

立法會
Legislative Council

LC Paper No. CB(2)3316/03-04
(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, 23 June 2004 from 8:30 am to 11:20 am
in Conference Room A of the Legislative Council Building**

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| 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 | : 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)2893/03-04(01) and (02)]

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

Article 141 of the Basic Law

2. Mr CHEUNG Man-kwong said that one of the largest SSBs had indicated that it would initiate litigation against the Government for contravention of Article 141 of the Basic Law if the Bill was enacted. He requested the Administration to clarify whether the Bill was consistent with Article 141 of the Basic Law. The Administration responded that the proposed arrangements under the Bill did not contravene with Article 141 of the Basic Law. At the Chairman's request, the Administration undertook to provide a written response for discussion of the issue at the meeting on 30 June 2004.

Admin

Clause-by-clause examination of the Bill

3. Members deliberated on the draft Committee Stage amendments (CSAs) proposed by the Administration as at 21 June 2004 [LC Paper No. CB(2)2893/03-04(01)]. Members also noted the draft CSAs to sections 30 and 47 proposed by the Chairman [LC Paper No. CB(2)2839/03-04(02)].

Section 65 - Further right of appeal to Chief Executive in Council

4. Members noted that an IMC might submit a petition to the Chief Executive in Council to appeal against the decision of an appeal board within 14 days after the notice of the decision of the appeal board was served. Some members considered it unfair that the Secretary for Education and Manpower was a member of the Executive Council. They requested the Administration to review the operation of the appeal mechanism under the Education Ordinance with a view to improving its fairness and transparency.

Admin

II. Any other business

Date of next meeting

5. Members agreed to cancel the meeting scheduled for 24 June 2004 and hold the next meeting on Friday, 25 June 2004 after the House Committee meeting in Conference Room A.

6. The meeting ended at 11:20 am.

Council Business Division 2
Legislative Council Secretariat
21 September 2004

**Proceedings of the meeting of the Bills Committee on
Education (Amendment) Bill 2002
on Wednesday, 23 June 2004 from 8:30 am to 11:20 am
in Conference Room A of the Legislative Council Building**

Time marker	Speaker	Subjects	Action required
0000 - 0730	Chairman Admin Mr CHEUNG Man-kwong ALA1	Introduction on the Administration's papers for the meeting.	
0731 - 1702	Chairman Admin Mr CHEUNG Man-kwong	Deliberation of the draft CSAs proposed by the Administration	
1703 - 2520	Admin Chairman Mr CHEUNG Man-kwong Mr SZETO Wah	Consistency of the Bill with Article 141 of the Basic Law.	See para 2 of the minutes
2521 - 3459		Break	
Draft CSAs proposed by the Administration as at 21 June 2004 [LC Paper No. CB(2)2893/03-04(01)]			
3500 - 020234	Chairman Admin Mr CHEUNG Man-kwong Ms Emily LAU Mr LEUNG Yiu-chung Ms Audrey EU ALA1 Mr LEE Cheuk-yan	Part IIIB : Section 40AA - 40CB Section 40AW(3E) – Effective date for an IMC constitution which was objected by PSEM but the decision of PSEM was subsequently reversed by an Appeal Board; Section 65 - Further right of appeal to Chief Executive in Council – Fairness and transparency of the existing appeal mechanism under the Education Ordinance. Section 40BR - Failure to establish IMC Appointment of managers by PSEM in case an aided school failed to establish an IMC in accordance with section 40BJ. Section 40CB - An aided IMC school may become a DSS school without IMC	See para 4 of the minutes
020235 - 021742		Break	
021743 - 022440	Chairman Admin Mr CHEUNG Man-kwong	Sections other than Part IIIB	

022441 - 023248	Chairman Admin	Education Regulations	
023249 - 024030	Chairman Admin Mr CHEUNG Man-kwong Ms Emily LAU Mr Tommy CHEUNG	Members' CSAs and legislative time-table.	
024031 - 024106	Chairman	Date of next meeting	

Council Business Division 2
Legislative Council Secretariat
21 September 2004