

Education Bureau Circular Memorandum No. 168/2020

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

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Date : 20 November 2020 c.c. : Supervisors and Heads of Caput
Schools, Direct Subsidy Scheme
Schools and Heads of Sections – for
information

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) (hereinafter referred to as “the Ordinance”) 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 sections 58A and 58B of the Ordinance,
 - (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
 - (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 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 open recruitment and the selection process are 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) In the principal recruitment exercise,
 - (i) IMC schools must comply with section 57A(2) of the Ordinance to appoint a principal selection committee. The composition of the principal selection committee must meet the requirements set out in section 57A(3)¹ of the Ordinance.
 - (ii) schools which have not established an IMC are required to set up a selection committee involving representatives from the school sponsoring body (not more than 60% of the committee) 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.

Apart from the above arrangement, please also make reference to Sections 7.2.1 and 7.3 of the School Administration Guide on selection of teachers or principals which can be accessed as follows:-

<www.edb.gov.hk> → School Administration and Management → Regulations → School Administration Guide

¹ Under section 57A(3) of the Education Ordinance, a principal selection committee shall —

(a) be accountable to the incorporated management committee; and

(b) be composed of —

(i) representatives of the sponsoring body of the school;

(ii) managers of the school acting as representatives of the incorporated management committee; and

(iii) (where applicable) such other persons as may be provided for in the constitution of the incorporated management committee.

- (d) To ensure fairness in the selection process, members of the selection committee should avoid any conflict of interest situation and declare any potential or actual conflict of interest. The chairperson of the selection committee should make reference to Section 7.3.2 of the School Administration Guide 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.
- (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 committee 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 teachers or principals 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 committee constituted by the SMC / IMC. He/She will not take part in the selection committee'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 committee must conduct the selection process in an open, fair and transparent manner. The committee 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 committee 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.

Enquiries

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

11. The Education Bureau Circular Memorandum No.184/2019 dated 14 November 2019 on “Extension of Service of Teachers and Principals in Aided Schools” is hereby cancelled.

K K LEE
for Permanent Secretary for Education

**Core Attributes for 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 committee may assign different weightings to the attributes taking into account the circumstances of the school and the post being applied for. The selection committee should aim at identifying candidates who possess as many of the core attributes listed below as possible.

- (1) Beliefs and Outlook: the selection committee should have a frank and open discussion with the applicant on the educational beliefs and outlook of the school. The selection committee 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 committee 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 assisting peers in 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 approved 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 2021/22 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 **15 January 2021**. 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. 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. The documents must include but not limited to the following information:
 - the composition and member list of the selection committee;
 - records of internal promotion, promotion or redeployment from other schools under the same school sponsoring body, such as internal circular of recruiting a replacement for the incumbent, records of internal selection exercise, etc.;
 - the advertisement for open recruitment;
 - records of selection process, such as the number of applications, detailed selection criteria (e.g. assessment forms, assessment standards, weighting of different assessment aspects, etc.), shortlisting results, assessment / interview records, declarations of conflict of interest by committee members, etc.;
 - the relevant meeting notes of the selection committee and the SMC / IMC ;
 - a medical certificate of fitness of the incumbent; and
 - any other concrete information showing that the school has difficulties in identifying a suitable replacement for the incumbent.

- (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;
 - human resources management has been in place, including arranging training or assignment of duties in advance for succession planning; and
 - feasibility of any interim measures, such as acting appointment arrangement to test and develop the ability of an internal candidate who is not qualified at the moment, has been duly considered.
- (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 committee 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 committee has taken all relevant considerations into account during the selection process; and
- whether there is any evidence to contradict the selection committee's assessment.