

Application Form A

(For application for physical extension of aided primary school(s) for a time-limited period)

Fourth School Allocation Exercise (“SAE”) 2017

Application for Allocation of Vacant School Premises in Sham Shui Po and Tai Po Districts for Physical Extension of Aided Primary School(s) for a Time-Limited Period

Note:

1. Please read the Guidance Notes before completing this form.
2. The application must be submitted by the school sponsoring body of the applicant school.
3. Each applicant school may submit one application only.
4. If the applicant body also wishes to apply for allocation of school premises for operation of a new time-limited aided primary school, please also complete Application Form B and submit the documents required (including Application Form, school proposal and documents as listed on the checklist of the application form.)

Part I. Information of the primary school applying for physical extension

Name of the School applying for physical extension:

(English) _____

(Chinese) _____

Full Address of the School:

(English) _____

(Chinese) _____

Part II. Information of Applicant Body:

Registered Name of the Applicant Body¹:

(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) _____

(Chinese) _____

Telephone No: _____

Fax No: _____

Email Address: _____

(* Please delete as appropriate)

¹ The application must be submitted by the registered school sponsoring body of the applicant school.

Application Form A

(For application for physical extension of aided primary school(s) for a time-limited period)

Eligibility Requirement²

1. Is the applicant body 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.

Part III. Location Preference

Please indicate the preference for the locations below –

<u>Item No.</u>	<u>Location</u>	<u>Priority³</u>
PS1	Ex-premises of St. Francis of Assisi's Caritas School (221 Nam Cheong Street, Shek Kip Mei, Kowloon)	<input type="checkbox"/>
PS2	Ex-premises of Confucian Sam Lok Chow Mud Wai School (Tai Yuen Estate, Tai Po, New Territories)	<input type="checkbox"/>

Part IV. Checklist on the documents required:

Enclosed

- | | | |
|----|--|--------------------------|
| 1. | One original copy of the duly completed and signed application form. | <input type="checkbox"/> |
| 2. | <u>If the applicant body is incorporated under the Companies Ordinance</u> , please provide its incorporation document and Articles of Association and complete and return Annex I of this Application Form. | <input type="checkbox"/> |
| 3. | <u>If the applicant body is incorporated under its own Ordinance</u> , please provide the content of the relevant Ordinance, and its Constitution, if any. | <input type="checkbox"/> |
| 4. | Applicant body's certificate of exemption from tax. | <input type="checkbox"/> |
| 5. | Survey form on existing school's class structure and enrolment situation (Annex II of this Application Form). | <input type="checkbox"/> |
| 6. | Documentary proof that parents and teachers have been consulted on physical extension of the school and their views about the physical extension. Please also provide information indicating the scale / type of the consultation, e.g. number of questionnaires issued and received, etc. | <input type="checkbox"/> |

² Please note the eligibility requirements of the applicant bodies as set out in Item 1 of the Guidance Notes.

³ Please indicate the order of priority starting with “1” as the most preferred location. All applications are subject to scrutiny by the School Allocation Committee, and the priority indicated by applicants will be taken into account. Application without filling in the priority box or not indicating any explicit priority may not be processed further. The Government is not obliged to allocate any premises to any party or follow the priority indicated by the applicants.

Application Form A

(For application for physical extension of aided primary school(s) for a time-limited period)

7. 22 copies each of the following documents: (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 schools run by the applicant body (please list the names, addresses and types of schools); together with two CD-ROMs containing information on (i), (ii) and (iii).

[#] Content in pages exceeding the page limits would not be considered.

Part V. Obligations of the Successful applicant body

If the applicant body is allocated a school premises, it will be committed to:

- (a) implementing education initiatives promoted by the Education Bureau;
- (b) within the required timeframes set by the Government, signing a tenancy agreement for use of the school premises and service agreement(s) which will serve to facilitate quality control and to ensure compliance with relevant education policies.

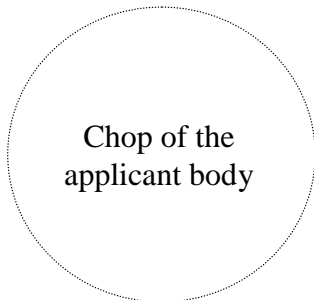
Part VI. Declaration on the part of EDB

Non-binding Nature of Application

The invitation for application and submission of detailed school proposal 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 School Allocation Committee/ Government, nor commit them 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.

Part VII. Disclosure of information

We understand that all the information we provide to the Government in connection with our application under this SAE will be used for processing this SAE 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 : _____

Organisation : _____

Signature : _____

Date : _____

Application Form A

(For application for physical extension of aided primary school(s) for a time-limited period)

Annex I

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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.

	Standard Articles Articles of Associations	Article No.
<u>Objects</u>		
1.	The objects for which the Association is established (“Objects”) are specifically expressed below: (Here express objects shortly)	<input style="width: 100px; height: 20px;" type="text"/>
	(1) To establish and maintain a non-profit-making school or schools.	<input style="width: 100px; height: 20px;" type="text"/>
	(2) To.....	
	(3) To.....	
	(n) To do all such other lawful things as are incidental or conducive to the attainment of the above Objects.	<input style="width: 100px; height: 20px;" 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 style="width: 100px; height: 20px;" type="text"/>
ii.	The Objects of the Association shall not extend to the regulation of relations between workers and employers or organizations of workers and organizations of employers.	<input style="width: 100px; height: 20px;" 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. In particular, the Association has powers:	<input style="width: 100px; height: 20px;" type="text"/>
	(1)	
	(2); and	
	(3)	

Application Form A

(For application for physical extension of aided primary school(s) for a time-limited period)

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.

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 –

Application Form A

(For application for physical extension of aided primary school(s) for a time-limited period)

- (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.

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/ Incorporated Management Committee

- 8 (i) The Directors shall, in accordance with the provisions of the Education Ordinance, set up for each school established or carried on by the Association a management committee or an incorporated management committee established under the Education Ordinance. Subject to the provisions of the Education Ordinance, the members of the management committee or the incorporated 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. For an incorporated management committee, the vacation of office of managers shall be in accordance with the procedures stipulated in the Education Ordinance. 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.

Application Form A

(For application for physical extension of aided primary school(s) for a time-limited period)

(iii) The Directors or the management committee shall nominate in accordance with the provisions of the Education Ordinance 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. For an incorporated management committee, a member shall be appointed or elected as appropriate in accordance with the provision of the Education Ordinance to replace a member who has been removed or dismissed or whose term of office has expired.

(iv) A member of a management committee may be but need not necessarily be a Director. The composition of an incorporated management committee shall comply with the provisions of the Education Ordinance.

9. It shall be the special responsibility of a management committee or an incorporated 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.

Application Form A

(For application for physical extension of aided primary school(s) for a time-limited period)

Annex II

Fourth School Allocation Exercise 2017

**Application for Allocation of Vacant School Premises in Sham Shui Po and Tai Po Districts
for Physical Extension of Aided Primary School(s) for a Time-Limited Period**

Survey Form on Class Structure and Enrolment Situation

1. Particulars of the Existing Aided Primary School

School Name: _____

District: _____

2. Class Structure and Enrolment Situation as at September 2016

	P1	P2	P3	P4	P5	P6	Total
No. of Classes							
Enrolment							

Net Vacancy: _____