

Education Bureau Circular Memorandum No. 180/2011

From: Permanent Secretary for Education

To: Supervisors and Principals of Private
Schools Offering Non-formal
Curriculum

Ref.: EDB(PDT)/ADM/135/8/4

Date: 29 November 2011

Adoption of Sexual Conviction Record Check Scheme in Private Schools Offering Non-formal Curriculum

Summary

This circular memorandum aims to inform schools that the Hong Kong Police Force (the Police) will launch the Sexual Conviction Record Check scheme (SCRC) on 1 December 2011, and schools are strongly advised to adopt the scheme as soon as practicable in their appointment procedures to further safeguard the well-being of students.

Details

2. The Law Reform Commission (LRC) has recommended the Administration to establish an administrative scheme as an interim measure which would enable employers of persons undertaking child-related work and work relating to mentally incapacitated persons (MIPs) to check the sexual conviction records of employees so as to reduce the risk of sexual abuse to children and MIPs. The Administration has accepted the LRC's recommendation and the Police will implement the scheme on 1 December 2011. The scheme is only applicable to prospective employees seeking child or MIP-related work in organizations or enterprises (including schools).

3. In general, a position that provides services mainly for children or 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 will fall within the scope of the scheme. In this regard, schools can request all prospective employees (for both teaching and non-teaching posts) to undergo SCRC. Applications for SCRC should be submitted by the prospective employees voluntarily. For staff who are to be deployed by the service contractors to fill positions that conform to one of the above criteria, even though they are not school employees, schools can 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 related to children or MIPs from employers, schools may browse the website of the SCRC (<http://www.police.gov.hk/scrc>).

4. We believe that the scheme can provide schools with important reference when recruiting staff. Given the importance of protecting our students, schools are strongly advised to adopt the scheme and request prospective employees to undergo SCRC at the advanced stage of the employment process. Should the schools decide not to request certain types of or individual prospective employees to undergo SCRC, there should be a thorough deliberation on the reasons and the justifications have to be properly documented. To support the implementation of the scheme, relevant parts of the [appointment guidelines](#) will be updated and some frequently asked questions will be compiled, all of which will be posted on EDB website by early December for schools' reference (EDB Homepage → Teachers' Development → Employment Related Information → Appointment Matters).

5. 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. However, the scheme cannot take the place of prudent employment practice currently used in schools. With a view to providing our students with a safe learning environment, schools should continue to be stringent in the appointment of staff.

6. Taking the appointment of teachers under the Education (Exemption)(Private Schools Offering Non-Formal Curriculum) Order (Cap. 279F) (the Exemption Order) as an example, EDB requires exempted schools to ask teacher applicants to provide their previous conviction records in Hong Kong or elsewhere, if any, upon their application for employment as a teacher. In addition to requesting the prospective teachers to undergo SCRC, schools are strongly advised to adopt the following enhanced measures:-

- Candidates should be required to declare their previous cancellation/refusal of teacher registration, if any, and provide the details accordingly.
- Schools should carefully check the candidates' documentary evidence of qualifications, including their teacher registration documents and the certificates of service issued by their previous employers.
- With the consent of the candidates, schools should consult their previous employers about their performance.
- In case of doubt about a potential appointee's teacher registration status, schools may seek his/her consent to apply to EDB for the release of teacher registration

information to the school. The application form can be downloaded from EDB website (EDB Homepage → Teachers' Development → Training and qualifications → Teacher Registration).

- For exempted schools not employing registered teachers and not complying with all the conditions specified in Part 2 of Schedule 2 of the Exemption Order attached at the Appendix (the Exemption Order can be downloaded from <http://www.legislation.gov.hk/eng/home.htm>), they have to submit an application to EDB for permission to employ a person as a permitted teacher. Schools should ensure that all these applications be submitted before teachers' assumption of duty.

Enquiries

7. For enquiries, please contact the respective Senior School Development Officer.

S K LEUNG
for Permanent Secretary for Education

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, one or two Hong Kong Certificates of Education Examination with an aggregate of 5 separate subjects at Grade E or a higher grade, including –
 - (a) 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
 - (b) Chinese Language.
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 in 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 (L.N. 113 of 2004)
 - (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.