

**立法會**  
***Legislative Council***

LC Paper No. CB(2)302/03-04

(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, 30 October 2003 at 2:30 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  
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)2

**Staff in attendance** : Ms Bernice WONG  
Assistant Legal Adviser 1

Mr Stanley MA  
Senior Assistant Secretary (2)6

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**I. Meeting with the Administration**

[LC Paper No. CB(2)1723/02-03(01) circulated to members]

The Bills Committee deliberated on paragraphs 23 to 28 of the Administration's response to issues raised at the meeting on 17 and 27 March 2003 [LC Paper No. CB(2)1723/02-03(01)] (Index of proceedings attached at **Annex**).

Governance structure of aided schools with an Incorporated Management Corporation (IMC)

2. Members discussed the concern of School Sponsoring Bodies (SSBs) about their power to appoint the chairperson of IMC and the principal after the commencement of the Bill. Mr CHEUNG Man-kwong pointed out that the present drafting of the Bill would allow SSBs to specify the rules and procedures for the appointment of the chairperson in the IMC constitution. He suggested that the Bill should empower SSBs to determine the appointment of an IMC chairperson and the selection of a principal. He anticipated that SSBs would then be convinced that their power to steer IMC in pursuit of their visions and missions in education would be safeguarded in the Bill.

3. The Chairman shared the view of Mr CHEUNG Man-kwong. She requested the Administration to -

- (a) consider incorporating provisions in the Bill to expressly empower a SSB to determine the appointment of an IMC chairperson and the selection of a principal; and
- (b) explain why Direct Subsidy Scheme (DSS) schools were not compulsorily required to establish an IMC and clarify whether the policy intent was to encourage SSBs who did not wish to establish an IMC to join the DSS.

#### Alumni Managers

4. Members discussed whether a minimum age should be specified for the election and nomination of an alumni manager, particularly in primary schools where the voters and the nominees could be below the age of 18. The Administration was requested to -

- (a) consider whether minimum ages of voters and nominees should be set in the election of an alumni manager of a school; and
- (b) explain the criteria for an IMC to recognize an alumni association in case there were two or more alumni associations in a school.

#### Independent Managers

5. The Chairman expressed concern over the power of the Permanent Secretary for Education and Manpower (PSEM) under the proposed new section 40AP to grant exemption if she was satisfied that an IMC had taken "all reasonable steps" to secure compliance of the requirement for nomination of independent managers in proposed new section 40AO(2). Mr CHEUNG Man-kwong and Mr SZETO Wah held the view that a serving independent manager should be required to vacate his office within a specified period after he had become a teacher or a parent of a current pupil of the school. Members requested the Administration to -

- (a) explain the meaning of "all reasonable steps" in complying with the requirements for nomination of an independent manager; and
- (b) examine whether the Bill should specify a time limit for a serving independent manager to vacate his office when he became a teacher or a parent of a current pupil of the school.

## **II. Any other business**

### Date of next meeting

6. Members noted that the next meeting would be held on Friday, 7 November 2003 at 10:45 am.

7. The meeting ended at 4:30 pm.

Council Business Division 2  
Legislative Council Secretariat  
18 November 2003

**Proceedings of the meeting of the Bills Committee on  
Education (Amendment) Bill 2002  
on Thursday, 30 October 2003 at 2:30 pm  
in Conference Room A of the Legislative Council Building**

Time marker	Speaker	Subjects	Action required
0000 - 0245	Chairman	Introduction.	
0246 - 3854	Chairman Mr CHEUNG Man-kwong Admin Mr YEUNG Yiu-chung Mr Tommy CHEUNG Mr LEUNG Yiu-chung	Power of a SSB to appoint a chairperson, a supervisor and a principal in the governance structure of an IMC school.	
3855 - 010338	Mr CHEUNG Man-kwong Admin Mr LEUNG Yiu-chung Chairman Ms Emily LAU Mr LEE Cheuk-uan	The Bill should expressly specify the power of SSB to determine the appointment/election of an IMC chairperson and the selection of a principal.	
010339 - 012152	Mr LEE Cheuk-yan Admin Mr LEUNG Yiu-chung Chairman Mr SZETO Wah	Establishment of an IMC in Direct Subsidy Scheme schools.	
012153 - 012900	Chairman Mr SZETO Wah Mr LEE Cheuk-yan Admin Ms Emily LAU	<ul style="list-style-type: none"> <li>- Incorporation of provisions in the Bill to expressly empower SSBs to determine the appointment of an IMC chairperson and the selection of a principal; and</li> <li>- whether DSS schools should be covered by the Bill.</li> </ul>	<b>See para 3(a) and (b) of the minutes</b>
012901 - 013252	Chairman Ms Emily LAU Mr CHEUNG Man-kwong Admin	Number of parent managers in an IMC school.	

013253 - 014600	Chairman Mr CHEUNG Man-kwong Mr SZETO Wah Admin	- Minimum ages for voters and nominees in the election of an alumni manager; and - recognition of an alumni association by IMC in case there were two or more alumni associations in an IMC school.	<b>See para 4(a) and (b) of the minutes</b>
014601 - 015745	Chairman Mr SZETO Wah Mr CHEUNG Man-kwong Admin	- Power of PSEM to exempt an IMC from any requirement of the IMC composition; and - transitional period for a serving independent manager to vacate his office when he became a teacher or a parent of a current pupil of the school.	<b>See para 5(a) and (b) of the minutes</b>
015745 - 015800	Chairman	Concluding remark.	

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