

立法會
Legislative Council

Ref : CB2/BC/15/04

LC Paper No. CB(2)1093/06-07
(These minutes have been seen by
the Administration)

**Bills Committee on
Accreditation of Academic and Vocational Qualifications Bill**

**Minutes of meeting
held on Friday, 26 January 2007, at 8:30 am
in Conference Room A of the Legislative Council Building**

- Members present** : Hon TAM Yiu-chung, GBS, JP (Chairman)
Hon LEE Cheuk-yan
Hon Margaret NG
Hon CHAN Yuen-han, JP
Hon SIN Chung-kai, JP
Hon Jasper TSANG Yok-sing, GBS, JP
Hon Andrew CHENG Kar-foo
Hon LI Fung-ying, BBS, JP
Hon Vincent FANG Kang, JP
Dr Hon Joseph LEE Kok-long, JP
Dr Hon Fernando CHEUNG Chiu-hung
Hon WONG Ting-kwong, BBS
- Members absent** : Hon LEUNG Yiu-chung
Hon Tommy CHEUNG Yu-yan, JP
Hon Andrew LEUNG Kwan-yuen, SBS, JP
Hon LEUNG Kwok-hung
- Public Officers attending** : Mrs Betty FUNG
Deputy Secretary for Education and Manpower
- Mr Daniel CHENG
Principal Assistant Secretary for Education and
Manpower
- Mr Thomas WU
Assistant Secretary for Education and Manpower

Mr Leonora IP
Senior Government Counsel
Department of Justice

Mr Peter CHEUNG
Executive Director
Hong Kong Council for Academic Accreditation

Ms Connie LOK
Senior Registrar
Hong Kong Council for Academic Accreditation

Clerk in attendance : Mrs Sharon TONG
Chief Council Secretary (2)1

Staff in attendance : Mr Stephen LAM
Assistant Legal Adviser 4

Mr Raymond LAM
Senior Council Secretary (2) 5

Action

I. Meeting with the Administration

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

2. The Bills Committee requested the Administration -
 - (a) to consider deleting the reference to "law", "commerce" and "finance" in new clause 10(3)(a)(ii) of the Bill;
 - (b) to consider deleting the reference to "commerce" and "finance" in the proposed section 17B(3)(b) of the Hong Kong Council for Accreditation of Academic and Vocational Qualifications Ordinance;
 - (c) to consider adding in clause 35 a provision similar to new clause 12A(4) of the Bill; and
 - (d) to consider adding an express provision in the Bill to the effect that rules made under new clause 10(7) of the Bill were subsidiary legislation subject to scrutiny by the Legislative Council.

Action

3. The Administration agreed to consider the suggestion of setting out the time-frame for dealing with appeals in the rule to be made under new clause 10(7) of the Bill.

II. Date of next meeting

4. The Bills Committee noted that the next meeting would be held on 1 February 2007 at 2:30 pm to continue discussion with the Administration.

5. The meeting ended at 10:40 am.

Council Business Division 2
Legislative Council Secretariat
13 February 2007

**Proceedings of the meeting of the
Bills Committee on
Accreditation of Academic and Vocational Qualifications Bill
on Friday, 26 January 2007, at 8:30 am
in Conference Room A of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action Required
000000 - 000307	Chairman	Opening remarks	
000308 - 000434	Chairman Admin	Examination of clause 44	
000435 - 000514	Chairman Admin	Examination of clause 45	
000515 - 000734	Chairman Admin	Examination of clause 46	
000735 - 000846	Chairman Admin	Examination of clause 47	
000847 - 001027	Chairman Admin	Examination of clause 48	
001028 - 001449	Chairman Admin	Examination of Schedule 1 and Schedule 2	
001450 - 001943	Admin	Briefing on Part A of the Administration's paper entitled "Proposed Committee Stage amendments" (LC Paper No. CB(2)934/06-07(02))	
001944 - 002342	Hon LI Fung-ying Chairman Admin	Whether a legal adviser to a company would be entitled to be heard before the Appeal Board under new clause 12A(4)	

Time marker	Speaker	Subject(s)	Action Required
002343 - 003535	Chairman Admin	Range of the number of panel members of the Appeal Board; Chinese counterpart of the term "presiding officer"; circumstances under which the Appeal Board might, after considering an appeal, direct the Accreditation Authority or the Qualifications Register Authority to review the decision or determination under appeal; difference and relationship between the proposed appeal mechanism and review mechanism	
003536 - 003916	Hon LI Fung-ying Admin	Whether the decision of the Appeal Board was subject to judicial review; setting out the time-frame for dealing with appeals in the rules to be made under new clause 10(7)	
003917 - 004307	Hon WONG Ting-kwong Admin ALA4	Whether the cessation of a person's membership in the Appeal Board would be published in the Gazette; reasons for charging fees for reviews but not for appeals	
004308 - 012514	Admin Hon LI Fung-ying Hon LEE Cheuk-yan Hon CHAN Yuen-han Chairman ALA4	Examination of clause 35; differences between the proposed appeal mechanism and review mechanism; publicity on such differences; drafting of the proposed section 17B(3)(b) of the Hong Kong Council for Accreditation of Academic and Vocational Qualifications Ordinance; adding in clause 35 a provision similar to new clause 12A(4) of the Bill; requirement on the provision of information under the proposed section 17C(1)(c) of the Ordinance	Admin to consider deleting the reference to "commerce" and "finance" in the proposed section 17B(3)(b) of the Hong Kong Council for Accreditation of Academic and Vocational Qualifications Ordinance; to consider adding in clause 35 a provision similar to new clause 12A(4) of the Bill

Time marker	Speaker	Subject(s)	Action Required
012515 - 013656	Admin Chairman ALA4	Examination of the CSAs proposed by the Administration to the enacting formula, clause 5, clause 7 and clause 8; drafting of new clause 7(3A)	
013657 - 020749	Admin Hon CHAN Yuen-han Hon LI Fung-ying Hon Margaret NG Chairman ALA4	Examination of the CSAs proposed by the Administration to clause 9 and clause 10; drafting of new clause 10(6); deleting the reference to "law", "commerce" and "finance" in new clause 10(3)(a)(ii); authority for making rules under new clause 10(7); adding an express provision in the Bill to the effect that rules made under new clause 10(7) of the Bill were subsidiary legislation subject to scrutiny by the Legislative Council	Admin to consider adding an express provision in the Bill to the effect that rules made under new clause 10(7) of the Bill were subsidiary legislation subject to scrutiny by the Legislative Council; to consider deleting the reference to 'law', 'commerce' and 'finance' in new clause 10(3)(a)(ii)
020750 - 020818	Chairman	Date of next meeting	