

## **Roles and Responsibilities of the Education Bureau, School Sponsoring Bodies and Incorporated Management Committees**

- The Education Bureau (EDB) has, by means of legislation, developed a school-based management (SBM) system, under which the authority and responsibilities of all parties are well delineated. In compliance with the Education Ordinance (Ordinance), the EDB exercises the statutory power conferred under the Ordinance and assumes the dual role of monitoring and providing support.
- The authority and responsibilities of, and relationships among the EDB, school sponsoring bodies (SSBs) and incorporated management committees (IMCs) are summarised below:
  - **the EDB** – enforcing the relevant legislation; formulating policies and guidelines on education; setting and monitoring the standard of education services; allocating public funds to schools; and striving to serve as IMCs’ professional partner through the provision of support and advice.
  - **SSBs** – setting the vision and mission of school(s); giving general directions to IMCs in respect of school policy formulation; monitoring the performance of IMCs; and ensuring the accomplishment of mission through SSB managers.
  - **IMCs** – managing schools; formulating school policies in line with the vision and mission set by SSBs; undertaking the planning and management of finance, human resources, curriculum design and delivery, etc.; and being accountable for the performance of schools to the EDB and SSBs.
- To implement the SBM policy, the EDB requires, through legislation, all aided schools to set up an IMC, which comprises SSB representatives, principal, teachers, parents, alumni and independent community members. Under the participatory governance framework, sponsoring body managers should account for 60% of the total number of school managers. This indicates that SSBs play an important role in school governance and decision-making.
- Under the Ordinance, the roles, responsibilities and authority of SSBs and IMCs are clearly defined. As an independent body corporate, an IMC is responsible for school management, resource allocation, and development of quality education with its own characteristics. While the Ordinance clearly stipulates that IMCs should be accountable to the Permanent Secretary for Education and SSBs for their schools’ performance, it also requires SSBs to give general directions to IMCs in respect of school policy formulation and monitor the performance of IMCs to ensure that the mission of schools is carried out. In this connection, SSBs should keep a close eye on the operation of IMCs and provide school managers with proper training for the purpose of enhancing school governance. SSBs are required to take follow-up actions on sponsoring body managers who fail to perform their functions.

- Relevant provisions of the Ordinance are set out below:

**40AE. Functions of sponsoring body and incorporated management committee**

- (1) The sponsoring body of a school shall be responsible for—
  - (a) meeting the cost of furnishing and equipping the new school premises of the school to, where applicable, standards as recommended by the Permanent Secretary;
  - (b) setting the vision and mission for the school;
  - (c) maintaining full control of the use of funds and assets owned by it;
  - (d) deciding the mode of receiving government aid;
  - (e) ensuring, through the sponsoring body managers, that the mission is carried out;
  - (f) giving general directions to the incorporated management committee in the formulation of education policies of the school;
  - (g) overseeing the performance of the incorporated management committee; and
  - (h) drafting the constitution of the incorporated management committee.
- (2) The incorporated management committee of a school shall be responsible for—
  - (a) formulating education policies of the school in accordance with the vision and mission set by the sponsoring body;
  - (b) planning and managing financial and human resources available to the school;
  - (c) accounting to the Permanent Secretary and the sponsoring body for the performance of the school;
  - (d) ensuring that the mission of the school is carried out;
  - (e) ensuring that the education of the pupils of the school is promoted in a proper manner; and
  - (f) school planning and self-improvement of the school.

*(PART IIIB added 27 of 2004 s. 16)*

**40AF. Powers of incorporated management committee**

- (1) An incorporated management committee of a school may do anything that appears to it to be necessary or expedient for the purposes of, or in connection with, the proper management, administration or operation of the school in accordance with the vision and mission and the general educational policies and principles set by the sponsoring body of the school.

- (2) Without limiting subsection (1), an incorporated management committee of a school 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;
  - (b) subject to section 40AG, employ such teaching staff and non-teaching staff as it thinks fit and determine the terms and conditions of service of such staff;
  - (c) engage the service of such professionals or other persons as it thinks fit and determine their remuneration;
  - (d) use and dispose of the funds and assets owned by it;
  - (e) handle funds and assets received from the Government in the capacity of a trustee;
  - (f) open and operate bank accounts and invest its funds in such manner and to such extent as it thinks fit;
  - (g) borrow money in such manner and on such security or terms as may be expedient;
  - (h) apply for and receive any grant in aid on such terms as may be expedient;
  - (i) 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;
  - (j) enter into any contract, agreement or arrangement; and
  - (k) do such other things as are provided for by this Ordinance or as are necessary for, or incidental or conducive to, the furtherance of the object of the school.
- (3) The exercise of the power of an incorporated management committee shall be subject to—
- (a) the provisions of this Ordinance or any other law;
  - (b) guidelines (if any) issued by the sponsoring body of the school for—
    - (i) raising funds (including borrowing money); or
    - (ii) entering into any contract, agreement or arrangement involving funds other than funds received from the Government;
  - (c) (in the case of an aided school) the relevant code of aid;
  - (d) (in the case of a DSS school) the terms and conditions upon which the school joined the Direct Subsidy Scheme administered by the Permanent Secretary; and
  - (e) (in the case of a non-aided school in receipt of Government subsidies) the terms and conditions for receiving subsidies from the Government

(if applicable).

- (4) Without prejudice to the generality of subsection (3), if a person is employed by the incorporated management committee of an aided school to occupy a post in the establishment of staff provided for in the relevant code of aid, his terms and conditions of service determined pursuant to subsection (2)(b) must conform with those provided for in the relevant code of aid in relation to the post.
- (5) In this section, “relevant code of aid” means—
  - (a) in relation to an aided school which is a primary school, the code of aid for primary schools;
  - (b) in relation to an aided school which is a secondary school, the code of aid for secondary schools;
  - (c) in relation to an aided school which is a special school, a practical school or a skills opportunity school, the code of aid for special schools.

*(PART IIIB added 27 of 2004 s. 16)*

#### **40AG. Power of sponsoring body over employment of teaching staff**

- (1) The sponsoring body of a school which is also the sponsoring body of another school—
  - (a) may request—
    - (i) the incorporated management committee of the first-mentioned school to terminate the employment of a person as the principal of the school; and
    - (ii) the incorporated management committee of the other school to recommend for approval the person to be the principal of the school under section 53 or 57;
  - (b) may request—
    - (i) the incorporated management committee of the first-mentioned school to terminate the employment of a person as a teacher of the school; and
    - (ii) the incorporated management committee of the other school to employ the person as a teacher of the same rank of the school.
- (2) A sponsoring body shall not request the taking of any action under subsection (1) unless—
  - (a) the action is conducive to the professional development of the person concerned;
  - (b) the action is necessary to avoid or alleviate over-establishment of staff due to a reduction of classes in the school concerned; or

- (c) the Permanent Secretary approves the request upon—
  - (i) an application by the sponsoring body; and
  - (ii) other good cause being shown to his satisfaction.
- (3) An incorporated management committee shall take such action within its lawful authority as is necessary for the compliance with a request made of it under subsection (1).

*(PART IIIB added 27 of 2004 s. 16)*

Professional Development and Training Division  
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