

Guidance Notes on Application for Allocation of Estate Kindergarten Premises

Eligibility Requirements

1. The applicant body is required to meet the following eligibility requirements :
 - (a) (i) incorporated under the Companies Ordinance, and its articles of association¹ (“A&A”) contain all the standard articles required for allocation of a school premises (See [Homepage of Education Bureau \(“EDB”\):
http://www.edb.gov.hk/en/sch-admin/sch-premises-info/allocation-of-sch/eligibility.html](http://www.edb.gov.hk/en/sch-admin/sch-premises-info/allocation-of-sch/eligibility.html)), or
 - (ii) incorporated under other ordinances and 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
- (b) exempt from tax under Section 88 of the Inland Revenue Ordinance.

Applicant bodies not possessing the incorporation status and non-profit-making status under Section 88 of the Inland Revenue Ordinance are NOT eligible for application and their applications would NOT be processed. On the other hand, for an applicant body which meets the incorporation and non-profit-making status requirement stipulated above but does not have all of the standard clauses and articles required for allocation being included in its A&A, the application will still be processed subject to the applicant body’s written confirmation to complete to revise its A&A and seek approval from the Registrar of Companies for the revision to be made should the application be successful. The formal allocation of any premises would be subject to the completion of all eligibility requirements for allocation of school premises.

Basic Principle of Allocation

2. Allocation is on a competitive basis. The basic principle for allocation of KGs is to select applicant bodies to provide quality KG education for children. Thus, the applicant body should:
 - (a) have good organisation structure, proper management and sound financial footing;
 - (b) demonstrate commitment to implementing education policies and initiatives by EDB; and
 - (c) preferably have experience in running KGs or schools, or have other relevant experiences.
3. Quality of education is the prime consideration in assessing the applications.
4. Warnings issued to the applicant body or school(s) under its operation within the past two years by the Permanent Secretary for Education for malpractice will be taken into consideration in the allocation of the premises.

Proposed School Plan

5. Applicant bodies are required to submit a proposal for the KG, setting out the vision and mission; management and organisation; learning and teaching; support to children and school culture; children’s development target; self-evaluation indicators, etc. Applicant bodies may make reference to the school(s)/ KG(s) that they are operating and their respective performance to substantiate their applications. For application for relocation of KGs, information on views

¹ According to the information from the Company Registry, with the enactment of the new Companies Ordinance (Cap 622) on 3 March 2014, for existing companies, the content of the Memorandum of Association immediately before the commencement of the new Companies Ordinance will be deemed to be regarded as provisions of the Articles of Association of that company under section 98 of the new Companies Ordinance.

from parents and teachers about the relocation should be provided. Format of a proposed school plan is at the **Annex**.

Submission of Application Forms, Proposed School Plans and Supporting Documents

6. Application forms, proposed school plans and supporting documents including documentary proof of eligibility as detailed in paragraph 1 above should reach the EDB at the following address **no later than 5:00 p.m. on 11 October 2016:**

Infrastructure and Research Support Division
Education Bureau
6th Floor, East Wing, Central Government Offices
2 Tim Mei Avenue, Tamar, Hong Kong

The supporting documents should **NOT** be stapled together with the proposed school plan. The following documents should be submitted –

- (a) one original copy of the duly completed application form;
- (b) If the applicant body is incorporated under the Companies Ordinance, please provide its incorporation document with its Articles of Association (A&A) and complete and return the **Annex** to the Application Form;
- (c) If the applicant body is incorporated under its own Ordinance, please provide the content of the relevant Ordinance, and its Constitution, if any;
- (d) Applicant body's certificate of exemption from tax;
- (e) 19 copies each of (i) the proposed school plan (NOT more than 10 pages* including all annexes), (ii) the executive summary (NOT more than two pages*) and (iii) list of operating KGs and schools run by the applicant body (if any) with names, addresses and types, together with two CD-ROMS containing information on (i), (ii) and (iii); and
- (f) Information showing that parents and teachers have been consulted on the proposed relocation of the KG and their views about the relocation (only applicable to application for relocation).

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

Late or incomplete applications, as well as applications via email, will not be accepted.

School Allocation Committee (SAC)

7. All applications will be considered by SAC which comprises official and non-official members. Recommendations made by SAC will be forwarded to the Hong Kong Housing Authority ("HKHA") which will liaise direct with the recommended applicant bodies.

Relationship among EDB, the Successful Applicant Body and HKHA

8. EDB is entrusted by HKHA to nominate an operator for the subject KG premises at concessionary rate. The Tenancy Agreement (“TA”) to be signed between HKHA and the successful applicant body governs the use of the KG premises and is a matter between HKHA and the successful applicant body with the latter having no direct contractual relationship with EDB on any tenancy matter. If under unforeseen circumstances, the successful applicant body could not take up the premises, EDB will not be obliged to reallocate other premises as replacement. The successful applicant body should consult HKHA regarding the conditions of the premises allocated and the terms of the Tenancy Agreement.

Setting up New KGs/ Relocation of Existing KGs

9. Nomination of applicant bodies through this SAE 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 EDB 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 applicant bodies under this SAE should not be taken as the Government’s approval for operation of KG-cum-CCCs at the new premises simultaneously even though the applicant bodies 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 SAE. Successful applicant bodies under this SAE 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.

Personal Information Collection Statement for Collecting Personal Data of Applicant Bodies

10. The personal data provided in this application will be used for application for allocation of school premises under the School Allocation Exercise. It may be disclosed to officers/ persons responsible for the Exercise.
11. The provision of personal data by means of this application is obligatory. Failure to provide these data may affect the processing and outcome of your application.
12. The personal data collected in this application may be disclosed to other government departments/ bureaux for the purpose mentioned above.
13. You have a right to request access to and correction of your personal data as provided for in Sections 18 and 22 and Principle 6 of Schedule 1 of the Personal Data (Privacy) Ordinance. Your right of access includes the right to obtain a copy of your personal data provided in this application. This is however subject to payment of a fee.
14. Enquiries concerning the personal data collected by means of this application, including making of access and corrections, should be addressed to :

Access to Information Officer Education Bureau 10th floor, Wu Chung House 213 Queen’s Road East Wanchai, Hong Kong

Disclosure of information

15. All the information provided to the Government in connection with your application under this School Allocation Exercise will be used for processing this School 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.

Enquiries

16. For enquiries, please call 3509 8413 or 3509 8411. For more information, please visit EDB's homepage at <http://www.edb.gov.hk/en/sch-admin/sch-premises-info/allocation-of-sch/index.html>.