

Education Bureau’s arrangements for resumption of full-day face-to-face classes during the COVID-19 epidemic

Investigation Report

Over the past two years, the Education Bureau (“EDB”) has in light of the changing epidemic situations promulgated several rounds of class suspension and resumption arrangements. Against this background, we have received complaints against EDB for unreasonably having different requirements for local and international schools to resume full-day face-to-face classes and extra-curricular activities and also for failing to inform the public of such requirements. It was also alleged that when face-to-face classes of primary schools were suspended before those of secondary schools in early 2022, students of the same age at local and international schools were treated differently due to different class structures.

Our Investigation

2. After our preliminary inquiry with EDB, The Ombudsman decided to handle these complaints by way of a full investigation. On 10 June, EDB provided further information to us. We issued a draft investigation report to EDB for comments on 1 August. Having considered EDB’s reply of 7 September and the further information provided to us, we completed this report.

Our Findings

EDB’s Overall Approach

3. Schools are where students learn and grow by interacting with teachers and fellow schoolmates. Wherever possible, students should attend schools and extra-curricular activities. It is incumbent on EDB to strike a balance between fighting the epidemic and meeting students’ learning needs.

4. Having considered the epidemic situation, views of health experts, the school sector and other stakeholders as well as the diverse needs, structures and circumstances of the entire education community, EDB considers it inappropriate to have a “one-size-fits-all” approach as the circumstances and risk levels of different types of schools differ. It has thus promulgated a series of common requirements that all schools have to adopt

and follow, and then refined certain aspects to fit the circumstances and needs of individual types of school.

Resumption Arrangements for Local Schools and Private Schools Offering Non-Local Curriculum (“PSNLCs”)

5. When the epidemic is rampant, all face-to-face classes and extra-curricular activities are suspended. When it eases, schools are in general permitted to resume half-day face-to-face classes by phases and full-day face-to-face classes when situation permits. Flexibilities are allowed for individual school groups (such as special schools, kindergartens and PSNLCs) taking into account the different circumstances and needs.

6. Having considered the curricula, public examination schedules, class structures, timetable arrangements, school calendars, campus environments and facilities of different types of schools, EDB is of the view that PSNLCs have more room to implement additional precautionary measures for full-day face-to-face classes. Hence, such schools have been informed of the requirements for resumption of such and the means to submit applications. EDB considers such arrangement not applicable to local schools which are operating with a number of fundamental differences, notably class structures, curricula and modes of learning. Local schools can only arrange full-day face-to-face classes if their school staff and students have fulfilled the vaccination requirements.

7. Regarding extra-curricular activities, EDB’s circulars to schools of 11 April 2022 stipulate that all levels of PSNLCs’ students and primary and secondary students of local schools who have received the second dose of vaccination for more than 14 days may stay at school after lessons for such activities. This arrangement is not applicable to students at local kindergartens as they have lower self-care abilities and generally need to go home to rest after school.

8. As for the communication on resumption arrangements, EDB announced the overall framework to the public through press releases or press briefings; conveyed the specifics to individual groups of schools via letters or emails and when necessary, phone calls and meetings; and reminded schools, key collaborators and partners of parents to inform parents of the fine details. EDB also stood ready to offer assistance to schools.

9. On the allegation that students of the same age at local and PSNLCs were treated differently when face-to-face classes were suspended by phases, according to

EDB, schools adopting national curriculum of an overseas country may organise their curricula into key learning stages; the stages at primary and secondary level are distinct from each other, each having its class and examination arrangements and learning activities. To minimise disturbance to students' learning as a group and for a more rational administrative arrangement for schools in devising learning and schooling timetable, EDB considers it reasonable to suspend schooling by section instead of by age. EDB received no expressions of concern from relevant schools.

10. EDB will continue to monitor the epidemic development and liaise with the school sector to review the precautionary measures and class arrangements in a pragmatic and orderly manner.

Our Comments

11. As the COVID-19 epidemic persists, the once temporary measures will need to be taken forward to yet another school term. To ensure that students' interests at different types of schools are addressed in an equitable and timely manner, it is important that improvements be made to the resumption arrangements as soon as possible.

12. The factors for consideration in determining the overall resumption arrangements of face-to-face classes and extra-curricular activities and EDB's assessments of and arrangements for local and PSNLCs are detailed at **paragraphs 3 to 7 above**. Given the uniqueness in circumstances of individual schools, we consider EDB's view against a "one-size-fits-all" approach reasonable. In this regard, we appreciate EDB's approach in allowing schools which have the facilities and abilities to implement additional precautionary measures to apply for full-day face-to-face classes.

13. We do not dispute the fact that some schools are more capable of implementing additional measures and are therefore more likely to succeed in their applications for resuming full-day face-to-face classes. We consider, however, EDB's approach in totally denying local schools the possibility of even making an application (**paragraph 6 above**) incomprehensible. While a "one-size-fits-all" approach is not desirable, the resumption criteria should be drawn up taking into account the circumstances of different types of schools and then applied across the board consistently and in an equitable manner. All schools, local and PSNLCs, which are able and willing to make

adjustments to implement the necessary social-distancing measures should be allowed to apply for full-day face-to-face classes.

14. Regarding extra-curricular activities, we note EDB's concerns over the low self-care abilities of kindergarten students and their need to rest after school. This applies to all kindergarten students and we therefore find the different arrangements between local and international kindergartens (**paragraph 7 above**) irreconcilable. This again calls for an overview of the circumstances and application of the criteria to all. We see a need for EDB to revisit the rationale behind the extra-curricular activities arrangement for kindergartens and decide whether extra-curricular activities should be allowed or suspended given the different circumstances of individual kindergartens and the needs of students.

15. As regards the suspension of face-to-face classes by school section instead of by age, we accept EDB's explanation (**paragraph 9 above**).

EDB's Response to our Findings and Comments

16. EDB explained that while necessary social-distancing measures is an important factor to be considered, it being the education authority needs to take into account other fundamental, if not more important, aspects of schools in making its decision on schooling arrangements.

17. For PSNLCs (including international schools), EDB considers that they are operating with a number of fundamental differences (notably class structures, curricula and modes of learning, international public examination schedules, timetable arrangements, school calendar, etc). For instance, PSNLCs adopt project-based learning in which students learn and are assessed by engaging in face-to-face interactive and group discussions or activities, experiments, etc. Such learning momentum needs to be maintained to ensure smooth transition for students who may return to their home countries at any time. In addition, they usually have more spacious campuses (with some having additional facilities such as canteens) and thus have more room to implement additional precautionary measures. Balancing all the above factors, EDB allows PSNLCs with the facilities and abilities to put in place extra precautionary measures to ensure adequate distancing of students during lunchtime and whose staff fulfil the vaccination requirement to apply for resumption of whole-day face-to-face classes by submitting resumption plans, clearly setting out the proposed lunch

arrangements with details^{Note} for its approval. EDB considers such arrangement not applicable to other types of schools (including local schools) of which the intrinsic characteristics are different.

18. Relevant policies and measures, including the suspension and resumption of face-to-face classes, have been formulated in consultation with the school sector and other stakeholders.

19. EDB also confirmed that extra-curricular activities arrangements for local schools and PSNLCs had been the same throughout and clarified the content of relevant circulars.

Our Further Comments on EDB's Response

20. EDB has emphasised that besides the capabilities to implement additional social-distancing measures, the learning needs of students is also an important factor leading to the different requirements for local schools and PSNLCs (**paragraph 17 above**). To satisfy the learning needs of students in PSNLCs, face-to-face classes are more necessary. Although this would reduce social distance, PSNLCs are more capable of implementing additional precautionary measures. We have no grounds to dispute EDB's judgement. We also note that such requirements have been drawn up in consultation with the school sector and other stakeholders (**paragraph 18 above**). Nonetheless, as the COVID-19 epidemic persists and the temporary measures may continue to last for a period of time, we urge EDB to constantly review the class resumption criteria in consideration of students' needs, stakeholders' views and the changing situation of the pandemic.

21. Regarding EDB's dissemination of relevant information, we note that when handling public queries on the different requirements, EDB replied to some of the complainants that:

“As for international schools, they in general have more usable spaces and facilities, and their class and timetable arrangements are different from those of local schools. They are hence relatively more flexible in arranging

^{Note} The details required include (i) approximate floor space of canteen(s) available for use by students, (ii) number of students using the canteen(s), (iii) proposed distancing and precautionary measures to be adopted and (iv) cleaning and disinfection arrangements of catering facilities and utensils.

staggered lunch hours or implementing necessary social-distancing measures. Against such background, international schools which are able to fulfil the stipulated requirements, including having their own canteen(s) or specified area(s) designated for meal purposes, have been permitted to apply for the operation of full-day sessions since the previous school year.”

Media reports revealed that EDB had adopted a similar line-to-take when fielding media enquiries.

22. While EDB has utilised various channels to communicate with different stakeholders (**paragraph 8 above**), we find that when it explained to the complainants and the media, major focus was laid on schools’ abilities in fulfilling the social-distancing requirements (**paragraph 21 above**). The fundamental, or even more important, aspects of schools (**paragraphs 16 and 17 above**) were not mentioned at all. That could give rise to the perception that social-distancing measures are the dominant, if not sole, factor in its determination of resumption arrangements. To avoid this misunderstanding, we see a need for EDB to improve the dissemination of information and its response to queries so that the rationale behind the differences in requirements for different types of schools could be more comprehensively understood.

Conclusion

23. After giving due considerations to EDB’s response, we find the complaint about unreasonably having different requirements for local schools and PSNLCs **unsubstantiated**.

24. Having said that, we consider there room for clearer dissemination of information concerning the different requirements and have made a recommendation in this regard (**paragraph 22 above**).

Recommendations

25. In sum, The Ombudsman recommends EDB to:

- (1) constantly review the class resumption criteria in consideration of students' needs, the stakeholders' views and the changing situation of the pandemic (**paragraph 20 above**); and
- (2) improve the dissemination of information and its response to queries so that the rationale behind the differences in requirements for different types of schools could be more comprehensively understood (**paragraph 22 above**).

Office of The Ombudsman
September 2022