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Chapter 7 Personnel Matters

7.1 Introduction

1. With the implementation of school-based management, the SMC, as the employer of all school staff, exercises greater autonomy and responsibilities in personnel matters. To ensure effective deployment and management of human resources, it is important for explicit policies and procedures to be in place for recruitment, promotion, acting appointments, regrading, performance management, retirement and succession planning, etc. Moreover, these policies and procedures must be fair and be seen to be fair. This will avoid any actual or perceived conflict of interest as well as any allegation of favoritism that will undermine staff morale and the accountability of management processes.
2. Schools should refer to the following, and any other relevant legislation, in drawing up their personnel policies or procedures:
 - a. Education Ordinance and Education Regulations (Cap.279 and 279A), the Laws of Hong Kong)
 - b. Codes of Aid
 - c. Employment Ordinance (Cap.57, the Laws of Hong Kong)
 - d. Employment Compensation Ordinance (Cap.282, the Laws of Hong Kong)
 - e. Personal Data (Privacy) Ordinance (Cap.486, the Laws of Hong Kong) and the Code of Practice on Human Resource Management
 - f. Legislation on equal opportunities, such as the Sex Discrimination Ordinance (Cap.480, the Laws of Hong Kong), and the Code of Practice on Employment issued by the Equal Opportunities Commission
 - g. Prevention of Bribery Ordinance(Cap.201, the Laws of Hong Kong)
 - h. Mandatory Provident Fund Scheme Ordinance (Cap.485, the Laws of Hong Kong)
 - i. Code for the Education Profession of Hong Kong
 - j. “Occupational Safety and Health Ordinance” and the subsidiary legislation (Cap.509, the Laws of Hong Kong)
 - k. relevant EDB circulars
3. With respect to school personnel matters, EDB continues to take up the following responsibilities:
 - a. approving the staff establishment of aided schools
 - b. setting the entry and promotion requirements for all teaching staff and specialists
 - c. setting the salary scales for all grades and ranks of teaching and specialist staff
 - d. providing subsidy for salary expenses

- e. approving the appointment of the following categories of staff on the salaries grant payroll:
 - school heads
 - teachers directly appointed to promotion ranks
 - teachers on overseas terms
 - temporary Native-speaking English Teachers (NETs)
 - registered teachers by merit of 10 years recognized teaching experience (R-10 teachers)
 - unqualified teachers
 - school heads and teachers above retirement age
4. For more information on teaching staff establishment, including the provision of teacher-librarians in aided primary schools, turning the specialised teaching posts into permanent posts, turning the primary curriculum leader posts into permanent posts, improving student guidance services, and providing additional teachers to schools with Band 3 and Bottom 10% students at S1 - S3, please refer to the following circulars:
 - **EDBC 030/2001 “Provision of Teacher-Librarians in Aided Primary Schools”**
 - **EDBC 004/2006 “Measures to Relieve Teachers’ Workload”**
5. Aided IMC schools should read this Chapter in conjunction with the [“Supplement to the School Administration Guide”](#).

7.2 Appointment, regrading, promotion and acting appointment

7.2.1 Appointment of teaching staff

1. Guiding Principles

To ensure the quality of education, schools should consider giving priority to trained teachers in appointment. In handling the appointment of teachers, SMCs are reminded to note, in particular, the entry qualifications stipulated in the COA, the language proficiency requirement for teachers, as well as the requirements for teacher registration stated in S42, S44, S48 and S49 of the Education Ordinance and the Second Schedule of the Education Regulations. Please refer to Section 7.3 for more details on principles and procedures of staff selection.

2. Responsibilities of SMC

The SMC should be responsible for ensuring that the following procedures are properly executed, approving the appointment, issuing letters of appointment to and entering into agreement on the terms of contract with the appointees.

- a. Schools should assess the fitness and suitability of candidates for employment and ensure that the candidates are registered teachers or possess the necessary qualifications for registration as a registered or permitted teacher, with reference to the minimum entry requirements for the respective rank/ grade stipulated in the Codes;
- b. select suitable candidates to fill the teaching vacancies, verify carefully the qualification documents of the applicants, including their Certificate of Registration as a Teacher and Certificate of Service from their previous employers, and require the applicants to declare in the job application form and/or other related documents whether they have been convicted of any criminal offence in Hong Kong or elsewhere, or whether their registration or permission status as a teacher has been cancelled/ refused, and to provide the details. Schools should also state in the contract of services the consequences of intentionally providing false information/ withholding any material information (including the disciplinary action);

[The Law Reform Commission of Hong Kong (LRC) has proposed to establish the Sexual Offences Records Checks for Child-related Work to enable employers of persons undertaking child-related work to check the criminal conviction records for sexual offences of employees. The Government is now studying the proposal from LRC and will take follow up actions. When the Sexual Offences Records Checks is established, schools should adopt appropriate measures accordingly.]
- c. consult the applicants' previous employers about their job performance with their prior consent to ensure that the selected candidate is suitable for the post;
- d. the above paragraphs a to c are also applicable to teaching staff appointed on temporary/ contract/ part-time basis, native-speaking English teachers directly

employed by schools, daily-rated supply teachers, teaching staff paid out of other cash grants, etc.;

- e. determine the nature of appointment, e.g. offering appointment on regular or temporary terms, on full-time or part-time basis;
- f. approve the salary entitlement in accordance with the principles set out in the COA and the [“Guide to Salary Assessment”](#); and
- g. obtain approval from the majority of managers of the school the appointment of any teacher to occupy a teaching position in the staff establishment provided for in the COA or for a term not less than 6 months.
- h. Regarding the detailed arrangement of staff appointment, please refer to:
 - [EDBC005/2005 “Appointment of Staff in Schools”](#)
 - [EDBCM065/2010 “Measures for Strengthening the Protection of Students: Appointment Matters of Schools”](#)

3. Appointment of school head

- a. The functions of the school head have been defined in S58 of the Education Ordinance. S53 and S57 of the Education Ordinance and relevant sections of the COA also stipulate that the appointment of the school head should be approved by the Permanent Secretary for Education (PSEd).
- b. Furthermore, SMCs should observe the requirements on Certification for Principalship as specified in
 - [EDBC032/2003 “Certification for Principalship”](#)
 - [EDBC002/2005 “Revised Arrangement of the Certification for Principalship”](#)
 - [EDBC022/2008 “Arrangements for Renewing the Certification for Principalship”](#)
- c. As professional leadership is a key factor contributing to school effectiveness, it is essential that the headship be taken up by a person who demonstrates the qualities to inspire and lead the staff and students. SMCs should also make reference to the [leaflet “Selection and Appointment of a School Principal”](#).

4. Appointment of temporary teacher

The SMC may approve the employment of a temporary replacement on monthly terms under the following circumstances:

- a. to substitute for teaching staff who have been granted sick leave, maternity leave, study leave or any approved leave for a period of not less than 90 days; and
- b. to fill a teaching vacancy under exceptional circumstances, justifications for which should be properly documented.

5. Appointment of unqualified teacher

Under no circumstances should a person unable to satisfy the minimum qualifications required for entry to the teaching profession be considered for

appointment except with strong justifications. In such cases, the SMC has to obtain the prior approval of PSEd.

6. Appointment of supply teacher

- a. The SMC is responsible for the appointment of supply teachers who are paid on fixed daily rates according to the principles set out in the relevant COA. Application for reimbursement should be directed to the Recurrent Subvention Section of EDB.
- b. For details, please refer to [“Guidelines for Employment of Daily-rated Supply Teachers in Aided Schools”](#) available at “Supply Teachers” webpage.

7.2.2 Regrading

1. The regrading of serving non-graduate teachers of aided schools should be approved by the SMC.
2. The regrading of serving non-graduate teachers to fill vacant graduate posts should be processed through a proper selection procedure, in accordance with the relevant circulars and the entry requirements for graduate posts as stipulated in the COA. Schools should also develop a set of school-based criteria which are objective, fair and transparent and assess the suitability of candidates with reference to the skills and attributes required for the post.
3. Please refer to Section 7.3 for more details on principles and procedures of staff selection. Regarding the enhancement of graduate teacher ratio in aided primary and secondary schools with effect from 1 September 2008, please refer to:
 - [EDBC007/2008 “Enhancement of Graduate Teacher Ratio in Aided Primary Schools”](#)
 - [EDBC004/2008 “Enhancement of Graduate Teacher Ratio in Aided Secondary Schools”](#)
4. The SMC should inform the Funds Section of the school’s decision on approval of application using the forms for regrading for adjustment to salary particulars and assess the salary entitlement in accordance with the principles detailed in the [“Guide to Salary Assessment”](#) with copies to the respective District School Development Section. Schools may access the relevant forms on the [“Appointment Matters”](#) webpage.

7.2.3 Appointment of non-teaching staff

1. The SMC of an aided school is responsible for the appointment of non-teaching staff in accordance with the provisions of the Codes. The appointment of specialists in aided secondary schools, primary schools and special schools should also comply with the qualifications, job requirements, staff establishment, salary scales and conditions of appointment laid down in the Codes. Appendix 1 gives a summary of the various non-teaching posts in aided schools.

2. To ensure that the job applicants have met the appointment requirements for selection purposes, schools should also follow paragraphs 2b and 2c of Section 7.2.1 above with prudence when employing non-teaching staff.
3. Schools in receipt of the Administration Grant/ Revised Administration Grant can use the Grant flexibly to employ administrative staff, workshop attendants and janitors to meet their specific needs. For example, they can employ staff or contract out the cleaning or clerical duties, decide on the offer of full-time or part-time appointment and determine the staff remuneration.
4. Schools in receipt of the Revised Administration Grant are allowed to pay the actual salary of their clerical staff through the Salaries Grant and the salary of the janitor staff through the Revised Administration Grant. Clerical staff paid out of the Salaries Grant includes the grades of Assistant Clerical Officer and Clerical Assistant. Schools should refer to the conditions of appointment and salary scale stipulated in the Codes. Incremental credits would be awarded to clerical staff for past experience in aided schools without break of service. Schools are allowed to use the Revised Administration Grant flexibly in the same way as the Administration Grant, i.e. to employ janitor staff, contract out services and provide extra clerical services to meet their specific needs.
5. Administration Grant and the Revised Administration Grant are calculated as follows :

Administration Grant (per annum)

(No. of clerical staff per approved establishment for the current school year x mid-point salary of the clerical staff + No. of janitor staff per approved establishment for the current school year x maximum point salary of the janitor staff) x 12

Revised Administration Grant (per annum)

No. of janitor staff per approved establishment for the current school year x maximum point salary of the janitor staff x 12

6. The provision of the Revised Administration Grant is a transitional measure. In the long run, it is expected that schools would pay the salaries of both clerical and janitor staff through the Administration Grant. Hence, schools which have opted for the Revised Administration Grant may opt for the Administration Grant if they prefer so. The option once exercised in favour of the Administration Grant is final and irrevocable.
7. Schools are requested to keep a separate ledger account named "Administration Grant/ Revised Administration Grant Account" to reflect all income and expenditure chargeable to it. With effect from the 2000/01 school year, Administration Grant and the Revised Administration Grant have been included in the constituent grants under the Operating Expenses Block Grant (OEBG)/

Expanded Operating Expenses Block Grant (EOEBG). Please refer to the reference materials of OEBG/ EOEBG on the EDB webpage for details.

8. The proforma statement of the Administration Grant/ Revised Administration Grant Account is attached to the relevant Circular Memorandum on submission of annual accounts by aided schools. The completed proforma should be forwarded to the Audit Section of this Bureau together with the Audited Accounts by the date specified in the Circular Memorandum.
9. Provision of School-based Educational Psychologists in Aided Primary and Secondary Schools
 - a. As recommended by the “Education Commission Report No. 4”, the EDB has created 12 Educational Psychologists (EP) posts in the aided sector since 1993/94 under a schools support scheme (SSS) to allow major sponsoring bodies of aided secondary schools operating a minimum of 6 schools to employ EPs for providing school-based psychology service (SBEPS) according to the following scale:

No. of aided secondary schools operated by the same sponsor	Provision of EPs
6 - 10	0.5
11 -15	1.0
16 - 20	1.5
21 - 25	2.0

- b. Apart from the above, the EDB has been creating new EP posts in aided primary and secondary schools by phase, starting from the 2008/09 school year in order to step up support for schools to cater for students’ diverse educational needs. SSB are invited to apply for these EP posts. The SSB awarded EP post is to arrange a “base school” under its sponsorship to employ the EP as a member of its non-teaching staff and to provide SBEPS for schools assigned by the Bureau. The SSB shall have an appropriate quality assurance mechanism to monitor and coordinate the service.
 - c. For the above-mentioned SBEPS, EPs will support school development at the system, teacher and student levels through regular visits. Appendix 2 gives details of the guides to appointment of EPs and their duties as well as the service operation.

7.2.4 Promotion and acting appointment

1. As regards promotion and acting appointment, the responsibilities of the SMC are:
 - a. to define clearly and make known the distribution of responsible posts, including the delineation of duties in accordance with the organization structure of the school;

- b. to ensure a fair distribution of workload;
 - c. to set requirements on top of the minimum requirements for promotion to meet schools' needs as necessary;
 - d. to select suitable candidates to take up the responsible posts with reference to the respective selection criteria;
 - e. to approve acting appointments and promotions of laboratory technicians and specialist staff;
 - f. to provide for reversion and change of responsible posts; and
 - g. to put in place an appeal mechanism to handle staff queries.
2. For aided schools to make arrangement for acting appointment and granting of acting allowance, the SMCs are required to observe the rules set out in **EDBC008/2004 “Acting Appointment and Acting Allowance”**. Please refer to Section 7.3 for more details on principles and procedures of staff selection.
 3. For general principles of promotion, acting appointment and regrading of teachers/ specialists in aided schools, please refer to **EDBC030/2000 “Promotion, Acting Appointment, Regrading of Teachers/ Specialists and Passage over Efficiency Bar of Specialist Staff in Aided Schools”**. Please also refer to the circulars listed below relating to promotion of staff:
 - **EDBC037/2001 “English Language Proficiency Requirement for Filling English Panel Chair Posts in Aided Secondary Schools”**
 - **EDBC036/2001 “Provision of One Additional Senior Teacher Post in Aided Primary Schools”**

7.3 Staff selection

7.3.1 General principles and procedures

1. The SMC has to draw up guidelines and procedures governing the appointment, regrading and promotion of teachers. Selection of staff must be determined solely on the basis of merit and ability assessed according to a set of criteria relevant to the requirements of the work to be performed. All selection exercises (including appointments, regrading and promotions) should be handled by a selection panel, the role of which is to assess the relative suitability of applicants and to make recommendations on the applicants who best meet the criteria. A checklist on staff recruitment procedures and a flow chart on promotion and acting appointment are at Appendices 3, 4 & 5. Appendix 6 details the procedures for regrading in primary schools, and similar procedures can be adopted for secondary schools.
2. The basic principles and some key features of an effective selection system are highlighted below to facilitate the formulation of school policies and procedures.
 - a. **Fairness and transparency**
 - Formal selection procedures should be set up under the principles of fairness and transparency.
 - All vacancies should either be advertised in the press, or circulated by internal circulars (for promotions, acting appointments and regrading of serving staff only) as appropriate. Information in the advertisement should be gender-neutral and discrimination-free (including race, religion, sex, marital status, pregnancy, disability, family status, etc.). The number of vacant posts for appointment/regrading, acting appointment/promotion should be made known to applicants.
 - Selection procedures for appointment, regrading, acting appointment and promotion (such as any arrangement for written assessment, number of interviews and the time for the announcement of result(s)), should be clearly understood by applicants and should be made known to parties concerned. Any deviation from the specified procedures should be justified and approved by the SMC.
 - Applicants who meet the stipulated minimum requirements should be given equal opportunity for selection.
 - If the school has a well-established appraisal system, the candidates' performance appraisal reports over a specified period may also be taken into account in promotion exercises.
 - An independent selection panel should be appointed to consider all applications.
 - Applicants should be assessed according to predetermined criteria and specified procedures. A standard form should be used to record assessments made by individual panel members. Assessment criteria relevant to the work to be performed, whether for shortlisting applicants or assessment purposes, must be free

from bias and discrimination in terms of disability, sex, marital status, pregnancy, etc. The criteria must be documented and made available to all applicants.

b. Documentation

- The composition and deliberations of the selection panel should be properly documented and recorded on an assessment form. All personal data must be handled with care in accordance with the requirements of the Personal Data (Privacy) Ordinance. In case of doubt, schools may consult the [Office of the Privacy Commissioner for Personal Data \(PCPD\)](#).
- Schools should note that the assessment record will be subject to data access by the individuals concerned after the completion of the selection exercise. Hence, the reasons for recommending or not recommending applicants should be noted clearly on the assessment form.
- It is also preferable for separate records to be kept of the individual assessment and overall recommendations. The panel's comparison of the relative merits of individual candidates and the recommendations made by the panel should be classified "restricted". Decisions of the SMC should also be properly documented. Please refer to Appendix 8 for the period suggested for the retention of such data.

c. Review

- The SMC may have to appoint an independent review panel on an ad hoc basis to handle any complaint made by unsuccessful applicants. The review should also be documented.
- The SMC also needs to conduct regular overall reviews of the selection criteria and procedures in adequate consultation with the staff concerned. For the sake of fairness, the composition of the review panel should differ from the selection panel.

7.3.2 Selection panel

1. Membership

- a. To ensure that decisions are made objectively, the shortlisting and interviewing of applicants should not be conducted by one person.
- b. For impartiality in decision-making, the selection panel should comprise a good representation of stakeholders. It is also essential to include professionals familiar with the job requirements of the vacant post.
- c. For recruiting staff other than the school head, it is recommended that the panel should comprise the following members:
 - an SMC member other than the school head
 - the school head
 - a senior teacher of the respective subject such as the Head of the History Panel for the recruitment of history teachers, or a senior administrative staff, depending on the nature of the post to be filled

- d. For recruiting the school head, the SMC should consider appointing a panel comprising representatives of the following stakeholders:
- the school sponsoring body
 - parents of students at the school
 - independent persons
 - alumni
- e. An EDB representative may also join the panel as an observer upon invitation or when PSEd considers this necessary.
- f. The membership of all selection panels should be approved by the SMC and communicated to all parties concerned.

2. Conflict of interest

- a. To safeguard fairness in decisions, all managers and staff including the school head and individuals involved in the selection or approval process should be required to:
- declare conflict of interest if any applicant is his/ her family member, relative, friend or a person to whom he/ she owes a favour or is obligated in any way; and
 - refrain from taking part in the selection assessment if there is any conflict of interest.
- b. Such declarations should be recorded, e.g. in the standard assessment form used for evaluating candidates or the notes of panel meetings. Appendix 11 elaborates in more detail on the subject of conflict of interest.

3. Implementation

- a. The Chairperson, Secretary and members of the selection panel should understand their roles and responsibilities before conducting the selection exercise.
- b. To facilitate a decision by vote, there should be an odd number of members on the panel.
- c. Panel members are required to sign all documents, which should include assessment forms in respect of individual candidates and recommendations of the panel. The records should be kept for a prescribed period of time.

7.4 Administrative procedures for the appointment of school staff

7.4.1 Physical check-up

1. All teaching staff (other than supply teachers paid on daily rates) should, before appointment, undergo a physical check-up by registered medical practitioners. Serving registered teachers on transfer from one aided school to another without break of service are exempted from this requirement.
2. The SMC may exempt teachers and other staff from a pre-employment X-ray examination under the conditions specified in the COA and the conditions as set out in [“Medical Examination and Health Condition of Staff in Aided Schools”](#).

7.4.2 Verification of qualifications and experience

1. The School head shall verify the qualifications, experience and other personal particulars of the applicant. The related appendices of the COA and the [“Guide to Salary Assessment”](#) are relevant.
2. The SMCs are reminded to check whether the staff to be appointed has fully complied with all the terms of the contract he/ she signed with his/ her previous employers before offering appointment.
3. The SMC should ensure that the teacher to be appointed has fulfilled the minimum requirements. Prior to employing teaching staff holding non-local academic and/or professional qualifications, the SMCs are required to ascertain whether their qualifications are comparable to the local qualifications required for appointment. Please refer to [EDBC001/2005 “Assessment of Non-local Qualifications for Appointment to Teaching Posts in Aided Schools and Registration of Teachers for All Non-government Schools”](#).
4. Before employing teaching or non-teaching staff, schools
 - a. must verify carefully the qualification documents of the applicant, including his/ her Certificate of Registration as a Teacher and Certificate of Service from his/ her previous employers;
 - b. should require the applicant to declare in the job application form and/or other related documents whether he/ she has been convicted of any criminal offence in Hong Kong or elsewhere, or whether his/ her registration or permission status as a teacher has been cancelled/ refused, and to provide the details (Schools should inform the candidates that their job applications will not be considered if they refuse to disclose the necessary information and that any conviction of criminal offence(s) may not necessarily render their applications unsuccessful);

- c. may consult the applicant's previous employers about his/ her job performance with his/ her prior consent;

[When the Sexual Offences Records Checks is established, schools should adopt appropriate measures accordingly.]

5. In making appointment considerations, the SMCs are also requested to observe the following requirements:

- a. Any teacher who has participated in the Early Retirement Scheme (ERS) for aided school teachers or in the ERS for teaching grades staff in EDB is not allowed to take up full-time or part-time teaching employments (including those created by government funds which are for the purpose of providing additional teachers to schools, but excluding those daily-rated part-time jobs each of duration not more than 90 days) in government, aided, caput and DSS schools after the date of early retirement;

- b. Any new English/ Putonghua teacher holding a permanent post in all primary and secondary schools should at least have met the Language Proficiency Requirement (LPR) in all the papers (except for Classroom Language Assessment (CLA)) of the respective subject(s) in the Language Proficiency Assessment for Teachers prior to teaching the language subject. He/ She will have to meet the LPR in CLA within the first year he/ she takes up his/ her teaching duties. For details, please refer to:

- [EDBCM159/2010 "Language Proficiency Assessment for Teachers"](#)
- [EDBCM079/2010 "Application for Exemption from the Language Proficiency Requirement for English and Putonghua \(PTH\) Teachers"](#)
- ["Language Proficiency Requirement" webpage](#)

- c. New Chinese and English Language teachers in all primary and secondary schools should hold the degree and teacher training qualifications as required in [EDBCM054/2004 "Implementation of Recommendations of Standing Committee on Language Education and Research on Language Teacher Education and Qualifications"](#). Please refer to the ["Recommendations of Standing Committee on Language Education and Research on Language Teacher Education and Qualifications" webpage](#).

- d. For advice on appointment of specialist staff, schools may approach their respective SSDOs.

7.4.3 Teacher registration

1. Provision in the Education Ordinance

- a. S42(1) of the Education Ordinance stipulates that - "No person shall teach in a school unless he/ she is - (a) a registered teacher; or (b) a permitted teacher."
- b. Under S87(3) of the Education Ordinance, it is an offence for any person who is not a registered or permitted teacher to teach in a school and the person who employs or permits him to teach is also guilty of an offence. However, subsection (5)

provides a period of exemption for the application for registration to be processed and ensures that the teacher and the employer are not placed in the position of committing an offence during this period. The period of exemption from penalty applies to a first application only.

2. Registration procedure

- a. Supervisors and school heads should ensure that all teachers have undergone the registration formalities. Teachers possessing the requisite qualifications for registration as set out in Part I of the Second Schedule of the Education Regulations must make their application in a prescribed form (Form 8), which has to be submitted to the Teacher Registration Team of EDB for processing prior to their assumption of duties. A Certificate of Registration as a Teacher (Form 9) will be sent to the applicant after vetting and approval.
- b. If no suitable registered teacher is available, the Supervisor may apply for permission to employ an applicant as a permitted teacher. The Supervisor should complete as soon as the appointment of teacher has been confirmed and submit prior to the teacher's assumption of duty a Form 10 (for a person who has never been employed as a permitted teacher before) or a Form 11 (for a person who has previously been a permitted teacher) in duplicate to the Teacher Registration Team. If the application is approved after vetting, a Permit to Employ an Unregistered Teacher (Form 12) specifying, where necessary, the limitation on the subjects and levels permitted to teach will be sent by the Teacher Registration Team to the Supervisor, with a copy to the teacher concerned. The Permit will be deemed invalidated upon cessation of his/ her employment with the school specified therein.
- c. In case of doubt about a potential appointee's registration status, the school may seek his/ her consent to apply to EDB for the release of teacher registration information to the school.
- d. For details, please refer to:
 - [“Teacher Registration” webpage](#)
 - **EDBC011/2007 “Revised Procedures for Teacher Registration”**

7.4.4 Employment contract

1. Provision in the Education Regulation

In accordance with R77, the Supervisor shall be responsible for issuing to all teachers letters of appointment that shall set out - conditions of service, salary scale and conditions of termination of appointment. The supervisor should, on behalf of the SMC, sign on every copy of the letter of appointment for teachers.

2. Provision in the Employment Ordinance

In preparing the employment contract or letter of appointment, the SMC should pay attention to S70 of the Employment Ordinance, which stipulates that – “Any term

of a contract of employment which purports to extinguish or reduce any right, benefit or protection conferred upon the employee by this Ordinance shall be void.”

3. Key elements to be included in the Employment Contract/ Letter of Appointment

The SMC shall refer to all relevant legislation, the Codes and the circulars currently in force in drawing up the terms and conditions of the appointment. The following are key elements recommended for inclusion in the letter of appointment:

- a. Period of probation
- b. Salary scale, incremental date and payment of salary
- c. Description of duties
- d. Outside work
- e. Staff benefits such as provident fund and leave provisions
- f. Absence from duties
- g. Standards of professional conduct/ code of conduct
- h. The requirement for staff to report forthwith any criminal proceedings against them and the consequences of intentionally providing false information/ withholding any material information
- i. Policy on staff performance management
- j. Termination of appointment and period of notice
- k. Conditions for payment of salary on commencement/ termination of appointment
- l. Retirement
- m. Duty arrangements during bad weather such as typhoon, Black Rainstorm Warning
- n. Future promotion prospects
- o. Other employment conditions, including language proficiency requirement for English/ Putonghua teachers, degree and teacher training qualifications for Chinese and English Language teachers and Certification for Principals for school principals.

4. Major points to note in drafting the employment contract:

- a. The Employment Ordinance stipulates that an employee who works continuously for the same employer for four weeks or more, with at least 18 hours in each week, is regarded as working under a continuous contract.
- b. According to R77 of the Education Regulations, the responsibilities and duties required of the teacher have to be specified in the employment contract.
- c. A teacher employed full-time in a school administered under the terms of the relevant COA shall not engage in teaching or lecturing outside the school in which he/ she is so employed, except with the prior approval of the Supervisor. The SMC should consider whether the outside work of the teacher would affect his/ her daily

duties or the work may give rise to a conflict of interest. It is advisable for the SMC to state clearly the school's policy regarding outside work.

- d. In accordance with S85 of the Education Ordinance and its subsidiary legislation, a teacher has to contribute to the Provident Fund Scheme and such an arrangement should be included in the contract. The Grants School Provident Fund and the Subsidized Schools Provident Fund are exempted from the Mandatory Provident Fund Schemes Ordinance.
- e. For employees who should enroll in a registered Mandatory Provident Fund (MPF) Scheme according to the MPF Scheme Ordinance, schools, as an employer, should for each contribution period
 - make the employer's mandatory contribution to the trustee of the Mandatory Provident Fund Scheme, and
 - deduct the employee's mandatory contribution from the employee's relevant income (and NOT to include the employer's contribution in the employee's relevant income).
- f. Leave provision should be in compliance with the COA or the Employment Ordinance as appropriate.
- g. It is desirable to include in the contract the provision for disciplinary actions, as well as the procedures for handling staff discipline and grievances.
- h. The conditions, requirements and selection criteria for teacher promotion should be laid down in the contract.
- i. The arrangements and conditions for retirement and extension of service should be spelt out clearly.
- j. Other conditions may be added provided that they are in conformity with the provisions of the legislation of Hong Kong, the COA and the instructions that PSEd may issue to schools from time to time.
- k. Conditions of employment, qualifications requirements and fringe benefits for native-speaking English teachers or teachers appointed on overseas terms in aided primary/ secondary schools, special schools and skills training schools should be drawn up in accordance with the Code of Aid for primary/ secondary schools and the contents of relevant circulars or circular memoranda on the programmes issued by the EDB. For details, please refer to the following circulars or circular memoranda issued by the EDB:
 - **EDBC008/2002 "Native-speaking English Teacher (NET) and English Language Teaching Assistant (ELTA) Scheme in Primary Schools"**
 - **EDBC022/2002 "Native-speaking English Teacher (NET) and English Language Teaching Assistant (ELTA) Scheme in Primary Schools - Flexible Arrangement"**
 - **EDBC012/2003 "Native-speaking English Teacher (NET) and English Language Teaching Assistant (ELTA) Scheme in Primary Schools - Teaching of English as a Second/ foreign Language Qualification"**

- EDBCM063/2010 “Native-speaking English Teacher Scheme in Primary Schools - Appointment and Re-appointment of Native-speaking English Teachers for the 2010/11 School Year”
 - EDBCM064/2010 “Enhanced Native-speaking English Teacher Scheme in Secondary Schools - Appointment and Re-appointment of Native-speaking English Teachers for the 2010/11 School Year”
 - EDBCM080/2010 “Native-speaking English Teacher (NET) Scheme in Primary Schools - Letter of Appointment”
 - EDBCM081/2010 “Enhanced Native-speaking English Teacher (NET) Scheme in Secondary Schools - Letter of Appointment”
1. As employment contracts are private contracts, schools should note that the actual terms upon which a school engages its teachers constitute a matter of a private contract. Schools are also required to include all relevant requirements for appointment in the conditions of service and make modifications to the letters of appointment and conditions of service to suit the circumstances of each appointment.

7.4.5 Staff data and personal file

1. The personal data of every member of staff in the school should be kept in a staff personal file.
2. In formulating their policies and procedures for collecting and handling personal information of staff, schools should refer to the Code of Practice on Human Resource Management issued by the Office of the Privacy Commissioner for Personal Data, Hong Kong (PCPD). Schools should note that the Personal Data (Privacy) Ordinance provides for a data subject the right of access to both factual and evaluative personal data, except for the exemptions provided in Part VIII of the said Ordinance. The [guidelines](#) set out in the Ordinance must be observed in handling such a request. In case of doubt, schools may browse the “[PCPD](#)” [website](#). Schools can also download the Data Access Request Form specified by the PCPD and other resource materials relating to data privacy.
3. Employment-related data should be properly kept. The information/ documents recommended for inclusion in the staff personal file and their retention periods are at Appendices 7 and 8.

7.5 Rights and benefits of school employees

7.5.1 Employment protection under the Employment Ordinance

As stipulated in Part VI A of the Employment Ordinance, an employee may claim remedies for unreasonable dismissal, unreasonable variation of the terms of the employment contract, and unreasonable and unlawful dismissal. The SMC must familiarize themselves with the related provisions.

7.5.2 Staff safety and staff injured on duty

1. Provisions in relevant ordinances

With the implementation of the Occupational Safety and Health Ordinance, employers have a general duty to ensure, so far as reasonably practicable, the safety and health of their employees at work. Employees at work are required to take care of others and to co-operate with the employers or other persons in order to comply with the requirements of the Ordinance. The Labour Department has issued the [“Occupational Safety and Health in Schools”](#), suggesting precautionary measures to prevent accidents and occupational diseases in schools.

2. Sick leave for injury on duty and compensation

- a. Subvented staff injured on duty will be paid full salary during the sick leave period, and compensation in accordance with the Employees’ Compensation Ordinance. The sick leave will not count against the staff’s normal sick leave entitlement.
- b. Non-subvented staff injured on duty will be paid periodical payments and compensation in accordance with the Employees’ Compensation Ordinance.
- c. For details, please refer to [EDBC031/2001 “Staff Injured On Duty”](#).

3. Insurance

- a. The Government has taken out an employees’ compensation insurance under the Block Insurance Policy for aided schools in respect of staff subvented by EDB. Medical Malpractice Liability insurance for paramedical and nursing staff in special schools is taken out by the Government on behalf of all aided special schools under the Medical Malpractice Liability Policy.
- b. For staff whose salaries are not subvented by EDB (that is, staff not paid through the Salaries Grant or Administration Grant/ Revised Administration Grant or OEBG or Capacity Enhancement Grant), schools should arrange their own employees’ compensation insurance to cover them, and the premium should be borne by the schools’ own funds.
- c. Schools should notify the insurance company as soon as possible and claim reimbursement according to the procedures laid down in the relevant policy.

- d. For details, please refer to [EDBC014/2009 “Block Insurance Policy for Public Liability, Employees’ Compensation and Group Personal Accident for 2009/2010 and 2010/2011 School Years”](#).

7.5.3 Leave matters

1. Policy formulation

- a. Policies relating to granting of leave should be developed in consultation with staff to ensure impartiality and consistency. The details of these policies, including the application and processing procedures, leave entitlement and principles for granting leave should be communicated to staff.
- b. The SMC may grant leave to staff in accordance with the conditions stipulated in the COA, the Employment Ordinance and any instruction PSEd may issue from time to time. Appendix 9 gives a summary of the leave provisions for staff appointed in aided schools. Depending on the nature of the leave taken, the SMC may delegate to the school head the approving authority for granting leave. Appendix 10 outlines the approving authority for various types of leave and also suggests delegation arrangements for schools' reference.

2. Leave records

- a. Schools should keep up-to-date leave records for their staff and such records shall be available for inspection as and when required. Schools may refer to [EDBC001/2006 “Granting of Leave in Aided Schools”](#) for samples of leave records for teaching and non-teaching staff respectively.
- b. Schools are required to send to EDB annual records of leave granted for PSEd's endorsement in August each year.

3. Leave for teaching and non-teaching staff

a. Teaching staff

- All teaching staff shall be eligible for sick leave, tuberculosis leave, study leave, and other paid leave, according to the conditions and entitlement laid down in the COA.
- All female teachers are entitled to maternity protection under the Employment Ordinance and receive full pay during the leave period in accordance with the provision of the COA.
- Laboratory technicians, workshop teachers and specialist staff (including school social workers, speech therapists, nurses, wardens, education psychologists, etc.) are provided with the same paid sick leave and tuberculosis leave benefits as those accorded to teaching staff.
- The laboratory technicians and specialist staff of special schools are provided with the same study leave benefits as those for teaching staff.

- Daily-rated supply teachers regarded as working under a continuous contract under the Employment Ordinance may enjoy leave entitlement as laid down in that Ordinance.
- b. Non-teaching staff**
- Laboratory technicians and specialist staff are not entitled to school holidays, but may be granted annual paid leave according to the entitlement stipulated in the COA.
 - Clerical staff paid out of the Salaries Grant are also entitled to annual paid leave according to the entitlement stipulated in the COA. Other than this, the provisions of the Employment Ordinance shall apply.
 - All other non-teaching staff including janitor staff, drivers, cooks, etc. shall enjoy the leave benefits stipulated in the Employment Ordinance. All female non-teaching staff, including laboratory technicians and specialist staff, are entitled to the maternity leave provided under the Employment Ordinance.
 - Daily-rated supply staff regarded as working under a continuous contract under the Employment Ordinance may enjoy leave entitlement as laid down in that Ordinance.

7.5.4 Provident Fund Scheme

1. Teaching staff

- a. All teaching staff are required to join the Provident Fund Scheme and contribute to either the Grant Schools Provident Fund or the Subsidized Schools Provident Fund, except for those aged over 55 on first appointment to aided schools. Please refer to EDB webpage for details relating to Provident Fund. An extract from the Provident Fund Rules stating the benefits that a teacher-contributor may receive from the Funds is in an appendix of the relevant COA.
- b. The employer's donation, together with interests/ dividends in the provident fund and/or any retirement gratuity of the teaching staff, will be offset against the severance pay or long service payment upon dismissal/ resignation/ retirement as stipulated in the Employment Ordinance.
- c. Temporary teachers appointed for 60 days or more and new recruits over the age of 55 on first appointment are required to join the Mandatory Provident Fund (MPF) Scheme.
- d. If the teachers concerned are compulsorily retired, or dismissed or their contracts are terminated (on completion or otherwise), or voluntarily retire, resign or terminate their contract (on completion or otherwise) due to professional misconduct or conviction of offence(s), schools should inform their respective SSDO when handling applications of PF withdrawal.

2. Non-teaching staff

Unless specifically exempted under the Mandatory Provident Fund Schemes Ordinance (MPFSO) or employed for less than 60 days, all employees are required to contribute to a registered MPF scheme or “Occupational Retirement Schemes Ordinance” schemes exempted from the MPFSO.

7.5.5 Long Service Payment/ Severance Payment for non-teaching staff

Upon dismissal/ resignation/ retirement of non-teaching staff, schools are required to pay Long Service Payment/ Severance Payment in accordance with the amount due to the staff as stipulated in the Employment Ordinance. The amount paid to the staff must be offset against the employer's contribution to the Provident Fund/ Mandatory Provident Fund Scheme together with any interest/ dividends and/or any gratuity. For details, please refer to the [“Severance Payment and Long Service Payment” webpage](#).

7.6 Staff development

7.6.1 Introduction

The professional competence and performance of staff have an important bearing on the quality of education and influence directly the development of students. To cope with the challenges of the education system and the ever-changing societal needs, principals and teachers have to develop their professional skills and knowledge through continuing professional development to keep abreast of the latest trends and demands. For details of principals' continuing professional development, please refer to [EDBC031/2002 "Principals' Continuing Professional Development"](#).

7.6.2 Responsibilities of the SMC

The school should draw up its own policy for staff development in consultation with staff. A staff development committee should be set up to identify staff professional development needs and formulate staff development programmes. The school should nurture a learning climate and provide support and resources for staff development. Efforts should also be directed towards the allocation of resources to facilitate active staff participation in these programmes.

7.6.3 Staff development planning

1. Schools should discuss with their staff (including principals and teachers) when formulating school-based continuing professional development (CPD) policy to align with the implementation of the school development plan. The school-based CPD policy should also be reviewed annually. Schools should report their CPD policy and its review findings to the school management committee/ incorporated management committee. Besides, if schools have appointed new teachers, they should incorporate teacher induction as an integral part of the CPD policy.
2. In identifying the CPD needs of individual teachers and the school as a whole, schools should exercise professional judgement to align with the school development needs, the ultimate aim of which is to serve the educational interests of students. Engaging teachers in the process of identifying CPD needs can help build a consensus. When discussing the CPD plan with individual staff members, schools should aim to broaden their professional knowledge and skills with a focus on their professional needs at different stages of career and professional growth, e.g. the training and qualifications to be attained by Chinese and English language teachers as recommended by SCOLAR in [EDBCM054/2004 "Implementation of Recommendations of Standing Committee on Language Education and Research on Language Teacher Education and Qualifications"](#).

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3. The grants designated for staff training and development and other subsidies should be used appropriately for the purposes of staff professional development.

7.7 Staff appraisal

1. Formal procedures for conducting staff appraisal should be laid down. In consultation with staff, schools should develop a fair and open appraisal system that serves to evaluate the strengths and weaknesses of staff and identify corresponding professional development needs.
2. The lines of reporting should be prepared at the beginning of the appraisal cycle. Agreement should be reached between the appraiser and appraisee on the performance targets at the beginning of the appraisal cycle. A mechanism for review and moderation of the appraiser's assessment should be in place. This may include review by a countersigning officer.
3. The appraisee should be allowed to read the appraisal report and an appraisal interview should be held to discuss its content.
4. An appeal mechanism should be in place whereby appeals are dealt with by the SMC or a committee it appoints. Those involved in the appraisal, i.e. the appraisee and appraiser, should not serve on the committee.
5. The appraisal of the school head should be conducted by the SMC. To help schools develop their appraisal systems, a guide entitled Teacher Performance Management and some samples of appraisal forms are available at [“School-based Management” webpage](#).
6. All appraisal exercises should be documented. Schools should establish a filing system for keeping all staff appraisal records in line with the Personal Data (Privacy) Ordinance.

7.8 Staff conduct and discipline

Schools should take up the responsibilities in matters relating to staff conduct and discipline so as to maintain and enhance the professional standards of teachers.

7.8.1 Standards of professional conduct

1. Schools should convey to all staff their expectations regarding teacher conduct and performance on a regular basis through a variety of channels, such as staff meetings and the teachers' handbook. The "[Code for the Education Profession of Hong Kong](#)" provides some principles for setting standards of professional conduct for teachers. It stipulates norms of behaviour, moral standards and social obligations widely accepted by the teaching profession. Please refer to **Chapter 2 on Commitment to the Profession of the aforesaid Code** for the standards of professional conduct for teachers.
2. A professional education worker is obliged to respect and abide by the law. Staff members who are in breach of the law may threaten the interests of students and bring disrepute to the school. In the event that criminal proceedings are instituted against a staff member, regardless of whether the offence is committed during office hours and whether it is duty-related, the staff member is obliged to report the proceedings to his/ her employer (i.e. the school). If a staff member is convicted of an offence by the court, disciplinary action may be imposed on him/ her by the school in consideration of the seriousness of the offence. Besides, schools should report all suspected serious offence/ misconduct cases to the Education Bureau.

7.8.2 Conflict of interest

1. All staff are subject to S9 of the Prevention of Bribery Ordinance. No staff may accept an advantage without the permission of the employer, i.e. the SMC. Any member of staff who wishes to accept an advantage must consult the school head, who may, if so authorized by the SMC, give permission or refer the matter to the SMC for decision.
2. The SMC should make sure that the relevant sections of the Prevention of Bribery Ordinance are brought to the notice of all staff. Detailed guidelines on acceptance of advantages are laid down in the relevant Administration Circular, the latest issue of which is [EDBC014/2003 "Acceptance of Advantages and Donations by Schools and their Staff"](#).
3. Schools should formulate their policies and provide staff clear guidelines on the avoidance of conflict of interest and the appropriate course of action to be taken in case a conflict or perceived conflict of interest arises. More details are outlined in Appendix 11.

7.8.3 General principles in taking disciplinary actions

1. To maintain the necessary performance standards, the school management should take action in respect of staff misconduct. Criteria used in determining any disciplinary actions must be clear, reasonable, sufficient and legal. To avoid resentment and disputes, it is advisable to formulate a policy on disciplinary measures in consultation with staff.
2. The conditions and procedures for disciplinary matters should be made known to all staff. It is desirable to include such provisions in the employment contract.
3. Subject to the provision of the Employment Ordinance and the Codes, the SMC may decide on the appropriate disciplinary action to be taken in managing staff performance, including:
 - a. withholding an annual increment;
 - b. suspending a teacher from normal duties;
 - c. dismissal; and
 - d. summary dismissal.
4. Schools must comply with the following requirements stipulated in the Codes:
 - a. the notification period for withholding an annual increment;
 - b. the procedures for dismissal; and
 - c. the payment of salaries on termination of service.
5. Before any disciplinary action, other than summary dismissal, is taken, every effort should be taken to ensure that staff are provided with the necessary support and guidance to make improvement. As for cases which may warrant summary dismissal, schools should observe the relevant sections stipulated in the Codes.
6. Staff concerned must be given adequate opportunity and reasonable time to improve their performance and to address/ redress an accusation. The grievance procedures should be clearly communicated to all staff, for example, by incorporating the arrangements into the employment contract. Schools may make provisions for past disciplinary records to be removed after a reasonable period of time.

7.9 Handling staff complaints

1. Occasionally, staff members may express their dissatisfaction or feeling of injustice about the treatment they have received. The SMC should, in general, handle staff grievances, disputes and complaints according to their own policies and procedures.
2. Basic principles for the establishment of procedures for handling staff complaint are as follows:
 - a. A school-based policy and procedure for handling staff complaint should be drawn up in consultation with staff.
 - b. The policy and procedure, including the appeal mechanism, should be clearly defined, made known and understood by all staff.
 - c. A system should be set up so that complaints against staff of different ranks are investigated by an independent member of staff of the appropriate rank and reviewed by a senior member of staff.
 - d. If possible, staff grievances should be settled at the lowest level, that is, the immediate supervisor of the complainant. If the grievance cannot be settled, it should be handled at a higher level of management.
 - e. If the grievance involves a complaint against the immediate supervisor, it is advisable for the grievance to be dealt with by the next higher rank or an independent committee, whichever is more applicable. Complaints about sexual harassment should be handled by staff of the same sex as the complainant.
 - f. The SMC or a committee assigned should be responsible for handling complaints and taking any necessary follow-up actions if grievances/ complaints are lodged against the school head or have not been satisfactorily settled at the level of the school head.
 - g. Staff with a grievance should know whom to approach initially and the subsequent steps that may be taken. It is also essential to define clearly the persons responsible for receiving grievances at the various levels and how the grievances are to be processed.
 - h. The staff member receiving the complainant should understand that he/ she is representing the school in the inquiry. He/ she must ensure that the school's viewpoint is represented at the initial step of the grievance procedure.
 - i. Complaints should be handled speedily lest they may escalate. Time limits must be stated within which answers or decisions will be given at various stages. As part of the policy and procedure, it is desirable for immediate supervisors to be given the authority to make decisions on grievances, particularly those of a minor nature.
 - j. Complainants should be provided with a formal reply.
 - k. The school should keep a proper record of all complaint cases, including all interviews and investigation reports.

7.10 Staff resignation, retirement and extension of services

1. The SMC shall approve the resignation and retirement of all staff. Before granting approval for the resignation or retirement of staff on the Salaries Grant payroll, SMC should:
 - a. check whether the staff member has given sufficient notice in accordance with the conditions of the COA or the Employment Ordinance as appropriate. A teacher who has satisfactorily completed a probationary period should terminate his/ her service by giving three months' notice in writing. If a teacher fails to give sufficient notice, he/ she should be required to pay an amount equivalent to his/ her salary of the number of insufficient days of notice. The amount is capped at the level of one months' salary. The existing practice regarding the SMC's authority, provided in the COA, to waive the payment in lieu of sufficient notice remains unchanged;
 - b. check the last day of employment of the staff member concerned. The salaries of that staff member shall normally cease immediately after the last day of performance of full duties, except as provided for in the COA; and
 - c. issue replies to the staff on the salaries grant payroll using the sample letters with copy to the relevant sections of the EDB. School may access the sample letters on the [“Appointment Matters” webpage](#).
2. The SMC should specify in the Certificate of Service for a school head or teacher the reason(s) for leaving the school (major types include resignation, retirement, expiry of contract, dismissal, summary dismissal, etc.) and/or any outstanding issues concerning his/ her employment (e.g. payment of one month's salary in lieu of sufficient notice).
3. The SMC should make adequate plans for succession regarding senior key personnel, in particular, the school head.
4. The school head or any teacher who has attained the age of 60 before the commencement of the school year shall not continue to be so employed, except with the written permission of PSEd. SMCs are required to comply with the procedures set out in the circulars currently in force in processing applications for extension of service from the principal or teachers. For details, please refer to [EDBCM155/2009 “Extension of Service of Teachers and Principals in Aided Schools”](#). This restriction does not apply to the appointment of a temporary replacement for a teacher absent from duty or the appointment of teachers beyond the approved establishment.

Appendix 1 Non-teaching staff employed in various types of aided schools

Non-specialist Staff

	Secondary School (Note)	Primary School	Special School
Clerk	✓	✓	✓
Clerical assistant	✓	✓	✓
Workshop attendant	✓		✓
Janitor staff	✓	✓	✓
Artisan			✓
Motor/ Special driver			✓
Cooks	✓		✓
Watchman	✓		✓
Teacher assistant	✓		✓
Laboratory Technician	✓		✓

Specialist Staff

	Secondary School (Note)	Primary School	Special School
School social worker	✓		✓
Educational psychologist	✓	✓	✓
Speech therapist			✓
Physiotherapist			✓
Occupational therapist			✓
Occupational therapist assistant			✓
School Nurse			✓
Warden	✓		✓
Assistant Warden	✓		✓
Houseparent-in-charge			✓
Houseparent			✓
Programme worker			✓
Boarding service master/ mistress	✓		
Braille staff			✓

Note: including mainstreamed practical schools and skills opportunity schools

Appendix 2 Educational Psychologists - Guide to appointment and service operation

Guides to Appointment of Educational Psychologist I

1. Qualifications and Experience

Candidates should have:

- a. a first degree in Psychology from a local university or equivalent;
- b. a Master's degree in Educational Psychology (Professional Practice) from a local university or equivalent;
- c. a Post Graduate Certificate in Education from a local university or equivalent;
- d. a minimum of 6 years' relevant post-degree experience of which at least 3 years should be as an Educational Psychologist;
- e. good command of Cantonese and written Chinese; and
- f. good command of spoken and written English.

2. Duties

Educational Psychologist (EP) will provide school-based service to schools in the management and prevention of students' behavioural, emotional and/or learning problems. EP will also support schools to cater for the diverse student needs through consultation in the areas of guidance and discipline, learning and teaching. An EPI is also expected to provide support to EPII and to lead in the planning, execution, management and evaluation of the service. General duties of EP are listed in the following three aspects.

a. Student support

- To provide assessment, counseling and guidance service for students;
- To provide intervention or behavioural guidance programme for students directly or in collaboration with school personnel such as teachers, student guidance personnel and/or school social worker;
- To support school in promoting home-school collaboration in child management.

b. Teacher support

- To advise and collaborate with teachers and school personnel in developing an inclusive ethos and environment for students with diverse needs;
- To support teachers in the early identification of at risk students as well as the planning and implementation of appropriate intervention measures for them;
- To advise teachers on measures to enhance learning and teaching effectiveness;
- To advise teachers and guidance personnel in planning and implementing school-based programmes for students;
- To support teachers in school-based action research related to the domains of student support as well as learning and teaching;
- To conduct staff development training to equip school personnel with the necessary professional knowledge and skills to meet the personal, social and special educational needs of students.

c. School system support

- To support schools in developing whole-school policies to cater for student diversity;
- To support schools in developing effective mechanism to meet the diverse educational needs of their students;
- To support schools in developing policy and mechanism on crisis management and to render crisis management service to school whenever necessary.

3. **Salary Scale:** MPS Point 34 – 44
4. **Period of Probation:** 2 years
5. **Direct Entry to an Educational Psychologist I Post**
EDB's approval is required for direct entry to promotion posts. Please refer to [EDBC030/2000 "Promotion, Acting Appointment, Regrading of Teachers/ Specialists and Passage over Efficiency Bar of Specialist Staff in Aided Schools"](#).
6. **Any Other Remarks**
 - a. Holders of degrees other than those from a local university or equivalent may apply, but should attach copies of transcripts of studies to their applications.
 - b. With effect from September 2008, the employed EP must be a registered member of either the Division of Educational Psychology of the Hong Kong Psychological Society or an equivalent internationally recognised professional organisation of Educational Psychology. Serving EPs appointed before 1 September 2008 shall complete the registration before 1 September 2009.
 - c. The Master's Degree in Educational Psychology (Professional Practice) obtained must be one which can prepare the candidate for independent professional work as an educational psychologist.

Guides to Appointment of Educational Psychologist II

1. Qualifications and Experience

Candidates should have:

- a. a first degree in Psychology from a local university or equivalent;
- b. a Master's degree in Educational Psychology (Professional Practice) from a local university or equivalent;
- c. good command of Cantonese and written Chinese; and
- d. good command of spoken and written English.

2. Duties

Educational Psychologist (EP) will provide school-based service to schools in the management and prevention of students' behavioural, emotional and/or learning problems. EP will also support schools to cater for the diverse student needs through consultation in the areas of guidance and discipline, learning and teaching. General duties of EP are listed in the following three aspects.

a. Student support

- To provide assessment, counseling and guidance service for students ;
- To provide intervention or behavioural guidance programme for students directly or in collaboration with school personnel such as teachers, student guidance personnel and/or school social worker;
- To support school in promoting home-school collaboration in child management.

b. Teacher support

- To advise and collaborate with teachers and school personnel in developing an inclusive ethos and environment for students with diverse needs;
- To support teachers in the early identification of at risk students as well as the planning and implementation of appropriate intervention measures for them;
- To advise teachers on measures to enhance learning and teaching effectiveness;

- To advise teachers and guidance personnel in planning and implementing school-based programmes for students;
 - To support teachers in school-based action research related to the domains of student support as well as learning and teaching;
 - To conduct staff development training to equip school personnel with the necessary professional knowledge and skills to meet the personal, social and special educational needs of students.
- c. School system support**
- To support schools in developing whole-school policies to cater for student diversity;
 - To support schools in developing effective mechanism to meet the diverse educational needs of their students;
 - To support schools in developing policy and mechanism on crisis management and to render crisis management service to school whenever necessary.
- 3. Salary Scale: MPS Point 25 – 33**
- 4. Period of Probation: 2 years**
- 5. Promotion of Educational Psychologist II to Educational Psychologist I**
For promotion to Educational Psychologists I, Educational Psychologist II must have obtained:
- a. a Post Graduate Certificate in Education from a local university or equivalent;
 - b. 6 years' relevant post - degree experience of which at least 3 years should be as an Educational Psychologist II; and
 - c. On top of the above minimum requirements, the Educational Psychologist II recommended for promotion should also be considered on the criteria of work performance, experience, professional expertise and other personal attributes, such as leadership, commitment, interpersonal relationship, judgement, planning and organization abilities, etc. Please refer to [Appendix I of EDBC030/2000 “Promotion, Acting Appointment, Regrading of Teachers/ Specialists and Passage over Efficiency Bar of Specialist Staff in Aided Schools”](#) for the guidelines in processing promotions, acting appointments of teachers/specialists.
 - d. Before substantive appointment, the base school is recommended to seriously consider offering an acting appointment to the Educational Psychologist II for one year in order to assess his/ her suitability for substantive promotion.
 - e. For promotion and acting appointment, adherence to the principles and procedures detailed in the School Administration Guide, in particular Sections 7.2 and 7.3 is required. The selection panel should include the professional supervisor of the Educational Psychologist and other stakeholders concerned such as heads of the schools served by the Educational Psychologist.
 - f. The base school should inform the Funds Section/ Education Subvention Section of the Education Bureau, with copies to the respective Regional Education Office and the Education Psychology Service (HK&K) Section of such promotion and acting appointment.
- 6. Any Other Remarks**
- a. Holders of degrees other than those from a local university or equivalent may apply, but should attach copies of transcripts of studies to their applications.

- b. With effect from September 2008, the employed EP must be a registered member of either the Division of Educational Psychology of the Hong Kong Psychological Society or an equivalent internationally recognised professional organisation of Educational Psychology. Serving EPs appointed before 1 September 2008 shall complete the registration before 1 September 2009.
- c. The Master's Degree in Educational Psychology (Professional Practice) obtained must be one which can prepare the candidate for independent professional work as an educational psychologist.

Service Operation

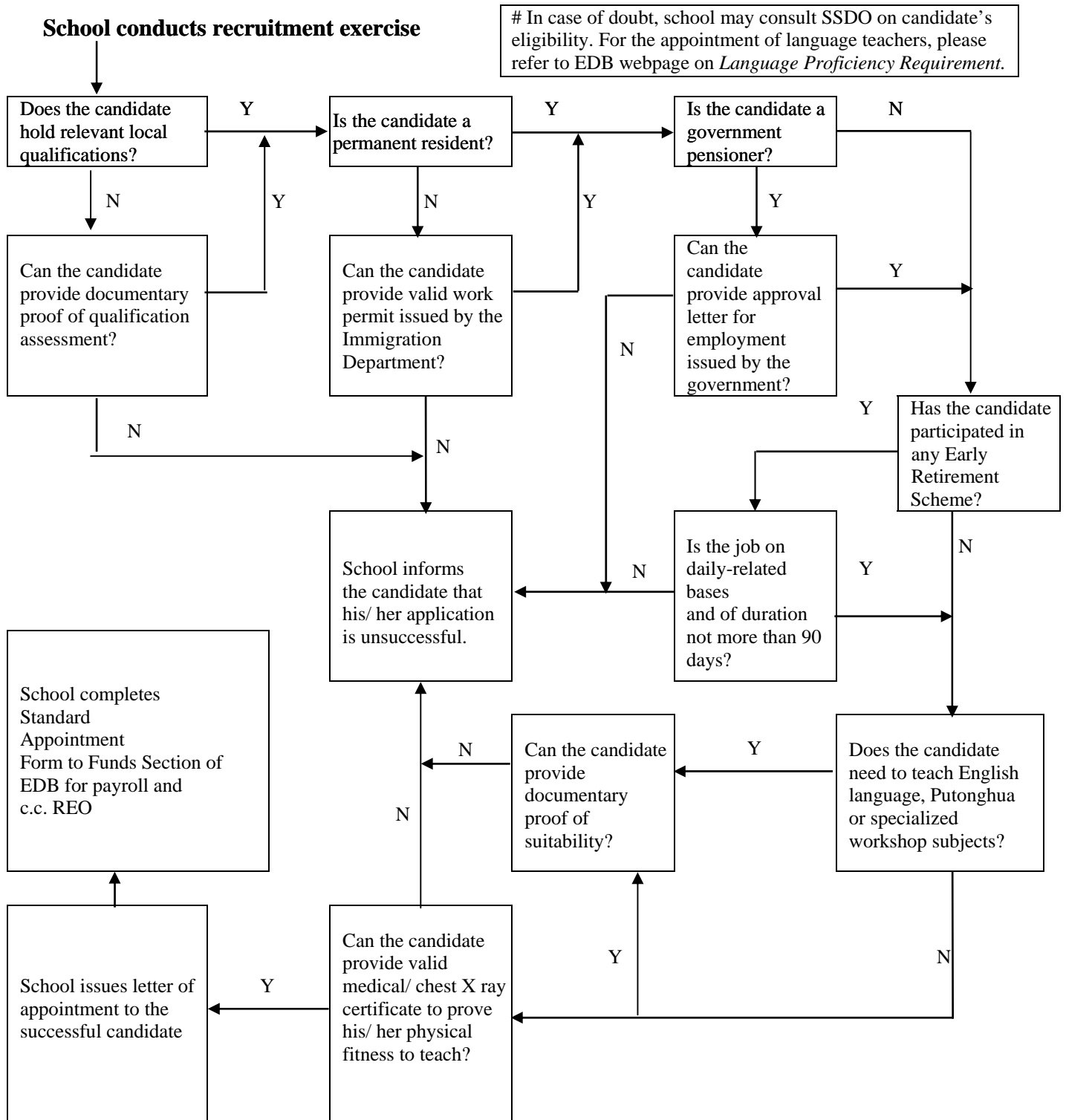
1. An initial one-off grant is provided to the base school awarded EP post to provide SBEPS for the following chargeable items:
 - a. Furniture (standard desk, chairs, filing cabinets) and equipment required for the provision of SBEPS;
 - b. Test materials published by recognized test publishers or professional bodies;
 - c. Reference books; and
 - d. Educational programmes/ packages

The base school shall keep good record of all relevant expenses in a separate ledger. The amount of allocation and utilisation period is listed below:

	School-based educational psychology service under the Schools Support Scheme	School-based educational psychology service w.e.f. the 2008/09 school year
Amount of Allocation	\$25,000 per educational psychologist	\$40,000 per educational psychologist
Utilisation Period	The grant should be completely utilised by the end of the financial year in which a psychologist is first appointed to the given post. Any surplus will then be clawed back.	The grant should be completely utilised within three financial years, counting from the financial year in which a psychologist is first appointed to the given post. Any surplus will then be clawed back.

2. While each EP will serve more than one school under a particular sponsor, the EP will be employed by one of the schools (i.e. the base school) and be considered as a member of the non-teaching specialist staff of that school.
3. Where possible, the facilities listed below should be made available in schools where an EP is stationed on designated days:
 - a. Interviewing room or private area easily accessible for individual or group counseling;
 - b. Physical amenities in school, e.g. availability of filing cabinet, telephone line, notice board, computer, printing facilities and stationery;
 - c. Appropriate equipment and materials to aid in the running of programmes, e.g. audio-visual aids, display boards; and
 - d. Microcomputer workstation.
4. The school-based EP will be invited to attend professional sharing and development sessions for EPs and case conference with related professionals organised by EDB.

Appendix 3 Appointment of teaching staff (Note)



Note: The recruitment exercise as described in this Appendix is NOT applicable to the appointment of Native-speaking English Teachers (NETs) under the NET Schemes. For details of appointment of NETs, schools should refer to the relevant circulars/ circular memoranda issued by the Education Bureau. [For enhancement measures on appointment of teachers, please refer to the relevant sections of this Chapter (including 7.2.1, 7.4.2, 7.4.3, 7.4.4, 7.8.1, 7.10 and Appendix 4)]

Appendix 4 Checklist for recruitment procedures

1. The school should prepare job description and selection criteria for the post before advertising the vacancy. All applications should be date-stamped and a register should be kept of all the applications received.
2. The school should shortlist candidates for interview, according to the criteria endorsed by the SMC. Shortlisting should be handled by more than one person as far as possible. Otherwise, those applications not shortlisted should be screened or randomly checked by a senior staff or an SMC member to ensure that qualified applicants have not been left out. Reasons for elimination should be noted on the application form.
3. To ensure that the job applicants have met the appointment requirements for selection purposes, schools should require the applicants to provide relevant personal particulars including academic qualifications, relevant working experience and skills, etc. Schools must verify carefully the qualification documents of the applicants, including their Certificate of Registration as a Teacher and Certificate of Service from their previous employers. Schools should also require the applicants to declare in the job application form and/or other related documents whether they have been convicted of any criminal offence in Hong Kong or elsewhere, or whether their registration or permission status as a teacher has been cancelled/ refused, and to provide the details. (Note 1). Schools may consult the applicants' previous employers about their job performance with their prior consent to ensure that the selected candidate (Note 2) is suitable for the post.
[When the Sexual Offences Records Checks is established, schools should adopt appropriate measures accordingly.]
4. The school may arrange test or examination or other means of assessment as necessary and appropriate.
5. The school should prepare for selection interviews, including pre-interview briefing for the selection panel.
6. Selection panel must conduct selection interviews, assess each candidate according to the predetermined criteria and compile the selection panel report.
7. The school must ensure that individual assessment records and the report on the panel's recommendations are separately documented.
8. Panel may consider approaching referees for views.
9. The recommendations of the selection panel must be forwarded to the SMC for approval.
10. In case of doubt about a potential appointee's registration status, the school may seek his/ her consent to apply to EDB for the release of teacher registration information to the school.
11. The school may notify candidates who are not selected or who are waitlisted.
12. The school must arrange appointment formalities for selected candidates, such as physical examination and teacher registration.
13. The school must keep proper records of all documents relating to the recruitment exercise for a reasonable period. Please refer to Appendix 8 for more details.

Note 1 Schools should inform the candidates that their job applications will not be considered if they refuse to disclose the necessary information and that any conviction of criminal offence(s) may not necessarily render their applications unsuccessful.

Note 2 The selected candidates also include staff appointed on temporary/contract/part-time basis, native-speaking English teachers directly employed by schools, daily-rated supply teachers, staff paid out of other cash grants, teaching assistants, coaches/instructors leading extra-curricular activities and/or those staff deployed to work in schools by service providers.

Appendix 5 Staff promotion and acting appointment

SMC should consider the following before contemplating a promotion exercise and acting appointments :

- vacancy exists in the staff establishment (Note)
- functional responsibilities assigned to the post are commensurate with the rank
- distribution of functional responsibilities can take care of the balanced development of the school
- no overlapping of responsibilities among the promotion posts
- length of the post vacant for acting appointment (at least 30 days)



SMC should endorse the selection criteria, assessment methods and selection procedures.



Invites applications, making known the job description of the post(s), the selection criteria, selection procedures and composition of the selection panel



Screens all applications, draws up a list of eligible candidates based on the criteria set, and where applicable takes into consideration the candidates' performance appraisal reports over a specified period. If the list of applicants appears not to include a person of sufficient quality, it is better to halt proceeding and make a second invitation at a later time.



SMC or the selection panel interviews all eligible candidates and records observations/ recommendations on their suitability. Where interviews are conducted by a selection panel, the SMC will consider its recommendations and ensure that the predetermined criteria and procedures have been complied with.



SMC approves the promotion/ acting appointment and informs the staff concerned, as well as all staff, of the outcome.



School head assesses the salary of the staff selected for promotion or acting appointments.



SMC issues letter(s) to the teacher(s), confirming the effective date and the salary particulars. The approval letter should be copied to :

- Subvention Accounts Section & REO, EDB
- Commissioner of Inland Revenue



The school updates the staff establishment record and the e-Services Portal.

Note:

School sponsors operating more than one aided primary school have to confirm with EDB the vacancies available, as the promotion posts of schools under the same sponsoring body are pooled together.

Appendix 6 Regrading of serving teachers to the Primary School Master/ Mistress Grade

Regrading of serving teachers to the Primary School Master/ Mistress Grade in aided primary schools

(including primary special schools and special schools with primary section)

- a. Graduate teacher post quota(s) is/ are allocated to the school (graduate post quotas are not transferable to other schools); or
- b. Vacancy/ Vacancies is/ are available in the PSM grade in the staff establishment.



- c. The SMC invites applications from teaching staff for regrading through publicizing the quotas/ vacancies available, the qualification requirements and the selection criteria.



- d. The SMC conducts the selection exercise. The SMC may decide whether selection interviews should be conducted where appropriate.



- e. The SMC assesses the suitability of all eligible serving teachers according to their qualifications, character, ability, performance, duties, potential and overall suitability for appointment. Consult REO for non-local qualifications.
- f. The SMC makes recommendations for filling the graduate post.



- g. The SMC approved the regarding and issues letter to the staff concerned, confirming the rank, effective date of regrading and salary particulars, including responsibility allowance, if any.
- h. The SMC informs Funds Section, EDB, and the respective SSDO of the necessary details, using the standard form specified in the relevant circular.
- i. The SMC informs the Commissioner of Inland Revenue of the salary particulars.



- j. The school updates the staff establishment record and the e-Services Portal.

Appendix 7 Suggested list of information to be kept in staff's personal file

1. Personal particulars such as name, I.D. number, name of next of kin and his/ her telephone number and address
2. Qualifications and experience
 - an updated list of academic and professional qualifications supported by copies of documentary evidence
 - an updated list of working experiences supported by copies of Certificate(s) of Service issued by the staff's previous employer(s)
3. Employment record in present school
 - date of appointment and date of subsequent changes in rank due to promotion/ regrading as appropriate
 - post/ duties taken up
 - salary and incremental date on appointment and subsequent change(s) of incremental date
 - date of termination of employment and reason, e.g. resigned on (day/ month/ year), retired on (day/ month/ year), etc.
 - relevant documents such as letter of resignation from staff, approval letters issued by the SMC, certificate of service issued to staff, etc.
4. Payment of salary
 - the bank account number through which the payment of salary is made
 - wages in respect of each wage period
5. Provident Fund account
 - statements of the provident fund account of the staff issued annually by the Funds Section of EDB or the bank
6. Leave records
 - leave entitlement and balance calculated in accordance with the COA or Employment Ordinance as appropriate
 - Date(s) and nature of leave taken
7. Paid outside work
 - records of all paid outside work undertaken
 - records of approval granted by the Supervisor
8. In-service training
 - Records of all in-service training received, including seminars, workshops and courses attended
9. Performance appraisal reports, disciplinary actions taken in respect of the staff, assessment sheets of the selection panels for promotion exercises
10. Complaints against the staff and investigation reports

Appendix 8 Suggested Retention Periods for Employment - Related Personal Data

Factual Data	Retention Period
Serving/ Former staff	
a. Personal particulars of staff b. Copies of certificates of qualifications and professional training c. Copies of certificates of service of previous employment d. Record of salary particulars, annual statement of individual provident fund account, leave, outside work e. Employment contract or appointment letter f. Declaration of interest, if any	1 year after the staff has left the service
Applications for appointment, regrading and promotion	
a. Application forms and related documents of successful applicant	File on staff personal file as appropriate
b. Application forms and related documents of waitlisted or unsuccessful applicant	1 year after completion of the selection exercise or 1 year after resolution of any claim/ appeal/ complaint whichever is the later

Evaluative Data	Retention Period
Serving/ Former staff	
a. Appraisal Report(s) b. Previous employers' or personal reference c. Other evaluative personal data	1 year after the staff has left the service
d. Medical examination/ chest X-ray report(s)	as appropriate
e. Documents relating to claims for employees' compensation	no longer than 7 years after the staff has left the service or 1 year after resolution of any claim/ appeal/ complaint, whichever is the later
f. Certificate of service or	no longer than 7 years after the staff has left

Evaluative Data	Retention Period
testimonial	the service
Individual assessment record in appointment/ promotion/ regrading exercises	
a. Assessment sheet(s)/ test score sheet(s) if any of successful applicant for appointment	File on staff personal file as appropriate
b. Assessment sheet(s), medical examination/ chest X-ray report(s) of waitlisted and unsuccessful applicant for appointment	1 year after the completion of recruitment exercise or 1 year after resolution of any claim/ appeal/ complaint whichever is the later
c. Assessment sheet(s) of applicant for regrading or promotion	1 year after staff has left the service if the applicant is a serving staff member and 1 year after the completion of the exercise for other applicants or 1 year after resolution of any claim/ appeal/ complaint whichever is the later
d. Reports of all selection panels in appointment/ regrading/ promotion exercises	No longer than 2 years after completion of the selection exercise or 1 year after resolution of any claim/ appeal/ complaint, whichever is the later
e. Investigation reports on staff misconduct	1 year after the staff has left the service or 1 year after resolution of any claim/ appeal/ complaint, whichever is the later

Note:

1. The list of employment-related personal data is by no means exhaustive. The suggested retention period does not imply that the personal data in each category must be held for the period shown. Schools are advised to refer to the Code of Practice on Human Resource Management issued by PCPD in drawing up their policies on the collection and retention of personal data.
2. Data users should always bear in mind the requirements of Data Protection Principle 2 that personal data must not be kept longer than is necessary for the fulfillment of the purpose for which the data are to be used.

Appendix 9 Leave entitlement for staff in Aided Schools

Teaching Staff (Note A)	Non-teaching staff	
	Specialist staff (Note B)/ Lab. Technicians (LTs)	Non-specialist staff (Note C)
Leave for teachers, specialist staff and LTs shall be granted in accordance with the provision of the COA and in compliance with the Employment Ordinance. In case of doubt, schools should consult REO or the Labour Department as appropriate.	Leave for non-specialist non-teaching staff shall be granted in accordance with the provisions of the COA and in compliance with the Employment Ordinance. In case of doubt, schools should consult REO or the Labour Department.	

【Sick Leave】

1. Monthly-paid teachers

Teaching Staff (Note A)	Non-teaching staff	
	Specialist staff (Note B)/ Lab. Technicians (LTs)	Non-specialist staff (Note C)
<ul style="list-style-type: none"> a. 28 days on appointment, and 48 days on completion of each succeeding year of service b. Paid sick leave can be accumulated up to a maximum of 168 days c. Same entitlement for full-time and part-time monthly-paid teachers appointed on regular or temporary basis d. Full pay within the maximum paid sick leave entitlement e. Once the sick leave balance of a staff has been exhausted, no-pay sick leave may be granted (Note H) f. Sick leave application exceeding 2 days must be supported by a valid medical certificate (Note F) g. For teaching staff (Note A), sick leave balance will be forfeited with a break of service of more than one year (with effect from 1 September 2006) h. For Specialist staff (Note B)/ Lab. Technicians (LTs), sick leave balance will be forfeited with a break of service of more than 45 days. 	<ul style="list-style-type: none"> a. For staff under a continuous contract (Note D), 2 days for each completed month of employment during the first 12 months of employment, and 4 days for each completed month of employment thereafter b. Paid sick leave can be accumulated up to a maximum of 120 days (Note E) c. For staff paid out of the Salaries Grant, full pay within the maximum paid sickness days; the provision of Employment Ordinance applies for other staff. d. Once the sick leave balance of a staff has been exhausted, no-pay sick leave may be granted e. Sick leave application must be supported by a valid medical certificate f. For sick leave application in excess of the leave balance in Category 1 (Note E), the staff may be required to produce a medical certificate issued by a hospital registered medical practitioner, registered Chinese medicine practitioner or registered dentist. 	

2. Daily-Rated Supply Teachers

Teaching Staff (Note A)	Non-teaching staff	
	Specialist staff (Note B)/ Lab. Technicians (LTs)	Non-specialist staff (Note C)
a. Daily-rated supply teachers who have worked under a continuous contract are eligible for sickness allowance in accordance with Employment Ordinance		
b. Sick leave should be supported by a valid medical certificate		

【Maternity Leave For Female Staff】

Teaching Staff (Note A)	Non-teaching staff	
	Specialist staff (Note B)/ Lab. Technicians (LTs)	Non-specialist staff (Note C)
a. Leave follows the provision of the Employment Ordinance, except as specified otherwise		
b. Staff under a continuous contract before the commencement of maternity leave are entitled to: <ul style="list-style-type: none"> • a continuous period of 10 weeks, including the actual date of confinement (Note G); • a further period equal to the number of days from the day after the expected date of confinement to the actual date of confinement if confinement occurs later than the expected date of confinement; and • an additional period of leave for not more than 4 weeks on the grounds of illness or disability due to the pregnancy or confinement. (For teachers/ specialist staff/ LTs, the additional maternity leave may be granted as no-pay leave to bring the total absence up to 6 months.) 		
c. The period of paid maternity leave is confined to 10 weeks. (Note H)		
d. Eligibility for paid maternity leave: <ul style="list-style-type: none"> • completed 40 weeks of resident service before the commencement of maternity leave for teachers/ specialist staff/ LTs • completed 40 weeks of service under a continuous contract before the commencement of maternity leave for staff paid out of the Administration Grant/ Revised Administration Grant 		
e. Rate of pay <ul style="list-style-type: none"> • full pay for teachers/ specialist staff/ LTs and non-teaching staff paid out of the Salaries Grant • the provision of the Employment Ordinance applies for staff paid out of the Administration Grant/ Revised Administration Grant 		
f. The member of staff has to serve the school notice of pregnancy and her intention to take maternity leave after her pregnancy has been confirmed by a valid medical certificate issued by a registered medical practitioner, a registered midwife or a registered Chinese medicine practitioner (except for the certificate of the actual date of confinement). The school may require her to produce a medical certificate which specifies the expected date of confinement or the actual date of confinement as appropriate.		
g. The teachers/ specialist staff/ LTs will be eligible for full pay for any part of the maternity leave which falls wholly or partly within a major school holiday, i.e. Christmas, Chinese New Year , Easter and Summer Vacation : <ul style="list-style-type: none"> • staff whose maternity leave exceeds their entitled 10 weeks paid maternity leave; or • staff having less than 40 weeks' resident service. 		
h. Maternity leave entitlement for part-time monthly-paid teachers should be the same as for full-time monthly paid teachers.		

【Special Tuberculosis Leave】

Teaching Staff (Note A)	Non-teaching staff	
	Specialist staff (Note B)/ Lab. Technicians (LTs)	Non-specialist staff (Note C)
a. Terms in granting paid special tuberculosis leave: <ul style="list-style-type: none"> • > 1 but < 4 years of service: up to 3 months • > 4 but < 8 years of service: up to 6 months • > 8 years of service: 6 months PLUS 2 weeks additional leave for each additional year of service over 8 years up to a maximum of 12 months b. Full pay leave will be granted within the allowable maximum with the support of a valid medical certificate. c. Sick leave balance may be used if special tuberculosis leave balance has been exhausted. Upon exhaustion of special tuberculosis leave balance and sick leave balance, no-pay special tuberculosis leave may be granted. (Note H)		Nil

【Paid Study Leave】

Teaching Staff (Note A)	Non-teaching staff	
	Specialist staff (Note B)/ Lab. Technicians (LTs)	Non-specialist staff (Note C)
Paid study leave is simultaneously endorsed when a teacher is selected by PSEd for a course of training.	Specialist staff and LTs of special schools shall enjoy the same study leave benefit as the teaching staff	Nil

【Paid Leave For Special Events】

Teaching Staff (Note A)	Non-teaching staff	
	Specialist staff (Note B)/ Lab. Technicians (LTs)	Non-specialist staff (Note C)
a. Not more than 14 days paid leave may be granted in a period of 12 months: <ul style="list-style-type: none"> • to represent HKSAR in national/ international conferences or events e.g. the Asian Games or the Olympic Games • being invited to present paper or speak at national/ international conferences in connection with education • to participate in training or camping exercises of the Civil Aid Service, Auxiliary Police Force or Auxiliary Medical Service b. There should be sufficient justification to support the granting of paid leave		Nil

【Holidays/ Annual Leave】

Teaching Staff (Note A)	Non-teaching staff										
	Specialist staff (Note B)/ Lab. Technicians (LTs)	Non-specialist staff (Note C)									
May enjoy school holidays subject to there being no operational needs	<p>Not entitled to school holidays; annual leave entitlement should be taken during the major school holidays subject to mutual agreement between the school and the staff</p> <p>Non-accumulative</p> <p>Staff paid out of the Administration/ Revised Administration Grant-according to the provision of the Employment Ordinance</p> <p>Staff under a continuous contract for every 12 months are entitled to paid annual leave</p> <p>7 days paid leave for those with 1 and 2 years of service; and 1 additional day for every additional year of service thereafter, up to a maximum of 14 days</p> <p>Staff paid out of the Salaries Grant</p> <ul style="list-style-type: none"> • Appointed before 1.6.2000 (Note I) <ul style="list-style-type: none"> ▪ LTs and specialist staff may be granted not less than 22 days of paid leave on an annual basis ▪ clerical staff with less than 10 years' service may be granted 14 days paid leave on an annual basis; those with 10 years of service and over may be granted 22 days • Appointed on/ after 1 June 2000 <ul style="list-style-type: none"> ▪ Paid Leave Entitlement (per annum) <table border="1" style="margin-left: 20px;"> <thead> <tr> <th>Salary Point</th> <th>< 10 years of service</th> <th>≥ 10 years of service</th> </tr> </thead> <tbody> <tr> <td>MPS Pt. 0-13 & Model Scale I</td> <td>14 days</td> <td>18 days</td> </tr> <tr> <td>MPS Pt. 14-49</td> <td>18 days</td> <td>22 days</td> </tr> </tbody> </table> 		Salary Point	< 10 years of service	≥ 10 years of service	MPS Pt. 0-13 & Model Scale I	14 days	18 days	MPS Pt. 14-49	18 days	22 days
Salary Point	< 10 years of service	≥ 10 years of service									
MPS Pt. 0-13 & Model Scale I	14 days	18 days									
MPS Pt. 14-49	18 days	22 days									

【Special Paid Leave】

Teaching Staff (Note A)	Non-teaching staff	
	Specialist staff (Note B)/ Lab. Technicians (LTs)	Non-specialist staff (Note C)
a. A maximum of 2 days per academic year on grounds of urgent private affairs of grave importance	Nil	
b. Non-accumulative		

- Note A Teaching staff include school heads, teachers, workshop teachers, teachers assisting in speech therapy (TAST), resource teachers, mobility instructors, low-vision training teachers.
- Note B Specialist staff include LTs of special schools, school social workers, speech therapists, physiotherapists, occupational therapists, occupational therapist assistants, educational psychologists, nurses, wardens, assistant wardens, houseparents-in-charge, houseparents, programme workers, boarding service masters/ mistresses I, boarding service masters/ mistresses II and braille staff.
- Note C Non-specialist staff include clerks, clerical assistants, artisans, workshop attendants, special drivers, motor drivers, cooks, watchmen, janitor staff and teacher assistants.
- Note D In accordance with the Employment Ordinance, an employee who works continuously for the same employer for four weeks or more, with at least 18 hours in each week, is regarded as working under a continuous contract.
- Note E In accordance with the Employment Ordinance, paid sickness days are divided into two categories - firstly, accumulated up to 36 days as Category 1, and then any excess up to 84 days as Category 2.
- Note F A valid medical certificate is a medical certificate issued by a registered medical practitioner, registered Chinese medicine practitioner or registered dentist (with effect from 1 December 2006).
- Note G Under section 12AA of Employment Ordinance, a pregnant staff member may, with the agreement of the employer, decide on the date of commencement of her 10 weeks maternity leave, provided that such date is within a period of not less than 2 weeks before, and not more than 4 weeks before, the expected date of confinement. If the staff member does not exercise her option, the date of commencement of maternity leave shall be 4 weeks immediately before the expected date of confinement.
- Note H
1. No-pay leave (including no-pay sick/ maternity/ special tuberculosis leave) will not be counted as continuous contributory service for Grant/ Subsidised Schools provident fund purposes and promotional purposes. For incremental purposes, such leave shall be subject to such instruction as PSEd issues from time to time.
 2. The adjustments of incremental date (I.D.) are listed below:
 - 1 - 15 days no-pay leave: I.D. unchanged
 - 16 - 45 days no-pay leave continuously: I.D. to be deferred 1 month
 - 46 - 75 days no-pay leave continuously: I.D. to be deferred 2 months
 - (and so on)
 3. Schools should take even responsibility to fulfill all statutory requirements including meeting any possible expenditure arising from all types of no-pay leave of teaching and non-teaching staff out of non-government funds.
 4. The school should notify Regional Education Office and Finance Division of EDB by using the standard letter ([Attachment 1 of EDBC001/2006 "Granting of Leave in Aided Schools"](#)).
- Note I The revised leave entitlement does not apply to non-teaching staff who are paid by the Salaries Grant and were offered appointments to aided schools before 1 June 2000 as long as
- they remain in their present rank or get promoted to a higher rank in the same grade in their school
 - they are deployed to the same rank from one aided school to another under the same SSB
 - they transfer to the same rank without a break of service within the aided school sector.

Appendix 10 Approving authority for granting of Leave

Applicant	Type of leave	Approving authority (Note)	
		SMC	Head
Teaching staff	Paid sick leave, maternity leave, tuberculosis leave and leave for injury at work.		✓
	No-pay sick leave, maternity leave and tuberculosis leave.	✓	
	Casual leave (2 days paid leave per academic year on grounds of urgent private affairs of grave importance)		✓ (2)
	Paid study leave(simultaneously endorsed when selected by PSEd for a course of training, e.g. refresher courses)	✓ (1)	
	Special paid leave up to a maximum of 14 days on justified grounds, e.g., performing community services, representing Hong Kong in international events/ educational conferences and attending training activities of auxiliary forces	✓ (2)	
Non-teaching staff	All cases of paid and no-pay leave		✓
All staff	Paid leave to serve as jurors or if required to appear in court as witnesses		✓

Note:

For all cases of leave taken by the school heads, the approving authority is the SMC.

1. Prior approval of PSEd is required for study leave which has not been endorsed by PSEd in advance and other leaves not specified above.
2. Prior approval of PSEd is required if the maximum limit is exceeded.

Appendix 11 Conflict of interest

A conflict of interest is likely to arise when a member of the school personnel's loyalty to the school conflicts with his/ her own interest or his/ her loyalty to:

- family and other relations;
- personal friends; and
- any person to whom he/ she owes a favour or is obligated in any way.

Examples of conflict of interest situations

1. A staff member taking part in the evaluation and selection of textbooks, reference books or learning materials which are written or edited by his spouse, family, relatives or personal friends, or published by a company in which he or any such person has a financial interest.
2. A staff member taking part in the evaluation and selection of a supplier/ contractor from a number of bidders one of which is operated by his spouse, family, relatives or personal friends, or in which he or any such person has a financial interest.
3. Common examples are:
 - selection of a textbook supplier
 - selection of school uniform supplier
 - selection of an exercise book supplier
 - selection of a supplier of computer systems
 - selection of a contractor for renovation project
 - selection of a school bus operator
 - selection of a tuck shop operator
4. A staff member accepting frequent or lavish entertainment from a supplier/ contractor who has business dealings with the school.
5. A staff member selecting candidates for admission to a school interviewing or deciding on a candidate who is the son or daughter of his relative or personal friend.
6. A staff member serving as a member of a Board to consider the recruitment, posting or promotion of staff, one of the candidates being his family member, relative or personal friend.
7. A staff member making nominations or selecting staff for training courses or study trips, one of the nominees/ candidates being his family member, relative or personal friend.
8. A staff member referring his pupils to attend private tutorial schools in which he, his family, relatives or personal friends have a financial interest.
9. A staff member responsible for the investigation of a complaint, one of the complainants being his family member, relative or personal friend.

Declaration of conflict of interest

SMCs should put in place proper procedures to require the school personnel, including school managers and staff, to declare any conflict of interest that might influence, or appear to influence, his/ her judgement in the performance of his/ her duties. Such duties include recruitment, duty assignment, promotion, performance appraisal, selection of staff for training courses and study leave, etc. SMC members and school staff should be advised to:

1. refrain from handling official matters or making a decision or taking part in making a decision in matters which may conflict with their private interest;
2. refrain from acquiring any investment or financial interests which may lead to conflict of interest with their official duties;
3. decline to provide assistance, advice or information on official matters to their relatives, friends, or any club/ organisation of which they are members, when this may result in the recipients having an unfair advantage over other persons/ organizations; and
4. familiarise themselves with the rules and guidelines on conflict of interest, and act accordingly in such situations.

A declaration of conflict or perceived conflict of interest should be made in writing, preferably on a standard form, or recorded in the notes of a meeting as appropriate. Records of such declarations should be duly kept. When such a situation arises, the SMC, or the school head as appropriate, should decide whether the person disclosing an interest shall be required to abstain from the duty assigned.

The staff member declaring conflict of interest in a matter should refrain from handling the matter or there should be sufficient monitoring by senior staff or a second party to ensure impartiality. As a general rule, any person who or whose family member has an interest in the promotion, acting appointment, or regrading must not be in the selection board/ appeal board.

Avoidance of conflict of interest

Apart from having declaration arrangements in place, school managers and school staff alike should seek to avoid it in the first place. For example, it is highly undesirable to make any investment or any financial or other interest which may lead to a conflict of interest with one's duties in the school. Furthermore, one should avoid putting oneself in a position of obligation, e.g. accepting free service and frequent/ lavish entertainment, offered to any person who has or may have official duty.