

LC Paper No. CB(2)2942/03-04(04)

EDUCATION (AMENDMENT) BILL 2002

COMMITTEE STAGE

Amendments to be moved by the Hon LEE Cheuk-yanClauseAmendment Proposed

17

By adding after the proposed section 40AE –

**“ 40AEA. Power of sponsoring body over employment of
teaching staff and non-teaching staff**(1) The sponsoring body of a school which is also the
sponsoring body of another school –

(a) may request –

(i) the incorporated management of the
first-mentioned school to terminate the
employment of a person as the principal of the
school; and(ii) the incorporated management committee of the
other school to recommend for approval the person
to be the principal of the school under section 53 or
57;

(b) may request –

(i) the incorporated management of the
first-mentioned school to terminate the
employment of a person as a teacher of the school;
and(ii) the incorporated management committee of the
other school to employ the person as a teacher of
the same rank of the school;

(c) may request –

(i) the incorporated management of the
first-mentioned school to terminate the
employment of a person as a non-teaching staff of
the school; and(ii) the incorporated management committee of the
other school to employ the person as a

non-teaching staff of the school of the same rank or on terms comparable to his original employment.

(2) A sponsoring body shall not request the taking of any action under subsection (1) unless –

- (a) the action is conducive to the professional or occupational development of the person concerned;
- (b) the action is necessary to avoid or alleviate over-establishment or redundancy of staff due to a reduction of classes in the school concerned; or
- (c) the Permanent Secretary approves the request upon –
 - (i) an application by the sponsoring body; and
 - (ii) other good cause being shown to his satisfaction.

(3) An incorporated management committee shall take such action within its lawful authority as is necessary for the compliance with a request made of it under subsection (1).

(4) For the purposes of this section, “a non-teaching staff” (非教學職員) means a person who is employed by a school and who is not employed as the principal or a teacher of the school.”.