

**立法會**  
***Legislative Council***

LC Paper No. CB(2)1676/03-04

(These minutes have been  
seen by the Administration)

Ref : CB2/BC/4/02

**Bills Committee on  
Education (Amendment) Bill 2002**

**Minutes of meeting  
held on Wednesday, 3 March 2004 at 8:30 am  
in Conference Room A of the Legislative Council Building**

**Members  
present**

: Hon Cyd HO Sau-lan (Chairman)  
Ir Dr Hon Raymond HO Chung-tai, JP  
Hon CHEUNG Man-kwong  
Hon YEUNG Yiu-chung, BBS  
Hon Emily LAU Wai-hing, JP  
Hon SZETO Wah  
Hon Tommy CHEUNG Yu-yan, JP  
Hon Audrey EU Yuet-mee, SC, JP

**Members  
absent**

: Hon LEE Cheuk-yan  
Hon LEUNG Yiu-chung

**Public Officers  
attending**

: Mr M Y CHENG  
Deputy Secretary for Education and Manpower (3)

Mr Andrew POON  
Principal Assistant Secretary for Education and  
Manpower (Quality Assurance)

Mrs YU LAW Siu-man  
Senior Education Officer (Education Ordinance Review  
and Compliance)  
Education and Manpower Bureau

Mr Gilbert MO  
Deputy Law Draftsman (Bilingual Drafting and  
Administration)  
Department of Justice

Mr W L CHEUNG  
Senior Government Counsel  
Department of Justice

**Clerk in attendance** : Ms Doris CHAN  
Chief Council Secretary (2)2

**Staff in attendance** : Ms Bernice WONG  
Assistant Legal Adviser 1

Mr Stanley MA  
Senior Council Secretary (2)6

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## **I. Meeting with the Administration**

[LC Paper Nos. CB(2)1549/03-04(01) and (02)]

The Bills Committee deliberated on the Administration's papers on "School self-evaluation" and "One-line Vote" [LC Paper Nos. CB(2)1549/03-04(01) and (02)], and the necessary amendments to the Bill to address the main concerns of school sponsoring bodies (SSBs) about the Bill (index of proceedings attached at **Annex**).

### School self-evaluation and one-line vote

2. Members noted the Administration's papers entitled "School self-evaluation" and "One-line Vote" and agreed that both issues were outside the scope of the Bill. Members also agreed to refer the issue of "School self-evaluation" to the Panel on Education for follow-up.

### Inclusion of Direct Subsidy Scheme (DSS) schools under the Bill

3. Some members considered that the Bill should cover DSS schools as they also received government subsidy. They suggested that the Administration should explore the feasibility of requiring DSS schools to establish an Incorporated Management Committee (IMC) within the transitional period as provided in the Bill.

Amendments to address SSBs' concerns

4. Members agreed that it would be imprudent to enact the Bill without the support of SSBs, in particular those large SSBs which operated more than a hundred aided schools. Mr CHEUNG Man-kwong considered that to facilitate implementation of the Bill, if enacted, appropriate amendments should be proposed to address the main concerns of SSBs. Mr Tommy CHEUNG and Ir Raymond HO considered that the Bill should provide SSBs with flexibility in the implementation of the proposals in the Bill, in particular the establishment of an IMC in each aided school within a specified time frame.

5. With the concurrence of members present, the Chairman requested the Administration to consider the following proposals made by Mr CHEUNG Man-kwong and Mr Tommy CHEUNG -

- (a) review the powers and functions of a SSB and an IMC in sections 40AD and 40AE in order to allow a SSB to have full control of the use of funds other than government funds and assets owned by it or an IMC school, transferring the power of the IMC to use and invest the funds, borrow money and solicit and receive gifts or donations etc, to the SSB;
- (b) retain the post of supervisor by designating the chairperson of the IMC of an aided school as the supervisor;
- (c) empower a SSB to nominate the principals of their IMC schools subject to the endorsement of the IMC or provide a SSB with the power of veto in the appointment of the principal of an IMC school; and
- (d) provide more flexibility in the implementation of the proposals in the Bill, including removing the duty imposed on an operating aided school to establish an IMC, or extending the transitional period.

Way forward

6. The Chairman requested members to consult their respective parties on their stance towards the enactment of the Bill. She pointed out that if the different political parties did not support enactment of the Bill in principle, members would have to consider whether the Bills Committee should request the Administration to withdraw the Bill and re-consider the proposals in the Bill in the light of members' views and concerns.

7. Mr CHEUNG Man-kwong said that if the Administration agreed to the proposals in paragraph 5 above, the Chairman would organize informal

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meetings with large SSBs who had expressed strong objection to the Bill, to find out whether the proposed amendments could address their concerns. He urged the Administration to provide a written response to the proposals on or before 10 March 2004. The Administration agreed and expressed appreciation of members' efforts.

**II. Clause-by-clause examination of the Bill**  
[LC Paper No. CB(2)1549/03-04(03)]

8. The Bills Committee agreed to defer clause-by-clause examination of the Bill to a later stage.

**III. Any other business**

Date of next meeting

9. Members noted that the next meeting of the Bills Committee would be held on Wednesday, 17 March 2004 at 8:30 am.

[*Post-meeting note:* The meeting on 17 March 2004 was subsequently cancelled.]

10. The meeting ended at 10:15 am.

Council Business Division 2  
Legislative Council Secretariat  
23 March 2004

**Proceedings of the meeting of the Bills Committee on  
Education (Amendment) Bill 2002  
on Wednesday, 3 March 2004 at 8:30 am  
in Conference Room A of the Legislative Council Building**

Time marker	Speaker	Subjects	Action required
0436 - 0519	Chairman	Briefing	
0520 - 3414	Mr CHEUNG Man-kwong Chairman Mr YEUNG Yiu-chung ALA1 Mr Tommy CHEUNG Ms Emily LAU Admin	Suggestions to address the concerns of some large SSBs -  (a) the Bill should empower a SSB to have full control of the use of funds and assets owned by it or an IMC school;  (b) the post of supervisor should be retained by designating the chairperson of an IMC; and  (c) the Bill should empower SSBs to nominate or veto the appointment of principals of their IMC schools.	
3415 - 5700	Ms Emily LAU Chairman Mr SZETO Wah Mr CHEUNG Man-kwong Admin Mr Tommy CHEUNG	Views of the minority of the Advisory Committee on School-based Management and the operation of a two-tier governance structure as advocated by some large SSBs.	
5701 - 011555	Mr YEUNG Yiu-chung Chairman Mr Tommy CHEUNG ALA1 Ms Emily LAU Admin Ir Dr Raymond HO	Whether the Bill should cover DSS schools, and existing and future school management committees of non-IMC schools; and  Whether the Bill should provide flexibility in implementation in view of the complexity of the proposals in the Bill.	<b>See para 3 of the minute</b>

011556 - 013150	Mr CHEUNG Man-kwong Mr Tommy CHEUNG Chairman Ms Emily LAU Ir Dr Raymond HO	Consultation with SSBs on amendments to the Bill that could address SSBs' main concerns.	
013151 - 013904	Chairman Admin Mr YEUNG Yiu-chung	Administration's papers on school self-evaluations and one-line vote.	<b>See para 2 of the minutes</b>
013905 - 014710	Chairman Mr YEUNG Yiu-chung Mr CHEUNG Man-kwong Mr SZETO Wah	Way forward and date of next meeting	<b>See para 5, 6 and 7 of the minutes</b>

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