

Protection and Flexibilities Enjoyed by IMC schools

Section/ Regulation	IMC schools	Schools without IMC
Section 40BI <i>Rights and liability of manager and protection</i>	<p>(2) A manager shall not incur any civil liability in respect of anything done or omitted to be done by him in good faith in the performance or purported performance of any function of his office as the manager.</p> <p>(3) No civil proceedings shall be brought against a manager of a school for anything done or omitted to be done by or on behalf of the incorporated management committee of the school unless he has not acted in good faith in relation to the thing or omission.</p>	Managers are not protected against civil liability claims.
Regulation 63 <i>Formal receipts</i>	<p>The payment of every sum of money by or on behalf of a pupil to a supervisor, manager or teacher of a school without IMC shall be forthwith acknowledged in writing by such supervisor, manager or teacher on a proper form of receipt.</p> <p>This provision is not applicable to the IMC schools, i.e. an IMC school is not required to acknowledge the payment of every sum of money by a pupil in writing on a proper form of receipt.</p>	<p>Must acknowledge the payment in writing on a proper form of receipt.</p> <p>Supervisors or managers who contravene the regulation commit an offence.</p>
Regulation 66 <i>Prohibition of collections without permission of Permanent Secretary</i>	<p>(1A) This regulation does not apply to an IMC school.</p> <p>(1) No person shall in any school premises-</p> <p style="padding-left: 20px;">(a) appeal to any pupils of a school for subscriptions; or</p> <p style="padding-left: 20px;">(b) make any collection among any pupils of a school,</p> <p style="padding-left: 20px;">without the permission in writing of the Permanent Secretary.</p> <p>(2) No manager or teacher of a school shall in any way whatsoever-</p> <p style="padding-left: 20px;">(a) appeal to any pupils of a school for subscriptions or permit any appeal to be made to or among any pupils of a school for subscriptions; or</p> <p style="padding-left: 20px;">(b) make any collection among any pupils of a school or permit any collection to be made by or among any pupils of a school, without the permission in writing of the Permanent Secretary.</p>	<p>Must obtain the prior permission of the Permanent Secretary before appealing for subscriptions and collection.</p> <p>Any person who contravenes regulation 66(1) commits an offence.</p> <p>Any manager who contravenes regulation 66(2) commits an offence.</p>

Section/ Regulation	IMC schools	Schools without IMC
	<p>The provision is not applicable to IMC schools, i.e. there is no need to seek the prior permission of the Permanent Secretary for a manager or teacher of an IMC school to appeal to any pupils of the school for subscriptions or permit any appeal to be made to or among any pupils of the school for subscriptions; or make any collection among any pupils of the school or permit any collection to be made by or among any pupils of the school.</p>	
<p>Regulation 83 <i>List of holidays to be posted</i></p>	<p>(1) The supervisor of a school without IMC shall inform the principal of —</p> <p>(a) all holidays of which the supervisor has given the Permanent Secretary notice as required under regulation 79;</p> <p>(b) any notice received from the Permanent Secretary under regulation 81 forbidding the granting of a holiday on any specified day; and</p> <p>(c) any notice received from the Permanent Secretary requiring that a holiday shall be given on any specified day.</p> <p>(2) The principal of a school shall cause to be posted at all times in a conspicuous place in the school premises a list specifying every holiday which is to be given in the current school year in accordance with this Part.</p> <p>(3) Every list required to be posted under paragraph (2) shall be signed by the principal and, where the school is a school without IMC, countersigned by the supervisor.</p> <p>Regulations 83(1) and (3) are not applicable to IMC schools, the supervisor of an IMC school does not need to inform the principal of the holidays of which the supervisor has given the Permanent Secretary notice and the notice received from the Permanent Secretary relating to holidays. The list of holidays to be posted does not need to be countersigned by the supervisor.</p>	<p>The supervisor must inform the principal of the holidays of which the supervisor has given the Permanent Secretary notice and the notice received from the Permanent Secretary relating to holidays. Also, the list of holidays to be posted must be countersigned by the supervisor.</p> <p>Supervisors who contravene regulation 83(1) or (3) commit an offence; principals who contravene regulation 83(3) commit an offence.</p>
<p>Regulation 88 <i>Size of classes</i></p>	<p>In any school providing-</p> <p>(c) primary, secondary or post-secondary education or any other educational course (other than an IMC school), not more than 45 pupils, shall be taught at one time by one teacher, except in special cases with the permission of the Permanent Secretary.</p>	<p>Must obtain the permission of the Permanent Secretary before a teacher teaches more than 45 pupils at one time.</p> <p>Any person who</p>

Section/ Regulation	IMC schools	Schools without IMC
	The provision is not applicable to IMC schools, i.e., there is no need to seek the permission of the Permanent Secretary for a teacher to teach more than 45 pupils at one time in an IMC school.	contravenes the regulation commits an offence, supervisors and principals shall incur the criminal liability.
Regulation 99A <i>Business or trading operations</i>	<p>(1) No supervisor, manager or management committee of a school in receipt of public funds shall, without the prior permission in writing of the Permanent Secretary -</p> <p>(a) operate or permit to operate on school premises any business or trading undertaking; or</p> <p>(b) enter into any business or trading arrangement, directly or indirectly, with any person for the supply of food, drinks, books, stationery, uniforms or any other thing that is required by such school to be possessed or used by pupils of the school.</p> <p>(2) Where permission has been granted for the purposes of paragraph (1), the supervisor of the school shall-</p> <p>(a) within 4 months after the end of the financial year of the school, or such extended period as may be permitted by the Permanent Secretary, furnish to the Permanent Secretary an annual audited statement of accounts of every such business or trading undertaking, or business or trading arrangement; and</p> <p>(b) furnish together with such statement of accounts a statement indicating how the profits have been applied or are intended to be applied.</p> <p>(3) No supervisor, manager or management committee of a school in receipt of public funds shall apply the profits for any purpose not directly benefiting the pupils of the school without the prior permission in writing of the Permanent Secretary.</p> <p>(4) For the purposes of this regulation-</p> <p>"profits" (利潤) means any profits or net income arising from a business or trading undertaking, or a business or trading arrangement, referred to in paragraph (1);</p> <p>"school in receipt of public funds" (接受政府撥款學校) means-</p> <p>(a) any aided school which is a school</p>	<p>Must obtain the prior permission in writing of the Permanent Secretary before a school operates or permits to operate on school premises any business or trading undertaking. Also, the school must furnish to the Permanent Secretary a statement of accounts of the business and indicate how the profits are intended to be applied.</p> <p>Any supervisors or managers who contravene regulation 99A(1) or (3) commit an offence.</p>

Section/ Regulation	IMC schools	Schools without IMC
	<p>without IMC; or</p> <p>(b) any school that is operated by the English Schools Foundation.</p> <p>This provision is not applicable to IMC schools, i.e. an IMC school does not need to seek the prior permission in writing of the Permanent Secretary in operating or permitting to operate on school premises any business or trading undertaking. The school does not need to furnish to the Permanent Secretary a statement of accounts of the business and indicate how the profits are intended to be applied. (Note: IMC schools shall comply with regulation 99B which restricts that any profits or net income arising from the business or trading undertaking shall be applied for the purpose directly benefiting the pupils of the school.)</p>	
<p>Regulation 101 Offences</p>	<p><i>If the following regulations are contravened, the managers of IMC schools shall not incur any criminal liability:</i></p> <p>[Regulation 62] Method of payment</p> <p>(1) Unless otherwise permitted in writing by the Permanent Secretary, the inclusive fees for an educational course shall be calculated on an equal monthly basis and collected on or after the first school day of each month of the period during which the educational course is conducted.</p> <p>(2) Notwithstanding paragraph (1), a management authority 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.</p> <p>[Regulation 65] Approval for change in fee No change in the inclusive fee shall be made without the written approval of the Permanent Secretary.</p> <p>[Regulation 67] Duty to exhibit certificate The certificate issued in respect of a school under regulation 60A(1)(ii) shall be kept conspicuously exhibited at a prominent position in the school.</p>	<p><i>If the following regulations are contravened, the following person(s) may incur criminal liability:</i></p> <p>Managers</p> <p>Managers</p> <p>Supervisors and principals</p>

Section/ Regulation	IMC schools	Schools without IMC
	<p>[Regulation 79] Notice of school holidays The responsible person shall send to the Permanent Secretary before 15 August in each year notice of all holidays it is intended to give in the coming school year, including any special holidays given in honour of any particular event, and of all dates on which the usual work of the school will be suspended.</p> <p>[Regulation 80] Restriction on holidays No holidays shall be given and the usual work of a school shall not be suspended except on a date mentioned in the notice given under regulation 79 or with the permission of the Permanent Secretary.</p> <p>[Regulation 81] Permanent Secretary may disapprove The Permanent Secretary may by notice in writing to the management authority forbid the granting of a holiday on any specified day. The management authority and the principal shall upon such notice ensure that the usual work of the school is continued on that day.</p> <p>[Regulation 82] Permanent Secretary may require grant of holiday The Permanent Secretary may by notice in writing to the responsible person of any school require that a holiday shall be given on any day specified in such notice and the responsible person shall ensure that such holiday is given accordingly.</p> <p>[Regulation 83(2)] List of holidays to be posted The principal of a school shall cause to be posted at all times in a conspicuous place in the school premises a list specifying every holiday which is to be given in the current school year in accordance with this Part.</p> <p>[Regulation 90] Attendance registers A separate attendance register in a form approved by the Permanent Secretary shall be kept for each class.</p> <p>[Regulation 92(2)&(12)] Syllabus and time-table subject to approval of Permanent Secretary (2) The responsible person of every school shall submit to the Permanent Secretary whenever so required by the Permanent Secretary the syllabus</p>	<p>Supervisors</p> <p>Supervisors and principals</p> <p>Supervisors</p> <p>Supervisors</p> <p>Principals</p> <p>Supervisors and principals</p> <p>Supervisors</p>

Section/ Regulation	IMC schools	Schools without IMC
	<p>of instruction of each class or any other document he may specify for his approval</p> <p>(12) The responsible person shall inform the Permanent Secretary of any change in the hours of school work.</p>	
Regulation 101 Offences	<p><i>The following regulations have been decriminalised and criminal liability shall not be incurred if they are contravened.</i></p> <p>[Regulation 19(1)&(3)] Numbers of pupils allowed on a roof playground or balcony</p> <p>(1) There shall not be more than 60 pupils upon any roof playground under the charge of one teacher at any one time.</p> <p>(3) A certificate by an inspector of schools that he has examined the authorized person's certificate stating the maximum number of pupils allowed upon any approved roof playground or balcony shall be exhibited in a conspicuous place on the school premises.</p> <p>[Regulation 47] Refreshment places Every tuckshop, canteen, dining-room, kitchen or other place on the school premises where food or drink is prepared, provided or consumed shall be maintained in a clean and hygienic condition.</p> <p>[Regulation 48(1)] Sanitary condition</p> <p>(1) All school premises shall be maintained in a clean and sanitary condition.</p>	
Regulations repealed	<p><i>The following provisions have been repealed:</i></p> <p>[Regulation 19(2)] Numbers of pupils allowed on a roof playground The total number of pupils allowed on any roof playground, verandah or balcony at any one time shall not be greater than one for every 2 m² of superficial area.</p> <p>[Regulation 48(2)] Cleaning and colour washing The supervisor shall, if so required in writing by the Permanent Secretary, cause the whole or any part of the school premises to be suitably colour-washed or repainted.</p> <p>[Regulation 89] Hours of instruction</p> <p>(1) No instruction shall be given by any school after 9.30 p.m. except with the permission of the Permanent Secretary.</p> <p>(2) No instruction shall be given by any school during such hours as may be specified by the Permanent Secretary in respect of that school by notice in writing to the supervisor.</p>	

Section/ Regulation	IMC schools	Schools without IMC
	<p>[Regulation 95] Non-resident pupils</p> <p>(1) The Permanent Secretary may direct that no pupil or pupils other than a pupil or pupils residing on the school premises shall be on the school premises during such periods of time as the Permanent Secretary may specify.</p> <p>(2) No pupil to whom a direction under paragraph (1) applies shall be on the school premises at any time during any period specified by the Permanent Secretary in such direction.</p> <p>[Regulation 97(2)] Expelled or suspended pupil not to enter school premises without permission No pupil who has been suspended from a school under regulation 96(1) shall enter or remain in the school premises-</p> <p>(a) during the period of his suspension; or</p> <p>(b) in contravention of the conditions of his suspension, without the permission of the Permanent Secretary.</p> <p>[Regulation 101(8)] Offences Any pupil of a school who contravenes regulation 95(2) or 97 shall be guilty of an offence.</p>	