

**立法會**  
**Legislative Council**

LC Paper No. CB(2)535/03-04  
(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, 21 November 2003 at 10:45 am  
in Conference Room A of the Legislative Council Building**

- Members present** : Hon Cyd HO Sau-lan (Chairman)  
Hon CHEUNG Man-kwong  
Hon YEUNG Yiu-chung, BBS  
Hon SZETO Wah  
Hon Tommy CHEUNG Yu-yan, JP  
Hon Audrey EU Yuet-mee, SC, JP
- Members absent** : Ir Dr Hon Raymond HO Chung-tai, JP  
Hon LEE Cheuk-yan  
Hon LEUNG Yiu-chung  
Hon Emily LAU Wai-hing, JP
- Public Officers attending** : Mr M Y CHENG  
Deputy Secretary for Education and Manpower (3)
- Mrs YU LAW Siu-man  
Senior Education Officer (Education Ordinance Review  
and Compliance)
- 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 41 to 50 of the Administration's response to issues raised at the meetings on 17 and 27 March 2003 [LC Paper No. CB(2)1723/02-03(01)] (Index of proceedings attached at **Annex**).

Insurance cover for liability

2. Members expressed serious concern about the protection of Incorporated Management Committee (IMC) managers from liability claims arising from their participation in IMC work. They requested the Administration to –

- (a) elaborate on how an IMC manager who was found, as a result of negligence or otherwise, partly or wholly responsible for the occurrence of an accident in a school or an extra-curricular activity, would be protected from any liability claims;
- (b) describe the areas of insurance which were relevant to the functions of IMCs but not covered under the Block Insurance Policy (BIP) for aided schools;
- (c) consider specifying in the Bill that any claim for liability shall be enforced against IMC to the exclusion of managers; and
- (d) explain the current arrangements for compliance with the Copyright Ordinance in using copies of copyright materials for teaching in schools.

3. Mr CHEUNG Man-kwong suggested that the Bills Committee should seek the advice of the insurance profession on the scope and sufficiency of BIP for aided schools. Members agreed to invite Hon Bernard CHAN to give comments as to whether BIP was sufficient for the purpose of protecting IMC managers from civil liability claims, and whether additional insurance were necessary for protection of IMC managers from liability claims arising from defamation, infringement with copyright, anti-discrimination and other

legislation.

### IMC constitution

#### *Approval of appointment and dismissal of teaching staff*

4. Assistant Legal Adviser (ALA) referred to the deliberations of the Public Accounts Committee (PAC) on the Director of Audit's Report No. 39 in respect of non-compliance with Regulation 76 of the Education Regulations, which required that the appointment and dismissal of any member of the teaching staff of any school should be determined by a majority vote of all the members of the School Management Committee (SMC) of that school. It would be relevant to study the procedures, particularly whether delegation or ratification was allowed under the IMC constitution.

5. The Administration explained that the Bill required aided schools to set up an IMC and prepare a constitution which should incorporate a procedure for the IMC to approve the appointment and dismissal of teaching staff by way of a majority voting. In particular, the Bill empowered the Permanent Secretary for Education and Manpower (PSEM) to approve draft constitutions submitted by IMCs, and hence ensure that each constitution would comply with the said requirement.

ALA/Adm

6. Mr CHEUNG Man-kwong requested ALA to prepare a paper on the issue to facilitate members' deliberation on the relevant provisions in the IMC constitution and the Bill. The Chairman also requested the Administration to explain how the Bill had addressed the concern of PAC on the issue and how the Administration would enforce the requirement after the commencement of the Bill.

### Requirement of managers

#### *Absence from IMC meetings*

Adm

7. Members expressed concern that a manager might for various reasons be absent without leave from three consecutive IMC meetings which were held within a short period of time to tackle an emergency situation such as an outbreak of a contagious disease in schools. They requested the Administration to consider whether IMCs should be required to prepare a schedule of regular meetings for the purpose of proposed new section 31(1)(g) before the commencement of a school year.

#### *Minimum qualification of managers*

8. Members did not consider it necessary to prescribe a minimum qualification for IMC managers. They agreed in principle to the suggestion

Adm that one-third of the managers of an IMC should possess post-secondary qualification. To facilitate further consideration of the suggestion, members requested the Administration to provide information on the qualifications of existing managers in rural schools.

Support/training for managers

*Two-day paid leave for parent managers*

9. Members agreed that the provision of paid leaves to parent managers for attendance of IMC meetings was outside the scope of the Bill.

*Training for managers*

Adm 10. Members agreed that the Administration should provide sufficient training opportunities for serving school managers and parents who intended to participate in school management before the commencement of the Bill, without setting any training requirements. The Chairman requested the Administration to provide information on the support measures which had been and would be taken to assist serving school managers, parents, teachers and other persons to acquire the basic knowledge and skills in school operation and management during the transitional period.

**II. Any other business**

Date of next meeting

11. Members noted that the next meeting would be held on Friday, 5 December 2003 at 10:45 am.

12. The meeting ended at 12:45 pm.

Council Business Division 2  
Legislative Council Secretariat  
8 December 2003

**Proceedings of the meeting of the Bills Committee on  
Education (Amendment) Bill 2002  
on Friday, 21 November 2003 at 10:45 am  
in Conference Room A of the Legislative Council Building**

Time marker	Speaker	Subjects	Action required
0000 - 0522	Chairman	Introduction.	
0523 - 010030	Chairman Admin Mr CHEUNG Man-kwong Ms Audrey EU Mr SZETO Wah Mr Tommy CHEUNG	Insurance cover for liability of IMC managers -  (a) Whether an IMC manager would be protected from any liability claims if he was found, as a result of negligence or otherwise, partly or wholly responsible for the occurrence of an accident;  (b) Additional insurance were relevant to the functions of IMCs but not covered under BIP for aided schools;  (c) Inclusion of provisions in the Bill which specified that any claim for liability shall be enforced against IMC to the exclusion of managers; and  (d) Current arrangements for compliance with the Copyright Ordinance in using copies of copyright materials for teaching in schools.	<b>See para 2(a), (b), (c) and (d) of the minutes</b>
010031 - 011234	Chairman ALA Admin Mr CHEUNG Man-kwong Mr SZETO Wah	Sample constitutions and approval of appointment and dismissal of teaching staff in accordance with Regulation 76 of the Education Regulations.	<b>See para 6 of the minutes</b>

011235 - 012300	Mr SZETO Wah Mr CHEUNG Man-kwong Chairman Mr YEUNG Yiu-chung ALA	Absence from IMC meetings.	<b>See para 7 of the minutes</b>
012301 - 013448	Chairman Mr CHEUNG Man-kwong Mr Tommy CHEUNG	Minimum qualification of IMC managers.	<b>See para 8 of the minutes</b>
013449 - 014818	Chairman Mr CHEUNG Man-kwong Admin Mr YEUNG Yiu-chung Mr SZETO Wah ALA1	Two-day paid leave for parent managers to attend IMC meetings and provision of training opportunities to serving and prospective managers; and other support measures for IMC managers.	<b>See para 10 of the minutes</b>
014819 - 015453	Chairman Mr CHEUNG Man-kwong Admin Mr Tommy CHEUNG	Date of next meeting.	

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