



中華人民共和國香港特別行政區政府總部教育局

Education Bureau

Government Secretariat, The Government of the Hong Kong Special Administrative Region
The People's Republic of China

本局檔號 Our Ref.: L/M(2) to EDB(SDCT)2/ADM/125/1/2(6)pt.5

電話 Telephone: 3509 8486

來函檔號 Your Ref.: CB4/PL/ED

傳真 Fax: 2891 2593

14 July 2015

Clerk to Panel
(Attn: Miss Polly Yeung)
Legislative Council Panel on Education
Legislative Council Complex
1 Legislative Council Road
Central, Hong Kong

Dear Miss YEUNG,

Panel on Education
Statutory power to suspend classes

I refer to your letter dated 29 January 2015 requesting the Education Bureau (EDB) to provide a written response to the issues raised by a member of the public (Mr David Webb) in a submission on the captioned matter. Further to our interim reply of 13 March 2015, please find below our response.

In his submission, Mr. Webb raised his concern that EDB had acted beyond its statutory powers in announcing class suspension of schools in Wanchai and the Central and Western Districts (“the two Districts”) during the “Occupy Central Movement”. He opined that if the government wished to have such a power, it should consider legislative amendment to the Education Ordinance.

We have reviewed the concern raised by Mr. Webb and sought legal advice in the process. As a matter of fact, frontline officers of EDB responsible for the two Districts had received quite a number of enquiries on special arrangements for schools in the districts in the event of possible disruption caused by the “Occupy Central Movement”. With the safety and well-being of students in the affected (or potentially affected) districts and/or schools as our prime consideration, EDB made its first announcement on suspension of classes in the two Districts on 29 September 2014 in view of the fast changing circumstances, and subsequently on 2-3 and 5-7 October 2014. Schools were advised to remain open and arrange staff to look after students who might return to their schools. During this period, frontline officers of EDB liaised closely with the schools of the two Districts to help allay their concerns as well as those of the parents.

For our reply of 6 October 2014 to Mr. Webb which was a response to the questions he raised as to whether EDB had the legal power to order schools to close and remain closed and whether EDB had exercised those powers or advised the schools in the two Districts to suspend classes, noting German Swiss International School’s decision to re-open on 6 October 2014, we clarified the relevant arrangement made by German Swiss International School. In our latest reply to Mr. Webb, we have further clarified that the words “...the Permanent Secretary may...by making public announcements on radio, television or newspapers or by such other means as he thinks fit, suspend the operation of the school in the school premises” (which were contained in the said reply of 6 October 2014, and which were derived from section 83(1A) of the Education Ordinance) were not relevant in that context.

Upon receiving Mr. Webb’s further enquiry on 6 October 2014, we consulted the Department of Justice and thereafter issued a further reply to him on 30 December 2014. As explained in that reply, the public announcements on class suspension on 29 September, 2-3 and 5-7 October 2014 were made out of real and legitimate concern for students’ safety and well-being. At the material time, the traffic conditions in the two Districts and their vicinity were seriously affected due to, among others, blockage of main roads. Besides,

there was considerable uncertainty as to whether and if so how the situation might further deteriorate. Based on the information available at that time, EDB formed a view that there was risk of danger to persons in school premises in the two Districts. The arrangement of suspending classes was made in the best interest of the students and school staff. Besides, making public announcement was the only practical means to achieve class suspension for the safety of students in the unusual and urgent circumstances. We accept that the said public announcements made by EDB at the time (whilst made with the best intention and based on our genuine concern for students' safety and well-being) did not in law constitute announcements made under section 83(1A) of the Education Ordinance. We have worked on the administrative arrangements for class suspension in circumstances other than those specified in the Education Ordinance. Schools have been informed of the administrative arrangements for class suspension under emergency situations via EDB Circular No. 9/2015 issued on 11 June 2015. We will keep in view the implementation of these arrangements.

Should you have further enquiries, please contact Mrs Iris Kwong at 3509 8479.

Yours sincerely,



(Ms S W WONG)

for Permanent Secretary for Education

c.c. Miss Carrie WONG, Legal Adviser to the Panel on Education
(Fax no. : 2877 5029)