

**立法會**  
***Legislative Council***

LC Paper No. CB(2)1725/02-03

(These minutes have been  
seen by the Administration)

Ref : CB2/BC/4/02

**Bills Committee on  
Education (Amendment) Bill 2002**

**Minutes of meeting  
held on Monday, 17 March 2003 at 8:30 am  
in the Chamber of the Legislative Council Building**

**Members  
Present**

: Hon Cyd HO Sau-lan (Chairman)  
Ir Dr Hon Raymond HO Chung-tai, JP  
Hon LEE Cheuk-yan  
Hon CHEUNG Man-kwong  
Hon LEUNG Yiu-chung  
Hon Emily LAU Wai-hing, JP  
Hon SZETO Wah  
Hon Tommy CHEUNG Yu-yan, JP  
Hon Audrey EU Yuet-mee, SC, JP

**Member  
Absent**

: Hon YEUNG Yiu-chung, BBS

**Public Officers  
Attending**

: Mr CHENG Yan-chee  
Deputy Secretary for Education and Manpower (4)

Mr Andrew POON  
Principal Assistant Secretary for Education and  
Manpower (Quality Assurance)

Mr S L MA  
Principal Assistant Secretary for Education and  
Manpower (School Development)

Mr Gilbert MO  
Deputy Law Draftsman  
(Bilingual Drafting and Administration)

**Attendance by Invitation : Hong Kong Association of Sponsoring Bodies of School**

Mr HA Wing-ho  
Chairman  
(also Education Secretary, Hong Kong Sheng Kung Hui)

Mr WONG Wai-yu  
Honorable Secretary

Hong Kong Sheng Kung Hui

Mrs Jannie CHAU  
Chairman, Sheng Kung Hui Primary Schools Council

Hong Kong School Clerks and Janitors General Union

Ms NG Wai-ling  
Executive Committee Member

Mr TAM Chun-yin  
General Executive

The Association of Hong Kong Chinese Middle Schools

Mr WONG Chun-man  
Executive Committee Member

Cheung Sha Wan Catholic Secondary School Parents  
Teachers Association Club

Mr Dantes HO  
Chairman

Tseung Kwan O Parents Association

Ms Fanny LAM Wing-man  
Vice President (External)

Ms HUI Sui-han  
Officer, Public Relations and Resource Development

Yan Chai Hospital

Dr TSE Kum-shing  
Chief Executive (Education)

The Hong Kong Buddhist Association

Mr AU Kit-ming  
Honorable Secretary  
Vice-Chairman, Education Committee

Mr KWAN Ting-fai  
Co-ordinator

Hong Kong Professional Teachers' Union

Mr WONG Hak-lim  
Representative

Mr CHAN Kwok-kuen  
Representative

The Catholic Diocese of Hong Kong

Miss Alice WOO Lo-ming  
Episcopal Delegate for Education

Mr Peter CHAN Kai-yeen  
Assistant to the Episcopal Delegate for Education

Parent-Teacher Association of Carmel Holy Word  
Secondary School

Ms TUNG Yuk-wah  
Treasurer

Ms MAK Wai-yee  
Representative

Yuen Long Catholic Secondary School Parent-Teacher  
Association

Mr WONG Chung-mau  
Chairman

**Clerk in Attendance** : Miss Flora TAI  
Chief Assistant Secretary (2)2

**Staff in Attendance** : Ms Bernice WONG  
Assistant Legal Adviser 1  
  
Mr Stanley MA  
Senior Assistant Secretary (2)6

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**I. Confirmation of minutes**  
[LC Paper No. CB(2)1483/02-03]

The minutes of the meeting held on 27 February 2003 were confirmed.

**II. Meeting with deputations**

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

3. The Bills Committee received the views from the following 12 deputations on the Bill (Index of proceedings attached at Annex) -

- (a) Hong Kong Association of Sponsoring Bodies of School;
- (b) Hong Kong Sheng Kung Hui;
- (c) Hong Kong School Clerks and Janitors General Union;
- (d) The Association of Hong Kong Chinese Middle Schools;
- (e) Cheung Sha Wan Catholic Secondary School Parents Teachers Association Club;
- (f) Tseung Kwan O Parents Association;
- (g) Yan Chai Hospital;
- (h) The Hong Kong Buddhist Association;
- (i) Hong Kong Professional Teachers' Union;
- (j) The Catholic Diocese of Hong Kong;

- (k) Parent-Teacher Association of Carmel Holy Word Secondary School; and
- (l) Yuen Long Catholic Secondary School Parent-Teacher Association.

4. The Bills Committee requested the Administration -

Powers of Incorporated Management Committee (IMC)

- (a) To redraft section 40AE(2)(b) to reflect the legislative intent that an IMC of an aided primary, secondary or special school should adhere to the respective Codes of Aid in determining the terms and conditions of employment for its teaching staff under the approved establishment;
- (b) To confirm whether non-teaching staff in aided schools were subject to the respective Codes of Aid for primary, secondary and special schools;

Power of school sponsoring bodies (SSB) to dissolve an IMC

- (c) To clarify whether an IMC constitution could contain provisions empowering a SSB to dissolve an IMC which failed to perform its functions in a satisfactory manner or to carry out the vision and mission set by the SSB; and if so, whether an appeal mechanism would be put in place for IMC managers to appeal against the decision of the SSB to dissolve the IMC;

Resolving conflict between a SSB and an IMC

- (d) To explain how the Administration would resolve a conflict between a SSB and an IMC in case they held different educational ideals and were not cooperating to work towards achieving the vision and mission;

Nomination, election and term of office of IMC managers

- (e) To provide detailed arrangements and procedures for nomination and election of SSB, teacher, parent, alumni and independent IMC managers, and information on their terms of office;

Powers of school principal and role of supervisor

- (f) To elaborate on the checks and balances of the powers of principals in day-to-day administration of IMC schools;

- (g) To re-consider the role and functions of supervisors in supervising the day-to-day operation of and balancing the powers of principals in IMC schools;

Selection and appointment of principal

- (h) To elaborate on the requirement to establish a selection committee for selection and appointment of a principal in an IMC school, and the circumstances which justified the grant of an exemption from such requirement;

Implementation of School-based Management (SBM)

- (i) To elaborate on the justifications for establishing a statutory framework for implementation of SBM in place of the existing practice which allowed schools to decide when and how parents and teachers should be invited and participate in school management;

Composition of IMCs

- (j) To consider whether parent managers should comprise a higher percentage of IMC membership, say not less than 30%; and

Support to parent managers

- (k) To elaborate on the support services which would be made available to parent managers for participation in IMC work.

5. The Bills Committee further requested the Administration to provide a written response to the views and concerns of deputations expressed in their submissions and at the meeting.

**III. Any other business**

6. The Bills Committee would continue to meet deputations at the next meeting scheduled for Thursday, 27 March 2003 at 10:45 am.

7. There being no other business, the meeting ended at 10:40 am.

**Proceedings of the meeting of the Bills Committee on  
Education (Amendment) Bill 2002  
on Monday, 17 March 2003 at 8:30 am  
in the Chamber of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action required
0017 - 0529	Chairman	Confirmation of minutes and resignation of Dr YEUNG Sum from the Bills Committee.	
0530 - 1537	Hong Kong Association of Sponsoring Bodies of School	Oral representation	
1538 - 1820	Hong Kong Sheng Kung Hui	Oral representation	
1821 - 2202	Hong Kong School Clerks and Janitors General Union	Oral representation	
2203 - 2233	The Association of Hong Kong Chinese Middle Schools	Oral representation	
2234 - 2408	Cheung Sha Wan Catholic Secondary School Parents Teachers Association Club	Oral representation	
2409 - 2855	Tseung Kwan O Parents Association	Oral representation	
2856 - 3205	Yan Chai Hospital	Oral representation	
3206 - 3630	The Hong Kong Buddhist Association	Oral representation	
3631 - 4535	Hong Kong Professional Teachers' Union	Oral representation	
4536 - 5103	The Catholic Diocese of Hong Kong	Oral representation	
5104 - 5855	Parent-Teacher Association of Carmel Holy Word Secondary School	Oral representation	
5856 - 5913	Yuen Long Catholic Secondary School Parent-Teacher Association	Oral representation	
5913 - 010856	Chairman Admin	Response to the views and concerns of deputations expressed at the meeting.	
010857 - 012302	Mr CHEUNG Man-kwong Chairman Admin Representatives of deputations	<ul style="list-style-type: none"> <li>– Redrafting of section 40AE(2)(b) to reflect the legislative intent that teaching staff salaries should follow the relevant Codes of Aid;</li> <li>– Power of SSBs to dissolve IMCs; and</li> <li>– Percentage of parent managers in IMC membership.</li> </ul>	<b>See para 4(a), (c) and (j) of the minutes</b>

012303 - 015015	Mr LEE Cheuk-yan Chairman Admin	<ul style="list-style-type: none"> <li>- Application of Codes of Aid to non-teaching staff;</li> <li>- Support for parents to participate in IMC work and parents' availability;</li> <li>- Effect of parental choice on provision and quality of education in IMC schools; and</li> <li>- Justifications for a legal framework for SBM implementation.</li> </ul>	<b>See para 4(b), (e), (i) and (k) of the minutes</b>
015016 - 015349	Mr Tommy CHEUNG	<ul style="list-style-type: none"> <li>- Alumni should be a stakeholder in school education;</li> <li>- Pay leave for parent managers to participate in IMC work;</li> <li>- SSB's powers to dissolve and reconstitute IMCs and the establishment of an appeal mechanism for IMC managers; and</li> <li>- The role of the Administration in resolving conflicts between SSBs and IMCs.</li> </ul>	<b>See para 4(c), (h) and (k) of the minutes</b>
015350 - 015613	Ir Dr Raymond HO	<ul style="list-style-type: none"> <li>- Role and function of supervisors and principals in schools; and</li> <li>- Selection and appointment of principals in IMC schools.</li> </ul>	<b>See para 4(g) and (h) of the minutes</b>
015614 - 015915	Mr LEUNG Yiu-chung	<ul style="list-style-type: none"> <li>- Checks and balance of powers of principals and the role and functions of supervisor in schools; and</li> <li>- Powers of and co-operation between SSBs and IMCs.</li> </ul>	<b>See para 4(d), (f) and (g) of the minutes</b>
015916 - 020712	Representatives of deputations	Response to members' enquiries	
020713 - 020810	Chairman Ms Emily LAU Mr CHEUNG Man-kwong	Further consultation and concluding remarks	