

## EDUCATION BUREAU CIRCULAR MEMORANDUM NO. 184/2019

From : Permanent Secretary for Education      To : Supervisors and Heads of All Aided Secondary, Primary and Special Schools

Ref. : EDB(SDCT)1/P-210(2020/21SY)

Date : 14 November 2019      c.c. : Supervisors and Heads of Caput Schools, Direct Subsidy Scheme Schools and Heads of Sections – for information

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### **Extension of Service of Teachers and Principals in Aided Schools**

#### **SUMMARY**

This circular memorandum aims to remind the School Management Committee (SMC) / Incorporated Management Committee (IMC) to observe the provisions of the Education Ordinance (Cap. 279) on retirement age of teachers and principals of aided schools and plan ahead for succession as a good practice on human resources management.

#### **DETAILS**

#### ***BACKGROUND***

2. According to the Education Ordinance<sup>1</sup>,
  - (a) a person shall not be employed as a teacher or the principal of an aided school if he/she would be aged 60 years or more at the commencement of such employment; and

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<sup>1</sup> Please refer to sections 58A and 58B of the Education Ordinance for details.

- (b) a person employed as a teacher or the principal of an aided school shall not continue to be so employed for a school year or any part thereof if he/she has attained the age of 60 years or more before the commencement of the school year, except in accordance with the written permission of the Permanent Secretary for Education. The maximum aggregate period for which permission may be given shall be five consecutive school years.

3. The provisions in paragraphs 2 (a) and (b) above do not apply under the following circumstances –

- (a) an aided school may employ a person aged 60 years or more as a temporary replacement of a teacher for any period during which that teacher is unable for any reason to perform his/her duties as a teacher of the school; or
- (b) the person fills a post that is not within the teaching staff establishment of the school approved by the Permanent Secretary from time to time.

4. In accordance with the above-mentioned provisions and existing retirement policy, an application for extension of service of a teacher or principal who is due to retire normally will not be approved except under very special circumstances.

#### ***PLANNING AHEAD FOR SUCCESSION***

5. It is the responsibility of the SMC / IMC to observe and comply with the above provisions on retirement age and plan ahead for succession in anticipation of retirement of the incumbent. As a good practice on human resources management and for the sustainable development of the schools, the SMC / IMC should groom up a team of teachers and enrich their experience and exposure through providing training and assigning duties to them.

#### ***SELECTION OF A SUITABLE REPLACEMENT***

6. Before considering retention of the incumbent who is due to retire, the SMC / IMC should first of all make every reasonable effort to find a replacement for the incumbent, including internal promotion, promotion or redeployment from other schools under the same school sponsoring body and open recruitment. The SMC /

IMC should also carefully consider the feasibility of any interim measure when necessary, such as acting appointment to test and train an internal candidate who may not be immediately suitable.

7. In conducting a recruitment exercise, SMC / IMC are required to follow the existing requirements to ensure that the selection process (including shortlisting suitable candidates and conducting interviews) is open, fair and transparent. SMC / IMC, in selecting suitable replacement, are required to follow the steps listed below:

- (a) The SMC / IMC must initiate an open selection procedure by inviting applications for the post of the teacher or the principal concerned through open advertisement and internal circulars. As the selection process is to ascertain if there are persons, other than the incumbent, who are capable of taking up the post concerned, no application from the incumbent should be accepted.
- (b) The advertisement and internal circulars must clearly set out, among other things, the selection criteria. In deciding the criteria, the SMC / IMC should refer to the core attributes set out in Annex A in addition to the minimum academic qualifications and working experience and any other specific requirement the SMC / IMC expects from the candidates. Unless there are genuine needs and justifiable reasons, the SMC / IMC should not adopt unduly restrictive selection criteria.
- (c) For identifying a suitable replacement for the incumbent, the SMC are required to set up a selection panel involving representatives from the school sponsoring body (not more than 60% of the panel) and independent members who should include parents and/or alumni as far as possible. Independent members must not be a member of the SMC concerned, the SMC / IMC of other schools under the same sponsoring body or the school sponsoring body. For IMC schools, except for the selection of principals which must comply with Section 57A (3) of the Education Ordinance, the same arrangements as specified above are applicable for selection of replacement for incumbent teachers.
- (d) To ensure fairness in the selection process, members of the panel should avoid any conflict of interest situation and declare any potential or actual conflict of interest. The chairperson of the selection panel

should make reference to Section 7.3.2 of the School Administration Guide (2019/20) to decide whether a member disclosing an interest may continue to participate in the selection process and record the decision and considerations in the notes of meeting. Please follow the path below to get access to the relevant Section of the School Administration Guide:

<[www.edb.gov.hk](http://www.edb.gov.hk)> → School Administration and Management → Regulations → School Administration Guide

(e) The SMC / IMC may inform its respective Chief School Development Officer of the selection arrangements in advance. It is the responsibility of the SMC / IMC to ensure that the selection process is open, fair and transparent. The SMC / IMC is welcome to seek advice from the Education Bureau (EDB) in this regard. EDB will send a representative to join the selection panel as an observer in cases where

- EDB has received reports that the selection process is not conducted in an open, fair and transparent manner;
- the school concerned has been the subject of previous complaints of not selecting staff in an open, fair and transparent manner; or
- any other circumstances considered necessary.

It is important to note that the EDB representative will not be a member of the selection panel constituted by the SMC / IMC. He/She will not take part in the selection panel's deliberation process and will not provide any advice on the selection of the candidates. His/Her role is to advise the Permanent Secretary on the conduct of the selection process.

(f) The selection panel must conduct the selection process in an open, fair and transparent manner. The panel should adopt an assessment form and agree on a rating standard before the selection interview with the candidates. The candidates should not be compared against the incumbent, as the candidates should be assessed on their own merits. The process must be properly documented.

8. If the selection panel finds that an applicant possesses the required qualifications, experience and the necessary core attributes, it should recommend the SMC / IMC to offer the post to him/her. In this regard, the incumbent should retire.

#### ***APPLICATIONS FOR EXTENSION OF SERVICE***

9. If the school cannot find a replacement for the incumbent after making every reasonable effort (including internal promotion, promotion or redeployment from other schools under the same school sponsoring body, acting appointment given to an internal candidate who may not be immediately suitable, or open recruitment), it may submit an application for extension of service to the Permanent Secretary. Please refer to Annex B for details of such application. Please note that the SMC / IMC has the onus of justifying its application with cogent grounds and documentary evidence. In line with the retirement policy, applications for extension of service normally will not be granted except under very special circumstances. As such, extension of service should only be seen as an exception rather than the rule.

#### ***ENQUIRY***

10. Please contact your respective Senior School Development Officer in case you have any enquiries.

11. The Education Bureau Circular Memorandum No.176/2018 dated 8 November 2018 on “Extension of Service of Teachers and Principals in Aided Schools” is hereby cancelled.

K K LEE  
for Permanent Secretary for Education

**Core attributes a selection panel should consider in  
assessing an applicant's suitability for appointment as  
a teacher/principal**

This list is by no means exhaustive. The SMC / IMC should set its own criteria for the selection of candidate to fill the post. The selection panel should aim at identifying candidates who possess as many of the core attributes listed below as possible. The panel may assign different weightings to the attributes taking into account the circumstances of the school and the post being applied for.

- (1) Beliefs and Outlook: the selection panel should have a frank and open discussion with the applicant on the educational beliefs and outlook of the school. The panel should detect at an early stage if the applicant's related attributes are in line with the educational beliefs held by the school, since ironing out differences after employment is not always easy.
- (2) Personality: including attributes such as trust, generosity, assertiveness, fairness, integrity, devotion, diligence, patience, etc.
- (3) Knowledge and Skills: in teaching and learning, curriculum, rules and regulations, application of technology in education, quality assurance, staff and resources management, leadership, communications, socialising, crisis management, personal organization, strategic thinking, organization culture, self-reflection, etc.
- (4) Experience: the applicant may not have prior experience in the post being applied for. The selection panel should therefore not only look for records of past performance, but also the potential of the applicant in discharging the duties of the post being applied for.
- (5) Professionalism: including self-motivation in continuing professional education, networking with peers to share professional growth and career planning, etc.

### **Applications for Extension of Service**

If the SMC / IMC cannot find a suitable replacement for the incumbent after making every reasonable effort, the SMC / IMC may apply for permission to continue to employ the incumbent. Please note that in line with the retirement policy, applications for extension of service normally will not be granted except under very special circumstances.

#### **Points to Note:**

- (1) The SMC / IMC wishing to recommend its teachers or principal for extension of service in the 2020/21 school year should send its applications together with all supporting documents to the Senior School Development Officer of the respective district via its school supervisor on or before **17 January 2020**. All applications submitted beyond the above deadline will not be processed.
- (2) The SMC / IMC has to submit documentary evidence to the Permanent Secretary to prove that it cannot find a suitable replacement for the incumbent after making every reasonable effort, including careful consideration of the feasibility of any interim measures, such as arranging for acting appointment to test and train an internal candidate who may not be immediately suitable. The documents should show that the recruitment and selection process has been fair, open and transparent, and include all relevant information relating to the search for replacement such as details of internal promotion, promotion or redeployment from other schools under the same school sponsoring body, the advertisement for open recruitment, applications received, detailed selection criteria, assessment forms, assessment criteria, a medical certificate of fitness of the incumbent, etc. for consideration by the Permanent Secretary.
- (3) In considering whether an application for extension of service should be approved, the Permanent Secretary will take into account the procedural propriety of the whole selection process and whether the requirements set out in this circular memorandum have been observed. In particular, the Permanent Secretary needs to be satisfied that a genuine search has been conducted to identify a person, other than the incumbent, who is capable of taking up the post concerned.

- (4) The Permanent Secretary will appoint a Vetting Committee to advise whether the applications should be approved / refused. Details of the Vetting Committee are in the Appendix.
  
- (5) Applications for extension of service of Native-speaking English Teachers beyond retirement age will be dealt with separately. Relevant details will be provided in due course.



### **Vetting Committee**

(a) Composition

- officials of the Education Bureau (not more than 60%);
- non-officials such as academics and other lay persons.

(b) Terms of Reference

- to assess applications from SMCs / IMCs;
- to advise the Permanent Secretary whether applications should be approved/refused.

(c) Key Considerations to be Adopted by the Vetting Committee

- whether procedural propriety (e.g. selection panel has been properly constituted, the advertisement requirements have been met, the selection criteria are appropriate or unduly restrictive, there are any bias or conflicts of interests) is observed in the whole selection process including internal promotion, promotion or redeployment from other schools under the same school sponsoring body, open recruitment or otherwise;
- whether the core selection criteria have been properly and fairly applied in the selection process and whether the selection panel has taken all relevant considerations into account during the selection process; and
- whether there is any evidence to contradict the selection panel's assessment.