

**立法會**  
**Legislative Council**

LC Paper No. CB(2)2604/03-04  
(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, 5 May 2004 from 8:30 am to 12:45 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 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
- 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 (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 No. CB(2)2066/03-04(02)]

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

Proposed section 40AQ - Provisions applicable to alternate managers

2. Mr CHEUNG Man-kwong considered that the Permanent Secretary for Education and Manpower (PSEM) should not refuse the registration of an Incorporated Management Committee (IMC) manager or cancel the registration of an IMC manager who was elected by his voters on the ground that he was not accepted by the majority of IMC managers. Ms Audrey EU and Ms Emily LAU expressed support for Mr CHEUNG's view. Members in general considered that removal of an IMC manager from office should follow the procedures for his election. The Administration undertook to consider excluding IMC schools from sections 30(2) and 31(2)(a), and deleting the reference to the two sections from proposed new section 40AQ(4).

Admin

3. The Bills Committee requested the Administration to -

Proposed section 40AS - Filling of vacancies to maintain full composition

- (a) consider extending the period for an IMC to forward to PSEM an application of a qualified person to fill the vacancy in the office of a manager from one to three months;

- (b) review the mechanism or procedures for an IMC to maintain full composition if a qualified person was not nominated to fill a vacancy within a period of three months;

Proposed section 40AT - Expiry of term of office

- (c) consider whether it overlapped with the supervisor's function under proposed section 40AJ;

Proposed section 40AU - Resignation, etc. of manager

- (d) consider whether it overlapped with the supervisor's function under proposed section 40AJ;

Proposed section 40AV - Vacation of office of teacher manager, etc.

- (e) specify the requirement that a principal must make a written request to IMC for the cancellation or the registration of a teacher manager or an alternate teacher manager following a resolution passed by the teachers and (where applicable) specialist staff;
- (f) provide that an IMC might vacate the office of an independent manager;

Proposed section 40AW - Constitution of IMC

- (g) amend proposed new section 40AW(2), (3) and (4) to the effect that an IMC might amend its constitution without the prior written approval of PSEM, but any amendment reported to PSEM might be returned if it did not comply with the laws of Hong Kong;
- (h) set out the criteria for approval of an IMC constitution by PSEM;

Proposed section 40AX - delegation of functions

- (i) review the scope of an IMC's power to delegate its functions to its managers, and consider whether an IMC could delegate any function, except those specified under sections 40AD and 40AE, to a manager or an alternate manager for a general or particular purpose;

Proposed section 40AY - Director's nominee may attend meeting

- (j) specify the justifications for PSEM to nominate persons to attend IMC meetings under section 40AY(1), and review the need for

the section having regard to the existing powers of PSEM to intervene in the management of a school under section 41;

Proposed section 40BC - Dissolution

- (k) consider adding a provision to specify that properties not owned by the committee shall be returned to owners in the event of the dissolution of an IMC; and

Proposed section 40BF - Register of interests

- (l) consider allowing public access to the register of declarations and disclosures made by IMC managers under sections 40BD and 40BE respectively.

Other issues

Admin

- 4. Ms Emily LAU requested the Administration to highlight the areas of operation of Government schools which were consistent or not consistent with the requirements of the Bill, and provide justifications for any inconsistencies.

**II. Any other business**

Date of next and future meetings

- 5. Members noted that the next meeting would be held at 8:30 am on 12 May 2004 in Conference Room A. Members also agreed to hold meetings on 21 May 2004 after the House Committee meeting and on 2 and 9 June 2004 from 8:30 am to 12:45 pm.
- 6. The meeting ended at 12:45 pm.

Council Business Division 2  
Legislative Council Secretariat  
1 June 2004

## Annex

**Proceedings of the meeting of the Bills Committee on  
Education (Amendment) Bill 2002  
on Wednesday, 5 May 2004 from 8:30 am to 12:45 pm  
in Conference Room A of the Legislative Council Building**

Time marker	Speaker	Subjects	Action required
0000 - 0650	Chairman Ms Emily LAU Mr CHEUNG Man-kwong	Date of future meetings.	<b>See para 5 of the minutes</b>
<b>Meeting with the Administration : Clause by clause examination of the Bill</b>			
0651 - 4240	Chairman Admin Mr CHEUNG Man-kwong Ms Audrey EU Ms Emily LAU ALA1 Mr Tommy CHEUNG Mr SZETO Wah	Section 40AQ : Provisions applicable to alternate managers  the power of PSEM to refuse the registration of a manager under section 30(2) and to cancel the registration of a manager under section 31(2)(a); and  Vacation of the office of an independent manager.	<b>See para 2 of the minutes</b>  <b>See para 3(f) of the minutes</b>
4241 - 5150	Chairman Admin Mr CHEUNG Man-kwong Ms Audrey EU Ms Emily LAU	Section 40AR : Endorsement of application for registration as manager	

5151 - 015220	<p>Chairman Admin Mr CHEUNG Man-kwong ALA1 Ms Emily LAU Ms Audrey EU Mr SZETO Wah Mr YEUNG Yiu-chung</p>	<p>Section 40AS : Filling of vacancies to maintain full composition</p> <ul style="list-style-type: none"> <li>- Period for nomination of qualified person to fill any vacancy in the office of a manager;</li> <li>- Mechanism or procedures for maintaining full composition of an IMC; and</li> <li>- Consistency between the operation of Government schools and the requirements under the Bill.</li> </ul>	<p><b>See para 3(a) of the minutes</b></p> <p><b>See para 3(b) of the minutes</b></p> <p><b>See para 4 of the minutes</b></p>
015221 - 020650	<p>Chairman Mr CHEUNG Man-kwong Admin ALA1 Ms Audrey EU Mr SZETO Wah</p>	<p>Section 40AT : Expiry of term of office</p> <p>Drafting of the section; and</p> <p>Section 40ATA : Parent manager or independent managers ceases to hold office under certain circumstances</p>	<p><b>See para 3(c) of the minutes</b></p>
020651 - 020842	<p>Chairman Admin Mr CHEUNG Man-kwong Ms Emily LAU</p>	<p>Section 40AU : Resignation, etc. of manager</p> <p>Drafting of the section.</p>	<p><b>See para 3(d) of the minutes</b></p>
020843 - 022900		Break	
022901 - 023230	<p>Chairman Admin Mr CHEUNG Man-kwong</p>	<p>Section 40AV : Vacation of office of teacher managers, etc</p> <p>Cancellation of registration of a manager or an alternate manager.</p>	<p><b>See para 3(e) of the minutes</b></p>

023231 - 023850	Chairman Admin Mr CHEUNG Man-kwong Mr LEE Cheuk-yan	Section 40AW : Constitution of incorporated management committee  - Approval for amendment to an IMC constitution; and  - Criteria for approving IMC constitution and its amendments.	<b>See para 3(g) of the minutes</b>  <b>See para 3(h) of the minutes</b>
023851 - 030130	Chairman Admin Mr CHEUNG Man-kwong ALA1 Ms Emily LAU Mr LEUNG Yiu-chung	Section 40AX : Delegation of functions  Scope of IMC's power to delegate its functions to managers.	<b>See para 3(i) of the minutes</b>
030131 - 031845	Chairman Admin Mr LEE Cheuk-yan Mr LEUNG Yiu-chung Mr CHEUNG Man-kwong	Section 40AY : Director's nominee may attend meeting  Justifications for PSEM's power to nominate persons to attend IMC meeting and need of the section.	<b>See para 3(j) of the minutes</b>
031846 - 032000	Chairman Admin	Section 40AZ : Accounts of IMC	
032001 - 032220	Chairman Mr CHEUNG Man-kwong Admin	Section 40BA : Service of documents	
032221 - 033050	Chairman Mr CHEUNG Man-kwong	Section 40BB : Restrictions on execution of judgment by writ of fieri facias	
033051 - 033630	Chairman Admin Mr CHEUNG Man-kwong ALA1	Section 40BC : Dissolution  Return of land or properties to owners after dissolution of an IMC.	<b>See para 3(k) of the minutes</b>

033631 - 033900	Chairman Mr CHEUNG Man-kwong Admin	Section 40BD : Declaration of pecuniary or other personal interests annually	
033901 - 040010	Chairman Admin Mr CHEUNG Man-kwong Ms Audrey EU ALA1	Section 40BE : Disclosure of pecuniary or other personal interests	
040011 - 041425	Chairman Mr CHEUNG Man-kwong Admin Mr LEUNG Yiu-chung Mr LEE Cheuk-yan	Section 40BF : Register of interests  Access to the register of declarations and disclosures made under sections 40BD and 40BE.	<b>See para 3(l) of the minutes</b>

Council Business Division 2

Legislative Council Secretariat

1 June 2004