

APPLICATION FORM

School Allocation Exercise Application for Allocation of an Estate Kindergarten

Please read the guidance notes at Appendix I 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: _____

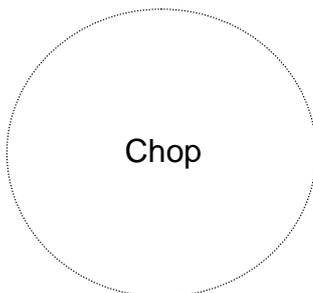
Checklist on the documents required:

Enclosed

1. Applicant body's incorporation document
2. Applicant body's Memorandum and Articles of Association (please fill in Annex)
3. Applicant body's certificate of exemption from tax
4. List of the schools or non-profit-making social services (with names, addresses and types) run by the applicant body, if any
5. (A) For new school sponsoring bodies not operating any school currently
15 copies of proposed school plan (NOT MORE THAN 10 pages including all annexes) plus a 3-page executive summary.
- (B) For existing school sponsoring bodies with school(s) under operation currently
15 copies each of (i) proposed school plan (NOT MORE THAN 10 pages including all annexes) plus a 3-page executive summary and (ii) list of operating schools with addresses and types. Reference may be made to other school(s) that they are operating and the respective performance of the school(s) to substantiate their case.

If the applicant body is allocated an estate kindergarten, 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 and Manpower.



Name of Representative:

(English) : _____

(Chinese) : _____

Position : _____

Signature : _____

Date : _____

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Annex

Standard Clauses/Articles Required for Allocation of a School Premises

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. 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)

(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]

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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 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)

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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

School Management Committee

1. (i) The Directors shall, in accordance with the provisions of the Education Ordinance, nominate for each school established or carried on by the Association a school management committee, which is either a management committee incorporated under the Companies Ordinance or an incorporated management committee established under the Education Ordinance. Subject to the provisions of the Education Ordinance, the members of the school 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 and Manpower 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 school management committee from office. Any member so removed or dismissed and any member whose term of office has expired and has not been renewed or extended by the Directors shall forthwith tender his resignation in writing to the Permanent Secretary for Education and Manpower as a registered manager under the Education Ordinance.
- (iii) The Directors or the school management committee shall nominate in accordance with the provisions of the Education Ordinance another member to replace a member of a school 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 and Manpower for registration as a manager under the provisions of the Education Ordinance.
- (iv) A member of a school management committee may be but need not necessarily be a Director.
2. It shall be the special responsibility of a school 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 and Manpower.