



中華人民共和國香港特別行政區政府總部教育局
Education Bureau
Government Secretariat, The Government of the Hong Kong Special Administrative Region
The People's Republic of China
NET Administration Team, Room 1110, 11/F Wu Chung House, 213 Queen's Road East, Wan Chai, HK

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To: Supervisors/Heads of All Aided Secondary, Primary and Special Schools

25 November 2020

Dear Sir/Madam,

**Extension of Service of Native-speaking English Teachers (NETs)
Beyond the Retirement Age in Aided Secondary/Primary Schools
in the 2021/22 School Year**

This circular letter aims to inform schools of the details relating to the application for extension of service of NETs beyond the retirement age under the Enhanced NET Scheme in Secondary Schools and the NET Scheme in Primary Schools. This letter shall also be presented to the NETs concerned.

The Education Ordinance¹ stipulates that,

- (a) a person shall not be employed as a teacher or the principal of an aided school if he/she would be aged 60 years or more at the commencement of such employment; and
- (b) a person employed as a teacher or the principal of an aided school shall not continue to be so employed for a school year or any part thereof if he/she has attained the age of 60 years or more before the commencement of the school year, except in accordance with the written permission of the Permanent Secretary for Education (Permanent Secretary). The maximum aggregate period for which permission may be given shall be five consecutive school years.

The provisions in paragraph 2 (a) and (b) above do not apply under the following circumstances –

- (a) an aided school may employ a person aged 60 years or more as a temporary replacement of a teacher for any period during which that teacher is unable for any reason to perform his/her duties as a teacher of the school; or
- (b) the person fills a post that is not within the teaching staff establishment of the school approved by the Permanent Secretary from time to time.

NETs are part of the teaching staff establishment. In accordance with the

¹ Please refer to sections 58A and 58B of the Education Ordinance for details.

above-mentioned provisions and existing retirement policy, NETs of aided schools would normally retire at the end of the school year in which they reach the age of 60. It is the responsibility of the School Management Committee (SMC)/Incorporated Management Committee (IMC) to observe and comply with the above provisions on retirement age. As a good practice on human resources management and for the sustainable development of the school, the SMC/IMC, in anticipation of the retirement of the incumbent, should plan ahead for succession to ensure that the overall interests of the school would not be affected. As stipulated in the Education Bureau Circular Memorandum No. 168/2020 dated 20 November 2020 and to be in line with the retirement policy for aided school teachers, special permission for extension of service of teachers (including NETs) beyond the retirement age normally will not be granted except under very special circumstances. As such, extension of service of teachers, including NETs, beyond the retirement age should only be seen as an exception rather than the rule.

Before considering the retention of an incumbent NET who is due to retire, the SMC/IMC should first of all make every reasonable effort to find a suitable replacement. The SMC/IMC is required to follow the existing requirements to ensure that the recruitment exercise (including shortlisting suitable candidates and conducting interviews) is open, fair and transparent. If the school finds that an applicant possesses the required qualifications, experience and the necessary core attributes, it should recommend the SMC/IMC to offer the post to him/her. In this regard, the incumbent NET should retire. In the event that no suitable replacement can be identified after making every reasonable effort, the SMC/IMC may apply for permission to continue to employ the incumbent NET beyond the retirement age in the 2021/22 school year. In addition to confirming that the school cannot find a suitable replacement after making every reasonable effort, the SMC/IMC has the responsibility to prove that there is a genuine need to retain the incumbent NET and support its application to the Permanent Secretary with documentary evidence. In considering the applications from schools, the Education Bureau will consider a range of factors including the performance of the NETs concerned, their contributions to schools, the availability of suitable candidates for the NET posts and the incumbent's physical fitness as a teacher.

Schools are to note that this circular letter is intended for NETs who will be:

- (i) 60 or above before the commencement of the 2021/22 school year; and
- (ii) 59 before the commencement of the 2021/22 school year and will turn 60 before the commencement of the 2022/23 school year if they wish to renew a two-year contract with their schools effective from the 2021/22 school year.

Supervisors who wish to apply for either an extension of service in the 2021/22 school year for their NETs who are under category (i) above, or an approval in advance for extension of service for their NETs under category (ii) above, should send the completed proforma at the Appendix together with supporting documents to the NET Administration Team on or before 15 January 2021. All applications submitted beyond the above deadline will not be processed. Schools will be notified of the results of the application in writing in due course.

As a matter of fact, for NETs under category (ii) above, your school may first consider extending the contract period of the NET for one more year in the 2021/22 school year (i.e. application to the EDB is not required) since the application for the approval in advance for the NET of your school in the 2021/22 school year is only applicable under the condition that your school wishes to renew a two-year contract of the NET with effective from the 2021/22 school year. For details of extending the contract period of the NET for one year, please refer to relevant stipulations as stated in the Sample

Memorandum on the Terms and Conditions of Service for Appointment as Teacher under the NET Scheme in Primary Schools/Enhanced NET Scheme in Secondary Schools.

For enquiry related to extension of service of NETs beyond the retirement age in aided schools, please contact Ms Tania SZE on 3540 7435 or Ms Rita TSE on 2892 6525.

A handwritten signature in black ink, appearing to read 'M K Lam', written in a cursive style.

(M K LAM)

for Permanent Secretary for Education