

**立法會**  
**Legislative Council**

LC Paper No. CB(2)3163/03-04

(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 Friday, 11 June 2004 from 4:35 pm to 6:30 pm  
in Conference Room A of the Legislative Council Building**

- Members present** : Hon Cyd HO Sau-lan (Chairman)  
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
- Member absent** : Ir Dr Hon Raymond HO Chung-tai, 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 Assistant 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 No. CB(2)2601/03-04(02)]

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

Clause-by-clause examination of the Bill

2. Members went through the latest Committee Stage amendments (CSAs) to proposed sections 40AE - 40BI as detailed in the Administration's paper [LC Paper No. CB(2) 2601/03-04(02)].

3. The Bills Committee requested the Administration to -

*Proposed section 40 AW - Constitution of Incorporated Management Committee (IMC)*

- (a) refine the drafting of proposed section 40AW(3C) to the effect that the Permanent Secretary for Education and Manpower (PSEM) might require IMCs to amend their constitutions to secure compliance with law and general education policies;
- (b) clarify the date that an amendment to an IMC constitution took effect if it had been objected by PSEM under proposed section 40AW(3) and (3A), but the decision of PSEM was subsequently reversed by an Appeal Board;

*Proposed section 40AY - Director's nominee may attend meeting*

- (c) refine the drafting of proposed section 40AY to the effect that PSEM should serve a written notice to an IMC for the nomination of a public officer to attend an IMC meeting; and

*Proposed section 40BC - Dissolution*

- (d) consider establishing a mechanism to provide flexibility in the transfer of non-government funds or properties held by an IMC school immediately before its dissolution to other schools operated by the same SSB.

4. Members noted that the Administration had proposed to delete sections 40AH, 40AT and 40CC, and would further amend proposed sections 40AR(b), 40BC and 40BF.

**II. Any other business**

5. Members noted that the next meeting would be held on 16 June 2004 from 8:30 am to 12:45 pm, and might be resumed at 2:30 pm, if necessary.

6. The meeting ended at 6:30 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 Friday, 11 June 2004 from 4:35 pm to 6:30 pm  
in Conference Room A of the Legislative Council Building**

Time marker	Speaker	Subjects	Action required
0000 - 0420	Chairman	Introduction	
0421 - 3515	Chairman Admin Mr CHEUNG Man-kwong	Briefing on the latest CSAs to sections 40AE, 40AEA, 40AF, 40AG, 40AH, 40AI, 40AJ, 40AJA, 40AK, 40AL, 40AM, 40AN, 40AO, 40AP, 40AQ, 40AR, 40AS, 40ATA and 40AV; and the deletion of sections 40CC, 40AH and 40AT.	
3516 - 5400	Chairman Admin Mr CHEUNG Man-kwong ALA1	Section 40AW - Constitution of IMC	<b>See para 3(a) and (b) of the minutes</b>
5401 - 012220	Chairman Admin Mr SZE O Wah Mr Tommy CHEUNG Ms Emily LAU Mr YEUNG Yiu-chung Mr LEUNG Yiu-chung	Section 40AX - Delegation of functions Section 40AY - Director's nominee may attend meeting	<b>See para 3(c) of the minutes</b>
012221 - 012300	Chairman Admin Mr CHEUNG Man-kwong	Briefing on the latest CSAs to sections 40AZ, 40BA and 40BB.	
012301 - 014830	Chairman Admin Mr CHEUNG Man-kwong Mr Tommy CHEUNG	Section 40 BC - Dissolution  Transfer of non-government funds held by an IMC school upon dissolution to other schools operated by the same SSB.	<b>See para 3(d) of the minutes</b>
014831 - 015426	Chairman Admin Mr CHEUNG Man-kwong Mr SZETO Wah	Briefing on the latest CSAs to sections 40BD, 40BE, 40BF, 40BG, 40BH and 40BI.	
015427 - 015533	Chairman	Date of next meeting	