

# 立法會

## *Legislative Council*

LC Paper No. CB(2)1191/06-07  
(These minutes have been seen  
by the Administration)

Ref : CB2/BC/15/04

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

**Minutes of meeting  
held on Thursday, 1 February 2007, at 2:30 pm  
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 LEUNG Yiu-chung  
Hon SIN Chung-kai, JP  
Hon Jasper TSANG Yok-sing, GBS, JP  
Hon LI Fung-ying, BBS, JP  
Hon Tommy CHEUNG Yu-yan, JP  
Hon Vincent FANG Kang, JP  
Hon Andrew LEUNG Kwan-yuen, SBS, JP  
Hon LEUNG Kwok-hung  
Dr Hon Fernando CHEUNG Chiu-hung

**Members absent** : Hon Andrew CHENG Kar-foo  
Dr Hon Joseph LEE Kok-long, JP  
Hon WONG Ting-kwong, BBS

**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

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Action

**I. Meeting with the Administration**

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

2. The Bills Committee requested the Administration to -
  - (a) to reconsider whether rules made under new clause 10(7) of the Bill should be made solely by the Chairman of the Appeal Board;
  - (b) to consider stating in the speech to be delivered by the Secretary for Education and Manpower during the resumption of Second Reading debate on the Bill that rules made under new clause 10(7) of the Bill were subsidiary legislation subject to scrutiny by the Legislative Council;
  - (c) to provide samples of notice of appeals similar to the one specified under new clause 11(2) of the Bill;

Action

- (d) to consider providing for the removal of Chairman, Deputy Chairman or panel member of the Appeal Board under certain circumstances; and
- (e) to consider amending new clause 13(4)(iii) of the Bill along the lines that it would be a defence for a person charged to prove that he had taken certain steps to prevent the commission of the offence.

**II. Date of next meeting**

- 3. The Bills Committee noted that the next meeting would be held on 14 February 2007 at 2:30 pm to continue discussion with the Administration.
- 4. The meeting ended at 4:30 pm.

Council Business Division 2  
Legislative Council Secretariat  
1 March 2007

**Proceedings of meeting of the  
Bills Committee on  
Accreditation of Academic and Vocational Qualifications Bill  
on Thursday, 1 February 2007, at 2:30 pm  
in Conference Room A of the Legislative Council Building**

<b>Time marker</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action Required</b>
000000 - 000355	Chairman	Opening remarks	
000356 - 005011	Admin Chairman Hon CHAN Yuen-han Hon TSANG Yok-sing Hon LEUNG Yiu-chung Hon LI Fung-ying Hon LEUNG Kwok-hung ALA4	Administration's response in respect of whether it was necessary to include an express provision to the effect that rules made under new clause 10(7) were subsidiary legislation subject to scrutiny of the Legislative Council (LegCo) (LC Paper No. CB(2)995/06-07(01)); whether rules under new clause 10(7) should be made solely by the Chairman of the Appeal Board	<b>Admin to reconsider whether rules made under new clause 10(7) should be made solely by the Chairman of the Appeal Board, to consider stating in the speech to be delivered by the Secretary for Education and Manpower during the resumption of Second Reading debate on the Bill that rules made under new clause 10(7) were subsidiary legislation subject to scrutiny by LegCo</b>
005012 - 005747	Admin Chairman Hon LI Fung-ying	Examination of the Committee Stage amendments (CSAs) proposed by the Administration to clause 11; providing samples of notice of appeals similar to the one specified under new clause 11(2)	<b>Admin to provide samples of notice of appeals similar to the one specified under new clause 11(2)</b>
005748 - 011654	Admin Chairman Hon LI Fung-ying ALA4	Examination of new clause 12 and the CSAs proposed by the Administration to the clause; effect of new clause 12(1)(a); providing for the removal of the Chairman, Deputy Chairman or panel member of the Appeal Board under certain circumstances	<b>Admin to consider providing for the removal of the Chairman, Deputy Chairman or panel member of the Appeal Board under certain circumstances</b>

Time marker	Speaker	Subject(s)	Action Required
011655 - 012148	Admin Chairman	Examination of new clause 12A; whether similar procedures were adopted by other appeal boards/ committees	
012149 - 013200	Admin Chairman Hon LEUNG Yiu-chung	Examination of new clause 12B and 12C and the CSAs proposed by the Administration to new clause 12B; time-frame for determination of an appeal	
013201 - 013402	Hon Margaret NG Chairman	Whether it was necessary to include an express provision to the effect that rules made under new clause 10(7) were subsidiary legislation subject to scrutiny of LegCo	
013403 - 013554	Admin Chairman	Examination of new clause 12D	
013555 - 015559	Admin Chairman Hon TSANG Yok-sing Hon Margaret NG Hon LI Fung-ying	Examination of the CSAs proposed by the Administration to clause 13; requirements under clause 13(1)(a); amending new clause 13(4)(iii) of the Bill along the lines that it would be a defence for a person charged to prove that he had taken certain steps to prevent the commission of the offence	<b>Admin to consider amending new clause 13(4)(iii) along the lines that it would be a defence for a person charged to prove that he had taken certain steps to prevent the commission of the offence</b>
015600 - 015653	Chairman	Date of next meeting	