

Second School Allocation Exercise (“SAE”) 2019
Guidance Notes on Application for Allocation of School Premises
for Reprovisioning of Primary School(s)

Eligibility Requirements

1. The school sponsoring body (“SSB”) 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 the 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 public sector or Direct Subsidy Scheme primary schools in Hong Kong, and be the registered SSB for the school applying for reprovisioning.

SSBs 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 a SSB 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 SSB’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 school premises is to select SSBs to provide quality education for school students. Thus, the SSB must:
 - (a) have good organisation structure, proper management and sound financial footing; and
 - (b) demonstrate commitment to implementing education policies and initiatives by EDB.
3. Quality of education is the prime consideration in assessing the applications.
4. 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

5. The Government will bear the cost of furniture and equipment 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 SSB will have to submit information/ documents

for vetting in relation to the provision of exact amount of furniture and equipment cost borne by the Government.

Proposed School Plan

6. SSBs are required to submit a proposal for reprovisioning of 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. SSBs may make reference to the school(s) that they are operating and their respective performance to substantiate their case. Views from parents and teachers about the reprovisioning plan should also be provided. Format of a proposed school plan is at the **Annex** to this Guidance Notes.

Submission of Application Form, Proposed School Plans and Supporting Documents

7. Application form, 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 13 March, 2019:**

Infrastructure and Research Support Division Education Bureau 6 th Floor, East Wing, Central Government Offices 2 Tim Mei Avenue, Tamar, Hong Kong
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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;
- (b) if the SSB 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 SSB is incorporated under its own Ordinance, please provide the content of the relevant Ordinance, and its Constitution, if any;
- (d) SSB's certificate of exemption from tax;
- (e) survey form on existing school's facilities, conditions, land/ building status, class structure and enrolment situation (**Annex II** to the Application Form);
- (f) details of ownership and ownership record, including but not limited to title deeds, land/ tenancy agreements with plans, latest ownership records certified correct by the Land Registry, writ, summons, charging order, notice or order of the Government or other competent authority, etc. (only applicable if the school is currently located within a private lot under the ownership of the SSB, the school or a third party related to the SSB/ school);

- (g) documentary proof that parents and teachers have been consulted on reprovisioning of the school and their views about the reprovisioning. Please also provide information indicating the scale/ type of the consultation, e.g. number of questionnaires issued and received, etc; and
- (h) 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 SSB (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.*

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

School Allocation Committee (“SAC”)

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

Agreement between the Government and the Selected SSB

- 9. Upon allocation of a school premises, the SSB shall be required to:
 - (1) return its existing school premises. Where the existing site of the school is located within a private lot under the ownership of the SSB, the school or a third party related to the SSB/ school, the SSB shall be required to execute an undertaking to be signed jointly by the SSB and the registered owner of the land on which the school is situated to surrender the existing site of the school together with all buildings and structures thereon (may be required to be demolished depending on the building conditions) to the Government free from encumbrances and any claims, actions, proceedings, and liabilities whether by way of adverse possession or otherwise, and free of cost and compensation. The registered owner of the land shall execute a Deed of Surrender if so required by the Government; and
 - (2) enter into a School Sponsoring Body Service Agreement (SSB SA) with the Government in accordance with the required timeframe set by the Government. The SSB SA sets out the obligations and conditions by which both parties (i.e. the selected SSB and the Government) undertake to abide. These include the selected SSB’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, the Companies Ordinance or other ordinances prescribed by the Government as appropriate an Incorporated Management Committee (IMC) in respect of aided schools, or a School Management Committee (SMC), for the management of the school, and to ensure the IMC/ SMC 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 SSB Tenancy Agreement in respect of the allocated school premises; (d) to ensure the execution of an IMC/ SMC Service Agreement and an IMC/ SMC Tenancy Agreement (TA) with the Government after the establishment of the IMC/ SMC in accordance with the required timeframes set by the Government; (e) to ensure that the IMC/ SMC shall operate and manage the school to the agreed standard as set out in the School Development Plan as embodied in the IMC/ SMC

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 the Education Bureau.

10. Under normal circumstances, if any one of the SSB/ IMC/ SMC SA or SSB/ IMC/ SMC TA is terminated or expires without renewal, the rest of the agreements will also be terminated.
11. 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/SMC SA if the school fails to achieve the agreed operating standard in accordance with the School Development Plan as embodied in the IMC/SMC 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 whole premises.

Personal Information Collection Statement for Collecting Personal Data of School Sponsoring Bodies

12. 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.
13. 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.
14. The personal data collected in this application may be disclosed to other government departments/ bureaux for the purpose mentioned above.
15. 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.
16. Enquiries concerning the personal data collected by means of this application, including making of access and corrections, should be addressed to :

<p>Access to Information Officer Education Bureau 16th floor, Wu Chung House 213 Queen's Road East Wanchai, Hong Kong</p>

Disclosure of information

17. 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

18. 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>.