

4 February 2021

Education Bureau Circular No. 3/2021
National Security: Maintaining a Safe Learning Environment
Nurturing Good Citizens

[Note: This circular should be read by –
(a) Supervisors and heads of all primary and secondary schools (including special schools) and kindergartens – for action; and
(b) Supervisors and heads of all private schools offering non-formal curriculum; and heads of sections – for information.]

Summary

This circular provides schools with guidelines on school administration and education in relation to the implementation of the Law of the People’s Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region (the National Security Law) with a view to maintaining a safe and orderly learning environment in schools and nurturing students to become good law-abiding citizens.

Background

2. Articles 1 and 12 of the Basic Law clearly provide that the Hong Kong Special Administrative Region (HKSAR) is an inalienable part of the People’s Republic of China, and a local administrative region which shall enjoy a high degree of autonomy and come directly under the Central People’s Government (CPG). Safeguarding national sovereignty, security and development interests is the constitutional duty of the HKSAR. This is also the common responsibility of all Hong Kong residents, including school staff, parents and students. The National Security Law concerns every member of the community. All levels of school personnel must acquire a correct understanding of and abide by the law, and educate students accordingly. Upon implementation of the National Security Law in Hong Kong, the Education Bureau (EDB) issued EDB Circular No. 11/2020 on 3 July 2020 to remind schools to timely bring the law to the attention of school management, teaching and non-teaching staff and students, so as to ensure their awareness and understanding of, and compliance with, the

National Security Law.

Details

The National Security Law

3. To safeguard national security and maintain the long-term prosperity and stability of Hong Kong under the policy of “One Country, Two Systems”, the Standing Committee of the National People’s Congress passed the National Security Law on 30 June 2020 and added the law to Annex III to the Basic Law in accordance with Article 18 of the Basic Law. The HKSAR Government promulgated the law in the gazette on the same day for implementation in Hong Kong.

4. The National Security Law aims to effectively prevent, suppress and impose punishment on acts or activities which endanger national security. The National Security Law has clearly prescribed four categories of crimes, namely secession, subversion, organisation and perpetration of terrorist activities, and collusion with a foreign country or with external elements to endanger national security. It is clearly stipulated in the National Security Law that human rights shall be respected and protected in safeguarding national security in the HKSAR. The National Security Law only targets a very small number of law offenders, and protects the life and property as well as basic rights and freedoms, including the rights and freedoms of speech, of the press, of assembly, of demonstration, of procession, etc. of Hong Kong residents in accordance with the law. However, such rights and freedoms are not absolute. Legal sanctions may be imposed if illegal acts are involved in exercising these rights and freedoms. In addition, it is clearly stipulated in Article 2 of the National Security Law that the provisions in Articles 1 and 12 of the Basic Law on the legal status of the HKSAR (see paragraph 2 above) are the fundamental provisions in the Basic Law; and no institution, organisation or individual in the HKSAR shall contravene these provisions in exercising their rights and freedoms. The National Security Law also stipulates that a person is presumed innocent until convicted by a judicial body, and the right to defend himself or herself and other rights in judicial proceedings that a criminal suspect, defendant and other parties in judicial proceedings are entitled to under the law shall be protected. As the general public in Hong Kong should not and will not participate in acts or activities that endanger national security, they will not breach the National Security Law.

5. With 66 articles, the National Security Law consists of six chapters, namely “General Principles”; “The Duties and the Government Bodies of the HKSAR for Safeguarding National Security”; “Offences and Penalties”; “Jurisdiction, Applicable Law and Procedure”; “Office for Safeguarding National Security of the CPG in the HKSAR”; and “Supplementary Provisions”.

The provisions of the National Security Law fully reflect the following principles:

- (1) clearly stipulate that the CPG has an overarching responsibility for national security affairs relating to the HKSAR, and the HKSAR has the constitutional duty to safeguard national security;
- (2) clearly stipulate that the HKSAR shall uphold the principle of the rule of law in safeguarding national security;
- (3) clearly stipulate that the HKSAR shall establish and improve relevant institutions and their duties in safeguarding national security;
- (4) clearly stipulate the four categories of crimes endangering national security and their corresponding penalties;
- (5) clearly stipulate the jurisdiction of cases, application of laws and procedures; and
- (6) clearly stipulate the Office for Safeguarding National Security of the CPG in the HKSAR.

6. The full text of the National Security Law and an information booklet introducing the National Security Law are available on the following webpages respectively:

Full text of the National Security Law

<https://www.gld.gov.hk/egazette/pdf/20202448e/egn2020244872.pdf>

Information Booklet

https://www.isd.gov.hk/nationalsecurity/eng/pdf/NSL_QnA_Book.pdf

National Security

7. Many places in the world have their own national security laws and dedicated enforcement agencies to safeguard national security. This is the obligation of every responsible government. National security means a status in which the regime, sovereignty, unity and territorial integrity, welfare of the people, sustainable economic and social development, and other major interests of the nation are relatively free from danger as well as internal and external threat, and are able to maintain a sustained status of security. As time progresses, the concept of national security is not only confined to political security, territorial security and military security, but may also encompass economic security, cultural security, social security, technological security, cyber security and ecological security, etc., all of which are integral to the national security framework.

8. National security is the bedrock of our well-being. It concerns the safety and welfare of every resident and is closely related to our daily lives. Upholding national security and the rule of law in Hong Kong is the cornerstone of continued prosperity and ensures the long-term stability and safety of Hong Kong. This will afford Hong Kong residents the peace of mind

to live and work here, as well as a stable environment in which business and investment may flourish. It will boost both local and foreign investor confidence in the future of Hong Kong and brighten our economic prospects.

Matters related to School Administration/ Management and National Security Education

9. Article 9 of the National Security Law clearly stipulates that the HKSAR shall strengthen its work on safeguarding national security and prevention of terrorist activities. The Government of the HKSAR shall take necessary measures to strengthen public communication, guidance, supervision and regulation over matters concerning national security, including those relating to schools, universities and social organisations. Article 10 stipulates that the HKSAR shall promote national security education in schools and universities and through social organisations, the media, the internet and other means to raise the awareness of Hong Kong residents of national security and of the obligation to abide by the law.

Fundamental Principles

10. The National Security Law is enacted for the purpose of preventing, suppressing and imposing punishment for acts and activities that endanger national security. In particular, preventive efforts should be accorded priority in order to minimise the need for suppression and punishment. As far as prevention and education are concerned, all schools (including primary schools, secondary schools and kindergartens) have a significant role to play. It is incumbent on them to review as early as possible and devise appropriate measures in respect of school planning and management, staff management, and other relevant areas to facilitate students' effective learning, which should include:

- (1) ensuring all school staff to uphold professional ethics, abide by the law and observe the code of conduct acceptable to the society in order to live up to the society's expectations on their ethics and professions;
- (2) stepping up the prevention and suppression of teaching or other school activities that are in breach of the Basic Law, the National Security Law and all laws applicable to Hong Kong; preventing political or other illegal activities from permeating schools and handling such matters so that the school's normal operation and students' learning are not affected; and following up promptly on rule-breaching behaviours; and
- (3) helping students gain a correct understanding of the legislative background, message,

importance and significance of the National Security Law as well as the important concepts covered by national security, so as to facilitate students' learning of the spirit of the rule of law, and enhance their national security and law-abiding awareness, thereby nurturing them to become good law-abiding citizens.

11. The management systems, curricula and arrangements for learning and teaching of international schools as well as other private primary schools, secondary schools and kindergartens solely offering non-local curricula differ considerably from schools offering local curricula. Specifically, their operation mode, management framework, curriculum scope and quality assurance mechanisms, arrangements for learning and teaching, etc. are largely different from those of local schools. Nonetheless, as a principle, international schools as well as other private primary schools, secondary schools and kindergartens solely offering non-local curricula also have the responsibility to help their students (regardless of their ethnicity and nationality) acquire a correct and objective understanding and appreciation of the concept of national security and the National Security Law, as well as the duty to cultivate a law-abiding spirit among their students. These schools should, in accordance with the fundamental principles set out in paragraph 10 above and by making reference to the guidelines herein and the specific measures and templates attached, devise relevant strategies and measures in light of their school-based circumstances and needs, with a view to maintaining a safe and orderly learning environment and promoting students' effective learning and healthy development.

Planning and Management

12. School sponsoring bodies (SSBs)¹, Incorporated Management Committees/ Management Committees/ School Management Committees (hereafter collectively referred to as "school governance authority") and all levels of school personnel should perform their respective functions and work in collaboration to facilitate the effective formulation and implementation of measures for safeguarding national security in schools. This is to ensure that relevant measures are timely devised and implemented in areas such as school administration, learning and teaching, guidance and discipline as well as staff training to enable staff and students to understand the importance of national security and to enhance their law-abiding awareness and sense of national identity:

¹ As regards kindergartens and kindergarten-cum-child care centres, such reference is applicable to the school operators if they do not have a sponsoring body.

(A) School Sponsoring Bodies and School Governance Authority

- The SSB of a school is responsible for setting the vision and mission for the school; ensuring through the SSB managers and school governance authority that the mission is duly carried out; and overseeing the performance of the school governance authority. The SSB is obligated to give directives to the school governance authority to ensure that measures or policies related to safeguarding national security and national security education are consistent with the Basic Law and all laws applicable to Hong Kong, including the National Security Law.
- The school governance authority, which plays a vital role in school management, must ensure that school management and education are consistent with the provisions in the Basic Law, the National Security Law and all laws applicable to Hong Kong. It must also ensure that education of students is duly promoted in accordance with the Education Ordinance, the Education Regulations, the guidelines issued by the EDB, as well as the vision and mission set and the directives given by the SSB. In addition, the school governance authority should formulate specific measures related to safeguarding national security and national security education in such areas as school administration, management of school premises, resources deployment, staff management and training, communication with stakeholders, learning and teaching, student guidance and discipline, on-campus activities as well as student associations and activities, and keep reviewing and evaluating the implementation of such measures on an ongoing basis to fine-tune the same if necessary.
- The school governance authority is obligated to maintain quality school staff members who uphold professional ethics. To this end, it should clearly communicate to school personnel of all levels (including school management, and all teaching and non-teaching staff) the school's requirements and expectations in respect of their responsibilities and conduct, including the obligation to abide by the law. The school governance authority should also assist the school in formulating a well-defined staff management policy, ensuring that its employees are fit and proper persons that duly discharge their duties, understand and comply with the school's requirements for job performance and conduct, and promote students' learning in a proper manner. The school governance authority should ensure that its staff receive appropriate training in national security education, such as training programmes organised by the EDB.

- The school governance authority should create a peaceful and orderly school environment and atmosphere for students' effective learning and healthy development. It should make all efforts to maintain a campus free from political interference so that the school's normal operation and students' learning are not affected. The school governance authority should also step up the prevention of and stopping teaching or school activities undertaken by any parties that are in breach of the Basic Law, the National Security Law and all laws applicable to Hong Kong. The same principle should apply to off-campus student activities arranged/ approved by the school.
 - Schools are obligated to ensure the proper use of school premises. For the management and use of school premises (including the hiring out of school premises to outside organisations for holding activities), the ultimate responsibility rests with the school governance authority, and it shall be held liable for any improper use.
- (B) School Management and Middle Managers (including the School Supervisor, Principal, Vice Principals, Heads of Subject Panels/ Functional Teams) [This section applies to primary and secondary schools (including special schools) and serves as reference for kindergartens]
- The school management and middle managers should strive to promote close communication, collaboration and support among different stakeholders, including teachers, school social workers/ student guidance personnel/ educational psychologists and parents, etc. to strengthen students' virtue cultivation and the related work on guidance and discipline; work together to promote a correct understanding amongst students of the country's history and development, the importance of national security, the national flag, national emblem and national anthem, as well as the constitutional order established for the HKSAR under the Constitution and the Basic Law, their national identity, the spirit of the rule of law, and other related issues; guide students in fulfilling responsibilities as a national and Hong Kong resident with a positive, law-abiding, public interest-oriented and responsible attitude; and create a safe and orderly environment for students' effective learning and healthy development.
 - They should maintain quality school staff members who uphold professional ethics, and clearly communicate to all staff the school's requirements and expectations in respect of conduct and job performance. They are also required to, in accordance with the school-based staff management and appraisal system, assist the school governance authority in overseeing the job performance and conduct of the school staff and offer appropriate support and guidance accordingly. When an individual member's conduct and job performance fail to meet the school's requirements and

expectations, the school management should take follow-up actions and/ or impose management sanctions as appropriate.

- They should lead and coordinate the efforts of various subject panels and functional teams in curriculum planning, teaching arrangements, deployment of teaching resources, staff training and provision of life-wide learning activities for students, etc. to formulate specific targets, strategies and evaluation methods, as well as to implement appropriate measures in different areas (including teaching of different subjects and topics on moral, civic and national education, learning and exchange activities for students, etc.) so as to help students understand and familiarise themselves with the National Security Law.

(C) Teaching and Non-teaching Staff

- As an important role model for students, teachers play a vital role in passing on knowledge and nurturing students' character. Non-teaching staff (including specialist staff) who have much contact with students in their daily work also play an important role in facilitating the learning and development of students. All teaching and non-teaching staff must therefore uphold professional ethics, abide by the law and observe the code of conduct acceptable to the society in order to live up to the society's expectations on their ethics and professions, thereby safeguarding the well-being of students.
- School personnel of all levels (including school management as well as all teaching and non-teaching staff) should fully understand the responsibility of Hong Kong residents in safeguarding national security as well as the provisions and coverage of the National Security Law and the related offences, and abide by the law. Should there be a need to engage external individuals or organisations in conducting school activities, schools should make prudent choices to ensure that the invited parties can fulfill the schools' requirements, and the messages they convey are consistent with the learning aims and curriculum goals in school education. Besides, they should also ensure that the activities to be held will not involve acts or activities that endanger national security. Moreover, all school personnel are required to proactively assist their school in putting in place measures related to safeguarding national security and national security education. They should also maintain good communication and collaboration with different stakeholders, and keep in close contact with parents to facilitate home-school cooperation.

13. International schools as well as other private primary schools, secondary schools and kindergartens offering solely non-local curricula should, taking into account their vision and mission, students' background and level of study, etc., draw up relevant guidelines based on their school-based circumstances to ensure the campus is a place which is politically neutral and free of illegal activities, so as to maintain a safe and orderly learning environment for students.

Learning and Teaching

14. The National Security Law has been added to Annex III to the Basic Law, and promulgated by the HKSAR Government in the gazette for implementation in Hong Kong. The EDB is updating curriculum documents/ guidelines to help schools implement national security education, thereby helping primary and secondary students gain a correct understanding of the legislative background, message, importance and significance of the National Security Law, as well as the important concepts covered by national security. The EDB is currently examining how different aspects of national security can be naturally integrated with the curriculum contents of various subjects. Schools will then be able to enhance students' awareness of national security according to their cognitive abilities so that students will grow into good nationals who have a sense of national identity, respect the rule of law and abide by the law, hence contributing to the safeguarding of national security. Currently, Constitution and Basic Law education in Hong Kong is not implemented as an independent subject. Instead, a "multi-pronged and co-ordinated" approach is adopted to promote it on an ongoing basis within and outside the classroom such as through different subjects and topics on values education (including moral, civic and national education), as well as through student activities, Mainland exchanges and the Sister School Scheme, so as to help students grasp all learning elements about the development of the country and develop a sense of belonging towards the country. Schools should subsume national security education under the existing framework for implementing Constitution and Basic Law education and strengthen curriculum coordination and planning at the school level. To this end, the EDB has updated the existing standalone module of "Constitution and the Basic Law" to cover additional learning contents about national security, and has developed a series of teaching and learning materials on Constitution and Basic Law education (<https://www.edb.gov.hk/en/curriculum-development/kla/pshe/basic-law-education.html>). This will enable teachers to integrate such contents into relevant subjects or teach them as a standalone module, to help students acquire the correct basic knowledge,



including the constitutional order established for the HKSAR by the Constitution and the Basic Law. The EDB will continue to support schools in promoting national education and national security education through updating the curriculum, developing learning and teaching resources, providing training for teachers, as well as organising activities and exchange programmes for students. Details are available from EDB Circular No. 2/2021 “National Security Education in School Curriculum - Implementation Mode and Learning and Teaching Resources”.

15. The fundamentals of national security education are to develop in students a sense of belonging towards the country, an affection for the nation, a sense of national identity, as well as an awareness of and a sense of responsibility to safeguard national security. Fostering students’ sense of national identity has long been one of the seven key learning goals of primary and secondary education which are familiar to the school sector. Teachers should develop and select appropriate teaching contents and materials in such a way that meets the requirements of the education profession and students’ learning needs to ensure that the teaching contents and materials adopted contain accurate information and are in line with the learning goals and objectives. Through effective teaching strategies, teachers should help students acquire knowledge of the Constitution, the Basic Law and national security, and develop positive values and attitudes, as well as a sense of national identity.

16. At kindergarten level, schools may help children understand Hong Kong’s status as a part of the nation and their identity as Chinese, and introduce to them the basic facts about the country and the Chinese culture, so as to foster a sense of national identity among children. Kindergartens should also teach children to abide by the law, take good care of public property, respect and care for others and act as good citizens so as to prepare them for further understanding of the various aspects of national security and their own responsibilities to safeguard national security in subsequent learning stages.

17. International schools as well as other private primary schools, secondary schools and kindergartens solely offering non-local curricula should devise teaching contents and activities suitable to their curricula with regard to the background of their students with a view to instilling into them the right concepts and law-abiding awareness so as to enable them to acquire a correct and objective apprehension and understanding of the concept of national security and the provisions of the National Security Law.

Student Guidance, Discipline and Support [This section applies to primary and secondary schools (including special schools) and serves as reference for kindergartens]

18. The objectives of guidance and discipline work in schools are to provide guidance, counselling and protection to students and to foster their self-discipline. Schools should formulate policies and measures to prevent students' behavioural problems. In particular, they should render support at different levels so as to develop students as individuals who accommodate differences and observe rules and laws, thereby creating a safe and orderly environment for learning. Schools should continue to adopt the whole school approach to guidance and discipline, and help students, through multi-disciplinary collaboration, understand the importance of national security so that they are aware of their obligation to abide by prevailing laws in Hong Kong, including the National Security Law. Schools should also explain to students the basic requirements for their day-to-day behaviour, and help them develop, through discussions or activities, a sense of responsibility, commitment and law-abidingness.

19. Schools should timely review their guidance and discipline mechanism in response to the development of the society and implementation of the National Security Law. In case students are found to have breached the rules or behaved improperly, schools should, in line with their established policies on guidance and discipline, strive to bring students back to the right track with efforts emphasizing the cultivation of positive values, positive thinking and the proper attitude for getting along with others.

Home-school Cooperation

20. Parents play a pivotal role in the growth and learning of their children. Therefore, schools should maintain close contact with parents and foster home-school cooperation. Schools should encourage parents to learn more about the National Security Law, proactively partner with schools and strengthen their collaboration with teachers. Depending on their children's cognitive development and abilities, parents may help children understand national security and the relevant laws in a rational and positive manner, with a view to enhancing students' awareness of safeguarding national security and abiding by the law. Through parent education, schools may help parents maintain good parent-child communication so that parents are better placed to approach and analyse various issues from multiple perspectives together with their children, and teach their children to discern right from wrong. With continued efforts between parents and schools to guide and nurture the next generation with love and care,

students will be able to learn effectively, grow up healthily and mature into good citizens that observe rules and laws.

National Security: Specific Measures for Schools

21. To facilitate schools in reviewing their existing arrangements and launching of national security education, the EDB has drawn up “National Security: Specific Measures for Schools” (<https://edb.gov.hk/attachment/en/sch-admin/national-security/specific-measures.pdf>) for schools’ reference and actions. All schools (except international schools as well as other private primary schools, secondary schools and kindergartens offering solely non-local curricula) should comply with the requirements therein (including submission of work plans and annual reports to the EDB). In devising relevant plans and measures, schools may, having regard to their own needs, make adaptations to the recommended measures or adopt other appropriate strategies to properly arrange school management and administration work and promote collaboration among different stakeholders, so as to create a peaceful and orderly school environment and atmosphere, deepen students’ understanding of the country’s development and national security, enhance students’ sense of national identity, and nurture students as good law-abiding nationals and citizens.

Enquiries

22. For enquiries about this circular, please contact the respective Senior School Development Officers or Senior Services Officers.

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for Secretary for Education