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EDUCATION (MISCELLANEOUS AMENDMENTS) BILL 2003

**COMMITTEE STAGE**

Amendments to be moved by the Secretary for  
Education and Manpower

Clause

Amendment Proposed

- 1 By deleting subclauses (2) and (3) and substituting -
- "(2) This Ordinance shall come into operation on a day to be appointed by the Secretary for Education and Manpower by notice published in the Gazette."
- 2 (a) By deleting "'." at the end.  
(b) By adding -
- "'DSS school" (直資學校) means a school which has joined the Direct Subsidy Scheme administered by the Permanent Secretary under which the school receives subsidy directly from the Government on such terms and conditions as specified by the Government from time to time;".

3 By deleting "repealed" and substituting "amended by  
repealing "a school" and substituting "an aided  
school or a DSS school".

4 (a) In paragraph (a), by deleting the proposed  
section 22(1)(ca) and substituting -

"(ca) upon the written application of the  
supervisor, if the registration or  
provisional registration of the  
school, not being an aided school or  
a DSS school, was effected -

(i) before the commencement of  
section 3 of the Education  
(Miscellaneous Amendments)  
Ordinance 2003 ( of  
2003); and

(ii) under section 10(2) in  
respect of evening  
instruction;".

(b) By deleting paragraph (b).

5 In the proposed section 59(3), by deleting  
everything after "procedure" and substituting "and  
the procedure for appeals and make standing orders  
for those purposes."

6 By deleting the clause and substituting -

**"6. Right of appeal to Appeal Board**

Section 61(1) is amended -

- (a) by repealing "the Appeals" where it first appears and substituting "an Appeal";
- (b) by repealing "Appeals Board" where it secondly appears and substituting "Appeal Boards Panel".

7 (a) In paragraph (a)(ii), in the proposed section 62(1)(aa), by deleting "subsection (1A) to hear the appeal" and substituting "subsections (1A) and (1AA) to hear and determine the appeal".

(b) In paragraph (b), by adding after the proposed section 62(1A) -

"(1AA) Where an Appeal Board hears or determines any appeal concerning the registration of a teacher or the cancellation of the registration of a teacher, at least 3 of its members must be registered teachers."

11 (a) By deleting paragraph (a) and substituting -  
" (a) in paragraph (a)(i) and (ii), by repealing "the Appeals" and substituting "an Appeal";".

(b) By deleting paragraph (b) and substituting -  
" (b) in paragraph (b), by repealing "the Appeals" wherever it appears and substituting "an Appeal".".

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(a) In subclause (1) -

(i) in paragraph (a), by deleting everything after "Panel" and substituting "for a period equal to the term of his office that would have remained had this Ordinance not been enacted, or until he ceases to be so for any reason before expiry of the period;" ;

(ii) by deleting paragraph (b) and substituting -

" (b) the person who was the Chairman of the former Appeals Board immediately before the commencement date is deemed to be the Chairman of the Appeal Boards Panel for a period equal to the term of his office that would have remained had this Ordinance not been enacted, or until he ceases to be so for any

reason before expiry of  
the period;

- (c) an Appeal Board which consists of members and the Chairman referred to in paragraphs (a) and (b) or includes the Chairman or any such member is deemed to be a properly constituted Appeal Board for the purposes of the Amended Ordinance."

(b) In subclause (3) -

- (i) by deleting "經修訂" and substituting "本";

- (ii) by deleting everything after "member" and substituting "or the Chairman of the former Appeals Board serving for the period as provided in subsection (1)(a) or (b), as the case may be."

(c) In subclause (5), in the definition of "commencement date", by deleting "under section 1(3)" and substituting "for the commencement of section 5 of this Ordinance under section 1(2)".

17 By deleting everything after "repealing" and  
substituting ""the Appeals" and substituting "an  
Appeal".".

18 In paragraph (a) (i), by adding "of" before  
"either".

19 By deleting "APPEAL BOARDS PANEL" and substituting  
"APPEAL BOARD".

20 (a) In subclause (1), by deleting "1 September  
2003" and substituting "the commencement  
date".

(b) By deleting subclause (2) and substituting -  
" (2) A person who possesses the  
prescribed qualifications for  
registration as a teacher immediately  
before the commencement date may apply  
for registration within 2 months from the  
commencement date and the application is  
to be disposed of as if this Ordinance  
had not been enacted.

(3) This section is in addition to  
and not in derogation from section 23 of  
the Interpretation and General Clauses  
Ordinance (Cap. 1).

(4) In this section and section 20A,  
"commencement date" (生效日期) means the  
date appointed by the Secretary for

Education and Manpower for the commencement of section 18 of this Ordinance under section 1(2) of this Ordinance."

New

By adding immediately after clause 20 -

**"20A. Transitional provisions regarding qualifications of permitted teachers**

(1) Notwithstanding section 51(1)(c) of the Education Ordinance (Cap. 279), the Permanent Secretary may issue a permit under section 50 of that Ordinance in respect of a person who was serving as a permitted teacher in a school immediately before the commencement date even though the person does not possess the prescribed qualifications for a permitted teacher on or after the commencement date.

(2) Subsection (1) applies where -

- (a) an application to employ the person as a permitted teacher in a school is made under section 49 of the Education Ordinance (Cap. 279) within 5 years from the commencement date; and
- (b) at the time of making the application the person has been enrolled in or is attending a

training course approved by the  
Permanent Secretary for the  
purpose."