

立法會
Legislative Council

LC Paper No. CB(2)778/03-04
(These minutes have been
seen by the Administration)

Ref : CB2/BC/8/02

**Bills Committee on
Education (Miscellaneous Amendments) Bill 2003**

**Minutes of meeting
held on Thursday, 4 December 2003 at 4:30 pm
in Conference Room B of the Legislative Council Building**

- Members present** : Hon Cyd HO Sau-lan (Chairman)
Hon CHEUNG Man-kwong
Dr Hon YEUNG Sum
Hon YEUNG Yiu-chung, BBS
Hon Emily LAU Wai-hing, JP
Hon Tommy CHEUNG Yu-yan, JP
Hon Audrey EU Yuet-mee, SC, JP
- Public Officers attending** : Mr Andrew POON
Principal Assistant Secretary for Education and
Manpower (Quality Assurance)
- Ms Susanna CHEUNG
Principal Assistant Secretary for Education and
Manpower (Professional Development and
Training)
- Mrs YU LAW Siu-man
Senior Education Officer (Education Ordinance Review
and Compliance)
- Ms Carmen CHU
Senior Government Counsel
Department of Justice

Clerk in attendance : Mrs Doris CHAN
Chief Assistant Secretary (2)2

Staff in attendance : Mr KAU Kin-wah
Assistant Legal Adviser 6

Mr Stanley MA
Senior Assistant Secretary (2)6

I. Confirmation of minutes

[LC Paper No. CB(2)163/03-04]

The minutes of the meeting held on 7 October 2003 were confirmed.

II. Meeting with the Administration

[LC Paper Nos. CB(2)381/03-04(01) and (02)]

2. The Bills Committee deliberated on the Administration's response to issues raised at the meetings on 7 and 25 October 2003 [LC Paper Nos. CB(2)381/03-04(01) and (02)] (Index of proceedings attached at **Annex**).

Training places and fees for serving permitted teachers (PTs)

3. Members requested the Administration to ensure the provision of sufficient places for serving PTs to achieve a recognized teacher education within the proposed five-year grace period. The Administration assured members that the supply of places in in-service Postgraduate Diploma in Education and Postgraduate Certificate in Education courses was sufficient to meet the demand of serving PTs with a degree to pursue an approved teacher education programme. As regards serving PTs without a degree, the Hong Kong Institute of Education (HKIEd) had indicated its interest in continuing with the provision of the In-service Course of Training for Teachers (ICTT) from the 2004-05 school year. The Administration would continue to liaise with HKIEd on the number of places, course content, mode of operation and level of fees of the ICTT programmes to be offered.

4. Mr CHEUNG Man-kwong requested the Administration to maintain fees for ICTT to be offered by HKIEd in the 2004-05 school year at the current level of fees for existing ICTT programmes. He pointed out that -

- (a) under the existing arrangement, PTs would be eligible for registration as registered teachers (RTs) after acquiring the requisite years of approved teaching experience; and

- (b) the Education and Manpower Bureau had not previously notified PTs of the proposed amendments to the Education Ordinance and the Education Regulations to raise the professional standards of teachers before the introduction of the Bill.

Adm

Members supported Mr CHEUNG's request. The Administration undertook to hold discussion with HKIEd regarding the matter and provide a written response as soon as practicable.

Transitional arrangement for registration of PTs as RTs under the existing arrangement after the commencement of the Bill

5. In response to the Chairman, the Administration confirmed that a Committee Stage amendment (CSA) would be proposed to allow serving PTs who would acquire the requisite years of approved teaching experience shortly before the commencement date to apply for registration as RTs within two months after the commencement date. The Chairman also requested the Administration to ensure that the registration process for these qualified PTs to become RTs would be completed before the expiry of the transitional period.

Operation of the Appeal Boards Panel

Adm

6. The Chairman suggested that the Appeal Boards Panel should consider adopting a queuing system for its members to serve Appeal Boards in turn. The Administration responded that the Appeal Boards Panel could regulate its own procedure and would invoke such a queuing system by administrative measures.

7. Ms Audrey EU enquired about the rules and procedures for tackling the practical issues such as a change in the membership of an Appeal Board in the course of a hearing. The Administration responded that if a member of an Appeal Board for some reasons was precluded from exercising his functions, the secretary of the Appeal Boards Panel could, subject to the consent of the appellant and the respondent, appoint any other person from the Panel to act in his place. If either the appellant or the respondent objected to the appointment of the replacement board member, another mutually agreed hearing date would be fixed so as to allow the return of the absent board member to attend the hearing.

III. Clause-by-clause examination of the Bill

[LC Paper No. CB(3)526/02-03]

8. Assistant Legal Adviser advised the meeting that no discrepancies had been observed in respect of the English and Chinese versions of the Bill.

Members went through the Bill clause by clause and raised no queries about the provisions of the Bill.

Committee Stage amendments

Adm

9. Members went through the draft CSAs proposed by the Administration [LC Paper No. CB(2)517/03-04(01)]. Members noted that the commencement dates for different sections of the Bill would be published by notices in the Gazette and they would be subject to negative vetting by the Legislative Council. Members requested and the Administration undertook to set the commencement date for new section 85A, which allowed a registered school or provisionally registered school to conduct educational courses on general holidays, as early as practicable, and the commencement date for the new requirements for registration of RTs not before 1 October 2004.

Resumption of Second Reading of the Bill

10. The Bills Committee agreed that Second Reading of the Bill should be resumed at the Council meeting on 14 January 2004. The Chairman would report the deliberations of the Bills Committee to the House Committee at its meeting on 19 December 2003. The deadline for giving notice of CSAs was 5 January 2004.

IV. Any other business

11. There being no other business, the meeting ended at 5:30 pm.

Council Business Division 2
Legislative Council Secretariat
19 December 2003

**Proceedings of the meeting of the Bills Committee on
Education (Miscellaneous Amendments) Bill 2003
on Thursday, 4 December 2003 at 4:30 pm
in Conference Room B of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action required
0000 - 0411	Chairman	Confirmation of minutes.	
0412 - 1532	Admin	Briefing on the Administration's response to issues raised at the meetings on 7 and 25 October 2003 [LC Paper Nos. CB(2)381/03-04(01) and (02)].	
1533 - 2230	Chairman Mr CHEUNG Man-kwong Admin Ms Emily LAU Mr YEUNG Yiu-chung	Provision of sufficient places for serving PTs to achieve a recognized teacher education within the proposed five-year grace period.	
2231 - 3406	Chairman Mr CHEUNG Man-kwong Admin Ms Emily LAU Dr YEUNG Sum Mr YEUNG Yiu-chung	Levels of fees for ICTT courses to be offered by the HKIED in the 2004-05 school year.	See para 4 of the minutes
3407 - 3900	Chairman Admin Mr Tommy CHEUNG Mr YEUNG Yiu-chung Ms Emily LAU Mr CHEUNG Man-kwong	<ul style="list-style-type: none"> – A queuing system for members of the Appeal Boards Panel to serve Appeal Boards; and – Transitional arrangements for registration of PTs as RTs after the commencement date. 	See para 5 and 6 of the minutes
3901 - 4050	Ms Emily LAU Chairman Mr CHEUNG Man-kwong	Early enactment of the Bill to enable schools to conduct educational courses on general holidays.	See para 9 of the minutes

Draft Committee Stage Amendments			
4051 - 4250	Chairman Admin	Clause 1 - Short title and commencement Commencement of the Bill by notice published in the Gazette.	
4251 - 4319	Chairman Admin	Clause 2 - Interpretation Definition of Direct Subsidy Scheme School.	
4320 - 4618	Chairman Admin	Clause 3 - Schools to be registered or provisionally registered	
4619 - 4800	Chairman Admin	Clause 4 - Grounds for cancellation of registration or provisional registration of school	
4801 - 4834	Chairman Admin	Clause 5 - Section substituted Procedures for appeals and standing orders for those purposes.	
4835 - 4915	Chairman Admin	Clause 6 - Right of appeal to Appeal Board	
4916 - 5422	Chairman Admin Ms Audrey EU Mr CHEUNG Man-kwong	Clause 7 - Procedure on appeal - Appeals concerning the registration of a teacher or the cancellation of registration of a teacher; and - Change of membership of an Appeal Board in the course of a hearing.	
5423 - 5444	Chairman Admin	Clause 11 - Permission to operate school or to act pending appeal	

5445 - 5446	Chairman Admin	Clause 14 - Saving regarding Appeal Board Term of office of the Chairman of the Appeal Boards Panel.	
5447 - 5831	Chairman Admin	Clause 17 - Appeals Clause 18 - Second Schedule amended Clause 19 - Appeals to Appeals Board	
5832 - 010357	Chairman Admin Mr CHEUNG Man-kwong	Clause 20 - Saving regarding qualifications of registered teachers and permitted teachers Commencement dates for different sections of the Bill and transitional arrangement for registration of PTs as RTs after the commencement date.	
010358 - 010529	Chairman Admin	New Clause - Transitional provisions regarding qualifications of PTs	
010530 - 010917	Chairman Mr CHEUNG Man-kwong Ms Emily LAU Admin	Admin's response to members' request about level of fees for ICTT courses.	

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