

Article 18: Freedom of thought, conscience and religion

18.1 The legal and constitutional positions are as explained in paragraphs 321 and 322 of Part II of the initial report. The freedom of religious belief continues to be one of the fundamental rights enjoyed by Hong Kong residents. Religious organisations have the freedom to conduct any religious activities provided that they are allowed under the laws of Hong Kong. The HKSAR Government is fully committed to upholding religious freedom in Hong Kong in accordance with the Basic Law and the relevant legislation.

18.2 The various religions in Hong Kong embrace, among others, are Buddhism, Taoism, Confucianism, Catholicism, Christianity, Islam, Hinduism, Sikhism and Judaism. All of these religions have a considerable number of adherents. Apart from offering religious instructions, many major religious bodies have established schools and provided health, welfare and other social services and facilities.

18.3 A number of schools are operated by religious organisations. Some commentators were concerned whether the freedoms of thought and religion of teachers and students are affected by the present arrangements of school system, curricula and activities.

18.4 Besides the guarantee on freedom of religious belief under Article 32 of the Basic Law, Article 137 states that “schools run by religious organisations may continue to provide religious education, including courses in religion”. Article 141 states that the Government of the HKSAR “shall not restrict the freedom of religious belief, interfere in the internal affairs of religious organisations or restrict religious activities which do not contravene the laws of the Region”.

18.5 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.

18.6 In terms of teacher appointment, general guidelines on personnel matters have been given to schools in the School Administration Guide. Schools are required to refer to the relevant legislation in drawing up their personnel management policies and procedures, which includes, among others, the legislation on equal opportunities. The Guide also sets out the principles of fairness and transparency in recruitment and selection of staff. More specifically, vacancy information in the advertisement should be gender-neutral and discrimination-free. In this respect, schools, irrespective of their religious background, should observe the fairness principle in personnel matters and hence avoid individual teachers being discriminated on the basis of religious belief.

18.7 The present curricula would not infringe the right to freedom of thought and of religious belief of teachers and students. As a matter of fact, the religious background of the school / school sponsoring body is in the school profile. Students (and their parents) and teachers wishing to join the school have adequate access to such information to make their own decision. The EDB's policy is in line with Article 137 in the Basic Law: "Educational institutions of all kinds may retain their autonomy and enjoy academic freedom. They may continue to recruit staff and use teaching materials from outside the HKSAR. Schools run by religious organisations may continue to provide religious education, including courses in religion."