

**立法會**  
**Legislative Council**

LC Paper No. CB(2)2603/03-04

(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, 28 April 2004 from 8:30 am to 12:35 pm  
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 LEE Cheuk-yan  
Hon CHEUNG Man-kwong  
Hon LEUNG Yiu-chung  
Hon Emily LAU Wai-hing, JP  
Hon SZETO Wah  
Hon Tommy CHEUNG Yu-yan, JP  
Hon Audrey EU Yuet-mee, SC, JP
- Member absent** : Hon YEUNG Yiu-chung, BBS
- Public Officers attending** : Mr M Y CHENG, JP  
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 (School Registration 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)2166/03-04(01) and CB(2)2166/03-04(02)]

The Bills Committee deliberated (Index of proceedings at **Annex**).

**II. Clause-by-clause examination of the Bill**

[LC Paper No. CB(2)1964/03-04(01)]

2. The Bills Committee deliberated on Clause 17 of the Bill (proposed sections 40AF to 40AQ under Part III of the Education Ordinance - Index of proceedings at **Annex**).

3. The Bills Committee requested the Administration to -

Section 40AF - Certain property not to vest in IMC

- (a) examine the ownership and related issues in respect of land donated to a SSB or an IMC for the construction of or in support of the operation of a school, upon the dissolution of the SSB or the IMC;
- (b) specify the requirements and procedures for the transfer of documents, funds and assets, when an aided school became a DSS

school and decided to dissolve an established IMC after the transitional period;

Section 40AI- Supervisor

- (c) clarify whether giving notice in proposed new section 40AI and other sections included notification by way of electronic mail;

Section 40AJ - Functions of Supervisor

- (d) refine drafting of proposed new section 40AJ(1)(a) to allow flexibility in presiding IMC meetings by persons other than the Supervisor;

Section 40AJA - General requirement of composition

- (e) consider providing for more than one teacher manager in the case of a bi-sessional school in section 40AJA(2)(c);
- (f) refine drafting of the proposed new sections 40AJA(2)(c), (d), (e) and (f);
- (g) consider providing for an alternate manager for IMCs with more than one parent manager or one teacher manager, in line with the proposed amendment to provide one alternate SSB manager for IMCs in section 40AJA(2)(g);

Section 40AL - Nomination of teacher manager

- (h) consider specifying the right of a teacher to vote and stand in the election of a teacher manager of an IMC school under proposed new section 40AL(2)(c)(iii);

Section 40AM - Nomination of parent manager

Section 40AN - Nomination of alumni manager

- (i) examine whether a person who was a parent of a current pupil and a graduate of an IMC school should be allowed to stand in the elections of a parent manager and an alumni manager if such elections were held within the same period;
- (j) consider specifying the right of a parent to vote and stand in the election of a parent manager of an IMC school under proposed new section 40AM(5)(c)(iii);

- (k) confirm that SSB would recognize a body of persons as recognized alumni association instead of IMC

Section 40 AO - Nomination of independent manager

- (l) consider whether close relatives of a member of the governing body of a SSB other than those specified in proposed new section 40AO(2)(d) should also not be nominated as an independent manager for an IMC school;

Section 40AP - Exemption from composition requirements

- (m) refine the drafting of proposed new section 40AP(5) to facilitate interpretation of the section and make clear the policy intent; and

Section 40AQ - Provisions applicable to alternate managers

- (n) consider amending proposed new sections 40AQ(2) and (3) along the lines of new section 40AQ(1A).

**III. Any other business**

Date of next meeting

4. The Chairman reminded members that the next meeting would be held at 8:30 am on 5 May 2004 in Conference Room A.

5. The meeting ended at 12:35 pm.

Council Business Division 2  
Legislative Council Secretariat  
1 June 2004

**Proceedings of the meeting of the Bills Committee on  
Education (Amendment) Bill 2002  
on Wednesday, 28 April 2004 from 8:30 am to 12:35 pm  
in Conference Room A of the Legislative Council Building**

Time marker	Speaker	Subjects	Action required
<b>I. Meeting with the Administration</b>			
0355 - 0450	Chairman	Introduction	
0451 - 1748	Chairman Mr CHEUNG Man-kwong Admin Mr SZETO Wah	- Questions raised by Mr CHEUNG Man-kwong; and  - Recap of the main proposals raised at the previous meeting.	
<b>II. Clause by clause examination of the Bill</b>			
1749 - 5340	Chairman Mr CHEUNG Man-kwong Admin Ms Emily LAU Mr Tommy CHEUNG ALA1	Section 40 AF: Certain property not to vest in IMC  - Ownership of land which was donated to a SSB or an IMC for the construction or in support of the operation of a school upon the dissolution of the SSB or the IMC; and  - Transfer of documents, funds and assets when an aided school became a DSS school and decided to dissolve an established IMC after the transitional period.	<b>See para 3(a) of the minutes</b>  <b>See para 3(b) of the minutes</b>
5341 - 011030	Chairman Mr CHEUNG Man-kwong Admin Ms Emily LAU	Section 40AG: Irregular establishment, etc. do not affect contract	

011031 - 012310	Chairman Mr CHEUNG Man-kwong Mr Tommy CHEUNG Mr LEUNG Yiu-chung Mr SZETO Wah	40AI: Supervisor  Whether "giving notice" included notification by way of electronic mail.	<b>See para 3(c) of the minutes</b>
012311 - 014850	Chairman Admin Mr CHEUNG Man-kwong Ms Emily LAU Mr SZETO Wah Mr Tommy CHEUNG ALA1	Section 40AJ: Functions of Supervisor  Flexibility in presiding IMC meetings by persons other than the Supervisor.	<b>See para 3(d) of the minutes</b>
014851 - 021029	Chairman Mr CHEUNG Man-kwong Mr SZETO Wah Mr Tommy CHEUNG Ms Emily LAU	Section 40AJA: General requirement of composition	
021030 - 023117		Break	
023118 - 024531	Chairman Admin	Availability of sample constitution.	

024532 - 025240	<p>Chairman Ms Emily LAU Mr SZETO Wah Mr CHEUNG Man-kwong Admin Mr Tommy CHEUNG</p>	<p>40AJA: General requirement of composition</p> <ul style="list-style-type: none"> <li>- Provision of not more than one teacher manager in the morning session and the afternoon session of a bi-sessional school;</li> <li>- Provision of an alternate sponsoring body manager;</li> <li>- Refine drafting of the proposed new sections 40AJA(2)(c), (d), (e) and (f); and</li> <li>- Provision of an alternate parent manager for IMCs with more than one parent or one teacher manager.</li> </ul>	<p><b>See para 3(e) of the minutes</b></p> <p><b>See para 3(f) of the minutes</b></p> <p><b>See para 3(g) of the minutes</b></p>
025241 - 025500	<p>Chairman Mr CHEUNG Man-kwong Ms Emily LAU Admin</p>	<p>40AK: Nomination of sponsoring body manager</p>	
025501 - 030808	<p>Chairman Mr CHEUNG Man-kwong Admin Ms Emily LAU ALA1</p>	<p>40AL: Nomination of teacher manager</p> <p>Right of a teacher to vote and stand in the election of a teacher manager of an IMC school.</p>	<p><b>See para 3(h) of the minutes</b></p>

030809 - 033900	<p>Chairman Mr CHEUNG Man-kwong Admin Mr Tommy CHEUNG Mr LEE Cheuk-yan Ms Emily LAU</p>	<p>40AM: Nomination of parent manager 40AN: Nomination of alumni manager</p> <ul style="list-style-type: none"> <li>- Whether a person should be allowed to stand in the elections of a parent manager and an alumni manager which were held within the same period of time;</li> <li>- Right of a parent to vote and stand in the election of a parent manager of an IMC school; and</li> <li>- Recognition of alumni association by SSB.</li> </ul>	<p><b>See para 3(i) of the minutes</b></p> <p><b>See para 3(j) of the minutes</b></p> <p><b>See para 3(k) of the minutes</b></p>
033901 - 034320	<p>Chairman Mr CHEUNG Man-kwong</p>	<p>40AO: Nomination of independent manager</p> <p>Persons who should not be nominated as an independent manager of an IMC.</p>	<p><b>See para 3(l) of the minutes</b></p>
034321 - 035110	<p>Chairman Mr LEE Cheuk-yan Admin ALA1</p>	<p>40AP: Exemption from composition requirements</p> <p>Drafting of proposed new section 40AP(5).</p>	<p><b>See para 3(m) of the minutes</b></p>
035111 - 040139	<p>Chairman Mr CHEUNG Man-kwong Admin ALA1</p>	<p>40AQ: Provisions applicable to alternate managers</p> <p>Amendment to sections 40AQ(2) and (3).</p>	<p><b>See para 3(n) of the minutes</b></p>
040140 - 040819	<p>Chairman Mr CHEUNG Man-kwong Mr LEE Cheuk-yan Ms Emily LAU</p>	<p>Date of next meeting.</p>	