

Status of Homeschooling in Hong Kong

by Cam Cheung, Homeschooling Mother and Founder and Chairperson of Ediversity
October 2014

Is it illegal?

Contrary to common belief, homeschooling in Hong Kong is not illegal. This has been confirmed to us by the Permanent Secretary of the Education Bureau, Mrs. Cherry Tse, during a meeting on 11 April, 2014.

We also know for the first time, as of 11 April, 2014, there are 18 homeschooling cases which have notified the EDB they are homeschooling, whose officers pay regular home visits to ensure the children are actually receiving an education.

We feel the following pieces of legislation give the space necessary for homeschooling in Hong Kong:

1. Universal Declaration of Human Rights Article 26
Parents have a prior right to choose the kind of education that shall be given to their children.
2. Hong Kong Basic Law Article 137
Students shall enjoy freedom of choice of educational institutions and freedom to pursue their education outside the Hong Kong Special Administrative Region.
3. Education Ordinance, Section 3 interpretation (version dated: 01/07/2007)
"School" (學校) means an institution, organization or establishment which provides for 20 or more persons during any one day or 8 or more persons at any one time, any nursery, kindergarten, primary, secondary or post secondary education or any other educational course by any means*, including correspondence delivered by hand or through the postal services (Amended 38 of 1983 s. 2; 42 of 1993 s. 2).
(* This enables home or other outside-of-school learning)
4. Section 74: Power of Permanent Secretary to order attendance at primary school or secondary school
Where it appears to the Permanent Secretary that a child is not attending primary school or secondary school without any reasonable excuse*, the Permanent Secretary may, after making such inquiries as he considers necessary, serve upon a parent of the child an attendance order in the specified form requiring him to cause the child to attend regularly as a pupil the primary school or secondary school named in the attendance order.
(3) This section shall- (c) not apply to a child-
(iii) who is attending regularly, or is an inmate of, an institution (other than a school)** which is regarded by the Permanent Secretary as suitable for the child.
(* 'reasonable excuse' allows broad interpretation; ** enabling home or other outside-of-school learning)

Why do people think it's illegal then?

We are not too sure. But one important reason is probably based on widespread negative news reports in 2000, when a father Leung Chi Kwong, stopped his daughter from attending school because he did not trust the HK education system. He decided to homeschool. EDB officials visited their home everyday for an extended period to ask him to send his child to school. He was given an attendance order after a couple of years, but he chose to move to mainland China and came back to HK after some time. His daughter eventually was enrolled in a Hong Kong primary school, and graduated from secondary school in 2012. There were subsequently two other cases in the news which probably also caused the belief that 'homeschooling is illegal'. In 2009 a couple was sentenced to community service when they stopped sending their son to school, because of a fee they didn't agree with, and in 2012, a woman stopped sending her daughter to school because she didn't get a place at the secondary school she wanted, but the woman was later found to have psychological issues. The negative news reports might have been the main reason why people believe homeschooling is illegal here. However, during the time when these cases were reported, there could have been quite a few 'acknowledged' cases practicing homeschooling under the monitoring of the EDB 'Non-attendance case team'.

Of course, the EDB schooling policy throughout the years since the inception of compulsory education (a term which has given way to 'universal free education' in recent years) may also form the basis of an understanding that it is compulsory to go to school. This misunderstanding is widespread, even among teachers, school administrators and government officials.

The government's position:

While homeschooling is not illegal, the government made it clear to us during the meeting that they will not encourage homeschooling presently, as they consider going to school is the best option for children. Also, from their point of view, they have to guard against possible abuse.

They encourage families to notify them if they want to homeschool. (They still do not have a formal route to apply. Just send an email to the contact below notifying the EDB that you are homeschooling or would like to homeschool your child.)

Contact for homeschooling matters: Mr. M L YAN, Inspector of Placement & Support Section, 3698 4388, ips4@edb.gov.hk.

Previous application experience have shown that there will be a few rejections--EDB officials telling applicants there is no way to apply, or the possibility of being issued an Attendance Order, and the possibility of a penalty and imprisonment if there is an infringement of an Attendance Order. We asked the Permanent Secretary at the meeting whether it is possible to change their response by telling people how to apply before giving a warning. She answered this is possible, and they would look into amending the format of their response.

Homeschooling in Hong Kong

by Joshua J. Steimle, Homeschooling Dad, Writer, and Entrepreneur

October 2014

No, homeschooling in Hong Kong is not illegal. On September 30th, 2014 I met at the Hong Kong Education Bureau with Ms. Teresa Chan, Principal Education Officer (School Administration Division) and Albert Leung, Senior Education Officer (Placement and Support Section). The purpose of our meeting was to clarify common misunderstandings as to how the government regards homeschooling. To understand the government perspective, it's important to know that the government views a high quality education as the right of every child living in Hong Kong. The government also considers a traditional school environment to be the best way to provide a high quality education. Therefore any situation in which a child is not enrolled in school classes becomes a matter the government feels is worthy of investigation. This is clearly spelled out in Section 74, Education Ordinance (Cap. 279), which states "Where it appears to the Permanent Secretary that a child is not attending primary school or secondary school without any reasonable excuse, the Permanent Secretary may, after making such inquiries as he considers necessary, serve upon a parent of the child an attendance order...."

If you notify the Education Bureau that you are homeschooling or they become aware of it by some other means, you may expect to receive emails, phone calls, and visits from government employees. These employees will often try to persuade the parents to enroll their children in traditional school classes, but parents are under no obligation to do so unless they receive an attendance order. Chan and Leung explained to me that the issuance of an attendance order is a rare circumstance, mostly unique to situations where children have become victims of abuse or neglect. Unfortunately, a small handful of parents have kept their children home under the guise of homeschooling in order to escape negative attention to the lack of care given to their children. Because of these cases the government feels it must monitor every situation where a child is not attending school.

There is no official application process for homeschooling in Hong Kong. When asked why this is the case, Chan and Leung responded that because the Hong Kong government believes it is best for children to be attending a traditional school, they do not wish to condone homeschooling by having an official application or registration process. While this leaves homeschooling parents in a bit of a limbo, their form of education being neither officially accepted nor rejected, Chan and Leung were both clear that nothing illegal has been done unless an attendance order is issued and a parent disobeys it. It was also explicitly stated that the government has no separate approach to local and expatriate families.

Thus the informal process is, as I understand it, as follows:

1. If you do not let the government know you have a child of school age, you are not breaking any law.
2. If the EDB becomes aware you have a child 6 years old or older who is not attending a traditional school, they will ask for information (names and occupations of parents, contact information, curriculum and assessments used, and reasons for homeschooling), visit with you, etc. as they see fit. If they have no reason for extreme concern, you will not be "approved," since there is no approval process, but you will not receive an attendance order, and thus, will be allowed to homeschool.
3. If they feel there is reason for extreme concern, they will issue an attendance order, and disobeying this order is illegal.

Based on my discussion, my advice to a parent would be to do as you see fit. If the government does contact you, be open with them and share whatever information they require. I think in 99 cases out of 100, they will strongly discourage parents from homeschooling, but they will not issue an attendance order, and therefore the parent is breaking no law.