

立法會
Legislative Council

LC Paper No. CB(2)3132/03-04

(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, 28 May 2004 from 3:15 pm to 4:50 pm
in Conference Room B 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 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

I. Meeting with the Administration
[LC Paper Nos. CB(2)2578/03-04(01) - (03)]

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

Transitional period for the establishment of Incorporated Management Committee (IMC)

2. Mr CHEUNG Man-kwong said that he was considering proposing a Committee Stage amendment (CSA) to the effect that the Legislative Council (LegCo) might extend the five-year transitional period by way of a resolution passed at a Council meeting. He stressed that before a resolution to that effect was put to vote at LegCo, Members should have considered the results of a review on the implementation of the Bill which would be conducted by the Administration three years after the commencement date.

3. Mr CHEUNG explained that the proposed CSA should not affect the provisions of the Bill and the discretion of the Administration to amend the Education Ordinance after the amendments commenced. The proposed CSA would only provide for a mechanism to extend the transitional period for the establishment of IMC in aided schools after three years from the commencement of the Ordinance. Mr CHEUNG suggested that the Administration should propose the CSA and requested the Secretary for Education and Manpower (SEM) to elaborate on his stance on the matter at the meeting on 3 June 2004.

Admin

4. Mr Tommy CHEUNG expressed concern that aided schools might adopt a wait-and-see approach in the establishment of an IMC if there was a possibility that the five-year transitional period would be extended by a LegCo resolution. He considered that schools would be more proactive in establishing an IMC if the law required such establishment in five years' time. Deputy Secretary for Education and Manpower (3) said that the Administration shared the view of Mr CHEUNG.

5. Mr CHEUNG Man-kwong considered that aided schools intending to establish an IMC would not wait for the results of the review. Mr LEUNG Yiu-chung expressed a similar view and said that the timing for the establishment of an IMC in individual schools would not be affected by Mr CHEUNG's proposal. Mr CHEUNG also considered that the Administration should take the initiative to amend the relevant provisions of the Education Ordinance or extend the transitional period if there were serious problems arising from the implementation of the Bill.

Admin

6. The Chairman suggested that the Administration should set out the scope and criteria for the review on the implementation of the Bill. Mr CHEUNG Man-kwong also suggested that the Administration should consider commissioning an independent academic institution to conduct the review.

Clause-by-clause examination of the Bill

Section 87 - Offences and penalties

7. The Bills Committee requested the Administration to -
- (a) delete "unsatisfactory conduct of pupils" in section 83(1)(b) as a reason for the Permanent Secretary for Education and Manpower (PSEM) to order the temporary closing of a school; and
 - (b) redraft the section to reflect more clearly the policy intent that PSEM would order the temporary closing of a school in case the conduct or behavior of any person would constitute an immediate danger or immediate risk of danger to other persons in the school.

II. Any other business

Date of next meeting

8. Members noted that the next meeting would be held on 2 June 2004 from 8:30 am to 12:45 pm.

9. The meeting ended at 4:50 pm.

Council Business Division 2
Legislative Council Secretariat
21 July 2004

**Proceedings of the meeting of the Bills Committee on
Education (Amendment) Bill 2002
on Friday, 28 May 2004 from 3:15 pm to 4:50 pm
in Conference Room B of the Legislative Council Building**

Time marker	Speaker	Subjects	Action required
0000 - 0600	Chairman Mr CHEUNG Man-kwong	Briefing on the Administration's paper in response to issues raised at the meetings on 21 and 28 April 2004.	
0601 - 3900	Chairman Admin Mr CHEUNG Man-kwong Ms Audrey EU Mr Tommy CHEUNG Mr LEUNG Yiu-chung	CSA to empower LegCo to extend the transitional period by way of a resolution passed at a Council meeting.	See para 3 and 6 of the minutes
3901 - 4925	Chairman Admin Mr CHEUNG Man-kwong Mr LEUNG Yiu-chung	Service agreement and transitional period	
4926 - 5205	Chairman Admin	Legal support services to IMC and managers, and sample constitutions and guidelines on election of managers, and deletion of proposed section 40CC.	
5206 - 5400	Chairman Admin	Merger of schools	
5401 - 5636	Chairman Admin Mr CHEUNG Man-kwong	Composition of IMC	
5637 - 5735	Chairman Admin Mr CHEUNG Man-kwong Mr LEE Cheuk-yan	Nomination of manager	
5736 - 013700	Chairman Admin Mr CHEUNG Man-kwong ALA1	Amendments to section 87 - Offences and Penalties (LC Paper No.CB(2)2578/03-04(01) refers).	See para 7 of the minutes
013701 - 013946	Chairman Mr Tommy CHEUNG Mr CHEUNG Man-kwong Admin	Any other business	