

## **Common Questions and Answers on Block Insurance Policy (BIP)**

The answers provided below, based on simple assumptions, are intended to provide a general idea for reference only. The extent of cover depends on the actual circumstances and is subject to the limit, terms, conditions and exclusions of the BIP.

The school(s) in the following questions and answers refer(s) to insured school(s), i.e. aided and caput school(s) (including aided school(s) and caput school(s) before full conversion into school(s) under the Direct Subsidy Scheme (DSS)).

### **About Employees**

**Q1: Will staff be eligible for employees' compensation if they are required to be on duty at school when Black Rainstorm Warning or Tropical Cyclone Warning Signal No. 8 is issued, and are injured when travelling to school / back home?**

A1: Employees are eligible for employees' compensation under the BIP if they are injured while travelling to and from school during extra-ordinary weather conditions (including Tropical Cyclone Warning Signal No. 8 or above and Black/Red Rainstorm Warning Signal) to perform duties as instructed by their employers.

**Q2: For staff who are required to be on duty at school during extra-ordinary weather conditions, is it true that they will be covered by the Employees' Compensation Insurance section of the BIP only if the accidents happen to the employees within four hours before or after their working hours while they are travelling directly between their place of residence and place of work, as provided in the Employees' Compensation Ordinance?**

A2: Under extra-ordinary weather conditions (including Tropical Cyclone Warning Signal No. 8 or above and Black/Red Rainstorm Warning Signal), if an employee of a school is required to be on duty at school and meets with an accident while travelling between his/her place of residence and place of work, the accident will be deemed to arise out of and in the course of employment and covered by the Employees' Compensation Insurance section of the BIP, regardless of whether it happens within four hours before or after his/her working hours, or whether he/she is travelling by a direct route between home and school.

**Q3: Will staff be eligible for employees' compensation if they are injured on the way to school or back home?**

A3: No, unless they are using the transport means provided by the school. Or, they are injured as a result of special work arrangements assigned by schools (for example, the employees are instructed by schools to attend meetings or collect documents before returning to school for work) or being instructed by schools to return to school to perform duties during an extra-ordinary weather conditions, otherwise, accidental injury or death of employees in daily travel to and from school is not covered by the BIP.

**Q4: Are all staff working in schools covered by the Employees' Compensation Insurance section of the BIP?**

A4: Staff paid by Education Bureau (EDB) subventions and directly employed by schools, are covered by the Employees' Compensation Insurance section of the BIP. Schools should arrange separate employees' compensation insurance for other staff not paid by EDB subventions, even if they are directly employed by the schools.

**Q5: Some schools have employed teaching assistants and IT assistants under the Capacity Enhancement Grant and/or janitors under the Administration/Revised Administration Grant. Are they covered by the BIP?**

A5: Yes, these staff of the schools will be covered by the Employees' Compensation Insurance section of the BIP, provided that their salaries are paid from the EDB subventions and there is a direct employment relationship between them and the school.

**Q6: Are teaching assistants employed with the subsidies from the Quality Education Fund (QEF) or the Language Fund (LF), covered by the BIP?**

A6: Since the QEF and LF (the Funds) fall within the jurisdiction of the EDB, so long as the staff are directly employed by schools and paid by the Funds received by the schools to provide support for approved educational programmes/projects, they are covered by the Employees' Compensation Insurance section of the BIP.

However, if schools use the Funds to hire outside services, staff of the service providers are not under the direct employment of the schools. Hence, no coverage is provided by the Employees' Compensation Insurance section of the BIP. The service providers are required to procure appropriate insurance for their staff.

**Q7: Certain schools have hired teachers, teaching assistants, co-ordinators or administrative staff etc. to assist them in handling administrative work or organising extra-curricular activities. Their salaries are partly paid from the QEF / LF or other EDB subventions and partly paid out of the school's own fund. Are these staff covered by the Employees' Compensation Insurance section of the BIP?**

A7: As their salaries are partly paid from the EDB subventions, the Employees' Compensation Insurance section of the BIP would only cover the portion paid by EDB. Schools have to arrange the Employees' Compensation Insurance for the non-EDB portion.

**Q8: Are part-time instructors employed to lead interest groups covered by the BIP?**

A8: Part-time instructors are covered by the Employees' Compensation Insurance section of the BIP if they are directly employed by schools and paid by EDB subventions. Also, according to the section on the Public Liability Insurance of the BIP, they are treated as insured persons and any third party liability arising from their negligence is covered.

For part-time instructors employed under service contracts, they are not covered by the Employees' Compensation Insurance section of the BIP. They are only treated as third parties in the section on Public Liability Insurance.

For part-time instructors having an employment relationship with schools but not paid by EDB subventions, they are not covered by the Employees' Compensation Insurance section of the BIP either. Schools have to arrange separate employees' compensation insurance for compensation against work-related injuries to them.

If part-time instructors are self-employed persons, schools should ascertain that the instructors have procured appropriate insurance for themselves.

**Q9: If a school has hired a caterer to arrange lunch, are the staff employed by the caterer to cook and distribute meals in the school covered by the Employees' Compensation Insurance section of the BIP?**

A9: There is no employment relationship between the school and the caterer's employees, and they are not paid directly by the EDB. Hence, they are not covered by the Employees' Compensation Insurance section of the BIP. The school should remind the caterer to arrange appropriate insurance for its employees.

Nevertheless, if an employee of the caterer suffers injury / loss of property due to the negligence of the school, any claim for compensation would be processed as a third party claim under the Public Liability Insurance section of the BIP.

**Q10: If a school employee is over 60 years old, is this employee covered under the Employees' Compensation Insurance section of the BIP?**

A10: With regard to Employees' Compensation Insurance section of the BIP, there is no upper limit on the age, and therefore the employee will also be covered even if he/she is over 60 years old.

**Q11: Does the Employees' Compensation Insurance section of the BIP only cover injuries/deaths of staff but exclude the compensation for loss/damage of property?**

A11: The Employees' Compensation Insurance section of the BIP covers accidental injuries or deaths of employees at work in the course of their employment. An employee whose property is lost/damaged owing to school's negligence may claim compensation under the Public Liability Insurance section of the BIP.

**Q12: If teachers or school janitors are injured during lunch time, can the staff apply for compensation?**

A12: If the staff are injured whilst staying in school during lunch time, they are covered by the Employees' Compensation Insurance section of the BIP. If they go out for lunch and the lunch is not business related or for private purpose, any accident happened during the said period will fall outside the ambit of the Employees' Compensation Insurance section of the BIP. Therefore, the claims will not be admissible under the policy.

- Q13: If the cars parked in the school car park by staff are damaged in an accident, can the staff claim for compensation under the BIP?**
- A13: The claimant should lodge a claim to their own motor insurance company first. The BIP covers the damage if it is a direct result or consequence of a negligent act of the school under the Public Liability Insurance section of the BIP.
- Q14: Sometimes staff are requested by the school to hold activities in shopping malls or other public areas. Can claims be made under the BIP if they are injured during the activities?**
- A14: The staff will be covered by the Employees' Compensation Insurance section of the BIP provided that such activities are part of their job duties and are directly related to the schooling and/or educational business of the school.
- Q15: Some schools have arranged teachers or staff to accompany students who live in the Mainland to travel to/from school. If the staff are injured outside Hong Kong, will the staff be covered by the BIP?**
- A15: The staff will be covered by the Employees' Compensation Insurance section of the BIP provided that such duty is requested by the school and injury was sustained while performing the said duty.
- Q16: In an overseas trip arranged by the school, an accident happened during self-arranged leisure activities of teachers at night-time. Could claims be made under the BIP?**
- A16: Accidents which happen any time during self-arranged leisure activities of a teacher in a business trip cannot be covered under the Employees' Compensation Insurance section of the BIP.
- Q17: Are school staff entitled to compensation provided by the Employees' Compensation Insurance section of the BIP if they suffer injury or death by influenza?**
- A17: Any employee's injury or death by disease or accident arising out of and in the course of employment is covered by the Employees' Compensation Insurance section of the BIP.
- Q18: If a teacher-to-be/teacher changing schools is injured whilst performing preparation work (e.g. attending meeting and lesson preparation) at the prospective school before the contract commences, is he/she covered by the Employees' Compensation Insurance section of the BIP?**
- A18: To provide schools and teachers with appropriate protection, the EDB has taken out for schools the BIP. The Employees' Compensation Insurance section of the BIP covers any teacher-to-be/teacher changing schools who has signed an employment contract with a prospective school, whose salary will be subvented by the EDB (regardless of whether they are regular teachers within the approved establishment or additional teachers remunerated with cash grants disbursed by EDB on contract terms) effective from the date of appointment being injured or killed whilst performing preparation work (e.g. attending meeting and lesson preparation) within the premises of the prospective school before the commencement of the employment contract.

## **About Students**

**Q19: If a student is injured in an accident while travelling to the meeting point of a school activity (e.g. picnic or sports day) which is outside school, will the student be covered by the BIP?**

A19: No, it is alike to the situation where students encounter accidents while travelling to or from school on their own. A student who suffers an accidental injury while travelling to the meeting point of a school picnic or venue of any school activities will not be covered by the BIP, unless he/she is using the transport means provided by the school.

**Q20: If a student who has registered as student / paid the registration fee suffers from injuries while participating in schooling activities during summer holiday, can he/she make claims under the policy?**

A20: According to the Definition specified in the Policy, student shall mean “any person who has registered with an Insured School as student or paid the reservation fee to an Insured School for schooling”. If the person suffered from Injury resulting in Permanent Disablement or death while participating in any schooling activities, he/she can be indemnified under the Group Personal Accident Insurance section of the BIP.

**Q21: If a student from the graduating class goes back to school in August to attend a school activity and gets injured, will this student still be covered by the Public Liability Insurance or Group Personal Accident Insurance?**

A21: Before any school year ends (i.e. on or before 31st August), students (including the students from the graduating class) participating in school activities are still covered by the Public Liability Insurance and Group Personal Accident Insurance sections of the BIP. The student can claim under the Public Liability Insurance section of the BIP if he/she can prove that the bodily injury or property damage was caused by the negligent act of the school. If the student suffers Accidental Death or Permanent Disablement in the school activity, he/she can make claims under the Group Personal Accident Insurance section of the BIP.

**Q22: During a PE lesson, there were accidental physical clashes among students. As a result, one of the students broke his/her glasses. The parents of the student then requested for compensation for the broken glasses. Could the school get claim of such compensation from the insurance company? If students suffered from bodily injuries in such accident, could they claim for compensation?**

A22: (a) The student can claim under the Public Liability Insurance section of the BIP if he/she can prove that the bodily injury or property damage was caused by the negligent act of the school.

(b) Student suffers from Accidental Death or the relevant Permanent Disablement while attending lessons can be indemnified under the Group Personal Accident Insurance section of the BIP.

**Q23: Could a parent/student claim against the school if the student gets hurt in fighting with other students during transition time between lessons?**

A23: Claimants can file their claims under the Public Liability Insurance section of the BIP, but have to provide evidence to prove that the school is negligent in causing the event. However, intentional or criminal action of the students resulting in injury to his/her and/or other students cannot be covered under the BIP.

**Q24: If animals are involved in an activity organised by a school, and the animals cause injuries/death to a student during the activity, will this accident be covered by the BIP?**

A24: If the student suffers an Accidental Death or a Permanent Disablement in the school activity, he/she can make claims under the Group Personal Accident Insurance section of the BIP. If it can be proved that the accident is caused by negligence of the school, the student can file a Public Liability Insurance claim under the BIP.

**Q25: A student was injured (e.g. suffered from tooth loss or knee abrasion) in school. His parent produced a receipt to claim medical expenses. Is this covered in the Group Personal Accident Insurance and / or Public Liability Insurance section of the BIP?**

A25: The Group Personal Accident Insurance section of the BIP does not cover any medical expenses incurred as in the above case. However, the student can claim under the Public Liability Insurance section of the BIP if he/she can prove that the bodily Injury was caused by the negligent act of a school.

**Q26: Does the BIP provide comprehensive personal insurance coverage for students? Can schools arrange separate additional insurance for students on behalf of parents?**

A26: The BIP is provided by the government to protect schools against legal liability. Under the BIP, the Public Liability is a kind of liability insurance to protect schools against financial losses arising out of their actions which result in accidental injury to any person (including students) or damage to any property in the daily operation of the school while Group Personal Accident is a financial consolation to students who suffer from Accidental Death or Permanent Disablement whilst participating in any school activities. The student can claim under the Public Liability Insurance section of the BIP if he/she can prove that the bodily injury or property damage was caused by the negligent act of the school. If the student suffers Accidental Death or Permanent Disablement in the school activity, he/she can make claims under the Group Personal Accident Insurance section of the BIP.

The BIP is not a comprehensive personal insurance coverage for students. If parents wish to have a comprehensive personal insurance coverage for their children, e.g. travel insurance, life insurance, personal accident insurance, medical insurance, critical illness insurance etc, they may acquire it separately at their own costs from any insurance company.

If it is considered necessary to arrange additional group personal insurance for students participating in school activities, schools may do so on behalf of

parents with their consent. However, parents should be given full discretion in accepting such arrangement.

**Q27: If a DSS school participates in a joint-school sports day and one of its students is injured on that day, is this case covered by the BIP?**

A27: The Group Personal Accident section of the BIP does not cover DSS school students. In case a DSS school student suffers injury on the sports day and it can be proved that the accident is caused by negligence of the insured school(s) concerned, the student can file a Public Liability Insurance claim under the BIP.

**Q28: If a student has taken out another Personal Accident Insurance policy with other insurance companies, would it jeopardise his/her interest to claim against the school?**

A28: The Group Personal Accident section of the BIP is a benefit cover, it has no conflict with Personal Accident Insurance policies of other insurance companies. For the same accident, the student can claim under both policies for compensation according to the respective terms and conditions.

### **About Claims and Reporting**

**Q29: When and what accidents should the school report to the insurance company?**

A29: Any kind of accident which would cause a 'reasonable person' to assume that a loss covered by the policy has been, or will be incurred, even though the exact amount or details of loss may not then be known to the school should be reported to the insurance company as soon as it happens. Schools should not negotiate, pay, settle, admit or repudiate any claim without the written consent of the insurance company.

**Q30: Is it the employer's or employee's responsibility to report a work injury case? If the employee indicates that he/she does not want to report the case to the Labour Department, should the employer still need to notify the Commissioner for Labour in accordance with Section 15 of the Employees' Compensation Ordinance which requires such notification be given within 14 days? What is the maximum length of sick leave in relation to work injury of a school employee?**

A30: If the employer is aware that it is a work-related injury, even if the employee expressively states that he/she gives up the right to report the case, the employer must still notify the Commissioner for Labour and has the responsibility to report to the insurance company. According to the Employees' Compensation Ordinance, the period of temporary incapacity (sick leave in relation to work injury) normally does not last more than two years or a further period that the Court may allow (that further period shall not be longer than one year).

**Q31: When moving chairs and desks, a janitor in a school got injured and had taken sick leave for more than 10 days. He was referred to the Labour Department to assess the degree of compensation. Later, the school received a cheque from the insurance company. How should this transaction be reflected in the school accounts?**

A31: If the staff injured on duty are directly employed by the school and their salaries are paid from the EDB subventions, they are entitled to sick leave with full pay regardless of whether they are employed with Salaries Grant or not. On receipt of the reimbursement of the amount of compensation paid to the employee from the insurance company,

(a) the school should credit the amount of compensation for permanent incapacity and medical fee, if any, to the School and Class Grant Account/Administration Grant Account/Revised Administration Grant Account/Grant Account concerned as appropriate;

(b) the school should credit the periodical payment, which is the salary for the sick leave period, to the Salaries Grant Account/Administration Grant Account/Revised Administration Grant Account/Grant Account concerned as appropriate;

(c) in respect of staff paid from the Salaries Grant, the school should refund the Government the appropriate amount of the periodical payment within 30 days. Cheques for refund should be made payable to the “Government of the Hong Kong Special Administrative Region” and sent to the Funds Section (for teaching staff) or the Recurrent Subventions Section (for non-teaching staff) of the EDB, together with a copy of the Certificate of Compensation Assessment issued by the Commissioner for Labour; and

(d) in respect of staff paid from the Grants other than the Salaries Grant, the school is not required to refund the periodical payment.

For more details on matters related to sick leave and employees’ compensation for staff injured on duty, please refer to “[Staff Injured On Duty](#)” on EDB homepage.

**Q32: For a contract teacher (one year contract) outside the establishment sustaining work injury at school during the contract period, does the school need to pay full salary to the teacher when he/she is granted sick leave? If the teacher is not yet recovered when the contract expires, does the school still need to pay the remuneration? Which grant can be used to pay for the related expenses?**

A32: Teaching staff paid by EDB subventions (regardless of whether they are on permanent establishment or employed on contract terms) who have sustained work injury during their employment period will be paid full salary when they are on sick leave granted by registered medical practitioners.

Even when the contract expires, if the employee concerned is on sick leave in relation to the work injury proven by registered medical practitioner, the school still has to pay periodically (i.e. periodical payment). The periodical payment is four-fifth of the salary. The related expenses can be charged to the surplus of the Operating Expenses Block Grant/Expanded Operating Expenses Block Grant or school’s own fund. After the Labour Department has made a medical assessment, the school concerned can submit related documents to the insurance company for arranging the reimbursement of the whole compensation.



**Q33: Can a school employee injured on duty claim medical expenses under the Employees' Compensation Insurance section of the BIP and be granted sick leave related to injury-on-duty for medical treatment performed by a registered Chinese Medicine Practitioner or a Chinese bonesetter?**

A33: The amendments under the Employees' Compensation Ordinance recognise Chinese medicine certification commence on 1 September 2008. The medical treatment, examination and certification given by registered Chinese medicine practitioners are recognised for the purpose of employees' entitlement to benefits under the Employees' Compensation Ordinance. In other words, registered Chinese medicine practitioners are recognised for issuing leave certificates for duty related sick leave. Therefore, a school employee is entitled to claim medical expenses or be granted sick leave related to injury-on-duty under the Employees' Compensation Insurance section of the BIP if he/she receives medical treatment from a registered Chinese medicine practitioner. However, such recognition is not applicable to a Chinese bonesetter.

**Q34: A student was stumbled over his seat in sports day and sprained his wrist badly. His father launched a complaint against the school and requested the principal to write a letter admitting the school's negligence in this accident. What should the school do in connection to the BIP? If the parent has made a legal claim against the school, what should the school do after receiving the letter issued by the attorney?**

A34: In accordance with the policy conditions, schools are required to immediately report the claim to the insurance company directly and not to admit any legal liability, negotiate, pay, settle or repudiate any claim to third party without the consent of the insurance company. If this condition is violated, it may affect the school's rights as afforded under the policy. Upon receipt of the letter issued by the attorney, the school involved must send a copy of the letter received to the insurance company direct. The insurance company will respond and/or appoint a solicitor to attend the matter on behalf of the school involved.

**Q35: The service contract of the insurance company under the BIP is generally two years. If the school makes the claim three years after the accident takes place, which insurance company should the school report to?**

A35: The school should file the documents relevant to the claim to the insurance company that insures the school for the BIP when the incident takes place. In principle, the school should report an accident to the insurance company as soon as it happens.

**Q36: Several schools jointly organised an outdoor study camp and invite some volunteers to act as activity instructors. If the instructors encounter accidents at the camp site, is it true that only one school is needed to act as the representative to file the case to the insurance company for record purpose?**

A36: If volunteers get injured in activities, and can prove that the injury and /or loss of property is due to negligence of the school(s), the claim for compensation can be processed according to the third party claim procedures under the Public Liability Insurance section of the BIP. If the activity is jointly organised by several schools, when an accident takes place, only one school is needed to act

as the representative to file the case to the insurance company for record purpose.

**Q37: If two neighbouring schools share some common school areas/ facilities (e.g. playground), and an accident happens in the common areas/ facilities, which school should report the accident to the insurance company?**

A37: If any accident happens in the common school area/ facilities shared by two schools, both schools should report the related accident to the insurance company separately. In principle, schools should report an accident to the insurance company as soon as it happens.

### **Other Common Questions**

**Q38: Some schools hold a number of activities during holidays outside the school premises or even outside Hong Kong. Would these activities be covered by the BIP?**

A38: These activities will be covered provided that the activities are organised/endorsed by the school/EDB. The policy's geographical limit is extended to worldwide in respect of temporary visits. Besides, the BIP has no time limit for temporary visits outside Hong Kong.

Schools should establish a school-based mechanism in endorsing/confirming school activities, and make the related procedures known to all staff. Schools should also keep the information of the endorsed/confirmed activities for record purposes. For more details on matters relating to school activities, please refer to "[School Activities Guidelines](#)" on EDB Homepage.

**Q39: Are barbecue and hot pot activities organised by schools covered in the BIP?**

A39: If these activities are organised/endorsed by the school and directly related to the schooling and/or educational business of the school, they are covered by the BIP.

Nevertheless, schools should observe the laws, regulations and rules promulgated by the Hong Kong Government including Fire Safety Recommendations for Barbecue and Hot Pot Activities in School Premises stated in the "[School Administration Guide](#)".

**Q40: Many schools have arranged volunteers to lead interest groups or assist in on-site meal portioning. Are the volunteers covered by the BIP?**

A40: Volunteers will not be covered under the Employees' Compensation Insurance section of the BIP as they are not employees of the school.

The Public Liability Insurance section of the BIP is extended to cover volunteers as Insured. Therefore, when there are third party claims incurred as a direct result of the volunteers' negligent act, they will be covered as Insured under the Public Liability Insurance section of BIP. Moreover, if a volunteer negligently causes injury and/or damage to property of other volunteers, these affected volunteers can claim under the Public Liability Insurance section of the BIP as

third party as well.

However, schools should keep a list of volunteers involved in each activity for record purpose.

**Q41: Are the activities organised by the Parent-Teacher Association, Students' Union and Alumni Association covered by the BIP?**

A41: The activities organised by the Parent-Teacher Association and Students' Union are covered by the BIP provided that such activities are directly related to the schooling and/or educational business of the school and are endorsed by the school. Schools should establish a school-based mechanism in endorsing/confirming school activities, and make the related procedures known to all staff. Schools should also keep the information of the endorsed/confirmed activities for record purposes. For more details on matters relating to school activities, please refer to "[School Activities Guidelines](#)" on EDB Homepage.

Since Alumni Association is not defined as Insured under the Policy, the Alumni Association is not covered under the BIP even if it jointly holds an activity with the school. Schools should make clear this point to the Alumni Associations and advise them to arrange adequate insurance protection for their activities on their own.

However, if the school negligently causes injury and/or damage to property of members of the Alumni Association, these members of Alumni Association can claim under the Public Liability Insurance section of the BIP as third party. The BIP also covers the liability of the alumni as a member in the SMC/IMC for the bodily injury and property damage to the third party.

**Q42: The Public Liability Insurance section of the BIP has extended to cover school sponsoring bodies. What is the content of the coverage? Besides, will claims made by any persons (including staff or parents) against the school principals or teachers in relation to their discharge of duties be covered under the BIP?**

A42: The Public Liability Insurance section of the BIP has extended to include the school sponsoring bodies as the Insured and to indemnify the sponsoring bodies of the schools in respect of legal liability for any accidental injury to any person or any accidental loss of or damage to any property. However, the professional liability insurance for school principals or teachers is not under the coverage of BIP.

**Q43: Some schools have a boarding section run by the Social Welfare Department. Are the staff of the boarding section covered by the BIP?**

A43: Staff of the boarding section run by the Social Welfare Department will not be covered by the Employees' Compensation Insurance section and will not be covered by the Public Liability Insurance section as Insured. But if the school negligently causes injury and/or damage to property of the staff of the boarding section, these staff can claim under the Public Liability Insurance section of the BIP as third party.

**Q44: If a staff member of a special school causes injury to a student or hurts himself/herself when helping the student to wear hand or leg braces, will there be any compensation?**

A44: If the injured student can prove that the injury is caused by the negligent act of the school, the student can make claims under the Public Liability Insurance section of the BIP. As for the injured staff, he/she is covered by the Employees' Compensation Insurance section provided that the injury is sustained while performing duties.

**Q45: Some schools have hired a construction contractor for works. Would these works be covered by the BIP?**

A45: The Public Liability Insurance section of the BIP offers indemnity in respect of legal liability of the school for accidental injury to any person, or accidental loss of or damage to any property. However, it does not indemnify contractors for their public liabilities and shall indemnify schools only for alterations, additions, repair or maintenance works not exceeding HK\$2,000,000 each in value. Therefore, when hiring construction contractors for works, schools must request the contractors to procure public liability insurance with adequate amount and include the schools to be joint insured in the respective policies. Schools carrying out works exceeding HK\$2,000,000 each in value or any works involving structural change (irrespective of the cost) amount should notify the insurance company in writing before commencement of the works.

**Q46: If a school hires out its premises/facilities to an outside body for holding activities according to recommendations stated in EDB Circular No. 5/2011, will the Public Liability Insurance section of the BIP cover the school's liability when a user is injured during the hiring period owing to the school's facilities or equipment?**

A46: The BIP covers the liability of the school as an occupier and/or landlord and/or property owner. Referring to the above example, a user injured during the hiring period is covered by the Public Liability Insurance section of the BIP provided that the injury is caused by or arising out of the negligent act of the school.

However, please be reminded that liability arising out of the activities organised and arranged by outside body falls outside the scope of cover of the BIP. Therefore, such organisations should arrange adequate insurance protection for their activities on their own and indemnify the school and the EDB (where appropriate) in respect of any cost, expenses, damages incurred due to the act or negligence incurred by these organisations.

**Q47: Some basketball courts are managed by the Housing Department but schools are given the priority to use them on school days. If a student of one of these schools is injured while having a PE lesson in the basketball court, will it be covered by the BIP?**

A47: Students are covered by the BIP when participating school activities no matter if the activities are held inside/outside schools or during/out of lessons. The student can claim under the Public Liability Insurance section of the BIP if he/she can prove that the bodily injury or property damage was caused by the negligent act of the school. If the student suffers Accidental Death or

Permanent Disablement in the school activity, he/she can make claims under the Group Personal Accident section of the BIP.

Besides, as these basketball courts are managed by the Housing Department, if students have accidents in these courts, they can make claims against the Housing Department if it can be proved that the event is caused by the negligent act of the person-in-charge of the venue. However, if it is proved that the event is caused by the negligent act of the occupiers, they can make claims against the schools.

**Q48: A school is licensed by the Housing Department to use some facilities outside the school premises. If the school conducting an activity in such facilities outside the school premises causes injury to a passer-by, will the injured passer-by be covered by the BIP?**

A48: If the activity concerned is organised/endorsed by the school, and is directly related to the schooling and/or educational business of the school, while the passer-by can prove that his/her bodily injury or property damage was caused by the negligent act of the school, he/she can claim under the Public Liability Insurance section of the BIP, regardless of whether the facilities are inside or outside the school premises.

**Q49 If a fire breaks out at or there is a flood in school, will it be covered by the BIP?**

A49: The BIP does not cover any loss or damage to the school premises or properties of schools. However, if the fire/flood is caused by negligence of a school and results in injuries and/or loss of property of a third party, the affected persons can make claims under the Public Liability Insurance section of the BIP.

**Q50 A school has been requested by the school bus company to stamp the school chop and to have the school head sign on the “Application for a New Passenger Service License Upon Expiry of the Current Passenger Service License – School Private Light Bus Service (TD317D)” of the Transport Department. What is this form for? Also, under what conditions will the BIP cover schools to pay compensation to students who are injured or die in school bus accidents?**

A50: In accordance with the procedures for renewal of the passenger service license for a school private light bus followed by the Transport Department, the operator has to complete an application form, TD317D, and provide supporting documents for the service in question (e.g. a support letter from the school served) so as to facilitate the Transport Department in processing the application. Those who cannot provide such supporting documents are required to complete Part A of the proforma, “School Transport Support Letter-School Private Light Bus Declaration”, attached to the application form, and the school heads concerned should sign on Part B of the proforma to confirm that the students on the list as set out in the Annex to the proforma are studying in their schools. In short, as confirmed by the Transport Department, a school, by providing supporting documents or signing on the Declaration proforma, only confirms that the operator provides service to its student so as to facilitate the Transport Department in processing the application for renewal of the passenger service license. For further enquiries on the application form, please contact Public Vehicles Unit of the Transport Department at 2804 2580.

According to the BIP, the Public Liability Insurance will not cover legal liability of the school or any representative of the school who owns, possesses or operates any machine-driven or any towed vehicle or any transport vehicles causing the third party bodily injury or loss of property. Unless the third party (e.g. student) can prove in court that the school did not take care of him/her and the court rules that the school was legally responsible for the negligence, the third party will not get any compensation under the Public Liability Insurance section of the BIP.

Further, the Group Personal Accident Insurance section of the BIP covers Accidental Death or Permanent Disablement of students arising from participation in activities arranged by a school. The Group Personal Accident Insurance section of the BIP does not cover injuries arising from accidents during transit to school or returning home on public transport or self-arranged vehicles by students, except when the transport is arranged or provided by the school.

**Q51: Some schools have arranged school bus service (operated by outsider) for students to travel between school and home. A group of students was injured on the way to school in a car accident. Is the accident covered by the Group Personal Accident of the BIP?**

A51: Yes, the Group Personal Accident Insurance section of the BIP will cover the Accidental Death or Permanent Disablement of the students. The amount of compensation follows the Death & Permanent Disablement Scale as set in the policy.

**Q52: A university has arranged some student teachers to school for teaching practice. Are these student teachers covered by the BIP?**

A52: Student teachers will not be covered under the Employees' Compensation Insurance section of the BIP as they are not employees of the school. They are also not covered under the Public Liability Insurance section as Insured, but this section will treat them as the third party and cover the school's legal liability towards them.

**Q53: If the branches of a tree planted in a school, which extend out of the school premises area, break off and hurt passers-by, is the incident covered by the Public Liability Insurance?**

A53: A school has the responsibility to manage and maintain trees planted in the school. If a tree accident is caused by the negligent act of the school and results in injury to a third party, the incident is covered by the Public Liability Insurance section of the BIP.

**Q54: Please elaborate the meaning of "disease and illness" under "Injury" of the Public Liability Insurance.**

A54: There is no definition in the Policy regarding "disease and illness", but general diseases are not covered. The terms which are mentioned in the Policy refer to disease and illness sustained by any third party caused by accident as a direct result or consequence of a negligent act of the Insured.

**Q55: If a school has to pay ransom for retrieving data in a hacked computer system, will the loss incurred be covered by the BIP?**

A55: Losses of any kind caused by the use of the Internet is not under the coverage of the BIP.

**Q56: If schools take out additional insurance policies for staff and/or students, can the expenses be met by the Administration Grant?**

A56: Schools can take out additional insurance policies for staff and/or students according to their individual needs. However, the expenses cannot be charged to the Government Grants Accounts. Schools may also arrange additional insurance for students on behalf of the parents. However, the prior consents of the parents must be obtained and parents should be given full discretion in accepting such arrangement or not.

**Q57: How do schools not covered by the BIP procure insurance?**

A57: Schools not covered by the BIP may refer to EDB Circular No. 16/2004 “Insurance in Schools” and procure insurance according to the schools’ prevailing procurement regulations.

**Education Bureau  
August 2024**