

立法會
Legislative Council

LC Paper No. CB(2)3146/03-04
(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 Thursday, 3 June 2004 from 2:00 pm to 5:00 pm
in Conference Room B 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** : Professor Arthur LI, GBS, JP
Secretary for Education and Manpower
- Mr M Y CHENG, JP
Deputy Secretary for Education and Manpower (3)
- Miss Shirley YUNG
Administrative Assistant to Secretary for Education and
Manpower
- 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 : 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

I. Meeting with the Administration

[LC Paper Nos. CB(2)2578/03-04(03), CB(2)2601/03-04(01-04) and
CB(2)2613/03-04(01)]

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

Meeting with the Secretary for Education and Manpower (SEM)

2. At the request of the Chairman, SEM delivered a speech as detailed in his speaking note which was tabled at the meeting [LC Paper No. CB(2)2654/03-04(01) circulated to members on 7 June 2004]. He highlighted that -

- (a) parents had indicated the wish to participate in school management, and anticipated that the Bill could be enacted in the current term;

- (b) the Bill did not confer additional power on Permanent Secretary for Education and Manpower (PSEM) in regulation of school management; and
- (c) the provision of a five-year transitional period for the establishment of an IMC in aided schools after the commencement date was reasonable and sufficient.

3. Members sought clarifications about SEM's comments made to the press on 1 June 2004 on the slow progress of the Bills Committee in its scrutiny of the Bill and his doubt about members' sincerity to enact the Bill within the current term. SEM explained that he had not alleged that members had delayed the progress of the Bill. He clarified that he had only said that if members were opposing the Bill or disrupting the scrutiny process for the sake of opposition or disruption, he would have no confidence that the Second Reading debate of the Bill could be resumed by the end of the current term.

4. Members in general expressed objection to SEM's comments on the slow progress of the Bills Committee's deliberations on the Bill. They pointed out that the complexity of the Bill and the need to conduct clause-by-clause examination of the Bill in a conscientious manner meant that more time was required to complete scrutiny of the Bill. They requested SEM to discuss with members instead of the press if he had any queries about the work of the Bills Committee.

5. The Chairman considered that the Administration had focused on the right of parents to participate in school management, but ignored the strong objection of many large School Sponsoring Bodies (SSBs) to the compulsory requirement for the establishment of an IMC in aided schools before the end of the transition period. She also pointed out that many inadequacies and loopholes were found in the Bill during the scrutiny process, as reflected by the Committee Stage amendments (CSAs) to be proposed by members and the Administration.

The Administration's responses to issues raised at the meetings on 5, 12 and 19 May 2004

6. The Bills Committee requested the Administration to -
- (a) inform SSBs on the impact of the transitional provisions for the establishment of IMC under proposed section 40BO on school operation and advise them not to enter into non-government funded contracts or service agreements for more than a certain period, say one year, after the enactment of the Bill;

- (b) explain the criminal liability of managers of government schools;
and
- (c) explore the feasibility of allowing parents to participate in the selection of the first principal of a government school.

Clause-by-clause examination of the Bill

7. The Bills Committee requested the Administration to review the offences and penalties under regulations 101 and 102, and propose appropriate amendments for discussion at the next meeting.

Legislative timetable

8. The Chairman informed the meeting that the Bills Committee aimed to report to the House Committee on 18 June 2004 so that Second Reading debate on the Bill could be resumed at the Council meeting on 7 July 2004. The deadline for giving notice of CSAs was 26 June 2004.

II. Any other business

Date of future meetings

9. Members agreed to hold meetings on 16, 17, 18, 23, 24 and 25 June 2004 to continue deliberation of the Bill.

10. Members noted that the next meeting of the Bills Committee would be held on Wednesday, 9 June 2004 at 8:30 am.

11. The meeting ended at 5:00 pm.

Council Business Division 2
Legislative Council Secretariat
30 July 2004

**Proceedings of the meeting of the Bills Committee on
Education (Amendment) Bill 2002
on Thursday, 3 June 2004 from 2:00 pm to 5:00 pm
in Conference Room B of the Legislative Council Building**

| Time marker | Speaker | Subjects | Action required |
|--|---|--|---|
| 0000 - 1800 | Chairman SEM | SEM's speech as detailed in LC Paper No. CB(2)2654/03-04(01). | |
| 1801 - 013634 | Chairman Ms Audrey EU SEM Mr CHEUNG Man-kwong Mr LEE Cheuk-yan Mr LEUNG Yiu-chung Ir Dr Raymond HO Mr SZETO Wah Ms Emily LAU Mr Tommy CHEUNG | SEM's comments on the slow progress of the Bills Committee in deliberation of the Bill. | |
| 013635 - 014944 | | Break | |
| Administration's responses to issues raised at the meetings on 5, 12 and 19 May 2004. [LC Paper No. CB(2)2601/03-04(03)] | | | |
| 014945 - 015525 | Chairman Admin Mr CHEUNG Man-kwong | Section 40 BO : Transitional provisions for establishment of IMC. | See para 6(a) of the minutes |
| 015526 - 023130 | Chairman Admin Mr CHEUNG Man-kwong Ms Emily LAU | Operation and Management of Government schools; and Transfer and promotion of principals in government schools. | See para 6(b) and (c) of the minutes |
| 023131 - 024040 | Chairman Ms Audrey EU Admin Mr CHEUNG Man-kwong Ms Emily LAU | Way forward and dates of additional meetings. | See para 8 and 9 of the minutes |
| 024141 - 025823 | Chairman Admin Mr CHEUNG Man-kwong Ms Emily LAU | Regulation 101 and 102 - Offences and penalties. [LC Paper Nos CB(2) 2601/03-04(01) and 2613/03-04(01)] | See para 7 of the minutes |