

**For discussion
on 30 April 2018**

Legislative Council Panel on Constitutional Affairs

**An Outline of the Topics in the Second Report of
the Hong Kong Special Administrative Region under
the United Nations Convention on the Rights of Persons with Disabilities**

Purpose

This paper seeks Members' comments on the proposed outline of the topics to be included in the second report of the Hong Kong Special Administrative Region (HKSAR) under the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) at **Annex 1**.

Background

2. The UNCRPD has entered into force for the People's Republic of China, including the HKSAR, since 31 August 2008. Its purpose is to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity.

3. In accordance with Article 35 of the UNCRPD, each State Party shall submit periodic reports on measures taken to give effect to its obligations under the UNCRPD for consideration by the United Nations Committee on the Rights of Persons with Disabilities (the Committee). Reports prepared by the HKSAR will be submitted to the Central People's Government for incorporation into its periodic reports to the United Nations. The Central People's Government submitted the initial report (including the report of the Government of the Hong Kong Special Administrative Region (HKSAR Government)) in 2010. Subsequently, the Committee considered the report in 2012. The observations on the report published by the Committee and HKSAR Government's responses in 2012 are at **Annex 2**.

Public Consultation

4. In line with the established practice, we have prepared for public consultation an outline of the topics for inclusion in the second report. The purpose of the consultation is to invite members of the public to submit views on the implementation of the UNCRPD in the HKSAR and to suggest any other topics that should be included in the report.

5. The public consultation period, commencing on 9 March 2018, will close on 4 May 2018. The outline has been distributed to relevant non-governmental organisations (NGOs)/groups of the rehabilitation sector for comment. It is made available at all Public Enquiry Service Centres of District Offices, and uploaded to the website of the Labour and Welfare Bureau (LWB) at <http://www.lwb.gov.hk>. LWB organised public consultation sessions in the regions of Hong Kong Island, Kowloon, New Territories East and New Territories West from late March to mid April 2018 for the public to express their views.

Latest Situation

6. It has been the policy objective of HKSAR Government to help persons with disabilities develop their capabilities as well as to build a barrier-free living environment with a view to enabling persons with disabilities to participate in full and enjoy equal opportunities in their social life and personal development. This is the spirit and core value enshrined in the UNCRPD as well as the direction of further development of rehabilitation services in Hong Kong. HKSAR Government has been striving to build a barrier-free community, provide support for persons with disabilities, and render services and facilitation to community groups with different special needs in such areas as education, healthcare, social welfare services. Moreover, HKSAR Government reviews the Disability Discrimination Ordinance from time to time and conducts public education so as to protect persons with disabilities against discrimination. The measures implemented in recent years to promote the well-being of persons with disabilities are set out at **Annex 3** for reference. To keep our services for persons with disabilities abreast with the times, HKSAR Government has asked the Rehabilitation Advisory Committee (RAC) to formulate a new Hong Kong Rehabilitation Programme Plan (RPP)¹. The RAC will abide by the spirit of the UNCRPD and the objective of the rehabilitation policy in the formulation of the new RPP and has set up a working group and five task

¹ The RPP sets out the strategic directions as well as the short, medium and long-term measures to address the various service needs of persons with disabilities, which include such areas as residential and day care, community support, employment, barrier-free facilities, transport, healthcare, education, sports and arts. The RPP was last reviewed and updated in 2007.

forces to take forward the related work.

Comments Sought

7. Members are invited to comment on the proposed outline. In preparing the report, we will carefully consider the comments received during public consultation and address the major concerns. The report will be published for dissemination to the public and sent to the Legislative Council.

Labour and Welfare Bureau
April 2018

**An Outline of the Topics to be Covered in the Second Report of
the Hong Kong Special Administrative Region under
the United Nations Convention on the Rights of
Persons with Disabilities**

Introduction

The Government is preparing for the submission of the second report of the Hong Kong Special Administrative Region (HKSAR) under the United Nations (UN) Convention on the Rights of Persons with Disabilities (the Convention). It will form part of the periodic report of the People's Republic of China under the Convention.

2. In accordance with the established practice, we have prepared at **Annex 1** an outline of the second report. It sets out the broad subject headings and individual topics that we plan to cover in the report. We invite members of the public to submit their views on the implementation of the Convention in respect of those topics, and to suggest any additional topics that should be included in the report.

3. We will consider carefully all the comments and suggestions that will be received. Any persons or organisations wishing to offer views are invited to send them to the Labour and Welfare Bureau (LWB) on or before **4 May 2018**:

By post: Rehabilitation Division, Labour and Welfare
Bureau,
11/F, West Wing, Central Government Offices,
2 Tim Mei Avenue, Tamar, Hong Kong

By fax: 2543 0486

By email: uncrpd_consultation@lwb.gov.hk

4. It is voluntary for members of the public to supply their personal data upon providing views on this outline. The submissions and personal data collected may be transferred to the relevant Government bureaux and departments for purposes directly related to the preparation of the report and subsequent follow-up actions relevant to the report. The Government bureaux and departments receiving the data may only use the data for such purposes.

5. The names and views of individuals and organisations who/which put forth submissions in response to this outline (“senders”) may be published for public viewing or otherwise made available for public inspection, including being uploaded to the Internet. We may, either in discussion with others, whether privately or publicly, or in any subsequent report, cite comments submitted in response to this outline.

6. To safeguard senders’ data privacy, we will remove senders’ relevant data (other than names), such as residential/return addresses, email addresses, identity card numbers, telephone numbers, facsimile numbers and signatures, where provided, when publishing their submissions.

7. We will respect the wish of senders to remain anonymous and/or keep the views confidential in part or in whole. If senders request anonymity in the submissions, we will remove their names when publishing their views. If senders request confidentiality, their submissions will not be published. Otherwise, we may name and publish the views if need be.

8. Any sender providing personal data to this Bureau in the submission will have rights of access and correction with respect to such personal data. Any requests for data access or correction of personal data should be made in writing through the channels mentioned in paragraph 3 above to the Assistant Secretary for Labour and Welfare (Rehabilitation) Special Duties 2.

9. The text of the Convention is available on the LWB website : http://www.lwb.gov.hk/UNCRPD/Publications/22072008_e.pdf.

10. Reference to “the initial report” are to the report of the HKSAR submitted by the Central People’s Government to UN in August 2010 and heard by the UN Committee on the Rights of Persons with Disabilities (the Committee) in September 2012. A copy of the initial report is available on the LWB website: [http://www.lwb.gov.hk/UNCRPD/Publications/HKSAR's%20UNCRPD%20report_Eng%20\(version%20for%20publication\).pdf](http://www.lwb.gov.hk/UNCRPD/Publications/HKSAR's%20UNCRPD%20report_Eng%20(version%20for%20publication).pdf).

The Report

11. The second report will consist mainly of –
 - (a) information/explanations about any significant developments since the submission of the initial report in 2010;
 - (b) updates of developments that were ongoing at the time the Committee considered the initial report in 2012; and
 - (c) responses to the concerns and recommendations raised in the Committee's Concluding Observations (the Concluding Observations) on the initial report (reproduced at the **Annex 2**).
12. In suggesting additional topics to be included in the report, please indicate why those issues are significant and relevant to the application of the Convention in Hong Kong. Respondents may also set out their views on the Government's performance in handling such issues.

Outline of the Second Report under the Convention

Preface

We will highlight in the preface the major developments since the consideration by the UN Committee on the Rights of Persons with Disabilities (the Committee) of the initial report of the Hong Kong Special Administrative Region (HKSAR) submitted by the Government of the People's Republic of China under the Convention on the Rights of Persons with Disabilities (the Convention) in 2010.

Part I : Common Core Document of the HKSAR

2. This part of the report contains information of a general and factual nature relating to the implementation of the human rights treaties applicable to the HKSAR.

Part II : Treaty-specific Document in relation to each of the Articles in the Convention

3. This part, following an article-by-article sequence, contains specific information relating to the implementation of the substantive provisions of the Convention in the HKSAR. It also contains information on substantive measures taken and the progress achieved.

General Provisions

Articles 1 to 4

4. We will inform the Committee of any new developments on this section and respond to paragraphs 53 and 54 of the Concluding Observations regarding the eligibility standard of the Disability Allowance and the different definitions of disability adopted.

Specific Rights

Article 5 - Equality and non-discrimination

5. We will inform the Committee of any new developments in relation to the right to equality and the principle of non-discrimination; relevant legislation and administrative measures, and respond to paragraphs 55 and 56 of the Concluding Observations in respect of role adopted by the Equal Opportunities Commission.

Article 6 – Women with Disabilities

6. We will respond to paragraphs 57 and 58 of the Concluding Observations regarding domestic violence against women with disabilities and the inclusion of a representative of women with disabilities in the Women's Commission. We will also inform the Committee of any new developments in respect of general framework for protection of the rights of women and men; relevant legislation and administrative measures to promote the well-being and interests of women.

Article 7 – Children with Disabilities

7. We will respond to paragraphs 59 and 60 of the Concluding Observations in respect of assessment and early education services for children with disabilities; and inform the committee of any new developments in respect of general framework for protection of the rights of children; relevant legislation; and administrative measures to cater for the needs of children with disabilities.

Article 8 - Awareness-raising

8. We will inform the Committee of any new developments in respect of the administrative measures to raise public awareness on persons with disabilities.

Article 9 - Accessibility

9. We will inform the Committee of any new developments in respect of enhancing the accessibility of physical environment, and respond to paragraphs 61 and 62 of the Concluding Observations regarding the “Design Manual – Barrier-Free Access” and the monitoring mechanism of accessibility of buildings.

Article 10 - Right to life

10. We will respond to paragraphs 63 and 64 of the Concluding Observations in respect of the provision of psychological treatment based on free and informed consent of the person and counseling to these persons, as well as regular assessment of their suicide risk. We will update the Committee on information and statistics in respect of administrative measures to protect the right to life and prevent suicide.

Article 11 - Situations of risk and humanitarian emergencies

11. We will inform the Committee of any new developments in relation to measures taken by the Government to ensure protection and safety of persons with disabilities, including measures taken to include them in emergency protocol.

Article 12 - Equal recognition before the law

12. We will inform the Committee of any new developments in relation to the legal framework and administrative measures to ensure that persons with disabilities enjoy legal capacity on an equal basis with others in all aspects of life.

Article 13 - Access to justice

13. We will inform the Committee of any updated position in relation to the legislative and administrative measures which enable persons with disabilities to enjoy effective access to justice.

Article 14 - Liberty and security of the person

14. We will inform the Committee of any new developments in relation to legislative and administrative measures to ensure persons with disabilities enjoy the right to liberty and security of person on an equal basis with others.

Article 15 - Freedom from torture or cruel, inhuman or degrading treatment or punishment

15. We will inform the Committee of any new developments in relation to protection of persons with disabilities from medical or

scientific experimentation without consent and the inclusion of persons with disabilities in strategies and mechanisms to prevent torture.

Article 16 - Freedom from exploitation, violence and abuse

16. We will inform the Committee of any new developments in respect of relevant legislation; investigation of cases related to violence and abuse and administrative measures against domestic violence, and respond to paragraphs 65 to 66 of the Concluding Observations regarding the incidents of women and girls with intellectual disabilities being subjected to sexual violence, sex education for children and adolescents with intellectual disabilities and training for enforcement personnel handling violence against women and girls with disabilities. We will also respond to paragraphs 67 and 68 of the Concluding Observations on the issue of shelter workshops for persons with disabilities in sheltered workshops under Article 27.

Article 17 - Protecting the integrity of the person

17. We will inform the Committee of any new developments in relation to protection of persons with disabilities from medical treatment given without consent, including protection from forced sterilization and forced abortions.

Article 18 - Liberty of movement and nationality

18. We will inform the Committee of the general framework of protection of freedom of movement of persons with disabilities.

Article 19 - Living independently and being included in the community

19. We will respond to paragraphs 69 and 70 of the Concluding Observations regarding residential care homes and District Support Centres for persons with disabilities, and inform the Committee of any new developments in respect of day care and community support services; residential care services; constraints in development of rehabilitation services; and relevant public housing policies.

Article 20 - Personal mobility

20. We will inform the Committee of any new developments in respect of services and financial assistance for acquiring assistive device;

adaptation works in domestic flat; and rehabilitation engineering services.

Article 21 – Freedom of expression and opinion, and access to information

21. We will respond to paragraphs 71 and 72 of the Concluding Observations on sign language, and inform the Committee of any new developments in respect of general framework to protect the freedom of expression and opinion; administrative measures to protect the freedom to seek and receive information and promotion of sign language.

Article 22 - Respect for privacy

22. We will inform the Committee of any new developments in relation to the legislative and administrative measures for the protection of privacy and personal data.

Article 23 - Respect for home and the family

23. We will inform the Committee of any new developments in respect of general framework to protect the right to marry and to found a family on the basis of full and free consent and policy and administrative measures to provide support for families with parents and/or children with disabilities.

Article 24 - Education

24. We will respond to paragraphs 73 and 74 of the Concluding Observations on Integrated Education, and inform the Committee of any new developments in respect of Disability Discrimination Ordinance; administrative measures to assist children with special educational needs; further learning opportunities for persons with disabilities; and training for teachers and professionals in the education system.

Article 25 - Health

25. We will inform the Committee of any new developments in relation to health services for persons with disabilities, health education and training of health care professionals. We will also respond to the Committee's concerns about the high demand for public medical services and the lack of medical insurance at paragraphs 75 and 76 of the Concluding Observations.

Article 26 - Habilitation and rehabilitation

26. We will provide updates for this Article under Article 19, 24, 25 and 27.

Article 27 - Work and employment

27. We will respond to paragraphs 77 and 78 of the Concluding Observations with regard to the poverty alleviation policy of the HKSAR Government, measures to promote the employment of persons with disabilities; and paragraphs 67 and 68 of the Concluding Observations on the issue of sheltered workshops. We will also inform the Committee of any new developments in respect of relevant legislation, vocational rehabilitation and training services for persons with disabilities; and measures to promote employment opportunities of persons with disabilities, and provide the latest relevant statistics.

Article 28 - Adequate standard of living and social protection

28. We will respond to paragraphs 79 and 80 of the Concluding Observations on Comprehensive Social Security Assistance and Disability Allowance, and inform the Committee of any new developments in respect of financial assistance; rehabilitation services; waiver of medical fee; and housing scheme.

Article 29 - Participation in political and public life

29. We will respond to paragraphs 81 and 82 of the Concluding Observations on participation of persons with disabilities in public service and accessibility of voting stations, and inform the Committee of any new developments in respect of engagement of persons with disabilities in policy formulation; voting arrangement for persons with disabilities; and measures to promote the development of self-help organisations.

Article 30 - Participation in cultural life, recreation, leisure and sport

30. We will inform the Committee of any new developments in respect of administrative measures to encourage participation in cultural life, including enhancing the accessibility of cultural and recreational venues and promote barrier-free tourism.

Specific Obligations

Article 31 - Statistics and data collection

31. We will inform the Committee of the latest surveys conducted that are related to persons with disabilities.

Article 32 - International cooperation

32. We will inform the Committee of the latest information regarding regional co-operation and participation in international events on promoting the well-being of persons with disabilities, including our work on taking forward the United Nations Economic and Social Commission for Asia and the Pacific's "Incheon Strategy to Make the Right Real for Persons with Disabilities for the Decade of Persons with Disabilities, 2013-2022" and its "Beijing Declaration and Action Plan".

Article 33 - Implementation and monitoring

33. We will respond to paragraphs 83 and 84 of the Concluding Observations regarding the monitoring mechanism involving participation of persons with disabilities.

Reservations and Declarations

34. We will inform the Committee that the position in relation to the reservation entered in respect of Article 18 remains the same as set out in the initial report.

Labour and Welfare Bureau
March 2018



Convention on the Rights of Persons with Disabilities

Distr.: General
11 October 2012

Original: English

Committee on the Rights of Persons with Disabilities

Concluding observations on the initial report of China, adopted by the Committee at its eighth session (17–28 September 2012)

I. Introduction

1. The Committee considered the initial report of China (CRPD/C/CHN/1), including Hong Kong, China (CRPD/C/CHN-HKG/1), and Macao, China (CRPD/C/CHN-MAC/1), at its 77th and 78th meetings, held on 18 and 19 September 2012, and adopted the following concluding observations at its 91st meeting, held on 27 September 2012.
2. The Committee welcomes the initial report of China, including Hong Kong, China, and Macao, China, which was prepared in accordance with the Committee's reporting guidelines (CRPD/C/2/3). It also appreciates the written replies to the list of issues raised by the Committee (CRPD/C/CHN/Q/1/Add.1).
3. The Committee expresses its appreciation for the constructive dialogue held between the State party's delegation and the members of the Committee. The Committee commends the State party for its high-ranking delegation, among which were members of Government ministries and experts with disabilities.
4. The Committee regrets the State party's failure to ratify the Optional Protocol to the Convention and invites the State party to reconsider its decision to abstain from signing the Optional Protocol.

II. Positive aspects

5. The Committee congratulates the State party on its achievements in terms of accessibility, such as the accessibility stipulations in the Law on the Protection of Persons with Disabilities, the Implementation Plan for Barrier-Free Construction in the Eleventh Five-Year Plan (2006-2010) or the standards facilitating the use of public facilities for persons with disabilities.
6. The Committee supports the legal protection of workers with disabilities from exploitation, violence and abuse, such as the relevant regulations in the Law on the Protection of Persons with Disabilities, the

Law on Public Security Administration Punishments and the Law on Employment Contracts.

7. The Committee welcomes the efforts made by the State party to implement the rights enshrined in the Convention for children with disabilities by upholding the principle of “children first” through the Programme for the Development of Chinese Children (2001–2010) and the prohibition of discrimination against children with disabilities in the Law on the Protection of Minors.

8. The Committee commends the poverty reduction efforts undertaken by the State party, especially regarding the poverty reduction of persons with disabilities.

III. Principle areas of concern and recommendations

A. General principles and obligations (arts. 1–4)

9. The Committee takes note of the prevalence of the medical model of disability in both the definition of disability and the enduring terminology and language of the discourse on the status of persons with disabilities. Therefore, the Committee is concerned about the lack of a coherent and comprehensive disability strategy to implement the human rights model of disability that the Convention establishes to achieve the de facto equality of persons with disabilities and implement the rights enshrined in the Convention at all levels. The Committee is concerned that organizations of persons with disabilities outside of the China Disabled Persons’ Federation are not included in the implementation of the Convention.

10. The Committee urges the introduction of a comprehensive and inclusive national plan of action, which includes full participation of all representatives of persons with disabilities in China, to introduce the human rights model of disability into Chinese disability policy.

B. Specific rights (arts. 5–30)

Equality and non-discrimination (art. 5)

11. While commending the legal prohibition of disability-based discrimination in the State party, the Committee is concerned about the lack of a comprehensive definition of discrimination against persons with disabilities. The Committee also worries about the contradictions between many local law regulations and the national law with regard to the prohibition of discrimination. The Committee is concerned that the State party does not consistently apply the concept of reasonable accommodation in relation to the principle of non-discrimination.

12. The Committee expressly encourages the State party to provide a legal definition of discrimination against persons with disabilities and include in such a definition the prohibition of indirect discrimination. The Committee suggests including a definition of reasonable accommodation in Chinese law which reflects the Convention definition covering necessary and appropriate modification and adjustment applicable in a particular case beyond general accessibility. Furthermore, the State party should ensure that the law explicitly recognizes the refusal of reasonable accommodation constitutes disability-based discrimination.

Children with disabilities (art. 7)

13. The Committee fears that children with disabilities in the State party are at a high risk of abandonment by their parents and are often placed in isolated institutions. For those children with disabilities living at home in rural areas, the Committee is concerned at the lack of community-based services and assistance.

14. **The Committee urges the State party to take measures to fight the widespread stigma in relation to boys and girls with disabilities and revise their strict family planning policy, so as to combat the root causes for the abandonment of boys and girls with disabilities. It asks the State party to provide sufficient community-based services and assistance also in rural areas.**

Awareness-raising (art. 8)

15. The Committee is concerned that the medical model of disability prevails in the awareness-raising attempts of the State party, which is not in accordance with the spirit of the Convention. It is especially concerned with awareness-raising events such as the “All-China Occupational Skills Contest for Persons with Disabilities” and the “Million Young Volunteers to Help Persons with Disabilities” programme that depict persons with disabilities as helpless and dependent human beings segregated from the rest of society.

16. **The Committee wishes to again remind the State party of the Convention’s human rights model of disability and asks the State party to promote this concept of persons with disabilities as independent and autonomous rights holders in its awareness-raising programmes. It urges the State party to inform all persons with disabilities, especially those living in rural areas, of their rights, specifically the right to receive minimum welfare subsidies and the right to attend school. The Committee recommends the State party introduce an awareness-raising programme that shows the society positive perceptions of persons with disabilities.**

Accessibility (art. 9)

17. While appreciating the State party’s advancements concerning accessibility in urban areas, the Committee takes note of the lack of information concerning both the accessibility in rural areas and the effects of non-compliance with accessibility measures and monitoring and evaluating accessibility

18. **The Committee asks the State party to provide such information in its next report. Considering the large proportion of persons with disabilities who live in rural areas (75 per cent), it specifically urges the State party to ensure that accessibility is guaranteed not only in urban, but also in rural areas. It also asks the State party not to restrict the barrier-free infrastructure to environments often frequented by persons with disabilities.**

Right to life (art. 10)

19. The Committee expresses its utmost concern about the abduction of persons with intellectual disabilities, most of them children, and the staging of “mining accidents” in Hebei, Fujian, Liaoning and Sichuan, resulting in the victim’s death in order to claim compensation from the mine owners.

20. **The Committee strongly urges the State party to continue investigating these incidents and prosecute all those responsible, and impose appropriate sanctions. It also asks the State party to implement comprehensive measures to prevent further abductions of boys with intellectual disabilities and provide remedies to the victims.**

Equal recognition before the law (art. 12)

21. The Committee is concerned about the system for establishing legal guardianship, which is not in compliance with article 12 of the Convention. It takes note of the complete absence of a system of supported decision-making measures which recognize the rights of persons with disabilities to make their own decisions and to have their autonomy, will and preferences respected.

22. **The Committee urges the State party to adopt measures to repeal the laws, policies and practices which permit guardianship and trusteeship for adults and take legislative action to replace regimes of substituted decision-making by supported decision making, which respects the person's autonomy, will and preferences, in the exercise of one's legal capacity in accordance with article 12 of the Convention. In addition, the Committee recommends that the State party, in consultation with organizations of persons with disabilities, prepare, legislate and implement a blueprint for a system of supported decision-making, which includes:**

(a) Recognition of all persons' legal capacity and right to exercise it;

(b) Accommodations and access to support where necessary to exercise legal capacity;

(c) Regulations to ensure that support respects the person's autonomy, will and preferences and establishment of feedback mechanisms to ensure that support is meeting the person's needs;

(d) Arrangements for the promotion and establishment of supported decision-making.

Access to justice (art. 13)

23. While appreciating the establishment of legal aid service centres for persons with disabilities, the Committee notes that these service centres often lack the necessary resources and do not operate on an independent basis. The Committee is concerned that neither the criminal nor the civil procedure laws in China are accessible for the use of persons with disabilities on an equal basis with others and, instead, patronizing measures are put into place, such as the designation of public defenders that treat the person concerned as if they lacked legal capacity.

24. **The Committee suggests that the State party allocate the necessary human and financial resources to the legal aid service centres. It asks the State party to ensure that these centres safeguard the access to justice of persons with disabilities independently and in practice, including below the county level. The Committee suggests that the State party reviews its procedural civil and criminal laws in order to make mandatory the necessity to establish procedural accommodation for those persons with disabilities who intervene in the judicial system can do it as subject of rights and not as objects of protection.**

Liberty and security of the person (art. 14)

25. The Committee is concerned that the deprivation of liberty on the grounds of disability is allowed in the State party, and that involuntary civil commitment is perceived as a tool to maintain the public order. In this context, the Committee finds it disturbing that many persons with actual or perceived impairments are involuntarily committed to psychiatric institutions for various reasons, such as being petitioners. In addition, the Committee is concerned that many persons who indeed live with intellectual and psychosocial impairments and require a high level of support lack the adequate resources for their medical and social care and are thus permanently confined at home.

26. The Committee recommends the abolishment of the practice of involuntary civil commitment based on actual or perceived impairment. In addition, the Committee asks the State party to allocate more financial resources to persons with intellectual and psychosocial disabilities who require a high level of support, in order to ensure social support and medical treatment outside their own home when necessary.

Freedom from torture (art. 15)

27. For those involuntarily committed persons with actual or perceived intellectual and psychosocial impairments, the Committee is concerned that the “correctional therapy” offered at psychiatric institutions represents inhuman and degrading treatment. Further, the Committee is concerned that not all medical experimentation without free and informed consent is prohibited by Chinese law.

28. The Committee urges the State party to cease its policy of subjecting persons with actual or perceived impairments to such therapies and abstain from involuntarily committing them to institutions. Further it urges the State party to abolish laws which allow for medical experimentation on persons with disabilities without their free and informed consent.

Freedom from exploitation, violence, and abuse (art. 16)

29. The Committee is deeply troubled by the reported incidents of abduction and forced labour of thousands of persons with intellectual disabilities, especially children, such as the occurrence of slave labour in Shanxi and Henan.

30. The Committee strongly urges the State party to continue investigating these incidents and prosecute the perpetrators. The Committee asks the State party to implement comprehensive measures to prevent further abductions of persons with intellectual disabilities and provide remedies to the victims, by including data collection on the prevalence of exploitation, abuse and violence against persons with disabilities.

Right to live independently and live in the community (art. 19)

31. The Committee is concerned about the high number of persons with disabilities living in institutions and about the fact that China maintains institutions with up to 2,000 residents. Such institutions are not in compliance with article 19 of the Convention. The Committee is further concerned about the existence of lepers colonies, where people with leprosy live in isolation

32. **The Committee recommends taking immediate steps to phase out and eliminate institutional-based care for people with disabilities. Further, the Committee recommends that State party consult with organizations of persons with disabilities on developing support services for persons with disabilities to live independently in accordance with their own choice. Support services should also be provided to persons with a high level of support needs. In addition, the Committee suggests that the State party undertake all necessary measures to grant people with leprosy the medical treatment needed and to reintegrate them into the community, thereby eliminating the existence of such lepers' colonies.**

Respect for home and the family (art. 23)

33. The Committee is deeply concerned that both the State party's laws and its society accept the practice of forced sterilization and forced abortion on women with disabilities without free and informed consent

34. **The Committee calls upon the State party to revise its laws and policies in order to prohibit compulsory sterilization and forced abortion on women with disabilities.**

Education (art. 24)

35. The Committee is concerned about the high number of special schools and the State party's policy of actively developing these schools. The Committee is especially worried that in practice only students with certain kinds of impairments (physical disabilities or mild visual disabilities) are able to attend mainstream education, while all other children with disabilities are forced to either enrol in a special school or drop out altogether.

36. **The Committee wishes to remind the State party that the concept of inclusion is one of the key notions of the Convention and should be especially adhered to in the field of education. In this regard, the Committee recommends that the State party reallocate resources from the special education system to promote the inclusive education in mainstream schools, so as to ensure that more children with disabilities can attend mainstream education.**

Right to health (art. 25)

37. The Committee is concerned about the current involuntary commitment system in the State party. It takes note of the Draft Mental Health Act and the ordinances of six major cities in the State party on mental health which do not respect the individual will of persons with disabilities.

38. **The Committee advises the State party to adopt measures to ensure that all health care and services provided to persons with disabilities, including all mental health care and services, is based on the free and informed consent of the individual concerned, and that laws permitting involuntary treatment and confinement, including upon the authorization of third party decision-makers such as family members or guardians, are repealed. It recommends that the State party develop a wide range of community-based services and supports that respond to needs expressed by persons with disabilities, and respect the person's autonomy, choices, dignity and privacy, including peer support and other alternatives to the medical model of mental health**

Rehabilitation and habilitation (art. 26)

39. The Committee is concerned with the imposition of rehabilitation and habilitation measures on persons with disabilities, especially persons with psychosocial or intellectual disabilities, without their informed consent.

40. **The Committee recommends that rights based approach to rehabilitation and habilitation be put in place and ensure that such programmes promote the informed consent of individuals with disabilities and respects their autonomy, integrity, will and preference.**

Work and employment (art. 27)

41. While observing the existence of a quota system, the Committee worries that this system does not effectively address the chronic problem of unemployment among persons with disabilities or the deep-rooted causes of discrimination in employment. Specifically, the Committee is concerned that often the employment offered is only of symbolic value or that companies and Government bodies frequently opt to pay the employment levy rather than employing persons with disabilities. The Committee is also concerned about the practice of reserved employment (such as the field of “blind massage”), which discriminates against persons with disabilities in their vocational and career choices.

42. **The Committee recommends that the State party undertake all necessary measures to ensure the persons with disabilities freedom of choice to pursue vocations according to their preferences. It suggests that the State party create more working opportunities and enact legislature, so that companies and State organs employ more persons with disabilities.**

Adequate standard of living and social protection (art. 28)

43. While appreciating the existence of a policy of poverty reduction and providing benefits and subsidies, the Committee is concerned about the gap in receiving such benefits between the persons with disabilities living in rural and urban areas.

44. **The Committee recommends that the State party increase measures to remedy the gap for the awarding of benefits between rural and urban areas and take steps to ensure that persons with disabilities – regardless of how they acquire their disability – have immediate access to certification and benefits. It asks the State party to specifically inform persons with disabilities in rural areas of their right to benefits and develop a system to prevent the corruption in the context of allocation and distribution of welfare benefits by local officials.**

Participation in political and public life (art. 29)

45. The Committee is concerned with article 26 of the Election Law, which excludes citizens with intellectual and psychosocial impairments from the voting process.

46. **The Committee recommends that the State party revise article 26 of the Election Law to ensure that all persons with disabilities have the right to vote on an equal basis with others.**

C. Specific obligations (arts. 31–33)

Statistics and data (art. 31)

47. The Committee takes note that disaggregated appropriate information, including statistical and research data which enables the State party to formulate and implement policies to give effect to the Convention, is often not available due to laws and regulations on guarding State's secrets as revised in 2010.

48. **The Committee recommends reviewing the secrecy laws and appropriately revising them so that information on issues and problems regarding the implementation of the Convention – e.g. the number of sterilized women with disabilities or the number of involuntary commitments to institutions – can be publicly discussed. The Committee reminds the State party that this information should be accessible to persons with disabilities.**

National implementation and monitoring (art. 33)

49. The Committee is concerned at the overall absence of independent bodies and organizations of persons with disabilities systematically involved in the process of implementing the Convention. Considering that the China Disabled Persons' Federation remains the sole official representative of persons with disabilities in the State party, the Committee is concerned about the participation of civil society. In addition, the Committee wonders which body or organization in China is designated the independent national monitoring mechanism as required by article 33, paragraph 2, of the Convention.

50. **The Committee strongly recommends that the State party revise article 8 of the Law on the Protection of Disabled Persons, thus allowing non-governmental organizations other than the China Disabled Persons' Federation to represent the interests of disabled people in the State party and be involved in the monitoring process. It further recommends the establishment of an independent national monitoring mechanism in line with article 33, paragraph 2, of the Convention and in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles).**

IV. Hong Kong, China

A. Positive aspects

51. The Committee appreciates the introduction of affirmative measures of action for persons with disabilities in Hong Kong, China, such as the Disability Allowance.

52. The Committee welcomes the awarding of Learning Support Grants, under which schools receive a certain sum for each student with "special educational needs".

B. Principle areas of concern and recommendations

1. General principles and obligations (arts. 1–4)

53. The Committee regrets the outdated eligibility standard in the Disability Allowance Scheme and lack of unity in the various definitions

of disability that have been adopted in different pieces of legislation and by Government bureaux and departments.

54. **The Committee encourages Hong Kong, China, to revise the inappropriate eligibility standard and to adopt definition of persons with disabilities that adequately reflects article 1 and the human rights model of the Convention.**

2. Specific rights (arts. 5–30)

Equality and non-discrimination (art. 5)

55. The Committee is concerned about the rather passive role adopted by the Equal Opportunities Commission, which is responsible for monitoring and executing the Disability Discrimination Ordinance.

56. **The Committee recommends that the Equal Opportunities Commission review its role and assume a more proactive part, especially when handling complaint cases.**

Women with disabilities (art. 6)

57. The Committee is concerned about the discrimination faced by women and girls with disabilities and the lack of action of the government of Hong Kong, China, to reduce the occurrence of discrimination, such as neglecting article 6 in the promotion of the Convention. The Committee is also troubled by the repeated occurrence of domestic violence against women and girls with disabilities.

58. **The Committee recommends that the Women's Commission of Hong Kong, China, should integrate the amelioration of the living situation of women and girls with disabilities into their mandate and include a representative of women with disabilities in its Commission. It also asks Hong Kong, China, to raise awareness on article 6 of the Convention, so as to ensure that women with disabilities enjoy their rights on an equal basis with men. In addition, the Committee calls upon Hong Kong, China, to prevent domestic violence against women with disabilities and to prosecute and punish the perpetrators and all those responsible.**

Children with disabilities (art. 7)

59. While commending the assessment and early education service offered by the government of Hong Kong, China, the Committee is concerned that the services provided are not sufficient to match the overwhelming demand.

60. **The Committee recommends that Hong Kong, China, allocate more resources to the services provided for children with disabilities in order to ensure that they are able to develop to their full potential.**

Accessibility (art. 9)

61. While noting that Hong Kong, China, has improved the barrier-free access of government buildings, leisure and cultural facilities and public housings in recent years, the Committee is concerned that persons with disabilities still face difficulties in terms of accessibility. The Committee especially regrets that the building standards set out in the “Design Manual – Barrier-Free Access” do not apply retroactively and that they are not applicable to premises under the management of the government or the housing authority. The Committee is concerned that the monitoring mechanism to evaluate the accessibility of buildings is insufficient, thus

restricting the ability of persons with disabilities to live independently in the community.

62. The Committee encourages Hong Kong, China, to continue reviewing the “Design Manual – Barrier-Free Access” and apply these standards retroactively to premises under the management of the government or the housing authority as well. It recommends that Hong Kong, China, strengthen the monitoring process of accessibility.

Right to life (art. 10)

63. The Committee is concerned about the heightened suicide risk among persons with intellectual or psychosocial disabilities (35 per cent of the overall suicide rate in Hong Kong, China).

64. The Committee calls upon Hong Kong, China, to provide the necessary psychological treatment based on free and informed consent of the person and counselling to these persons. The Committee recommends a regular assessment of their suicide risk.

Freedom from exploitation, violence, and abuse (art. 16)

65. The Committee is concerned about the incidents of women and girls with intellectual disabilities being subjected to sexual violence.

66. The Committee suggests that Hong Kong, China, continue investigating these incidents and prosecute the perpetrators and all those responsible. It also recommends that sex education be taught to children and adolescents with intellectual disabilities and that the law enforcement personnel be trained on handling violence against women and girls with disabilities.

67. In addition, while the Committee does not consider shelter workshops as a good way to implement the Convention, it also finds the daily allowance for persons with disabilities in shelter workshops to be too low and bordering exploitation.

68. The Committee recommends that Hong Kong, China, enact legislation to raise the daily allowance for persons with disabilities in shelter workshops, so as to prevent their exploitation.

Right to live independently and live in the community (art. 19)

69. The Committee is concerned about the shortage on sublet residential homes. It is also worried about the lack of premises for District Support Centres, whose aim is to strengthen the ability of persons with disabilities to live at home in their own community and be integrated into society.

70. The Committee suggests that Hong Kong, China, allocate more resources to setting up more sublet mainstream residential homes and strengthening policies promoting establishment of accessible living facilities to secure the de facto possibility of free choice of accommodation. It calls upon Hong Kong, China, to ensure that the District Support Centres receive the necessary funds and premises in order to enable persons with disabilities to live in the community.

Freedom of expression and opinion, and access to information (art. 21)

71. The Committee takes note of the difficult situation of persons with hearing impairments in accessing information due to lack of official recognition of the significance of sign language by Hong Kong, China.

The Committee is concerned about the lack of training for and services provided by sign-language interpreters.

72. The Committee recommends that Hong Kong, China, increase training for and the services provided by sign-language interpreters. It should also recognize the public examination and assessment of such interpreters.

Education (art. 24)

73. While commending the Integrated Education Plan to help students with disabilities study in mainstream schools, the Committee is concerned about its implementation. The Committee worries that the teacher-student ratio is too high and that the training for teachers in special education needs is inadequate. In addition, the Committee is troubled by the low number of students with disability in tertiary education, due to lack of a coherent education policy.

74. The Committee recommends a review of the effectiveness of the Integrated Education Plan and the improvement of the teacher-student ratio, as well as the training of teachers in special education needs and reasonable accommodation. The Committee urges Hong Kong, China, to provide sufficient resources to ensure the accessibility in tertiary education.

Right to health (art. 25)

75. The Committee is troubled by the fact that the demand for public medical services is higher than the supply. The Committee is also concerned about the fact that many insurance companies reject the applications of persons with disabilities, thus leaving them unable to pay the medical fees.

76. The Committee suggests that Hong Kong, China, allocate more human and financial resources to the public medical services and arrange the cooperation of the insurance companies.

Work and employment (art. 27)

77. The Committee is concerned about the high unemployment rate of persons with disabilities in Hong Kong, China, and that their average salary ranks well below that of persons without disabilities. The Committee is also troubled by the low number of civil servants with disabilities.

78. The Committee recommends that Hong Kong, China, introduce affirmative actions to promote the employment of persons with disabilities, inter alia, to prioritize the employment of persons with disabilities as civil servants.

Adequate standard of living and social protection (art. 28)

79. The Committee is concerned about the family-based assessment for application and eligibility to receive the Comprehensive Social Security Assistance. In addition, the Committee is worried about the different standards employed by doctors in approving the disability allowance.

80. The Committee suggests that Hong Kong, China, replace the family-based assessment with an individual-based one in order to determine the eligibility to receive the Comprehensive Social Security Assistance. The Committee also recommends that Hong Kong, China, introduce uniform standards for approving the disability allowance.

Participation in political and public life (art. 29)

81. The Committee is concerned about the low number of persons with disabilities holding public offices and the inaccessibility of some polling stations for voters with disabilities.

82. The Committee urges Hong Kong, China, to enhance the active participation of persons with disabilities in politics through affirmative action and ensure the accessibility of all voting stations.

3. Specific obligations (arts. 31–33)

National implementation and monitoring (art. 33)

83. The Committee is worried by the low rank of the focal point, the Commissioner for Rehabilitation and the lack of an independent monitoring mechanism according to article 33, paragraph 2.

84. The Committee recommends that Hong Kong, China, strengthen the authority of the Commissioner for Rehabilitation and set up an independent monitoring mechanism that involves the active participation of persons with disabilities and their representative organizations.

V. Macao, China

A. Positive aspects

85. The Committee welcomes the establishment of the Commission against Corruption, which has Ombudsman functions for the rights of persons with disabilities.

86. The Committee appreciates that persons with disabilities in Macao, China, are able to receive several subsidies as social protection.

87. The Committee commends article 5 (f) of Decree-Law 33/99/M, which stipulates the mandatory information of persons with disabilities of their rights and the existing structures assigned to provide them assistance.

B. Principle areas of concern and recommendations

1. Specific rights (arts. 5–30)

Equality and non-discrimination (art. 5)

88. The Committee is concerned about the existence of de facto inequality in Macao, China.

89. The Committee recommends that Macao, China, continue its efforts to ensure equality for persons with disabilities, so as to ensure the implementation of the spirit of the Convention.

Freedom from exploitation, violence and abuse (art. 16)

90. The Committee is concerned about the heightened risk of violence against women and girls with disabilities becoming victims of domestic violence and abuse.

91. The Committee recommends that services and information are made accessible to these victims. It specifically encourages Macao,

China, to set up a complaint mechanism and conduct mandatory training for the police force on this issue.

Right to live independently and live in the community (art. 19)

92. The Committee is concerned that the right to live independently and in the community has not yet been fully achieved in Macao, China.

93. The Committee urges Macao, China, to prioritize the implementation of this right and shift from institutionalization to in-home or residential living, as well as provide other community support services.

Education (art. 24)

94. The Committee is concerned that the number of students with special educational needs in a non-inclusive environment is higher than that in an inclusive one. The Committee is also troubled by the low number of students with disabilities attending tertiary education.

95. The Committee wishes to remind Macao, China, that the concept of inclusive education is essential to the implementation of article 24 and should be the rule rather than an exception. The Committee calls upon Macao, China, to continue making tertiary education more accessible to students with disabilities.

Work and employment (art. 27)

96. The Committee is concerned that employees with disabilities only account for 0.3 per cent of the total employed population.

97. The Committee recommends Macao, China, to introduce more affirmative action to enable persons with disabilities to find employment.

VI. Follow-up and dissemination

98. The Committee requests the State party to implement the recommendations of the Committee as contained in the present concluding observations. The Committee recommends that the State party transmit them for consideration and action to members of the Government and the National People's Congress, officials in the relevant ministries, members of relevant professional groups, such as education, medical and legal professionals, as well as local authorities and the media, using modern accessible social communication strategies.

99. The Committee strongly encourages the State party to involve civil society organizations, in particular disabled persons' organizations, in the preparation of its second periodic report.

100. The Committee requests the State party to disseminate these concluding observations widely, including to non-governmental organizations and representative organizations of persons with disabilities, as well as to persons with disabilities themselves and members of their families, in accessible formats.

101. The Committee requests that the State party to submit within 12 months information, in writing, on the measures adopted in order to meet the recommendations set out in paragraphs 20 and 50.

VII. Next report

102. The Committee requests the State party to submit its second periodic report by no later than 1 September 2014, and to include therein information on the implementation of the present concluding observations.

**The Administration's Initial Response to the
Committee's Concerns and Recommendations**

General principles and obligations (paragraphs 53 and 54)

1. The Committee regrets the outdated eligibility standard in the Disability Allowance (DA) Scheme and lack of unity in the various definitions of disability that have been adopted in different pieces of legislation and by Government bureaux and departments. It encourages Hong Kong, China to revise the inappropriate eligibility standard and to adopt definition of persons with disabilities that adequately reflects article 1 and the human rights model of the Convention.

1.1. The Administration's initial response: DA is a monthly cash allowance provided under the Social Security Allowance Scheme to help Hong Kong residents who have severe disability meet their special needs arising from that disabling condition. As DA is non-contributory and non-means-tested, to ensure the proper use of public funds, its target recipients are those medically assessed to have severe disability and hence in greater need of assistance. An applicant will be considered to be severely disabled for the purpose of DA if he/she is certified by a public medical officer as being in a position broadly equivalent to a person with a 100% loss of earning capacity according to the criteria in the First Schedule of the Employees' Compensation Ordinance (Cap. 282).

1.2. DA does not seek to meet in full the cost of living of the recipients. Persons with disabilities who cannot support themselves financially may apply for the means-tested Comprehensive Social Security Assistance (CSSA), which is a monthly cash payment to help needy families meet their basic needs. The CSSA Scheme takes into account the special needs of persons with disabilities, and sets higher payment rates for them. If a

CSSA applicant is a person with disability, the severity of his/her disability will be assessed by a public medical officer, and based on that assessment he/she will be given a standard rate, plus applicable special grants and supplements, at the appropriate level. Persons with different types of disabilities, irrespective of gender, can be assisted under the CSSA Scheme. Using the broad definition set out in article 1 of the Convention, persons with disabilities who are on CSSA may include those suffering from long-term physical, mental, intellectual, visual, hearing or visceral impairments etc.

1.3. The HKSAR Government has recently concluded a review on the implementation aspects of DA and will introduce improvement measures (see also s.14.3 below). It now plans to review the policy aspects, including the eligibility criteria of DA, having regard to changing circumstances and public expectation.

1.4. As regards the definition of disabilities adopted in different pieces of legislation and provision of services, government bureaux and departments generally make reference to the definition of disabilities under the Hong Kong Rehabilitation Programme Plan, which is in line with article 1 of the Convention, in formulating policies and services relating to persons with disabilities. That notwithstanding, given that service needs vary among persons with different category and severity of disabilities, it is necessary for various bureaux and departments to adopt different demarcation of target service users in formulating policies and service programmes in order to provide tailor-made and suitable support for persons in need.

Equality and non-discrimination (paragraphs 55 and 56)

2. The Committee is concerned about the rather passive role adopted by the Equal Opportunities Commission (EOC) which is responsible for monitoring and executing the Disability Discrimination Ordinance (DDO). It recommends that the EOC review its role and assume a more proactive part, especially when handling complaint cases.

2.1. The Administration's initial response: We note the Committee's comments and would like to clarify that EOC, apart from handling complaints in accordance with the DDO (Cap. 487), also proactively conducts regular self-initiated investigations. For the period from 20 September 1996 to 30 September 2012, about 12% of DDO-related investigations were initiated by EOC. Moreover, EOC has made proactive efforts to promote the rights of persons with disabilities on different fronts, such as initiating a formal investigation on the barrier-free access of the premises and facilities owned or managed by the public sector in 2006, resulting in the implementation of a comprehensive retrofitting programme to upgrade the barrier-free facilities in 3 500 government venues and 240 Housing Authority properties; participating actively in the Mental Health Month, a major public education programme, since 1999 and collaborating with the Government and stakeholders to promote mental health in the community; and commissioning a study on equal learning opportunities for students with disabilities under the integrated education system in 2009.

Women with disabilities (paragraphs 57 and 58)

3. The Committee is concerned about the discrimination faced by women and girls with disabilities and the lack of action of the government of Hong Kong, China, to reduce the occurrence of discrimination, such as neglecting article 6 in the promotion of the Convention. It is also troubled by the repeated occurrence of domestic violence against women and girls with disabilities. The Committee recommends that the Women's Commission (WoC) of Hong Kong, China, should integrate the amelioration of the living situation of women and girls with disabilities into their mandate and include a representative of women with disabilities in its Commission. It also asks Hong Kong, China, to raise awareness on article 6 of the Convention, so as to ensure that women with disabilities enjoy their rights on an equal basis with men. In addition, the Committee calls upon Hong Kong, China, to prevent domestic violence against women with disabilities and to prosecute and punish the perpetrators and all those responsible.

3.1. The Administration's initial response: Since 2002, the HKSAR Government has been applying gender mainstreaming which is aimed to ensure that gender needs and perspectives are taken into account in the formulation of legislation, policies or programmes so that women and men have equal access to and benefit from society's resources and opportunities, thus achieving gender equality in the long run.

3.2. The HKSAR Government set up the WoC in 2001 as a central mechanism to promote the well-being and interests of women in Hong Kong, regardless of their physical or mental status. WoC has been meeting with local women's groups (including concern groups on rights of women with disabilities) and related non-governmental organisations (NGOs) on a regular basis, and participating in regional and international conferences from time to time, with a view to understanding the needs of women (including women with disabilities) and to keeping abreast of the latest development of related issues. The HKSAR Government is actively considering the appointment of a woman with disabilities to WoC based on the ability, expertise, experience, integrity and commitment to public service of the candidates, as well as the principle of meritocracy.

3.3. The HKSAR Government strives to protect persons with disabilities (in particular women and children with disabilities) from all forms of exploitation, violence and abuse, both within and outside the home through legislative, administrative, social and educational measures. In particular, the Social Welfare Department (SWD) has formed a working group to devise procedural guidelines for reference by professionals in handling adult abuse cases involving persons with intellectual disability or mental illness. The guidelines aim to enhance the identification of risk factors, prevent the incidence of abuse, enhance inter-disciplinary cooperation, set out the intervention procedures for different professions and for reporting abuse cases, etc., so as to safeguard the welfare of persons with intellectual disability or mental illness. As for children, there is a set of "Procedural Guide

for Handling Child Abuse Cases” in place to provide reference to professionals and personnels engaged in different disciplines in handling child abuse cases.

3.4. SWD also launches publicity and public education programmes every year to enhance public awareness of the importance of family solidarity and prevention of domestic violence, and to encourage early help seeking. In addition, SWD and NGOs provide victims of domestic violence and their families with a range of services as needed, regardless of their health condition, age, gender, sexual orientation and race, including short-term accommodation and emotional support services. The “Support Programme for Victims of Family Violence” launched in June 2010 further strengthens support for the victims of domestic violence through the provision of information, emotional support and companion services.

3.5. As regards punishing the perpetrators, the Hong Kong Police Force handles all abuse reports professionally, and conducts thorough investigation according to the circumstances of each report. With sufficient evidence of an offence, the Police will take firm and decisive action to effect arrest and prosecution as appropriate.

Children with disabilities (paragraphs 59 and 60)

4. While commending the assessment and early education service offered by the government of Hong Kong, China, the Committee is concerned that the services provided are not sufficient to match the overwhelming demand. It recommends that Hong Kong, China, allocate more resources to the services provided for children with disabilities in order to ensure that they are able to develop to their full potential.

4.1. The Administration’s initial response: We have all along been striving to provide children with disabilities from birth to the age of six years with early intervention through pre-school rehabilitation services to enhance their physical, psychological and social developments, thereby improving their opportunities for

participating in ordinary schools and daily life activities, and helping their families meet their special needs.

4.2. Children suffering from developmental and behavioural problems are first assessed by the Child Assessment Centres of the Department of Health, and then referred to the Hospital Authority (HA) for further diagnosis and treatment, if necessary. At present, the majority of needy children being followed up by HA are suffering from autism or attention deficit / hyperactivity disorder. Against this background, HA has enhanced the professional team by an additional manpower of over 40 doctors, nurses and allied health practitioners in 2011-12 to follow up on these cases. This initiative is expected to benefit an additional 3 000 children each year.

4.3. We have also steadily increased the provision of pre-school rehabilitation services over the years. In the past five years (2007-08 to 2011-12), the HKSAR Government provided additional resources to increase 1 393 additional subsidised places in pre-school services, representing an increase of 26%. In the coming two years, we will provide a total of 607 additional places, representing about 11% of the number of children on the waiting list. Furthermore, we have launched an assistance programme under the Community Care Fund since December 2011 to subsidise eligible children to obtain training and therapy services provided by special child care workers, psychologists, occupational therapists, physiotherapists or speech therapists while waiting for subvented pre-school rehabilitation services. SWD is also reviewing the service delivery mode of pre-school rehabilitation service with a view to identifying further improvement measures.

Accessibility (paragraphs 61 and 62)

5. While noting that Hong Kong, China, has improved the barrier-free access of government buildings, leisure and cultural facilities and public housings in recent years, the Committee is concerned that persons with disabilities still face difficulties in terms of accessibility. It especially regrets that the building standards set out in the “Design Manual –

Barrier-Free Access” (DM) do not apply retroactively and that they are not applicable to premises under the management of the government or the housing authority. It is concerned that the monitoring mechanism to evaluate the accessibility of buildings is insufficient, thus restricting the ability of persons with disabilities to live independently in the community. The Committee encourages Hong Kong, China, to continue reviewing the DM and apply these standards retroactively to premises under the management of the government or the housing authority as well. It recommends that Hong Kong, China, strengthen the monitoring process of accessibility.

5.1. The Administration’s initial response: Regulation 72 of the Building (Planning) Regulations (B(P)R 72) under the Buildings Ordinance (BO) (Cap. 123) prescribes design requirements on barrier-free access and facilities to ensure that suitable barrier-free access and facilities are provided in private buildings to meet the needs of persons with disabilities. To supplement the B(P)R 72, a DM has been issued to provide guidelines on barrier-free access and facilities.

5.2. The DM was first published in 1984 and updated in 1997 and 2008. We will continue to review the DM in consultation with the stakeholders, including persons with disabilities, and introduce enhanced barrier-free design standards having regard to advancement in building technology and social development.

5.3. We note the Committee’s suggestion on applying the latest barrier-free design standards retrospectively to existing buildings. We wish to point out that all new buildings and alterations and additions to existing private buildings have already been required to comply with the latest barrier-free design standards. Financial subsidies may also be provided under various public funds to encourage private property owners to upgrade barrier-free access of their premises. In tandem, as noted by the Committee, the Government and the Housing Authority have taken forward a comprehensive retrofitting programme to upgrade the barrier-free access and facilities in over 3 500 existing government venues and

240 Housing Authority properties, and retrofitting works in around 90% of these premises and facilities have already been completed in end-June 2012. Furthermore, under the DDO which is applicable to all buildings irrespective of their year of construction, EOC can take enforcement action for non-provision of reasonable access to persons with disabilities. We need to carefully assess the feasibility of the suggestion which involves wide-ranging and complex issues, and will have profound legal, social and financial implications. In particular, some existing buildings are unable to meet the latest barrier-free design standards owing to technical constraints.

5.4. While the B(P)R 72 is not applicable to premises owned by the Government and the Housing Authority, under the DDO which is binding on the Government and the Housing Authority, a public authority shall not approve building plans for building works unless it is satisfied that reasonable access will be provided for persons with disabilities. It is also unlawful under the DDO to discriminate against persons with disabilities in relation to the provision of means of access to any premises that the public is entitled to enter or use.

5.5. Hence, it is already the established policy of the Government and the Housing Authority to comply with prevailing requirements in DM, and where practicable, achieve standards beyond the statutory requirements in the provision of barrier-free facilities. The Government and the Housing Authority have also put in place a vetting mechanism to ensure that all their newly constructed buildings or alterations and additions to existing buildings meet the latest barrier-free design standards.

5.6. As regards the monitoring mechanism, the Buildings Department (BD) will continue to step up enforcement actions on unauthorised removal or alteration of approved access or facilities for persons with disabilities in private buildings in accordance with the 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 under the BO, he/she may be liable on

conviction to imprisonment for one year and a fine of HK\$200,000. For continuing offences, there is a further daily fine of HK\$20,000.

5.7. As an effort to arouse building owners' awareness of their obligation to maintain suitable barrier-free access and facilities in their buildings, BD has since 1997 conducted the "Operation Check Walk" to inspect the approved access and facilities for persons with disabilities in commercial buildings. Where irregularities are found, BD will issue a statutory order under the BO to require the concerned owner to rectify the situation. BD will prosecute any owner who fails to comply with the order within the specified period.

5.8. Since April 2011, the HKSAR Government has also designated an Access Co-ordinator in individual bureaux and departments to co-ordinate accessibility issues within the bureau and department, and appointed an Access Officer for each government venue to enhance the day-to-day management of accessibility issues at the venue.

Right to life (paragraphs 63 and 64)

6. The Committee is concerned about the heightened suicide risk among persons with intellectual or psychosocial disabilities (35 per cent of the overall suicide rate in Hong Kong, China). It calls upon Hong Kong, China, to provide the necessary psychological treatment based on free and informed consent of the person and counselling to these persons. The Committee recommends a regular assessment of their suicide risk.

6.1. The Administration's initial response: We note the Committee's concern about the suicide risk among persons with intellectual or psycho-social disabilities. The HKSAR Government has all along attached great importance to ensuring that people identified to have suicide risk receive adequate specialist healthcare services. The HKSAR Government is committed to working closely with different sectors including NGOs, medical and

healthcare professionals, and academics by adopting a multi-pronged and cross-disciplinary approach to tackling the suicidal risk factors of persons with disabilities and promoting suicide prevention in the community.

6.2. HA provides comprehensive suicide risk assessment and follow-up support for both outpatients and inpatients who are diagnosed to be at risk of suicide. The psychiatric specialist outpatient clinic has a triage mechanism in place to ensure individuals at risk could receive appropriate and timely specialist care. As to psychiatric in-patients, HA closely follows up their recovery and rehabilitation progress in the hospital setting through a wide range of assessments, including the assessment of their suicide risk.

6.3. We also have in place measures including collection and analysis of suicide data; provision of preventive, supportive and remedial services; as well as public education and training for frontline professionals on identifying and managing persons with suicide risks. In addition, there are a number of mainstream services targeting mental wellness promotion and identification of high-risk cases. These include a wide array of programmes and services from telephone hotlines, outreaching services, immediate intervention and intensive counselling services provided on a territorial or district basis to help young people, families and other vulnerable groups (including persons with disabilities) with suicide risk to cope with adversities, and to strengthen their support network. Suicide risk assessment is incorporated into the case assessment by social workers. Multi-disciplinary approach with regular case review is also adopted in case management for high risk mental patients including persons with suicidal tendency.

6.4. Since 2002, dedicated services have been provided through subventing the Samaritan Befrienders Hong Kong, an NGO operating a Suicide Crisis Intervention Centre, to provide outreaching, immediate intervention and intensive counselling services for persons in need. Since then, SWD has also launched a publicity campaign on “Strengthening Families and Combating

Violence”, with suicide prevention as one of the themes. In addition, a number of dedicated hotline services are provided by NGOs and SWD for those who may be contemplating suicide or are suffering other forms of stress.

Freedom from exploitation, violence, and abuse (paragraphs 65 to 68)

7. The Committee is concerned about the incidents of women and girls with intellectual disabilities being subjected to sexual violence. It suggests that Hong Kong, China, continue investigating these incidents and prosecute the perpetrators and all those responsible. It also recommends that sex education be taught to children and adolescents with intellectual disabilities and that the law enforcement personnel be trained on handling violence against women and girls with disabilities.

7.1. The Administration’s initial response: The HKSAR Government is committed to ensuring that children and adolescents with intellectual disabilities are equipped with appropriate sexual awareness and knowledge through education. The Education Bureau (EDB) strives to promote sex education in primary and secondary schools, including special schools, through a holistic school curriculum which instills in the personal growth of students an understanding of sex-related issues (e.g. self-protection, gender equality and relationship with the opposite sex). For teachers of both ordinary and special schools, EDB organises various professional development programmes on sex education throughout the school year.

7.2. In addition, the Department of Health provides “Sex Education Workshops” to secondary school students. Students with special educational needs studying in ordinary public-sector schools have equal opportunities to benefit from the Department’s sex education workshops. Upon request by special schools, the Department would provide professional input for curriculum adaptation for students with intellectual disabilities.

7.3. Meanwhile, HA provides persons with intellectual disabilities or severe mental illness with social skill training which covers various issues on correct attitude towards sex and sexual harassment, on individual and group basis. HA also renders support and education for families and carers to enhance their understanding of the needs of individual patients in respect of sex.

7.4. In general, SWD-subvented NGOs have the responsibility to ensure that service users are free from verbal, physical and sexual abuse when they are receiving service. NGOs providing rehabilitation services offer appropriate guidance, including sex education, to service users with intellectual disabilities or mental illness according to their needs. In this regard, SWD produced a sex education package in 2010 for distribution to rehabilitation agencies to assist their front-line professionals (e.g. social workers, psychologists and counsellors) in providing sex education for adults with intellectual disabilities, with a view to protecting these persons from sexual abuse.

7.5. Moreover, SWD has drawn up the “Guidelines for Handling Mentally Handicapped / Mentally Ill Adult Abuse Cases” for reference by rehabilitation agencies and casework units in handling these cases. The “Procedural Guidelines for Handling Adult Sexual Violence Cases” has also set out specific guidelines on how to help mentally incapacitated victims.

7.6. Regular training on the identification and handling of suspected child abuse and sexual abuse cases has been organised by SWD for social workers and related professionals.

7.7. For criminal investigation on child abuse and sexual violence cases, there are specific training sessions for investigating officers from SWD and the Hong Kong Police Force on conducting video-recorded interviews for mentally incapacitated persons and other child witnesses with disabilities.

8. The Committee does not consider shelter workshops (SWs) as a good way to implement the Convention and finds the

daily allowance for persons with disabilities in shelter workshops to be too low and bordering exploitation. It recommends that Hong Kong, China, enact legislation to raise the daily allowance for persons with disabilities in shelter workshops, so as to prevent their exploitation.

8.1. The Administration's initial response: We would like to point out that there is no question of exploitation of service users of SWs. SWs provide persons with disabilities who are not able to take up employment in the open market with appropriate vocational training in a specially designed environment in order to help them develop their social and economic potential to the fullest extent; and to enhance their working capacity so that they may move on to supported or open employment as far as possible.

8.2. Incentive payment for SW users is a non-means-tested allowance to encourage them to attend SWs for their own benefit from the training. It is not a form of salary nor financial assistance to supplement the living expenses of service users with financial difficulty. Those service users with financial hardship may apply for financial assistance such as the CSSA Scheme.

8.3. The HKSAR Government will continue to keep in view the need for adjusting the incentive payment after taking into consideration changes in the Consumer Price Index (A), the prevailing economic environment and attractiveness of the existing rate of incentive payment.

Right to live independently and live in the community (paragraphs 69 and 70)

9. The Committee is concerned about the shortage on subvented residential homes. It is also worried about the lack of premises for District Support Centres (DSCs), whose aim is to strengthen the ability of persons with disabilities to live at home in their own community and be integrated into society. The Committee suggests that Hong Kong, China, allocate more resources to setting up more subvented mainstream residential

homes and strengthening policies promoting establishment of accessible living facilities to secure the de facto possibility of free choice of accommodation. It calls upon Hong Kong, China, to ensure that DSCs receive the necessary funds and premises in order to enable persons with disabilities to live in the community.

9.1. The Administration's initial response: In accordance with the Hong Kong Rehabilitation Programme Plan, the HKSAR Government 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) to ensure service quality and introducing complementary measures to facilitate the market develop more service options for persons with disabilities;
- (b) supporting NGOs to develop self-financing homes; and
- (c) increasing the supply of subsidised residential care home places.

9.2. Along the above strategic directions, we have implemented a statutory licensing scheme for RCHDs since November 2011 following enactment of the Residential Care Homes (Persons with Disabilities) Ordinance (Cap. 613) and its subsidiary legislation. As complementary measures, we have since October 2010 implemented a pilot Bought Place Scheme (BPS) to encourage private RCHDs to upgrade their service standards and increase the supply of subsidised residential care places; and a Financial Assistance Scheme since December 2011 to subsidise private RCHDs to carry out improvement works in compliance with the licensing requirements on building and fire safety.

9.3. In tandem, we have steadily increased the supply of subsidised RCHD places. In the past five years (2007-08 to 2011-12), the HKSAR Government provided additional resources to increase 1 414 additional places in subvented RCHDs, representing an increase of 13%. In the coming two years, about 784 additional subsidised RCHD places will come on stream, representing about 10% of the number of persons on the existing waiting list for RCHDs. We will continue to identify suitable premises for the supply of more RCHD places.

9.4. Furthermore, a person with disabilities who has genuine medical and social needs and whose home environment has been assessed as no longer fit for future living may apply for “Compassionate Rehousing” to a suitable public rental flat to enable his/her continued living in the community. Home modifications for the flat concerned are provided by the Housing Authority free of charge.

9.5. To strengthen the support for persons with severe disabilities who are living in the community and to relieve the pressure of their family carers, SWD has rolled out a “Pilot Scheme on Home Care Service for Persons with Severe Disabilities” since March 2011 to provide a package of home-based support services to meet their personal care, nursing and rehabilitation training needs.

9.6. Starting from January 2009, the HKSAR Government has been providing an additional annual recurrent funding of about \$35 million to set up 16 DSCs for Persons with Disabilities through re-engineering the existing community support services, thereby providing district-based and one-stop support services for persons with disabilities, their family members and carers. SWD has secured premises for 15 DSCs and the remaining one has been accommodated in a commercial building pending identification of permanent accommodation.

Freedom of Expression and Opinion, and Access to Information
(paragraphs 71 and 72)

10. The Committee takes note of the difficult situation of persons with hearing impairments in accessing information due to lack of official recognition of the significance of sign language by Hong Kong, China. It is concerned about the lack of training for and services provided by sign-language interpreters. The Committee recommends that Hong Kong, China, increase training for and the services provided by sign-language interpreters. It should also recognise the public examination and assessment of such interpreters.

10.1. The Administration's initial response: It is the HKSAR Government's established policy objective to create a barrier-free environment and promote barrier-free communication, thereby facilitating full integration of persons with disabilities into the community. In this regard, we strive to adopt appropriate measures to facilitate persons with disabilities in communication, including persons with hearing impairment in using sign language or alternative modes in communication with others.

10.2. To enhance the communication of persons with hearing impairment with others, some Social and Recreational Centres for the Disabled and two Multi-service Centres for the Hearing Impaired Persons subvented by SWD organise sign language training courses and provide sign language interpretation services to assist persons with hearing impairment in communicating with the hearing community. The sign language interpretation services provided include interpretation service for persons with hearing impairment in relation to job interviews, court hearings, wedding ceremonies and medical consultations.

10.3. Besides, the Hong Kong Council of Social Service and the Hong Kong Joint Council for People with Disabilities had organised an Open Assessment Scheme for Sign Language Interpreters during the period from 2005 to 2008. The trainees with outstanding results were recommended to provide service to the court. They, in collaboration with the service agencies for the hearing impaired, are planning to launch certificate courses on professional sign language interpretation with a view to training more qualified sign language

interpreters and enhancing the professional standard of sign language interpretation service.

10.4. The HKSAR Government is also committed to promoting sign language learning. LWB has all along been providing subsidies to service agencies for and self-help groups of the hearing impaired to produce sign language training manuals and self-learning packages, including assistive tools for sign language learning via computer or smart phone applications, production of sign language learning cards and teaching kits, as well as setting up the Hong Kong Sign Language Browser. LWB has also subsidised these organisations to organise multifarious public education activities to enhance public understanding of sign language and achieve social inclusion.

10.5. To promote the use of sign language and enhance social inclusion, a Working Group has been formed under the Rehabilitation Advisory Committee (RAC) since May 2010 to advise the Government on ways to promote sign language. The Working Group will continue to examine issues relating to sign language, including training and accreditation of sign language interpreters.

Education (paragraphs 73 and 74)

11. While commending the Integrated Education Plan to help students with disabilities study in mainstream schools, the Committee is concerned about its implementation. It worries that the teacher-student ratio is too high and that the training for teachers in special education needs is inadequate. In addition, it is troubled by the low number of students with disability in tertiary education, due to lack of a coherent education policy. The Committee recommends a review of the effectiveness of the Integrated Education Plan and the improvement of the teacher-student ratio, as well as the training of teachers in special education needs and reasonable accommodation. It urges Hong Kong, China, to provide

sufficient resources to ensure the accessibility in tertiary education.

11.1. The Administration's initial response: The HKSAR Government is committed to providing appropriate education services for students with special educational needs (SEN). Ordinary schools have been provided with additional resources, professional support and teacher training to implement the Whole School Approach (WSA) to Integrated Education, under which they are encouraged to develop an inclusive culture, school-based policy and practices in supporting students with SEN.

11.2. Apart from the provision of teachers in accordance with the number of operating classes and a pre-set teacher-to-class ratio, additional teachers are provided to public sector schools for the implementation of various education initiatives. Besides, grants such as Capacity Enhancement Grants and Learning Support Grant are also provided to schools under various education initiatives. Schools may use these grants flexibly to employ additional teachers or procure professional services to meet the needs of 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.

11.3. To enhance teachers' capacity in catering for the special needs of students, EDB launched a 5-year teacher professional development framework on Integrated Education (the Framework) in the 2007/08 school year. Under the Framework, structured training courses on SEN pitched at three levels of competencies, namely the Basic, Advanced and Thematic (BAT) Courses, were conducted for serving teachers. EDB conducted a review of the Framework in 2010. The findings revealed that schools and other stakeholders had positive views on the BAT Courses with regard to its usefulness and effectiveness. EDB has therefore decided to put in additional resources to continue the provision of the BAT Courses

from the 2012/13 school year, and has revised the training targets having regard to the training needs of teachers and the operational needs of schools. In addition, EDB also organises seminars, workshops and experience-sharing sessions on topics related to SEN for teachers and other school personnel on a need basis. Local teacher education institutions have also included in their pre-service teacher training courses a module related to inclusive education.

11.4. For enhancement purpose, EDB has kept the implementation of IE under constant review by monitoring the deployment of resources and implementation of measures in schools through different means, including visiting schools regularly and collecting feedback from the sector and stakeholders. The EDB set up a Task Force on Integrated Education in Mainstream Schools (IE Task Force) in 2005, comprising representatives from the school sector, tertiary institutions, other government departments, non-governmental organisations (NGOs) and parent groups. Through regular meetings, the EDB updates the members of the IE Task Force on the progress of implementing IE and seeks their views on improvement measures. EDB will continue to keep in touch with school councils, NGOs and parent groups to strengthen communication and co-operation with a view to better supporting students with SEN.

11.5. As regards tertiary education, the post-secondary institutions in Hong Kong are committed to offering equal opportunities to all applicants for admission. The admission decisions of post-secondary institutions are based on a holistic assessment of the merit of the applicants. To assist the students with SEN to study in University Grants Committee-funded institutions, a sub-system under the Joint University Programmes Admissions System has been created for the admission of these students. Students with SEN do not need to compete with other applicants, but must meet the minimum entry requirements of the corresponding courses. As with admission of other students, such admission decision falls within institutional autonomy. The Vocational Training Council (VTC) also has a special admission process for students with SEN. If an applicant with SEN meets the

entrance requirements of the programme and satisfies the interview assessment that he/she has the ability to complete the programme, he/she would be given an offer.

11.6. The VTC has established a new Youth College in the 2012-13 academic year to offer diversified study opportunities for young people, and to provide dedicated support for ethnic minority students and those with SEN to enable them to have appropriate professional education and training opportunities.

Right to health (paragraphs 75 and 76)

12. The Committee is troubled by the fact that the demand for public medical services is higher than the supply. It is also concerned about the fact that many insurance companies reject the applications of persons with disabilities, thus leaving them unable to pay the medical fees. The Committee suggests that Hong Kong, China, allocate more human and financial resources to the public medical services and arrange the cooperation of the insurance companies.

12.1. The Administration's initial response: We note the Committee's observation on the increasing demand for public medical services. The HKSAR Government has all along attached great importance to improving healthcare services in a holistic manner. We have adopted a well-established twin-track system for public and private medical sectors, with the former providing a safety net for residents while the latter providing choices for those with the financial means.

12.2. For public healthcare, the HKSAR Government has, in response to the need of the community in the past years, increased funding to improve healthcare services. The Government's recurrent funding for HA has increased from \$29 billion in 2007-08 by some 40% to \$40.4 billion in 2012-13. In addition, the Chief Executive has, in his manifesto, also set out that in order to cope with the challenges posed by an ageing population, we will maintain

progressive increase in funding for public medical services in the medium to long-term subject to available finance.

12.3. As for private healthcare, one of our reform initiatives to support the long-term sustainable development of the healthcare system will be to, based on the principle of having public healthcare services as the cornerstone of our healthcare system and the safety net for all, promote and facilitate private healthcare development. This will help address the imbalance between the public and private sectors in hospital services, and increase the overall capacity of the healthcare system in Hong Kong to cope with the increasing service demand.

12.4. The Committee commented on the difficulties faced by some persons with disabilities in obtaining health insurance coverage. The Government proposed a voluntary and government-regulated private health insurance scheme, the Health Protection Scheme (HPS), in the Second Stage Public Consultation on Healthcare Reform in 2010. HPS is meant to complement the public healthcare system, which has been and will continue to be the cornerstone of our healthcare system and the safety net for all under our dual public-private healthcare system. Around 90% of the in-patient services (in terms of number of bed days) are provided by public hospitals. The public healthcare sector is highly subsidised by the Government, providing equitable and affordable healthcare services to all sectors of the society.

12.5. HPS aims to provide more choices with better protection to those who are willing and are able to pay for private healthcare services. Under HPS, participating insurers will offer HPS plans that incorporate key features designed for consumer protection, including those of a higher health risk status, such as no turn-away of subscribers and guaranteed renewal for life, covering pre-existing medical conditions subject to waiting period, and accepting high-risk groups through a high-risk pool mechanism. The standardised features of HPS plan would enhance consumer protection and access to health insurance protection by the public, including persons with disabilities. The Government is currently

formulating detailed proposals for HPS and aims to put up recommendations by 2013 to seek the community's views on the recommendations.

Work and employment (paragraphs 77 and 78)

13. The Committee is concerned about the high unemployment rate of persons with disabilities in Hong Kong, China, and that their average salary ranks well below that of persons without disabilities. It is also troubled by the low number of civil servants with disabilities. The Committee recommends that Hong Kong, China, introduce affirmative actions to promote the employment of persons with disabilities, inter alia, to prioritize the employment of persons with disabilities as civil servants.

13.1. The Administration's initial response: The policy objective of the HKSAR Government is to ensure that persons with disabilities have equal access to participation in productive and gainful employment in the open market. We have put in place suitable legislative measures against disability discrimination in employment and at the workplace. We are committed to providing a wide range of employment support and vocational training services for persons with disabilities, including selective placement services provided by the Labour Department (LD) to assist persons with disabilities in securing employment in the open market, vocational rehabilitation training provided by SWD and the VTC, and re-training programmes for persons with disabilities provided by the Employees Retraining Board, etc.

13.2. The HKSAR Government will also continue to implement various incentive schemes and enhance public understanding of the working abilities of persons with disabilities through public education activities. On incentive schemes, we have implemented the "Work Orientation and Placement Scheme" under which participating employers will receive financial incentive equal to two-thirds of the actual salary paid to each employee with

disabilities during the employment period, with a ceiling of \$4,000 per month for a maximum period of six months.

13.3. Furthermore, starting from early 2013, we will subsidise employers of persons with disabilities for procuring assistive devices and carrying out workplace modification works, thereby enabling persons with disabilities to work more efficiently and facilitating them to secure open employment. An employer will be provided with a maximum subsidy of \$20,000 for each employee with disabilities. In addition, through providing a mentorship award of \$500 as financial incentive, we aim to encourage employers to render workplace guidance to employees with disabilities and help them adapt to new jobs.

13.4. To directly create job opportunities for persons with disabilities, SWD grants seed money to NGOs for setting up small enterprises through the “Enhancing Employment of People with Disabilities through Small Enterprise Project” (3E’s Project). 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 is required to fulfill the condition that the number of employees with disabilities should not be less than 50% of the number of employees under its payroll. Up to end-November 2012, 580 jobs for persons with disabilities have been created under the 3E’s Project. To sustain the momentum in enhancing employment opportunities for persons with disabilities, the HKSAR Government has 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.

13.5. On the public education front, the HKSAR Government has, from 2009-10 onwards, substantially increased the annual allocation for relevant public education activities from \$2 million in the past years to about \$13 million. Promoting employment of persons with disabilities is one of the major themes of the annual public education programme. The HKSAR Government will continue to collaborate with RAC and various sectors in the

community to promote the work capability of persons with disabilities through public education, publicity, visit programmes, etc., and encourage various sectors to employ persons with disabilities and procure the products and services provided by rehabilitation organisations.

13.6. The HKSAR Government, as an employer, provides employment opportunities for persons with disabilities through enabling government job applicants with disabilities to compete with able-bodied applicants on equal grounds. We are committed to implementing proactive policy on the employment of persons with disabilities as civil servants, and offering preferential treatment to candidates with disabilities in their application for government jobs. Specifically, in the recruitment process, candidates with disabilities who meet the basic entry requirements will not be subject to any shortlisting criteria and will be automatically invited for a selection interview or written examination. They may be given an appropriate degree of preference for appointment to enable them to compete with able-bodied candidates on equal grounds. In addition, if any candidates with disabilities request special arrangements to attend an interview or a test in the recruitment exercise, the departments concerned will consider their request and make appropriate arrangement.

13.7. As for serving officers with disabilities, necessary assistance is provided to facilitate their performance of duties. We also finance the purchase of technical aids for officers with disabilities to facilitate their performance of duties in the workplace. The HKSAR Government will continue with our existing policies and encouragement measures to promote the employment of persons with disabilities as civil servants.

Adequate standard of living and social protection (paragraphs 79 and 80)

14. The Committee is concerned about the family-based assessment for application and eligibility to receive CSSA. In addition, it is worried about the different standards employed

by doctors in approving the DA. The Committee suggests that Hong Kong, China, replace the family-based assessment with an individual-based one in order to determine the eligibility to receive CSSA. It also recommends that Hong Kong, China, introduce uniform standards for approving DA.

14.1. The Administration's initial response: In response to the Committee's concern that CSSA applicants living with their family members (including persons with disabilities) are required to make their applications on a household basis, we would like to point out that it is consistent with our social values for family members to help each other, and for income-earners to support their family members who have no financial means. CSSA, which is the safety net of last resort, comes to aid only when family support is insufficient. Therefore, in processing CSSA applications, we assess the means of the family as a whole. This system enables us to direct limited public resources to those most in need, and helps ensure the sustainability of this scheme which is non-contributory and wholly funded by public money. We reckon that there may be special circumstances which merit exceptional treatment, for example, where a person with disabilities has a poor relationship with his/her family members or where there are special reasons that the family cannot support him/her financially. The Director of Social Welfare will consider such circumstances on a case-by-case basis and may allow a person with disabilities in need to apply for CSSA on his/her own.

14.2. As explained in the earlier part of this response, an applicant will be regarded as suffering from a severe disability for the purpose of DA if he/she is certified by a public medical officer as being in a position broadly equivalent to a person with a 100% loss of earning capacity according to the criteria in the First Schedule of the Employees' Compensation Ordinance (Cap. 282). To ensure that medical assessments are consistent and objective, medical practitioners of public hospitals/clinics will assess the disabling conditions of DA applicants with the aid of a standard Medical Assessment Form and Checklist. They will consider comprehensively the cause of the disease, the clinical physical

condition of the applicant and the severity of the disease, and then form a view on the severity of the medical condition of the applicant.

14.3. To enhance the DA implementation mechanism, SWD has set up an inter-departmental working group to review and refine the guidelines, Medical Assessment Form and checklist used by medical officers at public hospitals/clinics for conducting medical assessments, and also the work flow of relevant departments and authorities in processing DA applications. The review has been completed and improvement measures will be introduced to ensure consistency and objectivity in the medical assessments.

Participation in political and public life (paragraphs 81 and 82)

15. The Committee is concerned about the low number of persons with disabilities holding public offices and the inaccessibility of some polling stations for voters with disabilities. It urges Hong Kong, China, to enhance the active participation of persons with disabilities in politics through affirmative action and ensure the accessibility of all voting stations.

15.1. The Administration's initial response: We will continue to identify suitable persons with disabilities to serve on various advisory and public bodies. A recent example is the appointment of a person with disabilities as vice-chairperson of the Special Needs Groups Task Force under the Commission on Poverty. We are also actively considering the appointment of a woman with disabilities as member of the WoC.

15.2. As for the accessibility of polling station, the Registration and Electoral Office (REO) has all along been making every effort to identify suitable venues which are accessible to electors with mobility disabilities for use as polling stations. In the 2012 Legislative Council Election, of the 549 polling stations set up for voting, 512 or 93% were accessible to electors with mobility disabilities. This is comparable to the 2011 District Council

Election, when 94% of the polling stations were accessible to electors with mobility disabilities.

15.3. In future elections, the REO will continue to set up polling stations at venues that are accessible to persons with mobility disabilities as far as possible and put in place various accommodation measures to ensure that persons with such disabilities can exercise the right to vote in an election. For polling stations that have no permanent barrier-free facilities, if circumstances permit, temporary ramps will be installed to improve the accessibility of those polling stations to electors who are wheelchair-bound. An elector with a disability who finds it difficult for him/her to access the polling station allocated to him/her may contact the REO to arrange to vote at a special polling station specifically designated for electors with mobility disabilities. If necessary, free transportation arrangements will be made to facilitate electors with mobility disabilities to vote at the designated polling stations. Polling staff will also offer assistance to electors with mobility disabilities, as far as circumstances permit, in making access to the polling station if it is not barrier-free and the electors have not applied for a re-allocation to a special polling station.

National implementation and monitoring (paragraphs 83 and 84)

16. The Committee is worried by the low rank of the focal point, the Commissioner for Rehabilitation and the lack of an independent monitoring mechanism according to article 33, paragraph 2. It recommends that Hong Kong, China, strengthen the authority of the Commissioner for Rehabilitation and set up an independent monitoring mechanism that involves the active participation of persons with disabilities and their representative organizations.

16.1. The Administration's initial response: We note the Committee's observations and are reviewing the duties and responsibilities and ranking of the post of Commissioner for Rehabilitation, as well as the establishment and manpower of his/her team.

16.2. As for the monitoring mechanism, EOC, as the statutory and independent enforcement agency of the DDO, has all along been upholding the equal opportunities of persons with disabilities and safeguarding their specified rights under the 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 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 NGOs providing rehabilitation services, academics, community and business leaders, professionals and other persons who have a keen interest in the well-being of persons with disabilities. Representatives of relevant government bureaux and departments also serve as ex-officio members to provide the necessary support to RAC and to follow up 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 monitoring the implementation of the Convention in Hong Kong.

**Implementation of measures relating to
promotion of well-being of persons with disabilities in recent years**

Since the application of the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) to Hong Kong in August 2008, the Government of the Hong Kong Special Administrative Region (HKSAR Government) has continuously increased the overall recurrent expenditure of rehabilitation services and support for persons with disabilities from \$16.6 billion in 2007-08 to \$32.5 billion in 2017-18, representing an increase of about 100%. It is estimated that such expenditure will continue to rise to \$34 billion in 2018-19.

2. HKSAR Government has launched an array of measures in recent years to promote the well-being of persons with disabilities. Implementation of various measures is summarised below.

(1) Pre-school Rehabilitation Services

3. Through a series of subvented pre-school rehabilitation services, including early education and training centres (EETCs), special child care centres (SCCCs) and the Integrated Programme (IP) in Kindergarten-cum-Child Care Centres (KG-cum-CCCs), HKSAR Government currently provides treatment and training for children from birth to six years old with special needs so as to facilitate their development and growth, thereby improving their opportunities for attending ordinary schools and participating in daily life activities.

4. HKSAR Government implemented an assistance programme under the Community Care Fund (CCF) in December 2011 to provide training subsidies for pre-school children who are assessed as having special needs and on the waiting list for subvented pre-school rehabilitation services, so that they can acquire self-financing pre-school rehabilitation services provided by recognised service providers as soon as possible. The Training Subsidy Programme (TSP) was incorporated into the Government's regular assistance programme in October 2014. Children on the waiting list of the EETCs or IP are required to undergo a means test on family income in applying for the TSP. Each eligible child may receive a maximum monthly subsidy of \$3,050. For children on the waiting list of the SCCC, they have been exempted from means test on family income since 1 October 2017. The maximum monthly subsidy for each of them is \$6,075. A total of

about 3 000 training subsidy places are currently provided under the TSP.

5. To benefit children with special needs who are studying in KGs or KG-cum-CCCs as early as possible, HKSAR Government launched the Pilot Scheme on On-site Pre-school Rehabilitation Services (the Pilot Scheme) in 2015 with a funding of \$422 million from the Lotteries Fund. Through the inter-disciplinary service teams coordinated by 16 non-governmental organisations (NGOs) with experience in implementing subvented pre-school rehabilitation services, about 3 000 service places for children with special needs have been provided in more than 480 KGs or KG-cum-CCCs. The Pilot Scheme also offers support to KG teachers/child care workers and parents. The inter-disciplinary teams will provide professional advice through on-site consultation and demonstrations, talks, workshops and seminars to enable KG teachers/child care workers to understand the special needs of these children, and provide support for parents in fostering a positive attitude and developing effective skills in raising their children with special needs. HKSAR Government has earmarked an annual recurrent expenditure of about \$460 million to regularise the Pilot Scheme in 2018/19 school year and increase the number of service places from the current 3 000 to 7 000 in two years.

(2) Education

6. The HKSAR Government adopts a dual-track mode to implement special education, under which students with more severe or multiple disabilities are referred to special schools by the Education Bureau (EDB) for intensive support services subject to the assessment and recommendation of specialists and the consent of the parents. Other students with special educational needs (SEN) will attend ordinary schools. Under the policy of integrated education (IE), public sector ordinary primary and secondary schools are requested to implement the Whole School Approach (WSA) to support students with SEN through the 3-Tier Intervention Model¹. In addition to regular subvention, the EDB has been providing schools with additional resources, professional support and teacher training. The estimated expenditure of the additional support and services provided for students with SEN in the 2017/18 school year is about \$1.667 billion which represents an increase by around 94% as compared to the expenditure of \$859 million in the 2008/09 school year.

¹ Tier-1 support refers to the use of quality teaching in regular classrooms to help students with transient or mild learning difficulties; tier-2 support refers to “add on” intervention, such as pull-out or after-school remedial programmes and hired professional services, etc., for students with persistent learning difficulties; tier-3 support refers to intensive individualised support, including drawing up an individual education plan, for students with persistent and severe learning difficulties.

7. The major enhancements launched by the EDB in recent years are highlighted as follows:

- (a) Of the additional resources provided to the public sector ordinary schools, the Learning Support Grant (LSG) is the major one. LSG was a per capita grant covering eight types of students with SEN² before the 2017/18 school year. This grant enables schools to pool and deploy their resources holistically and flexibly to render appropriate support services to students with SEN based on their needs, including employing teachers and/or teaching assistants, and/or hiring various professional services. The EDB has raised the ceiling of LSG from \$1 million to \$1.5 million for each school per annum starting from the 2013/14 school year, and the grant rates were increased by 30% in the 2014/15 school year. Starting from the 2015/16 school year, the grant rates and ceiling are adjusted annually according to the changes in the Composite Consumer Price Index (CCPI). In addition, starting from the 2017/18 school year, LSG also covers students with mental illness in order to help schools cater for the learning, social, emotional and behavioural needs of the students;
- (b) Regarding professional support, the School-based Educational Psychology Service has covered all public sector ordinary primary and secondary schools starting from the 2016/17 school year. In the same school year, the ratio of educational psychologist to school has been progressively improved to 1:4 at public sector schools with a greater number of students with SEN to enable the schools to provide more comprehensive support and follow-up services to the students, as well as to strengthen their preventive and developmental work;
- (c) Starting from the 2017/18 school year, the EDB has regularised the Pilot Project on Special Educational Needs Coordinators (SENCOs) under the CCF, and would by phases in three years, provide each public sector ordinary primary and secondary school with an additional post in the teaching staff establishment to facilitate the assignment of a designated teacher in the schools as SENCO to support IE. We have implemented the provision in 244 public sector ordinary schools (126 primary schools and 118 secondary schools) in the 2017/18 school year. In the 2018/19 school year, the SENCO

² Prior to the 2017/18 school year, the provision of LSG covered students with specific learning difficulties, intellectual disability, autism spectrum disorders, attention deficit/hyperactivity disorder, physical disability, visual impairment, hearing impairment and speech and language impairment.

provision would be extended to around another batch of 35% of schools and the remaining public sector schools would have their SENCO provision by the 2019/20 school year; and

- (d) As regards teacher training, in order to enhance teachers' professional capacity in supporting students with SEN, starting from the 2007/08, the EDB has been providing serving teachers with structured training courses on supporting students with SEN pitched at Basic, Advanced and Thematic levels ("BAT Courses") and training targets are set. Taking into account the position of teachers trained in the public sector ordinary schools and the types and number of students with SEN enrolled in public sector ordinary schools, the EDB has further raised the training targets in the 2015/16 school year for each of the public sector ordinary schools to be achieved by the end of the 2019/20 school year³. As at the end of the 2016/17 school year, about 43% and 28% of teachers in the public sector ordinary primary and secondary schools respectively completed 30 hours or more structured training in special education. In terms of the number of schools, about 99% and 84% of the public sector ordinary primary and secondary schools respectively had 20% or more of their teachers having completed the special education training.

8. The EDB has been reviewing measures for the implementation of IE and listening to the views of stakeholders. With regard to the issues noted in the latest round of review and the concerns of stakeholders, we are exploring the feasibility of improving the various measures along the following direction, including:

- (a) considering to restructure the additional resources under the LSG and other two programmes¹ related to IE with a view to strengthening the stability of public sector schools' teaching force and providing schools with flexibility to deploy resources to support students with SEN;
- (b) re-vamping the mode of basic provision for tier-3 support under the

³ All public sector ordinary school are required to achieve the following training targets by the end of the 2019/20 school year:

- (i) at least 15% to 25% of teachers will have completed the Basic Course;
- (ii) at least six to nine teachers will have completed the Advanced Course; and
- (iii) at least six to nine teachers will have completed the Thematic Course (with at least one teacher completed the course(s) under each category as far as possible).

⁴ Including Intensive Remedial Teaching Programme in primary schools and Integrated Education Programme.

LSG to ensure that schools having more students identified to be with more challenging problems can receive the appropriate level of support they need;

- (c) enhancing the school-based speech therapy service with reference to the experience of forming clustered schools; and
- (d) further enhancing the provision of school-based educational psychology service.

9. On special education, the amount of resources allocated by the HKSAR Government has been raised from over \$1.8 billion in the 2013-14 financial year to over \$2.7 billion for the budget in the 2018-19 financial year, representing an increase by 50% over a period of five years.

10. In recent years, the EDB has introduced various improvement measures for special schools with a view to enhancing the quality of education. These measures include:

- (a) providing additional teacher assistants for schools for children with intellectual disability (ID), schools for children with physical disability (PD), and the school for children with visual impairment cum intellectual disability (VI cum ID) as well as the psychiatric classes of the hospital schools;
- (b) reducing the class size progressively to 12 students per class for schools for children with visual impairment (VI) and schools for social development (SSD);
- (c) improving the staff establishment of the boarding section of special schools;
- (d) providing an additional grant to enhance the support for boarders with medical complexity;
- (e) providing additional grant for schools for children with severe ID, schools for children with PD and the school for children with VI cum ID for employing additional nurses and related staff to strengthen the support for 24-hour ventilator-dependent students; and
- (f) to be on par with public sector secondary schools, allowing special schools to convert the Senior Secondary Curriculum Support Grant and the Career and Life Planning Grant into regular teaching posts

with a view to enhancing the implementation of the senior secondary curriculum and strengthening life planning education and related guidance services.

11. Furthermore, the Chief Executive announced a package of priority measures in July 2017, which has been progressively implemented starting from the 2017/18 school year. Apart from increasing the teacher-to-class ratio for public sector primary and secondary schools (including special schools) by 0.1 across-the-board and providing a recurrent cash grant to strengthen the staffing support in information technology for all public sector primary and secondary schools (including special schools), the HKSAR Government has also provided additional teaching staff, allied health staff and resources to improve special education services in special schools, including:

- (a) providing an Assistant Primary School Master/Mistress (Curriculum Development) to special schools that operate less than six approved primary classes;
- (b) providing an Occupational Therapist and an Occupational Therapist Assistant to schools for children with mild ID, moderate ID, VI and hearing impairment (HI);
- (c) providing a speech therapist to the school for children with VI and SSD; and
- (d) extending the “Additional Support Grant for Enhancing the Support for Boarders with Medical Complexity in Aided Special Schools” to day students and day students cum boarders with medical complexity in special schools.

12. The HKSAR Government will improve the provision of school nurses and school social workers in special schools starting from the 2018/19 school year, including:

- (a) providing one additional school nurse to schools for children with ID, schools for children with PD and the school for children with VI cum ID. In addition, the school nurse provision will be extended to cover the school for children with VI and the school for children with HI, allowing these schools to employ a school nurse to strengthen their support for students with care needs; and
- (b) enhancing the provision of school social workers in special schools to

ensure that at least one school social worker will be provided to each special school.

13. In addition, the EDB will continue to upgrade the school premises and facilities of special schools in need through various feasible means, including conversion or extension works, re-provisioning or in-situ re-development, so as to provide better learning environment for the students in special schools.

14. The EDB all along cares and concerns the arrangements for special school students in pursuing further studies or receiving post-school services. In general, special schools, with reference to the interests, abilities and service needs of the students, will assist them to formulate their life plans for future, such as continuing their studies, applying for vocational training or receiving rehabilitation services, etc. In the 2017/18 school year, the EDB, the Social Welfare Department (SWD), the Vocational Training Council and the Hong Kong Special Schools Council have established a communication platform to enhance the collaboration in all aspects, aiming at providing more appropriate assistance for special school students in applying for suitable post-school services so as to enable their smooth transition to adult life.

(3) Employment

15. HKSAR Government's policy objectives are to provide skill training and support services for persons with disabilities to enable them to take up productive and gainful employment in the open market on the basis of their abilities rather than disabilities; provide assistance for employers; and strive to promote an inclusive society. To this end, HKSAR Government has been implementing various measures to promote employment of persons with disabilities, including:

- (a) Providing vocational rehabilitation and training services for persons with disabilities: Under the On-the-job Training Programme for People with Disabilities and the Sunnyway - On the Job Training Programme for Young People with Disabilities currently implemented by the SWD, a job attachment allowance of \$2,000 per month is provided for trainees to encourage their participation in the training. A subsidy, subject to a monthly ceiling of \$4,000 and a maximum payment period of six months, is also offered to employers who hire these trainees through job trials, in a bid to encourage employers to provide more job vacancies for persons with disabilities, thereby increasing their employment opportunities. From 2018-19 onwards,

the SWD plans to provide a job attachment allowance for trainees using supported employment service and a wage subsidy for their employers, the amounts of which will be the same as those under the aforesaid two programmes. Besides, the SWD will provide additional Social Work Assistants for supported employment service, the On-the-job Training Programme for People with Disabilities and the Sunnyway - On the Job Training Programme for Young People with Disabilities to strengthen post-placement follow-up service. The follow-up period will be extended from six months to 12 months so as to provide service users with appropriate support, and close liaison with employers will be maintained;

- (b) Providing job-matching services for persons with disabilities in the open market: The Selective Placement Division of the Labour Department (LD) provides personalised employment services for job seekers with disabilities to help them find suitable jobs in the open market. The LD's employment services include employment counselling, job matching and referral services, as well as post-placement follow-up service. The LD has, since September 2015, enhanced the post-placement follow-up service for job seekers with disabilities by extending the follow-up period from three months to six months. During the follow-up period, the LD's employment consultants maintain closer contacts with employees with disabilities and monitor their work progress so as to help them settle in their new jobs as soon as possible. They also provide more intensive support for employers in order to assist them in better understanding the special needs of their employees with disabilities, and help both parties build up good working relationship. In September 2016, the LD launched a two-year pilot scheme to engage an NGO to offer professional psychological and emotional counselling service to needy job seekers with disabilities registered with the LD. The counselling service is provided by registered social workers of the NGO which has expertise and experience in this respect. The service aims to alleviate the emotional problems of job seekers with disabilities arising from their disabilities or personal or family issues, so as to help them concentrate on job search and settle in their new jobs as soon as possible, thereby enabling them to realise their potential in employment. The LD will review the pilot scheme and map out the way forward in the light of the review findings;
- (c) Providing allowances for employers and persons with disabilities: The LD implements the Work Orientation and Placement Scheme (WOPS) to encourage employers to engage job seekers with

disabilities and provide them with coaching and support through the provision of an allowance. In June 2013, the LD introduced a two-month work adaptation period under the WOPS to encourage employers to provide more coaching and support for job seekers with disabilities having employment difficulties. An eligible employer who engages a job seeker with disabilities having employment difficulties is granted an allowance of up to \$5,500 per month during the two-month work adaptation period. The employer may draw an allowance of up to \$4,000 per month for the continued employment of and coaching for the employee with disabilities in the following six months. Participating employers are entitled to an allowance of up to \$35,000 for each employee with disabilities and the maximum payment period is eight months. In 2018, the LD plans to further enhance the WOPS by extending the work adaptation period from two months to three months, and increasing the maximum amount of allowance payable to employers by \$16,000 to \$51,000. Meanwhile, the SWD launched the Support Programme for Employees with Disabilities in June 2013. The Programme provides subsidies for employers of persons with disabilities to procure assistive devices and/or carry out workplace modifications so as to facilitate the work of the employees with disabilities and enhance their work efficiency. Employers of persons with disabilities may apply for a subsidy of up to \$20,000 for each employee with disabilities to carry out workplace modifications and/or procure assistive devices, or a subsidy of up to \$40,000 for each employee with disabilities to procure a single assistive device and its essential accessories;

- (d) Creating job opportunities for persons with disabilities by promoting the establishment of social enterprises: In 2001-02, the SWD set up the Enhancing Employment of People with Disabilities through Small Enterprise Project so as to provide seed money for NGOs to establish social enterprises. At least half of the employees of these enterprises should be persons with disabilities. The Project creates job opportunities for persons with disabilities and enables them to take up employment in a meticulously arranged and harmonious work environment. The SWD injected an additional funding of \$100 million each into the Project in 2012-13 and 2017 respectively. In 2017, the SWD also increased the maximum funding for each business from \$2 million to \$3 million and extend the monitoring period from five years to six years, with the aim of encouraging NGOs to create more employment opportunities for persons with disabilities. As at the end of December 2017, subsidies of around \$111.66 million were granted to set up 115 business projects of various natures, such

as cleansing services, food and beverage services, car care services, massage services provided by persons with visual impairment, retail shop services, wholesaling and processing of vegetables, and eco-tourism. A cumulative total of about 1 193 jobs were created for these projects, including around 844 jobs (approximately 71%) specially created for persons with disabilities. Those persons with disabilities employed were mainly ex-mentally ill persons and persons with intellectual disabilities, while some were persons with physical impairment, autistic persons and persons with visual/hearing impairment; and

- (e) **Fostering an inclusive culture:** The Talent-Wise Employment Charter and Inclusive Organisations Recognition Scheme was launched in September 2013 by the Rehabilitation Advisory Committee (RAC), the Hong Kong Joint Council for People with Disabilities (HKJCPD) and the Hong Kong Council of Social Service (HKCSS) under the auspices of the Labour and Welfare Bureau (LWB). The Scheme aims to mobilise the business sector, public bodies as well as subvented organisations and NGOs to make collective efforts with government departments in the implementation of proactive and effective measures to create internship and employment opportunities for persons with disabilities, so that the latter can unleash their potential, integrate into society and make contributions. Since the implementation of the Scheme, more than 600 organisations (including all government policy bureaux and departments and 155 small and medium enterprises) have joined the Scheme.

16. HKSAR Government has put in place measures to provide assistance and facilitation for persons with disabilities to apply for government jobs, thereby ensuring that they can enjoy equal opportunities in this respect. To enhance the transparency, starting from 2018, HKSAR Government will publish the success rates of persons with disabilities in applying for civil service posts as well as those of other candidates for comparison purpose. In addition, the Civil Service Bureau has launched an eight-week Internship Scheme for Students with Disabilities since 2016 with the aims of allowing young persons with disabilities to strengthen their competitiveness, through hands-on work experience, in seeking employment in the future, and enabling civil service colleagues to appreciate the talents and potential of persons with disabilities. In 2016 and 2017, an average of about 50 internship places were offered under the scheme each year. In 2018, HKSAR Government will increase the number of internship places to 100 each year to allow more young persons with disabilities to have internship

opportunities in HKSAR Government. We will also enhance the Scheme by arranging for interns to take up more diversified jobs.

(4) Barrier-free Access and Facilities

17. To speed up the process of improving the accessibility of HKSAR Government and Housing Authority premises and public connecting road facilities, HKSAR Government has, since 2011, taken forward a retrofitting programme to upgrade the barrier-free facilities for about 3 500 existing government premises and facilities as well as about 240 Housing Authority premises, involving a total expenditure of \$1.3 billion. The programme covers government venues with frequent public interface. The majority of the works were completed before 30 June 2014, and the remaining small portion of them relating to the lift modernisation programme for public housing estates under the Housing Authority were completed in 2016-17. The progress report on these works were submitted to the Panel on Welfare Services of the Legislative Council and uploaded to LWB website. Having regard to the views and suggestions of stakeholders, HKSAR Government continues to carry out improvement works for barrier-free access and facilities in existing government buildings, and upgrade such access and facilities to the latest design standards. Lifts will also be installed in Housing Authority estates to provide easy access for persons with disabilities, elderly persons and those in need in the estates.

18. HKSAR Government has all along attached great importance to the promotion of barrier-free access and facilities. Regarding barrier-free design standards, the Technical Committee on the Design Manual under the Buildings Department (BD) is responsible for reviewing the Design Manual - Barrier Free Access 2008 (Design Manual). It also collects and listens to views and suggestions of the building sector, the rehabilitation sector and relevant stakeholders in respect of the practical experience in the use of the Design Manual, advancement in building designs, technologies and construction methods, and the latest relevant overseas regulatory controls and standards. So far, the Technical Committee had discussed over 50 proposals for refining the Design Manual. In April 2017, the BD amended the Design Manual based on 20 or so of the proposals and made announcement accordingly, including matters of utmost concern to organisations for persons with disabilities: (a) substantially increasing the number of wheelchair spaces in auditoriums - for an auditorium with 1 200 seats, it was recommended that the number of fixed wheelchair spaces be increased from the current six to a minimum of 12 and that sufficient number of removable seats be installed to provide enough space for accommodating 24 wheelchairs (i.e. providing a total of 36 wheelchair

spaces); (b) maintaining a proper clearance between tactile guide paths and walls/obstructions to provide facilitation for persons with visual impairment; and (c) adding newly-recommended design requirements for accessible toilets, including those on installing power-operated doors and enhancing the luminous contrast between door frames and adjoining walls. The BD will continue to review the Design Manual through the Technical Committee.

(5) Barrier-free Transport

19. HKSAR Government collaborates with public transport operators to continuously improve their service facilities and implement a barrier-free transport system where feasible; and provides Rehabus service for persons with disabilities who have difficulties in using public transport services.

20. For the improvement of service facilities and the implementation of a barrier-free transport system, franchised bus companies have installed bus stop announcement system inside the cabins of their whole fleet and provided wheelchair-accessible low-floor buses. All Mass Transit Railway (MTR) stations have been installed with at least one barrier-free access facility, such as lifts connecting the concourse and the street level, ramps, stair lifts or wheelchair aids. Operators of green minibus (GMB) routes have installed call bells inside the cabins so that passengers can inform the drivers of their intention to alight. Moreover, HKSAR Government encourages the trade to designate priority seats for persons in need as well as provide braille registration number plates, non-slip floor and additional handrails, etc. inside the minibus cabins. We also encourage the taxi trade to use wheelchair-accessible models. On the enhancement of public transport infrastructure and facilities, HKSAR Government has retrofitted public transport interchanges, bus termini and public light bus termini, as well as public piers and landings with barrier-free facilities such as tactile guide paths, tactile warning strips, dropped kerbs and road signs to facilitate the use of public transport by persons with disabilities.

21. Regarding the Rehabus service, during the past ten years, HKSAR Government has been allocating funding to the Rehabus operator for procuring 69 additional Rehabuses, thereby increasing the fleet size to 164 vehicles (an increase of 73%). The number of passenger trips served by Rehabuses was over 900 000 in 2017. In 2018-19, HKSAR Government will allocate funding to the Hong Kong Society for Rehabilitation for procuring 12 new Rehabuses, thereby further increasing the fleet size to 176 vehicles. HKSAR Government has been asking the Rehabus operator to accord priority to addressing the special transport needs of persons with disabilities for attending medical appointments, work, school and regular

rehabilitation training. We have also been closely monitoring the change in demand for the Rehabus service and additional resources have been allocated to the operator to increase hospital feeder service routes and introduce dedicated travel routes during non-peak hours or holidays.

22. HKSAR Government has launched the Government Public Transport Fare Concession Scheme for the Elderly and Eligible Persons with Disabilities on MTR, franchised buses, ferries and GMBs in phases since June 2012. The Scheme enables the elderly and eligible persons with disabilities⁴ to enjoy a concessionary fare of \$2 per trip to travel on the general MTR lines, franchised buses, ferries and GMBs. During the half year between August 2017 and January 2018, the average daily passenger trips made on MTR, franchised buses, ferries and GMBs under the Scheme were nearly 1.26 million, with about 12% (around 160 000 passenger trips) made by eligible persons with disabilities. The amount of reimbursement made by HKSAR Government to the public transport operators in 2018-19 for the implementation of the Scheme is estimated to be about \$1.3 billion.

(6) Accessible Information

23. Since 1999, HKSAR Government has developed guidelines and best practices for web accessibility and published the Guidelines on Dissemination of Information through Government Websites for all bureaux and departments. With effect from 1 January 2013, all government websites are required to meet the more stringent requirements under Level AA standard of the Web Content Accessibility Guidelines Version 2.0 promulgated by the World Wide Web Consortium. For instance, websites should be compatible with screen readers and use colours that are visible to persons with colour blindness, so as to facilitate the access of persons with visual impairments to information provided on webpages. All audio contents on websites should have text transcripts or subtitles should be added to video contents to ensure that persons with hearing impairment can obtain such information. Apart from the guidelines, the Office of the Government Chief Information Officer has also produced practical guides as supplementary information for reference by website developers and administrators. At present, all government websites have met the relevant standards.

24. The LWB has included sign language courses in the language domain

⁴ Eligible persons with disabilities are persons aged below 65 with 100 % disabilities receiving Comprehensive Social Security Assistance and recipients of Disability Allowance in the same age group.

of the Continuing Education Fund (CEF). Course providers may apply for registration of their sign language courses as CEF courses. There are currently a total of five registered sign language courses. With the assistance of the LWB, the HKJCPD and the HKCSS compiled a List of Sign Language Interpreters in Hong Kong in June 2016, on which information of more than 60 experienced sign language interpreters is set out. Besides, the LWB has, in collaboration with the RAC and the Radio Television Hong Kong, produced a series of TV programmes to promote the use of sign language in the community and facilitate the access of persons with hearing impairment to information on current affairs through the provision of sign language interpretation.

(7) Participation in Arts and Sports

Sports Development

25. To promote sports development for persons with disabilities, HKSAR Government provided a one-off grant of \$50 million in 2001 to set up the Hong Kong Paralympians Fund, and injected \$200 million in 2013-14 as the seed money for the continuous operation of the Fund. Managed by the SWD, the Fund disburses grants to sports organisations every year so that they can develop target sports as well as provide subsistence grant to athletes with disabilities and employment facilitating grant for retired athletes with disabilities, with a view to rendering support to athletes with disabilities during all stages of their sporting career. Moreover, HKSAR Government provides funding under the Arts and Sport Development Fund to support athletes with disabilities in preparing for and participation in major international or national multi-sport events, and to organise large-scale international sports events in Hong Kong, with the aim of promoting sports development for persons with disabilities. In 2015, the HAB commissioned a consultancy study on how to support athletes with disabilities and promote sports participation by people with disabilities. Following the completion of the consultancy study in 2016, the HAB has developed a detailed work plan in collaboration with stakeholders having regard to the recommendations in the consultancy report and views collected from public consultation. Relevant measures were introduced progressively in 2017, including the implementation of a Pilot Scheme for Elite Vote Support System for disability sports with the support of the Hong Kong Sports Institute to increase the financial support for high-level elite athletes with disabilities and elite sports; the introduction of a pilot scheme on advance booking services by the LCSD, under which relevant organisations can enjoy priority in booking non-peak-hour sessions at specified LCSD sports venues for organising sports activities for people with

disabilities; and the development of a dedicated webpage on LCSD website to provide a one-stop information platform on recreation and sports programmes for persons with disabilities.

26. In addition, the LCSD organises community recreation and sports programmes in various districts throughout the territory for people of all ages and different levels of ability. These programmes are open to the public (including persons with disabilities), and persons with disabilities may choose to enrol in those programmes that they consider suitable based on their interest, level of ability and the programme requirements. In recent years, the LCSD has included some activities in the Hong Kong Games and “Sport For All Day” for participation by persons with disabilities, such as Wheelchair Basketball Challenge, Swimming Invitation Competition for People with Intellectual Disabilities and disability sports demonstration. All LCSD leisure venues built after 2008 are in compliance with the requirements of the Design Manual - Barrier Free Access 2008. As for leisure venues built before 2008, the LCSD has arranged improvement works in the form of renovation or alterations insofar as the geographical environment, architectural conditions and technologies permit. In order to cater for the needs of people with different types of disability, the LCSD has provided suitable ancillary facilities and equipment for use by persons with disabilities in general recreation and sports activities at its leisure venues. For instance, pool lifts designed to facilitate the access of persons with disabilities to swimming pools and swimming aids specifically for use by those in swimming training are provided at some public swimming pools. Ramps are provided at bowling greens to facilitate the access of wheelchair users. Fitness equipment suitable for shared use by persons with disabilities is also provided in some sports centres.

Arts Development

27. On the promotion of culture and arts, HKSAR Government encourages all members of the public (including persons with disabilities) to participate in these activities. The Leisure and Cultural Services Department (LCSD) provides special facilities and services at its cultural venues to suit the needs of persons with disabilities. Individual museums also offer guided tours with sign language interpretation service subject to advanced reservation. Besides, the LCSD collaborates with arts organisations to conduct cultural programmes involving the participation of artists with disabilities, and provides drama training for students with SEN. The LCSD and some major performing arts groups will also provide arts accessibility services, including accessible captions, theatrical interpretation, Cantonese audio description and sign language interpretation for designated

sessions of some selected programmes for the enjoyment of audience with disabilities.

28. To further promote arts development for persons with disabilities, the SWD plans to set up the Arts Development Fund for Persons with Disabilities. A provision of \$250 million has been earmarked as the capital of the Fund for investment purpose and the annual allocation ceiling will be set at no more than the projected investment return from the capital. The aim is to continuously subsidise arts projects and activities for persons with disabilities, and foster arts development for them.

(8) Community Support and Residential Care

29. HKSAR Government has been striving to increase the provision of rehabilitation service facilities. As at December 2017, the SWD is conducting 36 development projects to provide more rehabilitation service places. It is estimated that by 2025-26, there will be an addition of approximately 6 700 rehabilitation service places, including about 2 600 residential care service places, about 2 200 day training and vocational rehabilitation service places, and about 1 900 pre-school rehabilitation service places. Moreover, the SWD will provide more rehabilitation service facilities through the Special Scheme on Privately Owned Sites for Welfare Uses to relieve service demand pressure and shorten waiting time. If all proposed projects under the scheme are implemented, it is expected that approximately 8 000 new rehabilitation service places will be provided, including about 2 000 residential care service places, about 2 300 day training and vocational rehabilitation service places, and about 3 700 pre-school rehabilitation service places.

30. In 2018-19, HKSAR Government will set up the \$1 billion Innovation and Technology Fund for Application in Elderly and Rehabilitation Care (the Fund). The Fund can subsidise technology products, including those used to improve the quality of life of service users of elderly and rehabilitation service units as well as to reduce the burden and pressure on care staff or carers. The scope of application includes devices, equipment and tools that help enhance the effectiveness and quality of care, mobile applications, and high-end hardware and software (e.g. systems that can effectively and accurately record the activities, health conditions and medical records, etc. of elderly persons and persons with disabilities), etc. All NGOs and private organisations currently receiving subsidies from the SWD and providing subsidised residential care services for the elderly or persons with disabilities, community care and support services for the elderly, or day rehabilitation and community support services can make

applications. Eligible elderly and rehabilitation service units can apply for subsidy from the Fund to procure or rent technology products, or try out newly developed technology products. It is estimated that about 540 residential care homes for the elderly (RCHEs) and residential care homes for persons with disabilities (RCHDs), as well as over 720 service units providing subsidised community care and support services for the elderly/day rehabilitation and community support services for persons with disabilities, will benefit.

31. Moreover, the SWD plans to provide speech therapy teams to serve the needy service users of hostels for moderately mentally handicapped persons, hostels for severely mentally handicapped persons, hostels for severely physically handicapped persons with mental handicap, and care and attention homes for severely disabled persons, so as to assist ageing persons with intellectual disabilities in dealing with swallowing problem; provide about 420 additional places under the Extended Care Programme in day activity centres and about 305 additional places under the Work Extension Programme in sheltered workshops/integrated vocational rehabilitation services centres; and create health worker posts in 27 supported hostels to enhance the healthcare services provided therein.

Community Support

32. SWD is committed to providing support for carers of persons with disabilities. At the same time, community support and care services are rendered to persons with disabilities to help them remain living in the community.

33. There are currently 16 district support centres for persons with disabilities (DSCs) throughout the territory, providing district-based one-stop support for persons with disabilities, their families and carers. The DSCs facilitate the access of persons with disabilities to the services they need at the same centre within the district, thus helping them integrate into the community. In 2014-15, HKSAR Government allocated additional resources to provide two additional social workers in each of the DSCs for implementing the case management service approach, so as to enhance the support for persons with disabilities and provide them with more suitable services. In 2017-18, HKSAR Government increased the recurrent expenditure by \$12.1 million to provide 80 additional day care service places in the DSCs and extend the service to those persons with intellectual disabilities assessed as having early onset of ageing. The number of places of Day Care Service for Persons with Severe Disabilities in the DSCs has thus been increased to 160. Furthermore, HKSAR Government allocated

an additional provision of \$6.2 million to increase the number of social workers in the DSCs for providing outreach services.

34. The Home Care Service for Persons with Severe Disabilities (HCS) was regularised in March 2014. A package of integrated home-based services is provided for persons with severe disabilities living in the community through the HCS. The aim is to enable persons with severe disabilities to continue to live in the community and relieve the pressure of their families and carers. Services provided include personal care, escort service, occupational therapy/physiotherapy rehabilitation training and carer support service. As at the end of September 2017, there were a total of over 3 700 HCS cases.

35. In November 2014, the SWD launched the Integrated Support Service for Persons with Severe Physical Disabilities (ISS). It renders support to persons with severe physical disabilities who need constant attention and care and relieve them as well as their families and carers of the financial burden of medical equipment and consumables, thereby enabling them to continue to live in their familiar community. The ISS, implemented through the case management approach, provides one-stop support services, including casework counselling, occupational therapy/physiotherapy, nursing care service, financial support service and carer support service. There are currently two ISS teams in the territory. As at the end of September 2017, there were a total of over 1 000 ISS cases.

36. Regarding the support for persons with hearing/visual impairment, the SWD allocates funding to two multi-service centres for hearing impaired persons to provide a full range of social rehabilitation services for persons with hearing impairment. In 2014-15, HKSAR Government allocated additional resources to these centres for hiring sign language interpreters. In 2018-19, HKSAR Government will provide additional resources to increase the number of social workers in these centres, with a view to strengthening the professional support for children of persons with hearing impairment. At the same time, the SWD provides funding support to two rehabilitation and training centres for visually impaired persons to organise comprehensive rehabilitation training programmes for persons with visual impairment aged 16 and above, particularly for the newly blind. In 2018-19, HKSAR Government will allocate additional resources to these centres for increasing the number of social workers and supporting staff to serve more persons with visual impairment with training needs and offer more timely support to them.

Carer Support

37. There are currently a total of six parents/relatives resource centres subvented by the SWD in the territory, providing community support for parents and relatives/carers of persons with disabilities/ex-mentally ill persons. With assistance from staff of the centres, these parents and relatives/carers can learn how to take care of family members/persons with disabilities or development issues, exchange experience and seek mutual support. The service provided can help parents and family members/relatives/carers accept family members/persons with disabilities or development issues. It can also strengthen the family functioning and help parents and relatives/carers cope with the difficulties and pressure in taking care of family members/persons with disabilities or development issues. In October 2015, the SWD allocated an additional annual provision of \$3.2 million to increase the number of social workers in these six centres, thereby enhancing the support for parents and relatives/carers of persons with disabilities and ex-mentally ill persons and providing more appropriate services for them. In addition, the SWD established the Professional Support Team to Parents/Relatives Resource Centre (PST) in September 2015. Through liaising with parents/relatives resource centres, social workers and professional therapists of the PST organise customised support groups, workshops and talks for parents. Telephone enquiry service for parents and carers is also provided to give them timely and appropriate support. To cope with the rising service demand, HKSAR Government will increase the annual recurrent expenditure by about \$40 million in 2018-19 to progressively set up 13 new parents/relatives resource centres, thus raising the number of these centres to 19.

38. To foster the spirit of self-help and mutual assistance among persons with disabilities and their families/carers, the SWD has also implemented the Financial Support Scheme for Self-help Organisations for Persons with Disabilities/Chronic Illnesses since 2001 to provide funding for self-help organisations for persons with disabilities/chronic illnesses. At present, the amount of annual funding allocated to the Scheme is about \$15 million. HKSAR Government plans to increase the annual funding by about \$6 million from 2018-19 onwards to provide additional financial support for self-help organisations.

39. In October 2016, HKSAR Government launched the two-year Pilot Scheme on Living Allowance for Low-income Carers of Persons with Disabilities through the CCF. The Scheme aims to provide eligible carers of persons with disabilities each with a monthly living allowance of \$2,000 to supplement their living expenses, so that persons with disabilities in need of long-term care may, with their carers' assistance, receive proper care and

remain living in the community.

Residential Care

40. To address the residential care needs of persons with disabilities, the SWD will continue to adopt the following measures:

- (a) regulating all RCHDs so as to ensure their service quality on the one hand and to help the market develop residential care homes of different types and operational modes on the other, thereby meeting the needs of persons with disabilities and providing more service options;
- (b) supporting NGOs to develop self-financing homes; and
- (c) continuing to increase the number of subsidised RCHD places.

41. HKSAR Government introduced the Licensing Scheme for Residential Care Homes for Persons with Disabilities in November 2011. The Bought Place Scheme for Private Residential Care Homes for Persons with Disabilities was also launched to encourage private RCHDs to upgrade their service standards and increase the supply of subsidised residential care places. As at the end of December 2017, 600 places were bought by the SWD from ten private RCHDs. In 2018-19, the SWD will increase the number of bought places to 1 100 to benefit more persons with disabilities.

42. The SWD will implement a series of measures to continue to strengthen the regulation of the RCHDs and enhance their service quality. These measures include:

- (a) reviewing the Residential Care Homes (Persons with Disabilities) Ordinance and relevant codes of practice;
- (b) launching a five-year scheme to provide full subsidies for home managers, health workers and care workers of all RCHDs in the territory to enrol in Qualifications Framework-based training courses;
- (c) launching a four-year pilot scheme by setting up district-based professional teams comprising social workers, physiotherapists and occupational therapists to provide outreach services for residents of private RCHDs to meet their social and rehabilitation needs;
- (d) conducting a consultancy study to review the existing licensing and

regulatory regimes for the RCHDs and RCHEs, including exploring the feasibility of formulating performance indicators for quality assurance; and

- (e) providing visiting medical practitioner services for residents of all RCHDs in the territory so as to take proactive measures against seasonal influenza and other episodic illnesses, and improve their general health and reduce their reliance on the public healthcare system.

(9) Medical Rehabilitation

43. HKSAR Government provides public healthcare services for the whole community. All citizens, with or without disabilities, have equal opportunities to use these services.

Family Health Service

44. Through 31 maternal and child health centres (MCHCs) and three woman health centres in the territory, the Family Health Service under the Department of Health (DH) offers comprehensive health promotion and disease prevention services for children from birth to five years old and women aged 64 or below for the prevention of diseases and disabilities. These services include enhancing public understanding of health education as well as providing screening and vaccination services for infants/young children and women.

45. In addition, the MCHCs provide suitable guidance for parents and caregivers of children from birth to five years old, as well as hearing and vision screening services for newborns and pre-school children respectively. Healthcare professionals also carry out systematic observations in partnership with parents to monitor the health and development of children. A referral and reply system has been established between the MCHCs and all pre-primary institutions in Hong Kong to enable pre-primary teachers to identify and refer children with physical, developmental or behavioural problems to the MCHCs at an early stage for preliminary assessment. Children with suspected physical or developmental abnormalities are referred to specialist clinics of the Hospital Authority (HA) or the Child Assessment Service (CAS) of the DH for further treatment and follow-up.

Student Health Service

46. The DH's Student Health Service provides comprehensive health

promotion and disease prevention services for students through 12 student health service centres. Students from primary schools, secondary schools and special schools in the territory may register for the service on a voluntary basis and receive a free annual health assessment designed to cater for their health needs at different stages of development. Students in need are referred to specialists, school guidance staff, school social workers or other social welfare organisations for detailed assessment, treatment and follow-up.

Elderly Health Service

47. The DH has set up 18 elderly health centres and 18 visiting health teams to enhance primary healthcare services for the elderly, improve their self-care ability, encourage healthy living and strengthen family support to minimise illness and disability of elderly persons. The elderly health centres provide comprehensive primary healthcare services for persons aged 65 or above, including health assessments, physical check-ups, counselling, treatments and health education. The 18 visiting health teams outreach into the community and the RCHEs to conduct health education for the elderly and provide training for carers to enhance their knowledge and skills in disability prevention and elderly care.

Inpatient, Ambulatory and Community Support Services

48. The HA provides a range of treatment and rehabilitation services for patients (including persons with disabilities). Healthcare staff arranges for patients to receive the services in suitable settings depending on their clinical conditions and treatment needs.

49. In general, after a patient is admitted to a hospital, healthcare staff will first deal with his/her acute clinical needs. When his/her conditions begin to stabilise, healthcare staff will arrange for him/her to rehabilitate in an appropriate environment. For patients who need to stay in hospitals for observation and treatment, healthcare staff will provide extended care for them. Patients with suitable clinical conditions will be discharged, and if necessary, provided with ambulatory or community rehabilitation services, including follow-up consultation at outpatients departments or outreach services. Before the discharge of patients, healthcare staff will make pre-discharge preparation by deploying physiotherapists and occupational therapists to assess the home environment of the patients to ensure that the environment can facilitate their rehabilitation and daily activities.

50. Besides, the HA provides specialty-led rehabilitation programmes

(such as pulmonary, orthopaedic, geriatric and cardiac rehabilitation programmes) in its extended care hospitals, ambulatory care or outpatient departments to take care of the needs of particular types of patients. It also works closely with the community rehabilitation day centres of the SWD and the rehabilitation organisations of the social welfare sector to ensure that patients in the community receive appropriate care.

Mental Health Services

51. The multi-disciplinary psychiatric teams of the HA, comprising doctors, nurses, clinical psychologists, occupational therapists, medical social workers and peer supporters, have been providing holistic and continuous healthcare services for patients with varying degrees of mental health problems. Healthcare staff will provide suitable in-patient, out-patient, daytime rehabilitative training and community support services for patients having regard to the severity of their conditions and their needs. The HA will also refer the needy patients and their families to the appropriate community service organisations for follow-up.

52. The psychiatric service of the HA provided services for over 240 000 patients with mental health needs in 2017-18. Among them, about 15 000 patients with severe mental illnesses received intensive, continuous and personalised support from the HA under its Case Management Programme. In the 2017 Policy Address, the Chief Executive announced that the case manager to patient ratio under the Programme would be enhanced. The HA will hire additional case managers progressively after 2018-19 with a view to lowering the case manager to patient ratio from 1:50 to 1:40.

Providing Dental Services for Children with Special Needs and Persons with Intellectual Disabilities

53. Students with intellectual disabilities and/or physical disabilities (such as cerebral palsy) studying in special schools may join the School Dental Care Service (SDCS) of the DH to receive annual check-ups (covering oral examination as well as basic and preventive dental treatment) at a designated school dental clinic until they reach the age of 18. If necessary, the SDCS will refer these students to the oral maxillofacial surgery and dental units in the seven public hospitals under the HA for further dental treatment under sedation or general anaesthesia.

54. HKSAR Government is concerned about the dental care needs of persons with intellectual disabilities. Funding was provided for organisations to implement the Pilot Project on Dental Service for Patients

with Intellectual Disability (also known as “Loving Smiles Service”) in August 2013. Under the Pilot Project, persons with intellectual disabilities aged 18 or above may receive such subsidised services as oral check-up, dental treatment and oral health education in the participating dental clinics. As at the end of December 2017, about 2 850 eligible adults with intellectual disabilities were provided with the necessary dental services under the Pilot Project. The Pilot Project will end in mid-2018.

55. In mid-2018, HKSAR Government will provide about \$54 million to launch a new three-year project to encourage more NGOs to provide free oral check-up, dental treatment and oral health education for eligible adults with intellectual disabilities. It is estimated that about 5 000 quotas will be available for eligible persons. To dovetail with the commencement of the new project, HKSAR Government has increased the funding for the Prince Philip Dental Hospital to provide special care training for participating dentists and dental surgery assistants before the new project is launched.

Assessment Services for Children with Special Needs

56. The CAS of the DH provides comprehensive assessment and diagnosis, and formulates rehabilitation plan for children who are under 12 years of age and suspected to have developmental problems; provides these children and their families with interim support and reviews evaluation; and conducts public health education activities. After assessment, follow-up plans will be formulated according to the needs of individual children, who will be referred to other appropriate service providers for training and education support. While the children are awaiting rehabilitation services, the CAS will provide interim support for their parents, such as organising seminars, workshops and practical training, with a view to enhancing the parents’ understanding of their children’s conditions and giving them information on community resources, so that they can provide home-based training effectively to help the development and growth of their children.

57. In 2016-17, HKSAR Government provided additional provision for setting up a temporary child assessment centre in Ngau Tau Kok, which came into operation in January 2018. The DH is now preparing for the establishment of a new child assessment centre to strengthen the assessment service.

Providing Support for Children with Uncommon Disorders

58. Currently, there is no common definition of rare diseases/uncommon disorders available worldwide. The HA strives to ensure appropriate

treatment for all patients, including those with uncommon disorders. Apart from drug treatment, the HA provides multi-disciplinary care and other conventional treatments for patients with uncommon disorders where appropriate, including rehabilitative care, pain alleviation, surgical treatment and bone marrow transplant.

59. Upon commissioning of the Hong Kong Children's Hospital (HKCH) in phases starting from the fourth quarter of 2018, the HA's paediatric services will be reorganised and will operate under a brand-new hub-and-spoke model. The HKCH will serve as a tertiary referral centre for centrally handling serious, complex and uncommon paediatric cases requiring multi-disciplinary management, and providing diagnosis, treatment and rehabilitation services for needy patients from birth to 18 years old territory-wide. It will also pool expertise to strengthen research and training regarding paediatric and genetic diseases. As for uncommon and genetic diseases, not only will the HKCH pool advanced equipment, experts in metabolism and relevant support, the Clinical Genetic Service of the DH will also move into the HKCH in 2019. In the future, laboratory tests, diagnosis and family counselling in respect of relevant diseases will be centrally conducted at the HKCH.

(10) Community Mental Health Services

60. In October 2010, the SWD set up integrated community centres for mental wellness (ICCMWs) in all districts across the territory, providing one-stop and district-based community mental health support services for ex-mentally ill persons, persons with suspected mental health problems, their families and carers, and residents living in the serving districts. HKSAR Government has continuously allocated additional resources to the ICCMWs to strengthen manpower and supervisory support, with a view to providing more intensive support for ex-mentally ill persons and their families/carers.

61. In 2017-18, HKSAR Government allocated an additional annual recurrent expenditure of about \$32 million to further increase the manpower of social workers and supporting staff in the ICCMWs (including 24 social workers and 72 welfare workers) so as to provide more intensive support for ICCMW members and help them re-integrate into society. In 2017-18, our revised estimated expenditure for the ICCMWs was about \$327 million, which was 2.4 times higher than that upon service commencement in October 2010. In 2018-19, HKSAR Government will further allocate more resources for the ICCMWs to create clinical psychologist posts to step up professional support for ex-mentally ill persons and persons with suspected mental health problems; increase the number of social workers to strengthen

support for children of these persons; and step up community education for early prevention of mental illnesses through deploying mobile publicity vans.

62. In March 2016, the SWD also implemented the two-year Pilot Project on Peer Support Service in Community Psychiatric Service Units under the Lotteries Fund. The Pilot Project aims at training suitable ex-mentally ill persons to serve as peer supporters with a view to speeding up their own recovery and helping other ex-mentally ill persons in need; providing support for other persons recovering from mental illnesses by peer supporters; and enhancing public acceptance of ex-mentally ill persons. In the light of the positive response for the Pilot Project, HKSAR Government regularised the peer support service in March 2018.

(11) Support Services for Persons with Special Needs

Strengthening Support for Persons with Autism

63. In April 2016, the SWD launched the “Pilot Project on Strengthening the Support for Persons with Autism and Their Parents/Carers” for a period of 30 months with a funding from the Lotteries Fund. The Pilot Project aims to enhance and develop the capabilities of young persons with high-functioning autism so that they can cope with various challenges during their transition into adulthood; offer support services to families/carers of persons with autism; and provide professional support and training for subvented rehabilitation service units serving persons with autism. In the light of the positive outcomes of the Pilot Project, HKSAR Government will regularise the service upon completion of the Pilot Project in the fourth quarter of 2018.

Setting up of Special Needs Trust

64. Some parents are worried about the care for their children with special needs after they have passed away. These parents may possess some wealth which is sufficient enough to meet the long-term living needs of their children and they prefer managing their wealth under a trust. However, the high service cost of a commercially-run private trust is not affordable to most parents. The LWB formed a working group in June 2016 to explore the feasibility of setting up a “special needs trust” by HKSAR Government. In 2017, HKSAR Government announced its decision to take the lead in setting up a “special needs trust”, with the Director of Social Welfare as the trustee, to provide reliable and affordable trust services for managing the assets of deceased parents. Regular disbursement will be made to the

carers of their children, who may be individuals or organisations, in accordance with the parents' wishes. This is to ensure that their assets will be used to meet the long-term living needs of their children. HKSAR Government plans to introduce the service at the end of 2018.

(12) Review of Legislation

Disability Discrimination Ordinance

65. The Equal Opportunities Commission (EOC) is tasked with implementing the four anti-discrimination ordinances (i.e. Sex Discrimination Ordinance (Cap. 480), Disability Discrimination Ordinance (Cap. 487), Family Status Discrimination Ordinance (Cap. 527) and Race Discrimination Ordinance (Cap. 602)). One of the EOC's functions is to keep under review the working of the four ordinances and, either when required by the Chief Executive (CE) or as the EOC thinks it necessary, draw up and submit to the CE proposals for amending the ordinances. In performance of this statutory function, in March 2013, the EOC launched the Discrimination Law Review (DLR) to review comprehensively all four anti-discrimination ordinances. As part of the DLR, the EOC conducted a public consultation exercise from July to October 2014, and received over 125 000 written submissions (288 responses from organisations and 124 753 responses from individuals). The EOC made its submissions to the HKSAR Government on the DLR in March 2016. The submissions contained 73 recommendations, including 27 which were considered by the EOC to be of higher priority. In March 2017, HKSAR Government consulted the Legislative Council Panel on Constitutional Affairs on those recommendations that were considered to be capable of driving consensus among stakeholders and society. With the support of the Panel, HKSAR Government will implement nine recommendations of higher priority, five of which involve the Disability Discrimination Ordinance, covering protection from disability harassment to persons in a common workplace; protection from disability harassment of service providers by service users; and protection from disability harassment by management of clubs of members or prospective members. HKSAR Government aims at submitting the legislative amendment proposals in the form of a composite bill to the Legislative Council in 2018.

A new Continuing Powers of Attorney Ordinance

66. According to the existing Enduring Powers of Attorney Ordinance (Cap. 501), an enduring power of attorney (EPA) is a legal instrument which allows its donor, while he or she is still mentally capable, to appoint

attorney(s) to take care of the donor's property and financial affairs in the event that he or she subsequently becomes mentally incapacitated. The Law Reform Commission of Hong Kong (LRC) published the Report on “Enduring Powers of Attorney: Personal Care”, which recommended extension of the scope of an EPA to cover not only decisions on a donor's property and financial affairs, but also decisions on a donor's personal care.

67. The Department of Justice (DoJ) has established an inter-departmental working group (IWG) to study the LRC Report. The IWG includes members from the Labour and Welfare Bureau, the Food and Health Bureau and the Social Welfare Department. After careful consideration of the views and recommendations of the LRC and those provided by members of the IWG, it is proposed that a new Continuing Powers of Attorney Ordinance be enacted to implement the recommendations of the LRC.

68. On 28 December 2017, the DoJ launched a public consultation to seek views on the proposal to enact the Continuing Powers of Attorney Ordinance. The public consultation ended on 28 April 2018. The DoJ will refine the legislative proposal, taking into account the comments received during the consultation period, with a view that the Bill be introduced into the Legislative Council as soon as possible.