

Progress Report on Motion on “Building an inclusive society for all”

Legislative Council meeting on 21 November 2012

Purpose

At the Legislative Council (LegCo) meeting held on 21 November 2012, the motion on “Building an inclusive society for all” moved by Hon LEUNG Yiu-chung and amended by Dr Hon Fernando CHEUNG, Hon WONG Kwok-hing, Hon CHAN Han-pan, Dr Hon KWOK Ka-ki, Hon Emily LAU and Hon Michael TIEN was carried. The wording of the motion carried is at **Annex**.

2. This paper briefs Members on the follow-up actions taken by the Administration.

Implementation of the Concluding Observations adopted by the United Nations Committee on the Rights of Persons with Disabilities

3. In September 2012, the United Nations Committee on the Rights of Persons with Disabilities (the Committee) reviewed the first periodic report submitted by the Hong Kong Special Administrative Region (HKSAR) under the Convention on the Rights of Persons with Disabilities (the Convention), and made recommendations on the further implementation of the Convention by HKSAR. In December 2012, we briefed the Rehabilitation Advisory Committee (RAC) and the Legislative Council Panel on Constitutional Affairs on the relevant issues and the Administration’s initial response to the Committee’s recommendations. The bureaux and departments concerned are exploring suitable follow-up actions. Under the Convention, we are required to submit the second periodic report on the implementation of the Convention in Hong Kong by September 2014. In the second report, we will also present the improvement measures taken in response to the concluding observations on the HKSAR’s initial report to the Committee.

Establishing an independent ad hoc committees for monitoring the implementation of the Convention by the HKSAR Government

4. Concerning the monitoring mechanism, the Equal Opportunities Commission (EOC), as the statutory and independent enforcement agency of the Disability Discrimination Ordinance (DDO), has all along been upholding the equal opportunities of persons with disabilities and safeguarding their specified rights under DDO. In tandem, RAC, being the principal advisory body of the Government on the rights and well-being of persons with disabilities, has been assuming the important role of monitoring the implementation of the Convention in Hong Kong in addition to assisting the Government in promoting and implementing the Convention. The Chairman, Vice-Chairman and members of RAC are all non-officials, including persons with different disabilities, parents of persons with disabilities, representatives from self-help organisations of persons with disabilities and non-governmental organisations (NGOs) providing rehabilitation services, academics, community and business leaders, professionals, etc. Representatives of relevant government bureaux and departments also serve as official members to provide the necessary support to RAC and to follow up on the issues raised by RAC as appropriate. With wide acceptance and representation, RAC is the most suitable central mechanism to promote the implementation of the Convention. We consider that the existing framework has been effective in giving effect to and promoting the Convention and in monitoring its implementation in Hong Kong.

5. Within the Government, the Commissioner for Rehabilitation (the Commissioner) is responsible to the Secretary for Labour and Welfare for the formulation of the overall rehabilitation policy for persons with disabilities, and for co-ordinating and facilitating the work of government departments, public organisations and NGOs in the development and provision of rehabilitation services. Following the application of the Convention to Hong Kong, the relevant bureaux and departments have the responsibilities to ensure that the policies and measures under their purview are in compliance with the spirit and provisions of the Convention, and the Commissioner has henceforth taken up the role as the focal point within the Government of HKSAR for matters relating to the implementation of the Convention.

6. In response to the views of the Committee and Members of the LegCo, the Chief Executive reiterated in the Policy Address in January 2013 that the Government had to take into full account the Convention provisions in formulating policies and implementing programmes. To enhance co-ordination

among various policy bureaux and departments in implementing the Convention, he also undertook that the Government would review the Commissioner's duties, responsibilities and ranking, as well as the establishment and manpower of his or her team.

Review on Disability Allowance (DA)

7. In response to the Direct Investigation Report on "Granting of Disability Allowance and Processing of Appeals by Social Welfare Department" released by the Ombudsman in October 2009, the Social Welfare Department (SWD) has set up a Working Group on Review of the Mechanism for Implementing the DA Scheme (the Review Group). The Review Group has completed the review on the mechanism for implementing the DA system, which includes reviewing and refining the guidelines, Medical Assessment Form and Checklist used in medical assessments, the work flow of relevant departments/organisations in processing DA applications, as well as putting forward improvement measures. In December 2012, SWD reported the Review Group's improvement recommendations to the LegCo Panel on Welfare Services (the Panel) and informed the Ombudsman. SWD updated the Panel on the follow-up actions in February 2013.

8. Besides, in view of the Chief Executive's pledge in his election manifesto that "we will also allow people with loss of one limb to apply for DA", the Labour and Welfare Bureau has established an inter-departmental working group to review the eligibility criteria for DA and related matters. As DA is a part of social security, the inter-departmental working group will report to and seek steer from the Social Security and Retirement Protection Task Force under the Commission on Poverty.

Study on extending the Public Transport Fare Concession Scheme for the Elderly and Eligible Persons with Disabilities

9. To help build a caring and inclusive society by encouraging the elderly and eligible persons with disabilities to participate more in community activities, the Government launched the Public Transport Fare Concession Scheme for the Elderly and Eligible Persons with Disabilities (the Scheme) on the MTR, franchised bus companies and ferry in end-June, early-August 2012 and early-March 2013 respectively.

10. We are considering the technical arrangements for extending the Scheme to eligible children with disabilities aged below 12¹. After implementing such extension, eligible persons with disabilities, irrespective of their age, could travel on the general MTR lines, franchised buses and ferries at a concessionary fare of \$2 per trip.

11. Regarding the proposal of extending the Scheme to cover green minibuses, as there are quite a large number of green minibus operators and many of them are of small-scale with different modes of operation and financial positions, we expect that it will take time to conduct studies on the subject and discuss with the trade.

12. Currently, the Hong Kong Tramways Limited is offering a concessionary fare of \$1.1 for the elderly, which is even lower than the fare of \$2 under the Scheme. The Scheme is, therefore, not applicable to tram service in this regard.

Building a barrier-free community

Transport for All

13. To enhance the point-to-point Rehabus service, the Administration has procured 28 new buses for the Rehabus fleet since 2007, thereby increasing the fleet size to 123 vehicles and the passenger volume to 730,000 passenger trips. In 2012-13, 6 more buses were added to the Rehabus fleet, thereby further increasing the fleet size to 129. Rehabuses of high vehicle age have also been replaced concurrently. A total of 64 buses of high vehicle age has been replaced, thereby reducing the average vehicle age from 5.5 years to 4.1 years. In 2013-14, we will provide 6 additional buses, thereby increasing the fleet size to 135 buses.

14. As for Easy-Access Bus, the Hospital Authority (HA) plans to replace 22 ageing Easy-Access Buses in 2012-13 for service enhancement. HA will review the Easy-Access Bus service from time to time in light of the service demand, monitor its utilisation, and explore other improvement measures where necessary.

¹ That is, children aged below 12 who are 100% disabled and who are recipients of Comprehensive Social Security Assistance (CSSA) or Disability allowance.

15. Apart from the aforementioned services, we will continue to improve public transport facilities and closely co-operate with public transport operators to facilitate the use of public transport services by persons with disabilities. In this connection, the MTR Corporation Limited has already undertaken to install external lifts for 16 stations. It is expected that, in 2016, all MTR stations will be equipped with barrier-free facilities linking passengers directly to the ground level. In addition, all franchised bus companies have agreed that new buses purchased as additional or replacement vehicles will be wheelchair accessible. At present, about 60% of franchised buses in Hong Kong are low-floor ones. It is expected that all franchised buses will be of low-floor model² by 2015-16.

Barrier-free environment

16. Regarding government venues and Housing Authority properties, the Government and the Housing Authority have taken forward a comprehensive retrofitting programme to upgrade the barrier-free access and facilities in about 3,500 existing government venues and 240 Housing Authority properties. The retrofitting works in around 90% of these premises and facilities had already been completed in end-June 2012, while those for the remaining premises and facilities will be completed by end-June 2014. To tie in with Housing Authority's lift modernisation programme, a small proportion of the retrofitting works in public housing estates will be completed by 2016-17.

17. Concerning private properties, the Government currently provides various funds to assist eligible private property owners to upgrade barrier-free access of their premises. Starting from 1 April 2011, the Hong Kong Housing Society and Urban Renewal Authority have consolidated their five schemes on building maintenance and jointly rolled out a new Integrated Building Maintenance Assistance Scheme (IBMAS). IBMAS has explicitly included the provision, improvement and maintenance of barrier-free access into the scope of assistance for works in common areas. The Comprehensive Building Safety Improvement Loan Scheme and the Building Maintenance Grant Scheme for Elderly Owners funded by the Government also accept loan / grant applications for works relating to maintenance and improvement of barrier-free access and

² Due to topographical constraints, the New Lantao Bus Company (1973) Limited (NLB) is unable to allow wheelchair accessible low-floor buses to ply along all of its routes. NLB has deployed wheelchair accessible low-floor buses to run on routes where the terrain permits.

facilities. Also, the Operation Building Bright covers improvement and maintenance works in respect of barrier-free access facilities at the common areas of the target buildings under the scheme.

18. The Buildings Department (BD) will carry out appropriate enforcement actions on unauthorised removal or alteration of access or facilities for persons with disabilities in buildings in accordance with Buildings Ordinance (BO) and the enforcement policy on unauthorised building works. If an owner does not carry out the rectification works upon receipt of a statutory order issued by BD under BO, he/she may be prosecuted and liable on conviction to imprisonment for one year and a fine of HK\$200,000, and to a further fine of 20,000 for each day on which the offence is continued.

19. With regard to primary and secondary schools, all 225 new schools constructed after 1997 provide lifts in compliance with the requirements of the prevailing Design Manual. For schools built before 1997, the Education Bureau is installing lifts for 640 schools in phases through the School Improvement Programme.

20. Regarding hospitals and clinics, HA has been conducting a thorough review since 2010 with a view to enhancing the standards of those facilities built before 2008 to meet the requirements of the Design Manual 2008. HA has completed barrier-free access improvement works for 18 general out-patient clinics (GOPCs), and similar improvement works will be carried out for another 14 clinics in the first quarter of 2013. HA plans to complete improvement works of all remaining GOPCs by the end of 2014.

21. As for public hospitals, HA has completed preliminary assessments on the 16 public hospitals with accident and emergency departments. Barrier-free access improvement works will be arranged for these hospitals having regard to circumstances of individual hospitals and without affecting their daily operation. HA expects that the improvement works of the 16 hospitals will be completed by the end of 2014 and those of the remaining hospitals will be completed by the end of 2016.

“Universal Accessibility Programme”

22. The Administration has been installing barrier-free access facilities at public walkways for years. In consideration of the ageing population and in response to public requests, the Administration announced in August 2012 that

the existing policy would be enhanced and that a lift installation programme would be launched to create a “universally accessible” environment in the community to improve the accessibility of the public walkways. From now on, when considering about retrofitting barrier-free access facilities to existing or newly constructed public walkways, we would treat lifts and ramps equally (unless the site conditions dictate one form over another), which is a change from the current practice which gives priority to ramps. As long as site conditions permit, we will still consider installing lifts at walkways where there is already a standard ramp installed. After a lift has been installed, we will evaluate whether to keep the ramp or demolish it for more spacious pavement or to make way for roadside greening.

23. When announcing the new policy, the Administration at the same time invited members of the public to propose by the end of October 2012 locations of existing public walkways where they considered necessary to retrofit lifts. The new policy has received an overwhelming response from the public and over 250 locations/public walkways were suggested. The LegCo Finance Committee approved in January 2013 the Administration’s application on creating a new block allocation. The Highways Department is providing the consolidated list of proposals to District Councils to determine the priority for implementation in the district concerned.

Enhancing residential care and community support services for persons with disabilities

Residential care services

24. In accordance with the strategic directions enshrined in the Hong Kong Rehabilitation Programme Plan, the Administration has been adopting a three-pronged approach to encourage participation from different sectors in providing residential care services for persons with disabilities –

- (a) regulating the operation of residential care homes for persons with disabilities (RCHDs), so as to ensure service quality and introduce complementary measures to help the market develop residential care homes of different types and operation modes;
- (b) supporting NGOs to develop self-financing homes; and
- (c) increasing the supply of subsidised residential care home places.

25. In line with the above strategic directions, the Administration has introduced a statutory licensing scheme for RCHDs to regulate their standards and operation since November 2011 under the Residential Care Homes (Persons with Disabilities) Ordinance (Cap. 613). As a complementary measure, we have launched a four-year pilot Bought Place Scheme for private RCHDs since October 2010 with a view to encouraging private operators of RCHDs to upgrade the service standards, shortening the waiting time for services by increasing the supply of subsidised residential care places, and helping the market develop more service options. As at 1 January 2013, there were altogether 6 private RCHDs joining the pilot scheme, providing a total of 245 bought places.

26. In tandem, the Administration continues to steadily increase the supply of subsidised RCHD places. According to the present planning, from 2012-13 to 2014-15, we will provide a total of 815 additional subsidised residential care places for persons with disabilities. Apart from this, SWD has identified 9 sites for the construction of new RCHDs. Together with some in-situ expansions, we estimate that an additional 2,116 residential care places will be provided. We will continue to actively identify additional sites for provision of rehabilitation services to meet the demand.

Community support

27. We are mindful of the extra care and support needed by persons with severe physical and intellectual disabilities, as well as the enormous pressure faced by their family members and carers when taking care of them at home.

28. To strengthen the support for these most needy groups, the Administration launched in March 2011 a three-year pilot scheme in Kwun Tong and Tuen Mun, the two districts which have the largest number of people waiting for subsidised RCHDs for persons with severe disabilities. The objective of the scheme is to provide a package of home-based care services for persons with severe disabilities who are living in the community and on the waiting list for subvented residential care services. In September 2011, the scheme was extended to the neighbouring Kwai Tsing and Wong Tai Sin districts.

29. Since the scheme has been well-received and able to meet the needs of persons with severe disabilities, the Chief Executive announced in the 2013 Policy Address that the Government would regularise the service in March 2014

upon the completion of the three-year pilot scheme and extend it to all the districts in Hong Kong.

30. We will also extend the service to persons with severe disabilities who are not on the waiting list for residential care home services. With the necessary support, some persons with severe disabilities living in the community may choose to stay at home with care provided by family members instead of waiting for residential care home service. This measure can meet their special care needs while relieving the burden of their family members and carers. It can also help them stay living in the community and fully integrate into society.

31. The Government also understands the medical and healthcare needs of non-CSSA recipients with severe disabilities, and the additional daily expenses they may incur for medical consumable items, medical equipment and personal care, etc, as well as the pressure faced by their families and carers. Since 2011-12, the Community Care Fund (CCF) has launched an assistance programme, providing a Special Care Subsidy of \$2,000 per month for non-CSSA recipients with severe disabilities from low-income families. Since February this year, CCF has also launched a new initiative in which an extra monthly special subsidy of \$2,000 or \$2,500 is provided to persons with severe physical disabilities who are living in the community, not receiving CSSA and coming from low-income families, with a view to assisting them in renting the required medical equipment. This programme is designed to enable them to live in the community by relieving their financial burden.

32. To fully take care of the needs of and provide appropriate support for persons with severe physical disabilities, SWD and HA are developing a case management-oriented service programme to assist non-CSSA recipients with severe physical disabilities who require constant nursing care. The programme is designed to enable them to live in the community by relieving their financial burden in terms of medical equipment, such as respiratory equipment, rehabilitation devices, consumable items and care services. We are now carefully considering the feasibility and details of the programme.

33. In 2010, we consolidated the existing resources of \$65 million and an additional provision of \$70 million to revamp the mental health community support services and rolled out the Integrated Community Centres for Mental Wellness (ICCMWs) to provide district-based and one-stop service across the territory. In 2011-12 and 2012-13, the Government further allocated a total of about \$48 million. In 2013-14, we will continue to allocate additional

provision of \$12.5 million to enhance the manpower of ICCMWs, with a view to dovetailing with the Case Management Programme implemented by HA and providing services for more persons in need, thereby increasing the annual provision for ICCMWs to over \$190 million.

Promoting the employment of persons with disabilities

34. SWD's "On the Job Training Programme for Persons with Disabilities" and "Sunnyway – On the Job Training Programme for Young Persons with Disabilities" provide job trial opportunities to persons with disabilities. During the job trial period, the employer will receive a wage subsidy equal to 50% of the actual wage paid to the participant with a ceiling of \$3,000 a month for a maximum period of three months. The Government will raise the amount of subsidy to \$4,000 a month, and extend the subsidy period to six months in 2013-14.

35. In March 2013, SWD will launch a new scheme to provide employment support to employees with disabilities. A subsidy will be provided to their employers for procurement of assistive rehabilitation devices and workplace modifications to facilitate employees with disabilities to enhance their work efficiency and encourage employers to provide more job opportunities to persons with disabilities. An employer will be provided with a maximum subsidy of \$20,000 for each application. It is expected that about 400 employees with disabilities will benefit from the scheme each year.

36. The Labour Department (LD) has also put in place the Work Orientation and Placement Scheme. Under the Scheme, eligible employers who employ a person with disabilities through the Selective Placement Division will receive a monthly subsidy amounting to two-thirds of the monthly salary paid to the employee with disabilities (subject to a ceiling of \$4,000 per month), with a maximum subsidy period of six months. LD will enhance the Work Orientation and Placement Scheme by increasing the amount of subsidy to employers so as to encourage them to provide more job opportunities to persons with disabilities. There will be a two-month work adaptation period under the Scheme during which an additional allowance up to a maximum of \$5,500 per month will be paid to an employer who employs a person with disabilities with employment difficulties and provides him/her with training or support.

37. In addition, the Government also encourages employers to arrange mentors for employees with disabilities to provide workplace support so as to

facilitate their smooth adaptation to work. Each mentor will receive one-off incentive pay of \$500 as encouragement.

38. In 2001-02, SWD was provided with a one-off allocation of \$50 million to introduce the “Enhancing Employment of People with Disabilities through Small Enterprise Project” (3E’s Project). Through granting seed money to NGOs for setting up small enterprises or businesses, the 3E’s Project creates job opportunities for persons with disabilities. Under the 3E’s Project, NGOs are provided with a maximum funding support of \$2 million per business to meet the set-up capital cost and operating expenses incurred in the initial period of business operation. A funded business needs to fulfill the requirement that at least 50% of the employees on the payroll of the business should be persons with disabilities. In 2012, the Administration injected \$100 million into the 3E’s Project and extended the funding period for each project from a maximum of two years to three years. As at the end of 2012, 76 businesses had been set up under the 3E’s Project, creating over 580 job positions specifically for persons with disabilities.

Enhancing Public Education

39. The Labour and Welfare Bureau has since 2009-10 substantially increased the annual allocation for public education activities from the previous amount of over \$2 million to about \$13 million.

40. We have launched territory-wide promotional activities, including the production of a television series “A Wall-less World” and the programme “Sign Language 5-minuters” (手語隨想曲), promotion of the theme song, production of Announcements in the Public Interest, publication of cartoon booklets on the Convention, a roving exhibition, life education programmes for youngsters organised jointly with social enterprises, and so on.

41. In addition to organising a number of large-scale territory-wide promotional activities, we have increased the annual allocation from about \$1.5 million in the past to about \$3.5 million at present to subsidise NGOs and self-help organisations of persons with disabilities to organise promotional activities. We have also increased the additional funding allocated to district-based publicity activities organised by the 18 District Councils from \$33,000 for each district in the past to \$53,000 for each district at present. Moreover, the Government has strengthened training for civil servants in order to enhance their knowledge in the application of the spirit of the Convention in their daily work.

42. The Government will continue to promote, in collaboration with the Rehabilitation Advisory Committee, the rehabilitation sector, districts and all sectors, the spirit and core values enshrined in the Convention, for building an equal, inclusive and barrier-free society.

Enhance support to students with special educational needs (SEN) and teacher training

43. The HKSAR Government adopts a “dual-track” approach in the provision of special education. Based on the assessments and recommendations of specialists and with parental consent, the Education Bureau (EDB) places students with severe or multiple disabilities in special schools for receiving intensive support services. As for other students with SEN, they can be placed in ordinary schools. The right to education of students with SEN is protected under current legislation. According to DDO enacted in 1996 and the Code of Practice on Education launched in 2001, all schools are required to provide equal opportunity in education to eligible students (including those with SEN). Schools are also required to provide appropriate support to students with SEN to help them develop their potentials.

44. To assist ordinary schools in implementing the Whole School Approach to Integrated Education, EDB has been providing the schools with additional resources, professional support and teacher training, and encouraging them to develop an inclusive culture, school-based policy and practices in care of students with SEN.

45. Apart from the provision of teachers in accordance with the number of operating classes and a pre-set teacher-to-class ratio, additional grants and teachers are provided to public sector schools for the implementation of various education initiatives, for instance, Learning Support Grant, Enhanced Speech Therapy Grant and provision of additional teachers for taking care of low achievers. Schools may combine and use these resources flexibly to employ additional teachers or teaching assistants, or procure professional services to provide appropriate support to their students. In fact, there has been improvement in the teacher-to-student ratio in recent years. For the secondary schools, the teacher-to-student ratio has improved from 1:18 in the 2005-06 school year to 1:15.3 in the 2011-12 school year. As for the primary schools, the ratio has also improved from 1:18.4 in 2005-06 to 1:14.9 in the 2011-12 school year.

46. On professional support, the professional staff of EDB will pay regular visits to schools to render advice on their support policies and measures, teaching strategies and resource deployment, home-school co-operation, etc. The educational psychologists and speech therapists will also assist teachers in selecting appropriate support strategies for students and implementing various support measures in an effective manner. At the same time, we are progressively expanding the School-based Educational Psychology Service as scheduled, with the target of covering all public sector primary and secondary schools in the 2016-17 school year.

47. To enhance teachers' capacity in catering for the special needs of students, EDB launched a five-year teacher professional development framework on Integrated Education in the 2007-08 school year to provide structured training courses for serving teachers. In view of the positive results of the courses, EDB continues to provide such courses for teachers from 2012-13 school year onwards. Meanwhile, EDB continues to arrange other professional development activities such as seminars, workshops and experience-sharing sessions on topics related to SEN for teachers and other school personnel on a need basis. In addition, local teacher education institutions have included in their pre-service teacher training courses a module on inclusive education or related topics.

48. On special schools, following the implementation of the New Senior Secondary (NSS) academic structure in the 2009-10 school year, special schools provide 12 years of education (including six-year primary, three-year junior secondary and three-year senior secondary education) for students with intellectual disability. For children with ordinary intellectual ability studying ordinary curriculum in schools for children with hearing impairment and children with physical disability, 13 years of education (including ten-year basic education and three-year senior secondary education) will be provided. All along we have a mechanism in place to allow individual students in need to extend their stay at school. To tie in with the implementation of the NSS academic structure and to make the mechanism on extension of years of study more responsive to the actual needs of students and the operation of schools, we have implemented improvement measures to extend years of study for students in special schools from the 2010-11 school year progressively. Such measures include providing additional school places for the schools, and empowering schools to exercise school-based professional judgment and arrange for students with such a need and valid reasons to extend their years of study according to the objective criteria jointly set by EDB and the special school sector. EDB

will continue to improve the school premises and facilities of special schools in different ways. It will also strengthen teacher training and professional support for special schools to enhance their teaching effectiveness.

49. EDB will continue to monitor the deployment of resources and implementation of relevant measures in schools through different means. It will maintain communication with the school sector, tertiary institutions, other government departments, NGOs and parent groups and listen to the views from different stakeholders with a view to further enhancing support services.

Review of the special arrangement for employees with disabilities under the Statutory Minimum Wage Rate Regime

50. The Minimum Wage Ordinance (MWO) has established that employees with disabilities enjoy the same statutory minimum wage (SMW) protection as able-bodied employees and are entitled to wages at no less than the SMW level. Taking account of the possible employment difficulties encountered by some persons with disabilities, MWO has provided a special arrangement whereby persons with disabilities whose productivity may have been impaired by their disabilities will have the right to choose to have their productivity assessed to determine whether they should be remunerated at not lower than the SMW level or at a rate commensurate with their productivity. Persons with disabilities have the full right to decide whether to opt for the assessment or not. This special arrangement is the result of prolonged discussions with relevant parties (including persons with disabilities, parent groups, rehabilitation organisations, employers of persons with disabilities, etc). EOC has also participated in the discussions. We will review this special arrangement for employees with disabilities within two years after the implementation of the SMW regime (i.e. within this year).

Labour and Welfare Bureau

Education Bureau

Food and Health Bureau

Transport and Housing Bureau

March 2013

(Translation)

**Motion on
“Building an inclusive society for all”
Moved by Hon LEUNG Yiu-chung
at the Council meeting of 21 November 2012**

**Motion as amended by Dr Hon Fernando CHEUNG,
Hon WONG Kwok-hing, Hon CHAN Han-pan, Dr Hon KWOK Ka-ki,
Hon Emily LAU and Hon Michael TIEN**

That, Hong Kong as an international city is advanced in economic development but falls behind in social development, often neglecting the basic rights of persons with disabilities; as the United Nations Convention on the Rights of Persons with Disabilities (‘the Convention’) has been in force in Hong Kong since 31 August 2008, this Council urges the Government to expeditiously establish an independent dedicated committee to promote, give effect to and monitor the SAR Government’s full implementation of the relevant provisions of the Convention, and based on the World Health Organization’s international standards on the definition of disabilities, to extend the scope of protection for persons with disabilities, review the definition of ‘severely disabled’ for Disability Allowance, and allow persons with disabilities under the age of 12 and those who do not lose 100% of their work capacity to equally enjoy the rights conferred under the Public Transport Fare Concession Scheme for the Elderly and Eligible Persons with Disabilities; and on 9 November 2011, this Council passed a motion on ‘Comprehensively reviewing the Disability Allowance scheme’, to which the authorities responded on the same day that they expected to complete the review of the Disability Allowance (‘DA’) scheme in early 2012 and report comprehensively to the Legislative Council Panel on Welfare Services (‘the Panel’); this Council urges the Government to expeditiously report the outcome of the Government’s review on the DA scheme to the Panel, so that this Council can conduct timely follow-up discussions in order to be accountable to all persons with disabilities in Hong Kong; this Council also urges the Government:

- (a) to conduct studies on extending the Public Transport Fare Concession Scheme for the Elderly and Eligible Persons with Disabilities to maxicabs and trams, etc.;
- (b) to increase barrier-free transport services such as the numbers of buses under Rehabus services and Easy-Access Transport Services, etc., so as to provide more point-to-point services for persons with disabilities;

- (c) to expeditiously implement the ‘universal accessibility’ programme to provide barrier-free access, and actively respond to the suggestions put forward by members of the public from various districts on the construction of barrier-free access;
- (d) to proactively promote barrier-free community facilities, improve community facilities, and provide owners’ corporations of buildings with technical and funding support for improving the main entry and exit access of their buildings;
- (e) to formulate a five-year plan for community care, build additional residential care homes for persons with disabilities and increase the number of places, so as to shorten the waiting time for admission and access to services;
- (f) to put in place a ‘subsidy for carers of persons with disabilities’ to assist carers of persons with disabilities in alleviating their financial burdens and mitigate the impact on their livelihood due to their inability to go out to work;
- (g) to set up a quota system for employing persons with disabilities and provide tax concessions to encourage employers to employ more persons with disabilities; and
- (h) to proactively support rehabilitation organizations to establish social enterprises, so as to provide employment opportunities for persons with disabilities;
- (i) in respect of enhancing public education, to implement Article 8 of the Convention, raise the awareness of the community at large regarding persons with disabilities, and combat stereotypes, prejudices and harmful practices relating to persons with disabilities, so as to achieve the harmonious integration between persons with disabilities and able-bodied persons;
- (j) in respect of creating a barrier-free environment, to implement Article 9 of the Convention and examine the existing barrier-free measures in connection with buildings, roads, transportation and other indoor and outdoor facilities, including schools, housing, medical facilities and workplaces;
- (k) to assist persons with disabilities in integrating into community life and implement Article 19 of the Convention, ensuring that public facilities

and various types of community services are responsive to the needs of persons with disabilities; and

- (l) in respect of supporting school children with specific learning difficulties, to implement Article 24 of the Convention, make reference to the special education policies of other countries and regions, and enact a 'special education law' to protect the learning needs of school children with specific learning difficulties; the Government should also strengthen teacher training, create a suitable learning environment, and ensure the integration of school children with specific learning difficulties into community life; and
- (m) to implement the recommendations relating to Hong Kong made by the United Nations Committee on the Rights of Persons with Disabilities after it had examined the report submitted by China (including Hong Kong and Macao) on her implementation of the Convention during the session convened at Geneva in September this year; and
- (n) to expeditiously review the impact of the implementation of the minimum wage on the employment of persons with disabilities.