

立法會
Legislative Council

LC Paper No. CB(4)1295/20-21
(These minutes have been seen
by the Administration)

Ref : CB4/PL/ED

Panel on Education

Minutes of meeting
held on Friday, 7 May 2021, at 10:45 am
in Conference Room 1 of the Legislative Council Complex

- Members present** :
- Dr Hon Priscilla LEUNG Mei-fun, SBS, JP (Chairman)
 - Hon Alice MAK Mei-kuen, BBS, JP (Deputy Chairman)
 - Hon Abraham SHEK Lai-him, GBS, JP
 - Hon Tommy CHEUNG Yu-yan, GBS, JP
 - Hon Starry LEE Wai-king, SBS, JP
 - Hon Mrs Regina IP LAU Suk-ye, GBS, JP
 - Hon Michael TIEN Puk-sun, BBS, JP
 - Hon MA Fung-kwok, GBS, JP
 - Hon LEUNG Che-cheung, SBS, MH, JP
 - Hon KWOK Wai-keung, JP
 - Hon Elizabeth QUAT, BBS, JP
 - Dr Hon CHIANG Lai-wan, SBS, JP
 - Ir Dr Hon LO Wai-kwok, SBS, MH, JP
 - Hon Jimmy NG Wing-ka, BBS, JP
 - Dr Hon Junius HO Kwan-yiu, JP
 - Hon Holden CHOW Ho-ding
 - Hon YUNG Hoi-yan, JP
 - Hon CHEUNG Kwok-kwan, JP
 - Hon LAU Kwok-fan, MH
 - Dr Hon CHENG Chung-tai
 - Hon Vincent CHENG Wing-shun, MH, JP

Public Officers attending : Agenda item III

Mr Kevin YEUNG, JP
Secretary for Education

Mrs CHAN SIU Suk-fan
Deputy Secretary for Education (3)

Agenda item IV

Dr CHOI Yuk-lin, JP
Under Secretary for Education

Mr Philip HAR
Principal Assistant Secretary
(Infrastructure and Research Support)
Education Bureau

Mrs Gloria LI
Principal Education Officer (Special Education)
Education Bureau

Clerk in attendance : Ms Angel WONG
Chief Council Secretary (4)4

Staff in attendance : Miss Wincy LO
Senior Council Secretary (4)4

Ms Rachel WONG
Council Secretary (4)4

Ms Sandy HAU
Legislative Assistant (4)4

Action

I. Information paper(s) issued since the last meeting

Members noted that no information paper had been issued since the last meeting.

II. Items for discussion at the next meeting

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| (Appendix I to LC Paper No.
CB(4)924/20-21 | -- List of outstanding items for
discussion |
| Appendix II to LC Paper No.
CB(4)924/20-21 | -- List of follow-up actions) |

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2. Members agreed that the following items would be discussed at the next regular meeting on 4 June at 10:45 am:

- (a) Providing professional support to ordinary schools for implementing integrated education; and
- (b) 3363EP – A 24-classroom primary school at Au Pui Wan Street, Fo Tan, Sha Tin.

3. Mr Michael TIEN suggested that the Panel should be briefed on the arrangements for the third cycle of the fine-tuned medium of instruction for secondary schools, and the latest development of "one school social worker for each school" in primary schools (i.e. item 10 on the list of outstanding items for discussion).

4. As some secondary school students had recently been arrested for committing illegal acts such as robbery, Mrs Regina IP considered there was a need for the Panel to discuss how moral education could be strengthened at schools.

III. Teachers' Professional Conduct

(LC Paper No. CB(4)924/20-21(01) -- Paper provided by the Administration)

Briefing by the Administration

5. The Secretary for Education ("SED") briefed members on the progress of handling complaints about suspected professional misconduct of teachers and the recommendations on further upholding the professional conduct of teachers, details of which were set out in the Administration's paper [LC Paper No. CB(4)924/20-21(01)].

Discussion

Code for the Education Profession of Hong Kong

6. Mr Tommy CHEUNG pointed out that between 2014 and 2017, the Council on Professional Conduct in Education ("CPCE") had conducted a review of the Code for the Education Profession of Hong Kong ("the Code") and proposed some revisions, involving the addition of a provision which stipulated that a member of the education profession should avoid participating in unlawful or political activities, promoting personal political views in class, inciting or leading students to participate in unlawful activities, and publishing irresponsible

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or misrepresented remarks on the social media platform. A public consultation was carried out as well. However, due to the strong opposition from the Hong Kong Professional Teachers' Union ("HKPTU"), the revision was shelved. He considered that the addition of the provision merely defined the values and moral standard required of teachers. In the light of the recent teacher misconduct cases, the Administration should step up its efforts to raise the professional quality of teachers, such as pursuing the revision of the Code as far as practicable, installing closed circuit television systems in classrooms, requiring staff members of the Education Bureau ("EDB") to take oath when assuming office, etc. so as to safeguard students' well-being.

7. SED advised that in 2017, the Panel had been consulted on the revised Code prepared by CPCE. Given members' diverse views on some of the proposed revisions, CPCE was asked to further refine the revised Code. The current revision of the Code was being examined by EDB. In any case, teachers should not support or encourage students to participate in political activities, regardless whether there was such provision in the Code. Professional misconduct cases had been handled and follow-up actions had been taken by EDB. Some examples were illustrated in part (4) of Appendix 3 of the Administration's paper.

8. Ms Elizabeth QUAT pointed out that the Code was outdated and had not been complied with by teachers. She considered it necessary to update the Code which was drawn up long ago in 1995. The Chairman opined that although the Code had set out the conduct expected of an educator, there were teacher misconduct cases (including use of foul language) for years and EDB had not handled the cases seriously. As a result, the distorted values preached by these teachers had shaped the values of the younger generation. She urged EDB to follow up with the revision of the Code and add provisions in respect of national education.

9. SED advised that the revised Code was now under study by EDB. The Committee on Professional Development of Teachers and Principals had developed the T-standard⁺ which set out the expectation for teachers, including nurturing students' sense of national identity. Teachers should fully understand the public expectations for education professionals.

10. Ms YUNG Hoi-yan pointed out that according to her knowledge, the bookstore at HKPTU had displayed books with negative and political messages. As the bookstore was easily accessible by teachers, students and parents, she enquired whether EDB would take any actions. The Chairman said that it was unacceptable for HKPTU, which claimed to be a professional body on education, to incite radical social activities and condone teachers committing professional misconduct or violating the law. The Administration should examine whether HKPTU had become a political body and complied with the Code.

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11. SED advised that HKPTU was not regulated by EDB. However, EDB would take actions against organizations should they adversely affect school operation. EDB would work closely with schools to prevent the dissemination of negative and political messages to students. When handling cases of suspected professional misconduct, EDB would follow its prescribed guidelines and principles and would not be affected by such organizations.

Complaints handling process

12. While supporting the proposals of conducting criminal record check on registered teachers regularly and cancelling registration of misconducted teachers for life or for a specified period of time to safeguard the well-being of students, Ir Dr LO Wai-kwok and Mr Holden CHOW urged the Administration to speed up the process of handling suspected professional misconduct cases, so as to minimize the negative impact of the teacher concerned on students and to ease parents' worries. Ir Dr LO also considered it necessary for the Administration to handle the cases in a fair and just manner.

13. SED explained that owing to the social incidents in 2019 and the COVID-19 epidemic, the progress of investigations for many complaint cases were affected. Also, EDB would examine the schools' reports and invite the teachers concerned to submit representations, which often involved multiple rounds of discussions and submission of supplementary information from schools. Hence, it took quite a long time to complete investigation of some cases and take follow-up actions. Drawing reference from the experience of handling these cases, EDB would provide an investigation checklist and a template of school investigation report with a view to improving the efficiency of investigation.

14. Mr Holden CHOW considered that EDB and schools should take a serious view on teachers who had committed professional misconduct even though the cases did not involve criminal offence. For teachers who were involved in criminal offence, schools should not allow them to continue to take up teaching duties before all the legal proceedings were completed. He asked about the mechanism for handling those teachers before the decision of the Court was final.

15. SED said that teachers under criminal investigation had to report to schools which should then report to EDB. Depending on the nature of the offence, schools would take appropriate actions to minimize the negative influence brought to students. For instance, schools might suspend the duties of the teacher concerned or remove the teacher from a position where he/she had contact with students, etc. as long as the arrangement was in line with the Employment Ordinance, employment contract and Codes of Aid. Mr Holden CHOW urged the Administration to ensure that schools would handle misconducted teachers seriously and prudently.

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16. The Chairman and Ms YUNG Hoi-yan urged EDB to make public the information of misconducted teachers to address parents' concerns over the vital interests of their children. Mr KWOK Wai-keung relayed parents' views that school sponsoring bodies ("SSBs") should report to the parents how they had handled the teacher professional misconduct cases and measures to be taken by the schools concerned to prevent reoccurrence of similar event.

17. SED advised that EDB would release examples of misconducted cases of teachers on a regular basis to enable the public to better understand the overall picture of teachers' misconduct cases, the actions taken by EDB and the considerations behind these actions. They would serve as some reference for schools and teachers.

18. Dr CHENG Chung-tai opined that EDB's proposal to release the numbers of completed cases and cases being followed up on a regular basis aimed at setting up a database on blacklisted teachers. SED advised that as the authority for registration of teachers, EDB had to ensure that all teachers were fit and proper persons to teach. Hence, EDB needed to maintain teacher registration information and relevant records, including whether reprimand/warning/advisory letters, had been issued to the teachers. When recruiting teachers, schools could check with EDB the potential appointees' teacher registration information to safeguard students' well-being.

19. Dr CHENG Chung-tai further requested the Administration to provide details on how information regarding teacher registration was recorded and archived, and the circumstances under which teacher registration information would be used and released.

(Post-meeting note: The Administration's response was issued to members vide LC Paper No. CB(4)1154/20-21(01) on 22 June 2021.)

Upholding professionalism of teachers

20. Ms Elizabeth QUAT stressed that the majority of teachers were professional and responsible. She was not targeting the teaching profession as a whole. As teachers' words and deeds had a far-reaching impact on students' growth, she urged EDB to handle teacher professional misconduct cases seriously. In her view, it was unacceptable for teachers to use foul language, post hate or cursing messages on social media platform, possess offensive weapons, etc. However, issuance of warning/reprimand letters could not achieve the necessary deterrent effect. There was a need to implement the proposed measure of introducing a time-limited cancellation of teacher registration according to the seriousness of the misconduct.

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21. Mr CHEUNG Kwok-kwan opined that the majority of teachers upheld professionalism. Nevertheless, the society should not turn a blind eye to or condone teachers who committed professional misconduct. As the Administration had noted some differences among schools in handling professional misconduct cases and taking follow-up actions, he was concerned whether there were members of the school management who condoned misconducted teachers due to their political stance.

22. SED agreed that the majority of teachers were dedicated to nurturing their students. When handling complaints, apart from carefully examining the schools' reports, EDB would consider all information available and analyze schools' findings on the cases. EDB's decision on whether the complaint was substantiated and follow-up actions would be made based on the concrete evidence collected. It would not be affected by the stance of the school management. EDB would ensure that consistent principles in handling teacher misconduct cases were adopted.

23. Mr Michael TIEN recalled that there was a professional misconduct case in which the teacher concerned had developed inappropriate teaching materials and was de-registered in October 2020. The teacher concerned was not a teacher of the subject concerned and only developed the materials for use by other teachers. Also, no follow-up actions had been taken against members of the school management so far. He asked about the mechanisms for developing, using and monitoring school-based teaching materials, whether relevant guidelines were provided to schools, whether panel chairpersons had the responsibility to monitor the teaching materials developed or used by teachers, and whether school management would be held responsible for teachers' use of inappropriate school-based teaching materials.

24. Ir Dr LO Wai-kwok asked how EDB would assist teachers in developing quality teaching materials, fostering students' positive thinking and upholding professionalism, and stressed that outstanding educators who made a difference in students' lives should be recognized and honoured.

25. SED responded that EDB had been elucidating to schools the requirements and criteria for selecting learning and teaching resources through guidelines, circular memoranda and professional development programmes for teachers. The school management had the responsibility to monitor the content and quality of the school-based teaching materials selected and/or developed by teachers. In fact, as illustrated in Appendix 3 of the Administration's paper, for the first two cases involving inappropriate teaching contents, actions had been taken against the principal, deputy head or panel chairperson of schools for failing to perform the gatekeeping duties. For the third case illustrated, the investigation against the school management had not been fully completed. In tandem, to recognize outstanding teachers and promote teaching excellence, there were the

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annual Chief Executive Award for Teaching Excellence and the annual Teachers' Day which provided an opportunity for the community to show respect and appreciation to all principals and teachers for their great efforts and hard work.

26. Ms Elizabeth QUAT relayed parents' worries that misconducted teachers would teach in tutorial schools. She asked whether provisions related to teachers' conduct would be included as a registration requirement of tutorial schools so as to protect the well-being of students. The Chairman urged EDB to introduce measures to monitor the quality of tutorial schools.

27. SED responded that private tutorial schools had to register according to the Education Ordinance. Teachers whose registration was cancelled by EDB could not teach in any schools including tutorial schools. Also, when recruiting teachers, with their consent, tutorial schools could approach EDB to check teachers' registration status. Notwithstanding this, EDB would explore further measures to strengthen the monitoring of tutorial schools and remind them to be cautious in considering teachers' conduct.

Support measures

28. The Deputy Chairman declared that she was a member of the school management committee of a primary school. She pointed out that according to some school principals, they were not provided with guidelines on handling teachers who had been arrested but not yet charged with any offences. In her view, if there were suspected cases of unlawful acts committed by teachers, EDB should proactively communicate with the schools/SSBs concerned and provide necessary support. For instance, EDB might conduct courses covering topics on education policies, school management, handling of misconducted teachers, etc. to help school managers understand how to carry out their duties.

29. SED responded that EDB would work with SSBs, especially those operated a number of schools, to help them come up with a more aligned approach in handling teachers' professional misconduct. Should there be any difficulties encountered by SSBs, they could seek assistance from EDB.

30. Ms YUNG Hoi-yan opined that the Administration should find out why the law-abiding awareness of students was so weak nowadays and explore whether students were influenced by the unlawful behaviours of teachers. She enquired whether any support measures were provided to the school concerned to prevent future occurrences of teachers' misconduct.

31. Ms Elizabeth QUAT suggested that the Administration should find out the root cause of teachers' professional misconduct, explore ways to raise the professional quality and law-abiding awareness of teachers, and strengthen training on teachers' professional conduct.

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32. Mr KWOK Wai-keung opined that teachers' words and deeds had profound influence on students. EDB should not allow a few black sheep to affect students' growth. He further enquired whether EDB would provide improvement training to teachers who had received reprimand and warning letters, with a view to making a positive change in their values and behaviours and preventing future occurrences of misconduct.

33. SED advised that, as employers, schools would be informed if reprimand and warning letters were issued to their teachers. The schools concerned would take follow-up actions they deemed necessary to prevent similar future occurrences, such as imposing punishment, conducting surprise inspection of class and teaching materials, encouraging the teacher concerned to attend training, etc. In tandem, EDB was enhancing communication with teacher education institutions for strengthening pre-service teachers' training on professional conduct and addressing the needs of teachers and schools.

34. Dr CHENG Chung-tai considered that teachers nowadays were too busy meeting the requirements and standards set by EDB and schools that they could not spare time to provide guidance to students. As a result, some secondary school students involved in illegal acts recently.

35. Mrs Regina IP considered that most teachers had maintained professionalism. The entire teaching profession should not be blamed for the misconduct of a few. To better understand the underlying causes of the distorted values of misconducted teachers, the Administration should conduct in-depth analysis on the demographic information of misconducted teachers (such as age, education background) and their workload. SED advised that EDB would conduct analysis on the profiles of teachers with professional misconduct with a view to having more understanding about possible contextual factors contributing to their behaviour.

36. Dr CHIANG Lai-wan opined that the radical political belief of some teachers was hard to change. She suggested that the Administration might consider adopting a soft approach in promoting patriotic education, such as inviting Hong Kong deputies to the National People's Congress and Hong Kong members of the Chinese People's Political Consultative Conference to conduct sharing sessions with teachers to facilitate them in better understanding the national policies and development of the Mainland.

37. SED took note of Dr CHIANG Lai-wan's suggestion and advised that EDB had enhanced training for newly-joined and in-service teachers, and teachers aspiring for promotion with core training programmes which covered contents about the Constitution, the Basic Law and national security education. In addition, Mainland visits would be organized for teachers with a view to gaining firsthand understanding of the country's latest development.

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38. Mr Abraham SHEK opined that teaching was a vocation, not just a profession that solely required skills and knowledge. Teachers could make the society a better place through education and creativity. EDB should protect good teachers as well as the education system from being politicized.

39. The Deputy Chairman said that some teachers did not take into account students' interests and refused to undergo regular COVID-19 testing due to their opposition against the Government. As a result, face-to-face classes could not be resumed. She urged the Administration to provide necessary support to schools and consider requiring all teachers to receive compulsory testing. The Chairman commented that undergoing testing was a civic responsibility and uncooperative behavior should not be tolerated.

40. SED responded that teachers might have personal reasons for not getting vaccinated. Currently, some high risk groups or high exposure groups were required to undergo compulsory tests. Schools might contact EDB for assistance if they had any difficulties in resuming classes.

41. In view of the recent child abuse and school bullying incidents, Mr KWOK Wai-keung considered it necessary to provide relevant training programmes to teachers/SSBs to increase their sensitivity in identifying suspected cases so as to tackle the cases at an early stage. Also, EDB should tackle the problem of teacher-on-teacher bullying due to differences in political stance. SED took note of Mr KWOK's suggestions.

IV. 8031ED - Conversion to Shatin Public School

(LC Paper No. CB(4)924/20-21(02) -- Paper provided by the Administration)

42. The Chairman drew members' attention to Rule 83A of the Rules of Procedure which provided that a Member shall not move any motion or amendment relating to a matter in which he had a pecuniary interest, whether direct or indirect, or speak on any such matter, except where he disclosed the nature of that interest. She reminded members to declare interests, if any, in the matter under discussion.

43. At the invitation of the Chairman, the Under Secretary for Education ("US(Ed)") briefed members on the proposed conversion project of the Shatin Public School ("SPS") to enhance its learning and teaching facilities, details of which were set out in the Administration's paper [LC Paper No. 924/20-21(02)].

44. Dr CHIANG Lai-wan noted that the class size of special schools for children with mild intellectual disability ("ID"), including SPS, had been

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progressively reduced from 20 to 15 students. However, there would only be five classrooms in the new annex block. She enquired whether the project could meet the demand of school places for children with mild ID in the Shatin District.

45. US(Ed) advised that apart from SPS, there were four special schools in the Shatin District, including a school for children with mild ID. The special school places in the District were currently sufficient to meet the demand. As a matter of fact, school places in special schools were planned on a territory-wide basis without regional constraints. The proposed project aimed at increasing the capacity of SPS so as to provide additional classes to implement the New Senior Secondary ("NSS") academic structure and the improvement measures on extension of years of study ("EoS") for students at special schools. Upon completion of the project, 15 extra school places would be provided.

46. Mrs Regina IP expressed support for the proposed project. Noting that the site of SPS was large enough for building more blocks, she enquired about the reasons for not optimizing the large open space of SPS to maximize its capacity. US(Ed) explained that the open space of SPS had been fully utilized. Although the site area was about 10 000 square metres, some 2 000 square metres were slopes that could not be developed. As the school places for children with mild ID were currently sufficient to meet the demand and large-scale construction on the school premises might negatively affect students' learning, the proposed project scope was considered appropriate for meeting the long-term development needs of SPS.

47. Ir Dr LO Wai-kwok expressed support for the proposed project, including the construction of three social worker's rooms in the new annex block to cater for students' needs. Dr CHIANG Lai-wan enquired whether the design and technology room and the home economics room were for providing employment training, and whether one additional speech therapy room was sufficient for addressing students' needs. US(Ed) advised that the special rooms were provided to meet SPS's operational needs and offer better support for professionals working at the school.

48. While expressing support for the project, Ms Elizabeth QUAT was concerned about the possible impact of the construction works on the students of SPS. She relayed parents' concerns that some students with mild ID would feel anxious if they had to attend classes in different classrooms during construction, and some would react strongly to noisy construction activities. Ir Dr LO Wai-kwok suggested that the Administration should elaborate on the mitigation measures to be adopted for minimizing the construction impact in its paper to the Public Works Subcommittee ("PWSC").

49. US(Ed) advised that taking into account 70% of SPS students were with autism spectrum disorders who might have difficulty in adapting to new

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environment, the Administration adopted extension and partial conversion for upgrading SPS's facilities to minimize the impact on students. In the Administration's view, the construction would not affect SPS students because firstly, the new annex block was located on a hillside adjacent to the school building. Secondly, students had already adapted to attending classes in different classrooms in existing school premises. Thirdly, noisy construction activities such as piling works would be carried out during long holidays or non-school days so as not to affect students' learning. The Administration would continue to maintain close communication with the school management to prevent nuisance caused by the construction works.

50. Ir Dr LO Wai-kwok enquired about the class-to-teacher ("C/T") ratio at special schools for children with mild ID. The Chairman considered that professionals with psychology training should be recruited to cater for the learning needs of special school students.

51. US(Ed) explained that the C/T ratio varied amongst special schools due to different operational needs. In general, the staffing ratio for special schools at primary and junior secondary levels is 1.8 teachers per class. At senior secondary levels, the staffing ratio for schools for children with intellectual disability is 2 teachers per class whereas that for schools offering the ordinary curriculum is 2.1 per class. The Administration has also provided respective categories of special schools with additional teachers, such as resource teachers for children with hearing impairment, mobility instructors and teachers providing low-vision training to support students with visual impairment. The C/T ratios for schools for children with visual impairment and the school for children with hearing impairment were 1:2.9 and 1:2.5 respectively. Subject to the needs of individual students, the Administration would provide appropriate professionals, such as occupational therapists, physiotherapists, speech therapists, nurses, educational psychologists, social workers, braillists etc. to special schools.

52. The Chairman expressed support for the proposed project and drew the Administration's attention that there were still a number of special schools in need of facilities upgrade to enhance learning and teaching effectiveness, including the Rhenish Church Grace School ("RCGS"), a school for children with moderate ID in Wong Tai Sin.

53. US(Ed) advised that the Administration had all along been according priority in assisting special schools to improve their learning and teaching environment through various means. Among some 40 projects of special schools improvement works, 20 had been completed and about 21 were still underway. Principal Assistant Secretary (Infrastructure and Research Support) supplemented that an annex block had been constructed for RCGS in 2006 under the completed School Improvement Programme. To fulfill the demand arising from the implementation of NSS and EoS, it was found that three additional rooms (i.e. one

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classroom, one staff room and one social worker's room) would be required for RCGS. The school management and the Administration were still working on the extension proposal and there was so far no consensus. The Public Complaints Office of the Legislative Council was following up the case and the Administration would continue to communicate with RCGS to reach a consensus on the extension. The Chairman requested the Administration to report the case to the Panel should there be any progress.

54. The Chairman concluded that the Panel supported the Administration's submission of the proposed project to PWSC.

V. Any other business

55. There being no other business, the meeting ended at 12:58 pm.

Council Business Division 4
Legislative Council Secretariat
28 July 2021