

Paragraphs 14.5 & 18 of the IMC Constitution of the School

附件(1)

本校法團校董會章程第 14.5 及 18 段全文

14.5 Not less than 21 days before the date on which the election is to be conducted (the “**Parent Manager Election Day**”), the RPTA shall give notice in writing to all Parents of the current pupils of the School. The notice shall –

- (a) specify the Parent Manager Election Day (including the time and venue for conducting the election if applicable); and
- (b) specify the number of vacancy for the Parent Manager and/or the Alternate Parent Manager; and
- (c) specify all Parents of the current pupils of the School have equal voting right and right of candidature; and
- (d) specify each Parent (including such Parent who is a Teacher) of the current pupils of the School shall have one vote, irrespective of the number of children such Parent has as current pupils of the School; and
- (e) specify the manner in which any interested Parent may declare his candidature, together with the specified declaration form; and
- (f) specify the manner in which any Parent of a current pupil may nominate other Parent of a current pupil to stand for election, provided that the nominee is required to sign the nomination consenting to his candidature, together with the specified nomination form; and
- (g) specify the voting for the election shall be conducted by secret ballot; and
- (h) be accompanied by a copy of the text of this Paragraph.

中文譯本

14.5 進行選舉的日期（「**家長校董選舉日**」）不少於 21 日前，認可家長教師會須向全體本校現有學生的家長發出書面通知。該通知須 –

- (a) 指明家長校董選舉日（包括進行選舉的時間及地點，如適用）；及
- (b) 指明家長校董及／或替代家長校董的空缺數目；及
- (c) 指明全體本校現有學生的家長有同等表決權及參選權；及
- (d) 指明本校現有學生的各家長（包括為教員的家長）應有一票，不論該家長有多少子女為本校現有學生；及
- (e) 指明任何有興趣的家長可宣佈其參選的方式（連同指明的申報表），及
- (f) 指明任何現有學生的家長可提名其他現有學生的家長參選的方式，惟獲提名人須簽署同意參選的提名書（連同指明的提名表格）；及
- (g) 指明選舉的投票須以不記名投票方式進行；及
- (h) 隨附本段文字的副本。

18. Role of the IMC and Managers

- 18.1** The IMC shall be responsible for –
- (a) managing the School; and
 - (b) ensuring that the Vision and Mission are carried out; and
 - (c) developing the general direction of the School, formulating the educational and management policies of the School in accordance with the Tradition and Philosophy of SKH Education and the Vision and Mission; and
 - (d) overseeing the planning and budgetary processes, monitoring the performance of the School, ensuring accountability of School management and strengthening the community network; and
 - (e) planning and managing financial and human resources available to the School; and
 - (f) accounting to the Permanent Secretary and the Sponsoring Body for the performance of the School; and
 - (g) ensuring that the education of the pupils of the School is promoted in a proper manner; and
 - (h) School planning and self-improvement of the School.
- 18.2** A Manager shall promote communication and co-operation between the IMC and the body that nominated him for registration as a Manager. A Manager shall observe and comply with all applicable laws, rules, regulations and guidelines issued by:
- (a) the Education Bureau; and
 - (b) the Sponsoring Body or the IMC provided that they are consistent with the Ordinance and the Code of Aid.
- 18.3** A Manager of any category shall act in his personal capacity for the interests and benefits of the School and its pupils.
- 18.4** All Managers are entitled to information given by the IMC from time to time including but not limited to information distributed in relation to meetings and resolutions of the IMC, save and except such information in connection with any deliberation or decision of the IMC with respect to such Manager's own personal appointment, dismissal, conditions of service or remuneration (unless otherwise permitted by the Ordinance or this Constitution). All Managers are entitled to attend a meeting of the IMC.
- 18.5** A Manager shall follow any instruction given by the IMC regarding confidentiality. All business discussed at any meeting of the IMC shall remain confidential and no manager shall disclose the same without the agreement of the IMC.
- 18.6** Managers are entitled to –
- (a) request the Supervisor to convene a meeting of the IMC pursuant to Paragraph 23.2; and
 - (b) request the Supervisor to place an item on the agenda of a meeting of the IMC pursuant to Paragraph 25.2
- provided that the respective requests under 18.6(a) and (b) above shall only be valid if not less than 5 Managers act collectively.
- 18.7** Subject to the Ordinance and this Constitution, an Alternate Manager shall for all purposes be regarded as a Manager.
- 18.8** The Alternate Sponsoring Body Manager shall not vote on any matter to be resolved by the IMC by voting unless –
- (a) (in the case of a matter to be resolved at a meeting of the IMC) any Sponsoring Body Manager is absent from the meeting;
 - (b) (in the case of a matter to be resolved otherwise) any Sponsoring Body Manager is, for any reason, unable to vote on the matter.
- 18.9** The Alternate Teacher Manager shall not vote on any matter to be resolved by the IMC by voting unless –
- (a) (in the case of a matter to be resolved at a meeting of the IMC) the Teacher Manager is not present at the meeting;
 - (b) (in the case of a matter to be resolved otherwise) the School has no Teacher Manager for the time being.
- 18.10** The Alternate Parent Manager shall not vote on any matter to be resolved by the IMC by voting unless –
- (a) (in the case of a matter to be resolved at a meeting of the IMC) the Parent Manager is not present at the meeting;
 - (b) (in the case of a matter to be resolved otherwise) the School has no Parent Manager for the time being.
- 18.11** In ascertaining the majority of the Managers for the purposes of section 56(1)(d) or 57(1)(d) of the Ordinance or otherwise in accordance with this Constitution –
- (a) the Alternate Sponsoring Body Manager shall not be counted unless there is a vacancy of Sponsoring Body Manager of the School for the time being;
 - (b) the Alternate Teacher Manager shall not be counted unless the School has no Teacher Manager for the time being; and
 - (c) the Alternate Parent Manager shall not be counted unless the School has no Parent Manager for the time being.
- 18.12** For the purposes of establishing a quorum of a meeting of the IMC, an Alternate Manager shall not be counted unless –
- (a) in the case of the Alternate Sponsoring Body Manager, there is a vacancy of Sponsoring Body Manager of the School for the time being;
 - (b) in the case of the Alternate Teacher Manager, the Teacher Manager is not present at the meeting;
 - (c) in the case of the Alternate Parent Manager, the Parent Manager is not present at the meeting,
- as the case may be.
- 18.13** An Alternate Manager shall not only because of his being a Manager incur any liability for an act done pursuant to a voting of the IMC in which he has not participated by virtue of Paragraphs 18.8, 18.9 or 18.10.

中文譯本

18. 法團校董會及校董的角色

18.1 法團校董會須負責 -

- (a) 管理本校；及
- (b) 確保推行願景與使命；及
- (c) 發展本校的整體方向，根據聖公會教育的傳統及理念以及願景與使命制定本校的教育及管理政策；及
- (d) 監督本校的計劃及預算過程，監察本校的表現，確保本校管理層接受問責以及加強社區網絡；及
- (e) 計劃及管理本校可用之財務及人力資源；及
- (f) 就本校的表現向常任秘書長及辦學團體交代；及
- (g) 確保本校對學生的教育以恰當的方式推廣；及
- (h) 本校的計劃及自我改善。

18.2 校董須促進法團校董會與提名其註冊為校董的團體之間的溝通及合作。校董須遵守和遵從-

- (a) 教育局；及
- (b) 辦學團體或法團校董會（前提為其符合該條例及資助則例）所發出的所有適用法律、規則、規例及指引。

18.3 任何類別的校董須就本校及其學生的權益及利益以其個人身分行事。

18.4 所有校董均有權獲得由法團校董會不時發出的資訊，包括但不限於有關法團校董會會議及決議的分發資訊，但若該等資訊為有關法團校董會就該校董本身的個人委任、免職、服務條件或薪酬而作的任何商議或決定者則除外（除非獲該條例或本章程另行准許）。所有校董均有權出席法團校董會的會議。

18.5 校董須依循法團校董會發出有關保密的任何指示。在法團校董會的任何會議上討論的所有事務須維持保密，以及校董一概不得未經法團校董會同意而披露該等事務。

18.6 校董有權 -

- (a) 要求校監依據第 23.2 段召開法團校董會會議；及
 - (b) 要求校監依據第 25.2 段在法團校董會會議的議程上加入項目
- 惟在上述 18.6(a)及(b)下的個別要求應在不少於 5 名校董共同要求的情況下方為有效。

18.7 在該條例及本章程的規限下，替代校董將就各方面而言被視為校董。

18.8 除非出現下列狀況，否則替代辦學團體校董不得就須由法團校董會以表決決議的任何事宜投票 -

- (a) （如為須由法團校董會會議決議的事宜）任何辦學團體校董缺席會議；
- (b) （如為須以其他方式決議的事宜）任何辦學團體校董因任何原因未能就該事宜投票。

18.9 除非出現下列狀況，否則替代教員校董不得就須由法團校董會以表決決議的任何事宜作表決 -

- (a) （如為須以法團校董會會議決議的事宜）教員校董沒有出席會議；
- (b) （如為須以其他方式決議的事宜）本校當時沒有教員校董。

18.10 除非出現下列狀況，否則替代家長校董不得就須由法團校董會以表決決議的任何事宜投票 -

- (a) （如為須由法團校董會會議決議的事宜）家長校董沒有出席會議；
- (b) （如為須以以其他方式決議的事宜）本校當時沒有家長校董。

18.11 就該條例第 56(1)(d) 或 57(1)(d) 條而言，或是根據本章程，在確定多數校董的數目時 -

- (a) 除非本校當時有辦學團體校董的空缺，否則不得計入替代辦學團體校董；
- (b) 除非本校當時沒有教員校董，否則不得計入替代教員校董；及
- (c) 除非本校當時沒有家長校董，否則不得計入替代家長校董。

18.12 就確定法團校董會會議法定人數而言，除非出現下列狀況，否則不得計入替代校董 -

- (a) （如為替代辦學團體校董）本校當時有辦學團體校董的空缺；
- (b) （如為替代教員校董）教員校董沒有出席會議；
- (c) （如為替代家長校董）家長校董沒有出席會議，視情況而定。

18.13 替代校董無須僅由於他是校董，而就依據他憑藉第 18.8、18.9 或 18.10 段並未參與法團校董會的表決所作出的行為而招致任何法律責任。