

LCQ3: Complaints about teachers' professional conduct

Following is a question by the Hon Ip Kin-yuen and a reply by the Secretary for Education, Mr Kevin Yeung, in the Legislative Council today (March 18):

Question:

Earlier on, the Education Bureau indicated that among the complaints about teachers' professional conduct received from June to December last year, the majority of them pertained to teachers being alleged to have posted on social media inappropriate messages such as hate remarks, committed provocative acts, used inappropriate teaching materials, and committed unlawful acts. In this connection, will the Government inform this Council:

(1) of the total number of complaints received since June last year, and the number of such complaints lodged anonymously; a breakdown of such complaints by nature, and the number of complaints in respect of which the Council on Professional Conduct in Education have filed a case for investigation;

(2) of the legal provisions or codes on the basis of which the authorities have considered those complaints relating to posting "hate remarks" or committing "provocative acts" (please quote the contents of the relevant provisions or codes); and

(3) as the authorities have indicated that society has its moral bottom lines and consensus on what constitute "hate remarks" and "provocative acts", whether the authorities will consider (i) making public, on the premise of not disclosing matters of personal data privacy of the complainees, the "hate remarks" and "provocative acts" involved in those complaints which were found substantiated, for public comments, and (ii) accepting an appeal and conducting a review on the relevant complaint cases when the public opinion so formed or the complaineer considers that the remark or act concerned is not tantamount to transgressing the moral bottom lines and consensus of society?

Reply:

President,

The professional quality of the teaching profession makes a direct impact on the quality of education. Enhancing the professional capability of teachers and maintaining a teaching profession of ethical standards is one of the main responsibilities of the Education Bureau (EDB). Teachers serve as role models for our next generation by words and deeds. The set of attitudes and values preached by teachers and the examples set by them today will shape the values and behaviours acceptable to our society in future. The EDB is responsible for work relating to registration of teachers. We handle all complaints relating to professional misconduct of and violation of the law by

teachers in a serious and prudent manner to ensure that every case is treated fairly. At the same time, we will tackle the few black sheep in the profession, so as to safeguard the well-being of students, protect the professionalism of teachers and maintain public confidence in the education in Hong Kong. If any complaint case is found substantiated, the EDB will consider the gravity of each case and take action against the teacher concerned, including cancellation of teacher registration, or issuing a reprimand, warning or advisory letter. This is to ensure that the EDB plays a gate-keeping role in quality assurance for the education sector and society as a whole. We could also remind teachers to pay attention to their words and deeds, respect and value our teaching professionalism.

In the past few months, the words and deeds of some teachers have aroused grave concerns and worries among various sectors of the community. The EDB has received a considerable number of complaints relating to serious misconduct of or unlawful acts by teachers. The EDB issued letters to schools before and during school term to provide clear guidelines, including urging teachers to comply with the Code for the Education Profession of Hong Kong and explaining our requirements on schools in respect of handling suspected cases of unlawful acts by teachers and misbehaviour of students. Apart from that, we also promote the Professional Standards for Teachers of Hong Kong and the Professional Standards for Principals of Hong Kong, to encourage teachers and school leaders to reflect and demonstrate the professional roles and conduct expected of them, while also enabling the public to understand the professional performance of the teaching profession so as to support and work hand in hand with them.

Regarding the question raised by Hon Ip Kin-yuen, our reply is as follows:

(1) From June 2019 to the end of January 2020, the EDB received 171 complaints about possible professional misconduct of teachers. Given the extensive coverage of these complaints and unique nature of various cases, with quite a number of them involving multiple allegations, we do not categorise the complaints by types. Roughly speaking, the majority of these 171 cases are related to teachers making hate messages or cursing people, while the rest are about the use of extremely indecent language or use of foul language in insulting people; use of inappropriate teaching materials; suspected engagement in illegal activities, etc. Most of the complaints were made through emails. While the complainants' email addresses were given, we are unable to confirm whether the names provided by the complainants are real. Notwithstanding this, as the words and deeds of teachers have a direct impact on students, the EDB has the responsibility to seriously follow up the complaints, even they are made anonymously, if the allegations obviously fail to meet the moral standards as acceptable to the general public, risk safety of students, or harm the healthy development of students. Hence, we also do not categorise the complaints by whether they are anonymous.

The Council on Professional Conduct in Education (Council) is an advisory body with one of its tasks to advise the Permanent Secretary for Education on complaint cases of professional misconduct involving educators,

including the proposed sanctions. Currently, the Council is handling 34 complaints with follow-up actions still underway, of which four are related to recent social events. Under the existing mechanism, the complainant can make a complaint to the EDB or the Council directly.

(2) Upon receiving complaints alleging teachers to have violated the professional conduct, the EDB conducts investigation according to the established procedures. Each decision is made after considering the facts, evidence and representations from teacher, and in accordance with Section 47 of the Education Ordinance. Section 47 of the Education Ordinance specifies the grounds for cancellation of registration of teacher, including the grounds for refusal to register teacher as specified in Section 46; whether the teacher is incompetent; whether the teacher has contravened any provision of the Education Ordinance; whether the teacher has behaved in any manner which constitutes professional misconduct; or whether the teacher has behaved in any manner which is prejudicial to the maintenance of good order and discipline in the school in which the teacher teaches. Indeed, to live up to public expectations for their values and moral standards, profession educators should appreciate the impact of their every word and deed on the minds and virtues of students, should show respect for the law and the behavioural norms acceptable to society, and do their best to uphold the honour, dignity and morality of the teaching profession. These are clearly stipulated in the Code for the Education Profession of Hong Kong. Moreover, the Professional Standards for Teachers of Hong Kong states that teachers should be committed role models of professionalism; uphold public trust in the profession; maintain high standards of ethics and behaviour within and outside school to realise the core professional values. I believe that the teaching profession has a thorough understanding of the required ethical standards and the social moral standards.

(3) In determining whether a teacher is involved in professional misconduct, we will consider the matter from a professional perspective, focusing on whether the acts in question conform to the professional ethics, whether the teacher concerned has violated social expectations and whether the values so demonstrated will have an adverse impact on the teaching profession or students. We do not agree that professional misconduct cases should be made public for comments. Apart from the privacy concern, the uniqueness of each case makes it unfair to allow the general public, who does not possess a complete set of information, to comment on the cases. Nevertheless, among the cases handled by the EDB, some can be adopted for teacher reflection. From the perspective of professional development, we will make reference to the contents of some cases to design reflective questions in relevant professional development courses to enhance the ethical standards of teachers.

Should a teacher under investigation for alleged professional misconduct disagrees with the findings of investigation, he can lodge an appeal following the established practices. If the teacher concerned does not agree with the EDB's decision to cancel his teacher registration, he may, within 21 days after the service of the notice informing him the decision of the Permanent Secretary and the grounds for making such decision, appeal to the

Appeal Board by delivering a notice of appeal in accordance with Section 61 of the Education Ordinance. If there is any objection to the advisory letter, warning letter or reprimand letter received, the teacher concerned may submit his views to the EDB. In the past six months, members of the public have expressed their views on our work with regard to teacher misconduct cases. We will continue to listen to these comments and sum up our experience in a timely manner to safeguard the education quality for Hong Kong.

We find it regrettable that there are cases involving offences and acts of misconduct committed by teachers. I sincerely hope that all teachers are committed to disseminate knowledge, dispel confusion and nurture students. We cannot bear to see individual teachers change course or even break the law, bringing shame on their peers and students. I strongly believe that the education sector and the public share the same goal as the EDB of ensuring that students learn effectively and grow up healthily under the guidance of outstanding and professional teachers.

Thank you, President.