

**Kindergarten Education Scheme
Sample Constitution for the School Management Committees**

Important note: This sample is for reference only.

**CONSTITUTION
OF
THE SCHOOL MANAGEMENT COMMITTEE
OF [name of kindergarten/kindergarten-cum-child care centre/
school with kindergarten classes]**

Part 1 – Preliminary

1. Definitions

1.1 In this constitution –

“EO” means the Education Ordinance (Cap. 279) (and the same ordinance amended from time to time) and, unless the context otherwise requires, all subsidiary legislation made under the EO;

“Independent Manager” means a community member who serves as a school manager. The person nominated as 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 School Management Committee (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;

“Kindergarten education scheme” means the kindergarten (KG) education scheme (the Scheme) implemented by the Government of the Hong Kong Special Administrative Region with effect from the 2017/18 school year;

“Manager” means a person who is registered as a manager of the School under the EO;

“Manager nominated by the school operator” means the school manager who is nominated by the operator of the School;

“Manager serving as a member of other stakeholders of the School” means a school manager in the capacity of a parent of a current pupil, a serving teacher (excluding the serving principal) or an alumnus of the School;

“Operator” means the operator of the School, namely [name of Operator];

“Principal” means a teacher who is approved as the principal of the School under the EO;

“School” means [name of kindergarten/kindergarten-cum-child care centre/school with kindergarten classes];

“School Management Committee” means all the managers of the School; and

“Supervisor” means the school manager who is approved as the supervisor or the acting supervisor of the School under the EO.

2. Object of SMC and vision and mission of School

2.1 The object of the SMC is to [manage the School and promote education of the pupils of the School]. In actual operation, the SMC of the School [is responsible for the planning and management of the administrative matters, finance and manpower resources of the School in order to ensure proper delivery of KG education services and formulation of measures for self-improvement.]

2.2 The vision and mission of the School are [.....].

3. General provisions and rules of interpretation

3.1 The SMC shall comply with the EO, the terms and conditions for joining the Scheme, and all the guidelines, directives and orders issued by the Education Bureau (EDB) from time to time in respect of the Scheme.

3.2 The articles of this constitution shall be interpreted and the words and expressions used therein shall be defined in a manner that is consistent with the EO, the terms and conditions for joining the Scheme, and all the guidelines, directives and orders issued by the EDB from time to time in respect of the Scheme.

4. Amendment of constitution

4.1 A Manager may propose amendments to this constitution.

4.2 Any amendment proposed shall comply with the following requirements –

- (a) It is submitted in writing and has been signed by the Manager who makes the proposal;
- (b) It is supported and countersigned by not less than [...] of all the Managers, including the Manager who makes the proposal; and
- (c) It has been submitted to the Supervisor.

4.3 Upon receipt of the proposal, the Supervisor shall convene a meeting of the SMC as soon as practicable to decide whether the proposal should be endorsed.

4.4 The Supervisor shall give written notice of the meeting to all the Managers not later than [...] days before the meeting, with a copy of the proposal attached thereto.

4.5 The quorum for the meeting shall be not less than [...] of all the Managers.

4.6 If the proposal is supported by the [Operator] and not less than [...]% of the Managers attending the meeting, the constitution should be amended as proposed as soon as possible.

Part 2 – Composition of SMC

5. Number of managers under each category

5.1 According to the EDB Circular No. 15/2018 “Kindergarten Education Scheme – Strengthening School Governance and Transparency”, the composition of an SMC shall 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; and
- (d) The principal shall attend meetings of the SMC (while whether the principal should serve as a school manager shall be decided by individual SMCs).

5.2 The SMC of the School shall consist of the following Managers –

- (a) [...] Manager(s) nominated by the Operator;
- (b) [...] Manager(s) serving as member(s) of other stakeholders of the School, including [...] parent(s) of current pupil(s), [...] serving teacher(s), [...] alumnus(ni), or [...] community member(s) serving as Independent Manager(s);
- (c) [The Principal serving as a Manager]; and
- (d) [...] other Manager(s) not in the capacities specified under paragraphs 5.2(a), (b) and (c).

6. Manners in which managers are selected

6.1 Managers of the School shall be selected in the following manners –

- (a) Managers nominated by the Operator: the Operator may identify and recommend a suitable person by [election/nomination/direct appointment/other means] for registration as a Manager.
- (b) Parents of current pupils serving as Managers: [the operator/supervisor/Parent Teacher Association] of the School may identify and recommend a suitable person by [election/nomination/direct appointment/other means] for registration as a Manager.
- (c) Serving teachers of the School serving as Managers: [the operator/supervisor/all serving teachers] of the School may identify and recommend a suitable person by [election/nomination/direct appointment/other means] for registration as a Manager.

- (d) Alumni of the School serving as Managers: [the operator/supervisor/Alumni Association] of the School may identify and recommend a suitable person by [election/nomination/direct appointment/other means] for registration as a Manager.
- (e) Independent Managers: [the operator/supervisor] of the School may directly identify and recommend a person that meets the criteria of “Independent Managers” under this constitution for registration as a Manager.
- (f) [The incumbent Principal shall serve as a Manager: the Principal shall be registered as a Manager with the nomination of the SMC].

7. Tenure of office of managers

7.1 The tenure of office of Managers¹ shall be as follows –

- (a) [...] years for Manager(s) nominated by the Operator;
- (b) [...] years for parent(s) of current pupil(s) of the School serving as Manager(s);
- (c) [...] years for serving teacher(s) of the School serving as Manager(s);
- (d) [...] years for alumnus(ni) of the School serving as Manager(s); and
- (e) [...] years for Independent Manager(s);

commencing with the date on which the Manager concerned is registered as a Manager.

7.2 The Supervisor must serve as a Manager of the same school. Under section 36 of the EO, a Supervisor’s tenure of office will come to an end upon the time he/she ceases to be a Manager.

8. Suspension of exercise of rights as a manager

8.1 If, by virtue of the EO or other relevant requirements stipulated by the EDB, a person is no longer qualified to hold office as a Manager, the person shall not be entitled to exercise any rights or powers as a Manager, even if his/her registration as a Manager has not yet been cancelled.

¹ It is recommended that the tenure of office of Managers should not be exceedingly long.

9. Resignation of managers

9.1 A Manager may resign from office by giving written notice to the Supervisor.

10. Filling of vacancies of managers

10.1 If the office of any Manager becomes vacant, the SMC shall fill the vacancy within [...] months, and make an application to the EDB for registration of the replacement.

10.2 The replacement to be registered as a Manager shall be identified and recommended in the same manner as the Manager who ceased to hold the office concerned (as specified in paragraph 6).

10.3 If no candidate is identified within the specified time limit, the SMC shall resolve to have the vacancy filled alternatively in accordance with the requirements on the composition of an SMC by category of Managers as set out in paragraph 5.1.

10.4 The tenure of office for a new Manager filling a vacancy arising prematurely [shall run until the end of the term of the outgoing Manager instead of starting afresh] *or* [shall start afresh and last for the same term of the outgoing Manager].

Part 3 – Nomination of persons for registration as Managers and role of Managers

11. Nomination of persons for registration as managers

11.1 The SMC shall, on behalf of a person nominated to be a Manager under any of the categories specified in paragraph 5.2, make an application to the EDB for his/her registration as a Manager. Notice to the EDB and re-registration shall not be required if a Manager serves consecutively on the SMC as a Manager under different categories.

12. Re-nomination

12.1 A person who has ceased to be a Manager may be re-nominated for registration as a Manager. However, a person shall not serve as a Manager [under the same category/under the category of .../under any category] of the School for more than [...] consecutive terms.

13. Role of managers

13.1 In general, Managers shall be responsible for –

- (a) ensuring that the vision and mission of the School as set by the Operator are fulfilled;
- (b) developing general directives for the School, and formulating the education and management policies of the School;
- (c) overseeing preparation and compilation of the budget, monitoring the performance of the School, ensuring accountability of the School management and strengthening the community network;
- (d) ensuring the School's compliance with the terms and conditions for joining the Scheme;
- (e) ensuring that all income, donations, subsidies, grants or any other properties are used solely for the purpose of operating the School and not for other purposes; and
- (f) [.....].

13.2 A Manager under any category shall act in his/her personal capacity for the interests and benefits of the pupils of the School.

14. Provision of service as managers on an honorary basis

14.1 The SMC shall not provide any Managers with any remuneration. The remuneration paid by the School to the teachers (or Principal) who concurrently serve as Managers should only be the entitlement arising from the salaried positions held.

14.2 The funds and assets of the School shall only be used for purposes in conformity with the object, as well as the vision and mission of the School. The SMC shall not distribute any of its funds and assets among the Managers or to other organisations.

Part 4 – Meetings and proceedings of the SMC

15. Number of meetings

15.1 The SMC shall meet at least [...] times in any school year.

16. Convening of meetings

16.1 The Supervisor may convene a meeting of the SMC, which shall be held at such time and place as the Supervisor may specify by notice [in writing (if applicable)] given to other Managers.

16.2 At the request [in writing (if applicable)] of not less than [...] Managers, the Supervisor shall, not later than [...] days after the receipt of the request, advise that a meeting of the SMC will be convened; and the meeting shall be held at such time and place as the Supervisor may specify by notice [in writing (if applicable)] given to other Managers.

16.3 In specifying the time for a meeting under paragraph 16.2, the Supervisor shall not specify a date that is more than [...] days after the receipt of the request.

16.4 A notice of meeting shall be accompanied by the agenda of meeting and, except in cases of emergency, be given to all the Managers at least [...] days before the date of meeting specified.

17. Agenda

17.1 The agenda of a meeting shall be set by the Supervisor.

17.2 Any Manager may request the Supervisor in writing to place an item on the agenda [...] days before the date of meeting. The Supervisor shall provide reasons at the meeting if he/she turns down any such request.

18. Quorum

18.1 The Principal shall attend meetings of the SMC.

18.2 The quorum for a meeting of the SMC is not less than [...] % of all the Managers.

19. Proceedings of meetings

19.1 The Supervisor shall preside at meetings of the SMC. At any meeting, if the Supervisor is absent and has not authorised another Manager to preside on his/her behalf, the Managers present shall elect among themselves a presiding person.

19.2 All issues brought up at a meeting shall be resolved by [the majority of votes/...] of the Managers present and voting. In the event of an equality of votes, the Manager presiding shall have a casting vote.

20. Transaction of business by circulation of papers

20.1 Where it is impractical to convene a meeting, businesses of the SMC may be transacted by circulating papers among the Managers.

20.2 Upon circulation, a resolution that is supported and endorsed with [the majority of votes/...] of all the Managers shall be deemed valid as if it was passed at a meeting of the SMC.

21. Disclosure of interests in certain circumstances

21.1 A Manager shall make disclosure in respect of a matter that is being considered or is to be considered at a meeting of the SMC if –

- (a) the Manager is the Principal or a teacher of the School and the matter involves the performance appraisal of the Manager as a staff member; or
- (b) the Manager is directly related to a complaint against a pupil or teacher of the School or another Manager, and the matter involves disciplinary actions against the pupil, teacher or that other Manager; or
- (c) the matter relates to a complaint against the Manager; or
- (d) the Manager is directly related to the trading operations/business contracts to be discussed or the quotations/tenders to be awarded; or
- (e)

21.2 Managers shall observe the requirements as set out in the EDB Circular No. 14/2003 “Acceptance of Advantages and Donations by Schools and their Staff”, and make reference to the “Sample Code of Conduct for Managers and Staff of Kindergartens” as well as the “Corruption Prevention Toolkit on Kindergartens’ Operations” published by the Independent Commission Against Corruption.

22. Minutes of meetings

22.1 The School shall take and keep minutes of all meetings of the SMC. Particular attention shall be given to the recording of discussions, decisions and follow-up actions.

22.2 A Manager who has expressed a dissenting view may ask for his/her views to be recorded in the minutes. The School shall reflect such opinions in the minutes accordingly.

22.3 The minutes of a meeting shall be tabled for endorsement at the next meeting of the SMC.

- End -