

For discussion
on 8 June 2015

Legislative Council Panel on Education

Teachers' Registration Information

Purpose

This paper sets out the existing teacher registration mechanism and the proposal on public access to teachers' registration information.

Teacher Registration Mechanism

2. According to the Education Ordinance (Cap 279), any person who teaches in a school has to be a teacher with registration. There are two types of teacher with registration, namely registered teacher (RT) or permitted teacher (PT). A person who holds teacher training qualifications, such as a bachelor's degree in education or a post-graduate diploma in education, may apply for registration as an RT with the Education Bureau (EDB) on his/her own. Once the application is approved, the person becomes an RT and the registration is valid for life. A person, who holds only relevant academic qualifications but without teacher training qualifications, may apply for registration as a PT through the school in which he/she is employed. The permit will lapse automatically upon cessation of his/her employment with the school specified therein, and his/her teacher registration will become invalid. Any person who contravenes the Education Ordinance by employing or permitting an unregistered person to teach in a school shall be guilty of an offence and be liable on conviction to a fine and imprisonment.

3. To assure the quality of education and safeguard students' well-being, the EDB all along processes applications for teacher registration in accordance with the established mechanism to ensure that teachers have met the requirements for registration and improper persons are prevented from being teachers. The EDB may cancel the teacher registration of or refuse the application for teacher registration from any person who has committed a serious offence or serious misconduct. A teacher whose registration is

cancelled or whose application for registration is refused cannot teach in any schools, including tutorial schools.

Monitoring Roles of EDB and Schools

4. Currently, individual schools recruit their own teachers having regard to their needs and requirements. Schools have the responsibility to ensure that all their teachers have met the teacher registration requirements. Together with the EDB, schools have all along been playing a monitoring role in matters related to teacher registration according to the requirements of the EDB which include:

- (i) checking candidates' teacher registration documents and requesting them to declare whether their registration has been cancelled or refused before making an offer of appointment. Upon consent of the candidates, schools may check with the EDB their teacher registration information.
- (ii) submitting an application for registration of a prospective candidate as a PT after the appointment has been confirmed and before his/her assumption of duty if the prospective candidate is a PT. In case problems related to the registration status of the prospective candidate are identified, the EDB will inform the school concerned for taking follow-up actions.
- (iii) creating an account in the e-Services Portal for newly-appointed teachers and submitting their appointment forms to the EDB. In case problems related to the registration status of the teachers concerned are identified, the system will immediately prompt the school to contact the EDB. The EDB will also verify the registration information provided in the appointment forms and take appropriate follow-up actions.
- (iv) reporting to the EDB cases of offence or serious misconduct allegedly committed by serving teachers for reviewing their teacher registration status.

Other Monitoring Measures

5. To ensure compliance of schools with the teacher registration matters, the EDB reminds and monitors schools through the following measures:

- (i) The School Administration Guide and relevant circulars are issued by the EDB to clearly set out the points to note regarding the appointment of teachers and the procedures of teacher registration.
- (ii) The EDB issues a letter to schools annually as a reminder for matters related to teacher registration.
- (iii) The EDB will check the teacher information on the e-Services Portal against the teacher registration information on a quarterly basis. If there is any problem, the EDB will follow up with the school(s) concerned immediately.
- (iv) Aided schools are required to submit, after appointment of a teacher, to the EDB an appointment form duly completed with the teacher's registration information. The EDB will disburse salary for the teacher concerned upon verification of his/her teacher registration information.

Handling of Teachers' Registration Information

6. Teachers' registration information involves teachers' personal data. The EDB is required to comply with Data Protection Principle 3 under the Personal Data (Privacy) Ordinance (Cap 486) in handling teachers' registration information. In gist, if disclosure of teachers' personal data is not the purpose or not directly related to the purpose stated at the time of data collection, the EDB cannot disclose such registration information without the prior consent of the data subject or exemptions provided under applicable laws.

7. Last year, a parent association requested the EDB to disclose the list of teachers with registration for public scrutiny and reporting of suspected cases. The Ombudsman subsequently conducted a direct investigation into the matter and released the findings of the investigation in March 2015. The Ombudsman is of the view that the EDB is acting in accordance with the law in refusing to disclose the list of teachers with registration for public inspection. Nevertheless, whether teachers are registered is of interests to schools, students

and parents. Therefore, the EDB should respect the public's right to access such information and strive to open up the list of teachers with registration. The Ombudsman recommended that the EDB should adopt a more accommodating approach in considering requests for access to information on individual teachers' registration status from those whose vital interests are affected. The Ombudsman also recommended that public consultation be conducted to gauge the views of various stakeholders on the disclosure of the list of teachers with registration.

Considerations for Disclosing the List of Teachers with Registration

8. According to the EDB's preliminary assessment, there are limitations on the disclosure of the list of teachers with registration. Although the EDB may seek the consent from all serving teachers of kindergartens, primary and secondary schools in Hong Kong, including RTs and PTs, it can be expected that not all of them will agree to the disclosure of their registration information. As regards RTs who have resigned or retired, it is difficult to consult each and every one of them and seek their consent as the EDB does not have their latest contact information. Teachers who are unwilling to disclose their teacher registration information cannot be included in the list. In other words, the list available for public access may not be comprehensive.

9. As mentioned in paragraph 2 above, PTs are teachers without teacher training qualifications. Their teaching permits will lapse automatically when they seek employment with another school. Their new employers have to apply for another teaching permit for them. In other words, whether their names are on the list depends on whether they are in employment, which will indirectly disclose their employment status. Anyone can have full knowledge of whether they have successfully secured a teaching post. This may constitute infringement of their privacy. Hence, the EDB must seek their consent before disclosing their teacher registration information. If the list of teachers with registration shows whether a teacher is an RT or a PT, this will also indirectly disclose their teacher training qualifications.

Way Forward

10. From the above analysis, it can be seen that disclosing the list of teachers with registration is a complex and controversial issue. Recognising the concerns of parents for the vital interests of their children and the concerns

of teachers over their personal data as well as privacy, the EDB will strive to strike a balance between the interests of both parties. The EDB will soon conduct public consultation to solicit the views of the public, including teachers and professional bodies concerned, on disclosing the list of teachers with registration or other proposed initiatives to enhance the transparency of teachers' registration information, so as to assess the public and the sector's acceptance to the proposed initiatives as well as their feasibility. One of the proposed initiatives that the EDB is taking an initial look into is revising the Guidance Notes for teacher registration application by setting out "disclosing to the public that the applicant has been registered as a teacher" as one of the purposes of personal data use to enable its disclosure of information of newly registered teachers in the future in compliance with the Personal Data (Privacy) Ordinance.

11. Members are invited to note the content of this paper.

Education Bureau
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