

立法會
Legislative Council

LC Paper No. CB(2)3133/03-04

(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, 2 June 2004 from 8:30 am to 1:08 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

I. Confirmation of minutes

[LC Paper Nos. CB(2)2603/03-04, CB(2)2604/03-04 and
CB(2)2605/03-04]

The minutes of the meetings held on 28 April, 5 and 12 May 2004 were confirmed.

II. Meeting with the Administration

[LC Paper Nos. CB(2)362/03-04(01), CB(2)2578/03-04(01)-(03) and
CB(2)2601/03-04(01)]

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

3. Members expressed concern about the Secretary for Education and Manpower (SEM)'s comments to the media on 1 June 2004 on the slow progress of the Bills Committee's deliberations. The Chairman requested Deputy Secretary for Education and Manpower (3) to convey the concerns of members to SEM for a written response.

The Administration's response to issues raised at the meetings on 5, 12 and 19 May 2004

4. Members requested the Administration to -

- (a) specify the procedures for the appointment of a manager by the Permanent Secretary for Education and Manpower (PSEM) in case an IMC failed to fill a vacancy in the office of a manager in accordance with new section 40AS;
- (b) provide a sample constitution to the Bills Committee for its scrutiny before the resumption of the second reading debate on the Bill;
- (c) refine the drafting of the proposed Committee Stage amendment (CSA) to proposed section 40AY to the effect that PSEM should obtain the agreement of an IMC before nominating a public officer to attend its meeting;
- (d) consider allowing public access to the records of IMC meetings in respect of any disclosures of pecuniary or personal interests by managers at IMC meetings in accordance with section 40BE;
- (e) consider specifying the criteria for PSEM to refuse the registration of an IMC manager in accordance with section 30;
- (f) refine the drafting of section 30(1A)(b)(ii) to the effect that PSEM would not refuse the registration of an IMC manager on the ground that he was aged 70 or above, if he was certified physically fit to perform the functions of an IMC manager by a registered medical practitioner;
- (g) refine the drafting of proposed section 40BM(4) to the effect that no compensation was payable by the Government to a supervisor or manager who ceased to be so employed by a SSB after the establishment of an IMC; and
- (h) consider specifying the arrangements for the continuation of existing contracts or service agreements between the contractors or service providers and an aided school after the establishment of an IMC.

Grounds for PSEM to refuse to register an IMC manager

5. Members expressed different views on the power of PSEM to refuse an application for registration of an IMC manager on the ground that the applicant was not a "fit and proper" person. The Chairman considered it inappropriate for PSEM to refuse the registration of an elected parent (including alternate parent manager) or alumni manager on such ground. The Administration responded that it was necessary for PSEM to retain the power to refuse the registration of an appointed or elected manager whom she considered not a fit

and proper person to be an IMC manager. The Chairman advised the meeting that she would move a CSA to the effect that parent managers, alternate parent managers and alumni managers who were elected in accordance with proposed new sections 40AM and 40AN should be exempted from the application of section 30(1)(b).

Clause-by-clause examination of the Bill

6. The Bills Committee deliberated on the offences and penalties under proposed new section 87(3)(g), (l), (m) and (n), (3A), (3B) and (6).

III. Any other business

7. Members noted that the next meeting would be held on Thursday, 3 June 2004 at 2:00 pm.

8. The meeting ended at 1:08 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 Wednesday, 2 June 2004 from 8:30 am to 1:08 pm
in Conference Room A of the Legislative Council Building**

Time marker	Speaker	Subjects	Action required
0000 - 1406	Chairman Admin Mr CHEUNG Man-kwong Mr SZETO Wah Ms Audrey EU	Introduction and SEM's comments on the deliberation progress of the Bills Committee.	See para 3 of the minutes
1407 - 1437	Chairman	Confirmation of minutes of meetings held on 28 April, 5 and 12 May 2004.	
Clause by clause examination of the Bill			
1438 - 2450	Chairman Mr CHEUNG Man-kwong Admin ALA1	Offences and penalties under sections 87(3)(g), (l), (m) and (n).	
2451 - 2900	Chairman Admin Mr CHEUNG Man-kwong	Offences and penalties under sections 87(3A) and (3B).	
2901 - 3100	Chairman Admin	Offence and penalty under section 87(6).	
The Administration's responses to issues raised at the meetings on 5, 12 and 19 May 2004.			
3101 - 4405	Chairman Mr CHEUNG Man-kwong Admin Mr Tommy CHEUNG Mr SZETO Wah Ms Emily LAU	Section 40AS : Filling of vacancies to maintain full composition - Extending the period for nomination or election of managers from one month to three months under section 40AS; and - Appointment of IMC managers by PSEM in case of incomplete composition.	See para 4(a) of the minutes
4406 - 010000	Chairman Admin Ms Emily LAU Mr CHEUNG Man-kwong	Section 40AW : Constitution of IMC Criteria for approval of an IMC constitution by PSEM.	See para 4(b) of the minutes
010001 - 013100	Chairman Admin Mr CHEUNG Man-kwong Ms Emily LAU Mr LEE Cheuk-yan Mr SZETO Wah	Section 40AY : Director's nominee may attend meeting Agreement of IMC for PSEM to nominate persons to attend its meetings.	See para 4(c) of the minutes

013101 - 015330	Chairman Admin Mr CHEUNG Man-kwong Ms Emily LAU Mr SZETO Wah Mr LEE Cheuk-yan Ir Dr Raymond HO	Section 40BF : Register of interests Public access to the register of declarations and disclosures made by IMC managers under sections 40BD and 40BE.	See para 4(d) of the minutes
015331 - 021153		Break	
021154 - 021529	Chairman Ms Emily LAU	Meeting with SEM at the meeting on 3 June 2004, and request for SEM to provide the Bills Committee with a statement to clarify the comments he made to the press on 1 June 2004.	
021530 - 021650	Chairman Admin	Section 40BQ : Transitional provisions for dissolution of school management company	
021651 - 033930	Chairman Mr CHEUNG Man-kwong Admin Ms Emily LAU Mr Tommy CHEUNG Mr LEE Cheuk-yan Mr LEUNG Yiu-chung	Section 40BR : Failure to establish IMC; and Section 30 : Grounds for refusal to register manager Interpretation of a "fit and proper person" for registration as an IMC manager.	See para 4(e), (f) and 5 of the minutes
033931 - 034826	Chairman Admin Mr CHEUNG Man-kwong ALA1 Mr Tommy CHEUNG	Section 40 BM : Incorporation Policy intent of specifying no compensation would be payable by the government to any person who ceased to be a supervisor or manager, and compensation for a person who was employed by a SSB before the establishment of an IMC.	See para 4(g) of the minutes
034827 - 043400	Chairman Admin Mr LEE Cheuk-yan Mr Tommy CHEUNG Mr CHEUNG Man-kwong Mr LEUNG Yiu-chung	Section 40 BO : Transitional provisions for establishment of IMC Impact of the section on a school and its contractors or service providers in respect of the validity of their existing contracts or agreements.	See para 4(h) of the minutes
043401 - 043433	Chairman Admin	Any other business.	

Council Business Division 2
Legislative Council Secretariat
 21 July 2004