or not of a major nature, issues an “interim Certificate of Registration of a School” to the applicant.
- In order to ensure that the application can be considered by such a Vetting Board procedure, the applicant would have to have employed an AP with a certain number of years of experience in designing and outfitting schools. This person would be also be obliged to provide a report on compliance with the regulations.
- The Federation is keen to talk with the ED and other departments to discuss the implementation of such a system or, indeed, explore other solutions to this problem.

If such a system can be made to work in the F&B area (one with as many, if not more, safety issues as the Education sector), it can surely be made to work in the Education sector. Indeed, it is a method that could be applied to other areas of government subject to supervision and would help to give substance to Hong Kong’ s international reputation as a city that is flexible and efficient. It would also encourage much-needed private investment and create jobs.

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