

## LCQ6: Leak of public examination papers

Following is a question by the Hon Regina Ip and a reply by the Secretary for Education, Mr Kevin Yeung, in the Legislative Council today (June 27):

Question:

In recent years, there have been a number of incidents of suspected leak of public examination papers. Although the Hong Kong Examinations and Assessment Authority (HKEAA) has repeatedly stated that it attaches great importance to preserving the secrecy of examination papers and a mechanism is in place to tightly monitor and control the processes of design, review, printing, packing and distribution of examination papers, and that all personnel appointed or employed by HKEAA shall, under the law, preserve secrecy with regard to all matters coming to their knowledge in the performance of any function, some members of the public have indicated that they remain doubtful. In this connection, will the Government inform this Council:

(1) whether it knows if HKEAA, in the past three years, enhanced the mechanism for monitoring and preventing the leak of examination papers as well as for reporting suspected cases to the Independent Commission Against Corruption;

(2) whether the Education Bureau (EDB) will review the mechanism for its monitoring the performance of HKEAA; if EDB will, of the details; if not, the reasons for that; and

(3) whether it knows the number of incidents of a leak of examination papers in the past five years in which HKEAA had obtained evidence on the leak; whether it has assessed if such incidents have reflected a dereliction of duty on the part of the personnel of EDB or HKEAA; if it has assessed, of the outcome?

Reply:

President,

The Hong Kong Examinations and Assessment Authority (HKEAA) was set up under the Hong Kong Examinations and Assessment Authority Ordinance (HKEAAO) (Hong Kong Ordinances, Cap. 261) in 1977. It is an independent statutory body. Its major function is to administer public examinations in Hong Kong and to conduct various professional and international examinations. The HKEAA utilises its own income and assets to support its daily operation according to the HKEAAO and does not receive any recurrent subvention from the Government. It enjoys autonomy in its day-to-day operation. The members of the HKEAA are drawn from various sectors, including tertiary institutions,

schools, business and the Government. Apart from ex-officio members and members nominated by the Heads of Universities Committee, other members are appointed by the Chief Executive to perform the statutory functions of the HKEAA, which include monitoring the work of its Secretariat.

My reply to the questions raised by the Hon Regina Ip is as follows:

(1) The HKEAA has put in place a series of stringent measures and clear guidelines to ensure that public examinations are arranged and administered by examination personnel with strict confidentiality in accordance with the guidelines. According to Section 15 of the HKEAAO (Note), every person appointed or employed by the HKEAA shall preserve secrecy with regard to all matters coming to his knowledge in the performance of any function. Any person who contravenes the secrecy requirements commits an offence and is liable on conviction to a fine and to imprisonment for six months. This provision is applicable to examination personnel appointed by the HKEAA to assist in the administration of the Hong Kong Diploma of Secondary Education Examination (HKDSE), including centre supervisors and invigilators nominated by school principals who are also abided by the secrecy requirements. Markers, oral examiners and other examination personnel hired by the HKEAA must sign a confidentiality agreement and declare interest when they are appointed. The HKEAA also reminds examination personnel to maintain the confidentiality requirement during briefing sessions and in the guidelines for markers/oral examiners. Fairness and confidentiality in public examinations are of the utmost importance to the HKEAA. HKEAA staff would report to law enforcement agencies according to the established mechanism and guidelines should there be any suspected cases identified.

The HKEAA has also put in place a rigorous mechanism to ensure confidentiality of examination questions. Stringent security protocols and processes of designing, reviewing, printing, packing and distributing examination papers are established and implemented on the recommendations of the Corruption Prevention Department of the Independent Commission Against Corruption (ICAC). Each year, the HKEAA conducts comprehensive post-HKDSE reviews on the relevant arrangements and processes. These post-examination reviews and different types of internal audits are carried out to identify areas for improvement and to ensure that different risks associated with the HKDSE can be monitored and managed at a satisfactory level. To maintain the fairness, integrity and reliability of public examinations, the HKEAA seeks and heeds advice on improvement from the Corruption Prevention Department of ICAC from time to time. For example, on the advice of ICAC, the HKEAA has enhanced the guideline on nomination of invigilators by schools for the 2018 HKDSE. School principals have been advised against nominating as invigilators any person who has any association with tutorial schools.

(2) The HKEAA is an independent statutory body, performing its statutory function to conduct public examinations in Hong Kong in accordance with the HKEAAO. The HKEAA Council is the highest governing body for making decisions on and approving major plans, budgets, policies and regulations of the HKEAA, as well as appointing senior executives of the Secretariat. It also appoints standing committees which carry out their work in accordance with their prescribed terms of reference to support the governance of the HKEAA, or set

up working groups and sub-committees to take on important tasks. The Permanent Secretary for Education or his representative serves as an ex-officio member of the HKEAA and the Education Bureau is also represented on different committees to take part in its governance. Besides, under the HKEAAO, the HKEAA is required to submit its annual estimates of income and expenditure and programme of its proposed activities to the Government for approval, and to table its annual audited accounts and report of activities at the Legislative Council every year.

The above governance structure serves to effectively monitor the daily operation of HKEAA. The HKEAA Council supervises the operation and conduct of examinations from a strategic and macro perspective. Its relevant standing committee (namely the Public Examinations Board) oversees the implementation of public examinations.

The statutory function of the HKEAA is to plan and administer public examinations. The HKEAA is committed to ensuring the conduct of public examinations in a fair, effective and reliable manner. Under the supervision of the HKEAA Council, there is a stringent and well-proven mechanism in place to monitor the conduct of public examinations. The HKEAA will continue to strictly enforce procedures to safeguard confidentiality and will report any suspected breach to law enforcement agencies according to the existing guidelines.

(3) According to the latest information provided by the HKEAA, there is no incident of suspected leak of examination questions before examinations take place since the implementation of the HKDSE in 2012, and there is no dereliction of duty on the part of any staff. As to suspected incidents of not preserving secrecy, the HKEAA pointed out that there were only one confirmed case (involving uploading the marking schemes and oral questions of the 2012 HKDSE onto a tutorial website) while the few other suspected cases had been handled by the HKEAA in accordance with the established mechanism.

Thank you, President.

Note: Section 15(1) of the HKEAAO prescribes that "every person who has been appointed under or who is or has been employed in carrying out or assisting any person to carry out the provisions of this Ordinance –  
(a) shall preserve and aid in preserving secrecy with regard to all matters coming to his knowledge in the exercise or performance of any duty or function under this Ordinance;  
(b) shall not communicate any such matter to any person; and  
(c) shall not suffer or permit any person to have access to any records in the possession, custody or control of any person to whom this subsection applies."