

立法會

Legislative Council

LC Paper No. LS42/00-01

**Paper for the House Committee Meeting
of the Legislative Council
on 12 January 2001**

**Legal Service Division Report on
Education (Amendment) Bill 2000**

Object of the Bill

To address certain inadequate and obsolescent provisions in the principal ordinance and the Education Regulations.

LegCo Brief Reference

2. EMBCR2/3231/90 Pt.9 dated 20 December 2000, issued by the Education and Manpower Bureau.

Date of First Reading

3. 10 January 2001.

Comments

4. A miscellany of unrelated proposals are made in the Bill, dealing

with various aspects of the principal ordinance and the Education Regulations. The more important proposals are highlighted below -

- (a) the Director of Education will be empowered to delegate to any of his directorate officers his **power to exempt** certain schools or their owners, managers, teachers or pupils from the ordinance;
- (b) the person recommended by the school management committee to be the principal of a school will be allowed to perform the functions of a **principal** in the interim period after the recommendation has been submitted to the Director for approval;
- (c) the right of appeal in respect of an **attendance order** (requiring a parent to cause his child to attend school) will be made to the Administrative Appeals Board instead of to the Board of Review, which will be dissolved;
- (d) **inspectors of schools** will be empowered to require for the purposes of the inspection, persons found in school premises in the course of inspection to produce proof of identity, residential address and contact telephone number;
- (e) the Director will be able to **suspend the operation of schools** at short notice by public announcements on radio, television or newspaper if there is any immediate danger to persons in any school premises due to bad weather;
- (f) a new offence of publishing advertisements containing **false or misleading information** about the schools will be created, punishable with a fine of \$100,000 and the penalty of 2 existing offences prohibiting false advertisements in relation to their premises and prohibiting false claims that the schools are registered will also be raised to the same level;
- (g) **fire drills** will be required in school once every 6 months instead of monthly and the need to recharge fire extinguishers annually

will be removed provided that fire installations are kept in good condition at all times;

- (h) the requirement to gazette **inclusive fees** (school fees and miscellaneous fees) will be removed and the timing for their collection of will be rationalised;
- (i) the requirement to register **pupils' associations** will be removed;
- (j) the Director will be empowered explicitly to stipulate the maximum **number of pupils** permitted in every classroom; and
- (k) an **offence** under the ordinance may be prosecuted up to 6 months from the date of discovery of the offence instead of merely from the date of its commission.

Public Consultation

5. According to the LegCo Brief, the Board of Education has noted the proposals.

Consultation with LegCo Panel

6. The LegCo Panel on Education has been consulted on 20 November 2000.

Conclusion

7. The Bill introduces only minor changes of a mainly practical nature. Apart from a slight drafting problem, which the Administration has agreed to consider for amendment (please see attached correspondence), the Bill is in order. A further report will be made when firmer indication on any Committee Stage amendment is received from the Administration.

8. Members may wish to consider now whether there is any policy issue that they wish to pursue or defer their decision until the further report is available.

Encl

Prepared by

CHEUNG Ping-Kam, Arthur
Assistant Legal Adviser
Legislative Council Secretariat
9 January 2001

EMBCR 2/3231/90 Pt. 9
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Secretary for Education and Manpower
Education and Manpower Bureau
(Attn: Mr Patrick LI)
Prin AS EM (2))
Room 924, West Wing
CGO, Hong Kong

By Fax (2147 5720) and By Post

3 January 2001

Dear Madam

Education (Amendment) Bill 2000

I would be grateful if you could clarify by 8 January 2001 how, with reference to clause 25(b) of the captioned bill, the Director may limit the maximum number of pupils permitted in every classroom, the maximum number being already the limit?

Yours faithfully

(Arthur CHEUNG)
Assistant Legal Adviser

L/M to EMBCR 2/3231/90

LS/B/17/00-01

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10 January 2001

Mr Arthur Cheung
Assistant Legal Advisor
Legal Service Division
Legislative Council Secretariat

Dear Mr Cheung,

Education (Amendment) Bill 2000

Thank you for your letter of 3 January.

Our policy intention is to put it beyond doubt the Director of Education's power to stipulate the maximum number of pupils permitted in every classroom. Clause 25 is to reflect this intention. We have noted your comments on the wording of clause 25, and will consider whether and how the present wording may be improved on. If necessary, we are prepared to move a Committee Stage Amendment.

Yours sincerely,

(Miss Jenny Choi)
for Secretary for Education and Manpower

c.c. Law Draftsman (Attn.: Mr Gilbert Mo)