

Sample Constitution of the School Management Committee for Government Schools

Important note: This sample is for reference only

Constitution of the School Management Committee

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Sample Constitution of the School Management Committee for Government Schools

[Name of School]

Constitution of the School Management Committee

[Address of School]

Part 1 – Preliminary

1. Definitions

1.1 In this constitution:

- (a) “Chairman” means the Chairman for the time being of the SMC of the school;
- (b) “Constitution” means the constitution of the SMC;
- (c) “Member” means the member of the SMC;
- (d) “Permanent Secretary” means the Permanent Secretary for Education of the Hong Kong Special Administrative Region Government;
- (e) “Principal” means the principal or headmaster/headmistress of the school;
- (f) “School” means [name of School];
- (g) “Secretary” means the secretary of the SMC;
- (h) “SMC” means the school management committee of the school;
- (i) “Sponsoring Body” means the Education Bureau of the Hong Kong Special Administrative Region Government; and
- (j) “Treasurer” means the treasurer of the SMC.

2. Objects

2.1 The objects for which the SMC is established are to manage, administer and operate the School as a school which is:

- (a) funded by the Government;
- (b) staffed and established by the Education Bureau; and
- (c) a government property.

3. Powers and duties

3.1 In order to ensure that the School is managed satisfactorily, the SMC shall ensure that fair, open and formal systems and procedures are in place for:

- (a) setting school goals, monitoring and evaluating progress towards those goals;
- (b) drawing up the annual budgets and assessing the priorities for expenditure where applicable;
- (c) ensuring the performance of staff meets the requirement and planning systematically for the overall staff development;
- (d) including elected teacher members, parent members and alumni members to the SMC; and
- (e) establishing effective channels of communication within the School and with parents and the public; and
- (f) ensuring the exercise of the power in accordance with the internal regulations of the Education Bureau, and with reference to the spirit and provisions of the Education Ordinance and Regulations of the Hong Kong Special Administrative Region Government.

3.2 The SMC should adopt the Government's education aims, and play a proactive role in piloting or implementing policies and initiatives advocated by the Education Bureau.

3.3 To ensure transparency and accountability, the SMC shall ensure:

- (a) that school policies are drawn up and made known to the whole school community; and that formal and effective channels exist for modifying or introducing new policies as necessary;
- (b) the timely development of a School Development Plan and an Annual School Plan (The Annual School Plan is to guide the activities of the School in the coming year, apportion the budget according to defined priorities, and provide means of evaluating progress.); and
- (c) the timely development of a School Report (The School Report is to

set out factual information about the School, describing its characteristics, drawing attention to its strengths, evaluating the performance of the School in the past year and identifying targets for improvement in the following year.).

3.4 Subject to the directions given by the Permanent Secretary from time to time, the SMC shall be responsible for:

- (a) furnishing and fitting out, and maintaining and managing the premises of the School;
- (b) arranging for the construction, maintenance and alteration of any necessary building or repair works;
- (c) appointing contract staff or hiring services, as authorized by the Permanent Secretary, as may be required for the purpose of operating the School;
- (d) administering the School's finances; and
- (e) carrying out other duties as are necessary to ensure that the School is managed satisfactorily and that the education of pupils is promoted in a proper manner.

3.5 The SMC shall be accountable to the Permanent Secretary for the performance of the School, and shall uphold the rule of law and the principles of equal opportunities and integrity in its operations.

4. Amendment of constitution

4.1 A Member of the SMC may propose that this Constitution be amended.

4.2 The proposal has no effect unless it is –

- (a) in writing and signed by the Member who makes the proposal; and
- (b) supported by not less than [one third] of all the Members, who shall countersign the proposal; and
- (c) submitted to the Chairman.

4.3 As soon as practicable after receiving the proposal, the Chairman shall convene a meeting of the SMC to decide whether the proposal should be

lodged with the Permanent Secretary.

4.4 The Chairman shall give written notice of the meeting to all Members not later than [28] days before the meeting. A copy of the proposal shall be attached to each copy of the notice.

4.5 The quorum for the meeting shall be not less than [two-thirds] of all the Members.

4.6 If the proposal is supported by not less than 60% of the Members attending the meeting, an amendment to the Constitution of the SMC shall be lodged with the Permanent Secretary and shall not take effect before the expiry of one month after it is so lodged. The amended Constitution shall come to effect if the Permanent Secretary raises no objection to an amendment lodged with him before the amendment takes effect.

Part 2 – Composition of the SMC

5. Membership of the SMC

5.1 The SMC shall consist of [seven to eleven] members, including the Chairman.

5.2 The Members of the SMC shall be persons who have been:

- (a) nominated by the Chairman of the SMC; and
- (b) appointed by the Permanent Secretary.

6. Number of each category of members

6.1 A Deputy Secretary, a Principal Assistant Secretary or a Principal Education Officer or any officer of the Education Bureau appointed by the Permanent Secretary shall be the Chairman of the Committee.

- 6.2 In addition to the Principal who is an ex-officio member, there shall be –
- (a) 2 teacher members; and
 - (b) 2 parent members; and
 - (c) (if there is nomination of alumni member) 1 or more than 1 alumni member; and
 - (d) not less than 1 independent member; and
 - (e) the Permanent Secretary may appoint 2 persons not stipulated at paragraphs 6.1 and 6.2 (a) to (d) to be the Members of the SMC.

7. Term of office of members

7.1 The person who is for the time being the Principal shall hold be the ex-officio member.

7.2 The term of office for Members as stipulated in paragraph 6.2 (a) to (d) shall be 2 school years and may be re-nominated, beginning on the date on which the member is nominated as a Member of the SMC.

7.3 The persons stipulated in paragraph 6.2 (e) so appointed shall serve for a term of two school years or as specified by the Permanent Secretary.

7.4 Any Member of the SMC appointed under paragraph 6.2 (a) shall cease to hold office as soon as he is no longer a teacher of the School.

7.5 Any Member of the SMC appointed under paragraph 6.2 (b) shall cease to hold office if he is no longer a parent of the school, his term of office as Member shall continue until its expiry or the end of the school year, whichever is the earlier.

7.6 Except the Chairman and the Principal, a person who has ceased to be a Member of the SMC may be re-nominated for appointment as a Member. However, a person shall not serve as a Member [of the same category] for more than 3 consecutive terms.

7.7 Any vacancy in the membership arising from the resignation, removal, death or cessation of office may be filled immediately by instituting the

corresponding appointment procedures. The term of office of the newly appointed Member shall be for the remaining period of term of office of the Member being replaced.

8. Resignation or removal of members from office

8.1 A Member who is not the Principal may resign from office by giving a notice in writing to the Chairman.

8.2 If any Member has been absent from three successive meetings of the SMC without the consent of the SMC, the SMC may request the Permanent Secretary to remove him from office on the ground that he is unable to fulfill the duty as a Member of the SMC, provided that the Member shall have had notice of the intended request and have had an opportunity of giving orally or in writing any explanation which he may think fit.

8.3 The Permanent Secretary may remove a Member of the SMC from office if the Permanent Secretary is not satisfied that the Member is a fit and proper person to be a Member of the SMC.

9. Filling of vacancies of SMC members

9.1 If the office of any Member becomes vacant, the SMC shall give notice of the vacancy to the relevant party.

9.2 The notice shall require the relevant party to nominate a person to fill the vacancy within 2 months, or such shorter period of time as is specified in the notice. If the relevant party fails to do so within that period, the SMC shall require the party to provide reasons for the failure.

9.3 In this paragraph, “relevant party” means –

- (a) in relation to a teacher member, all persons who are entitled to elect such a Member; or
- (b) in relation to a parent member, the recognized parent-teacher association of the School; or
- (c) in relation to an alumni member, the recognized alumni association of

the School.

9.4 If the office of a Member who is an independent member becomes vacant, the SMC shall nominate a person to fill the vacancy as soon as possible.

Part 3 - Nomination or election of members and role of members

10. Election and nomination of person for appointment as teacher member

10.1 The election for nominating persons for appointment as teacher members shall be conducted in accordance with this paragraph.

10.2 The election shall be conducted by the Principal.

10.3 Not less than [14] days before the date on which the election is to be conducted [“election day”], the Principal shall give notice [in writing] to all teachers of the School. The notice shall –

(a) specify –

(i) the election day; and

(ii) the time slots of the election day within which ballot papers can be returned; and

(iii) the manner in which ballot papers are to be returned; and

(iv) the arrangements for counting of votes and declaration of election result; and

(b) require the recipient to state whether he intends not to stand as a candidate; and

(c) be accompanied by a copy of the text of this paragraph.

10.4 Not less than [7] days before the election day, the Principal shall give notice [in writing] to all teachers of the School. The notice shall –

(a) include a list of the names of all candidates (which shall be the names of all teachers except those who intend not to stand as candidates); and

(b) be accompanied by a ballot paper.

10.5 The candidates who obtain the greatest and second greatest number of votes shall be nominated for appointment as teacher members.

10.6 If the voting results in an equality of votes, the result shall be determined by drawing lots. The candidate on which the lot falls shall be deemed to have obtained more votes.

11. Nomination of person for appointment as parent member

11.1 The SMC shall recognize one body of persons as recognized parent-teacher association which shall conduct an election and make nomination for appointment of parent members according to the number as may be provided for in the Constitution of the SMC. A body of persons shall not be recognized unless under its constitution only —

- (a) parents of current pupils of the School; or
 - (b) serving teachers of the School,
- may elect or become office-bearers of the body.

11.2 A person nominated for appointment as a parent member —

- (a) must be a parent of a current pupil of the School;
- (b) must not be a teacher of the School; and
- (c) must be elected in that behalf in an election —
 - (i) conducted by the recognized parent-teacher association of the School;
 - (ii) in which all parents of the current pupils of the School have equal voting right and right of candidature;
 - (iii) the voting for which is conducted by secret ballot; and
 - (iv) the system of which is otherwise fair and transparent.

12. Nomination of person for appointment as alumni member

12.1 The SMC may recognize one body of persons as recognized alumni association which shall conduct an election and make nomination for appointment as alumni members according to the number as may be provided for in the Constitution of the SMC. A body of persons shall not

be recognized unless under its constitution —

- (a) its membership is open to all alumni of the School;
- (b) only the alumni of the School may elect or become office-bearers of the body; and
- (c) the system of election held for the purposes of making nomination for appointment is fair and transparent.

12.2 Where no person is nominated according to the paragraph 12.1, the SMC may nominate an alumnus as alumni member under the required number stipulated in the Constitution and the appointment is supported by a majority of all the Members.

13. Nomination of person for appointment as independent member

13.1 The SMC shall nominate such number of persons for appointment as independent member of the school as provided for in the constitution of the committee.

13.2 The following persons shall not be nominated under paragraph 13.1 —

- (a) a teacher or specialist staff of the school;
- (b) a parent of a current pupil of the school; or
- (c) an alumnus of the school.

14. Role of SMC members

14.1 The Members as a whole shall be responsible for –

- (a) ensuring that the vision and mission of the School as set by the Sponsoring Body is carried out; and
- (b) developing the general direction for the School, formulating the educational and management policies of the School; and
- (c) overseeing the planning and budgetary processes, monitoring the performance of the School, ensuring accountability of School management and strengthening the community network; and
- (d) [].

14.2 The Principal shall:

- (a) carry out the functions and duties assigned to the Principal by the Permanent Secretary;
- (b) prepare School Development Plan, Annual School Plan and School Report for approval by the SMC;
- (c) manage and control the School's finances in accordance with the Annual School Plan and the requirements of the Permanent Secretary;
- (d) provide timely and professional advice to the SMC related to educational issues, the operation of the school and matters on the professional development of the staff; and
- (e) implement the decisions of the SMC and report the progress to the SMC in a timely manner.

14.3 A Member of any category shall act in their personal capacity for the interests and benefits of the students of the School.

Part 4 – Office bearers of the SMC

15. Office bearers

15.1 Apart from the Chairman, there shall be the following office bearers of the SMC –

- (a) the Secretary; and
- (b) the Treasurer; and
- (c) [].

15.2 A Member shall not at any time hold the offices of two or more office bearers.

15.3 The Chairman of the SMC shall be a Deputy Secretary, a Principal Assistant Secretary or a Principal Education Officer or any officer of the Education Bureau appointed by the Permanent Secretary under paragraph 6.1. The other office bearers shall be elected by the Members among them.

- 15.4 The election shall comply with the following requirements –
- (a) the election shall be conducted by voting by secret ballot; and
 - (b) each Member has one vote; and
 - (c) in the case of an equality of votes, the election should be determined by drawing of lots.

16. Term of office, removal from and vacation of office of the office bearer

16.1 An office bearer shall hold office for [one] year.

- 16.2 An office bearer may be removed from office –
- (a) if he is the Chairman, by the Sponsoring Body; or
 - (b) if he is not the Chairman, by a majority of all the Members.

- 16.3 An office bearer vacates office when –
- (a) the office bearer's term of office expires; or
 - (b) the office bearer resigns from office; or
 - (c) the office bearer ceases to be a SMC Member.

17. Functions of office bearers

17.1 In addition to performing the functions with reference to the spirit and provisions of the Education Ordinance and Regulations, the Chairman is also responsible for –

[].

- 17.2 The Secretary shall be responsible for
- (a) providing secretarial support to the SMC;
 - (b) assisting the SMC in maintaining records of its membership and meetings; and
 - (c) [].

17.3 The Treasurer shall cause to be kept proper books of account for the School and such other vouchers and records as may be specified in directives issued by the Permanent Secretary.

Part 5 – Meetings and proceedings of the SMC

18. Number of meetings

18.1 The SMC shall meet at least 3 times in any school year.

19. Convening of meetings

19.1 The Chairman may convene a meeting of the SMC to be held at such time and place as the Chairman may specify by notice [in writing] given to the other Members.

19.2 The Chairman may invite any teacher of the School or any officer of the Education Bureau to attend any meeting of the SMC to assist or to give information.

19.3 At the request [in writing] of not less than [2] Members, the Chairman shall, not later than 7 days after the receipt of the request, convene a meeting of the SMC to be held at such time and place as the Chairman may specify by notice [in writing] given to the other Members.

19.4 In specifying the time for a meeting under paragraph 19.3, the Chairman shall not specify a date that is later than [14] days after the receipt of the request.

19.5 A notice of meeting shall –

- (a) be accompanied by the agenda of the meeting; and
- (b) except in cases of emergency, be given to all the Members by not later than [] days before the date specified for the meeting.

20. Agenda

20.1 The agenda of a meeting shall be set by the Chairman.

20.2 Any Member may request the Chairman to place an item on the agenda of

a meeting. If the Chairman refuses to do so, the Chairman shall give the reasons of refusal at the meeting.

21. Quorum

21.1 The quorum for a meeting of the SMC is not less than half of all the Members.

21.2 If no quorum is formed at the end of [30] minutes after the time appointed for a meeting, the meeting shall stand adjourned for not less than [1 week] and not more than [4 weeks], to be held at such time and place as the Chairman may specify.

21.3 At an adjourned meeting, the Members present shall form a quorum and shall have full power to transact the proposed business of the adjourned meeting.

22. Proceedings of meetings

22.1 The Chairman shall take the chair at all meetings of the SMC and if at any meeting the Chairman is not present within 20 minutes after the time appointed for holding the same, the Members present shall choose one of the Members present to take the chair.

22.2 Unless any other provision of this Constitution provides otherwise, every question to be resolved during a meeting shall be determined by a majority of votes of the Members present and voting. In the event of an equality of votes the Member presiding shall have a casting vote.

23. Transaction of business by circulation of papers

23.1 Where it is impractical to convene a meeting, businesses of the SMC may be transacted by circulating papers amongst Members.

23.2 A resolution that is circulated and endorsed with the support of the necessary number of Members shall be valid as if it was passed at a meeting of the SMC.

24. Disclosure of interests in certain circumstances

24.1 A Member shall make disclosure in respect of a matter that is considered or is to be considered at a meeting of the SMC if -

- (a) the Member is the Principal or a teacher of the School and the matter involves the appraisal of the Member's performance as a staff member; or
- (b) the Member is the parent of a pupil of the School and the matter involves the taking of disciplinary actions against the pupil; or
- (c) the Member is directly related to a complaint against a pupil or teacher of the School or another Member, and the matter involves the taking of disciplinary actions against the pupil, teacher or that other Member respectively; or
- (d) the matter relates to a complaint against the Member.

25. Minutes of meetings

25.1 The Secretary shall take and keep minutes of every meeting of the SMC. In particular, the Secretary shall record the discussions, decisions and follow-up actions.

25.2 The minutes of meeting of the SMC, if approved, shall be signed by the Chairman and the signed minutes shall be sufficient evidence of the matters therein recorded.

25.3 A Member who has expressed a dissenting view may ask for his view to be recorded in the minutes. The Secretary shall make a record in the minutes accordingly.

25.4 The minutes of a meeting shall be tabled for approval in a subsequent meeting of the SMC.

Part 6 – Parent teacher and alumni associations

26. Parent teacher association

26.1 For the purpose of recognizing a recognized parent-teacher association, if

there are more than one body of persons that can be so recognized, the SMC shall recognize the one that has the greatest number of parents in its membership.

26.2 The SMC shall work closely with the recognized parent-teacher association.

27. Alumni association

27.1 The SMC shall be responsible for recognizing a body of persons as the recognized alumni association.

27.2 The SMC shall work closely with the recognized alumni association.

Part 7 – Other committees

28. The SMC may also establish such other committees as it thinks fit

28.1 The members and the chairperson of a committee shall be appointed by the SMC.

28.2 Persons who are not Members may be appointed as members of committees, but the chairperson of a committee must be a Member of the SMC.

28.3 Questions arising at any meeting of the committee shall be determined by a majority of votes of the members present and each member present shall have one vote.

28.4 Subject to any direction of the SMC, the committees may determine their own proceedings.

Part 8 – Miscellaneous

29. Members to act on honorary basis

29.1 The SMC shall not provide any of the Members with any remuneration.

29.2 The SMC shall not distribute any of its funds and assets among the Members.

30. School development plan etc.

30.1 The SMC shall submit the School Development Plan, Annual School Plan and School Report to the Sponsoring Body according to the schedule proposed by the Education Bureau.

Part 9 - Final Interpretation

31. The Permanent Secretary will have the final authority to interpret the Constitution.