



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. : EDBCR 1/45/581/88 Pt. 25

電話 Telephone : 2810 3596

來函檔號 Your Ref. :

傳真 Fax Line : 2868 5916

30 May 2014

Miss Polly YEUNG  
Clerk to Panel  
Legislative Council Panel on Education  
Legislative Council Complex  
1 Legislative Council Road  
Central  
Hong Kong

Dear Miss YEUNG,

**Legislative Council Panel on Education**

**Issues related to the Secretary for Education's remarks on  
the "Occupy Central" movement**

I refer to your letter of 19 May 2014 to the Secretary for Education on the above subject. For issues raised by Dr Hon Kenneth CHAN, you may wish to note that we have put forth our response on the matter in the reply dated 28 May 2014 to the written question raised by Dr Hon Kenneth CHAN. A copy of the written reply is enclosed for reference.

Yours sincerely,

(Ms S M LI)  
for Secretary for Education

(Translation)

**LEGCO QUESTION No. 4**

(Written Reply)

Asked by: Dr Hon Kenneth CHAN

Date of Meeting: 28 May 2014

Replied by: Secretary for Education

**Question:**

The Secretary for Education (“SED”) stated on the 14th of this month that the “Occupy Central” movement was bound to be unlawful, and urged students not to participate in it. He also advised that teachers “convicted for participating in unlawful activities will and must bear the legal liabilities and related consequences in their professional and career prospects”. In this connection, will the Government inform this Council:

- (1) whether SED had assessed, prior to making the aforesaid remarks, if such remarks would contravene Article 27 of the Basic Law, which provides that Hong Kong residents shall have freedom of speech and assembly; if he had assessed and the outcome was in the affirmative, of the reasons why SED still made the aforesaid remarks; whether SED would consider withdrawing the aforesaid remarks; if he would not, of the reasons for that;
- (2) whether it will issue guidelines to schools asking them to forbid students from discussing and exchanging views in school on “Occupy Central” or other civil disobedience campaigns involving illegal activities; if so, of the reasons and justifications for that;
- (3) given that the initiators of “Occupy Central” have already said that only people who are aged 18 or above may sign the letter of intent for “Occupy Central” to signify their support for or their “participation” in the movement, whether, according to the Government’s stance, primary and secondary students may observe, express their support for or comment on “Occupy Central”; if the answer is in the negative, of the reasons for that; and
- (4) which provisions in the Code for the Education Profession of Hong Kong that the participation of teachers in “Occupy Central” will contravene; whether the authorities will refer matters relating to the registration of any teacher who has been convicted for participation in “Occupy Central” to the Council on Professional Conduct in Education (“CPCE”) for handling; if so, of the number of cases concerning teachers convicted of breaching the law which were handled by CPCE in the past five years, and the details of such cases, with a breakdown of the number by sanction imposed by the Permanent Secretary for Education on the teachers concerned (including suspension or cancellation of the registration of the teachers concerned)?

**Reply:**

President,

(1)

The Government deeply respects the public's freedoms of speech and assembly which are the core values of Hong Kong. Hong Kong peoples' rights of assembly, procession and demonstration are safeguarded by the Basic Law and the Hong Kong Bill of Rights Ordinance. However, the public should not breach the law when exercising these freedoms. The initiators of the Occupy Central movement openly stated time and again that the movement was illegal. The Education Bureau (EDB) recently received letters from the education sector and parents' groups expressing their concerns that mobilisation of the movement might extend to schools and bring negative impact on students. In response, the Secretary for Education gave schools and parents a well-intentioned reminder.

(2) and (3)

The aims of our school curriculum are to develop our students into knowledgeable, responsible and law-abiding citizens who respect pluralism of cultures and views, as well as critical, reflective and independent thinkers who are able to understand the background and development of an issue from different perspectives, and present their points clearly. They should also have a respect for evidence and adopt an open, fair and accommodating attitude towards other people's views and values. Students should give due consideration to the appropriateness of the means chosen to express their views and whether the means chosen are lawful.

As always, the EDB has attached importance to instilling in students a respect for different viewpoints, developing their ability to think independently from multiple perspectives and cultivating their positive values. Take the curriculum of Liberal Studies as an example. Teachers should guide their students to explore various social issues and in the course of this, a neutral, unbiased and pluralistic perspective should be maintained to encourage discussions and independent thinking. As for schools, they should instruct students to refer to resources and views of varying stances, have a multi-perspective outlook on different issues and make balanced and reasonable judgements.

Regarding the discussion of current affairs that involve social and political participation (such as the Occupy Central movement), schools are also required to follow the aforesaid basic principles. Students should be provided with diversified learning materials to ensure that they have access to resources and views of varying stances. Schools and their teaching force should uphold professionalism and make use of their professional knowledge as well as the learning and teaching resources and activities selected in light of the curriculum objectives and teaching goals to engage their students in relevant discussions. They should refrain from teaching or encouraging students to engage in any unlawful activities. As for whether primary and secondary students may "observe, express their support for or comment on" the Occupy Central movement, it depends on specific circumstances. There is no place for

generalisation. In general, primary and secondary students can give their views on the Occupy Central movement. However, the meaning of the phrase “support for” as used in the question is not clear. People who engage in illegal activities in any forms, such as aiding, abetting and inciting, may have to bear criminal liability. In addition, people who observe the movement on-site may have to take into account possible risks to their own safety. As a matter of fact, participants of any occupancy of trunk roads, collective paralysis of traffic, blocking up of public thoroughfares and other illegal activities will cause grave impact on social order and public safety. They may even obstruct, intentionally or unintentionally, relevant agents in law enforcement, maintenance of public order or provision of ambulance service, thereby affecting the emergency services rendered to the public. The participants may be held legally responsible for their acts which may also jeopardise the safety of their own as well as the public.

(4)

The Council on Professional Conduct in Education (CPC) is an advisory body to advise the Government on measures to promote professional conduct in education. One of its functions is to handle and advise the EDB on cases of disputes or alleged professional misconduct involving educators. However, its function does not include registration of teachers. For this reason, the EDB will not refer matters related to registration of teachers convicted of an offence to the CPC.

Developed after extensive consultations, the Code for the Education Profession of Hong Kong is a set of self-disciplinary guidelines formulating the standards on ethics and conducts of education professionals. For instance, the Code states that a member of the profession shall be concerned about students’ safety in the course of his/her teaching (paragraph 7 of Chapter 2.2), and shall show respect for the law and the behavioural norms acceptable to society as a whole (paragraph 1 of Chapter 2.6). Therefore, a teacher should abide by the law and his/her behaviour should be socially acceptable.