



School-based Management Document

Incorporated Management Committee

Establishment and Operation



校本管理

School-based Management

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Foreword

The Education (Amendment) Ordinance 2004 came into operation on 1 January 2005. The Education Ordinance (the Ordinance), as amended by the Education (Amendment) Ordinance 2004, provides that sponsoring bodies of all aided schools are required to submit, in respect of each of their aided schools, a draft constitution of its incorporated management committee (IMC) to the Permanent Secretary for Education and Manpower (Permanent Secretary) in order to set up an IMC to manage the school.

To help schools better understand the school-based management governance framework provided for in the Ordinance and resolve problems arising from setting up IMCs, the Education and Manpower Bureau (EMB) has provided a wide range of materials, such as sample constitution, election guidelines and answers to some commonly asked questions. The materials have been uploaded onto the EMB homepage at <http://www.emb.gov.hk/sbm> and categorized under different topics for public access. Relevant materials for operation of IMC schools have also been grouped under the "Corner for IMC Schools" in the EMB's homepage.

In order to give schools a better understanding of the establishment and operation of the IMC, we have compiled this document and hope that it will provide schools with comprehensive and useful information. Comments on this document can be sent to the following address:

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This is the August 2006 edition of the printed version. We will continue to refine the contents of the reference material and you may visit the website of the School-based Management Section (<http://www.emb.gov.hk/sbm>) for the latest version.

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 EMB.

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.

1.5 Schools Required to Establish IMCs

1.5.1 Operating Aided School

“Operating aided schools” refer to aided schools which have commenced operation before 1 January 2005. The sponsoring body of an operating aided school shall submit to the Permanent Secretary a draft constitution of the IMC of the school by 1 July 2009, and upon the approval of the draft constitution by the Permanent Secretary, submit a list of the proposed managers of the IMC. The Legislative Council may, by way of a resolution passed after 1 October 2008 but before 1 July 2009, extend the deadline of submission to 1 July 2011 at the latest.

1.5.2 Planned Aided School

A “planned aided school” refers to a school the scheduled opening date of which falls on or after 1 January 2005. The sponsoring body of a planned aided school shall submit the draft IMC constitution and the application for registration of the school not later than six months before the scheduled opening date or by such later date as the Permanent Secretary may approve in writing. Upon the approval of the draft constitution by the Permanent Secretary, a list of the proposed managers of the school shall be submitted.

1.5.3 Operating DSS School or Specified School

DSS schools and specified schools may choose to establish an IMC or not. "Specified schools" refer to schools listed in Schedule 3 of the Ordinance. They are caput schools and private independent schools that are receiving government building grant. As it is rather difficult to clearly define these schools, they are specified in the schedule to avoid inclusion of other private schools. The Secretary for Education and Manpower may add to or delete from the list of specified schools by making amendment to Schedule 3.

If the sponsoring bodies of such schools intend to establish an IMC in respect of their schools, they should notify the Permanent Secretary in writing of its intention to establish an IMC and submit the draft constitution within six months of the date of the notice. Upon the approval of the draft constitution by the Permanent Secretary, a list of the proposed managers of the school should be submitted.

1.5.4 Planned DSS School

A "planned DSS school" refers to a DSS school the scheduled opening date of which falls on or after 1 January 2005. Like an operating DSS school, the sponsoring body of a planned DSS school may choose to establish an IMC under the Ordinance. The sponsoring body shall notify the Permanent Secretary in writing of its intention to establish an IMC and submit the draft constitution and the application for registration of the school under section 11 of the Ordinance not later than six months before the scheduled opening date or by such later date as the Permanent Secretary may approve in writing. Upon the approval of the draft constitution by the Permanent Secretary, a list of the proposed managers of the school shall be submitted.

1.5.5 School with School Management Company

For aided schools with management committees registered as companies with limited liabilities, they still have to establish an IMC under the Ordinance. The way they set up an IMC is the same as other aided schools. First, they are required to submit a draft IMC constitution to the Permanent Secretary for approval. Upon the approval of the draft constitution, they are required to submit a list of proposed school managers. Upon the establishment of the IMC, the school management company of the school is deemed to be dissolved and be struck off the register of companies. Schedule 2 of the Ordinance details the transitional arrangements for the dissolution of a school management company.

1.6 Failure to Establish an IMC

If an operating aided school fails to establish an IMC before the deadline, the Permanent Secretary may appoint one or more persons to be the manager(s) of the school with office until the relevant term of office expires or the IMC is established, whichever is the earlier. The Permanent Secretary may also cancel the registration of any manager of the school.

If the sponsoring body of a planned aided school fails to make the submission under the Ordinance regarding the setting up of the IMC, any agreement between the Government and the sponsoring body in relation to the sponsorship, subsidization, management and operation of the school shall, at the option of the Permanent Secretary, terminate on a day specified by the Permanent Secretary.

1.7 Dissolution of an IMC

An IMC will be dissolved only under two circumstances. The first is when the registration or provisional registration of the school is cancelled. The second is when there is a change in the mode of government subsidy of the school, i.e. when an aided IMC school changes to a DSS school without IMC.

1.8 Workflow of Establishing an IMC

1.8.1 *Preparation Work*

Before establishing an IMC, the sponsoring body should make sure that it understands the composition, functions and powers of the IMC as well as the functions and powers of the sponsoring body as provided for in the Ordinance. Then the sponsoring body should proceed to prepare the draft constitution of the IMC according to the requirements of the Ordinance and the actual circumstances of the school. The school should also differentiate clearly the ownership of funds and assets in respect of the Government, the sponsoring body and the school before establishing an IMC to avoid confusion arising thereafter.

The parent-teacher association (PTA) and alumni association of the school may amend their constitutions where necessary in order that they fulfil the conditions for recognition by the IMC (please refer to paragraphs 3.4.5 and 3.5.4) and hence taking up the responsibility for holding parent manager election and alumni manager election. The PTA and alumni association may also, based on actual circumstances, amend any provisions in their constitutions which conflict with the operation of the IMC.

1.8.2 *Submission of Draft Constitution*

The sponsoring body should submit the draft constitution of the IMC in triplicate together with the completed form of "Submission

of Draft Constitution of Incorporated Management Committee" to the School Registration and Compliance Section, EMB. For schools under the DSS, or the specified schools stipulated in Schedule 3 of the Ordinance, "Notice of Intention to Establish Incorporated Management Committee" should be submitted six months before the submission of the draft constitution. The Permanent Secretary may approve the draft constitution if the constitution is in order and he is satisfied that the operation of the IMC under the constitution is likely to be satisfactory.

1.8.3 List of Proposed Managers and Application for Registration as a Manager

After the approval of the draft constitution, the sponsoring body should submit to the School Registration and Compliance Section of the EMB a list of the proposed school managers and an application by each proposed manager for registration as manager of the school.

The sponsoring body should first nominate sponsoring body managers according to the constitution of the IMC. The school should then conduct a teacher manager election in accordance with the constitution. The "List of Proposed Managers" submitted at this stage should therefore include the principal, sponsoring body managers, an alternate sponsoring body manager (if any), a teacher manager and an alternate teacher manager (if any). For planned schools, teacher manager elections may be conducted within one year after the establishment of the IMC.

1.8.4 Certificate of Incorporation

Upon the approval of the list of proposed managers by the Permanent Secretary, the proposed managers will be registered as managers of the school. The Permanent Secretary will then issue a certificate of incorporation to declare the formal establishment

of the IMC. The name of the IMC, together with the name, tenure of office and category of each manager will be entered in the Register of Incorporated Management Committees. The Register can be accessed at the Corner For IMC Schools of EMB website at <http://www.emb.gov.hk/sbm>.

1.8.5 Assumption of Office of First Supervisor

The IMC shall give notice in writing of the assumption of office of the first supervisor (appointed by the sponsoring body or elected by the school managers according to the constitution of the IMC) to the Permanent Secretary within 14 days after its establishment. The completed "Notice of Assumption of Office of First Supervisor / Supervisor / Acting Supervisor" should be submitted to the School Registration and Compliance Section, EMB.

1.8.6 Bank Accounts of IMC

The IMC shall open bank accounts in its name for receiving and handling funds from the Government in the capacity of a trustee as soon as possible and use "Notification of Bank Account" to inform the Funds Section of the EMB of the particulars of its accounts. (In general, the IMC shall provide the bank with its Certificate of Incorporation, constitution and the relevant minutes of meetings to confirm the authorised persons of the accounts. Each authorised person shall also provide his signature sample and a copy of the documentary proof of registration of manager to the bank.)

1.8.7 Nomination of Managers

The IMC shall conduct a teacher manager election and nominate an independent manager in accordance with its constitution. It shall also recognise a body as the recognised PTA of the school and the sponsoring body or the IMC shall, as may be provided for in the constitution, recognise a body as the recognised alumni association of the school.

The recognised PTA shall conduct a parent manager election within three months after the establishment of the IMC. (For planned schools, the parent manager election shall be conducted within three years after the establishment of the IMC). The recognised alumni association will be responsible for conducting the alumni manager election. If the recognised alumni association fails to elect an alumni manager, the IMC may nominate the alumni manager in accordance with the constitution of the IMC. Under the Ordinance, the IMC shall nominate independent manager(s) in accordance with its constitution within one year after its establishment.

According to the Ordinance, the recognised PTA and alumni association of a school shall be responsible for the nomination of parent managers and alumni manager(s) respectively. Therefore, the parent manager election and alumni manager election should be conducted after the establishment of the IMC. The PTA and alumni association should not nominate any person elected before the establishment of the IMC by way of retrospective endorsement.

1.8.8 Workflow on Establishing an IMC and Related Forms

The workflow on establishing an IMC is at **Appendix 2** and the related forms can be downloaded from the EMB website at <http://www.emb.gov.hk/sbm>.

Section 2

Constitution of IMC

2.1 Constitution of IMC

The IMC is an independent statutory body. Its composition and operation shall be subject to the provisions of the Ordinance and the IMC constitution. The IMC shall have a written constitution, which is approved by the Permanent Secretary, and shall conduct its affairs in accordance with its constitution.

2.2 Regulation 75A of the Education Regulations

According to regulation 75A of the Education Regulations, the constitution of an IMC shall provide for the following—

- the number of each category of managers
- the procedures for nominating or electing managers
- the procedures for cancellation of registration of any manager
- the appointment or election of the supervisor, secretary and treasurer of the IMC
- the functions of the supervisor, secretary and treasurer of the IMC
- the tenure of office of the managers
- the procedures for the selection of the principal
- the filling of vacancies in managers
- matters relating to the re-nomination or re-election of managers
- the appointment of auditor
- meetings and proceedings of the IMC
- the procedures for amending the constitution

Besides, the Permanent Secretary shall not approve the draft constitution unless he is satisfied that operation of the committee in accordance with the constitution is likely to be satisfactory.

2.3 Sample Constitution for IMCs

With the help of the Department of Justice, the EMB has prepared a "Sample Constitution for IMCs" (**Appendix 3**) for the reference of sponsoring bodies in drafting a constitution of the proposed IMC. The sample constitution is for reference only. Sponsoring bodies can make any addition or deletion according to their needs provided that they are not in contravention of the Ordinance. For example, since there is no provision in the Ordinance that specifies the academic qualifications of a manager of an IMC, academic requirement for a manager should not be included in the constitution.

2.4 Amending the Constitution

According to the Ordinance, the sponsoring body of a school shall be responsible for drafting the constitution of the IMC. The Ordinance empowers the sponsoring body to decide for the school its mode of receiving government aid and the vision and mission for the school. These arrangements and principles, once laid down in the constitution, cannot be altered by the IMC without following the proper procedures provided for in the constitution.

Section 3

Manager Election

3.1 Manager Election

Subject to the Ordinance, teacher manager, parent manager and alumni manager shall be elected by election while sponsoring body manager and independent manager shall be appointed by the sponsoring body and the IMC respectively in accordance with the constitution. To help schools to develop a fair and transparent election system to elect representative school managers, the EMB has prepared different sets of manager election guides for different groups of school stakeholders for reference.

3.2 Registration of Manager

An applicant for registration as IMC manager should comply with the Ordinance. In general, a manager should not—

- be a bankrupt within the meaning of the Bankruptcy Ordinance or have entered into voluntary arrangement under that Ordinance;
- have previously been convicted of a criminal offence punishable with imprisonment;
- be under the age of 18 years;
- fail to produce a medical certificate if he has attained the age of 70 years;
- have been registered as a manager of five or more schools; and
- have been absent without the consent of the IMC from all meetings of the IMC in a school year.

The Ordinance also stipulates that no manager shall serve in an IMC in more than one capacity, for example, no person shall concurrently hold the post of alumni manager and parent manager. If two different manager elections are held at the same time in the school, a candidate should avoid sitting for both the elections.

3.3 Teacher Manager Election

Teacher manager shall be elected by secret ballot amongst teachers and (in case of a special school) specialist staff. The IMC should provide for the election procedures of teacher manager in its constitution and to ensure that the mechanism is fair and

transparent. The school may refer to the “Guide for Teacher Manager Election” (**Appendix 4**) to work out the election mechanism.

3.3.1 The Candidature

An eligible candidate for the election of teacher manager must be a permitted teacher or registered teacher who is employed in the school to occupy a teacher post in the establishment of staff provided for in the codes of aid, or is employed in the school for a term not less than 12 months to perform teaching duties or other duties directly related to teaching. Besides, a candidate should not be the principal of the school.

3.3.2 Electors' Eligibility

A person having the right of candidature is eligible to vote. The principal of the school also has the right to vote. All eligible electors have equal voting right.

3.3.3 Election Arrangements

The IMC may assign the principal or a teacher as Returning Officer to coordinate and monitor matters relating to nomination of candidates, issue of ballot papers and counting of votes. The Returning Officer must not be a candidate for the teacher manager election. Detailed arrangements of the election should be made known to all teachers. Also, all teachers should be consulted on the election procedures. If no one is nominated, the IMC may consider extending the deadline of nomination or conducting the election again after a reasonable lapse of time. The election procedures should cater for such occasions and special arrangements should be made based on the principles of fairness, openness and simplicity.

An arrangement should be specified in advance in the IMC constitution to determine who shall be elected when two or more candidates obtain the same number of votes. Such arrangements should be consistent with the principles of fairness, openness and simplicity and may include, for example, conducting a second round of voting or drawing lots.

3.4 Parent Manager Election

The election of parent managers is to be conducted by the PTA recognised by the IMC. For schools without a PTA, they should establish one as early as possible. The PTA constitution should provide for the election procedures of parent managers and ensure that the mechanism is fair and transparent. PTAs may refer to the “Guide for Parent Manager Election” (**Appendix 5**) and provide in their constitutions detailed arrangements relating to parent manager election according to their own needs.

3.4.1 *The Candidature*

All parents of current pupils of the school are eligible to become candidates. In this context, a parent includes a guardian of the pupil and a person who is not the parent or guardian of the pupil but has the actual custody of the pupil. A serving teacher of the school cannot be a candidate.

3.4.2 *Electors’ Eligibility*

All parents of current pupils of the school are eligible to vote. A teacher of the school who is the parent of a current pupil of the school also has the right to vote. Every eligible elector has equal voting right. Every parent should vote individually and should have only one vote irrespective of the number of children the parent has at the school.

3.4.3 *Election Arrangements*

The PTA may assign a Returning Officer to coordinate and monitor matters relating to nomination of candidates, issue of ballot papers and counting of votes. The Returning Officer may be elected amongst the office-bearers of the PTA or a teacher appointed by the school, but he must not be a candidate for the parent manager election. Detailed arrangements of the election should be made known to all parents. If no one is nominated, the PTA may consider extending the deadline of nomination or conducting the election

again after a reasonable lapse of time. The election procedures should cater for such occasions and special arrangements should be made based on the principles of fairness, openness and simplicity. The voting should be conducted by secret ballot.

An arrangement should be specified in advance in the PTA constitution to determine who shall be elected when two or more candidates obtain the same number of votes. Such arrangements should be consistent with the principles of fairness, openness and simplicity and may include, for example, conducting a second round of voting or drawing lots.

If the school is a bi-sessional school, the IMC may recognise two PTAs (one for each session) so that not less than one parent manager will be nominated for each session. But if a bi-sessional school has only one recognised PTA representing both the AM and PM sessions, the PTA should at least nominate one parent manager from each session. If each session has only one parent manager, an alternate parent manager shall be nominated for each session separately.

3.4.4 Parent Manager Election and PTA Office-bearers Election

A PTA should not stipulate that its elected PTA chairperson will automatically be an elected parent manager or vice versa, as this may affect the right of candidature of those who wish to be a parent manager or the chairperson of the PTA only. Such stipulation violates the spirit of the provision of equal right of candidature.

The elections of the parent managers and office-bearer(s) of the PTA may be conducted concurrently to elect the parent managers and PTA office-bearer(s) respectively. However, the PTA should pay heed to electors' eligibility in the two elections and make appropriate arrangement in the voting procedures to prevent electors from confusing the candidates for the two elections.

3.4.5 Amendment to PTA Constitution

The PTA may amend its constitution where necessary to ensure that it fulfils the conditions under the Ordinance to become a recognised PTA and be responsible for holding parent manager election after the establishment of the IMC. The PTA constitution shall set out that only parents of current pupils of the school or serving teachers of the school may elect or become office-bearers of the PTA. The constitution should also provide that the system of parent manager election should be fair and transparent.

3.5 Alumni Manager Election

The election of alumni manager(s) is to be conducted by the recognised alumni association. The constitution of an alumni association should provide for the election procedures of an alumni manager and ensure that the mechanism is fair and transparent. Alumni associations may refer to the "Guide for Alumni Manager Election" (**Appendix 6**) and provide in their constitutions detailed arrangements regarding alumni manager election with reference to their own circumstances.

3.5.1 The Candidature

All alumni of the school are eligible to become candidates. However, a serving teacher of the school cannot be a candidate.

3.5.2 Electors' Eligibility

All alumni of the school are eligible to vote. All eligible electors have equal voting right.

3.5.3 Election Arrangements

The alumni association may assign the chairperson or an office-bearer as Returning Officer to coordinate and monitor matters relating to nomination of candidates, issue of ballot papers and counting of votes; but the Returning Officer must not be a candidate for the alumni manager. Detailed arrangements should be made known to all members of the alumni association. If the

number of candidates is equal to or less than the number of vacancies, the candidate(s) will be elected automatically. If no one is nominated, the alumni association may consider extending the deadline of nomination or conducting the election again after a reasonable lapse of time. The election procedures should cater for such occasions and special arrangements should be made based on the principles of fairness, openness and simplicity. The voting should be conducted by secret ballot.

An arrangement should be specified in advance in the constitution of alumni association to determine who shall be elected when two or more candidates obtain the same number of votes. Such arrangements should be consistent with the principles of fairness, openness and simplicity and may include, for example, conducting a second round of voting or drawing lots.

If the school is a bi-sessional school, the IMC or sponsoring body may recognise an alumni association for each session separately. But if a bi-sessional school has only one recognised alumni association representing both the AM and PM sessions, the association should nominate at least one alumni manager from each session.

Where no person is nominated according to the Ordinance, the IMC may nominate an alumnus under section 40AP of the Ordinance for registration as alumni manager if the nomination is supported by a majority of all the managers.

3.5.4 Amendment to the Constitution of Alumni Association

The alumni association of the school may amend its constitution where necessary to ensure that it fulfils the conditions under the Ordinance to become a recognised alumni association and be responsible for holding an alumni manager election after the formation of the IMC. The constitution shall set out that membership of the association is open to all alumni and only alumni of the school may elect or become office-bearers of the association. The constitution should also provide that the system of alumni manager election should be fair and transparent.

Section 4

Assets and Contract Arrangements before Establishment of IMC

4.1 Provisions of the Ordinance on the Funds and Assets of a School

Section 40AE(1)(a) and (c) provides that the sponsoring body of a school shall be responsible for meeting the cost of furnishing and equipping the new school premises of the school to, where applicable, standards as recommended by the Permanent Secretary and maintaining full control of the use of funds and assets owned by it.

Section 40AF(2)(a), (d) and (e) stipulates that an IMC of a school may 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; use and dispose of the funds and assets owned by it; and handle funds and assets received from the Government in the capacity of a trustee.

Section 40AH stipulates that no property belonging to and provided by the Government, the sponsoring body or any other person for the operation of a school shall, by reason only of the establishment of the IMC of the school, become property of the committee. The IMC of a school shall hold any subsidy received from the Government in accordance with the code of aid as trustee.

Section 40BE(c) provides that on the cancellation of the registration or provisional registration of a school, the Permanent Secretary shall apply the properties (owned by the IMC of the school before its dissolution) to settle the liabilities (if any) of the committee which are outstanding immediately before its dissolution in such manner as he considers fair. Where (after such settlement) any property which was donated to the committee remains, the Permanent Secretary shall return the property to the donor unless the donor indicated at the time of the donation that he did not wish to reclaim the property in the event of the dissolution of the committee.

4.2 Differentiation of School Funds and Assets

As two independent legal entities, the sponsoring body and the IMC could separately maintain full control of their own funds and

assets. To avoid confusion, operating schools and planned schools should differentiate clearly the ownership of funds and assets in respect of the Government, the sponsoring body and the school before establishing an IMC. For assets belonging to a third party, the owner should sign an agreement with the school (specifying the use of the assets) if he wants to retain ownership of the assets. The IMC should also maintain a record providing clear and update information on the ownership of assets after its establishment.

4.3 Ownership of Funds and Assets

The description and ownership of the general funds and assets of a school are listed in **Appendix 7**. Funds and assets owned by the Government mainly include all the recurrent and non-recurrent grants provided by the Government, school premises built and the land owned by the Government, as well as any furniture, equipment, book and teaching aid etc purchased with government grants and Quality Education Fund. As for non-government funds and assets of a school, they may belong to the school or the sponsoring body or other donors. Before establishing an IMC, the school should refer to **Appendix 7** and discuss with its sponsoring body with the aim to delineate clearly their respective ownership of school assets. Where the property is a donation, the school should ascertain whether the donor had, at the time of donation, indicated that he did not wish to reclaim the property in the event of the dissolution of the IMC to avoid dispute in the future.

Given that the list of school funds and assets at **Appendix 7** is by no means exhaustive, the relevant parties, in delineating the ownership of funds and assets, should examine carefully all the funds and assets of the school to avoid omission. Schools in need of advice or assistance may contact their respective Senior School Development Officers.

4.4 Contract Arrangements before Establishment of IMC

In order to ensure that contracts signed between the school and suppliers or service providers will not be affected by the establishment of the IMC, Schedule 1 of the Ordinance provides that any person being authorised in writing by the school management committee or the sponsoring body to enter into a contract with a supplier or a service provider before the establishment of the IMC shall inform the other party that the management committee of the school will be incorporated as an IMC under the Ordinance. After the establishment of the IMC, the signed contracts will be transferred from the management committee/sponsoring body to the IMC and the other terms and conditions of the contracts will remain unchanged.

If, at the time of entering into a contract, a school has no definite date for the establishment of an IMC, it should avoid making long-term commitments. (We would suggest limiting the duration of the contract to not more than one year.) If it is expected that the school will or may set up an IMC during the contract period, the school should inform the other party of it in order to avoid making separate arrangements for the continuation of the contract after the establishment of the IMC.

4.5 Continuance of Employment

According to Schedule 1 of the Ordinance, a person who is employed to work for a school immediately before the date of the establishment of the IMC of the school shall on the commencement of that date be deemed to have been employed by the IMC on the same terms and conditions of the employment subsisting immediately before that date.

Section 5

Operation of IMC

5.1 Protection and Flexibility

With effect from the date of incorporation specified in the certificate of incorporation, the IMC shall become a body corporate with perpetual succession. The IMC, the supervisor and individual school managers are separate legal entities.

The operation of an IMC shall be governed by its constitution. If necessary, an IMC may by resolution amend its constitution in the manner provided for in the constitution. For details of the protection and flexibility enjoyed by an IMC, please refer to **Appendix 8**.

5.2 Asset Management

After its establishment, the IMC may use and dispose of the funds and assets owned by it, and handle funds and assets received from the Government in the capacity of a trustee. Besides, the Ordinance provides that in the execution of a judgment by writ of fieri facias, the property that is located in the school premises and used in connection with giving instructions to the pupils of the school shall not be seized.

5.3 Guidelines issued by Sponsoring Body

Section 40AF(3)(b) of the Ordinance provides that a sponsoring body may issue guidelines to its IMC for raising funds (including borrowing money) or entering into any contract, agreement or arrangement involving funds other than funds received from the Government.

The sponsoring body may, with reference to the core principles stated in **Appendix 9**, issue to the IMC appropriate guidelines as to how to handle the relevant financial arrangement.

5.4 Functions of Supervisor

According to the Ordinance, a supervisor must be a manager of the school but must not be the principal or a teacher of the school. The supervisor shall be appointed by the sponsoring body or elected by the managers of the school in accordance with the constitution of the IMC. The supervisor shall preside over the meetings of the IMC; give notice in writing to the Permanent Secretary regarding termination of office of any manager, principal or teacher or appointment of any teacher, any change in respect of the tenancy of the school premises and receipt or issue of a writ or other originating process by the IMC or the judgment in the proceedings; sign the statement of accounts; and perform such functions as may be provided for in the constitution of the IMC. The Ordinance also reduces the role of the supervisor of an IMC school on day-to-day school operation and management. For details, please refer to [Appendix 10](#) and [Appendix 11](#).

5.5 Liability of Manager and Protection

5.5.1 *Civil Liability*

Under section 40BI of the Ordinance, 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. A manager shall not be made a defendant for any act or omission if he acts in good faith and without malice or fraudulent intention or bad motive. No proceedings shall be brought against a manager of a school for anything done or omitted to be done by the IMC unless he has not acted in good faith in relation to the thing and omission. General proceedings towards a school will be brought against the IMC instead of an individual manager.

5.5.2 Criminal Liability

As to criminal liability, an individual manager shall not be held liable unless he consents to or connives at any unlawful behaviour of the IMC. If a manager of an IMC specifically consents to or connives at any irregularity in school operation in contravention of the Ordinance, he may be made liable personally. Moreover, according to the existing legislation, the burden of proof is on the prosecution instead of the manager in such proceedings. In criminal proceedings, the standard of proof is very stringent. Hence, the risk of a school manager incurring liability is very slim if he acts in good faith.

5.6 Declaration and Disclosure of Interests by Manager

The procedures for declaration and disclosure of interests are laid down clearly in sections 40BF and 40BG of the Ordinance. A school manager should, at least once in every 12 months, make a written declaration to the IMC. The declaration, kept in a register, may state that the manager does not have any interest to declare or may give in detail any personal interest that the manager has in any matter that raises or may raise a conflict with his duties as a manager of the school. Any change in relation to the declaration should be made known to the IMC in writing within one month of the change. It is against the law for a manager to make a declaration which he knows to be materially false or misleading.

Without limiting section 40BG of the Ordinance, a manager shall make disclosure in accordance with that section in respect of a matter that is considered or is to be considered at a meeting of the IMC if —

- the manager is the principal or a teacher of the school and the matter involves the appraisal of the manager's performance as a staff member; or

- the manager is the parent of a pupil of the school and the matter involves the taking of disciplinary actions against the pupil; or
- the manager is directly related to a complaint against a pupil or teacher of the school or another manager, and the matter involves the taking of disciplinary actions against the pupil, teacher or that other manager respectively; or
- the matter relates to a complaint against the manager; or
- the manager is directly related to the trading operations/business contracts to be discussed or tenders to be awarded.

5.7 Selection of Principal

The principal of a school should be selected in a fair, impartial and open manner. Under the Ordinance, an IMC shall appoint a selection committee to select its school principal. However, the sponsoring body has the power to re-deploy the principals of its schools under certain circumstances, for example, to alleviate redundancy of teachers arising from a reduction of classes or for the professional development of a particular person. Under such circumstances, the sponsoring body can request the IMC of its school to terminate the appointment of a person as the principal of the school and recommend the person to be registered as the principal of another school. According to the Ordinance, if the sponsoring body chooses not to exercise its power of re-deployment of principal, the IMC must appoint a selection committee to select its principal in compliance with the constitution of the IMC.

Section 6

Support Measures from the Government

6.1 Reference Materials for an IMC

To help schools set up IMCs, the EMB has organised briefing sessions to explain to them details of the Ordinance and has prepared a sample IMC constitution to assist sponsoring bodies in drafting the constitution of the proposed IMC. To help schools develop a fair and transparent election system to elect representatives to be school managers, the EMB has also prepared different manager election guides, including the Guide for Teacher Manager Election, Guide for Parent Manager Election and Guide for Alumni Manager Election for the reference of different stakeholders.

6.2 The "Legal Support Service for IMCs" Web Page

To help schools resolve any legal problems that may arise in setting up IMCs under the Ordinance, the EMB has launched a web page entitled "Legal Support Service for IMCs". Besides, a School-based Management Legal Advisory Panel, which consists of a convenor and eight voluntary lawyers, has been formed. The Panel provides professional and legal advice in relation to the establishment of an IMC through the web page.

The web page covers relevant provisions of the Ordinance, reference materials, guidelines, sample documents, forms and answers to some commonly asked questions. It comprises five parts: (i) Schools Required to Establish IMCs; (ii) Preparation for IMC Establishment; (iii) Workflow of IMC Establishment; (iv) Operation of IMCs; and (v) Dissolution of IMCs. Sponsoring bodies and schools are encouraged to refer to the web page to find solutions to their legal problems. If they cannot find the answers, they may then seek advice from the Panel through the Legal Support Service Secretariat.

6.3 Manager Training

The EMB organises training courses or seminars regularly to help serving and potential school managers to have a better understanding of the roles of school managers under the spirit of school-based management and to equip them with the skills essential in carrying out their responsibilities as school managers.

6.4 IMC Liabilities Insurance Policy

As a separate legal entity, the IMC shall be responsible for any legal liability relating to management of the school. For individual managers, they shall not incur any civil liability in respect of anything done in the performance of their function as a manager if they have acted in good faith. Nonetheless, to provide further protection to the IMCs and their managers, we have taken out an insurance policy to indemnify the liability of IMCs and their managers arising from any claims against their wrongful acts in performing their duties in school management. The insurance will cover management liability, vicarious educator liability and employment related matters.

6.5 One-off Cash Grant

To assist schools in handling school-specific matters in establishing an IMC, the EMB offers, from the 2005/06 to 2008/09 school years, a one-off cash grant of HK\$350,000 to each aided school.

Schools may use the grant to hire professional services (such as legal, financial or management consultancy service) to review contractual arrangements, draft the necessary documentation and delineate funds and assets etc. The grant may also be used for employing extra staff for assisting in organising manager elections and setting up a more rigorous financial and management system etc. Besides, schools may

also use the grant to conduct training for school managers and seminars for relevant parties to promote school-based management.

6.6 Funding Flexibility

Aided schools that have established an IMC will be provided with greater funding flexibility to take forward school-based management. To this end, the EMB will offer the Expanded Operating Expenses Block Grant (OEBG) and Teacher Relief Grant (TRG) to IMC schools in the school year following their establishment of IMCs.

More non-salary recurrent grants that are formerly outside OEBG are included in the Expanded OEBG. The demarcation between the General Domain and Special Domain is removed in the Expanded OEBG. The Expanded OEBG is provided as one block grant and schools are free to deploy it flexibly. In addition, schools may use the surplus to top up non-recurrent expenses for projects approved or funded by the EMB.

The TRG consists of a basic component for the appointment of supply teachers to cover approved leave of teachers of less than 30 days and an optional component, for encashment, under the respective enhanced rates of the Substitute Teacher Grant (STG), of up to a maximum of 10% of the teaching establishment, on a temporary or permanent basis. Schools will have full flexibility in using the TRG to employ temporary teaching-related staff and procure education-related services, organise staff professional development and student learning activities.

6.7 The "Corner for IMC Schools" Web Page

The "Corner For IMC Schools" mainly describes the details of the operation of an IMC after its establishment. The above information in paragraphs 6.1 to 6.6 and other relevant information are available at this web page <http://www.emb.gov.hk/sbm>.

Appendix 1

Composition, Functions and Powers of IMC

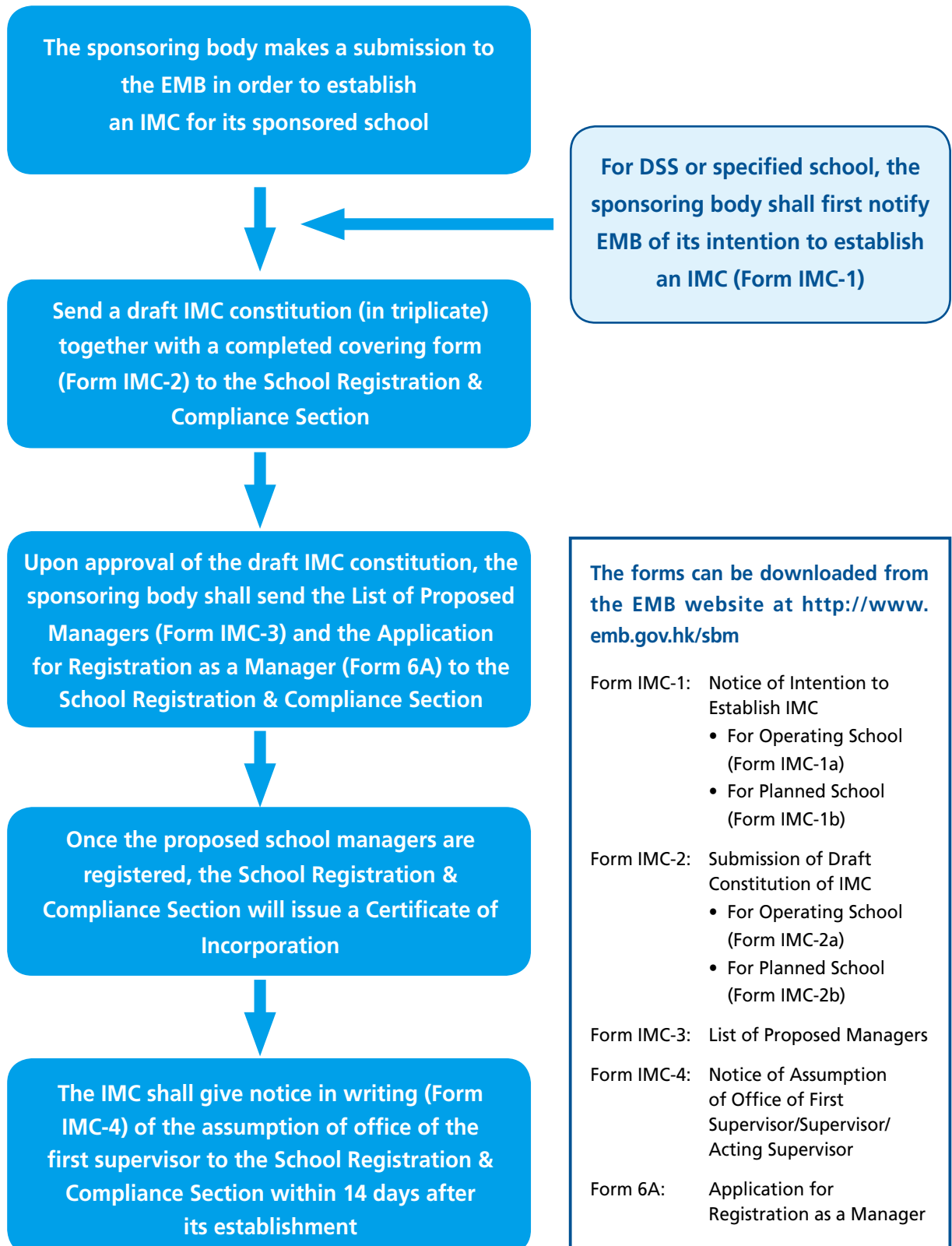
Composition of IMC	Number of Managers	Alternate Manager
Sponsoring Body Manager	Maximum of 60% * of the total number of managers as stipulated in the constitution	Not more than one
School Principal (Ex-officio manager)	One	Not applicable
Teacher Manager	Not less than one	One (where the constitution allows 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		●

Appendix 2

Workflow on Establishing IMC and the Related Forms



Appendix 3

Sample Constitution for IMCs (Sample for reference only)

CONSTITUTION OF THE INCORPORATED MANAGEMENT COMMITTEE OF [name of school]

Part 1 – Preliminary

1. Definitions

1.1 In this constitution –

“IMC” means the incorporated management committee established under the Ordinance in respect of the School;

“Manager” means a person registered under the Ordinance as a manager of the School;

“Ordinance” means the Education Ordinance (Cap. 279) (as may be amended from time to time) and, unless the context otherwise requires, all subsidiary legislation made under the Ordinance;

“Permanent Secretary” means the Permanent Secretary for Education and Manpower of the Hong Kong Special Administrative Region Government;

“Principal” means the principal of the School;

“RAA” means the body of persons recognized under section 40AP of the Ordinance as the recognized alumni association of the School;

“RPTA” means the body of persons recognized under section 40AO of the Ordinance as the recognized parent-teacher association of the School;

“School” means [name of School];

“Secretary” means the secretary of the IMC;

“Sponsoring Body” means the sponsoring body of the School, namely [name of the sponsoring body];

“Supervisor” means the supervisor of the School;

“Treasurer” means the treasurer of the IMC.

2. Object of IMC and vision and mission of School

2.1 The object of the IMC is to manage the School and to promote education in the School.

2.2 The vision and mission of the School are [].

3. General provisions and rules of interpretation

3.1 The IMC shall comply with the Ordinance [and the code of aid for primary/secondary/special schools].

3.2 This constitution shall be interpreted in a manner that is consistent with the Ordinance [and the code of aid for primary/secondary/special schools].

3.3 Words and expressions used in this constitution have, unless the context otherwise requires, the same meanings as in the Ordinance [and the code of aid for primary/secondary/special schools].

4. Amendment of constitution

4.1 A Manager may propose that this constitution be amended.

4.2 The proposal has no effect unless it is –

- (a) in writing and signed by the Manager who makes the proposal; and
- (b) supported by not less than [one third] of all the Managers, who shall countersign the proposal; and
- (c) submitted to the Supervisor.

4.3 As soon as practicable after receiving the proposal, the Supervisor shall convene a meeting of the IMC to decide whether the proposal should be lodged with the Permanent Secretary under section 40AY of the Ordinance.

4.4 The Supervisor shall give written notice of the meeting to all Managers not later than [28] days before the meeting. A copy of the proposal shall be attached to each copy of the notice.

4.5 The quorum for the meeting shall be not less than [two-thirds] of all the Managers.

4.6 The proposal shall be lodged with the Permanent Secretary if it is supported by –

- (a) not less than 60% of the Managers attending the meeting; and
- (b) the Sponsoring Body.

Part 2 – Composition of IMC

5. Number of each category of managers

5.1 In addition to the Principal who is an ex-officio Manager, there shall be –

(a) not more than [] sponsoring body managers and one alternate sponsoring body manager; and

OR: not more than [] sponsoring body managers; and

(b) [] teacher managers; and

OR: one teacher manager and one alternate teacher manager; and

(c) [] parent managers; and

OR: one parent manager and one alternate parent manager; and

OR: [] parent managers for the A.M. session of the School, and [] parent managers for the P.M. session; and

OR: one parent manager and one alternate parent manager for each of the A.M. and P.M. sessions of the School; and

(d) if there are nominations under section 40AP of the Ordinance, one alumni manager; and

OR: if there are nominations under section 40AP of the Ordinance, [] alumni managers; and

(e) one independent manager

OR: [] independent managers.

6. Term of office of managers

6.1 The person who is for the time being the Principal shall hold office as a Manager.

6.2* The term of office for any other Manager shall be [2] years, beginning on the date on which the Manager is registered as a Manager.

OR:

6.2 The term of office for the other Managers are as follows –

**It is recommended that the term of office of a manager should not be too long.*

- (a) [] years for the sponsoring body manager(s) [and the alternate sponsoring body manager];
 - (b) [] years for the teacher manager(s) [and the alternate teacher manager];
 - (c) [] years for the parent manager(s) [and the alternate parent manager];
 - (d) [] years for the alumni manager(s);
 - (e) [] years for the independent manager(s),
- beginning on the date on which the Manager concerned is registered as a Manager.

7. Suspension of managers' rights

7.1 If –

- (a) by virtue of the Ordinance or otherwise, a person is no longer entitled to hold office as a Manager; and
 - (b) the registration of the person as a Manager has not yet been cancelled,
- the person shall not be entitled to exercise any right or power of a Manager.

8. Resignation of managers

- 8.1 A Manager who is not the Principal may resign from office by giving a notice in writing to the Supervisor.

9. Filling of vacancies of managers

- 9.1 If the office of any Manager who is not an independent manager becomes vacant, the IMC shall give notice of the vacancy to the relevant party.
- 9.2 The notice shall require the relevant party to nominate a person to fill the vacancy within 2 months, or such shorter period of time as is specified in the notice. If the relevant party fails to do so within that period, the IMC shall require the party to provide reasons for the failure.
- 9.3 In this paragraph, “relevant party” means –
- (a) in relation to a sponsoring body manager [and alternate sponsoring body manager], the Sponsoring Body; or
 - (b) in relation to a teacher manager [and alternate teacher manager], all persons who are entitled to elect such a manager; or

(c) in relation to a parent manager [and alternate parent manager], the RPTA; or

(d) in relation to an alumni manager, the RAA.

9.4 If the office of a Manager who is an independent manager becomes vacant, the IMC shall nominate a person to fill the vacancy as soon as possible and in accordance with the Ordinance.

9.5 The term of office for a new manager filling a vacancy arising prematurely should not run afresh but is the remainder of the term of the outgoing manager.

OR:

9.5 The term of office for a new manager filling a vacancy arising prematurely should run afresh for the same term of office of the outgoing manager.

10. Giving notice as regards cancellation of registration of managers

10.1 Upon receiving a request under subsection (2), (3), (4) or (5) of section 40AX of the Ordinance, the IMC shall without delay issue a notice under subsection (1) of that section unless it has reasonable ground to believe that the request is not valid. In such event the IMC may make such enquiry as is necessary to ascertain the validity of the request.

10.2 The request must be annexed to the notice.

10.3 The Supervisor shall send a copy of the notice to each of the Managers.

Part 3 – Nomination or election of persons for registration as Managers and role of Managers

11. Nomination of person for registration as sponsoring body manager [and alternate sponsoring body manager]

11.1 A person for registration as sponsoring body manager [and alternate sponsoring body manager] shall be nominated by the Sponsoring Body in accordance with the Ordinance.

12. Election and nomination of person for registration as teacher manager [and alternate teacher manager]

12.1 The election for nominating persons for registration as teacher managers shall be conducted in accordance with the Ordinance and this paragraph.

OR:

12.1 The election for nominating persons for registration as teacher manager and alternate teacher manager shall be conducted in accordance with the Ordinance and this paragraph.

12.2 The election shall be conducted by the Principal.

12.3 Not less than [14] days before the date on which the election is to be conducted (“election day”), the Principal shall give notice [in writing] to all teachers [and specialist staff] of the School. The notice shall –

(a) specify –

(i) the election day; and

(ii) the time slots of the election day within which ballot papers can be returned; and

(iii) the manner in which ballot papers are to be returned; and

(iv) the arrangements for counting of votes and declaration of election result; and

(b) require the recipient to state whether he intends not to stand as a candidate; and

(c) be accompanied by a copy of the text of this paragraph.

12.4 Not less than [7] days before the election day, the Principal shall give notice [in writing] to all teachers [and specialist staff] of the School. The notice shall –

(a) include a list of the names of all candidates (which shall be the names of all teachers [and specialist staff] except those who intend not to stand as candidates); and

(b) be accompanied by a ballot paper.

12.5 The candidates who obtain the greatest and second* greatest number of votes shall be nominated for registration as teacher managers.

**This is assuming that the constitution provides for two teacher managers.*

OR:

12.5 The candidate who obtains the greatest number of votes shall be nominated for registration as teacher manager, and the candidate who obtains the second greatest number of votes shall be nominated for registration as alternate teacher manager.

12.6 If the voting results in an equality of votes, there shall be a second round of voting for the candidates who obtain the same number of votes. A candidate may withdraw candidature before the second round of voting. If only one candidate remains due to withdrawal of candidature, the remaining candidate shall be nominated for registration as manager. The second round of voting needs not be conducted. If there is a second round of voting, the candidate who obtains the greatest number of vote shall be nominated for registration as manager. If there is still an equality of votes in the second round of voting, the result shall be determined by drawing lots. The candidate on which the lot falls shall be deemed to have obtained more votes.

OR:

12.6 If the voting results in an equality of votes, the result shall be determined by drawing lots. The candidate on which the lot falls shall be deemed to have obtained more votes.

13. Nomination of person for registration as parent manager [and alternate parent manager]

13.1 A person for registration as parent manager [and alternate parent manager] shall be nominated by the RPTA in accordance with the Ordinance.

14. Nomination of person for registration as alumni manager

14.1 A person for registration as alumni manager shall be nominated by the RAA in accordance with the Ordinance.

14.2 Where no person is nominated according to paragraph 14.1, the IMC may nominate an alumnus under section 40AP of the Ordinance for registration as alumni manager if the nomination is supported by a majority of all the Managers.

15. Nomination of person for registration as independent manager

15.1 A person for registration as independent manager shall be nominated by the IMC in accordance with the Ordinance.

15.2 The IMC may nominate a person for registration as independent manager if the nomination is supported by a majority of all the Managers.

16. Re-nomination

16.1* A person who has ceased to be a Manager may be re-nominated for registration as a Manager. However, a person shall not serve as a Manager [of the same category] for more than [3] consecutive terms.

17. Role of managers

17.1 The Managers as a whole shall be responsible for –

- (a) ensuring that the vision and mission of the School as set by the Sponsoring Body are carried out; and
- (b) developing the general direction for the School, formulating the educational and management policies of the School; and
- (c) overseeing the planning and budgetary processes, monitoring the performance of the School, ensuring accountability of School management and strengthening the community network; and
- (d) [].

17.2 A Manager shall promote communication and co-operation between the IMC and the body that nominated him for registration as a Manager.

17.3 A Manager of any category shall act in his personal capacity for the interests and benefits of the students of the School.

Part 4 – Office bearers of IMC

18. Office bearers

18.1 Apart from the Supervisor, there shall be the following office bearers of the IMC –

**It is recommended that a manager should not hold a number of consecutive terms of office spanning over a long period.*

Sample Constitution for IMCs

- (a) the Secretary; and
- (b) the Treasurer; and
- (c) [].

18.2 A Manager shall not at any time hold the offices of two or more office bearers.

18.3 Subject to paragraph 18.4, the Supervisor shall be appointed by the Sponsoring Body and the other office bearers shall be elected by the Managers among them.

OR:

18.3 Subject to paragraph 18.4, the office bearers shall be elected by the Managers among them.

18.4 A Manager who is the Principal or a teacher of the School shall not be [appointed] [OR: elected] as the Supervisor.

18.5 The election shall comply with the following requirements –

- (a) the election shall be conducted by voting by secret ballot; and
- (b) each Manager has one vote; and
- (c) in the case of an equality of votes, the election should be determined by drawing of lots.

19. Term of office, removal from and vacation of office

19.1 An office bearer shall hold office for [one] year.

19.2 An office bearer may be removed from office –

- (a) if he is the Supervisor, by the Sponsoring Body; or
- (b) if he is not the Supervisor, by a majority of all the Managers.

OR:

19.2 Any office bearer may be removed from office by a majority of all the Managers.

19.3 An office bearer vacates office when –

- (a) the office bearer's term of office expires; or
- (b) the office bearer resigns from office; or
- (c) the office bearer ceases to be a Manager.

20. Functions of office bearers

20.1 The Supervisor shall perform the functions specified in the Ordinance.

OR:

20.1 In addition to performing the functions specified in the Ordinance, the Supervisor is also responsible for –
[].

20.2 The Secretary shall be responsible for –

- (a) providing secretarial support to the IMC; and
- (b) keeping the common seal of the IMC; and
- (c) maintaining a register of interests in accordance with section 40BH of the Ordinance; and
- (d) [].

20.3 The Treasurer shall ensure that the IMC complies with section 40BB of the Ordinance.

Part 5 – Meetings and proceedings of IMC

21. Number of meetings

21.1 The IMC shall meet at least 3 times in any school year.

22. Convening of meetings

22.1 The Supervisor may convene a meeting of the IMC to be held at such time and place as the Supervisor may specify by notice [in writing] given to the other Managers.

22.2 At the request [in writing] of not less than [2] Managers, the Supervisor shall, not later than 7 days after the receipt of the request, convene a meeting of the IMC to be held at such time and place as the Supervisor may specify by notice [in writing] given to the other Managers.

22.3 In specifying the time for a meeting under paragraph 22.2, the Supervisor shall not specify a date that is later than [14] days after the receipt of the request.

22.4 A notice of meeting shall –

- (a) be accompanied by the agenda of the meeting; and
- (b) except in cases of emergency, be given to all the Managers by not later than [] days before the date specified for the meeting.

23. Agenda

- 23.1 The agenda of a meeting shall be set by the Supervisor.
- 23.2 Any Manager may request the Supervisor to place an item on the agenda of a meeting. If the Supervisor refuses to do so, the Supervisor shall give the reasons of refusal at the meeting.

24. Quorum

- 24.1 The quorum for a meeting of the IMC is not less than half of all the Managers.
- [24.2*In any meeting of the IMC, the number of managers who hold salaried positions in the School should be less than those who do not hold such positions.]
- 24.3 If no quorum is formed at the end of [30] minutes after the time appointed for a meeting, the meeting shall stand adjourned for not less than [1 week] and not more than [4 weeks], to be held at such time and place as the Supervisor may specify.
- 24.4 At an adjourned meeting, the Managers present shall form a quorum and shall have full power to transact the proposed business of the adjourned meeting.

25. Proceedings of meetings

- 25.1 The Supervisor shall preside at meetings of the IMC. If the Supervisor is absent and has not authorized another Manager to preside at the meeting, the Managers present at the meeting shall elect among themselves a Manager to preside at the meeting.
- 25.2 Unless any other provision of the Ordinance or this constitution provides otherwise, every question to be resolved during a meeting shall be determined by a majority of votes of the Managers present and voting. In the event of an equality of votes, the Manager presiding shall have a casting vote.

26. Transaction of business by circulation of papers

- 26.1 Where it is impractical to convene a meeting, businesses of the IMC may be transacted by circulating papers amongst Managers.
- 26.2 A resolution that is circulated and endorsed with the support of the

**If an IMC school wishes to apply for tax exemption under section 88 of the Inland Revenue Ordinance from the Inland Revenue Department, this paragraph has to be set out in its constitution.*

necessary number of Managers shall be valid as if it was passed at a meeting of the IMC.

27. Disclosure of interests in certain circumstances

27.1 Without limiting section 40BG of the Ordinance, a Manager shall make disclosure in accordance with that section in respect of a matter that is considered or is to be considered at a meeting of the IMC if –

- (a) the Manager is the Principal or a teacher of the School and the matter involves the appraisal of the Manager's performance as a staff member; or
- (b) the Manager is the parent of a pupil of the School and the matter involves the taking of disciplinary actions against the pupil; or
- (c) the Manager is directly related to a complaint against a pupil or teacher of the School or another Manager, and the matter involves the taking of disciplinary actions against the pupil, teacher or that other Manager respectively; or
- (d) the matter relates to a complaint against the Manager; or
- (e) the Manager is directly related to the trading operations/business contracts to be discussed or tenders to be awarded.

28. Minutes of meetings

28.1 The Secretary shall take and keep minutes of every meeting of the IMC. In particular, the Secretary shall record the discussions, decisions and follow-up actions.

28.2 A Manager who has expressed a dissenting view may ask for his view to be recorded in the minutes. The Secretary shall make a record in the minutes accordingly.

28.3 The minutes of a meeting shall be tabled for approval in a subsequent meeting of the IMC.

Part 6 – Parent-teacher and alumni associations

29. Parent-teacher association

29.1 For the purpose of recognizing an RPTA under section 40AO of the

Sample Constitution for IMCs

Ordinance, if there are more than one body of persons that can be so recognized, the IMC shall recognize the one that has the greatest number of parents in its membership.

29.2 The IMC shall work closely with the RPTA.

30. Alumni association

30.1 For the purpose of section 40AP of the Ordinance, the [Sponsoring Body] [OR: the IMC] shall be responsible for recognizing a body of persons as the RAA.

30.2 The IMC shall work closely with the RAA.

Part 7 – Committees

31. Principal selection committee

31.1 For the purpose of section 57A of the Ordinance, the principal selection committee of the School shall be composed of –

- (a) [] representatives of the Sponsoring Body; and
- (b) [] representatives of the IMC; and
- (c) [].

31.2 Only Managers may be appointed as representatives of the IMC.

31.3 Both the Sponsoring Body and the IMC may nominate candidates for selection by the principal selection committee.

OR:

31.3 Only the Sponsoring Body [OR: the IMC] may nominate candidates for selection by the principal selection committee.

32. Other committees

32.1 There shall be –

- (a) a XX Committee whose function is to [];
- (b) a YY Committee whose function is to [];
- (c) a ZZ Committee whose function is to [].

32.2 The IMC may also establish such other committees as it thinks fit.

32.3 The members and the chairperson of a committee shall be appointed by the IMC.

32.4 Persons who are not Managers may be appointed as members of committees, but the chairperson of a committee must be a Manager.

32.5 Subject to any direction of the IMC, the committees may determine their own proceedings.

Part 8 – Miscellaneous

33. Managers to act on an honorary basis

33.1 The IMC shall not provide any of the Managers with any remuneration. No manager, other than the Principal, teacher manager and alternate teacher manager, shall be appointed to any salaried positions of the School. The Principal, teacher manager and alternate teacher manager shall not be present or take part in any deliberation or decision of the IMC with respect to their own appointment, dismissal, conditions of service and remuneration.

33.2 The funds and assets of the IMC shall only be used for the purposes in conformity with its object and the vision and mission of the School. Also, the IMC shall not distribute any of its funds and assets among the Managers.

34. School development plan etc.

34.1 The IMC shall submit the School Development Plan, Annual School Plan and School Report to the Sponsoring Body according to the schedule proposed by the Education and Manpower Bureau.

35. Auditor

35.1 The appointment of an auditor of the IMC and the determination of the auditor's remuneration (if any) must be approved by not less than [two-thirds] of all the Managers.

[36.* Receiving donations in the form of money

36.1 Prior to receiving donations in the form of money, the IMC should check with the donors whether they wish the IMC to return the money to them in the event of the dissolution of the IMC. If they have such intention, the IMC should explain to them that such money is not tax-deductible.]

**If an IMC school wishes to apply for tax exemption under section 88 of the Inland Revenue Ordinance from the Inland Revenue Department, this paragraph has to be set out in its constitution.*

Appendix 4

Guide for Teacher Manager Election

Introduction

1. This election guide outlines the procedures in accordance with the Education Ordinance (the Ordinance) for the election of teacher managers. Please refer to **Annex I** for the provisions of the election of teacher managers in the Ordinance. The Incorporated Management Committee (IMC) may follow this guide to work out an election mechanism for electing such number of teachers for registration as teacher managers as may be provided for in its constitution.
2. Since the implementation of school-based management in all public sector schools in 2000, the Education and Manpower Bureau has promoted the participation of key stakeholders in school management and decision-making. The Ordinance aims at introducing an open and transparent participatory school governance framework in schools by including key stakeholders like teachers and parents in the IMC. The Ordinance provides that there shall be at least one teacher manager in the IMC, and where the IMC constitution provides only one teacher manager, an alternate teacher manager shall also be provided. Both teacher manager and alternate teacher manager should be elected in the same manner.
3. Teacher manager shall be elected amongst the teachers and (in case of a special school) specialist staff. The IMC should provide for the election procedures of teacher manager in its constitution and to ensure that the mechanism is fair and transparent. Detailed arrangements of the election should be made known to all teachers. Also, all teachers should be consulted on the election procedures. The IMC may review the election procedures if necessary and consider whether any changes are needed. All teachers should be consulted on such changes and any amendment to the election mechanism should be properly documented.

The Candidature

4. An eligible candidate for the election of teacher manager must be a permitted teacher or registered teacher who —
 - (i) is employed in the school to occupy a teacher post in the establishment of staff provided for in the codes of aid, or
 - (ii) is employed in the school for a term not less than 12 months to perform teaching duties or other duties directly related to teaching.

5. The specialist staff of special schools is also eligible to become candidates in the election of teacher managers. Specialist staff refers to any person employed to work for the special school as a school social worker, speech therapist, physiotherapist, occupational therapist, occupational therapist assistant, educational psychologist, nurse, warden, assistant warden, houseparent-in-charge, houseparent, programme worker or braille staff, and those specified in the code of aid for special schools for such purposes.
6. A teacher should not be nominated in the event of the following situations —
 - (i) He is the principal of the school; or
 - (ii) He does not meet the registration requirements of managers set out in section 30 of the Ordinance.
7. As stipulated in the Ordinance, a teacher shall not serve as a parent manager or an alumni manager.

Number & Tenure

8. The IMC should specify the number and tenure of office of teacher managers and alternate teacher managers (if applicable) in its constitution. Generally, the term of office of a teacher manager is recommended to come into effect on 1 September and terminate on 31 August.

Nomination Procedures

Returning Officer

9. The IMC may assign the principal or a teacher as Returning Officer to monitor the nominations and to supervise the issue of ballot papers and counting of votes, but the Returning Officer must not be a candidate for the teacher manager election.

Period of Nomination

10. The Returning Officer should specify the period of nomination for teacher manager election.

Nomination

11. The Returning Officer may issue a letter or post up a notice informing

all teachers of the number of teacher manager vacancies, the period of nomination, method of nomination, date of voting and counting, date of announcement of results and other relevant information. At the same time, the letter/notice should outline the eligibility (paragraphs 4 to 6 above) and responsibilities of candidates.

- (i) If the IMC specifies in its constitution that a candidate is to be nominated by oneself or other teacher(s), a nomination form shall be distributed to the teachers. The IMC may specify in the constitution the maximum number of nominees that each teacher can nominate, and consider whether it is necessary to establish a mechanism for supporting the motion of nomination. If such a mechanism is to be established, the constitution should set out detailed arrangements, such as the number of seconders required. All requirements set out must be reasonable in order to ensure that the mechanism is fair;

OR:

- (ii) If the IMC specifies in its constitution that all teachers (excluding the principal) are considered to be candidates, the teachers should state whether they intend to stand as candidates or not.

- 12. If no one is nominated, the IMC may consider extending the deadline of nomination or conducting the election again after a lapse of some time. The election procedures should cater for such occasions and special arrangements should be made based on the principles of fairness, openness and simplicity.

Candidates' Information

- 13. Each nominated candidate should supply a brief statement of his personal information to the Returning Officer within the number of words as required by the IMC.

- 14. Not less than 7 days before the election day, the Returning Officer should give notice in writing to all teachers of the school. The notice should include —

- (i) (where candidates are nominated) the names of the candidates being nominated and the brief introductory statements of the candidates including their declarations in an appropriate place to make known to the teachers. The IMC should guard against the risk of incurring any legal liability in publishing those statements. The notice should also explain the procedures and the time-table of the election. If possible, the IMC should arrange a meeting for the candidates to introduce themselves to all teachers and answer questions raised by teachers;

OR:

- (ii) (where all teachers are considered as candidates) a list of the names of all candidates, i.e. the names of all teachers, except those who intend not to stand as candidates.

Electors' Eligibility

15. The teachers mentioned in paragraphs 4 and 5 are eligible to vote. The principal of the school also has the right to vote. All eligible electors have equal voting right.

Election Procedures

Date of Voting

16. The period between the date of voting for teacher manager election and the deadline of nomination should at least be two weeks.

Voting method

17. To ensure a fair election, the voting should be conducted by secret ballot, i.e. electors are not allowed to put down their names or any other marks of identification on the ballot paper and should not let the other electors see whom they have voted for. A sample of the ballot paper is at [Annex II](#).
18. A ballot box shall be available for the election. It should be locked and the key should be kept by the Returning Officer. The Returning Officer will arrange the distribution of ballot paper (distributed with the notice of the names of candidates or on the date of election) and ask all the eligible

voters to cast their ballot papers into ballot box. Blank ballot papers should also be returned. Voters are not allowed to leave the polling area with the ballot paper.

Counting of votes

19. The Returning Officer may arrange to conduct voting and counting on the same day. All teachers, candidates, and the principal may be invited to witness the counting of votes.
20. During the counting process, the Returning Officer must make sure that all ballot papers have been poured out from the ballot box before counting starts. A ballot paper will be deemed to be invalid if —
 - (i) the number of candidates marked on the ballot paper exceeds the number that is allowed;
 - (ii) the ballot paper has not been marked properly; or
 - (iii) the ballot paper is marked in such a way that the identity of the elector can be traced.
21. If there is only one teacher manager vacancy, the one who obtains the greatest number of votes will be nominated for registration as the teacher manager whereas the one who obtains the next greatest number of votes will be nominated for registration as the alternate teacher manager. If there are more than one vacancy, the successful candidates are the ones who obtain the greatest number of votes, then the next greatest and so on until all vacancies are filled. When two or more candidates obtain the same number of votes, the arrangement should be specified in advance in the IMC constitution to determine who shall be elected such as conducting a second round of voting or drawing lots. The principles of fairness, openness and simplicity should be observed in this regard.
22. After the election, the Returning Officer should put all the cast ballot papers in an envelope, which will then be signed and sealed by him and the principal. The envelope and the cast ballot papers should be kept by the school for at least six months. This is to facilitate investigations in case of allegations against voting irregularity.

Announcing Results

23. The Returning Officer may post up a notice in an appropriate place informing all teachers of the results of election.
24. Unsuccessful candidate may, within one week of the announcement, appeal to the IMC in writing together with the reasons. The IMC may stipulate in its constitution the appeal mechanism for the election of teacher managers and ensure that the mechanism is fair.

Follow-up Actions after Election

25. The principal should nominate to the IMC the teacher elected as a teacher manager of the school. Afterwards, the principal will apply to the Permanent Secretary for registration of the teacher elected as a teacher manager of the school.

Filling of casual vacancies

26. If a teacher manager or alternate teacher manager vacancy arises as a result of a teacher manager or alternate teacher manager resigning during his term of office, or ceases to be employed in the school, the IMC shall conduct a by-election in the same manner to elect another teacher manager or alternate teacher manager to fill the vacancy within three months. If the IMC cannot conduct the by-election accordingly, the IMC shall apply on good grounds to the Permanent Secretary for further extension of the period for filling the vacancy.

Points to note

27. Teachers, being candidates and voters in the teacher manager election, should note the ethical conduct listed at [Annex III](#) to ensure fairness in the election process.

Guide for Teacher Manager Election (Annex I)

Education Ordinance

Provisions relating to Election of Teacher Managers

Section	Content
30	<p>The Permanent Secretary may refuse to register an applicant as a manager of a school if it appears to the Permanent Secretary that —</p> <ul style="list-style-type: none">• the applicant is not resident in Hong Kong for at least 9 months in each year;• the applicant is not a fit and proper person to be a manager;• the applicant is a person in respect of whom a permit to teach has previously been cancelled;• the applicant is under the age of 18 years;• the applicant has attained the age of 70 years and he fails to produce a valid medical certificate certifying that he is physically fit to perform the functions of a manager;• the applicant is under the age of 70 years and he fails to produce, upon a request by the Permanent Secretary, a valid medical certificate certifying that he is physically fit to perform the functions of a manager;• in making or in connection with any application —<ul style="list-style-type: none">(i) for registration of a school;(ii) for registration as a manager or a teacher; or(iii) to employ a person as a permitted teacher in a school,the applicant has made any statement or furnished any information which is false in any material particular or by reason of the omission of any material particular;• the applicant is a bankrupt within the meaning of the Bankruptcy Ordinance (Cap. 6) or has entered into a voluntary arrangement under that Ordinance;• the applicant has previously been convicted in Hong Kong or elsewhere of a criminal offence punishable with imprisonment; or• the applicant has been registered as a manager of 5 or more schools.

Section	Content
40AB	<ul style="list-style-type: none"> • “Teacher” means a permitted teacher or registered teacher employed in a school — <ul style="list-style-type: none"> (i) to occupy a teacher post in the establishment of staff provided for in the code of aid for primary schools, code of aid for secondary schools or code of aid for special schools; or (ii) for a term not less than 12 months to perform teaching duties or other duties directly related to teaching. • “Specialist staff”, in relation to a special school, means — <ul style="list-style-type: none"> (i) any person employed to work for the special school as a school social worker, speech therapist, physiotherapist, occupational therapist, occupational therapist assistant, educational psychologist, nurse, warden, assistant warden, houseparent-in-charge, houseparent, programme worker or braille staff; and (ii) any other person employed to work in the school as may be specified by the Permanent Secretary in the code of aid for special schools for the purposes of this definition.
40AL	<ul style="list-style-type: none"> • For an IMC school, at least one teacher manager shall be provided. • If the constitution of IMC allows not more than one teacher manager, an alternate teacher manager shall be provided.
40AN	<ul style="list-style-type: none"> • The principal of a school shall nominate such number of teachers of the school for registration as teacher manager or alternate teacher manager of the school as may be provided for in the constitution of the IMC of the school. • A teacher manager must be a teacher of the school. • A teacher manager must not be the principal of the school. • The election of teacher managers must be held pursuant to the constitution of the IMC of the school. • In the election, all teachers of the school have equal voting right and right of candidature.

Section	Content
	<ul style="list-style-type: none"> • The voting for the election shall be conducted by secret ballot. • The system of the election is otherwise fair and transparent. • “Teacher” includes, in relation to a special school, the specialist staff of the school.
40AS	<ul style="list-style-type: none"> • A teacher manager and an alternate teacher manager shall be elected in the same manner for nomination for registration as a manager.
40AU	<ul style="list-style-type: none"> • The person who fills the vacancy of teacher manager shall be elected in the same manner as the manager who ceased to hold the office concerned.
40AW	<ul style="list-style-type: none"> • If a teacher manager or alternate teacher manager of a school ceases to be employed in the school, he shall be deemed to have resigned from his office as a manager in accordance with the constitution of the IMC of the school.
40AX	<ul style="list-style-type: none"> • If — <ul style="list-style-type: none"> (i) the teachers and (where applicable) specialist staff of a school pass a resolution that any teacher manager or alternate teacher manager of the school is not suitable to continue to hold office as such; and (ii) the resolution is passed in a manner which is, as far as reasonably practicable, similar to the manner in which the manager is elected for nomination, <p>the principal of the school shall make a written request to the IMC about the cancellation of the registration of the teacher manager or alternate teacher manager. The IMC shall, upon receiving the request from the principal, issue a notice in writing to the Permanent Secretary as regards the cancellation of the registration of the teacher manager or alternate teacher manager.</p>

Guide for Teacher Manager Election (Annex II)

XXX School

XXX 學校

Election of Teacher Manager 教員校董選舉

Ballot Paper 選票

Voting Date:

投票日期：

Please read carefully the “Directions for Voting” overleaf before casting vote.

填寫選票前請細閱背頁的「投票人須知」

Please use a blue or black ball-point pen to mark a “✓” in the box against the number of the candidates you vote for. The number of “✓” you marked on the ballot paper should not be more than the number of vacancies. Otherwise, your ballot paper will be considered null and void.

請用藍色或黑色原子筆在選票上候選人編號旁邊的空格內加上「✓」號。你在選票上所填的「✓」號，不能超過空缺的數目，否則，選票便會作廢。

Candidates 候選人

- | | | | |
|--------------------------|---|-----------------------|------------|
| <input type="checkbox"/> | 1 | XXX (Name in English) | XXX (中文姓名) |
| <input type="checkbox"/> | 2 | XXX | XXX |
| <input type="checkbox"/> | 3 | XXX | XXX |

XXX School
XXX學校

Directions for Voting

1. Put no other marks on the ballot paper other than the mark “✓” or it will be considered null and void.
2. Fold the ballot paper into two and do not let anyone see whom you vote for. The ballot is secret.
3. Put the ballot paper into the ballot box.

投票人須知

1. 除「✓」號外，請勿在選票上劃上其他記號，否則選票便會作廢。
2. 將選票對摺，切勿讓他人看見你的選擇。投票是保密的。
3. 將選票放入投票箱。

Guide for Teacher Manager Election (Annex III)

Ethical Conduct Required in the Teacher Manager Election

Nomination of Candidates

1. Do not offer any advantage to get any person to stand or not to stand as a candidate.
2. Do not offer any advantage to get any person having been nominated as a candidate to withdraw his candidature.
3. Do not offer any advantage to get any candidate's not using his best endeavours to promote his candidature.
4. Do not solicit or accept any advantage for any person's standing or not standing as a candidate.
5. Do not solicit or accept any advantage for any person's withdrawal of his candidature.
6. Do not solicit or accept any advantage for any candidate's not using his best endeavours to promote his candidature.
7. Do not use or threaten to use force or duress to induce any person to stand or not to stand as a candidate, or to withdraw his candidature.
8. Do not induce by deception, any person to stand or not to stand as a candidate, or to withdraw his candidature.

Electioneering

1. Do not make any materially false or misleading statement of fact including but not limited to the character, qualifications or previous conduct of a candidate or candidates.
2. Do not take part in any activity that is likely to give rise to criticism and allegation of malpractices and should abide by the principle of fairness in election.
3. Do not state overtly or covertly the support of any person or organisation in any campaign activities, especially in the campaign literature before written consent has been obtained.

Voting

1. Do not offer any advantage to induce any person not to vote at an election.
2. Do not offer any advantage to induce any person to vote or not to vote for a particular candidate at an election.
3. Do not provide or pay for the provision of any food, drink or entertainment as an inducement to or a reward for any person's not voting at an election.
4. Do not provide or pay for the provision of any food, drink or entertainment as an inducement to or a reward for any person's voting or not voting for a particular candidate at an election.
5. Do not use or threaten to use force or duress against any person for the purpose of influencing his or any other person's voting decision.
6. Do not induce by deception any person not to vote at an election.
7. Do not induce by deception any person to vote or not to vote for a particular candidate at an election.

Appendix 5

Guide for Parent Manager Election

Introduction

1. This election guide outlines the procedures in accordance with the Education Ordinance (the Ordinance) for the election of parent managers. Please refer to **Annex I** for the provisions of election of parent managers in the Ordinance. The Incorporated Management Committee (IMC) is requested to pass this guide to the recognised parent-teacher association (PTA) of the school for reference in working out an election mechanism for electing parent managers. PTAs may adapt this election guide to suit their own needs and provide for matters relating to parent manager election in the PTA constitutions.
2. Since the implementation of school-based management in all public sector schools in 2000, the Education and Manpower Bureau has promoted the participation of key stakeholders in school management and decision-making. The Ordinance aims at introducing an open and transparent participatory school governance framework in schools by including key stakeholders like teachers and parents in the IMC. The Ordinance provides that there shall be at least one parent manager in the IMC and where the IMC constitution provides only one parent manager, an alternate parent manager shall also be provided. Both parent manager and alternate parent manager should be elected in the same manner.
3. The election of parent managers should be conducted by the PTA recognised by the IMC. For schools which have no PTA, they should establish one as early as possible. The PTA constitution should provide for the election procedures of parent manager(s) and to ensure that the mechanism is fair and transparent. Detailed arrangements of the election should be made known to all parents. **The PTA may amend its constitution where necessary in order that it fulfils the conditions for recognition by the IMC and hence is responsible for nominating parent manager(s).** All parents should be consulted on such changes and any subsequent amendments to the election mechanism should be properly documented.

The Candidature

4. All parents of current pupils of the school are eligible to become candidates. Parents in relation to a pupil includes a guardian of the pupil and a person who is not the parent or guardian of the pupil but has the actual custody of the pupil.
5. A parent should not be nominated in the event of the following situations —
 - (i) He is a serving teacher of the school (because teachers can join the IMC in the capacity of teacher managers); or
 - (ii) He does not meet the registration requirements of managers set out in section 30 of the Ordinance.
6. As stipulated in the Ordinance, no manager shall serve in an IMC in more than one capacity. Thus, no one can serve as a parent manager and an alumni manager at the same time. If there are two elections under different categories to be conducted concurrently in a school, no candidate shall participate in more than one election.

Number & Tenure

7. The IMC should specify the number and tenure of office of parent manager(s) and an alternate parent manager (if applicable) in its constitution. Generally, the term of office of a parent manager is recommended to come into effect on 1 September and terminate on 31 August. Since the PTA may not be able to conduct the election of parent managers before 1 September, it is recommended that the election should be conducted within the period from September to November. The PTA should then nominate to the IMC the parent elected for registration as a parent manager. Otherwise, in accordance with section 40AU of the Ordinance, if the post of parent manager is vacant for more than three months, the IMC should apply to the Permanent Secretary for further extension of the period for filling the vacancy.

Nomination Procedures

Returning Officer

8. The PTA may assign a Returning Officer to monitor the nominations and supervise the issue of ballot papers and counting of votes. The Returning Officer may be elected amongst the office-bearers of the PTA or a teacher appointed by the school, but he must not be a candidate for the parent manager election.

Period of Nomination

9. The PTA should specify in its constitution the period of nomination for the parent manager election.

Nomination

10. The Returning Officer may issue a letter informing all parents the number of parent manager vacancies, the period of nomination, method of nomination, date of voting, date of counting session, date of announcement of results and other relevant information. A nomination form shall be enclosed. At the same time, the letter should outline the eligibility (paragraphs 4 to 6 above) and responsibilities of candidates. A parent may nominate oneself or another eligible candidate to stand for the election. The PTA may specify in its constitution the maximum number of nominees that each parent can nominate, and consider whether it is necessary to establish a mechanism for supporting the motion. If such a mechanism is to be established, the constitution should set out detailed arrangements, such as seconders must be parents of current pupils and the number of seconders required. All requirements must be reasonable in order to ensure that the mechanism is fair.
11. If no one is nominated, the PTA may consider extending the deadline of nomination or conducting the election again after a lapse of some time. The election procedures should cater for such occasions and special arrangements should be made based on the principles of fairness, openness and simplicity.

Candidates' Information

12. Each nominated candidate should supply a brief statement of his personal information to the Returning Officer within the number of words as required by the PTA.
13. Not less than 7 days before the election day, the Returning Officer should issue another letter to all parents listing the names of the candidates being nominated. The brief introductory statements of the candidates including their declarations should be attached. The PTA should guard against the risk of incurring any legal liability in publishing those statements. The letter should also explain the procedures and the time-table of the election. If possible, the Returning Officer can arrange a meeting for the candidates to introduce themselves to all parents and answer questions from them.

Electors' Eligibility

14. All parents of current pupils of the school are eligible to vote. A teacher of the school who is the parent of a current pupil of the school also has the right to vote. Every eligible elector has equal voting right. Every parent should vote individually and should have only one vote irrespective of the number of children the parent has at the school. For simplicity sake, the PTA may give pupils two votes each for their parents to vote. On request, a ballot paper may be given to the guardian of the pupil or the person who has the actual custody of the pupil.

Election Procedures

Date of Voting


15. The period between the date of voting for parent manager election and the deadline of nomination should at least be two weeks.

Voting method

16. To ensure a fair election, the voting should be conducted by secret ballot, i.e. electors are not allowed to put down their names or any other marks of identification on the ballot paper and should not let the other electors see whom they have voted for. A sample of the ballot paper is at [Annex II](#).
17. A ballot box shall be made available for the election. It should be locked and the key should be kept by the Returning Officer. The Returning Officer can specify in the election procedures which voting methods the parents may adopt. If parents are requested to vote in person in the school, the Returning Officer should inform all parents in advance of such arrangements and specify clearly the date, time and venue of the voting. If parents are allowed to ask their children to return their ballot papers to the class teachers, the ballot papers should be sealed in envelopes specifically designed for that purpose before placing them into the ballot box. Blank ballot papers should also be returned to the school. The Returning Officer may also specify in the election procedures any other means of returning the ballot papers, such as by post or in person. The school should record down those parents who have submitted the ballot papers and then arrange to put the ballot papers in the ballot box.

Counting of votes

18. The Returning Officer should arrange a counting session and invite all parents, all candidates, and/or the principal to attend and witness the counting of votes.
19. The chairperson of PTA, the Returning Officer and/or the principal of the school should participate to witness the counting. During the counting session, the Returning Officer must make sure that all ballot papers have been poured out from the ballot box before counting starts. A ballot paper will be deemed to be invalid if —
 - (i) the number of candidates marked on the ballot paper exceeds the number that is allowed;
 - (ii) the ballot paper has not been marked properly; or
 - (iii) the ballot paper is marked in such a way that the identity of the elector can be traced.

- 
20. If there is only one parent manager vacancy, the one who obtains the greatest number of votes will be nominated for registration as the parent manager whereas the one who obtains the next greatest number of votes will be nominated for registration as the alternate parent manager. If there are more than one vacancy, the successful candidates are the ones who obtain the greatest number of votes, then the next greatest and so on until all vacancies are filled. An arrangement should be specified in advance in the PTA constitution to determine who shall be elected when two or more candidates obtain the same number of votes, such as conducting a second round of voting or drawing lots. The principles of fairness, openness and simplicity should be observed in this regard.
 21. After the election, the Returning Officer should put all the cast ballot papers in an envelope, which will then be signed and sealed by him and the chairperson of the PTA. The envelope and the cast ballot papers should be kept by the PTA for at least six months. This is to facilitate investigations in case of allegations against voting irregularity.

Announcing Results

22. The Returning Officer may issue a letter informing all parents of the results of the election.
23. Unsuccessful candidates may, within one week of the announcement of the results, appeal to the PTA in writing, together with the reasons. The PTA should stipulate in its constitution an appeal mechanism for the election of parent managers and ensure that the mechanism is fair.

Follow-up Actions after Election

24. The PTA should nominate to the IMC the parent(s) elected as the parent manager(s) of the school. The IMC shall then apply to the Permanent Secretary the registration of the elected parent(s) as school manager(s).

Filling of casual vacancies

25. If a parent manager whose child is no longer a current pupil of the school during his term of office, he shall continue to be the manager until the term of office expires or the end of the school year, whichever is the earlier.
26. If a parent manager vacancy arises as a result of a parent manager resigning during his term of office, the PTA shall conduct a by-election in the same manner to elect another parent manager to fill the vacancy within three months. If the PTA cannot conduct the by-election accordingly, the IMC shall apply on good grounds to the Permanent Secretary for further extension of the period for filling the vacancy.

Points to note

27. If the school is a bi-sessional school, it may recognise a PTA for each session separately so as to nominate not less than one parent manager for each session. On the other hand, if a bi-sessional school has only one recognised PTA representing both the AM and PM sessions, there needs to be at least one parent manager from each session. If each session nominates one parent manager only, an alternate parent manager shall be nominated for each session separately.
28. A PTA should not stipulate in its constitution that its elected PTA chairperson will automatically be an elected parent manager or vice versa as this may affect the right of candidature of those who wish to be a parent manager or the chairperson of the PTA only. Such stipulation violates the spirit of the provision of equal right of candidature.
29. The election of the parent manager and office-bearer(s) of the PTA may be conducted concurrently to elect the parent manager and office-bearer(s) of the PTA respectively. However, the PTA shall pay heed to electors' eligibility in the two elections and make appropriate arrangement in the voting procedures to prevent electors from confusing the candidates for the two elections.
30. Parents, being candidates and voters in the parent manager election, should note the ethical conduct listed at **Annex III** to ensure fairness in the election process.

Guide for Parent Manager Election (Annex I)

Education Ordinance

Provisions relating to Election of Parent Managers

Section	Content
30	<p>The Permanent Secretary may refuse to register an applicant as a manager of a school if it appears to the Permanent Secretary that —</p> <ul style="list-style-type: none">• the applicant is not resident in Hong Kong for at least 9 months in each year;• the applicant is not a fit and proper person to be a manager;• the applicant is a person in respect of whom a permit to teach has previously been cancelled;• the applicant is under the age of 18 years;• the applicant has attained the age of 70 years and he fails to produce a valid medical certificate certifying that he is physically fit to perform the functions of a manager;• the applicant is under the age of 70 years and he fails to produce, upon a request by the Permanent Secretary, a valid medical certificate certifying that he is physically fit to perform the functions of a manager;• in making or in connection with any application —<ul style="list-style-type: none">(i) for registration of a school;(ii) for registration as a manager or a teacher; or(iii) to employ a person as a permitted teacher in a school,the applicant has made any statement or furnished any information which is false in any material particular or by reason of the omission of any material particular;• the applicant is a bankrupt within the meaning of the Bankruptcy Ordinance (Cap. 6) or has entered into a voluntary arrangement under that Ordinance;• the applicant has previously been convicted in Hong Kong or elsewhere of a criminal offence punishable with imprisonment; or• the applicant has been registered as a manager of 5 or more schools.
40AL	<ul style="list-style-type: none">• For an IMC school with a recognised PTA, at least one parent manager shall be provided.• If the school is a bi-sessional school, and a PTA is recognised for each session separately, at least one parent manager shall be provided for each session.

Section	Content
	<ul style="list-style-type: none"> If there is only one parent manager for a school, one alternate parent manager shall be provided. If the school is a bi-sessional school, and there is only one parent manager for each session, one alternate parent manager shall be provided for each session separately.
40AO	<ul style="list-style-type: none"> The IMC may recognise one body of persons as recognised PTA, but its constitution shall specify only the following persons — <ul style="list-style-type: none"> (i) parents of current pupils of the school; or (ii) serving teachers of the school may become office-bearers of the body. Parent manager election and alternate parent manager election shall be conducted by the recognised PTA. A recognised PTA may nominate such number of persons for registration as parent manager or alternate parent manager of the school as may be provided for in the constitution of the IMC of the school. The system of election shall be fair and transparent. A candidate must be a parent of a current pupil of the school. A candidate must not be a teacher of the school. In the election, all parents have equal voting right and right of candidature. The voting for the election shall be conducted by secret ballot.
40AS	<ul style="list-style-type: none"> A parent manager and an alternate parent manager shall be elected in the same manner for nomination for registration as a manager.
40AU	<ul style="list-style-type: none"> The person who fills the vacancy of parent manager shall be nominated for registration as a manager in the same manner as the manager who ceased to hold the office concerned.
40AV	<ul style="list-style-type: none"> If a parent manager ceases to be a parent of a current pupil of the school, his term of office as a manager shall continue until its expiry or the end of the school year, whichever is the earlier.
40AX	<ul style="list-style-type: none"> On the ground that a manager is not suitable to continue to hold office, the recognised PTA of a school may pass a resolution, in a manner which is similar to the manner in which the manager concerned is elected, and make a written request to the IMC to cancel the registration of the manager. The IMC shall, upon receiving the request, issue a notice in writing to the Permanent Secretary as regards the cancellation of the registration of the parent manager.

Guide for Parent Manager Election (Annex II)

XXX School Parent-teacher Association

XXX 學校家長教師會

Election of Parent Manager 家長校董選舉

Ballot Paper 選票

Voting Date:

投票日期：

Please read carefully the "Directions for Voting" overleaf before casting vote.

填寫選票前請細閱背頁的「投票人須知」

Please use a blue or black ball-point pen to mark a "✓" in the box against the number of the candidates you vote for. The number of "✓" you marked on the ballot paper should not be more than the number of vacancies. Otherwise, your ballot paper will be considered null and void.

請用藍色或黑色原子筆在選票上候選人編號旁邊的空格內加上「✓」號。你在選票上所填的「✓」號，不能超過空缺的數目，否則，選票便會作廢。

Candidates 候選人

- | | | | |
|--------------------------|---|-----------------------|------------|
| <input type="checkbox"/> | 1 | XXX (Name in English) | XXX (中文姓名) |
| <input type="checkbox"/> | 2 | XXX | XXX |
| <input type="checkbox"/> | 3 | XXX | XXX |

XXX School Parent-teacher Association
XXX 學校家長教師會

Directions for Voting

1. Put no other marks on the ballot paper other than the mark “✓” or it will be considered null and void.
2. Fold the ballot paper into two and do not let anyone see whom you vote for. The ballot is secret.
3. Put the ballot paper into the ballot box.

投票人須知

1. 除「✓」號外，請勿在選票上劃上其他記號，否則選票便會作廢。
2. 將選票對摺，切勿讓他人看見你的選擇。投票是保密的。
3. 將選票放入投票箱。

Guide for Parent Manager Election (Annex III)

Ethical Conduct Required in the Parent Manager Election

Nomination of Candidates

1. Do not offer any advantage to get any person to stand or not to stand as a candidate.
2. Do not offer any advantage to get any person having been nominated as a candidate to withdraw his candidature.
3. Do not offer any advantage to get any candidate's not using his best endeavours to promote his candidature.
4. Do not solicit or accept any advantage for any person's standing or not standing as a candidate.
5. Do not solicit or accept any advantage for any person's withdrawal of his candidature.
6. Do not solicit or accept any advantage for any candidate's not using his best endeavours to promote his candidature.
7. Do not use or threaten to use force or duress to induce any person to stand or not to stand as a candidate, or to withdraw his candidature.
8. Do not induce by deception, any person to stand or not to stand as a candidate, or to withdraw his candidature.

Electioneering

1. Do not make any materially false or misleading statement of fact including but not limited to the character, qualifications or previous conduct of a candidate or candidates.
2. Do not take part in any activity that is likely to give rise to criticism and allegation of malpractices and should abide by the principle of fairness in election.
3. Do not state overtly or covertly the support of any person or organisation in any campaign activities, especially in the campaign literature before written consent has been obtained.

Voting

1. Do not offer any advantage to induce any person not to vote at an election.
2. Do not offer any advantage to induce any person to vote or not to vote for a particular candidate at an election.
3. Do not provide or pay for the provision of any food, drink or entertainment as an inducement to or a reward for any person's not voting at an election.
4. Do not provide or pay for the provision of any food, drink or entertainment as an inducement to or a reward for any person's voting or not voting for a particular candidate at an election.
5. Do not use or threaten to use force or duress against any person for the purpose of influencing his or any other person's voting decision.
6. Do not induce by deception any person not to vote at an election.
7. Do not induce by deception any person to vote or not to vote for a particular candidate at an election.

Appendix 6

Guide for Alumni Manager Election

Introduction

1. This election guide outlines the procedures in accordance with the Education Ordinance (the Ordinance) for the election of alumni managers. Please refer to **Annex I** for the provisions of election of alumni managers in the Ordinance. The Incorporated Management Committee (IMC) is requested to pass this guide to the recognised alumni association of the school for reference in working out an election mechanism for electing alumni managers. Alumni associations may adapt this election guide to suit their own needs and provide for matters relating to alumni manager election in the constitutions of alumni associations.
2. Since the implementation of school-based management in all public sector schools in 2000, the Education and Manpower Bureau has promoted the participation of key stakeholders in school management and decision-making. The Ordinance aims at introducing an open and transparent participatory school governance framework in schools by including key stakeholders like teachers, parents and alumni in the IMC. There shall be at least one alumni manager in the IMC. The IMC or sponsoring body (as may be provided for in the constitution of IMC) may recognize one body of persons as recognized alumni association for nominating alumni manager. If the recognized alumni association does not have any nomination for alumni manager(s) of the school, the IMC may, in accordance with section 40AP(5) of the Ordinance, nominate such number of persons for registration as alumni manager as may be provided for in its constitution.
3. The election of alumni managers should be conducted by the recognised alumni association. The constitution of alumni association should provide for the election procedures of alumni manager and to ensure that the mechanism is fair and transparent. Detailed arrangements of the election should be made known to all members of the alumni association. **The alumni association may amend its constitution where necessary in order that it fulfils the conditions for recognition by the IMC and hence is responsible for nominating alumni manager(s).** All members of the alumni association should be consulted on such changes and any subsequent amendments to the election mechanism should be properly documented.

The Candidature

4. All alumni of the school are eligible to become candidates.

5. An alumnus should not be nominated in the event of the following situations —
 - (i) He is a serving teacher of the school (because teachers can join the IMC in the capacity of teacher managers); or
 - (ii) He does not meet the registration requirements of managers set out in section 30 of the Ordinance.
6. As stipulated in the Ordinance, no manager shall serve in an IMC in more than one capacity. Thus, no one can serve as an alumni manager and a parent manager at the same time. If there are two elections under different categories to be conducted concurrently in a school, no candidate shall participate in more than one election.

Number & Tenure

7. The IMC should specify the number and tenure of office of alumni manager(s) in its constitution. Generally, the term of office of an alumni manager is recommended to come into effect on 1 September and terminate on 31 August.

Nomination Procedures

Returning Officer

8. The alumni association may assign the chairperson or an office-bearer as Returning Officer to monitor the nominations and supervise the issue of ballot papers and counting of votes, but the Returning Officer must not be a candidate for the alumni manager election.

Period of Nomination

9. The alumni association should specify in its constitution the period of nomination for the alumni manager election.

Nomination

10. The Returning Officer should inform all its members the number of alumni manager vacancies, the period of nomination, method of nomination, date of voting and counting, date of announcement of results and other relevant

information. At the same time, the Returning Officer should inform all its members the eligibility (paragraphs 4 to 6 above) and responsibilities of candidates. An alumnus may nominate oneself or another eligible candidate to stand for the election. The alumni association may specify in its constitution the maximum number of nominees that each alumnus can nominate, and consider whether it is necessary to establish a mechanism for supporting the motion. If such a mechanism is to be established, the constitution should set out detailed arrangements, such as seconders must be a member of the alumni association and the number of seconders required. All requirements must be reasonable in order to ensure that the mechanism is fair.

11. If the number of candidates is equal to or less than the number of vacancies, the candidate(s) will be elected automatically. If no one is nominated, the alumni association may consider extending the deadline of nomination or conducting the election again after a lapse of some time. The election procedures should cater for such occasions and special arrangements should be made based on the principles of fairness, openness and simplicity.

Candidates' Information

12. Each nominated candidate should supply a brief statement of his personal information to the Returning Officer within the number of words as required by the alumni association.
13. Not less than 7 days before the election day, the Returning Officer should issue a letter to all alumni listing the names of the candidates being nominated and the brief introductory statements of the candidates including their declarations should be attached. The alumni association should guard against the risk of incurring any legal liability in publishing those statements. The letter should also explain the procedures and the time-table of the election. If possible, the Returning Officer can arrange a meeting for the candidates to introduce themselves to all alumni and answer questions from them.

Electors' Eligibility

14. All alumni of the school are eligible to vote. All eligible electors have equal voting right.

Election Procedures

Date of Voting

15. The period between the date of voting for alumni manager election and the deadline of nomination should at least be two weeks.

Voting method

16. To ensure a fair election, the voting should be conducted by secret ballot, i.e. electors are not allowed to put down their names or any other marks of identification on the ballot paper and should not let the other electors see whom they have voted for. A sample of the ballot paper is at [Annex II](#).

Counting of votes

17. The Returning Officer may arrange to conduct voting and counting on the same day. All members of the alumni association, all candidates, and the principal may be invited to witness the counting of votes.
18. If there are more than one vacancy, the successful candidates are the ones who obtain the greatest number of votes, then the next greatest and so on until all vacancies are filled. When two or more candidates obtain the same number of votes, the arrangement should be specified in advance in the constitution of alumni association to determine who shall be elected, such as conducting a second round of voting or drawing lots. The principles of fairness, openness and simplicity should be observed in this regard.

Announcing Results

19. The Returning Officer should inform all its members the results of the election.
20. Unsuccessful candidate may, within one week of the announcement, appeal to the alumni association in writing together with the reasons. The alumni association should stipulate in its constitution the appeal mechanism for the election of alumni managers and ensure that the mechanism is fair.

Follow-up Actions after Election

21. The alumni association should nominate to the IMC the alumnus elected as an alumni manager of the school. Afterwards, the IMC shall apply to the Permanent Secretary for registration of the alumnus elected as an alumni manager of the school.

Filling of casual vacancies

22. If an alumni manager vacancy arises as a result of an alumni manager resigning during his term of office, the alumni association shall conduct a by-election in the same manner to elect another alumni manager to fill the vacancy within three months. If the alumni association cannot conduct the by-election accordingly, the IMC shall apply on good grounds to the Permanent Secretary for further extension of the period for filling the vacancy.

Points to note

23. If the school is a bi-sessional school, the IMC or sponsoring body may recognise an alumni association for each session separately. On the other hand, if a bi-sessional school has only one recognised alumni association representing both the AM and PM sessions, there needs to be at least one alumni manager from each session.
24. Alumni, being candidates and voters in the alumni manager election, should note the ethical conduct listed at **Annex III** to ensure fairness in the election process.

Guide for Alumni Manager Election (Annex I)

Education Ordinance

Provisions relating to Election of Alumni Managers

Section	Content
30	<p>The Permanent Secretary may refuse to register an applicant as a manager of a school if it appears to the Permanent Secretary that —</p> <ul style="list-style-type: none">• the applicant is not resident in Hong Kong for at least 9 months in each year;• the applicant is not a fit and proper person to be a manager;• the applicant is a person in respect of whom a permit to teach has previously been cancelled;• the applicant is under the age of 18 years;• the applicant has attained the age of 70 years and he fails to produce a valid medical certificate certifying that he is physically fit to perform the functions of a manager;• the applicant is under the age of 70 years and he fails to produce, upon a request by the Permanent Secretary, a valid medical certificate certifying that he is physically fit to perform the functions of a manager;• in making or in connection with any application —<ul style="list-style-type: none">(i) for registration of a school;(ii) for registration as a manager or a teacher; or(iii) to employ a person as a permitted teacher in a school,the applicant has made any statement or furnished any information which is false in any material particular or by reason of the omission of any material particular;• the applicant is a bankrupt within the meaning of the Bankruptcy Ordinance (Cap. 6) or has entered into a voluntary arrangement under that Ordinance;• the applicant has previously been convicted in Hong Kong or elsewhere of a criminal offence punishable with imprisonment; or• the applicant has been registered as a manager of 5 or more schools.

Section	Content
40AL	<ul style="list-style-type: none"> For an IMC school, at least one alumni manager shall be provided.
40AP	<ul style="list-style-type: none"> If the school is a bi-sessional school, the IMC or sponsoring body (as may be provided for in the constitution of the IMC) may recognise an alumni association for each session separately. The IMC or sponsoring body may recognise one body of persons as recognised alumni association. The body of persons shall be recognised only when its constitution specifies the following items - <ul style="list-style-type: none"> (i) its membership is open to all alumni of the school; (ii) only the alumni of the school may elect or become office-bearers of the body; and (iii) the system of election is fair and transparent. A recognised alumni association may nominate such number of persons for registration as alumni manager of the school as may be provided for in the constitution of the IMC of the school. If no person is nominated, the IMC may nominate such number of persons for registration as alumni manager as may be provided for in its constitution. A candidate must be an alumnus of the school. A candidate must not be a teacher of the school.
40AU	<ul style="list-style-type: none"> The person who fills the vacancy of alumni manager shall be nominated for registration as a manager in the same manner as the manager who ceased to hold the office concerned.
40AX	<ul style="list-style-type: none"> On the ground that a manager is not suitable to continue to hold office, the recognised alumni association of a school may pass a resolution, in a manner which is similar to the manner in which the manager concerned is elected, and make a written request to the IMC to cancel the registration of the manager. The IMC shall, upon receiving the request, issue a notice in writing to the Permanent Secretary as regards the cancellation of the registration of the alumni manager.

Guide for Alumni Manager Election (Annex II)

XXX School Alumni Association XXX 學校校友會

Election of Alumni Manager 校友校董選舉

Ballot Paper 選票

Voting Date:

投票日期：

Please read carefully the “Directions for Voting” overleaf before casting vote.

填寫選票前請細閱背頁的「投票人須知」

Please use a blue or black ball-point pen to mark a “✓” in the box against the number of the candidates you vote for. The number of “✓” you marked on the ballot paper should not be more than the number of vacancies. Otherwise, your ballot paper will be considered null and void.

請用藍色或黑色原子筆在選票上候選人編號旁邊的空格內加上「✓」號。你在選票上所填的「✓」號，不能超過空缺的數目，否則，選票便會作廢。

Candidates 候選人

- | | | | |
|--------------------------|---|-----------------------|------------|
| <input type="checkbox"/> | 1 | XXX (Name in English) | XXX (中文姓名) |
| <input type="checkbox"/> | 2 | XXX | XXX |
| <input type="checkbox"/> | 3 | XXX | XXX |

XXX School Alumni Association
XXX 學校校友會

Directions for Voting

1. Put no other marks on the ballot paper other than the mark “✓” or it will be considered null and void.
2. Fold the ballot paper into two and do not let anyone see whom you vote for. The ballot is secret.
3. Put the ballot paper into the ballot box.

投票人須知

1. 除「✓」號外，請勿在選票上劃上其他記號，否則選票便會作廢。
2. 將選票對摺，切勿讓他人看見你的選擇。投票是保密的。
3. 將選票放入投票箱。

Guide for Alumni Manager Election (Annex III)

Ethical Conduct Required in the Alumni Manager Election

Nomination of Candidates

1. Do not offer any advantage to get any person to stand or not to stand as a candidate.
2. Do not offer any advantage to get any person having been nominated as a candidate to withdraw his candidature.
3. Do not offer any advantage to get any candidate's not using his best endeavours to promote his candidature.
4. Do not solicit or accept any advantage for any person's standing or not standing as a candidate.
5. Do not solicit or accept any advantage for any person's withdrawal of his candidature.
6. Do not solicit or accept any advantage for any candidate's not using his best endeavours to promote his candidature.
7. Do not use or threaten to use force or duress to induce any person to stand or not to stand as a candidate, or to withdraw his candidature.
8. Do not induce by deception, any person to stand or not to stand as a candidate, or to withdraw his candidature.

Electioneering

1. Do not make any materially false or misleading statement of fact including but not limited to the character, qualifications or previous conduct of a candidate or candidates.
2. Do not take part in any activity that is likely to give rise to criticism and allegation of malpractices and should abide by the principle of fairness in election.
3. Do not state overtly or covertly the support of any person or organisation in any campaign activities, especially in the campaign literature before written consent has been obtained.

Voting

1. Do not offer any advantage to induce any person not to vote at an election.
2. Do not offer any advantage to induce any person to vote or not to vote for a particular candidate at an election.
3. Do not provide or pay for the provision of any food, drink or entertainment as an inducement to or a reward for any person's not voting at an election.
4. Do not provide or pay for the provision of any food, drink or entertainment as an inducement to or a reward for any person's voting or not voting for a particular candidate at an election.
5. Do not use or threaten to use force or duress against any person for the purpose of influencing his or any other person's voting decision.
6. Do not induce by deception any person not to vote at an election.
7. Do not induce by deception any person to vote or not to vote for a particular candidate at an election.

Appendix 7

Funds and Assets of a School before Establishing an IMC

Source	Funds	Assets	*Ownership
Government	Recurrent and non-recurrent grants provided by the Government	<ul style="list-style-type: none"> Schools premises built and the land owned by the Government, and furniture, equipment, books and teaching aids purchased with government grants 	Government
Government	Quality Education Fund	<ul style="list-style-type: none"> School facilities such as air-conditioners, computer equipment, etc. 	Government
Sponsoring body	<ul style="list-style-type: none"> Set-up fund Donation 	<ul style="list-style-type: none"> Furniture, equipment, books and teaching aids purchased with the set-up fund Furniture, equipment, books and teaching aids donated by the sponsoring body 	School
Sponsoring body	Scholarship provided by the sponsoring body	<ul style="list-style-type: none"> School premises built and the land owned by the sponsoring body Other non-government properties within the school premises, such as church 	Sponsoring body or school (depending on the agreement between the sponsoring body and the school)
Student/business undertaking/ organisation/ others	<ul style="list-style-type: none"> School income School fees Subscriptions/general funds (including fines/fees collected for specific purposes, such as fine for late return of library books and registration fee, etc) Income from business undertaking, such as sale of exercise books/ school uniforms, operation of tuckshop and provision of school bus service, etc. Donation (including donation/grant from charitable organisation, such as the Hong Kong Jockey Club Charities Trust) Bank interests (from grant not provided by the Government) Other incomes, such as rent from renting out school premises 	<ul style="list-style-type: none"> Furniture, equipment, books and teaching aids donated by other organisations 	School or donor

**For funds and assets owned by the school, they may be owned, used and disposed of by the Incorporated Management Committee upon its establishment.*

Appendix 8

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>(a) appeal to any pupils of a school for subscriptions; or</p> <p>(b) make any collection among any pupils of a school, 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>(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>(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>

Protection and Flexibilities Enjoyed by IMC Schools

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> <ul style="list-style-type: none"> (a) all holidays of which the supervisor has given the Permanent Secretary notice as required under regulation 79; (b) any notice received from the Permanent Secretary under regulation 81 forbidding the granting of a holiday on any specified day; and (c) any notice received from the Permanent Secretary requiring that a holiday shall be given on any specified day. <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>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>Regulations 83(1) and (3) are not applicable to IMC schools, i.e., 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>	

Section/Regulation	IMC schools	Schools without IMC
Regulation 88 <i>Size of classes</i>	<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>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.</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 contravenes the regulation commits an offence; supervisors and principals shall incur criminal liability.</p>
Regulation 99A <i>Business or trading operation</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>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>

Protection and Flexibilities Enjoyed by IMC Schools

Section/Regulation	IMC schools	Schools without IMC
	<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 — "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); "school in receipt of public funds" (接受政府撥款學校) means — (a) any aided school which is a school without IMC; or (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>	
Regulation 101 Offences	<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>If the following regulations are contravened, the following person(s) may incur criminal liability:</p> <p>Managers</p>

Section/Regulation	IMC schools	Schools without IMC
	<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>	Managers
	<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>	Supervisors and principals
	<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>	Supervisors
	<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>	Supervisors and principals
	<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>	Supervisors
	<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>	Supervisors

Protection and Flexibilities Enjoyed by IMC Schools

Section/Regulation	IMC schools	Schools without IMC
	<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>	Principals
	<p>[Regulation 90] Attendance registers A separate attendance register in a form approved by the Permanent Secretary shall be kept for each class.</p>	Supervisors and principals
	<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 of instruction of each class or any other document he may specify for his approval. (12) The responsible person shall inform the Permanent Secretary of any change in the hours of school work.</p>	Supervisors
Regulation 101 Offences	<i>The following regulations have been decriminalised and criminal liability shall not be incurred if they are contravened.</i>	
	<p>[Regulation 19(1)&(3)] Numbers of pupils allowed on a roof playground or balcony (1) There shall not be more than 60 pupils upon any roof playground under the charge of one teacher at any one time. (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 (1) All school premises shall be maintained in a clean and sanitary condition.</p>	

Section/Regulation	IMC schools	Schools without IMC
Regulations repealed	<i>The following provisions have been repealed:</i>	
	<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> <ol style="list-style-type: none"> (1) No instruction shall be given by any school after 9.30 p.m. except with the permission of the Permanent Secretary. (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>[Regulation 95] Non-resident pupils</p> <ol style="list-style-type: none"> (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. (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>[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> <ol style="list-style-type: none"> (a) during the period of his suspension; or (b) in contravention of the conditions of his suspension, without the permission of the Permanent Secretary. 	
	<p>[Regulation 101(8)] Offences Any pupil of a school who contravenes regulation 95(2) or 97 shall be guilty of an offence.</p>	

Appendix 9

Basic Principles in Relation to Raising Funds and Entering into Contract, Agreement or Arrangement Involving Funds other than Funds Received from the Government

Raising Funds (Including Borrowing Money)

1. The sponsoring body should remind the IMC that the main purpose of organising fund raising activities is to raise funds for school's own advancement, such as to improve the environment or facilities of the school. Fund-raising may include seeking donations, subvention and sponsorship of services or goods (such as gifts, souvenirs) from its own pupils and outside organisations, companies or individuals.
2. The sponsoring body should decide if the IMC is required to secure its prior approval every time before launching fund raising activities or entering into any agreement with parties offering funds, donations, subvention or sponsorship. If the answer is 'yes', the sponsoring body should decide the documents that the IMC has to submit for the purpose of its approval. The sponsoring body may consider setting a limit and instruct that prior approval is not required if the amount incurred is lower than the set limit.
3. The sponsoring body should remind the IMC that all activities involving borrowing money, seeking funds, donations, subvention or sponsorship should not affect the image of the school and the sponsoring body or violate the mission of the sponsoring body. The school should also ensure that the activities would not endanger public safety or cause nuisance to the public. Moreover, all money collected should be applied for the purpose benefiting pupils' learning or teachers' professional development of the school.
4. The sponsoring body should remind the IMC that the subsidies and subventions provided by the Government to the school every year should be adequate in supporting the school's general expenditure and thus the school has no need to borrow money from outsiders and should avoid involvement in loans. Only under special circumstances, for example, when the IMC is satisfied that the school has genuine need to procure goods by instalments and is not required to pay interest to the lending institution, will the IMC be allowed to submit such application for the sponsoring body's approval. Further, in setting the pertinent regulations and procedures in relation to borrowing money, the sponsoring body should ensure that the IMC would not use school assets as a mortgage or guarantee for the loan borrowed.

5. The sponsoring body should request the IMC that all money collected through borrowing, fund raising, donation, subvention and sponsorship as well as expenditures incurred in such activities should each be recorded in a separate ledger for audit purposes.

Entering into contract, agreement or arrangement involving funds other than funds received from the Government

1. The sponsoring body may consider providing the IMC power to enter into any contract, agreement or business arrangement involving non-government funds with an operator/supplier basing on the needs of the school without sponsoring body's approval. Nevertheless, before entering into the above-mentioned contract, agreement or business arrangement, the IMC should be reminded to make reference to EMB Circular No.13/2003 "Fundamental Principles for Conducting Trading Operations in Schools in Receipt of Public Funds" (website: <http://www.emb.gov.hk/utilitymanager/circular/upload/embc/embc03013e.pdf>) such that it will have a better understanding of the fundamental principles to be observed when conducting/entering into business or trading operations in the school premises.
2. The sponsoring body should remind the IMC that unless prior written permission to do otherwise is obtained from the Permanent Secretary, the IMC should ensure that no profit or net income arising from a non-government funded undertaking or business arrangement should be used for any purpose other than those directly benefiting the pupils as stipulated under section 99B of the Ordinance.
3. The sponsoring body should remind the IMC to ensure that the operators/suppliers would not cause any damage to the image of the school and the sponsoring body or endanger public safety and cause nuisance to the public when conducting the above-mentioned business or trading operations.

Basic Principles in Relation to Raising Funds and Entering into Contract, Agreement or Arrangement Involving Funds other than Funds Received from the Government

4. The sponsoring body should request the IMC that all money collected through conducting the above-mentioned business or trading operations as well as expenditures incurred in such activities should each be recorded in a separate ledger for retention and audit purposes.

Besides, the IMC, being the employer of its staff, has the responsibility to formulate clear policies, accountability mechanism and monitoring procedures regarding the acceptance of advantages and donations in accordance with the relevant provisions of the Prevention of Bribery Ordinance. This is to ensure that integrity of school management is maintained on matters relating to fund raising or entering into contracts, agreements or arrangements involving non-government funds. In this regard, the sponsoring body should remind the IMC to make reference to EMB Circular No. 14/2003 "Acceptance of Advantages and Donations by Schools and their Staff" (website: <http://www.emb.gov.hk/utilitymanager/circular/upload/embc/embc03014e.pdf>) and the provision on acceptance of donations at EMB Circular Memorandum No. 50/2006 "Notes on Selection of Textbooks and Learning Materials for Use in Schools" (website: <http://www.emb.gov.hk/utilitymanager/circular/upload/embcm/embcm06050e.pdf>).

Meanwhile, the IMC should lay down relevant procedures and require all its members and the teaching and non-teaching staff of the school to report any situation where they or their families or friends may have an interest, financial or otherwise, in any company or organisation which has or is likely to have business dealings with the school, or to disclose their pecuniary or other personal interest in relevant meetings. For detailed information relating to conflict of interest, schools may refer to the above-mentioned EMB Circular No. 14/2003 as well as sections 40BF, 40BG and 40BH of the Ordinance (**Appendix I**).

Basic Principles in Relation to Raising Funds and Entering into Contract, Agreement or Arrangement Involving Funds other than Funds Received from the Government (Appendix I)

Education Ordinance

Provisions relating to Pecuniary or Other Personal Interests

Section	Content
40BF	<p>A manager of a school shall, at least once in every 12 months, make to the IMC of the school a written declaration which –</p> <ul style="list-style-type: none">• states the particulars of any pecuniary or other personal interest, direct or indirect, that he has in any matter that raises or may raise a conflict with his duties as a manager of the school; or• states that he has no such interest.
40BG	<ul style="list-style-type: none">• If a manager has any pecuniary or other personal interests in a matter that is considered or is to be considered at a meeting of the IMC, he shall disclose the nature of the interest at the meeting.• After disclosing the nature of his pecuniary or other personal interest, the manager shall not, unless the IMC otherwise determines, be present during the deliberation or take part in any deliberation or decision of the matter.
40BH	<p>The IMC shall keep a register of all the declarations made under section 40BF. Any inspector of schools may inspect the register at any reasonable time. The IMC shall keep a register of all disclosures made under section 40BG and permit any inspector of schools and the public to inspect the register at any reasonable time.</p>

Appendix 10

Transfer of Responsibilities from Supervisor to IMC

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>	<p>Certificate of registration or provisional registration</p> <p>(2) Except as provided in subsection (3), section 20 and section 71, the supervisor 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.</p> <p>(3) If the Permanent Secretary extends the period of provisional registration of a school under section 15(2), the supervisor 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 supervisor.</p>
18A(1)	18A(3) <i>(fine at level 3 and imprisonment for 3 months)</i>	<p>Approval of Permanent Secretary required for post secondary education</p> <p>(1) No supervisor 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.</p>

Section	Offence	Content
20(1)	N.A.	<p>Change of premises</p> <p>(1) The supervisor of a school may apply in writing to the Permanent Secretary to amend the certificate of registration or provisional registration by —</p> <p>(a) specifying in the certificate any additional or alternative premises; or</p> <p>(b) deleting from the certificate reference to any premises or to any part of any premises.</p>
21(2)& (3)	N.A.	<p>Changes in design or use of premises increasing fire risk</p> <p>(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 supervisor of the school require such provision to be made.</p> <p>(3) If the Building Authority delivers to the Permanent Secretary a notice under subsection (1A) in respect of a 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 supervisor of the school require such provision to be made.</p>
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 supervisor;</p>

Transfer of Responsibilities from Supervisor to IMC

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 supervisor 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 supervisor of the school a certificate, in writing, that he is so satisfied.</p> <p>(b) The supervisor 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 supervisor of the school thereof.</p>
44	N.A	<p>Improvements to sanitation</p> <p>The supervisor 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>	<p>Infectious diseases</p> <p>(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 supervisor 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 .</p>
56(6)	N.A.	<p>Boarding schools</p> <p>(6) The supervisor of every boarding school shall, if so required by the Permanent Secretary in writing, appoint a warden to be in charge of the boarders.</p>
60	N.A.	<p>Submission of particulars of inclusive fees</p> <p>The supervisor of every school shall submit to the Permanent Secretary when required by him particulars of the inclusive fee.</p>
61(1)	Regulation 101(2A) <i>(fine at level 5 and imprisonment for 1 year)</i>	<p>Fees other than inclusive fee prohibited</p> <p>(1) Subject to regulation 99A and to paragraph (2), no supervisor, 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):</p> <p>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.</p>

Transfer of Responsibilities from Supervisor to IMC

Regulation	Offence	Content
62(2)	N.A.	<p>Method of payment</p> <p>(2) Notwithstanding paragraph (1), a supervisor 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>
64	<p>Regulation 101(4A)</p> <p><i>(fine at level 5 and imprisonment for 1 year)</i></p>	<p>Accounts</p> <p>The supervisor of every school shall —</p> <p>(a) keep proper accounts;</p> <p>(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</p> <p>(c) retain the accounts and vouchers for a period of not less than 7 years.</p>
77	<p>Regulation 101(4A)</p> <p><i>(fine at level 5 and imprisonment for 1 year)</i></p>	<p>Appointment of teachers</p> <p>The supervisor shall be responsible for issuing to all teachers letters of appointment which shall set out —</p> <p>(a) conditions of service;</p> <p>(b) salary scale; and</p> <p>(c) conditions of termination of appointment.</p>

Regulation	Offence	Content
78	N.A	<p>Salaries of teachers</p> <p>The supervisor shall be responsible for ensuring that the salaries of all teachers are paid in full when due.</p>
91(2)	N.A.	<p>Equipment and educational facilities</p> <p>(2) The Permanent Secretary may give directions in writing to the supervisor 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.</p>
94	N.A	<p>Information to be given concerning school and pupils</p> <p>The supervisor 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.</p>
98(2)	N.A	<p>Prejudicial activities</p> <p>(2) The Permanent Secretary may give directions in writing or other guidance to the supervisor 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.</p>

Appendix 11

Transfer of Responsibilities from Supervisor to Principal in IMC Schools

Education Regulations

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

Regulation	Offence	Content
3	N.A.	Supervisor to furnish plan of school premises The supervisor of every school shall on demand supply the Permanent Secretary with a plan or diagram, with dimensions, of the school premises.
20	N.A.	Limitation of activities on roof playgrounds If any roof playground, verandah or balcony is used in contravention of these regulations, the Permanent Secretary may by notice in writing addressed to the supervisor prohibit the use thereof until such time as he may specify in such notice.
21(1)	Regulation 101(5A) <i>(fine at level 5 and imprisonment for 1 year)</i>	Safety precautions (1) The supervisor shall ensure that all necessary safety precautions are adopted in school workshops and science laboratories and shall modify or extend those precautions as the Permanent Secretary may require.
23	N.A.	Plan of layout Wherever it is desired to install any machinery or machine tools in a school workshop the supervisor shall submit to the Permanent Secretary a plan of the proposed layout of the workshop.

Regulation	Offence	Content
52(2)	N.A.	<p>Medical examination of pupils</p> <p>(2) If on such examination a medical officer of schools is of the opinion that the person or clothing of any pupil is infected with vermin or is in a foul or filthy condition, he may require the supervisor to exclude such pupil from the school forthwith until such time as the person and clothing of pupil have been cleansed to the satisfaction of a medical officer of schools.</p>
57(1)&(3)	N.A.	<p>Medical examination in boarding schools</p> <p>(1) The supervisor of every boarding school shall ensure that every pupil who desires to become a boarder at that school shall be medically examined before he is admitted to that school as a boarder.</p> <p>(3) Any report under paragraph (2) shall be kept in a safe place by the supervisor who shall, if required by the Permanent Secretary, make the report available to the Permanent Secretary for his inspection.</p>
79	N.A.	<p>Notice of school holidays</p> <p>The supervisor 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>

Transfer of Responsibilities from Supervisor to Principal in IMC Schools

Regulation	Offence	Content
82	N.A.	<p>Permanent Secretary may require grant of holiday</p> <p>The Permanent Secretary may by notice in writing to the supervisor of any school require that a holiday shall be given on any day specified in such notice and the supervisor shall ensure that such holiday is given accordingly.</p>
92(2), (3), (10) & (12)	N.A.	<p>Syllabus and time-table subject to approval of Permanent Secretary</p> <p>(2) The supervisor of every school shall submit to the Permanent Secretary whenever so required by the Permanent Secretary the syllabus of instruction of each class or any other document he may specify for his approval.</p> <p>(3) The Permanent Secretary may give directions in writing to the supervisor of any school as to the instruction which shall be or shall not be included in any such syllabus.</p> <p>(10) The Permanent Secretary may give directions in writing to the supervisor of any school in respect of the time-table of work of any class and may require any supervisor to submit for his approval any such time-table.</p> <p>(12) The supervisor shall inform the Permanent Secretary of any change in the hours of school work.</p>



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