



中華人民共和國香港特別行政區政府總部教育統籌局
Education and Manpower Bureau
Government Secretariat, Government of the Hong Kong Special Administrative Region
The People's Republic of China

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9 April 2003

Clerk, Public Accounts Committee
(Attn: Miss Sandy CHU)
Legislative Council
Legislative Council Building
8 Jackson Road
Hong Kong

Dear Miss Chu,

**Director of Audit's Report on
Results of Value for Money Audits (Report No. 39)
Chapter 10 : Primary Education – Administration of Primary Schools**

I refer to your letter dated 26 March 2003 on the caption and would like to provide the following additional information for the consideration of the Public Accounts Committee -

- (a) From 1991 to 1997, public sector schools were invited to join the School Management Initiative (SMI) on a voluntary basis. Participating schools had to fulfill certain requirements within the first two years after joining, including to start drafting a formal constitution for the School Management Committee (SMC) in Year 1. For non-SMI schools, the former Director of Education did not require them to submit a written constitution for approval. However, any such draft constitution submitted by non-SMI schools of their own accord would also be processed. The submissions from PLK Stanley Ho Sau Nan Primary School, which was an SMI school, and HKSYC&IA Chan Lai So Chun Memorial School, which was a non-SMI school, were examples of these two situations.

/The Government gazetted

The Government gazetted the Education (Amendment) Bill 2002 on 22 November 2002, aiming at introducing the school-based management governance framework to all aided schools. A Bills Committee has been set up to scrutinize the Bill. The management committee of an aided school will be required to incorporate under the Education Ordinance within five years after the enactment of the Bill and an incorporated management committee (IMC) shall have a written constitution approved by the Permanent Secretary for Education and Manpower (PSEM). We shall issue to schools a sample constitution for IMC when the Bill is passed, and draw to the attention of schools that their draft IMC constitution should not contain any provisions which contravene with those of the Education Ordinance or the Education Regulations.

- (b) Under Section III of the prescribed appointment form, the Supervisor of an aided school is required to declare that the appointment of the teacher concerned is conducted in accordance with the provisions in the Education Ordinance, Education Regulations, Code of Aid and standing circulars. Regulation 76 of the Education Regulations is therefore included under this statement. To ensure that aided schools observe this particular requirement, we will revise the prescribed appointment form shortly to include a clause that requires the Supervisor to declare that the appointment has been approved by the majority of the SMC, and that his/her school has followed our guidelines for staff appointment, including adopting an open, fair and competitive appointment system.
- (c) Aided schools are required to report to us the particulars of the SMC approval (including the date of approval) in respect of their teaching staff via the prescribed appointment form starting from the 2000/01 school year. For the initial year or so when the arrangement was new, we adopted a flexible practice – an appointment form without the date of SMC approval was accepted if it was endorsed by the Supervisor in order not to delay the payment of salaries to teachers. We have tightened up our practice subsequently. Currently, appointment forms that have not included the SMC approval date are returned to schools and the outstanding particulars need be filled in before the appointment forms are further processed.

/(d) (i) To facilitate

- (d) (i) To facilitate redundant teachers in aided primary schools to seek teaching posts, all teaching vacancies in aided primary schools were "frozen" around April in the past years until all redundant teachers were placed. The dates of "defreezing" were 16 August and 8 August in the years 2000 and 2001 respectively. During the "frozen" period, aided primary schools were not allowed to enter into formal appointment contracts with non-redundant teachers in respect of their vacant posts though they might interview prospective candidates. In spite of the "freezing" arrangement, schools should ensure that the recruitment procedures were in compliance with the relevant regulations and requirements. For the year 2003, we have revised the arrangements for redundant teachers with a view to completing the exercise in early July.
- (ii) We have noted that some schools obtained covering approval/endorsement to new teacher appointments at subsequent SMC meetings. As prior approval by the SMCs was required, we have advised these schools to follow the appropriate procedures for appointment of new teachers.
- (iii) School authorities have the responsibility to ensure that all the regulations currently in force are complied with. Training courses for school managers and new school heads are organized regularly, which cover, among others, appointment and personnel matters.
- (iv) Appointment of new teachers reported via the prescribed appointment form, be these teachers temporary or regular, is subject to the same appointment procedures.

/(e) Please see the part

- (e) Please see the part on sample constitution for IMC under (a) above.

We will withhold processing any draft SMC constitutions submitted by schools, including that from St Paul's Catholic Primary School in view of the introduction of the Education (Amendment) Bill 2002. Upon the enactment of the Bill, we will advise these schools to make amendments where appropriate, having regard to the requirements of the IMC constitution.

Yours sincerely,



(M Y CHENG)

for Permanent Secretary for Education and Manpower

c.c. Secretary for Education and Manpower
Secretary for Financial Services and the Treasury
(Attn : Mr Manfred WONG)
Director of Audit