

**Minutes of the meeting of
Rehabilitation Advisory Committee
held on 2 March 2006 at 2:30 pm at Room 2005,
20/F, Murray Building, Garden Road, Central, Hong Kong**

Present

Dr Joseph KWOK (Chairman)

Mr Raymond LEE (Vice-Chairman)

Prof Chetwyn CHAN

Mr CHEUNG Tak-hai

Mr Herman HUI

Mr IP Kwok-chung

Dr James Joseph LAM

Mr Lawrence LEE

Dr Ernest LEE

Mr Hansen LEE

Mrs Olivia LEUNG

Mrs Jackie MA

Mr Kim MOK

Mrs Connie LO

Ms SO Lai-chun

Prof TANG Siu-wa

Mr David TSE

Ms Jane TSUEI

Mr Anthony YEUNG

Mr Paul TANG

Dr Daisy DAI

Director of Social Welfare

Senior Executive Manager

Hospital Authority

Mrs Betty IP	Principal Assistant Secretary (School Administration & Support) Education and Manpower Bureau
Dr Catherine LAM	Consultant Pediatrician (Child Assessment Service) Department of Health
Mr SIT Tung	Assistant Director Social Welfare Department
Ms Linda LAI	Deputy Secretary for Health, Welfare and Food
Mrs Mary MA	Commissioner for Rehabilitation
Ms Elia WONG (Secretary)	Assistant Secretary for Health, Welfare and Food

In attendance

Mr Tony TANG	Education and Manpower Bureau
Mr William SUNG	Health, Welfare and Food Bureau
Mr Derek LEUNG	Health, Welfare and Food Bureau
Ms Jennifer HO	Health, Welfare and Food Bureau

Absent with Apologies

Dr Margaret CHUNG

Agenda Item I - Confirmation of minutes of the last meeting held on 16 December 2005

1. As there were no further comments to the revised minutes of the last meeting, the Committee agreed that the minutes were confirmed.

Agenda Item II - Matters arising

International Festival of Inclusive Arts

2. **Secretary** briefly introduced the objective, programme and organisational structure of the Festival. She added that the Legislative Council and District Councils were very supportive to the Festival. Subsequent to the discussion of the Festival at the last meeting, the Sub-committee on Public Education had decided to use inclusive arts as one of the two major themes for public education this year. **Chairman** invited Members to mark their diaries for the opening of the Festival, and to forward any comments or suggestions, if any, to Secretary.

[Post meeting note: the opening of the Festival was subsequently advanced to 2 December 2006 (Saturday). A revised Festival Diary is at *Annex A*.]

Rehabilitation Programme Plan (RPP)

3. **Secretary** reported that the public consultation on RPP originally scheduled for completion by the end of January, was extended to the end of February as requested by organisations of the rehabilitation sector. The RPP Review Working Group met recently and agreed to enter the drafting stage which was intended to be completed by May/June. The draft RPP would subsequently be submitted to RAC for discussion and endorsement. **Chairman** said that the RPP was a very important document as it mapped out the development of rehabilitation services in the years to come, and asked Members to scrutinize the draft very carefully when the latter was ready.

Agenda Item III - Concessionary public transport fares for people with disability [RAC Paper 1/2006]

4. **The Administration** explained that people with disabilities had been requesting concessionary public transport fares due to two reasons:

- (1) concessionary public transport fares for people with disabilities were implemented overseas, where public transport operators were state-owned agencies; and
- (2) local public transport operators were large-scaled private corporations and had the corporate social responsibilities to contribute to the social well-being of the community.

5. However, this had not been an easy course, mainly due to two reasons:

- (1) the local population of people with disabilities were considerable in size (i.e. 350,000); and
- (2) under the Disability Discrimination Ordinance (DDO), if one offered benefits to only part of the population of people with disabilities, one might be considered to be discriminating against the rest of the people with disabilities, unless the court was satisfied that the offer catered to the special needs of a smaller group of people with disabilities.

In this connection, the Administration had tried to explore a range of options for all parties' consideration.

6. **The Administration** said that the Legislative Council (LegCo) had discussed the various options and decided at its latest meeting that as the

first step, concessionary fares might be granted to those receiving Disability Allowance (DA) and Comprehensive Social Security Assistance (CSSA) with 100% loss of working capacity. The total number of these two groups of people would be around 95,000, excluding those below the age of 15 and those above the age of 65. As regards relevant legislation, LegCo was of the view that the issue could be considered separately.

7. At the meeting with the Disability Alliance on Concessionary Transport Fare (the Alliance), **the Administration** gathered that the Alliance was prepared to accept LegCo's suggestion as a first step and requested that the scope would in future, be extended to cover all people with disabilities holding the "Registration Card for People with Disabilities". Also, they would like to make sure that the proposal would not affect the DA and CSSA being received as the DA and CSSA were supposed to have included assistance with regard to transport costs.

8. **Chairman** remarked that the issue was very complicated and required a lot of political wisdom to handle. He invited Members to give their views.

9. **The Administration** said that the legal issue concerning the proposal of giving concessionary fares to DA or CSSA recipients had yet to be resolved. Although the final decision rested with the Court, all the legal advice received so far raised concerns about possible legal challenge against the above proposal. The Administration had, in fact, worked with the Equal Opportunities Commission to come up with an option of granting concessionary fares to those who require the company of a carer when traveling on public transport. This option should be able to make use of an exemption clause under DDO that it was meant to cater to the special needs of the selected group of people with disabilities. **The**

Administration invited Members to comment on the various options presented.

10. **The representative of SWD** pointed out that the risk concerning the legality of any of these options was to be borne by the parties offering the concessionary fares, i.e. public transport operators. **A member** followed up to explain that the legality issue of the proposed option could be a major concern of the public transport operators in considering the matter.

11. **A member** suggested the Committee to consider pursuing the option of granting concessionary fares to all holders of the ‘Registration Card for People with Disabilities’ as the card had already been used as an eligibility criterion and identification tool for concession offered by a Government Department (Leisure and Cultural Services Department), the Ocean Park and some ferry companies. According to the RAC paper, the number of registrants at the Central Registry for Rehabilitation Registrants was estimated to be around 81,000. In response to a member’s views and another member’s enquiry on the matter, **the Administration** explained that the registration system was on voluntary basis and the number of people registered and applied for the card reflected only a small portion of people with disabilities. **The representative of SWD** added that this was an option put forward to public transport operators at the very beginning, but the latter was concerned about the large number of people potentially entitled to the “Registration Card for People with Disabilities”.

12. **A member** raised that the companion of a person with disability could be a person with disability him/herself. **The Administration** explained that the concept was that those who needed to be accompanied to use public transportation had to pay double fare, which therefore justified the special needs requirement under the DDO. It did not matter whether

the accompanying person was a person with disability or not.

13. **A member** supported the option of granting concessionary fares to a smaller group of people with disabilities on the basis of the level of their functioning, and therefore complied with the DDO. Using this option as the starting point could make the process easier. **Another member** concurred with this proposal.

14. **A member** raised that granting exemption(s) in relevant ordinance(s) would be the best option, which was in fact a common practice in other human rights legislation. **Two members** shared her view. **Another member** said that proceeding with legislative amendment was very time consuming. He would suggest persuading public transport operators with a legally viable option. **Vice-chairman** and **another member** supported the proposal.

15. **A member** was concerned about whether or not, following the proposed option as the first step, it could be ensured that there would be the second or third steps to realise the original intention of giving concessionary public transport fares to people with disabilities.

16. **The Administration** added that a responsible government could not possibly take a course that could contravene existing laws. **The representative of SWD** supplemented that CSSA payment already reflected expenditure on traveling.

17. **A member** said that he agreed with the importance of taking the first step. He understood that the Alliance agreed that those with visible disabilities could benefit first. As regards the two options being discussed, he was worried that both might have their shortcomings and could invite

criticisms. He said that the Alliance's original strategy was to have the two railways, to which the Government owned in majority, to take the lead to grant concessionary fares.

18. **Chairman** concluded that the RAC's consensus was to enable the first step to be taken. Members would not recommend the Government to take up an approach that might be legally challenged. They noted that EOC and DoJ previously advised that offering concessionary fare provision to recipients of DA and of CSSA with 100% loss in earning capacity might run the risk of legal challenge by those excluded. RAC was open to any option that would not contravene the law and could persuade the public transport operators to offer concessionary fares to people with disabilities. It appeared that the provision of concession to people with disabilities requiring company of carers for traveling on public transport was the option that was least likely to contravene the DDO. This option could be a start, which would be followed by further steps to extend the coverage to other groups of people with disabilities and the introduction of necessary legislative amendments.

Agenda Item IV - Private hostels for people with disabilities

[RAC Paper 2/2006]

19. **Secretary** updated Members that subsequent to the issuance of the subject paper, the Rehabilitation Programme Plan (RPP) Review Working Group discussed the issue again and had a new recommendation.

20. The Working Group first considered the matter in mid-2005. Noting that the total number of private hostels for people with disabilities had remained stagnant in the past two decades, and that there would not be much room for these hostels to develop due to the physical limitations

concerning their building structures, the Working Group recommended then that the Government encourage the development of self-financing hostels run by NGOs and let sub-standard private hostels be phased out gradually.

21. The Working Group revisited the matter in response to recent calls from the public for regulating such private hostels. It recommended a three-pronged approach:

- (1) continuing the support for self-financing hostels;
- (2) regulating private hostels, as it appeared that there was room for its development; and
- (3) continuing the provision of subvented hostels where resources allow.

22. **A member** opined that the problems brought about by private hostels and self-financing hostels were due to the shortage in subvented hostel places.

23. **The representative of SWD** clarified that the Government had been increasing the number of places of subvented hostels each year. However, one needed to consider whether this was a viable measure to meet relevant demand in the long run. In addition, some people stayed with private hostels by choice, as they and/or their parents preferred private hostels to subvented hostels for the former's convenience in location and lack of restrictions. The market called for a diversity of services.

24. **The representative of SWD** added that the introduction of a regulatory system would be a long process, as it should cover not only the private hostels, but also both the self-financing hostels and subvented hostels. Setting a standard for all hostels required careful consideration.

There was also a risk that many private hostels and other types of hostels might have to close down due to non-compliance with the new requirements. In this case, measures needed to be in place to address the concerns of the sector and affected residents.

25. **A member** appreciated the difficulty for the Government to identify suitable venues for subvented hostels due to opposition from neighbourhoods. He pointed out that there was room for a private market, which would require regulation as well as support by the Government.

26. **A member** opined that setting clear minimum requirements for the private hostels could help to protect the welfare of the people with disabilities living therein. **Another member** considered a licensing system should be set up in the long run. While she agreed that there should be a balance between public and private residential services for people with disabilities, she proposed setting up an indicator for the development of subvented residential services.

27. **A member** said that the private hostels in question had existed for decades. Only recently, a few extreme examples were picked up by the media. He visited a few private hostels and noted that the quality of some of them was indeed quite high, and that the hostels were catering to a wide range of needs. He considered that the Government should first study and analyse the issue in detail, instead of jumping into a hasty conclusion that had far-reaching effect.

28. In response to a member's enquiry, **the representative of SWD** said that a Code of Practice was in place to provide guidance on the operation of private hostels, including both building structures and staff requirements. SWD visited private hostels regularly and residents of these hotels could be

referred for appropriate professional services if necessary. **Chairman** added that residents of private hostels were indeed receiving a wide range of public services to cater to their various needs.

29. **The representative of SWD (Director)** said that the current rehabilitation policy focused on integration into society, and emphasized on the development of community support. Therefore, residential service was not the only option for people with disabilities.

30. **Chairman** concluded that the Committee generally agreed with the three-pronged approach mentioned above, and recommended the Administration to consider licensing residential hostels in the long run.

Agenda Item V - Standardization of sign language [RAC Paper 3/2006]

31. **The Administration** introduced the background of the subject matter, history of development, and current situation of sign language in Hong Kong. She also explained the various efforts made by the government and relevant NGOs in the past few decades attempting to compile a standardized sign language for Hong Kong. She invited Members to discuss whether there was a need for a standardized sign language in Hong Kong.

32. **A member** said that it would be worthwhile to have a standardized framework for all to follow and for use on formal occasions. Ms Timmy CHAN, a member's interpreter and editor of a recently published sign language handbook, explained that 70% of the signs used by people with hearing impairment in Hong Kong were in common, having derived from similar origins. Nevertheless, new signs were developed among small groups over time, as sign language was not taught in schools.

33. **A member** said that cochlear implanting could only be carried out after a child reached the age of 1.5 years. A natural sign language was needed to provide an infant with an oral language to help develop its language structure in brain. She wondered to what extent a standardized sign language designed by adults was sufficiently natural in helping children in this regard.

34. **The representative of EMB** pointed out that based on the joint research project with the Chinese University of Hong Kong on the use of sign language to help students' reading and learning, the most important issue was the use of sign language to facilitate people to communicate comfortably. It might not be worthwhile to put tremendous effort into getting various parties to agree upon a set of sign language, instead of investing the scarce resources and manpower on concrete measures to help deaf children to learn.

35. **A member** pointed out that one should also note the interests of the public, particularly university students and elderly, in learning sign language. He considered that front-line civil servants, such as the police and doctors, should also have knowledge of sign language.

36. **A member** opined that if the mainland had a standardized sign language, maybe Hong Kong should adopt it so that people with hearing impairment in Hong Kong could also communicate with a much bigger population. **Another member** supported the suggestion.

37. **The Administration** said that people in Hong Kong treasured the sign language they had been using. She pointed out that the objective of standardizing a sign language was to have it used by people. As such, the

standardization of sign language should be accompanied by a formal accreditation system to ensure quality and usage.

38. In response to Chairperson's question, **the Administration** said that past experience demonstrated that if there were no supporting measures, like an accreditation system, all the efforts put into standardizing a sign language would likely be wasted. **A member** supported the proposal.

39. **A member** was concerned about the criteria to be used in the process of standardizing a sign language in Hong Kong: political consideration or theoretically based. She opined that language was organic and would naturally evolve over time.

40. **Chairman** concluded that the Committee agreed on the direction that there should be a standardized sign language, while implementation details had yet to be worked out. He agreed to lead a working group to follow up in this regard.

Agenda Item VI - Further consultation on career-oriented studies and the New Senior Secondary Academic Structure for Special Schools

41. **The representative of EMB** gave a brief introduction on the background of the issue. She said that a consultation paper for the New Senior Secondary Academic Structure was first issued in 2004, which covered a proposed overall framework. The current consultation, that commenced in January 2006, focused on two issues: career-oriented studies (COS) and the academic structure for special schools.

42. **An attendee** introduced the main points of the consultation, highlighting the principles that all students would learn under the common

curriculum framework with adaptation to suit students with different learning needs; and that all students would be provided with 6 years of primary education and 6 years of secondary education. He briefly took Members through the structure for each type of special schools.

43. As regards curriculum structure, **an attendee** said that all schools, including special schools would offer core and electives studies as well as other learning experiences. Assessment for students with intellectual disability would be school-based and would focus on what students would be capable of achieving, instead of open examination. In the long run, a systemic assessment for these students might be explored. As regards exit pathways, more discussion would be required. (Please refer to the powerpoint presentation file at *Annex B* (in Chinese only).)

44. **A member** wanted to know if there would be a special waiver for students with specific learning difficulties for their applications to non-language majors at universities. **An attendee** said that each student with special educational needs was an individual case and appropriate accommodation would be provided in open examination. Nevertheless, the discussion with universities had not touched on the details of admission criteria yet. **A member** clarified that she was not suggesting that a lower mark should be required from students with specific learning difficulties, which was not fair to other students. She considered that there should not be admission requirements irrelevant to a specific subject chosen.

45. In response to a member's question, **an attendee** said that under the new system, students with visual impairment would continue their senior secondary education in ordinary schools. Assistance would be rendered to facilitate adaptation of the students to the new schools. Schools should respect students' choice of subject and ensure equal opportunities.

46. In response to a member's question, **an attendee** said that COS was not positioned as a kind of vocational training. The primary objective was to develop the generic skills, but not vocational skills, of students through COS. Interface with Vocational Training Council would be worked out.

47. **A member** suggested taking into consideration whether the new system would be recognized by overseas higher education system. **Chairman** said that Members, if they had further suggestions, could forward their views to the Education and Manpower Bureau before the end of the consultation period by late April.

Agenda Item VII - Any other business

48. **Secretary** said that HWFB proposed to arrange an overseas study tour for current Members of the RAC, and sought Members' advice whether they might be interested in the proposal. She presented an initial idea of visiting the United States with special focus on the theme of independent living, which had been the dominating idea in the rehabilitation sector in the United States and many other countries.

49. **Secretary** briefly introduced the philosophy, historical and social backgrounds of the concept of independent living, which stemmed from the Civil Rights Movement in 1960s. Suggested programme could include visiting facilities, such as the Independent Living Resource Centre in San Francisco; meetings with policy makers, think tanks, academics, service providers and/or users/consumers; and any other occasions that could facilitate exchange of views and experience.

50. **Chairman** invited views from Members and concluded that the RAC would take the study trip to the United States and the desirable timeframe for the visit would be between August and October. **Secretary** would follow up on the matter and report progress at the next meeting.

Rehabilitation Division
Health, Welfare and Food Bureau
Government Secretariat

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