

Education Bureau's handling of a complaint about withdrawal from religious study

Investigation Report

The Complaint

The complainant's daughter was a Muslim. Considering her a "Band 1" student, the complainant had selected for her a secondary school with matching academic performance regardless of its religious background, to which she was later admitted ("the School"). After the commencement of the school term, the complainant requested the School to excuse her from Christian Ethics classes due to religious difference but was refused. He then complained to the Education Bureau ("EDB"), but considered it to have failed to properly handle his complaint by allowing the School to impose religious education on her. Against this background, the complainant sought our intervention.

Our Findings

Background

2. It is stated in the Third Report of HKSAR of PRC in the light of the International Covenant on Civil and Political Rights (ICCPR) in 2010-11 that

"The Government of the HKSAR adheres strictly to the provisions of the Basic Law to protect religious freedom. Information on religious education provided by schools with or without religious background is widely accessible to the public, for example, through the Schools Profile published by the EDB, to inform parents before they select schools for their children. Parents can therefore make informed choices of sending their children to schools without religious education or with education of a particular religion. Students may also withdraw from religious education in school with the consent of their parents. Conversely, parents may request schools to provide opportunity for their children to observe religious rituals or to form religious base groups as appropriate."

3. The school list compiled by EDB for Secondary School Places Allocation System ("SSPA") includes basic information of schools, including finance type and religion. Further information, such as school mission, sponsoring body, religion and subjects offered, is available on Secondary School Profiles compiled by the Committee on Home-School Co-operation¹. To help parents make an informed choice, EDB has

¹ The Committee on Home-School Co-operation was set up in February 1993. At present, it comprises the chairperson, ex-officio member from the Education Bureau (EDB), educators (drawn from kindergartens,

distributed relevant information through various channels, such as information leaflet, “frequently asked questions” and DVD under general information on SSPA, to remind parents to fully consider all aspects of schools including educational philosophy, culture, admission criteria, class structure, development and operation along with the abilities, inclinations and interests of their child and seek advice from teachers or schools when necessary.

4. EDB respects schools’ autonomy to provide religious education and at the same time considers itself responsible to ensure the best interests of individual groups of students and their right to freedom of religious belief. Schools are advised to give due respect to special needs of ethnic or religious minority, which form an integral part of their overall well-being. Relevant circulars and guidelines have been issued.²

5. Under the principle of school-based management, schools should collaborate with their sponsoring bodies to develop their own mechanism for handling school affairs, including support measures for ethnic minority students. As a general practice, students with genuine needs are excused from religious education while the schools can continue to provide such education in the school to other students. EDB believes that such exemption will not undermine a school’s mission to carry forward religious education or open a floodgate for any mass applications for exemption as long as such alternative is being considered on individual merits. As a matter of fact, many religious schools in Hong Kong have granted exemption to ethnic minority students from religious education in response to their parents’ requests.

EDB’s Handling of the Complaint

6. EDB had been assisting the complainant and the School to reach a consensus from late September 2020 to late March 2021, with an objective that the student continue her learning in the most appropriate manner and a harmonious relationship between the parent and the School be maintained. Upon receipt of the complaint in late September 2020, EDB first referred the complaint to the School for handling under the established protocol of school-based management and parent-school cooperation as EDB considered the complaint concerned about the daily operation and internal affairs of the School. EDB also contacted the School in early October and advised the School to grant exemption.

7. As the matter remained unresolved in mid-October 2020, EDB met with and wrote to the Incorporated Management Committee of the School, strongly advising them to consider the student’s well-being and religious needs, with reference to practices of similar schools and relevant legislation, conventions, guidelines and

primary schools, secondary schools and special schools), parents of children in local schools, parent educators and members from other sectors/professionals.

² Appendix 1 of the “Code of Aid for Secondary Schools”; EDBC No. 33/2003 on “The Principle of Equal Opportunities”; EDBC No. 25/2008 on “Race Discrimination Ordinance”.

publications, and asking for its cooperation to accede to the parent's request. EDB also stated that it would be unacceptable to the Government if the student had to transfer to another school only because no exemption was granted by the school.

8. Considering that the complainant should have made a well-informed school choice as the religion of and subjects offered by the School were publicised on the Secondary School Profile and school website, the School refused to exempt the child, but counter-offered to tailor-make for her assignments and assessments mainly covering areas related to moral, civic and life values conveyed in the Christian Ethics classes. The complainant rejected the offer. Meanwhile, EDB suggested the School to only arrange staff with whom the student felt at ease to discuss the matter with her when necessary and communicated with the complainant regarding his views on the School's arrangement.

9. EDB continued its communication with the School and the complainant. In late March 2021, the School and the complainant agreed that for the best interest of the student, a school-based pull-out programme would be arranged for her during the Christian Ethics lessons over the course of her academic years.

10. EDB is of the view that though the progress of its processing of this complaint was somewhat undermined as the communication amongst the School, the complainant and EDB was interrupted by the fluctuation of the COVID-19 epidemic, serious effort had been made to assist the complainant and the School to reach consensus. In order to provide clearer guidance to schools in terms of excusing students in need from religious education, EDB is now reviewing its relevant guidelines.

Our Comments

11. The sequence of events of EDB's handling of the present case is outlined at **paragraphs 6 to 9 above**. Under the protocol of school-based management, it is understandable that the complaint was first referred to the School for handling. As an agreement could not be reached, EDB intervened and explained to the School the rationale for accommodating the student's and her family's wish. A settlement was achieved at last. Through its participation in the process, we consider that EDB has fulfilled its responsibility of ensuring the best interests of individual groups of students and their right to freedom of religious belief as mentioned in **paragraph 4 above**. We note that it took about six months for both sides to reach the settlement and this may fall short of the complainant's expectation. While an early settlement could have smoothed class arrangement, in view of the discrepancies of views between both sides (see **paragraph 8**) and the disruption of services caused by the epidemic (see **paragraph 10**), we consider the time taken for EDB to negotiate between the School and the complainant acceptable and that it has taken reasonable steps to ensure the best interest of the student and to minimise the impact of the issue on her.

12. In the light of the above, The Ombudsman considers this complaint **unsubstantiated**.

13. That said, Hong Kong is a multicultural society and every entity, be it schools or students, is entitled to freedom of religious belief under the Basic Law. EDB has reminded parents to take into consideration the backgrounds of the school and their child when applying for a school (see **paragraph 3**). Parents are expected to read relevant information and select a school that is beneficial to the child's overall well-being and development. To further facilitate parents' selection of school particularly in terms of religious aspect, we suggest EDB to more expressly spell out the need to pay attention to the school's religious background when applying for a school in addition to the current reminder set out in **paragraph 3 above**.

14. On the other hand, parents may still want to apply for a school with religious background different from theirs for their children due to factors such as school facilities, class structure, location, and academic performance. Moreover, in view of the Government's stance stated in documents such as the Third Report of HKSAR of PRC in the light of ICCPR (see **paragraph 2**), parents have a reasonable expectation that their children can withdraw from religious education in schools. In the hope that future situations similar to this case could be handled more expeditiously, we urge EDB to complete the review of its relevant guidelines (see **paragraph 10**) as soon as possible. EDB should set out its policy and expectations clearly and also include examples of previously adopted practices in the revised guidelines for reference.

Recommendations

15. In sum, The Ombudsman recommends EDB to:

- (1) review its guidelines as soon as possible to provide clearer guidance to schools in respect of the morals in excusing students from religious education (see **paragraph 14**);
- (2) include in the guidelines examples of practices adopted by similar schools for reference (see **paragraph 14**); and
- (3) more expressly spell out the need to pay attention to the school's religious background when applying for a school (see **paragraph 13**).

16. EDB agrees to our recommendations. We will follow up on their implementation.

Office of The Ombudsman
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