

Arrangements for Surplus Teachers and Laboratory Technicians of Aided Secondary Schools and Special Schools in the 2022/23 School Year

The arrangements for surplus teachers¹ and laboratory technicians (LTs) of aided secondary schools and special schools for the 2022/23 school year are set out in the following paragraphs. All aided secondary schools and special schools concerned are requested to observe strictly the approved staff establishment, and bring these guidelines to the attention of their teachers and LTs.

General Principle

2. Schools are required to make every effort to absorb by themselves the surplus teachers / LTs, such as arranging voluntary job-sharing for the teachers / LTs or by using other school funds. A school sponsoring body operating more than one school should arrange to redeploy its surplus teachers / LTs to fill available vacancies in other schools under its sponsorship as far as possible.

Identifying Surplus Teachers / LTs

3. If schools anticipate having surplus teachers / LTs, the School Management Committees / Incorporated Management Committees (SMCs / IMCs), in consultation with teachers and LTs, should work out a set of “school-based” criteria (e.g. school’s operational needs, needs for teachers of different subject specialties, the developmental requirements of schools, etc) which are objective, fair and transparent so as to identify the sequence of teachers / LTs to become surplus, and also for retaining them when vacancies subsequently arise.

4. The SMCs / IMCs are also required to set up an appeal mechanism to serve as an effective channel for teachers / LTs to communicate with the school management on surplus issues. School sponsoring bodies operating more than one school have the responsibility to ensure that both the criteria and the appeal mechanism are applied consistently as far as possible in the schools under their sponsorship.

5. The selection criteria and appeal mechanism should be in place, documented and announced to all teachers / LTs as early as possible. This will facilitate early

¹ If the regular teachers of a school outnumber the school’s approved teaching staff establishment due to a change in the latter, the excess regular teachers (apart from those filling time-limited posts) are regarded as surplus teachers. If surplus teachers are covered by relevant measures and can be retained in their schools for a specified period, please refer to details in relevant circular memorandum when handling the surplus teachers.

identification of and notification to surplus teachers / LTs after the staff establishment for the 2022/23 school year is approved.

Redeploying Surplus Teachers / LTs by School Sponsoring Bodies

6. As to the redeployment of surplus teachers / LTs, a school sponsoring body operating more than one school should arrange to redeploy its surplus teachers / LTs to fill available vacancies in other schools under its sponsorship as far as possible.

7. If the surplus teachers / LTs out-number the vacancies, the school sponsoring body should also put in place a set of criteria to redeploy the surplus teachers / LTs to fill all the vacancies available among the schools under its sponsorship based on the needs of schools. Schools should as far as possible complete the redeployment arrangements by May 2022 so as to facilitate timely application for teaching / LT posts to other schools by the remaining surplus teachers / LTs.

8. After the redeployment, if vacancies subsequently arise in schools under its sponsorship, the school sponsoring body should redeploy as far as possible its own surplus teachers / LTs that have not yet secured teaching / LT posts to fill such vacancies in schools under the same sponsorship.

9. For the surplus teachers / LTs redeployed by the SSBs to fill the vacancies in other schools under their sponsorship, the SSBs should in principle ask them to declare their sexual conviction records to safeguard the well-being of students. The SMC / IMC can make reference to the specific internal redeployment arrangement to deliberate on whether or not to request the redeployed surplus teachers / LTs to undergo the sexual conviction record check (SCRC). Should the SMC / IMC, after a thorough deliberation, decide to exempt the teachers / LTs concerned from undergoing SCRC, the justifications have to be properly documented in its notes of meeting. Schools should also observe the measures as set out in the [Education Bureau \(EDB\) Circular No. 7/2021](#) “Measures for Strengthening the Protection of Students: Appointment of Teaching and Non-teaching Staff in Schools”, including but not limited to applying to the EDB for releasing information regarding the teacher registration status of the redeployed teachers after seeking their consent. For details, please refer to the [EDB Circular No.7/2021](#) and relevant questions and answers posted on Education Bureau website (*EDB Homepage* → *School Administration and Management* → *Administration* → *About School Staff* → [Appointment Matters](#)).

10. Starting from the 2022/23 school year, newly-appointed regular teachers

(including newly-joined teachers, teachers changing schools, and teachers switching to a regular teaching post (remunerated with Salaries Grant) from a teaching post outside the approved establishment (remunerated with cash grant)) and monthly-paid temporary teachers in all public sector schools are required to pass the Basic Law Test (BLT) in order to be considered for appointment. The surplus teachers redeployed by the SSBs to fill the vacancies in other schools under their sponsorship are considered to be newly-appointed teachers and are required to meet the BLT requirement. For details, please refer to the [EDB Circular No. 18/2021](#) “Requirement for Newly-appointed Teachers in Public Sector Schools to Pass the Basic Law Test” and EDB website (<http://www.edb.gov.hk> > *School Administration and Management* > *Administration* > *About School Staff* > *Requirement for Newly-appointed Teachers in Public Sector Schools to Pass the Basic Law Test*).

Appointment of Teachers / LTs on a Job-sharing Basis

11. Subject to the needs of schools and the wish of teachers / LTs concerned, schools may arrange more than one teacher / LT to fill a teaching / LT post within the approved staff establishment. Appointment of these part-time teachers / LTs to fill teaching / LT posts at various ranks should be in accordance with the relevant Codes of Aid and the Guides to Appointment for the respective ranks currently in force. Like regular full-time teachers / LTs, regular part-time teachers / LTs within the approved teaching / LT establishment are subject to the provisions under the relevant Codes of Aid, including (a) eligibility for joining the Grant / Subsidized Schools Provident Fund or relevant provident fund schemes as appropriate, (b) entitlement of various types of leave such as paid sick leave, and (c) their relevant part-time teaching / LT experience being recognised on a pro-rata basis for incremental and promotion purposes.

Redeployment and Salary Arrangements of Over-ranked Heads / Surplus Teachers at Promotion Ranks and LT I

12. Since the implementation of the all-graduate teaching force policy in the 2019/20 school year, all teaching posts (including teaching posts at promotion ranks) in the approved establishment are graduate teaching posts. As such, schools should handle the deployment arrangements of surplus teachers according to the graduate teaching post entitlement in principle. In the event that reduction of staff entitlement affects the number of teachers at promotion ranks / LTI and/or the headship entitlement of a school, a school sponsoring body operating more than one school should transfer the surplus teachers at promotion ranks / LTI to fill available graduate teaching vacancies at

corresponding ranks² / LTI vacancies in other schools under its sponsorship and consider redeploying heads so that the substantive rank of the head of the school does not exceed the headship entitlement.

13. Therefore, surplus non-graduate teachers at promotion ranks redeployed to another school by its SSB can be regraded to graduate teaching posts at corresponding ranks if they possess a recognised local bachelor degree (or equivalent qualifications). If the surplus non-graduate teacher at promotion rank with recognised qualifications does not opt for regrading or has not yet obtained a recognised degree qualification, he/she can continue to assume the non-graduate teaching post at promotion rank when redeployed to another school by its SSB. Nevertheless, the school that absorbs the surplus non-graduate teacher at promotion rank is required to offset the corresponding rank and number of graduate teaching post until natural wastage arises from that teacher or the teacher has fulfilled relevant qualifications and opts for regrading to a graduate teaching post at corresponding rank.

14. However, for schools operated by one-school sponsors, or where there are no available graduate teaching vacancies at corresponding ranks / LTI vacancies and/or vacancies of appropriate headship rank in schools under the same sponsor for redeployment, the surplus teachers at promotion ranks / LTI should step down to become the lower or basic rank teachers / LTs as appropriate and the over-ranked heads should assume posts of an appropriate lower rank.

15. Upon the implementation of the all-graduate teaching force policy, if surplus non-graduate teachers at promotion ranks have to step down to take up posts at an appropriate lower rank upon class reduction, the school should make the corresponding arrangements:

- If teachers concerned are at the rank of PAM (Secondary) / AM (Primary) before stepping down and are unable to be regraded to GM (Secondary) / APSM (Primary) posts due to the lack of recognised degree qualifications or personal reasons, the school should offset the corresponding number of GM (Secondary) / APSM (Primary) posts to hold against the stepped-down non-graduate teachers concerned and can apply to the EDB for retaining the pay

² In the aided secondary schools and secondary sections of special schools, the corresponding rank of Principal Assistant Master / Mistress (PAM) in the graduate teaching grade is Senior Graduate Master / Mistress (SGM); the corresponding rank of Senior Assistant Master / Mistress (SAM), Assistant Master / Mistress (AM) and Certificated Master / Mistress (CM) in the graduate teaching grade is Graduate Master / Mistress (GM). In the primary sections of special schools, the corresponding rank of AM in the graduate teaching grade is Primary School Master / Mistress (PSM); the corresponding rank of CM in the graduate teaching grade is Assistant Primary School Master / Mistress (APSM).

point of the teachers concerned subject to the prevailing mechanism. Since the corresponding promotion rank of PAM (Secondary) / AM (Primary) in the graduate teaching grade is SGM (Secondary) / PSM (Primary), when a vacancy of the corresponding promotion rank of graduate teaching post arises, the school should resume the original PAM (Secondary) / AM (Primary) rank of the teacher concerned and offset a SGM (Secondary) / PSM (Primary) post until natural wastage arises from that non-graduate teacher or the teacher concerned has fulfilled relevant qualifications and opts for regrading to a corresponding rank of graduate teaching post.

- For secondary school teachers at the rank of SAM / AM before stepping down, since there is no non-graduate teaching post in the approved establishment starting from the 2019/20 school year and the corresponding basic rank of SAM / AM in the graduate teaching grade of secondary school is GM, if the teachers concerned have already stepped down to take up non-graduate teaching posts at an appropriate lower rank in or before 2018/19 school year and are unable to be regraded to graduate teaching grade due to the lack of recognised degree qualifications or personal reasons, their surplus teacher identities at promotion ranks have not been retained from the 2019/20 school year onwards. However, the school can apply to the EDB for retaining the pay point of the teachers concerned subject to the prevailing mechanism until natural wastage arises from the teachers concerned or the teachers concerned have fulfilled relevant qualifications and opt for regrading to GM posts. During that period, the school should offset the corresponding number of GM posts to hold against the non-graduate teachers concerned.
- If the stepped-down non-graduate teachers possess recognised degree qualifications, the school should consult the teachers concerned and regrade the teachers to the corresponding graduate ranks after stepping down according to their preference and the school-based mechanism. After regrading, the arrangements for retaining their pay points (including approved applications) will not be applicable and their surplus teacher identities at promotion ranks will not be retained. The salary and promotion arrangements of teachers concerned in the graduate teaching grade are subject to prevailing mechanism and requirements, which are the same as that of other teachers regrading from non-graduate teaching grade to graduate teaching grade. Please note that when handling stepped-down arrangement of non-graduate teachers, schools should duly inform the teachers concerned of the

related consequent arrangements as well as their rights and interests of being retained in the non-graduate teaching grade and regraded to the graduate teaching grade so that they can make an informed choice and can plan for professional development according to their individual needs.

- For schools with more than one stepped-down teacher due to over ranking in the approved establishment (which may include graduate teachers and non-graduate teachers), when a graduate teaching vacancy at promotion rank arises, schools should set priority for resuming these teachers to the senior teaching posts according to the pre-defined school-based mechanism.

16. If schools have already made every effort to absorb by themselves or arrange to redeploy its surplus teachers / LTs among schools under the same school sponsoring body as set out in the above paragraphs, but there are still over-ranked staff who should be stepped down, schools may apply to the EDB for approval to retain the latest salary point of the former rank for the over-ranked staff. Schools should provide justifications to demonstrate that they are temporarily unable to rectify the over-ranked situation in the 2022/23 school year and attach a concrete plan on how they would rectify the over-ranked situation. This exceptional arrangement is temporary in nature and the EDB will take into account the justifications provided by the schools and their individual circumstances in determining whether the application should be approved. Subject to the approval of the respective School Development Sections, the stepped-down staff will be allowed to retain their pay point as at 31 August 2022 and not be granted any salary increments until they are reinstated in their former rank for normal progression along the respective salary scales. SSBs / schools should note that this exceptional arrangement should be rectified according to the plan submitted whenever an opportunity arises. Schools are reminded to adhere to the principle of fairness in handling the work assignment of the over-ranked staff and make every effort to redeploy him/her to another school under the same sponsoring body to take up a post at the rank commensurate with his/her salary point or to rectify the over-ranked situation as soon as possible.

Confirming Surplus Teachers / LTs

17. On confirming the list of surplus teachers / LTs, the SMCs / IMCs should give sufficient notice to the identified surplus teachers / LTs (e.g. 3 months' notice plus the period of paid annual leave not yet taken for LTs who have completed the probationary period) and issue a letter of reference to them to facilitate their job finding.

18. In case vacancies arise subsequent to the identification of surplus teachers / LTs, the school should, as far as possible, make use of all such vacancies to absorb its surplus teachers / LTs who have not yet secured teaching / LT posts.

Enquiries

19. For further enquiries, please contact the respective School Development Sections.

May 2022