

平等機會委員會

EQUAL OPPORTUNITIES COMMISSION

香港太古城太古灣道14號太古城中心三座19樓

19/F., Cityplaza Three, 14 Taikoo Wan Road
Taikoo Shing, Hong Kong
網址 Website : <http://www.eoc.org.hk>

Our Ref: L/M (3) to EOC/LEG/01

Your Ref: CB2/HS/2/04

Tel: 2106 2178

Fax: 2824 3892

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By Fax: 2509 0775

Dr. Hon. Fernando CHEUNG
Chairman of Subcommittee to
Study Issues Relating to the Provision of Boarding
Places, Senior Secondary Education and
Employment Opportunities for Children
with Special Educational Needs
Legislative Council
Legislative Council Building
8 Jackson Road
Central
Hong Kong

Dear Dr. Hon. Cheung,

**Subcommittee to Study Issues Relating to the Provision of Boarding Places,
Senior Secondary Education and Employment Opportunities for Children with
Special Educational Needs**

Further to my letter dated 6 May 2006, the Equal Opportunities Commission (EOC) have had discussion with the Education and Manpower Bureau (EMB) on the proposed new academic structure of special schools.

The query raised in your letter of 23 March 2006 concerns the difference between 10 years of basic education (6 years of primary education and 4 years of junior secondary education) for students in schools for the physically disabled or hearing impaired on the one hand, and only 3 years of junior secondary education for students in schools for the intellectually disabled on the other hand.

From the relevant literature on the proposed new academic structure, in particular, EMB's document titled *Action for the Future – Further Consultation on*

Career-oriented Studies and the New Secondary Academic Structure for Special Schools, January 2006 (*Action*), and from the discussion between the EOC and EMB, the EOC understand the situation to be as follows:-

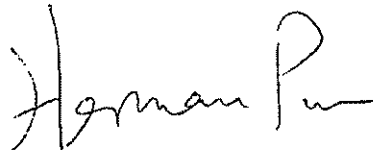
- (a) The Government pledge is to provide 6 years of secondary education for all students, including those with special educational needs (SEN) (paragraph 7.1 of *Action*);
- (b) Students with SEN who are intellectually capable of pursuing the ordinary curriculum will aim at achieving the same curricular objectives for New Senior Secondary (NSS) academic structure, and be assessed in the same way as other students but with appropriate assessment accommodation (2nd bullet, paragraph 7.7 of *Action*); in other words, basic education for these students is to prepare them for NSS, which would involve assessments and examinations leading to the Hong Kong Diploma of Secondary Education (HKDSE); these students include students in special schools for the hearing impaired and physically disabled;
- (c) For students with intellectual disabilities who are unable to pursue the ordinary curriculum, an Individualised Education Programme will define the learning goals, pace of learning and level of attainment for individual students; these students will not go through ordinary NSS assessments and examinations leading to HKDSE (3rd to 6th bullets, paragraph 7.7 of *Action*);
- (d) Among the students who will undergo ordinary NSS leading to HKDSE, there are those who are in special schools for the hearing impaired and the physically disabled. These are students who have been individually assessed as having severe to profound hearing impairment or physical disabilities. Their learning patterns suffer from delays and disruptions because of their impairment. Consequently, without appropriate accommodation, they will be significantly disadvantaged when they enter NSS with a view to attain HKDSE achievements;
- (e) In order to compensate for the delay and disruption caused by their impairment, students in special schools for the hearing impaired and

physically disabled will be provided with 10 years of basic education so that they are better prepared for NSS;

- (f) For reasons above, there is a material difference between the circumstances of, on the one hand, students in special school for the hearing impaired and the physically disabled who are able to and will undergo ordinary NSS, and on the other hand, students with intellectual disabilities who are unable to do the same. This material difference explains the difference between 10 years basic education (6 years of primary education and 4 years of junior secondary education) for the former, and 3 years junior secondary education for the latter (which is the same for everyone else).

On the basis of EMB's explanation, there does appear to be a material difference between intellectually disabled students and students in special schools for the hearing impaired and physically disabled, in terms of whether they are to undergo the ordinary NSS leading to HKDSE. This being so, it does not appear that special school academic structure involve a contravention of the Disability Discrimination Ordinance (Cap.487).

Yours faithfully,



Herman L.H. Poon
Chief Legal Counsel

Equal Opportunities Commission

bcc: Mrs. Betty Ip, EMB
10/F, Wu Chung House
213 Queen's Road East
Wanchai
(Fax: 2119 9061)