

**Transfer of Responsibilities from Supervisor to IMC in
the Education (Amendment) Ordinance 2004**

A. Education Ordinance

The term “supervisor” has been replaced with “management authority” in the following provisions. For an IMC school, “management authority” means “the IMC of the school”.

Section	Offence	Content
18(2)&(3)	87(3b) <i>(fine at level 5 and imprisonment for 2 years)</i>	Certificate of registration or provisional registration (2) Except as provided in subsection (3), section 20 and section 71, the <u>supervisor</u> of a school shall cause the certificate or a copy issued by the Permanent Secretary under subsection (1) to be exhibited at all times in a conspicuous place in each of the premises specified in the certificate. (3) If the Permanent Secretary extends the period of provisional registration of a school under section 15(2), the <u>supervisor</u> shall within one month after the date when it is notified of the extension deliver the certificate of provisional registration and every copy of the certificate to the Permanent Secretary, who shall amend the certificate and the copies thereof accordingly and return them to the <u>supervisor</u> .
18A(1)	18A(3) <i>(fine at level 3 and imprisonment for 3 months)</i>	Approval of Permanent Secretary required for post secondary education (1) No <u>supervisor</u> of a school shall cause or allow post secondary education to be provided at the school unless he has received the approval of the Permanent Secretary to do so.
20(1)	N.A.	Change of premises (1) The <u>supervisor</u> of a school may apply in writing to the Permanent Secretary to amend the certificate of registration or provisional registration by —— (a) specifying in the certificate any additional or alternative premises; or (b) deleting from the certificate reference to any premises or to any part of any premises.
21(2)& (3)	N.A.	Changes in design or use of premises increasing fire risk (2) If the Director of Fire Services delivers to the Permanent Secretary a notice under subsection (1) in respect of a school specifying any provision which the Director of Fire Services considers should be made by the school, the Permanent Secretary may by notice in writing served on the <u>supervisor</u> of the school require such provision to be made. (3) If the Building Authority delivers to the Permanent Secretary a notice under subsection (1A) in respect of a

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		school specifying any provision which the Building Authority considers should be made by the school, the Permanent Secretary may by notice in writing served on the <u>supervisor</u> of the school require such provision to be made.
49(1)(a)	N.A.	<p>Application to employ permitted teacher</p> <p>(1) An application to employ a person as a permitted teacher in a school shall be made to the Permanent Secretary ———</p> <p>(a) in the case of a school which is registered or provisionally registered, by the <u>supervisor</u>;</p>

B. Education Regulations

The term “supervisor” has been replaced with “management authority” in the following regulations. For an IMC school, “management authority” means “the IMC of the school”.

Regulation	Offence	Content
15(1), (2) & (3)	N.A.	<p>Periodic inspection of premises</p> <p>(1) The <u>supervisor</u> of any such school shall, at intervals not exceeding 3 years in the case of premises of reinforced concrete construction and at intervals not exceeding 12 months in the case of premises with timber floors, cause the premises to be inspected by an authorized person in order to determine whether the premises are in sound structural condition.</p> <p>(2) (a) Where, upon any inspection under paragraph (1), the authorized person is satisfied that the premises are in sound structural condition, he shall deliver to the <u>supervisor</u> of the school a certificate, in writing, that he is so satisfied.</p> <p>(b) The <u>supervisor</u> shall deliver such certificate to the Permanent Secretary.</p> <p>(3) Where, upon any such inspection, the authorized person is not satisfied that the premises are in sound structural condition, he shall, in writing, report the fact to the Permanent Secretary and shall notify the <u>supervisor</u> of the school thereof.</p>
44	N.A.	<p>Improvements to sanitation</p> <p>The <u>supervisor</u> shall carry out such alterations and improvements to the sanitary arrangements in the school premises as may be required by the Permanent Secretary by notice in writing within a period specified in such notice.</p>

Regulation	Offence	Content
53(1)	Regulation 101(4A) <i>(fine at level 5 and imprisonment for 1 year)</i>	Infectious diseases (1) If a medical officer of schools certifies that any teacher, pupil, or employee should be excluded from school by reason of suffering or having recently suffered from any infectious disease or by reason of having been in contact with or living in the same house as a person suffering from an infectious disease, the <u>supervisor</u> shall, if so required in writing by the medical officer in charge of the school health services, cause such teacher, pupil, or employee to be excluded from school for such period as shall seem necessary .
56(6)	N.A.	Boarding schools (6) The <u>supervisor</u> of every boarding school shall, if so required by the Permanent Secretary in writing, appoint a warden to be in charge of the boarders.
60	N.A.	Submission of particulars of inclusive fees The <u>supervisor</u> of every school shall submit to the Permanent Secretary when required by him particulars of the inclusive fee.
61(1)	Regulation 101(2A) <i>(fine at level 5 and imprisonment for 1 year)</i>	Fees other than inclusive fee prohibited (1) Subject to regulation 99A and to paragraph (2), no <u>supervisor</u> , manager or teacher shall charge or accept payment of any money or any school fees whatsoever other than the inclusive fees as printed on the certificate issued under regulation 60A(1)(ii): Provided that additional charges, moneys or fees (including entrance examination fees and pupil registration and withdrawal fees) may be charged if previously approved by the Permanent Secretary in writing and if such approval is kept exhibited together with the certificate kept exhibited under regulation 67.
62(2)	N.A.	Method of payment (2) Notwithstanding paragraph (1), a <u>supervisor</u> may require a pupil to register for an educational course by paying the first monthly instalment not earlier than one month before the commencement of the educational course.
64	Regulation 101(4A) <i>(fine at level 5 and imprisonment for 1 year)</i>	Accounts The <u>supervisor</u> of every school shall —— (a) keep proper accounts; (b) make the accounts and any vouchers relating to the accounts available at all reasonable times for inspection by the Permanent Secretary or any inspector of schools; and (c) retain the accounts and vouchers for a period of not less than 7 years.

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77	Regulation 101(4A) <i>(fine at level 5 and imprisonment for 1 year)</i>	Appointment of teachers The <u>supervisor</u> shall be responsible for issuing to all teachers letters of appointment which shall set out —— (a) conditions of service; (b) salary scale; and (c) conditions of termination of appointment.
78	N.A.	Salaries of teachers The <u>supervisor</u> shall be responsible for ensuring that the salaries of all teachers are paid in full when due.
91(2)	N.A.	Equipment and educational facilities (2) The Permanent Secretary may give directions in writing to the <u>supervisor</u> of any school providing nursery, kindergarten, primary, secondary or post-secondary education or any other educational course that the school shall be provided with any such apparatus, equipment, teaching materials or general facilities as may be specified by the Permanent Secretary in such directions.
94	N.A.	Information to be given concerning school and pupils The <u>supervisor</u> shall submit to the Permanent Secretary, whenever required by the Permanent Secretary, such information concerning the school or pupils thereof as may be required by the Permanent Secretary.
98(2)	N.A.	Prejudicial activities (2) The Permanent Secretary may give directions in writing or other guidance to the <u>supervisor</u> of any school as to the dissemination of information or expression of opinion of a political nature in that school, so as to ensure that that information or opinion is unbiased.