

立法會
Legislative Council

LC Paper No. CB(2)948/03-04
(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, 5 December 2003 at 10:45 am
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
- Member attending** : Hon Bernard CHAN, 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 (Education Ordinance Review
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 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 Nos. CB(2)380/03-04 and CB(2)533/03-04]

The minutes of the meetings held on 7 and 13 November 2003 were confirmed.

II. Meeting with the Administration

[LC Paper No. CB(2)532/03-04(01) circulated to members]

2. Members deliberated on the Administration's response to issues raised at the meetings on 7 and 13 November 2003 [LC Paper No. CB(2)532/03-04(01)] (Index of proceedings attached at **Annex**).

Protection of Incorporated Management Committee (IMC) managers against legal liabilities

3. Members deliberated on the scope of the Block Insurance Policy (BIP) for aided schools. Members in general expressed concern that under BIP, IMC managers were not protected from legal liabilities such as professional liability, employment practices liability and educators legal liability. In response to members' request, Hon Bernard CHAN briefed members on the scope and estimated costs of professional indemnity and Directors and Officers liability insurance, which could provide protection to IMC managers against the liabilities excluded under BIP.

4. The Administration explained that an IMC was an independent legal entity which would be held responsible for civil liabilities arising from its acts in its own name. Under the Bill, proposed new section 40BG provided that IMC managers would not incur personal civil liabilities when discharging their duties as managers if they had acted in good faith. To further protect IMC managers, the Administration would move a Committee Stage amendment to specify in the Bill that any claim for liability shall be enforced against the IMC to the exclusion of managers.

Adm 5. Members requested the Administration to examine whether professional indemnity and Directors and Officers liability insurance should be included under BIP to further protect IMC managers against legal liabilities. Members also considered that the Administration should consult School Sponsoring Bodies on the matter, and briefed serving and prospective IMC managers on the legal liabilities which were not covered under the current BIP.

Adm

III. Any other business

Meeting with deputations

Adm/Clerk 6. Members agreed to hold two meetings on 14 and 16 January 2004 at 8:30 am to receive deputations. Mr CHEUNG Man-kwong requested the Administration to collaborate with the Secretariat to prepare an updated summary of response to members' concerns in a user friendly style for distribution to the deputations and individuals to be invited to attend the meeting on 14 or 16 January 2004.

(Post-meeting note: As the two time slots had since been taken up by Policy Briefings, the above two meetings were rescheduled to 12 February at 4:30 pm and 13 February at 8:30 am respectively.)

7. Members also agreed to cancel the two meetings scheduled for 12 and 18 December 2003 respectively.

8. The meeting ended at 12:30 pm.

Council Business Division 2
Legislative Council Secretariat
9 January 2004

**Proceedings of the meeting of the Bills Committee on
Education (Amendment) Bill 2002
on Friday, 5 December 2003 at 10:45 am
in Conference Room A of the Legislative Council Building**

Time marker	Speaker	Subjects	Action required
0000 - 0217	Chairman	Confirmation of minutes.	
0218 - 0717	Chairman Admin	Briefing on the Administration's response to members' concerns raised at the meeting on 21 November 2003 in respect of protection of school managers against legal liabilities provided under BIP for aided schools, and additional insurance coverage relevant to the functions of IMC managers.	
0718 - 1403	Chairman Mr Bernard CHAN	Comments on the scope and coverage of BIP in protection of IMC managers from civil liability claims, and the availability of additional insurance coverage for IMC managers.	
1404 - 2203	Chairman Mr CHEUNG Man-kwong Mr Bernard CHAN Mr LEE Cheuk-yan Mr SZETO Wah	Inadequacy of BIP in protection of IMC managers against liability claims.	
2204 - 010359	Chairman Ms Audrey EU Mr Bernard CHAN Mr CHEUNG Man-kwong Mr YEUNG Yiu-chung Ms Emily LAU Admin	The need of professional liability insurance and Director and Officers liability insurance for IMC managers; the costs incurred and the party to pay the cost.	

010400 - 012524	Mr SZETO Wah Chairman Mr Tommy CHEUNG Mr CHEUNG Man-kwong	<ul style="list-style-type: none">- IMC managers should be briefed on the legal liabilities which were not protected under BIP;- Admin should reconsider the inclusion of professional liability and Directors and Officers liability insurance under BIP; and- Consultation with school sponsoring bodies on protection of IMC managers against civil liability claims.	See para 5 of the minutes
012525 - 013904	Chairman Mr CHEUNG Man-kwong Mr Tommy CHEUNG	Further consultation on the Bill.	See para 6 of the minutes

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