

Education Bureau Circular No. 5/2005
(Formerly referred as EMB Circular No. 5 /2005)

Appointment of Staff in Schools

[Note: This circular should be read by

- (a) Supervisors and Managers of all aided schools – for action
- (b) Supervisors and Managers of all schools under Direct Subsidy Scheme (DSS), caput schools and private schools – for reference and action where applicable
- (c) Heads of Sections – for information]

SUMMARY

This circular informs Supervisors and Managers on matters relating to appointment of staff including principals. It supersedes Education and Manpower Bureau (EMB) Circular No. 32/2000 dated 26 June 2000 and EMB Circular Memoranda No. 118/2004 and 119/2004 dated 7 June 2004.

DETAILS

Approving Authority

2. The school management committee (SMC) / incorporated management committee (IMC) of an aided school, being the employer of all school staff, is given the authority to approve appointments of staff paid out of the Salaries Grant to fill vacancies or to substitute staff on leave in accordance with the provisions of the Codes of Aid and standing circulars. However, prior approval from EMB is still required for appointment of principals, teachers directly appointed to promotion ranks and temporary Native-speaking English Teachers.

3. Schools should observe that the principle of equal opportunities and avoid any form of discrimination in all recruitment and appointment exercises. They should take note that it is unlawful to discriminate against a person for employment on ground of sex, marital status or pregnancy. In this connection, schools are advised to visit the EMB webpage on Appointment Matters (address: http://www.edb.gov.hk/am_e) and to comply with the requirements stipulated in EMB Circular No. 33/2003 dated 8 December 2003.

Appointment Considerations

4. In considering the appointment of teaching staff, SMCs / IMCs should observe the registration requirements as stipulated in the Education Ordinance and the entry requirements in the Codes of Aid. Schools should ensure that the staff to be appointed has fulfilled the minimum requirements for appointment. Prior to employing teaching staff holding non-local academic and/or professional qualifications, SMCs / IMCs of aided schools are required to ascertain whether the qualifications of their staff are comparable to the local qualifications required for appointment (please refer to EMB Circular No. 1/2005 dated 21 March 2005). When offering appointments to teachers, schools should pay special attention to the Points to Note in Handling Appointment Matters for aided and private schools on EMB webpage on Appointment Matters. For advice on appointment of specialist staff, schools may approach their respective Senior School Development Officers.

5. The SMCs / IMCs are also requested to observe the following requirements:

- (a) any teacher, who is to be employed to occupy a teaching post in the staff establishment provided for in the Codes of Aid or for a term not less than 6 months, has to be approved by the majority of managers of the school;
- (b) any teacher, who has participated in the Early Retirement Scheme (ERS) for aided primary school teachers or in the ERS for teaching grades staff in EMB, is not allowed to take up full-time or part-time teaching posts (including those created by government funds which are for the purpose of providing additional teachers to school, but excluding those daily-rated part-time jobs each of duration not more than 90 days) in aided, caput, DSS and government schools after the date of early retirement;
- (c) any teacher holding a permanent post in all primary and secondary schools, who begins teaching English/Putonghua, must meet the language proficiency requirement of the respective subject(s) (please refer to EMB webpage on Language Proficiency Requirement for Teachers); and
- (d) new Chinese and English language teachers in all primary and secondary schools should hold the academic and training qualifications as required in EMB Circular Memorandum No. 54/2004 dated 12 March 2004 (please refer to EMB webpage on Recommendations of Standing Committee on Language Education and Research on Language Teacher Education and Qualifications).

Appointment of Principals

6. Further to the requirement that appointment of principals should obtain EMB's approval, SMCs / IMCs should observe the requirements on Certification for Principalship as specified in EMB Circular No. 32/2003 dated 21 November 2003 and EMB Circular No. 2/2005 dated 8 April 2005. As regards the selection of principals for

IMC schools, the Education Ordinance requires that IMCs should appoint a principal selection committee with representatives stipulated in their constitutions. This committee is responsible for selecting a suitable person from nominated candidates in an open, fair and transparent manner. SMCs / IMCs should make reference to the booklet on “Selection and Appointment of a School Principal”.

Appointment Procedures

7. The existing procedures pertaining to the appointment of staff in aided schools are re-capitulated as follows:

- (a) schools are responsible for appointment of staff, checking their eligibility, making salaries assessment in accordance with the Codes of Aid and relevant circulars issued by EMB;
- (b) schools should complete and send the appointment form(s) for teaching and non-teaching staff to the Funds Section and Recurrent Subventions Section respectively when making appointment(s) of staff on the Salaries Grant payroll. They should also forward simultaneous copy of relevant appointment form(s) to their respective Senior School Development Officers. The above appointment forms can be downloaded from EMB webpage on Appointment Matters; and
- (c) schools need not forward copies of the supporting documents as mentioned in the appointment forms to EMB, but should keep them for inspection as and when required.

Letter of Appointment

8. In offering appointments to teachers, the SMCs / IMCs are required by the Education Regulations to issue letters of appointment, setting out:

- (a) conditions of service;
- (b) salary scale; and
- (c) conditions of termination of appointment.

A specimen letter of appointment for teachers, its accompanying sample conditions of service and a sample letter of acceptance for both aided and private schools are available from EMB webpage on Appointment Matters.

9. However, schools should note that the actual terms upon which a school engages its teachers constitute a matter of private contract. It is therefore not possible for EMB to draw up a standard letter of appointment that will suit the requirements of every school. Schools are required to modify where necessary the sample letters and/or the conditions of service to suit the circumstances of each appointment. Schools should also include

where appropriate, the relevant requirements mentioned in paragraphs 5(c), 5(d) & 6 above in the Conditions of Service.

Salary & Allowances

10. In assessing staff salary, schools may refer to the Certificate(s) of Service issued by the staff's preceding employer(s) / school(s). To facilitate the work of salary assessment by the receiving school, when a staff leaves the employment of a school, the school should issue a Certificate of Service to him / her stating, among other things, his / her salary particulars including last monthly salary, the salary point, the incremental date and the sick leave balance. A sample Certificate of Service can also be found from EMB webpage on Appointment Matters.

11. In case the salary assessment made by an aided school is determined to be incorrect, the SMC / IMC should be responsible for the arrangement of rectifying any overpayment or underpayment with the teacher concerned. The subsidy on the Salaries Grant payroll to an aided school is based on the salary assessment made by EMB, which is final. SMCs / IMCs should therefore ensure that their newly-appointed teachers are aware of the above and are required to refund any sums which have been overpaid arising out of the final assessment. Aided schools should also advise them that the pay point salaries will be subject to downward or upward adjustment or being frozen as announced by EMB.

12. For job-related allowances payable to eligible teachers in accordance with the respective Codes of Aid and relevant circulars/circular memoranda issued from time to time by EMB, aided schools are requested to remind their teachers eligible for these allowances that job-related allowances are subject to regular review by the Government regarding whether payment of such should continue or cease and that the rates are subject to downward or upward adjustment or being frozen as announced by EMB.

ENQUIRIES

13. Enquiries may be directed to the respective Senior School Development Officers. Please note that the contents of the various reference materials relating to appointment matters posted on the webpage will be updated as and when necessary in future.

Mrs Betty IP
for Permanent Secretary for Education and Manpower