Government of the HKSAR Education and Manpower Bureau

12 January 2006

Education Bureau Circular No. 1/2006

(Formerly referred as EMB Circular No.1/2006)

Granting of Leave in Aided Schools

[Note: This circular should be read by

Ref : EMB(SAS)/ADM/150/5/28

- (a) Supervisors and Heads of aided schools
- (b) Heads of sections for information

Summary

This circular announces the updated arrangement of granting of leave in aided schools, and supersedes the Education and Manpower Bureau Circulars No. 37/2000, 39/2000 and 18/2002.

Details

- 2. Schools are reminded to refer to the relevant sections and appendices of the Codes of Aid in granting leave to staff. For the updated arrangements relating to granting of leave, please refer to "Guidelines for Granting of Leave" in the Annex. The content of the Guidelines has also been posted at the EMB Homepage http://www.edb.gov.hk/en/sch-admin/admin/about-sch-staff/guideline-granting-leave/index.html (http://www.edb.gov.hk → School Administration and Management → Administration → About School Staff → Guidelines for Granting of Leave) and will be updated as and when necessary in future.
- 3. To streamline procedures, with effect from the 2005/06 school year, aided schools are required to send **yearly** instead of half-yearly the leave records of teachers to the Permanent Secretary for Education and Manpower for endorsement in **August** each year. Relevant sections of the Codes of Aid have been amended accordingly.

Enquiry

4. For enquiries, please contact the respective Senior School Development Officer.

Mrs Betty IP for Permanent Secretary for Education and Manpower

Guidelines for Granting of Leave

General Principle

School Management Committees (SMCs)/Incorporated Management Committees (IMCs) may grant the following types of leave for teaching and non-teaching staff in accordance with the conditions provided by the relevant Code of Aid, the Employment Ordinance and the instructions the Permanent Secretary for Education (PS(Ed)) may from time to time issue:

(a) Leave for Teaching Staff

- (i) sick leave (paid or no-pay);
- (ii) maternity leave (paid or no-pay);
- (iii) paternity leave (paid) Note 1;
- (iv) special tuberculosis leave (paid or no-pay);
- (v) special leave for a maximum of 2 days per school year (paid);
- (vi) study leave endorsed by the PS(Ed) in advance (paid);
- (vii) leave for juror or witness service (paid);
- (viii) leave for a maximum of 14 days per school year for special events like representing HKSAR in national/international conferences or events such as the Asian Games and the Olympic Games; or being invited to present paper or speak at national/international conferences Note 2 in connection with education; or participating in training and camping exercises of Civil Aid Service, Auxiliary Medical Service or Auxiliary Police Force (paid); and
- (ix) any other types of no-pay leave (applicable to IMC schools only)^{Note 3}.

(b) Leave for Non-teaching Staff

Laboratory Technicians and Specialist Staff Note 4

- (i) annual leave (paid);
- (ii) sick leave, special tuberculosis leave and maternity leave (paid or no-pay);
- (iii) paternity leave (paid) Note 1;

Note ² Conferences organised at provincial/municipal level or below would not be regarded as national conferences, and prior approval from PS(Ed) is required for teachers taking such leave.

Note 1 Please refer to EDBC No. 16/2015 for details.

In granting no-pay leave to staff, IMC schools should consider each application rigorously with due regard to: (i) the staff concerned is to tackle an affair which cannot be avoided and cannot be handled by a substitute, and (ii) students' learning should not be unduly affected.

Specialist staff include educational psychologists of ordinary and special schools and the following categories of staff of special schools: school social workers, speech therapists, physiotherapists, occupational therapists, occupational therapist assistants, nurses, wardens, assistant wardens, houseparents-in-charge, houseparents, programme workers, boarding service masters/ mistresses I, boarding service masters/ mistresses II and brailling staff.

- (iv) study leave endorsed by PS(Ed) in advance;
- (v) leave for juror or witness service (paid); and
- (vi) any other types of no-pay leave (applicable to IMC schools only)^{Note 3}.

Other Non-teaching Staff

Various types of leave in accordance with the Employment Ordinance, Codes of Aid, and guidelines issued by the EDB from time to time.

Please refer to the Codes of Aid for details.

2. Schools should formulate policies and principles in processing leave applications in consultation with staff to ensure impartiality and consistency. However, the procedures involved in handling leave matters should be kept to the minimum.

Leave Entitlement for Teachers and Non-teaching Staff

3. SMCs/IMCs of aided schools may refer to the relevant Code of Aid for the leave entitlement for teachers and non-teaching staff. They may also refer to "Leave Entitlement for Staff in Aided Schools" and "Approving Authority for Granting of Leave" at the Appendices of Chapter 7 of the School Administration Guide (SAG), and Appendix H of the Supplement to SAG (applicable to IMC schools only) posted on the EDB Homepage for relevant information on granting of leave. If necessary, they may consult the Labour Department on leave entitlement provided under the Employment Ordinance.

Leave that Requires Prior Approval of PS(Ed)

- 4. Prior approval of PS(Ed) is required in respect of granting the following types of leave to teachers, laboratory technicians, and specialist staff:
 - (a) no-pay leave (excluding no-pay sick/maternity/special tuberculosis leave) [not applicable to IMC schools];
 - (b) study leave which has not been endorsed by PS(Ed); and
 - (c) other types of leave which are not specified above.

Points to note in processing no-pay leave of teachers

5. Before granting no-pay leave to teachers, SMCs/IMCs are advised to ensure that teachers applying for no-pay leave are duly informed of the provisions in the Codes of Aid and the following:

(a) Promotion purposes

No-pay leave will not be counted for promotion purposes.

(b) Grant/Subsidized Schools Provident Fund (G/SSPF)

With the approval of PS(Ed), a teacher's G/SSPF Account may be kept open for the period in which no-pay leave is granted. The period of no-pay leave including no-pay sick/maternity/special tuberculosis leave will not be counted for continuous contributory service.

(c) Date of increment

For incremental purposes, such leave shall be subject to such instructions from PS(Ed) may from time to time issue. Adjustment of the incremental date will be required if the period of no-pay leave exceeds 15 days continuously. If a teacher takes 16 to 45 days no-pay leave continuously, his/her incremental date should be deferred by one month. If the teacher takes 46 to 75 days no-pay leave continuously, his/her incremental date should be deferred by two months, and so on.

- 6. For no-pay sick/maternity/special tuberculosis leave, schools should send a notification of the granting of no-pay leave to the respective Senior School Development Officer of the respective Regional Education Office for seeking PS(Ed)'s approval for keeping open of G/SSPF account and for the adjustment of salary incremental date, if any. Such letter should also be copied to Finance Division of the Education Bureau for necessary arrangements. For other types of no-pay leave, IMC schools should follow the same procedures as for no-pay sick/maternity/special tuberculosis leave mentioned above; schools which have not yet established an IMC should, as required by the Codes of Aid, send an application to the respective Senior School Development Officer of the Regional Education Office for seeking PS(Ed)'s approval.
 - Samples of application/notification of granting no-pay leave to school head/teachers (Attachment 1A/1B for SMC/IMC schools respectively)

(For application/notification of laboratory technicians and specialist staff, schools may adapt the above samples where appropriate.)

7. Schools should take own responsibility to fulfill all statutory requirements including meeting any possible expenditure arising from all types of no-pay leave of teaching and non-teaching staff, such as expenses arising from statutory holidays and/or annual leave (if applicable). Starting from the 2012/13 school year, schools may use the surplus of Operating Expenses Block Grant (OEBG)/Expanded Operating Expenses Block Grant (EOEBG) for the payment of statutory holidays/annual leave arising from the following types of specific no-pay leave Note 5 for their staff remunerated under Salaries Grant, on the condition that the application of no-pay leave is supported with valid documentary proofs:

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Note 5 Prevailing procedures should be followed in approving no-pay leave to staff in schools. Schools should retain all supporting documents for payment arising from the above specific no-pay leave for record and inspection, if required.

- (a) no-pay sick/maternity/special tuberculosis leave (referred to as no-pay sick leave);
- (b) no-pay study leave for attending education-related courses;
- (c) no-pay leave granted due to poor health condition with medical documentary proof; and
- (d) no-pay leave granted for alleviating the redundancy problem of an individual school/schools under the same Sponsor (prior confirmation from the School Development Officer concerned is required).

For no-pay leave other than the above listed, schools should continue to take their own responsibilities to fulfill all statutory requirements including meeting any possible expenditure out of non-government funds. Schools may refer to the latest EDBCM on "Operating Expenses Block Grant, Expanded Operating Expenses Block Grant and Composite Furniture and Equipment Grant for Aided Schools" and the User Guides of OEBG/EOEBG uploaded on EDB Homepage for details.

Leave Records

- 8. Schools should keep leave records of their staff as required by the Codes of Aid and are requested to send in leave record of teachers yearly in August each school year for PS(Ed)'s endorsement. PS(Ed) will signify his approval to the leave by endorsing the relevant leave records provided that PS(Ed) is satisfied that the SMC/IMC concerned has considered each application in accordance with the conditions provided by the relevant Code of Aid, the Employment Ordinance and the instructions PS(Ed) from time to time issue with supporting documents.
 - Sample of annual summary of leave record of teachers (Attachment 2)
- 9. For non-teaching staff, the leave records are not required to be sent to PS(Ed) for endorsement. Schools are reminded to keep proper and up-to-date leave records of their non-teaching staff.
 - Sample of annual summary of leave record of non-teaching staff (Attachment 3)
- 10. To facilitate schools' proper leave recording of their teaching/non-teaching staff, samples of leave record of individual staff are also provided below for schools' reference:
 - Sample of sick leave record of individual staff (teaching or non-teaching) (Attachment 4)
 - Sample of other leave record of individual staff (teaching or non-teaching) (Attachment 5)
- 11. For proper management of leave matters, schools should keep the leave records of their staff up-to-date. These leave records should be available for inspection by officers authorized by PS(Ed) or the inspectors of schools as and when

required. When a staff leaves the employment of a school, the Certificate of Service prepared by the school for the staff should state, among other things, the period(s) of no-pay leave taken (if any) and the sick leave balance.

Education Bureau (Revised in April 2013)

SAMPLE

(For the reference of schools which have not yet established an IMC)

		Date:
Dι	uplicat iplicat Dele	e: The school *head/teacher taking leave ete whichever is inappropriate
De	ear Sir/	Madam,
		No Pay Leave
		for School Head/Teachers
		Name of School:
Duplicate: Senior Accounting Officer (Funds), Finance Description of the school *head/teacher taking leave * Delete whichever is inappropriate "✓" as appropriate Dear Sir/Madam, No Pay Leave for School Head/Teacher: Name of School: Name of *Head/Teacher: I refer to the application for no-pay leave by (rank) of my school dated I wish to inform you that *Mr/Ms	Name of *Head/Teacher:	
Dear Sir/Madam, No Pay Leave for School Head/Teachers Name of School: Name of *Head/Teacher: I refer to the application for no-pay leave by *Mr/Ms		
a.		*sick/maternity/special tuberculosis leave.
b.		study leave for attending education-related course(s). (Please specify)
		The course name:
c.		leave due to poor health condition with medical documentary proof.
d.		leave for alleviating the redundancy problem of *my school/another school under
ш.	_	· · · · · · · · · · · · · · · · · · ·
e.		other leave for reasons of personal affairs.
		(please specify the reason:)

When the last day of no-pay leave is followed by a Sunday or a gazetted public holiday, such Sunday or gazetted public holiday will be regarded as an extension of the period of no-pay leave. When the last day of such no-pay leave is followed by the major school holidays, i.e. Christmas Holiday, Chinese New Year Holiday, Easter Holiday and Summer Vacation, payment of salary will resume on the day the staff reports to school for duty. In this connection, the teacher concerned should also include the day(s) which is/are regarded as an extension of the no-pay leave period in his/her application.

Note 2 Prior confirmation from school's respective School Development Officer is required.

	In view of the fact that *Mr/Ms *has applied for/has been
granted _	day(s) of no-pay leave, his/her incremental date *will be adjusted upon
approval/	is adjusted to the first of
	I have checked the relevant documentary proof provided by
*Mr/Ms_	and:
	confirm valid. [applicable to the type of leave stated in (a) only]
	confirm valid. The documentary proof is attached with this form for your further
	processing of this application. Besides, I have also informed
	*Mr/Ms that he/she should report to school for duty on the day
	following the last day of such no-pay leave to resume the payment of salary.
	[applicable to types of leave stated in (b) to (e) only]
	I describe a section of the section
leasmin a	I should be grateful if you would *give approval to the above leave application and
	open the provident fund account/give approval to keeping open the provident fund of *Mr/Ms from to inclusive
	It of his/her taking no-pay leave during the above-mentioned period. His/Her leave
	be counted as continuous contributory service for provident fund purposes.
will not b	be counted as continuous contributory service for provident fund purposes.
	I understand that schools should take own responsibility to fulfill all statutory
reauirem	ents, including meeting any possible expenditure arising from the no-pay leave of
	ing staff concerned, such as the expenses arising from statutory holidays Note 3.
	Yours sincerely,
	()
	School Supervisor
(Revised in	n September 2018)

Note 3 For meeting statutory requirements arising from no-pay leave of (a) to (d), aided schools are reminded to refer to the EDB Circular Memorandum on "Operating Expenses Block Grant (OEBG), Expanded Operating Expenses Block Grant (EOEBG) and Composite Furniture and Equipment Grant for Aided Schools" of the school year and the User Guide of OEBG uploaded on EDB Homepage.

SAMPLE

(For the reference of schools which have established an IMC)

Date:
To: Senior School Development Officer, Regional Education Office Duplicate: Senior Accounting Officer (Funds), Finance Division Triplicate: The school *head/teacher taking leave * Delete whichever is inappropriate " " as appropriate Dear Sir/Madam, No-pay Leave for School Head/Teachers Name of School: Name of *Head/Teacher: I refer to the application for no-pay leave by *Mr/Ms
Dear Sir/Madam,
• •
I wish to inform you that approval has been given to *Mr/Ms to take no-pay leave of day(s) from to inclusive Note 1 or ground of:
(a) □ *sick/maternity/special tuberculosis leave.
(c) \Box leave due to poor health condition with medical documentary proof.
the same sponsor. Note 2
(please specify the reason:)

When the last day of no-pay leave is followed by a Sunday or a gazetted public holiday, such Sunday or gazetted public holiday will be regarded as an extension of the period of no-pay leave. When the last day of such no-pay leave is followed by the major school holidays, i.e. Christmas Holiday, Chinese New Year Holiday, Easter Holiday and Summer Vacation, payment of salary will resume on the day the staff reports to school for duty. In this connection, the teacher concerned should also include the day(s) which is/are regarded as an extension of the no-pay leave period in his/her application.

Note 2 Prior confirmation from school's respective School Development Officer is required.

	In view	of the fact tha	t *Mr/N	Ms	has	been granted	l day(s) of
no-pay le	eave, his/h	er incrementa	al date v	will be adju	sted to the firs	st of	·
*Mr/Ms		e checked and:	the	relevant	documenta	ry proof	provided by
	confirm documer informed the day f	ntary proof ii d *Mr/Ms	derstand respection last day	d that EDE ct of the al that v of such no	B may request bove no-pay he/she should -pay leave to	st my school leave. Besi d report to sc	l to provide the des, I have also shool for duty on payment of salary
for keepi		_	-	_			
inclusive	as a res leave wil	sult of his/he	r takin	g no-pay l	eave during	the above-m	entioned period r provident fund
requirem the teach	ents, incl		g any p	ossible exp	enditure aris	ing from the	nlfill all statutory no-pay leave of days ^{Note 3} .
						Yours	s sincerely,
						()
						School	1 Supervisor
(Revised in	n September	r 2018)					

For meeting statutory requirements arising from no-pay leave of (a) to (d), aided schools are reminded to refer to the EDB Circular Memorandum on "Operating Expenses Block Grant (OEBG), Expanded Operating Expenses Block Grant (EOEBG) and Composite Furniture and Equipment Grant for Aided Schools" of the school year and the User Guide of EOEBG uploaded on EDB Homepage.

SAMPLE (For reference only)

To: Senior School Development Officer, Regional Education Office

Name of School :

ANNUAL SUMMARY OF LEAVE RECORD OF TEACHERS $^{\text{Note}}$

Period :		to			
I submit leave reco approval. I confic considered in accor Employment Ordina time to time issue.	rm that each app dance with the co	olication with onditions provi	the suppoded by the	orting document e relevant Code	s has been of Aid, the
Name of Teacher	Types of Leave Taken*	Paid (P)/ No-pay (NP)	No. of Days	Sick Leave Balance as at 31 August of(year)	Remarks
Mr CHAN x x	SL SL	P NP	28 2	0	
Ms SIU x x	-	-	-	168	
Ms LEE x x	ML ST	P P	70 91	168	
Miss CHEUNG x x	О	NP	21	42	
Mrs WONG HO x x	ST SL	P P	91 15	100	
*Types of Leave - Sich Leave (PAL1), Special Leave for Special Even	l Leave (SP), Study	Leave (ST), Lea			
Date:	Name ofSupervisor:		-	pervisor's gnature:	

(Revised in April 2013)

Note Include all regular teachers in the approved establishment and other teachers paid out of Salaries Grant.

SAMPLE (For reference only)

ANNUAL SUMMARY OF LEAVE RECORD OF NON-TEACHING STAFF

Period :	confirm that each application with the supporting documents has been considered in							
I confirm that each appaced accordance with the conformance and the instruction.	nditions provi	ided by the	relevant Code	of Aid, t	he Employmer			
Name of Staff (Date of appointment)	Post	Types of Leave Taken*	Paid (P)/ No-pay (NP)	No. of Days	Remarks			
1. Mr LEE x x	Laboratory	SL	P	28				
(1.9.2011)	Technician	SL	NP	3				
		AL	P	14				
2. Ms WONG x x	Clerical	ML	P	70				
(1.9.2010)	Assistant	SL	P	2				
		G. I. I.			. 1 (17)			
*Types of Leave – Annu			· · · · -					
Maternity Leave (ML), Por Witnesses (JW), Leave	_		•	Leave for	serving as Juro			
	Name of Supervisor:		Super Signa	visor's ture:				

(Revised in April 2013)

SICK LEAVE RECORD SAMPLE (For reference only)

Worked Examples on Calculation of Sick Leave Balance of Teaching Staff

Worked Example 1		
Name of School:		
Name of Staff		
Post:	GM	_
Date of Appointment:	1.9.2006	Last Date of Employment:
Incremental Date [ID]:	1 st of September aft	er Appointment

Sick L Entitleme		Sic	ck Leave Taken		Sick Leave Balance	Incremental Date
Date of	Days	From	То	Absence	Day(s)	
Crediting				Day(s)		(ID)
1.9.2006	28				28	1.9
1.9.2007	48				76 (28+48) ^{Note 2}	1.9
		6.4.2008	13.4.2008	8	68 (76-8)	
1.9.2008	48				116	1.9
					(68+48)	
		25.2.2009	23.6.2009	116	0	
				[119-3=116]		
				Note 3		
		29.6.2009	2.7.2009	4 Note 4	0	1.9
					(0-4=-4)	
1.9.2009	48				48 (0+48) Note 5	1.9

(Revised in September 2014)

Note 1 The maximum sick leave balance that can be accumulated is 168 days.

At the beginning of 2007/08 school year, adding the 48 days paid sick leave entitlement does not exceed the 168-day maximum. Therefore, all sick leave entitled by the teacher will be credited to the sick leave balance on a yearly basis.

According to the Employment Ordinance, an employee is entitled to enjoy the benefit of statutory holidays upon completion of 3 months continuous service. Therefore, when the paid sickness period fall on statutory holiday (4/4 - Ching Ming Festival, 1/5 - Labour Day, 28/5 - Tuen Ng Festival), such statutory holidays should not be counted against the paid sick leave entitlement of the teacher.

When no-pay sickness period fall on statutory holiday(s) (1/7 – HKSAR Establishment Day), such statutory holiday(s) should be counted in accordance with the valid medical certificate but schools have to take own responsibility to fulfill the statutory requirements. Starting from the 2012/13 school year, schools may use the surplus of OEBG/EOEBG for the payment of statutory holidays arising from the no-pay sick leave of the teacher remunerated under Salaries Grant.

Since the sick leave balance at the end of the 2008/09 school year is NOT more than 120 days, school will continue to update the sick leave balance in advance on a yearly basis at the beginning of 2009/10 school year.

W	'nrk	ed	Exa	mn	le	2
* *	מ נט	Cu	LAA	ши	10	4

Name of School:			
Name of Staff		() Sex:	
Post:	GM		
Date of Appointment:	1.9.2004	Last Date of Employment:	
Incremental Date [ID]:	1 st of September after	er Appointment	

Sick Lea	ve Entitlement ^{Note1}	Sic	k Leave Taken	ı	Sick Leave	ID
Date of Crediting	Days	From	То	Absence Day(s)	Balance Day(s)	
1.9.2009				• ` ` `	168 ^{Note 2}	1.9
30.9.2009	4	13.9.2009 (am)	13.9.2009 (am)	0.5	168 (168-0.5+4)	
31.10.2009	4				168 (168+4)	
30.11.2009	4				168 (168+4)	
31.12.2009	4	18.12.2009 (am)	18.12.2009 (am)	0.5	168 (168-0.5+4)	
31.1.2010	0 Note 3	29.1.2010	10.2.2010	13	155 (168-13)	
11.2.2010	4 Note 4 (for the month of Jan)				159 (155+4)	
28.2.2010	4				163 (159+4)	
31.3.2010	4				167 (163+4)	
30.4.2010	4				168 (167+4)	
31.5.2010	4	11.5.2010	11.5.2010	1		
		24.5.2010	25.5.2010	2		
		27.5.2010	28.5.2010	2	167 (168-1-2-2+4)	
30.6.2010	0	2.6.2010	2.6.2010	1		
		4.6.2010	9.6.2010	6		
		18.6.2010	30.6.2010	13	147 (167-1-6-13)	
1.7.2010	4 Note 5 (for the month of Jun)				151 (147+4)	

Note 1 The maximum sick leave balance that can be accumulated is 168 days.

Since the maximum sick leave balance is reached (i.e. 168 days) at the beginning of the 2009/10 school year, school needs to update the teacher's sick leave balance on a monthly basis to credit 4 days of sick leave entitlement for each completed month of service.

Note 3 The entitlement of paid sick leave accumulated for Jan 2010 cannot be credited to the sick leave balance until the teacher's sickness period ends.

The teacher's sickness period ends on the day before the Lunar New Year Holiday (i.e. 11/2). School has formulated school-based policy on sick leave management (including the submission of medical certificate, means of notifying school that the sick leave ends, etc.) to handle the above situation. As the school noted that the teacher's sick leave ends, the sick leave entitlement the teacher accrued during the sickness period could be credited to his/her sick leave balance.

As the sickness period is followed by a statutory holiday (i.e. 1/7), school may credit the sick leave entitlement accrued during the sickness period to the teacher's sick leave balance.

Sick Lea	ve Entitlement ^{Note1}	Sic	k Leave Take	n	Sick Leave	ID
Date of	Days	From	То	Absence	Balance	
Crediting				Day(s)	Day(s)	
31.7.2010	4				155	
					(151+4)	
31.8.2010	4				159	
					(155+4) ^{Note 6}	
	4 days paid sick leave		Total	39	159	
	are to be updated					
	monthly in the					
	2010/11 s.y.					

Note 6 Since the sick leave balance at the end of 2009/10 school year is more than 120 days, school will continue to update the sick leave balance of the teacher on a monthly basis in the 2010/11 school year.

SAMPLE (For reference only)

OTHER LEAVE RECORD (EXCLUDING SICK LEAVE)

Name of School:					
Name of Staff		() Sex:		
Post:	GM				
Date of Appointment:	1.9.1997	Last Date of	Employment:		
Incremental Date [ID]:	1st of September after Appointment Adjusted to 1st of October after the teacher took no-pay special leave from 30.4.2012 to 20.5.2012 inclusive (21 days)				
Absence Type of Leave:	 Maternity Leav Paternity Leave Special Leave Study Leave (Study Leave for serve) 	ve (PAL1) (SP)			

Absence	Paid (P) /	Absence Period/Date		Absence	
Type	No-pay (NP)	From	То	Day(s)	ID
SP	P	8.10.1998		1	1.9
ML	P	1.12.1999	8.2.2000	70	1.9
О	NP	30.4.2012	20.5.2012	21	1.10