

Application Form A
(applicable to application for a planned new primary school premises
at Lin Cheung Road, Sham Shui Po)

Third School Allocation Exercise (“SAE”) 2019
Application for Allocation of Planned Primary School Premises in Sham Shui Po District
(Planned New Primary School Premises at Lin Cheung Road, Sham Shui Po)

Note:

1. Please read the Guidance Notes before completing this form.
2. The school applying for reprovisioning should belong to Primary One Admission (POA) School Net 64, 65 and 66¹.

Part I. Information of the primary school applying for reprovisioning

Name of the School applying for reprovisioning:

(English) _____

(Chinese) _____

Full Address of the School:

(English) _____

(Chinese) _____

Finance Type: * Government/ Aided _____

(* Please delete as appropriate)

Part II. Information of School Sponsoring Body (“SSB”)

Registered Name of the SSB²:

(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) _____

Telephone No: _____

(Chinese) _____

Fax No: _____

Email Address: _____

(* Please delete as appropriate)

¹ Only existing public sector primary schools belonging to POA School Net 64, 65 and 66 may submit application. The POA Net to which the applicant school belongs should be based on the Education Bureau’s record.

² The application must be submitted by the registered SSB of the applicant school.

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Eligibility Requirement³

1. Is the SSB registered under the Companies Ordinance (Cap. 622)?

Yes

No (Please specify under which Ordinance the SSB is incorporated in Hong Kong:

)

2. Is the SSB exempt from tax under Section 88 of the Inland Revenue Ordinance (Cap. 112)?

Yes No

Please put a “✓” in the appropriate box.

Part III. 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 SSB 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 SSB is incorporated under its own Ordinance</u> , please provide the content of the relevant Ordinance, and its Constitution, if any. | <input type="checkbox"/> |
| 4. SSB's certificate of exemption from tax. | <input type="checkbox"/> |
| 5. Survey form on existing school's facilities, conditions, land/ building status, class structure and enrolment situation (Annex II of this Application Form). | <input type="checkbox"/> |
| 6. 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) | <input type="checkbox"/> |
| 7. 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. | <input type="checkbox"/> |
| 8. 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). | <input type="checkbox"/> |

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

³ Please note the eligibility requirements of the SSBs as set out in Item 1 of the Guidance Notes.

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Part IV. Obligations of the Successful SSB

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

- (a) implementing education initiatives promoted by the Education Bureau (“EDB”);
- (b) returning 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 will be committed to ensure that upon allocation of the new premises to the SSB, the existing site of the school together with all buildings and structures thereon shall be surrendered 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; and
- (c) 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.

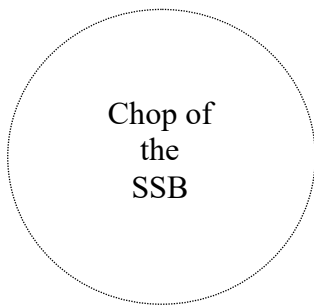
Part V. Declaration on the part of EDB

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 VI. 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 SSB:

(English) : _____

(Chinese) : _____

Position : _____

Organisation : _____

Signature : _____

Date : _____

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Annex I

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Standard Text required for Allocation of a School Premises
(only applicable if the SSB is incorporated under the Companies Ordinance)

To be eligible for allocation of a school premises, the Articles of Association (“A&A”) submitted by the SSB should contain all the text stipulated below. Please indicate in the boxes on the right-hand column the relevant clause/ article numbers of the SSB’s A&A that correspond to the standard clauses and articles required.

If any of the standard text has not been included in the SSB’s A&A, please put down “not included” in the boxes. If the application is successful, the SSB 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)	

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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.

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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 –
- (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.

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(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.

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Annex II

Third School Allocation Exercise (“SAE”) 2019
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Survey Form on Existing School’s Facilities, Conditions and Land/ Building Status,
Class Structure and Enrolment Situation

1. School Particulars

School Name: _____

District: _____ Finance Type: * Government/ Aided _____

* Please delete as appropriate

2. Physical Condition

Age of School Building : _____ Years Site Area: _____ m²

The school has undergone the School Improvement Programme (SIP):

Yes (Phase: _____ Year of Completion: _____)
 No

Please put a “✓” in the appropriate box

3. Existing Facilities

Please list out below the facilities, with number, that the existing school is provided with. If the school has undergone SIP, please *separately* indicate the number of the facilities provided by SIP under the appropriate column.

Facilities	Total No. (A) <i>[Including those listed in (B)]</i>	No. provided by SIP ⁴ (B)
● Classrooms		
<i>Special rooms :</i>		
● Small Group Teaching Room		
● Music Room		
● Visual Arts Room		
● General Studies Room		
● Preparation Room (General Studies)		
● Multi-purpose Room		

⁴ For example, if the school has 20 classrooms originally and through SIP has obtained an additional 4 classrooms, then for the item “Classrooms” in Column (A), it should be 24, while in Column (B), it should be 4.

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Facilities	Total No. (A) <i>[Including those listed in (B)]</i>	No. provided by SIP ⁴ (B)
● Preparation Room (Multi-purpose)		
● Computer Assisted Learning Room		
● Preparation Room for Computer Assisted Learning		
● Language Room		
● Library		
<i>Other facilities:</i>		
● Guidance Activity Room		
● Interview Room		
● Headmaster's Office		
● Deputy Headmaster's Office		
● Discipline Master's Office		
● General Office		
● Medical Inspection Room		
● Printing Room & Security Store		
● General Store		
● Staff Room		
● Staff Common Room		
● Student Guidance Officer's Office		
● Pantry		
● Conference Room		
● Assembly Hall		
● Stage		
● Physical Education Store/ Changing Rooms		
● Covered Playground		
● Playground with no Cover		
● Multi-purpose Area		
● Student Activity Centre		
● Tuck Shop cum Central Proportioning Area		
● Toilet for the Disabled		
● Lift for the Disabled/ Fireman		
Others (please specify):		

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4. Class Structure and Enrolment Situation as at September 2019

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

Net Vacancy: _____

5. Land/ Building Status

Ownership of the School Premises¹ proposed to be reprovisioned as described in Page 1 of the Application Form:

1. The piece or parcel of land of the School Premises together with the building(s), structure(s) together with all the easement and appurtenant thereto is:

within private lot _____ (lot no.) owned by _____
 (name of registered owner) (i.e. the SSB, the school or a third party related to the SSB/ school) (please complete items 2 and 3 below)

on Government land (no need to complete items 2 and 3 below)

Please put a "✓" in the appropriate box

(Please provide details of ownership and ownership record²)

2. Please state clearly whether the School Premises is subject to any encumbrances³ or any claims, actions, proceedings or liabilities.

Yes
 No

Please put a "✓" in the appropriate box

(Please provide detailed information and relevant documents²)

3. Please state clearly whether the registered owner of the land on which the school premises is situated has agreed to surrender the land together with the building(s), structure(s) and all the easement and appurtenant thereto to the Government as a condition of school allocation for the SSB.

Yes (please provide documentary proof)
 No

Please put a "✓" in the appropriate box

(Should the SSB fail to secure the agreement of the registered owner of the land to the above, this Bureau reserves the right not to consider the application.)

Notes:

- Including but not limited to building(s)/ structure(s) and open space(s)/ playground(s) currently registered under Education Ordinance as described in relevant Certificate of Registration of the subject school.
- 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.
- Including but not limited to charges and mortgages.