



Council on Professional Conduct in Education

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(Translated from Chinese version)

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CPC's Letter to Dr Alice Lam Lee Kiu-yue, Chairman of the Education Commission

22 August 2007

Dear Mrs Lam,

Thank you for the reply of 5 February 2007 from Dr Rosanna Wong Yick-ming, former Chairman of the Education Commission.

In the Education Commission Report No.5 issued in June 1992, it was recommended that "a few years after the Council is set up (say five years), the possibility of setting up a statutory professional governing body should be reviewed by the Government". Since the Council on Professional Conduct in Education (CPC) set up in April 1994 should be a transitional body, in long term, a General Teaching Council (GTC) should be set up as soon as possible to take advantage of a professional teaching force to provide quality education.

In her reply, Dr Wong stated that the setting up of a GTC to promote the professional development of teachers to enhance the quality of education had all along been the consensus of the Commission. She also mentioned in the letter that if, after having an internal discussion, CPC members would still like to make an appointment for a meeting, the Council could contact the Commission.

We believe that, as the new Chairman of the Commission, you are as much concerned about the quality of school education and the professional development of teachers as we are. Therefore we would like to extend an invitation to you for a meeting within this year to discuss about the establishment of the GTC.

Thank you for your attention and best wishes for every success in your endeavours.

(PUN Tin-chi)

Chairman, Council on Professional Conduct
in Education on behalf of all members

CPC: Finding A Way Out Of The Dead End

YU Wai-bing

In accordance with the recommendation of the Education Commission Report No. 5 (ECR 5), the Council on Professional Conduct in Education (CPC) was set up in 1994 and has operated for 13 years. The Education Commission, which was responsible for the coordination and planning of education policies in Hong Kong, set up this advisory body to shield off the education sector's long-standing plea for a general teaching council. However, the function of CPC is merely to advise the then Director of Education on the professional conduct of teachers. With the subsumption of the Education Department under the Education and Manpower Bureau (which was renamed as the Education Bureau in 2007) under the Public Sector Reform early this century, the recipient of such advice has already changed to be the Permanent Secretary for Education [PS(Ed)], who is neither a principal official under the Accountability System nor a policy-making official. More importantly, after the implementation of the Accountability System in 2002, does the Education Commission still have the same powers of coordination and policy-making of different aspects of education in Hong Kong as it had in the 1980s? Will the Education Bureau continue to implement the policy decisions of the Education Commission?

According to ECR 5, CPC should be a transitional body. It was stated therein that "a few years after the Council is set up (say five years), the possibility of setting up a statutory professional governing body should be reviewed by the Government. The review should assess support for such a body both within and outside the profession and, if its findings are positive, should make recommendations on the legislative framework for establishing the body." (ECR 5, Para. 8.18, 1992)

The key to finding a way out of the dead end which the CPC has been facing for so many years lies in the above education policy document entitled "The Teaching Profession".

The crux of the matter is that CPC is not a statutory body. It has no statutory authority to order the persons involved to appear at an inquiry when handling misconduct cases or disputes among members of the profession. Even if the persons involved are cooperative and the inquiry can be completed, CPC has no power to enforce its decision, but can only leave it to PS(Ed) to decide on the action to be taken.

For many years, CPC has received complaints from persons involved in complaint cases about the protracted case handling procedures, which had not only failed to solve their problem early, but also put great pressure on them due to the long waiting time. It was said that a member of the profession had lodged a complaint with the Education Bureau against CPC for its failure to carry out its duty to help him settle his dispute.

The establishment of CPC, which is a transitional body, is a step towards self-regulation and autonomy of the teaching profession. Over the years, CPC has made a lot of contributions, such as revision of the *Code for the Education Profession* to make it a better reference, organisation of professional conferences and workshops for teachers to enhance their professionalism, as well as publication of reports of cases relating to professional misconduct and reproduction of extracts of such reports in the CPC newsletters for teachers' reference. In 2001, CPC conducted an industry-wide survey, which collected opinions from nearly 35000 serving teachers, i.e. over 60% of the members of the profession. The survey results showed that more than 90% of them supported the establishment of a statutory general teaching council, thus proving that it is the majority view of the teaching profession.

It is understandable, or even reasonable, that dissatisfaction and complaints against CPC exist although CPC has done its best. The root of the problem lies not in technicalities like shortage of manpower, but in the lack of a statutory status for CPC to enforce discipline within the profession effectively. There is only one solution to this problem – the establishment of a statutory general teaching council which is supported and mandated by teachers, so that the profession can move towards professional autonomy and self-regulation.

Seminars on Professional Conduct of Teachers

Hosted by Council on Professional Conduct in Education
(1/6/2007 - 30/11/2007)

	Date	Organised by
1.	30.6.2007 (Sat)	HKSPC Ma Tau Chung Nursery School
2.	15.8.2007 (Wed)	Yan Chai Hospital Choi Pat Tai Kindergarten / Nursery School
3.	17.8.2007 (Fri)	Hong Kong Teachers' Centre – 2007 Induction Course for New Teachers (Primary School)
4.	17.8.2007 (Fri)	Hong Kong Teachers' Centre – 2007 Induction Course for New Teachers (Secondary School)
5.	22.8.2007 (Wed)	Buddhist Chi Kwong Kindergarten
6.	27.8.2007 (Mon)	TWGHs C Y Ma Memorial College
7.	27.8.2007 (Mon)	Lock Tao Christian Kindergarten
8.	18.10.2007 (Thu)	C.C.C. Kei Kok Primary School
9.	3.11.2007 (Sat)	C.C.C. Mongkok Church Jeannette Kindergarten
10.	26.11.2007 (Mon)	HKSYC & IA Wong Tai Shan Memorial College

Hong Kong Teachers' Centre – 2007 Induction Course for New Teachers (17.8.2007)



CPC Member Ms TSUI Wai-chuen, Grace MH giving a talk to new teachers of secondary schools.



CPC Member Mr FUNG Suk-kai giving a talk to new teachers of primary schools.

CPC welcomes invitations to deliver talks on professional conduct. Application forms and detailed information are available from our website (<http://cpc.edb.org.hk>).

Experience Sharing by Council Members

Dr WU Siu-wai, editor of the Newsletter, interviewed three members of the Council, in person or by email, to give readers a glimpse of their feelings about their work at the Council.

Interviewees: Mr FUNG Suk-kai (current Council member and convenor of the Case Study Sub-committee)
Mr TONG Chung-fan (current Council member and member of the Case Study Sub-committee)
Ms TSUI Wai-chuen (current Council member and member of the Case Study Sub-committee)

Question 1: As the convenor of the Case Study Sub-committee, would you please give us a brief introduction of its functions?

FUNG: Having received a complaint case, the Council will handle the case in accordance with the Case Handling Procedures. The major functions of the Sub-committee include scrutiny of the Case Handling Procedures and the punishment system, as well as rendering assistance to other Council members in handling cases. The Sub-committee also analyses and consolidates the cases received in the fourth, fifth and sixth terms for members' reference.

Question 2: Council members have to play different roles in the Case Study Sub-committee, Case-filing Panel and Inquiry Panel. How do you feel about playing these roles and what have you learnt from them?

FUNG: Honestly, I do not have much to share. As to feelings, I feel that Council members should act in accordance with the requirements of different roles.

TONG: I think the roles are essentially the same – after all, I always follow *the Code for the Education Profession of Hong Kong* (the Code) when I consider and handle cases.

TSUI: I don't think any of these roles is easy. As a member of the Case-filing Panel, I have to examine the information provided by the Preliminary Investigating Panel carefully, and consider a case from the standpoints of both the complainant and the alleged. Whereas during an inquiry, the mode of operation is like that of a jury in court proceedings. The atmosphere is more tense and members are required to study the information provided by all concerned parties and make their decision at once.

Question 3: Which job is easier and which one do you like most?

FUNG: As each job has its own difficulties, none of them is particularly easy.

TONG: Although case handling is a meaningful task, it is rather exhausting and tedious. Therefore, I would rather promote the work of the Council and the Code.

TSUI: I have participated in the work of the Case Study Sub-committee for many years. Council members collectively and continuously improve the Case Handling Procedures to ensure that both the complainant and the alleged are treated fairly. Since the work helps me improve my reasoning and analysing skills, I enjoy the work of the Case Study Sub-committee more.

Question 4: Which job is more difficult? Let's first talk about the job of case filing.

FUNG: The Case-filing Panel will first study the complaint case to see whether it involves any breach of the Code and whether it should be filed or not. Should there be insufficient information, the Panel will gather further information before making a decision.

TONG: Case filing is relatively difficult because our decision is based primarily on the investigation report, and we try not to further disturb the parties concerned.

TSUI: As a member of the Panel, one must concentrate on whether the alleged's conduct constitutes a breach of the Code, and make professional judgment according to the information provided by the Preliminary Investigating Panel. It is a pity to see that some cases which involved only minor disputes between teachers ended up as complaint cases, which wasted a lot of time and effort of the parties concerned and other people involved. Therefore, I hope that people would think twice before lodging complaints.

Question 5: What difficulties will be encountered by a member of the Inquiry Panel?

FUNG: During an inquiry, members of the Inquiry Panel have to read and study the facts of the case, listen to both parties' representations, discuss the information available with other members, and then make a decision basing on the information available. The process is tense and stressful. This is the difficulty.

TONG: There isn't much difficulty, apart from the tremendous effort and time needed.

TSUI: As a frontline educator, I understand the justifications and difficulties of both parties. However, as a member of the Inquiry Panel, I have to make my decision basing on the facts and then come to a judgment through the collective decision-making of members. In some cases, the alleged had breached the Code out of good intention. I sympathise with them personally but, as a member of the Panel, I cannot but make a professional judgment.

Question 6: Is there anything about being a member of an Inquiry Panel that gives you a sense of satisfaction?

FUNG: Nothing in particular. The inquiry process is one of making a professional judgment basing on the available information through discussion and analysis with other members.

TSUI: An inquiry has to be conducted in accordance with established procedures, and the inquiry report should be written in careful language to avoid misunderstanding. Therefore, the completion of an inquiry already gives me a sense of satisfaction.

Question 7: Between the two roles of case-filing and case inquiry, which one is easier? And which one is more difficult?

FUNG: It can't be said that one role is easier than the other because it really depends on the complexity of individual cases. Some simple cases can be handled easily, but some complex ones are difficult to handle even at the case-filing stage. Therefore the difficulty of the job depends on the complexity of the case rather than the role you play.

TONG: Case inquiry is easier than case-filing since you can clarify the details of the case with all parties concerned and there will be cross-examination.

Question 8: Difficulties aside, does the work give you any sense of achievement?

FUNG: Sense of achievement? Not at all. For instance, I won't feel happy just because the Inquiry Panel found that a case filed by me is substantiated. I think, as a member of the Council, it is my duty to collect all the related evidence and information of a case for the Inquiry Panel's consideration. Of course, we would like to uphold justice for the parties concerned, which include both the complainant and the alleged.

TONG: For me, a sense of achievement comes from upholding the spirit of the Code and the professionalism of educators, as well as being able to settle disputes and help the victims who suffered unfair treatment.

TSUI: The more difficult the tasks, the more challenging they are. Actually, I have learnt a lot from my work at the Council. Most importantly, I've learnt that other people do not necessarily understand what I think. Therefore, as a Council member, I'll state my opinions clearly at the meetings for other members' consideration.

Question 9: Do you find any pleasure from working for the Council?

FUNG: Case-filing and case inquiry are both quite difficult, so I don't think it is appropriate to describe the Council's work as "pleasurable".

TONG: Basically, I am satisfied with the operation of Council. But the manpower of the Secretariat must be strengthened because the workload is just too heavy!

TSUI: In the past, there were cases in which neither party had seriously violated the Code. Instead of filing those cases, I helped the complainants and the alleged persons reach a reconciliation. This not only helped both of them dismiss their grievances, but also saved the time of all parties concerned. I have pleasure in helping people.

Case for Sharing – Corporal Punishment of Students

Extracted from *the Summary of the Findings on Opinion Survey on Teaching Profession* published by the Council on Professional Conduct in Education

Facts of the Case

Teacher A of a school lodged a written complaint with the Council for his unwarranted dismissal. However, investigations revealed that it was the complainant, i.e. Teacher A, who had breached the Code. The facts of the case are as follows:

The school principal provided many written materials showing that Teacher A had inflicted corporal punishment on students many times. On one occasion, he even fought with his student, causing the latter to be hospitalised for observation. The principal once issued a warning letter to Teacher A but he refused to sign it to acknowledge receipt. The District Education Officer (DEO) concerned also confirmed that complaints from parents against Teacher A had been received time and again within two months or so. The DEO interviewed the teachers and students of the school to see how Teacher A behaved in school, and was surprised to find that they were all “fearful” for their safety at school. Teacher A once thrust a desk against a student, causing the latter to be physically injured. On another occasion, Teacher A and a student bumped into each other inside a coach bus, and Teacher A asked the student to get out of the bus to fight with him.

Findings of the Case Study Conducted by the Council

It was right and necessary for the school to dismiss Teacher A. The Council originally considered Teacher A to be the victim of the case but later found, after detailed investigation, that Teacher A was the culprit.

Breach of the Code by Teacher A

A member of the profession:

2.2.9 Shall seek to establish confidence and trust grounded on mutual respect between himself/herself and his/her students.

2.6.1 Shall show respect for the law and the behavioural norms acceptable to society as a whole.

When teaching students, a member of the profession:

2.2.7 Shall be concerned about students’ safety in the course of his/her teaching.

2.2.10 Shall show consistent justice and consideration in his/her relations with students at all times.

2.2.12 Shall help students identify their own values and build up their self-respect.

2.2.16 Shall avoid making students feel embarrassed or ashamed.

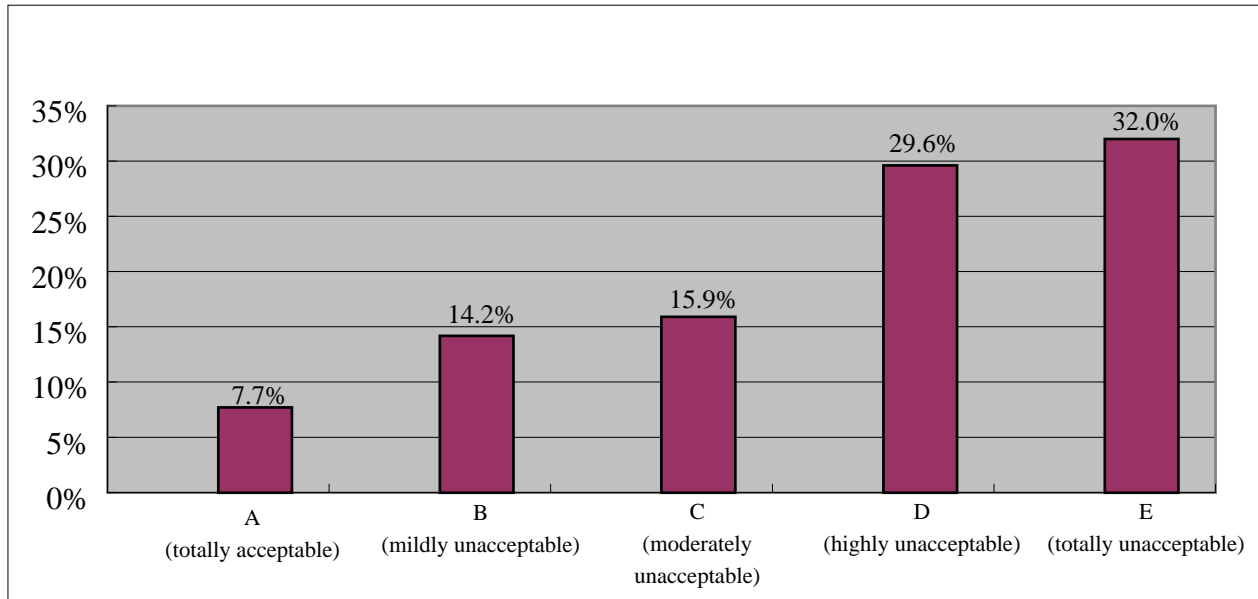
Findings of the “Survey of the Professional Conduct of Teachers”^{*}:

1. Acceptability: “Do you consider corporal punishment of students acceptable or unacceptable?”

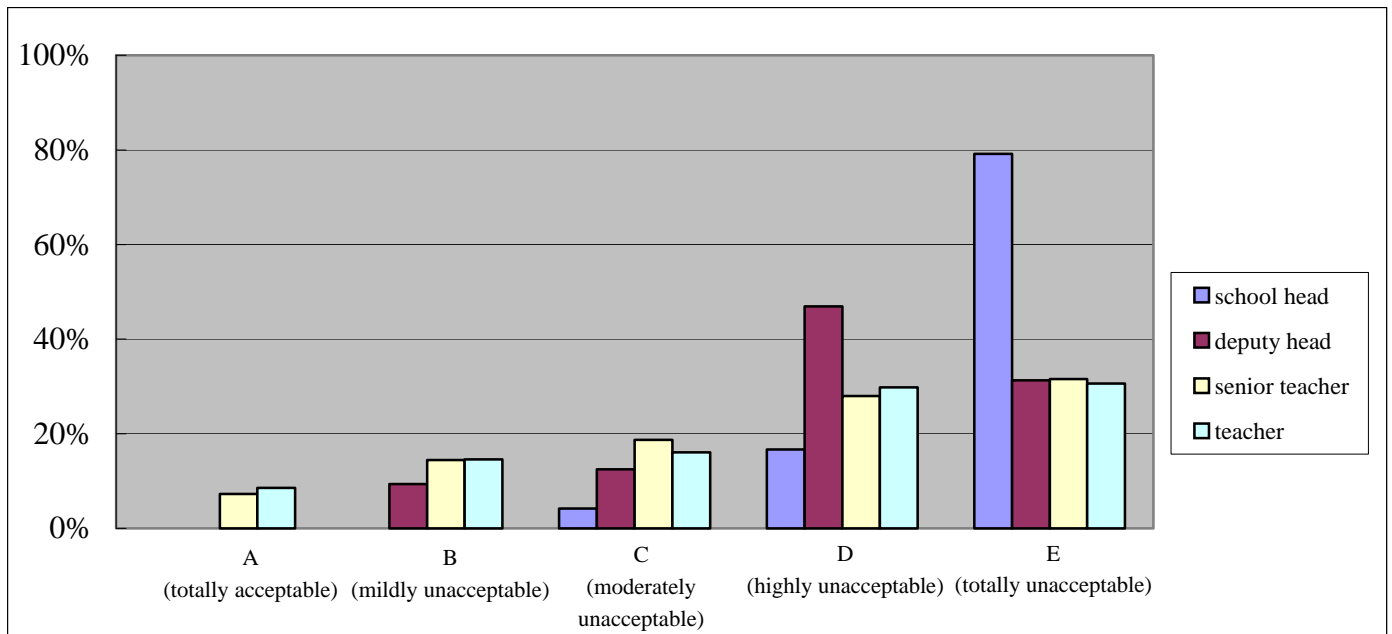
Most respondents considered corporal punishment of students totally unacceptable (32.0%) or highly unacceptable (29.6%). But some respondents found it moderately unacceptable (15.9%), mildly unacceptable (14.2%) or totally acceptable (7.7%), i.e. 37.8% of the teachers tended to accept corporal punishment (from moderately unacceptable to totally acceptable)! The correlation between the respondents’ rank and their attitude towards corporal punishment was obvious. An overwhelming majority of school heads (79.2%) considered corporal punishment totally unacceptable, but only 31.3% of deputy heads, 31.6% of senior teachers and 30.6% of teachers thought the same.

^{*} *The Survey of the Professional Conduct of Teachers was conducted by CPC in late December 2001. The questionnaires were distributed to teachers of all ranks in primary/secondary/special schools as well as kindergartens.*

Do you consider corporal punishment of students acceptable or unacceptable?



Degree of Acceptance of Corporal Punishment by Rank of Teachers



2. Frequency of use of corporal punishment:

The frequency of use of corporal punishment in the respondents' schools was as follows: Never - 38.4%, seldom (only once since the teacher joined the school) - 31%, occasionally (several times since the teacher joined the school) - 27.9%, others (frequently or very frequently) - 2.7%. For kindergartens and secondary schools, those in which corporal punishment was occasionally used accounted for 19.0% of the respective totals. For special schools and primary schools, the percentages were 45.2% and 36.9% respectively. It can be seen that although corporal punishment exists, its use is not common.

Questions for self-reflection:

1. Do you consider corporal punishment of students acceptable or unacceptable?
2. As a professional educator, what do you think is the best way to deal with problem students?

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Seminar on Promoting the Professional Autonomy of Teachers in Hong Kong

Co-organised by:

 Council on Professional Conduct in Education

 The Hong Kong Institute of Education

Date : 20 November 2007 (Tuesday)
Time : 9:30 a.m. - 5:00 p.m.
Venue : C-LP-11 Lecture Theatre, The Hong Kong Institute of Education,
 10 Lo Ping Road, Tai Po, New Territories, Hong Kong
Theme : Promoting the professional autonomy of teachers in Hong Kong
Objective : To invite local academics and educators to share their ideas and opinions on
 ways and practices of promoting the professional autonomy of teachers
Language : Cantonese
Medium

Rundown

AM	9:30 - 10:50	Keynote Speech 【Sub-theme (i) : Review of the Education System】 Guest Speaker: ◆ Professor Tsang Wing-kwong Department of Educational Administration and Policy, The Chinese University of Hong Kong
	10:50 - 11:10	Break
	11:10 - 12:30	Forum 【Sub-theme (i) : Review of the Education System】 Forum Guest Speakers: ◆ Dr Pang King-chee Former Vice-chairperson, Council on Professional Conduct in Education ◆ Mr Tso Kai-lok Principal of Elegantia College ◆ Mr Wai Pui-wah Principal Education Officer (Professional Development and Training), Education Bureau ◆ Dr Yu Wai-bing Vice-chairperson, Council on Professional Conduct in Education
	12:30 - 2:00	Lunch Break
PM	2:00 - 3:20	Keynote Speech 【Sub-theme (ii) : Sharing on Classroom Practices】 Guest Speaker: ◆ Mr Tsoi Heung-sang, Herbert Convener of the Steering Committee on Teachers' CPD
	3:20 - 3:40	Break
	3:40 - 5:00	Forum 【Sub-theme (ii) : Sharing on Classroom Practices】 Forum Guest Speakers: ◆ Dr Chan Mow-chiu, Raymond Associate Professor, Department of Education Studies, Hong Kong Baptist University ◆ Dr Ng Kwok-hung Principal of Caritas Lok Kan School ◆ Mr Ip Cho-yin Deputy Project Director (School-based Professional Support), Education Bureau ◆ Mr Pun Tin-chi Chairperson, Council on Professional Conduct in Education

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