

Kindergarten Education Scheme

Composition and Operation of the School Management Committees

A. Background

The Education Bureau (EDB) has implemented the kindergarten education scheme (the Scheme) starting from the 2017/18 school year. Under the new policy, the Government has substantially increased the recurrent expenditure on kindergarten (KG) education. To strengthen accountability for the use of public funding, KGs joining the Scheme (Scheme-KGs) are required to establish a more participatory school governance framework that facilitates participation of various stakeholders in the decision-making process, thereby enhancing the transparency and accountability of school governance as well as the effectiveness of school operation.

As set out in the EDB Circular No. 15/2018 “Kindergarten Education Scheme – Strengthening School Governance and Transparency”, a school management committee (SMC) should, with regard to its KG’s school-based needs, formulate a constitution that stipulates the operating details of the SMC, for example, the total number of SMC members and the number of SMC members under each category, the manner in which representatives from each category of SMC members are selected, their tenure of office, the mode of operation of the SMC, and the procedures for handling SMC matters, etc.

B. Operation of SMCs

1. The “Sample Constitution for the School Management Committees” serves only as a reference for KGs when drafting the constitution of their SMCs. Subject to the provisions of the relevant ordinances, a KG may revise, expand or remove articles of the sample constitution in light of its own circumstances.
2. SMC constitutions drawn up by KGs should be in compliance with the Education Ordinance (EO), the Education Regulations and other relevant legislation of Hong Kong, as well as requirements set out in circulars/circular memoranda issued by the EDB.
3. SMCs should work out the articles of their constitutions according to the school-based needs, and the vision and mission of their KGs, and all articles should have been discussed and agreed upon by SMC members. Any subsequent amendments to the SMC constitutions must be made in accordance with the relevant provisions therein.
4. Effective date of the SMC constitution should be specified therein.
5. The latest version of the SMC constitution should be made available for easy reference of school managers.
6. SMCs should ensure that the articles of the SMC constitutions are legally sound, reasonable, in the interests of students and capable of meeting the operational needs of the school.

C. Questions and Answers

Enhancing School Governance and Transparency

1. Why is it necessary for KGs to refine the composition and operation of their SMCs?
Is an SMC constitution a must for all KGs?

A: The EDB has implemented the new Scheme starting from the 2017/18 school year, with the policy objectives of providing good quality and highly affordable KG education, and enhancing the accessibility of students to different modes of KG services that suit their specific needs. Under the new policy, the Government has substantially increased the recurrent expenditure on KG education and has made immense efforts to improve the quality of KG education through various means. To enhance the accountability for the use of public funding, Scheme-KGs are required to establish a more participatory school governance framework that facilitates participation of various stakeholders in the decision-making process, thereby enhancing the transparency and accountability of school governance as well as the effectiveness of school operation.

The EDB Circular No. 15/2018 “Kindergarten Education Scheme – Strengthening School Governance and Transparency” was issued in 2018. KGs applying to join the Scheme in the 2019/20 school year and/or thereafter shall undertake to review and/or refine the composition and operation of their SMCs, and to formulate and implement specific measures to comply with the following requirements:

- (a) There shall be no less than three school managers (including the school supervisor);
- (b) At least one school manager shall be nominated by the KG operator;
- (c) At least one school manager shall be a member of other stakeholders (parents of current pupils, serving teachers or alumni) of the KG, OR a community member who serves as an independent manager;
- (d) The principal shall attend SMC meetings (while whether the principal should serve as a school manager shall be decided by individual SMCs); and
- (e) An SMC constitution that stipulates the operating details should be formulated.

Qualifications and Tenure of Office of School Managers

2. Are there any requirements on the qualifications of school managers?

A: While the EO has not specified the qualifications required of school managers of a KG, the EDB may refuse to register an applicant as a school manager in view of the applicant's circumstances. For example, the applicant is under the age of 18 years; the applicant has attained the age of 70 years and he/she fails to produce a medical certificate certifying that he/she is fit to perform the functions of a school manager; the applicant has previously been convicted in Hong Kong or elsewhere of a criminal offence punishable with imprisonment; and the applicant is not acceptable as a school manager to the majority of the school managers. For details, please refer to section 30 of the EO and the "Application for Registration as A Manager" (Form 6).

3. Can a principal already registered as a school manager take up the role of supervisor of the same school?

A: In order to enhance transparency and accountability of school governance and effectiveness of school operation, it is inappropriate for a principal to take up the role of supervisor at the same time.

4. Is there any term limit for each category of school managers? Is there any consecutive term limit on their office?

A: In principle, an SMC may determine its composition in light of the school's circumstances, for example, the total number of SMC members, the number of SMC members under each category, and the tenure of office of each category of school managers; and such details should be stipulated in the SMC constitution. Even though there is no term limit for school managers, it is recommended that the tenure should not be exceedingly long.

5. Can school managers receive remuneration?

A: Scheme-KGs are non-profit-making in nature (i.e. charitable institutions exempted from tax under section 88 of the Inland Revenue Ordinance). School managers and supervisors render service on an honorary basis. SMCs should not provide any school manager with any remuneration, nor should their funds or assets be distributed among the school managers. The remuneration paid by KGs to their teachers (or principals) who concurrently serve as school managers should only be the entitlement arising from the salaried positions held.

6. Can school supervisors receive remuneration?

A: School supervisors should not receive any remuneration for executing duties that should normally be performed by a school supervisor, school manager or principal. Only if the school supervisor is assigned to perform specific duties (i.e. those other than the general duties of a school supervisor) in a KG/KG-cum-child care centre will his/her remuneration be considered an item of expenditure for the purpose of school fee calculation. If such being the case, it is the responsibility of the school to prove to the EDB that there are genuine needs and strong justifications for the school supervisor to perform those specific duties in addition to the general duties of a school supervisor, in order to justify the payment of remuneration to him/her as an item of expenditure. For details, please refer to the circular memorandum issued to KGs annually on the application for revision of school fees.

Composition of SMCs

7. Are school managers serving as “members of other stakeholders”, and “independent managers” appointed by school supervisors or the SMCs?

A: SMCs may, having regard to the school’s circumstances, decide on the manner in which the school managers serving as “members of other stakeholders” or “independent managers” are selected (such as by means of election, nomination or direct appointment), as well as their tenure of office; and such details should be stipulated in the SMC constitutions.

8. Is everyone eligible to serve as an “independent manager”?

A: An “independent manager” shall not be a serving teacher, a serving staff member, a parent of a current pupil or an alumnus of the school. A person who is a member of the school’s SMC/School Sponsoring Body (SSB)/operator or of the governing body (if any, however described) shall not be nominated as an independent manager (but ex-members who have retired or left service from the SMC/SSB/operator/governing body concerned for three years or more shall not be subject to this limitation). The spouse, grand-parent, parent, brother, sister, child or grand-child of such a member, or an employee of the SMC/SSB/operator/governing body concerned shall not be nominated either.

9. Can a person who has previously served as an “independent manager” of my school be re-nominated as an “independent manager”?

A: According to the EDB Circular No. 15/2018 “Kindergarten Education Scheme – Strengthening School Governance and Transparency”, in principle, a member of the SMC should not be re-nominated as an “independent manager” of the same school upon completion of his/her tenure (unless that person has left service for three years or more). Schools shall ensure that at least one serving school manager of the SMC is a “member of other stakeholders” **OR** a community member who serves as an “independent manager”.

10. If a serving “independent manager” becomes the parent of a pupil studying in my school during his/her tenure, can he/she continue to serve as the “independent manager”? Can the school change the identity of that person to a school manager serving as a “member of other stakeholders”?

A: If a serving “independent manager” becomes the parent of a pupil studying in my school during his/her tenure, his/her identity no longer meets the criteria of an “independent manager”. As a general practice, that person may continue to serve as an “independent manager” until the end of his/her tenure. The school may decide whether to nominate him/her to serve on the SMC as a “member of other stakeholders” in accordance with the requirements of the SMC constitution.

11. Can staff members who have left service/retired serve on the SMCs? Is it that only post-service/retired teaching staff members who have left service for three years or more are eligible for nomination as school managers?

A: Staff members who have left service/retired may be nominated as school managers in other capacities, such as representatives of the school operator. Furthermore, as they are no longer **employees** of the school, they may be nominated as “independent managers” after they have left service/retired. However, if they are currently serving (or have served) as school managers or are currently serving (or have served) as **members** of the SSB/school operator or those of the governing body under the SSB/school operator, they will only become eligible for nomination as “independent managers” after they have retired from or left the service of the SSB/school operator/governing body concerned for three years or more.

12. Can a parent of an alumnus serve as a school manager in the capacity of a “parent manager”?

A: “Members of other stakeholders” refer to parents of current pupils, serving teachers or alumni. Parents of alumni, however, do not fall into the category of “members of other stakeholders”. That said, schools may consider nominating them to serve as school managers under other categories, such as school managers nominated by the school operator or “independent managers”.

13. Is the “school chaplain” a school manager serving as a “member of other stakeholders” or one nominated by the school operator?

A: “Members of other stakeholders” refer to parents of current pupils, serving teachers or alumni. If the “school chaplain” belongs to none of these groups, he can still be nominated as a school manager by the school operator.

14. Can schools with a religious background invite ministers from their related religious organisations to serve as “independent managers”?

A: **Employees** of the SMC/SSB/operator of a KG should not be nominated as “independent managers” of the school. As long as the organisation in which the ministers are serving is not the SSB/operator of the school or the governing body thereunder, the ministers meet the criteria of “independent managers”.

Operation of SMCs

15. Is there any limit on the number of non-managers attending an SMC meeting? Can senior management officers of SSBs/school operators who are not principals attend SMC meetings? Are non-managers eligible to vote at SMC meetings? Are their votes valid?

A: On the premise of not contravening the EO, KGs may, in light of their own framework and characteristics, make flexible arrangements in respect of selection of school managers, size of membership, mode of meetings, etc. SMCs may, having regard to school-based needs, invite non-managers related to school affairs to attend meetings of the SMC.

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