

**立法會**  
**Legislative Council**

LC Paper No. CB(2)3108/03-04

(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 Friday, 21 May 2004 from 3:20 pm to 5:20 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, 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

**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 (Index of proceedings at **Annex**).

Clause-by-clause examination of the Bill

2. Members noted that the Administration would amend clause 26(c) (section 60(1)) consequential to the proposed amendments to the establishment of IMC in respect of operating and planned non-aided school in receipt of Government subsidies. Members also noted that Assistant Legal Adviser 1 would collaborate with the Administration on the drafting of the proposed amendments to the offences and penalties in section 87.

3. The Bills Committee requested the Administration to -

*Section 53 - Approval of first principal of school*

*Section 56 - Grounds for withdrawal of approval of principal*

- (a) review the power of and the procedures for the Permanent Secretary for Education and Manpower (PSEM) to approve or withdraw the approval of a principal of an IMC school if it appeared to her that the selected candidate was not or the appointed principal was no longer a fit and proper person;

*Proposed section 57A - Principal selection committee*

- (b) consider including section 57 in proposed section 40AEA(1)(a)(ii);

*Section 62 - Procedures on appeal*

- (c) consider specifying a requirement that an appeal relating to the registration or cancellation of the registration of a principal should be heard by an Appeal Board with at least three principals as members;

*Section 83 - Powers of Director to close school or give directions in cases of danger or misconduct*

- (d) consider repealing section 83(1)(b), and explain why the paragraph was not included in proposed new section 83(1AA) as one of the necessary conditions for PSEM to serve an order under section 83(1); and

*Section 87 - Offences and penalties*

- (e) review the justifications for the existing levels of penalties for the stipulated offences under the section in the light of the establishment of an IMC and its role and functions in the management of a school, and examine whether failure to comply with administrative procedures or requirements should be criminalized.

**II. Any other business**

Date of next meeting

4. Members noted that the next meeting would be held on 27 May 2004 from 2:00 pm to 5:00 pm.
5. The meeting ended at 5:20 pm.

Council Business Division 2  
Legislative Council Secretariat  
16 July 2004

**Proceedings of the meeting of the Bills Committee on  
Education (Amendment) Bill 2002  
on Friday, 21 May 2004 from 3:20 pm to 5:20 pm  
in Conference Room A of the Legislative Council Building**

<b>Time marker</b>	<b>Speaker</b>	<b>Subjects</b>	<b>Action required</b>
0206 - 2515	Chairman Admin Mr CHEUNG Man-kwong Ms Emily LAU Mr LEUNG Yiu-chung ALA1	Section 53 : Approval of first principal of school	<b>See para 3(a) of the minutes</b>
2516 - 3550	Chairman Admin Mr CHEUNG Man-kwong Ms Emily LAU	Section 56 : Grounds for withdrawal of approval of principal	<b>See para 3(a) of the minutes</b>
3551 - 3830	Chairman Admin Mr CHEUNG Man-kwong	Section 57 : Approval of subsequent principals	
3831 - 5210	Chairman Admin Mr CHEUNG Man-kwong Ms Emily LAU Mr SZETO Wah ALA1	Section 57A : Principal selection committee	<b>See para 3(b) of the minutes</b>
5211 - 5516	Chairman Admin Mr CHEUNG Man-kwong	Section 58 : Functions of Principal;  Section 58AA : Performance of functions of principal by candidate;  Section 58B : Application for permission to continue to employ serving teachers or principals of aided schools;	
5517 - 011122	Chairman Admin Mr CHEUNG Man-kwong	Section 60 : Director to serve notice of decision on person adversely affected; and  Section 62 : Procedures on appeal.	<b>See para 2 and 3(c) of the minutes</b>
011123 - 011250	Chairman Mr CHEUNG Man-kwong Admin	Section 72A : Sponsoring body's views take priority over management committee's;  Section 74 : Power of Director to order attendance at primary school or secondary school; and  Section 82 : Power of Director to direct remedial measures.	

011251 - 012200	Chairman Mr CHEUNG Man-kwong Admin Ir Raymond HO	Section 83 : Powers of Director to close school or give directions in cases of danger or misconduct	<b>See para 3(d) of the minutes</b>
012201 - 012630	Chairman Admin	Section 80 : Regulations	
012631 - 015900	Chairman Mr CHEUNG Man-kwong Admin Ms Emily LAU ALA1 Mr LEUNG Yiu-chung	Section 87 : Offences and penalties	<b>See para 2 and 3(e) of the minutes</b>
015901 - 020000	Chairman	Date of next meeting.	

Council Business Division 2  
Legislative Council Secretariat  
16 July 2004