

16 July 2021

**Education Bureau Circular No. 7/2021**  
**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 the measures adopted to strengthen the protection of students on matters relating to the appointment of teaching and non-teaching staff in schools. Schools should check the potential appointees' teacher registration status, whether they have any criminal conviction record, whether they are involved in any ongoing criminal proceedings or investigations (including but not limited to arrest or apprehension by the police), or whether they are being investigated by schools or the Education Bureau (EDB) over professional misconduct allegations. Schools should also check related information through the Sexual Conviction Record Check (SCRC) Scheme to ensure that all the appointees (including teaching and non-teaching staff) are fit and proper persons for employment. This circular supersedes the EDB Circular No. 3/2020 issued on 22 May 2020 and EDB Circular Memoranda No. 179/2011 and No. 180/2011 issued on 29 November 2011, and should be read and followed in conjunction with the EDB Circular No. 11/2007 on "Revised Procedures for Teacher Registration" issued on 19 September 2007.

## **Details**

2. Teachers, as role models for students, play a vital role in passing on knowledge and nurturing students' character. Their words and deeds have far-reaching impact on students'

growth. It is therefore of utmost importance that teachers should abide by the law and uphold conduct as acceptable to the community and uphold professional conduct. They should be cautious about their words and deeds, and live up to public expectation of teachers' moral and professional standards. To safeguard the well-being of students, the EDB has all along been working closely with schools to create a caring and safe learning environment for students. In respect of teacher registration, the EDB attaches great importance to the professional conduct of teachers (including principals). 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 and permitted teachers), we will consider cancelling his/her teacher registration. Similarly, schools as employers should guard against improper persons to be appointed as teaching and non-teaching staff, including specialist staff, laboratory technicians, school executive officers, clerical staff, janitors, etc., by adopting a stringent selection process and strengthening the management on appointment and related matters.

3. In order to ensure students' safety, schools must observe the following employment procedures to make an informed decision on selecting suitable employees. Schools should keep proper records of collecting/checking information of teacher registration status of newly appointed staff and enquiries about whether they have been involved in criminal offences. Such records should be made available for submission or inspection upon request by this Bureau.

#### 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 they have been convicted of any criminal offence in Hong Kong or elsewhere;
  - 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; and
  - whether they are being investigated by schools or the EDB over professional misconduct allegations to the best of their knowledge.
- (ii) Schools should state clearly on the application forms for the posts and/or other related

documents that 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;

- (iii) Schools should make every reasonable effort to 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 candidates' previous employers, and with the candidates' consent, consult their previous employers about their performance including whether, to the best of their previous employers' knowledge, they are being investigated over professional misconduct allegations;
  - Schools should explicitly seek the consent of the applicant on the application form for the post that the school may apply to the EDB for releasing information regarding his/her registration status<sup>1</sup>. The latest version of 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 has been involved in professional misconduct or illegal acts. The Incorporated Management Committees (IMCs) / School Management Committees (SMCs) should deliberate whether the applicant should be employed, and the discussions should be recorded;
  - Schools should explain with justifications to the EDB if they intend to employ any applicants who refuse to give consent to the above enquiries or checks;
- (iv) Schools must observe the provisions of the Personal Data (Privacy) Ordinance when handling the applicants' personal data. Hence, schools should state clearly on the job application forms and/or other related documents that, among others, the personal information collected will be used for processing the job applications and assessing the suitability of candidates for the job. The applicants shall provide all relevant information, and try their best 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;
- (v) Schools should request prospective employees to undergo SCRC at the advanced stage

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<sup>1</sup> The form provides information on 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 circumstances that warrant EDB's examination of his/her registration status.

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 *Appendix 1* and browse the SCRC page of the Hong Kong Police Force website (<http://www.police.gov.hk/scrc>);

- (vi) In accordance with the enhanced measures introduced by the 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. Please refer to the latest EDB circular memorandum on the employment of NETs for details. The circular memorandum can be downloaded from the EDB website (EDB Homepage → Curriculum Development → Resources and Support → NET Scheme → NET Appointment Matters);
- (vii) Schools should carefully check the original copy of the teacher registration certificates and qualification documents produced by applicants, and keep record of copies of teacher registration documents (including registered teachers and permitted teachers) for inspection;
- (viii) If schools plan to employ teachers who have not yet registered as “Registered Teachers”, they have to ensure that they have submitted the application for registration as “Permitted Teachers”<sup>2</sup> or “Registered Teachers” as required. For details about teacher registration, schools may refer to the circular letter issued by the EDB on 9 July 2020. [The circular letter](#) has been uploaded to the EDB website (EDB Homepage → Teachers Related → Qualifications, Training and Development → Qualification → Teacher Registration). We would update the letter as necessary and notify schools accordingly;
- (ix) Schools should state clearly their requirements and expectations regarding teachers’ professional conduct through different channels (such as requesting teachers to sign an undertaking for such pledges or issuing guidelines to teachers) and remind applicants that once they are employed, they must be committed to upholding teachers’ professional conduct and serving as role models for their students. They should also be mindful about their words and deeds, including their messages posted on the social media, as they may affect students’ and our community’s confidence on the teaching profession. Non-teaching staff (such as specialists) must also be committed to upholding their relevant professional conduct to protect students’ well-being;
- (x) Unless with the permission in writing of the Permanent Secretary for Education,

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<sup>2</sup> For teachers who were previously employed by other schools and registered as “Permitted Teacher”, their teaching permit will be invalidated when they cease to serve in the school as specified on the permit.

persons who have had their teacher registrations cancelled/refused shall not enter or remain in any school.

### During Employment

- (xi) Schools should convey to all staff schools' expectations regarding their performance (including teachers' professional conduct), on a regular basis through different channels (such as teachers' handbook and staff meetings);
- (xii) Schools should require 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<sup>3</sup>. Teachers should also report results of such investigation or proceeding to the schools immediately upon its conclusion. Taking into account the nature of the case, schools should reshuffle the duties of the teacher concerned as appropriate when investigation or criminal proceeding is still in progress. For cases of a serious nature, 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;
- (xiii) When knowing that a teacher is suspected to have committed any serious offence or act of misconduct, the school must report the case to the EDB immediately for considering whether any further action is necessary, including but not limited to reviewing the teacher registration status of the teacher concerned;
- (xiv) If a teacher is found to have omitted or withheld any details, 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;
- (xv) Schools should also remind teachers that they should inform the schools and the Teacher Registration Team of the EDB as soon as possible if there are any changes of relevant personal particulars (e.g. correspondence address, telephone number, etc.).

### Leaving the Service

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<sup>3</sup> Starting from the 2021/22 school year, the EDB will conduct comprehensive criminal record check on all registered teachers every three years. The purposes are to prevent intentional and unintentional omissions, and to identify any unreported information during the period when registered teachers are not in active service to further safeguard the well-being of students.

- (xvi) A school should set out in the certificates of service the reasons for the teachers' leave from the service, e.g. resignation, retirement, expiry of employment contract, dismissal, etc., for the reference of other schools in handling appointment matters.

#### Appointment of Non-teaching Staff

4. Please note that except the items specified in paragraphs 3(vi), (vii) and (viii) 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 officers, janitor staff, etc.

#### Private Schools Offering Non-formal Curriculum

5. 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 3(vii) and (viii) regarding teacher registration matters, please refer to **Appendix 2** for information about the conditions for exemption on employment of teachers and take note of sections 6 and 7 of the appendix in particular.

#### **Enquiries**

6. 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

## Sexual Conviction Record Check Scheme

Pursuant to the recommendations put forward by the Law Reform Commission to the Government, the SCRC Scheme has been implemented since 1 December 2011. All schools (including Private Schools Offering Non-formal Curriculum) must adopt the Scheme in their appointment procedures to strengthen the protection of students' well-being.

2. In general, the prospective employees of a position that provides services mainly for children or mentally incapacitated persons (MIPs), requires working in premises that provide services for children or MIPs, or involves frequent or regular contact, in particular unmonitored contact, with children or MIPs fall within the scope of the Scheme. In this regard, schools should request all prospective employees who apply for these positions (including teaching and non-teaching posts) to undergo SCRC. For staff who are to be deployed by the service contractors to fill positions that conform to any of the above criteria, even though they are not school employees, schools should ask the service contractors to request their staff to undergo SCRC and to allow schools to have access to the checking results. For details of the implementation of the Scheme, including protocol, application procedures and a template for documentary proof of possible employment, schools may browse the website of the SCRC ( <http://www.police.gov.hk/scrc> ).

3. The Scheme can provide schools with important reference when recruiting staff. Given the importance of protecting our students, schools must adopt the Scheme to request prospective employees to undergo SCRC at the advanced stage of the appointment process. The Incorporated Management Committees (IMCs) / School Management Committees (SMCs) should inform the candidates that their job applications will not be considered if they refuse to undergo SCRC. School can make use of the [checking form](#) provided by the EDB to conduct SCRC and should properly keep the related records. Schools are also requested to take note of the [School Administration Guide](#), [related appointment guidelines](#) and [Frequently Asked Questions](#). The aforementioned [checking form](#) and appointment related information have been uploaded to the EDB website, which can be accessed via the following path (School Administration Guide: EDB homepage → School Administration and Management → Regulations → School Administration Guide; Related appointment guidelines and Frequently Asked Questions: EDB homepage → School Administration and Management → Administration → About School Staff → Appointment matters).

4. While the Scheme provides schools with a reliable channel to verify the sexual conviction records as declared by the prospective employees and hence facilitates schools

to make an informed decision on selecting suitable employees for work in schools, it cannot take the place of prudent employment practice currently used in schools. Schools should continue to be prudent in the appointment of staff with a view to providing our students with a safe learning environment.

**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.