

LCQ6: Complaints about teachers' professional conduct

Following is a question by the Dr Hon Helena Wong and a reply by the Secretary for Education, Mr Kevin Yeung, in the Legislative Council today (January 8):

Question:

From June to November last year, the Education Bureau (EDB) received more than 100 complaints about teachers' professional conduct. Such complaints involved allegations against the teachers concerned for having disseminated hate remarks on social media, committed provocative acts, used inappropriate teaching materials, allegedly broken the law, etc. The follow-up actions taken by the EDB for those cases included issuing advisory letters, warning letters and reprimand letters, taking the disciplinary action of interdiction, and reviewing the teachers' registration status. In this connection, will the Government inform this Council:

(1) whether it has assessed if the EDB's pursuit of liability of individual teachers for making remarks on social media has infringed the freedom of speech and freedom of expression that the teachers enjoy under Article 27 of the Basic Law and Article 16 of the Hong Kong Bill of Rights Ordinance; if it has assessed and the outcome is in the affirmative, of the legal basis for the EDB's interference with the teachers' making remarks during non-office hours and outside school;

(2) of the EDB's justifications for requesting schools to review whether the teaching staff members who have been arrested but have not yet been prosecuted are still suitable for taking up teaching posts or other duties in their schools; whether the EDB has assessed if such move has deprived the teachers concerned of their rights to be treated fairly in the disciplinary mechanism (including the opportunities to make representations and lodge appeals), thus giving rise to the effect of "punishment before conviction", which violates the common law principle of presumption of innocence; and

(3) how the EDB defines "hate remarks", "provocative acts" and "inappropriate teaching materials", and whether the EDB will make public those teaching materials which are judged to be inappropriate so that members of the public may make their own judgement as to whether the follow-up actions concerned amount to political suppression; if the EDB will not, of the reasons for that?

Reply:

President,

Teachers play a vital role in passing on knowledge and nurturing students' character and their every word and deed have a far-reaching impact

on students' growth. Parents and the community at large thus have great expectations of our teachers regarding their solid professional knowledge and high standards of morality. It is therefore of the utmost importance that their words and deeds must adhere to the standards of professional conduct and morality generally accepted by the community. As set out in the Code for the Education Profession of Hong Kong, a professional educator should show respect for the law and the behavioural norms acceptable to society, do his/her best to maintain a healthy social environment and should not discriminate against any student on the basis of political belief, family background, etc.

The Education Bureau (EDB) strictly maintains a teaching profession of high quality and with professional conduct to ensure the quality of education in Hong Kong and safeguard students' well-being. The Education Ordinance empowers the Permanent Secretary to cancel the teacher registration of a person in specific circumstances, including the person is not a fit and proper person to be a teacher, or it appears to the Permanent Secretary that the teacher is incompetent. The EDB has all along seriously followed up suspected cases of professional misconduct in accordance with established procedures and in a professional manner.

Schools also play an important role in promoting teachers' professional conduct. Schools, as organisations providing formal education and as employers of teachers, have to be responsible for the quality of education, and monitor their teachers and remind them of the behaviours and role expected of them from time to time. Schools should also take the initiative to follow up substantiated cases of misconduct involving their staff, and take appropriate disciplinary actions against them pursuant to the Employment Ordinance, the Code of Aid, and the terms of their employment contracts. All along, the school management in general has dealt with complaints of suspected professional misconduct professionally based on evidence.

Regarding the Dr Hon Helena Wong's question, our reply is as follows:

(1) Since June 2019, the EDB has received and handled many complaints about teachers' professional misconduct, most of which involve inappropriate messages posted on social media, such as hate, malicious or abusive messages and messages that promote violence. These messages, regardless of their form of delivery and the deeds or values reflected therein, failed to meet the professional conduct of teachers and social expectations, let alone serving as role models for their students. The Code for the Education Profession of Hong Kong and the Education Ordinance are not only applicable within schools. The moral values displayed by teachers in private forum is also part of their professional conduct. I must stress that this is neither limiting teachers' right to express their views on social issues and political beliefs nor infringing upon/reducing the freedom of speech enjoyed by teachers. Furthermore, the exercise of the freedom of speech, whether in Western countries or Hong Kong, is not without restrictions. It should be exercised in a rational and lawful manner. The rights or reputations of others should be respected, and national security and public order should also be protected. It is absolutely not acceptable to the community when teachers' words and deeds show that their standards of morality and values fail to meet

public expectation. The EDB has the obligation to take appropriate actions based on the facts and seriousness of individual cases. The actions to be taken include issuing advisory, warning, reprimand letters, as well as cancellation of the registration of them, to uphold teachers' professional conduct.

(2) The Code of Aid clearly stipulates that subject to the provisions of the Employment Ordinance, a school may suspend a teacher from his/her normal duties if he/she has been involved or is likely to be involved in criminal proceedings of a serious nature or in serious misconduct.

The EDB also explained related issues to schools in detail on December 20, 2019. Schools, when considering whether teachers should be suspended from duties, should take into account students' well-being, including the impact on their personal safety, moral development and quality of learning, as a primary consideration. If a teacher is suspected of having committed a serious crime, the school should assess the risk involved should the teacher continue to contact with the students even if the case or the incident is not yet concluded. Specifically, if a teacher is involved in a serious offence related to personal safety (such as arson, serious wounding, riot, possession of dangerous goods/prohibited weapons, etc.), or an offence generally considered by the public to be seriously violating moral standards (such as a sexual offence, trafficking or possession of drugs, possession of child pornography, etc.), taking into account students' personal safety and well-being, schools should handle the case prudently, and suspend the duties of the teacher concerned. As for teachers under arrest but not charged with any offences, schools should examine carefully the nature and seriousness of the cases involved and consider whether it is appropriate to allow them to continue to take up their teaching or other duties in schools. Likewise, for cases of professional misconduct, if schools find that the cases are of a serious nature after investigation, they should assess whether it is still proper for the teachers to perform teaching duties. It is believed that parents and the public will worry and find it unacceptable if teachers involving in serious misconduct may continue to take up teaching duties or to have contact with students.

(3) Our society has its moral bottom lines and consensus on how "hate remarks" and "provocative acts" are defined and they are recognised and observed across different sectors such as the education, media and legal professions, and by the community at large as well. There are, however, some educational principles on the development and selection of teaching materials: teaching materials must meet the curriculum aims and objectives set by the Curriculum Development Council; teachers should consider whether the content of teaching materials is accurate and appropriate to the cognitive development of students at different learning stages, and should adopt objective and impartial information in accordance with the recommendations set forth in the relevant curriculum and assessment guides, so that students can construct knowledge and skills as well as develop positive values and attitudes, thereby becoming informed and responsible citizens. The content of teaching materials should be free of bias, sweeping generalisation of a certain political stance, malicious remarks or offensive

language, and incitement to negativity or troublemaking on some flimsy pretext. In the classroom, teachers should also adopt appropriate learning and teaching strategies that match the lesson objectives. "Inappropriate teaching materials" refer to those selected or developed school-based teaching materials that do not align with the above principles. For instance, teaching materials that contain messages deviating from the standards of morality or irrational discussions, or cite the use of violence as a means of resolving disputes are considered inappropriate because they fail to guide students to analyse problems rationally and resolve them in a peaceful and lawful manner. For example, when discussing how young people can face difficulties and challenges as they grow up, if the teaching materials suggest a passive approach to solving problems, they will fail to appropriately guide students to develop a positive outlook on life, and fail to meet the aims and objectives of education. School should improve on that.

School-based teaching materials should be developed professionally in accordance with the learning goals and objectives of the curriculum without overstepping moral bottom lines for which a consensus has been long-established in our society. The appropriateness of teaching materials is a matter of education professionalism. The EDB believes that teachers in general can uphold professionalism in developing and selecting suitable school-based teaching materials. The school management also understands and monitors the content and quality of school teaching materials, and together with teachers guides students to examine issues from multiple perspectives and show respect for different opinions.

To conclude, I would like to reiterate that the EDB will continue to play a gate-keeping role in promoting and upholding teacher's professional conduct for protecting the well-being of our students effectively.

Thank you, President.