

Application Form
School Allocation Exercise 2008
Application for Allocation of Estate Kindergarten Premises

Please read the guidance notes before completing this form.

Registered Name of the Applicant Body:

(English) _____

(Chinese) _____

Correspondence Address:

(English) _____

(Chinese) _____

Name of Contact Person:

(English) (*Mr / Mrs / Ms) _____ (*Please delete as appropriate)

(Chinese) _____

Position: _____ Telephone No: _____ Fax No: _____

Location Preference:

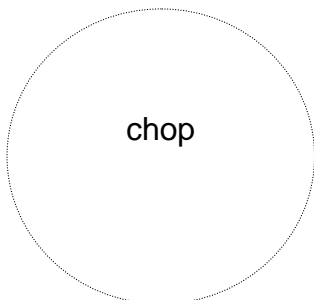
<u>Item No.</u>	<u>Address</u>	<u>Priority</u>
KG1	Choi Ying Estate, Kwun Tong	<input type="checkbox"/>
KG2	Mei Tin Estate, Shatin Tin	<input type="checkbox"/>
KG3	Tin Ching Estate, Tin Shui Wai, Yuen Long	<input type="checkbox"/>

Checklist on the documents required:

	<u>Enclosed</u>
1. Applicant body's incorporation document	<input type="checkbox"/>
2. Applicant body's Memorandum and Articles of Association (only applicable if the applicant body is incorporated under the Companies Ordinance. Please fill in Annex)	<input type="checkbox"/>
3. Applicant body's certificate of exemption from tax	<input type="checkbox"/>
4. 15 copies each of (i) proposed plan (NOT MORE THAN 10 pages including all annexes) plus a 2-page executive summary and (ii) list of operating kindergartens, schools or non-profit-making social services (with names, addresses and types) run by the applicant body.	<input type="checkbox"/>

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

- (a) implementing education initiatives applicable to kindergartens;
- (b) bearing the full cost of operation of a new kindergarten; and
- (c) maintaining an operation standard to the satisfaction of the Secretary for Education.



Name of Responsible Person:

(English) : _____

(Chinese) : _____

Position : _____

Organisation : _____

Signature : _____

Date : _____

Application Form

Annex

Standard Clauses/Articles 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 Memorandum and Articles of Association (M&A) submitted by the Applicant Body should contain *all* the standard clauses and articles stipulated below. Please indicate in the boxes on the right-hand column the relevant clause/article numbers of the Applicant Body's M&A that correspond to the standard clauses and articles required.

If any of the standard clauses and articles has not been included in the Applicant Body's M&A, please put down "not included" in the boxes. If the application is successful, the Applicant Body will be required to revise its M&A accordingly and seek approval from the Registrar of Companies for the revision to be made.

Standard Clauses and Articles

Clause/
Article no.

Memorandum of Association

1. The objects for which the Association is established are:

(Here express objects shortly)

(1) To establish and maintain a non-profit-making school or schools.

(2) To.....

(3) To.....

(n) To do all such other lawful things as are incidental or conducive to the attainment of the above objects.

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.

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.

2. No addition, alteration, or amendment shall be made to or in this Memorandum of Association or the Articles of Association for the time being in force, unless such alteration has previously been submitted to and approved by the Registrar of Companies in writing. (See Note)

3. (1) The income and property of the Association, whencesoever derived, should be applied solely towards the promotion of the objects of the Association as set forth in this Memorandum of Association. (See Note)

(2) Subject to Clauses 3(4) and 3(5) below, no portion of the income and property of the Association shall be paid or transferred directly or indirectly, by way of dividend, bonus, or otherwise howsoever, to the members of the Association. (See Note)

Application Form

- (3) No member of the Council of Management or Governing Body of the Association shall be appointed to any salaried office of the Association, or any office of the Association paid by fees and no remuneration or other benefit in money or money's worth [except as provided in Clause 3(5) below] shall be given by the Association to any member of the Council of Management or Governing body. (See Note)

- (4) Nothing herein shall prevent the payment, in good faith, by the Association of reasonable and proper remuneration to any officer or servant of the Association, or to any member of the Association not being a member of the Council of Management or Governing Body of the Association in return for any services actually rendered to the Association. (See Note)

- (5) Nothing herein shall prevent the payment, in good faith, by the Association:
 - a) to any member of its Council of Management or Governing Body of out-of-pocket expenses;
 - b) of interest on money lent by any member of the Association or its Council of Management or Governing Body at a rate per year not exceeding 2% above the prime rate prescribed for the time being by the Hongkong and Shanghai Banking Corporation Limited for Hong Kong dollar loans;
 - c) of reasonable and proper rent for premises demised or let by any member of the Association or of its Council of Management or Governing Body; and
 - d) of remuneration or other benefit in money or money's worth to a body corporate in which a member of the Association or of its Council of Management or Governing Body 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.(See Note)

- (6) No person shall be bound to account for any benefit he may receive in respect of any payment properly paid in accordance with Clauses 3(4) and 3(5) above. (See Note)

- 4. The liability of the members is limited. (See Note)

- 5. Every member of the Association undertakes to contribute to the assets of the Association, in the event of its being wound up while he is a member, or within one year after he ceased to be a member, for payment of the debts and liabilities of the Association contracted before he ceases to be a member, and of the costs, charges and expenses of winding up, and for the adjustment of the rights of the contributories among themselves, such amount as may be required not exceeding dollars.

- 6. 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 same 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 of the Association, and which shall prohibit the distribution of its or their income and property amongst its or their members to an extent at

Application Form

least as great as is imposed on the Association under or by virtue of Clause 3 hereof, such institution or institutions to be determined by the members of the Association at or before the time of dissolution and in default thereof by a Judge of the High Court of Hong Kong Special Administrative Region having jurisdiction in regard to charitable funds, and if and so far as effect cannot be given to the aforesaid provision then to some charitable object. (See Note)

Note : In the case of an existing incorporated company of which the Memorandum of Association does not contain the relevant clauses as required, the required clauses should be inserted in the Articles of Association.

Articles of Association

Management Committee/Incorporated Management Committee

1. (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 and a member of an incorporated management committee may be removed or dismissed in accordance with the Education Ordinance. Any member so removed or dismissed and any member whose term of office has expired and has not been renewed or extended shall forthwith tender his resignation in writing to the Permanent Secretary for Education as a registered manager under the Education Ordinance.

- (iii) The Directors or the management committee or the incorporated management committee shall nominate in accordance with the provisions of the Education Ordinance another member to replace a member of a management committee or an incorporated 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.

- (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.

2. 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.