

立法會
Legislative Council

LC Paper No. CB(2)533/03-04
(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 Thursday, 13 November 2003 at 2:30 pm
in Conference Room A of the Legislative Council Building**

- Members present** : Hon Cyd HO Sau-lan (Chairman)
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
- Members absent** : Ir Dr Hon Raymond HO Chung-tai, JP
Hon YEUNG Yiu-chung, BBS
- 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 (Education Ordinance Review
and Compliance)

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 Assistant Secretary (2)2

Staff in attendance : Ms Bernice WONG
Assistant Legal Adviser 1

Mr Stanley MA
Senior Assistant Secretary (2)6

I. Confirmation of minutes
[LC Paper No. CB(2)302/03-04]

The minutes of the meeting held on 30 October 2003 were confirmed with the amendment of adding ‘a teacher or’ before ‘a parent’ in paragraphs 5 and 5(b) of the minutes.

II. Meeting with the Administration
[LC Paper Nos. CB(2)300/03-04(01) and CB(2)1723/02-03(01)
circulated to members]

2. The Bills Committee discussed the way forward and deliberated on paragraphs 40 to 43 of the Administration's response to issues raised at the meetings on 17 and 27 March 2003 [LC Paper No. CB(2)1723/02-03(01)] (Index of proceedings attached at **Annex**).

Way forward

3. Members in general agreed that there were issues in the Bill which should be resolved to facilitate passage of the Bill. They discussed with the Administration the concerns of School Sponsoring Bodies (SSBs) about the Bill and the need to further consult the key stakeholders. Some members expressed concern that the Bill in its present draft, if enacted, would create disputes and conflicts among the key stakeholders during implementation. To

Adm facilitate deliberation work, members requested the Administration to consolidate its response to members' views and concerns at meetings in one paper and prepare a set of Committee Stage amendments (CSAs) to be proposed for members' consideration. The Bills Committee would then decide the date for further consultation with deputations.

Adm 4. The Administration responded that it was well aware of the concerns of some SSBs about the establishment of an Incorporated Management Committee (IMC) and the participation of parents, teachers and alumni in IMC. In fact, the Administration had started another round of consultation and scheduled meetings to consult individual SSBs on the merits and demerits of the Bill in respect of the powers of SSBs in school management. The Administration would revert to the Bills Committee when the results of the consultation were available. At the request of Ms Emily LAU, the Administration agreed to prepare a summary of the positive and negative views received from SSBs for members' easy reference.

Insurance cover for liability

5. Members expressed concern about the legal liabilities of IMC managers which might arise as a result of their performance of IMC duties. The Administration was requested to –

- (a) clarify whether IMC managers in the discharge of IMC duties were covered by the Block Insurance Policy for aided schools; and
- (b) describe the additional insurance that could be provided to IMC managers and clarify whether IMC managers should pay the costs of such insurance.

IMC Constitution

Adm 6. Mr CHEUNG Man-kwong requested the Administration to provide a sample constitution. He considered that the sample constitution should cater for different circumstances for SSBs to follow. The Administration undertook to provide the sample constitution as soon as practicable.

III. Any other business

Date of next meeting

7. Members noted that the next meeting would be held on Friday, 21 November 2003 at 10:45 am.

8. The meeting ended at 4:15 pm.

Council Business Division 2
Legislative Council Secretariat
4 December 2003

**Proceedings of the meeting of the Bills Committee on
Education (Amendment) Bill 2002
on Thursday, 13 November 2003 at 2:30 pm
in Conference Room A of the Legislative Council Building**

Time marker	Speaker	Subjects	Action required
0634 -0742	Chairman Mr SZETO Wah	Confirmation of minutes	
0743 - 013100	Mr Tommy CHEUNG Chairman Mr LEE Cheuk-yan Ms Emily LAU Mr SZETO Wah ALA	<ul style="list-style-type: none"> - Members' queries on the proposals in the Bill and their views on the way forward; and - Consultation with SSBs conducted by the Administration. 	See para 3 and 4 of the minutes
013101 - 014352	Chairman Mr CHEUNG Man-kwong Mr SZETO Wah	Scope of the Block Insurance Policy for aided schools and additional insurance for IMC managers in performance of their IMC duties.	See para 5(a) and (b) of the minutes
014353 - 014732	Chairman Mr CHEUNG Man-kwong	Provision of sample constitution.	See para 6 of the minutes
014733 - 014756	Chairman	Date of next meeting	