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Government of the HKSAR  
Education Bureau

1 February 2010

## **Education Bureau Internal Circular No. 1/2010**

### **Conduct and Discipline Matters of Teaching Grades Staff in Government Schools**

*[Note: This circular should be read by all heads and teaching grades staff of Government schools and all officers responsible for personnel, conduct and discipline matters of teaching grades staff of Government schools.]*

#### **Summary**

This circular serves to remind teaching grades staff in the Government schools of the disciplinary mechanism applicable to those teachers found to have committed any acts of misconduct.

#### **Professional Conduct of Government School Teachers**

2. As the policy Bureau responsible for education policies, and the sponsoring and supervisory body of Government schools, we attach great importance to maintaining a high ethical and professional standard for teaching staff in Government schools. Teaching staff of Government schools are required to observe steadfastly the ethical standard of the education profession. On the other hand, as part of the civil service, teaching staff of Government schools are also required to uphold the highest standards of integrity and probity in the civil service.

3. In general, teaching grades staff in Government schools are acutely aware of the grave consequences of criminal conviction, which may render them liable to civil service disciplinary action. Nevertheless, some of them may not be fully alert that misdemeanors or professional misconduct of different levels of gravity may also result in disciplinary action to be taken against them.

4/2016

4. As specified under Section 4.1 of the Bureau's Code of Conduct (i.e. [EDB Internal Circular No. 8/2007](#)), all officers should at all times comply with the ethical standards governing their particular professions. In this regard, the Code for the Education Profession of Hong Kong<sup>1</sup> (the Code) ([accessible via http://cpc.edb.org.hk](http://cpc.edb.org.hk)) has prescribed the ethical standards of conduct for teachers in the execution of their professional duties in Hong Kong. As the Code is regarded as the written manifestation of the ethical standards expected of the education profession, all teaching grades staff in Government schools are expected to subscribe to it as well as its subsequent updates.

### **Disciplinary Mechanism for Civil Servants**

Please refer to email issued by Administration Division on 25 April 2018 for more specific instructions).

5. As civil servants, teaching grades staff in Government schools are liable to disciplinary action should they fail to observe any government regulation, misconduct themselves in any manner, or by their actions, bring the Government service into disrepute. In this particular regard, as explained in paragraphs 3 and 4 above, any act in breach of the Code may also constitute misconduct and subject them to civil service disciplinary action commensurate with the gravity of individual cases. They should also note that the Bureau takes a serious view of the teachers' professional misconduct as they should act as the role model of students. As such, we adopt a "zero" tolerance approach towards the improper professional conduct of Government school teachers, in particular where corporal punishment or indecency is involved. General procedures and guidelines in taking disciplinary action against staff for misconduct are laid down in [EDB Internal Circular No. 14/2007](#) on "A Guide to Taking Disciplinary Action against Staff".

6. In considering the appropriate disciplinary proceedings (such as formal or summary disciplinary action) to be instituted and the level of punishment to be meted out in individual cases, the Bureau will take into account

- the nature, circumstances and gravity of the act/ misconduct with

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<sup>1</sup> In 1987, the ex-Education Department set up a Preparatory Committee comprising members elected among 63 education organizations to draw up a professional code of practice (the Code). After wide consultation, the Code was promulgated in 1990 and has been adopted by the Council on Education Profession in Education since its establishment in 1994.

reference to the Code and any relevant government regulations (including whether dishonesty, indecency, corporal punishment etc. has been involved, whether there has been provocation from the student(s) and, if yes, the seriousness of the provocation, whether any physical and/or psychological harm has been caused to the student(s) and if yes, the degree of harm caused and the number of students involved) and whether this is an isolated act, a series of acts or repeated acts within a period);

- the officer's disciplinary record;
- the officer's performance record as an education professional;
- any other mitigating factors; and
- the customary level of punishment.

7. In general, for any misconduct of a minor nature and gravity committed by an officer with a clean disciplinary record, it should normally be dealt with by summary disciplinary action (i.e. written or verbal warning). For misconduct of a more serious nature and gravity and/or where the officer has a blemished disciplinary record, formal disciplinary action may be considered with levels of punishment ranging from reprimand to removal from the service by compulsory retirement or dismissal.

8. Some examples of misconduct acts are provided in **Annex** for reference of teaching grades staff in Government schools. The examples given include acts of professional conduct and those of other nature. They serve on the one hand to help teaching grades staff in Government schools to have a better understanding of acts that may be regarded as misconduct and on the other as reference for supervisors responsible for staff management matters in Government schools. Please note that the examples given are for illustrative purpose and should not be taken as exhaustive. The disciplinary authority would determine the level of punishment in each case having regard to the considerations and relevant factors as set out in paragraphs 5 and 6 above.

### **Further Action on Professional Misconduct of Teachers**

9. Teaching grades staff in Government schools should also note that the conduct of civil service disciplinary action against them arising

from any act of professional misconduct will not preclude the Bureau from taking other actions such as cancellation/ refusal of teacher registration under the Education Ordinance.

### **Related Issue**

10. Regarding misconduct cases involving teachers' improper acts towards students in particular, in cases where the student displays aggrieved provocative behaviour (e.g. where he has resorted to abusive language or violent act towards the teacher), the school management should also take disciplinary measures against the student in accordance with the school's discipline and guidance policy and school rules, and provide guidance and counseling to the students with a view to educating them to accept logical consequence of their misbehaviour and improve their conduct. This is necessary and sensible from the view points of class discipline and morale of the teaching staff.

### **Re-circulation**

11. Heads of Government schools are requested to arrange re-circulation of this Circular for the attention of all their staff at half-yearly intervals.

### **Enquiries**

12. Any enquiries concerning this circular should be addressed to Executive Officer (Staff Management) of Administration Division at ~~2892 6132~~. 3509 8547

(M S TSE)  
for Permanent Secretary for Education

Encl.

**Examples of Misconduct  
for Teaching Grades Staff in Government Schools**

Disciplinary action, either formal or summary, has been taken against the following types of misconduct. With due consideration given to the nature, severity, circumstances, performance/ disciplinary records of the officers concerned, the punishments imposed ranged from verbal or written warnings, reprimand, severe reprimand, reduction in rank, deduction of emolument to removal from service by compulsory retirement or dismissal. Please note that the examples given are for illustrative purpose and should not be taken as exhaustive.

Examples of Misconduct

- A) Criminal convictions (e.g. indecent assault, theft, deception)
  
- B) Improper treatment of students (e.g. corporal punishment, having physical clash with students, making inappropriate remarks to students, having improperly intimate relationship with students)
  
- C) Unauthorized absence from duty (e.g. absence without leave or permission, leaving the school before the official release time)
  
- D) Insubordination / Failure to follow instructions (e.g. leaving students unattended during outside school activity, divulging content of examination paper to students, failing to mark and correct assignment and/ or to present students' assignment for inspection on time, failing to ensure the proper compliance of regulations relating to procurement)
  
- E) Misbehaviour in office (e.g. acting impolitely towards supervisors/colleagues)
  
- F) Misuse of official position (e.g. making use of school premises and instruments for private purpose)

- G) Unauthorized outside work (e.g. outside work, paid or unpaid, in connection with the publishing of textbooks)
- H) Unauthorized acceptance of advantage (e.g. acceptance of unauthorized gift/ loan from personal friends/ service providers)
- I) Breach of Housing Benefits Rules (e.g. failing to provide timely report on changes in family circumstances that have affected the eligibility of receiving civil service housing allowances/benefits)