

## LCQ6: Professional conduct of teachers

Following is a question by the Hon Elizabeth Quat and a reply by the Secretary for Education, Mr Kevin Yeung, in the Legislative Council today (October 21):

Question:

From June last year to August this year, the Education Bureau (EDB) received 247 complaints against teachers, some of whom were alleged to have disseminated hate remarks and advocated violence on social media, used biased and inappropriate teaching materials for teaching, as well as committed unlawful acts. The EDB has so far issued reprimand letters, written warnings, written advice and verbal reminders to 21, 12, 19 and 18 teachers respectively, as well as cancelled one teacher's registration. Some parents of students consider that such punishments lack deterrent effect, and are worried that under the influence of certain teachers, their children may become biased and radical in thinking, and then participate in unlawful activities. In this connection, will the Government inform this Council:

(1) whether the EDB will review the complaint-handling and punishment mechanisms concerning teachers, so as to make such mechanisms more transparent and ensure that the punishments are proportionate to the gravity of the misconduct; if so, of the details; if not, the reasons for that;

(2) given that the relevant authorities in the United Kingdom, the United States of America and Australia will, upon commencement of investigations or hearings on the complaints against teachers, make public details of the cases, such as the names of the teachers concerned and the schools for which they work, whether the EDB will follow such a practice; if so, when this will be implemented; if not, of the reasons for that; and

(3) of the punishment imposed on that primary school teacher who distorted historical facts when teaching the history of Opium War earlier on; whether the EDB will expeditiously improve the mechanisms for monitoring teaching materials and teaching quality, including requiring schools to submit all school-based teaching materials to the EDB for filing and setting up a mechanism for stakeholders to report inappropriate teaching materials; if so, of the details; if not, the reasons for that?

Reply:

President,

The Education Bureau (EDB) is the authority for the formulation, implementation and monitoring of education policies. Apart from providing resources, we are playing a monitoring and gatekeeping role in the implementation of policies, school governance, curriculum design and quality of teachers, so as to provide students with quality education and strengthen

the confidence of parents and society in our education services.

According to the Education Ordinance, the EDB is the authority for registration of teachers. The Permanent Secretary for Education is empowered to enforce the powers conferred, including the powers to approve the applications of "registered teacher" or "permitted teacher" and cancel teachers' registration, to ensure that all teachers allowed to teach in schools are fit and proper persons for safeguarding students' well-being. The EDB has been prudent in fulfilling its obligations in exercising its powers conferred by the legislation. We handle the cases of suspected professional misconduct of teachers according to the established procedures and take appropriate actions to protect students, including actions to ensure that unbecoming and seriously misconducted teachers cannot continue to teach.

Schools, as employers, should also follow up complaints against teachers, including conducting investigation and, in compliance with the Employment Ordinance, Codes of Aid and employment contracts, taking follow-up actions including punishment, according to the school-based mechanism to ensure the quality of learning and teaching in schools. As mentioned by the Hon Quat, there were 247 complaints about suspected professional misconduct of teachers in relation to social incidents. We note that among the cases mentioned above, some of the teachers in question were removed from the post of panel chairperson or vice-principal, while some others have been subject to the suspension of salary increment or even suspension from the post. Schools will also strengthen the supervision over the teachers concerned (such as conducting lesson observation and monitoring the teaching materials used by these teachers) as well as review the mechanisms on the development and use of school-based teaching materials.

I must stress that teachers involved in misconduct cases only account for a minority of the teaching force. Yet, we will not allow a few black sheep to affect students' learning and growth and undermine the reputation of the teaching profession as well as our society's confidence in teachers. Therefore, the EDB takes a very serious and prudent approach in handling cases of suspected professional misconduct of teachers.

Our reply to the question raised by the Hon Quat is as follows:

(1) According to the current mechanism, upon receiving a complaint about a teacher, the EDB will first request the school to conduct the investigation. The school will look into the case, let the teacher explain, take appropriate school-based follow-up actions, and submit a report to the EDB. We will examine the content of the report carefully, request the school to submit supplementary information as necessary, and issue a letter to invite the teacher concerned to submit written representations. The EDB will fully consider the information collected (including the school's report and the teacher's representations), and take appropriate action based on the severity of the incident.

If the Permanent Secretary for Education, after considering the details of the case, opines that the teacher is not a fit and proper person to be a

teacher, she will cancel the teacher's registration pursuant to the Education Ordinance. If the case does not warrant the cancellation of registration, the Permanent Secretary may also, in light of the nature and severity of the case, take different levels of follow-up actions including the issuing of advisory, warning or reprimand letters so as to allow the teachers concerned to make improvements. For cases involving police investigation or unlawful acts of teachers, regardless of whether the teacher is convicted or not, we will, upon completion of all the legal proceedings (including the appeal proceedings), review his or her teacher registration status based on the information available. If a teacher disagrees with the EDB's decision of cancelling his or her registration, he or she may appeal to the Appeal Board in accordance with the Education Ordinance.

The above mechanism has been in place for years. The Education Commission affirmed in 2015 that the existing mechanism has been working effectively, and it did not agree that the mechanism should be substantially revised to enhance its transparency or representativeness. All along, the EDB has been handling cases of suspected professional misconduct of teachers in a prudent, lawful, reasonable and just manner.

(2) There are views that the EDB should follow other regions to make public the names of the teachers who have committed professional misconduct and other detailed information (such as the names of the schools they served, details of the cases, etc.). I hope Members would understand that different practices in different regions or countries have their respective backgrounds, laws and procedures. We cannot simply transplant part of their system to Hong Kong. Recently an organisation has initiated a judicial review on the related matters. In view of the ongoing legal proceedings, it is not appropriate for us to make further response on the case details, lest affecting the conduct of the legal proceedings concerned.

When handling matters involving the personal data of teachers, including investigation of suspected professional misconduct of teachers, the EDB is subject to the Personal Data (Privacy) Ordinance and strictly adheres to the principle of confidentiality. Apart from abiding by the requirements in the relevant legislation, we also need to consider the negative effects on the schools, the staff and the students concerned.

We understand that members of the public have grave concern over and high expectation on teachers' professional conduct. We will consolidate and analyse the cases we have handled, or select some common or typical cases for parents and society to learn about the actual situation of the incidents.

(3) The EDB has attached due importance to the quality of learning and teaching resources and put in place a rigorous textbook review mechanism to ensure that the textbooks included on the Recommended Textbook List are in line with the school curriculum, of good quality and fit for student learning.

As regards school-based teaching materials, the EDB has been elucidating to schools, through guidelines, circular memoranda and professional

development programmes for teachers, etc., the requirements and criteria for selecting learning and teaching resources, emphasising that teachers should be prudent in the choice of school-based teaching materials to ensure that they are in line with the curriculum aims and objectives set by the Curriculum Development Council and the abilities and learning needs of students. The information provided in the materials should be correct, objective and impartial.

The school management has the responsibility to monitor the content and quality of school-based teaching materials selected and/or developed by teachers so as to safeguard students' well-being. Teachers should also be reminded to guide students in an objective, rational and impartial manner without imparting their political views.

If parents have any queries about the appropriateness of teaching materials or the professional conduct of teachers in developing the teaching materials of a school, they may reflect directly to the school concerned, which has the responsibility to explain. Parents may also provide information to the EDB and it will be handled seriously. Please refer to part 1 for details of the investigation and follow-up actions.

Besides, the EDB officers have always been seeking to understand and monitor the quality of learning and teaching through different channels such as External School Reviews, Focus Inspections (FI) and Curriculum Development Visits. This includes subject inspectors reviewing the teaching resources and samples of student assignments provided by the school and giving specific professional advice during FI. If necessary, a follow-up inspection will be arranged to ensure that the school has taken follow-up actions to address the recommendations.

There is a considerable amount of school-based teaching materials. Teachers also need to timely compile, adjust and update the learning and teaching materials with reference to students' performance in the process of teaching. Thus, the suggestion on submitting all teaching resources to the EDB for record purpose involves many practical operational problems at both school and system levels. The EDB needs to consider this carefully. The EDB has been proactively following up the individual case raised by the legislator.

Thank you, President.