

Education Bureau Circular Memorandum No. 80/2009

From : Secretary for Education

To : Supervisors/Heads of all aided primary schools, primary special schools and special schools with a primary section

Ref. : EDB(NETADM)/PNET/1/8

Date : 17 June 2009

c.c. : Supervisors/Heads of all private primary schools/DSS schools, Heads of Sections/Government primary schools

Native-speaking English Teacher Scheme in Primary Schools

Payment of Contract Gratuity and Payment of Tax before Leaving Hong Kong

SUMMARY

This circular memorandum informs schools and Native-speaking English Teachers (NETs) of the procedures for (a) the payment of gratuity to NETs upon their satisfactory completion of the contract; and (b) the payment of tax before NETs leave Hong Kong at the end of the contract.

This circular memorandum supersedes Education Bureau Circular Memorandum No. 94/2008 dated 18 June 2008 on the same subject.

DETAILS

Payment of Contract Gratuity

2. Upon satisfactory completion of the full period of service required by the Letter of Appointment, or if the NET's service is terminated by the School for reasons other than unsatisfactory performance or conduct of the NET, the NET will be paid a gratuity for the period of service completed, including school holidays taken within the period of service. Specifically, the gratuity will be granted only if the School is satisfied with the NET's performance and conduct during the period of service. If the NET is serving for two schools, the gratuity will be granted only if both the Base School and the Partner School are satisfied with the NET's performance and conduct during the period of service.

3. The end-of-contract gratuity should normally be paid in two instalments:

- (a) An interim gratuity covering the completed period of resident service is payable to the teacher not earlier than four clear working days before the commencement of the summer vacation of the School/Base School at the

end of the contract.

- (b) The residual contract gratuity relating to the period of summer vacation at the end of the contract is payable not earlier than four clear working days before the expiry of the contract.

4. If the NET is serving for one school, the supervisor of the aided primary school/primary special school/special school with a primary section concerned should complete the attached application form for arranging payment of gratuity. If the NET is serving for two schools, the supervisor of the Base School should consult the Partner School if the NET's performance and conduct during the period of service has been satisfactory before completing the attached application form for arranging payment of gratuity. Completed forms should reach the Finance Division of the Education Bureau, via the respective Senior School Development Officer, at least 4 weeks before the expected date of payment.

Payment of Tax before Leaving Hong Kong

5. Section 52(6) of the Inland Revenue Ordinance stipulates that 'the employer of any individual who is chargeable to tax under Part III (Salaries Tax) and is about to leave Hong Kong for any period exceeding 1 month shall give notice in writing to the Commissioner of the expected date of departure of such individual. Such notice shall be given not later than 1 month before the expected date of departure.'

6. For further information about the procedures for payment of tax before leaving Hong Kong to be followed by the schools (i.e. the employers) and the NETs (i.e. the employees) who are about to leave Hong Kong, the schools and the NETs are advised to visit the Inland Revenue Department Homepage at <http://www.info.gov.hk/ird> (Tax Information - Individuals/Businesses → Individuals → What you need to do: About to leave Hong Kong).

ENQUIRY

7. For further enquiries about contract gratuity, please contact the Senior School Development Officer of the respective District School Development Section. With respect to the payment of tax, schools and the NETs should contact the respective Inland Revenue Department assessors on the telephone number shown on the Employer's Return and the Tax Return-Individual.

Sheridan LEE
for Secretary for Education

