

LCQ6: Discussing topic of “Hong Kong independence” in lessons

Following is a question by Dr the Hon Helena Wong and a reply by the Secretary for Education, Mr Kevin Yeung, in the Legislative Council today (October 28):

Question:

Last month, the Education Bureau (EDB) cancelled the registration of a primary school teacher on the ground that he had prepared lesson plans and learning materials that involved a well-planned dissemination of the message of "Hong Kong independence", which constituted a serious professional misconduct. On the other hand, the Secretary for Education indicated earlier on that it was unnecessary to discuss in lessons the topic of "Hong Kong independence"; should such discussion be made, the conclusion that "Hong Kong independence" is infeasible must be reached. In this connection, will the Government inform this Council:

(1) why EDB rejected the request of the teacher concerned for making an oral representation; as it has been reported that an internal investigation conducted by the school in which the teacher worked concluded that the teacher had not been found to have disseminated the message of "Hong Kong independence" in a well-planned manner, why EDB's investigation reached an opposite conclusion;

(2) whether EDB, when handling the case, had considered the teaching situation in the lessons concerned, including the fact that the video clips played covered both views supporting and dissenting on "Hong Kong independence" (e.g. the Chief Executive's remark that "Hong Kong independence" violates "One Country, Two Systems" and the Basic Law); if not, whether it has assessed if it is unfair for EDB to conclude, solely on the basis of the lesson plans and an incomplete investigation, that the teacher concerned had disseminated the message of "Hong Kong independence" in a well-planned manner, and whether EDB will consider withdrawing its decision of cancelling the registration of the teacher concerned; and

(3) whether it has assessed if the aforesaid remark made by the Secretary for Education has created a restricted area for academic exploration, infringed upon the academic freedom enjoyed by educational institutions under the Basic Law, and impeded students' thinking from multiple perspectives?

Reply:

President,

Teachers play a vital role in passing on knowledge and nurturing students' character. Their words and deeds have a far-reaching impact on

students' growth. Parents and the community at large expect our teachers to possess not only solid professional knowledge but also high moral standards. Their words and deeds must meet the professional conduct and moral standards generally accepted by the community.

The Education Bureau (EDB) has the responsibility to monitor the quality of school education in accordance with the Education Ordinance. According to Section 47 of the Education Ordinance, if the Permanent Secretary for Education (PS(E)) considers that the teacher is incompetent or the person concerned is not fit and proper to serve as a teacher, the PS(E) may cancel the teacher registration of that person.

The EDB is the authority for registration of teachers and handles teacher registration matters in accordance with the law. Being the authority for the formulation, implementation and monitoring of education policies in Hong Kong, the EDB also has the responsibility to ensure that teachers teach properly so that students can grow healthily and contribute to the society in the future. The quality of teachers is one of the keys to quality education. Any misconduct of teachers will have a serious and harmful effect on students' development and will be detrimental to the future development of our society in the long run. The community generally considers that it is beyond doubt that the EDB should monitor the professional conduct of teachers. If a teacher is suspected of committing professional misconduct, we must deal with it in a prudent and serious manner, and take appropriate actions in accordance with the law to safeguard students' well-being, uphold the dignity of the teaching profession and maintain society's confidence in the teaching profession. It also does justice to the majority of teachers who are professional and responsible.

In September this year, the EDB cancelled the registration of a teacher for the serious professional misconduct of dissemination of the message of "Hong Kong independence" in class. It is clearly stated in the Basic Law that the Hong Kong Special Administrative Region (HKSAR) is an inalienable part of the People's Republic of China, and that any proposals advocating "Hong Kong independence" runs against "One Country, Two Systems", the Basic Law as well as the overall and long-term interest of the society of Hong Kong. Any proposals or activities advocating "Hong Kong independence" must not exist in school campuses. If students have questions on related topics, teachers should help them correctly understand the constitutional and legal status of the HKSAR under the Basic Law, and understand that the HKSAR is an inalienable part of the People's Republic of China and it is a local administrative region which enjoys a high degree of autonomy. Also, teachers should guide students to develop a correct concept about our country and promote students' sense of national identity.

My reply to the question raised by Dr the Hon Helena Wong is as follows:

(1) and (2) All along, the EDB has been handling cases of suspected professional misconduct of teachers in a prudent, lawful and reasonable manner.

Regarding this case of cancellation of registration, when we received the complaint in September last year, we immediately requested the school to conduct an investigation and submit a report. We also sent officers to the school to conduct an investigation. Upon receiving the school's report, the EDB thoroughly examined the relevant lesson plan, teaching materials and worksheet as well as the report submitted by the school and the explanations given by the teacher to the school. During the process, the EDB also invited the teacher concerned twice to submit written explanations, informing the teacher that we intended to cancel his registration, so that he would fully understand the severity of the case before submitting his further representation. The teacher concerned also sought legal advice in this regard.

After carefully considering the nature of the whole event, the explanations and justifications given by the teacher as well as all the relevant information, the EDB considered that this was a very serious case. In order to safeguard students' interest, uphold the professionalism of teachers as well as the society's confidence in the teaching profession, the PS(Ed) decided to cancel the teacher's registration pursuant to Section 47 of the Education Ordinance.

I must point out that the purpose for the EDB to require schools to investigate and submit reports is to allow schools to provide relevant information of the cases, the basic analyses and follow-up actions at school level. In tandem, the EDB will also consider all other relevant factors and information, including the existing legislations, EDB guidelines, visions, goals and aims of the curriculum, to review whether the education of the students is promoted in a proper manner by the teachers concerned. The school management has the responsibility to supervise the conduct of teachers and the content of the school-based curriculum. If it is found and confirmed that the school management should be held responsible upon analysis, the EDB will also take follow-up actions. As a matter of fact, we have received quite a number of complaints which queried individual schools' handling of suspected misconduct of teachers and requested the EDB to follow up the cases actively. Therefore, the EDB cannot and does not necessarily fully accept the conclusions of investigation report of each school. We trust that members of the community will not accept it if the EDB does not conduct any analysis or exercise any professional judgement.

Regarding Dr the Hon Wong's question about details of the aforesaid case of cancellation of registration, the teacher concerned has appealed in accordance with Section 61 of the Education Ordinance. The teacher can then make an oral defense before the Appeal Board. In view of the ongoing appeal procedures, it is not appropriate for us to make further response or supplement on the case details, lest we should affect the conduct of the appeal.

(3) It has always been the goals and aims of the school curriculum to enable students to learn about the development of our country and strengthen their sense of national identity. Teachers have the responsibility to help students gain a correct understanding of our country and the inseparable relationship

between our country and Hong Kong, as well as strengthen their sense of national identity. The concept of "Hong Kong independence" obviously violates the Basic Law and "One Country, Two Systems", and does not align with the goals of the curriculum to help students develop a sense of national identity. The EDB has the duty to ensure that the learning activities arranged for students by schools are in line with the goals of the curriculum so as to safeguard students' well-being.

As educators, teachers should be familiar with the visions, goals and aims of the curriculum. Their teaching must be in line with the principle of the rule of law and the school curriculum so as to impart correct knowledge and concepts to students, guide students to distinguish right from wrong and instil in them a correct sense of values. Teachers should never spread incorrect values or law-breaking concepts to students on the pretext of "academic freedom" or "thinking from multiple perspectives". Furthermore, freedom of expression is not absolute and is subject to certain restrictions, including the necessary restrictions for the purpose of respecting other people's rights, protecting national security and public order or public health or morality.

Academic freedom enjoyed by educational institutions of all kinds is an important social value treasured by Hong Kong and is protected by the Basic Law. However, the case in question has nothing to do with academic freedom.

Thank you, President.