

Application Form

Selection of kindergarten (KG) operator for kindergarten premises under Link Properties Limited (“Link”) in Hong Pak Court, Lam Tin

Note:

1. Please read the guidance notes before completing this form.
2. For each school applying for relocation, please use one application form only. Other than cases involving relocation of the existing schools, each applicant body can submit one application only.

Part I. Information of Applicant Body

Registered Name of the Applicant Body:

(English) _____

(Chinese) _____

Correspondence Address:

(English) _____

(Chinese) _____

Name of Contact Person:

(English) (*Mr / Mrs / Ms / Miss) _____

(Chinese) _____

(*先生 / 太太 / 女士 / 小姐)

Position: (English) _____

Telephone No: _____

(Chinese) _____

Fax No: _____

Email Address: _____

* Please delete as appropriate

Eligibility Requirement¹

1. Is the applicant body registered under the Companies Ordinance (Cap. 622)?

Yes

No (Please specify under which Ordinance the applicant body is incorporated in Hong Kong:

_____)

2. Is the applicant body exempted from tax under Section 88 of the Inland Revenue Ordinance (Cap. 112)?

Yes

No.

Please put a “✓” in the appropriate box.

¹ Please note the eligibility requirements of the applicant bodies as set out in Item 1 of the Guidance Notes.

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Part II. Relocation² (Applicable to cases involving relocation only)

1. What is the existing operation mode of the school?

- # KG only KG-cum-CCC

Please put a "✓" in the appropriate box.

2. Information of the school to be relocated -

Name of school to be relocated:

(English) _____

(Chinese) _____

Full Address of the kindergarten: (English) _____

(Chinese) _____

Reasons for relocation: _____

Part III. Checklist on Documents Required:

Enclosed

- | | |
|--|--------------------------|
| 1. Duly completed and signed original copy of the application form | <input type="checkbox"/> |
| 2. <u>If the applicant body is incorporated under the Companies Ordinance</u> , please provide its incorporation document and Articles of Association and complete and return Annex of this Application Form. | <input type="checkbox"/> |
| 3. <u>If the applicant body is incorporated under its own Ordinance</u> , please provide the content of the relevant Ordinance, and its Constitution, if any. | <input type="checkbox"/> |
| 4. Applicant body's certificate of exemption from tax | <input type="checkbox"/> |
| 5. 18 copies each of (i) proposed school plan (NOT MORE THAN 10 pages* including all annexes) plus a 2-page* executive summary and (ii) list of operating KGs, schools (with names, addresses and types) run by the applicant body; and 2 CD-ROMs containing (i) and (ii). | <input type="checkbox"/> |
| 6. Information showing that parents and teachers have been consulted on the proposed relocation of the kindergarten and their views about the relocation (only applicable to application for relocation). | <input type="checkbox"/> |

* Content in pages exceeding the page limits would not be considered.

Part IV. Obligations of the Successful Applicant

If the applicant body is allocated a kindergarten premises, it will be committed to:

- (a) implementing education initiatives applicable to KGs (including Free Quality Kindergarten Education Policy);

² For schools housed in estate KG premises, if allocated premises for relocation, the concerned operators are required to return the original estate KG premises in which the school is originally housed, to the Government within a reasonable period of time from the date of operation of the school at the new premises.

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- (b) maintaining an operation standard to the satisfaction of the Secretary for Education;
- (c) bearing the full cost of operation of a new KG;
- (d) revising and updating the Articles of Association/ Constitution of the applicant body, if necessary, to ensure that its Articles of Association contain all the standard text required for allocation of the premises, or the Permanent Secretary for Education is satisfied, having regard to its Constitution, that it is fit to be considered for allocation of a school premises; and
- (e) maintaining the registration and tax exemption status under Section 88 of Inland Revenue Ordinance which meets the eligibility requirement for allocation as stipulated under point 1 of the Guidance Notes.

Part V. Declaration on the part of EDB

Non-binding Nature of Application

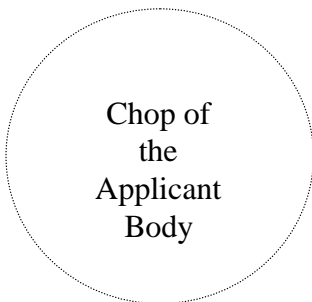
The invitation for application and submission of detailed school proposal is non-binding by nature. It does not constitute any kind of offer or the basis of any kind of offer to any party for school allocation, nor does it create any legal obligations on the Government. It does not prejudice any future scrutiny by the selection committee/Government, nor commit them to any course of action including whether or not to approve any allocation at all, irrespective of the number of applications received. Nothing in this invitation shall oblige the Government to allocate the premises to any party at any time.

Setting up New KGs/ Relocation of Existing KGs

Nomination of applicants through this selection exercise is for the purpose of setting up new KGs/ relocation of existing KGs and the nomination bears no impact on the result of any possible subsequent application to the Joint Office for Kindergartens and Child Care Centres (“JOKC”) of the Education Bureau through established procedures for the setting up/ operation of child care centres (“CCC”) at the premises concerned. In other words, allocation of the premises to the successful applicants under this selection exercise should not be taken as the Government’s approval for operation of KG-cum-CCCs at the new premises simultaneously even though the applicants may have already indicated such intention in their school proposals. The application to JOKC for setting up CCCs at the KG premises, if any, is independent from this selection exercise. Successful applicants under this selection exercise are required to take up the premises for operation of KGs if their subsequent application for setting up/ operation of CCCs with JOKC is unsuccessful.

Part VI. Disclosure of information

We understand that all the information we provide to the Government in connection with our application will be used for processing this selection exercise only. The information may be disclosed to any other Government bureaux/ departments/ officers or any other third party responsible for this selection exercise as the Government shall consider appropriate.



Name of Responsible Person:

(English) : _____

(Chinese) : _____

Position : _____

Organisation : _____

Signature : _____

Date : _____

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Annex

To be eligible for allocation of a school premises, the Articles of Association submitted by the Applicant Body should contain all the text stipulated below. Please indicate in the boxes on the right-hand column the relevant clause/article numbers of the Applicant Body's Articles of Association that correspond to the standard clauses and articles required.

If any of the standard text has not been included in the Applicant Body's Articles of Association, please put down "not included" in the boxes. If the application is successful, the Applicant Body will be required to revise its Articles of Association accordingly and seek approval from the Registrar of Companies for the revision to be made.

Standard Text required for Allocation of a School Site/ Premises

(only applicable if the applicant body is incorporated under the Companies Ordinance)

	<u>Standard Articles Articles of Associations</u>	<u>Article No.</u>
<u>Objects</u>		
1.	The objects for which the Association is established ("Objects") are specifically expressed below: (Here express objects shortly)	<input type="text"/>
(1)	To establish and maintain a non-profit-making school or schools.	<input type="text"/>
(2)	To.....	<input type="text"/>
(3)	To.....	<input type="text"/>
(n)	To do all such other lawful things as are incidental or conducive to the attainment of the above Objects.	<input type="text"/>
Provided that:		
i.	In case the Association shall take or hold any property which may be subject to any trusts, the Association shall only deal with or invest the same in such manner as allowed by law, having regard to such trusts.	<input type="text"/>
ii.	The Objects of the Association shall not extend to the regulation of relations between workers and employers or organisations of workers and organisations of employers.	<input type="text"/>
<u>Powers of the Association</u>		
2.	The Association has power to do anything which is calculated to further its Objects but not otherwise, or is conducive or incidental to doing so. In particular, the Association has powers:	<input type="text"/>
(1);	
(2); and	
(3)	

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Amendments to articles of association

3. No addition, alteration, or amendment shall be made to or in these articles of association of the Association, unless such addition, alteration or amendment has previously been submitted to and approved by the Registrar of Companies in writing or is made under a direction given under section 104(2)(b) or 105 of the Companies Ordinance.

Application of income and property

4. (1) The income and property of the Association shall be applied solely towards the promotion of the Objects as set out in these articles.

(2) Subject to sub-article (3) below, none of the income or property of the Association may be paid or transferred directly or indirectly, by way of dividend, bonus, or otherwise howsoever, to any members of the Association.

(3) The requirement under sub-article (2) above does not prevent the payment by the Association:

a) of reasonable and proper remuneration to a member of the Association for any goods or services supplied by him or her to the Association;

b) of reimbursement to a member of the Association for out-of-pocket expenses properly incurred by him or her for the Association;

c) of interest on money lent by a member of the Association to the Association at a reasonable and proper rate which must not exceed 2% per annum above the prime rate prescribed for the time being by the Hongkong and Shanghai Banking Corporation Limited for Hong Kong dollar loans;

d) of rent to a member of the Association for premises let by him or her to the Association: Provided that the amount of the rent and the other terms of the lease must be reasonable and proper; and such member must withdraw from any meeting at which a proposal or the rent or other terms of the lease are under discussion; and

e) of remuneration or other benefit in money or money's worth to a body corporate in which a member of the Association is interested solely by virtue of being a member of that body corporate by holding not more than one-hundredth part of its capital or controlling not more than a one-hundredth part of its votes.

Liability of members

5. The liability of the members is limited.

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6. Each person who is a member of the Association undertakes that if the Association is wound up while the person is a member of the Association, or within one year after the person ceases to be such a member, the person will contribute an amount required of the person, not exceeding to the Association’s assets -
- (a) for payment of the Association’s debts and liabilities contracted before the person ceases to be such a member;
 - (b) for the payment of the costs, charges and expenses of winding up the Association; and
 - (c) for the adjustment, among the contributories, of their rights.

Net assets on winding up and dissolution

7. If upon the winding up or dissolution of the Association there remains, after the satisfaction of all its debts and liabilities, any property whatsoever (“the net assets”), the net assets shall not be paid to or distributed among the members of the Association but shall be given or transferred to some other institution or institutions, having objects similar to the Objects, and which shall prohibit the distribution of its or their income and property amongst its or their members to an extent at least as great as is imposed on the Association under or by virtue of Article 4 above and this article, such institution or institutions to be determined by a resolution of the members of the Association at or before the time of dissolution and in default thereof by a Judge of the High Court of the Hong Kong Special Administrative Region having jurisdiction in the matter. If and so far as effect cannot be given to the aforesaid provisions, the net assets shall be applied for charitable purposes as directed by a Judge of the High Court of the Hong Kong Special Administrative Region having jurisdiction in the matter.

Operation of school(s)

8. The Association shall use its best endeavors to ensure that all school(s) managed by itself or under its direct or indirect supervision are operated in all respects to the full satisfaction of the Permanent Secretary for Education and in the best interest of the students, including but not limited to ensuring compliance with the applicable legislation and such other requirements as specified from time to time by the Permanent Secretary for Education.

Management Committee/ Incorporated Management Committee

9. (i) The Directors shall, in accordance with the provisions of the Education Ordinance, set up for each school established or carried on by the Association a management committee or an incorporated management committee established under the Education Ordinance. Subject to the provisions of the Education Ordinance, the members of the management committee or the incorporated management committee may be appointed or elected either for a fixed term or

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without limitation as to the period for which each of them is to hold office, and the nominees shall make application to the Permanent Secretary for Education for registration as managers under the provisions of the Education Ordinance.

(ii) Subject to the provisions of the Education Ordinance, the Directors may remove or dismiss a member of a management committee from office and a member of an incorporated management committee may be removed or dismissed in accordance with the Education Ordinance. Any member so removed or dismissed and any member whose term of office has expired and has not been renewed or extended shall forthwith tender his resignation in writing to the Permanent Secretary for Education as a registered manager under the Education Ordinance.

(iii) The Directors or the management committee or the incorporated management committee shall nominate in accordance with the provisions of the Education Ordinance another member to replace a member of a management committee or an incorporated management committee who has been removed or dismissed or whose term of office has expired and such nominee shall make application to the Permanent Secretary for Education for registration as a manager under the provisions of the Education Ordinance.

(iv) A member of a management committee may be but need not necessarily be a Director. The composition of an incorporated management committee shall comply with the provisions of the Education Ordinance.

10. It shall be the special responsibility of a management committee or an incorporated management committee to manage the school in accordance with the Education Ordinance, and in all respects to the satisfaction of the Permanent Secretary for Education.