

**立法會**  
***Legislative Council***

LC Paper No. CB(2)2168/03-04

(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 Wednesday, 14 April 2004 from 8:30 am to 12:15 pm  
in Conference Room A and B of the Legislative Council Building**

**Members  
present**

: Hon Cyd HO Sau-lan (Chairman)  
Ir Dr Hon Raymond HO Chung-tai, JP  
Hon CHEUNG Man-kwong  
Hon LEUNG Yiu-chung  
Hon YEUNG Yiu-chung, BBS  
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 LEE Cheuk-yan

**Public Officers  
attending**

: Mr M Y CHENG  
Deputy Secretary for Education and Manpower (3)

Mrs YU LAW Siu-man  
Senior Education Officer (School Registration and  
Compliance)  
Education and Manpower Bureau

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

Mr W L CHEUNG  
Senior Government Counsel  
Department of Justice

**Clerk in attendance** : Ms Doris CHAN  
Chief Council Secretary (2)2

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

Mr Stanley MA  
Senior Council Secretary (2)6

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The deliberation of the Bills Committee was outlined in the index of proceedings at **Annex**.

**I. Confirmation of minutes**

[LC Paper Nos. CB(2)1491/03-04, CB(2)1492/03-04, CB(2)1676/03-04 and CB(2)1969/03-04]

2. The minutes of the meetings held on 12, 13 February, 3 and 24 March 2004 were confirmed.

**II. Meeting with the Administration**

3. Members noted the Committee Stage amendments (CSAs) proposed by the Administration as detailed in LC Paper No. CB(2)1968/03-04(01).

**III. Clause-by-clause examination of the Bill**

[LC Paper No. CB(2)1964/03-04(01)]

4. Members deliberated on Clauses 1 and 17 of the Bill (proposed new sections 40AA and 40AB under Part IIIB of the Education Ordinance).

Clause 1 – Short title and commencement

5. At members' request, the Administration agreed to amend the proposed commencement date from 1 December 2004 to 1 January 2005.

Clause 17 (Part IIIB) - Management of aided schools, DSS schools or Non-aided schools in receipt of Government subsidies by Incorporated Management Committee (IMC)

*Section 40AA - Application of this Part*

6. Members agreed that Direct Subsidy Scheme (DSSs) Schools in operation before the commencement date should be given the discretion to establish an IMC or not in accordance with proposed new section 40BH. Members, however, held different views on whether an aided school which had established an IMC within the five-year transitional period should have an option to dissolve the IMC if it subsequently elected to become a DSS School. Mr Tommy CHEUNG held a strong view that an aided school which had established an IMC in accordance with the requirement of the Bill within the transitional period should have the option to dissolve the IMC on becoming a DSS school after the transitional period.

7. Mr CHEUNG Man-kwong and Mr SZETO Wah considered that allowing an aided school to dissolve its IMC on becoming a DSS School was not in line with the policy objective of implementing school-based management in schools. Mr CHEUNG suggested that the Administration should explore whether DSS schools commencing operation on or after the commencement date (except those that had entered into an agreement with the Government) should be required to establish an IMC, if the long term policy intent was to involve parents and teachers in school management.

8. Ms Emily LAU expressed support for Mr CHEUNG Man-kwong's views and suggestion that new DSS schools commencing operation on or after the commencement date of the Bill should be required to establish an IMC. She considered it acceptable to require new school operators to establish an IMC to manage their schools on a mandatory basis. She suggested that the Administration should consult stakeholders including the Direct Subsidy Scheme Schools Council on the suggestion. Mr Tommy CHEUNG pointed out that the suggestion, if adopted, would be a major change to the current policy and advised the Administration to consult School Sponsoring Bodies (SSBs) on the requirement.

Admin

9. The Administration said that an amendment to the effect that aided schools which had established an IMC within the transitional period should not be allowed to dissolve the IMC when it became a DSS school could be introduced. In line with the policy on school-based management, the Administration would consider specifying the requirement to establish an IMC in service agreement with operators of new DSS schools from the next round of school allocation exercise. Nevertheless, SSBs which had already entered into an agreement with the Administration for the operation of a DSS school, which might commence operation before or after the commencement date of

Admin the Bill, should follow the terms and conditions of the agreement and would not be required to establish an IMC on a mandatory basis. At the request of the Chairman, the Administration agreed to examine the policy implications of the issue and provide a written response.

Admin 10. At members' request, the Administration also agreed to provide the number and types of non-aided schools in receipt of Government subsidies which would be covered by Part IIIB.

#### Section 40AB – Interpretation of Part IIIB

##### *Definition of teacher*

11. Some members considered that temporary teachers who worked in an IMC school for a short period and were not familiar with the candidates should not be eligible to vote in the election of a teacher manager.

12. The Administration agreed to consider restricting the right to vote in the election of a teacher manager to serving teachers employed under the approved establishment of an IMC school. Mr CHEUNG Man-kwong advised that teachers employed on a contract basis should enjoy the right to vote or to be nominated as a candidate for the election of a teacher manager similar to other teachers employed under the approved establishment.

##### *Definitions of parent manager and alumni manager*

13. Members in general considered it more appropriate to empower a SSB than an IMC to recognize a parent-teacher association and an alumni association (however described) for the purpose of nominating a parent manager and an alumni manager in an IMC school, particularly when there were more than one such association in the school. Members also agreed that the constitution of the IMC should stipulate the procedures for the election and nomination of parent manager and alumni manager.

14. Members expressed concern that under the definition of parents, which would include a guardian of the pupil and a person who was not the parent or guardian of the pupil but had the actual custody of the pupil, a pupil might have more than two parents or guardians and that some parents might have more votes than others if they had more than one child studying in the same school.

15. Mr SZETO Wah suggested that the parents who were entitled to vote in the election of a parent manager of an IMC school should be restricted to those whose names were recorded in a current pupil's handbook. Mr CHEUNG Man-kwong suggested that the Bill should specify a maximum number of votes that could be cast by a parent in an election, and the priority of votes to be

accepted in case more than two parents of a current pupil claimed to have the right to vote.

#### **IV. Any other business**

##### Date of next meeting

16. The Chairman reminded members that the next meeting would be held at 8:30 am on 21 April 2004 in Conference Room A.

17. The meeting ended at 12:15 pm.

Council Business Division 2  
Legislative Council Secretariat  
10 May 2004

## Annex

### **Proceedings of the meeting of the Bills Committee on Education (Amendment) Bill 2002 on Wednesday, 14 April 2004 from 8:30 am to 12:15 pm in Conference Room A and B of the Legislative Council Building**

Time marker	Speaker	Subjects	Action required
<b>I Confirmation of minutes</b>			
0000 - 0330	Chairman	Confirmation of minutes of meetings held on 12 and 13 February, and 3 and 24 March 2004.	
<b>II Meeting with the Administration</b>			
0331 - 1000	Chairman Admin Mr CHEUNG Man-kwong	Briefing by the Administration on the four amendments suggested by members at the last meeting on 24 March 2004.	
1001 - 1600	Chairman Ms Emily LAU ALA1 Mr CHEUNG Man-kwong	Introduction to the marked-up copy of relevant provisions of the Ordinance in respect of the draft CSAs on Clauses 1 and 17 to the Bill.	
<b>III Clause-by-clause examination of the Bill</b>			
1601 - 1830	Chairman Ms Emily LAU	Preamble : Replace Director of Education with Permanent Secretary for Education and Manpower.	
1831 - 4210	Chairman Mr CHEUNG Man-kwong Mr SZETO Wah Mr LEUNG Yiu-chung Admin	Clause 1 - Short title and commencement : - the Amendment Ordinance should come into operation on 1 January 2005.	<b>See para 4 of the minutes</b>

<b>Clause 17 Part IIIB - Management of aided schools, DSS schools or Non-aided schools in receipt of Government subsidies by Incorporated Management Committee – General Provisions</b>			
<b>Section 40AA - Application of this Part</b>			
4211 - 015130	Chairman Admin Ms Audrey EU Mr SZETO Wah Mr CHEUNG Man-kwong Mr Tommy CHEUNG Ms Emily LAU	<ul style="list-style-type: none"> <li>- Section 40BH, BI and BJ specified the establishment of IMC in respect of operating DSS schools, non-aided schools in receipt of Government subsidies, and aided schools respectively;</li> <li>- Whether an aided school which had established an IMC in accordance with the requirement of the Bill within the transitional period of five years should have the option to dissolve the IMC on becoming a DSS school after the transitional period;</li> <li>- Whether new DSS schools commencing operation on or after the commencement date should be required to establish an IMC; and</li> <li>- Consultation with the stakeholders on the suggestion that new DSS schools commencing operation on or after the commencement date should establish an IMC.</li> </ul>	<b>See para 8 and 9 of the minutes</b>
<b>Section 40AB - Interpretation of Part IIIB</b>			
015131 - 015515	Chairman Admin Mr CHEUNG Man-kwong	Definitions of bi-sessional school, alternate manager, alternate parent manager, alternate teacher manager, and parent.	
015516 - 015530	Chairman	Meeting to continue in conference room B at 10:45 am.	

0000 - 0736	Chairman Mr CHEUNG Man-kwong Admin Mr YEUNG Yiu-chung	Definitions of operating school and the number and types of non-aided schools in receipt of Government subsidies covered by Part IIIB.	<b>See para 10 of the minutes</b>
0737 - 3915	Chairman Admin Mr CHEUNG Man-kwong Mr Tommy CHEUNG Mr SZETO Wah	Definitions of teacher and teacher manager	
3916 - 4124	Mr CHEUNG Man-kwong Admin Chairman	Definition of specialist staff	
4125 - 4310	Chairman Mr CHEUNG Man-kwong Admin Mr Tommy CHEUNG Mr SZETO Wah	Definitions of alternate manager, alternate parent manager, alternate teacher manager, alternate sponsoring body manager, and scheduled opening date.	
4311 - 5920	Chairman Mr CHEUNG Man-kwong Mr SZETO Wah Admin Mr YEUNG Yiu-chung	Definitions of recognized alumni association and recognized parent-teacher association.	
5921 - 012438	Mr Tommy CHEUNG Chairman Admin Mr CHEUNG Man-kwong Mr SZETO Wah Mr YEUNG Yiu-chung	Definition of parent, and the election and nomination of parent manager and alumni manager.	
012439 - 012510	Chairman	Concluding remark	