

立法會
Legislative Council

LC Paper No. CB(2)233/03-04
(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, 24 October 2003 at 10:45 am
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
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 (Education Ordinance Review
and Compliance)
- 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)4

Staff in attendance : Ms Bernice WONG
Assistant Legal Adviser 1

Mr Stanley MA
Senior Assistant Secretary (2)6

I. Confirmation of minutes
[LC Paper No. CB(2)152/03-04]

The minutes of the meeting held on 10 October 2003 were confirmed.

II. Meeting with the Administration
[LC Paper Nos. CB(2)1723/02-03(01) and CB(2)150/03-04(01)
circulated to members]

2. Members noted that the Administration would prepare amendments to allow parents of all current pupils of a school to have the right to vote and be elected in the election of parent managers; and to vote for the vacation of a parent manager's office.

3. The Bills Committee deliberated on the powers of the chairperson and the supervisor, if appointed, of a school with an Incorporated Management Committee (IMC) (paragraphs 20 to 22 of LC Paper No. CB(2)1723/02-03(01)). The Bills Committee also discussed the power of the Permanent Secretary for Education and Manpower (PSEM) to approve draft IMC constitutions and subsequent amendments under proposed new sections 40AW(1) and (2) respectively (Index of proceedings attached at **Annex**).

Distribution of powers between IMC chairperson and supervisor

4. Some members expressed concern about the replacement of the supervisor by an IMC chairperson in school management after the commencement of the Bill. They pointed out the concern of most School Sponsoring Bodies about the deletion of the post of supervisor who, under the current legislation, mainly served as a channel of communication between the

school management and the Education and Manpower Bureau. They requested the Administration to -

- (a) explain how a school with an IMC could retain the post of supervisor and define its role and functions, or alternatively delegate to the chairperson or any other member of an IMC the duties of the supervisor under the current legislation;
- (b) consider the suggestion that no person should be allowed to register as an IMC chairperson for more than three schools;
- (c) highlight the difference in statutory functions between a supervisor appointed in accordance with the current legislation and an IMC chairperson; and
- (d) state the procedures and requirements for the appointment of an IMC chairperson; and clarify who would be empowered to appoint a chairperson and whether a chairperson could be a parent manager, a teacher manager or an independent manager.

Constitution of IMC

5. Some members expressed reservations about the need to empower PSEM to approve draft constitutions and amendments to constitutions under proposed sections 40AW(1) and (2) respectively. They queried how PSEM could be satisfied that the operation of an IMC in accordance with the constitution was likely to be satisfactory as specified in proposed new Regulation 75A(1), and doubted whether it would be practical for PSEM to disapprove an amendment to an IMC constitution which was supported by a majority of IMC managers. They requested the Administration to -

- (a) elaborate on the justifications for empowering PSEM to approve draft constitutions; and
- (b) re-examine the need for empowering PSEM to approve amendments to constitutions passed by IMCs.

III. Any other business

Date of next meeting

6. Members noted that the next meeting would be held on Thursday, 30 October 2003 at 2:30 pm.

7. There being on other business, the meeting was adjourned at 12:40 pm.

Council Business Division 2
Legislative Council Secretariat
6 November 2003

**Proceedings of the meeting of the Bills Committee on
Education (Amendment) Bill 2002
on Friday, 24 October 2003 at 10:45 am
in Conference Room A of the Legislative Council Building**

Time marker	Speaker	Subjects	Action required
0000 - 0516	Chairman	Confirmation of minutes	
0517 - 0647	Chairman Admin Mr CHEUNG Man-kwong	Selection and nomination of parent managers by parents of all current pupils of a school.	
0648 - 1822	Mr CHEUNG Man-kwong Chairman Admin	Appointment of a supervisor and a chairperson in an IMC of a school.	See para 4(a) of the minutes
1823 - 2208	Ir Dr Raymond HO Chairman Admin	A person should not serve as a chairperson for more than three IMCs.	See para 4(b) of the minutes
2209 - 3049	Mr Tommy CHEUNG Admin	Difference in statutory functions of a supervisor under the current legislation and a chairperson appointed under an IMC constitution.	See para 4(c) of the minutes
3050 - 4628	Chairman Admin Mr Tommy CHEUNG	<ul style="list-style-type: none"> - Distribution of powers between a chairperson and a supervisor; and - transfer of the role and functions of supervisor under the current legislation to IMC chairperson and responsible persons under the Bill. 	
4629 - 5514	Mr SZETO Wah Admin	Procedures, requirements and authority for appointment of chairperson.	See para 4(d) of the minutes

5515 - 010734	Mr SZETO Wah Chairman Admin Mr CHEUNG Man-kwong Ms Emily LAU	- Possible conflicts between a SSB and elected managers of an IMC; and - improving communications between EMB and SSBs on the provisions in the Bill.	
010735 - 014439	Ms Emily LAU Chairman Mr Szeto Wah Admin Mr LEE Cheuk-yan Mr CHEUNG Man-kwong Ms Audrey EU ALA1 Mr YEUNG Yiu-chung	Sample constitution and the power of PSEM to approve a draft constitution and amendments to an IMC constitution.	See para 5 (a) and (b) of the minutes
014440 - 014725	Chairman	Concluding remark and date of next meeting	

Council Business Division 2
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