

21 August 2023

Education Bureau Circular No. 14/2023
Measures for Strengthening the Protection of Students:
Appointment of Teaching and Non-teaching Staff in Schools

[Note: This circular should be read by

- (i) Supervisors and Heads of all Kindergartens, Primary and Secondary Schools and Private Schools Offering Non-formal Curriculum – for action; and
- (ii) Heads of Sections – for information]

Summary

This circular aims to update and remind all schools (including Private Schools Offering Non-formal Curriculum) on matters relating to the appointment of teaching and non-teaching staff in schools and relevant measures adopted to strengthen their roles as gate-keepers. This circular supersedes the Education Bureau (EDB) Circular No. 7/2021 issued on 16 July 2021, and should be read and followed in conjunction with EDB Circular No. 11/2007 on “Revised Procedures for Teacher Registration” issued on 19 September 2007.

Details

2. Teachers play a vital role in passing on knowledge and nurturing students’ character, so as to cultivate the younger generation with virtues and talents, an affection for their country and their home, and with a global perspective. As role models for students, their words and deeds have far-reaching impact on students’ growth. It is therefore of utmost importance that teachers should demonstrate professional attitude and endeavour, abide by the law and uphold conduct as acceptable to the community. They should uphold professional belief, be cautious about their words and deeds, and live up to public expectation of teachers’ morals and professional conduct.

3. To safeguard the well-being of students, EDB has all along been striving to ensure that only those meeting the required qualifications and standards can become registered teachers or permitted teachers through a teacher registration system. We will refuse the application for registration if the applicant has committed a serious offence, an illegal act or misconduct. If the person concerned is a registered teacher (including Registered Teacher and Permitted Teacher), we will consider cancelling his/her teacher registration. Apart from performing a gatekeeping role through the teacher registration system, EDB has continuously implemented a number of initiatives to enhance the quality of teachers and strengthen their professional conduct, including:

- (i) Starting from the 2021/22 school year, EDB conducts criminal record check on all registered teachers every three years to prevent unintentional or intentional omissions in reporting by registered teachers with criminal convictions.
- (ii) At the end of 2022, EDB promulgated the Guidelines on Teachers' Professional Conduct ("the Guidelines"), with eight codes of professional conduct required of teachers compiled, clearly setting out the professional conduct and norms of behaviour required of teachers, and encouraging teachers to comply with the Guidelines consciously, with an aim to protecting students' well-being and safeguard the education profession, national security and social order. EDB will make reference to the Guidelines when handling cases of suspected professional misconduct of teachers.
- (iii) Starting from the 2023/24 school year, all newly-appointed teachers in public sector schools, Direct Subsidy Scheme schools and kindergartens joining the kindergarten education scheme (including newly-joined teachers and teachers changing schools) are required to pass the Basic Law and National Security Law Test (BLNST).
- (iv) Starting from the 2023/24 school year, for schools intended to appoint teachers who have already left the teaching profession for one year or more, criminal conviction record of the teachers concerned must be declared to this Bureau.

4. Schools as employers should tie in with the Government's measures by adopting a stringent selection process on appointment and related matters and strengthening the management and their roles as gatekeepers, in order to guard against improper persons to be appointed as teaching and non-teaching staff, including specialists, laboratory technicians, school executive officers, clerical staff and janitors, etc. Schools must observe the following employment procedures to ensure that the

appointed teaching and non-teaching staff are fit and proper persons for employment.

Appointment of Teachers

- (i) Schools should require the applicants to declare the following in the application forms for the posts and/or other related documents; and to provide details accordingly:
- whether their registered teacher or permitted teacher status has been cancelled/refused;
 - whether EDB has issued reprimand/warning/advisory letter due to their professional misconduct to the best of their knowledge;
 - whether they were/are being investigated by schools or EDB over professional misconduct allegations to the best of their knowledge;
 - whether they have been convicted of any criminal offence in Hong Kong or elsewhere; and
 - whether they are involved in any ongoing criminal proceedings or investigations (including but not limited to arrest or apprehension by the police) to the best of their knowledge.
- (ii) Schools should be well informed of the applicants' personal backgrounds and give due consideration, including but not limited to the following:
- Schools should check the certificates of service issued by the applicants' previous employers, and with the applicants' consent, consult their previous employers about their performance including whether they were/are being investigated over professional misconduct allegations;
 - Upon seeking the consent of the applicant, the school should apply to EDB for releasing information regarding his/her registration status¹. The application form can be downloaded from the EDB website (EDB Homepage → Teachers Related → Qualifications, Training and Development → Qualification → Teacher Registration);
 - Schools should obtain details and proof of the incidents from applicant if he/she is found to be involved in professional misconduct or illegal acts.

¹ The information provided include: validity of the potential appointee's teacher registration status; whether the registration/application has been cancelled/refused; and whether reprimand/warning/advisory letter has been issued in connection with the teacher registration or whether EDB is reviewing his/her teacher registration status. Schools should keep proper records of the relevant replies for inspection.

Whether the applicant is employed or not, the Incorporated Management Committees (IMCs)/School Management Committees (SMCs) should discuss the decision and record the deliberations; and

- Schools must explain with justifications to EDB if they intend to employ any applicants who refuse to give consent to the above enquiries or checks.
- (iii) Starting from the 2023/24 school year, prior to appointing teachers, schools must verify whether the teachers to be appointed have passed the BLNST. For details, please refer to EDBC No. 13/2022 on “Requirement for Newly-appointed Teachers to Pass the Basic Law and National Security Law Test” and relevant website (EDB Homepage → School Administration and Management → Administration → About School Staff → Requirement for Newly-appointed Teachers to Pass the Basic Law and National Security Law Test).
- (iv) In addition to the applicants’ academic qualifications, expertise, work experience, passion for education and attainment of a pass result in BLNST, schools should also take into account their potential to cultivate the younger generation with virtues and talents, an affection for their country and their home as well as a global perspective, for example, whether the applicants’ can correctly understand the Constitution of the People’s Republic of China, the Basic Law of the Hong Kong Special Administrative Region of the People’s Republic of China and the Law of the People’s Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region, and consciously safeguard national security, social order and public interest; fulfil social responsibility and civic obligations; actively support and promote national education; and cultivate in students a sense of belonging towards the country.
- (v) If schools plan to employ teachers who have not yet registered as Registered Teachers, schools have to ensure that the teachers concerned have submitted the application for registration as “Registered Teachers” or “Permitted Teachers” as required before assumption of duties. Teacher registration is a legal requirement; schools should keep track of the registration status of individual teachers and must ensure that all teachers have undergone the registration formalities in compliance with the law. For more information regarding teacher registration, please refer to EDB webpage (EDB Homepage → Teachers Related → Qualifications, Training and Development → Qualification → Teacher Registration).

- (vi) Schools should carefully check the originals of the teacher registration certificates and other qualification documents produced by applicants, and retain copies of Certificates for Registration as a Teacher and copies of results in BLNST for inspection.
- (vii) Starting from the 2023/24 school year, for appointment of teachers who have already left their prior service in a local primary/secondary school or kindergarten for one year or more², schools should require them to declare whether he/she has been convicted of any criminal offence in Hong Kong or elsewhere, and upon obtaining the consent of the teachers, submit the details to this Bureau for verification with relevant Government bureaux/departments. The declaration form can be downloaded from EDB website (EDB Homepage → Teachers Related → Qualifications, Training and Development → Qualification → Teacher Registration). Schools should submit the form to EDB prior to the effective date of the proposed appointment and keep proper records of relevant replies for inspection.
- (viii) Schools must observe the provisions of the Personal Data (Privacy) Ordinance and keep proper records of details of teachers who are involved in criminal offence and/or professional misconduct while collecting/checking information of teacher registration status of newly appointed staff. Such records should be made available for this Bureau's inspection as necessary. Schools should state clearly on the job application forms and/or other related documents that the personal information collected will be used for processing the job applications and assessing the suitability of applicants for the job; the applicants should provide all relevant information, and try their best effort to obtain the information as and when required by the school/EDB, and failure to do so may result in the application not being processed. If the appointees provide false information or withhold material information, they are subject to the dire consequences of criminal prosecution, and they may be dismissed by the schools.
- (ix) Unless with the permission in writing of the Permanent Secretary for Education, persons who have had their teacher registrations cancelled/refused shall not enter or remain in any school.

² The duration of break in service is counted from the day the teacher departed from his/her prior service in a local primary/secondary school or kindergarten to the day preceding the effective date of the new appointment to a primary/secondary school or kindergarten. For example, if a teacher's prior service in a school ended after 31 August 2022, and is appointed by another school with effect from 1 September 2023, the duration of his/her break in service is one year.

- (x) Schools must request prospective employees to undergo Sexual Conviction Record Check (SCRC) at the advanced stage of the employment process. This is to verify the sexual conviction records as declared by them. For implementation details of the Scheme, including the protocol and application procedures, schools may refer to the relevant website of EDB (EDB Homepage → School Administration and Management → Administration → About School Staff → Appointment Matters) and browse SCRC webpage of the Hong Kong Police Force (<http://www.police.gov.hk/scrc>).
- (xi) In accordance with the enhanced measures introduced by EDB since the 2009/10 school year, schools recruiting their own Native-speaking English Teachers (NETs) should require the new appointees to produce a Certificate of No Criminal Conviction or other legitimate documentary proof issued by their countries of residence. For details, please refer to the latest EDB circular memorandum on the employment of NETs and relevant website (EDB Homepage → Curriculum Development and Support → Resources and Support → NET Scheme → NET Appointment Matters).
- (xii) Schools should require prospective teachers to study the Guidelines on Teachers' Professional Conduct promulgated by EDB to make themselves aware of the expectations of EDB, schools and the community on teachers' professional conduct. As for non-teaching staff (including the specialists and personnel of different grades in special schools), schools may stipulate requirements of staff conduct with reference to the Guidelines, so as to safeguard the well-being of students.

During Employment

- (xiii) Schools should convey to all staff schools' expectations regarding their performance on a regular basis through different channels (such as teachers' handbook and staff meetings) and circulate the Guidelines on Teachers' Professional Conduct, reminding them of the importance of upholding professional conduct and the dire consequences of violating professional conduct.
- (xiv) Schools should remind teachers to report to the schools as soon as they know that they are involved in any ongoing criminal investigation or proceeding, including but not limited to arrest or apprehension by the police. Teachers should also report results of such investigation or proceeding to the schools upon its conclusion. Taking into account the nature and severity of the case, schools

should reshuffle the duties of the teacher concerned as appropriate when investigation or criminal proceeding is still in progress. For serious cases, schools should refer to the situations described in the Code of Aid and, in compliance with the relevant provisions in the Employment Ordinance, consider suspending the teacher from his/her teaching duties or duties that may involve contacting students in private, with a view to protecting students' safety and well-being.

- (xv) When knowing that a teacher is suspected to have committed any serious offence or misconduct act, the school must report the case to EDB immediately for considering whether any further action is necessary, including but not limited to reviewing the teacher registration status of the teacher concerned.
- (xvi) If a teacher is found to have falsely reported, omitted or withheld any details of being involved in conviction of any offence or misconduct, taking into account the nature and severity of the incident, schools should take appropriate actions which may include considerations of suspending the teacher from his/her teaching duties, and even dismissal.
- (xvii) Schools should remind teachers that they should inform the schools as soon as possible and inform EDB in writing³ within one month if there are any changes of personal particulars (e.g. correspondence address, telephone number, etc.) in order to update their teacher registration records. For details, please refer to EDB webpage (EDB Homepage → Teachers Related → Qualifications, Training and Development → Qualification → Teacher Registration).

Leaving the Service

- (xviii) When a teacher leaves the service, the school should set out in the teacher's certificate of service the reasons, e.g. resignation, retirement, expiry of employment contract or dismissal, for reference of other schools in handling appointment matters.
- (xix) When a Permitted Teacher ceases to be employed in the school specified in the

³ When EDB reviews the teachers' registration status, we may take further action or make a decision in respect of the teachers' registration status without considering their representation if we fail to serve the relevant letters (including inviting representations from the teachers, informing them of the follow-up actions or decisions, etc.) to the teachers according to the latest correspondence address provided. Request for change of contact information should be made in writing (by means of letters, or electronic forms which will be available soon) to Teacher Registration Team of EDB.

permit, the school should also update the record of employment cessation of the teacher through the e-Services Portal. If the Permitted Teacher does not have an e-Services Portal account, the school should inform the Teacher Registration Team of EDB in writing⁴ about the details of the Permitted Teacher who has ceased his/her employment. Besides, starting from the 2023/24 school year, the school must collect the teacher's copy of the Permit to Teach⁵, and return both the copy and the original to EDB. If he/she fails to return the copy of the Permit to Teach, the school should document the reason for not returning the copy properly in writing. The school should return the above-mentioned documents (i.e. both the original and the copy of the Permit to Teach and/or the reason for not returning the copy) to the Teacher Registration Team of EDB, by the end of the school year. If schools are unable to return the required documents as scheduled, this Bureau will approach the schools to learn about their situation and may take necessary follow-up actions.

Appointment of Non-teaching Staff

5. Please note that except the items specified in paragraphs 4(iii), (iv), (v), (vi), (vii), (ix), (xi), (xvii) and (xix) which are specific to the appointment of teachers only, all measures as set out above are applicable to the appointment of teaching and non-teaching staff, including specialists, laboratory technicians, school executive officers, clerical staff, janitor, etc.

Private Schools Offering Non-formal Curriculum

6. Please be reminded that all of the above requirements are also applicable to the appointment of teachers of Private Schools Offering Non-formal Curriculum. As for paragraph 4(v) and (vi) regarding teacher registration matters, please refer to ***Appendix 1*** for information about the conditions for exemption on employment of teachers and take note of sections 6 and 7 of the appendix in particular.

⁴ A sample letter can be downloaded from EDB website (EDB Homepage → Teachers Related → Qualifications, Training and Development → Qualification → Teacher Registration).

⁵ A Permit to Teach will be issued by EDB to the School Supervisor who applied for permission to employ an unregistered teacher. The Permit is owned by the school and therefore should be properly retained by the school, and a copy of such should be forwarded to the teacher concerned as required. When the Permitted Teacher concerned ceases to be employed, the school must collect the copy of the Permit to Teach, and return both the copy and the original to EDB.

Enquiries

7. For enquiries, please contact the respective Senior School Development Officer or the Senior Services Officer of the Joint Office for Kindergartens and Child Care Centre.

Ms W P LEE
for Permanent Secretary for Education

Education (Exemption) (Private Schools Offering Non-Formal Curriculum)

**Order
(Cap 279F)**

**Schedule 2
Employment of Teachers**

**Part 2
Conditions for Exemption**

1. A teacher who teaches in an exempted school shall possess the minimum qualifications for a permitted teacher, that is –
 - (a) one or two certificates of the Hong Kong Certificate of Education Examination with an aggregate of 5 separate subjects at Grade E or a higher grade, including –
 - (i) English Language (Syllabus B), or of a standard which in the opinion of the Permanent Secretary is equivalent to Grade E or a higher grade in that Certificate; or
 - (ii) Chinese Language; or
 - (b) one or two certificates of the Hong Kong Diploma of Secondary Education Examination with an aggregate of 5 separate subjects consisting of –
 - (i) English Language or Chinese Language at Level 2 or a higher level;
 - (ii) 2 subjects each of which is –
 - (A) a subject from the New Senior Secondary subjects at Level 2 or a higher level;
 - (B) a subject from the Applied Learning subjects with an “Attained” or “Attained with Distinction” result; or
 - (C) a subject from the Other Language subjects at Grade E or a higher grade; and
 - (iii) 2 subjects each of which is –
 - (A) a subject from the New Senior Secondary subjects at Level 2 or a higher level; or
 - (B) a subject from the Other Language subjects at Grade E or a higher grade.
2. A teacher who teaches secondary 4 or 5 level in an exempted school shall possess –
 - (a) a higher diploma issued by a specified institution or an associate degree of a specified institution; or
 - (b) a qualification which in the opinion of the Permanent Secretary is equivalent to a higher diploma or an associate degree.

3. A teacher who teaches secondary 6 or 7 level or post secondary courses in an exempted school shall possess –
 - (a) an approved degree of a specified institution; or
 - (b) a qualification which in the opinion of the Permanent Secretary is equivalent to an approved degree.

4. The subjects that a teacher is required to teach shall only be the ones in which the teacher obtains qualifications or has passed the public examinations.

5. A supervisor of an exempted school shall –
 - (a) within one month after any teacher commences to teach in the school, report to the Permanent Secretary in writing of the name, identity card number, qualifications and date of first appointment of the teacher;
 - (b) include in the report a statement in writing certifying that the information on the teacher is correct; and
 - (c) take reasonable steps to ensure that the qualifications the teacher claims to have obtained are genuine.

6. A person specified in section 7 of this Part may not teach in an exempted school unless the person –
 - (a) is a registered teacher whose registration has not been cancelled under section 47 of the Ordinance; or
 - (b) has a permit to teach which has not been cancelled under section 52 of the Ordinance.

7. The person referred to in section 6 of this Part is one who –
 - (a) has been convicted, whether in Hong Kong or elsewhere, of an offence against the persons or involving violence or maltreatment of children;
 - (b) has been convicted of an offence under Part XII of the Crimes Ordinance (Cap. 200)(which deals with sexual offences) or under the Prevention of Child Pornography Ordinance (Cap 579); or
 - (c) without prejudice to paragraphs (a) and (b), has been convicted, whether in Hong Kong or elsewhere, of any offence and received a custodial sentence, a probation order, a community service order or a fine exceeding \$10,000.