

**Education Bureau’s refusal to provide the number of dropouts
and dropout rate of primary schools in Hong Kong
(Related to Code on Access to Information)
Investigation Report**

On 30 December 2021, this Office received the complainant’s complaint against the Education Bureau (“EDB”).

The Complaint

2. On 22 December 2021, the complainant submitted an Application for Access to Information to EDB to request “the number of dropouts and dropout rate of primary schools in Hong Kong (including subsidised, government, Direct Subsidy Scheme (“DSS”) and private schools) for the school years of 2018/19, 2019/20 and 2020/21 (“the Request”). In its reply to the complainant on 29 December, EDB explained that schools participating in the Bureau’s Student Information Management System (“STIMS”) (“STIMS schools”) are required to report cases of student leaving school (including school transfers) to the Bureau. This only provides a record of students’ status at individual schools, and for various reasons, some of the students who have left school might resume study in the same school year or subsequent school year at another STIMS school or a school not participating in the system in Hong Kong. Hence, the cases of student leaving school reported by schools might not reflect the actual situation in a particular school year. EDB considered that the requested information, if compiled, could not accurately reflect the trend of students leaving primary schools in Hong Kong in one particular or three consecutive school years, and that the statistics so compiled might mislead the public. EDB, therefore, refused to provide the requested information by invoking paragraph 2.13(a) of the Code on Access to Information (“the Code”) (see **para. 4** for the provisions). In the complainant’s opinion, it was unreasonable for EDB to refuse the Request because EDB should have possessed complete data on the dropout rate and number of dropouts of primary schools in Hong Kong for the past three school years.

Our Findings

Relevant Provisions of the Code and the Guidelines on Interpretation and Application of the Code

3. According to paragraph (vii) of the Introduction of the Guidelines on Interpretation and Application of the Code (“the Guidelines”), departments should work on the basis that information requested will be released unless there is good reason to withhold disclosure under the provisions of Part 2 of the Code.

4. Paragraph 2.13(a) of Part 2 of the Code stipulates that a department may refuse to disclose “information relating to incomplete analysis, research or statistics, where disclosure could be misleading or deprive the department or any other person of priority of publication or commercial value.” Paragraph 2.13.2 of the Guidelines further elaborates that the department may decide to release information of the type mentioned in paragraph 2.13(a) of the Code if it is possible for the information to be accompanied by an explanatory note explaining the ways in which it may produce a misleading impression.

5. While paragraph 1.14 of the Code stipulates that the Code does not oblige departments to create a record which does not exist, paragraph 1.14.2 of the Guidelines explains that “when a record can be produced from computerised information subject to (a) the material, software and technical skills required to prepare the record being available in the department concerned and (b) production of this record not interfering with the normal operations of the department, the record thus created becomes a record in the possession of a department to which access may be given under the Code.”

Response from EDB

STIMS

6. EDB maintains STIMS for collection of student data for purposes related to education, including enforcement of universal basic education, compilation of student related statistics and central allocation of school places. STIMS schools are primary, secondary and special schools operated in the daytime in Hong Kong, and they are mainly government, aided, caput and DSS schools. STIMS schools will verify students’ personal data and education status and provide such information to EDB via the system. EDB has not made it mandatory for private schools and international

schools to participate in STIMS. Between the 2018/19 and 2020/21 school years, nearly 90% of Hong Kong primary students studied at STIMS schools.

7. EDB requires that STIMS schools make timely report via STIMS of cases in which students have left or been absent from school. Schools not participating in STIMS are required to report non-attendance cases by using a proforma but they do not need to report cases of student leaving school. Data on student leaving/non-attendance cases are collected to protect students' right to receive education in accordance with the Education Ordinance and relevant policies and to ensure proper follow-up action on suspected cases of discontinuing study and necessary support to the students concerned.

8. On reporting students who have left or been absent from school via STIMS, schools are required to provide the students' last day of attendance and reasons for leaving school. The reasons are usually provided to schools by the parents concerned. When reporting cases of students' leaving/absence from school, schools should choose among the pre-set options in STIMS, namely "studying abroad", "school transfer", "emigration", "employment", "death", "admission to a boys'/girls' home", "leaving Hong Kong for Mainland/Macao", "leaving school upon reaching the age of 15", "apprenticeship/vocational training/youth scheme" and "leaving school (for other reasons)".

The Request

9. EDB pointed out that the complainant had made it clear the information requested was the number of dropouts and dropout rate of primary schools in Hong Kong. Hence, "the number of **dropouts**" would most reasonably and sensibly be taken as "the number of primary students **who have left their respective schools and discontinued schooling in primary schools in Hong Kong**".

10. The dropout rate of primary schools in Hong Kong refers to the percentage of dropouts among all primary students in a particular school year. Every year in September, EDB conducts the Enrolment Survey by using STIMS and questionnaires to collect data from STIMS schools and schools not participating in the system for compilation of statistics regarding the number of primary students in Hong Kong. In other words, the number of students refers to the figures of student enrolment on the survey day (usually in mid-September). EDB releases on its website the statistics on

the number of students in Hong Kong¹ of each school year for public inspection. Due to the limitations listed below, EDB could not obtain accurate figures as regards the number of dropouts:

- (1) Schools not participating in STIMS are only required to report non-attendance cases (see **para. 7**). That means the data on student leaving/non-attendance cases that EDB collected via STIMS and the proforma could not reflect the overall dropout situation of primary schools in Hong Kong.
- (2) The reports on student leaving cases and relevant records in STIMS are not maintained for compilation of statistics on the number of dropouts and dropout rate of primary schools in Hong Kong. Besides, the data in STIMS and the functions of the system are not sufficient for compiling statistics on the number of dropouts and dropout rate of primary schools in Hong Kong. Taking the number of student leaving cases in STIMS as the overall number of dropouts in Hong Kong would be very misleading.

11. As regards subparagraph (2) of the preceding paragraph, EDB further explained why it was not feasible to have the information accompanied by an explanatory note to correct the misleading impression:

- (1) STIMS records on the reasons for students' leaving school are provided to the schools by parents. While the reasons may be in line with the definition of "the number of dropouts in primary schools in Hong Kong" (e.g. studying abroad, emigration, leaving Hong Kong for Mainland, etc.), they only reflect the students' education status at the time they left school. In many cases, the student concerned subsequently resumed study at the original school or another school. Since the number of student leaving cases recorded in STIMS often included school transfers and students having left school and then resumed their study, it should not be taken as the number of dropouts.

¹ Report on Student Enrolment Statistics has been uploaded to EDB's website at www.edb.gov.hk (Path: About EDB>Publications and Statistics>Figures and Statistics).

- (2) If EDB was to use the student leaving cases recorded in STIMS to compile statistics on the number of dropouts of primary schools in Hong Kong, it would have to look into each of those cases to trace the students' subsequent education status in Hong Kong. Nevertheless, EDB could not ascertain whether students with no record of school transfer in STIMS have discontinued their study in primary schools in Hong Kong because they might have been admitted to private schools or international schools which are not required to participate in STIMS.

12. EDB also noticed that when reporting student leaving cases via STIMS, schools stated various reasons for students' leaving school² in the remarks under "other reasons". That means EDB would have to examine each of those cases and check with the school concerned, if necessary, to confirm whether the reason given was in line with the definition of "the number of dropouts of primary schools in Hong Kong". Such data verification process cannot be completed by STIMS and may involve EDB staff's judgement, in which the manpower and time to be used could be hardly estimated. For example, between the 2018/19 and 2020/21 school years, an average of 1,800 cases each year had been marked as students' having left school for "other reasons".

13. On the whole, EDB considered that the student leaving cases recorded in STIMS were relevant to the information requested by the complainant. However, due to the aforesaid situation, EDB could not simply take the figures of student leaving cases from STIMS to compile the number of dropout cases and dropout rate of primary schools in Hong Kong as requested by the complainant. Hence, EDB considered it appropriate to invoke paragraph 2.13 of the Code to refuse the Request.

14. EDB clarified that it was the complainant's misunderstanding that the Bureau had possessed complete data on the dropout rate and number of dropouts of primary schools in Hong Kong for the past three school years (see **para. 2**). EDB does regularly compile statistics to monitor the number of primary students in Hong Kong and estimate the changes in the school-age population to facilitate allocation of school places, granting of subsidies and education policy planning. Yet, changes in the number of students between two school years are not equivalent to the number of dropouts because the figures also include newly arrived students. In fact, parents have the right to decide whether their children would receive education in Hong Kong, and

² In some cases where the student left school for "other reasons", the reasons stated in the remarks included "transferred to xx Primary School", "removal", "visiting relatives", "returning to Mainland", "returning to home town" and "living abroad".

student mobility (including school transfers and studying abroad) is fairly common. In safeguarding students' rights to receive education and providing support to them, EDB does not need to compile statistics on dropouts on a regular basis. Pursuant to paragraph 1.14 of the Code (see **para. 5**), EDB is not obliged to provide information not in its possession. If EDB was to compile such information, it would have to arrange manpower to go through the complicated procedures mentioned in **paragraphs 11(2) and 12**, which would interfere with the normal operations of the Bureau.

15. Nevertheless, EDB admitted after reviewing the case that there was room for improvement in the following aspects:

- (1) EDB would refer to what the schools have put in the remarks for student leaving cases and identify the reasons frequently used in the column of "other reasons". Those reasons would be added to the pre-set options for reasons for leaving school (such as falling ill, parents being dispatched overseas, returning to the original residence, etc.) so that schools could choose the most suitable option to define the status of the students who have left school and there would be fewer cases marked as student leaving school for "other reasons".
- (2) EDB regularly uploads the Report on Student Enrolment Statistics on its website (see **para. 10 and Note 1**) for public inspection. After reviewing its handling of the Request, EDB considered that it should have advised the complainant to check its website even though the report did not contain the figures on dropouts. That would facilitate the complainant to analyse and to grasp the changes in the student enrolment over the past years (such changes comprise the number of dropouts and newly arrived students).

Our Comments

16. EDB already clarified that it did not possess the data on the number of dropouts and dropout rate of primary schools in Hong Kong (see **para. 14**). Currently, EDB collects information about students' leaving/absence from school in order to identify suspected cases of discontinuing study. It is not for calculating the number of dropouts and dropout rate. Having considered EDB's explanation and scrutinised the information provided, we concur that even if EDB had used the available information

to compile statistics on dropouts as requested by the complainant, it would be difficult for EDB to ascertain whether the students concerned had left the Hong Kong education system. The statistics on dropout cases so compiled would be incomplete or misleading. Hence, we consider that EDB's refusal of the Request by invoking paragraph 2.13(a) is well grounded.

17. We notice that in its reply to the complainant on 29 December 2021, EDB indicated that “the cases of student leaving school reported by schools may not accurately reflect the situation of **students leaving schools** in Hong Kong in a particular school year... The information, if compiled as [the complainant had] requested, would not accurately reflect the situation of **students leaving** primary schools in Hong Kong in one particular school year or the trend of **students leaving schools** in three consecutive school years.” In view of the context of EDB's reply and the Bureau's response to this full investigation, we believe that “student leaving” in its reply actually means “dropout” (see **para. 9**). In this regard, we urge EDB to be more careful in the choice of words when replying to members of the public so that it can provide clear and accurate explanation and avoid misunderstanding. Moreover, we are pleased to note that when reviewing this case, the Bureau took the initiative to identify areas for improvement, in particular the Report on Student Enrolment Statistics mentioned in **paragraph 15(2)**. We agree that EDB should have advised the complainant to refer to that report when handling the Request.

18. With the above, The Ombudsman considers this complaint against EDB **unsubstantiated**.

Office of The Ombudsman
May 2022