

1. Background

My name is Trisha Tran. I am a permanent resident in Hong Kong, having lived here since 2001 when I moved here as an investment banker from London. I am ethnically Vietnamese, born in Vietnam. My husband, _____, was born in Hong Kong. His is ethnically Indian. His family has been in Hong Kong since 1960. He was educated in a local public school, Diocesan Boys' School. Both of our children were born in Hong Kong, one of whom has developmental delays that affect her gross motor, fine motor, speech, and intellect. Hong Kong is our home and we see our family's future here. We would like to share the challenges we faced finding an appropriate school place for our daughter with special education needs, or SEN. In particular, we would like to show how there can be a disconnect between (1) the support processes in place for Non Chinese speaking (NCS) students with SEN (as described in pgs. 13-14 of the LC Paper No. CB(2)208/16-17(01) and (2) the needs of those students, resulting in a lack of access to appropriate school places in both the public and private sectors, rendering the support services inaccessible and therefore ineffective.

2. Difficulties and disadvantages

Given that our family's future is in Hong Kong and we believed that learning Chinese was necessary, we enrolled our son in a local Cantonese medium of instruction kindergarten. He thrived there and succeeded to learn Cantonese with the support of daily tutoring at home. Eighteen months later when we applied to the same school for a nursery place for our daughter, she was rejected. She attended a mainstream English medium of instruction Kindergarten.

When it came time to apply to for primary school for our daughter for 2015/16 school year, she did not succeed with the Discretionary Placement and we went through Central Allocation. Within our POA school net, there were no English medium of instruction schools. I visited two schools within our net and spoke to another on the phone. All three schools informed me that they would be unable to support our daughter's needs. They do not have English speaking students with SEN and do not have the capability to support her in a Chinese medium of instruction. Language support for NCS families of students with SEN has been difficult to obtain, even from key organisations. For example, in April 2015, we received a letter from the EDB inviting Kindergarten parents of children with SEN to four special lectures (Caritas, Tung Wah Group Hospitals, Heep Hong, and PLK Board of Education) during June 2015 to help their children transition to primary school. We were interested to attend two of the lectures. I called the enquiry numbers from the EDB letter to ask for translation services given that these lectures would be in Cantonese. The liaison person promised to call me back as she had to check with the charity organisations. A month later, I called again to follow up. Still, she was unable to provide me with an answer. She never called me back.

During our efforts, we discovered that Non chinese speaking children (NCS) with SEN struggle to thrive in public primary schools, with an over 50% drop off rate in public primary schools (compared with 5% for all children with SEN). 41% of all NCS children with SEN (an

unusually high proportion compared to the 23% for all children with SEN) were placed in public special schools. Moreover, 89% of mainstream students with SEN diagnosed with a speech and language impairment, appear to drop out of mainstream school before reaching secondary school. This suggests that language is a very significant factor for SEN students to make academic progress.

While the EDB's new Learning Chinese as a Second Language for Ethnic Minority Students programme could be beneficial for normally developing students, it is not for those with SEN. According to data from Watchdog, which is a Social Welfare Department-funded early intervention programme, 95% of its English-medium SEN students have speech and language delay. This makes it challenging for them to communicate even in their native language. Requiring them to be in a Chinese learning environment can further delay their ability to communicate, compromise their development and result in a poor educational outcome.

We appreciate that the EDB's policy towards Ethnic Minority Students is for them to learn Chinese in order to integrate into Hong Kong society and to obtain gainful employment after education. However, this may not be a realistic goal for SEN children, particularly those at Tier-2 and Tier-3 levels, given that most of these English speaking SEN children in primary school are unable to graduate to secondary school.

At the same age when our son attended P1, our daughter was in a training centre, with no qualified teachers, as we were unsuccessful with securing a school place for her in the private sector. ESF primary with SEN support had over 300 children on their waiting lists, 80 of whom for a P1 place (the equivalent of an over 7 year wait for a place). The Jockey Club Sarah Roe School (JCSRS) had 90 children on their waiting list when there are a total of 70 places. One child waited 9 years before being offered a place at the JCSRS, with many waiting between 5 and 7 years. At one international school which claimed to be inclusive in order to secure land from the HK government's land allocations, our daughter's application was rejected outright without an interview and she was removed from their waiting list. We had to file a complaint with the Equal Opportunities Commission and proceed with investigations before the school reinstated her to their waiting list.

Our daughter has gross motor, fine motor, speech, and intellectual delays. She has been assessed as having an IQ of 65. The Hospital Authority has been unable to identify a cause through multiple blood and urine tests. Genetic testing has also been negative. We have no family history of developmental delay. Through her sheer will and effort, and despite spending much of her time at hospital appointments, our daughter has learned how to walk, run, jump, ride a two wheeled bicycle, swim, and speak. Last year, at 6 years old, she was able to read using phonics. She is starting to identify single Chinese characters. She is still unable to count objects properly. She attends a private English medium of instruction school that only goes up to P6. We are still struggling with secondary school options for her. Her achievements are remarkable given the clinical psychologist at the children's hospital who

tested her IQ did not believe that she would be capable of reading and did not belong in a mainstream school. The EDB officers were equally surprised by her achievements. We believe that our daughter benefited from the English medium of instruction environment in order to make academic progress.

3. Views from supporting organisations

There is a moral obligations to provide children with SEN an appropriate school place, many of whom are currently without a place given our experiences in the public school sector and the long waiting lists in the private school sector. These children have SEN by no fault of their own. No matter what part of the world, no matter what ethnicity, no matter what social status, there are approx 15% of the population with SEN. There are also economic considerations for providing children with SEN appropriate support to reach their full potential; that is, to enable them live independent lives, to support themselves, to contribute to society. We have the following quotes to support the economic considerations:

(1) AmCham: "The American Chamber urges the Hong Kong government to review the current policy regarding children with additional needs. The policy needs to include ALL children who reside in Hong Kong to respect language, race and needs. Education is a basic human right, and for Hong Kong to recruit and retain the best talent, Hong Kong needs to be proactive in addressing these issues."

美國商會

"美國商會促請香港政府檢討有關特殊需要兒童的現行政策。此項政策必須保障所有居港兒童，並蓋涵所有種族、語言和需要。教育是基本人權，要為香港招募及留住最優秀的人才，香港必需正視及積極處理這些問題。"

(2) Indian Chamber of Commerce: "We are hearing more and more about the difficulties faced by families moving to Hong Kong regarding shortage of school places for English speaking Special Education Needs children and affordability of private/International schools. If government schools are the next option then medium of instruction is a barrier for Non Chinese Speaking SEN Children. This issue needs to be addressed and resolved urgently."

印度商會

"我們聽到越來越多移居香港的家庭面臨有關英語特殊教育學額短缺且無法負擔香港私立/國際學校的學費的困難。如果政府學校是下一個選項，教學語言卻是對非華語特殊兒童的一個障礙。我們需要正視並亟待解決這個問題。"

(3) German Chamber of Commerce: "The German Chamber of Commerce supports measures to expand school opportunities for expatriate families with SEN children in order for Hong Kong to attract the best talent and remain competitive in the Asia Pacific region."

德國商會

“德國商會支持有關措施，增加有特殊兒童的外籍家庭選擇學校的機會，以便香港吸引最優秀的人才，並在亞太地區保持競爭力。”

(4) The Zubin Foundation: “These parents’ experiences are consistent with our research and show how Hong Kong NCS SEN children are without appropriate school places and are being marginalised in our affluent society.”

Zubin 基金會

“這些家長的經驗與我們的研究結果一致，顯示香港非華語的特殊兒童無法找到合適的學校，在我們富裕的社會被邊緣化。”

(5) HKU's Centre for Comparative and Public Law: “International human rights treaty bodies which oversee Hong Kong’s implementation of human rights have consistently criticised Hong Kong’s failure to meet its obligations of equality and non-discrimination towards SEN children. In particular, SEN children from non-Chinese speaking families are even further marginalised due the lack of accessible support and provision due to language and racial barriers which pervade the public education system. It is imperative that Hong Kong demonstrate its seriousness towards its commitment to international human rights by implementing immediate measures to achieve equality of access and outcomes for all SEN children in accordance with international human rights law and practice.”

香港大學比較法與公法研究中心

“負責監督香港落實人權的國際人權條約機構一直批評香港未能履行其對特殊兒童平等和不歧視的義務。由於缺少支援服務和監管，以及普及存在於公共教育系統的語言和種族障礙，特別邊緣化來自非華語家庭的特殊兒童。當務之急是香港根據國際人權法，馬上採取措施以嚴正展示對於所有特殊兒童實踐平等的承諾。”

4. Further actions required

Despite the discrimination laws in place, ethnic minority students with SEN, have faced discrimination when schools do not accept them either because public government and aided schools do not provide appropriate support, in particular access to English medium of instruction or private schools do not provide support for students with SEN, or both. We have petitioned the EDB for two and a half years to take action. They are aware of the shortage of school options for Non chinese speaking children with SEN in both the public and private school sectors. They have not disagreed or challenged our calculations of over 50% drop off rate for NCS students with SEN in public primary schools, and 42% of all NCS students with SEN in public schools are placed in special schools. They have not determined how to address a small, but very disadvantaged population spread throughout Hong Kong. They have yet to publish the commissioned study on international schools with SEN support that was due in December 2015.

The EDB has also faced resistance from school heads. Families of children with SEN need greater information transparency to see which schools are inclusive for their children given

their SEN needs. However, even good schools would work against transparency as they would want to avoid admitting disproportionately more students with SEN than they have to. Despite direct intervention by the EDB, we are still unable to meet with a local primary school that provides SEN support in Tai Po. The EDB has also tried to facilitate knowledge sharing between SEN professionals in public schools and families of NCS students with SEN. However, school heads have also objected to this. We tried to facilitate school visits so the EDB can see the best practice and support provided at some private schools in order to consider this for future service agreements with private schools with government land and premise allocations. Again, this was declined. Even the most direct, effective route, that is, to provide greater access for NCS students with SEN to Direct Subsidy Schools as they receive public funding by relaxing the selective admissions criteria, is met with strong objections. These are truly English medium of instruction and offer a level of bilingualism useful for ethnic minority Hong Kong families.

Although recognition of the plight of NCS students with SEN has become apparent, solutions for this issue have yet to come. NCS students with SEN require greater access to public government and aided schools, to DSS schools, to private schools. Hong Kong must be able to provide a high standard of education to all children including those with SEN. By addressing the needs of students with SEN, Hong Kong would be addressing learning diversity, understanding individual student needs, differentiating for student strength and weaknesses, and therefore requiring a higher standard from teachers raising the standard of education for all students.