

**立法會**  
***Legislative Council***

LC Paper No. CB(2)2605/03-04

(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, 12 May 2004 from 8:30 am to 12:45 pm  
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 LEE Cheuk-yan  
Hon CHEUNG Man-kwong  
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 LEUNG Yiu-chung

**Public Officers  
attending**

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

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

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** : Mr Stanley MA  
Senior Council Secretary (2)6

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

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

**I. Confirmation of minutes**

[LC Paper Nos. CB(2)2168/03-04 and CB(2)2305/03-04]

2. The minutes of the meetings held on 14 and 21 April 2004 were confirmed.

**II. Meeting with the Administration**

[LC Paper No. CB(2)1964/03-04(02)]

3. Members expressed concerns about the comments of the Secretary for Education and Manpower (SEM) on the work progress of the Bills Committee made to the media on 10 May 2004. Members requested the Deputy Secretary for Education and Manpower 3 to invite SEM to attend the next meeting of the Bills Committee and clarify in writing his views and comments.

Admin

Review on implementation of the Bill

4. Mr CHEUNG Man-kwong considered that the Administration should review the implementation of the Bill three years after the commencement of the Bill. Members in general agreed that the Bill should specify a date for a review of its implementation with a view to ascertaining whether the five-year transitional period should be extended to address the different needs of schools. The Administration undertook to consider members' view.

Admin

Clause-by-clause examination of the Bill

5. The Bills Committee requested the Administration to -

*Proposed section 40BG - Rights and liability of manager and protection*

- (a) describe the rights and the liabilities of the managers of Government schools, and how the Administration would ensure their awareness of the civil liability which might arise in execution of the role and functions of the School Management Committee (SMC);
- (b) describe the changes in the operation and management of Government schools which had been or would be made in line with the requirements of the Bill;
- (c) elaborate on the protection of Government school managers against civil liability claims, and provide an update on the inclusion of Professional Indemnity and Directors and Officers liability insurance in the Block Insurance Policy for aided schools;

*Proposed section 40BH - Establishment of IMC in respect of operating DSS schools*

- (d) review the need for separate provisions for the establishment of IMC in respect of operating and planned DSS schools, given that DSS schools had the discretion to establish or dissolve an IMC after the enactment of the Bill;

*Proposed section 40BI - Establishment of IMC in respect of operating non-aided school in receipt of Government subsidies*

- (e) elaborate on the conditions under which the Permanent Secretary for Education and Manpower (PSEM) might require an operating non-aided school in receipt of Government subsidies to apply for the establishment of an IMC;
- (f) explain the need to satisfy PSEM that the establishment of an IMC in an operating non-aided school would be in the interest of the school, and describe the conditions that PSEM might impose in granting an approval in section 40BI(3);

*Proposed section 40 BJ - Establishment of IMC in respect of operating school*

- (g) consider refining the drafting of section 40BJ(2);

*Proposed section 40BL - Approval of list of proposed managers*

- (h) review and specify the criteria for refusal to register an applicant as a manager under section 30;

*Proposed section 40BM - Incorporation*

- (i) refine the drafting of the proposed new sections 40BM(2)(a) and (c);
- (j) explain the policy intent of section 40BM(4) which specified that no compensation would be payable to any person who ceased to be a supervisor or manager by virtue of the operation of the section 40BM;

*Proposed section 40BO - Transitional provisions for establishment of IMC*

- (k) examine the impact on a school and its contractors or service providers in respect of the validity of their existing contracts or agreements, and consider whether the Bill should provide for the continuance of these contracts or agreements; and

*Proposed section 40BQ - Transitional provisions for dissolution of school management company*

- (l) examine the impact of paragraph 2 of Schedule 2 on SSBs in respect of the vesting of properties, etc.

### **III. Any other business**

Dates of meetings

- 6. Members agreed to hold additional meetings on 20 and 27 May, 3 and 6 June 2004 at 2:00 pm, and on 28 May 2004 after the House Committee meeting.
- 7. The meeting ended at 12:45 pm.

Council Business Division 2  
Legislative Council Secretariat  
1 June 2004

**Proceedings of the meeting of the Bills Committee on  
Education (Amendment) Bill 2002  
on Wednesday, 12 May 2004 from 8:30 am to 12:45 pm  
in Conference Room A of the Legislative Council Building**

Time marker	Speaker	Subjects	Action required
<b>I. Confirmation of minutes</b>			
0000 - 0235	Chairman	Confirmation of minutes of meetings held on 14 and 21 April 2004.	
<b>II. Meeting with the Administration: Clause by clause examination of the Bill</b>			
0236 - 1640	Chairman Mr SZETO Wah Admin Mr CHEUNG Man-kwong Ms Emily LAU Mr LEE Cheuk-yan	SEM's comments on the deliberation work of the Bills Committee.	<b>See para 3 of the minutes</b>
1641 - 5320	Chairman Admin Ms Audrey EU Mr CHEUNG Man-kwong Ms Emily LAU Ms Audrey EU Mr Tommy CHEUNG	Section 40BG : Rights and liability of manager and protection	<b>See para 5(a), (b) and (c) of the minutes</b>
5321 - 012830	Chairman Mr CHEUNG Man-kwong Ms Audrey EU Admin Mr Tommy CHEUNG ALA1 Ms Emily LAU Mr YEUNG Yiu-chung Mr SZETO Wah	Section 40BH : Establishment of IMC in respect of operating DSS school; and  Section 40BI : Establishment of IMC in respect of operating non-aided school in receipt of Government subsidies	<b>See para 5(d) of the minutes</b>  <b>See para 5(e) and (f) of the minutes</b>

012831 - 015710	Chairman Mr CHEUNG Man-kwong Admin Ms Emily LAU Mr YEUNG Yiu-chung Mr LEE Cheuk-yan	Review of the implementation of the Bill with a view to ascertaining the need to extend the transitional period.	<b>See para 4 of the minutes</b>
015711 - 020152	Chairman Mr LEE Cheuk-yan Admin Ms Emily LAU	Section 40BJ : Establishment of IMC in respect of operating school	
020153 - 022010		Break	
022011 - 023000	Chairman Mr CHEUNG Man-kwong Mr Tommy CHEUNG	Dates of additional meetings.	<b>See para 6 of the minutes</b>
023001 - 023550	Chairman Ms Emily LAU Admin Mr CHEUNG Man-kwong ALA1	Section 40BJ : Establishment of IMC in respect of operating school	<b>See para 5(g) of the minutes</b>
023551 - 023840	Chairman Mr CHEUNG Man-kwong Admin Mr LEE Cheuk-yan Ms Audrey EU	Section 40BK : Approval of draft constitution	
023841 - 025333	Chairman Mr CHEUNG Man-kwong Admin Mr LEE Cheuk-yan	Section 40BL : Approval of list of proposed managers	<b>See para 5(h) of the minutes</b>

025334 - 031319	Chairman Mr CHEUNG Man-kwong Admin Ms Audrey EU ALA1 Mr LEE Cheuk-yan	Section 40BM : Incorporation	<b>See para 5(i) and (j) of the minutes</b>
031320 - 031531	Chairman Mr CHEUNG Man-kwong Ms Audrey EU	Section 40BN : Effect of certificate of incorporation	
031532 - 035034	Chairman Admin Mr CHEUNG Man-kwong Mr LEE Cheuk-yan Ms Audrey EU Ms Emily LAU	Section 40BO : Transitional provisions for establishment of IMC	<b>See para 5(k) of the minutes</b>
035035 - 035515	Chairman Admin Mr CHEUNG Man-kwong	Section 40BP : Dissolution of school management company	
035516 - 041500	Chairman Ms Audrey EU Mr CHEUNG Man-kwong Ms Emily LAU Admin Mr YEUNG Yiu-chung	Section 40BQ : Transitional provisions for dissolution of school management company	<b>See para 5(l) of the minutes</b>

Council Business Division 2

Legislative Council Secretariat

1 June 2004