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EDUCATION (AMENDMENT) BILL 2002

**COMMITTEE STAGE**

Amendments to be moved by the Secretary for  
Education and Manpower

Clause

Amendment Proposed

- |            |  |
|------------|--|
| Long title | By deleting "Director of Education's" and substituting "Permanent Secretary for Education and Manpower's".   |
| 1(2)       | By deleting everything after "on" and substituting "1 December 2004.".   |
| 2(b)       | (a) In subparagraph (ii), in paragraph (b) of the proposed definition of "manager", by deleting "40AH" and substituting "40AJA"<br><br>(b) In subparagraph (iv), in the proposed definition of "sponsoring body", by deleting "Director" and substituting "Permanent |

Secretary".

(c) by adding -

"(iva) in the definition of "supervisor",  
by repealing everything after  
"means" and substituting - "-

(a) in relation to a school  
without IMC, a manager who  
is -

(i) approved as the  
supervisor of the  
school under section 34  
or 38(2) or under  
either of the repealed  
Ordinance; or

(ii) approved as the acting  
supervisor of the  
school under section  
38A(2);

(b) in relation to an IMC school,  
a manager who is -

(i) appointed or elected  
under section 40AI(2) as  
the supervisor of the  
school; or

(ii) appointed or elected  
under section 40AI(2A)  
as the acting supervisor  
of the school.";".

(d) In subparagraph (v), by deleting the proposed definition of "DSS school".

2(c) In the proposed section 3(2), by deleting "Director" and substituting "Permanent Secretary".

3 In the heading, by deleting "**Director**" and substituting "**Permanent Secretary**".

3(b) In the proposed section 8(3), by deleting "register maintained under subsection (1)(da) shall be made available in such manner as the Director" and substituting "entries referred to in subsection (1)(da)(i) and (ii) shall be made available in such manner as the Permanent Secretary".

4 By deleting everything after "Section" and substituting -

"9 is amended -

(a) by adding before subsection (1) -

"(1A) In this section, "interested persons" means, in relation to a school -

(a) the owners of the school;

(b) the managers of the

- school;
- (c) the teachers of the school;
- (d) persons who are not owners, managers or teachers of the school but manage or take part in the management of the school; or
- (e) the students of the school.";
- (b) in subsection (1), by repealing "owners, managers, teachers or pupils" and substituting "interested persons";
- (c) in subsection (1)(a), by repealing everything after "the Government" and substituting a semicolon;
- (d) in subsections (2), (3)(b) and (5)(c), by repealing "owners, managers, teachers or pupils" and substituting "interested persons".

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- (a) In the heading, by deleting "**Director**" and substituting "**Permanent Secretary**".
- (b) In paragraph (b), by deleting everything after "subsection (1)" and substituting "with the consent or connivance of a manager of the school, the manager shall be guilty

of an offence and shall be liable on conviction to a fine at level 3 and to imprisonment for 3 months."."

11 In the proposed section 28(a), by deleting "Director" and substituting "Permanent Secretary".

12(a) By adding before subparagraph (i) -  
"(ia) by adding -  
"(ca) the applicant is under the age of  
18 years;" ;".

12(b) (a) In the proposed section 30(1A), by deleting "Director" where it twice appears and substituting "Permanent Secretary".  
(b) In the proposed section 30(1A)(a), by deleting "previously".

12(c) In the proposed section 30(2)(a) and (b)(i), by deleting "Director" and substituting "Permanent Secretary".

13(a)(iv) (a) In the proposed section 31(1)(g), by deleting "Director" and substituting "Permanent Secretary".  
(b) In the proposed section 31(1)(g)(i), by deleting everything after "without" and

substituting "the consent of the committee from all meetings of the committee in a school year; and".

- (c) By deleting the proposed sections 31(1)(h) and (i).
- (d) In the proposed section 31(1)(j) -
  - (i) by deleting "Director" and substituting "Permanent Secretary";
  - (ii) by adding "physically" before "fit".
- (e) In the proposed section 31(1)(k), by deleting "署" and substituting "常任秘書".

13(b)(ii) In the proposed section 31(2)(aa) and (ab), by deleting "署" and substituting "常任秘書".

17 (a) In the proposed section 40AB, in the definition of "alternate manager", by adding ", alternate sponsoring body manager" before "or".

(aa) In the proposed section 40AB, by adding -  
 "alternate sponsoring body manager" (替代辦學團體校董) means a manager who is nominated for registration as such under section 40AK;".

(ab) In the proposed section 40AB, by deleting the definition of "chairperson".

(ac) In the proposed section 40AB, in the

definition of "parent", by deleting everything after "pupil," and substituting -  
"includes -

(a) a guardian of the pupil; and

(b) a person who is not the parent or guardian of the pupil but has the actual custody of the pupil;".

(ad) In the proposed section 40AB, in the definition of "scheduled opening date", by deleting "Director" and substituting "Permanent Secretary".

(b) In the proposed section 40AB, in the definition of "specialist staff", in paragraph (b), by deleting "Director" and substituting "Permanent Secretary".

(c) In the proposed section 40AB, in the definition of "sponsoring body manager", by deleting "by the sponsoring body".

(ca) In the proposed section 40AB, in the definition of "teacher", by deleting everything after "means" and substituting "a permitted teacher or registered teacher employed in a school;".

(cb) In the proposed section 40AB, in the definition of "現有學校", in paragraph (c), by deleting "署" and substituting "常任秘書".

(cc) In the proposed section 40AB, in the

definition of “籌辦中的學校”, in paragraph

(c), by deleting “署” and substituting “常任秘書”.

(cd) In the proposed section 40AD(1)(a), by deleting “Director” and substituting “Permanent Secretary”.

(ce) In the proposed section 40AD(1)(b), by deleting “out”.

(cf) In the proposed section 40AD(2)(a), by adding “in accordance with the vision and mission set by the sponsoring body” after “school”.

(cg) In the proposed section 40AD(2)(b), by adding “subject to section 40AEA,” before “planning”.

(ch) In the proposed section 40AD(2)(c), by deleting “Director” and substituting “Permanent Secretary”.

(ci) In the proposed section 40AE(2)(d), by deleting “or received from the Government”.

(cj) In the proposed section 40AE(2), by adding –  
     “(da) handle funds and assets received  
                     from the Government in the  
                     capacity of a trustee;”.

(d) In the proposed section 40AE(3)(b), by deleting “Director” and substituting “Permanent Secretary”.



(da) In the proposed section 40AE(3), by adding -

"(ba) in relation to -

(i) raising funds (including  
borrowing money); and

(ii) entering into any contract,  
agreement or arrangement  
involving funds other than  
funds received from the  
Government,

guidelines (if any) issued by the  
sponsoring body of the school;".

(e) In the proposed section 40AE(3)(c), by  
deleting everything after "school) the" and  
substituting "relevant code of aid;".

(f) In the proposed section 40AE(3)(d), by  
deleting "Director" and substituting  
"Permanent Secretary".

(fa) In the proposed section 40AE, by adding -

"(4) Without prejudice to the  
generality of subsection (3), if a  
person is employed by the incorporated  
management committee of an aided school  
to occupy a post in the establishment  
of staff provided for in the relevant  
code of aid, his terms and conditions  
of service determined pursuant to  
subsection (2)(b) must conform with  
those provided for in the relevant code

of aid in relation to the post.

(5) In this section, "relevant code of aid" means -

- (a) in relation to an aided school which is a primary school, the code of aid for primary schools;
- (b) in relation to an aided school which is a secondary school, the code of aid for secondary schools;
- (c) in relation to an aided school which is a special school, a practical school or a skills opportunity school, the code of aid for special schools."

(g) By adding after the proposed section 40AE -

**"40AEA. Power of sponsoring body  
over employment of  
teaching staff**

(1) The sponsoring body of a school which is also the sponsoring body of another school -

- (a) may request -

- (i) the incorporated management committee of the first-mentioned school to terminate the employment of a person as the principal of the school; and
  - (ii) the incorporated management committee of the other school to recommend for approval the person to be the principal of the school under section 53;
- (b) may request -
  - (i) the incorporated management committee of the first-mentioned school to terminate the employment of a person as a teacher of the school; and
  - (ii) the incorporated management committee of the other school to employ the person as a teacher of the same rank of the school.

(2) A sponsoring body shall not request the taking of any action under subsection (1) unless -

- (a) the action is conducive to the professional development of the person concerned;
- (b) the action is necessary to avoid or alleviate over-establishment of staff due to a reduction of classes in the school concerned; or
- (c) the Permanent Secretary approves the request upon -
  - (i) an application by the sponsoring body; and
  - (ii) other good cause being shown to his satisfaction.

(3) An incorporated management committee shall take such action within its lawful authority as is necessary for the compliance with a request made of it under subsection (1).".

- (ga) By deleting the proposed subheading **"Composition of incorporated management committee"** and substituting **"Supervisor"**.
- (gb) By deleting the proposed section 40AH.
- (gc) In the proposed section 40AI, by deleting

everything before subsection (3) and  
substituting -

**"40AI. Supervisor**

(1) A school shall have a supervisor.

(2) The supervisor of a school -

(a) must be a manager of the  
school;

(b) must be -

(i) appointed by the  
sponsoring body of the  
school; or

(ii) elected by the managers  
of the school,

in accordance with the  
constitution of the  
incorporated management  
committee of the school; and

(c) shall hold and vacate office  
as such in accordance with  
the constitution.

(2A) If the supervisor of a school is  
unable to perform his duties during a period  
of not less than 28 days due to absence from  
Hong Kong or illness -

(a) (in the case of an appointed  
supervisor) the sponsoring  
body of the school shall  
appoint another manager of

the school as the acting  
supervisor to act in the  
place of the supervisor  
during the period;

(b) (in the case of an elected  
supervisor) the other  
managers shall elect amongst  
themselves an acting  
supervisor to act in the  
place of the supervisor  
during the period."

(gd) In the proposed section 40AI(3), by deleting  
"chairperson" where it twice appears and  
substituting "supervisor".

(h) In the proposed section 40AI(4)(a), by  
deleting "chairperson to the Director" and  
substituting "supervisor to the Permanent  
Secretary".

(ha) In the proposed section 40AI(4)(b), by  
deleting everything after "subsequent" and  
substituting "supervisor to the Permanent  
Secretary within 14 days after his election  
or appointment."

(hb) In the proposed section 40AI(5), by deleting  
"chairperson and such other information as  
the Director" and substituting "supervisor  
and such other information as the Permanent  
Secretary".

- (hc) In the proposed section 40AJ, by deleting everything before subsection (1)(b) and substituting -

**"40AJ. Functions of supervisor**

- (1) The supervisor of a school shall -  
(a) preside over the meetings of the incorporated management committee of the school;".

- (hd) In the proposed section 40AJ(1)(b) and (d), by deleting "Director" and substituting "Permanent Secretary".

- (he) In the proposed section 40AJ(3), by deleting "chairperson" and substituting "supervisor".

- (hf) By deleting the proposed subheading  
**"Election and nomination of managers and vacation of office"** and substituting  
**"Composition of incorporated management committee and office of managers"**.

- (i) By adding before the proposed section 40AK -  
**"40AJA. General requirement of composition**

(1) An incorporated management committee shall, subject to the other provisions of this Part, be constituted in accordance with the constitution of the committee.

(2) Without prejudice to subsection (1), the composition of an incorporated

management committee as provided for in its constitution shall be -

- (a) subject to subsection (3), such number of sponsoring body manager as the school sponsoring body may nominate;
- (b) the principal of the school, who shall be an ex-officio manager;
- (c) not less than one teacher manager;
- (d) not less than -
  - (i) (in the case of a school other than a bi-sessional school) one parent manager;  
or
  - (ii) (in the case of a bi-sessional school) one parent manager for each of the A.M. session and P.M. session;
- (e) one or more alumni managers where such manager or managers is or are nominated;
- (f) not less than one independent manager;
- (g) not more than one alternate sponsoring body manager;
- (h) where the constitution allows the nomination of not more than one teacher manager, one alternate



teacher manager; and

(i) where the constitution allows the nomination of -

(i) not more than one parent manager, one alternate parent manager; or

(ii) (in the case of a bi-sessional school) not more than one parent manager for the A.M. session and one parent manager for the P.M. session, one alternate parent manager for the A.M. session and one alternate parent manager for the P.M. session.

(3) The numbers of sponsoring body manager shall not exceed 60% of the maximum number of managers that the incorporated management committee may have under its constitution.

(4) In calculating the maximum number of managers for the purposes of subsection (3), an alternate manager shall not be counted."

(ia) In the proposed section 40AK, by deleting everything after "school may" and substituting -

"nominate -

- (a) such number of persons for registration as sponsoring body manager of the school as may be provided for in the constitution of the incorporated management committee of the school; and
  - (b) a person for registration as alternate sponsoring body manager of the school."
- (ib) By deleting the proposed section 40AL and substituting -

**"40AL. Nomination of teacher manager**

(1) The principal of a school shall nominate such number of teachers of the school for registration as teacher manager or alternate teacher manager of the school as may be provided for in the constitution of the incorporated management committee of the school.

(2) A person nominated under subsection (1) -

- (a) must be a teacher of the school;
- (b) must not be the principal of the school;
- (c) must be elected in that behalf by all teachers of the school

in an election -

(i) held in accordance with  
the constitution of the  
incorporated management  
committee of the school;

(ii) the voting for which is  
conducted by secret  
ballot;

(iii) in which all voters have  
equal voting right; and

(iv) the system of which is  
otherwise fair and  
transparent.

(3) In this section "teachers", in  
relation to a special school, includes the  
specialist staff of the school."

(ic) In the proposed section 40AM(3), by deleting  
everything after "under its" and  
substituting -

"constitution only -

(a) parents of current pupils of  
the school; or

(b) serving teachers of the  
school,

may elect or become officer-bearers of  
the body."

(id) In the proposed section 40AM(5), by  
deleting paragraphs (a) and (b) and

substituting -

"(a) must be a parent of a current  
pupil of the school;

(b) must not be a teacher of the  
school; and

(c) must be elected in that behalf by  
all parents of the current pupils  
of the school in an election -

(i) conducted by the  
recognized parent-  
teacher association of  
the school;

(ii) the voting for which is  
conducted by secret  
ballot;

(iii) in which all parents  
have equal voting right;  
and

(iv) the system of which is  
otherwise fair and  
transparent.".

(ie) In the proposed section 40AN(3), by adding  
before paragraph (a) -

"(aa) its membership is open to all  
alumni of the school;".

(if) In the proposed section 40AO(2)(d), by  
deleting everything after subparagraph (iii)  
and substituting "of the governing body

(however described) of the sponsoring body of the school.".

(ig) In the proposed section 40AP(2)(a) and (b), by deleting "may be registered" and substituting "shall be nominated for registration".

(ih) In the proposed section 40AP, by adding -

"(2A) If the incorporated management committee of a school is established under section 40BM, the first parent manager and the first alumni manager of the school shall be nominated for registration as such at any time within 3 months from the establishment of the committee.".

(j) In the proposed section 40AP(3), (4) and (5), by deleting "Director" and substituting "Permanent Secretary".

(ja) in the proposed section 40AP(6), by deleting "Director shall not take any action under section 22, 31 or 41 in respect of the school concerned only because that " and substituting "Permanent Secretary shall not take any action under section 22, 31 or 41 in respect of the school concerned only because".

(jb) In the proposed section 40AQ, by adding -

"(1A) An alternate sponsoring body

manager of a school shall not vote on any matter to be resolved by the incorporated management committee by voting unless -

(a) (in the case of a matter to be resolved at a meeting of the committee) any sponsoring body manager of the school is absent from the meeting;

(b) (in the case of a matter to be resolved otherwise) any sponsoring body manager of the school is, for any reason, unable to vote on the matter".

(jc) In the proposed section 40AQ(4), by adding before paragraph (a) -

"(aa) an alternate sponsoring body manager shall not be counted unless there is a vacancy of sponsoring body manager of the school for the time being;".

(jd) In the proposed section 40AQ(5), by adding before paragraph (a) -

"(aa) an alternate sponsoring body

manager of the school shall not be counted unless there is a vacancy of sponsoring body manager of the school for the time being;".

(je) In the proposed section 40AQ(6), by adding "(1A)," after "subsection".

(jf) In the proposed section 40AQ, by adding -  
"(6A) An alternate teacher manager and a teacher manager of a school shall be elected in the same manner for nomination for registration as a manager.

(6B) An alternate parent manager and a parent manager of a school shall be elected in the same manner for nomination for registration as a manager."

(k) By deleting the proposed section 40AR and substituting -

**"40AR. Endorsement of application for registration as manager**

If a person is nominated for registration as a manager of a school under this Part and he applies for such registration, his application shall be -

(a) endorsed by the body or person that nominates him; and

(b) (where he is on the list of proposed managers referred to in section 40BJ(2)(b) or 40BU(2)(b))

endorsed by the sponsoring body in  
such manner as the Permanent  
Secretary may specify."

- (ka) In the proposed section 40AS(2)(a), by deleting "or elected".
- (kb) In the proposed section 40AS(2)(b), by deleting "Director" and substituting "Permanent Secretary".
- (kc) In the proposed section 40AS(3), by deleting "Director" and substituting "Permanent Secretary".
- (l) In the proposed section 40AS(4), by deleting "or elected".
- (m) In the proposed section 40AT, by -
  - (i) deleting "or elected";
  - (ii) deleting "Director" and substituting "Permanent Secretary";
- (ma) By adding after the proposed section 40AT -

**"40ATA. Parent manager or independent managers ceases to hold office under certain circumstances**

(1) If a parent manager ceases to be the parent of a current pupil of the school in a school year, his term of office as a manager shall continue until its expiry or the end of the school year, whichever is the earlier.

(2) If in a school year an independent



manager -

- (a) becomes a teacher or a specialist staff of the school;
- (b) becomes the parent of a current pupil of the school;
- (c) becomes -
  - (i) a member;
  - (ii) the spouse or parent or a child of a member;
  - (iii) an employee, of the governing body (however described) of the sponsoring body of the school,

his term of office as a manager shall continue until its expiry or the end of the school year, whichever is the earlier."

- (n) In the proposed section 40AU(1), by deleting "Director" and substituting "Permanent Secretary".
- (na) In the heading of the proposed section 40AV, by deleting "**teacher manager, etc.**" and substituting "**certain managers**".
- (o) In the proposed section 40AV(1), by deleting "Director" and substituting "Permanent Secretary".
- (oa) In the proposed section 40AV(2), by deleting

"teachers and (where applicable) specialist staff" and substituting "principal".

- (ob) In the proposed section 40AV(6), by deleting "by the maker of the request".
- (oc) In the proposed section 40AV(6)(b), by deleting "or elected for nomination, as may be appropriate" and substituting "for nomination".
- (p) In the proposed section 40AW(1)(a), (2), (3) and (4), by deleting "Director" and substituting "Permanent Secretary".
- (q) In the proposed section 40AY, in the heading, by deleting "**Director's**" and substituting "**Permanent Secretary's**".
- (r) In the proposed section 40AY(1) and (2), by deleting "Director" wherever it appears and substituting "Permanent Secretary".
- (s) In the proposed section 40AZ(1)(a)(ii) and (c), by deleting "Director" and substituting "Permanent Secretary".
- (sa) In the proposed section 40AZ(2)(b), by deleting "chairperson of the incorporated management committee and one other manager authorized" and substituting "supervisor of the school and one other manager authorized by the incorporated management committee of the school".
- (sb) In the proposed section 40AZ(4)(c) and (e)

and (5)(a), by deleting "Director" and substituting "Permanent Secretary".

(t) In the proposed section 40BC(c) -

(i) by deleting "Director" where it first appears and substituting "Permanent Secretary";

(ii) by deleting "Director of Education" and substituting "Permanent Secretary for Education and Manpower".

(u) In the proposed section 40BF(b), by deleting "Director" and substituting "Permanent Secretary".

(ua) In the proposed section 40BG(2), by deleting everything after "omitted to be" and substituting "done by him in good faith in the performance or purported performance of any function of his office as the manager.".

(ub) In the proposed section 40BG, by adding -

"(2A) No civil proceedings shall be brought against a manager of a school for anything done or omitted to be done by or on behalf of the incorporated management committee of the school unless he has not acted in good faith in relation to the thing or omission.".

(uc) In the proposed section 40BG(3), by deleting "subsection (2)(b)" and substituting

"subsection (2)".

- (v) In the proposed section 40BH, by deleting "Director" and substituting "Permanent Secretary".
- (w) In the proposed section 40BI(1), (2) and (3), by deleting "Director" wherever it appears and substituting "Permanent Secretary".
- (x) In the proposed section 40BJ(2), (3)(b) and (6), by deleting "Director" and substituting "Permanent Secretary".
- (y) In the proposed section 40BK, by deleting "Director" and substituting "Permanent Secretary".
- (z) In the proposed section 40BL, by deleting "Director" and substituting "Permanent Secretary".
- (ba) In the proposed section 40BL(a), by deleting subparagraphs (i) and (ii) and substituting -

"(i) complies with the provisions of this Part; and

(ii) subject to subparagraph (i), is consistent with the draft of the constitution of the proposed incorporated management committee as approved under section 40BK; and,".

- (bb) In the proposed section 40BM(1), by deleting "Director" and substituting "Permanent Secretary".
- (bc) In the proposed section 40BM(3)(c), by deleting "chairperson and one other manager authorized" and substituting "supervisor of the school and one other manager authorized by the incorporated management committee of the school".
- (bd) In the proposed section 40BR(1)(b), (c) and (d) and (2), by deleting "Director" and substituting "Permanent Secretary".
- (be) In the proposed section 40BS, by deleting "Director" and substituting "Permanent Secretary".
- (bf) In the proposed section 40BT(1), (2) and (3), by deleting "Director" and substituting "Permanent Secretary".
- (bg) In the proposed section 40BU(2), (3)(b) and (4), by deleting "Director" and substituting "Permanent Secretary".
- (bh) In the proposed section 40BV, by deleting "Director" and substituting "Permanent Secretary".
- (bi) In the proposed section 40BW, by deleting "Director" and substituting "Permanent Secretary".
- (bj) In the proposed section 40BX(1), by deleting

"Director" and substituting "Permanent Secretary".

(bk) In the proposed section 40BZ(1) and (2), by deleting "Director" wherever it appears and substituting "Permanent Secretary".

(bl) In the proposed Part IIIC, in the heading, by deleting "DIRECTOR'S" and substituting "PERMANENT SECRETARY'S".

(bm) In the proposed section 40CC, in the heading, by deleting "**Director**" and substituting "**Permanent Secretary**".

(bn) In the proposed section 40CC(1), by deleting "Director" and substituting "Permanent Secretary".

18 In the heading, by deleting "**Director**" and substituting "**Permanent Secretary**".

22 By deleting the proposed section 57A and substituting -

**"57A. Selection of principal of IMC school**

(1) This section applies to an IMC school.

(2) Before recommending any person under section 57, the incorporated management committee shall appoint a principal selection committee.

(3) A principal selection committee shall -

(a) be accountable to the incorporated

management committee; and

(b) be composed of -

(i) representatives of the  
sponsoring body of the  
school;

(ii) managers of the school acting  
as representatives of the  
incorporated management  
committee; and

(iii) (where applicable) such other  
persons as may be provided  
for in the constitution of  
the incorporated management  
committee.

(4) A principal selection committee shall select in an open, fair and transparent manner a suitable person for recommendation under section 57 from candidates nominated in an open, fair and transparent manner by the sponsoring body or the incorporated management committee of the school or both as may be provided for in the constitution of the incorporated management committee.

(5) The incorporated management committee of a school shall recommend under section 57 the person selected by the principal selection committee.

(6) Subsections (2), (3), (4) and (5) do

not apply if -

- (a) the sponsoring body of the school makes a request of the incorporated management committee under section 40AEA(1)(a)(ii); or
- (b) the Permanent Secretary exempts, on an application by the sponsoring body or incorporated management committee and upon good cause being shown to his satisfaction, the committee from those subsections in respect of any principal of the school."

24 By deleting "40AH(2)(b)" and substituting "40AJA(2)(b)".

26 (a) In the heading, by deleting "**Director**" and substituting "**Permanent Secretary**".

(b) In paragraph (c), by adding -  
 "Section 40AW. Incorporated management committee."

before -

"Section 40BI. Sponsoring body."

28 In the heading, by deleting "**Director**" and substituting "**Permanent Secretary**".



- 29 In the heading, by deleting "**Director**" and substituting "**Permanent Secretary**".
- 30 In the heading, by deleting "**Director**" and substituting "**Permanent Secretary**".
- 30(b) In the proposed section 83(1AA), by deleting "Director" where it twice appears and substituting "Permanent Secretary".
- 31(b) By deleting the proposed section 84(4) and substituting -
- "(4) The Permanent Secretary may waive -
    - (a) by circular issued to schools generally or a particular type of schools, wholly or partly the requirement of any regulation in respect of a particular type of schools or teachers;
    - (b) on application by a supervisor or incorporated management committee of a school and by notice in writing to the applicant, wholly or partly the requirement of any regulation in respect of the school, the applicant or a particular teacher of the school;
  - and

(c) on application by a teacher and by notice in writing to the applicant, wholly or partly the requirement of any regulation in respect of the applicant, on such conditions, if any, as he thinks fit."

- 32(e)
- (a) In the proposed section 87(6)(b), by deleting "(1)(d), (h) or (k)" and substituting "(1)(b) or (k)".
  - (b) In the proposed section 87(6), by deleting "every manager of the school" and substituting "with the consent or connivance of a manager of the school, the manager".
  - (c) In the proposed section 87(7)(b), by deleting "(g),".
  - (d) In the proposed section 87(7), by deleting "every manager of the school" and substituting "with the consent or connivance of a manager of the school, the manager".
  - (e) In the proposed section 87(8), by deleting ", every manager of the school" and substituting "with the consent or connivance of a manager of the school, the manager".
  - (f) In the proposed section 87(9) -
    - (i) by adding ", with the consent or connivance of a manager of the

school," after "does";

(ii) by deleting "every manager of the school" and substituting "the manager".

(g) by deleting the proposed section 87(10).

33

(a) In the proposed Schedule 1, in sections 2(c) and 3(1), by adding "management" after "incorporated".

(b) In the proposed Schedule 2, in section 2(7), by deleting everything after "Registry a" and substituting "copy of the certificate of incorporation issued to it under section 40BM(1) or 40BX(1) of this Ordinance.".

37(b)

In the proposed regulation 61(3), by deleting "Director" and substituting "Permanent Secretary".

38

In the heading, by deleting "**Director**" and substituting "**Permanent Secretary**".

38(b)

In the proposed regulation 66(3), by deleting "Director" and substituting "Permanent Secretary".

40

In the proposed regulation 74A(1) and (3)(b), by deleting "Director" and substituting "Permanent

Secretary".

- 42           (a) In the proposed regulation 75A, by deleting "Director" wherever it appears and substituting "Permanent Secretary".
- (b) In the proposed Regulation 75A(2)(d) and (e) by deleting "chairperson, the secretary and the treasurer" and substituting "supervisor of the school and the secretary and treasurer of the committee".
- 45           (a) In the heading, by deleting "**Director**" and substituting "**Permanent Secretary**".
- (b) By deleting everything after "repealing" and substituting "everything from "The" to "thereupon" and substituting "The Permanent Secretary may by notice in writing to the responsible person forbid the granting of a holiday on any specified day. The supervisor (where he is the responsible person) and the principal (whether or not he is the responsible person) shall upon such notice".".
- 47           In the heading, by deleting "**Director**" and substituting "**Permanent Secretary**".
- 49(b)       In the proposed regulation 99A(3A) and (3B), by

deleting "Director" and substituting "Permanent Secretary".

50

- (a) In paragraph (b)(ii), by deleting  
 ""registered" and substituting ", the  
 registered managers of the school shall  
 each" and substituting "with the consent or  
 connivance of a manager of the school, the  
 manager shall".
- (b) In paragraph (c), in the proposed paragraph  
 (3A), by deleting ", each manager of the  
 school" and substituting "with the consent  
 or connivance of a manager of the school,  
 the manager".
- (c) In paragraph (c), in the proposed paragraph  
 (3B), by deleting "contravenes regulation  
 53(1), 61, 63, 64, 66(2), 77 or 99A(1), (2)  
 or (3), each manager of the school" and  
 substituting "does any act which, if done by  
 any person other than an incorporated  
 management committee, would constitute an  
 offence under regulation 53(1), 61, 63, 64,  
 66(2), 77 or 99A(1), (2) or (3) with the  
 consent or connivance of a manager of the  
 school, the manager".
- (d) In paragraph (h), by deleting the semi-colon  
 and substituting a full-stop.
- (e) By deleting paragraph (i).

Schedule 1            Under the heading "Education Ordinance (Cap. 279)", by deleting "and (2)".

Schedule 3            By deleting "Sections 3(1) (definition of supervisor)", 8(1)(d)(i)" and substituting "Sections 8(1)(d)(i)".