

立法會
Legislative Council

Ref : CB2/BC/10/02

LC Paper No. CB(2) 92/03-04
(These minutes have been seen by
the Administration)

**Bills Committee on
Hong Kong Examinations and Assessment Authority (Amendment) Bill 2003**

**Minutes of meeting
held on Wednesday, 3 September 2003 at 10:45 am
in Conference Room A of the Legislative Council Building**

- Members present** : Hon Cyd HO Sau-lan (Chairman)
Hon LI Fung-ying, JP
Hon Tommy CHEUNG Yu-yan, JP
Hon Audrey EU Yuet-mee, SC, JP
- Members absent** : Hon CHEUNG Man-kwong
Hon LEUNG Yiu-chung
Hon YEUNG Yiu-chung, BBS
- Public officers attending** : Mr Andrew POON
Principal Assistant Secretary for Education and Manpower
(Quality Assurance)
- Mr Sam HUI
Assistant Secretary for Education and Manpower
(Special Duties)
- Mr CHOI Chee-cheong
Secretary General
Hong Kong Examinations and Assessment Authority
- Mr Alan CHONG
Government Counsel
- Clerk in attendance** : Mrs Constance LI
Chief Assistant Secretary (2)5

Staff in attendance : Ms Bernice WONG
Assistant Legal Adviser 1

Ms Joanne MAK
Senior Assistant Secretary (2)2

I Meeting with the Administration

[LC Paper No. CB(2) 3028/02-03(01) and CB(2) 2716/02-03(02)]

The Bills Committee deliberated (Index of proceedings attached at **Annex**).

2. The Administration and the Secretary General of Hong Kong Examinations and Assessment Authority (HKEAA) briefed the Bills Committee on the policy objectives of the Bill and the existing and proposed arrangements for ensuring secrecy of the examination papers. The Secretary General of HKEAA also informed members of the requests received for holding examinations in places outside Hong Kong.
3. At the request of the Chairman, the Administration agreed to provide copies of the text of the relevant legislation in the Mainland on the offences and penalties in relation to breach of secrecy and leakage of examination papers.
4. As regards the Chairman's request for the provision of samples or extract of the relevant provisions of the contractual agreements entered between HKEAA and overseas or professional examination bodies, the Administration explained that it would have to seek the consent of the relevant organisations for disclosing the provisions to a third party.
5. As requested by Ms Audrey EU, the legal adviser to the Bills Committee and the Government Counsel would review the drafting of the proposed section 7(1) to ensure consistency between the Chinese and English versions.
6. The Chairman expressed concern about the actual arrangements to be made by HKEAA and its partner organisations to conduct examinations outside Hong Kong, especially the arrangements to ensure confidentiality of the examination papers. She requested the Administration to provide further details to the Panel on Education when ready. Principal Assistant Secretary for Education and Manpower (Quality Assurance) (PAS(EM)(QA)) agreed.

Clause-by-clause examination of the Bill

7. The Bills Committee completed clause-by-clause examination of the Bill.

Legislative time-table

8. The Chairman said that since the Bills Committee had completed scrutiny of the Bill, further information on the Bill to be provided by the Administration would be circulated to members for consideration. The Chairman advised that unless members or the legal adviser would like to raise further issues for discussion, the Bills Committee would not hold further meetings. She suggested that a report be made to the House Committee in October 2003. Members agreed. In response to the Chairman, PAS(EM)(QA) said that the Administration would advise the date for resumption of the Second Reading debate on the Bill later.

II. Any other business

9. The meeting ended at 12:10 pm.

Council Business Division 2
Legislative Council Secretariat
15 October 2003

**Bills Committee on
Hong Kong Examinations and Assessment Authority (Amendment) Bill 2003**

**Meeting on Wednesday, 3 September 2003 at 10:45 am
in Conference Room A of the Legislative Council Building**

Time marker	Speaker	Subject	Action Required
000001 - 000938	Chairman Admin Secretary General of Hong Kong Examinations and Assessment Authority (SG/HKEAA)	Policy objectives of and background to the Bill	
000939 - 001849	Hon LI Fung-ying Chairman Admin SG/HKEAA	<ul style="list-style-type: none"> - Measures to prevent leakage of examination papers when examinations could not be conducted in Hong Kong and in a place outside Hong Kong simultaneously due to time difference - Measures to prevent leakage of examination papers in conducting examinations in the Mainland and overseas countries 	<ul style="list-style-type: none"> - Admin to provide copies of the text of the relevant legislation in the Mainland law which sought to ensure confidentiality of examination papers
001850 - 002535	Hon Audrey EU Chairman	<ul style="list-style-type: none"> - Lack of extraterritorial effect of the provisions providing for penalties for breach of secrecy - Penalties for breach of secrecy - Consistency of the Chinese and English versions of the proposed section 7(1) - Restrictions on the types of examinations to be conducted outside Hong Kong by the Hong Kong Examinations and Assessment Authority 	<ul style="list-style-type: none"> - Legal adviser and Government Counsel to review the Chinese and English versions of the proposed section 7(1)

Time marker	Speaker	Subject	Action Required
		(HKEAA) and other organisations - HKEAA's fee policy	
002536 - 004510	SG/HKEAA Admin Hon Audrey EU Chairman ALA1 Hon Tommy CHEUNG	Technical arrangements for conducting examinations on the Mainland to ensure confidentiality of examination papers	
004511 - 005427	Hon Tommy CHEUNG SG/HKEAA Admin Chairman	Experience of overseas jurisdictions in conducting examinations elsewhere	
005428 - 010223	Hon Audrey EU SG/HKEAA Chairman Admin	Sections 7(1) and 7(2)(c) - whether HKEAA could conduct examinations and assessment without seeking the Chief Executive's or the Secretary for Education and Manpower's approval	
010224 -011208	Chairman Admin SG/HKEAA	Factors considered by the Education and Manpower Bureau in approving applications from HKEAA to conduct examinations outside Hong Kong	
011209 - 011734	Chairman Admin Hon Audrey EU	<ul style="list-style-type: none"> - Request for samples of contractual agreements entered between HKEAA and overseas or professional examination bodies - The Panel on Education to follow up the detailed arrangement to be made by HKEAA and its partner organisations to conduct examinations outside Hong Kong 	<ul style="list-style-type: none"> - Admin to provide samples or extract of relevant provisions - Admin to provide details of the arrangements to the Panel on Education for follow-up discussion

Time marker	Speaker	Subject	Action Required
011735 - 012000	Chairman Hon Audrey EU Clerk Admin	Resumption of Second Reading debate	

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