

立法會
Legislative Council

LC Paper No. CB(2)3161/03-04

(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, 9 June 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 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
- 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 : 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)2601/03-04(01) and (02), CB(2)2613/03-04(01)]

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

The "fit and proper" requirement for elected managers

2. Members noted the case of Mr FUNG Ka-keung who was elected for appointment as an alumni manager in a Government school in 2002, but so far the Permanent Secretary for Education and Manpower (PSEM) was still considering whether he was a "fit and proper person" for registration as a manager. Members queried whether it was reasonable for PSEM to refuse the registration of an elected alumni manager on the ground that she considered him not a "fit and proper person".

3. The Administration explained that the requirement was essential since the electors might not have grasped all the information to determine whether an elected person was "fit and proper" by the time they voted. To safeguard the overall benefits of students in schools, the Administration considered it necessary to retain the provision to ensure that there would be a proper person to exercise the power that the Government devolved to an Incorporated Management Committee (IMC). In response to the Chairman's request, the Administration undertook to provide extracts from relevant ordinances that contained references to the test of "fit and proper".

[*Post meeting note* : the Administration's paper was circulated to members vide LC Paper No.CB(2)2754/03-04(02) on 11 June 2004].

4. Ms Emily LAU considered the "fit and proper" criterion reasonable as there would be circumstances where an elected manager was not suitable for appointment as a school manager. She suggested that the criteria for a candidate to be "unfit or improper" should be set out in the law or guidelines for the reference of candidates and the voters. The Chairman considered the requirement inappropriate and unnecessary for elected managers, and indicated that she would move an amendment to specify that the requirement should not be applicable to elected parent managers and alternate parent managers nominated under proposed section 40AM and elected alumni managers nominated under proposed section 40AN.

Clause-by-clause examination

5. The Bills Committee requested the Administration to -

Regulation 66 - Prohibition of collections without permission of Director

- (a) refine the drafting of the regulation to reflect more clearly the policy intent;

Regulation 88 - Size of classes

- (b) consider exempting aided schools with IMC from regulation 88(c), i.e., no more than 45 pupils should be taught at one time by one teacher, except in the special cases with the permission of PSEM;

Regulation 89 - Hours of instruction

- (c) consider exempting IMC schools from the regulation;

Regulation 92 - Syllabus and time-table subject to approval of Director

- (d) consider deleting regulation 92(3) or specifying the criteria for PSEM to order the inclusion or exclusion of certain instruction from any syllabus; and examine whether regulation 92(8) and (9) was consistent with the Hong Kong Bill of Rights Ordinance;

Regulation 10 - Structural alterations

- (e) consider whether the consent of PSEM in writing should be required for any alteration to the latrine accommodation or the sanitary arrangements of a school, or in the ventilation or lighting of its classroom;

Regulation 37 - Notice requiring safety equipment against fire

- (f) set out the necessary rules and procedures for compliance with fire safety requirements in regulation 37 for IMCs to follow;

Regulation 64 - Accounts

- (g) consider whether the word "vouchers" in regulation 64(c) included receipts transmitted by electronic means;

Regulation 99A - Business or trading operations

- (h) explain the definition and scope of operating business or trading operations on school premises;
- (i) review the need for PSEM to give permission in writing for aided schools to operate business or trading undertaking on school premises; clarify the allocation of the profits to IMC or School Sponsoring Bodies (SSBs) generated from such operation, consult SSBs on the impact of the regulation on school operation, and provide guidelines to schools for compliance with the regulation; and

Regulation 21 - Safety precautions

- (j) refine the drafting of the regulation to reflect more clearly the policy intent that non-teaching staff such as laboratory technicians should not give instructions in the use of tools, the operation of machines or the conduct of science experiments.

Other amendments

- 6. Members noted that the Administration would consider proposing Committee Stage amendments (CSAs) to regulations 18, 19, 21(2), 47, 48(2) 85, 93, and 95.

II. Any other business

- 7. Members noted that the next meeting would be held on 10 June 2004 at 2:00 pm in Conference Room B.

8. The meeting ended at 12:45 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 Wednesday, 9 June 2004 from 8:30 am to 12:45 pm
in Conference Room A of the Legislative Council Building**

Time marker	Speaker	Subjects	Action required
0000 - 0230	Chairman Mr CHEUNG Man-kwong	Briefing by the Chairman.	
0231 - 5150	Chairman Mr CHEUNG Man-kwong Mr YEUNG Yiu-chung Mr Tommy CHEUNG Admin Mr LEE Cheuk-yan Mr LEUNG Yiu-chung	Application of "fit and proper" in appointment of an elected manager in Government school.	See para 3 of the minutes
Offences and penalties under regulations 101 and 102 [LC Paper Nos. CB(2)2601/03-04(01) and CB(2)2613/03-04(01)]			
5151 - 5950	Chairman Admin Mr CHEUNG Man-kwong	Offences arising from contravening regulations 18, 19, 31, 34 and 35.	See para 6 of the minutes
5951 - 010700	Chairman Admin Mr CHEUNG Man-kwong Mr YEUNG Yiu-chung Ms Emily LAU	Offence arising from contravening regulation 66.	See para 5(a) of the minutes
010701 - 011132	Chairman Mr CHEUNG Man-kwong Admin Mr YEUNG Yiu-chung	Offence arising from contravening regulation 85.	See para 6 of the minutes
011133 - 011950	Chairman Admin Mr CHEUNG Man-kwong Mr SZETO Wah	Offence arising from contravening regulation 88.	See para 5(b) of the minutes
011951 - 012730	Chairman Admin Ms Emily LAU Mr CHEUNG Man-kwong Mr YEUNG Yiu-chung	Offence arising from contravening regulation 89.	See para 5(c) of the minutes
012731 - 013628	Chairman Admin Mr CHEUNG Man-kwong Ms Emily LAU Mr YEUNG Yiu-chung	Offence arising from contravening regulation 92.	See para 5(d) of the minutes

013629 - 020503	Chairman Admin Mr CHEUNG Man-kwong Ms Emily LAU Ir Dr Raymond HO	Offences under regulations 101(2), 101(2A), 101(3) and 101(3A).	See para 5(e) and (f) of the minutes
020504 - 022433		Break	
022434 - 023840	Chairman Admin Mr CHEUNG Man-kwong Ms Audrey EU	Offences under regulation 101(3A) and (3).	See para 6 of the minutes
023841- 030010	Chairman Admin Mr CHEUNG Man-kwong Ms Audrey EU	Offences under regulation 101(4A) and (4).	See para 5(g), (h) and (i) of the minutes
030011 - 032955	Chairman Admin Mr CHEUNG Man-kwong Ms Audrey EU	Offences under regulation 101(5A), 5(B) and (5).	See para 5(d), (j) and 6 of the minutes
032956 - 041500	Chairman Admin Mr CHEUNG Man-kwong Ms Emily LAU Ms Audrey EU	Offences under regulation 101(6AA), 6(A) and (6).	See para 6 of the minutes
041501 - 041535	Mr CHEUNG Man-kwong	Tabling of CSA to proposed new section 40BJ.	
041536 - 041628	Chairman Admin Ms Emily LAU	Date of future meetings.	

Council Business Division 2
Legislative Council Secretariat
 30 July 2004