

## **LEGISLATIVE COUNCIL BRIEF**

Education Ordinance  
(Chapter 279)

### **EDUCATION (AMENDMENT) BILL 2000**

#### **INTRODUCTION**

At the meeting of the Executive Council on 12 December 2000, the Council ADVISED and the Chief Executive ORDERED that the Education (Amendment) Bill 2000 at Annex A should be introduced into the Legislative Council to update a number of existing provisions of the Education Ordinance and the Education Regulations (hereafter “the Ordinance” and “the Regulations” respectively).

#### **BACKGROUND AND ARGUMENT**

##### **General Background**

2. The Ordinance and the Regulations are to regulate the operation of schools and teaching therein. They were last reviewed and amended in 1993. New developments have rendered some provisions in the Ordinance and the Regulations inadequate or outdated.

#### **PROPOSALS**

##### **(A) Delegation of the Director of Education’s Power**

3. Section 5 of the Ordinance provides that the Deputy Director of Education (DDE) may exercise any function of the Director of Education (D of E) under the Ordinance. In addition, D of E (or DDE) may authorise any officer of the Education Department (ED) to exercise any function of D of E (or DDE) under the Ordinance, the only exception being section 9(5) which provides that the following may be exempted from the Ordinance –

- (a) any school which provides education consisting only of a series of lectures, or a course of instruction in a particular subject or topic;
- (b) any school which provides less than ten hours of academic instruction each week; and
- (c) the owners, managers, teachers or pupils of any school referred to in (a) and (b) above.

4. In recent years, there have been an increase in the number of applications for exemption under section 9(5). To enable D of E and DDE to delegate the work where necessary, whilst at the same time ensuring that only senior enough officers can exercise this important exemption power, we **propose** that D of E (or DDE) may authorise officers at the directorate level to exercise the power under section 9(5).

### **(B) Issue of Manager's Certificate**

5. At present, under section 29(2), D of E is required to issue a certificate of registration of manager to the applicant upon registration. As the certificate is more a symbolic document and does not serve much practical purpose, we consider that it is not necessary to make it a legal requirement for D of E to issue the certificate.

### **(C) Performance of Principal's Functions**

6. Under sections 53 and 57, a candidate for the principal post has to be recommended by the school management committee to D of E for approval. Under section 87, apart from the principal, no other person is allowed to perform the functions of a principal. In actual practice for operational and administrative reasons, an individual who has been recommended by the school management committee to be a principal usually starts to perform the functions of a principal even though D of E has not yet given his approval. To better reflect the practice on the ground, we **propose** to amend the Ordinance to allow an individual to perform the functions of a principal so long as the individual is recommended by the school management committee as the principal, and the recommendation has been submitted to D of E for consideration.

### **(D) Review of Attendance Orders**

7. At present, in accordance with the policy of providing nine years' free and universal education to children aged between 6 and 15, D of E may under section 74 of the Ordinance serve upon a child's parent an attendance order requiring him to cause the child to attend schools. D of E is also empowered to vary the attendance order. A parent aggrieved by an attendance order or any variation of an attendance order may apply to the Board of Review set up under section 75 of the Ordinance for a review.

8. Since the introduction of the above provisions in 1971, only four cases have gone before the Board of Review. In 1998, following a review of education-related executive and advisory bodies, Government proposed to dissolve the Board of Review and to provide for a right of appeal to the Administrative Appeals Board\*. The proposal received general support during public consultation. The Legislative Council was also informed of the proposal vide a Legislative Council brief issued on 14 July 1998. We **propose** to take the opportunity of amending the Ordinance to give effect to this proposal.

### **(E) Power of Inspectors of Schools**

9. In the course of inspecting a school and in ascertaining whether the Ordinance is complied with, inspectors of schools may need to establish the personal particulars of individuals present in the school premises for taking necessary follow up actions (e.g. making prosecutions). However, the inspectors do not have any statutory authority requiring the individuals to provide the particulars. We therefore **propose** to provide D of E and inspectors with the power to require individuals found in school premises in the course of inspections to produce proof of identity, residential address and contact telephone number when the inspectors have reasonable suspicion that the Ordinance or the Regulations are not being complied with by the individuals. It will be an offence (maximum penalty - a fine of up to \$10,000) if the individuals refuse to furnish the information required or provide false information.

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\* **Note** The Administrative Appeals Board is a centralised body established in 1994 under the Administrative Appeals Board Ordinance to hear appeals against administrative decisions made under certain statutory provisions which are listed in the Schedule of Ordinance.

### **(F) Closure of Schools in Bad Weather**

10. At present, D of E may under section 83 of the Ordinance by order in writing suspend the operation of a school if it appears to him that there is any danger or risk to persons in the school premises. Such order must be served upon the school manager in writing and published in the Gazette. However, in case of bad weather such as tropical cyclones or heavy persistent rain where schools may have to be closed quickly, it is not practicable for D of E to follow the prescribed procedures. In actual practice, D of E will make public announcements over radio, television or newspapers to advise schools to suspend classes. We **propose** to formalise this arrangement by amending the Ordinance accordingly.

### **(G) Documents Prescribed in the Ordinance**

11. At present, all forms, certificates and permits for application and registration matters (for example, registration forms for teachers) and attendance orders under the Ordinance are prescribed by regulations made by the Chief Executive in Council under section 84(1)(z) of the Ordinance. Since the work is largely operational in nature, we **propose** to streamline the procedures by transferring the relevant power to D of E.

### **(H) Control Over Schools' Advertising**

12. There are increasing complaints about schools' advertisements making false claims or providing misleading information on, for example, course contents and teachers' qualifications. Under the Ordinance, however, D of E could only take action on schools making false advertisements in relation to their premises (section 86B), and on unregistered schools falsely claiming to be registered with ED (section 86A). The maximum penalty which could be imposed for these offences is a fine of \$25,000. To better protect students and parents, we **propose** to widen the scope of control such that it will be an offence for schools to publish any advertisements containing false or misleading information relating to the schools. To achieve a greater deterrent effect, a higher level of penalty of a fine of up to \$100,000 will be set for this proposed offence. The same penalty level will also apply to the offences under the existing sections 86A and 86B.

## **(I) Fire Safety**

13. Regulation 38 requires that the principal of a school should ensure that fire drill is conducted in a school at least once every month. The Fire Services Department (FSD) has advised that practising fire drills once every six months is already adequate from the fire safety angle. We therefore **propose** to relax the requirement of regulation 38 accordingly.

14. At present, regulation 39 requires the principal of a school to ensure that all fire extinguishers in the school premises are kept in good condition and re-charged annually. FSD has advised that from the fire safety angle, principals should keep not only fire extinguishers but also other fire service installation or equipment (such as hydrant/hose reels and automatic sprinklers) in good condition. However, there is no need to require principals to re-charge fire extinguishers annually. On the basis of FSD's advice, we **propose** to –

- (a) require the principal of a school to ensure that fire service installation or equipment is kept in good condition; and
- (b) remove the requirement of re-charging fire extinguishers every year.

## **(J) Gazetting and Collection of School Fees**

15. Under regulation 60, whenever a new school fee of a school is approved by D of E, he is required to gazette the new fee for public information. We have recently started to publish school fees in school profiles to enable parents to have easy access to information relating to fees of schools. In addition, regulation 67 stipulates that schools are required to exhibit conspicuously in the school premises a certificate setting out the fee for each class. We consider that these measures are already sufficient. It is also doubtful that gazetting is an effective means to disseminate the information to parents. In the circumstances, we **propose** to remove the current requirement of gazetting school fees.

16. At present, under regulation 62, school fees have to be collected in either ten or 12 equal monthly payments unless otherwise permitted by D of E. Also, the first monthly payment for the new school year (which usually commences in

September) could not be collected earlier than 1 August. The above requirements are not entirely appropriate for schools providing non-formal education courses (e.g. tutorial schools and schools offering commercial courses etc.), the length of which varies and do not necessarily commence in September. To cater for the needs of different types of schools, we **propose** to change the existing requirement so that -

- (a) school fees will be collected in equal monthly payments; and
- (b) the first monthly payment will be collected no more than one month earlier than the commencement of the school year or the course.

### **(K) Control over Pupils' Associations**

17. All pupils' associations of primary and secondary schools at present are required to register with D of E under regulation 72. Since activities of pupils' associations are no different from other extra-curricular activities and are supposed to be under the supervision of their own schools, we consider that the existing registration requirement is not necessary.

### **(L) Number of Pupils in a Classroom**

18. To protect students' safety, it is essential for D of E to have the authority to stipulate the maximum number of pupils permitted in every classroom. Legal advice is that reading sections 18, 80, 82 and 83 of the Ordinance, and Regulations 24 and 40 together, D of E does have the power to specify the maximum number of pupils permitted in every classroom. However, such authority is only implied and is not stated explicitly. We **propose** to state D of E's authority explicitly and clearly in the law to avoid any possible disputes.

### **(M) Making Prosecution**

19. Contravening provisions under the Ordinance and the Regulations are summary offences. In the absence of any specific provisions, prosecution action has to be taken within six months **after an offence is committed** pursuant to section 26 of the Magistrates Ordinance. In case an offence only comes to the notice of D of E six months after it is committed, no prosecution can be taken.

According to past experience, however, many of the offences were not brought to the attention of ED within the six-month limit. For example, schools charging fees at a higher level than the approved one might not come to ED's notice until a parent lodged a complaint, and the complaint could be made six months after the offence is committed. To better protect parents and students by enabling ED to enforce the law more effectively, we **propose** to allow prosecution to be instituted within six months from the date when the commission of an offence under the Ordinance **comes to ED's notice**.

## **THE BILL**

20. The Bill at Annex A gives effect to the proposals in paragraphs 3 to 19 above. The main provisions of the Bill are as follows –

- (a) **clause 3** empowers D of E to authorise any ED officer at the directorate level to exercise any function of the Director under the Ordinance;
- (b) **clauses 2(c), 4, 27 and 28** enable D of E to specify forms as required under the Ordinance;
- (c) **clause 5** removes the requirement of issuing certificates of registration to managers;
- (d) **clauses 6 and 15(b)** enable a teacher who has been recommended by the school management committee for D of E's approval to be a principal to perform principal's functions;
- (e) **clauses 8, 9, 16 and 30** substitute the Administrative Appeals Board for the Board of Review;
- (f) **clause 10** empowers D of E and inspectors of schools to require any person found in the school premises during their inspections to provide proof of identity and contact details;
- (g) **clause 11** enables D of E to suspend the operation of schools during bad weather by making public announcement;
- (h) **clause 14** provides that publication of any advertisements containing false

or misleading information relating to schools is liable to an offence;

- (i) **clause 15(e)** allows prosecutions to be instituted within six months from the date when contravention of the Ordinance comes to ED's notice;
- (j) **clauses 17 and 18** change the existing requirements relating to fire drills and fire equipment in schools;
- (k) **clauses 12(c) and 19** remove the existing requirement of publishing school fees in the Gazette;
- (l) **clause 21** provides for collection of school fees on an equal monthly basis and requires that the first payment should be collected no more than one month earlier than the commencement of the educational course;
- (m) **clause 23** removes the registration requirement of pupils' associations; and
- (n) **clauses 12(a) and 25** states expressly D of E's authority to limit the maximum number of pupils permitted in every classroom.

The existing provisions which are being amended are at Annex B.

## **PUBLIC CONSULTATION**

21. The Board of Education has noted our proposals. We have also consulted the Legislative Council Panel on Education. Some Panel Members considered that many tutorial schools were unscrupulous in using false or misleading advertisements to attract business. Such malpractice deserved a higher penalty than the one originally proposed by the Administration (a maximum fine of \$25,000). Following further consultation with the Department of Justice, we have raised the proposed maximum fine for the offence to \$100,000 (c.f. paragraph 12 above).

## **BASIC LAW IMPLICATIONS**

22. The Department of Justice advises that the Bill does not conflict with those provisions of the Basic Law carrying no human rights implications.



## **HUMAN RIGHTS IMPLICATIONS**

23. The Department of Justice advises that the Bill is consistent with the human rights provisions of the Basic Law.

## **BINDING EFFECT OF THE LEGISLATION**

24. The amendments will not affect the current binding effect of the Ordinance and the Regulation.

## **FINANCIAL AND STAFFING IMPLICATIONS**

25. There are no additional financial or staffing implications for the Government.

## **LEGISLATIVE TIMETABLE**

26. The legislative timetable will be as follows –

Publication in the Gazette	22 December 2000
First Reading and commencement of Second Reading debate	10 January 2001
Resumption of Second Reading Debate, committee stage and Third Reading	to be notified

## **PUBLICITY**

27. A press release to announce the introduction of the Bill into the Legislative Council will be issued on 20 December 2000. A spokesman will be available to handle enquiries.

**ENQUIRY**

28. Enquiries on this Legislative Council brief may be directed to Mr Patrick Li, Principal Assistant Secretary for Education and Manpower, at telephone number 2810 3029.

Education and Manpower Bureau  
20 December 2000

## EDUCATION (AMENDMENT) BILL 2000

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## A BILL

To

Amend the Education Ordinance and the Education Regulations to dispense with prescribed forms, to empower the Director of Education to delegate his power to grant exemption, to dispense with the requirement to issue certificates of registration to school managers, to enable a teacher who has been recommended for approval to be a principal to perform principal's functions, to substitute the Administrative Appeals Board for the board of review, to empower the Director of Education and inspectors of schools to request production of proof of identity and contact details, to extend the period within which prosecution may be brought, to dispense with control of pupils' associations, to enable the Director of Education to suspend operation of a school by public announcement, to increase the fine for false advertising by unregistered schools, to prohibit certain false or misleading advertisements, to change the requirement as regards fire drills and fire equipment in schools, to dispense with the requirement of publishing inclusive fees in the Gazette, to provide for issuing certificates setting out inclusive fees, to provide for collection of inclusive fees on an equal monthly basis and impose restriction on advance collection, to state expressly the Director of Education's existing implied power under the Education Ordinance and the Education Regulations to limit the number of pupils permitted in individual classrooms, to effect repeal which is consequent upon previous amendments, to make minor technical amendments and to make necessary transitional provision and consequential amendments connected therewith including

consequential amendments to the Societies Ordinance and Administrative Appeals Board Ordinance.

Enacted by the Legislative Council.

**1. Short title and commencement**

(1) This Ordinance may be cited as the Education (Amendment) Ordinance 2000.

(2) This Ordinance shall come into operation on a day to be appointed by the Secretary for Education and Manpower by notice published in the Gazette.

**Education Ordinance**

**2. Interpretation**

Section 3 of the Education Ordinance (Cap. 279) is amended -

- (a) in the definition of "principal", by adding ", subject to section 58AA," after "means";
- (b) by repealing the definition of "pupils' association";
- (c) by adding -

""proof of identity" (身分證明文件) has the meaning assigned to it by section 17B(1) of the Immigration Ordinance (Cap. 115);

"specified form" (指明格式) means a form specified by the Director;"

**3. Delegation of Director's powers**

Section 5(2) is amended by repealing everything after "may" and substituting -  
"authorize any officer of the Education Department -

- (a) to exercise any function of the Director under any provision of this Ordinance other than section 9(5); or
- (b) at the directorate rank to exercise any function of the Director under section 9(5)."

**4. Sections amended**

Sections 11(a), 18(1), 28, 44(a), 45(2), 49(2), 50(1)(a) and 74(1) are amended by repealing "prescribed" and substituting "specified".

**5. Registration of manager**

Section 29(2) is repealed.

**6. Section added**

The following is added immediately after section 58 -

**"58AA. Performance of functions of principal by candidate**

(1) A teacher who is not a principal of a school and who has been recommended under section 53(1) or 57(1) for approval to be the principal of the school may, as long as he is a registered teacher or permitted teacher, perform the functions of the principal until the recommendation -

- (a) is approved under section 53(2) or 57(2), as the case may be;
- or

(b) is refused under section 54.

(2) A teacher performing any function of a principal under subsection (1) shall be regarded for the purposes of this Ordinance (except sections 55 and 56) as the principal."

**7. Interpretation of Part VII**

Section 73 is amended by repealing the definition of "board".

**8. Sections substituted**

Sections 75, 76 and 77 are repealed and the following substituted -

**"74A. Appeals**

A parent aggrieved by -

(a) an attendance order; or

(b) any variation of an attendance order under section 74(2),

made in respect of him may appeal to the Administrative Appeals Board."

**9. Enforcement of order**

Section 78 is amended by repealing the proviso and substituting -

"Provided that if an appeal is made against an attendance order or a variation of an attendance order under section 74A, no offence shall be committed by reason of a failure to comply with the attendance order or the attendance order as varied, as the case may be, until the appeal has been disposed of, withdrawn or abandoned."



**10. Section added**

The following is added -

**"81B. Power to request personal particulars**

Where the Director or any inspector of schools enters any premises under section 81(b) or 81A(1) or (3), he may, for the purposes for which he enters the premises, require any person found in the premises to -

- (a) furnish to him for his inspection the person's proof of identity;  
and
- (b) furnish to him the person's residential address and contact telephone number."

**11. Powers of Director to close school or give directions in cases of danger or misconduct**

Section 83 is amended -

- (a) by adding -

"(1A) Notwithstanding subsection (1), if it appears to the Director that there is any immediate danger or immediate risk of danger to persons in any school premises due to bad weather, he may, by making public announcements on radio, television or newspapers or by such other means as he thinks fit, suspend the operation of the school in the school premises.";

- (b) in subsection (6)(a), by repealing "to" and substituting ", (1A) or".

**12. Regulations**

Section 84(1) is amended -

- (a) in paragraph (h), by adding "and the number of pupils permitted in classrooms" after "classes";
- (b) in paragraph (1), by repealing ", and of pupils' associations";
- (c) in paragraph (s), by repealing "in the Gazette".

**13. Control of false advertising  
by unregistered schools**

Section 86A(3) is amended by repealing "4" and substituting "6".

**14. Control of false advertising by registered  
or provisionally registered schools**

Section 86B is amended -

- (a) in subsection (1), by repealing everything after "advertisement" and substituting -  
"that -

- (a) alleges that the school is operating in, or authorized to operate in, premises other than the premises specified in the certificate of registration or provisional registration of the school; or
- (b) contains any other information otherwise concerning the school which to his knowledge is false or

misleading in a material particular.";

- (b) in subsection (2), by repealing "4" and substituting "6".

## 15. Offences and Penalties

Section 87 is amended -

- (a) by repealing subsection (1)(e), (f) and (g);
- (b) in subsection (2)(c), by adding "or empowered under section 58AA(1) to perform the functions of the principal of the school" after "a school";
- (c) by repealing subsection (3)(h), (i), (j) and (k);
- (d) by adding -
  - "(3B) Any person who -
    - (a) refuses to furnish his proof of identity, residential address or contact telephone number upon being so required under section 81B; or
    - (b) furnishes a false residential address or contact telephone number upon being required under section 81B to furnish his residential address and contact telephone number,shall be guilty of an offence and shall be liable on conviction to a fine at level 3.";
- (e) by adding -

"(6) No prosecution for an offence under this Ordinance shall be commenced after the expiration of 6 months from -

(a) the date of commission of the offence;  
or

(b) the date of discovery of the offence by the Director,

whichever is the later."

## **16. Transitional**

(1) Any right to apply to the board of review established under the Education Ordinance (Cap. 279) for a review subsisting immediately before the commencement of section 8 shall be regarded as a right of appeal under section 74A of that Ordinance.

(2) Any application for a review under section 77(1) of the Education Ordinance (Cap. 279) which is pending immediately before the commencement of section 8 shall be -

(a) regarded as an appeal under section 74A of that Ordinance pending to the Administrative Appeals Board; and

(b) disposed of accordingly.

## **Education Regulations**

## **17. Fire drills, exits**

Regulation 38(1) of the Education Regulations (Cap. 279 sub. leg.) is amended -

- (a) by repealing "month" and substituting "6 months";
- (b) by repealing "the monthly" and substituting "each".

**18. Fire service installation and equipment**

Regulation 39 is amended -

- (a) by renumbering it as regulation 39(1);
- (b) in paragraph (1), by repealing everything after "fire" and substituting "service installation or equipment in the school premises is kept in good condition at all times.";
- (c) by adding -

"(2) For the purpose of this regulation, "fire service installation or equipment" (消防裝置或設備) has the meaning assigned to it by section 2 of the Fire Services Ordinance (Cap. 95)."

**19. Regulations substituted**

Regulation 60 is repealed and the following substituted -

**"60. Submission of particulars of inclusive fees**

The supervisor of every school shall submit to the Director when required by him particulars of the inclusive fee.

**60A. Certificate of inclusive fees**

- (1) Upon -
  - (a) registering a school under section 13 or 15 of the Ordinance; or

- (b) approving a change in the inclusive fee under regulation 65 in respect of a school,

the Director shall -

- (i) cause -
  - (A) the name and address of the school;
  - (B) the name of the supervisor of the school; and
  - (C) the particulars of the inclusive fee or the inclusive fee as changed, as the case may be,to be printed on a certificate in the specified form; and
- (ii) issue the certificate to the supervisor.

(2) For the purposes of this regulation, that part (if any) of the inclusive fee which represents a sum of money charged for providing housing or lodging accommodation, meals and cleaning services in respect of a pupil at a boarding school shall be separately identified in the particulars printed on the certificate issued under paragraph (1)(ii)."

## **20. Fees other than inclusive fee prohibited**

Regulation 61 is amended -

- (a) in paragraph (1) -
  - (i) by repealing "published in the Gazette" and substituting "printed on the certificate issued under regulation 60A(1)(ii)";
  - (ii) in the proviso by repealing everything after "approval is" and substituting "kept exhibited together with the certificate kept exhibited under regulation 67.";

- (b) in paragraph (2), by repealing "published in the Gazette" and substituting "printed on the certificate issued under regulation 60A(1)(ii)".

**21. Regulation substituted**

Regulation 62 is repealed and the following substituted -

**"62. Method of payment**

(1) Unless otherwise permitted in writing by the Director, the inclusive fees for an educational course shall be calculated on an equal monthly basis and collected on or after the first school day of each month of the period during which the educational course is conducted.

(2) Notwithstanding paragraph (1), a supervisor may require a pupil to register for an educational course by paying the first monthly instalment not earlier than one month before the commencement of the educational course."

**22. Regulation substituted**

Regulation 67 is repealed and the following substituted -

**"67. Duty to exhibit certificate**

The certificate issued in respect of a school under regulation 60A(1)(ii) shall be kept conspicuously exhibited at a prominent position in the school."

**23. Part repealed**

Part XI is repealed.

**24. School name to be displayed**

Regulation 84(1) is amended by repealing "通知" and substituting "告示".

**25. Maximum number of pupils**

Regulation 87 is amended -

(a) by renumbering it as regulation 87(2);

(b) by adding -

"(1) The Director may limit the maximum number of pupils permitted in every classroom.";

(c) in paragraph (2), by repealing "通知" and substituting "告示".

**26. Offences**

Regulation 101 is amended -

(a) in paragraph (1), by repealing "72(1),";

(b) in paragraph (5), by repealing "39" and substituting "39(1)";

(c) in paragraph (6), by repealing "87" and substituting "87(2)".

**27. Forms**

Regulation 103 is repealed.

**28. Forms**

The Third Schedule is repealed.



## Consequential Amendments

### Societies Ordinance

#### 29. Persons to which the Ordinance does not apply

The Schedule to the Societies Ordinance (Cap. 151) is amended by repealing item (4) and substituting -

- "(4) (a) An association the affairs of which are conducted wholly or partly in any school premises and which consists wholly or mainly of persons under the age of 21 years who are undergoing primary education or secondary education in any school.
- (b) For the purposes of this item, "primary education" (小學教育), "school" (學校), "school premises" (校舍) and "secondary education" (中學教育) have the meanings assigned to them by section 3 of the Education Ordinance (Cap. 279).".

### Administrative Appeals Board Ordinance

#### 30. Schedule amended

The Schedule to the Administrative Appeals Board Ordinance (Cap. 442) is amended by adding -

- |  |  |
|--|--|
| "42. Education Ordinance<br>(Cap. 279) | (a) An attendance order<br>made under section 74(1). |
|--|--|

- (b) A variation of an attendance order made under section 74(2)."

### **Explanatory Memorandum**

This Bill amends the Education Ordinance (Cap. 279), and consequentially amends the Societies Ordinance (Cap. 151) and the Administrative Appeals Board Ordinance (Cap. 442), for the objects stated in the Bill's long title. The principal proposed amendments are -

- (a) replacing various administrative forms prescribed in the Education Regulations (Cap. 279 sub. leg.) with forms specified by the Director of Education ("Director") (clauses 2(c), 4, 27 and 28);
- (b) enabling a teacher who has been recommended for approval as the principal of a school to perform the principal's functions pending approval of the recommendation (clauses 6 and 15(b));
- (c) substituting the Administrative Appeals Board for the board of review as the authority to which an appeal against an attendance order or any variation thereof may be brought (clauses 8, 9, 16 and 30);
- (d) empowering the Director and inspectors of schools to request production of proof of identity and contact details for the purposes of enforcement of the Education Ordinance (Cap. 279) (clauses 2(c), 10 and 15(d));

- (e) dispensing with the power to make regulation for the control of pupils' associations and registration of such associations (clauses 12(b) and 23);
- (f) prohibiting false or misleading advertisements concerning schools (clause 14);
- (g) allowing prosecutions of offences under the Education Ordinance (Cap. 279) to be brought within 6 months after the discovery of the offence by the Director (clause 15(e));
- (h) dispensing with the requirement to notify inclusive fees in the Gazette and providing for issuing and exhibition of certificates setting out inclusive fees (clauses 12(c), 19, 20 and 22);
- (i) providing for collection of school fees on an equal monthly basis and imposing restriction on advance collection (clause 21); and
- (j) stating expressly the Director's implied power to limit the number of pupils permitted in individual classrooms (clauses 12(a) and 25).

Chapter: 279	Title: EDUCATION ORDINANCE	Gazette Number: 21 of 2000
Section: 3	Heading: <b>Interpretation</b>	Version Date: 24/03/2000

- In this Ordinance, unless the context otherwise requires-
- "aided school" (資助學校) means any school that receives subsidies from the Government in accordance with the code of aid for primary schools, the code of aid for secondary schools or the code of aid for special schools; (Added 21 of 2000 s. 2)
- "authorized person" (獲授權人士) has the same meaning as it has in section 2 of the Buildings Ordinance (Cap 123); (Replaced 47 of 1990 s. 2)
- "Building Authority" (建築事務監督) has the same meaning as it has in section 2 of the Buildings Ordinance (Cap 123);
- "certificate of provisional registration" (臨時註冊證明書) means in relation to a school which is provisionally registered, the certificate which is issued by the Director under section 18(1) in respect of the school;
- "certificate of registration" (註冊證明書) means-
- (a) in relation to a school which is registered under section 13, the certificate issued by the Director under section 18(1) in respect of the school; and
  - (b) in relation to a school which is registered under either of the repealed Ordinances, the certificate of registration issued by the Director under such Ordinance in respect of the school;
- "code of aid for primary schools" (小學資助則例) means the code described as such and issued by the Director, under the terms of which the Government gives subsidies to certain primary schools, as the same may be amended from time to time; (Added 21 of 2000 s. 2)
- "code of aid for secondary schools" (中學資助則例) means the code described as such and issued by the Director, under the terms of which the Government gives subsidies to certain secondary schools, as the same may be amended from time to time; (Added 21 of 2000 s. 2)
- "code of aid for special schools" (特殊學校資助則例) means the code described as such and issued by the Director, under the terms of which the Government gives subsidies to certain special schools, practical schools or skills opportunity schools, as the same may be amended from time to time; (Added 21 of 2000 s. 2)
- "Director" (署長) means the Director of Education;
- "document" (文件) includes any account, counterfoil, text-book, exercise book, pamphlet, publication, newspaper, poster, drawing, sketch, film, filmstrip, slide, gramophone record, and other printed, written or recorded matter, whether relating to school management, teaching or recreation or to any other activity of or in connection with a school;
- "evening instruction" (夜間授課) means any instruction the greater part of which in any one day takes place after 6 p.m.;
- "functions" (職能) includes powers and duties;
- "inclusive fee" (費用總額) means the total sum of money charged in respect of the education of a pupil in a school;
- "inspector of schools" (學校督學) means a person who is appointed under section 79 to be an inspector of schools, a medical officer of schools and a health inspector of schools;
- "kindergarten education" (幼稚園教育) means a 2 years course of education normally commencing when a child has attained the age of 4 years; (Replaced 42 of 1993 s. 2)
- "manage" (管理) includes administer;
- "management committee" (校董會) means the registered managers of a school;
- "manager" (校董) means a person who manages or takes any part in the management of-

- (a) a school; or
  - (b) the activities of the pupils of a school;
- "nursery education" (幼兒教育) means a one year course of education normally commencing when a child has attained the age of 3 years; (Replaced 42 of 1993 s. 2)
- "permit to teach" (准用教員許可證) means a permit issued under section 50(1) or under either of the repealed Ordinances for the employment as a teacher in a school of a person who is not a registered teacher;
- "permitted teacher" (准用教員) means a person, not being a registered teacher, who is permitted to be employed as a teacher in a school in accordance with a permit to teach;
- "post secondary education" (專上教育) means education which is beyond the stage of secondary education;
- "practical school" (實用中學) means a school that provides education for pupils through a practical curriculum and that has been approved by the Director for such purpose; (Added 21 of 2000 s. 2)
- "primary education" (小學教育) means a 6 years course of education normally commencing when a child has attained the age of 6 years; (Replaced 42 of 1993 s. 2)
- "primary school" (小學) means a school which provides primary education; (Added 34 of 1979 s. 2)
- "principal" (校長) means a teacher who is approved as the principal of a school under section 53(2) or section 57(2) or under either of the repealed Ordinances;
- "provisionally registered" (臨時註冊) means provisionally registered under section 15;
- "pupils' association" (學生協會) means an association the affairs of which are conducted wholly or partly in any school premises and which consists wholly or mainly of persons under the age of 21 years who are undergoing primary or secondary education in any school or schools;
- "registered" (註冊), in relation to a school, means registered under section 13 or under either of the repealed Ordinances;
- "registered manager" (註冊校董) means a person who is registered as a manager of a school under section 29(1) or under either of the repealed Ordinances;
- "registered name" (註冊名稱) means the name in which a school is registered or provisionally registered;
- "registered teacher" (註冊教員) means a person who is registered as a teacher under section 45(1) or under either of the repealed Ordinances;
- "repealed Ordinances" (已廢除條例) means-
- (a) the Education Ordinance 1952 (Cap 279 1964 Ed.); and
  - (b) the Education Ordinance 1913 (26 of 1913);
- "school" (學校) 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; (Amended 38 of 1983 s. 2; 42 of 1993 s. 2)
- "school premises" (校舍) includes school recreation rooms, residential facilities, playing fields and playing grounds, and any other places used for the purposes of a school;
- "secondary education" (中學教育) means a course of education after primary education which normally commences when a child has attained the age of 12 years and is completed before he attains the age of 19 years; (Replaced 42 of 1993 s. 2)
- "secondary school" (中學) means a school which provides secondary education; (Added 34 of 1979 s. 2)
- "skills opportunity school" (技能訓練學校) means a school that provides education for pupils through a skills oriented curriculum and that has been approved by the Director for such purpose; (Added 21 of 2000 s. 2)

"special school" (特殊學校) means a school that provides education for pupils through a special education curriculum and that has been approved by the Director for such purpose; (Added 21 of 2000 s. 2)

"sponsoring body" (贊助團體) means a society or body corporate that the Director approves in writing to be the sponsoring body for a school specified by him; (Added 42 of 1993 s. 2)

"supervisor" (校監) means a registered manager who is approved as the supervisor of a school under section 34 or section 38(2) or under either of the repealed Ordinances. (Amended 42 of 1993 s. 2)

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Chapter: 279	Title: EDUCATION ORDINANCE	Gazette Number:
Section: 5	Heading: <b>Delegation of Director's powers</b>	Version Date: 30/06/1997

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(1) The Deputy Director of Education may exercise any function of the Director under this Ordinance.

(2) The Director may authorize any officer of the Education Department to exercise any function of the Director under any provision of this Ordinance other than section 9(5).

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Chapter: 279	Title: EDUCATION ORDINANCE	Gazette Number:
Section: 5	Heading: <b>Application for registration of school</b>	Version Date: 30/06/1997

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An application for registration of a school shall be-

- (a) made to the Director in the prescribed form; and (Amended 42 of 1993 s. 6)
  - (b) accompanied-
    - (i) by the documents specified in such form; and
    - (ii) 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, by the additional documents specified in section 12(1).
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Chapter: 279	Title: EDUCATION ORDINANCE	Gazette Number:
Section: 18	Heading: <b>Certificate of registration or provisional registration</b>	Version Date: 30/06/1997

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(1) On registering or provisionally registering a school, the Director shall issue to the supervisor a certificate of registration or a certificate of provisional registration in the prescribed form and sufficient

copies of the certificate so that the certificate or a copy may be exhibited in each of the premises specified in the certificate.

(2) Except as provided in subsection (3), section 20 and section 71, the supervisor of a school shall cause the certificate or a copy issued by the Director under subsection (1) to be exhibited at all times in a conspicuous place in each of the premises specified in the certificate.

(3) If the Director extends the period of provisional registration of a school under section 15(2), the supervisor shall within one month after the date when he is notified of the extension deliver the certificate of provisional registration and every copy of the certificate to the Director, who shall amend the certificate and the copies thereof accordingly and return them to the supervisor.

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Chapter: 279	Title: EDUCATION ORDINANCE	Gazette Number:
Section: 28	Heading: <b>Application for registration of manager</b>	Version Date: 30/06/1997

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An application for registration as a manager of a school shall be made to the Director in the prescribed form.

(Amended 42 of 1993 s. 13)

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Chapter: 279	Title: EDUCATION ORDINANCE	Gazette Number:
Section: 44	Heading: <b>Application for registration as a teacher</b>	Version Date: 30/06/1997

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#### Registration of teachers

An application for registration as a teacher shall be-

- (a) made to the Director in the prescribed form; and
  - (b) accompanied by the documents specified in such form.
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Chapter: 279	Title: EDUCATION ORDINANCE	Gazette Number:
Section: 45	Heading: <b>Registration of teacher</b>	Version Date: 30/06/1997

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(1) On receiving an application in accordance with section 44, the Director shall make such inquiry as he considers necessary and shall determine the application-

- (a) by registering the applicant as a teacher; or
- (b) by refusing under section 46 to register the applicant as a teacher.

(2) On registering an applicant as a teacher under subsection (1), the Director shall issue to the

applicant a certificate of registration in the prescribed form.

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Chapter: 279	Title: EDUCATION ORDINANCE	Gazette Number:
Section: 49	Heading: <b>Application to employ permitted teacher</b>	Version Date: 30/06/1997

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(1) An application to employ a person as a permitted teacher in a school shall be made to the Director-

- (a) in the case of a school which is registered or provisionally registered, by the supervisor; or
- (b) in the case of a proposed school, by the applicant for registration of the school.

(2) An application to employ a person as a permitted teacher in a school shall be made in the prescribed form.

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Chapter: 279	Title: EDUCATION ORDINANCE	Gazette Number:
Section: 50	Heading: <b>Permit to teach</b>	Version Date: 30/06/1997

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(1) On receiving an application in accordance with section 49, the Director shall make such inquiry as he considers necessary and shall determine the application-

- (a) by issuing to the supervisor of the school concerned a permit in the prescribed form; or
- (b) by refusing under section 51 to issue such a permit.

(2) A permit to teach issued under subsection (1) shall specify the school in which the permitted teacher may be employed, and may impose such other conditions in respect of the employment of the permitted teacher in the school as the Director thinks fit.

(3) The Director shall, if he issues a permit to teach under subsection (1), also issue a copy of the permit to the permitted teacher.

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Chapter: 279	Title: EDUCATION ORDINANCE	Gazette Number:
Section: 74	Heading: <b>Power of Director to order attendance at primary school or secondary school</b>	Version Date: 30/06/1997

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(1) Where it appears to the Director that a child is not attending primary school or secondary school without any reasonable excuse, the Director may, after making such inquiries as he considers necessary, serve upon a parent of the child an attendance order in the prescribed form requiring him to cause the child to attend regularly as a pupil the primary school or secondary school named in the



attendance order. (Amended 34 of 1979 s. 5; 47 of 1990 s. 6)

(2) The Director may at any time, by notice in writing served upon a parent of the child to whom an attendance order relates-

(a) vary the order by substituting another primary school or secondary school for that named in the order; (Amended 34 of 1979 s. 5)

(b) otherwise vary or withdraw the order,

and any variation of an attendance order shall take effect on the expiry of the period of 14 days after the date of service of the notice in writing.

(2A) The Director may at any time, by notice in writing served upon the management committee of a primary school or secondary school named in an attendance order, require the committee to admit to that school as a pupil the child to whom the attendance order relates. (Added 47 of 1990 s. 6)

(2B) No person shall, without the permission in writing of the Director, expel from a primary school or secondary school named in an attendance order the child to whom the attendance order relates and who has been admitted to that school as a pupil in accordance with that order. (Added 47 of 1990 s. 6)

(3) This section shall-

(a)-(b) (Repealed 47 of 1990 s. 6)

(c) not apply to a child- (Amended 47 of 1990 s. 6)

(i) who has completed Form III of secondary education and whose parent can produce evidence to that effect to the satisfaction of the Director;

(ii) who is a registered apprentice under the Apprenticeship Ordinance (Cap 47); or

(iii) who is attending regularly, or is an inmate of, an institution (other than a school) which is regarded by the Director as suitable for the child. (Added 34 of 1979 s. 5)

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Chapter: 279	Title: EDUCATION ORDINANCE	Gazette Number:
Section: <b>29</b>	Heading: <b>Registration of manager</b>	Version Date: 30/06/1997

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(1) On receiving an application in accordance with section 28, the Director shall make such inquiry as he considers necessary and shall determine the application-

- (a) by registering the applicant as a manager of the school in respect of which the application is made; or
- (b) by refusing under section 30 to register the applicant as a manager of the school in respect of which the application is made.

(2) On registering an applicant as a manager of a school under subsection (1), the Director shall issue to the applicant a certificate of registration in the prescribed form.

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Chapter: 279	Title: EDUCATION ORDINANCE	Gazette Number:
Section: 73	Heading: <b>Interpretation of Part VII</b>	Version Date: 30/06/1997

## PART VII

### POWER OF DIRECTOR TO ORDER ATTENDANCE AT A PRIMARY OR SECONDARY SCHOOL

(Amended 34 of 1979 s. 3)

In this Part-

"attendance order" (入學令) means an order made under section 74;

"board" (委員會) means the board of review established under section 75;

"parent" (家長) in relation to any child to whom section 74 applies includes a guardian and the person having the actual custody of the child.

(Amended 34 of 1979 s. 4)

Chapter: 279	Title: EDUCATION ORDINANCE	Gazette Number: 55 of 2000
Section: 75	Heading: <b>Board of review</b>	Version Date: 01/07/1997

Remarks:

Adaptation amendments retroactively made - see 55 of 2000 s. 3

(1) For the purposes of this Part, there shall be a board of review, which shall consist of not less than 5 persons appointed by the Chief Executive.

(2) The Chief Executive may appoint a public officer to be the secretary of the board.

(Amended 55 of 2000 s. 3)

Chapter: 279	Title: EDUCATION ORDINANCE	Gazette Number: L.N. 205 of 2000
Section: 76	Heading: <b>Powers of board</b>	Version Date: 02/06/2000

(1) Subject to this Ordinance, the practice and procedure on a review by the board shall be such as the board may determine.

(2) For the purposes of a review the board shall have the following powers-

(a) to hear and examine witnesses on oath; and

(b) to summon any person to attend any hearing of the board to give evidence or produce any document or other thing in his possession and to examine him as a witness or require him to produce any document or other thing in his possession.

(3) A witness summons shall be in such form as the chairman of the board shall direct and shall be

signed by the chairman.

(4) Any person who, being summoned to attend as a witness or to produce any document or any other thing at a hearing of the board, refuses or neglects to do so or to answer any questions put to him by or with the concurrence of the board shall be guilty of an offence and shall be liable on conviction to a fine at level 3 and to imprisonment for 3 months: (Amended 47 of 1990 s. 7; L.N. 205 of 2000)

Provided that no person shall be bound to incriminate himself and every witness shall in respect of any evidence given by him before the board be entitled to the privileges to which he would be entitled if giving evidence before a court of justice.

(5) Any person-

(a) who behaves in an insulting manner or uses any threatening or insulting expression to or in the presence of the board; or

(b) wilfully disrupts the proceedings of the board,

shall be guilty of an offence and shall be liable on conviction to a fine at level 3 and to imprisonment for 3 months. (Amended 47 of 1990 s. 7; L.N. 205 of 2000)

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Chapter: 279	Title: EDUCATION ORDINANCE	Gazette Number:
Section: 77	Heading: <b>Review by board</b>	Version Date: 30/06/1997

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(1) A parent aggrieved by-

(a) an attendance order; or

(b) any variation of an attendance order,

may within 14 days of the date of the order or the notice in writing apply to the board for a review.

(2) An application under subsection (1) may be oral or in writing.

(3) Upon a review the board may either-

(a) confirm the attendance order or the variation; or

(b) cancel the attendance order or the variation.

(4) The decision of the board shall be final.

(5) The secretary of the board shall notify the parent of the decision of the board.

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Chapter: 279	Title: EDUCATION ORDINANCE	Gazette Number: L.N. 205 of 2000
Section: 78	Heading: <b>Enforcement of order</b>	Version Date: 02/06/2000

Any parent who without reasonable excuse fails to comply with an attendance order (as the same may be varied from time to time) shall be guilty of an offence and shall be liable on conviction to a fine at level 3 and to imprisonment for 3 months: (Amended 47 of 1990 s. 8; L.N. 205 of 2000)

Provided that-

- (a) if an application for a review of an attendance order is made, no offence shall be committed until after the secretary of the board has notified the parent under section 77(5) of the decision on the review;
- (b) if an application for a review of any variation of an attendance order is made, no offence shall be committed, by reason of a failure to comply with the variation, until after the secretary of the board has notified the parent under section 77(5) of the decision on the review.

Chapter: 279	Title: EDUCATION ORDINANCE	Gazette Number:
Section: 83	Heading: <b>Powers of Director to close school or give directions in cases of danger or misconduct</b>	Version Date: 30/06/1997

- (1) The Director may, if it appears to him that-
  - (a) there is any danger or risk of danger to persons in any school premises;
  - (b) the conduct of the managers, teachers or pupils of a school is or has been unsatisfactory; or
  - (c) any provision of this Ordinance is being or has been contravened in respect of a school,

by order in writing served on any manager of the school-

- (i) suspend the operation of the school in the school premises, or any part of the school

- premises, for such period as he thinks fit or until further notice; (Amended 47 of 1980 s. 2)
- (ii) prohibit the use of any place for the purposes of a school for such period as he thinks fit or until further notice; or
  - (iii) give such directions and make such requirements as he thinks necessary.
- (2) The Director may, if any direction or requirement given or made by him under subsection (1)(iii) has not been complied with to his satisfaction, by order in writing-
- (a) suspend the operation of the school in the school premises, or any part of the school premises; or (Amended 47 of 1980 s. 2)
  - (b) prohibit the use of any place for the purposes of the school,
- until the direction or requirement is so complied with.
- (3) The Director may by order in writing close any premises of a school which is not registered or provisionally registered.
- (4) The Director may, if a school is operated in any premises which are not specified in the certificate of registration or provisional registration of the school, by order in writing close such premises.
- (5) An order made by the Director under subsection (1)(i) or (ii) or subsection (2), (3) or (4) shall be published in the Gazette.
- (6) No person shall enter or remain in-
- (a) any premises or any part of any premises in which the operation of a school has been suspended under subsection (1) to (2); (Replaced 47 of 1980 s. 2)
  - (aa) any premises or any part of any premises which have been closed under subsection (3) or (4); or (Added 47 of 1980 s. 2)
  - (b) any place the use of which for the purposes of a school has been prohibited by the Director under subsection (1) or (2),
- unless-
- (i) he is a public officer acting in the course of his duty; or
  - (ii) the Director has given him permission in writing to do so. (Amended L.N. 162 of 1993)

Chapter: 279	Title: EDUCATION ORDINANCE	Gazette Number: L.N. 205 of 2000
Section: 84	Heading: <b>Regulations</b>	Version Date: 02/06/2000

Remarks:

Adaptation amendments retroactively made - see 55 of 2000 s. 3

## PART IX

### GENERAL PROVISIONS

- (1) The Chief Executive in Council may make regulations providing for- (Amended 55 of 2000 s. 3)
- (a) the structure, hygiene and sanitation of school premises;
  - (b) the precautions to be taken against fire or other peril likely to endanger the lives or health of pupils, and the authorizing of officers of the Fire Services Department to enter and inspect school premises and premises in which schools are situate and premises in the neighbourhood of schools;

- (c) the control of entrance to and exits from school premises; (Amended L.N. 162 of 1993)
  - (d) the operation of schools in premises which, by reason of the loading for which they were designed and constructed, are unsuitable for the purposes of a school;
  - (e) the health inspection of schools and school premises and standards of hygiene to be maintained by schools;
  - (f) the medical examination of teachers and pupils and standards of medical fitness for teachers;
  - (g) the temporary exclusion from any school of any teacher or pupil, and any other measures necessary or desirable to preserve the health and well-being of teachers and pupils; (Amended L.N. 126 of 1995)
  - (h) the size of school classes;
  - (i) the control of instruction given by schools, including limitations on the subjects taught and the documents which may be used upon school premises and which may be used by schools, and the preparation and contents of the syllabus to be used by any school or schools;
  - (j) the methods and hours of instruction provided by schools;
  - (k) the adequacy, suitability and use of school equipment, school laboratories and school workshops;
  - (l) the control of activities of managers, teachers, pupils and other persons in schools, and of pupils' associations;
  - (m) the control of the dissemination of information, or expression of opinion, of a clearly biased political nature in schools; (Replaced 47 of 1990 s. 10)
  - (n) the control of the use to which school premises may be put and of the persons who may enter school premises;
  - (o) school holidays;
  - (p) the constitution and duties of management committees;
  - (q) the keeping of school registers, time-tables and books of account;
  - (r) the amount and methods of payment of fees and other charges made by schools and the prohibition of any further fees and charges and of any specified fees or charges;
  - (s) the amounts of inclusive fees which may be charged by schools and the notification of such fees in the Gazette and the prohibition or restriction of variations from such fees;
  - (sa) the approval by the Director of any scheme of fee remission, the remission of the whole or any part of inclusive fees and the persons who may grant such remission; (Added 47 of 1980 s. 3)
  - (t) general matters of school management;
  - (u) the duties of supervisors and principals;
  - (v) the giving by supervisors to the Director of such information concerning schools and pupils therein as may be required by the Director;
  - (w) the qualifications of registered teachers and permitted teachers, and the qualifications to be held by teachers of various classes and subjects;
  - (x) the control of salaries paid to teachers;
  - (y) discipline in schools and methods of enforcement of discipline, and the conduct and dress of teachers and pupils;
  - (z) anything which is to be prescribed under this Ordinance;
  - (za) the application of Part V of the Ordinance, subject to such modifications as may be specified in the regulations, to and in relation to any decision made by the Director in exercising any power conferred on him under any regulation, and for matters incidental thereto or consequential thereon; (Added 47 of 1990 s. 10)
  - (aa) the better carrying into effect of the provisions of this Ordinance in relation to any matter as to which it may be convenient to make regulations.
- (2) Any regulation made under this section may-
- (a) prohibit the performance of specified acts without the consent of the Director;

- (b) authorize the Director to require or prohibit the performance of specified acts; and
- (c) require specified acts to be performed to the satisfaction of the Director.

(3) Regulations made under this section may provide that a contravention thereof shall be an offence punishable on conviction by a fine not exceeding \$250000 and a term of imprisonment not exceeding 2 years. (Amended L.N. 205 of 2000)

(4) The Director may by notice in writing to the supervisor of any school waive wholly or partly the requirements of any regulation in respect of the school.

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Chapter: 279	Title: EDUCATION ORDINANCE	Gazette Number: L.N. 205 of 2000
Section: 86A	Heading: <b>Control of false advertising by unregistered schools</b>	Version Date: 02/06/2000

(1) No person shall publish any advertisement that alleges that an institution, organization or establishment is registered or provisionally registered as a school under this Ordinance when it was not, at the time of publication, so registered or provisionally registered.

(2) No person shall publish any advertisement with respect to a school that is registered or provisionally registered unless that advertisement includes the registration number assigned by the Director to the school.

(3) Any person who contravenes subsection (1) or (2) commits an offence and is liable to a fine at level 4. (Amended L.N. 205 of 2000)

(4) Where a person is charged with an offence under subsection (3) relating to an advertisement, it shall be a defence for such person to show that he carries on the business of publishing or arranging for the publication of advertisements, that he received the advertisement for publication in the ordinary course of business and that at the time he published the advertisement he believed upon reasonable grounds that the advertisement related to a school that was registered or provisionally registered.

(5) In this section "publish" (發布) includes issue, circulate, display, distribute or broadcast.

(Added 42 of 1993 s. 28)

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Chapter: 279	Title: EDUCATION ORDINANCE	Gazette Number: L.N. 205 of 2000
Section: 86B	Heading: <b>Control of false advertising by registered or provisionally registered schools</b>	Version Date: 02/06/2000

(1) No owner or manager of a school that is registered or provisionally registered shall publish or cause to be published any advertisement that alleges that the school is operating in, or authorized to operate in, premises other than the premises specified in the certificate of registration or provisional registration of the school.

(2) An owner or manager who contravenes subsection (1) commits an offence and is liable to a fine at level 4. (Amended L.N. 205 of 2000)



(3) In this section "publish" (發布) includes issue, circulate, display, distribute or broadcast.

(Added 42 of 1993 s. 28)

Chapter: 279	Title: EDUCATION ORDINANCE	Gazette Number: L.N. 205 of 2000
Section: 87	Heading: <b>Offences and penalties</b>	Version Date: 02/06/2000

- (1) Any person who-
- (a) is an owner or a manager of or a teacher in a school which is not registered or provisionally registered;
  - (b) is an owner or a manager of a school which is operated in contravention of section 19(1);
  - (c) contravenes section 27;
  - (d) obstructs-
    - (i) the Director or an inspector while the Director or inspector is carrying out, or attempting to carry out, an inspection of a school;
    - (ii) any manager appointed under section 41(1) in the performance of his functions as a manager;
  - (e) is an owner or a manager of a school which is operated while its registration or provisional registration is suspended under section 69(3);
  - (f) teaches in a school while its registration or provisional registration is suspended under section 69(3);
  - (g) manages a school while his registration as a manager of such school is deemed to be suspended under section 69(4);
  - (h) refuses to produce any book or document or other article or to furnish any information upon being so required under section 81 or 81A(1A), or furnishes information which is false in a material particular and which he knows or reasonably ought to know is false in such particular; (Amended 42 of 1993 s. 29)
  - (ha) obstructs the Director or an inspector while the Director or inspector is carrying out, or attempting to carry out, an inspection of premises under section 81A(1) or in accordance with a warrant issued under section 81A(3); (Added 47 of 1990 s. 11)
  - (i) being a supervisor or any other manager of a school, fails to comply with any notice served on him under section 82;
  - (j) contravenes section 83(6); or
  - (k) in or in connection with any application under this Ordinance makes any statement or furnishes any information, whether such statement or information be verbal or written, which is false in any material particular and which he knows or reasonably ought to know is false in such particular,

shall be guilty of an offence and shall be liable on conviction to a fine of \$250000 and to imprisonment for 2 years. (Amended 47 of 1990 s. 11)

- (2) Any person who-
- (a) is a member of any management committee which contravenes section 38(1) or section 40;
  - (b) not being the supervisor of a school or a member of the management committee of a school acting under section 40, performs any function of the supervisor of the school;
  - (c) not being the principal of a school, performs any function of the principal of the school; or
  - (d) contravenes section 72(1) or (2),

shall be guilty of an offence and shall be liable on conviction to a fine at level 6 and to imprisonment for 2 years.

(3) Any person who-

- (a) is an owner or manager of a school which is operated in any name other than its registered name;
- (b) contravenes section 18(2) or (3);
- (c) contravenes section 19(2);
- (d) contravenes section 39(2) or (3);
- (e) contravenes section 42(1) or (2);
- (f) employs or permits any person to teach in a school in contravention of section 42(1) or (2);
- (g) is a member of a management committee which contravenes section 53(1) or section 57(1);
- (h) teaches in a school while his registration as a teacher is suspended under section 69(3);
- (i) being a permitted teacher, teaches in a school while the permit to teach issued in respect of him is suspended under section 69(3);
- (j) employs or permits any registered teacher whose registration is suspended under section 69(3) to teach in a school;
- (k) employs or permits any permitted teacher to teach in a school while the permit to teach issued in respect of such teacher is suspended under section 69(3);
- (l) contravenes section 71;
- (m) contravenes section 86; or
- (n) is an owner or a manager of a school which contravenes section 86,

shall be guilty of an offence and shall be liable on conviction to a fine at level 5 and to imprisonment for 2 years.

(3A) Any person who-

- (a) is a member of a management committee which contravenes section 74(2A); or
- (b) contravenes section 74(2B),

shall be guilty of an offence and shall be liable on conviction to a fine at level 3 and to imprisonment for 3 months. (Added 47 of 1990 s. 11)

(4) If a registered manager of a school is charged with an offence by reason of being a member of a management committee which has contravened a provision of this Ordinance specified in subsection (2)(a) or in subsection (3)(g), it shall be a defence to the charge if he proves that-

- (a) the other members of the management committee contravened such provision without his knowledge or consent; or
- (b) he took all reasonable steps to prevent the other members of the management committee from contravening such provision.

(5) For the purposes of subsection (3)(e) and (f), a person who, not being a registered teacher or permitted teacher, teaches in a school shall be deemed not to contravene section 42(1) if within the previous 6 months-

- (a) he has made an application under section 44 and the application has not yet been determined by the Director; or
- (b) an application has been made under section 48 to employ him as a permitted teacher in the school and the application has not yet been determined by the Director,

and the application does not form part of a succession of applications made under section 44 or 48 or both. (Added 53 of 1991 s. 2)

(Amended L.N. 205 of 2000)

Chapter: 279A	Title: EDUCATION ORDINANCE	Gazette Number:
Section: 38	Heading: <b>Fire drills, exists</b>	Version Date: 30/06/1997

(1) The principal of every school shall draw up a practical scheme for the evacuation of the school premises in case of fire, shall ensure that fire drill including the use of all exits from the school premises is carried out by the teachers and pupils at least once in every month, and shall keep a written record of all such drills in a school log book. The written record shall record the time taken to evacuate the school premises during the monthly fire drill.

(2) The principal of every school shall ensure that exits from all classrooms and the school premises are free from obstruction at all times.

Chapter: 279A	Title: EDUCATION ORDINANCE	Gazette Number:
Section: 39	Heading: <b>Extinguishers</b>	Version Date: 30/06/1997

The principal of every school shall ensure that all fire extinguishers in the school premises are kept in good condition and re-charged annually.

Chapter: 279A	Title: EDUCATION ORDINANCE	Gazette Number:
Section: 60	Heading: <b>Fees and collections</b>	Version Date: 30/06/1997

## PART IX

### FEES AND COLLECTIONS

(1) The supervisor of every school shall submit to the Director when required by him particulars of the inclusive fee.

(2) Upon receipt of such particulars the Director shall cause the name of the supervisor, the name and address of the school, and the particulars of the inclusive fee to be published in the Gazette.

(3) For the purposes of this regulation, that part (if any) of the inclusive fee which represents a sum of money charged for providing housing or lodging accommodation, meals and cleaning services in respect of a pupil at a boarding school shall be separately identified in the particulars submitted under paragraph (1) and published in the Gazette under paragraph (2). (L.N. 268 of 1990)

Chapter: 279A	Title: EDUCATION ORDINANCE	Gazette Number:
Section: 61	Heading: <b>Fees other than inclusive fee prohibited</b>	Version Date: 30/06/1997

(1) Subject to regulation 99A and to paragraph (2), no supervisor, manager or teacher shall charge or accept payment of any money or any school fees whatsoever other than the inclusive fees as published in the Gazette:

Provided that additional charges, moneys or fees (including entrance examination fees and pupil registration and withdrawal fees) may be charged if previously approved by the Director in writing and if such approval is displayed upon the school notice board or at some other public place in the school premises. (L.N. 213 of 1980; L.N. 160 of 1981; L.N. 268 of 1990)

(2) A supervisor or manager may in any particular case grant a remission of the whole or any part of the inclusive fees published in the Gazette, provided that such remission is permitted under a scheme of fee remission approved by the Director. (L.N. 213 of 1980)

Chapter: 279A	Title: EDUCATION ORDINANCE	Gazette Number:
Section: 62	Heading: <b>Method of payment</b>	Version Date: 30/06/1997

Unless otherwise permitted in writing by the Director, the inclusive fee shall be collected either-

- (a) in 12 equal monthly payments to be made at the beginning of each of the months September to August inclusive; or
- (b) in 10 equal instalments payable on or after the first school day of each of the months September to June inclusive:

Provided that supervisors may if they wish require pupils to register for the new school year by paying their September instalment not earlier than 1 August.

Chapter: 279A	Title: EDUCATION ORDINANCE	Gazette Number:
Section: 62	Heading: <b>Duty to exhibit certificate</b>	Version Date: 30/06/1997

In the premises of every school there shall be kept conspicuously exhibited a certificate, signed by the Director, setting out the inclusive fee for every class in the school. There shall be included in such certificate the following in both English and Chinese-

"Unless otherwise permitted in writing by the Director of Education, no supervisor, manager or teacher shall charge or accept payment of any money or any school fees whatsoever other than the inclusive fee as above stated.

「除獲教育署署長之書面許可外，校監、校董或教師不得收取或接受上述指定費用總額以外之任何其他款項或學費。」"

Chapter: 279A	Title: EDUCATION ORDINANCE	Gazette Number:
Section: 71	Heading: <b>Register of pupils' associations</b>	Version Date: 30/06/1997

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## PART XI

### PUPILS' ASSOCIATIONS

The Director shall keep a register of pupils' associations (hereinafter referred to in this Part as the register).

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Chapter: 279A	Title: EDUCATION ORDINANCE	Gazette Number:
Section: 72	Heading: <b>Pupils' associations to be registered</b>	Version Date: 30/06/1997

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- (1) No person shall-
- (a) be a member of; or
  - (b) in any way promote or participate in the activities of; or
  - (c) in any way assist or encourage,

any pupils' association which is not entered on the register under regulation 73 or in respect of which any condition imposed under regulation 73 has been contravened.

(2) If any pupil of a school contravenes paragraph (1), the principal and every teacher of the school shall be guilty of an offence unless he satisfies the court-

- (a) where the association is not entered on the register under regulation 73, that he did not know and had no reasonable means of knowing of the existence of the association or that as soon as he knew of its existence he reported that fact to the Director; or
  - (b) where the association has contravened any condition imposed under regulation 73, that he did not know and had no reasonable means of knowing that the association had contravened such condition or that as soon as he knew that the association had contravened such condition he reported that fact to the Director.
- 
-

Chapter: 279A	Title: EDUCATION ORDINANCE	Gazette Number:
Section: 73	Heading: <b>Approval of pupils' associations, entry in register and power of Director to impose conditions</b>	Version Date: 30/06/1997

(1) If any pupils' association desires to be entered in the register, the supervisor and principal of the school concerned shall first apply to the Director for his approval of the association.

(2) Where, upon any such application, the Director approves the association, he shall enter the name of the association in the register on such conditions, if any, as he may think fit to impose.

Chapter: 279A	Title: EDUCATION ORDINANCE	Gazette Number:
Section: 74	Heading: <b>Removal of pupils' associations from register</b>	Version Date: 30/06/1997

(1) The Director may, in his discretion, remove the name of any pupils' association from the register, at any time.

(2) Where, under paragraph (1), he removes the name of any pupils' association from the register, the Director shall notify the supervisor and principal of the school concerned.

Chapter: 279A	Title: EDUCATION ORDINANCE	Gazette Number:
Section: 84	Heading: <b>School name to be displayed</b>	Version Date: 30/06/1997

## PART XIV

### GENERAL

(1) At or near the entrance to the premises of every school there shall be prominently displayed a board or other form of notice bearing in conspicuous lettering the registered name of the school.

(2) No name except the registered name of a school shall be-

(a) displayed on the school premises; or

(b) used by the school,

as being the name of the school.

Chapter: 279A	Title: EDUCATION ORDINANCE	Gazette Number:
Section: 87	Heading: <b>Maximum number of pupils</b>	Version Date: 30/06/1997

In every classroom there shall be kept exhibited in a prominent place a notice specifying the maximum number of pupils permitted in that room, and no more than such maximum number shall be permitted in that room.

Chapter: 279A	Title: EDUCATION ORDINANCE	Gazette Number:
Section: 101	Heading: <b>Offences</b>	Version Date: 30/06/1997

(1) Any person who contravenes regulation 18, 19(1) or (2), 31, 34(2), 35(2), 66(1), 72(1), 85, 88, 89(1) or 92(9) shall be guilty of an offence. (L.N. 192 of 1983; L.N. 268 of 1990)

(2) Any registered manager of a school who contravenes regulation 61, 63 or 66(2) shall be guilty of an offence.

(3) If regulation 10, 22, 37, 62, 65, 84(1) or (2) or 93 is contravened in respect of any school, the registered managers of the school shall each be guilty of an offence.

(4) Any supervisor of a school who contravenes regulation 21(1) or (2), 53(1), 61, 63, 64, 77, 79, 81, 82, 83(1) or (3), 92(2) or (12) or 99A(2) shall be guilty of an offence. (L.N. 213 of 1980)

(5) Any principal of a school who contravenes regulation 21(2), 32, 38, 39, 52(1), 53(2) or 83(2) or (3) shall be guilty of an offence. (L.N. 192 of 1983)

(6) If regulation 16, 19(3), 31, 34(2), 46A, 47, 48(1), 67, 80, 85, 87, 88, 89, 89A, 90, 92(4) or (9) or 95(2) is contravened in respect of any school, the supervisor and principal of the school shall each be guilty of an offence. (L.N. 237 of 1982; L.N. 192 of 1983; L.N. 268 of 1990)

(6A) Any supervisor or manager who, or any person who is a member of a management committee which, contravenes regulation 99A(1) or (3) shall be guilty of an offence. (L.N. 213 of 1980)

(7) Any teacher who contravenes regulation 33, 58, 61, 63 or 66(2) shall be guilty of an offence. (L.N. 361 of 1991)

(8) Any pupil of a school who contravenes regulation 95(2) or 97 shall be guilty of an offence.

(9) If a person is charged with an offence by reason of being a member of a management committee which has contravened regulation 99A(1) or (3), it shall be a defence to the charge if he proves that-

(a) the other members of the management committee contravened the regulation without his knowledge or consent; or

(b) he took all reasonable steps to prevent the other members of the management committee from contravening the regulation. (L.N. 213 of 1980)

Chapter: 279A	Title: EDUCATION ORDINANCE	Gazette Number:
Section: 103	Heading: <b>Forms</b>	Version Date: 30/06/1997

The forms in the Third Schedule are prescribed for the purposes of the Ordinance.

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Chapter: 279A	Title: EDUCATION ORDINANCE	Gazette Number: L.N. 205 of 2000
Section: <b>3</b>	Heading: <b>FORMS</b>	Version Date: 02/06/2000

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EDUCATION ORDINANCE  
(Chapter 279)

APPLICATION FOR REGISTRATION OF A SCHOOL

Address for correspondence .....  
.....  
Telephone Number.....  
Date .....

The Director of Education,  
Education Department,  
Hong Kong.

1. I, (Mr./Mrs./Miss):  
(Name in English) .....  
(Name in Chinese).....  
(Residential Address) .....
- request you to register the undermentioned school.
2. Particulars of school-
    - (a) Proposed registered name of school  
(in English) .....  
(in Chinese) .....
    - (b) Description of school, i.e.
      - (i) day school;
      - (ii) evening school; or
      - (iii) correspondence course.
    - (c) Method of operation, i.e.
      - (i) one sessional; or
      - (ii) two sessional.
    - (d) Type of pupils, i.e.
      - (i) male;
      - (ii) female; or
      - (iii) combined.
    - (e) Type of education, i.e.
      - (i) kindergarten;
      - (ii) primary;
      - (iii) secondary;
      - (iv) post secondary; or
      - (v) other education course.
    - (f) Premises in which school is to be operated
      - (i) .....
      - (ii) .....
      - (iii) .....
      - (iv) .....
    - (g) Name and address of landlord of premises in which school is to be operated
      - (i) ..... of .....
      - (ii) ..... of .....
      - (iii) ..... of .....
      - (iv) ..... of .....
    - (h) Name and address of tenant of premises in which school is to be operated
      - (i) ..... of .....
      - (ii) ..... of .....
      - (iii) ..... of .....
      - (iv) ..... of .....
    - (i) Inclusive fee per pupil per year (to be collected in 10 or 12 instalments)

	Kinder- garten	Primary	Secondary	Post Secondary	Other Courses
Tuition fee per instalment					
Incidentals per instalment					

3. I attach applications from the following persons for registration as managers of the school-

Application to be completed on Form 6

- (a) Name (Mr./Mrs./Miss):  
(in English) .....  
(in Chinese) .....
- (b) Name (Mr./Mrs./Miss):  
(in English) .....  
(in Chinese) .....
- (c) Name (Mr./Mrs./Miss):  
(in English) .....  
(in Chinese) .....
- (d) Name (Mr./Mrs./Miss):  
(in English) .....  
(in Chinese) .....
- (e) Name (Mr./Mrs./Miss):  
(in English) .....  
(in Chinese) .....

4. I recommend Mr./Mrs./Miss.....  
to be the supervisor of the school.

5. It is proposed that the following registered teachers will be employed in the school-

See NOTE 1

Name (Mr./Mrs./Miss)		Residential Address	Registration Number	Proposed monthly salary
in English	in Chinese			

6. I attach applications for permission to employ the following persons in the school as permitted teachers-

Applications to be completed on Form 10 or 11, as appropriate

Name (Mr./Mrs./Miss)	
in English	in Chinese

7. I attach-
  - (a) the proposed syllabus for each class of the school; and
  - (b) the weekly time table for each class of the school.
8. I attach 3 copies of a plan/diagram (specifying dimensions) of the premises in which the school is to be operated.
9. I attach the certificates and notices required under section 11(b)(ii) of the Ordinance. See NOTE 2
10. The contents of this application are true and complete to the best of my knowledge and belief.

(Signed).....

NOTE 1: The person recommended should be one of the applicants for registration as managers of the school.

NOTE 2: Delete if the premises in which the school is to be operated are designed and constructed for the the purposes of a school.

### WARNING

1. Attention is drawn to the provisions of the Education Ordinance and particularly to-

- (a) Section 14(1)-  
"The Director may refuse to register a school if it appears to him-
  - (n) that in or in connection with the application for registration any statement has been made or information has been furnished which is false in any material particular or by reason of the omission of any material particular;" and
- (b) Section 87(1)-  
"Any person who-
  - (k) in or in connection with any application under this Ordinance makes any statement or furnishes any information, whether such statement or information be verbal or written, which is false in any material particular and which he knows or reasonably ought to know is false in such particular, shall be guilty of an offence and shall be liable on conviction to a fine of \$250000 and to imprisonment for 2 years.". (L.N. 205 of 2000)

2. Registration or provisional registration of a school does not release the owners or managers or any other person from compliance with any requirement of the Buildings Ordinance (Cap 123) or any other Ordinance relating to the school, nor does it in any way affect or modify any agreement or covenant relating to any premises in which the school is to be operated.

(L.N. 466 of 1993; L.N. 31 of 1995)

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FORM 2

[section 18(1)]

EDUCATION ORDINANCE  
(Chapter 279)

(Registration Number .....)

CERTIFICATE OF REGISTRATION OF A SCHOOL

1. I certify that the undermentioned school is registered under section 13 of the Education Ordinance-

Registered name of school:

(in English).....

(in Chinese).....

2. The premises in which the school may be operated are-

(i).....

(ii).....

(iii).....

(iv).....

as more particularly shown and described on Plan No..... deposited with and approved by me.

.....  
Director of Education

Hong Kong,..... 19.....

### WARNING

Registration of a school does not release the owners or managers or any other persons from compliance with any requirement of the Building Ordinance (Cap 123) or any other Ordinance relating to the school, nor does it any way effect or modify any agreement or covenant relating to any premises in which the school is operated.

(L.N. 31 of 1995)

FORM 3

[section 18(1)]

### EDUCATION ORDINANCE (Chapter 279)

(Provisional Registration Number )

### CERTIFICATE OF PROVISIONAL REGISTRATION OF A SCHOOL

1. I certify that the undermentioned school is registered provisionally under section 15 of the Education Ordinance-

Registered name of school: .....

(in English).....

(in Chinese).....

2. The premises in which the school may be operated are-

(i).....

(ii).....

(iii).....

(iv).....

as more particularly shown and described on Plan No..... deposited with and approved by me.

3. This certificate is valid only until the ..... day of ..... 19.....

.....  
Director of Education

Hong Kong,..... 19.....

(L.N. 31 of 1995)

WARNING

Provisional registration of a school does not release the owners or managers or any other person from compliance with any requirement of the Buildings Ordinance (Cap 123) or any other Ordinance relating to the school, nor does it in any way affect or modify any agreement or covenant relating to any premises in which the school is operated.

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FORM 4-FORM 5

(Repealed L.N. 466 of 1993)

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FORM 6

[section 28]

EDUCATION ORDINANCE  
(Chapter 279)

APPLICATION FOR REGISTRATION AS A MANAGER

Signed full face  
photograph of  
applicant to be  
affixed here

Address for correspondence.....  
.....  
.....  
Telephone number (Office).....  
(Home) .....  
Date.....

The Director of Education,  
Education Department,  
Hong Kong.

1. I forward the following particulars of myself and request you to register me as a manager of a school.
2. Particulars-
  - (a) Name (Mr./Mrs./Miss/Madam)  
(As on identity card)
    - (i) in English.....  
(Surname) Other name)
    - (ii) in Chinese .....
    - (iii) Chinese character code .....

(As on identity card)

- (b) Aliases .....
  - (c) Residential address .....
  - (d) Identity card number 

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 ( )
  - (e) Date of birth .....
  - (f) Place of birth .....
  - (g) Particulars of education .....
  - (h) Experience in or knowledge of educational matters .....  
.....  
.....
  - (i) Occupation .....
  - (j) Any record of criminal offence..... (see Note 1)  
(If no such record, please write "NIL")
  - (k) Have you ever previously been refused registration as a manager of any school or as a teacher; or ever been refused permission to teach; or having been so registered or given permission and yet had the registration or permission cancelled? (If any situation applies, please give details. If not, please write "NIL") (See Note 2)
3. The school of which I wish to become a registered manager-
    - (a) Name of school.....
    - (b) Address of school .....
  4. I am a registered manager of the following other schools-  
.....  
.....  
Manager Reference Number (if applicable) .....
  5. Special interest (if any) which I have in the school.....  
.....
  6. The following persons who are/are not aware of the statements made on this form may be referred to as regards my character and suitability to be a manager (see Note 3)-
    - (a) Name (Mr./Mrs./Miss/Madam).....  
Address.....  
Occupation .....
    - (b) Name (Mr./Mrs./Miss/Madam).....  
Address.....  
Occupation .....
  7. I affix above a signed full face photograph of myself and attach-
    - (a) 2 signed copies of such photograph; and
    - (b) a copy of my identity card.
  8. The contents of this application are true and complete to the best of my knowledge and belief.

(Signed).....

ENDORSEMENT

The above-mentioned applicant is acceptable to us as a manager of the school/proposed school referred to in the application. (See Note 4)

Date..... (signed) ..... (name).....  
 Date..... (signed) ..... (name).....  
 Date..... (signed) ..... (name).....  
 Date..... (signed) ..... (name).....

- Note 1. If the applicant has been convicted of a criminal offence affecting his character, the full circumstances of such matter must be disclosed. If there is no such record, please write "NIL".
- Note 2. If the applicant has previously been refused registration as a manager or teacher, or a permit to teach as a permitted teacher, or has had his registration as a manager or teacher or his permit to teach as a permitted teacher cancelled, the full circumstances of such matter must be disclosed. If there is no such record, please write "NIL".
- Note 3. Two referees are required. They must be persons of standing, e.g. members of the Executive or Legislative Council, justices of the peace, barristers-at-law, solicitors, ministers of religion, chartered or incorporated accountants, registered teachers, doctors or dentists, etc., and must have known the applicant well for at least 3 years.
- Note 4. The endorsement should be signed by a majority of the management committee in the case of a school which is registered or provisionally registered, or by a majority of the proposed registered managers if the school is neither registered nor provisionally registered.

### WARNING

- Attention is drawn to the provisions of the Education Ordinance and particularly to-
- (a) Section 30(1)-  
 "The Director may refuse to register an applicant as a manager of a school if it appears to the Director that-
- (e) in making or in connection with any application-
- (i) for registration of a school  
 (ii) for registration as a manager or a teacher; or  
 (iii) to employ a person as a permitted teacher in a school,
- the applicant has made any statement or furnished any information which is false in any material particular or by reason of the omission any material particular."; and
- (b) Section 87(1)-  
 "Any person who-
- (k) in or in connexion with any application under this Ordinance makes any statement or furnishes any information, whether such statement or information be verbal or written, which is false in any material particular and which he knows or reasonably ought to know is false in such particular,
- shall be guilty of an offence and shall be liable on conviction to a fine of \$250000 and to imprisonment for 2 years." (L.N. 205 of 2000)  
 (L.N. 466 of 1993; L.N. 31 of 1995; 13 of 1995 s. 21)

FORM 7

[section 29(2)]

### EDUCATION ORDINANCE (Chapter 279)

#### CERTIFICATE OF REGISTRATION AS A MANAGER OF A SCHOOL

I certify that....., whose photograph is affixed hereto, is registered under section 29(1) of the Education Ordinance as a manager of the following school-

- (a) Registered name of school:
- (in English) .....
- .....

(in Chinese).....

(b) Address of school .....  
.....



\_\_\_\_\_  
Director of Education

Hong Kong,..... 19.....

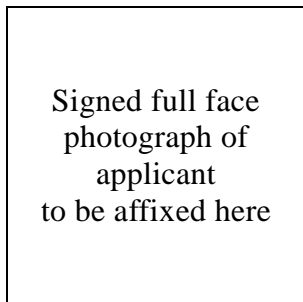
(L.N. 31 of 1995)

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FORM 8

[section 44]

EDUCATION ORDINANCE  
(Chapter 279)

APPLICATION FOR REGISTRATION AS A TEACHER



Address for correspondence.....  
.....  
Telephone Number.....  
Date .....

The Director of Education,  
Education Department,  
Hong Kong.

1. I forward the following particulars of myself and request you to register me as a teacher.

2. Particulars-

- (a) Name (Mr./Mrs./Miss):  
(in English) .....  
(in Chinese) .....
- (b) Aliases
- (c) Marital status: Married/Single
- (d) (i) Maiden name.....  
(ii) Husband's name .....See NOTE 1
- (e) Residential address .....
- (f) Identity Card Number .....
- (g) Date of birth.....
- (h) Place of birth.....
- (i) Places of education:



Name of schools and universities	Date of entry (month and year)	Date of leaving (month and year)
(i)		
(ii)		
(iii)		

(j) Educational qualifications (degrees, diplomas, certificates) .....

.....

.....

.....

(k) Details of occupations, other than teaching, since completion of education .....

.....

.....

(l) Details of all teaching experience:

School	Date of commencement (month and year)	Date of leaving (month and year)	Classes taught	Subjects taught

- (m) Other relevant information..... See NOTE 2.  
.....  
.....
3. The following persons who are/are not aware of the statements made on this form may be referred to as regards my character: See NOTE 3.  
(a) Name (Mr./Mrs./Miss) .....  
Address .....  
Occupation.....  
(b) Name (Mr./Mrs./Miss) .....  
Address .....  
Occupation.....
4. I affix above a signed full face photograph of myself and attach 2 signed copies of such photograph to this application.
5. I attach-  
(a) a medical certificate as to my health; and See NOTE 4  
(b) my educational certificates.
6. The contents of this application are true and complete to the best of my knowledge and belief.

(Signed) .....

- NOTE 1: To be completed only if the applicant is a married, divorced or widowed woman.
- NOTE 2: if the applicant has been convicted of a criminal offence affecting his character, or has been refused previously approval to be a manager, registration as a manager or teacher, or a permit to teach as a permitted teacher, or has had his approval to be a manager withdrawn or his registration as a manager of teacher or his permit to teach as a permitted teacher cancelled, the full circumstances of such matter must be disclosed.
- NOTE 3: 2 referees are required. They must be persons of standing, e.g. members of the Executive or Legislative Council, Justices of the Peace, barristers-at-law, solicitors, ministers of religion, chartered or incorporated accountants, registered teachers, doctors or dentists, etc., and must have known the applicant well for at least 3 years. (13 of 1995 s. 21)
- NOTE 4: If educational certificates are not available at the date of the application, paragraph 5(b) may be deleted. However the applicant may be required to produce any such certificates at a later for inspection.

#### WARNING

Attention is drawn to the provisions of the Education Ordinance and particularly to-

- (a) Section 46-  
"The Director may refuse to register an applicant as a teacher if it appears to him that the applicant-
- (g) in making or in connection with any application-
- (i) (Repealed 80 of 1997 s. 102)  
(ii) for registration as a manager or a teacher; or  
(iii) to employ a person as a permitted teacher in a school, has made any statement or furnished any information which is false in any material particular or by reason of the omission of any material particular."; and
- (b) Section 87(1)-  
"Any person who-
- (k) in or in connection with any application under this Ordinance makes any statement or furnishes any information, whether such statement or information be verbal or written, which is false in any material

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FORM 9

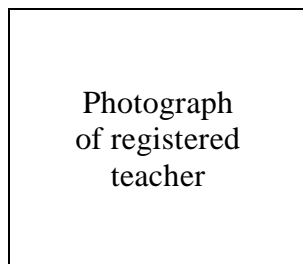
[section 45(2)]

EDUCATION ORDINANCE  
(Chapter 279)

CERTIFICATE OF REGISTRATION AS A TEACHER

(Registration Number ..... )

I certify that.....,  
whose photograph is affixed hereto, is registered as a teacher under section 45(1) of the  
Education Ordinance.



.....  
Director of Education

Hong Kong,..... 19.....

(L.N. 31 of 1995)

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EDUCATION ORDINANCE  
(Chapter 279)

APPLICATION FOR PERMISSION TO EMPLOY AN UNREGISTERED TEACHER

**PART I**

(To be completed by the supervisor of the school in which it is desired to employ a person as a permitted teacher or, in the case of a proposed school, by the applicant for registration of the school.)

Address for correspondence (see NOTE 1)

.....  
Telephone Number .....  
Date .....

The Director of Education,  
Education Department,  
Hong Kong.

1. I request permission to employ-  
Name (Mr./Mrs./Miss):  
(in English).....  
(in Chinese) .....  
as a permitted teacher in the.....School.
2. Proposed subjects to be taught by such person:      Proposed classes to be taken by such person:  
(i) .....      .....  
(ii) .....      .....  
(iii) .....      .....
3. Proposed monthly salary of such person:
4. In my opinion, there is no suitable registered teacher available for employment as a teacher in the school.
5. The particulars relating to such person and set out in Part II of this form are true and complete to the best of my knowledge and belief.

(Signed).....  
(Supervisor, or applicant for registration of school)

**PART II**

(To be completed by the person to be employed as a permitted teacher.)

Signed full face  
 photograph of proposed  
 teacher to be affixed  
 here

1. I, the person referred to in Part I of this form, forward the following particulars of myself-

- (a) Name (Mr./Mrs./Miss):  
 (in English) .....  
 (in Chinese) .....
- (b) Aliases .....
- (c) Residential Address .....
- (d) Identity Card Number .....
- (e) Marital status: Married/Single
- (f) (i) Maiden name  
 (ii) Husband's name .....
- (g) Date of birth.....
- (h) Place of birth.....
- (i) Places of education:

See NOTE 2.

Name of schools and universities	Date of entry (month and year)	Date of leaving (month and year)
(i)		
(ii)		
(iii)		

- (j) Educational qualifications (degrees, diplomas, certificates) .....  
 .....  
 .....
- (k) Details of occupations, other than teaching, since completion of education .....  
 .....
- (l) Details of all teaching experience:

School	Date of commencement (month and year)	Date of leaving (month and year)	Classes taught	Subject taught

- (m) Other relevant information..... See NOTE 3.
2. The following persons who are/are not aware of the statements made on this form may be referred to as regards my character: See NOTE 4.
- (a) Name (Mr./Mrs./Miss) .....  
Address .....  
Occupation.....
- (b) Name (Mr./Mrs./Miss) .....  
Address .....  
Occupation.....
3. I affix above a signed full face photograph of myself and attach 3 signed copies of such photograph to this form.
4. I attach-
- (a) a medical certificate as to my health; and  
(b) my educational certificates. See NOTE 5.
5. I am aware that if a permit to teach is issued in respect of the above application, it will apply only to the school specified in paragraph 1 of Part I of this form.
6. The contents of this Part of this form are true and complete to the best of my knowledge and belief.

Date..... (Signed) .....  
(Proposed permitted teacher)

- NOTE 1: If the school is already registered, this should be the address of the school.
- NOTE 2: To be completed only if the applicant is a married, divorced or widowed woman.
- NOTE 3: If the person completing Part II has been convicted of a criminal offence affecting his character, or has been refused previously approval to be a manager, registration as a manager or teacher, or permit to teach as a permitted teacher, or has had his approval to be a manager withdrawn or his registration as a manager or teacher or permit to teach as a permitted teacher cancelled, the full circumstances of such matter must be disclosed.
- NOTE 4: 2 referees are required. They must be persons of standing, e.g. members of the Executive or Legislative Council, Justices of the Peace, barristers-at-law, solicitors, ministers of religion, chartered or incorporated accountants, registered teachers, doctors or dentists, etc., and must have known the applicant well for at least 3 years.
- NOTE 5: If educational certificates are not available at the date of the application, paragraph 4(b) of Part II of the form may be deleted. However the person signing Part II may be required to produce any such certificates at a later date for inspection.

#### WARNING

- Attention is drawn to the provisions of the Education Ordinance and particularly to-
- (a) Section 51(1)-  
"The Director may refuse to issue a permit to teach under subsection (1) of section 50 in respect of any person-
- (d) if it appears to the Director that the applicant or the person in respect of whom the application is made has, in making or in connection with any application-
- (i) (Repealed 80 of 1997 s. 102)  
(ii) for registration as a manager or a teacher; or  
(iii) to employ a person as a permitted teacher in a school, made any statement or furnished any information which is false in

EDUCATION ORDINANCE  
(Chapter 279)

APPLICATION FOR PERMISSION TO EMPLOY AN UNREGISTERED TEACHER  
WHO HAS PREVIOUSLY BEEN EMPLOYED AS A PERMITTED TEACHER

(To be completed by the supervisor of the school in which it is desired to employ a person as a permitted teacher or, in the case of a proposed school, by the applicant for registration of the school.)

Signed full face  
photograph of  
proposed teacher to  
be affixed here

Address for correspondence (see NOTE 1)  
.....  
Telephone Number .....  
Date .....

The Director of Education,  
Education Department,  
Hong Kong.

1. I request permission to employ-  
Name known to Education Department:  
(Mr./Mrs./Miss)  
(in English) .....  
(in Chinese) .....  
Residential address .....  
Permitted Teacher Reference Number .....  
as a permitted teacher in the ..... School.
2. Proposed subjects to be taught by such person:
 

(i) ..... (ii) ..... (iii) .....	Proposed classes to be taken by such person: ..... ..... .....
--	---

3. Proposed monthly salary of such person: .....
4. In my opinion, there is no suitable registered teacher available for employment as a teacher in the school.
5. I affix above a signed photograph of ..... and attach 2 signed copies of such photograph to this form. See NOTE 2

(Signed) .....  
(Supervisor, or applicant for registration of school)

- NOTE 1: If the school is already registered, this should be the address of the school.  
NOTE 2: The photographs should be of the person in respect of whom the permit to teach is sought, and should be signed by such person.

### WARNING

Attention is drawn to the provisions of the Education Ordinance and in particular to-

- (a) Section 51(1)-  
"The Director may refuse to issue a permit to teach under subsection (1) of section 50 in respect of any person-  
(d) if it appears to the Director that the applicant or the person in respect of whom the application is made has, in making or in connection with any application-  
(i) (Repealed 80 of 1997 s. 102)  
(ii) for registration as a manager or a teacher; or  
(iii) to employ a person as a permitted teacher in a school, made any statement or furnished any information which is false in any material particular or by reason of the omission of any material particular."; and
- (b) Section 87(1)-  
"Any person who-  
(k) in or in connection with any application under this Ordinance makes any statement or furnishes any information, whether such statement or information be verbal or written, which is false in any material particular and which he knows or reasonably ought to know is false in such particular,  
shall be guilty of an offence and shall be liable on conviction to a fine of \$250000 and to imprisonment for 2 years.". (L.N. 205 of 2000)

(L.N. 31 of 1995; 21 of 2000 s. 11)

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FORM 12

[section 50(1)]

**EDUCATION ORDINANCE**  
(Chapter 279)

**PERMIT TO EMPLOY AN UNREGISTERED TEACHER**

(Permitted Teacher Reference Number ..... )

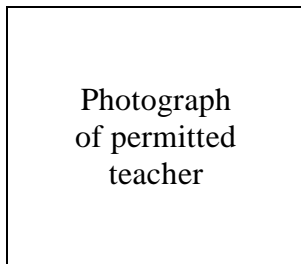


The Supervisor,

..... School.  
(Copy to ....., the permitted teacher)

1. I hereby give permission to you to employ (Mr./Mrs./Miss) .....  
.....  
whose photograph is affixed hereto, as a permitted teacher in the .....  
..... school only.

2. This permit is issued subject to the following conditions-  
.....  
.....  
.....



.....  
Director of Education

Hong Kong,..... 19.....

(L.N. 31 of 1995)

FORM 13

[section 74]

EDUCATION ORDINANCE  
(Chapter 279)

SCHOOL ATTENDANCE ORDER

To: (name and address of parent)

(name of child)  
.....

1. It appears to me that your child named above is not attending primary school or secondary school without any reasonable excuse.

2. I therefore require you, as the parent of the child, to cause the child within 14 days of the date of this order to attend regularly as a pupil at the primary school or secondary school named in the box below.

(Full name and address of primary school or secondary school)

.....  
Director of Education

Date.....

Notes: (i) "Parent" (家長) in relation to this attendance order includes a guardian and the person having the actual custody of the child.

(ii) Any parent aggrieved by this attendance order may within 14 days of the date of the order apply for the order to be reviewed by apply (in person or in writing) to the Secondary, Board of Review, at (address).

(L.N. 268 of 1990; L.N. 31 of 1995)

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Chapter:	151	Title:	<b>SOCIETIES ORDINANCE</b>	Gazette Number:	13 of 1999
Section:		Heading:	<b>SCHEDULE</b>	Version Date:	01/07/1997

Remarks:

Amendments retroactively made - see 13 of 1999 s. 3

[section 2]

PERSONS TO WHICH THE ORDINANCE DOES NOT APPLY

- (1) Any company registered under the Companies Ordinance (Cap 32).
- (2) Any co-operative society registered under the Co-operative Societies Ordinance (Cap 33).
- (3) Any trade union or any trade union federation registered under the Trade Unions Ordinance (Cap 332). (Replaced L.N. 59 of 1964)
- (4) Any pupils' association registered under the Education Regulations (Cap 279 sub. leg.).
- (5) Any company or association constituted pursuant to or under any Ordinance or other legislation applicable to Hong Kong. (Replaced 13 of 1999 s. 3)
- (5A) Any company or association which was, immediately before the commencement of the Adaptation of Laws (No. 3) Ordinance 1999 (13 of 1999), a company or association constituted under Royal Charter, Royal Letters Patent or any Imperial Act and was, immediately before that commencement, a local society. (Added 13 of 1999 s. 3)
- (6) Any company, association or partnership formed for the sole purpose of carrying on any lawful business and registered under any other Ordinance. (Amended 71 of 1988 s. 2)
- (7) (Repealed 75 of 1992 s. 32)
- (8) Any Chinese temple registered under the Chinese Temples Ordinance (Cap 153).
- (9) Any credit union registered under the Credit Unions Ordinance (Cap 119). (Added L.N. 41 of 1970)
- (10) Any corporation registered under the Building Management Ordinance (Cap 344). (Added L.N. 107 of 1973. Amended 27 of 1993 s. 48)
- (11) Any association of owners or occupiers of premises which is approved for the purposes of this Ordinance by the Secretary for Home Affairs by notice in writing. (Added L.N. 107 of 1973. Amended L.N. 94 of 1974; L.N. 17 of 1982; L.N. 14 of 1983; L.N. 18 of 1983; L.N. 262 of 1989)
- (12) Any association or group of persons which-
  - (a) is formed for the sole purpose of recreation or training;
  - (b) conducts its activities wholly or largely in a Community or Youth Centre; and
  - (c) was formed with and continues to have the approval of the Director of Social Welfare. (Added L.N. 114 of 1974)
- (13) Any association of which-
  - (a) one or more of the directors, trustees or other office holders; or
  - (b) the committee or board or other body having the management of the association,
 is or are incorporated by any Ordinance. (Added L.N. 93 of 1975)
- (14) The operator of, and participants in, any chit fund, as defined in section 2 of the Chit-Fund Businesses (Prohibition) Ordinance (Cap 262), which complies with section 5(2) of that Ordinance. (Added L.N. 225 of 1975)
- (15) (Repealed 75 of 1992 s. 32)
- (16) An unincorporated trust-
  - (a) of a public character established solely for charitable purposes; or
  - (b) established solely for the purpose of engaging in a retirement scheme approved under section 87A of the Inland Revenue Ordinance (Cap 112). (Added 75 of 1992 s. 32)

(Added 28 of 1961 s. 19)

Chapter:	442	Title:	ADMINISTRATIVE APPEALS BOARD ORDINANCE	Gazette Number:	L.N. 193 of 2000
Section:		Heading:	<b>SCHEDULE</b>	Version Date:	28/06/2000

Remarks:

Item 45 of this schedule has commenced operation since 19 June 2000 only in so far as it relates to a decision of the Commissioner for Labour to refuse to register a person under section 6 or to register a person under that section subject to conditions. - see L.N. 131 of 2000.

[sections 3, 4 & 22]

Item	Ordinance	Decision
1.	Apprenticeship Ordinance (Cap 47)	A decision of the Director of Apprenticeship or any public officer in the performance or exercise of any function, duty or power under the Ordinance.
2.	Boilers and Pressure Vessels Ordinance (Cap 56)	The revocation or suspension of an appointment as a boiler inspector, air receiver inspector or pressurized fuel container inspector under section 5A.
3.	Employment Ordinance (Cap 57)	A decision of the Commissioner for Labour under section 53(1) to refuse to issue or renew or to revoke a licence to operate an employment agency.
4.	Factories and Industrial Undertakings Ordinance (Cap 59)	<p>(a) An exemption by the Commissioner for Labour under section 7(4) of an industrial undertaking from any regulation.</p> <p>(b) An order by the Commissioner for Labour under section 7(4), for an industrial undertaking to adopt special precautions in addition to any precautions required by any regulation.</p> <p>(c) Under section 9A-</p> <p>(i) the issue by the Commissioner for Labour of a prohibition notice in respect of a notifiable workplace;</p> <p>(ii) a refusal by the Commissioner for Labour to cancel a prohibition notice;</p> <p>(iii) the giving by the Commissioner for Labour of any direction upon the cancellation of a prohibition notice.</p> <p>(d) (Repealed 39 of 1997 s. 49)</p>
5.	Quarries (Safety) Regulations (Cap 59 sub. leg.)	<p>(a) A refusal by the Commissioner for Labour to approve any person as a supervisor or deputy supervisor under regulation 4(1) or 6(1).</p> <p>(b) A withdrawal by the Commissioner for Labour of his approval of a supervisor or deputy supervisor under regulation 10(1).</p>

6. Factories and Industrial Undertakings (Safety Officers and Safety Supervisors) Regulations (Cap 59 sub. leg.)
  - (a) A refusal by the Commissioner for Labour to register a person as a safety officer under regulation 7.
  - (b) The cancellation by the Commissioner for Labour of a person's registration as a safety officer under regulation 9.
  - (c) The suspension by the Commissioner for Labour of a person's registration as a safety officer under regulation 10.
  
7. Weights and Measures Ordinance (Cap 68)
 

A decision of the Commissioner, as defined in section 2, or of an authorized officer which is taken in the exercise or performance of any function under the Ordinance.
  
8. Miscellaneous Licences Ordinance (Cap 114)
 

The decision under section 5 of any officer authorized to issue a licence under the Ordinance as to the grant of a licence, the renewal of a licence or the revocation of a licence.
  
9. Acetylating Substances (Control) Ordinance (Cap 145)
 

A decision of the Commissioner, as defined in section 2(1), under the Ordinance, relating to-

  - (a) the issue of a licence or permit;
  - (b) the refusal to issue a licence or permit;
  - (c) the cancellation or suspension of a licence or permit;
  - (d) the cancellation or variation of any condition or the specification of a new condition in a licence or permit.
  
10. Gambling Ordinance (Cap 148)
 

The decision under section 22 of the Commissioner for Television and Entertainment Licensing as to the grant of a licence, the renewal of a licence, the imposition of conditions of a licence or the cancellation of a licence.
  
11. Chinese Temples Ordinance (Cap 153)
  - (a) The refusal by the Chinese Temples Committee under section 4 to grant an exemption from section 4(1).
  - (b) The withdrawal by the Chinese Temples Committee under section 4 of an exemption granted under section 4(1).
  
12. Weapons Ordinance (Cap 217)
 

A decision of the Commissioner of Police under section 9(1) to order the delivery up to him or seizure of any martial arts weapon.
  
13. Travel Agents Ordinance (Cap 218)
 

A decision of the Registrar of Travel Agents-

  - (a) to refuse to grant a licence under section 12(1);
  - (b) to impose conditions on a licence under section 11(1) or 18;
  - (c) to refuse consent to a change of ownership or control under section 18(c);
  - (d) to suspend or revoke a licence under section 19.

14. Firearms and Ammunition Ordinance (Cap 238)
- (a) A decision of the Commissioner of Police refusing to grant a licence under section 30 or to renew a licence under section 32.
  - (b) A decision of the Commissioner of Police, under section 33, cancelling a licence or varying or revoking any condition attached thereto or adding any further condition or deleting any premises from a dealer's licence at which business may be carried on.
  - (c) The imposition of a condition of licence which is considered to be unreasonable.
  - (d) A decision of the Commissioner referred to in section 34(1AA). (Added 14 of 2000 s. 33)
  - (e) The imposition of a term or condition under section 4(3), 12(4), 12A(3), 27A(1), 29 or 46C(3), which is considered to be unreasonable. (Added 14 of 2000 s. 33)
15. Massage Establishments Ordinance (Cap 266)
- A decision of the licensing authority under section 6, 7, 8 or 9.
16. Grant Schools Provident Fund Rules (Cap 279 sub. leg.)
- A question of interpretation or application of the Rules.
17. Subsidized Schools Provident Fund Rules (Cap 279 sub. leg.)
- A decision of the Board under the Rules.
18. Mining Ordinance (Cap 285)
- The cancellation of an Authorized Buyer's Licence under Section 41.
19. Mining (General) Regulations (Cap 285 sub. leg.)
- A decision of the Commissioner of Mines under regulation 30(4A)(a) specifying the rate per tonne at which royalty shall be payable in respect of minerals and the period for which it shall be payable.
20. Dangerous Goods Ordinance (Cap 295)
- A decision under section 9 of an officer authorized under the Ordinance to issue a licence-
- (a) to refuse to grant a licence;
  - (b) to refuse to renew a licence; or
  - (c) to revoke a licence.
21. Dangerous Goods (General) Regulations (Cap 295 sub. leg.)
- Prohibiting or imposing conditions on the continued use of a storage tank under regulation 127.

22. Business Registration Ordinance (Cap 310)
- (a) The service of a notice under section 3(4) by the Commissioner of Inland Revenue that a person is to be deemed to be a person carrying on business.
  - (b) The service of a notice under section 3(4AA) by the Commissioner of Inland Revenue that a person is to be deemed to be a person carrying on business at a branch of a business.
  - (c) The service of a notice under section 6(4D) by the Commissioner of Inland Revenue requesting a person to make an application for registration under a different name. (Replaced 3 of 1999 s. 19)
23. Motor Vehicles (First Registration Tax) Ordinance (Cap 330)
- A decision of the Commissioner for Transport under the Ordinance.
24. Animals (Control of Experiments) Ordinance (Cap 340)
- A refusal to issue a licence, endorsement or permit under section 7, 8, 9, 10 or 14.
25. Chinese Permanent Cemeteries Rules (Cap 1112 sub. leg.)
- A decision of the Board of Management of the Chinese Permanent Cemeteries not to withdraw a notice in rule 12(2) regarding reversion of a subscriber lot to the Board.
- Note: The Board of Management of the Chinese Permanent Cemeteries is specified for the purpose of section 22(5) of this Ordinance.
26. Sewage Services Ordinance (Cap 463)
- A decision of the Drainage Authority under the Ordinance. (Added 105 of 1994 s. 15)
27. Timber Stores Ordinance (Cap 464)
- A decision of the Director relating to-
- (a) an application for a licence under section 4;
  - (b) an application for transfer of a licence under section 5;
  - (c) the revocation, suspension, refusal to renew or transfer; amendment or variation of conditions of a licence under section 8. (Added 11 of 1995 s. 23)
28. Marine Parks Ordinance (Cap 476)
- A decision of the Country and Marine Parks Authority under section 11 or 22 of the Ordinance. (Added 37 of 1995 s. 36)
29. Personal Data (Privacy) Ordinance (Cap 486)
- A decision of the Privacy Commissioner for Personal Data-
- (a) to impose conditions on his consent to the carrying out of a matching procedure under section 32(1)(b)(i);
  - (b) to refuse to consent to the carrying out of a matching procedure under section 32(1)(b)(ii);
  - (c) to refuse under section 39(3) to carry out or continue an investigation initiated by a complaint;
  - (d) not to delete under section 46(5) a matter from a report under the Ordinance;
  - (e) not to serve an enforcement notice under section 47;
  - (f) to serve an enforcement notice under section 50. (Added 81 of 1995 s. 73)

30. Dutiable Commodities Ordinance (Cap 109) A decision of the Commissioner of Customs and Excise under section 7, 26, 26A or 29. (Added 46 of 1996 s. 43)
31. Dogs and Cats Ordinance (Cap 167) (a) A decision by a police officer or an authorized officer under section 6(1)(c)(i) or (ii) to destroy a dog.  
 (b) A decision by an authorized officer under section 9 in specifying the place or period of detention of a dog or cat or any other thing under this Ordinance.  
 (c) A decision by an authorized officer under section 10 to vary the period of detention of a dog or cat or any other thing under this Ordinance.  
 (d) A decision by an authorized officer under section 11(1) to refuse an application for the removal from detention under this Ordinance of a dog or cat or any other thing.  
 (e) A decision by the Director under section 11(2) to order the forfeiture of a dog or cat or any other thing.  
 (f) A decision by the Director under section 17(2) to impose any condition in granting an exemption under section 17. (Added 97 of 1997 s. 11)
33. Child Care Services Ordinance (Cap 243) A decision of the Director of Social Welfare-  
 (a) under section 7(2), refusing an application for registration;  
 (b) under section 9, cancelling a registration;  
 (c) under section 11B(3), refusing an application for exemption from registration;  
 (d) under section 11D, revoking an exemption from registration;  
 (e) under section 15B(2), determining a person to be unsuited to act as a childminder;  
 (f) under section 15C(4), refusing a request for the issue of a certificate;  
 (g) under section 15D(4), refusing to make a declaration that a person should no longer be deemed unsuited to act as a childminder. (Added 38 of 1997 s. 19)
34. Wild Animals Protection Ordinance (Cap 170) A decision of the Director in relation to-  
 (a) the granting of or the refusal to grant a permit or a special permit pursuant to section 13 or 15; or  
 (b) the cancellation of a permit or a special permit under section 15A. (Added 77 of 1996 s. 22)
35. Occupational Safety and Health Ordinance (Cap 509) A decision of the Commission for Labour under Part III. (Added 39 of 1997 s. 49)
36. Ozone Layer Protection Ordinance (Cap 403) A decision of the Director of Environmental Protection under section 5, 6 or 7 or under provisions of the regulations that may be specified to be subject to an appeal under section 8. (Added 6 of 1997 s. 10)
39. Volunteer and Naval Volunteer Pensions Ordinance (Cap 202) A decision in a review under section 22. (Added 56 of 1997 s. 7)



40. Child Care Services Regulations (Cap 243 sub. leg.) A decision of the Director of Social Welfare under regulation 4 refusing an application for inclusion in a register or removing the name of a person from a register. (Added L.N. 272 of 1997. Amended 32 of 2000 s. 37)
41. Prevention of Copyright Piracy Ordinance (Cap 544) A decision of the Commissioner of Customs and Excise under section 11 or 12 of the Ordinance. (Added 22 of 1998 s. 43)
44. Dangerous Dogs Regulation (Cap 167 sub. leg.) A direction by an authorized officer under section 14 of the Regulation. (Added L.N. 185 of 2000)
45. Factories and Industrial Undertakings (Safety Management) Regulation (Cap 59 sub. leg. AF)
- (a) A decision of the Commissioner for Labour to refuse to register a person under section 6 or to register a person under that section subject to conditions.
  - (b) A decision of the Commissioner for Labour under section 24(1) to require the appointment of a new safety review officer.
  - (c) A decision of the disciplinary board under section 29(2) to reprimand a registered person, cancel the registration of a registered person or suspend the registration of a registered person. (Added L.N. 298 of 1999)
46. Port Control (Cargo Working Areas) Regulations (Cap 81 sub. leg.) A decision of the Director or the supervisor under regulation 4A(4), 5B, 6AA, 7, 7A, 7B, 7C, 7D, 7E, 13 or 21. (Added L.N. 280 of 1999)

Time within which appeals are to be made

An appeal under any item mentioned in this Schedule shall be made within 28 days after receipt of notice of the decision to which the appeal relates.

(Enacted 1994)

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