

# 立法會

## *Legislative Council*

LC Paper No. LS36/07-08

**Paper for the House Committee Meeting  
on 18 January 2008**

**Legal Service Division Report on  
Munsang College and Heep Yunn School (Change of Corporate Names  
and General Amendments) Bill 2008**

### **I. SUMMARY**

- 1. Objects of the Bill**            To amend the Munsang College Incorporation Ordinance (Cap. 1094) (MCIO) and the Council of Heep Yunn School Incorporation Ordinance (Cap. 1099) (CHYSIO) to:

  - (a) bring the provisions of MCIO and CHYSIO in line with the Education (Amendment) Ordinance 2004; and
  - (b) make other miscellaneous amendments to MCIO and CHYSIO.
  
- 2. Comments**                    The Bill makes provisions for the establishment and naming of the incorporated management committees (IMC) of the two schools and provides that the management of the IMC shall be governed by their Constitution.
  
- 3. Public Consultation**        No public consultation has been carried out but the school sponsoring bodies of the two schools were consulted on the Bill and agreed with the amendments.
  
- 4. Consultation with LegCo Panel**        No LegCo Panel has been consulted.
  
- 5. Conclusion**                    Subject to a minor Committee Stage amendment proposed by the Administration, the Bill is ready for resumption of Second Reading Debate.

## **II. REPORT**

### **Objects of the Bill**

The objects of the Bill are-

- (a) to bring the provisions of MCIO and CHYSIO in line with the Education (Amendment) Ordinance 2004 (the Amendment Ordinance); and
- (b) to make miscellaneous amendments to MCIO and CHYSIO.

### **LegCo Brief Reference**

- 2. EDB(SBM)/ADM/10/1/5(4C) issued by the Education Bureau on 2 January 2008.

### **Date of First Reading**

- 3. 16 January 2008.

### **Comments**

#### Background

- 4. The Amendment Ordinance came into operation on 1 January 2005, making provisions for the establishment of incorporated management committee (IMC) to manage certain types of schools, including Munsang College and Heep Yunn School. The school sponsoring bodies (SSB) of the relevant schools are also required to submit to the Permanent Secretary for Education a draft constitution for the operation of IMC. As the present amendments are necessitated by the Amendment Ordinance, the Administration considers that it is appropriate for it to introduce the Bill. In November 2005, the Administration introduced the St. Stephen's College Incorporation (Change of Name of the Council of the St. Stephen's College and General Amendments) Bill 2005 to amend the St. Stephen's College Incorporation Ordinance (Cap. 1049) against the same background.

#### Amendments Relating to the Education (Amendment) Ordinance 2004

- 5. To bring MCIO in line with the Amendment Ordinance -
  - (a) Part 2 of the Bill makes provisions for the internal management and composition of the body corporate known as "Munsang College" (SSB

for Munsang College and Munsang College (Hong Kong Island), to be renamed "Munsang Education Council" by clause 2) shall be settled and carried out in accordance with its Constitution; and

- (b) clause 8 of the Bill repeals section 6 (appointment and removal of principals) of MCIO, which is inconsistent with the Amendment Ordinance; and
- (c) clause 15 of the Bill repeals the Munsang College Rules (Cap. 1094 sub. leg. A) regarding the internal management of the Munsang College as SSB, which is to be governed by the Constitution.

6. Regarding CHYSIO, Part 4 of the Bill -

- (a) sets out the powers and duties, composition of The Council of Heep Yunn School (The Council), including the power to oversee the performance of the management committee or IMC established in accordance with the Amendment Ordinance; and
- (b) makes provisions for adopting, altering, amending, adding to or repealing the Constitution of The Council with the prior approval of the Standing Committee of the Synod of Diocese of Eastern Kowloon of the Hong Kong Sheng Kung Hui.

Other Amendments

7. Regarding MCIO, the Bill also makes provisions to -

- (a) change the corporate name of "Munsang College" to "Munsang Education Council" and make the necessary consequential amendments; and
- (b) set out afresh its purposes.

8. For CHYSIO -

- (a) clause 19 of the Bill adopts "協恩學校管治委員會" as the Chinese corporate name of The Council;
- (b) clause 20 of the Bill makes provision for the object of The Council; and
- (c) clause 25 of the Bill makes provisions for the protection of members, officers and office-bearers of The Council in the exercise or purported exercise of the powers, or performance or purported performance of functions or duties, in good faith.

9. The Legal Service Division has raised certain queries on the drafting of the Bill with the Administration. In response, it is agreed that the Secretary for Education will move Committee Stage amendments to amend the Chinese text of clause 6 to make it a better rendition of the English text (attached letter dated 15 January 2008 from the Department of Justice).

### **Public Consultation**

10. No public consultation has been carried out but the Administration has consulted the SSBs of the two schools and they have agreed to the Bill. The Council of Heep Yunn School confirmed that the Standing Committee of the Synod of Diocese of Eastern Kowloon of the Hong Kong Sheng Kung Hui has no objection to the proposed amendments to CHYSIO.

### **Consultation with LegCo Panel**

11. No LegCo Panel has been consulted on the provisions.

### **Conclusion**

12. Subject to the Committee Stage amendments as proposed in paragraph 9, the Bill is ready for resumption of Second Reading debate.

Encl

Prepared by

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16 January 2008

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15 January 2008

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Dear Mr Lee,

**Munsang College and Heep Yunn School  
(Change of Corporate Names and General Amendments) Bill 2008**

Thank you for your letter of 11 January 2008.

I confirm having obtained further instructions from our instructing officers who has consulted Munsang College and The Council of Heep Yunn School. I am now instructed to make the following clarifications of the issues raised in your letter.

**Clause 6 of the Bill**

Upon further consideration, Munsang College agrees that “過基督徒的生活” is the better Chinese rendition for “**to lead a Christian life**” in the Chinese text of clause 6 of the Bill. I am instructed that corresponding amendments will be moved by the Secretary for Education at the Committee Stage.

**Clause 20 of the Bill**

In clause 20 of the Bill, “management committee”(校董會) is defined as follows –

- (a) in relation to Heep Yunn School, means the managers of the school;

- (b) in relation to Heep Yunn Primary School, means the managers of the school.

It is considered clear in the context that the term “managers” has the same meaning as in section 3 of the Education Ordinance (Cap. 279). The meaning of “managers” is unambiguous in clause 20 and it is not considered necessary to define the term in the Bill.

### **Clause 22 of the Bill**

In clause 22 of the Bill, “Standing Committee” (常備委員會) is defined to mean “the Standing Committee of the Synod of the Diocese of Eastern Kowloon of the Church or its successor or its replacement from time to time”. I am instructed that its meaning is different from the term “Standing Committee” (常備委員會) as defined in section 2 of the Hong Kong Sheng Kung Hui Ordinance (Cap. 1157) which means “the Standing Committee of the General Synod of the Province [of the Hong Kong Sheng Kung Hui] provided for and referred to in section 9”.

Section 6 of Cap. 1157 provides that the Province of the Hong Kong Sheng Kung Hui comprises of 3 Dioceses, one of which being the Diocese of Eastern Kowloon. I was given to understand that the Standing Committee referred to in Cap. 1157 is responsible for the management of the affairs of the Province of the Hong Kong Sheng Kung Hui while the Standing Committee referred to in Cap. 1099 is responsible for the management of the affairs of the Diocese of Eastern Kowloon.

I trust the above has clarified the issues raised in your letter. Should you require any further information, please do not hesitate to let me know.

Yours sincerely,



( Miss Emma WONG )  
Government Counsel

c.c. Secy for Education (Attn: Mrs. Betty Ip, DS(Ed)4)

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