

12 January 2006

Education Bureau Circular No. 1/2006
(Formerly referred as EMB Circular No.1/2006)

Granting of Leave in Aided Schools

- [Note : This circular should be read by
(a) Supervisors and Heads of aided schools
(b) Heads of sections - for information

Summary

This circular announces the updated arrangement of granting of leave in aided schools, and supersedes the Education and Manpower Bureau Circulars No. 37/2000, 39/2000 and 18/2002.

Details

2. Schools are reminded to refer to the relevant sections and appendices of the Codes of Aid in granting leave to staff. For the updated arrangements relating to granting of leave, please refer to “Guidelines for Granting of Leave” in the Annex. The content of the Guidelines has also been posted at the EMB Homepage <http://www.edb.gov.hk/en/sch-admin/admin/about-sch-staff/guideline-granting-leave/index.html> (<http://www.edb.gov.hk> → School Administration and Management → Administration → About School Staff → Guidelines for Granting of Leave) and will be updated as and when necessary in future.

3. To streamline procedures, with effect from the 2005/06 school year, aided schools are required to send **yearly** instead of half-yearly the leave records of teachers to the Permanent Secretary for Education and Manpower for endorsement in **August** each year. Relevant sections of the Codes of Aid have been amended accordingly.

Enquiry

4. For enquiries, please contact the respective Senior School Development Officer.

Mrs Betty IP
for Permanent Secretary for Education and Manpower

Guidelines for Granting of Leave

General Principle

School Management Committees (SMCs)/Incorporated Management Committees (IMCs) may grant the following types of leave for teaching and non-teaching staff in accordance with the conditions provided by the relevant Code of Aid, the Employment Ordinance and the instructions the Permanent Secretary for Education (PS(Ed)) may from time to time issue:

(a) Leave for Teaching Staff

- (i) sick leave (paid or no-pay);
- (ii) maternity leave (paid or no-pay);
- (iii) paternity leave (paid)^{Note 1};
- (iv) special tuberculosis leave (paid or no-pay);
- (v) special leave for a maximum of 2 days per school year (paid);
- (vi) study leave endorsed by the PS(Ed) in advance (paid);
- (vii) leave for juror or witness service (paid);
- (viii) leave for a maximum of 14 days per school year for special events like representing HKSAR in national/international conferences or events such as the Asian Games and the Olympic Games; or being invited to present paper or speak at national/international conferences^{Note 2} in connection with education; or participating in training and camping exercises of Civil Aid Service, Auxiliary Medical Service or Auxiliary Police Force (paid); and
- (ix) any other types of no-pay leave (applicable to IMC schools only)^{Note 3}.

(b) Leave for Non-teaching Staff

Laboratory Technicians and Specialist Staff^{Note 4}

- (i) annual leave (paid);
- (ii) sick leave, special tuberculosis leave and maternity leave (paid or no-pay);
- (iii) paternity leave (paid)^{Note 1};

^{Note 1} Please refer to EDBC No. 18/2012 for details.

^{Note 2} Conferences organised at provincial/municipal level or below would not be regarded as national conferences, and prior approval from PS(Ed) is required for teachers taking such leave.

^{Note 3} In granting no-pay leave to staff, IMC schools should consider each application rigorously with due regard to: (i) the staff concerned is to tackle an affair which cannot be avoided and cannot be handled by a substitute, and (ii) students' learning should not be unduly affected.

^{Note 4} Specialist staff include educational psychologists of ordinary and special schools and the following categories of staff of special schools: school social workers, speech therapists, physiotherapists, occupational therapists, occupational therapist assistants, nurses, wardens, assistant wardens, houseparents-in-charge, houseparents, programme workers, boarding service masters/ mistresses I, boarding service masters/ mistresses II and braille staff.

- (iv) study leave endorsed by PS(Ed) in advance;
- (v) leave for juror or witness service (paid); and
- (vi) any other types of no-pay leave (applicable to IMC schools only)^{Note 3}.

Other Non-teaching Staff

Various types of leave in accordance with the Employment Ordinance, Codes of Aid, and guidelines issued by the EDB from time to time.

Please refer to the Codes of Aid for details.

2. Schools should formulate policies and principles in processing leave applications in consultation with staff to ensure impartiality and consistency. However, the procedures involved in handling leave matters should be kept to the minimum.

Leave Entitlement for Teachers and Non-teaching Staff

3. SMCs/IMCs of aided schools may refer to the relevant Code of Aid for the leave entitlement for teachers and non-teaching staff. They may also refer to “Leave Entitlement for Staff in Aided Schools” and “Approving Authority for Granting of Leave” at the Appendices of Chapter 7 of the School Administration Guide (SAG), and Appendix H of the Supplement to SAG (applicable to IMC schools only) posted on the EDB Homepage for relevant information on granting of leave. If necessary, they may consult the Labour Department on leave entitlement provided under the Employment Ordinance.

Leave that Requires Prior Approval of PS(Ed)

4. Prior approval of PS(Ed) is required in respect of granting the following types of leave to teachers, laboratory technicians, and specialist staff:

- (a) no-pay leave (excluding no-pay sick/maternity/special tuberculosis leave) [not applicable to IMC schools];
- (b) study leave which has not been endorsed by PS(Ed); and
- (c) other types of leave which are not specified above.

Points to note in processing no-pay leave of teachers

5. Before granting no-pay leave to teachers, SMCs/IMCs are advised to ensure that teachers applying for no-pay leave are duly informed of the provisions in the Codes of Aid and the following:

- (a) Promotion purposes

No-pay leave will not be counted for promotion purposes.

- (b) Grant/Subsidized Schools Provident Fund (G/SSPF)

With the approval of PS(Ed), a teacher's G/SSPF Account may be kept open for the period in which no-pay leave is granted. The period of no-pay leave including no-pay sick/maternity/special tuberculosis leave will not be counted for continuous contributory service.

(c) Date of increment

For incremental purposes, such leave shall be subject to such instructions from PS(Ed) may from time to time issue. Adjustment of the incremental date will be required if the period of no-pay leave exceeds 15 days continuously. If a teacher takes 16 to 45 days no-pay leave continuously, his/her incremental date should be deferred by one month. If the teacher takes 46 to 75 days no-pay leave continuously, his/her incremental date should be deferred by two months, and so on.

6. For no-pay sick/maternity/special tuberculosis leave, schools should send a notification of the granting of no-pay leave to the respective Senior School Development Officer of the respective Regional Education Office for seeking PS(Ed)'s approval for keeping open of G/SSPF account and for the adjustment of salary incremental date, if any. Such letter should also be copied to Finance Division of the Education Bureau for necessary arrangements. For other types of no-pay leave, IMC schools should follow the same procedures as for no-pay sick/maternity/special tuberculosis leave mentioned above; schools which have not yet established an IMC should, as required by the Codes of Aid, send an application to the respective Senior School Development Officer of the Regional Education Office for seeking PS(Ed)'s approval.

- Samples of application/notification of granting no-pay leave to school head/teachers (Attachment 1A/1B for SMC/IMC schools respectively)

(For application/notification of laboratory technicians and specialist staff, schools may adapt the above samples where appropriate.)

7. Schools should take own 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, such as expenses arising from statutory holidays and/or annual leave (if applicable). Starting from the 2012/13 school year, schools may use the surplus of Operating Expenses Block Grant (OEBG)/Expanded Operating Expenses Block Grant (EOEBG) for the payment of statutory holidays/annual leave arising from the following types of specific no-pay leave ^{Note 5} for their staff remunerated under Salaries Grant, on the condition that the application of no-pay leave is supported with valid documentary proofs:

^{Note 5} Prevailing procedures should be followed in approving no-pay leave to staff in schools. Schools should retain all supporting documents for payment arising from the above specific no-pay leave for record and inspection, if required.

- (a) no-pay sick/maternity/special tuberculosis leave (referred to as no-pay sick leave);
- (b) no-pay study leave for attending education-related courses;
- (c) no-pay leave granted due to poor health condition with medical documentary proof; and
- (d) no-pay leave granted for alleviating the redundancy problem of an individual school/schools under the same Sponsor (prior confirmation from the School Development Officer concerned is required).

For no-pay leave other than the above listed, schools should continue to take their own responsibilities to fulfill all statutory requirements including meeting any possible expenditure out of non-government funds. Schools may refer to the latest EDBCM on “Operating Expenses Block Grant, Expanded Operating Expenses Block Grant and Composite Furniture and Equipment Grant for Aided Schools” and the User Guides of OEBG/EOEBG uploaded on EDB Homepage for details.

Leave Records

8. Schools should keep leave records of their staff as required by the Codes of Aid and **are requested to send in leave record of teachers yearly in August each school year for PS(Ed)’s endorsement.** PS(Ed) will signify his approval to the leave by endorsing the relevant leave records provided that PS(Ed) is satisfied that the SMC/IMC concerned has considered each application in accordance with the conditions provided by the relevant Code of Aid, the Employment Ordinance and the instructions PS(Ed) from time to time issue with supporting documents.

- Sample of annual summary of leave record of teachers (Attachment 2)

9. For non-teaching staff, the leave records are not required to be sent to PS(Ed) for endorsement. Schools are reminded to keep proper and up-to-date leave records of their non-teaching staff.

- Sample of annual summary of leave record of non-teaching staff (Attachment 3)

10. To facilitate schools’ proper leave recording of their teaching/non-teaching staff, samples of leave record of individual staff are also provided below for schools’ reference:

- Sample of sick leave record of individual staff (teaching or non-teaching) (Attachment 4)
- Sample of other leave record of individual staff (teaching or non-teaching) (Attachment 5)

11. For proper management of leave matters, schools should keep the leave records of their staff up-to-date. These leave records should be available for

inspection by officers authorized by PS(E_d) or the inspectors of schools as and when required. When a staff leaves the employment of a school, the Certificate of Service prepared by the school for the staff should state, among other things, the period(s) of no-pay leave taken (if any) and the sick leave balance.

Education Bureau

(Revised in April 2013)

SAMPLE**(For the reference of schools which have not yet established an IMC)**

Date:

To: Senior School Development Officer, Regional Education Office

Duplicate : Senior Accounting Officer (Funds), Finance Division

Triplicate : The school *head/teacher taking leave

* Delete whichever is inappropriate

 “✓” as appropriate

Dear Sir/Madam,

**No Pay Leave
for School Head/Teachers**

Name of School:

Name of *Head/Teacher: _____

I refer to the application for no-pay leave by *Mr/Ms _____,
(rank) _____ of my school dated _____.

I wish to inform you that *Mr/Ms _____ *has applied for/has been
granted no-pay leave of _____ day(s) from _____ to _____ inclusive on ground of:

- a. *sick/maternity/special tuberculosis leave.
- b. study leave for attending education-related course(s). (Please specify)
The course name: _____
The organizing institution: _____
- c. leave due to poor health condition with medical documentary proof.
- d. leave for alleviating the redundancy problem of *my school/another school under
the same sponsor. ^{Note 1}
(please specify the name of the other school: _____)
- e. other leave for reasons of personal affairs.
(please specify the reason: _____)

In view of the fact that *Mr/Ms _____ *has applied for/has been
granted _____ day(s) of no-pay leave, his/her incremental date *will be adjusted upon
approval/is adjusted to the first of _____.

^{Note 1} Prior confirmation from school's respective School Development Officer is required.

I have checked the relevant documentary proof provided by *Mr/Ms _____ and confirm valid. The documentary proof [applicable to types of leave stated in (b) to (e) only] is attached with this form for your further processing of this application.

I should be grateful if you would *give approval to the above leave application and keeping open the provident fund account/give approval to keeping open the provident fund account of *Mr/Ms _____ from _____ to _____ inclusive as a result of his/her taking no-pay leave during the above-mentioned period. His/her leave will not be counted as continuous contributory service for provident fund purposes.

I understand that schools should take own responsibility to fulfill all statutory requirements, including meeting any possible expenditure arising from the no-pay leave of the teaching staff concerned, such as the expenses arising from statutory holidays ^{Note 2}.

Yours sincerely,

(_____)
School Supervisor

(Revised in April 2013)

^{Note 2} For meeting statutory requirements arising from no-pay leave of (a) to (d), aided schools are reminded to refer to the EDB Circular Memorandum on “Operating Expenses Block Grant (OEBG), Expanded Operating Expenses Block Grant (EOEBG) and Composite Furniture and Equipment Grant for Aided Schools” of the school year and the User Guide of OEBG uploaded on EDB Homepage.

SAMPLE
(For the reference of schools which have established an IMC)

Date:

To: Senior School Development Officer, Regional Education Office

Duplicate : Senior Accounting Officer (Funds), Finance Division

Triplicate : The school *head/teacher taking leave

* Delete whichever is inappropriate

 “✓” as appropriate

Dear Sir/Madam,

No-pay Leave
for School Head/Teachers

Name of School:

Name of *Head/Teacher: _____

I refer to the application for no-pay leave by *Mr/Ms _____,
 (rank) _____ of my school dated _____.

I wish to inform you that approval has been given to *Mr/Ms _____
 to take no-pay leave of _____ day(s) from _____ to _____ inclusive on ground of:

- (a) *sick/maternity/special tuberculosis leave.
- (b) study leave for attending education-related course(s). (please specify)
 The course name: _____
 The organizing institution: _____
- (c) leave due to poor health condition with medical documentary proof.
- (d) leave for alleviating the redundancy problem of *my school/another school under
 the same sponsor. ^{Note 1}
 (please specify the name of the other school: _____)
- (e) other leave for reasons of personal affairs.
 (please specify the reason: _____)

In view of the fact that *Mr/Ms _____ has been granted _____ day(s) of
 no-pay leave, his/her incremental date will be adjusted to the first of _____.

^{Note 1} Prior confirmation from school's respective School Development Officer is required.

I have checked the relevant documentary proof provided by *Mr/Ms _____ and confirm valid. I understand that EDB may request my school to provide the documentary proof in respect of the above no-pay leave.

I should be grateful if you would give approval to *Mr/Ms _____ for keeping open his/her provident fund account from _____ to _____ inclusive as a result of his/her taking no-pay leave during the above-mentioned period. His/her leave will not be counted as continuous contributory service for provident fund purposes.

I also understand that schools should take own responsibility to fulfill all statutory requirements, including meeting any possible expenditure arising from the no-pay leave of the teaching staff concerned, such as the expenses arising from statutory holidays ^{Note 2}.

Yours sincerely,

(_____)
School Supervisor

(Revised in April 2013)

^{Note 2} For meeting statutory requirements arising from no-pay leave of (a) to (d), aided schools are reminded to refer to the EDB Circular Memorandum on “Operating Expenses Block Grant (OEBG), Expanded Operating Expenses Block Grant (EOEBG) and Composite Furniture and Equipment Grant for Aided Schools” of the school year and the User Guide of EOEBG uploaded on EDB Homepage.

SAMPLE (For reference only)

To: Senior School Development Officer, Regional Education Office

ANNUAL SUMMARY OF LEAVE RECORD OF TEACHERS^{Note}

Name of School : _____

Period : _____ to _____

I submit leave record of the following teachers for the above-mentioned period for your approval. I confirm that each application with the supporting documents has been considered in accordance with the conditions provided by the relevant Code of Aid, the Employment Ordinance and the instructions the Permanent Secretary for Education may from time to time issue.

Name of Teacher	Types of Leave Taken*	Paid (P)/ No-pay (NP)	No. of Days	Sick Leave Balance as at 31 August of _____(year)	Remarks
1. Mr CHAN x x	SL SL	P NP	28 2	0	
2. Ms SIU x x	-	-	-	168	
3. Ms LEE x x	ML ST	P P	70 91	168	
4. Miss CHEUNG x x	O	NP	21	42	
5. Mrs WONG HO x x	ST SL	P P	91 15	100	

*Types of Leave - Sick Leave (SL), Special Tuberculosis Leave (TB), Maternity Leave (ML), Paternity Leave (PAL1), Special Leave (SP), Study Leave (ST), Leave for serving as Jurors or Witnesses (JW), Leave for Special Events (LS) and Others (O).

Date: _____ Name of Supervisor: _____ Supervisor's Signature: _____

^{Note} Include all regular teachers in the approved establishment and other teachers paid out of Salaries Grant.

SAMPLE (For reference only)

ANNUAL SUMMARY OF LEAVE RECORD OF NON-TEACHING STAFF

Name of School : _____

Period : _____ to _____

I confirm that each application with the supporting documents has been considered in accordance with the conditions provided by the relevant Code of Aid, the Employment Ordinance and the instructions the Permanent Secretary for Education may from time to time issue.

Name of Staff (Date of appointment)	Post	Types of Leave Taken*	Paid (P)/ No-pay (NP)	No. of Days	Remarks
1. Mr LEE x x (1.9.2011)	Laboratory Technician	SL	P	28	
		SL	NP	3	
		AL	P	14	
2. Ms WONG x x (1.9.2010)	Clerical Assistant	ML	P	70	
		SL	P	2	
		AL	P	14	

*Types of Leave – Annual Leave (AL), Sick Leave (SL), Special Tuberculosis Leave (TB), Maternity Leave (ML), Paternity Leave (PAL1), Study Leave (ST), Leave for serving as Jurors or Witnesses (JW), Leave for Special Events (LS) and Others (O).

Date: _____ Name of Supervisor: _____ Supervisor's Signature: _____

SICK LEAVE RECORD SAMPLE (For reference only)

Worked Examples on Calculation of Sick Leave Balance of Teaching Staff

Worked Example 1

Name of School: _____

Name of Staff _____ (_____) Sex: _____

Post: GM

Date of Appointment: *1.9.2006* Last Date of Employment: _____

Incremental Date [ID]: 1st of September after Appointment

Sick Leave Entitlement ^{Note 1}		Sick Leave Taken			Sick Leave Balance Day(s)	Incremental Date (ID)
Date of Crediting	Days	From	To	Absence Day(s)		
1.9.2006	28				28	1.9
1.9.2007	48				76 (28+48) ^{Note 2}	1.9
		6.4.2008	13.4.2008	8	68 (76-8)	
1.9.2008	48				116 (68+48)	1.9
		25.2.2009	23.6.2009	116 [119-3=116] Note 3	0	
		29.6.2009	2.7.2009	4 ^{Note 4}	0 (0-4=-4)	1.9
1.9.2009	48				48 (0+48) ^{Note 5}	1.9

Note 1 The maximum sick leave balance that can be accumulated is 168 days.

Note 2 At the beginning of 2007/08 school year, adding the 48 days paid sick leave entitlement does not exceed the 168-day maximum. Therefore, all sick leave entitled by the teacher will be credited to the sick leave balance on a yearly basis.

Note 3 According to the Employment Ordinance, an employee is entitled to enjoy the benefit of statutory holidays upon completion of 3 months continuous service. Therefore, when the paid sickness period fall on statutory holiday (4/4 - Ching Ming Festival, 1/5 - Labour Day, 28/5 - Tuen Ng Festival), such statutory holidays should not be counted against the paid sick leave entitlement of the teacher.

Note 4 When no-pay sickness period fall on statutory holiday(s) (1/7 - HKSAR Establishment Day), such statutory holiday(s) should be counted in accordance with the valid medical certificate but schools have to take own responsibility to fulfill the statutory requirements. Starting from the 2012/13 school year, schools may use the surplus of OEBG/EOEBG for the payment of statutory holidays arising from the no-pay sick leave of the teacher remunerated under Salaries Grant.

Note 5 Since the sick leave balance at the end of the 2008/09 school year is NOT more than 120 days, school will continue to update the sick leave balance in advance on a yearly basis at the beginning of 2009/10 school year.

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Worked Example 2

Name of School: _____

Name of Staff _____ (_____) Sex: _____

Post: GM

Date of Appointment: *1.9.2004* Last Date of Employment: _____

Incremental Date [ID]: 1st of September after Appointment

Sick Leave Entitlement ^{Note 1}		Sick Leave Taken			Sick Leave Balance Day(s)	ID
Date of Crediting	Days	From	To	Absence Day(s)		
1.9.2009					168 ^{Note 2}	1.9
30.9.2009	4	13.9.2009 (am)	13.9.2009 (am)	0.5	168 (168-0.5+4)	
31.10.2009	4				168 (168+4)	
30.11.2009	4				168 (168+4)	
31.12.2009	4	18.12.2009 (am)	18.12.2009 (am)	0.5	168 (168-0.5+4)	
31.1.2010	0 ^{Note 3}	29.1.2010	10.2.2010	13	155 (168-13)	
11.2.2010	4 ^{Note 4} (for the month of Jan)				159 (155+4)	
28.2.2010	4				163 (159+4)	
31.3.2010	4				167 (163+4)	
30.4.2010	4				168 (167+4)	
31.5.2010	4	11.5.2010	11.5.2010	1		
		24.5.2010	25.5.2010	2		
		27.5.2010	28.5.2010	2	167 (168-1-2-2+4)	
30.6.2010	0	2.6.2010	2.6.2010	1		
		4.6.2010	9.6.2010	6		
		18.6.2010	30.6.2010	13	147 (167-1-6-13)	
1.7.2010	4 ^{Note 5} (for the month of Jun)				151 (147+4)	

Note 1 The maximum sick leave balance that can be accumulated is 168 days.

Note 2 Since the maximum sick leave balance is reached (i.e. 168 days) at the beginning of the 2009/10 school year, school needs to update the teacher's sick leave balance on a monthly basis to credit 4 days of sick leave entitlement for each completed month of service.

Note 3 The entitlement of paid sick leave accumulated for Jan 2010 cannot be credited to the sick leave balance until the teacher's sickness period ends.

Note 4 The teacher's sickness period ends on the day before the Lunar New Year Holiday (i.e. 11/2). School has formulated school-based policy on sick leave management (including the submission of medical certificate, means of notifying school that the sick leave ends, etc.) to handle the above situation. As the school noted that the teacher's sick leave ends, the sick leave entitlement the teacher accrued during the sickness period could be credited to his/her sick leave balance.

Note 5 As the sickness period is followed by a statutory holiday (i.e. 1/7), school may credit the sick leave entitlement accrued during the sickness period to the teacher's sick leave balance.

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31.7.2010	4				155 (151+4)	
31.8.2010	4				159 (155+4)^{Note 6}	
	4 days paid sick leave are to be updated monthly in the 2010/11 s.y.		Total	39	159	

^{Note 6} Since the sick leave balance at the end of 2009/10 school year is more than 120 days, school will continue to update the sick leave balance of the teacher on a monthly basis in the 2010/11 school year.

SAMPLE (For reference only)

OTHER LEAVE RECORD (EXCLUDING SICK LEAVE)

Name of School: _____

Name of Staff _____ (_____) Sex: _____

Post: GM

Date of Appointment: 1.9.1997 Last Date of Employment: _____

Incremental Date [ID]: 1st of September after Appointment
Adjusted to 1st of October after the teacher took no-pay special leave from 30.4.2012 to 20.5.2012 inclusive (21 days)

- Absence Type of Leave:
- Special Tuberculosis Leave (TB)
 - Maternity Leave (ML)
 - Paternity Leave (PAL1)
 - Special Leave (SP)
 - Study Leave (ST)
 - Leave for serving as Jurors or Witnesses (JW)
 - Leave for Special Events (LS)
 - Others (O)

Absence Type	Paid (P) / No-pay (NP)	Absence Period/Date		Absence Day(s)	ID
		From	To		
SP	P	8.10.1998	---	1	1.9
ML	P	1.12.1999	8.2.2000	70	1.9
O	NP	30.4.2012	20.5.2012	21	1.10