

# 立法會 *Legislative Council*

LC Paper No. CB(2)2967/03-04

Ref : CB2/BC/4/02

## **Report of the Bills Committee on Education (Amendment) Bill 2002**

### **Purpose**

This paper reports on the deliberations of the Bills Committee on Education (Amendment) Bill 2002.

### **Background**

2. The Government has been promoting school-based management (SBM) since 1991, and schools are encouraged to participate on a voluntary basis. With a decade's experience, and as more and more responsibilities are devolved to aided schools in the use of public funds, and in keeping with education reform, the Government considers there is a need to ensure that there are proper checks and balances to govern school management. To this end, the then Education Department set up an Advisory Committee on School-based Management (ACSBM) under the Board of Education in 1998 to draw up an SBM framework for aided schools.

3. ACSBM released the proposed framework in February 2000 and a two-month public consultation ensued. The feedback indicated a strong body of opinion in support of the introduction of a participatory decision making, more transparent and accountable school governance structure. However, a fair number of school sponsoring bodies (SSBs) expressed reservations about certain aspects of the proposed framework, in particular, the devolution of responsibilities to school management committees (SMCs) and election of parent and teacher members to SMCs.

4. ACSBM revised some of its proposals to address, as far as possible, the concerns of SSBs. ACSBM's final proposals were subsequently endorsed by the Board of Education. Having regard to the fact that the proposals represent a reasonable balance between the interests and sensitivities of different stakeholders, whilst upholding the underlying principles of SBM, the Administration has accepted in full the recommendations.

## **The Bill**

5. The Bill seeks to amend the Education Ordinance (Cap. 279) to facilitate the implementation of SBM and introduce certain minor amendments.

## **The Bills Committee**

6. At the House Committee meeting on 6 December 2002, Members agreed to form a Bills Committee to study the Bill. The membership list of the Bills Committee is in **Appendix I**.

7. Under the chairmanship of Hon Cyd HO, the Bills Committee has held 36 meetings with the Administration up to 23 June 2004. It has also met with representatives of 38 organisations including 13 SSBs and 18 parent-teacher federations or parent-teacher associations (PTAs) and five individuals. A list of the organisations and individuals who have submitted views to the Bills Committee is in **Appendix II**.

## **Deliberations of the Bills Committee**

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### Underlying principles of SBM

8. The Administration has explained that the underlying principles of SBM are to provide all key stakeholders, i.e. SSBs, principals, teachers, parents,

alumni and independent members, participatory decision making in such areas as school policies, strategic planning, human resources, finance as well as self-evaluation. This will improve the transparency and accountability of school management, leading to better school management and enhanced teaching effectiveness.

#### Justifications for establishing a statutory framework for SBM

9. Members and a number of deputations have asked the Administration to elaborate on the justifications for establishing a statutory framework for the implementation of SBM in place of the existing practice which allows schools to decide when and how parents and teachers would be invited to participate in school management.

10. The Administration has pointed out that from 1991 to 1997, a School Management Initiative (SMI) Scheme was implemented to establish in schools a participatory SBM framework. A total of 334 schools (about 30%) joined the Scheme on a voluntary basis. However, despite the Administration's efforts in promoting participatory governance for over 10 years, only 65 schools participating in the Scheme included teacher and parent managers in their SMCs. The majority of the remaining schools adopted a wait-and-see attitude.

11. According to the Administration's data in April 2003, the percentages of schools with teacher, parent and alumni managers in their SMCs were 22, 17 and 17 respectively. As the participation rate of teachers, parents and alumni is still low, the Administration considers it necessary to strengthen the participation of key stakeholders in SBM through legislation.

12. The Administration has also pointed out that the Government has spent huge resources on school education every year (approximately \$38 million for an aided secondary school and \$22 million for an aided primary school). With the implementation of SBM, schools have been devolved with greater autonomy in their operation, including the appointment and promotion of teachers and deployment of resources for long-term planning. The Administration considers that legislation can ensure the effective use of public funds and flexibility in deployment of resources.

13. Moreover, since schools constitute a major part of an education system, the Administration is of the view that their governance structure must be clearly defined in law. The existing Education Ordinance has also defined the responsibilities of SMCs, the duties of supervisors and functions of principals, etc. Hence, the SBM governance structure should also be provided with a legal basis. The Administration has pointed out that legislation not only protects the rights of participation of key stakeholders in school management, it will also ensure that key stakeholders have a better understanding of school operation by setting out the powers and responsibilities of every party.

14. The Administration has further explained that the existing Education Ordinance does not offer any protection to school managers from their legal liabilities. To improve the current situation, it is necessary to legislate the establishment of IMCs in order to provide adequate protection to school managers.

15. As regards the alternative of incorporating the SBM governance framework requirements in the Codes of Aid, the Administration considers it not feasible. If a school violates the Code, the Administration can only reduce its subsidies, which will affect the interests of students. It might also eventually end up with a judicial review.

16. Some members have suggested incorporating SMCs under the Companies Ordinance as a corporate body. The Administration has pointed out that this will entail extra administrative work for schools, such as putting in place a memorandum and articles of association, filing annual returns to the Companies Registry and paying registration fee, in order to comply with the requirements under the Companies Ordinance.

17. In view of the above reasons, the Administration has concluded that it should implement the SBM governance framework by going through the legislative route and requiring all aided schools to establish an IMC and implement SBM fully.

#### Power and functions of SSBs

18. Members have asked the Administration to clarify whether an IMC constitution can contain provisions empowering the SSB to dissolve an IMC which fails to perform its functions in a satisfactory manner or carry out the vision and mission set by the SSB. Members have also asked the Administration to consider whether the SSB should be empowered to veto the decision of the IMC which the SSB considers to be at variance with the vision and mission of the school.

19. The Administration has pointed out that the Bill already sets out the functions and responsibilities of the SSB, including -

- (a) setting out the vision and mission for the school;
- (b) maintaining full control of the use of funds and assets owned by it;
- (c) giving general directions to the IMC in the formulation of education policies of the school and overseeing the performance of the IMC;
- (d) being responsible for drafting the IMC constitution;

- (e) making up to 60% of IMC membership; and
- (f) making a written request to the IMC to issue a notice to PSEM to cancel the registration of an SSB manager.

In addition, the Bill provides that the IMC is responsible for ensuring that the mission of the school set by the SSB is carried out and is accountable to the SSB for the performance of the school. The SSB also has the power to appoint the IMC chairperson and may specify in its own constitution the duties, nomination and cancellation of registration of SSB managers. It can also exert its influence in steering the IMC through the SSB managers.

20. The Administration considers the above measures adequate for SSBs to ensure that managers and IMCs perform their functions satisfactorily. It does not consider it necessary or appropriate for the IMC constitution to provide SSBs with the power to dissolve the IMC or to specify that SSBs can veto the decisions of IMCs.

#### Relationship between SSBs and IMCs

21. Members have asked the Administration to explain the type of "general directions" an SSB can give to an IMC under proposed section 40AD(1)(e) in the formulation of education policies of the school. Some examples given by the Administration are as follows -

- (a) guidance on the directions and priorities of school development;
- (b) guiding principles on home-school co-operation, e.g. request a school to set up a PTA;
- (c) other criteria apart from the mandatory requirements with regard to the selection of the principal; and
- (d) instruction on the staff appraisal policy to tie in with the direction of school development.

22. Members have asked the Administration to explain how it will resolve possible conflict between an SSB and an IMC if they hold different educational ideals and are not cooperating to work towards the vision and mission of the school. The Administration has pointed out that since the SSB is to draft the IMC constitution and its representatives may make up to 60% of the maximum number of managers, the SSB should be able to steer the IMC. The Administration is of the view that the situation envisaged by members is very unlikely to happen. However, should IMC members hold different views when discussing a certain issue and cannot come to a consensus, they should always refer to the school's vision and mission and act in the best interest of the

pupils. If necessary, PSEM may give appropriate directions to the IMC.

23. The Administration has further pointed out that if the SSB is not satisfied with the proposals of the IMC in managing the school, it can exercise its influence on the decisions of the IMC through the SSB managers who may make up to 60% of the maximum number of managers. If the SSB managers are found not working in accordance with the vision and mission of the SSB or not following its instructions, the SSB may exercise its power under proposed section 40AV to cancel the registration of the relevant SSB manager and nominate another manager.

24. Furthermore, the SSB may also notify PSEM of any improper act or mismanagement of the IMC. If necessary, staff of the Regional Education Office of the Education and Manpower Bureau (EMB) will conduct an investigation. Section 82 of the Education Ordinance provides that if it appears to PSEM that a school is not being managed satisfactorily, or the education of the pupils of a school is not being promoted in a proper manner, or any provision of the Education Ordinance has been contravened in respect of a school, PSEM may give such directions to the school as he thinks necessary to remedy the situation.

#### Power of SSB over employment of teaching staff

25. Members have pointed out that there is a need to provide for the transfer of principals and teachers between schools under the same SSB for the professional development of the person concerned or to avoid or alleviate over-establishment due to the reduction of classes in the school concerned. The Administration has proposed a new section 40AEA to provide that the SSB of a school which is also the SSB of another school may request the IMC of the first-mentioned school to terminate the employment of a person as the principal or teacher of the school. In the case of a principal, the SSB may request the IMC of the other school to recommend for approval the person to be the principal of the school under section 53 or 57. In the case of a teacher, the SSB may request the other school to employ the person as a teacher of the same rank of the school. Such a request cannot be made unless the action is conducive to the professional development of the person concerned or is necessary to avoid or alleviate over-establishment due to the reduction of classes in the school concerned. An IMC shall take such action within its lawful authority as is necessary to comply with such request.

#### Appointment of school managers by SSB

26. Members have pointed out that large SSBs may face practical difficulties in appointing sufficient representatives to an IMC to make up 60% of the maximum number of managers in each of its sponsored schools, having regard to the proviso that a school manager cannot serve on more than five IMCs.

27. The Administration has informed members that the five largest SSBs each operates over 30 schools. Assuming that seven SSB managers in the IMC will make up 60% and each manager serves on five schools, the number of existing managers of the two largest SSBs is sufficient to make up 60% of the maximum number of managers in each of its sponsored schools. The remaining three have expressed that they will make plans to resolve the problems.

28. As regards other possible operational problems, the Administration has explained that proposed section 40AD already empowers the SSB to give general directions, co-ordinate and monitor the performance of an IMC in the formulation of education policies. The SSB may stipulate in the IMC constitution that the IMC has to submit a report to the SSB. The SSB may also enter into a more detailed agreement with the IMC in managing the school. As SSB managers are appointed by the SSB, the SSB may state clearly the duties and responsibilities of SSB managers in the IMC constitution and the appointment letters issued to the relevant managers. The Administration has also pointed out that large SSBs usually employ full-time administrative staff to help resolve operational difficulties. Such staff may be exempted from the requirement that a manager cannot serve on not more than five IMCs.

### Powers of IMC

#### *Personnel matters*

29. Members have asked the Administration to consider improving proposed section 40AE(2)(b) to specify that IMCs should be subject to the respective Codes of Aid for primary, secondary and special schools in determining the terms and conditions of employment for their teaching staff under the approved establishment. To address the concern of members, the Administration has proposed to add two new subsections to section 40AE. New subsections (4) and (5) set out clearly that IMCs would be subject to the respective Codes of Aid for primary, secondary and special schools in determining the terms and conditions of employment for their teaching staff under the approved establishment.

#### *Use and investment of funds*

30. Proposed section 40AE provides that an IMC may -

- (a) take on lease, purchase or otherwise acquire, and hold, manage and enjoy property of any description, and sell, let or otherwise dispose of the same (section 40AE(2)(a));
- (b) borrow money in such manner and on such security and terms as may be expedient (section 40AE(2)(f));

- (c) solicit and receive gifts or donations, whether on trust or otherwise, and act as trustee of moneys or other property vested in it on trust (section 40AE(2)(h)); and
- (d) enter into any contract, agreement or arrangement (section 40AE(2)(i)).

31. Some deputations have expressed concern about the above powers and have suggested that the IMC constitution should allow an SSB to restrict the powers of an IMC. Members have asked the Administration to delineate clearly the powers between the SSB and IMC in handling school assets and properties, loans, fund-raising and contracts in order to address the concern of SSBs.

32. The Administration has accepted the above suggestion and request. It will move amendments to clearly define that the IMC can only handle government funds and assets in the capacity of a trustee. An IMC shall exercise its power subject to any guideline issued by the SSB of the school for raising funds including borrowing money, or for entering into any contract, agreement or arrangement involving non-Government funds. As requested by members, the Administration will provide IMCs with guidelines on the handling of non-government funds after the enactment of the Bill.

#### Power of PSEM

33. Proposed section 40CC provides that without prejudice to section 83(1), PSEM may give directions to the IMC of any school for the purpose of ensuring that the school is managed satisfactorily and the education of the pupils of the school is promoted in a proper manner. Proposed section 40AE(3)(b) provides that the exercise of the power of an IMC shall be subject to any direction given by PSEM under section 40CC.

34. Having regard to the fact that PSEM may give directions to the IMC of any school for the purposes of ensuring that the school is operated satisfactorily or the education of the pupils of the school is promoted in a proper manner under existing section 82(1), members have questioned the need for a similar provision under proposed section 40CC. On review, the Administration has agreed to delete proposed sections 40AE(3)(b) and 40CC.

#### Designating the IMC chairperson as the supervisor

35. Some SSBs have expressed concern as to whether an IMC school could retain the post of supervisor, who mainly serves as a channel of communication between the management committee and EMB. Although the Administration has advised that an IMC school may retain the post of supervisor, if deemed necessary, and have the role and functions of the supervisor clearly defined in

the IMC constitution, members remain concerned about the delineation of functions of the supervisor and the IMC chairperson. In view of the similarity of the role of the supervisor as stipulated in section 39 of the Education Ordinance and the proposed role for the IMC chairperson, members have proposed to designate the chairperson of the IMC as the supervisor. The Administration has accepted the proposal and will move amendments to replace all references to "the chairperson of IMC" in the Bill with "the supervisor".

#### Appointment of the supervisor and the principal

36. Members have requested the Administration to consider incorporating provisions in the Bill to expressly empower SSBs to determine the appointment of the supervisor and the selection of the principal.

#### *Appointment of the supervisor*

37. The Administration has pointed out that proposed section 40AD(1)(g) provides that an SSB shall be responsible for drafting the IMC constitution. Proposed regulation 75A(2)(d) also sets out that the constitution shall provide for the appointment or election of manager to be or to act as the supervisor. In order to define more clearly the power of the SSB in appointing the supervisor, the Administration will propose an amendment to proposed section 40AI to set out clearly that the supervisor can be appointed directly by the SSB or elected among school managers.

#### *Selection of the principal*

38. Section 57A stipulates that the IMC shall establish a principal selection committee consisting of representatives of the SSB, the IMC and, where applicable, such other persons provided for in the IMC constitution before recommending any person to be the principal of a school. This will help to ensure that the selection process is fair, open and transparent. Proposed section 57A(4) provides that PSEM may, on an application and upon good causes shown to his satisfaction, exempt any IMC from the requirement. Such causes may include operational needs to deploy principals among sponsored schools in the case of class reduction.

39. Members have suggested that in the selection of the principal, provision should be made to empower the SSB to nominate a candidate to be the principal, subject to the endorsement of the IMC. The Administration has accepted the proposal and will propose an amendment to section 57A to specify that both the SSB and the IMC could nominate candidates to the principal selection committee. The candidates have to go through the proper selection process conducted by the committee. The IMC would then nominate the selected candidate to PSEM for approval. Exemption from the requirement of a principal selection committee is only allowed in the circumstances referred to

in paragraph 25 above or with approval from PSEM upon application from the IMC and with good reasons shown to PSEM's satisfaction.

#### Procedures for nomination and election of IMC managers

40. In response to questions asked by members regarding the procedures for nomination and election of IMC managers, the Administration has pointed out that proposed sections 40AK - 40AO already provide for the principles of election of teacher and parent managers and nomination of SSB and alumni managers. Under proposed regulation 75A, the IMC constitution has to provide, among other things, for the number of each category of managers, the procedures for nominating and electing them and their tenure of office. To help schools draft their IMC constitutions and elect their teacher and parent managers, EMB will issue a sample constitution and election guidelines to SSBs and schools for their reference. In addition, briefing sessions will be organised to familiarise stakeholders with the principles and related arrangements.

#### Grounds for refusal to register manager

##### *"fit and proper person" requirement*

41. The Bill proposes to add a new subsection (1A) to section 30 to introduce new grounds on which PSEM may or must refuse to register a person as a manager of a school. Members have asked the Administration to review whether it is reasonable to refuse to register an applicant as a manager on the ground that he is not "a fit and proper person" as stipulated in section 30(1)(b) when the applicant is an elected parent or alumni manager.

42. As requested by members, the Administration has reviewed existing legislation with reference to "a fit and proper person" and found that they can be generally grouped under the following five categories -

- (a) related to registration, approval or recognition;
- (b) related to permit or licence;
- (c) related to authorisation;
- (d) related to appointment; and
- (e) related to disciplinary action or serving notice.

Since section 30(1) deals with application for registration as a manager, the Administration considers that the use of such criterion is similar to other legislation.

43. Although the Administration has not found cases that such criterion applies to elected persons, the Administration is of the view that the electors may not have grasped all the information to determine whether an elected person is "fit and proper" by the time they vote. For instance, the electors may not know of the health conditions of the elected person or whether he has contravened any criminal law or committed professional misconduct. To safeguard the overall benefits of students, the Administration considers that it is necessary to retain the provision to ensure that there would be a proper person to exercise the power that the Government devolves to an IMC.

44. Some members consider that the "fit and proper" criterion reasonable as there may be some special circumstances which make a person unsuitable for appointment as a school manager. Some members suggest that it should be set out in the election guidelines to make it clear to the candidates from the beginning so that they can decide whether to stand for election. The Chairman holds the view that the provision is inappropriate and unnecessary in respect of an elected candidate. The Chairman has indicated that she proposes to move an amendment to specify that the provision will not be applicable to an elected parent manager and alternate parent manager nominated under proposed section 40AM and an elected alumni manager nominated under proposed section 40AN.

#### *Upper and lower age limits*

45. The Administration has accepted members' proposal to set the lower age limit of managers at 18 years and will add a new provision to that effect (new section 30(1A)(b)). Members have also asked the Administration to review whether it is reasonable to refuse to register an applicant as a manager on the ground that "the applicant has attained the age of 70 years" as stipulated in section 30(1)(d). The Administration has agreed to delete section 30(1)(d). A new section 30(1A)(c) will be added to make clear that an existing manager or a new applicant over 70 years of age must provide a medical certificate stating that the applicant is medically fit to carry out the duties of a manager.

#### Grounds for cancellation of registration of managers

##### *Absence from IMC meetings*

46. Some deputations have expressed the view that a manager who has been absent from three consecutive meetings of the IMC or does not attend all IMC meetings in a school year should be required to resign. Members have asked the Administration to review the grounds for cancellation of registration of managers under section 31 of the Education Ordinance.

47. The Administration believes that for effective school management, an IMC should hold not less than three meetings a year. Proposed section 31(1)(g)(i) provides that an IMC may request PSEM to cancel the registration

of a manager who has been absent without leave from three consecutive meetings of the IMC. To ensure that managers will carry out their duties effectively, the Administration will replace the reference of "three consecutive meetings" with "all meetings of the committee in a school year".

48. Members have also asked the Administration to clarify who will be responsible for granting leave for absence under the amended section 31(1)(g)(i) and consider how to facilitate fair and consistent enforcement. The Administration has explained that the authority responsible for granting of leave for managers can be spelt out in the IMC constitution. The authority can be the supervisor or the majority of IMC managers.

49. To better reflect the intention of proposed section 31(1)(g)(i), the Administration will amend the provision to specify that an IMC may request PSEM to cancel the registration of a manager who is absent without the consent of the IMC from all meetings of the IMC in a school year.

#### *Power of PSEM*

50. Members have also asked the Administration to review the power of PSEM to cancel the registration of a manager and consider whether additional restrictions should be imposed on the exercise of such power.

51. The Administration has pointed out that in exercising the power under section 31(1), PSEM must act reasonably and on justifiable grounds. The manager will be asked to make representation before his registration is cancelled. Moreover, the manager can lodge an appeal to the Appeal Board under section 61 against the decision of PSEM and further appeal can be made to the Chief Executive in Council. The same appeal mechanism applies to the new grounds for cancellation of registration of managers provided in the Bill. Since PSEM's decision is subject to appeal, the Administration does not consider it necessary to have additional restrictions. Some members have questioned whether appeal against the decision of the Appeal Board should be made to a court instead of the Chief Executive in Council.

#### Minimum qualifications of managers

52. Some deputations have suggested managers other than parent managers should have a minimum qualification of secondary education and at least one third of the managers in an IMC should hold a post-secondary qualification. The Administration has pointed out that setting different requirements for different categories of managers may be discriminatory and divisive, which might discourage enthusiastic and capable people from serving on IMCs.

53. While members do not consider it necessary to prescribe a minimum qualification for IMC managers, they agree in principle to the suggestion that one-third of the managers of an IMC should possess a post-secondary

qualification. To facilitate their further consideration of the suggestion, members have asked the Administration to provide information on the qualifications of existing managers in rural schools for their reference.

54. The Administration has informed members that at present, 39 or 48% of rural schools have one-third or more of their managers possessing a post-secondary qualification, and among all aided schools, the managers of 76% of them meet such qualification requirement. In view of the fact that managers of most schools have already attained a post-secondary qualification and the implementation of such a requirement may cause administrative difficulties, the Administration considers that there is no practical need to set a minimum education qualification requirement for managers.

#### Appointment of managers by PSEM

55. Clause 18 amends section 41 which provides for the appointment of managers by PSEM. Under the amended section 41, PSEM may appoint one or more persons to be managers of a school for such period as he thinks fit if it appears to him that -

- (a) a school is not being managed satisfactorily or that the education of the pupils is not being promoted in a proper manner;
- (b) in relation to a school the composition of the management committee or IMC is such that the school is not likely to be managed satisfactorily or the education of the pupils of the school is not likely to be promoted in a proper manner; or
- (c) for any reason a school has no manager.

56. Members consider that there is a need to specify that not more than two such managers should be appointed. Hon Emily LAU considers that the reasons in (a) and (b) above are too general and need to be more specific. Ms LAU has proposed amendments to replace the two reasons by stating clearly that the management of the school in question has a serious problem or crisis which causes confusion and renders the school unable to operate normally. Ms LAU's proposed amendments also limit the number of managers to be appointed by PSEM to not more than two. Similar amendments would be made to section 22 (Grounds for cancellation of registration or provisional registration of school), section 82 (Power of PSEM to direct remedial measures) and 83 (Power of PSEM to close school or give directions in case of danger or misconduct).

#### Teacher managers in a bi-sessional school

57. Members have asked the Administration whether the Bill should specify that the morning session and the afternoon session of a bi-sessional school

should each have not less than one teacher manager in an IMC to represent the views and interests of their teachers.

58. The Administration explains that the proposed IMC composition requirement in the Bill aims to strike a balance between representation from different stakeholders and a reasonable and manageable size of the IMC. Proposed section 40AD(1)(g) provides that the SSB shall be responsible for drafting the IMC constitution and proposed regulation 75A(2)(a) stipulates that the constitution shall provide for the number of each category of managers in the IMC. Therefore, the SSB is given the power or flexibility in determining, according to their own situation, the number of each category of managers in IMCs of their sponsored schools.

59. As there can be two recognised PTAs in a bi-sessional school, the Administration proposes that if this is the case, one parent manager be elected from the PTA of each of the two sessions. Since all the teachers in a bi-sessional school are employed by the same management committee, the teacher manager can be elected amongst the staff from both sessions in principle. The Administration therefore does not recommend the same arrangement for teacher managers in bi-sessional schools.

60. The Administration has further pointed out that if a teacher manager is made mandatory for each session of a bi-sessional school, some SSBs will have to appoint more SSB managers to maintain the 60% representation in the IMC. If two teacher managers are included in the IMC of a bi-sessional school, the SSB will have to appoint 10 instead of nine SSB managers to the IMC and the total number of managers in the IMC will increase from 15 to 17. This will increase the burden of SSBs, especially large SSBs, which may have difficulties in appointing sufficient number of SSB managers to sit on IMCs of their sponsored schools. Therefore, the Bill does not require each session of a bi-sessional school to elect a teacher manager to sit on the IMC so as to allow schools flexibility to decide, according to their own situation, the number of teacher managers in their IMCs.

#### Nomination and election of parent managers

61. Members have asked the Administration to explain the rationale for restricting the right to vote in the election of a parent manager to members of the recognised PTA who are parents of the current pupils of the school. Members have further asked the Administration to -

- (a) examine whether the exclusion of parents who for various reasons are not members of the recognised PTA from the nomination and election process of a parent manager is compatible with the relevant provisions of the Hong Kong Bill of Rights Ordinance; and

- (b) consider the provision of an election system which will allow every parent of a current pupil of a school to vote or to be nominated for the election of a parent manager as well as to vote for the cancellation of registration of a parent manager of the school.

62. The Administration has explained that one of the roles of parent manager is to form a link between school management and other parents. In general, PTAs have greater representation and are more easily organised. For this reason, the Administration proposes that parent manager(s) should be elected by members of the PTA. Nevertheless, having taken into consideration members' views, the Administration will propose an amendment 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 organised by the PTA. They will also have voting right when a parent manager is to be removed.

63. Members have asked the Administration to examine whether an alumnus who is also the parent of a current pupil of a school will be allowed to be nominated for election of both parent manager and alumni manager if both elections take place at the same time. The Administration will propose an amendment to specify that no manager shall serve in more than one capacity in an IMC.

#### Filling of vacancies to maintain full composition of an IMC

64. Proposed section 40AS(2) provides that an IMC shall, within one month from the date on which the failure to maintain full composition arises, ensure that a person qualified to fill the vacancy is nominated or elected for registration as a manager and forward to PSEM an application by the person for registration as a manager. Members consider the period too short and have suggested extending it to three months. The Administration has accepted the suggestion and will move an amendment to extend the period for filling the vacancy to three months.

#### Register of interests

65. Proposed section 40BF provides that the IMC of a school shall keep a register of all declaration and disclosure of pecuniary or other personal interest made under proposed sections 40BD and 40BE respectively and permit any inspector of schools to inspect the register at any reasonable time.

66. Members have asked the Administration to consider allowing public access to the register. Taking into consideration the views of members, the Administration will amend proposed section 40BF to permit the public to inspect the register kept under section 40BE at any reasonable time.

## Constitutions of IMCs

### *IMC constitutions to be approved by PSEM*

67. To ensure that the IMC constitution complies with the requirements of the Education Ordinance, the Bill provides that the draft IMC constitution and its subsequent amendments should be approved by PSEM. Members have asked the Administration to elaborate on the justifications for empowering PSEM to approve the draft IMC constitution and re-examine the need for PSEM to approve amendments to the IMC constitution passed by an IMC.

68. The Administration has pointed out that regulation 75 of the Education Regulations already provides that the constitution of the management committee and its subsequent alteration or amendment shall have the approval of PSEM. The Bill therefore does not accord PSEM with any new authority.

69. The Administration considers that along with the devolution of responsibilities to schools, there should be checks and balance to ensure proper school management and use of public funds. The Bill only gives broad directions for the IMC constitution. SSBs need to set out the arrangements for the operation of the IMC in the draft IMC constitution. The Administration believes that allowing PSEM to approve the IMC constitution will not only ensure compliance with legislative requirements, but also avoid any missing provisions, which may lead to problems in decision-making or operation. The Administration is therefore of the view that it is necessary for PSEM to approve the draft constitution and its amendments to ensure that the IMC will operate smoothly and manage the school properly by following its constitution.

70. Moreover, the Administration has pointed out that other countries like Australia, New Zealand, USA and UK also require the school management bodies to submit their constitutions and subsequent amendments to the education authority for approval or scrutiny.

71. In response to members' comments on the need to set out more clearly the procedures for amendments to IMC constitutions, the Administration will amend proposed section 40AW to provide that -

- (a) an IMC may by resolution amend its constitution in the manner provided for in its constitution;
- (b) such an amendment shall be lodged with PSEM and shall not take effect before the expiry of one month after it is lodged; and
- (c) PSEM may by notice in writing to the IMC concerned, object to an amendment lodged with him before the amendment takes effect. The reason for the objection shall be specified in the notice.

72. Some members are concerned about the criteria for approval of an IMC constitution by PSEM. The Administration has informed members that the PSEM will approve an IMC constitution according to the following criteria -

- (a) there is no contravention of the Education Ordinance or other laws of Hong Kong;
- (b) it will enable the school to operate smoothly; and
- (c) it has provided for the issues set out in proposed regulation 75A, including -
  - (i) the number of each category of managers in the composition of the IMC;
  - (ii) the procedures for nominating or electing persons for registration as managers;
  - (iii) the procedures for making a request to PSEM under section 40AV of the Ordinance for the cancellation of the registration of any manager;
  - (iv) the appointment or election of a manager to be or to act as the supervisor, the secretary and the treasurer;
  - (v) the duties of the supervisor, the secretary and the treasurer;
  - (vi) the tenure of office of a manager;
  - (vii) the procedures for appointment of members of the principal selection committee;
  - (viii) filling the vacancy in the office of a manager;
  - (ix) matters relating to re-nomination or re-election of a manager;
  - (x) the appointment of an auditor;
  - (xi) meetings and proceedings of the IMC; and
  - (xii) the procedures for amending the constitution.

73. In response to members' request, the Administration has undertaken to provide a sample draft constitution for members' reference when it is ready.

*SSBs' autonomy in drafting and revising IMC constitutions*

74. In response to concern expressed by some deputations, the Administration has clarified that SSBs have full autonomy in this regard as proposed regulation 75A(2)(1) provides that the SSB may provide in the IMC constitution the procedures for amending the constitution.

Legal support services for schools

75. Members are concerned whether legal services will be provided to schools to help them draw up the IMC constitution and establish IMCs. The Administration has informed members that after the enactment of the Bill, it will invite legal professionals to provide schools with voluntary web-based services to help them set up their IMCs. These services include the provision of a sample IMC constitution and solutions to common problems encountered for reference of schools and SSBs. At the same time, the Administration will encourage SSBs to invite legal professionals who have a keen interest in education to join IMCs. The Administration will also explore the provision of other voluntary legal services, such as forming a legal professional support network to provide professional advice to schools through the Internet.

Appointment and dismissal of teaching staff

76. Regulation 76 of the Education Regulations stipulates 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 management committee of that school. The Director of Audit in his Report No. 39 noted that some schools did not follow this regulation. The Public Accounts Committee (PAC) was of the view that it would be relevant to study the procedures, particularly whether delegation or ratification was allowed under an IMC constitution. The Administration should explain how the Bill addresses the concern of PAC on the issue and how the Administration would enforce the requirement after the enactment of the Bill.

77. The Administration has informed the Bills Committee that EMB will continue to require schools to follow this regulation. The Administration will amend regulation 76 to provide that -

- (a) the appointment of any teacher to occupy a teacher post in the establishment of staff provided for in the codes of aid for primary, secondary or special schools or for a term of not less than six months shall be approved by the majority of managers of the school; and
- (b) the dismissal of any such teacher shall be approved by the majority of the managers of the school at a meeting of the management committee or IMC (as may be appropriate).

## Offences and penalties

78. Members have also asked the Administration to -

- (a) clarify the burden and standard of proof in proceedings against a manager of an IMC school under section 18A, section 87, and regulation 101; and
- (b) explain why the liability of an IMC manager is different from that of a director in the management of a company under section 101E of the Criminal Procedure Ordinance (Cap. 221), i.e. the prosecution should prove beyond reasonable doubt that the offence is committed with the director's consent or connivance.

79. The Administration has pointed out that there are quite a number of provisions that impose criminal liability on the ground of "consent or connivance", the most notable one being section 101E of the Criminal Procedure Ordinance. The expression of "consent or connivance" covers two situations - (i) where a person has actual knowledge of the doing of the act; and (ii) where a person shuts his eye to an obvious means of knowledge and thus deliberately refrains from making enquiries the result of which he might not care to have. (*Mohan Gulabrai Mirchandani & ors v. R* [1977] HKLR 523)

80. To address members' concern, the Administration will amend proposed sections 18A(4), 87(10) and regulation 101(9) so that a manager can only be charged with the relevant offence if the contravention in question has been committed by the IMC with the consent and connivance of the manager.

81. Hon CHEUNG Man-kwong has pointed out that unlike SSBs and supervisors, IMC managers are elected or appointed to participate in SBM on a voluntary basis and are unlikely to be familiar with the civil and criminal liabilities which may arise from the execution of IMC functions. Mr CHEUNG considers it inappropriate to impose criminal penalties against a manager of an IMC or non-IMC school for failure to carry out certain administrative functions within a specified time limit under the Bill or the Education Ordinance. Mr CHEUNG has suggested that the Administration should review whether non-compliance with those sections relating to administrative functions should be criminal offences. The Chairman shares the view of Mr CHEUNG and has requested the Administration to review the offences and penalties under section 87 and regulation 101 to determine if they continue to be applicable to IMC and non-IMC schools. Members have also made various suggestions to repeal or amend certain existing regulations.

82. On review, the Administration has accepted most of the suggestions made by members. The Administration has proposed amendments to section 87 and regulation 101, as well as the relevant regulations under the Education Regulations.

83. Regulation 92(8) of the Education Regulations provides that PSEM may give a direction in writing to the supervisor and to the principal of a school that a syllabus of instruction or any other document specified in the direction shall not be used for instruction in any class in the school or in such class in the school as may be specified in the direction. Clause 47 amends regulation 92(8) by repealing "the supervisor and to".

84. Some members have questioned the need for retaining the provision and have asked the Administration to consider repealing it. The Administration has explained that there is no restriction on the syllabus of instruction unless a direction to the contrary is issued. As the Administration does not agree to repeal the provision, the Chairman has proposed to add a new regulation 92(8A) to set out clearly the criteria to be used by PSEM in giving the direction.

### Liability and insurance

#### *Protection against legal liabilities for IMC managers*

85. Some deputations consider that managers should be offered greater protection to ensure immunity from litigation. The Administration has pointed out that proposed section 40BG sets out that a manager shall not incur any civil liability in respect of anything done or omitted to be done in the performance of his functions as a manager if he acts in good faith. Hence, the Bill already provides much enhanced protection for individual managers as compared to the existing arrangement.

86. The Administration has also explained that it is not appropriate to grant immunity from legal suit to IMC managers. As a matter of policy, managers should not be exempted from liabilities in respect of acts done otherwise than in good faith. Whether an act is done in good faith must be determined by the court. Because of the exemption provided for in proposed section 40BG, a manager who acts in good faith is unlikely to be sued.

#### *Liability of managers*

87. Members have asked the Administration to explain how the test of "acting in good faith" can be satisfied when a manager is not present at a meeting, or is only notified of an act at a subsequent meeting.

88. The Administration explains that in general terms, a person acts in good faith if he acts honestly and without ulterior motive. As IMCs are separate legal entities, they incur civil liabilities in their own names in respect of their own acts. Therefore, individual managers would not be held liable for the acts of the IMC. The protection from civil liability accorded by section 40BG is in fact an extra "shield" for individual managers in case they are personally involved in the act. As regards the scenarios referred to in paragraph 87 above, the manager concerned has not acted in relation to the act and would not

be exposed to civil liability in respect of the act.

89. Members have asked whether the Administration would consider indemnifying a manager against any liability incurred by him in defence proceedings, whether civil or criminal, in which judgment is given in his favour or in which he is acquitted along the lines of section 165 of the Companies Ordinance.

90. The Administration has explained that the objective of section 165 of the Companies Ordinance is to protect shareholders. The section renders illegal any provision in the articles of a company (or in a contract with it) which exempts an officer or the auditor of the company from certain legal liabilities (relating to negligence, default, breach of duty or breach of trust) or indemnifies such persons against such liabilities. An example of such provision is one which stipulates that the company cannot sue its directors for negligence in performance of duties. Section 165(c) provides for an exception to the above prohibition.

91. There is no similar restriction under the Bill in relation to waiving claims against a manager in respect of the above-mentioned legal liabilities. The constitution of an IMC can therefore prohibit the IMC from suing the managers for breach of duty, etc. Proposed section 40BG offers protection to managers for acts done in good faith. They cannot be sued if they have acted without fraud or malice. If a manager acts in bad faith (e.g. stealing money belonging to the IMC), he probably commits a criminal offence. The Administration considers that the prospect of being prosecuted and sentenced should be able to discourage managers from stepping across the line. It is not the Administration's policy to have the prohibition provided for in section 165 of the Companies Ordinance. Therefore, the Administration does not consider it necessary to provide for the excepted indemnity mentioned in paragraph 90 above.

*Block Insurance Policy (BIP) and additional insurance coverage*

92. Some deputations have expressed the view that the Government should arrange insurance cover to protect schools and school managers from liability claims. Noting that the Government has arranged for aided schools a BIP to cover public liability, employees' compensation and group personal accident risks, members have asked the Administration to clarify whether IMC managers in their discharge of IMC duties are covered by the BIP for aided schools.

93. The Administration has confirmed that activities organised by the school or activities organised by a PTA or an alumni association which are approved by the SMC will be covered by the BIP. Members of the SMC, employees of the school, voluntary helpers and students taking part in school activities would be covered by the Public Liability insurance.

94. Members note that Public Liability covers the liabilities in respect of accidental injury to any person, and/or accidental loss of or damage to any property. Employees' Compensation covers the liability in respect of death or injury by an accident or a disease arising out of and in the course of employment either under the Employees' Compensation Ordinance or otherwise at law. Group Personal Accident covers the liability in respect of accidental death and disablement of students taking part in school activities. The BIP will also cover the cost of defence and legal representation.

95. The Administration has pointed out that new additional items are included in the Public Liability under the BIP. These new items cover the legal liability and third party claims in respect of impairment of any person's mental condition caused by anguish, shock or trauma and impairment of a student's mental condition arising from counselling activities conducted by professional counsellors.

96. Thus the current BIP already offers quite a comprehensive protection to the management committees and school managers. However, there are possibilities that school managers might still be subject to the exposure of the following liabilities, which are not covered by the BIP -

- (a) Professional indemnity such as failure to act for the best interest of the school, wrong education instruction and breach of duty of care by the professional staff employed by the school;
- (b) Employment practices liability such as sexual harassment, wrongful termination of employment contract, and discrimination; and
- (c) Directors & Officers liability such as employment-related claims and third party discrimination / harassment claims, infringement of copyright, unintentional breach of confidentiality, libel and slander.

97. Depending on the situation and their own needs, individual IMCs may arrange additional insurance cover to provide better protection to their managers or teaching staff in discharging their duties. The premium for the above insurance cover could be paid from the school's General Funds/Subscriptions Account.

98. In response to members' request, the Administration will propose an amendment to spell out clearly in the Bill that any claim for compensation shall be enforced against an IMC to the exclusion of individual school managers.

99. Members have also asked the Administration to examine whether professional indemnity and Directors and Officers liability should be included

under the BIP to further protect IMC managers against legal liabilities and to consult SSBs on the matter. The Administration has informed members that it is now conducting a preliminary study into the matter.

#### Commencement of the Amendment Ordinance

100. Clause 1(2) provides that the Amendment Ordinance shall come into operation on a date to be specified by the Secretary for Education and Manpower by notice published in the Gazette. The Administration originally proposed that the Amendment Ordinance should commence on 1 December 2004. In response to members' suggestion, the Administration has agreed to specify clearly in clause 1(2) that the Amendment Ordinance would commence on 1 January 2005.

#### Transition period

101. Proposed section 40BJ provides that the sponsoring body of an operating school which is an aided school shall make a submission of a draft constitution for the purpose of the establishment of an IMC. In the case of an aided school, the submission shall be made by 1 January 2009, i.e., within four years from the commencement date.

102. Hon CHEUNG Man-kwong considers that the Administration should review the implementation of the Bill three years after its commencement. During his attendance at one of the meetings of the Bills Committee, the Secretary for Education and Manpower has pointed out that as the Administration will review the provisions of the Bill from time to time during the transition period, there is no need to wait three years before carrying the review. If problems are found in implementation, the Government will propose amendments to improve the relevant provisions and extend the transition period if necessary.

103. Hon CHEUNG Man-kwong has proposed to add a new subsection (5) to section 40BJ to enable the Legislative Council, by way of a resolution at any time after 1 January 2008, to extend the date for SSBs of aided schools to submit draft constitutions. Mr CHEUNG has requested the Administration to consider moving the amendment which will help address the concern of some SSBs. The Administration has expressed concern that the proposal might encourage some SSBs to adopt a wait-and-see attitude.

104. The Chairman has also proposed amendments to section 40BJ to delete the date of 1 January 2009 and to provide instead that the Secretary for Education and Manpower may, by notice published in the Gazette, specify the date before which a submission of a draft constitution for the establishment of an IMC of an aided school shall be made. Such a notice shall be subsidiary legislation subject to the approval of the Legislative Council.

105. Members have asked whether those schools which have established an IMC can opt out when they encounter implementation problems during the transition period. The Administration has pointed out that in principle, a responsible SSB should have careful consideration before deciding to establish an IMC and to put into practice the spirit of SBM. The participatory governance introduced in the Bill defines clearly the powers and responsibilities of an IMC and provides protection for managers against civil liability. SSBs should not easily opt out from this governance structure. If schools encounter problems in implementation, the Administration will try its best to assist them to solve their problems.

#### Failure to establish IMC

106. Proposed section 40BR(d) provides that the Government may terminate the sponsoring agreement of an aided school if an IMC is not established as required.

107. Members have expressed grave concern about how the Government will implement the section if a large number of schools fail to establish an IMC. They have therefore urged the Administration to consider the impact and consequence of such drastic action and to review the provision.

108. On review, the Administration has agreed to delete the paragraph. The amended section 40BR provides that PSEM may appoint one or more persons to be the manager of a school which fails to establish an IMC and cancel the registration of any manager.

109. Some members have expressed concern that the provision in effect allows the Government to take over the operation of the school until an IMC is established. The Administration has explained that the Government will persuade schools to establish an IMC and will not take action under section 40BR unless persuasion and all other efforts fail to achieve the objective. The Chairman has indicated that she is considering an amendment to delete proposed section 40BR. She notes that PSEM may exercise other powers under existing sections 82, 83 and 22.

#### DSS schools

110. Hon CHEUNG Man-kwong and Hon Emily LAU have questioned why DSS schools are allowed a choice whether or not to establish an IMC and even after they have set up an IMC, may still opt to revert to DSS schools without an IMC. They have asked the Administration to clarify whether the policy intent is to encourage SSBs which do not wish to establish an IMC to join DSS.

111. The Administration has explained that subsidies are provided to DSS schools by the Government depending on the number of students the school

can recruit. Parents' voices are therefore influential. As DSS is a relatively new initiative, the Administration suggests giving more flexibility to DSS schools, allowing them to choose, according to their own situation, whether or not to establish an IMC under the Education Ordinance. On review, the Administration has decided that DSS schools which have set up an IMC may not opt to revert to DSS schools without an IMC.

112. As regards whether the policy intent is to encourage SSBs which do not wish to establish an IMC to join DSS, the Administration has explained that the Government's policy is to foster the development of a strong DSS sector to inject more variety into the school system, and to provide more choices to parents. Schools may choose to join DSS, having regard to their own needs. The Government would not encourage schools to join DSS just because they do not wish to establish an IMC.

#### Schools in receipt of Government subsidies

113. Proposed section 40AB provides for the definition of "operating school" to mean an aided school, a DDS school or a non-aided school in receipt of Government subsidies. The Administration has proposed to delete the definition of "operating school" and to add a new definition of "specified school" to list out in a new Schedule 3 the non-aided schools in receipt of Government subsidies which could apply to establish an IMC after the commencement of the Bill. A new section 40ABA is proposed setting out the criteria for a school to be specified in Schedule 3 and empowering the Secretary for Education and Manpower to amend Schedule 3 by notice published in the Gazette.

#### Operation and management of Government schools

114. Some members have asked the Administration to explain the reasons for exempting Government schools from the Education Ordinance and to highlight the areas of operation of Government schools which are consistent or not consistent with the requirements of the Bill and provide justifications for any inconsistencies.

115. The Administration has pointed out that Government schools are part of the Government and operate in accordance with the existing regulations of the Government and relevant ordinances. As such, Government schools are exempted from registration under the Education Ordinance. Nevertheless, Government schools will manage their operation with reference to the provisions of the Education Ordinance.

116. As regards the operation and management of Government schools, they are consistent with the proposals of the Bill in many areas. All Government schools have established their own SMC comprising the principal, parents, teachers, alumni, independent community members and a directorate grade

officer of EMB (similar to the SSB's representative) serving as the SMC Chairperson to manage the school and formulate school development plans. The teacher, parent and alumni representatives are elected and all SMC members are appointed by PSEM.

117. However, certain areas of the operation and management of Government schools are part of the Government and are not consistent with the proposals of the Bill. Since Government schools are exempted from registration under the Education Ordinance, the SMC of a Government school is not required to establish an IMC in accordance with the Bill. As the Government is the employer of the staff of Government schools, the appointment of staff in Government schools has to comply with the procedures for the appointment of civil servants. The appointments of principals of Government schools follow existing Government regulations and it is not necessary for a Government school to establish its own selection committee to select the principal.

#### Views of SSBs and PTAs

118. During the course of scrutiny of the Bill, the Bills Committee has received over 50 submissions from SSBs and PTAs. Some of them have also placed advertisements in newspapers to publicise their views on the Bill.

119. The Hong Kong Association of Sponsoring Bodies of schools and the largest SSBs have expressed strong opposition to the Bill. They are gravely concerned that under the new system, the IMC will replace the SSB and be directly responsible to the Government. They are also worried that the larger SSBs with their existing support structure will lose their function and the vision and mission of their schools will be eroded. These organisations consider that given the diversity and tradition and mode of governance in schools, more than one model should be allowed. They have suggested that a multi-tiered model such as that proposed in the Education Report No. 7 should be adopted.

120. On the other hand there are also SSBs and PTAs which have expressed strong support for the Bill. Some PTAs have pointed out that schools which have involved teachers and parents in their management committees have worked well and are of the view that those SSBs opposed to the Bill are over-worried.

#### Review of the Education Ordinance and Education Regulations

121. Members have pointed out that some of the requirements in the Education Ordinance and Education Regulations are outdated and should be reviewed. The Chairman is of the view that a comprehensive review of the Education Ordinance and the Education Regulations should be carried out in the next legislative term.

Article 141 of the Basic Law

122. Hon CHEUNG Man-kwong has pointed out that one of the largest SSBs plans to initiate litigation against the Government for contravention of Article 141 of the Basic Law if the Bill is enacted. Paragraph 3 of Article 141 provides that religious organizations may, according to their previous practice, continue to run seminaries and other schools, hospitals and welfare institutions and to provide other social services. Members have asked the Administration to seek legal advice on the subject and provide a written response to Members before the Second Reading debate on the Bill is resumed. The Administration has agreed to provide a paper to Members as requested.

**Recommendation**

123. The Bills Committee supports the resumption of the Second Reading debate on the Bill at the Council meeting on 7 July 2004.

**Consultation with the House Committee**

124. The Bills Committee reported to the House Committee on 18 and 25 June 2002 and obtained the House Committee's support for the Second Reading debate on the Bill to be resumed on 7 July 2004.

Council Business Division 2  
Legislative Council Secretariat  
30 June 2004

**Bills Committee on Education (Amendment) Bill 2002**

**Membership List**

<b>Chairman</b>	Hon Cyd HO Sau-lan
<b>Members</b>	Ir Dr Hon Raymond HO Chung-tai, JP Hon LEE Cheuk-yan Hon CHEUNG Man-kwong Hon LEUNG Yiu-chung Dr Hon YEUNG Sum (up to 12.3.2003) 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  (Total : 10 Members)
<b>Clerk</b>	Ms Doris CHAN
<b>Legal Adviser</b>	Ms Bernice WONG Sze-man
<b>Date</b>	31 October 2003

《 2002年教育(修訂)條例草案 》委員會  
Bills Committee on Education (Amendment) Bill 2002

曾向委員會表達意見的團體／個別人士名單  
List of organisations/individuals who have  
submitted views to the Bills Committee

**團體名稱**

**Name of organisation**

**I. 辦學團體**

**I. School Sponsoring Bodies**

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|-------------------|---|
| * 1. 香港辦學團體協會     | Hong Kong Association of Sponsoring Bodies of Schools |
| * 2. 天主教香港教區      | The Catholic Diocese of Hong Kong                     |
| * 3. 香港聖公會        | Hong Kong Sheng Kung Hui                              |
| * 4. 中華基督教會香港區    | Hong Kong Council of the Church of Christ in China    |
| * 5. 仁濟醫院         | Yan Chai Hospital                                     |
| * 6. 香港佛教聯合會      | The Hong Kong Buddhist Association                    |
| * 7. 香港私立學校聯合會    | Hong Kong Private Schools Association                 |
| * 8. 香港基督教協進會     | Hong Kong Christian Council                           |
| * 9. 香港道教聯合會      | Hong Kong Taoist Association                          |
| * 10. 聖母痛苦方濟傳教女修會 | Franciscan Missionary Sisters of Our Lady of Sorrows  |
| * 11. 鮑斯高慈幼會      | Society of St Francis de Sales                        |
| * 12. 麗澤中學        | Lai Chack Middle School                               |
| * 13. 寶血女修會       | Sisters of the Precious Blood                         |
| 14. 香港紅十字會        | Hong Kong Red Cross                                   |
| 15. 母佑會           | Daughters of Mary Help of Christians                  |

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| 16. 基督教香港信義會     | Evangelical Lutheran Church of Hong Kong        |
| 17. 循道衛理聯合教會     | Methodist Church, Hong Kong                     |
| 18. 瑪利亞方濟各傳教修會   | Franciscan Missionaries of Mary                 |
| 19. 威靈頓教育機構      | Wellington Education Organization               |
| 20. 元朗商會教育促進有限公司 | Yuen Long Merchants Education Promotion Limited |
| 21. 興學證基協會       | Schools for Christ Foundation                   |

## **II. 家長教師會**

## **II. Parent-teacher Associations**

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| * 22. 家庭與學校合作事宜委員會    | Committee on Home-School Co-operation                                      |
| * 23. 九龍城區家長教師會聯會     | Federation of Parent-Teacher Association, Kowloon City District            |
| * 24. 大埔區家長教師會聯會      | Federation of Parent-Teacher Associations, Tai Po District                 |
| * 25. 中華基督教會基元中學家長教師會 | CCC Kei Yuen College Parent Teacher Association                            |
| * 26. 元朗天主教中學家長教師會    | Yuen Long Catholic Secondary School Parent-Teacher Association             |
| * 27. 屯門區家長教師會聯會      | Federation of Parent-Teacher Association of Tuen Mun                       |
| * 28. 北區家長教師會聯會       | Federation of Parent-Teacher Association of the Northern District          |
| * 29. 沙田區家長教師會聯會      | The Joint Counsel of Parent-Teacher Associations of the Shatin District    |
| * 30. 長沙灣天主教英文中學家長教師會 | Cheung Sha Wan Catholic Secondary School Parents Teachers Association Club |
| * 31. 迦密聖道中學家長教師會     | Parent-Teacher Association of Carmel Holy Word Secondary School            |
| * 32. 香港東區家長教師會聯會     | Hong Kong East Parent Teacher Association Federation                       |

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| * 33. 柴灣天主教海星小學家長教師會      | Chai Wan Star of the Sea Catholic Primary School Parents and Teachers Association |
| * 34. 荃灣區家長教師會聯會          | Tsuen Wan District Parent-Teacher Association Federation                          |
| * 35. 將軍澳家長協會             | Tseung Kwan O Parents Association   |
| * 36. 黃大仙區家長教師會聯會         | Federation of Parent-Teacher Association Wong Tai Sin District                    |
| * 37. 聖公會田灣始南小學家長教師會      | SKH Tin Wan Chi Nam Primary School Parent-Teacher Association                     |
| * 38. 葵青區家長教師會聯會          | Joint Parent-Teacher Association of Kwai Tsing District                           |
| * 39. 觀塘區家長教師會聯會          | Federation of Parent Teacher Associations in Kwun Tong District                   |
| 40. 十四區家長教師會聯會及協會         | 14 Federations of Parent-Teacher Associations                                     |
| 41. 天主教郭得勝中學家長教師會         | Kwok Tak Seng Catholic Secondary School Parent Teacher Association                |
| 42. 明愛樂義學校家長教職會           | Caritas Lok Yi School Parent-Staff Association                                    |
| 43. 香港中文大學校友會聯會張煊昌中學家長教師會 | CUHK FAA Thomas Cheung Secondary School Parent-Teacher Association                |

### **III. 教育機構/關注團體**

### **III. Educational institution/concern organization**

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|------------------|---|
| * 44. 香港教育專業人員協會 | Hong Kong Professional Teachers' Union              |
| * 45. 香港教育工作者聯會  | Hong Kong Federation of Education Workers           |
| * 46. 津貼小學議會     | Subsidized Primary Schools Council                  |
| * 47. 香港中文中學聯會   | The Association of Hong Kong Chinese Middle Schools |
| * 48. 香港中學校長會    | Hong Kong Association of Heads of Secondary Schools |

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| * 49. 香港津貼中學議會     | Hong Kong Subsidized Secondary Schools Council               |
| * 50. 香港學校書記及校工總工會 | Hong Kong School Clerks and Janitors General Union           |
| 51. 教育評議會          | Education Convergence  |
| 52. 順德聯誼總會         | Shun Tak Fraternal Association                               |
| 53. 香港天主教正義和平委員會   | Justice & Peace Commission of the Hong Kong Catholic Diocese |
| 54. 香港基督教服務處       | Hong Kong Christian Service                                  |
| 55. 香港青年大專學生協會     | Hong Kong Youth & Tertiary Students Association              |
| 56. 香港家長協會         | Hong Kong Parents Association                                |

### 個別人士

### Individual

- |                            |   |
|----------------------------|---|
| * 1. 彭耀佳先生<br>前校本管理諮詢委員會主席 | Mr PANG Yiu Kai<br>Chairman of the former Advisory Committee on School-based Management |
| * 2. 狄志遠先生<br>前校本管理諮詢委員會委員 | Mr TIK Chi-yuen<br>Member of the former Advisory Committee on School-based Management   |
| * 3. 黃克廉先生<br>前校本管理諮詢委員會委員 | Mr WONG Hak-lim<br>Member of the former Advisory Committee on School-based Management   |
| * 4. 李思泌博士, JP<br>黃大仙區議會議員 | Dr Albert LI Sze-bay, JP<br>Member of Wong Tai Sin District Council                     |
| * 5. 黎樹濠校長<br>基督教聖約教會堅樂中學  | Mr Patrick LAI Shu-ho<br>Principal, The Mission Covenant Church<br>Holm Glad College    |
| 6. 陳日君主教                   | Bishop Joseph ZEN   |

7. 彭孝廉博士及一羣為數 60 人的校監、校董、校長及教師      Dr PANG Hau-lim and a group of sixty school supervisors, managers, principals and teachers
8. 梁貫成博士      Dr Frederick LEUNG
9.      Mr YIM King-long
10. 一位不具名的教師      an anonymous teacher
11. 葉美齡女士
12.      Mr Stephen SHUM

\* 曾向小組委員會口頭申述意見的團體/個別人士  
Organisations/individuals who have made oral representations to the Bills Committee