

Guidelines for Registration of a New School

(For premises designed and constructed as a school)

1. The Legislation

Every school should observe the Education Ordinance (Cap. 279) and the Education Regulations (Cap. 279A).

2. School Registration

a. Definition of a school

According to the Education Ordinance, a “school” means an institution, organization or establishment which provides for 20 or more persons during any one day or 8 or more persons at any one time, any nursery, kindergarten, primary, secondary or post secondary education or any other educational course by any means, including correspondence delivered by hand or through the postal services.

b. Application for registration of a school

According to the Education Ordinance, an application for registration of a school shall be made to the Permanent Secretary for Education (Permanent Secretary) in the specified form and accompanied by documents specified in such form¹. If the school is to be operated in or in any part of any premises which are not designed and constructed for the purposes of a school, additional documents should be provided.

¹For an application for registration of a school made to the Permanent Secretary, Form 1 (Application for Registration of A School), Form 6 / Form 6A (Application for Registration as A Manager), documentary proof of the right to use the premises (e.g. occupation permit, handover certificate, school allocation letter, land lease agreement) and layout plan are required to be submitted together.

3. Requirements for registration of a school

a. Size of classes

The courses to be offered by the school	No. of pupils to be taught at one time by one teacher
Nursery education	Not more than 20
Kindergarten education	Not more than 30
Whole-day kindergarten education	Not more than 20
Primary, secondary, post-secondary education or other educational courses (other than a school in respect of which an incorporated management committee (IMC) is established under Part IIIB of the Education Ordinance)	Not more than 45

b. Floor space of classrooms

Type of schools	Teaching Staff	Pupil
Primary School	a floor space of at least 1.5 m in width for use of the teacher, extending along the whole length of the wall in front of the pupils in a classroom	not less than 0.9 m ² per pupil
Secondary School		
Schools providing post-secondary education or other educational courses		
Nursery		
Kindergarten		
Whole-day Kindergarten		not less than 1.8 m ² per pupil

c. Maximum number of pupils permitted in each classroom

The maximum number of pupils permitted in each classroom shall be the one specified by the Permanent Secretary.

d. School name

The name of a school shall not be the same or similar to that of another registered school or that of any school the registration of which has been cancelled.

- e. School managers
- i. No person shall act as a manager of a school unless he/she is registered as a manager of the school.
 - ii. In general, the applicant for registration as a manager –
 - should reside in Hong Kong for at least 9 months in each year;
 - should not be under the age of 18 years; and
 - should produce a medical certificate issued by a registered medical practitioner within 2 months before the date of his/her application certifying that he/she is physically fit to perform the functions of a manager if he/she has attained the age of 70 years.
- f. Establishment of IMC (in respect of planned schools where school registration is required, only applicable to an aided school, the scheduled opening date of which falls on or after 1 January 2005, and a DSS school, the scheduled opening date of which falls on or after 1 January 2005 and the sponsoring body of which has given notice to the Permanent Secretary of its intention to establish an IMC in respect of the school)
- i. An IMC in respect of each of the schools concerned shall be established.
 - ii. For the workflow on establishing an IMC, please refer to the website of School-based Management Section of EDB:
<https://www.edb.gov.hk/en/sch-admin/sbm/imc-workflow/index.html>

A Certificate of Incorporation shall be issued by the Permanent Secretary upon compliance with all the necessary requirements stipulated in the Education Ordinance.

[Additional information for reference:

For operating schools, an IMC in respect of each of the following types of schools shall be established –

- (a) an aided school without IMC that commenced operation before 1 January 2005; and
- (b) a DSS school without IMC that commenced operation (whether or not before 1 January 2005) or a school specified in Schedule 3 to the Education Ordinance, the sponsoring body of which (for both types of

these schools under (b)) has given the Permanent Secretary a notice of its intention to establish an IMC in respect of the school.

For details, please refer to the aforesaid website.]

g. Exhibition of certificates of registration/provisional registration

A Certificate of Provisional Registration of A School/Certificate of Registration of A School shall be issued by the Permanent Secretary upon a school being provisionally registered or registered, and such certificate shall be exhibited conspicuously at all times on the premises by each school.

h. Fees

The inclusive fees collected from pupils for an educational course shall be calculated on an equal monthly basis unless otherwise permitted by the Permanent Secretary.

i. Fees Certificate

A Fees Certificate shall be issued to each school by the Permanent Secretary upon the provisional registration/registration of the school.

j. Teachers

No person shall teach in a school unless he/she is a registered teacher or a permitted teacher. But, an “exempted school” as defined under the Education (Exemption) (Private Schools Offering Non-formal Curriculum) Order (Cap. 279F) is not required to submit an application to the Education Bureau for permission to employ a person as a permitted teacher if it complies with all the relevant conditions specified in the Exemption Order. For details of the Exemption Order, please refer to the EDB Circular No. 7/2007 dated 6 July 2007, which has been uploaded on the EDB Homepage:

<http://www.edb.gov.hk/UtilityManager/circular/upload/EDBC/EDBC07007E.pdf>)

4. Procedures for school registration

a. The applicant is required to submit the following information and documents to the School Registration and Compliance Section of the EDB –

- i. Application for Registration of a School (Form 1)
- ii. Application for Registration of a Manager (Form 6 for proposed managers of proposed non-IMC schools and Form 6A for proposed managers of proposed IMC schools)

[Proposed IMC schools should, upon their draft constitutions being approved by the Permanent Secretary, submit a list of proposed managers (Form IMC – 3) and Form 6A for each proposed manager.]

- iii. 12 copies of layout plans of the school premises
- iv. Handover Certificate/Occupation Permit/Letter of Direct Allocation
- v. Expenditure for Employment of Staff of Private Primary/Secondary School/Expenditure for Employment of Kindergarten Teaching Staff (if applicable)
- vi. Syllabus(es)
- vii. Textbook List
- viii. Timetables
- ix. Time schedule of courses (for Kindergarten, Primary, Secondary or Post-Secondary Education)
- x. Documentary proof of the right to use the premises, e.g. tenancy agreement/ sales and purchase agreement/ authorization by landlord (if applicable)
- xi. If a school is named after a person or an organization, authorization by such person or organization (further information may be required for clarification of the school name proposed)
- xii. For a kindergarten that will operate whole-day classes, a lunch menu for pupils and 2 additional copies of the layout plans of the school premises

xiii. For a school that will operate computer courses :

1 layout plan of the computer room designed according to the following principles –

- 1 set of computer per pupil
- an area of floor space not less than 1.5 m² for each pupil in the classroom for a computer course

- b. The School Registration and Compliance Section will forward the application documents to the relevant government departments. The clearance from the relevant authorities including the Town Planning Board, the Lands Department, the Fire Services Department, the Buildings Department and the Education Bureau etc. would be obtained in respect of the safety and compliance with relevant law, regulations, conditions and requirements.
- c. The School will be informed of the outstanding requirements and advice from the relevant government departments (where applicable). The School is required to respond to the advice and make rectifications (if applicable) until all the requirements are satisfied. The time required for the registration of school varies from case to case depending on the nature and complexity concerned as well as the response time of the school.
- d. EDB will consider issuing a **Certificate of Provisional Registration of A School / Certificate of Registration of A School** to the school concerned within 10 working days when all required information and documents are received and found in order. The school may commence operation upon being provisionally registered/registered.
- e. Normally, the Certificate of Provisional Registration is valid for one year. A school should fully comply with all the requirements listed below before full registration can be considered –
- i. Requirements on school management (e.g. registration of teachers, approval of principal, design of syllabuses, choice of textbooks, allocation of timetables, enrolment of students and collection of tuition fees) set by the Education Bureau;
 - ii. Health requirements set by the Department of Health; and
 - iii. Requirements set by the Fire Services Department, if any.
- f. If a school fails to comply with the above-mentioned requirements within the validity period of its provisional registration, the provisional registration of the school will not

be extended automatically, and the school will become an unregistered school upon the expiry of its provisional registration.

5. Penalty for non-compliance

Any person who is an owner or a teacher in a school which is not registered or provisionally registered or any person who manages or takes part in the management of a school which is not registered or provisionally registered shall be guilty of an offence and shall be liable on conviction to a fine of \$250,000 and to imprisonment for 2 years. The Permanent Secretary may by order in writing close any premises of a school which is not registered or provisionally registered.

WARNING

Attention should be drawn to the requirements imposed by the Education Ordinance (Cap. 279), particularly to the following -

- Section 10(1)

“Every school shall be registered or provisionally registered.”

- Section 87(1)

“Any person who –

(a) is an owner or a teacher in a school which is not registered or provisionally registered;

(aa) manages or takes any part in the management of a school which is not registered or provisionally registered;

shall be guilty of an offence and shall be liable on conviction to a fine of \$250,000 and to imprisonment of 2 years.”

- Section 83(3)

“The Permanent Secretary may by order in writing close any premises of a school which is not registered or provisionally registered.”

6. Enquiries and Application Forms

School Registration and Compliance Section of the Education Bureau

School Districts	Tel. no.	Fax no.	Address
Eastern, Shatin, Wong Tai Sin, Yuen Long, Tai Po	2892 5839	2573 3459	Rm 1416, 14/F., Wu Chung House, 213 Queen's Road East, Wan Chai, Hong Kong
North, Sai Kung, Wanchai, Yau Tsim Mong Kwun Tong, Tsuen Wan	2892 6341		
Sham Shui Po, Central & Western, Southern, Kowloon City, Tuen Mun, Kwai Tsing, Islands	2892 5725		

The relevant forms can be downloaded from the EDB website at

<https://www.edb.gov.hk/en/sch-admin/sch-registration/about-sch-registration/info-application-sch-registration.html>

Remarks

As this Guideline only outlines the main points to be taken into account when the Education Bureau processes applications for registration of a school, applicants should also make reference to the Education Ordinance and the Education Regulations. The relevant information can be downloaded from the website of Bilingual Laws Information System: <http://www.legislation.gov.hk/eng/home.htm> → Go to Chapter row (Enter 279).

Reminder

Applicants, while having dealings of any kind with the Education Bureau and other Government departments, should not offer advantage to Government officers.

School Registration and Compliance Section
Education Bureau
October 2022

Checklist for Documents Required for Applications for Registration of a School

Please note that failure to submit any of the following documents will cause delays / refusals in processing your application. Besides, if the documents are not complete or any of the documents is/are missing, the application form and the attached documents submitted will be returned to the applicant.

1. Application for Registration of a School (Form 1)#
2. Application for Registration of a Manager
 - a. for proposed managers of a proposed non-IMC school : Form 6#
 - b. for proposed managers of a proposed IMC school : Form 6A# and a list of proposed managers (Form IMC-3)# [such to be submitted by the sponsoring body when the draft IMC constitution in respect of the proposed school has been approved by the Permanent Secretary]
3. 12 copies of the proposed layout plan of the school premises
4. Handover Certificate/Occupation Permit/Letter of Direct Allocation
5. Expenditure for Employment of Staff of Private Primary/Secondary School/Expenditure for Employment of Kindergarten Teaching Staff# (if applicable)
6. Syllabus(es)
7. Textbook list
8. Timetables#
9. Time schedule of courses (applicable for Kindergarten, Primary, Secondary or Post-Secondary Education)#
10. Documentary proof of the right to use the premises, e.g. tenancy agreement/sales and purchase agreement/authorization by landlord (if applicable)
11. If a school is named after a person or an organization, authorization by such person or organization

12. For a whole-day kindergarten,
 - a. two additional copies of the layout plans; and
 - b. a lunch menu for pupils
 13. For a school that will operate computer courses, 1 layout plan of the computer room designed according to the following principles –
 - a. 1 set of computer per pupil
 - b. an area of floor space not less than 1.5 m² for each pupil in the classroom for computer course
- # Relevant forms can be obtained from the School Registration and Compliance Section of the EDB or downloaded from the EDB website at <https://www.edb.gov.hk/en/sch-admin/sch-registration/about-sch-registration/info-application-sch-registration.html>.