

**立法會**  
**Legislative Council**

LC Paper No. CB(2)3315/03-04  
(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, 17 June 2004 from 2:00 pm to 4:10 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 YEUNG Yiu-chung, BBS  
Hon LEUNG Yiu-chung  
Hon Emily LAU Wai-hing, JP  
Hon SZETO Wah  
Hon Tommy CHEUNG Yu-yau, 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

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**I. Meeting with the Administration**  
[LC Paper No. CB(2)2787/03-04(01)]

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

2. The Clerk informed the meeting that the Chairman had advised that she would be late for the meeting due to another engagement, and had recommended Ms Audrey EU to take the chair until she arrived. Members agreed.

Article 141 of the Basic Law

3. Mr CHEUNG Man-kwong said that one of the largest SSBs planned to initiate litigation against the Government for contravention of Article 141 of the Basic Law if the Bill was enacted. He pointed out that paragraph 3 of Article 141 provided that religious organizations may, according to their previous practice, continue to run seminaries and other schools, hospitals and welfare institutions and to provide other social services. He asked the Administration to seek legal advice as to whether the Bill was consistent with Article 141 and provide a written response before the Second Reading debate on the Bill was resumed at the Council meeting on 7 July 2004. The Administration agreed.

Clause-by-clause examination of the Bill

4. The Bills Committee requested the Administration to -

*Regulation 56 - Boarding schools*

*Regulation 57 - Medical examination in boarding schools*

- (a) review whether non-compliance with the regulations should constitute a criminal offence;

*Regulation 66 - Prohibition of collections without permission of Director*

- (b) examine whether Direct Subsidy Scheme (DSS) schools should be exempted from the regulation which required schools to seek the approval of the Permanent Secretary for Education and Manpower (PSEM) for collection of fees or subscription from pupils in schools;

*Regulation 76 - Teachers' appointment or dismissal needs approval by managers*

- (c) specify that the appointment of teachers under the approved establishment or a contract of not less than six months should be approved by the majority of the managers of an aided school;
- (d) specify that the dismissal of any teacher employed under the approved establishment or a contract of not less than six months should be approved by the majority of the managers at a meeting of the school management committee or the Incorporated Management Committee (IMC);

*Regulation 96 - Expulsion and suspension of pupils*

- (e) elaborate on the powers and authority of a principal and a supervisor, in contrast with those of the PSEM, to expel or suspend a pupil from a school;

*Regulation 99A - Business or trading operations*

- (f) examine whether the scope of the regulation should cover DSS schools; and

*Regulation 101 - Offences*

*Regulation 102 - Penalties*

- (g) provide a summary of the proposed amendments to the offences and penalties in regulations 101 and 102.

CSAs proposed by members

5. The draft CSA to clause 18 (section 41) proposed by Ms Emily LAU [LC Paper No CB(2)2864/03-04(01)] and the draft CSA to clause 17 (proposed

section 40BR) proposed by the Chairman [LC Paper No CB(2)2864/03-04(02)] were tabled at the meeting for members' information.

## **II. Any other business**

### Date of next meeting

6. Members agreed to re-schedule the next meeting from 18 June 2004 to Wednesday, 23 June 2004 at 8:30 am.

7. The meeting ended at 4:10 pm.

Council Business Division (2)  
Legislative Council Secretariat  
21 September 2004

**Proceedings of the meeting of the Bills Committee on  
Education (Amendment) Bill 2002  
on Thursday, 17 June 2004 from 2:00 pm to 4:10 pm  
in Conference Room B of the Legislative Council Building**

<b>Time marker</b>	<b>Speaker</b>	<b>Subjects</b>	<b>Action required</b>
0000 - 0145	Clerk Ms Audrey EU	Ms Audrey EU to act as Chairman until the Chairman arrived.	
0146 - 0745	Ms Audrey EU Admin Mr CHEUNG Man-kwong	Regulation 56 - Boarding schools  Regulation 57 - Medical examination in boarding schools	<b>See para 4(a) of the minutes</b>
0746 - 0900	Ms Audrey EU Admin Mr CHEUNG Man-kwong	Regulations 60, 60A, 61, 62, 63 and 64.	
0901 - 1250	Ms Audrey EU Admin Mr CHEUNG Man-kwong	Regulation 66 - Prohibition of collections without permission of Director	<b>See para 4(b) of the minutes</b>
1251 - 1505	Ms Audrey EU Admin	Regulation 75 - Constitution of SMC  Regulation 75A - Constitution of IMC	
1506 - 4435	Ms Audrey EU Admin Mr CHEUNG Man-kwong Mr YEUNG Yiu-chung Chairman Mr SZETO Wah Ir Dr Raymond HO ALA1 Mr LEUNG Yiu-chung	Regulation 76 - Teachers' appointment or dismissal needs approval by managers	<b>See para 4(c) and (d) of the minutes</b>
4436 - 5245	Chairman Admin Mr CHEUNG Man-kwong	Regulations 77, 78, 79, 81, 82, 83, 85, 88, 89, 91, 92, 93, 94 and 95.	
5246 - 5830	Chairman Admin Mr CHEUNG Man-kwong Mr SZETO Wah	Regulation 96 - Exclusion and suspension of pupils	<b>See para 4(e) of the minutes</b>
5831 - 010330	Chairman Admin Mr CHEUNG Man-kwong Mr SZETO Wah	Regulations 97 and 98	

010331 - 011630	Chairman Admin ALA1 Mr CHEUNG Man-kwong	Regulation 99A - Business or trading operations Regulation 99B - Restriction on use of profits arising from business or trading arrangement by IMC	<b>See para 4(f) of the minutes</b>
011631 - 013200	Chairman Admin ALA1 Mr CHEUNG Man-kwong	Regulation 101 - Offences Regulation 102 - Penalties	<b>See para 4(g) of the minutes</b>
013201 - 013730	Chairman Admin ALA1 Mr CHEUNG Man-kwong	Clauses 52 - 58	
013731 - 015329	Mr CHEUNG Man-kwong Chairman Admin Mr SZETO Wah	Compatibility of the Bill with Article 141 of the Basic Law	<b>See para 3 of the minutes</b>
015330 - 015800	The Chairman ALA1 Mr CHEUNG Man-kwong	CSAs proposed by the Chairman and Ms Emily LAU	<b>See para 5 of the minutes</b>
015801 - 020107	Chairman Mr CHEUNG Man-kwong Mr SZETO Wah Mr LEUNG Yiu-chung	Date of next meeting	

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