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Chapter 1 School-based Management

1.1 Background

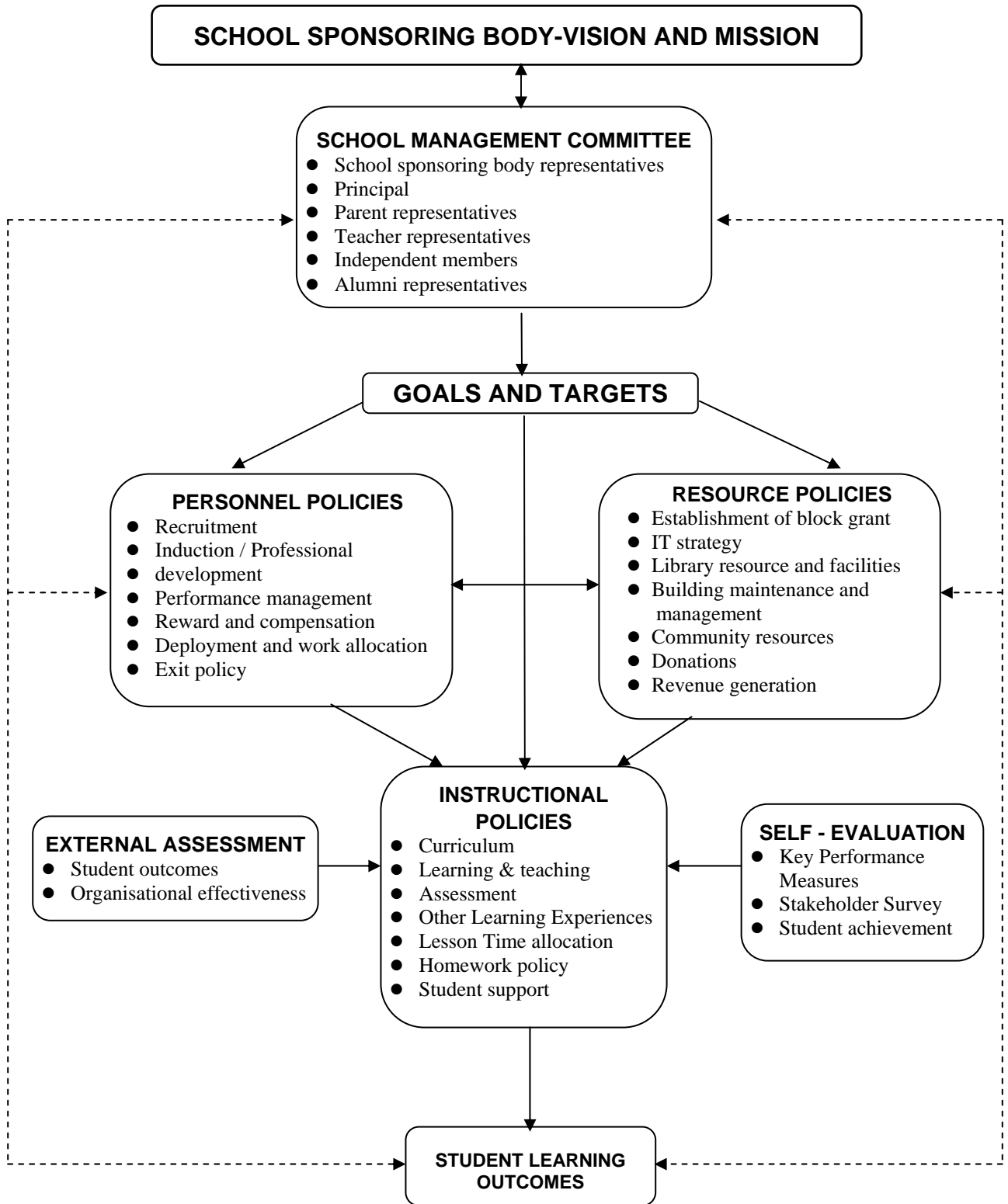
Back in 1991, the then Education Department (ED) introduced the School Management Initiative (SMI) Scheme, which offered a school-based management (SBM) framework for enhancing the effectiveness of schools. In the Report No.7 on Quality Education issued in 1997, the Education Commission formulated recommendations to improve school management and performance for the provision of quality school education, to prepare our young people to face the challenges and competition which lie ahead in a global and knowledge-based economy. One of the recommendations is that schools should practise SBM, in the spirit of the SMI Scheme, to develop their own ways of meeting the needs of the students and enhancing learning outcomes.

SBM is the decentralization of decision-making from the Education Bureau (EDB) to schools regarding personnel procedures, financial matters and the design and delivery of curriculum. But schools must still satisfy the government regulatory requirements and the Codes of Aid (COA).

Since 1999, measures have been taken to facilitate schools' implementation of SBM, including more flexible funding arrangements, streamlining of administrative procedures, and devolution of more responsibilities to schools in personnel, financial and curriculum matters. All these measures are to create more room for schools to develop quality education with their own characteristics and provide schools with more flexibility in the use of public funds. Schools can find more information on the background and implementation of SBM at the [“School-based Management” webpage](#).

1.2 Objectives

1. SBM aims to enable schools to manage their operation and resources in an effective and accountable manner so as to raise the standards of teaching and learning and thus improve the students' learning outcomes. Hence, schools are devolved more responsibilities and provided with the necessary resources, autonomy and flexibilities so that they can respond proactively to the needs of the students and the community in the delivery of educational services.
2. The objective is that schools will develop a management framework for building a shared vision and ownership among all members of the school community, and strengthening the partnership among the various stakeholders through participatory decision-making. The key stakeholders can contribute their views and expertise for the betterment of the school.
3. We envisage that our schools will be professional learning communities wherein decisions are made by those who work directly with the students and continuous improvement is ensured through more systematic planning and self-evaluation processes. In sum, the SBM framework is school-based, student-centred and quality-focused.
4. The Figure below illustrates how SBM influences student learning outcome and the interaction/ inter-relationship among the various elements of the school operation:



1.3 Key elements

1. The SBM is a school-based, student-centred and quality-focused framework for school management.
2. The Education Commission recommended that schools have to be more accountable for their performance and more transparent in their operation and SBM should comprise the following five key elements:
 - a. development of formal procedures for setting school goals and evaluating progress towards these goals;
 - b. provision of a school development plan, a school profile, school budgets and means of evaluating progress;
 - c. preparation of a written constitution for the School Management Committee (SMC);
 - d. participation of teachers, parents and alumni in school management, development planning, evaluation and decision-making; and
 - e. development of formal procedures and resources for staff appraisal and staff development according to teachers' needs.

For the guiding principles, key steps and time frame for the preparation of school plans and reports, please refer to Chapter 5. For the establishment of a formal staff appraisal system in school, please refer to Section 7.7.

3. As for participatory governance, under the “[Education Ordinance](#)” (Chapter 279 of the Laws of Hong Kong), 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) and a list of proposed managers to the Permanent Secretary for Education by **1 July 2011** in order to set up the IMC to manage the school.

1.4 Parameters

1. A self-managing school is not free from regulation. It operates within a framework of policies, standards and accountability. In parallel with the autonomy given to schools in the context of school-based management, schools are also required to be publicly accountable for their educational achievements and proper use of public funds.
2. The SBM framework operates in the following ways:
 - a. There will be increased transparency of school governance through direct participation of the key stakeholders in school decision-making and management.
 - b. Schools measure and report on their own performance through self-evaluation processes.
 - c. EDB oversees quality assurance and offers schools an external perspective on their performance.
 - d. EDB develops performance indicators and assessment tools for the schools' reference in conducting their self-evaluation.
 - e. School management is regulated by the requirements laid down in legislation and the COA.

1.5 Major Requirements and Regulations for School Operation

1. Learning and Instructional Matters

Education Regulations: R92(12)

- The responsible person shall inform the Permanent Secretary for Education of any change in the hours of school work.

Education Regulations: R98(1)

- No instruction, education, entertainment, recreation or activity of any kind which, in the opinion of the Permanent Secretary for Education, is in any way prejudicial to the welfare of the students or to their education generally shall be permitted on any school premises or on the occasion of any school or classroom activity.

2. Student Matters

Education Regulations: R58

- No teacher shall administer corporal punishment to a student.

Education Ordinance: S73 - S78

- The Permanent Secretary for Education may issue an Attendance Order requiring a student to attend regularly at primary or secondary school specified in the order.

Education Regulations: R55(1)-(4)

- At least one first aid box shall be provided on the premises of every school.
- At least 2 teachers in every school shall be trained in administering first aid.
- First aid boxes shall be maintained fully equipped at all times. First aid boxes must be fitted outside and adjacent to all science laboratories and school workshops. All science teachers, workshop instructors and their assistants must be familiar with the contents and use of the first aid boxes.

Education Regulations: R53

- The Principal shall immediately report to a medical officer of schools any suspected or known case of infectious disease amongst teachers, students or employees of a school, or when he/ she suspects or knows that any such person has been in contact with a case of infectious disease. The management

authority shall cause the exclusion of such teachers, students, or employees from school if so required by the medical officer of schools.

Education Regulations: R57(1)

- The responsible person of every boarding school shall ensure that every student is medically examined before he/ she is admitted as a boarder.

Education Regulations: R94

- The management authority shall submit information concerning the school or students as may be required by the Permanent Secretary for Education.

3. School Finance Matters

Education Regulations: R60A, R61

- Fees other than the inclusive fees printed on the fees certificate are prohibited unless such collection has been previously approved by the Permanent Secretary for Education.

Education Regulations: R67

- The school shall exhibit the fees certificate in a conspicuous place on the school premises.

Education Regulations: R65

- Any change of the inclusive fee requires the Permanent Secretary for Education's written approval.

Education Regulations: R66(2)

- No manager or teacher of a school shall make collection among students without the Permanent Secretary for Education's written permission.
(not applicable to schools with incorporated management committee (IMC)).

Education Regulations: R63

- The school shall issue formal receipts in respect of every payment made by students/ parents/ guardians.
(not applicable to IMC schools)

Education Regulations: R99A
App 1, COA for PS, App 1, COA for SS
App 1, COA for SPS, Vol. I & Vol. II

- The SMC shall obtain the Permanent Secretary for Education's prior written permission in any of the following cases
 - to operate or to allow any person to operate any business or trading undertaking on the school premises; or
 - to enter into any business or trading arrangements, directly or indirectly, with any person for the supply of any items for students.
- The SMC shall furnish to the Permanent Secretary for Education an annual audited statement of accounts of every such business or trading undertaking, or business or trading arrangements, together with a statement indicating how the profits have been applied or are intended to be applied, within 4 months after the end of the financial year of the school.
- No SMC member shall apply the profits for any purpose not directly benefiting the students of the school without the prior permission in writing of the Permanent Secretary for Education.

Education Regulations: R99B
S14.5(g) of COA for Aided Schools

- Education Regulations: R99A is not applicable to IMC schools. IMC schools shall comply with Education Regulations: R99B.
- The IMC shall not apply any profits arising from trading operations for any purpose not directly benefiting the pupils of the school without the prior written permission of the Permanent Secretary for Education.
- The IMC shall furnish EDB with an annual audited statement of accounts which include the profits arising from such businesses or trading undertakings or trading arrangements within 6 months after the end of the financial year/ the year end date of the school.

Education Regulations: R64

- The management authority shall keep proper accounts and retain the accounts and relevant vouchers for a period of not less than 7 years for inspection by the Permanent Secretary for Education.

S14, COA for PS, S13, COA for SS
S12, COA for SPS, Vol. I & Vol. II
S14.3(e), COA for Aided Schools

- Income arising from subscriptions may not be transferred to any other body or any other fund kept by the sponsoring body unless the school has previously obtained the written permission of the Permanent Secretary for Education.

S17, COA for PS, S15, COA for SS

S15, COA for SPS Vol. I & Vol. II

S14.4, COA for Aided Schools

- The SMC should seek approval before accepting donations which may involve annual recurrent expenditure from Government.
- All such income must be properly reflected in the Subscriptions Account and reported to the Permanent Secretary for Education quarterly. For aided IMC schools, all such income must be properly reflected in the Capital Reserve Fund Account. Schools are not required to report to the Permanent Secretary for Education.

4. Personnel Matters

Education Ordinance: S42 - S44 & S48 - S49

Education Regulations: R68 - R70

- No person shall teach in a school unless he is a registered teacher or a permitted teacher. Applications for registration as a teacher or permission to employ a permitted teacher shall be made on the specified form and accompanied by the documents specified.
- There are some exemptions for private schools offering non-formal curriculum. For details, please refer to [EDBC007/2007 “Education \(Exemption\) \(Private Schools Offering Non-Formal Curriculum\) Order \(Cap. 279F\)”](#).

Education Ordinance: S87(3)

- It is an offence for any person who is not a registered teacher or permitted teacher to teach in a school and the person who employs or permits him to teach is also guilty of an offence.

Education Ordinance: S87(5)

- A period of exemption is provided under the Education Ordinance for the first application for teacher registration.

Education Ordinance: S53 & S57

- The Permanent Secretary for Education's approval is required for the appointment of principal within one month after the registration or provisional

registration of a school, the SMC shall recommend, for the approval of the Permanent Secretary for Education, a teacher of the school to be the principal.

S22, App 3 - 6, COA for PS, S22, App 3, App 4 & App 9, COA for SS

S23, App 3 - 5, COA for SPS, Vol. I & Vol. II

S10.1, COA for Aided Schools

S2 & S4, Compendium to COA for Aided Schools

- For the employment of staff paid out of the Salaries Grant, the SMC has to ensure that the appointee possesses the qualifications required for the respective grade or post as stipulated in the COA.

Education Regulations: R76

- The appointment and dismissal of any teaching staff shall be determined by a majority vote of all the SMC members.

Education Regulations: R77

- The management authority shall be responsible for issuing to all teachers letters of appointment which shall set out the conditions of service, salary scale and conditions of termination of appointment.

Employment Ordinance

- The terms and conditions of employment should not violate the provisions of the Employment Ordinance. Any term of an employment contract which purports to extinguish or reduce any right, benefit or protection conferred upon the employee by the Employment Ordinance shall be void.

Sex Discrimination Ordinance, Disability Discrimination Ordinance,

Family Status Discrimination Ordinance

- The SMC, as the employer, has to ensure that there is no discrimination at work on the grounds of sex, marital status, pregnancy, disability or family status.
- Sex or disability discrimination by an employer in recruiting for a job or in providing opportunities for promotion or transfer to, or training for, a job is not unlawful where sex or the absence of disability is a genuine occupational qualification.

Education Ordinance: S85 and its subsidiary legislation

- All teaching staff are required to join the Provident Fund Scheme.

Mandatory Provident Fund Schemes Ordinance

- All non-teaching staff are required to join the Mandatory Provident Fund Schemes unless they are exempted under the Ordinance.

The Prevention of Bribery Ordinance- S9

- The SMC, as an employer, is responsible for determining the advantages which may or may not be accepted by the staff of the school.

App 7 & App 8, COA for PS, App 6 & App 7, COA for SS

App 7 & App 8, COA for SPS, Vol. I, App 6 & App 9, COA for SPS, Vol. II

S6, Compendium to COA for Aided Schools

- The SMC should follow the procedure for dismissal of teaching staff as laid down in the COA.

Occupational Safety and Health Ordinance

Occupational Safety and Health Regulation

- The SMC, as an employer, has a general duty to ensure, so far as reasonably practicable, the safety and health of their employees at work.

Employment Ordinance

- The SMC must keep employment and wages records for all staff and such records should be retained for at least 6 months after the employee ceases to be employed.

Employees' Compensation Ordinance

- The Supervisor is required to obtain insurance against employer's liability, as well as to sign and display the Notice of Insurance on the school premises.

5. School Premises and Safety

Education Regulations: R98

S48, COA for PS, S48, COA for SS

S52, COA for SPS, Vol. I, S53, COA for SPS, Vol. II

S16.1, COA for Aided Schools

- The school premises shall not be used in any way prejudicial to the welfare of the students and to their education generally.

S18, COA for PS, S16, COA for SS, S16, COA for SPS, Vol. I & Vol. II

S14.2(d), COA for Aided Schools

- The profit received from hiring out the school premises shall be credited to the school accounts.

Education Ordinance: S20, Education Regulations: R10

The Permanent Secretary for Education's approval is required for the following matters:

- additional premises, alternative premises and deletion of premises;
- structural alterations to the school premises;
- alteration to the latrine accommodation or the sanitary arrangements of the school;
- alteration to the ventilation or lighting of a classroom; and
- any subdivision of a classroom.

Education Regulations: R16

- No roof or balcony shall be used for physical education or recreational purposes without the written approval of the Permanent Secretary for Education.

Education Regulations: R17

- The school shall obtain a certificate of stability issued by an authorized person, who certifies the suitability of using the roof as a playground, and specifies the maximum number of students at any one time.

Education Regulations: R18

- Students using roof playgrounds or balcony shall be under supervision of a teacher.

Education Regulations: R21(2)(a)

- Instruction shall be given in the use of tools or the operation of machines or in science experiments by a responsible teacher.

Education Regulations: R22

- No machinery or machine tools shall be installed or used in a school workshop except in accordance with the written consent of the Permanent Secretary for Education.

Education Regulations: R21, R22A, R22B, R32 & R33

- A teacher shall be appointed to be in charge of (i) every workshop; and (ii) every science laboratory and store room. The teachers shall be responsible for ensuring that all necessary safety precautions are adopted.

Education Regulations: R27

- No student shall be permitted to enter any school workshop or science laboratory unless a teacher is present.

Education Regulations: R28

- Not more than 20 students may be taught in a school workshop at the same time by any one teacher without the approval of the Permanent Secretary for Education.

Fire Service (Installation and Equipment) Regulations

- Fire service installations or equipment must be kept in efficient working order and inspected by a registered contractor at least once every 12 months.

Education Regulations: R39(1)

- All fire service installation and equipment on the school premises must be kept in good condition at all times.

Education Regulations: R40 - R50

- The school shall comply with the requirements regarding health and sanitation.

Education Regulations: R56

- Boarding schools shall comply with the requirements regarding facilities and management of the dormitory.

Education Regulations: R51

- No smoking and spitting shall be permitted on the school premises.

6. General Administration

Personal Data (Privacy) Ordinance

- Schools shall ensure that the purpose and manner of collection of personal data, the use of personal data, the security measures for personal data, and access to personal data, etc. are in line with the respective legislation. Each

school shall keep and maintain a log book of refusals to comply with data access or correction requests.

Education Regulations: R79 - R82

- Schools shall send to the Permanent Secretary for Education before 15 August in each year notice of all holidays it is intended to give in the coming school year. Holidays not mentioned in the notice shall only be given with the approval of the Permanent Secretary for Education.

Education Regulations: R83

- The school holiday list signed by the Principal and/ or countersigned by the Supervisor shall be posted at all times in a conspicuous place on the school premises.

Education Regulations: R90

- A separate attendance register in a form approved by the Permanent Secretary for Education shall be kept for each class.

Education Regulations: R38

- The Principal shall draw up a practical scheme for the evacuation of the school premises in case of fire. Fire drills carried out by teachers and students, and the time taken to evacuate the school premises, shall be recorded in a school log book.

Copyright Ordinance

- School practices shall be in conformity with the legislation on copyright, in particular, photocopying, use of computer software, etc.

Disability Discrimination Ordinance, Sex Discrimination Ordinance,

Family Status Discrimination Ordinance

- Schools shall eliminate all forms of discrimination in their policies and procedures.