

立法會

## *Legislative Council*

LC Paper No. CB(2)858/02-03

(These minutes have been seen  
by the Administration)

Ref : CB2/BC/3/02

### **Bills Committee on Education Reorganization (Miscellaneous Amendments) Bill 2002**

**Minutes of second meeting  
held on Monday, 23 December 2002 at 10:45 am  
in Conference Room A of the Legislative Council Building**

- Members present** : Hon Cyd HO Sau-lan (Chairman)  
Hon LEE Cheuk-yan  
Hon Mrs Selina CHOW LIANG Shuk-ye, GBS, JP  
Hon CHEUNG Man-kwong  
Dr Hon YEUNG Sum  
Hon YEUNG Yiu-chung, BBS  
Hon SZETO Wah  
Hon Abraham SHEK Lai-him, JP  
Hon Tommy CHEUNG Yu-yan, JP  
Hon Audrey EU Yuet-mee, SC, JP
- Member absent** : Hon Emily LAU Wai-hing, JP
- Public Officers attending** : Mr John LEUNG  
Principal Assistant Secretary  
for Education and Manpower (9)
- Mr Andrew POON  
Assistant Director of Education  
(Chief Inspector of Schools)

Mrs YU LAW Siu-man  
Senior Education Officer (Registration) 2

Ms Grace LEUNG  
Government Counsel

**Clerk in attendance** : Mrs Percy MA  
Chief Assistant Secretary (2)3

**Staff in attendance** : Ms Bernice WONG  
Assistant Legal Adviser 1

Mr Paul WOO  
Senior Assistant Secretary (2)3

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**I. Meeting with the Administration**

(LC Paper Nos. CB(2)296/02-03(01); 742/02-03(01); 668/02-03(06); 669/02-03(01) and the Bill)

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

2. On the Administration's response to the issues raised by the Bills Committee at the meeting on 16 December 2002 (LC Paper No. CB(2)742/02-03(01)), the Administration was requested to -

- (a) consider the following options:
  - (i) removing the reference to "the planning and development of early childhood and school education" in the proposed terms of reference (TOR) of EC; or
  - (ii) including the reference to "the planning and development of higher education and sub-degree sectors" in the proposed TOR of EC;
- (b) reconsider the Bills Committee's view that the new EC should be made a statutory body;
- (c) consider the suggestion that there should be a "memorandum" setting out the respective roles between the Government and the new EC, pending the establishment of EC as a statutory body; and

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- (d) consider the suggestion that SEM should give an undertaking in his speech at the resumption of the Second Reading debate on the Bill that the new EC would operate with increased transparency and representation and that its reports and recommendations would be made public.

Admin

3. The Bills Committee completed clause by clause examination of the Bill and noted the Committee Stage amendments (CSA) to clauses 1 and 43 of the Bill proposed by the Administration.

4. On the Administration's proposed CSA to change the commencement date of the amending Ordinance from 1 January 2003 to the day the Ordinance was published in the Gazette, the Administration was requested to explain the procedural arrangements and legal basis for -

- (a) deleting the established post of Director of Education;
- (b) appointing the Permanent Secretary for Education and Manpower to the statutory office; and
- (c) merging the Education and Manpower Bureau and Education Department with effect from 1 January 2003,

Admin

before enactment of the Bill.

5. Members requested the Administration to provide a written response to paragraph 4 above for the consideration of the Bills Committee before 1 January 2003. The Chairman requested the Administration to discuss with Assistant Legal Adviser on the issues raised in paragraph 4 in preparing its reply. The Chairman asked the Clerk to circulate the Administration's response to members as soon as the response was received.

*(Post-meeting note - The Administration's written responses to issues raised by the Bills Committee were circulated vide LC Paper Nos. CB(2)775/02-03(01) and CB(2)860/02-03(01) respectively)*

## **II. Date of next meeting**

6. The next meeting was scheduled for 14 January 2003 at 4:30 pm.

*(Post-meeting note - The meeting was subsequently re-scheduled for 21 January 2003 at 2:30 pm)*

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7. The meeting ended at 12:30 pm.

Council Business Division 2  
Legislative Council Secretariat  
14 January 2003

**Annex**

**Proceedings of the second meeting of the Bills Committee on  
Education Reorganization (Miscellaneous Amendments) Bill 2002  
on Monday, 23 December 2002 at 10:45 am  
in Conference Room A of the Legislative Council Building**

<b>Time marker</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action required</b>
000001-000243	Chairman/ Mr CHEUNG Man-kwong	Invitation for Administration to introduce its paper on merger of the Education Commission (EC) and the Board of Education (BoE) (LC Paper No. CB(2)742/02-03(01))	
000244-000513	Administration/ Chairman	Elaboration on the future role of EC following the merger of EC and BoE	
000514-001713	Mr CHEUNG Man-kwong/ Administration/ Dr YEUNG Sum/ Chairman/ Mrs Selina CHOW	(a) Suggestion to revise the proposed terms of reference of EC to -  (i) remove the reference to "early childhood and school education"; or  (ii) include the reference to "higher education and sub-degree sectors";  (b) Suggestion to turn EC eventually into a statutory body after the merger	Admin to give a written response to the proposals
001714-002103	Mr SZETO Wah/ Administration	Reports and recommendations of EC should be made public to enhance transparency in operation of EC	
002104-002148	Mrs Selina CHOW/ Chairman	Suggestion that Secretary for Education and Manpower (SEM) should give an undertaking in his speech at the resumption of the Second Reading debate on the Bill that the new EC would operate with increased transparency and representation and that its reports and recommendations would be made public	Admin to consider the suggestion
002149-002647	Ms Audery EU/ Chairman/ Administration	Membership structure of EC before and after the merger (Annex C and D of LC Paper No. CB(2)296/02-03(01)) and role of EC and BoE in policy formulation and implementation	

<b>Time marker</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action required</b>
002648-003223	Mr Abraham SHEK/ Administration	The new EC should become a statutory body with broader representation and continue to advise the Chief Executive, instead of SEM	
003224-003352	Chairman	The Admin should give an undertaking and provide a timeframe on making EC a statutory body	
003353-003655	Mr CHEUNG Man-kwong	Membership structure and stakeholder bodies represented in EC to reflect the interests of the community	
003656-004300	Chairman/ Mr CHEUNG Man-kwong/ Administration/ Mr YEUNG yiu-chung	There should be a "memorandum" setting out the respective roles between the Government and the new EC, pending the establishment of EC as a statutory body	Admin to consider the suggestion
004301-004621	Chairman	Recap on the issues raised by members	
004622-004651	Chairman/ Mrs Selina CHOW/ Administration	Clause by clause examination of the Bill;  Commencement date of the amending Ordinance - Committee Stage amendment (CSA) proposed by the Admin to clause 1 of the Bill (LC Paper No. CB(2)668/02-03(06))	
004652-012509	ALA/ Administration/ Chairman/ Mr CHEUNG Man-kwong/ Mr LEE Cheuk-yan/ Mr YEUNG Yiu-chung/ Mrs Selina CHOW	Procedural arrangements and legal basis for abolishing the post of Director of Education and merging the Education and Manpower Bureau and Education Department with effect from 1 January 2003, before enactment of the Bill	Admin to provide a written response for the Bills Committee's consideration before 1 January 2003
012510-013333	Chairman/ ALA/ Administration/ Mr CHEUNG Man-kwong	Continue with clause by clause examination of the Bill	
013334-013536	ALA	CSAs proposed by the Administration to clause 43 of the Bill (LC Paper No. CB(2)668/02-03(06))	
013537-014030	Chairman/ ALA/ Administration/ Mr Tommy CHEUNG/ Mr CHEUNG Man-kwong	Completion of clause by clause examination of the Bill;  Admin to discuss with ALA on relevant issues raised in relation to commencement date of the amending Ordinance in	The Clerk to circulate the Admin's reply to

<b>Time marker</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action required</b>
		preparing a written response for the consideration of the Bills Committee	members as soon as it was received

**Note : The audio records of the above proceedings are kept at the LegCo Library**

Council Business Division 2  
Legislative Council Secretariat  
14 January 2003