

# Section 1

## Introduction of IMC

### 1.1 Education (Amendment) Ordinance 2004


The Education (Amendment) Ordinance 2004 came into operation on 1 January 2005. Under the Ordinance, sponsoring bodies of all aided schools are required to submit, in respect of each of their aided schools, a draft constitution of its IMC to the Permanent Secretary by 1 July 2009 in order to set up an IMC to manage the school. Direct Subsidy Scheme (DSS) schools and specified schools may, according to their own needs, opt to establish an IMC under the Ordinance.

The full text of the Ordinance (Cap. 279) is available at the Bilingual Laws Information System (BLIS) of the Department of Justice at <http://www.legislation.gov.hk>.

### 1.2 What is an IMC?

Before the enactment of the Education (Amendment) Ordinance 2004, section 32 of the Ordinance provides that "every school shall be managed by its management committee". Thus, the management committee of a school has all along been responsible for managing the school. But the management committee in general is not an incorporated body. It is in nature merely a group composing of individual school managers. The legal rights and liabilities of the management committee are enjoyed or borne by each school manager.

The Ordinance requires an IMC school to set up a management committee in the form of a statutory body. The IMC established under the Ordinance shall be a body corporate with perpetual succession, be capable of enjoying legal rights and bearing liabilities in its name and, subject to the Ordinance, of doing such other acts and things as a body corporate may lawfully do. For example, the IMC will be the employer of teachers and it may enter into contracts with service



contractors and suppliers regarding school management. The IMC, the supervisor and the individual school managers are different legal entities.

The IMC shall have an English name in the form "The Incorporated Management Committee of *(the registered English name of the school)*" and a Chinese name in the form "*(the registered Chinese name of the school)*法團校董會". Besides, the IMC shall have a common seal and a registered office.

### **1.3 Composition, Functions and Powers of IMC**

The Ordinance clearly defines the functions and powers of the IMC and the sponsoring body of a school. It also stipulates that the composition of the IMC shall include sponsoring body managers, parent manager(s), teacher manager(s), the principal (an ex-officio member), the alumni manager(s), independent manager(s) and alternate managers (if any). The number of sponsoring body managers shall not exceed 60% of the maximum number of managers that the IMC may have under its constitution. The Ordinance also provides for matters relating to the operation of an IMC and its constitution, the selection of the principal and the functions of the supervisor.

A table listing the composition, functions and powers of an IMC is at **Appendix 1**.

#### **1.3.1 Alternate Manager**

Under the Ordinance, there should be one alternate teacher manager where the IMC constitution allows the nomination of only one teacher manager, and one alternate parent manager where the IMC constitution allows the nomination of only one parent manager. The sponsoring body may also appoint not more than one alternate sponsoring body manager.



The powers and responsibilities of a manager and an alternate manager are basically the same. Both of them can attend IMC meetings and express their views. However, when it comes to voting, only the manager but not the alternate manager has the right to vote. The alternate manager is allowed to vote only when the manager is absent from the meeting.

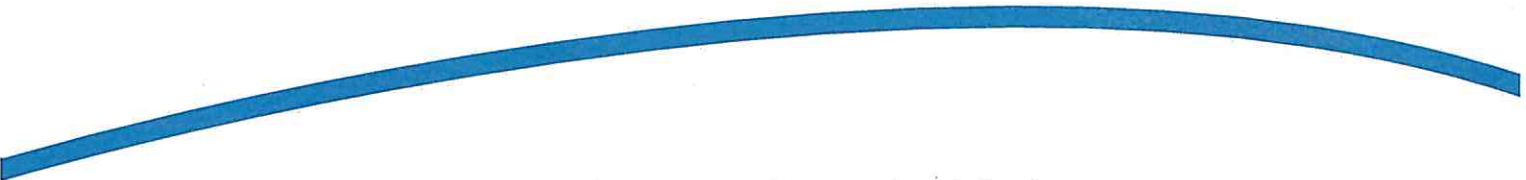
### **1.3.2** *Number of Members of an IMC*

There is no express provision in the Ordinance setting the upper and lower limits of the total number of members of the IMC. However, given the requirement of the composition of an IMC as stipulated in the Ordinance, i.e. different parties should have representatives in the IMC, there would be around ten IMC managers. Although the Ordinance does not set any limit on the maximum number of managers, operational difficulty may arise if there are too many IMC members.

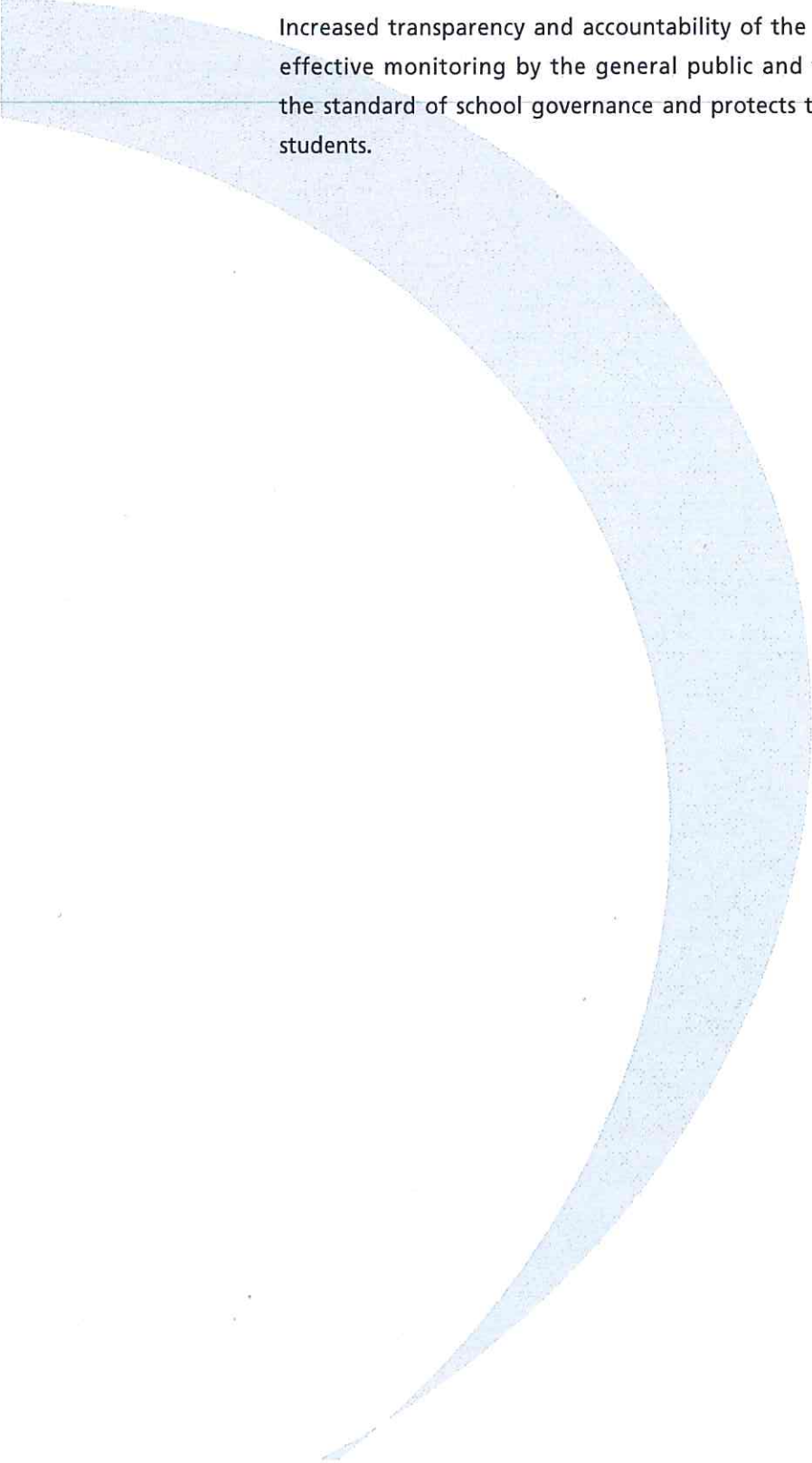
### **1.4** **Transparency and Accountability**

The IMC established under the Ordinance will consist of all key stakeholders. The participation of the stakeholders in decision-making will effectively balance the interests of various parties, enabling school policies to better address the needs of students and resources to be better deployed to enhance the effectiveness of teaching and learning.

The Ordinance requires the IMC to comply with some statutory procedures and set up internal control mechanisms. For instance, IMC managers are required to declare any pecuniary or other personal interest annually and disclose any such conflict of interest at the IMC meeting concerned. Besides, IMC schools have to disclose financial information in their School Development Plan and annual School Report. An IMC has to



appoint a certified public accountant (practising) as defined in the Professional Accountants Ordinance to audit its accounts and submit the audited accounts to the EDB.



Increased transparency and accountability of the IMC facilitates effective monitoring by the general public and thus enhances the standard of school governance and protects the interests of students.



# Appendix 1

## Composition, Functions and Powers of IMC

Composition of IMC	Number of Managers	Alternate Manager
Sponsoring Body Manager	Maximum of 60% * of the total number of managers as stipulated in the constitution	Not more than one
School Principal (Ex-officio manager)	One	Not applicable
Teacher Manager	Not less than one	One (where the constitution allows nomination of not more than one teacher manager)
Parent Manager	Not less than one	One (where the constitution allows nomination of not more than one parent manager)
Alumni Manager	One or more (if there is nomination)	Not applicable
Independent Manager	Not less than one	Not applicable

(\*In calculating the maximum number of sponsoring body managers, all alternate managers shall not be counted.)

Functions and Powers	Sponsoring Body	IMC
Setting the vision and mission for the school	●	
Drafting the constitution of the IMC	●	
Giving general directions to the IMC in the formulation of education policies of the school	●	
Overseeing the performance of the IMC	●	
Deciding the mode of receiving government aid	●	
Issuing guidelines for raising funds and entering into contracts involving funds other than funds received from the Government	●	
Deploy principals and teachers among the sponsored schools under certain circumstances	●	
Managing school		●
Formulating education policies of the school in accordance with the vision and mission set by the sponsoring body		●
Accounting to the Permanent Secretary and the sponsoring body for the performance of the school		●
Ensuring that the mission of the school is carried out		●
Planning and managing financial and human resources of the school		●
Ensuring that the education of the pupils is promoted in a proper manner		●
School planning and self-improvement of the school		●
Employ such teaching staff and non-teaching staff as it thinks fit and determine their terms and conditions of service		●