

**Second and Third Report  
of the Hong Kong Special  
Administrative Region of the  
People's Republic of China under  
the United Nations Convention on  
the Rights of Persons with  
Disabilities**

## List of abbreviations

API	Announcement in the Public Interest
ATMs	Automated Teller Machines
B/Ds	Bureaux/Departments
Basic Law	The Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China
BD	Buildings Department
BOR	Hong Kong Bill of Rights
C&SD	Census and Statistics Department
CAC	Child Assessment Centre
CCF	Community Care Fund
CRPD	Committee on the Rights of Persons with Disabilities
CSB	Civil Service Bureau
CSSA	Comprehensive Social Security Assistance
DA	Disability Allowance
DDO	Disability Discrimination Ordinance
DH	Department of Health
DM	Design Manual - Barrier Free Access 2008
DoJ	Department of Justice
DSC	District Support Centre for Persons with Disabilities
EDB	Education Bureau
EOC	Equal Opportunities Commission
ESCAP	United Nations Economic and Social Commission for Asia and the Pacific
FHB	Food and Health Bureau
HA	Hospital Authority
HDP	Hospital Development Plan
HKBORO	Hong Kong Bill of Rights Ordinance
HKCH	Hong Kong Children's Hospital
HKSAR	Hong Kong Special Administrative Region
ICCMW	Integrated Community Centre for Mental Wellness
ICF	International Classification of Functioning, Disability and Health
IE	Integrated education
IEP	Individual Education Plan
ISD	Information Services Department
KG	Kindergarten
LCSD	Leisure and Cultural Services Department
LegCo	Legislative Council
LSG	Learning and Support Grant
LWB	Labour and Welfare Bureau

MHO	Mental Health Ordinance
MIP	Mentally incapacitated person
NGO	Non-governmental organisation
OGCIO	Office of the Government Chief Information Officer
RAC	Rehabilitation Advisory Committee
RCHD	Residential Care Home for Persons with Disabilities
REO	Registration and Electoral Office
RPP	Hong Kong Rehabilitation Programme Plan
SDO	Sex Discrimination Ordinance
SEN	Special Educational Needs
SENCO	Special Educational Needs Coordinator
SWD	Social Welfare Department
The Convention	United Nations Convention on the Rights of Persons with Disabilities
The Police	Hong Kong Police Force
UA	Universal Accessibility
UGC	University Grants Committee
UN	United Nations
VHIS	Voluntary Health Insurance Scheme
WAT	Wheelchair-Accessible Taxi
WoC	Women's Commission
WSA	Whole School Approach

## **Preamble**

1. This is the second and third report of the Hong Kong Special Administrative Region (HKSAR) of the People's Republic of China on measures taken to give effect to our obligations under the United Nations Convention on the Rights of Persons with Disabilities (the Convention). It forms part of the combined second and third report of the People's Republic of China under the Convention.

2. The HKSAR Government conducted a number of consultation sessions to collect views from organizations of persons with disabilities, their carers and other relevant stakeholders in 2018. Key issues raised by commentators during the consultation exercise and the Concluding Observations of the United Nations Committee on the Rights of Persons with Disabilities (the CRPD) on the Initial Report<sup>1</sup>, together with our responses, have been incorporated in relevant sections of this Report.

## **Articles 1 to 4**

### **Purpose, Definitions, General Principles and General Obligations**

#### **Strategic Development Directions of the Rehabilitation Services in Hong Kong**

3. The HKSAR Government is fully committed to promoting, protecting and ensuring the full and equal enjoyment of human rights and fundamental freedoms by all persons with disabilities in accordance with law, and to promoting respect for their inherent dignity. The overall objective of our rehabilitation policy is to help persons with disabilities develop their capabilities and integrate into the community; and ensure that they can participate in full in social life and enjoy equal opportunities. We will continue to collaborate with persons with disabilities, carers, rehabilitation service providers, professionals in different sectors, in formulating and implementing policies and programmes for persons with disabilities having due regard to the core values of "diversity", "barrier-free" and "independent living" under the Convention.

4. The Hong Kong Rehabilitation Programme Plan (RPP) sets out the strategic directions as well as short, medium and long term measures to address the needs of persons with disabilities at different stages of their lives. The RPP covers not only medical services, welfare and rehabilitation services for persons with disabilities, but also various measures to promote their integration into the community like accessible environment and transport, equal participation in social life, etc. To keep the programme abreast with the times, the HKSAR Government has asked the Rehabilitation Advisory Committee (RAC)<sup>2</sup> to commence formulating a new RPP. In conducting the review, the RAC will abide by the spirit of the Convention and the objective of the rehabilitation policy and adhere to the following guiding principles:

- (a) Adopting a life span approach in examining the needs of persons with disabilities at different stages of their lives;
- (b) Promoting cross-sectoral collaboration in providing services to meet the diversified needs of persons with disabilities and to build a barrier-free society; and
- (c) Conducting in-depth review and extensive consultation for stakeholders, particularly persons with disabilities and their careers.

---

<sup>1</sup> As part of the Initial Report of the People's Republic of China, the HKSAR Government submitted the Initial Report under the Convention in 2010, which was considered by the CRPD in 2012.

<sup>2</sup> The RAC is the principal advisory body on matters relating to the well-being and rights of persons with disabilities in Hong Kong.

5. The RAC aims to submit a report on the new RPP to the HKSAR Government within two years.

### **Definition of “Disability”**

6. The HKSAR Government keeps the coverage of categories of disabilities under constant review. When the last RPP review was completed in 2007, two new categories of disabilities were added,<sup>3</sup> making a total of ten categories. We shall examine the coverage of disabilities in the review underway. The HKSAR Government notes the CRPD’s previous concern about the apparent lack of unity in the definitions of disability adopted in different pieces of legislation. Government Bureaux and Departments (B/Ds) generally make reference to the definitions under the RPP in formulating policies and services relating to persons with disabilities. Given that service needs vary among persons with different categories and severity of disabilities, it is necessary for various B/Ds to make appropriate adjustments and adopt specific assessment tools for suitable demarcation of target service users in order to provide appropriate support for persons with disabilities under their respective programmes.

7. The HKSAR Government also notes the CRPD’s previous remark that the eligibility criteria for the Disability Allowance (DA) appears to be outdated. The non-contributory and non-means-tested DA is a cash allowance to assist the HKSAR residents with severe disability in meeting their needs. We set up a dedicated inter-departmental working group to review the eligibility criteria for DA. The working group concluded its work in 2015 and put forth a number of recommendations, which included adjusting the assessment arrangements for the DA and improving the specified form used by medical doctors to enhance consistency and objectiveness of assessment.

8. There have been calls for a wider application of the World Health Organisation’s International Classification of Functioning, Disability and Health (ICF) in Hong Kong. We have been closely monitoring the experience of the nearby regions in applying ICF in disability assessment mechanisms, with a view to exploring the readiness of the HKSAR.

### **General Principles in Implementing the Convention**

9. As reported in paragraphs 3.1–3.4 of the Initial Report, the HKSAR Government acknowledges the principles set out in Article 3 in implementing the Convention. The Basic Law of the HKSAR of the People’s Republic of China and the Hong Kong Bill of Rights Ordinance (HKBORO) safeguard human rights in the HKSAR.

### **General Obligations**

10. The HKSAR Government continues to allocate the necessary resources for providing persons with disabilities with a full range of rehabilitation services according to their needs and enhance these services having regard to changing demands. Education, social welfare and healthcare are the top three policy areas of the HKSAR Government’s recurrent expenditure. Together they account for about 60% of the recurrent expenditure, exceeding HK\$230 billion in total in the fiscal year 2018/19. In particular, the recurrent expenditure of services for persons with disabilities has increased from HK\$16.7 billion in the fiscal year 2007/08 to HK\$34.4 billion in the fiscal year 2018/19, representing an increase of 106%.

---

<sup>3</sup> The ten categories are autism, hearing impairment, intellectual disability, physical disability, mental illness, speech impairment, visceral disability, visual impairment, attention deficit/ hyperactivity disorder and specific learning difficulties.

## **Article 5**

### **Equality and non-discrimination**

11. As reported in paragraphs 3.2–3.4 and 5.2–5.4 of the Initial Report, the Basic Law and the HKBORO protect the fundamental rights of all persons, including persons with disabilities. Details of the protection are elaborated in paragraphs 38–60 of the HKSAR Common Core Document. Four anti-discrimination ordinances,<sup>4</sup> the Buildings Ordinance, the Mental Health Ordinance (MHO), the Crimes Ordinance (CO) and the Criminal Procedure Ordinance protect persons with disabilities from discrimination.

12. The HKSAR Government notes the CRPD’s previous remarks on the role of the Equal Opportunities Commission (EOC). The EOC has been playing a proactive role in promoting equal opportunities for persons with disabilities in recent years. The EOC launched a review of the four anti-discrimination ordinances and conducted a public consultation exercise in 2014. Over 125 000 written submissions were received. The EOC proposed to the HKSAR Government in March 2016 a total of 73 recommendations, including 27 recommendations which were considered by the EOC to be of higher priority. We will take forward eight recommendations that were considered to be capable of reaching consensus among stakeholders in society under the first phase and aim to submit relevant legislative proposal to the Legislative Council (LegCo) in 2018–19 legislative year.

13. In addition, the EOC has since 2010 issued guidelines/made submissions on a wide range of issues to promote equal opportunities for persons with disabilities, including:

- (a) Publishing a report on accessibility of government facilities and buildings, leading to a major retrofitting programme to upgrade the barrier-free facilities for government premises as mentioned in paragraph 31 of this Report;
- (b) Issuing guidelines on law enforcement officers communicating with persons with Autism Spectrum Disorders and sexual offences involving children and persons with mental impairment;
- (c) Providing a platform for universities to share their best practices on providing support for students with disabilities or special educational needs (SEN);
- (d) Promoting the mainstreaming of the disability dimension in supporting sports participation; and
- (e) Making recommendations on ways to enhance the wheelchair accessible taxi service.

## **Article 6**

### **Women with disabilities**

14. The Basic Law and the HKBORO protect the right to equality and non-discrimination of all Hong Kong people, including women with disabilities. The Convention on the Elimination of All Forms of Discrimination against Women also applies to the HKSAR.

15. The Sex Discrimination Ordinance (SDO) provides statutory protection against discrimination on the grounds of sex, marital status and pregnancy. In 2014, the HKSAR Government extended the protection and territorial scope of the SDO to render unlawful any sexual harassment by customers against service providers. The prohibition was also expanded to cover harassment which occurs on a Hong Kong registered ship or aircraft even if it is outside the territory. The amendment affords protection to a large number of service providers in Hong Kong including over 45 000 nurses, 12 000 flight attendants, 230 000 food and beverage workers and 260 000 retail workers.

16. As reported in paragraphs 6.5–6.7 of the Initial Report, the Women’s Commission (WoC) promotes the interest and well-being of women (including women with disabilities) through provision of an enabling environment, empowerment of women through capacity

---

<sup>4</sup> These are the Sex Discrimination Ordinance, the Disability Discrimination Ordinance, the Family Status Discrimination Ordinance and the Race Discrimination Ordinance.

building and public education. The HKSAR Government notes the CRPD's previous suggestion that a representative of women with disabilities should be included in the WoC. All non-official members of WoC are appointed by the Chief Executive on the basis of the merit of individuals. Amongst the 21 non-official Members, one member is a woman with disability.

17. The Social Welfare Department (SWD) and non-governmental organisations (NGOs) provide victims of domestic violence and their families with a range of services. Details of these services are reported under the sections on Articles 16, 19 and 23 of this Report.

18. As reported in paragraph 6.8 of the Initial Report, the WoC has developed a Gender Mainstreaming Checklist, and promotes gender mainstreaming to relevant stakeholders and the public. The WoC published in 2015 a guidebook on gender mainstreaming to facilitate public officers to take proper account of the needs and concerns of both women and men in the policy-making process and service delivery. Gender-related training is provided to government staff and NGOs in the social welfare sector. From 2010 onwards, the HKSAR Government has, on the recommendation of the WoC, raised the gender benchmark progressively from 25% to 35% to enhance women's participation in advisory and statutory boards.<sup>5</sup>

19. We note the CRPD's previous concern about the discrimination faced by women and girls with disabilities and its call for preventing domestic violence. The Hong Kong Police Force (the Police) have formulated a set of tailor-made procedures for handling cases of domestic violence to reduce the risk of domestic violence and strengthen the protection of victims. The Police will take appropriate actions to minimise the risk. Special measures are also in place to cater for victims who are mentally incapacitated persons (MIPs) during the process of investigation.

## **Article 7**

### **Children with disabilities**

20. The Basic Law and the HKBORO protect the fundamental rights of all Hong Kong people, including children with disabilities. The Convention on the Rights of the Child also applies to the HKSAR. The Protection of Children and Juveniles Ordinance, the Child Care Services Ordinance and the Adoption Ordinance afford protection to children.

21. Children are the future of society. The HKSAR Government attaches great importance to the well-being and development of children, particularly children with special needs. A Preparatory Committee chaired by the Chief Executive was set up in September 2017 to prepare for the establishment of a high-level Commission on Children. The Preparatory Committee conducted a series of public engagement sessions for children rights groups, social welfare, healthcare and education sectors, as well as parents and general public and gave advice on the status, terms of reference, structure, membership and initial work plan of the Commission. The Commission, chaired by the Chief Secretary for Administration, was established in June 2018 to enhance and monitor the integration and rationalisation of children-related policies under different B/Ds, as well as to promote and promulgate children rights as articulated in the Convention on the Rights of the Child. The support for children with disabilities is one of the work priorities of the Commission.

22. As reported in paragraphs 7.8 and 24.10–24.11 of the Initial Report, the HKSAR Government provides a wide range of rehabilitation and training programmes for children with special needs. We note the CRPD's previous recommendation that more resources should be allocated to the services provided for children with disabilities. There have also been calls from parents for increasing the number of pre-school rehabilitation service places, so that children who are diagnosed with special needs can receive the appropriate services as early as possible.

---

<sup>5</sup> As at December 2017, the women's participation rate of these boards with government-appointed non-official members was 32.4%.

23. Recognising the importance of “early identification, immediate intervention” for children with special needs, we have introduced an innovative service model to overcome the constraints in the supply of conventional premises-based rehabilitation services. With funding of HK\$422 million, we launched a pilot scheme under which rehabilitation services are provided “on site” from November 2015. Multi-disciplinary service teams<sup>6</sup> provide rehabilitation service for children with special needs at the kindergartens (KGs) they are studying as well as provide consultation and assistance for teachers/child care workers, and support for parents. With the pilot scheme achieving notable preliminary results, the Chief Executive announced in the 2017 Policy Address that the HKSAR Government had decided to regularise the pilot scheme in October 2018 and earmarked an annual recurrent expenditure of HK\$460 million and will increase the number of service places from about 3 000 under the pilot scheme to 7 000 in two years. In parallel, the SWD has planned to increase additional conventional service places in the next five years. With this breakthrough in service delivery, we seek to achieve the objective of allowing all children in need to receive rehabilitation service during the golden time of treatment at their early childhood.

24. With the implementation of the new KG education policy in 2017/18 school year, the teacher-pupil ratio for KGs joining the new scheme has been raised so as to allow teachers more capacity to cater for the diverse needs of students. The Education Bureau (EDB) has set up a dedicated team of educational psychologists and professional staff to develop appropriate intervention models, identification tools, teaching resource/materials and programmes to cater for children with developmental delay. In addition, the EDB has devised a teacher professional development framework on catering for learner diversity, under which more structured in-service basic and advanced level training courses have been arranged for KG teachers since 2015/16 school year by phases. Each KG joining the new scheme should have at least one teacher having completed the basic level training as recognised by the EDB by the end of 2020/21 school year.

25. With a capital funding commitment of about HK\$13 billion, the HKSAR Government developed the Hong Kong Children’s Hospital (HKCH), which commences services by phases starting from the fourth quarter of 2018. The HKCH will centrally handle serious, complex and uncommon pediatric 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 pediatric 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 Department of Health (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.

## **Article 8**

### **Awareness-raising**

26. The HKSAR Government has been launching various public education programmes and publicity campaigns with a view to raising public awareness of the rights of persons with disabilities under the Convention and equal opportunities for persons with disabilities:

(a) The Labour and Welfare Bureau (LWB) provides funding support for local organisations to conduct diversified public education activities to promote the Convention, including an inclusive society, youth’s awareness and wider use of sign language;

(b) The EDB conducted a series of public education activities to promote inclusive culture and enhance public awareness and acceptance of students with SEN; and

(c) The Civil Services Bureau (CSB) issued to B/Ds practical guidelines on the policy on employment of persons with disabilities and tips on how to work with staff with disabilities;

---

<sup>6</sup> These multi-disciplinary service teams comprise occupational therapists, physiotherapists, speech therapists, clinical/educational psychologists, social workers, and special child care workers.



organise seminars and workshops on the principles of the Convention, inclusive workplace, universal accessibility to government services, etc.

27. The EOC has conducted a series of public education programmes and training sessions and territory-wide publicity programmes on the Disability Discrimination Ordinance (DDO).

28. The DH launched in 2016 a three-year territory-wide mental health promotion campaign to increase public engagement in promoting mental well-being and to enhance their knowledge and understanding about mental health. The DH will launch in 2019 an on-going educational campaign with a view to reducing stigma towards persons with mental health needs.

## **Article 9**

### **Accessibility**

29. As reported in paragraph 9.1 of the Initial Report, the HKSAR Government strives to create a barrier-free physical environment for persons with disabilities to facilitate their free access to buildings and use of public transport, and to support persons with disabilities in the use of information and communication technologies in facilitating their integration into the community. The DDO protects persons with disabilities against discrimination on the ground of their disability in respect of access to premises and the provision of goods, services and facilities.

#### **Accessibility of physical environment**

30. In 2014, the Buildings Department (BD) set up a Technical Committee with participation of persons with different disabilities to collect views of stakeholders on the “Design Manual - Barrier Free Access 2008” (DM), which sets out both mandatory and recommended design requirements for barrier-free access and facilities. The Technical Committee has discussed over 50 proposals to improve the DM. Altogether more than 30 amendments to the DM had been promulgated in recent years, including an increase in the number of wheelchair spaces from six to 36 in an auditorium with 1 200 seats.

31. The HKSAR Government notes the CRPD’s previous concern about the non-application of the latest barrier-free design standards to buildings managed by the Government and pre-existing buildings; and the monitoring mechanism to evaluate the accessibility of buildings. Applying the statutory barrier-free design requirements retrospectively to pre-existing buildings needs to be carefully considered, as such acts will have profound legal implications. In some cases, it is not possible to upgrade pre-existing buildings to meet the latest design standards owing to technical constraints. That notwithstanding, we have taken forward a retrofitting programme to upgrade the barrier-free facilities for about 3 500 government premises. The programme covers government venues with frequent public interface. The BD has also stepped up enforcement actions against unauthorised removal or alteration of barrier-free facilities in private buildings. The BD inspects the barrier-free facilities of target commercial buildings every year to ascertain whether such facilities have been illegally removed or altered.

32. The HKSAR Government launched in 2012 the “Universal Accessibility” (UA) policy to expand the on-going programme to retrofit barrier-free access facilities, including the installation of lifts, at public walkways and further expanded the UA Programme in 2016 to cover not only public walkways, but also other walkways provided that certain criteria are met. Under the UA Programme, the Highways Department is pressing ahead with the implementation of a total of 250 projects. As at end March 2018, 78 projects were completed and 112 were under construction, with the remaining 60 being dealt with at different stages of investigation and design. The expenditure on the retrofitting projects is about HK\$3.26 billion.

33. The Leisure and Cultural Services Department (LCSD) provides persons with disabilities with barrier-free access to cultural and recreational venues. These barrier free access facilities include designated seats/spaces, stair lifts and ramps for wheelchair patrons,

tactile guide path, braille signs, speaking message for passenger lift users with visual impairment, induction loop system for persons with hearing impairment, etc.

34. Widened “e-Channels” and designated immigration counters are available at all immigration control points for persons with disabilities to undergo immigration clearance. “Voice-navigated e-Channels” have also been installed at four control points for persons with visual impairment.

### **Barrier-free transport system**

35. The HKSAR Government strives to ensure the development of a transport system which facilitates the full participation and integration of persons with disabilities into the community.

36. At present, all Mass Transit Railway stations are equipped with at least one barrier-free access to facilitate persons with disabilities in entering or leaving stations. These accesses are equipped with passenger lifts, wheelchair aids, stair lifts or ramps. For the benefit of passengers with different types of disabilities, facilities such as wide gates, tactile guide paths, next stop announcement systems, tactile station layout maps, escalator audible signals, passenger information display systems, etc. have been installed at various stations.

37. As at March 2018, over 5 900 or some 99% of franchised buses were wheelchair accessible, while in 2009 when only 50% of the buses were wheelchair accessible. These buses are equipped with fixed ramps and wheelchair parking spaces inside the compartment for carriage of wheelchair bound passengers. Ancillary facilities, including low floor and visual and audio bus stop announcement systems, are also installed.

38. The number of wheelchair-accessible taxis (WATs) has increased from about 20 in early 2015 to over 100 at present. A major supplier in the market plans to introduce a new WAT model in the first half of 2019. The Transport Department has proposed to introduce 600 franchised taxis to meet the new demand in the community for personalised and point-to-point public transport services of higher quality which have “online hailing features”. The Transport Department also plans to require operators’ fleet to comprise at least 50% WATs. The HKSAR Government plans to submit the necessary legislative proposal in the 2018–19 legislative year.

39. The Rehabus service<sup>7</sup> is specially provided for persons with disabilities who have difficulties in using public transport services. In the past decade, the size of Rehabus fleet has increased by 73% from 95 to 164 vehicles, and will further increase to 176 vehicles by end 2018. The number of passenger trips served by Rehabuses increased from 600 000 in 2007 to over 900 000 in 2017. Priorities are accorded to those for work, school and regular rehabilitation training and attending medical appointments. The SWD has also provided centre bus service for trainees with disabilities of rehabilitation service centres. The number of these centre buses increased from 171 in 2007–08 to 212 in 2016–17. The HKSAR Government will procure 73 additional centre buses in the coming years.

40. The HKSAR Government launched a fare concession scheme in June 2012 to enable eligible persons with disabilities (and elderly persons aged 65 or above) to enjoy a standard concessionary fare of HK\$2 per trip, and for unlimited rides, to travel on most means of public transport. The average daily passenger trips made under the scheme in 2017 were nearly 1.22 million, with about 12% (around 150 000 passenger trips) made by eligible persons with disabilities, representing an increase of 90%, or 580 000, in passenger trips made by eligible persons with disabilities compared to 2012 when the scheme was first introduced. The amount of reimbursement made by the HKSAR Government to the public transport operators in the fiscal year 2018–19 for the implementation of the scheme is estimated to be about HK\$1.3 billion, representing an increase of about 570% compared to that in 2012/13 fiscal year.

---

<sup>7</sup> The Rehabus service, which is operated by a non-government agency under government subvention, provides a territory-wide transport for persons with disabilities.

## **Access to information and communications technologies and services**

41. The HKSAR Government implements the digital inclusion policy of rendering targeted support to persons with disabilities to help them benefit from the convenience and better quality of life brought about by information and communications technology.

42. We launched a scheme in 2012 to provide funding support for non-profit social service organisations to develop customised mobile apps that address the special needs of individual target groups. A total of 17 mobile apps have been funded and developed, benefiting the elderly, persons with disabilities, children with SEN and ethnic minorities. These mobile apps are well-received by the target groups with over 150 000 downloads.

43. The Hong Kong Monetary Authority has been encouraging the banking industry to put into practice the spirit of financial inclusion and ensure accessibility to banking services by the general public. Since 2010, all Automated Teller Machines (ATMs) of banks in Hong Kong have been equipped with protruding symbols to facilitate their use by persons with visual impairment. Voice navigation ATMs were also introduced in Hong Kong in 2013, which further facilitate customers with visual impairment in accessing ATM services. Currently, there are 50 voice navigation ATMs in Hong Kong and the number of these ATMs is expected to increase more than tenfold in one to two years' time. In addition, the Hong Kong Association of Banks issued a guideline in March 2018 to set out the good practices<sup>8</sup> recommended for the industry in enhancing accessibility to banking services by customers with physical disabilities.

## **Article 10 Right to life**

44. The HKSAR Government has put in place a legal framework providing protection of the right to life and survival of persons with disabilities on an equal basis with others, as well as suitable measures to prevent suicide. Article 2 of the Hong Kong Bill of Rights<sup>9</sup> (BOR) provides that the right to life is protected by law and no one shall be arbitrarily deprived of his/her life.

45. We note the CRPD's previous concern about the suicide risk among persons with intellectual disabilities or psycho-social disabilities. We have all along attached great importance to ensuring that people identified to have suicide risk receive adequate specialist healthcare and community support services and have put in place a number of preventive, supportive and remedial programmes. The Hospital Authority (HA) provides 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. The HA closely follows up psychiatric in-patients' recovery and rehabilitation progress in the hospital setting through the assessment of their suicide risk. Dedicated hotline services to prevent suicide are provided by NGOs and the SWD. A range of preventive, supportive and remedial programmes and services, including a suicide crisis intervention centre, are also provided through various service units.

## **Article 11 Situations of risk and humanitarian emergencies**

46. The HKSAR Government strives to ensure the protection and safety of people, including persons with disabilities, caught in emergencies or natural disasters, and inclusion of persons with disabilities in emergency protocols. As reported in paragraphs 11.2–11.7 of

---

<sup>8</sup> Examples of good practices include provision of barrier-free access routes and service counters for customers with physical disabilities, and assistive listening system for customers with hearing impairment, adoption of internationally recognised web accessibility guidelines and provision of audible security devices for customers with visual impairment.

<sup>9</sup> The BOR is set out in section 8 of HKBORO.

the Initial Report, we have put in place an emergency response system to ensure the effective and efficient response to all emergency situations which threaten life, property and public security.

47. The BD promulgated in 2014 a set of amendments to the Code of Practice for Fire Safety in Buildings, which generally requires temporary refuge spaces to be provided for persons with disabilities on every floor of a new private building. The BD also amended the DM in April 2017 to incorporate emergency related design features in new buildings, such as design of emergency call bell in accessible bathrooms; connection of emergency alarm link to public information or service counter; and provision of visual fire alarm.

## **Article 12**

### **Equal recognition before the law**

48. As reported in the Initial Report, the HKSAR Government has put in place a legal framework and administrative measures to ensure that persons with disabilities have legal capacity on an equal basis with others in all aspects of life, and have the right to recognition as persons before the law as other people. Article 25 of the Basic Law provides that all Hong Kong residents are equal before the law. Articles 10 and 13 of the BOR respectively provide that all persons shall be equal before the courts and everyone shall have the right to recognition everywhere as a person before the law.

49. The Enduring Powers of Attorney Ordinance provides for the creation of an enduring power of attorney which can be executed while the donor of the power is mentally capable and continues to have effect after the donor becomes mentally incapacitated. Taking into account the views collected in a public consultation exercise, the Department of Justice (DoJ) is finalising a bill to extend the scope of an enduring power of attorney to include matters relating to the personal care of the donor.

## **Article 13**

### **Access to justice**

50. As reported in paragraph 13.1 of the Initial Report, the HKSAR Government fully recognises the right of persons with disabilities to have effective access to justice on an equal basis with others. The Basic Law and the HKBORO provide for the right of access to the courts.

51. There have been calls for according better support for persons with intellectual disabilities if they are involved in an investigation process. The Police set up a working group in May 2015 to review relevant procedures and introduced in November 2016 a package of new measures, including the “Appropriate Adults” scheme. An “Appropriate Adult”<sup>10</sup> helps an MIP to understand his/her rights and acts as an observer during a police interview. Other new measures include the “Care Card Scheme”<sup>11</sup> and “Behavioural Indicators Guide”.<sup>12</sup> Thematic training is provided to all regular, auxiliary and civilian members of the Police on an on-going basis to enhance their awareness of and sensitivity towards them. The SWD launched a scheme in February 2017 to provide a pool of appropriate adults with appropriate training to support the Police’s new scheme.

52. Under the Criminal Procedure Ordinance, a victim who is an MIP is allowed to record evidence by video recorded interview, and an appropriate adult must be arranged to accompany the MIP victim throughout the investigation. The DoJ has put in place established

---

<sup>10</sup> An Appropriate Adult can be relatives, guardians or some other persons responsible for the MIP’s care or custody; someone who has experience in dealing with persons with special needs (including MIPs), such as a social worker, friends or neighbours of the subject person.

<sup>11</sup> The “Care Card Scheme” is to let those in need have their medical and communication needs and emergency contacts available to law enforcement officers.

<sup>12</sup> The “Behavioural Indicators Guide” is a quick screening tool to assist frontline officers in identifying and communicating effectively with MIPs.

procedures<sup>13</sup> to handle the prosecution of cases involving vulnerable witnesses such as MIPs. In particular, the processing of such cases would be expedited. The DoJ is finalising a bill to endow upon the court discretion to admit hearsay evidence of a declarant who is unfit to be a witness because of his physical or mental conditions, provided that the court is satisfied with the reliability of the evidence. The legislative proposal seeks to avoid the situation where the prosecution cannot proceed or continue to proceed as a result of an MIP not being able to appear in court to give evidence.

## **Article 14**

### **Liberty and security of the person**

53. As reported in paragraphs 14.2–14.5 of the Initial Report, the right to liberty and personal security of all persons in the HKSAR, including persons with disabilities, is protected by the Basic Law and HKBORO. Policies and procedures are in place to ensure that when it is necessary to detain persons with disabilities, their needs are taken into account and respected.

54. The Police continue to adopt established special procedures for handling arrested persons with disabilities and require officers to make every effort to ascertain the specific conditions of arrested persons with disabilities, including their medical conditions, any restrictions to their mobility, etc. with a view to making suitable arrangements. The Police have also introduced new measures for persons with intellectual disabilities (as reported in paragraph 51 of this Report), and will provide arrested persons with disabilities who have communication difficulties with the provision of a sign language interpreter.

## **Article 15**

### **Freedom from torture or cruel, inhuman or degrading treatment or punishment**

55. The HKSAR Government is committed to protecting all persons from torture and cruel, inhuman or degrading treatment or punishment, irrespective of whether they are persons with disabilities. As reported in paragraphs 15.1–15.4 of the Initial Report, the Basic Law, the HKBORO and the Crimes (Torture) Ordinance protect persons with disabilities from medical or scientific experimentation without consent. The Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment is applicable to the HKSAR.

## **Article 16**

### **Freedom from exploitation, violence and abuse**

56. The HKSAR Government protects persons with disabilities from all forms of exploitation, violence and abuse through legislative, administrative, social and educational measures as reported in paragraph 16.1 of the Initial Report.

57. The Domestic and Cohabitation Relationships Violence Ordinance and the Protection of Children and Juveniles Ordinance provide protection for women and children, including those with disabilities. The CO and the MHO impose criminal sanctions for various offences against MIPs, such as having unlawful sexual intercourse with an MIP and ill-treatment or wilful neglect of a patient suffering from mental disorder by employees of a mental hospital.

58. To minimise the risk of sexual abuse to MIPs and afford better protection to them, the HKSAR Government launched the Sexual Conviction Record Check mechanism in November 2011 to provide employers with a reliable channel whereby they may, when

---

<sup>13</sup> Prosecutors should, where justified, make applications to the court for the use of screens to shield witnesses while testifying in court, the use of two-way closed circuit television to enable witnesses to give evidence outside the courtroom through a televised link to the courtroom, and the admission of video-recorded interviews as evidence-in-chief of witnesses who are MIPs.

engaging persons for posts undertaking child-related or MIP-related work,<sup>14</sup> ascertain whether such employees have any conviction records against a specified list of sexual offences.

59. We note the CRPD's previous concern on incidents of women and girls with intellectual disabilities being subjected to sexual violence. The Police have introduced various training programmes to enhance the capabilities of officers in handling sexual violence cases. The Police also arrange sharing sessions and engagement activities for frontline officers to meet sexual minorities, ethnic minorities and relevant concern groups. The prosecuting authorities accord priority to cases involving MIPs at all stages of the legal proceedings and cooperate with professionals such as the clinical psychologists, social workers, forensic pathologists, etc.

60. A continuum of preventive, supportive and specialised services are being provided at the primary, secondary and tertiary levels to tackle family problems and domestic violence. The SWD has, since June 2010, subvented an NGO to provide victims of domestic violence with emotional support and relevant information on community support services. In addition, the SWD has, since October 2016, provided additional places and manpower in refuge centre for women and the Family Crisis Support Centre to enhance child care support service at these centres.

61. We note the CRPD's previous remarks that sex education should be provided for children and adolescents with intellectual disabilities. The EDB promotes sex education in ordinary schools and special schools to instill in the personal growth of students an understanding of sex-related issues. Learning elements such as gender equality, self-protection and relationship with the opposite sex etc. are included in the "Key Learning Areas" and the curricular of ordinary and special schools. Ordinary schools and special schools organise talks, visits and exhibitions to broaden students' learning experiences. The EDB regularly organises teacher professional development programmes and produces learning and teaching resources related to sex education for teachers' reference. The DH has been providing educational information and organising promotional programmes on sex education to primary and secondary school students through various means, such as health talks, interactive school-based programmes and online resources.

62. The CRPD's concern about sheltered workshops is addressed in paragraph 117 of this Report.

## **Article 17**

### **Protecting the integrity of the person**

63. As reported in paragraphs 17.1–17.6 of the Initial Report, the Human Organ Transplant Ordinance, the Offences against the Person Ordinance and the MHO protect persons with disabilities from medical treatment without their freely given and informed consent, including forced sterilisation and forced abortions. Article 3 of the BOR also provides that no one shall be subjected without his free consent to medical or scientific experimentation. The HKSAR Government reaffirms its commitment to ensuring that person with disabilities have a right to respect for their physical and mental integrity on an equal basis with others.

## **Article 18**

### **Liberty of movement and nationality**

64. As reported in paragraphs 18.1–18.6 of the Initial Report, the Basic Law and other law of the HKSAR ensure that residents of the HKSAR (including persons with disabilities) have freedom to travel and to enter or leave the HKSAR. The position regarding the acquisition of nationality remains the same. Disability does not affect a person's eligibility

---

<sup>14</sup> Examples are work positions in schools, residential care homes for persons with disabilities, private tutorial centres and private interest/activity institutions.

to obtain, possess and utilise travel documents, nor would it affect birth registration in accordance with the Births and Deaths Registration Ordinance.

## **Article 19**

### **Living independently and being included in the community**

65. As reported in paragraphs 19.1–19.11 of the Initial Report, the HKSAR Government fully recognises the right of persons with disabilities to live independently and to participate in the community and is committed to providing support services to persons with disabilities to facilitate their continued living in the community. For those persons with disabilities who cannot live independently and those who cannot be adequately taken care of by their families, we strive to provide them with residential care services.

66. We note the CRPD's previous remarks on the shortage of subvented residential care homes and its call for enhancing district support services in terms of funding and premises. We have been striving to enhance both the quantity and quality of rehabilitation services/facilities through the following major measures:

(a) Increasing the number of residential care and community support service places continuously: As at end 2017, the SWD is planning 36 development projects to provide more rehabilitation service places. It is estimated that by 2026, there will be an addition of about 6 700 rehabilitation service places, including 2 500 residential care service places, 2 200 day training and vocational rehabilitation service places, and 2 000 pre-school rehabilitation service places, representing a 17% increase in the provision of subsidised service places as compared with that as at end March 2018;

(b) With a provision of over HK\$200 million, launching a five-year scheme to provide full subsidies for home managers, health workers and care workers of all Residential Care Home for Persons with Disabilities (RCHDs) to enrol in Qualifications Framework-based training courses and a four-year scheme to set up district-based professional teams to provide outreach services for residents in private RCHDs;

(c) With an annual provision of about HK\$57 million, providing visiting medical and speech therapy services for residents of RCHDs, and providing additional Health Workers in all Supported Hostels; and

(d) Establishing a fund of HK\$1 billion in the fourth quarter of 2018 to improve the quality of life of persons with disabilities at rehabilitation service units (and elderly service users) and to reduce the pressure of care staff and carers, through subsidising procurement or rental of innovative and technology products. It is estimated that about 540 residential care homes for persons with disabilities and elderly persons as well as over 720 service units providing subsidised community care and support services will benefit.

We also launched a special scheme in 2013 to encourage social welfare organisations to better use their land through in-situ expansion or redevelopment to provide additional facilities for persons with disabilities and the elderly, with government funding support.

67. In parallel, the SWD has been continuously enhancing community support services in recent years:

(a) Allocating additional resources continuously to the District Support Centres (DSCs)<sup>15</sup> to enhance the support for persons with disabilities and provide them with more suitable services in terms of additional social workers and day care service places;

(b) Introducing two home care service schemes to provide home-based occupational therapy/physiotherapy, nursing care, personal care services to enable persons with severe disabilities to continue to live in the community and relieve the pressure of their carers.

68. The SWD regularised in 2018 a pilot scheme which aims to enhance the living, social and employable skills of youths with autism and provide their carers with support services.

---

<sup>15</sup> There are currently 16 DSCs throughout the territory, providing district-based one-stop support for persons with disabilities, their families and carers.

In addition, the SWD will enhance the services for persons with hearing impairment, persons with visual impairment and ex-mentally ill persons through the creation of clinical psychologists and an increase in social workers and other supporting staff in 28 community support services units. The total annual recurrent expenditure for the above initiatives is over HK\$50 million. It is estimated that over 4 000 of these persons with disabilities and their families or carers will benefit.

69. Some parents with special needs children have expressed the concern that although they have the financial means to meet the long-term living expenses of their children, they are still worried about the care for their children after their death, as their children lack the ability to take care of themselves. These parents prefer managing their wealth under a trust. However, they are concerned that the management fees of private trust services will significantly deplete the assets earmarked for paying their children's living expenses. The Chief Executive announced in the 2017 Policy Address that the HKSAR Government decided to take the lead in setting up a Special Needs Trust, with the Director of Social Welfare Incorporated acting as the trustee to provide reliable and affordable trust services for managing the assets of deceased parents. Regular disbursements will be made to the carers of their children in accordance with the parents' wishes. We plan to introduce the service in 2019.

70. Parents/Relatives Resource Centres subvented by the SWD help parents and carers learn how to take care of family members/persons with disabilities or development issues, exchange experience and seek mutual support. In 2015, the SWD increased the number of social workers and professional therapists in these centres. The SWD will increase the number of centres from the current six to 19 in phases from March 2019 over 12 months.

71. In 2016, we have earmarked a total of HK\$126 million for the SWD to launch a pilot scheme to provide eligible carers of persons with disabilities each with an annual living allowance of HK\$24,000 to supplement their living expenses, so that persons with disabilities can receive proper care and remain living in the community. So far, a total of 1 520 families have benefitted from the scheme.

72. To foster the spirit of self-help and mutual assistance among persons with disabilities and their families/carers, the SWD implemented a financial support scheme since 2001 to provide funding for self-help organisations for persons with disabilities. The SWD plans to increase the annual funding from October 2018 onwards from about HK\$15 million to over HK\$20 million.

73. The Residential Care Homes (Persons with Disabilities) Ordinance regulates RCHDs through a licensing scheme and the "Codes of Practice"<sup>16</sup> promulgated under this ordinance. The SWD set up a dedicated Licensing and Regulation Branch in 2017 to strengthen the monitoring of residential care homes and centres licensed or registered by the SWD and enhance their service quality through implementing a number of improvement measures: strengthening inspection strategy and inspection back-up, enhancing support for rectification works in respect of RCHDs, strengthening district support network, formulating care-related guidelines, enhancing the quality and skills of home operators/managers/staff, stepping up law enforcement and increasing transparency.

74. In response to the calls for further strengthening the monitoring of RCHDs and enhancing their services, the SWD set up a working group in June 2017, comprising key stakeholders (including service users and carers), to review relevant ordinances and Codes of Practice. The review covers the requirement on space per resident, staffing requirement, registration and qualification requirements for specified staff in RCHDs and training of RCHD staffs, etc. The SWD plans to complete the review within two years. On the basis of the Working Group's recommendations, the HKSAR Government will consider the need to amend relevant ordinances and Codes of Practice.

---

<sup>16</sup> The Code sets out requirements in respect of accommodation, fire safety and precaution, floor space, health and care services, etc.



## **Article 20**

### **Personal mobility**

75. The HKSAR Government, the business sector and the NGOs continue to work closely in providing persons with disabilities with suitable assistance with a view to enhancing their personal mobility.

76. In May 2017, the HKSAR Government launched a HK\$500 million “Innovation and Technology Fund for Better Living” to finance innovation and technology projects which will bring more convenient, comfortable and safer living to people, including persons with disabilities. As of June 2018, a total of HK\$38 million has been granted for a number of projects, including development of devices to help visually impaired persons take part in archery; mobile application to help primary students in language learning; programmed robot to coach children with autism spectrum disorders to behave appropriately, etc.

## **Article 21**

### **Freedom of expression and opinion, and access to information**

77. As reported in paragraph 21.2 of the Initial Report, the right to freedom of expression and freedom of the press of HKSAR residents are enshrined in Article 27 of the Basic Law and Article 16 of the BOR.

78. Office of the Government Chief Information Officer (OGCIO) has been organising campaigns and promulgating guidelines to promote web/mobile app accessibility. At present, all government websites have met the requirements under Level AA standard of the Web Content Accessibility Guidelines Version 2.0 promulgated by the World Wide Web Consortium.<sup>17</sup>

79. The HKSAR Government notes the CRPD’s previous concern about the training for and services provided by sign-language interpreters. We have implemented a number of measures in recent years to promote wider use of sign language:

(a) Sign language courses have been included as part of the language courses under the Continuing Education Fund since September 2015. Those enrolled in these courses may apply for reimbursement of part of the course fees;

(b) With the support of the HKSAR Government, two local welfare organisations compiled a List of Sign Language Interpreters in Hong Kong in June 2016 to provide information on experienced sign language interpreters, including their experience and qualifications, for the public’s reference;

(c) The Radio Television Hong Kong launched in April 2016 a live current affairs and information programme with sign language interpretation; and

(d) The Communications Authority issued a direction in October 2017 requiring a major domestic free television programme service licensee to provide sign language interpretation and subtitles for a daily news programme broadcast on a designated free TV channel starting from the third quarter of 2018.

80. The Information Services Department (ISD) ensures that all APIs broadcast in TV channels are accompanied by subtitles and issues guidelines on the presentation of sign language interpretation for APIs on screen and accessibility requirements for web accessible versions of APIs and promotional videos.

---

<sup>17</sup> 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.

## **Article 22**

### **Respect for privacy**

81. As reported in paragraph 22.1 of the Initial Report, the HKSAR Government recognises the right of all persons, including persons with disabilities, to the protection of their private life, honour and reputation. The Basic Law and HKBORO provide that the freedom and privacy of communication of residents of the HKSAR shall be protected by law. The HKSAR Government has taken measures to protect the personal data of all persons in accordance with the Personal Data (Privacy) Ordinance.

## **Article 23**

### **Respect for home and the family**

82. As reported in paragraphs 23.1–23.4 of the Initial Report, the HKSAR Government regards the family as a vital component of society to support persons with disabilities and provides suitable support services for persons with disabilities and their carers. The Basic Law, the HKBORO and the Marriage Ordinance protect an individual’s freedom of marriage and to found a family. The Protection of Children and Juveniles Ordinance protects children and juveniles, including those with disabilities, who have been abused or are being neglected.

83. The EDB conducts seminars annually for parents of prospective Primary One children with SEN, requires schools to involve parents in the planning, implementation and evaluation of intervention programmes for students with SEN.

84. A spectrum of preventive, supportive and remedial services are provided by Integrated Family Service Centres and Integrated Services Centres. Parents/ Relatives Resources Centres will be increased to provide enhanced community support for the parents and relatives or carers of persons with disabilities (please also see paragraph 70 of this Report).

## **Article 24**

### **Education**

85. The policy objective of school education for students with SEN is to provide them with a conducive learning environment so as to facilitate their education, help them develop their potential to the full, enhance their independence and enable them to become well-adjusted individuals in the community. All eligible children, irrespective of ethnic origin, gender and physical or intellectual ability, have the right to enjoy equal opportunity for receiving education.

#### **Integrated Education**

86. The HKSAR Government notes the CRPD’s previous remarks on the effectiveness of integrated education (IE). As reported in paragraphs 24.17–24.19 of the Initial Report, the HKSAR Government advocates adoption of a “Whole School Approach” (WSA) towards inclusion to cater for students with SEN, emphasising an alignment of inclusive school policy, culture and practices in each school. All ordinary schools are requested to adopt the WSA to support students with different levels of learning or adjustment difficulties through the 3-Tier Intervention Model.<sup>18</sup>

87. In the implementation of the Individual Education Plan (IEP), teachers make observations, communicate with parents and collect data on the progress of the student on an ongoing basis to evaluate the effectiveness of instructional strategies and classroom practices.

---

<sup>18</sup> Tier-1 support refers to helping students with mild or transient learning or adjustment difficulties through quality teaching in regular classrooms. Tier-2 support refers to “add on” intervention, such as small group learning and pull-out programmes, etc., for students with persistent learning or adjustment difficulties. Tier-3 support refers to intensive individualised support for students with severe learning or adjustment difficulties under which schools are required to draw up an IEP for each of these students.

Schools also review the IEP regularly with the involvement of the parents. Schools are required to record the support and adaptations offered to the students as well as their progress for regular review to facilitate adjustment, where appropriate.

88. The HKSAR Government notes the CRPD's previous suggestion of improvement to the teacher-student ratio, and training of teachers in SEN. The teacher-to-class ratio for public sector primary and secondary schools, including special schools, has been increased by 0.1 across-the-board in the 2017/18 school year, to provide additional teaching staff for schools to enhance the quality of education. In addition, starting from the 2017/18 school year, the EDB by phases in three years, provides 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 schools to take up the role of Special Educational Needs Coordinator (SENCO) to support IE. In the 2017/18 school year, 244 schools were each provided with a post for SENCO. The SENCO provision would be extended to all schools in the 2019/20 school year. Professional training is provided for these SENCOs to perform as a key person in the strategic development in the WSA to IE.

89. Starting from the 2017/18 school year, the Learning Support Grant (LSG)<sup>19</sup> also covers students with emotional and behavioural needs. A structured "Professional Development Programme for Mental Health" was launched to raise teachers' awareness of mental health and enhance schools' capacity to identify and support these students.

90. Schools are required to self-evaluate annually the effectiveness of their school policies, measures and resource deployment (including the support provided for students with SEN). The EDB will validate the school performance in school self-evaluation. Schools have to state in the annual school reports their IE policy, support measures and deployment of resources to provide support services for students with SEN. To ensure effective resource deployment by schools, the EDB staff pays regular school visits to provide consultation services and arrange experience sharing sessions.

91. To support public sector ordinary schools to cater for their students with SEN, the EDB has been providing schools with additional resource, professional support and teacher training. Schools may deploy the resources to employ additional teachers and teaching assistants or hire professional services as well as procure equipment needed for the education of students with SEN.

92. The EDB has continuously raised the ceiling of the LSG. The revised estimate of expenditure on additional support and services provided for public sector ordinary schools in catering for students with SEN in 2017/18 school year is about HK\$1.67 billion which represents an increase by around 94% as compared to the expenditure of HK\$859 million in the 2008/09 school year.

### **Special education**

93. The EDB has been providing resources and support for special schools to help their students develop their potential and prepare them for further studies or post-school placement. The smaller class size of special schools facilitates more individualised support to cater for students' diversity. Specialists<sup>20</sup> are provided by the EDB for special schools based on the types of disabilities of their students to cater for their various needs.

94. The "New Senior Secondary" academic structure was implemented in 2009/10 school year. All special schools implementing the "New Senior Secondary" curriculum are provided with the basic staffing ratios of 1.9 or 2.0 teachers per senior secondary class, depending on the types of students served. Starting from 2017/18 school year, the above teacher-to-class ratios are increased by 0.1, which translates into an increase in 0.6 to 3.3 teachers. More than 100 additional regular teaching posts have been provided for the 61 aided special schools.

---

<sup>19</sup> The LSG is a per capita grant provided to schools according to the number of students with SEN enrolled in the school and the tier of support the students require.

<sup>20</sup> Specialists include speech therapist, physiotherapist, occupational therapist, educational psychologist, school nurse, school social worker, as well as the specialists provided to the boarding section, including warden, programme worker, etc.

Additional allied health staff and resources are also provided to improve the special education services in different types of special schools, including nine speech therapists, 39 occupational therapists and 39 occupational therapist assistants. The EDB will provide an addition of 51 school nurses and 18 school social workers in special schools starting from 2018/19 school year.

95. Some commentators suggested that support for students with disabilities after leaving the special education system should be enhanced. In the 2017/18 school year, the EDB has invited the SWD, the Vocational Training Council and the Hong Kong Special Schools Council to set up a communication platform, with a view to enhancing the support for these students in applying for the appropriate post-school placement.

### **Further learning opportunities for persons with disabilities**

96. We note the CRPD's previous concern on the number of students with disabilities in tertiary education. Higher education institutions are committed to offering equal opportunities to all applicants. Applicants with disabilities would not be discriminated against. The University Grants Committee (UGC)-funded universities have introduced since 1997 a sub-system under the Joint University Programmes Admission System for the admission of students with disabilities to bachelor degree programmes. Post-secondary institutions have put in place special arrangements and support services early for accommodating students with special needs with regard to their particular disability and their field of study.

97. We also note the CRPD's previous remarks that the HKSAR Government should provide sufficient resources to ensure the accessibility in tertiary education. To further support students with SEN, we have implemented various initiatives in recent years:

(a) A special grant of HK\$20 million in total was provided for the eight UGC-funded universities to enhance their support services for students with SEN. The UGC will conduct phase two of the scheme and provide an additional grant of HK\$20 million in 2018;

(b) Two separate injections of HK\$20 million into the "HKSAR Government Scholarship Fund" and the "Self-financing Post-secondary Education Fund" were made in 2013 to recognise deserving students with SEN in their pursuit of excellence in academic and other areas;

(c) Since 2013/14 school year, an additional recurrent funding of HK\$12 million has been allocated to Vocational Training Council by the EDB to enhance services for students with SEN each year, including provision of equipment and learning aids, consultation and assessment services by clinical psychologist, or educational psychologist, enhanced support for career advisory services; and

(d) An allocation of about HK\$12.5 million has been approved from the Community Care Fund (CCF), to increase the academic expenses grant for post-secondary students with SEN and financial needs for three academic years from 2015/16 school year.

98. The number of students with SEN who were pursuing full-time locally-accredited sub-degree and undergraduate programmes has increased from 628 in 2012/13 school year to 1 565 in 2017/18 school year.

### **Training for teachers in catering for students with SEN**

99. To enhance the professional capacity of teachers in catering for students with SEN, starting from 2007/08 school year, the EDB has been providing serving teachers with the structured training courses pitched at basic, advanced and thematic levels and training targets<sup>21</sup> are set. Starting from 2017/18 school year, the EDB conducts professional development programme to enhance teachers' capacity to identify and support students with

---

<sup>21</sup> All public sector ordinary schools are required to achieve the training targets by the end of the 2019/20 school year: at least 15% to 25% of teachers will have completed the Basic Course; at least six to nine teachers will have completed the Advanced Course; and at least six to nine teachers will have completed the Thematic Courses.

mental health needs. To enhance the capability of SENCOs in leading the student support team of their schools to formulate, implement and review the school-based IE policy and support measures, the EDB has commissioned a consultant to provide them with professional training.

## **Article 25**

### **Health**

100. As reported in paragraphs 25.1–25.3 of the Initial Report, it is the HKSAR Government’s health care policy that no one should be prevented from obtaining adequate medical treatment due to a lack of means or on the ground of their disabilities.

101. To facilitate longer term service planning of the HA, we have adopted a new funding allocation approach by increasing the recurrent provision for the HA on a triennium basis, having regard to population growth and demographic changes. To meet the increasing service demand of the ageing population and to facilitate the HA’s long term service planning, the HKSAR Government set aside HK\$200 billion in 2016 for the HA to implement a ten-year Hospital Development Plan (HDP). The HDP comprises construction of a new acute hospital, redevelopment/expansion of 11 hospitals, construction of three community health centres and a new supporting services centre. The HDP will provide around 5 000 additional hospital beds, 94 additional operating theatres and increase the capacity of specialist out-patient clinics and general out-patient clinics.

102. We note the CRPD’s previous suggestion that more human and financial resources should be allocated to public medical services. To meet the rising healthcare service demand from the ageing population and to sustain continuous improvement in our public healthcare services, the HKSAR Government has been progressively increasing the spending on healthcare services. In fiscal year 2018/19, the estimated recurrent expenditure on healthcare is HK\$71.2 billion, which accounts for 17.5% of the HKSAR Government’s total recurrent expenditure, and doubles the amount of HK\$35.7 billion in fiscal year 2009/10.

#### **Mental health services**

103. As reported in paragraphs 25.20–25.27 of the Initial Report, we are committed to promoting mental health through the provision of a comprehensive range of mental health services, including prevention, early identification, treatment, rehabilitation and community support services. The multi-disciplinary teams of the psychiatric services<sup>22</sup> in the HA provide integrated and coherent mental health services, including in-patient, out-patient, day rehabilitation training and community support services, to psychiatric patients having regard to their condition and clinical needs.

104. The HA has further enhanced its psychiatric services for patients with mental health needs in recent years, including: implementation of a triage system at psychiatric specialist out-patient clinics to ensure patients with urgent conditions requiring early intervention are treated with priority; enhancement of in-patient services through renovation of psychiatric wards; provision of additional multi-disciplinary staff and psychiatric beds.

105. The HKSAR Government has introduced various initiatives for mental patients with a view to facilitating their recovery and re-integration into the community as follows:

- (a) Launch of the “Case Management Programme” to provide intensive, continuous and personalized support for patients with severe mental illness residing in the community;
- (b) Engagement of peer support workers, who are previous service users, to support patients in achieving their personal recovery goals and developing illness management skills;
- (c) Introduction of a 24-hour psychiatric advisory hotline in 2012 to provide professional advice to psychiatric patients, their carers and persons in need;

---

<sup>22</sup> The multi-disciplinary teams comprise doctors, nurses, clinical psychologists, occupational therapists and medical social workers etc.

- (d) Enhancement of the use of psychiatric drugs which have proven effectiveness;
- (e) Launch of a scheme from 2016/17 school year to provide multi-disciplinary support services for students with mental health needs through the school-based platform; and
- (f) Launch of a pilot scheme from February 2017 to provide support services to elderly persons with mild or moderate dementia and their carers in 20 “District Elderly Community Centres”.

#### **Dental service for persons with disabilities**

106. The DH provides specialist oral maxillofacial surgery and dental treatment to hospital in-patients, patients with special oral health care needs and dental emergency in seven public hospitals. Primary school students in Hong Kong, including students with disabilities, can receive annual check-ups at designated school dental clinics and receive related health information.

107. Some commentators have suggested that more resources should be allocated to enhance the dental service for persons with intellectual disabilities. The Food and Health Bureau (FHB) has provided a total of HK\$25 million to launch a pilot project from 2013 to 2018. Adult persons with intellectual disabilities are subsidized to receive check-up, dental treatment and oral health education in the dental clinics participating in the pilot project. The HKSAR Government has reserved about HK\$54 million for a three-year programme on dental services for adult persons with intellectual disabilities to be launched in July 2018. The NGOs will be engaged to provide free dental services as mentioned above for adult persons with intellectual disabilities. About 5 000 service places will be available under the programme.

#### **Child assessment service**

108. The Child Assessment Service (CAS) of the DH provides comprehensive assessments and diagnosis to children under 12 years of age who are suspected to have developmental problems. Children will be referred to other appropriate service providers identified for training and education support. Some commentators expressed concern about the lead time required for acquiring the CAS. It is noted that due to the continuous increase in the demand for assessment service and the high turnover rate and difficulties in recruiting doctors to join the CAS, the CAS was unable to meet the target for completion of assessment for 90% of the new cases within six months in 2017. The CAS has adopted a triage system to ensure that children with urgent and more serious conditions are accorded with higher priority in assessment. The actual waiting time depends on the complexity and conditions of individual cases. While children are awaiting rehabilitation services, the CAS will organise seminars, workshops and practical training etc., with a view to enhancing parents’ understanding of their children and community resources. The DH has set up a temporary Child Assessment Centre (CAC) and has been preparing for the establishment of a new CAC with a view to enhancing service capacity to meet the rising number of referred cases. With the establishment and full functioning of the new CAC, it is expected that the situation will be improved.

#### **Voluntary Health Insurance Scheme**

109. We note the CRPD’s previous remarks that the HKSAR Government should arrange cooperation with insurance companies on medical insurances. We have launched the Voluntary Health Insurance Scheme (VHIS) which seeks to improve the quality of individual indemnity hospital insurance products and offers consumers more choices of such products. It sets out the scope of protection required of individual indemnity hospital insurance products, and the code of practice with which insurance company participating in the VHIS must comply. By regulating VHIS products, we will be offering the public a new choice of insurance product with comprehensive coverage. Participation is voluntary.

## **Training of health care professionals**

110. There have been calls for the HKSAR Government to step up efforts in ensuring that supply of healthcare professional can meet the increasing demand for rehabilitation services. As reported in paragraph 25.37 of the Initial Report, the FHB has been providing advice on manpower requirements for health care professionals (including physiotherapists, occupational therapists, nurses, etc.) in accordance with the triennial student places allocation and funding requirement planning cycle of the UGC. Over the past ten years, the HKSAR Government has increased the number of UGC-funded healthcare training places by about 60% (from about 1 150 to about 1 800). The HKSAR Government is discussing with the UGC to further increase publicly-funded training places for doctors, dentists, nurses and relevant allied health professionals in the 2019–20 to 2021–22 triennium.

## **Article 26 Habilitation and rehabilitation**

111. The HKSAR Government continues to implement various habilitation and rehabilitation programmes in the areas of health, employment, education and social services to enable persons with disabilities to attain and maintain maximum independence, full physical, mental and social ability and full inclusion and participation in all aspects of life. These measures are elaborated under the sections on Article 19, Article 24, Article 25 and Article 27 of this Report respectively.

## **Article 27 Work and employment**

112. As reported in paragraphs 27.2–27.8 of the Initial Report, the DDO and the Employment Ordinance provide statutory protection for persons with disabilities against discrimination and exploitation in the employment field.

### **Employment support for persons with disabilities**

113. The HKSAR Government notes the CRPD's previous concern about the higher unemployment rate of persons with disabilities relative to persons without disabilities in Hong Kong. It is noted that the unemployment rate of persons with disabilities (aged 18–64) has dropped from 11.1% (vis-à-vis 4% of the overall population) in 2006–07 to 6.4% in 2013 (vis-à-vis 3.4% of the overall population). We have introduced employment support measures for persons with disabilities in recent years as follows.

#### *Direct support for persons with disabilities*

- (a) Vocational training is provided to equip persons with disabilities with the necessary skills to find jobs in the open market;
- (b) Job seekers with disabilities are provided with employment counselling, job matching and referral services as well as post-placement follow-up service, to assist them in finding suitable jobs in the open market;
- (c) Psychological and emotional counselling service are provided to needy job seekers with disabilities to help them concentrate on job search and settle in their new jobs.

#### *Incentives for employers to employ persons with disabilities*

- (d) Job attachment allowance and job trial wage subsidy are provided;
- (e) A two-month work adaptation period was introduced in 2013 to encourage employers to provide coaching to job seekers with disabilities. An employer who hires a job seeker with disabilities will be granted a maximum monthly allowance of HK\$5,500 during the period. If the employer continues to employ the employee after the work adaptation period, the employer will be granted a maximum monthly allowance of HK\$4,000 in the ensuing six

months of employment. With effect from September 2018, the work adaptation period will be extended to three months, and the maximum monthly allowance during the work adaptation period and the ensuing six months will be increased to HK\$7,000 and HK\$5,000 respectively;

(f) Employers of persons with disabilities are provided with a subsidy up to HK\$40,000 for procurement of assistive devices and/or workplace modifications for each employee with disabilities; and

#### *Creation of job opportunities through social enterprises*

(g) The SWD administers a fund of HK\$200 million to provide the NGOs with HK\$3 million for each application to set up social enterprises, which are required to employ persons with disabilities no less than half of their total number of employees.

#### **Employment of persons with disabilities in the civil service**

114. The HKSAR Government notes the CRPD's suggestion of prioritising the employment of persons with disabilities as civil servants. We seek to place persons with disabilities in appropriate jobs according to their abilities rather than disabilities and have put in place measures to ensure equal employment opportunities for persons with disabilities. We will continue to enhance civil servants' understanding of the policy on employing persons with disabilities.

115. As at 31 March 2017, 3 087 civil servants have declared their disabilities, accounting for about 1.8% of the strength of the civil service. We will, starting from 2018, publish the success rates in applying for civil service posts of persons with disabilities as well as those for other candidates.

116. In addition, the CSB has launched an internship scheme for students with disabilities since 2016 with a view to strengthening the competitiveness of students with disabilities in seeking to enter the work force. Starting from 2018, the CSB will increase the number of internship places from an average of 50 per year to 100 per year.

#### **Other related issues**

117. We note the CRPD's remarks that the HKSAR Government should raise the daily allowance for persons with disabilities in sheltered workshops.<sup>23</sup> Some commentators advocated that an employer-employee relationship should be established between trainees and the NGOs providing these services. Incentive payment arranged for service users of sheltered workshops is intended to be a token encouraging the attendance of the service users so that they could benefit from the training and activities provided and hence such payment is by nature not a salary. If the trainees of sheltered workshops are engaged in activities which generate revenue, the NGO service providers should grant extra allowance to these trainees. The SWD is conducting a review of the service model of sheltered workshops in light of stakeholders' views.

118. There have been calls for the introduction of an employment quota system for persons with disabilities. It is the objective our rehabilitation policy to enable persons with disabilities to take up gainful employment in the open market on the basis of their abilities, rather than disabilities. We are concerned that an employment quota system may create a negative labelling effect on persons with disabilities; and that some private enterprises might choose to pay the employment levy instead of meeting the quota, or fulfilling the quota without engaging employees with disabilities in gainful employment. These consequences are not conducive to their integration into the community.

---

<sup>23</sup> Sheltered workshops aim to provide persons with disabilities who are not able to enter into open employment 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 enhance their working capacity in order that they can move on to supported or open employment wherever possible.



## **Article 28**

### **Adequate standard of living and social protection**

119. The HKSAR Government has put in place a reasonable and sustainable social security and welfare system to help those who cannot provide for themselves. The HKSAR Government re-instated the Commission on Poverty in 2012. The Commission is chaired by the Chief Secretary for Administration and comprises members from a wide spectrum of sectors from the community as well as relevant policy bureau directors. The Commission has been deliberating on various initiatives and measures for achieving the objectives of preventing and alleviating poverty, including the setting of an official poverty line in 2013 and the annual updating of the poverty statistics in Hong Kong. The Commission has also conducted studies on specific groups based on the poverty line framework, and published a report on poverty situation of persons with disabilities in 2013 and formulated targeted support measures for them.

#### **Financial assistance schemes**

120. As reported in the Initial Report, the DA provides non-means-tested cash allowance to assist Hong Kong residents with severe disabilities in meeting special needs arising from relevant disabling conditions. The eligibility criteria for the DA are set out in paragraph 2.13 of the Initial Report. A person with severe disabilities may be eligible for Normal DA (HK\$1,720 per month) or Higher DA (HK\$3,440 per month). For persons with disabilities who cannot support themselves financially, they may apply for the means-tested Comprehensive Social Security Assistance (CSSA) Scheme, which provides financial assistance to help them meet their basic needs. The Scheme takes into account the special needs of persons with disabilities by providing special grants and supplements.

121. We note the CRPD's previous remarks that the assessment for application and eligibility to receive CSSA should be individual-based instead of family-based. Given that the CSSA Scheme is designed to be the safety net and members of the same family should support one another, we consider that the household-based arrangement should be maintained. This arrangement ensures limited public resources to those most in need, and helps ensure the sustainability of the CSSA Scheme which is non-contributory and entirely funded by public revenue. Under special circumstances, for example, when applicants have poor relationship with their family members or there are special reasons that the family cannot support them, the SWD will consider such circumstances on a case-by-case basis and may allow an applicant in genuine need to apply for CSSA on his/her own.

122. In the fiscal year 2017/18, the total recurrent expenditure on DA and CSSA (for CSSA recipients who are elderly persons, in ill-health and with disabilities) was about HK\$12.9 billion, equivalent to 30.1% of the total CSSA and DA expenditure and 3.5% of the total recurrent expenditure for the year, representing an increase of 46% as compared with the expenditure in 2009/10.

123. The CCF was set up in 2011 to provide assistance to people facing financial difficulties, in particular those who fall outside the social safety net or have special circumstances. A number of pilot schemes have been funded under the CCF to provide financial assistance to persons with disabilities and their carers. We have incorporated a number of proven pilot schemes into regular government assistance programmes, including the pilot schemes on providing training subsidy to children with special needs; providing special subsidy to persons with severe physical disabilities for renting medical equipment and purchasing medical consumables; and providing extra travel subsidy for needy special school students, etc.

## **Article 29**

### **Participation in political and public life**

124. As reported in paragraph 29.1 of the Initial Report, the HKSAR Government has taken suitable legislative and administrative measures to encourage participation of persons with

disabilities in the formulation of policies, particularly in rehabilitation policies and initiatives, and to guarantee their enjoyment of political rights. Article 26 of the Basic Law, the Legislative Council Ordinance and the District Councils Ordinance ensure that permanent residents of the HKSAR, including those with disabilities, have the right to vote and the right to stand for election in accordance with law.

125. We note the CRPD's previous concern about the number of persons with disabilities holding public offices. Persons with different disabilities and their carers are appointed to the RAC which advises the HKSAR Government on matters pertaining to the well-being and rights of persons with disabilities. They account for 26% of non-official members of the RAC. To take forward a policy review of the RPP, we have set up a Working Group under the RAC and five task forces. The Working Group and task forces comprise a large number of representatives of persons with disabilities and their carers. It has also been our established practices to engage persons with disabilities in formulating policies and developing service programmes for them, such as the annual planning of welfare services, the strategy for promoting employment of persons with disabilities, the management of funds related to sports and arts development, the planning of barrier-free facilities in public transport and the provision of special transport, accessibility of buildings, etc.

126. We note the CRPD's previous concern about the inaccessibility of some polling stations. 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 example, in the 2016 LegCo General Election, 94% of the polling stations were accessible to electors with mobility disabilities. Electors with mobility disability who have been allocated to an inaccessible polling station may contact the REO for reallocation to an accessible polling station or arrange free transportation to transfer electors with mobility difficulties to and from the polling stations.

127. The REO has implemented a number of measures to ensure that electors with different types of disabilities can exercise their right to vote at an election, such as enlarged voting compartments with lower polling tables for electors on wheelchairs, a braille list of candidates, accessible election websites, a pictorial voting aid, subtitles and sign language interpretation in election-related television announcements.

128. Some commentators suggested that persons with intellectual disability should be allowed to seek the help of their own assistants in casting their votes. To ensure that the public elections in Hong Kong are conducted in a fair, open and honest manner, a voter must cast his vote in person at a designated polling station. We have all along made the best endeavours to facilitate electors with intellectual disabilities to vote in public elections. Electors who are unable to cast their votes on their own can seek help from the Presiding Officer to mark the ballot paper on their behalf according to their voting choice and the whole process is witnessed by a polling officer. This is to ensure that the voting is conducted in a fair manner.

129. Some commentators expressed concerns about the lack of voting rights of some persons with intellectual disabilities. In accordance with the existing law in Hong Kong, a person will not be disqualified from being registered as an elector and from voting merely because he/she has a mental, intellectual or psychosocial disability. A person may only be disqualified from voting if he/ she is found by the Court as incapable, by reason of mental incapacity, of managing his or her affairs pursuant to the MHO. The MHO stipulates that the Court has to go through a series of stringent procedures before making the aforementioned finding in relation to an individual. This arrangement is to ensure the fairness of the election through reducing the risk of a voter being subject to undue influence or manipulation.

## **Article 30**

### **Participation in cultural life, recreation, leisure and sport**

130. The HKSAR Government seeks to provide appropriate activities and facilities for persons with disabilities, with a view to giving them opportunities to develop their potentials and facilitating their full integration into the community. We continue to take suitable

measures to ensure that cultural, leisure and sporting facilities are accessible to persons with disabilities.

131. With the “Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled” coming into force in September 2016, the HKSAR Government aims to introduce a bill into the LegCo in the legislative year 2018–19 to amend the Copyright Ordinance to meet the requirements under the Marrakesh Treaty.

### **Participation in cultural life**

132. The LCSD has launched a number of inclusive programmes in their cultural venues to help persons with different types of disabilities in arts appreciation through special guided tours and assistive devices and services. The key disability-inclusive elements include provision of sign language interpretation, audio description, tactile diagrams, model-making workshops, etc. The LCSD also offers concessionary ticket price for all its programmes to persons with disabilities.

133. Some performing arts groups provide accessible captions, theatrical interpretation, audio description services or sign interpretation for some of their performances to facilitate persons with disabilities to appreciate and participate in performing arts programmes.

134. We have been encouraging persons with disabilities to participate in arts performance and artistic creation through inviting artists with disabilities to perform in cultural and entertainment programmes, supporting outbound cultural exchange activities of local artists with disabilities, providing systematic drama training programmes for special school students, etc.

135. The HKSAR Government will set up a new dedicated fund for persons with disabilities with a view to developing and utilising their creative, artistic and intellectual potential for their own benefit and enrichment of the society. A total of HK\$250 million will be earmarked as the capital of the fund to generate recurrent financial subsidies for applications which seek to enhance arts knowledge of persons with disabilities, foster their interests in arts, and help those who have artistic potential strive for excellence and develop their career. The SWD plans to invite funding applications from eligible organisations in the fourth quarter of 2018.

### **Participation in sports and recreational activities**

136. The LCSD organises programmes specifically for persons with disabilities. An average of about 70 000 places are offered to persons with disabilities annually. The LCSD also offers persons with disabilities and their minders concessionary rate for enrolment in its fee-charging programmes and using its recreational/sports facilities. A dedicated webpage on the LCSD’s website was developed in 2017 to provide a one-stop information source to facilitate persons with disabilities in accessing the activities suitable for them and the ancillary facilities available at various venues. The LCSD allocated about HK\$18 million to sports associations for persons with disabilities in 2017–18.

137. The Hong Kong Paralympians Fund provides financial support to athletes with disabilities and the sports associations offering training to athletes with disabilities for development of target sports, provision of subsistence grant to athletes with disabilities in pursuit of sporting excellence and provision of employment facilitating grant for retired athletes with disabilities. In 2018–19, about HK\$5.2 million was granted under the fund. To support athletes with disabilities’ preparation for and participation in major international sports events, about HK\$33 million was granted under the Arts and Sport Development Fund in the past five years. In addition, the HKSAR Government launched a pilot scheme in December 2017 to provide more financial support for full-time and part-time elite athletes with disabilities and elite disability sports targeting, amongst others, the 2018 Asian Para Games. An amount of HK\$30 million has been earmarked for implementing the pilot scheme. In 2017–18, over 50 elite athletes with disabilities received training in the Hong Kong Sports Institute Limited and other financial support.

## **Article 31**

### **Statistics and data collection**

138. As reported in paragraph 31.1 of the Initial Report, the Census and Statistics Department (C&SD) conducts thematic surveys at regular intervals to facilitate formulation of policies and planning for services for persons with disabilities. To explore the feasibility of using the ICF approach to identify persons with disabilities through the survey, the C&SD used a set of questions based on the ICF framework on a trial basis with suitable adaptations in the 2013 Survey. The C&SD plans to conduct the next thematic survey on persons with disabilities in 2019.

## **Article 32**

### **International cooperation**

139. The HKSAR Government has been actively organising and participating in international events under the framework permitted by the Government of the People's Republic of China.

140. As reported in paragraph 32.2 of the Initial Report, the HKSAR Government is a staunch supporter of the United Nations Economic and Social Commission for Asia and the Pacific (ESCAP). The HKSAR Government has been actively participating in the ESCAP's major events in recent years, including an international workshop on access to information jointly held by the China Disabled Persons' Federation and the ESCAP in Shanghai in 2015, and the ESCAP High-level Intergovernmental Meeting on the Midpoint Review of the Incheon Strategy in Beijing in 2017.

## **Article 33**

### **Implementation and monitoring**

141. As reported in paragraph 33.2 of the Initial Report, the Basic Law, the HKBORO, the DDO and the MHO protect the rights of persons with disabilities. The HKSAR Government continues to take proactive measures to promote and monitor the implementation of the Convention and involve the community, in particular persons with disabilities, in monitoring the implementation of the Convention.

### **Coordination mechanism**

142. The LWB is responsible for formulating the overall policy in rehabilitation and welfare matters for persons with disabilities, and for co-ordinating the development and provision of rehabilitation services, in accordance with the RPP, which contains a wide span of policy subjects and service areas pertaining to the needs of persons with different types of disabilities. Effective implementation of the RPP involves the concerted efforts of various B/Ds, public organisations, as well as NGOs and self-help organisations. We note the CRPD's previous concern about the ranking of an individual public officer acting as the focal point of coordination. We consider that effectiveness of coordination depends on the design of the coordination mechanism.

143. Under the established coordination mechanism, the RAC advises the HKSAR Government on matters pertaining to the well-being of persons with disabilities and the development and implementation of rehabilitation policies and services. The chairperson and members of the RAC are appointed by the Chief Executive. Senior officers of Government B/Ds and public bodies are represented on the RAC. Every year, the RAC discusses the setting of priorities of welfare and rehabilitation services affecting persons of disabilities. The HKSAR Government will take into account the RAC's advice in preparing the annual Policy Address and the Budget. The RAC meets regularly to discuss public services pertaining to the well-beings of persons with disabilities, including matters which may straddle across the purviews of different B/Ds. The RAC has put in place three standing sub-committees to advise the HKSAR Government on accessibility issues, employment support

for persons with disabilities and public education on the core values of the Convention. The RAC also set up dedicated working groups to promote the further development of sign language, examine the ageing of persons with intellectual disability and formulate a new RPP. All relevant B/Ds sit on these committees/ working groups to provide inputs and follow up the outcome of discussion.

### **Monitoring mechanism**

144. The HKSAR Government notes the CRPD's previous suggestion of setting up an independent monitoring mechanism with the participation of persons with disabilities. The EOC is an independent statutory body tasked to enforce the anti-discrimination ordinances in the HKSAR, including the DDO. The Chairperson and members of the EOC are appointed by the Chief Executive. The EOC appointed four committees to pursue its goals. The membership of the EOC and the four committees represent a balance of background and expertise, with participation of persons with disabilities as members.

145. Recognizing the diversity of persons with disabilities, a broad definition of "disability" has been adopted in the DDO to provide the widest possible protection for persons with disabilities against discrimination. In addition, the DDO covers a wide range of areas related to the well-being of persons with disabilities, including employment, education, provision of goods, services and facilities, membership of trade unions and clubs, access to premises, sporting activities, as well as harassment and vilification of persons with a disability and their associates.

146. The key areas of work of the EOC include: investigating complaints lodged under the four anti-discrimination ordinances and encouraging conciliation between parties in dispute; providing legal assistance to persons facing discrimination; promoting anti-discrimination and equal opportunity values and policies by implementing educational and publicity programmes and offering related resources; reviewing legislation and providing guidelines; and conducting research on issues relevant to discrimination and equal opportunities. Notable achievements of the EOC in recent years in these areas of work are reported in paragraphs 12 and 13 of this Report.

### **Reservations**

147. The People's Republic of China has entered a reservation in respect of the HKSAR stating that the application to the HKSAR of the provisions regarding liberty of movement and nationality of the Convention shall not change the validity of relevant laws on immigration control and nationality application of the HKSAR. The reservation clause aims to forestall vexatious legal challenge against the HKSAR Government on the alleged ground of discrimination, and help uphold the HKSAR's effective immigration control so as to ensure the stability of the HKSAR and combat cross-boundary crimes. Similar reservations have been entered in respect of other human rights treaties applicable to the HKSAR.