



中華人民共和國香港特別行政區政府總部教育局  
Education Bureau

Government Secretariat, The Government of the Hong Kong Special Administrative Region  
The People's Republic of China

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Clerk to Panel  
Legislative Council Panel on Education  
Legislative Council Complex  
1 Legislative Council Road  
Central, Hong Kong  
(Attn: Ms Angel WONG)

Dear Ms WONG,

**Legislative Council Panel on Education**  
**Code of Aid for Aided Schools**

I refer to a letter from the Panel on Education dated 23 April 2019 requesting a response from this Bureau to the issues raised in a letter from Hon HO Kai-ming dated 17 April 2019. Our response is as follows:

As the employer of all school staff, the School Management Committee (SMC)/Incorporated Management Committee (IMC) of an aided school is responsible for staff management and ensuring compliance with all employment-related rules and regulations under the Education Ordinance, the Education Regulations, the Employment Ordinance and other relevant ordinances and legislations, as well as the provisions in the Codes of Aid and such instructions as the Education Bureau (EDB) may issue from time to time. According to the arrangements for suspension of teachers from duties as stipulated under the relevant Codes of Aid, in cases where criminal proceedings against a teacher paid out of the Salaries Grant are being, or are likely to be instituted; or where the teacher's serious misconduct is under investigation and it would be against the interest of the students/school for the teacher to continue

to teach in the classroom, the SMC/IMC may, subject to the provisions of the Employment Ordinance, suspend the teacher concerned from his/her teaching duties for a period of not exceeding 14 days for protecting the safety of students. In the event that the case is under criminal proceedings and such proceedings are not concluded within 14 days, the period of suspension may be extended till the end of such proceedings.

Under the principle of proper use of public money, as a teacher on suspension of duties could not perform his/her duties, the teacher concerned should not receive any salary payment during the suspension period. The Code of Aid for Aided Schools provides that teachers employed from the school year immediately following the incorporation of the IMCs should not receive any salary payment during the period when they are suspended from duties. For teachers employed before the incorporation of the IMCs, the management committees of the schools may, pursuant to the Codes of Aid for Primary Schools, Secondary Schools and Special Schools, pay half of the salaries to these teachers during their suspension periods on the condition that the schools have obtained the EDB's prior approval on such arrangements. Nevertheless, the arrangement of teachers on suspension receiving half-pay would only be considered under special circumstances and is not applicable to all cases. Moreover, according to the Codes of Aid and the Code of Aid for Aided Schools, the salary pertaining the period of suspension will not be paid after the teacher's reinstatement. The EDB would like to stress that the above arrangements meet the relevant requirements of the Employment Ordinance. When schools suspend a teacher from duties in accordance with the Codes of Aid and the Code of Aid for Aided Schools, schools should also comply with the provisions of the Employment Ordinance. Taking the interest and safety of students as our prime concern, the EDB will also maintain communication with the schools concerned and keep the situation under watch. Therefore, we believe that the relevant suspension arrangements will not be abused or misused by schools. In the 2017/18 and 2018/19 school years (as at 30 April 2019), there were a total of 9 cases where employees paid out of the Salaries Grant were suspended from duties and not paid salaries.

For protection of students' safety and proper use of public money, the EDB has no intention for the time being to change the above-mentioned arrangements in relation to suspension of teachers from duties and salary payment during the period of suspension.

Yours sincerely,



(Ms Karen LAU)

for Secretary for Education