

**立法會**  
***Legislative Council***

LC Paper No. CB(2)2217/02-03

(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 Friday, 9 May 2003 at 8:30 am  
in Conference Room A 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 CHENG Yan-chee  
Deputy Secretary for Education and Manpower (4)

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

Mrs YU LAW Siu-man  
Senior Education Officer (Education Ordinance Review  
and Compliance)

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

**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)1982/02-03]

The minutes of the meeting held on 11 April 2003 were confirmed.

**II. Meeting with the Administration**  
[LC Paper Nos. CB(2)1723/02-03(01), CB(2)1983/02-03(01)-(03) and  
CB(2)1818/02-03(01)]

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

3. The Bills Committee requested the Administration -

Grounds for cancellation of registration of manager

- (a) To review the grounds for cancellation of registration of manager under section 31 of the Education Ordinance and consider setting out the procedure in the Bill;
- (b) To review the powers of the Permanent Secretary of Education and Manpower (Director of Education in the Bill) to cancel the registration of a manager and consider whether additional restrictions should be imposed over the exercise of such powers;
- (c) To elaborate on the operation of the appeal mechanism provided for under the Bill;

- (d) To clarify by whom where leave for absence would be granted under the proposed new section 31(1)(g)(i) and consider how to facilitate fair and consistent enforcement;
- (e) To explain the rationale for the proposed amendment to the Chinese version of proposed amended section 31(2)(a), i.e., by repealing "校董會多數校董不再接受該校董為該學校的校董" after "覺得" and substituting "多數校董不接受該校董為該學校的校董";

Relationship between the School Sponsoring Body (SSB) and the Incorporated Management Committee (IMC)

- (f) To elaborate on the mechanism to resolve conflicts between a SSB and an IMC arising from the exercise of the functions of SSB in proposed new section 40AD and explain the type of "general directions" to be given under proposed new section 40AD(1)(e);

Vacation of office of teacher manager, etc.

- (g) To explain whether a SSB could terminate the appointment of a parent, teacher, alumni or independent manager and if yes, elaborate on the appeal channel available to the manager whose appointment was terminated;

Appointment of managers by Director of Education and dissolution of an IMC

- (h) To explain the existing procedures for the Administration to intervene in the management of a school i.e., urging the School Management Committee of a school to consider changing its senior management, appointing government officials or suitable persons as managers of a school, or taking over the operation of a school;
- (i) To give an account of past cases of such intervention taken place since 1997; and
- (j) To elaborate on the appeal channels available to the parties who were affected by the Administration's actions in 3(h).

4. A draft paper entitled "Proposed areas of study" prepared by the LegCo Secretariat was tabled at the meeting [LC Paper No.CB(2)2056/02-03]. Members were invited to propose additional areas of study. The

Administration was requested to provide the requisite information in the paper to facilitate future discussion of the Bills Committee.

**III. Any other business**

5. The Chairman reminded members that the next meeting of the Bills Committee would be held on Monday, 12 May 2003 at 4:30 pm.

6. There being no other business, the meeting ended at 10:45 am.

Council Business Division 2  
Legislative Council Secretariat  
27 May 2003

**Proceedings of the meeting of the Bills Committee on  
Education (Amendment) Bill 2002  
on Friday, 9 May 2003 at 8:30 am  
in Conference Room A of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action required
0000 - 0259	Chairman	Confirmation of minutes of meeting on 11.4.03 and the paper on "proposed areas of studies" tabled at the meeting.	
0300 - 2811	Ms Audrey EU Chairman Mr CHEUNG Man-kwong Admin	Relationship between SSB and IMC; and Interpretation of "giving general directions to IMC" in proposed new section 40AD(1)(e)	<b>See para 3(f) of the minutes</b>
2812 - 3518	Mr CHEUNG Man-kwong Chairman Admin	Grounds for cancellation of registration of manager; and  Measures which would be taken by the Administration to intervene in the management of a school;	
3519 - 4127	Ir Dr Raymond HO Mr YEUNG Yiu-chung Mr CHEUNG Man-kwong Chairman	Power of SSB in supervision of the work of IMC;  Power of SSB in appointment of principal and supervisor; and  Power of IMC chairperson to convene an IMC meeting.	
4128 - 5200	Ms Emily LAU Admin	Whether SSB should be empowered to dissolve an IMC or veto its decisions and whether the proposals in the Bill could balance the interests of different stakeholders.	
5201 - 5840	Ms Audrey EU Admin	Vacation of office of teacher manager, etc.	
5841 - 010209	Mr SZETO Wah Admin Ms Audrey EU	Registration of IMC before and after commencement of the Bill.	

010210 - 012504	Chairman Ms Emily LAU Admin Mr CHEUNG Man-kwong Mr YEUNG Yiu-chung	Dissolution of an IMC and the appointment of managers by the Director; and Appeals against the Director's decision to cancel the registration of a manager.	<b>See para 3(a), (b) and (c) of the minutes</b>
012505 - 012815	Mr LEUNG Yiu-chung Chairman Ir Dr Raymond HO Mr CHEUNG Man-kwong Ms Emily LAU Mr YEUNG Yiu-chung Admin Ms Audrey EU	Administration's measures to intervene in the management of a school; and Grounds for cancellation of the registration of manager and procedures for appeal.	<b>See para 3(h), (i) and (j) of the minutes</b>
014203 - 014719	Ms Audrey EU Admin Mr LEUNG Yiu-chung Chairman	Enforcement of proposed new section 31(g)(i) "absent without leave from three consecutive IMC meetings"	<b>See para 3(d) of the minutes</b>
014720 - 015622	Mr CHEUNG Man-kwong Chairman Admin Ms Emily LAU	Rationale for the proposed amendment to the Chinese version of proposed amended section 31(2)(a); and Termination of the appointment of a parent, teacher, alumni or independent manager by a SSB, and the appeal channel available.	<b>See para 3(e) and 3(g) of the minutes</b>
015623 - 015900	Chairman	Date of next meeting and cancellation of the meeting on 16 May 2003	

Council Business Division 2  
Legislative Council Secretariat  
 27 May 2003