

立法會
Legislative Council

LC Paper No. CB(2)1579/00-01
(These minutes have been
seen by the Administration)

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LegCo Panel on Education

Minutes of meeting
held on Monday, 19 March 2001 at 4:30 pm
in Conference Room A of the Legislative Council Building

Members Present : Dr Hon YEUNG Sum (Chairman)
Hon YEUNG Yiu-chung (Deputy Chairman)
Hon Cyd HO Sau-lan
Hon Eric LI Ka-cheung, JP
Prof Hon NG Ching-fai
Hon CHEUNG Man-kwong
Hon LEUNG Yiu-chung
Hon Jasper TSANG Yok-sing, JP
Hon LAU Kong-wah
Hon Emily LAU Wai-hing, JP
Hon SZETO Wah
Hon Tommy CHEUNG Yu-yan, JP
Dr Hon LO Wing-lok
Hon Audrey EU Yuet-mee, SC, JP

Members Absent : Hon David CHU Yu-lin
Hon SIN Chung-kai
Hon Andrew WONG Wang-fat, JP
Hon Michael MAK Kwok-fung
Hon WONG Sing-chi

Public Officers Attending : Item IV
Mr Joseph LAI
Deputy Secretary for Education and Manpower (3)

Mr John LEUNG
Principal Assistant Secretary for Education and
Manpower (9)

Mr Matthew CHEUNG, JP
Director of Education

Mrs Betty IP
Assistant Director of Education (Education Services)

**Attendance by
Invitation** : Item IV

Equal Opportunities Commission

Ms Anna WU
Chairperson

Mr Frederick TONG
Director (Disability)

Ms Florence CHAN
Senior Equal Opportunities Officer

Mr WONG Chak-tong
Equal Opportunities Officer

**Clerk in
Attendance** : Miss Flora TAI
Chief Assistant Secretary (2)2

**Staff in
Attendance** : Mr Stanley MA
Senior Assistant Secretary (2)6

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I. Confirmation of minutes
[LC Paper Nos. CB(2)1072/00-01 and CB(2)1107/00-01]

The minutes of the meetings held on 18 December 2000 and 15 January 2001 were confirmed.

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II. Information paper issued since the last meeting

[LC Paper No. CB(2)933/00-01]

2. Members noted the paper provided by Wan Chai District Headmasters' Conference, containing a summary of views about school places allocation systems in respect of the Reform Proposals for the Education System in Hong Kong.

III. Items for discussion at the next meeting

[Appendices I and II to LC Paper No. CB(2)1065/00-01]

3. Members agreed to discuss the following at the next meeting scheduled for 23 April 2001 at 4:30 pm -

- (a) Education issues in the Report of the Hong Kong Special Administrative Region of the People's Republic of China in the light of the International Covenant on Economic, Social and Cultural Rights;
- (b) Financial proposal on support measures to increase post-secondary education opportunities;
- (c) Two-mode teaching;
- (d) Proposed creation of a permanent Chief Treasury Accountant in the Education Department;
- (e) Financial proposal for promoting parent education; and
- (f) Financial proposal for school-based uniformed/youth group enhancement scheme.

IV. Proposed Code of Practice on Education under the Disability Discrimination Ordinance issued by the Equal Opportunities Commission (EOC)

4. At the invitation of the Chairman, the Chairperson of the EOC briefed members on the background and problems encountered in preparing the proposed Code of Practice on Education (COPE) under the Disability Discrimination Ordinance (DDO). She pointed out that COPE was proposed in accordance with section 65(2) of DDO to provide general guidelines for educational establishments

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to meet the requirements in legislation and enable persons with disabilities, their parents and associates to understand their rights under DDO. The results of the public consultation exercise conducted during 15 January to 31 March 2001 had indicated that the community supported the principle of non-discrimination and integration and that persons with disabilities should enjoy equal opportunities in various fields including education. Concerns expressed during the consultation were mainly related to practical and implementation issues. In anticipation of some of these issues, EOC had been working closely with the Education Department (ED) to ensure a smooth implementation. A working group with ED's participation would be formed to address matters pertaining to the implementation of COPE.

5. The Chairperson of EOC further said that there would be situations in which opinions between parents and schools might differ on what was the best arrangement for a student with a disability. EOC's initial suggestion was to establish a mechanism which should involve a panel of experts comprising representatives of parents' associations, school councils/associations, professionals in medical, legal and educational fields, and ED to handle such disputes in case they could not be settled at school level. She stressed that Government's commitment to provide adequate resources to support integrated education was crucial to the smooth implementation of COPE.

6. Director (Disability) of EOC then introduced EOC's consultation document on COPE. He highlighted the major findings of the consultation and the response of EOC as detailed in EOC's paper [Paper No. B(2)1065/00-01(01)].

Discussion

Implementation of integrated education

7. Mr CHEUNG Man-kwong said that under the principle of equal opportunities, all ordinary schools should ultimately admit students with disabilities. However, many existing schools were not designed with the facilities for students with various types of disabilities, and many did not have sufficient resources, equipment and experienced teachers to provide integrated education. Mr CHEUNG asked whether the Administration could give an assurance that ED would provide all the necessary manpower and resources support to every school admitting students with various types of disabilities when COPE came into effect.

8. Deputy Secretary for Education and Manpower (3) (DS/EM(3)) responded that the Government supported the principle of integrated education in schools and would endeavor to provide students with disabilities to receive quality education in ordinary schools. The Administration had allocated additional resources for

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schools joining the Integrated Education Programme to adopt a whole-school approach in implementing integrated education. The additional allocation would increase yearly from \$15 million in 2001-02 to \$50 million in 2004-05. Meanwhile, ED and the Board of Education (BOE) had been collaborating with EOC in drafting the COPE and discussing possible solutions to the practical problems which would emerge in the course of implementation. He acknowledged that in accommodating students with different types of disabilities, schools would inevitably encounter some practical difficulties. For example, some old design schools might not be suitable for accommodating physically handicapped students who used wheelchairs for mobility purposes because the walking corridors in each floor of the school premises were too narrow. However, the Administration would give priority to the interests of students. It would consult parents and other stakeholders to resolve the problems on a case-by-case basis. He assured members that the Administration would adopt an open mind to explore the best alternatives for accommodating students with disabilities.

9. In response to Ms Emily LAU's enquiry about the right of students with disabilities to receive education in the schools of their choice, the Chairperson of EOC explained that DDO which sought to ensure that persons with disabilities had equal opportunities in access to, and meaningful participation in, local education was binding on the Government. However, DDO exempted educational establishments from liability in cases where there would otherwise be an unjustifiable hardship imposed on them. As an increasing number of students with disabilities were admitted to ordinary schools, the Administration should provide schools with additional resources, special equipment and teachers with appropriate training on teaching strategies and equal opportunities principles and requirements. She pointed out that the demand for schools to implement integrated education would depend on the preference of parents to enrol their children with disabilities in ordinary or special schools.

10. Mr CHEUNG Man-kwong said that to facilitate accommodation of students with various types of disabilities, COPE should address the practical issues of concerns for providing integrated education in schools. He believed that schools would endeavour to observe and follow the requirements of DDO, but many were subject to physical and financial constraints in meeting the special needs of these students. He expressed concern that students with disabilities might apply to enrol in ordinary schools through ED's central allocation exercise, and would be allocated to ordinary schools which did not have the essential facilities and equipment to cater for their special needs. Ms Emily LAU shared a similar concern. She stressed that the Administration must provide adequate resources for implementing integrated education in order to fulfil the statutory requirements. Mr CHEUNG also pointed out that given the small number of schools joining the Integrated Education Programme, parents were very concerned that they had very

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limited choice because sometimes there was only one school providing integrated education in a district. He therefore asked about the implementation timetable of integrated education.

11. Director of Education (DE) responded that since the 1970's, the Government's education policy had aimed at helping children with special educational needs integrated into mainstream schools as far as possible, so that they could receive an appropriate education alongside their peers. To implement the integration policy, ED provided assistance to schools which had admitted students with disabilities. Not only appropriate equipment would be provided to schools with disabled pupils on a loan basis, a central fund of \$2 million was also set aside to assist schools in procuring special equipment on needs basis. The Administration aimed to increase the number of schools providing integrated education under the Integrated Education Programme at a rate of 25 per year and there would be a total of 140 schools providing integrated education in 2004-05. Parents could approach ED for details on the schools providing integrated education.

12. DE supplemented that schools providing integrated education were currently provided with additional teachers, teaching assistants and other resources. Apart from non-recurrent and recurrent grants, schools would be allocated with one additional teacher for taking on every five disabled pupils. A further teacher assistant would be provided for every eight disabled pupils. Schools with less than five disabled pupils would be assisted by the advisory services and support provided by ED's inspectors on a regular basis.

Dispute resolution mechanism

13. In response to the Chairman's enquiry about the number of complaints lodged by parents or students with disabilities, the Chairperson of EOC informed the meeting that since the operation of DDO in 1996 until March 2001, EOC had received 39 complaint cases concerning disability discrimination or harassment in the field of education. She added that in the school year 1999-2000, there were 6 888 and 1 422 students with different types of disabilities studying in special and ordinary schools respectively. Even if half of these 6 888 students were to be enrolled in ordinary schools, they occupied only around 0.36% of the student population in ordinary schools. Director (Disability) of EOC supplemented that there were very few complaints arising from inadequate physical space in schools.

14. Mr CHEUNG Man-kwong expressed support for the establishment of a dispute resolution mechanism to settle disputes arising from difference in opinions between schools and parents on what was the best arrangement for a student with a disability. He pointed out that schools and parents sometimes would have

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arguments as to whether students with reading and writing difficulties should be regarded as students with disabilities. COPE should therefore provide clear guidelines in this respect. Mr SZETO Wah suggested that an independent organisation with formal authority should be established to tackle disputes between parents and schools.

15. DE responded that ED also supported the proposed establishment of a dispute resolution mechanism. The Administration anticipated that the expert panel comprising parents, schools and professionals would help settle disputes between parents and schools arising from school accommodation of students with disabilities. He pointed out that integrated education was not a new policy measure and disabled students enrolled in ordinary schools were provided with appropriate assistance to aid their learning. There were at present more than 30 000 students with various special educational needs and the majority of them were attending ordinary schools. DE explained that the Integrated Education Programme was a further step to implement the principle of integration with the participation of the whole school and provision of well-planned support.

16. The Chairman asked why there was such a discrepancy between the number of students with disabilities (as provided by EOC) and the number of students with special educational needs. DE replied that a student would be considered to have special educational needs if he had a learning difficulty or a handicap which either prevented or hindered the student from making use of educational facilities generally provided in schools for children of his age. These students were not considered as having disabilities.

17. In response to Ms Audrey EU's enquiry about the two possible models of second tier dispute resolution mechanism, Director (Disability) of EOC explained that whilst such disputes could be brought to EOC or the court for a resolution, EOC suggested that educational establishments should have in place a dispute resolution mechanism to handle complaints or disputes at school level. If a dispute could not be resolved, the second tier mechanism of a panel of experts could be invoked. However, the role of ED in the second tier was still under consideration. The initial suggestions were that the expert panel should make recommendations to the parent or student with a disability, school and ED for their own decisions, or alternatively, to ED, which would decide the course of action to be taken. If the dispute remained unresolved, the parent or student with a disability would still have the option of lodging a complaint with EOC for investigation and conciliation under DDO. DE stressed that the role of ED was clear, i.e. to co-ordinate proactively between parents and schools for the implementation of integrated education in a practicable manner.

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18. Mr Eric LI said that COPE should incorporate provisions relating to the role of non-governmental organisations which had been providing a wide variety of supporting and caring services for people with various types of disabilities for more than two decades. He anticipated that there would be a large number of complaints arising from integrated education, but believed that most of them could be settled by way of consultation and conciliation. He suggested that COPE should include the role of ED and EOC in settling disputes between parents and schools. He pointed out that the key to successful integrated education should be to help students with disabilities develop their abilities to adapt to the teaching and learning environment in ordinary schools.

19. The Chairperson of EOC noted Mr Eric LI's suggestions. She pointed out that COPE was proposed under DDO and was drafted in line with the specified purposes. EOC would reinforce education and publicity work during implementation stage to promote the community's awareness of the special needs of students with disabilities. It would also collaborate with ED to prepare booklets and directories aiming to provide guidelines on services available to people with disabilities. She acknowledged that there would be implementation difficulties, but was confident that the community would gradually become more familiar with the principles of equal opportunities.

Compliance with DDO

20. Mr YEUNG Yiu-chung expressed concern about non-compliance with DDO. He asked whether the 40 schools joining the Integrated Education Programme had met all the requirements under DDO. He pointed out that he was not aware of a school using Braille reading materials to produce admission leaflets, etc. He also asked whether EOC had conducted an evaluation on the number of existing schools in compliance with DDO including the procedures for admission of students with disabilities.

21. The Chairperson of EOC said that EOC would discuss with the Hong Kong Institute of Education about provision of special training to teachers. She remarked that materialisation of the equal opportunities concept in school education would take time and would depend very much on a change in mentality and culture. She held the view that schools should not have difficulties to comply with the requirements under DDO if they were provided with the necessary facilities, equipment and qualified teachers to teach students with various types of disabilities.

22. Director (Disability) of EOC supplemented that parents commented favourably on the performance of most of the 40 schools joining the Integrated Education Programme. He pointed out that there were other schools providing

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integrated education with satisfactory results, but some of them were not adequately equipped with the necessary equipment and experienced staff.

23. Mr YEUNG Yiu-chung further asked and the Chairman of EOC confirmed that a school was required under DDO to provide the necessary facilities and support only if a student with a disability had chosen to enrol in that school and needed the facilities and support. However, she would like to point out that the law had only specified the minimum requirements. A much higher goal should be aimed at in implementing integrated education.

Professional training for teachers

24. Mr LEUNG Yiu-chung expressed concern about the deployment of teaching resources for implementation of integrated education in schools, given that serving teachers were already fully-occupied with their day-to-day teaching activities. He asked whether ED had evaluated the manpower implications and provided sufficient teachers to ensure the quality of integrated education. Mr LEUNG pointed out that an additional teacher for every five disabled pupils was insufficient in case they were allocated to different classes.

25. DE responded that under the spirit of whole-school approach, schools should mobilise teachers, parents and students to establish an accommodating learning environment for disabled pupils. Students would learn to accept others and help their peers who had learning difficulties. Meanwhile, participating schools maintained a close partnership with special schools and would share their experience in teaching pupils with different types of disabilities. Furthermore, many pre-service teacher training programmes had already incorporated modules relevant to supporting children with special educational needs into the programmes.

26. The Chairperson of EOC pointed out that teachers' attitude and sensitivity towards the needs of disabled students played a decisive role for smooth implementation of integrated education. She explained that different types of disabilities required different accommodation arrangements and assistance. In handling complaints from parents and disabled students, EOC would be able to monitor the quality of integrated education. It would examine the causes of each case and make appropriate recommendations to ED and schools for enhancing quality of integrated education. Director (Disability) of EOC added that EOC would follow up with ED on flexibility in provision of additional resources for participating schools.

27. Mr TSANG Yok-sing said that students with disabilities who had demonstrated a desire for learning could serve as a model for other students to

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follow. Based on his experience as a school principal, Mr TSANG observed that physically handicapped students had little difficulty to adjust in their studies at ordinary schools. However, students with other disabilities might have some problems in learning and should be taught by teachers with special training. He therefore enquired whether all teachers of participating schools would be arranged to attend special training for integrated education so that they would be equipped with the necessary skills and techniques to handle students with different types of disabilities.

28. DE responded that teachers of participating schools would be required to attend in-service programmes aimed at providing training on general skills and techniques in teaching students with special needs. Teachers who were involved in handling or teaching students with different or multiple disabilities would be provided with further training on integrated education. Development of training packages and model policy on equal opportunities was under planning. Assistant Director of Education (Education Services) supplemented that apart from a basic training on integrated education for school principals, middle managers and teachers, ED would from time to time organise training sessions, workshops and seminars etc. on supporting students with various types of disabilities. In any circumstances, schools accommodating students with special needs could seek assistance and advice from ED. Furthermore, ED would provide relevant information and guidance materials for teaching students with different types of disabilities.

Objectives and benefits of integrated education

29. Ms Audrey EU was of the view that in drafting the COPE, EOC should aim at a higher goal of integrated education instead of mere compliance with legislation. Apart from specifying acts and behaviours which might constitute discrimination and harassment, COPE should encourage more caring attitudes towards students with disabilities.

30. The Chairperson of EOC explained that COPE was a piece of legal document to be issued in accordance with DDO and hence the wording was subject to certain limitations. EOC and ED would collaborate efforts to promote its implementation and a more caring attitudes towards students with disabilities.

31. Mr SZETO Wah considered that integrated education should mean more than protecting students with disabilities from being discriminated or harassed in schools. The whole-school approach should aim at fostering among teachers, parents and students a sense of caring and loving for others, particularly students with disabilities. He agreed that the fostering of positive values and attitudes among stakeholders in school education towards integrated education would be a

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long and complicated process. He added that students with disabilities should be well advised of the emergency procedures for evacuation in case of fire.

32. The Chairperson of EOC echoed that developing among teachers, parents and students a sense of caring and loving for others was vital to the long-term success of integrated education. DE supplemented that ED's inspectors would advise participating schools on procedures for helping students with disabilities in emergence situations.

Adm 33. Dr LO Wing-lok asked whether the Administration had assessed the learning progress and academic performance of students with disabilities in ordinary schools. DS/EM(3) responded that ED had commissioned the Hong Kong Institute of Education about two years' ago to evaluate the outcome of the two-year pilot project on integrated education. The survey had indicated that more than 75% of parents were satisfied with their children's learning progress in ordinary schools adopting a whole-school approach to integration. At the Chairman's suggestion, DE agreed that ED should conduct a comprehensive evaluation survey of integrated education.

Legislative timetable

34. In response to Ms Emily LAU, the Chairperson of EOC said that section 65 of DDO empowered EOC to issue codes of practice as practical guidance. She stressed that the provisions of COPE would be admissible in any court proceedings. Director (Disability) of EOC supplemented that EOC planned to gazette the COPE in June 2001 and table it at the following Legislative Council Meeting after the gazettal.

V Any other business

Education voucher system

Clerk 35. At the suggestion of Ms Emily LAU, members agreed that the Research and Library Services Division should be requested to conduct a study on education voucher system and its implementation in overseas countries for future reference of Panel members.

36. There being no further business, the meeting ended at 6:30 pm.

Legislative Council Secretariat

16 May 2001