

Bills Committee on the Education (Amendment) Bill 2002
Administration's Response to Questions raised by
Hon. CHEUNG Man-kwong

Purpose

This paper sets out the Administration's response to the questions from Hon CHEUNG Man-kwong as listed in his letter addressed to the Chairlady of the Bills Committee on 1 June 2004 [LC Paper No. CB(2)2616/03-04(01)].

Conversion of property rights of school sponsoring bodies

2. The establishment of an incorporated management committee (IMC) in schools will not constitute a deprivation of property rights of school sponsoring bodies (SSBs). Section 40AD(1)(c) of the Education (Amendment) Bill 2002 provides that the SSB of a school shall maintain full control of the use of funds and assets owned by it; and section 40AF(1) also provides in unequivocal terms that no property belonging to and provided by the Government or the SSB for the operation of a school shall, by reason only of the establishment of an IMC of the school, become property of the committee.

3. Even if the SSB rents or lends its property to the school for use, it still possesses the ownership of the property. Nevertheless, the SSB may work out an arrangement regarding management of its property by resolution or agreement with the IMC.

4. The SSB may first review and ascertain its ownership of property before the establishment of an IMC. Afterwards, the SSB and the IMC may, through agreement or transferal, define their rights with regard to the use and management of the property of the school.

Additional administrative expenses incurred in establishing an IMC

5. Some extra work needs to be done in establishing an IMC. It includes, *inter alia*,

drafting of an IMC constitution, delineation of ownership of property of school, transfer of contracts and agreement; and preparation for election of teacher, parent and alumni managers.

6. A sample constitution will be provided for schools' reference in drafting the IMC constitution. As for delineation of ownership of property, the school may refer to its inventory to confirm the ownership of each property item and to determine whether the school can continue managing or using the property. Before establishing an IMC, the school should inform the parties with which it has entered into contracts for supply of goods or service in connection with the establishment of the IMC, so that transfer of contracts and agreement can be arranged. With regard to election of teacher, parent and alumni managers, relevant election guides will be provided for reference of schools. In addition, we will continue to arrange experience-sharing sessions for school managers to enable them to have a better understanding of school administration. The measures mentioned above might reduce the extra administrative workload of schools arising from the establishment of an IMC.

7. The school may use the Operating Expenses Block Grant, which allows flexible deployment of resources, to meet the additional expenses in the establishment of the IMC. As for legal support, we consider offering web-based legal services to help schools establish an IMC and to provide solutions to commonly encountered problems for reference of schools and SSBs. Other voluntary legal services are also considered, including organising a legal professional support network to provide professional advices for schools via the Internet. We also suggest forming a region-based network to encourage the schools to organise experience-sharing sessions and to invite serving school managers to share their good practices. Should the schools encounter any problem, they may contact the respective School Development Officers for assistance. With such support, we believe the administrative work arising from the establishment of an IMC should not be a heavy burden to the school.

Education and Manpower Bureau

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