

## Fourth School Allocation Exercise (“SAE”) 2017

### Guidance Notes on 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 / Operation of New Time-Limited Aided Primary School(s)

#### 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 association (“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>) ,  
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;
- (b) exempt from tax under Section 88 of the Inland Revenue Ordinance; and
- (c) be running one or more aided primary schools in Hong Kong in the case of application for physical extension of an existing aided primary school for a time-limited period, and be the registered school sponsoring body (“SSB”) for the primary school applying for physical extension.

Applicant bodies not possessing all the above eligibility requirements 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’s written confirmation to commit 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. As such, if the A&A of an applicant body do not contain all of the standard clauses and articles required for allocation of school premises, please consider initiating the amendment process as early as possible.

#### Basic Principle of Allocation

2. Allocation is on a competitive basis. The basic principle for allocation of school premises is to select applicant bodies to provide quality education for school students. Thus, the applicant body must:
  - (a) have good organisation structure, proper management and sound financial footing;
  - (b) demonstrate commitment to implementing education policies and initiatives by EDB; and
  - (c) in the case of application for operation of a new time-limited aided primary school, preferably have experience in running primary schools, or have other relevant experiences.

3. Quality of education is the prime consideration in assessing the applications.
4. Applicant bodies should note that the allocation is on a time-limited basis only. When the demand and supply position of primary school places in the respective districts is stabilised, the successful applicant will be required to surrender the allocated premises to the Government upon reasonable notice by EDB in accordance with the tenancy agreement. It is EDB's preliminary planning that the successful applicant(s) are expected to operate at the vacant school premises from the 2018/19 school year to the 2026/27 school year. The operator(s) for the time-limited school extension/ new time-limited aided primary school should arrange phasing out of the time-limited extension premises/ new time-limited school upon the notice of EDB.
5. In case of applications of comparable qualities, priority would be accorded to the applicant which can best alleviate the projected problem of tight supply of primary school places in the respective districts. For application for physical extension of an existing aided primary school, the administrative arrangement in relation to the operation of the existing school and the extension will also be taken into account.
6. The successful applicant(s) of the premises are expected to fully utilise the premises to alleviate the expected problem of tight supply of primary school places in the next few years as far as practicable. The actual number of classes to be operated should be subject to approval by EDB.
7. If an applicant body wishes to apply for both physical extension of an existing aided primary school and operation of a new time-limited aided primary school, a separate set of application documents (including application form, proposed school plan, and other documents as listed in the checklist of the application form) should be submitted for each application.
8. Warnings issued to the SSB 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.

### **Furniture and Equipment Cost**

9. The Government will bear the cost of furniture and equipment of the premises of the project. The exact amount to be provided by the Government for furniture and equipment will be subject to detailed vetting by the Government on the requirements. The applicant body will have to submit information / documents for vetting in relation to the provision of exact amount of furniture and equipment cost of the premises borne by the Government.

### **Proposed School Plan**

10. Applicant bodies are required to submit a proposal for physical extension of an existing aided school for a time-limited period/ operation of a new time-limited aided primary school, setting out the vision and mission; management and organisation; learning and teaching; school ethos and support for students; students' performance targets; self-evaluation indicators, etc. Applicant bodies may make reference to the school(s) that they are operating and their respective performance to substantiate their case. For applications for physical extension of existing aided primary schools for a time-limited period, views from parents and teachers about the physical extension plan should also be provided. Format of a proposed school plan is at the Annex to this Guidance Notes.

## Submission of Application Forms, Proposed School Plans and Supporting Documents

11. Application forms, proposed school plans and supporting documents including documentary proof of eligibility as detailed in paragraph 1 above should reach EDB at the following address **no later than 5 pm on 15 September, 2017:**

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

The supporting documents (items (a) - (g) below) should **NOT** be stapled together with the proposed school plan (item (h) below). The following documents should be submitted –

- (a) one original copy of the duly completed and signed application form -
  - (i) Application Form A: applicable to physical extension of aided primary school(s) for a time-limited period;
  - (ii) Application Form B: applicable to application for operation of new time-limited aided primary school(s);
- (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 I** 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) survey form on class structure and enrolment situation (**Annex II** to the Application Form) (for application for physical extension of an existing aided primary school for a time-limited period only);
- (g) 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 (for application for physical extension of an existing aided primary school for a time-limited period only); and
- (h) 22 copies each of the following documents: (i) the proposed school plan (NOT more than 10 pages<sup>#</sup> including all annexes), (ii) the executive summary (NOT more than two pages<sup>#</sup>) and (iii) list of operating schools run by the applicant body ( please list the names, addresses and types of schools, if any), together with two CD-ROMS containing information on (i), (ii) and (iii).

<sup>#</sup> *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”)**

12. All applications will be considered by SAC which comprises official and non-official members.

### **Agreement between the Government and the Selected Applicant Body**

13. Upon allocation of a school premises, the applicant body shall be required to enter into a School Sponsoring Body Service Agreement (SSB SA) with the Government within the required timeframe set by the Government. The SSB SA sets out the obligations and conditions by which both parties (i.e. the selected applicant body and the Government) undertake to abide. These include the selected applicant body’s undertaking (a) to operate the school and oversee the school management in accordance with the proposed school plan accepted by the Government with amendments, if any; (b) to incorporate under the Education Ordinance an Incorporated Management Committee (IMC) in respect of the school for the management of the school, and to ensure the IMC shall be a charitable institution that has obtained tax-exemption from the Inland Revenue Department under Section 88 of the Inland Revenue Ordinance; (c) to ensure the execution of a Tenancy Agreement (TA) in respect of the allocated school premises within the required timeframe set by the Government; (d) to ensure the execution of an IMC Service Agreement with the Government after the establishment of the IMC within the required timeframes set by the Government; (e) to ensure that the IMC shall operate and manage the school to the agreed standard as set out in the school development plan as embodied in the IMC SA; and (f) to make available the school’s buildings and facilities to the Government and any other organisations as may be approved by the Government for use . Charges may be levied in accordance with the schedule of charges as announced in the latest circular issued by EDB.
14. Under normal circumstances, if any one of the SSB/ IMC SA or SSB/ IMC TA is terminated or expires without renewal, the rest of the agreements will also be terminated.
15. The Government may terminate the SSB SA in the event of any failure from the applicant body to achieve the agreed performance standard for the school, or giving up of the operator’s right to operate the school. The Government may also terminate the IMC SA if the school fails to achieve the agreed operating standard in accordance with the School Development Plan as embodied in the IMC SA upon adequate prior notice being served and a reasonable time allowing for remedial action to be taken having expired. In either case, the Government shall repossess the newly allocated school premises.
16. The Government may repossess the newly allocated school premises if it is considered no longer in need or use by the school at the sole discretion of the Government. In the case of new time-limited aided primary school, the SSB SA will also be terminated. In the case of physical extension of aided primary school for a time-limited period, the SSB SA will remain in force to cover the operation and management of the school at the original premises, and, if the original school premises is situated on Government land, the TA in respect of the original school premises, if any, shall also remain in force.
17. Applicant bodies for time-limited physical extension of aided primary school should note that the provision of 2000 standard design school premises would be used as a benchmark for topping up the Administration Grant for the applicant school regardless of the actual spaces allocated. Successful applicant school should deploy resources on its own to manage extra spaces allocated in its proposals.

## **Personal Information Collection Statement for Collecting Personal Data of Applicants**

18. 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.
19. 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.
20. The personal data collected in this application may be disclosed to other government departments/ bureaux for the purpose mentioned above.
21. 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.
22. 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
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### **Disclosure of information**

23. 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**

24. 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>.