

# Application Form

## Second Kindergarten Premises Allocation Exercise 2022

Note:

1. Please read the Points to Note before completing this form.
2. Please use a separate application form for each application of relocation / operation of a kindergarten ("KG"). Other than applications for relocation of the existing kindergartens, 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 Requirement<sup>1</sup>

1. Is the applicant body registered / to be 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 exempt from tax under Section 88 of the Inland Revenue Ordinance (Cap. 112)?

- #  Yes  No

# Please put a "✓" in the appropriate box.

<sup>1</sup> Please note the eligibility requirements of the applicant bodies as set out in Item 1 of the Points to Note.

## **Application Form**

### **Part II. Checklist on the documents required:**

Enclosed

1. Duly completed and signed original copy of the application form;
2. If the applicant body is incorporated under the Companies Ordinance, please provide its incorporation document and Articles of Association and complete **Annex** of this Application Form;
3. If the applicant body is incorporated under its own Ordinance, please provide the content of the relevant Ordinance, and its Constitution, if any;
4. Applicant body's certificate of exemption from tax; and
5. 5 copies each of the following documents: (i) the Information on Operation Plan, and (ii) list of operating KGs and schools run by the applicant body (if applicable, please list the names, addresses and types of schools).

### **Part III. Obligations of the Successful Applicant Body**

**If the applicant body is allocated a KG premises for operation of a KG (“the KG”), it will be committed to:**

- (a) implementing education initiatives applicable to KGs, including application for participation of the KG in the KG education scheme (“the Scheme”), and accepting the terms and conditions of the Scheme if the application is approved by the Government. For details of the Scheme, please refer to the Education Bureau (“EDB”) Circular No. 7/2016 “Free Quality Kindergarten Education” issued on 20 July 2016, as well as relevant circulars and guidelines which have been uploaded to EDB website. For the Terms and Conditions for joining the Scheme, please refer to the related annual EDB circular memorandum;
- (b) maintaining an operation standard to the satisfaction of the Permanent Secretary for Education;
- (c) bearing the full cost of operation of the KG in the allocated premises;
- (d) registering under the Companies Ordinance (Cap. 622) the soonest possible (for applicant body not yet registered under the Companies Ordinance);
- (e) revising and updating the Articles of Association 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;;
- (f) undertaking to remain fulfilling the requirements on incorporation status and non-profit-making status under Section 88 of the Inland Revenue Ordinance as stipulated under Item 1 of the Points to Note;
- (g) undertaking not to use the previous rented premises for any other school purposes (for relocation application);
- (h) undertaking to continue the operation of the KG in the existing premises without a break before the commencement of operation in the allocated premises; and to devise a proper plan and arrangements in advance for cessation of operation of the existing premises, including adequate time to notify stakeholders (parents and staff) and provision of appropriate support (such as school transfer arrangements) (for relocation application);
- (i) returning the previous premises to the Government (including Hong Kong Housing Authority) or the Link Properties Limited (The Link) (for relocation application of a KG originally housed in premises of the Government or The Link); and
- (j) returning the allocated premises to the Government if the KG withdraws or is not approved to participate the Scheme.

# Application Form

## Part IV. Declaration on the part of EDB

### Non-binding Nature of Application and Submission of Information on Operation Plan

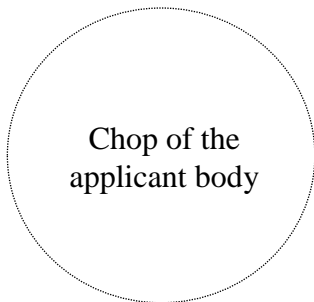
The invitation for application and submission of Information on Operation Plan is non-binding by nature. It does not constitute any kind of offer or the basis of any kind of offer to any party for school allocation, nor does it create any legal obligations on the Government. It does not prejudice any future scrutiny by the Government, nor commit it 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.

### Relocation of Existing KGs / Setting up New KGs

Nomination of applicant bodies through this KG premises allocation exercise is for the purpose of operating 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”) for operation of child care centres (“CCC”). The nominated applicant bodies should make application to the JOKC through established procedures if they wish to operate CCC simultaneously in the premises concerned. In other words, allocation of the premises to the successful applicant bodies under this KG premises allocation exercise should not be taken as the EDB’s approval for operation of KG-cum-CCCs at the concerned premises simultaneously even though the applicant bodies may have already indicated such intention in their application documents. The application to JOKC for setting up CCCs at the KG premises, if any, is independent from this KG premises allocation exercise. Successful applicant bodies under this KG premises allocation exercise are required to take up the premises for operation of KGs if their subsequent application for setting up/ operation of CCCs are unsuccessful.

## Part V. Disclosure of information

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



Name of Responsible Person of the applicant body:

(English) : \_\_\_\_\_

(Chinese) : \_\_\_\_\_

Position (English) : \_\_\_\_\_

Position (Chinese) : \_\_\_\_\_

Organisation : \_\_\_\_\_

Signature : \_\_\_\_\_

Date : \_\_\_\_\_

# Application Form

Annex

## Second Kindergarten Premises Allocation Exercise 2022

### Standard Text required for Allocation of a School Premises

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

To be eligible for allocation of a school premises, the Articles of Association (A&A) 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 A&A that correspond to the standard clauses and articles required.

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

<u>Objects</u>	<b>Standard Articles Articles of Associations</b>	<b>Article No.</b>
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"/>

### Powers of the Association

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. Specifically, the Association has powers:	<input type="text"/>
	(1) .....	
	(2) .....; and	
	(3) .....	

### 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.	<input type="text"/>
----	---	----------------------

## Application Form

### 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.
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.

## Application Form

### 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.

### Management Committee

8. (i) Subject to the provisions of the Education Ordinance, the members of the management committee may be appointed or elected either for a fixed term or 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. The Supervisor of a school shall, within one month, give notice in writing to the Permanent Secretary for Education if any member ceases to be a manager of the school.
- (iii) The management committee shall nominate in accordance with the provisions of the Education Ordinance and School Management Committee constitution (if any) another member to replace a member of a 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.
9. It shall be the special responsibility of a 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.